

POL3331
Controversies in Canadian Legal Justice
The University of Western Ontario
Winter 2025

Instructor: Dr. Caroline Dick

Email: cdick4@uwo.ca

Time: Wednesdays 12:30-2:20

Zoom Office Hours: Mondays 2:00-3:00 pm (commencing January 20, 2024)

Prerequisite(s): [Political Science 2230E](#) or [Political Science 2530F/G](#).

IMPORTANT NOTICE RE PREREQUISITES/ANTIREQUISITES

You are responsible for ensuring that you have successfully completed all course prerequisites, and that you have **not** taken an antirequisite course. Lack of prerequisites may not be used as a basis for appeal. If you are found to be **ineligible** for a course, you may be removed from it at any time and you will receive no adjustment to your fees. **This decision cannot be appealed.** If you find that you do not have the course requisites, it is in your best interest to drop the course well before the end of the add/drop period. Your prompt attention to this matter will not only help protect your academic record, but will ensure that spaces become available for students who require the course in question for graduation.

Course Description

From calls for Indigenous judges on the bench to defence counsel ethics in defending guilty clients, the legal system is filled with contentious issues and thorny questions. This course examines contemporary controversies in the legal realm, including the gendered and raced composition of the judiciary, judicial (mis)behaviour and its (lack of) regulation, lawyer ethics, and the most pressing legal issues presently before our courts.

Learning Objectives

By the end of the course, students should be able to identify some of Canada's most pressing issues in the legal realm and explain the debates animating those issues. They should also be able to develop their own positions on those debates and to justify their positions against contrary points of view.

Technical requirements

Optimally, students will also have a computer with a microphone and/or webcam (or a smart device with these features) so that they can attend office hours via Zoom.

Required Readings

All readings are available either via a link on the course outline or on OWL.

Format

Each class will consist of both a lecture component and a discussion component.

Email

The Professor will respond to email and will do her best to reply within 48 hours (excluding weekends). Do note that university policy precludes Professors from responding to email messages that were not sent from a UWO email account.

Web Site

There is an OWL web site set up for this course. The course syllabus will be posted on the web site as will important announcements and links to turnitin.com. Accordingly, students should check the web site regularly.

Important Policies**Academic Offences**

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Turnitin

All assignments are subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

AI Use Prohibited

The use of generative AI tools (such as ChatGPT, DALL-E, etc.) are not permitted in this class; therefore, any use of AI tools for work in this class may be considered a violation of the University of Western Ontario's [Academic Misconduct](#) which may constitute a [Scholastic Offence](#). The use of unauthorized AI tools will result in: a failure to receive full grades, the need to resubmit the assignment, need to orally present the assignment in office hours, or a failure to complete the requirements of the course.

Computer Problems

Students are expected to back up their written work and lecture notes. Extensions are not granted for computer-related problems.

Missed Classes and Lecture Notes

The instructor does not procure lecture notes for students who miss classes; nor does academic counselling make recommendations to that effect. Where students miss a class for any reason, it is up to the student to ask their classmates for assistance. If you don't know anyone in the class, make contact with one or two course members early in the term for the purpose of sharing notes.

Extensions

Extensions are not given. However, when there are genuine and unavoidable family or medical circumstances or where students have flexible deadline accommodation from Accessible Education, students may seek academic accommodation, as detailed below. If you fail to hand in an assignment but are pursuing academic accommodation, please advise your Professor of this fact.

Academic Accommodation

If a situation should arise where a student requires accommodation because of a medical or personal issue or where a student has flexible deadline accommodation from Accessible Education, the student should visit his or her faculty's Academic Counselling office so that an academic counsellor can make a recommendation for academic consideration to the Professor. This procedure means that you do not provide your instructor with any details of your situation. It is your responsibility to speak with a counsellor as soon as possible after an issue arises or as soon as you become aware that you will not be completing a course component on time.

Academic Counselling for the Faculty of Social Science is located at SSC 2105

Telephone: 519 661-2011

Recorded information: 519 661-2052

Fax: 519 661-3384

Email: ssaco@uwo.ca

Support Services

Students who are in emotional/mental distress should refer to Mental Health@Western <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.

Western is committed to reducing incidents of gender-based and sexual violence and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at: http://www.uwo.ca/health/student_support/survivor_support/get-help.html.

Assignment Submission

Written assignments must be submitted to Turnitin.com via OWL prior to the assignment due date and time. Assignments coming in after this time will be considered late.

Late penalty for written assignments

Written assignments will receive a deduction of 2% per day inclusive of weekends, holidays and reading week. **Papers more than one week late will not be accepted for grading.**

Grade Appeals

Students must wait for 72 hours after the assignment has been returned to contact the professor about their assignment grade. If you are concerned that your assignment was not graded fairly, you may ask to have your assignment reviewed. To request a review of your assignment, you must provide a one-page statement explaining why you think your assignment

was improperly graded. What do you think you did well that should have been given more weight? Which comments provided to justify the grade are inaccurate or unfounded? Appeals must be submitted to the Professor no later than 1 week after the assignment grades have been posted on OWL. Grades may be either **raised or lowered** on appeal.

Requests for Grade Changes, Grade Bumps and Make-Up Work

Many upper-year students are in the position of having applied for graduate school, law school, scholarships or other programs. Attaining certain grade thresholds becomes a matter of some urgency for those students hoping to gain entry to these programs or to meet the requirements of the program that they are in. As a former student who also sought entry to these programs, I do understand the desire to perform well and meet entry requirements. However, I do not entertain requests for changing grades, bumping grades or make-up work. In my view, these requests are not fair to other students who accept their grades respectfully and who are competing for spots in the same programs. Every student will receive the grade that she/he/they earned in the class once assignment marks are totalled. Please understand that the role of the instructor is to fairly evaluate work in an impartial manner. It is not appropriate to 'prime' instructors by constantly advising them of the grades a student needs or is hoping for to gain entry to a certain program.

Evaluation

Attendance 15%

Discussion Leader Assignment: 15% (Sign-Up by January 15 at 5:00 pm)

Legislative Mapping Assignment: 30% (Due January 29 at 10:00 am)

Two Position Papers: 20% each (Students may not complete the last 2 position papers as their two options)

Assignment Instructions

Please review the appendix to the course outline and its plagiarism regulations. Plagiarism committed through carelessness is still plagiarism; plagiarism does not require intention. Ideas taken from the readings must either be re-written in your own words (and cited) or presented as verbatim text with quotation marks around the borrowed words (and cited).

It is imperative that students illustrate their own understanding of the materials. This means that direct quotations should be used sparingly and that when they are used, they must be accompanied by text in which the student explains the meaning and significance of the direct quotation, in their own words.

1. Attendance (15%)

Class attendance is expected and treated as a course component. **Students who miss more than two classes without academic consideration will not receive a course credit.** Attendance will be taken at all classes and all classes will count towards the attendance grade. Students who secure academic consideration for a missed class will be marked as having attended said class.

2. Discussion Leader (15%)

Sign-Up:

<https://docs.google.com/document/d/1bTl9M9oOpVW54mYIJS7dSjY9ZggiEqJu/edit?usp=sharing&ouid=117407828457336857015&rtpof=true&sd=true>

Each student will sign up for one class in which they will offer their own insights on the week's readings and pose a discussion question. This assignment is meant to be conversational; it is not meant to be a scripted presentation. Students will be limited to **one minute** (timed) in which to offer their thoughts and a discussion question.

A sign-up sheet is available at the link above. There are limited spots per week. **All students are required to choose a class in which to participate as a Discussion Leader by January 15 at 5:00 pm.**

3. Legislation Mapping Assignment (30%)

Due: January 29 at 10:00 am

****This assessment is central to the learning objectives for this course. Accordingly, students seeking academic consideration for this assessment will be required to provide formal supporting documentation.** Students who are granted academic consideration for this assessment will be provided with the opportunity to submit their work at a later date as determined via the accommodation process.

The Task:

Mandatory education for newly appointed federal judges is a controversial public policy issue with a specific legislative history, starting with Rona Ambrose's Bill C-337 in 2017.

The legislating mapping assignment has **three components**.

First, students must address the purpose of the legislative proposal. What issues was the Bill trying to address? What did the sponsor(s) of the Bill contend?

Second, students must trace the path of the Bill through the House and Senate, from the introduction of Bill C-337 in the House to royal assent.

- Tracing should cover the Bill's path through both chambers of Parliament as well as the parliamentary committees that studied the Bill.
- This tracing exercise should include relevant dates.
- If substantive changes were made to the legislative proposal as it moved through the parliamentary process, these changes to the Bill should be noted.

Third, students must explain why certain interests either supported or opposed the amendment.

- Which interests offered submissions on the Bill and what positions did they take? Be sure to address both proponents and opponents of the proposal in this section.
- To be clear, there is no expectation that students will identify all groups that offered submissions to Parliament. The idea is to discuss a representative sample of submissions to get a sense of the competing arguments that were made in relation to the legislative proposal and the kinds of interests that advanced those arguments.

Research will have to be undertaken to complete the assignment, and **extensive citation is required in all parts of the assignment.**

To help you get started, I offer two pieces of information. First, students can start their tracing with Rona Ambrose and Bill C-337, but there is considerable tracing to do from there.

Second, there were a host of submissions offered to Parliament concerning the Bill, which are readily available online and discussed in various parliamentary proceedings. The Hansard will also have references to some of this information, though you will find more references to the position of the government and opposition there.

This is not a conventional assignment where scholarly literature offers the answers you need. This is a research-intensive assignment. Be prepared to search the Hansard (record of the Debates of Parliament), to examine the records of relevant House (Justice and Human Rights) and Senate (Legal and Constitutional Affairs) committee meetings, and to find submissions made by organizations respecting the Bill.

Where should you start? See *LEGISinfo* (<https://www.parl.ca/legisinfo/>) and *openparliament* (<https://openparliament.ca/>).

Students have **1000 words (double-spaced, using standard margins and 12 point font), excluding notes, bibliography and title page** in which to complete the assignment. Students **may not exceed** the 1000 word limit. Papers that are over-length will receive a **substantial deduction**. Please **provide a word count** on your title page that excludes your notes, bibliography and title page.

As mentioned above, **students must cite extensively to complete the assignment.** Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style. **Your first citation for each source must be a full citation with all publication information**, with subsequent citations using a shortened form. **Cites must include pinpoints** where page numbers or other signifiers, such as numbers in brackets, are available in the source being used. Failing to format assignments in correct Chicago format will lead to deductions. Failing to provide pinpoints will result in a failing grade.

If you are citing the Hansard, there are two options for pinpoints. Students may use the online version of the Hansard and provide pinpoints using the numbers found in round brackets. Alternatively, students may use the PDF version of the Hansard and cite using page numbers. **All citations must include these pinpoints.**

If you are citing the record of a House or Senate Standing Committee, the same rules above apply (either use numbers in round brackets or page numbers using the pdf version to provide pinpoints).

If you are citing the ideas of witnesses who offered written submission either to Parliament or a standing committee, you should use the page numbers from the submitted document to cite. If, on the other hand, you are gleaning information about what different interests argued from the Hansard or from the record committee proceedings, the Hansard rule noted above applies (either use numbers in round brackets or page numbers using the pdf version to provide pinpoints).

Help with citing government documents in Chicago can be found here:

<https://www.lib.sfu.ca/help/cite-write/citation-style-guides/gov-docs-chicago>
<https://guides.library.queensu.ca/gov/thematic-guides/citation#committees>

4. Position Papers (2 x 22.5% each)

Students will complete **2** position papers, choosing among 5 options set out below. Position papers must be written using course readings. **External sources may not be incorporated into position papers**, though students are free to incorporate course readings from other weeks into their assignments.

Position papers are an opportunity for students to do a deep dive into a debate that was introduced in the lecture. Accordingly, position papers **must include information and details not taken up in class. Students must also cite extensively, using pinpoints.** Students are expected to canvas both sides of the debate and, ultimately, to position themselves in that debate with a clear thesis statement and argumentation.

- This is not an argumentative essay in which student's advance an argument from start to finish. While there **should be a thesis statement in the introduction**, students should lead with the authors, identifying the debate going on in the literature by discussing the specific perspectives of at least 2 opposing authors.
- **This is not an op ed or stream of consciousness assignment.** Your paper and position must be grounded in the academic literature and supported with citations to the scholarly literature.
- Given the limited space and the need to explain all ideas that are raised in detail, students will need to limit the arguments and counter arguments raised. It may be the case that one argument and one corresponding counterargument is all that the assignment space will allow.
- From a space perspective, I recommend beginning with the side you intend to disagree with. Following that, you can unpack the position you do agree with so you can start to build your case.
- While we are interested in finding and discussing the major debate going on between the authors, ultimately, students must position themselves in the debate.

Students may not cite the lecture. Students who type up their lecture notes and add some citations should expect to fail the assignment. All citations must include pinpoints.

Students may do any 2 position papers that they like, subject to one condition. **Students may not complete the final 2 position papers as their two options.**

Maximum length: 750 words **excluding** notes, bibliography and title page (12 font; standard margins, double-spacing). Students may not exceed the 750 word limit. Papers that are over-length will receive a substantial deduction. **Please provide a word count on your title page** that excludes your notes, bibliography and title page.

Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. **Where using footnotes or endnotes, your first citation for each source must be a full citation with all publication information**, with subsequent citations using a shortened form. As per the Chicago style, **cites must include pinpoints** where page numbers are available in the source being used. **Failing to format assignments in correct Chicago format will lead to deductions. Failing to provide pinpoints will result in a significant deduction.**

Position Paper 1: Composition of the Bench (Weeks 2-5)

Due: February 12 at 10:00 am

Canada is a pluralistic society, which includes two ‘national minorities’ (Indigenous Peoples and Québécois), and an increasingly diverse ethnoracialized population. Our judges, on the other hand, are not so diverse in terms of their ‘race’, ethnicity, Indigeneity and gender.

Which underrepresented group do you think has the most compelling claim to greater representation on the bench? On what basis do you make this claim? In answering this question, students must compare two worthy groups and explain why one of those groups has the more compelling claim.

Position Paper 2. Judicial Self-Regulation (Weeks 5 and 6)

Due: March 5 at 10:00 am

The issues of judicial education and judicial misconduct have led some critics to argue that the degree of judicial self-regulation in Canada is problematic and that more oversight of the judiciary is required. Judges, on the other hand, argue that self-regulation is critical to judicial independence and the administration of justice. Please address the following question, keeping counter arguments in mind as you complete the assignment:

Has Canada struck a good balance between protecting judicial independence and ensuring judicial accountability? Should more democratic control from outside the judiciary be instituted to enhance the accountability of judges?

Position Paper 3. Racism in the Legal Profession (Weeks 8 and 9)

Due: March 12 at 10:00 am

Issues of racism and inequality permeate the Canadian legal system and the legal profession.

In your view, should Canadian law schools abandon the LSAT or is there a place for the consideration of LSAT scores when determining admissions?

Position Paper 4. Legal Ethics and Guilty Clients (Weeks 10 and 11)

Due: March 26 at 10:00 am

Abbe Smith argues that the principles of zealous advocacy support the introduction of sexist stereotypes in sexual assault cases if it is advantageous to the defendant to do so. This is especially true when defending racialized minority defendants who face stereotyping in the legal realm and disproportionately high rates of incarceration. David Tanovich opposes Smith's brand of zealous advocacy in large part because sexual assault crimes are plagued by low reporting, low conviction rates and judicial failures to uphold rules meant to protect the complainant and the justice system.

Do you agree with Smith's 'unmitigated zeal' position when it comes to defending racialized minority clients in sexual assault trials?

Position Paper 5. Voluntary Intoxication (Week 12)

Due: April 2, 10:00 am

Between 1995 and 2022, the extreme voluntary intoxication defence was prohibited in certain offence categories, including sexual assault. The defence was first barred under the common law and later by Parliament in order to protect women and children from (sexual) violence. In 2022, in the wake of *R. v. Brown*, Parliament changed its stance on the availability of the defence.

Should a defendant be allowed to argue extreme voluntary intoxication as a defence to criminal acts such as sexual assault? Do you agree with Parliament's change in stance on the availability of the defence?

Class Schedule

Week 1. January 8

Introduction to the Course

Week 2. January 15

The Constitutional Rights of Aboriginal Peoples and Indigenous Resurgence

- Borrows, John. "Challenging Historical Frameworks: Aboriginal Rights, the Trickster and Originalism." *Canadian Historical Review* 98, no 1 (2017): 114-35. **(114-117 and 119-127 only)**
- Alfred, Taiaiake. *Peace, Power, Righteousness: An Indigenous Manifesto*. Toronto: Oxford University Press, 1999. **(55-60 only)**
- Cornthassel, Jeff. "Re-envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-determination." *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 86-101.

Week 3. January 22

The Disproportionate Incarceration of Indigenous People

- Roberts, Julian V., and Andrew A Reid. "Aboriginal Incarceration in Canada since 1978: Every Picture Tells the Same Story." *Canadian Journal of Criminology and Criminal Justice* 59, no. 3 (2017): 313-345. **(313-326 only)**
- Canada. Office of the Correctional Investigator. "Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge." Press Release. January 21, 2020. <https://www.canada.ca/en/public-safety-canada/news/2020/01/indigenous-people-in-federal-custody-surpasses-30-correctional-investigator-issues-statement-and-challenge.html>
- Gorman, Wayne K. "The Sentencing of Indigenous Offenders in Canada." *Court Review* 54, no. 2 (2018): 52-59.
- Rudin, Jonathan. "The (in)justice system and Indigenous people." *Policy Options* (2018): 1-6. <https://policyoptions.irpp.org/magazines/april-2018/the-injustice-system-and-indigenous-people/>

Week 4. January 29 **Legislative Mapping Assignment Due**

Judicial Appointments and Diversity

- Grammond, Sébastien and Mark Power. "Should Supreme Court Judges be Required to be Bilingual? Working Paper, Institute of Intergovernmental Relations, School of Public Policy, Queens University, Kingston, ON, 2011. **(8-14 only)**

- Nasager, Alexandra. “The Supreme Court, Functional Bilingualism, and the Indigenous Candidate: Reconciling the Bench.” *Alberta Law Review* 57, no. 3 (2020): 797-816. **(805-10; 813-14 only)**
- Levin, Avner, and Asher Alkoby. “Shouldn’t the bench be a mirror? The diversity of the Canadian judiciary.” *International Journal of the Legal Profession* 26, no. 1 (2019): 68-88.
- Johnson, Susan W. and Rebecca A. Reid. “Speaking Up: Women and Dissenting Behavior on the Supreme Court of Canada.” *Justice System Journal* 41, no. 3 (2020): 191-219. **(191-97; 209-210 only)**

Week 5. February 5

Regulating Judges: Judicial Misconduct

****TW:** This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases******

- **TW.** Morton, F.L. and Dave Snow eds. “Judicial Independence, Ethics and Discipline.” In *Law, Politics and the Judicial Process in Canada*, 4th ed. Calgary: University of Calgary Press, 2018. **(199-228 only)**
- Dick, Caroline. “Sex, Sexism and Judicial Misconduct: How the Canadian Judicial Council Perpetuates Sexism in the Legal Realm.” *Feminist Legal Studies* 28, no. 2 (2020): 133-53. **(134-top 4 lines of 135 and 139-149 only)**

Week 6. February 12 **Position Paper 1 Due**

Judicial Education: Mandatory Education or Ideological Indoctrination?

****TW:** This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases******

- **TW.** Cairns-Way, Rosemary and Donna Martinson. “Judging Sexual Assault: The Shifting Landscape of Judicial Education in Canada.” *The Canadian Bar Review* 97 (2019): 367-402.
- Savard, Megan, and Annamaria Enenajor. Submissions on Behalf of the Criminal Lawyers’ Association of Ontario to the Standing Senate Committee on Legal and Constitutional Affairs Studying Bill C-3. Criminal Lawyers’ Association (Ontario). Accessed December 30, 2022. **(1-8, covering II-IV only)**
https://sencanada.ca/content/sen/committee/432/LCJC/Briefs/CriminalLawyersAssociation_e.pdf

Week 7. February 19

Reading Week

Week 8. February 26
Racism in the Legal Profession

- Devlin, Richard F. “Begun in Faith, Continued in Determination: Burnley Allan (Rocky) Jones and the Egalitarian Practice of Law.” In *In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession*, ed., Adam Dodek and Alice Woolley, 81-110. Vancouver: UBC Press, 2016. **(81-83 and 90-103 only)**
- Backhouse, Constance. “Turning the Tables on RDS: Racially Revealing Questions Asked by White Judges.” *Dalhousie Law Journal* 44, no. 1 (2021): 181-208. **(182-194 only)**
- Smith, Charles C. “Who is Afraid of the Big Bad Social Constructionists? Or Shedding Light on the Unpardonable Whiteness of the Canadian Legal Profession.” *Alberta Law Review* 45, no. 5 (2008): 55-73. **(55-58 and 61-66 only)**

Week 9. March 5 **Position Paper 2 Due**
The LSAT: Standardized Test or Barrier to Inclusion?

- Espinoza, Leslie G. “The LSAT: Narratives and Bias.” *American University Journal of Gender, Social Policy and the Law* (1993): 121- 164. **(121-138 only)**
- McDuffie, S. Lynne. “Recognizing another Black Barrier: The LSAT Contributes to the Diversity Gap in the Legal Profession.” *Journal of Race, Gender and Poverty* 12 (2020): 1-20.
- Subotnik, Dan. Does Testing = Race Discrimination?: *Ricci*, the Bar Exam, the LSAT, and the Challenge to Learning.” *UMass Law Review* (2013): 332-401. **(378-389 only)**
- Holloway, Ian. “In Defence of the LSAT.” *Canadian Lawyer Magazine*, March 27, 2017, <https://www.canadianlawyermag.com/news/opinion/in-defence-of-the-lsat/270440>

Week 10. March 12 **Position Paper 3 Due**
Legal Ethics: The Guilty Client (Paul Bernardo and Karla Homolka)

****TW:** This week’s readings include discussions of cases that graphically describe (sexual) violence against women******

- **TW.** Hutchinson, Allan C. “Putting Up a Defence: Sex, Murder and Videotapes.” In *In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession*, ed., Adam Dodek and Alice Woolley, 40-54. Vancouver: UBC Press, 2016.
- **TW.** McGillvray, Anne. ““A moral vacuity in her which is difficult if not impossible to explain’: Law, psychiatry and the remaking of Karla Homolka.” *International Journal of the Legal Profession* 5, no. 2/3 (1998): 255-288. **(255-269; 274 only)**

- FYI: Toronto Star Convicted teen killer Karla Homolka volunteering at Montreal Elementary School May 31, 2017.
<https://www.thestar.com/news/canada/2017/05/31/convicted-serial-killer-karla-homolka-volunteering-at-montreal-elementary-school.html>

Week 11. March 19

Legal Ethics: Defence Counsel in Sexual Assault Trials

****TW:** This week's readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases******

- **TW.** Smith, Abbe. "Defending Defending: The Case for Unmitigated Zeal on Behalf of People Who Do Terrible Things." *Hofstra Law Review* 28, no. 4 (2000): 925-62. **(925-934 and 948-961 only)**
- **TW.** Tanovich, David M. "Whack No More: Infusing Equality into the Ethics of Defence Lawyering in Sexual Assault Cases," *Ottawa Law Review* 45, no. 3 (2013-2014): 495-526. **(498 to note 60 on 508; 511-517 and 524-525 only)**
- **TW.** Smith, Abbe. "Representing Rapists: The Cruelty of Cross Examination and Other Challenges for a Feminist Criminal Defense Lawyer." *American Criminal Law Review* 53, no. 2 (2016): 255-310. **(283-292 only)**

Week 12. March 26 **Position Paper 4 Due**

Voluntary Intoxication

- Lawrence, Michelle S. "Voluntary Intoxication and the *Charter*: Revisiting the Constitutionality of Section 33.1 of the *Criminal Code*." *Manitoba Law Journal* 40, no. 3 (2017): 391-423. **(392-395; 405-407 and 420-423 only)**
- Ashley, Florence. "Nuancing Feminist Perspectives on the Voluntary Intoxication Defence." *Manitoba Law Journal* 43, no. 5 (2020): 65-94. **(66-75 and 79-85 only)**
- Froc, Kerri A. and Elizabeth Sheehy. "Last Among Equals: Women's Equality, R v Brown, and the Extreme Intoxication Defence." *University of New Brunswick Law Journal* 73 (2022): 268-300. **(268-272; 275-284; 287-291 and 295-98 only)**

Week 13. April 2 **Position Paper 5 Due**

Catch Up

APPENDIX TO UNDERGRADUATE COURSE OUTLINES DEPARTMENT OF POLITICAL SCIENCE

Prerequisite checking - the student's responsibility

"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

Essay course requirements

With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

Use of Personal Response Systems ("Clickers")

"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning. Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else's clicker in class constitutes a scholastic offence,
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

Security and Confidentiality of Student Work (refer to current Western Academic Calendar (<http://www.westerncalendar.uwo.ca/>))

"Submitting or Returning Student Assignments, Tests and Exams - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

Duplication of work

Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

Grade adjustments

In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

Academic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: <http://www.uwo.ca/univsec/handbook/appeals/scholoff.pdf>."

Submission of Course Requirements

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS MUST BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

Students registered in Social Science should refer to <http://counselling.ssc.uwo.ca/http://counselling.ssc.uwo.ca/procedures/havingproblems.asp> for information on Medical Policy, Term Tests, Final Examinations, Late Assignments, Short Absences, Extended Absences, Documentation and other Academic Concerns. Non-Social Science students should refer to their home faculty's academic counselling office.

Plagiarism

"Plagiarism: Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

Plagiarism Checking: "All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>)."

Multiple-choice tests/exams: "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

PLAGIARISM*

In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

B. In adopting other writers' ideas, you must acknowledge that they are theirs.

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

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Accessibility at Western

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