COURSE: MPA 812 – Law and Public Policy

Instructor: Alison Fraser. Email: Alison.fraser@queensu.ca

Office: Office Hours:

If you want to meet with me (and I am happy to make myself available) please arrange a time in person or send me an email, because I am rarely in my office; I live in Toronto. I will do my best to respond to your email within 24 hours. If we cannot meet in person, we can set up a phone call or use Skype or FaceTime.

Course Description

It is essential for policy professionals (whether within government or in the broader public sector) to have a working knowledge of legal principles and legal reasoning. In this course, we will review the fundamental elements of the Canadian legal system, and then explore case law showing how legal instruments can be used to implement policy choices. We will also review examples where law can restrict available policy choices.

Course Objectives

By the end of the course, students will be expected to:

• Understand fundamental legal concepts and the process of legal reasoning;

• Articulate and apply the concept of the rule of law;

• Analyse and present their interpretation of statutes and case law;

• Advocate their interpretation of a legal issue; and

• Communicate effectively with lawyers and non-lawyers about legal issues.

Course Structure

I intend to deliver the course, as much as possible, as a graduate seminar. My expectation is that you will carefully read and consider the assigned reading for each class, and then come prepared to discuss the material. My experience in teaching this class over the last nine years indicates that you will best develop your own understanding of legal institutions and issues through participating in debate and discussion.
Readings

The required text for this course is Public Law: Cases, Materials and Commentary 3rd edition; General Editors: Craig Forcese and Adam Dodek, published by Emond in 2015. The Queen’s Bookstore will order the text in hard copy. If you would prefer to use the eBook version, please go to this site: http://www.emond.ca/public-law-analysis-cases-and-commentary-3rd-edition.html. Do NOT buy an earlier version of the text as the 3rd edition was almost completely rewritten and reorganized.

Any additional readings will be distributed by email.

Assignments

1. Short paper (no more than three pages; see section on Assignments on page 4 for details) on a law and public policy issue you have encountered or read about, setting out the facts, the issues raised, how the matter was resolved and your critique of the resolution. I recommend against writing about a court decision; you will have that opportunity in the other assignments. The main purpose of this assignment is to clarify my expectations of your critical thinking and written communication skills; see Appendices C (on critical thinking) and D (on writing and editing skills). Due by end of day Sunday January 19.

2. Short case note (no more than three pages) that summarizes one of several suggested cases, setting out the case name, the facts, the issues raised, the outcome, the legal reasoning of the court and critical comments or questions. See Appendix E for more information. Due at beginning of class February 13.

3. Case presentation; hard copy due at the beginning of class the day we agree you will do your presentation. The presentations will most likely take place on March 26 and April 2. I will provide more information during the course.

4. Ten-page paper due at end of day Sunday April 12. I will provide more information during the course.

   Your paper may cover any one of the following:
   • Academic research and writing on an issue relating to law and public policy
   • A critique of a certain court decision or line of cases
   • A subject you propose and I approve

Evaluation

Students’ ability to analyse, recognize and understand the key issues covered in the course will be demonstrated and evaluated through the assignments described above.

In grading your work, I will consider not only the academic content but also evidence of strong critical thinking and communication skills, as I believe both these skills are expected of Queen’s MPA grads and are critical to success in the public service of today.

Distribution of grades

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<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Short Paper</td>
<td>10%</td>
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<tr>
<td>Case Note</td>
<td>15%</td>
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<tr>
<td>Case Presentation</td>
<td>25%</td>
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<tr>
<td>Final Paper</td>
<td>40%</td>
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<tr>
<td>Participation</td>
<td>10%</td>
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My goal is a course in which we will all learn and grow as individuals and professionals. That requires courtesy, mutual respect, and an honest effort from every one of us to add value to the course material by understanding and discussing it. The course deals with the process and outcome of legal argument, sometimes about very sensitive issues. I expect courtesy and sensitivity from all of us.

**Assignments**: course assignments are due on the date specified in this syllabus. Papers should be double-spaced, with one-inch margins, in 12-point, Arial or Times New Roman font. Page limits refer to the text of the assignment not including title page or bibliography, and will be strictly enforced. Please email me your assignment by the due date; I will grade and return your assignments to you through email.

Please save the final version of your assignment according to the following syntax: [your first name] 1 [for first assignment].docx or .pages. For instance, if I were completing the assignment, I would save it as alison 1.docx. Substitute your first name for mine [and .pages for .docx, if you use Pages]. For later assignments, please follow the same syntax (for instance, alison 2.docx, alison 3.docx).

I will return your assignment to you in the format you provide (.docx or .pages) with my comments embedded in the text. Do NOT send your assignment as a pdf document, as I don't have the software required to edit that format.

With the exception of your case presentation, I do not require a paper copy.

**Attendance Policy**: Because debate and discussion of legal issues is critical to better understanding those issues, I expect students to make best efforts to attend each class. That said, I understand that "life happens" and situations may arise where you are unable to attend a class. If that is the case, please advise me by email BEFORE the class why you are unable to attend.

**Late Work**: no late assignments will be accepted unless accompanied by medical or other official documentation.

**Make-up Policy**: make-up work will be permitted only where necessary for the purpose of accommodation, and only where a request is accompanied by medical or other official documentation.

**ACADEMIC INTEGRITY**: Academic Integrity is constituted by the five core fundamental values of honesty, trust, fairness, respect and responsibility (see [www.academicintegrity.org](http://www.academicintegrity.org)). These values are central to the building, nurturing and sustaining of an academic community in which all members of the community will thrive. Adherence to the values expressed through academic integrity forms a foundation for the "freedom of inquiry and exchange of ideas" essential to the intellectual life of the University (see the Senate Report on Principles and Priorities [www.queensu.ca/secretariat/policies/ senate/report- principles-and-priorities](http://www.queensu.ca/secretariat/policies/senate/report-principles-and-priorities)).


Departures from academic integrity include plagiarism, use of unauthorized materials, facilitation,
forgery and falsification, and are antithetical to the development of an academic community at Queen’s. Given the seriousness of these matters, actions which contravene the regulation on academic integrity carry sanctions that can range from a warning or the loss of grades on an assignment or the failure of a course to the rescinding of a degree.

**ACCOMMODATION FOR STUDENTS WITH DISABILITIES:**

Students with physical and learning disabilities must contact the instructor as soon as possible in order for accommodations/modifications for course expectations to be made.

Queen's University is committed to achieving full accessibility for persons with disabilities. Part of this commitment includes arranging academic accommodations for students with disabilities to ensure they have an equitable opportunity to participate in all of their academic activities. If you are a student with a disability and think you may need accommodations, you are strongly encouraged to contact Queen's Student Accessibility Services (QSAS) and register as early as possible. For more information, including important deadlines, please visit the QSAS website at: [http://www.queensu.ca/studentwellness/accessibility-services/](http://www.queensu.ca/studentwellness/accessibility-services/)