



LAW 561

Advanced Legal Research Project

S2 External 2014

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

Gabrielle Simm

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Natalie Klein

natalie.klein@mq.edu.au

Credit points

3

Prerequisites

48cp in LAW or LAWS units and (GPA in LAW units of 3.2) and permission of Executive Dean of Faculty

Corequisites

Co-badged status

Unit description

This unit provides students with an opportunity to develop and demonstrate advanced research skills through a series of seminar presentations and supervised research, leading to the submission of a 8000 word thesis. Students formulate their own research question or argument in any area of legal scholarship or regulation. The thesis must be presented and defended within the broader conditions of its relevance, for example: social, historical, philosophical, economic or environmental contexts.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Use appropriate legal research methodologies, carry out independent research and analysis, and think creatively about legal problems;

Critically analyse legal arguments orally and in writing;

Undertake a legal research project that can lead to a high quality scholarly paper suitable for publication;

- Choose an appropriate topic for a legal research project;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;
- Give an oral presentation of a research argument in an academic environment; an
- Formulate and present oral and written arguments appropriate to a legal research project.

Assessment Tasks

Name	Weighting	Due
<u>Research Proposal</u>	10%	Tuesday 19 August week 3
<u>Three minute thesis</u>	10%	Friday 19 September week 7
<u>Submission of Thesis</u>	80%	Friday 7 November week 12

Research Proposal

Due: **Tuesday 19 August week 3**

Weighting: **10%**

Taking into account convenor's comments, supervisor's comments and class discussion, submit:

one page research proposal

one page bibliography

outline of thesis structure + weekly work plan (total one page)

by 5pm on Turnitin on ilearn. Failure to submit by the due date will result in 0 marks being awarded for this assessment, unless an extension is granted on the basis of disruption to studies.

On successful completion you will be able to:

- Use appropriate legal research methodologies, carry out independent research and analysis, and think creatively about legal problems;
- Choose an appropriate topic for a legal research project;

Three minute thesis

Due: **Friday 19 September week 7**

Weighting: **10%**

Present the main argument of your thesis in three minutes before supervisors and fellow researchers. One powerpoint slide with your name and title of your thesis plus an image (no animation) is allowed.

On successful completion you will be able to:

- Critically analyse legal arguments orally and in writing;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;
- Give an oral presentation of a research argument in an academic environment; an
- Formulate and present oral and written arguments appropriate to a legal research project.

Submission of Thesis

Due: **Friday 7 November week 12**

Weighting: **80%**

8,000 word graded research paper due 5pm via Turnitin on iLearn. Failure to submit by the due date will result in 0 marks being awarded for this assessment, unless an extension is granted on the basis of disruption to studies.

The supervisor marks the paper from an expert, specialist perspective for content and originality. This mark is worth 40%.

The convenor marks the paper from a generalist perspective for style, referencing, structure and methodology. This mark is worth 40%.

On successful completion you will be able to:

- Use appropriate legal research methodologies, carry out independent research and analysis, and think creatively about legal problems;
- Critically analyse legal arguments orally and in writing;
- Undertake a legal research project that can lead to a high quality scholarly paper suitable for publication;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;
- Formulate and present oral and written arguments appropriate to a legal research project.

Delivery and Resources

1. Delivery mode

External students are welcome to attend all classes and must attend week 7 (three minute thesis). The unit will use an ilearn website. Peer review activities will take place online.

2. Lecture times and locations

For current updates, lecture times and classrooms please consult the MQ Timetables website: <http://www.timetables.mq.edu.au>.

3. Required and recommended resources

Required:

Readings posted on the ilearn website of the unit.

Australian Guide to Legal Citation (Melbourne University Law Review, 3 e 2012)

available online

<http://www.law.unimelb.edu.au/files/dmfile/FinalOnlinePDF-2012Reprint.pdf>

Theses MUST comply with the AGLC.

Recommended:

Hutchinson, Terry. *Researching and Writing in Law* (3 e) (Thomson, 2010)

Most references are aimed at PhD students as there are very few references directed at honours students so please take this into account.

Craswell, G & M Poore. *Writing for Academic Success* (Sage Publications, 2nd ed, 2012)

Creswell, J. *Research Design: Qualitative, quantitative, and mixed methods approaches*. (Thousand Oaks, California: Sage Publications, 3e 2009)

Dawson, J and N Peart. *The Law of Research: A guide* (Otago: Uni Otago Press, 2003)

Dunleavy, P. *Authoring a PhD* (Palgrave Macmillan, 2003) Chapter 9 on publishing

Enright, C. and P Sidorko. *Legal Research Technique*. (Sydney: Branxton Press, 2002).

Halliday, S., and P Schmidt. *Conducting Law and Society Research: Reflections on methods and practices*. (CUP, 2009)

McKerchar, M. *Design and Conduct of Research in Tax, Law and Accounting* (Sydney: Thompson LBC, 2010)

Punch, K. *Developing Effective Research Proposals* (Sage, 2006) (useful on literature reviews 44-49)

Watt, R. *Concise Legal Research* (Sydney: Federation Press, 6th ed, 2009)

MOTIVATIONAL STRATEGIES

Useful websites:

Turbocharging your writing <http://www.ithinkwell.com.au/resources.html>

Aimed at PhD students and GPs, this site run by psychologists has a range of practical tips and

strategies to help you plan and stick to your plan.

The Desk <https://www.thedesk.org.au/about>

Set up by the University of Queensland and funded by Beyond Blue, this Australian website aims to help students with modules, tools, and quizzes on avoiding perfectionism and procrastination, as well as advice on a broad range of stresses facing students. You need to register to use the site.

Unit Schedule

Week	Date	Topic
1	8 August	Introductions Negotiating the Supervisor-Student Dynamic Research Proposal Methodology/Theory
2	15 August	Methodology/theory Literature Review Ethics Referencing and use of sources
3		Revised Research Proposal due Tuesday 19 August 5pm
4	29 August	Return and discussion of research proposal Sticking to the writing plan: motivational strategies Writing workshop: introductions Structure, referencing, style, paragraphing
6	12 September	Writing workshop: 4 pages from the body of your thesis Preparation for Three Minute Thesis
7	19 September	Three minute thesis
12	7 November	Thesis due 5pm

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.ht

[ml](#)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Critically analyse legal arguments orally and in writing;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;

Assessment task

- Submission of Thesis

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcomes

- Critically analyse legal arguments orally and in writing;
- Undertake a legal research project that can lead to a high quality scholarly paper suitable for publication;
- Choose an appropriate topic for a legal research project;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;

Assessment tasks

- Research Proposal
- Three minute thesis
- Submission of Thesis

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Use appropriate legal research methodologies, carry out independent research and analysis, and think creatively about legal problems;
- Critically analyse legal arguments orally and in writing;
- Undertake a legal research project that can lead to a high quality scholarly paper suitable for publication;
- Choose an appropriate topic for a legal research project;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;
- Give an oral presentation of a research argument in an academic environment; an
- Formulate and present oral and written arguments appropriate to a legal research project.

Assessment tasks

- Three minute thesis
- Submission of Thesis

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Use appropriate legal research methodologies, carry out independent research and analysis, and think creatively about legal problems;
- Critically analyse legal arguments orally and in writing;
- Choose an appropriate topic for a legal research project;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;
- Formulate and present oral and written arguments appropriate to a legal research project.

Assessment tasks

- Research Proposal
- Submission of Thesis

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Use appropriate legal research methodologies, carry out independent research and analysis, and think creatively about legal problems;
- Undertake a legal research project that can lead to a high quality scholarly paper suitable for publication;
- Choose an appropriate topic for a legal research project;
- Raise claims and support them with logical, evidence-based arguments;
- Evaluate and, if justified, refute counter arguments;
- Formulate and present oral and written arguments appropriate to a legal research project.

Assessment tasks

- Research Proposal
- Three minute thesis
- Submission of Thesis

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Critically analyse legal arguments orally and in writing;
- Undertake a legal research project that can lead to a high quality scholarly paper suitable for publication;
- Raise claims and support them with logical, evidence-based arguments;

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Raise claims and support them with logical, evidence-based arguments;
- Give an oral presentation of a research argument in an academic environment; an
- Formulate and present oral and written arguments appropriate to a legal research project.

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcome

- Choose an appropriate topic for a legal research project;

Assessment tasks

- Three minute thesis

- Submission of Thesis

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcome

- Undertake a legal research project that can lead to a high quality scholarly paper suitable for publication;

Assessment task

- Submission of Thesis

Assessment Rubrics

Research Proposal Assessment (10% of total score)

Criteria	Unsatisfactory	Satisfactory	Good	Excellent
Clear Research Question				
Methodology/Theory: Clear and appropriate Convincing rationale for using this methodology				
Style: Complies with AGLC Correct spelling, grammar, punctuation Active direct voice				
Bibliography: Complies with AGLC Refers to current and appropriate sources				
Outline of Structure: Clear and logical intro, body and conclusion				

Work plan: Realistic schedules time for turn around of drafts, rewriting, and proof-reading				
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Comments

Three Minute Thesis (3MT) (10% of total score)

Criteria	Unsatisfactory	Satisfactory	Good	Excellent
Clarity Did the talk help the audience understand the research? Was the talk well structured?				
Communication Was the thesis topic and its significance communicated in language appropriate to an intelligent but non-specialist audience?				
Engagement Did the talk make the audience want to know more?				
Timing Did the presenter stick to the time limit of three minutes?				

Comments eg voice projection, pace, volume, stance, use of gesture and movement, eye contact

Instructions for submission of honours thesis

LAW561 First semester: due 5pm Friday 6 June

LAW564: due 5pm Friday 7 November

You will need to submit **an electronic copy and at least one hard copy (for the convenor)**. Check with your supervisor whether s/he also requires a hard copy.

Electronic copy

1. Must be submitted as a **word document** via Turnitin on ilearn. If you submit as a pdf , your footnotes will be counted as text and you will be penalised by the course convenor if you exceed the word limit.
2. Please **save your bibliography as a separate document**. If you don't, Turnitin will count the words in your bibliography towards the total and you will be penalised by the course convenor if you exceed the word limit.

Hard Copy:

1. Must be submitted to Faculty of **Arts Student Centre Drop Boxes ground level on W6A**.

General

Your thesis must be typed with at least **1.5 line spacing**, **12 point font text** and 10 point font footnotes.

The thesis is due at 5pm in both electronic and hard copy. Please plan to submit well before 5pm and give yourself time to deal with last minute computer or printer failures.

It is your responsibility to keep multiple copies of your thesis and to back up your work every day. You should also keep significant drafts of your work in case they are required by examiners.

Thesis Assessment Rubric: Supervisor

Criteria	Unsatisfactory	Satisfactory	Good	Excellent
<p>Originality of research question or approach (20%)</p> <p>ie extent to which this project engages with existing literature and contributes to it</p>				
<p>Appropriate scope (10%)</p> <p>ie neither too broad nor too narrow for the word length</p>				
<p>Analysis and critical thinking (30%)</p> <p>ie independent, reflective and original analysis</p>				
<p>Argument and counter-argument (40%)</p> <p>Arguments based on evidence</p> <p>ie sophistication of argument</p> <p>Evaluation of different perspectives</p> <p>Refuting counter-arguments where justified; acknowledgment of counter-arguments where valid</p>				

Comments

NOT PART OF ASSESSMENT

Please indicate whether you consider that this article has the potential to be published. If so, could you suggest a suitable journal? what changes should be made before submission?

Thesis Assessment Rubric: Convenor

Criteria	Unsatisfactory	Satisfactory	Good	Excellent

<p>Structure: (10%)</p> <p>Clear and logical</p> <p>intro, body and conclusion</p>			
<p>Methodology/Theory: (30%)</p> <p>Clear and appropriate</p> <p>Convincing rationale for using this methodology/theory ie it is appropriate for answering the research question posed</p> <p>analysis of implications of argument ie who wins and who loses from doctrinal arguments</p> <p>awareness of potential blindspots and acknowledgement of limits of methodology</p>			
<p>Style: (30%)</p> <p>Complies with AGLC</p> <p>Correct spelling, grammar, punctuation</p> <p>Active direct voice</p>			
<p>Citation and referencing (30%)</p> <p>All sources acknowledged</p> <p>Bibliography</p> <p>Correct citation compliant with AGLC</p> <p>Appropriate use of sources</p> <p>ie not taken out of context;</p> <p>Use of a range of sources, rather than overreliance of a few sources</p>			

Adherence to word limit: word in excess of the limit (8,000 for 561; 15,000 for 564) will not be read. In addition, excess words will incur a penalty equivalent to the proportion of excess words ie if a 561 thesis is 8800 words, that is 10% in excess of the word limit, so the convenor’s mark will be reduced by 10%.

The bibliography and references are not included in the word limit, but commentary and quotations will be, so please limit your footnotes to what is necessary for reference purposes. Text in footnotes should either be important enough to justify inclusion in the body of the paper or it should be deleted.

Comments

Learning and Teaching Activities

Week 1 Preparation for Class

1. Read BMJ article and answer the following questions:

1. What is the research methodology here?
2. Have the authors justified their choice of methodology convincingly? Is this methodology appropriate to answer the research question?
3. Does any of this apply to legal research/your research project?

2. Find an article in a refereed journal or a book chapter that you admire and can use as a model for your own research project. Bring a copy of the article (either hard copy or electronic) to class and be prepared to share it with others working in the area of your thesis. Analyse what makes it good and what you can learn from it in your own writing.

Background Reading:

Hutchinson, chapter 1

A note on background reading:

If you are new to the idea of research methodologies, this may help you follow class discussions. If you already have a degree with a strong social science basis eg criminology or critical theory eg English, cultural studies, you may not need to do this. The aim is not to burden you with unnecessary reading but to assist you in improving your thesis.

Week 2 preparation for class

1. Read the Roberts and Cunliffe articles. Roberts in particular is rather long so feel free to skip parts. Do not read for content; read for methodology and/or theory. Answer the following questions

1. What is the research methodology here?
2. Have the authors justified their choice of methodology convincingly? Is this methodology appropriate to the research question?
3. Does any of this apply to your research project?

2. Print out and bring 3 copies of your revised research proposal, including outline of structure and work plan, to class. We will peer review these in class using the assessment rubric to help you improve your research proposal before submitting it on 18 March.

Background Reading

Hutchinson

Chapters 2, 3 and 5 research methodology and theory

Chapters 6 and 7 on formulating and refining a research topic

Week 4 Preparation for Class

Writing Workshop: Introductions

Look back at the articles we have read in class (BMJ, Roberts, Cunliffe) and the article you selected as a model for your own thesis. Focus on the introductions: how are they structured? What makes you keep reading the rest of the article?

Print out and bring to class 3 copies of your introduction (3-4 pages). Make sure your introduction does the following things:

- Grabs the reader's attention (eg through an interesting/shocking case/story/statistic)
- Sets the context for your question
- Explains why your question is important (why now)
- Previews what you are going to do (content) and how you are going to do it (methodology)
- Outlines the structure of your argument

(eg this thesis is structured in three sections. First, . . . Second, . . . Third, . . . Finally . . .)

Using the supervisor and convenor thesis assessment rubrics, grade your introduction. Be prepared to give and receive constructive feedback in peer review in class.

Week 6 Preparation for Class

1. Writing Workshop: Body of your thesis

Print out and bring to class 3 copies of a part of your thesis that you are having difficulty with for peer review (3-4 pages). We will workshop paragraphing, sentence structure and any other issues you need help with.

2. Preparation for Oral Presentation: Three Minute Thesis

- Prepare the structure of your three minute thesis.
- Prepare one powerpoint slide with your name, the title of your thesis and one image (no animation).
- Watch some videos of 3MT (these are PhD theses so the scope of yours will be different but the idea is the same). <http://threeminutethesis.org/>
- Be prepared to give the opening of your talk (1 minute) and to give and receive constructive and supportive feedback.

Technologies Used and Required

UNIT WEBPAGE AND TECHNOLOGY USED AND REQUIRED

Online units can be accessed at: <http://ilearn.mq.edu.au/>.

PC and Internet access are required. Basic computer skills (e.g., internet browsing) and skills in word processing are also a requirement.

You may wish to use Endnote or Latec for referencing: we will discuss in class.

Please consult teaching staff for any further, more specific requirements.

Changes since First Published

Date	Description
15/01/2014	The Prerequisites was updated.
09/01/2014	The Prerequisites was updated.