



# LAWS818

## Research Methodologies in Law

S1 External 2015

*Dept of Law*

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## General Information

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W3A 534  
By appointment

Credit points  
4

Prerequisites  
(16cp in LAW or LAWS units at 600 level or above) or admission to MIntTrdeComLaw

Corequisites

Co-badged status

### Unit description

This unit introduces students to a wide variety of legal research methodologies and helps them develop practical skills in undertaking such research. The unit comprises four modules. The first helps students to enhance their techniques in researching primary and secondary sources in doctrinal law. The second focusses on elements of good legal writing, with particular attention to accepted practices of legal referencing. The third introduces students to methodologies in legal research beyond doctrinal research and contrasts these with common research methods employed in the physical and social sciences. In the final module, students combine the above elements by producing a detailed legal research plan that examines the existing literature on a chosen topic, formulates a discrete research question, and identifies an accepted method for undertaking that research.

## 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:

1. Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
2. Apply principles of good written presentation and language to the processes of

drafting, editing and re-drafting legal writing

3. understand the principles and values that underpin ethical research and academic honesty and apply them in their own research.

4. accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.

5. become familiar with the use of bibliographic software to manage references in their research

6. understand the key elements of a research strategy and work-plan, and apply that to their own research project

7. understand the different kinds of legal research questions (conceptual, doctrinal, normative, empirical etc) and the appropriate methodologies for answering them

8. understand the principal methods of legal research and apply that understanding to their own research project.

## General Assessment Information

Instructions for the assignments, including how to submit, will be posted on iLEARN.

If, for justifiable reasons, a student is unable to submit an assignment on time, he or she may submit an application for special consideration in accordance with the University's Disruption to Studies Policy. If special consideration is granted, the student will be given a different assignment to be completed at a time determined by the unit convenor.

Any student who does not submit an assignment on time, or at all, will receive a mark of ZERO for that assignment.

## Assessment Tasks

Name	Weighting	Due
<u>1. Legal research</u>	20%	Week 5, Friday 27 March 2015
<u>2. Legal writing</u>	20%	Week 10, Friday 15 May 2015
<u>3. Legal referencing</u>	20%	Week 8, Friday 1 May 2015
<u>4. Legal research plan</u>	40%	Week 13, Friday 5 June 2015

### 1. Legal research

Due: **Week 5, Friday 27 March 2015**

Weighting: **20%**

A practical assignment to test doctrinal research techniques for finding the law (cases and legislation), its antecedents and its subsequent development.

On successful completion you will be able to:

- 1. Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- 8. understand the principal methods of legal research and apply that understanding to their own research project.

## 2. Legal writing

Due: **Week 10, Friday 15 May 2015**

Weighting: **20%**

A practical assignment to test your ability to critically review a piece of legal writing and assess it against best practice with respect to presentation, legal writing, and legal referencing.

On successful completion you will be able to:

- 2. Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- 3. understand the principles and values that underpin ethical research and academic honesty and apply them in their own research.

## 3. Legal referencing

Due: **Week 8, Friday 1 May 2015**

Weighting: **20%**

A practical assignment to test legal referencing skills, and an understanding of the Australian Guide to Legal Citation 3 (AGCL3).

On successful completion you will be able to:

- 4. accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.
- 5. become familiar with the use of bibliographic software to manage references in their research

## 4. Legal research plan

Due: **Week 13, Friday 5 June 2015**

Weighting: **40%**

This assignment will require students to select a specific area for research, undertake a literature review of that area, formulate a precise research question, identify a research method and a practical research strategy, and draft a clear heading outline of the research report. It will not require students to write that report.

On successful completion you will be able to:

- 1. Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- 2. Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- 3. understand the principles and values that underpin ethical research and academic honesty and apply them in their own research.
- 4. accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.
- 5. become familiar with the use of bibliographic software to manage references in their research
- 6. understand the key elements of a research strategy and work-plan, and apply that to their own research project
- 7. understand the different kinds of legal research questions (conceptual, doctrinal, normative, empirical etc) and the appropriate methodologies for answering them
- 8. understand the principal methods of legal research and apply that understanding to their own research project.

## Delivery and Resources

This unit will be delivered through (a) online materials available through iLEARN, and (b) four 2-hour seminars (internal students) or one day-long session (external students).

Students can set their own pace for learning, insofar as they can accelerate progress through the modules. However, the due dates for assignments indicate the minimum rate of progress expected of students as the semester progresses.

In each module you will be expected to read background materials, watch relevant online video clips, and undertake practical exercises that are intended to build your skills in legal research and writing.

## 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.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

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](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](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/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## 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](http://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](http://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

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

#### Learning outcomes

- 3. understand the principles and values that underpin ethical research and academic honesty and apply them in their own research.
- 6. understand the key elements of a research strategy and work-plan, and apply that to their own research project
- 8. understand the principal methods of legal research and apply that understanding to their own research project.

#### Assessment tasks

- 2. Legal writing
- 4. Legal research plan

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- 1. Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- 2. Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- 4. accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.
- 5. become familiar with the use of bibliographic software to manage references in their research
- 8. understand the principal methods of legal research and apply that understanding to their own research project.

## Assessment tasks

- 1. Legal research
- 3. Legal referencing
- 4. Legal research plan

## PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

### Learning outcomes

- 6. understand the key elements of a research strategy and work-plan, and apply that to their own research project
- 7. understand the different kinds of legal research questions (conceptual, doctrinal, normative, empirical etc) and the appropriate methodologies for answering them
- 8. understand the principal methods of legal research and apply that understanding to their own research project.

## Assessment tasks

- 2. Legal writing
- 4. Legal research plan

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcomes

- 1. Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- 6. understand the key elements of a research strategy and work-plan, and apply that to their own research project
- 7. understand the different kinds of legal research questions (conceptual, doctrinal,



normative, empirical etc) and the appropriate methodologies for answering them

- 8. understand the principal methods of legal research and apply that understanding to their own research project.

## Assessment tasks

- 1. Legal research
- 2. Legal writing
- 4. Legal research plan

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## Learning outcomes

- 2. Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- 4. accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.
- 5. become familiar with the use of bibliographic software to manage references in their research
- 8. understand the principal methods of legal research and apply that understanding to their own research project.

## Assessment tasks

- 2. Legal writing
- 3. Legal referencing
- 4. Legal research plan

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## Learning outcomes

- 3. understand the principles and values that underpin ethical research and academic honesty and apply them in their own research.
- 6. understand the key elements of a research strategy and work-plan, and apply that to their own research project

## Assessment tasks

- 1. Legal research
- 2. Legal writing
- 4. Legal research plan

## Changes since First Published

Date	Description
19/02/2015	Re-ordered assessment tasks re-aligned with learning outcomes.
18/02/2015	order of assignments amended; information about late submission added.
10/02/2015	Due date for assignment 1 corrected to read Friday *27* March 2015