



LAWS818

Research Methodologies in Law

S2 Day 2016

Dept of Law

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	5
<u>Policies and Procedures</u>	6
<u>Graduate Capabilities</u>	7

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff
Professor of Legal Governance
Brian Opeskin
brian.opeskin@mq.edu.au
Contact via brian.opeskin@mq.edu.au
By appointment

Credit points
4

Prerequisites
Admission to JD or MIntTrdeComLaw and 8cp at 600 level or above

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:

Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies

Apply principles of good written presentation and language to the processes of drafting,

editing and re-drafting legal writing

Understand the principles and values that underpin ethical research and academic honesty and apply them in own research.

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

Become aware of the capabilities of bibliographic management software to organise references in research

Understand the key elements of a research strategy and work-plan, and apply that to own research project

Understand the different kinds of legal research questions (theoretical, doctrinal, normative, empirical, comparative etc) and the appropriate methodologies for answering them

Understand the principal methods of legal research and apply that understanding to own research project.

General Assessment Information

1. All assignments must be submitted by **midnight** on the due date.
2. **Late submissions** will receive a mark of zero, subject to point 3.
3. The only grounds on which **extensions** will be granted are those consistent with the University's Disruption to Studies Policy, pursuant to a formal application lodged online, supported by appropriate documentary evidence.
4. All assignments must be submitted via the iLEARN site for this unit. **Only one submission is permitted per assignment**, so please ensure that you submit your final corrected version.
5. **Word counts** for assignments will be taken solely from the tally generated automatically by TURNITIN upon submission.
6. You are required to obtain an **overall mark of 50% to pass this unit** - you are not required to pass each individual item of assessment.

Assessment Tasks

Name	Weighting	Due
<u>1. Legal research - Part A</u>	15%	Wk 4, Wed 24/8/16
<u>2. Legal research - Part B</u>	15%	Wk 6, Wed 7/9/16
<u>3. Legal referencing</u>	20%	Wk8, noon 4/10 to noon 5/10
<u>4. Legal research plan</u>	50%	Wk 12, Wed 2/11/16

1. Legal research - Part A

Due: **Wk 4, Wed 24/8/16**

Weighting: **15%**

A practical assignment to test doctrinal research techniques for finding the law (legislation), its antecedents and its subsequent development. **Maximum 1000 words including footnotes (no bibliography required).**

On successful completion you will be able to:

- Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- Understand the principal methods of legal research and apply that understanding to own research project.

2. Legal research - Part B

Due: **Wk 6, Wed 7/9/16**

Weighting: **15%**

A practical assignment to test doctrinal research techniques for finding the law (cases), its antecedents and its subsequent development. **Maximum 1000 words including footnotes (no bibliography required).**

On successful completion you will be able to:

- Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing

3. Legal referencing

Due: **Wk8, noon 4/10 to noon 5/10**

Weighting: **20%**

A compulsory online quiz 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:

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

4. Legal research plan

Due: **Wk 12, Wed 2/11/16**

Weighting: **50%**

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. **Maximum 4000 words, including footnotes and bibliography.**

On successful completion you will be able to:

- Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- Understand the principles and values that underpin ethical research and academic honesty and apply them in own research.
- Accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.
- Become aware of the capabilities of bibliographic management software to organise references in research
- Understand the key elements of a research strategy and work-plan, and apply that to own research project
- Understand the different kinds of legal research questions (theoretical, doctrinal, normative, empirical, comparative etc) and the appropriate methodologies for answering them
- Understand the principal methods of legal research and apply that understanding to own research project.

Delivery and Resources

INTERNAL STUDENTS: This unit will be delivered through (a) online materials available through iLEARN, and (b) six 2-hour lectures.

EXTERNAL STUDENTS: This unit will be delivered through (a) online materials available through iLEARN, and (b) one day-long session, if there are sufficient enrollments to justify an on-campus session (OCS). If it proceeds, the OCS will be held on **Friday 30 September 2016**.

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 advances.

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.

Students should have their own copy of the following prescribed text: Terry Hutchinson, *Researching and Writing in Law* (Thomson Reuters, 3rd ed 2010)

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

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.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/

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.

Additional points to note

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

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://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources 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

- Understand the principles and values that underpin ethical research and academic honesty and apply them in own research.

- Understand the key elements of a research strategy and work-plan, and apply that to own research project
- Understand the principal methods of legal research and apply that understanding to own research project.

Assessment tasks

- 1. Legal research - Part A
- 2. Legal research - Part B
- 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

- Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- Accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.
- Become aware of the capabilities of bibliographic management software to organise references in research
- Understand the different kinds of legal research questions (theoretical, doctrinal, normative, empirical, comparative etc) and the appropriate methodologies for answering them
- Understand the principal methods of legal research and apply that understanding to own research project.

Assessment tasks

- 1. Legal research - Part A
- 2. Legal research - Part B
- 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

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

Assessment task

- 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

- Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies
- Understand the key elements of a research strategy and work-plan, and apply that to own research project
- Understand the different kinds of legal research questions (theoretical, doctrinal, normative, empirical, comparative etc) and the appropriate methodologies for answering them
- Understand the principal methods of legal research and apply that understanding to own research project.

Assessment tasks

- 1. Legal research - Part A
- 2. Legal research - Part B
- 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

- Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting legal writing
- Accurately apply accepted standards of legal referencing, including the Australian Guide to Legal Citation 3.
- Become aware of the capabilities of bibliographic management software to organise references in research
- Understand the key elements of a research strategy and work-plan, and apply that to own research project
- Understand the different kinds of legal research questions (theoretical, doctrinal, normative, empirical, comparative etc) and the appropriate methodologies for answering them
- Understand the principal methods of legal research and apply that understanding to own research project.

Assessment tasks

- 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

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

Assessment task

- 4. Legal research plan