



# LAWS818

## Research Methodologies in Law

S1 Day 2017

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff
Credit points 4
Prerequisites (Admission to LLM or MIntTrdeComLaw or MIntLawGovPP) or (Admission to JD and LAWS600)
Corequisites
Co-badged status
Unit description This unit introduces students to an array of concepts and research methodologies that underpin various theoretical approaches to legal scholarship, including doctrinal, comparative, interdisciplinary, empirical, and critical legal studies (CLS) approaches, as well as particular issues in human rights and international law research. The unit emphasises theoretical concerns and requirements that pertain to research objectives, research design, research methods, argumentation, writing, and critique including self-critique. The unit also explores the roles, rights and obligations of students in their own scholarship. The unit equips students to better understand the nexus among legal education, legal scholarship and legal practice; enhances their capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically; and helps prepare them for a higher degree by research or for careers in legal practice, government, international organisations, and think tanks, and consultancies.

## 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:

Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance

capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty. Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

## General Assessment Information

1. All Assessment Tasks must be submitted by **10.00a.m.** on the respective prescribed due dates.
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 Macquarie University's [Disruption to Studies policy](#), pursuant to a formal application lodged online that is supported by appropriate documentary evidence.
4. All Assessment Tasks must be submitted via iLearn for this unit. **Only one submission** is permitted for each individual item of assessment; ensure that the final corrected version is submitted.
5. **Word counts** for Assessment Tasks will be taken solely from the tally generated automatically by Turnitin upon submission.
6. Assessment Tasks must be **typed** and should be **in Justified paragraph format, and in Garamond font sized 11 (main text) and 10 (footnotes and bibliography)**.
7. Students are required to obtain an **overall mark of 50% to pass this unit** – students are not required to pass each individual item of assessment.

### Additional notes:

In the absence of a successful application for special consideration due to a disruption to studies, any Assessment Tasks submitted after the prescribed due date 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](mailto: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 Assessment Tasks in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Detailed marking rubrics will be made available on iLearn.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">First Assessment Task</a>	60%	No	See Description
<a href="#">Second Assessment Task</a>	40%	No	20 June 2017

### First Assessment Task

Due: **See Description**

Weighting: **60%**

This Assessment Task consists of 6 individual assignments. Students are provided on iLearn two weeks before each lecture a document containing readings that will be covered in the lecture, and on the day of the lecture a document containing a set of up to 3 questions that pertain to the readings. Each student must submit on iLearn answers, each of which in 500-1000 words, to **all** of the questions **by 10.00a.m. on the due date** for each of the 6 assignments.

The relevant dates are as follows:

#### Date of lecture

#### Date on which reading list is provided

#### Date on which assignment is due

6 March 2017

20 February 2017

20 March 2017

20 March 2017

6 March 2017

3 April 2017

3 April 2017

20 March 2017

13 April 2017

1 May 2017

13 April 2017

15 May 2017

15 May 2017

1 May 2017

29 May 2017

29 May 2017

15 May 2017

9 June 2017

Each of the 6 assignments is individually worth 10% of the total score for the unit.

On successful completion you will be able to:

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty. Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

## Second Assessment Task

Due: **20 June 2017**

Weighting: **40%**

With feedback received from the Unit Convenor and Lecturer during lectures and on their 6 assignments for the First Assessment Task, students choose and design research methodology (or methodologies) for a project on any self-chosen research topic in law, and present and explain the chosen research topic and research methodology (or methodologies) in a reflective research essay in 3000-4000 words excluding footnotes and bibliography.

The essay for this Assessment Task is due **by 10.00a.m. on 20 June 2017** and is worth 40%.

On successful completion you will be able to:

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty.

Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

## 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 enrolments to justify an on-campus session (OCS). If it proceeds, the OCS will be held on **Monday, 24 April 2017**.

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

In each module students will be expected to read and reflect on prescribed readings, and watch relevant online video clips, with a view to enhancing their capacity in legal research and writing.

**Students should have their own copy of the following prescribed texts: Terry Hutchinson, *Researching and Writing in Law* (Thomson Reuters, 3<sup>rd</sup> ed., 2010), and *Australian Guide to Legal Citation*.**

## Unit Schedule

### Lecture 1

What is legal scholarship?

Students in legal academe

### Lecture 2

Research design

What makes a good legal argument?

Literature review

### Lecture 3

Doctrinal approach to legal research

Alternative approaches to legal research

*Comparative approach*

### Lecture 4

Alternative approaches to legal research

*Interdisciplinary approach*

*Empirical approach*

### Lecture 5

Alternative approaches to legal research

*Critical legal studies (CLS)*

Intersectionality

### Lecture 6

Human rights and international law research issues

## **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\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.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](http://www.mq.edu.au/policy/docs/complaint_management/procedure.html)

Disruption to Studies Policy (in effect until Dec 4th, 2017): [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html)

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

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://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](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 outcome

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance



capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty. Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

## **Assessment tasks**

- First Assessment Task
- Second Assessment Task

## **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 outcome**

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty. Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

## **Assessment tasks**

- First Assessment Task
- Second Assessment Task

## **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 outcome

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty. Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

## Assessment tasks

- First Assessment Task
- Second Assessment Task

## 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 outcome

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty. Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

## Assessment tasks

- First Assessment Task

- Second Assessment Task

## 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 outcome

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically. Understand principles of ethical research and academic honesty. Accurately apply standard requirements of legal referencing, including the Australian Guide to Legal Citation. Undertake independent reflection on research methodologies in law through independent research design on a self-chosen topic.

### Assessment tasks

- First Assessment Task
- Second Assessment Task

## 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 outcome

- Demonstrate in-depth understanding of the nexus among legal education, legal scholarship and legal practice. Understand the nature and implications of different approaches to legal scholarship and the concepts and research methodologies that underpin them, and apply such understanding to students' own research. Enhance capacity to design research projects with rigorous research methodologies, to proffer

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## **Assessment tasks**

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## **Unit Description**

This unit introduces students to an array of concepts and research methodologies that underpin various theoretical approaches to legal scholarship, including doctrinal, comparative, interdisciplinary, empirical, and critical legal studies (CLS) approaches, as well as particular issues in human rights and international law research. The unit emphasises theoretical concerns and requirements that pertain to research objectives, research design, research methods, argumentation, writing, and critique including self-critique. The unit also explores the roles, rights and obligations of students in their own scholarship. The unit equips students to better understand the nexus among legal education, legal scholarship and legal practice; enhances their capacity to design research projects with rigorous research methodologies, to proffer good written analyses with sound argumentation, and to reflect on legal scholarship and on the law critically; and helps prepare them for a higher degree by research or for careers in legal practice, government, international organisations, and think tanks, and consultancies.