



LAWS8018

Research Methodologies in Law

Session 1, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor

Daley Birkett

daley.birkett@mq.edu.au

Contact via iLearn

Monday 5pm-6pm (Zoom only)

Credit points

10

Prerequisites

Admission to LLM or MIntTrdeComLaw or MIntLawGovPP) or (Admission to JD or GradCertLaw and corequisite Laws600 or LAWS8001)

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:

ULO1: Identify and locate primary and secondary legal resources from a variety of library and online collections using appropriate research strategies.

ULO3: Critically apply principles and values that underpin ethical research and academic honesty and apply them in own research.

ULO2: Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting and referencing (in accordance with the Australian Guide to Legal Citation) legal writing.

ULO4: Organise referencing materials using an appropriate range of manual and software solutions.

ULO5: Prepare a sophisticated research strategy and work-plan, and apply that to own research project.

ULO6: Differentiate the different kinds of legal research questions (theoretical, doctrinal, normative, empirical, comparative etc) and the appropriate methodologies for answering them.

General Assessment Information

Students should be aware of and apply the University policy on academic honesty.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.

All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation.

Marking of all assessments is moderated through a process of blind marking and the use of detailed marking rubrics.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Active Participation</u>	10%	No	Ongoing (to 23:59 3/6/2022)

Name	Weighting	Hurdle	Due
Referencing and research techniques	30%	No	Research Skills: 17:00 29/4/22; AGLC4: 17:00 3/5/22
Legal Research Plan	60%	No	Bibliography: 23:59 1/4/22; Research Plan: 23:59 30/5/22

Active Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 12 hours

Due: **Ongoing (to 23:59 3/6/2022)**

Weighting: **10%**

Students are to participate in discussion and debate in class and/or online.

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

Referencing and research techniques

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 20 hours

Due: **Research Skills: 17:00 29/4/22; AGLC4: 17:00 3/5/22**

Weighting: **30%**

Students will complete a timed test on referencing skills and submit a paper on research techniques

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.
- Organise referencing materials using an appropriate range of manual and software

solutions.

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

Legal Research Plan

Assessment Type ¹: Plan

Indicative Time on Task ²: 45 hours

Due: **Bibliography: 23:59 1/4/22; Research Plan: 23:59 30/5/22**

Weighting: **60%**

Students are required to submit a comprehensive legal research plan including literature review, research questions, research methodology and strategy

On successful completion you will be able to:

- Critically apply principles and values that underpin ethical research and academic honesty and apply them in own research.
- Apply principles of good written presentation and language to the processes of drafting, editing and re-drafting and referencing (in accordance with the Australian Guide to Legal Citation) legal writing.
- Prepare a sophisticated research strategy and work-plan, and apply that to own research project.
- Differentiate the different kinds of legal research questions (theoretical, doctrinal, normative, empirical, comparative etc) and the appropriate methodologies for answering them.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

This unit is divided into six modules. It will be delivered through (a) pre-recorded lectures

beginning week 1 and (b) six two-hour tutorials in weeks 2 to 7 inclusive for weekly students or a two-day session for intensive students. Attendance at the tutorials or intensive session is compulsory. Students who are unable to attend must apply for special consideration. If that application is accepted, alternative work will be set in lieu of attendance.

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, 4th ed, 2018). It is available online. Additional readings will be available via iLearn and the unit reading list maintained by the library.

Students require access to a computer and a secure and reliable server. All unit requirements and the teaching and reading schedule are outlined in iLearn.

Unit Schedule

Module 1: Legal Research - Legislation

- Introduction
- Finding and using primary legal materials - legislation.
- Searching with legal databases: Austlii, Comlaw, parliamentary websites etc.
- Research strategies
- Using Boolean operators to improve search strategies

Module 2: Legal Research - Cases

- Finding and using primary legal materials - cases.
- Finding and using secondary legal materials
- Searching with legal databases: Hein, Westlaw, LexisNexis, Thomson Reuters, APAIS, etc.
- Research strategies: time, locality, language, subject matter, source.
- Using Boolean operators to improve search strategies.

Module 3: Legal Referencing

- The purposes of bibliographic referencing
- Legal referencing systems, and their critics
- *Australian Guide to Legal Citation 4* (AGCL4)
- Bibliographic management software (eg Endnote)
- Use (and abuse) of footnotes in legal writing

Module 4: Developing a Legal Research Proposal

- Literature review
- Identifying a research gap
- Specifying research method(s) in law
- Developing a realistic research plan (time, money, ethics approvals ...)

Module 5: Research Methodologies

- The relationship between research methodology, research method, and research design.
- Different types of research design in the physical (natural) and social sciences.
- Styles of research in the legal sciences.
- Understanding the differences between the main methods of legal research—doctrinal research; reform-oriented research; empirical socio-legal research; and theoretical research in law.

Module 6: Legal Writing

- Elements of good legal writing
- Plain legal language

Policies and Procedures

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

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault

- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.