LAWS8018

Research Methodologies in Law

Session 2, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Convenor
Amira Aftab
Contact via iLearn
see iLearn

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.

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.

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

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

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
Active Participation	10%	No	Ongoing
Referencing and research techniques	30%	No	Legal Research Paper - 16/08/2024; AGLC Quiz 23/08/2024
Legal Research Plan	60%	No	Bibliography 06/09/2024; Research Plan 11.55pm 01/11/2024

Active Participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **Ongoing**
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]: 10 hours
Due: **Legal Research Paper - 16/08/2024; AGLC Quiz 23/08/2024**
Weighting: **30%**

Students will complete a 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]: 20 hours
Due: **Bibliography 06/09/2024; Research Plan 11.55pm 01/11/2024**
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:

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

Delivery

Lectures: six pre-recorded lectures beginning in week 1.

Tutorials: six two-hour tutorials in weeks 2 to 7 inclusive, delivered both face to face and online.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

Resources

The required textbook is:

Terry Hutchinson, *Researching and Writing in Law* (Thomson Reuters, 4th ed, 2018)

Students can purchase this textbooks online from online resellers such as Booktopia, Amazon and Zookal.

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on 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). 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). 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) 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 Advocacy provides independent advice on MQ policies, procedures, and processes

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.

Unit information based on version 2024.03 of the Handbook