



# LAWS8018

## Research Methodologies in Law

Session 1, Online-scheduled-weekday 2025

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

### Unit convenor and teaching staff

Convenor, Tutor

Danielle Moon

[danielle.moon@mq.edu.au](mailto:danielle.moon@mq.edu.au)

Contact via Message via Ilearn Only

See Ilearn page

Tutor

Heike Fabig

Tutor

Dr Ekaterina Sofronova

Andrew Burke

[andrew.burke@mq.edu.au](mailto:andrew.burke@mq.edu.au)

### 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

### General Information

All written assessments that are submitted electronically 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.

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 4th edition.

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

### Late penalty policy

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the

total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessments (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time-sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

## Special Consideration

Students should submit applications for Special Consideration electronically via [ask.mq.edu.au](http://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
<a href="#"><u>Referencing and research techniques</u></a>	30%	No	28/03/2025
<a href="#"><u>Legal Research Plan</u></a>	60%	No	Bibliography: 11.4.25; Review: 18.4.25; Proposal: 30.5.25
<a href="#"><u>Professional Skills</u></a>	10%	No	Ongoing

## Referencing and research techniques

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **28/03/2025**

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 <sup>1</sup>: Plan

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **Bibliography: 11.4.25; Review: 18.4.25; Proposal: 30.5.25**

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.

## Professional Skills

Assessment Type <sup>1</sup>: Practice-based task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Ongoing**

Weighting: **10%**

Students will develop essential legal professional skills through structured classroom activities such as oral advocacy, critical reasoning, strategic problem-solving, collaborative work, team leadership, mootings, simulated client consultations, legal presentations or demonstrations, doctrinal analysis and problem solving, and/or collaborative legal research. These activities are designed to develop students' professional capabilities including capacity to communicate legal concepts clearly and engage professionally with diverse audiences in diverse contexts.

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.

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<sup>1</sup> 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.

<sup>2</sup> 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, delivered both face to face on campus and online. Professional skills, including oral communication, will be assessed at tutorials. Students who are unable to attend must contact the convener through iLearn in advance. Students who are unable to attend will be required to complete the class exercises using the iLearn links provided, and send a video of themselves addressing the tutorial discussion questions.

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

All unit requirements and the teaching and reading schedule are outlined in iLearn. Students should have their own copy of the following prescribed text: Terry Hutchinson, *Researching and Writing in Law* (Thomson Reuters, 4th ed, 2018), which is available online. Additional readings will be available via Leganto in iLearn.

All Students require access to a computer and a secure and reliable server. Students taking the unit online are required to have access to computer facilities with a camera and microphone. Students attending in person are advised to bring a computer or device to tutorials so that they are able to participate in practical legal research exercises.

## 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 [connect.mq.edu.au](https://connect.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/>



## Academic Success

[Academic Success](#) 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 the [Service Connect Portal](#), 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/](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.

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Unit information based on version 2025.02 of the [Handbook](#)