City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2024/25

Part I   Course Overview

Course Title: Legal Methods, Research and Writing

Course Code: LW5622

Course Duration: One Semester

Credit Units: 3

Level: P5

**Medium of
Instruction:**   English

**Medium of
Assessment:**   English

Prerequisites:
(Course Code and Title)   Nil

Precursors:
(Course Code and Title)   Nil

Equivalent Courses:
(Course Code and Title)   LW5653 Common Law Legal Method
LW6102E Introduction to Common Law System
LW6181E Common Law System, Reasoning and Methodology
LW2604 Legal Methods, Research and Writing

Exclusive Courses:
(Course Code and Title)   Nil

Part II   Course Details

1.   **Abstract**

This is a skills-based course intended for students new to the study of law at a tertiary level or new to the study of law in a common law jurisdiction. The course aims to:
- introduce students to the concept of law, the study of law and the role of legal skills in the law degree;
- familiarise students with the way the law operates in common law jurisdictions;
- develop students' ability to read and analyse common law cases;
- develop students' ability to interpret statutes and constitutional documents;
- develop students' legal research skills;
- develop students' legal writing skills.

The skills developed during this course will remain relevant throughout students' academic careers, particularly during the study of 'black letter' law subjects. JD and LLB students are co-taught.

2.   **Course Intended Learning Outcomes (CILOs)**
      (CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting	Alignment with PILOs	DEC related learning outcomes		
				A1	*A2*	*A3*
1.	**To describe and compare** – - the differences between legal skills, procedural law and substantive law - the doctrine of precedent across common law jurisdictions and its exceptions - the court hierarchy in Hong Kong	10%	1, 2, 4, 5			
2.	**To conduct legal research** to find relevant case law, statutes, subsidiary legislation and secondary legal materials to answer legal questions, and to cite these sources correctly	25%	1, 2, 4	✓	✓	
3.	**To closely analyse judicial decisions:** - to ascertain the *ratio decidendi* and *obiter dicta* of a decided case - to distil a principle of law from multiple decisions through synthesis - to decipher the logic behind judicial reasoning	20%	1, 2, 5	✓	✓	
4.	**To interpret legislation and constitutional documents:** - to apply the general rules of statutory interpretation - to find the parliamentary intent behind legislation - to engage in basic constitutional interpretation	20%	1, 2, 5	✓	✓	
5.	**To write for a legal audience:** - to answer clearly and succinctly problem-based and case-based exercises by means of legal reasoning - to write with correct grammatical structure, coherently, informatively and persuasively	25%	1, 3, 5	✓	✓	✓

| | **100%** |

A1: Attitude:
Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability:
Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: *Accomplishments:*
Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Learning and Teaching Activities (LTAs)

(LTAs designed to facilitate students' achievement of the CILOs.)

LTAs	Brief Description	CILO No.					Hours/ week
		1	2	3	4	5	
Lectures	• Students will be introduced didactically to conceptual and theoretical content. Students will answer theoretical and practically-oriented questions and will ask follow-up questions during the lecture • Lectures take place exclusively face to face on campus	✓	✓	✓	✓	✓	2
Library Sessions	• Students will learn search techniques for cases, legislation, secondary sources and how to cite legal materials. • Student learning will take place within four two-hour seminars to students outside of the regular class time, conducted by the Law Liaison Librarian • The seminars may be delivered online or face to face, depending on available library resources. Each seminar may also be repeated more than once • Students are expected to sign up to attend these seminars in their own time and to participate in the interactive exercises • Students will also receive an opportunity to help clarify seminar material through questions directed to the Law Liaison Librarian within two face to face consultation sessions after the four seminars are completed		✓				Approx. 1
Tutorials	• Students will ask clarificatory questions about the lecture materials during tutorials • Students will complete individual and small group exercises in order to acquire, develop and ingrain the new legal skills introduced in the lectures. Tutorial exercises act as preparation for the end of semester examination • Students are encouraged to take a collaborative approach to learning in tutorials	✓	✓	✓	✓		1
Online Discussion Board	• Each week the course leader will set one or more discussion questions on an online Canvas discussion board. • Students will have the opportunity to answer these questions in their own time over a one-week period, tying their own lived experiences to the lecture and tutorial material • Students will conduct legal research to improve their answers for some of the discussion questions • Students should not only to post themselves but also interact and comment on posts from their colleagues, demonstrating understanding, interest, and empathy for different viewpoints • The course leader and tutors will moderate content and suggest different directions the discussions could follow	✓	✓	✓	✓	✓	Approx. 1
Reading, Research and Writing Outside of Class	• Students engage in further preparation outside the formal class hours to encourage deeper understanding of the lecture and reading material, innovative thinking and in-class engagement and discussion	✓	✓	✓	✓	✓	Approx. 3

4. Assessment Tasks/Activities (ATs)
   (ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.					Weighting	Remarks
	1	2	3	4	5		
Continuous Assessment: 40%							
Class Participation	✓		✓	✓		30%	Assessed based on contributions to discussions in tutorials and attendance at library sessions, plus performance in individual and small group exercises in tutorials. Weighting: 20% for tutorials, 10% for library sessions
Online Discussion Board Participation	✓	✓	✓	✓	✓	10%	Students will contribute to the online discussion board on Canvas, continuing the debate from the preceding tutorial and lecture and addressing new discussion questions, some of which require legal research
Examination: 60% (duration: 3 hours)							
End of Semester Examination	✓		✓	✓	✓	60%	3 hour unseen examination testing students' ability to describe and compare precedent, to analyse cases, statutes and constitutions, and to write and edit for a legal audience. To be completed individually

Grading of Student Achievement: Standard (A+, A, A-…F).

Further details of the assessment scheme will be provided during the first lecture.

Students will need to pay careful attention to their time management skills, and to the university's Academic Honesty policy:
https://www.cityu.edu.hk/pvdp/ah/uni-ah-req.htm

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024
To pass this course, students must obtain an aggregate mark of 50% across the entire course and a minimum of 50% in each of the above assessment tasks for this course.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter
To pass this course, students must obtain an aggregate mark of 40% across the entire course and a minimum of 40% in each of the above assessment tasks for this course.

Artificial Intelligence

The use of Generative AI tools is not allowed in completing any assessment tasks for this course.

5. Assessment Rubrics
(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Class Participation (30%)	Students will be assessed based on their informed verbal contributions to discussions in tutorials and attendance at library sessions, plus preparation and performance on individual and small group exercises in tutorials. The quality and practical relevance of participation are more important than the quantity. Note that students will not receive full participation marks merely by attending all tutorial classes. Weighting: 20% for tutorials, 10% for library sessions.	Student demonstrates a strong interest in and critical engagement with all course material, significant understanding of the common law's comparative and historical context, clearly and persuasively communicated written or oral responses, and an obvious and frequent ability to listen to, empathise and engage with fellow students' responses.	Student demonstrates some critical engagement with course material, a more limited understanding of the common law's comparative and historical context, somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.	Student demonstrates limited or maginal critical engagement with course material, little understanding of the common law's comparative and historical context, unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.	Almost no participation in teaching and learning activities. The student cannot demonstrate that he or she has read or understands the course material, or that he or she understands the common law's comparative and historical context. The student does not contribute written or oral responses when prompted, and demonstrates no interest in the views of fellow students on the course material.
2. Online Discussion Board Participation (10%)	Canvas-based discussion boards will be available for student contributions before the next set of classes. Assessment is based on the quality of participation rather than quantity, with an increased emphasis on relating the course material to lived experience, legal research, and interaction and engagement with other students' posts.	As above	As above	As above	As above

3. End of Semester Examination (60%)	3 hour unseen examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, constitutional interpretation and informative and/or persuasive writing and editing skills for a legal audience. To be completed individually. Students will be assessed on the quality of their written communication, and how well they apply the skills learned in class to new case-based circumstances.	As above	As above	As above	As above

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Adequate (C+, C, C-)	Marginal (D)	Failure (F)
1. Class Participation (30%)	Students will be assessed based on their informed verbal contributions to discussions in tutorials and library sessions, plus preparation and performance on individual and small group exercises in tutorials. The quality and practical relevance of participation are more important than the quantity. Note that students will not receive full participation marks merely by attending all classes. Weighting: 20% for tutorials, 10% for library sessions.	Student demonstrates a strong interest in and critical engagement with all course material, significant understanding of the common law's comparative and historical context, clearly and persuasively communicated written or oral responses, and an obvious and frequent ability to listen to, empathise and engage with fellow students' responses.	Student demonstrates some critical engagement with course material, a more limited understanding of the common law's comparative and historical context, somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.	Student demonstrates limited critical engagement with course material, little understanding of the common law's comparative and historical context, unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.	Despite otherwise participating in the teaching and learning activities, the student demonstrates no critical engagement with course material, no understanding of the common law's comparative and historical context, provides written or oral responses devoid of persuasive devices and correct grammatical structure, and little interest in engaging with fellow students' responses.	Almost no participation in teaching and learning activities. The student cannot demonstrate that he or she has read or understands the course material, or that he or she understands the common law's comparative and historical context. The student does not contribute written or oral responses when prompted, and demonstrates no interest in the views of fellow students on the course material.
2. Online Discussion Board Participation (10%)	Canvas-based discussion boards will be available for student contributions before the next set of classes. Assessment is based on the quality of participation rather than quantity, with an increased emphasis on relating the course material to lived experience, legal research, and interaction and engagement with other students' posts.	As above	As above	As above	As above	As above

3. End of Semester Examination (60%)	3 hour unseen examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, constitutional interpretation and informative and/or persuasive writing and editing skills for a legal audience. To be completed individually. Students will be assessed on the quality of their written communication, and how well they apply the skills learned in class to new case-based circumstances.	As above	As above	As above	As above	As above

Part III: Other Information (more details can be provided separately in the teaching plan)

1. **Keyword Syllabus**
    (An indication of the key topics of the course.)

    Introduction to the Study of Law

    Legal Skills

    Legal Research

    Court Hierarchy

    Court Jurisdiction

    Ratio Decidendi and *Obiter Dicta*

    Doctrine of Precedent

    Case Analysis

    Statutory Interpretation

    Constitutional Interpretation

    Legal Writing

    Legal Drafting

    Client Communication

    Editing

    Plain Legal English

    Note that a detailed week by week Lesson Plan will be released to students before classes begin. The Lesson Plan contains information on lecture topics, required and optional reading, tutorial exercises and discussions, and online discussion topics.

2. **Reading List**

    There are two major course texts from which reading will be prescribed during most weeks of semester. Both of these texts are available for borrowing from the Library Reserve and for purchase online and in the university bookstore. The Charrow text is also available as an e-book from the library. Reading will also be occasionally drawn from the list of texts for further recommended reading, below, and from other sources.

    It is not essential that you purchase any of the texts in the list of further recommended reading, however most of the books listed below have the potential to assist students throughout their law degree and future career.

    <u>Major Course Texts:</u>

    Charrow, V (et al), 5th ed, *Clear and Effective Legal Writing* (2013) (Austin, Wolters Kluwer Law & Business)

    Holland J and Webb J, 11th ed, *Learning Legal Rules* (2022) (Oxford, Oxford University Press)

Further Recommended Reading (available in the Run Run Shaw Library, some as e-books):

Askey S & McLeod I, 4th edn, *Studying Law* (2014) (Basingstoke, Palgrave)

Bradney A (et al), 9th edn, *How to Study Law* (2021) (London, Sweet & Maxwell)

Calleros CR and Holst KYW, 9th edn, *Legal Method and Writing* (2022) (Frederick MD, Aspen Publishing)

Costello N, *Practical English Language Skills for Lawyers: Improving Your Legal English* (2023) (Milton, Taylor & Francis)

Coughlin C, Rocklin JM, and Patrick S, *A Lawyer Writes: A Practical Guide to Legal Analysis* (2nd ed, Carolina Academic Press 2013)

Dothan S, *How to Master English as a Multilingual: A Guide for Students, Lawyers and Professionals* (2023) (Cheltenham, Edward Elgar)

Finch E & Fafinski S, 8th edn, *Legal Skills* (2021) (Oxford, Oxford University Press)

Garner BA, 2nd edn, *Legal Writing in Plain English* (2013) (Chicago IL, University of Chicago Press)

Hanson S (et al), 5th edn, *Learning Legal Skills and Reasoning* (2021) (London, Routledge)

Ho, AYH et al, 2nd edn, *Hong Kong Statutory Interpretation Handbook* (2012) (Hong Kong, LexisNexis Butterworths)

Ip EC, 4th ed, *Law and Justice in Hong Kong* (2022) (Hong Kong, Sweet & Maxwell)

Lo SHC & Chui WH, 2nd edn, *The Hong Kong Legal System* (2020) (Cambridge, Cambridge University Press)

McLeod I, 9th edn, *Legal Method* (2013) (Basingstoke, Palgrave MacMillan)

Meyer PN, *Storytelling for Lawyers* (2014) (New York NY, Oxford University Press)

Moore I, *The Successful Law Student: An Insider's Guide to Studying Law* (2022) (Oxford, Oxford University Press)

Morris N & Tan R, 4th edn, *Clear and Precise Writing Skills for Today's Lawyer* (2021) (Sydney, Thomson Reuters)

Oates LC (et al), 8th edn, *The Legal Writing Handbook: Analysis, Research, and Writing* (2021) (New York: Aspen Publishing)

Pinker S, *The Sense of Style: The Thinking Person's Guide to Writing in the 21st Century* (2014) (New York NY, Penguin)

Riley A & Sours P, *Common Law Legal English and Grammar: A Contextual Approach* (2014) (Oxford, Hart Publishing)

Smith ATH, 17th ed, *Glanville Williams, Learning the Law* (2020) (London, Sweet & Maxwell)

Stark SD, *Writing to Win: The Legal Writer* (2012) (New York NY, Three Rivers Press)

Strong SI, 6th edn, *How to Write Law Essays & Exams* (2022) (Oxford, Oxford University Press)

Strunk W (et al), 4th ed, *The Elements of Style* (2013) (Harlow, Pearson Education)

Stychin C, 4th edn, *Legal Methods and Systems: Text & Materials* (2010) (London, Sweet & Maxwell)

Twining W & Meirs D, 5th edn, *How to Do Things with Rules* (2010) (New York NY, Cambridge University Press)

Webley L, 5th edn, *Legal Writing* (2024) (Abingdon, Oxford University Press)

Online Resources:

- Databases subscribed by the Library: Lexis HK, Westlaw Asia, HeinOnline, Practical Law (visit this web page for a full list, http://www.cityu.edu.hk/lib/collect/law/subjres/lawdb.htm)
- Guides compiled by Library's Law Section (Students' Guides to Legal Materials of Hong Kong, Student Guides' to Legal Materials of the UK)
- More research guides compiled by the Law Section, Law Library Research Guides (http://libguides.library.cityu.edu.hk/cat.php?cid=32771)
- Legal English in Hong Kong Website (https://legalenglish.hk/watch/legal-writing/)
- Databases that are openly accessible: BLIS (Bilingual Laws Information System), Judgment and Legal Reference, HKLII (Hong Kong Legal Information Institute), Hansard (Hong Kong), legislation.gov.uk, British and Irish Legal Information Institute (visit this web page for more Internet resources, http://www.cityu.edu.hk/lib/collect/law/subjres/lawlink.htm)
- HK Judiciary Web (http://www.judiciary.gov.hk/en/index/)
- UK Courts and Tribunals (http://www.judiciary.uk)