

LW2604: LEGAL METHODS, RESEARCH AND WRITING

Effective Term

Semester A 2023/24

Part I Course Overview

Course Title

Legal Methods, Research and Writing

Subject Code

LW - Law

Course Number

2604

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW2604A Legal Research and Writing I &
LW2604B Legal Research and Writing II
LW5622 Legal Methods, Research and Writing

Exclusive Courses

Nil

Additional Information

Nil

Part II Course Details

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. LLB and JD students are co-taught.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Know and understand the law by – Describing and comparing – # the differences between legal skills, procedural law and substantive law # the doctrine of precedent across common law jurisdictions and its exceptions	10			
2	Conduct legal research to find relevant case law, statutes, subsidiary legislation and secondary legal materials, and to cite these sources correctly	25	x	x	
3	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 interpret judicial reasoning	20	x	x	
4	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	x	x	
5	Engage in legal writing: # to answer clearly and succinctly problem-based and case-based exercises by means of legal reasoning # with correct grammatical structure # coherently, informatively and persuasively	25	x	x	x

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 self-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.

Teaching and Learning Activities (TLAs)

TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures · Students will be introduced didactically to conceptual and theoretical content. The course leader will encourage student learning by raising theoretical and practically-oriented questions and responding to student questions during the lecture · Lectures take place exclusively face to face on campus	1, 2, 3, 4, 5	2

2	Library Sessions	<ul style="list-style-type: none"> · The law liaison librarian will deliver four two-hour seminars to students outside of the regular class time, covering search technique for cases, legislation, secondary sources and citation method · 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 · The law liaison librarian will also deliver two face to face consultation sessions after the four seminars are completed. The consultation sessions are optional to attend, and are offered to help clarify seminar material 	2	Approx. 1
3	Tutorials	<ul style="list-style-type: none"> · Students are provided a live forum where the lecture material can be discussed and clarified · Students are provided with individual and small group exercises to acquire, develop and ingrain the new legal skills introduced in the lectures. Tutorial exercises act as preparation for the group writing assignment and for the end of semester examination · Students are encouraged to take a collaborative approach to learning in tutorials 	1, 2, 3, 4	1

4	Online Discussion Board	<ul style="list-style-type: none"> · Each week the course leader will set one or more discussion questions on an online Canvas discussion board. Students can answer these questions in their own time over a one-week period, tying their own lived experiences to the lecture and tutorial material · Students are encouraged not only to post themselves but also to 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 	1, 2, 3, 4, 5	Approx. 1
5	Reading, Research and Writing Outside of Class	<ul style="list-style-type: none"> · 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. Students will also conduct collaborative research and writing to complete a group assignment 	1, 2, 3, 4, 5	Approx. 4

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks
1	Class Participation	1, 3, 4	10	Assessed based on contributions to discussions in lectures, and tutorials, and library sessions, plus performance in individual and small group exercises in tutorials

2	Online Discussion Board Participation	1, 2, 3, 4, 5	10	Students to contribute to the online discussion board on Canvas, continuing the debate from the preceding tutorial and lecture and addressing new discussion questions
3	Group Legal Writing Assignment	2, 3, 5	30	A 2000 word writing assignment, focusing on legal research plus one or more of the writing formats covered in class. Completed in randomly allocated groups of 3 to 4 from the same tutorial
4	End of Semester Examination	1, 3, 4, 5	0	2.5 hour unseen examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, and writing and editing skills. To be completed individually

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2.5

Additional Information for ATs

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:

http://www.cityu.edu.hk/provost/academic_honesty/rules_on_academic_honesty.htm

To pass this course students must obtain an aggregate mark of 40% and a minimum of 30% in each of the continuous assessment and the examination components of the assessment. Continuous assessment for this purpose means all activities and assignments other than the end of semester examination.

School Policy on Late Submission of Assessment Tasks

Unless there are valid extenuating circumstances under the Academic Regulations, late submission of coursework shall attract the following penalty: deduction of 5 marks (out of 100) for every single day (including public holidays) of delay up to maximum 7 days. Papers received later than 7 days of the submission deadline shall not be marked and will receive zero marks.

No penalty for late submission will be imposed in cases where a student can submit only a hard or soft copy of the coursework assignment by the specified deadline and provides an explanation to the course leader.

Assessment Rubrics (AR)

Assessment Task

Class Participation (10%)

Criterion

Students will be assessed based on their informed verbal contributions to discussions in lectures and 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.

Excellent (A+, A, A-)

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.

Good (B+, B, B-)

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.

Fair (C+, C, C-)

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.

Marginal (D)

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.

Failure (F)

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.

Assessment Task

Online Discussion Board Participation (10%)

Criterion

Canvas-based discussion boards continue from lecture and tutorial discussions and are 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, and interaction and engagement with other students' posts.

Excellent (A+, A, A-)

As above

Good (B+, B, B-)

As above

Fair (C+, C, C-)

As above

Marginal (D)

As above

Failure (F)

As above

Assessment Task

Group Legal Writing Assignment (30%)

Criterion

In randomly allocated groups of 3-4 within each tutorial, students will draft a 2000 word written assignment based on one or more of the writing formats covered in class. Assessment will be based upon legal research, analysis of the caselaw, creativity in arguments, expression, citation, overall structure, and quality of editing. Absent exceptional circumstances, all group members receive the same mark.

Excellent (A+, A, A-)

As above

Good (B+, B, B-)

As above

Fair (C+, C, C-)

As above

Marginal (D)

As above

Failure (F)

As above

Assessment Task

End of Semester Examination (50%)

Criterion

2.5 hour unseen examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, and writing and editing skills. 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 factual circumstances.

Excellent (A+, A, A-)

As above

Good (B+, B, B-)

As above

Fair (C+, C, C-)

As above

Marginal (D)

As above

Failure (F)

As above

Part III Other Information

Keyword Syllabus

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 during the week before classes begin. The Lesson Plan contains information on lecture topics, required and optional reading, tutorial exercises and discussions, and online discussion topics.

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	Nil