

## Course Syllabus

offered by School of Law  
with effect from Semester A 2022/23

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### Part I Course Overview

<b>Course Title:</b>	Legal Research and Writing
<b>Course Code:</b>	LW2604A
<b>Course Duration:</b>	One Semester
<b>Credit Units:</b>	3
<b>Level:</b>	B2
<b>Medium of Instruction:</b>	English
<b>Medium of Assessment:</b>	English
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	Nil
<b>Precursors:</b> <i>(Course Code and Title)</i>	Nil
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	LW2600A Legal Method I
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	Nil

## Part II Course Details

### 1. Abstract

(A 150-word description about the course)

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 a common law jurisdiction;
- develop students' ability to read and analyse common law cases;
- 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.

### 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* (if applicable)	Alignm ent with MILOs	Discovery-enriched curriculum related learning outcomes		
				A1	A2	A3
1.	<b>Know and understand the law by –</b> Describing and comparing – <ul style="list-style-type: none"> <li>▪ the different sources of law, using correctly a wide range of legal terms</li> <li>▪ the differences between legal skills, procedural law and substantive law</li> <li>▪ court hierarchy in Hong Kong and England and Wales</li> <li>▪ the doctrine of precedent in common law jurisdictions and its exceptions</li> </ul>	20%	1			
2.	<b>Conduct legal research</b> to find relevant case law, statutes, subsidiary legislation and secondary legal materials	20%	5, 7, 8	✓	✓	
3.	<b>Analyse judicial decisions:</b> <ul style="list-style-type: none"> <li>▪ to identify the different sections of a law report</li> <li>▪ to distinguish between facts, <i>ratio decidendi</i> and <i>obiter dicta</i></li> <li>▪ to distil a principle of law from multiple decisions</li> <li>▪ to interpret judicial reasoning</li> </ul>	25%	1, 3, 4, 5, 7	✓	✓	
4	<b>Engage in legal writing:</b> <ul style="list-style-type: none"> <li>▪ to answer clearly and succinctly problem-based and case-based exercises by means of legal reasoning</li> </ul>	35%	1, 3, 4, 5, 6, 7, 8	✓	✓	✓

	<ul style="list-style-type: none"> <li>▪ with correct grammatical structure</li> <li>▪ coherently, informatively and persuasively</li> </ul>					
		100%	1, 3-8			

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.*

### 3. Teaching and Learning Activities (TLAs)

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

TLA	Brief Description	CILO No.				Hours/week
		1	2	3	4	
<i>Lectures</i>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Students will be introduced didactically to the legal skills of reading legal sources, research (through two library-based sessions), case analysis and legal writing</li> </ul>	✓	✓	✓	✓	2
<i>Tutorials</i>	<ul style="list-style-type: none"> <li>• Students are provided a forum where the lecture material can be discussed and clarified</li> <li>• Students are provided with individual and small group exercises to acquire, develop and ingrain the legal skills introduced in the lectures. Tutorial exercises act as preparation for the mid-semester examination and group writing assignment</li> <li>• Students will be encouraged to take a collaborative approach to learning in tutorials</li> </ul>	✓	✓	✓		1
<i>Online Discussion Board</i>	<ul style="list-style-type: none"> <li>• Each week the course leader will set 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</li> <li>• Students are also encouraged to continue with unfinished tutorial exercises and discussions through the online discussion board, either on their own initiative or after prompting from the tutor</li> <li>• 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</li> <li>• The course leader and tutor will moderate content and suggest different directions the discussions could follow</li> </ul>	✓	✓	✓	✓	Approx. 1
<i>Reading, research and writing outside of class</i>	<ul style="list-style-type: none"> <li>• 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</li> </ul>	✓	✓	✓	✓	Approx. 4-5

TLA	Brief Description	CILO No.				Hours/week
		1	2	3	4	
	also engage in research and writing to complete a group assignment at the end of semester					

#### 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		
Class Participation	✓		✓		10%	Assessed based on contributions to discussions in lectures and tutorials, plus performance in individual and small group exercises in tutorials
Online Discussion Board Participation	✓	✓	✓	✓	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
Mid-Semester Examination	✓		✓	✓	40%	2 hour unseen examination testing students' reading and drafting skills, knowledge of precedent, and case analysis. Completed individually
Group Legal Writing Assignment		✓	✓	✓	40%	2000 word intra-office memorandum, and editing persuasive legal document intended for the CFA. Completed in randomly-allocated groups of 3 to 4 during the university's examination period

**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](http://www.cityu.edu.hk/provost/academic_honesty/rules_on_academic_honesty.htm)

To pass the course students must achieve an overall total mark of 40% or above. There is no minimum pass mark attached to the mid-semester examination.

#### **School Policy on Late Submission of Assessment Tasks**

Unless there are valid extenuating circumstances under 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.

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.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics. Further guidance is available in the 'Grading of Courses' Appendix at the end of this syllabus)*

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Adequate (C+, C, C-)	Marginal (D)	Failure (F)
1. Class Participation (10%)	Students will be assessed based on their preparations for and oral contributions to discussions in lectures and tutorials, plus preparation and performance on individual and small group exercises in tutorials. Tutorial exercises include analysing law reports and persuasive legal documents, finding library materials, completing problem questions, and editing others' work. The quality and practical relevance of participation is more important than the quantity.	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 continue from lecture and tutorial discussions and are available for student contributions before the next set of classes. Assessment is based on 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.	As above	As above	As above	As above	As above

<p>3. Mid-Semester Examination (40%)</p>	<p>Unseen 2-hour examination testing reading and drafting skills, knowledge of precedent, and case analysis. Students will be assessed, individually, on their ability to identify and draft the different sections of a law report, their knowledge of precedent in Hong Kong's common law legal system, and their ability to identify <i>ratio decidendi</i> and <i>obiter dicta</i> within an unseen case in a timely manner.</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p>4. Group Legal Writing Assignment (40%)</p>	<p>In randomly-allocated groups of 3-4 within each tutorial, students will draft a 2000 word intra-office memorandum summarising the impact of a CFA case (30%). Students will also edit one party's persuasive arguments originally intended for the CFA (10%) in that same case. Assessment will be based upon analysis of the caselaw, expression, citation, overall structure, and quality of editing. Absent exceptional circumstances, all group members receive the same mark.</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>

### **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

Sources and Classification of Law

Law Reports

Legal Skills

Legal Research

Court Hierarchy

Court Jurisdiction

Ratio Decidendi and Obiter Dicta

Doctrine of Precedent

Case Analysis

Syllogistic Reasoning

Legal Writing

Legal Drafting

Editing

Plain Legal English

#### **2. Reading List**

There are three major course texts from which reading will be prescribed. Each of these texts is available for borrowing from the Library Reserve (with a five-hour loan for the latest edition) and for purchase online and in the university bookstore. 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.

##### Major Course Texts:

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

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

Ip EC, 3<sup>rd</sup> ed, *Law and Justice in Hong Kong* (2019) (Hong Kong, Sweet & Maxwell)

##### Further Recommended Reading (available in the Run Run Shaw Library):

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

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

Calleros CR and Holst KYW, 9<sup>th</sup> edn, *Legal Method and Writing* (2022) (Frederick MD,

Aspen Publishing)

Dobinson I & Roebuck D, 2<sup>nd</sup> edn, *Introduction to Law in the Hong Kong SAR* (2001) (Hong Kong, Sweet & Maxwell)

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

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

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

Ip EC, 4<sup>th</sup> ed, *Law and Justice in Hong Kong* (released Sept 2022) (Hong Kong, Sweet & Maxwell)

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

McLeod I, 9<sup>th</sup> edn, *Legal Method* (2013) (Basingstoke, Palgrave MacMillan)

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

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, 17<sup>th</sup> 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)

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

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

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

Wesley-Smith P, 3<sup>rd</sup> edn, *An Introduction to the Hong Kong Legal System* (1998) (Hong Kong, 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>)
- 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](http://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>)