

City University of Hong Kong
Course Syllabus

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

Part I Course Overview

Course Title:	<u>Legal Research and Writing II</u>
Course Code:	<u>LW2604B</u>
Course Duration:	<u>One Semester</u>
Credit Units:	<u>3</u>
Level:	<u>B2</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>LW2604A Legal Research and Writing I</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u>
Equivalent Courses: <i>(Course Code and Title)</i>	<u>LW2600B Legal Method II, LW3666 Legal Research and Writing I</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>Nil</u>

Part II Course Details

1. Abstract

This course –

- enhances students’ legal research and writing skills based on the knowledge they have learned from LW2604A.
- introduces students to various types of legal writing and familiarizes them with both basic writing skills and writing strategies for specific types of legal communications and documents.
- builds upon and develops students’ legal reasoning skills, including analogical reasoning.
- builds upon and develops students’ skills of statutory and Constitutional interpretation.
- introduces students to the citation system and ways to avoid plagiarism.
- introduces students to the methodology of comparative law.
- builds and develops students’ ability to research the law; reflect upon their knowledge and understanding of the law; and identify, analyse, evaluate, critically discuss, and provide solutions to relevant legal issues.

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	DEC related learning outcomes		
				A1	A2	A3
1.	1 Learn basic legal writing principles, and how to apply them when drafting various types of legal documents/communications, by 1.1 learning the meaning and principles of plain English; 1.2 learning different citation systems and rules; and 1.3 learning to identify and avoid plagiarism.	20%	3, 4, 5		✓	
2.	2 Learn to draft different legal documents/communications by 2.1 identifying different types of client letters, and drafting advice and demand letters according to different fact situations; 2.2 learning the nuts and bolts of professional email drafting; and 2.3 learning basic legal drafting skills	20%	5, 7		✓	
3.	3 Master different legal research skills and tools by 3.1 searching cases and statutes on Westlaw and LexisNexis; 3.2 searching journal articles and other	10%	5, 7		✓	

No.	CILOs [#]	Weighting* (if applicable)	Alignm ent with MILOs	DEC related learning outcomes		
				A1	A2	A3
	secondary sources on Westlaw and LexisNexis; and 3.3 searching sources of law in other jurisdictions on Westlaw and LexisNexis.					
4	4 Complete an essay question/research assignment by 4.1 applying basic legal research skills; 4.2 learning to structure a research paper; and 4.3 critically evaluating a legal claim or devising a legal argument.	20%	3, 4, 5, 7, 8	✓	✓	✓
5	5 Know different tools of legal reasoning and legal methodologies by 5.1 describing and explaining from a comparative perspective – ○ the particular characteristics of a system and families of law; ○ the manner in which laws relate to each other; 5.2 finding and using correctly in a comparative context the relevant sources of law; 5.3 evaluating legal arguments and solving legal problems by means of statutory interpretation and analogical legal reasoning; and 5.4 appreciating commonalities and differences between approaches in common law and non-common law legal systems.	30%	1,2,3,7,8	✓	✓	
		100%				

* If weighting is assigned to CILOs, they should add up to 100%.

Please specify the alignment of CILOs to the Gateway Education Programme Intended Learning outcomes (PILOs) in Section A of Annex.

- 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 (if applicable)
		1	2	3	4	5	
<i>Lectures</i>	<ul style="list-style-type: none"> - Explain principles with examples - Conduct library sessions for instruction in citation systems - Discuss real life examples of plagiarism - Promote learning by raising questions during lecture 	✓					
	<ul style="list-style-type: none"> - Examine real life examples to help students develop drafting skills for different kinds of legal documents and correspondence 		✓				
	<ul style="list-style-type: none"> - Demonstrate research skills and techniques in using modern legal databases 			✓			
	<ul style="list-style-type: none"> - Examine real student assignments to facilitate student discovery of the nuts and bolts of writing a good essay/assignment - Critically evaluate published works and identify useful structures and techniques which students may choose to adopt 				✓		
	<ul style="list-style-type: none"> - Introduce comparative law scholarship by reading and reviewing relevant scholarly works - Discuss the importance of comparative legal methods in modern Hong Kong legal scholarship - Introduce analogical legal reasoning - Learn and practice statutory interpretation 					✓	
<i>Tutorials</i>	<ul style="list-style-type: none"> - Students will apply principles by doing exercises in small groups - Students will explore and investigate real-life plagiarism examples and find creative solutions to avoid plagiarism. 	✓					
	<ul style="list-style-type: none"> - Students will practice drafting different legal documents according to the skills discovered and introduced in the lecture 		✓				
	<ul style="list-style-type: none"> - Students will have the opportunity to exercise their practical research skills in the computer classroom 			✓			
	<ul style="list-style-type: none"> - Tutorials will provide a forum for students to express, and receive clarification regarding, doubts and uncertainties about writing skills and style - Students will have e- to-one opportunity to discuss their own work 				✓		
	<ul style="list-style-type: none"> - Students will learn to solve a legal issue or to critically evaluate a legal claim by utilizing comparative law methods, statutory interpretation methods, and/or analogical reasoning in a real-life legal dispute. 					✓	

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:						100%	
<i>Written assignments: 60%</i> Students' ability to conduct legal research, collect data, and decipher primary and secondary materials in order to analyse problems will be tested. Students will be tested on their ability to appreciate the limits of law, evaluate arguments, and use a wide range of legal terms. Students will be tested on their mastery of legal writing techniques and ability to write coherent, cogent, and persuasive pieces.	✓	✓	✓	✓	✓		
<i>Class participation: 40%</i> Students will be called on to participate in group projects and presentations. Students are expected to participate in tutorial discussions.	✓	✓	✓	✓	✓		
						100%	

* The weightings should add up to 100%.

Grading of Student Achievement: Standard (A+, A, A-...F). Students' achievements will be graded on the basis of their performance in assessment tasks/activities. Students will be assessed on coursework and written assignments. Coursework will consist of assignments (60%) and class/tutorial participation (40%). Assignments include two kinds of legal documents (letter and essay) that students need to draft and submit by the end of the semester. For class/tutorial participation, students will be randomly distributed into several groups, and marks will be based on their group feedback and comments in class discussions, as well as a group project that they need to finish and present in class. A purpose of the assessment is to motivate students to develop the knowledge and abilities to apply the law to solve legal problems, critically evaluate and contextualize the law, and use legal skills. Regular assessment throughout the semester will facilitate students' abilities to develop their autonomy and responsibility, as well as creativity and problem-solving skills.

5. Assessment Rubrics

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

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Written assignments	<ul style="list-style-type: none"> - Demonstrated ability to conduct legal research, collect data, and decipher primary and secondary materials in order to analyse legal problems; - demonstrated ability to appreciate the limits of law, evaluate arguments, use different kinds of legal reasoning, interpret legislation, and use a wide range of legal terms; - demonstrated mastery of legal writing techniques, including the ability to write coherent, cogent, and persuasive pieces. 	Excellent student performance with respect to the achievement of the applicable CILOs.	Good student performance with respect to the achievement of the applicable CILOs.	Fair student performance with respect to the achievement of the applicable CILOs.	Marginal student performance with respect to the achievement of the applicable CILOs.	Student failed to achieve the applicable CILOs.
2. Class participation	- Participate in group projects, presentations, and tutorial discussions.	Excellent student performance with respect to the achievement of the applicable CILOs.	Good student performance with respect to the achievement of the applicable CILOs.	Fair student performance with respect to the achievement of the applicable CILOs.	Marginal student performance with respect to the achievement of the applicable CILOs.	Student failed to achieve the applicable CILOs.

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.)

2. Reading List

Recommended Readings:

- James Holland, Julian Webb, and Sydney William Templeman, *Learning Legal Rules: A Students' Guide to Legal Method and Reasoning* (Oxford: Oxford University Press) (most recent edition).
- Richard K. Neumann, Jr., *Legal Reasoning and Legal Writing: Structure, Strategy, and Style*, 7th ed, Wolters Kluwer, 2013.
- Narrelle Morris, Rosaline Tan, *Clear and Precise Writing Skills for Today's Lawyer*, Thomson Reuters, 2021.
- S I Strong, *How to Write Law Essays & Exams*, Oxford University Press, 2022.
- Eugene Volokh, *Academic Legal Writing*, Foundation Press, 2010.
- Andrew Mak; Margaret Tsau, *Butterworths Hong Kong Statutory Interpretation Handbook* (Hong Kong: LexisNexis, 2021).
- Stephen Breyer, *Making Our Democracy Work: A Judge's View* (Vintage 2011).
- Antonin Scalia, *A Matter of Interpretation: Federal Courts and the Law* (Princeton University Press 1998).
- Mathias Reimann & Reinhard Zimmermann (eds.), *The Oxford Handbook of Comparative Law* (Oxford University Press 2006).
- H. Patrick Glenn, *Legal Traditions of the World* (Oxford University Press 2014).
- Ran Hirschl, *Comparative Matters: The Renaissance of Comparative Constitutional Law*, (Oxford University Press 2014).
- Mathias Siems, *Comparative Law*, third edition (Cambridge University Press 2022).