



LAWS12072 Legal Research

Term 2 - 2018

Profile information current as at 02/05/2024 02:29 pm

All details in this unit profile for LAWS12072 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

In your first year of law studies you will have learned the foundations of legal research and knowledge management. Legal Research will develop these skills to a level appropriate for a legal professional working as a researcher, legal project manager and in all other areas of legal practice. You will learn to access, analyse and evaluate information from legal authorities and from other relevant disciplinary knowledge bases. In Legal Research you will work with your peers in a learning community to apply your research skills in the context of a current legal research project such as contemporary law reform issue, a project for a community legal centre or the work of a research centre. You will prepare a research document which engages with a real public interest law issue and produce an artefact which will then form part of your professional portfolio.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Pre-requisite: LAWS11057 Introduction to Law

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 2 - 2018

- Distance

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Written Assessment**

Weighting: 20%

2. **Portfolio**

Weighting: 20%

3. **Written Assessment**

Weighting: 60%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Survey, in class, private consultations.

Feedback

Students felt challenged by a focus on research skills that they had not previously encountered.

Recommendation

The positive aspect of this is that students who had not previously considered honours are now enthusiastic. Other students did not consider research to be a core lawyering skill so we must find ways of reinforcing realistic expectations of work skills, through curriculum and through careers-based extra-curriculars.

Feedback from Survey, in class, private consultations

Feedback

The non-compulsory Perusall online learning tool was divisive. Some students engaged enthusiastically, some struggle with the technical requirements.

Recommendation

Persuall is a new technology and we will develop our understanding of how best to use it. It should remain a voluntary part of the course as some students still struggle with even the modest internet requirements of something like Perusall. We should also be conscious of the 'fear of missing out' factor among students where we engage in multiple platforms.

Feedback from Survey

Feedback

Some students found the assessment requirements unclear and struggled with incremental and iterative work

Recommendation

Iterative development of instructional materials, providing clearer examples of basic skills for students who are struggling. Further emphasise the importance of the university tutoring service for students.

Feedback from Improvement to assessment tasks, survey

Feedback

Iterative assessment, where plan and portfolio tasks built toward a final research project were generally successful but some students felt the earlier tasks demanded more weighting

Recommendation

Retain the current approach and further explain to students that the reason for the weighting is to allow them to build confidence via the early assessment tasks so that their final projects build on these successes or improve on mistakes.

Unit Learning Outcomes

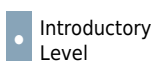
On successful completion of this unit, you will be able to:

1. Develop and evaluate strategies for solving legal problems, researching options and presenting solutions using a variety of different research and collaboration tools
2. Analyse legal problems through critical thinking, evaluating and weighing evidence and developing alternative solutions
3. Engage in collaborative research as a member of the learning community and as an ethically responsible professional
4. Activate solutions and apply research toward legal change in context of a practical research project of public interest.

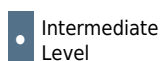
Alignment of Learning Outcomes, Assessment and Graduate Attributes



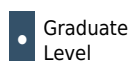
N/A
Level



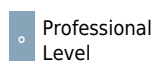
Introductory
Level



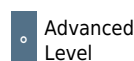
Intermediate
Level



Graduate
Level



Professional
Level



Advanced
Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Portfolio - 20%	•	•		
2 - Written Assessment - 20%	•	•	•	
3 - Written Assessment - 60%		•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•			•
2 - Problem Solving	•	•	•	
3 - Critical Thinking	•	•		
4 - Information Literacy	•			
5 - Team Work	•		•	
6 - Information Technology Competence	•			
7 - Cross Cultural Competence				•
8 - Ethical practice			•	•
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Portfolio - 20%	•	•		•		•				
2 - Written Assessment - 20%	•	•	•			•				
3 - Written Assessment - 60%	•	•	•		•		•	•		

Textbooks and Resources

Textbooks

There are no required textbooks.

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)
For further information, see the Assessment Tasks.

Teaching Contacts

Scott Beattie Unit Coordinator
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Schedule

Week 1 - 09 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Legal research and evidence based problem solving	The Australian Guide to Legal Citation (Melbourne University Law Review Association, 3rd ed, 2010) or the Deakin University Summary at http://www.deakin.edu.au/students/studying/study-support/referencing/aglc Terry Hutchinson and Nigel Duncan, 'Defining what we do: Doctrinal legal research', (2012) Deakin Law Review, 17(1), 83-119	

Week 2 - 16 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Context of legal problem solving	Scott Beattie, The Law Workbook (3rd ed) (The Federation Press 2010), Chapter 10 'Law reform' Desmond Manderson and Richard Mohr, 'From oxymoron to intersection: An epidemiology of legal research' (2002) 6(1) Law Text Culture, 159	

Week 3 - 23 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Analysing a legal problem	Michelle Sanson, David Worswick and Thalia Anthony, Connecting with Law (Oxford University Press 2009), Chapter 3 'Sources: What is the Law Itself?' Legal Writing Institute, The Second Draft, (1995) 10(1)	

Week 4 - 30 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Project management in legal research	Elizabeth Gritter, Time Management Tips for Dissertation Writing, (2011) http://www.stcloudstate.edu/elhe/_files/documents/dissertation/time-management-tips.pdf Kate Williams and Michelle Reid, Time Management (Palgrave Macmillan 2011)	

Week 5 - 06 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Ethical and professional research	David B Resnick, 'What is ethics in research and why is it important' (Dec 1 2015), https://www.niehs.nih.gov/research/resources/bioethics/whatis/	Problem Analysis and Project Plan Due: Week 5 Thursday (9 Aug 2018) 5:00 pm AEST

Vacation Week - 13 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
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Week 6 - 20 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Focus on rules	Michelle Sanson, David Worswick and Thalia Anthony, Connecting with Law (Oxford University Press 2009), Chapter 10 'Statutory interpretation: How do courts interpret legislation'	

Week 7 - 27 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Focus on precedents	Jay Sanderson & Kim Kelly, A Practical Guide to Legal Research (Lawbook Co 2014), Chapter 3 'Case Law' R Hinchy, The Australian Legal System: History, Institutions and Method (Lawbook Co 2015), Chapter 10 'Following and distinguishing precedent'	

Week 8 - 03 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Focus on theory	Hanoch Dagan and Roy Krietnar, 'The character of legal theory' 96 Cornell Law Review 670-691 Kylie Burns and Terry Hutchinson, 'The impact of "empirical facts" on legal scholarship and legal research training' (2009) The Law Teacher, 43(2), 153-178	

Week 9 - 10 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Focus on data	Wing Hong Chui, 'Quantitative Legal Research' in Mike McConville and Wing Hong Chui (eds), Research Methods for Law (Edinburgh University Press, 2007)	

Week 10 - 17 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Presentation of legal research	Jordan Furlong, 9 steps to a presentation that won't leave your audience hating you (2013) http://www.stemlegal.com/strategyblog/2013/9-steps-to-a-presentation-that-wont-leave-your-audience-hating-you/ Emily Bethell and Clare Milson, Posters and Presentation (Palgrave Macmillan, 2014)	

Week 11 - 24 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Feedback and legal writing	Victoria Law Foundation, Better Information Handbook (2011) http://www.victorialawfoundation.org.au/sites/default/files/resources/Better_Information_Handbook.pdf Julia Copus, Brilliant writing tips for students (Palgrave Macmillan 2009)	

Week 12 - 01 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
Research as professional practice	Giada di Stephano et al, 'Making experience count: The role of reflection in individual learning' (2016) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414478 Kate Williams, Mary Williams and Jane Spiro, Reflective writing (Palgrave Macmillan 2012)	Research Portfolio Due: Week 12 Friday (5 Oct 2018) 5:00 pm AEST Final Project Due: Week 12 Friday (5 Oct 2018) 5:00 pm AEST

Review/Exam Week - 08 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Problem Analysis and Project Plan

Assessment Type

Written Assessment

Task Description

In this unit you will be allocated a portion of a law reform issues paper and you will be responsible for developing a submission on it, with the support of your peers. Your first task will be to develop a problem analysis and project plan in order to gain feedback.

As part of this process it is permissible, even recommended, to ask questions in the body of your plan. If you desire specific feedback on a particular choice or methodological design, ask this overtly within the plan to ensure that you receive clear feedback.

This plan will include:

- A statement of your research topic, expressed as a critical argument
- An analysis of stakeholders and members of the community who are affected by the law reform issue.
- An analysis of jurisdictional issues and map of regulatory networks
- An overview of the current field of research, including the documents of key organisations, important research voices and significant publications
- A project plan stating key timelines and organizational matters

Assessment Due Date

Week 5 Thursday (9 Aug 2018) 5:00 pm AEST

Return Date to Students

Week 7 Thursday (30 Aug 2018)

Weighting

20%

Assessment Criteria

Criteria

- Design of research topic and problem solving skills
- Planning and time management
- Research methodology
- Critical analysis of legal and interdisciplinary issues
- Clear and professional expression of project outcomes and elements

Full rubric is available at:

<https://goo.gl/dAkW1v>

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Learning Outcomes Assessed

- Develop and evaluate strategies for solving legal problems, researching options and presenting solutions using a variety of different research and collaboration tools
- Analyse legal problems through critical thinking, evaluating and weighing evidence and developing alternative solutions
- Engage in collaborative research as a member of the learning community and as an ethically responsible professional

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Technology Competence

2 Research Portfolio

Assessment Type

Portfolio

Task Description

This unit models a regular and incremental approach to research work that is consistent with professional life rather than the 'just in time' strategies that many students apply to assignment tasks. The life-cycle of a research project is broken into 12 weekly workshop tasks in order to develop an orderly and iterative progress toward completion. Through discussion of these tasks in weekly zoom workshops and in the forums you will be able to get further guidance and feedback on your progress - from the coordinator and your peers.

This approach encourages you to be overt and reflexive about your research process - to keep good records and be self-critical about your own methods and organisational techniques. When working in a professional research environment these processes are important for working with peers, supervisors and other stakeholders. During this term you will build on the techniques you learned in *LAWS11057 Introduction to Law* and refine your approach to accommodate your own individual research style.

At the end of the term you will assemble these artefacts into a portfolio for submission, along with a one page reflection on what you have learned this term. The reflection is itself the subject of the final module in this unit and detailed guidelines are included there.

There is no word limit for this assessment item as the tasks involve different types of activity to traditional essay writing. However, one page should be sufficient for each task and some may be shorter. The aim of the exercise is to show your working and the thinking that underlies it rather than produce a polished final product.

Assessment Due Date

Week 12 Friday (5 Oct 2018) 5:00 pm AEST

Return Date to Students

Exam Week Friday (19 Oct 2018)

Weighting

20%

Assessment Criteria

Criteria

- Design and use of research methodologies
- Applied knowledge of legal and interdisciplinary contexts
- Ability to set goals and self evaluate
- Critical reflection on learning
- Professional presentation

Full rubric is available at:

<https://goo.gl/yZbVJ1>

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Learning Outcomes Assessed

- Develop and evaluate strategies for solving legal problems, researching options and presenting solutions using a variety of different research and collaboration tools
- Analyse legal problems through critical thinking, evaluating and weighing evidence and developing alternative solutions

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

- Information Literacy
- Information Technology Competence
- Cross Cultural Competence

3 Final Project

Assessment Type

Written Assessment

Task Description

As legal practitioners, we have a professional responsibility to protect rule of law and the integrity of our legal systems. One aspect of this ethical duty is the responsibility to engage with law reform, particularly through the inquiries of state and federal Law Reform Commissions. These organisations have their own research staff but also rely on the public submissions of professionals, organisations and members of the community to assist in the process.

In *Legal Research* we are using this context to illustrate the full spectrum of legal research skills through authentic assessment, and also to provide a public good. Throughout the term you will have developed your submission via your weekly workshop tasks and the feedback that you receive on your Problem Analysis and Project Plan. The resulting final project will be delivered in a format suitable for making a public submission and we strongly encourage students to actually do this. Note that commission deadlines might be different to university deadlines and you may need to submit an early version of your paper to the inquiry before the due date, but this will not affect your grade on your final submission.

In addition to assessment, it is recommended that you include a copy of your submission in your professional portfolio.

Assessment Due Date

Week 12 Friday (5 Oct 2018) 5:00 pm AEST

Return Date to Students

Exam Week Monday (15 Oct 2018)

Weighting

60%

Assessment Criteria

Criteria

- Statement of an innovative research problem and argument design
- Legal and interdisciplinary research methodology
- Critical analysis of legal and interdisciplinary data and theories
- Investigation of the social and ethical context of the problem
- Professional presentation of final project

Full rubric is available at:

<https://goo.gl/1YtEFJ>

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Learning Outcomes Assessed

- Analyse legal problems through critical thinking, evaluating and weighing evidence and developing alternative solutions
- Engage in collaborative research as a member of the learning community and as an ethically responsible professional
- Activate solutions and apply research toward legal change in context of a practical research project of public interest.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Team Work
- Cross Cultural Competence
- Ethical practice

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem