



# **LAWS12072 Legal Research**

## **Term 2 - 2019**

Profile information current as at 21/05/2024 05:34 pm

All details in this unit profile for LAWS12072 have been officially approved by CQUniversity 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 - 2019**

- Online

### **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. **Portfolio**

Weighting: 20%

#### 2. **Written Assessment**

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 Surveys, email, consultations

##### **Feedback**

Some students still feel unprepared for a research unit and are uncertain about basic research tasks such as using the law library.

##### **Recommendation**

We are working to introduce basic research resources for first years. A "legal research toolkit" moodle meta-unit has been created and will detail basic skills, similar to the service a law librarian would usually offer at other law schools.

#### Feedback from Surveys, email, consultations

##### **Feedback**

Students lack experience with writing research papers

##### **Recommendation**

We will explore the need for more research papers at first year, supported by basic research and writing resources in the moodle meta-unit. While the LPAB accreditors are emphasising invigilated exams and we also want to implement diverse assessment strategies, we also need to ensure that students are getting experience writing research papers.

#### Feedback from Surveys, email, consultations

##### **Feedback**

Some students struggled with the serious nature of the research topic

##### **Recommendation**

Students were given the option of an alternative topic but no one took this up. This unit's supporting materials encourages students to explore their reactions to the serious issues raised in legal situations and to develop professional modes of coping with the stress of legal practise. Around 20 students took the opportunity to discuss these and other study issues in the private consultation sessions. We will continue to emphasise these strategies for developing professional identity and study skills.

#### Feedback from Observation of attendance at workshops and activity on forums

##### **Feedback**

There was not strong student engagement in this unit.

##### **Recommendation**

While some students appreciate the ability to work alone, we also have to encourage engagement among the student body. Perusall, the social learning platform was not effective nor was the Moodle forum system. We will look to having a better learning forum system implemented, such as Piazza, that can be easily be integrated into moodle.

## 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
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## 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)
- MS Teams

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Scott Beattie** Unit Coordinator  
[s.beattie@cqu.edu.au](mailto:s.beattie@cqu.edu.au)

## Schedule

### Week 1 - 15 Jul 2019

Module/Topic	Chapter	Events and Submissions/Topic
Legal research and evidence based problem solving	<i>The Australian Guide to Legal Citation</i> (Melbourne University Law Review Association, 4th ed, 2018) or an official university summary such as the Deakin University Summary at <a href="https://www.deakin.edu.au/_data/assets/pdf_file/0005/755438/Deakin-guide-to-referencing_AGLC.pdf">https://www.deakin.edu.au/_data/assets/pdf_file/0005/755438/Deakin-guide-to-referencing_AGLC.pdf</a> Terry Hutchinson and Nigel Duncan, 'Defining what we do: Doctrinal legal research', (2012) <i>Deakin Law Review</i> , 17(1), 83-119	

### Week 2 - 22 Jul 2019

Module/Topic	Chapter	Events and Submissions/Topic
Context of legal problem solving	Scott Beattie, <i>The Law Workbook</i> (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) <i>Law Text Culture</i> , 159	

### Week 3 - 29 Jul 2019

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

### Week 4 - 05 Aug 2019

Module/Topic	Chapter	Events and Submissions/Topic
Project management in legal research	Elizabeth Gritter, <i>Time Management Tips for Dissertation Writing</i> , (2011) <a href="http://www.stcloudstate.edu/elhe/_files/documents/dissertation/time-management-tips.pdf">http://www.stcloudstate.edu/elhe/_files/documents/dissertation/time-management-tips.pdf</a>	

**Week 5 - 12 Aug 2019**

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), <a href="https://www.niehs.nih.gov/research/resources/bioethics/whatis/">https://www.niehs.nih.gov/research/resources/bioethics/whatis/</a>	<b>Problem Analysis and Project Plan</b> Due: Week 5 Monday (12 Aug 2019) 5:00 pm AEST

**Vacation Week - 19 Aug 2019**

Module/Topic	Chapter	Events and Submissions/Topic
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**Week 6 - 26 Aug 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Focus on rules	Michael Kirby, 'Statutory Interpretation: The Meaning of Meaning' (2011) 35(1) <i>Melbourne University Law Review</i> 113	

**Week 7 - 02 Sep 2019**

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

**Week 8 - 09 Sep 2019**

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

**Week 9 - 16 Sep 2019**

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

**Week 10 - 23 Sep 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Presentation of legal research	Jordan Furlong, <i>9 steps to a presentation that won't leave your audience hating you</i> (2013) <a href="http://www.stemlegal.com/strategyblog/2013/9-steps-to-a-presentation-that-wont-leave-your-audience-hating-you/">http://www.stemlegal.com/strategyblog/2013/9-steps-to-a-presentation-that-wont-leave-your-audience-hating-you/</a>	

**Week 11 - 30 Sep 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Feedback and legal writing	Victoria Law Foundation, <i>Better Information Handbook</i> (2011) <a href="http://www.victorialawfoundation.org.au/sites/default/files/resources/Better_Information_Handbook.pdf">http://www.victorialawfoundation.org.au/sites/default/files/resources/Better_Information_Handbook.pdf</a>	

**Week 12 - 07 Oct 2019**

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) <i>Harvard Business School NOM Unit Working Paper No. 14-093</i> , available at SSRN: <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414478">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414478</a>	<b>Final Project</b> Due: Week 12 Friday (11 Oct 2019) 5:00 pm AEST

**Review/Exam Week - 14 Oct 2019**

Module/Topic	Chapter	Events and Submissions/Topic
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**Exam Week - 21 Oct 2019**

Module/Topic

Chapter

Events and Submissions/Topic

## Assessment Tasks

### 1 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.

There is no word limit for this assessment item as the tasks involve different types of activity to traditional essay writing. However, one half to 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

Review/Exam Week Monday (14 Oct 2019) 5:00 pm AEST

#### Return Date to Students

Exam Week Monday (21 Oct 2019)

Grades will be returned two weeks from the date of submission.

#### 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, 4th 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

## 2 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 Monday (12 Aug 2019) 5:00 pm AEST

### Return Date to Students

Week 7 Monday (2 Sept 2019)

### 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, 4th 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

### 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 (11 Oct 2019) 5:00 pm AEST

#### Return Date to Students

Exam Week Monday (21 Oct 2019)

Grades will be returned two weeks after submission

#### 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, 4th 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