LW2604A: LEGAL RESEARCH AND WRITING I

Effective Term Semester A 2024/25

Part I Course Overview

Course Title Legal Research and Writing I

Subject Code LW - Law Course Number 2604A

Academic Unit School of Law (FL)

College/School School of Law (FL)

Course Duration One Semester

Credit Units

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

Medium of Instruction English

Medium of Assessment English

Prerequisites Nil

Precursors Nil

Equivalent Courses

LW2600A Legal Method I, LW2600 Legal Research and Writing, LW2604 Legal Legal Methods, Research and Writing

Exclusive Courses

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 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.

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 different sources of law, using correctly a wide range of legal termsthe differences between legal skills, procedural law and substantive lawcourt hierarchy in Hong Kong and England and Walesthe doctrine of precedent in common law jurisdictions and its exceptions	20			
2	Conduct legal research to find relevant case law, statutes, subsidiary legislation and secondary legal materials	20	Х	x	
3	Analyse judicial decisions: to identify the different sections of a law reportto distinguish between facts, ratio decidendi and obiter dictato distil a principle of law from multiple decisionsto interpret judicial reasoning	25	х	X	
4	Engage in legal writing:to answer clearly and succinctly problem-based and case-based exercises by means of legal reasoningwith correct grammatical structurecoherently, informatively and persuasively	35	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 real-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.

Learning and Teaching Activities (LTAs)

	LTAs	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 lectureStudents will be introduced didactically to the legal skills of reading legal sources, research (through two library- based sessions), case analysis and legal writing	1, 2, 3, 4	
2	Tutorials	Students are provided a 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 legal skills introduced in the lectures. Tutorial exercises act as preparation for the mid- semester examination and group writing assignmentStudents will be encouraged to take a collaborative approach to learning in tutorials	1, 2, 3	

2	Online Discussion Descul	The course lesder	1 2 2 4	
3	Online Discussion Board	The course leader will set additional discussion	1, 2, 3, 4	
		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		
		materialStudents are also		
		encouraged to continue		
		with unfinished tutorial		
		exercises and discussions		
		through the online		
		discussion boardStudents		
		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		
		viewpointsThe course		
		leader will moderate		
		content and suggest		
		different directions the		
		discussions could follow		
4	Dec din a marca a la ca d		1 2 2 4	
4	Reading, research and	Further preparation outside the formal class	1, 2, 3, 4	
	writing outside of class			
		hours to encourage		
		deeper understanding of		
		the lecture and reading		
		material, innovative		
		thinking and in-class		
		engagement and		
		discussion. Research and		
		writing to complete a		
		group assignment at the		
		end of semester		

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class Participation	1, 3	10	Assessed based on contributions to discussions in lectures and tutorials, plus performance in individual and small group exercises in tutorials

2	Online Discussion Board Participation	1, 2, 3, 4	10	Students to contribute to online discussion board on Canvas continuing the debate from the preceding tutorial and lecture and addressing new discussion questions
3	Mid-Semester Examination	1, 3, 4	40	2 hour unseen examination testing students' reading and drafting skills, knowledge of precedent, and case analysis. Completed individually
4	Group Legal Writing Assignment	2, 3, 4	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 examination period

Continuous Assessment (%)

100

Examination (%)

0

Assessment Rubrics (AR)

Assessment Task

1. Class Participation (10%)

Criterion

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. The quality and practical relevance of participation is more important than the quantity.

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

2. 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 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-)

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-)

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Assessment Task

3. Mid-Semester Examination (40%)

Criterion

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 ratio decidendi and obiter dicta within an unseen case in a timely manner.

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-)

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Fair (C+, C, C-)

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Assessment Task

4. Group Legal Writing Assignment (40%)

Criterion

In randomly-allocated groups of 3-4, 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.

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-)

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Part III Other Information

Keyword Syllabus

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

Reading List

Compulsory Readings

	Title
1	Charrow, V (et al), 5th ed, Clear and Effective Legal Writing (2013) (Austin, Wolters Kluwer Law & Business)
2	Holland J and Webb J, 10th ed, Learning Legal Rules (2019) (Oxford, Oxford University Press)
3	Ip EC, 3rd ed, Law and Justice in Hong Kong (2019) (Hong Kong, Sweet & Maxwell)

Additional Readings

	Title
1	Askey S & McLeod I, 4th edn, Studying Law (2014) (Basingstoke, Palgrave)
2	Bradney A (et al), 8th edn, How to Study Law (2017) (London, Sweet & Maxwell)
3	Calleros CR, 8th edn, Legal Method and Writing (2018) (Austin TX, Wolters Kluwer Law & Business)
4	Dobinson I & Roebuck D, 2nd edn, Introduction to Law in the Hong Kong SAR (2001) (Hong Kong, Sweet & Maxwell)
5	Finch E & Fafinski S, 7th edn, Legal Skills (2019) (Oxford, Oxford University Press)
6	Garner BA, 2nd edn, Legal Writing in Plain English (2013) (Chicago IL, University of Chicago Press)
7	Hanson S, 4th edn, Learning Legal Skills and Reasoning (2016) (Abingdon, Routledge)
8	Lo SHC & Chui WH, 2nd edn, The Hong Kong Legal System (2020) (Cambridge, Cambridge University Press)

9	McLeod I, 9th edn, Legal Method (2013) (Basingstoke, Palgrave MacMillan)
10	Meyer PN, Storytelling for Lawyers (2014) (New York NY, Oxford University Press)
11	Pinker S, The Sense of Style: The Thinking Person's Guide to Writing in the 21st Century (2014) (New York NY, Penguin)
12	Riley A & Sours P, Common Law Legal English and Grammar: A Contextual Approach (2014) (Oxford, Hart Publishing)
13	Smith ATH, 17th ed, Glanville Williams, Learning the Law (2020) (London, Sweet & Maxwell)
14	Stark SD, Writing to Win: The Legal Writer (2012) (New York NY, Three Rivers Press)
15	Strunk W (et al), 4th ed, The Elements of Style (2013) (Harlow, Pearson Education)
16	Stychin C, 4th edn, Legal Methods and Systems: Text & Materials (2010) (London, Sweet & Maxwell)
17	Twining W & Meirs D, 5th edn, How to Do Things with Rules (2010) (New York NY, Cambridge University Press)
18	Wesley-Smith P, 3rd edn, An Introduction to the Hong Kong Legal System (1998) (Hong Kong, Oxford University Press)