City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester A 2019/20

Part I  Course Overview

Course Title:  Legal Research and Writing

Course Code:  LW2604A

Course Duration:  One Semester

Credit Units:  3

Level:  B2

Medium of Instruction:  English

Medium of Assessment:  English

Prerequisites:  (Course Code and Title)  Nil

Precursors:  (Course Code and Title)  Nil

Equivalent Courses:  (Course Code and Title)  LW2600A Legal Method I

Exclusive Courses:  (Course Code and Title)  Nil
Part II Course Details

1. Abstract

This course aims to:
- introduce students to the concept of law, the study of law and the role of legal skills
- familiarise students with the way the law operates in a common law jurisdiction
- develop students’ ability to read and analyse legal cases
- develop students’ research skills
- develop students’ writing skills

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.)

<table>
<thead>
<tr>
<th>No.</th>
<th>CILOsº</th>
<th>Weighting* (if applicable)</th>
<th>Alignment with MILOs</th>
<th>Discovery-enriched curriculum related learning outcomes (please tick where appropriate)</th>
</tr>
</thead>
</table>
| 1.  | Know and understand the law by – Describing and explaining –  
|     | | the different sources of law, using correctly a wide range of legal terms  
|     | | the differences between legal skills, procedural law and substantive law  
|     | | court hierarchy in Hong Kong and England and Wales  
|     | | the doctrine of precedent in common law legal jurisdictions | 25% | 1, 2 |
| 2.  | Conduct legal research to find relevant case law, statutes, subsidiary legislation and secondary legal materials | 10% | 5, 7, 8 | ✓ ✓ |
| 3.  | Analyse judicial decisions:  
|     | to identify the different sections of a law report  
|     | to distinguish between *ratio decidendi* and *obiter dicta*  
|     | to distil a principle of law from multiple decisions  
|     | to interpret judicial reasoning | 25% | 1, 3, 4, 5, 7 | ✓ ✓ |
| 4.  | Engage in legal writing:  
|     | in order to answer problem-based and case-based exercises by means of legal reasoning  
|     | with correct grammatical structure  
|     | coherently, informatively and persuasively | 40% | 3, 4, 5, 6 | ✓ ✓ ✓ |

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

<table>
<thead>
<tr>
<th>TLA</th>
<th>Brief Description</th>
<th>CILO No.</th>
<th>Hours/week</th>
</tr>
</thead>
</table>
| **Lectures**             | • Students will be introduced to conceptual and theoretical content. Learning by raising questions and responding to questions during the Lecture will be encouraged  
• Students will be introduced to the legal skills of research (through two to three library-based sessions), case analysis and legal writing | ✓        | 2          |
| **Tutorials**            | • Students are given a forum where the lecture material can be discussed and clarified  
• Students are provided with small group exercises to develop the acquisition of legal skills and to solidify the lecture material on legal research (through library-based sessions), case analysis and legal writing  
• Student will be encouraged to take a collaborative approach to learning in tutorials | ✓ ✓ ✓    | 1          |
| **Reading, research and writing outside of class** | • Preparation outside the class to encourage innovative thinking and in-class engagement and discussion. Research and writing to complete group assignment. | ✓ ✓ ✓    | Approx. 5-6 |

### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

<table>
<thead>
<tr>
<th>Assessment Tasks/Activities</th>
<th>CILO No.</th>
<th>Weighting*</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tutorial Attendance and Class Participation</strong></td>
<td>✓ ✓ ✓ ✓</td>
<td>20%</td>
<td>Assessed on tutorial attendance, contributions to discussion in lectures and tutorials, and performance on small group exercises in tutorials individually and in groups</td>
</tr>
<tr>
<td><strong>Mid-Semester Examination</strong></td>
<td>✓ ✓ ✓ ✓</td>
<td>40%</td>
<td>2 hour closed-book examination testing reading skills, knowledge of precedent, and case analysis</td>
</tr>
<tr>
<td><strong>Group Legal Writing Assignment</strong></td>
<td>✓ ✓ ✓ ✓</td>
<td>40%</td>
<td>2000 word intra-office memorandum, and editing persuasive legal document intended for the CFA. To be completed in groups of 3 to 4.</td>
</tr>
</tbody>
</table>

100%

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

To pass the course students must achieve an overall total mark of 40% or above, plus a minimum of 30% in the mid-semester exam.
### 5. Assessment Rubrics

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

<table>
<thead>
<tr>
<th>Assessment Task</th>
<th>Criterion</th>
<th>Excellent (A+, A, A-)</th>
<th>Good (B+, B, B-)</th>
<th>Adequate (C+, C, C-)</th>
<th>Marginal (D)</th>
<th>Failure (F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tutorial Attendance and Class Participation (20%)</td>
<td>Students will be assessed on their tutorial attendance and their contributions to class discussion in lectures and tutorials, their preparation for tutorial discussion questions, their comprehension of the lecture material and their performance in small group exercises in tutorials.</td>
<td>High level of performance</td>
<td>Average performance</td>
<td>Moderate performance</td>
<td>Basic performance</td>
<td>Insufficient level of performance</td>
</tr>
<tr>
<td>2. Mid-Semester Examination (40%)</td>
<td>Closed-book 2 hour examination testing reading skills, knowledge of precedent, case analysis. Students will be assessed, individually, on their ability to identify the different sections of a law report, their knowledge of precedent in Hong Kong’s common law legal system, and their ability to identify <em>ratio decidendi</em> and <em>obiter dicta</em> within unseen cases in a timely manner.</td>
<td>High level of performance</td>
<td>Average performance</td>
<td>Moderate performance</td>
<td>Basic performance</td>
<td>Insufficient level of performance</td>
</tr>
<tr>
<td>3. Group Legal Writing Assignment (40%)</td>
<td>In randomly-allocated groups of 3-4, students will draft a 2000 word intra-office memorandum summarising the impact of a CFA case (25%). Students will also edit one party’s persuasive arguments originally intended for the CFA (15%) in that 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.</td>
<td>High level of performance</td>
<td>Average performance</td>
<td>Moderate performance</td>
<td>Basic performance</td>
<td>Insufficient level of performance</td>
</tr>
</tbody>
</table>
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
   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 in the Library Reserve and for purchase online and in the bookstore. Extracts from each of these texts will be placed on Canvas before the beginning of semester. Reading will also be occasionally drawn from the list of texts for further recommended reading, below.

   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:**
   Ip EC, 2nd ed, *Law and Justice in Hong Kong* (Hong Kong, Sweet & Maxwell)
Further Recommended Reading:


Dobinson I & Roebuck D, *Introduction to Law in the Hong Kong SAR* (2001) (Hong Kong, Sweet & Maxwell)


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, 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)
- UK Courts and Tribunals (http://www.judiciary.gov.hk)