

**City University of Hong Kong**  
**Course Syllabus**

**offered by School of Law**  
**with effect from Semester A 2023/24**

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**Part I Course Overview**

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| <b>Course Title:</b>   | <u>Legal Methods, Research and Writing</u>  |
| <b>Course Code:</b>  | <u>LW5622</u>   |
| <b>Course Duration:</b>                                      | <u>One Semester</u>   |
| <b>Credit Units:</b>   | <u>3</u>  |
| <b>Level:</b>  | <u>P5</u>   |
| <b>Medium of Instruction:</b>                                | <u>English</u>  |
| <b>Medium of Assessment:</b>                                 | <u>English</u>  |
| <b>Prerequisites:</b><br><i>(Course Code and Title)</i>      | <u>Nil</u>  |
| <b>Precursors:</b><br><i>(Course Code and Title)</i>         | <u>Nil</u>  |
| <b>Equivalent Courses:</b><br><i>(Course Code and Title)</i> | <u>LW5653 Common Law Legal Method<br/>LW6102E Introduction to Common Law System<br/>LW6181E Common Law System, Reasoning and Methodology<br/>LW2604 Legal Methods, Research and Writing</u> |
| <b>Exclusive Courses:</b><br><i>(Course Code and Title)</i>  | <u>Nil</u>  |

## Part II Course Details

### 1. 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 common law jurisdictions;
- develop students' ability to read and analyse common law cases;
- develop students' ability to interpret statutes and constitutional documents;
- 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. JD and LLB students are co-taught.

### 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   | Alignment with PILOs | DEC related learning outcomes |    |    |
|-----|--|-------------|----------------------|-------------------------------|----|----|
|     |  |             |                      | A1                            | A2 | A3 |
| 1.  | <b>Know and understand the law by –</b><br>Describing and comparing – <ul style="list-style-type: none"> <li>▪ the differences between legal skills, procedural law and substantive law</li> <li>▪ the doctrine of precedent across common law jurisdictions and its exceptions</li> </ul> | 10%         | 1, 2, 4, 5           |                               |    |    |
| 2.  | <b>Conduct legal research</b> to find relevant case law, statutes, subsidiary legislation and secondary legal materials, and to cite these sources correctly   | 25%         | 1, 2, 4              | ✓                             | ✓  |    |
| 3.  | <b>Analyse judicial decisions:</b> <ul style="list-style-type: none"> <li>▪ to ascertain the <i>ratio decidendi</i> and <i>obiter dicta</i> of a decided case</li> <li>▪ to distil a principle of law from multiple decisions through synthesis to interpret judicial reasoning</li> </ul> | 20%         | 1, 2, 5              | ✓                             | ✓  |    |
| 4.  | <b>Interpret legislation and constitutional documents:</b> <ul style="list-style-type: none"> <li>▪ to apply the general rules of statutory interpretation</li> <li>▪ to find the parliamentary intent behind legislation to engage in basic constitutional interpretation</li> </ul>      | 20%         | 1, 2, 5              | ✓                             | ✓  |    |
| 5.  | <b>Engage in legal writing:</b> <ul style="list-style-type: none"> <li>▪ to answer clearly and succinctly problem-based and case-based exercises by means of legal reasoning</li> <li>▪ with correct grammatical structure coherently, informatively and persuasively</li> </ul>           | 25%         | 1, 3, 5              | ✓                             | ✓  | ✓  |
|     |  | <b>100%</b> |                      |                               |    |    |

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/<br>week |
|-----------------------------------|---|----------|---|---|---|---|----------------|
|                                   |   | 1        | 2 | 3 | 4 | 5 |                |
| <i>Lectures</i>                   | <ul style="list-style-type: none"> <li>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 lecture</li> <li>Lectures take place exclusively face to face on campus</li> </ul>  | ✓        | ✓ | ✓ | ✓ | ✓ | 2              |
| <i>Library Sessions</i>           | <ul style="list-style-type: none"> <li>The law liaison librarian will deliver four two-hour seminars to students outside of the regular class time, covering search technique for cases, legislation, secondary sources and citation method</li> <li>The seminars may be delivered online or face to face, depending on available library resources. Each seminar may also be repeated more than once</li> <li>Students are expected to sign up to attend these seminars in their own time and to participate in the interactive exercises</li> <li>The law liaison librarian will also deliver two face to face consultation sessions after the four seminars are completed. The consultation sessions are optional to attend, and are offered to help clarify seminar material</li> </ul> |          | ✓ |   |   |   | Approx.<br>1   |
| <i>Tutorials</i>                  | <ul style="list-style-type: none"> <li>Students are provided a live forum where the lecture material can be discussed and clarified</li> <li>Students are provided with individual and small group exercises to acquire, develop and ingrain the new legal skills introduced in the lectures. Tutorial exercises act as preparation for the group writing assignment and for the end of semester examination</li> <li>Students are encouraged to take a collaborative approach to learning in tutorials</li> </ul>  | ✓        | ✓ | ✓ | ✓ |   | 1              |
| <i>Online Discussion Board</i>    | <ul style="list-style-type: none"> <li>Each week the course leader will set one or more discussion 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 material</li> <li>Students 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 viewpoints</li> <li>The course leader and tutors will moderate content and suggest different directions the discussions could follow</li> </ul>  | ✓        | ✓ | ✓ | ✓ | ✓ | Approx.<br>1   |
| <i>Work Outside of Class Time</i> | <ul style="list-style-type: none"> <li>Students engage in further preparation outside the formal class hours to encourage deeper understanding of the lecture and reading material, innovative thinking and in-class engagement and discussion. Students will also conduct collaborative research and writing to complete a group assignment</li> </ul>   | ✓        | ✓ | ✓ | ✓ | ✓ | Approx.<br>4   |

#### 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: 50%             |          |   |   |   |   |           |  |
| Class Participation                    | ✓        |   | ✓ | ✓ |   | 10%       | Assessed based on contributions to discussions in lectures, tutorials, and library sessions, plus performance in individual and small group exercises in tutorials                           |
| Online Discussion Board Participation  | ✓        | ✓ | ✓ | ✓ | ✓ | 10%       | Students to contribute to the online discussion board on Canvas, continuing the debate from the preceding tutorial and lecture and addressing new discussion questions                       |
| Group Legal Writing Assignment         |          | ✓ | ✓ |   | ✓ | 30%       | A 2000 word writing assignment, focusing on legal research plus one or more of the writing formats covered in class. Completed in randomly allocated groups of 3 to 4 from the same tutorial |
| Examination: 50% (duration: 2.5 hours) |          |   |   |   |   |           |  |
| End of Semester Examination            | ✓        |   | ✓ | ✓ | ✓ | 50%       | 2.5 hour unseen examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, and writing and editing skills. To be completed individually    |
|  |          |   |   |   |   | 100%      |  |

**Grading of Student Achievement:** Standard (A+, A, A-...F).

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](http://www.cityu.edu.hk/provost/academic_honesty/rules_on_academic_honesty.htm)

Applicable to students admitted in Semester A 2022/23 and thereafter

To pass this course, students must obtain an aggregate mark of 50% across the entire course and a minimum of 50% in each of the above assessment tasks for this course.

Applicable to students admitted before Semester A 2022/23

To pass this course, students must obtain an aggregate mark of 40% across the entire course and a minimum of 40% in each of the above assessment tasks for this course.

#### **School Policy on Late Submission of Assessment Tasks**

Unless there are valid extenuating circumstances under the Academic Regulations, late submission of coursework shall attract the following penalty: deduction of 5 marks (out of 100) for every single day (including public holidays) of delay up to maximum 7 days. Papers received later than 7 days of the submission deadline shall not be marked and will receive zero marks. No penalty for late submission will be imposed in cases where a student can submit only a hard or soft copy of the coursework assignment by the specified deadline and provides an explanation to the course leader.

## 5. Assessment Rubrics

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

Applicable to students admitted in Semester A 2022/23 and thereafter

| Assessment Task                                   | Criterion   | Excellent<br>(A+, A, A-)   | Good<br>(B+, B)  | Marginal<br>(B-, C+, C)  | Failure<br>(F)   |
|---|---|--|--|--|--|
| 1. Class Participation<br>(10%)                   | Students will be assessed based on their informed verbal contributions to discussions in lectures and tutorials and library sessions, plus preparation and performance on individual and small group exercises in tutorials. The quality and practical relevance of participation are more important than the quantity. Note that students will not receive full participation marks merely by attending all classes. | 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. | 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. | Student demonstrates limited or marginal 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. | 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. |
| 2. Online Discussion Board Participation<br>(10%) | 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 the 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.  | As above   | As above   | As above   | As above   |

|  |   |                 |                 |                 |                 |
|--|---|-----------------|-----------------|-----------------|-----------------|
| <p>3. Group Legal Writing Assignment (30%)</p> | <p>In randomly allocated groups of 3-4 within each tutorial, students will draft a 2000 word written assignment based on one or more of the writing formats covered in class. Assessment will be based upon legal research, analysis of the caselaw, creativity in arguments, expression, citation, overall structure, and quality of editing. Absent exceptional circumstances, all group members receive the same mark.</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> |
| <p>4. End of Semester Examination (50%)</p>    | <p>2.5 hour unseen examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, and writing and editing skills. To be completed individually. Students will be assessed on the quality of their written communication, and how well they apply the skills learned in class to new factual circumstances.</p>  | <p>As above</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> |

Applicable to students admitted before Semester A 2022/23

| Assessment Task                                | Criterion   | Excellent (A+, A, A-)  | Good (B+, B, B-)   | Adequate (C+, C, C-)   | Marginal (D)  | Failure (F)  |
|--|---|--|--|--|---|--|
| 1. Class Participation (10%)                   | Students will be assessed based on their informed verbal contributions to discussions in lectures and tutorials and library sessions, plus preparation and performance on individual and small group exercises in tutorials. The quality and practical relevance of participation are more important than the quantity. Note that students will not receive full participation marks merely by attending all classes. | 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. | 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. | 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. | 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. | 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. |
| 2. Online Discussion Board Participation (10%) | 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 the 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.  | As above   | As above   | As above   | As above  | As above   |

|  |   |                 |                 |                 |                 |                 |
|--|---|-----------------|-----------------|-----------------|-----------------|-----------------|
| <p>3. Group Legal Writing Assignment (30%)</p> | <p>In randomly allocated groups of 3-4 within each tutorial, students will draft a 2000 word written assignment based on one or more of the writing formats covered in class. Assessment will be based upon legal research, analysis of the caselaw, creativity in arguments, expression, citation, overall structure, and quality of editing. Absent exceptional circumstances, all group members receive the same mark.</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> |
| <p>4. End of Semester Examination (50%)</p>    | <p>2.5 hour unseen examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, and writing and editing skills. To be completed individually. Students will be assessed on the quality of their written communication, and how well they apply the skills learned in class to new factual circumstances.</p>  | <p>As above</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> | <p>As above</p> |



**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

Legal Skills

Legal Research

Court Hierarchy

Court Jurisdiction

Ratio Decidendi and Obiter Dicta

Doctrine of Precedent

Case Analysis

Statutory Interpretation

Constitutional Interpretation

Legal Writing

Legal Drafting

Client Communication

Editing

Plain Legal English

Note that a detailed week by week Lesson Plan will be released to students during the week before classes begin. The Lesson Plan contains information on lecture topics, required and optional reading, tutorial exercises and discussions, and online discussion topics.

**2. Reading List**

There are two major course texts from which reading will be prescribed during most weeks of semester. Both of these texts are available for borrowing from the Library Reserve and for purchase online and in the university bookstore. The Charrow text is also available as an e-book from the library. Reading will also be occasionally drawn from the list of texts for further recommended reading, below, and from other sources.

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:

Charrow, V (et al), 5<sup>th</sup> ed, *Clear and Effective Legal Writing* (2013) (Austin, Wolters Kluwer Law & Business)

Holland J and Webb J, 11<sup>th</sup> ed, *Learning Legal Rules* (2022) (Oxford, Oxford University Press)

Further Recommended Reading (available in the Run Run Shaw Library, some as e-books):

- Askey S & McLeod I, 4<sup>th</sup> edn, *Studying Law* (2014) (Basingstoke, Palgrave)
- Bradney A (et al), 9<sup>th</sup> edn, *How to Study Law* (2021) (London, Sweet & Maxwell)
- Calleros CR and Holst KYW, 9<sup>th</sup> edn, *Legal Method and Writing* (2022) (Frederick MD, Aspen Publishing)
- Costello N, *Practical English Language Skills for Lawyers: Improving Your Legal English* (2023) (Milton, Taylor & Francis)
- Cottrell J, *Legal Research: A Guide for Hong Kong Students* (1997) (Hong Kong, Hong Kong University Press)
- Dobinson I & Roebuck D, 2<sup>nd</sup> edn, *Introduction to Law in the Hong Kong SAR* (2001) (Hong Kong, Sweet & Maxwell)
- Dothan S, *How to Master English as a Multilingual: A Guide for Students, Lawyers and Professionals* (2023) (Cheltenham, Edward Elgar)
- Finch E & Fafinski S, 8<sup>th</sup> edn, *Legal Skills* (2021) (Oxford, Oxford University Press)
- Garner BA, 2<sup>nd</sup> edn, *Legal Writing in Plain English* (2013) (Chicago IL, University of Chicago Press)
- Hanson S (et al), 5<sup>th</sup> edn, *Learning Legal Skills and Reasoning* (2021) (London, Routledge)
- Ho, AYH et al, 2<sup>nd</sup> edn, *Hong Kong Statutory Interpretation Handbook* (2012) (Hong Kong, LexisNexis Butterworths)
- Ip EC, 4<sup>th</sup> ed, *Law and Justice in Hong Kong* (2022) (Hong Kong, Sweet & Maxwell)
- Lo SHC & Chui WH, 2<sup>nd</sup> edn, *The Hong Kong Legal System* (2020) (Cambridge, Cambridge University Press)
- McLeod I, 9<sup>th</sup> edn, *Legal Method* (2013) (Basingstoke, Palgrave MacMillan)
- Meyer PN, *Storytelling for Lawyers* (2014) (New York NY, Oxford University Press)
- Moore I, *The Successful Law Student: An Insider's Guide to Studying Law* (2022) (Oxford, Oxford University Press)
- Morris N & Tan R, 4<sup>th</sup> edn, *Clear and Precise Writing Skills for Today's Lawyer* (2021) (Sydney, Thomson Reuters)
- Pinker S, *The Sense of Style: The Thinking Person's Guide to Writing in the 21st Century* (2014) (New York NY, Penguin)
- Riley A & Sours P, *Common Law Legal English and Grammar: A Contextual Approach* (2014) (Oxford, Hart Publishing)
- Smith ATH, 17<sup>th</sup> ed, *Glanville Williams, Learning the Law* (2020) (London, Sweet & Maxwell)
- Stark SD, *Writing to Win: The Legal Writer* (2012) (New York NY, Three Rivers Press)
- Strong SI, 6<sup>th</sup> edn, *How to Write Law Essays & Exams* (2022) (Oxford, Oxford University Press)
- Strunk W (et al), 4<sup>th</sup> ed, *The Elements of Style* (2013) (Harlow, Pearson Education)
- Stychin C, 4<sup>th</sup> edn, *Legal Methods and Systems: Text & Materials* (2010) (London, Sweet & Maxwell)
- Twining W & Meirs D, 5<sup>th</sup> edn, *How to Do Things with Rules* (2010) (New York NY, Cambridge University Press)

### 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>)
- HK Judiciary Web (<http://www.judiciary.gov.hk/en/index/>)
- UK Courts and Tribunals (<http://www.judiciary.uk>)