FACULTY OF LAW, School of Law

LAWS7420

ADVANCED LEGAL RESEARCH

SEMESTER 1, 2007

Course Outline

(Statement of Objectives and Assessment Strategy)

Undergraduate compulsory (core) course
Total contact hours: 16 (intensive)

IMPORTANT NOTICE: Advanced Legal Research is now examined on a fully assessed basis (ie High Distinction / Distinction/ Credit/ Pass/ Fail). Before 2004 it was assessed on a Satisfactory /Fail basis only. Students should be aware that results in this subject will now affect their overall academic results more than in past years. Please read the Assessment Strategy carefully, as it may be more demanding than you expect.

Table of contents

1. Course details ........................................................................................................................................2
2. Course aims .........................................................................................................................................2
3. Student learning outcomes ....................................................................................................................2
4. Subject content .....................................................................................................................................3
5. Teaching and learning approach and strategies ...................................................................................4
6. Required and recommended reading ..................................................................................................5
7. Assessment ..........................................................................................................................................5
8. Academic standards and plagiarism ...................................................................................................6
9. Course Staff ..........................................................................................................................................8
1. Course details

This course has 2 Units of Credit value. It is an undergraduate compulsory (core) course. Total contact hours: 16 (intensive)

A copy of this Course Outline is provided to all students in the first class, and is also available online on the course website at <http://www2.austlii.edu.au/alr/>.

Convener S1: Graham Greenleaf <g.greenleaf@unsw.edu.au>; tel 9385 2233; Room 991F, Library Tower

Timetable - Session 1 2007

<table>
<thead>
<tr>
<th>LAWS 7420</th>
<th>Advanced Legal Research</th>
</tr>
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<tbody>
<tr>
<td>1) Class A</td>
<td>9 to 5</td>
</tr>
<tr>
<td>2) Class B</td>
<td>9 to 5</td>
</tr>
<tr>
<td>3) Class C</td>
<td>9 to 5</td>
</tr>
<tr>
<td>4) Class D</td>
<td>9 to 5</td>
</tr>
<tr>
<td>5) Class E</td>
<td>10 to 6</td>
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<tr>
<td>6) Class F</td>
<td>9 to 5</td>
</tr>
<tr>
<td>7) Class G</td>
<td>10 to 6</td>
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Graham Greenleaf will teach classes A & D.
Alana Maurushat will teach classes B, E & F.
David Vaile will teach classes C & G

2. Course aims

The Advanced Legal Research aims to assist you to:

- refresh and refine the online research skills acquired in the first year course;
- become highly competent in Australian legal research over all categories of materials (legislation, case-law, and secondary materials);
- be able to take a systematic approach to international and comparative legal research sufficient to find major sources;
- practice accessing information from a wide variety of online sources;
- obtain research skills sufficient for you to be able to undertake your own legal research at any level of University studies;
- obtain research skills sufficient for professional practice or other work in law;

3. Student learning outcomes

By the end of this course, you should be able to:
• understand the differences between the main types of online research tools;
• understand the differences between those tools developed specifically for law, and those for general use;
• use the search engines used by the four major providers of Australian and international legal information;
• use a variety of indexing tools to find the law on a topic;
• evaluate critically research tools and make strategic selections from the wide range of tools available;
• demonstrate appreciation of the strengths and weaknesses of computerised legal information retrieval methods;
• demonstrate awareness of what materials are available online, and where to find them, and what materials are only available in print form, and how to find them;
• use techniques to save and use retrieved information in your own written work;
• demonstrate knowledge of standards for citation of cases and legislation;

Relationship to Law Graduate Attributes

Of the five School of Law Graduate Attributes (reproduced in full in the Appendix), this course most clearly furthers GA 3. ‘(Research skills) the capacity to engage in practical and scholarly research’, which in part ‘involves the ability to develop and plan an effective research strategy [and] collect, retrieve and collate relevant information’ before proceeding to ‘analyse, evaluate and interpret information’.

Graduate Attribute 2 ‘Excellent intellectual skills of analysis, synthesis, critical judgment, reflection and evaluation’ is also involved in this course, as students are taught how to assess and compare critically the research tools that they use, and are examined on their ability to do so. Furtherance of Graduate Attribute 5, ‘A commitment to personal and professional self-development’, is one of outcomes of this course, as it is of vital importance to the life-long learning of a lawyer that they master the legal research skills essential for their continuing professional self-development.

4. Subject content

Advanced Legal Research is divided into the four topics below, which are of approximately even weight. See the Resources and Reading Guide for the course for more details of each topic, including details of all resources with which students must become familiar during the subject.

1 - Researching Australian legislation. Students will learn how to search the main Australian legislation databases; and to find and update legislation by using indexes, annotations and current awareness services. The topic will include finding commentary on and interpretation of legislation in sources such as Explanatory Memoranda, judgments, case notes, parliamentary debates, and Law Reform Commission papers. The variety of sources of online legislation and legislation resources will be covered, and their merits compared.

2 - Researching Australian case law. Students will learn how to search the main Australian case law databases; how to find recent cases using digests and citators; how to update case law and find the current status of a case; how to determine whether a case has been judicially considered; and how to locate articles and case notes. The variety of sources of online full text reported and unreported cases will be covered, and their merits compared.
3 - **Australian secondary legal research resources.** Students will learn how to find and search the various electronic secondary legal resources, including textbooks, legal encyclopedias, loose-leaf services, journals, periodical indexes and bibliographies. New secondary sources available via the Internet will also be covered. Search engines and catalogs (directories / indexes) are covered, both general and law-specific.

4 - **Foreign Legal Systems and International Law.** Students will learn how to develop a systematic approach to researching foreign and international law and other legal materials, principally using electronic research tools. The emphasis will be on free access materials and the main multinational commercial publishers. Search engines and catalogs (directories / indexes) are covered, both general and law-specific.

5. **Teaching and learning approach and strategies**

   **Learning and teaching rationale** This course is based on learning through use in the classroom of the principal research tools used in professional legal practice and academic legal research. The approach assumes that students will best learn the use of these tools by applying them to find information in areas of law in which the student is already interested.

   **Learning and teaching strategy** Each student uses a PC to follow the teacher who guides the class through four online Reading Guides which give a highly structured tour of the major providers (‘resources’) of four main types of content. The teacher guides the class enabling students to assess for themselves what content is found on which resource, and to appreciate the wide differences between resources and the reasons for them. As the teacher poses problems concerning each resource, and demonstrates solutions, drawing examples from a specific areas of law, students are required to attempt to solve problems relating to pre-nominated areas of law of their own interest. Discussion then ensues of any problems that arise from student examples, and the class participates in solving those problems. The class then moves on to the next resource. This approach facilitates systematic coverage of a large range of legal resources.

   **Class attendance** Classes are held in the Computer Labs in the Law Library – see timetable for which Lab is used for each class. Due to limited space, students **must attend the class in which they are enrolled.** The ‘80% rule’ concerning class attendance is applied strictly.

   **Class Timetable** For each two day course the schedule is:

   - Day 1: topic 1 - Researching Australian legislation; topic 2 - Researching Australian case law
   - Day 2: topic 3 - Australian secondary legal research resources; topic 4 - Foreign Legal Systems and International Law

   There will also be an **OPTIONAL 2 hour revision class** during the last two weeks of semester. The available class times will be emailed to students toward the end of semester, and places in the revision classes will be allocated on application.

   **Course evaluation and development** - Your feedback on the course will be requested in a brief evaluation form at the end of the two days, since we do not meet again before the end of semester. This feedback is considered carefully in developing future versions of the course.
6. Required and recommended reading

Readings for each topic are listed in the Resources & Reading Guide below – available online from the course home page as below. Hypertext links from each topic take you to the relevant part of the ‘AustLII Guide’ (below), and the relevant chapters of Nemes and Coss (below) are also indicated for each sub-topic. In the Resources & Reading Guide the four sections corresponding to each topic in the course are covered in the recommended text in the following chapters:

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<thead>
<tr>
<th>Topic</th>
<th>Resources &amp; Reading Guide</th>
<th>Nemes &amp; Coss</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Australian legislation</td>
<td>N&amp;C Ch 8</td>
</tr>
<tr>
<td>2</td>
<td>Australian case-law</td>
<td>N&amp;C Ch 7</td>
</tr>
<tr>
<td>3</td>
<td>Australian secondary law resources</td>
<td>N&amp;C Ch 6</td>
</tr>
<tr>
<td>4</td>
<td>International and foreign law</td>
<td>N&amp;C Ch 6.50</td>
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Required materials:

- Greenleaf G Internet Legal Research - Resources & Reading Guide (2007) - (available free online at <http://www2.austlii.edu.au/alr/>, including Tables and User Guides contained therein. Printed copies of the required materials are also provided at the start of each day’s class. All materials handed out in class are required materials. Students should ensure they have up-to-date copies of these materials and should bring them to the examination.

Recommended texts and materials:

- ‘Nemes and Coss’ - Bott B, Cowley J & Falconer L Nemes & Coss’ Effective Legal Research, 3rd ed (Sydney: Butterworths, 2007) - A good guide to the principles behind all types of legal research, now brought up-to-date. Purchase is strongly recommended.

- Resources from the UNSW Library are linked to from the course Reading Guides and can also be found from <info.library.unsw.edu.au/web/services/services.html>.

7. Assessment

There are two items of assessment – a compulsory exam and an optional assignment:

- OPTIONAL Research assignment (30%) - The assignment will be available on the course website on Monday 2 April (prior to the mid-session break); it will be due on Monday 23 April. If an assignment is submitted, students may only sit the 70% exam, not the 100% exam.

- Examination (100% if no assignment submitted) - 2 hours (plus 15 minutes reading time) open book exam during the University examination period.
(70% if assignment submitted) - 1 hour 20 minutes (plus 15 minutes reading time) open book exam during the University examination period.

Both items of assessment will place approximately equal weight on each of the 4 topics in the course listed above. Students must demonstrate both knowledge of available legal research content, and of techniques for accessing and navigating that content.

The Exam format is likely to require short answers to questions. Sample papers from previous years are on the course website. Students are required to attend classes according to the normal 80% attendance rule.

Advanced Legal Research is graded on a fully assessed basis (ie High Distinction / Distinction / Credit / Pass / Fail ), and it contributes to the student’s WAM. Prior to 2004 it was only assessed on a Satisfactory /Fail basis.

Late assignments will not be accepted except for demonstrated good cause (including medical reasons). Students who do not complete the assignment in time are able to do the two hour exam instead. The Faculty Policy on late submission is

“Late work will not be accepted without penalty unless an extension has previously been granted. Late work may be penalised by the deduction of up to 10% of available marks for that assessment for each full day that the work is late up to a maximum of 50% penalty. Extensions should not normally exceed one week. In the absence of documented grounds, an extension for a common assignment will not be granted beyond the date of return of the work of other students.”

Assignments must be submitted on paper at the Law Faculty counter according to the instructions on the assignment cover sheet. The examination is held in accordance with UNSW examination procedures.

Relationship between objectives and assessment strategy - This subject builds on the skills mastered in the first year legal research and writing classes. As Advanced Legal Research is a skills subject, participation in class activities is necessary to ensure skills are applied and developed to an appropriate extent. The (optional) assignment involves demonstrating skills acquired by applying them in Lab and Library to an assigned problem. The examination requires students to revise all research skills, and to demonstrate their understanding of how the various research tools fit together. Because this subject attracts lesser credit points than other subjects, students have the option to be assessed solely on exam performance if they wish, to avoid over-assessment.

8 Administrative matters

Occupational Health and Safety - see www.riskman.unsw.edu.au/ohs for details of all UNSW OHS policies.

Equity and diversity - Those students who have a disability that requires some adjustment in their teaching or learning environment are encouraged to discuss their study needs with the course convenor prior to, or at the commencement of, their course, or with the Equity Officer (Disability) in the Equity and Diversity Unit (9385 4734 or www.equity.unsw.edu.au/disabil.html). Issues to be discussed may include access to materials, signers or note-takers, the provision of services and additional exam and assessment arrangements. Early notification is essential to enable any necessary adjustments to be made.
9 Academic standards and plagiarism

The following statement is the official UNSW statement on plagiarism. You should read it carefully.

**Plagiarism is the presentation of the thoughts or work of another as one’s own.**

Examples include:

- direct duplication of the thoughts or work of another, including by copying material, ideas or concepts from a book, article, report or other written document (whether published or unpublished), composition, artwork, design, drawing, circuitry, computer program or software, web site, Internet, other electronic resource, or another person’s assignment without appropriate acknowledgement;
- paraphrasing another person’s work with very minor changes keeping the meaning, form and/or progression of ideas of the original;
- piecing together sections of the work of others into a new whole;
- presenting an assessment item as independent work when it has been produced in whole or part in collusion with other people, for example, another student or a tutor; and,
- claiming credit for a proportion a work contributed to a group assessment item that is greater than that actually contributed.†

Submitting an assessment item that has already been submitted for academic credit elsewhere may also be considered plagiarism. Knowingly permitting your work to be copied by another student may also be considered to be plagiarism. An assessment item produced in oral, not written form, or involving live presentation, may similarly contain plagiarised material.

The inclusion of the thoughts or work of another with attribution appropriate to the academic discipline does not amount to plagiarism.

Students are reminded of their Rights and Responsibilities in respect of plagiarism, as set out in the University Undergraduate and Postgraduate Handbooks, and are encouraged to seek advice from academic staff whenever necessary to ensure they avoid plagiarism in all its forms.

The Learning Centre website <www.lc.unsw.edu.au/plagiarism> is the central University online resource for staff and student information on plagiarism and academic honesty. The Learning Centre also provides substantial educational written materials, workshops, and tutorials to aid students, for example, in:

- correct referencing practices;
- paraphrasing, summarising, essay writing, and time management;
- appropriate use of, and attribution for, a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre.

Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting, and the proper referencing of sources in preparing all assessment items.

* Based on that proposed to the University of Newcastle by the St James Ethics Centre. Used with kind permission from the University of Newcastle.

† Adapted with kind permission from the University of Melbourne.
9 Course Staff

The course teachers for 2007 are:

- Graham Greenleaf <g.greenleaf@unsw.edu.au> (Convener, S1); tel 9385 2233; Room 224 Law Faculty Building; consultation times are Thursday (most weeks) 11-5 or by appointment. As he also has an office at AustLII and is not always at UNSW, an appointment is recommended.
- Alana Maurushat <a.maurushat@unsw.edu.au> (Convener, S2); office in Centres Precinct, Level 1, Law Faculty Building; tel 9385 XXXX; consultation time by appointment
- David Vaile <d.vaile@unsw.edu.au>; tel 9385 3589; office in Centres Precinct, Level 1, Law Faculty Building; consultation time by appointment

APPENDIX: UNSW SCHOOL OF LAW GRADUATE ATTRIBUTES

What attributes do we develop in our students?

The UNSW School of Law instils in students the understandings, values, skills and qualities necessary to become highly qualified professionals with a strong sense of citizenship, community and social justice. A legal education at the UNSW Law School, therefore, develops graduates who have:

1. (Core disciplinary knowledge) a functioning and contextual knowledge of law and legal institutions;
2. (Transferable intellectual skills) excellent intellectual skills of analysis, synthesis, critical judgment, reflection and evaluation;
3. (Research skills) the capacity to engage in practical and scholarly research;
4. (Communication skills) effective oral and written communication skills both generally and in specific legal settings;
5. (Personal and professional values) a commitment to personal and professional self-development, ethical practice and social responsibility.

These attributes build on and contextualises the 12 generic UNSW graduate attributes. Thus, core disciplinary knowledge incorporate generic attributes 1, 2 and 9; transferable intellectual skills, attributes 3, 4 and 6; research, attribute 5; communication, attribute 12; key values, attributes 4, 7, 8, 9, 10 and 11.

What do these attributes mean?

1 A functioning and contextual knowledge of law and legal institutions means:

- a comprehensive knowledge of the core principles of law, including a critical understanding of the policy considerations informing the law;
- an understanding of the principal institutions in the Australian and other legal systems and their purpose and functions;
- an appreciation of the contextual factors that influence the operation of the law and the impact law has on society, politics, the economy and culture;
- a general understanding of Australian law in international and comparative perspective; and
- An engagement with the scholarship of law.
2 Excellent intellectual skills of analysis, synthesis, critical judgment, reflection and evaluation incorporate the ability to

- collect and sort facts;
- identify and analyse legal issues;
- interpret legal texts;
- apply the law to real legal problems;
- invoke theory and inter-disciplinary knowledge to develop new and creative solutions to legal problems;
- critique law and policy to develop new ideas about the law and law reform;
- Participate effectively in debates about the law.

3 The capacity to engage in scholarly and empirical research involves the ability to:

- develop and plan an effective research strategy
- collect, retrieve and collate relevant information
- analyse, evaluate and interpret information
- apply and report on empirical research

4 Effective oral and written communication skills both generally and in specific legal settings includes the ability to:

- Articulate and defend arguments about what the law is and/or should be in writing and orally.
- work with a diverse range of people and communities
- demonstrate effective listening skills and an ability to discern the legal issues presented

5 A commitment to personal and professional self-development, ethical practice and social responsibility incorporates:

- a willingness to engage in life-long learning, that is, retaining and extending existing legal and other skills and knowledge;
- the capacity to work both independently and as a productive member of a team;
- an understanding of the ethical framework in which law is practised;
- acceptance of personal and professional responsibility,
- a sense of social responsibility and justice;
- A commitment to values of equity, diversity and inclusiveness.