



**LAW SCHOOL**

**UNIVERSITY OF GLAMORGAN**

---

**COMMON PROFESSIONAL POST GRADUATE  
DIPLOMA IN LAW**

**LEGAL RESEARCH**

**LPU402**

**LECTURE MATERIALS  
RESEARCH DOCUMENT  
INSTRUCTIONS**

AND

**GUIDANCE**

Course Tutors,

S.House, V.Picton and C.Spurin

Materials by N.Ryder, C.Spurin, R.Owen and others

2006/2007 Full Time

2006/2008 Part Time

---

<b>CONTENTS</b>	<b>PAGE</b>
<b>Lecture Programme</b>	<b>2</b>
<b>Module Descriptor</b>	<b>3</b>
<b>Legal Research Module</b>	<b>4</b>
<b>Assessed Coursework</b>	<b>6</b>
<b>Assessment Guidelines / Interpretation</b>	<b>7</b>
<b>Legislative Resources at Glamorgan</b>	<b>10</b>
<b>Essay, report, dissertation and thesis writing</b>	<b>12</b>
<b>Induction Exercise</b>	<b>17</b>
<b>Law Library Exercise</b>	<b>26</b>
<b>Introduction to the study of law and legal techniques</b>	<b>30</b>
<b>Sources of Law</b>	<b>40</b>
<b>Case Law</b>	<b>42</b>
<b>Comparative Sources of Law</b>	<b>50</b>
<b>Law Reform in the UK</b>	<b>55</b>
<b>European Law</b>	<b>59</b>
<b>Referencing</b>	<b>66</b>
<b>Neutral citation</b>	<b>75</b>
<b>Glossary of Latin Terms</b>	<b>76</b>
<b>Some Tips on Writing Techniques</b>	<b>79</b>
<b>Opinion Writing</b>	<b>81</b>
<b>Research Tips</b>	<b>83</b>
<b>Preparing for Examinations</b>	<b>84</b>
<b>Examination Technique</b>	<b>88</b>

**ADDITIONAL READING MATERIAL**

Chapter 1 : Constitutional & Administrative Law. C.H.Spurin. NADR Press.  
<http://www.nadr.co.uk> in Publications : Public Law or Links : Constitutional Law

Chapter 4 : Constitutional & Administrative Law. C.H.Spurin. NADR Press.  
<http://www.nadr.co.uk> in Publications : Public Law or Links : Constitutional Law

Username : Glamorgan  
Password : Ideal1

## LEGAL RESEARCH PROGRAMME – CPE

2006/2007 Full Time

2006/2008 Part Time

### SESSIONS WITH CORBETT SPURIN

#### WEEK 1

Monday 2 <sup>nd</sup> October	10.00 – 12.00 am	Legal Research Full Time	GT219
Tuesday 3 <sup>rd</sup> October	7.00 – 8.00 pm	Legal Research Part Time	GT230
Thursday 7 <sup>th</sup> October	5.00 – 8.00 pm	Legal Research Part Time	GT230

#### Week 2

Monday 9 <sup>th</sup> October	10.00 – 11.00 am	Legal Research Full Time	GT219
Monday 9 <sup>th</sup> October	1.00 – 2.00 pm	Legal Research Full Time	GT226
Monday 9 <sup>th</sup> October	3.00 – 5.00 pm	Legal Research Full Time	GT226
Tuesday 10 <sup>th</sup> October	1.00 – 2.30 pm	Legal Research Full Time	GT226
Tuesday 10 <sup>th</sup> October	5.00 – 8.00 pm	Legal Research Part Time	GT230
Thursday 12 <sup>th</sup> October	5.00 – 8.00 pm	Legal Research Part Time	GT230
Friday 13 <sup>th</sup> October	12.00 – 2.00 pm	Legal Research Full Time	GT226

## MODULE DESCRIPTOR

<b>MODULE TITLE</b>	LEGAL RESEARCH		
<b>Module code</b>	LP4U02		
<b>Pre-requisites</b>	None	<b>Co-requisites</b>	None
<b>Awards for which module is a core requirement</b>	Common Postgraduate Diploma in Law		

### AIMS OF THE MODULE

Develop the ability to analyse a problem involving a question or questions of law, and, through research, provide a coherent solution.

### Synopsis of module content

- The emphasis will be on student-centred learning, enhancing existing skills, whilst developing legal research and writing skills. This will be undertaken by introducing students to various materials available in the Learning Resource Centre (LRC) in order to facilitate students' ability to identify and locate various sources of law.
- Provision for delivery will be multi-disciplinary, consisting of representatives from the academic field, information technology staff and members of the LRC. The module leader will assist student development by raising awareness of the sources of law, the use of legal materials and will demonstrate legal research methodology during workshops. Information technology sessions will be held to introduce or enhance computer skills, including use of the Internet and presentation of assignment(s). A member of staff from the Learning Resources Centre will hold workshops and provide brief activities to be carried out in the LRC, in order to assist students locate primary and secondary sources and obtain a level of proficiency when dealing with resources.
- Emphasis will be placed on understanding the application of law through effective legal research. This will be carried out by exposing the student to a large body of legal rules, which underpin the legal system in England and Wales. This will include an overview of the sources of law including the operation of judicial precedent; statutory interpretation; an understanding of the relationship between the judiciary, the executive and legislature which influences judicial decisions; and the relationship between domestic and European law.
- The focus will be on the students' ability to find the law, update their knowledge, plan their research and manage time effectively. This will be achieved through investigation of factual and legal issues during workshops, IT sessions and self-directed study in the LRC. The student will be encouraged to participate in all workshops/sessions to practice and experiment through a number of research exercises which will build upon research planning, implementation, presentation of research findings and draw upon areas of substantive law.

### Teaching methods

The emphasis will be on student-centred learning through workshops, Information Technology sessions and exercises based in the LRC.

### Learning outcomes

1. Demonstrate a comprehensive strategy in undertaking legal research
2. Use paper-based and electronic resources to undertake research into a variety of focused and unfocused legal and factual problems.

### Assessment requirements

There will be two elements of assessment. The first assessment will require the student to complete an induction exercise. This will consist of the completion of a worksheet on the English Legal System underpinning all the subjects the student will study throughout the course. The second assessment will require students to complete an essay of up to 5000 words, which will examine a specific area of law. This will necessitate an investigation of both case law and statute law in relation to a chosen topic.

## THE LEGAL RESEARCH MODULE

The aim of this module is to enhance your

- legal research,
- writing and
- presentation skills.

This will be carried out by introducing you to the various materials available in the law library, which will enable you to identify and locate the sources of law required to complete an assignment or prepare for a workshop.

The module will be divided and delivered between the module leader, **Corbett Spurin**, who will assist you with your development by raising awareness of the sources of law, how to use legal materials and will set/discuss your assignment(s) for this module.

**Viv Picton** will hold information technology classes to enhance your computer skills and presentation of your assignments.

**Sue House**, a member of staff from the **Learning Resources Centre** will hold workshops and short tasks to be carried out in the LRC.

The module has been designed to ensure you obtain a level of proficiency through library-based research skills during your studies. Many students, for whatever reason, become very largely dependent on the use of secondary source materials such as textbooks and do not realise the need to locate and explore primary sources in the form of cases, statutes and statutory instruments, and European legislation.

Through your workshops and assignment you will develop efficient library-based research skills. These will be invaluable to you, both now and in the future. As a trainee solicitor you will not be able to avoid legal research. You will not be able to refer constantly to your principal for answers as you may have referred in the past to your tutors. Your principal will be expecting you to find and update the law as necessary for the resolution of the problem at hand.

You will develop skills that will enable you to examine a legal argument and apply the legal rules, giving alternative solutions, whilst demonstrating comprehension and analysis. This will be carried out through your assignments and cross fertilise to other subject areas studied on the course.

No lawyer knows all the law, no matter how able; and no student on any law course should have such an objective. Rather, a lawyer will know where the relevant law is to be found and will be able to apply such knowledge in seeking out the particular rules applying to a given situation.

As with any profession there is jargon, short-hand language, the legal profession has its own language/terms and a legal dictionary should be sought (from the LRC) to break down any barriers that may appear. To avoid confusion jargon will be avoided until you become familiar with various legal terms, or explanations have been sought/explained.

The course will commence with an introduction to the English Legal System (ELS) which underpins all the subjects that you will study. You will have received materials to read before the course commences, to familiarise yourself with the ELS, which will allow you to participate during the introductory sessions. As with any learning exercise, the process is sequential, you build up a body of knowledge, which will lead to a topical discussion allowing you to demonstrate your cognitive skills.

**The key to success is participation.** In order to develop these **skills** you must attend workshops and carry out the practical exercises set by the LRC. At the end of this module you should be aware of the materials available, where to locate them, how to use them and the different research methods to locate such materials: **these skills will be the tools of your trade**

## Self-directed learning and the Postgraduate Diploma in Law

During your academic studies the environment, culture and social activities will form a platform for your learning and inevitably will strongly influence the processes involved.

However, it is important that students/learners are aware that learning remains with the individual. Despite all the theories about the 'learning society' and the 'learning organisation', logically (and psychologically) only individuals can learn.

Learning is generally taken to entail some kind of internalising of that which is 'learnt,' and this in turn can only be directly experienced by individuals.

Postgraduate education has always embraced the principle of individualised learning. It implies that teachers/lecturers must accept that adults can and do learn without their help. The role of adult educators, particularly at postgraduate level, is to facilitate self-directed, reflective and critical learning on the part of individual learners.

The Legal Research Module, as part of the Postgraduate Diploma in Law, reflects the concept of adulthood within Higher Education, which stresses individualism and autonomy. From this comes a focus on such concepts as self-determination, self-actualisation or self-transformation.

This is the primary purpose of the Legal Research Module, in terms of educational practice, and respects adult learning as essentially self-planned or self-directed. This means that all learning is individual.

Educationally, it also means that individual learners should have control and should be able to plan or direct their own learning.

Much more importantly however, is the fact that learning does not stop at the "exit doors" to the University. In legal practice, as much as, if not more than in other professions, learning is an on-going process, reinforced by compulsory continuing professional development.

Much of the law you learn in University will rapidly go out of date. New cases and new statutes are the norm.

You will only be exposed to a very small part of the law at University. The rest will have to be learnt on the job.

Many topics will be put into bite sizes chunks and isolated into categories, which is artificial. Legal practice will cut across these boundaries and require you to apply law across the board. You will have to be able to identify the relevant areas of law and consider the implications of law that one fell into distinct categories during your lessons. Thus

- Many contract issues also involve elements of the law of tort.
- Criminal sanctions and tortious liability may well apply to a single incident.

### OBJECTIVE AND TARGETED STUDY.

Study for a purpose – with a specific objective in mind – looking for answers to identified questions. Rote learning does little to nothing to aid analysis and application.

- Use indexes to identify relevant text and sources.
- Search for topics under a range of similar descriptors.
- Learn groups of facts / laws together – and develop memory recall techniques such a pneumonic tricks or associations.
- Write swot lists in advance prompted and guided by tutorial questions and past papers.

It is easy to read listlessly for hours on end without an aim and to fool yourself into thinking you have been working hard – but the benefits may be negligible.

UNIVERSITY OF GLAMORGAN  
LAW SCHOOL

**ASSESSED COURSEWORK**

SEMESTER: A / B  
ACADEMIC YEAR: 2006 - 2007  
MODULE TITLE: LEGAL RESEARCH LP4U02

- Full time students are required to submit 1 piece of written coursework, by 5.00 p.m. on **24th March 2007**, which contributes 100% towards your overall assessment in this module. Part Time Submission is the first Friday in October of the second Autumn Term.
- You are required to hand in **2 copies** of your work **as advised by the Scheme Leader**. You should attach to the front of *each* copy of your work a *completed* Anonymous Coursework Cover Form (remember that if you want proof of handing in your work to the tutor, the *blue* sheet of that form *must* be signed and dated by the tutor). NB Ensure that you use the Anonymous Coursework Cover Form.
- When your work has been anonymously graded by your tutor, one copy will be returned to you with your grade and the tutor's comments added; the second copy is for the External Examiner.
- You are reminded that late submissions will NOT be accepted for assessment without good cause supported by evidence, or unless you have been granted a *conditional* extension by your tutor. NB Any extension granted is only conditional: the final decision as to whether late coursework can be counted for assessment purposes is for the CPE/PgD. Award Board.

*Please take careful note of the following:*

1. **Word limit:** 4,500 words. An excessive or inadequate word-count may lead to loss of marks.
2. This coursework is to be completed **individually** . Whether the attached assignment is individual or group work, you must **NOT** engage in plagiarism in writing it. **Plagiarism** is deliberately or carelessly passing off another's work as your own and includes copying the words, ideas or research results of another *without acknowledging the other as the source*. It is plagiarism, therefore, to copy the work of another student, or of a member of staff, or a published article or book *without crediting the author*. Acknowledging (crediting) a source requires more than an entry in your bibliography at the end of your work - it requires proper annotation (use of a footnote or endnote) giving the author, title of the work (book or article), title of journal (if you're referring to a journal article), date and page number(s) at which the reader can find what you're referring to. If you quote someone verbatim, quotation marks are required. Plagiarism is a form of deception. **If you engage in it, or allow (an)other(s) to copy your work, your work will attract a mark of zero pending the decision of the CPE Award Board.**
3. Whether the attached assignment is individual or group work, you must **NOT** engage in plagiarism in writing it. **Plagiarism** is deliberately or carelessly passing off another's work as your own and includes copying the words, ideas or research results of another *without acknowledging the other as the source*. It is plagiarism, therefore, to copy the work of another student, or of a member of staff, or a published article or book *without crediting the author*. Acknowledging (crediting) a source requires more than an entry in your bibliography at the end of your work - it requires proper annotation (use of a footnote or endnote) giving the author, title of the work (book or article), title of journal (if you're referring to a journal article), date and page number(s) at which the reader can find what you're referring to. If you quote someone verbatim, quotation marks are required. Plagiarism is a form of deception. **If you engage in it, or allow (an)other(s) to copy your work, your work will attract a mark of zero pending the decision of the CPE Award Board.**

Please bear in mind the following criteria by which your work will be assessed. This is NOT a marking scheme: the numbers (from 0 to 5 where 0=not important at all and 5=very important) simply indicate the degree of importance attached to each criterion:

Assessment criterion	Weight
<b>STRUCTURE</b> Discussion relevant to topic Depth of coverage relevant to topic	5
<b>ARGUMENT</b> Accuracy of presentation of law Accuracy of presentation of evidence Application of law to facts Development of argument Relationship of conclusions to argument	5
<b>ORIGINALITY</b> Originality and creativity of thought	5
<b>STYLE</b> Fluency of writing & ability to write	5
<b>PRESENTATION</b> Legibility & adherence to prescribed word limit	4
<b>MECHANICS</b> Grammar Spelling	4
<b>SOURCES</b> Range of sources used Acknowledgement of sources Usage of foot/endnotes Citation of references Bibliography of sources	5

### LEGAL RESEARCH COURSEWORK TITLE 2006/07

**“Write an essay / dissertation / report, examining the codification of a particular area of law. This will involve the investigation of both case law and statute law resulting in the amalgamation of the legal rules into one piece of legislation.”**

Eg **“THE HUMAN RIGHTS ACT 1998”**

#### **Interpretation of Module Assessment Requirements**

The assessment for CPE Legal Research involves *“writing 4,500 words examining the codification of a particular area of law. This will involve the investigation of both case law and statute law resulting in the amalgamation of the legal rules into one piece of legislation”*.

Thus, candidates will examine a piece of legislation, or one or more sections of a piece of legislation, discussing

- 1 what the legislation actually achieves on its face and
- 2 in the light of subsequent statutory interpretation of the provisions and
- 3 consider why the legislation was introduced, discussing where relevant any previous case law, whether replicated or altered by the legislation and the mischief, if any, that the legislation sought to address.



In summary the research will involve pre-legislative common law case research, statutory research including Hansard and Legislative Committees and Law Commission Reports and White Papers etc followed by consideration of subsequent cases and academic critiques.

Students must research an area not covered in depth by their course of studies. I interpret this to mean that the statutory provision to be examined should not be one that will be studied in that degree of depth during the CPE course. Any statutory provision not formally taught in depth could therefore be researched.

Since the degree of codification in English Law is limited, I interpret codification to mean any rule given force of law by statute, whether or not covered in the same manner by the common law prior to enactment. I further consider that a provision resulting in the repeal of a prior statutory provision would be equally acceptable and fulfil the proclaimed objectives of the assessment.

Members of staff will provide suggested pieces of legislation, or selected sections of legislation as titles for CPE students to choose from. I will put up a list of all staff members suggestions, with the name of the proposing lecturer. Students are invited, on a first come first served basis, to sign up to a particular topic, supervised by the proposing lecturer.

**Guidance :** Candidates should examine a piece of legislation, or one or more sections of a piece of legislation, discussing

- 1 what the legislation actually achieves on its face and
- 2 in the light of subsequent statutory interpretation of the provisions and
- 3 consider why the legislation was introduced, discussing where relevant any previous case law, whether replicated or altered by the legislation and the mischief, if any, that the legislation sought to address.

Candidates must research an area not covered in depth by their course of studies. The statutory provision to be examined should not be one that will be studied in that degree of depth during the CPE course. Any statutory provision not formally taught in depth could therefore be researched.

Since the degree of codification in English Law is limited, any rule given force of law by statute, whether or not covered in the same manner by the common law prior to enactment. A provision resulting in the repeal of a prior statutory provision would be equally acceptable and fulfil the proclaimed objectives of the assessment.

A list of pieces of legislation, or selected sections of legislation as titles and the name of the member of staff who will supervise the work will be made available so students can sign up on a first come first served basis.

Each candidate will conduct an individual piece of research.

**Assessment guidelines.** In general a successful dissertation should demonstrate the following features.

- a) The dissertation shows a mastery of a topic area requiring the integration of legal and practice requirements.
- b) Relevant literature has been identified, the issues analysed, discussed and referenced.
- c) The topic discussed is of the appropriate order of complexity for diploma level study.
- d) The topic is analysed in sufficient detail and takes account of alternate views.
- e) Conclusions are reached and defended with evidence.
- f) Where a particular approach is adopted, that the selection of that avenue of discussion has been described and justified.
- g) The dissertation is coherent and clearly presented.
- h) The completed work is compared and contrasted with previous work in the field.

Thus, for the purposes of assessment, regard will be had to the student's approach to the project, the quality of the argument and analysis, the breadth of research and the quality of legal content, literacy, organisation and conclusions.

## AIMS

- i) To enable students to undertake a major piece of investigative research over an extended period of time.
- ii) To demonstrate an ability to gather, analyse and report the products of their research in an academically rigorous manner.

### LEARNING OUTCOMES

The students should be able to:-

- i) Demonstrate their understanding of researched academic writing by producing an extended report based independent investigation.
- ii) Demonstrate the discipline of rigorous academic writing.
- iii) Further develop skills of critical analysis of published data.
- iv) Develop skills of time management and independent working.

### RESEARCH DOCUMENT CONTENT

The content of a research document is, of course, unique as far as content is concerned. However, all research documents must conform to the following criteria.

- i) The use of the Harvard method of citation and bibliography.
- ii) An opening strategy which may be a clear set of aims and objectives, a hypothesis to test or a question to answer.
- iii) The research methodology to be used, together with a justification and criticism of the methodology.
- iv) A critical review of relevant published literature and other data.
- v) The investigation itself may utilise primary and secondary data.
- vi) A conclusion/discussion, including a reappraisal of the opening strategy.

The work is to have a target length of 4,500 words. A tolerance of 10% i.e. 450 words either side is acceptable. Significant departure from this range will incur a 10% penalty.

The information below is provided to assist and guide students in the preparation of the assessed coursework and more generally, in preparation and presentation of course works and examinations for the CPE.

## LEGISLATIVE RESOURCES AT GLAMORGAN<sup>1</sup>

The following information on statutory legal resources are held in Treforest.

**House of Commons Hansard** Treforest Library holdings:

1959/60 -1971/72 Microfilm Level 2

1972/73 -1991/92 Bound Volumes shelved at the back of Level 2

- 1992/93 networked CD-ROM
- 1993/94 networked CD-ROM
- 1994/95 networked CD-ROM
- 1995/96 networked CD-ROM
- 1996/97 networked CD-ROM
- 1997/98 networked CD-ROM
- 1998/99 networked CD-ROM
- 1999/00 networked CD-ROM
- 2000/01 networked CD-ROM

**2000/01 Weekly Hansard** shelved at back of Level 2 Ask to access the CDs at the Treforest Help Desk or ring in advance to book a slot Tel: 01443 482625 Glyntaff Library holdings:

- 1992/93 networked CD-ROM
- 1993/94 networked CD-ROM
- 1994/95 networked CD-ROM
- 1995/96 networked CD-ROM
- 1996/97 networked CD-ROM
- 1997/98 networked CD-ROM
- 1998/99 networked CD-ROM
- 1999/00 networked CD-ROM
- 2000/01 networked CD-ROM

Ask to access the CDs at the Glyntaff Help Desk or ring in advance to book a slot Tel: 01443 483117

**Hansard on the Web** : Go to the LRC homepage, FINDit gateway, Databases and Datasets, choose Law and click on Subject, there are links to the Hansard: House of Commons Daily Debates and Hansard: House of Lords Debates web versions.

**House of Commons Hansard on the Web** 1988/89 - Click on the link House of Commons publications on the Internet to get to: House of Commons Standing Committee Debates on Bills on the Web 1997/98-

**House of Commons Other Standing Committee Debates on the Web** 1997/98 –

**House of Commons Parliamentary Papers** Treforest Library holdings:

1959/60 - 1976/77 on microfilm at back of Level 2

1978/79 - 1984/85 on microfiche at back of Level 2

**House of Lords Hansard** Treforest Library holdings:

1951/52 - 1987/88 shelved at back of Level 2 Please note at present there is a gap in our holdings between 88/89 - 94/95

**House of Lords Hansard on the Web** 1995/96 –

### Concise indicative reading list

French, D. (Current Edition) *How to Cite Legal Authorities*, London: Blackstone Press

Kenny, P. (Current Edition) *Studying Law*, London: Butterworths.

McKie, S. (Current Edition) *Legal Research: How to find and understand the Law*. Cavendish Publishing Ltd

Stott, D. (Current Edition) *Legal Research*, London: Cavendish Publishing Ltd.

---

<sup>1</sup> Provided by Ann Cross, Chief Law Librarian, University of Glamorgan.  
© CHSpurin 2006 – unless otherwise indicated within text.

### Web Sites for Legal Research

#### Acts of Parliament

<http://www.hmso.gov.uk/acts.htm>

This site provides the full text of Public Acts from the start of 1996 and Local Acts from 1997.

#### Statutory Instruments

<http://www.hmso.gov.uk/stat.htm>

This site provides the full text of Statutory Instruments from the start of 1997.

#### European Union Legislation

<http://europa.eu.int/eur-lex/en/index.html>

This site provides the full text of Union legislative provisions.

#### House of Lords judgements

<http://www.parliament.uk>

This site provides the full text of judgements starting 14<sup>th</sup> November 1996. You need to select House of Lords then Judicial work and Judgements and then judgements.

#### European Court of Justice decisions

<http://europa.eu.int/cj/en/index.htm>

This site offers recent case law, at the moment it is providing the full text of judgements back to June 1997.

#### European Court of Human Right decisions

<http://www.dhcour.coe.fr/>

The full text of judgements is provided. When the first page comes up you need to scroll down the page to uncover the available options.

#### The Times

<http://www.the-times.co.uk>

An electronic version of the newspaper which will give you access to the most recent times law reports.

#### Smith Bernal Casebase

[http://www.smithbernal.com/casebase\\_frame.htm](http://www.smithbernal.com/casebase_frame.htm)

This site will offer material for sale such as the Court of Appeal decisions (not always the full text version). The material (CA) is from 1996 to the end of 1998.

#### CASE BASES

<http://www.bailii.org>

[http://www.cchnewLaw.co.uk](http://www.cchnewlaw.co.uk)

<http://www.justice.com>

<http://www.lawreports.co.uk>

<http://www.swarb.co.uk>

<http://www.thetimes.co.uk>

#### LINKS TO INSTITUTIONS

##### Parliament

<http://www.parliament.uk/>

##### The Courts

<http://www.courtservice.gov.uk/>

##### Lord Chancellor's Dept.

<http://www.open.gov.uk/lcd.lcdhome.htm>

##### Land Registry

<http://www.landreg.gov.uk/>

##### Law Society

<http://www.lawsociety.org.uk>

##### Bar Council

<http://www.barcouncil.org.uk>

##### HMSO

<http://www.hmso.gov.uk>

#### LEGAL PORTALS

<http://www.findlaw.com>

<http://www.lawersonline.co.uk>

<http://www.accesstolaw.org>

<http://www.austlii.edu.au>

<http://www.connectinglegal.com>

<http://www.elixica.com>

<http://www.hg.org>

<http://www.infolaw.co.uk>

<http://www.interactivelawyer.com>

<http://www.lawonline.cc>

<http://www.lawzone.co.uk>

<http://www.venables.co.uk>

## LEGAL RESEARCH REPORT WRITING

### 1. GENERAL

- 1.1 **Full Time CPE students:** submit the research document at the end of the Spring Term. **Part Time students completing the diploma over two years** submit the dissertation in October at the start of the Second Year of study.
- 1.2 The research document is a Level D module.
- 1.3 The research document should be approximately **4,000 – 5,000 words** long (excluding annotation, bibliography and appendices). An excessive or inadequate word-count may lead to loss of marks on final assessment.
- 1.4 The final date for submission of the research document is **the penultimate Friday of the Spring terms for full time students and the first Friday of the first week of the Autumn term for part time students**. (exact dates are specified annually on the research descriptor). Extensions for “good cause” (supported by evidence) may be granted in the first instance by the Legal Research Co-ordinator (currently Corbett Spurin) in exceptional circumstances, although it should be noted that the final decision as to whether a mark is accepted and recorded is for the CPE Award Board to make

---

### 2. AIMS, LEARNING OUTCOMES AND SUBJECT-MATTER OF A RESEARCH DOCUMENT

- 2.1 The **aims** sought to be achieved by requiring you to research for, and write, a dissertation are:
  - to give you the opportunity to choose to study an area of law of particular interest to you;
  - to develop further the research, analytical, evaluative and critical skills.;
  - to give you the opportunity to study primary and secondary source materials in depth;
  - to encourage your intellectual curiosity and academic rigour;
  - to encourage you to develop time-management skills;
  - to develop your written skills.
- 2.2 **Learning outcomes:** researching for and writing a research report should be a stimulating experience and enhance skills that will be of value in a future career. More specifically, by the time you have submitted a completed report, you should have demonstrated that you can:
  - manage your time;
  - structure and sustain an analysis and evaluation of legal source materials;
  - communicate defensible conclusions arrived at as a result of research;
  - write clearly and concisely.
- 2.3 The **subject-matter** of a report should be original. This means that:
  - there is little or no published material on the subject and you wish to undertake an original analysis of primary legal materials (although you should note that undertaking a report in such circumstances may prove very difficult).

The report must not simply be a regurgitation of someone else’s work, whether that of a published author, or of a member of staff or of another student (which in any event would amount to plagiarism). The emphasis is on producing a professional / *scholarly* piece of work which means that the research for it will largely be library-based (**see section 3.2 below**). Your report should display an understanding of the subject-matter coupled with sound analytical and critical appraisal.

---

### 3. SELECTING AND CONFIRMING A RESEARCH TOPIC

3.1 The first step is to **choose a topic you are interested from the list**. If you think that you can write it in a matter of days, think again! In order to be successful it is essential that you choose a topic in which you are really are interested in. Being interested in your research subject is half the battle and sustains you in those moments when you would really rather be doing something else.

3.2 Next, **carry out a preliminary literature search**. This will involve you using journal indexes in the library (in paper copy and on CD-ROM) - e.g.:

- the *Legal Journals Index*: an index, started in 1986, of every article published in every British law journal in any given year - the index carries a complete list of journals and their correct citation;
- the *Index of Legal Periodicals*: the North American equivalent of the *LJI* but older;
- indexes for particular journals: these are usually carried at the back of the volume for any given year;
- indexes for other, relevant subject areas: e.g. the *Humanities Journals Index*.
- law reports, statutes and, perhaps, statutory instruments. Careful use of *Lexis* (the legal database) and of the Internet is invaluable for this. One Internet site is a particularly good source for primary legal materials: the *UK Parliament Home Page*: this gives you online access to Bills, Acts, Statutory Instruments, Hansard (debates, questions, etc.) and more, since 1996. The address is: <http://www.parliament.the-stationery-office.co.uk>

Another good Internet site for official government documents (e.g. Consultation Papers, White Papers, government-sponsored research papers and so on) is: the [CCTA Government Information Service](#): this gives you online access to all government departments' sites and, once there, you have access to their publications. The address is: <http://www.open.gov.uk> For more sites, see the Dissertations Co-ordinator for a copy of the Law School's *Useful Law-Related Internet Sites*.

There are three books of great help in research (look for the latest editions): P. Clinch, *Using a Law Library*; P. Thomas, *How to Use a Law Library*; G. Holborn, *Butterworth's Legal Research Guide*. The library staff can help, but please be sensitive to the fact that they are extremely busy.

3.3 Discuss with the staff member the feasibility of your programc.

3.4 **Prepare a 300-500 word outline of your research proposal**. This should contain:

- the title
- a brief statement of aims: you should briefly state what you are seeking to achieve;
- a brief description of how you propose to research the topic: whether you will be relying principally on primary materials and so on;
- a brief breakdown, into chapters (or sections), of the intended structure of your report;
- a bibliography of the materials unearthed in your literature search.

3.5 You should by now be in a position to undertake some further research after meeting with your Supervisor to discuss this further.

---

#### 4. SUPERVISION

- 4.1 **Approach your Supervisor for an early meeting.** At that meeting, you should agree with your Supervisor a timetable of meetings for the semester and a provisional timetable for the submission of draft chapters.
- 4.2 Meetings with your Supervisor should be held at regular intervals. Your Supervisor will keep written records of your meetings. Please note that it is your responsibility to adhere to the agreed schedule of work: your Supervisor is not responsible for your failure to meet regularly with her/him. You should not, therefore, simply assume, if your Supervisor is not chasing you, that s/he is satisfied with your progress.
- 4.3 The **Supervisor's role** is:
- to provide guidance throughout the preparation of the report;
  - to provide advice on your methodology;
  - to respond to your enquiries about possible avenues of research;
  - to provide written feedback on draft chapters within a reasonable period of time after your submission of drafts.

It needs to be stressed that the final product is **your work, for which you are responsible** - it is **not** the Supervisor's job to produce a first class report for you. Although your Supervisor will probably make suggestions in the early stages about style, grammar and so forth, it is not the Supervisor's job to proof-read every draft until stylistic and grammatical perfection is achieved.

- 4.4 You are strongly advised to **submit draft chapters/sections to your Supervisor at regular intervals**. It is all too easy to postpone writing until you have looked at yet another case or article. Such postponement produces unnecessary stress in the weeks before final submission and can interfere with your studies. Moreover, it can result in your submitting a dissertation with which you are dissatisfied, but which the imminence of the final submission deadline forces you to submit. Regular and prompt submission of drafts gives you the opportunity to respond to your Supervisor's comments by redrafting, and so improving upon, your work. Your Supervisor would rather receive a rough draft than nothing at all.

---

#### 5. WRITING THE RESEARCH DOCUMENT

- 5.1 The following advice should be borne in mind when writing your report. Please do not be alarmed by it: the intention is simply to alert you to the pitfalls of writing up and to emphasise good practice.
- 5.2 **Ensure that you have a plan of your planned work as a whole before you embark on writing.** Do not lose sight of your overall objective: each chapter/section should contribute to its achievement. A common mistake is to assume that a research report *must* have as its first chapter/section a complete history of the entire area within which the chosen topic falls. For a start, a historical chapter *as such* may not be appropriate to your research at all (though it often will be). It may be that the history of particular aspects of your topic needs to be dealt with in the chapters/sections in which you are focussing on those aspects, rather than in a single historical chapter at the beginning. Identify and deal only with relevant aspects of history. A topic will have a legal history, perhaps a social history, a political history etc. Even then, one historian's account will not necessarily be the same as another's. Useful rules-of-thumb to follow when writing a chapter/section:

Ask yourself

- **why** you are writing it: what does it contribute to your objective?
- whether it is **necessary**: does it clarify issues which need clarification before the next chapter can be written (and understood by the reader)? Does it, perhaps, adequately explain/evaluate a theory which you intend to apply later in the report?

- whether it is **clear**. Is it comprehensible to a person not familiar with the area?
  - **Relevance** is the key issue here: it is all too tempting to bring in everything you have read, especially if it is interesting, but if you are including something for no reason other than that it is interesting, you should probably ditch it.
- 5.3 You will need an **introductory chapter/section** and a **concluding chapter/section**. Your introductory chapter should explain your objective(s), how you propose to achieve them in the research work and, briefly, what each chapter/section is about. You may well need to redraft this chapter/section when you have completed the research document to ensure that what you are there saying the research work **seeks** to do is what it **actually** does. Your concluding chapter should draw together your conclusions, reached on the basis of the previous chapters: the concluding chapter is not the place to introduce new evidence or new arguments, disguised as conclusions, about which there is no discussion nor even a mention in the previous chapters/sections.
- 5.4 You should be aiming to produce an **honest, clear, concise, well-structured and intelligent piece of work**. To achieve this, you should:
- **Make use of headings and sub-headings** within chapters/sections: these function as signposts to the reader.
  - **Make use of appendices** for material to which the reader needs to refer but which would unnecessarily clutter the text if included there (e.g. copy of questionnaire; lengthy legal provisions).
  - **Make use of annotation**: the proper function of annotation (whether in the form of **footnotes** or **endnotes** at the end of each chapter or at the end of the dissertation as a whole) is -
    - ◆ to provide comments on the text for explanatory purposes;
    - ◆ to refer the reader to further sources on a point made in the text;
    - ◆ to qualify a point made in the text;
    - ◆ finally - and only if you use the traditional referencing system (on which, see the next bullet point) - to provide a reference to your source for a particular statement.
 Look at the notes accompanying any published journal article to see what use is made of them.
  - **Always credit your sources**: to summarise arguments from sources, or to lift statements directly from them, **without crediting the source** is plagiarism. Direct quotations require quotation marks. The system adopted for providing references to your sources can be either the **traditional** or the **modern** system - it is up to you which you adopt, but make sure you do not use both! (See further on this the handout, *Legal Writing: Coursework*, which contains information on acknowledging sources and plagiarism). A very useful guide is D. French, *How to Cite Legal Authorities*.
  - **Provide a bibliography of source materials** at the end of the work (brief notes on how to compile the bibliography are included in the handout referred to in the preceding bullet point).

---

## 6. SUBMITTING THE RESEARCH DOCUMENT

- 6.1 You are responsible for the final typing and binding of the research document. You must **submit two copies to Suzanne at the Reception Desk in the entrance lobby to the Law School on or before the date of submission** (or, in the event of an extension, on the date provisionally agreed by the Research Co-ordinator: **see section 1.4 above**). Indicate clearly who your supervisor is on the front cover. You will receive a signed and dated receipt. Please note that **last-minute hitches - e.g. computer/printer/disk failure - are not sufficient reason for your gaining a last-minute extension**: you should organise the production of the dissertation well in advance so as to allow for disaster time. This may seem harsh, but time-management is important. **Fairness** to other students is also extremely important: if you are granted an extension because the printer fails on the morning of the day of submission, another student, sufficiently well-organised to submit on time, might feel that s/he is in effect being penalised (s/he could have improved the dissertation with another day's work on it).



- 6.2 The research document must be typed. Typing should be **one and a half** or **double-spaced on one side of the paper only, with a margin on the left-hand side** sufficiently wide to accommodate Examiners' comments. Pages should be sequentially numbered at the top or bottom. You should include a **contents list** at the beginning with page numbers clearly indicated. The **front cover** should include:
- the title of the dissertation;
  - your name and enrolment number;
- 6.3 **Always proof read the research document before having it bound:** you are responsible for correcting any errors that may have occurred in the typing.
- 6.4 Binding need not be elaborate. What is essential is that each copy of the research document is adequately held together under durable front and back covers so as to prevent its falling apart after a few readings. The University's Reprographics Unit (B Block) provides a binding service, for a fee. Ring binding is acceptable.

---

## 7. ASSESSMENT

- 7.1 Your research document will be assessed by two Internal Examiners: one of these will be your Supervisor, the second will be a member of staff nominated by the Dissertations Co-ordinator. Your research document may also be assessed by the External Examiner.
- 7.2 Each Examiner (Internal and External) is asked to write a report on your research commenting on the following:
- Content
  - Difficulty of topic
  - Originality
  - Structure and organisation
  - Strengths
  - Weaknesses
  - Style
  - Presentation
  - Response to Supervision

You should bear these assessment criteria in mind when preparing and writing your research document.

**Corbett Spurin : CPE Legal Research Course Leader and Research Co-ordinator : August, 2006**