Legal Methodology
Module Syllabus

Learner experience
The study of law involves a broad range of skills, some of which are specific to law and others which apply general critical techniques to legal materials and issues. This module is tailored to suit law students as well as those new to legal studies. The module seeks to provide students who are new to law with an introduction to specific skills in the key disciplines that are required to study law successfully. It also aims to hone previously acquired legal skills and abilities of those familiar with legal studies in order to ensure that all students are equipped for the study of law at an advanced level.

Module description and aims
The module consists of a series of structured exercises designed to develop a range of appropriate legal skills and to introduce knowledge and intellectual perspective and ideas over European, international and English law areas. The module aims to acquaint students with aspects of the research process ranging from legal research and legal method skills to critical thinking approaches to the study of law. Students will work individually and in online discussions on a range of research, information retrieval, and intellectual techniques central to legal study. Beginning with the development of legal reasoning and argumentative skills, the module moves on to examine the interpretation and analysis of legal documents and law reports and the methods for developing legal doctrine. The final part of the module introduces students to the fundamentals of good writing abilities in legal studies. These skills will be combined in the preparation of a legal report on a specified area of law in the final exercise.

Aims
The specific aims of this module are to ensure that students can:
- Read and understand primary and secondary legal sources;
- Understand the doctrine of precedent;
- Locate and collect relevant materials for legal research;
- Adopt a critical approach in constructing an argument in response to a legal problem question.

Learning outcomes
By the end of the module the student will be able to:
• Critically analyse and interpret key points in primary and secondary legal texts;
• Interpret the main elements in a legislative provision;
• Critically analyse judicial reasoning and the application of rules in legal decisions and understand the significance of precedent in case law;
• Conduct effective research to gather and process information about the law applicable in a given situation;
• Synthesise information from different sources to construct an effective argument in relation to a legal problem;
• Utilize competent writing and communication skills and sustain coherent arguments in expressing a central idea;
• Awareness of academic integrity and plagiarism in legal research and writing;
• Prepare a logical argument using appropriate referencing, citations, and quotations in the appropriate manner.

Learning strategies Self-

study

The self-study part of the course includes:

• Written Weekly Notes covering the topics within the weekly themes in the module;
• Required and supplemental reading relating to the topics within the weekly theme;
• References to and extracts from relevant statutory and case law;
• Hyperlinks to Web-based materials about the topics within each weekly theme.

Weekly Notes

Each week’s theme is made up of several topics. These are introduced and explained in turn in the Weekly Notes for the week.

Module readings

Students are provided with weekly reading assignments, which can be found in the weekly Learning Resources area.

Required primary sources and journal articles are listed below in the Syllabus by Week and numbered by the week when you need to study them. They can be accessed in the University of Liverpool Library and/or as PDFs in the classroom.
Students are encouraged to make use of related academic and professional journals to supplement the module materials and to assist in the preparation of assignments. Many of these serials can be accessed through the University of Liverpool electronic library resources http://libguides.liv.ac.uk/onlineprogrammes.

Online interactions

You will have regular online interaction with other students and the Instructor in order to help consolidate your understanding of theoretical concepts and to develop your skills through discussion and assignments. The content of these online contact sessions will relate to the materials covered for each week and will include Discussion Questions set by the module Instructor and Hand-in Assignments, both of which will be assessed.

Text and software

The required text for the Legal Methodology module is provided in the weekly Learning Resources area as module content.

The core text is:


Media

Media segments are located within the weekly Learning Resources area. The media may be viewable through the media player and/or available on the Internet.

Software

No special software is needed for this module.

Overview of module work

Students are required in Weeks 1-10 to submit:

- Individual Discussion Question answers (DQ);
- 2–4 meaningful Discussion Question Follow-on postings (DQF) in response to fellow student submissions;
- Hand-in Assignments (HA) in Weeks 2, 4, 5, 6 and 7;
- A Project Proposal in Week 8, a Project Outline in Week 9, and a completed Final Project in Week 10.
Discussion Questions

You must submit your initial response to the Discussion Question by the end of Day 3 (Saturday). A typical answer should have about 500 words, but it is the quality of the answer that matters, not the number of words. Answers will be submitted to the Turnitin link and also posted in the module Discussion Board.

Following the 3 out of 7 days rule, you are required to participate with follow-on postings to your peers' answers, making 2-4 significant Discussion Question Follow-on (DQF) postings in addition to your initial response for each Discussion Question by the end of Day 7 (Wednesday). Your postings to the Discussion Board must occur on at least 3 individual days during the week: 1 day for the initial posting, and a minimum of 2 days for the follow-on postings. Follow-on postings should be significant contributions to the discussion. You may wish to respond to your colleagues' postings in one or more of the following ways:

- Ask a probing question.
- Share an insight from having read your colleague’s posting.
- Offer and support an opinion or suggestion.
- Validate an idea with your own experience.
- Expand on the ideas in your colleague’s posting.

Hand-in Assignments

You must submit your answer to the Hand-in Assignment (HA) for 5 of the 10 weeks by the end of Day 7 (Wednesday). A typical answer should have between 500 and 1,000 words, but it is once again the quality of the answer that matters, not the number of words. Answers will be submitted to the Assignment Turnitin link but are not to be posted in the module Discussion Board.

For both the DQ and the HA, satisfactory answers will demonstrate clear understanding of the topics and issues related to the assignment. Good answers will be able to explain the reasons in more depth. Excellent answers will be able to raise appropriate critical questions. Weak answers will demonstrate only a partial grasp of what is important in the context of the assignment. Instructors will provide feedback about these assignments in their weekly feedback to students.

Final Project

End of module assessment:
1,500- to 2,000-word assignment (35 per cent of total module grade)

The purpose of the Final Project is to apply the concepts and techniques of
the module to the analysis of real-world situations or problems. Students will analyse relevant primary and secondary sources and develop a detailed argument in response to legal issues relating to a challenging area of law of their choice, based on five possible research questions.

You will submit an Individual Project (IP) in Weeks 8 and 9. The IPs are components of the Final Project intended to help you plan your work and give you the benefit of your Instructor’s feedback before your Final Project is due in Week 10.

In Week 8, your Individual Project is a Project Proposal, explaining the scope of your report and a description of the materials you intend to use as the basis for your research. In Week 9, you will submit a Project Outline, a concise draft version of your project. In Week 10, you will address the comments from your Instructor and submit your Final Project. More details on each stage of the Final Project may be found in the weekly areas.

Assessment

The table below outlines the mandatory contribution in each category and the weight that applies to each component.

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Syllabus by week

Week 1: Participating in the global classroom

Topics

- Trends and their global impact;
- Participating in and contributing to an academic community through online Discussion.

Required Resources

**Documents**

- University of Liverpool, ‘Registering for the University of Liverpool’s Online Library’ accessed 1 March 2013
- University of Liverpool, ‘Master’s Study Cycle’ accessed 1 March 2013
- University of Liverpool, ‘Sample Online Discussion Interaction’ accessed 1 March 2013

**Web site**

- University of Liverpool, ‘Our Online Postgraduate Programmes’ <http://www.liv.ac.uk/study/online/> accessed 1 March 2013

Workload

**Self-study for Week 1:**

- Read the textbook pages, journal articles, and/or other Learning Resources.
- Read, sign, and submit the ‘Academic Honesty Declaration’ (located under the Module Information button at the Academic Honesty Declaration link).

**Discussion Question:**

- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
• Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).
Week 2: Outlining arguments for scholarly discourse

Topics

- Principles of academic integrity;
- Turnitin and academic originality and writing skills;
- Outlining a logical argument;
- Reference lists for articles using a citation style.

Required Resources

Readings

- University of Liverpool, ‘Turnitin - Interpretation of the Originality Report’ accessed 1 March 2013

- University of Liverpool, ‘About the Turnitin Draft Link’ accessed 1 March 2013

- University of Liverpool, ‘Referencing’
  <http://www.liv.ac.uk/library/ohecampus/referencing/referencing.htm> accessed 1 March 2013

- University of Liverpool, ‘Plagiarism - Using the Work of Others as Your Own Writing’
  <http://www.liv.ac.uk/library/ohecampus/study/plagiarism.htm> accessed 1 March 2013

- University of Liverpool, ‘Plagiarism, Collusion, and Fabrication of Data’
  <http://www.liv.ac.uk/students/student-administration-centre/policies-procedures/plagiarism-collusion.htm> accessed 1 March 2013

- University of Liverpool, ‘Plagiarism, Collusion, and the Fabrication of Data: Guidelines for Staff and Students’

- Purdue University, ‘Safe Practices’
  <http://owl.english.purdue.edu/owl/resource/589/03/> accessed 1 March 2013

- Purdue University, ‘Types of Outlines and Samples’
  <http://owl.english.purdue.edu/owl/resource/544/03/> accessed 1
March 2013

- Purdue University, ‘Developing Strong Thesis Statements’
  <http://owl.english.purdue.edu/owl/resource/588/01> accessed 1 March 2013

- University of Liverpool, ‘Guide to Legal Citation’

Media

- University of Liverpool, ‘Student Readiness Course: How to Submit Through Turnitin’ accessed 1 March 2013

Workload

Self-study for Week 2:
- Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:
- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
- Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).

Hand-in Assignments:
- Submit your Hand-in Assignment to the Turnitin link by Day 7 (Wednesday).
Week 3: Introduction to legal methodology

Topics

- Developing skills for legal research and reasoning;
- Critical thinking in law;
- The nature of legal rules and problems;
- The construction and development of legal arguments;
- Identifying and locating legal resources;
- Developing legal writing skills;
- Techniques for answering essay and problem questions.

Required Resources

Weekly Notes

Textbook

- S Hanson, Legal Method, Skills and Reasoning (3rd edn, Cavendish Publishing 2010)
  - Chapter 1, 'First Things First' (pp.6-12, 36-38)
  - Chapter 1, 'First Things First' (pp.10, 31-36)
  - Chapter 2, 'Signposts and Landmarks—Using the Library' (pp.52-66)
  - Chapter 7, 'The Anatomy of Argument' (pp.235-240)
  - Chapter 7, 'The Anatomy of Argument' (pp.232-235)
  - Chapter 8, 'Legal Reasoning' (pp.249-261)
  - Chapter 9, 'Writing the Law' (pp.292-303)
  - Chapter 9, 'Writing the Law' (pp. 303-325)

Cases

- Regal (Hastings) Ltd v Gulliver [1942] 1 All ER 378, HL
- Donoghue v Stevenson [1932] UKHL 100

Web sites

- University of Liverpool, ‘University Library’
  <http://www.liv.ac.uk/library/> accessed 4 March 201
Purdue University, ‘Quoting, Paraphrasing, and Summarizing’
<http://owl.english.purdue.edu/owl/resource/563/01/> accessed 4 March 2013

Purdue University, ‘Paraphrase: Write It in Your Own Words’
<http://owl.english.purdue.edu/owl/resource/563/02/> accessed 4 March 2013

Media

Laureate Education, ‘Welcome to the University of Liverpool Online Library’ (Online video, 2013)

Laureate Education, ‘Quick Start Guide: Searching for Books and Articles in the University of Liverpool Online Library’ (Online video, 2013)

Article


Workload

Self-study for Week 3:

- Read the Weekly Notes for each topic.
- Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:

- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
- Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).
Week 4: Legal reasoning and legal theory

Topics

- The nature of legal theory;
- The contexts of law;
- Natural law, legal positivism, and legal realism;
- Critical legal theory.

Required Resources

Weekly Notes

Textbook

- S Hanson, *Legal Method, Skills and Reasoning* (3rd edn, Cavendish Publishing 2010)
  - Chapter 3, ‘The Context of the Law: Sketches of the Stories of the Law’ (pp.82-83)

Articles


Workload

Self-study for Week 4:

- Read the Weekly Notes for each topic.
- Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:

- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
• Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).

**Hand-in Assignments:**
• Submit your Hand-in Assignment to the Turnitin link by Day 7 (Wednesday).
Week 5: International law and English law

Topics

• Sources of English law
• Nature of international law;
• Sources of international law;
• Reading and understanding treaty provisions;
• Effectiveness of international law;
• The scope of international law in English law.

Required Resources

Weekly Notes

Textbook

• S Hanson, *Legal Method, Skills and Reasoning* (3rd edn, Cavendish Publishing 2010)
  o Chapter 4, ‘Reading and Understanding Legislation’ (pp.112-117)

Articles


• O Yasuaki, ‘International Law in and With International Politics: The Functions of International Law in International Society’ (2003) 14 EJIL 105

Workload

Self-study for Week 5:

• Read the Weekly Notes for each topic.
• Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:

• Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
• Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).
Hand-in Assignments:

- Submit your Hand-in Assignment to the Turnitin link by Day 7 (Wednesday).
Week 6: European law–making institutions and English law

Topics

- Understanding the European dimensions of English law;

Required Resources

Weekly Notes

Textbook

- S Hanson, Legal Method, Skills and Reasoning (3rd edn, Cavendish Publishing 2010)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.111-112, 125-132)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.117-125)

Legislative provisions


Articles


Workload

Self-study for Week 6:
• Read the Weekly Notes for each topic.
• Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:
• Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
• Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).

Hand-in Assignments:
• Submit your Hand-in Assignment to the Turnitin link by Day 7 (Wednesday).
Week 7: Reading and understanding legislation and law reports

Topics
- Identifying the sources of English law
- Understanding legislations and the structure of a statute;
- Types of domestic legislation;
- Introduction to English law reports and the doctrine of precedent;
- Understanding the structure of a law report;
- Understanding statutory interpretation.

Required Resources

Weekly Notes

Textbook
- S Hanson, *Legal Method, Skills and Reasoning* (3rd edn, Cavendish Publishing 2010)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.88-90)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.92-110)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.98-103)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.143-153)
  - Chapter 5, ‘Reading and Understanding Law Reports’ (pp.156-168)
  - Chapter 5, ‘Reading and Understanding Law Reports’ (pp.168-196)

Articles
Legislative provisions

- Sale of Goods Act 1979

- Unfair Contracts Terms Act 1977

Cases

- *George Mitchell (Chesterhall) v Finney Lock Seeds* [1983] 2 AC 803 (HL)

- *Ailsa Craig Fishing Co Ltd v Malvern Fishing Co Ltd* [1983] 1 All ER 101 (HL)

- *Photo Production Ltd v Securicor Transport Ltd* [1980] 1 All ER 556 (HL)

- *The Canada Steamship v R* [1952] 1 All ER 303 (HL)

Workload

Self-study for Week 7:
- Read the Weekly Notes for each topic.
- Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:
- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
- Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).

Hand-in Assignments:
- Submit your Hand-in Assignment to the Turnitin link by Day 7 (Wednesday).
Week 8: Effect of European Union law on English law

Topics

- Effect of European Union law on English law;
- Types of European Union law;
- The legislative competency and principles of European Union law.

Required Resources

Weekly Notes

Textbook

- S Hanson, Legal Method, Skills and Reasoning (3rd edn, Cavendish Publishing 2010)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.111 and 133)
  - Chapter 4, 'Reading and Understanding Legislation' (pp.133-139)
  - Chapter 4, 'Reading and Understanding Legislation' (pp.140-143)

Legislative provisions

- European Communities Act 1972


Cases

- Costa v ENEL [1964] ECR 585 C-14/64


- NV Algemene Transport- en Expeditie Onderneming Van Gend & Loos v Netherlands Inland Revenue Administration [1963]
ECR 3 Case 26-62

- Internationale Handelsgesellschaft GmbH v Einfuhr und Vorratsstelle fur Getriebe und Futtermittel (EVGF) [1970] CMLR 255 Case 11/70

- R v Secretary of State for Transport Ex p Factortame Ltd and Others [1989] 2 CMLR 353; (No 2) [1990] ECR 1-2433

Workload

Self-study for Week 8:
- Read the Weekly Notes for each topic.
- Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:
- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
- Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).

Individual Project:
- Submit your Project Proposal to the Turnitin link by Day 7 (Wednesday).
Week 9: Relationship between the European Union and national law

Topics

- Relationship between the European Union and national law;
- The principle of direct effect;
- The supremacy of European Union law;
- Effect of European Union law on the English legal system;

Required Resources

Weekly Notes

Textbook

- S Hanson, *Legal Method, Skills and Reasoning* (3rd edn, Cavendish Publishing 2010)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.138-141)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.138-139)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.140-141)
  - Chapter 4, ‘Reading and Understanding Legislation’ (pp.142-143)

Legislative provisions

- European Communities Act 1972


Articles

Workload

Self-study for Week 9:
- Read the Weekly Notes for each topic.
- Read the textbook pages, journal articles, and/or other Learning Resources.

Discussion Questions:
- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Wednesday).
- Review responses by other students and make 2–4 meaningful comments by Day 7 (Saturday).

Individual Project:
- For your Individual Project this week, submit a concise first draft of your Final Project to the Turnitin link by Day 7 (Wednesday).
Week 10: Preparing and completing the Final Project

Topics

- Using your legal methods and skills effectively;
- Reading and evaluating primary sources;
- Reading and evaluating secondary sources;
- Writing and structuring of your Final Project;
- Accurately referencing materials consulted.

Required Resources

*Weekly Notes*

*Textbook*

- S Hanson, *Legal Method, Skills and Reasoning* (3rd edn, Cavendish Publishing 2010)
  - Chapter 6, ‘Reading Texts About Law’ (pp.209-227)
  - Chapter 9, ‘Writing the Law’ (pp.298-302)

*Articles*


Workload

*Self-study for Week 10:*

- Read the Weekly Notes for each topic.
- Read the textbook pages, journal articles, and/or other Learning Resources.

*Discussion Questions:*

- Submit your response to the Turnitin link and also post it on the Discussion Board by Day 3 (Saturday).
- Review responses by other students and make 2–4 meaningful comments by Day 7 (Wednesday).

*Final Project:*

*Legal Methodology*
- Submit your Final Project to the Turnitin link by Day 7 (Wednesday).