

Individual Course Outline



SCHOOL OF LAW
Year 2014/15 Term 2

LAW106 LEGAL RESEARCH & WRITING

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A. COURSE DESCRIPTION

The main objective of this course is to develop skills in legal analysis, research, writing and advocacy. Drafting, interviewing, mediation and negotiation skills will also be developed. These skills will be taught in the context of legal problems from a variety of law subjects including, contract law and criminal law.

Students will use both information technology and paper resources to conduct legal research.

The first half of the course focuses on the basics of legal research (including how to find primary and secondary legal sources) and the skill of legal writing. The second half of the course focuses on applying the skill of legal writing in different contexts and developing interviewing, negotiating and advocacy skills.

By the end of the course, as regards key skills for lawyers, students will be able to:

- (i) analyse facts and identify legal issues;
- (ii) find applicable law using paper and electronic resources;
- (iii) analyse and apply the relevant law to various scenarios; and
- (iv) communicate their analysis to different audiences (e.g. lawyers and clients) both in writing and orally.

On a more general note, regarding those skills which are of a more transferable nature, students will be able to:

- (i) apply their knowledge to complex situations using logic and legal reasoning;
- (ii) recognise alternative conclusions and provide supporting reasons for those conclusions;
- (iii) identify key issues for research;
- (iv) make judgments based on an informed understanding of standard arguments in the relevant law subject; and
- (v) use the English language and legal terminology with care, precision and accuracy.

B. PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

None.

C. RECOMMENDED TEXT AND READINGS

These two publications are particularly useful:

- Emily Finch, Stefan Fafinski, *Legal Skills* (3rd ed., Oxford University Press, 2011)
- Eleanor Wong, Lok Vi Ming SC, Vinodh Coomaraswamy (general editors) *Modern Advocacy – Perspectives from Singapore* (Academy Publishing, 2008)

You may also wish to see:

- Richard C. Wydick, *Plain English for Lawyers* (5th ed., Carolina Academic Press, 2005);
- William Strunk and E.B. White, *The Elements of Style* (4th ed., Longman, 2000);
- Jacques Barzun, *Simple and Direct* (4th ed., Harper, 2001)
- Glanville Williams, *Learning the Law* (14th ed., Sweet & Maxwell, 2010)

Additional readings will be assigned via SMU e-learn & separate reading lists.

D. ASSESSMENT METHOD

Legal memo:	15%
Research paper/essay:	25%
Appellate brief:	20%
Moot (oral arguments):	20%
Class participation (including class exercises):	20%

NO final written examination.

For the written assignments, students should note that plagiarism is taken seriously and may result in a “fail” grade (see below).

Assessment Criteria

Guidelines will be provided for each of the graded written and advocacy components mentioned above.

See below for guidelines on what is expected of class participation. Attendance at all seminars is mandatory. Please contact the instructor or the teaching assistant if you are unable to attend a session. Unexcused absences will result in a lowering of the class participation component of the final grade.

Grade	Criteria
Poor	<ul style="list-style-type: none"> • Absent. • Disruptive • Unprepared
Average	<ul style="list-style-type: none"> • Present, not disruptive. • Tries to respond when called on but does not offer much. • Demonstrates very infrequent involvement in discussion.
Good	<ul style="list-style-type: none"> • Demonstrates adequate preparation: knows basic case or reading facts, but does not show evidence of trying to interpret or analyze them. • Offers straightforward information (e.g., straight from the case or reading), without elaboration or very infrequently (perhaps once a class). • Does not offer to contribute to discussion, but contributes to a moderate degree when called on. • Demonstrates sporadic involvement.
Very Good	<ul style="list-style-type: none"> • Demonstrates good preparation: knows case or material well, has thought through implications of them. • Offers interpretations and analysis of case material (more than just facts) to class. • Contributes well to discussion in an ongoing way: responds to other students' points, thinks through own points, questions others in a constructive way, offers and supports suggestions that may be counter to the majority opinion. • Demonstrates consistent ongoing involvement.
Excellent	<ul style="list-style-type: none"> • Demonstrates excellent preparation: has analyzed case or material exceptionally well, relating it to readings (e.g., course material, discussions etc.). • Offers analysis, synthesis, and evaluation of case material, e.g., puts together pieces of the discussion to develop new approaches that take the class further. • Contributes in a very significant way to ongoing discussion: keeps analysis focused, responds very thoughtfully to other students' comments, contributes to the cooperative argument-building, suggests alternative ways of approaching material and helps class analyze which approaches are appropriate, etc. • Demonstrates ongoing very active involvement.

Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences. All work presented in class must be the student's own work. Any student caught violating this policy may result in the student receiving zero marks for the component assessment or a fail grade for the course. This policy applies to all works (whether oral or written) submitted for purposes of assessment. Where in doubt, students are encouraged to consult the instructors of the course. See [SMU Code of Academic Integrity](#).

E. COURSE METHODS

As this is a skills course where students learn by doing, they will hone their analytical, research, writing and advocacy skills in class and in a 'workshop' setting. More specifically, groups may take turns to present a pre-assigned written exercise and/or role-play to the class, with the goals of:

- Developing arguments for a note, research paper, or other work,
- Improving writing skills,
- Learning to provide critical feedback, and
- Participating in intellectually stimulating discussions.

This will be supplemented with occasional guest lectures by practitioners or experts in the relevant field.

F. LIST OF TOPICS

1. Introduction to the components of good writing, including (1) & (2):
 - a. exposure to examples of good writing;
 - b. identification of the components of good writing including:
 - i. structure (including at the macro level e.g. IRAC – to be addressed in detail later in the course - and at the micro level e.g. paragraph structure and sentence structure)
 - ii. precision
 - iii. brevity
 - iv. plain English
 - v. avoidance of passive voice
 - vi. style
 - vii. planning and editing;
 - viii. punctuation and grammar; and
 - c. citations, quotations and the SAL style guide.
2. Analysing cases, including:
 - a. Identifying the *ratio* and *obiter* (in consultation with Legal System & Legal Method and Analysis instructors). The LRW course will provide the students with practical experience in case analysis;
 - b. writing case briefs; and
 - c. using diagrams to aid understanding.
3. Analysing statute, including:
 - a. statutory interpretation. (in consultation with Legal System & Legal Method and Analysis instructors). Again, the focus in the LRW course will be on providing the students with practical experience in statutory interpretation;
 - b. interpreting unfamiliar statutes; and

- c. application of statutes to factual scenarios.
4. Predictive writing (predicting how a court would rule on an issue) including:
 - a. structural models of analysis such as IRAC/CRUPAC, including:
 - i. identifying and capturing the issue/s;
 - ii. identifying the rule/s in appropriate detail, including rule proof;
 - iii. application of rule/s to the facts;
 - iv. summary at start, and conclusion at end;
 - b. reminder on paragraph structure, including starting the paragraph with a thesis or topic sentence;
 - c. structure of a legal memorandum;
 - d. introduction to client letters if instructors require the students to write a client letter as one of the graded exercises; and
 - e. emphasise good writing skills taught in the first two classes (see point 1 above).
 5. Analysing facts -
 - a. Identifying determinative facts, and building inferences.
 - b. Drawing analogies and differentiating between the facts of a case and those in a hypothetical scenario.
 6. Writing research papers & exam skills -
 - a. For the academic research paper, the LRW instructors will liaise with the contract or tort instructors to identify a topic which the students have already studied and which would be appropriate for a short research paper.
 - b. Revisit citations, quotations and the SAL style guide (also addressed in earlier topics, where relevant).
 - c. Examination skills.
 7. Advocacy (1): persuasive writing -
 - a. Developing a persuasive theory and persuasive arguments. Motivating and justifying arguments. Using structure to persuade.
 - b. Writing to the court, including:
 - i. introduction to trial documents; and
 - ii. drafting appellate briefs.
 8. Advocacy (2): oral advocacy -
 - a. Introduction to advocacy, including:
 - i. stages in court proceedings; and
 - ii. oratory techniques, including structure e.g. IRAC/CRUPAC.
 9. Advocacy (3): moots, including:
 - a. structure of a moot;
 - b. advocacy skills
 - c. formalities & etiquette
 - d. answering questions from the judge;
 - e. guidance from experienced mooters
 - f. appellate advocacy in Singapore.

G. ASSOCIATES' INVOLVEMENT IN THE COURSE

See E above. Practitioners will also help in judging the moot examinations.