



## **SOUTH ASIAN UNIVERSITY**

### **Faculty of Legal Studies**

**M.Phil / PhD  
2024**

**Winter Semester ( Second Semester )**

### **Course Information**

#### **Part 1**

Course Title: Research Methodology and Legal Writing

Course Code:

Course Instructor: Dr. Stellina Jolly, Dr. Sai Ramani Garimella

Credit Units: 4

Medium of Instruction: English

Prerequisites: Nil

Precursors: Nil

Equivalent Courses: N/A

#### **Aims of the Course**

The course will provide students with a complete understanding of research methodology adopted in conducting legal research. Also, the course will introduce students to the significant methods used in the research in international law. The course will also focus on developing the legal writing skills of students in order to enable students to write concisely and precisely.

#### **Overview of the Course**

This course will expose students to methods of legal research and legal writing. The course aims to impart training on legal research to students. Students are expected to undertake substantial work outside of class in the forms of targeted readings related to their project, identifying a research question and organizing their research strategy.

The course involves teaching of 12 weeks with four hours of teaching per week. The teaching learning methodology will include lectures, group discussions, individual exercises; and, class presentations

## **Course Structure**

### **Week 1**

Introduction to the Course; nature, scope, aims and significance of legal research. How is legal research different from research in social sciences? How can legal research impact policy research?

### **Week 2**

Introduction to the major methods of international legal scholarship today – positivism, new haven school (policy-oriented jurisprudence), critical legal studies, feminist approaches to international law, international law and international relations, law and economics, third world approaches to international law (TWAIL)

### **Weeks 3 and 4**

Different methods for legal research – doctrinal research, non-doctrinal research, socio-legal research, empirical research and comparative law research methodology

### **Week 5**

Research Design – developing a workable hypotheses, finding a research problem, developing a synopsis, literature review and its significance, developing proper structure of the research, identifying the time-table for research to be performed.

### **Week 6**

Legal Writing – the significance of legal writing; how to structure a research and how to frame an abstract and write clearly and concisely

### **Week 7**

Introduction to different types of legal writing such as research proposal, research papers, short articles and commentaries, case comments, review articles including book review and newspaper articles. The forthcoming weeks will discuss each of these forms of legal writing

### **Week 8**

How to write a research proposal? What are the important elements of a research proposal; how to tailor the research proposal based on the target audience. The discussion will be based on practical work by the students.

### **Week 9**

How to write a short article or commentary? What factors should be kept in mind?  
The significance of target audience in writing a short article or commentary.

### **Week 10**

How to write a case comment or a case note? How is writing a case comment or case note different from other forms of legal writing like writing short articles or commentary? What weightage should be given to analysis of facts and analysis of law in a case comment? Is there a difference between writing case note on a domestic court decision and between a decision rendered by an international tribunal?

### **Week 11**

How to write review articles or a book review?

### **Week 12**

Introduction to Citation methods

### **COURSE READINGS:**

Mike McConville and Wing Hong Chui (Eds) *Research Methods for Law* (Edinburgh: Edinburgh University Press: 2012).

Christina L. Kunz, et al., *The Process of Legal Research: Authorities and Options* (5th edition, New York: Aspen, 2000).

Peter Cane and Herbert M. Kritzer (eds.), *The Oxford Handbook of Empirical Legal Research* (OUP, 2012).

Bryan A. Garner, *Legal Writing in Plain English – A Text with Exercises* (University of Chicago Press, 2001)

George A. Grossman, *Legal research: historical foundations of the electronic age* (OUP, 1994)

Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research* (Sage Publications, 2012)

B.C. Nirmal, Rajnish Kumar Singh, and Arti Nirmal (eds.), *Legal Research and Methodology: Perspective, Process and Practice* (New Delhi: Satyam Law, 2019)