

LAWS DISSERTATION GUIDE

2008-09

ORIENTATION

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Introduction

Welcome to your Laws Dissertation research! What exactly is a dissertation? How do I begin to think about it? What practical preparations should I make? And, how should I use this guide and the other materials on the Laws Dissertation VLE site? This introduction answers these questions.

Undertaking a dissertation offers students a wonderful opportunity to engage in independent research. You can explore ideas and pursue arguments. You will be tracking down material (evidence) to support your arguments – and see what you can do to take on counter-arguments. You can pursue legal or socio-legal research. Above all, a dissertation offers you the chance to ‘spread your wings and fly’, to make use of all that you have learned so far and go beyond that to see what you can do yourself.

Dissertation research should be a pleasurable and interesting experience. It is also challenging. Conducting independent research means that you have a great deal of freedom and responsibility

in determining what your research will be and how you carry it out. You will be working beyond the world of prescribed readings and tasks and making key decisions for yourself.

- You will choose the topic for research; you will design the research and formulate your research question – and submit a research proposal to the University. In this first phase, you will already be actively involved in the process of researching.
- You will then conduct the research that you have designed.
- You will present your research in a 10,000-word written dissertation itself (divided into chapters), sustaining an overall line of argument that offers a reasoned and evidenced answer to your initial research question.

What will dissertation research be like?

Here are some views from different students after completing an LLB dissertation at a UK university:

‘The dissertation has made me seek a wider range of sources of information than other modules where one can find much of the information in textbooks. So this module was more challenging but also more fulfilling.’

‘This was an invaluable experience. I felt that I had gained a kind of specialism in the area. I am pleased that my work was not descriptive but mainly analytical and critical.’

‘Doing the dissertation has been of great help to me. I have especially learned that as an independent learner you have to manage time and prioritise your work. Organised students don’t face difficulties.’

(quoted in Salter and Mason 2007: 6-7)

As these quotes indicate, you will be extending your research skills and powers of analysis, gaining in-depth knowledge and understanding of a particular area of law. You will be using a wide range of sources that you identify yourself and your work will go well beyond simply describing.

At the same time, undertaking a dissertation requires careful thought, planning and reflection.

How well you deal with these challenges will determine the success of your dissertation and – although you may not think so at the start – should become part of the enjoyment of conducting and presenting independent research.

However, independent research does not mean that you are all on your own.¹ The purpose of this Laws Dissertation guide and VLE site is to offer you support in the key aspects of your dissertation:

- **Academic guidance** to take you through the research and writing processes.

¹ If you are at an independent teaching institution, you may be able to consult a supervisor. See Chapter 7 ‘Working with a supervisor.’

- **Administrative information** on the University's formal requirements and procedures.
- **Practical guidance** on planning, time management and pragmatic reflection on your progress.

1.1 Purpose of the Laws Dissertation guide

The overall purpose of this guide is to help you to become independent researchers. It provides a step-by-step framework, from beginning to think about your project to actually doing the research and presenting it in written form.

This guide addresses students as responsible adults. The entry conditions to the subject mean that you will be in your final year of study; in other words, you have already succeeded in a significant achievement and have some experience to draw upon. Also, all of you will have undertaken the research activities in Common law reasoning and institutions. Some of you – all of you in the first intake for this course (2008/09) – will be graduate students and so have wider academic experience.

You will be free to research in your own way. Frequently, this guide will offer you a variety of possibilities or suggestions that you might find helpful and want to adopt. Sometimes the guidance will be put: 'We very strongly recommend' or 'We very strongly advise'. For example, we very strongly advise you to keep a research journal, and this means that it will be very much to your advantage to follow the guidance. However, it is ultimately up to you to decide whether to follow it.

Some of the chapters in this guide are written with the presumption that the reader knows nothing about the issues discussed in that chapter. Please do not be insulted. Students in the Laws Programme come from immensely diverse backgrounds and distance learning does not give the same control over student skills induction as on-campus teaching. Some institutions encourage rote learning and model answers: students who have studied at such an institution will have a steep learning curve in undertaking dissertation research.

Another reason for providing some 'zero presumption' chapters is that broader educational research indicates that student skills are 'patchy', i.e. heterogeneous or mixed. Students may be highly competent in one area and yet show surprisingly low competence in another. Use of the internet is a key example. Students often display highly sophisticated IT skills in the social and entertainments aspects of the internet and yet very limited competence in the academic equivalents. So this guide tries to cater for the spectrum.

Other chapters, by contrast, are not written in such a basic 'how to' form. Here you will be asked you to stand back and consider some general issues and think about problems. You will need to be reflective in conducting your research.

Finally, this guide – and the examiners – will take into account the fact that Laws Programme students have limited access to some kinds of resources, particularly a well stocked legal research

'land' library. However, for that same reason, we expect you to make full use of the University's Online Library.

1.2 Formal matters in a nutshell

See Chapter 2 for a fuller account of formal matters; the Regulations should be your ultimate point of reference.

- The Laws Dissertation subject option is currently available only to final-year students with effective registration date September 2007 or later **and** who are seeking a Qualifying Law Degree, as indicated by prior or concurrent registration for the EU law option.
- There is currently a restriction on the legal subject areas available for research in any given year. Your research question must be on a topic that is not covered in depth in the subject materials. The research proposal (see below) must contain an actual research *question*.

Legal subject areas available 2008 – 09		
Common law reasoning and institutions	⇒ <i>Research topic</i>	
Contract	“A topic not treated in depth in the subject materials.”	⇒ RESEARCH QUESTION
Criminal law		You need to construct an actual research <i>question</i> , not just an area or topic.
EU law		
Public law		
Tort		

- Unlike all other courses that you have undertaken, there is an important deadline in **November**. Laws dissertation students need to submit a research proposal by 28 November.

NB: THE SUBMISSION DATE FOR THE RESEARCH PROPOSAL IN 2008/09 HAS BEEN CHANGED TO 28 NOVEMBER.

- The research proposal is to be submitted electronically on the Laws VLE Dissertation home page, using the template provided. See the VLE site for the template and instructions on uploading.
- The dissertation is due on 1 May, to be submitted electronically on the Laws VLE Dissertation page.
- There is also a short Dissertation examination in May.

The relation between the Laws Dissertation and the Laws Skills Portfolio

- The Laws Dissertation is a subject in its own right **and** you use information about your research process on order to complete the Laws Skills Portfolio.
- This *combination* is called Laws Skills Pathway 1.

1.3 Structure of the Laws Dissertation guide

The guide is structured to take you through the stages of research for the dissertation.

Orientation

This opening section, '**Orientation**', provides general orientation: guidance and information that you need at the outset to think about the project overall.

The term 'orientation' is often used in relation to finding your way in physical surroundings, 'to discover your position in relation to your surroundings: "*If you get lost while you are out walking, try to use the sun to orientate yourself*"' (<http://dictionary.cambridge.org>). How can you locate yourself in relation to the new context of undertaking a dissertation? This section of the guide (Chapters 1 to 7) offers an overall map of dissertation work and guidance on how to get your bearings.

Chapter 2 'Formal matters' covers the University's requirements and procedures for the Laws dissertation option itself and also the related issues concerning the Laws Skills Portfolio. It is intended as a 'one stop' point of reference on regulatory matters. You should definitely read it at the start to be clear about what you are required to do – and when. Build University deadlines into your planning.

Chapter 3 'Undertaking a dissertation' asks you to spend some time at the start thinking about what will be involved. It offers some self-reflection questionnaires and discusses how undertaking a dissertation relates to your previous experience. The aim is to help you get into the appropriate 'mind set' for your dissertation work. *It is very strongly recommended that you read this chapter so that you have a broad picture of what you will need to do.*

Chapter 4 'Are you ready?' is a short chapter suggesting resources and skills that you will need. Take a moment to assess what you will need.

Chapter 5 'Your research journal and other records' deals with the vital question of keeping a research journal. You will find examples of research journal entries in later chapters.

Chapter 6 'Working effectively' offers advice on effective use of your time and other tips to get you through the dissertation research.

Chapter 7 'Working with a supervisor' obviously is for those students who have a local supervisor for their dissertation. *Supervisors should also read this chapter.*

The next three sections of the guide reflect the three stages of dissertation research.

Part 1 Designing your research

The design phase is when you work towards producing a viable research proposal. Part I takes you through all the issues as you work from looking for a topic to constructing a well formulated research question and the full research proposal (due 28th November 2008).

Part II Conducting your research

Part II deals with the ‘middle phase’, actually doing the research. It discusses the key matters of building arguments and assembling evidence as well as practical matters of keeping yourself organized and on track.

Part III Writing your dissertation

Part III deals with the final product – presenting your research in the final dissertation (due 1 May). Chapter structure, writing style and referencing are dealt with.

1.4 A dissertation textbook?

Although there are many books available for students conducting research projects and dissertations, including a small number on legal research, there is no single book suitable for adoption for the Laws Dissertation.

A very good short guide to writing dissertations is:

Peter Levin (2005) *Excellent Dissertations!* (Maidenhead, England: Open University Press)

Levin’s book is not specifically for law students and is addressed to Masters and PhD students as well as students writing undergraduate dissertations. It is recommended here because the advice is sound; it is put clearly and simply; and the tone is engaging.

The law-specific guides to legal research are largely guides to locating primary and secondary sources of law but include little or no guidance on dissertation research. Some brief guidance can be found in:

Peter Clinch with David Hart (2001) *Using a Law Library: A student’s guide to legal research Skills* (Oxford: Oxford University Press) especially the chapters on ‘Extra-legal sources’ and ‘Commentary on the law’; see also Chapter 19 ‘Recording and presenting research findings’

John Knowles and Philip Thomas (2006) *Effective Legal Research* (London: Sweet and Maxwell) especially Chapter 7 ‘How to find information on a subject’

Here is a different sort of law-specific guide, an edited collection that contains a number of useful chapters:

Mike McConville and Wing Hong Chui (ed) (2007) *Research Methods for Law* (Edinburgh: Edinburgh University Press)

We should also mention another law-specific guide, which does provide useful guidance on law dissertation research in relation to socio-legal studies. However, the portrait it presents of doctrinal academic legal research is essentially a critique (not to say a parody), rather than an aid:

Michael Salter and Julie Mason (2007) *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research* (Harlow, Essex, England: Pearson Education Limited).

This guide itself draws together what we consider to be the best advice from the range of guides (including online) on writing dissertations. You will find the full list of references in the Bibliography at the end of this guide; individual chapters also provide a list of references cited in the chapter.

1.5 Websites

You are encouraged to use many of the websites that support student dissertation research. Please note, if you are consulting websites, that they are often aimed at Masters-level or PhD-level students. This means that you need to filter out some of the advice, which is not appropriate to undergraduate dissertations.

In addition you will find links to these sites as appropriate throughout this Dissertation guide.

Web sites with useful guidance on dissertation research and writing

Birmingham City University: How to write a research proposal

www.ssdd.bcu.ac.uk/learner/writingguides/1.07.htm

Duke University Libraries: Research Guide

www.library.duke.edu/services/instruction/libraryguide/

How to Write Research Paper by Charles King, Georgetown University

www.georgetown.edu/faculty/kingch/How_to_Write_a_Research_Paper.htm

Information Literacy Resource Bank

<https://ilrb.cardiff.ac.uk>

Internet for Lawyers

www.vts.intute.ac.uk/he/tutorial/lawyers

London School of Economics: How do you define a research proposal?

<https://lflive.lse.ac.uk/lfy/tc/enquiries/enquiry.html?a=4&q=557&searchString=>

Online Writing Lab: Writing a Research Paper

<http://owl.english.purdue.edu/workshops/hypertext/ResearchW/index.html>

Oxford Standard for Citation of Legal Authorities

http://denning.law.ox.ac.uk/published/oscola_2006.pdf

Research 101: Using a Topic to Generate Questions

www.lib.washington.edu/uwill/research101/topic03.htm

Study guides and strategies by Joe Landsberger

www.studygs.net

University of South Carolina Beaufort Library: A basic tutorial on searching the web

www.sc.edu/beaufort/library/pages/bones/bones.shtml

University of Pennsylvania Online Research Tutorial

<http://gethelp.library.upenn.edu/PORT/>

Writing a Research Proposal by Stephen Wegren, Southern Methodist University (USA)

http://faculty.smu.edu/swegren/writing_a_research_proposal.htm

The Laws Dissertation VLE home page

Students registered for the Dissertation will also find on this page resources –subject guides, study packs, newsletters, and recent developments – from:

Common law reasoning and institutions

Elements of the law of contract

Criminal law

EU law

Public law

Tort.

This Dissertation guide and website are intended primarily for students registered for the Law Dissertation subject option [26600200].

Others who are allowed access to this guide and website:

- Teachers at independent teaching institutions. [access not yet active]

Attention is drawn especially to Chapter 7 of this Laws Dissertation guide: 'Working with a supervisor'. The University cannot offer direct research supervision. Although students will receive feedback from the University on their research proposal, it is not currently possible to sustain any dialogue or one-to-one feedback process.

- All students who are registered for the Laws Skills Portfolio under Laws Skills Portfolio Pathway 1 or 2. [\[access not yet active for Laws Skills Pathway 1\]](#)

This subject guide is available online only and is strongly associated with links to other materials on the Laws Dissertation website and also external links.

(All students registered from September 2007 onwards are expected to have online access. In addition to accessing this guide, you will not be able to conduct your research without access to the Online library, which is an absolutely vital tool.)

References

(texts cited in this chapter)

- Boden, R, Jane Kenway and Debbie Epstein (2005) *Getting Started on Research* (London: Sage)
- Clinch, Peter with David Hart (2001) *Using a Law Library: A Student's Guide to Legal Research Skills* (Oxford: Oxford University Press)
- Knowles, John and Philip Thomas (2006) *Effective Legal Research* (London: Thomson/Sweet and Maxwell)
- Levin, Peter (2005) *Excellent Dissertations!* (Maidenhead: Open University Press)
- Salter, Michael and Julie Mason (2007) *Writing Laws Dissertation: An Introduction and Guide to the Conduct of Legal Research*, Harlow, Essex, England: Pearson Education Limited)