

Law 706 – Major Paper Requirements

Course-based LLM students must register in Law 706, a full year course equivalent, for the completion of their major paper. The paper is to be prepared under the supervision of a Faculty member or other suitable person appointed by the Graduate Program Director.

The major paper:

- must reflect extensive research on a topic and it must propose a solution to a problem or present a critical evaluation of an area of the law,
- shall be approximately 50 to 60 pages (15,000 - 18,000 words) in length, inclusive of footnotes,
- shall follow the requirements of the most recent edition of the Canadian Guide to Uniform Legal Citation (McGill Guide),
- shall follow the Graduate Student Paper Style Guide (unless otherwise directed by the supervisor),
- shall include a table of contents and an abstract (of approximately 150 words),
- need not include a bibliography (unless required by the supervisor),
will be evaluated according to the Criteria for Evaluating Papers document (unless otherwise advised by the supervisor).

The Graduate Program Director will appoint a second reader in consultation with the supervisor. The supervisor will advise the Graduate Program Director when the paper is in final form and ready to be submitted to the second reader.

The paper will be evaluated on a Pass/Fail basis by the supervisor and the second reader. In the event of disagreement between the supervisor and the second reader, the Graduate Program Director shall determine whether the paper is a Pass or Fail after reading the paper and then consulting with the supervisor and second reader.

Major paper deadlines are as follows:

- A complete, penultimate draft of the major paper must be submitted to the supervisor at least four weeks before the grade is due by the end of a term
- The final draft must be submitted to the second reader at least two weeks before the grade is due by the end of a term

This timetable gives the supervisor about a week to read the penultimate draft and the student about a week to make any required revisions before the second reader receives the final draft.

Criteria for Evaluating Papers

Research papers are evaluated on the basis of three primary criteria: (1) Research; (2) Organization-Logic-Coherence; and (3) Analysis-Insight-Synthesis. In addition, two other secondary factors may be considered: (4) literary style and (5) originality.

1) Research

The **comprehensiveness** of research will fall into one of the following six categories:

- Outstanding research is the demonstrated ability to find, select and use effectively all primary materials (case, statutes and regulations) and secondary sources (books or articles) relevant to the topic. For many topics, a comparative analysis of material from other jurisdictions is appropriate or even essential. Research materials should include, where appropriate, non-legal sources.
- Thorough research is research which does not miss any important areas. There will, however, be a few loose ends or other sources that ought to have been explored.
- Not quite thorough research is research in which an important area has been missed or there are both loose ends and other sources to be explored.
- A serious but unsuccessful canvass of sources contains the failings of "not quite thorough research" only more so.
- A mere attempt to consider sources is a cursory, rather than serious, consideration of the main sources or a paper which demonstrates clear errors in research.
- No serious research effort.

2) Organization

The **logic and coherence** relates to the logical and coherent presentation of the subject matter, so that it is readily intelligible to the reader. The introduction should assist the reader by providing both a clear statement of the problem that the student has chosen to analyze, the goal she/he seeks to achieve and a brief overview of the subjects she/he intends to discuss. The conclusion should play a similar role at the end of the paper, except that it should also summarize the student's conclusions. Topics should appear in a logical sequence. Legal and factual material that provides the foundation for discussion of a particular issue should be set out before that issue is reached. The student should use headings to structure the paper and indicate when she/he is moving to a new topic or subtopic. There should also be transitional text to justify the shift to a new topic, explain its connection to issues previously discussed, etc. The logic and coherence of a paper's organization will fall into one of the following five categories:

- Excellent organization, as described above.
- Well organized, with a few minor flaws, but a generally good logical flow.
- Moderate disorganization throughout, but the paper is generally intelligible.
- Substantial disorganization throughout, so that the paper difficult for the reader to follow.
- An incoherent organization is disorganization is so great that paper is unintelligible to the reader.

3) Analysis-Insight-Synthesis

These criteria relate to the student's demonstrated ability to understand and effectively use the materials that she/he has found through research. The criteria require an understanding of the subject matter that goes beyond the ability to merely recite the rationales of cases, the conclusions reached by other authorities or bare statistics.

"Analysis" relates to the student's detailed use of primary and secondary sources within the paper to explore particular issues that she/he has identified. Good analysis will assist the reader to achieve a sophisticated understanding of the issues and relevant legal authorities without the need to read all the various sources that the student had identified through research. The student should provide a factual background adequate to permit the reader to understand the context in which legal problems arise. She/he should describe relevant legal material (cases/statutes) and important policy analysis in sufficient detail to provide the reader with a clear view of any legal controversies that exist and reasoning that has been put forward to support the various positions. There are a wide variety of analytical weaknesses that may be displayed by students. Examples include missing a relevant issue or legal argument, identifying legal problems but not exploring available legal principles that may have a bearing on their solution, or stating the conclusions of cases significant to analysis of an issue without setting out the reasoning that the court used to justify its conclusions.

"Insight" involves an in-depth understanding of the fundamental issues. Good "Synthesis", which usually demonstrates this understanding, reflects the ability of the student to integrate the diverse material that she/he has found into a conceptual framework that is clearly explained to the reader. Insight and synthesis would probably show up in a strong statement of thematic material at the outset, its use as an organizing device in the paper, and a serious attempt in the conclusion either to determine whether the initial hypothesis had been proven or to assess the conceptual apparatus for its explanatory power. Weak insight and synthesis may be demonstrated by a student's failure to integrate relevant authorities for some or all of the paper.

Good analysis without much insight or synthesis may be average, depending on the complexity or the novelty of the topic or research method. For instance, good analysis of an original topic may be as much as can be expected and will be rewarded highly. The same quality of analysis of a topic on which there is already a body of published critical writing that provides a framework or platform for the student's paper would have to show its own insight and synthesis to rate equally highly. A paper that sets out numerous cases or articles or otherwise merely describes the results of the student's research efforts, however extensively, without attempting to extract common principles or create an analytical basis is likely to be judged as poor.

4) Literary Style

This criterion relates to the linguistic style in which the paper is written and the conformity of quotations and footnotes to the Canadian Guide to Uniform Legal Citation. Most graduate students do a competent job with grammar and spelling and many have excellent literary style. The stylistic problems present in papers are usually of two sorts. Legal writing should be formal but clear and straightforward. Some students tend to be too colloquial, using slang or contractions. Other students try too hard to be formal, producing convoluted sentences, making excessive use of the passive voice, and the like. Because most students are competent in

terms of literary style, this criterion will not be great significance except in cases of exceptionally strong or exceptionally weak literary style as described below:

- **Excellent** literary style is significantly above the norm for University of Calgary graduate students.
- **Average** literary style is consistent with that demonstrated by the majority of U of C graduate students, i.e. some stylistic weaknesses but basically competent.
- **Weak** literary style falls significantly below the norm for U of C graduate students and demonstrates serious, persistent weaknesses in grammar, spelling, or style.

5) Originality

There are two different kinds of originality: topic originality and substantive originality.

The first sort of originality relates to the topic itself. This kind of originality exists when the student selects a topic where no research has been previously undertaken in the jurisdiction relevant to the student's topic (i.e. there are no Canadian secondary sources that deal with the Canadian legal issue that the student has selected). There may or may not be articles or books that have been published on the topic in other jurisdictions (e.g. the United States or Britain), but even when such foreign sources do exist, a significant degree of creativity and extrapolation is required on the part of a student who undertakes to write on a topic where no previous Canadian research is available to help with all or part of the topic.

The second kind of originality may appear in the way the research is approached or in the understanding that the student has gained of the topic and is able to convey to the reader, or in the form of new and convincing insights that are unique to the student author. This kind of originality, which is the hallmark of a paper of "publishable quality", is not mere novelty: the new position advocated by the student must be credible, as well as novel. A paper may demonstrate this kind of originality, even though the topic has been previously considered by other researchers.