

2019.HS

Module Name: Legal Methodology	
Module Code	w.BA.XX.2JM-BL.XX
Module Description	Students deal in depth with the characteristics of legal methodology and interpretation. They learn to research, analyze, and evaluate in a problem-oriented manner various types of legal sources. Students write a legal memorandum that satisfies both the formal and the content requirements of jurisprudence. In addition, the students become familiar with key legal terminology as well as the law as a social and state system.
Program and Specialization	Business Law
Legal Framework	Academic Regulations BSc dated 29.01.2009, Appendix to the Academic Regulations for the degree programs in Business Administration, Business Information Technology, and Business Law, first adopted on 12.05.2009
Module Category	Module Type: Compulsory
	Program Phase: First-Year Studies
ECTS	6
Organizational Unit	W Abteilung Business Law Leitung
Module Coordinator	Philipp Sieber (ssee)
Deputy Module Coordinator	-
Prerequisite Knowledge	-
Contribution to Program Learning Goals (Affected by Module)	§ Professional Competence § Methodological Competence § Social Competence § Self-Competence
Contribution to Program Learning Objectives	Professional Competence § Knowing and Understanding Content of Theoretical and Practical Relevance § Apply, Analyze, and Synthesize Content of Theoretical and Practical Relevance § Evaluate Content of Theoretical and Practical Relevance Methodological Competence § Problem-Solving & Critical Thinking § Scientific Methodology § Work Methods, Techniques, and Procedures § Information Literacy § Creativity & Innovation Social Competence § Written Communication § Teamwork & Conflict Management Self-Competence § Self-Management & Self-Reflection
Module Learning Objectives	Students... § are able to identify the characteristics of legal methodology and explain them using examples. § are able to describe the special features, function, and significance of specific types of legal sources in general and using a specific example, and they are also able to evaluate the interrelationships between individual legal sources. § are able to use various legal databases to search for legal sources to address specific legal questions. § are able to analyze legal sources concerning their informative content and evaluate them efficiently in addressing given issues. § are able to use correct citation to refer to legal sources in accordance with the required legal citation standard (full and abbreviated citation). § are able to apply the methods of interpretation to concrete cases, using doctrine and jurisprudence. § are able to write a formally accurate, clearly structured, well-reasoned, correctly cited, and linguistically precise legal memorandum as a member of a group. § are able to explain key basic legal terms and explain their relevance and how they are used to refer to the legal system, using examples to illustrate this. § are able to describe law as a social and state system.

Module Content	§ Methodology of legal research § Basic legal terminology § Legal sources: Statutes and materials § Legal sources: Court organization, prejudice, judgment analysis § Legal sources: Types of sources, literature search § Research methodology: Legal memorandum § Research methodology: Interpretation § Research methodology: Citation standard § Law in context: Law as social and state order		
Links to other modules	The content of this module is linked to the following modules: w.BA.XX.1Ba-BL.XX w.BA.XX.2AGPR-BL.XX w.BA.XX.2RGPR-BL.XX w.BA.XX.2StR-BL.XX w.BA.XX.2SVR-BL.XX w.BA.XX.2WPro-BL.XX		
Methods of Instruction	§ Lecture § Interactive Instruction § Application Tasks § Case Studies § Exercises § Literature Review § Discussion	Social Settings Used: § Individual Work § Group Work	
Digital Resources	§ Reader § Practice and Application Exercises (with Key) § Case Studies (with Key) § Multiple Choice Tests § Legal databases § Classified Compilation of Federal Legislation (online platform) § Federal Supreme Court practice (online platform)		
Type of Instruction	Classroom Instruction	Guided Self-Study	Autonomous Self-Study
Large Class	-	-	
Small Class	56 h	60 h	
Group Instruction	-	-	
Practical Work	-	-	
Seminar	-	-	
Total	56 h	60 h	
Performance Assessment			
End-of-module exam	Form	Length (min.)	Weighting
Written exam	Specified documentation	90	70,00 %
Permitted Resources	No calculator	With dictionary	
Others			
	Assessment	Length (min.)	Weighting
Written Assignment	Grade	-	30,00 %
Classroom Attendance Requirement	Performance assessment, written work (legal memorandum): Attendance for mandatory coaching sessions according to the semester plan. Any absence from compulsory coaching without a medical certificate (presentation within 3 days required) leads to the deduction of a whole grade for the written work of the student concerned. In the case of several unexcused absences, the grades will be deducted cumulatively.		
Language of Instruction/Examination	German		
Compulsory Reading	§ Forstmoser, P. & Vogt, H. (2012). Einführung in das Recht. 5th edition. Bern: Stämpfli. ISBN 978-3-7272-8675-9. § Müller, R. (2016). ZitierGuide - Leitfaden zum fachgerechten Zitieren in rechtswissenschaftlichen Arbeiten. 4th edition. Zürich: Schulthess. ISBN 978-3-7255-7583-1. NOTE: This publication can be obtained from the school's reproduction center at a reduced price. § Münch, P. (2017). Bundesgerichtliche Leitentscheide - analysieren, einordnen und hinterfragen. 2nd edition. Zürich: Schulthess. ISBN 978-3-7255-7502-2. NOTE: This publication can be obtained from the school's reproduction center at a reduced price. § Sieber, P. & Steiger-Sackmann, S. (2018). Legal Memorandum - Leitfaden für das Verfassen eines Rechtsgutachtens. 2nd edition. Zürich: Schulthess. ISBN 978-3-7255-7685-2. NOTE: This publication can be obtained from the school's reproduction center at a reduced price.		

Recommended Reading	<p>§ Haas, R., Betschart, F. & Thurnherr, D. (2018). Leitfaden zum Verfassen einer juristischen Arbeit. 4th edition. Zürich/St.Gallen: Dike. ISBN 978-3-03891-040-4.</p> <p>§ Ryser Büsschi, N., Schlegel, S. & Pflaum, S. (2017). Juristische Arbeiten erfolgreich schreiben und präsentieren, Wegweiser zu einer optimalen Arbeitstechnik. 2nd edition. Zürich: Schulthess. ISBN 978-3-7255-7612-8.</p> <p>§ Wyss, M., Kummer, F. & Häcki, R. (2013). Suchen - Finden - Überzeugen, Arbeitstechniken im juristischen Alltag. 2nd edition. Bern: Editions Weblaw. ISBN 978-3-906029-86-3.</p> <p>§ Forstmoster, P., Ogorek, R. & Schindler, B. (2014). Juristisches Arbeiten - Eine Anleitung für Studierende. 5th edition. Zürich/Basel/Genf: Schulthess. ISBN 978-3-7255-7057-7.</p>
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