

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Research Methodology and Legal Writing**
LL.M. Semester-I (Batch: 2014-15)



LL.M. End Term Examination: November-2014

Date: 13th November, 2014

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-I	Marks
Q.1 You are asked to conduct a survey using the students at your university as the population to find their opinion on one issue (think of an issue that you would want to conduct a survey). Name the issue and the variables you think would be relevant for the purpose of your survey. Discuss with illustration and justification as to the sampling procedure you would adopt for the purpose.	(10)
Q.2 Discuss the sources of research problems. When selecting a research problem/topic what are the considerations a researcher need to keep in mind?	(05)
Q.3 Discuss the various steps involved in the preparation of a research design.	(05)

Part-II

- Q.4 Write note on the following with suitable illustration(s). (3+3+4=10)
- a. An understanding of *Text of law* and *Text about law* in research
 - b. Importance to identify the *Issues of facts* and *Issues of law* in the field of legal research
 - c. Importance of *sequence* in different footnote styles
- Q.5 Read the following statement of facts, and identify the issue(s) involved and frame the "questions of facts", "questions of law" and "mixed questions of law and facts" to brief your senior attorney. (10)
- Statement of Facts:*
- Q had suffered from psychological disorders but recovered after medical treatment. Q was offered a job as a database assistant for a College. When the College learned about Q's medical history it withdrew the offer. Q brought a disability discrimination claim. The Employment Tribunal accepted that Q had a mental impairment but held that she was not disabled within the meaning of section 1 of the Disability Discrimination Act 1995, as the impairment did not have a substantial and long-term adverse effect and there was no evidence that the condition was likely to recur.
- The EAT (Employment Appellate Tribunal) reversed the decision, stating that the tribunal ought to have taken into account medical evidence between the date of the discrimination and the hearing of the claim, which showed a relapse.

The College appealed on the basis that when considering the effect of a medical condition was likely to recur the employer had to base its decision on the circumstances existing on that date, and that is what actually happened after that date was not relevant to the tribunal's decision.

The tribunal of Appeal allowed the appeal.

- Q.6 Discuss the Key aspects to be included in a *case brief*, to discuss with your law firm partner(s). (05)

Part-III

- Q.7 Give a comprehensive understanding of feminist methodology based on its evolutionary principles. Draw upon the changes in feminism over the course of centuries to conclude the answer. (15)

- Q.8 Read the following passage and answer the questions below: (10)

"..the changes in legal system and legal thought [that] began in the early 1960s. Until then, the autonomy of legal thought was the relatively secure, though periodically contested, premise of legal education and scholarship. It is no longer. I am particularly conscious of this change because I was educated toward the end of an era in which law - the attack of the legal realists having been blunted - was confidently regarded as an autonomous discipline, and because the law school I attended epitomized this conception (I graduated from the Harvard Law School in 1962); yet much of my professional energy since has been devoted to opposing this conception."

Which "conception" is Richard Posner opposing? How does Richard Posner oppose the "conception"? What recommendation and suggestions does he propose in furtherance of opposing the "conception"? Do you think, as a research scholar, that the recommendations advocated by Richard Posner have stood the test of time?
