

## **Writing Legal Essays**

Essay writing will be one of the key forms of assessing your understanding of the law and your ability to critically evaluate legal principles. An essay question may form your ICA or may be one of the forms of exam question so developing good skills in writing legal essays is crucial.

Essay style questions or assignments are an extremely common form of assessment as they draw together some of the key skills that you have developed during your studies. There are not only the administrative skills of time management and planning, which will need to be implemented, but also law specific research skills, analytical skills, reflection and enquiry all of which has to be presented and communicated in a logical and coherent way.

The purpose of an essay question is to test your depth of understanding and your ability to evaluate the law.

This guide will help you to:

- Develop critical reading skills
- Manage your essay questions
- Structure essays
- Interpret assessment criteria

### **1. Developing critical reading skills**

The key to success in preparing for assignments lies with your research and background reading. Effective reading will enable you to build on the understanding that you have already gained from the materials. It will also enable you to clear up any confusion and to view legal ideas from another perspective.

There are a wide variety of reading materials available to law students these include:

- Textbooks
- Cases & Materials
- Articles in specialist journals
- Law Reports
- Statutes

The material outlines which texts are essential for the course and may also have listed additional texts for wider reading. You may also find references to an article or website which may have been published recently. In your textbooks you will also find footnotes to additional articles or reading which it may be worth following up alongside this, journals will often make reference to the source materials that the author used in research.

## What sort of reader are you?

Turner et al<sup>1</sup> distinguish quite clearly that being able to read is not the same as being able to read *well*. Reading is often a skill that we assume we are good at. It is important that you understand your reading rate as this will allow you to plan your reading and time and your recall rate as it is vital that you understand the key issues that you are reading about. There is no point in being an exceptionally quick reader if you cannot recollect any of the cases or principles that you have read about.

## 2. Managing Essay Questions

Where an essay question will form part of your ICA, it will be available to you on your module homepage in iLearn.

The first thing that you need to do when faced with an essay question is to read it thoroughly. This may sound obvious but students nearly always do one of two things. They either file it away to look at later – quite often just a week before it's due in, or else they read it vaguely, and because it may be on a topic that they like they assume that it won't be any great effort and then they file it away until the due date. Only to find at this late stage that it wasn't quite as straightforward as they had first assumed.

It is therefore vital to follow these steps;

- **Identify the focus of the question within the topic** – it is important that you do this to concentrate your mind on what is being asked by the question. This will make your research more efficient and make the best use of the limited time that you have. It should also mean that you do not miss out something which is glaringly obvious.
- **Look at the instructions** – all essays questions will have lead or instruction words in them. It is vital that you understand what these mean or else your examiner may feel that you have not answered the questions.

You will also need to manage your time effectively so:

- Identify the task in hand and then split it up into smaller tasks.
- Decide how long each of these sub-tasks will take to complete.
- Allow time for potential problems: What if the book is not in the library? What if your computer/printer/disc do not work? What if you are unwell for a couple of days?
- Remember to make allowances for other assignments or coursework that also has to be completed.

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<sup>1</sup> Huxley-Binns, Riley & Turner *Unlocking Legal Learning*, Hodder Arnold 2005 p.33

For example:

Main Task		Write Essay
Deadline		2 months from now
Estimated time to complete		6 weeks
Sub Task	Deadline	Estimated time to complete
Gather Information	1 month from now	3 weeks
Write first draft	6 weeks from now	1 week
Final editing	7 weeks from now	3 days
Final draft	2 months from now	2 days

You may want to use a similar table with actual dates for any assignments you have to do. **Keep checking to see that you are on schedule.**

### 3. Plan your structure

A good plan will provide a structure for your assignment and will also enable you to organise your arguments in a clear and coherent way. You will be looking for an introduction, the main body and conclusion. If you find it hard to get started why not concentrate on the main part of the essay first.

Your introduction should start with a clear definition of the subject area, don't be too basic or too lengthy. Always make sure that your introduction is objective and don't start with the phrase, "in the course of this essay I am going to..." as your examiner knows what you are going to do. Equally, don't reiterate the question without adding any direction or perspective to it.

Start explaining the law as soon as you can as this will keep you focused

Make sure that the main body of your essay progresses in a coherent way explaining the law and the issues which arise in the question. Deal with one issue per paragraph and make sure that all of the issue is dealt with there.

If you are analysing the development of an area of case law make sure that you use your word count carefully and don't waste it analysing the facts of the case. The facts should be dealt with briefly and should just highlight similarities or areas of distinction with what has gone before.

Ensure that you reach a sensible and reasoned conclusion. It should be based on the arguments made but should not merely repeat them – as this is again a waste of time and space. The best conclusions are often forward looking suggesting areas for reform or evaluating current proposals for reform. You may have a good idea of your own which you want to save for your conclusion – make sure that this is well reasoned and thought through as you wouldn't want to let yourself down at this point.

Make sure that you do not simply make assertions without supporting or evidencing them e.g. ***"Small claims are proceedings involving £5000 or less"***

This is an assertion until it is supported with evidence ***"Small claims are proceedings involving £5000 or less as stated in Part 27.1 Civil Procedure Rules"***.

Ensure that your material is relevant. Keep referring yourself back to the question to check that you are on track. This exercise should be done consistently at the planning stage. Anything of irrelevance will not attract credit and is therefore a waste of time and space. The overall impression that irrelevance will give to the examiner is that you have a lack of understanding of what the question is about and he or she would probably be correct!!!

Once your plan is complete you can undertake your first draft.

#### **4. Use the assessment criteria and learning outcomes**

One key reason students do not achieve the mark that they are aiming for when writing essays is because they do not fully understand what the tutor wants from them.

When marking, tutors often use two key documents; the learning outcomes and assessment criteria.

The learning outcomes are contained in the module descriptor and indicate what a student should be able to do on completion of the module. The assessment criteria are contained in your assessment question and indicate the level to which you have met the learning outcomes. So make sure that you are familiar with both!