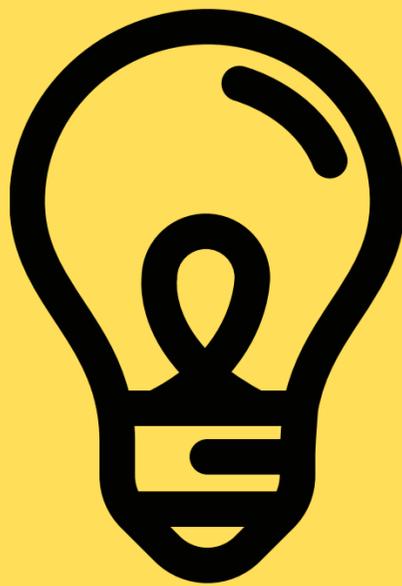


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WRITING SKILLS GUIDE

LAW SCHOOL

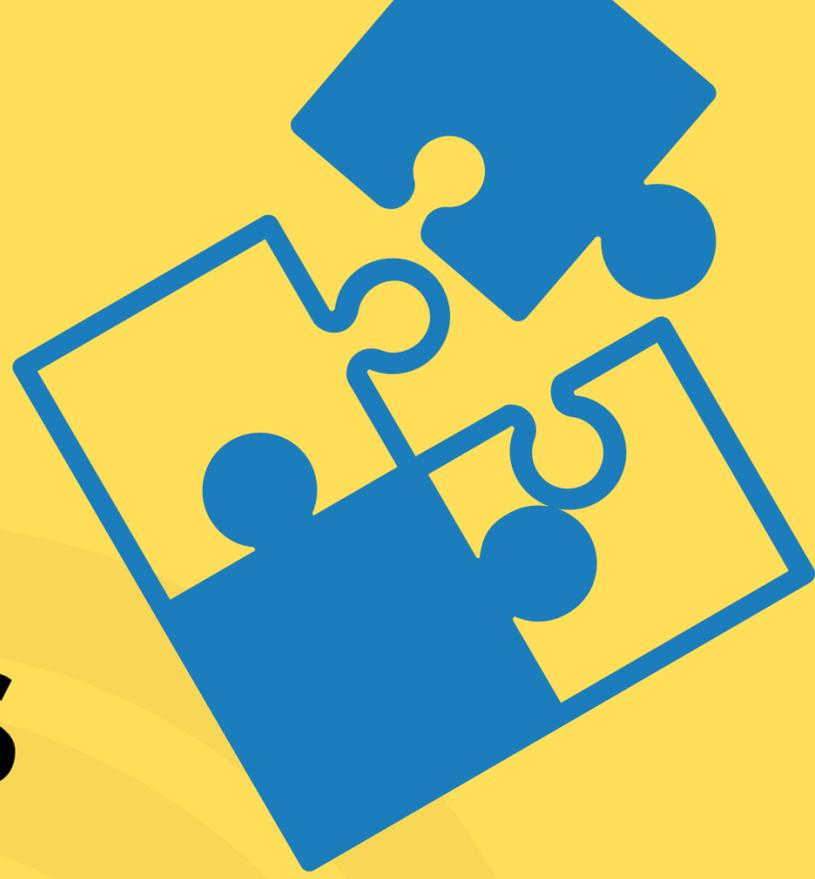
OVERVIEW

**WE WILL
COVER**



Legal problem questions
Research essays
Critical Review

LEGAL PROBLEM QUESTIONS



Problem questions (PQs) ask you to apply your knowledge of the law to a specific factual scenario.

It is important to remember that PQs are often based on areas of the law where there are uncertainties or conflicting opinions. This means that there are rarely 'correct' answers. Instead, you will need to highlight both arguments and, based on your knowledge of the law, you should 'pick a side'.

There are many different techniques and strategies for dealing with problem questions. One of the most common techniques is IRAC.



IRAC

is an acronym for...

ISSUE

RULE

APPLICATION

CONCLUSION

ISSUE

Before writing anything, you should need to identify the issue(s) in the problem question.

To identify the issue(s), look for areas of conflict (for example, where there is disagreement, uncertainty or where the interests of the characters conflict). The more study and preparation you do, the easier it will be to identify the issues.

Highlight or write down all of the issues on a draft paper so that you make sure you address all issues in your answer.

In your answer, clearly state the legal issue(s). For example, in a contract issue about past consideration, you might state: "The issue here is whether or not [X]'s performance was past consideration of [Y]'s promise."

Once you have stated the legal issue(s), you can move to the rule (or authority).

RULE

This is the section where you resort to authority: statutory provisions or case law.

You should aim to define the legal concept that the question concerns.

Referring to the previous example of past consideration, you should aim to define 'past consideration' as contained in statute, case law or any other source of law (if you don't have any authority, give your own definition). Then, you should refer (briefly) to the rules and principles of 'past consideration' as outlined in relevant cases. This will involve a brief explanation of what the court has ruled on the issue.

APPLICATION

In the next part, you should relate the authority you set out in the 'rule' section to the facts of this case. Draw on similarities and differences between the facts in the authority cases and the facts in your problem scenario.

CONCLUSION

Here, you will argue your answer to the issue, based on how you applied the authority to the facts of this case. If the question asks you to 'advise' the client, you should clearly state your advice on the most likely or probable outcome.

For example: "My advice to [X] is that they should not proceed with the lawsuit because the consideration is most likely past consideration, making the contract unenforceable."

REMEMBER...

You should highlight any inconsistencies in the law or areas of controversy for full marks. This might involve brief consideration of dissenting judgments and subsequent cases discussing the value of the dissenting opinions without actually overturning the rule or principle.

For example: “In R v W [1999], the majority allowed the appeal by a narrow margin of 4-3. The composition of the High Court has changed since 1999 and the High Court judges today have, on occasion, referred to Justice [X] in their dissent as a [proper or more appropriate analysis of the law].”

LEGAL ESSAY WRITING



LEGAL ESSAY WRITING

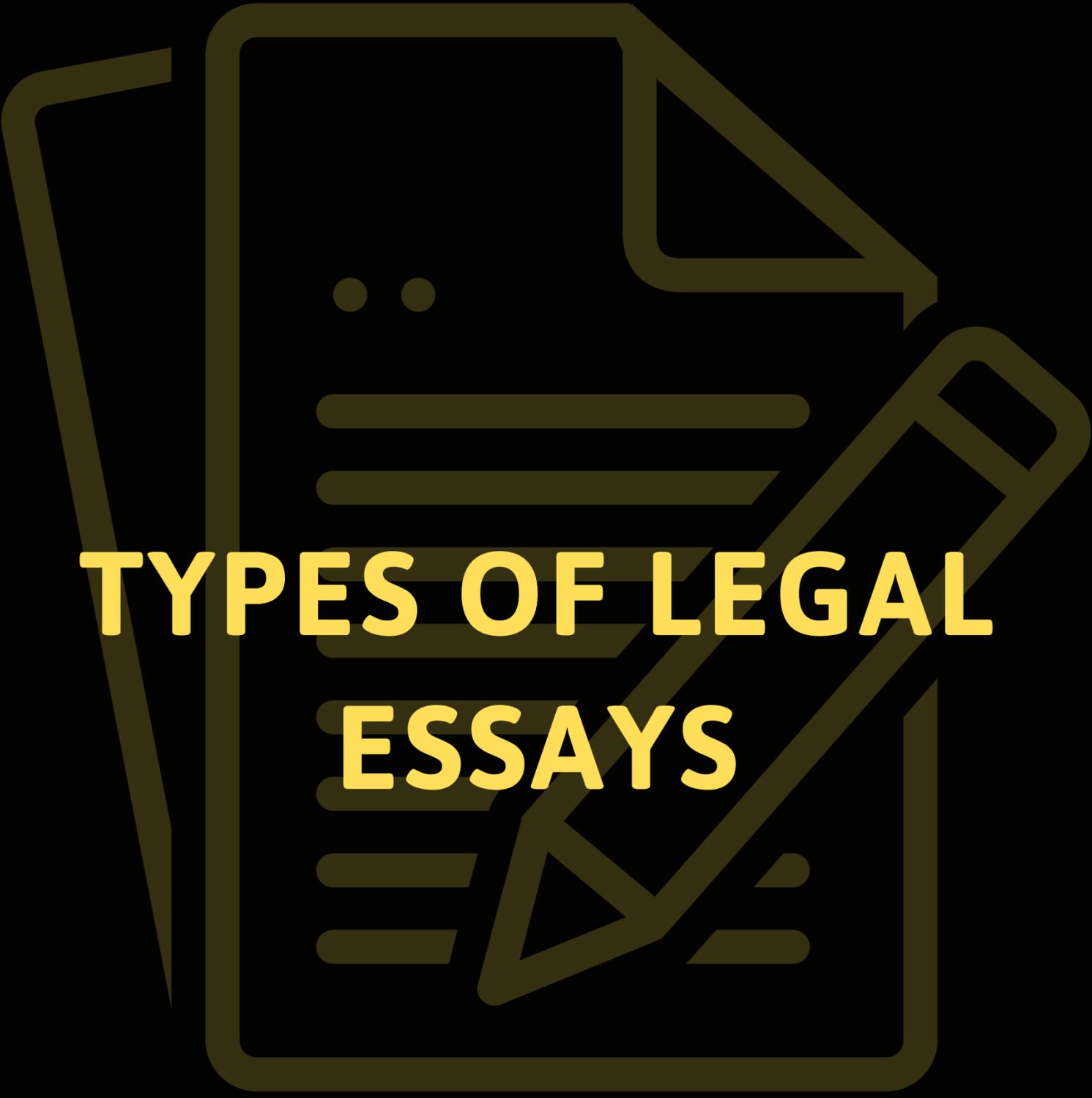
WHAT DO ALL GOOD ESSAYS NEED?

An academic essay should answer a question, address a problem and/or propose a solution to a legal/social issue.

It must have:

- a thesis statement (an answer to the question or a defined legal argument);
- an introduction, body paragraphs and conclusion; and
- references (footnotes or in-text citations) and a reference list

A good essay will present or discuss an idea or problem in a well-structured and well-articulated way. The arguments will be based on relevant academic resources and supporting evidence.



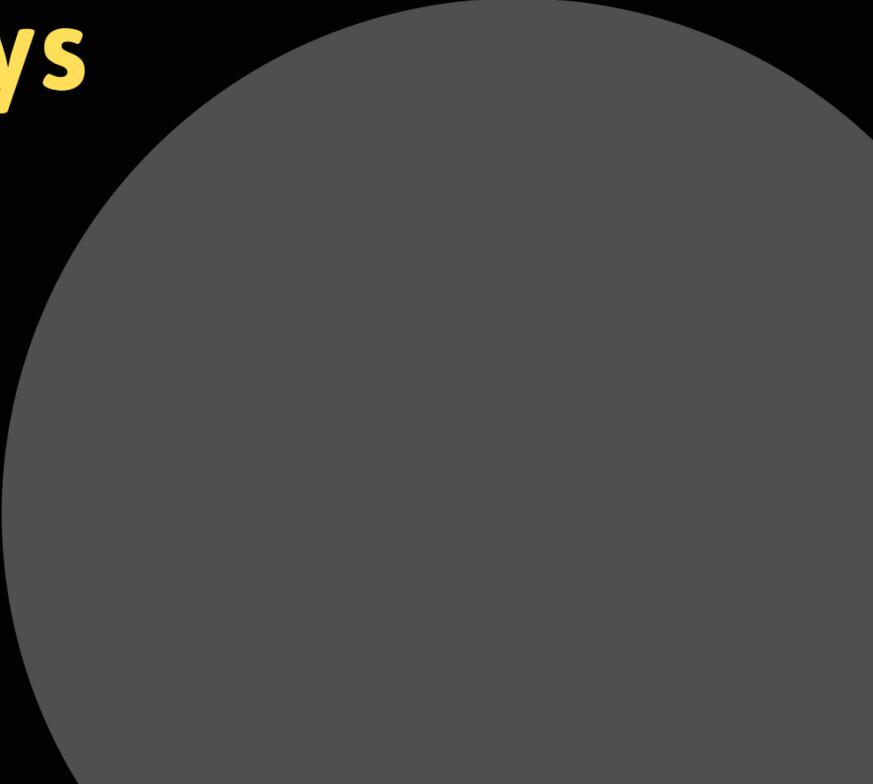
TYPES OF LEGAL ESSAYS

Research essays

Critical Case Review essays

Jurisprudence essays; and

law exam essays



RESEARCH ESSAYS: WHERE TO START?

10 basic steps for writing a research essay

1

Analyse the question and define key terms.

2

Research the topic and find out what the experts in the field say.

3

Prepare a draft thesis based on your research.

4

Prepare an essay plan to organise your ideas and structure your research.

5

Write an abstract or short introduction.



10 basic steps for writing a research essay continued...

6

Set the abstract away for a day, then re-read and prepare a first draft. Remember to include footnotes as you go!

7

Set the first draft away for a day or two, then edit/redraft.

8

Get some feedback.

9

Edit and finalise your essay based on your feedback.

10

Finalise your footnotes and references and **HAND IT IN!**

Don't forget REFERENCING!



All academic essays must contain references. This guards against plagiarism and ensures that you acknowledge the work and efforts of other scholars and academics.

Make sure you are familiar with the referencing style of your law faculty. You don't always have to use the preferred referencing style of your faculty. But you should make sure that whichever referencing style you use, you are consistent.

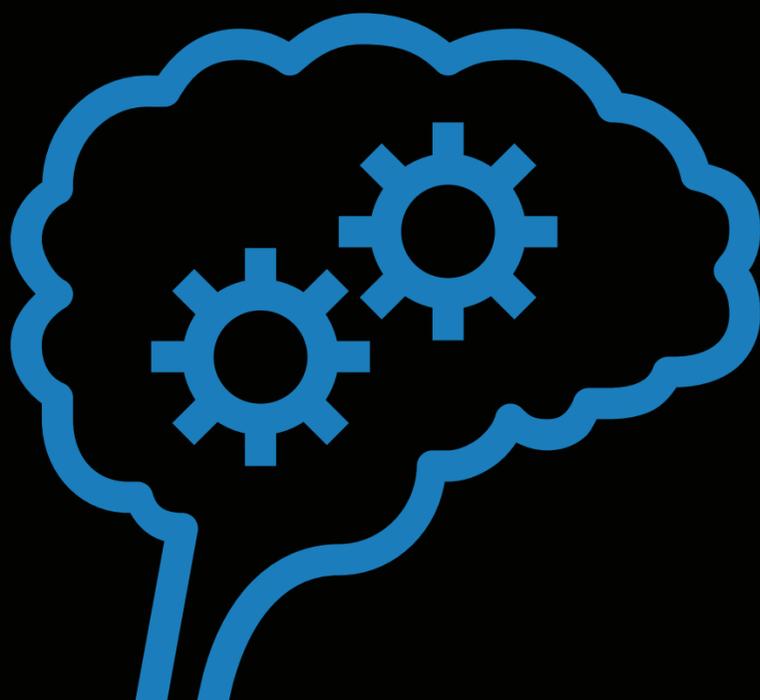
Legal essays usually use footnotes (as opposed to in-text citations) and a reference list. The reference list should be the final page, and should list all the cases, legislation and secondary sources you referred to in your essay.

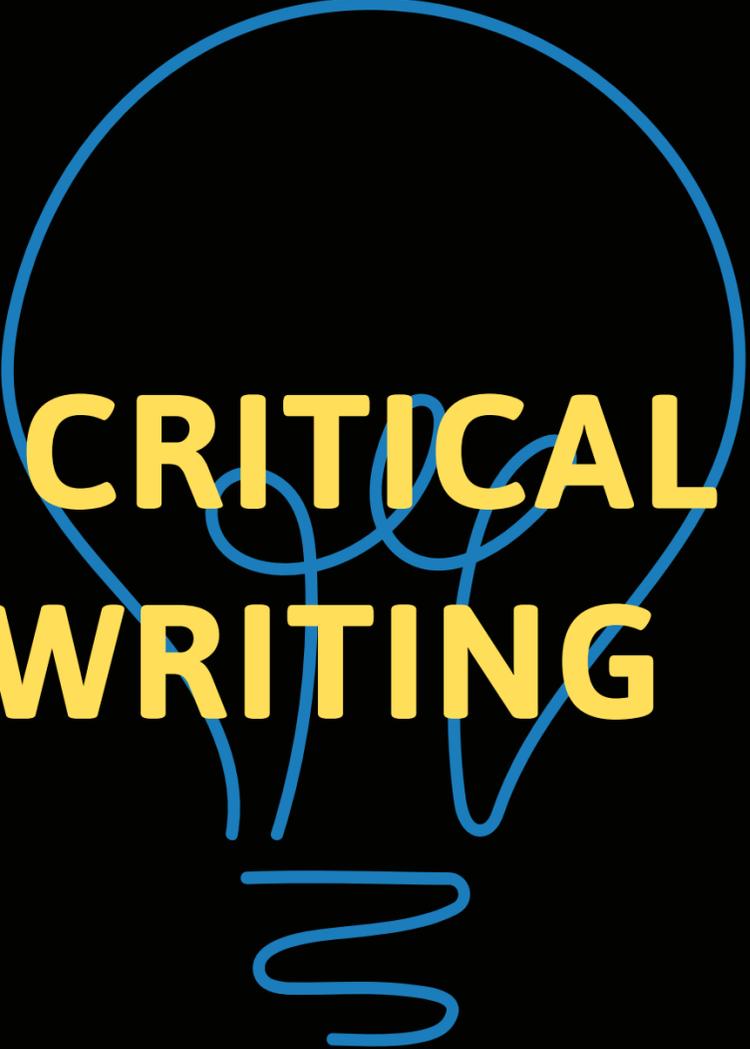
CRITICAL REVIEW ESSAY WRITING

A critical review requires students to critically evaluate or analyse a text (or texts) or a case (or cases).

To 'critically review' a text or case requires students to:

1. read the text(s) or case(s) in detail;
2. question the information, opinion or outcome; and
3. present your own evaluation or analysis of the text or case.





TIPS FOR CRITICAL REVIEW WRITING

To write a critical review well, you should try to:

- understand the text(s) or case(s) from a different perspective and/or in relation to one or more theories, approaches or frameworks;
- identify the purpose of the text(s) or case(s); and
- Identify the strengths and weaknesses of the text(s) or case(s)

STRUCTURE OF A CRITICAL REVIEW

Always check your assignment the instructions for formatting and structure instructions.

Generally, a critical review should have an introduction, summary, critique and conclusion.



SUMMARY

In the summary section (which should usually take up about $\frac{1}{3}$ of the review), you present a summary of the key points of the text(s) or case(s).

Summarising involves strategically reducing a text or case to its main points and paraphrasing it into your own words.

CRITIQUE

This is the most important section of the review. The critique should discuss the features, strengths and weaknesses of the text(s) or case(s). You should include other sources to support your evaluations.

There are numerous ways to approach the critique section. Here are some examples:

- Separate paragraphs according to each criterion. For example, if you are discussing three different concepts introduced in the text, you can evaluate each of the concepts separately.
- Present the negative evaluations first and the positive last (or vice versa). If your evaluation is more negative than positive, it is usually better to start with the positive commentary and then explain how it is limited.
- Separate paragraphs according to specific concepts or ideas that you have identified as being the most relevant to your critical review.

EXAM ESSAYS

5 basic tips for writing an essay-style exam

1

Make sure you understand the question and the terminology used.

2

Prepare an essay plan!

3

Allocate time for each question.

4

Structure your essay clearly. Follow the basic essay structure: introduction, body and conclusion

5

If you run out of time, use dot-points.

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