

# Writing Law Essays

## 1 Make sure that you have understood the question

However able you are and however much research you do, you will not get a high grade unless you answer the question that has been set. It is surprisingly easy to twist a question to mean what you want it to mean, especially in exam conditions! Take time to really make sure you've understood exactly what you've been asked to do. Below are two possible ways to do this.

### a) Identify two components within a title

The two components in essay questions are:

**The subject matter** - The issues or debates you are being asked to comment on.

**The instructions** - The directions that tell you what to do with the subject matter. Directions fall into two categories—descriptive and analytical (see appendix for a full list). Descriptive directions such as *define* and *outline* require you to describe something in your own words. Analytical direction words such as *criticise* and *discuss* require you evaluate the worth of something.

Here is an example, using an essay title from Bradney et al's *How to Study Law*<sup>1</sup>:

**"The reform of the legal profession by the Courts and Legal Services Act 1990 was a non-event." Discuss.**

**Subject matter:** The success or failure of the Courts and Legal Services Act, 1990, in reforming the legal profession. To answer this question you must find out what the Act stated, what it aimed to achieve, and its impact.

**Instructions:** Discuss, that is, explore from different points of view.

**Warning!** Occasionally directions may be hidden within the phrasing of the title. In such cases you might find it useful to devise your own instruction words.

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<sup>1</sup> Bradney, A., Cownie, F., Masson, J., Neal, A. and Newell, D. *How to Study Law*, 1995, 3<sup>rd</sup> ed., London: Sweet and Maxwell.

## b) Re-write the title as a series of questions

Sometimes it is difficult to keep the meaning of an essay title fixed in your mind. One way of making sure that you stick to the point is to re-write it as a series of smaller questions.

These can often provide the beginnings of an essay plan too.

So, the above essay question could pose the following, smaller questions:

What was the situation before the Courts and Legal Services Act of 1990?

What was the Courts and Legal Services Act of 1990?

What did the Act aim to achieve?

Did the Act succeed? If so, why? Who did it help?

Did the Act fail? If so, why? Who didn't it help?

In the light of the above, is it correct to say that the Act was a non-event?

## 2 Plan your essay so that you make an overall point

Essay writing combines two processes in varying proportions: *description* and *analysis*.

The description is where you relate information about a topic. For instance, you might need to *describe* the events of a particular case or *outline* the history of an aspect of the legal system to provide a context for your discussion.

The analysis is where you make some comment or judgement upon a topic. For instance you might *question* whether an aspect of law is fair, or *criticise* a legal procedure.

In a nutshell, your task when writing an essay is to combine description and analysis in such a way that you develop an overall point or series of points about a given topic.

This takes some skill and can rarely be achieved without a lot of thought and careful planning.

Some guidelines for essay planning

- ◆ Make sure that you collect and read material that really addresses the question.
- ◆ Start planning early because it takes time to think well. What descriptive material might you want to include as a context for your argument? What overall argument do you want to make? You don't have to stick to your first plan, but at least you have something to work with.
- ◆ Remember that essays are essentially linear in format—one paragraph follows another. At some point you therefore need to work out what you are going to say paragraph by paragraph. This takes some hard thinking. Don't let yourself be vague when deciding

what to include in each section: just noting down words like *Intro* won't help you much! Fill in the detail.

- ◆ Think carefully about how you sequence material. For instance, make sure that you explain *what* something is before you evaluate it. It might help to imagine taking your readers on a journey. Will they be able to follow your points? Have you provided enough evidence to convince them that what you say is right?

Below is an example of a first plan for the essay mentioned above.

"The reform of the legal profession by the Courts and Legal Services Act 1990 was a non-event." Discuss.

*Introduction—reasons for reform—reference to relevant reports e.g. Marre*

*Reforms carried out by Courts and Legal Services Act—brief description*

*Not a non-event—*a) *outcry by barristers and judiciary*  
b) *removal of barristers' monopoly in higher courts*

*Possibly could be said to be an immediate non-event because of delay by designated judges.*

*However, conclusion = not a non-event, altered face of legal profession radically—quote from articles.*

### **Further reading:**

Bradney, A., Cownie, F., Masson, J., Neal, A. and Newell, D. *How to Study Law*, 1995, 3<sup>rd</sup> ed., London: Sweet and Maxwell.

## Appendix: Commonly used Process Words

<b>Account for</b>	Give <i>reasons for</i> , provide a <i>thorough</i> explanation.
<b>Analyse</b>	Find the <i>main ideas</i> and show <i>how they are related</i> and <i>why they are important</i> .
<b>Comment on</b>	<i>Discuss, criticise, or explain</i> its meaning as completely as possible.
<b>Compare</b>	Show both the <i>similarities</i> and <i>differences</i> .
<b>Contrast</b>	Explore the <i>differences</i> between two things.
<b>Criticise</b>	Give your judgement or reasoned <i>opinion</i> of something, showing its <i>good</i> and <i>bad</i> points.
<b>Define</b>	Give the <i>formal meaning</i> by distinguishing it from related terms.
<b>Describe</b>	Write a detailed account or verbal picture in a <i>logical sequence</i> or story form.
<b>Discuss</b>	<i>Explore</i> something from different points of view.
<b>Enumerate</b>	<i>Name</i> and <i>list</i> the main ideas one by one. Number them.
<b>Evaluate</b>	Give your opinion or some <i>expert's opinion</i> of the truth or <i>importance</i> of something. You should outline any <i>advantages</i> and <i>disadvantages</i> .
<b>Examine</b>	Investigate.
<b>Explain</b>	Give reasons for.
<b>Identify</b>	Point out the main features.
<b>Illustrate</b>	Explain or make it clear by <i>concrete examples, comparisons, or analogies</i> .
<b>Interpret</b>	Give the <i>meaning</i> , using <i>examples, evidence</i> and <i>personal comments</i> to make it clear.
<b>Justify</b>	Give a statement of <i>why you think it is so</i> . Give <i>reasons</i> for your statement and conclusion
<b>Outline</b>	Give a general summary. It should contain a <i>series</i> of main ideas supported by secondary ideas. <i>Omit minor details</i> and <i>examples</i> .
<b>Prove</b>	Show by <i>argument</i> or <i>logic</i> that it is true.
<b>Relate</b>	Show the <i>connections</i> between things, telling how one <i>causes</i> or is <i>like</i> another.
<b>Review</b>	Give a <i>survey</i> or <i>summary</i> in which you look at the <i>important parts</i> and <i>criticise</i> where needed.
<b>State</b>	Describe the <i>main points</i> in precise terms. Be <i>formal</i> . Use brief, clear sentences. <i>Omit details</i> and <i>examples</i> .
<b>Summarise</b>	Give a <i>brief</i> , condensed account of the <i>main ideas</i> . <i>Omit details</i> and <i>examples</i> .
<b>Trace</b>	Follow the <i>progress</i> or <i>history</i> of the subject.