

# Essay writing

12

## INTRODUCTION

The focus of this chapter is essay writing. Earlier sections of this book have outlined techniques for locating and understanding sources of law. These skills are important and make an immense contribution towards your development as a lawyer but they are not enough in isolation to ensure success on your law degree; you must also be able to use the law to good effect in an essay and to answer a problem question (chapter 14). This chapter guides you through the stages of research, planning, and constructing an essay but it should be read in conjunction with chapter 10, which focuses on good writing skills including the use of language, appropriate presentation, and techniques for referencing. You will also find a range of examples of good and bad practice in essay writing on the Online Resource Centre; there is much to be learned from a critical examination of the work of others, so be sure to take some time to go through the online marking exercises.

The production of an essay involves a combination of writing skills and legal knowledge. As such, several other chapters in this book will provide useful information that contributes to the process of writing a successful essay. For example, you must know how to find the relevant law (chapters 2, 5, and 8), use it (chapters 3 and 6) and how to express your understanding in good written English following the practices and conventions of legal writing (chapter 10). In addition to these important factors, you must also understand how to tailor your knowledge to the particular essay and how to construct a focused, flowing, and analytical essay. Mastering the art of essay writing is essential as, together with problem questions, essays are the dominant means of assessment that you will encounter, both as coursework and examinations, on your law degree. This chapter guides you through the stages of producing an essay from analyzing the question, conducting the research, selecting material, and structuring the answer. These stages of the essay-writing process are illustrated by examples and suggestions of ways to make your essay stand out to the marker.

## LEARNING OUTCOMES

*After studying this chapter, you should be able to:*

- Analyze an essay question in order to identify its scope and requirements
- Prepare to write the essay by engaging in effective research and planning
- Structure an argument and select supporting material

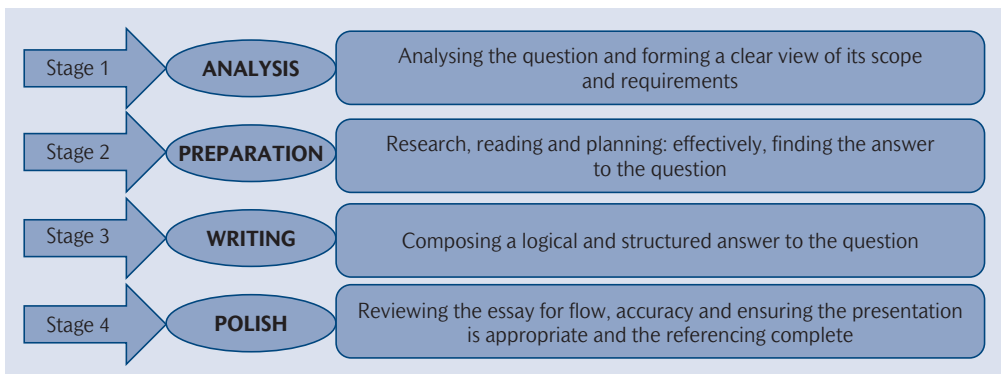
- Identify the skills that are being assessed in the essay and tailor your essay to ensure that these skills are demonstrated
- Evaluate the essay that you have written to ensure that it demonstrates the relevant skills and knowledge and that it adheres to the necessary style and referencing requirements

## 12.1 What is a good essay?

This is an important question as you cannot be expected to produce a good essay until you know what features combine together to create a good essay. In essence, a good essay is one that answers the question and, in doing so, demonstrates a range of written and analytical skills. It is important to emphasize that a good essay requires as much thought to be given to the way that the essay is constructed as is given to its content. In other words, it is not enough that you know the relevant law; you must also know what to do with it in order to write an effective essay.

Many students make the mistake of thinking that the success of an essay rests solely on its content, irrespective of the way that this content is expressed and organized. If that were the case, a list of bullet points would suffice to enable you to demonstrate your knowledge of the law. The purpose of an essay question is not only to test your understanding of the law but also your ability to select relevant information, structure an argument, and engage in detailed legal analysis using supporting authorities where appropriate. As such, acquisition of the relevant knowledge is merely the starting point for the production of an essay. Remember that careful research will elicit accurate information and that this will form the foundation of your essay.

Students often state that they have not started their essay but mean that they have thought about it and conducted some research but that there are no actual words on paper yet. Equally, the essay is often regarded as finished as soon as the last word is typed. It is a mistake to prioritize the actual writing of the essay as this is only one stage in the four-stage process of producing a good essay (Figure 12.1).



**Figure 12.1** The four stages of essay writing

This chapter will provide a detailed account of the requirements of each of these stages in order to assist you with the production of an essay that answers the question set, demonstrates appropriate skills, and which meets with the approval of your marker. Remember, though, that it may be necessary to move backwards and forwards through the stages: you may, for

example, find that you need to do more research once you have moved into the writing stage or that you need to reconsider what the essay means during the research stage, but that is not a problem. This chapter does not intend to suggest that there is a rigid progression through the stages but to ensure that each stage is given adequate attention to help you with the production of your essays.

## 12.2 Analyzing the question

It is important to take time to analyze the question in order to work out what it requires. This is a fundamental first step as you cannot hope to answer the question unless you are clear about what it is asking. Even your initial research should be undertaken with a firm eye on the requirements of the question; you do not have to know what the answer is in order to work out what the question is asking. In fact, analysis of the question will help the research process as you will be more able to eliminate irrelevant or peripheral information if you are clear about what it is the question requires.

### 12.2.1 What does the question ask?

It is essential to the success of every stage of the essay-writing process that you focus on what the essay asks rather than the broader issue of what the essay is about. This distinction should become clearer if you consider the following essay title:

Assess the extent to which the Sexual Offences Act 2003 achieves its aim of ‘simplifying the law’ and ‘strengthening the protection afforded to victims of [rape]’. Comment on whether the law of rape is now satisfactory.

Give some thought for a moment to these questions:

- What is the essay about?
- What does the essay ask?

The answer to the first question is relatively straightforward; the essay is about, variously, sexual offences, rape, or the Sexual Offences Act 2003. However, you could write an essay on any of these topics that would wholly fail to address the issue at the heart of the question which is whether the recent reforms to rape law have achieved their stated objectives.

Far too many students limit their prospects of success by answering the first question rather than the second. This can be a particular problem in examinations as many students tend to feel pressured and latch on to the most obvious aspect of the question with a sense of relief that they have encountered something familiar which suggests that it is a question that they can answer. This is a mistake because the broad topic ‘sexual offences’ covers a whole range of issues that are simply irrelevant to this question and, as such, attract absolutely no marks whatsoever. For example, a discussion of grooming—a measure introduced by the Sexual Offences Act 2003 to deal with those who use the Internet to lure children into sexual activity—falls within the broad category ‘about the Sexual Offences Act 2003’ but has just as little relevance to this question as a consideration of any of the following:

- Manslaughter—a different criminal offence
- Resulting trusts—a different area of law
- Agricultural policy in the 1950s—a non-law topic

## 12.2.2 Reword the question

One of the most effective ways to work out what the question asks is to rewrite it in your own words with the aim of discovering one or two clear questions that you understand. For example, the following two questions simplify the Sexual Offences Act title and make it far easier to keep its core issues in mind when researching and writing the essay:

- Is the offence of rape simpler to understand than it was under the previous law?
- Are victims of rape better protected under the new law?

By focusing on what the question asks rather than on the broader question of what it is about, you will find it much easier to identify relevant material for inclusion in your essay and to eliminate material which, although *about* the general issue of rape, has no relevance to the particular question *asked* by the essay.

It can also be necessary to reword an essay question if it is phrased in a way that does not give you much by way of clues as to what is expected. A question that is made up of a quotation followed by the instruction to 'discuss' is an example of this as it puts the onus on the student to work out what it is that needs to be discussed. The way to deal with this is to reword the question yourself using more process words so that you make a distinction from the start about what aspect of the question needs to be described and what it is that needs to be analyzed.

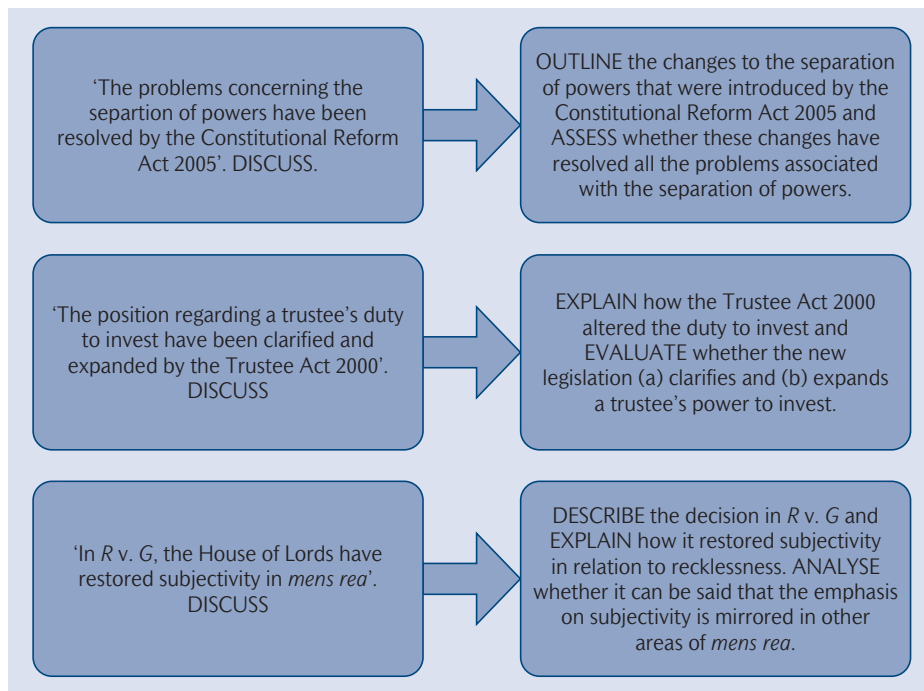



Figure 12.2 Rewording essay questions



### Practical exercise

It is a good idea to practise analyzing essay titles by rewording them as this will give you the confidence to do it with your own work. Try to identify the questions that are being asked in the following essay titles. You should be able to do this even if you have little knowledge or understanding of the topic of the essay:

1. The postal rule is outdated and has no place in modern contract law. Discuss.
2. If the United Kingdom has a constitution at all, its central pillar is parliamentary sovereignty. Evaluate this statement with particular reference to the European Community.
3. Explain how charitable purposes are defined and consider whether the current approach is satisfactory.
4. Outline the approaches that a judge may take to statutory interpretation and consider their relevance following the enactment of the Human Rights Act 1998.

 *You will find suggested answers to these questions on the Online Resource Centre where there is also explanation of how the answers were reached.*

Remember that you are rewording the question to enhance your understanding of what it requires. You must take the utmost care to ensure that you are not rewording it in a way that changes its sense or meaning. When your essay is marked, it will only attract credit for material that is relevant to the question that was asked and not for other points, however interesting or clever, that are not pertinent.

## 12.3 Research and planning

These preparatory stages should take at least as much time as the actual writing of the essay. This is the stage at which you find the answer to the question, select material for inclusion in your essay, and engage in some preliminary planning of the structure of your argument. Taking care with these preparatory stages does make the writing of the essay less troublesome, as many of the difficult issues will have already been resolved.

### 12.3.1 Focus on the question(s)

The aim of the preceding section is to emphasize the importance of working out what the question wants prior to starting the process of research, planning, and writing that will produce the essay. This is because you cannot answer a question unless you know what it is asking. Students sometimes think that research is the first stage and certainly it can be but you will be so much more effective in your research if you start with a clear idea of what you are trying to find out which you will be able to do if you have analyzed your question as the first stage prior to commencing research.

Try to remember that you do not need to know the answer in order to conduct research: after all, that is what research is all about—finding answers. Of course, you are likely to discover information during your research that assists you to reach a more informed understanding of the questions but your research will be more effective if you have given thought to what it is you are trying to find before you start to research.

### 12.3.2 Brainstorming

One method of exploring what you already know about a topic is brainstorming. This involves writing down everything that you can think of about a topic in the order it comes into your mind. This technique has been a really useful way of finding out just how much you do know

about a topic as part of the revision process (see chapter 15) but it can also be helpful in essay writing as it is a way to establish a list of potential topics for inclusion in your essay so that you can make some preliminary decisions about relevance and thus direct the focus of your research and reading.

You might find it useful (and more enjoyable) to work with a friend at this stage. Write the topic at the top of a piece of paper and give yourself a set period of time—two minutes should be ample—to write all that you can think of about that topic. At the end of the time, reflect upon the points that you have listed and note your preliminary thoughts about their relevance to the question. Of course, it may be that you are not sure how relevant they are until you find out more about the law but at least you should have eliminated some material and identified some further questions that need to be answered as part of your research, i.e. how relevant is this issue to my essay?

This example is based on a brainstorming session about rape that generated a diverse selection of points about rape. Once you have all your ideas recorded, you can evaluate how relevant each issue is to the question asked. This example shows the relevance of each of the issues to (a) the question about the Sexual Offences Act 2003 provided earlier in the chapter and (b) ‘Outline the role of consent in the offence of rape and consider whether recent legislative changes have improved the law’ (Figure 12.3).

RAPE	Q1 RELEVANCE?	Q2 RELEVANCE?
Definition (old law, new law)	Yes	Yes
Consent	?Has it changed?	Yes
Penetration—vagina, anus, mouth	Yes, new law	Probably not
Male defendant—new offence of penetration (s2) by either sex	Yes, new law	Probably not
Transsexual rape—what sex is the victim?	?Unsure?	No
Cases under old law—would they be different under new law?	Some cases	Consent cases
Marital exemption—R v. R	Probably not	No
Conviction rates	New law, improved?	Possibly
Intoxication and consent	?Unsure?	Yes
Stranger rape, date rape, drug-assisted rape	?Unsure?	Possibly
Rape of children—rape by children	Probably not	No

Figure 12.3 Evaluating a brainstorming session

By dealing with a single brainstorming session about the broad topic of rape and then testing the relevance of the points which emerged against two different questions, it is hoped to emphasize the importance of considering the particular question (what the question asks) rather than the general topic (what the question is about).



### Practical exercise

Try this technique with the four essay titles provided in the practical exercise on page 293. The topics for brainstorming in relation to each essay are listed below. Remember that the first stage is to brainstorm the topic and the second stage is to evaluate the relevance of each point that this has identified in relation to the particular question.

1. Contract: offer and acceptance.
2. Constitutional law: parliamentary sovereignty/European law.
3. Trusts: charitable purposes.
4. English Legal Systems: statutory interpretation/Human Rights Act



*You will find suggested answers to these questions on the Online Resource Centre where there is also an explanation of how the answers were reached.*

### 12.3.3 Getting started

It can be extremely difficult to make a start on the research and planning of an essay just because it all seems such an immense task, particularly if you feel that you are overwhelmed from the start because you are faced with a topic that you do not understand. This section outlines some of the early steps that can be taken that will help you to make a start on your preparation.

#### 12.3.3.1 Start with textbooks

*Earlier chapters in this book have provided in-depth coverage of a range of legal sources, how to find them, and how to make effective use of them. This chapter will not repeat that information but will merely highlight a few key points of particular relevance to conducting research for an essay. You will probably find that you need to make reference to earlier chapters to help you with the research process.*

The most sensible starting point for your research is the relevant chapter in the set textbook that was recommended as the essential purchase for your course. You might not like the set textbook, finding it either too simple or too complex depending on your level of understanding of the subject, but you should always read it as a starting point when researching for an essay because it gives you the information that the lecturer will expect you to know and which all other students on your course will have read. Try to resist the temptation to write reams of notes at this stage: it would be a better use of your time to make a note of the key points that seem relevant to your essay and to record any materials that you have spotted in the footnotes or further reading sections that might be worth following up.

If you find that you cannot understand the topic in the set text, you should make it a priority to identify an alternative textbook that explains the same subject matter in a more straightforward manner so that you can get to grips with the topic. This is particularly important when researching for an essay question because you need to be able to understand the basics of a topic in order to write about it. There is no point in persevering with a book if you feel that you do not understand what it is saying when there are so many other textbooks that offer alternative ways of explaining the material. It is often the case that reading a more straightforward textbook will give you a foundation of understanding of the topic that you can build upon by returning to the original textbook.

You should not restrict yourself to a single textbook. Each book will present the core information on a topic in a different way and will inevitably choose different cases and examples to illustrate the law that is outlined. Reading a variety of textbooks will help you gain a broader perspective of the topic in question. You should also use the textbooks to identify other sources of information, such as articles and cases, and reading a range of books will increase the amount of additional sources that you discover.

### 12.3.3.2 Move on to articles and monographs

A textbook is a good source of basic information that should be used to give you a solid understanding of the topic. However, quoting extensively from a textbook in your essay or using textbooks as the sole point of reference for your arguments will not impress your lecturers. You need to demonstrate the ability to move beyond a textbook and engage with the sort of analysis that you will find in articles and monographs. These sources of information will supplement the framework of knowledge that you have acquired from textbooks and enable you to engage in some more sophisticated analysis of the issues raised by your essay.

As mentioned in the previous section, looking at the footnotes and further reading in a textbook is a good way to identify relevant articles. Make a list of articles that you want to find and hunt about online and in the library for them. Once you have found them, tick them off your list but make a note of whether or not they were useful and what you have used them for in your essay. This type of research trail can be really useful to remind you of what you have done and to stop you wasting time repeating steps that you have already taken but may forget, especially if the research process spans several weeks.

ARTICLES TO FIND	NOTES ON TEMKIN ARTICLE
Temkin, J. 'Getting it Right: Sexual Offences Law Reform' (2000) 150 NLJ 1169 <span style="float: right;">X</span> ↪ Not in library. Look online.	p.329 Explains how SOA has broadened the definition of rape to include surgically constructed vagina and oral penetration.
Rumney, P. 'The Review of Sex Offences and Rape Law Reform: Another False Dawn' (2001) 64 MLR 890 <span style="float: right;">X</span> ↪ CAN'T FIND IT ↪ Modern Law Review	↪ Problems? Juries reluctant to convict?
Temkin, J. and Ashworth, A. 'Rape, Sexual Assaults and the Problems of Consent' [2004] Crim LR 328 <span style="float: right;">✓</span> ↪ Focuses on consent but has some points I can use. Notes on p.2-4	p.329-30 Concept of recklessness disappeared from rape. Replaced with lack of reasonable belief in consent. <span style="float: right;">What is the significance of this?</span>
Rodwell, D. 'Problems with the Sexual Offences Act 2003' [2005] Crim LR 290 <span style="float: right;">✓</span> ↪ Short. About problems with attempt. Notes on p.5	p.330 Introduction of new offence of sexual penetration - like rape but penetration must be with something other than penis.
Finch, E. and Munro, V. 'The Sexual Offences Act 2003: Intoxicated Consent and Drug Assisted Rape Revisited' [2004] Crim LR 789 <span style="float: right;">✓</span>	p323 Govt. report 'Setting the Boundaries' 'rejected the Olugboja approach to consent' and recommended statutory definition of consent. This approach also favoured by govt white paper 'Protecting the Public' <span style="float: right;">Do I need to find these reports?</span>
1	2

Figure 12.4 Research trail

As with textbooks, try to avoid the time-consuming and tedious process of writing a condensed version of the article as a set of notes but instead adopt a more effective method of extracting the relevant information from the article. The example above shows that the interesting points from the article have been listed rather than chunks of the article being written out in full. The page numbers of the article have been included so that the points are easy to

find again and arrows are used to indicate the writer's own thoughts and points to remember. Notice that quotation marks are used to indicate where the precise wording of the article has been recorded; this is useful as it reminds you that a reference is needed.

### 12.3.3.3 Remember to read case law

Students often overlook case law as a source when researching for an essay. This may be because it is assumed that all important cases and their main points can be found in a textbook. This is a mistake. A textbook should identify the most important cases but other cases that are less prominent may still have something useful to contribute to your essay. Moreover, a textbook that notes the bare facts of a case and its legal principle will not provide the detail that you need to discuss the case in depth in your essay. Finally, you should remember that judgments are an immensely valuable source of information about the law, its application and its problems. Every time the Court of Appeal sets out its judgment in a particular case, it will explain the law that is applicable to the case, note any debate over its interpretation and comment on the problems surrounding the law. This level of detailed analysis is not to be found in most textbooks so to omit case law from your research is to disregard an excellent source of legal knowledge.

### 12.3.3.4 Organizing your research

During the course of your research, you will use a variety of sources and you will want to keep a record of the relevant information that you have found. The most popular method of recording information is, unfortunately, the least effective as it involves rewriting every textbook, article and case in a more condensed form. This is time-consuming and does not produce a very useful set of notes.

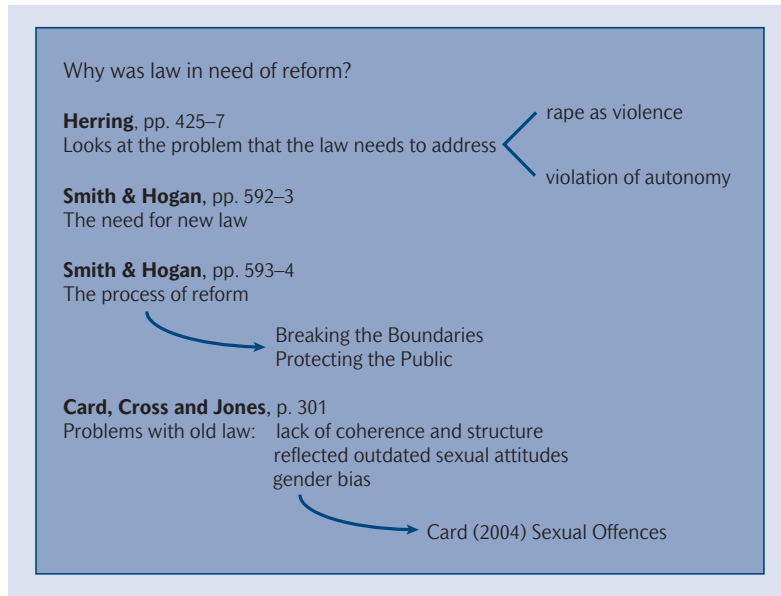
One way to avoid this is to take a very skeletal approach to note-taking that notes what the points are and where they can be found rather than writing out the point itself. This can be a useful way to extract information from source material although it still suffers from the limitation that your notes are organized by source rather than by issue. This usually means that you end up writing out the same information several times as you encounter the same point in a number of different sources.

One of the other weaknesses of organizing your notes according to source is that it is very easy to become distracted from the purpose of the note-taking, i.e. extrapolating information pertinent to a particular essay question, and instead to note all the information that seems to be important to the writer of the article. The unfortunate consequence of this is that you are devoting time to noting down information that has no relevance whatsoever to the essay without really thinking about what it is that you want to achieve, so that ultimately the situation becomes nothing more than an exercise in handwriting.

The best way to avoid this and to make the research process more effective is to evolve a system of organizing your notes that is based on the issue or question that you want to address. If you have analyzed your question and brainstormed your topic as suggested above, you will already have identified specific questions that you want to answer. Write each of these questions at the top of a separate sheet of paper and note any information which you locate that is relevant to these questions on the appropriate sheet of paper. The advantage of this is that your notes are organized by issue, which will enable you to see at a glance how much information you have on each of the points. This will be useful when you come to plan the structure of your essay.

Figure 12.5 illustrates the way that notes organized by issue could appear. You will see that there is no need to spend time copying out reams of detail from the books as you can

note the key piece of information and the page on which it appears so that you know where to find it. The notes also record any additional sources that have been identified from your reading.



**Figure 12.5** Organizing your research by issue

Remember that you should keep a note of all the sources that you have used during your research for inclusion in your bibliography; it is infuriating to feel that the essay is complete and then have to spend hours tracking down details of books and articles so that your referencing is complete.

It is also a good idea to keep a record of any ideas, thoughts, or questions that occur to you during the course of your research. It is often the case that inspiration will strike whilst you are reading; you might think of a clever point or argument or else see a link with other information or cases that needs to be followed up elsewhere.

*You will find some information on effective note-taking techniques in the chapter on study skills: see chapter 9.*

### 12.3.4 Structuring the argument

It is not enough to ask the right questions and find relevant material, it is also necessary to organize that information into a coherent and logical essay. This is one of the stages in the process that students tend to find difficult.

As your research progresses, you should acquire an increasingly detailed set of notes and develop an idea of the sorts of points that you could include in your essay. If you have used the issue-based method of organizing your research illustrated in Figure 12.5, you will find that your notes are already arranged in categories and this may help you to structure your essay; this is a good starting point but you should not accept the strategy that your notes suggest without giving the matter further thought.

It is important that you remember that there should be a clear line of argument that develops in your essay; in other words, your essay should be going somewhere and developing with

a purpose. It can be informative here to refer back to your initial analysis of the essay: what question(s) did you identify that needed to be answered? Your essay should be structured around those questions, taking into account the material that you have identified during your research as being necessary to answer those questions (Figure 12.6).

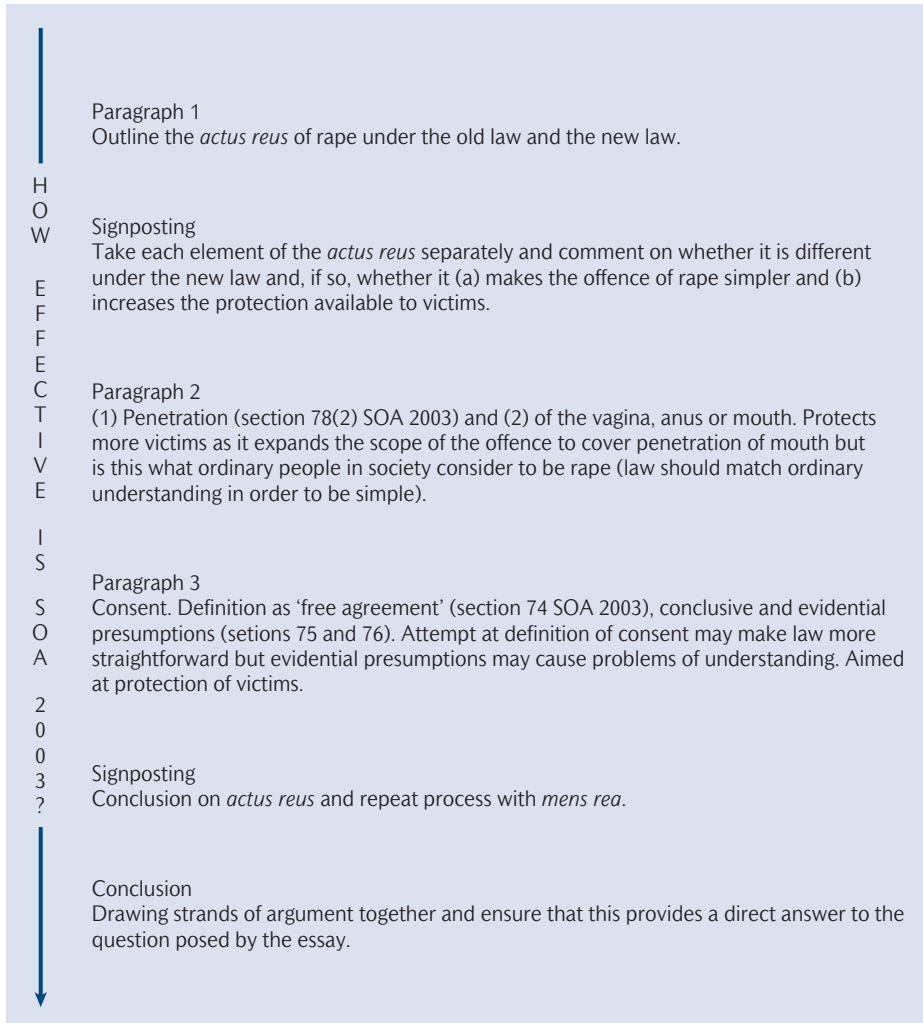


Figure 12.6 Structuring the argument

Of course, this is just one way in which the sample essay could be structured. It would be equally accepted, for example, to take each of the questions that comprise the essay and deal with them individually, picking up on examples from the *actus reus* and *mens rea* of rape that are appropriate to an evaluation of whether the Sexual Offences Act 2003 (1) simplifies the law and (2) offers more protection to victims.

If you experience difficulty in deciding on a structure, try writing down all the points that you would like to include on separate scraps of paper and then moving them about, trying out different structures. Some points will have an obvious place in the essay; for example, it would

not make sense in the above example to start the essay with a discussion of consent and then move on to define the offence of rape in the second paragraph.



### Practical exercise

Have a try at constructing a working structure for the essay on the postal rule that was used in the earlier practical exercises. Think about the line of argument that you would need to present in that essay and then put the following points in the order that you think that they would occur in an essay.

1. Outline the difficulties of applying the postal rule to modern commercial transactions.
2. Define the postal rule.
3. Outline the role of offer and acceptance.
4. Comment on whether the postal rule achieves its original purpose.
5. Explain contract formation.
6. Provide examples of the traditional operation of the postal rule.
7. Explain the role of the postal rule in contract formation.
8. Use case law to demonstrate the application of the postal rule to other forms of communication.



*You will find suggested answers to these questions on the Online Resource Centre where there is also explanation of how the answers were reached.*

It is important that you appreciate that this is only a working structure for your essay. You may find that when you come to the writing stage your ideas do not flow when you try and organize them in this structure. You should be flexible and prepared to reconsider the order in which to present the points in your essay.

## 12.3.5 Supporting material

Once you have an idea of the basic framework of your essay and the points that you want to raise in it, you will need to turn your attention to the selection of supporting material. In other words, you will want to provide authority to substantiate your arguments. In particular, you should ensure that all statements of law are attributed to a particular source, whether this is case law or statute. It also adds strength to your arguments about the interpretation or application of the law if you can make reference to material which backs up your position.

### 12.3.5.1 Textbooks

As a general rule, you should only use textbooks to support your argument if you have quoted directly from them and you should only quote directly from them if there is no other source available and you feel that you cannot express the idea in your own words. Textbooks exist to give you an accessible summary of the law and the central debates surrounding the law; basically, they are the starting point upon which you should build your legal understanding. As such, you will be expected to demonstrate that you have read a variety of sources in the preparation of your essay rather than simply relying on textbooks.

Of course, some textbooks have an excellent reputation for their analysis of the law, in which case you may find that there are ideas expressed in there that you would like to incorporate

into your essay. If this is the case, it may be a good idea to find out if the author of the textbook has elaborated on this point in an article or monograph and, if so, to rely on this to support your argument instead. Overall, it is advisable to be sparing in your reliance on textbooks in your essay.

### 12.3.5.2 Statutory provisions

The position regarding statutory provisions is straightforward. If you are referring to a particular piece of legislation, you should always indicate the name of the statute and, if appropriate, the section or subsection number. This does not necessarily mean that you should quote the full wording of the section itself; it will often be more appropriate to paraphrase the statutory provision or to select a segment of the section.

### 12.3.5.3 Case law

There are four main ways in which you might want to use case law in your essay to support your answer.

- **The course of a legal principle.** If a legal rule, definition, or test has evolved in case law, you should attribute it to its source in the same way that you would if the area of law was governed by statute. For example, in criminal law, the test for oblique intention was formulated by the House of Lords in *R v Woollin* [1999] 1 AC 82 (HL).
- **An elaboration on the meaning of a word or phrase.** Case law is a major source of interpretation of the meaning and application of words and phrases used in law. For example, the phrase 'ethnic origin' as found in the Race Relations Act 1976 was subjected to in-depth interpretation in *Mandla v Lee* [1983] 2 AC 548 (HL).
- **The operation of the law.** If you want to ascertain the scope of the law and how it applies in particular situations, you can look at how it has taken effect in case law. For example, if you were addressing the tort of defamation in relation to media coverage of the private lives of celebrities, you could use the cases involving the right to freedom of expression to determine the scope of the law. You can also use case law to demonstrate the impact of changes in the law as you can show how the outcome of a decided case would differ; this can be an especially powerful way to support your arguments for or against a particular interpretation of the law. For example, in relation to the sample essay, you could use cases decided under the old law and, in order to demonstrate its impact, explain how they would have a different outcome under the new law.
- **Judicial consideration of issues relevant to your essay.** Case law contains some fascinating in-depth evaluations of how the law is and how it could be as well as the implications of different interpretations of the law. Do not overlook dissenting judgments as these are often a great source of inspiration for opposing arguments.

### 12.3.5.4 Academic commentary

Sources such as journal articles and monographs can provide valuable support for the arguments made in your essay. It is suggested that you should also strive to include at the very least two, preferably opposing or contradictory, academic viewpoints within your essay to demonstrate the different perspectives that exist in relation to the issue under consideration.

This approach is much stronger than merely asserting your own opinion of the law, although it is perfectly permissible to produce academic arguments that concur with your

own preferences. Remember, though, that there is a need for balance and objectivity; whatever your preferred view, you should ensure that an alternative stance is at least acknowledged in your essay. From a pragmatic point of view, identifying two different standpoints is likely to attract greater credit from the marker than reliance on a single view, plus you are also demonstrating your research skills in identifying more than one opinion on the same issue, thus showing evidence of wide reading.

### 12.3.5.5 Internet sources

Students tend to like the Internet as a research tool because it is a quick and easy source of information: type in a word or phrase and you will be presented with a whole host of results within a split second. However, traditional legal resources are reliable and accurate whereas the quality of material found on the Internet cannot be guaranteed. It is acceptable to use the Internet to access official publications, such as those found on the Home Office website, but you should use material of uncertain origin with great caution.

In particular, you should avoid Internet websites that provide a potted summary of the law, especially those aimed at A level students (the reason for this should be obvious). There is a great temptation to rely on Internet sources that make the law sound so straightforward but it is not a good idea: it is the online equivalent of relying on the simplest textbook on the topic. You do not demonstrate understanding of your topic if you rely on these sorts of web sources as the message that is given to your marker is 'I used Google to find some websites that make the law really easy and here is my rewording of their analysis of the law'. This is not the message you want to give as it conveys a poor impression of (a) your research skills and (b) your level of comprehension of the topic.

If you need any further persuasion that many Internet sources are not the most suitable authority to cite in an essay, look no further than Wikipedia itself. Wikipedia reminds users that encyclopaedias (hard copy or online) are not viewed as good academic sources and warns that 'as with any community-built reference, there is a possibility for error in Wikipedia's content—please check your facts against multiple sources'.<sup>1</sup> If even Wikipedia itself suggests that you should not rely upon its content without checking it thoroughly, this should give you a very good reason indeed to avoid using it as source.

*You will find some guidance on evaluating the value of material found on the Internet in chapter 7. It is important that you take note of this and limit yourself to the use of material that has objective academic merit.*

When selecting supporting material, bear in mind the following guidelines:

- Statements of law need to be supported by reference to their source in either statute or case law.
- Factual statements should be attributed to their source, for example over 5000 women are killed by their partners each year in England and Wales.
- Analysis, discussion, and speculation about the law are strengthened by reference to supporting material so look for articles, official reports and commentary in good textbooks.
- A balanced argument is more effective than a one-sided stance, so select supporting material that takes into account a range of perspectives on the issue under consideration.
- Be cautious in your use of textbooks, using them only if you can find no other supporting material for a particular argument, example, or opinion and never as a reference point for a statement of law that is contained in a case or statute.

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1. <http://en.wikipedia.org/w/index.php?title=Special:Cite&page=Gerbil&id=216475345>.

Remember that all supporting material must be fully and appropriately referenced in your essay. Failure to do so carries a risk that you will be accused of plagiarism. You will find detailed information on the correct approach to referencing in chapter 11.

## 12.4 Writing the essay

Once you have researched the topic, gathered your material, and put together a preliminary plan of your essay, it is time to start writing. This section of the chapter will outline the skills that are necessary to produce an effective and analytical essay and it will then move on to cover some of the key issues that arise in relation to the process of writing.

### 12.4.1 What skills does the question require?

It is essential to the success of your essay that you realize that it is a means of assessing skills as well as knowledge. With this in mind, it is important that you are able to tailor your answer to ensure that you demonstrate the appropriate skills.

Benjamin Bloom, an educational psychologist, conducted research into the skills demonstrated by students in their essays and was concerned to note that there was insufficient evidence of what he termed ‘higher-order’ skills. He divided skills into six categories and arranged them in a hierarchy, depicted in Figure 12.7, to demonstrate their importance and complexity.

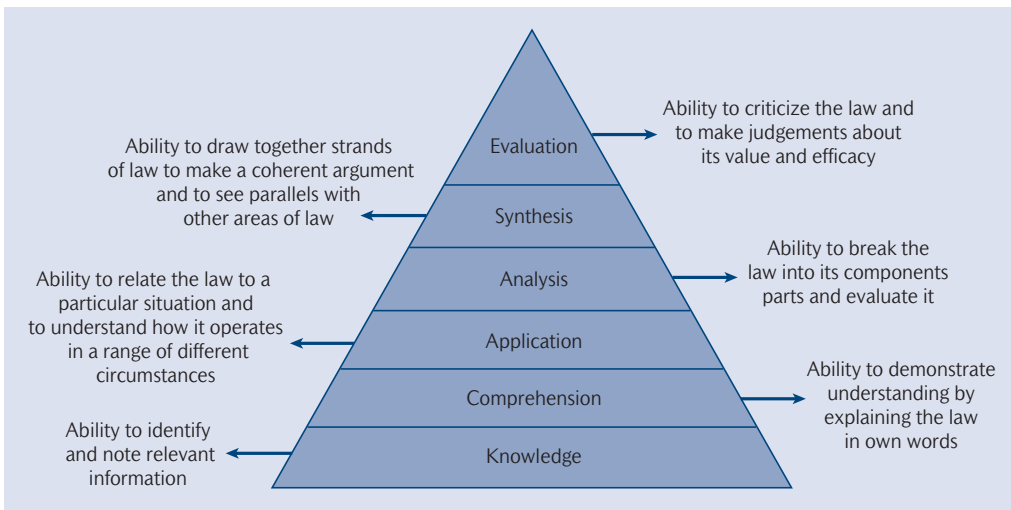


Figure 12.7 Bloom's taxonomy

**Higher-order skills** are those identified by Bloom as demonstrating a stronger grasp of a subject as evidenced by the ability to *use* knowledge rather than merely to acquire and repeat it. To take a very basic example, you would be able to demonstrate *knowledge* by finding a map of the area, *understanding* by explaining the route to another person, but *application* by actually reaching your destination. Once there, you might want to *analyze* how useful the route was and, ultimately, decide whether to use it again or to find an alternative. In legal studies, you may hear the distinction

between higher and lower-order skills summarized as description (knowledge, comprehension) and analysis (application, analysis, synthesis, evaluation).

Bloom's taxonomy demonstrates the point made earlier that a successful essay rests upon more than mere identification and explanation of the relevant law. The lower-order skills are considered to be more straightforward and easier to demonstrate thus an essay which moves beyond knowledge and comprehension to demonstrate higher-order skills is likely to be more successful. That does not mean that the lower-order skills are unimportant or should be omitted, merely that they should be considered the foundation upon which a demonstration of higher-order skills is based. In other words, you need to be able to describe the law in order to analyze it.

You can identify the skills that are important within an essay by the process words that are used in the question. The table below identifies some of the process words commonly associated with each of the categories of skills and provides some elaboration on what each of these requires from the writer of the essay.

This is an indication only; never think that the absence of an 'evaluation' word in the title of an essay indicates that it is inappropriate to engage in evaluation. The use of a particular word in an essay title is more likely to emphasize a particular skill that your lecturer is interested in rather than indicating that it should be demonstrated to the exclusion of all other skills. A good essay should contain a combination of higher and lower-order skills.

The most effective way to ensure that you cover a range of lower and higher-order skills in your essay is to consider from the outset how these might be demonstrated. This example is based upon the question about the Sexual Offences Act 2003 (Figure 12.8).

**Table 12.1** Higher-order and lower-order skills

Skill	Indicated by...	Example
Knowledge	Words that invite a factual or descriptive response or a straightforward statement of law	Describe, define, outline, state, identify, list, what, how, when, which
Comprehension	Words that require an explanation of the law, interpretation, or the ability to extrapolate key information	Explain, use examples, summarize, paraphrase, interpret
Application	Words that suggest the need to apply the law to different circumstances or to predict how the law would react to a new situation	Apply, demonstrate, advise, predict
Analysis	Words that indicate that a case or legal principle should be broken down into its component parts and subjected to close scrutiny	Analyze, assess, consider, measure, quantify, how far
Synthesis	Words that indicate the ability to draw together strands of an argument and to identify similarities and differences	Justify, compare, contrast, distinguish
Evaluation	Words that indicate that the law should be measured to determine whether it is effective, consistent, moral, desirable, better than before or a useful solution to a particular problem	Appraise, criticize, evaluate, comment, reflect, discuss, how effective

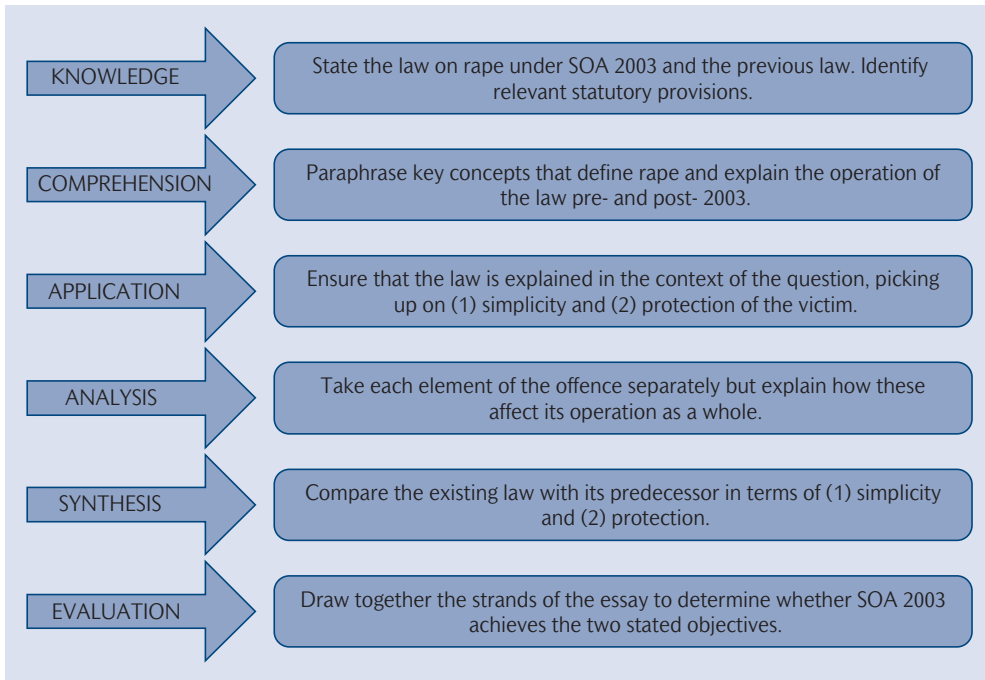


Figure 12.8 Covering higher and lower-order skills



Practical exercise

Look back at the four essay questions that were given in the first practical exercise in this chapter and work out how you would demonstrate skills from each of the six categories in relation to them.

You will find suggested answers to these questions on the Online Resource Centre where there is also explanation of how the answers were reached.

You can use process words to help you to understand the priorities of the lecturer with respect to the different aspects of the essay. For example, if part of the question uses lower-order words and part of the question uses higher-order words, this could be a good indication of where the complexity in the question lies. You might find it helpful to use the ‘do what to what’ technique: this asks ‘what does this essay require me to do (skill) and to what piece of law (information)’ (Figure 12.9).

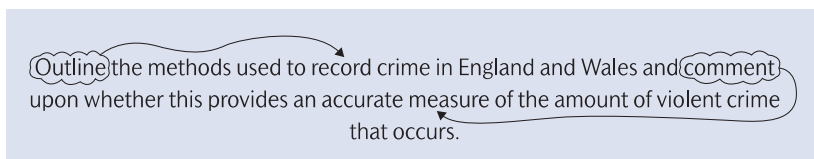


Figure 12.9 ‘Do what to what?’

Applying the ‘do what to what’ approach to this question, it is clear that there is a description aspect to the essay and an analysis aspect:

**Do what?** Outline (lower-order skill)

**To what?** Methods of recording crime

**Do what?** Comment (higher-order skill)

**To what?** The accuracy of the measurement of violent crime

It is essential that you remember that a successful essay requires an appropriate balance between description and analysis. An essay that is heavily descriptive does not demonstrate sufficient higher-order skills to achieve a high mark whilst an essay which contains insufficient description will also struggle because analysis needs to be based upon a foundation of description in order to make sense. For example, you cannot analyze the impact of the redefinition of rape contained in the Sexual Offences Act 2003 unless you describe how the law is now and how it was prior to the enactment of the legislation; therefore, a certain degree of description is a necessary ingredient of a successful essay.

Achieving the right balance between the two is a difficult task as there is no magic formula that sets out the appropriate contribution of each to an essay as this will vary according to the question. The most effective rule to apply is to include sufficient description to support the analysis; in other words, describe things that need to be understood so that the discussion will make sense to the reader.

## 12.4.2 What do lecturers want?

You have an audience of one for your essay (the person marking it) so it makes sense to keep the requirements of that audience to the forefront of your mind when writing your essay.

### 12.4.2.1 Course outline

This is a document that provides an overview of the subject that you are studying. You will find that your institution has one for each of the subjects, core subjects and options, which will provide information that may help you to understand the requirements of that subject and also to give you some insight into the priorities of the lecturer responsible for that subject. The information included on the course outline will vary between institutions but you could usually expect to find:

- the subject broken down into the topics that will be studied, possibly with an indication of the weeks in which this will take place
- the assessment method used on the course (exam, coursework, presentation, research paper) and the weight given to each component
- information about non-assessed or voluntary coursework
- a breakdown of the number of lectures and tutorials that will take place and possibly some information regarding the amount of private study that is expected
- details of recommended reading
- learning objectives.

This information not only gives you an idea of what to expect on your course but can also help you to appreciate the requirements of your coursework. For example, if an essay is due for submission in Week 7, it will not relate to material covered later on in the syllabus and is unlikely

to cover material that has not been covered by the start of Week 6, possibly earlier depending on the practice in your institution. Moreover, the reading list may be useful in pointing you towards some material that is relevant to the essay.

**Learning objectives** are a statement of the subject-specific knowledge and skills that students are supposed to have acquired by the end of the course. They may provide a good insight into the skills which are important to the subject that you are studying so you can ensure these are demonstrated in your essay.

### 12.4.2.2 Assessment criteria

These have an obvious importance to your essay as they are the criteria against which it will be marked. Assessment criteria tend to be agreed on a department-wide basis and identify the factors that your lecturer will be looking for in your essay. You may find these on the assessment feedback form that is attached to your work when it is returned to you and it is often the case that the relevant criteria are listed and accompanied by a series of tick boxes in which the lecturer can indicate your competency in each area.

	Weak	Below Average	Satisfactory	Good	Excellent
Knowledge of the relevant law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application to the question	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use of supporting authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written style, grammar and punctuation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Figure 12.10 Sample assessment criteria

By looking at the categories that are listed on the form, you can identify what skills are being evaluated in your work and try to ensure that these are demonstrated. Another approach that is used to communicate the assessment criteria to students is to categorize the level of skills that are expected in work that falls within a particular classification. This is demonstrated in the example below (Figure 12.11).

There are, therefore, various methods that can be used to ascertain what skills and competences you need to demonstrate to impress your lecturers with the quality of your essay. For some reason, students often fail to take these matters into account and continue to produce essays that comply with their own personal view of a good essay. This can be extremely costly in terms of lost marks if their view does not coincide with what the lecturer considers to be a good essay. Lecturers are looking for a combination of legal knowledge and an ability to use it and thus are likely to consider the following factors to be important:

- The relevance of the material included and the arguments put forward to the question
- Evidence of comprehension and an ability to analyze the law
- A strong structure and clear and logical organization of material
- Evidence of research and incorporation of wider reading into the essay
- An appropriate written style with good grammar and punctuation

- Full and accurate referencing including a bibliography
- Good presentation.

**FAIL:** Less than 40%

A weak answer that fails to address the question posed and which shows inadequate understanding of the subject area. Little or no evidence of reading or research and reference to irrelevant materials. Significant weakness in presentation and organization as well as numerous errors of grammar and punctuation.

**PASS, THIRD CLASS:** 40–49%

A fair answer that provides some material of relevance to the question posed and which shows some limited understanding of the subject area. There may be some reference to supporting materials but little, if any, attempt at analysis; a highly descriptive answer with some errors and omissions. Presentation and organization are likely to be poor and there may be significant errors of grammar and punctuation.

**LOWER SECOND CLASS:** 50–59%

A satisfactory answer that covers a fair degree of the material of relevance to the question albeit in largely descriptive detail. There may be an attempt at analysis that is either ineffective or fails to get to grips with the issue at the heart of the question. There should be evidence of a reasonable level of understanding and an ability to incorporate some supporting materials into the answer. There may be some grammatical and presentational errors but these should not be widespread.

**Figure 12.11** Example assessment criteria by classification

## 12.4.3 Common problems

Although insufficient research and planning can have a detrimental impact on the overall success of the essay, it is the writing stage that offers the greatest potential for problems to arise that will have a negative effect on the quality of the essay. After all, it is the words on the page that are actually assessed, so problems at this stage can make or break the essay. This section covers a range of things that could go wrong, with some suggestions as to how to anticipate and avoid these common problems.

### 12.4.3.1 Insufficient time to write

Make sure that you leave yourself enough time to write your essay and to reflect upon what you have written. Many students delay the start of the writing process and, as a consequence, have insufficient time available to review the first draft of their essay and make necessary changes. This delay may be due to poor time management, to a conviction that the research process is not complete, or to anxiety concerning a lack of understanding of the subject matter.

Understanding the reason for the delay in starting to write is half the battle in overcoming the problem. Some students find it hard to let go of the research process, always thinking there is an elusive piece of information which, if found, would guarantee the success of their essay. There has to be a point at which you let go and start writing with the information that you have found. If you think you do not understand the law, try consulting a more basic textbook. Ultimately, if there is something that you feel you cannot grasp, you will have to write the essay as best you can despite that lack of knowledge. Misunderstanding one aspect of the law will not necessarily condemn your essay to failure and it may be that you actually have a far better grasp of the law than you realize.

*Time-management skills are discussed in chapter 9.*

**12.4.3.2 Inability to write**

It can be the case that you have a good grasp of what needs to go into the essay but find it difficult to start writing. The best way to overcome problems with writing is to write. Choose something quite simple, such as the definition of a key concept or an explanation of a leading case: it does not really matter what it is, provided that you write something to overcome the feeling that you cannot write. Alternatively, free-flow writing in which you complete a writing task within a set period of time, such as one minute, can be a good way to put down your ideas on paper without worrying about using any particular form of words. The following are some suggestions for free-flow writing tasks:

- The aim of this essay is to ...
- In the first paragraph, I will explain ...
- The first argument in the essay is that ...

*Remember that once your ideas are out on paper, you will need to refine their expression so that you are using an appropriate written style for your essay. Further guidance on this can be found in chapter 10.*

**12.4.3.3 Poor structure and flow**

There should be a logical flow to your essay so that one point follows another in a logical and coherent manner. Poor structure will interrupt this flow and make your essay disjointed and difficult to read. If you cannot tell whether your structure is sufficiently strong from reading your essay through, try inserting some signposting to see whether the organization of your material seems logical.

.....  
**Signposting** refers to the phrases that you use in an essay to guide the reader through your arguments. Sentences such as ‘having discussed *x*, this essay will now consider *y*’ and ‘although it may seem that this case resolves the problem, it is also important to take into account *z*’ are examples of signposting.  
 .....

If your signposting between paragraphs does not make logical sense, this is good evidence that your structure needs to be rethought. Remember, that you can signpost your essay quite simply: ‘however’ indicates that you are putting an opposing view to the point that preceded the sentence or paragraph whereas words such as ‘furthermore’ or ‘in addition’ indicate to the reader that the next point substantiates or consolidates the prior argument.

Lack of planning can lead to a weak structure, so effort put in at the preparations stages can pay dividends in avoiding this problem. Of course, you may find that the structure that you planned to follow no longer works once the points are expressed in detail. One way to tackle structural problems is to label each paragraph on the basis of its purpose and then look at the skeleton of the essay that emerges to see if the points raised are arranged in a logical order (Figure 12.12).

You should always be prepared to reorganize your essay if it seems that the structure that you have initially chosen is not working effectively.

**12.4.3.4 Weak focus and irrelevant points**

An essay with a weak focus is one in which the points raised are not linked back to the question with sufficient frequency or clarity. Remember the point made at the outset of this chapter that there is a difference between what the essay is about and what it asks. If you fail

<ol style="list-style-type: none"> <li>1 Introduction</li> <li>2 Definition of rape</li> <li>3 Identification of the <i>actus reus</i> elements</li> <li>4 Discussion of penetration of the vagina, anus, and mouth</li> <li>5 Discussion of consent</li> <li>6 Identification of <i>mens rea</i> elements</li> <li>7 Discussion of consent</li> </ol>	<p>This is part of the structure of the sample question once its paragraphs have been named according to their purpose. Initially, this structure seems perfectly logical. It starts by defining the offence and then takes the <i>actus reus</i> elements before the <i>mens rea</i> elements. The problem arises because consent has a role in both the <i>actus reus</i> and <i>mens rea</i> of rape so it interferes with the structure of the essay, making it repetitious. The most effective way to resolve this is to replace Paragraph 5 with a discussion of the dual role of consent in rape and then go on to elaborate upon its operation in terms of the <i>actus reus</i> and <i>mens rea</i> in the paragraphs that follow.</p>
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**Figure 12.12** Ordering paragraphs

to explain the material that you have included with reference to the title of the essay, you are in danger of falling into the ‘about’ rather than the ‘asks’ category.

This is easily resolved. At the end of each paragraph, ask yourself what its content contributes towards addressing the question posed by the essay and then make sure that this is made explicit in your answer. For example, in the sample essay, you would want to make sure that every paragraph furthered your discussion of whether the Sexual Offences Act 2003 enhanced the protection available to victims of rape or clarified the law, so you would need to explain how, if at all, each element of the offence achieved one or both of these objectives.

This technique can also help you to filter out irrelevant material: if you cannot find a way to link a particular point to the question posed, then it has no place in the essay.

#### 12.4.3.5 Word limits

It should be possible to write a detailed and analytical answer within the specified word limit but students often find this a struggle. If you are having difficulties with the word limit, it is likely that you have one of the following problems:

- **Relevance:** inclusion of unnecessary material, irrelevant points, too much descriptive detail, long quotations, too many examples.
- **Written style:** insufficiently concise, too conversational, rambling.

The solution is to examine your essay sentence by sentence and ask whether each one (a) has a valuable role to play within the essay (relevance) or (b) could be expressed in a more concise manner (written style).

*You will find a detailed consideration of issues associated with appropriate written style in chapter 10. The remainder of this section will focus on issues of relevance.*

When deciding whether a particular point is relevant to your essay, question what role it plays and why you originally chose to include it. Sometimes material that seems important at the early stages of research becomes less relevant as you gain a stronger understanding of the topic. For example, the historical background to a particular piece of legislation may have helped you understand the subject on first reading but its contribution to your understanding of the subject need not be expressed in words in your essay, it will be implicit in the way that your understanding is reflected. Make sure that every point that you include makes a

contribution not to your understanding of the topic but to your answer to the question raised in the essay.

Think carefully about the level of description that you include, remembering that there should be sufficient description to support the analysis. Consider the following questions:

- Is it necessary to describe the facts of a case (a) in so much detail or (b) at all?
- Do you need to include two examples to demonstrate the same point?
- Could you paraphrase a quotation or definition of a statutory provision rather than using the complete wording?

Students sometimes develop a strong commitment to a particular point that they have included because they remember how much work went into finding it and working it into the essay or because they think it is a particularly clever or interesting point. Try to bear in mind that if it is not relevant to this particular essay, then it will attract little or no credit, irrespective of how clever or interesting it is or how much work is behind it. You may have to be brutal in cutting material out of your essay but, hopefully, the piece of work as a whole will be stronger for it.

#### 12.4.3.6 Introduction and conclusion

Many essays that are submitted by students have neither an introduction nor a conclusion. Some students believe that because nothing of substance is written in these parts of the essay, they attract no marks and are therefore a waste of words. This mistaken belief is based upon a conviction—one that hopefully has been dispelled by this chapter—that only legal knowledge and understanding gains credits and that written style counts for nothing.

The introduction is important because it identifies the issue that will be discussed and sets out the structure that the essay will follow. It is also the first thing that your lecturer reads and so gives him an initial impression of the quality of your essay; clearly, then, it is beneficial to you that the lecturer's first impression is a good one.

A good introduction will:


- (a) reword the issue at the heart of the question to establish it as the focus of the essay;
- (b) explain the steps that will be taken to explore this issue, thus giving some indication of the structure and content of the essay.



#### Practical exercise

The following is an example of an introduction that would be appropriate for the sample essay on sexual offences. Do you think that it is an effective introduction? What, if any, features would you change?

The Sexual Offences Act 2003 was introduced in order to simplify the law and to give greater protection to victims of rape. This essay explores the extent to which the Act has achieved these objectives by outlining the elements of the definition of rape and comparing these with the previous law in order to assess whether its terms are more straightforward, its reach extended to a greater range of victims, and its provisions more likely to result in the conviction of the guilty.

-  *Try writing an introduction for one of the four essay titles used previously in the practical exercises. You will find some suggestions on the Online Resource Centre where there is also an opportunity to rate sample introductions.*

The conclusion is also often overlooked as students simply stop writing with no attempt to draw together the strands of their argument or to reflect upon the issue that was at the heart of the question.

Remember that the purpose of the conclusion is to take the points that you have made in the body of your answer and to use these to provide a concise answer to the question posed. Therefore, as a general rule, no new information should be introduced into the conclusion. Equally, your conclusion should answer the question using points from your essay rather than summarizing all the arguments that you have made.

## 12.5 The final stages

It is a mistake to think that once the final word is written, the essay is finished. However much effort you have expended in the production of the first draft, the essay will still benefit from further consideration to ensure that the points are expressed with clarity and precision, the arguments flow smoothly, and sufficient attention has been paid to all aspects of presentation.

Ideally, you should aim to complete your essay at least one day prior to the deadline for handing it in. Not only does this give you some leeway should you encounter an unexpected emergency, such as a broken printer, it also gives you space in which to put aside your essay so it you can read it the following day with fresh eyes. This distance should enable you to read what you have written rather than what you think you have written; errors are invisible whilst you are still close to your work.

Make sure that you view your work with a critical eye; look for errors, inconsistency, and other areas where the essay could be improved with a little more work. Try never to think 'this is good enough' or 'this will do' if you can see ways in which your essay could be better. Remember that the difference between 59 per cent and 60 per cent is one mark, so you could, in effect, improve your essay by a whole classification by taking care at this stage.

It is worth taking particular care with presentation; you want your lecturer to think that you have spent time and effort on the production of your essay. Shoddy presentation gives a poor impression. It may be the case that there are marks available for the presentation of the essay, in which case failing to take trouble with the way that the essay looks is simply throwing away easy marks. Check whether your institution, department, or lecturer has any particular style requirements and, if they have, make sure that you adhere to them.

Now is also the time to check and double-check that your referencing is thorough and accurate. Failure to provide references may leave you vulnerable to accusations of plagiarism. Make sure that every reference to work of another person is attributed to its source and take particular care to ensure that quotations are fully referenced; this means including the page number upon which the words can be found and, if the quotation is from a case, the name of the judge whose words are being used. Finally, make sure that a full bibliography is appended to the essay.

*You will find more detailed discussion of referencing and plagiarism in chapter 11.*



### Practical exercise

1. Now that you have read this chapter, you should have all the skills necessary to write an effective and successful essay. Have a look at the examples on the Online Resource Centre for further guidance on strategies and techniques for writing an essay that will impress your lecturers.

- 2. You may also want to test your ability to spot weaknesses in an essay by marking some of the essays that you will find on the Online Resource Centre. This will help you to appreciate what lecturers are looking for and will make excellent practice for reviewing your own work.



## CHAPTER SUMMARY

### Preliminary analysis

- Make sure that you take time at the outset to analyze the essay rather than starting research or, worse still, writing without having identified the focus of the essay
- Rewrite the question(s) at the heart of the essay in your own words to make sure that you have a simple and clear grasp of what is required, taking care not to change the meaning of the essay

### Research and planning

- Start by consulting a textbook to ensure that you have a clear understanding of the area of law but make sure that you move on to consider other materials such as cases and articles; an essay written solely on the basis of textbook research will probably lack depth of analysis and certainly will not demonstrate impressive research skills or width of reading
- Keep careful note of the sources used in your research but try to avoid excessive note-taking that can degenerate into compulsive writing that is not accompanied by sufficient thought. Remember, you are looking for answers to a particular question, not producing a summary of all the material that you locate
- Plan a working structure for your essay that can be used as a framework for your writing. Make sure that you think about the way that your arguments will flow and never forget the importance of keeping a firm focus on the central issue of the question
- Give careful consideration to the selection of supporting materials, remembering that it is important to present a balanced argument that acknowledges different perspectives on the issue at hand

### Writing the essay

- Make sure that you give yourself sufficient time to write the essay and bear in mind that the structure you have planned may not work in practice, in which case you may need to start from scratch and reorganize your arguments
- Take care to ensure that every paragraph does something to further your argument and give thought to the balance between description and analysis in your essay
- Keep a firm focus on the question; if you cannot see how a point relates to the question, it may be that it has no place in your essay. Remember, you are answering a specific question rather than merely writing about a particular topic
- The purpose of an essay is to test knowledge and understanding of the law but also to assess the level of skill that you have in using the law. Ensure that your essay strikes an appropriate balance between description and analysis

- Check the materials that you have been given in order to identify what skills and abilities are being assessed and make sure that your essay demonstrates them
- Write an effective introduction and conclusion. The introduction is the first impression that your lecturer receives of the quality of your work whilst the conclusion is the last thing that they read, so may stick in their mind as indicative of the overall quality of your essay whilst they are marking

### **Polish and presentation**

- Allow plenty of time to check your essay for coherence, accuracy, and consistency
- Find out what the requirements are for the presentation of essays and ensure that you adhere to these requirements to the letter. Easy marks can be lost for failing to do so and it gives the marker a poor impression of your essay if you have not troubled to follow the rules regarding the submission of coursework
- Check the presentation of your essay and, in particular, check that the referencing and bibliography are immaculate