

WRITING ESSAYS & PROBLEM-SOLVING

WRITING ESSAYS

Understanding the Task

Read the question carefully to make sure you understand what is required. Look carefully at the key words and phrases, which indicate the sort of answer you are expected to give. For example:

Discuss

Give facts and their interpretation from all sides of the argument. Try to arrive at a conclusion.

Evaluate

Give your opinion of the worth of something in the light of its truth and usefulness.

Analyse

Examine the topic in question; find or show the essence or structure of the topic.

Assess

Judge the worth or importance, etc of something; evaluate the subject in question.

Planning

Now think about the question and how it could be answered. Then write down a plan so that you can see the beginning, middle and end of your answer before you start in detail. The plan will concentrate your mind on the whole of the question, helping you to omit irrelevant information and to answer the question more logically, and it will give you confidence. Keep jotting down ideas as they come to

you. Order your points in a logical sequence to form an essay plan.

Writing the Essay

- The first paragraph should be an introduction where you indicate what will follow and how you propose to approach the topic.
- In the middle part of the essay you will consider all main points and arguments. Write in continuous prose. Make sure everything you say is relevant and answers part of the question. Start a new paragraph for each main idea. Use short, clear sentences in preference to long, rambling ones. Try to support each main idea with examples, relevant facts or legal authorities, making clear where it was that information or quotations you use came from.
- The last part of the essay will be a conclusion where you sum up the main points and state your opinions if relevant. You may also recommend proposals for reform of the law.
- Make sure that you keep referring to any quotations in the question title.

PROBLEM-SOLVING

In many subjects you will be expected to write answers to “problem” questions. A hypothetical set of facts will be given and you will be asked to “discuss” the matter or “advise” one of the characters in the problem.

The answering of problem-type questions demands a special technique of its own and is a skill, which can improve considerably with practice. The basic requirement is to apply the law to the given fact situation. All the different possibilities must be considered before you give your own opinion as to the most likely conclusion, with reasons.

Procedure in Problem-Solving

The preliminary stages in answering a problem question are much the same as in answering an essay question. Follow this or a similar procedure:

- Make a plan noting the important factual occurrences, the relevant areas of law, and any important cases or statutes. This will also form the basis of your introduction.
- Work through the facts according to each situation, normally in chronological order. Re-state the facts briefly and state the law which applies

citing any relevant case or statute.

- Give a conclusion to each situation, but leave all options open and consider all alternatives.
- Move onto the next situation and repeat the procedure, briefly referring back to previous facts or cases if necessary (there is no need to be repetitive).
- Summarise, drawing all the situations together. Re-state briefly all the possibilities you have considered, and the possible alternatives, citing the main legal authorities again, by name only.
- Finally, give your opinion and conclusion in the terms asked for by the question (eg, “advise X”, “what defences are available to Y”, etc). Give your reasons for your conclusion. Make sure that your arguments are legally tenable.
- Throughout your answer bear in mind that the important skill is **applying** the law to the facts and not merely stating the principles.

IN BOTH CASES ALWAYS:

Use appropriate legal terminology accurately.

Read through your work to check for errors of grammar, punctuation and spelling.