

# LEGAL PROCESS

## HOW TO WRITE AN ESSAY (1)

# What makes a good essay?

- Accurate and relevant knowledge about the **question** and the **legal topic**
  - Achieved through research on the relevant subject matter
- A flowing line of argument set in a clear structure
  - Introduction, body and conclusion
- Good written and communication skills

# What does the question ask?

- Focus on **what the question is asking**, and not on **what the essay is about**
- E.g:
  - ‘Describe three characteristics of law in Zambia’.
- What is the question asking?

# Rewording the question

- Rewrite the essay question in your own words with the aim of discovering one or two clear questions that you understand
- This is done to enhance ones understanding of the question

# Rewording the question

- E.g.:

‘Describe three classifications of law in Zambia’

- When reworded:

How may I define the classifications of law in Zambia?

- Which three classifications can I explain with ease?

# Gathering materials for support

## **Text books:**

- to support your argument

## **Statutory provisions:**

- indicate the name of the statute and the section and subsection that you are referring to
- paraphrase the provision of the statute or select a segment of the statute

# Gathering materials for support

## **Case law**

- As the source of a legal principle
- As an elaboration on the meaning of a word or phrase
- To ascertain the scope of law & application in certain situations
- How courts considered issues that are relevant to your essay

# Gathering materials for support

## **Academic commentary**

- Usually in the form of journal articles
- This can provide valuable support for the arguments that are made in your essay

# Planning a structure: Essay type questions

- This is important as it determines the coherence of your argument
- It must have:
- Introduction
- Main body
- Conclusion

# Language

- The ability to use language correctly is important for law students
- Grammar and punctuation must be used correctly
- adopt a formal writing style that uses language in an accurate and precise manner.

# Appropriate legal writing style

Thesis Statement 1	Thesis Statement 2
I have to write this essay about the judiciary – you know, judges and the courts and all that.	Many commentators state that the independence of the judiciary is a fundamental safeguard against the injustice within the system.

- Which writing style is appropriate for an essay?
- Why have you picked that writing style?

# Appropriate legal writing style

## **Use of the first person**

- ‘I’; writing in the first person
- ‘we’ writing in first person plural
- ‘you’ writing in second person singular or plural
- ‘one’ writing in third person neutral

**Not acceptable styles of writing!!**

# Latin words and Phrases

- In recent years there has been a move away from the use of Latin words and phrases
- However, the continued use of Latin is accepted in some areas of the law
- Where Latin words and phrases are used, they must be *italicised*

# Importance of language: Latin Words

## Examples:

The conduct element of a crime is known as *actus reus*

*Mens rea* is a necessary element that must be established in order to prove the commission of a crime

*Stare decisis* is the policy of courts to abide by or adhere to principles established by decisions in earlier cases

*Ubi Societas Ibi Jus* is a legal maxim which means where there is society, there is law.

# Legal Words

- The legal meaning of some words may differ significantly from their ordinary dictionary meaning
- Words that have particular legal significance must not be used in their ordinary sense when in subject areas where they have a specialist meaning

The Defendants  
assault caused  
the victims death

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graph LR; A[The Defendants assault caused the victims death] --> B[Everyday meaning: The Defendant has attacked the victim and this has caused the victims death]; A --> C[Legal meaning: The Defendant intentionally or recklessly caused the victim to apprehend immediate unlawful violence and this has caused the victims death];
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**Everyday meaning:**

The Defendant has attacked the victim and this has caused the victims death

**Legal meaning:**

The Defendant intentionally or recklessly caused the victim to apprehend immediate unlawful violence and this has caused the victims death

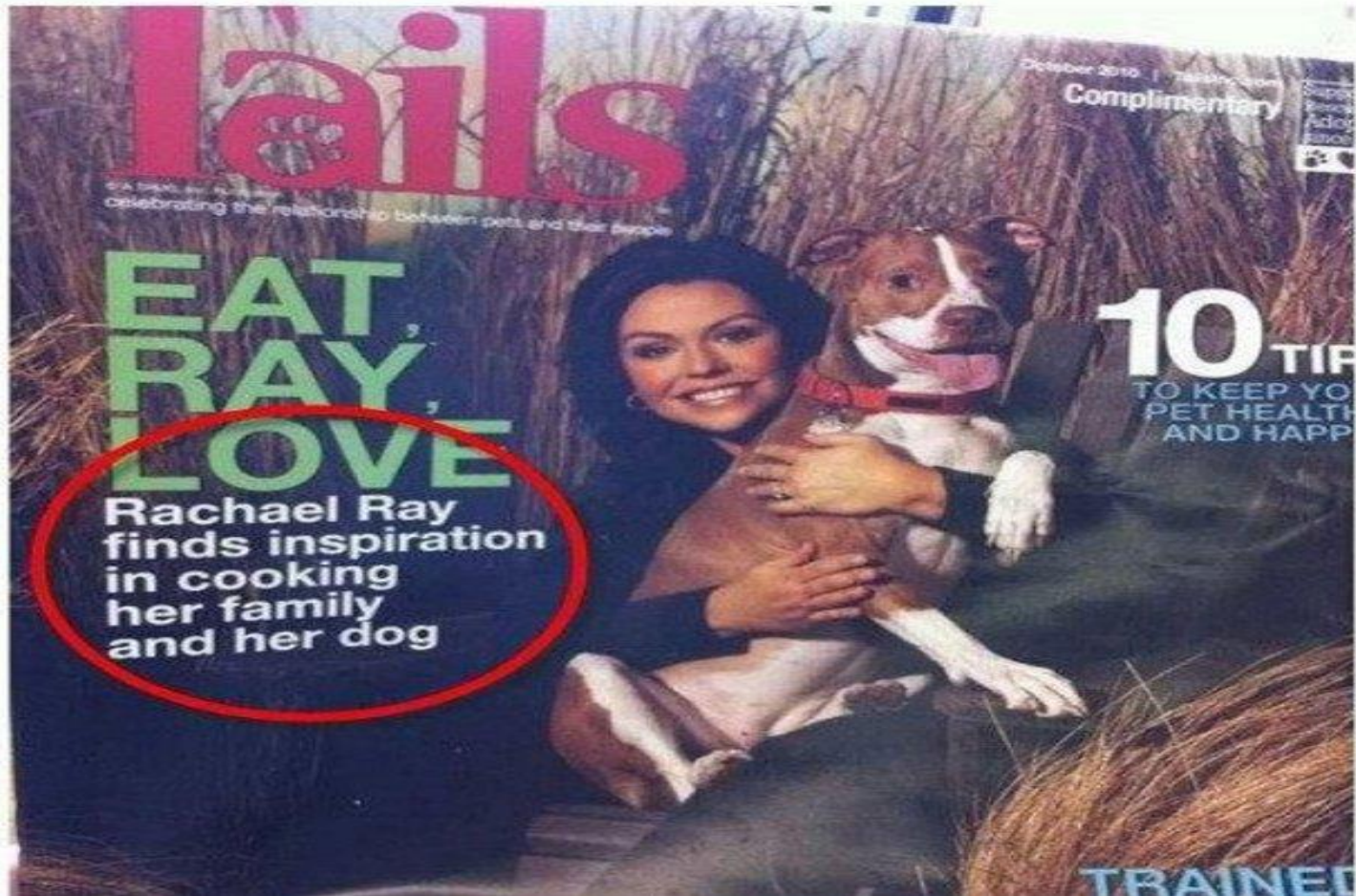
# Abbreviations

- Abbreviations may be used when making notes in order to save time
- In an essay, words must be written in full, as it is a formal writing style
- Where an abbreviation is used, the words must first be written in full

# Grammar and punctuation

- Words must be arranged in such a way that they make proper sense to a reader, by using grammar and punctuation correctly

# Grammar and punctuation



# Notice any changes in the meaning of the sentence?

Rachael Ray finds inspiration in cooking her family and her dog.

- Rachael Ray finds inspiration in cooking, her family and her dog.

# Grammar and punctuation

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Let's eat grandma!



Let's eat, grandma!

**PUNCTUATION  
SAVES LIVES!**

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# Paragraphs

- Paragraphs make it easy to follow an argument
- Each paragraph must contain a separate idea that should flow from the paragraph before it, and leads to the paragraph that follows after it
- It should have:
  - Topic sentence
  - Supporting sentences that explain the topic, and illustrate it
  - link sentence, that leads in to the paragraph that follows

# Presentation of your essay

- Cover page
- Font and font size
- Line spacing
- Paragraphs
- Statutes and cases
- Headings
- Page numbers
- Capital letters
- Checking for errors

**THE END**  
**QUESTIONS?**