

## ASSIGNMENTS

Writing a good paper is an essential skill for any law student. A significant number of the law courses at university will require you to write at least one research paper for assessment. As you would expect, university lecturers will require papers to contain a greater deal of scholarly research than you might have undertaken at high school; lecturers expect your writings to be sophisticated, your research to be thorough and your arguments to be well thought out.

With early preparation, you will find assignment-writing quite manageable. And remember, if you have trouble finding information, don't be afraid to ask the librarians – it's their job to help you.

Some benefits of writing a good research paper:

1. If you write a decent paper, you will go into the exam knowing that you have some solid marks in the bag.
2. Exam questions can sometimes be answered directly from your assignment research.
3. The research skills that you learn will also be of great benefit once you enter the workforce. Employers – whether in legal, commercial, or academic spheres – prefer graduates with strong research skills.

The tips that follow will give an insight into how to actually read a case, or research for an assignment.

### What to expect

Typical university assignments will be anything between 1000 and 5000 words (usually around 500 words per 10% allocated, e.g. an assignment worth 40% of your total grade will usually require you to write 2000 words).

An assignment question can be framed in countless ways, including:

- Discussing a particular case;
- Summarising a body of law;
- Commenting on recent or novel developments;
- Writing an essay; or
- Answering a hypothetical problem (similar to those found in exams).

### When to start?

You should start planning and researching for your assignment as soon as possible. There are a number of reasons why it is a bad idea to leave assignments to the last minute:

- By the time you get to the library, there will be no textbooks or journals since everybody will have checked them out.
- Assignments generally take a great deal of time.
- Inevitably you will have more than one due around the same time, so you need to start early.

### Computers?

Generally, law assignments will not require a high degree of computing skill. As long as you can type, footnote and cross-reference, you should be fine. The best way to become familiar with Word, or any other Microsoft program, is to attend one of the AskIT classes run by the UQ libraries throughout the beginning of semester. See <https://www.library.uq.edu.au/ask-it>

For useful how-to guides on things like referencing and sources in the UQ libraries, check out:

<https://www.library.uq.edu.au/research-support>

## Where to start

The Law Library's Legal Research Guide will become one of your best friends over the course of your legal studies at UQ. The Guide contains information relating to researching and referencing and, most importantly, provides handy links to databases, case citators, legal encyclopedias, journal articles, legislation, and case law. It is strongly recommended you become acquainted with this resource early in your first semester and attend the research classes hosted by law librarians. You can access the Legal Research Guide at: <http://guides.library.uq.edu.au/lrg>

### 1. Read the assignment question carefully

Decide on the areas of law and issues that may be relevant and pay attention to any hints your lecturer might drop in class. Also read the learning guide, course profile, blackboard and lecture slides to ensure you have all the possible information. Finally, having a general discussion with friends or your study group about possible directions that could be taken will also be beneficial.

### 2. Consult general sources of law regarding the subject

Textbooks are often a good place to start. However, many assignments that are on contentious new areas of law and texts may not examine these issues. Also be sure not to read just the set texts, look at other texts in the library because they all have slightly different content. For example, for some courses there are absolute must reads, like Carters for criminal law.

After looking at textbooks, you may want to check out a legal encyclopaedia such as Halsbury's Laws of Australia. Encyclopaedias are great references as they provide a concise summary of the law in a wide range of areas and you can often access the electronic version via the Law School's Legal Research Guide. Make sure the articles you're reading are up to date and be mindful of major changes in that area of law. For example, the Civil Liability Act dramatically altered the tort of negligence, making all pre-2003 sources less useful. The other main encyclopedia is The Laws of Australia, which can be accessed through the Lawbook database.

### 3. Cases

After you get an idea of the area of law, you should re-evaluate the initial issues you wrote down. Then, you need to go about finding some specific law for these issues. Texts and encyclopedias will probably give you some key cases to look at, which are a good start. For example, if you are doing an assignment on the separation of the executive and legislative branches of government, a database might suggest the case *Re Dingjan*. When reading the judgment, you will see it relies heavily on *Roche v Kronheimer* and *Hampton v US*. After reading these cases, you might notice they in turn point to other cases. Cases may also point you in the direction of legislation that is relevant, like s 61 of the Constitution (referred to in *Dingjan*).

The best databases to find cases are Westlaw, Casebase (through LexisNexis AU) and Firstpoint (through Westlaw AU). You can find the link to these databases on the Legal Research Guide. A free case database is Austlii, available at [www.austlii.org](http://www.austlii.org). However, this contains unauthorized reports unlike Westlaw, Casebase and Firstpoint.

The easiest way to find a case in a database (online) is to type in the citation. The general rule is that years form part of the citation if they are in square brackets and not if they are in circular brackets eg [1999] versus (1999). If you are unsure of the citation, or for some reason the database doesn't like the citation, search for the title.

Most cases will be available online via a database; however, if you need to access the hard copy of a case you can do this by first searching for the report name in the library catalogue, e.g. Commonwealth Law Reports (CLR), to get the call number. Then, using the call number, find the report on the library shelves. Once you have found the report you searched for, use your case citation to locate the volume and page.

It is important to make sure you are not relying on cases which have been overruled. The above method of reading cases, and then cases which were relied upon, is a great way of working back in time with the law. However, the risk is that some of those cases may have been overruled. Further, this method does not give you the cases that have been decided since then. The best way to make sure your case is still good law and to find subsequent cases which have referred to it is through Casebase (found through LexisNexis AU). Once inside the database, you can simply type in the case name or citation on the homepage. This will show you the status of your case, all subsequent cases that have cited it and journals which have referred to the case.

#### **4. Secondary sources - journals**

Most assignments require you to read secondary sources, such as textbooks and journal articles. For Australian legal issues, the best electronic database for journals is AGIS Plus Text. However other databases such as Austlii and Westlaw, the latter of which is particularly helpful for finding international commentary, can be just as useful.

In these databases and others you can search for subject matters, keywords, or specific articles.

If you find an article that looks helpful but the database does not provide access to the full text, don't lose hope! Like law reports, the library has subscriptions (both electronic and hard copy) to most journals, so if the database you are searching does not provide access to the full text, search the name of the journal in the library catalogue and use the citation to find the article you want.

#### **5. Legislation**

You should realise fairly early on in your research which legislation (if any) you'll need to find. State and Federal legislation can be found in hard copy on the law library shelves or the electronic version can be accessed via the links provided on the Legal Research Guide. Queensland legislation can be found at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and Commonwealth statutes can be found at [www.comlaw.gov.au](http://www.comlaw.gov.au)

It is highly advisable that you access online editions, because legislation is prone to amendment and often reprints of legislation only occur after several amendments. For some pieces of legislation, there will also be annotated acts, which have commentary on each section of the relevant legislation. The commentary will usually include information about decided cases that apply to that section. Some annotated acts you may come across are the Civil Liability Act (Qld) and the Criminal Code (Qld).

## 6. *After researching*

Once you have enough research, it's time to highlight/underline/make notes. Often it's prudent to organise your notes according to the issues you have identified as relevant to the assignment topic.

For problem-based assignments, you will need to know what the current law is, how the law has developed and how you think it will apply to the situation at hand. For essays, you will need to critically analyse the reasoning of authors and judges, often comparing and contrasting reasoning.

Juxtaposing all this reasoning and coming up with a coherent argument/view of the law is probably one of the biggest challenges you'll encounter in your law degree. You might find it helpful to sit down with other students and talk about things, making sure you have a good understanding of all the different sources you have gathered. If you are really short on time, a hot tip is to find the hard copies of case reports - often people have underlined key sections and written useful/funny notes in the margins. However, there is no quality control mechanism, so you might not want to found an argument entirely on these notes.

## 7. *Writing*

Once you have a set of notes and a clear idea of the law in your mind, you need to commence writing your assignment.

Make sure you always have a clear introduction that outlines the background to the problem, states your hypothesis, and relays how the paper will resolve the issues presented. Write the body of your assignment in prose under subheadings (or in logical paragraphs) that reflect the issues, and make sure that what you write is related back to your hypothesis. Whether you are writing a case note, a response to a problem question or an essay, your paragraphs should begin with clear topic sentences.

Always be careful of absolute statements. If you are giving advice for a case-response problem use statements such as 'on balance, X will be liable in negligence for the damage sustained by Y,' or 'it is most likely that...'. If you believe the court will adopt a different approach to the current law, then you will need to say so, e.g. 'although under current law, X would be liable to Y, given the High Court's recent approach of restricting liability in areas of personal injury, the issue cannot be answered with any degree of certainty.'

Also, while you might think it's cool to use lots of Latin, your marker probably won't be so impressed. Write formally but not in legalese. Finally, if you're having trouble with essay writing, the library has a multitude of books on researching and essay writing. Student Services at UQ also offers free essay writing workshops. See [www.uq.edu.au/student-services/assignment-writing](http://www.uq.edu.au/student-services/assignment-writing)

## 8. *Word limits*

After you have finished your first draft, you will inevitably be over the word limit; however, the ability to express yourself succinctly is vital. Some lecturers within the law school will simply stop reading once they feel you have exceeded the word limit, whilst others will deduct marks relative to the amount by which the limit is exceeded. You will likely hear the idea of a 10% leeway being bandied about but this is by no means a concrete rule, so don't rely on it unless you have clarified the point with the course coordinator.

If you do find yourself over the word limit, read your assignment with a critical eye, continually assessing whether you have expressed yourself in the best way possible. The focus is on being concise. Once you make it to the High Court, you can be as you like.

### **9. Referencing and footnotes**

The Law School has adopted the referencing style outlined in the Australian Guide to Legal Citation. A PDF of the Guide can be accessed via this link: <http://library.uq.edu.au/record=b2463809>

It is a good idea to have this style in mind when you are conducting your research. That way you will be able to record all of the information you will require later to write your references correctly. It's also a good idea to sit down and read the guide – it covers everything from how to punctuate to how to reference and even what size font to use for titles!

The law school has compiled a shortened version of the guide that can be found at: [http://www.law.uq.edu.au/documents/students/Guide to Citation of Sources Writing Style in Assignments.pdf](http://www.law.uq.edu.au/documents/students/Guide_to_Citation_of_Sources_Writing_Style_in_Assignments.pdf)

The Australian Guide to Legal Citation requires that any material used to support the propositions you make be referenced by footnotes. Footnotes may also be used to add information that does not fit within the body of the assignment (note, though, that some markers will not read substantive material placed in footnotes). Only important legal propositions should be footnoted, unless they have some peculiar or interesting quality and only the strongest and most recent authorities should be used. When using Microsoft Word, the easiest way to insert a footnote is to place the cursor where you want the footnote to appear in the text and press Ctrl + Alt + F. If you can't remember where you found something, try to resist the temptation to 'manufacture' a page number, or slip in a substitute reference. The consequences can be dramatic – think allegations of misconduct, automatic failure and the like.

Finally, make sure your referencing and formatting is consistent. While most lecturers allow for minor variations in style of footnoting, they will not tolerate different fonts, sizes and punctuation methods in your work.

### **Conclusion**

The above information is useful as a guide. You should always make sure you refer to your course subject guide for more specific details as to how your lecturer wants the assignment written, as this often varies from course to course.

Ultimately, assignment writing is a personal thing and no guide can ever give you a foolproof strategy. After much trial and error, you will develop your own style. Also, it's always useful to consult more experienced students and talk to your peers. Finally, always collect your assignments and if you have major grievances see your lecturers.