

LAW STUDENT

ISSUE 11



Help with your
training contract
applications

.....
New E-books

.....
Time management
tips

.....
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better essays

.....
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.....
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Charlotte Harrison

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Georgina Wolfe and Alexander Robson

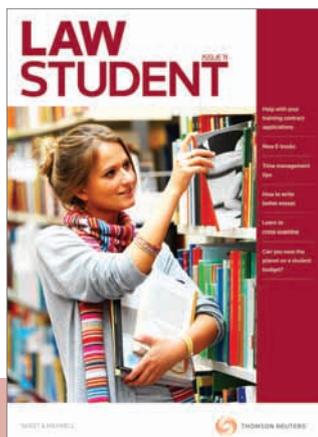
- Takes students through each step of the route to pupillage from legal education through to the application process itself
- Covers key developments including changes to the Bar course (now the BPTC) and the launch of the Pupillage Portal – the new application process
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CONTENTS

06-07

Ensure you avoid these common writing mistakes

09

New e-books for better studying

10-11

Securing a training contract

12-13

Squeeze a little extra into your day

14-15

Spend minutes training, save hours searching

17-18

Think commando! – top ten rules of cross-examination

19

Can you save the planet on a student budget?

22-23

Fancy some law in your movies?

25

How to find words and phrases judicially considered

26-27

Phishing and identity theft

29-30

Types of books available



LETTER FROM THE EDITOR

Welcome to the eleventh issue of Law Student from Sweet & Maxwell. Saving the planet is an expression on everyone's lips these days. But what can you actually do on a student budget? Check out the article on page 19 for some tips you can implement straightaway – and which won't cost you a single penny.

Developing your cross-examination skills is a must if you wish to pursue a career as a barrister. On pages 17-18 you'll find our ten point guide for improving your technique.

For prospective solicitors, on pages 10-11 we show you what law firms are looking for in their trainees – plus a whole range of tips on how best to sell your own skills and experience when you apply.

You'll also find a number of articles helping you with your everyday coursework. On pages 6-7 there's advice on how to avoid common mistakes when writing essays and assignments – as well as essential guidance on managing your time on pages 12-13. Plus, we detail how your Westlaw UK student representative can help you make the most of online legal research databases. We also show you where to look for legal definitions when a document or case can hinge on the meaning of a single word.

E-books are fast becoming one of the best tools for studying law. On page 9 we highlight a new range of e-books that can bring an extra dimension to your work.

On pages 26-27 we show you how to avoid having your identity stolen online. There are now so many scams it pays to be aware of the latest dangers – and know what to do if you're unlucky enough to be caught.

I hope you enjoy this issue as much as I do. Until next time.

Nicola Thurlow
Editor



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ENSURE YOU AVOID THESE COMMON WRITING MISTAKES

There are a few common mistakes that students make time and again in legal writing. If you can eliminate them you will have gone a long way to improving your writing. In the following article, Edwina Higgins and Laura Tatham, authors of *Successful Legal Writing*, look at common criticisms tutors make about student work – and show you how to avoid having them written on your own work.

DOES NOT ANSWER THE QUESTION

Other ways this might be phrased:

“you haven’t understood what was being asked”;
“read the question more carefully next time”

OK, so you are asked a question. All you have to do is answer it. Sounds easy? There are a number of things which make it hard.

Sometimes it might be that you don’t have the legal knowledge to answer the question, but it is much more likely to be down to failing to show the marker that you understood what was being asked. This may have resulted in putting in irrelevant material and missing out stuff which was needed. Sometimes (especially in an exam situation) it can be down to failing to read the question properly, or wanting to include material it took hours to learn, just to show you learnt it, even though the question doesn’t ask you for it.

DISCUSSION OF IRRELEVANT ISSUES

Other ways this might be phrased:

“your answer goes off track”; “avoid a ‘write all you know’ approach.”

This is sometimes called the “scattergun” approach or the “kitchen sink” approach. This kind of comment is made on work where the student has put down so much information that there is some relevant and correct material, but it is buried in a mass of other material which is only generally related to the topic. In other words you are putting in ‘everything but the kitchen sink’ or randomly shooting out ‘bullets’ of law with the hope that some of the shots will hit the target. This might be because you “know” an awful lot – great – but you are failing to show the marker that you *understand* the material. Being able to recite or regurgitate material doesn’t, unfortunately, mean that you understand it.

Perhaps the most crucial point in writing is to remember you cannot ‘impress’ the marker or gain marks by ‘putting down’ material you haven’t been asked for, no matter how difficult the material or how laborious it was to find it and/or ‘learn’ it. *You are wasting your*



own time and the marker’s and you are failing to communicate your understanding. This understanding is shown as much by what you leave out as what you put in.

Think for a moment about watching politicians being interviewed on the news or answering questions on a programme like *Question Time*. It is common practice for them to deflect a tricky question about something they do not want to talk about by changing tack. A good interviewer will point this out and repeat the question. How do you rate the politician when this happens? Do you think to yourself “Wow, what a knowledgeable person, to be able to answer on something completely different from what was asked”, or do you think “Shifty guy – can’t even give a straight answer to a straight question”? Your tutors aren’t necessarily going to think you are being shifty if you fail to answer the question as asked, but they are certainly not going to pat you on the back for being able to discuss something which isn’t relevant.

TOP TIPS

You need to keep an imaginary bin in your mind – and you have to have the courage to put irrelevant material in that bin.

MISSES IMPORTANT POINTS

Other ways this might be phrased:

“you should have discussed ...”;
“you have barely touched on ...”

In other words, there was important material which was not discussed. This might be down to a number of different causes, for example:

- failing to understand the topic, and therefore not realising that the issue was important;
- having wasted too much time on irrelevant material and therefore not having the time or space to include everything you wanted to – in other words making poor choices about what to include;
- running out of time in an exam – you knew the issue was important but you just didn’t have time to get it down because you’d spent too much time on a previous question.

TOP TIPS

Thoroughly understanding the topic is essential before you start. Careful planning of your piece of work will be needed to make sure you are covering all the relevant issues.

Where you have a tight word limit, and in an exam where you've got limited time, you may have more to say than you can, so decisions need to be made about the relative importance of points.

WHERE IS THE SOURCE?

Other ways this might be phrased:

"lacks authority"; "where is your evidence?"

Tutors write this where a student has made an assertion without providing the necessary evidence to support that assertion. This is particularly a problem in relation to assertions of law, where the evidence must be in the form of a case or statute.

For example:

There is only one ground for divorce, namely irretrievable breakdown of the marriage.

This is quite true, but it is an assertion of law (ie the student is stating what the law is on that point) and therefore needs to be proved by stating a legal authority (ie a primary source of law). The legal principle given here about divorce comes from section 1(1) of the Matrimonial Causes Act 1973.

It is also important to demonstrate your use of secondary sources, books articles etc clearly in your work. Failing to do this meticulously may lead to plagiarism.

TOP TIPS

Always remember that every assertion of law needs to be supported by evidence. In other words, you need to prove your point by giving a case or statute where that principle of law can be found.

INSUFFICIENT APPLICATION TO THE FACTS

Other ways this might be phrased:

"too general"; "more specific advice is needed"; "how does this affect our parties?"

This is applicable to problem questions, which ask you to provide advice to a particular party or a number of parties. This mistake arises where the student writes a general essay on the area of law without saying how it affects (ie applies to) the party you've been asked to advise.

Application is a very important skill for a lawyer. A client coming for legal advice doesn't want to pay for an hour's worth of waffle on generalities: they want to know how the law affects them, and, depending on the circumstances, whether they are likely to win in court. This is what you need to bear in mind when answering problem questions. Note that this doesn't mean that you give only one side of the argument – your 'client' wants honest, objective advice!

TOP TIPS

Check who you are advising about what, then make sure that as well as stating the law and providing evidence to support your statement, you then go one step further: "So in Fred's case, this means..." The name of the party you are advising should occur frequently throughout your work.

TOO DESCRIPTIVE – LACKS ANALYSIS

Other ways this might be phrased:

"more depth needed"; "insufficient evaluation"

This is where a student states the law (hopefully with the right authority) but does not go on to discuss the question in enough depth. This is especially needed in essay questions. Description is important, because that is how you explain the relevant law, but in order to get good marks you need to go further than this and provide evaluation – not just what the law is, but why it is like that, what effect this has and so on. It's about forming a questioning or critical attitude towards the law.

TOP TIPS

Try asking yourself: have I explained the effect of the rule or situation, or have I just given the rule? Get into the habit of digging deeper and discussing pros and cons, weaknesses in given arguments, alternative routes for the law to take and so on, where this is relevant to the question you've been asked.

MISTAKES ON THE LAW

Other ways this might be phrased:

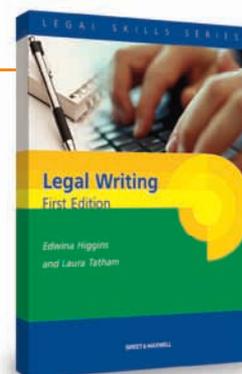
"contains a number of legal errors"

It is, if course, vital that to succeed in your assignments you have a thorough and up-to-date understanding of the legal principles you are being tested on. That said, this is not as daunting as it seems as so much of your study time will be focused on making sure that you have grasped the right rules. So a student who works hard throughout the year and attends lectures and attends and participates in tutorials will have a very sound grounding in this. It is usually only those who have not engaged with the course who find they are floundering in terms of their knowledge at assessment time.

Effective and sustained working is the key here. Attend your lectures, read around the subject appropriately, prepare and participate in your tutorials/seminars. Above all, if you don't understand something, ask!

TOP TIPS

Do remember that the odd legal mistake doesn't ruin an otherwise good essay (although a lot of mistakes obviously do!). Consequently, it's really important to pay as much attention to what you DO with your knowledge to make sure your work pays off.



This article is adapted from the first edition of *Successful Legal Writing* by Edwina Higgins and Laura Tatham, which is available from amazon.co.uk, hammickslegal.com and all good booksellers priced £19.95 [978-0-421-96120-3]



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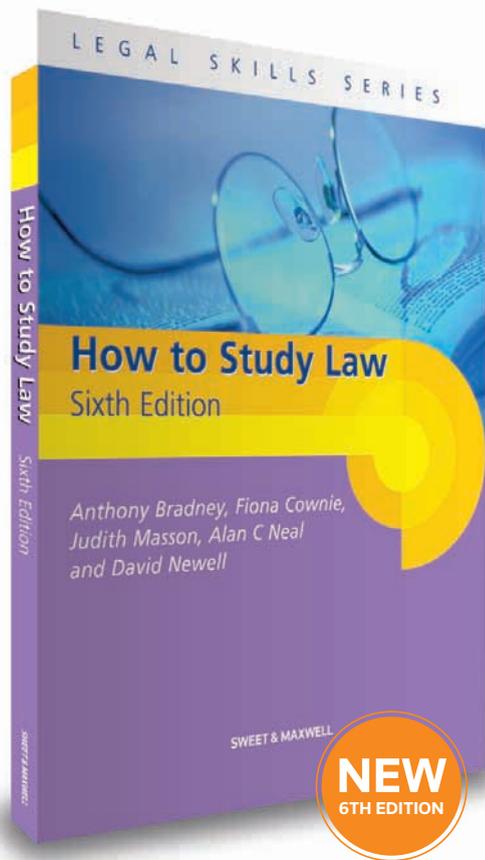


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SECURING A TRAINING CONTRACT

What are law firms looking for in prospective trainees? The answer to this question can be very different depending on which firm you speak with. In this article, adapted from *From Student to Solicitor: The Complete Guide to Securing a Training Contract*, Charlotte Harrison outlines factors to consider when writing your CV, covering letters and application forms.



HOW TO MAKE SUCCESSFUL APPLICATIONS

Generally speaking, law firms expect their trainees to demonstrate the skills and attributes listed in this article. Keep them in mind, but it is not enough simply to say you have a particular skill; you must demonstrate how and when you have developed or used it.

Many students fail to make effective applications because they do not stop and think about how to sell their experiences to prospective employers. You could have had a host of amazing life and work experiences but that is of no use to you if you do not know how to capitalise on them in application forms and show why they demonstrate potential to be a successful solicitor.

STRONG ACADEMICS

A Level and university marks are important. Almost all firms require a 2:1 degree and most will take A Level grades into account at some stage during the recruitment process (some even set specific minimum requirements). However, even if you have strong academics, you must not become complacent and will need to offer something extra if you want to be considered as a serious candidate for a training contract.

Do not lose heart if your grades are weak, but be aware that you will have to be more flexible and creative when deciding which

firms to apply to. You might also need to boost your CV with some relevant work experience or paralegal experience to compensate for the weaker grades.

MOTIVATION TO BECOME A LAWYER

All legal recruiters look for evidence of motivation to become a lawyer and a motivation to join that particular firm (or at least an equivalent firm in terms of size, culture, practice areas, and location). The training contract is a significant investment for firms so they want to be sure that you are worth investing in. They certainly do not want to spend money training you only for you to leave at the end of your contract because you do not want to be a lawyer anymore or have decided to move to a different type of firm.

You can demonstrate your motivation through evidence of work experience or because you have been involved in particular voluntary work or projects at university, eg Pro Bono work. You need to show that you understand what it is to be a lawyer and how law firms work. If you have researched your options thoroughly, you will be able to speak knowledgeably and confidently at interviews and show that you have given serious consideration to alternative options and have made an informed decision to pursue this career and train at that type of firm.

TARGETED APPLICATIONS AND REGIONAL LINKS

London firms expect to attract candidates from all over the country and therefore it is less important to demonstrate links to the city. However, firms based in other parts of the country will want to know that you are likely to stay with them after qualification. If you are from Manchester and apply for training contracts in Southampton, the firms will want to know why you want to train with them. They do not want to spend a considerable amount of time and money training you, only for you to return to Manchester on qualification. Therefore, it would be sensible to use your covering letter to explain why you want to train and work in a particular city.

PROFESSIONALISM AND EXCELLENT PRESENTATION SKILLS

The nature of their work means that lawyers are expected to demonstrate attention to detail. Recruiters will be looking for evidence of this in your application form and during interviews. There are no excuses for poor presentation or spelling mistakes – you only get one shot at this so get it right. Invest time in proof reading your work and ask someone else to read through it before you submit it. In this highly competitive recruitment process, employers do not need an excuse to throw out your application. Also pay attention to your appearance at interviews and assessment centres.

EXCELLENT COMMUNICATION SKILLS

To some extent, the interview is the time to demonstrate these qualities but you may also be able to demonstrate them through your extra-curricular activities. Have you had a job where you have had to communicate with customers or clients? Have you taken part in mooting or debating competitions? Have you acted as a course representative or are you a member of the management committee of a student society?

COMMERCIAL AWARENESS

This is something that all law firms are looking for. Essentially, it means that you understand how businesses operate and the effects of current affairs/business trends on your clients' businesses. It also means that

you appreciate the importance of ‘fee earning’ and the commercial challenges facing the legal sector.

ORGANISATIONAL SKILLS AND ADAPTABILITY

In legal practice you will have to balance a varied caseload and meet the needs of several clients at the same time. Effective time management and organisational skills are therefore essential and recruiters will be looking for evidence of these skills from your application form or CV. Have you had to balance paid work and study? Have you had any positions of responsibility that required excellent organisational skills? Have you organised any charity events? Do you have a part-time job which requires good organisational and time management skills?

RELATIONSHIP BUILDING/ABILITY TO WORK AS PART OF A TEAM

The ability to build relationships and work as part of a team is a key skill in the armoury of any good lawyer. Recruiters will be looking for evidence of this from your application form or CV.

EVIDENCE OF VOCATIONAL SKILLS AND THE POTENTIAL TO BE A GOOD LAWYER

How can you show that you have the key skills that are required to be an excellent lawyer? You do not necessarily have to have worked in a legal environment to demonstrate these skills, but participating in Pro Bono work is a great place to start. Can you demonstrate any experience of applying the law to real life practical problems (perhaps through Citizens Advice Bureau experience or other Pro Bono work)? Can you demonstrate that you have developed your interviewing, negotiating or legal research skills to an impressive level? Can you demonstrate that you are able to work effectively as part of a team and that you can manage a varied caseload? Can you demonstrate that you are able to operate calmly under pressure? Have you ever drafted legal documents and/or business correspondence? Have you been involved in any negotiation competitions or mooted competitions?

OUTSIDE INTERESTS

Recruitment partners are looking for evidence of achievement other than academic success. This shows that you are a well-rounded individual and can also demonstrate focus and motivation. Your extra-curricular achievements and outside interests can provide an excellent bank of evidence to show that you have what it takes to be a first-rate lawyer.

MAP YOUR EXPERIENCE

To make sure that you have sufficient evidence to support your claims, you could consider completing a ‘map of experience’. This will

encourage you to think seriously about what makes you a good candidate and will save you time when it comes to filling in your application forms.

Use the chart below to make a note of experiences that demonstrate the skills or attributes listed in the left hand column. Ideally, you should draw on a different example for each one. Examples could include experiences arising from a part time job, Pro Bono work, sporting activities, positions of responsibility at university, or participation in mooted competitions. Think about why you got involved in each activity, what role you played, what you learnt, and how and why it shows that you have the potential to be a good solicitor. Try to draw on specific examples, rather than general experiences.



This article is adapted from *From Student to Solicitor: The Complete Guide to Securing a Training Contract* which is available from amazon.co.uk, hammickslegal.com and all good booksellers priced £14.95 [978-1-847-03956-9]

Requirement/Criteria	Examples
Motivation to become a practitioner	
Excellent presentation skills	
Excellent oral and written communication skills	
Commercial awareness	
Adaptability and excellent organisational skills	
Ability to work effectively within a team and take on leadership responsibilities when necessary	
Ability to work under pressure	
Excellent research skills	
Excellent problem solving skills	
Ability to use your initiative when appropriate	
Ability to prioritise/manage time effectively	
Add additional criteria for the particular role you are applying for	

SQUEEZE A LITTLE EXTRA INTO YOUR DAY

Time management is one of the most useful skills you can learn. It will not just be useful whilst you are a student, but it is a transferable skill because it can be used throughout the rest of your life. Here, from *How to Study Law*, is advice on effective time management.



REUTERS/Bobby Yip

As a law student, you will be expected to do a number of different things: attend classes or lectures, prepare work for discussion in tutorials, seminars or classes, and write essays. Often you will be given several of these tasks at once.

Clearly you cannot do them all at the same time. You will have to plan carefully, working out how much time is available in total, identifying what you need to do, how long it takes and when you are going to do it, so that you can complete all the tasks before the deadline.

To help plan your time, buy a hard-copy diary or use the calendar function on your mobile phone. To be effective, your diary/phone calendar needs to contain a complete record of what you have to do.

“It is counterproductive to set yourself a deadline that you cannot possibly hope to meet. Many activities will take longer than you think.”

You need to carry it with you and add new appointments as you make them. You could start by putting in all your academic commitments – lectures, tutorials/seminars, deadlines for coursework and so on. Then you can add other commitments as they come up.

MAKE LISTS

Make a list of all the things you have to do. There will probably be more things on your list than you have time to do, so you will have to prioritise the list, deciding what you need to do very soon, and what you can do later.

Think about the best order in which to do things. Make a list of those things that you must do, like attending compulsory classes, and other tasks which have to be completed by a particular deadline, such as preparation for essays or tutorials. Next, make a list of other tasks that are important, such as getting a repair kit for your bike. The next list can be for the things you would like to do fairly soon, such as going round to see friends.

Finally, there are a number of things that you would like to do at some point when you have the time, such as writing to your brother; these can go last on your list. Use the lists you make to keep track of your progress, crossing out the things that you have completed, and highlighting things that still need to be done.

HIDDEN TIME CONSTRAINTS

Your time management can be upset by the arrangements made by your institution. It is all very well planning to do lots of research for an essay during the vacation, but not if the library is going to be closed for three weeks. Equally, you may come across the problem of 'bunched deadlines', where several of the courses you are doing require assessed work to be handed in on the same day. You can alleviate these problems by finding out about the library, computers and other support services well in advance and by asking tutors to give you assignments in good time, but you may not be able to overcome such difficulties completely. If you are used to planning your time, however, you will be able to deal with the resulting pressure on your time much better than someone who has given no thought to such problems.

Create a physical space where you can be undisturbed, where you can have all the things you need conveniently to hand and where you can read and take notes comfortably. Organise your notes and your course materials for each course that you study – use different coloured folders or ring-binders for each one. Think about the best times for you to work – in the mornings, or in the evenings?

BE REALISTIC

Although you will often be working to deadlines imposed by your tutors, it will be up to you to organise your time around those

“Be realistic about how much time you need to set aside in order to complete your essays or tutorial preparation.”

deadlines. Be realistic about how much time you need to set aside in order to complete your essays or tutorial preparation. It is counterproductive to set yourself a deadline that you cannot possibly hope to meet. Many activities will take longer than you think; for instance, some law students are surprised how long it takes them to do the research for an essay!

When you are planning your time, you need to be realistic about your own strengths and weaknesses too. If you are the sort of person who can stay in and write your essay on a Saturday afternoon when all your friends are going out together, that's fine. On the other hand, if you are the sort of person who cannot wake up before midday, it is unrealistic to plan to write your essay at 8.30 in the morning.

If you do not allow yourself sufficient time to do something, you may start to feel depressed and frustrated. If your schedule is realistic, you will gain satisfaction from knowing that you have achieved what you set out to do. Of course, everyone underestimates the time they need sometimes, but you should try to avoid this happening to you too often.

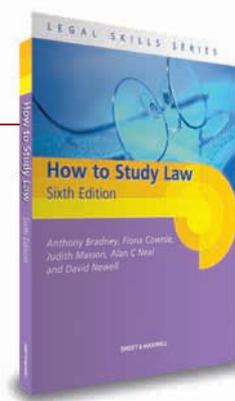
Don't leave things to the last minute. This especially applies to preparation for tutorials and seminars, and the research you will need to do for assignments. If you leave things to the last minute, you may well find that most of the books and articles you need to use have already been borrowed by other students. You can sometimes rescue the situation by finding the information you need elsewhere, but it takes a lot of thought, time and energy.

KEEP A SENSE OF PROPORTION

Don't try to study for long periods of time without a break. You will find that making a coffee, going for a brief stroll or reading a newspaper for ten minutes in between periods of study helps you relax and enables you to extend your total period of study. Similarly, plan to have some time off each week. The aim of organising your time is to allow you to plan your academic work to the best of your ability, but also to have some time left over and do all the other things you want to do, including to enjoy yourself and to relax.

10 TIPS FOR TIME MANAGEMENT

1. Keep a diary of what you have to do (hard copy or on your mobile phone)
2. Make a list of all the things you have to do
3. Keep track of your progress, crossing out the things that you have completed
4. Think about the best times for you to work – mornings or afternoons?
5. Create a physical space where you can work without being disturbed
6. Be realistic about how much time you need to set aside in order to complete tasks
7. It is counterproductive to set a deadline that you cannot possibly hope to meet
8. Don't leave things to the last minute
9. Don't try to study for long periods of time without a break
10. Plan to ensure that you have some time off each week



This article is adapted from the sixth edition of *How to Study Law*, by Anthony Bradney, Fiona Cownie, Judith Masson, Alan Neal and David Newell, which is available from www.amazon.co.uk, www.hammickslegal.com and all good booksellers priced £19.95 [978-0-414-04180-6]



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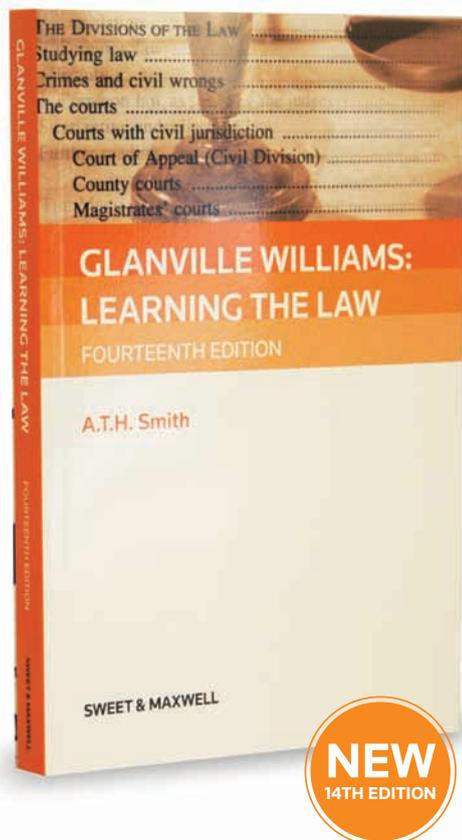
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THINK COMMANDO!

How do you get a witness to break down and confess in court? If you want to go on to be a barrister, how can you go beyond mooting to develop the art of cross-examination, learning to control opposition witnesses and turn them to your advantage? In this article, adapted from the second edition of *The Devil's Advocate*, Iain Morley QC explains the **ten totally tremendous rules of cross examination**.

THE GENERAL RULE IS: DON'T DO IT.

People at law school dream of the day they will cross-examine. Their role model is rarely a real advocate whom they have watched in court. Usually it is a tv character, or from a host of bad films with bad plots, and these role models are all completely useless.

On tv, witnesses blub. They are exposed as liars, cheats, villains. They admit guilt. They eventually agree tearfully with the cross-examining lawyer, the judge bangs his gavel, and there are gasps from the public gallery.

It does not happen like that in real life. A witness under cross-examination does not want to agree with you. He will misunderstand your questions. He will try to use your questions as an excuse to repeat the deadly features in his testimony which destroy your case. Every question in cross-examination is an invitation to disaster. So your first thought is don't do it.

If you have to cross-examine, there are ten rules.

Rule 1: THINK COMMANDO.

Don't lay siege. Don't settle into each witness with books of questions. Like a commando, *you go in, you get what you want, you get out*. Remember, it's dangerous out there. Every question invites disaster. So stealth, cunning, brevity, should be your beacons. It's a raid, not a siege.

Rule 2: WHEN YOU HAVE GOT WHAT YOU WANT FOR YOUR CLOSING SPEECH, STOP, STOP, STOP.

Don't try and improve on answers. Witnesses will sense you think you have them, and will back-track. Weigh each answer against the closing speech you want to be able to make. If the answer fits – STOP!



Rule 3: NEVER ASK A QUESTION TO WHICH YOU DO NOT ALREADY KNOW THE ANSWER.

Cross-examination should not be used to dig around. You have no idea what you will find. It may be helpful. But watch out – it may not be.

What then is the point of only asking questions to which the answer is known? The point is to draw attention to your case. All the facts may already have appeared either in the witness statement or the evidence, but are peppered about all over the place. Your job is to draw the facts together to present a fresh perspective. Cross-examination is all about bending perception. It's about getting the tribunal to begin to see the case from your point of view. It is not about getting the witness to blub.

Rule 4: ALWAYS ASK LEADING QUESTIONS.

Never ask an open question. A leading question controls the answer because a leading question gives the answer, and the witness should simply say "yes". If you give the answer, you control the answer. Controlling the answer means controlling the witness.

You don't ask – *"Did the cat sit on the mat?"* – nor – *"Where was the cat?"*

You ask instead – *"The cat sat on the mat, that's right isn't it?"*

And because you know the answer from what is in the witness statement or from the evidence in chief, the witness will probably say "yes", no more than that, and is safely under control.



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Rule 5: NEVER, EVER, EVER, ASK THE WITNESS TO EXPLAIN. EVER!

This is also known as never ask the witness "why?" The problem with an explanation from the witness is it will destroy an explanation from you. Your explanation is what you give in the closing speech. Asking a witness to explain will undermine the explanations you will want to give in that closing speech. Persuasion is your job – do not let it be taken from you and taken over by the opposition.

Rule 6: RESERVE YOUR COMMENT FOR THE JURY, NEVER, EVER FOR THE WITNESS.

This is a massive rule and follows inexorably from rule 5. Sometimes this is known as do not ask "conclusionary questions" – these are questions which demand a conclusion from the witness. If you put a conclusion to a witness – what will be your comment to the jury – what you are in fact doing is asking the witness to explain whether your conclusion is correct. Get it wrong and you have spectacularly lost control.

Rule 7: NEVER ASK THE WITNESS FOR HELP.

If you break the third or fifth rule you may have accumulated a series of crippling answers, and maybe an explanation which devastates you. Don't then ask the witness to clarify his answer in a last desperate attempt to make it support your case. You will almost certainly make things worse.

Instead, learn to look unconcerned by devastating answers. It's an act, but it is one you must learn. With a devastating answer, a tribunal will look to you and you must look like you can handle it.

Just say: "I dare say..." or "Oh, I see..." or "That's helpful..."

Make it look like everything is fine. Don't make it look as though you need help.

Rule 8: ASK ONLY ONE THING AT A TIME.

Some advocates roll large amounts of material into a question. In the confusion created by asking too much, the witness does not answer yes or no, but sets out once more on a lengthy explanation.

Lengthy explanations will destroy you. They allow the witness to re-assert control. Importantly, they tend to allow the witness to repeat his story. If the tribunal hears the story once, they might believe it. If twice, they're pretty much convinced. If you blunder into allowing a third story-telling, nothing short of nuclear war is likely to change the tribunal's mind. So one thing at a time.

Rule 9: WHEN PUTTING YOUR CASE, TELL THE WITNESS HE DISAGREES WITH IT.

This may sound weird. But it is important. Generally in England, we must put our case to the witness. The general approach is to put as little as is necessary to have fulfilled your duty to have put it. For if you're not careful, putting your case can become an opportunity for the witness to take centre stage to say at length exactly why your case should be disbelieved.

So, don't ask: "I suggest your identification is mistaken, what do you say about that?" You'll get a very long answer.

Instead, how about: "I suggest your identification is mistaken, but you would disagree with me, wouldn't you?"

The answer is "yes". And only yes. The answer is neutral, uneventful, perfectly agreeable, and everyone has expected it anyway. You have done your duty in putting your case and you have avoided a diatribe in response.

Rule 10: BOUNCE FOR CONFRONTATIONS.

How do you get a witness to say what you want? In an ideal world, you want the witness to cry buckets and confess their lies, to say "It's a fair cop guv', you've got me bang to rights, I've been lying". They never do.

The question is, can you get close to it? Can you create the impression it is a fair cop, but naturally and understandably, the witness cannot bring himself to admit it? Bounce is required. *You bounce your case off the witness.*

We use bounce only when we confront a witness. For example it is highly effective where the allegation is assault and the defence is self-defence. You put your case in great detail, simply bouncing it off the witness to the tribunal. Get a rhythm going. The psychology of what you are doing should mean it appears irrelevant to the mind of the tribunal what the witness says in response.

You say he hit you first – Yes

But you hit him first – No

You say he hit you on the nose – Yes

But you hit him on the shoulder – No

First – No

With a pool cue – No

While angry – No

Because he'd looked at your girlfriend – Not true

In a funny way – No

So you hit him – That's a lie

With a pool cue – No

Twice – Not true

And he hit you – He did hit me

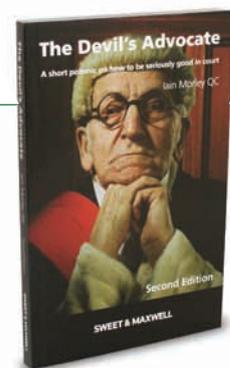
On the nose – Yes

In self-defence – No it wasn't

Notice how none of the questions in the bounce cross-examination have question marks after them. You are not asking. You are not seeking agreement. You are telling him, and expect disagreement. And while delivering the bounce, do not look at the witness. Look straight ahead, into space, or at the judge, or occasionally for emphasis to the jury.

This is the moment you clash swords with the witness. This is not forensic surgery: it is forensic war.

But polite war. Cross-examination is not "cross" examination. Tribunals hate rudeness. Rightly so. You don't know what really happened in a case. You are simply following instructions. So when you bounce, be formal, be firm, but don't get personal.



This article is adapted from the second edition of *The Devil's Advocate* by Ian Morley QC which is available from amazon.co.uk, hammickslegal.com and all good booksellers priced £16.95 [978-1-847-03768-8]

DID YOU KNOW?

Embracery is the common law misdemeanour committed by a person who by any means whatsoever, except the production of evidence and argument in open court, attempts to corrupt, influence or instruct any jurymen

- Taken from the 11th edition of *Osborn's Concise Law Dictionary* [978-1-847-03308-6] available from all good booksellers priced £11.95

CAN YOU SAVE THE PLANET ON A STUDENT BUDGET?

By Kate Aydin

At university? On a tight budget? If you're the sort of person who's interested in all things eco, *How to Save the Planet on a Student Budget* could be just what you're looking for. It's full of practical, easy things to do that won't break the bank.

For example, pause if you will for a moment to contemplate the magnitude of CO₂ reduction potential from reusing a plastic bag. There are around 2.3 million students in the UK. If say, 2 million of them reused a plastic bag every time they went shopping (based on an average of shopping twice a week) they'd collectively reduce the amount of bags by about 208 million in a year. This would be equal to reducing CO₂ emissions by 13,000 tonnes.

HERE'S THE MATHS:

- 1 plastic bag weighs 10g
- 100 bags weigh 1kg
- 208m bags weigh 2.08m kg
- 1 bag's embodied energy is 6.25 kg CO₂/kg
- Therefore 208 m bags = 13 m kg CO₂ = 13,000 tonnes CO₂

Yes you heard it right – the higher education sector could **save 13,000 tonnes of CO₂ just by reusing plastic bags!** There's definitely power in numbers. And it'd cost nothing (although if you bought an organic Fairtrade cotton bag, it would set you back about three quid).

If you ever feel you're the only one 'doing your bit' to help the environment, remember that the times are a changing. As well as the student community, a whole load of people are putting pressure on their towns and cities to ditch the plastic bag.

Modbury in Devon is the first in Europe to ban plastic bags and now Brighton is getting on the bandwagon. Aylsham in Norfolk is plastic bag free as is Hay-on-Wye and Chesham in Buckinghamshire. Even Wales has gone to public consultation on banning free plastic bags in the country! It's only a matter of time before the UK becomes plastic bag-free, reducing a fair amount of CO₂ in the process.



And if plastic bags just aren't your bag, there are loads of other things to do that won't cost the earth (here are just six of them):

- Shower instead of a bath (if your house has a shower): £0
- Turn off the TV at the socket before you go to bed: £0
- Stop junk mail swamping your letterbox: by contacting the Mailing Preference Service www.mpsonline.org.uk £0
- Organise a swap shop to get rid of old clothes and books: £0
- Use the library instead of buying new books/CDs/DVDs: £0
- Recycle: £0

Kate Aydin is the Sustainable Development Officer for the University of Oxford. Her book, *'How to Save the Planet on a Student Budget'* (Oneworld Publications), is available now for £6.99.

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DID YOU KNOW?

Lagan are goods cast into the sea from a ship that perishes that are heavier than water and are buoyed so that they will not sink

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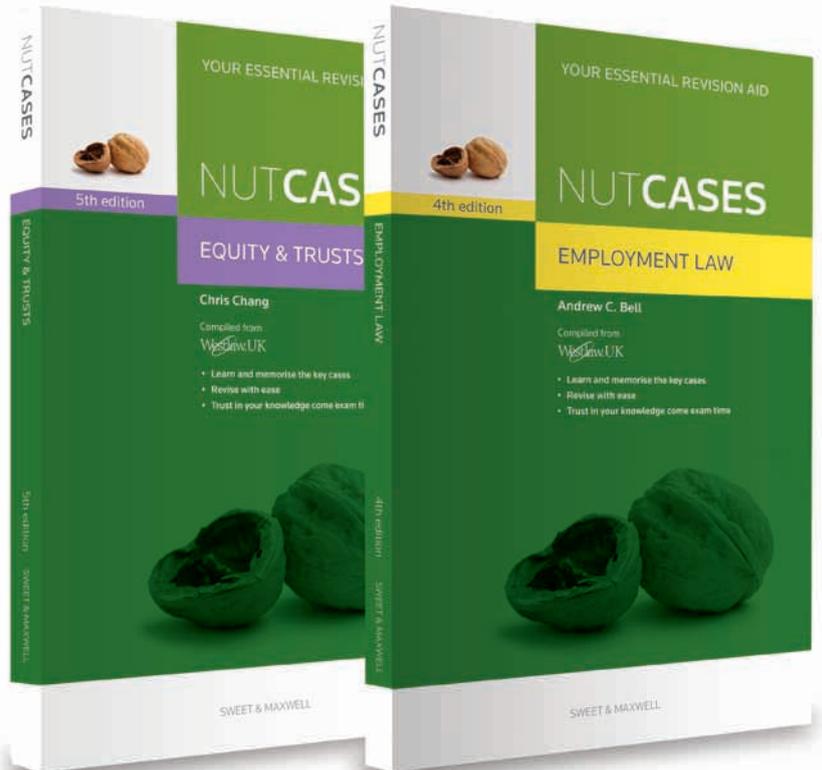
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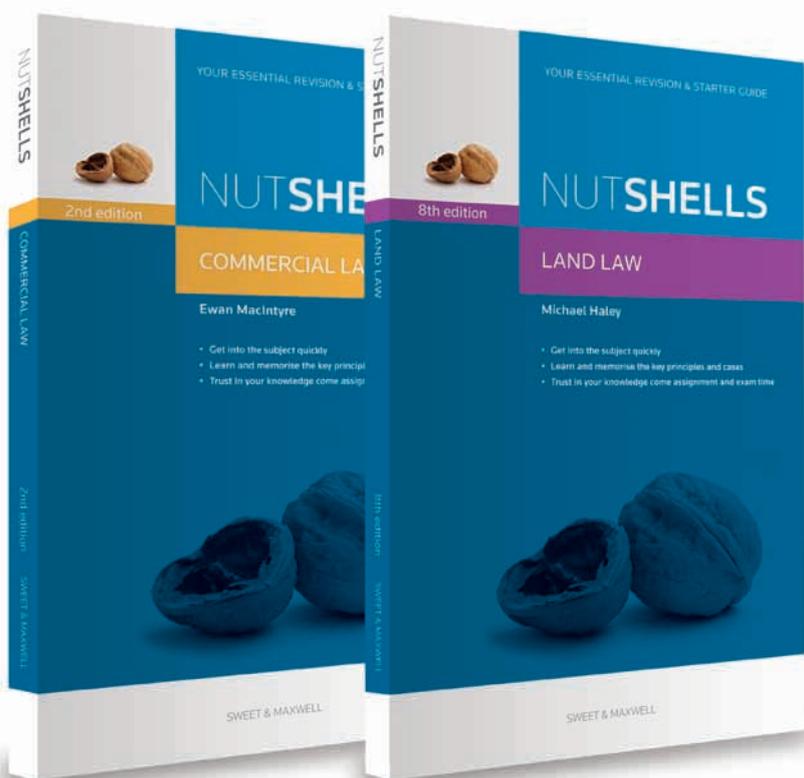
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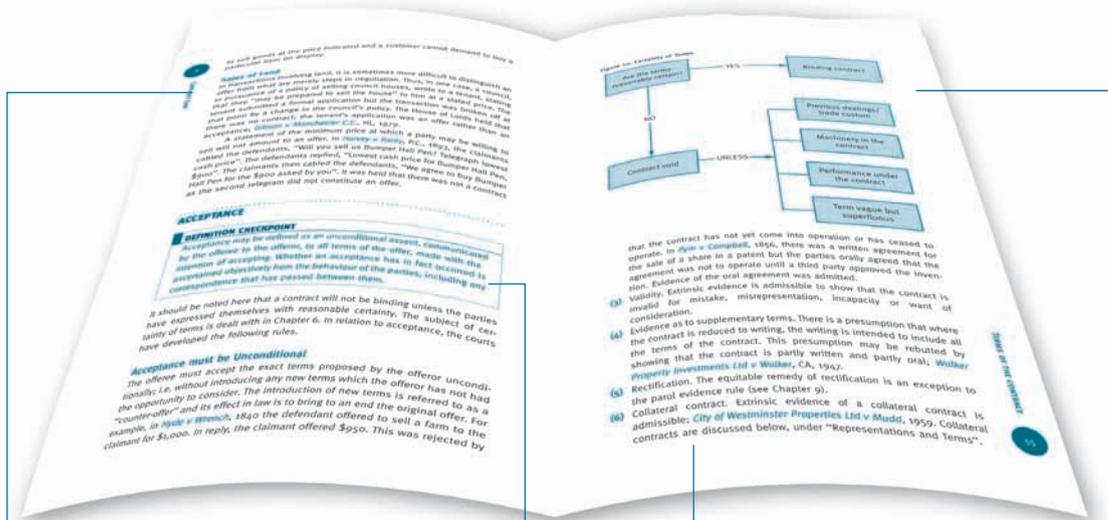
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SO YOU'VE GOT IT CRACKED



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FANCY SOME LAW IN YOUR MOVIES?

Curling up for an evening on the sofa? You're spoilt for choice when it comes to films featuring the law. ATH Smith, editor of *Glanville Williams: Learning the Law*, recommends some classic legal movies you might like to catch on DVD





SECRETS OF THE JURY ROOM

I can recommend *12 Angry Men* (1957) in which one juror gradually persuades the others to put aside prejudice and their own preoccupations and consider the evidence against a young man charged with capital murder; incidentally, jurors in England are forbidden under pain of contempt of court from revealing the secrets of the jury room, but in his excellent book *The Juryman's Tale* (1999) Trevor Grove skillfully skirts this law to tell of his experiences as a juror at the Old Bailey.

FACT OR FICTION?

Other films regarded as classics include *Inherit the Wind* (1960); *Anatomy of a Murder* (1959); *To Kill a Mockingbird* (1962); *Witness for the Prosecution* (1957) (though I suspect that some of the detail was legally inauthentic even when it was first produced); *A Civil Action* (1998); *Touch of Evil* (1958); *The Crucible* (1996). These are all essentially works of dramatic fiction.

THE LAW OF COMPLICITY

Other works are based, to a greater or lesser extent, on factual events, such as *The Biko Inquest* (1984). *Let Him Have It* (1991) is a recreation of the trial of Craig and Bentley that took place in the 1950s, one of whom (Bentley) was hanged for murder. He was eventually

(1998) given a posthumous pardon, and his conviction was quashed by the Court of Appeal. But the law of complicity that underlies the original verdict is probably still good law.

PLEA OF PROVOCATION

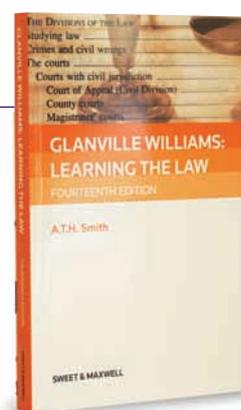
Dance with a Stranger (1985) recounts the ordeal of the last woman hanged in England, Ruth Ellis, whose plea of provocation was rejected by the court on the basis of what I believe to have been a misunderstanding of the law, namely that an intention to kill is inconsistent with the plea of provocation. Public disquiet at her treatment fuelled the anti-capital punishment movement leading to the abolition of the death penalty by the Homicide Act 1957.

ONLOOKERS' LIABILITY

Judgment at Nuremburg (1961) is not a full-scale account of the trials, but focuses on one judge and one particular defendant. *The Accused* (1988, starring Jodie Foster) is based upon an event that occurred in America, in which a young woman was raped in a public bar, in full view of the customers, some of whom participated in the rape whilst others encouraged. It affords a graphic illustration of the liability of onlookers for criminal wrongdoing.

LUDICROUS AND WILDLY INACCURATE

If you are seeking legal authenticity, as you should be, you are advised to stay well clear of *In the Name of the Father* (1993), which purports to be an account of the miscarriage of justice suffered by the "Guildford Four", whose reconstruction Marcel Berlins, legal correspondent of *The Guardian*, described as "the most ludicrous and wildly inaccurate ever seen on a cinema screen".



This article is adapted from the new fourteenth edition of Glanville Williams: *Learning the Law* which is available from amazon.co.uk, hammickslegal.com and all good booksellers priced £13.50 [978-0-414-04173-8]

DID YOU KNOW?

Exequatur is the permission by a government to the counsel of another state to carry out his functions

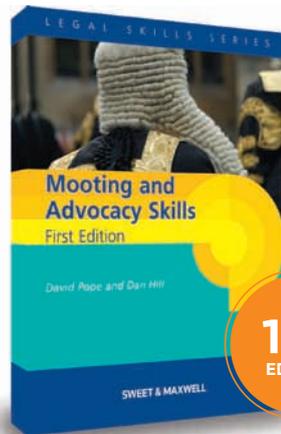
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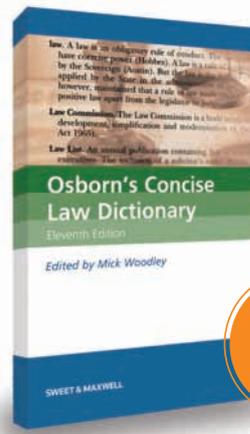
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Two specialised dictionaries record the courts’ decisions on problems such as these. *Stroud’s Judicial Dictionary* provides the meaning of words as defined in the case law and in statutes. *Words and Phrases Legally Defined* is a similar publication; both are kept up to date by supplements.

The *Law Reports Index* includes a heading “Words and Phrases”, in which full details of cases defining a particular word or phrase are given.

The *Current Law Monthly Digests* and *Year Books* also include an entry “Words and Phrases” and the Index to the *All England Law Reports* and the Consolidated Index to *Halsbury’s Laws* have a similar heading.



This article is adapted from the 2nd edition of *Effective Legal Research* which is available from amazon.co.uk, hammickslegal.com and all good booksellers priced £19.95 [978-1-847-03818-0]

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PHISHING AND IDENTITY THEFT

No, we haven't spelt it wrong. If you haven't heard of phishing, you'd better catch up quick. The editors from TheSite.org explain how to avoid being tricked into giving out personal details online and having your identity stolen.



WHAT IS PHISHING?

Phishing is an online scam where people try to trick you into giving them your personal or financial details.

HOW DOES IT WORK?

Typically, you receive an email that looks like it's from an online organisation you may have given your details to: it might look like something from your bank, eBay or PayPal. The email says you need to reconfirm your details and asks you to follow a link to their site to do so. This link actually takes you to a spoofed website, which looks like the company's but is run from a server that the scammers have access to.

If you input your details there, they will go straight to the scammers, who can then use them to empty your bank account, obtain a passport or do any number of criminal activities in your name.

HOW CAN I PROTECT MYSELF?

- Treat any email asking for your credit card number, bank details, passwords or anything else important as highly suspicious.
- Don't click on a link in an email – it may not go to the address it says. Instead, type it directly into your browser so you know where you are going. If you get something claiming to be from Paypal and asking you

to update details, switch to your browser, type in www.paypal.com and log in manually. You'll soon see if the email was a scam or not.

- If you are in any doubt, contact the company concerned to verify the request for your details.
- Only ever put personal details into a secure website: one that has <https://> at the beginning of the address, rather than just <http://>

IS THERE ANY ONLINE DEFENCE?

There are a few programs available online that help you verify that a site you visit is genuine. For example, Earthlink Scamblocker

and SpoofStick, both available free, work by alerting you if you are entering a known fraudulent website. They also break down the URLs of the sites you visit, so you are able to see whether you are at the genuine website or just a spoofed copy.

SHOULD I STEER CLEAR OF PUTTING ANY DETAILS ONLINE?

Obviously, that is the safest option. If you find you can't avoid it, then you can minimise the risks:

- As far as possible, always use a credit card. Credit card companies insure all payments over £100, so if someone else does start flashing your plastic around, you should be able to recoup the losses
- Keep an eye on your finances, especially your bank and credit card statements. Often that is the first place you will notice if someone has stolen your details.

WHAT SHOULD I DO IF I HAVE MY FINANCIAL DETAILS STOLEN?

If you find your credit or debit card number, or your bank details have been stolen, contact the issuer as soon as possible to cancel the

card or freeze the account. Most companies have a special 24-hour phone line for this purpose and it's worth finding the number when you join and keeping it on hand so can call it quickly when you need to. If you think charges on your statement look suspect, send a letter to the issuer, querying each charge.

WHAT SHOULD I DO IF MY eBAY ACCOUNT IS HIJACKED?

ebay has a devoted area on its site for reporting this kind of problem. There is also a hotline to call to report any online fraud.

WHAT SHALL I DO IF MY IDENTITY IS STOLEN?

If a more complex problem arises, like your personal details being used to take out a passport or other document, contact the issuing body immediately. For instance, passport fraud should be reported to the Passport Service and driver's licence fraud should be reported to the DVLA.

www.TheSite.org

Your guide to the real world

WHERE TO FIND OUT MORE

- Identity Theft (<https://www.identitytheft.org.uk/>) The Home Office's identity theft site.
- CIFAS (www.cifas.org.uk/) The credit industry's fraud prevention body and identity theft arm.
- The UK Payments Association (www.ukpayments.org.uk/) Guide to safe online transactions.
- Card Watch (www.cardwatch.org.uk/) Tips on avoiding identity theft.
- Information Commissioner's Office (www.ico.gov.uk/youth.aspx) Info about data protection online and offline. Tel: 08456 30 60 60



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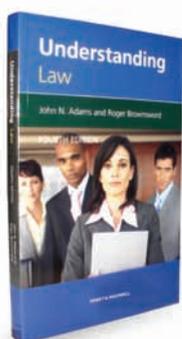
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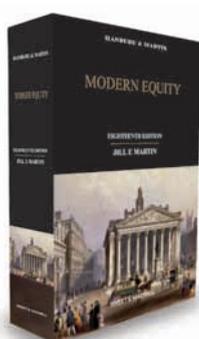
UNDERSTANDING LAW SERIES

The *Understanding Law* Series is a collection of introductions designed particularly with the new law student in mind.

Written in an engaging style that avoids unnecessary legal jargon, each text offers an overview of a specific area of law, highlights the variety of legal problems which legislation strives to address and explains why the law has evolved in its current form. These texts are ideal as pre-course reading for the new law undergraduate and CPE student.

Titles include:

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- Understanding Property Law
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- Texts and Materials – gives you extracts from original material – both cases and academic articles – along with expert commentary which puts the material into perspective for you
- Classic Textbooks Series – supplies you with detailed coverage of the core subjects. Written in a traditional and straightforward way they are essential reading



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As well as helping you with the actual subjects of your course, Sweet & Maxwell publish a range of titles to help you with the skills you need in order to do well in your degree and in your future career. Checking out some of the Legal Skills titles available is a must:

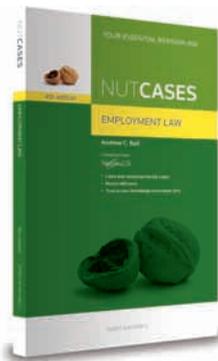
- Mooting and Advocacy Skills
- Effective Legal Research
- Successful Legal Writing
- Glanville Williams: Learning the Law
- How to Study Law
- The Devil's Advocate
- Osborn's Concise Law Dictionary
- The Path to Pupillage: a Guide for the Aspiring Barrister
- From Student to Solicitor: The Complete Guide to Securing a Training Contract



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Nutshells present you with the essentials of law in clear, straightforward language, explaining the basic principles and highlighting key cases and statutes. They have been revamped to make your revision even easier. New features include colour throughout to help distinguish cases and legislation and aid ease of use as well as a model question and answer plan at the end of each and every chapter. There are Nutshells on all of the following areas:

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- Medical Law
- Criminal Law
- Evidence
- Intellectual Property
- Tort
- Commercial Law
- Company Law
- Consumer Law
- Contract Law
- Employment Law
- English Legal System
- Equity & Trusts
- European Union Law
- Family Law
- Human Rights
- International Law
- Land Law



NUTCASES

Another revision aid loved by students, Nutcases provide you with in-depth case analysis of the facts, principles and decision of the most important cases in an area of law. The Nutcases have also been completely revamped to make it even easier for you to get up to speed with the key cases in a subject and maximise your revision time. There are Nutcases on all the following subjects:

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DID YOU KNOW?

Simony is the selling of such things as are spiritual, by giving something of a temporal nature for the purchase thereof

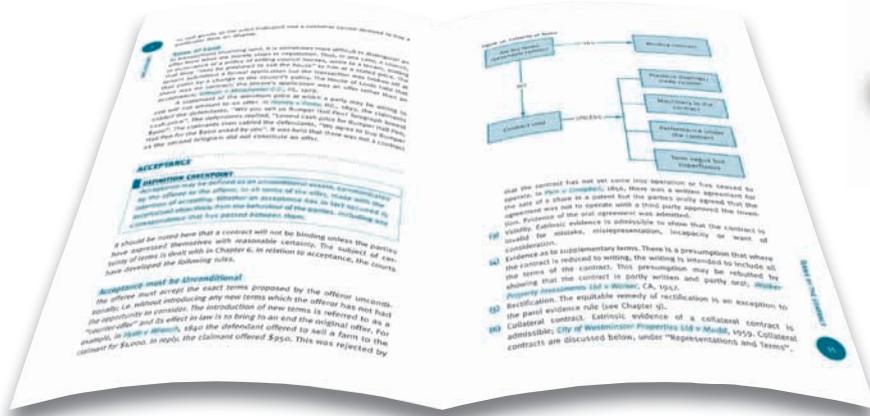
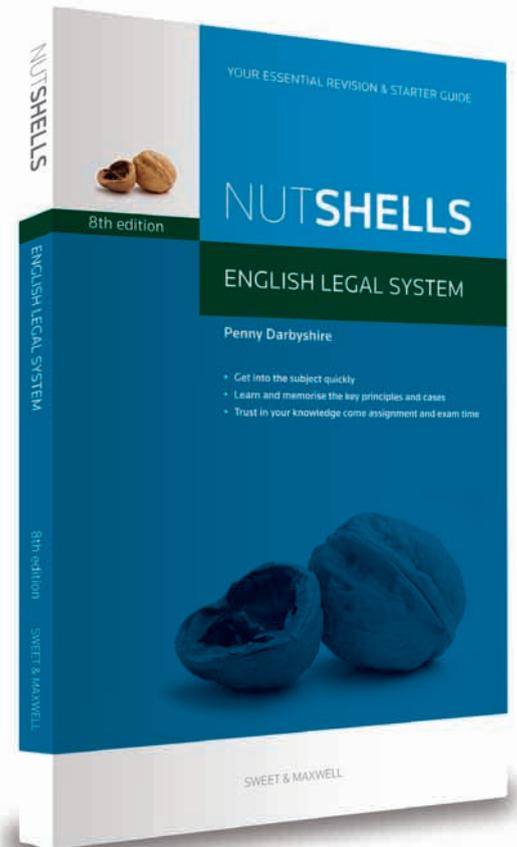
- Taken from the 11th edition of *Osborn's Concise Law Dictionary* [978-1-847-03308-6] available from all good booksellers priced £11.95

YOU'VE GOT IT CRACKED



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- Closes each chapter with a checklist to enable you to check that all your learning needs have been met
- Provides a model question with answer plan at the end of each chapter to enable you to fully prepare for both exam and essay questions
- Includes diagrams throughout to illustrate difficult concepts
- Places important key definitions and statutory provisions in boxes to help highlight the key points to remember
- Contains a host of useful tools including tables of cases and statutes, a list of examination tips, and a list of useful web resources



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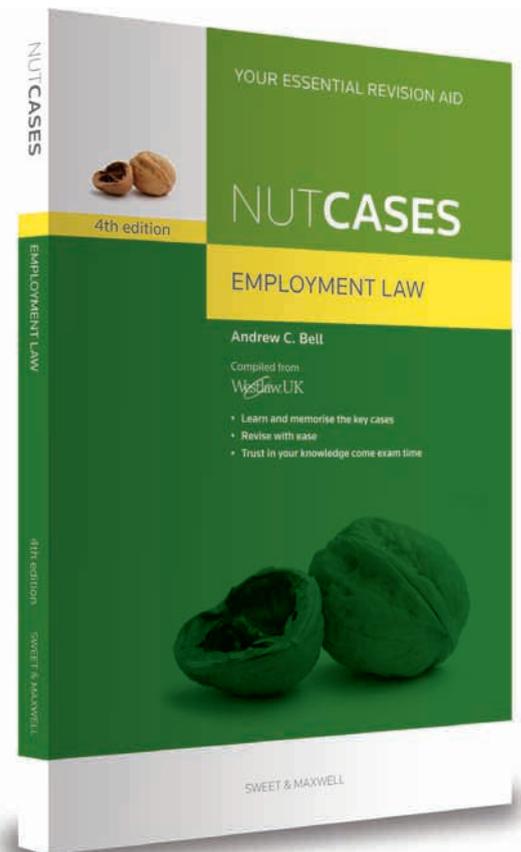


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- Incorporates colour to help distinguish cases and legislation and aid ease of use
- Presents the text in bite-size chunks and includes bullets where appropriate to aid navigation, assimilation and retention of information
- Breaks the subject down into key topics to enable you to easily identify and concentrate on particular topics
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