

# LAW STUDENT

ISSUE 9



Techniques for  
improving your  
questioning skills  
.....

Making the most  
of the law library  
.....

Advice on dealing  
with the flatmate  
from hell  
.....

Win a set of  
Nutcases and  
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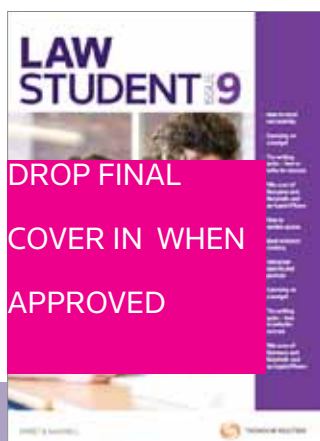
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## LETTER FROM THE EDITOR

Welcome to the ninth issue of Law Student. What a packed issue it is. Improving your questioning skills is a must if you wish to pursue a career as a barrister. On pages 6-7 you'll find exercises for improving both your non-leading and leading questioning techniques.

Being able to undertake research effectively is a must if you want to succeed and maximize your time. We have a number of articles that will help you do just that. On pages 9-10 you'll find advice on how to find the books you need in the law library, on pages 18-19 you'll find guidance on how to actually start your research on a subject, and to round off you can turn to pages 26-27 for information on how to get the most from online research services.

Ever though about starting your exam preparation now? Turn to page 24 to find out why it's a good idea. And if you're really keen, how about reading fiction books with an element of law? See pages 20-21.

Sharing a property can be difficult, so on pages 14-15 you'll find advice on how to avoid problems from the off. Plus, check out the article on page 30 for some great cleaning tips! Finally, see pages 22-23 for information on the Junior Lawyers Division: who they are, how you can join, and how you can help them support Raleigh International.

Almost forget... don't forget to check out page 12 for a chance to win a set of Nutcases and Nutshells and an Apple iPhone!

Until next time, happy studying

*Samantha Goosetree*

Samantha Goosetree  
Editor



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# IMPROVING QUESTIONING

Mooting gives you the chance to practise the skills of advocacy and gives you a taste for what it's like to argue cases in court. This article, taken from *The Devil's Advocate* by Iain Morley, provides you with two exercises that will help you improve your questioning technique and lead you on the path to successful mooting.

It's essential to take place in mooting whilst at university. It will help improve your legal skills and is a must for anyone who wants to go on to be a barrister. There is a drill which can work wonders at improving your ability to ask leading and non-leading questions. It will teach you the difference between them. It will teach you to be comfortable with the difference. By undertaking these exercises, you'll improve your abilities, and your chances of winning when participating in moots or mock trials. Your new found skills will also hold you in good stead for your future career.

## IMPROVING NON-LEADING QUESTIONING

To improve non-leading technique you need two colleagues, three pieces of paper and three pens.

We'll call them Jack and Jill. Jill draws a simple shape which you do not see. With your pen in hand, ask questions of Jill to describe her drawing. You now draw what you hear described. And Jack does the same. He draws what he hears described by your questions of Jill.

Both of you, separately, without helping each other must draw **EXACTLY THE SAME SHAPE AS JILL**: same angles, same size, same scale. Exactly the same.

Your questions must be precise to elicit the precise location of the various lines in the shape. For example:

*What shape have you drawn?*

A boat

*Has it sails or funnels?*

Funnels

*How many funnels?*

Two

*How many decks?*

Two

*Is there smoke rising from the funnels?*

Yes

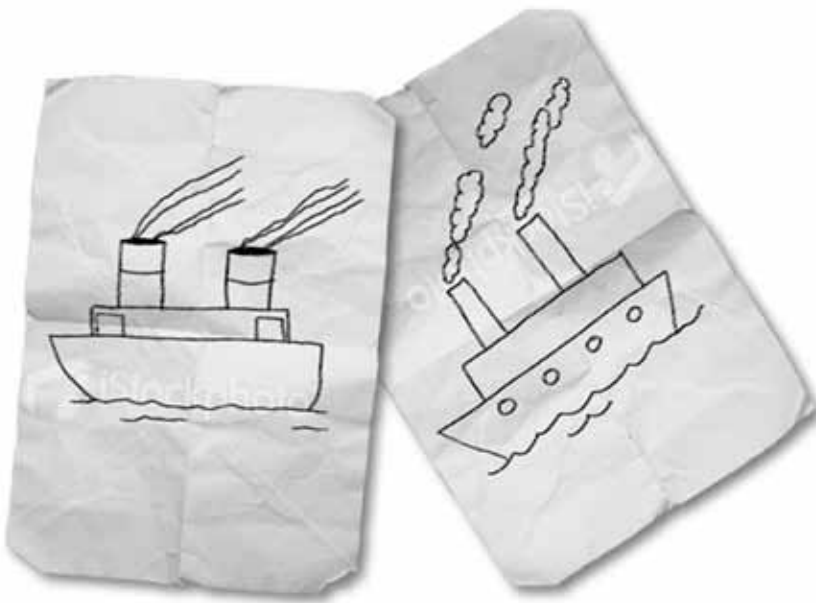
*From both?*

Yes

And so on.

At the end of the exercise, compare drawings. Check your drawing with Jill. Check Jack's drawing with Jill. The more exactly your drawing matches her, the more accurate and focused your questioning has been. And because you have not known what her shape was, your questions will naturally have been non-leading.





And here's the clever bit. The more exactly Jack's drawing matches Jill's, the more effective your questions have been to the ear of an audience. A tribunal is an audience. In other words, you will get some idea of whether, from your questions, a tribunal could have formed the SAME MENTAL PICTURE as you have formed and as has been formed in the mind of Jill. This exercise allows you to measure how effective your questioning is.

#### **NOW FOR THE LEADING QUESTIONS**

To improve leading technique, you need Jack and Jill, two pieces of paper and two pens.

Jack draws a shape unseen by Jill. You look at Jack's drawing and you ask leading questions of him. Through the leading questions you describe the shape. Jill listens to the descriptions you put to Jack.

If your leading questions are unfocused or clumsy, Jack will disagree with what you have put to him, just as a real witness would. You want Jack always to answer yes. This is the key to leading question technique. You want to be so methodical and focused in the questions that they basically amount to instructions to Jill about how to draw exactly the same shape.

*The shape is a boat?*

Yes

*It has two funnels?*

Yes

*Each funnel produces smoke?*

Yes

*The boat has one deck?*

Yes

*The bow of the boat is one inch from the left edge?*

Yes

*The rear of the boat is two inches from the right edge?*

Yes

And so on.

At the end of the exercise look at Jill's drawing. It is a representation of the picture you have created in Jill's mind. Once again, you can measure the effectiveness of your questioning as you now have some idea of the sort of picture you have created in a tribunal's mind.

These exercises work. Very well. Try them. Often. The learning curve is exponential.



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



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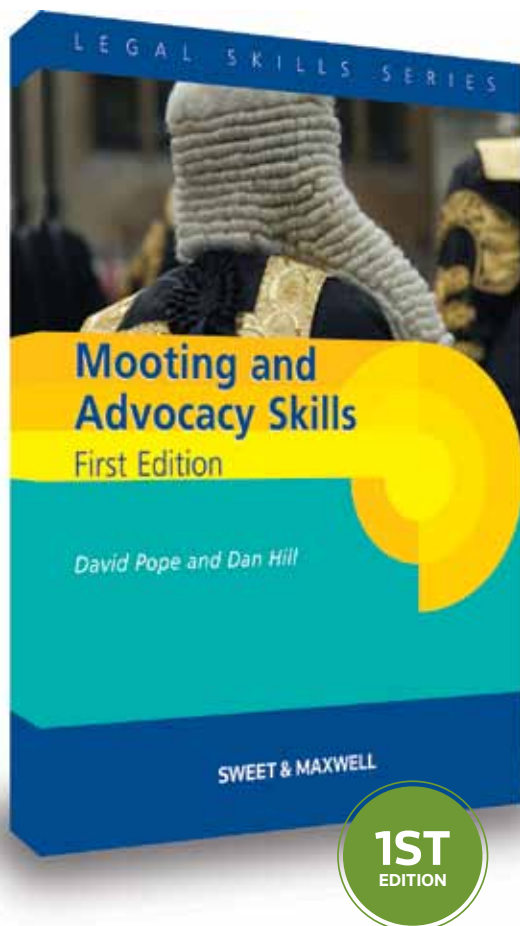


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# MAKING THE MOST OF THE LAW LIBRARY

The books held in a university library are usually the best starting point for legal research. Making good use of them can save a great deal of wasted effort. Here, taken from *Effective Legal Research*, is advice on how to search for the book/s you need.

## THE DIFFERENT TYPES OF BOOKS AVAILABLE

You will find three different kinds of book on the library shelves. Textbooks designed for undergraduates explain the fundamentals of law in a particular area. These are complemented by research texts (sometimes called monographs) which offer detailed descriptions of the law and usually a more advanced level of discussion. These often assume the knowledge set out in undergraduate textbooks.

Practitioner texts and loose-leaf updating services, in contrast, aim to provide a detailed, authoritative, statement of the law in a particular area. They are designed first and foremost for the legal profession. All three types of book can be useful to legal research. Check dates of publication, to ensure that you are using the most recent edition.

## HOW BOOKS ARE ORGANISED

Books of all kinds are usually grouped on the shelves according to their subject. The subject dealt with in each book is indicated by numbers or letters and numbers, which are usually printed on the spine of the book. These symbols indicate the exact subject matter of each volume. They are known as the classification number or classmark and bring together, in one area of the library, all books dealing with the same subject, such as torts, criminal law and constitutional law.

There may be a number of separate sequences in the library. Large books (folios and quartos) and very thin books (pamphlets) may be kept in a separate part of the library. Thus, the size of the book may be important in helping you to find it on the shelves. There will normally be some indication on the catalogue entry for a book, if a book is shelved separately.

## SEARCHING THE LIBRARY CATALOGUE

Library catalogues allow you to search for books by the author's name, or the title of the book. It is usually easier and quicker to search by title (ignoring words such as "The" or "A" in the title), or alternatively by



a combination of author surname and title. If you do not have the exact title, a "keyword search" enables you to search for words occurring anywhere in the title.

Additional searches by subject area or classification are usually also possible. If the library has the book you want, the catalogue entry will give you its full details (eg its publisher, the date of publication and the length of the book in pages) and the location of the book on the shelves.

Author searches should be used with care. Even if you are sure of the author of the book, you may need to check a number of author entries before you find the right one. Suppose you have a reference to a book written by John Jackson. If you use the author search and enter "Jackson, J" you will see index entries that might feature the following variations of the name (among others):

Jackson, JA, John Archer, 1929-  
Jackson, JD, John Dugland, 1955-  
Jackson, JE, John Ellwood  
Jackson, John, 1887-1958  
Jackson, John E

You need to start with "Jackson, JA" and work down the list in order to find the right author. In this case, the second author listed is a writer on legal subjects, but a search using "Jackson, John" would have missed the correct entry. The index display would begin with "Jackson, John, 1881-1952".

## BOOKS STILL LISTED UNDER THE PREVIOUS AUTHOR'S NAME AND OTHER ANOMALIES

Law books often continue to be known by the name of the original author, even though that author might be dead. This is something you will need to take account of when using the catalogue. Let us take as an example, *Winfield and Jolowicz on Tort*. This is in its seventeenth

edition. Winfield has not been involved with the work for many years, but it is still referred to by his name. You will usually find an entry in the author catalogue under Winfield, but in addition, there will also be an entry under Rogers, WVH who is the author of the current edition. If you are using a title search you need to search for “Winfield and Jolowicz on Tort”, not “Tort”, which was the original title of the book.

Many law books have been written jointly by two or more authors. You may be referred for example to Craig and de Burca (EU Law) or Clayton and Tomlinson (*The Law of Human Rights*). There will be an entry in the catalogue for both authors, and title searches should be for “EU Law” or “Law of Human Rights”.

Sometimes a book does not have an individual as the author. It is published by an organisation or society and the organisation is, in effect, the author. In this case, you will find

an entry in the catalogue under the name of the body, eg Law Commission, Law Society, Legal Action Group, United Nations.

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The library is also a gateway to other printed materials such as law reports and journals as well as online collections of legal materials. You’ll need to learn how to make use of both the online and the print collections of a law library if you are to spend your research time efficiently and effectively. Full details of how to make the most of the full range of services offered by your university library can be found in the second edition of *Effective Legal Research*.



This article is adapted from the new second edition of *Effective Legal Research*, by John Knowles, which is available from [amazon.co.uk](http://amazon.co.uk), [hammickslegal.com](http://hammickslegal.com) and all good booksellers priced £18.95 [978-1-847-03818-0]

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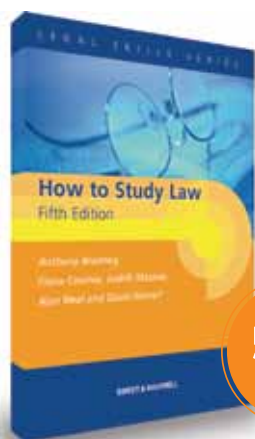


## DID YOU KNOW?

Procedendo is a writ which was formerly issued to move a case back to a lower court from the High Court or to restore an order of the lower court

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

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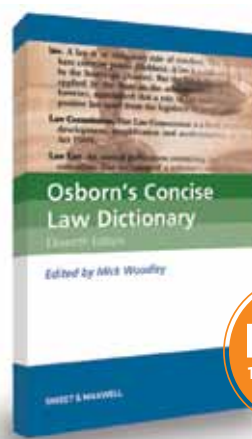
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# THE FLATMATE FROM HELL COULD BE CLOSER THAN YOU THINK

Whether you are sharing with good friends or strangers, problems can and will arise. Lurking in the depths of your very own sitting room, ready to finish the milk, hog the phone and wake you up with drunken antics in the middle of the night could be the phenomenon commonly known as the 'flatmate from hell'. This creature, adept in the art of disguise, could make your life a living nightmare. The National Student Union offers some advice.

Problems WILL occur, there is no getting away from it. Soon enough, your flatmate drinks your beer and never replaces it, his girlfriend keeps staying over and spends hours in the bathroom, and insists on watching DVDs of Sex And The City all night long in your sitting room!

Generally, current tenancy laws fail to deal with house sharing arrangements, which is all the more reason why you should put effort into making things work. The best way to avoid problems later is to solve potential problems before they exist. Set up some rules at the beginning, it will save you a world of hassle later on.

## BILLS

A major point of conflict in a shared house is often about paying bills (electricity, water, gas, council tax, TV licensing). It is vital to decide when you move in who is to be responsible for paying bills and how the bills are to be divided. Generally, bills such as gas, electricity and water are divided equally between all members of the household. However, if one person has an appliance which uses a lot of electricity, water or gas, then maybe they should pay extra.

If you are having services connected, it's important to think carefully about whose name the account will be in. The person who has their name on the account will be held liable by the service provider for payment of the bill and may have trouble getting access to future services if the bill is unpaid for any reason.

It's a good idea for different flatmates to organise different services in order to spread the financial responsibility around. In this way no one person will be left with responsibility for all the bills if things should go wrong in the house.

Bills for phone and internet usually arrive either every month or three months and are usually the tenants' responsibility (they are not covered in the rent). Often these can be quite large and flatmates on tight budgets can sometimes have difficulties paying their



share all in one hit – which is why these bills cause so many problems. There are ways to reduce the problem. For example, you could all decide to put some money away every week for bills, so that when one arrives you have some money saved to cover it. Alternatively, you could arrange a pre-payment plan with these services.

## WHAT TO DO IF YOUR FLATMATE WON'T PAY A BILL

If you have a joint tenancy agreement, the landlord wants a fixed rent for the whole house irrespective of how many students are living there. This means that if a student drops out of his/her course and goes home, the remaining students in the house will have to cover the rent of the student who has left. In this situation the remaining students would have to take legal action against the student

who has left to try to recover their money if the student refused to continue to pay rent after he/she had vacated the property.

## CHORES

Like it or not there are certain tasks which have to be done for a household to continue functioning. The toilet is not self-cleaning, the garbage has to go out eventually and disposable plates are not the answer to washing-up. Floors, bathrooms and lawns also need looking after. Many households find that a roster for certain tasks, especially cooking and washing-up, is the best way to ensure that chores are completed fairly. Others find that a more flexible honour system is sufficient. Some households employ a system where people put down a tick every time they do the washing-up or some other chore.

### PERSONAL BELONGINGS

Be clear about what is communal property and what is not. You may be happy to share your TV, washing machine, stereo, pots and pans, furniture etc, but you may not wish to share your computer, food, shampoo and gym equipment; be clear up front, rather than annoyed because your flatmate didn't realise.

After a while, a flatmate becomes like a boyfriend at the end of a relationship. All the endearing little things you didn't mind at the beginning – the inability to close the front door quietly, the shoes that you trip over whenever you get home – become enough to send you into the most violent and irrational rage. At which point, it's time to have a serious face-to-face discussion.

### ARE YOU SCAPEGOATING YOUR FLATMATE?

It's surprisingly easy to blame one person for problems that everyone's jointly responsible for. So be sure it really is that one person who's the problem. A group of friends can sometimes round on someone unfairly, just because they are shy, or don't share the same interests or religion.

### TIPS FOR DEALING WITH CONFLICT

If the problems have already started, your options will usually depend on what the

**“If you're in conflict with a flatmate, and assuming there is no threat of physical violence, deal with them face-to-face if possible...”**

problem is and whose name the agreement is in. If you have separate tenancies, you may be able to ask the landlord to sort things out. But if you have a joint tenancy, each tenant's actions affect all of you. If one person isn't paying their rent, you could end up having to pay her/his share. And if they cause problems, the landlord may decide to evict you all.

In some cases, the only options may be to put up with the situation or move out. If this is the case, be sure to end your tenancy properly before you go. See: <http://england.shelter.org.uk> for more information.

In extreme cases (eg if your flatmate is violent or causes a serious nuisance) the council, or even the police, may be able to help you. Just because you live with someone this doesn't mean they have any right to subject you to emotional violence, physical violence, sexual harassment or sexual abuse.

### TOP TIPS

- If you're having services connected, try to spread the responsibility around so no one person has all the bills in their name
- Ensure you have rules in place as to how bills are going to be split and who is going to do what chores
- Ensure everyone knows what you consider to be communal property and what you don't – other people might have different ideas to you
- A closed bedroom door means 'Stay out'. Never enter your flatmate's bedroom if they are not at home and always knock if they are
- If a problem arises talk about it, don't resort to sending messages or moaning to other flatmates

### TALK

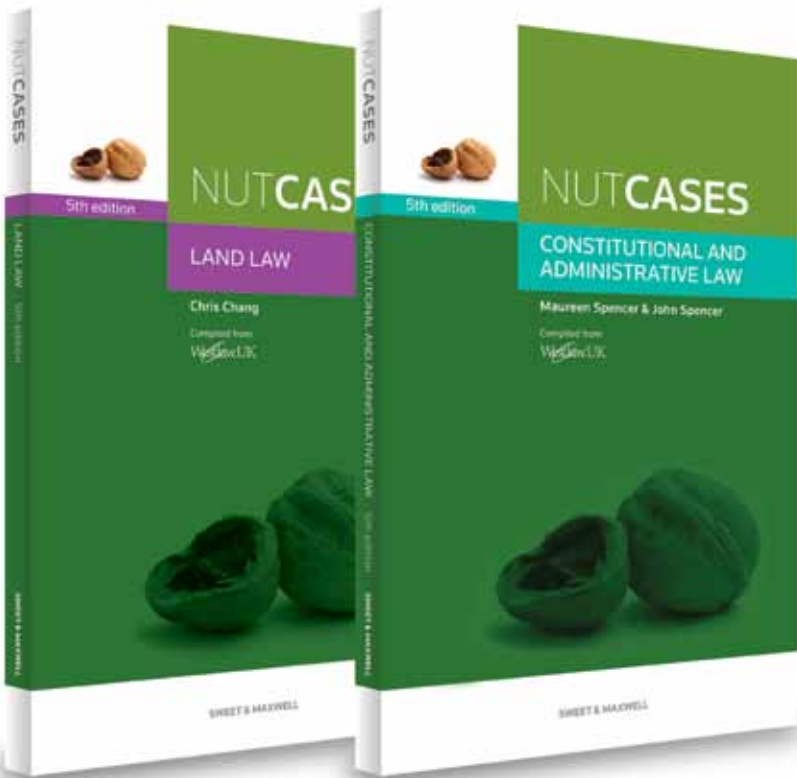
If you're in conflict with a flatmate, and assuming there is no threat of physical violence, deal with them face-to-face if possible. This is always better than sending letters and messages, banging on walls, throwing things, or talking to other flatmates about them. Plan to talk to your flatmate at an appropriate time and allow enough time to do it. Think beforehand about what you want to say. It's important to state clearly what the problem is and how you feel about it.

Don't blame your flatmate for everything or begin with your opinion of what should be done. Give your flatmate a chance to tell their side of the story and what they think has been happening to cause the trouble. When you've reached this point, try working on the dispute together. Work out what you both have to do to resolve the problem.

For more information on this and other topics, visit NUS at [www.nusonline.co.uk](http://www.nusonline.co.uk)



# WITH NUTCASES AND NUTSHELL



## NUTCASES – ESSENTIAL REVISION AIDS

- Provides in-depth case analysis of the facts, principles and decision of the most important cases in an area of law
- 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 which enables you to easily identify and concentrate on particular topics
- Opens each chapter with a short introduction to outline the key concepts covered and condense complex and important information
- Highlights Court of Appeal and House of Lords cases to enable you to easily identify the relative significance of the cases examined
- Includes boxed “think points” at the end of each chapter providing further case analysis and encouraging critical thinking
- Fully indexed by individual cases and topics

### NUTCASES

- Constitutional and Administrative Law
- Contract Law
- Criminal Law
- Employment Law
- Equity and Trusts
- European Union Law
- Evidence
- Family Law
- Human Rights
- International Law
- Land Law
- Medical Law
- Tort



Opens each chapter with a short introduction to outline the key concepts

Aids you when revising or starting a new subject by drawing out the key principles of a case

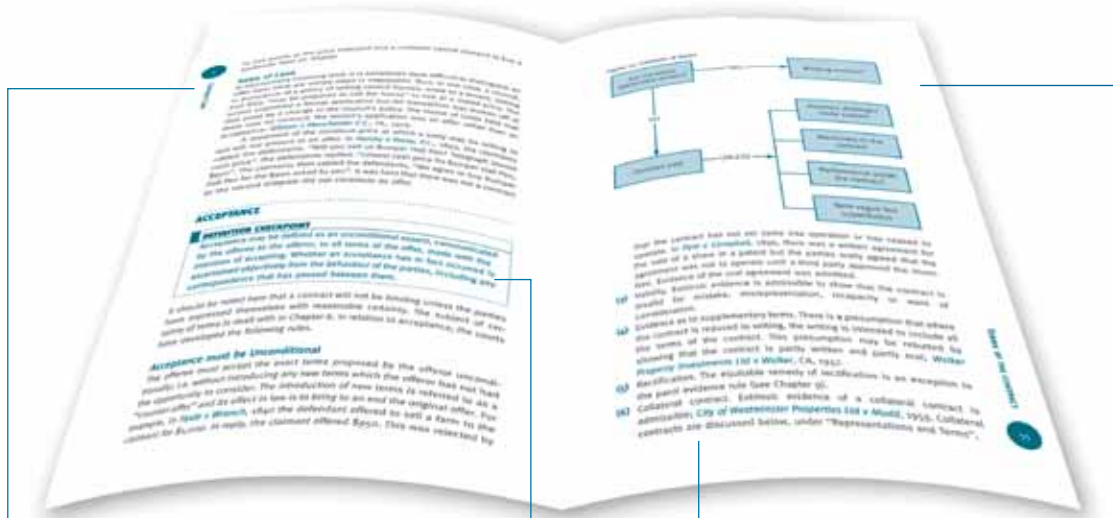
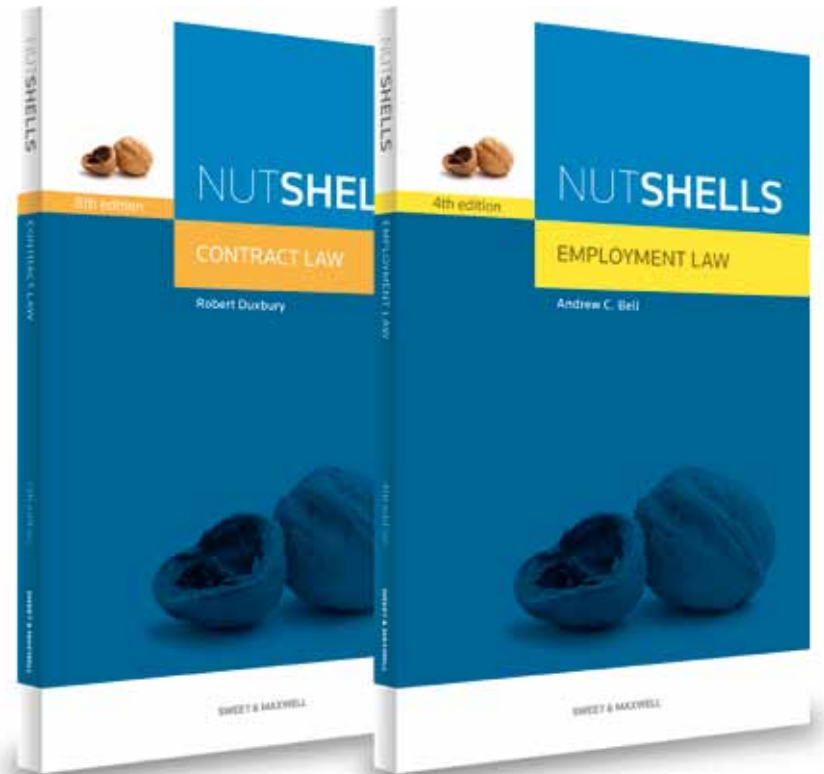
Boxed “think points” at the end of each chapter encourage critical thinking

Redesigned layout includes colour to draw out parts of the text and distinguish cases and legislation from the narrative

# SO YOU'VE GOT IT CRACKED

## NUTSHELLS – ESSENTIAL REVISION AIDS

- Presents the essentials of law in clear and straightforward language, explaining the basic principles
- Incorporates colour to help distinguish cases and legislation and aid ease of use
- Breaks the text down into bite-size chunks and includes bullets where appropriate to aid navigation, assimilation and retention of information
- Opens each chapter with a short introduction to outline the key concepts covered and condense complex and important information
- 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 be fully prepared 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



Breaks the subject down into key topics and the topics down into bite size chunks

Key definitions and explanation of key cases and legislation are boxed and highlighted throughout

Redesigned layout includes colour to draw out parts of the text and distinguish cases and legislation from the narrative

Diagrams are included to visually reinforce complex points

- NUTSHELLS**
- Company Law
  - Constitutional and Administrative Law
  - Consumer Law
  - Contract Law
  - Criminal Law
  - Employment Law
  - English Legal System
  - Equity and Trusts
  - European Union Law
  - Evidence
  - Family Law
  - Human Rights
  - Intellectual Property
  - International Law
  - Land Law
  - Medical Law
  - Tort

# RESEARCHING A SUBJECT

Knowing how to start researching a subject is fundamental to your success. Here taken from *Effective Legal Research* by John Knowles is guidance on how to get started.

## DIFFERENT SOURCES

It is probable that you will frequently be asked to discover the law relating to a particular topic. Your essays, tutorial and seminar preparation will often require you to know not simply the present state of the law but also its development and such criticisms and suggestions for reform as have been made.

To find information on a subject you will need to consult some or all of the following sources:

- Acts of Parliament
- Delegated legislation
- EU law, and International Treaties and Conventions
- Cases
- Textbooks

- Journal articles
- Relevant government publications, including Law Commission Reports (especially those which have made suggestions for reform of the law)
- Reports and comments in newspapers
- Bills and Parliamentary Debates

## HOW TO START

In order to tackle a legal problem you should think about what you are trying to find and achieve. You could ask yourself the following questions:

*Where can I find a general statement of the law on this subject?*

In encyclopedias, such as Halsbury's Laws and in textbooks

*What books are there on this subject?*

Consult library catalogues and bibliographies

*What journal articles have been written on this subject?*

Consult indexes to journals

*What cases have there been on this topic?*

Use an online database such as Westlaw UK or print indexes

*What judicial interpretation has been placed on particular words?*

Look in Words and Phrases Legally Defined and similar works

*Which Acts of Parliament deal with this subject and are in force?*

Use an online database such as Westlaw UK or Halsbury's Statutes



*Are there any relevant statutory instruments?*

Use an online database such as Westlaw UK or Halsbury's Statutory Instruments

*Have there been any government reports or Law Commission reports on this topic?*

Use the TSO or UKOP databases and the Annual Reports of the Law Commission

*Are there any Bills before Parliament which would change the law on this subject?**Has the issue been discussed in Parliament?*

Consult the "Bills before Parliament" webpage and Parliamentary Debates

Once you've mapped out which questions will help achieve your objectives you can start to tackle them. If you encounter difficulties in carrying out a search on a legal subject,

never be afraid to ask the library staff or your lecturer for help. Remember that other students may also be working on the same subject so start your work well within the time limits set – or you may discover that the material is unavailable because of high demand.

**CARRYING OUT YOUR RESEARCH**

Once you start to tackle your research, it's essential that you know how to use the different sources effectively. The new second edition of *Effective Legal Research* explains how to do just that.



This article is adapted from the new second edition of *Effective Legal Research*, by John Knowles, which is available from [amazon.co.uk](http://amazon.co.uk), [hammickslegal.com](http://hammickslegal.com) and all good booksellers priced £18.95 [978-1-847-03818-0]

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Look no further - we've got it covered

# FANCY A BIT OF LAW IN YOUR FICTION?

When browsing for your next fiction book, why not consider one that touches upon the law? Here, from Glanville Williams: *Learning the Law*, ATH Smith shares those fiction books which do just that and, if they come your way, are well worth a read.



Dickens started life as (among other things) a lawyer's clerk and court reporter, and most of his novels contain legal characters or legal references. The famous trial scene in *Pickwick Papers* (written when the author was only 24) shows the working of the system of advocacy in a common law court at its worst. We have moved far since those days, not least because, since 1851, the parties to the proceedings have been allowed to testify on their own behalf. Students of the reports may like to know that Dickens's Mr Justice Stareleigh was modelled upon the real Mr Justice Gaselee, while Serjeant Buzfuz was Serjeant Bompas.

Even more engrossing for the lawyer is the description of the appallingly inefficient proceedings of the Court of Chancery in *Bleak House*. Space forbids extended discussion of

Dickens's works, but a good commentary is Sir William Holdsworth's *Charles Dickens as a Legal Historian* (1929).

An earlier writer, Henry Fielding, must occupy a special place in the esteem of the lawyer and the law-abiding citizen, for it was he who, with his blind half-brother, sitting as London magistrates, founded the Bow Street Runners, the ancestors of our present professional police. Most of his novels were written when, for want of any other source of income, he was practising at the Bar, but his *Tom Jones* deserves to be read for its own sake, and not merely for the incidental legal allusion. Thackeray entered the Middle Temple (though he did not get much further), and his experience there is pictured in Chapter 29 of *Pendennis*.

## CREATION OF THE DETECTIVE NOVEL

To legal writers of the nineteenth century belongs the credit of inventing the detective novel. Wilkie Collins, a nominal barrister, was author of *The Moonstone* (1860), which is widely considered to have been the first example of this genre. Galsworthy's *Forsyte Saga* has a solicitor as one of the principal characters, a libel action conducted on somewhat irregular lines, and a will that neglects the *Thellusson Act*. Someone brought the latter mistake to the author's attention, and in the sequel, entitled *On Forsyte Change*, the point is admitted but ingeniously evaded.

## SCOTTISH WORKS

Outside the field of English law there are the works of Sir Walter Scott and Honore' de Balzac — both lawyers, and both prolific in legal allusion. Scott combined novel writing with the practice of a busy Scottish advocate and judicial duties. His more boyish romances do not appeal to all; but the reader may like to know that two novels with a strong legal flavour are *Guy Mannering* and *Redgauntlet*. Scott's best novel, *The Heart of Midlothian*, is also set against a legal background, and most of the main story is historically authentic. Students of Scots law will find instruction in Sir Walter Scott and *Scots Law*, by David Marshall (1932).

## DID YOU KNOW?

**Administratrix** is a female person to whom letters of administration are granted.

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

RL Stevenson became qualified as a Scottish advocate, though he never practised. His unfinished *Weir of Hermiston* gives an arresting picture of a coarse and cruel Scottish judge, Lord Braxfield (in the story called *Lord Hermiston*).

#### LAW BY NON-LAWYERS

It is not only the lawyers, real or nominal, who have written novels with a legal angle. Trollope is best known for his descriptions of ecclesiastical life in the *Barchester* series; but lawyers will remember him for his account of their own profession in *Orley Farm*.

Emily Bronte's *Wuthering Heights* shows an accurate knowledge of the law of entails 50 years before her own time. George Eliot's *Felix Holt* has an ambitious legal plot turning on a base fee — though the legal reader will want to know why the owner in possession of a base fee, with constant legal advice, did not take steps to bar the remainder.

#### MODERN NOVELISTS

Modern novelists deserve a paragraph to themselves. The American thrillers of Scott Turow and John Grisham exploit a rich seam of public interest in courtroom pyrotechnics, lawyers turned detective and "innocent" clients. Many of these works have been turned into hugely successful films. The legal worlds that these characters inhabit are very different from that found on the other side of the Atlantic, and there is not really any British equivalent, though lawyers currently writing detective novels include Dexter Dias, Frances Fyfield and Caro Fraser.

#### WORKS BY QC'S AND JUDGES

In a somewhat different genre stands John Mortimer QC's creation Rumpole, who appears in numerous works (translated on to television subsequently; the actor Leo McKern, wig askew, being almost instantly recognisable world-wide as the face of the Old Bailey).

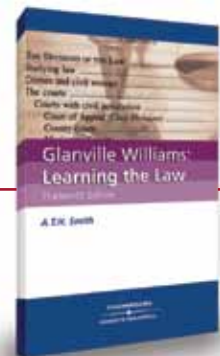
Judge Gordon Clark wrote detective novels under the pseudonym of "Cyril Hare", and the plot of several of them turns on a point of law. Thus his *Tragedy at Law* involves an obscure subsection (now repealed) of an Act of 1934; it is of interest for its detail of contemporary circuit life. When *The Wind Blows* was inspired by a bad old (and long-repealed) rule of the law of marriage. All these novels were reprinted as Penguins, and have subsequently been re-issued by House of Stratus Press as recently as 2001.

Another former county court judge, HC Leon, wrote under the pen-name of "Henry Cecil". A favourite is his first book *Full Circle*; but he wrote many other humorous best-sellers about judges and lawyers, including *Brothers in Law* which was made into a film. These works too have been reprinted (2001) by House of Stratus Press.

#### HELPING STUDENTS SINCE 1945

First published in 1945, *Glanville Williams: Learning the Law* has been introducing students to the 'foundation' skills needed to study law effectively for the last 61 years. Now in its 13th edition, it is still the must-have book taking you through:

- The Divisions of Law
- The Mechanism of Scholarship
- The European Dimension
- Methods of Study
- Technical Terms
- Case Law Technique
- The Interpretation of Statutes
- Working Out Problems
- Answering Essay Questions
- In the Examination Room
- Moots and Mock Trials
- Legal Research
- From Learning to Earning
- General Reading



This article is taken from the 13th edition of *Glanville Williams: Learning the Law* by A.E.R. Smith, which is available from good booksellers priced £12.95 [978-0-421-92550-7]



**NUTSHELLS** – ESSENTIAL REVISION AIDS



# THE JUNIOR LAWYERS DIVISION

The Junior Lawyers Division (JLD) is a division of the Law Society with an independent voice. This free membership group is aimed at student members of the Law Society enrolled through the SRA, trainees, and solicitors with up to five years' active PQE. Read on for more information and details of how you can join.



## ABOUT THE JLD

Launched in January 2008 for junior lawyers across England and Wales, The JLD provides its members with support, advice, information and networking opportunities, and represents their views through lobbying and campaigns. The JLD aims to ensure that the views of its members are heard on important issues pre- and post-qualification – both at home and internationally.

## HOW DOES THE JLD WORK?

The JLD is overseen by an executive committee of volunteer members. It is chaired by Katherine Gibson, a two-year PQE solicitor, and comprises former TSG and YSG committee members (the two committees replaced by the JLD) and three Law Society Council Members. The JLD committee has close links with the numerous regional groups representing students, trainees and young lawyer groups.

## CAMPAIGNING ON YOUR BEHALF

As the voice of junior lawyers, the JLD aims to represent the interests of its members.

The JLD has identified a number of key policy areas which it aims to influence:

- Student debt – working to find solutions to counter the level of debt incurred by students
- Legal Practice Course – looking at the prohibitive cost of the LPC, the regulation of providers and the representation of LPC students
- Training structure – working to standardise the quality and level of training during training contracts
- Minimum salaries – aiming to ensure the protection of the minimum salary
- Retention of junior lawyers – addressing the trend of junior lawyers leaving the profession
- Work-life balance – committed to improving the work-life balance
- As a member of the JLD you can bring an issue to the attention of the committee for consideration

## BENEFITS OF JOINING THE JLD

The JLD is in its infancy but benefits of joining include:

- An exclusive web area to support members through the early stages of their careers
- A freephone telephone helpline service and access to advice via a range of specialist personal support services
- Careers advice and planning services
- Social and networking events held nationally and locally
- Exclusively negotiated products and services
- Competitively priced and accredited continuing professional development training
- The opportunity to influence the future of the profession by helping to run the Division

## WANT TO LEARN MORE OR JOIN THE JLD?

Registering with the Junior Lawyers Division is free for those eligible to join. If you are interested in joining, have a query, or want to find out more, you can email the JLD at [juniormembers@lawsociety.org.uk](mailto:juniormembers@lawsociety.org.uk), or visit their website at [www.juniormembers.org.uk](http://www.juniormembers.org.uk), where you can also register for regular updates by completing the online update form.

## DID YOU KNOW?

Coif was a white silk cap which serjeants-at-law (q.v.) wore in court

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

# HELP THE JLD SUPPORT RALEIGH INTERNATIONAL

As part of their pro bono work, 15 volunteers from The Junior Lawyers Division (JLD) are travelling to Borneo to take part in a community project. Read on for more information on why the JLD has chosen to work with Raleigh International and how you can help.

## THE PROJECT

The JLD has worked alongside Raleigh International to create a project which will benefit the local community in Sabah, Borneo. The project will see 15 volunteers working to build a gravity fed water system. The project will also give the JLD the opportunity to increase awareness of the Rule of Law and connect with lawyers in the developing world.

If the project is successful, it will be rolled out across the country and available to all JLD members to participate in. This will have great advantages for JLD members, as well as the communities which they will be able to support.

## THE IMPORTANCE OF CLEAN WATER

There are frequent outbreaks of water-borne diseases such as cholera and typhoid in the

congested squatter areas as well as in the rural areas, partly due to the lack of clean water supply and the lack of attention to preventive health measures.

Villages without a water source collect their water in large tanks and barrels from rainfall. The rainfall in many areas is insufficient to meet their needs all year round so water is often taken from polluted rivers.

Provision of a gravity fed water system is a simple and often inexpensive solution to getting fresh water into a community. During the whole process the local community assist with the work and are educated on how to maintain their system in order to provide a sustainable solution to their water requirements.

## ABOUT RALEIGH INTERNATIONAL

Raleigh International is a charity which not only runs projects in the developing world, but also one which supports and develops youth projects within the UK. For more information on Raleigh International visit their website at [www.raleighinternational.org](http://www.raleighinternational.org)

## BENEFITS OF DONATING

With your help, The JLD can make this project a success. By donating, you will help give a community access to clean safe water. You'll also increase the chance of projects like this being rolled out across the JLD – giving JLD members the chance to participate.

You can donate online to the team through [JustGiving.com](http://JustGiving.com) – [www.justgiving.com/katgibson](http://www.justgiving.com/katgibson)

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# EXAMINATION PREPARATION FROM THE OFF

The school year may have just began, but you'll find the key revision period much easier if you start preparation for your exams from the off. In the following article, we explain how to do just that.

Whether the modules you are studying have an academic or a practical bias (you should have regard to both – to know how the law works in the real world and to understand the theories lying behind it), preparation for your exams need to begin at the beginning of your course. A student who has not worked diligently and steadily through the material will have inadequate familiarity with the rules and inadequate appreciation of the practical circumstances in which they operate. The necessary reservoir of knowledge and experience (even when many of the details have been forgotten) cannot be assimilated during last minute revision. So, all the work set should be done at the proper time and orderly and intelligible notes prepared.

You should always accept that no reading list is by any means a perfect guide to the material. Further reading may be necessary to amplify a particular subject or simply to check up points which are unexplained or insufficiently explained in the basic reading material. But further reference is considerably hindered by an initially inadequate grounding.

Some further points need to be stressed in this context. Depending upon the conventions of the course and the practices of the examination board candidates tend to concentrate their revision on particular areas, whether because they enjoyed studying these subjects, they are central subjects which regularly appear on the examination paper, or they deal with particularly significant recent developments (which often, though not always, appeal to examiners looking for new ideas for questions or to see how up-to-date the candidate's knowledge and understanding is).

It is therefore vital that you check with your lecturers what areas you are expected to be familiar with, what emphasis on different aspects may be imposed by the examiners and, if this can be ascertained, what sort of approach is expected by the examiners, in particular whether it is very practical or theoretical, and so on.



However, it is worth remembering that thorough grounding in the whole syllabus will put you in a very good position come exam time. It can be devastating to discover that you know nothing about the topic when reading the question paper and fatal to answer all or part of a question wrongly or completely off the point for having failed to realise what it is really about. But if you have prepared from the beginning of your course you should reduce the risk of this happening. And if it does, you should be in a position to make an informed judgment and, ideally, have a sufficient (even if only fairly rudimentary) knowledge of the other areas to enhance the answer and the marks available.



## ESSENTIAL REVISION AIDS

- Gives you the essential legal principles and case decisions of a subject
- Enables you to revise effectively
- Over 15 subjects covered, including the 7 core subjects



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Westminster Acts, Scottish Acts, Welsh Measures and  
important Statutory Instruments from 2007 onwards  
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# GETTING THE MOST OUT OF ONLINE RESEARCH SERVICES

Online research services provide access to an enormous wealth of information on the law, and are ideal for undertaking legal research. Here's advice from John Knowles, author of *Effective Legal Research*, on how you can get the best out of these online services.

## TEXT ARE YOU GETTING THE MOST OUT OF ONLINE RESEARCH SERVICES?

The start of the century saw a dramatic shift in the scope and availability of information online. At the same time, the use of a web search engine such as Google to find useful information has become second nature for anyone with internet access. Beware, though, of assuming that a web search engine is the only route to online information, especially when undertaking legal research.

A great deal of relatively recent case law and legislation, along with important parliamentary and government publications, can be found using a web search engine. The response will also be gratifyingly quick apparently comprehensive. However, restricting your search to Google will mean that a great deal of useful source material for research will be missed.

To make effective use of online sources of law also requires that you learn how to use database services such as LexisNexis Butterworths and Westlaw UK. These are the only sources, for example, that can give you a complete, up-to-date statement of law in force in England and Wales (and in Westlaw UK's case, Scotland as well). They, and other subscription services, also contain extensive archives of case law which are not otherwise available online. Just as important, the vast majority of journal articles currently accessible online are only available from database services, or from other subscription websites.



All of these information sources – cases, legislation in force and journal articles – are effectively part of the hidden web. This means that unless you have access to subscription sources made available by a library, they will be closed to you.

## SUBSCRIPTION DATABASE SERVICES

Your university library or law school is likely to have subscriptions to at least two of the services provided by the major commercial database providers. These are services which

provide access to a package of case law, legislation, and often either index references to journal articles, or the full text of the articles themselves. Practitioner texts may also be included as online books.

There are a number of advantages to using these services, beyond their search capabilities, which you might want to take into account. They offer Word-based printing and saving options, for example, which are not available on public websites. Documents can also be emailed to your email account. Another feature of these services is the integration of links to law reports and legislation in the text of the document you are reading. This means that if a particular section of an Act is referred to in a law report, it is possible to link directly to that section. More specialist features include the ability to save and re-run searches and receive the results as update emails, or the ability to view current awareness updates in particular areas.



## EXAMINING ONE SUBSCRIPTION SERVICE IN MORE DETAIL



Westlaw UK provides access to case law, legislation, journals, EU material, expert analysis, business information and news. It is a product of Sweet & Maxwell, which gives it access to a large number of specialist law reports. This means that Westlaw UK has the most comprehensive case finding database available for case law that applies to England and Wales. Using the indexes and brief summaries published in print as *Current Law*, the Westlaw UK "Cases" search provides summaries of a wide range of cases, along with citations for each of the law report series that has published a report. Where relevant, brief case histories are also added, allowing the reader to discover, for example, which cases have followed the ruling made in a particular judgment and which cases have considered it. Where the full text of a law report, or a judgment transcript, is available in the Westlaw UK cases database, a link is made from the summary of the case to the full text.

In a similar way, Westlaw UK's "Legislation" search makes use of indexes and notes published in *Current Law* to provide information on legislation in force which includes commencement and amendment information, along with lists of cases and journals which have cited the legislation where relevant. Links are provided to the relevant sections of statutes and statutory instruments.

Another important feature of Westlaw UK is the extensive journals indexing features in



the journals section of the service, derived from Sweet & Maxwell's *Legal Journals Index*. The *Legal Journals Index* content means that articles published in almost any UK legal journal can be discovered using the journals search. Links are provided to the full text of articles if they are available within Westlaw UK. Articles published in over 80 different journals are available in full text, most published from the mid-1990s onwards. Journals available in this way include *Criminal Law Review* and the *Statute Law Review*.

The link with the US-based Westlaw service means that Northern American cases, legislation and journal articles can also be accessed from Westlaw UK using the "Westlaw International" link. A directory of sources gives a full listing of the law resources available.



This article is adapted from the new second edition of *Effective Legal Research*, by John Knowles, which is available from [amazon.co.uk](http://amazon.co.uk), [hammickslegal.com](http://hammickslegal.com) and all good booksellers priced £18.95 [978-1-847-03818-0]



WITH NUTCASES AND NUTSHELLS –  
YOU'VE GOT IT CRACKED



# WHAT TYPES OF BOOKS ARE AVAILABLE TO HELP WITH YOUR STUDIES?

Sweet & Maxwell publish a huge range of titles to help you all the way through your studies. From your first dip into a subject, to more detailed information to help you through your course, to easy-to-use revision guides to help ensure you are fully prepared for your exams. In addition, Sweet & Maxwell publish a number of titles related to helping you with the general aspects of your studying – such as *Successful Legal Writing*.



## 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:

- Understanding Law
- Understanding Public Law
- Understanding Contract Law
- Understanding Criminal Law
- Understanding Environmental Law
- Understanding EU Law
- Understanding Family Law
- Understanding Property Law
- Understanding Tort Law



## TEXTBOOKS

Whether for your core or optional subjects, Sweet & Maxwell publish the ideal textbook for your needs in a range of different formats.

They include:

- The Fundamentals Series – uses clear text combined with charts, grids and diagrams to give you an understanding of the fundamentals of the law
- Textbook Series – gives a clear and detailed account of the law – explains the principles and how the law operates in practice – takes a clear, logical and progressive approach – provides sufficient depth of coverage and analysis to act as the main course text
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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
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## LEGAL SKILLS BOOKS

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 to do well in your degree and in your future career. Checking out some of the Legal Skills titles available is a must:

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- 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



## NUTSHELLS

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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- Intellectual Property
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- Company Law
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- 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. At £9.50 each, Sweet & Maxwell publish them in a range of subjects:

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## DID YOU KNOW?

Adowson is the perpetual right of presentation to a church or benefice being a rectory or vicarage. It is a right of parsonage.

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

# OUTSHINE KIM AND AGGIE

Unfortunately cleaning does not happen by magic and if a system isn't put into place quick enough, the mess and grime quickly appears. But cleaning doesn't have to be that much of a chore. Read on for advice and tips on how to minimise your cleaning efforts with maximum results.

## CLEANING SYSTEMS

If house-sharing you'll need to split cleaning tasks fairly or resentment will soon build up. A rota system comprises of noting down all the jobs that need to be done (from toilet-cleaning to mopping the floor) and then organising who does what when. Alternatively you could implement the honour system whereby all housemates note what chores they have completed. Unfortunately, if living by yourself you'll just have to undertake all the cleaning jobs!

## TIDY AS YOU GO

Get into the habit of tidying up as you go. It's amazing how quick mess can mount up – a DVD out of its case here, a pair of shoes there. Having to tidy up before cleaning makes it even more time-consuming and increases the chances of cleaning just being left. Everything should have a place where it belongs. The less clutter you have around, the less you'll have to move when cleaning!

## WHAT JOBS WHEN?

There are some jobs that should be done daily, such as washing up (unless of course you have eaten out all day!).

Other jobs such as changing the bins or washing your bed linen can be carried out weekly. And finally there are some jobs that only need to be carried out every few weeks such as cleaning windows.

Find out what works best for you and your situation. You may want to spread the different jobs throughout the week or you may want to have a 'cleaning morning' once a week. Remember to be methodical in your cleaning – there's no point vacuuming and then dusting as you're bound to get dust on the carpet.

## CLEANING PRODUCTS

You may feel the need to purchase a product for each specific cleaning job but in truth, you don't really need to. You can get by with a few key products such as washing liquid, bleach, white vinegar, soda crystals and bicarbonate of soda. Undertake some research before you buy to decide exactly what you need – it will save you money in the long run. For example, white vinegar can be used to remove limescale from taps, clean windows and mirrors, and mixed 50/50 with water to make it into an all round multi-purpose surface cleaner.

## FIVE ESSENTIAL CLEANING TIPS

### Microwaves

To clean the inside of your microwave fill a cereal bowl with hot water and slices of lemon and microwave on full power for around five minutes. Then simply wipe away the dried on food which will have been loosened.

### Kettles

With frequent use kettles can quickly fill up with limescale. To remove, fill the kettle with a 50/50 solution of white vinegar and cold water. Boil and leave overnight. Tip the water away in the morning and rinse. Refill, boil and rinse again before use. Regularly descaling your kettle will ensure a longer life.

### Dishcloths and sponges

Dishcloths and sponges can be a breeding ground for bacteria. To keep yours bug-free leave in the sink overnight with some bleach. Alternatively, if you're lucky enough to have a dishwasher, just place it in there with the rest of the load.

### Toilets

One of the more unpleasant jobs! The golden rule is to never use a toilet brush as they harbor bacteria – you wouldn't reuse a cloth that had been down the loo, so why would you re-use a toilet brush time and time again? Paper towels clean just as well and can be flushed away after use.

### Keyboards

A vacuum cleaner works wonders on keyboards. Carefully vacuum over your keyboard using the dusting brush attachment. Then use a cleansing wipe to remove any stubborn marks and eliminate bacteria.

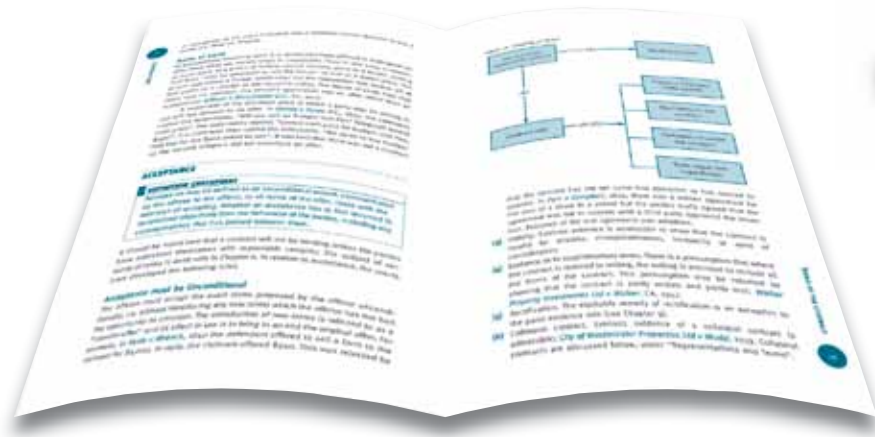
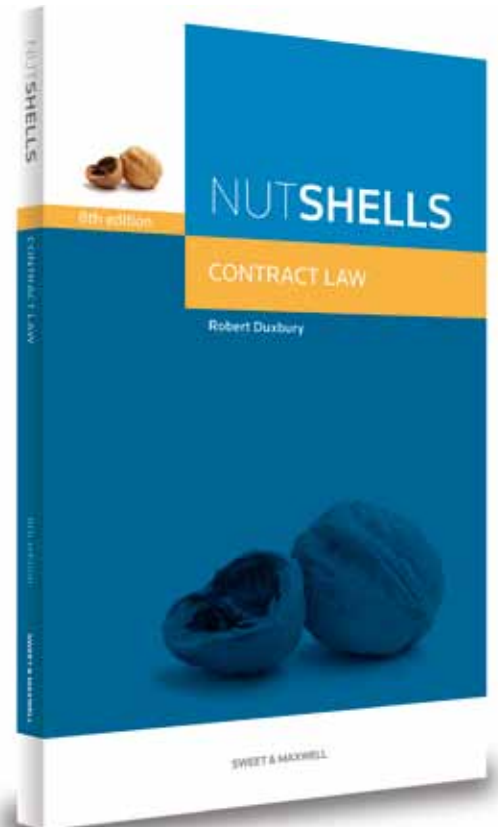


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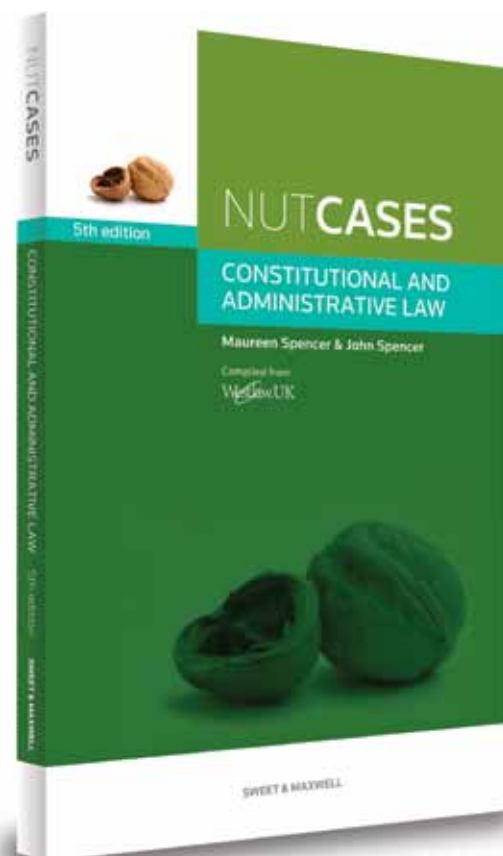
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