



# DETAILED CONTENTS

|   |      |
|---|------|
| Getting the most out of <i>Legal Skills</i> | vi   |
| New to this edition                         | viii |

|                     |    |
|---------------------|----|
| <b>Introduction</b> | xv |
|---------------------|----|

## **Part I Getting started: Sources of law** 1

### **1 Getting started** 3

|                                 |    |
|---------------------------------|----|
| 1.1 Thinking about law          | 3  |
| 1.2 What is law?                | 4  |
| 1.3 Studying law at university  | 5  |
| 1.4 What law will I study?      | 7  |
| 1.5 How will the law be taught? | 9  |
| 1.6 How will I be assessed?     | 9  |
| 1.7 And finally ...             | 13 |

### **2 Legislation** 14

|                          |    |
|--------------------------|----|
| 2.1 Domestic legislation | 15 |
| 2.2 European legislation | 25 |

### **3 Finding legislation** 43

|   |    |
|---|----|
| 3.1 Finding domestic legislation        | 44 |
| 3.2 Finding EU legislation              | 50 |
| 3.3 European Convention on Human Rights | 54 |

### **4 Using legislation** 56

|                                       |    |
|---------------------------------------|----|
| 4.1 Anatomy of an Act of Parliament   | 56 |
| 4.2 Anatomy of a statutory instrument | 66 |
| 4.3 Statutory interpretation          | 68 |

### **5 Case law** 85

|  |     |
|--|-----|
| 5.1 Common law and equity                                | 85  |
| 5.2 Custom   | 91  |
| 5.3 The courts, their personnel, and their jurisdictions | 92  |
| 5.4 The European Court of Human Rights                   | 101 |

|  |            |
|--|------------|
| <b>6 Finding cases</b>   | 104        |
| 6.1 Law reporting  | 104        |
| 6.2 Finding case law   | 110        |
| 6.3 Finding European case law  | 121        |
| 6.4 Finding decisions of the European Court of Human Rights                  | 124        |
| <b>7 Using cases</b>   | 128        |
| 7.1 Reading UK cases   | 129        |
| 7.2 Reading European cases   | 135        |
| 7.3 Judicial precedent   | 138        |
| 7.4 Precedent and the Human Rights Act 1998                                  | 149        |
| 7.5 Precedent and EU law   | 152        |
| 7.6 Avoiding difficult precedents: distinguishing, reversing, and overruling | 153        |
| <b>8 Books, journals, and official publications</b>                          | 157        |
| 8.1 Books  | 158        |
| 8.2 Journals   | 162        |
| 8.3 Official publications  | 164        |
| 8.4 Other secondary sources  | 166        |
| <b>9 Finding books, journals, and official publications</b>                  | 169        |
| 9.1 Finding books  | 170        |
| 9.2 Finding journals   | 172        |
| 9.3 Finding official publications  | 180        |
| 9.4 Finding Bills  | 182        |
| 9.5 Finding Parliamentary debates  | 185        |
| <b>Part II Academic legal skills</b>   | <b>189</b> |
| <b>10 Study skills</b>   | 191        |
| 10.1 Studying the law  | 192        |
| 10.2 Lectures  | 192        |
| 10.3 Seminars and tutorials  | 196        |
| 10.4 Private study   | 199        |
| 10.5 Study groups  | 207        |
| 10.6 Assessment  | 208        |
| 10.7 Improving performance   | 212        |
| 10.8 Reflecting on your skills   | 215        |

|   |     |
|---|-----|
| <b>11 Writing skills</b>                      | 221 |
| 11.1 Why are writing skills important?        | 222 |
| 11.2 Language                                 | 223 |
| 11.3 Grammar and punctuation                  | 228 |
| 11.4 Paragraphs                               | 240 |
| 11.5 Using quotations                         | 241 |
| 11.6 Word limits                              | 245 |
| 11.7 Presentation                             | 248 |
| <b>12 Legal reasoning and ethics</b>          | 253 |
| 12.1 Reasoning                                | 254 |
| 12.2 Hard cases                               | 256 |
| 12.3 An introduction to legal theory          | 257 |
| 12.4 One case, multiple approaches            | 262 |
| 12.5 Multiple approaches in real life         | 264 |
| 12.6 Legal ethics                             | 266 |
| <b>13 Referencing and avoiding plagiarism</b> | 271 |
| 13.1 Plagiarism                               | 272 |
| 13.2 Referencing styles                       | 278 |
| 13.3 How to reference using footnotes/OSCOLA  | 281 |
| <b>14 Essay writing</b>                       | 298 |
| 14.1 What makes a good essay?                 | 299 |
| 14.2 Analysing the question                   | 300 |
| 14.3 Preparation: research and planning       | 303 |
| 14.4 Writing the essay                        | 315 |
| 14.5 Polish                                   | 325 |
| <b>15 Answering problem questions</b>         | 329 |
| 15.1 All about problem questions              | 330 |
| 15.2 Problem-solving technique                | 331 |
| 15.3 Issues, claims, and problems             | 334 |
| 15.4 Rules, principles, and law               | 339 |
| 15.5 Application and evaluation               | 344 |
| 15.6 Conclusion and outcome                   | 348 |
| 15.7 Tips for success in problem questions    | 350 |

## DETAILED CONTENTS

|   |     |
|---|-----|
| <b>16 Revision and examination skills</b>     | 353 |
| 16.1 Preparing to revise                      | 354 |
| 16.2 Reviewing each subject                   | 357 |
| 16.3 Revision strategies                      | 359 |
| 16.4 The exam                                 | 367 |
| <b>17 Dissertations</b>                       | 376 |
| 17.1 Why write a dissertation?                | 377 |
| 17.2 Dissertation topic and research question | 377 |
| 17.3 Writing a dissertation proposal          | 382 |
| 17.4 Getting started                          | 384 |
| 17.5 Keeping going                            | 384 |
| 17.6 Researching for a dissertation           | 388 |
| 17.7 The writing process                      | 391 |
| 17.8 Working with your supervisor             | 392 |
| 17.9 Putting it all together                  | 394 |
| <b>Part III Practical legal skills</b>        |     |
| <b>18 Presentation skills</b>                 | 399 |
| 18.1 The presentation process                 | 400 |
| 18.2 The research stage                       | 401 |
| 18.3 The preparation stage                    | 404 |
| 18.4 The delivery stage                       | 412 |
| 18.5 The reflection stage                     | 416 |
| <b>19 Mooting skills</b>                      | 419 |
| 19.1 The moot problem                         | 420 |
| 19.2 Participants                             | 425 |
| 19.3 Researching the moot                     | 429 |
| 19.4 Preparing to moot                        | 438 |
| 19.5 Delivering a moot speech                 | 445 |
| <b>20 Negotiation skills</b>                  | 452 |
| 20.1 About negotiation                        | 453 |
| 20.2 Negotiation skills                       | 456 |
| 20.3 Preparing to negotiate                   | 458 |
| 20.4 Conducting the negotiation               | 470 |
| 20.5 Dynamics of multi-party negotiations     | 477 |
| Index   | 481 |