



A U S L S S

AUSTRALIA SINGAPORE LAW STUDENTS' SOCIETY

# The Law Student's Guide to Law School

**Authors: Ooi Jun Zhe Jaeden, Tay Theng Shuen, Anoushka Thanikesh, Ashley Tung**

Congratulations! You've made it into law school. But... What's next? What is law school like? How do you prepare for law school and how do you study for a law exam? These are the sorts of questions that many newly minted law students such as yourself are wondering. Well, have no fear because here is what you need to know about law school!

## Is it challenging to study the law?

Certainly, it can be a difficult subject at times and the curriculum is a rigorous one, but think of it this way, so many people before you have graduated with a law degree, so you definitely will be able to do so as well!

Law school is no different than any other faculty in your university. There will be a steep learning curve when you first start out, but in our experience, it does get more manageable as you get used to the rigours and the subject itself.

## How should I prepare for law school?

We certainly do not recommend that you jump straight into reading case law and statutes right at the start (although you can, nobody's stopping you). What would be more pertinent is perhaps reading up on current affairs. Law is an ever-evolving subject and it permeates in everyday life. There are laws governing everything, from how we interact with one another (tort and criminal law) to how businesses conduct business with one another (such as contract law). Doing so gives you an idea on how laws affect our everyday lives and will help you get used to reading vast amounts of information as well as assist you in improving your language skills.

Your professors in law school will not expect you to know the law before your first lessons - after all, they are paid to teach you exactly that! What they will expect is for you to have opinions of your own and to be able to clearly communicate your ideas to them. In this aspect, practice communicating with those around you, friends, and family, and focus on learning how to comfortably express yourself!

Lastly, of course, you could also do some pre-reading of your textbooks if you have them to get a better idea of what you will be covering throughout the semester. After all, it never hurts to be ahead of the curve!

## What makes classes at law school unique?

Generally speaking, most law schools use four (4) types of "classes" to deliver content to their students.

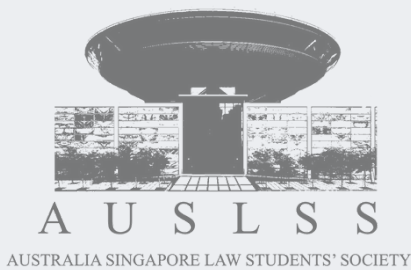
Firstly, there are lectures. Lectures are where your professors or lecturers explain the case law, legislation or broad principles and concepts, typically in a lecture hall. It is essential for you to have done your pre-reading before attending these lessons such that you can get the most out of them.

Secondly, there are seminars. Seminars typically involve activities being conducted by the tutor and are centred around active participation, rather than rote learning. These activities are meant to improve your understanding of the lecture content.

Thirdly, there are tutorials. Tutorials are smaller classes where students are typically given questions to attempt prior to attending the tutorials. These classes are centred around discussing the potential responses to these tutorial problems and understanding how they should be approached during exams. This is a great opportunity for you to test your understanding of the law and to gain valuable feedback!

Lastly, there are workshops. Workshops typically operate less frequently than other types of classes and are often a platform for students and tutors to have informal discussions about what has been taught during lectures and tutorials.

While there are various types of classes in law school, we must emphasise that every class is an opportunity for you to clarify your doubts, so don't be afraid to make yourself heard!



## What are the different types of law school essays?

Much of your time in law school will be spent conducting legal research and writing legal assignments, and there are four (4) main types of essays you should expect to write in law school. Do note, however, that you must adhere to the requirements set out by your tutors and lecturers and your institution.

Firstly, you may be tasked to write legal theory essays, which will require you to critically analyse a piece of legislation or legal doctrine. In some cases, you may even be asked to come up with arguments supporting a particular legal outcome. Similar to what you may have experienced previously when undertaking GCE 'A' level General Paper or 'O' level English exams, these essays would often require a thesis statement, an introduction, body paragraphs, and a conclusion.

Secondly, you may be required to write hypothetical essays. Frequently, these essays present a speculative situation where you assume the role of an attorney and are tasked with offering legal counsel to a designated individual or group. You will also be required to effectively outline the legal stance of the individuals or groups concerned and provide concise legal justifications for the conclusions you've drawn. This demands a solid grasp of the law and the skill to apply it to the circumstances outlined in the speculative scenario in order to deliver a logically sound response.

Third, you may be tasked to write legal memorandums which serve to pinpoint and offer guidance on the legal matters confronting a lawyer's client. Similar to hypothetical essays, a series of circumstances will be provided, and legal memos necessitate your grasp of pertinent laws, as well as your ability to apply them to the given situation. These memos are often organised in a letter format and should include distinct headings to indicate the legal concerns that require attention.

Lastly, research essays. These essays will often be longer than the essay types mentioned above, and as the name suggests, plenty of research on a specified topic is conducted prior to writing it. An abstract is often included and the structure of the essay would mainly include an introduction, body paragraphs detailing the research analysis, counter-arguments, and a concisely written conclusion.

These questions are often complex and require a significant amount of time to plan, research and write. If you are tasked to write such an essay, remember to plan your time wisely!

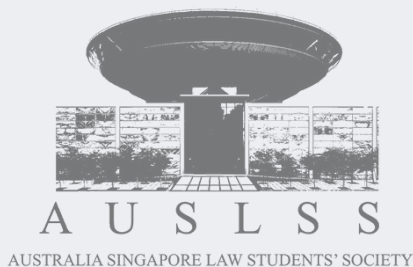
Most legal essays require proper referencing. Within Australian law schools, students are obligated to consult the Australian Guide to Legal Citation 4th Edition ("AGLC4") for direction on citing sources in their essays. The AGLC4 is accessible on the University of Melbourne Law website and provides comprehensive instructions on citing various sources, including cases and secondary materials such as videos. Therefore, becoming acquainted with this guide is imperative for every law student.

## Do I have to write in a different way than I did previously?

The majority of assignments in law school are essay types. As you would have gathered by now (based on reading the previous section), writing is an essential skill to doing well in law school. Many new students who come into their first year of law school may think that the trick to doing well is to write in a complicated style and use fanciful vocabularies and Latin maxims such as *inter alia* and *prima facie*.

The truth is that these are not necessary. While you can choose to write in the manner described above, you run the risk of overcomplicating what you are trying to explain to your reader, and even worse, confusing them. The trick to really writing well is to use simple language and to distill information into a comprehensible form. Avoid using fanciful vocabulary and limit your use of Latin maxims and you are well on your way to doing well!

Justice Michael Kirby, a Justice of the High Court of Australia, shares in his speech "How I Learned to Drop Latin and Love Plain Legal Language" his ten (10) commandments for writing well. In summary, His Honour explains that your essay must be explained in a simple and concise manner with everything laid out systematically. You should be writing in an active voice and use the passive voice selectively. Most importantly, your sentences should be easy to read without any unnecessary details and extravagant words (e.g. Latin maxims). We do recommend that you read his speech to better understand how to write well for the purposes of law school.



## Do I need to memorise laws?

Whilst a knowledge of key legal principles and statutes would definitely give you an edge in your legal studies, the answer to this question is no. Simply put, what makes or breaks your ability to ace a problem question is not your ability to recite statutes or case law but rather your ability to identify the legal issues within the question before applying the relevant legal principles.

### How do I study law?

Law is a subject that is very different from what you might have experienced in pre-university education. There are various types of laws with the most common being case law developed through the courts (or what is known as Common law) and statute law which is developed and passed by parliament. There are of course other systems of law such as Civil law and Syariah law, but seeing as you are enrolling in a university that resides in a Common law jurisdiction, for now, let's get you familiarised with the first two mentioned.

Case law encompasses principles of law that have been developed for many years (we're talking hundreds) since the conception of the Common law. How it works is pretty straightforward - Common law operates on the doctrine of *stare decisis*, which means that lower courts such as magistrate courts and district courts are bound to follow the decision of higher courts, the highest court being the High Court of Australia and the Supreme Court of Singapore for their respective countries. The highest courts are not bound to their previous decisions and may change the law if there are good reasons to do so.

In simple terms, each area of law has its own causes of action and each has its own elements that must be proven. For example, in order to prove that battery (trespass to the person) has taken place, the plaintiff must prove that there was an intentional act, that act must directly cause physical interference or contact with the Plaintiff, and that act must have been done without lawful justification. The underlined elements have been set out and developed through case law which you will learn about throughout the course of law school. Your job is to be clear about what the elements are and to marry them with the facts presented to you and present clear arguments and defences (if available).

If you are dealing with statute law, the elements are often found in the statute itself. For instance, the *Competition and Consumer Act 2010* (Cth) outlines civil offences such as Misleading and Deceptive conduct and provides the elements that a plaintiff must prove to bring a successful claim.

Where words in legislation have multiple meanings and are not clearly defined, look to case law for the court's interpretation of these words.

For instance, a knowledge of the facts and principles derived from case law without knowing the contexts upon which they were derived would demonstrate a lack of understanding of the principles themselves and the extent to which they can be applied to the issue at hand. On the other hand, a lack of knowledge regarding parliamentary intention would result in a superficial assessment of a particular statute's scope of operation. However, in spite of the above, there are cases in which memorisation is required (e.g. the elements of particular crimes or torts, major rules of evidence, etc). Nonetheless, just like how your peers will be provided with the same reading guides and textbooks, they will also be capable of rote learning these laws and principles. What will set you apart from them is your ability to be flexible and understand that the law cannot be understood in a vacuum or applied blindly, along with your ability to shift your focus towards exploring how the law has been interpreted differently or critiqued by academics and within succeeding cases. This in-depth understanding of how the law functions as a tool for providing advice regarding contentious legal issues instead of as a template for providing model answers will be the key to succeeding in your studies.

### What resources do I have?

There are multiple databases that are available to you through your university and each database has its own unique features and content for you to take advantage of depending on what you need for your assignment. There are a plethora of databases available to you but the ones we will be focusing on here will be that which you will likely use the most due to accessibility and availability of content.

First up, we have Lexis Advance ® ("Lexis"). Lexis is often used when doing legal research primarily due to its simple yet intuitive features as well as the content that it offers. The 'quick find' feature in the centre of the database page is extremely useful if you have a case in mind or a specific topic and key words.

On the main search bar, there is a feature available on the left-hand side of the bar that allows you to change and select a different jurisdiction if the case you are looking for is not an Australian case. This is useful if you are looking for cases from other Common law jurisdictions such as Hong Kong. Lexis gives you an excerpt of the search term that you enter and each term is highlighted by a different colour. Besides being able to search for case law, publications such as Halsbury Laws of Australia can be found on Lexis as well. If the case that you are searching for is not available on Lexis, another database you may wish to try is Westlaw™ which operates similarly to Lexis.

A database that you might find useful for searching for unreported judgments is the Australian Legal Information Institute ('AustLII') database. Unreported judgments are decisions of courts that are not published in law reports. These cases can be cited as an authority but may be less persuasive than a reported judgment. For example, a case with the citation ALR refers to Australian Law Report, which indicates that it is a reported judgment. On the other hand, for example, a case with the citation NSWSC indicates that it is a judgment from the New South Wales Supreme Court, but is not (yet) reported.

There are times when you require secondary sources such as legal journals and articles. While the abovementioned databases do provide various journals for you to peruse, there are several others that you may wish to explore and take note of. One such database is HeinOnline, which provides not just English and US reports, but also a vast database of law journals across international jurisdictions.

If you are looking for legislation, simply do a quick google search and locate the legislation from the official government website. However, do take note of which jurisdiction (state) you are obtaining your legislation from. For example, Commonwealth legislation states (cth) and the various states have their own abbreviations such as (tas) for Tasmania. Parliamentary materials such as bills can be obtained from the Parliament of Australia website.

Lastly, if there are legal terms that you do not understand, it is best to refer to Butterworths Australian Legal Dictionary (which can be found on Lexis) or the Australian Legal Dictionary (found on Oxford Reference).

All this being said, there are countless other databases that we have not mentioned in this article. We advise you to explore the databases provided by your university and see what each database offers. Studying law is not just about knowing what the law is but also the fine art of being able to find the answers to questions posed to you.

### **In conclusion...**

As you have just embarked on your journey in law school, you will learn quickly that the pace of life and the expectations placed upon you as a university law student will be increased significantly. Nevertheless, law school is a momentous time for students new and present, and we hope that the tips outlined above can greatly aid you in your legal studies and beyond. Certainly, what set successful law students apart from their peers is their drive and passion to understand the law, although they tend to reach even further heights of success by utilizing tips to work smarter and not just harder. Keep a lookout for our upcoming articles on more study tips and how you can make the most out of your time in law school!