

Academic Handbook



Training

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1. This Handbook

This academic handbook is designed to provide you with information to assist you with the preparation of your assignments and what we require from you. It contains templates for your consideration and also information on how to reference including the preparation of bibliographies. It is intended to be read in conjunction with the Student Handbook and the regulations.

2. Word Count

As advised in the Student Handbook, the assignment brief will indicate whether there is a word count for the specific assignment. If the limit set is a maximum, then a penalty of 10% of the mark for that piece of work will be applied to those pieces of work that exceed the requirement by 10% or more.

Example:

- ☑ The assignment brief indicates that the assignment has a 1,500 maximum word count.
- ☑ You write 1,700 words.
- ☑ No penalty will apply for a word count of up to 1,650, but a 10% penalty will apply to your total mark in this case as you have exceeded this.
- ☑ Your total mark is 50% without the penalty, so your final mark will be 45%.
- ☑ This would therefore mean that you have failed the assignment.

The assignment brief will clearly indicate what will count/won't count for the purposes of the word count. Salutations, headings etc. will usually be excluded, but ensure that you refer to the specifics of each assignment. The word count will NOT include the bibliography or citations/references. For the purposes of your assignments, unless specifically advised otherwise, you may use footnotes even if you would not use these in practice (for example in letters, emails or memorandums). This is because, in your assignments, you are required to provide your references and demonstrate your knowledge whereas, in practice, such specific referencing may not be required – or, in practice, you may provide a list of information and documentation to the recipient of your communication. However, if footnotes are used inappropriately and it is considered that information contained therein should be in the body of the answer then these may be counted within the word count such that, if the word count (with the inappropriate footnotes) is exceeded by the 10%, a penalty will apply. Where it is not considered appropriate for there to be a 10% penalty for the use of inappropriate footnotes in this situation, there is discretion for markers to take this into account when deciding an appropriate mark for academic rigour. See below for more information about footnotes (and referencing generally).

3. Citing and referencing sources

3.1 Introduction

Gathering information from a variety of sources forms an essential part of most academic writing and **it is important that you reference these sources using Oxford Referencing**. All writers borrow material from other sources at some time; including ideas, information, images, charts, graphs and statistics. Whenever you use information from other sources you **must** document the source in two ways:

- ☑ Provide an **in-text citation** of the source in the main body of your writing
- ☑ Include a bibliography with your work

You must cite and reference every piece of information that you borrow from another source because it is the **intellectual property** of the individuals or groups of people who have produced it. All statements, opinions, conclusions, images etc. which you have taken from someone else's work (books, journals, lectures, videos, TV programmes, newspapers, internet pages etc.) must be acknowledged, whether the work is mentioned, described, reproduced, summarised, paraphrased or directly quoted by you. If the source is produced by an organisation or an official body instead of authors, this is known as a 'corporate author' and must be treated in the same way. For example, most websites are produced by a corporate author.

3.2 Why cite and reference?

- ✓ **Good referencing practice** makes your writing scholarly and authoritative. It demonstrates that you have researched your topic well and shows your ability to adhere to academic standards.
- ✓ **Good referencing practice** displays intellectual honesty because the reader can see which elements of the writing are original, and which are borrowed. Clear in-text citations and a full List of References help a marker to credit originality in your work.
- ✓ **Good referencing practice** allows your readers to locate and consult the sources you have used and enables you to go back to consult sources you have used in previous papers you have written.
- ✗ **Poor referencing practice** means that your writing is not founded upon clear evidence, so it is hard to persuade your reader that your arguments are well-founded. Also, be aware that the quality of your in-text citations and list of references is taken into account when assignments are marked, unless advised otherwise in the assignment brief.
- ✗ **Poor referencing practice** can give an impression of intellectual dishonesty because it is unclear to readers which information has been borrowed from another source. In the worst case this is plagiarism (**see section 6.8 in the Student Handbook**), which means presenting someone else's work as your own. Plagiarism can be accidental or intentional. You will be penalised for plagiarism of either sort by ACLT.

As already stated, Oxford Referencing is ACLT's recommended format for documenting the sources you use in your academic writing. Full guidance on using the Oxford Referencing Style is available from the on the OLE or online area but may also be found here:

<https://www.law.ox.ac.uk/oscola>

or the quick reference guide which is found here:

https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012quickreferenceguide.pdf

OSCOLA uses minimal punctuation throughout and footnotes for in-text citations, your footnotes should be numbered in superscript.

There are some important distinctions between the way a reference appears in the footnote and then in your bibliography both for primary and secondary materials. For example, when citing primary legal material i.e. cases within the body of your text or in a footnote the party names must be italicized. But when you list these in your table of cases in the bibliography do not italicize the party names.

Secondary material (books, journals, case notes/commentaries, certain reports) should appear in a single list arranged alphabetically by author. Corporate bodies claiming responsibility for the content are treated like individual authors-when you can find no author your item will file alphabetically by title.

When citing secondary materials in your footnotes, i.e. a book or journal, the author's name appears in natural order (first name last name) in the footnote; but in the bibliography the order is reversed and only the initial is used (last name initial).

The following list designed to assist your understanding of our expectations of you:

- ☑ **Footnotes:** Each time you quote or make a specific reference, you use a super scripted number next to the item in your text. You then clearly indicate the source in the form of a footnote (at the bottom of the page). You must also make sure the source is included in your bibliography.
- ☑ **Bibliography:** Please give full details of your sources at the end of the assignment. It is important to include the date of the publication used as it can be very easy to draw the wrong conclusion from out of date publications. This applies to books as well as journals, magazines and online sources. Even if the assignment brief doesn't specifically require you to prepare a bibliography, this should be included as good practice and for ease of reference for you. There is an example bibliography in appendix 5.
- ☑ **Case references/judgments:** It is vital you use italics for the case title, which must be correct in every way and give the full, also correct, case reference for any case or judgment quoted. For example: *Hollins v. Russell* [2003] EWCA Civ 718. If you are relying on a county court judgment, you must attach a copy of the full judgment to your assignment as such judgments are not readily available. The two line summary of the type published in Current Law is not sufficient. Avoid first instance decision citation where possible given these decisions are simply persuasive and not binding precedent.
- ☑ **Quoting statutes and statutory instruments:** The correct title and year of the statute or statutory instrument must be given. If you are referring to a statute (or Act of Parliament) this should be underlined. For example, the Legal Aid Sentencing and Punishment of Offenders Act 2012. If you are relying on an

amendment, you should so state. For example, amended statutory instruments should be cited as follows: The Legal Aid in Family Proceedings (Remuneration) Regulations 1989 (as amended).

- ☑ **Quoting from the Civil Procedure Rules 1999:** Reference to the Civil Procedure Rules may be abbreviated to "CPR", reference to the associated Practice Directions may be abbreviated to "CPR PD" but do not use "CPD" to mean "Costs Practice Directions"; historically there was a specific Costs Practice Direction but that no longer exists so if you do use this then the reader will assume you are talking about the old law. Please use the same method as in ALCT Course Materials. For example: CPR 47.19 means part 47 of the CPR, subparagraph 19. Ensure you place the full stop in the correct place. The correct way to quote from the practice directions annexed to the rules is: CPR PD 43, 3.4; that means paragraph 3.4 of the practice directions to part 43 of the CPR.

4. Writing and presenting assignments

4.1 Introduction

It is recognised, particularly for those new to studying law, that writing assignments, whatever format they may take, may be quite daunting given legal writing is a skill in its own right. To assist, it is recommended that you purchase one of the following texts, which may assist.

Recommended reading:

- ☑ Foster. S, How to Write Better Law Essays: Tools and Techniques for Success in Exams and Assignments; Longman Publishing, 2009.
- ☑ Mounsey.C., Essays and Dissertations. Oxford OUP, 2002

4.2 Effective reading strategies

Reading effectively involves preparation and purpose. Understanding how these relate to each other will help you develop your reading strategies:

- ☑ What is the text you have to read? Identify the reading; obtain/access a copy of it.
- ☑ Why should you read it? Be clear about how your reading relates to the task or action you will do next. For example, is it:
 - A piece of set reading e.g. for a tutorial discussion focusing on particular issues or examples;
 - Material to help you carry out a task e.g. preparing your assignment submission;
 - Background information e.g. ahead of a tutorial to help you get an overview of a topic and familiarise yourself with core vocabulary; or
 - A text you need to read in greater detail e.g. identifying 3-5 key issues/examples for analysis in an assignment.
- ☑ Based on the purpose of your reading for what you will do next, think about the level of detail that would be useful and appropriate to your task. For example, have you already got some information on this topic? Have you

come across other examples? Do you really need more information to progress with your task?

- ☑ If you are reading in preparation for writing, connect your reading to your plan – where would the information fit in or which sections would it help you write?

Think about structuring your reading practice, perhaps by using a strategy like SQ3R – survey, question, read, recall, review – and think about the form of notes you make from your reading.

SQ3R Method for Thorough Study

Step 1

- ☑ **SURVEY:** Look over material critically. Skim through the book/article and read topical and sub-topical headings and sentences. Read the summaries at the end of chapters and books. Try to anticipate what the author is going to say.
- ☑ **WRITE** these notes on paper, in sequence then look over the jottings to get an overall idea or picture. This will enable you to see where you are going.

Step 2

- ☑ **QUESTIONS:** Instead of reading paragraph headings such as "Basic Concepts of Reading," change to read, "What are the Basic Concepts of Reading?" These questions will become "hookson which to hang the reading material.
- ☑ **WRITE** these questions out, look over the questions to see the emphasis and direction then attempt to give plausible answers before further reading.

Step 3

- ☑ **READ:** Read with smoothness and alertness to answer the questions. Use all the techniques and principles you have been advised about.
- ☑ **WRITE** notes, in your own words, under each question. Take a minimum number of notes - use these notes as a skeleton.

Step 4

- ☑ **RECALL:** Without looking at your book or notes, mentally visualise and sketch, in your own words, the high points of the material immediately upon completing the reading. This:
 - ✓ Forces you to check understanding.
 - ✓ Channels the material into a natural and usable form.
 - ✓ Indicates what you do not understand.
 - ✓ Forces you to think.

Step 5

- ☑ **REVIEW:** Look at your questions, answers, notes and book/article to see how well you did recall. Observe carefully the points stated incorrectly or omitted.

Fix carefully in mind the logical sequence of the entire idea, concepts, or problem. Finish up with a mental picture of the WHOLE.

Other tips for Reading Effectively

- ☒ Take regular breaks when reading
- ☒ Target your reading and break it into short sections so you can pause and check your progress – have you got what you need from the materials?
- ☒ Vary the pace of your reading – sometimes you will need to scan/skim the text to pick up main points, but other times you will need to read more slowly to understand complex concepts and arguments in more detail
- ☒ Read interactively – check if you have answered the question set, and challenge the assumptions of the writer and the quality of their evidence
- ☒ Read the text aloud

4.3 Creating targeted plans for assignments

Action planning is a process which will help you to focus your ideas and to decide what steps you need to take to achieve particular goals that you may have. It is a statement of what you want to achieve over a given period of time. Preparing an action plan is a good way to help you to reach your objectives in life: don't worry about the future, start planning for it! These plans can be used to help you with the preparation of your assignments. Action planning involves:

- ☒ Identifying your objectives
- ☒ Setting objectives which are achievable & measurable
- ☒ Prioritising your tasks effectively
- ☒ Identifying the steps needed to achieve your goals
- ☒ Using lists
- ☒ Being able to work effectively under pressure
- ☒ Completing work to a deadline
- ☒ Having a contingency plan

MY OBJECTIVE IS: TO ACHIEVE THIS I NEED TO: List the steps you need to take. Be detailed and specific (not "I'll research", but "I'll research XXXX and write a paragraph about my findings")	Date to complete	My reward for completion
I will start my action plan on (date):		
Step 1		
Step 2		
Step 3		
Step 4		
Step 5		
What problems am I likely to face? What will I do to overcome these?		

4.4 Writing clearly and concisely

Unless you have a reason not to, use the active voice. At the heart of every good sentence is a strong, precise verb; the converse is true as well - at the core of most confusing, awkward, or wordy sentences lies a weak verb.

Passive: It is believed by the candidate that a ceiling must be placed on the budget by the Government.

Active: The candidate believes that the Government must place a ceiling on the budget.

There are sometimes good reasons to use the passive voice:

- ☑ To emphasise the action rather than the actor.

Example: After long debate, the proposal was endorsed by the long-range planning committee.

- ☑ To keep the subject and focus consistent throughout a passage.

Example: The data processing department recently presented what proved to be a controversial proposal to expand its staff. After long debate, the proposal was endorsed by . . .

- ☑ To be tactful by not naming the actor.

Example: The procedures were somehow misinterpreted.

Put the action of the sentence in the verb. Don't bury it in a noun or blur it across the entire sentence. Watch out especially for nominalisations (verbs that have been made into the addition of *-tion*).

- ☑ An evaluation of the procedures needs to be done.
- ☑ The procedures need to be evaluated.
- ☑ We need to evaluate the procedures.
- ☑ The stability and quality of our financial performance will be developed through the profitable execution of our existing business, as well as the acquisition or development of new businesses.
- ☑ We will improve our financial performance not only by executing our existing business more profitably but by acquiring or developing new businesses.

Reduce wordy verbs.

- ☑ is aware, has knowledge of = knows
- ☑ is taking = takes
- ☑ are indications = indicate
- ☑ are suggestive = suggests

Use expletive constructions ("It is," "There is," "There are") sparingly.

- ☑ It was her last argument that finally persuaded me.
- ☑ Her last argument finally persuaded me.
- ☑ There are likely to be many researchers raising questions about this methodological approach.
- ☑ Many researchers are likely to raise questions about this methodological approach.

4.5 Writing succinctly

Writing succinctly is one of the keys to producing a high standard of work within the word count. It is an art which you need to learn. Whatever the word limit, it has not been fixed at random, but has been determined as the appropriate space in which to answer the questions set. You may feel that not enough space has been allowed, but you should realise that the word limit is imposed to test your ability to express yourself clearly and concisely.

The marking rubric (see section 5) should be utilised when drafting and writing as this specifies what is required of you. Also consider the specific requirements of the brief or examination question.

Below are two examples of how you may write succinctly. In the first of the following examples, knowledge of hourly rates is demonstrated, there is application to the scenario and analysis of the same within two reasonably short paragraphs. Footnotes can also be utilised to assist further.

Example 1:

- ☑ We have utilised the SCCO guideline hourly rates (GHR) within the bill as Court of Protection work is likely to be awarded such rates at assessment. These rates define four categories of fee earner with the rates further being divided into geographical bands. In the matter at hand, the protected party lives in xxx, a national band 2 area. The applicable hourly rates are xxx. GHR have not been updated since 2010 and there are currently no plans to update these in the near future. We note that your office is based in inner Birmingham, a national 1 band area. However, unless there is a specific reason as to why the protected party did not instruct a local solicitor, the court is only likely to allow band 2 rates i.e. the rates applicable to the area where the protected party lives. In some cases, e.g. complex cases involving a team of fee earners, enhanced or blended hourly rates can be awarded. We do not, however, consider this to apply here.

In the second example, within a short paragraph, identification is given to a lack of clarity in the information given (knowledge), an assumption made (application) and advice on how to improve time recording (analysis).

Example 2:

- ☑ Full details of the party and/or activity are missing from the time ledger for a number of entries e.g. "11.02.16: letter out regarding insurance". It is not clear who this letter is written to and we have assumed it is to the client. Please let us know if this is incorrect. Please also advise to what the insurance policy relates. In order to maximise recovery of your costs and assist with the preparation and accuracy of the bill of costs, please ensure that full details are recorded against each entry. This will assist in ensuring the costs claimed are fully justified.

An important element of learning the art of writing succinctly is being able to edit your drafts. You should attempt to go through a paragraph that you have written

and cross out any words, phrases or even a sentence that may be unnecessary. Read it again to see if you have lost anything essential to the information or meaning. If you have not, then delete it permanently. You should also attempt to replace phrases with single words meaning the same, e.g The lawyer wanted to find out / The lawyer enquired.

4.6 Drafting and drafts

Drafting simply means writing. However, you will need to redraft and check your work as part of your writing strategy. Before you have a final document ready for sending to the client you should have gone through these four stages:

- **The rough draft:** This document will be rough and messy and full of ideas. The main purpose of this draft is to help you organise your writing and to ensure you have included all necessary details.
- **The working document:** This is a tidier document that is more coherent and has structure. This is an improved version of your original draft.
- **The penultimate draft:** Here you should try to incorporate feedback from another reader. In practice this is likely to be your supervisor.
- **The final proof:** This draft will allow you to pick up any final typos, edits and minor errors to make sure the piece is word perfect.

Questions to ask yourself when drafting:

- ☒ Does the document clarify the client's instructions?
- ☒ Is each sentence unambiguous?
- ☒ Does the document contain all figures and dates?
- ☒ Have you spelt the names of the parties correctly?
- ☒ Is your spelling and grammar correct?

4.7 Precedents

These are effectively templates or an earlier document regarded as an example or guide to be considered in subsequent similar circumstances.

Four benefits of using precedents:

- ☒ The precedent might suggest a suitable structure for your document or letter;
- ☒ The precedent might suggest provisions you have not thought about and that will benefit your client;
- ☒ The precedent might suggest suitable wording;
- ☒ The introductory notes and footnotes may alert you to legal problems you had not thought of.

Four problems with using precedents:

- ☑ The precedent might suggest an unsuitable structure for your document or letter. In particular, it may tempt you to produce a long and complex document when a simple one is all that is needed;
- ☑ The precedent may tempt you to include clauses that are irrelevant or are a disadvantage of your client;
- ☑ The precedent may use archaic wording;
- ☑ The notes on the law may lead you astray because the law may have been updated.

For your assignments, should you wish to use a precedent you must ensure that you change the standard wording accordingly so as to ensure that your answer is unique. Remember that other students may have access to the same document and plagiarism may be an issue if two or more documents are the same or very similar; in whole or in part.

4.8 Practical and Ethical Considerations when drafting

There may be times that draft correspondence may be prepared by more than one person/party. For example, within the firm a junior fee earner may prepare draft letters to the client. There are also times when it may be necessary for both parties to the proceedings to write a joint letter (e.g. a joint letter of instructions to an expert). The following should be considered:

Good Practice when submitting a draft:

Out of courtesy, you should always supply the other person with an additional copy of the draft sent out for approval. Use a layout that makes it easy for the other side to retype or amend the draft (e.g use wide margins)

Good Practice when amending the other side's draft:

Where possible, you should amend a draft by hand so that amendments are clear. If you are using a computer you should use 'track changes'. If you receive a draft that achieves the aims required, but you do not like the style you should not amend the style. The most you should do is amend any errors.

Ethical considerations when negotiating a draft:

There are two rules of professional conduct that are relevant:

- ☑ A lawyer must not act in a way that is fraudulent, deceitful or otherwise contrary to his position of authority and trust. Nor must a lawyer use his position to take an unfair advantage.
- ☑ A lawyer must act towards other lawyers with complete frankness and good faith consistent with their overriding duty to their client. Do not attempt to take advantage of an error made by the other side.

4.9 Introduction to essay writing

The writing of law essays is challenging and can be tricky as it is different from the writing of other types of essays.

In order to have a good piece of legal writing, you need the ability to demonstrate legal analysis. At the same time, you should ensure that your writing is clear, coherent, concise, and answers the question using plain English.

The **starting point** in writing a law is essay is to **analyse the question** and understand clearly what the question is all about.

Ideally, you should start by identifying the area or topic of law. Once the topic is identified, you should analyse the question in light of the area of the law and understand what is it that should be discussed in the body of the essay so as to answer the question.

In order to ensure you keep relevant throughout, you may want to draw up a quick plan consisting of bullet points of the different elements of your answer which you can elaborate upon throughout the essay.

Introduction

The introduction to the essay is very important as it is meant to provide the reader of the essay with a taste of your answer. In an introduction, it will be helpful for you to give the reader a flavour of what the answer will be like. Hence, the writing of the introduction should be more generalised rather than being specific. The aim is to show the reader that you have correctly identified the question, the area of the law, and how you propose to provide an answer. An introduction should not be too lengthy.

The Body

The body of the essay will be the heart of the essay. You should ensure that the body deals with all the elements that will answer the question. You should write in an orderly fashion so that the reader can understand the flow in the arguments. If your essay body consists of a number of points in law, it will be a good strategy to write a paragraph on each point. This will enable the reader to follow the arguments and the essay will look neater. You may also divide the body of your essay into different sub-headings if necessary.

You should bear in mind that the body of the essay adequately deals with all the elements of the answer. You should back up all of your arguments in the essay with a proposition of law where applicable. For instance, if you are making a point relying on a piece of legislation, it should refer to the Act of Parliament in issue. As an example, if the point that you are making is that goods sold should be of satisfactory quality when sold in the course of business, you should refer to Section 14(2) of the Sale of Goods Act 1979. On the other hand, if you are relying on a judgment or the ratio of a case, you should refer to the case with full citation. If the facts of the case law are important in making your point, you may even briefly write about the facts of the case, but you should bear in mind that the ratio of the case, that is the legal reasoning behind the judgment, and the judgments provided by the judges are the most important.

It is fundamental for you to be consistent throughout the essay and to be relevant at all times. The different paragraphs making up the body should precisely answer the question. The essay should also be grammatically correct. As regards a law essay, it

is extremely important for you to use correct vocabulary and make use of plain English which is not informal. This means that you should not be informal or use words which are more used in spoken English such as "don't or can't". There is more guidance on this in other sections/sub-sections of this Handbook.

You should adopt a legal analysis throughout which means that the different points that you are making are being made having due regard to the law as a matter of fact. Avoid giving personal opinions as to the law. Of course, on certain points of law, you may cite the names of well-known academics and briefly give the views of those academics.

In order for the essay to amount to a good piece of work, you should, above all, ensure that the legal analysis is correct and that the law is right. Before you embark on writing, you should either be familiar to the area of the law or must research the area or topic adequately. The essay will only obtain good marks if the substance of the academic writing is legally correct.

You should never plagiarise. Please refer to the Student Handbook in this regard. Where you are referring to a quotation or to the works of an academic, you should give full reference to the source of the reference in a footnote (see the relevant section of this Handbook for further guidance).

Conclusion

Finally, the last section of a law essay should be a conclusion. If the introduction and the body of the essay are correct with the requisite legal analysis and having answered the question, a proper conclusion may only be the "cherry on the cake". As such, in a conclusion, you would wrap up the points made in the body and put a generalised answer to the question. It is worth noting that you should not introduce any new information in a conclusion, but it should rather be a summarising and a re-packaging exercise.

4.10 Introduction to answering problem questions

As a 'problem question' type of assignment, you should have adopted a methodical approach to avoid getting yourself into a mess and presenting a disorganised answer. The approach that should be adopted in questions of this type to provide a well-structured answer should:

- ☒ identify the issue(s) to be addressed;
- ☒ explain what the law says about that issue by reference to appropriate texts, legislation and case law;
- ☒ apply the law to the facts of the scenario with reference to authority as appropriate;
- ☒ draw a reasoned conclusion on the identified issue(s) based on that analysis.

You do not have to stick rigidly to this suggested approach and you may have adopted your own approach, so long as what you produce addresses the legal and factual issues to arrive at an 'answer' and is structured and coherent. There is no 'right answer' to many of the issues and the conclusion should be a product of your own understanding, application and analysis. Even if the marker disagreed with your view, credit will have been given if your argument makes sense and is supported by authority.

4.11 The IRAC method

IRAC stands for Issue-Rule-Application-Conclusion and this method provides a step-by-step framework to solving legal problems.

You will learn more about this in module 1a, but as a summary these are some of the questions you will ask under each heading:

- ☑ Issue:
 - what facts are material and relevant?
 - what are the parties' objectives?
- ☑ Rule:
 - what is the problem question asking you?
 - summarise the relevant legislation
- ☑ Application:
 - what is the connection between the rule and fact?
 - what is the strength of the assertion?
- ☑ Conclusion:
 - conclude each issue then answer the question set

4.12 Required documents for assignments and examinations

The assignment briefs and examination answers will require you to prepare various types of documents. Some of the documents will be precedent documents from the Civil Procedure Rules. However, others will be, for example, memorandums, emails or letters. It is appreciated that, in practice, there are many ways of preparing such documents, but, for the purposes of your studies with ACLT there are specific ways in which these documents are required to be prepared.

There are some general points which you should adhere to for the purposes of preparing your assignment in order to avoid there being an impact upon your academic rigour mark. Consider also the information, above, in respect of word count, referencing and bibliographies.

Capital or lower case?

- ☑ **People:** use upper case for ranks and titles when written in conjunction with a name, but lower case when on their own. For example **Queen Elizabeth**, but **the prime minister**. There are exceptions, however; for example, **Master of the Rolls**. Some titles serve as names and therefore have initial capitals, although they also serve as descriptions. For example, **the Archbishop of Canterbury**. If you want to describe the office rather than the individual, use the lower case. For example, "**The next archbishop of Canterbury will be a woman. Since the demise of the ninth duke, there has never been another duke of Portland.**"
- ☑ **Organisations, Acts etc:** organisations, ministries, departments, treaties, acts etc. generally take upper case when their full name, or thereabouts, is used. For example, **European Commission, Forestry Commission, the Scottish Parliament, Ministry of Defence, High Court, Supreme Court, Court of Appeal, Oxford University, Treaty of Rome, Health and Safety at Work Act, Bank of England**. However, organisations, committees, commissions, special groups

etc, that are either impermanent, ad hoc, local or relatively insignificant should be lower case. For example, **the Oxford University bowls club, the subcommittee on journalists' rights of the National Executive Committee of the Labour Party**. Use lower case for rough descriptions. For example, **the safety act, the American health department, the French parliament**. If you aren't sure whether the English translation of a foreign name is exact or not, assume it is rough and use lower case. **Congress** and **Parliament** are upper case, unless parliament is used not to describe the institution, but the period of time for which it sits. For example, "**This bill will not be brought forward until the next parliament.**"; **congressional** and **parliamentary** are lower case, as is **the opposition**, even when used in the sense of **her majesty's loyal opposition**. The **government**, the **administration** and the **cabinet** are always lower case. The full name of political parties is upper case, including the word **party**: **Republican Party, Labour Party, Peasants' Party**. However, note that some parties, such as Greece's **New Democracy**, India's **Congress**, Indonesia's **Golkar**, Turkey's **Justice and Development** etc, do not have **party** as part of their names. It should therefore be lower case. Note, too, that usually only people are **Democrats, Christian Democrats, Liberal Democrats** or **Social Democrats**; their parties, policies, candidates, committees, etc. are **Democratic, Christian Democratic, Liberal Democratic** or **Social Democratic** (although a committee may be **Democrat-controlled**). The exceptions are Britain's **Liberal Democrat Party** and Thailand's **Democrat Party**. When referring to a specific party, write **Labour**, the **Republican nominee**, a prominent **Liberal** etc., but use lower case in looser references to **liberals, conservatism, communists**, etc. **Tories**, however, are upper case. A political, economic or religious label formed from a proper name—eg, **Gaullism, Paisleyite, Leninist, Napoleonic, Wilsonian, Jacobite, Luddite, Marxist, Hobbesian, Thatcherism, Christian, Buddhism, Hindu, Islamic, Maronite, Finlandisation**—should have a capital. In finance and government there are particular exceptions to the general rule of initial capitals for full names, lower case for informal ones. **The Bank of England** and its foreign equivalents have initial capitals when named formally and separately. After first mention, the **House of Commons** (or **Lords**, or **Representatives**) becomes the **House**, and the **World Bank** and **Bank of England** become the **bank**, just as the **IMF** may become the **fund**. Organisations with unusual or misleading names, such as the **African National Congress** and **Civic Forum**, may become the **Congress** and the **Forum** on second and subsequent mentions. But most other organisations—agencies, banks, commissions (including the **European Commission** and the **European Union**) etc.—take lower case when referred to incompletely on second mention.

- ☑ **Places:** use upper case for definite geographical places, regions, areas and countries: **The Hague, England, France** and for vague but recognised political or geographical areas: **the Middle East, South Atlantic, the Gulf, the North Atlantic, South-East Asia, the Midlands, Central America, the West Country** etc. Lower case for **east, west, north, south** except when part of a name: **North Korea, South Africa, West End** or part of a thinking group: **the South, the Midwest, the Highlands** (of Scotland), **the Midlands** (of England). If you are comparing regions, some of which would normally be upper case and some lower case and it would look odd to leave them that way, put them all lower case: for example, "**House prices in the north-east and the south are rising faster than those in the midwest and the south-west**". Europe's divisions are no

longer neatly political, and are now geographically imprecise, so use lower case for **central**, **eastern** and **western Europe**. But **North**, **Central** and **South America** are clearly defined areas so should be given capitals as should **Central**, **South**, **East** and **South-East Asia**. The **Basque country** (or **region**) is ill defined and contentious and may include parts of both France and Spain, so lower case for **country** (or **region**). **South Africa** is a country; **southern**, **central**, **east**, **west** and **north Africa** are regions. Use capitals for particular buildings even if the name is not strictly accurate (e.g. the **Foreign Office**). Lower case for province, county, river, state, city when not strictly part of the name: the **Limpopo river**, **New York state**, **Washington state**, **Cabanas province**. There are, however, exceptions for the **River Thames**, **Mississippi River**—and **Guatemala City**, **Ho Chi Minh City**, **Kuwait City**, **Mexico City**, **New York City**, **Panama City** and **Quebec City**, even though **City** is not an integral part of their names, as it is in **Dodge City**, **Kansas City**, **Quezon City**, **Oklahoma City**, **Salt Lake City**.

- ☑ **Euro Terms:** the usual rules apply for the full, proper names. Thus: European Commission, European Parliament, European Union, Treaty of Rome, Treaty on European Union. Informally, these become: the commission, the parliament, the union, the Rome treaty, the Maastricht treaty.
- ☑ **Miscellaneous (upper case):** the Bar, the Bible, Catholics, CD-ROM (should be set in small capitals), Christ, Christmas Day, Christmas Eve, the Cup Final, the Davis Cup, Earth (when, and only when, it is being discussed as a planet like Mars or Venus), May Day, Memorial Day, New Year's Day, New Year's Eve, Protestants, the Queen's Speech, Stealth fighter, bomber, Ten Commandments, Test match, Utopia (-n).
- ☑ **Miscellaneous (lower case):** 19th amendment (but Article 19), aborigines, administration, amazon (female warrior), angst, cabinet, civil servant, civil service, civil war (even America's), cold war, common market, communist (generally), constitution (even America's), cruise missile, draconian, euro (the currency), first world war, french windows, general synod, gentile, government, Gulf war, internet, junior (as in George Bush junior), protocol, left mecca (when used as in Jermyn Street is a mecca for lovers of loud shirts at high prices), new year (but New Year's Day), Olympic games (and Asian, Commonwealth, European, etc), opposition, parliament (meaning the term during which Parliament sits), philistine, platonic, the pope, the press, pyrrhic, the queen revolution (everyone's), the right, second world war, senior (as in George Bush senior), six-day war, the shah, the speaker, state-of-the-union, message, titanic, white paper, wild west, world wide web.
- ☑ For the purposes of your assignments, claimant, defendant, court, bill of costs, points of dispute, replies, costs lawyer, solicitor, barrister, legal executive etc. should all be in lower case. However, use the rules above when referring to organisations; for example **Costs Lawyer Standards Board**, **Association of Costs Lawyers** etc.

Abbreviations

You should explain any terminology which you think may not be familiar to the reader – or which they may not necessarily know that you know. Always write a long name in full the first time you use it, regardless of how well known it is.

For example:

- ☑ The Civil Procedure Rules (CPR) are the rules of civil procedure used by the Court of Appeal, High Court of Justice and county courts in civil cases in England and Wales. The CPR apply to all cases commenced after 26 April 1999.
- ☑ The Costs Lawyer Standards Board (CLSB) became an Approved Regulator under the Legal Services Act 2007 (LSA) with effect from 31st October 2011. The CLSB's regulatory work for the costs lawyer profession includes setting and maintaining standards.

When it is considered appropriate to use abbreviations, for the first reference to a term in the text, the term should be used in full with the abbreviation included in brackets. For the remainder of the text the abbreviation should be used. However, abbreviations should not be used in the title.

In academic writing usually the full form of a word should be used rather than contractions, as follows:

Full form	Contraction
do not	don't
cannot	can't
will not	won't
must not	mustn't
he would	he'd

However, when preparing less formal documentation such as memorandums or emails it may be permissible to use contractions.

Consider the requirements for each assignment brief and consult the marking rubric to help you identify the appropriate language for the particular assignment and how abbreviations or contractions may be considered appropriate.

4.13 Presentation checklist

The following is designed as a checklist for the presentation of your assignments. Where guidelines aren't followed there is likely to be an impact in the mark awarded. Individual assignment briefs will indicate how many marks are available for this element of each assessment, although markers have discretion in respect of the academic rigour mark in any event.

Presentation check list for assignments:

- ✓ **Line spacing:** Ensure this is appropriate to the documentation being prepared. For example, in essays 1.5 spacing is reasonable, but in documents such as points of dispute, single line spacing will be more appropriate. Ensure the line spacing makes it easy for the marker.
- ✓ **Font:** Use an easily read font, for example Arial or Times New Roman
- ✓ **Font size:** Text should usually be 12 point in size although there may be circumstances when a smaller or larger font size will be appropriate according to the documentation being prepared.

- ✓ **First page information:** All assignments should include your student number, the unit number and the module number. Your assignments **MUST NOT** include your name anywhere on the submission. You do not need to include a title page on your submission and if you do you should be aware that it will form part of your assignment submission.
- ✓ **Title:** All assignments should include a title i.e. you are required to repeat the question.
- ✓ **Quotations:** If you use quotations they should be separated from the general text, in quotation marks and indented.
- ✓ **A bibliography:** All submissions should be included at the end of each assignment which clearly identifies primary, secondary and internet sources.
- ✓ **Check spelling and grammar:** Remember your computer spell and grammar checkers are not infallible even when set to English UK.

5. Development and SMART targets

5.1 Introduction

Setting yourself objectives for the course, in supervised practice and also in your role as a trainee costs lawyer (and subsequently a qualified costs lawyer) is highly desirable and will assist in your development. In units 1 and 3 of the course you will be required to prepare a personal development plan and undertake reflective practice. The ACLT professional development plan is a document within which you can record your development and plan your learning by setting developmental objectives. Development Objectives should be identified to enable you to meet the learning and development needs identified at the skills analysis stage of the process. Objectives should provide clear guidelines for action, they are not written in stone: they should be monitored and reviewed regularly so that they can be amended and completed on time. You will undertake your skills analysis during the weekly activities and during your tutorial time for this module. On the plan, you are required to record if your objective is work based or academic. This will help identify if this is an objective to help ensure you meet your work based learning requirements and professional development or if this task is to improve your academic study. This, combined with priority setting, will assist with ensuring alignment of your career and academic goals. The second compulsory component of the assignment for these module is a piece of reflective writing. You are therefore required to complete a reflective log. The brief and tutorials will provide you with full information at the relevant time.

5.2 What are objectives?

Objectives are designed by a beginning and end point. They go beyond the day-to-day tasks and describe a result linked to achieving a particular goal. They are a clear statement of something that needs to be accomplished by a specific end date.

5.3 What is the SMART model?

To achieve any particular goal, the SMART model can help you focus on what you have to do:

- ✓ Specific:
 - Be specific; so, instead of "To do well in my exams" which is an overall goal, make it specific – "To increase study time to 30 hours per week and attend all scheduled revision sessions."
- ✓ Measurable:
 - How will you know you have succeeded?
- ✓ Action-based:
 - What practical steps will you take towards your goal?

- ✓ Realistic:
 - Is your goal a realistic one – can you honestly achieve it?
- ✓ Time:
 - What is your time frame for achieving your goal? So, instead of "Sort out my CV and research job market", make it time-bound – "Compile CV by the end of the Easter holidays and set up an interview with the careers centre before the end of May."

6. Marking rubrics

A marking rubric is a scoring tool that explicitly represents the performance expectations for an assignment or piece of work. A rubric divides the assigned work into component parts and provides clear descriptions of the characteristics of the work associated with each component, at varying levels of mastery.

Rubrics are used to mark all of your assignments and are released to you at the time the assignment brief is released. Marking rubrics are valuable to you. They can help you monitor and assess your progress as you work towards clearly indicated goals. Assignments will be scored against the rubric and you should be more easily able to recognise the strengths and weaknesses of your work.

As you will see from the example rubrics, below, the requirements, as given to you in the assignment brief, are clearly set out. For some assignments, there will be marks across each of the marking categories of depth of knowledge, application of theory, critical analysis and academic rigour. However, for other assignments (particularly those where there is form filling) certain requirements may attract marks under one marking category heading only. For example, if you consider the rubric for unit 2 module 2e (below), requirement 2 will be the only requirement attracting marks for application. In this instance that requirement requires students to produce ledgers. Requirement 3 requires students to produce an email. Markers will not cross reference the emails when marking the ledgers. If the assignment you are completing indicates the requirements will be marked in this fashion, you must take care to ensure that the necessary information is in the right document and is clear for markers.

Unit 1: Module 1a: 2016-2017

	Requirements 2-7: Depth Of Knowledge (30 marks or 30% of overall grade)	Requirements 2-7: Application Of Theory (30 marks or 30% of overall grade)	Requirements 2-7: Critical Analysis (30 marks or 30% of overall grade)	Requirement 1: Academic Rigour (10 marks or 10% of overall grade)
Fail	Very superficial knowledge of subject matter shown. Fails to adequately demonstrate knowledge of the learning outcomes.	Very little evidence of application of theory to specific requirements of the assignment e.g unable to explain how the reforms were implemented or how they relate to the role of a costs lawyer.	Little real analysis of any value	Some sense but difficult to follow
Borderline Fail 12+ Marks	Largely superficial but with some areas of depth. Attempts to adequately demonstrate knowledge of the reforms and their impact on costs lawyers.	Small amount of evidence of application. Attempts to demonstrate an ability to explain how the legislation has impacted on the profession.	Some analysis with reasonable depth of understanding Tries to identify potential areas of change for the profession.	Poor use of grammar and English leads to poor coherence. There will be spelling and grammatical mistakes and/or inappropriate use of verbs. Some attempt at structure of essay writing.
Pass 15+ Marks	Good knowledge demonstrated of most of the main areas. Able to show an understanding of how the reforms were implemented. Adequately demonstrates knowledge of the relevant primary and secondary legislation. Adequately demonstrates good knowledge of the implications for the work undertaken by costs lawyers.	Several good examples of evidence of application provided. Demonstrates an ability to explain how the legislation was implemented and how the changes impacted upon the profession. Applied knowledge of the introduction of new concepts to the skills held by a costs lawyer (i.e. costs management)	Some solid and well-founded analysis, e.g. grasped some elements of the deficiency in current law. Able to identify potential changes to the profession resulting from the reforms. Attempts to differentiate between costs professionals and costs lawyers	Good grammar and essay structure. Some good paragraphs and sentence structure. There will be spelling and grammatical mistakes without detracting from overall meaning. Must have introduction, main body (analysis) and conclusion.
Merit 18+ Marks	Good analysis of knowledge gained to date viewed from some different perspectives. Demonstrates very good knowledge of the impact of	Range of opinions /authority appropriately included and applied well. Evidence of reflective practice and the longer term impact of the	+ Synthesis of ideas and either learning or critical evaluation e.g may make observations relating to the shift to prospective costs control and future of the profession.	Good grammar and essay writing skills. Good use of paragraphs, good sentence structure, grammar and spelling but some

Unit 2: Module 2e: 2015-2016

	Depth Of Knowledge (30 marks or 30% of overall grade)	Application Of Theory (30 marks or 30% of overall grade)	Critical Analysis (30 marks or 30% of overall grade)	Academic Rigour (10 marks or 10% of overall grade)
Fail	Rq3: Very superficial knowledge of subject matter shown. Fails to adequately demonstrate knowledge of the learning outcomes.	Rq2: Ledger(s) not appropriately completed. No evidence that student has applied the appropriate rules to produce the document submitted.	Rq3: No real analysis of any value. Unable to distinguish between applicable rules and office and client money.	RQ1: The guidance isn't followed or is followed in part. Appropriate email not prepared. Unable to format the ledger(s) correctly
Borderline Fail 12+ Marks	Rq3: Attempts to adequately demonstrate knowledge of the dual cash account. Fails to show sound understanding of the principles regarding office and client money.	Rq2: Attempts to apply knowledge of relevant rules to the scenario.	Rq3: Identified and explained the appropriate fees, but failed to properly explain and analyse why the DR and CR entries had been made.	RQ1: Some attempt to complete the email and/or ledger(s) appropriately. There will be spelling and grammatical mistakes and/or inappropriate use of verbs in the email.
Pass 15+ Marks	Rq3: Good knowledge of rules governing legal accounts. Good knowledge and understanding of posting entries to the client ledger account and appropriate cashbooks of a legal entity. Demonstrates the knowledge and understanding required to calculate VAT payable. Awareness demonstrated of the rules on payments and inter client transfers.	Rq2: Produced accounts ledger(s) that comply with guidance, any variations/departure do not affect the presentation of the document. Complies with rules. Able to demonstrate knowledge of the appropriate CR and DR on receipt of monies. Ability to post entries to client ledger account and cashbooks Knowledge and understanding to calculate VAT payable. Good knowledge of rules governing legal accounts and demonstrated by	Rq3: ++Able to identify and explain, for example, how to deal with transactions in accordance with the rules. Correct rules cited and considered on inter-client transfers. Relevant rules referred to throughout with knowledge about how some of the rules interact.	RQ1: Good email produced with good grammar and structure. Some good paragraphs and sentence structure. There will be spelling and grammatical mistakes without detracting from overall meaning. The ledger(s) must follow the form required by the relevant rules.

7. Assignment drafts

You are strongly advised to start preparing your assignment as early as possible after its release. This will provide you with sufficient time to obtain any necessary additional support from your tutor and will enable you to get the most out of tutorials when the assignment is discussed.

Should you need additional support from your tutor then please ensure you approach him or her as soon as possible. You are not permitted to submit entire draft assignments to your tutor for consideration, but may ask him or her to consider your plan or a paragraph for a part of the assignment you are uncertain of. You may also ask reasonable questions to assist you. Ideally this should be at the relevant time during the tutorial, but if it is of a personal nature then contact your tutor by email. Please remember that, whilst they have every commitment to the course, tutors have other jobs so please be patient with them for a response and do not chase them until at least 3 working days have elapsed.

Should you wish your tutor to consider any part of your assignment, then this should be provided to them at least 14 days before the assignment submission deadline. This re-enforces the desirability for you to commence at least initial preparations early. After this time, your tutor may answer quick questions, but, again, please ensure you allow sufficient time for them to provide you with an answer.

If you believe you need more support than is reasonable for your tutor to provide you with then please contact the Head of Education as soon as possible.

8. Format of Assignment Submissions

You are unable to submit assignments in PDF format and all assignments must be submitted in one word document. There are several reasons for this, firstly whilst the OLE does accept PDFs some people are unable to convert files to PDF without scanning them in, this means they create very large file sizes and the OLE won't accept them. With PDF submissions, the problem then comes with tutors giving/providing feedback. Whilst some tutors have access to programmes that will allow them to give quite detailed feedback on PDFs others don't. In order to achieve parity with the feedback given and to ensure that the format of that feedback is accessible to you all we therefore require word submissions. With the above in mind, it is imperative that you are mindful of formatting issues ahead of any deadlines. Below are some useful tips on formatting word documents to assist you.

8.1 Converting RTF files to word

Some billing software exports documents as RTF files, or in other words in Rich Text Format. Converting these documents to word is far simpler than you may think. To convert there are two methods:

Method 1

1. Open the Word document.
2. From the File button, choose Save As from the menu.
3. Rename the file if desired.
4. Click on the Save As type choice button.
5. Scroll down the list of file types to Rich Text Format (*.rtf)
6. Click Save.

(<http://www.wikihow.com/Convert-an-RTF-File-into-MS-Word-Document>)

Method 2

You can simply find the file on your computer and change the extension of the file (i.e I change the file from .rtf to .doc). This is the quickest method, you simply access the files as if you are going to rename it.

8.2 Merging Multiple Word Documents

You may wish or need to merge documents with different formatting. Copying and pasting does work for this but you will need to insert section breaks to enable the individual document/pages to retain their formatting. On the Layout tab in word, in the Page Setup group, choose Breaks, and then choose section break.

On Microsoft: <https://support.office.com/en-gb/article/Insert-a-section-break-eef20fd8-e38c-4ba6-a027-e503bdf8375c?ui=en-US&rs=en-GB&ad=GB&fromAR=1>

On Mac: <https://support.office.com/en-gb/article/Insert-delete-or-change-a-section-break-0eeae2d6-b906-42d3-a1bd-7e77ca8ea1f3>

8.3 Pages in the same document with different orientations (portrait and landscape)

This is particularly useful when trying to do a letter and budget in one word document. You need to go to the format tab and click into the document settings. The following link provides a step by step guide.

<https://support.office.com/en-gb/article/Rotate-a-page-to-landscape-or-portrait-orientation-in-Word-9b5ac1af-9998-4a37-962b-a82b689572a9>

8.4 Bills

Depending on how you produce your bills will depend on the best way to format. The above (converting RTF to word and merging multiple word documents) should help most of you but Idrafft produces a few difficulties because it uses a header and footer to incorporate the lines:

If using idrafft you should look at this link: <https://support.office.com/en-gb/article/Delete-or-change-a-header-or-footer-on-a-single-page-a9b6c963-a3e1-4de1-9142-ca1be1dba7ff>

And then follow the above plus the below steps:

1. Inserted a section break at the start. Then specify that the header should not apply to front page.
2. Then insert a section break at the end
3. disconnect the pages as per the link
4. Remove header
5. Remove footer
6. Then (and this is the key) insert another section break at the end before copying and pasting the rest over on to the second blank page. You can then delete the unwanted blank page.

8.5 Budgets

You are likely to produce any budget in excel. The easiest way to then move what you have produced into word is by using paste special.

<https://support.office.com/en-gb/article/Paste-Special-e03db6c7-8295-4529-957d-16ac8a778719>

You can opt to copy the budget page by page and paste into word using paste special and pasting as either a jpeg or pdf. This may however result in large file size and uneditable text.

Another option is for you to copy and paste the budget and then:

1. Click anywhere in the table.
2. Click the [Layout] tab > locate the "Cell Size" group and choose from of the following options: To fit the columns to the text (or page margins if cells are empty), click [AutoFit] > select "AutoFit Contents."

8.6 Screenshots/JPEGs and PDFs in word documents

You may take screenshots and include things in your submissions as images. If you do this, please note the issues in respect of picture size and compressing files and this link should assist with that:

<https://support.office.com/en-gb/article/Reduce-your-file-size-631d1d48-a56b-4fd4-ad66-091dd201db10?ui=en-US&rs=en-GB&ad=GB&fromAR=1>

9. Generic feedback

After marks have been uploaded to the OLE, you will be provided with a generic feedback document by your tutor. This is not designed to be a sample answer, but many of the points included within the feedback will have been considered in a response that was marked at distinction level.

The generic feedback is designed for you to use in conjunction with the specific feedback provided by the marker. For example, if you received a comment that you could have included reference to additional law, the generic feedback should assist you with identifying what else you could have included.

The marking rubric should also be considered in conjunction with the specific and generic feedback. All of these tools are designed to assist you with progressing through the current marking band and into higher bands i.e. achieving higher marks in future assignments and the exam.

Where you do not feel feedback is clear, or you do not understand how the mark awarded for a piece of work aligns with the feedback you have received you should contact your tutor.

10. Client care and duties to other parties to the proceedings

When asked to write a letter to a client or opponent in an assignment or in an examination question, consideration should be given to client care and the rules of ethics and professional standards. This will also help you in your day to day costs work and most of the principles, below, will be of use when writing other submissions/answers.

10.1 Preliminary Steps – instructions from/advice to the client

- a) Taking instructions from client
- b) Deciding how to put those instructions into effect
- c) Researching the law

Taking instructions from the client:

- ✓ What does your client want?
- ✓ What are the background facts?
- ✓ Are your client's instructions complete?

It is your role, when writing to the client, to highlight the issues, advise your client and seek further instructions as required.

Deciding how to put those instructions into effect:

- ✓ Ask yourself what you are trying to achieve when writing
- ✓ What is the best way of achieving this?
- ✓ Analyse the instructions from the client.

Researching the law:

- ✓ What is the relevant law?
- ✓ If I don't know the relevant law, how do I find this out?

10.2 Language

Five Rules when drafting or writing letters to a client:

1. Use simple and direct language ('Plain English')
2. Keep sentences and paragraphs short
3. Think before you use the passive
4. Avoid ambiguity
5. Be careful how you use 'shall' and 'will'

What is 'plain English'?

Saying what you intend to say clearly, concisely and correctly so that it is understood at the first reading by your intended reader. It emphasises the fundamental rule of communication—that the reader should understand unambiguously the message you intend to communicate.

What is 'standard English'?

It is the English used in our institutions and is the language variety taught in UK schools. This is the closest definition. People will probably never agree on the detail.

Writing differs from the spoken language

Written language has to make up for the absence of immediate response and non-verbal communication—important characteristics of spoken language. Non-verbal communication carries a lot of subtle meaning and enables us to add meaning to the messages we give out and receive. In writing, on the other hand, these are absent. Consequently, you will need to be much more careful about how you structure meaning in the written language.

What is meant by 'padding'?

Using additional words to avoid using a single word. Doing this very occasionally isn't a problem. Doing it all the time makes your writing verbose and clumsy.

10.3 Writing Letters

This is to be read in conjunction with other guidance provided in this Academic Handbook. A different approach may need to be taken according to the audience.

Who is the addressee?

There are 4 potential addressees:

- ☑ **The lay client:** Take care to avoid jargon when writing to a lay client. Explain all unfamiliar terms but try not to make the tone patronising.
- ☑ **The business client:** The business client will generally be familiar with the tone and language used in lawyer's letters so you can get to the point quickly!
- ☑ **Other professionals:** Other professionals may need some legal terms explained.
- ☑ **Other Solicitors:** You need to consider what type of matter you are dealing with and always remember that the other side may send a copy of the letter to their client.

Starting and Ending a letter:

- ☑ Letters starting 'Dear Sirs/Sir/Madam' all end with yours faithfully
- ☑ A letter addressed to a person by name should always end yours sincerely

Overall Structure: You should always include an initial heading identifying the matter. A complex letter will be easier to understand (and reply to) if you give each paragraph a heading or a number.

Form and Style:

- ☑ If you are writing in the firm's name (e.g. a formal letter to the other side) write in the first person plural ('we') and be consistent.
- ☑ Acknowledge the addressee's last communication. If it is your first letter to the addressee, explain your involvement.
- ☑ State the purpose of the letter.
- ☑ Write in a restrained tone avoiding jokes. Rarely use exclamation marks and do not express surprise or amazement.

11. Example documents

In the appendices you will find examples of some of the types of document you will be required to prepare over the three units of the course. Refer to each assignment brief for the specific requirements. Sometimes you will be provided with a template or you will be required to identify the necessary document or form to your tutor who will then provide you with this.

11.1 Memorandums

Format

The document should be headed "Memorandum", at the centre of the page. There should then be the following details:

- ☑ **An addressee:** Flush left, near the top of the page
- ☑ **The sender:** Flush left, immediately below the addressee
- ☑ **Date:** Flush left, immediately below the sender's name
- ☑ **Subject and any relevant reference:** Flush left, immediately below the date

The tone of memorandums (memos) is usually informal and friendly; a certain succinctness is acceptable. The structure of the memo should contain the most important information in the first paragraph. The first paragraph may also include definitions. It will depend upon the subject matter of the memo. Subsequent paragraphs should spell out what's discussed in the first paragraph. It is permissible to include headings, sub-headings and, in certain circumstances, bullet points or a list may be considered appropriate, but consider the requirements of each specific assignment brief.

Appropriate business language

See also the information in section 4. Standard English should be used and you should follow established rules of grammar. When asked to converse in less formal situations, or when you are writing less formal correspondence, less formal English may be used. You should, however, still remain respectful and professional. Slang should be avoided; even words or expressions that are commonly accepted in other settings. Even where the communication is between two legal professionals, use jargon sparingly and only when speaking or writing to an audience that will be familiar with the terms used. You may be asked to write advice to a legal professional explaining procedures, for example, that he or she is not familiar with.

11.2 Letters

Drafting a legal letter requires numerous considerations prior to beginning to put words on the page. The issue of client care is of particular concern. You will need to keep in mind the requirements of the relevant codes of conduct.

In addition to the points made in section 6, above, consideration should be given to the following points to ensure that the letter is professional, helpful and meets its requirements or purpose.

- ☑ **Purpose:** consider the purpose of the letter. This is paramount as there are many different purposes that a letter covers and the way it is written will differ according to the purpose. It is the foundation for all other considerations that may be different for each purpose. Information, guidance or requests are just three examples of the purpose of a letter.
- ☑ **Audience:** consider who your audience is. This is important as it will govern the tone and language that the letter should contain. For example, a lay client would not understand complex legal issues or legal language in the same way a fellow legal professional or judge would.
- ☑ **Structure:** Every word used in the letter must have a purpose. Bear in mind that the reader will be a very busy legal professional or a confused, worried or angry client and the content of the letter must meet their needs in as clear and concise way as possible.

Presentation and layout is very important. It must look and convey a professional approach. It must be easy to read. There is no standard layout and each practice will have an individual house style based around the practice headed paper, but there are some basic rules that should be followed.

- ☑ **Tone:** Ensure that the tone of the letter is balanced and is in keeping with the subject that it covers. Some matters may require a firm tone or send a sense of urgency; for example where information or documents are required to be served or filed to meet a specific deadline. Other letters may command a need for sympathy, for example when dealing with a lay client who has encountered a particular problem.
- ☑ **Accuracy:** It goes without saying that a letter from a legal professional must be completely correct and up to date. The law changes so quickly and it is important to ensure that the letter reflects any recent changes. The effect of including out of date legal issues in a letter can not only be detrimental to the case in hand but to the client and the reputation of the firm. There can also be implications under the codes of conduct.

There must not be any spelling or grammatical errors. It is therefore imperative that the letter is proof read and a spelling and grammar check carried out (although note that this is not always going to identify all errors). If there are mistakes, it only serves to project an image of the firm as being unprofessional or sloppy. Where a letter contains financial information, whether it is for billing/fee purposes or quoting

the amounts of offers, an error can have far reaching effects for both the firm and the client either through loss of monies or provision of false hope.

- ☑ **Client Care:** bear in mind any necessary issues of client care when writing letters (see also section 6, above)

Format of the letter:

- ☑ **Reference:** include this to ensure that it is clear what case/client is being discussed
- ☑ **Date:** ensure that the letter is correctly dated, particularly if it refers to deadlines
- ☑ **Address** - ensure the addressee and address are correct
- ☑ **Salutations**
 - letters beginning with 'Dear Sir/Madam' should end in 'Yours faithfully'
 - letters referring to a name should end with 'Yours sincerely.'
 - Where possible ascertain how a female addressee prefers to be addressed, for example 'Miss', 'Mrs' or 'Ms'
- ☑ **Matter:** use an initial heading to clearly identify the matter being discussed
- ☑ **Headings/sub-headings:** these may be useful for ease of reference in complex letters (refer to the specific requirements of the assignment brief)
- ☑ **Signature:** this should contain your name and status and the name of the firm. You may wish to put your email address after these details or this may be included with the firm's details at the start of the letter.
- ☑ **Enclosure:** if there is an enclosure then you should put "enc" to identify this

11.3 Emails

There is no particular format for preparing an email and you should consider the specific requirements of the assignment brief. Consideration should be given to the information given in respect of writing letters and memorandums. For example, consider the purpose, audience, structure and tone. Much like a memorandum, an email is likely to be more informal than a letter, but you will need to remain professional.

11.4 Skeleton Arguments

More specific guidance on how to prepare a skeleton argument will be given during the course. A skeleton argument is a written document provided to the court in advance of a hearing. It summarises the issues to be addressed and the authorities to be relied upon. They provide a platform for the advocate to make the party's case during oral submissions – they are the bare bones of the case and the advocate will flesh these out during oral submissions. They are very useful as a preparation tool for the advocate.

The CPR offers guidance on the form and content only in relation to appeals (CPR 52). This does not mean, however, that they do not have a place elsewhere in proceedings and, in the course, you may be asked to prepare a skeleton argument for proceedings other than an appeal.

The format required by ACLT for the course is as follows (see the example in the appendices). Skeleton Arguments must:

- ☑ be concise;
- ☑ both define and confine the areas of controversy;
- ☑ be set out in numbered paragraphs;
- ☑ be cross-referenced to any relevant document in the bundle;
- ☑ be self-contained and not incorporate by reference material from previous skeleton arguments;
- ☑ not include extensive quotations from documents or authorities.

As indicated above, these documents should be concise and, for the purposes of the course we expect the documents to be between 4 and 6 pages long, unless otherwise advised within the specific requirements of the assignment brief. Note, however, that in practice, particularly for appeals, skeleton arguments may be longer depending upon the issues (but CPR PD 52C, para 31 sets out that they must not normally exceed 25 pages (excluding front sheets and back sheets) and be printed on A4 paper in not less than 12 point font and 1.5 line spacing).

12. Appendices example formats for assignment documents and other relevant documents/information

Example Format of Document	Appendix
Memorandum	1
Letters	2
E-mail	3
Skeleton Argument	4
Bibliography	5

The following is a list of precedent documents to be found in the Civil Procedure Rules (CPR) and to be utilised for relevant assignments. For some of the documents there is a link to the precedent from the document title in the table, but please ensure that you use the relevant precedent; sometimes you may be required to use an older version, or there will be an updated precedent which is required to be used.

Document	Precedent
Bill of Costs	A
Bill of Costs (detailed assessment of additional liability only)	B
Bill of Costs (payable by defendant and LSC)	C

Bill of Costs (alternative form, single column for amounts claimed, separate parts for costs payable by the LSC only)	D
Legal aid/LSC schedule of costs	E
Certificates for including in bills of costs	F
Points of Dispute (and replies)	G
Costs Budget (pre April 2016)	H
Solicitors Act 1974 documents	J – P
Breakdown of the costs claimed for each phase of the proceedings	Q
Budget discussion report	R
Electronic Bill	S

Your tutor will be happy to assist if you have any particular queries over the document to be prepared and/or the style required.

Appendix 1: Example format for a memorandum

MEMORANDUM

To: Barry Briggs

From: Alan Avery

Date: 5th May 2017

Re: The duties of a costs lawyer under the Codes of Conduct

[CONTENT]

Appendix 2: Example formats for a letter – example 1

Your Costs Ltd
1 Costs Lane
Coststown
Costsshire
CC1 2BB

Tel 020 123 4567
Fax 020 123 4568

Our Ref: AA/AB/0001
Your Ref: AB/12345/Smith

6th May 2017

Mr B Briggs
A & B Solicitors
Sometown
Oneshire
ON1 1ON

Dear Sir,

Re: Smith v Jones claim for costs

[content]

Yours faithfully,

Alan Avery
Trainee Costs Lawyer
Your Costs Limited
AA@YC.co.uk

Enc. [where there is an enclosure]

Appendix 2: Example formats for a letter – example 2

Your Costs Ltd
1 Costs Lane
Coststown
Costsshire
CC1 2BB

Tel: 020 123 4567
Fax: 020 123 4568

Our Ref: AA/AB/0001
Your Ref: AB/12345/Smith

6th May 2016

Mr B Briggs
A & B Solicitors
Sometown
Oneshire
ON1 1ON

Dear Mr Briggs,

Re: Smith v Jones claim for costs

[content]

Yours sincerely,

Alan Avery
Trainee Costs Lawyer
Your Costs Limited
AA@YC.co.uk

Enc. [where there is an enclosure]

Appendix 3: Example format for an email

To: Barry Briggs (Barry@ABCSolicitors.co.uk)

Subject: Smith v Jones claim for costs Our Ref: AA/AB/0001 Your Ref:
AB/12345/Smith

Dear Barry,

[content]

Kind regards.

Alan

Email: AA@YC.co.uk

Appendix 4: Example format for a skeleton argument

IN THE.....COURT
NO:.....

CLAIM

BETWEEN:

XXXXXXXXXXXXX

Claimant

-and-

YYYYYYYYYYYYY

Defendant

SKELETON ARGUMENT

1. Introduction

[The.....applies under.....to.....]

2. Background

3. **Legal Framework/Issues** [Dependent upon nature of hearing]

[Set out relevant legal content of the application and any legal definitions relating to the application. If skeleton being used for multiple issues or case management hearing etc, may define the issues first.]

4. **Issues** (If not already set out)

[List of issues to be determined by the court that are in dispute or can reasonably be inferred to be in dispute e.g. whether the defence has a real prospect of success, whether application made promptly etc.]

5. Submissions

[Outline submissions, defining any legal concepts relevant to each issue and drawing upon the facts to demonstrate the point being made. Must also seek to link the arguments into the legal framework for the hearing/legal framework for each issue if not a single procedural matter.]

Issue (a) – XXXXXXX

6. Submission 1 (reference in support).

7. Submission 2 (reference in support).

8. Submission 3 (reference in support).

Issue (b) – XXXXXXX

9. Conclusion

[The respectfully invites the court to.....]

Name

Appendix 5: Example bibliography

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