

# Law Student

// issue 2

// Top tips for effective revision

// How to survive exams

// Get the best from online research

// Becoming a barrister – Your FAQs answered

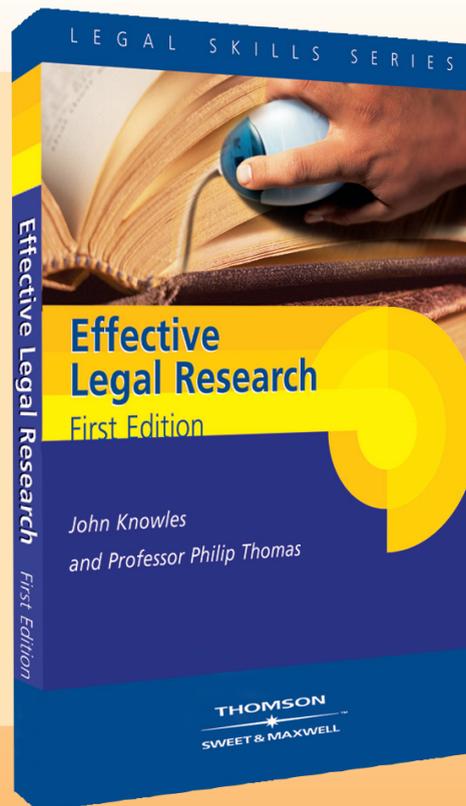
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## Letter from the Editor



Welcome to this second issue of Law Student from Sweet & Maxwell. And thank you to everyone who gave us such valuable feedback about the first issue, particularly those who requested further copies.

In this edition we've got two articles to help you during revision and

exam time, including advice on how best to prepare for and sit exams and tips for carrying out revision.

For those of you thinking about becoming barristers, there are answers to the most frequently asked questions, and we take a look at how to get the best from online legal research.

There is also an article on the European Commission's Socrates-Erasmus programme, the world's largest study abroad scheme.

We've got our regular guides to the different types of books you can purchase to help you study your chosen courses, help you in developing your learning skills and help you in revising for exams.

Much of the content of Law Student is written by the authors of books we publish to support you whilst you are studying law. It's a growing portfolio, and titles currently available include:

- **How to Study Law** – helps you identify the skills, techniques and attitude that's required to successfully study law
- **Effective Legal Research** – a practical guide to researching or tracing legal information effectively

- **The Devil's Advocate** – provides you with punchy advice and insightful comments to equip you with the skills you need to be effective in court

- **Osborn's Concise Law Dictionary** – contains over 5,000 definitions of legal terms, including Latin phrases

And, later this year, there will be three more guides publishing:

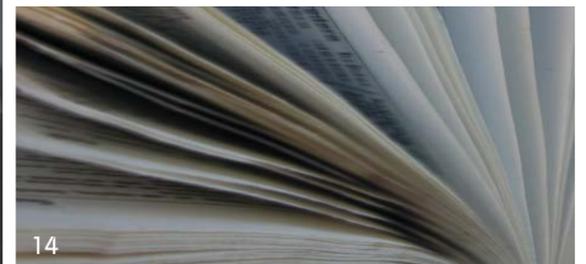
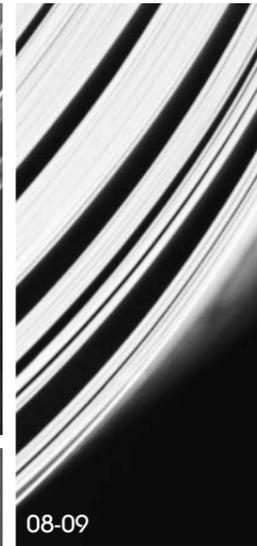
- **Glanville Williams: Learning the Law** – a new edition of the guide, philosopher and friend to students at every stage of their studies
- **Legal Writing** – Offers advice, ideas and suggestions on how to write effectively for legal assignments and exams
- **Careers in the Law** – an essential handbook on choosing and securing a career

As well as being designed to be a good read, Law Student aims to be highly informative, providing you with access to the information you need and that's of interest to you.

I hope you enjoy this new issue.

Sam Siddle  
Editor

# Law Student



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**Law Student** issue 2

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If you can't decide what books to spend your money on straight away, or have already purchased all the books you need for your current academic year, you can

always wait or spend some of the prize money. If you spend just part of your prize, the rest will be credited to be used against future purchases. You have three years in which to use up all of your prize money.

### How to get your law school entered

To stand a chance of winning the Sweet & Maxwell Law Prize, all you need to do is tell one of your lecturers about the prize and get them to register your law school. They can do this by emailing us at [sweetandmaxwell.lawprize@thomson.com](mailto:sweetandmaxwell.lawprize@thomson.com). We'll send a confirmation email to them and then wait to hear who wins.

All you need to do after getting your law school to register is win the prize!

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# Taking the Dread Out of the Three-hour Exam

Though you will undergo continuous assessment throughout your law degree you will also need to sit the unseen exam. The thought of sitting a three-hour exam may fill you with dread, but here, from *How to Study Law*, is advice on how you can survive, and thrive in your exam.

## Consider practising timed answers

If you find it difficult to write answers quickly, it is a good idea to practise writing some answers in the same time that you will have in the examination. Use questions from old examination papers.

## Feel as comfortable as possible during the exam

Before you enter the examination room, make sure you have all the pens, pencils and so on that you need. Wear something comfortable, preferably several layers of clothing so you can discard some if the room is hot, or add additional layers if you are cold. Check whether you are allowed to take drinks or food into the examination room.

If you are allowed to do so, it is a matter of personal choice whether you take advantage of this facility or not; some people find it helps to have a can of drink, others find it a distraction.

Check that you know where you have to sit, and whether there are any attendance slips or other forms that you have to fill in. Ensure that you know whether or not you will be told when you can start the examination; you do not want to sit there, waiting for an instruction that never comes.

## Make sure you get enough rest

Studying hard for examinations is a very tiring experience. Try to ensure that you get sufficient sleep and exercise, so that you remain as fresh as possible. Burning the midnight oil is not necessarily a sensible strategy.

### Top Tips to help you survive

- Practise writing some answers in the same time that you will have in the examination
- Get enough rest before the exam
- Make sure you have everything you need with you before you enter the exam room
- Read the instructions at the top of the exam paper very carefully
- Plan how long you are going to spend on each question/section
- Stick to the timings you have worked out
- Read the question carefully and ensure your answer is relevant
- Check you have answered all the questions you need to



### Read the rubric carefully

Make sure that you read the instructions at the top of the examination paper very carefully. The paper may be divided into different sections and frequently candidates must answer a certain number of questions from each section. Sometimes you will be asked to write certain questions in certain answer books.

Always make sure that you comply with any instructions of this kind; the examiner may not give you any marks for material you have written in contravention of such instructions.

### Develop good examination technique

In the examination, plan your time carefully. Provided that all the questions carry an equal number of marks, you should allow an equal amount of time for answering each question. Sub-divide your time into reading the question, planning the answer, writing the answer and checking it. Planning is a very important part of good examination technique.

If you spend a few minutes setting out a good plan, it will allow you to write a much fuller answer than if you are thinking out your answer as you go along, because all the basic thinking will be done at the planning stage, and you will be able to concentrate on writing a relevant answer.

### Keep to the timing you have worked out

Do not spend more than the time that you have allocated for each question. If you run out of time, leave that question and go on to the next one, returning to the unfinished question if you have some spare time later.

### Answer the question

Read the question carefully. To gain the maximum number of marks, your answer must be relevant to the question you have been asked. If you are familiar with a topic on which a question is set, it is tempting to write down a version of your notes, which includes all you know about that topic, in the hope that you will get a reasonable number of marks.

However, if you merely write all you happen to know about a topic, it is unlikely that you will be answering the question. You need to slant your information to the question, showing how the things you know relate to the precise question that you have been asked.

### Answer the correct number of questions

Under pressure of time, some people fail to answer the whole examination paper by missing out a question. Examiners can only award marks for what is written on the examination paper. By not answering a question, you have forfeited all the marks allocated to that question.

However, it is often said that the easiest marks to gain are the ones awarded for the beginning of an answer, so if you do run out of time, it is much better to use those final minutes to start the final question, rather than perfecting answers you have already finished.

### Remember that examiners are human, too

When you are writing an examination paper, you often feel as if the examiner is the enemy 'out there', determined to catch you out. In fact, examiners do not want candidates to fail. They generally expect students who have done a reasonable amount of work to pass examinations.

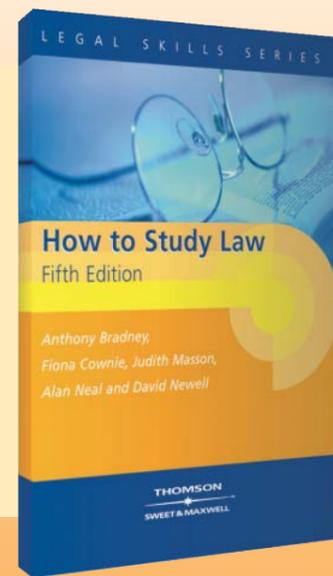
## Did You Know?

*Contumacy is the refusal to obey the order of an ecclesiastical court*

- Taken from the new, 10th edition of Osborn's Concise Law Dictionary (0421 900504) available from good booksellers price £9.95

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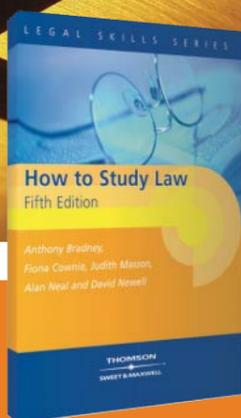
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The fifth edition of *How to Study Law*, by Anthony Bradney, Fiona Cownie, Judith Masson, Alan Neal and David Newell, is available from good booksellers at £14.95 (ISBN 0421 89380X)



# Getting the Best from Online Sources of Legal Information

Online information services provide access to an enormous wealth of information on the law, and are ideal for undertaking legal research. Here's how you can get the best out of these online services.

Searching the internet using Google, or alternative search engines, is second nature now to anyone with internet access. For many purposes it is an ideal way to find what you need to know. However, it would be wrong to assume that a web search is the only route to online information, especially when undertaking legal research.

To make effective use of online sources of law also requires that you learn how to use subscription database services.

Services such as Westlaw UK and LexisNexis Butterworths are the only sources, for example, that can give you a complete statement of law in force for England and Wales.



They, and other subscription services including Lawtel, also contain extensive archives of case law which are not otherwise available online. Just as important, the vast majority of journal articles currently accessible online are only available from database services, or from other subscription websites. All of these information sources – cases, legislation in force and journal articles – are effectively part of the hidden web. This means that unless you have access to subscription sources made available by a library, they will be closed to you.

## Access to subscription sources of law is usually straightforward

Check library, or law school web pages, or consult library staff, if you need help getting logged on. It is important to understand though, that searching online databases requires a different approach to that used in searching the internet using a search engine.

### Search Tip:

‘Break down your search query into single keywords and two-word phrases.

Then combine keywords using ‘search operators’ such as ‘AND’, ‘OR’ and ‘NEAR’.

A search engine such as Google, takes the keywords you have entered and ranks results according, among other things, to the number of links made to pages containing the search words you used, and the relative prominence of the search words used in the pages found.

Subscription databases use an index-based approach to retrieving information. Words in a subscription database will be indexed as title words, for example, or as names appearing in the ‘parties’ section of a case report. This will enable searches to be restricted to words in the title or names in the parties section or ‘field’ of the database. If a name, e.g. ‘Brown’ is tagged as the name of a party to a case for example, all cases in which someone called Brown is one of the parties will be listed in the computer index used for party names.

If you search for Brown as the party to a case, the name you entered is matched against the database indexes and the relevant documents retrieved. The database index works at this level in much the same way as the index to a book, and the database search software is performing an operation that is equivalent to looking up a word in the index and seeing which pages contain potentially relevant information.

### Search Tip:

‘Always look for the ‘Advanced Search’ when searching websites. Limit your search to the kind of document that interests you. Also specify e.g. that ‘All words’ must be found in the pages searched.’

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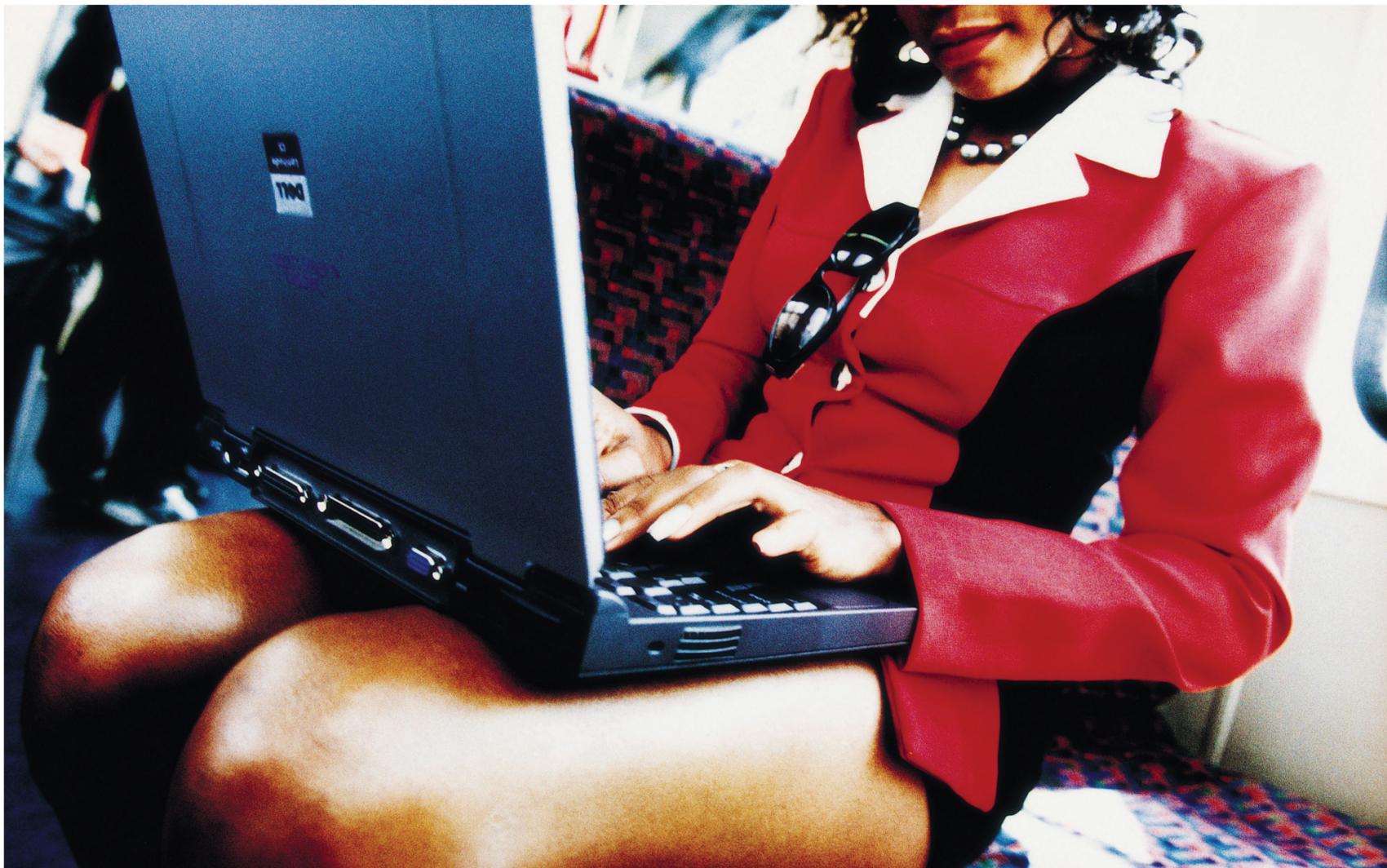
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## Boolean searching

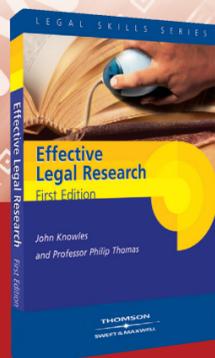
This indexing of words makes so-called 'Boolean' searching a powerful way of retrieving information from a database. An example might help.

Suppose first, that you wish to search the Legal Journals Index (part of the Westlaw UK service) in order to find journal references relevant to the issue of provocation as a defence. You are particularly interested in linking the issue to domestic violence against women. Enter the words **Provocation AND domestic violence** in the subject search area of the search page and click the 'go' button.

The search software will now retrieve all index entries that are linked both to the term 'provocation' and the term 'domestic violence'. The significance of the 'AND' (one of the 'Boolean operators') is that it requests this linking of index entries to be made. The result is a list of references which contain both the word 'provocation' and the words 'domestic violence'. (In many databases you need to use quotation marks to indicate that you wish 'domestic violence' to be treated as a phrase).

If you wanted to go further with this search, you might also consider that 'domestic violence' is not the only phrase of potential interest that could occur in the title or summary of a journal article. Another significant Boolean operator that can help is 'OR' which acts as a request to group the index entries for two different words. Using **Battered women OR domestic violence** will widen the scope to the references found to include these using either the phrase 'battered women' or the phrase 'domestic violence'. As there are articles which use the term 'battered women' but not 'domestic violence', more references will be found. Because of the way subscription databases are indexed, it is vital when searching, to break down your area of interest into key words and then combine those key words using 'And' or 'Or' in order to find relevant results. Reconsider your search words and re-edit them as you read your search results to improve on your initial search.

<http://www.westlaw.co.uk/>



This item is based on the 'Using online sources of law' chapter in *Effective Legal Research*, by John Knowles, Law Librarian, Queen's University Belfast, and Philip Thomas, Professor of Law, Cardiff University, available from good booksellers at £15.95 (ISBN 0 421 92270 2).

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## Top Tips for Effective Revision

Revision prior to an exam is vital, so these tips will help make your revision even more effective for achieving exam success.

### 1 Revision is personal

Think about exams you have revised for in the past. What went well? What went badly? How could you have improved on what you did by way of preparation for the exam?

Everybody is different. What works for other people might not work for you.

### 2 Know what you are revising for

Before you start revising, look at past papers. What style does the exam take? Does it have essay questions, problem questions or a mixture? How many questions will you have to answer? Are there any compulsory questions? Are there any compulsory topics? How long will it be?

### 3 Make a revision timetable in good time

Make a realistic revision timetable well in advance of the examinations, allocating a certain amount of time for each subject you have to prepare.

Most people find it best to study all their subjects concurrently, doing a bit of each one in turn, rather than finishing one before going on to the next one.

### 4 Reduce your notes to a manageable size

At the beginning of the revision period, you are likely to find that you have a large amount of notes. It is a good idea to reduce the size of these, by taking even briefer notes from your original notes, so that you end up with a manageable quantity of material to work with.

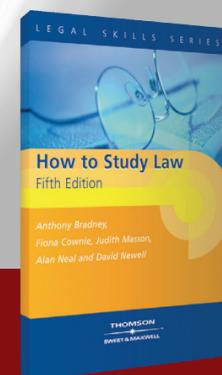
As the examinations approach, most people reduce their notes again, perhaps several times, so that a whole topic can be covered comprehensively, but speedily.

### 5 Question-spotting is a risky strategy

It is sensible to consider what sort of subjects might come up in the examination. Don't 'question spot' too precisely. You won't be able to revise the whole course.

Nevertheless you need to cover several subjects in addition to the three or four which you hope will come up, so that you have plenty of choice when it comes to deciding which questions you will answer in the examination. Being familiar with a range of subjects is a sensible strategy because:

- Your favourite topics might not come up at all.
- Some topics might come up, but in a way which is unfamiliar to you.
- Your favourite topic might be mixed up with another topic which you have not revised.



These tips are taken from the fifth edition of *How to Study Law*, by Anthony Bradney, Fiona Cownie, Judith Masson, Alan Neal and David Newell, which is available from good booksellers at £14.95 (ISBN 0421 89380X)

## Did You Know?

*Devilling is where one counsel hands over a brief to another counsel*

- Taken from the new, 10th edition of Osborn's Concise Law Dictionary (0421 900504) available from good booksellers price £9.95



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# Becoming a barrister – frequently asked questions

Around 575 people each year take pupillage on their way to becoming a barrister. Here, from the Bar Council Education and Training Department, are answers to those frequently asked questions. For further information visit [legaleducation.org.uk](http://legaleducation.org.uk).

## COMMENCING PUPILLAGE

### When can I start pupillage?

You can start pupillage as soon as you have successfully completed the Bar Vocational Course. If you have taken resits you must wait until you have sat and passed them before commencing pupillage. If you are a 'specially qualified applicant' under part IV of the Consolidated Regulations, you can commence pupillage after passing the Aptitude Test or after being exempted from that test. If you have taken the non-intending practitioners' course (also known as the Bar Exam or Bar Finals) and the your change of intention has been approved, you must pass the Vocational Conversion Course (VCC) before starting pupillage.

### Is there a time limit for starting pupillage?

Yes. If you commenced the vocational stage of training on or after 1 September 1998, you must start pupillage within five years of passing the BVC (or Aptitude Test or VCC as the case may be). The time-limit for starting pupillage can be extended by the Bar Council in individual cases if there are sufficient grounds.

### Can I start pupillage before being called?

Yes. Provided you have passed the BVC you may serve the first six months of pupillage, in whole or in part, before being called. However the whole of the second six months (including any periods of external training) must be served after Call. Deferral of all relates to students commencing the vocational course on or after September 2008.

### What else do I need to do before starting pupillage?

You must register your pupillage with the Bar Council on the appropriate registration form before you commence pupillage. Any periods of time spent in chambers before registration will not count towards your pupillage. Registration forms should be returned to Dawn Elvy in the Education and Training Department.

## TIME REQUIREMENTS

### How long am I required to spend in pupillage?

Twelve calendar months (unless your pupillage has been reduced by the Qualifications Committee).

### What is the difference between the first and second six months?

The first six months are non-practising, that is, you may not accept professional instructions during that period (except for noting briefs: see below). During the second six months, you may accept instructions on your own account provided that you have the permission of your pupil supervisor or head of chambers.

### Is pupillage full-time?

Yes. The Code of Conduct requires you to apply yourself full-time to pupillage, which requires a minimum of 35 hours per week. However, the Qualifications Committee has discretion to waive the full-time requirement in exceptional circumstances (e.g. in relation to a legal academic who has been granted a reduced pupillage). Contact the Training Regulations Officer Pauline Smith for further information about making an application.

### Can I take on part-time work during pupillage?

You may take part time work with the permission of your pupil supervisor, provided that, in his or her opinion, it will not materially interfere with your training.

### Can I take holiday during pupillage?

Under the Working Time Regulations 1998 you are entitled to four weeks leave per annum. Policies vary as to whether this includes bank holidays, the period between Christmas and New Year etc. If you are taking any longer period of leave, you will need to obtain permission from the Qualifications Committee and an extension of the overall period so as to compensate for the breaks.

### Can pupillage be divided into two or more shorter periods?

The first six months of pupillage must be served in a continuous period, save with the permission of the Qualifications Committee. The second six months must be commenced within 12 months of completing the first six months and can be served in a continuous period or with breaks no more than one month in length, provided that the whole of the second six months is completed within an overall period of nine months. Applications for permission to split pupillage should be made to the Qualifications Committee.

### Where can I undertake pupillage?

The first six months may be undertaken in England and Wales in a chambers or other organisation authorised by the Bar Council to take pupils. The second six months may be undertaken in any member state of the EU, provided that it is undertaken with a registered pupil supervisor in an organisation approved by the Bar Council to take pupils.

### Can I do pupillage in a jurisdiction outside the European Union?

The Qualifications Committee has the discretion to recognise such other form of training as satisfying all or part of the practising period of pupillage as it considers appropriate having regard to the particular circumstances of the person concerned. This may include pupillage in another jurisdiction. You will need to make an application for permission to undertake external training on the appropriate form.

## EXTERNAL TRAINING

### Do I need approval to undertake external training?

You need the prior approval of the Qualifications Committee for any period of external training. You can download an application form from the Bar Council website or contact the Training Regulations Officer.

### Does external training count towards pupillage?

External training may only count towards the practising six months and must be undertaken after Call.

### Do I have any rights of audience during external training?

You may only exercise a right of audience as a barrister if you have completed the non-practising period of pupillage and you have the permission of your pupil supervisor or head of chambers.



## ACCEPTING INSTRUCTIONS

### When can I start to accept instructions?

During the second six months, provided that you have the permission of your pupil supervisor or the head of chambers.

### Can I do a noting brief in the first six months?

Yes, provided that you have the permission of your pupil supervisor or head of chambers.

### Can I be paid for doing a noting brief?

Yes.

### When do I need to take out my own insurance?

You are covered by your pupil supervisor's insurance until you receive a full practising certificate. Third six pupils may continue to be covered by their pupil supervisor's insurance provided that the pupil supervisor does not have another pupil (or has obtained permission from the Qualifications Committee to take more than one pupil at a time). A barrister who is squatting in chambers must take out their own insurance with the Bar Mutual Indemnity Fund as they are offering services as an independent practitioner. Employed barristers should be covered by their employer's insurance.

## CERTIFICATION OF PUPILLAGE

### What do I need to do at the end of the first six months?

At the end of the first six months you must get your pupil supervisor to sign a certificate (available in the Pupillage File or from the Education and Training Department) confirming satisfactory completion and send it to the Education and Training Department, along with the completed pupillage checklist, you will then receive a Provisional Qualification Certificate.

### What do I do at the end of the second six months?

At the end of the second six months you must get your pupil supervisor to sign a certificate (available in the Pupillage File or from the Education and Training Department) confirming satisfactory completion and send it to the Education and Training Department. You will then receive a Full Qualification Certificate.

### What do I do if I am unable to obtain a certificate from my pupil-supervisor?

If your pupil supervisor refuses to sign the relevant certificate, you can ask your Inn, on the grounds that the signature has been wrongfully withheld, to grant a certificate of satisfactory completion, and to request the Bar Council to register it and issue the provisional of full certificate, as the case may be. You may appeal to the Bar Council (Qualifications Committee) if your Inn refuses to grant a certificate of satisfactory completion.

## REDUCTION IN PUPILLAGE

### I have spent a number of years working in a legal environment, can I obtain a reduction in the length of pupillage?

If there are sufficient grounds, you may apply for a reduction in the length of pupillage. The grounds for such an application must be the completion of some substantial training and/or experience that can be realistically equated to service of pupillage. 'Specially qualified applicants' mentioned in Part IV of the Consolidated Regulations and legal academics, if approved for Call to the Bar, will be considered for a reduction of pupillage on the basis of relevant experience during the application process.

### How do I apply for a reduction in the length of pupillage?

The application must be made on a prescribed application form. The form can be downloaded from the Bar Council website or obtained from the Training Regulations Officer.

### Will a reduction of pupillage count against the first or second six months?

Normally any reduction of pupillage will only count against the second six months.

## MISCELLANEOUS

### What regulations govern pupillage?

Pupillage is governed by the Consolidated Regulations of the Inns of Court.

### Where can I get the Consolidated Regulations?

You can download them from the Bar Council website, or obtain a hard copy from the Education and Training Department at the Bar Council. See the Careers section, Regulations.

### Can I obtain a pupillage from a friend in chambers as a 'favour'?

All pupillages must be advertised, and pupils must be recruited via an official recruitment process. Each set of Chambers has its own process described in their Pupillage Policy Document. Chambers which offer unadvertised pupillages as a 'favour' are in breach of the Equality Code. The Bar Council may not register such a pupillage.

### Do pupils have to pay Council Tax?

Pupils are not automatically exempted under the Council Tax Regulations as pupillage does not constitute an exempted apprenticeship. However, some pupils may be entitled to a reduction on the grounds of low income. For further information contact the council tax office at your local authority.

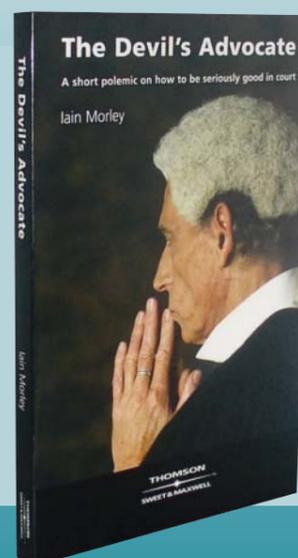
## Did You Know?

*Amotion means removal from office*

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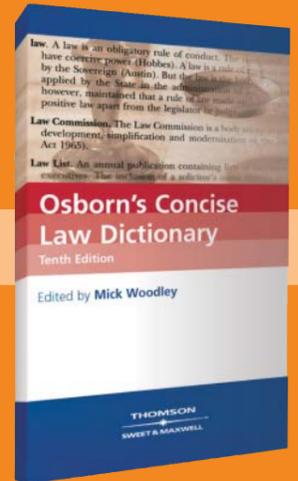
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## Did You Know?

Recaption is a remedy available without recourse to the courts to a person where another wrongfully detains his wife, children or servants. The injured party can lawfully retake them, as long as it is done without causing a breach of the peace.

- Taken from the new, 10th edition of Osborn's Concise Law Dictionary (0421 900504) available from good booksellers price £9.95

Osborn's Concise Law Dictionary has over 5,000 definitions of legal terms, including Latin phrases, plus an extensive list of journals, law reports and their abbreviations. It is edited by Mick Woodley, Lecturer in Law, and a team of contributors from the University of Northumbria at Newcastle.

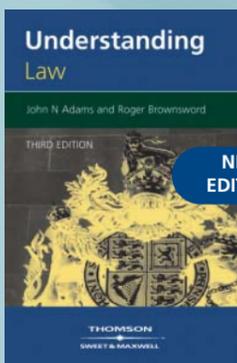


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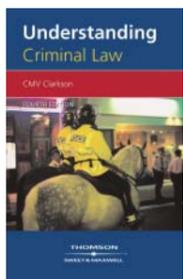
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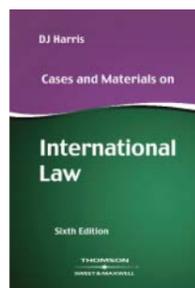


The Understanding Law Series is a collection of introductions designed particularly with the new law student in mind. Written in an engaging style that avoids unnecessary legal jargon, each text offers an overview of a specific area of law, highlights the variety of legal problems which legislation strives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

Titles include:

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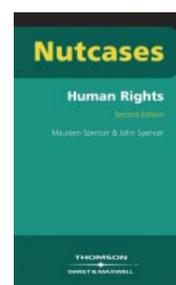


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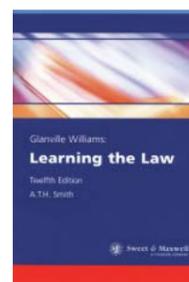
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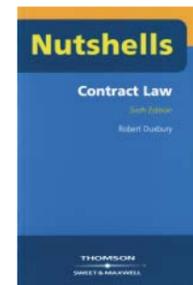
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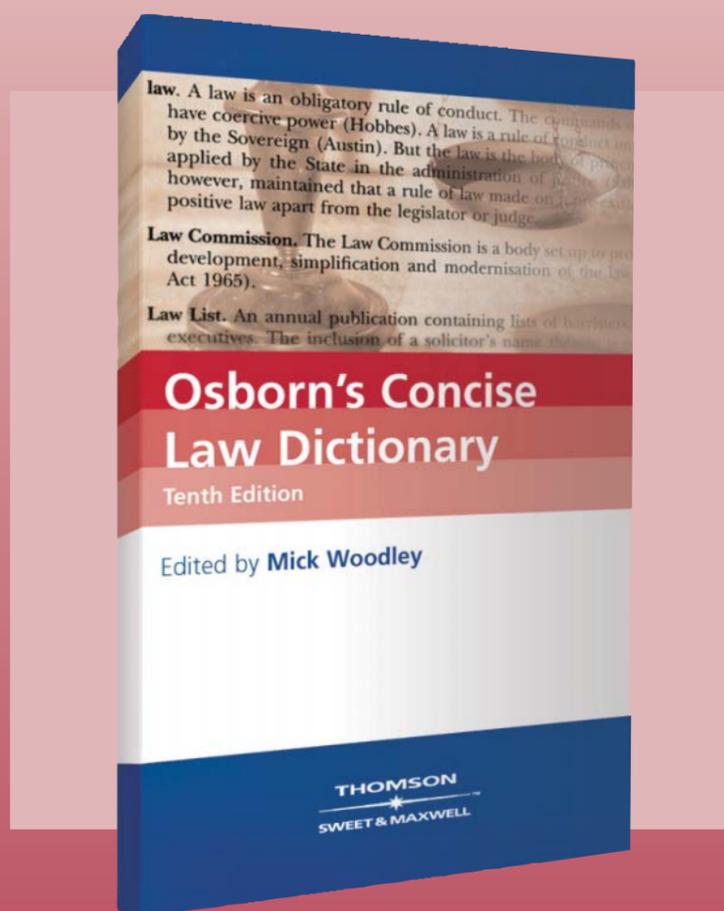
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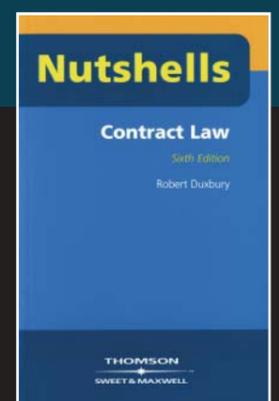
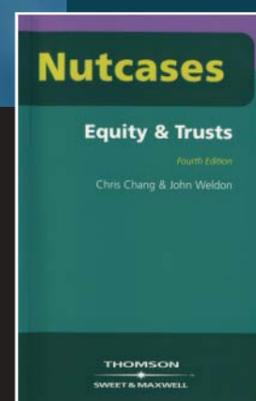
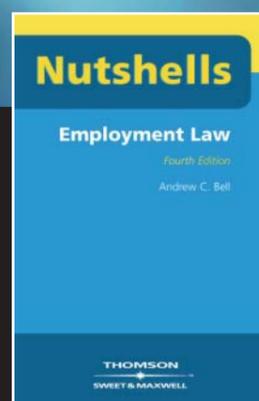
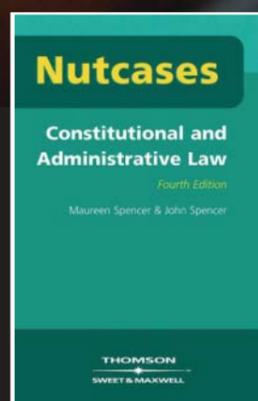
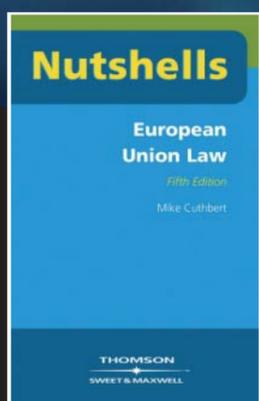
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