

ESSAY ROUTE STUDENT GUIDANCE

Members undertaking the Essay route research, prepare and submit three papers of approximately 5000 words in length on a subject selected from those published on the STEP Website. The purpose of these papers is to demonstrate a level of knowledge acceptable to the Society. The level required of the papers submitted is equivalent to an honours degree at bachelor level i.e. level 6. A panel of adjudicators assesses each paper.

These notes have been prepared on behalf of the Essay Committee, many of whose members adjudicate and assess papers, in the hope that they will assist candidates to respond to questions posed.

This guidance is divided into the following sections:

1. **Answering the question**
2. **Structuring your answer**
3. **Presenting your work**
4. **Common errors – or tips to annoy the assessor**
5. **Please do not!**
6. **Plagiarism and Collusion**
7. **And Finally**
8. **Summary**

1 Answering the question

1.1 Selecting the question – It is important to select the “right” question for you. If a topic is outside of your experience or is an issue that you find to be dull, then it is unlikely that you will be able to devote sufficient enthusiasm to the paper. This will be likely to shine through to an assessor. If none of the questions are within your area of expertise or interest then it may be worth looking for the appropriate question the following year.

Some candidates choose to answer multiple questions for the same submission session. This is fine, but do be aware that paper registration fees are non-transferable, and candidates often find that they do not have time to address all of the papers they registered once the deadline approaches. Candidates should plan and time their research and essay writing accordingly.

1.2 Answer the question – This is the key issue.

Candidates often go wrong from the start, by not doing what the question demands of them. It is essential to identify the issues that the examiner wants you to discuss. You should carefully consider the wording of the question which will have been carefully selected to ensure that you address all of the relevant issues that the examiner will want you to address. Watch out for the “instructional words” in the question. These inform you what is to be done with the material: whether you are meant to describe, analyse, evaluate or compare and contrast with something. Some examples include:

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|-------------------|--|
| Advise | offer suggestions about the best course of action to someone |
| Analyse | examine (something) methodically and in detail in order to explain and interpret it |
| Assess | evaluate or estimate the worth, value or importance of something (to judge) |
| Clarify | make (a statement or situation) less confused and more comprehensible (to make clear) |
| Comment | a verbal or written remark expressing an opinion or reaction |
| Compare | estimate, measure, or note the similarity or dissimilarity between |
| Consider | give careful thought to something |
| Contrast | bring out the differences |
| Criticise | form and express a judgment backed by evidence and authority |
| Discuss | investigate or examine by argument, to arrive at a conclusion |
| Evaluate | assess the value or worth of something (to value) |
| Examine | investigate in detail, to question, to inspect (to weigh) |
| Explain | make (an idea or situation) clear to someone by describing it in more detail or revealing relevant facts |
| Illustrate | make clear using examples |
| Interpret | explain the meaning of |
| Review | a formal assessment of something |
| Reconcile | make (one account) consistent with another |

- 1.3 Brainstorming** – Take a pen and paper and spend 10 minutes writing down everything you know about the subject. Some people make a list and others put it into a diagram. Organise your storm either by ranking the points into order of importance or reorganise your material into headings. These notes can be developed as research continues and may help to ensure that sufficient thought is given to the structure of an answer.
- 1.4 Preliminary background reading** – Once you have identified the relevant issues in a question it is important to start by reading around the topic. Assessors would expect you to include within your bibliography reference to relevant up-to-date textbooks, reference to relevant recent articles and reference to relevant law reports. It is often helpful to have read an individual Judgment rather than simply a summary of a Judgment contained within a textbook or article – to be able to gain the in depth insight necessary to impress an assessor. Sometimes there is a minority view expressed in an appellate Judgment and the examiner may wish you to have considered this point of view.
- 1.5 The Internet** – The Internet can be a friend and an enemy. It can be a useful starting point for research; however, just because a comment appears somewhere on the Internet it does not mean that this is an authority for the proposition being advanced. Sometimes information contained on the Internet is wrong or out of date.

2 Structuring your answer

Answering the question is certainly the key issue in essay writing. However, some essays, though they appear to have done this, fall short because the information is so badly organised. Making sure your answer is properly structured will avoid this and help maximise your chances of good marks.

The assessor will expect to see an introduction followed by the substance of the response to the question and finally a conclusion. The conclusion should be followed by a bibliography and then the reflective log.

- 2.1 Introduction** – The introduction can be an important first step to grab the attention of the assessor. Any introduction must not be flippant or inappropriate but can usefully set the tone for the subsequent text. Introductions should examine the question by defining key terms, outlining what the wording implies and giving an indication of how you intend to answer the question. An introduction should be read first and written last, when you know what direction your answer has taken.
- 2.2 Substance of your essay** – This is the main part of your essay which involves setting out your response and supporting it with argument and evidence (cases, legislation, reference to books and journals etc).
- Most candidates break the essay down into paragraph headings. This not only ensures clarity of thought but also guides the examiner to see that the candidate has addressed relevant issues.

Often it becomes important at an early stage in an answer to define what the issue is about. Just as an illustration, a recent question related to “mutual wills”. Most candidates successfully defined the concept within a sentence or two. Further in-depth analysis would, however, be required such as whether the agreement can be oral or written; whether the obligation arises by virtue of a contract or other constructive, or both; whether the argument must apply to all or part of the estate; and the circumstances in which the Will is revocable. The definition of an issue can be much deeper than first appears. Sometimes it is necessary to explain the key principles by expanding upon the definition that has been provided. Sometimes it is appropriate to apply the facts of the question to the definitions you have provided.

- 2.3 Conclusion** – This is another key part of your essay. This is where you pull together and restate the main points of your essay in order to make some overall statements in response to the question.
- 2.4 Bibliography** – This should include full citations for all relevant cases, leading textbooks (most up-to-date editions), academic Journals, articles, courses attended etc.
- 2.5 Reflective log** – Reflective logs are compulsory. Examiners will take these into account in borderline cases. These should be typed and between 400-600 words. Suggested questions to answer are:

- What was my reasoning for choosing this essay question?
- How have I planned my response to this question?
- Have I had to reassess or change my essay plan in light of information that I uncovered in my research? Has this also changed how I might approach my work with clients?
- What would I do differently if I was to start the process of writing this essay afresh?
- What have I learned while researching for this essay?
- How has my thinking changed?

3 Presenting your work

An index could be included at the beginning but this is based on personal preference or style. Some candidates place paragraph numbers in the margin but this is again a matter of personal preference and style. Some candidates choose to give references to cases or articles referred to in a footnote at the bottom of each page whereas others give a reference at the end of the article. Once again this is personal preference. It is however important to give a full and complete reference, because a case could have been decided one way in the High Court but decided the other way in the Court of Appeal. The assessor will need to know which part of the case the candidate is considering. Referencing should be consistent throughout. Print out your work with double margins and double spacing. Please do include page numbering.

4 Common errors – or tips to annoy the assessor

4.1 Not being up to date – The essays will be required to be presented under the Law of the candidate’s relevant jurisdiction, and will be judged on the Law at the date the essay was written. Candidates who make reference to tax appeals being determined by “special commissioners” or ultimate appeals in the United Kingdom being heard by the “House of Lords” only demonstrate a lack of knowledge of the appeal process. Some candidates have made reference in a bibliography to the 10th edition of a book which was in its 12th edition at the time the answer was written. Some candidates have made reference to a High Court decision when, by the time the answer was prepared, the case had been heard and overturned by the Court of Appeal. It will take much to impress an assessor if basic mistakes are made. Conversely, presenting the examiner with up to date knowledge will undoubtedly impress. Just as an illustration, a recent England & Wales Committee question made reference to mutual Wills. The Law Society had produced the Wills & Inheritance Quality Scheme a couple of months before the STEP assessment papers were lodged. Those candidates who made reference to the Law Society scheme demonstrated a breadth of knowledge and an up-to-date expertise of the law.

Ensure that your responses are accurate. For example, do not confuse the Legal Services Commission with the Legal Services Board – as one candidate did.

4.2 Be strong! – Using the phrase “I think that” is less powerful than language such as, “it is submitted that” or “the better view is that”.

4.3 Check – Check for basic errors such as spelling mistakes, eg “effect” vs “affect”.

4.4 Apply – Please ensure that you apply the facts of the question to the given answer.

4.5 Reference your work properly – It is very important to reference the sources of your work properly. There are two systems of referencing that you can use, either the Harvard system of referencing or the OSCOLA system. It is your choice as to which of these referencing systems you use but please make sure that you use it consistently and clearly. If you are not familiar with referencing there are many useful guides to be found online.

5 Please do not...

- Include irrelevant material. Examiners find that it is common for candidates to include many pages of material that is irrelevant to an answer. This uses up a word limit for no benefit (or an assessor may conclude that the inclusion of irrelevant material is simply being used to pad out an otherwise light answer).

- Include page after page of recitals of the facts of reported case. The assessor is seeking an analysis rather than narrative. The assessor will look for the correct application of cases to justify the conclusion in an answer. The assessor does like to see how different cases are contrasted or distinguished to reach an appropriate conclusion where justice demands it. Whilst it is important to provide authority for a proposition simply repeating lists of cases providing the same authority will not gain extra points and will again utilise a word limit. The absence of important Court of Appeal authority or a modern interpretation will undoubtedly lose marks.
- Be careful about what you disclose in relation to your own practice – particularly as your own practice may not be seen as orthodox.

6 Plagiarism and collusion

Plagiarism and collusion are treated very seriously. Plagiarism involves presenting work, excerpts, ideas or passages of another author without appropriate referencing and attribution. Collusion occurs when two or more candidates submit work which is so alike in ideas, content, wording and/or structure that the similarity goes beyond what might have been mere coincidence. Two or more candidates answering the same topic question should not share their work. It should be noted that if there is evidence of collusion, both candidates’ papers will fail. It is the candidate’s responsibility to make sure that he or she understands what plagiarism and collusion are and how to avoid them.

Each paper is expected to be the work of the candidate submitting and must not have been edited by anyone other than the candidate. Papers that are identified as copies of other papers will be failed. Each candidate should conduct his or her own research using text books, practice manuals, court reports, published articles etc. All material quoted from such sources should be correctly attributed. In house briefing notes, newspaper reports and STEP study texts are not appropriate reference materials on technical matters.

Where research has been conducted using the internet the same requirements for attribution apply. Text should not be copied without reference from the work of others, particularly from the internet, and where this is identified, papers will be failed.

All Essay students should read carefully the Academic Integrity Policy before submitting papers.

By submitting a Cover Sheet, candidates declare that their work is their own and that they have read and understood this guidance, the Rules and Regulations and the Academic Integrity Policy. Papers will not be accepted without a Cover Sheet.

7 And finally...

Enjoy your work. Take pride in your achievement. The work you produce may undoubtedly be a reflection of your own professional expertise. Your Committee wishes you the best of success.

8 Summary

8.1 Introduction

- Do you have one?
- Does it take the reader straight from the question to your answer?
- Does it interpret and frame the question as necessary?
- Does it broadly signpost your essay?

8.2 Main substance

- Have you used paragraphs?
- Does each paragraph express and develop a single idea?
- Have you dealt with all the issues posed by the question?
- Have you explicated important concepts/ideas, using examples and evidence where appropriate?
- Have you substantiated all your arguments with facts and evidence?
- Have you been side-tracked anywhere?
- Please ensure that you apply the facts of the question to the given answer.

8.3 Conclusion

- Do you have one?
- Have you drawn together the main threads of your essay?
- What general inferences can you draw from your argument relative to the question? (conclude, don't just summarise)

8.5 Bibliography

- You must include a bibliography.

8.6 Reflective log

- You must include a reflective log which will show your thinking to the examiner.

8.6 Cover sheet

- You must include a completed Cover Sheet attached to the front of your paper.

Paper submissions to be sent to:

The Membership Department
STEP Office
Artillery House
11-19 Artillery Row
London
SW1P 1RT

Submission of the paper(s) for which you have registered will signify your agreement to these Rules and Regulations, as stated on your paper's Cover Sheet. You must keep a copy of your thesis paper(s).

If you have any queries, please phone the STEP Office on **+44 (0)20 3752 3700** or send an e-mail to **step@step.org**