



UNIVERSITY OF
TECHNOLOGY SYDNEY

UTS: LAW

GUIDE TO WRITTEN COMMUNICATION 2009 Edition

law.uts.edu.au

Introduction

“We must speak by the card, or equivocation will undo us.”
Shakespeare, *Hamlet*, V.i.115-6

Written communication is an important skill, and it is critical for lawyers.

This guide aims to give you some aid in efficient written communication. Written assignments form a significant part of your assessment for this degree. Students are requested to pen essays, to address problem questions on points of law (“scenario problems”), to write court reports, and so on. While you will have time to review these efforts, you are under greater pressure in examinations. Exam essays do not need to comply with all of the formal requirements of other written work, particularly the use of footnotes and a bibliography. However, the general style and technique which you develop writing more formal material should enable you to write better essays under examination conditions. Whatever your background, you should aim to improve your ability to produce written work efficiently and competently, seeking to achieve as high a standard as possible, while meeting your deadlines.

Whichever field of the law you practice, much of your work will involve drafting a myriad of documents such as advices, pleadings and contracts. You should aim to enhance your abilities as a practitioner by mastery of the written language. This requires judgment: there is no reason to meticulously polish your prose beyond any useful point. You must get your work in, on time, and in an orderly manner. “Deadlines” are called that because submitted after the due date does not count – it is not “live”. It does not matter how good a piece of work is if it is too late to be taken into account by the judge, or marked by your teachers.

UTS law students are expected to adopt the style of legal writing found in the *Australian Guide to Legal Citation*, which is published by the *Melbourne University Law Review*. The most recent edition of that guide, the second edition published in 2002, is available on-line.

Contents

Basic Tips: Writing Skills.....	4
Spelling.....	5
Wordiness.....	5
Over-use of the passive voice.....	5
Basic Tips: Reading Skills.....	6
Basic Tips: Assignment Preparation.....	7
Start with reading the question carefully: define the question.....	7
Then Begin the Collection of Material.....	7
Basic Tips: Assignment Preparation (Con't).....	8
Making Notes.....	9
Making Notes (Con't).....	10
Planning your Essay from your Notes.....	11
Writing your Essay.....	12
Paragraphs.....	13
Headings.....	13
Word Limits.....	13
Writing your First Draft (Con't).....	14
Writing Answers to Scenario Questions.....	15
Master the Facts.....	15
Identify the Issues and the Principles of Law.....	15
Apply the Law to the Facts.....	15
Separate the Law from the facts.....	16
Writing Case Notes.....	17
Writing Answers in Examinations.....	18
Correspondence and E-Mail Correspondence.....	19
Punctuation and Style.....	20
Plagiarism and Other Forms of Cheating.....	21
Working in Study Groups.....	21
Work Previously Submitted.....	21
How Cheating Is Dealt with at UTS and the Faculty of Law.....	22
The Supreme Court and Cheating.....	22
UTS:LAW Policy on Written Assignments.....	23
Referencing.....	24
Footnotes (AGLC 1.1.1).....	24
The Bibliography.....	25
EndNote for law: AGLC_UTS.....	26
AGLC Legal Citation Formats.....	26
Judges (AGLC 1.13.2).....	29
Author Names.....	29
Journal titles (AGLC 4.5).....	29
Law Report titles (AGLC 2.3.2).....	29
Case Names- (AGLC 2).....	29

Basic Tips: Writing Skills

If you find that you have difficulties with written expression you should work on overcoming those difficulties, rather than allowing them to limit your level of performance. When writing your essay, remember that you aim to communicate your ideas to the reader. You are writing for an audience. The best way to communicate to your audience is to express your thoughts clearly, in simple language. Choose the shortest appropriate word, and avoid pretence or affectation. Do not try to sound “legal”.

There are some basic points to remember when writing:

1. You should use a dictionary when reading for an essay and when writing your essay. The UTS library makes the *Concise Oxford English Dictionary* available electronically, by distance. Other dictionaries are available in the library itself. Legal dictionaries, such as *Osborn’s Concise Law Dictionary*, or *Butterworth’s Concise Australian Legal Dictionary*, will particularly help with legal Latin. When you use a word you should be sure of what it means.
2. Common words and phrases, such as “negligence” may bear specialised legal meanings, or be defined by statute or case law. You should also be certain of your spelling, and not rely upon computer-generated spell-checks which cannot distinguish when a word is correctly spelt, but is the wrong word (eg, “I have to hands” for “I have two hands”).
3. The thesaurus is an under-utilised help. You can use it for stylistic variation, and also, if you cannot find exactly the word you want, perhaps a near-hit in the thesaurus will prompt you with the required term. In fact, it may well be worth your while to purchase both a dictionary and a thesaurus.
4. There are also many useful short works on English grammar and usage, such as Paul Rylance, *Legal Writing & Drafting*, and M. Meehand and G. Tulloch, *Grammar for Lawyers*.
5. Students are presumed to know the rules of:
 - > grammar (the conventions governing the use of words);
 - > syntax (the correct order of words);
 - > semantics (the meaning of words); and
 - > punctuation (the division of written or printed matter into sentences, clauses, etc by means of points or stops)

Once you are satisfied with your research, you ought to be able to present your contentions persuasively. There is more to writing essays than just putting down some information in some sort of order – you are expected to develop an argument.

The above skills will help you beyond the law school. Lawyers produce a wide diversity of written work. In particular, letters to the non-lawyer often present a challenge, while an advice to be read by another lawyer will be written in a different style again. Pleadings require great precision. It is increasingly common for courts to require written submissions, and these must be as compelling as possible.

Basic Tips: Writing Skills (Con't)

Three particular recurring problem areas are: spelling, wordiness and the over-use of the passive voice in written communication.

Spelling

The authority, for us, is the latest edition of the *Macquarie Dictionary*. When you consult the dictionary, you will see that many words have more than one acceptable spelling. In such cases, use the first spelling given, unless there is some reason to prefer the second spelling.

The word 'its' confuses many students. There are two simple rules:

1. The spelling its', with an apostrophe after the s, is impossible. *Its* does not need an apostrophe to show possession, as it is itself a possessive pronoun, just like my, your, ours, his and hers.
2. The spelling it's, where the apostrophe precedes the s, is used where – and only where – the two words it is have been contracted to form one word, as just 'it is' in the phrase it is David's birthday can be contracted to it's David's birthday.

Thus, it's a rainy day is a contracted form of it is a rainy day. It would be an error to write the company reserves it's defence rather than the company reserves its defence.

Wordiness

It is good practice to write concisely. To facilitate this revise your work and if you find you have written something wordy, reduce it. The first question is whether the words are needed at all. For example, are you pointlessly reiterating an argument you have already made? If so, remove it, but if not, consider whether the phrase carries the reader along in a precise legal manner. For example: "In respect of all persons who are convicted, the courts will proceed ..."

You could improve this in many ways, eg: "In respect of all convicted persons, the courts will proceed ...", or "When the court has convicted a person, it ...", or perhaps even "When sentencing an offender ..." or "When sentencing ...". It depends on the precise point you are making.

Beware of the phrase 'and/or'. It is very rarely needed. In English, the word 'and' does not always mean that the two items on either side of it are inextricably yoked together. For instance, if you ask a waiter what you can eat, they may reply: "fish, chicken and beef". The meaning is perfectly clear, without employing the clunky 'and/or'. It is much better to write 'I would like oranges, apples or both' than 'I would like oranges and/or apples'.

Over-use of the passive voice

Students frequently overuse the passive voice, as it sounds, to some ears, to be more formal, and hence, it is imagined, more 'legal'. Compare these two sentences:

The wood that flew from the saw and hit the plaintiff was caused by negligence on the part of the defendant.

The defendant's negligence caused the wood to fly from the saw and hit the plaintiff.

The first example is from a statement of claim drafted by a student. It is in the passive voice. It is prolix, clumsy and unfortunately seems to be emphasising a statement about a particular piece of wood. In fact it is meant to emphasise that the accident, which has already been referred to, was caused by the negligence of the defendant. The clumsy passive voice not only makes reading unnecessarily difficult, but by lengthening the sentence, makes it harder to arrange your thoughts coherently and persuasively.

Basic Tips: Reading Skills

The study of law involves much reading. For students this poses two particular problems.

Problem one: the amount of reading

You can only deal with this by putting in the hours and becoming practiced. The more you read, the easier the task becomes. Take care in selecting your reading. It is a trap for beginners to collect a good deal of material and relentlessly read it all from the first page to the last. If you do this, you will often read a great deal which is not relevant to the topic in question, and which you will forget. This leads to frustration. It is far more effective to make a careful analysis of the topic set for your assignment, and continually consider the relevance of the material you are reading to that topic, concentrating on the relevant portions.

As law students, you should be aware of the distinction between primary materials containing the law (statutes, regulations and case reports) and secondary material. Primary materials will usually be your foundation resources, and should be read carefully. When reading case law, learn to distinguish leading cases from those cases illustrating a principle. Do not spend unnecessary time on dissenting decisions. Reading complete judgments, and not just extracts, will give you a deeper understanding of the law, and may provide you with legal arguments you can utilise in your own work. Secondary material is commentary upon the primary material such as text books or journal articles which write about the law. It is critical that you manage your time carefully. For example, when using texts, make use of the index to focus on those parts of that book which you need - the easiest way to 'blow out your time budget' is by being careless in the selection and use of reading material.

Problem two: comprehension

You must come to grips with the sense of the words you read, identify the writer's arguments, the reasoning of the decision, and the principles relied upon by judge or author. You must be alive to differences in points of view between one author and another and between one judge and another. In your essay you will be expected to attempt to articulate those differences, and either reconcile them or support one view as against another. This requires analysis of the relevant arguments. It also requires evaluation of the quality of the authority of the stated sources. For example a magazine article may not have the same authority as a legal casebook which contains commentary on legal materials.

Learn to read critically. You should not accept a point of view or piece of information just because it is stated in a book or article, or even because it has been expressed by a judge. Is the argument justified in the light of the source material? Has it been rendered obsolete by later research or law? If reading judgments, consider whether the ratio of the case is consistent with other decided authority and with logic. It is essential that you are capable of analysing on its merits any information or contention put to you, in the context of the sources from which it is drawn, and then form your own opinion as to whether it is a valid and sustainable argument.

Make use of your own common sense, and think logically. Obviously, the better informed you are, the better equipped you will be to write. You must form your own opinion, but do not think that any opinion you form will do. Your opinions will be subjected to the same critical tests that you are asked to apply to the views of others. Everyone is entitled to their own opinion, but, in the law, the better informed opinion will carry more weight and command more respect.

The sincerity of your opinion is one matter: its legal quality is another. Do not confuse the two, and expect that you will be rewarded for sincerity or earnestness.

When you write, concentrate, and think.

Basic Tips: Assignment Preparation

How does one answer an essay question, or a scenario containing a series of legal problems? How does one prepare the groundwork?

Start with reading the question carefully: define the question.

Consider any issues of definition which arise from the terms of the question itself. Use a legal dictionary, even just to check your understanding of the terms.

Consider also the scope of the question: does it ask you about Commonwealth law, State law, or both? Does it ask about the law as it has been, as it is, as it should be, or a mixture of these? Are you asked to focus on statute law, customary law, convention, or common law, or are all of these pertinent?

Does the question ask about one specific provision, or about any provision which relates to the general topic? For example, an answer to a question which specifically asks about discovery under Pt 21 *Uniform Civil Procedure Rules 2005* calls for quite a different answer from a question about discovery in general. Students have been known to answer questions about Pt 21 discovery solely by reference to Pt 5 of those Rules, which deals with preliminary discovery – quite a different creature. Such a misunderstanding will result in an award of no marks at all, so be attentive.

For scenario problems, think carefully about the facts, and identify the issues. To resolve initial questions of definition, and to identify the purpose of the question, you may need to do some background reading into the general area in which the question is set. A legal history question, for example, may require some reading of the general history of the pertinent period. In scenario problems calling for an advice on the law, you may need to peruse general texts on the subject to glean basic principles and to identify the points which are disputed in that area of the law.

Then Begin the Collection of Material

Once you have defined the question, your next task is to collect the resource materials. You should start with any suggested reading and/or the relevant weeks reading for the topic. You should then make extensive use of the libraries electronic facilities. Much legal research can now be done online. That said some of it cannot. This is then essentially a logistical problem. How you go about this will depend upon how and where you work. It is best to begin your research collection early so you can check whether the library it contains the materials, and then to methodically work through them. If, for instance, you need an item from closed reserve, but it is out on loan when you first apply for it, reserve it, and utilise other resources in the meantime.

If your library does not contain everything you need, you may have to use other libraries. Wherever you study, you will probably find it most convenient to photocopy or print important cases and journal articles, so that you have a copy to which you have exclusive access. This also allows others to make use of the library's resources. But indiscriminate photocopying and printing is not a substitute for research. In fact, it can provide a false a sense of accomplishment. One advantage of hard copy is that you can make notes on your hard copies. If you photocopy or print from a book or journal, note all the details on the hard copy itself. It is a good idea to note the title pages of books, and note the date and place of publication, as these are not always shown on the title page. Take care to photocopy the whole page, including the page number.

You must never write notes or make any other marks in books owned by the library. The library's resources are stretched, and can ill afford vandalism. Besides, it is a criminal offence. Law students have a particular responsibility to be aware of sections 39A and 40 Copyright Act 1968. As much as all this, marking library materials is selfish.

Basic Tips: Assignment Preparation (Con't)

It is important to collect, or at least find, all the relevant reading material as soon as possible after you receive your assignment topic. You must estimate how much research will be involved and, roughly, how much time you will need to allocate to it. Extensions to the stated deadline are sometimes granted, but usually only when the student seeking the extension has accepted grounds for the request. In the courts, it is never sufficient excuse that one is busy, or under pressure at work. Further, any application for extension must be made promptly. It is unfair on the lecturer, and particularly on the other students who have complied with the time limits, sometimes at considerable cost to themselves, to seek extra time to complete an assignment which was set some time before. Making Notes

Making Notes

Once you have access to the necessary reading material, your next job is to prepare notes from which to develop a first draft of the essay. It is unlikely that you will be able to just read the necessary material and then sit down and write an essay of sufficient quality. At the least, you should take notes from your reading, as it is unlikely that you will be able to remember everything. Take careful note of important details, and especially of key citations from decided cases which can be used to support your contentions. When you cite a decision you need to specify which part of the decision or other material is relevant. The rules for this citation are provided later on. However, bear this in mind when you make your notes, so that you do not have to retrace your steps in a panic to find the pinpoint reference.

Therefore, your first notes should always be of the work's title, the author's name, the place and date of publication, and the edition of the book if it has seen more than one edition. Record the page number of whatever notes you take. If you do this, you will be able to properly footnote your sources, and to prepare your bibliography. Similarly, record the name, year and number of any journal you use. NOTE: the electronic system of ENDFNOTE is discussed later in this guide – you can use this system to reference.

The same applies when taking notes of decided cases. Always begin by recording the full citation of the case so that you can cite it properly if you later refer to it in your essay. If you make notes from a judgment, record the paragraph or page number and the identity of the judge.

By making these initial notes, you achieve an overview of the historical development of any issue, and you can structure your essay to take that into account. Remember, the latest statement of the principle by a court is often the best statement of the law. Therefore, if you are citing a decision in the Court of Appeal, check on Casebase (available through Lexis Nexis). If the case was approved in the High Court, then you must cite the High Court decision. If you cite a decision in a lower court (for example, the Supreme Court) but do not mention that it was approved in the Court of Appeal, the marker must assume that you do not know of the Court of Appeal decision.

When making notes, keep in mind the subject of your essay. In this regard, the advice to resolve questions of definition at an early stage should help you. Try not to get bogged down writing down everything you read. Only extract the information which can help in your task. If you feel that you are becoming mired in your reading, take a short break and try again. In some cases, it will be wise to scan a piece once, or even twice, before beginning to take notes. If you do so, you may achieve a better idea of how the writer's points fit into the general scheme of their argument, and how relevant they are to the question you are attempting to answer. Beware: some authors, and even judges, needlessly repeat themselves.

Remember also that the article or book you are reading, or even the judgment you are considering, will usually be addressed to an issue or point which is different from the one you are studying. Avoid the trap of mechanically following the structure and the arguments of another author, which is especially dangerous when their aim is quite different from yours. You should develop your own arguments, and not simply adopt someone else's.

Keep your mind active while taking notes. Make notes of relevant opinions expressed, and even of your preliminary thoughts on those points. It is not a bad idea to differentiate your own thoughts by using a different colour pen, or some other means, so that you won't later cite some preliminary thought of your own as being the author's.

Making Notes (Con't)

Once you have taken notes, or while you are completing this process, give some thought to the organization of those notes, so as to make your writing task easier. Some people take notes on sheets of paper, and retain them all in a bundle. That system will work, but you might wish to prepare an index of your notes so that, on any given topic, you will be able to readily cite the views of the different authors who commented on that point. Remember that you may not actually use the notes you are taking until some days or even weeks later. Avoid writing notes that are too cryptic for you to be able to use them when you turn to writing your assignment. By the same token, do not write notes that are too full - you may find that you are just copying out what you are reading which is not the object of the exercise. If you type your notes directly into a computer, it may help to have a separate folder for each subject, and a sub-folder for each assignment.

Barbara Tuchman, the late American historian, used to take her notes on systems cards, about 15 cm by 10 cm, and keep the cards in shoe boxes. When she came to write her book she would simply sort through the shoe boxes and organise the cards in the best order. Although for a simple five thousand word essay such a technique may be a case of "overkill", think carefully about what system you will employ.

Planning your Essay from your Notes

When the business of taking your preliminary notes has been completed you should, at the least, read through your notes again and consider the issues, the points, the way your essay might come together, and what material, if any, you have on each point. Make a general outline of the structure of your essay, and then organise your notes under the headings you have set out. If your notes are deficient in any respect, you will have to obtain further material.

When taking notes, avoid quoting other authors verbatim. This will, apart from anything else, give you a better platform for writing a good essay in which you discuss the topic in your own words, as opposed to serving up a smorgasbord of abbreviated second-hand views for your unfortunate reader. That is not to deny the value of the judicious use of citation to emphasize a point or lend authority to a critical statement.

Reading, taking notes, even writing your drafts and your final essay can be mechanical tasks. In addition to the physical work, you must also deal with the mental or intellectual tasks involved in writing a paper. Think about the topic, think about what each author you have read says concerning it, think about the issues that arise from your reading, and consider what you can say about them.

If you are stuck, go for a walk around the block, and when your head has started to clear, imagine you are telling someone else what the answer to the question is. Or try this proved method – pick up something difficult but entirely foreign to what you are studying, eg Shakespeare's *Henry VIII*. After three pages of that, your mind will be reset, and you will be ready to start again.

When you have written each draft of your paper, read it carefully, and ask yourself:

- > Does it make sense?
- > Have you contradicted yourself?
- > Have you said what you were trying to say?
- > Is there something else you should say?
- > Are the ideas organised in the best order?
- > Can you say the same with less words?

Do not neglect to save each new draft into a new document, and to label it clearly in the header or footer, so that you cannot confuse yourself.

Writing your Essay

Once you have worked your way through the material, and have your notes, photocopies, books and other materials, you should be able to make a start on writing your essay. The aim is to present the reader with a connected argument. In order to do this, you must have a clear idea of your own argument, you must be able to tell the story to yourself. A simple technique to heighten critical analysis is to place your answer to the essay question (your argument) in the introduction to your essay and then use your material to argue why that view is the better view throughout your paper.

Do not expect to be able simply to write your essay out neat. Your first draft will rarely be your best work. It may not even be worthy of submission as a finished essay. By writing a rough draft, you pass the hurdle of beginning, and establish an argument which can be revised to make it tight and persuasive. Sometimes you will only need to slightly amend your work. On other occasions, it may be better to place it to one side and make a fresh start.

You will be best served if you first organise your notes and other materials into chapter headings or some other appropriate subdivisions. In that process, have regard to the essay question, or the facts of the scenario problem. Consider how to formulate your essay. You will have to consider how best to present the information and opinions you have collected, the best order to develop your thesis, and how to highlight the key points. Sometimes, it is best to present your material in a chronological order, but for essays in legal and constitutional history that method can lead you into the error of narrating a disjointed string of dated facts. That is not what is expected of you.

It is often best to present your strongest point first. But then, your strongest point should be the key to your argument. If you have a series of arguments which work cumulatively, then it may be appropriate to commence with the most central matter. After that, present your points in descending order of importance so that the lesser items can be dealt with quickly at the end of the essay. That is certainly the best way to approach a question of law, subject to the need to address any preliminary issues or questions of definition.

On the topic of definitions: begin any essay by stating clearly what you understand the question to involve, and how you will address it. If you do, your essay will have a clear direction. Discipline yourself to approach essential questions of purpose and relevance whenever you write, and this will reduce the chance that your essay will be a pointless narrative, or an odd purposeless assortment of pieces of information. State the issue to be discussed as clearly and as succinctly as you can. Then present any views you have found from published authors, with any commentary you wish to offer on the validity of those views. If the opinions of two or more commentators which you have cited conflict, identify that conflict, specify its basis, and venture some opinion as to how it can be resolved or, failing that, which view is to be preferred and why.

In writing a legal opinion you should be able to state the issues arising from the facts and the principles of law which are relevant to those issues of fact. That requires the ability to identify a principle of law and the ability to distinguish it from an issue of fact. Once you have done that you will then be called upon to apply those principles of law which you have identified to the issues arising from the facts of your problem. I repeat, discipline yourself to do this succinctly. And for this, you must practice concentrating.

Through the ELSSA Centre, the University provides a series of courses which assist students to develop their essay writing, amongst other skills. Courses also include critical thinking, exam preparation, academic writing and seminar presentation. See: <http://www.elssa.uts.edu.au/>

You may contact ELSSA via **e:** Elssa.Centre@uts.edu.au or **p:** +61 2 9514 2327

Writing your First Draft

Once you have conducted sufficient research, and you have decided upon the structure of your essay, you can begin working on your rough draft. Do not expect that your first effort will be acceptable. Even the greatest lawyers work through draft after draft: in fact, their preparedness to do so may account for their eminence. Whether it be pleadings, some agreement, a deed of trust, a lease or even a simple letter, considerable thought and effort will go into the drafting and you should always be realistic enough to appreciate that what you have done could be improved upon. Aim to prepare a draft that you can then improve. Your first draft, for instance, might be a bit longer than you expect your final work to be, then your editing work will involve trimming, rather than the more difficult task of supplementing. If you have the time to leave the draft for a day or more, a re-reading with refreshed eyes will usually reveal errors.

To improve your writing style, your work, and your all-round efficiency, read widely and critically, and practice. See what other writers can do with the language, particularly judges. If your grammar and spelling are poor, make a list of problem words and phrases. If you come across a well written phrase, copy it into a folder. If you are familiar with the proper forms of expression, you will more easily recognize errors in your own drafts. Read not only judgments, legal texts and learned articles, but better current affairs journals (eg *Harper's*) or weeklies like *The Guardian*. Read widely. Robert Louis Stevenson developed his writing by trying to imitate the styles of diverse authors: the exercise gave him the command over the language which he needed to tell a story or present an argument.

Paragraphs

Write your essay in paragraphs. That may sound trite, but it is a common failing, particularly in the earlier stages of the course, for students to write essays that are little more than a collection of sentences, all on different issues. A "paragraph" is a group of sentences about one idea. The very format of a paragraph signals to the educated reader that it represents an integrated chain of sentences, and must be read as a whole. To write essays at university level, and to develop arguments which can satisfactorily deal with the issues, it is imperative that you use coherent paragraphs. It is rarely possible to develop your ideas and to discuss the ideas of others adequately unless you spend more than three or four sentences on each of the matters you have to consider. Another failing is to make each sentence a separate paragraph: this makes your essay the equivalent of three miles of rocky road.

Headings

Thinking about how to structure your paper to present your material in an easy to understand layout is appreciated by markers. Headings which indicate where a paper is headed are useful and is a technique also used in many judicial decisions. For example think about the heading used for this paragraph (ie: Headings), a more informative and therefore better heading would be something like Should I use headings in my essays? or Markers like headings or Explaining why headings are useful.

Word Limits

Word limits must be observed, and students must not deviate from the word limit by more than 10%. Penalties for deviation may be stipulated in subject outlines. The word limit is something to which the marker has usually given serious thought. It is far easier to write a lengthy piece, particularly if analytical in character. But the legal profession is increasingly required to write submissions and court documents to a word limit. It is essential in practice to address the crucial issues in a clear, succinct manner. Essay writing tests your understanding of the topic, and you demonstrate your insight by placing primary and secondary matters in their proper places.

Writing your First Draft (Con't)

If your essay has a word limit, and you do not state your word count, your marker is entitled to return it to you for you to remedy the situation, and is also entitled to penalize you for incorrect submission.

It is an academic convention that words contained within footnotes, endnotes and the bibliography do not count towards word number. The footnote, consequently, can be used to develop an argument that is not directly related to the question, or qualify a generalization contained in the main text. However the argument of the essay must be complete and readable without recourse to the footnoted material.

Do not omit to have regard to the material given under the heading 'Writing Answers to Scenario Questions', especially with respect to identifying the principle of law, and applying the law to the facts. The only reason that the material has not been duplicated under this heading with minor changes is to save space.

Writing Answers to Scenario Questions

In many instances your written assignments will require you to submit written opinions on the law on a given set of facts (“scenario questions”). These generally feature fictitious persons, eg, “Mary is selling a hat stand to André”. Many of the skills employed in such a project are common to all written work, but some aspects demand special attention.

Master the Facts

Read the problem carefully. Analyse the facts, so that you can best appreciate the impact of established principles of law on those facts. If you are not familiar with the relevant legal principles, or with areas of controversy within the law, you will probably not be able to identify the issues arising from the facts of the problem. So you should also read generally in that area of the law before pursuing further research.

Identify the Issues and the Principles of Law

Study the facts and the relevant principles of law in order to identify the legal issues which arise from those facts. Once you have isolated the issues, you should then be able to direct your reading. Remember that your job as a lawyer is to identify the pertinent principles of law, and to state how those principles operate in that factual context. In doing this, concentrate on how the law applies to the facts of your particular problem. Stating the law in the abstract, in the style of a textbook for instance, is not the appropriate method for writing an advice on a scenario problem, for it does not explain how or why the principles you have described are relevant to the facts of the problem. It is not sufficient, for example, to state the law in the abstract, and then conclude that A or B must win. You might as well just photocopy several pages of some text, and submit these as your assignment. The skill you must develop as a lawyer is that of applying the law to the facts. Simply being able to recite the law parrot fashion is no good. Your examiners will never know if you really understand what you are saying, and judges will be frustrated.

Apply the Law to the Facts

Unless the problem you have been set demands a general answer covering the whole of the problem at once, you should write your advice by dealing with each of the issues which arise from the facts in the most logical order. That order will be dictated by the relationship between one issue and another. A question of the appropriate remedy, for example, can only be considered after the issue of liability has been determined.

Indicate the issue you are addressing. State the principle of law which you consider appropriate to that issue and the authority you rely on for the principle. Explain how it applies to the facts of your problem. In doing that, you should attempt to formulate the proposition upon which you rely. It is unlikely that the law as stated by the authorities will provide you with a complete answer to the question before you. You will have to develop an argument which encompasses the facts in your case and the law as stated by the authorities in the form of a proposition. Draft any such proposition carefully and consider whether it is sustainable in both logic and law. In coming to a conclusion, deal with any issues of controversy which might arise, eg would a different result flow if one particular decision was followed, rather than another of equal authority. Explain which decision is to be preferred. Then move on to the next issue.

Writing Answers to Scenario Questions (Con't)

Separate the Law from the Facts

Avoid the other pitfall of over-emphasizing the facts of decided cases when discussing a legal problem. Case law is built on decided principles applied to facts. You must be able to relate those principles to the scenario of your problem. Decided cases can act as a guide to the way in which a principle of law is applied, but even a decision on similar facts will rarely provide you with a complete answer. You must consider the question of comprehensiveness, and the weight of 'authority' of each case. For example: the court concerned may not be an Australian court, or it might be inferior to the court you are before. In either case, its decision will only be persuasive, not binding. Perhaps the legislation has been amended since that case was decided, or the facts may have occurred in a social context different from that which prevails today, thereby lessening the force of any conclusions made by the court. Another way to put it is this: if someone slips on a banana peel in a supermarket, wise lawyers would not research 'bananas' or 'supermarkets'; we research the question of the liability of the supermarket owner under the general headings of 'negligence' and 'occupier's liability'.

If you find that your assignment has become a series of statements of the facts of supposedly relevant cases and their results, with little discussion of the principles involved, let alone any attempt to distil some conclusive proposition from the discussion, then you have got it wrong. You should go back to the cases to find the ratio decidendi of each, and then consider whether that principle is relevant to the case you are considering. You should remember that each case is a restatement and application of pre-existing principles. Close analysis of single cases early in your studies of the law can be beneficial to you in terms of dealing generally with case authorities later in the course of your career. But while a case may be good law, it is not the law – the law is what is applied in the case. If a superior court, particularly the High Court of Australia, hands down a decision which effects a change in legal principle, the law has changed.

Writing Case Notes

In writing case notes, you should develop a structure that you follow for all cases, to simplify your review of the case notes. A suggested structure would be to record the citation, the relevant facts, followed by the ratio(s) of the case, together with circumspect reference to dissenting judgments. Having recorded this important information, you might then extract relevant dicta that are germane to the question. At this stage, always record the page number and whether the view is a majority or minority view. Such notes also provide an ideal opportunity to cross reference other cases. Consult course material for more information; in particular, subjects where case notes are required as assessable assignments. If the case is an appellate decision, specify what happened in the court at first instance, and the intermediate appellate level if applicable, before coming to the decision of the highest court.

If you are merely citing a case for a limited principle of law, then do so concisely and efficiently. But if it is to be subject of any sustained discussion, try and open by bringing out any peculiar facts on which the decision turns. Sometimes it may be necessary to spend a paragraph or more developing these, as the legal point may often emerge far more clearly when the particular facts of the case have been fully stated.

Writing Answers in Examinations

The marker can tell from the very opening words of an examination answer whether the student has a clear idea of what they wish to say. A good exam answer states the chief point right at the outset: "The plaintiff can sue the defendant in tort, for breach of contract and perhaps under the *Trade Practices Act 1974*." The good answer then goes on to develop each point. Ideally, too, the names of Acts and cases will be legibly written, perhaps even in capitals, so that the eye of the examiner is drawn to it, despite the morass of writing (sometimes a scribble). The names of Acts and cases are key evidence that you know something of the area: do not omit to make them apparent to the examiner.

Do not waste words in writing out the terms of the statute except so far as it is necessary for your argument. The prolix citation of legislation is the functional equivalent of space filler.

Be economical with words throughout the exam answer. A legible, well argued answer is worth far more to you than pages of scrawl. If you fill your answer with material which is not relevant to the question, marks may well be deducted. Be clear on this: a question which asks you define a notice to produce, for example, is not asking you about the rules for service of a notice to produce. Therefore, if you mechanically define the notice to produce, but then go on to discuss service of the notice, the marker could well deduct marks, because your answer has moved into an irrelevant area. If a judge asks you a question, the judge will not be pleased to hear a discourse which, in addition to the relevant response, provides tangential material.

Correspondence and E-Mail Correspondence

One field in which careful drafting is too often neglected is in writing correspondence. This applies with even more force in e-correspondence. There is a tendency for e-mails to be poorly drafted, partly because e-correspondence is much easier than correspondence by letter, and partly because of the influence of text messaging. However, there is more than this at work. A hard copy letter is a different creature altogether. One has to prepare it on the computer, and then produce a hard copy which one signs. Often, a secretary prepares the letter, and then one subliminally knows that it has to be checked for accuracy. E-mails are not signed, and no hard copy is necessarily produced before it is sent off. They can be produced and transmitted in a flash, whereas letters do take some time. One may think better of the terms of a letter in the three minutes it takes to print it off, retrieve it from the printer and sign it. E-mails do not necessarily allow you that three minutes.

Before you write anything, letter or e-mail, ask yourself: is this necessary? Am I showing proper respect for the time of the person who will receive this? Could I find the answer myself from the internet or otherwise? It is not good enough to think that because you do not have the answer right now you should ask someone else for it. With members of your family and friends that may be alright: but with other practitioners, or with your teachers?

The next question is, are you addressing the right person? for example, a question about the contents of the course should go to the academic concerned, but even then perhaps there is an Online board where it should be posted. Then, a question about when exam results come out does not go to the academic: it goes to the student centre. Are you addressing the person correctly? Are you spelling their name correctly? Being careful about these matters shows basic respect for the addressee. Some people do accept being addressed by their first name, but other people prefer it only after they have allowed it. Be particularly careful with older people and people who are not your peers. In practice, one can only address colleagues by their first name when have expressed permission for this, whether directly or indirectly. Sometimes one can sense when the relationship is sufficiently close to allow this, but it is not wise to assume the liberty of informality.

Then, are you sending a copy to anyone else? If so, is it necessary? Sending a copy is often appropriate when several persons are concerned in the one matter. But be careful: it is also often a way of warning the chief addressee that you are subjecting them to scrutiny, and so may be interpreted as hostile, or at least as suspicious and manipulative. If there is any doubt at all, ask the addressee if they think you might send a copy on to whoever. In particular, sending a blind copy, if it comes to the attention of the main addressee may look bad.

Think twice before sending copies: especially by e-mail. Not infrequently, a student does not know to whom to write, but that it is not a reason for sending copies out, it is a reason to ascertain to whom one should write. The effect can be the opposite of what you intend: each recipient may conclude that the other recipient is better suited to deal with it, and so your e-mail may be innocently ignored. Besides, what are you asking: that all recipients confer before contacting you? Unless it is a very clear case, do not copy e-mails to other people.

Finally, especially with e-mails, be careful of the tone in which you write. This includes sending matters by high priority. That is the internet equivalent of shouting, and can be interpreted as pushy, if not arrogant. And allow the addressee at least two business days to respond.

Punctuation and Style

Legal writing must be clear. The aim is always communication. In an essay, you have the advantage that the audience (the lecturer) is aware of the background to the subject matter, so be careful only to provide as much history or background material as is needed to ground your argument. Technical terms may be used in legal writing, if either they are defined, or the reader is certain to understand the terms. Do not dress up an essay by using colloquial or vague terms which might be better suited to oral argument, such as 'on all fours', 'cover the field', 'at first blush' and so on. When you write, be more precise, eg consider employing the terms 'identical', 'exhaustive', or 'apparently'. The occasional use of some colourful language, eg, 'eggshell skull', 'the fertile octogenarian'; 'the precocious toddler', and 'the man on the Clapham omnibus', is acceptable, but should always be kept to a minimum.

Pay particular attention to the correct style and title of judges, and be precise as to whether you are citing part of a single judgment, or of a majority judgment, or of a unanimous decision of the whole Court. These are important distinctions that the reader should know from your references. If a matter in a lower court has been approved by a higher court, then refer to that fact. Even if the passage you wish to cite has not been specifically quoted in the higher court, cite the decision of the lower court, and add that the decision was approved in whichever decision it was, but that the court did not specifically cite that section. If you wish to improve your writing style, it would assist you to read Michele Asprey, *Plain Language for Lawyers* and JK Aitken and Peter Butt, *Piesse: The Elements of Drafting*, 10th edition.

Punctuation is an essential component of the written language. The rules as to certain features such as quotation marks can be complex. If unaware of the rules, consult the *Australian Guide to Legal Citation*, making use of the index and the table of contents.

Plagiarism and Other Forms of Cheating

Cheating by a student in the Law Faculty is subject to the Rules of Academic Misconduct, set out in the University Calendar. Note that section 16 of 'Student And Related Rules', headed 'Student Misconduct and Appeals' states:

16.2.1 Student misconduct includes both academic misconduct and non-academic misconduct.

16.2.2 Academic misconduct includes but is not limited to:

- (1)
 - (a) cheating or acting dishonestly in any way; or
 - (b) assisting any other student to cheat or act dishonestly in any way; or
 - (c) seeking assistance from others in order to cheat or act dishonestly; or
 - (d) attempting to do (a) or (b) or (c) in an examination under the supervision of the Registrar or an examination, test, assignment, essay, thesis or any other assessment task under the supervision of a Faculty that a student undertakes as part of the educational requirements of the course in which the student is enrolled;
- ... (3) plagiarising, ie taking and using someone else's ideas or manner of expressing them and passing them off as his or her own by failing to give appropriate acknowledgement of the source ...

Some of the more subtle aspects of passing off work as one's own can cause problems for students and these usually arise in the production of essays and other written assignments. What is set out below is some guidance of Law Faculty policy that will assist the student in distinguishing between minor infringements of academic conventions (usually associated with some style rules) and plagiarism - one of the most serious crimes in the academic community.

The problem of plagiarism can arise if those basic rules are not followed. In undergraduate work the rules which establish plagiarism will be vastly different from those in the postgraduate research area. However, it is necessary that all students understand the spectrum that plagiarism covers.

Working in Study Groups

Experience shows that one of the most common ways for plagiarism to occur is when students work together. The academic staff acknowledge that study groups can provide an efficient and beneficial method of learning, but problems arise when students tender assessable work which is not truly their own.

The Faculty demands that all assignments submitted be the work of the person who is to be credited with the mark. It can be a fine line between discussion of an essay topic with another and collaboration, but where comparisons of various students' work provides objective evidence of collaboration, this is plagiarism, and the Faculty policy applies. It is always the responsibility of the student submitting the work to ensure that the work submitted is not plagiarised, nor used by others to plagiarise.

Work Previously Submitted

While not plagiarism, it is also unacceptable conduct for a student to submit work which has previously been submitted for another course, unless prior permission had been received from the relevant member of academic staff. Indeed it would be wise for a student to tell the academic staff member if any piece of written work has been previously used outside the Faculty. The Faculty expects that all written work submitted for assessment purposes has been created under the supervision of the Faculty and for that purpose. This particularly applies for those subjects where the written work is directly supervised by a staff member, for example a thesis or research project. It is also cheating to ask another person to write your answers for you. This most definitely includes lawyers in any firms for which you may work.

Plagiarism and Other Forms of Cheating (Con't)

How Cheating Is Dealt with at UTS and the Faculty of Law

Any allegation of misconduct, including cheating in a University examination but excluding academic misconduct, will be determined by the University Student Conduct Committee. The USCC is made up of four persons – two academics and two students who have attended the University for at least four semesters chosen by the Academic Board of the University. Academic misconduct that includes allegations of plagiarism is determined by the Faculty Academic Conduct Committee. That Committee will be made up of four persons – two academics, and two students who have attended the University for at least four semesters, nominated by Faculty Board.

The Supreme Court and Cheating

In fact so important is this question of cheating to a law student's future prospects, that it is recommended that all should read the decision of *The Prothonotary of the Supreme Court of New South Wales v Jai Ram* (Supreme Court of NSW, Court of Appeal, 11 May, 1989, unreported decision of Kirby P, Samuels and Meagher JJA). There, a student was the subject of an application by the Prothonotary seeking his discipline by the Court for cheating in an examination. Although not material to the outcome of the case, the Court noted that on being discovered cheating he had lied about it, and accepted that he was under considerable personal pressure at the time. Law students should be aware of the dicta of Meagher JA:

The law can only operate on the basis of mutual trust. It is essential that practitioners trust each other. It is equally essential that the bench and practitioners trust each other. If integrity vanishes, the legal system could not operate. Cheating and lying are antithetical to, and destructive of, that trust and integrity. Nor, since the pursuit of the legal profession is beset with pressures, often of a grave kind, can the existence of such pressures be tolerated as excusing cheating and lying. It follows that a practitioner who is guilty of cheating and lying, whether due to pressures or not, must in the public interest be severely disciplined. It also follows that an aspirant to the profession who cheats and lies, whether due to pressure or not, must be severely disciplined.
(pp 4-5)

UTS:LAW Policy on Written Assignments

All written work submitted to the Law Faculty for assessment should comply with the following requirements unless otherwise authorised by the lecturer responsible for the subject.

- Essays and other written work should be prepared in accordance with the guidelines laid down in the *Australian Guide to Legal Citation*, which is published by the *Melbourne University Law Review*.
- All work submitted for assessment should include a UTS:LAW Assignment Cover Sheet (available online or at the Law Reception) showing on the face of the document:
 - > The name of the subject for which the work is submitted;
 - > The name of the lecturer for whom the work is submitted;
 - > The title of the assignment;
 - > The accurate word count, not including footnotes and bibliography;
 - > The name and student ID of the student submitting the assignment;
 - > The date on which the assignment is lodged; and
 - > A signed declaration that the piece is your own work.
- If required by the lecturer concerned, the work must be typed and/or submitted through Turnitin.
- The work must be properly written with due regard for spelling, punctuation, grammar and syntax. Unless otherwise instructed by the lecturer concerned, all written work should include footnotes or endnotes and a bibliography in the manner set out in this guide.
- If any piece of written work does not comply with these requirements, the marker may require that it be re-written in proper form. The marker has the option of deducting marks, or rejecting the assignment without assessment. If the Law Assignment Cover Sheet is not electronically available to you, and you are submitting electronically, type its contents onto the front of your assignment and type in your signature.
- Any work submitted after the date for submission may be penalised in marks or even rejected without assessment.
- Subject coordinators have the right to establish individual assessment regimes.
- University rules provide for an appeal against final assessment if students are not told of changes to assessment by the end of week 1 of semester (although in some circumstances revision can be made through semester – see the Faculty Handbook).
- Unless modified by the Subject coordinator, and subject to reasonable excuse and permission given beforehand, lecturers usually deduct 5 marks per week (1 mark per business day) for late work and refuse to accept work once corrected work has been returned.
- Any acts of plagiarism will be penalised. Such penalties may include, depending upon the seriousness and nature of the offence:
 - > a requirement that the assignment be re-written de novo;
 - > a penalty in the reduction of marks awarded to the work, which may include a reduction to zero, or a sharing of the marks awarded to the document amongst its apparent authors;
 - > a fail result in the subject concerned; or
 - > a reference of the matter to the Associate Dean (Teaching & Learning) or other appropriate body.

Referencing

When writing a paper or assignment, you will often be presenting a viewpoint using evidence, ideas or information that has been produced by someone else. Referencing allows you to acknowledge where and from whom you have sourced your ideas whether from; books, journals websites, statistics, cases, television. When you reference these materials it is called citing.

Referencing your work ensures that you comply with UTS rules against plagiarism it gives your work integrity and enables the reader of your work to find the original information you have cited.

Different information sources require different types of reference formatting or styles. Law referencing includes many unique sources of information including; Cases, Legislation, Bills and Treaties.

At UTS the legal referencing style is based on the **Australian Guide to Legal Citation** (<http://mulr.law.unimelb.edu.au/files/aglcdl.pdf>) [2nd edition, 2002] published by Melbourne University's Law Association. It is known as AGLC. The AGLC style can also be used with **EndNote** (<http://www.lib.uts.edu.au/students/discover-your-library/referencing-and-writing/endnote>).

Referencing consist of a two step process, creating footnotes within the text of your assignment and producing a bibliography which provides a consolidated list of materials you have cited.

Footnotes (AGLC 1.1.1)

In the AGLC style, references must appear in consecutively number footnotes at the bottom of each page. Footnotes are used to provide page specific (Pinpoint) bibliographic information about the work that you are citing. This bibliographic information will also appear in a consolidated bibliography at the end of your document.

Footnotes can be used to qualify information in the main body of the text but they should not be used to develop an argument.

Abbreviations can be used in footnotes when the material you cite is repetitious.

Ibid, from the Latin *ibidem*, means "in the same place". Ibid is used to direct the reader back to the preceding footnote. (AGLC 1.2.1)

Op cit, means "in the work cited". Op cit is used to direct the reader back to an earlier footnote.

PinPoint references allow you to refer to specific pages of sources you have referred to. A Pinpoint reference should be preceded by a comma and a space (AGLC 2.5)

The below example is from the AGLC:

18 Matthew Collins, *The Law of Defamation and the Internet* (2001)

19 Ibid

20 Ibid

...

78 Michael Walzer, 'Philosophy and Democracy'
(1981) 9 *Political Theory* 379.

Referencing (Con't)

The Bibliography

The purpose of the bibliography is to enable the reader to see all the works that you have consulted. AGLC guidelines (see AGLC 1.15) state that reference materials in your bibliography must be organised by material type:

- > Article / Book / Report
- > Case
- > Legislation
- > Treaty
- > Other Sources

The below example is from the AGLC:

1. Articles/Books/Reports

Burmester, Henry, 'The Australian States and Participation in the Foreign Policy Process' (1978) 9 *Federal Law Review* 257

Lane, P.H. *Lane's Commentary on the Australian Constitution* (2nd ed, 1997)

...

2. Case Law

Applicant A v Minister for Immigration and Ethnic Affairs (1997) 190 CLR 225

...

3. Legislation

Adoption of Children Act 1964 (Qld)

Australian Constitution

...

4. Treaties

Convention on the Rights of the Child, opened for signature 20 November 1989, 1588 UNTS 530 (entered into force 16 January 1991)

...

5. Other Sources

Commonwealth, *Parliamentary Debates*, House of Representatives, 17 August 2000

Referencing (Con't)

EndNote for law: AGLC UTS

EndNote is a software package that will help you produce legal references in the correct style (AGLC) while also collecting, storing, and organizing your references and creating a bibliography.

References can be entered into EndNote manually or they can be transferred electronically from electronic journal databases and library catalogues.

Using Endnote, references can be inserted electronically into Word documents such as research papers, journal articles or a thesis. Endnote automatically creates a bibliography (reference list) of all the inserted references.

For information on how to download EndNote and the AGLC (UTS) style see Law **EndNote: Install** (<http://www.lib.uts.edu.au/students/my-subject-resources/study-guides/law/installing-law-endnote>).

AGLC Legal Citation Formats

The table below provides examples of how the various legal reference types are required to appear in footnotes and bibliographies, and identifies the fields you can use in EndNote to generate the citation. A more detailed list of citation examples is available at **Law Endnote Citation** (<http://www.lib.uts.edu.au/students/my-subject-resources/study-guides/law/tips>).

Legal Reference Type	EndNote Fields
Bill Evidence Bill 1994 (Cth). (AGLC 3.4)	EndNote Fields Title Year Jurisdiction
Book K D Suter, <i>World Law and the Last Wilderness</i> (2nd revised ed, 1980). (AGLC 5)	EndNote Fields Author Title Edition Year
Book Chapter Christopher Layne, 'Miscalculations and Blunders Lead to War' in Ted Carpenter (ed), <i>NATO's Empty Victory: A Postmortem of the Balkan War</i> (2000) 11. (AGLC 5.5)	EndNote Fields Author Title Editor Book Title Edition Year Pages

Referencing (Con't)

<p>Case (Reported)</p> <p>Koop v Bebb (1951) 84 CLR 629.</p> <p>OR</p> <p>R v Denyer [1995] 1 VR 186.</p> <p>[AGLC 2]</p> <p>AGLC 2.2: There are two alternatives for enclosing the Year depending on whether the reporter is organised by:</p> <ul style="list-style-type: none"> * Volume Number: the year appears in () * Year: the year appears in [] 	<p>EndNote Fields</p> <p>Case Name Year - Round Brackets Reporter Volume Reporter First Page</p> <p>OR</p> <p>Case Name Year - Square Brackets Reporter Volume Reporter First Page</p>
<p>Case (Medium neutral)</p> <p><i>Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd</i> [2001] HCA 63 (Unreported Gleeson CJ, Gaudron, Gummow, Kirby Hayne and Callinan JJ, 15 November 2001).</p> <p>[AGLC 2.10]</p>	<p>EndNote Fields</p> <p>Case Name Year Medium Neutral Court Judgment Number Judge Date Decided</p>
<p>Case (Unreported - If medium neutral does not apply)</p> <p><i>Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd</i> [2001] HCA 63 (Unreported Gleeson CJ, Gaudron, Gummow, Kirby, Hayne, Callinan JJ, 15 November 2001)</p> <p>[AGLC 2.10]</p>	<p>EndNote Fields</p> <p>Case Name Court Citation Judge Date Decided</p>
<p>Electronic Article</p> <p>Tony Buti and Melissa Parke, 'International Law Obligations to Provide Reparations for Human Rights Abuses' (1999) 6(4) <i>E Law - Murdoch University Electronic Journal of Law</i> [89] (http://www.murdoch.edu.au/elaw/issues/v6n4/buti64.txt) at 29 November 2001.</p> <p>[AGLC 4.9]</p>	<p>EndNote Fields</p> <p>Author Title Year Volume Issue Periodical Title Pages URL Date Accessed</p>

Referencing (Con't)

<p>Journal Article</p> <p>Stan Ross, 'Battered Wife Syndrome and the Role of Lawyers' (1998) 72 (11) Law Institute Journal 39.</p> <p>OR</p> <p>Ross Grantham and Charles Rickett, 'Property and Unjust Enrichment: Categorical Truths or Unnecessary Complexity' [1997] New Zealand Law Review 668.</p> <p>[AGLC 4]</p> <p>AGLC 4.3: There are two alternatives for enclosing the Year depending on whether the journal is organised by: * Volume Number: the year appears in () * Year: the year appears in []</p>	<p>EndNote Fields</p> <p>Author Title Year Volume Issue Journal Title Pages</p> <p>OR</p> <p>Author Title Year - Square Brackets Volume Issue Journal Title Pages</p>
<p>Legal Encyclopaedia</p> <p>Butterworths, Halsbury's Laws of Australia, Vol 4 (at 7 December 2001) 85 Conflict of Laws, '1 General' [84-145].</p> <p>[AGLC 6.5]</p>	<p>EndNote Fields</p> <p>Publisher Encyclopaedia Title Volume Date Retrieved Subject Number Subject Title Chapter Number Chapter Title Paragraph</p>
<p>Looseleaf Service</p> <p>CCH, <i>Australian Labour Law Reporter</i>, Vol 1 (at 275-2-99) [1-445].</p> <p>CCH, <i>Australian Health and Medical Law Reporter</i>, Vol 19 (at 20 October 2008) [19-110]</p> <p>AGLC 6.6: Most Recent Service Number refers to the Paragraph and is given at the bottom of the page in the printed version. If using the online version, use the date you viewed the paragraph instead, as in the second example above.</p>	<p>EndNote Fields</p> <p>Publisher Title Volume (at Most Recent Service Number) Paragraph</p>
<p>[AGLC 6.2]</p>	<p>Page</p>

<p>Parliamentary Debate</p> <p>Commonwealth, <i>Parliamentary Debates</i>, House of Representatives, 23 May 1992, 3121 (Paul Keating, Prime Minister).</p> <p>(AGLC 6.1.1)</p>	<p>EndNote Fields</p> <p>Jurisdiction Legislative Body Date of Debate Pages Speaker Speaker Position</p>
<p>Statute</p> <p><i>Sex Discrimination Act 1984</i> (Cth).</p> <p>Use this format for ; Regulations, Delegated Legislation, Constitutions</p> <p>(AGLC 3.1)</p>	<p>EndNote Fields</p> <p>Name of Act Year Jurisdiction</p>
<p>Web Page</p> <p>John Corcoran, <i>Timor, Tampa and Technology</i> (2001) Law Institute of Victoria (http://www.abc.net.au/7.30/stories/s113017.html) at 2 December 2001.</p> <p>(AGLC 6.14)</p>	<p>EndNote Fields</p> <p>Author Title Year Publisher URL Access Date Access Year</p>

Judges (AGLC 1.13.2)

- > Judges and their titles should all be listed on one line exactly as you want them to appear, eg Gleeson CJ, Gummow & Hayne JJ
- > In the footnote you must always identify which judge has stated the law you cite.

Author Names

- > In the footnote an author names appear as First name, Surname. **(AGLC 4.1 & AGLC 3.1)**
- > In the bibliography the author name should appear as Surname, First name. **(AGLC 1.15)**

Journal titles (AGLC 4.5)

Journal titles should be entered in full.

Law Report titles (AGLC 2.3.2)

The name of a Law Report series should be abbreviated and does not appear in italics.

Case Names- (AGLC 2)

- > For multiple parties you need only cite the first plaintiff and the first defendant. Do not use & an or
- > If the Commonwealth or a State are parties use the shortest form e.g. Commonwealth – not the Commonwealth of Australia; Queensland not ‘The State of Queensland’
- > In a criminal case use R for Rex or Regina where the title is the first element in the case. If it is the second element then use the King or The Queen.

R v Falconer (1990) 171 CLR 30

Ryan v The Queen (2001) 179 ALR 193