



Second Edition

# LETTERS TO A LAW STUDENT

A guide to studying law at university

Nicholas J. McBride



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Second Edition

Nicholas J. McBride

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First published 2007

**Second edition published 2010**

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ISBN: 978-1-4082-1880-8

**British Library Cataloguing-in-Publication Data**

A catalogue record for this book is available from the British Library

**Library of Congress Cataloging-in-Publication Data**

McBride, Nicholas J.

Letters to a law student : a guide to studying law at university /  
Nicholas J. McBride. —2nd ed.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-4082-1880-8 (pbk. : alk. paper) 1. Law students—  
England—Handbooks, manuals, etc. 2. Law—Study and teaching—England.  
I. Title.

KD442.M36 2010

340.071'142—dc22

2009048613

10 9 8 7 6 5 4 3  
14 13 12 11

Typeset in 10.5/14 pt Minion by 75

Printed in Great Britain by Henry Ling Limited, at the Dorset Press, Dorchester, DT1 1HD

# Letters to a Law Student

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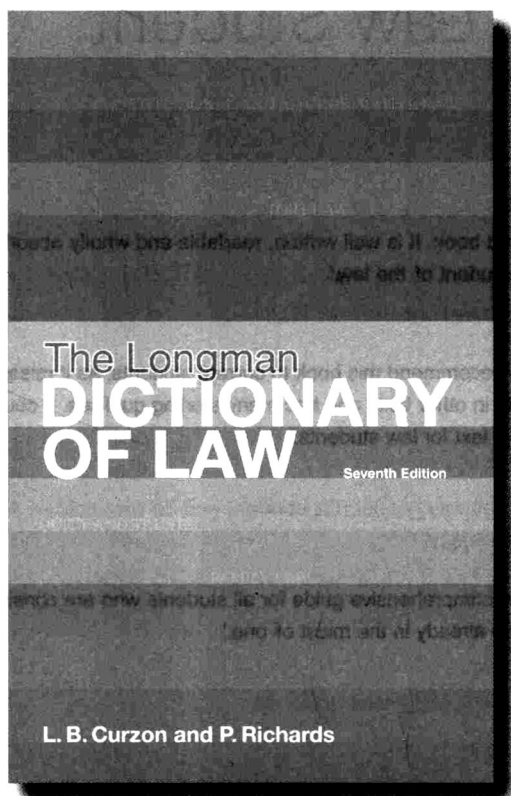


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To Isabel and Ines

*você está na minha cabeça o tempo todo*



# Foreword

This book is primarily aimed at law students, including aspirant ones. It takes the highly original form of letters written by a law teacher to Jo, an A-Level student who goes on to become an undergraduate law student.

Some of the letters or parts of them will be invaluable also to non-law students. There is shrewd guidance on how to go about one's studies; developing and applying an exam technique, planning and writing an essay; making and storing notes so as to maximise their value and to justify the time spent accumulating them; and, of course, revising for the inevitable exam. The guidance and advice in the letters should be followed: they will enable the student better to realise her or his full potential.

As an undergraduate law student, one of my first year courses was called 'English Legal System'. The textbooks were 'black letter' and, frankly, a bit tedious. As I read through Nick McBride's book, I became more and more convinced that this was the ideal educational tool and a 'must have' for every student of the law. The letters are stuffed with common sense and the wisdom and experience of an outstanding law teacher.

Time and again, the letters identify and elaborate upon some great legal issue: What is the rule of law? What is the relationship between law and morality? What should be the test of intention in the law of murder? There is an incisive essay on this subject which bravely, and rightly on the particular point, includes the sentence 'Glanville Williams is wrong'. The reader must understand that the late Professor Williams was one of the most outstanding legal scholars of the 20th century. Nick McBride's observation brings home to the student the critical importance of challenging fundamental assumptions (including those which may have been set down by distinguished commentators) with rational and logical analysis, concisely expressed.

At all times the reader is encouraged in the learning process to think about issues in a sensible, flexible and intelligent way: to apply reasoning and common sense rather than mechanically to invoke the principle enunciated in some recent well-known case which may only have some general relevance to the subject. The purpose of all the letters is to teach the student how to think for himself or herself, how to get to the heart of the problem and how to solve it.

This is a splendid book. It is well written, readable and wholly absorbing. The problem examples which are littered throughout are modern and realistic. The student will swiftly come to realise that the study and practice of law is an exciting and living thing which enables solutions to be found to what, at first sight, may seem to be quite intractable and brand new problems.

My only regret is that this book of letters was not available to me when I was a student.

Lord Grabiner Q.C.





# Preface

This book has been written for anyone who is doing, or thinking about doing, a law degree at university. The book comprises a series of letters to a law student, Jo. The first letter is sent to Jo while Jo is doing A-Levels and thinking about doing a law degree at university. The final letter finds Jo studying law at university. It gives Jo some advice as to what sort of career Jo might pursue after leaving university. The 23 letters in between track Jo's progress from school to university, giving advice to Jo on various issues such as how to study law, how to write legal essays, and how to revise for exams.

Jo does not exist, but if you are thinking about studying law or actually studying law you will share some of the concerns that prompt the letters to Jo which are set out in this book. Some letters will be of more relevance than others. If you are thinking about whether law is the 'right' choice for you as a degree subject, you should definitely read Part I of this book. You may also find it useful to read letters 4 and 5, and then 10–14, and also letter 16 to get some idea of what you'd actually be doing if you studied law at university. I've made a start at doing this in the first letter in this book, but the later letters will give you a much better idea of what is involved in studying law at university. If you decide to apply to university to study law, then you should read letter 6; and if you are applying to a university that requires you to come for interview, then letters 7 and 8 are for you (and it would be a good idea to go back over letters 4 and 5).

If you have already secured a place to study law at university, then Part I of this book will be of limited relevance to you – though you may find some parts of the first and second letters useful. If you have yet to take up your place at university, you should read letters 4 and 5, and then letters 8 to 22. You should read the final three letters later, when you need to.

If you have already started studying law at university, read letters 4, 5 and 8, and then letters 11–22; again leaving the final three letters to later, when you need to. You may find some aspects of letter 10 useful for your studies; and it might be an idea to read letter 9 just before your next summer holiday.

One of the themes of this book is that to remember information, it is not enough to read it; you have to use it as well. Anyone who reads letters 12–21 just the once is likely to forget quite quickly what they have to say about how to study law and how to write well as a lawyer, and as a result their studies and their legal writing will not benefit at all from the advice contained in those letters. Aim instead to re-read constantly letters 12–21 in the early stages of your legal studies, to ensure that you are putting the lessons of those letters into practice. If you do this, you'll soon find that you'll never have to read those letters again to remember what they say; the habits of study and writing that they seek to inculcate will have become completely natural to you.

Because Jo doesn't exist, it was necessary to give Jo an identity – to make certain assumptions about Jo. I've assumed that Jo is doing a normal three-year law degree. So Jo is not doing a mixed law degree, such as a degree in Law and Politics or Law and Criminology; and Jo is not doing a degree that involves going somewhere on the Continent for one or two years to find out what the law says over there. I've also assumed that Jo is studying law at an English or Welsh university, and not a university in Northern Ireland or Scotland. Finally, I've assumed that Jo takes *exams* and that how Jo does in those exams will determine what class of law degree Jo will get. So, Jo's law degree does not involve doing coursework or a dissertation.

Making these assumptions has, of course, made the focus of this book a little narrower than some might like. For example, there is no advice in this book for students as to how best to approach the job of doing coursework, or how best to write a dissertation. But I'm not unduly concerned by this. One of the themes of the later letters in this book is the need for students to stop being so passive in the way they study law and adopt a much more active approach to their studies. Those who are capable of rising to this challenge will be more than capable of adapting the lessons taught in this book to their individual circumstances.

Another criticism that might be made of this book in some quarters is that it is too 'prescriptive' – it gives law students detailed guidance as to how they should study law instead of leaving it up to them to decide for themselves how best to approach the job of 'learning the law'. Not surprisingly, I would reject this criticism. In theory, the idea of allowing everyone to find their own way of studying law and letting 'a thousand flowers bloom' sounds very appealing. But in practice, giving law students no or little guidance as to how they should approach their studies leaves them in a wasteland, feeling confused, upset and very lonely. It is better, surely, to provide students with a model for studying law that they can all adopt, and then allow them to make *improvements* to that model in the light of their own individual circumstances. That is what I have tried to do in this book, among other things.

There are only a handful of books in this world that are incapable of being improved and this book is definitely not one of them. Students or teachers who have read this book and have constructive suggestions as to how it might be changed for the better shouldn't hesitate to get in touch with me at [njm33@cam.ac.uk](mailto:njm33@cam.ac.uk). I would very much welcome hearing from you.

Nick McBride  
Pembroke College, Cambridge  
1 August 2009



# Acknowledgements

Thanks must go first to Christine Statham, the Commissioning Editor at Pearson Education, both for the initial suggestion that I write a second edition of *Letters to a Law Student*, and for all the efforts she put into guiding this edition to publication. I would also like to thank everyone at Pearson Education who contributed to the production of this edition, in particular Kevin Ancient, Andrea Bannuscher, Mary Lince and Caterina Pellegrino.

As always, I'm extremely grateful to my family, and especially my mother, for all their support and encouragement.

This book is dedicated to two of the most special people in my life: my best friend, Isabel Haskey, for always being there for me, and her daughter, Ines, for just being there. I simply couldn't function without their love and example.

Much love and thanks also go to Natalie Wilkins, for whom a lot of the letters in the original edition of *Letters to a Law Student* were written. Anyone who gets anything out of this book owes her a huge debt of gratitude, as do I.

I'd also like to thank Gabi Rutherford, Amanda Perreau-Saussine, and Amanda's family, for being such a huge source of encouragement and joy in my life. I also owe Gabi, Amanda, and Sean Butler, many, many thanks for taking the time to read a lot of the letters in this book and provide me with invaluable suggestions for how they could be improved.

This book could not have been written without the endless stimulation provided by my students – both in asking me for help and advice with

particular aspects of their studies, and in showing me the traps that students can fall into and need to be warned against. I'd like in particular to thank Anastasia Bykova, Ashleigh Reid, Andrew Young and Charlie Brearley for providing me with feedback on some of the chapters in this book.

The final chapter of the book was rewritten to take into account the hugely helpful advice that two of my ex-students, Alex Robson and Siobhan Sparkes McNamara, gave at a careers evening that they helped to put on for my students at Pembroke College, Cambridge.

Finally, I'd like to thank my father for all the help he gave me with the writing of this book.

# Contents



Foreword	ix
Preface	xi
Acknowledgements	xiv

## **PART 1** Thinking About Studying Law 1

<b>Letter 1</b>	Why Law? 3
<b>Letter 2</b>	The Right Stuff? 21
<b>Letter 3</b>	Law Degree or GDL? 39

## **PART 2** Preparing to Study Law 47

<b>Letter 4</b>	Arguing Effectively (1): Logical Arguments 49
<b>Letter 5</b>	Arguing Effectively (2): Speculative Arguments 71
<b>Letter 6</b>	Applying to University and Doing the LNAT 85
<b>Letter 7</b>	Tips for Interview 103
<b>Letter 8</b>	Some Traps to Avoid 113
<b>Letter 9</b>	Advance Reading 125
<b>Letter 10</b>	A Mini-Dictionary of English Law 129
<b>Letter 11</b>	Some Last Advice Before You Start 155

## **PART 3** Studying Law 163

<b>Letter 12</b>	The General Approach 165
<b>Letter 13</b>	Using a Textbook 179
<b>Letter 14</b>	Reading a Case 185
<b>Letter 15</b>	Looking at Statutes 211
<b>Letter 16</b>	Reading an Article 221
<b>Letter 17</b>	Using the Internet 231
<b>Letter 18</b>	Getting the Most Out of Your Teachers 243

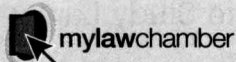
## **PART 4** Preparing for Your Exams 253

- Letter 19** How to Write an Essay 255  
**Letter 20** A Sample Essay 279  
**Letter 21** Answering a Problem Question 293  
**Letter 22** Coping with Stress 315  
**Letter 23** Tips on Revising 321  
**Letter 24** Last Advice Before the Exams 333

## **PART 5** Thinking About the Future 341

- Letter 25** Moving On 343

*Appendix* 349  
*End Notes* 361  
*Index* 369



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## PART 1

# Thinking About Studying Law





