

# Letters to a Law Student

A guide to studying law at university

Nicholas J. McBride

A person in a dark top and red shorts is walking away from the viewer down a long, narrow concrete pier that extends into a vast, blue ocean under a clear sky. The water is slightly choppy with small waves. The pier's surface is wet and reflective.

With a foreword by  
LORD GRABINER Q.C.

# Letters to a Law Student

‘This is a splendid book. It is well written, readable and wholly absorbing. . . .  
a “must have” for every student of the law.’

*From the Foreword by Lord Grabiner QC*

‘The style is refreshingly honest and provides the reader with some excellent  
pointers and practical advice.’

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# Letters to a Law Student

A guide to studying law at university

Nicholas J. McBride

Fellow in Law,  
Pembroke College,  
University of Cambridge



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To  
Mikayla, Helayna,  
Inés, Eloise, Corin  
and Arthur

Matthew 18:3



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# 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 Sam, an A-Level student who goes on to become an undergraduate law student.

Some of the letters or parts of them will also be invaluable 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 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. Occasionally, you get a crisp incontrovertible proposition of law such as ‘You cannot deceive a machine: *Goodwin*’. The reader will never forget this point but it is made as an illustration of how to make use of decided cases. The purpose of all the letters is to teach the student how to think for him 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 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 QC

# 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, Sam. The first letter is sent to Sam while Sam is doing A-Levels and thinking about doing a law degree at university. The final letter finds Sam studying law at university. It gives Sam some advice as to what legal career Sam might pursue after leaving university. The 18 letters in between track Sam's progress from school to university, giving advice to Sam on various issues such as how to study law, how to write legal essays, and how to revise for exams.

Sam does not exist, and no one who is thinking about studying law or is currently studying law will share all of the concerns that prompt the letters to Sam set out in this book. Some letters will be of more relevance to you 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 9, 11, 12, 13 and 14 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, on the other hand, you've 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 second and third letters useful. If you've yet to take up your place at university, you should start reading this book at letter 7 and not stop until you've finished letter 17. The final three letters can be left to a later stage. If you've already started studying law at university, start at letter 8 and keep on reading until you have finished letter 19. You can leave the job of reading letter 7 to just before your next summer holiday.

Letter 5 will obviously be relevant to you if you're in the process of applying for a place to study law at university; and letter 6 will be relevant to you if one of the universities you are applying to requires you to sit the LNAT (the new national legal aptitude test). If you've applied for a place to study law at Oxford or Cambridge and are preparing to go for interview there, you might find it helpful to read letters 3, 8 and the final section of letter 12.

Because Sam doesn't exist, it was necessary to give Sam an identity – to make certain assumptions about Sam. I've assumed that Sam is doing a normal three-year law degree. So Sam is not doing a mixed law degree, such as a degree in Law & Politics or Law & Criminology; and Sam 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 Sam is studying law at an English or Welsh university, and not a university in Northern Ireland or Scotland. Finally, I've assumed that Sam takes *exams* and that how Sam does in those exams will determine what class of law degree Sam will get. So Sam'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 little or no 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 February 2006



# Acknowledgments



Thanks are owed first of all to Pat Bond for approaching me a few years ago, when he was commissioning editor in Law at Pearson Education, to ask if I'd be interested in writing an introductory book on studying law. We both acknowledged the need for such a book. However, I couldn't find a decent way of structuring the book or even think of a good title for it.

After Pat left Pearson Education, Michelle Gallagher, his successor, came across my correspondence with Pat and encouraged me to revisit the idea. It was at this stage that the idea occurred to me to write the book in the form of a series of letters to an imaginary law student – thus solving both the problems of structure and title. Despite the fact that no one had ever before written a book for UK law students using a letter format, Michelle was brave enough to commission me to write the book. About a year later, Michelle left Pearson Education to have a baby, and her place was ably taken by Rebekah Taylor who has done a fantastic job of supervising this project to completion, providing me with a great deal of support and excellent comments on all of the letters in this book.

I'd like to thank everyone else at Pearson Education who was involved in the production of this book, especially Linda Dhondy, Philippa Fiszson, Cheryl Cheasley, Kelly Meyer, Mary Dalton and Kay Holman.

This book could not have been written without the continuing support of my wonderful college – Pembroke College, Cambridge – both in giving me a job teaching law and in providing a warm, friendly environment in which to work. I find it hard to imagine that there are many better places in the world to teach or study law. The students who are currently lucky enough to study law at Pembroke gave me a great deal of help with this book. Maryam Adamji, Hannah Bill, Hugh Kam, Clare Kissin, Siobhan Sparkes McNamara, Beka Sykes (hello!), Peter Sugden and Megan Woolgar



read chapters of this book in draft form and gave me a lot of good advice as to how they might be improved. I owe an immense debt to Natalie Wilkins, whose dissatisfaction with traditional methods of studying law inspired me to come up with many of the ideas and suggestions that form the core of the second half of this book.

Roderick Bagshaw, Fellow in Law at Magdalen College, Oxford, read a fair number of the letters in this book and provided so much wise advice as to what they should and should not say that I began to think that Pearson Education should have commissioned him to write this book and not me. Dr Sean Butler, Director of Studies in Law at St Edmund's College, Cambridge, read most of this book when it was almost finished and improved it immensely with his suggestions for alterations. Professor John Bell – who is also at Pembroke College, Cambridge – gave me a lot of help with this book, both by talking about it with me and by providing me with some information about teaching practices in other universities.

Helpful comments on drafts of various letters in this book were also provided by reviewers commissioned by Pearson Education:

- Jason Grimster (Brockenhurst College, Hampshire), Sally Russell (Sussex Downs College) and Tony Wragg (University of Derby) acted as lecturer reviewers, and
- Rob Cheeseman (undergraduate law student at the University of Derby) and James Ratcliffe (A-Level student at Brockenhurst College, Hampshire) acted as student reviewers.

In the last letter of the book, I thought it would be nice to do something a little bit different and I asked a number of people, mostly ex-students, to write some pieces for it. I am immensely grateful to Andrew Jackson, Suzanne Kingston, John McLinden, Anna Midgley, Kirstin Russell, Emily Smith and one other person for taking up the challenge.

I'm more than happy to acknowledge the continuing debt I owe my teachers – especially John Davies and Hugh Collins – for setting me off down the track of studying law and providing me with a great deal of help in my early years. I also owe a huge debt to someone who only ever taught me for one term at Oxford, but who managed in that eight weeks to give me a great deal of helpful advice on how to study, and write about, law. The

advice he gave me then has stayed with me ever since and has had a big influence on this book, especially letter 15. The teacher was Professor Peter Birks, now sadly lost to us.

Thanks, as always, are owed to my family (especially my mother and my brother, Ben), Bridget Callaghan and her husband Craig, Isabel Haskey, and Sam Smeeton for their unwavering help and support.

Finally, I'd like to thank Lord Grabiner QC for the enthusiastic encouragement he gave me while this book was still at a very early stage in its development and for kindly agreeing to write a foreword.

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A large, bold blue number '1' is centered on the page. Behind the number, there are several horizontal wavy lines in a light blue color, creating a sense of motion or a stylized background.

## **PART 1**

# Thinking About Studying Law