



LPC BUDDY

LPC Skills
2023 / 24



THE DEFINITIVE,
DISTINCTION QUALITY
STUDY GUIDE FOR THE LPC

CUT DOWN YOUR READING.
EASE YOUR EXAM STRESS.
GET THE GRADE YOU NEED.



Preview file only.

Features available in the full version of LPC Buddy, such as copying, pasting, and printing, have been disabled



LPC Skills

1. Practical Legal Research	
1. Practical Legal Research Guide	p.1-13
2. Example Assessment Structure	p.14-23
3. Research Report Structure - University of Law	p.24-25
4. Example Assessment Instructions – University of Law	p.26
5. Example Research Report and Email	p.27-43
2. Legal Writing	
1. Legal Writing Guide	p.44-54
2. Example Assessment Answer	p.55-60
3. Drafting	
1. Drafting Guide	p.61-67
2. The Particulars of Claim	p.68-75
3. Example Particulars of Claim (Negligence) (from Book)	p.76-79
4. Example Particulars of Claim (Unspecified Breach of Contract Claim) (from Book)	p.80-83
5. Example Particulars of Claim (Unspecified Breach of Contract)	p.84-86
6. Drafting the Defence	p.87-88
7. Example Defence (Breach of Contract) (Textbook)	p.89-90
8. Example Defence and Counterclaim (Negligence) (from Textbook)	p.91-94
9. Exemplar Defence	p.95-99
10. Civil Case Analysis	p.100-107
4. Interviewing	
1. Interviewing Guide	p.108-116
2. Interviewing Structure and Example	p.117-120
3. Example Document 1 - Interview Checklist	p.121
4. Example Document 2 - Question Ideas for the Client	p.122
5. Interviewing and Advising - BPP	p.123-127
5. Advocacy	
1. Advocacy Guide	p.128-141
2. Summary Judgment	p.142-144
3. Example Initial Summary of Facts	p.145-147
4. Advocacy Assessment - Structure	p.148-154
5. Advocacy Plan - Applicant	p.155
6. Advocacy Plan - Respondent	p.156
7. BPP Advocacy Guide	p.157-164
8. Example BPP Chronology	p.165-167

Colour Coding Guide	❖ Blue Text – Reference to statutes and case law. ❖ Green Text – Reference to textbook paragraphs¹, workshop tasks² and other notes in LPC Buddy. ❖ Purple Text – Reference to Professional Conduct Rules or Principles.
----------------------------	---

www.lpcbuddy.com
support@lpcbuddy.com



¹ Textbook references are to the CLP Legal Practice Guides by CLP Publishing.

² References to Workshop tasks are to University of Law workshop tasks (which may be adopted by other LPC institutions). The content and structure of Workshops is subject to change at short notice and so task references should be treated as a general guide only.

1. Practical Legal Research



1. Practical Legal Research Guide	p.1-13
2. Example Assessment Structure	p.14-23
3. Research Report Structure - University of Law	p.24-25
4. Example Assessment Instructions – University of Law	p.26
5. Example Research Report and Email	p.27-43

Practical Legal Research

<u>What to expect!</u>	❖ Practical Legal Research is normally the first formal assessment that you do on the LPC. It is generally sat in around the second month of your course (normally around early-mid November for September starters). ❖ The assessment is a pass/fail assessment. Students <u>only need to pass</u> the assessment (it does not matter how well). <table border="1" data-bbox="300 490 1489 1346"> <tr> <td data-bbox="300 490 437 1346"> <u>Format</u> </td><td data-bbox="445 490 1489 1346"> ❖ Generally, the assessment will take the following format: ❖ It is likely to be a “do it at home” assessment where you will receive a <u>mock email/memo from a supervisor</u> setting out a scenario on which you need to <u>perform some research</u> so that your firm can advise a new client. ❖ You will then be given <u>one week</u> to research the particular area of law concerning the client’s problem, and produce: ➤ An <u>email</u>, and ➤ Accompanying <u>research report</u>. ❖ The email and report will generally have a <u>prescribed format</u> required by your LPC provider. Be sure to <u>follow the suggested structure</u>. A rule of thumb with the LPC is that deviations from suggested templates are only likely to lead to you <u>losing marks</u> – do what your LPC provider asks of you (even if you think you would do it differently in practice). ❖ The research report will require: ➤ A <u>list of all sources</u>. ➤ A note recording the <u>time taken for the work</u> (intended to simulate time recording and billing in practice). </td></tr> </table>	<u>Format</u>	❖ Generally, the assessment will take the following format: ❖ It is likely to be a “do it at home” assessment where you will receive a <u>mock email/memo from a supervisor</u> setting out a scenario on which you need to <u>perform some research</u> so that your firm can advise a new client. ❖ You will then be given <u>one week</u> to research the particular area of law concerning the client’s problem, and produce: ➤ An <u>email</u>, and ➤ Accompanying <u>research report</u>. ❖ The email and report will generally have a <u>prescribed format</u> required by your LPC provider. Be sure to <u>follow the suggested structure</u>. A rule of thumb with the LPC is that deviations from suggested templates are only likely to lead to you <u>losing marks</u> – do what your LPC provider asks of you (even if you think you would do it differently in practice). ❖ The research report will require: ➤ A <u>list of all sources</u>. ➤ A note recording the <u>time taken for the work</u> (intended to simulate time recording and billing in practice).
<u>Format</u>	❖ Generally, the assessment will take the following format: ❖ It is likely to be a “do it at home” assessment where you will receive a <u>mock email/memo from a supervisor</u> setting out a scenario on which you need to <u>perform some research</u> so that your firm can advise a new client. ❖ You will then be given <u>one week</u> to research the particular area of law concerning the client’s problem, and produce: ➤ An <u>email</u>, and ➤ Accompanying <u>research report</u>. ❖ The email and report will generally have a <u>prescribed format</u> required by your LPC provider. Be sure to <u>follow the suggested structure</u>. A rule of thumb with the LPC is that deviations from suggested templates are only likely to lead to you <u>losing marks</u> – do what your LPC provider asks of you (even if you think you would do it differently in practice). ❖ The research report will require: ➤ A <u>list of all sources</u>. ➤ A note recording the <u>time taken for the work</u> (intended to simulate time recording and billing in practice).		
<u>What area of law will I be asked to research?</u>	❖ The area of law you will be asked to research will generally be <u>incredibly niche</u>. ❖ The Practical Legal Research assessment will normally select a fairly <u>obscure</u> area that is not covered in core Qualifying Law Degree and / or LPC assessments, given this is a test of you researching a new area. ❖ Past assessments have, for instance, related to: ➤ An <u>equal pay dispute</u> (the example used in this guide). ➤ A <u>neighbour dispute involving trespass / tree preservation orders / the law on moving bird’s nests</u>¹. ➤ <u>Statutory protection of badger setts</u> and the impact of proposed construction works. ❖ <u>You are not expected to have a strong understanding of the area of law you will be researching in advance of the assessment</u>; the point is that you get a week to find out about the law and develop your understanding in order to prepare your report.		

¹ Yes, there are laws on this – see the [Wildlife & Countryside Act 1981](#)

<u>Is there a word limit?</u>	❖ No, though you will be assessed on your ability to produce a <u>concise and relevant report</u>. You will be penalised for reporting on areas that are not relevant to your instructions.								
<u>LPC Assessment Criteria</u>	❖ Practical Legal Research is assessed at the University of Law in accordance with the following LPC assessment criteria². ❖ You should always, on completing an initial draft of your assessment, <u>refer to your assessment criteria and be honest with yourself as to whether your answer meets all of the requirements:</u> <table><tr><td><u>Criterion 2:</u> <u>Analysis of complex legal, factual, business and / or management issues, as appropriate</u></td><td> ❖ Analyse the <u>client's concerns</u>, perspective and needs; ❖ Identify the <u>issues to research</u> and base the research on key factual information and the <u>supervisor's requirements</u>; and ❖ Explain whether any <u>further information is required</u>, and <u>correctly analyse how the identified law relates to the identified issues</u> </td></tr><tr><td><u>Criterion 3:</u> <u>Application of knowledge and understanding to the task.</u></td><td> ❖ Correctly <u>interpret the sources of law</u> used to support the report; ❖ Take account of the <u>supervising solicitor's and/or client's perspective</u>, as relevant; and ❖ <u>Address all issues raised</u>; and <u>do not cover issues which are irrelevant</u> to your instructions </td></tr><tr><td><u>Criterion 4:</u> <u>Ability to select and use appropriate information in support of the argument</u></td><td> ❖ Use an <u>appropriate and sensible range of reliable research sources</u>; ❖ Identify the <u>correct sources of law</u>; ❖ Explain the <u>primary sources of law and commentary that you used</u>; ❖ Include <u>correct citations</u> and references to all of the relevant law; and ❖ <u>Do not repeat the full text of sources</u> nor attach a copy of any sources that you used. </td></tr><tr><td><u>Criterion 6:</u> <u>Ability to reach a clear and reasoned solution to the problem(s) raised in the task, addressing any</u></td><td> ❖ Provide <u>unequivocal legal and practical advice</u>, including any relevant procedural steps; ❖ Identify <u>potential solutions</u>, based on your analysis of the legal and factual issues; ❖ Identify and analyse the <u>advantages and disadvantages of potential solutions</u>; </td></tr></table>	<u>Criterion 2:</u> <u>Analysis of complex legal, factual, business and / or management issues, as appropriate</u>	❖ Analyse the <u>client's concerns</u>, perspective and needs; ❖ Identify the <u>issues to research</u> and base the research on key factual information and the <u>supervisor's requirements</u>; and ❖ Explain whether any <u>further information is required</u>, and <u>correctly analyse how the identified law relates to the identified issues</u>	<u>Criterion 3:</u> <u>Application of knowledge and understanding to the task.</u>	❖ Correctly <u>interpret the sources of law</u> used to support the report; ❖ Take account of the <u>supervising solicitor's and/or client's perspective</u>, as relevant; and ❖ <u>Address all issues raised</u>; and <u>do not cover issues which are irrelevant</u> to your instructions	<u>Criterion 4:</u> <u>Ability to select and use appropriate information in support of the argument</u>	❖ Use an <u>appropriate and sensible range of reliable research sources</u>; ❖ Identify the <u>correct sources of law</u>; ❖ Explain the <u>primary sources of law and commentary that you used</u>; ❖ Include <u>correct citations</u> and references to all of the relevant law; and ❖ <u>Do not repeat the full text of sources</u> nor attach a copy of any sources that you used.	<u>Criterion 6:</u> <u>Ability to reach a clear and reasoned solution to the problem(s) raised in the task, addressing any</u>	❖ Provide <u>unequivocal legal and practical advice</u>, including any relevant procedural steps; ❖ Identify <u>potential solutions</u>, based on your analysis of the legal and factual issues; ❖ Identify and analyse the <u>advantages and disadvantages of potential solutions</u>;
<u>Criterion 2:</u> <u>Analysis of complex legal, factual, business and / or management issues, as appropriate</u>	❖ Analyse the <u>client's concerns</u>, perspective and needs; ❖ Identify the <u>issues to research</u> and base the research on key factual information and the <u>supervisor's requirements</u>; and ❖ Explain whether any <u>further information is required</u>, and <u>correctly analyse how the identified law relates to the identified issues</u>								
<u>Criterion 3:</u> <u>Application of knowledge and understanding to the task.</u>	❖ Correctly <u>interpret the sources of law</u> used to support the report; ❖ Take account of the <u>supervising solicitor's and/or client's perspective</u>, as relevant; and ❖ <u>Address all issues raised</u>; and <u>do not cover issues which are irrelevant</u> to your instructions								
<u>Criterion 4:</u> <u>Ability to select and use appropriate information in support of the argument</u>	❖ Use an <u>appropriate and sensible range of reliable research sources</u>; ❖ Identify the <u>correct sources of law</u>; ❖ Explain the <u>primary sources of law and commentary that you used</u>; ❖ Include <u>correct citations</u> and references to all of the relevant law; and ❖ <u>Do not repeat the full text of sources</u> nor attach a copy of any sources that you used.								
<u>Criterion 6:</u> <u>Ability to reach a clear and reasoned solution to the problem(s) raised in the task, addressing any</u>	❖ Provide <u>unequivocal legal and practical advice</u>, including any relevant procedural steps; ❖ Identify <u>potential solutions</u>, based on your analysis of the legal and factual issues; ❖ Identify and analyse the <u>advantages and disadvantages of potential solutions</u>;								

² This marking criteria is from the most recent University of Law assessments. This may be subject to change, and different institutions may adopt slightly different criteria. Marking criteria for pass/fail assessments is normally made available to students and you should consult this.

	<u>ethical and commercial issues, as appropriate</u>	❖ <u>Identify the most appropriate solution(s)</u>; ❖ Only where there is any <u>uncertainty</u>, explain how your <u>advice would differ if additional facts are subsequently discovered</u>; and do not set out excessive detail, or irrelevant material.
	<u>Criterion 7: Ability to communicate using a clear and logical structure and language appropriate to the task</u>	❖ Use the <u>standard format</u> for your email and report; ❖ In an <u>email</u> separately <u>summarise the conclusions to your legal research</u> and advice; ❖ Produce a <u>well-organised research report</u> at a level of detail suited to the task; ❖ Be <u>concise and clear</u>, using a professional style to suit your supervising solicitor's requirements; ❖ <u>Ensure you have enough time to check and proof read your work</u>; produce an email and a report which contain no typographical errors and are grammatically correct

Research Tips and Tricks

- ❖ Here are a few tips and tricks that you may want to use for your research

Where to find things!

<u>Case Law</u>	❖ Bailii.org ❖ Westlaw ❖ Lawtel (Available Through Westlaw) ❖ Lexis+ ❖ Supreme Court Judgments Database ❖ Tribunal Decisions
<u>Legislation</u>	❖ Legislation.gov.uk ❖ Westlaw ❖ Lexis+
<u>EU Law</u>	❖ Curia (EU Case Law) ❖ Eur-Lex (EU Case Law and Legislation)
<u>Practice Notes</u>	❖ Practical Law ❖ LexisPSL

	❖ Lexology
Books	❖ Westlaw Books ❖ Lexis+ ❖ University of Law Library Page
<u>Our suggested go-to areas for research.</u>	❖ As practitioners, our experience is that you can find out <u>more or less anything you need to</u> using either: ➤ Practical Law, or ➤ LexisPSL (now part of Lexis+). ❖ Both of these resources provide practice notes; essentially guides to the law in simple and easy-to-understand language, as well as precedent documents which you can use for templates when drafting. ❖ Each has different subject areas on which they are slightly stronger; for instance, we would suggest that LexisPSL has generally better resources on Criminal Law, but Practical Law can be better for more “corporate” areas. Both are, however, comprehensive resources that will provide you with easy one-document explainers on most legal topics. ❖ If you have not used either of these resources so far in your legal studies, <u>take the time to familiarise yourself with them</u> . They are essential tools in legal practice, they will provide you with a foundational starting point for your Practical Legal Research task, and will make your life on the LPC generally much easier. ❖ For very specific topic areas, you may need to look for books on the subject (on Practical Law, click the drop-down menu at the top and click “Books”) which will often be particularly specialist.
<u>Use of AI</u>	❖ Artificial Intelligence (AI) tools are in their infancy but are already very powerful. Large Language Models (LLMs) such as ChatGPT do have the power to (a) assist in your research and, (b) if prompted properly, can even prepare a first draft of your report, to a fairly high standard. ❖ We don’t propose to do a full AI explainer here, but our view on them is that (a) they are useful, and as they advance, will only become more useful, but (b) at the moment, the use of such tools in your assignments should be <u>treated with significant caution</u> . ❖ Some of the problems with AI, at the moment, are that: ➤ <u>Your LPC provider is likely to consider its use to breach their terms of service</u>: we think that it is <i>highly likely</i> that universities will impose a blanket bans on the use of AI tools in assessments. The prevalence of LLMs is new but we expect them to significantly disrupt the education space, as some of the more powerful models already essentially render the use of take-home assignments useless because the AI can just do them for you. LPC providers are going to adapt to this somehow, and so we expect them to likely take a strict approach and we expect many to just ban its use outright.

	You should be cautious to ensure you are not breaching your LPC provider's rules on any given assessment. ➤ LLMs can “hallucinate”: this is where the AI basically makes up an answer to a given question. If the AI does this, the issue is that it will do so confidently, and may even double down on its “lie” if you ask it to confirm whether or not something is right. In particular, we know for a fact that ChatGPT will make up certain references to the Model Articles and the Companies Act 2006, and it will also inform you that certain sections of the 2006 Act covers subject matter which it simply does not. The fact that this is a present issue means you should treat anything an AI model outputs with caution. ➤ You do not know its training source: whilst AI tends to be quite good at considering major cases and legislation, we have found it to struggle on more niche topics. This is possibly a symptom of quality material on such areas, such as cases and practice notes, being stuck behind paywalls online, such that tools such as ChatGPT may not have access to them in its training data. The point is that you do not know and cannot verify what any particular LLM is trained on, and so for that reason you should be cautious in considering its output. We expect the landscape to change quickly in this area, and specialist tools are likely to be developed with specific data sources which will make them more reliable. ➤ The quality of the input has a bearing on the quality of the output: the quality of your prompt will have a direct bearing on the quality of what any model outputs. This is, in itself, a skill, but you should be mindful that asking a poor-quality question can generate a poor-quality answer. ➤ They lack nuance: current LLMs are very good at “rigid” drafting, but they lack nuance. For example, you can ask ChatGPT to produce a letter of claim, and it will write a clear and logical letter, but even GPT-4 (the paywalled version) is often poor at the subtle weighting of facts that you might employ as a litigation lawyer in order to paint a scenario in your client's favour. Just be mindful of the limitations of these tools in their current form.
<u>Search Engine Tips and Tricks - Boolean Operators</u>	❖ One difficulty people commonly find when trying to search for things online is providing the right input i.e., search terms, to get the answer that is needed. This is particularly the case when you are searching specific, niche topics such as legal concepts. ❖ A tool that will change the accuracy of your search results is to use what are called “Boolean operators”. These are words and symbols you can use to expand or narrow your search parameters (we have highlighted the ones we use most often in yellow):

	“Quotation Marks”	❖ Searches for the exact word or phrase in the quotation marks.	❖ Example: “James Dyson” ❖ This will search for “James Dyson” as a specific phrase, and will not return results with merely “James” or “Dyson”. ❖ This is also useful to force a search engine to search for the exact word you typed, and also can be useful to stop the search engine from, for instance, excluding a specific word because it does not think it is particularly relevant (as Google can sometimes occasionally do saying “showing results instead for...”).
	+ Plus	❖ Ensures the search MUST include the word that immediately follows the plus.	❖ Example: Manchester United +Ronaldo ❖ This will ensure that every result returned includes the word “Ronaldo”.
	- Minus / Dash	❖ Excludes the term that immediately follows the dash.	❖ Example: tank -fish ❖ This will search for the word “tank” but will exclude results including the word “fish”, meaning you are far less likely to get results relating to “fish tanks”.
	~ Tilde	❖ Searches for synonyms for the term which follows the tilde.	❖ Example: music ~classes ❖ This will search for music classes, but also music lessons, music courses, music tuition, etc.
	Define:	❖ Searches for a definition.	❖ E.g., define:angry ❖ This will give you the definition of the word “angry”.
	Site:	❖ Searches a specific website only.	❖ Example: twitter site:reddit.com ❖ This will search Reddit.com for mentions of “Twitter”.
	-Site:	❖ Eliminate certain sites that flood the results.	❖ Example: -site:pinterest.com ❖ This will eliminate all results from “Pinterest.com” ³ .
	 Vertical bar	❖ Means “or”.	❖ Example: Chinese Indian Restaurants

³ You’re welcome.

			❖ Searches for Chinese OR Indian Restaurants
	.. Two Full Stops	❖ Searches for a number range.	❖ Example: films 1997..1999 ❖ This will search for “films 1997”, “films 1998”, “films 1999”.
	Location:	❖ Finds results related to a particular location.	❖ Example: theft law Location:England ❖ Searches for the law in relation to theft in England.
	Filetype:	❖ Searches for specific types of file.	❖ Example: theft act filetype:pdf ❖ Searches for the Theft Act but only returns PDF files as results. You can use most filetypes (e.g., .jpg, .doc, etc.).
	* Asterisk	❖ Wildcard search. Returns words with different suffixes which follow the asterisk.	❖ Example: Link* ❖ Will return results with different suffixes following “link”, so “link”, “links”, “linking”, “linked”.
	** Double Asterisk	❖ Searches for all forms and tenses of a word.	❖ Example: Sell** ❖ Searches for “sell”, “sold”, “selling” etc.
	AROUND (Number)	❖ Searches for the first word within a certain number of words of the second search term. ❖ This provides a means of ensuring more relevant results.	❖ Example: “Obama” AROUND(10) “Australia” ❖ The results will be ones in which the word “Obama” appears within ten words of “Australia”. ❖ Both terms must be in quotes and the word AROUND must be capitalised.
Ctrl + F / Command + F	❖ In most programs (including internet browsers, Microsoft Office applications, and PDF file readers), Ctrl + F (or Command + F on MacOS) is a shortcut to the “Find” tool, allowing for you to <u>search for text on a particular webpage or document.</u> ❖ Hitting Ctrl + F and searching for a particular word or phrase is <u>so much quicker than skimreading an article or webpage</u> looking for a specific piece of information. ❖ Combining this with the use of quotation marks above means that you can search for specific phrases, for example: ➤ Quotes from judgments; ➤ Sections of legislation. ➤ Passages of text that you want to find other documents that comment on it (e.g., legal commentary on a particular judicial quote).		

	➤ Search huge documents, such as textbooks ⁴ , quickly for specific phrases.
<u>Check your location.</u>	❖ When your browser tells you that “Google wants to know your location”, it is, in-part, doing so in order to provide you with search results that are most relevant based on where you are searching from. ❖ It is worth checking that you have allowed Google to know your location in order for Google to default to making it more likely to give you results based on English Law. ❖ You will find that if you block Google from knowing your location, or use a VPN, that the results it gives you are likely to be less relevant (and you are disproportionately more likely to receive results related to other jurisdictions).
<u>Searching Documents – OCR Searching</u>	❖ If you are reviewing a PDF file and it is an <i>image</i>, rather than text that you can copy, most modern PDF editors, such as Adobe Acrobat, or Nitro Pro, include an Optical Character Recognition (OCR) conversion tool. ❖ This <u>converts a PDF file into searchable text</u> and will allow you to search, as well as copy text from, the document. ❖ This is an invaluable tool to use when reviewing long PDF files and is something you can make significant use of in practice. When combined with the Ctrl + F above it allows you to search large documents for specific phrases with ease, rather than scrolling through and relying on your eyes to pick out the appropriate information. ❖ There are free tools available online that do the same job as Adobe Acrobat; however, we do not offer recommendations for specific software.

How to approach preparing your answer.

- ❖ This is a suggested approach; ultimately, conducting research depends on how you personally prefer to look up information, and on how your brain works, but this is how we might approach things:

<u>Step 1 – Review Your Instructions Carefully</u>	❖ <u>Highlight your instructions</u> when received. Make sure you have picked out the key information.		
	<table> <tr> <td><u>Key facts to consider.</u></td><td> ❖ <u>Who, what, when, where, why.</u> ➤ This is a good template to follow in order to bullet point the key issues. ❖ <u>Who</u> is your client? Who are the other relevant parties involved? ❖ <u>What</u> is the general thrust of the issue; what is it about? ❖ <u>When</u> did the events take place? Does this have any potential relevance? (e.g., limitation?). ❖ <u>Where</u> did the events take place? </td></tr> </table>	<u>Key facts to consider.</u>	❖ <u>Who, what, when, where, why.</u> ➤ This is a good template to follow in order to bullet point the key issues. ❖ <u>Who</u> is your client? Who are the other relevant parties involved? ❖ <u>What</u> is the general thrust of the issue; what is it about? ❖ <u>When</u> did the events take place? Does this have any potential relevance? (e.g., limitation?). ❖ <u>Where</u> did the events take place?
<u>Key facts to consider.</u>	❖ <u>Who, what, when, where, why.</u> ➤ This is a good template to follow in order to bullet point the key issues. ❖ <u>Who</u> is your client? Who are the other relevant parties involved? ❖ <u>What</u> is the general thrust of the issue; what is it about? ❖ <u>When</u> did the events take place? Does this have any potential relevance? (e.g., limitation?). ❖ <u>Where</u> did the events take place?		

⁴ You may want to note this one down.

	❖ Why is your client asking for advice? Identify their objective. ➤ Are there any commercial issues? ▪ Your instructions will generally be peppered with commercial issues which you will be expected to take into account. ▪ For example, the Equal Pay Dispute considered in this guide below) includes the line <i>“The Company would like to resolve the matter with as little publicity as possible”</i>, amongst others. This is a matter which you will be expected to take account of in your advice. Nothing is included in the instructions by accident.		
Step 2 – Shortlist the Relevant Legal Issues	❖ Identify the legal issues involved in the question. ❖ The legal issues are the questions that you actually need to be searching for the answers to. These questions are usually given to you explicitly in the scenario as part of your supervisor’s instructions. What is it that your supervisor wants to know? <table border="1"> <tr> <td>Example</td><td> ❖ In the example question included in this guide, paragraph four includes a list of questions that set out the legal issues you are expected to research. ❖ E.g., you are asked <i>“Is the pay differential discriminatory or could it be justified?”</i>. This requires you to find out the answer to the question and establish when, legally, a pay differential between two members of staff is potentially discriminatory, and when it can possibly be justified. This would be the first issue you need to address in your research. </td></tr> </table> ❖ The Research Report template requires you to provide your conclusions issue by issue. As such it is essential to ensure that you identify all relevant issues at the outset. Consider your instructions carefully and ensure that you have done this before you embark on the work on the actual report.	Example	❖ In the example question included in this guide, paragraph four includes a list of questions that set out the legal issues you are expected to research. ❖ E.g., you are asked <i>“Is the pay differential discriminatory or could it be justified?”</i>. This requires you to find out the answer to the question and establish when, legally, a pay differential between two members of staff is potentially discriminatory, and when it can possibly be justified. This would be the first issue you need to address in your research.
Example	❖ In the example question included in this guide, paragraph four includes a list of questions that set out the legal issues you are expected to research. ❖ E.g., you are asked <i>“Is the pay differential discriminatory or could it be justified?”</i>. This requires you to find out the answer to the question and establish when, legally, a pay differential between two members of staff is potentially discriminatory, and when it can possibly be justified. This would be the first issue you need to address in your research.		
Step 3 – Search the first issue. Consider researching the general background with a Google Search.	❖ Structure your searches by considering the matter issue by issue. The issues will normally be distinct and require you to assess each issue, separately, in turn. ❖ Given that it is expected that you will know very little about the relevant area of law from the outset, a Google Search to start you off and point you in the direction of the general <i>area</i> of matters that you need to consider in more detail is not a bad starting point. ❖ Be mindful that we would not generally recommend citing articles found on Google in your legal analysis (instead, your sources should be taken from a reputable legal library). ❖ Most LPC Providers are extremely hot on this and consider “Google resources” to be unreliable; however, a Google search can lead you on a “breadcrumb trail” that can often throw up the relevant piece of legislation, or case law that you will then be able to consider further on specialist legal research resources such as Practical Law, LexisPSL, or practitioner texts.		

	❖ It can often be helpful to read articles from law firms, or online legal blogs, as these will tend to provide an overview or succinct general understanding of a topic. We are sure you already know this, but Wikipedia is generally awful for legal topics (and considered an academic sin). <table border="1" data-bbox="320 327 1481 763"> <tr> <td data-bbox="320 327 475 763">Example</td><td data-bbox="475 327 1481 763"> ❖ A Google search for “law England badger setts” gives a number of results with general background information, including a prominent result from the RSPCA which states that Badger Setts are protected by the Protection of Badgers Act 1992. ❖ From that search, you have some specific legislation to search further into which you probably would not have been aware of at the outset⁵. ❖ This allows you to conduct a more refined search, or provides you with a starting point for a topic that you can search in an online legal library to find relevant practice notes. </td></tr> </table>	Example	❖ A Google search for “law England badger setts” gives a number of results with general background information, including a prominent result from the RSPCA which states that Badger Setts are protected by the Protection of Badgers Act 1992. ❖ From that search, you have some specific legislation to search further into which you probably would not have been aware of at the outset⁵. ❖ This allows you to conduct a more refined search, or provides you with a starting point for a topic that you can search in an online legal library to find relevant practice notes.
Example	❖ A Google search for “law England badger setts” gives a number of results with general background information, including a prominent result from the RSPCA which states that Badger Setts are protected by the Protection of Badgers Act 1992. ❖ From that search, you have some specific legislation to search further into which you probably would not have been aware of at the outset⁵. ❖ This allows you to conduct a more refined search, or provides you with a starting point for a topic that you can search in an online legal library to find relevant practice notes.		
Step 4 – Search the Topic in a Legal Library	❖ Having ascertained the background from an online search, we would suggest using a Practice Note database such as Practical Law to start your legal research in earnest. ❖ Look up relevant practice notes on the keywords which your initial search located; search for keywords, relevant legislation, cases, and topics to lead you to specific practice notes on the relevant areas. ❖ When you find practice notes, review these but also consider them as being part of a “breadcrumb trail”; within those notes will be links to legislation, cases, other practice notes, and bibliographies which can all provide additional relevant information and sources for you to review. <table border="1" data-bbox="320 1245 1481 2002"> <tr> <td data-bbox="320 1245 475 2002">Example</td><td data-bbox="475 1245 1481 2002"> ❖ Practical Law practice notes normally have other practice notes in the same topic area listed at the bottom. ❖ You will probably find other key words that you didn’t initially anticipate in the practice notes. For instance, one of the top results on Practical Law when you search Protection of Badgers Act 1992 mentions the Wild Mammals (Protection) Act 1996 as creating a general offence of inflicting cruelty on any wild animal with intent. This is something that you would most likely need to look further into, and fully understand the circumstances of when it is relevant, to fully understand the topic you are researching. ❖ You should consider: ➢ Looking up the legislation (or relevant case / topic, as applicable). ➢ Googling the legislation and finding general background articles so that you understand what it means in plain English. ➢ Looking up practice notes on the point. ➢ Looking up practitioner texts on the point. </td></tr> </table>	Example	❖ Practical Law practice notes normally have other practice notes in the same topic area listed at the bottom. ❖ You will probably find other key words that you didn’t initially anticipate in the practice notes. For instance, one of the top results on Practical Law when you search Protection of Badgers Act 1992 mentions the Wild Mammals (Protection) Act 1996 as creating a general offence of inflicting cruelty on any wild animal with intent. This is something that you would most likely need to look further into, and fully understand the circumstances of when it is relevant, to fully understand the topic you are researching. ❖ You should consider: ➢ Looking up the legislation (or relevant case / topic, as applicable). ➢ Googling the legislation and finding general background articles so that you understand what it means in plain English. ➢ Looking up practice notes on the point. ➢ Looking up practitioner texts on the point.
Example	❖ Practical Law practice notes normally have other practice notes in the same topic area listed at the bottom. ❖ You will probably find other key words that you didn’t initially anticipate in the practice notes. For instance, one of the top results on Practical Law when you search Protection of Badgers Act 1992 mentions the Wild Mammals (Protection) Act 1996 as creating a general offence of inflicting cruelty on any wild animal with intent. This is something that you would most likely need to look further into, and fully understand the circumstances of when it is relevant, to fully understand the topic you are researching. ❖ You should consider: ➢ Looking up the legislation (or relevant case / topic, as applicable). ➢ Googling the legislation and finding general background articles so that you understand what it means in plain English. ➢ Looking up practice notes on the point. ➢ Looking up practitioner texts on the point.		

⁵ Unless you’re Brian May.

	❖ Tip: Practical Law's search engine is still fairly appalling. If you're struggling to find a practice note you may have better luck using Google and the "site:" search we mention above to search uk.practicallaw.thomsonreuters.com for the practice note that you are after.
Step 5 – Review practitioner texts, especially for niche issues.	❖ You should always consider specialist practitioner texts on the particular practice area in question (available through the "Books" section of your relevant Legal Library – for Practical Law, click the drop-down menu in the top left). ❖ These are especially useful for searching for commentary on <u>specialised queries</u>, and also are good for <u>"bibliography building"</u>. ❖ As we said above, your bibliography should not be full of "Google" sources. We suggest these as a convenient "means of entry" in providing simple-to-understand articles in plain English, that are quick and easy to find, but <u>practitioner texts should fill the "Commentary" section of your bibliography</u> to show that you have properly considered the subject matter from reputable sources. ❖ The bibliographies <i>in the practitioner texts</i> themselves are a gold mine for further sources that you may want to consider.
Step 6 – Note your sources as you go.	❖ <u>Note your sources</u> as you conduct your research, even if this is in a rough form. ❖ Most LPC Providers require candidates to <u>prepare a full list of all sources</u> at the end of the research report, and you should therefore note these down as you go along to prevent you from having to do this retrospectively at the end. ❖ Ensure that you are <u>utilising a variety of good quality sources</u>; this means practice notes from <i>reputable outlets</i>, cases from <i>reliable legal libraries</i>, <i>practitioner texts</i> and not just articles from Google, and ensuring you have included the <i>primary sources</i> and not just commentary on them.
Step 7 – Go to the primary sources.	❖ When you have found some explanatory notes on the topics, <u>consult the primary sources</u> (i.e., the Act and / or cases) and cross-refer to what the practice notes/practitioner texts are telling you. ❖ Make sure you have <u>read the relevant passages</u> and confirmed your own understanding of the issue.
Step 8 – Make sure primary sources are up-to-date.	❖ When looking up cases or legislation, be sure to check the "status icon" in the search results, and in the sidebar when you have clicked on the relevant case / legislative provision. For Westlaw, this is displayed in the right-hand side in the sidebar as below:

	Allied Maples Group Ltd v Simmons & Simmons Significant Case Digest Abstract AM acquired shares in the Gillow Group and subsequently incurred first tenant liabilities from leases originally held by a Gillow company, Kingsbury. SS devised a scheme whereby AM could acquire shares in  Mixed Judicial Consideration Court Court of Appeal (Civil Division) ❖ A similar system is available on LexisNexis. ❖ If this suggests that the case has “mixed” or “negative” judicial treatment, you need to find out why that is the case, and whether the negative treatment is in respect of the particular matter you are looking up or a different issue. ❖ Bear in mind that resources such as Bailii.org and Legislation.gov do not always clearly show you that cases or legislation have been superseded. ❖ For cases on Westlaw, you can click on “Primary References” and “All Cases Citing” or “Key Cases Citing” in the left-hand sidebar which will take you to the key cases that have distinguished or overturned the case in question. You can also click on the “Precedent Map” on the left-hand side to get this information in a graphical form.
Step 9 – Note your initial findings as you go.	❖ We would suggest making an initial summary note where you explain your understanding of the legal issue you are searching for in rough draft form as you sift through various sources. ❖ It is ultimately personal preference how you approach this, but we like to prepare a rough initial note summarising relevant articles as this means (a) we keep a record of points that we are reading, and (b) start to produce a rough draft of information that we need, even if this is not “refined” at the outset.
Step 10 – Prepare your email and report on the issue.	❖ Tidy up your initial draft by preparing a full, coherent explanation of the topic you have searched. ❖ Ensure you have not plagiarised any content and it is written in your own words. ❖ Stick to the structure provided by your LPC Provider. We provide a suggested structure in our separate guide, Example Answer Structure.
Step 11 – Relate Your Research Back to the Scenario	❖ Do not forget the reasons why you are carrying out the research; you have a client with a problem that needs solving. ❖ When you have completed an initial draft, it is worth going back and reminding yourself of that problem, and of the specific legal issues you have been asked to consider.

	❖ <u>Make sure that your answer considers these specific issues and is not providing a general commentary on a particular area.</u> ➤ It can be easy to answer the question “you think you have been asked” especially after spending some time reading through sources and digesting the information. ➤ Answer the question <i>you have actually been asked</i>, not what you think you have been asked.
<u>Step 12 – Apply the law to the facts.</u>	❖ This is closely related to the above but bears repeating; you <u>must apply the law to the facts.</u> ❖ Note <u>Criterion 6</u>; you are expected to: ➤ Identify potential solutions; and ➤ Offer your view on the advantages and disadvantages of these.
<u>Step 13 – Repeat for each issue.</u>	❖ <u>Repeat your research process for each issue</u> you are asked to consider. ❖ Make sure you deal with <u>all issues.</u> ❖ Use an <u>appropriate amount of words on each issue.</u> You will tend to find that one or two issues will be “central” to the question, with other issues requiring a more brief assessment.
<u>Step 14 – Proofread and make sure you have answered all issues.</u>	❖ When you have prepared your email and report, proof-read this and: ➤ <u>Spell-check</u>; make sure that your spelling, punctuation, and grammar are accurate. ➤ Check any <u>abbreviations</u> for consistency. If you use an abbreviation, be consistent with how you use it throughout as this assists readability. ➤ Make sure you have addressed <u>every legal issue in the question.</u> ▪ This is of essential importance. Read the question through again in full and ensure you have not missed anything that your supervisor is asking. ➤ Make sure you have <u>applied the law</u> you have researched comprehensively to the facts of your client’s case. ➤ Ensure that your answer is <u>formatted correctly</u> in accordance with the expected structure.
<u>Step 15 – Check your answer against the LPC Assessment Criteria.</u>	❖ <u>Refer back to your assessment criteria</u> and be honest with yourself as to whether your answer meets all of the requirements.

Practical Legal Research - Example Assessment Structure

Overview	❖ This guide sets out two suggested answer structures for your Practical Legal Research task; one for the University of Law, and one for BPP.
-----------------	---

University of Law

Structure	❖ The Practical Legal Research assessment normally takes the format of: ➤ An email; and ➤ An accompanying research report.										
The Email¹ 2	❖ The body of your covering email should be split into two separate headings: ➤ “Review of Research”; and ➤ “Advice”. ❖ The structure of your email will normally be as follows: <table border="1"> <tr> <td>Header</td><td> <i>From: Trainee³</i> <i>To: [Name of Supervisor]</i> <i>Subject: [Insert subject of research report e.g., “Equal Pay Claim – Trafalgar Insurance Company”]</i> <i>Date: [Date on which you prepared the email]</i> </td></tr> <tr> <td>Introductory Paragraph</td><td> ❖ [Write a brief introductory paragraph explaining the scope of your research] <table border="1"> <tr> <td>Example taken from the Equal Pay Research Task</td><td> <i>Dear Dave,</i> <i>I have researched Trafalgar Insurance Company Ltd (“Trafalgar”)’s concern with regards a potential equal pay claim being brought against them by one of their employees, Susan O’Brien. I have summarised my understanding of the factual situation in the attached report.</i> </td></tr> </table> </td></tr> <tr> <td>Review of Research</td><td> ❖ [Briefly summarise the conclusions in your report on the legal issues]. <table border="1"> <tr> <td>Example taken from the Equal Pay Research Task</td><td> <u>Review of Research</u> <i>In summary, Ms O’Brien’s claim would need to be brought under the regime of the Equality Act 2010 (EqA 2010). This would enable Ms O’Brien to bring a claim before the Employment Tribunal, if the situation is not resolved by Trafalgar’s internal procedures. My conclusions with</i> </td></tr> </table> </td></tr> </table>	Header	<i>From: Trainee³</i> <i>To: [Name of Supervisor]</i> <i>Subject: [Insert subject of research report e.g., “Equal Pay Claim – Trafalgar Insurance Company”]</i> <i>Date: [Date on which you prepared the email]</i>	Introductory Paragraph	❖ [Write a brief introductory paragraph explaining the scope of your research] <table border="1"> <tr> <td>Example taken from the Equal Pay Research Task</td><td> <i>Dear Dave,</i> <i>I have researched Trafalgar Insurance Company Ltd (“Trafalgar”)’s concern with regards a potential equal pay claim being brought against them by one of their employees, Susan O’Brien. I have summarised my understanding of the factual situation in the attached report.</i> </td></tr> </table>	Example taken from the Equal Pay Research Task	<i>Dear Dave,</i> <i>I have researched Trafalgar Insurance Company Ltd (“Trafalgar”)’s concern with regards a potential equal pay claim being brought against them by one of their employees, Susan O’Brien. I have summarised my understanding of the factual situation in the attached report.</i>	Review of Research	❖ [Briefly summarise the conclusions in your report on the legal issues]. <table border="1"> <tr> <td>Example taken from the Equal Pay Research Task</td><td> <u>Review of Research</u> <i>In summary, Ms O’Brien’s claim would need to be brought under the regime of the Equality Act 2010 (EqA 2010). This would enable Ms O’Brien to bring a claim before the Employment Tribunal, if the situation is not resolved by Trafalgar’s internal procedures. My conclusions with</i> </td></tr> </table>	Example taken from the Equal Pay Research Task	<u>Review of Research</u> <i>In summary, Ms O’Brien’s claim would need to be brought under the regime of the Equality Act 2010 (EqA 2010). This would enable Ms O’Brien to bring a claim before the Employment Tribunal, if the situation is not resolved by Trafalgar’s internal procedures. My conclusions with</i>
Header	<i>From: Trainee³</i> <i>To: [Name of Supervisor]</i> <i>Subject: [Insert subject of research report e.g., “Equal Pay Claim – Trafalgar Insurance Company”]</i> <i>Date: [Date on which you prepared the email]</i>										
Introductory Paragraph	❖ [Write a brief introductory paragraph explaining the scope of your research] <table border="1"> <tr> <td>Example taken from the Equal Pay Research Task</td><td> <i>Dear Dave,</i> <i>I have researched Trafalgar Insurance Company Ltd (“Trafalgar”)’s concern with regards a potential equal pay claim being brought against them by one of their employees, Susan O’Brien. I have summarised my understanding of the factual situation in the attached report.</i> </td></tr> </table>	Example taken from the Equal Pay Research Task	<i>Dear Dave,</i> <i>I have researched Trafalgar Insurance Company Ltd (“Trafalgar”)’s concern with regards a potential equal pay claim being brought against them by one of their employees, Susan O’Brien. I have summarised my understanding of the factual situation in the attached report.</i>								
Example taken from the Equal Pay Research Task	<i>Dear Dave,</i> <i>I have researched Trafalgar Insurance Company Ltd (“Trafalgar”)’s concern with regards a potential equal pay claim being brought against them by one of their employees, Susan O’Brien. I have summarised my understanding of the factual situation in the attached report.</i>										
Review of Research	❖ [Briefly summarise the conclusions in your report on the legal issues]. <table border="1"> <tr> <td>Example taken from the Equal Pay Research Task</td><td> <u>Review of Research</u> <i>In summary, Ms O’Brien’s claim would need to be brought under the regime of the Equality Act 2010 (EqA 2010). This would enable Ms O’Brien to bring a claim before the Employment Tribunal, if the situation is not resolved by Trafalgar’s internal procedures. My conclusions with</i> </td></tr> </table>	Example taken from the Equal Pay Research Task	<u>Review of Research</u> <i>In summary, Ms O’Brien’s claim would need to be brought under the regime of the Equality Act 2010 (EqA 2010). This would enable Ms O’Brien to bring a claim before the Employment Tribunal, if the situation is not resolved by Trafalgar’s internal procedures. My conclusions with</i>								
Example taken from the Equal Pay Research Task	<u>Review of Research</u> <i>In summary, Ms O’Brien’s claim would need to be brought under the regime of the Equality Act 2010 (EqA 2010). This would enable Ms O’Brien to bring a claim before the Employment Tribunal, if the situation is not resolved by Trafalgar’s internal procedures. My conclusions with</i>										

¹ This follows the University of Law’s suggested template. This will provide a good general guide, but you should always check whether your LPC Provider does things slightly different. Always follow whatever prescribed template is asked of you.

² A very brief exemplar of what is expected is provided in your Introduction to Professional Practice Workshop Preparatory Task.

³ NB: your final assessment should generally be **anonymised**. Check your institution’s guidance.

			regards the application of the EqA 2010 to the facts of this case are as follows:
			❖ [Proceed to summarise the findings of your research].
	<u>Advice</u>		❖ [Summarise your suggested advice. This should cover: ➤ Your advice for the client; ➤ Your recommendation(s); and ➤ Your analysis of alternative courses of action].
		<u>Example taken from the Equal Pay Research Task:</u>	<u>Advice</u> <i>From the information we have, Ms O'Brien is, in principle, able to bring a claim before the Employment Tribunal arguing that the discrepancy in pay between her and Mr Driscoll is discriminatory.</i> <i>Claims of this nature are incredibly fact-dependent; whether a term is discriminatory, or whether it can be justified by an employer, necessarily involves a value judgment by the Tribunal of the exact reasons as to why the company has incorporated such a term into its employee's contracts. My view is that we ultimately need more information from Trafalgar at this point in order to determine exactly why Ms O'Brien is paid less than Mr Driscoll.</i> <i>However, I note Trafalgar's concerns with regards adverse publicity, and my view is that even if Trafalgar ultimately could put forward an arguable defence to this claim, they would be well advised to offer ADR or an attractive settlement early with a view to "nipping this matter in the bud". Even if Trafalgar were successful at a final hearing, I am concerned that publicity in the interim has the potential to be damaging due to the emotive subject matter and sellable nature of a story surrounding this case.</i> <i>If Trafalgar settles this matter quickly and quietly, this would afford them the opportunity to potentially review their pay schemes in detail going forward to determine whether they are compliant with the Equality Act 2010. This will allow them to develop a scheme with the greatest flexibility possible, in compliance with the Act, without the pressure of imminent litigation.</i>

		<i>If Trafalgar approaches the matter in this way they may stand to retain a healthy working relationship with Ms O'Brien going forward, and this approach would reduce the risk of a potential flood of claims being brought against the company if other female staff, who may feel similarly aggrieved, are encouraged into taking action on hearing of Ms O'Brien's claim.</i>
	Sign-off	<i>If you need any further assistance or have any questions, please do let me know.</i> <i>Kind regards,</i> <i>Trainee</i>
Format of the Report	---Start the Research Report on a new page---	
	Header	<u>RESEARCH REPORT</u> <i>REF: [Insert Firm Reference Number]</i> <i>CLIENT: [Insert Name of Client]</i> <i>MATTER: [Insert Brief Description of Matter e.g. "Alleged Discrimination Against [name of Employee]"]</i> <i>DATE: [Insert Date]</i>
	Analysis	
	Facts and Instructions	❖ <i>[Briefly analyse the relevant facts and instructions, and the client's needs].</i> ❖ Summarise the client's problem. Use this as an opportunity to ensure that you have explained to your supervisor, and yourself, the issue that your client wants advice on.
	<u>Example taken from the Equal Pay Research Task:</u>	<u>ANALYSIS</u> <u>Instructions</u> <i>Our client is Trafalgar Insurance Company Ltd ("Trafalgar"). Susan O'Brien, an employee of Trafalgar, is alleging that she is being discriminated against on the basis that a male co-worker, Mike Driscoll, is paid £9,000 per annum more than her.</i> <i>Both Ms O'Brien and Mr Driscoll are employed full-time as underwriters, though Mr Driscoll tends to handle higher-value accounts than Ms O'Brien. Ms O'Brien has worked at the company longer than Mr Driscoll, having worked for</i>

		<i>Trafalgar since 2004, with Mr Driscoll having worked for Trafalgar since 2008.</i> <i>Trafalgar are seemingly trying to justify the fact that Mr Driscoll is paid more than Ms O'Brien on the basis that:</i> <i>Mr Driscoll has consistently received higher scores in a performance-related pay scheme than Ms O'Brien.</i> <i>Mr Driscoll has three years' more experience than Ms O'Brien over the course of his career. Susan alleges, however, that this difference in experience is only due to her having taken 30 months off for maternity leave.</i> <i>Trafalgar wants advice on a number of issues which I have set out below. Broadly, they wish for this claim to be resolved whilst, if possible, retaining the flexibility to pay employees different rates depending on their experience and performance. I have taken account of the fact that Trafalgar would like to resolve this matter with as little publicity as possible.</i>
	<u>Legal Issues</u>	❖ <u>List the legal issues relevant to the question.</u> ❖ The issues are usually made clear in your instructions. ❖ For instance, in the Equal Pay Dispute considered in this guide, the instructions to candidates contained the following paragraph: <i>"I have a meeting with the directors of the Company tomorrow afternoon to discuss their options, so I would like you to produce a report advising on the following: <u>Is the pay differential discriminatory or could it be justified?</u> [Issue 1] <u>If it is not resolved by the Company's internal procedures, could the Complainant pursue an equal pay claim before a tribunal and if so, would this be under the Equal Pay Act or the more recent Equality Act?</u> [Issue 2] <u>What remedies could be awarded by a tribunal?</u> [Issue 3] <u>Could the Company retain flexibility by using a bonus scheme and would this need to be disclosed?</u> [Issue 4] <u>I think there are some recent regulations which relate to reporting pay differentials between male and female employees – are these relevant here?</u>" [Issue 5].</i> ❖ Candidates are expected to conclude from this that there are <u>five separate issues for analysis</u>, by reference to the five questions asked by the supervisor.

		❖ Structure your report accordingly and seek to answer each of the questions during the course of your research].
	<u>Example taken from the Equal Pay Research Task:</u>	<u>Legal Issues</u> <i>My research report deals with the following issues:</i> <i>If this matter is not resolved by the Company's internal procedures, whether Ms O'Brien could pursue an equal pay claim before a tribunal and if so, whether this would be under the Equal Pay Act 1970 or the Equality Act 2010.</i> <i>Whether the pay differential is discriminatory or whether it could be justified...</i> <i>[List EVERY issue in a numbered point list]</i>
	Conclusions	
	<u>Report on legal issue 1</u>	❖ List "Report on legal issue 1". As the heading. ❖ Follow this up by writing out the issue that you are answering as a subheading. ❖ Proceed to <u>explain your research on that issue.</u>
	<u>Example taken from the Equal Pay Research Task:</u>	<u>CONCLUSIONS</u> <i>Report on Legal Issue 1:</i> <i>Issue 1: If this matter is not resolved by the Company's internal procedures, could the Complainant pursue an equal pay claim before a tribunal and if so, would this be under the Equal Pay Act or the more recent Equality Act?</i>
	<u>Report on legal issue 2... etc.</u>	❖ When you have completed your research on Issue 1, list out Issue 2 in the same way: ➤ List "Report on legal issue 2". As the heading. ➤ Follow this up by writing out the issue that you are answering as a subheading. ➤ Proceed to <u>explain your research on that issue.</u> ❖ Follow this format for each issue.
	Primary Sources	
	<u>Acts</u>	❖ At the end of the research report, you will need to prepare a list of sources which you drew from in order to present your research.

	❖ You should: ➤ List all Acts referred to in your report. ➤ List all sections of the relevant Act referred to as a subparagraph. ➤ List the commencement date of the sections. ▪ You can find this on Westlaw in the body of the search results where it says “Law in force”. ▪ When you click on the relevant provision, this information is available on the right-hand side. ❖ Essentially, follow the structure from the exemplar given out in your Introduction to Professional Practice Workshop.		
	<table><tr><td><u>Example taken from the Equal Pay Research Task</u></td><td><u>PRIMARY SOURCES</u> <u>The Equality Act 2010</u> ➤ s13 – Definition of Direct Discrimination ➤ s18 – Definition of the “Protected Period”. ➤ Etc. <i>The commencement of these sections, for purposes relevant to this report was as follows:</i> <i>1st October 2010: ss13, 18, 19, 64, 65, 66, 69, 73, 76, 77, 79, 127, 132 (see the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010/2317, Article 2: Provisions coming into force on 1st October 2010).</i></td></tr></table>	<u>Example taken from the Equal Pay Research Task</u>	<u>PRIMARY SOURCES</u> <u>The Equality Act 2010</u> ➤ s13 – Definition of Direct Discrimination ➤ s18 – Definition of the “Protected Period”. ➤ Etc. <i>The commencement of these sections, for purposes relevant to this report was as follows:</i> <i>1st October 2010: ss13, 18, 19, 64, 65, 66, 69, 73, 76, 77, 79, 127, 132 (see the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010/2317, Article 2: Provisions coming into force on 1st October 2010).</i>
<u>Example taken from the Equal Pay Research Task</u>	<u>PRIMARY SOURCES</u> <u>The Equality Act 2010</u> ➤ s13 – Definition of Direct Discrimination ➤ s18 – Definition of the “Protected Period”. ➤ Etc. <i>The commencement of these sections, for purposes relevant to this report was as follows:</i> <i>1st October 2010: ss13, 18, 19, 64, 65, 66, 69, 73, 76, 77, 79, 127, 132 (see the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010/2317, Article 2: Provisions coming into force on 1st October 2010).</i>		
<u>Cases</u>	❖ List any cases referred to in your research. ❖ List the case under a heading for the point that the case provides authority on. ❖ Briefly explain after citing the case what the case explained. <table><tr><td><u>Example taken from the Equal Pay Research Task:</u></td><td><u>Material Factor Defence is a Rebuttable Presumption</u> <i>Villalba v Merrill Lynch & Co Inc [2007] ICR 469 at para 104: Elias J describes the effect of the equal pay regime under the Equal Pay Act 1970 as giving rise to a “presumption” where a woman can demonstrate that her work is “equal work” to a male comparator.</i></td></tr></table>	<u>Example taken from the Equal Pay Research Task:</u>	<u>Material Factor Defence is a Rebuttable Presumption</u> <i>Villalba v Merrill Lynch & Co Inc [2007] ICR 469 at para 104: Elias J describes the effect of the equal pay regime under the Equal Pay Act 1970 as giving rise to a “presumption” where a woman can demonstrate that her work is “equal work” to a male comparator.</i>
<u>Example taken from the Equal Pay Research Task:</u>	<u>Material Factor Defence is a Rebuttable Presumption</u> <i>Villalba v Merrill Lynch & Co Inc [2007] ICR 469 at para 104: Elias J describes the effect of the equal pay regime under the Equal Pay Act 1970 as giving rise to a “presumption” where a woman can demonstrate that her work is “equal work” to a male comparator.</i>		
	<u>Commentary</u>		
<u>Table</u>	❖ Prepare a table of the commentary you used to support your research.		

		❖ This should be split into three columns: ➤ <u>The source:</u> i.e., the name of the book, or website (etc.) used. ➤ <u>The location/reference:</u> if a book, list the chapter and/or paragraph. If a website, copy the URL. ➤ <u>The subject matter and paragraph heading:</u> list briefly the subject matter of each paragraph.		
	<u>Notes and Time Taken</u>	❖ At the end, input any final notes. You may wish to state that legislation and cases were <u>accessed through Westlaw</u> in order to ensure they were <u>up-to-date and in force</u>. ❖ Finally, note the <u>time taken for your research</u>, reporting, and email. Our understanding is that this is simply to simulate time recording in legal practice, and that these figures do not matter significantly providing they realistically reflect the time you spent on the task. <table><tr><td><u>Example</u></td><td> ❖ <i>TIME TAKEN</i> ➤ <i>Research:</i> 10 hours ➤ <i>Reporting:</i> 4 hours ➤ <i>Email:</i> 40 minutes </td></tr></table>	<u>Example</u>	❖ <i>TIME TAKEN</i> ➤ <i>Research:</i> 10 hours ➤ <i>Reporting:</i> 4 hours ➤ <i>Email:</i> 40 minutes
<u>Example</u>	❖ <i>TIME TAKEN</i> ➤ <i>Research:</i> 10 hours ➤ <i>Reporting:</i> 4 hours ➤ <i>Email:</i> 40 minutes			

Format of Assessment – BPP

Overview	❖ BPP uses a different structure when assessing Practical Legal Research. ❖ The general process of researching an unknown topic will be the same as explained in previous guides, but instead of an email and accompanying report, BPP students are asked to prepare a “Record Card” with a maximum word count of 1,400 words, which adopts the following structure.
-----------------	---

Record Card Structure

Summary of Problem(s)	❖ Accurately summarise your client’s problem(s). ❖ This involves you considering your supervisor’s instructions and summarising the key question(s) that your client wants to be answered: ➤ What is the scenario about? ➤ What does the supervisor / client want? ❖ Some assessments may contain multiple problems in a single question, so be live to this. ❖ Decide which facts are material and which may be omitted in summarising your client’s problem. Not all facts in the question will be relevant; the key is to identify those that make a difference to the answer. ❖ Check to make sure your summary:
------------------------------	---

	➤ <u>Is short and concise.</u> ➤ <u>Is grammatically correct</u> with no spelling mistakes. ➤ Is factually <u>accurate</u>. ➤ <u>Does not contain additions or elaborations</u> which were not in the original problem. ➤ Includes the <u>question(s) you have actually been asked</u>; i.e., what have you been asked to find out? ➤ <u>Does not state that you have been asked to advise the client.</u> ▪ You are the trainee doing research <i>on behalf of your supervisor</i>, and this research will influence the nature of their advice. <table> <tr> <td data-bbox="319 768 475 1070"><u>Example</u></td><td data-bbox="475 768 1481 1070"> ❖ <i>E.g.: <u>Summary of problem(s): On what basis will a court determine Bryant Shipbuilders Ltd's ('Bryant') liability for negligently exposing a former employee, George Dransfield ('GD'), to asbestos fibres and dust in circumstances where GD was also exposed to asbestos by subsequent employers? If Bryant is liable to compensate GD for the asbestos-related respiratory disease he is now suffering, what is the extent of Bryant's liability?</u></i> </td></tr> </table>	<u>Example</u>	❖ <i>E.g.: <u>Summary of problem(s): On what basis will a court determine Bryant Shipbuilders Ltd's ('Bryant') liability for negligently exposing a former employee, George Dransfield ('GD'), to asbestos fibres and dust in circumstances where GD was also exposed to asbestos by subsequent employers? If Bryant is liable to compensate GD for the asbestos-related respiratory disease he is now suffering, what is the extent of Bryant's liability?</u></i>
<u>Example</u>	❖ <i>E.g.: <u>Summary of problem(s): On what basis will a court determine Bryant Shipbuilders Ltd's ('Bryant') liability for negligently exposing a former employee, George Dransfield ('GD'), to asbestos fibres and dust in circumstances where GD was also exposed to asbestos by subsequent employers? If Bryant is liable to compensate GD for the asbestos-related respiratory disease he is now suffering, what is the extent of Bryant's liability?</u></i>		
<u>Search Terms</u>	❖ List the <u>relevant search terms</u> for the problem. ❖ The list should include these in <u>rough order of priority</u>. ❖ Start with <u>broad terms</u> that describe the client's problem. ❖ Consider the issues you identified in part 1 of the report and make sure you have a <u>search term for each issue</u>. ❖ To be useful, search terms should be precise enough to yield a <u>manageable amount of relevant information</u>, but not so narrow as to yield no results at all. ❖ For example: ➤ The search term "Duty of care", in isolation, is an extremely broad search term. ➤ It is likely to generate such a huge number of "hits" that you run the risk of becoming lost in the information you have found. ➤ A more efficient way to commence your research would be to put this more general search term <u>into the specific context of the problem you are researching</u> (e.g., "highway maintenance" AND "local authority" AND "duty of care").		
<u>Issues / Client Objectives</u>	❖ Analyse the fact pattern and <u>isolate the legal issues</u>. ❖ Identify your client's <u>objectives</u>:		

	➤ What does the client want to achieve? ➤ What is their ideal solution, and what alternatives are available? ➤ What are the obstacles / difficulties / costs with each solution? ➤ Will the outcome be different depending on the solution? ➤ What are the risks?
Record of Research Undertaken	
Secondary Sources	❖ At the end of the report card, list the sources you used to conduct your research. ❖ You are expected to have two at the very least. ❖ “Secondary sources” should list practitioner texts: ➤ Name the text. ➤ Explain what you searched and where (e.g., Searched ‘asbestos and causation’ > Chapter 5, Section 2 > Sub-sections (A) & (B)). ➤ List the relevant paragraphs that assisted you in answering the question.
Primary Sources	❖ Locate the Primary Sources i.e., case law and statutes. ❖ Ensure these remain good law (we outline a method of doing so above using Westlaw). ❖ Read them!
Advice / Conclusion	❖ Explain the conclusion on the research you have conducted to your supervisor. <i>E.g., The extent of Bryant’s liability will depend on the respiratory disease. We need confirmation of the disease suffered by GD in order to advise fully.</i> <i>If it is a divisible disease (e.g., asbestosis) GD will succeed if Bryant’s breach materially contributed to the disease, in which case Bryant is likely to be found liable for the proportion of damage contributed by its breach. In determining Bryant’s contribution, the court will consider how long Bryant negligently exposed GD to asbestos (up to 12 years), the extent of the exposure and the development of the disease.</i> <i>If the disease is mesothelioma and the principles in Fairchild (material increase in the risk of contracting the disease) apply, full compensation could be claimed by GD from Bryant under the CA. Bryant can then seek a contribution from GD’s other employers.</i> <i>If the disease is any other type of indivisible disease (e.g., lung cancer) the principle in Fairchild may apply but, arguably, liability should be apportioned.</i>
Sources	❖ List the sources accessed (without reference to the specific paragraphs etc.); e.g., “Halsbury’s Laws”.
Word Count	❖ List the number of words (to our knowledge, the maximum word count is 1400 words, but you should confirm this).