

LITERACY AND LEGAL STUDIES

SOME STRATEGIES

STRUCTURE

MODALITY AND GRADUATION

SIGNALLING

TRANSITION AND CONJUNCTION

THE PROCESS OF ESSAY WRITING

QUESTION - Carefully read the question and underline the key words. The key words are the terms from the syllabus and the instruction verbs. You must attend to every part of the question or you will not be able to get good marks.

INFORMATION Read your textbook about everything to do with the key syllabus terms. Then read about the same topics in other resources. Find additional source material if you can as the more views you read the clearer your understanding will be.

READ widely. You need to understand the topic completely before you start to write. Make notes from your sources, highlight printed material, cut and paste examples on computer documents. Do not forget to keep track of your references....you need to know where you got your ideas from.

THINK....What is your answer to the question you have been asked. Express it in one sentence if possible. This will become the thesis of your essay.

Design a **PLAN** for your essay based on the essay structure you have been taught.

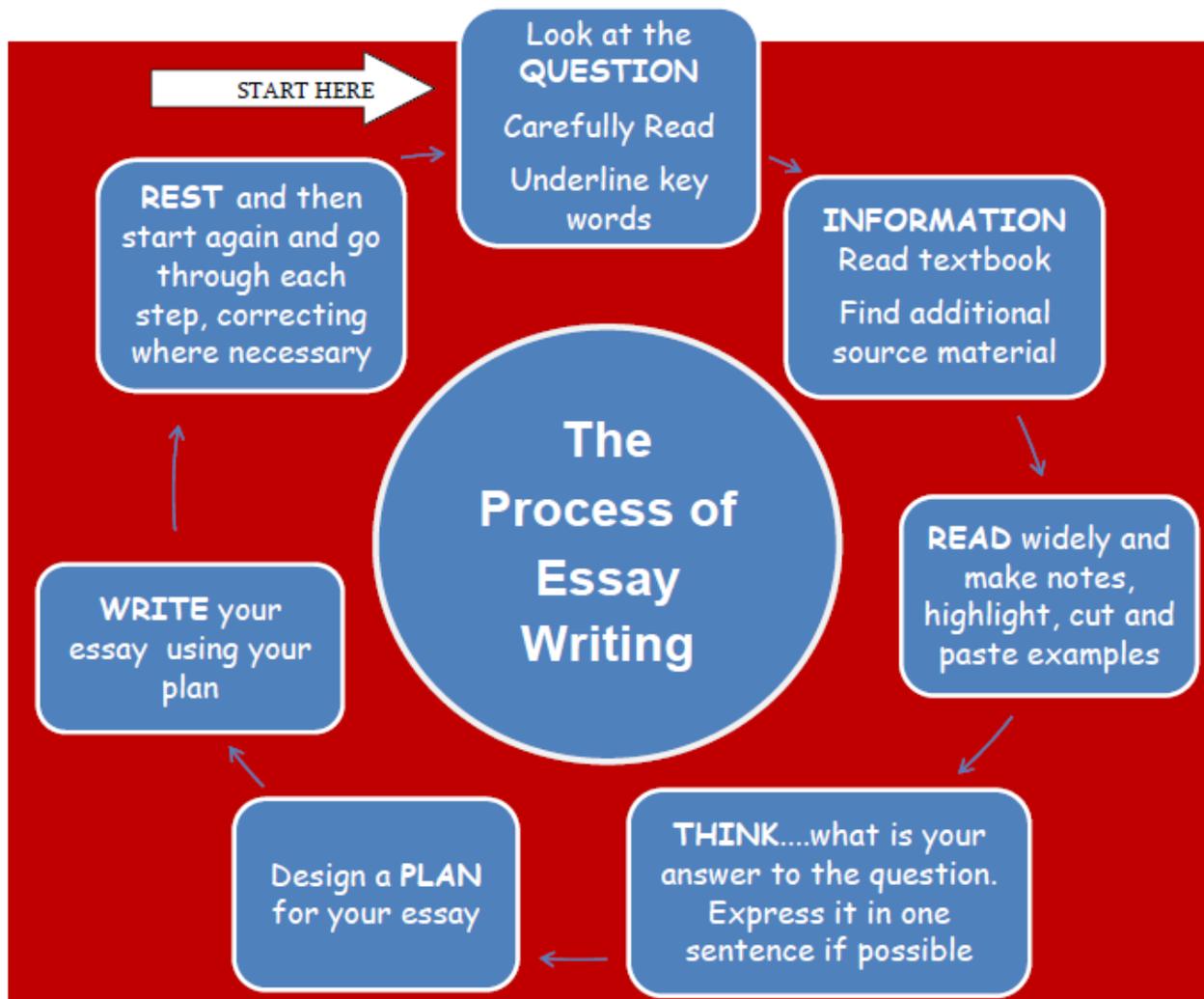
WRITE your essay – this is for the first time...so it is OK if it is a bit rough. The second time around you need to rework it to make it as well structured and as well written as possible. Remember you must write something which can be clearly understood by your marker.

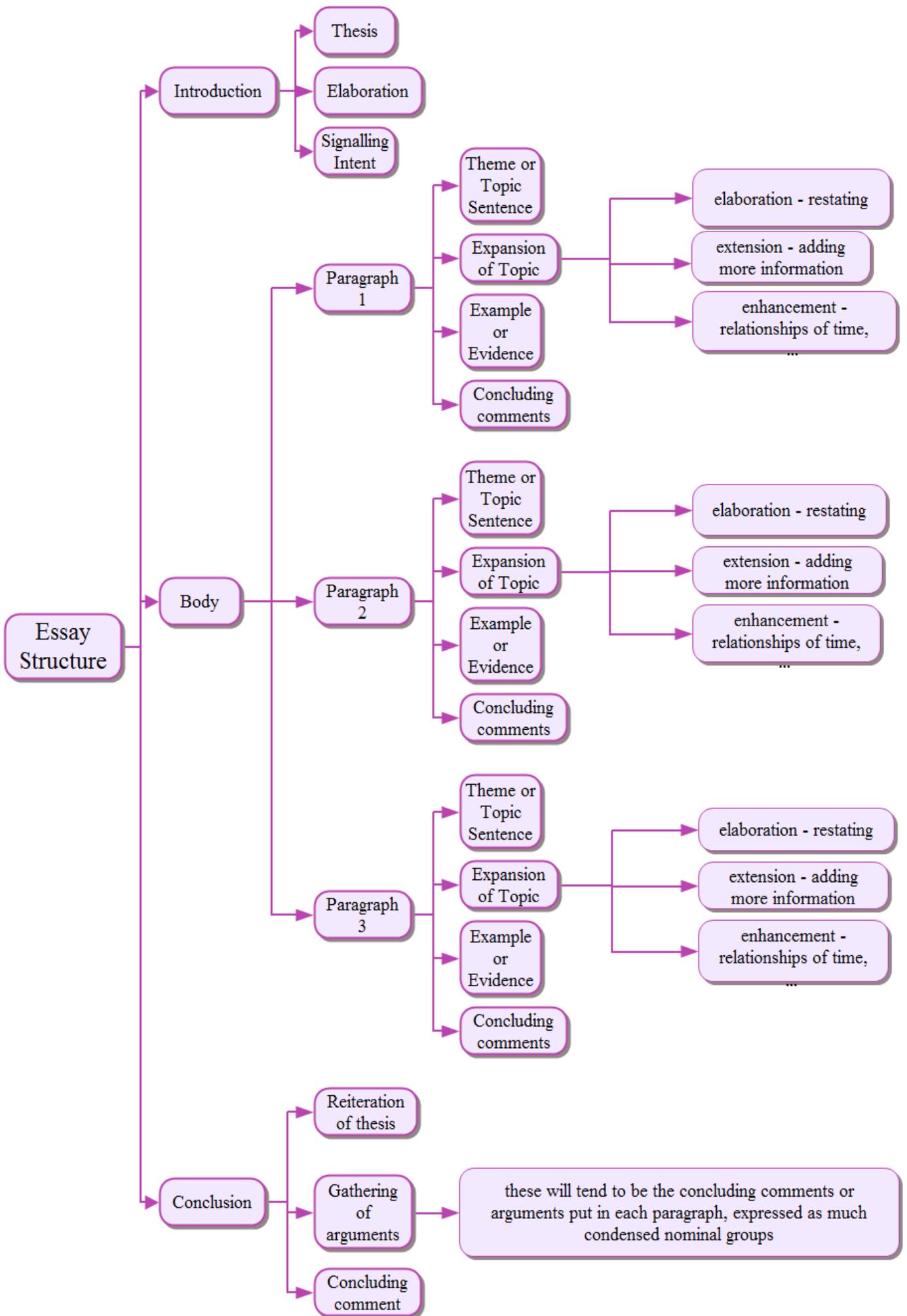
REST and then start again and go through each step, correcting and improving your essay where necessary.

CHECK

1. Make sure that you have a sound introduction and conclusion. Do you have an introduction that states what you believe the question to mean, the position you are working towards and the areas that will be covered in the essay? Does the conclusion restate your attitude to the topic and refer the reader back to the topic?
2. Make sure that your essay answers the question. Does the body include all parts of the question?
3. Check that you have good links between sentences and ideas.
4. Make sure that you have used modal verbs so that your views are measured.
5. Make sure it is well presented in a readable font and clearly set out.

6. Check title page. It should include your name, course, teacher, topic, length, due date and word length.





MODALITY and GRADUATION

Modalisation is the way the writer expresses a judgement about something happening or being.

Modal verbs convey a range of judgments about the likelihood of events.

There are **nine modal verbs**: "can", "could", "may", "might", "will", "would", "shall", "should", and "must".

She might be there.

You could get there by lunchtime if you hurry.

You'll hit the roof.

That must have hurt.

To show a high degree of certainty about the likelihood of events, modal verbs of high modality are used.

If we feel tentative about something, we use low modality. (Derewianka, 2009: 66)

<i>High modality</i>	<i>Medium modality</i>	<i>Low modality</i>
<i>must</i>	<i>will</i>	<i>may</i>
<i>ought to</i>	<i>should</i>	<i>might</i>
<i>has to</i>	<i>can</i>	<i>could</i>
	<i>need to</i>	<i>would</i>

As well as modal verbs, modality can be expressed through choices of nouns, adjectives, and adverbs.

Modal nouns: "possibility", "probability", "obligation", "necessity", "requirement" "mandate"

Modal adjectives: "possible", "probable", "obligatory", "necessary", "required", "determined" "mandatory"

Modal adverbs: "possibly", "probably", "perhaps", "maybe", "sometimes", "always" "definitely", "never", "certainly" (Derewianka, 2009: 66)

GRADUATION

Graduation is the use of specific adverbs to modify the force of a judgement

Graduation is the language technique of intensifying and /or quantifying adverbs, adjectives and nouns. In Legal Studies evaluation is made more measured by using these terms.

Intensification		Quantification
Nearly (effective)	Very (effective)	Little (improvement)
Slightly (effective)	Greatly (effective)	Small (improvement)
Just (effective)	Extremely (effective)	Moderate (improvement)
Somewhat (effective)	Utterly (effective)	Average (improvement)
Moderately (effective)	Totally (effective)	Large (improvement)
Rather (effective)		Huge (improvement)
Relatively (effective)		
Fairly (effective)		

(Martin & White, 2007: 140)

SIGNALLING

Signalling involves stepping outside the text and telling your reader where you have been and where you intend to progress to.

It is particularly valuable in extended texts and prevents the necessity of the reader retracing their steps to gain a sense of where they are up to.

In a factual text; exposition, discussion or argument, it can be useful to summarise the text up to that point and then indicate the direction that will be taken next.

For Example:

“Up to this point we have looked mainly at the problems associated with jury trials. Now I will look at the three main advantages. Firstly there is the perception of justice..... ”

LINKING WITH TRANSITIONAL DEVICES: HOW THIS HELPS TO CREATE A COHESIVE TEXT.

Transitional or linking devices are like **bridges between parts of your text**. They are cues that help the reader to interpret ideas in the way that you, as a writer, want them to understand.

Transitional devices help you **carry over a thought** from one sentence to another, from one idea to another, or from one paragraph to another with words or phrases.

Transitional devices **link your sentences and paragraphs together** smoothly so that there are no abrupt jumps or breaks between ideas.

There are several types of transitional devices, and each category leads your reader to make certain connections or assumptions about the areas you are connecting.

Some lead your reader forward and imply the "building" of an idea or thought, while others make your reader compare ideas or draw conclusions from the preceding thoughts.

Clarifying	Showing cause/result	Indicating time
in other words for example that is namely in fact	so therefore consequently due to..., owing to because of this	then next finally meanwhile previously
Sequencing ideas	Adding information	Condition/concession
firstly, first, second, third... at this point to conclude given the above points to get back to the point	too in addition also again similarly	in that case however despite this even so if not

More Transition Devices in Essays

To Add: and, again, and then, besides, equally important, finally, further, furthermore, nor, too, next, lastly, what's more, moreover, in addition, first (second, etc.),

To Compare: whereas, but, yet, on the other hand, however, nevertheless, on the other hand, on the contrary, by comparison, where, compared to, up against, balanced against, vis a vis, but, although, conversely, meanwhile, after all, in contrast, although this may be true

To Prove: because, for, since, for the same reason, obviously, evidently, furthermore, moreover, besides, indeed, in fact, in addition, in any case, that is

Show Similarity: likewise, in the same way, similarly, in a similar manner, like, a parallel argument

Showing Contrast: instead, on the contrary, rather, yet, by contrast, otherwise, on the other hand, alternatively, at any rate, in any case, however, even so, nevertheless, but,

Showing conditionality: if, then, provided that, unless, granted, that being so, in that case, under the circumstances

Resisting conditionality: (al)though, even though, whether, still, despite this, in spite of,

To Repeat: in brief, as I have said, as I have noted, as has been noted,

To Show Time: immediately, thereafter, soon, after a few hours, finally, then, later, previously, formerly, first (second, etc.), next, and then, when, as, while, whilst, after, before, then, at once, next, meanwhile, in the meantime, soon, now, at this moment, hitherto, until then (or now), after this, before this, subsequently, immediately, suddenly, gradually, throughout this, at this time (or moment), until this time, the next

To Show Exception: yet, still, however, nevertheless, in spite of, despite, of course, once in a while, sometimes

To Emphasize: definitely, extremely, obviously, in fact, indeed, in any case, absolutely, positively, naturally, surprisingly, always, forever, perennially, eternally, never, emphatically, unquestionably, without a doubt, certainly, undeniably, without reservation

Show cause and effect: because, since, for, so, so that, for this reason, that being so, on account of this, therefore, as a result, consequently, thus, in that case, hence, accordingly

Expanding upon or refining an argument: and, and also, also, in addition, an additional, furthermore, for example, one example, an example, another

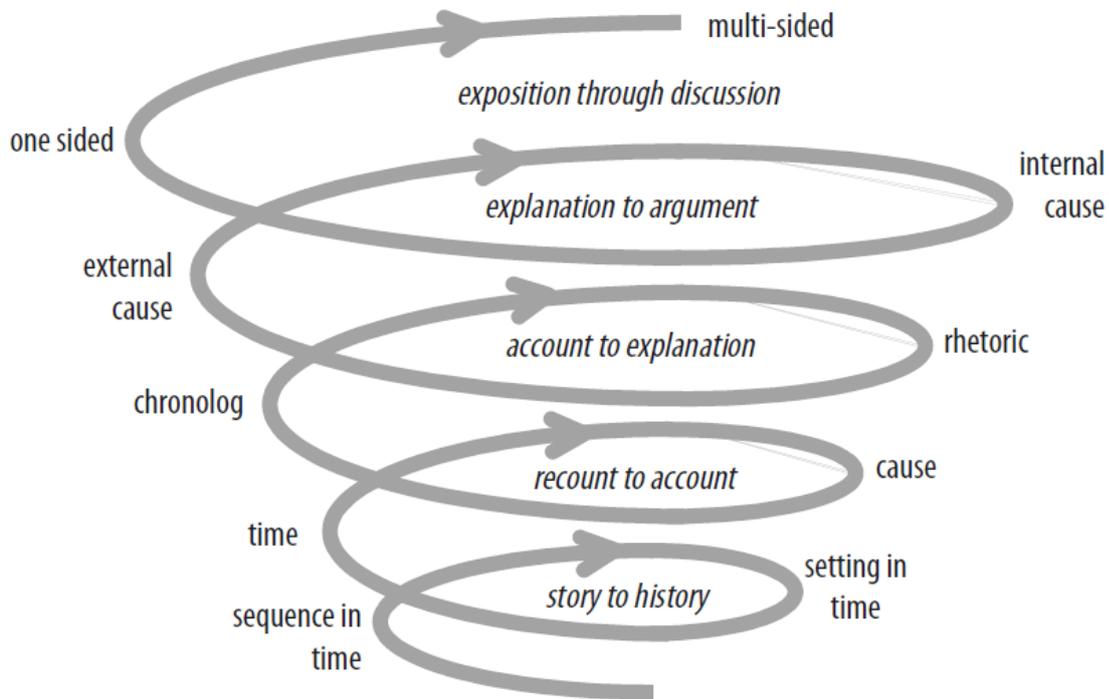
To Show Sequence: next, then, following this, at this time, now, at this point, after, afterward, subsequently, finally, consequently, previously, before this, simultaneously, concurrently, thus, therefore, hence, next, and then, soon, first(ly), second(ly), third(ly), finally, in the first (second, third) place, the primary (secondary, third) reason, one (another, a final) reason

One of the biggest problems facing juries today is the increasing complexity of trials. This is due to a range of factors, including the increasing technicality of laws, evidence and procedure. The increasing length and technicality of trials has created immense costs and time pressures. For instance, a full criminal trial is estimated to cost \$10 000 per day, and a whole trial might last six months.

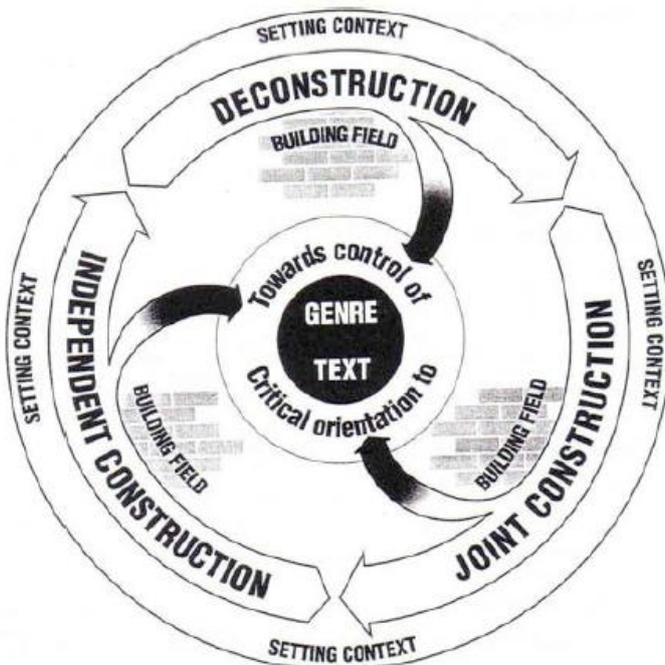
Therefore, trials involve huge monetary and social costs on the judge, jurors, and defendants. A further consequence of excessively complex and lengthy trials is that they can take many months; nevertheless, juries are still expected to absorb all the information presented before them.

The long-standing oral tradition arguably no longer meets the requirements of modern day jury trials. In response to increased trial length and complexity, Australia has successfully developed a number of 'electronic courtrooms'. These include facilities for electronic documents and exhibits, electronic transcript and communication facilities and digital-audio evidence facilities.(Jobling, 2003)

Reading and deconstructing the texts of others is an important experience for the absorption of the patterns and conventions of writing that the student will need to be able to reproduce

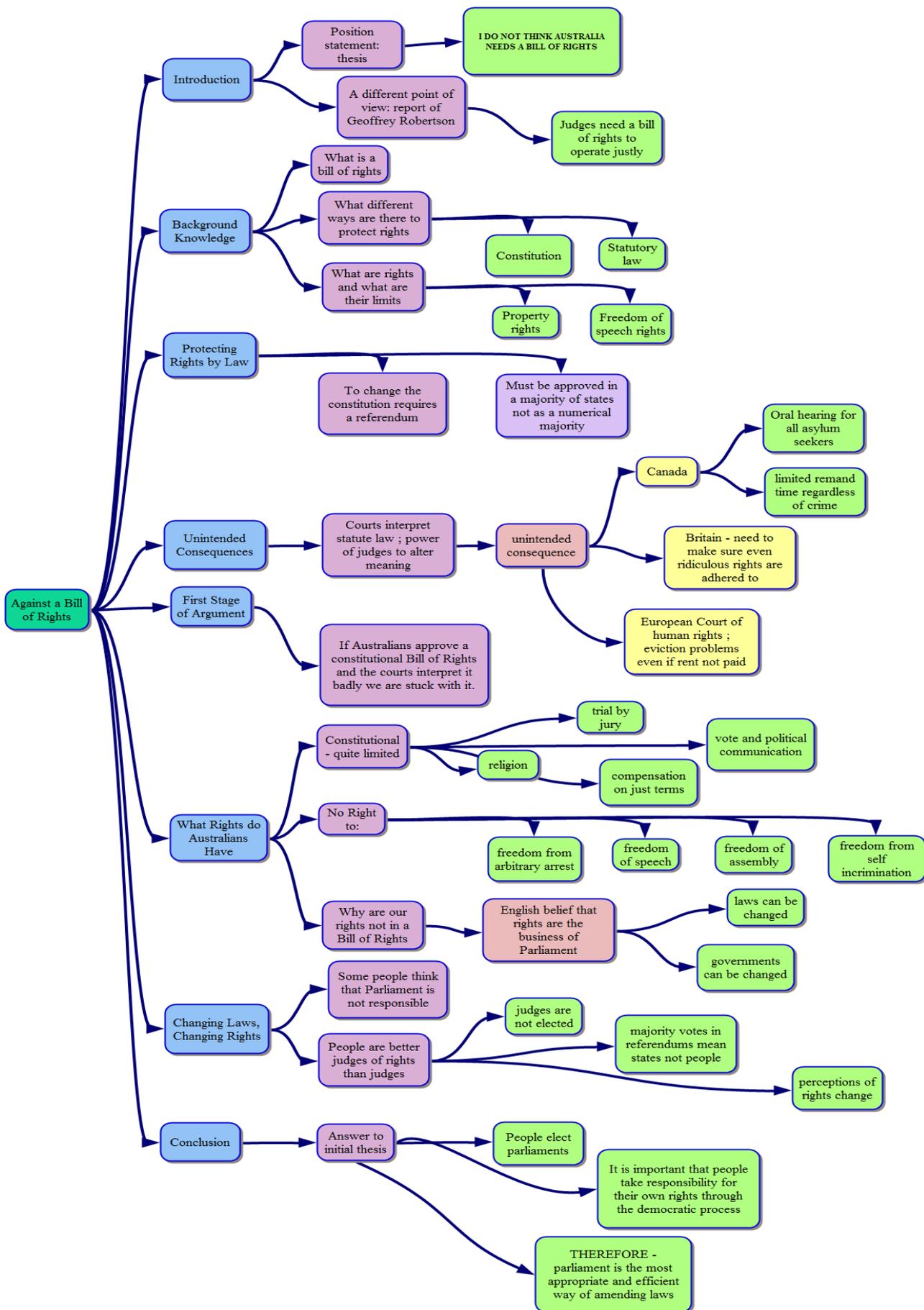


(Martin & Rose, 2007: 135)



(Martin & Rose, 2005: 2)

Mind mapping the structure of the example essay using Inspiration software or a pencil and paper helps the student to understand the architecture better and to be able to design their own pieces of writing with intent and direction. (Buzan, 1993)



(Butler, 2007) essay found on <http://epublications.bond.edu.au/nle/vol13/iss2/3/>

BIBLIOGRAPHY

Butler, J. (2007). A Bill of Rights For Australia? *National Legal Eagle*, 13(2). Retrieved from <http://epublications.bond.edu.au/nle/vol13/iss2/3>

Buzan, T. (1993). *The Mind Map Book*. London: BBC Books.

Derewianka, B. (2009). *A Grammar Companion*. Sydney: Primary English Teachers Association.

Jobling, P. (2003). If too much technology is used in Australian jury trials, an important oral tradition will be lost. This loss could constitute a dangerous change to the nature of longstanding legal practice. [Essay]. *Legaldade*, 15(3), 10-11.

Martin, J. R., & Rose, D. (2005). Designing Literacy Pedagogy: scaffolding asymmetries. In J. Webster, C. Matthiessen & R. Hasan (Eds.), *Continuing Discourse on Language*. (pp. 251-280). London: Continuum.

Martin, J. R., & Rose, D. (2007). *Genre Relations: Mapping Culture*. London: Equinox Publishing Ltd.

Martin, J. R., & White, P. R. R. (2007). *The Language of Evaluation: Appraisal in English* (paperback ed.). New York: Palgrave Macmillan.

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