

LEGAL WRITING AND LANGUAGE

Contribution to the courses from the perspective of European, in particular German legal education

Observations on the mid-term exam

Dear participants of the course Legal Writing and Language,

I have corrected and graded your answers to my exam questions in the mid-term examination. There was a high number of good, very good and excellent results but also a very high number of papers that failed, in particular in Class A. If this is because my questions were worth only 10 points and my colleague's questions were worth more points, and you therefore focused on his questions and not on mine, the result may be regrettable, but your strategic decision in this examination may have been correct. However, many papers I received raised suspicions that the author did not pay attention to the exam questions, had not attended my lectures and/or had not studied thoroughly the course materials. In this case you need to change.

Question 1 was about the distinction between professional (= academic, scientific) legal literature and non-scientific literature, which is important for lawyers. Some of you missed the question because they did not read it carefully: It was not about *finding* scientific literature but *distinguishing* it from non-scientific literature! *In an academic exam you must always answer precisely and concisely - and only - what is asked for* in the exam question.

Many of you presented a *criterion* which is *not reliable: the academic background of the author* of a publication. Many legal scholars and legal professionals do not only publish scientific publications but also non-scientific books or articles that are addressed to ordinary citizens and explain the law in a simple way to them. This is not professional legal literature with which a lawyer can work. The same applies to the criteria of the institutional background or the publisher of a publication: Many scientific institutions also provide information for the general public in non-scientific online or offline publications, and many big publishers in the field of law also publish non-scientific books, in particular legal guidebooks for ordinary citizens. So these criteria may serve as some kind of indicator but prove as such not yet that a publication is of scientific nature. To my surprise, few of you referred to the more obvious and easy to apply criteria that we have discussed in the lecture, such as the backing of the provided information with references in *footnotes*, the inclusion of a *bibliography*, the more *elaborated structuring* or the objective and precise but often difficult to read *scientific style of writing*.

Question 2 was about four types of academic legal literature (not legal sources!). Many of you mentioned some examples but could not explain precisely their different approaches. Many are not really familiar with the difference between a textbook, a commentary and a handbook, or they confuse individual court decisions with law reports and casebooks (classical types of legal literature, in which court decisions are published). *Apparently you have not gone to the law library with my course materials to study the various types of legal literature* that we had discussed in the lecture. *Why not?* Moreover, as a law student, you need to *follow up* on the lectures in *all your law courses by reading extensively* from relevant *legal textbooks* and didactic materials, where available. Just attending the lectures and reading a few course materials and selected journal articles does not yet make you a law student, since this way of studying is too superficial. So your answers to my question 2 show that something needs to change in your attitude towards your studies. Well, no problem, since you have just started studying. Just change your attitude now!

I filled out a detailed *individual correction sheet* for each exam paper. Every student is welcome to contact me to discuss in detail the strong and weak points of his or her paper. In this case, please pick up your paper from mbak Tyas, together with the individual correction sheet, and see me in office B.VI.11. Moreover, I will give an *extra lecture on Wednesday, 22.10.2025, at 14:00 in room B.3.4*, where I explain everything and give some tips for future exams.

Best wishes for your further studies,

Thomas Schmitz

My course materials for this course can be downloaded at www.thomas-schmitz-yogyakarta.id. For any questions, suggestions and criticism please contact me via WhatsApp (+62 812 9824 3441) or e-mail (tschmit1@thomas-schmitz-eu.de) or in my office (Building A, room A.VI.11).