**Section A:**

Please answer **one** of the following problem questions. You should use **approximately 1,500 words** on this piece

Question 1:

Giles (male) and William (male) have been together for 15 years. They are not married or in a civil partnership, but they live together and have cohabited for the last ten years. They own the house together, and have a child who they both adopted a year ago (Faith, aged four).

Two years ago William had a one-night stand with Angel (male). Giles found out about this shortly afterwards and was furious – he screamed at William, and punched a hole in the living room wall. Giles walked out the house and stayed away for a week, refusing to speak to William.

On his return Giles was much calmer and told William he wanted to sort out their relationship and go back to how things were. After talking about this, William apologised for cheating and Giles said he was sorry for ‘getting a bit het up’. Giles moved back into the house.

Since then, Giles has become more controlling. Whenever William goes out, Giles insists on knowing where he has been and who he has been with. He regularly accuses William of having an ongoing affair with Angel and insists on checking William’s Facebook and WhatsApp messages. He has told William that he has to have his ‘location’ switched on on his phone so that Giles knows where he is at all times. William didn’t want to do this, but whenever he tries to challenge Giles, Giles says ‘I still can’t trust you’ and becomes angry.

Since adopting Faith, Giles has insisted that William quit his job to look after her so as to save on nursery costs. Giles is the only wage earner and insists that all money that the family gets goes into his bank account. William has to ask Giles every time he wants money for shopping or things for Faith. A few weeks ago Giles found William had bought a cheap mobile phone. On that phone were messages from William to his sister saying that he was scared of Giles and that Giles won’t let him go out. Giles is furious. He confronts William and throws the mobile phone at the wall, smashing it. He pushes William onto the floor and then stands over him shouting and threatning to hit William. During this Faith is in the room playing with some toys. William does not want to get the police involved as he thinks they will not take this seriously.

Advise William in relation to what legal protections may be available to him.

**Section B**

Please draft an analytical case note on **one** of the following. You should use approximately 1,000-words on this piece.

* 1. *Owens v Owens* [2018] UKSC 41

The case note should analyse a single case, and should include the following:

* Facts of the case
* Ration decidendi
* Critical analysis of the decision – including the previous law, relevant academic commentary on this decision, how this departs from previous decisions, the political/social context of the decision, any problems that are left unresolved or created by the case.

You may find assistance on writing case notes here : https://trinitycollegelawreview.org/first-year-tip-series-case-notes/

[[1]](#footnote-1)**Marking Scheme**

Your mark will be calculated according to the following elements:

Knowledge and Understanding – 30%

Critical Evaluation – 25%

Research Skills – 20%

Writing Skills – 15%

Presentation and Referencing – 10%

**Learning Outcomes**

LO1: Demonstrate a critical understanding and awareness of the modern context of family law, including socio-legal principles and policy development

LO2: Identify and critically evaluate the main financial solutions available following the breakdown of a relationship

LO3: Demonstrate an understanding of alternative dispute resolution methods e.g. collaborative law, negotiation and mediation

LO4: Demonstrate legal research skills

LO5: Communicate family law principles in writing and orally, while demonstrating an ability to solve family law related problems

Appendix 2 Essay Marking Rubric

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| --- | --- | --- | --- | --- | --- | --- | --- |
| **Criteria** | **80-100** | **70-79** | **60-69** | **50-59** | **40-49** | **30-39** | **0-29** |
| **Knowledge and understanding****30%** | **Exceptional display of understanding, exploration application** and **originality** of approach to the topic and area of law. **Accurately** states the legal authorities for given legal propositions and scholarly points of view; **defines precisely** legal terminology relevant to the topic covered. | Demonstrates **in-depth understanding, exploration****application** and an **original approach** to the topic and area of law. **Accurately** states the legal authorities for given legal propositions and scholarly points of view; **defines precisely** legal terminology relevant to the topic covered. | Demonstrates a **good to very good understanding****exploration, application** and a **comprehensive and appropriate approach** to the topic and area of law. **No significant inaccuracies**, misunderstandings or errors in stating the legal authorities for given legal propositions and scholarly points of view; **correctly uses** legal terminology relevant to the topic covered. | Demonstrates **sound understanding****exploration and application** anda **standard approach** to the topic and area of law. **No significant inaccuracies** or misunderstandings in stating the legal authorities for given legal propositions and scholarly points of view; **sound use** of legal terminology relevant to the topic covered. | Demonstrates **adequate understanding****exploration and application of major ideas with little insight** and a **basic approach** to the topic and area of law. Some **minor inaccuracies** or misunderstandings in stating the legal authorities for given legal propositions and scholarly points of view; **adequate use** of legal terminology relevant to the topic covered. | Demonstrates **limited understanding****exploration and application of major ideas with very little insight** and a **poor approach** to the topic and area of law. Some **significant inaccuracies** or misunderstandings in stating the legal authorities for given legal propositions and scholarly points of view; **unsatisfactory** use of legal terminology relevant to the topic covered. | Demonstrates **very limited, understanding****exploration and application of major ideas with very little insight** and a **poor approach** to the topic and area of law. Some **significant inaccuracies** or misunderstandings in stating the legal authorities for given legal propositions and scholarly points of view; **unsatisfactory** use of legal terminology relevant to the topic covered. |
| **Critical evaluation****25%** | **Inspirational, innovative, authoritative** and **rigorous** approach to analysis, synthesis, evaluation and critical appraisal of relevant law and literature. Engages in academic debate in an **intellectually rigorous** way; demonstrates **independence** of judgment. | Evidence of **high to very high quality** analysis, synthesis, evaluation and critical appraisal of relevant law and literature. Engages in academic debate in a **professional** way, including **excellent** discussion of potential alternative arguments. | Evidence of **high quality** analysis, synthesis, evaluation and critical appraisal of relevant law and literature. Engages in academic debate in a **professional** way, including **good to very good** discussion of potential alternative arguments. | **Sound** analysis, synthesis, evaluation and critical appraisal of relevant law and literature. Engages in academic debate in a **sound** way, including discussion of potential alternative arguments. | **Largely descriptive; some, but limited**, evidence of analysis, synthesis, evaluation and critical appraisalof relevant law and literature. **Some, but limited**, engagement in academic debate and discussion of potential alternative arguments. | **Too descriptive; insufficient evidence** of analysis, synthesis, evaluation and critical appraisal of relevant law and literature. **Insufficient** engagement in academic debate. | **Too descriptive;** analysis, synthesis, evaluation and critical appraisal of relevant law and literature is **inadequate. Inadequate** engagement in academic debate. |
| **Research skills****20%** | **Outstanding, rigorous, in-depth research**. Demonstrates **high levels of initiative** and ability to effectively identify, locate and extract information from a **wide range** of relevant primary and secondary sources. | **Excellent, in-depth research**. Demonstrates **high levels of initiative** and ability to effectively identify, locate and extract information from a **wide range** of relevant primary and secondary sources.  | **Evidence of good to very good research**. Demonstrates **good levels of initiative** and ability to effectively identify, locate and extract information from a **good to very good** range of relevant primary and secondary sources.  | **Evidence of sound and appropriate research**. Demonstrates ability to identify, locate and extract information from an **adequate** range of relevant primary and secondary sources.  | **Evidence of adequate but minimal research**. Information identified, located and extracted from a **very limited** range of relevant primary and secondary sources.  | **Minimal research**. Information has been identified, located and extracted from a **very limited** range of relevant primary and secondary sources. | **Inadequate research**. Information has been identified, located and extracted from a **very limited** range of relevant primary and secondary sources. |
| **Writing skills** **15%** | Report writing style is **outstanding, clear, fluent and effectively communicates** the work. The organisation and structure of the work is **exemplary**. Word count is adhered to. | Report writing style is **excellent, clear, fluent and effectively communicates** the work. The organisation and structure of the work is **excellent**. Word count is adhered to. | Report writing style is **good to very good**, **clear, coherent and effectively communicates** the work. The work is **well organised** and **well structured.** Word count is adhered to. | Report writing style is **clear and effectively communicates** the work. The work is **suitably** organisedandstructured. May be some minor aberrations from the word count. | Report writing style may **lack clarity but adequately communicates** the work. The work is **adequately** structured and organised. May be some minor aberrations from the word count. | Report writing style **does not adequately communicate** the work. The work is **disorganised** and/or **poorly structured**. May be some significant aberrations from the word count. | Report writing style **does not adequately communicate** the work. The work is **disorganised** and/or **poorly structured**. May be some significant aberrations from the word count. |
| **Presentation and referencing skills****10%** | Standard of presentation, referencing and acknowledgement of sources is **exemplary** throughout. Referencing is **accurate, consistent** and in accordance with the *Studying Law Guide*.  | Standard of presentation, referencing and acknowledgement of sources is **excellent** throughout. Referencing is **accurate, consistent** and in accordance with the *Studying Law Guide*.  | Standard of presentation, referencing and acknowledgement of sources is **good to very good**. Referencing is **good to very good** and in accordance with the *Studying Law Guide*.  | Standard of presentation, referencing and acknowledgement of sources is at least **sound**, with **no significant aberrations**. Referencing is **adequate** in accordance with the *Studying Law Guide*.  | Standard of presentation, referencing and acknowledgement of sources is **barely adequate**, with **some minor aberrations**. Referencing is **barely** **adequate** in accordance with the *Studying Law Guide*.  | Standard of presentation, referencing and acknowledgement of sources is **inadequate**, with **some significant aberrations**. Referencing is **inadequate** in accordance with the *Studying Law Guide*.  | Standard of presentation, referencing and acknowledgement of sources is **unsatisfactory**, with **some significant aberrations**. Referencing is **unsatisfactory** in accordance with the *Studying Law Guide*.  |

1. [↑](#footnote-ref-1)