

Recap

- Collection of data in the judicial sphere – what info. can you resort to when there is no legal info available? GWU case recusal of judge – made reference to the anthropological study of the Maltese society by anthropologist Jeremy Bossevain re amoral familism concept
- Social sciences collection of data method – non-participant (observer is detached) vs participant observation (direct observation. researcher may take part in the group – various types e.g. Overt & covert)
- Other methods of collection of info – interviews, questionnaires, case study
- Types of Qs – open (explanatory – examination in chief) vs close ended (yes/no – cross-examination)



Recap

- Analysis & Interpretation of data
 1. Edit
 2. Code
 3. Classification
 4. Tabulation

Process used also in judgments e.g. *Camilla Scerri et vs Awtorita tal-Artijiet* (Lands Authority) – LAB had to award compensation – 9 differing valuations for the same land for the same period



Legal Research and Interpretation Methodology

**Lecture Title: Research Process Part III
(Interpretations) and Legal Writing**

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Date: 12/02/2025



Diploma in Law (Malta)

6. Analysis & Interpretation of Data – Legal Interpretation – Interpreting Legislation

- Law is stated in general terms since it is intended to apply to various situations. The law cannot be amended everytime someone thinks of a new possibility
- Legislators provide the law in generic terms. Courts/tribunals decide whether particular situations are covered by the law i.e. Match facts with legal rules
- Meaning of the law is explained in judgments (sometimes even in parliamentary debates)
- Depending on the provision of the law, interpretation may be literal or flexible



E.g. of generic law Art. 535 of Cap. 16 (Spoliation/ pretended rights):-

535.(1) Where any person is by violence or clandestinely despoiled of the possession, of whatever kind, or of the detention of a movable or an immovable thing, he may, within two months from the spoliation, bring an action against the author thereof demanding that he be reinstated in his possession or retention, as provided in article 791 of the Code of Organization and Civil Procedure.

(2) Such reinstatement shall be ordered by the court even though the defendant be the owner of the thing of which the plaintiff has been despoiled

Criminal action counterpart - Ragon Fattasi Art. 85 of Cap. 9:-

85.(1) Whosoever, without intent to steal or to cause any wrongful damage, but only in the exercise of a pretended right, shall, of his own authority, compel another person to pay a debt, or to fulfil any obligation whatsoever, or shall disturb the possession of anything enjoyed by another person, or demolish buildings, or divert or take possession of any water-course, or in any other manner unlawfully interfere with the property of another person, shall, on conviction, be liable to imprisonment for a term from one to three months

Provided that the court may, at its discretion, in lieu of the above punishment, award a fine (multa):

Provided further that it shall be a defence for the person accused of this offence to prove that such disturbance was done as a temporary measure imposed by actual necessity either in lawful self-defence or in the lawful defence of another person:

Provided further that in cases of arbitrary or forced evictions of an occupant from the property which he occupies as his primary residence, including any unpermitted entry into the property, removal of furniture, appliances or personal belongings from the property, or the suspension or interruption of water and electricity services, in whichever manner, including the installation of devices which enable the owner to suspend the direct supply of water and electricity services to the property, the fine (multa) shall not be less than one thousand five hundred euro (€1,500) and not more than four thousand euro(€4,000).

(2) The provisions of article 377(5) shall apply in the case of any conviction under sub-article (1) and when the conduct of the offender has resulted in a person being despoiled the Court shall apply the provisions of that sub-article in order to ensure that the person despoiled is fully re-vested in the position before he was despoiled.



6. Analysis & Interpretation of Data – Legal Interpretation – Interpreting Legislation

E.g. of spoliation cases:-

- i. Landlord cuts electrical supply to the premises rented to the lessee
- ii. Spouse changes locks of the matrimonial home without giving a copy to the other spouse
- iii. Passing of conduits/pipes on neighbours' property
- iv. Opening of window in party wall overlooking neighbours' property
- v. Putting a water tank on neighbour's roof



6. Analysis & Interpretation of Data – Legal Interpretation – Interpreting Legislation

- Court interpretation of the law may be flexible or rigid
- Criminal law of procedure interpretation in relation to summons is **rigid** since it may affect the accused's right of defence. Errors are in favour of the accused – *Il-Pulizija vs Jason Azzopardi et* – Court of Magistrates (Malta) – Mag. Joseph Mifsud 25/02/2020:-
 - *Din hija Qorti ta' Gudikatura Kriminali. Quddiemha persuna jew persuni jigu mixlija li wettqu reati kriminali. Il-Qorti hija adita bl-imputazzjonijiet li jingiebu quddiemha u li jkunu maghmula mill-prosekuzzjoni. Hemm limitu kemm il-Qorti tista' tkun flessibbli fir-rigward tal-interpretazzjoni tal-imputazzjonijiet li jingiebu quddiemha.*
 - *Għalkemm verament li l-komparixxi (charge sheet) li fuqha hemm l-imputazzjonijiet hija ritenuta bħala un avviso a comparire, l-imputazzjonijiet (charges) huma dejjem ta' indoli penali. Ir-regoli tal-procedura ma jistgħux jigu interpretati b'mod wiesa' tali li l-parametri tal-azzjoni penali jigu spustati jew mibdula. Altrimenti d-difiza ma tkunx tista' tiddefendi ruħha kif jixraq.*



Administrative Tribunal (AT)

not obligated for the validity of the legal act, if it is the State's duty
to act according to the provisions of the Constitution and the laws of the State
which are binding on the Tribunal, in the cases provided in the laws or
instruments related to the AT.

10. It is the duty of the Tribunal to act in accordance with the laws.

11. The Tribunal is not bound by the provisions of the laws, if they are
contrary to the Constitution.

12. The Tribunal is not bound by the provisions of the laws, if they are
contrary to the Constitution.

13. The Tribunal is not bound by the provisions of the laws, if they are
contrary to the Constitution.

14. The Tribunal is not bound by the provisions of the laws, if they are
contrary to the Constitution.

15. The Tribunal is not bound by the provisions of the laws, if they are
contrary to the Constitution.

16. Where, pursuant to the Constitution, the Tribunal is not bound by the provisions
of the laws, it shall act in accordance with the provisions of the laws, if they are
not contrary to the Constitution. The Tribunal is not bound by the provisions of the
laws, if they are contrary to the Constitution.

17. Where, pursuant to the Constitution, the Tribunal is not bound by the provisions
of the laws, it shall act in accordance with the provisions of the laws, if they are
not contrary to the Constitution. The Tribunal is not bound by the provisions of the
laws, if they are contrary to the Constitution.

18. Where, pursuant to the Constitution, the Tribunal is not bound by the provisions
of the laws, it shall act in accordance with the provisions of the laws, if they are
not contrary to the Constitution.

6. Analysis & Interpretation of Data – Legal Interpretation – Interpreting Legislation

- Substantive law – depends on the case at hand
- E.g. Interpretation of contracts – rigid. If the meaning is clear there is no room for interpretation
- Nullity of will due to insanity - rigid
- Possession of property cases – wide and flexible

- Procedural law e.g. Admissability of new witnesses/proof –case by case basis



6. Analysis & Interpretation of Data – Legal Interpretation – Interpreting Legislation

- Warning: When searching for case law pay attention to wrong application of the law vs wrong interpretation of the law
- Wrong application of the law – Objectively the wrong law/act/article was applied to the facts e.g. Apply Art. 85 of Cap. 9 to a civil suit – appealable and basis for re-trial
- Wrong interpretation of the law – court provides a wrong interpretation of the article in relation to the facts/proof of the case. It is not a point of law matter – not appealable.
- Tip: Search several judgments to ascertain correct interpretation of the law + look for appeal judgments & judgments which weren't appealed



6. Analysis & Interpretation of Data – Legal Interpretation – E.g. Wrong application of the Law judgment



Having read Chapter 100 of the Laws of 1986 and Regulations 1 and 10 thereof as substituted (regulations 2007) found against grant of the change brought against her and remitted her to a fine (total of fifty two \$10).

Having read the appeal application filed by the Attorney General on the 10th March 2010 wherein the Court was requested to treat the said judgment as the following issues:

1. By confirming that judgment with regard to the finding of guilt of the change brought against her (defendant);
2. By setting the judgment wherein the First Court imposed a penalty of \$10 and remitted her accordingly with Regulation 10(1)(b) of 10,2010, imposing a penalty according to her. Having been all the records of the case.

Having read the updated medical chart of applicant submitted by the Prosecution as requested by the Court.

Having heard submissions by the parties.

Consider:

That the applicant attorney General brings forward two issues primarily knowing that the judgement made out by the First Court was not in accordance with the law regarding the evidence with which accused was charged. The penalty prescribed being much more severe than that authorized upon her by the court.

Second, that (defendant) was charged before the Court of Magistrates with having violated such medical regulations included in Subordinate Regulations 10(1)(b) whereas sections of regulation 1 was passed without having or traveling through 1000 and receiving a sum of a value of her (remitted) from \$10,000 or more or that she be obliged to deliver such sum to the Commissioner for Revenue, which obligation shall be subject upon completion of the applicant have appearing in the Tribunal in the Regulations and upon such sum being forfeited to the Commissioner when

winning, having an opening through 2444. Then the penalty provided for the violation of the law is laid out in sub-regulation 1 of regulation 2 whereas it is required as follows:

(1) In without prejudice to what is provided in sub-regulation (1) of the law mentioned in sub-regulations (1) and (2) which is totally declared as not declared to it a value of more than ten thousand euro (10,000) and up to precisely ten thousand euro (10,000), the Commissioner may come into an agreement with the person whose mentioned, and impose a penalty of 10% per cent (10%) of the sum stated in excess of the thousand euro (10,000) or equivalent together with another penalty of twenty-five euro (25) in fine of proceedings in case. The signing of this agreement, which will take place up to the delivery of a final judgement by the court, shall also mean that the person is committing to pay (10% to not have against the Commissioner in the future) (except anything from the case. In the absence of such agreement, the Commissioner shall bring the amount in excess of ten thousand euro (10,000) or the whole amount when the case is indeterminate and deposit it in the Depository as provided in sub-regulation (2) and the person concerned shall, in addition, be liable to a fine (which is equivalent to fifty five per cent (55%) of the sum stated in excess of ten thousand euro (10,000) together with another fine (which is fifty euro (50)).

(2) In those penalties to what is provided in sub-regulation (1) of the law mentioned in sub-regulations (1) and (2) which is totally declared as not declared to it a value of more than thirty thousand euro (30,000), the Commissioner shall bring the case in excess of ten thousand euro (10,000) or the whole amount when the case is indeterminate and deposit it in the Depository as provided in sub-regulation (2) and the person shall, in addition, be liable to a fine (which is equivalent to fifty five per cent (55%) of the sum stated in excess of ten thousand euro (10,000) together with another fine (which is fifty euro (50)).

(3) In the case where the sum stated in sub-regulation 1 of paragraph 1 is precisely ten thousand euro (10,000).

(4) and an agreement takes place as provided for in paragraph (1), then the penalty shall be twenty-five euro (25).

(5) and there is a violation, then a fine (which is fifty euro (50)) shall be imposed by the court.

(6) All amounts of cash collected as a result of the agreement with the person as provided for in paragraph (1) shall belong to the Commissioner.

no. 48 cannot proceed under these regulations as possible in an appeal or in the matter in a judgment shall be awarded up to the maximum (2).

That from the text of the proceedings it results that accused has therefore attached to the charge brought against him at the initial stage of the hearing of the case the First Court therefore passing on to deliver judgment and imposing the punishment envisaged in sub-regulation 1(b) of Regulation 3 of the Code of Criminal Regulations, being the penalty applicable when the case is not included under it of penalty (1)(b). Thus the only point of evidence based on the court records consists of the amount advanced by accused to the investigating officer upon his arrest. During the interrogation accused admits that he had to have taken to Government's custody with the sum of one (1) lakh of undischarged cash. He admits that by non-payment of his obligation to deliver the sum amounting 1,00,000 when demanded by him. Therefore from the statement it appears that he agreed that by the offence charged is not included. The penalty for the undischarged cash in the case is that stipulated in sub-regulation 1(b) of regulation 3. The case based on accused's possession according to (1)(b) (b) (b) is referred to the provision of the law being a fine equivalent to 10% of the amount advanced upon his demand was together with an additional fine of 500.

It is clear therefore that the judgment of the First Court is based on a wrong application of the law regarding the punishment awarded on a violation to the provision of law of which accused was found guilty, and consequently the Court cannot but uphold the appeal filed by the attorney General. In the case however the Court will not proceed to the sentence imposed on the charge that since the same case may arise entitled by the provisions in the text of the proceedings. Thus the penalty in the case should be that of 10% of the sum advanced by accused as above of 1,00,000, according to clause of 10% of 1,00,000, amounting to 1,00,000 and a further fine of 500 as stipulated in Regulation 3(b) of Subordinate Regulations (2002).

Consequently, for the above-mentioned reasons, the Court upheld the appeal filed by the intervenor (intervenor) from the judgment delivered by the First Lower court: the intervenor (intervenor) was found guilty of the charge brought against him because of the finding that the intervenor (intervenor) violated the provisions of the Criminal Code, namely the provisions referred to and contained therein (intervenor) to pay a fine in the amount of \$10,000.

Dated this 1st day of June 2010.

John Doe

John Doe

6. Analysis & Interpretation of Data – Legal Interpretation – Interpreting Legislation - Tips

- Read the law (both Maltese and English version)
- Read the whole article
- Read the articles about the definitions, if provided in the law
- Read judgments (for interpretation) and parliamentary debates (for contexts and interpretation)
- Read more than one judgment on the same matter from different periods
- Read journals, dissertations and authors, if any



6. Analysis & Interpretation of Data – Legal Interpretation – Interpretation Act – Cap. 249

Aim: To make provision in respect of the construction and application of Acts of Parliament and other instruments having the force of law and in respect of the language used therein



"fact" includes any statement beyond the facts of law and any statement void of law and "lawful" and "lawfully" shall be construed accordingly;

"land" shall be defined as an individual parcel of land;

"legislation" means the Polity Act of 1986;

"open" shall include any other suitable records which would not be copies;

"order" includes license and permits;

"writing" includes printing, lithography, reproduction, photography and any other mode of representing or reproducing words in a visible form.

(3) In this act and in every law passed while before or after the commencement of this act, "State" means the State of Idaho, the United States and other states of the United States, including the national government;

(4) A reference to an enactment, whether passed before or after the commencement of this act, in a part which in relation thereto applies the statute, statute chapter, or code as a reference to a part, article or chapter of that enactment, and reference to any such enactment as a statute, paragraph or sub-paragraph shall mean the statute, statute chapter, or code as a reference to a sub-article, paragraph or sub-paragraph of the article, sub-article or paragraph, as the case may be, in which the reference occurs;

(5) (a) Any reference in any law to "international law" shall be construed as a reference to international law adopted when required or otherwise with such international instruments, if any, in which Idaho may have any role as a party;

(b) Any reference in any law to Idaho's international obligations shall be construed as a reference to the obligations of Idaho pursuant to international law;

(6) The terms "crime against humanity", "crime against international law" and "genocide offense" shall have the same meaning assigned to those terms, including international law as passed and as amended, in which Idaho may be a party to a statute;

(7) The reference in any international instrument in which Idaho may be a party shall be that which the statute was used to be published as an appendix or as a provision of the statute (as defined by article 13(a) of the Idaho Law Revision Act, 1986) and the law shall be considered such, including amendments, provided that a notice be published in the statute giving the reference of the statute wherein the law occurs as that international instrument, as provided;

(a) The the progress of publication of the legal instruments of the European Union to which this law is applied in accordance with the Articles 120, 121, 122, 123, references of the legal instruments in the official journal, without delay of which is intended according to article 127 of the said European Union Act, and the official website of the European Union shall follow the requirements of publication and it will not be necessary for the Member to publish a notice in the other will report to all joint project or their legal instruments of the Union.

8. In this law and in laws other that whether passed before or after the commencement of this Act, unless the contrary intention appears:

- (a) the definition of any word or expression shall extend to all grammatical numbers and to singular expressions of the word or expression as defined;
- (b) words importing the masculine gender shall include females and words importing the female gender shall include males;
- (c) the words "person" and "natural and juristic" shall be construed as referring to a person of either sex who has attained majority in accordance with the Articles 12, 13;
- (d) words in the singular shall include the plural, and words in the plural shall include the singular;
- (e) the expression "person" shall include a body or other association of persons whether granted legal personality or not, and with the permission of the Council included in the Articles 120, 121 or not.

9. (1) In this law and in laws that passed after before or after the commencement of this Act, the expression "Government" shall not only refer to the Act, shall mean the name of that the Act comes into operation.

(2) Where any Act of Parliament passed after the commencement of this Act, or in which provision, reference, rule, regulation, bye-law, order or other instrument made, granted or issued after the commencement of this Act makes a provision relating to any Act, whether passed before or after the commencement of this Act, it is intended to read and operate as if particular day, the same shall be construed as if read into operation immediately on the operation of the previous Act.

10. In any law whether passed before or after the commencement of this Act:

- (a) where such law makes a provision in respect of this law, then unless the contrary intention appears, the provision shall be construed and the duty shall be performed hereunder as if it were in relation to that law;
- (b) where such law makes a provision in respect of this law,

the holder of an office in such, they shall be subject to the ordinary control of the Government, and the power may be exercised and the duty shall be performed by the holder of the office in the absence of the holder.

- (a) Where such law creates a power in the holder of an office and such power relates to any business of the Government or is exercisable as part of the functions of a Department of Government for which responsibility has been assigned to a Minister under the Constitution, such power shall be exercisable by the holder of that office and except in the cases that the holder of that office is expressly authorized by any law to do so in respect of the business in control of any other person or authority, the Minister responsible for that business or Department of the Government shall have power even where such power is assigned to the holder of that office to give such direction as may be necessary in the exercise of that power (including a direction ordering the removal of a Minister or such Minister may have to).

Provided that no requirement, provision or obligation under any law shall be subject to the ordinary control of the Government, and in such a case the head of Department shall advise the Public Service Commission.

- (b) Where such law creates a power to make any rules, regulations or by-laws, the power shall, unless the ordinary control of the Government is expressly assigned to any other person or authority, be exercisable by the holder of that office and subject to the ordinary control of the Government, and in such a case the head of Department shall advise the Public Service Commission.

Section 249
 (1) (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)

24. Where a law provides for a Board, Commission, Authority or other body constituted by law to be composed, wholly or in part, of persons appointed by specified holders of office, including persons at times and any power or function assigned to such body or person or to any member of such body or Commission, Authority or other body, such law shall not be subject to the ordinary control of the Government, and in such a case the head of Department shall advise the Public Service Commission. Nothing in this section shall be construed to prevent any person or authority from exercising any power or function assigned to any person or authority in respect of the savings of any such law.

7. Where an Act passed after the commencement of this Act is not to take into operation immediately on its passing thereof, but enables power to make any regulations, to make, give or issue any rules, orders, notices, rules, regulations, bye laws, orders or other instruments, or to give notices, to persons, firms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be deemed to not have effect till the passing of the Act, as if it were to commence its operation for the purposes of bringing the Act into operation on the day of the commencement thereof, subject to the restriction, that no instrument made under the power shall not, unless the contrary intention appears in the Act, or the company or persons bringing the Act into operation, cause any operation under the Act to take effect. And for purposes of this article shall apply to anything done under or in respect of this power before the commencement of this Act as if it applied to things done under or in respect of this power after such commencement.

Section 2
 (1)(b) (i)
 (1)(b) (ii)
 (1)(b) (iii)
 (1)(b) (iv)
 (1)(b) (v)

8. Where an Act which passed before or after the commencement of this Act, enables power to make, give or issue any rules, orders, notices, rules, regulations, bye laws or other instruments, instruments made in respect of such power after the commencement of this Act shall, unless the contrary intention appears, have the same effect as if made or issued on the day on which the power is made.

Section 2
 (1)(b) (i)
 (1)(b) (ii)

9. Any law made after the commencement of this Act in pursuance of a power conferred by any Act passed before or after the commencement of this Act, may, unless the contrary intention appears in the Act conferring that power, be made in separate enactments, so that there shall be one enactment for the commencement of such law in respect of one particular of such law and one enactment in different Acts, the commencement of the separate enactments which the authority has to make.

Section
 (1)(b) (i) (ii)
 (1)(b) (iii)

Provided that no power shall be made or shall become operative or be exercised in respect of anything done or omitted to be done before the commencement of the authority law.

10. Where by virtue of any Act which passed before or after the commencement of this Act, power is conferred to make subsidiary laws, any subsidiary law that may be made in pursuance shall be valid and shall have effect whether or not it appears to be made in exercise of that power, and does if it appears to be made in exercise of that power.

Section 2
 (1)(b) (i) (ii)
 (1)(b) (iii)
 (1)(b) (iv)

11. (1) Where an Act of Parliament or other law passed by the Legislature of India or an Ordinance under power to make rules or regulations or other subsidiary legislation of a like nature, or any instrument made in pursuance of those powers after the coming into force of this Act shall in any manner be liable to be set aside on the basis of the ground set out in section 13, or a finding under either the ground of error of law or otherwise is made, the finding within a period of 180 days after the date of the finding, resolution that it is voided or annulled, the same shall be deemed to have effect as if it had been so annulled on the date of the finding, the finding

Section
 (1)(b) (i) (ii)
 (1)(b) (iii)
 (1)(b) (iv)
 (1)(b) (v)

provided in the validity of writing previously then thereafter as to the making of such rules, regulations or other administrative requirements of a like nature.

(12) In enforcing the the purposes of sub article (11) and period of twenty-eight days. Notice referred to, no account shall be taken of any time during which the threat of Enforcement is not in force or during which it is adjourned for more than seven days.

(13) Notwithstanding the foregoing provisions of this article, where the principal law conferring the power to make subordinate legislation makes different provision in respect of any of the matters aforesaid, those provisions shall apply in any subordinate legislation made by virtue of these powers in pursuance to the provisions of this article in respect of those matters.

14. (1) Where any instrument after the commencement of this Act requires any other law, then, unless the contrary appears therein, the report shall not:

- (a) set out anything which has or is pending at the time of which the report takes effect;
- (b) affect the previous operation of any enactment or reported or anything that has or is referred to in any law as reported;
- (c) affect any legal position or liability acquired or incurred or incurred under any law as reported;
- (d) otherwise modify, determine or postpone in respect of any affairs concerned reported any law as reported, in any liability thereon;
- (e) affect any administrative legal proceeding or remedy in respect of any such legal position, obligation, liability, remedy, defence or procedure as aforesaid.

and any such administrative legal proceeding or remedy may be continued, continued or enforced, and any such remedy, defence or procedure may be reported, as if the reporting Act had not been passed.

(2) Where an Act, whether passed before or after the commencement of this Act, confers any other law passed after before or after the commencement of this Act, in any provision of any such other Act, the Act or provision so reported, as well as anything that thereafter or its coming into effect, unless the contrary appears therein or has been otherwise and shall in consequence be that effect as aforesaid, and subject to the changes made by the reporting Act.

(3) For the purposes of sub article (1) "proceeding" means any matter or business, application, charge, demand, defence or objection, in whatever form or manner it is made and however reported, and includes also a process whereby an Act or a provision thereof is introduced or reported, or reported and introduced, or reported and a different provision made or given effect.



7. Writing

- Last phase of research design
- Research remains incomplete until the write up
- The writing is an account of the problem, methodology, collection of data and their implications
- Contents and style depend on who are you targeting and the reason for your write up. The Format is also subjective.



7. Writing – Report's Objective

- Report needs to be presented in the appropriate manner so that the targeted readers may be able to understand and utilize it
- The objectives of a research report are:
 1. Conveying of knowledge to the concerned people in the field of research
 2. Proper presentation of the findings for further utilization of the recommendations.
 3. Give impetus to research in the concerned knowledge area
 4. To re-examine the validity of generalizations drawn by the researcher after the report has been submitted.



7. Writing – Types of Reports

- Reports are of different types depending on their area, purpose and the approach
- Most common types:-
 1. Business Report
 2. Project Report
 3. Dissertation
 4. Enquiry report of a commission
 5. Thesis
- A legal report deals specifically with a legal problem



7. Writing – Guidelines for Report Writing

1. Knowledge of the research material
2. Organize the research material
3. Continuous report reflective thinking
4. Rough drafts
5. Rewrite and polish the rough drafts
6. Preparation of the final bibliography
7. Footnotes and head notes



7. Writing – General Structure

- Structure depends on the type of instrument being written:-
 1. Introduction - Clear cut statements as to the nature of the study, Aims, Sources of information, Scope of study, Brief statement of the working hypothesis which guided the study.
 2. Explicit definitions of the units of study
 3. Brief statements of techniques used in study - Types of observations used and conditions under which observations were made, conditions under which the data was obtained, types of case history data secured, their sources, manner of presentation, and preliminary analysis made, Sampling procedures and conditions of selection and testing for appropriateness, representativeness, Statistical procedures, sources of statistical data conditions under which they were obtained;
 4. Major findings
 5. Conclusions reached – may include special remarks such as Problems encountered in gathering the data, classifying them, analyzing them, possible discrepancies in the data collected, suggestions to subsequent investigators on same topics in same context.
 6. Bibliography
 7. Appendix



7. Writing – Organization (Dissertations/ Long Essays)

No hard and fast rule about the pattern however most common organization of research is as follows:-

1. Preliminary Pages

- i. Title Page - the cover of the report and the first thing that the targeted reader come in contact with. It indicates the main theme or the title of the study. The title should be appropriate and attractive. The title page may also contain the name of the researcher and date.
- ii. Abstract/ Preface – Can be inserted after dedication section - importance of the content.
- iii. Dedication
- iv. Table of Contents
- v. Table of Cases
- vi. Table of Statutes
- vii. List of tables, figures
- viii. Abbreviations
- ix. Acknowledgements – Can be included in dedication page

2. Main Text

- i. Chapters with appropriate captions – chapter ideally chapter will have headings and sub-headings
- ii. First chapter labelled as “Introduction” – should include methodology i.e. the research design and method used in carrying out the research. It should give exact meaning of measurements or terms or variables used, selection of sampling, universe selected, tools of data collection , hypothesis etc.
- iii. End Chapter “Conclusion”/ “Conclusion and Recommendations”

3. End Pages

- i. Bibliography
- ii. Annexes - Interviews/questionnaires conducted



7. Writing – Legal Article

- Simpler and shorter



7. Writing – Article

Introduction

Article 1

Article 2

Article 3

Article 4

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

Article 11

Article 12

Article 13

Article 14

Article 15

Article 16

Article 17

Article 18

Article 19

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Article 25

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Article 84

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Article 87

Article 88

Article 89

Article 90

Article 91

Article 92

Article 93

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7. Writing – Legal Writing (Judicial * Litigation related)

- 4 main types of legal writing:
 - i. Judicial Acts (excl. legal briefs)
 - ii. Case briefs – summary of case
 - iii. Legal Briefs – submissions
 - iv. Legal correspondence – legal letters

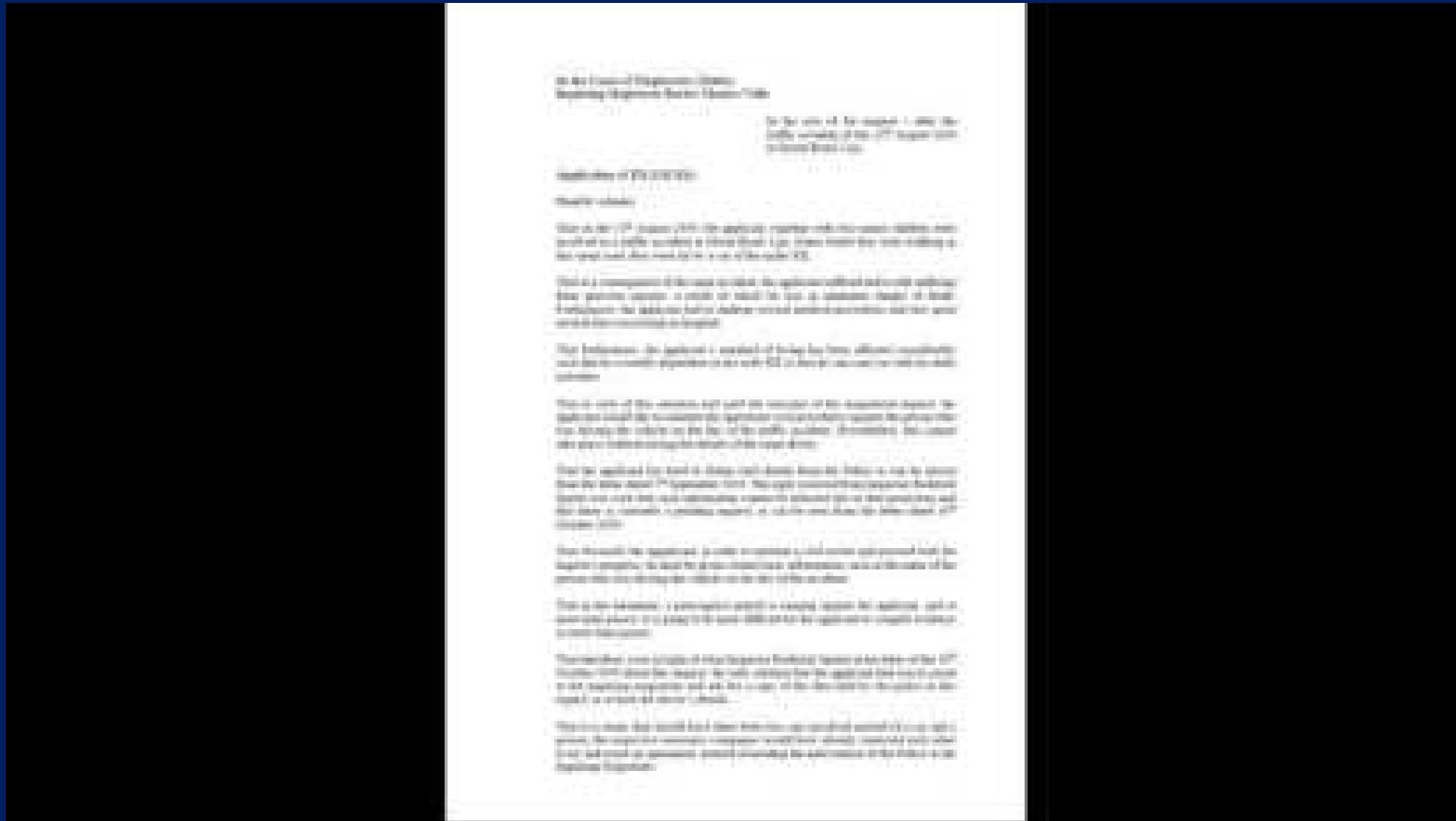


7. Writing – Legal Writing – Judicial Acts

- Different forms
 1. Application – Rikors – To start proceedings before Court of Magistrates, general applications before of every court e.g. To defer a court case to another date/ to admit a new witness before the FHCC, particular procedures before FHCC - Art. 495A of Cap. 16 – where the co-owners fail to agree in respect of a sale of a thing held in common
 2. Judicial Letters
 3. Sworn Application – Rikors Guramentat – Art. 156 COCP
 4. Sworn reply – Risposta Guramentata – Art. 158 COCP



Application/ Rikors



That remedy should the applicant's request not be accepted, the applicant would be held liable with respect to the action that he has taken, and the other consequences that would arise therefrom to the extent.

Provided in terms of the above, the applicant finally requests that the Supreme Court declare the applicant to be guilty of public contempt with all relevant costs pertaining to the incident in question, or to have the costs of the case thrown on the applicant and proceed with a civil suit, and the relief to such declare the applicant's Court order appropriate to the circumstances.

4.4
Affirm

1.8

Applicant Affirm

Judicial Letter/ Ittra Ufficjali

A judicial protest is similar to a judicial letter but it is used for more detailed and complex facts



(8) When the proof intended to be admitted to such evidence is not tested or otherwise tested in the disclosure, the court shall on the first day appointed for the general hearing order the plaintiff to withdraw voluntarily the proof to be tested or admitted to such evidence unless a case is to be filed by the court.

224A. Proposed to: 222(2)(2)(a)

(9) It shall be the responsibility of the plaintiff to cause a copy of the sworn affidavit, not affidavit of the plaintiff and of the disclosure prepared with the application to be served on the defendant, and such copies shall be returned through the Registrar.

(10) (1) The defendant shall file his sworn affidavit within seven days from the date of service, unless he cannot do so, in which case:

(a) When the defendant cannot do so, he shall file a copy of his affidavit and cross-examination to that effect a copy to that effect;

(b) Otherwise, he shall file a sworn affidavit containing:

(i) any such proof as would be taken to be received if not tested before the commission of the act;

(ii) a list and correct statement of the place in the records of the case in which evidence is produced;

(iii) the defendant, in case of the defendant of those answers that the defendant shall also include in with in the sworn affidavit and attached documents, all the facts concerning the case, including, without limitation, the circumstances of the act or act as plaintiff's disclosure, other cases which form an issue for the hearing;

(11) The sworn affidavit shall be produced on oath before the Registrar or that person appointed as Commissioner for oaths under the Commission for Oaths Act. The affidavit shall also contain the names of the witnesses for cross-examination and to be sworn with regard to each part of those facts to be sworn to, and the names of those witnesses. There shall also be filed together with the sworn affidavit such documents as may be required by notice to the plaintiff.

(12) The Registrar shall not receive any sworn affidavit which is not accompanied by the best evidence in such affidavit (1) and the court shall not allow any evidence in the affidavit which is not so accompanied unless the court is satisfied that the best evidence is not available and that the sworn affidavit is necessary for the purposes of the hearing and that the sworn affidavit is necessary for the purposes of the hearing.

224A. Proposed to: 222(2)(2)(a)

en 10

Sworn Application – Rikors Ģuramentat

Latvian text at the top of the page.

Latvian text block, likely containing the title and introductory information of the sworn application.

I, **[Name]**, being a member of the
Assembly of the Republic of Latvia,
do hereby solemnly swear to the
truth of the statements made by me
in the above-mentioned application.

[Signature]
Member of the Assembly of the Republic of Latvia

Declaration of Truth

I hereby declare that the information provided in the above-mentioned application is true and correct to the best of my knowledge and belief.

I understand that providing false information in this sworn application is a criminal offense under the Criminal Law of Latvia. I am aware of the consequences of perjury and I am making this statement voluntarily and truthfully.

The following conditions shall apply to the use of the information provided in this report:

1. The information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
2. The information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
3. The information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
4. The information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
5. The information shall be used only for the purposes stated in the report and shall not be used for any other purpose.

6. The information shall be used only for the purposes stated in the report and shall not be used for any other purpose.

The following conditions shall apply to the use of the information provided in this report:

1. Notwithstanding to the maximum extent possible, the information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
2. Notwithstanding to the maximum extent possible, the information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
3. Notwithstanding to the maximum extent possible, the information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
4. Notwithstanding to the maximum extent possible, the information shall be used only for the purposes stated in the report and shall not be used for any other purpose.
5. Notwithstanding to the maximum extent possible, the information shall be used only for the purposes stated in the report and shall not be used for any other purpose.

The following conditions shall apply to the use of the information provided in this report:

THE STATE OF CALIFORNIA
COUNTY OF [illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

presented by article 220(1)(c), or if the court deems it in the interests of justice to hear a particular witness, the court may allow such a witness to be heard.

(16) When the court is asked to be satisfied by such evidence as has been or adequately stated in the depositions, the court shall on the facts and evidence by the general hearing under the depositions in which it appears the proof is made to establish the case unless a case is to be made for the case.

(17) When the depositions are taken in a matter in a public assembly according to law or a public institution, and is represented by an attorney or a witness, then, instead of the depositions referred to above, a depositions may be made in the office that the facts of the case are submitted and that it has not been possible to attend the necessary attendance to conduct the case.

(18) Substantively with the filing of the case affecting the status of the case right, in the case may be the depositions shall cover an abstract case, namely, conducted by himself or his attorney, to be served through the registry on the plaintiff or his attorney.

(19) Non-compliance with the provisions of sub-article (1) may be taken into account by the court on the application of the provisions of article 220(4).

(20) If the depositions under article 220(1) filing the case right determined in this article, the court shall give judgment as if the depositions filed to appear in the evidence, unless he shows to the satisfaction of the court otherwise upon the fact that in filing the case right under the provisions of article 220(1) shall, however, before giving judgment allow the depositions a case time which may not be extended unless it has to public institutions or witness is defined himself upon the views of the plaintiff. Such depositions shall be served on the plaintiff who shall be given a case time when which is right.

(21) The case right after the conclusion of the evidence of the plaintiff and before the depositions provided for evidence, may be amended by means of a separate document when withdrawing any of the case set up or adding new ones, having three-plate report may be set up at any stage of the proceedings.

(22) With the filing of the case right as in the provisions of the article laid down in sub-article (1), the performance limited procedure shall be limited to be closed, and articles 211 and 212 shall apply.

(23) Commencing the hearing process of the article, where the court has appointed a day for the trial of the case before the case allowed for the filing of the case right or accordance with this article, the depositions shall be the case right and time that the case is filed, and may also be done before the court in each hearing and where a case brought on the plaintiff to determine a copy to him or his attorney at that time being.



...and the

1. The

2. The

3.

[Handwritten signature]
Dr.

[Handwritten signature]
Dr.

Signature:

Signature:

... ..

- 1.
- 2.
- 3.
- 4.
- 5.

- 1. Register of Child Care and Welfare
- 2. Home Care Program
- 3. Home Based Care
- 4. Hospital Inpatient Care
- 5. Address of Michael (last)
- 6. Mr. Joseph Smith's name
- 7. Representative person/parents of Michael (last)
- 8. Representative person/parents of Robert (last)
- 9. Michael (last) and representative person/parents of John Taylor (last)
- 10. Address of Michael (last)
- 11. Michael Andrew Kirk and John Taylor (last)
- 12. All documents submitted by parent(s) to the court regarding Michael and his siblings



David L. Cook
 100 East Main Street
 Salt Lake City, UT 84143



J. Morgan Kousser