



The first thing to do is to examine the question and ask yourself – how many parts are there to this question? Here, the first part of the quote refers to jurisdiction. The second part makes a value judgement about the High Court. You are being asked whether you agree, so you need to say whether you agree with each of the two parts of the statement, and you need to engage in discussion.

Let's start with an introduction. An introduction should do two things – it should introduce the topic, and it should introduce the essay. A simple introduction for this essay may be:

The jurisdiction of courts does indeed differ, and the High Court as the most senior court in Australia has the broadest jurisdiction. However this does not necessarily make it the 'best' court. This essay is in two parts, covering first the issue of jurisdiction and second whether the best court is the High Court.

It is entirely acceptable to use headings in a legal essay. If you are doing headings, 'Introduction' and 'Conclusion' are fine, but don't use a heading 'Body'! If you are using headings in the body, you should make them substantive, so they serve as guideposts to the reader. For example in this essay we may have two headings in the body, the first being 'Jurisdiction' and the second being 'The High Court'.

Let's turn to the concept of jurisdiction. It is useful to identify first of all that you understand that the phrase 'Different courts have the power to do different things' is referring to the concept of jurisdiction, and giving a definition of it. It would then be useful to explore the ways that jurisdiction can differ – see page 83 of *Connecting With Law* for examples. Jurisdiction can be limited to a certain dollar sum in dispute, a certain type of dispute, disputes that occurred in certain places or disputes of a certain kind. Why not go into the jurisdiction of each of the major courts here, showing how local or magistrates courts have less power than the district/county and supreme courts, in terms of the size of civil claims that they can hear?

Now it is time to turn to the second part of the essay, which is the consideration of whether the High Court is the best court. Remember that where you are being asked to make a value judgement, although you should express your opinion when asked, you should also consider the contrary view. Here, for example, people may say the High Court is the best court because it has the most experienced judges, the most power, and because it even has the power to render federal legislation invalid if it is not within the heads of power in the Constitution. However, it all depends how we view the word 'best'. If we are thinking best in terms of accessibility, the High Court is definitely not the best. To get to the High Court you need to apply for special leave to appeal, and most of those applications are refused. There are only seven judges on the High Court, and they can only manage a finite number of cases each year. Also, if you are thinking of 'best' in terms of user-friendliness, you would have to say the High Court is not the best because it would be highly unusual for a litigant to be able to represent themselves in the High Court. Most barristers do not have High Court experience themselves.

What have we missed so far? We have failed to consider the source of the quote, and the perspective of the person making it. Here we have the then Australian prime minister, Kevin Rudd, making a statement about the High Court. It is a relevant part of considering the statement to take on board that he may have had a particular motive in making this statement, and you could incorporate that into your discussion – what you think the Prime Minister would consider 'best'.

This might lead you into a discussion of what attributes you think make a court the best court – let's say you think it would be a court that is quick, easy and gives a good outcome without a lot of time and cost. If you applied that criterion, you would have to conclude that the High Court is not the best court. Indeed you might conclude that it is not a competition between courts – different courts are suitable for different sorts of matters, and they all work together as a system in administering justice.