

OCR GCE Law special study units (G154/6/8)

Skills pointer guide – for use with June 2017 resource material

Updated 31/08/2016

This skills pointer guide has been developed to assist teachers of OCR GCE Law in the delivery of the A2 special study units (G154/6/8). The themes and resource materials for the three units will change annually and the skills pointer guide will be updated and released to accompany each new theme.

General Skills

There are three critical generic skills appropriate to the special study exam which may differ in some ways from the other exams:

1 Time management is different to exams where all questions carry the same marks. In the special study exam mark distribution is:

- Question 1 = 16 marks (12 AO2 and 4 AO3)
- Question 2 = 34 marks (16 AO1, 14 AO2 and 4 AO3) and
- Question 3 = 30 marks (10 AO1 and 20 AO2) or 10 marks for each part.

Candidates should aim to apportion their time in the exam according to the marks that are available for each question. So, approximately:

- Question 1 = 15 minutes
- Question 2 = 37 ½ minutes and
- Question 3 = 37 ½ minutes (or 12 ½ minutes for each part).

2 The weightings for the three assessment objectives are very different from those in the other option papers. In the Special Study:

- Only 32.5% of the marks are available for AO1. This is because the area of study is very narrow and also because of the amount of support that candidates are given in the resource material booklet
- AO2 is worth 57.5% of the marks for the paper
- The remaining 10% is for AO3.

So, while knowledge is still important, it is what candidates do with it in this exam that counts. They cannot hope to pass merely by repeating knowledge, and they must be able to:

- Appreciate the significance of the overarching theme in developing the particular area of criminal law, contract law and tort law being studied
- Understand the significance of individual cases, and
- Do both in the context of the current substantive theme, which for June 2017 are:

Non-fatal offences against the person *
Offer and acceptance *
Occupier's Liability*

*to avoid overlap between the content of the Special Study papers (G154/6/8) and the Option papers (G153/5/7), questions on the Option papers will not relate to the special study theme for the same academic year.

Candidates should be able to do all of the above in a critical way and in the context of the role of judges and the development of the law. Candidates should also be able to apply the legal principles accurately and efficiently.

3 Reading skills. The Special Study is a source based exam. Candidates are given a booklet of materials at an appropriate point during the year, decided by the teacher, before sitting the Special Study exam. The whole purpose of source based exam papers is that candidates should:

- Make full use of the information and arguments contained in the source materials
- Respond to the information and arguments by discussing them in the context of the questions set and the overarching theme.

Candidates need to understand that the source material is there to help them – so it is poor exam practice if they ignore the materials and treat the exam as a pure memory test. The materials support candidates in two ways:

- Firstly, they have the Resource Material booklet during the year to support them in learning the law in the current themes. They could, for instance, make themselves completely proficient for question 1 by researching all of the cases in the materials and preparing for an answer on each
- Secondly, they are given a clean copy of the materials to use in the exam itself so they always have the opportunity to refer to them for additional support and also to use them in their answers. It is good practice in the Special Study exam to use information or points of discussion from the materials in their own discussions by citing the appropriate source and lines (eg Source x, lines x-x).

When using information from the sources candidates should not merely copy the information. They should use aspects of the information there to support their own discussions. If, for instance, candidates think that something that a judge or an author in the materials has said is relevant to their answer and could not be stated any better in their own words, or if they are trying to make optimum use of their time, then it is good practice for them to refer to the specific lines of the source. By referring to the specific lines of the source an examiner can see that they are sensibly selecting and citing valid information. This is an important legal skill in itself and, if relevant, will be rewarded. Mere general references to the source as a whole are unlikely to gain any credit.

Candidates should remember for all questions:

- to read each question thoroughly so that they are absolutely sure what it is about
- to always refer back to the appropriate source for further information
- to plan their answers briefly at the start of the exam to ensure that:
 - they only use relevant information
 - they do not miss any information that is relevant
- to always use law, whether cases or statute, in support of both their arguments for essays and in their application for the problem questions
- to avoid excessive use of the facts of the cases – it is the principle that is important
- to make sure that they answer the actual question set
- to make sure that their time management is good – they are having to answer in much shorter time scales than for the option papers.

Question Specific Skills

The three Special Study papers (Unit G154 Criminal Law; Unit G156 Law of Contract; and G158 Law of Torts) each contain three questions and candidates have to answer all questions. There are no choices of question in the Special Study exam.

Each question examines a different skill and in ways that are possibly different from other papers.

Question 1

Question 1 is worth 16 marks; 12 AO2 marks plus 4 marks for AO3. There are no AO1 marks available.

This question is an invitation to provide an analysis of the contribution of one of the cases mentioned in the sources to the development of the law in that area. Normally, there will be only 8 cases directly referred to in the resource material. For question 1, candidates are required to have a full understanding of the significance or contribution of the case referred to in the question in the context of the overarching theme.

For 2017 the cases are:

Criminal Law:

- *Fagan v Metropolitan Police Commissioner* [1969] 1 QB 439
- *R v Ireland; R v Burstow* [1997] 3 WLR 534
- *R v Clarence* (1888) 22 QBD 23
- *R v Wilson* [1984] AC 242
- *R v Cunningham* (1957) 2 QB 396
- *JJC (a minor) v Eisenhower* [1983] 3 All ER 230
- *R v Bollom* [2003] EWCA Crim 2846
- *R v Golding* [2014] EWCA Crim 889

Law of Contract:

- *Hyde v Wrench* (1840) 3 Beav 334
- *Felthouse v Bindley* (1862) 11 CB (NS) 869
- *Brinkibon v Stahag Stahl und Stahlwarenhandelsgesellschaft mbH* [1983] 2 AC 34
- *Adams v Lindsell* (1818) 1 B & Ald 681
- *Henthorn v Fraser* [1892] 2 Ch 27
- *Holwell Securities Ltd v Hughes* [1974] 1 WLR 155
- *Re Imperial Land Co of Marseilles (Harris' Case)* (1872) LR 7 Ch 587
- *Household Fire and Accident Insurance Co v Grant* [1874-80] All ER Rep 919

Law of Torts:

- *Keown v Coventry Healthcare NHS Trust*, [2006] All ER (D) 27 (Feb)
- *Jolley v Sutton London Borough Council*, [2000] 3 All ER 409
- *Harris v Perry and Another* (2008) Times, 25 August
- *Glasgow Corporation v Taylor* [1922] 1 AC 44
- *Phipps v Rochester Corporation* [1955] 1 QB 450
- *Bourne Leisure v Marsden* [2009] EWCA Civ 671
- *British Railways Board v Herrington* [1972] 1 All ER 749
- *Addie (Robert) & Sons (Collieries) Ltd v Dumbreck* [1929] All ER Rep 1, HL

Candidates should be able to learn the significant points of all eight cases comfortably. In any case, a lot of the necessary detail for many of the cases is given in the materials. Three of the sources are extracts from the judgments of cases or statutes, and there is varying degrees of detail on others. Candidates must be able to show in the exam that they have a full understanding through their discussion of the significance of each case to the development of the law in that area. This should also involve citing other cases in their answers since 'development' demands that they either know where the law developed from or where it developed to.

High marks can be obtained by:

- Discussing in detail the critical point of the case in the context of the question and of the overarching theme
- Discussing in the same depth and detail at least two other analytical points about the case in context
- Showing development by relating to an appropriate linked case
- Answering the question in light of the command word e.g. 'significance', 'importance' etc...
- Example Criminal Law – *R v Bollom* [2003] EWCA Crim 2846 – high marks can be gained, for example, with the following:
 - The case of *Bollom* provided an important development in the law on non-fatal offences against the person while considering what constitutes 'grievous bodily harm'. The appellant had been convicted of an offence

contrary to s.18 of the Offences Against the Person Act 1861. His victim was his partner's 17 month old daughter who had been taken to a casualty department where it was found that she was suffering from non-accidental bruising and abrasions to her body, arms and legs.

- Following conviction he appealed *inter alia* on the grounds that the trial judge should not have directed the jury that in considering the severity of the injuries to his victim that her age, health or other factors should be taken into consideration. The appellant argued that this was a misdirection as specific characteristics of the individual should be ignored when considering 'really serious harm'.
 - The Court of Appeal disagreed and held that when assessing the severity of injuries on a victim 'it was necessary to consider them in their real context'.
 - The Court used an example and applied the victim's injuries to a 6 foot adult in good health saying that such injuries would be less serious here than if they were applied to an elderly, unwell or vulnerable person or, as in this case, a very young child.
 - Nevertheless, the Court of Appeal allowed his appeal as the trial judge had failed to direct the jury to consider only injuries from what they believed to be a single recent assault. The defence had used expert medical witnesses who had suggested that some of the injuries were older than others. This threw doubt on whether he alone had caused the injuries and in consequence the Court quashed his conviction for GBH and substituted one under s.47 of the Offences Against the Person Act 1861.
 - The Court looked also at the injuries in the context of whether they could be properly considered to be 'grievous'. They referred to the House of Lords decision in *DPP v Smith* [1961] which had emphasised that 'grievous bodily harm' should be given its ordinary and natural meaning – really serious bodily harm.
 - In the earlier case of *Burstow* the potentially wide scope of 'grievous bodily harm' was similarly demonstrated. Here, the victim of a stalker suffered a severe depressive illness following an 8 month campaign of harassment. The House of Lords held that such psychological or psychiatric injury is included under 'grievous bodily harm'.
- Example Law of Contract *Holwell Securities Ltd v Hughes* [1974] 1 WLR 155 – high marks could be gained, for example, with the following:
 - This case is the central authority for an important addendum to the Postal Rule – namely that it is open to the offeror to effectively exclude the Postal Rule by stipulating that acceptance only takes place on receipt rather than posting.
 - The case concerned the purported exercise of an option to purchase land. The agreement containing the option stated that it could be exercised 'by notice in writing'. A letter attempting to exercise the option was posted but was lost in the post. The claimant's argument that the Postal Rule meant that it had been validly exercised was rejected.
 - The case provides a helpful addition to the law on the Postal Rule as it has developed since *Adams v Lindsell* and in some mitigates the potentially harsh outcomes of *Household Fire and Accident Insurance Co v Grant* which stated that the Postal Rule applies even if the letter is lost in the post.

- The rule in *Holwell Securities* has stood the test of time and not met any significant judicial criticism.
 - The rule is justified on the grounds that the offeror should be able to state precisely the terms upon which they are willing to be bound – it therefore upholds the ideals of laissez faire and freedom of contract.
 - The decision is seen to provide justification for the Postal Rule more widely as it shows that the offeror is in control and therefore only has themselves to blame if they do become the ‘victim’ of the Postal Rule.
 - However, this justification may be more theoretical than practical, especially for consumers, as in consumer contracts it is often the consumer that is the offeror and yet they have no control over the terms of the contract they are offering to enter into.
 - The relevance of *Holwell* to modern cases may seem questionable given the widespread use of instantaneous communication and the development of the law through cases such as *Thomas v BPE Solicitors*, for example, but that would be mistaken: it is still possible to enter into contracts via letter and, more importantly, the rule that an offeror is control of the terms of the offers they make remains fundamental.
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- Example Law of Torts – *British Railways Board v Herrington* [1972] 1 All ER 749 - high marks could be gained, for example, with the following:
 - In the case of *British Railways Board v Herrington* the claimant, a child of six, was injured when he strayed onto the railway from a public park through broken fencing belonging to the railway, whose drivers previously had reported trespassers on the line
 - Under existing authority at the time no duty of care would be owed to trespassers - regardless of their age
 - However, the House of Lords used the 1966 Practice Statement to depart from the earlier precedent and hold that the railway company would owe a duty of common humanity to trespassers
 - The case which was overruled in *Herrington* was *Addie v Dumbreck* which had held that the occupier of land has no duty towards a trespasser to take reasonable care for his protection or even to protect him from concealed danger and that the trespasser comes on to the premises at his own risk
 - As stated in source 6 “the House of Lords, in *British Railways Board v Herrington* overruled *Addie* and, in a spirit of modernisation, and self-declared ‘humanisation’ of the common law, held that circumstances could arise in which an occupier would owe a ‘duty of humanity’ to a trespasser.”
 - Source 6 also explains that due to concerns about how the five Law Lords (in *Herrington*) had reached their decisions differently, the Law Commission was subsequently asked to examine the law and submit its recommendations for codification of the principles of occupiers' liability to trespassers. In 1984, a modified version of the Law Commission's proposals was enacted, as the Occupiers' Liability Act 1984 setting the current basis for occupier liability towards trespassers

- Another more recent case which could be linked to *Herrington* is *Ratcliff v McConnell*. This case shows that there are limits to the scope of the 1984 Act. A young man sustained serious injuries when he dived into a partially drained swimming pool. He lost his case as there were several warning notices around the pool and the dangers of diving into water of unknown depth were too well-known to need any further express warning. The claimant had accepted the risks, and under s.6 of the Act his claim failed.
- The decision in *Herrington* was a recognition of the changing nature of both physical and social conditions and stated that the existing precedent would be impeding the proper development of the law
- Indeed, the author in source 6 states that “accounts of the development of legal principles in English Law concerning occupiers' liability towards child trespassers portray a ‘humanising’ trend over the last 100 years, starting from a “draconian” position “derived from the nineteenth century moral judgment that a trespasser was deserving of his plight”
- Lastly the case is important in that it was the first significant use of the Practice Statement 1966. The statement cautions the House of Lords that it should be used with caution where it appears right to do so. In this instance the use was justified in overruling a precedent which demonstrated an out-of-date Victorian attitude towards the status of children and this was later vindicated by the enactment of the 1984 Occupier’s Liability Act.

Planning for Question 1

For the case digest (question 1) candidates should:

- Refer back to the source for the important information contained in it
- Remember to include the significant or critical point from the case (normally the *ratio decidendi*) and at least one other linked case to show development, and the key critical issues in terms of the place of the case in the development of the law
- Get used to looking at the other sources in the resource material booklet since they are likely to contain other information that is relevant to the development of the law.

It is important to note that no credit will be given for merely describing the narrative of the case; some sort of evaluative point must be made in order to achieve marks.

Question 2

Question 2 is worth 34 marks, 16 AO1 marks, 14 AO2 marks plus 4 AO3 marks.

This is always an essay style question arising from a quote from one of the sources. It is on: non-fatal offences against the person (Criminal); offer and acceptance (Contract); or occupier’s liability (Torts) in the context of the role of judges, precedent, application of statutory materials and the development of the law.

Question 2 is based on a quote from one of the sources and candidates are expected to engage in a critical discussion with a balanced argument and reasoned conclusion together with supporting legal rules and detailed authorities, all in the context of the development of the law.

- Candidates should make full use of both information (for AO1) and comment (for AO2) contained within the source materials
- Candidates should aim to go beyond the source materials in their responses to demonstrate their learning within the area of law being assessed
- They can do this by citing the appropriate information/comment by accurate line and source reference (mere vague references to the source will gain no credit – simply extracting the information without applying it to their own discussion will gain limited credit)
- Candidates gain AO1 marks for providing a range of relevant legal rules, clearly stated, with supporting authorities. Providing some minimal reference to the facts of an authority shows accurate and detailed knowledge; mere case names alone will attract limited credit
- Question 2 requires high level analysis of the discussion indicated in the question. The quote from a source is there to help candidates identify the theme of the discussion
- Candidates should aim to maximise the AO2 mark – remembering that it is difficult to pass without reasonable AO2 marks, and impossible to gain a high grade without high AO2 marks
- Candidates wishing to practise writing answers may do so by locating possible essay titles in advance from examining the comment in the source materials for likely quotes to attach to a question.

Please note that the following are examples of quotations and do not reflect what may or may not be the basis for the area(s) covered by the live assessment.

Example Criminal Law:

Source 3, line 1-2

The author states that *“There are many offences whose function is to deal with unlawful harm being inflicted upon another individual”*

Example Law of Contract:

Source 3, lines 14-15

The author states that *“A number of justifications for the postal rule have been put forward in the past which have long been recognised to be fatally flawed and dismissed accordingly.”*

Example Law of Torts:

Source 5, lines 48-50

The author states that *“some tragic accidents simply occur without culpability. The duty to be reasonably careful or make reasonably safe, if properly discharged, does not guarantee safety from every foreseeable risk.”*

In each case a specific question could be asked and the quote helps to direct the candidate into the appropriate AO2. They should also be able to find many examples of AO2 in the sources themselves. The quotes used in the questions are in fact examples.

For high level AO2 marks candidates need also to be discussing, in the context of the overarching theme, the role of judges, use of precedent or application of statutory materials and the development of law. Each individual theme obviously has its own individual aspects of this, for example:

Criminal Law – The law in this area is currently ordered in a rough hierarchy according to the gravity of injury sustained by the victim. This has been criticised as being flawed in many ways. The 1861 Act which deals with the most severely punishable offences has been in force for over 150 years. The Act despite having had a long history of challenging interpretation remains in constant use despite its confusing and at times illogical interpretations. The summary offence of common assault has been similarly criticised and is reliant upon the common law for its interpretation. The Law Commission has recently made recommendations for reform in their detailed 2015 Report.

Law of Contract – offer, acceptance and revocation must clearly be communicated if there is to be a valid contract – but how exactly should that be achieved in practice? Are rules that were developed in a pre-digital era of rather less reliable postal services really the best foundation for twenty first century contract law? The courts found a workable solution to the problems of unreliable post by drawing an arbitrary line in the sand and placing the burden of lost post on the offeror; can that line still be supported today? Is the original ban on silence constituting acceptance still tenable or should it be revisited? These are some of the key questions pertinent to this area of law today.

Law of Torts – occupier's liability has been a significant part of the so-called compensation culture. Prior to the Acts different duties were owed to different types of visitor. The law now attempts to strike a balance between the rights of both visitors and trespassers and the occupier. Candidates will be expected to reflect on the success (or otherwise) of the legislation. The Acts provide clarity in the duty owed but also provide defendants with ways of avoiding liability such as the provisions relating to children, skilled visitors and independent contractors. Case law has also been influenced by post-war changes to the built environment and the way we use public spaces – especially in relation to leisure. More recent case law has reflected a shift in judicial attitudes in favour of a common sense approach which accepts that 'accidents will happen' and that individuals should take personal responsibility.

In any case these discussions fall into clear categories that candidates are able to consider in their research into the materials prior to the exam and then to contemplate in the exam:

- The extent to which the law is judge-created or statutory
- If statutory, the extent to which this has led to interpretation
- How effectively judges have interpreted statute law
- Whether judge made law has been consistent or has been subject to change
- If subject to change, the reasons for the change, whether to develop the law or because previous judges got it wrong
- The extent to which the law has been developed or have judges restricted its growth and natural application
- Whether the law is just and reasonable
- Whether the law has been consistently applied
- Whether the law has been made the subject of numerous exceptions meaning that it does not easily apply universally
- Whether the judges have referred to judicial policy
- Whether the law is sensible or in need of reform
- Whether judges have used mechanisms such as the Practice Statement
- Whether judges have failed to follow the rules on binding precedent
- Whether Parliament has been forced to reform law made by the judges.

The list is not necessarily exhaustive but candidates should try to engage in such discussions. This is when they show that they have a synoptic appreciation of the law and it is also where candidates are able to engage in 'stretch and challenge'.

Planning for Question 2

For the essay style question (question 2) candidates should:

- remember the importance of structuring their answer
- provide an introduction identifying what the point of the question is
- produce a balanced discussion in which they use a wide range of cases from within and beyond the source materials and legal principles generally in support of their answer
- refer to the source materials to support and develop their answer
- produce a reasoned conclusion that arises from the discussion that they have engaged in.

Question 3

Question 3 is worth 30 marks, 10 marks each for the three separate scenarios. There are 10 AO1 marks, 20 AO2 marks and no AO3 marks.

This is always a problem question comprising of three parts which involves legal problem solving on the theme for the year.

Candidates are provided with three small factual scenarios and they will then have to identify the aspects of the law that could be used to resolve the various issues that arise from the scenarios.

Candidates should be able to identify at least three points of application (one of which is the Critical Point)* plus one case for each for high marks:

* In some scenarios there may be more than one 'critical point'. Where this is the case, any of critical points (indicated by 'CP' in the mark scheme) will fulfil the requirement for candidates to identify the 'critical point' to achieve level 2 and above. Where a response contains more than one 'critical point' (as indicated by the mark scheme) credit will also be given to the alternative 'critical point', which will be flagged as 'AP' (analytical point).

Example - Criminal Law:

- Since Geoffrey frightened his wife Julie and has not physically attacked her, the most likely offence he would be charged with here would be common assault, specifically assault, under s.39 of the Criminal Justice Act 1988;
- In order to be convicted the definition of assault would have to be applied to Geoffrey. The *actus reus* requires an act causing the victim to apprehend the immediate application of violence/force. This can be satisfied either recklessly or intentionally for the *mens rea*;
- As Geoffrey jumps from behind the door wearing his Halloween mask he has carried out a clear act sufficient to 'frighten her' and cause her apprehension of immediate force.. The courts have given a wide interpretation of 'an act'. In *Logdon v DPP* the defendant in opening a drawer containing a gun frightening the victim was sufficient for 'an act';
- As Julie screams out there would be no doubt that she was frightened or at least somewhat distressed and could be said to be in fear of being faced with immediate application of force. This would be on Julie's evidence as to how she felt at the time and not from Geoffrey belief in him simply fooling around;
- For *mens rea* it is unlikely that intent can be proved here in that his decision was to scare and not to bring about within his power the consequence of Julie fearing force or violence as per *Mohan*. It may be that on reflection he could have seen the risk of her fearing force about to be applied and when he took the risk by jumping out and Julie screamed that he could be reckless in his actions as per *Cunningham*. This would be from his own opinion as this test is subjective;
- However, as Geoffrey announced before he jumped out from behind the door "Julie, it's me Geoffrey. I have something to show you." this may qualify as a condition attached to the 'assault' and negate Julie's

apprehension of violence/force. In *Tuberville v Savage* it was decided that the words 'if it were not assize time, I would not take such language from you.' was sufficient for the victim to realise he wouldn't be attacked by the defendant. Here, it is likely the same will apply and that Geoffrey will not be guilty of assault as Julie must have realised that there would be no immediate attack.

- If Julie didn't realise that it was Geoffrey in the mask and/or she did fear force then he would be guilty of an assault.

Example - Law of Contract:

- Recognize that the communication between Emilia and Charlotte constitutes an offer
- Recognise that Charlotte's alteration of the price constitutes a counter-offer (*Hyde v Wrench*)
- Recognise that Charlotte's insistence that the contract will be concluded unless she hears otherwise is an attempt to use silence as acceptance.
- Show that silence will not constitute acceptance in this case as it was at the behest of the offeror not offeree (*Felthouse v Bindley*) and therefore there is no contract between Emilia and Charlotte **(CP)**
- Recognise that Emilia's email to Ashminder constitutes an offer
- Show that Ashminder's reply by letter will be a valid acceptance when communicated.
- Show that the Postal Rule does not apply to the letter as it was not a reasonable method of response and that therefore its loss in the post means that the contract was never formed as acceptance never took place (*Henthorn v Fraser*) **(CP)**

Example – Law of Torts:

- Recognise that Alice is the claimant since she has suffered the harm and that Bob will be the defendant as he is the occupier of the property concerned
- Explain that the premises fall within the definition of premises as set out in s.1(3)(a) (*Wheeler v Copas*)
- Explain that Bob is the occupier by reference to s.1(2) as he is in occupation and control of the premises (*Wheat v Lacon*)
- Explain that the action complained of is the form of occupier's liability which falls under the 1957 Act as Alice is a lawful visitor having been invited on to the premises
- Recognise that under s.2(2) of the Act Bob owes a duty to take such care as is reasonable in the circumstances to keep Alice safe for the purpose for which they she is permitted to be there
- Identify that Bob could be relieved of liability under s2(4) if an independent contractor is at fault for the damage – but the work done by the cleaners was done under Bob's directions and was easy for Bob to inspect for faults (*Haseldine v Daw*) **(this is the critical point)**
- Conclude that all the elements of liability are present and Bob will be liable.

Planning for Question 3

For the three scenarios in question 3 candidates should:

- structure their answer logically
- identify for each individual aspect of the problem the key facts on which resolution of the problem is based
- define the appropriate law accurately; and then apply the law sensibly to the facts.
- reach sensible conclusions based on their application of the law
- use specific relevant Act sections or cases to support their definitions of the law e.g. the common law interpretations of non-fatal offences against the person; the Contracts (Rights of Third Parties) Act 1999; judicial decisions and statutory provisions (e.g. the Police and Criminal Evidence Act 1984 (as amended) or the Mental Health Act 1983) which determine the scope of what constitutes trespass to the person
- remember that they are dealing with small individual problem scenarios rather than a large problem, as is the case in the option papers, and therefore the structure is almost created by the question
- within their answer, in order to reach Level 5, discuss the relevant critical point(s), include at least one relevant case and provide sensible conclusions based on their application of the law stating what they think the most likely outcome would be for each scenario.