

EXAMS

Revising the course material

If you've done the work from week to week, then the primary task in your exam preparation will be revision. Most don't do the work until SWOTVAC and suffer with the workload - don't be one of them! Start revising ASAP!

To start, review all of your notes, including both those taken in class and those taken when reading cases. Having done the work from week to week, you should have more notes than you can realistically memorise for a closed book exam. So, distill the key points of your notes in a way that sets out the relevant principles and cases logically and thoroughly but succinctly. This is particularly important in closed-book exams where you have no choice but to know the law. However, it's also very important in open-book exams because you still actually have to do a fair bit of 'memorising' to do well in these. The only advantage of an open book exam is that you can have your more detailed notes next to you in case of emergency.

To start the 'distillation' process, it can often be a good idea to list down all the topics dealt with in the subject as a skeleton plan. Then, indicate how they relate to each other and note the principal case or statute authorities that relate to each topic. This will help you see how the topics taught across the semester fit together as a whole.

Other useful tools:

- One-page summaries of each topic, so you can see the key features of what you are studying.
- Whiteboards or pieces of paper stuck on the wall can be great for remembering case names or sections of legislation.
- After you have learnt most of your notes, reading a textbook can help fill in any gaps in your knowledge.
- Revising tutorial questions can give you a more thorough understanding of how the theoretical lectures work in practice.
- Recording your notes and listening to them on the bus is another productive approach.
- Making notes of notes also works for some people.

Before the Exam

Before the exam, it is a good idea to practice the types of questions that will be present on the paper. Most law exams will contain a mixture of hypothetical problem-type questions and questions which will require you to write an extended answer, often referred to as essay questions.

Hypothetical problems require you to: (a) identify the legal issues that arise in the factual scenario; and (b) display your knowledge of the law by being able to apply it to reach a conclusion. The application of the law to a set of facts is a skill that must be practiced.

Past Exam Papers

These are available on the UQ library website or in hardcopy on level 4 of the Law Library or completing tutorial questions are useful ways to refine your technique.

- Write out a complete answer as you would in the exam.
- After you have gotten into the groove, look at how much time you are taking.
- Try to start completing them in the same amount of time that will be available in the exam. For example, if there will be three questions in a 90 minute exam which are all worth the same amount of marks, you must complete each question in around 30 minutes.

However, past exams should be used with caution as they may not always cover the same topics, be the same length of time or correspond to the format of the exam that you will sit. If the course coordinator changes, so may the style of your exam.

PAL Sessions

Attending PAL sessions will also put you in good stead for exams. PAL tutors will teach you how to correctly structure Torts A (among other) problem questions using past exam papers as concrete examples. Also make use of any consultation time offered by your lecturers. This is a perfect time to ask questions about the content covered in the course and to seek guidance on the best way to answer exam problems and how to manage your time in the exam. Some lecturers may even mark any sample answers you've prepared to past exam papers or tutorial questions.

It might also be a good idea to swap answers with friends and share ideas on the best approach to addressing each issue - many students find study groups advantageous as listening to others will fill the gaps in their knowledge. Additionally, when preparing for open-book exams, it is very useful to keep all your practice exam answers and take them into the exam with you.

Day before Exam

On the day before your exam, have your pens, pencils, student card and any written material that you are permitted to take into the exam ready the night before. Also make sure you double-check the exam time and venue on the latest online version of the exam timetable to avoid being surprised by last-minute changes. Finally, have a good night's sleep - you'll find it significantly harder to identify issues in factual problems if you are snoring in the exam!

Exam Day

EAT! Even if your exam is at 8 am. Note that Caffeine/guarana may be useful to keep you awake but remember the diuretic effect! Also, you may become paranoid. It is also advisable that you don't get into lengthy discussions with other students about what is likely to be on the exam or what you were meant to study. There is nothing worse than figuring out you missed something major, and they could be wrong.

Once in the exam, make sure you can see the clocks in the exam room, which the examiners will go by. You may like to take in a clear bottle of water (all labels must be removed from the bottle beforehand, even, strangely, in open book exams). If you have a dodgy table, don't be afraid to ask if you can change seats. Also, remember to figure out beforehand how much time you have for each question and move onto the next question when your allotted time is up, even if you haven't finished the question. You will gain more marks by writing something substantial for the next question then you will by finishing your previous. And, if you're really running out of time, dot points are better than nothing.

Finally, never underestimate the value of a positive attitude. The worst thing that can happen is that you repeat the course - this has happened to some of the best and brightest, so don't fret!

Answering Problem Q's in an Exam

In law exams, most questions are factual scenarios - that is, you are given some facts and need to advise of someone's rights or liabilities. Other examination formats include essays, case notes and even the occasional multiple choice.

Essays require a deeper understanding of the material and more personal analysis - they are much harder to prepare for! When preparing for essay questions, do the set readings and try to pick up on any hints the lecturer may drop about particular areas of interest. Your exam technique for answering problems in the exam should reflect what the lecturer is looking for. Past exam questions and tutorial questions (if written by the same lecturer) are often a good guide of their focus.

Finally, some words on time. Time is like fire in exams - a great servant but a bad master. You will probably be writing until the very end and won't get everything you want down. Remember, this is normal - so don't panic. To make the most of the time available, you must plan your answers and divide your time evenly between questions of equal value. Although perusal is 10 minutes, it is worth spending an extra 5 - 10 minutes per question to plan out the main points of each answer. This way the answer you write will be better structured and you're less likely to forget relevant legal issues or key facts. It is important not to rush this process, as identifying the issues in a problem question is half the challenge when answering a question. During perusal it's okay to use dot points - save proper sentences for your actual answer.

Structure your Answer

- Some markers value structure as much as the content of your knowledge. ILAC is a common method students use to structure their answers in exams. ILAC stands for Issue, Law, Application, and Conclusion.
- **Issue:** Identify the issue(s), then use subheadings to discuss each, e.g. 'Duty', 'Breach'. Subheadings are useful as they keep you focused and makes the marker's job easier.
- **Law:** Under each subheading, state clearly the legal rules / law which governs this particular issue and refer to authorities, "in A v B, it was held that... in C v D, the majority found..." Better answers will have more accurate and detailed reference to authorities. It is also often good to refer to which judge said what and contrast any minority judgments where it is relevant, e.g. "in A v B, Gummow J held that... while Kirby J in dissent believed..." Also, if you can't remember a case, it's still worth writing the principle - you may get at least half marks if the marker is kind. Finally, if the same law is relevant to two subheadings, do not repeat the law again. Just re-state the issue and say something like, "relevant law on this point is covered above" before going on to the application.
- **Application:** Once you have identified all the relevant legal rules, you must apply these rules to the facts. Use all the relevant facts given in the problem to reinforce the arguments you present. Good answers will also demonstrate how the facts could be used to support different conclusions and will compare and contrast the facts of the problem with cases, e.g. "As in Donohue v Stephenson, there was a snail in the plaintiff's bottle. Unlike that case however, the liquid was transparent so the contents were visible before being consumed".
- **Conclusion:** At the end, you must come to a conclusion and explain why, in your opinion, particular facts/legal principles outweigh others, e.g. "On balance, it is likely that A will be liable in negligence for the damage caused to B".

Common Mistakes

Here are some common mistakes you should aim to avoid:

- Writing down one piece of law, then one piece of application etc.
- Simply asserting something without backing it up by referring to facts, e.g. statements such as, “Clearly, A owed B a duty: *Rich v Salmon*”, should be avoided. In contrast, a good answer would explain: “A owed B a duty because their relationship falls within the established category of teacher / student in *Rich v Salmon*”.
- Failing to back up arguments with legal or case authorities
- Poor time management. If you’re like most law students and use a laptop during the semester to take notes, make sure you exercise your writing hand a few weeks prior to the exam so you can write fast but legibly. Additionally, don’t be afraid to use abbreviations for extremely common words, e.g. P for plaintiff and D for defendant. Finally, use your perusal wisely, so you know exactly what you have to achieve in the time allocated.
- Thinking you will actually have time to read your notes in an open book exam. They are there for emergencies only, so know the law!
- Skipping issues. Sometimes it may be obvious that something can’t apply, e.g. while a negligence case might obviously fail in causation (the 3rd element), you should generally at least provide a cursory examination of the other elements (i.e. duty and breach).
- Not getting the balance right. Just because there are 4 elements to negligence, you don’t have to spend equal time on each one. As contemplated above, if you are dealing with something extremely obvious, use one sentence to comprehensively dismiss it.

In the end, you need to find your own style and be ready to adapt it. Over time you will become good at knowing exactly what the lecturer wants and giving them exactly what they want. Talk to older students and your mates – you might pick up a hint or two.