

Legal Profession Admission Board

March 2024

Equity

Examiner's Comments

General observations:

1. As in past examinations, students were advised that all topics covered in the course were examinable. The examination paper consisted of one compulsory question worth 40% of the final mark. Students also had to do two further questions from a choice of 3 questions. These two questions were worth 20% of the final mark. The remaining 20% of the final mark came from the compulsory assignment for the course. The examination contained a compulsory question to ensure that students covered all the materials in the course when preparing for the examination.

2. All the questions were problem style questions in which students were asked to give advice to one of the persons involved in the question. In other words, they were asked to play out the role of a legal practitioner.

3. In answering the questions, the quality of answers varied. Poor marks in these questions generally flowed from students making fundamental errors in terms of what issues the facts gave rise to and/or apply relevant legal principles to the issues raised. This has been the reason for poor marks in the past and was so again, notwithstanding significant efforts in both lectures and weekend school classes to point out these common fundamental errors that students make.

4. As the examination was a confidential examination, these comments cannot identify the specific issues in the questions.

5. Of the 115 students who sat the examination, ten (8.70%) received Pass with Distinction grade, 25 (21.74%) received a Pass with Merit grade, and 55 (47.83%) received a Pass grade. Twenty-five (21.74%) received a Fail grade.

The failure rate was approximately 3% lower than in the previous session. The pass rate was almost identical to the previous session. The combined Merit and Distinction rates were approximately 3% higher than for the previous session.

The major reason for failed grades was that students simply made basic errors - they did not understand fundamental principles. I suspect that a contributing factor to the failure rate was that very few students – usually only a handful – who attended lectures in person. “Attendance” via Zoom is no substitute for classroom attendance, although it is the best

that can be offered for genuine distance students. Sydney-based students should not, in my opinion, be given the Zoom option.