Legal Profession Admission Board

March 2020

Conflict of Laws

Examiner’s comments

General observations

1. As in past examinations, all topics in the course were covered in the examination questions. In this regard, given that there was no choice of questions, it was imperative that candidates covered the full range of Prescribed Topics: Scope of conflict of laws; Choice of law in tort; Jurisdiction; Substance and procedure; Proof of foreign law; Exclusionary doctrines; Governmental seizure of property (expropriation); and Choice of law in contract.

2. It was the expectation of the examiner that candidates would be conversant with the commentary and lecture synopses in the Law Extension Committee’s subject guide together with the scholarly literature, decided cases and statutes in the Supplementary Materials and in the Conflict of Laws Materials. In answering the questions, candidates generally displayed a sound understanding of the principles of conflict of laws and the practical application of those principles.

3. Fourteen candidates sat the examination. All candidates received a passing grade at Pass Distinction or Pass Merit level.

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

Question 1

This question was a problem-type question requiring candidates to discuss a wide range of issues in the course including jurisdiction, substance and procedure, proof of foreign law, exclusionary doctrines, choice of law in contract and choice of law in tort.
Question 2

This question was divided into two parts. Part (a) was focused on issues of choice of law in contract which had not required consideration in Question 1. Part (b) was focused on governmental seizure of property (expropriation). Both parts of the question required detailed analysis and critical discussion of the decided cases.