

Legal Profession Admission Board

September 2023

Legal Institutions

Examiner's comments

Characteristics of better responses:

1. Demonstrates a thorough knowledge of concepts introduced in lectures and course materials combined with individual reflection on those topics, e.g., critically assesses the value of the IRAC methodology in legal problem-solving.
2. Demonstrates independent thinking and expresses responses in an individual style based on information introduced in the course but transformed and processed in student's individual legal reasoning exercise conducted prior to and during exam.
3. Manages time effectively and responds to four questions; Answers all parts of the question.
4. Provides a clear thesis / point of view in response to the issues put in the exam questions and arguments to support the thesis, which are structured and introduced with clarity at the beginning of each paragraph / section.
5. Capable of discerning relevant and irrelevant parts of each topic to address the question with precision and clarity; Introductory outlines are brief, to the point and only include relevant aspects of the issues.
6. Capable of rejecting the proposition presented in the question and provides a substantiated counter argument.
7. Shows intellectual engagement with judicial statement e.g., by The Hon James Allsop AC, and uses this information to support the argument, e.g., in relation to restrictions and limitations imposed on judicial officers.
8. Critically assesses more complex propositions and applies them to the specific context of the question, e.g., in relation to application of s51 of the Australian Constitution.

Common problems and mistakes:

1. Relies on the open-book format of the exam to produce responses; answers appear to be copied word-for-word from notes or online materials, sometimes without acknowledging such sources.
2. Answers in a mechanical, descriptive way without carefully reading the question and evaluating critically, e.g., rather than discussing specificities of the Australian legal system, discusses general characteristics of common law systems.
3. Does not recognise that there are alternative ways of answering the question and some assertions in exam questions are typically provocative; instead accepts the proposition put in the question without questioning it.
4. Answers include significant omissions in relation to basic legal concepts due to lack of in-depth study of the topics.
5. Does not manage the definition question well; fails to synthesize concepts and focus on one key difference as indicated in the question; instead, recites definitions from notes or legal dictionary and leaves it to the examiner to conclude.

6. Poor time-management; runs out of time; leaves questions or parts unanswered or answers one or two questions comprehensively with no time to address remaining questions. Fails to follow instructions and attempts all six questions.
7. Provides responses that are off topic or rehearsed generic essays vaguely related to issues presented in the exam question, e.g., recounts everything relating to the system of checks and balances, instead of addressing specific aspects of it indicated in the question.

Exam self-evaluation - Take-aways for students

Students are encouraged to consider the following points:

- Did I approach the open-book format in an honest and appropriate way?
- Are the responses my own work?
- Did I manage the time well?
- Did I answer all required questions?
- Did I address each point in each question?
- Did I acquire enough knowledge in the course and considered it sufficiently prior to exam to be able to focus on critical thinking of each issue while responding to exam questions?
- Did I focus on analysis, synthesis and evaluation rather than restatement of facts and information presented in the lectures and course materials?
- Did I identify and apply the right legal principles?
- Did I offer sufficient support to each argument and cite correct authorities?
- Did I reach a conclusion on each issue identified and at the end of each response?
- Where was my knowledge of this subject deficient?