

Legal Profession Admission Board

March 2024

Commercial Transactions

Examiner's Comments

Strong answers:

1. Used clear and precise language.
2. Answered the question asked.
3. Identified the known, relevant facts.
4. Identified ambiguous facts or where more facts would be necessary and explained how those facts could impact the legal analysis.
5. Identified the relevant legislation and cases.
6. Demonstrated an understanding of the relevant law, including the complexity of that law, and applied that understanding, by way of analysis, to the facts.

Common problems and mistakes:

7. Wasted time writing out the question.
8. Misunderstood the facts or, what is worse, invented "facts".
9. Did not answer the question asked.
10. Did not answer the question in clear, precise language.
11. Went off tangent and included irrelevant information (facts and/or law).
12. Stated the law without citing authority (legislative or case law).
13. Stated the law without demonstrating understanding or showing capacity for analysis – this was far too common a problem.
14. Stated irrelevant law.
15. Allocated time poorly and, as a result, failed to answer questions.
16. Had not studied all topics in the course.

General:

Many students were "rescued" by the short-answer questions in question 4, which for some, marked the fine line between passing and failing the examination. This can largely be attributed to the fact that Question 4, for the most part, required concise statements of the law, sans extensive factual/legal analysis. However, students encountered significant challenges in conducting the in-depth analysis required by the problem-solving questions in Questions 1 to 3. As future legal practitioners, it is crucial to understand that merely knowing the "law" sufficiently to answer short-answer questions is not adequate; you must be able to apply the law to the facts through analysis. This skill requires intellectual work and training – and it is the skill of a competent lawyer.