

Legal Profession Admission Board

March 2023

Conflict of Laws

Examiner's comments

General observations

1. As in past examinations, all topics in the course were covered in the examination questions, including the topic "Choice of law in tort" which was the focus of the compulsory assignment worth 20 marks. Accordingly, given the structure of the examination questions, it was imperative that candidates covered the full range of Prescribed Topics: Scope of conflict of laws; Choice of law in tort (including historical background and comparative approaches in the EU, NZ and PRC); Jurisdiction (including discretionary non-exercise of jurisdiction); Substance and procedure; Proof of foreign law; Exclusionary doctrines; Governmental seizure of property (expropriation); and Choice of law in contract (including the role of legal systems other than the proper law of the contract).
2. It was the expectation of the examiner that candidates would be conversant with the material covered in the lectures and weekend schools in the Law Extension Committee's teaching program together with the commentary and lecture synopses in the Law Extension Committee's subject guide, the academic literature, decided cases and statutes in the *Supplementary Materials* and in the *Conflict of Laws Materials* and the guides to revision questions posted on canvas.
3. Twenty candidates sat the examination. Final marks were in the range 63% to 86%. Fifteen candidates were awarded a Pass Distinction grade, four candidates were awarded a Pass Merit grade and one candidate was awarded a Pass grade. The final marks and grades were consistent generally with past examinations. The Conflict of Laws Prize was awarded to the candidate who received the highest final mark (86%).
4. As the examination was a confidential examination, these comments cannot identify the specific issues in the questions. Individual examination questions included aspects of both problem-solving and critical analysis of issues of contemporary conflict of laws.

Questions

The examination comprised two questions each worth 40 marks of the total 100 marks in this subject. Candidates were required to attempt both questions. Question 2 comprised four parts A, B, C, and D. The parts of Question 2 were worth equal marks and candidates were required to answer any two parts of this question. In answering the examination questions, candidates generally

displayed a sound understanding of the principles of conflict of laws and the practical application of those principles in a problem-solving context.

R Anderson

15 March 2023