

## Legal Profession Admission Board

March 2021

### 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. 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. Twenty five candidates sat the examination. Final marks were in the range 60% to 82%. Seventeen candidates were awarded a Pass Distinction grade, seven 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.
4. As the examination was a confidential examination, these comments cannot identify the specific issues in the questions.

##### Questions

The examination comprised two questions worth equal marks. Candidates were required to attempt both questions. Question 1 was a multi-issue problem question requiring candidates to place themselves in the position of a legal practitioner asked to advise a party in respect of

proceedings contemplated by the party in New South Wales arising out of events in a foreign country. Question 2 was divided into three parts worth equal marks with candidates required to attempt all three parts. Each of the parts contained a judicial statement on a significant and complex aspect of conflict of laws and required candidates to comment on the statement with particular reference to the decided cases.

