Legal Profession Admission Board

March 2024

Torts

Examiner's comments

Characteristics of better responses:

1. Demonstrated knowledge of the law and ability to apply it to the facts.
2. Demonstrated ability to approach answer systematically.
3. Made clear reference to authority, whether statute or case law as appropriate, when discussing applicable rules.
4. Application of the law to facts showed extensive engagement with the issues raised by the scenario.
5. Clear and critical arguments, including consideration of counterarguments, as appropriate.
6. Demonstrated capacity to provide a quality answer in a manner that reflected engagement with course materials and understanding of the law.
7. Structured the response in a logical manner, which also assisted with being able to engage with all of the issues raised.
8. Time management – which meant both questions were answered well.

Common problems and mistakes:

1. The exam was challenging in terms of issues to be addressed and the time available. This was taken into account when marking.
2. While some students did well with time management, some students struggled. For example, students who did not perform so well might have focused more on question one, and did not answer the second question, or only provided a very short answer to the second question.
3. Less effective answers may have:
   a. Been incomplete.
   b. Lacked reference to legal authority.
   c. Missed many issues.
   d. Raised non-issues.
   e. Did not demonstrate adequate understanding of the law.
   f. Raised weak or unconvincing arguments.
   g. Failed to treat issues according to their relative importance on the facts.

Exam self-evaluation – Points of consideration for students

Students are encouraged to consider the following points:
- Did I manage the time well?
- Did I answer all required questions?
- Did I address each point in each question?
- 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?
- 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 analyse issues according to their relative importance on the facts?
- Was my reasoning clearly and persuasively argued?
- Where was my knowledge of this subject deficient?