

Legal Profession Admission Board

September 2022

Commercial Transactions

Examiner's Comments

Characteristics of better responses

1. Began consideration with a clear understanding of the facts...chronology, parties, nature of relationships, issues.
2. Did what was asked. E.g. If discussion was required, they discussed. If advice was requested, they advised.
3. Showed an understanding of the relevant law in the context of the particular facts of a problem.

Common problems and mistakes

1. Wasted time writing out the question
2. Described what might be the relevant law, but did not apply it to the facts E.g. Cut and pasted from notes on the topic rather than dealing with particular facts in question
3. Shallow knowledge. Sometimes, this would show up quoting the name of a case as being relevant, without saying in which particular way that judgement was relevant to these particular facts. Other times, it was clear that a particular definition/concept had not been sufficiently studied to enable correct application.
4. Spending a lot of time on one question, with lack of answers on others or only very short ones.

Exam self-evaluation - Take-aways 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 practice applying the law to sample problems prior to the exam?
- Did I acquire enough knowledge and consider it sufficiently prior to exam to be able to focus on critical thinking (rather than looking up what law might be relevant) while responding to exam questions?
- Where was my knowledge of this subject deficient?

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