

## QUESTIONS & ANSWERS FROM CYCLE 2

### (1) Do we have to look up every case that is mentioned in lectures?

You are certainly not expected to look up the original transcripts of each and every case mentioned in lectures. There was a time when law was taught in this manner, and many American universities adopt an approach whereby students learn their law first and foremost from cases rather than from law books, but that is not the usual method prevailing in Ireland.

#### Law Students:

You are expected to read the full text of one or two cases per tutorial / per exam answer. Reading cases, especially in first year, is an essential step in learning how to write law well. When you read cases, make a summary of each judgment. Write down three things as you go:

- a. The issues, the law that the judgment lays down
- b. The reasoning behind the rule established
- c. Any public policy arguments you notice.

For the other cases mentioned in lectures, if they are listed in the core textbook you can learn them from there. If they are not listed in the textbook you will need to learn them from your lecture notes and / or any additional reading you do.

Prioritise the cases you want to concentrate on. Remember that some cases are very important (e.g. *Carlill v Carbolic Smokeball*) and others are merely illustrative. So, a case that lays down a principle is important to know well, but a case that merely follows that principle is less vital. You need to know a lot about the 'principle-creating' case and all you need know about the 'following' case is how it is illustrative of the principle in action.

#### Business Students:

Read cases only if you are very interested. If you wish to read a case, pick the most important one in the topic you are looking at. You could choose the one that laid down the original rule, or alternatively a more recent case that the lecturer has highlighted as being a new interpretation of the rule. If you choose the second option, make sure you have read through your lecture notes before you try to read the case – it will make it much easier to follow. Follow the ILAC method for taking notes on cases, as explained above for law students.

You can get by perfectly fine without reading cases if you make good use of the main textbook, and selected other reading. Make sure you learn the main cases well from *Friel*, and make use of short articles and / or a relevant chapter from another book for a good understanding of the other cases.

## **(2) How do we answer the exam questions? What does the lecturer expect?**

It's best to deal with each of these in turn.

### First, what does the lecturer expect?

Law is situated within the College of Humanities in UL. That means that law exam grading follows the COH guidelines. What follows is a summary of the COH guidelines, it is not a direct cut-and-paste.

What an examiner will look for in order to award each grade is roughly as follows.

A1 (75%):	Integrates the information into a wider context; Excellent analysis and interpretation; Evidence of a significant amount of outside reading; reflective.
A2 (70% - 74%):	Excellent analysis and interpretation; Evidence of a significant amount of outside reading; Clear.
B1 (65% - 69%):	A substantial but not totally comprehensive knowledge; Very good analysis and interpretation.
B2 (60% - 64%):	Very good analysis and interpretation; limited evidence of wider reading; Very good analysis and interpretation; limited evidence of wider reading.
B3 (55% - 59%):	Good analysis and interpretation; Limited evidence of wider reading.
C1 (50% - 54%):	Little or no evidence of wider reading; Limited analytical and interpretative skills.
C2 (45% - 49%):	Some significant gaps in knowledge; Limited analytical and interpretative skills
C3 (40% - 44%):	Basic and factual; Limited analytical and interpretative skills
D1 (35% - 39%):	Unable to correctly recall important material; Little evidence of analytical and interpretative skills.
D2 (30% - 34%):	Very little knowledge of the subject area, Little evidence of analytical and interpretative skills.
F (29% or less):	Very little evidence of effort; Little or no knowledge of key principles and concepts; No evidence of analytical or interpretative skills.

You can see that the key things that differentiate a pass from a fail, and an honour from a pass, are analytical and interpretative skills and evidence of extra reading. To get an A, you must 'integrate the knowledge into a wider context'.

Making arguments based on the reasoning behind a judgment, or on the policy reason why a case was decided a particular way, shows off your analytical and interpretative skills. Stating your own opinion, and backing it up with examples from case law or from journals/books, is 'integrating the knowledge (the law) into a wider context (your viewpoint)'. You must name books and journals that you've read to show off your extra reading – if you read something, make sure you mention it and get due credit!

## Second, How do we answer the exam questions?

The simplest format for making sure you do all of this when you are answering exam questions is to use the ILAC method. This applies whether you are answering an essay question or a problem question.

Begin with a short snappy introduction – ‘I believe the issue that needs discussion in this problem scenario is offer. I will discuss this issue paying particular attention to the courts’ use of the objective analysis of offer. I will explain what I think are the merits of this approach using legal analysis’.

Then move on to the body of the answer – discuss the main cases in detail, and mention the less important cases only briefly. For your main cases, do your very best to include (a) the judgment; (b) the reasoning behind the judgment; and (c) the policy consideration that motivated the judgment. So, for *Carlill v Carbolic*, (a) the judgment is the laying down of the ‘Carlill objective test’, (b) the reasoning behind it is the first beginnings of a move away from classical contract law theory towards a more consumer protection approach, and (c) the policy motivating that is the recognition that we need to protect the more vulnerable party. This shows off your analytical and interpretative skills.

When you have gone through all of the law that you want to discuss, apply that law to the problem scenario. If your problem scenario has more than one issue, you can deal with each one in turn or you can wait until near the end and deal with them all together – it is a matter of personal preference. Some people also like to say how each case applies to the scenario directly after they name the case – this is fine if it suits you better, although it may be more time-consuming in the exam.

If you are answering an essay question, you can take this point to elaborate your personal slant on the essay topic. Say for example your essay question asks you whether promissory estoppel is destroying the doctrine of consideration. At this point you should have already explained promissory estoppel and its impact on consideration. You could now take the opportunity to elaborate your own personal viewpoint, and name an article or a case or a book that supports what you have to say.

For both problem and essays questions, doing this makes sure you have a stab at the ‘integrating knowledge into a wider context’ that is essential for an A. Don’t pre-judge yourself and assume you can’t get one!

In your conclusion, you sum up everything you’ve said very briefly. Your conclusion should resemble your introduction. This reminds the examiner of all the things you’ve said and hammers home all of your points. It creates a sense of finality and purpose to the answer. Writing your introductions and conclusions to mirror each other also focuses your mind on the exact exam question you are answering and is a huge help in preventing you veering off the topic and risking losing marks by doing so.