

# Short guide to answering exam questions

[Law](#), [Common Law](#)



## SHORT GUIDE TO ANSWERING EXAM QUESTIONS 1. 1. Planning \* All

questions o Identify the question o Identify the applicable law o Identify the key factors for that particular law \* Hypothetical questions o Identify the key facts (based on the key factors) o Identify the key issue 1. 1. 1. Identifying the question A very interesting phenomenon that occurs often is the fact that students often say they do not know what the examiner is asking. Examiners are usually quite clear about what they want to ask. 1. 1. 1. Theory questions Such questions are usually very straightforward. You would usually be asked to “ discuss”, “ explain” or “ write short notes”. However, the examiner may sometimes ask you to “ compare”, “ identify the difference: or “ explain the difference”. This type of question would expect you to list out what the respective characteristics of the terms are and then identify the differences. Just be careful of overconfidence. 1. 1. 1. 2. Hypothetical questions Look first at the question the examiner wants you to answer. It is usually found in the last sentence(s) of the question. This will influence the way you look at the hypothetical facts given. If you look at the facts before you look at the question, you may form your own question and this may result in the inappropriate answer. 1. 1. 2. Identifying applicable law (applicable to all questions) Once you have identified the question, this also narrows down the principles you have to use to answer. The applicable principles can be very wide or very narrow. A contract question is obviously about the law of contract. But the law of contract covers many different sub-topics. Even these can be very general. For example, you have misrepresentation, mistake, lack of capacity etc. Under mistake, you have unilateral or bilateral mistakes. And the list goes on. Once you identify the

appropriate legal principle, you should quickly write down the key points. Being able to narrow down the specific law being asked also means that you can elaborate more on the specific point. This will mean less time wasted on unnecessary points.

1. 1. 3. Identifying the key factors for liability (applicable to all questions) As you study, you would realize that the law is very much like a mathematical formula. To establish liability under a principle, you would usually have to establish certain factors exist. The hypothetical usually requires you to discuss one or more of these factors. Before you are able to proceed further, you should therefore identify the key factors. Example is that for a contract to be formed, you must have the factors of offer, acceptance of the offer, an intention to create legal relationship and consideration. Once you identify the appropriate key principle, you should quickly jot down the key words as well as the key case to be used.

1. 1. 4. Identifying the key facts (not applicable to pure theoretical questions) Once the key points have been identified, you are now ready to look at the facts of the case. As you read the facts, you will be now looking to see how many of the factors actually exist in the problem. You have to carefully identify the “missing” or “contentious” facts. For other questions, you have to identify what the examiner wants from you. If it is similarity or difference, then you look for the similarities or differences in the principles you are expected to compare.

1. 1. 5. Identifying key issue The “missing” or “contentious” facts are usually the key issues. For comparison questions, it is the points that you need to compare that are the key issues. Issues are the problems you need to write about and resolve.

1. 2. Suggested answer format (ILAC) The suggested answer format is ILAC. This is the acronym for Issue, Law,

Application and Conclusion. This format is applicable for hypothetical questions. For pure theory questions, you may usually leave out the part of Application. 1. 2. 1. Issue 1. 2. 1. 1. Generally What is the key problem that you have identified? By telling the examiner this, you would also be telling the marker the extent of your knowledge and the confidence level you have in your grasp of the law. The more specific your statement of what the issue is, the more confident you are. This also translates to less time you waste on writing unnecessary information that the examiner was never interested in the first place. Stating the issue also sets the parameters of your answer and helps you to focus in the problem you are trying to resolve. By having a clear and exact issue, you ensure that your answer is not off point. 1. 2. 1. 2.

Multiple issues Some questions have more than one issue. You can choose to answer each issue on its own (recommended to avoid confusion) or answer all at the same time. Just make sure you identify which issue you are dealing with clearly for the marker to see. One way is to use headings to tell the marker what issue you are dealing with. This helps you to keep focus and also tells the marker that you are clear about what you need to talk about.

For those who think it is better to confuse the marker, then you will also realize that the marker would not understand you. This means that the grade for your answer would be lowered as well. 1. 2. 2. Law For every principle of law in issue, you have to: - State the principle (law) - Explain the principle (law) - Give an example 1. 2. 2. 1. State the principle Before you begin to solve any problems, you should always have a basis for your solutions. You must tell your audience what the principle of law you are using to solve the problem is. The principle here is the one you have earlier identified based on

the question that the examiner is asking. 1. 2. 2. 2. Explain the principle

Most times, you have to assume that your audience has no idea what you are talking about. Inasmuch as you require your lecturer to explain the legal principles he uses during the lecture, you are also required to explain the legal principle(s) you are using to solve the problem. This is not because the marker needs you to explain the principle to him. This is needed to show to the marker that you did not just memorise the principle — by explaining the principle, you will be demonstrating that you actually understand what the principle is. 1. 2. 2. 3. Give an example A picture is worth a thousand words. Since you can't draw a principle of law, you will find that the alternative is to use an example. This would usually take the form of a case study that was explained to you during lectures or found in a text book. Avoid exotic cases in the internet unless you have read the actual report from the courts itself — such cases may be used for different purposes or interpreted differently.

1. 2. 2. 3. 1. Importance of case study The case studies serve many purposes. First, they serve as an illustration of how the courts have used the legal principle to resolve an earlier dispute. This will help you also to explain the legal principle too. Cases also serve as authority. When you state a principle that you say is the law, you have to be able to say why it is the law. By stating a case study that was decided by a court, you have now authority for what you say. The case study is also a great example of what the result should be. By comparing the facts in the case study and the facts in the problem you would be able to make some headway as the final solution. Avoid using your own example. As you can see from the above, your own case study is not authority for what the law is. It may also not help you how

to resolve the problem before you. 1. 2. 2. 3. 2. How to cite a case study

When citing a case study, please remember the following (in order of

importance) - The reason for the decision of the court - The decision of the

court - The facts of the case - The name of the case 1. 2. 2. 3. 2.. 1. The

reasoning and decision of the court This is the most important part of any

case study. This is the part where the court makes a decision based on the

facts that are before it. This is also the part that helps you most with your

answer — it helps to explain the law and also how to apply it. 1. 2. 2. 3. 2.. 2.

The facts of the case study This is important to relate the case study to the

problem. Preferably use a case study where the facts are quite similar to the

problem you have to solve (for instance, the director's actions should be

similar). This would be a great help to your answer as it makes your answer

quite firm and more likely to be correct. This is also the easiest to remember

as the facts of the case may sometimes be quite interesting. For instance did

you know that at one time in England, you could actually “ buy" a King's

Pardon to escape the consequences of murder? 1. 2. 2. 3. 2.. 3. The name of

the case study One major complain students have is the fact that there are

so many case studies to remember. The other is that the names can be quite

exotic at times. Note that the names of most of the case studies are usually

not as important as the decision and result of the case as well as the facts of

the case. The names of the landmark cases however must be remembered

though. Such cases are usually highlighted in the course of lectures. 1. 2. 2.

3. 2.. 4. One Case Many Principles Some case stand for more than one

principle. Knowing which cases these are will also help you reduce the

number of cases you need to study. 1. 2. 2. 3. 2.. 5. Other details You will

see other details after a case name like this [2006] 1 SLR 123. These details identify the year in which the case was reported [2006], the law report SLR (Singapore Law Report) the volume 1 and the page 123. Sometimes you will also see the level of the court. These details are important for the purposes of stare decisis.

- 1.
- 2.
- 3.

Types of case study A case study may also be in the form of a statutory provision. For instance, you may want to define a word. Where the word is already defined in a statute, then all you need to do is to state the name of the statute and the section number.

- 1.
- 2.
- 3.

Application The process of application is simply to put a legal term on the fact.

- State the relevant fact
- Relate the relevant fact to the relevant principle

- 1.
- 2.
- 3.

1. State the relevant fact You should identify to the marker what the fact you are discussing is. To know which fact is relevant you look at the principle of law you have identified and the factors that are necessary under that principle.

- 1.
- 2.
- 3.

2. Relate the relevant fact to the relevant principle You then tell the marker which fact relates to which factor and why. This is so as to establish whether there is any liability under the principle of law.

- 1.
- 2.
- 3.

3. Assumptions Sometimes you are expected to use “assumptions”. This occurs when there is a factor that does not have any related facts. In other words, the examiner has left out some fact (or is vague) which would influence whether there is liability under the principle of law. When so required, you should remember that in assuming a fact exists, you must also assume a fact does not exist. Failure to do so would result in an incomplete answer

Important points on assumption - Use the key factors to identify what are the facts you need to assume — DO NOT assume for the sake of assuming - When you have to make any assumptions, make sure you

deal with ALL the possibilities and not just the ones you like. 1. 2. 4.

Conclusion You should have a conclusion to summarise your answer. This summary should contain only the key points and answer the question raised. Where there is more than one possible answer, then you should state all the possible solutions. Any explanation should already have been done under Application. Important points to note - Never conclude first and then try to fit your answer to your conclusion — deal with the problem step by step and the answer will logically lead to a conclusion. - ALWAYS EXPLAIN “ why”! 1. 3.

Common mistakes made by students Some common mistakes made by students in exams include: - Not reading the question before proceeding to answer. Some students read the facts and “ invent” the questions. They then proceed to answer that invented question instead of the one the examiner has asked. - Trying to cover everything. This is a mistake a lot of students make. For one thing, a lot of students think they if they cover everything, they are bound to hit something. The problem often is that you do not discuss enough about the relevant issues and much about the irrelevant ones. The student also runs out of time and this is often the reason why students find that they have not enough time. - Criticizing the law. Students sometimes feel it necessary to criticize a legal principle. The mistake is that you spend all the time criticizing the principle without solving the problem. Focus on solving the problem first before criticizing the law. - Ignoring the law. Sometimes the legal answer seems wrong from a practice point of view. The student then decides to give “ practical” advice instead of focusing on the legal aspects of the case. Again, give your legal solution first before embarking on the “ practical” solution. - Confusing the solution. Students try



very hard to solve the entire problem at the same time. This often leads to convoluted and incomprehensible answers. In short, no one (including the student) understands the answer. Solve one problem at a time and then give the overall view at the end.