

Examiners' Comments on the 2002 Examination

Head II: Civil & Criminal Procedure

Candidates must appreciate that the examinations are open book. Open book examinations are not simply tests of ability to copy from other material onto an examination script. Open book examinations must be problem-based, discussion-based or comparison-based if the examination is to have the integrity demanded by a professional entrance examination. Candidates must have a thorough understanding of both Civil and Criminal Practice and Procedure to succeed in the examination. As in previous years, some candidates brought large amounts of material into the examination and spent time thumbing through that material. This indicates both an absence of the in-depth preparation the examination demands and a misconception of the nature of open book examinations. Candidates must appreciate the need to prepare for the examination in advance.

Some examination scripts revealed a basic failure to ensure that questions were understood before starting to write the answer. The criminal questions in particular addressed developing situations. Common sense demanded a logical and orderly progression through those questions. Many candidates did not do this with the result that answers were fragmented, inconsistent and often, contradictory. The standard of presentation of some scripts left much to be desired in the sense that there were considerable crossings out and inter-lining. This indicates a failure to plan the structure of the answer before starting to write the answer. It is important that answers should be structured, address the issues in the question and keep within the boundaries of the question.

A substantial number of candidates were apparently unable to write in narrative form or to compose a coherent and logical letter of advice. Where candidates are asked to write a letter of advice to a client, it is not acceptable simply to set out a number of bullet points.

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