



Herbert Smith Freehills & SULS: Law School Basics Seminar 3

May 27, 2015 – Lecture Theater 101

Host: Hope Williams

Panellists: Professor Barbara McDonald, Dr Scott Grattan, Maria Mellos (LLBIV), Henry Cooper (JDII), Sriram Srikumar (Herbert Smith Freehills)

1. Introduction and Acknowledgement of Country (HW)

- Welcome to the third and final Law School Basics Seminar.
- Before I introduce the panel I would like to acknowledge and pay respect to the traditional owners of the land on which we meet – the Gadigal people of the Eora Nation and pay respect to elders both past and present.
- I'd like to introduce our panel: Dr. Scott Grattan (Property Law and IPCL), Professor Barbara McDonald (Torts and Torts & Contracts), Maria Mellos (LLBIV), Henry Cooper (JDII), Sriram Srikumar (graduate at Herbert Smith Freehills)

2. We've been taking notes all semester, do you have any advice on turning them into exam study notes? (HW)

- **HC:** Keep in mind the reason you are compiling the notes, don't just aimlessly summarise the cases. Keep in mind what will be on the exam and the format of the exam. Usually it will be 2 problem questions, and you probably won't need extensive facts. Basically don't crowd your notes with irrelevant things. The process itself is very valuable because it forces you to synthesise your readings and lecture notes.
- **BM:** In a perfect world with massive amounts of time you would have read for them, picked up on the issues, you'd synthesise after each class before moving on to the next class.

Perhaps after finishing a topic is the best time to synthesise while it is fresh in your mind, before you get caught up preparing for the next topic.

- **SS:** I used to prepare two separate documents, one is a 4-page skeleton and then the other document was my full case summaries. I think it's important to start fresh and have a template of what it might look like.
- **SG:** I would bring in your full set of notes and put them on the ground because you won't be using them. What you need is the authorities you're going to use, a list of steps you will go through, that should bring back the substantive law as you are going through. You need to know the order you are going to attack it in. Don't think you'll have time to look up anything in an open book exam. You just need something that will jog your memory and bring back the knowledge you already have.

3. Is the preparation generally the same for a closed book exam? (HW)

- **MM:** Don't be fooled into thinking that just because you can bring in materials, that it will be useful to bring in 200 pages. You simply don't have the time. Take notes just as you would if it was a closed book exam. Memorise the cases and the steps involved. In terms of what you will bring in, it will probably just be a scaffold.
- **HC:** I agree with that, they [the notes] should be almost identical. However there are some complicated areas of law where you might want to have it laid out clearly in your notes. But on the whole don't prepare differently.
- **BM:** No matter how much you've studied or how many hundreds of pages you have you'll still need a summary of the topic in your head. For each topic there will be key cases, key topics and perhaps a few tricky areas. You should test yourself with study groups. It's also important to be familiar with the statute, you don't want to be opening it for the first time. Be careful about using other people's summaries you don't know where they are coming from or what sources they are using. With closed book exams at least we know it all comes out of your head and just isn't copied from somewhere.
- **SS:** I would probably prepare for the closed book one first because there is a memorisation process involved.
- **SG:** Just be conscious that it is a level playfield, you don't have notes but neither does anyone else. I have never sat a closed book exam. Don't be terrified of closed book exams, as has been said about open books there is not a lot of time to look at your notes anyway. Exams reward consistent work throughout the semester, whether it is open or closed.

4. Advice for dealing with take-home exams (HW)

- **HC:** It follows on from how valuable the process is. It's still worth making exam notes but obviously they don't need to be perfect for immediate reference. I would advise against leaving it until you get the exam because sometimes it requires a deep knowledge of the subject.

- **BM:** I'm not that familiar with them because we don't tend to use them. Two things with any problem based learning you need to do a survey of the area or you will miss an issue. The second thing with take-home, is don't tire yourself out for your next assessment. At some stage you may just have to cut your losses.
- **SS:** Don't use the full 24 or 48 hours, you'll just tire yourself out.
- **SG:** Don't be tempted to just cut and paste indiscriminately from your notes, you may be just including irrelevant material and you may accidentally plagiarise. Be conscious that only some of the material will be relevant.
- **MM:** The only thing I would add is that some take homes differ in terms of how long you have to complete, for limited time ones it may be worth dealing with it as an actual exam. Try and get the bulk of the material out first and then spend time editing.

5. Do you have any advice for preparing for an essay component? (HW)

- **HC:** Don't underestimate how different an essay is from a problem question. You still need to issue spot and still need to marshal arguments against each other. There are some differences, the main difference is that you are invited to think critically more than you are for a problem question. If you know you have an essay coming up, think critically about the issues and don't leave it until you walk into the exam. Think critically throughout the semester.
- **BM:** essay is just another way of examining you on the materials. First thing is to think about how it relates to the materials, second read the question and figure out what it is asking. If you answer a different question that is of no use.
- **SS:** One general piece of advice, is that every time you are going through a subject you need to think about it argumentatively, think about why is this person correct.
- **SG:** Spend time planning your answer to the essay before you start writing so you can write it in a coherent manner and don't contradict yourself. You will need to provide evidence for you essay so you will need to be on top of statute and case law. Cite supporting evidence as much as you can
- **MM:** While you can't predict an essay topic, its useful to keep in mind potential essay type scenarios while you are reviewing such as areas of law open to reform or controversial cases as these are more likely targets.

6. Something that seems to be unique about law exams is the amount of reading time. How do you recommend using it effectively? (HW)

- **MM:** Reading time is wonderful because you have a generous amount. Most exams you can write in your reading time so long as its not in the answer booklet. I recommend underlining key points, jot down key issues,
- **SG:** I'd endorse those comments, but I'd also emphasise the importance of planning. What we often see as markers is people overwriting for the earlier questions and include irrelevant information, or they take up too much time and then the later issues suffer. There is a law of diminishing returns. Overwriting one question means underwriting for another.

Reading time is important to plan what your answers will look like.

- **SS:** I had a regular routine that was helpful, often there are questions you have to choose between. I would read the actual questions, and this often makes it easier to knock out the ones you don't know. If that process doesn't help then read the question itself and try and figure out which one you want to do. Try and do that within the first 5 minutes. Don't spend too much time thinking about it, if neither screams out to you just pick one. Step two is planning your way through it. I would often write down things I was afraid I would forget right away. Try in the half an hour to get through all the questions you need to answer. It makes you comfortable and it erases the concerns that Scott spoke about. It helps you guard from overwriting.

7. What stands out in a distinction or high distinction answer as opposed to a pass or credit? (HW)

- **BM:** It's a hard question to answer. I suppose relevance is the first point. They can spot the right issues, rather than putting in preliminary stuff. It's not everything you know it's what you know about particular points. Their ability to use course materials in a concise and useful way. Not just coming to a conclusion but setting out the reasoning.
- **HC:** One thing I would say, I just had a lecture with JG and he said they use cases in a more sophisticated way, to distinguish from the facts on the exam
- **SS:** If the content is all the same, then the answer that is laid out cleaner and more organised will do better. Part of it is human psychology and part of it is your ability to organise. The second thing, is to pick out the principle and one way to argue it against the case law. Sometimes it will be easy, sometimes it will be as easy as looking at a dissenting opinion. As I said before read cases argumentatively.
- **SG:** In problem based exams, you won't score well if you miss major issues, doesn't matter how insightful your analysis is. It comes back to planning, what are the major issues? If it is open book you might have a checklist of issues to look for. If you miss things you're really setting yourself behind. I also endorse the comments before, nothing is worse for a marker than a wall of unorganised text with material added on the sides. You can leave a few lines after each question to add stuff that you might have forgotten. If you want the D or HD you need to spot the issues and apply the relevant law.
- **MM:** Only thing I would add is that apart from identifying the key issues, it is important to prioritise those issues. If you're getting a higher grade, it is probably because you are determining the weightier issues.

8. Coming into the final week, what do you recommend we be doing at this point given that time is limited? (HW)

- **HC:** The most helpful thing you can do is write past papers. In terms of organising, one thing I like to do is set up a calendar and plan enough time for each subject. It's easy to spend a lot of time studying the subjects you like. Don't let that happen.
- **BM:** Summaries and writing past exams and going over tutorial problems, not just by

yourself but in groups as well. In terms of stress and anxiety, we are all anxious. Try and eliminate practical causes of anxiety, back up your notes, take copies of hardcopies, etc. Use textbooks, they are wonderful things especially if you can't come to grips with a topic.

- **SS:** First study with friends as much as possible. Two the process of creating notes I described earlier also acts as a gauge of how far through the course you are. Third, plan for what is likely to happen, don't set unrealistic goals.
- **SG:** Be familiar with all of the prescribed reading from start to the end. At various times in the semester you've probably had to cut corners, so it's the time to go back and fill in those gaps. I would put a higher emphasis on a good set of notes, than writing problem questions.
- **MM:** I definitely agree, and in terms of stress if you don't have gaps and you cover the course in a holistic sense you are much less likely to approach the exams in a chaotic space.
- **BM:** Just remember with past papers, they are set on previous courses, so don't panic if you see a topic you are unfamiliar with

8. Sometimes there are large amounts of readings that aren't touched upon in lecture, how should we prioritise these? (Audience)

- **HC:** I would say you should pay close attention to what they say in the lecture, it's one of the benefits of turning up to class.
- **BM:** Yes that is the importance of turning up to lecture, they have gone through the vast amount of materials and know what to focus on. There is always reference to asterisked cases, but nothing like turning up to see what has happened.
- **SG:** if you're in doubt to what's examinable check the UOS to see what is and what isn't examinable. If everything is examinable you have to do it all. You can be guided by what's highlighted in class, but it is important to do all the readings. Unless something is expressly excluded, you need to have at least a familiarity with it. You can be guided by the time spent on particular issues, but if it is assessable according to the lecturers instructions you should be familiar with the material

9. Other than timing, what area do you find students fall down the most and how do you think they can combat that? (Audience)

- **BM:** Serious falling down is not reading the question, getting the wrong topic and not being familiar. Serious falling down is not really understanding what the question is asking or having too many blanks. Examiners can't give you any marks for blanks, even if it is just point form because you can get points for that.
- **SS:** The biggest problem myself or my friends had was freaking out when seeing a question. Being stressed is fine, that is normal don't try and fight against it.
- **SG:** I'd endorse BM's answer of reading the question carefully. Read the facts carefully to figure out what the issues are.