

**LEGAL RESEARCH,
WRITING AND
REASONING
MODEL EXAM**



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IRAC method of completing exams

- Issues** - Outline the issues that you are going to discuss.
- Rules** - Define the legal rules that are relevant to the question.
- Application** - Apply the legal rules to the facts of the question (this is the hard part!).
- Conclusion** - Tie things up, usually in the form of an advice to your hypothetical client.

Always use your reading time wisely to **PLAN YOUR ANSWER** before writing. This is of utmost importance as it will help you clarify your thoughts and ensure that you avoid following desperate exam strategies that unprepared students commonly resort to, such as:

- i) 'the kitchen sink' i.e. spilling all of your knowledge that is vaguely related to the topic onto the exam paper and hoping for the best; and/or
- ii) 'the garden path' i.e. going off on an irrelevant tangent.

Remember that the **APPLICATION IS THE MOST IMPORTANT SECTION** of your answer and should take up the bulk of your time. Your marker will be most interested in *how you arrived* at your conclusion.

In some questions, there are a lot of parties involved and the added emotional details may sometimes make the question seem daunting. You might like to break the facts and the issues in the questions down by making a list of relevant information as you read the questions or some sort of diagram that makes sense to you. It is also advisable to plan your answer, which will guide you and ensure that you apply the relevant law to the relevant facts of the question to arrive at what you consider to be the *likely* outcome.

Notes on this Model Exam

Legal research, writing and reasoning units do not commonly involve exam style assessments per se. Rather, these units commonly assess your legal research, writing and reasoning skills through assessment tasks that are practical in nature, such as embarking on research tasks and drafting letters of advice. In this way, this model exam has been designed for you to use as a practical tool when preparing for your assessment tasks, and enables the use of internet research alongside legal writing and reasoning skills.

However, please note that in any given law assessment or exam, the skills of legal research, writing and reasoning are paramount! These skills are assessed in substantive law assessments and exams on a regular basis, and you will be required to apply these skills throughout your legal careers.

Sample

Suggested Answer One

There are many different types of written legal documents. Some are highly complex, such as statutes, and others are relatively simple and general in nature, like introductory core-topics.

Therefore, it is essential that you know who your target audience is from the outset and pitch the language used accordingly. If you were writing for a law student who has never studied a particular legal topic before, it would be useless to use highly technical language that the student would not understand. Likewise, if you were writing a document for a solicitor or judge, it would be demeaning to use overtly simplistic language.

If you are unsure of who your target audience is, the safest measure is to 'assume that the audience are "well-informed generalists"'.¹

Another point is to keep it simple. Do not 'confuse wisdom with wordiness'.² Express things as simply as possible. Using convoluted and archaic language will not make you sound more intelligent. It will simply confuse your reader.

¹ Catriona Cook et al, *Laying Down the Law* (5th ed, 2001), 367.

² Ibid.

Suggested Answer Two

FILE NOTE

Date: 18 March 2016	Time: 14:11	File No: 20168210
Matter: L –v- R Supreme Court of New South Wales		
Notes: The following points address the tasks in the Memo from Principal Solicitor today.		

1. Richard Buxton, 'Challenging and discharging jurors. Part 1.' (1990) *April Criminal Law Review* 225.

How I found this: -

- Informant database
- Select AGIS Plus Text, APA-FT, AGIS ATIS
- Search term: discharge AND jur*
- Select relevant article

2. *Wu v The Queen* (1999) 199 CLR 99, 108 Crim R 252, 73 ALJR 1497, 166 ALR 2000, [1999] HCA 52.

How I found this: -

- LawBook Online
- First Point
- Wu in Case Name, Commonwealth in Jurisdiction, High Court in Court, 1999 in Year

- Select *Wu v The Queen* 1999 CLR 99 and go to the full text to see the full citation
- Print the headnote from the PDF full text version.

3. Casenote

(a) Citation, including names of parties

Wu v The Queen (1999) 199 CLR 99, 108 Crim R 252, 73 ALJR 1497, 166 ALR 2000, [1999] HCA 52. Wu is the Appellant and The Queen is the Respondent.

(b) Court, including single judge or Full Court

High Court of Australia, Full Court.

Suggested Answer Three

18 March 2016

Mr Leon
2 North Street
LISMORE NSW 2480

Dear Mr Leon

Your court case – the possibility of an appeal

You will recall that during your court proceedings yesterday: -

- one of the members of the jury was absent from the court;
- Justice Judith excused the absent juror from further attendance at your trial;
and
- Justice Judith ordered that your trial continue with only eleven jurors.

This Order to release a juror came as a shock to our Barrister, who submitted that your trial must be started again with a new jury on the basis that there must always be twelve members of the jury in a criminal trial.

At the time, our Barrister held the view that if the trial continued with only eleven jurors and you were found guilty, you would be able to appeal against the verdict on that basis.

However, we have since conducted further extensive research into the matter and now must advise you that the prospects of success of an appeal on this basis are very remote.

The reasons for this advice

You will recall the issues our Barrister raised with you today.

Dear Mr Leon

Your court case – the possibility of an appeal

You will recall that during your court proceedings today: -

- one of the members of the jury was absent from the court;
- Justice Judith excused the absent juror from further attendance at your trial; and
- Justice Judith ordered that your trial continue with only eleven jurors.



Lawskool hopes that you have enjoyed this comprehensive model exam. We welcome your feedback. Please email info@lawskool.com.au with your suggestions.