

Exam Technique

Don't Panic!!!

Veronica Newman can tell you how to shine . . .

It is that time of year again. The annual anxiety about how to gain control over the exam 'experience' has arrived.

What follows is to address the following matters:

- The purpose and nature of the beast known as the 'examination'
- The advantages of exams over other forms of assessment
- Things you need to do to prepare for the exams
- Things you need to do the night before the exams
- Outside the examination room
- Inside the examination room
- Things you need to do during the examination
- Things you need to do after the examination

But first:

Attitude not aptitude

There are some people who have the apparent and annoying ability to sail through exams without any hiccups. It is easy to suppose such people have particular aptitude. However, in the words of the song, "it ain't necessarily so". The key difference between those who do well in exams and those who do not is the attitude with which exams are approached. Those who approach them in a *purposeful* way tend to treat them like a job of work to be done

rather than from a position of fear. So, slaying this monster does not begin with assessing your aptitude but with your attitude.

Things to remember

- The resources invested in your legal career do not justify wasting a minute of your precious time with thoughts of previous failure in school and elsewhere.
- Your day-to-day life in legal practice and your studies have been preparing you for just this moment.
- Your tutors long for you to do well and will do all they can to get you through them.
- Exams are just a task. If you have worked for it you have as much right to succeed as anyone else.

So let us dwell for a moment on why we go through this process.

Nature and purpose of examinations

Understanding and comprehension

Exams are to demonstrate work covered during the course has been understood and retained for the *long term*. The assumption is that you are acquiring the core skills for the purpose of being an effective lawyer alive to the issues raised by real cases, involving real people. No one would expect their doctor to simply forget everything he learnt about chemistry and drugs when he

started to practise, because he found the maths part of medical training challenging. The purpose of your training in the fundamental principles of English law is to equip you to do a job. You will need to be able to recognise when a client has a valid claim in contract or defence to a negligence claim as a *matter of law*. Equally, you need to recognise when a client should just get on with his life and keep away from the law! This is not just a matter of fact or common sense. Look at the following problem.

Your client is a 28 year old woman. A few months ago she noticed that she was turning up the volume on her TV and radio and that she couldn't hear her two year old daughter very clearly. Her doctor sent her to an audiologist who has confirmed that she has significant hearing loss. Your client attributes the loss to her regular attendance at the demolished 'Tricorn' Development in a south coast town. A leading company in the leisure industry purchased the disco and it was relocated to the new waterfront development. It still specialises in very loud pop music. Your client recalls that she went to it between the ages of 16 and 20 for the "free drinks for girls' nights", two or three times a week.

Now this is more complicated than the kind of problem set for examination candidates. Exam problems tend to be located in the same territory year after year. But you should see how it throws up lots of issues:

- duty of care;
- breach of duty;
- remoteness;
- foreseeability;
- the expiry of the limitation period and the dis-application of the primary limitation period;
- the issue of 'volenti' and the extent to which the 'volenti' defence has been vitiated by the enticements offered to 'girls' to enter the premises;
- evidential issues;
- the appropriate damages

A solid foundation in the core subjects should prepare you for just such a problem. The exams are designed to test the candidate's ability to spot and deal with the issues affecting day-to-day practice.

Level of knowledge attained

Examination candidates differ in their ability to retain concepts and recall arguments and facts. Some people just have the annoying habit of being able to regurgitate the case law as though they had memorised the text-book. But these are matters that candidates themselves and those who ultimately employ them need to know. It is easy to criticise the examination as a narrow way of testing this but other assessment methods have distinct disadvantages in identifying the level of attainment. For example, group work may not permit a very good candidate to shine if the ability levels are uneven across the group. Coursework may narrow the focus of knowledge too much to be useful to candidates who must pass a range of core subjects. Coursework may obscure cheating of various kinds. Examinations show what level of knowledge has been attained over a wide field in a limited time frame. In the world of professional practice, time will always be a constraint. Examinations may also flag up why a candidate should give up anything connected with land or trusts and concentrate on 'the sea of the common law', to quote Megary VC in *Ross v. Caunters*.

Ability to work alone

Until clients are happy to take advice from avatars, legal work comes down to skilled, knowledgeable individuals taking personal responsibility for cases. Examinations test the resolve of a candidate to acquire that knowledge and demonstrate the ability to work alone when the alternatives appear more alluring. (It is surprising how tempting a pile of ironing can look when the alternative is being chained to your desk.) Examinations also reduce the scope for plagiarism. This is fair to candidates and

certainly fair to those who will use their services. We would not be happy if our GPs could pass their examinations by plagiarising since we would lose confidence in the medical profession. The same is true of the legal profession.

The advantages of exams over other forms of assessment

Yes, there really are some! While coursework may drag on interminably over a year, examinations are over in a few weeks. Coursework will require in depth answers whilst examination answers are much shorter and less detailed. References and bibliographies are not needed. Many examinations provide case lists so that total recall of case names is not needed. Similarly, some examinations permit the use of statute books. Examiners do forgive scrappy writing and grammatical errors because of the time constraints. If you are studying whilst you are in full-time employment, your employer may give you time off work to revise and take the exams. You will probably gain the sympathy and admiration of your family and friends and 'Classic FM' may play your favourite record.

Things you need to do to prepare for the exams

Familiarise yourself with the rubric of the examination paper

If your examinations are in June/July, obtain the past examination papers by about Easter or shortly after. You should try to obtain past papers for the past three or four years. This is important because you will be able to see what questions regularly appear. But at this stage it should not concern you. The past papers will help you more directly with your revision later in the preparation process.

When you begin revision you need to know what you are up against. In other words you need to know how many questions you must answer on each paper, how long the examination is and what the examination instructions are. The paper will tell you what you may take in to the examination with you such as case lists or permitted texts. It also shows you how many questions per section you must answer and whether some are compulsory.

This is the point at which you must consider what time to allot to each question. This will be obvious from the time allowed for the

exam, the number of questions to be answered and the marks awarded for each question. Notice, too, whether questions are sub-divided and show what credit may be obtained for each section. This is a guide to how much effort you should put into each part. Obviously if (ii) carries five marks you will spend less time on it than (iv) which carries ten marks. If you have queries about the paper this is the moment to discuss them with your tutor.

Law examinations tend to be a mixture of problem and essay questions. As a general rule it is best to tackle problem questions. This is because it is generally more obvious what the issues are. It is easier to advise the unfortunate fictional character as to whether he has a cause of action for negligence than to 'Critically evaluate the impact of *Barclays Bank v. O'Brien* on the development of the law relating to Undue Influence'. But if the examination papers do contain essay questions make sure you understand what *analyse, assess, compare and contrast, describe, discuss, evaluate, define, explain and advise* mean. Essay questions always use these expressions and they have specific meanings in the context of law exams. If you are not sure speak with your tutor.

Draw up the timetable

Drawing up the timetable is the moment when you confront the beast. Surprisingly, the earlier you confront the task, the sooner you are reassured that you can cover the topics that comprise the exams. Remember to begin the revision process early enough. If your exams are in June/July you must start revision at around Easter. This is because you are aiming to commit your exam material to your long-term memory. Few people can 'cram', i.e. memorise enough material quickly enough to retain it in their short-term memory for the exam. The exam hurdle is set sufficiently high to justify a longer 'run' at it, especially if you are fitting in your revision around a normal working day. If you are studying full time then make a start 8-10 weeks before hand or longer, depending on how fast you work.

The purpose of the timetable is to give focus and shape to your revision. The timetable should:

- identify the free hours you have between starting revision and the last examination paper
- apportion time to the topics that comprise your exam subjects
- set out the breaks you will take

continued overleaf

Examinations

- set realistic goals
- allocate extra time to subjects that you find more challenging
- provide a definite start and finish time
- build in time for the essentials of life such as eating, washing, shopping and sleeping
- Build in an activity to which you can look forward *after* revising, e.g. watch a favourite TV programme, go out for a short drink, take a walk, do an exercise class or play a sport for a limited time.

Getting down to revising

Decide where you will do your revision. The best place to revise may vary from one person to another but it is likely to be easier if the location is:

- Quiet and free from distraction;
- Not too warm or too cold;
- Has good natural light;
- Has a desk or table to work at;
- Is the same room
- Has all you need to hand

If you need to purchase revision materials and stationary do so before the revision period begins.

Managing your revision time

No one lives in a vacuum. If you have household responsibilities you need to plan ahead. Be clear about what your needs are and ensure you can revise free from distractions. You may need to bother less about the housework and other duties and ask your partner to do more until the exams are over. You may need to make alternative arrangements for children or part-time work. Equally, if you have only yourself to worry about you need to build some relaxation time into the exam period, preferably after you have done the work that was planned for that day.

Part of managing your time is allocating the correct priority to tasks. The best part of the time you have should be devoted to revising. The other mundane task of day to day life should be fitted in *around* your revision. Try to plan shopping for food and household duties *around* revision, not the other way around. Success in examinations suggests you *can* allocate priorities appropriately, a skill appreciated by employers.

Avoiding procrastination

Remember the old adage, "Procrastination is the thief of time". The more you find distractions to put off the time at which you

begin the long haul to the exams the more time you will fritter away. Everyone has a way of procrastinating. Focus instead on what you are trying to achieve by doing the examination. Try visualising how you will feel when you have passed the examination. Think about the advantages of your qualification and what it can lead to. Remember revision can often be the time when you finally understand the concept of undue influence or discretionary trusts or recall the categories of land charges. Law teachers refer to this as "exit momentum". Concepts that have been lost in a fog can emerge clearly during revision and this is empowering and reassuring. It is also a great service to your future clients!

But the best way of avoiding procrastination is to take positive action. Revision is an ACTIVE process. So make a date with your desk and *begin*. Remember the words of Mark Twain, "The secret of getting ahead is getting started. The secret of getting started is breaking your complex overwhelming tasks into small manageable ones, and then starting on the first one".

The process of revision – a series of phases

The reduction phase. People differ in the way they approach this. Many people start by producing a condensed form of their lecture notes. For some people this works because they assimilate the information as they do so. Others find that purchasing professionally produced revision notes works just as well and means they need not waste time with laborious writing. Others do a mixture of the two, depending on the amount and complexity of the subject. So, for example, you may find 'Nutshell' revision books perfectly adequate for land law and trusts but prefer a reduced set of notes for contract. It may be that you use your reduced notes at home but carry revision guides around with you so that you can utilise time at the bus stop or waiting for the children to emerge from school or activities. There is nothing wrong with making reduced notes as long as it is not a *substitute* for revising. Some law teachers advise reading a law book rather than making revision notes as a more efficient use of time. The first time you read anything you are likely to retain only 30% or 40% of its content but by the time you have read it three times or more it can be as high as 80%. You have to find out what works for you but if time is limited you *may* be better off with a good revision guide. You should speak to your tutors about this before you start revision.

The read-through phase. Assuming you have decided how you are approaching the

subject you need to actually re-read the subjects upon which you are being examined. This does not mean tackling the whole law of tort in an afternoon. It is much more effective to divide up the subject into topics and to allocate time to each topic on the time-table you have drawn up. Obviously the better your lecture notes the easier it is to rely upon them. But if you cannot, simply read the course book to start with. At this stage of your studies it will probably seem a lot clearer than when you first read it. Many course books do provide a balance between sufficient depth and being user-friendly in the revision period. However, even when you have divided up the topics do vary the revision between one subject and another. Here is how a day of revision could look.

0930-1100	Offer, Acceptance Revocation unilateral offer
1100	Break
1130-1300	Duty of care Breach of duty Damage
13.00-1400	Lunch
1400-1530	Actus reus Mens rea Recklessness and Intention
1530	Break
16.00-1730	Formation of trusts
1730-18.30	Dinner
18.30-20.00	Titles to land

The advantage of dividing up the subject matter is that it should prevent boredom setting in too quickly. It should also keep all the subjects fresh in your mind. You do not want to forget any of the exam subjects. You do need to encourage mental agility so that you pass easily from one subject area to another.

The recollection phase. After each read through take some scrap paper and try to write down what you recall of each topic and the relevant cases. Start the recall process early in your revision so that you become used to the exercise of mentally recapping the topic area. Never be discouraged if you cannot recall much to begin with. This will improve by the time you have been through the material of the topic for the third time! When revising each topic area tackle any rote work you need to do. For example make a list of the cases that illustrate when offers are accepted by instantaneous

communication. Commit them to memory and test yourself. Alternatively you may need to recall the circumstances in which a lease may come to an end so use the same process. Other tactics for recalling information may involve leaving case lists in the loo door, on the wall near the breakfast table or on the fridge door!

Confidence building phase. Only when you are confident you have grasped a subject should you ask a friend or relative to help you with the rote work by testing your recall of the case names or the different classes of land charge. You could also do this with a fellow student and offer mutual assistance.

The past paper phase. When you have completed the read through and recall stage of revision it is time to begin looking at past papers. To begin with use them to try to spot the issues raised by the questions and work out brief skeleton answers in note form. Do not try to write a complete answer. Do this repeatedly with lots of different questions. After a while you will find it easier to identify what the questions are about. It will get easier to write skeleton answers. You will also find that the same questions in different guises and shapes are asked again and again. You will find the same territory is explored although as time passes the case law expands or alters.

The collective phase. By this stage you are probably starting to tire of the grind of repetition. But persevere. This is a good time to do some joint revision with friends and fellow students. Be clear about how much time you will devote to this and what is planned. Some students find it helps to use past papers for joint revision. You could even punctuate the session with a meal out somewhere or tackle them at a table in a coffee shop. Remember other students are likely to find the revision as isolating as you do so they will look forward to the mutual assistance joint revision can offer.

The countdown phase. As you head for the exam date try to tackle the issue of timing. The best way is to try to write some timed answers. It is best to limit the number of times you do this. But again it is probably best tackled with a fellow student to avoid the temptation to cheat!

Things you need to do the night before the exams

- Prepare pens, pencils, permitted texts and case lists, drinks, snacks etc the night before.

- Re-check the time and place of the exam on your examination timetable
- Avoid large amounts of alcohol or eating anything likely to upset you
- Avoid revision. If you have revised purposefully you will know the work well enough
- Make sure you have what you need in the house to eat breakfast the next morning
- Get a good night's sleep before the exam but do not panic if you did not. Anxiety can disrupt sleep and you can catch up another time.

Outside the examination room

- Arrive in good time to identify and locate the exam room
- Go to the loo (don't underestimate the effect of nerves)
- Calm yourself and be positive

Inside the examination room

- Select a seat away from the candidate known to grunt or talk to himself
- Avoid sitting near the door or the bags
- Read any instructions on the paper
- Complete boxes on front of exam paper, especially your identification number/ name (presentation marks!)

Things you need to do during the examination

- Read through the whole paper twice before you select your questions
- Make sure you identify any compulsory questions
- Decide which questions you will answer and divide the examination time equally between them, leaving enough time at the end of the examination to read over your answers. When selecting your question identify the key verbs that explain what the examiner wants from you, e.g. *analyse, assess, compare and contrast, describe, discuss, evaluate, define, explain, advise*.

- You may tackle the questions in what ever order you please. However, make sure you clearly identify the question number. It will irritate any assessor if you do not.
- *Stick* to the amount of time you have allocated to each question. This is because you will earn most of your marks in the first 75% of your answer. There is *no* advantage to be gained by spending more time on one question than another.
- Before you start your answer make an outline plan. It does not matter if you write it in the answer book but make sure you put a neat line through it, (use a ruler not a banana!), when your answer is complete.
- Make sure you answer the question that was asked. Some candidates try to answer the question they *wish* had been asked. This is a common reason for loss of marks. If you are asked to 'advise' a client make sure you conclude with what the client should do.
- DO NOT PANIC if the paper looks too difficult at first. Take a few deep breaths and take another look at the paper. The chances are you did not read the paper properly the first time. Whatever you do, avoid walking out of the examination room immediately.

Things you need to do after the examination

- Relax
- Avoid discussing the papers and how you tackled the questions. This probably means you should avoid your fellow students unless they agree not to have a post mortem.
- Prepare for the next examination after you have rested
- When you have completed all your examinations celebrate the end with your fellow sufferers and forget about them until the results are published.

For further tips, look up last year's student supplement and the feature, "The examiner is your friend".

Good luck! ■

Veronica Newman

(The author is a member of Barristerweb, the Internet chambers, www.barristerweb.com)