

# **LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY MODEL EXAM**



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## IRAC Method for Problem Questions

- Issues:** Specifically identify the issues that you are going to discuss.
- Relevant Law:** Determine and define the applicable law and legal rules that are relevant to the question and each of the issues that arise through the question.
- Application:** Apply the legal rules you have identified to the facts of the question, one by one (this is the hard part).
- Conclusion:** Put all the pieces together in perspective. Remember who it is that you are writing the advice for – the exam will tell you right underneath the question they have asked you to answer.

Always remember to use your reading time wisely to **PLAN YOUR ANSWER** before writing. Jot it down on the first page of your exam booklet as clearly as you can – allocate about 5-8 minutes of your writing time to do this. Thinking about how you will answer the question, and planning how you will structure your answer to cover off each of the points the question is asking you ensures that your work will be easy to read, easy to follow and easier to give you points for your work. Remember that less words are more in a law exam. Show your marker that you can get straight to the point, as clearly as possible. If you run out of time to finish your exam you can indicate to the marker the plan in your answer booklet, at times you may be rewarded for doing so.

Remember that the **APPLICATION IS THE MOST IMPORTANT SECTION** of your answer and should take up the bulk of your time. Do not simply state the position of the law on the relevant issues; instead, apply it to the fact scenario, even if the situation is deliberately unclear as to lead to multiple results. Remember the actual conclusions you reach are often superfluous. Rather, your marker will be most interested in how you arrived at your conclusion.

**Important Points to remember:**

- Before you start writing anything, allocate your exam time to each question based on the points value. Stick to these time frames, even if you run out of time to answer that question. If you don't, you might get 2 or 3 possible points from finishing that first question, but you will likely lose out on the 5-6 easy points to mark off when having to rush through your other answers. Be strategic with your time.
  - For instance, if your exam is 3 hours long, and you have 3 questions this is simple, you have an hour for each question.
  - For this practice exam, we have provided you with several questions, some of more point value than the others to illustrate the kinds of questions you might be asked – pay attention to the point value given to each question and think of it as out of a total score of 100 marks. How much time would you spend on that question? What length of answer do you think they are asking of you?
  - We have given you some hints to help you determine how much work is required.
- Use plain English. Do not try to blow your marker away with verbosity or complicated jargon. The easier your writing is to mark, the better your marks will be. A short answer that gets straight to the point will always be better than a long rambling answer that doesn't even answer the question.
- Try to write as clearly as you can – if you know that your handwriting is hard to read, leave a line free between each line you write in your script. This simple task makes it easier for your marker to read. A hard to read script often leads to bad marks.

**A few grammatical things to keep in mind:**

- Contractions are always a big no in exams. Use *cannot* instead of *can't*, *did not* instead of *didn't*, *is not* instead of *isn't*. Use of contractions can lead to a lesser mark.
- There is never a good reason to use exclamation points in a law exam. All answers are persuasive at best, not definite. These are often unnecessary and looked upon poorly by markers.
- Avoid bullet points – if you need to break up your essay into sections, use headings as we have below. If, and only if, you desperately run out of time to finish this is the only acceptable time to use them.
- If you are not confident with the spelling of any terminology, practice these before your exam. No marker wants to read *parliment* instead of *parliament* or *statue* instead of *statute*. Brushing up on your spelling and grammar can be the difference between an A grade and a B grade. Give yourself the best opportunity to succeed by practicing.
- If at the end of your exam you have a few minutes free – quickly skim over your work and spell check. As you go, either highlight or underline the case authorities you have used. This will help your marker see right from the outset that you have identified the correct authorities and that's a great start toward better marks – especially if your sentence might not have been as clear as you intended.

## Question One:

Law firm Breezy Lawyers & Co have just approached your firm for advice.

Breezy Lawyers & Co have been slowly moving toward a total specialisation in construction law, commercial property and resource management law. Over the past two years they have head hunted some of the world's best lawyers from Australia and as far as the United Kingdom. They have become known in Auckland as the go-to for all construction law issues and have earned quite a reputation for themselves with their unprecedented attention to detail, care of the client and overall success in the courts. Local lawyer Rufus Rothfuss, New Zealand's best and highest achieving commercial and construction lawyer has announced his leaving Barley and Sons Lawyers and Notaries in search of a fresh role. Rothfuss has been in the business for 30 odd years and with his specialisation he is leagues ahead of all other New Zealand born lawyers in this field. He is highly sought after and carries a wealth of life experience and knowledge. There are only two lawyers with this level of specialisation and expertise in New Zealand, Rothfuss and Sally Black who works out of Christchurch.

Whilst dropping into a local café to grab breakfast and a coffee, the managing partner of Breezy Lawyers & Co, Suzy Norton runs into her old friend Rufus Rothfuss and they begin to chat about Rothfuss' leaving of his old firm. Rothfuss indicated that he had loved working with Barley and Sons but it was time to try something new and branch out. Maybe even work on a further specialisation in resource management law. During their discussion, Suzy indicates to Rufus that he is welcome to come and chat to the partners about the possibility of joining Breezy Lawyers & Co either as an employee or a contractor to advise on some large upcoming projects.



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