

**LEGAL SYSTEMS /
LAW AND SOCIETY
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 of 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 is 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 "can not" 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:

If New Zealand was to change to a Republic State, how would this affect New Zealand's Constitutional Structure?

In your answer address the current powers of the Crown and what elements (if anything) would be directly affected if New Zealand was to move to a Republic State. You are NOT asked to comment on the likelihood of this occurring or its merits or disadvantages.

50 PTS

Question ONE: Model Answer

Looking at this question, it is asking you for an essay response. The point value indicates that this is a half of your exam. Bear this in mind when mapping out your time frames for answering the exam. A good essay would be about 3-4 pages long, possibly less, and would cover the following important points:

- The role of the Crown in New Zealand's constitutional framework – especially the powers of the Governor General (as the Crown's Representative).
 - This would include discussion of powers such as the royal prerogative and reserve powers.
- Functions of the Governor General and the role of conventions – how this would be altered if the Queen as head of state was removed.
- Would New Zealand need to replace the position that the Governor General holds with something else or is it not needed given the conventions that mostly prevent the Governor from exercising his powers?
- The absence of a Head of State – How would this be replaced? Perhaps taking a very, VERY brief look at other jurisdictions where the Queen is not head of state.
- The role of the Treaty of Waitangi.
- Practical changes; Statute (Imperial and National), customs and traditions, conventions and safeguards.

Introduction

Where New Zealand was to move to a Republic state this would involve significant constitutional changes and adaptation of the New Zealand Government and political framework. This would mean a necessary removal of all policies, procedures and potential safeguards created by that constitutional relationship with the Crown. Doing so would set into motion a series of unique difficulties and challenges for the governing bodies of New Zealand, especially that of New Zealand's race relations with Maori (through the Treaty of Waitangi). This essay will identify the structural elements of New Zealand's current constitutional framework as a constitutional Monarchy. It will then branch into the implications or changes that would be required where New

Zealand was to abandon this form of governance and adopt a republican style of governance. The pertinent issues of head of state impartiality, race relations, constitutional conventions and parliamentary supremacy will be addressed for their necessary changes following a shift toward a republic.



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