

**FAMILY LAW
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.
- 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. The actual conclusions you reach are often superfluous. Rather, your marker will be most interested in *how you arrived* at your conclusion.

Question One

Paul, aged 20, and Alison, aged 17, have been in a serious relationship for two years. Recently, Alison has become pregnant and has left school to commence full-time employment at McDonalds in order to support her future child. However, Alison's parents have advised her that unless she marries Paul, they will not provide any assistance to their future grandchild. Consequently, Alison and Paul, who are currently living together, seek your legal advice as to whether they can become married.

In the meantime, Paul's brother, Larry, aged 23, had been told by his parents that unless he married within a year, he would not be entitled to any inheritance. Larry immediately married his girlfriend, Jennifer, aged 27. After two years of marriage, Larry and Jennifer decided to have their first child, Adam.

Question Two

Liam and Rachel have been married for five years and live in Wellington. In this marriage, Rachel provides full-time care and support for their son, Noel, whilst Liam works as a barrister. Due to Liam's work commitments, he rarely spends time with Noel and prefers to indulge in binge drinking sessions with his work colleagues. These drinking sessions have become gradually worse and Rachel has noticed an increase in Liam's aggression.

Rachel has felt the strains on her marriage due to Liam's constant drinking sessions and has spent a lot more time with her close friend, Stephanie. As they have grown closer, they have admitted to sharing mutual feelings towards each other. After this admission, Rachel and Stephanie have engaged in an affair without informing Liam.

Last week Liam realised that Rachel was having an affair with Stephanie and went out drinking with his work colleagues. He returned home more aggressive than usual and physically abused Rachel. As a consequence, she has left the marital home and taken Noel to Stephanie's house fearing for Noel's and her own safety.

Question Three

Tom, a solicitor at a local firm, and Katie, an accountant at the National Bank, married in 2002 and purchased a house in Grey Lynn, Auckland, for \$300,000. Initially, Tom, who had wealthy parents, provided \$50,000 to the purchase price and the balance was borrowed from Westpac in the form of a loan held in their joint names.

Two years later, Tom and Katie had their first child, Yuri. At this time, Tom was a reasonably paid solicitor whilst Katie was a highly paid accountant. Although Katie had a higher income, she decided to leave her job in order to provide full-time care and support for Yuri.

In 2007, Tom and Katie had paid off their loan to Westpac and had a joint bank account worth \$100,000. Despite their good financial situation, Tom was a problematic gambler who often went to the Ellerslie horse races. On one occasion, Tom gambled away \$50,000 of their life savings.



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