

**MEDICAL 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.

Medical Law is a subject typically taught in the third or fourth year of a law degree. The first and second exam answers are an example of the IRAC method, an exam technique which is espoused by many law lecturers. Try to answer the question yourself first before looking at the answer. It is likely that Medical Law will be assessed not only by exam questions, but by an internally assessed essay project, such as the one included here. Good luck!

MEDICAL LAW MODEL EXAM

PROBLEM QUESTION

Following a serious outbreak of meningitis in New Zealand, a new vaccine has been developed to help protect children and young people from the disease. Imagine that you are a lawyer working for the Health and Disability Commissioner, and you have been asked to give your legal advice on a number of issues that have arisen from the introduction of the vaccine.

1. The first complainant is a 16 year old girl called Imogen. Her mother signed the consent form for the vaccine that was sent home from school. Even though Imogen wasn't too keen on getting the vaccine, she went along with it because she didn't want to put pressure on her mother (Imogen's father died quite recently).....
2. The second complaint has come from the father of Edward, an 11 year old boy. Edward's parents are divorced, but they care for him jointly. Edward's father, who is also a doctor, was out of town for a conference for the week that consent forms for the vaccine were sent home from school.....

ESSAY QUESTION

3. What is the impact of Clause 3 of the Code of Health and Disability Services Consumers' Rights on the rights contained

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