

Exam Skills for Success in Family Law

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Techniques for examinations and assignments

Examination and assignment questions can take the form of essays or problem scenarios.

Essay questions

- **Essay questions** often appear easier than problem questions because you do not have to work out what the questions are about. But, do not underestimate their difficulty: they often require candidates to demonstrate higher-level skills, for example critical analysis.
- In addition, essay questions are more likely to require students to cite academic opinion and sources such as Law Commission reports.
- Ensure that you address the specific question that has been set. Do not write everything you know about the topic and do not answer the question you wish had been set.
- When answering an essay question it is useful to adopt the **PEA** method: **P**oint, **E**vidence, **A**nalysis.
- Each paragraph should make a specific **point** and should provide **evidence** to support the point being made. The paragraph should end with your own **analysis**, with specific links being made to the question set.
- Utilizing this method will ensure that your essay follows a logical structure and demonstrates the higher-level skills required by second, third, or fourth year students.

Problem questions

- These may appear more difficult than essay questions because it is not immediately obvious what the question is about.
- Do not attempt a problem question in an examination unless you are sure that you have identified the relevant issue or issues.
- Ensure that you read problem questions very carefully, otherwise you might miss crucial facts, which could fundamentally affect the quality of your answer.

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- Problem questions rarely contain superfluous information. If the scenario contains facts that you have not discussed, you have probably missed something.
- When answering a problem question, you should adopt the **IRAC** method: **I**ssue, **R**elevant Law, **A**pplication, **C**onclusion.
- Begin by identifying the legal issues raised in the problem question and then explain the relevant law. Next, you should apply the relevant law to the facts of the scenario and finally you should reach a conclusion, i.e. provide the advice required by the question.
- Check the instruction at the end of the factual scenario—are you required to explain the legal position in this case or are you asked to advise one specific party?
- Do not panic if you cannot reach a definite conclusion. This may be due to the fact that the examiner has deliberately omitted crucial facts or because the law itself is unclear. You are expected to raise and discuss these issues.

Family law assignments

Family law modules increasingly utilize in-course assignments or coursework as a means to formally assess students. Given the time that students have to complete an assignment, the lecturer will be far more stringent when assessing coursework than he or she is when marking examination papers (see chapter 13).

The questions included in this textbook could be set as assignment or examination questions. The suggested answers are likely to be shorter than you would be expected to produce for an assignment and will contain fewer academic references and references to Government reports etc. than a marker would expect in an assignment to achieve a good mark. You would also be expected to produce more in-depth conclusions than the brief ones included in this textbook.

The 'Looking for Extra Marks' feature that accompanies each question in this textbook and the comments attached to the suggested answer will provide guidance as to how to supplement the suggested answer, if the question is set as an assignment task. In addition, the 'Taking Things Further' section at the end of the chapter will direct you to sources that you may be able to utilize when completing coursework.

NB. The answers in this book are not accompanied by a bibliography or tables of cases and statutes, which are expected when you produce an assignment. In addition, the information in the answers is not referenced in accordance with a particular academic referencing system such as OSCOLA, which is commonly recommended by Law Schools (see chapter 13).

Examination preparation

- Make sure that you attend any formal revision sessions offered by your tutor. If you do not do so, you may miss out on several useful hints and tips.
- Ensure that you know where and when the examination will take place. Check and double-check this information and do not rely on your fellow students. If the examination is to take place in a room or building that you have not been to before, find it at least one day prior to the examination.
- If you are entitled to special provision, for example a scribe, a word processor, extra time, or a private room, ensure that your tutor or the student support services have arranged it. They will not assume that you require such provision—you must request it.

- Make sure that you know the format of the examination, i.e. How long is it? How many questions are you expected to answer? What degree of choice do you have? Are any of the questions compulsory? How are the marks awarded? Is it an open-book examination? If not, are statute books permitted? What style of questions will be used? Each of these will impact upon your examination preparation.
- Start your examination preparation early and make sure that you do enough work. You may be able to scrape a bare pass with little revision, but will not be able to achieve an upper second or first class honours unless you devote a considerable amount of time to examination preparation.
- Solid revision will not only ensure that you have the knowledge required to pass the examination; it will also help to ensure that you enter the examination room in a confident state of mind, which can clearly affect your performance on the day.
- An open-book examination does not mean that you do not need to revise. You need to be able to recount basic information without having to look for it in your notes or textbooks, as you won't have time to do so in the examination itself. In addition, the examiner will expect more of you in terms of detail and analysis if the examination is open-book, which means that your preparation should be different rather than non-existent.
- It is worth looking at past paper questions, particularly if the person setting your examination has written the papers in previous years. You will then become familiar with the examiner's style and may be able to 'guess' which topics are likely to appear in your examination.
- It is also worth practising past paper questions, if possible under examination conditions. This is a valuable exercise, as it shows you how much you can write in a limited period of time and how much you know.
- If you believe that your examination techniques are weak, seek advice from the support services available at your university.

At the start of the examination

- If you have not done so beforehand, work out the time at which you should be starting the second question, third question etc. and write it at the top of your examination paper/answer booklet once you have been given permission to start writing.
- If you have been given reading time use it effectively. Candidates are not normally permitted to start writing in their answer booklets during the reading time but may be able to highlight or underline the question paper.
- Begin by reading the instructions on the front page to ensure that your beliefs regarding the examination format, for example the number of questions that you must answer, are correct.
- During the reading time (or at the beginning of the examination if you have not been given reading time), read the entire paper in order to determine which questions you can and will answer.
- Read each question all the way through because questions that are divided into parts and lengthy problem questions may involve more than one topic. If your decision to answer a question was based on reading the first few lines, you may discover, part way through your answer, that you cannot actually complete it.

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- Do not panic if you cannot immediately determine what a problem question is about. Reread it and mentally run through the topics you covered during the course. It would be a shame to miss the opportunity to address a topic that you know well, simply because you didn't read the problem question carefully or because you rushed your question selection.
- If you are genuinely unsure what a problem question is about, do not attempt to answer it, unless you feel even less confident about the remaining questions.
- Do not rush your question selection! Do not feel under pressure to begin writing simply because those around you have done so.
- If your examination is open-book or if statute books are permitted, use the reading time (or the first few minutes of the examination) to find the sources that you will need, at least for the first question.
- Students may find it useful to construct an essay plan for each question before beginning the answer. Use the reading time to do this, if you have permission to write. Strike through anything that you do not want the examiner to mark.

Answering examination questions

- When answering the examination questions use the PEA and IRAC methods discussed earlier.
- You should use full sentences: do not use note form unless you are desperate for time.
- Although tutors will be more lenient in terms of literacy when marking examination papers than they will be when marking coursework, candidates should be able to spell basic words correctly, use correct punctuation, and construct a clear sentence.
- Support the points you make with a legal authority.
- In terms of case law, the correct name and date is expected if the examination is open-book. If it is not, the basic facts, the decision, and the principle of the case are most important. Cite the name if you can remember it, and part of the case name is better than nothing, for example *Kernott*. If you cannot recall the name, utilize phrases such as: 'in a decided case' or 'the Supreme Court recently held'. The date is the least significant part of the case, although you would be expected to know if a decision is very recent. If you have time, underline the case name (if cited).
- You are expected to cite the full name and date of the most important family law statutes, even in closed-book examinations, for example **The Matrimonial Causes Act 1973**, **the Children Act 1989**. Once you have cited a statute correctly, you can abbreviate it thereafter, for example **MCA 1973**.
- In an open-book examination or an examination that permits you to use a statute book, you will be expected to cite the relevant section numbers precisely (but do not waste time copying out lengthy provisions). In a closed-book examination that does not even permit statute books, the marker will be more lenient, but will expect to see the basics, for example **s. 8 of the Children Act 1989**.
- Start a new page when you begin a new question and leave a blank page between questions so that you can return to them and add to them later in the examination.
- Once you have finished answering all the questions that you are required to complete, read through your answers if you have time. Correct any spelling and grammatical errors that you spot

and underline case names. Often, when you read your answers, additional points will come to mind, and if you left a page between questions you will be able to add them easily.

Tips for family law examinations (and assignments)

- Family law is a very dynamic subject, which means that examiners expect (or are hoping) to see recent case law and proposals for reform. An examiner will be particularly impressed if you cite a case that has been decided since the topic was covered in class. It is therefore useful to spend some revision time checking the most recent law reports. A free online resource is www.familylawweek.co.uk, which contains recent judgments, as well as brief articles on contemporary issues.
- Be prepared to cite some statistics, for example the number of marriages, civil partnerships, cohabiting couples, children born outside of marriage, etc., particularly in essay questions. To do so demonstrates awareness of context and can sometimes support an argument that you are making in terms of reforming the law.
- Include reference to **the European Convention on Human Rights 1950 (ECHR)** and **the UN Convention on the Rights of the Child 1989 (UNCRC)** wherever possible and be aware of the status that each has under English law. If you are answering a question on international child abduction, detailed knowledge of **the Hague Convention on Civil Aspects of Child Abduction 1980** and possibly the EU Regulations that impact upon abduction, would be required.
- Mixed topic questions are common in family law assessments, because they reflect life in the real world. A client may request a divorce, financial relief, an order relating to children, and protection from domestic violence, and as a consequence, the characters in problem questions may also do so. Chapter 12 of this book contains examples of questions involving more than one family law topic.
- Family law problem questions usually (but not always) involve an adult couple that have separated (or are about to separate) and are in dispute regarding their finances, property, children, or the formal termination of their relationship. The first thing you need to do is to determine if they are married, civil partners, or (former) cohabitants.
- In family law problem questions dates and ages are very significant. For example, the duration of a marriage can affect the ability to petition for an annulment and can influence financial orders granted by the courts. The age of a spouse can affect her earning capacity and needs, whilst the age of a child is relevant in relation to financial relief and child support, but also in terms of how much weight to attach to his or her opinion in residence or contact disputes.
- Do not make basic mistakes. A well-prepared candidate would never refer to the Children's Act or Matrimonial Clauses Act! This will not impress the examiner.

The answers in this book

The answers in this book are 'suggested' answers, rather than 'model' answers. They show you how you can apply the law to a problem scenario and how you can tackle an essay question. The law is explained in such a way as to ensure that the information is clear: you may be able to describe the law more concisely in an examination. You may include different cases in your answers and may include additional sources to those contained in the suggested answers. You may cite more academic opinion and evaluation and may structure your answer differently.



TAKING THINGS FURTHER

- Gilmore, S. and Glennon, L. *Hayes & Williams' Family Law* (2016) 5th edn, Oxford University Press.
- Herring, J. *Family Law* (2017) 8th edn, Pearson Longman Law Series.
- Lowe, N. and Douglas, G. *Bromley's Family Law* (2015) 11th edn, Oxford University Press.
- Oldham, M. *Blackstone's Statutes on Family Law* (2017–18) 26th edn, Oxford University Press.



Online resources

www.oup.com/uk/qanda/

Go online for extra essay and problem questions, a glossary of key terms, online versions of all the answer plans and audio commentary on how selected ones were put together, and a range of podcasts which include advice on exam and coursework technique and advice for other assessment methods.