

Exam Skills for Success in Equity and Trusts Law

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During the Module

- The first thing is: attend all your lectures and tutorials. Do the work for the tutorials and go to each of them prepared to engage in the discussion. Don't be shy. This is your chance to test out whether you have understood and this is where you get the best feedback available. So, put your hand up and have a go. You might be told you are wrong—well, best to know now than in the exam room (or on results day). And if you get a brisk tutor—really that's going to be nothing to what it will be like standing up in front of a county court judge on your first day in court. If you can't face a tutorial, then ask yourself: am I really looking for a career as a lawyer? The best tutors are those who give you a run for your money; who don't allow free riders to sit in the class; and, who demand the highest standards from you. Give thanks for them and, if your pride gets a bit dented, then put it down to experience.
- Your module will likely end with a revision lecture. It is always astonishing how many students view this as an optional extra (especially when they are in the week before Christmas or a vacation). What do you think a revision lecture means? It means revision for the exam. Don't expect to be told what is in the exam (unless it is that sort of exam). There is nothing more frustrating than the question—so is that going to be in the exam? Or, should I practise essay or problem questions on this topic? You will just irritate your lecturer with those questions when they are trying to do the best by you—which is to turn you into a decent lawyer. An unseen exam is what it says—it is unseen before you sit down at the desk in the exam room. It is an important test for a lawyer, training you to think under pressure. But you will run through topics in this lecture which will enable you to focus your mind for that final push before the exam and, as such, it is unmissable.

The Revision Period

- Having worked your socks off during the module then the next key stage is the run up to the exam after all the lectures have ended. Get hold of previous exam papers. Unless your lecturer is new (or a new teacher on this module) then it is likely that your exam will follow the pattern in previous papers. Have a look through them to get the feel and style of the questions. If you have worked

for all your tutorials then it is likely that you will find you have already prepared some of these questions as module leaders usually use them for tutorial practice. Another reason for attending and preparing for tutorials—they are exam practice as well as feedback.

- Check the length of your paper and the number of questions you are required to complete during that time. This enables you to be able to practise under exam conditions. Basic arithmetic applies here: divide the length of the paper by the number of questions you have to do and then you know how long on average you have to write each answer. Then sit in your room with a timer on and tackle questions from past papers.
- Have you done any writing by hand recently? Most of us type and word process now. The most handwriting we do may be to sign a Valentine's Day card. There are two points to be made here: is your handwriting legible and can you actually write fast enough to complete what is necessary within the time allowed for the exam? If legibility is your problem then get a copy book and practise handwriting. And do those test exam questions in the privacy of your study under exam conditions until you have had enough practice at simply writing so that is not a barrier in the exam.
- Question spotting: a very dangerous strategy. You might think that being required to answer three (or however many it is) questions means that if you revise four topics or, worse—past questions on a topic—then you will be safe. But the danger here is that you may get that topic, but in a form you were not expecting. Or, only two of your revised topics might crop up. Do not limit your chances of success in this way. Basic arithmetic again applies. If you have to answer three questions and only one or two of them are what you have worked for, your chances of succeeding well (or at all) are tragically limited. Further, some students revise a topic on the basis that they will only answer an essay question on that topic. And then, horror of horrors, a problem question crops up for the first time in five years. Revise a topic from all angles. Be ready to answer either a problem or an essay question on it.

In the Exam Room

- There are four key pieces of advice which can be offered: (1) read the question; (2) read the question; (3) read the question; then (4) answer the question set—not the one you wish had been set.
- You will be marked on whether you have spotted all the issues. So, in a problem question read it slowly and carefully. List the issues in your plan. There is unlikely to be anything in the question which is not important so you need to ask yourself—what is that point about? Why is that fact included?
- Be careful about reading what you think is there. For example, if you are told that the will states: 'a respectable income to Uncle Uglow' your mind may jump to 'reasonable income' (*Re Golay*). I have seen this happen where students have assumed the word is 'reasonable' and have answered on that basis thus missing the analysis which is required from discussing whether *Re Golay* will apply or not. So be careful to read the question and don't assume anything. Working under exam conditions does odd things to the mind so you need to look carefully and weigh each word in the exam paper. Your examiner is unlikely to give you the exact words from a case but ones which require you to discuss whether that case would apply to this point or whether it is distinguishable.
- In a problem, are you asked to advise a trustee or some named person? Write your answer on that basis: 'the trustees are advised that this gift is likely to fail so they will be required to hold the property on resulting trust for XYZ'.

- In an essay, what is the instruction? Are you asked to comment or to compare or discuss? For example, if you are asked to discuss whether the law relating to certainty of objects is in a fair and rational state then you are being asked to critique this area of law. So, if you set out to explain it you will only achieve so many marks (if you are accurate) but if you use that knowledge to critique this area of law then you will be doing what the examiner wants and your mark will improve. Throughout the essay you will need to comment on this as you go along and then your conclusion will address this precise point: 'In conclusion, while the general principles for certainty of objects for a private trust are rational, the status of non-charitable purpose trusts, lacking as they do the requirement for a human beneficiary, introduce irrationality into this area of law.' It means you have to think yourself into the question. You might have revised and practised questions on this topic but this particular angle might be new. Don't be fazed by it but think yourself into it. Use your knowledge and turn it round to address the question.
- You already know how long you have got and how many questions you need to answer so you know how long you have for each one. Make sure you have a working watch with you and that it is synchronised with the exam room clock. Give yourself time to read the paper and choose your questions then set yourself a time limit for each answer. Don't be caught out at the end by running out of time and having to write sad billets-doux to your examiner—'sorry, out of time'. No marks for that.
- Don't worry about saving the planet when writing your answers. The answer book is all yours to use so write on one side only and start each answer on a new page. That way, when you have a last moment inspiration you will have room to go back and add it in without sending your examiner on a hunt for that tiny asterisk.
- Write the question number clearly at the beginning of each answer and also write numbers clearly for sub-sections within each answer. Leave a space between sub-sections.
- Don't be afraid to use headings and underline them as you go along. E.g. (a) Aunt Jemima's emerald ring.
- Underline cases and statutes as you go along. Rulers are not required—just draw a freehand line under the relevant name.
- Always include the date of a statute. If you can, do the same for cases but that is less of a demand than for statutes.
- Memory matters. Learn the case names. Use memory techniques that work for you—post-it notes round the house; card indexes; fancy software packages—whatever works for you. And if, despite all that, in the exam room your mind goes blank then identify a case by giving a few of its key facts 'in a case where the young man was befriended by the gentleman farmer who made promises to him that if he worked for him then the estate would be his ...'.

The Structure and Approach to Problem Questions

- All the books in this series have adopted the IRAC structure (Identify the Issues, Relevant Law, Apply the Law, and Conclusions). This has the advantage of imposing a clearly remembered structure on you. The I (the facts or factual issues) is the issue spotting bit. You need to pick up all the issues to earn all the marks which are going. Miss one and you miss earning marks. The R is the law. In Equity and Trusts this is usually case law except in the rare areas where Parliament has stuck its

nose in. The A is really the core of getting top marks—the trick with a problem question is applying the law to the problem. Stating the law is one thing—the clever bit is to do what lawyers do—apply it to the problem and become a problem-solver. The C is (obviously) the conclusion. A word of warning about the IRAC approach. It helps to get a structure into your answer—or more importantly into your thoughts in the first place. But in the answer plans I have often summarised the points quite extensively—so you will find that the suggested answers do go into quite a bit more detail than the answer plans. It is probably fair to say that the answer plan gives you the basics. But if you want to do better than that and get into the heady and utterly desirable upper second and first class answers then study the suggested answers where I have attempted to give you the full monty.

Last Word

- Do you write well? Lawyers are wordsmiths. Words are our tools and we must use them precisely to convey what we mean. Writing well is an essential requirement and if you have been pulled up about this in formative coursework, or, if you know that this is not your strong point, then do something about it. It may be that your university offers classes for writing skills. Go to them. Practise writing. Write letters to friends and relatives. Write a short story and ask someone to read it over and critique it. Learn basic grammar from an English grammar book. Read how others write. Read a judgment and see how judges construct their sentences. I would like to urge you to write beautifully but clarity will suffice. Clarity comes from writing grammatically and coherently. You will not be marked on whether you have good grammar. But you will be marked on whether you have made clear what you are arguing. That comes from good writing skills.



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.