

Podcast: Answering Questions in Contract Law I – Some General Points

This podcast is intended to introduce you to some general points which you should always keep in mind when faced with the task of answering questions in contract law. The points mentioned in this podcast are generally recognised assessment criteria and, as such, important factors for you to observe when composing your answer as they have a bearing upon the mark you will achieve: in other words, if you keep these points in mind and, importantly, address them appropriately in your answer, you will be likely to gain a higher mark.

In this context, one point should be made right from the start: the overall aim of your answer is to demonstrate to the person reading your answer (i.e. the examiner/marker) that you UNDERSTAND an area of law and are familiar with its relevant legal authorities. Obviously, in order to achieve this goal, you need to be clear about what the question is asking you to do. Therefore, always make sure that you have understood the question before you actually start writing your answer – apart from saving you valuable time, it will also help you to gain a good mark!

What is the examiner/marker looking for in your answer?

This question relates to the assessment criteria an examiner is commonly looking for in your answer. These criteria are:

- identification of legal issues raised by the question;
- definition of relevant legal concepts
- explanation of relevant law
- application of relevant law to the requirements of the question
- use of relevant authority – case law and/or statute law
- clarity of expression
- clear structure/logical presentation
- accuracy

The first four points (identification, definition, explanation and application of the relevant law) will be covered in the next podcast 'Answering questions in contract law II – Two ways to structure your answer' as these four directly relate to the question of how to make sure that your answer appropriately covers all of the assessment criteria mentioned. This podcast addresses the last four points which relate to the overall aim that your answer should demonstrate to the examiner that you UNDERSTAND an area of law and are familiar with its relevant legal authorities.

- **Use of relevant authority/case law/statute law**

It should go without saying that law answers must contain explicit authorities which back up the arguments you present, i.e. you need to state where a particular legal rule comes from and may be found, this might be in a statutory provision or in a case. If your authority/rule comes from case law, you will not necessarily always have to cite the facts of a case: in general, you should only use the facts of a particular case by outlining the similarities or differences between this case and the problem at hand if you are trying to illustrate how a particular legal concept or principle may be applied. Remember: relevancy of what you are

saying is also an important assessment factor. Furthermore, if you always put in the full facts of every case, you will lose much time and many valuable words by outlining the facts of a particular case when this outline has basically 'nothing to offer' to your answer: a footnote reference to the citation and relevant page of the case is often enough.

- **Clarity of explanation**

Clarity of explanation of expression is another important assessment factor. In general, long and convoluted sentences should be avoided because such sentences make it more difficult to follow your arguments. In other words, use short sentences when it is possible to do so, i.e. without losing any meaning or missing out an important factor of a particular legal principle. Furthermore, you should aim to arrange your sentences in a logical manner; so don't jump from one bit to another and then back again.

- **Structure/ Logical Presentation**

This point relates to the organisation of your answer. Two general points should be made at the start: first, the chronology of events or the logic of the law in a problem often provide a sensible framework for how to structure your answer, e.g. it does not make sense to discuss consideration if there has not even been an offer and / or acceptance. Second, your answer should have an introduction which introduces the reader to the issues raised by the problem, a main part which analyses the issues raised in the introduction in detail and a conclusion which briefly summarises the results of your analysis; do not introduce new arguments in your conclusion.

More specifically however, following one of the two approaches outlined in the second podcast 'Answering questions in contract law II – Two ways to structure your answer' will help you to organise your answer effectively as either approach 'superimposes' a logical structure to your answer. In this context, it has to be said that the way in which you organise the material is another indicator of how well you understand a particular area of law. Do not fall into the trap of (vainly) hoping that, if you write page upon page of law (i.e. the 'everything but the kitchen sink' approach), something you have described will be correct and / or fit to the problem at hand. As is outlined in the second podcast in more detail, you actually need to proceed step by step, i.e. describe and explain a particular legal concept or rule and then – directly afterwards – apply it to the facts at hand. Furthermore,

- **Accuracy**

It should go without saying that what you are saying about the law has to be accurate – you are applying the law as it is, not as you would like it to be. Only an accurate account of the law – be it the name of a case or, more importantly, the content of a particular legal principle – will ensure that you achieve a high mark.