

Wednesday, 24 May, 2017

Panel Moderator:

Elizabeth Sheahan (ES) [SULS Vice-President (Education)]

Panellists:

Peter Gerangelos (PG): Fed Con, Advanced FedCon, Federal Jurisdiction

Emily Crawford (EC): Foundies, PIL, Int'l Humanitarian Law

Alyssa Glass (AG): JD III

Phoebe Miley-Dyer (A&O, graduate of Sydney law school)

1. Introduction and Acknowledgement of Country (ES)

Hello everyone, and welcome to SULS' final Allen & Overy Law School Basics Seminar for 2017. I would like to first acknowledge and pay respect to the traditional owners of the land on which we meet – the Gadigal people of the Eora Nation and pay respect to their elders both past and present.

I'll now introduce our very distinguished panellists who we are fortunate to have here today. [See above].

2. We've been taking notes in lectures and tutorials – what advice do you have on turning these into exam notes? What is the best way to go about this?

PMD: Exams are going to be problem questions, so write out/have a scaffold on how you would write to a problem question. Less is more. Prefer to have far fewer notes. The larger your notes are, the harder it is to memorise (in a sense), especially if exams are closed-book. Get them down early instead of 2 days before the exam

AG: Brevity is important, agree with PMD. Condense things to key points. Personally like to handwrite summary notes before the exams. Helps with memorising, instead of copying and pasting slabs of text from your notes. Take the key points from e.g. 8 pages of notes into 1 page. You can type them up if you're worried it's too messy.

Some subjects, I think of as more unitary, in the sense that with any problem question, you can start it with a one-fit-all scaffold. Real Property is like that. However, for other subjects, you need a scaffold for each topic (e.g. separate ones for Treaties/Use of Force). Colour and tabs are helpful.

EC: If you're anything like me, lecture notes make no sense. You will be desperately trying to get everything down. Practice your handwriting, because it will make the exam process easier, and doing it in the short amount of time we give you. Go back to your notes as soon as you possibly can. Read them in conjunction with lecture slides and textbook. You shouldn't use lecture notes as anything than just a starter to your study. Basically, you need to write up exam notes (for open book exams). Summarise.

Also, even for an open book, your notes should not be a complete summary of absolutely anything. It should be more like an annotated index. E.g. in PIL, for your notes on title to territory, there are 5 bases. You list them, and include maybe 1 or 2 key cases that refer to that, and include a page reference to the textbook. Maybe extract a tiny bit of a judgment like a key point. Make your notes like a key point. Post-its and tabs are your friend. You want to find your notes really quickly, and



know that the detailed stuff is in the book if necessary. It should not include everything you need to know. E.g. for diplomatic immunity, the cases are these, and these principles.

PG: Agree with all above. What I'll add, going on what EC said. Don't just use your notes for open exams. The notes are a reflection of your knowledge, not from anywhere around. It should just be an expression of what you know. Prepare your notes with issues in mind. E.g. for FedCon, each topic is different, there is no unifying theme, they are disparate. You know of issues that are very important that will form the basis of examination problems. Find out where an issue may come out. What are the problem areas that have emerged here? They're going to be the ones that will be tested.

3. This was already covered a little in the previous question, but how should we study for open-book versus closed-book exams?

PMD: Closed book exams are more about remembering in the exam because you don't have something there to help you. I used to try and memorise principles of cases, and concentrated on very key things. I knew I couldn't memorise everything. Weirdly, I did much worse in open-book exams, as the lecturers may expect more of you there.

With open book exams, make sure your notes are better organised as you flick through them. I used to go into them and bring everything, but I'd waste a lot of time trying to find what I needed. Try not to do that. Have more notes, but make sure they're more well organised.

AG: For me, my method for both types of exams are almost all identical. Traumatic experience from my first open book exam. I spent almost half of the exam going through my notes. You really need to know your stuff. Ideally, you want to use 3 or 4 pages of stuff that are summaries, triggers, maybe a scaffold of key questions. Here are the 5 points these issues raises (like EC said).

For closed book exams, you still need to refine your notes and turn them into scaffolds! That's how you memorise the material. They're not as dissimilar as many people believe.

EC: If you can potentially divide up your time. For an open book exam, give 75% of your prep to reading notes and book, and 20-25% of your time practicing the question. Ask if you can get a copy of a problem question or an essay question or both. Time yourself in responding to them. If for a 2 hour PIL exam, the problem question/essay split is 50% and 30% of the overall mark (ie 80% total). Then you should be spending 1 hour 15 minutes on problem question and 45 minutes on the essay.

So many times, students write a brilliant problem question and fall short in the essay or vice versa. Get yourself accustomed to writing like that in the time restraints, or you're throwing away marks.

PG: With closed-book exams, you must memorise a lot more. You need a period away from every distraction. There were full-year subjects with one exams at the end. Make sure you wake up early and you're working the whole day during StuVac, and really being disciplined. Turn off the phones, YouTube. You get tired and you stray to Facebook. Chuck it away.

The only advantage with open-book: less memory work, but you still need to know the full principles! But I guess not in their full nuance. In addition to what EC said, don't just learn the principles, also try to apply them to factual scenarios. Don't try to learn the principles in abstract, keep in mind how they applied to the facts of the cases you learned.



EC: I'd record my notes on tape and just listen to them. Sometimes I listen to them in headphones, or just listen to it in the background as you're cleaning. Sometimes, that content will seep in. Stuff like that helps. You don't need to recite entire paragraphs. When you do need rote-memorisation, being able to play it over and over again is a great way to force yourself to remember.

4. How should we approach take-home exams?

PMD: Don't leave it too late. Do it as early as possible. I used to finish and then a few days left before it was due, and then not look at it for a day or two days. Look at it again with a fresh perspective. Formatting is key. People always lose marks on legal citation, referencing. I once had a Tort take home exam with a 4 page limit with certain requirements. So many people lose marks here. Legal citation is the number one aspect that people lose marks on. This should be a mindless task.

AG: I'm thinking of Legal Profession. The difficult parts about take-home exams are motivation, time period, but what helps is scheduling a time to do it. Write a first draft as though you're writing it in an exam. Set yourself a time and a TIME LIMIT to just do it. You can edit it, add readings, add references. People who did well in the Legal Prof take home exams did well when they reference readings that were set out throughout the course. Make a note of what will be useful from the unit outline. To summarise: 1) schedule, force yourself to get something done early, 2) find readings in the unit outline that may be useful.

EC: Personally have not done a take-home exam before. It'd be sensible to treat your first draft as an exam. If possible, you can put some time not to think about it.

PG: I've never done one either. Prepare for it as though it's a sit down exam. Think of what a luxury you've got with a 5 day timeframe rather than exam time limits. It should be perfection. People who misspell case names show manifestation of general sloppiness. Reference to Mason J in *Burgess*!? Please, in that decision Mason J was 5 years old.

Legal citation should be good. Prepare for peak performance. Don't squander that time. Think, 'what if you only had 3 hours to do this'. Use that mindset. Then rejoice in the fact that you have a whole week.

PMD: You might want to discuss it with other people. Some class members discussed online in a Facebook page. Don't get sucked into that. It's best not to discuss it, nor to jeopardise.

EC: With respect, your friends could be wrong! You can have the right interpretation, and a blowhard who thinks they are right, domineering enough can convince people on what is actually incorrect.

5. How should we preparing for essays in exams?

PMD: Practice doing an essay in the time frame given. Sometimes you might already have a take-home essay in the semester. Take feedback that you've gotten. Also, if there were a choice of essay questions, look through the feedback as to what people did well, what people didn't do well in, for each of the questions given.



AG: 1) Practice essays in the time limit. 2) If it's open-book, I usually have a separate set of notes for essays, separate from notes in preparation for problem questions. You can be broader in essays, there may be more contentious issues. It may be appropriate to cite a scholar sometimes, or to know the dissenting judgment in a case. Gearing notes to essays is a different style of note-taking helps. 3) In the exams, be rigorous in planning your essay. People tend to spend the entire planning time planning the problem question only. Headings are nice. Have a good thesis. We seem to do this in our assignments and ignore them in our exams.

EC: Essays aren't too different to problem questions in the sense that: you're presented a problem, you state the issue, apply the law and come to a conclusion. The difference is that with essays is that you have a broader scope, letting you take a more theoretical, big picture approach. In PIL, people feel like they don't know how to prepare for an essay. In addition to PMD and AG, when trying to conceptually prepare, it's similar to what PG said about Federal Constitutional Law. Go through notes, lecture recordings, think about any time people said 'this is an unsettled area', 'this is an emerging area', 'these two areas are conflict'. E.g. a potential essay question in PIL – "It's no longer okay for states to have complete immunity when violating HR. Discuss." It deals with balancing needs of state with individuals, principles of sovereignty and non-intervention. Think of difficult, emerging, unsettled areas of the law.

PG: There's no way to prepare for an essay if you haven't been thinking about the course throughout semester. It's testing your extent you have been reflecting upon the course. Usually we give hints on what areas to think about, but you should've been doing that already.

If you have not taken much interest in your prose style, not much of a reader, there's not much we can do. Pick up the taste in writing well, reading **good** books, where you pick up the ability to write well. It's about how engaged you've been with the course as a student.

Example of good writing: There needs to be an argument that you're convincing the reader on. The best essay I've read, Hugh Trevor-Roper from Oxford. Some of his works, best essays I've read, great prose style.

EC: I won't be giving hints like PG unfortunately. BUT, think about thematic commonalities, even things that are different! Foundations of law: see if you can combine 2 topics, e.g. interpretation, summarising case, human rights, access to justice etc. Is it about balancing rights? Balancing power between institutions and individuals? Taking into account interests of disadvantaged people? Even two or three of the topics. Almost all essay questions with you are designed to test bigger picture knowledge.

6. What is the most productive way to use reading time?

PMD: Plan my answer.

AG: To read, then to plan. Plan reasonably neatly and clearly. As the exam progresses, you need to be able to go back and tick things off as you go just so you don't forget something. Read the plan TWICE. There are facts and sentences in there that are easy to miss.

EC: Read it more than twice. Try to read the problem question and/or essay without annotating. THEN start making notes. Then read again! So many students have missed issues. Sometimes we



bury issues within a couple of words or a small sentence. This happens every year without fail. It's not because they didn't have time, they just failed to mention it. Then spend the rest of the time setting out a scaffold on how you think it should be structured. There will be times when you suddenly forget something. Headings are your friend. Use those as a way to foreshadow to your marker where you are going. Neither problem question or essay is a mystery novel. Tell us right up front what your answer is. 'This question brings up issues of: statehood, title to territory, state responsibility, etc.' Then dive in.

PG: Some of you will panic when you read it. The good thing about reading time is that you can panic but still bring you back towards yourself. Don't give yourself more than 30 seconds of panic. If you continue to panic, you won't let your natural intelligence come through. Then use your time to plan. Ask your lecturers what is expected of you. For example, in FedCon, it's pretty clear on how we go through problem questions. We don't take pleasure in setting nuances issues. Make a time plan along with your scaffold. If you identified 6 issues, and you have 1 hour 15 minutes. Think about how you're going to split it up. Well it's roughly 12 minutes each. Of course, some of them aren't going to be equally weighted, so vary around that. 15 minutes on this, 10 minutes on that..., 5 minute buffer in the end. Also add what time of the clock you should be starting/stopping to discuss a particular issue (e.g. 11:50 am, 12:10 pm)

7. What stands out in Distinction/High Distinction responses versus Pass/Credit responses?

PG: Ability to resolve a problem, especially an uncertain area. If you can nail an area of uncertainty/subtlety. That is where you get HD. You need to be able to apply principles to the actual factual scenario. The factual scenario is NOT a 'hook' for you to hang your understanding of principles on. That's what gets you P/CR. There's also that 'X factor'. Something about the structure, flow that comes through that makes you think 'this person has nailed it'.

EC: It is tempting with a problem question especially to repeat the law back as much as possible to show that you're aware that all things exist. E.g. in PIL: trying to settle a dispute over title to territory. P/CR responses go through all 5 types of title equally. D+ ones list the possible options, but makes a judgment on which ones are worth talking about. E.g. if there's no tsunami or mudslide, then is it really an accretion/avulsion issue? Some people talk about Montevideo and Statehood where there is nothing in the facts that warrants discussing it. Connected to that, it's the idea of: 'it's not enough to state what you know'. When we look at the rules on state responsibility and what happens where there's a breach of international obligation. **There are also further actions from there:** restitution, compensation, satisfaction. People may recite them, and don't apply it to the facts. If someone's died, how can you apply restitution!?! That's a clear failure of applying the law to the facts. problem questions take forever to write from an examiner's preparation.

AG: Emphasis on timing. If you know your stuff, the temptation is that you want to get an HD mark on one issue. You won't get an HD if you cover all 6 issues. Here is where you need to be prepared to take one level back. Make sure you cover everything you need in the exam. You are now in the ballpark of D if you cover everything. It will be difficult for the marker to give you more than a CR if you don't cover enough issues. Law students tend to be perfectionists. You need to be prepared that some aspects of your response is less than perfect.

8: In the weeks and days leading up to the exam, how should we manage our time? How do we cope with stress and anxiety, based on your experiences?



PMD: Don't let stress get the better of you. Try to stay organised. If I had a 3 hour 9 am exam, make sure your sleeping pattern is coordinated to it, even if you work better at night. Try to keep active. Yes, exams are stressful, but make sure you're dedicating some down time.

AG: Looking after yourself is important. Personally, I like studying in different places. You need to keep the intensity and pace nearing the end of semester as your usual routine, e.g. lectures, work, etc start to stop. 6 hours of quality focused better is better than 12 half-assed hours. Schedule in fun time if you can't. Do think you can't go out or go to a café with your friends. You need to study a certain amount of time each day that's quality time. Don't get hammered, but feel free to have a glass of wine every now and then. There are great apps to use, e.g. self-control. **Study groups** are great, but they can be quite distracting. Have a task or a goal on what you want to achieve in these groups, don't just get together in the group for the sake of studying together.

EC: The hours you study is somewhat arbitrary. You can spend 12 hours and not study anything. You can spend 6 hours and study very well. Maybe set a target, e.g. today I finish my notes on self-determination, tomorrow I finish my notes on immunity. Then you can go to the movies. It depends on your exam timetable. You may have everything is beautifully spaced out, you may have exams squished together. Some of you will be working, some of you will have family commitments.

PG: Do not be overwhelmed. It's not as bad as you think. Make an appointment yourself at 9am the morning after and sort things out. Sometimes it may seem quite bleak. Some people may not have done great in law school, but become great in practice. Plan, think, work hard, understand that this is part of life. It gets better every time you do it. If you are noticing yourself or one of your friends, and it's not just stress, but something more sinister, try to intervene, suggest them to go see a counsellor. Take care of each other, take care of yourself. Support each other.