

How to be awesome at answering problem questions



But first...

How to be awesome at taking lecture notes



Richard Krever, *Mastering Law Studies and Law Exam Techniques* (LexisNexis, 10th ed., 2019)

Read

Write case summaries



Review your lecture notes



Consolidate into review notes



Prepare an overview

Ok, back to answering problem
questions

Your new best friend is **IRAC**

- Spot the **issues**
- State the legal **rule**
- **Apply** the law to the facts
- State your **conclusion**



9 Steps to Answering a Problem Question

1. Read the Question



2. Who are the parties?

- Do you need to identify the parties as a first step?
- Are you asked to advise a particular person?



Not this type of party

3. What are the possible causes of action?

- You may need to make a distinction between
 - Actions that are clearly established
 - Actions that are tricky to make out because one or more elements may not be satisfied
 - Actions that clearly can't be made out on the facts



5. Are the elements satisfied?

- **Don't** spend ages on elements that are clearly satisfied
- **Do** spend time on the elements that are in doubt/are contentious
- **Do** consider all the elements of the action

6. Identify the issues

- Spend time on more controversial issues



This is an issue

7. Set out the law



8. Apply the law to the facts

- Don't set out the facts at length
- Don't invent facts



Don't read facts into the problem question that aren't there

- Are the facts the same as in the relevant case?
- Be aware of precedent

9. Write a conclusion

- Remember that you are advising a client not acting as a judge
- It's OK to use qualified language in your conclusion, e.g.,

“It seems unlikely that John will be able to recover against Sam in battery...”

More things



Structuring your answer: it's like an essay... but not exactly

- Write an introduction (*Keep it brief if including at all)
- Write some stuff in the middle
 - This is the IRA of IRAC
- Write a conclusion
- Using headings. These can be questions, e.g., 'Does A owe a duty of care to B?'

Using authority

- **Always** cite primary authority, i.e. relevant statute or case  DON'T cite lectures!
 DO use pinpoint cites!
- **Don't** quote large parts of the case
- **Do** use AGLC in assignments
- **Do** keep citation formats simple in exams, e.g. just Smith v Smith (full citation not necessary)

Some practical advice

- Write an outline of your answer before you start
– in exams and for assignments
- Don't repeat the question
- Comply with word limits
- Keep your writing style fairly formal:

'I think B...' 

'It is likely that B...'



'B will have an action in negligence if...'



The End

