

## **Chief Examiner's comments**

3 answer papers were marked independently by myself and the Principal Examiner. On each of the 3 papers, we were within 4 points of each other. We then reviewed those answer papers to see how and why we had differed. This led to some adjustments of the mark scheme and with that adjustment, our marks were aligned. The lack of alignment was due to the fact one or two questions were quite open and the candidates' answers were correct but their answers not in the mark scheme. The Principal Examiner then marked the other papers and was satisfied that the adjusted mark scheme needed no further adjustment.

As the Principal Examiner has said, the questions covered a range of difficulty levels and that is reflected in the spread of marks.

The quality of the oral examinations was better than last year with one excellent performance which upon review between myself and the Principal Examiner, we concluded that it should be awarded full marks.

## **Principal Examiner's comments**

### **Introduction (IPLC1 Written examination)**

As with previous years, the questions for the written examination covered a range of difficulty levels. All the candidates appearing for the examination attained the required pass mark, with marks ranging from 31 to 54.

The time available for the examination appears sufficient as a majority of candidates managed to attempt all the questions in the given time.

Questions seeking explanation and identification of principles were generally answered well. Questions relating to more procedural issues such as costs and cross-undertaking in damages posed some issues while questions regarding statutory declarations were not attempted as well.

## Questions

Question number	Comments on question
<b>Question 1</b>	This question was generally well answered with most candidates achieving 3-4 marks. Marks were usually lost when candidates did not set out how <i>ratio decidendi</i> can be discerned.
<b>Question 2</b>	Most candidates obtained around 50% of the marks available for this question. In answer to part a), candidates were expected to set out that parties are required to set out costs for each stage and for contingencies and many candidates missed the latter. Candidates were expected to identify Precedent H as the prescribed form in answer to part b) and many did not do so. Part c) was generally well answered with most candidates identifying that the court decides what level of costs is reasonable.
<b>Question 3</b>	Most candidates answered the action part b) of this question satisfactorily but many failed to attain the full marks for identification the legal principles required by part a). To obtain all the available marks, Examiners were looking for identification of the principle that allegations regarding misconduct etc. against a witness should not be made unless i) such allegations go to a matter in issue such as credibility of the witness and ii) appear to the attorney to be supported by reasonable grounds.
<b>Question 4</b>	Again, as with most questions relating to ethics, most candidates innately appreciated the action needed and that the attorney has a duty to bring all relevant authorities and law to the attention of the court when the other side is a litigant in person. An appreciation of the difference in duties when the other side is represented versus unrepresented led to awarding of all the available marks for this question.
<b>Question 5</b>	This question was generally well answered with candidates identifying that the difference lies in whether the oath is made to a higher being or not.
<b>Question 6</b>	This question was not well answered as most candidates did not appreciate the difference between affidavits and statutory declarations.
<b>Question 7</b>	This question was well answered. Some candidates did not achieve all the available marks as they did not identify that any illegible parts of the hastily handwritten document should be corrected and if correction is not possible then the documents should be rejected.
<b>Question 8</b>	This question was well answered with most candidates identifying primers and skeleton arguments.

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<b>Question 9</b>	This question specifically queries the grounds for alleging that the Comptroller's decision was irrational. Many candidates identified general grounds for judicial review rather than addressing the specific query regarding irrational decisions raised by the questions.
<b>Questions 10 to 13</b>	These questions were well answered.
<b>Question 14</b>	Most candidates seemed to appreciate the purpose of cross-undertaking in damages. However, many did not understand that this was an undertaking provided to the court rather than to the other side.
<b>Question 15</b>	This was an easy question which was well answered. A majority of candidates achieved the available two marks
<b>Question 16</b>	Part a) required the candidate to identify that i) the time limit depends on whether the Particulars of Claim confirms that the Pre-Action conduct PD has been complied with, and ii) the different time limited depending on whether it had or had not been complied with. The answer to part b) was more straightforward. This question was not answered well by most candidates.
<b>Question 17</b>	Part a) of this question was well answered with most candidates identifying the 'search order' and many also identifying that the application should be made without notice for additional protection. On part b) some candidates lost marks by focusing solely on facts while ignoring other categories of information that should be included in the supporting affidavit.
<b>Question 18</b>	Statutory declarations are part the course and this question was closely associated with the course material. However, a significant number of candidates did not score any marks for this question. Given that question 6 was also answered poorly, it appears that the most candidates are not familiar with statutory declarations.

## Principal Examiner's comments

### Introduction (IPLC 2 Oral examination)

This series of examinations was conducted at CIPA on Holborn. The room used was the small committee room. The room is suitable for the task. It is well lit and the acoustics are good.

There is enough room for a lectern for the candidates and sufficient separation between the candidate and the examiners so that the candidate does not feel intimidated. Candidates wait in the general waiting area which is removed from the examination room and therefore cannot overhear the previous candidates' submission. These facilities are adequate.

### Responses to the oral task

The task sets out to test LO 3 and 7 and candidates need to show they can present a well prepared and persuasive address to IPEC which addresses the facts of the case and the applicable law and uses these two elements in support of the order sought. This requires a preparation of the task and persuasive advocacy. This is the same as last year and is a suitable assessment for the purpose it is intended to fulfil.

All 14 candidates passed with a spread of marks from 55% to 100% all candidates successfully addressed the requirements of the task. There was an outstanding candidate who thoroughly deserved the 100% mark awarded.

As is the case every year, a good submission is characterised by thorough preparation and a succinct persuasive delivery which addresses the facts of the case, explains the applicable law, deploys the evidence available and then clearly explains how the evidence supports the application by reference to the law. The oral presentation of a good candidate will be engaging with good variation in pitch and tone. Delivery well-paced and good eye contact maintained and delivered without too much reliance on notes which can effect the natural flow of delivery.

It was clear that all candidates had prepared to a greater or lesser degree but all had prepared adequately.

As always the difference is one of delivery and a poor delivery will lack engagement and as a result the submission will not achieve the full persuasive effect needed. Candidates should be encouraged to practice the submission and to carefully watch pitch and delivery to avoid this pitfall.

It was noticeable that this year the use of notes appears to be decreasing and this is to be commended but some candidates are still over reliant on a script. Notes should be used as an *aide memoir* and can be referred to during the presentation. Bullet points are better than a full script simply because the reading of a script will diminish the presentation of those essential elements of engagement and persuasiveness.