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EXAMINATION TECHNIQUES: PITY THE POOR EXAMINER

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Past Justice of the High Court of Australia

When I was at law school at Sydney University, 1958-61, a young law student in my year suggested that we should share lecture notes. I agreed. The student was Murray Gleeson, who was to go on to become Chief Justice of New South Wales and then Chief Justice of the High Court of Australia. We were destined to spend a good part of our professional lives sharing notes and writing legal documents together. If you stop and think about it, judicial reasons are not dissimilar to examination transcripts. They respond to a problem which is set for the writer by others. They have to be completed efficiently, and within a short time. They usually involve analysis of statutory or constitutional texts and past cases. Often, the more adventurous judge will throw in some considerations of history, principle and policy. The more literary judges may even throw in a civilised allusion or a verse of apposite poetry.

Being students of the fountain pen age, Murray Gleeson and I developed neat handwriting. That is how our exam transcripts were submitted in those days. He found it possible to learn his law directly from the notes we had separately written. These contained a summary of lectures, with hand written extracts from legislation and case decisions, and occasional citations of text books and commentaries that we had added. The entire collection of our lecture notes may be inspected in the National Archives of Australia, where I have deposited them.

According to our respective interests, we divided the subjects equitably. He prepared the notes in topics that had an element of property about them. My notes were on the grand themes of Constitutional Law, International Law, Jurisprudence and the like. I needed to summarise still further these elaborated lecture notes, in order to get the concepts and detail into my mind. This I did by preparing tree type diagrams. I used these as examination grids. On a single page, they would show the big concepts of any given topic. These would then branch out into sub-topics, further sub-divisions, until the page was filled. During my entire judicial life, whilst sitting in court, I was busily preparing my tree diagrams on the topics under debate. Students should be warned. The techniques they develop in law school are likely to stay with them all their lives. Nowadays, computer programs doubtless replace the

multi-coloured tree diagrams that students like myself would so diligently prepare. But doubtless they offer tree diagram software.

I can still remember the anxiety of opening the examination problems and, where required, selecting those questions that I felt I could answer best. Initially, I would jot on the blotting paper, which was then supplied to examinees, the outline of the answers that I would then proceed to write.

Ultimately, by the time I had finished my undergraduate studies in law and was proceeding to examination towards my economics and master of laws degrees, it occurred to me that I should share the outline with the examiner. If it was any good, it would:

* Demonstrate that I had a structure to my answer;
* Reveal the contents of that structure, which hopefully would be insightful;
* Illustrate the conceptual way in which I was approaching every problem; and
* Provide something unusual, that few if any other students were providing.

In short, this was a 'value added' to my examination transcript. It involved little extra work. The outline could still serve to guide me through the detailed answer, so long as I wrote it on an even numbered page of the examination book, allowing easy access during the writing. In the last year of my LLB examinations, I had even added *Technicolor* to the transcript: using blue, green, red and black ballpoints to illustrate the sub-division of the answers even more clearly.

Needless to say, this was a slightly risky operation for if the examinee were to miss the main point of the question, their shallowness would be demonstrated from the beginning and probably beyond repair. Still, my grades went up and this despite the fact that I was then a rather ancient student, busy by day in court and in university activities. Busy by night as a student.

Later, as a judge, I persisted with my infatuation with headings, sub-headings, paragraphs and layout. There is no reason why legal writing should be impenetrable (as some judicial reasons are) there is every reason why an examination transcript should be accessible, well laid out, properly paragraphed and hopefully, even a delight for the weary examiner.

The technology of modern examinations and the way they are conducted has changed. Most of the skills that I perfected in my university days are doubtless now irrelevant. But having a structure, and revealing it to the examiner, might still be a winning technique. It worked for me. And, effectively, it still does.