

LEGAL WRITING

Contribution to the course from the perspective of European, in particular German legal education

How to answer exam questions**A. The functions of university course exams**

- you cannot answer exam questions efficiently if you are not aware of their function!

I. To examine your knowledge

- no successful answering of exam questions without learning...
- however, do not overestimate the importance of this function!
- difficult and therefore actually less important in ONLINE EXAMS

II. To examine your deeper understanding of the subject matter

- because only this will qualify you as an expert
- in particular theoretical backgrounds but also practical problems in the field
- can only be assessed correctly by highly qualified examiners but will be in particular important for them
- does not require long but well thought-out answers
- more important in ONLINE EXAMS since there it is difficult to examine your knowledge

III. To examine important skills with regard to the subject matter

- analytical skills
- transfer skills (use your knowledge in different contexts)
- problem-solving skills (solve problems constructively and in line with the relevant rules, principles and values)
- the skill to apply theoretical knowledge in practice
- possible without any problems and therefore actually more important in ONLINE EXAMS

IV. To examine your presentation skills

- the skill to present your ideas in a clear and logic, dogmatically consistent structure
- the skill to present your reasoning in a clear and logic, comprehensible line of thoughts
- the skill to present all your information and ideas clearly and neatly arranged, allowing quick and easy orientation
- the skill to formulate information and ideas in a sober and precise, scientifically correct, yet understandable way
- last, but not least: the skill to make yourself understood without stealing too much precious time of the reader
- much easier with the help of your computer and therefore higher standards in ONLINE EXAMS

V. To examine the achievement of the Expected Learning Outcomes (ELO) defined for the study program

- values, knowledge, specific skills and generic skills

B. The preparation of the exam

- when learning do not focus on details but on structure and fundamentals, understanding and orientation
- ask questions to the lecturer (in class, via e-mail, in his office) if there are important issues you did not understand
- prepare neatly all documents and materials you are allowed to bring with you in case of an open book exam
 - note that in legal education you should always be allowed to have the text of the law with you!
 - ONLINE EXAMS are necessarily open book exams, so prepare carefully all documents, materials and links to internet resources in advance
- take drinks and snacks with you (in particular snacks with glucose and lecithin that support brain activities)
- ONLINE EXAMS require a suitable technical environment; therefore make sure that your computer works well, is not slowed down by synchronisations and software updates during the exam and enjoys a fast and stable internet connection; prepare an auxiliary internet connection via your smartphone

C. The preparation of the writing of the answers in the exam*I. The need to prepare the answers before writing them down*

- never start immediately to write down the answers to the exam questions!
 - a serious but common strategic mistake
- insufficient preparation before the writing down usually leads to
 - poorly structured (if not chaotic), incomplete and subsequently complemented or corrected and therefore confusing answers
 - wordy, non-focused and poorly weighted answers which cause a higher reading effort and annoy the examiner

II. Exact analysis of the questions

- otherwise you cannot answer them precisely and concisely and risk to discuss superfluous topics, which may affect the result of the exam! (→ see infra, D.I.)
- analyse the questions thoroughly - some may be designed as a trap for students working sloppily!
- pay attention to a special notice that may elucidate the question

III. Brainstorming and drawing up of a draft outline

- gather spontaneous ideas on a separate sheet of paper (in ONLINE EXAMS on your computer) during the analysis of the questions; this prevents that important thoughts and ideas get lost
- set up a framework in the form of an exactly tuned outline of your answer on the separate sheet of paper
 - focus on an appropriate, clear and logic, dogmatically consistent structure and a comprehensible line of thoughts, which allows easy orientation; note that a chaotic or inconsistent order of thoughts can make your answer useless!
 - split up complex questions into separate sub-questions, which may be easier to handle
 - plan the presentation with the help of the draft outline, noting all elements (information, reasoning etc.) at the right place
- update the draft outline constantly
- plan thoroughly in order to avoid subsequent complementations or corrections that leave a very bad impression

IV. Time management

- plan the amount of time you want to spend on the individual questions and on the individual aspects within the answers to them
 - this shall prevent that you waste too much time on not so important aspects at the beginning but later the necessary time for important parts is missing
 - plan with regard to the points offered for each question but also to your skills and knowledge
 - allow for at least 5 minutes reserve (maybe more in an ONLINE EXAM)
- check later frequently if there is still enough time and correct your time planning realistically at an early stage

D. The writing down

I. Answering the questions precisely and concisely

- make sure that your text answers exactly what is asked for (→ see supra, C.II.) and is confined to it!
 - it is not admissible to simply write down what you have learnt
 - redundant remarks on other topics dilute your answers, cause unnecessary additional work for the examiner and therefore will result in a deduction of points

II. Focusing on the main aspects

- avoid an imbalanced presentation!

III. Structuring the text by well-coordinated, precise headlines

- often ingored but important to allow quick and easy orientation
 - unstructured answers of several pages for the same question are unacceptable in an exam paper!
- within the answer of the same question the system of headlines must be logically and dogmatically consistent
- a practical tip: start the answer for each exam question with a new sheet of paper; this avoids confusion and allows to write down the answer in a different order than their later arrangement

IV. Exact reasoning

- reveal, which legal methods you apply in your legal reasoning and why (legal interpretation, analogy, further development of law? Which method of legal interpretation?)

V. Objective and precise style of writing

- essential for any legal writing - also in exam papers and also in foreign languages!
- formulate as exactly as possible, with precise terms and smart and correct use of prepositions, conjunctions, verbs etc.
- do not use emotional expressions, strong language or exaggerations ("certainly", "of course", "without doubts", "very" etc.)
 - they do not compensate for shortcomings in your reasoning but rather point to them!
- do not use subjective style ("we...", "I..." etc.) in any scientific or legal writing!
- specify legal norms as exactly as possible (article, section, sub-section, no., lit. etc.)
- underline (format in ONLINE EXAMS in italics or bold) important keywords (because many examiners are searching for them...)
- in ONLINE EXAMS formulate in your own words - never "copy and paste"!

VI. Appealing form

- form does matter in an exam paper - for many examiners it proves the professional sovereignty of the writer
- avoid confusing addenda and side notes since they may irritate the examiner
- write legibly even in a hurry since readability problems are at the expense of the student
- note that the standards are higher in ONLINE EXAMS where you can use your computer!

E. The final check

- reserve 5 minutes (maybe more in an ONLINE exam) for a final check - you will lose little time but may gain much!
- Does your text really answer the questions and does it become apparent?
- Is something important missing?
- Have you processed all important ideas noted at the beginning on the separate sheet of paper during the brainstorming?
- Have you arranged all sheets of paper in the right order and numbered them correctly?
- verify in an ONLINE EXAM if your answer has been sent or arrived; keep a copy with the metadata or a screenshot for documentation