



# 2022 EXAM STUDY GUIDE

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# WELCOME TO THE 2022 LAW EXAM GUIDE!

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Law school teaches us that preparation is key.

This guide is made by current students, for students, to demystify the exam process, and provide tips on how you may want to prepare for your exams. The guide is set out in chronological order, providing insight as to what you should do before, during, and after your exam, including example note structures, explanations of the exam process, and who to talk to if you need to arrange alternate exam conditions.

Exams are stressful, and so we have also included plenty of tips on how to optimise your health and wellbeing. Taking care of your physical and mental health is key to keeping motivated and focussed during study, and will increase your chances of achieving a grade you are satisfied with.

The UOWLSS Student Experiences Team wishes everyone a successful exam period. Our tip for this year is: You know more than you know!

Jacob May

UOWLSS Vice President, Student Experiences

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# WELLBEING

Your mental health and wellbeing always come first! Following these tips throughout the exam period may help with stress, anxiety, energy, focus, physical wellbeing, and motivation.



## Get 7-9 hours of sleep a night

Sleep is imperative for cognitive function, concentration, general health, and stress management.



## Healthy food is brain fuel

Meat, tofu (contains protein that helps create brain chemicals that improves your mood), greens (vital source of vitamins), fish (contains great nutrients including B12 which is essential for energy production), green tea (a gentle booster to help you feel refreshed and awake, without the jitters or energy spikes) and water (a no brainer).



## Exercise can improve your mood, sleep and cognitive function

The time sacrifice of a half an hour walk is worth it, due to the many benefits it confers on the brain, including increased mood, sleep, focus, and memory



## Take time for yourself

Always take breaks and take time to do things that you enjoy and leave you refreshed. Not scrolling on your phone. Get creative! Whether it's art, music, reading or revisiting an old hobby, breaking up your study routine helps keep your brain active and focused. Go outside! During study breaks, spending even ten minutes in the sun, on the grass or by the beach can help ground you both emotionally and physically, through the production of serotonin. Serotonin also helps improve focus!

See the people you love! Consider catching up with friends and family you haven't seen in a while. Talking about your experiences helps you to realise that you're not alone.

Remember: You can't pour from an empty cup.





# Your mental health and wellbeing always come first!



## Try an app

If you feel like you're struggling to focus, anxious about exams or spending too much time on Tiktok, consider downloading the following apps :

- The Mindfulness App
- Headspace
- Calm
- 10% Happier

## It's ok to feel not ok. There are people to help

If you feel overwhelmed, reach out:

UOW Counselling: [uow.edu.au/student/supportservices/counselling/get-help/](https://uow.edu.au/student/supportservices/counselling/get-help/)

Headspace: 1800 650 890 | [headspace.org.au](https://headspace.org.au)

Lifeline: 13 11 14

Mensline: 1300 78 99 78

# HOW TO STUDY

Everyone studies differently, and it will take time to learn what works best for you. In the meantime, here are some ideas for making the most of your study time:

**01**

Before anything else, familiarise yourself with the date, layout, word limit (if any), and duration of the exam. Exam dates can be found under the 'Timetable' section in SOLs, from 6 May.

Note: Word limits are a new feature of online exams, created due to a large number of students copy-pasting their entire notes into their exam. Word limits are intentionally generous: If you stick to answering the exam question during the time limit, in your own words, you will not come near the word limit. Note that teachers do not award marks for infodumps, but rather, showing that you understand and can apply relevant content!

## Write your notes

**02**

### Consolidate

Consolidate your lecture, tutorial, and textbook notes into one document (your exam notes). Categorise by topics. Highlight key cases for each topic.

**03**

### Listen to the revision lecture

If any topics are highlighted as being important, make sure you understand them well.

**04**

### Summarise each topic into ONE A4 page

Use diagrams, coloured tabs or a flowchart if it makes it easier for you to read. This might not sound like enough space, but if your notes span 50+ pages, they will be extremely difficult to use in a 3 hour exam.

## Practice

**05**

### Attempt practice problem questions

Have you ever wondered why past exams aren't available for law? That's because your teachers want you to focus on your seminar questions. These questions just so happen to be written by the same person who writes the exam.

**06**

**To practice for  
essay-style  
questions**

Try making a mind map that links together topics from different weeks, or links topics to broader concepts of the law. Read widely, including the resources listed under 'Recommended Readings' in your subject outline.

**07**

**Form a study  
group**

Talk about answers to practice questions, or verbally summarise topics together. This is a great way to check that you have all understood the content in the same way. If you cannot verbally explain a topic, you may need to revise it.

**08**

**Write your  
own notes**

It may be tempting to save time by using someone else's notes. In practice, this is a terrible idea for two reasons: If you and a friend copy the same content word-for-word, you risk being flagged for plagiarism and collusion. Additionally, you may misunderstand another student's explanation, or they may have gotten it wrong. Academics are aware of this happening! Academics also notice when you copy lecture slides verbatim, and Turnitin may flag the use of public notes such as those on Course Hero.

Play it safe; study together, but write your notes in your own words.

**09**

**Feel like making  
group study a  
little more fun?**

Make up a ridiculous scenario to analyse, or take one from a movie! [LegalEagle](#) does this well! (Note that this channel uses US law).

**10**

**If you are  
uncertain about  
a topic**

Re-visit the lecture, textbook and the resources listed under 'Recommended Readings'. If you still cannot find the answer, email your seminar leader and ask for a consultation. Seminar leaders are more than happy to help those who wish to learn, so don't be afraid to ask for clarification!

**11**

**Don't do any  
studying on the  
day of your  
exam other than  
reading notes**

Don't do any studying on the day of your exam other than reading your notes. Too much cramming, and excessive stress are not healthy, and may make you second guess things right before your exam. Relax, eat well, perform your pre exam rituals, and focus on what you know.



# TYPES OF QUESTIONS

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There are two main types of questions in a law exam. Most students will take notes differently, depending on what type of question the information will be used to answer. This next section provides tips on taking notes for, and answering, each question type.

## **Problem questions**



These require students to apply the law to a hypothetical scenario. These questions are highly practical, and require heavy use of case law and legislation.

## **Essay questions**



These often require students to comment on issues that may arise in an area of law, ways to improve the law, trends in the application of laws, or some other policy-based question. These questions are theoretical in nature, and require a combination of wide reading and critical analysis skills.

## **Other types of questions**



These are derivative of the above. For example, short-answer questions resemble essay questions in terms of both writing style and content.

## Problem Questions Notes

**Problem Question Structures:** Making a scaffold for each area of law will help you answer the questions in a logical and efficient way.

**Keep it brief:** We all worry that we haven't included enough in our notes, but make sure you keep them to one or two sentences per rule. Exam notes are not meant to teach you content, but simply remind you of requirements, exceptions, and case citations.

**Arrange your notes in a logical order:** Whilst it's easy to simply type up your notes from your textbook, make sure you arrange them in an order that you are likely to use them during an exam.

**Don't forget key cases and legislation:** These form your justification for your answer. You don't need the full case citations; the party names are usually enough (e.g. *Louth v Diprose*)

**Use colour coding or flow-charts:** Use methods that help your brain remember key areas and how to find them - whether it be colour-coding, flow charts, acronyms, or pictures.

**Use your own words:** Make sure your notes are paraphrased in your own words - it will make it easier for you to learn and apply them, and help prevent academic misconduct.

**Use abbreviations:** Abbreviations can not only save time and space, but they can help your brain associate terms - e.g., using 'NOM' instead of 'Notice of Motion'.

## Case Notes

**Finish your problem question notes first!** Case summaries can be very useful to get top marks in problem questions. However, a good scaffold is significantly more important to write a distinction+ level answer.

**Case name and court:** In an exam, full citations are not necessary. However, keeping track of which court decided the case will allow you to tell if the precedent is binding.

**Facts and judgement:** Give a short outline of the facts and the decision of the court. Write anything special or interesting about the case that sets it apart from others.

**Reasons:** Provide a brief list of the reasons the court used in making the judgement, especially for the majority. This is the law that was created by the case, and what you can adapt by analogy to new scenarios.

**Quotes:** Write a few good quotes from the case. Often two from the majority and one from the minority (dissenting) is good. Include the judges' names to achieve the best marks!

# EXAMPLE NOTES

Notes have been altered and reduced and do not constitute substantive material. These notes are an example as to format only!

## Assault (s 61)

### Unlawful Physical Contact Assault

#### Actus Reus

- There must be a voluntary act (not an omission) (*Fagan*)
- The required act is the application of force without the other person's consent (*insert case*)
- Spitting generally seen as assault (*DPP v JWH*)
- In regards to consent:
  - can be express or implied.
  - Some cases suggest that consent is irrelevant once a certain degree of violence is reached (*R v Brown*) [re: sadomasochist group]
  - Consensual harm due to activity between husband and wife in the privacy of the home is not normally a proper matter for crim prosecution (*Wilson*)

#### Mens Rea

- That such conduct was **intentional** or **reckless** in the sense that the accused realised that the complainant might be subject to immediate and unlawful violence, ....
- In assault there must only be foresight of the **possibility** of the assault (as opposed to probability in murder) [recklessness, subjective] (*MacPherson v Brown*)

### 'Psychic' Assault

.....

### Pure Mental Harm - Is there a Duty of Care?

#### Section 32 of the CLA:

(1) A person ("the defendant") does not owe a duty of care to another person ("the plaintiff") to take care not to cause the plaintiff mental harm unless the defendant ought to have foreseen that a person of **normal fortitude** might, in the circumstances of the case, suffer a **recognised psychiatric illness** if reasonable care were not taken.

#### Step 1: Is there a Recognised Psychiatric Illness?

##### Legislation:

There is no liability to pay damages for pure mental **harm** resulting from **negligence** unless the **harm** consists of a **recognised psychiatric illness** - s 31 CLA (NSW) 2002

##### Case Law:

- Cannot claim for mere grief and sorrow – Deane J in *Jaensch v Coffey*
- Distress, anger and grief fell below the standard of a recognised psychiatric illness – *Flight Centre v Louw*
- Policy Considerations for establishing an actual psychiatric illness* – *Wicks v State Rail*

cont....

#### Step 2: Normal Fortitude?

# WRITING YOUR PROBLEM QUESTION RESPONSE

## READ THE QUESTION

Read the last few sentences of the problem question to assess what is being asked. Then read the scenario, highlighting issues and parties as you go. Every sentence reveals new facts. It is your job to tell the marker whether, and how, those facts influence your answer. Take particular note of whether the facts sound like another case you have read.

## TAKE NOTES

It can sometimes help to draw a mind map or write down key words as you come across issues. If you run out of time to answer a question, a plan typed into your answer document can net you some points, by showing that you understood what to do next.

## ISSUE

What are the legal issues arising from the facts? Generally, these are elements to prove a course of action. The question may hint at the course of action you should be testing, and then it is up to you to break it down to its elements.

## LAW

What rules would guide the court in answering the question? Here, look to what the cases and legislation tell you about the elements of a cause of action. Are there any legal principles or standards to be met? Is there a grey area or any policy considerations to be used? Make sure to put in the case name or section as well!

## APPLICATION

Apply each piece of law to your existing facts. What facts of your case are relevant to the case law? Why? Is it more like case X or case Y? Should this change the outcome? Carefully walk through each step of your reasoning to show the marker that you understand how the law works in action, and try not to rely on any assumptions about the facts. This is the longest section of the ILAC structure.

# WRITING YOUR PROBLEM QUESTION RESPONSE

## CONCLUSION

Where does your party lie? In this step, state the likely outcome or relative strengths of the claims to be made on the facts, and comment on what further information would help to inform your answer. Check to make sure you have answered the question asked of you.

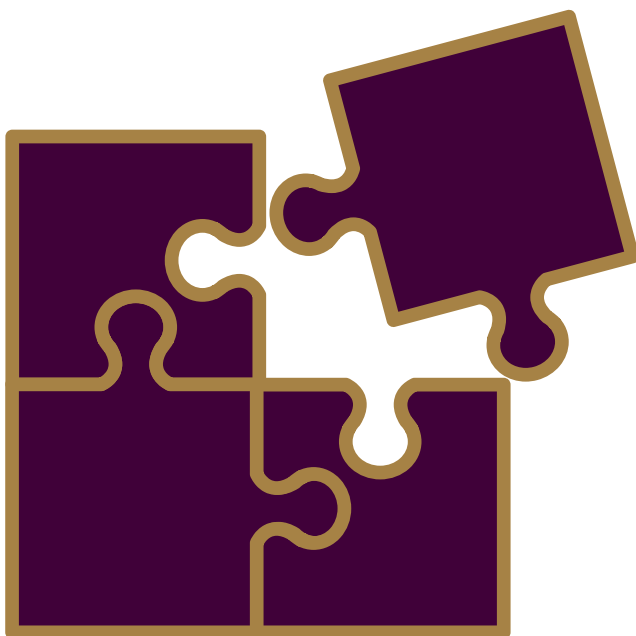
Note that having sound reasoning throughout your application, and a conclusion that matches that reasoning, is far more important than having the exact final answer as the marker. Different people will come to different conclusions and that is okay!

## NOTE THAT YOUR ANSWER WILL NOT BE ONE 'ILAC'

A common response by markers is that they receive one issue, and then are bombarded by a chunk of law, then a huge chunk of application. This makes it difficult for them to discern whether you truly understand each rule. Break up your answer into sub issues, such as each key element for a cause of action.

If there is a particularly difficult piece of application, make that its own sub issue.

Not only will this make your answer clearer, it will prevent important facts from slipping through the cracks, and help you realise when a fact really isn't that important to the application.





# EXAMPLE RESPONSE

This is an illustrative example only. Refer to your exam paper, notes, and seminar leader for instructions.

Section	Function	What you write:
<b>Introduction</b>	Summary of the issues to be explored throughout the problem question.	There are potentially two causes of action that Grace may pursue. Party 1 (Grace v Sarah) concerns whether Sarah is liable for negligence. Party 2 (Grace v Ryan) concerns whether Ryan is liable for breach of contract.

## **Question 1(a) Negligence OR Negligence (Grace v Sarah)**

<b>Issue</b>	In one sentence, what element are you trying to assess?	When establishing a course of action in negligence, <u>the first issue is whether Sarah owed Grace a duty of care.</u>
<b>Law</b>	Case and statute that you will use to support your answer. You do not need to provide full case citations in exams.	A duty of care will only arise in [X] situation ([plaintiff v defendant]). In <i>Joe Bloggs v The Circus</i> , a case concerning aerial acrobatics, it was held that managers have a duty of care. The <u>Made Up Act 2021</u> states that a duty of care will not arise when “a circus manager has finished work for the day” (s 32(1)(a)(ii)).
<b>Application</b>	How do your facts satisfy each piece of the law? (This section will take the most time)	... The facts state that Sarah is a circus manager. Therefore, following the decision in <i>Joe Bloggs</i> , Sarah has a duty of care. Sarah’s conduct prior to the incident included X, Y and Z. Marvin supplied evidence showing that once X, Y, Z and Q are done, the manager can go home. In the absence of Q, Sarah had not ‘finished work for the day,’ and does not qualify under the s 32 exemption.
<b>Conclusion</b>	Did your analysis answer the question?	Therefore, Sarah owed a duty of care towards Grace.

<b>Repeat for each issue</b>	<b>ILAC</b>	The second issue is whether Sarah performed that duty...
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<b>Conclusion</b>	Combine <u>all of</u> the conclusions. What is the outcome?	As all five elements are satisfied beyond reasonable doubt, Grace has a very strong case in negligence against Sarah.
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## **Q 1(b): Breach of Contract OR Contract (Grace v Ryan)**

<b>ILAC structure as above</b>	The first issue is....
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<b>Conclusion</b>	Combine <u>all of</u> the conclusions for this part. What is the outcome?	<u>All of</u> the elements for a breach of contract have been made out, and Ryan is liable. However, it is noted that there may be issues in establishing acceptance. If the court finds on the balance of probabilities that there is no acceptance, then there is no contract and Ryan is not liable.
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**Create a short summary of the topic:** In essence, what does the topic explore?



**What are some of the major issues discussed in this area?** Has the perception of these issues changed over time?



**Key cases:** What are the key cases discussed in class? What are the (brief) facts, main issues, and prominent judgements (majority and dissent)? Is there anything that seems unique about this case? Does existing case law lend itself to critique or inference?



**Does this topic link to any of the other topics,** or broader themes in the law? Linking topics together and showing a holistic understanding of the content is extremely important if you are aiming for distinction+ grades. Ask ‘why?’ ‘how?’ and ‘what are the implications?’

We recommend finding the links between as many topics as possible!



**Think critically;** how does this topic work within the broader world of law, or more importantly; how doesn't it work? Nothing is without critique, and you need to be comfortable with highlighting issues with current systems, and opportunities for change. (But make sure you can justify your critiques!)



**Get some good quotes:** These can come from prescribed articles, excerpts quoted in the textbook, or key cases. Dissenting judgements can act as powerful critiques of current law.

# WRITING YOUR ESSAY

Legal essays are not the same as HSC English essays. Your essay should be objective, clear, concise, and structured in a logical way. Ensure that your essay is not merely an infodump, and actually answers the question or prompt.

## READ THE QUESTION

What is the prompt asking you to do? Some common essay prompts require students to: Judge the accuracy of a scholar's critique, explore the issues with a potential law reform, or analyse the values which support particular features of the law.

## PLAN

Spend a couple of minutes on a plan. This can even be done in your exam document, under a subheading named 'plan'. This will help prevent rambling and remind you of where to direct your argument. Additionally, if you run out of time, a marker can award points based on your identification of relevant content.

## STRUCTURE

Your essay should be written in full sentences, and have a clear structure. The recommended structure is:

**Introduction:** Introduce the topic, provide a preliminary answer, and briefly mention the argument that will be raised in each body paragraph. The introduction may also be used to clarify the scope of the question, and introduce key terms.

**Body (1, 2, 3):** Introduce the paragraph with a topic sentence, so that it is clear what the paragraph is about. Build your argument carefully, ensuring you support claims and quotes with brief citations where possible. Try to relate each paragraph back to the question at hand. You may label each argument with a subheading to help the marker navigate your essay.

**Conclusion:** Briefly summarise the totality of your arguments and state your final position. Avoid raising new information or arguments in the conclusion.

Depending on the essay prompt, it is usually okay for your position to sit somewhere between the extremes, so long as you have justified that position. Explanation of opposing arguments can be used to show a holistic and objective understanding of the content. At the end of the day, your marker is assessing your understanding of the content, and not whether you have the ‘correct’ opinion.

### **PROOF READ**

A little editing can go a long way. Are your arguments presented in a logical order? Have you supported key claims and quotes with brief citations? (note that AGLC style referencing is not required in exams). Have you removed any leaps in logic? Does your essay feature paragraphs and correct punctuation?



**TIP:** Avoid using the first person, as this may reduce the persuasiveness of your arguments.

Instead of: ‘I think the law is ineffective,’

Try: ‘The evidence reveals that the law is ineffective,’ or ‘Michael Kirby stated that “the law is ineffective” (Joe v Suzy)’



**TIP:** Avoid exaggeratedly embellishing your written composition with extraneous vocabulary and lexicogrammar you don’t pacifically comprehend how to utilise.

State your point. Justify it, so that the marker can see that you know your stuff. Then move on.

# BEFORE THE EXAM | PREPARATION AND RITUALS

Regardless of whether you are sitting an online or in-person exam, there are many things you can do to prepare yourself.

## 1 **Triple check the time of your exam, and mode of sitting the exam.**

All LLB exams will be online this semester. A typical online LLB exam will require you to: download the exam question your subject's Moodle page at the start of the exam time, type out your answer in a Word document, then upload your answer to a Turnitin link BEFORE the exam time expires. (Though unlikely, if you ever have an exam on campus, make sure you check the campus name, building number, section letter, and seating number. Section and seating allocations are also posted outside the exam room.)

## 2 **Re-read the structure of the exam and apportion your time.**

We recommend reserving 15 minutes for reading the questions, 30 minutes for proofing, editing, and finishing your responses, and 15 minutes for uploading your response in an online exam. The remainder of the time should be spent answering questions, and can be split based on the number of marks awarded for each section. Work out when you will need to move on to each section, so that you do not have to work this out during the exam.

## 3 **Prepare water and a snack.**

This will help you stay hydrated, energised, and focussed during the exam, as most exams last for 2-3 hours. (If you have an exam on campus, there are some rules about what snacks you can bring to your exam.)

## 4 **Make sure you have pens, highlighters, your notes, and any other materials you will need.**

Make sure your laptop is plugged in. (If you have an exam on campus, make sure you have your student ID, or you will not be allowed to sit your exam.)

## 5 **Turn off all notifications on your devices.**

This will prevent you from getting distracted, unnecessarily stressed out, or accidentally colluding with others. (If you have an exam on campus, check the [UOW exam website](#) for items that are not allowed in exam halls, and, if in doubt, ask in exam supervisor.)

## 6 **Complete your pre-exam rituals.**

This may include listening to music, meditating, stretching, eating, coffeeing, playing with a pet, power-posing, or keeping a lucky charm with you. While it may sound silly, many students swear by their pre-exam rituals!



# REASONABLE ADJUSTMENTS

If you have a disability, illness, or other circumstances which impair your ability to sit an exam, you may be eligible for a [Reasonable Adjustment](#) (RA). RAs allow students to access alternate exam conditions, such as having more writing time, break time, access to a scribe, access to particular rooms or assistive technology. If this applies to you, it is important to begin the process early. Visit the [Reasonable Adjustment page](#) to be connected with a Disability Liaison Officer (DLO) who will assist in making alternate arrangements. RAs are about levelling the playing field and promoting equity. Many people comment that the support available at university is more equitable than that in the HSC. If you were denied equitable adjustments in the HSC, there is no harm in trying again at university.

## IF YOU CANNOT MAKE IT TO YOUR EXAM

If there are extenuating circumstances which prevent you from completing your exam; e.g. IT issues, sudden illness or emergency, contact Exam Support on +61 2 4221 3000 or [online](#) as soon as possible to receive further instructions. In most cases, you will need to make an application for [Academic Consideration](#), and undertake a [deferred exam](#).

Holidays, work, and social commitments do not qualify as extenuating circumstances. Check your exam schedule when it is released on 6 May, so that you can make the necessary arrangements.

# ONLINE EXAMS

## EXAM INVIGILATION

As of 2022, on-campus exams are practically extinct. UOW has indicated it will adopt Proctorio, an exam proctoring tool. Law exams will NOT be using Proctorio in Autumn 2022. This means that you will not have to appear on camera, and your sound and eye movements will not be tracked. You will only require an internet connection to download the exam, and upload your answer. The School of Law has confirmed this with the UOWLSS. The School of Law will continue to consult with the UOWLSS and other stakeholders to ensure exams are run in the most appropriate manner for its students in the coming sessions.

**Before your exam**, set up and save your Word Document: While there are no formal requirements for formatting, most students and teachers are used to reading 12pt Times New Roman font, 2.54cm margins, double spacing. You may also put your student number in the header. Save and name your document LLBXXXX Final Exam Submission. We recommend turning on the 'autosave' feature (just in case!).

Find a quiet place to take your exam. A bedroom or study is best, however there are also facilities available on campus for taking online exams. Do not sit your exam with other students.

**Turn off all notifications.** Communicating with other students during an exam may be grounds for Academic Misconduct, and receiving notifications may be distracting. You may however wish to set timers as a reminder of when to move to the next section, and definitely as a reminder of when you need to submit your exam.

**Once the exam time arrives,** the exam questions will be released on the subject Moodle page in PDF format. Download the PDF, and write your answer in your prepared Word Document. All of your answers must be in the same document. Label each answer appropriately so that the marker understands which question you are answering.

**During the exam,** you will not require internet access. You will only require internet to download the question and upload your response.

**Before the end of the allotted time,** upload your document to Moodle. This will be in a similar location to where you downloaded the question. Pay close attention to your instructions, and to the time, as late submissions will not be accepted. We strongly recommend uploading your document with 15 minutes to spare. This allows time to lodge any tech issues with Exam Support before the exam period expires. They can be reached by phone: [+61 2 4221 3000](tel:+61242213000) or via their [online live chat service](#).

**NOTE: FOLLOW THE INSTRUCTIONS OF YOUR SUBJECT COORDINATOR AND THE EXAM SUPERVISORS AT ALL TIMES. IF THERE ARE ANY ISSUES WITH YOUR EXAM, CONTACT EXAM SUPPORT AS SOON AS POSSIBLE TO RECEIVE FURTHER INSTRUCTIONS. THEY CAN BE REACHED BY PHONE: [+61 2 4221 3000](tel:+61242213000) OR VIA THEIR [ONLINE LIVE CHAT SERVICE](#).**

## AFTER YOUR EXAM

# Congratulations

Congratulations! You have just completed a stressful exam, and ticked a subject off your list.

Whilst it can be tempting to talk through the questions and how you answered them, try not to stress too much if you think you missed something – you did your best with the time you had!

Instead, you should treat yourself! Catch up with your friends, grab a snack, or go home and relax – You've earned it.

If you have a second exam that day, take a moment to de-stress, replenish your energy, and shift your focus on the content of your second exam.

Results will be released on 7 July for Autumn Session, and 1 December for Spring Session.

(**Pro tip:** They are actually released the night before that)

If you failed a subject, but were close to passing, fear not! You might be offered a second chance, called a supplementary exam. Passing a supplementary exam will result in a Pass Supplementary grade for the subject, worth 50%. To improve your chances of being able to sit a supplementary exam, show up to class every week, and show a genuine effort in all assessment tasks.



# UOW Law Students' Society

*Your partner in Law*