

**PCLL Conversion Examination**  
**June 2011**  
**Examiner's Comments**  
**Evidence**

The paper comprised five questions of equal value. The questions were divided into two essay style and three hypothetical fact pattern types and covered a broad range of topics in the syllabus. The questions were all quite close in length and very short overall with the main focus upon criminal evidence. The intention of the short length was thus to frame questions which would enable the students to focus on the issues which were raised. While three of the questions are described here as "hypothetical fact pattern" types two were also framed as "discussion" questions and thus overlapped in this respect with traditional essay questions. The short pointed nature of the questions was complementary to discussion. Once again the intention was not to take the students' time in reading long fact patterns but to frame questions that took students to the real matters in question and invite them to address those matters.

With regard to the students' performance overall it would appear to be close to past parameters on the first marking and thus far. For quite a few of the students who failed the paper time management was a problem and at other times it was a complete misunderstanding of the question. In the result if those students were given no marks on one of five questions it seriously impacted their overall grade. Another weakness of the students was their willingness to discuss wholly irrelevant topics. Thus, for example, and while conceding that a particular topic did not apply to the question at hand, the students would nevertheless discuss the topic *as if it were relevant*. Clearly this is not an approach that can be supported or for which marks would generally be given. Further, students may have failed to gain marks by discussing relevant law. For example, on a question involving criminal hearsay, there is little to be gained by reviewing documentary civil exceptions in the legislation. This suggests both a lack of understanding and critical application. Another shortcoming which was apparent in several cases was seeking to apply irrelevant English legislation. Surely on a conversion exam one must appreciate that testing these sources would not be the intention of the examiners. As in past years at times the responses were too rehearsed and wholly lacked application. Given that the examination is open book the students should endeavour to be more discrete in their references.

Some of these students have undoubtedly failed because they have placed too much emphasis on past exams rather than learning the material in the syllabus. It is quite likely that some did place too great an emphasis upon specific questions as well. To redress this weakness the advice is really straightforward: answer the questions asked, quote the relevant law, and express it clearly.

With regard to the model answers these were referred to very liberally by the examiners as a strict application would have seen a much poorer result overall. Thus the model answers only begin the conversation with the students and if they are able to put forward a reasoned analysis of the question drawing upon a wide range of sources they are still given credit. As such it is the unreasoned and unsupported answers that fared poorly. In conclusion, for many of those who passed the exam they demonstrated a sound grasp of the topic of evidence and deserve credit.