



# 2010 Trial Examination

## STUDENT NUMBER

Figures


Words

Letter

# LEGAL STUDIES

## Unit 2 – Written examination

Reading time: 15 minutes

Writing time: 2 hours

### QUESTION & ANSWER BOOK

#### Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
15	15	60

- Students are permitted to bring into the examination room: pens, pencils, highlighters, erasers, sharpeners and rulers
- Students are NOT permitted to bring into the examination room: blank sheets of paper and/or white out liquid/tape.
- No calculator is permitted in this examination.

#### Materials supplied

- Question and answer book of 17 pages.

#### Instructions

- Print your name in the space provided on the top of this page.
- All written responses must be in English.

**Students are NOT permitted to bring mobile phones and/or any other unauthorised electronic communication devices into the examination room.**

**Instructions**

Answer **all** questions in the space provided

**Question 1**

What does ADR refer to?

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1 mark

**Question 2**

Explain **two** reasons for the existence of a court hierarchy.

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2 marks

**Question 3**

Differentiate between criminal and civil law.

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2 marks

**Question 4**

What do you understand the term 'stare decisis' to mean?

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2 marks

**TURN OVER**

**Question 5**

James works as a food critic for the local newspaper. He reported that a recently opened restaurant served food that “was unfit for human consumption.”

a. Is this a case of libel or slander? Provide a reason for your answer.

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2 marks

b. Outline **one** possible defence that could be used by the newspaper.

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2 marks

**Question 6**

Miss Brown left her class unattended for 10 minutes. When she returned one of her students was on the floor unconscious. The parents of the student are now suing the school for negligence.

**a.** Explain the tort of negligence

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1 mark

**b.** Define the term 'duty of care'.

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1 mark

**c.** Identify both the plaintiff and the defendant in this case.

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1 mark

**TURN OVER**

**Question 7**

Outline the aim of civil pre-trial procedures.

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2 marks

**Question 8**

Explain in detail, the purpose of a letter of demand.

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4 marks

**TURN OVER**

**Question 9**

Discuss **two** advantages and **two** disadvantages of alternative methods of dispute resolution.

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2 + 2 = 4 marks



**Question 10**

Identify the key difficulties an individual may encounter when trying to access the law.

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4 marks

**TURN OVER**

**Question 11**

Distinguish between private and public nuisance. In you answer include **one** defence that could be used if someone was suing for private nuisance.

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2 + 2 = 4 marks

**Question 12**

Discuss **three** civil remedies that are available to someone who believes their rights have been infringed.

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2 + 2 + 2 = 6 marks

**TURN OVER**

**Question 13**

Refer to the specific area of law you have studied this semester (e.g. families and the law, environmental and neighbourhood relationships, legal issues in technology etc.). Comment on the law that governs your particular area of study. In your answer, assess how effective the law has been in fulfilling its purpose in this area.

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6 marks

**Question 14**

There are a number of stages or steps that occur in a civil trial in the Supreme Court. Outline each of these stages.

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**TURN OVER**



**Question 15**

**a.** Explain what a contract is and include an example of a simple contract in your answer.

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**b.** List each of the elements that must exist, if a contract is to be considered valid.

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**TURN OVER**

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2 + 6 = 8 marks

**END OF QUESTION AND ANSWER BOOK**



Extra writing space. Number each question clearly.

Lined writing area with horizontal lines for text entry.