

THE LEGAL VAULT

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FREE RESOURCE

10 Mistakes That Cost Students Marks

The Most Common Exam Errors, With Corrections

KNOW THE LAW. OWN THE ROOM.

NOTE TO STUDENTS

These notes are a study aid produced by The Legal Vault. They supplement but do **not** replace your lecture notes, prescribed texts, relevant statutes and legislation, and reading the cases in full. Always verify citations and section numbers against the primary sources before relying on them in assessment.

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Why Students Lose Marks They Should Have Earned

Every year, students who know the law lose marks they should have earned -- not because they did not study, but because of avoidable errors in how they write and present their answers. These mistakes are not about intelligence. They are habits, and habits can be changed.

This resource identifies the 10 most common mistakes seen across LLB exam papers at the University of Botswana, with a specific fix for each one. Read it before every exam. Apply the fixes. The marks you save will compound across your entire degree.

HOW TO USE THIS

Go through each mistake honestly. Ask yourself: do I make this mistake? If yes, focus on that fix specifically. Do not try to fix all 10 at once -- identify your top 3 and address those first.

1 Not Answering the Question Asked

This is the single most costly mistake in law examinations. Students write excellent answers -- to a question that was not asked. They see a familiar topic and write everything they know about it, rather than addressing the specific question on the paper. An examiner cannot award marks for material that does not address the question.

THE FIX

Before writing a single word, read the question twice. Underline the key instruction words: "discuss," "critically analyse," "advise," "compare." Ensure every paragraph of your answer relates directly to what was asked.

2 Writing a Description Instead of an Analysis

Describing the law -- telling the examiner what the law says -- earns pass marks at best. Analysing the law -- applying it to facts, evaluating it critically, identifying its implications -- earns merit and distinction marks. Most students describe. Top students analyse.

THE FIX

After every paragraph, ask: have I explained WHY this matters for the specific question? Have I applied this rule to these facts? Have I assessed whether the rule is sound? If not, add that analysis before moving on.

3 No Case Citations in the Rule Section

Every legal proposition must be supported by authority -- a case name and citation, or a statute and section number. Writing the rule without authority is incomplete and signals to the examiner that you do not know where the rule comes from. This costs marks on every question.

THE FIX

Memorise the key cases for each topic. At minimum, know the case name and the proposition it stands for. When writing the Rule section of your IRAC, never state a legal principle without immediately citing the authority for it.

4 Poor Time Management in the Examination

Students consistently spend too long on their best question and run out of time for the others. A brilliant answer to one question that earns 18/20 cannot compensate for a question left blank that earns 0/20. The mathematics of exam scoring means that spreading effort across all questions is almost always the better strategy.

THE FIX

Before you begin writing, divide your total time by the number of questions and allocate time accordingly. Stick to the allocation even if you feel you have more to say. A complete answer to every question consistently outperforms a brilliant answer to one question and nothing for the rest.

5

Vague, Imprecise Language

Legal writing demands precision. Vague words like "somehow," "arguably," "it could be said," and "in some ways" signal uncertainty and cost marks. Every sentence should say exactly what you mean. If you are uncertain about a point, state that uncertainty precisely: "The courts have not definitively resolved whether..." is better than "it is unclear."

THE FIX

Review your written work specifically for vague language. Replace every imprecise phrase with a precise one. Use legal terminology correctly and confidently. Precision of expression is a skill developed through practice -- write regularly, not just before exams.

6 Ignoring the Facts in Problem Questions

In a problem question, the facts are not decoration -- they are the raw material of your analysis. Students who state legal principles without engaging with the specific facts of the problem are not doing legal analysis. Every relevant fact in the problem should appear somewhere in your Application section.

THE FIX

Go through the problem question fact by fact. For each fact, ask: is this legally relevant? If yes, it must appear in your Application. Highlight the facts before you begin writing and check them off as you use each one.

7 Padding -- Writing Volume Instead of Substance

Examiners are not impressed by length. They are impressed by accuracy, precision, and insight. Repeating the same point in different words, including irrelevant background, and writing long introductions that restate the question all consume time and add no marks. Worse, they irritate examiners and dilute the quality of your answer.

THE FIX

Every sentence must earn its place. Before including any paragraph, ask: does this add something new? Does this advance the answer? If not, cut it. A focused, precise 800-word answer consistently outperforms a padded 1500-word answer.

8 Not Reading the Full Case -- Relying on the Headnote

The headnote summarises the case -- it does not reason through it. Examiners ask about the court's reasoning, the ratio decidendi, and the significance of the decision. Students who only read the headnote cannot answer these questions accurately. They cite the outcome but not the principle.

THE FIX

Read the full judgment for every prescribed case. Identify the ratio decidendi yourself from the judgment, not from the headnote. Write a case brief in your own words. If you cannot explain why the court reached its decision, you have not read the case -- you have read about it.

9 Starting to Write Without Planning

Students who start writing immediately -- without identifying the issues, planning the structure, and deciding what to include -- consistently produce disorganised, incomplete answers. They miss issues, repeat themselves, and run out of space for important points. Planning takes 5 minutes and saves 20.

THE FIX

Before every answer, spend 3-5 minutes on a brief plan: list the issues you will address, decide the order, note the key cases for each issue. This plan does not have to be neat -- it is for your eyes only. Students who plan consistently produce better-structured answers.

10 Confusing the Conclusion with a Summary

The conclusion of an IRAC answer should do one thing: answer the issue. The conclusion of an essay should do one thing: state the overall position you have argued. Both should be brief and direct. Students who use the conclusion to summarise everything they have already said waste valuable words and earn no additional marks.

THE FIX

Write your conclusion in 2-3 sentences maximum. State the answer directly. Do not introduce new arguments or summarise old ones. Read your conclusion and ask: does this directly answer the question? If not, rewrite it until it does.

Quick Reference -- All 10 Mistakes

#	Mistake	One-line Fix
1	Not answering the question asked	Read the question twice. Underline the instruction words.
2	Describing instead of analysing	Apply, evaluate, and argue -- do not just describe.
3	No case citations	Every rule needs a case or statute. No exceptions.
4	Poor time management	Allocate time by marks. Stick to the allocation.
5	Vague imprecise language	Replace every vague word with a precise one.
6	Ignoring the facts	Every relevant fact must appear in your Application.
7	Padding	Every sentence must earn its place. Cut the rest.

8	Relying on the headnote	Read the full judgment. Brief it in your own words.
9	No plan before writing	Spend 3-5 minutes planning before writing a word.
10	Conclusion as summary	State the answer directly. 2-3 sentences maximum.

FINAL WORD

These 10 mistakes are all fixable. None requires exceptional talent -- only awareness and practice. Print this list. Read it before every exam. The students who eliminate these habits are the students who consistently outperform their peers.