

TIPS FOR PREPARING FOR AND WRITING A STEP DIPLOMA FOR CANADA EXAM

How to use this document:

The following information is provided to help you prepare and write STEP Diploma for Canada exams. You should also refer to STEP Diploma for Canada Examination Rules & Regulations and the Study Guide for each course.

The focus is on specific advice drawn from STEP’s experience with exams.

There are many tips available on the Internet and elsewhere about studying generally, how to study for open-book exams specifically, and how to write them. You might also want to avail yourselves of these resources.

Preparing for the Exam

- **Purpose of the exam** – The primary objective of the exam is to determine whether you have an appropriate level of knowledge to ultimately become a TEP. The markers are looking for candidates who understand the given facts, address the relevant issues and submit answers that address those issues. Keep this in mind as you prepare for a STEP exam and as you consider what an exam question is asking for.

- **Allocating your time before the exam** - Adequate preparation for one of the STEP exams will usually require approximately 5-6 months of study at 4-6 hours per week. Avoid last minute cramming prior to the exam. This is especially true for open-book exams. At the same time, when allocating your time for purposes of exam preparation, use discretion about where you put your time. Footnotes and shaded content are there for many purposes but as they, and other material specifically listed in the study guide for a course, are not directly examinable, take them in your stride. Try to understand them but don’t get bogged down by them. Keep your eye on both the purpose of the exam and the learning and skills objectives for the course and use them as your guide.

- **Value of the course text** – STEP has prepared the course text to be a comprehensive tool for you to use as a resource in your work. As a result, as mentioned, it should serve you over and above its utility as a tool for your exam preparation. Use it as a refresher long after you have written the course exam but remember that the law changes and you must keep up-to-date. Remember, as well, that the aim of the Diploma program is not to duplicate or replace the knowledge training and requirements of each of the various disciplines that make up STEP membership.

☞ **Covering the curriculum** – Assume you will be tested on the entire curriculum for a course or the Examinable Content where it is included in the study guide for a course. For example, a List of Examinable Content is included in the study guide for the Law of Trusts course. Do not avoid or ignore chapters that you find difficult or don't enjoy. While there may be some choice, it is likely to be limited. Identify difficult areas and allocate additional time to them.

☞ **Governing legislation** – As you will see in the Examination Rules & Regulations, you are responsible for all legislation referenced in the text as it applies to your province. You are also responsible for all applicable federal legislation.

While it is tempting to discard legislative details and specific cases as relevant only to the specialists, a familiarity with the governing legislation will assist with your understanding of the law. While one is often inclined to rely on paraphrased summaries of legislation, the best source for understanding legislation is the legislation itself. While reading legislation can be intimidating at first, often the words are surprisingly clear. Case law, as established through the court system, might help to interpret the law, and course texts often try to summarize the law and the legislation. However, this can lead to missing small nuances. As a student, you are advised to familiarize yourself with the source of the law you are studying. For example, while the clear and unambiguous language of a trust document is the first source of authority for defining a trustee's duties and powers as well as the rights of the beneficiaries, the governing legislation is the second. You should know what it provides.

Therefore, as you progress through a course text, you should be reviewing the applicable sections of your provincial, as well as all federal, legislation. A list of the various statutory references in the course text can be found in the Table of Legislation appended to the course text. It is organized by jurisdiction. The study guide for the Law of Trusts course has a link to the provincial Trustee Acts and the Quebec Civil Code.

If the text has not indicated the corresponding sections of your provincial legislation, you should access the legislation on the Internet and search its table of contents for the provisions that apply to your province. For the Law of Trusts course, you may also wish to refer to appendices A, B and C of the text *Waters' Law of Trusts in Canada (3rd)* as they list the sections of the various provincial Trustee Acts that address statutory powers, investment powers and court powers.

☞ **Changes in law and practice** - As noted in the Examination Rules & Regulations, you must be familiar with recent changes in law and practice. Make sure you have the most current statutory references. Looking up the legislation as suggested above will ensure this is the case. (You will not lose marks in the examination through lack of knowledge of changes that have become effective during the six months prior to the examination.)

- ☞ **Case law** – As you will also see in the Examination Rules & Regulations, you are responsible for knowing the cases included in the main body of the text that establish a principle of law. You must know them and how to apply them to be able to provide answers that demonstrate your understanding of the issues.

Specifically, you should know the case name, be able to briefly summarize the facts and the decisions that the case is known for, and most importantly, apply the case to the facts in the exam question. Marks will not be awarded for citing a case and its facts if the relevance to the question is not also explained.

Other cases may be in the course text because they have a unique set of facts and a court, usually a high level court, has either ruled on how legal principles should be applied to those facts or has interpreted legislation or certain words and phrases that are used in the trust document that is the subject of the case. While these cases are not examinable, the ability to discuss them in the context of an example may assist in an analysis, so you are encouraged to become familiar with these cases as well.

Remember when studying that you are also not responsible for cases discussed in shaded boxes or footnotes although, again, they may be useful for understanding an issue and assist you to argue a position in an answer.

Appended to the course text is a Table of Cases listing the cases referred to in the text. This will help you readily locate the cases should you wish to refer to the details and discussion at a later date. It is not expected that you will do so for exam purposes.

- ☞ **Refresher on how legislation and case law work** - If you need a refresher on the Canadian legal system, you should review the Department of Justice publication “Canada’s System of Justice”. A link is provided in your course Study Guide.
- ☞ **Adjusting for an open-book exam** - Open-book exams test your ability to understand relevant information, think critically, analyse and apply knowledge. This means you must fully understand and be familiar with the content and materials of the course so that during the exam you can recall and use the appropriate information.

You should start by studying just as you would for any other exam. If you know your subject, you'll have a knowledge base to draw on. As you study, it is important to ensure that understand how and why topics are linked. This style of learning will equip you well for the open-book exam. It will also assist you in applying what you have learned to work situations.

- ☞ **Open-book vs. closed-book exams** - Open-book exams can, in practice, be more difficult than other exams because you need to both know the theory AND be able to apply it. Prepare to study more rather than less for an open-book exam.

- ☞ **Review questions** – The course study guide contains review questions and answers to help you assess your general comprehension and recall of the concepts you are studying.
- ☞ **Sample exam questions** – Questions typical of the format of the examination are available in the course study guide. Also, the supplementary materials in the study guide for the Law of Trusts course are also written using an exam-question format. Answers are provided for both.
- ☞ **Apply your learning** – Your course text and study guide offer examples that illustrate how the concepts you are studying might apply in a real life situation. These examples will help you apply what you have learned, a skill required of open-book exams.
- ☞ **Consolidate your learning** - Anticipate with model questions. Challenge yourself with how you would answer questions, and what options you may need to consider. The materials in the course study guide should help you do this.
- ☞ **Question & Answer Sessions** – Take the opportunity to participate in the question & answer sessions that will be made available before each exam. They will be an opportunity for you to ask any questions you may have on the course text or materials in the study guide. Participate even if you do not have any specific questions; it may be helpful to hear the questions others ask. To get as much value from the question & answer sessions as possible, come prepared, having already studied the course materials.
- ☞ **Study partner** – if you are working with a partner, set yourselves questions and discuss how you would approach them. If you wish, STEP will try to match you with a study partner. See your course study guide.
- ☞ **Preparing your materials for the exam** – As the exam will be open-book, be familiar with your materials so you will not waste valuable exam time searching through them. Your time in the exam will be limited, so the key is proper organization in order to quickly find information, examples, and/or arguments to use in your answers.

Writing the Exam

- ☞ **STEP Diploma for Canada Examination Rules & Regulations** – Before the day of the exam, reread the Examination Rules & Regulations and the material above to refresh your understanding regarding exam expectations generally and cases and legislation specifically.

- ☞ **Reading the questions** – The exams assume you will spend 15 minutes reading the exam questions and 2 ¾ hours answering them. It is up to you whether you use the full 15 minutes allotted for this purpose but we recommend that you do. At the least, you should read the complete exam before commencing to write any answers. Prepare answer plans for questions that are complex or lengthy.
- ☞ **Make sure you answer the question** – The most common observation STEP markers make is that students do not answer the question asked. Read the question carefully to understand what is expected and keep referring back to it as you complete your answer. Ensure that the answer you provide responds to the question and that everything you write is relevant to the given facts. Marks are not given for irrelevant suggestions or suggestions that do not, on their face, address a client need. Make the connection: - state why your position does so.
- ☞ **Answer the question well** – Another common complaint is that students fail to explore an answer with full explanations or discussion; answers are too basic, lacking sufficient detailed analysis for the STEP diploma. Aim for concise, accurate, thoughtful answers that are based on evidence. Provide detailed analysis where it is required and not just the ‘bare bones’. Remember that the markers are looking for candidates who understand the given facts, address the relevant issues and submit answers that address those issues.
- ☞ **Watch the mark allocation** - Ensure your answer is of suitable quality and depth to the number of marks allocated to the question. A straightforward question with the same marks as a complex question requires an answer of approximately the same length. At the same time, don’t over-answer. Where only a few marks are at stake, a full essay answer will not be an appropriate allocation of your time.
- ☞ **Provide statutory and case references** – Remember the material is technical. You are not being asked for your opinion but to apply the legislation and cases that create the law. The exam therefore requires answers that provide appropriate and suitable statutory and case references. You will earn marks for including them.
- ☞ **Applying legislation and cases in the exam** - When referring to legislation or a case in an exam question you are most likely using the reference to explain why it applies to the fact scenario in the question. Be sure that your answer indicates the relevance of the legislation or case to your scenario to support the reasoning you give in answer to a question. Always relate the outcome of a case to the point in question. Quoting from a judge’s decision is not necessary.
- ☞ **Provide appropriate statutory and case references** - Ensure you are citing legislation, case authorities and practices from your province to support your answer. Reread the material on legislation and cases in *Preparing for the Exam*, above.

- **Referring to legislation and cases** - When referring to legislation, it is not sufficient to refer to make broad reference to a statute generally if the section number has been included in the text. Quote the section number. Make sure that your references are accurate. Give the name of the case, preferably with the year it was reported, only relevant facts and the outcome. You do not have to give the whole name of the case, set out where it was reported, etc. (i.e. the citation).
- **A suggested way of approaching a problem-based exam question:** - Consider the following:

What is the question about? - Remember that the main purpose of the exam is to test your knowledge of the material covered in the course text. Ask yourself ‘what does the marker want me to prove that I know? What area of knowledge am I meant to display here?’ The wording of the question will contain vital clues to the answer. Do you simply need to reproduce information or do you need to analyze or evaluate in some way? As the exam is open-book, it is likely you will be asked to analyze or evaluate in some way.

Expressing yourself - Reflect on what is at the core of the question and draw up a quick and rough plan. This will be important to keep you on track as you progress through your answer and it will help give it a logical structure. But make this quick and dirty, limit your time and get into writing the answer as soon as possible. And remember, while the answer should be coherent, this is not an exam on the excellence of your stylistic abilities. It is essential merely that you make your meaning clear.

It may help to begin your answer by reflecting the question as you understand it, and how you intend to answer it. Don’t pad though.

Explain the points to the marker in the same way that you might explain something to any interested person. In other words, don’t assume prior knowledge – you need to demonstrate you know the fundamentals.

Sorting the relevant from the irrelevant - Don’t be afraid to state the obvious – there is usually a mark for it! If you are unsure whether or not to include a point and it is a small point that can be dealt with in a couple of sentences, then there is no problem in including it. However, make sure what you include is relevant. The marker will know when you are padding your answer (for example, by including unnecessary facts); this will not earn you any marks and will undermine the stronger parts of your answer.

☞ **Another approach to answering problem based questions** - Where the examination question relates to a legal problem, a standard approach to use is as follows:

1. State the relevant principles of law accurately.
2. Apply these principles of law to the particular legal issues raised by the question.
3. Use relevant authorities e.g. cases or statutes to support the argument in relation to the question.
4. Make informal and critical comment on the law.
5. Ask yourself the following questions:
 - Have I addressed all the issues?
 - Have I given all the necessary information?
 - Have I stated the law fully enough?
 - Have I applied the law to the facts of the problem in this question?
 - Have I dealt with all possible interpretations of the facts?

☞ **Write legibly** – If the markers cannot read your answers they cannot mark them properly – even if you have made all the relevant points.