



VERDICT

MICHAELMAS 2019

FOREWORD

INTERVIEW WITH ANNA BOASE QC

MILBANK- “A DAY IN THE LIFE”

MILBANK GRAD. RECRUITMENT INTERVIEW

ESSAY COMPETITION WINNER

ESSAY COMPETITION RUNNER-UP

SURVIVING MODS

3

5

8

11

10

14

21

FOREWORD

With Michaelmas now a distant memory, and Hilary well underway, now seems as good a time as any to reflect on the term passed, and to look to the challenges and opportunities lying ahead. Special thanks must go to Sam Warburton in particular for his Law Moderations advice to first-year students in what is undoubtedly a major and often frightening challenge.

The Michaelmas essay competition, generously sponsored by Weil, Gotschal and Manges, has provoked some fantastic responses. Whilst unfortunately only two could be featured, all submissions deserve praise for their insight into a difficult question tying together commercial and contract law, civil liberties and philosophical notions of freedom to sign away rights, amongst others.

I’d also like to thank Anna Boase QC for allowing me to interview her, as well as Vanessa Harvey and Emily Henderson from Milbank LLP for their insights from the perspective of graduate recruitment officer and trainee respectively. It has been a pleasure being able to meet with them all in person, and I hope their words of wisdom may prove useful to aspiring barristers and solicitors.

Finally, I’d like to thank the Michaelmas 2019 executive and general committee, and in particular the president Yee Kwan Law, for organising and pulling off such a jam-packed term full of events, whose blood, sweat and tears I have been a personal witness to.



Jamie Chen
Verdict Editor MT
2019

Interview with Anna Boase QC

Anna Boase is a commercial barrister and a newly qualified QC at the highly prestigious One Essex Court chambers, and whose success has earned her such awards as ‘Leading Individual’ by the Legal 500, ‘Leading Barrister’ by Chambers & Partners, and a ‘genuine rising star’ by “the Legal Elite”. Besides this, she is also heavily involved in improving access to the Bar for women. I had the privilege to sit down with Anna and discuss her career and outreach work, as well as her advice to aspiring barristers.

Q: What would you recommend an aspiring barrister do whilst at undergraduate, especially for those with a non-law undergraduate degree such as yourself?

A: Point number one is perhaps an unwelcome message. For those who think that the Bar might be for them, I recommend working hard at your degree. There are many careers where degree results don’t matter very much. But at the Bar, academic results are really significant, and most barristers who do commercial law like myself have a first class degree - whether in law or another subject. It is worth putting in the effort to really do justice to your own intellectual ability. Meanwhile it’s wise to find out about the full range of careers which might interest you. I know Oxford students receive a lot of attention from a number of recruiters from the City and a number of law firms, and it’s good to make the most of those opportunities by doing vacation schemes, work experience, and going to career events. But there are other legal job opportunities which you have to be more proactive to explore, and that includes the Bar. Barristers’ chambers are much smaller organisations, so we don’t have the ability to reach out in the way that Magic Circle firms do. Finally, I would say extra-curricular activities are brilliant for building CVs. As a non-law student, you might not be able to do the things which are most obviously suited to preparation for a career as a barrister, such as mooting. But there are a lot of things you can do to develop and demonstrate skills that are relevant to being a barrister; things which allow you to show leadership, intellectual curiosity, team-working and organisation. Recruiters of all kinds, including at the Bar, are looking for students who are “real people” who can interact effectively with the world. We sometimes get applications from people who have done brilliantly well academically, but haven’t done anything else. That sometimes means they don’t have the ability to show they could develop a successful practice and interact with their potential clients.

Q: Why the barrister route as opposed to litigation/dispute resolution specialism at a law firm?

A: The Bar isn’t for everyone, but I’ll explain why it appealed to me. The foremost reason is that I enjoy advocacy and the leadership role that often comes with being a barrister. I enjoy being the one who crafts the argument. Within litigation, I feel the barrister gets to do the “fun bit”, and if litigation is what appeals, would feel a shame to have done all the paper work but have to sit behind the barristers in court. Related to that, whilst the solicitor will have a relationship with the client and will do a huge amount of preparatory work, the real brain-crunching aspects of the preparatory work is often sent to counsel. There’s another factor which isn’t obvious to many students, which is the nature of self-employment. Solicitors are employed by their firm until such time as they become partners. Barristers, from the moment they become tenants, are self-employed individuals, and they have equal rights within their chambers. As a self-employed person you can run your own career and life. It allows you to be much more flexible as to what work you do, where you do it and when. I have three children and for me it matters a lot to take plenty of holidays to be with them, to leave early to see them in the evenings, and to be there for their sport days, nativity plays and so on. I just book the day out of my diary, and I don’t have to ask anyone’s permission.



Q: You mentioned the excitement of trial and being at the forefront of it, so how do you prepare for trial?

A: When you’re instructed for trial in a case where you’ve been involved all the way through, you’ll have been familiar with the case for usually about 18 months or more already. But until you prepare for trial, you won’t have read all the documents. It’s your first opportunity to start at the beginning of the chronology and work your way through, and that is a very revealing and important experience. You need to have a complete mastery of the factual material which you get immersed in at the beginning of your trial preparation. Then you decide how to handle that material, in terms of writing cross-examination, drafting skeleton arguments and oral submissions. You have to focus on the issues - the things that you need to prove to win and on which you have a burden of proof - and work out how you’re going to prove them. At the same time, you need to be trying to anticipate what the other side are going to be saying; trying to work out their best points and how to defend against them. It’s an exciting, but very intense, phase ranging from days to months before the trial.

Q: You have expressed a particular interest in diversification at the Bar. What would you identify as the key problems here, and how would you go about addressing them?

A: It is something I’ve done a lot of work on in the last 5 years with One Essex Court. I’ve focused most significantly on gender diversity but we’re really mindful that the Bar is not a diverse place in a range of ways. From my own experience, I initially didn’t think of the Bar because I was state-educated and I assumed the Bar was for ‘posh boys’. So I had my own prejudices about the Bar and who it was open to as a career - which were not right then and aren’t right now. I think the two key problems are prejudice and attitudes to risk. When I mention prejudice, you might think I mean that members of the Bar are prejudiced in who they want as fellow members, but I don’t mean that actually. I mean prejudice on the part of society as a whole, and on the part of potential applicants as to what the job involves and who we’re trying to recruit. In fact, I don’t think there are any barriers to access the Bar; the Bar is a very welcoming place to people from all backgrounds and men and women alike. But I don’t think people appreciate that. I think there’s a very strong impression out there that barristers fit a particular stereotype or mould, so it’s really important to show people that that’s not true, certainly not in my chambers and my experience across the Bar as a whole. So, we have to try to change people’s mind about what it is we do and what we’re like. The other area of difficulty is attitude towards risk. Statistically, trying to become a barrister is very challenging. Lots of people qualify as barristers and are called to the Bar, but the number who actually get pupillages is just a fraction. I think those statistics unduly put off some of the most talented applicants; some of those will be women, who I think have a disproportionate tendency to take a very sensible view of all the information available to them,

including statistics, and decide that they'll have a much more secure and reliable career path at a magic circle firm. We're trying to encourage people generally, and talented women in particular, to take a look at the Bar and to be a bit bold, to take a risk and back themselves. They need information and support to do this, and the programme called "Women at the Commercial Bar" which One Essex Court has been running is now in its fifth year. We've come to Oxford a couple of times to do information events about what it is we do and what it's like to be a woman at the commercial Bar. We also have open days here in chambers. In February we hosted 40 women students for a series of talks and workshops, and we took them for a Q&A with a woman judge in court. This academic year, One Essex Court has an organised mentoring

scheme. 20 women barristers in these chambers are acting as mentors to students. We had an overwhelming response, with over 300 applicants for the 20 spaces. So we are being very proactive in trying to reach out to students and to try to dispel the prejudices they may have and encourage them to be more open to risk if it's appropriate for them. The other thing to mention is the work we're doing with the other three 'Magic Circle' chambers - Brick Court, Fountain Court and Essex Court Chambers - with the common aim of encouraging talented women to come to the commercial Bar. We did our first joint event in Oxford on 12 November. It was a panel discussion by women from all four chambers, chaired by Mrs Justice Cockerill, who sits in the Commercial Court, followed by networking drinks with a number of other barristers and clerks from our four chambers. It was incredibly well attended, and we were delighted that so many students, men and women, came along to hear what we had to say. I think that's a real sign of the huge desire to encourage and support applications for pupillages. Finally, for three years now my chambers has sponsored the "One Essex Court Scholarship". Each year we give £10,000 towards the fees of one BCL student. The criteria for that scholarship includes being interested in a career at the commercial Bar and being academically able, but also needing the money, because we really want to encourage applications to the BCL from those who might not otherwise be able to afford it.

Q: How do you see technology/recent developments impacting the Bar?

A: The main technological change is one that's impacted society as a whole, which is the volume of written communications, which has increased exponentially in the last decade. When people are in commercial disputes, many more of their relevant communications are in writing than they ever used to be. This means that the volume of documents that we have to work with as barristers is greater than it ever used to be even 5 years ago. One of the ways in which lawyers are trying to deal with that is by using technology. "Technology assisted review" is a means of using computer programmes to review a huge body of documents and pick out documents which are likely to be of relevance. It can reduce the - sometimes extraordinary - cost and length of the process of disclosure. The other main way tech is being used is by electronic bundles. When you have a big trial with a huge number of documents, it is common for all of the documents to be solely in an electronic bundle, or to have only the core documents in hard copy. There are challenges with doing that. One is getting used to the new technology - both the legal teams and the judges themselves need training and experience in using the functions on offer. But beyond that there is a potential issue around how our memories work. A person who has had a long legal career has, throughout that time, been digesting information on a page; processing it by looking at it, highlighting it and remembering what it looks like physically. The ability to digest information on a screen is different. This applies to all members of the legal team and especially to judges, who may well have had the longest legal careers in the court room. So, as the



advocate you may be very comfortable with an electronic bundle, but you need to recognise that the judge's mastery of the facts may be impacted by the form in which it is presented. We all need to adjust to the new technology, but we need to recognise the brain challenges that can arise with new ways of working.

Q: You're ranked as one of the leading barristers and have an impressive array of awards to prove it. What would you define as the key factors for your success?

A: Difficult to answer in a reasonable or modest way [laughs]! I think for me an important factor is being a team player. I think showing your clients that you are keen to work with them and be part of their team is really important; not being the stereotyped, aloof, traditional barrister. Solicitors who work with you have to spend a lot of time with you, sometimes over a couple of years, and the trial process is very intense, and being able to get on well with people can matter a huge amount. Having skills that enable you to have very thorough analysis and really high-quality drafting really make a big difference too. I like to think of trying to "win the case on paper" before you even get to speak in court, to put your best foot forward. An overarching point, though, is that I enjoy my job, and I think that tends to come across.

Q: You have also worked as an arbitrator, which isn't something many university students are that familiar with. Describe that experience.

A: It's actually been a fascinating experience. As an arbitrator you're really just a judge in private proceedings and, whilst the procedure is different from the courts, the substance is the same. So it's an opportunity for me as an advocate to sit at the front of the court room, temporarily, and see what that's like. It means seeing and receiving advocacy, good and bad, and it makes you appreciate the importance of something that many people have advised me to do - which is that your job as an advocate is to "help the judge". As an arbitrator I'm often amazed by how much the parties' lawyers take for granted. Instead of presenting their arguments logically, A, B, C and D, they jump straight to D, and they aren't necessarily thinking through all the stages that would be useful to reach the conclusion they want to present. So being on the receiving end of advocacy is a fine way to develop your own skills. I've also found it interesting interacting with other arbitrators. I sit both as a sole arbitrator and also in a tribunal of three. Seeing at first hand the way in which tribunal members need to deliberate, negotiate and compromise is fascinating. As counsel, it's obvious that must be going on within a tribunal of three, but it's not until you participate in it and see the different views and the ways you can reach an acceptable unanimous view that you get a real sense of what that involves. I have brought that experience to bear as advisor to the parties in other matters.

Q: You have already accomplished much in your career. What motivates you now?

A: It's kind of you to put it in those words. I'm actually at something of a turning point, being a very new QC, or what's called a "baby silk", having only become a QC in 2019. In a sense you go back to the beginning, or the bottom of the pile, again. I've spent 17 years going from being a baby junior to a senior junior, and now I'm the most junior of silks. Silk practice is also quite different from the practice of a junior (anyone not a QC), and so I need to establish myself with existing and new clients, and within the market as a whole as a QC. I'm particularly glad to have made this step though, because I myself have only ever been led by a woman on three occasions in 17 years of practice. I am mindful that sometimes it's useful to have female role models. So I'm glad to have added to the small number of female silks in my field and hope to do well in order to encourage other people in their careers as well.

“A DAY IN THE LIFE” - MILBANK

Milbank is a leading New-York based law firm, with total revenue from last year exceeding \$1 billion and 12 offices across the globe. Emily Henderson, a trainee at the firm currently in restructuring, sat down with me to talk about her decision to join Milbank, what a ‘typical’ work day would look like for her and her thoughts on the firm generally.

Q: Why did you choose Milbank?

Firstly, I really liked the small trainee intake. It varies, but in my year there were 4 trainees, and sometimes it can go up to 7 as the max. I liked that approach because I didn’t want to be part of a small cog in a big machine, and I wanted to feel like I was in a supportive atmosphere, where no one need to be ‘pushed out’, and Milbanks’ 100% retention rate appealed to me for that reason, and even now I’m still good friends with everyone in my cohort. The small trainee intake also means that I get a lot more responsibility than might the case at other firms, and what that means in practice is that no one has to fight over work; if the work’s there, you’re needed. The Milbank at Harvard programme for associates really appealed to me as well. I love studying, and the opportunity to continue with that later on in life is a really unique and fun opportunity. When I did my vacation scheme, I really felt that the culture here was welcoming and friendly, and ultimately, if you do have to do some late nights, it makes it a lot easier when you feel you’re in that kind of environment

Q: What does a typical work day for you look like?

It’s a really hard question, because there’s rarely been times when I had a ‘typical’ day, and it’s also changed as I’ve moved seats. In my previous seat at technology and outsourcing, there was quite a fun task when I got to do data subject access requests (DSARs), and that was quite a typical day because there was just so much material I was reviewing, so I would get in every morning knowing I had my batches to do, but on the whole I can’t really say I have a typical day. I think that’s great, because it means you get such a wide breadth of experience. So for example, I’m now sitting in restructuring, so my work might involve creating a structure chart, which means I’ll be doing research on companies, and who holds the different debts, or it might involve closing and preparing signature pages, signing packs or drafting bits for a legal opinion, amongst others. I don’t think there’s been a week where I’ve had to do the same work, and usually I still get to come in at 9 and leave at 7ish!

Q: I understand you were short-listed for a pro bono award - could you talk about your pro bono work more generally?

We have a couple of long-standing projects, one of which is called Amicus which involves working with people on death row and looking for grounds for review. We also do one for unpaid wages, so helping those who are in vulnerable positions claim for the wages they’re entitled to. I’m part of the diversity committee, and as part of that I do mentoring for a programme called Eastside, and organise various events such as diversity events and work experience schemes. I’m also part of the women’s initiative, where we get involved in projects like our enterprise day for children from our mentoring scheme where we talk about what it’s like to be in law/the City, and what was really cool for me about the women’s initiative was that as a first seat trainee, I got to host a panel discussion with all the female partners. As a trainee your pro bono work is recognised and taken seriously, and great proof that is, as you mentioned I was short-listed for a LawWorks Pro Bono award for the junior lawyer’s division for best contribution!

Q: Describe your best day at Milbank

Again hard to describe! I think your best moments generally are just when you receive positive feedback on your work, and you get the sense that you’ve understood something and that the cogs are starting to turn, or you’ve spotted something, and you know what it is to apparently be a good trainee. Imposter syndrome is such a big thing in law, and so moments like that are really nice. If I had to think of a specific day, it would be when we were in the final for the LegalWeek competition for the best way to make firms more diverse, based on the mentoring idea I mentioned, or again when I got short-listed, it was nice to have partners really encouraging and recognising your non-billable work.

Q: Do you have a work-life balance?

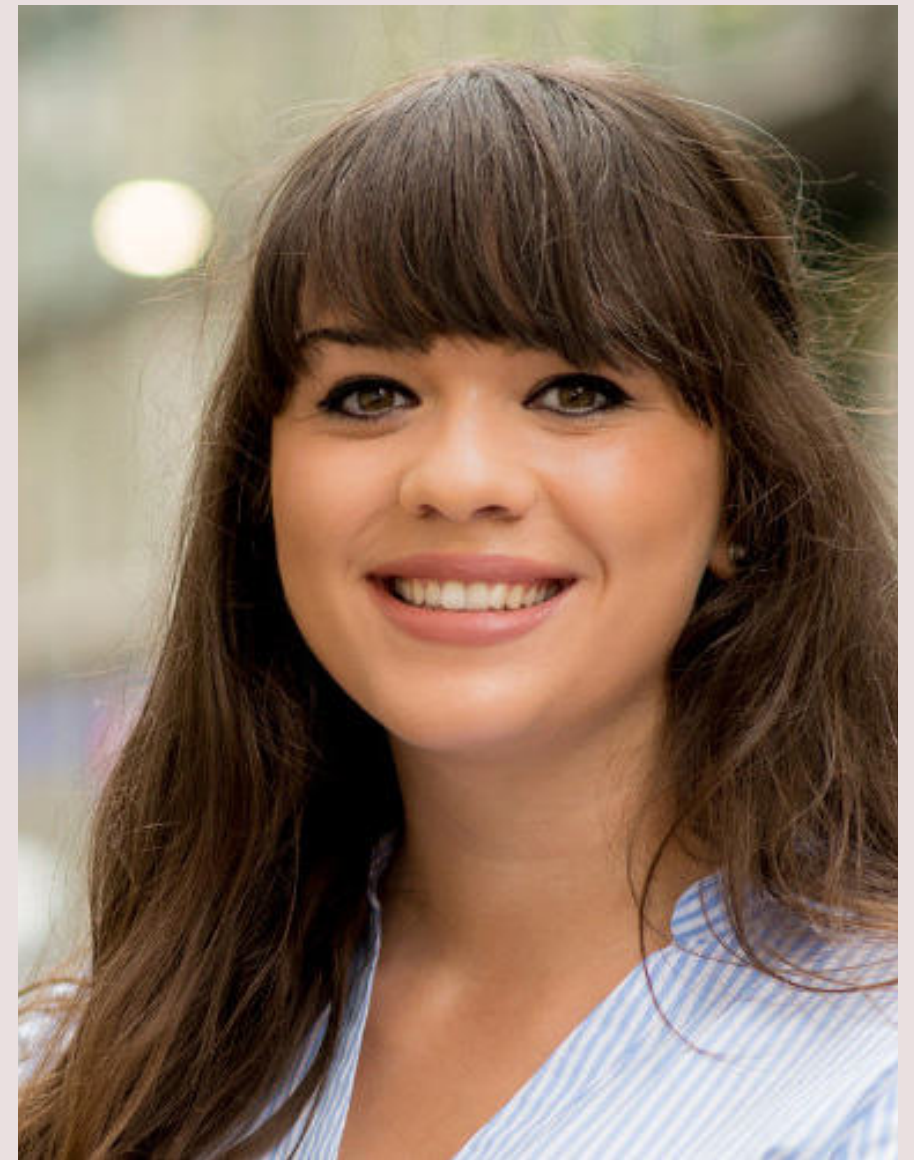
I actually think I do [laughs]. It’s genuinely not a face time culture here. If you’ve done your work, and you’ve checked in with who you’re working with, you’re fully expected to go home; you’ll never be praised for just sitting at your desk. People are also really understanding about personal commitments, so like gym classes in the morning. I’m not a morning person and saw one that was quite late in the morning, and my supervisor was absolutely fine with letting me come in later in the day. I love watching shows and reading in the evening, and I definitely get to find time to do that after work!

Q: Do you enjoy the work you’re currently doing?

I do- the work I’m currently doing in insolvency focuses a lot of research which is great because I like legal research, but insolvency generally is really varied, and I’m still getting a really wide breadth of experiences within the practice area.

Q: How would you describe the way trainees are treated?

I think here there’s a big focus on mentoring, and that’s really nice because it means that even if you get pulled in on ad hoc tasks, there’s an emphasis on explaining the deal and allowing you to see the bigger picture. The focus here is on ensuring that you understand as much as possible, and to have an interest in it as well which they do by giving you as much information as they can, as well as a very conscious sense of giving you work when they feel you’re ready to tackle it. I know there are always people I can ask just to double



check my work, and just generally you feel like you're in a really supportive atmosphere across the office.

Q: What advice would you have for those just starting their search for law firms now?

Research a LOT. Whenever I'm at law fairs, I get the impression that some people try to look for short-cuts, which I totally understand, but hoping that by sending 50 applications that you'll get 50 interviews is just not realistic. So I'd have a think about what sort of person you are, and what type of environment suits you best. Some people work better under 60 trainees rather than 4, for example. Next I would think about what you've enjoyed studying so far and why, and what type of work you would want to do. That involves some research, and ultimately when you've worked out, say in this instance, that you want to be in a small trainee intake, then looking at the firms that provide that, and going on to look at the business model for the firm. I think that's something that also definitely shows commercial awareness, in that you know what the firm as a business does well or differently compared to its competitors, and why you would want to work there for that reason. Once you know why you want to work somewhere and understand how that place works, it makes the interview stage so much easier because that really comes across. For example, if you say you're interested in a particular deal when you aren't really, and you don't really understand it, and get asked about it, you'll find it really difficult to respond. So know why you want to apply and be able to defend those reasons, but a lot of that boils down to research. Also remember not to get disheartened; it's a really long and tough process, and what I really appreciated when I was applying were the trainees who were open about their 20 rejections. It's incredibly rare that people get the first thing they apply for, so don't lose hope!

GRADUATE RECRUITMENT

INTERVIEW- VANESSA HARVEY



Vanessa Harvey studied law before going into graduate recruitment, having worked at a variety of organisations such as the Bank of America and Rolls-Royce as well as law firm Eversheds Sutherland before becoming Recruitment Manager for Milbank. I had the opportunity to ask her about her perception of the firm, as well as perceptions about American law firms generally and her advice to aspiring solicitors.

Q: You previously worked in the graduate recruitment office of another law firm before Milbank. What made you decide to change?

I've always wanted to work for a US law firm; the international scope of things really interests me, and the firm I worked for before was very well known in the UK, and gave me great exposure within the region, but I felt I was ready for something that was a bit more international in scope, and the variety that entailed. Because Milbank is smaller than the firm I worked for previously, I get to do graduate recruitment right up to senior level recruitment, which isn't often the case at

bigger firms where you get boxed into a specific role like partner recruitment like I did. I really missed doing graduate recruitment, going round the country and the buzz of giving someone an offer, and so by moving to a smaller US firm I get to have that more expanded role and have friends in offices across the world.

Q: Milbank has a reputation for really good exposure to high quality work and good pay, but very demanding hours. Do you think that's an accurate portrayal of the firm?

The work at Milbank is exceptional; lawyers and trainees work on some of the most complex and interesting cases going round, and we all work really hard, so there is absolutely an emphasis here on delivering excellence for the clients both internally and externally. I also feel generally hard work is a given at any top firm, and that's a choice you make as a student and as a trainee lawyer. If you want to work with best, and have high quality work, there is an expectation that you are going to work hard and deliver on what you're doing.

Q: Whilst you're expanding the number of trainees being recruited at the moment, Milbank has a small current number of trainees. Is that a good thing in your eyes?

Great question, and well spotted. Last year we grew by over 30%, and you're right the trainee intake is quite small. As of last year we recruited 4 trainees a year, and in the last round we recruited 7, so a slight increase, and once we move to our new office in 2020, it's

something we will review and look to increase in the coming years. I don't think we'll grow so much as to be a 70 intake kind of firm, otherwise we'll lose what makes Milbank so special, and when you're one trainee in a huge cohort, it's harder to stand out, it's slightly more competitive and has a different vibe to it, and I love the fact that I know all the trainees on a personal basis and their characters and personalities. So we're looking for gradual growth through a considered and careful approach.

Q: What makes a successful applicant?

I think academics at this point are a given, and anyone that applies to Milbank I expect to be on track for a 2:1 and have strong A levels. What I'm interested is evidence over and beyond the academics; that someone has something interesting/exciting about them, be it a passion for finance, speaking another language, travelling to different countries or volunteered/done charity work. I'm curious to understand what your personality is, what makes you special and how that's going to help us and help you fit in at Milbank. A successful applicant also should have a concise clear cover letter and know how to present themselves, and also is confident but not overly so; I would describe the trainees here as quietly confident. They're classy, they know they're great, they don't need to shout about it, there's no air of arrogance around them, and are really approachable and nice. Any sign of a charitable nature always impresses me, so for example if someone hands out soup at a homeless kitchen or has done some pro bono work. I love that kind of work, and I think people often underestimate the value of their non-legal work experience. You can work in a pub or do paper rounds and still give me great examples of dealing with customers, being a team player, delivering on something or shuffling priorities, and those transferable skills are really what I'm looking for. So to sum up, someone who's confident, personable, intelligent, has grit but also somehow finds a way to give back and help others.

Q: What should prospective applicants get out of graduate recruitment events?

When I was a law student, I made a conscious effort to do Vacation Schemes in both Magic Circle and US law firms, so I could be literally in those offices, see what they felt like and make a conscious decision as to which one I prefer, and what's great about graduate recruitment events is that you can then make an informed decision instead of reading off some website and trying to make something out of the glossy text. You should really be asking yourself whether the firm you're looking at is the place where you want to work, where you want to shine and train. It's also really helpful to differentiate themselves when they apply, so that when they do apply they can say 'I met you at this event, and here's my application', and it does help when I'm reviewing tonnes of applications and there a few names which I can put faces to and already have some kind of impression.

Q: It can often be quite confusing for students to determine what really makes a firm unique, especially when terms like 'friendly culture' or 'international' get thrown around a lot. What would you say makes Milbank particularly special?

I think for me, Milbank is small enough that it's retained a family-like culture where it's easy to approach people and not feel like a cog in a wheel, but it's also exposed enough in the right regions and practice areas that it has access to top quality work. The development into our lawyers is something that also sets us apart- I don't think there are many other US firms that invest to quiet the level we do post-training into successful development, and the Milbank at Harvard programme, learning business and economics amongst other things from experts in their field, is testament to that. That investment into development



and especially in non-legal skills over such a long period of time post-training is definitely unusual, and again knowing and being able to catch up with everyone in the office on a personal level which just isn't possible in a bigger firm.

Q: As Milbank is a US-based law firm, do you find that much of the work you do is focused on US-based clients?

I would say that the London office is definitely not a satellite office. We don't spend all our time serving the US, and actually most of our business is generated in London. There are of course clients based worldwide who might be working with lawyers in Hong Kong or New York or Los Angeles, and there is a lot of cross-border work that is done together, but a lot of our work is generated here. Many famous financial institutions and banks are our clients here in London, with some having worked with our finance team in London for over 20 years, for example.

Q: Do you have any other advice or remarks for prospective applicants?

Be yourself and be genuine. Identify your USP (unique selling point), and if you do have an early interest for one of our practice areas like capital markets or litigation, mention this in your CV. It shows me you've done your research, you know what we do and you've begun to come to grips with a particular area, and then if you can go further to mention a particular deal we've done that's been in the press, a particular partner you were impressed by or follow/read about it, bring that excitement and energy into your cover letter and tell me about your interests as well. Tell me something fun or interesting about any projects you might be working on, committees you might be on, languages you speak, etc. I'm super impressed by anyone who can attain a degree, be on track for a 2:1 and is somehow still involved in something outside of that. It shows that you can prioritise and juggle different pressures effectively.

ESSAY COMPETITION WINNER

Essay by Amy Hemsworth, St. Edmund Hall

To what extent should individuals be able to contract away their freedom and should agreements to do so be enforceable?

Introduction

Freedom is a core ideal in modern Western society – the ability to choose one’s own path in life is valued and fiercely protected. In a world which is increasingly aware of the horrors of human trafficking and modern slavery, the idea that anyone would voluntarily bargain away their freedom – or seek to take someone else’s – evokes an automatic and swift negative response. However, as we go beyond the surface of the question, it becomes gradually clear that individuals are already capable of trading away their freedom in certain circumstances, and that society can even benefit from this. The question therefore becomes whether we should accept this as a general rule, which can be overridden when the circumstances render it objectionable, or whether it should be limited for now to the contexts in which it is presently possible and then gradually expanded as necessary. In my view, in order to promote consistency and coherence in the law, it makes most sense to allow these kinds of contracts in principle across the board, and look to the courts to step in where the circumstances warrant it.

The essay will address this question in three distinct parts. Firstly, the key concepts in play will be defined, and we will consider whether it is ultimately possible to contract-away freedom. In Part II, the desirability of agreements where freedom is traded away will be assessed. Finally, Part III will consider the potential consequences for the legal system of allowing and enforcing such agreements.

Part I: Is it possible to contract-away one’s freedom?

Naturally, it is necessary first to understand what it means to ‘contract-away freedom’. There are two key ideas here in need of definition. Firstly, the term ‘contract-away’ indicates that one party is treating their freedom as an asset to be exchanged for some benefit received from the other. The phrasing suggests that the giving up of freedom is the main purpose, or at least part of the core subject matter, of the contract – it is not merely incidental or ancillary to some other goal. This distinction is important because all contracts, to a certain extent, amount to restrictions on the parties’ freedom: once the terms have been agreed between them, they are bound to comply with the agreement as far as possible, and can be prevented from behaving inconsistently if necessary.

Secondly, we must establish what we mean here by ‘freedom’, as it is a very broad term which is used differently depending on context. In its most general sense, the term is used to refer to the idea of personal autonomy – complete control over one’s own actions, without pressure or constraint from external sources or environmental factors. However, it can also be used in relation to individual freedoms, pertaining to specific areas of life – examples include many of the human rights contained in international declarations, such as the European Convention. Freedom in the sense of overall autonomy can be seen as composed of these many smaller freedoms.

With this definition in mind, contracting-away freedom is only possible when the term is being used to refer to the smaller freedoms, not the entirety of one’s autonomy, because of the intangible nature of certain of the individual freedoms often protected by human rights law. One obvious example is freedom of conscience – it is extremely difficult to think of a situation in which one could bargain away one’s free thought, outside the unlikely circumstance of giving oneself up to psychological conditioning. As a narrower example, consider a contract requiring one party to change their religion, thus surrendering their freedom of worship. They might



make outward expressions of belief, such as regular church attendance, but their innermost thoughts are unlikely to change as the result of the contract, and thus their freedom of conscience is unaffected. Physical freedom, on the other hand, is much easier to surrender – a contract whereby one party agrees to be imprisoned or restrained by the other would be relatively simple to form and obey. Certain freedoms, therefore, could more straightforwardly be bargained away than others; we will now consider whether this would be desirable.

Part II: Should individuals be able to contract-away their freedom?

As already noted, the idea of freedom is central to modern Western thought, and threats to freedom are taken very seriously. This is not just true of physical freedom: infringements of freedom of speech, freedom of the press and socio-economic freedoms such as the ability to access education and healthcare are all regarded unfavourably and often spark protests when committed by powerful organisations or governments. It is clear that from the individual’s perspective, loss of one’s freedom is widely seen as undesirable.

Freedom is not only a privilege, however; it is also a responsibility. The ability to make our own choices and follow our own wishes, many would argue, comes with a duty to ensure that we do not thereby harm those around us. It might be said that surrendering one’s freedom to another, for example in an agreement, akin to a contract of agency, which completely subordinates the will of the agent in all matters to that of the principal, allows one to avoid having to act responsibly, because the blame for every action one takes can be shifted onto another person. It is arguable, therefore, that it is undesirable for wider society to allow these contracts to be formed, because individuals could thereby be allowed to seek to avoid taking responsibility for their own actions, or indeed taking any actions which can truly be said to be their own. On a related point, loss of individual freedom in this way could lead to a reduced number of people capable of making valuable and unique contributions to society, by fully subordinating some to the wills of others and therefore ensuring that the more powerful dictate the shape of society to an even greater extent than they do at present.

On the other hand, it must be noted that, somewhat paradoxically, restrictions preventing individuals from contracting-away their freedom are themselves an infringement of individual freedom. Specifically, this would be a restriction on freedom of contract, which is a dominant force in modern contract law and closely connected to the will theory of contract – parties are free to create whatever contracts they desire, using the law as laid down, and are only bound by contracts to which they have voluntarily agreed. From the perspective of absolute freedom of contract, therefore, it is wrong to place any further restrictions on the abilities of parties to govern their own affairs, including by limiting the assets which can potentially form the subject matter of a contract. Absolute freedom of contract is no more than an ideal – in reality, it is limited by a number of factors, such as our restrictions on unfair terms (such as the Unfair Contract Terms Act 1977 and the Consumer Rights Act 2015), intended to protect weaker parties from exploitation, and our penalty clause rule, which seeks to prevent injured parties from claiming damages which are completely unrelated to the loss which they actually

suffer. Most notably, outside these specific areas where Parliament and the courts have seen fit to intervene in the law of contract itself, the doctrine of illegality means that the criminal law restricts freedom of contract so that only those agreements which are for legitimate purposes are valid and binding. This factor in itself automatically rules out many of the purposes for which an individual might be asked to contract-away their freedom. Consequently, it is apparent that freedom of contract on its own offers a particularly compelling argument in favour of the desirability of contracting-away freedom.

However, a sounder basis for argument on this point can be found when one views the issue from the perspective of the harm principle, most famously formulated by JS Mill: ‘The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.’ According to this principle, the protection of liberty is of paramount importance, second only to the right to be protected from harm. To prevent an individual of full capacity from consenting to the surrender of certain freedoms, in exchange for a negotiated benefit, is an infringement of their overall freedom – the only grounds for doing this, according to Mill, are to prevent that individual from harming others. This issue might well arise – referring back to the agency analogy previously used, if the principal orders the agent to harm another person – but the prevention of harm at that point becomes a matter for the criminal law, and the problem is the harmful conduct ordered, not the contract.

A further argument in favour of allowing the contracting-away of freedom is based on the clear examples of contexts in the present law in which it can be desirable to allow, and even promote, agreements whose purpose is the restriction of a party’s freedom. For example, consider the purchase of an easement creating a right of way over a neighbour’s land. The owner of the servient tenement, generally in exchange for payment by the dominant owner, gives up their freedom to exclude their neighbour from their land or to obstruct the path over which the right of way is held. Or consider the signing of official secrets documents by government employees, contracts which restrict them from discussing their sensitive work with others in order to protect national security. Or the popularity of exclusive service agreements, such as a contract with a record label obliging a singer not to deal with any other company for the duration of the agreement. In each of these cases, one party exchanges an element of their freedom for some form of reward – the freedom is the subject matter of the bargain. These are just a few examples of situations under the present law in which such contracts exist, and whether the underlying principle of the utility of individual freedom as a tradeable asset can be applied to further contexts can be assessed on a case-by-case basis.

Support for the general principle that it is not in itself objectionable to make freedom the subject matter of a contract can also be found in arguments which focus not on the usefulness of such agreements in isolated contexts, but on their role in forming the basis of society as a whole. The idea of the ‘social contract’, as put forward by Thomas Hobbes, suggests that the formation of a civilised society depends upon the surrender of individual freedoms in exchange for certain benefits which can be derived from co-existence with other people, such as peace and security. Social contract theory has also been discussed by others such as Jean-Jacques Rousseau, who believed that the ideal society was one governed by the collective will of its citizens, to which individual freedoms are subordinated for the good of all. In the modern age, we can see how this idea, that society is grounded upon the exchange of freedom for security, could be appealing, for example to those who favour stricter surveillance and collection of citizens’ data by governments in order to counter terrorism and organised crime, because of its emphasis on the importance of a ‘greater good’ to which individual rights are secondary.

On this analysis, allowing freedom to be contracted-away has a significant precedent, potentially fit for application in our law of contract. However, the social contract idea is not without flaws. According to the will theory of contract, an agreement cannot be a valid contract unless it is made voluntarily – but it is extremely difficult, if not impossible, to ‘opt out’ of the rules of society, and it would take a great deal of work and cooperation to renegotiate the terms of this contract. If we conceive of society as based on a contract, then we are all bound by a contract formed by our distant predecessors, which is directly contrary to the doctrine of privity of contract, which prevents third parties from being bound

by terms to which they did not agree. That said, it can nevertheless still be useful to see one’s freedom as an asset which can potentially be traded away or attenuated in exchange for benefit.

Part III: Should the legal system render such agreements enforceable?

The doctrine of consideration requires parties to a contract to give something of value (in the eyes of the law) in exchange for promises made if they want their agreement to be enforceable. Contracts involving the bargaining away of freedoms would therefore appear to be straightforwardly enforceable in our present system – given our cultural emphasis on the importance of preserving freedom, it is highly unlikely to be argued that surrendering one’s freedom is not giving something of value, and furthermore in a bilateral contract the mutual promises of the parties provide consideration for each other. The potential consequences of enforcing such agreements, though, warrant some evaluation.

The first major consequence of enforcing the contracting-away of freedom would be the relationship between such contracts and our illegality doctrine. As previously noted, a contract for an illegal purpose is void, because the law cannot ‘speak with two voices’ – the criminal and civil branches must be in harmony. Therefore, the enforceability of agreements to surrender freedom would either be limited by the criminal law, or the criminal law would be forced to change to accommodate the types of contract which could be permitted. The first approach appears to be the current state of the law – it is possible in certain circumstances, as already shown, to exchange freedoms for benefits, but the possibilities for such contracts to be made are reduced by criminal prohibitions, employment regulations, and so on. The second approach, which would be necessary if we were to take the idea further, as discussed above, and consider the treatment of individual freedom as a potentially tradeable asset to be acceptable across the board, would lead to significant reforms to the criminal law – for example, certain legislation would have to be amended if a court were to conclude that it would be acceptable to permit individuals to sell themselves into slavery, if they voluntarily chose to do so (as unlikely as this seems). The adoption of an approach which is so closely linked to the harm principle – the law taking a laissez-faire approach and stepping in only to prevent people causing harm to others – would inevitably have other, slightly more remote, effects on the criminal law causing attitudes to change: for example, it would no longer make sense to maintain that individuals may not consent to the infliction of harm above the level of a battery outside of certain recognised categories (as set down in *R v Brown*). Readier enforceability of these kinds of contracts, which have such clear potential for exploitation if not properly regulated, could also potentially lead to more people succumbing to illegitimate pressure to bargain away their freedoms (to take an extreme example, imagine a parent living in poverty binding themselves to a contract akin to slavery in order to provide for their children). This is not automatically fatal to the premise that it can be desirable to allow people to contract-away certain freedoms, because it is a problem which could be dealt with through our doctrines of consent, undue influence, and duress, but it is worth noting that it would increase the work to be done by such doctrines and shape the development of the law in those areas, and could take up more resources from our already stretched judicial system.

Conclusion

It is clear that in our current law, many contracts involve bargaining away one’s freedom in exchange for some other benefit. It seems therefore to make sense, in the interests of consistency in the law, to hold that there is no general objection to that particular element of the agreement in itself; rather, it is the circumstances in which it occurs which will determine whether a court deems such a contract acceptable. Generally, where the agreement harms no one outside it, and is truly in accordance with the wishes of the parties, it is consistent with the protection of autonomy and individual liberty for a court to operate on the basis that the parties are acting as they do for good reason, and to refrain from interfering in their bargains. If the bargain is unfair for some reason, for example because one party lacks capacity or has been pressured into agreeing to it, then our contract law is well-equipped to deal with this through doctrines such as consent and undue influence: there is no need for the courts to place new and explicit restrictions on the potential subject matter of contracts when the same outcomes can be achieved through the application of existing principles on validity.

ESSAY COMPETITION RUNNER-UP

Essay by Vivian Leong, Worcester College

To what extent should individuals be able to contract away their freedom and should agreements to do so be enforceable?

Should people be able to sell themselves into slavery? The intuitive answer would seem to be a resounding “no”. Yet, individuals contract away their freedom every day, albeit to a lesser extent - there is no shortage of office workers complaining that they’ve “signed away their life” to their employer. This essay will examine the reasoning behind why individuals should not be able to contract away their complete freedom, but should nonetheless be able to trade it to an extent in return for other valuable goods. It will next consider the role of the government in such situations, and propose a test to determine which contracts should be enforceable. Finally, it will observe that while extreme contracts that involve the signing away of one’s freedom to a large or complete extent should be unenforceable, they should still not be criminalised.

The essay starts from the uncontroversial claim that individuals should not be able to contract away their complete freedom. In this case, “complete freedom” refers to one’s ability to make any future choice and one’s ability to renege on the contract. In effect, a person contracting away his complete freedom would be selling himself into slavery, where his decisions are controlled entirely by his master, and where there is no possibility for reversal.

There are two reasons why, on a moral basis, this should be impermissible. First, choice is not valuable in and of itself, but only as a means to achieve important goals in life, such as self-actualisation. Thus, while someone may have the liberty to do drugs, a person who impoverished himself and destroys his familial connections in pursuit of his next high would not be considered free. We would not call the addict free, because a fundamental component of freedom is the ability to exercise control over the course of one’s life – part of being human is to have autonomy. Any choice that strips away one’s ability to retain control over his other actions, such as selling himself into slavery, should be disallowed. This principle is reflected in the world as we know it - there is no country in the world where slavery is legal today.

Second, even if choice were intrinsically valuable, completely contracting away one’s freedom diminishes the number of future choices one can make, especially since this essay assumes such contracts cannot be reneged upon. Crucially, a choice made by a person in the present and in the future is equally valuable, given that his future incarnation is just as much him as his present self is. Therefore, if all choices should be equally weighted, one should not be able to make a choice now that strips him of his freedom to make a thousand choices in the future.

This is not to say that we should not be able to contract away our freedom at all. In fact, we do so on a regular basis. For instance, every employment contract involves, at its core, a person giving up his freedom for certain hours in a day in exchange for a salary. What matters here is the extent to which our freedom is impinged upon, and whether this infringement is proportionate to the benefit gained. There is, for instance, an intuitive difference between working sixteen-hour days in a sweatshop, and sixteen-hour days in an investment bank. Here, two factors are salient.

First, one must consider the degree to which a choice to contract away one’s freedom places a burden on his



other rights and freedoms. This is why employment contracts are not generally seen as immoral - even though they deprive a person of his freedom for certain hours in a day, they are not all-consuming. For instance, in most jobs, employees are allowed to take the weekends off. Furthermore, a person can choose to terminate his employment contract given sufficient notice, demonstrating that there is no significant inhibition on his future freedom. Similarly, in the UK, patients can make legally binding do-not-resuscitate orders, or refuse life-sustaining treatment in advance. At such a stage of physical and mental degradation, there are few freedoms which a person can be said to have remaining. A comatose patient, for instance, no longer has the capacity to make choices. In such a case, his prior decision to contract away his freedom should be upheld, since there is no meaningful infringement of his rights while he is in a comatose state.

Second, the extent to which our freedom is contracted away must be proportionate to the benefit we receive. As mentioned, the autonomy to self-actualise is a core part of the human condition. Sometimes, to be the person we desire, we must give up parts of our freedom to a greater or lesser extent. For instance, if someone has ambitions of becoming wealthy and influential, he will likely have to spend many years of his life toiling away at his job so as to climb the rungs of the corporate ladder. Thus, the contracting away of one’s freedom may be justified in the pursuit of self-actualisation. In contrast, it would generally be considered immoral for a person to contract to work in a sweatshop for below minimum wage, since the infringement on his freedom (such as the long hours, poor working conditions, and inability to renege on the contract without significant sanctions) cannot be justified by the pittance he receives.

At this point, it has been established that individuals should not be able to contract away their complete freedom, but may do so to some extent in certain situations. What role, then, does the state have to play in the regulation of such contracts? This essay will now consider how the state should determine which contracts should be regulated, and which should not.

As far as possible, the state should aim to preserve the autonomy of individuals. Yet, it is clear that not every decision an individual makes should be considered legally valid. How, then, should the state determine which contracts are enforceable and which are not? This essay proposes that only contracts which are entered into out of one’s meaningful free will should be enforceable.

“Meaningful free will” is defined as what a person has reason to choose after being afforded a baseline level of welfare and dignity. Our preferences and desires do not exist in an immaterial ether - rather, they are grounded and shaped by the material conditions of our lives and the legal protections we are offered. A teenager living in desperate poverty, for instance, might be led to work for a pittance in an unregulated sweatshop. But, had this teenager been better-off, it seems obvious that he would not do the same. The unconscionable circumstances that some people find themselves in do not legitimate their freedom-reducing choices, and should not be recognised or enforced by the state.

What, then, is this baseline? As a function of living in society and being human, everyone deserves a minimal amount of welfare and dignity. Though we cannot precisely delineate what constitutes this baseline level, we can make useful approximations. For instance, we may assume that someone with welfare and dignity would be able to afford food and shelter, and have reasonable access to education and healthcare.

Thus, having established such a persona, the state should ask: Assuming that these conditions have been met, would someone still be willing to contract away his freedom in such a way? It is clear that such a person would not contract himself to work in a sweatshop. However, it is perfectly plausible that a person who by all accounts has a conscionable standard of life would still choose to enter into

an employment contract with a company that makes him work very long hours. Therefore, it is the latter and not the former contract that should be considered a legally valid decision by the state.

Once such a contract is considered legally valid, it, like all other contracts, must be enforced. Enforcement is important because it provides for certainty. This is particularly valuable in a liberal market economy, since it ensures that the actions of other economic actors remain clear and predictable, which makes one more likely to participate in economic activity. Without an enforcement mechanism, there is no incentive for individuals to uphold their promises. For instance, if a law firm entered into an employment contract with a lawyer, who decided three months later to quit without notice in the middle of an important case, the firm would rightly be less trusting of future employees, which may lead to salary cuts or other measures aimed at minimising costs to the firm in the event that such a situation happened again. Thus, as long as the state recognises the contracting away of one's freedom in a particular situation to be a legitimate economic decision, it must by extension ensure that such contracts can be enforced in the courts.

What of contracts that should not be enforced, such as slavery contracts or employment contracts with sweatshops? Should they be criminalised? This essay argues no. It is a trite statement that acts are not legally prohibited merely they are immoral. For instance, neither lying nor adultery is a crime, even though both incur significant moral condemnation. Rather, the law generally determines illegality based on Mill's harm principle, which states that criminalising the actions of individuals is justified only if it prevents harm to others in society.

Therefore, regarding such contracts, the UK government's position should mirror its position on contracts containing unfair terms: There is no technical prohibition on entering into such a contract, but before a court they are considered void and unenforceable. Thus, an individual who choose to enter into a slavery or sweatshop contract should not be sanctioned, and insofar as he remains content with the arrangement, even if it deprives him of freedom, the state should not intervene. However, if such a person comes before the court system seeking to escape the arrangement, the state should consider the contract null and void, and release him of his obligations.

What if, a detractor might argue, there exists a person whose idea of self-actualisation is to be a slave? For the sake of argument, though this seems rather inexplicable, let us assume he is right. Given that self-actualisation has been emphasised so heavily in this essay, why should a slavery contract still not be enforceable in this case? The answer, simply, is that such a situation is a contradiction in terms. A contract may only be legally enforceable if it is brought before a court. A person in a slavery contract will only bring a case before a court if he is dissatisfied with his existing arrangement and wants to, for instance, escape it. Of course, if he wants to escape his slavery contract, then being a slave cannot constitute his idea of self-actualisation, even if at a point in his past he thought it was.

In conclusion, our freedom to exercise control over our lives is a right that cannot be abrogated, even by our own doing. At the same time, it must be recognised that part of self-actualisation is the weighing up of various competing rights and considerations, and having the autonomy to choose which we want to prioritise at any given point in our lives. On the part of the state, it should not act as a paternalistic force that seeks to prescribe its conception of what is good for its citizens, but should rather recognise the decisions of its citizens, within reasonable constraints, as valid in the eyes of the law.

SURVIVING MODS

By Sam Warburton



Law Mods take place in 9th Week of Hilary Term. Whilst most of your friends in 1st Year are heading home and only have to deal with Prelims at the end of Trinity, you're stuck in college facing three, three-hour papers in Exam School. I was in this position last year and as such, I am sharing ten tips to help you get through Mods. The first five are practical, academic tips to help you revise and do well in the exam. The latter five are focused on welfare, stress and mentally preparing yourself for the exams.

(1) Exam Resources

This one should be obvious but the best way to prepare for Mods, both academically and psychologically, is to use past papers. You can find them on OXAM which is accessed via WebLearn. Go through as many as you can. This will show you the breadth of questions out there and help you spot popular or recurring themes/style of questions posed. I found going through lots of questions quickly and writing plans/drafts more helpful than properly writing up every single question but do whatever works for you. The more practice you have at exams the less intimidating the exams will seem.

(2) Play by the Rules

Most of your time is going to be spent revising content: the cases, statutes and articles which you are going to be writing about. However, it's just as important to know the basics of exam technique. How many questions do you have to answer? How long do you have for each? How many problems are compulsory? Every year, people make really basic mistakes like this, often panicking in the exam. So make sure you read the instructions on the front of the paper carefully and check that you've filled in the exam booklets properly. Don't let hours of prep go to waste by not answering the right questions in the right order.

(3) Time Management

You've probably been told how important time management is time and time again. But, especially for Law Mods, where you have to answer four questions in three hours, it can be really challenging to actually put this advice into practice. The best advice I can give is to practice. Do as many past papers as you can and be strict about the time limit. If you can't answer an essay or problem in 45 minutes in the library, then you're unlikely to be able to do the question justice in the exam. The more questions you do, the more quick plans and timed essays you write, the easier this will become. In the exam itself, pay attention to the clock. It's so much better to have a good go at all four questions than to ace the first two and miss out or rush the later questions. Good planning and knowing what questions you like to answer will also help.

(4) Know what examiners are looking for

The essay questions in particular can be answered in so many different ways. This can be a good thing but also makes it difficult to know what you are going to get credit for. Generally speaking, examiners are always looking for a good mix of description and evaluation. Know the law and then analyse it. Students often struggle to use the statutes and articles properly, so learning and properly referencing statute and intelligently criticising or explaining the views of named academics where relevant will always help. Also, look at the reading lists provided by your tutor and the faculty. Material will be starred, both cases/statutes and articles. Learning this thoroughly is essential. Lastly, look at examiners reports on OXAM and re-read feedback on essays and collections.

(5) Answer the Question!

This is hardly a revolutionary or ground-breaking tip. But it is still massively important. Make sure you know what the question is asking for. Make sure you answer all parts of the question. Make sure you break down any terms used in the question and explain this to the examiner so they can follow your argument. Long and detailed introductions and conclusions are your opportunity to get marks for personal response and clear structure. Don't be afraid to use the language of the question. If the question is a quotation from a judge/author, use their name and show that you are trying to make what you say relevant to the question.

(6) Work together

Law Mods are really stressful. Especially during 9th Week, when all of your non-law friends have left, college can feel like a lonely place. The single best way to stay sane and get through these last couple of weeks is to work together with your fellow law students. If you haven't already, create a group chat and invite people to study together. You can ask each other questions, go through each other's essays, share notes and even just chat about non-law things together for a bit. Last year, a few of us would regularly get together to eat, chat and revise. Even working silently in the library is less stressful if you have someone sitting opposite to you. Don't be afraid to check in on each other to make sure you're all coping.

(7) Eat, Drink, Relax, Sleep

If you revise all day and all night, you'll probably collapse. It's no use being able to recite everything that Gaius or Nick Barber has ever said if you're too tired or ill to communicate that in the exams. Make time to do nothing. Watch some crap TV, go and grab a drink together in the college bar, go for a walk in Port Meadow or University Parks. Getting out of college and clearing your mind can be really helpful in keeping you going. Putting the books away at a sensible time and going to sleep will likely have a far better impact on your performance in Mods than cramming in an extra thirty pages of Smith & Hogan.

(8) Don't drop off the face of the Earth

Ring home and video-chatting with my friends who had already left for the Vac really helped me during 9th Week. Talking to someone about something other than the vindictio or Parliamentary Sovereignty should help you de-stress a bit. Also, speaking to the outside world puts what you're doing in context. One bad exam is not the end of the world and soon you can look forward to weeks at home and a fairly chilled out Trinity, with no exams and plenty of sun.

(9) Be Prepared

As any scout will tell you: fail to prepare, prepare to fail. Make sure you have your carnation, sub fusc, bod card, water bottle and pens ready to go well in advance. This will give you great peace of mind and make sure you avoid last minute crises. Also, make sure to know exactly when and where your three exams are. Walk as a group to Exam School and leave plenty of time to get there. Listen to the instructions and you'll be fine.

(10) And last but not least: Stay Calm!

It seems right to end on yet-another cliché. This seems like completely unhelpful advice when you're knee-deep in cases or just about to start a three-hour exam. However, it is really helpful to remember in the exam itself. If you're starting to stress-out, then take a few seconds, have a sip of water and breathe. If you're really struggling on a question, then move-on and focus on planning and writing the next question. Even if you leave the exam thinking you've messed up, just do your best to clear your head and prep properly for the next one. Chances are you'll have done much better than you expect and all of that prep will pay off.

I hope this helps you prepare for your Mods. I would like to finish by reminding you about some things to look forward to after Mods. Trashing, an exam-free Trinity Term and that immense feeling of pride when you can say that you've sat your first official Oxford exams. Best of luck!





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