

Law Essay Problem Questions

The formula for tackling a law/legal problem question is as follows:

1. Offer a brief introduction identifying the relevant area of law and any major legislation or cases that will be relevant
2. Identify relevant issues – do not repeat the question or the facts
3. Identify relevant legislation and/or case law (use only one or two relevant cases for each point you make and don't just regurgitate the facts of the precedent case)
4. Apply the facts to the legislation/case law
5. Conclude (you may not be able to give a definite answer)

Many students lose marks by failing to achieve a proper balance of these tasks e.g. by writing everything they know about the law in that area and concluding very briefly in relation to the facts. Where there are several issues in the question, you may want to break your answer into sub headings to avoid confusion. Where two issues are dealt with by the same legislation/case law, you can include these in one heading to avoid repetition.

Example of a law problem question

This example applies the formula given above to a problem question. It uses numbers only to identify which part of the above formula is being dealt with.

Question: "John was employed by Stealthjet plc in their factory assembling a new top secret design of high-tech fighter jets for military use. He was killed in an explosion at the factory. His Widow, Jessica, wishes to establish that the defective design of the fighter jets, or the system for making them, caused the explosion, and so to recover damages from Stealthjet plc. Advise Jessica whether she is likely to succeed in a claim against Stealthjet plc".

SECTION 1 (INTRODUCTION) : *The principle area that this question is concerned with, is the doctrine of public interest immunity. This doctrine is intended to ensure that documents are not revealed in the course of litigation if it is not in the public interest to do so. Originally, such a claim could only be made by the Crown and was known as "Crown Privilege". In *Duncan v Cammell Laird (1942) AC 624*, the House of Lords held that any claim made by the Crown under the doctrine must be accepted; however, this was reversed in *Conway v Rimmer (1968) AC 910*, and it is now for the Courts to decide whether or not it is in the public interest for the documents to be disclosed.*

This is your introduction. In a problem question this will be very brief, identifying the area of law, and any major cases or statutes that are significant.

SECTION 2 : *In this scenario, Jessica will be suing her late husband's employers, Stealthjet plc, for negligence in failing to provide him with a safe system of work. She will need to obtain the plans of the fighter jets and of their manufacturing system in order to identify the defects that gave rise to the explosion. However, the Ministry of Defence will want to claim that it is against the public interest that these plans be disclosed, despite the fact that the Ministry are not a party to the case. The course of English legal proceedings means that disclosing documents requires them to be revealed to the other parties and their legal representatives, and to the judge. There is ample opportunity for the documents to get into the wrong hands.*

Here you are identifying the major issues and facts – you should be looking at any problems that arise out of the scenario. There is no need to repeat the question as this just wastes your word count and suggests you haven't really understood what is being asked.

SECTION 3. *In *Conway v Rimmer*, the House of Lords held that, in deciding whether documents should be disclosed or not, two aspects of the public interest had to be balanced. The first was a public interest in ensuring no harm was done to national interest by disclosing the documents which should be kept secret. The second related to the public interest in ensuring that the conduct of litigation was not frustrated. In *Conway*, the Court distinguished*

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The Twenty Essays on Self-reliance, History, Spiritual Laws, Love, Friendship, Prudence, Heroism, Intellect, Character, Manners, Gifts, Politics &c Ralph Waldo Emerson, 1892

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The Law Times ,1879

Essays on Some Theological Questions of the Day Henry Barclay Swete, 1906

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Accountant Student and Accountants' Journal ,1895

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