

How to Answer a Legal Problem Question

Overview of FIVE Step Plan

WHAT YOU NEED:

- **KEY FACTS**
- **RELEVANT ISSUES**
- **KEY LEGAL PRINCIPLES**
- **APPLICATION OF THE LAW TO THE FACTS**
- **TENTATIVE CONCLUSION**

WHAT TO DO:

1) Identify KEY FACTS of the problem Unlike judges, when you answer a problem or case study you do not need to summarise the facts of a problem. What you should do is identify the key facts.

2) Identify RELEVANT ISSUE of the problem From the key facts, you should then be able to identify the relevant issues in the problem you are considering.

3) Identify KEY LEGAL PRINCIPLES

Once you have worked out the issues, ask:

(a) does a statutory provision apply to the facts and, if so, does it provide a specific answer to the problem?

AND

(b) are there any cases which have dealt with a similar fact situation/legal issue to the one you are considering?

You should provide the name/section of any relevant legislation and the names of any relevant cases in your answer.

Note similarities to (follow) or differences from (distinguish) prior cases When reading a problem it is a good idea to jot down the names of cases that you have studied, where the **facts/legal issues were similar**, if not identical to the ones in the problem you are considering. Often the facts of a problem may be similar to but a little different to those in a decided case.

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M Mark



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