

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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Table of Contents Example Problem Question Answer Company Law

1. Understanding the eBook Example Problem Question Answer Company Law
 - The Rise of Digital Reading Example Problem Question Answer Company Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Example Problem Question Answer Company Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Example Problem Question Answer Company Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Example Problem Question Answer Company Law

- Personalized Recommendations
 - Example Problem Question Answer Company Law User Reviews and Ratings
 - Example Problem Question Answer Company Law and Bestseller Lists
5. Accessing Example Problem Question Answer Company Law Free and Paid eBooks
 - Example Problem Question Answer Company Law Public Domain eBooks
 - Example Problem Question Answer Company Law eBook Subscription Services
 - Example Problem Question Answer Company Law Budget-Friendly Options
 6. Navigating Example Problem Question Answer Company Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Example Problem Question Answer Company Law Compatibility with Devices
 - Example Problem Question Answer Company Law Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Example Problem Question Answer Company Law
 - Highlighting and Note-Taking Example Problem Question Answer Company Law
 - Interactive Elements Example Problem Question Answer Company Law
 8. Staying Engaged with Example Problem Question Answer Company Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Example Problem Question Answer Company Law
 9. Balancing eBooks and Physical Books Example Problem Question Answer Company Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Example Problem Question Answer Company Law
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Example Problem Question Answer Company Law
 - Setting Reading Goals Example Problem Question Answer Company Law
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Example Problem Question Answer Company Law

- Fact-Checking eBook Content of Example Problem Question Answer Company Law
- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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