

Tips on Answering a Land Law Problem Question:

1) Read the question over once carefully.

- While you are reading, keep in mind any points of law that you immediately recognise.
- Think carefully about the cases you know – do they resonate with the scenario at hand?
- Think carefully about the issues that have been emphasised in lectures and tutorials – inevitably, these will almost certainly be replicated in some way in exam problems and coursework

2) Read the question again, this time, use a pencil/pen to mark in the margin numbers next to each sentence that you think raise a different point of law, and scribble in the margin what you think it is.

for example - A is the legal owner of Greenacre. B is A's wife and contributed £10,000 to the purchase price. A and B have a falling out, and A wants to sell the house. B wants to know what her interests are and whether they bind the subsequent purchaser.

- it's obvious that it is an important fact that B is A's wife and contributed £10,000 to the purchase price. It may even ring a bell in your head as to a familiar point of law or a fact pattern addressing a legal point.
- So next to "B is A's wife and contributed XXXXX", mark #1 and scribble "resulting trust?"

3) Now go back and take a piece of paper, write down each topic that you think has been addressed in the problem question, and under each point, write down all the pertinent facts given in the problem question.

- Looking at above example in (2)

On a piece of paper do this:

#1 "resulting trust?"

- to make out a resulting trust, must have:
 - contributed to purchase price (*Gissing v Gissing; Curley v Parkes*)
 - contribution cannot a gift or a loan (*Bradley v Hoolin*)
- apply to the facts:
 - B contributed to purchase price
 - the contribution is not a gift or loan
 - therefore - A holds greenacre on resulting trust for B (B therefore has a beneficial interest.)

4) Now that you have done that kind of planning, go through the problem question one more time and see if you have missed out on any points.

- Go through each sentence and ask yourself – what point of law does it raise, if any?

*** for further details on how to annotate a problem question, see handout on Problem Question #3 from Tutorial #5 ***

- Draw diagrams and schemes
- Visualise the problem
- Keep track of all the elements of the problem question

GENERAL TIPS

Here is how you can prepare yourself better for writing a problem question:

1) Strengthen your knowledge base.

Problem scenarios tend to draw on leading case histories therefore you should be in a position to recognise facts in problem scenarios from cases read during the year.

Keep a running tab on the leading cases and know this about them:

- What is the ratio?
- Is there a test that it proposes be applied to all cases?
- What is this test?
- How have subsequent cases modified or affirmed or changed this test?
- Apply the test on the facts before you

(*** remember what Professor Small said at the beginning of the year – **KEEP CASE BRIEFS** – you don't have time to read all the leading cases come exam time – if you build up your knowledge now, you will not regret it! Trust me! ☺)

2) Weak knowledge/understanding of key, current controversies:

Essay questions tend to raise questions around the most contemporary of issues – you should ensure that for each of the topics they prepare that they are familiar with these issues.

For example:

- property right v personal right
- land law – about equity/fairness or legal certainty (for example, *Midland Bank v Cooke*)
- point of registration of land?

(to name just a few)

3) Don't panic!

Just because a problem is long doesn't mean it's hard. Actually a lot of times, the longer the problem, the more structured the problem is because it raises a number of facts that apply to specific cases and that will guide how you go about answering the question.

You will have less of a risk of missing out on something so long as you read the question carefully!

4) Be systematic in your reading of a question

- use numbers or highlighters to mark each point of law that is raised
- most problem questions resemble fact patterns in cases that have been gone over in tutorials or lectures so YOU KNOW THEM ALREADY!

- **DON'T PANIC.**
- **BE CONFIDENT IN YOUR ABILITIES.**
- **BE PATIENT WITH READING THE QUESTION.**
- **BE FLEXIBLE AND APPLY YOUR KNOWLEDGE PRACTICALLY**
- **BUILD UP YOUR KNOWLEDGE OVER THE YEAR**