

An Introduction to the Law of Contract (4th Edition)
Stephen Graw
 Lawbook Company, RRP\$66.73

Stephen Graw's new and updated fourth edition of *An Introduction to the Law of Contract* published by LawBook Company is great.

The book is a pleasingly slender volume and is a cross between a nutshell and a casebook (with an emphasis on the nutshell). It is aimed at students from disciplines other than law however, until you can answer the questions at the end of each chapter off the top of your head, you need this book.

I have a dog-eared copy of the second edition that I picked it up in an op shop while a student. I remember pulling it out in an exam and feeling ashamed by the title, believing that I really should know more about contracts than what can be provided by a mere introduction to the subject.

But I now find it is right up there with my legal dictionary – another book that saves me having to overload my brain with important information.

The fourth edition is a winner. For a start it is not dog eared (yet) however the white cover may not so easily hide the coffee rings and unfortunately the label on the spine won't become illegible with over use.

It has a new introductory chapter, a right little pot boiler, introducing the Australian legal system. I can see this chapter coming in handy at some crazy legal quiz night or should you find yourself holding forth in a heated discussions about the demise of law and order.

Apart from this helpful new chapter the text maintains its other useful characteristics.

It is well set out with an index that will readily tweak the grey cells and call to life ghosts of lectures past.

There is your new client with a deal gone wrong and there's you thinking "now this rings a bell....", and the index will put you right on the buzzer.

Each chapter is clearly and logically set out and the principal cases referred to. The facts of each case are summarised and then the decision is equally abridged.

No more reading page after page in the casebook, in a typically fruitless and often frantic search for some elusive *ratio decidendi*. Once you have reminded yourself of the seminal case, you are then able to springboard into more in-depth research on the specific part of the deal gone wrong.

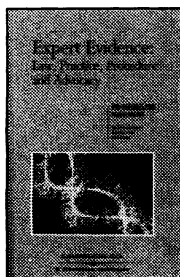
Hopefully you will find that snowball wandering aimlessly and unscathed through hell and get your client out of any particular pickle.

It's also slim enough to flick around and checking related subjects to ensure you haven't launched the wrong missile.

In summary it is not a book you criticise. I am sure if you look hard enough you will see rough patches that will be always present when you try and gloss over legal or factual issues. This book is a fantastic means to an end and if you are smart enough you will not need it.

But if you are like me, a super model trapped in a lawyer's overworked and underpaid body, you will have this little life saver on you bookshelf and refer to it often.

- **Megan Lennie BA LLB (hons) solicitor, Hunt & Hunt**



Expert Evidence: Law, Practice, Procedure and Advocacy
Ian Freckleton and Hugh Selby
 Lawbook Company, RRP \$132

"In matters of opinion I very much distrust expert evidence..."
 Sir George Jessel MR (1873)

This is a ripper read! Well written, well set out and chock-full of everything you always wanted to know but were too afraid to ask.

Our learned friends the authors (seven degrees between them) are well known as the experts on the experts and have written and edited the remarkable loose leaf publication we have all seen in large libraries and even larger law firms.

The Northern Territory starts with a great many ground-breaking, and sometimes contentious decisions including *Nepi*, *Latcha*, *Secretary* and of course *Chamberlain*.

Latcha for example came under heavy criticism over its treatment of the psychiatrist/psychologist/expertise/barrier/conundrum that finally forced the Australian Psychological Society to issue its *Position Statement on the assessment and diagnoses of PTSD* (Post Traumatic Stress Disorder), which

thankfully clarifies the issue. They also serve who only sit and wait.

The authors with admirable diligence canvass the law in not only the different Australian jurisdictions but also the other common law countries, carefully comparing, contrasting, and where necessary complaining, while advocating the continued improvement of this area of the law.

The rules of expert evidence are clearly stated, the role of the expert explained, and the proliferation of new areas of scientific evidence classified and discussed.

Syndrome evidence in its various disguises is unmasked and one is prepared gently for the inevitable

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reader's forum - book reviews

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future change and growth as it is tested, understood and accepted. Conflict and differences of opinion between experts is discussed and foreshadows the recent High Court decision of *Velevisky*.

There are some serious problems to be faced, however. Recently a survey of judges recognised a need for both experts and advocates to perform better in court to lessen the burden upon lay jurors.

Two reports published by the *Australian Institute of Judicial Administration* found a lack of objectivity by experts, a lack of awareness of the tensions between the legal and medical professions, poor preparation by both experts and lawyers and communication problems between experts, judges and juries.

There are also different ways of viewing causation between science

and law, and there has been a seachange in the preferred ethical position to be taken by the experts with regard to the duty owed to the court and the parties they represent.

Both authors are involved in the new International Institute of Forensic Studies based at Monash University with Professor (ex-Justice) George Hampel QC, which has set out to remedy the perceived lack of cohesive training given to both lawyers and experts.

rather whimsical

Specific chapters are worth noting here, with the rather whimsical *Tracker Dog Evidence* (chapter 17) pointing out the difficulties of assessing such evidence, (dogs being notoriously hard to interview), and citing a NZ case, *TeWhiu*, where it was held inadmissible for the dog handler to give evidence as to what the dog was thinking at the time.

The depth of research is demonstrably evident with the 1374 French Case of *Aubry's Dog* (dog as expert, judge and executioner) being dusted off, let out and learning new tricks.

There is a chapter to help "expert witnesses" (their punctuation) understand and follow the process and the law, and there are three tremendous chapters on the examination, cross examination and re-examination of experts with handy hints and dirty tricks for barristers of both sides.

All-in-all this is the definitive carryable work on the subject and is well indexed, easy to read, and a vital part of the criminal and civil lawyers library...can I have mine now please?

- Martin Fisher BA LLB(Hons)
Articled Clerk to the Director
of Public Prosecutions

reader's forum - the lighter side

The common law phrasebook - by Prof Wiesel Werds of Munchen Polytechnic

By the Court ruling on objections to evidence

Common law speak	English
"I reject the question in that form, but you put it again"	"Sorry, I wasn't listening"
"I will allow the evidence. It is a question of weight and I will ask counsel to address me on it during submissions."	"This evidence is inadmissible, but crucial. If I do not let it in the plaintiff will lose for sure."

By Counsel to the Court during submissions

Common law speak	English
"Your Honour, this case raises a difficult legal issue."	The counsel who says this is actually stating in open court that his or her client is willing to settle on any terms available.
"Your Honour, my client's case is very simple."	a) if said by a plaintiff's counsel it means that there is no evidence to support the plaintiff's case b) if said by the defendant's counsel it is a concession of defeat
"These proceedings fall into a narrow compass."	Although it is often said, no-one knows what this statement means.
"The damages claimed are calculable on a Malec v Hutton basis."	"The plaintiff accepts that he/she is unable to prove his/her case on damages."
"Your Honour should allow a buffer."	This is a concession by counsel that there is no intelligible basis to support an award of damages.

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