

Book Reviews

Butterworths Casebook Companions: Contract Law

By Phillip Clarke and Roger Gamble

Butterworths, 1997, pp 295 plus index, \$38 (pbk)

Butterworths Casebook Companions: Contract Law is the latest in the Butterworths series to be released on contract law. Although the book was written to provide students with a basic understanding of contract law, it may also be used by lecturers in conjunction with tutorials. The text is written by Phillip Clarke and Roger Gamble, both of whom are professors lecturing at the law faculty of Deakin University. To further ensure that the book provides a sound introduction to contract law, the authors took an individual approach writing it in affiliation with the students of the law faculty of Deakin University.

This book is, as the name suggests, written with the aim of providing assistance to students in understanding the knowledge already gained from casebooks and texts. It provides basic coverage of those topics usually dealt with under the heading of 'contract law'. The chapters are divided into six parts dealing logically with 'Introduction', 'Formation', 'Scope and Content', 'Destruction', 'Performance and Termination' and 'Remedies'.

As a textbook, the authors have attempted to reinforce the reader's knowledge of contract law. The text differs from the standard contract textbooks in that the authors have sought to adopt a more American format, using diagrams, questions and activities throughout to ensure that problematic areas are addressed. Examples of cases provide the reader with a concise summary of the most relevant point at hand.

The format used is clear and concise. Most importantly, it follows a logical progression. For example, in the chapter dealing with illegality, a basic definition of what constitutes illegality in relation to contract law is given. Other elements such as public policy and unenforceability are then discussed. The chapter then focuses specifically on types of illegality.

The diagrams used provide the reader with an easily understood overall picture. The book is easy to follow and the principles are clearly stated in relation to each issue. Information given is concise and the authors have included older judgments to provide students with a picture of the evolution of contract law in order to promote a better understanding.

Questions are asked throughout to ensure that the student is focusing on the main issues. The reader would obtain a greater benefit if more extensive answers were provided in the book. Alternatively, this problem may be overcome if the text is used in conjunction with a tutorial process. A further omission worth mentioning is the lack of depth to any given subject. For example, in dealing with restraint of trade, the authors do not discuss important factors to be considered, such as the longer the restraint of trade the more likely it will be held to be void. However, this problem is to be expected in a book of this nature in that it is intended to function merely as a companion to a more substantial text.

Another notable omission is the use of Australian authority, with a tendency to instead refer to English authority. In particular this can be seen in relation to estoppel with *Central London Properties v High Trees House*¹ being cited as the major authority, when *Walton Stores (Interstate) Ltd v Maher*² is a more accurate example of the Australian position on the issue. Furthermore, the similarity of *Contract Law* to a casebook prompts the question, what function is this text aiming to serve?

In conclusion, apart from these criticisms, if used in conjunction with other texts as recommended by the authors, the book may prove a useful tool to students that are struggling with the contract course.

*Natalie O'Connor**

Mooting Manual

**By Terry Gygar and Anthony Cassimatis
Butterworths, 1997, pp xiii, 166, \$32 (pbk)**

There is generally very little information available on the art of mooting—certainly nothing comprehensive. If a text deals with the presentation aspects of a moot, all too often it neglects the issue of preparation and research, perhaps presuming that a student already has the requisite skills. The *Mooting Manual*, in the spirit of all good

1 [1947] KB 130.

2 (1988) 164 CLR 387.

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