

Answers to practical exercises

Chapter 18: Mooting skills

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1. Offer and acceptance by voicemail. This also poses problems due to the various synonyms for 'voicemail'. For example, 'answering machine', 'answerphone', 'answerphone message', 'voice message'. There is scope to try 'contract formation' again as a replacement for 'offer' and 'acceptance' perhaps in conjunction with any of the above voicemail-related search terms.
2. The *cy pres* doctrine in relation to charitable purposes concerning animals. The advantage of this search is that '*cy pres*' is not a commonly used phrase so it is more likely to elicit relevant articles. However, this search illustrates a different problem; that of an overly specific or narrow search. If you use '*cy pres*' and 'animal' as search terms, it is unlikely to produce any articles, presumably as nothing has been written about the doctrine in relation to animal charities. This means that you will have to look at articles that comment upon the doctrine in relation to other types of charity and see if there are any points that can be extrapolated and applied to the issue at hand involving animal charities.
3. Circumstances that render the recipient of a gift liable for theft. The most obvious search terms here are 'gift' and 'theft'. You might think that the use of these search terms would fall foul of the 'everyday words' problem seen in relation to 'offer' and 'acceptance' but this is not the case as the search results in a series of articles and case comments that explore this issue, often in the context of the House of Lords decision in *Hinks*. This illustrates that it is always worth trying obvious search terms first to see what happens as it might be effective. If your search gives you hundreds of articles or seems to list articles with no relevance to your topic of interest, then it is worth trying to rethink the search terms.
4. Liability for psychiatric injury caused to rescuers. There is a wealth of material published on psychiatric injury so it would be important not to use this phrase alone as a search term but to combine it with 'rescuer' to ensure focused results. This can save you time as it is less likely that you will have to sift through a long list of articles that do not deal with the specific point of interest.
5. Have a look at *Massinger v. Wax* and consider what search terms you would use to find articles on the first point of appeal: the incorporation of the clause into the contract. A search for 'clause' and 'incorporation' even in conjunction with 'contract' is too wide and produces a list of articles dealing with construction and employment contracts. Improvements can be made to the results by specifying the context of the contract; here, if you add 'consumer' to the search terms, you will find that you obtain far more relevant and focused results.
6. What search terms would help you to locate articles in relation to the first point of appeal in *ex parte Dingley Dell*? It concerns the standing of an interest group to bring a

claim for judicial review and this is an instance in which the use of these obvious search terms produces good results. Similarly, in relation to the second point of appeal, a search for 'legitimate expectation' and 'regulations' is not helpful but if you replace 'regulations' with 'judicial review' the results are far more focused.