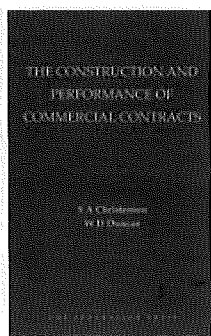


## The Construction & Performance of Commercial Contracts



**S A Christensen  
and W D Duncan**  
Federation Press  
RRP \$150

This is an excellent reference book for all lawyers who work in the drafting of contracts or in relation to contractual disputes.

The practical experience of the authors' is evident in the way the book is written. The content is structured in a very logical way. The index very clearly identifies the areas covered in the book. A secondary index allows a reader to quickly and precisely find where in the book a particular subject is dealt with.

The preface of the book acknowledges that there are probably more text books on contract law than on any other legal subject, however, there are few books on the construction of contracts, and this work differs from most in that it selects a variety of common clauses for analysis.

The book is useful for any practitioner. It is in plain English. It gives very practical advice. For example, under the heading of *Drafting Liquidated Damages Clauses* the authors state, "When drafting liquidated damages provisions a party should have regard to two broad considerations.

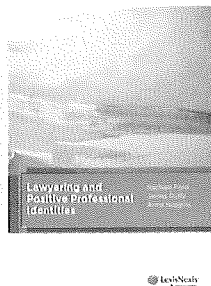
1. Does the doctrine of penalties apply to the clause and can it be drafted to take advantage of the exceptions outlined in *Andrews*?
2. If the doctrine applies is the amount specified 'out of all proportion' to the greatest loss that may be suffered."

The authors then set out general considerations in relation to drafting liquidated damages clauses and then conclude with a page on considerations for a genuine pre-estimate.

This book will live in the shelf next to my desk as a reference in relation to the construction of all contracts that I need to draft or consider. It is very clear, precise and useful.

**Uwe Boettcher, Boettcher Law**

## Lawyering and Positive Professional Identities



**Rachael Field,  
James Duffy &  
Anna Huggins**  
LexisNexis  
RRP \$85

The authors of this work have set themselves a potentially difficult task — that is, to get into the minds of those studying law today, in order to provide tangible advice and value to their readers.

The book's stated objective is "*to contribute, even if only in a small way, to your journey to becoming a happy, healthy, competent professional — in law or otherwise*".

While the book is largely targeted at those studying, or interested in studying, law, it may also appeal to those who have completed their legal studies.

Depending on where you are at in your legal career, particular aspects of the book will resonate differently amongst readers.

The book is generally informative to those coming into legal studies — especially to those with little experience of what it involves.

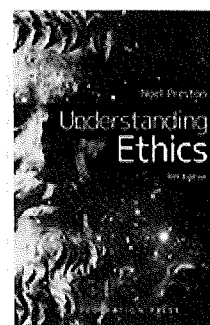
Most poignantly (and what I would have loved to read more of, as I ponder how my life has unfolded), the book includes interesting reflections from current legal practitioners and academics on why they chose to study law, what they intended to become, and what they are doing now.

While the book has noble aspirations and is generally solid in its content, its tone and style are perhaps too 'academic' or formal than they may need to be for the intended audience. Further, while the book forensically dissects the study and practice of law into its discreet parts, it may benefit from some additional commentary on their relevant links and dependencies, as well as how they intersect, diverge and/or conflict.

Overall, the book provides a useful starting point for what the present study and practice of law in Australia involves, and is a solid and interesting read.

**Peter Ho, DMO Legal**

## Understanding Ethics



**Noel Preston**  
4th edition  
Federation Press  
RRP \$35

*Understanding Ethics* explores what it means to lead an ethical life. There is no answer given — rather the book is a journey of various theories, concepts and ideas designed to test or create what an ethical life means to the reader.

The book begins with an examination of the relevance of ethics in everyday life before going on to explore the historical origins of current ethical thinking. Perhaps more interestingly it addresses the confusion in the community about what ethics are and what the true nature of ethical discourse should be.

The author goes on to explore various ethical theories. Preston suggests that consequences, a sense of duty, the need for a just society, a focus on care, and the concept of virtue each influence how we live an ethical life.

Themes such as responsible ethical decisions, sex, love and morality, and environmental ethics are all considered, as is the emerging ethics associated with biotechnology and genetic manipulation. Another important theme explored is the contradiction between the developing and the developed world.

The interface of ethics and the law is considered throughout all of these themes. The need for the law to provide certainty and to adapt to changing ethical viewpoints over time is explored, as is the idea that a person sometimes needs to ignore the law in order to be ethical — referencing Martin Luther King Jr's campaign of civil disobedience against segregation as an example. Broadly the adequacy of international law is also examined as are more specific issues such as codes of conduct in the workplace.

The book is not dedicated to lawyers, but rather is for any person considering their ethical responses in the modern world.

**Claire Carton, Griffin Legal**