

# PREPARING FOR PUPILLAGE Legal Research Tips



INNER TEMPLE LIBRARY

## INN LIBRARIES SPECIALISATION SCHEME

The following is a guide to the jurisdictions outside England and Wales and the subjects within English law that each Inn specialises in. Note that, particularly in the case of English materials, the topics will be covered to some extent at all the Libraries and that the list is not necessarily exhaustive.

GRAY'S INN	INNER TEMPLE	LINCOLN'S INN	MIDDLE TEMPLE
Air and Space Law	Armed Forces	Agriculture	Accountancy
Conflict of Laws	Commonwealth	Animal Law	Agency
Constitutional & Administrative	Coroners	Channel Islands	Arbitration
Construction Law	Criminal Law	Charities	Banking
Consumer Law	Criminology	Commonwealth	Carriage of Goods
Data Protection	Customs and Excise	Company Law	Commercial Law
Education	Defamation	Conveyancing	Competition Law
Energy Law	Family Law	Equity and Trusts	Ecclesiastical Law
Entertainment & Media Law	Food and Drugs	Insolvency	Employment
Environmental Law	Forensic Science and Medicine	Isle of Man	Equal Opportunities
Foreign Law (Not at other Inns)	Intellectual Property	Landlord and Tenant	EU and Member States
Highways	Licensing	Parliamentary Materials	Finance and Financial Services
Housing Law	Medical Law	Partnership Law	Health and Safety
Human Rights	Mental Health	Pensions	Insurance Law
Immigration & Nationality	Personal Injury	Real Property	International Trade
Information Technology	Police	Taxation	Irish Republic
International Law	Prison Law	Wills and Probate	Maritime and Shipping Law
Local Government	Product Liability		Transport
Northern Ireland	Professional Negligence		United States
Planning Law	Road Traffic		
Rates & Council Tax	Scotland		
Social Security & Welfare Law	Sentencing		
Sports Law			
Telecommunications			

# INNER TEMPLE COMMONWEALTH COLLECTION

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# LEGAL RESEARCH TIPS FOR PUPILS

The aim of this guide is to point out some useful tips to assist with different aspects of legal research. Hard copy and online sources are included and will be suggested as appropriate.

#### **CONTENTS**

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#### **INTRODUCTION**

When carrying out your legal research don't forget to:

- keep a record of your research trail and note all information sources carefully, including those that are not useful (so that you do not inadvertently re-examine the same sources if you have to expand your research)
- ensure legal citations and abbreviations have been interpreted correctly
- cite the sources you have used so that an author's intellectual property rights are respected
- comply with the agency and commercial licences held by your chambers
- be aware of permissions needed for copying, distribution and storage of materials
- avoid plagiarism

#### INN LIBRARIES' COLLECTIONS

All the Inn Libraries have full collections of English legal materials. In addition each Inn Library has special collections. Details of jurisdictions outside England and Wales and the subjects within English law that each Inn Library specialises in can be found at the front of this booklet or via the Collections section of our website.

The <u>catalogues</u> of the four Inn Libraries are available online and can be searched onsite or via the Library website (www.innertemplelibrary.org.uk).

#### **DATABASES**

The Inner Temple Library provides access to a wide range of legal databases.

**BAILII** 

**Bloomsbury Professional Online** 

Cardiff Index to Legal Abbreviations

Criminal Law Week

Electronic Immigration Network

**EUR-Lex** 

HeinOnline

**HUDOC** 

I-law.com

**ICLR** 

Laws of Mauritius

Lexis+

Practical Law

The Times Digital Archive

vLex Justis

Westlaw

Westlaw Canada

#### Lexis+

Full text of case reports from over 40 series of law reports including the ICLR Law Reports from 1865 onwards and Weekly Law Reports, All England Law Reports and Industrial Relations Law Reports; the English Reports; transcripts of all cases from the Supreme Court, House of Lords, Privy Council and Court of Appeal (Civil Division) 1980 onwards, of the Administrative Court 1983 onwards, and of selected cases from other divisions of the High Court. Within the Cases database there is also an Appeal Tracker service back to mid-2008.

Full and amended text of all UK statutes and SIs that are in force. Historic versions for Acts and selected SIs.

Online version of Halsbury's Laws and Is It In Force?

Online version of Atkins Court Forms & Encyclopaedia of Forms & Precedents.

EU case law and legislation.

Extensive range of commentary sources.

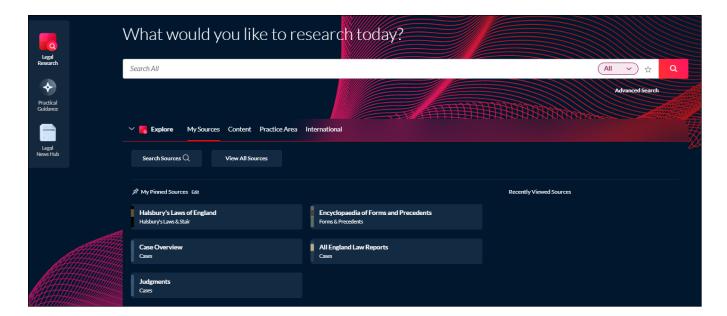
Full text of over 80 legal journals, and abstracts from a wide range of UK and international journals.

Full text of UK national and local newspapers.

Know how materials are contained within Practical Guidance.

Lexis Commonwealth - now contained in Lexis+ under the International section.

Materials from Canada, Australia, India, Hong Kong, Malaysia, New Zealand and Singapore.



#### **Practical Law**

Provides access to online know-how resources including practice notes, legal updates, standard documents, checklists and multi-jurisdictional guides which include information on the law and regulation in many jurisdictions.

#### vLexJustis

Caribbean Case Law includes Bermuda Law Reports, BVI cases, Jamaica cases and an extensive judgments collection.

England & Wales Judgments in the Court of Appeal (Civil Division) 1951 onwards and Court of Appeal (Criminal Division) 1963-89, 1993 onwards (1990-1992 pending); Times Law Reports 1990 onwards.

UK statutes as **originally enacted** from 1235 onwards; subsidiary legislation 1671 onwards, as **originally enacted**.

Repealed UK legislation.

Local Acts from 1797 onwards.

#### **Westlaw UK**

ICLR Law Reports from 1865 onwards, Weekly Law Reports and the Industrial Cases Reports; the English Reports; transcripts covering the Supreme Court, House of Lords, Courts of Appeal, plus selected High Court and tribunal judgments 1999 onwards; many of Sweet & Maxwell's specialized series including the Criminal Appeal Reports, European Human Rights Reports, Fleet Street Reports and Personal Injury and Quantum Reports.

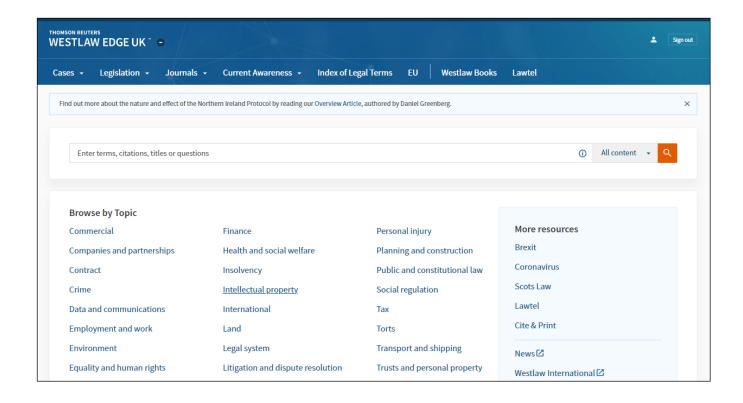
Kemp & Kemp gives access to Kemp commentary and over 10,000 quantum reports.

Full text of UK statutes and SIs in force as amended; historic and prospective versions of Acts and SIs.

Full text Local Acts from 1991 onwards with a selection of earlier Local Acts.

EU case law and legislation.

Access to the full text of over 60 legal journals published by Sweet and Maxwell and abstracts from a wide range of UK and English-language European journals.



There are guides to using the databases on the Library's leaflet rack in the lobby and also in the Library Guides section of the website which can be accessed via Research & Training.

#### **ABBREVIATIONS**

Cardiff Index to Legal Abbreviations - www.legalabbrevs.cardiff.ac.uk - this free database allows you to search for the meaning of abbreviations for English language legal publications from the British Isles, the Commonwealth and the United States, including those covering international and comparative law. You can access the Cardiff Index from the home page of the PCs in the Inner Temple Library.

**Raistrick's Index to legal citations and abbreviations** - this book contains over 30,000 legal abbreviations and covers the legal literature of the UK, the Commonwealth, Europe and the USA.

#### **DEFINITIONS**

**Legal dictionaries** – the main dictionaries are: Stroud's judicial dictionary of words and phrases; Words and phrases legally defined; Jowitt's dictionary of English law.

Halsbury's Laws – use index volumes to locate definitions.

**Lexis+** – provides access to Words & Phrases Legally Defined.

**Westlaw** – the Index of Legal Terms gives access to Stroud's Judicial Dictionary, Jowitt's Dictionary and Osborn's Concise Law Dictionary.

#### **CASES - KEY POINTS**

**Difference between a law report and a judgment** - a judgment is the decision of the judge or judges in a court of law. This is distinct from a law report which is produced by a legal publisher with added content such as headnotes and catchwords.

**Neutral citation** - the neutral citation system was introduced for England and Wales in January 2001 with the aim of making it easier to find unreported cases and judgments that appear on the Internet. The neutral citation generally consists of the following: the year, court, case number and division, e.g. [2003] EWHC 161 (Admin) - this refers to case number 161 of 2003 from the High Court (Administrative Court). If you have a neutral citation use the online databases to find a report of the case or a transcript.

Hierarchy of citations - the most authoritative reports are The Law Reports, which have been produced by the Incorporated Council of Law Reporting (ICLR) since 1865. These should always be used in court in preference to any other series. The ICLR also produces the Weekly Law Reports (WLRs) and these would follow The Law Reports in importance. The All England Law Reports (All ERs) are considered as having equivalent status with the WLRs. If the case is not reported in any of these, you should cite the fullest specialist report you can find. Avoid case summaries in journals and, where there is no full report, use the official transcript instead (but not the handed-down text of the judgment). For more information see Lord Chief Justice's practice direction: Citation of Authorities 2012 ([2012] 1 W.L.R.780). See also the section on Unreported cases.

**Judicial history of a case** - cases can be subsequently cited in later cases. They can be followed, considered or overruled. It is important that you check a case's subsequent history before citing it in court. Lexis+ or Westlaw can be used to trace the judicial history of a case. Current Law Case Citators can also be used.

**Cases that cite legislation** - use vLexJustis, Lexis+ or Westlaw to find such cases. Current Law Legislation Citators can also be used.

**Unreported cases** - unreported cases can be cited in court. Databases such as BAILII, vLexJustis, Lexis+ and Westlaw can be used to find such cases.

The Inner Temple Library has produced a guide to finding transcripts (Transcripts of judicial proceedings in England and Wales: a guide to sources). The guide is available for members of the Inns of Court to consult at the Enguiry Point. Alternatively it is available for purchase.

Case names - sometimes case names are not straightforward. Cases involving children are often anonymised, e.g. N (A Child). Cases involving ships are often referred to by the ship's name, e.g. The Sava Star. A case involving the Metropolitan Police Commissioner might also be cited as the Commissioner of Police of or for the Metropolis. So you may need to think carefully about how you look for a case name in an index or when searching for a case name on a database.

#### **LEGISLATION - KEY POINTS**

#### Acts (Public General Acts) or Statutes

**Citation** - Acts can be cited using title and calendar year, e.g. Data Protection Act 1998, or year and chapter number, e.g. 1998 ch.29. Each Act has its own individual number, called a chapter number. This may be abbreviated to c., ch. or Chap. Remember that before 1963 Acts were cited using the regnal year, e.g. 30 & 31 Vic. c.27.

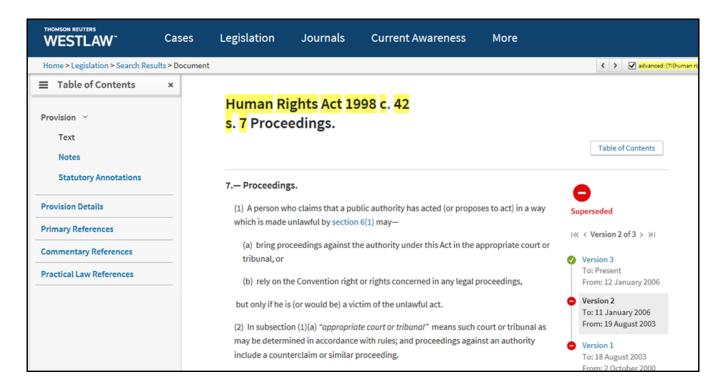
**Amendments** - to check if an Act has been amended and to find the amended or consolidated version of the Act, use Lexis+ or Westlaw. You can also use Halsbury's Statutes and Current Law Legislation Citators.

**Repealed legislation** - to find an Act that has been repealed use vLexJustis, as this is the only database that contains repealed legislation. You can also use the annual bound volumes of Acts.

**Commencement dates** - to find out when an Act comes into force look at the commencement section of the Act itself (usually found at or near the end of the main numbered sections, before any schedules) or use the Is It In Force? volume of Halsbury's Statutes. You can also use Lexis+ or Westlaw to find this information

**Original versions of Acts** - use vLexJustis. This has the original versions of Acts. You can also use the bound volumes of Acts.

Historic and prospective versions of Acts - in Westlaw use the Legislation database and select More options to find the version of the Act you require. Westlaw has historic versions of Acts back to 1991. On Lexis+ you can view historic versions of Acts from 1998 onwards. Click on the Versions tab at the top of the screen. Use the timeline or calendar to choose a point in time. You can also use old editions of Halsbury's Statutes or old editions of textbooks to find historic versions of Acts.



#### Statutory Instruments (SIs)

**Citation** - SIs are cited either by title and year, e.g. Civil Procedure Rules 1998 or by year and number, e.g. 1998/3132. Each SI has its own number and several thousand SIs are issued each year.

**SIs can be amended and revoked** - note the terminology. Acts are repealed but SIs are revoked.

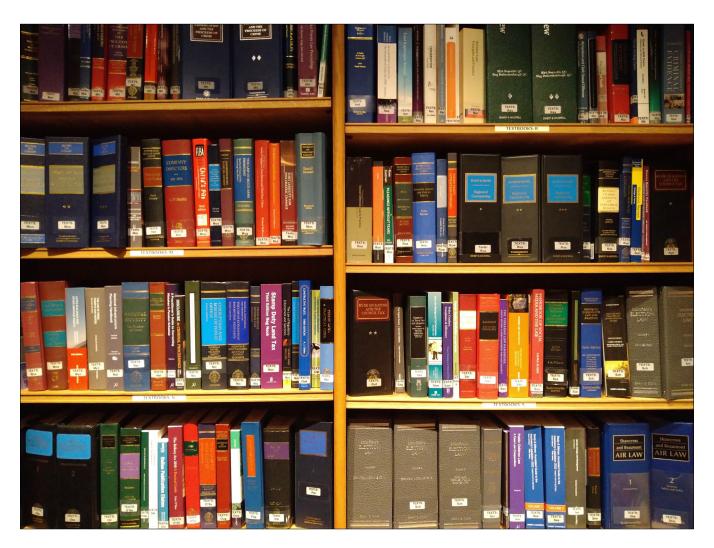
Original versions of SIs - vLexJustis has the original text of SIs.

**Amendments** - use Halsbury's Statutory Instruments and Current Law Legislation Citators to find out how SIs have been amended and to see the amended text. Lexis+ or Westlaw can also be used for this kind of research.

To find out if any SIs have been made under an Act - use Halsbury's Statutes (find the Act and look at the footnotes) or use the Current Law Legislation Citators. Lexis+ or Westlaw can be used to find such SIs.

**Historic versions of SIs** - Westlaw has historic versions of SIs back to 1948 (use More options). On Lexis+ selected SIs have historic versions on screen. Click on the Versions tab at the top of the screen. Use the timeline or calendar to choose a point in time. Alternatively use the old editions of Halsbury's SIs.

#### **COMMENTARY SOURCES**



#### **Textbooks**

Sometimes the quickest way to find an answer to a query is still to use a book. There are several kinds of textbook that may help you find the answer you need.

**Practitioner textbooks** - these are written by and for practitioners. They are very detailed and contain extensive references to authorities. They will include comprehensive tables of cases and legislation and may contain useful appendices.

**Practice books** - these offer guidance on practice and procedure in the courts. Examples are Archbold on criminal pleading, evidence and practice, Blackstone's civil court practice, Family court practice, Paterson's licensing Acts and Stone's justices' manual. They are often referred to by the colour of their bindings, e.g. the White book (Civil procedure), the Green book (Civil court practice), the Red book (Family court practice). These are reissued regularly and some have supplements throughout the year to update them.

**Looseleaf encyclopaedias** - have the advantage of being frequently updated. They also tend to contain reprinted Statutes and Statutory Instruments, commentary and annotations to the primary materials.

#### **Journal Articles**

Inner Temple Library's English Legal Journals collection is arranged alphabetically by title.

The Law Reports and Journals Currently Received guide will tell you which Inn Library takes particular journals. It is available on the Library Guides page of the website and on the leaflet rack in the lobby.

**Electronic journals** - to find out which journals are available electronically, ask staff at the Enquiry Point.

**Westlaw & Lexis+** - these databases have the full text of a large range of journals and they also index the contents of many more.

#### Halsbury's Laws

This is an encyclopaedia of the laws of England and Wales. It is the only comprehensive narrative statement of the law of England and Wales. If you are new to a topic Halsbury's Laws will tell you what the law is on a given subject and what the key legislation and cases are. The volumes are organised alphabetically by subject and are updated by the annual cumulative supplement and the Current Service Noter-up booklet. An online version is also available via Lexis+ where you can search or browse by volume.



#### PRECEDENTS & FORMS

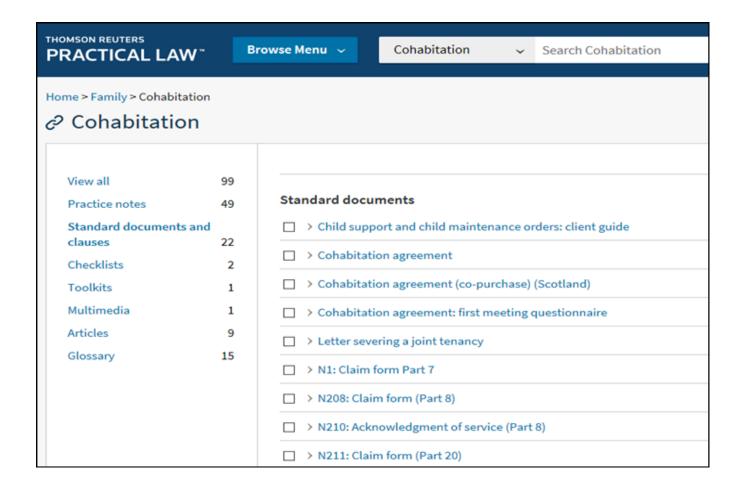
There are several resources in the Library that you can use to find precedent documents or forms that can be used in court. This will save time in preparing your case because the documents and forms have already been drafted and are in a standard format.

**Atkin's court forms** - this contains forms and procedural documents for use in civil proceedings before courts and tribunals. It is arranged by subject and consists of over 40 bound volumes which are reissued periodically. The bound volumes are updated by a looseleaf service.

The Encyclopaedia of forms and precedents - this contains forms and precedents used in legal business (other than litigation) carried on outside the courts. It has extensive commentary followed by the forms and is arranged by subject. It consists of over 40 bound volumes which are reissued periodically. The bound volumes are updated by a looseleaf service.

Both of these are also available on Lexis+.

**Lexis+ Practical Guidance and Practical Law databases** - these databases contain many precedent documents and standard forms.



In addition there are a number of specialised works that contain forms or precedents:

- Brighouse's precedents of wills
- Bullen & Leake & Jacob's precedents of pleadings for drafting statements of case in civil matters
- Butterworth's civil court precedents
- Chitty and Jacob's Queen's Bench forms
- Clark Practical matrimonial precedents
- Curran Personal injury pleadings
- Kelly's draftsman this contains forms and precedents most commonly needed by solicitors in general practice
- Oke's magisterial formulist contains a collection of precedents for all statutory and many regulatory offences within the jurisdiction of the magistrates' courts

Many textbooks contain at least some precedents, often as an appendix. So if you cannot find a precedent using any of the above, try a textbook on the topic.

#### **COMMONWEALTH CASES AND LEGISLATION**

Inner Temple Library has extensive collections of hard copy and electronic resources for locating Commonwealth material.

Use the Library's catalogue to search for hard copy materials.

The following is a list of the databases that contain Commonwealth material:

**Lexis+** – cases and legislation relating to Australia, Canada, Hong Kong, India, Malaysia, New Zealand and Singapore are contained within the International section. Other resources in Lexis+ include:

- Bahamas Law Reports
- Eastern Caribbean Supreme Court Reports
- Laws of Mauritius
- West Indian Reports

Westlaw Canada - for legislation and case law.

**vLexJustis** - Bermuda Law Reports 1986 onwards; British Virgin Island Cases 1994 onwards; Cayman Islands Law Reports 1952 onwards; Jamaican Cases 1999 onwards and other Caribbean judgments.

#### **EU CASES AND LEGISLATION**

European Court Reports (ECRs) - these are the official law reports of the European Court of Justice (ECJ). They contain the judgments and opinions of the ECJ and Advocates-General. The ECJ has existed in various forms since 1952. It was first established as the Court of Justice of the European Coal and Steel Communities in 1959 (under the Treaty of Rome). Since 2009 (under the Treaty of Lisbon) its official name has been the Court of Justice of the European Union, though it is still commonly referred to as the European Court of Justice. In 1989 a Court of First Instance (CFI) was created to relieve the case load of the ECJ, and this was renamed in 2009 the General Court. The Court of Justice remains the highest court, interpreting and applying EU law across all member states. There is also, since 2005, a specialised Civil Service Tribunal.

Cases from the ECJ, CFI and the General Court are contained within the ECRs. Inner Temple Library has these in hard copy. Alternatively Eur-Lex, Lexis+ and Westlaw contain EU case law. The European Court Reports (Reports of cases before the Court of Justice and General Court) ceased publication in print at the end of 2011. Up to 2011, the print version of the Reports remains the only official version, while from 2012 onwards the official version is published on EUR-Lex.

**EUR-Lex** - <a href="http://eur-lex.europa.eu/homepage.html">http://eur-lex.europa.eu/homepage.html</a> - this free site is the European Union's website which provides access to EU law. It includes: legislation from 1952 onwards; case law 1954 onwards; the Official Journal 1952 onwards; the treaties setting up the European Communities and European Union, and community preparatory acts.

Official Journal (OJ) - this is the official journal of record of the European Union. It has several sub-series, of which the most important are L and C. The L series contains the text of adopted legislation and details of international agreements, conventions etc entering into force. The C series contains: brief details of European Court of Justice (ECJ) and Court of First Instance (CFI) actions and judgments; draft legislation; notices from the European Commission and European Parliament minutes. Note that after 1st July 2013, the electronic editions of the OJ have legal value. The paper version only has legal value if the electronic version cannot be published.

**Regulations and Directives** - **Regulations** are addressed to all member states. They are directly applicable in their entirety without the need for national legislation. **Directives** are addressed to all member states and require an objective to be achieved by a given date. National authorities must draw up legislation in order to conform with the Directive within a certain time frame. In the UK, Directives were usually implemented by Statutory Instruments and occasionally by Acts.

**Implementation of Directives in the UK** - Halsbury's Statutory Instruments has an EC Legislation Implementator volume. Eur-Lex, Lexis+ and Westlaw can be used to find implementation information.

#### **EUROPEAN COURT OF HUMAN RIGHTS**

The European Court of Human Rights (ECHR) is a separate institution from the European Union. The following databases can be used to find reports of cases from the ECHR:

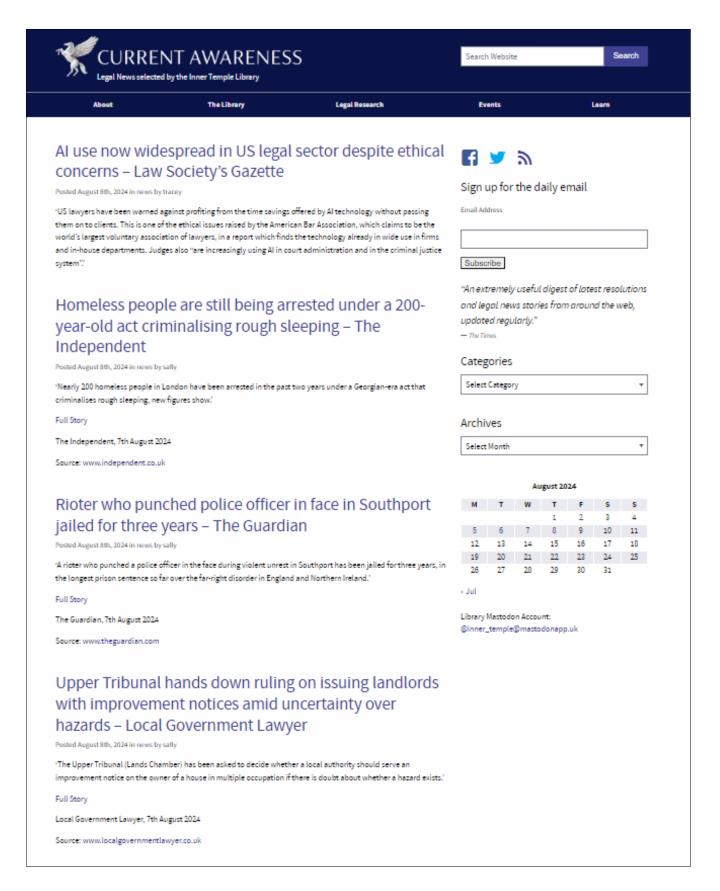
**HUDOC** - <a href="http://hudoc.echr.coe.int/eng">http://hudoc.echr.coe.int/eng</a> - this free site is the official database for the case law of the European Convention on Human Rights. Content includes judgments, screening panel decisions and admissibility decisions of the European Court of Human Rights 1959 to date.

Lexis+ - has the European Court of Human Rights Cases from 1960 onwards.

**Westlaw** - has European Human Rights Reports (Sweet and Maxwell) and the European Human Rights Reports, Commission Decisions (European Commission of Human Rights).

#### **KEEPING UP TO DATE**

It is important that you keep up to date with developments in the legal world. The Inner Temple Library's blog can help you do this. The Current Awareness blog aims to provide up-to-date information on new case law, changes in legislation, and legal news, which we hope will be of interest to lawyers practising in the UK. It is accessible at <a href="https://www.innertemplelibrary.com">www.innertemplelibrary.com</a>; you can sign up for a daily alert by email or an RSS feed or follow it on X (formerly Twitter) (<a href="https://www.twitter.com/inner\_temple">www.twitter.com/inner\_temple</a>).



#### WHEN YOU CANNOT GET TO THE LIBRARY

**Current Awareness blog** - <u>www.innertemplelibrary.com</u> - provides up-to-date information on legal news, new case law and changes in legislation. **Daily** alerts available via email, RSS feed or X (formerly Twitter).

**Document supply** - we operate a document supply service which enables you to request documents to be sent to you by email or post. This is a charged-for service. Details can be found via Services & Facilities - Document Supply Service on the Library website - <a href="https://www.innertemplelibrary.org.uk">www.innertemplelibrary.org.uk</a>.

**Legal research FAQs** - there are a series of FAQs on the Library website - <a href="https://www.innertemplelibrary.org.uk">www.innertemplelibrary.org.uk</a> - which are designed to help you carry out research if you cannot come into the Library. They cover UK and EU case law and legislation, treaties and Parliamentary publications. They indicate which hard copy and electronic resources can be used to answer a range of questions. A glossary of legal terms and phrases is also available.

**Library catalogue** - <a href="https://int.ent.sirsidynix.net.uk/client/en\_GB/innertemple/">https://int.ent.sirsidynix.net.uk/client/en\_GB/innertemple/</a> - provides access to the holdings of the four Inn Libraries.

**Contact the Library** - you can contact the Library in person or by email or phone - <u>library@innertemple.org.uk</u> or 020 7797 8217.

## Frequently Asked Legal Research Questions

These guides aim to answer questions frequently asked of the staff at the Inner Temple Library. The sources suggested are not intended to be exhaustive. Rather they are sources that the staff have found to be most useful. They include free web-based sources, hard copy materials and subscription-based databases.

Some of the guides include information on works held by the Inns of Court Libraries, which are open to members of the Inns of Court only.

Please note that the subscription-based databases mentioned are available for use in the Inner Temple Library by members of the Inns of Court only. These databases cannot be accessed remotely because of restrictions in our licence agreements. Members of the public are advised to contact a public reference library to enquire if the databases or publications listed are available locally. (Quick Reference Guides to some of the subscription-based databases can be found in the <u>Library Guides</u> section of the website.)

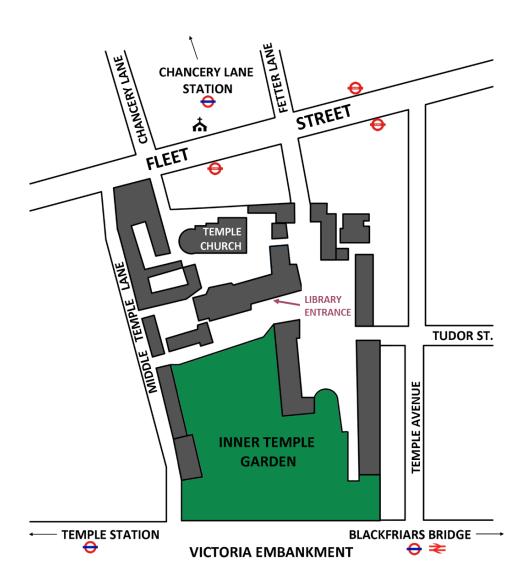
Researching UK Law

Researching EU Law

Researching Treaties

Researching Parliamentary Publications

## **INNER TEMPLE LIBRARY**



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Website: www.innertemplelibrary.org.uk