Legal Research
In Your Final Year

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Information Skills Advisor
Changes in the library

- LRC is closed to students
- Student and IT Support has moved into the library
- 1 East Helpdesk – library enquiries
- 1 West Helpdesk – IT enquiries
- Undergraduates can now borrow **15 books**
- New MFDs
- New library website
- Law books now on 3 East and 4 East
  - Law Ref on 4 East

Reminder: we are cashless!
Law Reference
4 East

• Law reference books
• Law encyclopedias
• Halsbury’s Laws
• Kemp and Kemp
• Law Report series’
The aim of this session

To help you find good quality information for your final year modules and beyond.

By the end of this session you will:
• be familiar with common legal materials and where to find them
• be able to identify where you can find good quality resources outside LSBU
• be able to identify where to find information on referencing your work using OSCOLA
Sources of information: Textbooks

- May not find books that focus just on area of law you are interested in
- Look at table of contents and index
- Look at chapters on defamation
  - articles at end of chapters
  - cases mentioned
  - footnotes
  - comments in text
  - “Thinking points” sections
  - bibliography
Halsbury’s Laws of England

- Multi-volume legal encyclopaedia (roughly 100 volumes)
- Covers all areas of English law
- Helps you find most important cases, legislation and commentary in an area of English law
- Topics are arranged by subject
- Usually 1-2 pages long
Law reports

Use Westlaw and LexisLibrary to find law reports

- by subject
- by party name
- by cases cited
- by cases citing
- that refer to a particular piece of legislation
- of cases that were heard in a particular court
What is a journal article?

Journal
• an academic magazine
• usually focused on a specific subject such as law or an area of law

Article
• an essay or piece of writing that has been published in a journal
• usually written by an academic or researcher

Scholarly/peer reviewed journal
• high quality journal
• article has been scrutinised by experts (‘peers’) in the same field
Peter Watts, ‘Actual authority: the requirement for an agent honestly to believe that an exercise of power is in the principal's interests’ (2017) 4 JBL 269
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Deciphering Legal Abbreviations

Peter Watts, ‘Actual authority: the requirement for an agent honestly to believe that an exercise of power is in the principal's interests’ (2017) 4 JBL 269

Need to know what JBL is an abbreviation of?
– Use Cardiff Index for Legal Abbreviations

Cardiff Index will show
• what an abbreviation stands for
• which is the best abbreviation for a journal title or law report series
The Discovery Tool

Law: Home
https://libguides.lsbu.ac.uk/law/home

Academic Journals
https://libguides.lsbu.ac.uk/law/journals

Journal Article Search (EDS)

Discovery Service - Search here

Search here

Find journal articles and more

Search

Searches most of the LSBU journal databases.

Lexis journals – takes you to the journal so you can browse for the article

Westlaw journals – takes you to the Westlaw homepage so you can search the database for the article
Search for the Journal

Peter Watts, ‘Actual authority: the requirement for an agent honestly to believe that an exercise of power is in the principal's interests’ (2017) 4 JBL 269

1. Select the Journals tab
2. Search for the journal title
3. Select a database that covers the relevant year/volume (in this case, 2011)

Connect to Link to full text available from Westlaw UK: 1986 to present
Law Libguide

https://libguides.lsbu.ac.uk/law/home

Bookmark for quick access.

Includes links to:

• Library catalogues
• Legal Resources
• Academic Resources
• Training materials
• OSCOLA guidance
Defamation Act 2013

2013 CHAPTER 26

An Act to amend the law of defamation.  

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Requirement of serious harm

1. Serious harm
   (1) A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant.
   (2) For the purposes of this section, harm to the reputation of a body that trades for profit is not “serious harm” unless it has caused or is likely to cause the body serious financial loss.

Defences

2. Truth
   (1) It is a defence to an action for defamation for the defendant to show that the imputation conveyed by the statement complained of is substantially true.
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Defences

2 Truth

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Citation for a statute

Defamation Act 2013

Defamation Act 2013, s 1 (1)

The Defamation Act 2013 (1)
Finding Cases

Use Westlaw and Lexis to find case reports
- by subject
- by party name
- by cases cited
- by cases citing
- that refer to a particular piece of legislation
- that were heard in a particular court
What is a Law Report?

“A law report is a published report of a judgment, with additional features such as a headnote summarising the facts of the case and the judgment, catchwords used for indexing, and lists of cases considered”

Definition from Oxford Standard for the Citation of Legal Authorities (OSCOLA), 4th ed.
What is the best law report?

“If a case is reported in the Law Reports, this report should generally be cited in preference to any other report. If a judgment is not reported in the Law Reports, cite the Weekly Law Reports or the All England Law Reports. Only if a judgment is not reported in one of these general series should you refer to a specialist series, such as the Lloyd’s Law Reports or the Family Law Reports.”

From Oxford Standard for the Citation of Legal Authorities (OSCOLA), 4th ed.
Hierarchy of Law Reports

The Law Report Series
Eg. Appeal Cases (AC), Queen’s Bench (QB), Family (Fam), Chancery (Ch)

Weekly Law Reports or All England Law Reports

Specialist Series e.g. Lloyd’s Law Reports, Family Law Reports

BEST

BETTER

GOOD
James v Eastleigh BC [1990] 2 AC 751 (HL)

- Names of the parties
- Year of law report
- Volume number in which the case is reported
- Abbreviation for law report title
- Court
- Page number or case number


- Names of the parties
- Neutral citation: the 22nd Supreme Court judgment in 2010
- Citation to where the case is reported
A neutral citation
A judgment from any division of the High Court, independent of any printed series of law reports (from 2001 onwards)

UKSC – UK Supreme Court

53 - the case number (ie the 53rd judgement in this court in 2010)
The law report reference


When you use a neutral citation, you should follow it with a citation of the most authoritative (‘best’) law report

What does the 1 refer to?
• the volume number

What does AC stand for?
• Law Reports, Appeal Cases (The Law Report Series)

What does the 240 stand for?
• the first page of the report
Roberts v Gill & Co

Supreme Court

19 May 2010

Case Analysis

FOR EDUCATIONAL USE ONLY

Status: Positive or Neutral Judicial Treatment


Case Digest

Subject: Civil procedure Other related subjects: Succession

Keywords: Addition of parties; Beneficiaries; Derivative claims; Limitation periods; Personal representatives

Summary: An application by the beneficiary of a will to amend proceedings brought by him in his personal capacity so as to permit
How should you reference this?

*852 Joseph and others v Spiller and another (Associated Newspapers Ltd and others intervening)

Supreme Court

1 December 2010

[2010] UKSC 53

[2011] 1 A.C. 852


2010 July 26, 27; Dec 1
Citation for a case


Joseph v Spiller [2010] UKSC 53

Joseph v Spiller [2011] 1 AC 852
Finding information for your research

Keywords

Identify alternative terms

• synonyms (similar/identical meanings)
• alternative spellings

Keep a note of every search you do

• adjust key words as you go along
Search Tips: Focussing and broadening your search

Use **AND** to focus your search
- eg principal **AND** agency
- not needed in Westlaw which puts ‘and’ between all words

Use **OR** to broaden your search
- eg consent **OR** agreement **OR** assent

Use **NOT** to exclude a topic
- eg contract **NOT** housing
Search tips: Truncation and phrase searching

Use ! to find different possible endings to a word in Westlaw/Lexis

- E.g.: **discriminat!** would find discriminate, discriminated, discrimination, discriminating etc
- Use a * instead of ! in other databases

Use “” [quotation marks] to search for a phrase

- E.g.: “contract law” and “third party”
- not needed in Lexis Library which treats everything as a phrase
Websites

Make sure they’re good quality sites!

– Official sites
– Follow up recommendations from lecturers or books/journal articles

Leveson inquiry
http://www.levesoninquiry.org.uk/

Human Rights blog
http://ukhumanrightsblog.com/

Guardian newspaper law page
http://www.theguardian.com/law
Referencing

Why reference?

• To acknowledge other people’s ideas
• To enable your reader to trace your sources
• To prove that you have done research and that you have included others’ ideas
• To support your ideas and arguments
• To avoid charges of plagiarism which is a serious academic offence
Footnotes

- Footnotes at the end of sentences in superscript (little number above the text)
- If the *name* of a case or the name of piece of legislation is named in the text, it is not necessary to repeat it in a footnote (though you can if you want to)
  - Still need to add the *details* of case in footnote, however
- “Pinpoints” are the page numbers where the quotes can be found
Example

Text:
It is well represented in the case law, perhaps most notably in the expression of the no conflict rule advocated by Lord Upjohn in *Phipps v Boardman*, and in the earlier Court of Appeal decision in *Boulting v Association of Cinematograph, Television and Allied Technicians*. In *Boulting* [or in the *Boulting* case], Upjohn LJ said that the rule ‘must be applied realistically to a state of affairs which discloses a real conflict of duty and interest and not to some theoretical or rhetorical conflict’. In *Phipps*, Lord Upjohn developed his view of the rule further by adding that there must be a ‘real sensible possibility of conflict’.

Footnotes:

31 [1967] 2 AC 46 (HL).
32 [1963] 2 QB 606 (CA).
33 *Boulting* (n 32) 638. OR 33 ibid 638.
34 *Phipps* (n 31) 124.

Source: *OSCOLA, pp 3-4*
OSCOLA

Referencing resources on the Law Libguide

https://libguides.lsbu.ac.uk/law/oscola

– Official OSCOLA guidance, ‘Citing the Law’ online tutorial, LSBU Quick Guide to OSCOLA
How confident are you with OSCOLA?

1:1 Help
Law and Social Sciences
LLRlss@lsbu.ac.uk

Drop in Help:
Research Helpdesk, 3 Bridge
Mon-Fri 12.00-4pm

OSCOLA workshops …?
Any questions?