Law Project

Information Skills Librarians
askalibrarian@lsbu.ac.uk
In this session

Finding good quality information for your law project

- The Law Libguide
- Books and e-books
- Journal articles
- Cases and legislation
- OSCOLA referencing
- Where to find help and advice
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
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
Law in the Library
4 East

• Law textbooks
• Law reference books
• Law encyclopaedias
• Kemp and Kemp
• Law Report series’
Where to find textbooks

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

Search for anything in the library

E-book platform just for Law
# Referencing a book

**Legal Skills (7th edn)**

Emily Finch and Stefan Fafinski

<table>
<thead>
<tr>
<th>Publisher</th>
<th>Oxford University Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print ISBN-13</td>
<td>9780198831273</td>
</tr>
<tr>
<td>DOI</td>
<td>10.1093/he/9780198831273.001.0001</td>
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</tbody>
</table>

Print Publication Date: Jun 2019
Published online: Sep 2019

© Emily Finch and Stefan Fafinski 2019
Emily Finch and Stefan Fafinski, *Legal Skills* (7th edn, Oxford University Press 2019)
How would you reference this book in your reference list?

Emily Finch and Stefan Fafiniski, *Legal Skills* (7th edn, Oxford University Press 2019)

What is a journal article?

Journal
- an academic magazine
- usually focussed 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
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

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 login page, then the article or abstract.
Searching Westlaw and Lexis
Searching Westlaw

Search for specific resources

Index of Legal Terms
Search for definitions in legal dictionaries and in Westlaw UK's Cases, Legislation and Journals.

European Union
Access EU legislation, treaties, cases and commentary. Comprehensive coverage of the Official Journal.

Crime
Search all criminal law resources from across Westlaw UK's content collections. Browse specific areas of criminal law and practice.

News
Search national and international news sources for the latest news or access the comprehensive archive of stories.

Scots Law
A dedicated search of Scots Law materials on Westlaw UK. Browse all Scots Law Cases, Legislation, Journals and Current Awareness.

Personal Injury
Keep up-to-date with the latest developments, with direct access to Lawtel and Kemp Quantum Reports.
Searching Westlaw

Cases

Significant
Our Case Editors regard this case as significant

Guidance
Our Case Editors regard this as a guidance case. It gives legal or procedural guidance, or reinforces or explains existing guidance

Legislation

Legislation Status Icons

<table>
<thead>
<tr>
<th>ICON</th>
<th>WHAT DOES IT MEAN?</th>
</tr>
</thead>
<tbody>
<tr>
<td>![Positive Icon]</td>
<td>Provision is Not Yet In Force and shouldn’t be used yet</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Provision is Fully In Force</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Provision is Partially In Force or has been partially Repealed - it might be only some sub-sections are in force, its only in force for a specific jurisdiction (i.e. just in force in Wales but not England) or it might be in force for a specific purpose. Users should check the Commencement section of the Analysis for details</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Provision has been fully Repealed or Superseded and should no longer be used</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Provision has Pending Amendments or Proposed Draft Amendments. This Icon appears in addition to any of the above</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Prospective law – you are viewing a future version of a provision (or a newly inserted provision)</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>You are viewing a draft piece of legislation or a proposed draft amended version</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>You are viewing an Act as enacted – this is a pure historical/non-updated document</td>
</tr>
</tbody>
</table>

Case Status Icons

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>![Positive Icon]</td>
<td>Case has received positive or neutral consideration (descriptors used can be Approved, Followed, Applied, Distinguished, Cited, Considered, Referred to or Explained).</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Case has received mixed consideration (descriptors used can be Disapproved, Doubted, Not applied or Not followed).</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Case has received negative consideration – it has been overruled, reversed or superseded in full or in part and should no longer be considered ‘good law’ (descriptors used can be Overruled, Overruled in part, Superseded, Superseded in part, Reversed or Reversed in part).</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>Appeal Outstanding – there is currently an appeal going through or an appeal has been requested. This Icon can appear in addition to any of the above.</td>
</tr>
<tr>
<td>![Positive Icon]</td>
<td>No Substantial Judicial Treatment (descriptor used will be Mentioned).</td>
</tr>
</tbody>
</table>
Phrase searching
Westlaw presumes AND between each word – data protection is data AND protection; needs to be “data protection” to search as a phrase.

Truncation
Use ! as the truncation symbol in the legal databases. eg. child! would find child, children, childhood.
Searching Lexis

Use tabs for specific resources

Newspapers tab

Quick search box
Searching Lexis

Phrase searching
Lexis presumes phrase searching – data protection is “data protection” unless separated by AND.

Truncation
Use ! as the truncation symbol in the legal databases.
eg. child! would find child, children, childhood.
Researching your topic

What are the keywords?

Should the age of criminal responsibility be raised in the UK?
Researching your topic

What are the keywords?

Should the age of criminal responsibility be raised in the UK?
Should the age of criminal responsibility be raised in the UK?

<table>
<thead>
<tr>
<th>Keyword</th>
<th>Alternative / related words</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXAMPLE: news</strong></td>
<td><strong>EXAMPLE: media or television</strong></td>
</tr>
<tr>
<td><strong>KEYWORD 1:</strong> age</td>
<td><strong>ALTERNATIVES FOR KEYWORD 1:</strong></td>
</tr>
<tr>
<td><strong>KEYWORD 2:</strong> Criminal responsibility</td>
<td><strong>ALTERNATIVES FOR KEYWORD 2:</strong></td>
</tr>
<tr>
<td><strong>KEYWORD 3:</strong> UK</td>
<td><strong>ALTERNATIVES FOR KEYWORD 3:</strong></td>
</tr>
<tr>
<td></td>
<td><strong>United Kingdom</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Great Britain</strong></td>
</tr>
<tr>
<td></td>
<td><strong>England</strong></td>
</tr>
</tbody>
</table>
Focussing and broadening your search

• Use **AND** to focus your search (this will give you fewer results)
  • eg contract law **AND** property

• Use **OR** to broaden your search (this will give you more results)
  • eg social media **OR** social networking **OR** Twitter **OR** Facebook
<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>age</td>
<td>Child! OR “young people”</td>
</tr>
<tr>
<td>AND</td>
<td></td>
</tr>
<tr>
<td>“Criminal responsibility”</td>
<td>“Criminal liability”</td>
</tr>
<tr>
<td>AND</td>
<td></td>
</tr>
<tr>
<td>UK</td>
<td>“United Kingdom” OR “Great Britain” OR England</td>
</tr>
</tbody>
</table>
Defamation Act 2013

2013 CHAPTER 26

An Act to amend the law of defamation. [25th April 2013]

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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Citation for a statute

Defamation Act 2013

Defamation Act 2013, s 1 (1)

The Defamation Act 2013 (1)
Legislation

If all the information about the source is provided in the text, a footnote is not needed

E.g. in text:
This case highlights the far-reaching judicial role ushered in by the Human Rights Act 1998.

But, if you don’t use the name of the Act or the relevant section, add a footnote

E.g. in text and footnote:
British courts must only consider Strasbourg jurisprudence: they are not bound by it.¹

¹ Human Rights Act 1998, s 2.
Finding Cases

Law: Legal Resources  https://libguides.lsbu.ac.uk/law/legalresources

- 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)

Eg.
Appeal Cases
(QB), Queen’s Bench
(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
1. Roberts v Gill & Co

Supreme Court | [2010] UKSC 22 | 19 May 2010

Positive/Neutral Judicial Consideration

Subject: Civil procedure; Succession

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


Where Reported
[2010] UKSC 22
[2011] 1 A.C. 240
[2010] 2 W.L.R. 1227
[2010] 4 All E.R. 367
[2010] 5 WLUK 460
[2010] P.N.L.R. 30
[2010] W.T.L.R. 1223
(2010) 154(20) S.J.L.B. 36
Times, May 28, 2010
The neutral citation


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

38 - the case number (ie the 38th judgement in this court in 2014)
**The law report reference**


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

Include the volume number if there is one

AC – Appeals Cases, The Law Report Series

657 is the first page of the report
How should you reference this?

77. Uber BV v Aslam
Court of Appeal (Civil Division) | [2018] EWCA Civ 2748 | 19 Dec 2018

No Substantial Judicial Treatment | Significant

Subject: Employment; Transport

Keywords: Drivers; Employment status; Mobile applications; National minimum wage; Private hire vehicles; Smart devices; Workers; Working time

January 28, 2019 | Judgment


Uber BV v Aslam [2018] EWCA Civ 2748
Reference List or Bibliography

Your lecturer should tell you whether to include a reference list and/or bibliography.

**Reference list** – sources you have used in your assignment

**Bibliography** – everything you have looked at, even if you have not cited it (see OSCOLA guide p11)

**Order of materials:**

**Primary sources**
- Cases (UK then other jurisdictions)
- Legislation (UK then other jurisdictions)

**Secondary sources**
- Book and journals
- Listed together, organised alphabetically by author
Secondary sources
Footnote and Bibliography reference

Citation for a footnote
Catherine Elliott and Frances Quinn, *Tort Law* (10th edn, Pearson 2015)

Citation for a bibliography
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

Microsoft Word References Tab
Insert Footnote
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.
Pinpoints

Primary sources
[1] means paragraph 1, but 1 (without brackets) means page 1.

[1]-[2] means paragraphs 1 to 2, while 1-2 means pages 1 to 2.

[1], [5], [10] means paragraphs 1, 5 and 10 (but not 2, 3, 4, etc.). 1, 5, 10 means pages 1, 5 and 10.

Secondary sources
para 1 means paragraph 1
1 (without brackets) means page 1.
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
1:1 support

Book a 1:1 with an Information Skills Librarian
go.lsbu.ac.uk/askalibrarian
• Database Searching e.g. Journal articles
• Referencing
• Using RefWorks

Email queries: askalibrarian@lsbu.ac.uk

Research Helpdesk
3 Bridge
Mon-Fri 12.00-4pm
Any questions?