



Back to the Future – Reflections on Legal Research Courses

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Image <http://www.blogcdn.com/blog.games.com/media/2010/11/backtothefuture.jpg>

Agenda

- Who are we?
- Why classes in Legal Research?
- The **BACK (LAW299)**
 - Course structure
 - Class topics
- The **FUTURE (LAW399)**
 - Course structure
 - Research Trail Assessment
 - Online courses
- SELF REFLECTION



The Davis Law Library is located in the heart of the law district in Auckland and between the two Faculty of law lecture and admin blocks.

Our patron focus is therefore the Faculty of Law (staff and students) and the Department of Commercial Law within the Business School.

We are one of 13 of the University of Auckland group of libraries

Why classes in Legal Research?

- The underlying rationale behind running legal research classes was to provide structured, organised practical skills courses that focused on assisting students with researching in a complex legal environment
- All courses are grounded in information literacy principles in accordance with the standards set out in the *Australian & New Zealand Information Literacy Framework* and in line with the [University of Auckland's Graduate Profile](#)

Sample LLB degree structure highlighting Legal Research classes

Key

■ Law compulsory courses
 ■ Law elective courses
 ■ General Education courses
 ■ Courses for other non-law degree

Sample LLB degree structure

Part I	LAW 121G Law and Society (15 points)	LAW 131 Legal Method (15 points)	Non-law courses prescribed for another bachelors degree (75 points)			General Education (15 points)
Part II	LAW 299 Legal Research 1	LAW 201 Criminal Law (30 points)	LAW 211 Public Law (30 points)	LAW 231 Law of Torts (30 points)	LAW 241 Law of Contract (30 points)	
Part III	LAW 399 Legal Research 2 (10 points)	LAW 301 Land Law (20 points)	LAW 306 Equity (20 points)	LAW 316 Jurisprudence (15 points)	LAW 458 Legal Ethics (10 points)	Law elective courses (45 points)
Part IV	LAW 400 Legal Research 3 (10 points)	Law elective courses (110 points)				

Competencies for legal research

Course Topic	Legal Research Skills	Resources
NZ Legislation	Understanding and knowledge of: <ul style="list-style-type: none"> appropriate selection from available statutory sources the legislative process historical statute publication amendments to statutes updating statutory information extrinsic resources which aid interpretation conducting legislative history finding delegated legislation parliamentary publications current awareness resources available for legislative information 	NZ Statutes Hansard Wall charts <i>Tables of New Zealand</i>

Course Topic	Legal Research Skills	Resources
Multi-jurisdictional research	For the jurisdictions of: Australia, Canada, the United Kingdom and the United States, understanding and knowledge of: <ul style="list-style-type: none"> constitutional frameworks hierarchy of superior courts law reporting series and their citations updating case law legislative process finding statutes and their citation 	Law reports Citators Statutes Dictionaries Encyclopaedias Web sites Electronic databases

Course Topic	Legal Research Skills	Resources
Case Law	Understanding and knowledge of: <ul style="list-style-type: none"> historical NZ law reporting series authorised law reporting series in common law jurisdictions medium neutral citations parallel citations using indexes to law reporting series updating case law finding commentary on cases finding cases with judicial consideration of legislation finding leading cases current awareness resources 	<i>Gazette Law Reports</i> NZLRs Digests and Abridgements Indexes to law reports Citators <i>The Capital Letter</i> Case law databases

Course Topic	Legal Research Skills	Resources
Secondary Sources	Understanding and knowledge of: <ul style="list-style-type: none"> national bibliographic database inter-library loans hierarchy of legal journals distinguishing between indexing and fulltext journal databases multi jurisdictional legal journals indexes fulltext legal journals databases electronic newspapers finding articles in non-legal journals Law Commission Reports theses and dissertations 	<i>Te Puni</i> Legal journals



The Back

- Course structure
- Class topics
- Assessment
- Statistics



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LAW299- Legal Research 1

- Compulsory course
- 1st Semester every year
- Pass/Fail - **80% grade to pass**
- Practical skills course
- 340-360 students enrolled each year
- Prerequisite course to LAW399
- Assessed via online tests, worksheets and final take home test
- Course book available

LAW299 Small classes

- n Attend 5 classes (1 hour each fortnight)
- n Small class sessions (15-18 per stream)

LAW299 Class topics

New Zealand Jurisdiction Focus

- Class 1- Legal information structure
- Class 2- Case Law
- Class 3- Legislation
- Class 4- Legal Secondary Sources
- Class 5- Legal Research- research process, ethics & referencing

Class focus is on traditional print based tools



LAW299 Schedule & Assessment

- 50% Coursework
- 4 worksheets
- 4 modules + tests

- 50% Final Test

LAW299 Legal Research 1 2012

Worksheet for Class 2: NZ Case Law

Marked out of 10

Your Family Name _____
Your First Name _____
Your Student ID _____

1. The following citations are incomplete. Find the cases and **rewrite the full case citations** in accordance with the NZ Law Style Guide, including the correct bracket choice in the right column using either round () or [] brackets. (2 marks)

	Correct citation
2008 1 NZLR 554	
2009 11 NZCPR 717	
2002 7 HRNZ 126	

2. Give the full title to the following law report abbreviations

Abbreviation	Full version
FRNZ	
NZBLC	
NZJMA	

LAW 299 Legal Research 1, 2012

Worksheet for Class 3: NZ Legislation

Marked out of 10

Your Family Name _____
Your First Name _____
Your Student ID _____

1. Find the following public statutes according to Act number and year. Cite the statute according to the New Zealand Law Style Guide. (Check volumes on shelves). Check your spelling! (1.5 marks)

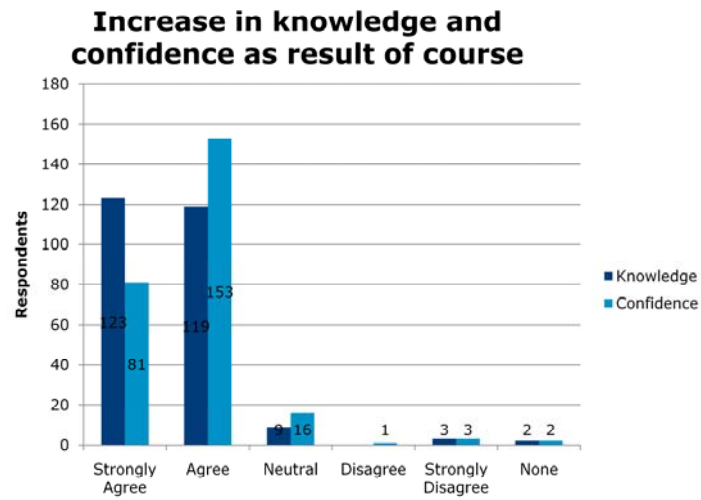
Act No. & Year	Title
Act 137 of 1970	
Act 36 of 2004	
Act 88 of 1957	

1. What is the Act Number and Year for the following statute title? (1.5 mark)

Title	Act No. & Year
District Courts Act 1947	

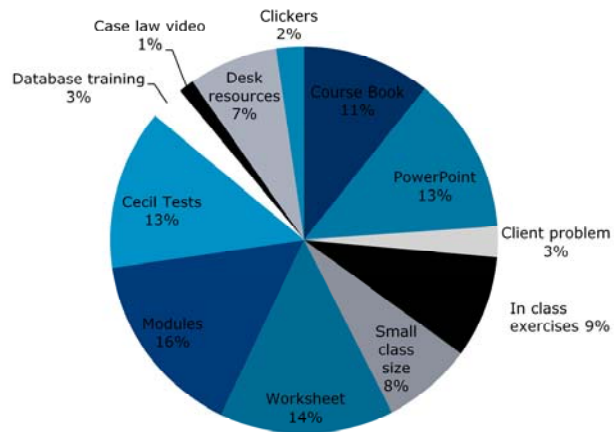
1. Provide the Act number and Year **or** RS volume number **or** the BRS volume number for the latest (compiled) version of the following New Zealand statutes. (2 marks)

Feedback from LAW299 Students 2011



Feedback from LAW299 Students 2011

What aspect of the course helped you learn best?



The Future

- Course structure
- Class topics
- Assessment
- External to the Class focus
- New tools



(c) <http://totallytop10.com/wp-content/uploads/2011/04/back-to-the-future-mcd.jpg>

LAW399- Legal Research 2

- Compulsory course
- 2 hours of lectures per week
- 10 point paper
- Fully graded (*grades from A+ to D-*)
- First and second semester every year
- Approx 330 enrolled each year
- Assessed via 2x worksheets and 70% research trail
- Course book available

The future is this extended course

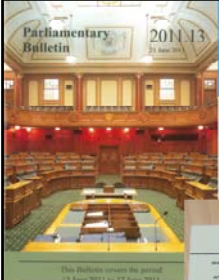


Legal Research 2 reinforces and builds on the skills gained in Legal Research 1.

Basic skills are now upgraded to more advanced skills, this time within a multi-jurisdictional context.

LAW399 topics

- Legal Research Process
- Case Law
- NZ Legislative process
- Legal secondary sources
- Researching in specific jurisdictions
- The Research Trail (*includes the self reflection*)
- Researching in Law Firms

Multi-jurisdictional focus- NZ, AU, UK, Canada & USA + International Law

BANKERS AND BANKING

Part 1—Bank of New Zealand	395
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GUARANTY TO SECURE ADVANCES ON BALANCE OF ACCOUNT	406
REPRESENTATION AS TO CREDIT	406
PRODUCTION AND INSPECTION OF BOOKS	406

Selected Historical New Zealand Law Reporting Series

Report	Report	Timeline	Report	Report
Colonial Law Journal (1 vol only)	Court of Appeal Reports	1840		
		1841		
		1842		
		1843		
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		2012		
		2013		

Early New Zealand Statutes

Early New Zealand Statutes

1840-1841

1842-1843

1844-1845

1846-1847

1848-1849

1850-1851

1852-1853

1854-1855

1856-1857

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2000-2001

2002-2003

2004-2005

2006-2007

2008-2009

2010-2011

2012-2013

Acts Interpre


s 20 — *Seafast Products Ltd v Director*
2 NZLR 449 (HC)

Statutory rules and regulations repealed, were ultra vires the statute and with or repugnant to a subsequent statute.

Fishing Industry Board Act 1963, s 10 — s 5 — Meat Act 1964, ss 51, 53, 77 and 49 — Meat Amendment Act 1967, s 3 — Fish (Packing for Export) Regulations 1977 (SR 1977/161) regs 4, 5, 6, 8 and 9.

Important NZLRs

- Started in 1883
- From 1883-1915 they were published as annual volumes and cited by volume number eg *Hull v Thomson* (1896) 14 NZLR 1 (SC).
- Vols 1-5 have two sets of pagination – for Supreme Court and Court of Appeal decision they are cited as *Zohrab v Fuller* (1884) 3 NZLR SC 210.
- From 1973 NZLRs published in 2 volumes per year
- From 1989 NZLRs published in 3 volumes per year
- Only official series of law reports in NZ



The Research Trail

1. Topic & Purpose
2. Initial Analysis
 - i. Research Question
 - ii. Areas of law
 - iii. Key legal issues
 - iv. Other relevant issues
 - v. Jurisdictions
 - vi. Possible sources
 - vii. Information provided
 - viii. Possible keywords
3. Research Trail
4. Reflection
5. Bibliography
6. Appendix

The major assessment component for LAW399 is a research trail.

The word limit is 4000 words and it is worth 70% of their grade for the class.

The students must tie this research in with another piece they are writing, be it for an elective, dissertation or something else they are writing the semester they are enrolled in.

Example of Searching Steps within a Research Trail

I have sufficient texts and now need some general journal articles on my topic.

Database: Index to Legal Periodicals and Books via EBSCO Host

Search string	Results	Evaluative Comments
Child* N10 soldier*	102 articles	Wide range of issues on child soldiers covered. I need to refine my search to just one aspect. Decided to concentrate on use of child soldiers as a crime against humanity
Child* N10 soldier* AND crime* N10 humanit*	5	All 5 results were relevant. One particularly good article provides good general discussion on the topic of crimes against humanity. ¹

The Index to Legal Periodicals results were relevant but insufficient in terms of quantity. LegalTrac may provide indexing to a wider range of scholarly journals to ensure comprehensive coverage.

Evaluate your results

Database: LegalTrac

Search string	Results	Evaluative Comments
"Child soldiers" (Keyword anywhere)	95 articles	This search is too general. I will try a more specific search
"Child soldiers" (keyword anywhere) AND "crimes against humanity" (Keyword anywhere)	7	Two articles were useful. ^{2,3} They provided differing viewpoints on the topic.
"Child soldiers" (keyword anywhere) AND "international criminal court" (Keyword anywhere).	12	Altering the search terms provided recent commentary.

- Footnote as per Style Guide
- State where you find the full text of your article
- If evaluative comments are not in the research trail table (evaluative comments column), then provide them as an additional sentence, after the citation in the footnote.

¹ Sarah L. Wells "Crimes Against Child Soldiers in Armed Conflict Situations: Application and Limits of International Humanitarian Law" (2004) 12 Tul J Int'l & Comp L 287. Link to full text version provided.

² Nienke Grossman "Rehabilitation or revenge: prosecuting child soldiers for human rights violations." (2007) 38 Geo J Int'l L 323. Available full text via HeinOnline.

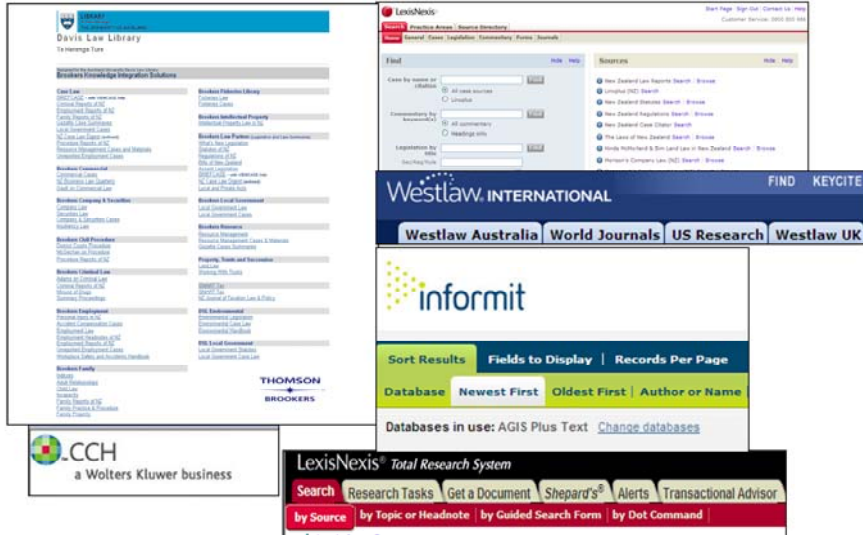
³ Shaw Tock "Recruiting and using children as soldiers: the case for defining the offence as a crime against humanity" (2004) 13 Dal J Leg Studies 157. Available on HeinOnline.

External to the Class Focus

- Online modules for major databases
- Database training classes
- University of Auckland's learning management system (Cecil -developed in house)
- Online tests
- PowerPoint's
- Templates

Focus on Student Self help/ Self Learning

Generic Course Instruction



The screenshot displays a collage of legal research resources:

- Devis Law Library:** A Thomson Brookers interface showing various legal databases categorized by subject (e.g., Criminal Law, Contract Law, Property Law).
- LexisNexis:** A search interface with a 'Find' box, filters for 'Case by source' and 'Case by date', and a list of search results.
- Westlaw International:** A search interface with a 'Find' box and a list of search results.
- CCH:** A logo for CCH, a Wolters Kluwer business.

THE UNIVERSITY OF AUCKLAND
Cecil e-Learning

LAW.399FCity 2012

Go to student view

Knowledge Map

- Image Gallery
- Library Resources
- Database Modules
- Tests
- Class Powerpoints
 - LAW399 Class 1- Intro
 - Class2 NZ Courts
 - Class2 Blank Case Law Series Fo
 - Class3 Case Law Ptl
 - Class4- NZ Case Citator Exercise
 - Class Reps for LAW399
 - Worksheet 1 info
 - Class4 Case Citators PartI
 - Class4 Case Citators PartII
 - Class 5 Research Trail
 - Class6 Initial Analysis
 - Class6 Analysis Template
 - Class8 UK Legal Research
 - Class9 Australian Legal Research
 - Class10 Legislative Process
 - Class11 NZ Legislation2
 - Class12 Legislation3
 - Class13 Referencing
 - Class13 Answers
 - Class14 Research Trail Catchup
 - Class15 Canada Legal Research
 - Class16 USA Law
 - Class17 International
 - Class18 Law Firms
- Worksheets
- Research Trail
- Workshops
- Database Training

Own work – do not work together with anyone when answering this Worksheet.

Worksheet 1 for Legal Research 2, LAW 399
Semester 2, 2011

Your Family Name

Your First Name

Your Student ID

This Worksheet is marked out of 20.
This Worksheet is worth 15% of your final mark

1. A Muslim woman wearing a burqa tries to board a bus.
Trevor, the driver suffers from mask phobia and refuses her a ticket. An argument ensues and the woman is removed forcibly from the bus by Trevor.
She breaks down in the street and tearfully calls her family on her cell phone to incident and the behavior of the driver.
Bob a reporter for a newspaper picks up the call on a cell phone hacking device. He rushes the story to his editor who directs that it appear on the front page of the newspaper. The newspaper story strongly supports the Muslim woman and condemns the prejudices Trevor.
Trevor is suspended pending a meeting with his employer where termination will be an issue. The police lay a charge of assault.
Advise Trevor.

Note: You are asked to provide a **detailed analysis**, not to undertake detailed supply the type of information detailed on pages 46-47 of the LAW399 Course Limit to the New Zealand jurisdiction for this Worksheet. (12 marks)

Own work – do not work together with anyone when answering this Worksheet.

Worksheet 2 for Legal Research 2, LAW 399
Semester 1 2011

Your Family Name

Your First Name

Your Student ID

Marked out of 20.
This Worksheet is worth 15% of your final mark

1. Provide a legislative history of the Local Government Amendment (No 3) Act 1997. (12 Marks)
Answer:
2. Cite the principal rule which details the form of oath that begins "Do each of you" and ends with phrase "the evidence". (1 mark)
Answer:
3. Cite the closing date for submissions on the Maori Purposes Bill currently with the Maori Affairs Select Committee. (1 Mark)
Answer:
4. Cite the New Zealand statute with the following citation 9 GeoII No.8. (1 Mark)
Answer:
5. Cite the UK Statute with the citation 39 & 40 Y&J c 36. (1 Mark)
Answer:
6. Cite the New South Wales Statute under which robbery is made a more serious offence when it is coupled with corporal violence or the malicious inflicting of bodily harm. (1 Mark)
Answer:
7. Cite the recent regulation that decreased the total allowable catch for spiny rock lobster in the Gisborne quota management area (CRA 3) to 164,000 tonnes. (1 Mark)
Answer:

[Introduction](#)

[New Zealand's Legal Framework](#)

[Law, Ethics & Business](#)

[How is Law Classified?](#)

[CONSTITUTION](#)

[SOURCES OF LAW](#)

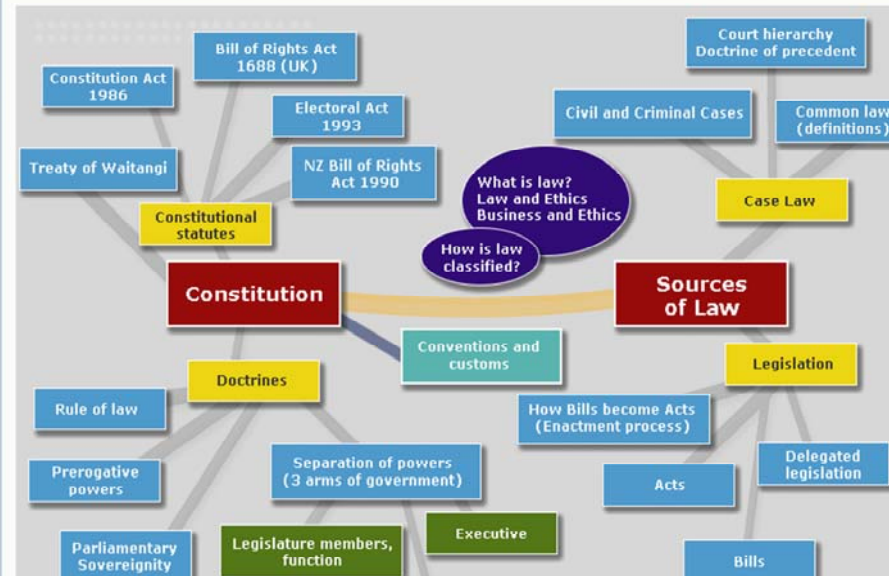
[Suggestion Box](#)

[Test yourself](#)

New Zealand's legal framework - a mindmap

Click on the mindmap to navigate to different parts of the tutorial.

You can use the [Self-Test](#) to check your understanding and identify areas that you need to revise.



Tools





A key feature of the research trail assessment is the self reflection.

Reflective Practice

- Everyone will have their own style and preferred process of reflective practice
- Promotes professional and personal development
- Form of empowerment
- Reflection can highlight personal inhibitors and unblock subconscious habits
- It provides an opportunity to **review the experiences we have, learning from them and applying what we have learnt**

LAW399 Self Reflection Criteria

- The **reflection** provides the student with an opportunity to **examine** their style of researching
- By **thinking critically** about the way they approach and carry out their research trail, clues and understanding about areas of possible improvement can develop
- Expected to provide **truly reflective comments** on their research process and evaluate the effectiveness of their research
- Approximately 1-2 pages **essay style**
- **Prompt questions** are given to start the process

Self Reflection

IV SELF-REFLECTION

Dear Research Trail,

It brings me great relief to de

Everyone at law school has to
you are not popular. People spend
time with you this semester,
felt my pain.

Nevertheless, you have served
I had an ad-hoc scattergun approach
was painful and monotonous
essential to my research process.
I spent countless hours at the
smallest fleck of gold. Yet as
topic with some invaluable res

O!

399:

Agony,

Suffering,

Pure frustration.

Undeniably tedious,

A cause of procrastination

Hours spent on minute details

Caffeine no longer helping me

Trying to please the unappeasable

Eyes worn out from staring at a screen

Déar God, why did I choose law?

All faith in humanity lost.

rsity career. I have to admit,
' friends that I have to spend
they've been there. They've

my ideas. Before I met you,
' to do an initial analysis. It
ver, now I see that it was
research question as I went.
h the dirt, searching for the
ave a gem of a dissertation

fLaw 3997

Feedback from students in law firms



It's not until you get out into the workforce that you realise how important legal research skills are as you generally get through university knowing only the basics. I think there needs to be a greater focus on teaching research skills while at law school.

What has LAW399 given us from outside the classroom?



Law 399 has few fans at law school but it covers the set of skills I most rely on in my job. The knowledge of the various databases and the discipline of systematically working through searches has been very helpful. Even the most dreaded exercise of all - the legislative history - came in handy when I had to advise on the meaning of a particular section which had changed at different points in the legislative process. If you're thinking of becoming a litigator especially, it'll be really worth your while to pay close attention!



Lewis Mills –Graduated 2012

People may tell you that Law399 is a waste of your time, but I can assure you that it isn't. I spent my summer interning in a Malaysian law firm. Prior to my internship, I had no knowledge of the Malaysian legal system or its laws. When I was assigned a research task, my unfamiliarity with the domestic law was not an excuse that I could give. I was expected to find relevant cases or principles within short time frames. Law399 equipped me with the skills, and more importantly, the confidence to use different kinds of print and online resources. Most of these resources are not even used in New Zealand! The satisfaction I gained from being able to research efficiently and effectively made my internship a fulfilling experience. That wouldn't be the case if it isn't for Law399.



Wen Tan 2012

Conclusion

- **Legal research skills** comprises a number of discrete skills
- Implementing an **embedded legal research** programme into a law degree requires a **substantial** and **sustained** effort
- **Faculty support** is essential
- Problem based learning and **practice opportunities** must be **assessed**
- Best practice teaching should include details for **print** and **online** versions
- Be **innovative** and **experiment** with new ideas and tools
- **Analysis** and **reflection** are core skills for lawyers

Bibliography

T Hutchinson and N Cuffe "Legal Research Project Management: Skills Extension for Upper Level Law Students" (2004) 38 The Law Teacher 159.

M Keyes and R Johnstone "Changing Legal Education: Rhetoric, Reality and prospects for the Future" (2004) 26 Sydney Law Review 537.

Mary-Rose Russell "Reflections on learning: students' insights on their learning in a legal research skills course in the core curriculum" (2011) 45 The Law Teacher 45.

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