

## TEACH YOURSELF LEGAL RESEARCH: AN ONLINE TUTORIAL

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*Teach Yourself Legal Research is an online tutorial prepared by Lynette Falconer and Yvonne Wilcox for non-law students at the UNSW who are studying one or more legal subjects as part of a program in another discipline. It teaches the most basic legal research skills. The paper describes how the tutorial came to be written and analyses its content.*

### INTRODUCTION

This paper will discuss a project undertaken at UNSW Library to produce an interactive legal research tutorial: [http://www.library.unsw.edu.au/~law/TSISL/Legal\\_Research.html](http://www.library.unsw.edu.au/~law/TSISL/Legal_Research.html)

The project was a part of the course Teaching Skills for Information Skills Librarians, which we studied in 2001. The aim of the course was to introduce information skills librarians to educational theory and practice relevant to their work in assisting university students to achieve information literacy. The course focused on communication, instructional design and planning, and using information technology in information skills delivery. After an introductory two day face-to-face component the remainder of the course was web based thus giving the librarians experience of on-line learning at the same time as they were themselves developing the skills to deliver programs on-line. Each participant had to prepare a plan for a training resource building on the skills and concepts acquired in the theoretical modules.

### THE PROJECT

Our project combined the teaching and learning skills we developed through the course with our expertise in legal research in a modern law library and our experience of working with students at the law information desk. At that time Yvonne and I were both reference librarians at the University of New South Wales Law Library. That Library's primary purpose is to support the teaching and research needs of the Faculty of Law but we also have a responsibility to provide for any UNSW student or faculty who requires legal information or legal research skills. We had believed for some time that there was a need to provide more resources for the many students from faculties other than Law who used our library. (In the remainder of the paper, for convenience, we call them the non-law students.) The University's Virtual Handbook lists more than 50 subjects that are wholly or partly legal and that are taught by faculties other than Law. The most extensive range is offered in the Faculty of Commerce & Economics but there are subjects offered by the faculties of Medicine, Arts & Social Science, Engineering, the Built Environment and Science. These subjects are often electives though some are compulsory; for example, Planning Law &

Administration is a compulsory subject for the Bachelor of Planning degree, Medical Ethics and Health Law is a compulsory subject in 3<sup>rd</sup> year medicine.

Teach Yourself Legal Research is a tutorial written for these students who are undertaking one or more law subjects as part of a degree in another field. They often have to undertake legal research to complete course work but have had no training in legal research techniques. They have limited time and are often reluctant to enter a law library. We chose an online delivery to reach out to them in an environment that is already familiar to them – the Internet. Lynette wrote most of the content while Yvonne designed and created the web page. The tutorial was designed using Dreamweaver 4 (Macromedia). The quizzes were constructed using CourseBuilder, a free Dreamweaver extension available from macromedia.com. It is best accessed using Internet Explorer 5.5+

## **THE TUTORIAL**

[http://www.library.unsw.edu.au/~law/TSISL/Legal\\_Research.html](http://www.library.unsw.edu.au/~law/TSISL/Legal_Research.html)

The tutorial starts with a clear statement of its intended audience. These students are the ones who, if they come to the Law Library at all, come to the desk and say, "I'm not a law student but I have this assignment and I don't know where to start". What the tutorial does is answer that question in rather more detail than we have time for at the desk. It aims to give them enough research skills to handle that assignment without expecting them to acquire the specialized skills that are needed for the practice of law or the law student moots. At the end of the tutorial we provide a checklist for them to use as they write their assignment.

### **1. The Legal System**

The first quiz is intended to establish that they have necessary general knowledge. Many of our students are from overseas and have a limited, or no, understanding of the common law or of the Australian system of government. Such a basic understanding is an obvious prerequisite for legal research. It is, for example, necessary to know about the federal system to appreciate that the legislation the student requires may be from more than one jurisdiction. We designed the quiz to give immediate feedback. If a student knows all the answers then, hopefully, they feel encouraged to continue. If not, we intend it to be a gentle way of telling them that they need to deepen their knowledge of these matters. For those students who need more information we link to a page provided by the Commonwealth Attorney-General's Department:

<http://152.91.15.12/www/agdHome.nsf/AllDocs/RWPA5C949DB88E95857CA256BB300154E38?OpenDocument>

This account of Australia's legal system is clearly written and well laid out. It is brief enough that time pressed students can read it but, at the same time, sufficiently detailed to cover all that they really need to know.

### **2. Sources of Law**

Another problem we have with the non-law students is that quite a few arrive in the Law Library and say "I want to find cases". No mention of the subject or the jurisdiction; they just want to find cases because that is what they think legal research is. So part two of the tutorial explains the difference between primary and secondary sources of law and why it is preferable to start research with the secondary sources. That completes the purely background material.

### **3. Getting Started**

We start with the Law Library homepage because it is the point from which our students can access the Library Resource Database (catalogue) and the databases, which they will need in all their research. It also draws their attention to the much more detailed assistance provided for law students, encouraging the better students to go beyond the basics in order

to increase their skills and understanding. Some non-law students may need to do this, for example, commerce students are able to do a major in business law.

#### **4. Secondary Sources**

This section may appear unduly brief but we have assumed a certain sophistication in our users. The "law" subjects that these students are studying, whether elective or compulsory, are usually taught late in the degree program; they are most unlikely to be first year subjects. Therefore, we have assumed that the students have already acquired basic information literacy. They should already be familiar with the catalogue, the Sirius gateway to databases and with database searching. So all we have done here is introduce them to case notes and law journals.

#### **5. Legislation**

This section and the next one on case law are the core of the tutorial. They were also the most difficult sections to write and the most challenging to present. One of our teachers commented that some of the heavy stuff comes at the end. That remark encapsulates the problem. This is "heavy stuff". These students do not have a lot of time to spend learning legal research. They need to be able to progress quickly and easily. So we have tried to keep it simple without being misleading. We have used quizzes and exercises in an attempt to lighten it and to give the students immediate feedback on their progress.

After an introduction with some more background knowledge, this section divides into Finding legislation and Understanding legislation. To find legislation we have referred them to Timebase. For these students we do not think it necessary to go into all the complexities of updating legislation manually or finding point-of-time legislation. Timebase is easy to browse, consolidated, up to date and contains all the jurisdictions UNSW students are likely to need. In case they need Tasmanian legislation, or they have problems accessing a subscription database from home, we have told them where to find links to the free sites.

The section on Understanding legislation is also brief and limited in its coverage. We have tried to direct them to sources that will help them to understand a particular piece of legislation. We suggest journal articles, the second reading speech and the explanatory memorandum. We have ignored all those rules, principles and conventions that form the bulk of books on statutory interpretation. After all, these only come into play if the meaning of the statute is unclear or problematic in some way. Hopefully, if one of these does apply to an act which they are studying, then their reading in the journal articles or case law will alert them to it and explain the relevant rule, principle or convention.

#### **6. Case law**

We begin with another quiz; this one is designed to draw their attention to the basic concepts of court hierarchies and the use of precedents. It is our experience that there are three common problems for non-law students who are unfamiliar with case law: understanding the structure of a case citation, understanding the need to research legal issues rather than facts and finding good case authority without finding far more case law than the student can manage. Parts 6a, 6b and 6c cover each of these in turn. Explaining the structure of a case citation is relatively simple. Expounding the need to analyse the facts of a problem to find the issues is much more difficult. One would expect that the academic who set the assignment would have given them some clues on how to tackle it. Some students are not good listeners, however, so a little more assistance is sometimes necessary. We thought that the best way was to provide an illustration and some further reading for those who are still struggling. When students come to the Law Information Desk with this problem we usually give them the Reserve copy of Kezyer's book *Legal Problem Solving* to consult. So we have suggested that here, and, for those who cannot come to the Library, we provide a link to an

online article called "Designing a Legal Research Strategy" from the University of Queensland Library site <http://www.library.uq.edu.au/law/research/strategy.html>

Part 6c on Finding Leading Cases attempts to show them how to find just enough cases for their assignment as there is a limit to the number of cases than can be discussed in one two-thousand-word essay. That is why we have not mentioned here the full text databases such as AustLII. Unless the student has a good knowledge of legal terminology and is quite a sophisticated enquirer, subject searches in full text databases are likely to produce hundreds of hits. To refine the search the student then needs a clear understanding of the Australian court hierarchies and the value of precedents from various sources. This tutorial is not aimed at students as expert as this. The final section of Part 6 teaches the student how to find a law report in the Law Library. To keep it simple we spend most of the section teaching them to use the Law Reports and Abbreviations Database. For UNSW students this has the advantage that it not only tells them what the abbreviation means, it also gives them the shelf number. It also provides references to the English Reports and other large collections for all the law report series reprinted therein – but we have not mentioned that in the tutorial so as not to confuse them before it is necessary.

### **7. To Sum Up.**

This final section has: a last congratulation to those who have persevered to the end, a checklist to use as they research their assignment and advice on how to obtain further help.

### **CONCLUSION – WHERE TO NOW?**

The tutorial is an ongoing project. I updated it when preparing this paper and will no doubt do so again. The Law Library sometimes prepares tutorials for specific courses such as Legal Environment of Commerce and Aviation Law (taught by Engineering). We include a link to this tutorial at the beginning of the subject specific tutorials. That is not the purpose that we originally envisaged but it has proved very useful. Since Yvonne left UNSW, Andrew Inman has continued her work of designing and creating the web page. In particular, he has modified the layout to conform with Library practice for online tutorials. The course Teaching Skills for Information Skills Librarians was not taught in 2002 or 2003 but plans are underway to develop a new program, building on the old.

### **LIST OF REFERENCES**

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