

EFFECTIVE LEGAL RESEARCHⁱ

by

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Introduction

1. Given that you are all familiar with the primary and secondary sources of Australian law and probably have an advanced facility with hard copy and electronic Australian legal material, I will try and focus on the matters of substance and technique that I think may be useful in the continuous honing of our legal research skills. This is the most valuable technical skill base to advance your legal career and that career will only continue to advance if you continue to improve your effective legal research skills.

Bar Rules

2. The NSW Bar Rules made under s.57A of the Legal Profession Act 1987 at www.nswbar.asn.au/docs/professional/Rules_applied2001_2.pdf directly impact on your research activities not least of which are discharge of the duties in Rules 16 and 17, Rule 23 in relation to correcting a material error as to cases or legislation and the obligations concerning binding authorities in Rules 25 to 28, prosecutor's duty as to submissions on the law in Rule 62 and on sentencing in Rule 71 and of course reading duties in Rules 112 and 113. The exercise of the rule making powers found in s. 702 of the Legal Profession Act 2004 which are binding pursuant to s. 711 are ones you must maintain an awareness of including amendments as they are published (Schedule 9 gives effect to the rules made under the old Act).

Identifying the issue

3. Although trite, it is essential to accurately analyse the questions of law that you are seeking to explore and as always preparation is the key. The greater the precision in your thought process as to the specific task, the simpler the exercise. The best way to assist in identification of the task is to identify the context in which the question of law arises and to pose for yourself the question what is the legal proposition you are seeking to establish or test. It is useful to bear in mind that nearly all legal principles are unlikely to be absolute and almost invariably there will be qualifications or exceptions which, depending upon the relevant context, will require careful consideration as to whether any such exceptions or modifications are applicable.
4. An easy way to identify the legal proposition may be to draft in a single sentence, as if a ground of appeal, the legal principle that you are seeking to apply or test. For example:
 - (a) whether as a matter of law the relationship between X and Y gives rise to a fiduciary duty not to act in conflict of interest;
 - (b) whether as a matter of law there is sufficient proximity between X and Y and foreseeability of loss and damage to the class of which X is a member, to give rise to a duty to exercise reasonable care in carrying out activity Z or in giving advice on W.
 - (c) apart from your hard text searches you might select keywords and perhaps truncate eg (a) “fiduciary duty” AND conflict W/2 interest; (b) proximity AND foresee* AND Z OR W.

Necessity

5. The scope of the task should be confined by what is necessary. An exhaustive review of the law on every occasion of research is neither practical nor possible. What is necessary depends again on the task to be achieved, be it drafting or settling pleadings, considering the evidence that may be required, advising on a particular controversy, preparing submissions on an interlocutory application, preparing the final address (at the time of preparing the opening), preparing

argument on appeal or application for special leave, or substantive submissions in the High Court of Australia.

6. For example, a local magistrate will not want chapter and verse upon the principles of sentencing on the occasion of a plea bargain. On the other hand, it will be critical to know what statutory provision applied at the time of some relevant act or conduct said to fall within the statutory provision. The application of the relevant Interpretation Act provisions might be the first and only port of call. Equally, where amendments have been made the transitional provisions will be critical and where construction is material the legislative history may be critical for refining or testing the construction issues. This topic is expanded upon below.

Novelty

7. Although novel questions of law do arise generally one finds that legal principle has already been articulated if the legal proposition is correct and it is simply the case names that change every ten years or so. If the legal proposition does appear to be novel, your assumption as to legal principle is likely to be flawed and certainly requires greater research to demonstrate that the underlying principle has not already been addressed by a Court of persuasive value. The flaws in underlying principle usually are from failure to peel away the pre-conceived assumptions of fact and to focus on the most basic rationale of the legal rule.

Selecting the material referable to the forum

8. The Federal Court of Australia will be much more interested in what its Full Court has said on a particular issue than a judge at first instance in a State Court.
9. Equally, if appearing in the Court of Appeal of New South Wales there is an attraction in citing decisions from that Court if sufficiently recent or directly on point. Alternatively, if it is one of the judges in the Equity Division it may be useful to look at the earlier decisions of that particular judge on the same issue if, for example, *Contracts Review Act* or the like.

Research for the purpose of identifying binding precedents

10. Given our *stare decisis* system, it is obviously one where if you have a majority judgment of the High Court directly on point, one is unlikely to spend a lot of time further investigating lower court decisions on the same point. Obviously, it is the most recent decision that one is looking for and the High Court has recently reaffirmed the principles that are to apply in relation to *stare decisis* as between the State and Federal Court in *Farah Constructions Pty Ltd v Say-Dee Pty Ltd* (2007) 81 ALJR 1107 at para 135.

Research time limits

11. An urgent interlocutory application that has to be made that day will obviously confine the extent to which broader research on principle may be possible but even in the most urgent of applications there should be sufficient time to identify the potentially applicable statutory provisions, the relevant procedural rule requirements and the leading authorities on point, at least by reference to practice text if not from online case search. Flagging or otherwise identifying each of the passages that deals with the relevant legal principles will permit at least some reflection on whether all the material evidence for the interlocutory application has been gathered or what disclosures or other are necessary.
12. Where the research is for the purpose of more timely submissions, there are still cost benefit considerations that limit the exercises. On one view the client should not necessarily be paying for research on matters that should already be known to counsel. Another view is that the client should not pay for inefficient research.

Burning the candle

13. Excessive hours of research or as other activities become entirely unproductive, some early morning birds or late night owls in the zeal for effective research. But there comes a point whatever the predisposition where additional hours are entirely destructive of the required flexibility, focus and concentration

demanded from in court activity or other rigorous work record. In other words, draw a line in the sand that will permit you to maintain your fighting fitness for the next day in Court as that is probably more vital than an additional citation.

14. At the same time, to the extent of other demands of life, it is essential to maintain personal physical and mental health to be a successful advocate and to be capable of the underlying necessary legal research.

Most recent, most authoritative

15. That there is one canon within firing distance and trained on your homes is sufficient information to dictate the next course of action. Likewise, the most recent and most authoritative decision on point is all that is needed.

Prioritising research

16. If time is limited, I often find it efficient to use Aust LII in the advanced search and using all these words function first on the High Court database then the Full Court Federal Court database, then the general Court Federal Court database, then the Court of Appeal of New South Wales. The Commonwealth Law Report indexes are often the swiftest way to find decisions in respect of which the memory bells are ringing but the photographic citation has become blurred. For the same type of purpose, it is useful to use the hard copy indexes for the New South Wales Law Reports as well as the Australian Law Report indexes particularly for the tables of cases judicially considered, tables of statutes judicially considered and index as to words and phrases.

Persuasive hard copy texts and journals

17. Nearly every important area of the law there are numerous hard copy texts some of which may have biblical status and some of which may be treated as if a work by Salman Rushdie on Sharia law. It is beyond the scope of this opportunity to address legal research to identify the leading text in each important area, although generally it is Australian, US or English hard texts that are generally the source of the most useful material. Whether it is *Wigmore on*

Evidence, Jarman on Wills, Derham on Set-Off, or Palmer on Bailment where there is ample opportunity and you are going to cite hard copy texts you need to consider what other more persuasive authors there may be on that particular topic. Further, you need to make sure that it is in fact the latest edition just in case the critical line of reasoning has changed.

18. Familiarize yourself with the hard copy material and loose-leaf services available in the Law Book shops, in Chambers' Libraries and in the Bar Library in particular areas of interest and keep a weather eye on advertisements or articles upon new works in the field of concern.
19. Ideally you should read the Bar Briefs and Bar Bulletins that are available. I like to try and read the monthly High Court Bulletins www.hcourt.gov.au as soon as they come out.
20. Bar News published by the NSW Bar Association for example is replete with helpful articles, humour and book reviews. Apart for the Australian Law Journal another useful source of articles may be the Australian Bar Review and there are numerous periodical indexes on the world wide web.
21. There are nearly always likely to be specialist journals or specific articles and reviews that may be useful sources of additional reference on a particular topic particularly where the author has been picked up by a relevant decision on the point in issue. It might be important for example to be familiar with The Oxford Companion to the High Court of Australia, the latest available legal dictionaries of words and phrases or practice services or texts.

Use of analogies

22. One of the most valuable aspects of experience is the broader field of analogies that might be drawn upon. Always reflect upon whether the particular term from the statutory construction viewpoint or the particular legal issue as to whether it has been addressed in some other sphere. In considering analogies, it might often be useful to start from the viewpoint of first constitutional terms and concepts, secondly international law terms and concepts, thirdly underlying treaties and then it is up to the lateral ingenuity of counsel to extract compelling analogies from other spheres.

Preference for hard copy

23. As much it may be a reflection of my inefficiency, I still prefer ultimately a hard copy of the full text or a hard copy of the loose leaf service as it sometimes provides critical context that may otherwise be lost on a computer screen and facilitates swifter jumping around than sometimes, no doubt on the chaos theory, reveals a useful and otherwise unexplored line of country. Marked up photocopies are preferable to destroying the face of the text, even if your own book because each different question that causes you to go back to a particular decision often requires focus on different subtle distinctions. For speed of reference I like to both highlight and flag the critical passages.

Statutory Interpretation-picking the winner

24. This topic is too vast for succinct research summary but I would expect all to be familiar with *Pearce and Geddes on Statutory Interpretation* as well as the general rules and aids to interpretation touched on in that text as well as the concepts developed in the *Acts Interpretation Act 1901* (Clth) or the applicable State version of the *Interpretation Act 1987*, or perhaps the *Vienna Convention on the Law of Treaties*. However happily that is just the starting line from which you will no doubt leap to annotations available on line or in practice texts, but one needs to enter the race with clear principles in mind to determine the ultimate question which is what does the language used mean. The rationale for that ultimate question also must be kept in focus namely that it is the fundamental duty of the court where there is valid legislation to give effect to the written law.
25. The first principle of interpretation requires identifying the relevant statutory text and structure including applicable dictionary and double checking that temporally it applies reviewing the relevant transitional provisions. Next the purpose of the provision from the language used, assisted by the context and then the potential literal/ grammatical meanings informed by the remedial, beneficial, criminal, taxing or penal nature of the legislation together with the relevant legislative history. Consider whether there are there common law rights, concepts of maintaining coherence, consistency, harmony, injustice, domestic/international comity or principles of procedural fairness that impact or

require clear intention for abrogation through a jealous or strict construction. Ascertain whether there an authoritative and binding interpretation that applies and have you checked the second reading speech/ law reform papers. Finally what is the legislative source of power and is there scope for argument as to validity or inconsistency with federal legislation or clash with other Constitutional imperatives or implications, derived from the unique principles applicable to a fundamental law, that require a reading down/permissible severance.

26. Resolving the correct interpretation of contestable ambiguities, inconsistencies, weasel and protean words, thereby picking the winner as to the legislative intent, will always turn on whether the research you have done has been consistent with the above principles.

Concise written summary

27. No matter what the exercise and the initial pages of scribble or electronic notes, you need to refine the research of the particular legal proposition down to its pith. A concise single sentence summary with the most persuasive supporting authority should be the ultimate product as that is the product you want to feed into the decision maker. Reams of material waffle will be likely to destroy whatever sound proposition might be buried amongst the relevant thoughts.

Following footnotes

28. A useful exercise at times can be picking up the footnotes particularly in the majority decisions of the High Court, as the citation without criticism can add to the persuasive use of the particular case cited or alternatively provide another avenue for useful research.

Own annotated *Evidence Act*

29. Whether its electronic or in hard copy I recommend that you create your own meaningful annotations to the *Evidence Act* in addition to whatever annotated version you might be taking to Court, not merely as a useful security blanket but

rather to maintain the discipline of updating your own knowledge on this vital procedural area.

Personal subject matter summaries, quotations and words

30. Whilst you are updating yourself with reading the recent cases, why not create a running subject matter index under which you identify the relevant decision and what you think the key word concepts are picked up by that decision. You would be surprised how useful such a summary can be for the purpose of rapid research being your own research tool. This is really what can be done with <http://jade.barnet.com.au/index.php>. You can also maintain a useful collection of erudite quotations when the occasion of indulgence permits. I have also always kept my own dictionary to record the meaning of any word or technical expression wherever I come across new terms.

Comparative law thirst

31. To the extent that time by way of travel or recreational reading permits there are obviously numerous ideas about legal principle, case analysis, judicial method, legal research from other countries with vastly different intuitions and languages which can brighten and increase the temperature of your own unquenchable thirst for knowledge.

Witness / party research

32. Googling witnesses and parties can be more than just a source of entertainment and your legal research skills should not stop at the utterances of judges or academics. It may be that a particular witness may have been disbelieved in an earlier hearing or have a criminal record revealed through legal research sites. But wherever you have technical areas, you should be getting hold of the relevant material, hard copy or electronic, to skill up your comprehension of the subject matter or to obtain the background of the corporate entity / individual. Where the individual has published articles or given interviews, these may again be a very useful tool in advancing the issues in a particular case.

Less is more

33. Do not obscure the benefit of your research by seeking to reveal every intimate detail of your fascinating research journey.

English v Australian authorities

34. Obviously, there are areas of law where given the international nature or relevant international conventions, English authorities on point will be persuasive or even highly persuasive. However, in the mainstream conduct of practice, it is Australian authorities that should be the primary focus of day to day research.

Australian v United States authorities

35. Again, from an international perspective superior US Court authorities may be highly persuasive in particular overlapping areas of international law and on comparative constitutional provisions. There is such a vast amount of American material that it is nearly always possible to obtain differing approaches to particular problems. However, a decision of the US Supreme Court on point would be highly persuasive where not in conflict with a binding Australian decision. Generally, in my opinion, the US material provides a useful think tank shopping trolley of information. Indeed, I tend to look at US authorities these days before English authorities.

Australian v Canadian authorities

36. Here again, the position is similar to the US although the case material more manageable and again if the Supreme Court of Canada on point without any binding Australian decision is obviously highly persuasive.

Australian v New Zealand authorities

37. There are areas where there is an overlap of New Zealand and Commonwealth law, as a result of which considerable weight might be placed on New Zealand

authorities in the same field. The new New Zealand Supreme Court will also have an ever increasing impact given its physical proximity to Australia.

South African, Malaysian, Singaporean authorities

38. There will be occasions when decisions from these countries on relevant international law areas will be persuasive and wherever an international convention is involved, broader research should be undertaken.

Aids to construction

39. We are all these days very familiar with secondary reading speeches and explanatory memoranda, as well as the Law Reform Commission Reports that frequently will assist in the proper construction of primary source material. Similarly, with international conventions the *travaux préparatoires* which reveals the drafting and deliberation process will often be of considerable utility as will be the *Vienna Convention* which I have mentioned above.

Shepardizing

40. Although this is now generally done online, you need to be familiar with the underlying hard copy search techniques for the US reports and the useful summary about how to Shepardize a case in print can be found at <http://library.piercelaw.edu/LWP-New/Research/Guides/Shepardizing.cfm>. There are also useful American legal digests like Corpus Juris Secundum and American Jurisprudence.

Free Legal Internet History

41. History of the rise of the big three commercial publishers- Lexis, WestLaw and Kluwer, transition from CD-Roms and the growth of legal spider engines and the free access to law movement by the Legal Information Institutes can be found in an article (which is a summary of a chapter of a Dutch text) – Jon Bing and the History of Computerised Legal Research-Some Missing Links by

Graham Greenleaf. The two main free portals are <http://www.worldlii.org> and <http://portail.droit.frankophonie.org>.

Commonwealth constitution

42. The constitution is at <http://www.aph.gov.au/senate/general/constitution/> and the library there is further related material <http://www.aph.gov.au/library/intguide/law/>. The Federation debates and Quick and Garren may be useful sources of background constitutional research and for the enthusiast, the Federation Archive publication identifies a series of locations and libraries from which further research material may be obtained.

NSW Bar Library

43. The NSW Bar Library has a web site with access borrowing and access rule at <http://library.nswbar.asn.au/>. The Bar Library has seven workstations with access to the internet, Lexus and some of Westlaw's services which is free. There are also 22 wireless access sites in the library for lap top access to these services. There is an on-line catalogue within the library which uses the OPAC system (On-line Public Access Catalogue) and which will become live on-line from chambers in the near future. The hard copy material is listed in the electronic catalogue and there are some hard copy indexes for the more old-fashioned. There is a photocopier currently at 22 cents a page. The library staff are extremely busy and although a DIY (Do It Yourself) approach is welcomed, there is in fact a happy enthusiastic environment for the courteous and considerable assistance is provided to those in remote locations. Some material cannot be borrowed such as the loose leaf services and where borrowing hard copy material, which must be recorded, please adhere to the recall system. Inter-library borrowing is currently in place with the Supreme Court Library, Law Soc Library and Sydney Uni Law School Library (but the latter does not include law reports or journals which should be copied on site where required) and there is also a user pay inter-library loan service. Scan cards may be introduced in the near future.

Counsel's Chambers Limited

44. Counsel's Chambers Limited at <http://www.counselschambers.com.au> have a network commercially available that picks up LexisNexis, Thomson Publications, TimeBase. This is a useful commercial service that may be attractive to some and whilst disclosing my being a non-equity participating shareholder, is not unhelpful. You can also access a free Macquarie and free Oxford dictionaries through the CCL network bar on this site.

Federal Court of Australia –Legal Research Links Site

45. Currently one of the best legal link sites is www.fedcourt.gov.au and apart from a simple indexing structure for Commonwealth, States and other countries it also includes general topic sites such as Human Rights, International Law, Treaties, Native Title, Libraries, electronic law journals, Universities, Dictionaries and Search Engines. There is also an excellent Admiralty links site kept by the Federal Court of Australia that is extremely comprehensive. The High Court of Australia transcripts and in particular the special leave transcripts may be useful research tools.

Aust LII

46. Currently on this site – www.auslii.edu.au, there are over 20GBs of raw text material and over 4 million searchable documents and contains more than 250 full text databases which can be searched together or separately by jurisdiction or individually. The case law databases permit limiting to the current database, name searching and a display of recent decisions. The legislative databases permit database search, name search and has additional buttons providing, relevantly a table of contents, associated notes, including amendment history, a note up section for all materials on Aust LII which refer to the provision, previous and next provisions, download function and, if available, related items. The searching database connectors similar to Casebase for the terms “and”, “or”, “not”, “near” (within 50 words), “w/n” or “//n – caught w/5 jurisdiction”, “pre/n”, first term must precede second term by less than n words, ((- by these parentheses the search can include two types of connectors

contempt, near (radio or television) and * for truncation searching which will pick up other suffixes. As well as phrase searching by inverted commas around the phrase. Where connector terms form part of the phrase, the whole phrase should be put in double quotes.

47. The search results can be put in four different methods, by database, by date, by relevance and by title. The default result display is by order of likely relevance. There is a repeat search over function and a context button that permits identification of the connected items within the document.
48. The advanced search function operates by selecting the relevant database and then a selection from five fields – any of these words, all of these words, this phrase, this document title, this Boolean query.
49. There is also a function on jurisdiction pages which permits a selection of either databases, catalog and web search or Law on Google. Also check out www.worldlii.org and www.pacii.org and www.balii.org and www.canlii.org

ComLaw

50. This is an authorised source of Commonwealth primary material at <http://www.comlaw.gov.au/>, or www.frli.gov.au and the most significant advantage is that you can get current or superseded point in time versions within the constraints of what has been set up on the site. By clicking title one can look at the Bill, Explanatory Memorandum and Supplementary Material. One can identify compilation or the principal plus amendments. The advanced search from its identification by reference to the Federal Register of Legislative Instruments number or alternatively series, year and number as well as identifying particular related material. The Federal Register of Legislative Instruments was established on 1 January 2005 and is the authoritative source of Legislative Instruments and compilations on Legislative Instruments. The quick reference guide gives an explanation of how to use the site. The ComLaw site is replacing the SCALEplus site which is now only up to date as at 31 December 2005, see <http://scaleplus.law.gov.au/>. The second reading speeches will be found at www.parlinfoweb.aph.gov.au accessible through old bills on www.aph.gov.au/bills/

Australian Government's Attorney-General's Department

51. The Australian Government's Attorney-General's Department at <http://www.ag.gov.au/> has a wealth of information from copyright, freedom of information, privacy, evidence, human rights, trade law etc.

Law Reform Commissions

52. The Australian Law Reform Commission can be found at <http://www.alrc.gov.au> and has a wealth of invaluable material. Without being exhaustive the NSW will be found at <http://www.lawlink.nsw.gov.au/lrc> and Victoria at <http://www.lawreform.vic.gov.au> and Queensland at <http://www.qlrc.qld.gov.au> and WA at <http://www.lrc.justice.wa.gov.au>

NSW Caselaw

53. This is an extremely efficient full text judgment database at http://www.lawlink.nsw.gov.au/lawlink/caselaw/ll_caselaw.nsf/pages/cl_index, in respect of which you can select the appropriate State Courts or Tribunals for the purpose of the research. It uses a medium neutral citation method for the respective Courts and Tribunals, as well as including daily court lists, the Attorney-General's site for ordering Courts' and Tribunals' transcripts, and the Industrial Gazette. The quick search function permits phrase searching by quotation which can include, for example, "[2007] NSWSC 20".
54. The Boolean search operations permit search by:
- (a) AND – conjunctive words and phrases,
 - (b) OR – disjunctive words and phrases,
 - (c) NOT – words or phrases,
 - (d) w/5 within a stated number of words,
 - (e) // finding words in same paragraph
 - (f) # – the term can be extended for other suffixes by use of the asterisk,

- (g) EXCEPT – can exclude a second word in the phrase or paragraph by use of “except”,
 - (h) \ can find words or phrases within a paragraph of each other by \
 - (i) can select documents where the first word or phrase is followed anywhere by the second using, “BP Refinery ... Hastings”.
55. The advanced search permits field searching within the full judgment text by reference to party name, judge, date, legislation cited, catchwords or full text.
56. For State decisions this cite is currently about two weeks more up to date than Aust LII.

NSW Legislation

57. The official site for NSW legislation is www.legislation.nsw.gov.au and has both an in force database and an as made database since 1990. The NSW Website Manual published on-line in June 2006 summarizes how to use this site. Second reading speeches can be found on this site through Bills.

Law and Justice Foundation

58. The site at www.lawfoundation.net.au provides legislation, judgments, court sites and court lists. Some of Justice Kirby’s papers are also on this site.

Jade – Notification service

59. A useful free notification service can be found through www.barnet.com.au by use of their Jade product found at <http://jade.barnet.com.au/index/php>

LexisNexis

60. This is an extremely useful commercial site www.lexisnexis.com.au given the intellectual input and commentary as well as the hyperlinking. There are some LexisNexis users have expressed the view that they use it less often than Aust LII.

61. Some of the most useful functions on this commercial site are the Casebase and Casesearch which are case and legislation citators. There are also useful publications on line publications like Halsbury's Laws of Australia. Remember where not using full text judgment searches it may be helpful to use broader keywords. There is a useful summary upon how to use Casebase at www.lib.flinders.edu.au/research/sub/law/howto/Casebase.pdf

Hein Online

62. Another useful commercial site is <http://heinonline.org/> which has a vast amount of both American and English material. Perhaps the most attractive aspect is the full text of the English reprints.

Thomson-Westlaw -FirstPoint

63. Thomson is a commercial publisher that runs the vast research service Westlaw <http://west.thomson.com> In particular – <http://www.thomson.com.au/firstpoint/> provides a very useful research tool through Firstpoint of Australian cases permitting pages references, case summary, commentated topic areas, citations and annotations.

TimeBase

64. Another useful commercial site is <http://www.timebase.com.au/> which has a select number of statutes at any point in time, materially including the *Corporations Act 2001*, *Trade Practices Act 1974* and *Migration Act 1958*.

Specialist areas

65. Obviously you need to build up your own favourites relevant to the fields of practice in which you are appearing. If crime, no doubt the Judicial Commission of New South Wales at www.judcom.nsw.gov.au will be material particularly in relation to the content available in relation to sentencing. Or, for example, the Sentencing Advisory Committee for Victoria –

www.sentencingcouncil.vic.gov.au. The links pages on these sites are also of interest, see also www.criminallawssurvivalkit.com.au by John Stratton a public defender.

66. Another useful site is the Australian Institute of Judicial Administration at <http://www.aija.org.au/>. Individual membership is \$120 per annum. Another useful site may be the Public Defenders Office – http://www.agd.nsw.gov.au/lawlink/pdo/ll_pdo.nsf/pages/PDO_index and it also has a useful links page, which includes the Criminal Trial Courts Bench Book and Sentencing Tables . You should also look at Defender Bank on this site which contains useful legal research material produced by Public Defenders, including annotations to the *Evidence Act 1995*.

Guides to legal research

67. The Murdoch University of Western Australia at <http://wwwlib.murdoch.edu.au/> which can be accessed by going to databases and then subject guides and then selecting law is a most useful synopsis of available research material.
68. The Deacon University School of Law – Research site at <http://www.deakin.edu.au/buslaw/law-research> contains a wealth of research information and see www.library.uwa.edu.au/elib/anz
69. Similarly, a substantial amount of material can be found going to the University of Melbourne Law Library – <http://www.law.unimelb.edu.au/>.
70. Similarly, the University of New South Wales has a good research site at <http://www.weblaw.edu.au>, on which can be found a legal research site.
71. There is also a Socio-Legal Research Centre run by the Griffith University of Queensland at <http://www.griffith.edu.au/centre/slrc/>.
72. Another useful site run by Macquarie University Division of Law is <http://jurist.law.mq.edu.au/legalresearch.htm>.
73. The Sydney University site is www.library.usyd.edu.au/library/;aw/dectors.text

Dangers in sites

74. Factors that need to be kept in the back of the mind in using any electronic site are whether up to date, the limitation of the search activities or context and whether the material is authoritative. For example, Aust LII's versions of legislation should generally be checked with ComLaw and SCALEplus is out of date. The other danger is your error in spelling or other wrong fields/entries. Evaluate and reflect upon the gaps, volume and reliability of the search information obtained so that you can review whether a different search direction is required changing keywords, connectors, database, search engines (which are just a website index using a spider or web crawler to compile the index), subject gateways/directories (arranged by topic) or the invisible web (info not pulled up by search engines but for example available from professional sites such as papers presented on barristers or solicitors sites).

My bookmarks

75. Attached is a list of my current bookmarks which are in a state of continuous flux. Create your own constructive favourite sites to facilitate research from the site material in this paper and in the other two handouts that have been printed.

Never ending legal research

76. Until you are no longer responding to the clarion call of the Bar, your research boots must continuously be put on and worked. No successful barrister thinks they have arrived in any sphere of the law and the need for continuing legal research is blindingly obvious. A most effective tool in advancing this quest is to remind yourself what you don't know by reading the recent decisions so far as possible in such order as is most relevant to your sphere of practice. The sequence I try to adopt in relation to recent decisions is first High Court, then Full Court Federal Court, then Federal Court, then New South Wales Court of Appeal and when really enthusiastic US Supreme Court and then House of Lords. This needs to be supplemented by trying to read the loose parts for the ALJ, CLR, ALR, NSWLR or such other series as excites your interest.

Further reading – bibliography

Cate Banks and Heather Douglas, *Law on the Internet*, (2nd ed, 2002)

Sue Milne and Kay Tucker, *A practical guide to legal research*, (2008)

Amy E Sloan, *Basic legal research: tools and strategies* (3rd ed, 2006)

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Bookmarks

[Access to Justice Network Canadian Law and Justice - Laws of Canada, Law Library](#)
[AltaVista - World - Translate](#)
[American Judges Association](#)
[ASX - Australian Stock Exchange](#)
[ASX Listing Rules as at 31 March 2004](#)
[Australasian Legal Information Institute](#)
[Australia Institute Cargo Clauses A](#)
[Australian Law Reform Commission - On-line](#)
[Australian Law Reform Commission Online](#)
[Australian Maritime Safety Authority Home](#)
[British and Irish Legal Information Institute](#)
[British Columbia Superior Courts](#)
[Brooker's Judgments](#)
[Business Entry Point - Home Page](#)
[CanLII - Canadian Legal Information Institute](#)
[Caselaw Search](#)
[CataLaw Metaindex of Law and Government](#)
[CCH Australia Limited - Publications](#)
[CNN.com - Bin Laden No 'security or safety' for U.S. - October 7, 2001](#)
[CNN.com](#)
[COMITE MARITIME INTERNATIONAL](#)
[Commonwealth Department of Transport and Regional Services - Home Page](#)
[Commonwealth](#)
[Congressional Mega Sites Plus](#)
[Connect 4 Home](#)
[Cour internationale de Justice - International Court of Justice](#)
[Curia - Menu](#)
[Department of Defence](#)
[Faculty of law library Oslo](#)
[FARISLAW](#)
[Federal Court of Australia](#)
[FedGov - Home](#)
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ⁱ Presented to NSW Bar Readers Course May 2008 and October 2008