

Legal Research

Analyse the question

Start your research by analysing the assignment question. What are you being asked to do? Provide advice to a client, write an essay, solve a legal problem, or something else? Asking these questions will help to define the type of information you need to respond effectively to the question.

For example, your essay question is: *Is legislation more powerful than case law?* Firstly, write a summary of the question and what information you will need to find out. The summary may look like this: “My lecturer wants me to write an essay about case law and legislation. I need to find out what case law is and what legislation is and make an argument about which one I think is more powerful.”

Step 1. Write a summary of your assignment question.

Identify the main legal issues

What are the main legal issues you need to research? Identify the specific areas of law you need to consider in your assignment.

For example, your assignment is a case study problem: *Bob dies in his home in Adelaide after a long illness without leaving a will. Susan, his daughter, has been looking after Bob for the last 6 years and wants to know if she can still live in her father’s house. Susan comes to you for legal advice. What questions would you need to ask Susan during a client interview and what would you advise her?*

Some of the legal issues are identified here:

- What is the law that governs ‘intestacy’ in South Australia?
- Is it important that Susan was looking after Bob and living in the house?
- What if Susan has siblings?

Step 2. Make a list of the legal issues to explore.

Define legal terms

Legal dictionaries and encyclopedias will help you define terms and understand legal concepts. They may also point to further legal considerations to address in your assignment.

Step 3. List the legal terms and their definitions from law dictionaries and encyclopaedias.

Find secondary resources

Secondary sources are books and journals offering analysis and commentary to help locate and explain primary law. (Primary sources are laws, orders, decisions or regulations issued by a court or Parliament.)

Secondary sources are a good starting point for researching general areas of law. Secondary sources will bring your attention to issues of law, relevant legislation and significant case law.

For example, if you have an assignment on “offer and acceptance”, reading a book on contract law in Australia will help with developing your understanding and knowledge in this area.

Step 4. Use the Library's Quicksearch to search for books and request for them to be delivered to your home library.

Construct your search query

After referring to the information gathered through secondary sources, you can formulate a search strategy. Identify the keywords and legal terms to build your search query.

Synonyms may also assist you conduct your search. For example, when you are searching for the term "negligence" you may also like to search for the term "duty of care". If your assignment was about negligence and health professionals, your search could use these keywords: *duty of care, negligence, doctor, medical treatment, medical procedure*, etc.

Step 5. List your keywords and synonyms to undertake multiple searches.

Search the databases

Select your database depending on the type of information you are trying to find. For case law, use a case law database. For journal articles, use journal databases. Use the **Business Law Guide** for a list of relevant databases and a description of each.

Step 6. Make a note of the databases you will search.

Analyse your results

When you have found resources for your assignment you will need to consider the quality of information you have collected. Considerations may include:

- Have you used the best examples? Are there better case law examples, or cases that carry more weight?
- Are your resources relevant to the jurisdiction?
- Are your resources current? What is the information publication date? Has the law changed since?
- Look for bias in secondary sources.
- What is the level of authority in your resources? In which court was the case heard? If it is a journal article, look at the qualification and expertise of the author. Are they an expert in their area?

Step 7. Make a note of the strengths and limitations of your resources, and consider how much weight each resource can be given in your assignment, if at all.

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