

An Australian Perspective on Legal Research and Writing: *A Review of Researching and Writing in Law*

By Terry Hutchinson
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Reviewed by Timothy Kearley

Timothy Kearley is the Director of the Law Library and Centennial Distinguished Professor of Law at the University of Wyoming in Laramie.

This book deals with the legal research and writing process from an Australian perspective. The preface notes that the work stems from a graduate research course that the author has taught at the Queensland University of Technology School of Law, where she is a senior lecturer. There are two main reasons it should be of interest to teachers of legal research and of legal writing in the United States. First of all, part I of the book provides perspectives on research and organizing to write that differ significantly from those ordinarily seen in North American texts on the topic. Secondly, part II, "Checklists for Locating and Validating the Law," consists of some 250 pages of concise research references and annotations that will be extremely useful for anyone researching the law of common law jurisdictions and the European Union.

In Australia, the basic law degree required as a practice credential is an undergraduate one, as it is in England. And, while this text arose out of a graduate research course, it also is aimed at these LL.B. students, who may not yet have written extensive, or highly detailed, research papers. Thus, it is necessary for the author to run the gamut of topics, from effective note-taking methods, to basic electronic research techniques and how to organize and complete a doctoral thesis in law.

In North American treatises in this field, it typically is assumed that students in a J.D. program have gained substantial experience researching and writing as undergraduates, and that, therefore, there is little need to address basic skills. Unfortunately, the latter is not always true; some J.D. students could benefit greatly from the advice for undergraduate law students given in this book on such subjects as how to plan research, document its progress, and organize to write. The author's suggestions for visual learners on using aids such as flowcharts and diagrams should be especially useful for the many students who otherwise might struggle to envision the contours of a major writing assignment.

Those of us who teach legal research also might benefit from these discussions of basics. We take much about our subject for granted, so browsing through the introductory sections on legal research paradigms and methodologies may help us see the process in a new light. And being reminded of the simpler, undergraduate concerns of note-taking, organizing, and rewriting may make us more aware of the problems some of our students still face. At the same time, students preparing law review case notes and comments, or other lengthy writing projects, may find beneficial the author's tips on thesis writing. In addition, the chapter on social science research methodologies for lawyers offers a good introduction to the subject for anyone in our discipline who is interested in using surveys, case studies, citation analysis, and the like in his or her research.

The checklists already noted cover not only Australian federal and state primary materials but those of England, Canada, India, New Zealand, and the European Union (and the United States) as well. It is particularly helpful for non-Australian readers that the author emphasizes free, Internet-based sources, though important fee-based online sources and print materials are included as well. The author's intent here is not to provide exhaustive, or historical, information about Australian or Commonwealth legal materials. These checklists are, rather, aimed at allowing the reader to get essential information at a glance. The format the author has chosen works well for this purpose: table headings like "Research tool," "What information

will it give me?," and "Tips on use," as opposed to dense text paragraphs, make the checklists an excellent tool for researchers who quickly need to see if there is, for example, an online source for Australian treaties or Canadian regulations.

In sum, while this work would not be suitable as a textbook for legal research and writing courses in North America, it rewards perusal by teachers in the field and is an effective reference resource.

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Another Perspective

"Librarians writing today are actually blessed to be in an environment rich with difficult, complex topics related to libraries and information management that call for just the sort of critical analysis that faculty members expect from those in tenure-track positions. Recall some of the meaty topics librarians have taken on in recent years; these are issues whose importance can be grasped even by faculty members who have little or no knowledge of libraries or librarianship. If your writing demonstrates your understanding of them, you will be marked as a candidate who not only can meet the increasingly stringent tenure requirements for scholarship but can also do what should be just as important to faculty members—run their library. So writing critically about important *library*-related subjects can serve to kill two birds with one stone—demonstrate your ability to do law school tenure-track level scholarship *and* establish your credentials as a thoughtful, capable librarian familiar with cutting-edge issues that affect the entire law school and legal communities, not just librarians."

—Frank G. Houdek in Barbara A. Bintliff et al., *Rebuilding the Profession: Recommendations for Librarians Interested in Becoming Academic Law Library Directors*, 99 *Law Libr. J.* 101, 114–115 (2007).