Teaching English Legal Research Using the Citation Method

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Introduction

The most difficult aspect of teaching legal research is not deciding what to teach but deciding how to teach it. How does one show that what appears to be difficult is in fact quite simple, and that the apparently simple is only deceptively so. How do we present the material? Do we use the lecture, scavenger, legal problem, or hands-on approach; the small group, large group, or team-teaching approach; the paper handout, overhead projector, or CALR approach; or the bribe them with food, threaten them with grades, scare them with future legal research malpractice claims approach? And how do we win those final battles— with faculty for teaching time, with room guardians for classroom reservations, and with students for attention, comprehension, and submission.

It has been my experience that no matter what you teach or where you teach, all legal research instructors must contend with these problems. While we can (most of the time) control what we teach, the how of what we teach depends on many circumstances beyond our control. The absence of space, time, or institutional support cannot be overcome by hard work or creativity. It is reality—there are only so many teaching hours, so many rooms, and attention spans are only so long. I designed, out of sheer necessity, the citation method of teaching English legal research. This workshop can be taught on short notice and in any available small space; course materials are portable and no special equipment is needed.

The Citation Method

The focus of the citation method is a list of English legal citations (see Appendix A). Students new to English legal materials tend to panic when they see citations like these: Y.B. Hil. 11 Hen. IV, fo. 47, p.l. 21 or 3 Edw. I, c.20 or [1968] AC 58.1 The goal of the workshop is to demystify these citations. The workshop format that I use is a two-hour class, with 1 to 1¼ hours in a classroom and the remaining time spent in the library locating cases or statutes in the various digest, report, and statute series.

I have had a great deal of success with this workshop, perhaps because once students become familiar with the citations to a jurisdiction’s legal materials, they relax and see that many of the same legal research skills they use for researching U.S. law can be used in just about any jurisdiction. The workshop also avoids the pitfalls of teaching legal research in a lecture format, which can turn even the most interesting topic into a snoozer. From the start of the workshop, I engage participants in deciphering puzzles of British legal citation style; reading and talking about the UK legal system; scanning the various reference books brought to the workshop (see Appendix C); and asking questions about English court hierarchy, how to locate primary source materials, and which indexes and catalogs can be used to search the secondary literature.

The citation method not only presents hands-on experience with key English legal research tools, but also can be a lot of fun. By the end of the workshop many of the students feel as though no English legal research question will ever stump them again. I try not to disillusion them.

Workshop Strategy

Have a clear idea of what you want the students to have learned by the end of the workshop. For example, they should 1) know what to do when faced with an unfamiliar abbreviation or legal term, 2) see that a little research in a reference book or two (e.g., Raistrick2 or the Oxford Companion to Law) before trying to locate the primary source can make research much easier than it would be without that preparation, 3) see that English case reports are not that different from U.S. reports; both jurisdictions, for example, have nominate reports and report series, and 4) understand that English statutes are not codified as ours are.

1 For those of you experiencing panic at this very moment: Y.B. Hil. 11 Hen. IV, fo. 47, p.l. 21 refers to Year Book, Hilary Term, 11th year of the reign of Henry the 4th, folio 47; placentum (subdivision or paragraph) 21; 3 Edw. I, c.20 refers to Chapter 20 of the statutes enacted in the 3rd year of the reign of Edward 1st; and [1968] AC 58 to “Volume” 1968 of the Law Reports, Appeal Cases, page 58.

2 Refer to Appendix C for complete bibliographic information on this and other sources mentioned in this article.
After handing out the citations list and outline (see Appendix B), discuss each citation in turn. When similarities to American citations, dates, volume numbers, and reporter names are pointed out, students quickly see a pattern and move on to the fun of deciphering the citations. With the help of the Oxford Companion to the Law and Raistrick, show how these citations are merely abbreviations to reports or legal materials—abbreviations no different from the ones they see every day, e.g., Cranch, F.2d, or Stat. Each citation in the exercise has been chosen to give the instructor a chance to talk about different aspects of the English legal system, such as the system of law reporting through the nominate reports, report series, and opinions in legal journals: the concept of an unwritten constitution; and the sources of legal history, statutes, and codes. The exercise also gives workshop participants an opportunity to look up information in the reference tools.

The legal research instructor should keep abreast of a few current developments in English law. For example, Pepper v. Hart, [1993] AC 58, is an interesting case and an excellent vehicle for contrasting the English attitude toward legislative history with the American one. Similarly, a discussion of the controversial Criminal Justice and Public Order Act of 1994, c.33, gives you a chance to show students how to find a current statute.

It is easy to include some legal research humor. Glanville Williams' Learning the Law has wonderful stories about the early court reporters and Pollock is always good for a giggle.

Allow at least 30 minutes for hands-on work in the library. Students should acquaint themselves with the layout of their law library's collection of basic UK research materials, including case reports, titles in the library's reference collection, and indexes to periodicals. Have them locate the texts of the cases and statutes in the citation exercise. In particular make sure they use the Digest to look up a topic, locate a case in a nominate report and one in the Law Reports, and find a statute in either Halsbury's or Public General Acts.

**Conclusion**

By all means, have fun with your students. This workshop usually attracts motivated researchers who will inevitably ask questions that will send you off into uncharted English legal research waters. Do not feel as if you have to be an expert in researching English law before teaching this seminar. Remember, the more you teach, the more you learn.

**APPENDIX A**

**Student Citation Handout**

Note: The student handout is a simple list of the following nine citations. The entries in square brackets are my suggestions to the instructor. I have included a range of citations, from the simple to the aggravating. You should, of course, use citations that reflect your interests, your collection, and the needs of your researchers.

   [After the students look up these report abbreviations in Raistrick, I give them copies of this case as it is printed in each of the three case reports and note the differences among the court reports.]

   [Look up the abbreviations in Raistrick. Here is an example of a Law Report citation and its confusing AC series. Describe the different Law Report series. Explain also the difference between dates in square versus round brackets.]

   [This is an example of how a case may be published in many places, including in a law journal. Use an English legal research reference book to show how W.L.R. fits into the Law Reports scheme. I have the students look up as much as possible in the reference books and always show them where these books are kept in our reference collection.]

   [Look up abbreviations in Raistrick and in Wallace's The Reporters. Show how either could help date this case. Also, look up these reports in the English Reports index of nominate reports to see if they are reprinted.]

5. What is the U.K. Bill of Rights?
   [Use this question as a basis for a discussion on whether one can have a bill of rights without a constitution and whether an unwritten constitution can still be a constitution. Use Walker's Companion to the Law to look up "Bill of Rights." This is my favorite book and useful for answering so many questions.]
6. What does FHN B stand for? (Be extra-creative for this one.)
[Try to find this in Rastrick, in Wallace’s The Reporters, or in Walker’s Companion to Law.]

7. Use a statute index to find the Infanticide Act.
[Use this to discuss UK statutes, which are not codified the way we do here in the United States, and to compare the organization of statutes in their official form and in Halsbury’s Statutes. If it is convenient, show how to find statutes on the Web, e.g., <http://www.hmso.gov.uk/acts.htm>.

[Use this to show how to locate a recent case and to discuss UK use of legislative history when interpreting statutes.]

[Use this citation to show the range of the Digest (back to 1235). Also, if you have the students look up the case, they can see the Law French version in the Year Books and in translation. Look in J.H. Baker & S.C. Milsom, Sources of English Legal History: Private Law to 1750 (1986), or in Wallace’s The Reporters.]

APPENDIX B

English Legal Research Outline

Note: I use this outline for lecture notes. I give an abbreviated version of it to students in the workshop. It is not possible to make it through the entire outline in a two-hour workshop (unless you speak very fast and do not breathe!). I also carry a Regnal Years chart with me every time I do any serious English legal research. (If you didn’t grow up, so to speak, with these kings and queens, it is very hard to keep them straight in your mind.)

ENGLISH LEGAL RESEARCH OUTLINE
Some practical instruction on locating English primary sources, and a few digressions

1. Basic Research Tools
   a. Research guides: Clinch, Thomas, Holborn
   b. Oxford Companion to the Law
   c. Halsbury’s Laws
   d. Abbreviations: Rastrick (also The Bluebook)

2. Basic Sources of English Legal History (use your favorites or the ones in your library)
   a. Baker, J.H. An Introduction to English Legal History
   c. Milsom, S.C. Historical Foundations of the Common Law
   d. Plucknett, Theodore F.T. A Concise History of the Common Law
   e. Pollock, Frederick and Maitland, Frederick William. The History of the English Law before the Time of Edward I
   f. Blackstone (comment on various editions and differences among them)

3. Finding English Case Law
   a. Court hierarchy (see English Legal System in a Nutshell or Spencer, Jackson’s Machinery of Justice; see also Law Reports chart, reproduced in several places) and <http://www.open.gov.uk/courts/court/highhome.htm>
   b. Introduce the Digest, other case indexes, nominate reports, reports.
   c. Current Law (monthly and annual)
APPENDIX C

Classroom Props

Note: If possible, limit the workshop to 10 students or fewer (unless you have multiple copies of the items listed below). I use the following books and articles in my workshops, but you should develop a collection that suits the needs of your workshop students.

- Donald Raistrick, *Index to Citations and Legal Abbreviations* (either 1st ed. 1981 or 2nd ed. 1993)
- *English Reports* case chart (this small booklet lists where the various nominate reports are reprinted in the *English Reports*)
- *The Bluebook: A Uniform System of Citation* (16th ed. 1996)
- *Glanville Williams, Learning the Law* (9th ed. 1973) (light and funny)
- Optional (mandatory if your students do a lot of research in the *Year Book*): J.H. Baker & S.E.C. Milsom, *Sources of English Legal History: Private Law to 1750* (1986) and the Seldon Society series that includes some *Year Book* translations

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