Research strategies

**Figure out what you need to know**

This seems obvious, but can be far from simple!

For **problem based questions** or **client scenarios**, identify the;

- material facts - these are the facts that are legally relevant, that give rise to a legal action
- legal issues involved

For **research essays** where you need to **critically analyse** an issue, think about:

- the major issue(s) involved
- any points or arguments you want to make in answering the question
- do you need any background information to help you understand the topic or to back up the points you want to make
- would it be useful to look at the law itself, in addition to commentary about the law

**Tip:** if you are not quite sure what you need to know, have a quick hunt for a book or journal article that broadly covers your topic. This should give you some background information about the issue and give you ideas of what you could focus on for your essay.

**Think about what terms you need to look for**

Identify those terms or keywords that will give you the most relevant results when searching.

First, highlight the key terms from the question

- For problem questions, use the facts and legal issues
- For essay questions, use the key concepts from the question itself or from the arguments you want to make

Next, think about other words or synonyms that could be used for the same concepts - remember, legislatures, judges and authors use different terminology.

You can then use these keywords to browse indexes or type into online search facilities.

**Select the best resource to use**

What resource you use depends on the type of information you are looking for.

<table>
<thead>
<tr>
<th>What do you want to find?</th>
<th>Where can you look?</th>
</tr>
</thead>
<tbody>
<tr>
<td>General overview of legal principles</td>
<td>Books or legal encyclopaedias</td>
</tr>
<tr>
<td>Legislation</td>
<td>Government legislation websites</td>
</tr>
<tr>
<td>Case law</td>
<td>To find key cases, use books or legal encyclopaedias</td>
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<tr>
<td></td>
<td>To find cases on a legal issue, use CaseBase or FirstPoint</td>
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<td></td>
<td>To find cases with similar facts, use AustLII</td>
</tr>
<tr>
<td>Analysis of the law or legal system</td>
<td>Books, journal articles, government publications and law reform reports</td>
</tr>
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Please refer to the guides on case law, legislation and journal articles for more information.
Evaluate the information you find

Once you have found some information, think about:

- Is the information really what I’m after? Does it answer my question?
- If not, is it because I need to use another resource or use different search terms?
- Is the information of a high enough quality to refer to?
- Is the author qualified to write on the topic?
- Is the information published by a major publisher or in a reputable source?
- The quality of writing - is it comprehensive, is there any sign of bias?
- Is the information current? Do you need it to be, or is an historical perspective relevant?

Update primary sources of law

If you need to know how the law stands as of today, you will need to update any primary sources you find. Because the law changes regularly, you need to make sure the law you are relying on is still good law.

- For Acts, you need to check for any recent amendments
- For case law, you need to check how later cases have used the judgment - has it just been cited, or have the legal principles been applied, or has the case been overruled or distinguished on some point?

Please refer to the guides on updating legislation and case law for more details.

Know when to stop

Sometimes, the hardest part of the legal research process is to know when to stop.

With legislation, this is straightforward as there is usually a small, finite number of Acts on an issue.

But it is more difficult when looking for case law or journal articles. Some indicators for when to stop are:

- when you see the same citations for the same cases and articles again and again
- you feel familiar with the issues and understand the legal principles
- once you have updated the judgments you wish to rely on

Organise what you find

When undertaking a large research project, you will want to organize the information you find so you can easily come back to it later. In particular, you want to make sure you document enough citation information so you can easily footnote each resource you refer to.

- when photocopying books, copy the pages inside the front cover. This has all the publication details you need to properly cite the source
- When photocopying, make sure the page numbers are included so you can easily provide pinpoint references
- When referring to or paraphrasing information, footnote as you go, remembering to include pinpoint references to the page or paragraph the quote or information was taken from

You might also find it useful to document your search process as you go. This will help if you decide you need further information because you can simply continue on from where you left off. It will also help you evaluate the effectiveness of your research and may provide you with ideas for how to improve your search methods for your next big research task.