

# Attempting to demystify law reports for the non-lawyer

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## Author's abstract

*To a non-lawyer, references to law reports can appear confusing and complicated. This brief article attempts to explain how to decode such references and thus get to the reports. Those wishing to pursue the matter further are referred to more detailed explanations. This article deals primarily with English case law and is up to date as of December 1987.*

## Background

Not all cases heard in the courts find their way into a series of law reports. To be reported, a case must raise a point of legal importance. Law reports (the earliest examples were known as the Year Books) have existed since Edward I's reign. These early Year Books were replaced by privately published law reports referred to by the names of their individual authors or reporters. In 1865 the semi-official series entitled the Law Reports began. This series continues today and remains accurate and reliable. It is the series that is cited in court if a case is reported in more than one place. Another popular, but privately published, series is the All England Law Reports. As well as these general series there are numerous specialist reports, each one covering a specific area of law.

A case will often be reported in several places. The first report may be in *The Times* newspaper, or one of the other major dailies, a day or two after the case is heard. Several weeks later it may appear in the All England Law Reports and the Weekly Law Reports as well as in the case notes section of one of the general legal periodicals and in one of the specialist series of reports and journals. Then a final authoritative version, which has been checked by the judges involved, will appear later on in the Law Reports

## How to find a case (when you know the reference)

Cases are referred to by the names of the parties involved in the action. For example:

Sidaway v Board of Governors of the Bethlehem Royal Hospital and the Maudsley Hospital.

This does not tell us where to find a report of the case itself, so each case also has a precise reference, or legal citation, enabling it to be located. Some citations for our example (which has been reported several times) are:

[1985] 1 All E.R. 643  
[1985] A.C. 871  
[1985] 2 W.L.R. 480  
(1985) 82 L.S. Gaz. 1256  
(1985) 135 New L.J. 203  
(1985) 129 S.J. 154

To discover the meaning of the abbreviations used in each citation, it is necessary to consult an explanatory index (1). Many legal dictionaries also contain such indexes (2). A short list is attached to this article (see Appendix 1).

Having found out what each series is called, the other elements of the citation are:

(i) the date: [ ] are used if the date is needed to find the volume on the library shelves, ( ) are used if the series is numbered consecutively by volume number as well as by year, so that the correct volume could be found without knowing its year: for example [1985] A.C. 871 and (1985) 129 S.J. 154

(ii) the volume number within that year if it is necessary to find the volume on the library shelves. For example [1985] 2 W.L.R. 480 where three volumes are produced each year.

(iii) the page number on which the case report begins. For example [1985] A.C. 871

Having interpreted the citation to discover which series to look for it is possible to go straight to the library shelves to consult the relevant volume. However, it may be difficult to gain access to a large enough law collection to satisfy all your needs. Many large public reference libraries will contain some material, especially the All England Law Reports and

## Key words

Law reports; legal citations; libraries.

one or two legal journals. As these may, perhaps, be kept in store always ask for assistance when necessary.

Universities and polytechnics with law departments will have much larger collections which may be available for use by outsiders on application to the Librarian. Within London, Hammersmith Central Library has a responsibility for legal materials, as does Buckinghamshire County Library. A helpful guide to law collections within the British Isles has been produced by the British and Irish Association of Law Librarians (3).

### How to find a case (when you don't know the reference)

It may be that you hear about a relevant case but have no citation for it. *The Current Law Case Citor* (4) will furnish you with the necessary details provided your case was after 1947. It is quite possible to find older cases too, just slightly more complicated. An explanation of how to do this using *The Digest* (5) is given in Dane and Thomas (6) pages 30–32.

*The Current Law Case Citor* is an alphabetic index of case names, together with references to each report of those cases. The citator is issued in a bound volume covering 1947–1976, a limp-backed volume covering 1977 until the end of 1986 and monthly parts since. Each should be consulted in sequence until the required case citation is discovered. As all the alternative locations are included it is possible to read the case in whichever series you can most easily find.

If we return to the example of Sidaway, there is no entry in the 1947–1976 volume as the case was not heard until 1984. In the 1977–1986 volume the following details are given:

Sidaway v Board of Governors of the Bethlehem Royal Hospital and the Maudsley Hospital [1985] A.C. 871; [1985] 2 W.L.R. 480; (1985) 129 S.J. 154; [1985] 1 All E.R. 643; (1985) 135 New L.J. 203; (1985) 82 L.S. Gaz. 1256, H.L.; affirming [1984] Q.B. 498; [1984] 2 W.L.R. 778; (1984) 128 S.J. 301; [1984] 1 All E.R. 1018; (1984) 81 L.S. Gaz. 899, C.A. . . . Digested, 85/2318: Applied, 84/3570: Considered, 85/2651

Apart from all the case citations which cover both the Court of Appeal hearing and the later House of Lords hearing (indicated by C.A. and H.L.) the final line of the entry gives us further details about the case and its importance. A digest of the case is given at paragraph 2318 of the 1985 volume of the Current Law Yearbook. This digest explains briefly any important points in the case and gives a short summary of it. The case has also been applied, as shown in paragraph 3570 of the 1984 volume of the Current Law Yearbook. When this paragraph is found it explains that the case of Sidaway was used during the case of Freeman v Home Office which also dealt with consent to medical treatment. The case of Sidaway was also considered, as shown at paragraph 2651 of the 1985 volume of the Current Law

Yearbook, in the case of Lee v South West Thames Regional Health Authority.

A final check in the latest monthly part of Current Law will bring the case history right up to date. If the case has been referred to in the current year details will be included there.

### LEXIS

For those fortunate enough to have access to this computer-assisted legal research service provided by Butterworths (Telepublishing) Limited it is possible to retrieve cases when only a minimum of information is known. The LEXIS User's Guide provides an outline of the search strategies for those who have been trained and the customer service is available by telephone, to provide help in the formulation of searches. For example, cases can be found by name or by topic and all the cases referring to a particular act can be searched for, as can all those which cite an earlier case. LEXIS is easy to use and provides the full text of judgements more quickly than the printed series. Most university and polytechnic law faculty libraries now use LEXIS but may not make its use widely available to outsiders because of the costs involved. It could be worth investigating further if a large amount of case research has to be undertaken.

### Other law materials

In addition to the law report series many general legal periodicals will contain brief notes of case decisions. They will also contain articles on items of current legal concern. The *Solicitor's Journal* and *New Law Journal*, both weekly publications, often contain reports within two weeks of the decision. *The Law Society Gazette*, also weekly, takes a little longer. All these journals carry articles and reports of cases of medical and ethical interest such as Gillick, Sidaway and C v S.

Legal textbooks and case books may be of help too, although care must be taken to ensure that the most recent edition is being used. There are also many loose-leaf legal encyclopedias which contain reports, explanations and summaries. The loose-leaf format enables new materials to be inserted regularly and out of date material to be removed (See 7, 8 and 9 as examples).

Medico-legal journals too will contain both reports of cases and helpful articles. They are often cited in abbreviated form and the *Index to Legal Citations and Abbreviations* (1) also covers these law-related titles. Probably the most frequently referred to are *Medicine, Science and the Law (Med Sci & L)* and the *Medico-Legal Journal (Med Leg J)*. Nowadays more and more journals in other disciplines are including legal reports and articles, as are inter-disciplinary journals.

### Conclusion

This article has concentrated on English materials in an attempt to keep things simple. More detailed

explanations are available. *How to Use a Law Library* (6) is clear, with plenty of examples. It is also available as five tape/slide programmes. Programme 2 deals with law reports and 3 with finding cases. *How to Study Law* (10) is also a good introduction. Both are available in reasonably priced paperback editions. *Legal Research Techniques* (11) is clear and concise and can be obtained direct from the publisher (telephone 0422 84333).

The same principles for finding cases will apply even when tracing material from other countries. A few of the more frequently encountered abbreviations are included in Appendix 2. Once again the *Index to Legal Citations and Abbreviations* (1) covers foreign series too. Anyone dealing with large numbers of Canadian (12), Australian (13) or American (14, 15, 16, 17) cases could benefit from further reading.

Finally, most law libraries employ a member of staff experienced in dealing with legal materials who will be only too happy to explain the workings of the library to a user unfamiliar with the law, so always ask for help and assistance when necessary.

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## References

- (1) Raistrick D. *Index to legal citations and abbreviations*. Abingdon: Professional Books, 1981.
  - (2) Osborn P G. *Osborn's concise law dictionary*. (7th ed.) London: Sweet & Maxwell, 1983.
  - (3) Miskin C, ed. *Directory of law libraries in the British Isles*. (2nd ed.) [No place of publication given]: Legal Library Publishing & Distribution Services, 1984.
  - (4) Current law publications are published in London by Sweet & Maxwell.
  - (5) *The Digest* (formerly *English and Empire Digest*) is published in 73 vols in London by Butterworths.
  - (6) Dane J, Thomas P A. *How to use a law library*. (2nd ed.) London: Sweet & Maxwell, 1987.
  - (7) *Sweet and Maxwell's encyclopaedia of health services and medical law*. London: Sweet & Maxwell, 1987-.
  - (8) Gostin L. *Mental health service - law and practice*. London: Shaw, 1986-.
  - (9) *Butterworth's Family law services*. London: Butterworths, 1983-.
  - (10) Bradney A, Fisher V *et al* eds. *How to study law*. London: Sweet and Maxwell, 1986.
  - (11) Smith N. *Legal research techniques*. Hebden Bridge: Legal Information Resources, 1987.
  - (12) Banks M A. *Using a law library*. (4th ed.) Toronto: Carswell, 1985.
  - (13) Derham D P, Maher F K H, Waller P L. *An introduction to law*. (4th ed) Sydney: Law Book Company, 1983.
  - (14) Price M O, Bitner H, Bysiewicz S R. *Effective legal research*. (4th ed) Boston: Little, Brown, 1979.
  - (15) Cohen M L, Berring R C. *How to find the law*. (8th ed.) St Paul: West Publishing, 1983.
  - (16) *West's Law Finder: a research manual for lawyers*. St Paul: West Publishing.
  - (17) *The living law: a guide to modern legal research*. Rochester: Lawyer's Co-operative Publishing.
- [[16] and [17] are published in new editions every year or so.]

## APPENDIX 1

### Some frequently cited English law reports and legal periodicals

A.C.	Law Reports Appeal Cases
All E.R.	All England Law Reports. 1936 -
All E.R. Rep.	All England Law Reports Reprint. 1558-1935
C.L.J.	Cambridge Law Journal. 1921-
C.L.P.	Current Legal Problems. 1948-
Ch.	Law Reports Chancery Division
Crim. L.R.	Criminal Law Review. 1954-
E.R.	English Reports. 1210-1865
FLR	Family Law Reports. 1980-
Fam.	Law Reports Family Division
Fam. Law	Family Law. 1971-
K.B.	Law Reports King's Bench Division
L.Q.R.	Law Quarterly Review. 1885-
L.R.	Law Reports. 1865-
L.S. Gaz.	Law Society's Gazette. 1903-
M.L.R.	Modern Law Review. 1937-
N.L.J.	New Law Journal. 1965-
Q.B.	Law Reports Queen's Bench Division
S.J.	Solicitor's Journal. 1857-
Sol. Jo.	Solicitor's Journal. 1857-
T.L.R.	Times Law Reports. 1884-1952; 1982-1986
W.L.R.	Weekly Law Reports. 1953-

## APPENDIX 2

### Citations of a few reports series from other jurisdictions

A.L.J.	Australian Law Journal. 1927-
A.L.J.R.	Australian Law Journal Reports. 1958-
A.L.R.	American Law Reports, Annotated.
A.L.R.	Australian Law Reports. 1973-
C.L.R.	Commonwealth Law Reports. 1903-(Australia)
D.L.R.	Dominion Law Reports. 1912-(Canada)
Eur. Comm.	European Commission of Human Rights Decisions and Reports. 1975-
H.R.D.R.	New Zealand Law Reports. 1883-
N.Z.L.R.	Supreme Court Reports. 1876-1922 (Canada)
S.C.R.	Canada Law Reports, Supreme Court. 1923-
U.S.	United States Supreme Court Reports. 1790-