

## STUDY TIPS

You're probably about to step into your first law lecture as a university student. Lecturers (apart from the ever-patient Russell Hinchy) will likely drop words like 'ratio,' 'dissent' and 'obiter' and expect you to know what they're talking about. Worse still, they will tell you to read a bunch of cases, prepare advice to clients and write assignments all without much information about how to actually go about doing those things. Should you read the cases before the lecture, or after? Should you start by reading the textbooks or the judgments? Can you get away with not preparing for tutorials?

The tips that follow will give an insight into how to actually read a case, or research for an assignment.

### Lecture attendance

Lecture attendance is important for several reasons:

- Attendance will give you an idea of the cases and issues that your lecturer considers most important.
- Lecturers often reveal important information about assessment (e.g. an exam's format) in lectures.
- Learning guides and PPT slides only provide a skeleton overview of what will be covered in class.
- Material covered in class is often a good indication of what will be assessed.
- Law courses will rarely follow a textbook from week to week, meaning that law classes rarely reflect a particular chapter in any one textbook. Accordingly, if you don't have good notes or don't attend class to take notes, it may be difficult for you to learn the topic from the textbooks.

During a lecture, take special note of the following:

- The lecturer's description of the legal rule on any particular topic and examples of how this rule applies to factual scenarios.
- Summaries given by the lecturer of cases, including facts of cases and the decision reached by the judge.
- Listen for hints the lecturer may give as to what are likely exam topics and make a note of them so that you will be reminded of the hints during your exam preparation.
- If you're unsure as to whether to note something down it's best to make the note. It could be something that you can add to an exam answer, showing that you've understood more than just the most basic of points.

**Tips for good note taking:**

During a lecture, the lecturer only has time to provide an overview of all the relevant cases and issues. Therefore, it is important that you do further reading once you have attended the lecture. Doing the readings allows you to clarify anything you have misunderstood and gain a deeper understanding of the concepts being studied.

Reading materials can be divided into two main types: textbooks (secondary materials), and cases and legislation (primary materials).

**Textbooks**

There are a number of different types of textbooks:

- **Commentaries (traditional textbooks):** These contain descriptions of the law on a particular topic and cite legislative and case authorities in support of what is said. These types of texts can be very useful to you when you are seeking further explanation as they are often very detailed and will deal with matters beyond the scope of your law subjects.
- **Casebooks:** Often called cases and materials, these books contain extracts from judgments as well as some commentary by the authors. Casebooks can be useful to give you information on the less important cases – those where it's not worth your while to read the whole thing. However, the extracts from judgments can be quite selective and may miss out parts of the judgment which are relevant to you. If a case is essential to your course, you would be better off reading it in its entirety rather than resorting to a casebook.
- **Summaries:** These books contain short descriptions of the law on a particular topic and arrange the law under headings which are often similar to those used in law school study guides. These books also often contain short summaries of cases (facts and the decision) and there may be sample problem questions and answers.
- **Q&A Books:** These contain questions, exemplar answers and examiners comments divided into different topic areas. Although the legal answer itself will not be a perfect answer, using one of these is very good for sharpening your question-answering and 'issue-spotting' skills.
- **Annotated Acts:** Annotated versions of a number of important pieces of legislation are available in what is essentially a textbook format. They include full copies of the relevant legislation together with commentary and case references alongside each individual section of the Act. Annotated Acts are particularly useful in subjects which are based around a few major pieces of legislation.

Before deciding what textbooks you should buy it is a good idea to go to the Law Library and have a look at the prescribed materials. All textbooks have different styles and will appeal to different sorts of students. Some students will find casebooks useless because they lack detail compared to actually reading the case whilst others will find that they have too much detail compared to the commentaries. Your lecturer or Course Coordinator will also advise you as to what type of text you should purchase.

## Cases

Once you've read the relevant chapter in the prescribed/recommended textbook, the next step is to read the key cases. In most subjects, lecturers will tell you in class which cases they want you to read and may even refer you to particular pages, while in others the important cases may be highlighted by an asterisk in the learning guide. Don't attempt to read every case in the learning guide. Try to read the important cases and then use headnotes or casebooks for those which are less significant. Also, if a lecturer specifically asks you to read a case before you come to class, then you will learn more in the class if you have read the case.

It is important that you understand the process of reading a case; the ability to read a case properly is one of the most important skills a law student can have. Like it or not, you will be reading cases for at least the next 4 years.

When you read a case, start by looking at the catchwords, headnote and summary of facts before you read the judgment. If the case concerns an appellate court (more than 1 judge) you should check to see who is in dissent and who was in majority. The ratio of a case can only ever come from the majority, so you may (unless your lecturer specifies otherwise) be able to omit minority judgments from your reading if you are pushed for time. However, being able to compare the majority reasoning with that of the minority is something which can earn you extra marks in some subjects. Begin by reading the majority joint judgments, and then other majority judgments. Remember, read strategically– you don't need to read every word. Skim the case and pick the important parts. This is a skill you will develop over time.

You may also like to take notes whilst reading a case. Taking notes on the case is usually necessary for memory purposes. Recall that you are reading the case to gain more information about legal rules/ principles (e.g. the reasoning of the judges). Therefore, if this extra information is to be of any use to you, it is advisable that you write it down so that you can refer to it in the weeks to come.

## The Components of a Case Report

- **Heading:** The names of the parties, when and where the case was heard, the court and judges sitting will all be listed at the beginning of the report.
- **Catchwords:** These are generally inserted by the person who published the case report, not the judge. They indicate areas and issues of law dealt with by the case.
- **Headnote:** The headnote is written by the person who published the case and contains a brief summary of the facts of the case, the decisions given by the judge/s and the reasons why the decisions were given. However, it is dangerous to rely on the headnote for an important case without reading the judgment, as the headnote is only a brief summary and can often be inaccurate or fail to address all the important issues covered. Nonetheless, headnotes are still useful if all you need is a brief overview of the case.
- **Procedural History/Summary:** Some reports contain a more detailed outline of the facts of the case. If the case is an appeal from a lower court, details of the lower court decision are given.
- **Arguments of Counsel:** Some reports will contain a summary of the arguments made by the barristers representing each party to the case. Again, these are written by the person publishing the case report and may not be accurate. They can be very handy if you are preparing for a moot.
- **Curia Advisari Vult:** You will often see this in the judgment or an abbreviation like Cur Adv Vult or C.A.V. This means that the judges adjourned the proceedings to consider and write their judgments after hearing evidence and arguments by counsel.

- **Judgments:** The judgments then follow. The judgment is an exact copy of that written by the judge.
- **Result and Orders:** The result is stated, followed by the orders of the court.
- **Solicitors' and Reporters' names:** The names of the counsel (the solicitors and barristers representing the parties) are given, followed by the name or initials of the person who compiled and published the report. This will often be a barrister or other lawyer who watched the case.

### **Pre-tutorial preparation**

For each law subject that you undertake you will have weekly or fortnightly tutorials. Generally, your tutor will go through questions that have been set by the lecturer – these may include factual analysis or essay style questions. Using your lecture notes, you should attempt to answer these questions yourself before attending the tutorial. That way, you've thought about things yourself and gained your own understanding that your tutor helps to clarify. Even if you have written out a sample answer, you should take notes in the tutorial in order to improve/correct your answer. Tutorials will also help you understand what may be required of you in the exam.

### **Finalisation of Study Topic**

Having done all of the above steps each week, you should manage to keep up to date with your study throughout the semester. By this stage, you should have a good idea of the important issues, important cases and the way to structure exam answers. You may wish to do a little reading to clarify any issues that were raised in the tutorial that you weren't familiar with. You would then add this information and anything else you picked up in the tutorial to your notes.