

BOOK REVIEW

LAYING DOWN THE LAW: THE FOUNDATIONS OF LEGAL REASONING, RESEARCH AND WRITING IN AUSTRALIA AND NEW ZEALAND, by Gwen Morris, Catriona Cook, Robin Creyke and Robert Geddes. Second edition. Sydney, Butterworths, 1988. xix and 306p. Price NZ\$61 (incl GST); A\$26.

Books for the beginner are never easy to write. Considerable skill is needed to lead the reader surely but effectively through a logical sequence of ideas and information. Much detail must be set aside. Concepts may have to be introduced in simplified form, to be treated again later in greater depth.

Much credit is due to the authors of *Laying Down The Law* for their willingness to recast their 1985 edition to provide the new law student with a more logical and intellectually stimulating text. One example is the removal of material on the mechanics of finding the law from the early chapters; it now follows the chapters on legal reasoning. The text has also been extended by the insertion of material on New Zealand.

The book is in four parts. Part one provides a brief introduction and an overview of the concepts, processes and history of our system of law. As in the rest of the book, the writing is clear, concise and full of information. (By page two, even the neophyte will be able to enjoy Geoff Pryor's cartoon of the puny puisne judge, even though the wickedness of Pryor's pen really requires deeper knowledge of legal terminology.)

Part two, the largest section of the book, deals with legal reasoning. Designed around the intellectual coatpeg of "solving legal problems", it deals with all the key ideas and processes, including ratio decidendi, obiter dicta, precedent and the rules of statutory interpretation, together with a chapter on equity. Useful diagrams of court hierarchies are provided.

Part three covers the practical aspects of legal research, giving sound advice on possible techniques. Up to date details of indexes and digests are given, with enough sample pages to give the student real guidance without excessive detail.

Part four discusses legal writing, study and exam skills. It does not deal with mooting, but includes a chapter on citation.

Sets of exercises are provided throughout. While it is desirable for students to participate in tutorials based on assignments related to current lectures, the exercises in the text would be useful as supplements to a course not based directly on the book. Each chapter ends with a few pertinent items for further reading.

In many ways, particularly by comparison with the first edition, the book is a lesson in communicating effectively through print. The list of contents, reduced from six pages to four, has been greatly simplified in typography and content; the index has been tripled in size and its quality improved. The typography and layout of the new edition is much more

inviting to the eye, while it is now much easier to distinguish between the text and inserted extracts and sample pages.

The observant reader will find details to criticise. Issues of *The Capital Letter* do not include an index of case names (229). The *New Zealand Privy Council Cases* was not published before 1881 (49). There are numerous references to the “now somewhat out of date” standard text on legal research in Australia, by Enid Campbell, E J Glasson and Ann Lahore; the third edition of their *Legal Research: Materials and Methods* was published during 1988 and had been in preparation for some time. New Zealand students, at least, will feel short-changed by finding no assistance (232) with tracing a British case when they have only a case name in hand; the text does no more than refer them to an English research guide. This is in spite of the quotation on page 97 from Sir Robin Cooke, that “New Zealand gets about 50 percent of its case law from the United Kingdom”.

Minor quibbles aside, though, *Laying Down The Law* is an outstanding introductory text for the Australasian market. Students would be advised to retain it for the duration of their legal studies, as the material on searching legal literature, while not comprehensive, will remain invaluable, as will the material on citation and legal writing.

If one were looking for a local text, for today’s more sophisticated student, to take the place of Glanville Williams’ classic *Learning The Law*, this must surely be it.

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