

Unit 23



<b>Title:</b>	<b>Legal Research Skills</b>
<b>Level:</b>	<b>6</b>
<b>Credit Value:</b>	<b>7</b>

<b>Learning outcomes</b>	<b>Assessment criteria</b>	<b>Knowledge, understanding and skills</b>
<b>The learner will:</b>	<b>The learner can:</b>	
<b>1 Understand how to analyse the scope and complexity of a practical legal problem requiring research</b>	<p><b>1.1</b> Identify the relevant facts from a fact pattern</p> <p><b>1.2</b> Identify the client's objectives</p> <p><b>1.3</b> Identify the research issues raised by the client's problem</p> <p><b>1.4</b> Compile key words and phrases to begin research</p>	<p><b>1.1</b> Distinguish material from non- material facts; presenting a concise summary of the facts as the beginning of research</p> <p><b>1.2</b> Ascertaining client's objectives in requesting advice; identifying both legal and non-legal objectives</p> <p><b>1.3</b> From these objectives, identifying the initial areas requiring research; not jumping to early conclusions</p> <p><b>1.4</b> A list of words and/or phrases in order to begin using indexes to secondary sources; the chosen words and phrases should not be too wide or specific as this may not be useful; a knowledge of Boolean searching when using phrases or combination of words from their analysis</p>
<b>2 Understand how to evaluate legal research sources</b>	<b>2.1</b> Distinguish between primary and secondary sources	<b>2.1</b> Awareness of the major secondary sources available in a subject area; ie, in terms of encyclopaedias (eg, Halsbury's Laws) and practitioner texts; sources can be in hard copy

This specification is for 2012 examinations

	<p><b>2.2</b> Evaluate printed and electronic sources for reliability, relevance and currency</p>	<p>or electronic; using primary sources and understanding the difference between them and secondary sources</p> <p><b>2.2</b> Students should be able to critically evaluate the reliability of the source (particularly electronic sources); factors affecting validity: eg, whether the source is updated regularly, the academic or legal qualifications of the authors or whether the source includes any primary sources</p>
<p><b>3 Understand how to perform legal research appropriately</b></p>	<p><b>3.1</b> Use secondary sources and primary sources to research law</p> <p><b>3.2</b> Read sufficient secondary sources to understand the specific area of law being researched</p> <p><b>3.3</b> Compile a list of primary sources from reading of the secondary sources</p>	<p><b>3.1</b> Using sources correctly and updating sources where necessary; understanding the various sources of law: eg, use of the noter up in Halsbury's Laws or the electronic updates in online sources; the availability and reliability of sources; how each source is compiled; how the information is organised and accessed; understanding that not all sources are complete and more than one source is generally required to gain a complete reading of the law</p> <p><b>3.2</b> Understanding that the secondary source will not contain information that will instantly answer the question; reading sufficient to gain a good grasp of the scope of the topic; the need to undertake further reading in other sources as sources will vary in coverage of the subject</p> <p><b>3.3</b> Compiling a list of primary sources from a reading of secondary sources in order to come to a reading list of sources; priority can be given to sources that arise a great deal, eg, higher courts, more recent cases etc</p>

	<p><b>3.4</b> Assess the information found and prioritise primary law sources</p> <p><b>3.5</b> Analyse primary sources in order to check the safety of the research conducted</p>	<p><b>3.4</b> Evaluating the research to date; decide whether more secondary source reading is required</p> <p><b>3.5</b> Using the list of primary sources to consolidate the research and to ensure that the advice will be correct; secondary sources are subject to the quality of the author's writing and the decisions made about textual content; primary source references should always be checked</p>
<p><b>4 Understand how to analyse the law in relation to specific legal problems</b></p>	<p><b>4.1</b> Analyse relevant statutes in order to identify the content of the law and its appropriateness to the issue being researched</p> <p><b>4.2</b> Analyse relevant case law in order to identify the decision of the court and its appropriateness to the issue being researched</p> <p><b>4.3</b> Analyse relevant statutory instruments in order to identify the content of the law and its appropriateness to the issue being researched</p>	<p><b>4.1</b> Awareness of where statutes are published, how they are amended and how they are repealed; familiarity with commencement clauses as well as the main sections; analysis of statute in order to identify the content of the law; the law's relevance and appropriateness to the issue at hand; evaluating the reliability of the source</p> <p><b>4.2</b> Using citations to find cases from a number of sources; evaluating these sources; analysis of the case to understand the decision of the court; its relevance and appropriateness to the issue at hand; updating the case to ensure that it is followed through the appeals system</p> <p><b>4.3</b> Awareness of where statutory instruments are published, how they are amended and how they are repealed; analysis of statutory instrument in order to identify the content of the law and its scope; the law's relevance and appropriateness to the issue at hand; evaluating the reliability of the source</p>
<p><b>5 Understand how to record and evaluate information</b></p>	<p><b>5.1</b> Accurately record a summary of the law from research sources</p>	<p><b>5.1</b> A summary of research from the secondary and primary sources as the research proceeds; containing a record of all sources consulted, the research method (including use</p>

	<p><b>5.2</b> Evaluate sources and research in order to understand when the application of the law to the client facts has been successfully achieved</p>	<p>of key words) and a record of all updating of sources</p> <p><b>5.2</b> As the research proceeds, evaluation of the sources and information found for the accuracy, currency and relevance of the material to the problem at hand; concluding when sufficient research has been done, ie, evaluating the research to be able to identify any gaps in the information found and also recognise when the information covers the situation fully, reading widely and reading enough</p>
<p><b>6 Understand how to synthesise research to present advice</b></p>	<p><b>6.1</b> Synthesise material from sources into a structured and accurate report</p>	<p><b>6.1</b> Understanding that, for the purposes of the exercise, a report is a structured piece of writing which, for eg, might be a letter, a short, formal/informal report, an internal memorandum; understanding that the audience may be either/both the client or an internal third party; explaining the law; applying the law to the immediate facts of the case in order to precisely address issues rather than simply provide a general statement of the law; the content of the report clearly permits a supervisor to check the understanding of the law upon which the advice is based; using both primary and secondary sources in the compilation of the report; taking care to indicate clearly which information is from which source; paying attention to the format and structure of the report, eg, the order and sequencing of information, ensuring a report has a beginning, a middle and an end; paying attention to the way in which the report is expressed, ie grammar, punctuation and spelling: this must be of a standard appropriate to a professional</p>

	<p><b>6.2</b> Evaluate advice to ensure it is comprehensive and sensitive to the needs of the recipient</p>	<p>business document</p> <p><b>6.2</b> The need for comprehensive advice which not only covers the legal ground, but is also both practical, ie, is sensitive to the non-legal dimensions of a situation, eg, commercial and diplomatic reasons; and covers procedural issues where relevant, eg, availability of mediation or limitation periods; offering a professional opinion based on the facts expressed, eg, the use of a recommendation of the best course of action available to the client or an analysis of the likelihood of success in a case</p>
--	---	---

<b>Additional information about the unit</b>	
Unit aim(s)	To accredit a range of sophisticated and practical legal research skills
Unit expiry date	31 March 2015
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards
Details of the relationship between the unit and other standards or curricula (if appropriate)	N/A
Assessment requirements specified by a sector or regulatory body (if appropriate)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	ILEX (Institute of Legal Executives)
Availability for use	Available to all Awarding Bodies to award credit (shared)
Availability for delivery	1 September 2011