

Laying Down the Law, by G. Morris, C. Cook, R. Creyke, R. Geddes and J. Seymour, Butterworths, 1985, xvi and 239 pages.

Laying Down the Law is a practical and extremely readable "introduction to the basic principles of legal reasoning, research and writing in Australia."¹ It will be of greatest benefit to new students of law to whom the law library is a formidable and at times demoralising, but unavoidable, section of their law school, and to whom the law itself seems largely alien. This book would also continue to be useful to students throughout their law course when they need to refresh their minds in relation to particular research skills such as the use of *Halsbury's Laws of England*; or when they need to research an unfamiliar area of the law and must be confident that they have done so exhaustively.

Laying Down the Law could also be of assistance to teachers of law in providing an excellent framework for an introductory course on the law, and in particular on research and library skills. Each section includes exercises to enable students to practice and thus acquire the particular skill and to enable teachers to ensure that students have understood. The book is in fact based on such an introductory course conducted at the Australian National University Law School.

Part One of the book briefly explains how to use the book itself. It then discusses the historical basis of Australian law (and equity) but this discussion is wisely kept to a minimum so as not to discourage the new law student. This part then discusses, by way of an example, how one should deal with a legal problem. This analysis will be extremely useful to the new student as it provides him or her with a starting point and a simple structure which can be utilised in dealing with problems in all subjects of law.

Part Two: "Finding the Law" recognises, probably to the relief of first year law students, that no person, lawyer or not, can be expected to remember and keep up to date with every legal authority or principle. This part emphasises that what lawyers and law students do need to know is where to find the law and changes to the law. It provides another useful step by step approach to achieving such knowledge which it illustrates by an example. This part explains how to search for and update case law and statute law, and introduces the major sources of Australian law, such as the *Australian Digest*, *Halsbury's Laws of England* and legal texts. It also recommends the use of direct practical sources, such as the government department or agency which deals with the area of law concerned.

Part Three explains how to work with the case law and statutes which Part Two enabled one to find. In relation to analysing case law it again provides a useful structure which is then clearly illustrated by an example. This part also introduces and simply explains important principles such as that of judicial precedent and rules or approaches of legislative interpretation such as the "golden rule". It also explains fundamental distinctions, such as that between the *ratio decidendi* and *obiter dictum* of a case. This part also introduces several other Latin terms but consistently with the philosophy behind this book it does so to demystify such terms. It translates and explains them simply so that when they are

¹ *Laying Down the Law*, p. 3.

next encountered in a judgment or text by the student they will impart meaning rather than fear.

Finally, Part Four briefly discusses legal writing, study and exam skills. In relation to legal writing the authors recommend the style which they have themselves employed in their book: "to write simply, concisely, clearly and accurately."²

Throughout, this book explains and demonstrates legal skills through excellent use of examples, actual cases, statutes and reference works. Last, but by no means least, it is made more readable by Geoff Pryor's brilliant, always apt cartoons. He makes even the subject of legal research entertaining.

The only small criticism we would make (other than that this book did not tell us how to write a law book review) is one of form. Given the large amount of quotation from other materials it would be of assistance if the text and the quotation were more sharply differentiated, for instance by a marginal vertical line alongside extracted material. This is however a minor point. As students in our final years we can only say we wish *Laying Down the Law* had been available when we started our law courses.

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² Id. p. 201.