



A book is not enough

How should a practising lawyer approach getting the legal knowledge they need, asks John Gould

It has been said that 90% of all the scientists who have ever lived are alive today. It wouldn't be surprising if 90% of all the English law which had ever existed was current today as well. Fairly simple principles of common law justice have long since given way to a complex and accumulating web of decided cases and primary and secondary legislation. It may be that complex law simply represents the needs of a modern economy and society which is itself increasingly sophisticated. It could be that gradually rising prosperity makes room for more lawyers: the number of lawyers is certainly at a record high. More lawyers may mean more specialisation which may in turn increase the ability to cope with technical complexity. In fact, for the specialists it may make complexity a real commercial advantage.

It is difficult to know how far technology has caused the complexity or simply provided a means to handle it. The answer is probably more about handling than causing. Even in the dark ages of 1974, before search engines and accessible databases, Parliament had already become capable of producing legislation of unprecedented complexity in the shape of the Consumer Credit Act and hasn't looked back.

So how is a practising lawyer to approach getting the legal knowledge he or she needs? Once it was simple: there were legal text books and leather bound law reports; there were printed sets of statutes and precedents and there was *Halsbury's Laws of England* in multi-volumed splendour. Now the choices are wide and the combinations of resources and formats almost limitless.

I recently had to think about the issues from the perspective of the producer and concluded that the answer is very much

tied to the different, and to a degree incompatible, uses of legal information by lawyers. This is not the complete answer because there still remains a reader's attraction to printed books, which means that at present only about 25% of all books purchased are e-books. But leaving that aside, what are these different uses?

Structure & principles

First a lawyer may wish to access legal information in order to learn the structure and principles of the law within a legal area. Legal "facts" are of limited use to someone who doesn't have a structural context within which to place them. Many of these contexts, for example the law of contract, require studying a narrative of more than a few pages. Where the structural narrative is relatively long, a printed book has real advantages because its own structure can be seen more readily and most people prefer to avoid long periods of reading from screens.

Answering legal questions

The second use is obtaining (or trying to obtain) the answer to a legal question. This might be as simple as the limitation period for an unusual type of claim or a brief description of an unfamiliar topic within a familiar area. A well indexed book can do this, but the broader a lawyer's practice the harder it is to have all of the potentially necessary books to hand. Books take up space and have a habit of going missing within offices at the crucial moment. Searchable online resources have an advantage but the very fact that they tend to include a wide range of material can result in numerous unstructured search results. The better directed the question, the better the product of a search.

Supporting legal arguments

The third use is to support legal arguments or advice. Here online access to primary materials such as cases or legislation is hard to beat. Structured knowledge is still necessary to identify the right case or provision but printed law reports, for example, are now items of only historic interest.

Up-to-date

Whatever the use, it is obviously important that the law being accessed is up to date. The structure and principles of an area of law tend to change quite slowly. A new edition of a book every two or three years would in most areas be sufficient. The answer to a specific legal question or the support for a legal proposition, however, has to be up to date. Reliance on a case overturned on appeal or a provision which has been repealed may be negligent as well as embarrassing. Printed books, including loose leaf publications, are at a significant disadvantage as a sole source of current law.

The conclusion I reached for my work was that a printed book was the best way to provide an accessible structure within which legal answers could be given and authorities provided. The best way to provide supporting materials and keep the book up to date was by a supporting website which also served as a form of portal to some of the huge range of materials which are now freely available online. Obviously this is not the only way, but it does avoid the possible misconception that lawyers are simply searchers for legal facts. **NLJ**

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