

A Law Workshop Guide: Case Law and Legal Databases

What is Case Law?

Case law refers to law which is made by the courts and decided by judges, creating legal precedents. A court must follow and apply the law as set out in the decisions of higher courts in previous cases.

In order to follow case law, a judge must know what the previous decisions of courts are. Case reports, or “**law reports**”, make this possible.

Although earlier collections of cases exist, it was in the 19th century that a formalised system of law reporting was established in Scotland and England. There are currently many different series of law reports published which reproduce judgments and add supplementary information by an editor.

It may take some time between a judgment being handed down and its being published as a report. Similar systems of law reporting operate in other common law jurisdictions.

Only a small proportion of cases are reported in comparison to the thousands of cases held every year. In general, a case is only reported if it raises a point of legal significance. The main sources of cases are law reports, digests, and official transcripts.

Case law, like legislation, can change over time. Just because a decision was good law once does not mean it remains so today. A lawyer needs to be able not only to find and read case law, but also to be able to check whether it has been subject to subsequent judicial consideration and whether it remains good law.

The history of law reporting (focusing on session cases)



Authoritative Cases

An authoritative source is a body of law which takes precedent over others. There is a hierarchy of case law sources, where authoritative sources should be cited over other available sources.

In Scotland, the series regarded as authoritative - and which should be cited in court or in academic work - are the Session Cases and Justiciary Cases.

Should reports not be available in those series, then Scots Law Times, Scottish Civil Law Reports, or Scottish Criminal Case Reports, then other series may be cited.

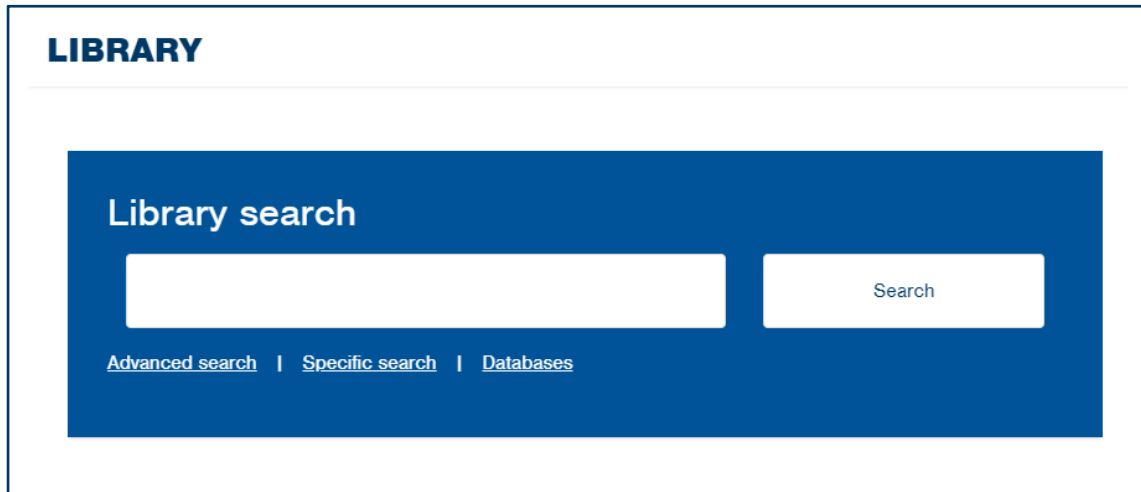
In England and Wales, the series regarded as authoritative - and which should be cited in court or in academic work - are those published by the Incorporated Council of Law Reporting (ICLR) - AC, Ch, Fam, QB.

Should reports not be available in those series, then All England Law Reports (All ER), followed by Weekly Law Reports, then other series, may be cited.

How do I find case law?

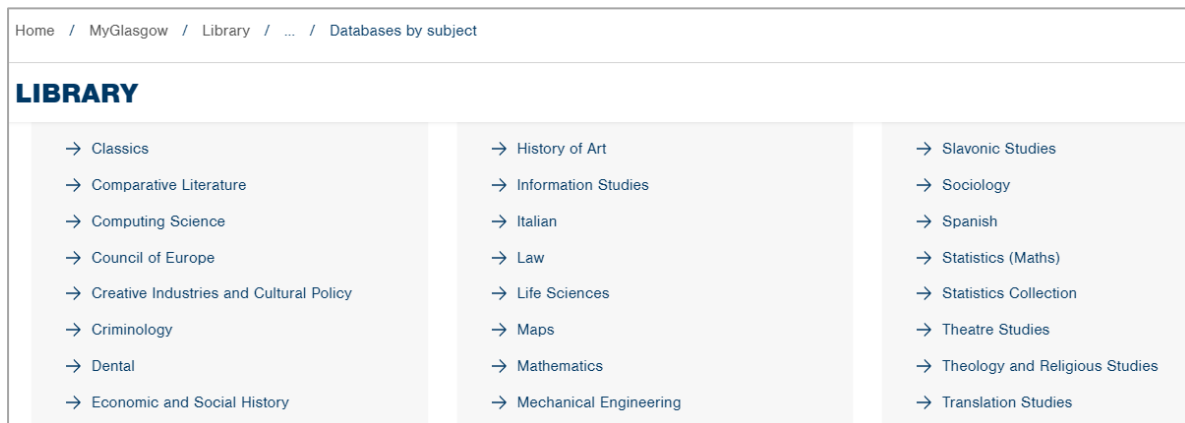
The core databases you will use to access UK, Scots, and European legal material are **Westlaw UK** and **LexisLibrary**.

To access these databases, you will need to login through your library account. To do so, go to the library homepage and select databases.



You can search databases by subject or by name.

Searching by subject will give you the full list of legal databases available through your library account. Select 'Law' from the subject list.



You can then see all legal databases, or select just the key ones.

Library

Library search

- Classic Search
- books
- journals
- audio-visual
- databases
- maps
- music scores
- rare books
- sound recordings
- theses

Your library account

Limit/Sort
(Search History) ▼

Resource Subject ▼ Law
All Formats ▼

System Sorted ▼
Sort
Search

Limit search to available items

Save Marked Records
Save All On Page

| Num | Mark | Resource Subjects (1-2 of 2) | Entries 45 Found |
|-----|--------------------------|-----------------------------------|---------------------|
| 1 | <input type="checkbox"/> | Law All Databases | 38 |
| 2 | <input type="checkbox"/> | Law Key Databases | 7 |

Save Marked Records
Save All On Page

Limit/Sort
(Search History) ▼

You will likely just need to use the key databases to begin with.

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|---|--------------------------|---|
| 4 | <input type="checkbox"/> | Connect to: Lexis PSL On campus access: GUID Required Off campus access: GUID Required Database Full details of this resource |
| 5 | <input type="checkbox"/> | Connect to: LexisLibrary On campus access: GUID Required Off campus access: GUID Required Database Full details of this resource |
| 6 | <input type="checkbox"/> | Connect to: Westlaw China On campus access: GUID Required Off campus access: GUID Required Database Full details of this resource <small>*Please click 'I Agree' to terms of agreement to access*</small> |
| 7 | <input type="checkbox"/> | Connect to: Westlaw UK On campus access: GUID required (individual registration required on first use) Off campus access: GUID required (individual registration required on first use) Database Full details of this resource |

The links from here will take you directly to the required databases where you will have to log in with your GUID. There are more tips for using legal databases on the library website:

<https://www.gla.ac.uk/myglasgow/library/help/subjects/law/legaldatabases/>

Use this link to watch **Westlaw UK** and **LexisLibrary** user guides. Becoming familiar and comfortable with searching these legal databases will help you as you continue your course.

Where can I find law reports in the library?

You can also find law reports in the Law Workshop and Level 7 of the main library. These are reference only. Please ask a librarian before consulting.