

Australian Law Librarian

Volume 17, Number 1, 2009

An Australian perspective on a useful European/ US comparative law text...

Lomio, J. Paul & Spang-Hanssen, Henrik. *Legal Research Methods in the US and Europe* (1st ed.). Copenhagen: DJØF Publishing, 2008. 329p. ISBN 9788757417159 (pbk). \$US34.95.

[Ed's note: this review relates to the first edition, published 2008]

What an interesting read. In some ways, it is difficult to categorise this book, as it is an amalgam of legal research tips relative to US law, the EU and public international law; but also covers a basic introduction to the civil law and international legal systems, and to the study of comparative law.

The authors aim to address the fundamental issues relative to engaging in legal research in the US and Europe, with the authors offering expertise from each jurisdiction (Lomio is Director of the Law Library at Stanford Law School; Spang-Hanssen is a Danish lawyer and academic with special expertise in public international law and cyberspace). The book addresses the demands raised by students engaged in studying comparative law in an internationalised curriculum where US law students study in Europe and European students attend US Law Schools. This reflects the growth in the recognition by many US law schools of the need to globalise the law program, although this is not peculiar to the US. To take a quote featured in the preface:

The interest in comparative studies in American law schools is a response to the increasing relevance of foreign law to the concerns of lawyers and their clients on a shrunken, interdependent globe. Both as professionals and as leaders in the public and private sectors, lawyers in the West participate in a continual institutional reconstruction of the relevant world. Now that their relevant world embraces both the common law and the civil law... a familiarity with other people's law is indispensable to an adequate legal education. Mauro Cappelletti, Preface to J. Merryman and D. Clark, Comparative Law: Western Europe and Latin American Legal Systems (Indianapolis: Bobbs-Merrill 1978).

The content is clearly laid out covering:

- *Methods in the US - a common law method.* An overview of the judicial, legislative and administrative sources of US law. It provides diagrams of the legislature, tracking statutes and regulations; the court system and case flow tracking, case digests and research using LexisNexis and Westlaw. Well footnoted, often making reference to writings of US law librarians, including Cohen and Berring, and peppered with research "tips".

- *Methods in Europe – a civil law method.* This chapter addresses the civil law system from the perspective of a student of the common law. It highlights simply the fundamental distinctions of the civil law systems; including the nature of the private law/commercial law/public law divide; the hierarchy of legal sources; predominance of statutory texts; interpretative principles and legal methodology. Footnote references provide authority for further reading to explore civil law concepts in detail. It is a succinct and current account of the major precepts of the civil law system.
- *European Union resources.* It provides an overview of the institutions of the EU with diagrams; the sources of EU law; web addresses of the major websites for EU laws; and citation style and referencing.
- *Public international law resources.* A short introduction to the sources of public international law and to the major websites which host international material and a listing of the international law files within the Westlaw and LexisNexis databases.
- *Legal families.* This makes reference to the historical roots of the legal systems of the world and offers a very brief overview of each legal family or system so identified– including the Romanistic legal family, Germanic, Anglo-American, Nordic, Far East and Religious legal systems.
- *Comparative law methods.* A useful introduction to the study of comparative law, again well-footnoted with references to the teachings of comparative law in American law schools. Notably missing in the bibliography are entries for the recently published comparative law encyclopaedia by Edward Elgar, and of course, the multi-volume *International Encyclopaedia of Comparative Law* (Martinus Nijhoff).

The Appendices offer a bibliography, glossary of terms, tables of citations and signals for US law, table of the renumbering of the EU treaty, and a listing of popular comparative law files within Westlaw. The text has a subject index, is clearly set out with headings, sub-headings, the use of dot points and wide indentations.

In short, it is an easily digested, “dip into” handbook for the new comparative law scholar. The prose is informal and direct with simple aids such as definitions of terms peppered throughout the text. The authors request that suggestions or comments be directed to them and provide their email address. As an introductory work, it offers a useful practical counterpoint to the academic introductory texts on comparative law.

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...and a New Zealand one

Lomio, J. Paul & Spang-Hanssen, Henrik. *Legal Research Methods in the US and Europe* (2nd ed). Copenhagen: DJØF Publishing, 2009. 464p. ISBN 9788757419368 (pbk). \$US39.00.

[Ed's note: this review relates to the second edition, published 2009]

The wealth of legal literature that emanates from any legal system will usually contain titles that seek to assist with legal research. Most of these works succeed in either detailing the resources of the legal system and how they should be used, or describing the structures of the legal system itself. Few manage to do both successfully. *Legal Research Methods in the US and Europe* by J. Paul Lomio and Henrik Spang-Hanssen is the exception.

This work, now released in its second edition, not only introduces researchers to foundational basics of the legal systems in question but also provides extensive and detailed information on the principal legal resources of both the US and Europe. This is an outstanding achievement in itself but this book goes even further providing welcome brief guides to international law resources and comparative law methods.

The authors' credibility is solidly grounded in their own experience as teachers of legal research methods in their respective jurisdictions.

Although the authors state that the aim of the book is "to introduce American legal research to Europeans and European legal research to Americans" its value extends well beyond the shores of these two continents. The Antipodeans may count themselves fortunate in having access to this work.

New Zealand has a unitary legal system and is firmly tethered in its common law heritage. The law of its wider common law family is frequently cited and used in the development of New Zealand's law. But for many students and researchers, the complex legal system of the United States presents an intimidating mental barrier. Everything seems to be on a scale which is foreign to those acculturated in the uncomplicated structure of New Zealand law. Chapter 2 of *Legal Research Methods in the US and Europe* addresses this issue in a highly accessible manner. Diagrams, tables, flowcharts and research tips as well as the very readable nature of the text should instantly defuse the "too complex" mindset. Almost every page offers something of insight and clarity to the researcher.

For many New Zealand law students, European law is an unknown and unexplored quantity. Civil law and comparative law are not compulsory subjects within an undergraduate law degree. However, the globalisation of law and the increasing internationalisation of domestic law have meant that all legal researchers must interact at some level with materials from civil law Europe.

Chapter 3 is a valuable primer on civil law systems. To the student of common law, civil law is very different and somewhat incomprehensible. The very method of researching law is markedly different; reliance on case law and secondary commentary, which are the hallmarks of many common law legal systems, give way to the reliance on a code. Chapter 3 explores the characteristics which distinguish civil law from common law, and provides explanations for researching behaviours of international students which may have perplexed some common law teachers.

The structure and working of the European Union and its resources are covered in impressive breadth in Chapter 4. Again, the text is enhanced through the addition of diagrams, tables, flowcharts and research tips. Importantly, from the teachers' perspective, this chapter has included references to the changes occasioned by the popularly-entitled *Treaty of Lisbon* of December 2007.

The book is directed at teachers of research methods courses, and to this end, a teachers' manual to the civil law section is provided as an addendum. This resource is also available separately from SSRN and there are convenient links from its companion website (www.geocities.com/legalrm) for teachers of comparative methods courses. However, the content of this work is of inestimable value to a far wider audience than teachers. Legal practitioners (particularly in international law firms), scholars, researchers, librarians and students can all benefit enormously from the publication of this book.

Detailed footnotes throughout the text, an extensive bibliography, index and a glossary all add quality content to a most welcome new edition. The authors are to be congratulated on the production of this work which may only be regarded as a 'must buy' for all tertiary level law library collections in whichever legal system they may be situated.

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