SECONDARY SOURCES

Secondary sources are not sources of law.

They merely summarise, analyse, synthesise, discuss or express views on the law. However, you can use secondary sources to find relevant primary sources. There is no point diving into the law and starting the research from scratch if somebody else has already done much of the work (of course, you still need to check the work is accurate and still up to date).

Secondary sources come in all shapes and sizes. Take care in evaluating these publications for the appropriateness of their content—sources accessible via subscription databases are usually reputable.

Books and commentaries are often subject-specific and aimed at either practitioners or academic lawyers. Books are an excellent starting point to understand a subject, by identifying key terms and phrases, leading cases and relevant legislation. Always check the date of publication for text books, as they are not updated regularly.

Commentaries are similar to books in content, but are updated several times per year, so they are more up to date than other publications, and best reflect current law. They also allow you to search nimbly between commentary, relevant cases, and statutes. Look out for them by name in your reading lists.

Journals and the articles within are short and intense pieces providing deeper analysis of a narrow point of law. In the legal field, journals come in two forms: trade / practitioner focused, and academic / scholarly. The former usually includes pictures, and may not acknowledge the author of the piece, and are short. Academic works are more rigorous pieces of research, with authors acknowledged, and authorities cited.

Legal encyclopaedias are a particularly good starting point in subject areas with which you are unfamiliar. Good legal encyclopaedias should give you concise, reliable outlines of the law. The Laws of New Zealand and Halsbury’s Law of England are good examples, and are both available on the Lexis Advance platform, along with Halsbury’s Laws of Australia.

FIND BOOKS, COMMENTARIES AND JOURNALS

Many legal sources in hardcopy and online can be discovered using the Otago University Library search engine, Library Search / Ketu (LSK) https://www.otago.ac.nz/library/index.html

Use LSK first, when looking for any secondary sources on your topic. Resources held by the Library have been evaluated by librarians and academic staff to ensure the data meets the research and learning needs of the university community. This is particularly true for textbooks on Reserve, and your eReserve reading lists on Blackboard.

While LSK can tell you what books are in the library, and can directly link to many journal articles, a lot of legal content is also ‘hidden’ inside legal databases such as Westlaw and Lexis.

Read on to learn about finding and using books, commentaries or journal articles from these key sources:

1. Library Search | Ketu (LSK)
2. WestlawNZ
3. Lexis Advance
4. CCH
5. Legaltrac, HeinOnline, and Linxplus
6. Westlaw and Lexis
1. FIND BOOKS, COMMENTARIES AND JOURNAL ARTICLES USING LIBRARY SEARCH | KETU

Use Library Search | Ketu (LSK) to find many legal texts and journal articles. LSK is a very generic search tool. To find textbooks, use broader search terms, e.g. torts, contract, or family. To find journal articles, use narrower terms. Add 'law' and 'Zealand' to focus the search.

BOOK AND COMMENTARY SEARCH

Type in keywords. LSK will retrieve results with all terms present. ‘Search Everything’ includes books, journals, videos etc.

- Use Advanced Search to search specifically by title if you know those terms are in the title.
- Use filters on the left to refine the results, e.g. Law Library.
- Click on See all versions to see all editions or versions. Sometimes the latest edition is on Reserve.
- Find the call number (KN10. CG94 2015) and get it off the shelves.
- Browse the index of the textbook to find concepts and terms, and perhaps find new keywords for your search.

All current NZ commentary is online.

Look for a database link like this.

Filter your initial search by Type: database if you cannot find it immediately.
Library Search | Ketu (LSK) provides access to articles from 100s of databases.

It can find articles from within HeinOnline, Legaltrac and multidisciplinary database suites like Proquest. LSK cannot find articles within Westlaw or Lexis.

To find articles using LSK, type in keywords (from your search strategy), and use those specific phrases related to cancellation or the courts granting relief. Add “ ” around phrases. If you know the title of the article, use those words as your search terms.

Refine by content type. Filter by subject, or journal title.

Evaluate!
Is the date of the article in scope?
Is a newspaper article high quality, unbiased and authoritative?

Use the Advanced Search template if you need to perform a more targeted search, and Sign in for more functionality.

In this search, the results are narrowed to journal articles. Be prepared to do new searches using other keywords from your search strategy.

To get to the full text of the article, click on either the title, or the 'View Details' link.

Click on Lexis Advance NZ. Sometimes there is information here about the date ranges provided. Make sure this matches your requirements.

Either way, you will be redirected to a login screen. Login with your student details.

Many law journal articles will not link all the way to the article itself, so it is not uncommon to have to re-search the article.

Re-search. Note the Source is only the New Zealand Law Journal, so the search terms can be quite rudimentary.
To find an article from a reference, first decode the elements of the reference:


- **Author**
- **Title of article**
- **Year of publication**
- **Volume, journal abbreviation & start page**

**In Library Search | Ketu**, first try searching by author and title keywords.

![Search](search.png)

If that fails, it is for one of three reasons:

1. The article is available only in print
   
   **Solution:** Change tactic and look for the journal title in Library search (see below)

2. LSK does not search across the particular law database this article resides in.
   
   **Solution:** Look for the article manually in Westlaw or Lexis. (see e)

3. The Library does not subscribe to the journal.
   
   **Solution:** Interloan. Scroll down to the bottom of the LSK search results screen to link to interloan.

**Solution 1:** To find the print version, search by **journal title**. In this example, however, we don’t know the journal title, we only have the journal’s **abbreviated** title: JCL.

Find out what that abbreviation means using the **Cardiff Index to Legal Abbreviations** from the Law Subject guide.

![Cardiff Index](cardiff.png)

Use your knowledge of the topic to choose the right journal. Copy and paste the full title into library search.

![Library Search](library_search.png)
Solution 2: Look for the article manually in *Westlaw* or *Lexis*. But which one?

The first step is the same as above. You need to decode the Journal title abbreviation using *Cardiff*.

This time, look for clues about the jurisdiction and publisher, so we interrogate the ‘right’* database.


Use your knowledge of the topic to choose the right journal. Note the Jurisdiction (Australia). Copy and paste the full title into LSK.

Search by Journal title. “ ” phrase search if necessary.

This time, it is the publisher information that we need, so we can look for the journal and the article from the right database.

This one is *Butterworths aka Lexis*

Now go to the Law Subject Guide and click on *Lexis Advance US* (under the quick links Journals heading).

Under the Big Red search box, choose Australia from the list of countries (that is why we checked the jurisdiction on *Cardiff*).

Follow these steps:

Lexis Advance US > Explore Content > Australia > Law Review and Journals.

Find and select Journal of Contract Law

* See Tips page.
FIND COMMENTARY ON A STATUTE

Commercial databases such as CCH, LexisNexis and Westlaw provide expert opinion about legislation. This kind of literature is called ‘commentary’, or is sometimes referred to as a ‘loose-leaf’. The authors are judges, lawyers and academics.

Using commentary is an excellent way to quickly discover key issues around specific sections of an Act, as well as directing the researcher to key cases in that area. They are regularly updated, making them more accurate and responsive to changing laws than a textbook.

Commercial databases such as CCH, Lexis Advance and WestlawNZ provide extra analysis by connecting you to other useful materials such as cases citing the statute, or supporting secondary sources which can guide you to key cases, journal articles, and more.

You should always search across all the relevant databases — they get updated at different rates, and may link out to different sources.


2. FIND COMMENTARY USING WESTLAW NZ

From the Law Subject Guide, select WestlawNZ.

2A. BASIC SEARCH—BROWSE

Browsing is a good way to find “I’ll know it when I see it” content. You might need to think laterally though!

For this problem, we will browse by Practice Area to Commercial law, then drill down for the Contract and Commercial Law Act 2017, and see if a section about granting relief (or perhaps a related phrase) appears. From there, hopefully we will link to commentary.

Jot down the path you took so you can repeat the search again easily.

Browse practice area.
Click on the + signs to expand. You may need to delve into several areas before you see what you need.

Explore the rest — you might find them quick and handy.

Click the ☰ to see the scope of this publication, i.e. what it is about.

NB: referencing data is here too.

Continue to drill down to find the section of Act that looks relevant. E.g. s43
2. FIND COMMENTARY USING WESTLAW NZ

2B. ADVANCED SEARCH

Browsing is not always the most efficient method, especially if the Act is a long one, and the section you need commentary for is low down on the list! Advanced Search provides a targeted search option. From the WestlawNZ homepage, select the Advanced Search Template—Legislation and Commentary. These are linked because commentary is always about providing analysis to the Act. The Act is analysed (interpreted) using the opinion of the author, backed up with exemplar case law.

So, find the Act first, and that will lead you to the commentary. This method is good for beginners because you do not need to know what the publication title of the commentary is…. WestlawNZ will just lead you straight to it, based on the statute..

Find the Act first, and that will lead you to commentary.

Mix it up a bit. Use the free text field to search for keywords within the Act. Note, this is a phrase search, with " " to force the two words together.

If you know the section number, e.g. 43, use that instead of free text keywords. The result will be singular!

Scroll through the results, scan the Title, the Document Path, and the Hit Terms in Context to help you choose the ‘right’ section.

Click on Gault on Commercial Law to get to the Commentary, or click the highlighted words to jump straight in.

Scroll down to see the commentary listed after the words of s 43.

Note how the commentary is written—with direct references to key cases.
EXPLORE RESULTS (GATHER CLUES)

Select a section about the court granting relief.

Sometimes, there is no Commentary Tab. Why?
Usually it is because the guiding statute is too recent to warrant any analysis.

In this example, explore the Compare: 1979 No 11 s 9(1) link too because we already know the new and old statutes are very similar, and there may be more useful information ‘hidden’ behind the old Act.

Follow the leads. For example, look at the cases highlighted in the commentary. They are probably important if they’ve been cited. Look at the other sections of the Act highlighted.

Jot down your pathways so you can get back to them easily.
3. FIND COMMENTARY USING LEXIS ADVANCE

From the Law subject guide, select Lexis Advance. Sign in with your student username and password. NOTE: you can modify the look and feel of this database to suit your needs and preferences.

This suite of databases within Lexis Advance includes a section called Secondary Materials, including several journals published by Lexis / Butterworths such as the New Zealand Law Journal, and many commentary services, such as Morisons company Law, and The Laws of New Zealand.

Data about legislation and commentary are linked, so one way to find the commentary is to find the Act first, and let the database lead you to the commentary and other analytical content.

Or, you can browse.

3A. BASIC SEARCH—BROWSE

Browsing is a good way to find “I’ll know it when I see it” content. You might need to think laterally though!

For this problem, we will browse by Topic: Contract Law, then drill down to Remedies, then Cancellation and Get Documents. This should lead us to commentary, along with other secondary sources. Use filters to narrow results.

Jot down the path you took so you can repeat the search again easily.
3. FIND COMMENTARY USING LEXIS ADVANCE

3B. BIG RED BOX SEARCH

The Big Red Box will search across everything. Remember to try different combinations of searches.

Once you have the results, select the Secondary Materials tab, and then Narrow to Commentary, or a specific publication.

EXPLORE RESULTS—GATHER CLUES

Laws of New Zealand is a good starting point for analysis and opinion. LONZ is like an encyclopaedia, with chapters on all areas of law, all written by experts, with regular updates, and links to key legislation and cases to give a quick overview of the topic. Use LONZ as a starting point, follow the leads, find more. One good thing leads to another.

Note the Review Date. This chapter now incorporates the new Act.

Note the Authors. They’re an impressive bunch.

Scroll down for footnotes. Aside from the content itself, the footnotes are very useful.
3C. ADVANCED SEARCH

Alternatively, select the Advanced Search Template for Secondary Materials before you do the search, for more targeted results.

Get to the Secondary Materials template here. Each template is context specific.

Use the different fields to combine free-text searching and Legislation searching.

As you fill the template, the data is transferred to the Big Red Search Box.

Follow instructions carefully to connect keywords or phrases.

3D. QUICK FIND: SECONDARY MATERIALS

Note, Quick Find is probably too targeted and narrow with its results, unless you are looking by title.

Quick Find looks for your search terms only in the titles and headings, and not across the full text.
4. FIND COMMENTARY USING CCH INTELLICONNECT

From the Law Subject guide, select *CCH Intelliconnect*.

This suite of databases focuses on commercial and tax law for Australia and New Zealand, plus some other 'boutique' areas.

4A. BASIC SEARCH—BROWSE

Browsing is useful if "you know it when you see it". Think about the topic in its broadest possible terms to get started.

Tip: Contract Law information is within the Business Law area.

![Browsing interface]

Drill down through the contents on the left, by clicking on the + signs until you find the commentary on contract law.

Jot down the steps you took so you can go back to it later.

Add references to cases, statutes or journal articles to your research path.

4B. BASIC SEARCH—BROWSE AND SEARCH

Combine search and browse. Tick the box on the left. Now the search bar will search just within that selected content. This means your keywords can be quite basic, as you’ve already provided some context.
5. FIND JOURNAL ARTICLES USING LEGALTRAC, HEINOLINE & LINXPLUS

The benefit of searching these databases directly (instead of using the LSK search engine) is that everything in them is about law, so it immediately takes care of an element of your search strategy—focusing on law.

5A. LEGALTRAC

From the Law subject Guide, select LegalTrac.

This database is mostly an index. This means it contains a relatively small amount of full-text, but it describes, indexes, and links out to many law journal articles.

Build the search one term at a time. Choose the auto-select option only if you want to.

Note, ‘Zealand’ needs to be added as a search term, but not ‘law’. Everything in this database is about law.

IMPORTANT
Deselect the Full Text Documents filter. This is because much of the data in LegalTrac is not full text, and it relies on linking to other providers instead. You can also remove this filter later if you forget now.

In this search, LegalTrac has found the full text of all the results. (See Download PDF)

However if you see this icon, use it to access the full text from another source.

Too many results?
Use Search within Results, or the filters on the right.
5B. HEINONLINE

From the Law subject Guide, select HeinOnline

This database contains a lot of historical data from the UK and USA, as well as journal articles worldwide. HeinOnline is a third-party provider (or aggregator), so some journal content is on a delayed release.

Select the Law Journal Library. Then go to Advanced Search.

Build the search using “” for phrases. Change the search fields as required. Text = anywhere in the article.

HeinOnline Help is very good if more complicated search structures are needed.

Deselect the data types as required, to remove for example, legislation and case results.

This pink result means you have to find the full text some other way. Try Library Search | Ketu (LSK).

Title search by article title in Library Search | Ketu (LSK).
5C. FIND ARTICLES USING LINXPLUS

Think of Linxplus as a databases within Lexis Advance. Linx is an index of judgments and journal articles maintained by the NZ Law Society. An index is a file that describes data, but does not necessarily provide the data. Lexis Advance hosts this index, and has added PDF file to the judgments data—hence the ‘plus’ in Linxplus. Linxplus results appear in the Secondary Materials tab when you perform broad Big Red Box searches. The index simply describes the journal articles, but does not link to them. Look for Linxplus results in the filters on the left, after any search.

Why use it?

Despite this limitation, Linxplus is one of the best places to look for New Zealand focussed journal articles.

The full text is almost always available somewhere else you just have to find it yourself (see earlier pages of this document for details).

From the Law Subject Guide, select Lexis Advance.

Select Linxplus from the Publications Pod.

Now you have two options.

1. Add publication to search filters will focus the Big Red Search Box to just Linxplus, or
2. Go to Advanced search to open up a search template.

Search results limited to just Linxplus.

Toggle to NZ Secondary Materials tab.
5. FIND JOURNAL ARTICLES USING WESTLAW AND LEXIS

The journal articles within these ‘mega’ databases are buried so deeply, search engines like Google, and Library Search cannot get in. These two databases, Westlaw and Lexis, publish and host 1000's of journals, including a few titles from Australia and New Zealand.

The greatest hurdle in finding the journal articles within Westlaw and Lexis, is getting past the homepage, which are dedicated to US sources. The Law Subject Guide contains links beyond the front page.

5A. WESTLAW (INTERNATIONAL MATERIALS)

Westlaw is a massive suite of databases with an American focus. It includes cases and statutes, journal articles and treatises. As with all law databases, the advanced search templates are contextual to the type of source you are looking for. Similar strategies can be used for finding articles, or cases.

From the Law Subject guide, choose Westlaw, and click on International Materials.

International Materials = Foreign Law: all non-USA content.

Select Journals content type on the left.

Click on Advanced Search.
5B. FINDING A KNOWN JOURNAL ARTICLE IN WESTLAW

For example

Marcus Roberts “Continuing Representations and Agency: The United Kingdom Supreme Court’s Approach” (2014) 20 NZBLQ 73.

From the *Westlaw* homepage, go to International Materials, then Journals. Then choose Advanced Search.

The search from the template is auto-populated in the top search box, providing the chance to make quick changes, or learn the command language that drives the search.

Type the citation for the article in the Citation field. Generally this is the most accurate way to search, as the citation is like a unique ‘address’ for the article.

Or, type in a mix of title keywords and the author.

The results are relevancy ranked, so the correct journal should be listed first. Narrow the results by Searching within Results if necessary.

Why is there more than one result?

Because Westlaw is trying to be helpful, and is showing other articles citing that reference.

If you know more about the journal, for example, which jurisdiction it is from, you can browse through the journal lists, which should make your search more accurate.
**5C. LEXIS ADVANCE US**

*Lexis Advance US* is a massive suite of databases, with an American focus. However, it also contains a lot of case law, legislation and journal articles from a wide range of countries.

From the Law subject guide, select *Lexis Advance US* (under the Foreign Law Heading in Quick links). Sign in with your student username and password.

Note, this interface looks very similar to the NZ view, but it is actually a different subscription with completely different content. Click on the cube grid on the top left to get back to NZ content.

From the US Research homepage, *Explore Content* from either the **International** tab if you know the jurisdiction, or the **Content type** tab.

This searches for law reviews and journals from any country, US and beyond. So, you don’t need to know jurisdiction, but you might have to do a ‘better’ search.
Summary: steps to find a journal article

1. Decode the journal abbreviation using **Cardiff**

2. Use this information to:
   a. Locate the jurisdiction (place) of publication
   b. Search Library Search | Ketu (LSK) for the journal

3. Once you have found the journal in LSK, follow the links to:
   a. The print (hardcopy version) held in the library
   b. The online version, or
   c. Use the publication data of the print journal to help you select the right database, i.e., **Westlaw (International Materials)** or **Lexis Advance US**

4. Locate the journals section of **Westlaw (International Materials)** or **Lexis Advance US**
   a. Re-search the journal title, then
   b. Search for the article title using author and title keywords.

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**There are 3 key publishers of NZ law.**

Knowing who publishes what will save time in 2 ways:

1. Decoding a law report abbreviation, e.g., NZLR
   - Look at the abbreviations, and the location of the ‘NZ’.
     - NZXX = LexisNexis
     - XXNZ = Brokers
     - XXXC = CCH

2. Matching a print publisher with their database partner
   - Lexis / LexisNexis / Lexis Advance / Butterworths / Mathew Bender
   - Brokers / WestlawNZ / Westlaw / Wests / Thomson Reuters / Sweet & Maxwell [UK] / Law Book Co [Aus]
   - Wolters Kluwer / CCH / CCH Intellilcnect