

Ireland legal system

Legal research handbook

Created by law
school graduates for
law students

v|lexJustis

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“Being able to use technology is an invaluable tool for a legal career. Besides the immediate utility, technology skills demonstrate an aptitude for learning and a willingness to adapt to changes. Students need to be able to do more than just find cases—they need to be able to understand and analyze how cases relate to each other.”

Legal Information Librarian
Boston University School of Law, Massachusetts

Designed for law students

This guide is brought to you by the vLex Justis team with contributions from law school graduates, and specialists from The Honorable Society of King's Inns, Dublin.

Who are vLex Justis?

vLex Justis, the company behind JustisOne, launched their first legal research platform in 1999, which was widely viewed as one of the most intuitive online libraries. In 2005, vLex Justis launched JustCite, an index of invaluable legal material, case relationships and citations. In 2016, vLex Justis combined the two innovative products to create JustisOne. In Spring 2019, vLex Justis was acquired by vLex, another legal technology company, allowing us to expand our vast collection of content to additional jurisdictions.

For over 30 years, vLex Justis products and services have been trusted by government organisations, leading international law firms, barristers' chambers, academic institutions, public companies, top law schools and sole practitioners from over 40 countries.

Do I need this guide?

Yes! Legal research skills are highly desirable and valuable for securing a training contract or pupillage and excelling in your legal career.

A good legal researcher will understand the fundamentals of court structures and law reporting; where to look for relevant case law and legislation; how to identify good law; and how to utilise technology to ensure their time is used efficiently.

Who is this guide for?

This handbook is designed for current law students who are working towards any type of law degree, to help you learn and improve your legal research skills during your university life and beyond.

How to use this guide

While reading this guide it is recommended that you are signed in to JustisOne, or that you have access to our accompanying user guide, available to download from the vLex Justis website.

To access JustisOne, visit www.justis.com and click Sign In at the top-right corner of the page. From here, click on the JustisOne sign in option on the left hand side. If your organisation has IP recognition enabled you will automatically be taken to the platform. Otherwise you will be asked to sign in with your username and password.

How will this guide help me?

Learn practical research skills

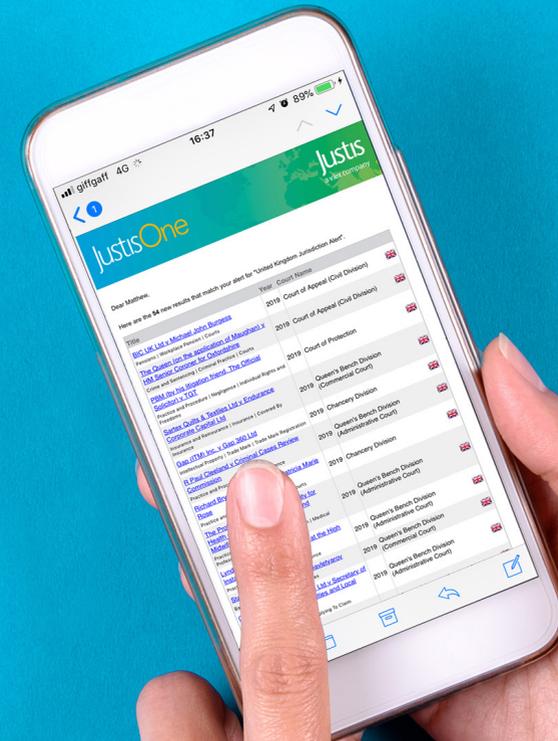
This guide will help you to understand the practical side of legal research and provide you with a walk-through approach to answering legal research questions.

Prepare for practice

JustisOne is used by government organisations, leading international law firms, barristers and public companies in over 40 countries. Understanding how to use JustisOne will help you to adapt to your new working environment when you leave university or college.

Save time

JustisOne acts as a single point of entry for your research. Rather than spending time searching multiple databases, you can locate content on other sources, including Westlaw, LexisNexis and BAILII, in one place on JustisOne. This will enable you to be more efficient and spend less time searching.



Stay up-to-date

JustisOne is updated with new cases every day, so your students always have access to the latest cases.



Say hello to... JustisOne

JustisOne gives you access to the most comprehensive collection of common law cases and uses intelligent technology to help you find and analyse content in ways not seen before on other platforms.

JustisOne's features allow you to visualise the treatment of a case, identify the most quoted passages of a judgment, connect cases across multiple jurisdictions and much more.

“Researching foreign law in a bunch of common law jurisdictions just got WAY easier! JustisOne is an expertly designed, easy to use database with never-before-seen navigation tools that make researching foreign law fun.”

Associate Professor of Law and Legal Research, Boston University School of Law

JustisOne's Browse feature

The screenshot shows the JustisOne Browse feature interface. It includes a search bar at the top, a navigation sidebar on the left, and four main filter panels (Jurisdiction, Reports, Category, and Court) with their respective document counts. The 'Ireland' jurisdiction and 'Company' category are highlighted.

Jurisdiction	Reports	Category	Court
POPULAR	POPULAR	Administrative and constitution... 2,020	Court of Appeal (Ireland) 11
Australia	Irish Equity Reports 2,244	Agriculture 71	Court of Criminal Appeal (Ireland) 14
Canada	Irish Law Reports Monthly 2,876	Arbitration law 154	High Court (Ireland) 412
Caribbean Community	Irish Law Times Reports 2,766	Asylum immigration and nation... 296	Supreme Court (Ireland) 267
Commonwealth	Irish Reports 9,152	Banking and finance 545	
Council of Europe	Irish Reports (Digests) 4,186	Bankruptcy and insolvency 206	
European Union	Justis Irish Cases 23,059	Charity 15	
Hong Kong	Justis Irish Employment Cases 8,168	Company 704	
Ireland	Law Reports, Ireland (4th Series) 2,081	Competition and monopolies 63	
Jersey	Special JILL Citations 8,661	Construction law 83	
Malaysia	OTHER	Contracts law 452	
New Zealand	All England Law Reports Reprint 1	Crime and sentencing 1,530	
Singapore	Aspinall's Maritime Cases 6	Damages and restitution 954	
South Africa	Ball Beatty's Reports 5	Ecclesiastical law 39	
United Kingdom	British company cases 2	Education law 74	
United States of America	Broun's Justiciary Reports 9	Employment and labour law 468	

Core knowledge

Let's start with useful information and FAQs to help you learn about the law, precedent, courts and more.

What is precedent?

Precedent in the judicial system means that a court is bound by the previous decisions of a court of higher standing or a court of equivalent standing. Superior courts are able to overrule decisions of lower courts, and sometimes even their own decisions.

What are primary and secondary sources?

Primary sources are direct sources of law, e.g. legislation, treaties, judgments from the courts, law reports (case law), parliamentary papers, etc. Secondary sources include opinions, commentaries, articles and discussions.

“JustisOne is a great place to start your legal research as it will allow you to search across multiple resources at once thanks to the legal indexing tool.” LLB graduate, University of Aberdeen

Ireland

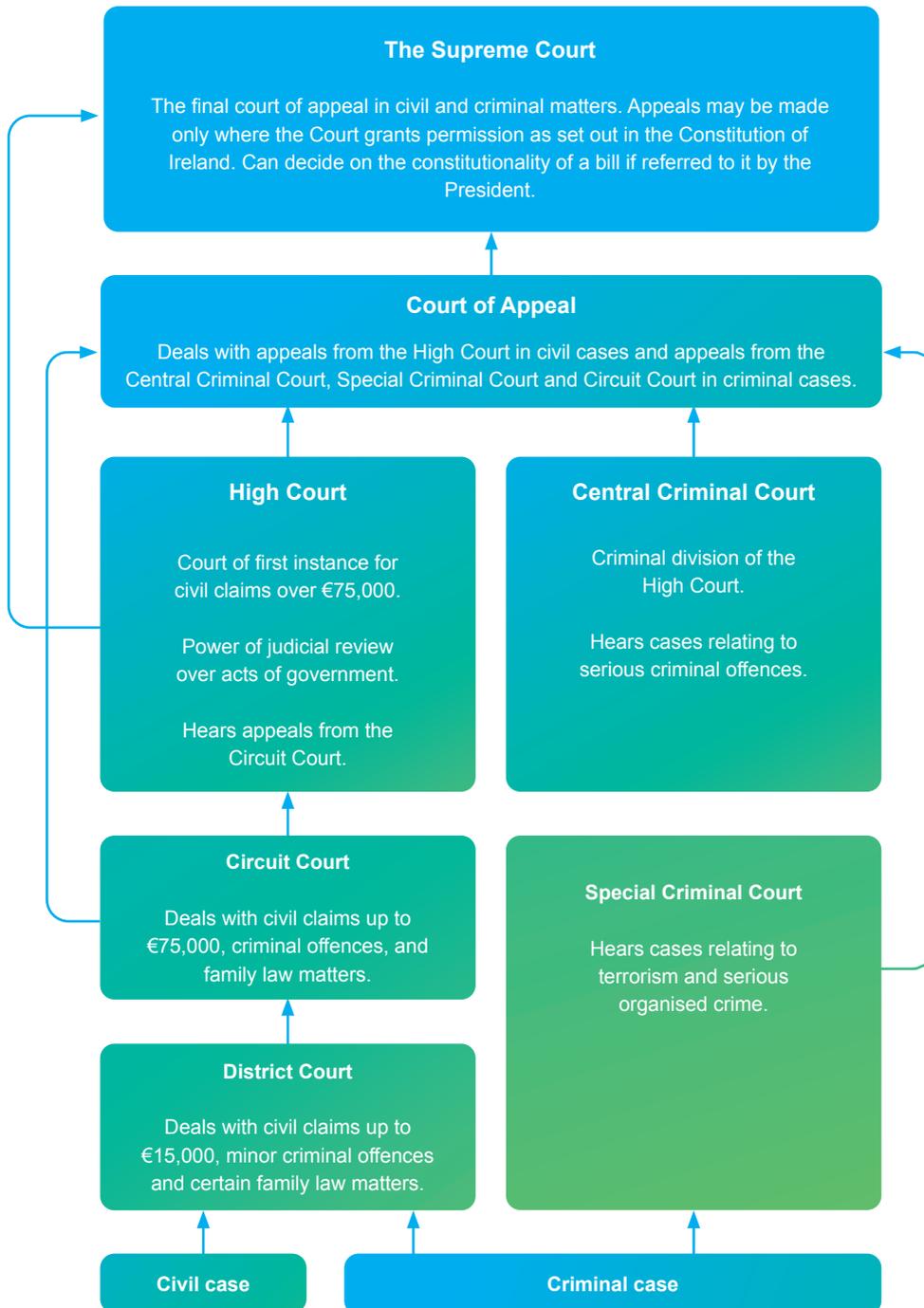
- The Irish Court system follows a hierarchy ranging from the District Courts at the bottom to the Supreme Court at the top.
- Both civil and criminal cases follow the same order, with the exception of the Special Criminal Court (SCC or Cúirt Choiriúil Speisialta).
- The SCC is a juryless criminal court which tries terrorism and serious organised crime. Decisions from the SCC can be appealed to the Court of Appeal.
- The Irish Constitution states that the court system will include a Court of Final Appeal. This is the Supreme Court.

Northern Ireland

- The Lord Chancellor is the highest officer in the judicial system.
- The Secretary of State responsible for criminal law and policing.
- The system is broadly the same as that of England and Wales.

England, Wales & Scotland

- Criminal and civil cases are decided on an adversarial, not inquisitorial, basis. This is in contrast to the civil law systems used in other European countries.
- The ultimate source of law is the legislation or statutes passed by Parliament in Westminster, the Scottish Parliament or the Welsh Assembly.
- You can learn more in the England & Wales edition of our Legal Research Handbook.



The role of the Supreme Court

The Supreme Court is the final court of appeal for all Irish civil cases and criminal cases, as established by the Constitution of Ireland. As well as this, Article 12.3.1 provides that only the Supreme Court, consisting of not less than five judges, can establish whether the President of Ireland has become permanently incapacitated. The Supreme Court is a collegiate court and the decision will always be that of the majority.

The Supreme Court is composed of the Chief Justice of Ireland and nine ordinary judges. The president of the Court of Appeal and the President of the High Court are also members of the Supreme Court.

The Supreme Court will hear appeals from the Court of Appeal, or from the High Court directly in exceptional circumstances if the Supreme Court is satisfied that:

- The decision involves a matter of general public importance.
- In the interests of justice it is necessary that there be an appeal to the Supreme Court.

The Chief Justice of Ireland is also known as the President of the Supreme Court. Under the judicial side of this role, the Chief Justice is responsible for all aspects of the Supreme Court's work. The Chief Justice is *ex officio* a member of both the High Court and the Court of Appeal.

What is a law report?

A law report is a publication of the judgment of a case, containing the decision and the judge's reason for making it. Only a proportion of cases decided by courts are selected to be reported. In most reported series, the cases are selected for publication by law report editors – not the courts. The layout of a report has consistent elements, such as the names of the parties, the dates of the judgment and the judge's name.

Reported vs unreported

While law reports are important, they only cover around 20% of higher court cases, and many precedents go unreported due to financial and resource constraints. Additionally, some online case law providers restrict your searches to their content which can result in missing important persuasive and binding cases.

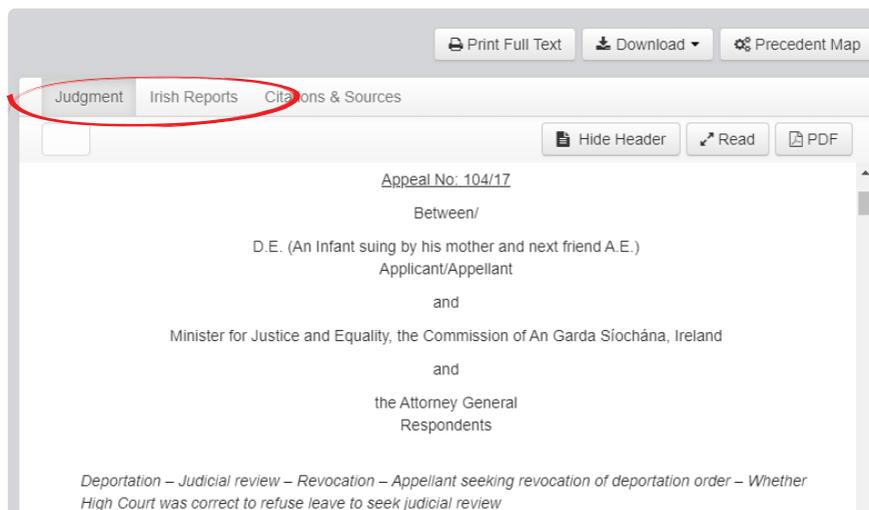
To be reported, a case will usually...

- Raise a point of legal significance.
- Materially modify an existing principle of law or settle a doubtful question of law.
- Answer any questions of interpretation of statutes or important cases which illustrate new applications of accepted principles.

Which reports should be used?

If there are several versions of a case it is recommended that you use the most authoritative version, such as The Irish Reports. Authorised versions are written by barristers, read and signed off by a judge(s). Cases reported multiple times will have parallel citations, which refer to different report series. Once you have made a search on JustisOne, each result will contain a line of parallel citations. They are ordered by authority, starting with the most authoritative at the left to the least at the right, so that you can be sure that you are referring to the most authoritative version every time. Alternatively, click on the name of the court a case has been heard in on your results page to see a list of citations from most to least authoritative.

Use tabs to change the between unreported and reported versions of a case



Good to know

JustisOne contains both reported and unreported judgments so that you can conduct comprehensive and thorough research. If we have a reported version of a case, this will appear as a separate tab.

Getting started with research

What to think about when approaching a legal research question?

Think about what you are being asked

- Make sure you understand the question being asked and clarify uncertainties.
- List keywords and key concepts.
- Think about what sources should be used.

Choosing resources

- Which databases are available?
- What content is available on each database?
- How can you use each database to your advantage?
- Use reputable sources.

Record your research

- Avoid duplicated effort and always keep an eye on time spent researching.

Top tip

Try to summarise any relevant cases that you read in your notes while conducting your research. This will save you time when constructing your argument as you will be able to quickly locate the title of the case that you need.



“The Precedent Map allows a student to visualize the citing cases and the cases mentioned in the case at hand. Seeing a case in this way leads to a deeper understanding of its connections to other cases and how those cases might affect its continuing validity. Being able to switch from a list view to a graphical view serves different types of learners. It also allows a researcher to switch from a global to a granular view to see the problem from a different perspective.”

Legal Information Librarian
Boston University School of Law, Massachusetts

Research steps

A) Identify and analyse

- Define the objective of your research.
- List the facts and issues of the case.
- Classify the subject in legal terms.
- Understand the keywords and practice areas.

B) Research

- Look for relevant sources of information.
- Speak to the law library staff and search using online services.
- Remember to use citations, abbreviations and style guides as instructed by your law school.
- Research the relevant area of law.
- Read journal articles as well as relevant cases, statutes and textbooks to really understand the area of law that you are researching.
- Construct a list of sources consulted.

Sometimes there is no answer to your legal research question. In some scenarios there will be no relevant case law, acts and no useful precedent (for example queries to do with new technology). However, you will only know that having gone through these basic steps. If you have found relevant information, it is then important to evaluate this.

C) Evaluate information

Identify the source: Who is providing the information? Are you getting information from credible sources? Ensure you are using authoritative, credible and reliable sources of information.

Source's expertise: Is the source an expert or an authority? Examine spelling; try to verify credentials independently; has the person published in legal reviews etc?

Determine level of objectivity: Does the source provide a balanced viewpoint? Is the writing style trying to be persuasive or objective? Does advertising influence the content?

Establish date of publication: Was the information current at the time of publication? Examine creation and revision dates – don't rely on search engine dates! Review facts and analysis in historical context. Undated information should be avoided.

Verify what is claimed in the information: Try to find two or more reliable sources providing the information. Use primary sources for facts. Secondary sources should provide cited references. Reliable sources will meet this quality criteria.

D) Present results

- Organise your results logically, and use good layout structure. Use correct spelling, grammar and syntax. Summarise, paraphrase and attribute correctly.
- Apply the law to the facts.
- Provide clear advice or conclusions.
- Acknowledge materials cited.
- Construct a list of sources.

Good to know

One of the main goals of JustisOne is to ensure users have access to an exhaustive list of results regardless of their subscription. This is why you can use JustisOne to locate content across over 100 other online services. This allows you to use JustisOne as a single point of entry for your research. Rather than spending time searching on multiple databases, you can locate content from other sources, including Westlaw, LexisNexis and BAILII, all at once. Click on the Citations & Sources tab within the case to see where you can view the case, if it is not included in your subscription.

Keeping up to date with the law

Nicola Stephenson, LLB graduate, discusses how to use the unique search and analysis tools in JustisOne to stay up to date with case law.

Why is JustisOne important for law students?

“Many law students will already be aware of JustisOne, but for those of you who are not, it is an intelligent legal research platform that provides access to case law and legislation. It is a useful tool to stay up to date with case law and find out how cases relate to one another, without having to spend too much time sifting through irrelevant information to do so. It is especially useful during essay time!”

Keeping up to date with new cases while you are a student is a great habit for going into practice after graduating. It will also be useful in the later years of your degree when you will be expected to conduct your own research and find authorities to back up your own arguments. JustisOne makes it easy to find case law on a specific topic so you can explore similar cases until you find what you are looking for.”

What makes JustisOne different?

JustisOne uses an algorithm to tag different practice areas which relate to any one case. This means that it is easier to find important and related cases that might generally come under different practice areas. For example, a student studying corporate insolvency law may find it useful to look at cases from banking and finance or contract law to give them a wider understanding of the corporate legal world.

JustisOne provides a list of cited and citing cases, including many from other jurisdictions, so it is easy to see how the area of law you are looking at has been applied in other legal systems. The platform also links out to several other services, making it simple to find cases on other platforms outwith your JustisOne subscription.

What if you want to find the leading cases for a particular area of law?

Once you have made a search on JustisOne, the most relevant results will appear at the top of your list. This is based on the level of court the case was heard in, how many times it has been subsequently cited and if it is a leading authority in that area of law. When it comes to deciding which cases to cite for yourself, I suggest using a similar strategy: look at the number of cases which have quoted or referred to the main case (tip – try JustisOne’s key paragraph feature), check that you are reading the highest court’s hearing of the case (JustisOne will alert you to an appealed or overruled case at the top of the document) and choose cases which have been heard at higher courts over others.

Some reported series versions are also deemed to be more authoritative than others. You should always aim to cite the most authoritative version of a case. JustisOne displays the different parallel citations for any one case on the search results page, and in Citations & Sources. These are ordered from the most authoritative first, to the least authoritative last, so it is easy to see which citation is best to use.

Why is it important to consult online resources as a student?

Having the ability to conduct legal research online is becoming increasingly important. As the legal industry turns more and more to technology, new lawyers are expected to be able to conduct legal research both in law libraries and online. Getting familiar with online services such as JustisOne as a student will allow you to start your training contract or pupillage with knowledge of how to conduct your research quickly and efficiently.

JustisOne will also show you where cases have been cited by others, how cases have treated one another and warn you if a case has been heard in a higher court – all things that are easy to miss or interpret wrongly without the platform’s prompts. JustisOne offer a free online proficiency test which is certified and can be added to your legal CV. The proficiency test is great for understanding the tools available on the service and how to put them to practice before using them for real research. The certificate will prove to employers you are proficient in using JustisOne for legal research.

Practical legal research

Accessing JustisOne

Go to www.justis.com and click Sign In at the top-right corner of the page. From here, select the option to sign in to JustisOne on the left hand side of the screen. If your organisation has IP recognition enabled, you will be taken straight to the platform to start searching. For others, you will be asked to sign in with your username and password.

You may be able to access the service directly through your university library pages – speak to your law librarian or knowledge base team with any questions regarding access.

Need help accessing JustisOne? Contact helpdesklondon@vlex.com or call us on +44 (0)20 7284 8080

Searching made easy

A helpful place to start searching is the JustisOne Browse feature. This feature will allow you to search for content using a step-by-step process, as shown in the image to the right. You can also use the search bar to search for citations, categories, the title of a case, legislation, EU law, keywords and phrases. Boolean search operators can also be used.

“You can search using the intelligent search bar with as broad or as niche a term as you would like, and it will bring up the relevant results. You can also search across multiple common law jurisdictions at once (even if your university does not subscribe to them) to see if a case exists under your search and use the links provided to access it where it is available.

Once you have found the case you need to explore, the case analysis tools make it simple to pinpoint the area of law that you are looking for within each case, saving you time on research tasks both in practice and as a student.”

LLB graduate. University of Aberdeen

JustisOne's Browse feature

Jurisdiction	Count
Australia	12,714
Canada	579
Caribbean Community	2,129
Commonwealth	3,391
Council of Europe	4,759
Ireland	1,478
Jersey	72
New Zealand	9,418
Singapore	362
United Kingdom	892
OTHER	3,750
Algeria	11,911
Argentina	7,345

Category	Count
Administrative and constitution...	46 of 46
Agriculture	12,714
Arbitration law	579
Asylum immigration and nation...	2,129
Banking and finance	3,391
Bankruptcy and insolvency	4,759
Charity	1,478
Company	72
Competition and monopolies	9,418
Construction law	362
Contracts law	892
Crime and sentencing	3,750
Damages and restitution	11,911
Ecclesiastical law	7,345
Education law	345

“Comparative law research in common law jurisdictions can be an extremely time consuming and laborious process...

That was the case until Justis. Now doing these types of comparative law research projects are a breeze due to the Justis platform, its taxonomy, and its many features that make navigation of the information easy and fun.”

Associate Professor of Law and Legal Research
Boston University School of Law

Cross jurisdictional searching

If your goal is to work for a global law firm, or if you are studying International Law, you can use JustisOne as a legal citator to find information about cases heard in different jurisdictions. Regardless of your university's subscription, use the jurisdiction settings in JustisOne to select those that you are interested in and search as normal.

When looking at a case, it is easy to see how it has been influenced by cases from other jurisdictions, as well as how subsequent cases from elsewhere have relied on it. Take a look at the cited and citing cases tabs to see a list of all cases involved. You can order cases by jurisdiction, so you can see how other common law systems have approached and used the same point of law.

View multiple cases from different jurisdictions side-by-side using the Multiple View feature. Click the button here to switch between different views.

JustisOne's Multiple View showing two cases side-by-side

The screenshot displays the JustisOne interface in Multiple View mode. The top navigation bar includes a search bar and a 'Single View' button. The 'All Open Documents' button is highlighted with a red arrow. The main content area is split into two panels. The left panel shows the case 'Analog Devices B.V. v Zurich Insurance Company 2005' from the Supreme Court (Ireland). The right panel shows the case 'Stack v Dowden 2007' from the House of Lords. Both panels have tabs for 'Overview', 'Cited Cases', 'Cited Legislation', 'Citing Cases', and 'Categories'. The right panel also has tabs for 'Judgment', 'The Times Law Reports', and 'Citations & Sources'. The right panel's 'Citations & Sources' tab is active, showing a list of cited cases with links to Justis, BAILII, and Westlaw.

Go beyond your reading list

It is often expected that you will look beyond the list of cases supplied by your lecturer or faculty. Researching relevant cases, in addition to your reading list, allows for a more in-depth analysis of an area of law.

JustisOne has many unique features which can significantly reduce the amount of time needed to find related cases and understand the relationships between those cases, such as our Precedent Map.

Precedent Map

As shown on the right, the Precedent Map is the perfect way to see at a glance how cases are related to one another. See the most binding and recent cases, and understand how other cases have treated or been treated by the selected case.

Why is this important?

When you start a training contract, you'll no longer have access to reading lists. When you start to search for a case in a specific area of law, the Precedent Map can help you to find other similar cases, which agree on a point of law.

If you are more of a visual learner, you can take a look at the Precedent Map to give yourself a break from lists!

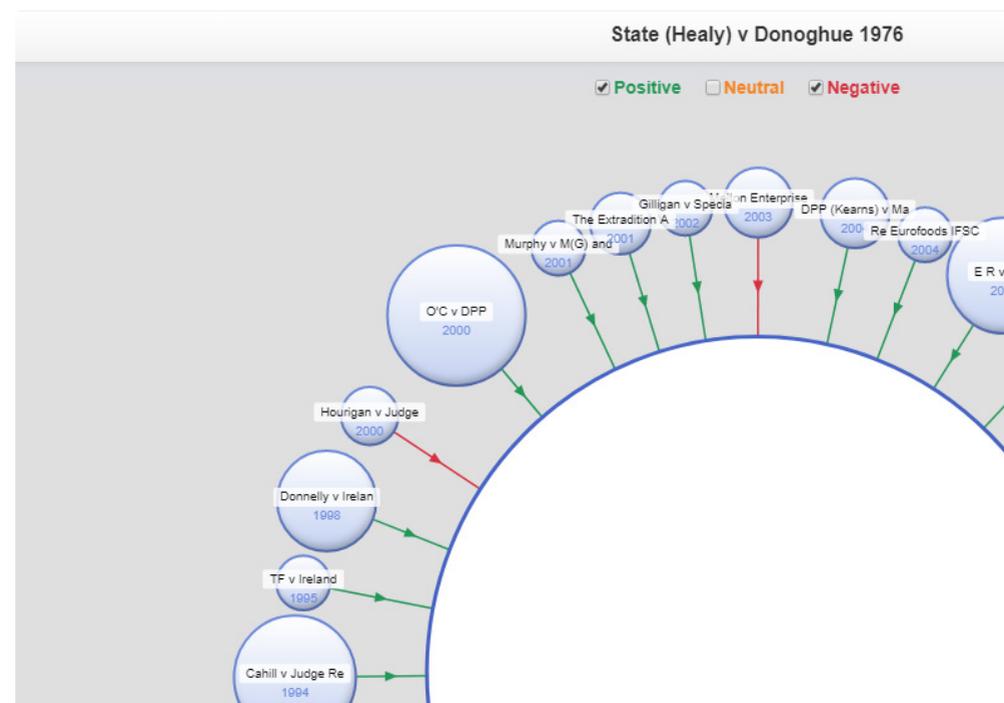
What does the Precedent Map show me?

Cases are in date order, so you can see at a glance if recent cases have reacted positively or negatively to the main case.

The larger the circle, the more cases in common this case will have with the main case being researched. They are therefore much more likely to cover similar questions of law.

“The Justis Precedent Map is an excellent tool for seeing at a glance where an authority has been considered. Equivalent deliberate search would take up to a few minutes and is not really possible on some platforms.” QC and Barrister, Quadrant Chambers, London

JustisOne's Precedent Map feature



Building a strong argument

When constructing an essay or argument for a mooted competition, it is important to ensure that your supporting material has not been overruled and that the specific point you are using to support your argument remains good law. In JustisOne this is easy to check.

Note: We display a notification on cases if they have been heard in a higher court or overruled.

CiteLine: If you click on the button within JustisOne labelled All Citing Cases, you will be shown the passages from subsequent cases where the current case has been mentioned. This allows you to swipe through each passage easily to see how it has been treated, as shown below.

Citations in context: Use our list of cited and citing cases, as this will show you where within a judgment another case has been mentioned, and if it was treated in a positive, negative or neutral way. The button next to each title, as shown below, will display the number of mentions of that case within the judgment. To highlight exactly where they have been mentioned, simply click on the button. You can even clearly see if the case has been cited in other jurisdictions.

Citations in context button

JustisOne's CiteLine feature

The screenshot displays the JustisOne interface. On the left is a navigation sidebar with icons for Search, Advanced, Browse, Documents, and My Justis. The main search bar contains the text "O'Keefe v an Bord Pleanála 1993". Below the search bar, a "Results" section shows "All Citing Cases (5 of 261)". A list of cases is displayed, each with a button showing the number of citations and a list icon. The cases listed are:

- Associated Provincial Picture Houses Ltd v Wednesbury Corporation 1948 (Court of Appeal) - 7 citations
- FP v Minister for Justice 2002 (Supreme Court (Ireland)) - 6 citations
- O'Keefe v An Bord Pleanála 1993 (Supreme Court (Ireland)) - 19 citations

The button for the first case is circled in red. Below the list, a "Citations in context" view is shown, displaying a list of citing cases with their respective treatments:

- Not applied in G.A. v Fingal County C...** (High Court (Ireland))
- Not followed in People Over Wind, Environmental Action Allian...** (High Court (Ireland))
- in Garda Siochána, 1994**

The central focus is a detailed citation context for the case "People Over Wind, Environmental Action Allian...". It shows a paragraph of text from a judgment, with a "Go to paragraph" link at the bottom. The text discusses the standard of review to be applied by the Court in determining whether or not a proper AA has been conducted, and mentions the case "O'Keefe v An Bord Pleanála [1993] 1 IR 39".

A useful feature for essay writing

JustisOne's Key Passages are a useful feature for revision and essay writing. The Key Passages show you the most quoted sentences and phrases from a case.

Why is this useful? If you are looking at cases that have formed the basis of a legal test for a point of law, the Key Passage will often be the legal test itself, since this is the part of the judgment that is most commonly cited.

In this way, the Key Passages feature is a great way to quickly identify legal tests and the most important part(s) of the case, so that you can decide if the case is relevant to your studies before reading the entire judgment.

“Sometimes I want to use a case to support an argument, but can see that it has been subsequently doubted or distinguished; in such circumstances I have to ensure that the treatment is for a different point of law or an unrelated issue which does not impact the relevant point for me or the overall status of the case. This task is easily possible because of the CiteLine feature, which provides the key parts of a case and how that part has been subsequently used in other cases as well.”

LLB student, The City Law School, City, University of London

JustisOne's Key Passages feature

The screenshot displays the JustisOne interface for the case *Harrisrange Ltd v Duncan 2002*. The interface is divided into several sections:

- Search and Navigation:** A search bar at the top left, a search icon, and navigation buttons like "Results", "Multiple View", and "All Open Documents".
- Case Information:** The case name "Harrisrange Ltd v Duncan 2002" and the court "High Court (Ireland)".
- Overview and Cited Cases:** A tabbed interface showing "Overview", "Cited Cases", "Cited Legislation", "Citing Cases", and "Categories".
- Key Passages:** A section titled "Displaying quoted passages" showing two highlighted passages:
 - (vii) The test to be applied, as now formulated is whether the Defendant has satisfied the Court that he has a fair or reasonable probability of having a real or bona fide defence; or as it is sometimes put, "s what the Defendant says credible?"
 - (xi) Leave should not be granted where the only relevant averment in the totality of the evidence, is a mere assertion of a given situation which is to form the basis of a defence and finally,
- Actions:** A button labeled "Highlight all quoted passages" is circled in red.
- Right Panel:** A section for "Judgment" with tabs for "Irish Reports" and "Citations & Sources". It includes buttons for "Hide Header", "Read", and "PDF".

GDL student...

“The multiple view feature is one of the most useful tools available on JustisOne. It allows the user to organise their thoughts while viewing cases/legislation side by side.

As a student, writing an essay or answering a problem question in preparation for a tutorial is always a constant battle between all the tabs I have open on my browser. No matter how organised I am, I still find myself clicking on each of the tabs in turn to find the reference I am looking for. The JustisOne multiple view tab takes this problem away, keeping all of my cases in one handy drop down within the one tab, and allowing me to view two or three simultaneously or side-by-side with the legislation.

I think that the feature will also be particularly useful after my studies, as it will allow me to conduct my research and build a case very easily. It is so simple to compare judgments on JustisOne and I never have to worry about finding the correct tab to find a particular case.”

GDL graduate, BPP University

LLM student...

“Writing essays during your LLM can be a daunting process. One of the main challenges can be how do you convince your reader that your argument or view has merit? In this regard, JustisOne’s Key Passage feature certainly gave me confidence.

This feature provided me with specific text of what others cited the most, in most cases, it was a crucial part of the judgment. I could also see where throughout the judgment other parts had been cited. I was able to see this information instantly, without reading through the entire judgment. However, you need to remember that sometimes reading an entire judgment is advisable. The Key Passage features is a great guide to find what others find most useful within a judgment, but you will still need to understand the context of the case!

I used this information to support my own argument by either 1) citing/quoting the paragraph directly or; 2) finding a case or judgment which cast doubt on that often cited part. While it is often quick in most online services to see who and how a case has been cited, this feature provides context to what is actually being cited. It is a useful tool to help understand the strengths and weakness of an argument, but to also navigate to other cases that may be of value.”

LLM Student, The City Law School City, City, University of London

Legislation (UK and Ireland)

Through JustisOne, you can access legislation from both Ireland and the UK. You can also see how this legislation has been used and interpreted by other common law jurisdictions. For example, many judges from the Caribbean refer to UK statutes when deciding the outcome of the case they are hearing. On JustisOne, you can view a list of the cases from any jurisdiction that have cited a particular piece of Irish or UK legislation.

You can also view the text of cases side-by-side with legislation so that you can work with them at the same time. The multiple view feature will allow you to keep all of the documents that you are working with together on one screen, saving you time from having to switch between tabs on your browser and keeping all of your research neatly together!

Good to know

- Use read mode to bring any case into the centre of the screen to allow you to focus purely on the text.
- Your search terms will automatically be highlighted within the judgment so that you can locate important sections quickly. Use the pen icon to turn this off.

“We have often impressed our members by locating a judgment from JustisOne that they thought would be really difficult to find!” Advocates Library, Parliament House, Edinburgh

JustisOne’s multiple view showing an Irish and a UK case side-by-side

The screenshot displays the JustisOne interface in a multiple view mode. At the top, there is a search bar and navigation controls. The main area is split into two panels:

- Left Panel:** Displays the case **Barry v Buckley 1981** from the High Court (Ireland). The text visible includes: "The entry of a caution casts a dark shadow on the property. It paralyses dealings in it. No one will buy the property under such a cloud ... I know that the rules of court do not prescribe any summary procedure such as Order 14 does for judgment or Order 86 for specific performance. But that is no obstacle. These courts are masters of their own procedures and can do what is right even though it is not contained in the rules. If it is drawn to the attention of the court by affidavit or otherwise, that a caution has been entered when it ought not to be, then the Court"
- Right Panel:** Displays the case **Tiverton Estates Ltd v Wearwell Ltd 1973** from the Court of Appeal (Civil Division). The text visible includes: "[1973] EWCA Civ J1120-1
In The Supreme Court of Judicature
Court of Appeal
Appeal (by leave of Mr. Justice Goulding) by defendants from order of Mr. Justice Goulding on 3rd October, 1973.)
Before:
The Master of the Rolls (Lord Denning),
Lord Justice Stamp and

Both panels include document controls such as 'Hide Header', 'Read', and 'PDF'.

Test yourself

Let's get practical

Once you have been given a legal research question, you will likely review any lecture notes that you have on the area of law followed by some initial background research using texts from law journals or textbooks.

Following this, you will want to look at the relevant legislation or precedents in the same area or region. This is where JustisOne can help you.

Example question

Can a person who is seeking to enforce a judgment use confidential financial information in respect of the assets of a party - information that they became aware of as a result of being present in court during *in camera* family law proceedings to which they were not actually a party? An example being that of a child present during *in camera* family law proceedings in circumstances where her parents were seeking a judicial separation.

How to answer this question with JustisOne

Nicola Stephenson, Head of Training at vLex Justis, and LLB graduate, discusses approaching the problem question using JustisOne.

Before you begin

Before you begin searching, you should consider what information you already have. On JustisOne, you can conduct research across all of our jurisdictions regardless of your subscription or access rights. If you find something that is not included in your institution's subscription, we will provide you with links to over 100 other sources where you may be able to find the case. As we are focusing on Ireland in this guide, I have decided to refine my search to Irish content only. To do this, click on Settings in the left-hand menu, followed by Jurisdictions, and ensure that only Ireland is selected.

If you have notes regarding relevant cases, legislation or quotes, you may wish to use our **advanced search**, which will allow you to enter the exact or partial information that you have, to find more information on the same source. To do this, select Advanced from the left-hand menu and fill out the information you have in the relevant box. Note that you can restrict your search to cases or legislation by selecting the corresponding tab along the top of the advanced search screen.

If you have no starting point and want to begin your research using JustisOne, then you can use the general search bar at the top to make a broader search.

Using the JustisOne tools

In Camera Rule

From the question, I know that I need to understand the *in camera* rule. The most basic way to do this is to simply search for the words *in camera* in the **general search** bar. As mentioned previously, I have set my jurisdictions to include only Ireland (I will still be able to see cases from other jurisdictions that have been cited in my research). Select the orange box containing a white magnifying glass or press enter to run the search.

The results are automatically **ordered by relevance**, so I can be sure that the first few results are going to be the most relevant to the search term that I entered. The first case on my list (at the time of writing) was **MP V AP (Practice: in camera) 1996**. I can see from the information available on the results screen that JustisOne only has reported versions of this case (not the official judgment), so I know I might not be able to view it depending on my institution's subscription. When entering the case, I can see that I do have access to the Irish Reports version, I can also see from the **citations & sources** tab on the right-hand side that I can find this case on other platforms, and link to them directly from JustisOne.

When in the Irish Reports version of the case, the first paragraph talks about **Section 34 of the Judicial Separation and Family Law Reform Act 1989**. I can find this legislation by searching in the general search bar as before. From reading this, I get a better idea of the *in camera* rule and where it is grounded in legislation. I can also find other relevant material from the information available on the overview page, including an up-to-date list of citing cases.

Now that I have found the relevant information, I want to look into the case law in

further detail. By selecting 'documents' on the left-hand menu, followed by the '**all open documents**' list at the top-right of the screen, I am able to flick back to the case I had previously opened. Once in **MP V AP (Practice: in camera) 1996**, I select the **Precedent Map** option from the top of the judgment (note: this can be used regardless of your access and subscription rights). From the precedent map, there are multiple cases that have interacted with the judgment of the case. I notice that the majority are neutral, but one decision is showing a green arrow, indicating a positive treatment. The same circle is larger than any other case displayed on the map and represents the **RM V DM (Practice: in camera) 1996** case.

Icons on JustisOne's search results indicate full text and reported versions of a case

The screenshot displays the JustisOne search interface. The search bar contains 'in camera'. The results are filtered to 738 items. The first result is 'M.P. v A.P. (Practice: in camera) 1996' from the High Court (Ireland). It shows 'Treatments > 1 positive 7 neutral' and '1996] 1 IR 144 [1996] 1 IR 144 (Digest)'. A red circle highlights two green document icons in the right-hand corner of this result's entry. Below it is 'R.M. v D.M. (Practice: in camera) 2000' from the High Court (Ireland), with 'Treatments > 5 neutral' and various citations. Other results include 'Ross v C (W) 2008', 'H v H 2008', 'L.McL. v J.D. (otherwise S.D.) 2009', and 'Z v DPP 1994'. The left-hand menu includes options like 'Advanced', 'Browse', 'Documents', 'My Justis', 'Help', and 'Settings'.

By double-clicking on this, I can see there are a number of cases that have been treated both positively and negatively by *RM v DM*, so I decide to click the title of the case (at the top of the screen) to view *RM v DM* in more detail.

The **key paragraphs** highlighted in purple on the overview display show me the most quoted parts of the case, which I can read quickly to get an understanding of this case's relevance. I can also see within one of the quotes that another case has been mentioned *People (DPP) v WM* and note that this may be worth reading too.

Remembering the multiple treatments in the inside circle of the precedent map for *RM v DM*, I select **cited cases** to see a list of all other cases mentioned alongside *People (DPP)*. I can see in this list that there are a number of other cases, and I can add those which are outside of my jurisdiction settings (using the link at the top) to get a wider understanding. Here, I can focus on the negatively cited cases such as *Eastern Health Board v Fitness to Practice Committee* to find out if my argument is still persuasive and the most up-to-date interpretation of the law.

JustisOne's Key Passages feature

The screenshot displays the vLex JustisOne interface for the case *R.M. v D.M. (Practice: in camera) 2000*. The interface is divided into several sections:

- Search Bar:** Located at the top, with a search icon and a magnifying glass.
- Navigation:** Includes a sidebar with icons for Search, Advanced, Browse, Documents, and My Justis. The main navigation bar shows "Results" and "Multiple View" options.
- Case Information:** Displays the case title "R.M. v D.M. (Practice: in camera) 2000" and the court "High Court (Ireland)".
- Overview Tab:** Shows a list of key passages highlighted in purple boxes:
 - “Laffoy J. held that Section 34, providing that proceedings taken under the Act shall be heard otherwise than in public, was contravened by the making of complaints to the Physiological Society of Ireland.”
 - “Both *People (DPP) -v- WM(1995) 1 IR226* in relation to incest proceedings (all proceedings under the Punishment of Incest, Act 1908 are to be held in camera) and *MP -v- AP(1996) 1 IR144* in relation to Section 34 of the Judicial Separation and Family Law Reform Act, 1989, ("Proceedings under this Act shall be heard otherwise than in public") make privacy mandatory in relation to all such proceedings.
 - “Justice shall be administered in Courts by law by judges appointed in the manner provided by this Constitution, and, save in such special and limited cases as may be prescribed by law, "shall be administered in public
 - “Such special and limited cases are prescribed by law in relation to judicial separation and divorce which
- Judgment Tab:** Shows the full text of the judgment with the same highlighted passages:
 - Public interest is reflected in Article 34 (1) of the Constitution which provides:
 - Justice shall be administered in Courts by law by judges appointed in the manner provided by this Constitution, and, save in such special and limited cases as may be prescribed by law, "shall be administered in public
 - Such special and limited cases are prescribed by law in relation to judicial separation and divorce which provides that such proceedings "shall be heard otherwise than in public".
 - That section does not necessarily mean that proceedings be restricted to Courts established by law. Parties could decide to avail of a mediation service or to appoint an arbitrator under the Arbitration Acts which would give finality with no appeal or to proceed in the Circuit Family Court or High Court. All such proceedings must be heard otherwise than in public.
 - Laffoy J in *MP -v- AP (1996) 1 IR 144* at 154 refers to Section 34 as mandatory.
 - To that extent the interests of resolution of family disputes in private outweighs the public right that Justice be administered in public. Accordingly, the public interest in maintaining trust in the professional services

Another way to search while researching for this essay

The final way to search on JustisOne is to use our **Browse** feature. This is used to find leading cases on a particular area of law. For our example, we could select Cases > Ireland > Practice and Procedure > Hearing > Evidence (then add family law to the search filters on the results page), or Cases > Ireland > Family law > Divorce > Divorce action.

When you first enter browse, you will be able to choose between different document types. By selecting cases, you will be prompted to choose a jurisdiction. From here, you can select Ireland or use the drop-down menu indicated by an arrow next to the word Jurisdiction (at the top of the list) to change your search criteria to category, year, reported series or court. For our example, I would choose Ireland as the jurisdiction, then use the category tab to select the areas of law suggested.

Try to finish answering our problem question using the tips mentioned. You can find the finished answer as provided by the Honorable Society of King's Inns on the next page.

JustisOne's Browse feature

The screenshot displays the JustisOne Browse feature interface. At the top, there is a search bar with a magnifying glass icon and a 'Show documents' button. Below the search bar, there are several filter tabs: 'Browse', 'Jurisdiction', 'Category', 'Category', 'Category', and 'Year'. The 'Browse' tab is active, showing a 'Full Text Only' toggle and a list of document types: Cases, Statutes, Statutory Instruments, and EU. The 'Jurisdiction' tab is active, showing a list of jurisdictions with 'Ireland' selected. The 'Category' tabs are active, showing a list of legal categories with 'Divorce' and 'Divorce action' selected. The 'Year' tab is also active, showing a list of years.

Jurisdiction	Count	Category	Count	Year	Count
POPULAR	201 of 201	Administrative and constitution...	12,714	Adultery	12
Australia		Agriculture	579	Cruelty	2
Canada		Arbitration law	2,129	Decree absolute	0
Caribbean Community		Asylum immigration and nation...	3,391	Decree nisi	1
Commonwealth		Banking and finance	4,759	Desertion	14
Council of Europe		Bankruptcy and insolvency	1,478	Divorce action	172
European Union		Charity	72	Irretrievable breakdown	2
Hong Kong		Company	9,418	Marriage dissolution	7
Ireland		Competition and monopolies	362	Reconciliation	4
Jersey		Construction law	892	Separation	108
Malaysia		Contracts law	3,750	Unreasonable behaviour	0
New Zealand		Crime and sentencing	11,911		
Singapore		Damages and restitution	7,345		
South Africa		Ecclesiastical law	345		
United Kingdom		Education law	823		
United States of America		Employment and labour law	11,780		

Example answer provided by the Honorable Society of King's Inns

In camera rule

Section 34 of the Judicial Separation and Family Law Reform Act, 1989 provides that proceedings under the Act “shall be held otherwise than in public”. Similar provisions exist in other statutes dealing with family law. There was conflicting case law as to the circumstances in which a record of proceedings heard *in camera* could be adduced at a future tribunal. In **People (DPP) v. WM [1995] 1 IR 226**, **MP v. AP [1996] 1 IR 144** and **RM v. DM [2000] 3 IR 373**, the courts interpreted these *in camera* provisions as imposing an absolute prohibition on the future use of a record of the *in camera* proceedings. In **Eastern Health Board v. Fitness to Practise Committee of the Medical Council [1998] 3 IR 399**, **Tesco (Ireland) Ltd v. McGrath** Unreported, High Court, Morris P., 14 June 1999 and **Eastern Health Board (No.2) v. E (an infant) [2000] 1 IR 451**, however, the courts interpreted similarly worded *in camera* provisions as not imposing an absolute embargo.

The *in camera* rule was the subject of legislative intervention. **Section 40(8) of the Civil Liability and Courts Act, 2004** effectively provides that **section 34 of the 1989 Act** shall not prevent a court hearing proceedings under that Act from having the discretion to order disclosure of information connected with the proceedings, if such disclosure is required to protect the legitimate interests of any party or other person affected by the proceedings. This effectively amends the law so that it conforms to the decision of Barr J. in **Eastern Health Board v. Fitness to Practise Committee** where Barr J (at page 428) stated “it is a contempt of court for any person to disseminate information derived from proceedings held *in camera* without prior judicial authority”.

As Birmingham J noted in the more recent case of **HSE v McAnaspie [2011] IEHC 477**, referring to the statutory regimes in place restricting cases from being heard in public, “*The holding of proceedings in public is prohibited, however, there is no precise stipulation as to what regime should apply*”. [At para. 20]. Birmingham J considered case-law in both England and Ireland in relation to the operation and contours of the *in camera* rule and had little difficulty in concluding that “*a judge of the District Court had, in certain circumstances at least, a discretion to lift or modify the rigours of the in camera rule*”. The Judge also stated that “*it may be said that the Irish cases are not all that easy to reconcile*”. [At para. 24] However, he placed considerable reliance on the case of **Eastern Health Board v Fitness to Practise Committee of the Medical Council [1998] 3 IR 399**. Birmingham J distilled the principles from this decision thus, at para 30:

“*Barr J. refused the applicant the relief it sought and directed it to make discovery of the documents. He held that a statutory imperative that proceedings of a particular nature be held in private did not imply that there was an absolute embargo on the disclosure of evidence in all circumstances...*”

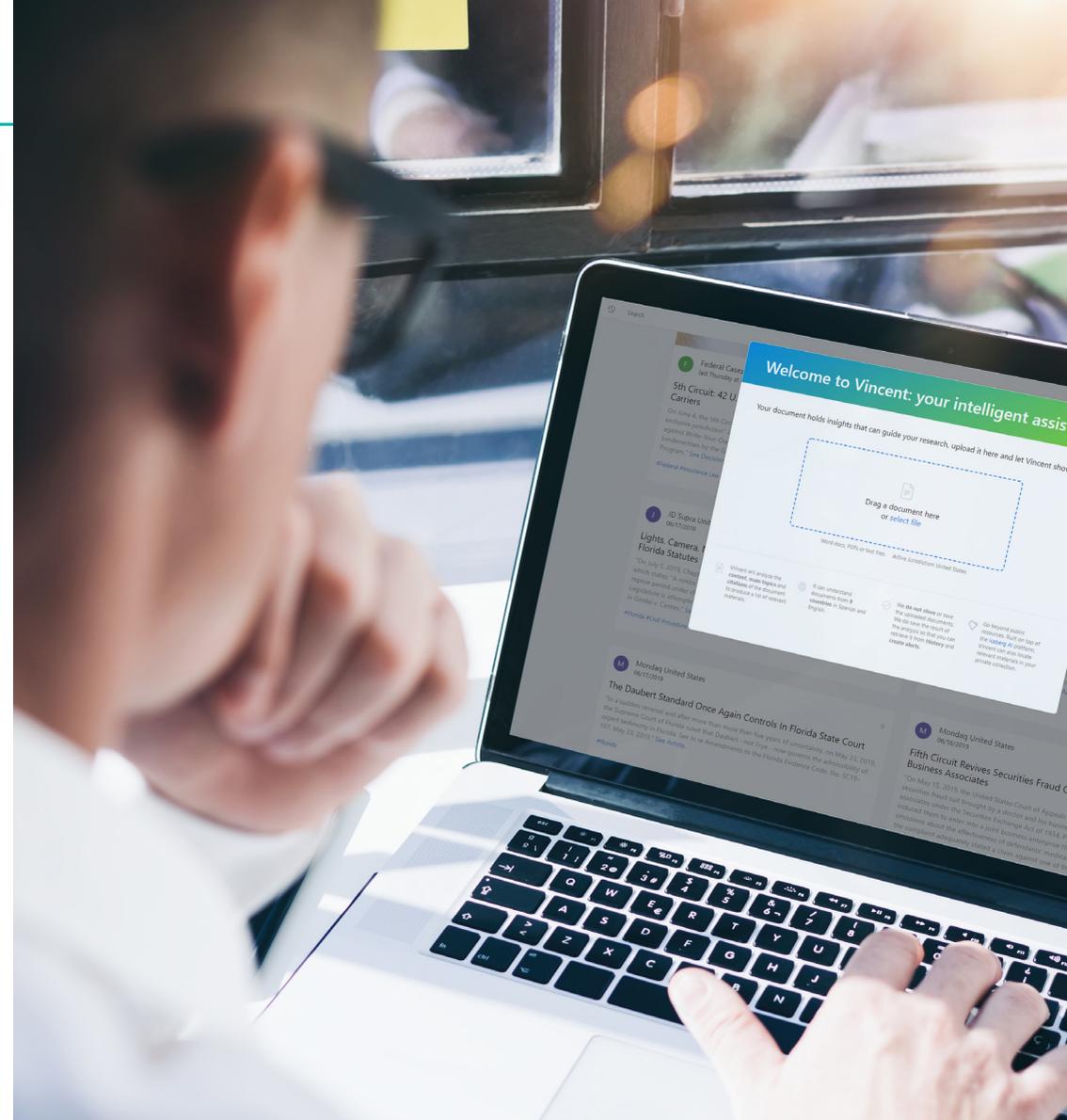
Barr J. then went on to set out ten principles of general application which he believed to represent the law in Ireland having regard to Irish and U.K. case-law including in particular the seminal decision of the Supreme Court in re R. Limited [1989] I.R. 126” [Emphasis Added].

(6) In considering a conflict between the public interest or the interest of a person seeking disclosure on the one hand, and the interest of an individual in retaining the full benefit of the in camera rule on the other hand, the court is bound by the concept that the paramount consideration is to do justice-see In re R. Ltd. [1989] I.R. 126.”

Birmingham J., also noted that McGuinness J., in the context of her judgment in ***Eastern Health Board v E (No. 2)* [2000] 1 IR 451** was impressed and convinced by Barr J's analysis and statement of the relevant principles. The Judge also noted that Hanna J had also adopted the rationale of Barr J in ***Miggin (A Minor) v Health Service Executive (HSE) & Gannon* [2010] IEHC 169**. Ultimately, in respect of the application by the McAnaspie family to access the reports of the Guardian ad Litem, Birmingham J., concluded that the District Court did have discretion to release the information to the next of kin in these circumstances. Birmingham J., also strongly endorsed the power of the District Court to impose conditions on the release of such information as it saw fit in order to protect those the rule is aimed at shielding from harm. The Judge also noted the European Court of Human Rights Judgments supporting the view that the Court has such a power, in particular, ***B. and P. v United Kingdom*** (Application Nos. 3633/97 and 35974/97) Judgment of 24th April, 2001 in which the Court reiterated the view that there must be some element of court control in relation to the operation of the *in camera* rule.

In the more recent case of ***DO'R v BO'R* [2017] IEHC 429** concerning a confidentiality clause in respect of settlement in divorce proceedings, relief was refused. [There are a number of other cases which consider the ***Eastern Health Board*** case – you may choose to cite some of them].

Thus, the *in camera* rule operates (subject to statutory exceptions) to prevent any publication without leave of the court, while the court has a discretion to lift the rule in appropriate cases. While there is no guarantee of success, the person would have to make an application to the court that dealt with the family law proceedings in question, seeking the leave of the court to enable them to utilise the knowledge they party obtained as a result of attending the original court case. That court would then have to weigh up the interest of the party in seeking disclosure on the one hand, and the interest of the parties to the original family law proceedings in retaining the full benefit of the *in camera* rule on the other hand.



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