

Chapter 1 : Access to New Zealand Law - GlobalLex

Provides a guide to assist those involved in legal research and writing. Discusses sources of legal information, both paper and electronic, and research tools that can be used.

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Chapter 2 : Starting your NZ Legal Research - New Zealand Law Guide - LibGuides at University of Melbourne

Legal Research and Writing in New Zealand By Greville, Davidson and Scragg. Bought from Auckland library sale. Used Book sale as is: Pickup From Mt. Roskill Please click here to ask a question.

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Chapter 3 : Law clerk - Wikipedia

Intended for law students, new entrants to the legal profession, and law librarians. Provides a guide to the effective and efficient conduct of legal research in all its varieties, and a step by step account of how to write effective English for a number of specific purposes in the law.

The role is largely ceremonial, but there are occasions when the gubernatorial role carries with it quite wide-ranging powers in certain situations, such as when a government loses a confidence vote in respect of appropriation and supply. New Zealand has a responsible and representative government. The term of government remains at three years. The number of seats set aside for those who identify themselves as Maori voters is adjusted from time to time in the same way as for the general roll to reflect the numbers on it. Citizens of Maori descent can choose whether to be on the Maori or General roll. It operates as a unitary state, and not as a federal system like Australia or Canada. It is unicameral, that is, there exists in our Parliament only a House of Representatives, with no Upper House. It does not have a written constitution, in the sense of a single entrenched legislative instrument spelling out the powers of the various arms of government. It does have a number of constitutional documents which together spell out some of the rights of citizens, while other civil rights are safeguarded by the operation of common law. In the New Zealand system, appeals no longer since lie to the Privy Council. Below it sits the Court of Appeal. Next down in the hierarchy is the High Court of New Zealand, with seats in main centres throughout the country. Finally in this general court system is the District Court, usually the court of first instance for most matters, and these courts are to be found in most towns and cities in New Zealand. The respective jurisdictions of the High Court and the Court of Appeal are spelt out in the Judicature Act , last reprinted in and very heavily amended since that date. The jurisdiction of the District Court is enacted in the District Courts Act , last reprinted in In addition to these courts of general jurisdiction, there are also a number of courts of special jurisdiction, such as the Maori Land Court, the Maori Appellate Court, the Environment Court, the Family Court, and the Youth Court. The two latter are Divisions of the District Court. In addition to the various courts, there is quite a large number of Administrative Tribunals that exercise judicial power, while there is also a bewildering array of Authorities, Commissions, Ombudsmen, and Boards that exercise statutory decision-making powers. This web site also contains details of where decisions of the various decision-making bodies may be obtained. Origins of New Zealand Law The whole body of existing English law, both legislation and common law, as well as the English constitutional conventions, was received into New Zealand on 14 January For some time, the Parliament at Westminster legislated for New Zealand, but from , New Zealand received limited legislative powers of its own. In the United Kingdom Parliament passed the Statute of Westminster, to facilitate a move towards independence for the Dominions former colonies by removing the limitations on their legislative powers. In New Zealand passed the Statute of Westminster Adoption Act and accepted full responsibility for its own destiny. Until very recently, New Zealand continued to look to the mother Parliament at Westminster for sources of its own legislation, and to the superior English courts for precedents in its own courts. House of Lords and English Court of Appeal decisions are still highly persuasive, and English decisions are still often cited in New Zealand courts. However, especially in the last 20 years, New Zealand has looked further afield for legislative models - particularly in the more commercially flavoured subject areas. On the whole, we now look more often to North America than to the United Kingdom for sources of legislation. New Zealand courts will consider authorities from a variety of other common law jurisdictions, especially Canada, Australia, the United Kingdom, and the USA. As a consequence, New Zealand lawyers are accustomed to researching the law across a number of jurisdictions. New Zealand Primary Legal Information There is an inexorable drive towards the web in most areas of New Zealand legal information, and strong competition between publishers in this matter. Unfortunately, this does not always lead to free sources of primary or secondary legal information. Treaties This is not an easy matter to unravel. There is a helpful introduction on the Ministry of Justice web site for multilateral treaties to which NZ is signatory. New Zealand is signatory to a large number of multinational treaties. These are to be found in the New Zealand Treaty Series, published as part of the

Appendix to the Journal of the House of Representatives and also as a separate series by Legislation Direct. Treaties and Conventions are binding on New Zealand courts when ratified and legislated into domestic statutes, but they may also be persuasive as a matter of statutory interpretation even when not ratified: There is currently no online source of the New Zealand Treaty Series. There is also no easy access to the large number of bilateral treaties to which New Zealand is signatory. There is a good paper index to New Zealand treaties published in that indexes bilateral as well as multinational treaties: Ministry of Foreign Affairs and Trade, , also issued as A. Statutes are passed by the House of Representatives after passing through three Readings and then being assented to by the Governor General though this last requirement is largely a matter of form. Acts are officially published by in pamphlet form, while bound volumes of statutes containing all the Acts passed in that year are published annually. Statutes are only reprinted occasionally, when the number of amending Acts becomes so large that reading a principal Act along with all its amendments becomes unwieldy. The statute books are kept up to date by a homespun system of manual annotation involving the physical crossing out of repealed sections and insertion of slips of paper to indicate amendments. This ritual is carried out twice a year, but only for those sets of statutes maintained in New Zealand. Brookers, a legal publisher, carries out the process. In other jurisdictions, and also in many New Zealand law libraries, an alternative system is available, provided by a rival publisher, LexisNexis NZ. This consists of a series of loose-leaf volumes containing both statutory and case annotations kept up to date as new amendments are passed. Official public online legislation Progress on this front since the last time this article was published three years ago will have left nail-biters with raw stumps for fingers. In the meantime, free access to a compiled version of current Acts, Bills and Regulations has been made available. These are also available by subscription in digital form: There are also about 20 other series of subject law reports. For an excellent and up to date historical survey of New Zealand law reports, see: There is also a flourishing trade in unreported decisions. These consist of the transcripts of decisions as they are issued by the various courts and tribunals, and before they are reported although by far the majority of New Zealand court decisions are not reported at all. These are available from the originating court or tribunal, or from a number of agencies, such as Judgments Unlimited in Wellington. Selections of unreported decisions - mainly from the superior courts - are digested in *The Capital Letter* and *Butterworths Current Law* , published weekly and fortnightly respectively. Unreported decisions are also digested and subsequently noted up on the databases LINX and Briefcase see below. Electronic case law Most of the report series that are still current are available electronically as well as in hard copy, and just a few are available only electronically. The digital versions have the advantage not only of good search facilities, but also being able to be searched in tandem with other databases on the same platform, and having hypertext links to related material. There are also two databases dating from around that provide bibliographic details of unreported decisions of the superior courts. Although both started life as independent entities, in the last two years both have been further developed by the rivals Brookers who have bought Briefcase and LexisNexis NZ who have a joint venture arrangement with the LINX committee. Both now offer a large number of full text decisions attached to the original bibliographic records as pdf files, and both have links to cited legislative sections. Each may be searched on the two respective web sites simultaneously with other selected case law databases. Free public access to judicial decisions For general open access to the decisions of the courts there has been little progress since the 1st incarnation of this overview more than 5 years ago. Although at that time it seemed that we were set fair to be enjoying online access to all judicial decisions in the very near future, it now seems that the judges are adopting a much more conservative approach to the free dissemination of all cases. It seems that there may still be a measure of judicial unease at the prospect of unmediated public access to all judicial decisions. The individual web pages for the Supreme Court and Court of Appeal offer collections of their decisions, but the sticking point seems to be a High Court level and below. See below under General Legal information. Some of the content relating to the legislative process is now out of date because of the advent of MMP and a change to Standing Orders, but it remains authoritative otherwise. The parliamentary web site is a good source of information about Parliament, and on its day-to-day activities. The Parliamentary Bulletin is an invaluable publication, issuing weekly while Parliament is sitting, that tracks the progress of bills through the House, activities of Select Committees, and other parliamentary information.

Government Information about the New Zealand government can be found in three main sources: The New Zealand official yearbook. This was last published in print in *Directory of official information*, published biennially by the New Zealand Ministry of Justice. This is so far only available in paper. It was last produced in *Local government*. Local government websites have proliferated over the last two years, and the NZ government website offers a good access point for all of them, as well as general interest on this subject.

Legal Publishers The three main legal publishers in the New Zealand market are: LexisNexis NZ formerly Butterworths. Thomson Brookers formerly Brookers is another major publisher, relatively recently acquired by the global Thomson group. They are a major player in the market for legal texts, and are also responsible for the nations currently preferred system of statutory annotation. Like LexisNexis, all their serialised publications, including looseleaf services, are available on an online platform. It is the Brookers version of electronic statutes that has been made available free to the public while the Parliamentary Counsel Office completes its project to produce a free online official statute database. CCH NZ is the third major player, operating essentially in the commercial legal arena. They publish both in paper and online in the same way as LN and Brookers, specialising in taxation, company, commercial, and employment law. It is still the publisher of choice for a number of New Zealand legal writers.

Legal News And Current Awareness Online sources A number of web sites which offer online current awareness services either of a general nature or of particular interest to lawyers can be located among the websites listed here. Most of them are free. Many New Zealand law firms offer newsletters free to members of the public, and also publish them on their web sites. This is a very good source of information about very recent happenings on the New Zealand legal scene. See above, and use Tarantula for sources of these. For example, Brookers offers regular often daily newsletters on subjects such as:

Paper sources A number of useful current awareness services are published in New Zealand:

Case law Two publications offer regular summaries of recent unreported cases. Wellington, *Fourth Estate Periodicals*, - published weekly ; Butterworths *current law*. Wellington, Butterworths, - published fortnightly. There are also many topical newsletter style publications that combine brief case notes with slightly more in-depth articles; examples are:

Chapter 4 : UC Research Profile - University of Canterbury - New Zealand

and Davis Law Library's Guide to Legal Research and Writing (3rd ed, Faculty of Law, Auckland,), the Style Guides of the New Zealand Universities Law Review, the New Zealand Law Review, and the Department of Commercial Law at the University of Auckland, and above all the excellent and comprehensive Australian Guide to Legal Citation (2nd ed, Melbourne University Law Review Association Inc, Melbourne,).

Canada[edit] Most Canadian courts accept applications for judicial clerkships from graduating law students or experienced lawyers who have already been called to the Bar in Canada or abroad typically in the United States or the United Kingdom. Most provincial superior and appellate courts hire at least one clerk for each judge. Typically students in their last two years of law school are eligible to apply for these positions, but increasingly, experienced practicing lawyers are also considered for these positions. The term typically lasts a year and generally fulfills the articling requirement for provincial law societies, which qualifies a person to become a practicing lawyer in a Canadian jurisdiction. Each Justice of the Supreme Court hires three clerks for a one-year period. The Federal Court also hires only one clerk per judge, or about 30 per year in total. The Court of Appeal for Saskatchewan hires 3 clerks, each of whom are assigned to 2 to 3 judges. For example, the Hon. Madam Justice Kathryn N. England and Wales[edit] In England and Wales , law clerks are called judicial assistants. This gives ECJ clerks considerable expertise and power. Because ECJ judges serve six-year renewable terms and do not issue individual opinions, the most important role of ECJ clerks is to facilitate uniformity and continuity across chambers, member-states, and over time. Furthermore, this role is heightened because the European Union is composed of very different nations with disparate legal systems. Kenney found that ECJ clerks provide legal and linguistic expertise all opinions are issued in French , ease the workload of their members, participate in oral and written interactions between chambers, and provide continuity as members rapidly change. While Kenney concludes that they have more power than their counterparts on the U. Supreme Court, ECJ clerks act as agents for their principalsâ€”judgesâ€”and are not the puppeteers that critics claim. The ECJ also admits a limited number of selected law graduates as Stagiaires. Their duties are more similar to those of the law clerks of the U. This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. September Learn how and when to remove this template message In France law clerks are called assistants de justice. They typically go through a competitive nomination and interview process to get accepted as law clerks. Most French courts accept applications for judicial clerkships from graduating law students. Students in their last year of law school are eligible to apply, although most law clerks are Ph. In the judicial order[edit] Law clerks are hired for two years renewable twice. The work of a law clerk entails assisting the judges with writing verdicts and decisions and conducting legal inquiries and research. The most prestigious clerkships available in France are before the courts of appeals, which review decisions of lower courts. February Learn how and when to remove this template message In Germany, there are two different kinds of law clerks. Students of law who, after law school, have passed the first of two required examinations join the Referendariat, a time of two years consisting of a series of clerkships: This clerkship is not to be confused with an internship since it is a paid position that is regulated by law. However, the purpose of this clerkship is solely the legal education of the clerk Referendar and not giving assistance to his instructor. In the Federal Supreme Courts see Judiciary of Germany and the office of the Federal Prosecutor General , the duties of law clerks are performed by wissenschaftliche Mitarbeiter German for "scientific assistant". With few exceptions, they are lower court judges or civil servants, assigned for a period of three years to the respective Federal Court, and their clerkships serve as a qualification for a higher judgeship. However, some justices of the Federal Constitutional Court who have the right to select their wissenschaftliche Mitarbeiter personally prefer clerks from outside the courts or the civil service, especially those who are or were professors of law and who often hire people from academia sometimes even young law professors. The clerks of the Federal Constitutional Court are deemed very influential and are therefore dubbed the unofficial Dritter Senat "Third Senate" as opposed to the two official " senates " of 8 justices each which form the court. India[edit] In India

law graduates from the National Law University go through a competitive nomination and interview process to get accepted as law clerks. The Supreme Court of India and several High Courts of India offer paid law clerkships that are considered very prestigious. These clerkships usually last for one year session commencing from July to Mid of May and may be extended at the discretion of individual judges. The shortlisted candidates are interviewed by an esteemed panel of sitting Supreme Court Justices in the first week of June. The final merit list is prepared and the selected candidates are offered positions to work under the sitting judges of the Supreme Court starting from the month of July. The eligible candidates receive offers throughout the year as and when the vacancies are created in the Chambers of Justices. Usually, two law clerks are assigned to each judge for one year, though some justices are known to sometimes engage either one or more than two law clerks at a time. Though most of the law clerks usually begin their one-year service period in July each year, soon after the completion of the LL. The work profile of the law clerks vary as per the judges who they work under. Generally it involves preparing summary opinions and briefs for the Special Leave Petitions listed for the Miscellaneous Days i. On the Non-Miscellaneous Days it involves attending Court proceedings and preparing notes for the arguments advanced by the counsels on matters listed. They also assist the judges in drafting of the judgments and orders by supplementing it with research and case analysis. Till 2011 each law clerk at the Supreme Court of India was being paid Rs. The institution of law clerks is still a recent development in the context of the Indian judiciary. However, their services are heavily relied on to go through the written submissions in order to prepare for the preliminary hearings that are held to decide whether a case should be admitted for a regular hearing on merits. In recent years, the contributions of law clerks to research for judicial opinions has become increasingly evident on account of increasing references to foreign precedents and academic writings. During 2011, ten judicial fellowships were awarded for a two-year period to law graduates who are also qualified to practise as barristers or solicitors. They were assigned by the President of the High Court to work directly with one or two judges whose major commitment is to judicial review, chancery, commercial, asylum and competition lists in the High Court. February Learn how and when to remove this template message In Mexico, duties conferred to law clerks in some common law countries are charged in a person called "Secretario de Acuerdos" or "Secretario Proyectista", for lower courts and, "Secretario de Estudio y Cuenta" for higher court: February Learn how and when to remove this template message Law clerks of the Supreme Court of the Netherlands are independent researchers. Applicants are recruited from the top law firms and universities. For most, it is a highly prestigious second job. Law clerks typically work at the Supreme Court for six years. It is a fixed term position of 2 years. In the High Court, clerks are assigned to two or three judges including Associate Judges. Applicants thereafter are shortlisted purely on merit and interviewed eventually by the scrutiny committee, consisting of senior judges and law clerks of the Court, before final appointment. In recent years, all law clerks appointed have been licensed advocates placed at the top of their class with excellent research credentials. Law clerks sit in court during hearings. In chambers, he or she assists the judge in making determinations of law, conducting research, critically proof-reading the court orders and preparing briefs etc. Law clerks serve as paid staff of the court for an extendable one-year term. The Supreme Court has 17 law clerks for the year February Learn how and when to remove this template message In the Supreme Court of the Philippines and the Philippine Court of Appeals, recent law graduates and young lawyers can apply for a position as a "Court Attorney" to a Justice. This position basically corresponds to what is called a "law clerk" at the Supreme Court of the United States. Each of the 15 Supreme Court justices has 5 to 10 court attorneys at any given time. Court attorneys at the Supreme Court of the Philippines are co-terminus with their justices. Some stay for one year or less, others stay for as long as their respective justice serves the Court. Previous court attorneys have become notable Justices themselves e. Mendoza, Justice Antonio Abad etc. Many of them have gone on to successful legal practice, in business, or in the academe. The position is an extremely difficult one to get accepted to because aside from the competence requirement, there is also the character requirement that differ from one Justice to another. Each justice has his or her own method for interviewing and appointing court attorneys. They are recruited in a competitive process with three phases: Only law graduates who are Polish citizens of good character and are above 24 years old can apply for a post in common courts. Similar requirements pertain to

the administrative courts, except there is no express provision on age. They are not to be confused with court clerks Polish: Judicial assistants also differ from "judicial clerks" [33] or "court referendaries" [34] Polish: Some scholars criticize the profession, because - in their view - judges themselves should write their own opinions, as it would positively affect the quality and length of these documents. The remuneration rules at the Supreme Court of Poland and the Constitutional Tribunal are provided by respective internal regulations. During their term, the law clerks are given the opportunity to work with both the judges of the High Court as well as the Judges of the Appeal and the Chief Justice. After their term, the law clerks have the option of joining the permanent establishment of the Singapore Legal Service. Higher grades giving higher scores and the one with the highest score applying to any given spot is accepted. One applies to the Swedish Court Agency Domstolsverket about six times a year, which calculates the scores and apportions the applicants. The Courts in the bigger cities naturally tends to be most popular, thereby needing the highest scores even if they also have most law clerk positions. The ratio is about one law clerk per judge, and the clerk switch judge after a time, usually three months. The rationale being that working for different judges broadens the scope of learning. Having completed the two years is considered qualifying and may open up career opportunities otherwise closed. The work as a law clerk mainly entails assisting the judges with writing verdicts and decisions, keeping the records during trials and conducting legal inquiries. After about six months the law clerk is trusted with deciding simpler non-disputed issues by himself such as registering prenuptials or granting adoptions. After about a year the law clerk is entrusted with judging simpler criminal and civil law cases by himself in General Courts , such as petty theft or a civil case involving low sums of money. United States[edit] Among the most prestigious clerkships are those with the United States Supreme Court , the United States courts of appeals , certain United States district courts , specialized courts such as the United States Tax Court and the Delaware Court of Chancery , and state supreme courts. The Southern District of New York deals with a heightened volume of high-profile commercial litigation, the Eastern District of Texas handles the most patent cases in the nation, the Northern District of California leads the country in antitrust suits, and the District of Columbia hears many high-profile disputes involving the federal government. Similarly, the United States Tax Court specializes in adjudicating disputes over federal income tax , and the Delaware Court of Chancery hears a substantial volume of corporate and shareholder derivative actions. Most law clerks are recent law school graduates who performed at or near the top of their class.

Chapter 5 : Legal Research and Writing, Margaret Greville JS Davidson - Shop Online for Books in New Zealand

/ Step-by-Step Legal Research Process / Consider the law of other jurisdictions / Researching New Zealand law; Researching New Zealand law. Best's Legal Bookmarks, New Zealand. Greville, An Introduction to New Zealand Law and Legal Information.

Authority[edit] Legal writing places heavy reliance on authority. In most legal writing, the writer must back up assertions and statements with citations to authority. This is accomplished by a unique and complicated citation system, unlike that used in any other genre of writing. The standard methods for American legal citation are defined by two competing rule books: A Uniform System of Citation. Different methods may be used within the United States and in other nations. Precedent means the way things have been done before. For example, a lawyer who must prepare a contract and who has prepared a similar contract before will often re-use, with limited changes, the old contract for the new occasion. Or a lawyer who has filed a successful motion to dismiss a lawsuit may use the same or a very similar form of motion again in another case, and so on. Many lawyers use and re-use written documents in this way and call these re-usable documents templates or, less commonly, forms. Legal writing extensively uses technical terminology that can be categorised in four ways: Specialized words and phrases unique to law, e. Ordinary words having different meanings in law, e. This formality can take the form of long sentences, complex constructions, archaic and hyper-formal vocabulary, and a focus on content to the exclusion of reader needs. Some of this formality in legal writing is necessary and desirable, given the importance of some legal documents and the seriousness of the circumstances in which some legal documents are used. Yet not all formality in legal writing is justified. To the extent that formality produces opacity and imprecision, it is undesirable. To the extent that formality hinders reader comprehension, it is less desirable. In particular, when legal content must be conveyed to nonlawyers, formality should give way to clear communication. What is crucial in setting the level of formality in any legal document is assessing the needs and expectations of the audience. For example, an appellate brief to the highest court in a jurisdiction calls for a formal styleâ€”this shows proper respect for the court and for the legal matter at issue. An interoffice legal memorandum to a supervisor can probably be less formalâ€”though not colloquialâ€”because it is an in-house decision-making tool, not a court document. And an email message to a friend and client, updating the status of a legal matter, is appropriately informal. Transaction documentsâ€”legal draftingâ€”fall on a similar continuum. A page merger agreement between two large corporations, in which both sides are represented by counsel, will be highly formalâ€”and should also be accurate, precise, and airtight features not always compatible with high formality. A commercial lease for a small company using a small office space will likely be much shorter and will require less complexity, but may still be somewhat formal. But a proxy statement allowing the members of a neighborhood association to designate their voting preferences for the next board meeting ought to be as plain as can be. If informality aids that goal, it is justified. Yet many practicing lawyers, busy as they are with deadlines and heavy workloads, often resort to a template-based, outdated, hyperformal writing style in both analytical and transactional documents. This is understandable, but it sometimes unfortunately perpetuates an unnecessarily formal legal writing style. Recently a variety of tools have been produced to allow writers to automate core parts of legal writing. For example, automated tools may be used by transactional lawyers to check certain formalities while writing, and tools exist to help litigators verify citations and quotations to legal authority for motions and briefs. Legal analysis is two-fold: In the United States , in most law schools students must learn legal writing; the courses focus on: Although not as widely taught in law schools, legal drafting courses exist; other types of legal writing concentrate upon writing appeals or on interdisciplinary aspects of persuasion. Predictive legal analysis[edit] The legal memorandum is the most common type of predictive legal analysis; it may include the client letter or legal opinion. The legal memorandum predicts the outcome of a legal question by analyzing the authorities governing the question and the relevant facts that gave rise to the legal question. It explains and applies the authorities in predicting an outcome, and ends with advice and recommendations. The legal memorandum also serves as record of the research done for a given legal

question. Motions and briefs are usually submitted to judges, but also to mediators, arbitrators, and others. Persuasive writing is the most rhetorically stylized. The author argues for one approach to resolving the legal matter and does not present a neutral analysis. Legal drafting[edit] Legal drafting creates binding legal text. It includes enacted law like statutes, rule and regulations; contracts private and public ; personal legal documents like wills and trusts; and public legal documents like notices and instructions. Legal drafting requires no legal authority citation and generally is written without a stylised voice. Plagiarism[edit] In writing an objective analysis or a persuasive document, including a memorandum or brief, lawyers write under the same plagiarism rules applicable to most other writers, [6] with additional ethical implications for presenting copied materials as original. Lawyers use forms documents when drafting documents such as contracts, wills, and judgments. The key difference between using phrases or paragraphs from other legal documents, and copying in other contexts or copying the entire document, arises from the fact that lawyers are effectively drawing upon a common pool of clauses that they adjust and modify for their own purposes. Please improve it by verifying the claims made and adding inline citations. Statements consisting only of original research should be removed. August Learn how and when to remove this template message Legalese is an English term first used in [12] for legal writing that is very difficult for laymen to read and understand, the implication being that this abstruseness is deliberate for excluding the legally untrained and to justify high fees. Legalese, as a term, has been adopted in other languages. Legalese arises most commonly in legal drafting, yet appears in both types of legal analysis. Some important points in the debate of "legalese" v. Perhaps most obviously, legalese suffers from being less comprehensible to the general public than plain English, which can be particularly important in both private e. Legalese may be particularly resistant to misinterpretation, be it incidental or deliberate, for two reasons: This precedent, as discussed above, will be a strong determinant of how documents written in legalese will be interpreted. The legalese language itself may be more precise when compared to plain English, having arisen from a need for such precision, among other things. Joseph Kimble, a modern plain-English expert and advocate, rejects the claim that legalese is less ambiguous in *The Great Myth that Plain Language is not Precise*. Legal writing faces a trade off in attempting to cover all possible contingencies while remaining reasonably brief. Legalese is characterized by a shift in priority towards the former of these concerns. For example, legalese commonly uses doublets and triplets of words e. Plain-English advocates suggest that no document can possibly cover every contingency, and that lawyers should not attempt to encompass every contingency they can foresee. Rather, lawyers should only draft for the known, possible, reasonably expected contingencies.

Chapter 6 : Legal Research Foundation (LRF) - The University of Auckland

The legislation has been published in first pamphlet parts, and then annual volumes since Details of the publication history of New Zealand legislation may be found in Legal Research and Writing in New Zealand, 2d ed, by Greville, Davidson & Scragg, Wellington

There are two official maybe three sources of New Zealand legislation: This is now the preferred Official site for all New Zealand legislation and amendments. There are also two unofficial current versions of New Zealand legislation. Both LexisNexis NZ and Westlaw NZ maintain their own statute databases, which they use as backbones to support all their respective interconnected online legal materials. CCH NZ maintains selected groups of statutes to support the various separate online subject collections they publish, but not a complete set. Although these three online compilations of New Zealand legislation are not official, they are meticulously maintained, and offer the advantage of connectivity with related legal materials. The Consolidated Statutes Enactment Act was passed to re-enact the consolidated remnants of all previous NZ legislation still in force. This is the ancestral root back to which we frequently need to track many of our most fundamental enactments. New Zealand has always relied on various forms of delegated legislation to spell out more narrowly or temporarily specific rules than can comfortably be accommodated by Acts passed by the Parliament: An example would be a regulation to set fees for a cost-recoverable service provided by a public organisation. While Parliament is not involved in making these legal instruments, specific procedures have been put in place in Standing Orders to ensure they are subject to the scrutiny of Parliament. If necessary, they can be disallowed as a result. A select committee, the Regulations Review Committee, carries out the detailed scrutiny and considers complaints about regulations on grounds set out in the Standing Orders. And for more than you ever wanted to know about the mysteries of New Zealand sub-statutory regulation, a book has recently emerged to explore the matter: On the official NZ Legislation website, this statement appears. They were always published in their own series, just as the statutes were and still are. Examples include most land transport rules, civil aviation rules, and a wide variety of other rules, codes, and other instruments. Limited information about each Other Instrument is held on the New Zealand Legislation website, which is why only searching and browsing by title and year are available. The simplest statement that can be made on this subject is that: Where to Find New Zealand Law There has been enormous progress in the migration of New Zealand legal information to the online environment, much of it free and also official. By this is meant citators, which harvest authoritative case law, attach links from cases to others of like subject matter, and also offer graduated appraisals to each subsequent case in order to indicate whether each subsequent case to cite the original case does so with approval, disapproval, or something in between. Some citators also link cases to secondary legal materials, such as articles that consider and comment on cases. Comparable tools called annotations perform a similar function in relation to judicial interpretations and observations of sections of legislation. Whereas in the past, citators and systems of annotation tended to exist separately from the primary materials, they are now being bundled together with the primary materials that they explicate on a single proprietary platform. Despite the enthusiastic uptake of New Zealand legal information online, hard copy still survives. Major texts are still printed, although there is now a strong trend for these to be published simultaneously online as e-books.

Chapter 7 : An Introduction to New Zealand Law & Sources of Legal Information - GlobalLex

, Legal research and writing in New Zealand / by Margaret Greville, Scott Davidson, Richard Scragg ; contributors, Linda Te Aho, Jacquelin MacKinnon LexisNexis Wellington, N.Z Wikipedia Citation Please see Wikipedia's template documentation for further citation fields that may be required.

Chapter 8 : Legal Research Foundation - Writing Awards

The Legal Research Foundation awards annual prizes for legal writing. The Foundation is pleased to invite the

submission of entries for consideration for the awards. The awards will be announced at the Foundation's Annual General Meeting in

Chapter 9 : New Zealand - Human Rights Law Research Guide - LibGuides at University of Melbourne

In Borrowdale A (Ed.), Butterworths Commercial Law in New Zealand (4th ed.) Wellington: Butterworths. (Chapters) Scragg R. () Leasing of Chattels, Title 29 in New Zealand Forms and Precedents.