

This set of activities is designed to help you think about the process of Practical Legal Research. You will probably benefit from attempting them in groups of two or three and discussing them as you go.

The activities are designed to be completed sequentially with the answer we have given to each being considered before moving to the next activity. Have a pen and paper to hand to make notes of your work on each activity.

The activities are based upon the following case:

Attendance note

Attending Robert Higgins in relation to an injury he suffered last week. The client's details are as follows:

26 The Avenue

North Shields

NE29 8OP

Date of birth: 2 February 1943

No telephone or mobile number

On 19 February this year the client was at home with an acquaintance of his, Thomas Bennett. He has known Thomas for approximately two years. Thomas had come round in the morning for a drink. Robert estimates that by about 2pm they had drunk approximately 4 litres of cider each. The two of them were in the kitchen preparing some toast when Thomas began to argue with him – at this stage the client was unwilling to discuss what the argument was about. The argument continued, Thomas became more agitated and began to threaten Robert, and then hit out at him with a barbecue fork. This fork, which Robert used for cooking, was approximately 18” long. The fork was driven into the client's left forearm so that the prongs on the fork were buried beneath his skin.

Robert remembers leaving the house and sitting down on the pavement outside. One of his neighbours, Saiqa Ahmed, came outside when she noticed the fork in Robert's arm and offered to call an ambulance. The ambulance duly arrived and took Robert to North Tyneside General Hospital. At the hospital he was seen by a female doctor (the client cannot remember her name) who removed the fork and dressed the wound. The doctor also advised him to contact the Police. He reported the matter to the Police the next day (20 February).

Robert has since then been twice to his GP (details below) to have the wound dressed. The wound itself is still painful and he does not have full movement in his fingers. His GP has

told him that the damage may be permanent. He will be seeing his GP again next week (i.e. week commencing 3 March)

Robert has not seen Thomas Bennett since 21 February. As far as he is aware, Thomas is of no fixed abode. For the past few months he had been staying with a friend on The Avenue, but he now seems to have moved on. In the past he has often slept rough and he may be doing so now.

Robert's flat is a council property. He is unemployed and receives Incapacity Benefit and Income Support. He has the following previous convictions although he does not want anyone else to know about these:

1999	Theft (shoplifting)	Conditional Discharge
2000	Theft (shoplifting)	Fine
2001	Theft (shoplifting)	Fine
2002	Theft (shoplifting)	Probation 6 months

He also said that he had a more serious offence that did not appear on his list of previous convictions. In 1979 he was convicted of s.20 Offences Against the Person Act (GBH). He was sentenced to 2 years in prison.

Robert wants to know whether he can claim damages for his injury. His daughter Helen lives in Australia and at present he is unable to afford the air fare – if he is awarded damages this may enable him to visit Helen.

[B] Activity 1: Identify Robert's goals and analyse the facts. Time required: approximately 10 minutes

First try to identify the client's goals (perhaps not particularly difficult in this case) and second analyse the facts – attempt to develop a short succinct summary of the key facts in this case.

Having completed this task, turn to page [xxx] where you will find the suggested answer.

Read the suggested answer before attempting the next activity.

[B] Activity 2: identify the legal problems and attempt to turn the unfocused problem into a series of focused questions. Time required: approximately 20 minutes

Now you have identified the client's goals and the key facts, attempt to break this down into substantive and procedural questions. Remember that it is important to consider how Robert may achieve his goal as well as whether he has any substantive legal rights.

In a case such as this it will be helpful to consider who the parties may be who might compensate Robert and whether it will be a criminal case, a civil case or possibly involve some non-judicial remedy. Try to think broadly about the problem and make a note of all the questions you might have. After this, try to categorise and order these.

Because this is Practical Legal Research and we know that Robert's goal is financial compensation, it will also be worthwhile considering which routes are most likely practically to achieve his goals and therefore where to focus our efforts.

Having completed this task, turn to page [xxx] where you will find the suggested answer. Read the suggested answer before attempting the next activity.

[B] Activity 3: Identify Keywords. Time required: approximately 5 minutes

Look back at your list of Robert's goals and the summary of the facts. Consider the legal questions you are asking. Try then to think of keywords concerning all of these issues. Make a list of all of the keywords you identify.

Having completed this task, turn to page [xxx] where you will find the suggested answer. Read the suggested answer before attempting the next activity.

[B] Activity 4: Starting the search – identifying potential secondary sources. Time required: approximately 1 hour

Visit your law library. Having thought now about what the areas of law are and the keywords, you should be able to make a search for potential secondary sources. Try checking the shelves and seeing what sources you can identify. Begin to check your keywords in their indexes and see if they are relevant. Make a brief note of all the relevant texts you have identified. Remember to try the consolidated index of *Halsbury's Laws*.

Now, try a search on your library catalogue using the keywords to see what further sources are identified.

Having completed this task, turn to page [xxx] where you will find the suggested answer. Read the suggested answer before attempting the next activity.

Having completed these activities, you can go to the website which will take you through further activities to research into this problem and provide a report.

[B] Activity 1: Suggested answer

The client's goals:

- To obtain compensation for his injury
- To avoid having to disclose his previous convictions to others
- A criminal prosecution of Thomas?

The client's goals would appear to be fairly straightforward in this case. We would need to ask him further if he wanted a prosecution of Thomas because the attendance note doesn't make this clear. To simplify matters for this exercise we will assume that the client's response is that he will cooperate with a prosecution case but he is not concerned to see that Thomas is convicted and doesn't want you to work on this further for him.

The key facts, a summary, in square brackets you will find commentary as to why these are important:

On 19th February this year [dates such as these are usually important for limitation purposes] Robert and Thomas, who Robert had known for 2 years, were in his home having drunk about four litres of cider each [alcoholic intake may well be important in terms of credibility and also as to how the fight may have started]. An argument began between the two of them but Robert is unwilling to go into detail about why [this is clearly something which must be explored further with the client as it is not entirely clear what the argument was about or who started it]. Thomas threatened Robert and drove a barbecue fork into his left forearm. Robert was taken to hospital and has been told by his GP that the damage to his forearm

(resulting in restricted movement of his fingers) may be permanent [the details of Robert's injuries may affect the level of any compensation]. Robert reported the incident to the police the next day [this is important, not least because the police may have taken action and will also have a record of it]. He does not have an address for Thomas who appears to be homeless [this could affect Thomas' ability to pay compensation, if we can find him]. Robert has a number of previous convictions for violence and theft [this could affect Robert's credibility and he does not want to disclose these].

[B] Activity 2: suggested answer

- Can Robert claim damages from Thomas in respect of his injuries?
- Would Robert's claim for damages against Thomas arise in a criminal prosecution?
- What action would Robert need to take to ensure compensation in such a case?
- If Robert's claim for damages against Thomas is a civil claim, what area of the substantive law is involved? Is this a Tort issue?
- How, procedurally, would Robert make a civil claim?
- Are there any other means by which Robert can be compensated? Does the government operate any form of compensation for crimes committed against individuals? [you might ask this question because you are aware that sometimes victims of violence obtain state compensation. If you were not aware of this your question would be broader: is there any other form of compensation available?] Your research focus should probably be on this area given that Thomas is homeless and apparently has no means to pay Robert.
- Are any of the claims for compensation adversely affected by Robert's consumption of alcohol and the way in which the fight began?

- Are any of the claims for compensation adversely affected by Robert's previous convictions?
- Will it be necessary to disclose Robert's previous convictions in any of these cases?

[B] Activity 3: Suggested Answer

A first or second year undergraduate law student might come up with the following keywords

- Crime – in association with other keywords below
- Assault/Actual Bodily Harm/ Grievous Bodily Harm
- Crime/criminal compensation/alcohol/conduct of victim/previous convictions of victim
- Criminal injury
- Conviction – compensation to victims
- Victim – compensation/ government scheme
- Tort - assault/battery/damages for assault/battery/conduct of victim/alcohol/previous convictions of victim
- Trespass to the Person – damages

[B] Activity 4: suggested answer

Your answer to this will depend upon your law library. Suggested texts could have included:

Tort textbooks (several available)

Archbolds and *Blackstones* criminal practitioner texts

Halsburys Laws

Padley, C. and Begley, L. *Criminal Injuries Compensation Claims*, (2005), London, The Law Society