TORTS
LAW
RESEARCH

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POINTING PRACTICE

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Please point to indicate

YES  NO
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Please follow these instructions if you are unable to hear the presenter:

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Work or home computer

VU Computer
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What you already have or know

- Textbooks
- Subject Reading Guide
- Lecture notes
- Tutorial notes
BASIC RULES

eggshell AND disability

Eggshell w/50 disability

(Loss OR injury) AND negligence

“failure to warn”
- Question and Answer – paine AND torts
- Case summaries – holmes AND torts
- Flowcharts – shircore AND torts
Have you ever used a legal dictionary?

YES

NO
SEARCH OPERATORS

AND negligence AND causation
OR medicine OR drug
NOT negligence NOT contributory
w/n injury w/20 compensation
"exact phrase" "medical negligence"
CCH commentary is a primary source of law.

TRUE

FALSE
CCH ROADMAPS

Commentary summary
Key Cases
Key Legislation

Causation roadmap

1. Once a duty of care and breach of that duty are established against a defendant, liability will follow if the breach of duty caused or materially contributed to the plaintiff’s injury. "Causation in fact" is an inaccurate description of this inquiry.

2. Whether the breach of duty caused or materially contributed to the plaintiff’s injury is ultimately a value judgment involving ordinary notions of language and common sense.

3. The "but for" test is often applied in considering causation, although this test is inappropriate in a number of situations.

4. The defendant will not be liable for an injury if the causal link has been severed by a novus actus interveniens. Different considerations may apply depending on whether the causal link in question is that between the defendant’s breach of duty and the original injury in respect of which the duty of care arose, or that between the original injury and consequential loss.


Which search would you use to locate a roadmap on duty of care?

- Roadmap duty of care
- Roadmap OR “duty of care”
- “Roadmap duty of care”
- Roadmap AND “duty of care”
Halsbury’s Laws of Australia – LexisNexisAU

Laws of Australia - WestlawAU
Wrongs Act 1958 (Vic)

TimeBase LawOne
- Legislation from all Australian jurisdictions
When looking for the full-text of an Australian case I usually begin by using:

- FirstPoint
- Austlii
- Google
- Jade
- CaseBase

Haven’t had to find a case yet
FINDING AUSTRALIAN CASES

CaseBase – LexisNexisAU (State – Authorised Reports)

- Scanlon v American Cigarette [1987] VR 289

FirstPoint – WestlawAU (Federal – Authorised Reports)

- March v E & MH Stramare Pty Ltd (1991) 171 CLR 506

Use both if doing an assignment
Which citator links directly to the authorized reports of the High Court of Australia?

- CaseBase
- Lexis Advance
- FirstPoint
- TimeBase
FINDING UK (England & Wales) CASES

- ICLR (Authorised Reports)
- WestlawUK (Unauthorised Reports and Digest)

- *Donoghue v Stevenson* [1932] AC 562
Which database should you search first if you are looking for the full-text of a UK case?

WestlawUK
ICLR
CaseBase
Lexis
## Bachelor of Laws: AGLC

A comprehensive guide to legal research created by the VU Law Library

### Book

- **Book**
  - Print friendly version of this section.

The details required in order are: **author** - full first name (where possible) and **surname** (an author may also be editor/s, compiler/s or the institution responsible); **title of publication and subtitle if any** (as it appears on the title page - titles must be italicised with sentence style capitalisation as below); **publisher** (brief version of name); **edition** (if other than the first); **publication year** (in round brackets) and **pinpoint page number** (if applicable). A publisher’s name should not be included for government documents.

### AUTHOR(S)


### TITLE (ITALICS)

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