

The importance of updated citations in your argument

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As complicated and time-consuming as legal research can be, there is no more effective way to strengthen an argument in court than with sound case and precedent referencing. Traditional legal research, conducted manually, presents many pitfalls and risks, according to Sumantha Reddy, Content Manager: Legal loose-leaf and Law Reports, from LexisNexis South Africa.

“While there is no way to avoid legal research, conducting research manually can take legal professionals hours to sift through conventional law reports or guides. Due to its complicated nature, there is the risk that the researcher could miss a vital piece of information or misinterpret a judgment and significantly hurt their case as a result.”

However, one of the biggest challenges associated with manual research is the risk of unintentionally referencing outdated information.

“Laws and precedents change rapidly because cases can be appealed against or overruled but the result of an appealed case may not immediately be updated in conventional law reports, indices and online law report products,” she said.

“In addition, other courts may have treated the judgements differently and having this information to hand in advance assists in avoiding jeopardising your case with a weakened argument. Therefore to build a winning case, it is vital to have all of the pertinent and latest information affecting cases referenced with you in court.”

Meeting the necessity of having updated information, Legal Citator from LexisNexis South Africa has the ability to efficiently and timeously represent the complete judgment history and treatment of a particular case. The solution is a research tool which is designed to facilitate quicker assessment of the precedential strength of a case than is possible with conventional law reports, indices or even other online law report products. All cases cited by a South African Court and published in the main law report series are processed by the Legal Citator system; this includes those cases cited which were published prior to 1947 as well as any judgment of a foreign court used as an authority. The Legal Citator is updated as soon as the published volumes of law reports become available.

Explaining the simplicity of using the solution, Reddy said Legal Citator has a judgment history panel which contains updated information on whether a case has been appealed, and what the result was. It also shows subsequent appeals and where your case fits in the appeal hierarchy.

“In addition, a judgment treatment panel offers a summary of how a particular case has been utilised by other courts, outside of appeals. It provides a list of which courts have dealt with the case, which portion of the case was dealt with and where in the case it was cited. Legal Citator’s signal indicators will even show the status of the case,” she added.

The solution also allows you determine how much value to place on cases referenced in arguments by looking via the “view underpinnings” feature which easily shows how determinative a precedent is so you don’t have to spend hours evaluating cases yourself.

As a comprehensive research assistant, Legal Citator enhances productivity by reducing research that might otherwise take hours, to mere minutes. It offers numerous user-friendly tools including visual indicators, single reports and summary snapshots to help produce high-quality work product in less time. Easy searches can be done by case details (ranging from a delivering judge’s name to the date of the judgment), legislation, regulations, rules or subjects, complete with a predictive type-ahead feature. The solution has the ability to efficiently locate cases that deal with a specific section in an Act, rule or regulation. It also enables users to easily find similar cases for reference through a quick search.

With its Dual View feature, researchers are able to view the published law report alongside the analysis report.

The Legal Citator is available as part of the LexisLibrary Select Packages. It forms part of LexisNexis' online Law Reports Suite and can be customised to suit client budgets and needs. With the LexisLibrary Select Packages it is available as a free value add on Bronze, Silver, Gold, Platinum and Diamond Select Packages. Furthermore, existing LexisLibrary Select Package subscribers can also upgrade to include Legal Citator with their subscription.

For more information, visit <https://store.lexisnexis.co.za/categories/law/law-reports-132/legal-citator-skuZASKU9780409062618/details>.

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