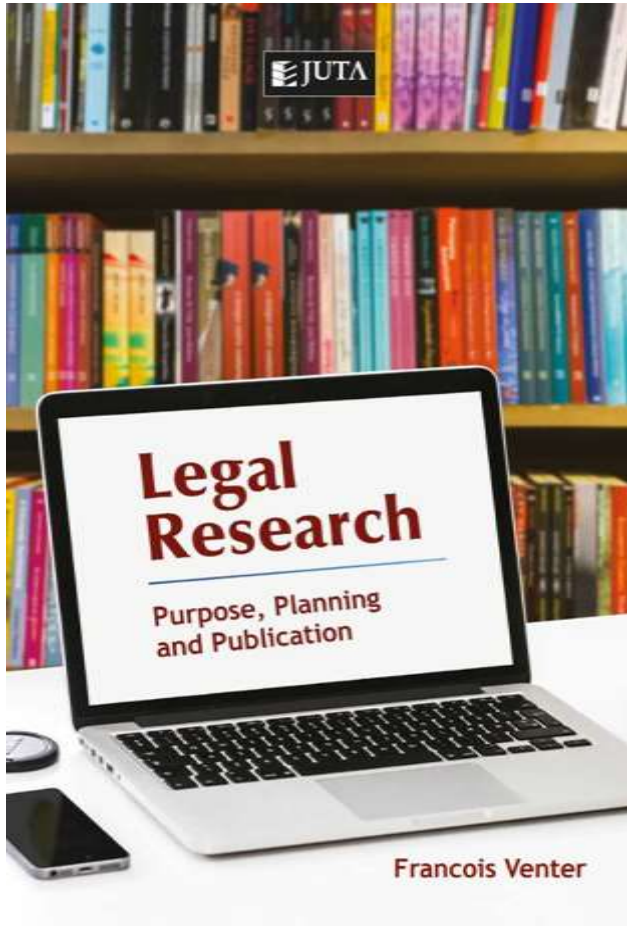


Book Review



LEGAL RESEARCH Purpose Planning and Publication

by Francois Venter
(135 pages)

Juta & Co (Pty) Ltd
www.jutalaw.co.za

***"Where is the wisdom we have lost in knowledge?
Where is the knowledge we have lost in information?"***

– T S Eliot (1888-1965)

One of the fundamental responsibilities of legal practitioners is to be a trusted advisor to their clients. This goes to the root of their obligations to serve the interests of their clients. To give sound and reliable advice requires not only judgment, common sense and a grasp and evaluation of the relevant facts, and an appreciation of the implications, consequences and cost of that advice

being followed, but also an understanding of all aspects of the legal position applicable to that advice.

Researching the law and doing it properly and effectively is an essential component of giving legal advice. But in a world of instant electronic information, fake news, short attention spans and snappy sound bites, even the giving of professional advice can succumb to quick-fix, packaged, commodified "opinions", superficial at best, wrong and risky at worst.

Laywers may claim that their clients simply want "answers" and have neither the time nor the money for academic research. That approach however cannot and should not ethically be dressed up as one based on research. Experience, logic, gut-feel, yes – research, no.

This fresh and thought-provoking work on the purpose, planning and publication of legal research, will greatly ease the task of the diligent legal practitioner in advising clients. Law students and legal commentators will also relish the guidance into research planning, methods, resources to be tapped, comparative research, funding of research, the setting of time deadlines, and editing of the final product.

The eminent author, Francois Venter is an Extraordinary Professor of the Potchefstroom Campus of North West University Faculty of Law, where he was Dean of Law from 2001 to 2012. He founded the Potchestroom Electronic Law Journal in 1998, and served as President of the South African Law Deans' Association in 2009 / 2010. He is a constitutional law expert who participated in the South African constitution drafting process from 1990 to 1995. His many years of experience in research, teaching, external examining and peer review of research projects bring a wealth of insight to the practical guidance which this book provides.

The various chapters deal with key elements such as plagiarism, field work, scholarship, ethics of research, citation of sources, and legal theory. But this is no abstract or philosophical dissertation. The author's aim is to introduce readers *"...to the joys of legal research, to ease their way into this inescapable task, and perhaps even open up some new perspectives for those in the legal community who wish to sharpen their research skills."*

The chapter on sources, libraries and resources is bursting with practical information on primary and secondary sources of law. These include non-legal materials and electronic resources.

Publisher Juta has done well to give birth to a subject that is obviously dear to the author's heart. His enjoyment in the integrity and fulfillment of research to a noble end – the pursuit of truth and justice – is apparent throughout the text, and his often wry but spot-on comments all help to engage the reader. One example:

"Laws are not made by lawyers but by politicians assembled in legislative bodies. Only some of those politicians were lawyers before they sought and found favour with a political party, and then began working to convince voters that their parties should be given the power to make laws. The quality of legislation is therefore dependent on the one hand on the quality of the political policies that the laws are intended to give effect to, and on the other hand by the technical expertise of the (presumably non-political) technocratic drafters working in the public and parliamentary service under the instruction of the executive authorities concerned."

That concisely explains why there is a vast body of law dealing with the interpretation of statutes.

This book may never be cited as a source in a research project, but it is an invaluable road-map to deliver a research project.

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.