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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

A STUDY ON THE BENEFITS OF LEGAL RESEARCH FOR MOOTERS

AUTHORED BY - M. HARIHARA PRIYA¹

ABSTRACT:

Legal research is generally the process of finding an answer to a legal question or checking for legal precedent that can be cited in a brief or at trial. Sometimes, legal research can help determine whether a legal issue is a "case of first impression" that is unregulated or lacks legal precedent. Virtually every lawsuit, appeal, criminal case, and legal process in general requires some amount of legal research. Legal research is an very important tool for individual lawyers and law firms irrespective of their practice areas. It involves basic search for land mark case governing the issues in question. Legal research, though sounds simple is a not an easy job. The skill to conduct legal research is indispensable for lawyers, regardless of area or type of practice. The most basic step in legal research is to find the leading case governing the issues in question. As most researchers know, this is far more difficult than it sounds. Some of the common problems that the researchers face while doing research is also concentrated in this research by the researcher. Researcher's ignorance about the current or the changed law is no excuse for improper discharge of its duty as a researcher. This research paper attempts to study the benefits of legal research for mooters and lawyers and awareness on the benefits of legal research among people with the help of primary data collected by random sampling method with 1617 samples. The study concludes that legal research is very beneficial for mooters and law students are aware of it.

Key words: Legal research, moot court, lawyers, benefits, researcher.

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INTRODUCTION

Legal research is an very important tool for individual lawyers and law firms irrespective of their practice areas. It involves basic search for land mark case governing the issues in question. Legal research, though sounds simple is a not an easy job (Heyns et al.). The skill to conduct legal research is indispensable for lawyers, regardless of area or type of practice. The most basic step in legal research is to find the leading case governing the issues in question. As most researchers know, this is far more difficult than it sounds (Harvard Law School. Board of Student Advisers 1985).

The importance of legal research cannot be overstated. It's the foundation of any case and, many times, it's the difference between winning and losing. Having a robust legal research methodology not only helps organize a research process, but it also provides a systematic way to investigate and ultimately answer the significant questions of a case (Sorabjee & Datar 2012). Knowing when to use primary sources, how to find secondary sources, and the methodological practices to make the data strengthen a case are critical tools for every mooter. Legal research is the process of identifying, organizing, and applying information that will help support legal arguments. All legal research begins with an analysis of a particular problem (usually as part of a legal case), the current legal opinions and rulings on that issue, and ends with the process of seeing how that information overlaps with the particular matter (Anon).

Some of the common problems that the researchers face while doing research are - There is a very strong possibility that during the research process, the issues at stake are wrongly interpreted (Martin & Rodriguez-Pinzon). Wrong interpretation can result in research not relevant to the current issue. Hence, identification of the right issue is very crucial for an effective research. A good research involves searching for underlying principles of finding, understanding, and applying the law (Hogan).

The second issue which the researchers continuously face is changes made in the law of a particular state or country. Split and conflicting decisions also make it difficult for the legal researchers to reach an appropriate conclusion. The most significant stage for legal research begins with the beginning of a case as it is important to carefully explore the facts of a case and the legal doctrines and examples that may apply which will shape the strategy of presenting the case (Gaubatz & Mattis 1994). Good legal research is an entangle of analysis, understanding,

and application. A lawyer's understanding and analysis of a case starts by identifying the relevant facts and determining the legal issues that need to be researched. This analysis continues the question of what needs to be searched is determined. As relevant legal matter is found, application and understanding of the same is required. The research makes available a crucial investigative base that prompts the decisions for the rest of the case. Research is a serious and continuing constituent of representing a client (Harhoff).

Finding the right law is crucial to any legal researcher. However one should not forget that the right conclusion depends upon the researcher's ability to analyze the matter found during the research process. Research needs to be taken seriously and one needs to be committed to continuously develop their researching skills (Schjathvet & Hafez 2003). Taking research seriously also means working on your research skills and knowledge. One should be up to date with frequently changing laws and should be available to devote long hours as at times, looking for the correct issue can be time consuming. Patience and a yearning to learn are the qualities that all researchers must possess as research skills enables one to learn about new areas of the law and keep up to date throughout their career (Martin & Rodriguez-Pinzon). **The Aim of the study** is to analyse the benefits of legal research.

OBJECTIVES

The researcher has four objectives on the whole. The first objective is to study the process of legal research and to analyse the benefits of legal research. The next objective is to understand the importance of legal research for mooters and to understand the difficulties faced by mooters in doing legal research.

REVIEW OF LITERATURE

Legal research isn't merely about scouring dusty law books and online legal databases for relevant facts. These facts need to be connected to the case, and the argument must be built to highlight how and why this information matters (Snape & Watt 2010). Finally, the data must be structured and written in a way that highlights the sources and emphasizes how they strengthen the case. Legal research essentially involves finding and optimizing two types of information: legal and non-legal sources (Kee 2007). These sources are sometimes called "primary and secondary sources," and they are grouped as such based on the authority of the information. Legal, or primary, sources typically center around case law, official

communications from legislative bodies, and any rulings from administrative agencies. These are considered primary because they come directly from the source, and as a result contain a high level of authority. The advantages of primary data are obvious: they tend to be unique and highly reliable. However, it can take time to research and find primary data properly (Lebovits et al.).

Legal research can yield just about any type of data, depending on the specifics of the case. This data, for the most part, can be broken down into two types: qualitative and quantitative data. With qualitative research, attorneys attempt to gain an understanding of the reasons and opinions represented by the sources. Specifically, this can make use of things such as focus groups, individual interviews, and general observations made by witnesses and experts of a particular field (Herbruck 1926). As a result, this data is generally subjective and is often used to form theories. Quantitative research is used to quantify the problem by generating numerical data, which can be used as statistics to help understand the case and the argument better (Carey & Mitchell 2014). This can include surveys, panels, and any other method that takes information from different sources in an attempt to understand it better. This data, which is objective by nature, allows researchers to test theories based on hard numbers (Aggarwal Prof Nomita & 2008).

Collecting information from primary and secondary sources can take many forms. The specifics of each case will determine how to proceed. In most cases, legal research will involve either physical copies of case law books or the use of an electronic legal database, which makes research and case construction efficient and allows attorneys to argue on behalf of their clients with confidence (Spillane & International Bar Association 2008). Online services also give mooters access to a vast assortment of information and expertise that might not otherwise be available, especially for small law firms or solo practitioners. From case notes to access to attorney-editors who specialize in unique components of the law, electronic research platforms can give attorneys a head start against their competition (Weizer 2004). With secondary sources, attorneys are still relegated to interpersonal methods of gathering information (Painter-Thorne & Sneddon 2017). This can include questionnaires, interviews, observation tactics, telephone or physical mailing communications, and surveys or case studies. These methods can bring both quantitative and qualitative data to research efforts, allowing a case to be built stronger and with more data (Dimitri et al. 2015).

HYPOTHESIS

Ha: Legal research is beneficial for mooters.

H0: Legal research is not beneficial for mooters.

RESEARCH QUESTION

Whether mooters find it really hard to do legal research?

MATERIALS AND METHODS

This research is an empirical research. This study also makes use of analytical method to analyse the effective implementation of the legislation. The researcher has used both primary and secondary sources of data. Random Sampling method is used to Collect data and the researcher has collected some 1617 samples. The Independent variable is year of study and Dependent variable is Public opinion on the importance of legal research for drafting memorial. Statistical tools like Crosstab, Chi-square test and Symmetric measures.

DATA ANALYSIS

Table 1

Public opinion on the importance of legal research for drafting memorial

Ha: Year of study and Public opinion on the importance of legal research for drafting memorial are related.

H0: Year of study and Public opinion on the importance of legal research for drafting memorial are not related

Crosstab

Count

Legal research is very important for mooters in drafting
memorial

1	3	4	5	Dis Agree	Total

Year of study	1	1	33	8	86	1	129
	2	6	32	175	41	19	273
	3	0	30	142	118	14	304
	4	6	119	219	162	59	565
	5	25	65	116	72	68	346
Total		38	279	660	479	161	1617

Legal research is very essential or not is what the question asked to respondents and the data collected through random sampling method is analysed in the above table. The students of 1st to 5th year of integrated law course were the major respondents. There are totally 279 respondents who has strongly agreed that legal research is very essential for mooters and 38 of them has agreed to it. Majority of them stand neutral to the statement. They say that legal research is an essential but it is quite hard to do.

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	306.458 ^a	16	.000
Likelihood Ratio	311.709	16	.000
N of Valid Cases	1617		

a. 1 cells (4.0%) have expected count less than 5. The minimum expected count is 3.03.

This table analyse the data collected through chi square test. The Asymptotic Significance value

is less than 5 and thus the Independent variable and Dependent Variable that is year of study and Public opinion on the importance of legal research for drafting memorial is related. Therefore Alternate hypothesis is proved.

Symmetric Measures^a

Value	
N of Valid Cases	1617

- a. Correlation statistics are available for numeric data only.

Table 2

Public awareness on the benefits of legal research.

Ha: Year of study and Public awareness on the benefits of legal research is related.

H0: Year of study and Public awareness on the benefits of legal research is not related.

Crosstab

Count

		Are you aware of the benefits of legal research		Total
		yes	no	
Year of study	1	103	26	129
	2	97	176	273
	3	179	125	304

4	373	192	565
5	151	195	346
Total	903	714	1617

awareness on the benefits of legal research is the question asked to respondents and the data collected through random sampling method is analysed in the above table. The students of 1st to 5th year of integrated law course were the major respondents. There are totally 903 respondents who has said yes, legal research is very much beneficial for preparing moot memorial and they are aware of the fact as well and 714 of them has answered no. Through this research it is clear that legal research and its beneficiary for mooters are more.

Chi-Square Tests

	Value	df	Asymptotic Significance (2- sided)
Pearson Chi-Square	121.563 ^a	4	.000
Likelihood Ratio	124.498	4	.000
Linear-by-Linear Association	1.878	1	.171
N of Valid Cases	1617		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 56.96.

This table analyse the data collected through chi square test. The Asymptotic Significance value is less than 5 and thus the Independent variable and Dependent Variable that is year of study and Public awareness on the benefits of legal research is related. Therefore Alternate hypothesis is proved.

Symmetric Measures

		Value	Asymptotic Standard Error ^a	Approximate T ^b	Approximate Significance
Interval by Interval	Pearson's R	.034	.025	1.371	.171 ^c
Ordinal by Ordinal	Spearman Correlation	.032	.025	1.304	.192 ^c
N of Valid Cases		1617			

- a. Not assuming the null hypothesis.
- b. Using the asymptotic standard error assuming the null hypothesis.
- c. Based on normal approximation.

CONCLUSION

Though there are many tools available for conducting an effective research, legal research has become more difficult as the need for accurate and current data has emerged thus asking the researchers to acquire new skills so as to keep pace with the changes. Legal research is a critical skill all practicing lawyers must acquire, however attorneys who are hard pressed for time and cannot devote time to research can now outsource research projects to legal support services provider based in India. The benefit of outsourcing such projects shall save on cost and shall be delivered with the same output as these offshore vendors support a team of well qualified lawyers who are experts in doing research projects. The key to effective legal research is to develop a good research tactic and following a effective approach. Researcher's ignorance about the current or the changed law is no excuse for improper discharge of its duty as a researcher. Also one should note that researchers should provide a list of resources that were consulted during the research process so as to prove the authenticity of the material provided. A person undertaking a legal research project should be knowledgeable of the fundamental principles and issues of law related to the topic of the research undertaken. Thorough knowledge will help in determining the law on significant issues and facts. Thus, Alternate hypothesis is proved that i.e., Legal research is beneficial for mooters.

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