

**LEGAL RESEARCH,
WRITING AND
REASONING
FLASH CARDS**



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Why use flash cards?

Flash cards are widely regarded as one of the most effective ways to study and retain information. This is because:

- Flash cards engage 'active recall' through repetition. Using flash cards promotes remembering a concept from scratch as opposed to trying to memorise a passage from a textbook.
- Flash cards provide immediate feedback and self-reflection. This will provide you with the ability to quickly check your answer with the correct answer to determine whether you were correct, or whether you need to spend more time understanding the subject matter.
- Flash cards provide for confidence-based study. As flash cards do not follow a strict order, you are free to mix them up and add your own notations. If you are very confident with certain areas, they can be separated to concentrate on areas or questions that may need further work.

Method

The following series of flash cards present 50 questions and answers in a table format, with five cards per page. The questions are provided in the left column with the corresponding answers in the right column. Print the document and then cut each card following the bold border. Once cut, each card should be folded vertically along the central dotted line and glued or taped to form a single double-sided flash card.



To order the complete version of the Lawskool Legal Research, Writing and Reasoning Flash Cards please visit www.lawskool.com.au

Q1: What is the SCARP approach to analysing facts in law?

Answer: Under this method, a given set of facts or a specific incident is broken down into its separate components.

‘Under the SCARP approach, facts can be analysed under four headings:

- S: Subject matter - Identify what area of law applies.
- CA: Cause of Action (or defence) - Identify the facts that give rise to an enforceable claim, or in the case of a defence, the facts that give rise to a basis of non-liability.
- R: Remedy/Relief sought - Identify what remedies a court may grant should the action succeed.

P: Persons involved - More often than not, this will be quite straightforward. However, it helps to consider whether the persons involved have ‘special characteristics which are legally relevant.’ as trustee and beneficiary’?

Q2: What is a citator?

Answer: This is essentially an index of cases. It provides the most efficient and effective way to locate relevant cases and verify the status of these cases. Citators also show how your principal case has been subsequently treated by later decisions and more importantly, if the case has been overruled.

Q3: What is a digest?

Answer: Digests are summaries of cases, often organised by topic or classification. Reading the digest of a case is a useful way of determining if the case is relevant to your research.

Q4: What is a legal encyclopaedia?

Answer: Legal encyclopaedias provide a commentary on the current state of the law, arranged systematically, with case and statute law authorities. There are two Australian legal encyclopaedias namely the Laws of Australia and Halsbury’s Laws of Australia.
