

BUSINESS LAW REPORTS

2007

INTRODUCTION

*by His Honour Judge N M Chambers QC,
Chairman of the Incorporated Council of Law Reporting for England and Wales*

For some years the Council has considered whether it should introduce a new specialist series. In a market where such reports abound, there is no point in using the skills of the Council to no good purpose. Now, for the reasons so admirably expressed by the Editor in his Manifesto, we are confident that there is a real need for a new series of reports on business cases of the sort that he describes.

Fundamental to the reports produced by the Council is the stamp of excellence. It is that which has always justified our existence. A distinguished history goes with the need to meet a demanding present. We are confident that in quality, coverage and means of delivery users will have an invaluable addition to their resources.

Nick Chambers

MANIFESTO

Some years ago I attended a conference at Cambridge on the future of law reporting. One of the issues raised was whether, in an age of almost instant internet access to all judgments of any possible significance, there could in fact be any future at all for published law reports. The conclusion reached was that, yes, of course there is.

Published law reports continue to be essential to all those working in or studying the law because, in a nutshell, they *add value*. A good report contains so much more than just the equivalent judgment in its “raw law” state. The headnote provides a convenient summary of the relevant facts and issues and sets out the propositions of law which the case establishes or explains. The judgment itself has been scrupulously checked and all quotations and references looked up and matched against the original text to ensure their accuracy. The cases referred to have been conveniently listed and alternative references included. In the better reports, such as those published by the Incorporated Council of Law Reporting, whose reporters have actually attended the hearing and not merely collected or downloaded the judgment, the cases cited or referred to in the oral and written submissions are also conveniently listed. The usefulness of this information is readily apparent, for it enables readers, and particularly judges in later cases, to know what authorities other than those mentioned in the judgment may have acted upon the judge’s mind when arriving at a decision which may have set an important precedent. The suggestion that a case has been decided “*per incuriam*” may not arise very often, but it cannot be determined at all without some knowledge of whether a particular authority was or was not brought to the court’s attention.

In view of these and all the other ways in which a published law report adds value to the information provided, the case for the continued existence, and indeed expansion, of published law reports is clearly made out. Indeed, the rapid availability of “raw law”, while undoubtedly useful in the short term, does not always help practitioners and researchers and can even be something of a hindrance. (To misquote Walter Bagehot, the Internet is like a million newspapers: “Everything is there and everything is disconnected.”) Search engines, however brilliant their second-guesswork, still throw up heaps of informational slag before the mined-for articles can be picked out of the virtual rubble. The value of what might be termed “intelligent selection” is obvious. For practitioners in a particular field, the more intelligent the selection of cases for a specialist series, the more useful—indispensable—that series will be. And that is our aim with the Business Law Reports.

The specialism is more flexible than some, perhaps, but therein, we feel, lies its strength. It will include, broadly speaking, those cases concerned with company, commercial and intellectual property law which affect businesses, business professionals and those who advise them. They will also be the cases which form the subject matter of what, at anything above a basic level, one would expect to study as part of a business, management or accountancy course.

Two notable areas will not be included. Employment law is already covered by our sister series, the Industrial Cases Reports, also published by the Incorporated Council. And revenue law, though a subject of critical importance to business, is a large enough subject to justify a series of its own. The same could, of course, be said of company law or intellectual property law, for which separate series do

already exist; but we feel there is a difference between covering the important cases in a subject and covering it so comprehensively as almost to exclude any element of selection at all.

What we aim to provide, therefore, is something that will appeal to the busy practitioner most of whose clients are business people, whose varied needs require access to more than one legal specialism but who does not want to be bothered with a lot of cases involving general common law issues, or crime, or private client cases. They might still need to refer to a general series such as the Weekly Law Reports for points of practice of the kind that can affect any litigant, and they would certainly want the Law Reports for their more highly refined coverage of the most important cases, with the additional benefit of a summary of the argument. But what they might not want is to feel they also had to subscribe to a whole library of narrowly specialist series in order to deal with the variety of matters on which their business clients might seek advice.

To the extent that the Business Law Reports will be a specialist series, it will be broadly specialist, in the sense of catering to a particular kind of client, rather than narrowly specialist in the sense of dealing only with a particular kind of law. Some indication of the range of its proposed coverage may be gleaned from the selection of cases, decided within the last six months, which have been included in this first issue.

In future issues we propose also to include a small selection of summary reports of cases which, though of interest, do not merit reporting at full length. In this way we propose to ensure that our subscribers are as fully informed as they need to be about all the cases that really matter to them within the broad compass of what we mean by “business law”.

We would also like to encourage our subscribers to let us know what they think and inform us of the kind of cases which they would like to see reported, either by writing to us or by contacting us via our website (www.lawreports.co.uk). Comments posted on our website will help to foster the idea of a community of subscribers and readers. We are, after all, doing this for your benefit and we want to provide as nearly as possible the product which suits your needs. On that note I commend this first issue of the Business Law Reports.

Paul Magrath, Editor.