LEGAL RESEARCH REFRESHER
SPRING 2010
LEGAL RESEARCH PROCESS

1. Preliminary Analysis
What is the issue?
What is the jurisdiction?
What are the key terms and phrases?
What do you know about this area of law?
Outline the issues and make a research plan.
Talk with a law librarian!

2. Secondary Materials
Look at secondary materials for a basic overview of the law; these materials include law review articles, encyclopedias, treatises, ALR annotations. Then review your outline to see if there are new issues and lines of analysis you need to research.

3. Statutes & Regulations
Is there a statute or regulation that addresses your issue?
Find statutes/regulations by two independent methods.
Update all the legislation you’re relying on.

4. Cases
Find cases by two independent methods.
Verify that all the cases you’re relying on are still good law.

5. Re-examination
The process of doing research is intertwined with the process of legal analysis: be sure you have found the right law, not merely cases and/or statutes with the right words in them.
Did you miss a step in the legal research process?
Do the statutes and cases you found satisfactorily answer your research question?

Suggested Reading:
Chap. 18 in Cohen, Berring & Olson, How to Find the Law (9th ed.) (Reserve)
Cohen & Olson, Legal Research in a Nutshell (9th ed.) (Reserve)
Kunz, et al., The Process of Legal Research (6th ed) (Reserve)
Mersky & Dunn, Fundamentals of Legal Research (8th ed.) (Reserve)
Sloan, Basic Legal Research: Tools and Strategies (3d ed.) (Reserve)
TOP TEN RESEARCH TIPS FOR SUMMER ASSOCIATES & CLERKS

10. Keep good notes. Wondering exactly what search terms you used, which headnotes you tried, or having an incomplete citation are all time wasters.

9. Use your time wisely. Many projects have short deadlines, so leave yourself enough time to write after you’ve done the research.

8. Ask about in-house materials such as form and memo banks and Intranet resources; they can be really helpful since they are focused on your firm’s practice, and will illustrate your employer’s procedures as well as provide substantive knowledge on particular areas of law.

7. Investigate practice materials (such as form books, looseleaf services, CD-ROMs and agency websites) and sources for non-legal information (such as business directories).

6. Be sure you understand your employer’s policies for Lexis and Westlaw use. Ask about special contracts and rates and training visits from representatives when free time online is available.

5. Update and verify. Never forget to check supplements and pocket parts, and to use KeyCite or Shepard’s to make sure that your cases and statutes are still good law.

4. Use what you know. Research can and should be approached from many different angles, so take advantage of leads you already have to cases, statutes, topics, other people.

3. Begin with secondary sources. Acquaint yourself with issues, jargon, settled law and leading cases by using books, articles and encyclopedias.

2. Get a clear understanding of the assignment. Make sure you know what you are researching, how much time you should spend on the project, cost restrictions, what form the answer should take, and what your deadline is. As you work, ask for clarification as necessary.

1. Get to know the firm or court librarians. They will be your best guide to research strategies, materials and policies. ASK A LOT OF QUESTIONS!