PUTTING IT ALL TOGETHER
Taking a Research Assignment from
Start to Finish

“There must be some law
on this. Write me a memo.”

Don’t panic!

You know more than
you think you do
UNDERSTAND YOUR ASSIGNMENT

- Facts
- Resources
- Time Frame
- Finished Product

MAKE FRIENDS WITH YOUR FIRM/COURT LIBRARIAN

- Make sure to attend the library orientation.
- Find out about in-house databases and newsletters or other practitioner-oriented materials on your topic.
- ASK QUESTIONS!!

ANALYZE THE FACTS FRAME THE ISSUE

- Analyze the facts (who, what, when, where, why)
- Preliminary Analysis
  - Inter-relationship between the legal theory and the facts
  - Relief the client is seeking
  - Procedure
- Make an Outline
MAKE A RESEARCH PLAN

- How much time?
- Which resources?
- Terms of art?
- Search queries?

START WITH SECONDARY SOURCES

- law review articles
- encyclopedias
- treatises
- nutshells
- hornbooks
- ALR annotations

FIND PRIMARY MATERIALS

- Use two independent methods to find statutes, regulations and cases.
- ALWAYS update statutes, regulations and cases to make sure they are still good law!
Which source is best?

Secondary sources give you a coherent picture of the law, but may not be comprehensive.

Keyword searches, digest, annotated codes are more exhaustive, but don't evaluate the material.

Westlaw & Lexis headnote are more efficient for finding cases by issue than by fact pattern.

Keyword searches online are good for finding cases by fact pattern, but it is less efficient for finding cases on procedural issues, and they are not always accurate or complete.

I'm so glad I learned to search effectively

Before you go online, get some background knowledge of your topic and determine what your search will be.

Search in the smallest database possible.

If you're having trouble formulating a search:

• ask a librarian
• call Wexis

Free & Low-Cost Legal Research

II. Low-Cost Legal Research Services

• Co-op: Must include a fairly large current and historical federal cases law collection, some federal and state cases, some secondary sources, some also include subscription to Westlaw and legal research help.

• Westlaw & Lexis in-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.

• In-house: In-house subscribers generally pay for legal research help, but may not be included.

• Off-campus: off-campus subscribers generally pay for legal research help, but may not be included.
Three #@$! hours on Westlaw and nothing to show for it—now what do I do?

- Ask if there are other sources you should look at.
- Make sure you understand the question.
- “10-minute rule”

Am I done yet?

- Deadline/budget
- Review your assignment and research plan
- Look in the really important places
- Secondary sources
- Use 2 methods to find statutes & check an annotated code
- Use 2 case finding methods
- Update primary materials
- Analyze the most recent documents
- “Closure”

DISCUSSION QUESTIONS

You’re scheduled to meet with your boss, Shari Partner, to talk about a new case she wants you to work on. Ms. Partner has told you that the case involves the circumstances under which a successor corporation can be held liable for products of its predecessor in a products liability case. You’re clueless, but you want to make a good impression when you talk with her. Where would you look to get some background about this issue?
1. Under what circumstances can a successor corporation be held liable for products of its predecessor in a products liability case?

When you’re not an expert, start with secondary sources to get an overview of the topic and cite to case/statutes:

- Encyclopedias (Am Jur [Lexis & Westlaw], CJS [Westlaw])
- ALR annotations [Westlaw]
- Books/articles
  - Nutshells
DISCUSSION QUESTIONS

You've been asked to write a memo on the question of whether corporal punishment in public schools violates students' constitutional rights. You remember reading a Supreme Court case in law school called Ingraham v. Wright that's right on point. How would you find the Ingraham case and other cases on the same subject?

2. HOW DO YOU FIND THE CITE FOR INGRAHAM v. WRIGHT?

- Use the features of Lexis & Westlaw
  - Westlaw: FIND or "hold" search
  - Lexis: GET A DOCUMENT or "highlight" search
  - Free/reponsive websites
  - "Table of Cases" in print digest
DISCUSSION QUESTIONS

You've been asked to write a memo on the question of whether corporal punishment in public schools violates students' constitutional rights. You remember reading a Supreme Court case in law school called Ingraham v. Wright that's right on point. How would you other cases on the same subject?
2. HOW DO YOU FIND MORE CASES THAT DEAL WITH THE SAME ISSUE AS INGRAHAM v. WRIGHT?

Use the features of Lexis & Westlaw!!!

- Westlaw: Topic/key number search using headnotes from your case
- Lexis: "More Like This" Headnotes ("AL" or "More Like This Headnote")
- Use terminology from a case to do key word searching
- Look at cases cited in the case
- Shepardize of KeyCite the case
DISCUSSION QUESTIONS

Your boss has given you a brief he’s written and asks you to find a few cases that say that there has to be consideration for a contract to be valid. Where would you look for a citation?

3. Where would you look for citations to cases that say there has to be consideration to make a binding contract?

To find cases that define terms:
- "Words & Phrases" (Westlaw)
- Restatement of Contracts (Lexis & Westlaw)
- Law Dictionary (Black's) (Westlaw)
- Major treatises (e.g., Corbin on Contracts) (Lexis & Westlaw; both contain selected treatises)
DISCUSSION QUESTIONS

You’re a research assistant, and you receive the following e-mail from your professor:

“I’m updating my consumer protection law casebook. I need to know which states allow individuals to sue for damages for deceptive trade practices, in which this is a criminal offense, and where the state attorney general can bring a lawsuit. Please provide the cites and relevant texts.”

How would you begin?
4. Where do you look to find the statutes on deceptive trade practices in all 50 states?

If your first reaction to a research assignment is: "OMG, I don't know where to begin!"

Your first step should be to talk to a librarian.

LEXIS OR WESTLAW
Westlaw: SURVEYS Database
- Lexis - States Legal - U.S. Compiled States > Food States & Legislation > Lexis 50 State Surveys, Legislation & Regulations (MS Survey)
- Martindale-Hubbell Digest of State Laws [Lexis: MARHUB;MHDIG]
- Other Secondary Source:
  - Subject Compilations of State Laws
  - Law Review Articles
  - Encyclopedias, ALR, and treatises
check to see if there's an extra charge under your plan
Since you started law school, your friends and family have been asking you for legal advice. This time it’s your grandparents, who have recently retired and moved to Asheville. They just bought a new Prius that’s turned out to be a real lemon. Where would you look to see if North Carolina law protects consumers whose new cars don’t live up to their warranties? (You’ve checked with your boss, and been told that you may use any of the firm’s resources to research this issue).
5. How do you determine if North Carolina law protects new car buyers?

Start with a secondary source! (e.g., a state legal encyclopedia)
Annotated codes include research aids and summaries of cases decided under the statutes:
- Lexis
- Westlaw
- print
ALWAYS UPDATE STATUTES!

- Search the public law and bill databases by key word or using the cite as a search query.
- Use Shepard’s or KeyCite.
- Check pocket parts (or pamphlets) & advance sheets for print code.

General Assembly

NC General Statutes

The content of this section and the entire General Assembly website are updated through the 2008 revisions.

Events
- NC Statutes and Session Laws affected by ratified bills.

List by:
- SB 142 - 145

Search:
- enter search criteria
- SEARCH

AVL 911

Dye 1991

This notice is valid only for the department and public relations staffs of the North Carolina State University System. For personnel in other state agencies or institutions, please contact the Sponsor's Office. (CCH, p. 305, s. 1.)