Research Refresher: What to Know Before You Go

I. Getting Started

- **Make sure that you understand your assignment!** Take notes and ask questions (see reverse side of this sheet for a checklist of potential questions to ask).
- **Create a research plan before you begin to search.** Consider your legal issue(s) and jurisdiction when deciding what primary and secondary resources to consult.
- **Consult secondary sources early in the process!** Encyclopedias and treatises can give you an overview of the issues and some footnotes to relevant case law and statutes. Consult online research guides like Duke's (http://law.duke.edu/lib/research_guide) or ***Zimmerman's Research Guide*** (http://law.lexisnexis.com/infopro/zimmermans/).
- **Brainstorm potential search words** (including synonyms), as well as likely connectors, before you begin searching online.

II. Using Free and Low-Cost Options

- **Public Library of Law** (http://www.plol.org) is a free source for federal and state case law and statutes, as well as constitutions and court rules.
- **Google Scholar** (http://scholar.google.com) includes case law from federal and state courts.
- Portals like Cornell's **Legal Information Institute** (http://www.law.cornell.edu), **Justia** (http://www.justia.com) and **FindLaw** (http://www.findlaw.com) allow searches of case law and codes**.**
- **Government websites** like **Congress.gov**, **Regulations.gov**, **FDsys.gov** and **eCFR.gov** provide free public access to primary law materials.
- **Your state bar association** may provide access to a low-cost legal research database, such as Casemaker (http://www.casemaker.us/) or Fastcase (https://www.fastcase.com/). See a map of member services at http://www.targetmap.com/viewer.aspx?reportId=29133#.

III. Researching Transactional & Practitioner-Oriented Materials

- **Lexis Practice Advisor** (in Lexis Advance) provides guides, forms and news in business and commercial practice areas.
- **Bloomberg BNA** (http://law.duke.edu/lib/lresources/bna) includes resource centers on various topics, which include newsletters, analysis, and guidance for practicing attorneys.
- **Practical Law** (via WestlawNext) includes drafting guidance and sample documents for transactional law topics.
- Other **form books & checklists** are listed at: http://law.duke.edu/lib/researchguides/formbks.

IV. If You Get Stuck

- **Don't be afraid to ask for help!** Your assigning attorney, law firm librarians, and even Duke Law's librarians can assist with your research. (But be sure to keep client matters confidential when speaking to people outside the firm!)
- **Keep good track of what you've already tried** to avoid duplication of effort.

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Duke Law School, March 31, 2014

Possible Questions to Ask when Receiving an Assignment from an Attorney[1]

Most attorneys will volunteer all the information you need to get started on an assignment, but you should feel free to ask questions if you need any additional information. The following is a checklist of the kinds of information you might need and possible questions to ask of the assigning attorney. Keep in mind that not all of the questions will be appropriate for every assignment or every practice area.

For every assignment, make note of:

- ☐ date assignment is given and date assignment is due;
- ☐ attorney giving assignment and other attorneys on the case or deal team;
- ☐ client-matter name and number;
- ☐ form of product expected (*e.g.*, objective memo, brief, oral report, letter, email) and how the attorney intends to use your work product;
- ☐ relevant facts or issues (*e.g.*, names of parties, chronology of relevant events, remedies sought, procedural posture/status of the case or transaction);
- ☐ approximately how much time the attorney expects you to spend on the assignment;
- ☐ whether use of Lexis/Westlaw is permitted and if so, whether there are any limitations; and
- ☐ whether online sources other than Lexis/Westlaw are available to you (*e.g.,* Bloomberg Law, Intelliconnect, RIA Checkpoint).

Depending on the nature of the assignment, you might also want to ask and make note of:

- ☐ Is there anyone else working on this project with whom I should speak?
- ☐ Is there anyone here with whom I should not speak about this matter? (*e.g.*, due to ethical considerations, client conflicts)
- ☐ Has anyone here handled a similar matter that you can remember or done any work on this project before?
- ☐ Is this a matter of local, state, federal, or international law?
- ☐ Is the relevant law likely to be statutory, cases, or administrative?
- ☐ Can you suggest any specific citations as starting places for me (*e.g.*, leading case names, statutes, secondary sources)?
- ☐ What is the assigning attorney's legal theory or hypothesis?

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