

Duke Law 2L Research Refresher: Summer 2015

I. Getting Started

- **Ensure that you understand your assignment!** Take good notes and ask questions early in the process (see separate handout for a list of potential questions to ask).
- **Determine what resources are available to you.** Lexis and Bloomberg Law do allow unlimited summer access to student passwords; Westlaw restricts your Law School password to educational/non-profit uses only. Your organization may have different access/rules about use.
- **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.
- **Brainstorm a list of possible search words** (including synonyms, by using a thesaurus/dictionary). This will help you form online searches or use print indexes.
- **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. Online *research guides* can also point you in the right direction:
 - **Goodson Law Library:** http://law.duke.edu/lib/research_guide
 - **CALI:** <https://cse.google.com/cse/publicurl?cx=003819203596757785349:3zqblxxsu5i>
 - **Zimmerman's Research Guide:** <http://law.lexisnexis.com/infopro/zimmermans/>
 - Harvard Law Library list of **state encyclopedias** & their online availability: <http://libguides.law.harvard.edu/content.php?pid=103327&sid=1036366>
- If using print materials, try your brainstormed search terms in the **index**, consult the **pocket parts** for any later updates, and be sure to **review nearby sections** for related information.

II. Online searching

- Understand the difference between the **basic keyword** searching and **advanced Terms & Connectors** searching in your research database.
 - **Basic keyword** (Google-style) searching will retrieve more results, ranked by relevance. Lower down the results list, some of your search words might be missing. You may have to wade through irrelevant results. Good for “shot in the dark” searches, or when you’re not sure what terms to use.
 - **Terms & Connectors** (advanced) searching will retrieve fewer results, but all of them will match your search parameters *exactly*. A powerful option to control your results, but you might exclude relevant documents by omitting a potential synonym or by phrasing your search incorrectly. (Review the help screens to ensure that you are formatting searches properly!)
- Try a **combination of basic and advanced searching** to ensure that you are seeing the same results using each method. If not, rethink your keywords or search phrasing.

III. Putting It All Together

- Use **footnotes from helpful secondary sources, or references in annotated codes**, as a starting point for relevant case law. **Headnotes** of cases within the legal research services can help you

find additional relevant cases on the topic. Also search the full text of **case law databases** to locate additional cases which don't have headnotes or to focus on analogous factual issues.

- **Legislative history** and **historical versions of statutory codes** can be accessed on the research services. Consult **research guides** for older materials or unfamiliar jurisdictions.
- **Regulations** (a.k.a. "rules") from executive branch agencies are first published in *administrative registers* (like *Federal Register*) and then *administrative codes* (like the *Code of Federal Regulations*). Agencies also publish other types of documents, whose availability will vary.
- **Update your case law and statutes** using **citator services** (*Shepard's/Lexis*, *KeyCite/Westlaw*, *BCite/Bloomberg*). Remember the symbols are there only as guides – you must **draw your own conclusion about the precedential value** of a document.
 - Consider the jurisdiction of any criticizing cases: does it control your court?
 - Look carefully at distinguishing cases from your jurisdiction: is the new case's legal issue more analogous to yours?
 - Use the headnotes (where available) to help filter your citator results.

IV. Keeping Current

- **Search alerts** on Westlaw, Lexis and Bloomberg are a helpful time-saver to keep track of pending appeals or to periodically search for newer materials on a topic.
- **Topical services and newsletters** are a great resource to learn about the latest developments in your practice area.
 - **Bloomberg BNA** (<http://law.duke.edu/lib/lresources/bna>) includes resource centers on various topics, which include newsletters, analysis, and guidance for practicing attorneys. Also available within Bloomberg Law.
 - **Law360** (<http://www.law360.com>) is available within the Law School IP range and via Lexis Advance.
- **Legal blogs** may also be a helpful resource to follow (<http://law.duke.edu/lib/blogs/>).
- Keep up with the latest changes to research databases with **online tutorials and Help menus**.

V. If You Get Stuck

- **Keep good track of what you've already tried** to avoid duplication of effort.
- **Remember that there may not be any relevant legal authority on your topic!** If you have tried a variety of searches, consulted numerous sources, and still found nothing, it is possible that you're looking for something which does not exist.
- **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 this summer. (But be sure to keep client matters confidential when speaking to people outside your organization!)
 - **Research services like Westlaw, Lexis and Bloomberg** offer customer support via toll-free phone numbers and live chat. They may be able to suggest new search strategies.
 - Contact Duke Law Library over the summer on **weekdays from 8:00 am to 5:00 pm**: http://law.duke.edu/lib/ask_librarian/.