

DEVELOPING A RESEARCH STRATEGY

Use this form as a checklist for your research. Take notes, keep track of where you have been & where you need to go. Read all of the steps first. You may not want or need to do them in order. Expand a section, add new sections, move sections around, as you work through your problem. If you have questions or would like help, ask a librarian.

1. WHAT ARE YOU TRYING TO FIND? WHAT IS THE LEGAL ISSUE? WHAT ARE THE GENERAL RULES OF LAW YOU NEED TO FIND? WHAT ARE THE BASIC CONCEPTS THAT DEFINE THE ISSUE?
(SEE step 5 below)

[You should be able to write out your legal issue in one or two sentences. It does not need to be perfect; you can come back and edit it as you get more information. Writing it down will help you think through search terms, indexing terms, concepts, etc.]

2. WHAT INFORMATION DO YOU HAVE ABOUT THE PROBLEM?

- WHAT IS THE JURISDICTION? STATE (WHICH STATE?) FEDERAL (WHICH CIRCUIT?)

- DO YOU HAVE ANY CITATION LEADS?

< STATUTES? REGULATIONS?

< CASE(S)?

- DIGEST TOPIC & KEY NUMBER INFORMATION?

3. WHERE SHOULD YOU START? HOW MUCH DO YOU KNOW ABOUT THE TOPIC? IF YOU ARE NOT FAMILIAR WITH THE AREA OF LAW, CONSIDER STARTING WITH A SECONDARY SOURCE.

◆ STARTING WITH AN ENCYCLOPEDIA OR TREATISE CAN HELP TO GROUND YOU AND PROVIDE A GOOD INTRODUCTION TO THE ISSUES / STATUTES / CASES / REGULATIONS AND HOW THEY INTERRELATE. THEY ARE WRITTEN TO EXPLAIN THE LAW AND HELP YOU GAIN A BETTER UNDERSTANDING OF THE RULES AND ISSUES.

- A legal encyclopedia: *New York Jurisprudence* or *American Jurisprudence* will give you a good overview and help you identify the controlling statute, regulation or leading case to work from to find more cases. This is always a great place to start a research project.
- Treatises are more in-depth than encyclopedias. They will help you broaden your understanding of issues. Don't forget the library's *Treatises by Topic* page.

4. FIND & REVIEW THE SECONDARY SOURCES.

◆ The Library catalog (<http://lawlib.nyls.edu/>) will give you a list of treatises, encyclopedias, and other sources. If a source is online, the catalog will give you a link to the database. The catalog will also give you the Call Number so that you can find the source in the stacks. (*Ask a librarian for help.*)

► If you have the name of the source (e.g., *New York Jurisprudence*), **SEARCH BY TITLE**

New York Jurisprudence	American Jurisprudence
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► If you do not know the name of a book or source, but you want particular words to be in the title, **SEARCH BY KEYWORD**

For Example: Keyword:

New York Negligence	Americans Disabilities
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◆ For help in finding a **LEADING TREATISE ON THE TOPIC:**

▶ Click on the [Treatises by Topic](#) link on our web page (under Research Tools) or Ask a Librarian to guide you to the “leading” (most helpful) treatise on various subjects.

For Example: Employment & Labor Law

Treatise:

◆ Once you find a source, review the relevant sections – use the Table of Contents, Index or online links to your search terms.

• N.Y. JUR / AM JUR. and many treatises have a Table of Statutes & Regulations and a Case Name Table as part of the index. These tables will tell you where the statute, regulation or cases are discussed in the text. In online treatises, case names, a statute’s popular name and citations can be used to search within the document text.

◆ *TAKE NOTES:* Key “terms of art,” cases or statutes mentioned, Digest Topic or Key Numbers listed, references to A.L.R. articles.

5. PREPARE TO CONTINUE YOUR RESEARCH:

◆ **IDENTIFY THE INDIVIDUAL CONCEPTS WITHIN THE ISSUE THAT MUST BE DISCUSSED IN A DOCUMENT FOR IT TO BE RELEVANT TO YOUR RESEARCH.** These will be the SEARCH TERMS that are key to finding statutes, cases, & articles on Lexis, Westlaw, Bloomberg Law, and FastCase.

- ▶ Think about synonyms and alternative expressions.
 - ▶ Keep a list of new terms of you discover.
- [Remember: You first want to first look for the “general rules.” Searches that are too fact-pattern-specific will almost always exclude relevant material. You can always “Search Within” the broader results.]

Relevant Concepts:

Synonyms & Alternative Expressions:

6. DEVELOP A SEARCH STATEMENT

[Empty box for developing a search statement]

7. UPDATE YOUR SOURCES & FIND MORE CASES: KEYCITE / SHEPARDIZE / BCITE:

- ◆ Make sure your Statutes & Regulations are current.
- ◆ Once you find a “good” case:
 - ▶ make sure it is still good law;
 - ▶ determine how subsequent cases have “treated” the court’s reasoning or holding: Followed? Explained? Distinguished? Questioned?
 - ▶ find MORE cases. Citators are great case-finding tools.
 - Note the CITATIONS that look interesting / worth investigating?
 - REMEMBER you can “Search Within” the cases citing a case for particular words, headnotes, topics, depth of treatment.
 - Don’t overlook good cases that might help you - even if it is on the opposite side.

8. REVIEW / READ / RESEARCH / UPDATE

- ◆ REVIEW YOUR NOTES ON THE CASES, STATUTES & REGULATIONS YOU HAVE READ.
- ◆ REREAD & EDIT YOUR LEGAL ISSUE.
- ◆ HAVE YOU ANSWERED ALL THE NECESSARY QUESTIONS?
- ◆ HAVE YOU UPDATED ALL PRIMARY SOURCES?

NOTES: