

MENDIK LIBRARY
DEVELOPING A RESEARCH STRATEGY

This is a checklist for your research. Read all of the steps first. You don't need to do them in order. Expand a step or add a step as you work through your problem. Take notes, keep track of where you've been & where you need to go. If you have questions or would like help, ask a librarian.

1. WHAT ARE YOU TRYING TO FIND? WHAT IS THE LEGAL ISSUE?

[You should be able to write out your legal issue in one or two sentences. It doesn't need to be perfect; you can edit it as you get more information. Writing it down will help you think through the problem so that your research is analytically precise and on point]

2. WHAT INFORMATION DO YOU HAVE ABOUT THE PROBLEM?

- WHAT IS THE GENERAL AREA OF LAW? [Thinking about the general subject area will help you review the various databases and treatises that might be most helpful].

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

- DO YOU HAVE ANY CITATION LEADS?

< STATUTES? REGULATIONS?

< CASE(S)?

3. DEVELOP A RESEARCH STATEMENT:

- IDENTIFY THE CONCEPTS OR KEY WORDS THAT **MUST** BE DISCUSSED IN A DOCUMENT FOR IT TO BE RELEVANT TO YOUR RESEARCH.

< These will be the key search terms for finding statutes, cases, & articles on Lexis, Westlaw, Bloomberg Law and Fastcase.

< Think about synonyms and alternative expressions.

< Keep a list of new terms you discover.

[Remember: You first want to look for the "general rules." Searches that are too fact-pattern-specific will almost always exclude relevant material. You can use "Search Within" the broader results as a next step.]

Relevant Concepts:

Synonyms & Alternative Expressions:

- **WRITE OUT A SEARCH STATEMENT:**

< Include the important Keywords and Synonyms.

< Tell the system how close together the terms should appear for a document to be relevant to your research. Same paragraph (/p)? Same sentence (/s)?

Within 25 words (/25)? 50 words (/50)?

4. DECIDE WHERE TO START? HOW MUCH DO YOU KNOW ABOUT THE AREA OF LAW? DO YOU HAVE A CASE OR STATUTE CITATION?

4A. IF YOU HAVE A CITATION: FIND THE STATUTE OR CASE YOU LISTED IN STEP 2.

[Remember: Get all citation information you will need now – Title of the section; Title of the code; section number; date of currency of the section]

< Examine the document and the research tools provided: Notes of Decisions; Citing References.

Note citations to explore further.

4B. IF YOU DON'T HAVE A CITATION: REVIEW A SECONDARY SOURCE. IT CAN HELP TO GROUND YOU AND PROVIDE AN INTRODUCTION TO THE ISSUES / STATUTES / REGULATIONS / CASES AND HOW THEY INTERRELATE. SECONDARY SOURCES EXPLAIN THE LAW AND HELP YOU GAIN A BETTER UNDERSTANDING IT.

- Legal Encyclopedias such as *New York Jurisprudence* or *American Jurisprudence* will provide a good overview and help you identify the controlling statute, regulation or leading case to work from to find more sources and cases. These are great places to start a research project, particularly on an unfamiliar topic. Another encyclopedia is American Law Reports (A.L.R.).

- Treatises are more in-depth than encyclopedias and will help broaden your understanding of issues. They will provide a more nuanced and detailed exploration of specific topics as well providing many more leads.

5. FIND & REVIEW THE SECONDARY SOURCES.

□ The Library catalog (<http://www.lawlib.nyls.edu>) will give you a list of treatises, encyclopedias, and other sources. If a source is online, the catalog will link directly to it. The catalog will also give you the Call Number so that you can find the print 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*. For example:

New York Jurisprudence

American Law Reports (A.L.R.)

<To find a **LEADING TREATISE ON THE TOPIC** when you don't know the title of the treatise:

Click on the '[Treatises by Topic](#)' link under Research Tools or ask a librarian to guide you to the "leading" treatise on various subjects.

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

6. CHECK FOR AN A.L.R. ANNOTATION. OPEN THE AMERICAN LAW REPORTS DATABASE ON WESTLAW OR LEXIS AND RUN A SEARCH BASED ON YOUR KEY WORDS AND CONCEPTS FROM STEP 3 OR SEARCH BY CASE CITE.

< Review your results to identify one or two relevant ALR annotations.

< *TAKE NOTES:* Note any key "terms of art," cases or statutes mentioned, or references to secondary sources.

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

WHEN YOU FIND A "GOOD" CASE:

< Make sure it is still good law: **You cannot cite or rely on a case unless you have confirmed that it has not been overturned or otherwise overruled.**

< Determine how subsequent cases have "treated" the court's reasoning or holding: Followed? Explained? Distinguished? Questioned?

< Find MORE cases, particularly more current ones. Citators are great case-finding tools.

- Note the CITATIONS that look interesting / worth investigating? Even if they support the opposite side.

- *REMEMBER* you can "Search Within" the citing cases to look for particular words, headnotes, topics, depth of treatment.

8. REVIEW / READ / RE-SEARCH / TAKE NOTES