

DEVELOPING A RESEARCH STRATEGY FOR LEGAL PRACTICE ... AND... BEYOND

Thinking about your approach and developing a sound research strategy before you start a project will help you accomplish your goals and get to relevant results more quickly, efficiently and cost-effectively. This is a checklist that will help you prepare to 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 find and review the most helpful databases and materials.]

• **WHAT IS THE JURISDICTION? WHAT LAW WILL APPLY?** [STATE (WHICH STATE?) FEDERAL (WHICH CIRCUIT?).]

• **DO YOU HAVE ANY CITATION LEADS? DO YOU HAVE THE COMPLETE CITATION?** [A secondary source or another case that cites to this document might include a helpful discussion and explanation and can help you find additional relevant documents.]

• 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 words will be the key search terms for finding statutes, cases, & articles on Lexis, Westlaw, Bloomberg Law and Fastcase that will contain the general rules of law. [*Remember:* You first want to look for the "general rules." Searches that are too fact-pattern-specific will almost always exclude relevant material. The "Search Within" feature can be used later to look for more specific things within the broader results.]

▪ **Do you have a subject matter "Term of Art?"**
[For Example: "Due Process"]

▪ **"Key" terms can include a case name or citation, etc. from Step 2 above.**

▪ **Think about synonyms and alternative expressions.** [For Example: *car or automobile or vehicle*]

▪ **Keep a list of new terms you discover in your searches.**

Relevant
Concepts:

Synonyms &
Alternative
Expressions:

What are the "most" important terms or concepts?


• **WRITE OUT YOUR SEARCH STATEMENT**

4. DECIDE WHERE TO START? HOW MUCH DO YOU KNOW ABOUT THE AREA OF LAW? WHAT ARE YOU LOOKING TO FIND: (1) HELPFUL EXPLANATORY MATERIALS? (2) MORE CASES THAT CITE A PARTICULAR CASE OR STATUTE?

THERE ARE MANY WAYS TO FIND ANSWERS TO YOUR LEGAL ISSUES. YOU WILL MAKE DIFFERENT CHOICES BASED ON YOUR KNOWLEDGE OF AN AREA OR YOUR PARTICULAR NEED. THE LIBRARY'S HOMEPAGE HAS LINKS TO MANY SOURCES & DATABASES.

SIGN ON TO WESTLAW OR LEXIS.

4A. TO FIND A CASE WHEN YOU HAVE A CASE NAME OR CITATION:

- Select the correct tab of materials: Federal Materials or State Materials.
- If State, select your state's link to review all of the materials available to you.
- Type the name of the case or the citation in the search box at the top of the page. 
- Examine the document and the research tools provided: Notes of Decisions; Citing References.

4B. IF YOU DON'T HAVE A CITATION: YOU CAN RUN A GENERAL SEARCH AND FILTER THE RESULTS AS YOU EXPLORE THE CONTENT.

- Westlaw, Lexis, Bloomberg all allow you to search everything at once and then narrow your results by type of material. For more focused results, start with a particular jurisdiction's sources or topical database.
- Select your jurisdiction's main page of materials. If you know enough about the area of law to narrow the search even more, do so.
- Enter and run the search you created in Step 3.
- Review the results. Your search terms are highlighted in each result. If necessary, review your search, spelling, quotation marks, etc.

5. 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 TO HELP YOU GAIN A BETTER UNDERSTANDING.

- Legal Encyclopedias: *NY Jur / AmJur* provide a good overview and help you identify the controlling statute(s) or leading 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 help broaden your understanding of issues. They will provide a more nuanced and detailed exploration of specific topics as well as providing many more leads.
- 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. UPDATE YOUR SOURCES & FIND MORE KEYCITE (WESTLAW) / SHEPARDIZE (LEXIS): WHEN YOU FIND A "GOOD" CASE:

- Make sure it is still good law: Review the direct appellate history. **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?
- Each system will use *Signals* to help you evaluate the citing cases.
- 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.

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

- **History**: Recent searches & documents
- **Folders**: Storage of documents by project -- add documents, share the files, etc.
- **Take Notes**: Word and ... One Note; End Note; etc.