

Strategy for Successful Legal Research – Seven Steps

Step 1: Make sure you understand the research question

- How will your work product be used?
- Why are you being asked to do it?
- What is your deadline?
- Is the research limited to one jurisdiction?
- Can the partner or associate recommend a search strategy?
- Will the supervising attorney want any of the raw research materials you relied on?

Step 2: Develop your research plan

- Review the facts - Who, what, when, where?
- Identify the Issues - cause of action or legal theory, is there a defense, relief sought?
- Determine jurisdiction.
- Identify your Search Terms.
 - Generate a “research vocabulary” for your assignment.
 - Think of terms and phrases that apply to your facts and issues; come up with as many synonyms and broader or narrower or related terms as you can.
 - SOURCES: Law Dictionaries and Thesauri, *Words & Phrases*.

Step 3: Secondary sources

- Collect background information and familiarize yourself with the area of law. Use your research vocabulary as index and search terms for both your online and your print sources.
- SOURCES:
 - Legal Encyclopedias – *Am.Jur.2d*, *C.J.S.*, state encyclopedias
 - Law Review Articles – *LegalTrac*, *Lexis* or *Westlaw*
 - Treatises – check the firm's catalog, *ALRs*, *Restatements*, *Hornbooks*, *Nutshells*
 - Loose-leaf services – CCH, BNA
 - Practice Materials – CLE materials, Practice Guides, Formbooks

Step 4: Understand and frame the issues

- Analyze the Issues of your case

Step 5a: Statutes

- Look for primary authority first. If no luck, try and find persuasive authority.
- Is there a statute on point?
- SOURCES:
 - *USCA*, *USCS*, *Statutes at Large*, *USCCAN* (or state statutes) Book sources for statutes are easier to use than online sources
- Are there also administrative regulations?
- SOURCES:
 - *CFR*, *Federal Register* (or state administrative materials), agency websites
 - Loose-leaf services – CCH, BNA

Step 5b: Case Law

- Are there cases on point?
- SOURCES:
 - *Federal Practice Digest*, *Regional Digests* or other state digest

Step 6: Refine your research

- Re-evaluate and re-analyze the issues.

Step 7: Update and verify authorities

- Update your authorities using pocket parts, advance sheets, and checking online
- Use a citator to make sure you are citing good authority.
- SOURCES:
 - *Shepard's*, *KeyCite*