

LEGAL RESEARCH METHODOLOGY

I. Step 1: Preliminary Analysis

- A. Gather and analyze the facts.
- B. Identify and arrange the legal issues in a logical order.
- C. Prioritize your work so that you research the most crucial or threshold issues first.

II. Step 2: Start with Secondary Sources

- A. For most legal research problems, it is best to start with a secondary source before going to the primary authorities for the following reasons:
 - 1. To obtain background information.
 - 2. To learn terms of art and to focus your research.
 - 3. To learn black letter law, including basic statutory and case law.
 - 4. To obtain citations to relevant primary authorities.
 - 5. To avoid overlooking pertinent issues or authorities.
- B. Sources: treatises, the Witkin titles, legal encyclopedias (AmJur and CalJur), ALRs, Restatements, CEB materials, Rutter Group guides, nutshells, hornbooks, looseleaf services, and law journal articles.

III. Step 3: Locate and Read Primary Authorities

- A. Primary authorities generally include court decisions, statutes, regulations, municipal ordinances, and court rules. They are either mandatory/binding or persuasive in terms of their authoritativeness and effect. It is important to understand which authorities are mandatory for your research question and which are merely persuasive.
- B. Sources for finding primary authority:
 - 1. Digests: useful for finding case law using topics and key numbers.
 - 2. Statutory Codes: try to use the annotated versions of the codes, since they often contain cites to related cases, regulations, and/or secondary sources.
 - 3. Regulations: can be found through (1) indexes to regulatory codes, (2) tables of statutory authorities, or (3) references obtained from annotated statutory codes.
 - 4. Secondary Sources
- C. Print or Online?
 - 1. Before you begin with primary sources, you should consider whether you wish to start with print or online resources. If going online, you should formulate search statements before logging on.

2. Think about taking advantage of any free legal websites that relate to your topic, as opposed to LexisNexis or Westlaw, which are often charged to a client. Remember the following when looking for or using free websites.
 - a. Lack of consistent structure or organization means that much of the information may be hard to find or easily overlooked.
 - b. Make sure you check a website's "Help" or "Searching Tips" feature in order to make the most effective use of that website.
 - c. Not all websites are equal in terms of reliability and authoritativeness. Evaluate a website's credibility before relying on its information.

IV. Step 4: Update Your Research

- A. Updating is necessary to 1) ensure the validity of the primary authorities you have located, and 2) identify subsequent developments or new authority.
- B. Sources: pocket parts, supplements, Shepard's, and KeyCite.

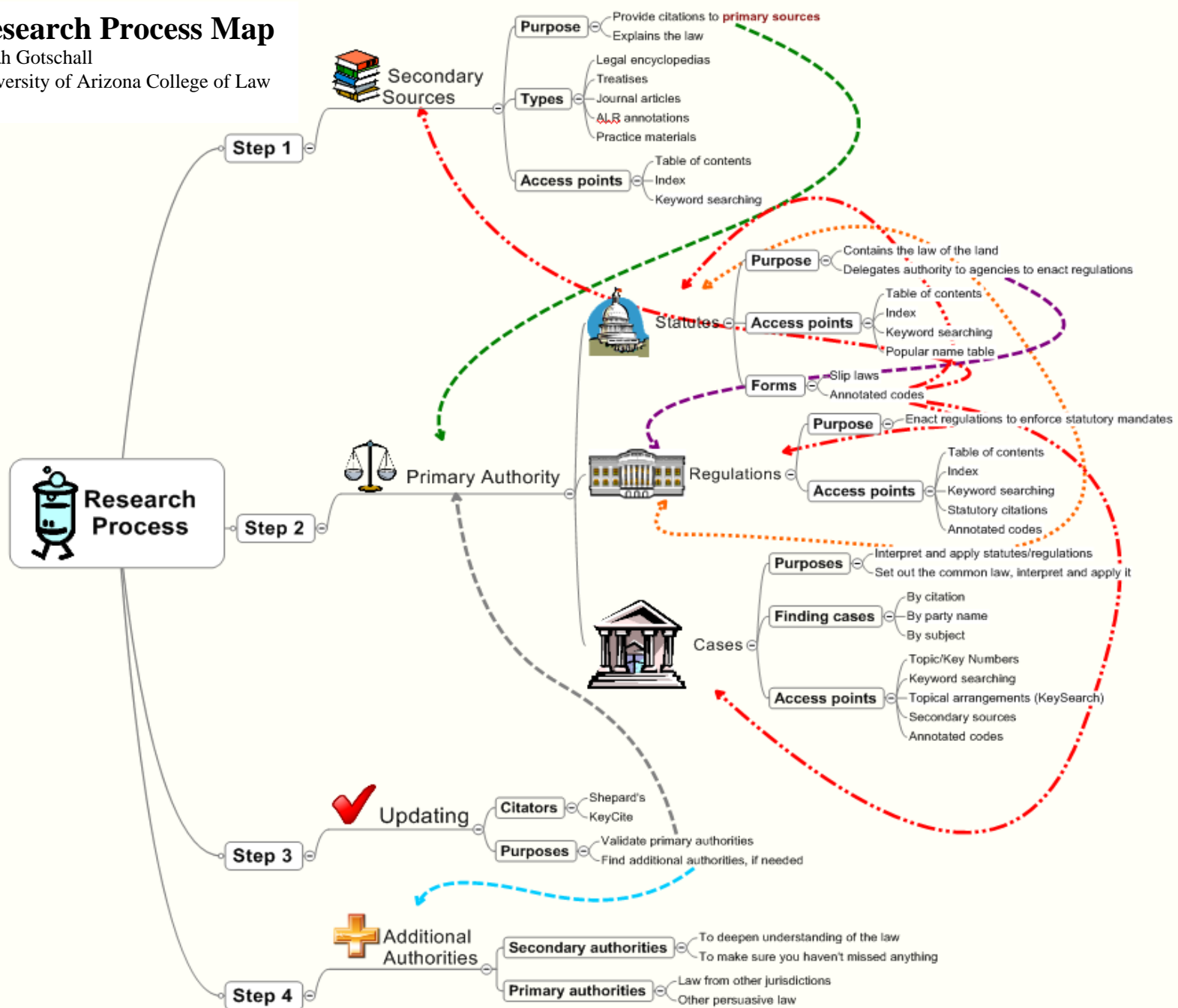
V. Tips to Remember for Legal Research

- A. Prioritize your work and research discrete questions separately.
- B. Never assume the absence of relevant statutes or regulations. Case law is not the end all and be all of legal research. Always try to find mandatory authority if it exists.
- C. Be aware of the variety of search methods.
 1. Be flexible and creative with respect to your search terms when searching indexes and digests.
 2. When searching online, use synonyms, try both Natural Language and Terms & Connectors search methods, and use field/segment restrictions when appropriate (see pages 4-5 for search methods charts).
 3. It is also generally more cost-effective to start somewhat broader with your LexisNexis and Westlaw searches and then narrow down if necessary through the "Focus" or "Locate in Result" tools.
- D. Always read the primary authorities yourself – do NOT rely exclusively on secondary source descriptions.
- E. Feel comfortable asking questions of the person who gave you the legal research problem or of others who might be able to help you. Always consider the librarian as a resource to consult for assistance, guidance, and suggestions.

Research Process Map

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LEXIS AND WESTLAW SEARCH METHODS

Natural Language

- Use plain English
- Useful for searching broad concepts
- Useful when starting research in an unfamiliar area of law
- Use when researching a complex issue and you can't construct an effective T/C search
- Can use as an alternate form for T/C searching to exhaust research

LEXIS	WESTLAW
enter as a question or list of keywords – BEWARE that using too many synonyms on LexisNexis may make search less targeted	enter as a question or list of keywords, and place synonyms in parentheses
! and * not valid	! and * not valid
will NOT search for alternate endings	will search for some alternate endings automatically
will automatically check for some legal phrases or you can use quotes for phrases; use commas to prevent terms from being read as phrases	will automatically check for some legal phrases or you can use quotes for phrases
can specify Mandatory Terms	can Require/Exclude Terms
can restrict search by requiring terms in certain Segments	can use Field restrictions: court, attorney, and judge only
terms highlighted in results	terms highlighted in results, also in Best format
EXAMPLES	EXAMPLES
Does the smell of marijuana justify a warrantless search?	Does the smell of marijuana justify a warrantless search?
smell marijuana justify warrantless search	smell (scent odor) marijuana (pot) justify warrantless search

LEXIS AND WESTLAW SEARCH METHODS

Terms and Connectors

- You, not the system, directly specify the relationships between terms
- Useful when you are searching for known legal terms of art and phrases
- Useful when researching a specific or narrow area of law
- Use when searching a database in which the NL option is not available
- Can use as an alternate form for NL searching to exhaust research

LEXIS	WESTLAW
use connectors such as: OR, W/n, W/s, W/p, AND, ! (root expander) and * (wildcard)	use connectors such as: &, OR (spaces interpreted as OR), /n, /s, /p, ! (root expander) and * (wildcard)
use OR for synonyms	synonyms can be grouped using spaces, or use the OR connector
cannot include numerical (W/n) connector with W/s and W/p connectors in the same search	can combine numerical (/n) connector with /s and /p connectors in the same search
use singular form of terms to check automatically for plural and possessive forms (except for irregular forms, e.g. children)	use singular form of terms to check automatically for plural and possessive forms, including irregular forms
quote marks around exact phrases are not necessary but can be used	use quotes for phrases because spaces are read as OR
results will include all search terms or their alternatives, unless you use the AND NOT connector	results will include all search terms or their alternatives, unless you use the BUT NOT connector
can restrict by requiring terms in Segments	can use Field restrictions
order of priority: OR, W/n, W/s, W/p, AND, AND NOT	order of priority: OR, /n, /s, /p, & (and), % (but not)
terms highlighted in results	terms highlighted in results
EXAMPLE	EXAMPLE
smell OR scent OR odor W/s marijuana OR pot W/p justif! AND warrantless search	smell scent odor /s marijuana pot /p justif! & "warrantless search"

SECONDARY SOURCES ONLINE

I. Finding California Sources and Databases

Type of Secondary Source	LexisNexis (“Look for a Source” Links)	Westlaw (Database Identifier or Directory Links)
California Jurisprudence, 3d	Secondary Legal > Jurisprudences, ALR & Encyclopedias	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material (CAJUR)
Witkin Treatises	Secondary Legal > Jurisprudences, ALR & Encyclopedias > Witkin -- (specific title)	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > Witkin’s California Treatises > (specific title)
CEB Publications	not available	not available
California Practice Guides (The Rutter Group)	not available	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > Rutter Group, The California Practice Guides > (specific title)
CA Form Books	States Legal - U.S. > California > Search Analysis & CLE Materials > California Forms of Pleading and Practice – Annotated States Legal - U.S. > California > Search Analysis & CLE Materials > California Legal Forms Transaction Guide	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > West’s California Code Forms With Practice Commentaries (CACF) U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > California Transaction Forms -- (specific title)
CA Jury Instructions (CACI & CALCRIM)	States Legal - U.S. > California > Find Jury Instructions > (specific title)	U.S. State Materials > California > Jury Instructions, Jury Verdicts & Judgments > (specific title)

II. Finding Federal and Multi-Jurisdictional Sources and Databases

Type of Secondary Source	LexisNexis (“Look for a Source” Links)	Westlaw (Database Identifier or Directory Links)
American Jurisprudence, 2d	Secondary Legal > Jurisprudences, ALR & Encyclopedias > American Jurisprudence 2d	Treatises, CLEs and Other Practice Material (AMJUR)
American Law Reports (A.L.R.)	Secondary Legal > Jurisprudences, ALR & Encyclopedias > American Law Reports (ALR)	Treatises, CLEs and Other Practice Material (ALR)
Law Journals	Secondary Legal > Law Reviews and Journals > U.S. Law Reviews and Journals, Combined	Legal Periodicals & Current Awareness > Journals & Law Reviews (JLR)
Treatises and Practice Guides	<p>Secondary Legal (View more sources) > Area of Law Treatises > (specific title)</p> <p>Secondary Legal > Matthew Bender > By Area of Law (or By Jurisdiction) > (specific title)</p> <p>Secondary Legal (View more sources) > Practising Law Institute > (specific title)</p>	<p>TEXTS (to search all treatises and practice guides at the same time)</p> <p>Topical Practice Areas > (specific practice area) > Forms, Treatises, CLEs and Other Practice Material > (specific title)</p> <p>Treatises, CLEs and Other Practice Materials > (specific title)</p> <p>Treatises, CLEs and Other Practice Materials > Practice Guides and CLE Materials > (specific title)</p> <p>Litigation > Practice Materials > (specific title)</p>
Current Awareness	<p>Secondary Legal > BNA > (specific title)</p> <p>Secondary Legal > Mealey Reports > (specific title)</p> <p>Secondary Legal (View more sources) > Individual ALI-ABA Materials</p>	<p>Topical Practice Areas (many of the practice areas will have links to BNA materials and/or other current awareness services)</p> <p>Treatises, CLEs and Other Practice Materials > Practice Guides and CLE Materials > (specific title)</p>

III. Other Online Secondary Sources

Source	Website	Sample publications
BNA*	http://law.usc.edu/library/resources/bna.cfm	Antitrust and Trade Regulation Report, Daily Tax Report, Environment Reporter, Family Law Reporter, Media Law Reporter, United States Law Week, White Collar Crime Report, etc.
CCH**	http://intelliconnect.cch.com/sicion/secure/index.jsp	Aviation Law Reporter, Bankruptcy Law Reporter, Copyright Law Reporter, Products Liability Reporter, Standard Tax Reporter, etc.

*BNA is a subscription resource that is only accessible on the computers located in the law school building.

**CCH is also a subscription resource, but is available both in the law school building as well as remotely through the USC proxy server.

IV. Searching and Browsing Tools

LexisNexis	Westlaw	Purpose of Tool
By Topic or Headnote	Key Numbers	to help you to identify relevant legal topics
Book Browse	“previous section” and “next section”	to enable you to browse subsequent or preceding sections or paragraphs in a particular source
Table of Contents (TOC)	Table of Contents	to enable you to view the Tables of Contents of particular sources
Focus	Locate in Result	to enable you to efficiently narrow your search results or find a particular term or set of terms in your documents

LEGAL RESEARCH GUIDES

I. Legal Research Guides

There are a variety of research guides that are valuable when doing general and specific legal research. Below is a list of both print and online guides.

A. National

1. *Fundamentals of Legal Research* (8th edition) by R. Mersky and D. Dunn (Foundation Press 2002)
2. *Legal Research in a Nutshell* (9th edition) by M. Cohen et al. (Thomson/West 2007)
3. *Finding the Law* (12th edition) by R. Berring and E. Edinger (Thomson/West 2005)
4. *Zimmerman Research Guide* - www.lexisnexis.com/infopro/zimmerman

B. California - Henke's California Law Guide (8th edition) by D. Martin (LexisNexis 2006)

C. USC Law Library Research Guides

Several electronic research guides are available on the Law Library's webpage. These guides link to websites freely available to USC students and provide guidance on using these sites to research the law. These guides can be found at <http://lawweb.usc.edu/library/research/> and cover the following subjects:

- Finding Federal Statutes, Regulations, and Related Cases
- Federal Legislative History Research
- Finding California Statutes, Regulations, and Related Cases
- California Legislative History Research
- Researching Local Government Law

FREE ONLINE LEGAL RESEARCH SOURCES

I. Legal Portals

Portals are websites that provide links to other informational sources. Below is a list of general legal portals that will link you to a variety of freely accessible legal websites:

- A. Findlaw.com (for the Legal Professional)** – <http://lp.findlaw.com/>
- B. Cornell Law School’s Legal Information Institute** – www.law.cornell.edu
- C. The Public Library of Law** – <http://www.plol.org>
- D. USC Law Library’s “Legal Resources on the Internet” webpage**
<http://law.usc.edu/library/resources/internet.cfm>
 - 1. General Research Links**
<http://law.usc.edu/library/resources/links/general.cfm>
 - 2. Federal Research Links**
<http://law.usc.edu/library/resources/links/federal.cfm>
 - 3. California Research Links**
<http://law.usc.edu/library/resources/links/california.cfm>
 - 4. Foreign & International Research Links**
<http://law.usc.edu/library/resources/links/international.cfm>

II. Online Databases

There are several online databases that offer free access to primary laws. Below are only a select few, which are more fully discussed in the USC Law Library’s “Legal Resources on the Internet” webpage (see links above).

- A. Case Law**
 - 1. Google Scholar (via an Advanced Search provides published opinions from Federal and state courts)**
http://scholar.google.com/advanced_scholar_search?hl=en&as_sdt=2000
 - 2. California Courts (via LexisNexis)**
<http://www.lexisnexis.com/clients/CACourts/>

B. Statutes, Legislation, and Court Rules

1. FDsys (new website of the Government Printing Office provides access to various federal primary laws)
<http://www.gpo.gov/fdsys/search/home.action>
2. THOMAS (Library of Congress)
<http://thomas.loc.gov/>
3. U.S. Courts (includes federal court rules and links to local court rules)
<http://www.uscourts.gov/rules/index.html>
4. California Legislature, California Laws
<http://www.leginfo.ca.gov/calaw.html>
5. California Courts, California Rules of Courts
<http://www.courtinfo.ca.gov/rules/>

C. Administrative Law

1. FDsys
<http://www.gpo.gov/fdsys/search/home.action>
2. California Office of Administrative Law (via Westlaw)
<http://ccr.oal.ca.gov>