Introduction to Legal Research

- **What are we going to cover?**
  Introduce you to an important skill for law students and lawyers.

- **How are we going to cover it?**
  Walk through the standard legal research process.

- **Why is it important to me as an incoming 1L?**
  You’ll have a class dedicated to legal research during your year, and learning legal research is part of the process of becoming a lawyer.
What is “Legal Research?”

Definition:

*Legal research is the process of identifying and retrieving information necessary to support legal decision-making.*
So Why do it?

Support legal decision-making:

- COMPLEX legal issues
- Applied to SPECIFIC facts
- Requiring COMPLETE answers
- For clients that PAY for your expertise
The Legal Research Process

The Legal Research Pyramid

- **Shepard's**
  - Validation

- **PRIMARY AUTHORITY**
  - Case Law, Statutes, Regulations and Annotations

- **SECONDARY AUTHORITY**
  - Law Reviews, Treatises, Practice Guides & News

- **OPEN WEB**
  - Lexis Web, Google, bing – Perform general background research, but not necessarily authoritative

Lexis Advance™ makes research easier

Word Wheel, Intuitive Filters, Legal Issue Trail...
Starting on the Open Web

- E.g., Bing and Google

- Good place to start but:
  1. Not specific enough
  2. Rarely authoritative (can’t cite to Google in court)
  3. Credibility of sources is always a question

- Use for initial background research only
Step #1: Legal Research Process

Secondary Sources:

Sources of information that describe or interpret the law, such as legal treatises, law review articles, and other scholarly legal writings, cited by lawyers to persuade a court to reach a particular decision in a case, but which the court is not obligated to follow.
Start with a Secondary Source

Why?
- Don’t reinvent the wheel
- Learn from Legal Experts
- Get most important authority
- Read important background information

What?
- Treatises
- Practice Guides
- Annotations & Digests
- Law Reviews & Journals
Primary Sources

A document that establishes the law on a particular issue, such as a case decision or legislative act.
Support Arguments with Primary Sources

Why?
- Authoritative
- Precedential
- Controlling

What?
- Cases
- Statutes
- Regulations
Step #3: Legal Research Process

Shepardizing®

The process of consulting Shepard's® to see if a case has been overturned, reaffirmed, questioned, or cited by later cases.
Why?

- Your research needs to be “Good Law”
- You can’t use reversed or overruled authority

What?

- See “Precedential Value”
- Shows if authority is overruled
- Ensures research is “Good Law”
Step #4: Rinse & Repeat?

Law is Always Changing

- Legal research is never done
- Need to update your research as the law evolves
- Don’t find out your research is obsolete from opposing counsel

United States Supreme Court
3 S’s of Legal Research

- **Start** with Secondary Sources
- **Support** with Primary Sources
- **Shepardize™**
An Introduction to Legal Research