

An Introduction to Legal Research

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 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?

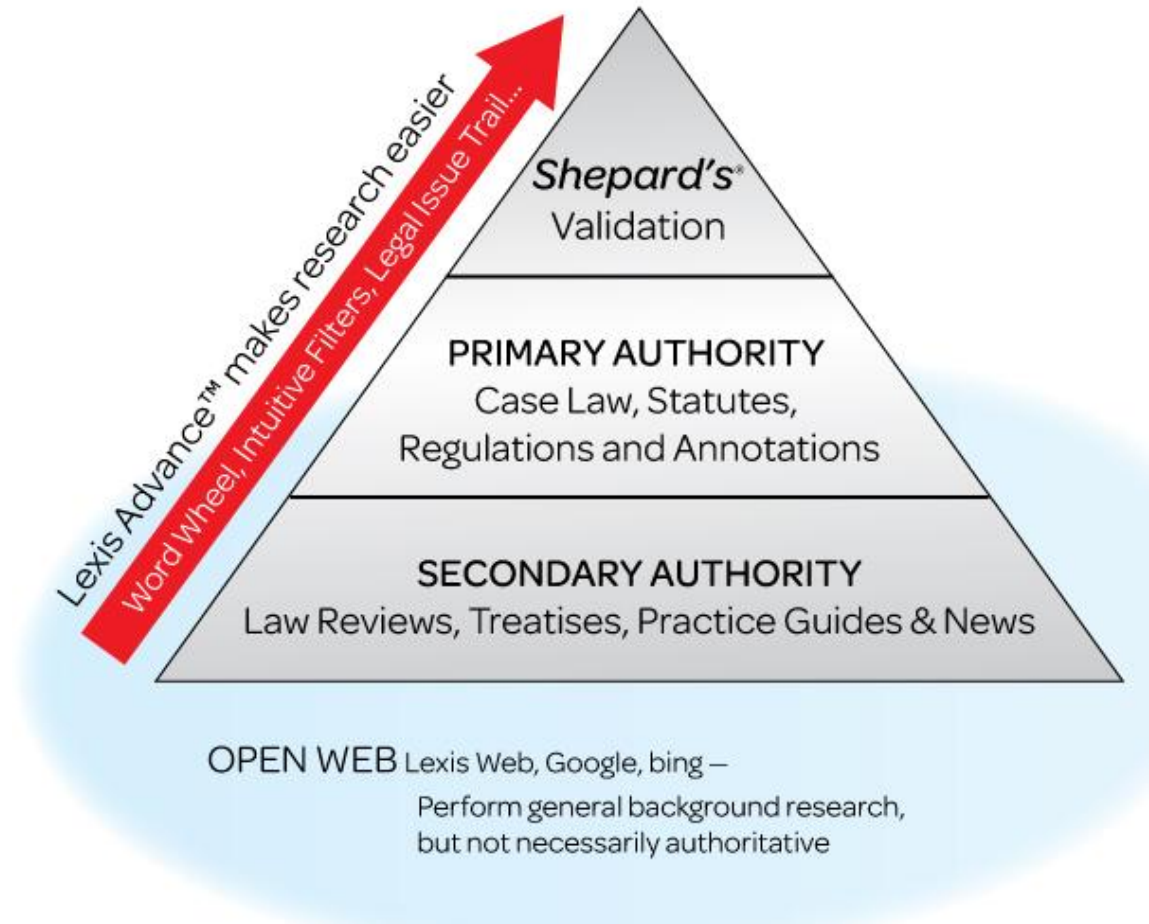
Support legal decision-making:

- **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



Starting on the Open Web

- E.g.,  and 
- 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.



THE GEORGETOWN LAW JOURNAL

Start with a Secondary Source

Why?

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



What?

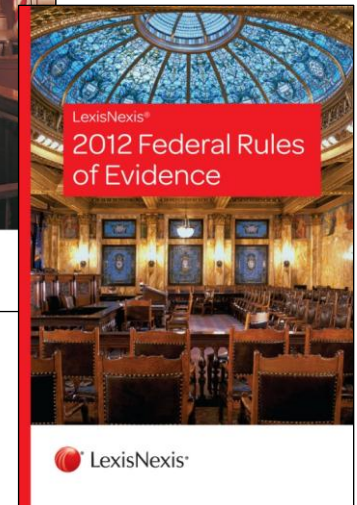
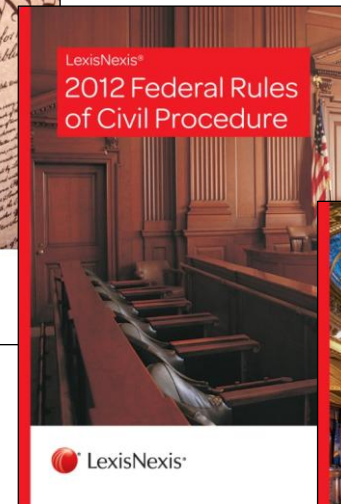
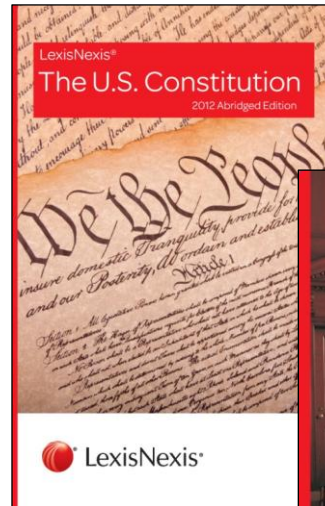
- Treatises
- Practice Guides
- Annotations & Digests
- Law Reviews & Journals



Step #2: Legal Research Process

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

The screenshot displays a web browser window with the title "Brown v. Bd. of Ed...". The address bar shows "Brown v. Bd. of Educ., 347 U.S. 483". The browser interface includes a search bar with "Shepardize®" and navigation buttons. The main content area shows the case title "Brown v. Bd. of Educ., 347 U.S. 483 (Copy citation)" and the court information: "Supreme Court of the United States, December 9, 1952, Argued ; May 17, 1954, Decided No. 1". Below this, the reporter information is listed: "Reporter: 347 U.S. 483 | 74 S. Ct. 686 | 98 L. Ed. 873 | 1954 U.S. LEXIS 2094 | 53 Ohio Op. 326 | 38 A.L.R.2d 1180". The case name is "BROWN ET AL. v. BOARD OF EDUCATION OF TOPEKA ET AL.". A "Notice:" section follows. The "Subsequent History:" section states "Reargued December 8, 1953.". The "Prior History:" section states "APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS.". The "Disposition:" section states "The Court overturned Plessy v. Ferguson and the 'separate but equal' doctrine, finding that it had no place in public education. Segregation was a denial of the equal protection of the laws under the Fourteenth Amendment. Separate educational facilities were inherently unequal.". Below the disposition are sections for "Core Terms" (listing negro, segregation, schools, public education, public school, cases, inferiority, doctrine, decrees, deprive, equalization, facilities, colored, equal protection of the law, attendance, qualifications, provisions, reargument, factors) and "Case Summary" (listing Procedural Posture: Plaintiff African-American minors challenged the judgment of the United States District Court for the District of Kansas that, although it held that segregation in public education had a detrimental effect upon African-American children, denied relief on the ground that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers.). A sidebar on the right contains "Documents Referenced", "Citation", "Search for 347 U.S.", "Legal Issue Trail", "What's this?", and an "Activate Passage" button.

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”

Shepard's Signal™ Indicators Show Precedential Value

The *Shepard's* Signal indicators show at a glance the precedential status of a case. To review this legend while you research in *Shepard's*, click the [Legend](#) link at the bottom-left side of your report.



Warning—Negative treatment indicated

Contains strong negative history of treatment of your case (for example, overruled by or reversed).



Questioned—Validity questioned by citing references

Contains treatment that questions the continuing validity or precedential value of your case because of intervening circumstances, including judicial or legislative overruling.



Caution—Possible negative treatment indicated

Contains history or treatment that may have a significant negative impact on your case (for example, limited or criticized by).



Positive treatment indicated

Contains history or treatment that has a positive impact on your case (for example, affirmed or followed by). Only *Shepard's* offers this treatment.



Cited and neutral analysis indicated

Contains treatment of your case that is neither positive nor negative.



Citation information available

Indicates that citing references are available for your case but do not have history or treatment analysis (for example, the references are law review citations).

Step #4: Rinse & Repeat?



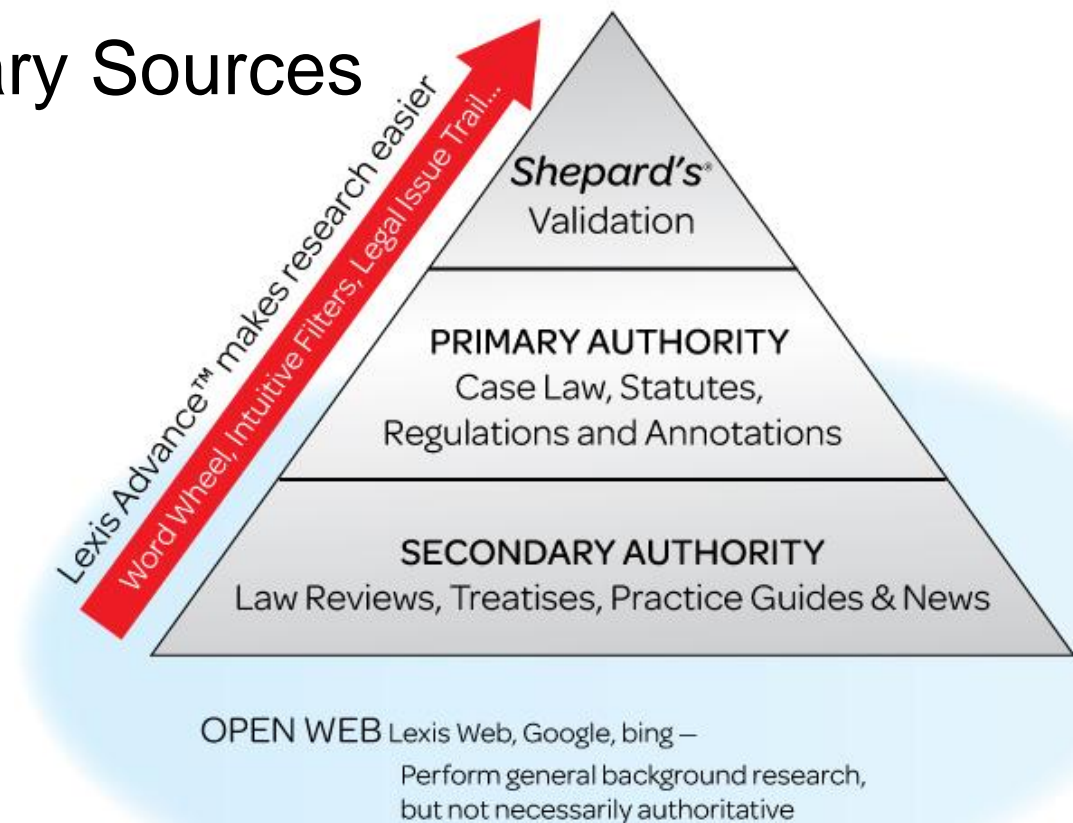
United States Supreme Court

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

3 S's of Legal Research

- **Start** with Secondary Sources
- **Support** with Primary Sources
- **Shepardize**TM



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