

LEGAL RESEARCH

Legal research is “the process of identifying and retrieving information necessary to support legal decision-making. In its broadest sense, legal research includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation.”

The processes of legal research vary according to the country and the legal system involved. However, legal research generally involves tasks such as: 1) finding primary sources of law, or primary authority, in a given jurisdiction (cases, statutes, regulations, etc.); 2) searching secondary authority (for example, law reviews, legal dictionaries, legal treatises, and legal encyclopedias such as *American Jurisprudence* and *Corpus Juris Secundum*), for background information about a legal topic; and 3) searching non-legal sources for investigative or supporting information.

Legal research is performed by anyone with a need for legal information, including lawyers, law librarians, and paralegals. Sources of legal information range from printed books, to free legal research websites (like Cornell Law School's Legal Information Institute, Findlaw.com, Martindale Hubbell, Casetext, Lawyers.com, HG.org and CardLI) and information portals to fee database vendors such as Wolters Kluwer, Chancery Law Chronicles, LexisNexis, Westlaw, and Bloomberg Law. Law libraries around the world provide research services to help their patrons find the legal information they need in law schools, law firms and other research environments. Many law libraries and institutions provide free access to legal information on the web, either individually or via collective action, such as with the Free Access to Law Movement.

THE PROCESS OF LEGAL RESEARCH

Although this is a process-oriented article, there is no one right way to do legal research. There are however practices that have proven to be more efficient and cost effective. There is an overall “game plan” that is taught in the first year of Law school. The details vary according to the textbook, but a general search strategy might be:

- frame the issue (try to figure out what the case is about/ what legal issue or issues you will need to research)
- brainstorm search terms (think up synonyms - assisted suicide? right to die? euthanasia?)
- determine jurisdiction and time frame (do you have a lot of time to research this? Usually not. You may have to make do with a quick and dirty resource instead of an in-depth, ever so scholarly one)
- decide which format to use (print or electronic- this often just depends on what you have access to)
- locate, read, and update secondary sources
- locate read and update primary authority (cases, statutes, and regulations)
- look up rules of procedure, ethics, non-legal and other materials if needed
- repeat the above steps, as needed, depending on your search results.

JUDICIAL BRANCH SOURCES

The Judicial branch is the court system. Each jurisdiction in the U.S. judiciary (federal and the fifty states) has any number of courts, usually one of three types:

1. a trial court,
2. an appeals court,
3. a “court of last resort,” often (but not always) known as a Supreme Court.



Legal Research Speedy Study Guide

Michael Brown



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