

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.

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Rachel S Tattersall



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