

# **B**ASIC LEGAL RESEARCH

**TOOLS AND  
STRATEGIES  
SECOND EDITION**

**AMY E. SLOAN**

**ASPEN**  
PUBLISHERS

# BASIC LEGAL RESEARCH

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## TOOLS AND STRATEGIES

**SECOND EDITION**

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**ASPEN**  
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# PREFACE

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The second edition of *Basic Legal Research: Tools and Strategies* contains new information on the following topics:

- Citation—The coverage of citation now includes both the *ALWD Citation Manual* (2d ed. 2003) and the *Bluebook* (17th ed. 2000).
- Procedural rules—Chapter 6, on Statutory Research, and Chapter 11, on Developing a Research Plan, now include coverage of court rules of procedure.
- State statutes—Chapter 6, on Statutory Research, also now includes a section of sample pages illustrating the process of state statutory research.
- Electronic research—Chapter 10, on Electronic Legal Research, and the discussions of electronic research in the other chapters have been updated to reflect new developments in electronic research, including electronic subject searching and table of contents searching.

The philosophy and the format of the second edition, however, remain the same as those of the first edition. The genesis of this book was a conversation I had with Todd Petit, a student in my Lawyering Skills class at Catholic University, in the fall of 1994. Todd was working on a research project, and he came to me in frustration and bewilderment over the research process. Over the course of the year, Todd ultimately mastered the skill of legal research. Nevertheless, our conversation that fall caused me to start thinking about how I could teach research more effectively, a process that ultimately culminated in this book.

I do not believe Todd's experience was unique. Mastering a skill is a form of experiential learning—learning that can only be done by doing. And the “doing” aspect necessarily involves periods of trial and error until a person grasps the skill. It is not surprising that this can be frustrating and even bewildering at times.

Having said that, however, even experiential learning has to be built on a base of information. My goal with this book is to provide two

kinds of information necessary for students to learn the process of legal research: basic information about a range of research sources and a framework for approaching research projects.

This text provides instruction in a variety of legal research sources, including secondary sources, cases and digests, citators, statutes, federal legislative history, federal administrative regulations, and subject-matter (“looseleaf”) services. Each of these sources is described in a separate chapter that includes the following components:

- background information on the source
- step-by-step instructions for print research, including textual explanations, charts, and annotated examples highlighting key features of the source
- an explanation of electronic research tools available for the source
- an explanation of citation rules for the source
- an annotated set of sample pages illustrating the research process for the source
- a checklist summarizing both the research process and the key features of the source.

The range of material in each of these chapters is intended to accommodate a variety of teaching and learning styles. The textual explanations, charts, and checklists can be used for in-class discussions and for out-of-class reference as students are working in the library. In addition, the sample pages illustrating the research process provide both instructional material and a useful summary synthesizing the information on the source from the rest of the chapter.

This text does more, however, than simply explain the bibliographic features of various research sources. It also provides instruction in research as a process, and it does this in two ways. First, Chapter 1 provides an overview of research sources and the research process. By providing a framework for understanding the relationships among different types of legal authority, this chapter sets the stage for a process-oriented introduction to research instruction. Second, Chapter 11 provides a framework for creating a research plan. By setting out a process based on a series of questions students can ask to define the contours of any type of research project, it provides a flexible approach that can be adapted to a variety of assignments. Although Chapter 11 is the last chapter in the text, it can be used whenever students are required to develop a strategy for approaching a research project.

Of course, a comprehensive understanding of legal research requires students to be familiar with both print and electronic research sources. This text explains electronic research in a way that will allow students to develop their computer research skills regardless of whether they learn about electronic research along with print research or as a separate



component of the curriculum. Each chapter devoted to an individual research source includes information on the types of electronic research options available for that source. Techniques for conducting computer research, however, appear in a separate chapter, Chapter 10. Chapter 10 can be used in conjunction with other chapters at any point in the course when students begin learning about electronic legal research.

Moreover, the text provides instruction in a wide range of electronic research sources. It discusses research using commercial services such as Westlaw and LexisNexis that are available at most law libraries. But it also covers a range of other electronic research options, including subscription services and material available for free via the Internet. As part of this instruction, the text discusses cost considerations in a way not addressed in other texts so that students can learn to make informed decisions about when to use electronic sources and how to select the best electronic source for any research project.

The following quote from the 1998 film *Zero Effect* aptly summarizes the philosophy of this text. In that film, the main character, a private investigator named Daryl Zero, had this to say about research:

I can't possibly overstate the importance of good research. Everyone goes through life dropping crumbs. If you can recognize the crumbs, you can trace a path all the way back from your death certificate to the dinner and a movie that resulted in you in the first place. But research is an art—not a science—because anyone who knows what they're doing can find the crumbs: the wheres, whats, and whos. The art is in the whys: the ability to read between the crumbs, not to mix metaphors.<sup>1</sup>

This text seeks to provide students with the skills to find the “wheres, whats, and whos” of legal research—the legal authorities necessary to resolve a research issue—as well as the “whys”—an understanding of research process that is an integral component of students’ training in problem-solving skills. I hope this text will prove to be a useful guide to students as they undertake this intellectual challenge.

Amy E. Sloan

January 2003

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<sup>1</sup>Many thanks to Gonzalo E. Mon, GW Class of 2000, for bringing this quote to my attention.

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I would be remiss if I limited my acknowledgments to those who assisted with the second edition of the text because much of what appears here originated in the first edition. In particular, I would like to acknowl-

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**Figure 5.11** *Servis v. State*, citing *Kenney v. Scientific, Inc.*

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**Figure 4.16** Example of a case in Westlaw

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