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Basic Legal Research

Tools and Strategies

Amy E. Sloan



Wolters Kluwer
Law & Business

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BASIC LEGAL RESEARCH

TOOLS AND STRATEGIES

FOURTH EDITION

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For Bebe

PREFACE

The fourth edition of *Basic Legal Research: Tools and Strategies* contains the following updated material:

An electronic version of the text on TeachingLaw.com—The fourth edition is available electronically through TeachingLaw.com, Aspen Publishers' electronic coursebook platform. The complete text is available online, along with interactive exercises, animated graphics, PowerPoint slides, and other teaching materials. Contact Aspen Publishers at www.teachinglaw.com to review the online version of the text.

Fully updated sample pages and research explanations—All sample pages have been updated. Discussions of print and electronic research have been updated to reflect the latest information on source coverage and the research process.

Coverage of print and electronic research that reflects both teaching needs and actual practice—The fourth edition has greater emphasis on electronic research than prior editions of the text to reflect changes in actual research practice and reduced print collections at many law libraries. At the same time, it maintains coverage of print sources necessary to give students a strong foundation in print research. Each chapter is organized to allow professors to tailor the degree of print and electronic coverage to fit their pedagogical approach.

New research process material—Chapter 1, Introduction to Legal Research, discusses locating authority by citation, subject, and word—search methods common to many authorities. Later chapters build on this introduction by explaining citation, subject, and word searching options for individual sources of authority. This approach more fully integrates instruction in print and electronic research and adds even more process orientation to the text.

Secondary sources—Chapter 3, Secondary Source Research, includes new material on nontraditional secondary sources, including Internet sources such as Wikipedia.

Citators—Chapter 5, Research with Citators, focuses almost exclusively on electronic citators.

The philosophy and the format of the fourth edition remain the same as those of earlier editions. 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 be done only 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:

- introductory information about the source
- step-by-step instructions for print research
- an explanation of electronic research tools available for the source
- an explanation of citation rules for the source
- an annotated set of sample pages and screen shots 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. These chapters contain textual explanations, charts, and checklists that can be used for in-class discussions and for out-of-class reference as students are conducting

research. In addition, the sample pages and screen shots 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 electronic 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. General techniques for conducting electronic 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. 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.

This text seeks to provide students with not only the bibliographic skills to locate the legal authorities necessary to resolve a research issue, but also 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 2009

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