A Suggested Flowchart for Basic Legal Research

ANALYZE PROBLEM TO BE RESEARCHED

CLASSIFY RESEARCH QUESTION
Federal/State Procedural/Substantive Civil/Criminal

SECONDARY RESOURCES
Legal Periodicals Treatises
ALR Annotations Restatements
Legal Encyclopedias Practice Materials

STATUTE OR COURT RULE INVOLVED?

Yes
Annotated Codes
May also need Legislative History
Admin. Decisions and Regulations

No
ONE RELEVANT CASE

Shepard's or KeyCite

West Topic & Key Numbers Lexis More Like This Headnote

MANY RELEVANT CASES
The Legal Research Process

1. Analyze the facts and formulate a preliminary statement of the issues.
   a. This is an ongoing process.
   b. Be prepared to re-frame the issues as your research progresses.

2. Familiarize yourself with the jurisdictional/conflicts issues
   a. May have to research whether international, federal and/or state law applies.

3. Do background research in the subject area, identify issues and terms, and get clues to primary sources.
   a. Learn the types of authority involved: case law, statutory law, administrative law or a combination of sources.
   b. Learn basic “blackletter law” to gain context.
      i. Look to secondary sources: books, law review articles, encyclopedias, ALR etc.
         1. online catalogs – books and journal titles
            a. Mort – U.C. Davis Mabie Law Library
            b. Melvyl– U.C. system-wide catalog
            c. WorldCat – 10,000 catalogs worldwide
         2. periodical indexes (paper & online)– individual journal articles by title, author or subject
            a. Legal Resources Index – Westlaw: LRI
            b. Legal Resources Index – Lexis: lawrev:lgind
         3. online databases – Lexis, Westlaw, Bloomberg/BNA, HeinOnline, CCH and CEB OnLaw.
   
4. Search for legal authority using appropriate methods for updating.
   a. Many different techniques for finding primary authority.
   b. For any given research project, some will work better than others.
   c. Use a variety of tools to ensure comprehensive research. If you encounter difficulties in using one source, this strategy should compensate for it by using other complimentary sources.
   d. Always look for pocket parts and supplements when using paper sources.
   e. Note the coverage dates in all electronic sources consulted.

5. Read and evaluate primary authorities.
   a. Read as you go – do not wait until you have a huge amount of material to go through
      i. Review your strategy in light of your research.
      ii. Read the text of the cases not just the synopsis or headnotes or an analysis in a secondary source.
      iii. Look for the holding of the case, not just broad statements of the law.
6. **Make sure that cases are still good law and that you have the most current version of a statute.**
   a. Use Shepards and/or Keycite as soon as you read a case and determine that it is relevant to your issue.

7. **Refine analysis and formulate conclusions.**
   a. Return to secondary sources to evaluate approach and findings.
   b. Secondary sources can be easier to understand after using the primary authorities.

8. **When should you stop??**
   a. When you have completed the above steps.
   b. When you have used a variety of appropriate sources.
   c. When you are finding the same authorities over and over again.
   d. When cost exceeds benefit...you’re out of time!!

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