

Kansas Legal Research

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*For Kaitlyn and Ben.
You're the bomb!
Love, Dad*

JAC

To my parents—my constant source of inspiration.

CLS

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<i>Judge, Kansas Court of Appeals</i>	
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Series Note

The Legal Research Series published by Carolina Academic Press includes an increasing number of titles from states around the country. The goal of each book is to provide law students, practitioners, paralegals, college students, laypeople, and librarians with the essential elements of legal research in each state. Unlike more bibliographic texts, the Legal Research Series books seek to explain concisely both the sources of state law research and the process for conducting legal research effectively.

Foreword

Steve Leben

Judge, Kansas Court of Appeals

When students near the end of their education, they often turn their attention to the interests of employers. My advice to them about what employers look for from lawyers is often quite simple. Employers want people who can figure out quickly what key questions will actually determine the outcome, who can find the key cases and concepts that will shape the answers, and who can write an effective summary and analysis of that information. Good legal research skills are at the heart of it all.

So I was delighted when Joe Custer and Chris Steadham told me that they were writing this book. Getting students started doing research the right way is critical.

I was even more pleased when I saw the book. It takes the process of legal research in Kansas law and gives it structure. Readers will know how to plan a successful research project, and they will know how to make sure that nothing of significance has been overlooked. This will be of great benefit to students and practitioners alike.

The book does more, though, than tell you how to plan your research project. It also takes you through *Kansas-specific* resources. Every state has its quirks, and Kansas is no different. Custer and Steadham provide the background you need to research the Kansas Constitution, Kansas statutes, and Kansas caselaw. And they are very thorough.

I had two acid tests in mind when I looked at this book. First, I looked to see whether the authors gave an appropriate nod to the most important—and most frequently overlooked—rule in statu-

tory interpretation: *start by reading the whole statute carefully*. Given the vast reach of statutes in modern America, statutory research skills are critical. And Custer and Steadham got it right, noting that the “most important step” is the most basic one: “*Read the statute very carefully.*” As they noted, “[F]ew statutes are so clear that they can be understood on one reading.” Researchers often try to avoid the hard work of parsing the words in a statute by looking for guidance from caselaw. Sometimes they find a case on point but overlook a later statutory amendment that makes the case irrelevant. Those who follow the steps set out in this book will not make that mistake.

Second, I looked to see whether the authors acknowledged the vast resource on Kansas law available in the unpublished opinions of the Kansas state and federal courts. Once again, they got it right. Researchers who know to check for those unpublished opinions have a big advantage over those who aren’t aware of them. My own court decides more than 1,300 cases each year, but publishes only 10% to 15% of them. Every week, I find helpful research in the unpublished opinions of my court, the Kansas Supreme Court, and the Kansas federal courts.

This book, then, will surely get the newcomer to legal research oriented to the task of Kansas legal research. But it will also be of great help to the practitioner. It includes Kansas-specific background material and research techniques that will help anyone who has ever struggled with a research project; it will also help provide a refresher course of up-to-date techniques to those whose research skills were honed—well, let’s just say more than a few years ago. Kansas lawyers should take the time to review it, and most would be wise to keep a copy nearby.

The Kansas legal community has gained from the publication of this book.

Preface and Acknowledgments

The primary audience for this book includes first-year law students enrolled in a course that integrates hands-on research with legal analysis and writing, as well as law students in upper-level legal research courses. Other audiences include attorneys, law librarians, paralegals, college students, and pro se litigants.

We are greatly indebted to Suzanne E. Rowe, editor of the Carolina Academic Press Legal Research Series, for her patient and meticulous editing. In addition, chapters on the research process, citators, online research, and strategies and portions of other discussions are drawn from her excellent publication, *Oregon Legal Research, Second Edition*. Suzanne's guidance was invaluable in the creation of this publication.

Kansas Court of Appeals Judge Steve Leben offered many valuable insights, especially those regarding the increasing importance of unpublished opinions. Most of our wonderful colleagues at the Wheat Law Library contributed time and effort to this project in some capacity. Katherine Greene, Jeff Montgomery, Allison Reeve, Gale Troth, Pamela Tull, and Lauren Van Waardhuizen were exceptionally helpful in this regard. Research assistants Sara Buffie, Kelly Fahl, Laura Koths, Kaitlan Monroe, and Daniel Moskowitz provided outstanding support at various stages of the writing process. We are also exceedingly grateful to all of our friends and colleagues at the University of Kansas School of Law for providing the collegial academic environment that allowed this project to flourish.

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