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Series Note

The Legal Research Series published by Carolina Academic Press includes titles from many 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

Wisconsin Legal Research not only is an excellent resource for paralegals and law students but can serve as a helpful refresher reference for those of us who have been lawyers for a long time. Professors Cervenka and Behroozi give the reader an easy-to-follow and clear road map through both primary and secondary sources. This book should be a “must read” for anyone learning how to efficiently and effectively research either state or federal constitutional, statutory, regulatory, or case law issues. I really believe you have done a great service.

Justice Janine P. Geske (ret.)
Distinguished Professor of Law
Director of the MULS Restorative Justice Initiative
Marquette University Law School

Wisconsin Legal Research is an excellent and important new book. It provides a very accessible overview of Wisconsin research sources, including especially the key state-specific sources not covered in other books. It uses a process-based approach, explaining not only where to look but also how to decide the order and priority of sources. The local coverage is excellent and includes local court rules, state administrative practice, state legislative history, and local citation. It is rare to find a book that serves so many kinds of readers, from beginning paralegal students to law students to experienced lawyers. This one does just that. Every Wisconsin paralegal and lawyer should own this book.

Linda H. Edwards
Professor of Law
William S. Boyd School of Law
University of Las Vegas

Preface and Acknowledgments

The intended audience for this book is anyone who wants to learn about legal research in Wisconsin from the ground up. Primarily, that audience includes first-year or transfer law students, paralegal students, law firm summer associates who are attending law school outside of Wisconsin, librarians, and to some extent the general public. In addition, experienced attorneys new to the practice of law in Wisconsin may find the source-specific information to be helpful, especially in the areas of administrative law and legislative history.

Each chapter, however, is written with the novice in mind, defining basic terms that might be new to the researcher before giving an explanation of the types of materials available. Legal research is always a process—but not always a linear process. Because it is a process, we have emphasized the importance of having a thoughtful plan for researching a problem.

We have covered both print and electronic resources since often a combination of the two yields a cost-effective and efficient research result. While in law school, students often have difficulty planning research because electronic resources are used without a thought of what the database would have cost in the law office. Legal research economics are important, so we have covered the free and reliable websites, as well as commercial research services frequently used here in Wisconsin.

One of the most important legal research skills is thinking critically about exactly what a research resource can offer. The researcher needs to understand the depth and coverage of any resource before the results can be understood, so we have included that information in many instances. As time goes by, the commercial research services

will change, improve, and expand, which means the researcher needs to maintain a mindset that keeps checking the coverage of any source being used.

We have not spoken about another element of good research—seeking help from appropriate sources. This could include asking colleagues who may have done research on the topic, consulting the internal databases or files in a law office for information on the same topic, or seeking the assistance of a law librarian when one is available. There is no need to reinvent the wheel if compiled research on the topic already exists, though the researcher would still need to update any research done earlier. Making use of a well-staffed public law library or an academic law library nearby might also save the researcher valuable time in identifying resources for unique problems.

Though this book is the product of a shared vision, Patricia Cervenka took primary responsibility for writing the chapters on the research process, secondary sources, the Wisconsin Constitution, case law research, legislative history, and legal citation. Leslie Behroozi wrote the chapter on statutes and court rules. Deborah Darin wrote the chapter on administrative law while working part-time at Marquette and finished the chapter after she accepted a position at the Loyola University Chicago Law Library. Special thanks go to Suzanne Rowe, Series Editor, whose counsel, advice, and patience were immeasurable.

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