

# Legal Research Demystified



# Legal Research Demystified

*A Step-by-Step Approach*

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*To my wife, Julie:  
Thank you for your unconditional love.*

*To my children, Annie, Jacob, Emma, and Bennett:  
You are precious gifts from God.*



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# Preface

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*Legal Research Demystified* introduces first-year law students to legal research. Through a step-by-step approach, this book offers a real-world approach to finding and understanding the law.

As a legal research and writing professor, I have developed my approach in response to my students' frustrations with legal research. Most textbooks focus on the bibliographic features of various sources, not legal research as a process. As a result, my first-year law students had a difficult time applying their "academic" knowledge about sources of law to the skill of legal research. Students have embraced my research steps, thanking me for clarifying the research process and for giving them an "edge" over other summer associates. And attorneys who have attended my CLE presentations have appreciated my practical approach to research.

## Overview

Part I of *Legal Research Demystified: A Step-by-Step Approach* introduces students to the laws created by the three branches of government and explains where these laws are published in print and online. Parts II and III are organized around legal issues. Part II sets forth eight steps to research common law issues, and Part III guides students through ten steps to research statutory issues. Each chapter in Parts II and III discusses a single research step and identifies research strategies and the information the step should yield. Every chapter includes charts, diagrams, and screen captures to illustrate the research steps and finding tools. Each chapter concludes with a summary of key points that reinforces important concepts from the chapter.

Although the book discusses cost-effective online databases, it focuses on Westlaw Edge and Lexis Advance. Students who can navigate the research steps on those two platforms can transfer their knowledge to other online platforms. The book also examines print sources, including secondary sources, reporters, digests, and annotated statutory codes. This text highlights the benefits and limitations of researching with print and electronic sources.

Of course, the process of legal research is not linear. This book constantly reminds students of the recursive nature of legal research, and it identifies specific situations when they may deviate from the research steps. From each chapter, students should take away this key point: legal research requires critical thinking; thus, they should

not mechanically follow the steps for every research assignment but rather should use them as a guide.

## Key Distinguishing Features

This book attempts to demystify the legal research process for students. With a conversational tone, it breaks down the research process into “bite-size” pieces for novice researchers, minimizing the frustration often associated with learning a new skill. Additionally, the book provides students with information on a need-to-know basis to avoid overwhelming them with unnecessary information too early in the process. For example, students learn effective methods for locating all relevant statutes and statutory definitions (Step 3, Chapter 15); then they discover how to validate relevant statutes with citators, how to check the effective dates of relevant statutes, and how to identify the language of amendments (Step 4, Chapter 16); and then students learn effective methods for finding cases that interpret the controlling statutes (Step 7, Chapter 19).

*Legal Research Demystified* differs from existing texts in other important aspects. This book

- sets forth eight distinct methods to identify and retrieve secondary sources (instead of merely addressing how to navigate a particular source);
- contains a chart identifying binding cases in almost every situation (e.g., state law issue in federal court and federal law issue in state court);
- discusses in detail how to find cases on Lexis Advance using its headnote system (instead of only addressing the Key Number System);
- explains six different methods to find cases that interpret and apply relevant statutes;
- has a chapter devoted to reading relevant statutes critically;
- examines in detail the differences between using citators for cases and statutes;
- has three chapters on finding persuasive authorities for common law and statutory issues; and
- provides self-grading online research exercises.

## Assessment Tools

This book provides students and professors with multiple assessment tools. Each chapter ends with true-false and multiple-choice questions that test students’ understanding of chapter content. These questions are replicated on the book’s companion website, Core Knowledge. Students may answer these end-of-chapter questions, as well as more advanced questions, on Core Knowledge and receive immediate feedback,



including an explanation of why the answer is correct or incorrect. Professors can generate reports to track students' performance. Professors will then know whether to review a topic in more detail or to move to the next topic. (New books contain an access code to Core Knowledge; students purchasing used books can buy an access code separately.)

Core Knowledge offers yet another assessment tool: interactive research exercises. These online exercises walk students through the research steps on Westlaw and Lexis Advance, giving professors the option to “flip” the classroom. Through many screen captures and tips, students can navigate both research platforms outside of class, allowing students and professors to dig deeper into the material during class. Each research exercise simulates a real-world research experience and contains self-grading questions. For example, in one exercise, students research on Westlaw to determine whether the client could recover emotional distress damages against a neighbor for the death of the client's dog. To answer the client's question, students must complete the research steps, including finding and reviewing secondary sources on Westlaw, using the Key Number System and KeyCite, and performing keyword searches.

In sum, *Legal Research Demystified* helps students learn to find and understand the law with as little frustration as possible. I welcome input from you and your students.

Eric Voigt

February 26, 2019



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Of course, I did not write this book alone. I am very grateful for the time and support of my colleagues, students, friends, and family. I appreciate the great suggestions from Gigi Panagotacos, a reference librarian at my law school. I somehow convinced her to read almost every chapter; as a result, this book contains much fewer errors. I am also appreciative for the helpful feedback from the following persons: Joan Malmud Rocklin, Christine Coughlin, Sandy Patrick, Donna Spears, Jennifer DeBoer, Stephanie Hauenstein, and Emma Mitchell.

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Last, I would like to thank the publishers and authors listed below for granting me permission to reprint their materials.

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**Table 1:** Binding vs. Nonbinding Cases (Appendix A).

Adapted from the chart in the document “Which Court Is Binding? (Binding vs. Persuasive Cases)” by The Writing Center at Georgetown University Law Center.