

Idaho Legal Research

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Third Edition

Tenielle Fordyce-Ruff

Tenielle Fordyce-Ruff, Series Editor
Suzanne E. Rowe, Series Editor Emerita



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To Suzanne—my teacher, mentor, and friend.
TFR

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Series Note

The Legal Research Series published by Carolina Academic Press includes titles from many states around the country as well as a separate text on federal legal research. 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 jurisdiction. Unlike more bibliographic texts, the Legal Research Series books seek to explain concisely both the sources of legal research and the process for conducting legal research effectively.

Foreword

*Chief Justice Roger S. Burdick,
Idaho Supreme Court*

Without a clearly worded, thoroughly and honestly researched theory, followed by a logical analysis of facts to the theory, practitioners and students will not be successful in advocating their client's cause. *Idaho Legal Research* can help students acquire the skills they need to research legal theory and apply the law to their client's problems; it can also help Idaho practitioners refresh and update their research skills.

This book will give you a framework with which to go forward in the preparation of zealously advocating for your client. It not only provides a general framework that can be found in a number of general research guides, but most importantly for those of us practicing in Idaho, it is specific to our needs. This tailoring of general to specific is especially helpful in the use of our constitutional history, our specific quirks of procedure and pleading, and our use of authority. This book contains material, advice, and techniques that every attorney should consult over the course of her career. *Idaho Legal Research* integrates all methods of research and details the sources of law that are important to Idaho attorneys.

With the new edition, *Idaho Legal Research* has been updated to stay current with the constantly evolving research tools available through online sources. Any attorneys undertaking a research project in an unfamiliar area of the law would be well served by consulting this book as the first step in effective and efficient research. *Idaho Legal Research* is a fine book for students, as well as practitioners, now and in the future. This is truly a book for Idaho lawyers.

Preface and Acknowledgments for the Third Edition

This third edition of *Idaho Legal Research* continues the goal of prior editions: to explain clearly and concisely the sources and the process for researching Idaho law. This edition increasingly emphasizes online research and the strategies to help researchers use online services effectively, while including essential guidance with print sources that remain relevant. Most chapters have been substantially revised to embrace the shift to online case research. New chapters on preparing to research and research strategies have also been added.

I attempt to present a balanced coverage of Lexis and Westlaw, as they are the most widely used online research services. I also attempt to include guidance on lower-cost and free services and indicate when using a free or low-cost resource would be a better choice for researching.

I also want to express my deep gratitude and appreciation to Suzanne Rowe at the University of Oregon School of Law, my co-author on the first edition, and Kristina Running at the University of Idaho College of Law, my co-author on the second edition. While this edition includes substantial changes from the first two, their work is reflected throughout. Any of their work that remains is used with their permission.¹

Finally, I would like to acknowledge Professor Michael Greenlee, Director of the George R. White Law Library at Concordia University School of Law for his helpful guidance on early drafts of chapters, Professor Jason Dykstra

1. As do other books in this series, portions of this book draw on *Oregon Legal Research* by Suzanne Rowe, particularly the introduction to legal research in Chapter 1, the discussion of secondary sources in Chapter 4, the guidance on reading cases in Chapter 11, and the explanation of the national citation manuals in Chapter 13. All of these portions are used with permission.

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Tenielle Fordyce-Ruff