

Legal Research Guide: Patterns and Practice

Legal Research Guide: Patterns and Practice

EIGHTH EDITION

Linda L. Schlueter
Zoe E. Niesel

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Tribute to Professor Bonita K. Roberts

Professor Roberts joined the St. Mary's law faculty in 1981 and became the inaugural Director of the Legal Research and Writing Program. In that capacity, she developed a leading legal research program which taught students the skills and framework to effectively and efficiently find the law. She taught students how to effectively analyze and communicate the law in an opinion letter, memorandum of law, and appellate brief. She was passionate about teaching law students to use precise and concise language, as well as to write in plain English in the tradition of Richard Wydick. She also oversaw the 1L moot court competition and the annual best brief awards—two activities which have provided valuable learning experiences and well-deserved recognition for generations of law students.

In 1986, Bonnie Roberts and Linda Schlueter published the first edition of *LEGAL RESEARCH GUIDE: PATTERNS AND PRACTICE*. It was with the same conviction that Professor Roberts dedicated herself to explaining how there was a pattern to research that would lead to confidence in finding the law. Over the years as technology developed, she enthusiastically embraced new approaches and taught students the best way to find the law, whether in hardcopy or electronic form. This book demonstrated that approach in succeeding editions with guidance on the use of electronic and Internet research.

Over the last thirty-seven years, Prof. Roberts' commitment to teaching legal research is unsurpassed. Over 3,500 students have benefited from her knowledge and experience. Many of those former students still remember her classes for being engaging, tough, and extremely practical. She has graciously given of her time to mentor students both in law school and as they began law

practice. Further, she has been a valued inspiration and friend to her academic colleagues, who rely on her for guidance, wisdom, and wit.

It has been an honor and privilege to call her a colleague and friend. We are grateful for her contributions to this project for seven editions. And so, it is with heartfelt thanks that we recognize and acknowledge all that she has done. She has been a shining example of a dedicated law professor, a consummate attorney, and a passionate legal researcher.

Linda Schlueter and Zoe Niesel

February 2019

Preface

The purpose of this book is to provide law students, attorneys, and others doing legal research a simple step-by-step guide to the basic hard copy research processes. The book is not designed as a textbook to give an in-depth explanation of the law and its sources. Rather, this guide should be used when the research processes are unfamiliar to the researcher either through inexperience or insecurity.

To underscore the common patterns in print form legal research, as well as to simplify comprehension of each research process, checklists appear throughout the text and are separately indexed to allow the reader instant access to particular procedures. Specific problems illustrate each process, enabling the reader to relate better to each step or to follow the process through by using the problem for actual research. Because legal issues are rarely so straightforward as to involve only one research process, some sample problems are used in more than one chapter to demonstrate the interrelationships between research procedures. An appendix provides additional practice problems, accompanied by a brief outline of the research sources.

Although the databases for computer assisted legal research have expanded dramatically since publication of the third edition, unlimited access to material online may not be affordable or available to all researchers. Consequently, many day-to-day research tasks are still more efficiently completed by traditional research methods. The focus of this book, therefore, remains the efficient use of the manual research processes. In this edition, however, there are sections on print, electronic, and Internet versions. The electronic version focuses primarily on Lexis Advance and Westlaw Edge. The Internet version is limited to Internet sites that we consider to be reliable and stable addresses that are not likely to change.

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About the Authors

Linda L. Schlueter is the founder, president, and attorney for Trinity Legal Center, a nonprofit foundation. She has over forty-eight years of legal research and writing experience including being a Professor of Law teaching legal research and writing for eleven years at St. Mary's University School of Law. She is a recognized expert on punitive damages and has authored a two-volume national treatise, *Punitive Damages* (LexisNexis 7th ed. 2015), which is cited by the United States Supreme Court and other federal and state courts and commentators. Attorney Schlueter is the author of other law journal articles and publications. From 1990–2005, she served as the Editor for a 20-volume international treatise entitled *Modern Legal Systems Cyclopedia*. She has written numerous amicus briefs to the United States Supreme Court and has testified before legislative bodies in the United States and foreign countries. Attorney Schlueter received her Bachelor of Arts degree from the University of Southern California and her Juris Doctor from Baylor Law School. She is a member of the Order of Barristers for her outstanding advocacy skills.

Zoe Niesel is an Assistant Professor of Law and Director of the Law Success Program at St. Mary's University School of Law. She focuses her time on preparing St. Mary's students for the rigors of law school and the bar exam. Additionally, she is a published scholar in the fields of civil procedure and complex litigation. Prior to joining the faculty at St. Mary's, Professor Niesel taught at Wake Forest University School of Law as a Visiting Assistant Professor. In addition to her experience in academia, Professor Niesel spent time in private practice and as a federal law clerk. Professor Niesel received her Bachelor of Arts degree from Southern Methodist University and her law degree from Wake Forest University School of Law.