

Legal Research Demystified

Legal Research Demystified

A Step-by-Step Approach

SECOND EDITION

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

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

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Preface

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 developed my approach in response to my students' frustrations with legal research. Many 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. Over the last several years, students at my law school and other schools have embraced my research steps, agreeing that they clarify the research process. I am very grateful for the positive feedback from professors who adopted the first edition. They have told me that they appreciate the book's organization and tone—and that their students actually read the assigned pages.

Overview

Legal Research Demystified: A Step-by-Step Approach is organized into four parts. Part I 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, III, and IV are organized around legal issues. Part II covers the first two research steps for all legal issues. Part III sets forth the remaining six steps to research common law issues, and Part IV guides students through the remaining eight steps to research statutory issues. Each chapter in those three parts discusses a single research step and identifies research strategies and the information the step should yield. The chapters include 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.

This book focuses on using Westlaw and Lexis. 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. It 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 13); 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 14); and then students learn effective methods for finding cases that interpret the controlling statutes (Step 7, Chapter 17).

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

- The book sets forth ten distinct methods to identify and retrieve secondary sources.
- It offers a chart identifying binding and nonbinding cases in almost every situation.
- It discusses in detail how to find cases on Lexis using its headnote system.
- It explains six different methods to find cases that interpret and apply relevant statutes.
- It has a chapter devoted to reading relevant statutes critically.
- It examines in detail the differences between using citators for cases and statutes.
- It has three chapters on finding persuasive authorities for common law and statutory issues.

Updates to Second Edition

This second edition retains the features and visual aids that professors and students have appreciated. The new edition includes the primary revisions listed below.

- The two chapters on research plans and secondary sources from the common law research section (former Part II) and the two chapters on these same topics from the statutory law section (former Part III) have been combined into two chapters in the new edition. The combined two

chapters on research plans and secondary sources have been moved to their own section in Part II because these initial research steps apply to all legal issues.

- Former Part II has become Part III (common law research), and former Part III has become Part IV (statutory research).
- The coverage of secondary sources has been revised and expanded, including a new section in Chapter 6 on performing keyword searches for secondary sources.
- The coverage of KeyCite (Westlaw) and Shepard's (Lexis) on validating and finding authorities has been revised and expanded in multiple chapters.
- The discussion of performing keyword searches has been updated in Chapter 9.
- The instructions on how to find statutes have been revised and expanded in Chapter 13.
- The discussion of how to find cases that interpret statutes has been revised and expanded in Chapter 17, including two charts to help students select the best authorities for state and federal issues.
- Screen captures have been updated throughout the book to reflect changes to Lexis and Westlaw.
- The review and assessment questions from the end of each chapter have been substantially revised and expanded. Most chapters include new multiple-choice and select-all questions.

Interactive Assessments on Core Knowledge for Lawyers

With the purchase of a new book, students gain free access to the assessment and teaching tools on CAP's Core Knowledge for Lawyers online platform. It allows professors to track individual and class performance through its robust instructor dashboard. Using the methodology of Core Grammar for Lawyers, Core Knowledge provides students and professors with two types of assessments.

First, Core Knowledge hosts all the questions from the end of every chapter. These questions check students' understanding of chapter content. After a student answers a question, Core Knowledge provides instant feedback and an explanation of the right answer.

Second, Core Knowledge hosts interactive legal research exercises covering common law and statutory issues. These auto-grading exercises walk students through the research steps on Westlaw and Lexis and are designed for fully asynchronous, blended,

and flipped environments. For example, for one Westlaw exercise, students must determine whether the client could recover emotional distress damages for the death of a dog. To answer the legal question, students must use Westlaw to 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 continue to welcome input from you and your students.

ERIC VOIGT
March 1, 2022

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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.

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