

# **Missouri Legal Research**

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# Missouri Legal Research

Fourth Edition

**Wanda M. Temm**  
**Julie M. Cheslik**

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



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*For Keith and Bettie Sue Shumway,  
whose passion for higher education  
instilled in me the drive  
to be the best teacher I can be.  
— WMT*

*For Marlene L. Cheslik,  
My Teacher.  
— JMC*



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# Foreword

The substantive classes that a law student takes teach the fundamental principles, concepts, and rules underlying particular areas of law. The knowledge gained in these classes will prove invaluable to the practicing lawyer. But, an understanding of how to undertake effective legal research is essential to being a successful law student and, more importantly, to becoming an effective lawyer. If one does not know what a regulation is, or how to find out whether a case is still good law, then the substantive knowledge gained in law school will be of little practical use to the student or a future client. The gap between acquiring substantive knowledge and providing helpful advice is filled by legal research.

Students of Professors Wanda Temm and Julie Cheslik at the University of Missouri-Kansas City have long had the benefit of their insights into legal research methods. I am delighted that they have chosen to publish their ideas so that others will have the opportunity to gain from their experience. *Missouri Legal Research* offers a clear guide to the various sources of law used by Missouri lawyers and gives insights into how to make legal research both useful and effective. There are so many ways to approach legal research, and so many research sources to choose from, that a new student often is not sure where to begin. This book carefully explains the different types of sources of law, which sources are best used for what purpose, and how to quickly find relevant laws or cases.

*Missouri Legal Research* shows how to find cases that apply the relevant concepts, how to research statutes and regulations that set out the governing rules, and how to use treatises and law reviews to explain to a dubious judge or senior partner why the principles embodied in those cases should

apply to the case at hand. In short, it teaches the skills the new law student needs in order to solve the mysteries of legal research.

Further, *Missouri Legal Research* has the added advantage of offering this excellent primer on legal research in a context that will be specifically useful to students in Missouri law schools who wish to become Missouri lawyers. Professors Temm and Cheslik explain the structure of the Missouri court system and the judicial decision-making process, thereby providing a useful context for understanding how and why particular types of research are useful and necessary. This book's suggestions are practical and are geared to Missouri law and to the peculiarities of Missouri practice.

I am confident that this book will be a ready reference to all who find their way to its pages. Students will refer to this book time and again while taking legal research and writing, in preparing moot court briefs, and as they research issues for seminar papers or for legal clinics. New lawyers will find it invaluable when their work requires research into sources they have not utilized since their first-year courses. *Missouri Legal Research* is an invaluable addition to Missouri's law libraries.

Judge Laura Denvir Stith  
Supreme Court of Missouri

# Preface and Acknowledgments

This book is intended primarily for use by the student who is new to legal research or an area of legal research. Other audiences include practitioners who need to be familiar with Missouri resources, as well as paralegals, college students, and laypeople. Although some chapters may serve a reference-type purpose, such as the chapter on Missouri and federal primary authority and the legislative history section of Chapter 4, this book is primarily intended as an introduction to the tools and sources of Missouri and federal legal research. Reproduced excerpts from online and print resources are included to help orient readers to various authorities and finding tools. The format of these excerpts has sometimes been altered to fit this book's smaller page size.

## Structure and Themes

After an introduction to the research process and a discussion of the sources of primary authority, subsequent chapters of this book introduce types of authorities or finding tools. The focus of each chapter is on a tripartite process: (1) At what stage of legal problem-solving is this source helpful? (2) How do legal researchers access and use this source? (3) How is this source updated?

In addition to these three process-oriented queries, there are four common themes to remember in learning about the sources of legal research. These themes consider whether a source is (1) primary vs. secondary authority, (2) mandatory vs. persuasive authority, (3) official vs. unofficial, and (4) compiled chronologically vs. topically. These themes will be addressed frequently throughout the book.

### **Online and Print Resources**

This book focuses on the sources of law (statutes, case law, rules, regulations, etc.) both in an online format and in a print medium. This book explains how sources are compiled and published and how they are used to solve legal problems. Chapter 3 explains online resources and how to use them. Chapters 4 through 7 then address how to use online resources to research each type of authority. An important aspect of the book is its discussions of how to make judgments about which medium to access and when to access it.

Online resources are divided into free-access Internet sites and fee-based online databases. Unlike print resources that make format changes on an infrequent basis, online resources change format and content much more often. As a result, changes can occur online before a research book that describes that online source has left the printer. Indeed, the two major fee-based online database providers, Westlaw and Lexis, issue new format changes on an almost annual basis.

### **Reflection**

This book began as The UMKC Legal Research Guide in 1994, originally drafted by Julie Cheslik. Since then it has been updated annually. In 1999, Wanda Temm took the reins as Director of Legal Writing—now Lawyering Skills—and continued the annual update. Over the years, the guide evolved to become a resource for students well after the first year of law school. Numerous alumni maintained their copies and used the guide in their practices and clerkships. Through their suggestions that it be made available to a wider audience, this book was written.

### **Acknowledgments**

This book is the work of many people, primarily former teaching assistants in the Lawyering Skills Program at the University of Missouri-Kansas City School of Law, who contributed early outlines, early chapter drafts, examples, and, above all, enthusiasm and dedication. Particular thanks to former teaching assistants Teresa Locke, Mark Dover, Tony Gosserand, Dianne Hansen, Barbara Hircock, Robert James, Elizabeth Lawrence, Derrick Pearce, Jacque Sparks, Roger Walker, Steve Ward, and Louie Wright, who helped start this project.

Many thanks to our current and former Lawyering Skills colleagues, Judith Popper, Barbara Wilson, Norman Plate, Aaron House, Marcia Cook, and Shirley Goza, and administrative assistants, Elizabeth Couzens, Norma Karn, and Jackie Capranica, who have seen this manuscript in its various forms too many times. Their support has been unending and their contributions too numerous for words. Special thanks to former Lawyering Skills colleague Rodney Miller who significantly contributed to this edition. We are most appreciative and thankful for his work.

Special thanks to Lawrence MacLachlan, former Director of Research and Instructional Services, Leon E. Bloch Law Library, University of Missouri-Kansas City School of Law, for his patient and consistent review. He added valuable explanations and illustrations based on his years of experience teaching legal research. Thanks also to Rachelle Leutzinger for her assistance on the graphical information and to Pam Benton for her contributions to the Missouri legislative history section.

Series editors Suzanne Rowe and Tienielle Fordyce-Ruff also deserve special thanks. In addition to contributing portions of Chapter 1 and Appendix A, Suzanne's able assistance in finalizing previous manuscripts and suggesting improvements has helped make this book even more readable and user-friendly. Her dedication to this project was invaluable. Tienielle's work on this edition with its major revisions was instrumental.

Thanks as well to Dean Barbara Glesner Fines, Dean Emerita Ellen Suni, the UMKC administration, and the UMKC law faculty for their support of the Lawyering Skills Program over the years. That support has allowed us to provide our students a top-notch program using innovative teaching methods. This book would not have been created without their support.

WMT and JMC



## Series Note

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