

Iowa Legal Research

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Iowa Legal Research

Third Edition

John D. Edwards
Karen L. Wallace
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Tenielle Fordyce-Ruff, Series Editor
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*This book is dedicated to the memory of
The Honorable Mark S. Cady,
Chief Justice of the Iowa Supreme Court,
who instilled in law students the importance of
professionalism and thorough legal research.*

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Foreword to the Third Edition

The expansion of technology continues to transform the practice of law, but the foundation of a good lawyer remains built upon the ability to conduct accurate and efficient legal research. Regardless of the practice area, lawyers who develop their legal research and writing abilities provide a valued service when they enter the Iowa Bar. Our courts see that value every day through the legal filings before us. Those filings from attorneys skilled in legal research and writing make our task to understand and resolve the legal issues before us easier.

This text introduces all of the many types of authorities that lawyers must know how to use to support or differentiate their legal positions. In doing so, it serves as a guide to efficient and effective legal research. Although legal research has long been recognized as an essential component of successful lawyering, that acknowledgement has recently received even greater emphasis. The National Conference of Bar Examiners has announced that they are developing a new bar exam that will include legal research as one of seven skills that will be tested. That makes it even more important for law students to have the resources necessary to develop those skills, and to have works like *Iowa Legal Research* to utilize.

For law students and others wanting to learn how to do legal research and understand what resources an Iowa lawyer may need to consult, this text is an invaluable aid. When the late Chief Justice Mark Cady drafted the foreword for the prior edition, he noted in great detail all the attributes of the book that the reader would find valuable. To honor Justice Cady's memory the authors have included that foreword below, which still rings true today as to the goals of this book. Suffice it to say that with this revision the authors

have not only stayed faithful to those essential values, but have incorporated the many enhancements and new resources now available.

This latest edition of *Iowa Legal Research* should help readers understand not only the sources they should consult to find answers to their research problems, but how to use them.

Chief Justice Susan Christensen
Iowa Supreme Court

Foreword to the Second Edition

Chief Justice Mark S. Cady

Iowa Supreme Court

Lawyers and law students endure years of formal education in a wide variety of subjects and are institutionally trained in the art of critical analysis and precise communication. These tools are refined for years following graduation, and they are tested outside the classroom with issues affecting citizens of our state every day. Of course, these trials in research can be motivated to excellence by the desire to more efficiently serve clients in order to make a living, and every lawyer in Iowa has an obligation to the client, the courts, and the profession to uphold the established standards of service to society. But Iowa lawyers have long been committed to providing legal service above and beyond the call of duty. When the rule of law is critically examined in each new factual circumstance, well-trained servants of the law can also be agents of change in our laws because they have a new understanding of the world in which we live. This ability to provide legal counsel that constantly challenges established principles is our strength as a community. It is only through a spirited commitment to resolving the legal issues presented in each case that our law develops over time. As advocates for this standard of practicing law, it is essential that the most effective method of performing legal research be the cornerstone of our practice.

Because effective legal research is so fundamental, a lawyer's education is not complete without it. For over one hundred years, the Iowa legal community has had the benefit of the Drake University Law School's legal research program, which has been at the forefront of both technological and methodological innovations. True to their reputations as dedicated legal research educators, Dean John Edwards and Professors Karen Wallace and Melissa

We have tirelessly worked to produce this invaluable guide for law students and Iowa lawyers. *Iowa Legal Research* was the first comprehensive research book that synthesized various sources of Iowa law with the process necessary to isolate a research path among those sources and follow it confidently to its conclusion. The second edition follows that foundation and highlights the expanded electronic options researchers have today in addition to print. I am honored to have the opportunity to introduce such an exemplary piece of the work done to advance Iowa legal research.

The book begins where all legal practice should: by keeping the client's problem central to the research process. As a result, the researcher's understanding of the issue will sharpen as the research evolves. Effective research does not always unveil a definitive answer to the problem that is presented like a treasure at the end of a rainbow; instead, effective research typically creates more need for research. This book identifies that the sustainable practice of legal research starts with the recognition that research and analysis are intertwined and their development is codependent. As the authors point out, "[l]egal research cannot be divorced from legal analysis." Yet, under the direction of this Iowa-specific guide, researchers in Iowa can begin the intricate process of research and analysis without first having to spend countless hours acquainting or reacquainting themselves with methods for finding the applicable sources of law.

The authors have left no practical stone unturned. Consistent with the practice in most other industries today, much of Iowans' legal work is done electronically. Researchers unfamiliar with local web hosts need not spend time attempting to assess the credibility of these sources on their own; this book includes reputable Iowa-specific online databases and websites for lawyers and law students looking for Iowa-specific practice aides at little or no charge. Additionally, this book presents information about researching legal ethics opinions and disciplinary actions in Iowa. Sources of law related to professional regulation can be particularly difficult to locate as a new attorney, but this thorough guide lightens the burden of the search considerably.

The legal community is enriched by the publication of this book, which gives law students, practitioners, and anyone seeking the sources of Iowa law a firm foundational tool for any research task that lies before them.

Preface and Acknowledgments

This text presents legal research techniques and processes within the context of Iowa law while also acknowledging key federal legal research sources and considerations. For the new law student, the book introduces the discipline of legal research, including its client-centered approach and unique tools. For the practitioner new to Iowa or newly encountering specialized tasks, such as Iowa legislative history research, the text points to key resources and jurisdiction-specific factors influencing legal research.

Although many of the basic tenets of legal research remain stable over time, legal research platforms and websites continually evolve. This constant change makes it challenging to clearly explain current research tools without those descriptions becoming rapidly outdated. The authors incorporated two strategies to minimize this problem. First, rather than using the specific product names Westlaw Edge and Lexis+ (both new since the publication of the last edition of this book), we use the names that are most easily recognized and accepted—simply Westlaw and Lexis. Second, we focus on legal research concepts, which are unlikely to significantly change, showing how these concepts apply in practice to current research tools. Screen shots and website or research platform descriptions are current as of the manuscript completion date. As these electronic sources change, the authors are confident that you will be able to adapt, successfully navigating the updated look and feel of a source to apply the general research techniques and processes suggested throughout the book.

This edition would not have been possible without the support from the exceptional personnel at Drake University Law School. Thanks to the assistance from research assistants, librarians, library staff, and law school support personnel, our job was made easier. Special thanks goes to administrative

assistant Meghan Leto for her meticulous review of the page proofs, and to research assistants Abby Endress and Adam Lange for their keen eyes in reviewing the draft. Chapter 8 greatly benefited from the expertise and input from Iowa Administrative Code Editor Jack Ewing. We also wish to thank series editor Tenielle Fordyce-Ruff, whose assistance has been invaluable.

The authors are especially grateful to Chief Justice Susan Christensen for drafting the foreword and emphasizing the importance of good legal research. Her contribution is followed by the foreword from the second edition written by the late Chief Justice Mark S. Cady, to whom this work is dedicated.

Series Note

The Legal Research Series published by Carolina Academic Press includes titles from many states around the country. The goal of each book is to provide law students, practitioners, paralegals, college students, and laypeople with the essential elements of legal research in each state. Unlike more bibliographic texts, the Legal Research Series books seek to explain concisely both the sources of state law research and the process for conducting legal research effectively.

