Research Review

1) Step 1a: Preliminary Analysis
   a. Know Your Problem
   b. Jurisdiction
   c. Issue Statement
   d. Search Terms
      i. Parties
      ii. Places
      iii. Things
      iv. Potential Claims & Defenses
         1. Conduct
         2. Mental State
         3. Harm
   v. Relief Sought

2) Step 1b: Secondary Sources
   a. Give context, save time, help you find primary, mandatory authority
   b. Which should you start with?
      i. Probably encyclopedia, because it’s broad enough to give you context without overwhelming
   c. For more specifics, move to a treatise

3) Step 2: Codified Law
   a. Four types: Constitutions, statutes, regulations, court rules
   b. What methods do we use to find statutes?
      i. Citation
      ii. Browse ToC
      iii. Popular Name
      iv. Index
   c. Once we find a statute on point, what should we look at?
      i. Notes of Decision, other annotations/citing references
      ii. Browse nearby statutes, esp. for definitions section
4) **Step 3: Binding Case Law**
   a. When is case law binding?
      i. In your jxn, from a court higher in the hierarchy
   b. What methods do we use to find cases?
      i. Citation (within secondary source, statute annotation, another case)
      ii. Party Name
      iii. Topic & Key Number

5) **Step 4: Persuasive Case Law**
   a. When is it appropriate to look to persuasive law?
      i. Issue completely new to your jxn
      ii. Gap in the law
      iii. Policy language

6) **Stay Organized**
   a. Folders in Westlaw or print, but be able to tell from a glance how each source is helpful
   b. Consider keeping a log of your searches so when asked what you’ve tried, you can easily answer
   c. Read as you go! This is the only way to be efficient.

7) **How to know you’re finished researching**
   a. You’ve answered all your research questions
   b. You’ve followed the process all the way through
   c. You keep coming across the same sources repeatedly.