

Legal Research Strategy

A. Preliminary review and analysis

1. Analyze facts and identify key words and legal concepts
2. Find secondary sources (encyclopedias, ALRs, treatises, law reviews) that summarize key words and concepts
 - a. Read to get a background understanding of legal concepts
 - b. Note references to relevant primary law (statutes, regulations, cases)

B. Statutory research in controlling jurisdiction(s) - mandatory authority

1. Find statutes and regulations cited in secondary sources
 - a. Find cases cited in secondary sources that interpret statutes and regulations
2. Use annotated code indexes to find other statutes and regulations
 - a. Use annotated codes, pocket parts and recent supplements to:
 - i. Update statutes and
 - ii. Find cases that interpret statutes and regulations
3. Use Shepard's and/or KeyCite to:
 - a. Determine current status of statutes and regulations and
 - b. Find other cases that interpret statutes and regulations

C. If no controlling statutes, case (common) law research in controlling jurisdiction(s)

1. Find other cases cited in secondary sources that interpret common law (and not statutes)
2. Use digest(s) and pocket parts, or Westlaw digest, to find other relevant cases by topic
 - a. Use digest tables in the reporter advance sheets or electronic digest to update digest research using same topics
3. Use Shepard's and/or KeyCite to:
 - a. Determine current status of cited cases and
 - b. Find other cases that interpret cited cases

D. If no controlling statutes or cases, repeat Step C. in other jurisdictions - persuasive authority