

Preface

You will soon discover that legal research is truly a “hands-on” subject. Although there are numerous books to be found that discuss methods and techniques, there is no substitute for actually performing the task of legal research. A simple analogy can be drawn to driving a car: You may find several manuals that discuss driving and provide tips on better driving, but simply reading about operating a car is not a substitute for actually driving a car yourself. Similarly, you will learn the most about legal research, about which shortcuts are invaluable, and about which techniques are non-productive, only by doing legal research. To that end, library assignments are placed at the conclusion of each chapter so you can see and use the books discussed in each chapter. You should never have to use a book or set of books that have not been discussed in the chapter you have finished reading or any preceding chapter. Take the time to explore the books by reviewing the foreword, table of contents, and index found in each volume. Familiarize yourself with all of the features of the books or electronic resources you use, and you will simplify your legal research.

Performing legal research can be both frustrating and gratifying. It can be frustrating because there is often no one perfect answer and because there are no established guidelines on how much research to do and when to stop. On the other hand, legal research is gratifying because you will be engaged in a task that requires you to do something and one in which you will be rewarded by finding the right case, statute, or other authority.

You should view legal research as an exciting treasure hunt—a search for the best authorities to answer a question or legal issue. In this sense, the task of using and exploring the law library or the Internet for answers to legal issues or questions should be a welcome relief from the assignments of other classes, which may be passive in nature and involve copious amounts of reading.

I would encourage you to research with other students if you are comfortable doing so. Often you will learn a great deal by comparing notes with others who may be able to share successful strategies for effectively

using various books or electronic resources or finding the answers to research problems. Naturally, sharing ideas and tips for research techniques should not be viewed as an excuse not to do the work yourself or a license to use answers discussed by others. In other words, you should research with other students (if you find it useful to do so), but you should never write together. Not only is this practice dishonest, but it will prevent you from effectively learning the skill of legal research. Ultimately, an employer is not interested in how many “points” you obtained on a class exercise or what grade you obtained, but in whether you can be depended upon to research an issue competently. As adult learners and professionals, you should concentrate on learning the skill of legal research rather than focusing on the number of right answers you can obtain.

Although this text shows case names and book titles in italics, underlining or underscoring is also acceptable according to *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass’n et al. eds., 19th ed. 2010) and ALWD & Darby Dickerson, *ALWD Citation Manual* (4th ed., Aspen Publishers 2010), which are the standard reference tools for citation form. There is variation among practitioners, so check with your firm or office to determine if there is a preference. Unless otherwise noted, all citations given in *Bluebook* form are displayed in the format used by practitioners, not in the LARGE AND SMALL CAP format used in academic writing. When only one citation is given in the text, it is given in *Bluebook* form.

When you begin reading this book, most of you will be unfamiliar with cases, statutes, constitutions, or the numerous other legal authorities. As you progress in class and through the chapters and assignments in this text, you will readily be able to measure your progress. When you complete this text and your legal research class, you will have gained thorough mastery of legal research and writing techniques as well as familiarity with the numerous sets of law books and electronic resources that you will be required to use in your profession.

This sixth edition of the text introduces several new features, including the following:

- Conformance of all citations in the text with the new 19th edition of *The Bluebook* and the new 4th edition of *ALWD*. Chapter 8 (relating to citation form) includes a list of the most significant changes made to the new 19th edition of *The Bluebook* and the new 4th edition of *ALWD*.
- Discussion of how to use Google’s new feature “Google Scholar” to locate cases.
- Discussion of the migration of the government’s website offering access to critical government documents from GPO Access to FDsys.
- Discussion of new websites FederalRegister.gov and Regulations.gov for free access to valuable government materials.
- Revamped section on conducting legislative history research in Chapter 10.

- New assignment in Chapter 11 requiring users to access and use Loislaw (the online legal research system to which readers of this text are provided free access for a period of time).
- New assignment in Chapter 11 requiring readers to Shepardize and KeyCite the same cases to illustrate the differences between Shepardizing and KeyCiting.
- Discussion in Chapter 11 of the following new features in Westlaw and Lexis:
 - West’s new, easy-to-use, and intuitive platform WestlawNext, which allows searching similar to “Google”-type searching.
 - Lexis’s new features: Easy Search and “Case in Brief.”
- Discussion of the fee-based, computer-assisted research system Fastcase and its free app for iPhones (allowing free access to the largest free law library available on an iPhone or iPad), as well as discussion of other law-related “apps.”
- All new Discussion Questions and Internet Legal Research Assignments.

Additionally, new charts and diagrams are included, such as a chart (see Figure 10-2) showing where and how to locate legislative history documents. Reflecting the continuing and dramatic effect of the Internet on legal research and the ever-increasing accessibility of resources in cyberspace, new material relating to amended Federal Rule of Appellate Procedure 32.1 (allowing the citation of unpublished decisions) is included in Chapter 4, and links for Web-based tutorials are given when applicable. Chapter 13 (which provides an overview of the legal research process) includes a full range of open-ended research questions, requiring readers to use and apply all skills learned in previous chapters to obtain answers to these research questions.

The vast number of legal authorities available both in a conventional law library and through digital law libraries means that effective legal researchers are flexible. Sometimes the materials you need are not on the shelves and you will need to switch directions. Sometimes new methods of locating materials emerge. In any event, you will find legal research an interesting hunt for the authorities you need, whether in conventional print sources, on Lexis or Westlaw (the computer-assisted legal research systems), or on the Internet.

At the time of the writing of this sixth edition, the Government Printing Office website (previously known as “GPO Access”) was in the final stages of migrating its vast collections of federal documents and materials to a new system, called “Federal Digital System” (often referred to as “FDsys” and located at <http://www.gpo.gov/fdsys>). This site offers easy access to authenticated government documents, including our federal statutes, our Code of Federal Regulations, and numerous other primary sources. Some collections of government materials, however, remain accessible through the prior system, GPO Access, at <http://www.gpoaccess.gov>.

Textbook Resources

The companion website for *Legal Research and Writing for Paralegals* at www.aspenparalegaled.com/books/bouchoux_legalwriting research includes these additional resources for students and instructors:

- Study aids to help students master the key concepts for this course, including interactive StudyMate exercises such as flash cards, matching exercises, fill-in-the-blank exercises, and crossword puzzles. (These activities are also available for download to an iPod, iPad, or other handheld device.)
- Instructor resources to accompany the text, including a comprehensive Instructor's Manual, Test Bank, and PowerPoint slides. (These resources are also available on a CD-ROM.)
- Blackboard and eCollege course materials to supplement the text, designed to streamline the teaching of the course and provide valuable resources from the book in an accessible, electronic format.
- Links to helpful websites and updates.

This text also comes packaged with four months of prepaid access to Loislaw's online legal research database at <http://www.loislawschool.com>.

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