



ST. THOMAS UNIVERSITY LAW LIBRARY

Legal Research - A Process in Six Easy Steps

I. Read, Classify, and Create

Read the fact pattern or “client’s” story provided by your professor. As you read, you want to separate out all the legally relevant facts from the fact pattern. It is helpful to write these facts down on a separate piece of paper. While looking at the relevant fact list, you can begin to classify the legal problem as falling under Federal or State Jurisdiction. You can also begin to classify the problem as a criminal or civil case. Now use the legally relevant facts list to create an initial list of legal research terms. You want to add synonyms and antonyms for the legal research terms to your initial list.

II. Legal Research Term List and Secondary Sources

Use your legal research terms to perform searches in the indexes and table of contents of secondary sources that cover the legal subject matter of your problem. It is always important to look up every legal research term that is on the list that you created before you move on to a new secondary source.

III. Keeping Track of the Resources Used

Now create another list. This list is of the resources you have utilized so far in your research. This list is important to maintain for several reasons. First you will save time because you will not repeat your research. If you get stuck while performing your research, you can show your professor or law librarian where you have already looked. Once you are working in a firm and writing

memos for more experienced attorneys, you will need the list of resources in case the partner requests to see your research journey.

IV. Secondary Sources Lead to Primary Sources

Often the secondary source materials you initially used in your research will direct you to primary authority citations. Remember, primary authority citations that are available in one resource do not make up all of the primary authority available on the legal matter you are researching.

V. Updating is Important

You are almost ready to start writing after you locate a few primary authority citations that are on point for your legal fact pattern, but before you begin you must establish that the citations are still “good law”. To determine if the law is still good, you need to enter the citations into a legal citatory. The citator will provide you with relevant information about what occurred after the case, statute or regulation was published.

VI. When to Stop

The initial level of the legal research process ends only after you have researched and updated all applicable primary source material. An indication that you can stop your research is when all the secondary and primary sources are citing back to the resources and rules that you have already researched. In truth, the legal research will not end until you have handed the document in. While writing your memo or brief you will discover gaps in your research that can only be filled with some additional research.