

# The Dayton Law Library Association



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## Six Easy Steps to Stress-Free Legal Research

The following checklist highlights the fundamental steps for performing effective legal research. Use these techniques to begin in-depth research or to simply familiarize yourself with a new area of law. For those desiring a full description of books and services with which to perform legal research, a *Legal Resource Guide on Research Techniques and Skills* is available in the Law Library and is also reprinted in this issue of the *Newsletter*.

1. **For a broad overview of a topic, first consult the secondary sources.**
  - a. Legal Encyclopedias
  - b. Treatises, handbooks, CLE and Bar publications – search the catalog
  - c. Legal periodicals – search the LegalTrac Index at the Law Library

**Note:** *A keyword search in an electronic database is not generally the best place to start. An authored or edited treatment is a value-added source that will provide a more complete and organized coverage. Take advantage of a table of contents and an index.*
2. **Review the primary source material that is cited in the secondary source.**
  - a. Session laws; codes; regulations; case law – find them in:
    1. print sources
    2. topical loose-leaf services
    3. online databases
      - a. LexisNexis
      - b. Westlaw
      - c. Ohio Capitol Connection

**Note:** *Verify effective dates and jurisdictions.*
3. **Consult specialty finding tools either in print or online.**
  - a. ALR system
  - b. West's Digest System
  - c. Annotated Forms

**Note:** *Again, enjoy the benefit of professional editing and organization.*
4. **Determine the existence of public documents and retrieve them from LexisNexis; Westlaw; Internet Sources; loose-leaf services; or government depositories.**
  - a. Legislative histories
  - b. Government filings
  - c. Agency records and bulletins

**Note:** *The electronic preservation and retrieval of these documents is a true technological advancement.*
5. **Verify, verify, verify.**
  - a. Shepard's Citators Online – LexisNexis
  - b. KeyCite – Westlaw

**Note:** *Although a few print Citators remain available in the Library, it is recommended that the verification process be brought up to date online.*
6. **Contact the Law Library staff for assistance at any step along the way.**

**Note:** *Statistics indicate that 81% of the DLLA reference requests are received via a phone call or in person. Consulting with the people who regularly select, process, and use these sources is the best way to ease the stress of legal research.*

## Legal Resource Guide on Research Techniques and Skills

### Texts located in the Law Library -

<i>Searching the Law – 2nd Edition</i> Doyle, Bae, Fishman, Preble <b>KF 240 .B265 1999</b>	<i>Basic Legal Research and Writing for Legal Assistants</i> Laurie Zimet, PLI <b>KF 240 .Z9 B27 1994</b>	<i>The Lawyer's Guide to Fact Finding on the Internet</i> Carole Levitt and Mark Rosch <b>KF 242 .A1 L48 2004</b>
<i>How to Use the Internet for Legal Research</i> Josh Blackman <b>KF 240 .B52 1996</b>	<i>The Essential Guide to the Best (and Worst) of Legal Sites on the Web</i> Robert J. Ambrogi <b>KF 242 .A1 A45 2001</b>	<i>Computer-Assisted Legal Analysis: Minimizing the Risks for the Consumer</i> Margaret Polley, ABA <b>KF 242 .A1 P65 1985</b>
<i>How to Find the Law – 8th Edition</i> Morris Cohen and Robert Berring <b>KF 240 .C538 1983</b>	<i>The Internet Fact Finder for Lawyers: How to Find Anything on the Net</i> Joshua Blackman, ABA <b>KF 242 .A1 B55 1998</b>	<i>Ohio Blue &amp; White Book</i> West Publishing Company <b>OHIO KFO 60 .O44</b>
<i>Legal Research in a Nutshell</i> Morris Cohen <b>KF 240 .C54 1985</b>	<i>Neat-Schuman Guide to Finding Legal and Regulatory Information on the Internet</i> Yvonne J. Chandler <b>KF 242 .A1 C48 1998</b>	<i>Ohio Legal Definitions - Student Edition</i> Ohio Jurisprudence 2d <b>OHIO KFO 66 .O55</b>
<i>Legal Research: Techniques and Strategies for Associates</i> Jean O'Grady <b>KF 240 .L43 1991</b>	<i>The Internet Reference Manual</i> OSBA/ CLE Institute <b>KF 242 .A1 C749 2002</b>	<i>Ohio Legal Research Guide</i> Melanie Putnam and Susan Schaeffgen <b>OHIO KFO 75 .P88 1997</b>
<i>Legal Research and Law Library Management</i> Julius Marke, Richard Sloane, Linda Ryan <b>KF 240 .M24 1990</b>	<i>The Internet: Strategies for Effective Use in Law Practice</i> Maria Perez-Crist <b>KF 242 .A1 C75 1998</b>	<i>Black's Law Dictionary – Deluxe 8th Edition</i> Bryan Garner <b>REF KF 156 .B53 2004</b>
<i>Practical Approaches to Legal Research</i> Kent Olson and Robert Berring <b>KF 240 .O37 1988</b>	<i>Law, Law, Law on the Internet: The Best Legal Web Sites and More</i> Erik Heels and Richard Klau <b>KF 242 .A1 H438 1998</b>	<i>Bluebook: A Uniform System of Citation – 17th Edition</i> <b>REF KF 245 .B58</b>
<i>Effective Legal Research – 4th Edition</i> Miles Price, Harry Bitner, Shirley Bysiewicz <b>KF 240 .P7 1979</b>	<i>The Internet Guide for the Legal Researcher – 3rd Edition</i> Ken Kozlowski <b>KF 242 .A1 K68 2001</b>	<i>Prince's Bieber Dictionary of Legal Citations – 6th Edition</i> Mary Miles Prince <b>REF KF 246 .P73 2001</b>
<i>Legal Problem Solving – 4th Edition</i> Marjorie Rombauer <b>KF 240 .R64 1983</b>	<i>The Legal List: Research on the Internet 2003 Edition</i> Diana Botluk <b>KF 242 .A1 L375</b>	<i>The Legal Researcher's Desk Reference 2004-05</i> Arlene Eis <b>REF Z 675 .L2 L3832</b>

### Selected Law Review Articles -

“Rule 11-Sanctions and a Lawyer's Failure to Conduct Competent Legal Research” 29 <b>Capital Univ. Law Review</b> 681 (2002)
“Situating "Thinking Like a Lawyer" within Legal Pedagogy” 50 <b>Cleveland State Law Review</b> 29 (2002-2003)
“Using the Law Library: A Guide for Educators--Part I: Untangling the Legal System” 33 <b>Journal of Law &amp; Education</b> 213 (April, 2004) <i>Available Online</i>
“Using the Law Library: A Guide for Educators--Part II: Deciphering Citations & Other Ways of Locating Court Opinions” 33 <b>Journal of Law &amp; Education</b> 365 (July, 2004) <i>Available Online</i>
“Retrieving Statutes, Cases and Law Review Commentary--A Primer for-Non Lawyers” 32 <b>Journal of Law &amp; Education</b> 79 (January, 2003) <i>Available Online</i>
“Standardizing the Rules Restricting Publication and Citation in the Federal Courts of Appeals” 63 <b>Ohio State Law J</b> 833 (2002)
“Lurching Towards the Millennium: The Law School, the Research University, and the Professional Reforms of Legal Education” 60 <b>Ohio State Law Journal</b> 1965 (1999)
“Design Principles for Universal Legal Citations” 30 <b>University of Toledo Law Review</b> 531 (Summer, 1999)
“Beyond Mere Competency: Advanced Legal Research in a Practice-Oriented Curriculum” 55 <b>Baylor Law Review</b> 1 (Winter, 2003)
“Here's a Scoop for the Law Profs: Teach Your Students to "Think Like a Journalist"” 81 <b>University of Detroit Mercy Law Review</b> 175 (Winter, 2004)

**Journal Watch****ADA**

"*Tennessee v. Lane*: The Supreme Court Further Muddies the State Sovereign Immunity Water." 55 **Labor Law Journal** 145 (Fall 2004, No. 3).

A Primer on Case Law Under the Americans with Disabilities Act." 39 **Tort Trial & Insurance Practice Law Journal** 1141 (Summer 2004, No. 4).

**BANKRUPTCY**

"Does Chapter 11 Reorganization Remain a Viable Option for Distressed Businesses for the Twenty-first Century?" 78 **The American Bankruptcy Law Journal** 153 (Spring 2004, No. 2).

**BUSINESS LAW**

"About Your Client's Web Site – Privacy, Policy and Practice." 14 **Business Law** 19 (November/December 2004, No. 2).

**CRIMINAL LAW**

"Admissibility of Lab Reports: The Right of Confrontation Post-*Crawford*." 19 **Criminal Justice** 26 (Fall 2004 No. 3).

"Wrestling with *Crawford v. Washington* and the New Constitutional Law of Confrontation." 78 **Florida Bar Journal** 26 (October 2004, No. 9).

"Beyond Police Conduct: Analyzing Voluntary Consent to Warrantless Searches by the Mentally Ill and Disabled." 48 **St. Louis Univ. Law Journal** 1469 (Summer 2004, No. 4).

**DRAM SHOP**

"Dram Shop Liability in Ohio: R.C. 4399.18." 14 **Ohio Trial** 23 (Summer 2004, No. 2).

"Helpful Hints for Holiday Office Parties." **OSBA Fine Print**, Issue 21 (Fall 2004). <[http://downloads.ohiobar.org/pub/busres/fineprint/osba\\_fine\\_print\\_issue021.pdf](http://downloads.ohiobar.org/pub/busres/fineprint/osba_fine_print_issue021.pdf)>

**ELDER LAW**

"Protecting the Older Client in Multi-generation Representations." 38 **Family Law Quarterly** 247 (Summer 2004, No. 2).

"Alive, Kicking and Incapable." 143 **Trusts & Estates** 52 (November 2004, No. 11).

"How to Prove Management Flaws in Nursing Homes." 40 **Trial** 30 (October 2004, No. 10).

**EMPLOYMENT LAW**

"Workplace Privacy Issues: Potential Pitfalls for Unwary Employers (with Forms)." 50 **The Practical Lawyer** 43 (October 2004, No. 5).

**ESTATE PLANNING**

"Beyond Legal Malpractice: Estate Planners Beware." 76 **Cleveland Bar Journal** 22 (November 2004, No. 1).

**FAMILY LAW**

"The Nuts and Bolts of a Post Decree Motion to Modify Child Support." 54 **Dayton Bar Briefs** 10 (October 2004, No. 2).

"Shared Parenting Modification." 54 **Dayton Bar Briefs** 18 (November 2004, No. 3).

**HIPPA**

"HIPPA Privacy Requirements and Health Care Flexible Spending Accounts – Have Smaller Employers Forgotten Something?" 12 **Journal of Pension Benefits** 28 (Autumn 2004, No. 1).

**TAX LAW**

"What is a Metropolitan Area for Transportation Cost Purposes?" 35 **The Tax Adviser** 665 (November 2004, No. 11).

"Dependency Exemptions for Children of Separated Parents: The Case of the Never-Married Individuals." 82 **Taxes: The Tax Magazine** 41 (October 2004, No. 10).

"Log In To Tax Rules for Deducting Computer Purchases." 73 **Tax Strategies** 289 (November 2004, No. 5).

## Recent Acquisitions

<b>KF 1610 .Z95 A42 2000</b>	State Unfair Trade Practices Law.
<b>KF 1614 .C68</b>	Do's and Don'ts in Advertising.
<b>KF 4155 .B76 2004</b>	Brown at 50: The Unfinished Legacy.
<b>KF 4819 .J83 2004</b>	A Judge's Guide to Immigration Law in Criminal Proceedings.
<b>KF 8836 .K54 2004</b>	Small-Case Litigation Forms.
<b>KF 8947 .S546 2004</b>	The Evidence Camera.
<b>KF 9225 .A943 2004</b>	ABA Criminal Justice Standards: Collateral Sanctions and Discretionary Disqualification of Convicted Persons.
<b>KF 9322 .I47 2004</b>	The Impact of Domestic Violence on Your Legal Practice, A Lawyer's Handbook.
<b>KFO 140 .A65 S44 2004</b>	Ohio Estate Planning, Wills and Trusts Library: Forms and Practice Manual.
<b>RM 315 .P38 2004</b>	PDR Drug Guide for Mental Health Professionals.

### Highlighting Records Retention

At the end of each year questions are often asked about the retention of records in law firms. The following two sources may provide a few answers.

<b>KF 320 .R42 B27 2003</b>	Records Management in the Legal Environment: A Handbook of Practice and Procedure.
<b>Nemchek, Lee R.</b>	Records Retention in the Private Legal Environment: Annotated Bibliography and Program Implementation Tools. (Includes Sample Policies and Schedules as well as a Retention/Destruction Program Exemplar Package). <a href="http://www.allnet.org/products/2001_01.pdf">www.allnet.org/products/2001_01.pdf</a>

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