UNIVERSITY OF BALTIMORE
SCHOOL OF LAW

Legal Writing Center

LEGAL RESEARCH: WHERE DO I START?
A Legal Research Guide for the First-Year Writer

"Research is what I'm doing when I don't know what I'm doing."

Werner von Braun

What do I need to research?

With any legal research, the first step is to determine *what* you are researching. For example, if you are working on an open memorandum for your ILS class, the first thing you should do is read the "problem" (i.e., the materials provided by your professor) thoroughly. And then read it again. As you read, identify the legal issue or issues that will be the focus of your memo.

Even after you identify the legal issue(s), you might still have little understanding of what you should actually be researching. This is where "pre-search" comes in handy. While you only want to cite primary sources (e.g., cases, laws, rules, and regulations) in your memo or brief, you can still use secondary sources to gain a better base understanding of the legal issue(s) you will be writing about. A simple Google search can be incredibly helpful and save you a significant amount of time once you start searching for primary sources. As you do this "pre-search," make sure to keep a list of the key terms that keep popping up.
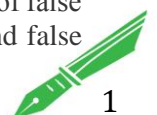
Where do I need to research?

Once you have a general idea of what you will research, it is important to determine *where* you should be researching—meaning, what is the controlling jurisdiction? For most first-year writing assignments (but not all, so be careful!), the controlling jurisdiction will be Maryland. Your professor will give you guidance in class or in the "problem" materials.

It is easy to narrow down your search by jurisdiction on Westlaw and Lexis Advance. For both search engines, the "jurisdiction box" is located directly to the right of the search box. So if, for instance, the controlling jurisdiction is Maryland, you want to make sure only the Maryland box is checked before you start searching. Otherwise, you may have to weed through a bunch of sources that will end up being of little use to you.

How should I research?

You have identified the legal issue(s) and done some "pre-search" to identify key search terms and you have narrowed down your search to the appropriate jurisdiction. But *how* do you use Westlaw and Lexis Advance to efficiently search for those key terms? Westlaw and Lexis Advance both allow you to use certain search tools to specify the relationship between multiple search terms.

For example, if you want to find cases discussing the "Merchant's Privilege" with respect to the tort of false imprisonment, you could search: ["false imprisonment" /s merchant]. The quotation marks around false

imprisonment tell the search engine you want to search for that *exact* phrase. The "/s" connector tells the search engine that you only want sources that contain the terms "false imprisonment" and "merchant" *within the same sentence*. There are detailed guides on how to use these, and other, search tools available online. Here are two examples:

> Westlaw: https://lscontent.westlaw.com/images/content/WLNT&CSearching.pdf

> Lexis Advance: https://www.lexisnexis.com/help/global/US/en_US/gh_terms.asp

It is important to keep track of what you search for. Otherwise, you might duplicate searches without realizing and waste valuable time. As you conduct your research, you should also take notes on your substantive findings. Start a working outline of the cases, statutes, etc., that you find helpful, *as well as the substantive legal information in those sources*. You might think that you will remember why you chose a certain case, but after hours of research it can be easy to forget!

Happy Researching!