Research Process & Strategy

1. **Gathering and analysis of facts, determining critical factors:**
   - Factual analysis: identify jurisdiction; causes of action; matters at issue; relief sought; procedural issues; and timing or location of injury or harm
   - In an unfamiliar area, be over-inclusive of facts; begin with secondary sources then re-examine your facts to avoid missing issues

2. **Formulate your strategy**
   - assess available resources and keep deadlines in mind
   - create an outline of your issues, this helps identify relationships and threshold issues
   - if you have some information, take citations to known authority (cases, statutes, Constitutions, regulations), review relevant secondary authority, then primary authority
   - if you need search terms, begin with secondary sources (hornbooks, nutshells, articles) or dictionaries or thesauri

3. **Research the issues**
   - three basic approaches: descriptive or fact words in indexes; known topics in tables of contents and indexes; known authority (cases, statutes, regs)
   - hierarchy of resources to look for:
     - statutes, regulations, Constitutions: read annotations or secondary authority, then cases interpreting the primary source
     - mandatory case authority: search your jurisdiction’s databases or digests; examine secondary sources for case cites; always update cases before doing extensive analysis
     - persuasive case authority: examine other jurisdictions, which are most persuasive in your jurisdiction; update authority
   - update all authority used, be aware of the currency of materials you are reading

4. **Staying organized**
   - Keep a research log of what you did and when, what search terms did you use in what research resource or database
   - group materials by your issue or sub issue
   - when you print groups of cases or articles, keep the cover sheet with your search terms and database information
   - if you email yourself lists of articles or book titles, use the subject line to record the search terms or search topic, keep those in you
   - after you read a case or article, make some notes about which issue it’s relevant to, which parts you will cite and where you plan to cite it in your memo or brief
   - if you plan on citing a source later when you write, be sure you have all the necessary parts for a proper citation written on the source, so you don’t have to find them later