CONTENTS

List of Illustrations Preface Acknowledgments	XXXI XXXV
PART 1 LEGAL RESEARCH	1
CHAPTER 1 INTRODUCTION TO LEGAL RESEARCH AND WRITING	3
CHAPTER OVERVIEW	3
A. INTRODUCTION TO LEGAL RESEARCH AND WRITIN The Role of the Paralegal in Legal Research and Writing Why Do Paralegals Perform Research? What Tasks Do Paralegals Handle in the Research and Writing Process? 	G 4 4 4 4
 B. INTRODUCTION TO THE U.S. LEGAL SYSTEM 1. The Organization of the Legal System How Did the Federal and State Systems Originate? 2. Components of the Federal System and Governing Law a. The Legislative Branch How Is Legislation Enacted? 	5 5 6 6 6 7

b. The Executive Branch	7
c. The Judicial Branch	10
Who Can Bring an Action in Federal Court?	11
i. The Trial Courts	11
ii. The Appellate Courts	12
iii. The Supreme Court	12
3. Relationship Between Federal and State Governments	13
Can a Federal Court Decide an Issue of State Law?	13
What Effect Does a Federal Decision Have on State Law?	13
Are Federal and State Agencies Part of One Governing Body?	13
4. Organization of State Governments	15
What Are the Duties of the State Courts?	16
Can State Courts Decide Issues of Federal Law?	16
Chapter Summary	17
Key Terms	17
Exercises	17
CHAPTER 2 LEGAL AUTHORITIES AND HOW	
TO USE THEM	21
CHAPTER OVERVIEW	21
A. DETERMINATION OF GOVERNING LAW	22
1. Jurisdiction	22
What Factors Determine Which Jurisdiction Governs Your Case?	22
2. Precedent	22
3. Hierarchy of Authorities	23
a. Currency	23
b. Levels of Court	24
c. Conflicting Decisions Between Circuits	25
d. State and Federal Decisions Concerning an Issue	26
e. Conflicts in Federal and State Authority	27
f. State Court Decisions	27
4. Dicta	27
B. TYPES OF LEGAL RESOURCES	28
1. Primary Authority	28
How Do You Determine Whether a Case Is Mandatory or Binding?	29
When Is a Case or Statute Persuasive Authority?	29
What Process Should You Undertake to Decide When to	_,
Use Persuasive Authority?	00
230 I Groudstyo / Willothy:	74
,	29 31
2. Secondary Authority	31
2. Secondary Authority3. Finding Tools	31 32
2. Secondary Authority	31

C. USE OF AUTHORITIES OR SOURCES IN YOUR LEGAL WRITING 1. Essential Sources to Cite 2. Valuable Sources to Cite 3. Sources Never to Cite Checklist	33 33 34 34 34
In-Class Exercise Chapter Summary Key Terms Exercises	35 36 37 37
CHAPTER 3 COURT DECISIONS	41
CHAPTER OVERVIEW	41
 A. REPORTERS 1. Bench Opinions 2. Slip Opinions a. Supreme Court Slip Opinions b. Other Slip Opinions How Are Pending or Unreported Opinions Such as Slip Opinions Cited in Memorandums to the Court or 	41 42 42 43 43
to Attorneys? 3. Preliminary Prints	43 47
4. Bound Reporters	47
a. U.S. Supreme Court Decisions	47
What Happens If the Language of a Decision in the Commercial Reporters Varies from the Language in <i>U.S. Reports</i> ? Is U.S. Supreme Court Docket Information Available without	48
Charge on the Internet?	48
Why Use the Commercial Reporters Rather Than the	
Official Reports?	57
How Do You Locate a Reported Case?	62
How Are U.S. Supreme Court Cases Cited?	62
b. Other Federal Case Reports Where Do You Find Decisions of Other Federal Courts?	64 64
How Are Federal Reporter and Federal Supplement	04
Decisions Cited?	74
Are Decisions Published in Any Other Reporters?	75
5. State Reporters	75
Where Can You Find State Court Decisions?	75
Are There Any Unofficial Reports of State Cases?	75
Why Would You Use the Regional Reporter Rather Than the	70
Official State Reporter? How Are State Cases Cited?	76 77
I IOW AIE SIGIE Cases Cliegy	11

6. Computerized Reporting	78
Can You Find Decisions on the Internet and through	Ħ
Fee-Based Computer Services? What Free Resources Allow Researchers to Search for	78
Federal and State Cases?	80
How Do You Know Whether a Case Is Published or	00
Available Online Only?	81
How Are Decisions Reported Only on Westlaw or	
Lexis Cited?	81
Chapter Summary	82
Key Terms	83
Exercises	83
CHAPTER 4 DIGESTS AND TOPICAL	
CLASSIFICATION SYSTEMS	85
CHAPTER OVERVIEW	85
A. CONTENT OF DIGESTS AND ONLINE TOPICAL CLASSIFICATION SYSTEMS ORGANIZATION	0.0
What Are Digests and Online Topical Classification Systems,	86
and What Do They Contain?	86
1. Headnotes and Key Numbers	86
2. Types of Digests	87
3. Organization of Digests and Online Topical	
Classification Systems	89
How Are Digests and Online Topical Classification	
Systems Organized?	89
B. GUIDE TO THE PRINT DIGEST SYSTEMS	92
How Do You Use a Digest System?	92
1. Descriptive Word Index Method	92
What Is the Descriptive Word Index Method?	92
2. Topic Outline Method	94
What Is the Topic Outline Method?	94
3. One Good Case Method	94
What Is the One Good Case Method? Once You Have a Relevant Topic or Key Number,	94
What Comes Next?	96
C. ONLINE TOPICAL CLASSIFICATION	
SYSTEM RESEARCH	96
Can Topical Classification Systems Be Searched Online?	96
1. Browse Topical Classifications	96
How Do You Browse Topical Classifications Online?	96
2. Words or Terms Search of Topical Classification	
Systems Online	101

	CONTENTS
3. One Good Case Method Online What Is the One Good Case Method Online?	102 102
Chapter Summary	107
Key Terms	107
Exercises	107
LACTUSES	107
CHAPTER 5 VALIDATING	111
CHAPTER OVERVIEW	111
A. SHEPARD'S	111
What Is a Citator?	111
Why Use Shepard's?	112
What Information Does Shepard's Provide for Researchers and	
How Do You Use Shepard's Online?	112
B. KEYCITE	118
What Is the Difference Between Shepard's and KeyCite?	123
Why Would You Use Both KeyCite and Shepard's?	123
How Do I Access KeyCite?	123
C. OTHER CITATORS	123
Chapter Summary	124
Key Terms	125
Exercises	125
CHAPTER 6 SECONDARY AUTHORITY	127
CHAPTER OVERVIEW	127
	12,7
A. SECONDARY AUTHORITY: WHAT IT IS AND	
WHERE TO FIND IT	128
What Is Secondary Authority?	128
Why and When Do You Use a Secondary Source?	128
What Are the Sources of Secondary Authority?	129
B. DICTIONARIES	129
What Is a Legal Dictionary?	129
When Would a Legal Dictionary Be Used?	129
How Would You Cite to a Legal Dictionary?	130
Are Legal Dictionaries Available Online?	130
C. ENCYCLOPEDIAS	132
1. Generally	132
What Is a Legal Encyclopedia?	132

xv

xvi CONTENTS

	Why Would You Use an Encyclopedia?	132
	When Do You Cite an Encyclopedia as Authority?	132
	2. American Jurisprudence	133
	What Is Contained in American Jurisprudence?	133
	How Do You Use Am. Jur.?	140
	What Is the Citation Format for Am. Jur.?	140
	3. State Law Encyclopedias	140
	Are There Any Legal Encyclopedias for State Law?	140
	4. Online Encyclopedia Services	142
	Are Legal Encyclopedias Available on Lexis or Westlaw?	142
D.	AMERICAN LAW REPORTS	142
	What Are American Law Reports?	142
	How Do You Use A.L.R.?	143
	Why Would You Use A.L.R.?	145
	How Do You Cite to an A.L.R. Annotation?	149
	How Do You Update an A.L.R. Annotation?	149
	Can A.L.R. Annotations Be Shepardized?	150
E.	TREATISES AND HORNBOOKS	150
	What Are Treatises and Hornbooks?	150
	How Do You Find a Thorough Treatise or Hornbook?	150
	Which Treatises Are Most Noteworthy?	151
	Why Do You Use a Treatise?	151
	How Do You Use a Treatise or Hornbook?	151
	Are Treatises Ever Relied on as Authority?	152
	How Do You Cite to a Hornbook and a Treatise?	152
	Are Treatises Available Online?	152
	How Are Treatises and Hornbooks Updated?	152
F.	RESTATEMENTS OF THE LAW	153
	What Are Restatements?	153
	How Are the Restatements Updated?	153
	How Do You Use the Restatements?	153
	Can the Restatements Be Shepardized?	156
	Are the Restatements Available Online?	156
	How Are the Restatements Cited?	156
G.	UNIFORM LAWS	157
	Where Do You Find Uniform Laws?	157
	How Do You Update a Uniform Law?	159
	How Do You Validate a Uniform Law?	159
	How Do You Cite a Uniform Law?	160
H.	LEGAL PERIODICALS	160
	What Are Legal Periodicals?	160
	Why Would You Use a Legal Periodical?	160

	CONTENTS	xvii
How Do You Obtain Relevant Legal Periodical Article Are Legal Periodicals Available on Lexis and Westlav How Do You Cite to a Law Review or Law Journal? What Is a Blog?		
Chapter Summary Key Terms Exercises	162 163 163	
CHAPTER 7 CONSTITUTIONS AND STATE	UTES 167	
CHAPTER OVERVIEW	167	
A. CONSTITUTIONS What Is a Constitution?	168 168	
What Is the Relationship Between the Federal Constitutions? Who Determines Whether a Statute Violates the	tution and 168	
U.S. Constitution?	168	
Can Federal and State Constitutions Be Validated?	168	
Where Are Federal and State Constitutions Found?	170	
How Do You Cite Federal or State Constitutions?	170	
Are Constitutions Available on Lexis and Westlaw?	171	
Are There Any Hardcopy Digests or Other Finding To		
Assist with Researching Federal Constitutional Issue		
B. STATUTES	172	
What Are Statutes?	172	
 The Legislative Process How Is a Statute Created Through the Federal 	173	
Legislative Process?	173	
What Are Slip Laws?	174	
What Are Session Laws?	174	
What Are the Statutes at Large?	175	
What Is Codification?	175	
2. Reading and Understanding Statutes	180	
How Do You Read a Statute?	180	
What Type of Legal Authority Are Statutes?	187	
What Is the Relationship Between Statutes and Case		
3. How to Find Federal Statutes	188	
Where Are Federal Statutes Found?	188	
How Often Is the U.S.C. Updated?	189	
Is the U.S.C. the Only Codified Version of the Federa		
What Do the Unofficial Codes Contain?	189	
Is There Any Difference Between the U.S.C.S. and the		
Why Would You Use an Annotated Set of the U.S.C	2.9 190	

xviii CONTENTS

How Useful Are Annotated Statutes as Finding Tools?	191
What Are the Research Methods Used to Find Relevant Statute	es? 191
How Do You Cite Federal Statutes?	196
4. Validating and Updating Statutes	197
How and Why Would You Validate Federal Statutes?	197
How Do You Úpdate Statutes?	200
5. How to Find State Statutes	201
How Does State Statutory Research Compare with Federal	
Statutory Research?	201
How Can You Tell Whether a State Code Is the Official or the	·
Unofficial Statutory Compilation?	204
6. Researching Statutes Online	204
What Are the Features of Online Statutes?	204
a. United States Code	204
b. State Statutes	205
	7
	005
Chapter Summary	205
Key Terms	205
Exercises	206
CHAPTER 8 LEGISLATIVE HISTORY	209
CHAPTER OVERVIEW	209
	, , ,
A. LEGISLATIVE INFORMATION	209
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation	209 210
A. LEGISLATIVE INFORMATION	209
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation	209 210 211
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES	209 210 211
 A. LEGISLATIVE INFORMATION Finding the Text of Pending Legislation Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? 	209 210 211
 A. LEGISLATIVE INFORMATION Finding the Text of Pending Legislation Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That 	209 210 211 212 212
 A. LEGISLATIVE INFORMATION Finding the Text of Pending Legislation Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? 	209 210 211 212 212 212
 A. LEGISLATIVE INFORMATION Finding the Text of Pending Legislation Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. 	209 210 211 212 212 212
 A. LEGISLATIVE INFORMATION Finding the Text of Pending Legislation Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in 	209 210 211 212 212 212 4.\$ 213
 A. LEGISLATIVE INFORMATION Finding the Text of Pending Legislation Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? 	209 210 211 212 212 212 213 4.? 213
 A. LEGISLATIVE INFORMATION Finding the Text of Pending Legislation Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? 	209 210 211 212 212 212 213 4.? 213
 A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? 	209 210 211 212 212 212 4.? 213 217 217 217
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute?	209 210 211 212 212 212 4.? 213 217 217 217 217
 A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute? What Are Some Other Sources of Legislative Information? 	209 210 211 212 212 212 213 217 217 217 217 217 218
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute? What Are Some Other Sources of Legislative Information? How Do You Research State Legislative Histories?	209 210 211 212 212 212 4.? 213 217 217 217 217
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute? What Are Some Other Sources of Legislative Information? How Do You Research State Legislative Information	209 210 211 212 212 212 213 217 217 217 217 218 218
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute? What Are Some Other Sources of Legislative Information? How Do You Research State Legislative Histories?	209 210 211 212 212 212 213 217 217 217 217 217 218
 A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute? What Are Some Other Sources of Legislative Information? How Do You Research State Legislative Histories? What Additional Sources for Legislative Information Are Available? 	209 210 211 212 212 212 213 217 217 217 218 218 219
A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute? What Are Some Other Sources of Legislative Information? How Do You Research State Legislative Histories? What Additional Sources for Legislative Information Are Available?	209 210 211 212 212 212 213 217 217 217 217 218 218 219
 A. LEGISLATIVE INFORMATION 1. Finding the Text of Pending Legislation 2. Tracking Pending Legislation B. LEGISLATIVE HISTORIES Where Do You Find Copies of Public Laws? How Do You Research Legislative Histories of Laws That Are Already Enacted? How Do You Use U.S.C.C.A.N. in Conjunction with the U.S.C.A. What Are Other Ways to Find Relevant Legislative History in U.S.C.C.A.N.? Is Legislative History Primary Authority? How Do You Cite Legislative History Found in U.S.C.C.A.N.? How Do You Cite to a Legislative History of a Statute? What Are Some Other Sources of Legislative Information? How Do You Research State Legislative Histories? What Additional Sources for Legislative Information Are Available? 	209 210 211 212 212 212 213 217 217 217 218 218 219

CI	HAPTER 9 ADMINISTRATIVE MATERIALS AND LOOSELEAF SERVICES	223
CF	HAPTER OVERVIEW	223
A.	INTRODUCTION What Is Administrative Law? How Can Administrative Agencies Create Law When This Is	224 224
	the Job of Congress? How Do Administrative Agencies Operate?	224 224
В.	REGULATIONS	225
	How Are Regulations Adopted? What Type of Authority Is an Administrative Regulation or Rule?	225 225
C.	FINDING ADMINISTRATIVE LAW	225
	1. Generally	225
	Where Do You Find Federal Administrative Law? Where Do You Find State Administrative Law?	225 228
	2. Specific Sources	228
	a. Federal Register	228
	How Do You Search the <i>Federal Register</i> ? How Can You Use Lexis and Westlaw to Retrieve the	229
	Federal Register?	234
	How Do You Use the Federal Register in Print?	234
	b. Code of Federal Regulations How Often Is the C.F.R. Updated?	234 235
	How Do You Use the C.F.R.?	235
	When and Why Would You Use Old Regulations?	238
	How Do You Update and Validate Regulations?	238
	How Is the Updating Performed in Practice? How Do You Validate, Shepardize, or KeyCite a	239
	C.F.R. Citation?	244
	How Are the C.F.R. and the Federal Register Cited?	244
D.	DECISIONS	244
	What Else Do Administrative Agencies Do?	244
	What Kind of Authority Are Administrative Decisions? Can Administrative Agency Decisions Be Shepardized or	245
	Checked on KeyCite?	245
	Other Than the Agency Itself, Where Can You Find Administrative Agency Decisions?	246
E.	LOOSELEAF SERVICES	246
	What Are Looseleaf Services?	246
	What Type of Authority Are Looseleaf Services?	246
	Researching Administrative Law: Summary	947

xx CONTENTS

Chapte	er Summary	247
Key Te		248
Exercis	es	248
CHA	PTER 10 COMMERCIAL DATABASES	251
CHAI	PTER OVERVIEW	251
GHH	TER OVERVIEW	4,31
A. IN	TRODUCTION	253
	What Are the Benefits of Using Online Legal Research Systems? What Are the Major Disadvantages of Using Online Legal	254
	Research Systems?	254
1.	Uses for Lexis, Westlaw, and Bloomberg Law	255
2.	Additional Features	255
B. SE	CARCHING WITH ONLINE LEGAL RESEARCH	
SY	STEMS	256
	General Overview	256
2.	The Basics	258
	How Can You Filter the Information?	258
3.	Search Formulation	259
	What Is a Search or Query?	259
	a. Connectors	260
	b. Quotations	262
	c. Plurals	262
	d. Irregular Plurals	263
	e. Hyphenated Words	263
	f. Noise Words or Articles	263
	g. Capitalizing Proper Nouns and Other Terms	263
4.	Other Ways to Restrict Your Search to Retrieve On-Point	00
	Information	264
	a. Date and Court Restrictors b. Other Restrictors	264
	c. Fields	265 265
	Why Does Integrating Traditional and Computerized Resources	400
	Result in the Most Effective Computerized Legal Research?	265
5	Retrieving the Results of Your Research	267
J.	Are There Any Other Ways to Retrieve Documents?	267
6	Point-and-Click Enhancements	267
	Additional Features on Lexis and Westlaw	268
	Comparing Lexis and Westlaw	269
0.	a. Differences between Lexis and Westlaw	269
	b. Similarities between Lexis and Westlaw	270
	How Do You Use the Computer Most Efficiently?	271
	How Do You Cite to Cases Retrieved on Lexis and Westlaw?	271
	How Do You Cite a Decision Reported on Lexis?	271

CON	<i>TENTS</i>	XX

How Do You Indicate a Page or Screen Number for	
the Case?	271
What Are the Other Sites for Computerized Legal Research?	272
Chapter Summary	272
Key Terms	273
Exercises	273
CHAPTER 11 PRACTICE RULES	277
CHAPTER OVERVIEW	277
A. OVERVIEW OF RULES OF PRACTICE	278
What Are Rules of Practice?	278
What Rules Govern Procedures in the Federal Courts?	278
Do the Federal Rules Control Proceedings in State Courts?	278
What Federal Courts Follow the Federal Rules of Civil Procedure?	278
Are the Federal Trial Courts Governed by Any Other Rules? What Rules of Procedure Do Federal Appellate Courts Follow?	278 279
What Rules Govern Practice Before the U.S. Supreme Court?	279
B. RESEARCHING RULES OF PRACTICE	280
1. Sources	280
Where Do You Find These Rules? Are the Federal Rules	000
Available Online? 2. Steps in Researching Rules and Court Decisions	280 281
How Do You Research a Federal Rule?	281
How Do You Find Cases or Secondary Authorities That Interpret	401
and Explain the Federal Rules?	281
What Sources Are Available to Help Interpret These Rules?	282
How Would You Cite the Various Federal Rules?	282
How Would You Cite a Decision Contained in the Federal	
Rules Decisions?	283
C. STATE RULES OF PRACTICE	283
What Rules Control the Conduct of State Proceedings?	283
Where Would You Find State Rules and Local Rules for	
State Courts?	283
Are Annotations for State Rules Available?	284
Are There Any Significant State Rule Treatises or Secondary Authorities?	284
D. ENSURING CURRENCY	284
How Do You Ensure That You Are Reviewing the Most Current	
Version of the Rule?	284
Can State Rules Be Shepardized?	284

xxii CONTENTS

Chapter Summary Key Terms Exercises	284 285 285
CHAPTER 12 ETHICAL RULES	287
CHAPTER OVERVIEW	287
A. RULES OF PROFESSIONAL RESPONSIBILITY Is There a National Code of Ethics for Attorneys or Paralegals? What Type of Authority Are These State Rules of Attorney Conduct and Cases That Interpret These Rules? When Would You Review the Rules for Ethical Conduct and the	287 288 289
Applicable Cases?	289
 B. RESEARCHING ETHICAL QUESTIONS 1. Primary Sources and Annotated Sources What Is the Value of an Annotated Source for the Rules 	289 289
and Codes? Where Can You Find the ABA Model Rules of Professional Conduct?	289 290
What Other Secondary Sources Are Useful for Ethics Researchers?	290
How Do You Use the Annotated Sources?	290
2. Other Useful Authorities Do State Bar Associations Publish Ethics Opinions Similar to Those Prepared by the ABA?	290 291
3. Research Process	291
How Would You Research an Ethical Question? Can You Find State Ethical Rules and Opinions on Westlaw	291
and Lexis? Can Ethics Rules Be Validated?	291 292
4. Sample Research Problem How Would You Cite an Ethics Rule Found in the ABA Model	292
Rules of Professional Conduct? How Would You Cite an ABA Ethics Opinion?	292 293
Chapter Summary Key Terms Exercises	293 293 294
CHAPTER 13 PRACTITIONER'S MATERIALS	295
CHAPTER OVERVIEW	295
A. FORMS Where Can Forms Be Found?	296 296

CON'	TENTS	XX111

	29
1. Checklists	29
Do Any Publications or Websites Contain Lists of What Step	
You Should Follow to Complete a Project?	29
2. Continuing Legal Education Materials Are CLE Materials Available Online?	29
3. Handbooks	298
3. Handbooks What Other Valuable Practitioner's Materials Are Available?	298
	298 298
4. Jury Instructions What Are Pattern Jury Instructions, and How Do They Differ to	
Other Jury Instructions?	29
Do the Federal Courts Have Pattern Jury Instructions and Wh	
Can They Be Found?	299
What Type of Research Should Be Done Before You Draft	4,5
Jury Instructions?	299
5. Briefs, Docket Information, Oral Argument Transcripts,	4,5
or Recordings	299
6. Other Tools	300
What Other Tools Might a Paralegal Use in Researching a Prol	
How Do You Locate Lawyers and Law Firms in Other States	
Within a State?	300
Chapter Summary	30
*	
Key Terms	30
Key Terms Exercises	
	30:
Exercises	30:
Exercises CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW	30: 30: 30:
Exercises CHAPTER 14 RESEARCH STRATEGY	30: 30: 30: E
Exercises CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW	30: 30: 30: E
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research?	30: 30: 30: E 30: 30:
Exercises CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW	30: 30: 30: 30: E 30: 30: 30: 30:
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn	30: 30: 30: E 30: 30: 30: 30:
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY	30: 30: 30: E 30: 30: 30: 30:
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority?	30: 30: 30: E 30: 30: 30: 30: 30: 30:
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate	30 30 30 30 30 30 30 30 30 30 30
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate 2. Update and Validate	30: 30: 30: 30: 30: 30: 30: 30:
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate 2. Update and Validate 3. Record and Cite	30: 30: 30: 30: 30: 30: 30: 30:
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate 2. Update and Validate	303 303 304 E 309 309 309 309 309
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate 2. Update and Validate 3. Record and Cite	30: 30: 30: 30: 30: 30: 30: 30:
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate 2. Update and Validate 3. Record and Cite 4. Complete Your Research	303 304 304 E 309 309 309 309 309 309 310
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate 2. Update and Validate 3. Record and Cite 4. Complete Your Research C. EXAMPLE OF RESEARCH STRATEGY	303 304 304 E 309 309 309
CHAPTER 14 RESEARCH STRATEGY CHAPTER OVERVIEW A. QUESTION: DEFINE THE ISSUES AND DETERMIN AREA OF LAW Where Do You Begin Your Research? 1. Question 2. Learn B. FIND THE AUTHORITY How Do You Find Authority? 1. Evaluate 2. Update and Validate 3. Record and Cite 4. Complete Your Research C. EXAMPLE OF RESEARCH STRATEGY 1. Question	303 303 304 E 309 309 309 309 309 310 310

xxiv CONTENTS

5. Update and Validate	313
6. Record Keeping and Note Taking	313
7. Complete Your Research	313
What to Do After Completing Your Research	313
Summary Checklist	314
Chapter Summary	316
Key Terms	316
Exercises	317
PART 2 LEGAL WRITING	323
TART 2 LEGAL WRITING	323
CHAPTER 15 GETTING READY TO WRITE	325
CHAPTER OVERVIEW	325
A. WRITING GOALS AND HOW TO ACHIEVE THEM	326
How Do You Plan Your Communication and Revise It?	326
B. THE WRITING PROCESS	326
1. Preparing to Write: Purpose and Audience	326
How Do You Complete the Research Process and Make the	0_0
Transition to Writing?	326
a. Purpose	327
What Is the Purpose of the Document?	327
b. Audience	328
To Whom Are You Speaking?	328
2. Drafting a Detailed Outline	329
How Do You Organize Your Ideas?	329
3. Revise for Readability	329
4. Example of Process Writing Techniques	330
Checklist to Get Ready to Write Checkpoints	332 332
Checkpoinis	332
Chapter Summary	333
Key Terms	333
Exercises	334
CHAPTER 16 CLEAR WRITING AND EDITING	337
CHAPTER OVERVIEW	337
A. PURPOSE OF EDITING	337
P DDOCESS OF EDITING	220

C. SPECIFIC ITEMS TO REVIEW WHILE EDITING	339
1. Diction	339
What Is Diction?	339
What Are Concrete Verbs?	339
How Do You Avoid Legalese or Legal Speak?	341
2. Voice	341
What Is the Difference Between Active Voice and Passive Voice	
3. Paragraphs	343
4. Sentences 5. Other Very Bulgs	343 343
5. Other Key Rules Revision Checklist	343 344
REVISION CHECKISI	311
Chapter Summary	345
Key Terms	345
Exercises	345
CHAPTER 17 AMBITING BACKET	0.40
CHAPTER 17 WRITING BASICS	349
CHAPTER OVERVIEW	349
A. PUNCTUATION	350
1. Commas	350
2. Special Comma Rules	351
3. Semicolons	352
4. Colons	352
5. Parentheses	353
6. Double Quotation Marks	353
7. Single Quotation Marks	353
8. Apostrophes	354
B. MODIFIERS	354
C. PARALLEL CONSTRUCTION	355
D. SUBJECT AND VERB AGREEMENT	355
E. RUN-ON SENTENCES	358
F. SENTENCE FRAGMENTS	358
G. THAT AND WHICH	359
H. PRONOUNS	359
Chapter Summary	360
Key Terms	361
Exercises	361

xxvi CONTENTS

CHAPTER 18 CASE BRIEFING AND ANALYSIS	365
CHAPTER OVERVIEW	365
A. PURPOSE OF A CASE BRIEF	366
B. DIAGRAM OF A DECISION	366
C. ANATOMY OF A CASE BRIEF 1. Citation	369 369
2. Procedural History	371
3. Issues How Do You Determine the Legal Issue or Issues Presented When Examining a Client's Problem?	373 374
How Do You Draft a Statement of the Issue or Issues?	374 375
4. Holding How Do You Draft a Holding?	376
5. Facts	377
What Are the Relevant Facts?	377
How Do You Organize Your Facts Statement? 6. Reasoning	378 380
7. Dicta	382
8. Disposition	382
D. CASE ANALYSIS	387
1. Sample Single Case Analysis	388
2. Sample Analysis Using Two Cases	395
Chapter Summary	397
Key Terms	397
Exercises	398
CHAPTER 19 THE LEGAL MEMORANDUM	405
CHAPTER OVERVIEW	405
A. THE LEGAL MEMORANDUM	406
What Is an Objective Legal Memorandum and Why Is It Written?	406
B. AUDIENCE	407
Who Reads a Memorandum?	407
C. COMPONENTS OF A MEMORANDUM	407
What Is Included in a Memorandum?	407
1. Heading	412

CONTENTS :	XX7111

2. Questions Presented or Issues	412
3. Conclusion or Brief Answer	413
What Is the Difference Between a Conclusion and a Brief Ans	
4. Facts 5. Discussion	414 415
5. Discussion	413
D. STEPS IN DRAFTING A MEMORANDUM	415
What Steps Should You Take in Drafting a Memo?	415
E. MEMO DRAFTING TIPS	416
Checklist for Drafting a Memorandum	416
Chapter Summary	417
Key Terms	417
Exercises	418
CHAPTER 20 QUESTIONS PRESENTED AND	
CONCLUSIONS OR BRIEF ANSWER	.S 419
CHAPTER OVERVIEW	419
A. QUESTIONS PRESENTED OR ISSUES	419
Who Reads the Questions Presented Statement?	420
1. First Draft	420
What Are Legally Significant Facts?	421
 Research the Issue and Revise It Specificity and Precision 	421 422
3. Specificity and Freesion	144
B. BRIEF ANSWERS AND CONCLUSIONS	423
1. Brief Answers	423
2. Conclusions	424
How Is a Conclusion Different from a Brief Answer?	424
3. Drafting Conclusions	425
Chapter Summary	427
Key Terms	427
Exercises	427
CHAPTER 21 FACTS	435
CHAPTER OVERVIEW	435
A. FACTS STATEMENT	436
1. Defining Fact	436
2. Legally Significant Facts	436
What Facts Should Be Included in the Facts Statement?	436

xxviii CONTENTS

3. Fact Versus a Legal Conclusion	438
4. Source of Information for a Facts Statement	439
B. ORGANIZING THE FACTS STATEMENT	440
What Are the Different Methods of Organizing a	
Facts Statement?	440
1. Chronological Organization	440
2. Organization by Claim or Defense	441
3. Organization by Party	442
4. Combination of Chronological and Claim or	
Party Organization	443
C. WRITING THE FACTS STATEMENT	445
1. Prepare a List of Facts and Preliminary Statement	445
2. Research the Issue	447
3. Revise to Include Only Legally Significant Facts	447
4. Organize the Facts	448
5. Rewrite the Facts Statement	448
Chapter Summary	449
Key Terms	449
Exercises	449
13/61/6/6/6	110
CHAPTER 22 THE IRAC METHOD	459
CHAPTER OVERVIEW	459
A. PURPOSES OF IRAC	460
What Is IRAC?	460
B. IRAC COMPONENTS	460
What Does an IRAC Paragraph Look Like?	460
1. Issues	462
What Is the Difference Between the Question Presented and the	
Issues in IRAC Paragraphs?	462
2. Rules of Law	463
Why Is Citation Important?	464
3. Application of the Law to the Problem's Facts	465
	165
How Do You Use the Legally Significant Facts?	465
4. Conclusion	466
4. Conclusion Checkpoints for Following the IRAC Format	466
4. Conclusion	466 466

CHAPTER 23 SYNTHESIZING CASES AND AUTHORITIES	479
CHAPTER OVERVIEW	479
A. SYNTHESIS What Is the Process of Synthesizing Legal Rules? Why Do We Synthesize Legal Authority?	480 480 480
B. TYPES OF SYNTHESIS What Are the Four Methods of Synthesizing Authority?	481 481
C. STEP-BY-STEP PROCESS TO SYNTHESIZING LEGAL RULES	482
D. EXAMPLES OF CASE SYNTHESIS What Is the Process to Synthesize the Rules? What Is the Difference Between a Rule and a Holding? How Do You Synthesize Statutes and Cases? How Do You Synthesize Two Sources of Statutory Authority? Checklist to Synthesize Authorities	483 485 487 487 491 492
Chapter Summary Key Terms Exercises	493 493 493
CHAPTER 24 OUTLINING AND ORGANIZING A MEMORANDUM	499
CHAPTER OVERVIEW	499
A. PURPOSE OF OUTLINING	500
 B. STEPS TO OUTLINING 1. Steps in Compiling a List of Legal Authorities 2. Organize Issues What Steps Should You Follow in Preparing Your Outline of Each of the Issues? 	500 500 504 504
 3. Draft a Thesis Paragraph 4. Determine Which Element to Discuss First 5. List Elements or Subissues 6. Add Authority 7. Refine Issues 	504 506 506 506 507
8. Arrange the Order of Elements9. Organize into IRAC Paragraph	507 507

xxx CONTENTS

C. MULTI-ISSUE MEMORANDUM	507
How Do You Organize a Multi-Issue Memorandum?	508
Chapter Summary	522
Key Terms	523
Exercises	523
CHAPTER 25 CORRESPONDENCE	527
CHAPTER OVERVIEW	527
A. BASICS OF LETTER WRITING	528
What Formats Are Used?	528
B. COMPONENTS OF A LETTER	529
1. Letterhead and Headers	529
2. Date	531
3. Method of Transmission	531
4. Inside Address	531
5. Reference Line	531
6. Greeting	532
7. Body of Letter	532
8. Closing	533 534
9. Copies to Others and Enclosures	554
C. TYPES OF LETTERS	535
1. Confirming Letters	535
2. Status Letters and Transaction Summary Letters	536
3. Demand Letters	542
4. Opinion Letters	544
5. E-mail	545
How Do You Draft Subject Lines for E-mail?	547
6. Social Media	548
7. Texting	549
Checklist	551
Chapter Summary	551
Key Terms	552
Exercises	552
LINOTUGGG	334
Appendix: Citation	557
Index	577