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Presenters: **Professor Penny A. Hazelton**
 Ann Hemmens
 Nancy McMurrer
 Cheryl Rae Nyberg

This program has been approved for **3.50** Continuing Legal Education credits by the Washington State Board of Continuing Legal Education.





**INTERNET LEGAL
RESEARCH SERIES:
POWER SEARCHING –
WASHINGTON LAW FOCUS**



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Ann Hemmens
Nancy McMurrer
Cheryl Rae Nyberg**

*Special thanks to Mary Ann Hyatt, Peggy Roebuck Jarrett,
and Linda Kawaguchi McLane for their contributions creating the
original materials for this CLE course.*

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12/2002

INTERNET LEGAL RESEARCH: BASIC POWER SEARCHING

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INTERNET LEGAL RESEARCH: BASIC POWER SEARCHING

Outline of Workshop Session

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 - Discuss Evaluation of Site and Materials Located
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 - Strengths and Weaknesses of Legal Research on the Web
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INTERNET LEGAL RESEARCH: POWER SEARCHING – WASHINGTON LAW FOCUS

Faculty

Professor Penny A. Hazelton is the director of the Gallagher Law Library at the University of Washington School of Law. She has been teaching legal research for over 20 years to law students, faculty, and others. She co-authored the *Washington Legal Researcher's Deskbook*, 2d and is the principal author of *Computer Assisted Legal Research: The Basics*. Professor Hazelton earned her BA from Linfield College, her JD from Lewis and Clark's Northwestern School of Law, and her MLS from the University of Washington. She has worked in both the print and electronic legal research worlds and finds that the power of integrating these two systems can result in a much better quality research product.

Ann Hemmens earned her undergraduate degree from the University of Illinois, and her law degree and Master of Science in Library Science degree from the University of North Carolina. She has worked as a reference assistant at the University of North Carolina Law Library, the Law Library of Congress and as a health policy analyst for a state government agency. She enjoys the challenges of teaching the online and traditional legal research skills to members of the legal community and the general public.

Nancy McMurrer has a BA degree from Furman University, a JD degree from the University of Virginia, and a MLS (Law Librarianship) from the University of Washington. She has practiced law with a government agency, worked as a reference librarian in a Seattle law firm and, since 1994, has been a reference librarian at the University of Washington Gallagher Law Library. Ms. McMurrer teaches legal research in the first-year basic legal skills course as well as in upper level law school courses; she has also conducted Internet training classes for students, faculty, and staff. She is one of the authors of the *Washington Legal Researcher's Deskbook*, 2d (1996). Experience has taught her that integrating the Internet with the more traditional legal research tools leads to more efficient and effective results.

Cheryl Nyberg has been a law librarian since 1979, when she received her MS in Library Science from the University of Illinois at Urbana-Champaign. She has extensive experience as a reference librarian and a government information specialist. Ms. Nyberg has used the Internet since the early days of gophers and Mosaic. She is the author or co-author of twenty-three books and monographs and numerous journal and newsletter articles. She has delivered presentations on web content and design for groups such as the Australian Institute for Judicial Administration, the California Judicial Administration Conference, the National Association for Court Management, the National Center for State Courts, and the National Conference of State Legislatures. In 2001, Ms. Nyberg received the Marta Lange/CQ Award for "distinguished contribution to bibliography and information service in law/political science" by the Association of College and Research Libraries.

The Research Process

by Penny A. Hazelton

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I. Introduction

Do you have a strategy or framework for research projects? Or do you jump into sources without thinking about or analyzing the rationale for using a particular tool? Technology has created and enhanced many more tools for legal research than we could have imagined even ten years ago. Selecting the best research tool for your problem is no longer a matter of using the only resource published!

Designing a research process or framework is one of the most important skills a legal researcher can develop. Given the importance of doing efficient, high quality research, a researcher must learn to fit legal research problems into a strategic framework. Only then will the researcher have the structure necessary to work efficiently and effectively through the mass of legal information available today.

Consider these staggering numbers: Over five million cases have been published in the United States and over 100,000 new judicial opinions are added each year. Nearly 20,000 laws are passed every year amending and adding to the hundreds of thousands of legislative acts that are already in force. No one has even tried to estimate the number of administrative regulations proposed and finalized every year nor the quasi-judicial work handled by administrative agencies on an annual basis. Add the secondary literature—thousands of pages published in monographs and other books, as well as the publication of over 1,000 legal journals and periodicals, and these numbers alone suggest the need for every legal researcher to have a plan.

The volume of legal materials continues to grow ever larger but so has the number of ways you can access this information. For example, in Washington state there are more than a dozen sources that contain the current statutes of Washington: the officially published *Revised Code of Washington* (in print, CD-ROM, CD Law, LexisNexis, Westlaw, and on Internet websites such as the official Washington legislative site, Loislaw, Findlaw and LexisONE), *West's Revised Code of Washington Annotated* (in print, CD-ROM, and on Westlaw), and the *Annotated Revised*

Code of Washington (Lexis Publishing) (in print, CD-ROM, and on LexisNexis). How many of these products do you know about?

No research project can be competently answered using just one format of information today. The legal researcher of the 21st century must be able to select the right tool in the right format for each project. An understanding of the characteristics—the strengths and weaknesses—of each source will help researchers find the best tool for the job.

II. Formats of Legal Materials

A. Electronic Legal Information Systems

Legal materials are available in two quite different formats—print and electronic. There are two primary types of electronic legal information tools: online systems (like those found on Internet websites, Westlaw, or LexisNexis) and CD-ROM.

LexisNexis and Westlaw, developed in the 1970s, provided the first powerful access to legal material in electronic form. Primarily through databases that supported the complex needs of practicing attorneys and an aggressive and virtually free marketing program to law students, Westlaw and LexisNexis dominated electronic access to legal information for more than two decades. Powerful and sophisticated search engines; access 24 hours a day, 7 days a week; strong customer support; comprehensive, historical, and up-to-the-minute databases; and a very broad range of law and law-related materials made these systems the Cadillac of the electronic legal information marketplace.

CD-ROM (Compact Disk, Read Only Memory) products were introduced at the beginning of the 1990s. CD-ROM technology stores data on disks that can be read on the user's own computer. These products flourished particularly before the Internet explosion of the mid-1990s as a less expensive alternative to Westlaw and LexisNexis. Because the CD-ROMs have legal information copied onto them, they are never current (similar to print sources). However, they share the

powerful search capability of electronic tools. The continued viability of CD-ROM legal products is in question as even less expensive and more sophisticated electronic products crowd the Internet marketplace.

The Internet became an important resource in the legal researcher's arsenal in the late 1990s when the federal government and most state governments put new laws, court opinions, rules and regulations, and administrative decisions on official government websites.

The parallel development of free Internet sites containing much legal information challenged the legal researcher by adding another level of information resources to access in solving legal problems. Even Westlaw and LexisNexis added Internet interfaces to their already well-developed software versions. Recent development of hypertext links (the ability to click on a citation or other part of a document or directory and be taken to that document) truly bring electronic resources to the user's fingertips.

Despite the differences between online systems and CD-ROM legal materials, these electronic tools have several characteristics in common. First, with a strong and powerful search engine, the user can access virtually every word in the documents that are in the database. Second, the documents are usually available in full text. That is, once specific documents (opinions, rules, statutes) are identified through user-created computer searches, the user can skim, read, or print out relevant documents. There is no longer a need to go to a library to find various volumes of codes or reporters in order to read a statute or case! Third,

appropriate hardware and access to a telecommunications line (for online systems only) is essential. Fourth, the user can access these systems anywhere there is a personal computer and an Internet connection. Fifth, material in electronic form can be easily cut and pasted from one document to another.

Despite all the wonders of the legal information systems that are in electronic format, there remain reasons not to completely abandon print tools.

Strengths of Print Tools

- Easy to read
- Irrelevant material easily eliminated
- Hierarchically arranged tools easier to use because of relationship to surrounding material
- Legal concepts are well covered
- Procedural questions
- Analogies are easier to locate

Strengths of Electronic Tools

- May be very current
- Access every word with powerful search engines
- Entire document at your desktop
- Convenient access
- User is the indexer; retrieval more flexible than print
- Access with partial information

B. Print Tools

Primary legal information is still published in print form as it has been for over a century. Court opinions, legislative enactments, agency rules and decisions, constitutions, and charters are found in print tools that have been refined over the years—reporters, daily agency registers, annotated codes, administrative codes, and looseleaf services.

The publication of secondary sources in print does not seem to have slowed down. The number of academic law reviews published in print is now over 525; major scholarly treatises are revised and updated regularly; and finding

tools such as *American Law Reports* (ALR), the digests, and legal encyclopedias are still being published.

Of course, most primary legal information is also found in electronic databases. Commercial and Internet sources have rich current and historical material. Recently, many secondary sources such as legal encyclopedias, looseleaf services, state practice materials, and the West digests are making their way into electronic form, usually as fee-based, not free, services.

Why should we even think about using print legal research tools? Print tools are out of date as

soon as they are published. You have to locate and go to them; they are not at your desktop. Print tools can be cumbersome to use and if you have limited information, you may not find what you seek.

On the other hand, print tools have been refined for years and provide users with several features that make their use quite appropriate in certain circumstances. First, they are easy to read. Second, a lot of irrelevant material has been automatically eliminated through the use of an index or table of contents. Third, legal materials organized in a hierarchical manner (statutes, administrative codes, law review articles, treatises, looseleaf services, and the Restatements) are easier to use in print since reference to previous and later sections is almost always necessary. Fourth, human creation of indexes means that most legal concepts are very well covered and accessible.

III. Integrating the Use of Print and Electronic Tools in Legal Research Projects

Selecting the right research tool in the right format can be a challenge. However, if you know the characteristics of the tools available as well as their individual strengths and weaknesses, your research project will be more efficient and the advice you give your client of higher quality. Before selecting a research tool, see if you can answer these questions about it:

- How **current** is the database or print tool?
Annual pocket parts may be fine for a treatise or encyclopedia, but inadequate for a comprehensive search of Washington State caselaw.
- Where is the tool located and do I have access to it?

On my desktop computer will be convenient for certain types of information, but the print *Revised Code of Washington* may be easier to use and is located just down the hall.

- What is the **coverage** of the tool?

Do the cases go back to the first volume of reports or does the database just contain cases from 1945? Does the *Washington Administrative Code* contain the most recent changes published in the *Washington State Register*?

- What are the **strengths and weaknesses** of the tool?

What is the best use to make of it? Will legal concepts be easy to locate? Can I find a case with facts just like mine?

- What **result** do I need?

How quickly do I need the answer? Do I need comprehensive, careful research or just a quick look at the statute?

- What is your **experience** with the tool?

Do you know how to effectively use the database? Is that looseleaf service a mystery?

- What is your **general understanding** of the area of law to be researched?

A practitioner with expertise in patent law will at least start with different tools than the neophyte patent researcher.

- What will be the **cost** of using this tool?

Can the client afford your time using the expensive legal information systems or can you use a free or less expensive resource in less time?

The strengths and weaknesses of tools will vary with your sophistication in using them and your access to them. Some general rules to follow when deciding what format to use appear in the box on the opposite page.

IV. Strategies for Effective Legal Research

There is no one right way to approach a research project. Every project will be different and even two people working on the same project will use different methods. However, every legal researcher will

perform more efficient and high quality research with a plan or strategy. See Appendix I, Research Process: Comparison of Major Legal Research Texts, below, for ideas generated by several legal research scholars.

Legal research courses taught at the University of Washington School of Law have modified and adopted the Rombauer framework to encourage students to learn a structured approach to the research process. While the Rombauer method is not the only possible framework, it provides a very workable model to illustrate the process by which legal research problems are solved.

A. Rombauer Framework

To explain how a good framework can help produce a better legal research product, the Rombauer method will be used to illustrate a way of thinking about a research plan. Undoubtedly you already perform many of these steps, but may not do so consciously. Conscious thinking about research choices and avenues to explore will improve the efficiency and overall quality of your work product. Try the Rombauer method for your next research problem and see if a planned approach can give you confidence and a better result!

Professor Marjorie Rombauer's method is more fully explained in her book, *Legal Problem Solving*, 5th ed. (West, 1991). In this classic text, Professor Rombauer weaves the primary tasks of analysis, research, and writing into an integrated whole. Legal analysis, legal research, and legal writing are all skills identified and analyzed by the *MacCrate Report* (cited in the Introduction to this book). Isolation of the research component permits concentration on this one skill. But do not forget that research is part of a larger, coherent set of problem-solving skills.

The five steps in the Rombauer approach are described below.

I. Preliminary Analysis

Preliminary analysis is undoubtedly the most important step in solving any legal research problem. You do not need a law library at your fingertips to conduct this portion of your work. Writing down all of this information can help you focus and plan your work. Your preliminary assessment of a problem should include at least the following steps:

- Identify relevant and material facts.
- Select appropriate words and phrases to use as search terms.
- Identify preliminary issues and formulate search query.
- Identify the jurisdiction(s) involved.
- Identify what you know about the area of law.

What are the relevant facts of your research problem? If you are unfamiliar with the law in this area, will you be able to identify material facts? Do

you know all of the important facts or do you need additional information? Arm yourself with the facts, as many as you can, before attempting your research. Good factual development can go a long way toward a high quality research project, completed with maximum efficiency.

Knowing the material facts of the problem will help you develop

the words and phrases needed to conduct research. Whether you use traditional print research materials or electronic legal research systems, your development of a broad list of words and phrases is crucial. Some researchers use the TAPP rule—things, actions, persons, places. Some like the TARP rule—things, actions, relationships, places. Use whatever method you like, but create a list of words and phrases that might be used in documents discussing the legal issues in question. This list should contain specific and general terms, as well as synonyms. Also list legal concepts that you think might apply.

Rombauer Strategy

1. Preliminary Analysis
2. Search for Statutes
3. Mandatory Precedent
4. Persuasive Precedent
5. Refine, Double-Check, Update

Next, in analyzing the material facts, words, and phrases, try to state the issue(s) you must resolve. Expressing the issue in written form can be helpful, even at this early stage. Often the issue changes as research progresses and must be reformulated. But having the issue expressed in writing early on can help keep your research on track and remind you of the questions at hand.

After identifying the issue(s), query formulation is the next step. The legal researcher needs to identify those words or phrases that, when combined, are likely to yield the most helpful information. In other words, formulate a search query. This process will usually involve selecting search words most likely to yield results.

Whether the researcher is using electronic or print tools, this ability to combine the right words and phrases into an appropriate search query is extremely important. Does the researcher use the most general or most specific words that can be identified? For example, is the best term tort or false imprisonment; contract or specific performance? How do you decide whether to use fact words (like banana peel, swimming pool, or widget) or legal concepts (like tort, attractive nuisance, or offer and acceptance)?

The choices made by the legal researcher at this juncture are crucial. If the search query terms selected are too general, the risk of being overwhelmed by too much irrelevant information is very great. If the search terms selected are too specific, the researcher may find nothing relevant at all and miss useful material. The skill needed to formulate the search query for any research problem should not be underrated. Careful thought should go into this process, particularly if full-text electronic tools will be consulted.

Computer-assisted legal research sources offer several options. First, will you use a Boolean or natural language query? Boolean searches are created by combining words with connectors. The

most common connectors are: and, or, within a number of words (/n or w/n), within the same sentence (/s), and within the same paragraph (/p). A good Boolean search using the correct words puts the legal researcher in the driver's seat. The user controls the search and the search results.

Natural language searching puts the computer in charge of the search and results. The user simply types in a natural language sentence or a series of words. This type of search takes less time to construct, but the results can be very excellent or extremely useless.

Preliminary Analysis

- Relevant Facts
- Words and Phrases
- Issue(s)
- Jurisdiction(s)
- What Do You Know?

When constructing a Boolean search, the legal researcher must make some other important choices. Selection of the right connectors is important and often depends on the size of the database and the organizational structure of the documents in the database.

What synonyms should be added?

Do any of the words come in so many variations that the truncation symbols should be added to particular words for broader retrieval? Does the electronic system recognize plurals and can phrase searching be done? For a somewhat dated but useful guide to the construction of Boolean searches (primarily for Westlaw and LexisNexis, but applicable to many fee and free legal databases on the Internet), see Penny A. Hazelton, *Computer-Assisted Legal Research: The Basics* 18-38 (West, 1993).

Also during preliminary analysis, the researcher must identify the jurisdiction(s) involved. Is the issue resolved under federal or state law? Which state? Limiting the jurisdiction of your research will help focus your effort on research tools that have specific application to your problem. If choice of law is the real issue to be resolved, obviously, your selection of jurisdiction will be tentative. Or if the area of law is unfamiliar to you, you may need to perform some research to determine this question with certainty.

Throughout this preliminary process, you should be assessing your actual knowledge of the

area of law you must research. Any steps you have taken will reflect your personal knowledge and experience, or lack thereof. What do you know about this area of law? Are you a specialist in this area of law? Or, is this particular issue completely unknown to you?

Clues that you need to develop more expertise in this area before launching your research ship (moving to step 2 of the Rombauer method) will include the inability to develop a comprehensive list of words and phrases; total ignorance about whether the problem invokes federal, state, or local law; or an inability to state the issue. Don't ignore these warning signs!

At this point, if your knowledge of the law is virtually nonexistent, research in secondary materials may help you obtain the background and terminology needed to perform effective research. See Appendix II, "Here There Be Dragons': How To Do Research in an Area You Know Nothing About." For details on specific sources to consult, see Chapter 3, Fundamentals of Legal Research in Washington, Section II, and Chapter 4, Washington Practice Materials.

Now you can actually start your research! Use of texts, treatises, hornbooks, nutshells, legal encyclopedias, ALR, or legal periodicals can help put your problem in context. The legal jargon needed for effective research can also be identified through secondary materials. Often, a search for general information and background can help the researcher formulate a good statement of the question, clarify jurisdictional issues, and inform the researcher of the possible scope of the project.

An extremely useful research tool has become more accessible with the Internet. The legal research guide or pathfinder (more experienced researchers may remember the bibliography) can lead a researcher quickly to relevant research tools and give tips on the use of these tools in the context of the specific research problem. Many of these have been published in print sources, for example, Penny A. Hazelton, ed., *Specialized Legal Research* (Aspen,

1997-) (comprehensive guides to the print and electronic literature in tax, labor, copyright, admiralty, military law, banking, securities, etc.).

Many law librarians create pathfinders and research guides for classes and other library users and then post these guides on library websites. Often these guides integrate print and electronic tools (with hypertext links to Internet-based information resources), citing major statutes, cases, and regulations as well as important secondary sources. At this time the Gallagher Law Library website includes 63 research guides. Check out the subject index to these guides at <http://lib.law.washington.edu/ref/guides.html>. Many law library and other websites include research guides on broad and narrow topics. See <http://lib.law.washington.edu/ref/guides.html#Portals> for links to some of the largest directories and sites on the Web.

Consulting secondary sources is not done at this stage so much to locate the exact answer to the legal problem as to reveal background and related information that should help when research in primary authorities begins. Of course, finding references to cases, statutes, or regulations in your jurisdiction should not be ignored at this stage. Use these citations when you move to the next research stage.

If you answer the "What do you know?" question with the response, "A lot," you are probably familiar with the legal terminology and the likely sources of the law that answer the question as well as the exact issue(s). Then using secondary literature to get background and context may not be necessary. Remember, however, that sometimes we think we know more than we really do.

Secondary literature can be consulted at any stage in your research. Research in secondary materials can, among other things, provide the analysis of a specifically relevant case, explain the history of a legislative enactment, synthesize a body of case law, or criticize a current interpretation of the law. A good legal researcher will use the research product of others as often as possible!

To reiterate, preliminary analysis should be done thoughtfully and with an eye to formulating a research plan or strategy. Identification of material facts, creation of a list of relevant words and phrases, clear statement of the issue(s), formulation of a search query, identification of relevant jurisdiction(s), and an assessment of your knowledge of the area of law all must be accomplished in order to set the stage for continuing the research process.

2. Search for Statutes

After you have answered the questions posed in your analysis of the problem and done some background research, you are ready to begin a search in primary materials. Because of the emphasis in law school on judicial opinions as an important source of law and because of the difficulty some perceive in the use of statutory sources, many researchers automatically look for case authority first. This tendency would be fine except that many attorneys forget to also look for statutory authority cited in the cases or that might change a long line of caselaw.

A search for statutes should really be done first. Why? The relationship between the legislative process and the judicial branch provides the answer. It will not matter much what the common law rule is if a statute has been enacted that changes the rule! Thus, legislation will take precedence over judicial rules and should be searched before looking for case law. In addition, more and more of our daily activities are governed by legislation. Thus, checking the statutes to be sure new law has not been enacted is an important step in the process.

Three possibilities can occur when statutes have been searched. First, the researcher may find a relevant statute that squarely and clearly answers the problem. Second, a relevant statute may be located, but the statute is ambiguous when applied to the problem being researched. Third, the researcher may find no statute that helps resolve the legal problem under scrutiny.

Even if a relevant, clear, and unambiguous statute is found, a good researcher may wish to go to step three in the process to be certain that case law is consistent with her interpretation of the statute. However, finding an ambiguous statute or no statute at all definitely requires a search for mandatory case precedent (step 3 of the Rombauer method).

Before looking for case law, however, the legal researcher must verify that the statute found is current. Print statutes can be updated by pocket parts, supplemental pamphlets, and legislative or session law services. These current pamphlets will contain laws recently enacted by the legislature but not yet incorporated into the statutes themselves. Even if no statute was found, checking the session law service is also necessary in case a very recent law on the subject has been enacted.

If you have selected an electronic tool for your statutory research, be sure you know how current the database is. Just because the code is online does not necessarily mean that it is as current or more current than the print resources. For details on updating statutes, see Chapter 3, *Fundamentals of Legal Research in Washington*.

Is the area of law you are researching changing through statutory enactment? Or have the rules changed primarily because of new court decisions? Has this area of law remained unchanged? Have changes in social or economic structures or in technology led to changes in the law? A careful researcher is likely to have determined the answers to these questions during her preliminary analysis. And, depending on the answers, she will decide how carefully the statutes should be searched.

During this stage of your research, the constitutionality of your statute should be checked. If researching Washington law, use the *Revised Code of Washington Annotated* or the *Annotated Revised Code of Washington* to check for cases that declared your statute unconstitutional. Or Shepardize your statute on LexisNexis or KeyCite it on Westlaw to locate any cases that may have ruled on the statute's constitutionality.

You should also look for relevant administrative regulations that may affect your issue during this statutory phase of your work. Either your knowledge of the area of law or your preliminary research in secondary sources should alert you to relevant state administrative agency rules and regulations. In Washington, consult the *Washington Administrative Code* and the *Washington State Register*. See Chapter 3, Fundamentals of Legal Research in Washington, for a discussion of these sources.

You may wish to review your preliminary analysis at this point. Have you stated the proper question? Are some facts more important than you originally thought? Have you added other more precise words and phrases to your original list? Constantly re-evaluate your analysis to keep your research focused and efficient.

By the time you finish this step of your research process, you should have identified relevant statutes or administrative regulations. You will be confident that your statute is current since you have updated it through the most recent public laws available. And you will know whether your statute has been held unconstitutional. You are ready to move on!

If you find no statute, there are at least two possibilities: there is no statute to find on this subject or there is a relevant statute but you have not found it. Legal researchers are often concerned about missing relevant authority. Part of this fear is psychological: that is, we are worried about not finding something that exists and needs to be found in order to answer the question. But the other part is very real. Sometimes the source we use does not include anything helpful or relevant on the subject we research because there is nothing to find. Only experience and good preliminary analysis will help distinguish one from the other. Be prepared for this possibility.

3. Search for Mandatory Case Precedent

This step can be skipped completely only if you

have located a relevant statute and it clearly and unambiguously answers your question. Even then, some researchers will skim cases that interpret the statute in an annotated code just to be sure their reading of the statute is correct when applied to their problem.

However, the search for mandatory case authority must follow next if you have found an ambiguous statute or no statute at all. Searching for cases that must be followed (in the court in which your action will be heard) is the kind of legal research most lawyers know best. Mandatory cases that apply to your problem will have similar or analogous facts, will have occurred in your jurisdiction, and will interpret either your statute or state common law rules.

Many resources are available for this search, but one of the best, if you have found a statute, is an annotated code. In Washington, consult *West's Revised Code of Washington Annotated* or the *Annotated Revised Code of Washington*. The annotations contain short digests of cases related to the statute they follow. Usually gathered by topic or subject, these annotations are an excellent way to locate cases to answer the question you are researching. In addition, of course, you may find history notes; cross references; and citations to legal encyclopedias, legal periodical articles, West key numbers, practice texts, and other useful secondary materials.

It is very important to be sure that all relevant cases are found. The annotated code volumes usually have pocket parts or supplementary pamphlets that include more recent cases. However, these supplements will still be three to six months out of date. The thorough researcher will also check the paper advance sheets of the *Pacific Reporter, 2d* or *Washington Reports, 2d* and *Washington Appellate Reports*, or use a current electronic case database (Westlaw, LexisNexis, or the Internet) to find the most recent cases. A subject search using the digest in the West reporter or the *Cumulated Index* to the official reports should yield any cases interpreting the appropriate statute. Cases interpreting your statute may also be found easily by

Shepardizing or KeyCiting the statutory section you have identified.

If you were unable to locate a relevant statute in step 2 of your research, neither the annotated code nor case verification systems like Shepard's and KeyCite will help you much. Instead, *West's Washington Digest, 2d* (or the Key Number Service on Westlaw) may be a good source to locate relevant case law. Other sources include secondary materials, such as periodicals, texts, deskbooks, ALR, and legal encyclopedias. In this circumstance (you did not find a statute), use a wide variety of resources to verify that no statute is relevant.

All cases to be relied upon should be verified to determine if they are still good law. The most current and reliable of these citator services are KeyCite on Westlaw and Shepard's on LexisNexis. These databases are several months more current than any unit of the print Shepard's citators. These services provide the complete history and negative treatment of the case you are checking. In addition, secondary authority of all kinds can be located by Shepardizing or KeyCiting your cases.

A researcher can also Shepardize key cases in print tools, but must realize that the print tools are just not as current as the electronic ones. At this time, many expert researchers believe that print citators do not satisfy the standard for providing clients with competent, effective legal research.

If you identify mandatory precedent, you may be able to skip step 4, looking for persuasive authority. Obviously, looking only for mandatory precedent is a much more limited search than looking for any relevant case in any jurisdiction. That is why the search for mandatory case law should always be done before looking through over five million cases for any on-point case!

A question often arises in Washington about the weight of authority of Washington Court of Appeals decisions since there are three divisions of this court. Specifically, when are Court of Appeals decisions binding (or mandatory authority) on other divisions of the same court? There is no clear rule

or decision on this matter. Though great deference is usually given by one division to another, the court opinions of Division I are not mandatory authority in Division II or III. For a helpful analysis of this issue, see Kelly Kunsch, "Stare Decisis: Everything You Realized You Need To Know," *Wash. St. B. News*, Oct. 1998, at 31, <http://www.wsba.org/barnews/archives98/stare.html>.

Another question that comes up regularly in Washington is the precedential authority of unpublished decisions of the Washington Court of Appeals. Over 70% of the cases decided by the Court of Appeals are not published and by statute cannot be used for precedential purposes. RCW §2.06.040 (2000). For an interesting article on this subject, see Eron Berg, "Unpublished Decisions: Routine Cases or Shadow Precedents?", *Wash. St. B. News*, Dec. 2000, at 28, <http://www.wsba.org/barnews/2000/12/berg.htm>.

If you are unable to locate court decisions that must be followed in your jurisdiction, you will need to proceed to the fourth step in the Rombauer research process. Searching for persuasive precedent can be a very time-consuming process, and you should plan accordingly.

4. Search for Persuasive Case Precedent

If you are successful in locating one or more authorities during step 2 or 3 of this research process, you may not need to look for persuasive authority. However, if no cases can be found in your jurisdiction, persuasive case authority may be the only way to support a particular position. Even if you find what you consider to be good mandatory authority, some researchers will look at contrary authority within and even outside their jurisdiction.

When looking for persuasive precedent, try to limit your search to particular jurisdictions likely to have more cases in the subject area you are researching. For example, if you have a corporation issue that has not been resolved in your jurisdiction, you might first look at Delaware case law since so many companies are incorporated there. Or an

oil and gas question might be easier to research in states with large oil and gas fields and where more litigation in oil and gas law has occurred.

Another way to help limit your persuasive case law research to particular jurisdictions is if the relevant statute you find in step 2 is modeled after a uniform law. If there are no mandatory cases interpreting your statute, *Uniform Laws Annotated, Master Edition* (West Group, 1973-) will cite to other states that have enacted similar or identical language and cite cases from those jurisdictions. Sometimes the annotated code itself will cite to other state statutes on which the legislative language was modeled.

If you are unable to limit your research to another jurisdiction or two, secondary materials can again be time-savers. Finding a law review article, ALR annotation, or book on the topic of your inquiry will permit you to gain an overview of the subject as well as give you a survey of the law in a variety of jurisdictions. This tactic may lead you to a line of cases the court may find persuasive.

Work of this sort is hard to keep focused. In this stage of the research process, make use of your preliminary analysis, reformulate the issue if necessary, and review your list of words and phrases for the most useful terms. How did you get to this stage and exactly what are you seeking? The search for persuasive precedent can be even more frustrating than your previous work because of the huge body of law available.

If you find persuasive authority, be sure you check the authority of any cases on which you wish to rely. Nothing is more embarrassing than discovering in court that the best authority you could find to support your view was reversed on appeal! At a minimum, use the online Shepard's or KeyCite services. Also be certain that you have reviewed the most recent cases available. This step requires that you use LexisNexis, Westlaw, or various Internet websites to confirm your findings.

If no persuasive authority of any kind can be found, re-evaluate the research problem and your

process. Have you focused too narrowly? Have you failed to find proper analogies? Did you state the issue to be researched and then fail to actually focus on that question? Did you forget to check the pocket parts or most current cases? Caught in this situation, a complete review of your preliminary analysis is necessary. Try to determine whether the difficulty is one of process and use of legal materials or whether you simply have done a poor job in stating the question.

You may decide to begin your research anew. If so, try different resources this time. No one source is absolutely comprehensive and complete. Some research tools work better for some problems than for others. A decision about whether to continue researching at this point must be informed by an understanding of the cost to the client and the chance of finding relevant authority.

Regardless of what you find, the last step in the research process is very important. No project should be deemed finished until this step has been accomplished.

5. Refine, Double-Check, and Update

You may come to this last step by skipping steps 3 and 4 or only after having worked through all four stages of your research. You may actually incorporate this step into each of the others, so you are constantly refining your analysis of the question and the authority you have located. Regardless of the point in the process at which you focus on the steps noted here, be sure you actually do them!

At this last stage the researcher wants to be sure that no relevant authority has been missed. Check your research process to be sure you did not overlook an important source or forget to check the most recent supplementation. This latter problem can be overcome by having a good research plan and a thorough understanding of how the research tools can be used to provide comprehensive coverage.

One of the best ways to feel confident in the research you do and the authority you have found is to

verify your result through a second, independent search of the literature. Obviously, this will take more time and likely result in additional cost to your client. However, this need not be a painstakingly comprehensive search. Consider the following options: check the law digest volume of the *Martindale-Hubbell Law Directory* for the jurisdiction in question; read one current law review article; search the index to a different published (or electronic) code; or phone a colleague who regularly practices in the area. Confidence in your research ability will come with experience and a careful plan.

Did you actually find an answer to the question? Or did the real question change as you investigated and researched the law? Do you have the information you need to locate and correctly cite all relevant authority?

If your work has been done over a period of more than a week, then all updating done in earlier stages needs to be brought completely up-to-date. Similarly, if you take a long time to write the memorandum or brief, updating your work right before it is filed or submitted is essential. Remember: courts, legislatures, and administrative agencies are constantly changing the rules and applying the law. Don't get caught flat-footed!

Take the time to reflect on the research project you have been given and what you have done to try to answer the question. Many legal researchers do a lot more work than they have to do because they worry about not finding everything. Better to spend some of this energy thinking about an efficient plan, one that covers the necessary resources but will not take endless amounts of time. Use of various legal tools should not be random. Think about exactly what you are looking for at each turn and select the best tool for the job.

For example, one of the most egregious mistakes made by many legal researchers is the compulsive Shepardizing or KeyCiting of every case and statute in sight. Case verification systems are marvelous research tools. You can find something as simple as the parallel citation to a case or something

as complex as all the cases from another jurisdiction that cite your case for the proposition stated in headnote 3. Depending on the system you use, you can use case verification systems as a way to locate law review articles, ALR annotations, or texts on a particular case or subject. Rarely, however, does anyone want to do all of these things when Shepardizing! Most of the time the researcher simply wants to know whether the case on which they want to rely is still good law or good authority.

B. Conclusion

Legal research may be viewed as the process of elimination; elimination of bodies of law that are not applicable and elimination of authority that does not apply to the specific situation at hand. The good legal researcher, then, finds relevant authority by eliminating the extraneous and inapplicable, not just by looking for the relevant. The legal researcher classifies groups of materials or sources and authorities that are not likely to help solve the problem and eliminates them from consideration. Good legal research is the product of a thoughtful process that understands the nature and power of research tools, the weight of authority, and the specific question being researched.

Working with a research plan can save time, promote efficiency, and result in a higher quality research product. No single research framework will work for everyone, especially given the many changes in the availability and formats of legal information. But some type of research design should be developed by every legal researcher. Your strategic framework must be flexible so it applies to all types of research questions. A research strategy that dictates the exact set of books to look at first in every situation will fail. Every problem is different and what you know about that problem will be different. It follows that the tools you choose for each problem should vary. The researcher who automatically uses, for example, LexisNexis or *West's Washington Digest, 2d*, for every legal research question is bound to be stymied

when faced with a question that cannot be answered by using this favorite tool.

V. Managing Your Legal Research

A. General Suggestions

In today's complicated research environment, keeping your research under control is no easy matter. A research strategy or plan will help. But you will need more than just a plan. Your research should be done consciously. That is, you need to think about what you are doing at each step and then identify an appropriate research tool to accomplish your objective. Your process must be flexible and enable you to take advantage of available shortcuts and relevant avenues of inquiry that you may not have considered.

Never assume the absence of relevant legislation. While it is true that much of our conduct is not yet regulated by written or statutory law, legislative bodies have codified and changed whole bodies of law that were once part of the common law tradition. The emphasis on statutory research early in the Rombauer process is for a good reason.

If your research problem has several issues, a most common situation, you should plan to re-search each question separately. Trying to research several issues at once in the name of efficiency is likely to prolong the time it takes to complete the project. Experience shows this phenomenon to be true because keeping track of exactly what has been researched is confusing and because many researchers lose their focus and get side-tracked when they are looking for more than one thing at a time.

As you use a research tool for the first time, be sure you check the most recent supplementation. A lot of fruitless research can be avoided if there is a change in your statute or the status or authority of

an important case. You may need to update that work again, but at least you are working with the most current information available at the time.

Don't be afraid to stop using a research tool if it is not yielding results. Spending several hours with any one research tool suggests a problem. Perhaps your question has not been well-framed. Perhaps you know too little about the legal jargon in this area of law to successfully use the research tool. It may be that the research tool you are using contains nothing about the subject of your search. Rethink your analysis; do some additional preliminary

research. Don't give up too quickly, however. The problem may be in your process and use of the tool and not a difficulty in your statement of the issue or preliminary analysis.

B. Note-Taking

Taking good notes while doing legal research is the one of the most important favors you can do for yourself. How often have you had to repeat research or

tried to understand notes scribbled on the back of a grocery list? Taking good notes will increase your efficiency and enable you to see where you got off track.

Keep a research journal or record of your work. Include a statement of the issue; the results of preliminary research in secondary sources; research tools you consulted; information about key numbers, cases, periodicals, texts, and the like; searches run in electronic databases; and descriptions of updating tasks.

Of particular importance is the need to check the dates of coverage of the various sets of books or electronic legal materials used. Later updating can only be handled efficiently if your notes are clear about what you have already checked. Confidence in the quality of your research product will be the

Managing Your Research

- Plan
- Research consciously
- Never assume the absence of relevant legislation
- Research separate questions separately
- Check the latest supplements
- Stop using a source if it does not yield helpful information

result of this heightened awareness and careful record-keeping.

Opinion and statutory analysis and evaluation of the sources consulted are important parts of the research journal. Decisions not to use a particular case or statute should be noted so if that authority surfaces again later, precious time is not wasted reading and reanalyzing the material. Exact quotations should be carefully recorded with all the information needed to provide full and complete citations.

Keeping track of research is a more complicated job than it used to be. Throughout the course of any research project the researcher is likely to have personal copies of cases and statutes, lists of law review articles or books to look at, printouts from electronic databases, and notes taken from the research process itself. Managing all of this paper can be quite a challenge! But remember that a little time taken to organize this flood of information may increase the speed with which you can accomplish your goal. With such easy access to personal copies of legal information, sometimes we may forget the need to read and analyze what we find! Copying a case does not automatically make it relevant. Don't forget that reading and synthesizing the information is an essential part of the research process.

More detailed advice about how to take good notes can be found in Appendix III, "Develop the Habit: Note-Taking in Legal Research," below. Pay particular attention to the section entitled, "Top 10 Tips for Better Note-Taking in Legal Research."

C. Help! A Dead End!

Perhaps reaching a dead end in a project before you located a good answer has never happened to you. But for those of us who have suffered this humiliation, what do we do? First, try to analyze whether the problem lies with your inability to use the research tool. Do you need to back up and read the guide or introduction to the set? Do you need more information about how to conduct a particular search in an electronic database? Have you used

the wrong terminology in indexes and databases? Have you checked the pocket parts and other supplemental material?

If you conclude that you are using the research tool properly, then you undoubtedly need to focus on issues such as your analysis of the problem, the possibility that you were misled by irrelevant facts, or the selection of a better research tool. Is your dead end really a trail you should stop following anyway?

Re-evaluate the process you used to get to this point. Be flexible about choosing another research tool if you determine that more research is necessary. Consider your client's pocketbook and the likely results of spending more time on this problem. Don't assume that the problem is your poor research skills (unless it is!). But look carefully at your analysis. Sometimes going back to the preliminary analysis stage of your research is very helpful.

D. When to Stop the Search

The best time to stop researching is when you have found the answer! However, many researchers lack the confidence to know exactly when that time has arrived. And, certainly, finding a relevant statute that seems to answer the question—and then forgetting to check the most recent public laws, thus failing to locate the crucial amendment—would tend to make a researcher feel uncomfortable in future research projects. The trick is to have a strategy in place that does not allow this oversight to occur.

When working on a research project, others say that you should stop when the research cost exceeds its expected benefits. This point of view is supported in the *MacCrate Report* which suggests that:

An assessment of the feasibility of conducting research of the desired degree of thoroughness [should] tak[e] into account:

...

(B) The extent of the client's resources that can be allocated to the process of legal research; . . . *MacCrate Report* at 161.

Some researchers will tell you to stop researching when you begin to see the same authorities cited over and over again. They claim that if you are seeing the same cases and statutes cited again and again, then you are probably safe in concluding your research. This is a good strategy, but, by the time you see authorities cited again and again, you may have spent more time than necessary to answer the question. A good research plan with a double-check component should help guide the researcher to a more identifiable stopping point before spending more time than necessary.

Other researchers stop only when they have run out of time and into a deadline. Sometimes this is appropriate. However, most of the time the researcher who must stop researching under these circumstances has not worked with a research plan or design. The researcher who finds herself in this situation may be someone who assumes that there

is always an answer to be found as long as she looks hard enough. These people research more by feel than by thinking about what they are trying to accomplish and which research tools will be most likely to yield good results.

Some subscribe to the view that you should do some research then start to write and see what is missing. At that point, you go back and fill in the blanks. This may work, but, again, if you have a game plan for your research, nothing should be left out!

Whatever method you use to determine when to stop, keep two things in mind. Never forget to update all the statutes, cases, and other authority on which you need to rely. And use common sense. Don't let the flurry and pressure of meeting deadlines cause you to spin your wheels. Keep some perspective on the process. Just like with writing, leave research alone for a short time. The perspective you gain may have a very positive effect on your work.

Appendix I: Research Process: Comparison of Major Legal Research Texts

<u>Rombauer</u>¹	<u>Teply</u>²	<u>Wren & Wren</u>³	<u>Berring & Edinger</u>⁴
<ol style="list-style-type: none"> 1. Preliminary analysis 2. Search for statutes 3. Search for mandatory precedent 4. Search for persuasive precedent 5. Refine analysis; update the law 	<ol style="list-style-type: none"> 1. Factual identification & analysis 2. Plan research, choose logical starting point 3. Develop research, reevaluate issues, update law 4. Refine research & final updating 	<ol style="list-style-type: none"> 1. Fact & issue gathering & analysis 2. Finding the law 3. Reading the law 4. Updating the law 	<ol style="list-style-type: none"> 1. Analyze facts & frame issues 2. Overview of subject 3. Create research plan 4. Search for legal authority 5. Update the law

<u>Kunz</u>⁵	<u>Jacobstein, Mersky & Dunn</u>⁶	<u>Price, Bitner & Bysiewicz</u>⁷
<ol style="list-style-type: none"> 1. Factual analysis & generate terms 2. Research in secondary sources 3. Research in case law 4. Research in statutory law 5. Research in administrative materials 6. Research in procedure rules & ethics 	<ol style="list-style-type: none"> 1. Identify & analyze relevant facts 2. Frame legal issues 3. Research issues 4. Refine research & final updates 	<ol style="list-style-type: none"> 1. Analysis of problem 2. Preliminary review of subject matter 3. Search for relevant statutes & administrative regulations 4. Search for cases 5. Search of secondary literature 6. Search of looseleaf services 7. Miscellaneous research 8. Complete search (update) 9. Appraise authorities

¹ Marjorie D. Rombauer, *Legal Problem Solving* 134-36, 5th ed. (West, 1991)

² Larry L. Teply, *Legal Research and Citation* 79-84, 5th ed. (West Group, 1999)

³ Christopher Wren & Jill Wren, *The Legal Research Manual* 29, 39, 2d ed. (A-R Editions, 1986)

⁴ Robert Berring & Elizabeth Edinger, *Finding the Law* 312-20, 11th ed. (West Group, 1999)

⁵ Christina Kunz et al., *The Process of Legal Research* 7-12, 5th ed. (Aspen, 2000)

⁶ Myron Jacobstein, Roy Mersky & Donald J. Dunn, *Fundamentals of Legal Research* 15-21, 7th ed. (Foundation Press, 1998)

⁷ Miles Price, Harry Bitner & Shirley Bysiewicz, *Effective Legal Research* 447-48, 4th ed. (Little Brown, 1979)

Appendix II

“It is usually best to avoid using online services to find primary sources until you are familiar with the area of law.”

6 Perspectives: Teaching Legal Research and Writing 74-76, No. 2, Winter 1998. Reprinted with Permission of the authors.

“HERE THERE BE DRAGONS”: HOW TO DO RESEARCH IN AN AREA YOU KNOW NOTHING ABOUT

BY PEGGY ROEBUCK JARRETT AND
MARY WHISNER

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terra incognita “1. An unknown land; an unexplored region . . . 2. A new or unexplored field of knowledge.”¹

Introduction

Early seafarers were justifiably frightened of terra incognita. Maps covered known areas; unknown areas were marked “Here there be dragons.” Perhaps some legal researchers feel similarly. One of us remembers with pain the securities assignment she had as a summer associate—she might as well have been sailing without chart or compass for all she knew about securities terminology and sources. But, happily, researchers seldom need to venture into territory that is totally unexplored. Others have explored most areas of legal research and have left behind signposts and maps to guide those who follow. This article provides advice for getting started in an area you know nothing about.

Ask Questions

The person who gives you the assignment could know a great deal about the area and appropriate sources. You might feel embarrassed about revealing that you do not know the area, but you also might be surprised at how often the person assigning the project is eager to share his or her expertise.

For example, a summer associate faced with a first securities project might say to the assigning attorney: “I haven’t taken Securities Regulation, and I am not familiar with what you are asking me to research. Could you give me some quick background? What sources do you think will be useful?” In a few minutes, the attorney could give the summer associate a great start. Even if the attorney does not have the time or inclination to do the coaching, he or she might refer the summer associate to someone else: “Chris Smith, a second-year

associate, has been working with me on this project. Go see Chris to get up to speed.”

Use Secondary Sources

Before you plunge into primary sources, use secondary tools to get an overview of the area. You will gain valuable information, including vocabulary, leading cases, citations to statutes, and checklists.

For example, someone asked to research sexual harassment law for the first time could consult a book, such as Barbara Lindemann and David D. Kadue’s *Sexual Harassment in Employment Law* (1992) or William Petrocelli and Barbara Kate Repa’s *Sexual Harassment on the Job* (2d national ed. 1994), and in a short time find the following:

- terms of art (“quid pro quo harassment” versus “hostile or abusive work environment”)
- citations to applicable statutes (Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a) (1994), and state fair-employment statutes)
- citation to federal regulations (29 C.F.R. § 1604.11 (1996))
- discussion of leading cases (e.g., *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986))
- analysis of alternative causes of action (e.g., fair-employment statutes versus common law tort claims)

A researcher who did not begin with secondary sources and instead went directly to statutes or cases might waste a lot of time. For instance, Title VII is clearly important in sexual harassment law, but the phrase “sexual harassment” does not appear in the statute and a careless researcher might not find this key piece of legislation. Some researchers might assume that the area is entirely federal and, without the guidance provided by secondary sources, neglect the state law issues (or vice versa). And researchers who begin simply by searching for cases might be overwhelmed by the sheer number they find.

Secondary sources covered in law school legal research and writing classes are great places to start, but look beyond treatises, encyclopedias, ALR®, and law review articles. Practice materials, which include “deskbooks,” manuals, and continuing legal education materials, can be gold mines of information. In Washington state, for example, researchers can choose among a variety of sources including the encyclopedic *Washington Practice*, the multivolume looseleaf *Washington Lawyer’s*

¹ *American Heritage Dictionary of the English Language* 1853 (3d ed. 1992).

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Practice Manual, and the many topical deskbooks published by the Washington State Bar Association. A researcher unfamiliar with parenting plans and modification of child support would be wise to start with the *Washington Family Law Deskbook* (1989–date) or *Family and Community Property Law* (*Washington Practice*, v.19–21, 1997), both of which include forms.

Self-help law books can also be of great help. Even if you know a lot about areas such as insurance bad-faith or environmental law, you still may be faced with areas totally unfamiliar to you. So if you are stumped by a question about a charitable remainder trust, why not take a look at *Plan Your Estate* (4th ed. 1997)? Self-help law books are not just for the public—lots of lawyers sneak peeks at them and find useful information.

Don't forget to look terms up in *Black's Law Dictionary*[®] (6th ed. 1990) or *Words and Phrases*[®]. A quick definition may help at the beginning of a project or along the way.

Avoid Fishing Online

It is usually best to avoid using online services to find primary sources until you are familiar with the area of law. Online research is most effectively done with a specific issue in mind, and knowledge of the specific vocabulary, leading cases, and applicable statutes. The computer is literal—it cannot tell you the meaning of what it retrieves. One can easily waste precious time (and a significant amount of money) browsing electronic sources without clear direction. Beware the seductive call of “free” online time or “free” Internet access. Nothing is ever really free, and at the very least, your time, even when you are a new researcher, is always valuable.

One exception to this suggestion is the use of online resources to find secondary sources. LEXIS-NEXIS and WESTLAW both offer the *Legal Resource Index*, ALR, legal encyclopedias, and a variety of treatises (WESTLAW also has Practising Law Institute handbooks). If your library does not have a good collection of secondary sources and you do not have access to one, it might be appropriate to go online for background information.

Use a Research Guide

Many areas of law have such specialized bodies of literature that people have produced research guides, pathfinders, or bibliographies guiding researchers through the sources. If you are going to spend your summer working on tax, first look at a research guide in the field, such as Gail Levin Richmond's *Federal*

Tax Research: Guide to Materials and Techniques (5th ed. 1997). If you are writing a law review article about United Nations human rights enforcement, get a running start on your research with a guide such as Jack Tobin and Jennifer Green's *Guide to Human Rights Research* (1994) or Marci Hoffman's chapter on human rights in the ASIL Guide to Electronic Resources for International Law, <<http://www.asil.org/resource/humrts1.htm>>. And if you are preparing briefing papers on passive smoking for a public health group, it will save you a lot of effort if you start with Maria Okanska's *Legal Aspects of Passive Smoking: An Annotated Bibliography*, 86 Law Libr. J. 445 (1994).

How can you find research guides? First, try your library's catalog. Search for your topic and either “research” or “bibliography.” (Catalogers often use the term “bibliography” in the subject heading; “legal research” is another common subheading.) A search of the catalog will turn up bibliographies that are separately published books. Similarly, checking periodical indexes, such as *Legal Resource Index*, will help you find bibliographies and pathfinders that are published as articles in law reviews and bar journals. You should also check Leah Chanin, ed., *Specialized Legal Research* (1987–date), which has chapters on 13 topics ranging from admiralty to securities regulation, and government contracts to tax. If your topic is covered, you will find a wealth of information.

If you are researching an issue in a particular state, check to see whether there is a legal research guide for that state. You might find a section discussing practice tools or a bibliography that might include just the right secondary source.

For foreign and international research, a good place to start is *Germain's Transnational Law Research* (1991–date). Like *Specialized Legal Research*, *Germain's* is a collection of research guides. Procedural issues, such as service of process abroad and recognition and enforcement of judgments and arbitral awards, are covered along with 39 subjects (antitrust, commercial law, immigration, intellectual property, etc.) and 17 countries.

Look For a Looseleaf Service

Many areas of law are covered by comprehensive looseleaf services that provide access to statutes, case law, regulations and administrative decisions, as well as some analysis and explanation. Looseleaf services can be hard to figure out, and again, it is often best to start digging in one with a little bit of background knowledge and some vocabulary in order to use the



“Once you identify a source that is new to you, take a few moments to figure it out.”

indexes effectively. But for some areas of law, they are a better starting point than a general digest or annotated code. Areas of law covered by comprehensive looseleaf services tend to be highly regulatory and specialized. They include tax, securities, labor, trade regulation, government contracts, banking, and environmental law. If you don't uncover a looseleaf from your search in secondary sources or research guides, check the annual *Legal Looseleafs in Print*.

Use Current-Awareness Tools

If you are going to be working in an area for some time, find out how practitioners stay current. If you skim newsletters, attend CLEs, and otherwise keep up with new developments, you will be better prepared for each new assignment because you will know what issues are coming up in the field. For instance, if you recently read in a newsletter that the Treasury Department issued new regulations affecting a certain type of transaction, you will be ready to go when the senior partner asks you to find the new regulations and prepare a memo analyzing their effect on your client's business.

Check *Legal Newsletters in Print*—you will be amazed at the number and range of newsletters, on topics from asbestos abatement to workers' compensation. In addition, looseleaf services frequently include a newsletter section (often labeled “New Developments”) that highlights new regulations and cases. Many firms and agencies route newsletters to attorneys in relevant practice groups. If you are moving into a new area of practice, see if you can get on the routing list.

Another source is the work that your own office produces. Does your firm prepare a newsletter for clients? Does your agency circulate summaries of new regulations? Does the firm have files of briefs and memoranda that attorneys have written? Being aware of what your organization does will make research easier for you, since you will know the issues that are coming up. A brief or memo bank can also give you a good start on your own briefs and memos.

Attorneys also keep up with their practice areas by attending CLE programs—sponsored by bar associations, law schools, or professional groups or produced in-house. If you are starting out in, say, environmental law (or you are moving into the environmental practice group after years in the business litigation group), attend some CLEs—e.g., “New Developments in Hazardous Waste Litigation”—to build your knowledge base. (The CLE course materials will also be handy secondary sources.)

Read the Directions

Once you identify a source that is new to you, take a few moments to figure it out. Does it have a table of contents? An index? A table of statutes cited? How about an appendix of primary documents? How is it updated? You will find that many sets include sections such as “How to Use This Service.” You might be the sort of person who learns well by trial and error—but, then again, after 20 minutes of trial and error you might find it helpful to give the instructions a try.

If you are using electronic tools, take advantage of the resources you have. Read the help screens, read the documentation, call the 800 numbers. On WESTLAW, read the Scope screens, and in LEXIS-NEXIS, check Guide, to find out how current the material is and whether there are any special tricks for searching.

Talk to an Expert

Maybe there is an expert in your organization—an experienced attorney or a law professor—who can give you a quick run-through of a subject area and its sources. Many knowledgeable people like to share information, especially when asked.

Or maybe you need to find people outside your organization who follow your issue. If you have found a useful book or law review article, you might try talking to the author. Someone you met at a CLE might be a good contact. Or use the *Encyclopedia of Associations* (in print or on WESTLAW) and other directories to find trade associations or advocacy groups that would track your area. A call to the American Bankers Association, the American Hospital Organization or the Sierra Club might be an effective way to gain background information on a specialized topic.

Use Librarians

Librarians spend a great deal of time guiding researchers toward sources “to get them started.” If you are having trouble finding a secondary source or research guide, or you just want to talk about strategy, try asking your librarian. Librarians are always happy to share their knowledge.

Conclusion

Researching in a new area of law need not be as terrifying as sailing into uncharted seas. The tips we have listed will help you find your way. Soon you will be able to guide others into your new area. ♦

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Appendix III

DEVELOP THE HABIT: NOTE-TAKING IN LEGAL RESEARCH

BY PENNY A. HAZELTON, PEGGY ROEBUCK
JARRETT, NANCY MCMURRER, AND MARY
WHISNER

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Introduction

At some point—perhaps it was for that seventh-grade report on the Pony Express—we were probably all taught to take notes on 3x5 index cards. Each card was supposed to record the source (with full citation) followed by the fact or the quotation we were noting. The teacher was sure to spot-check the cards, so most of us earnest junior high students were careful to make “proper” notes. But are we still as careful, now that we research and teach research as adults?

We librarians take notes ourselves when we do research, whether it be our own research, or projects for faculty, attorneys, or judges. We also have had the opportunity to observe many other researchers—students, professors, partners, and pro se patrons—many of whom come to the reference desk when they are stuck. We do not see many 3x5 cards. Instead, we see a wide assortment of legal pads, three-ring binders, scrap paper, Post-it notes, laptops, and (too often) nothing at all.

This lack of organized 3x5 cards interests and concerns us; we believe good note-taking is a habit every attorney should have. In this article we will identify types of notetakers and some personal factors researchers should consider, and then we will present our top 10 tips for effective note-taking. Our “top 10” are addressed to the researchers themselves, so we encourage teachers of legal research to make photocopies and pass them out in class (with attribution, please)!

Why Take Notes?

To begin, why take notes? Why be concerned about the paucity of index cards? After all, it makes sense that few use them now; there have been a lot of technological changes since junior high! Rather than taking any sort of notes on cases, articles, or book chapters, many researchers today make a copy—either by photocopying from a book or printing a document from an electronic source.

Making a copy of the information has several advantages over taking notes: speed, reliability, and completeness. However, it also has disadvantages. When one photocopies an entire case or law review article, she may not read it, but instead may just tuck it in a briefcase or backpack to read at some later time—which might never arrive. If the researcher does read it, but does not take notes, the material might not be understood as well, or how the pieces fit together might not be perceived. Note-taking allows one’s mind to process the information in a different way. If the researcher goes back to the case or article several weeks later, it might be difficult to remember what was important about it, and perhaps the whole thing will have to be skimmed again to figure out why it was copied in the first place. Finally, the bulk alone of photocopies and printouts may impede the research project. A 6-inch stack of paper with no order will quickly overwhelm all but the most determined researcher.

Many researchers nowadays combine a tendency to print out or photocopy with a freewheeling use of highlighters. Using colored markers to identify important or relevant text can be an effective note-taking tool. However, some seem unable to avoid the propensity to highlight every line on a page, because, on first reading, everything seems like it might be important. Often one must read the entire case or article before the truly relevant portions can be successfully highlighted.

It does take time and self-discipline to be a systematic note-taker, and sometimes researchers decide that note-taking, that is, *good* note-taking, is just not that important. Why do we disagree? We see several good reasons for taking careful and thorough notes:

- Notes record the researcher’s sources in order to use them, find them again, and cite them.
- Notes record the research path so the researcher knows what has been checked.
- Notes helps the researcher to think about what is being done and keeps the focus on the correct issue.

“Notes help the researcher or a reader to understand, replicate, and update results.”

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- Notes aid the researcher in communicating (with colleagues, supervisors, and the host of others the researcher may want to ask for help).
 - Notes allow the researcher to demonstrate her thoroughness, especially when there are less than complete answers to the questions posed.
 - Notes help the researcher or a reader to understand, replicate, and update results.
 - Notes serve as a reinforcement to everything the researcher learns during a particular research project and provides a “tips and tricks” resource for future projects.
- **Dudley Do Right (our hero)**: Sets up a system for note-taking so that when he is ready to prepare the final product he has everything he needs. *Drawbacks*: Gets more “plum” assignments than others (who may get envious enough to tie him to the train tracks).

Personal Styles and the Note-Taker’s Art

If taking notes is so important, why do texts on legal analysis, research and writing not provide a template for perfect note-taking? That would be nice, would it not? We kicked around the idea of a checklist that could be handed out to associates, paralegals, law students et al., listing sources to check and what information needs to be noted. But reflection convinced us that legal research projects are too varied and what needs to be written down depends on too many factors for one checklist to be appropriate for all projects.

Perhaps even more importantly, note-taking needs to be adjusted to suit individual work environments and styles. Consider the following questions.

How good is the researcher’s memory? Some people can turn their backs on a set and not remember whether they were using the *Pacific Digest* or *Am. Jur. 2d*, let alone whether they looked under “vicarious liability” as well as “respondeat superior.” Other people can keep a tremendous amount of complex information in their heads while they are working through a problem. If one is the first sort of researcher, each source used had better be recorded as well as every search term tried. To paraphrase Santayana, those who do not remember research are doomed to repeat it.

How much time is available? If it is 9:10 and the partner wants the associate to find cases mentioning a particular statutory provision by 9:30, there is only one course of action to follow: do a quick search (in an annotated code or online), pull the cases, and give them to the partner. There is no time to write down every term checked in the code’s index (although the associate might want to call attention to the fact that the pocket part was checked). *After* handing over the results, of course, the associate should consider

¹ Recall the Academy Award-winning performance of Dustin Hoffman in the 1988 film *Rain Man*.

² Inspired by Fred MacMurray’s performance in the 1961 film *The Absent-Minded Professor*.

Note-Taking Types

Recently we have begun seeing law students and lawyers taking notes on laptop computers. That surely will change some people’s habits. Perhaps their note-taking will be faster and more accurate (if they are fast typists). Perhaps they will be able to use outline features to organize their notes better, and cut-and-paste features to capture quotations and key passages. Of course, if note-takers forget to record a citation, that laptop will not do it for them—technology cannot solve all our problems.

Whatever technology is used, we suspect the basic styles of note-taking have not changed. Most researchers will undoubtedly identify with one of the types below.

- **Perry Mason**: Does not do research, does not take notes. If he reads cases, he remembers them for the rest of his career. He always wins. *Drawbacks*: This technique works only in fiction.
- **Rain Man**: Writes everything in his notebook, very accurately. Memorizes it anyway. (Does not understand it.)¹ *Drawbacks*: This method is very time-consuming.
- **Absent-Minded Professor**: Takes concise notes on whatever paper is at hand but does not record sources since he is sure that he will remember them. Intends to check the citations he cannot remember and to assemble and organize notes when he has a bit more time.² *Drawbacks*: There is never “a bit more time” and miscellaneous pieces of paper tend not to gather but to migrate.
- **Peppermint Patty**: Gets notebook stuck in hair. *Drawbacks*: Information retrieval is limited.

“ [N]ote-taking needs to be adjusted to suit individual work environments and styles. ”

taking a few minutes to write down what was done and what was found. Several weeks later the partner may ask a follow-up question.

How long will the project take? The longer the researcher thinks a project will be around, the more important it is to take good notes. If the task is to work on a law review article or a seminar paper or an appellate brief, it is likely the researcher will be looking at the same issues for a long time—or will be coming back to them after thinking about something else for a few weeks. The better the notes are—listing what was checked, what headings were used, the dates of the supplementation, and so on—the more efficient the researcher will be.

How many people are working on the project? If more than one person is working on a project, the researcher cannot rely on memory as much as if everything was in the researcher's own hands. Somebody else might need to know whether the researcher checked the case citations on a list; the researcher, on the other hand, might need to know whether a coworker checked CIS for committee reports or relied on USCCAN.

Who will read the notes? If only the researcher will be using the notes, then whatever shorthand works can be used. “LRI = 0” might be an adequate reminder that *Legal Resource Index* was checked but nothing useful was found. But if the researcher is reporting the results to someone who does not do as much or the same kind of research as the researcher does, it might help to explain what the database is and something about the searches that were tried (e.g., “I searched *Legal Resource Index*, an index of legal periodical articles, 1980 to present, using the phrase ‘wildlife refuge’; the only articles I found predated the cases you asked about.”). This would help the requester understand what the researcher meant when reporting that nothing relevant was found—as well as give the requester an opportunity to adjust the scope of the request.

How many projects is the researcher juggling? The busier the researcher is, the more tempting it is to skip steps. But it is a dangerous temptation. Pity the researcher who is left muttering, “I know I looked around in the UN Gopher, but was it for that death penalty question or the law of the sea question? Did I look for an ALR annotation on the premises liability question? Or was it the wrongful termination case?”

How novel is the subject? If the researcher is trying to find information in an unfamiliar area,

much better notes need to be taken. Both the terminology and the sources may be unfamiliar and details will be much harder to remember. Terms of art, variant spellings, and specialized resources should all be particularly well documented. Even in a familiar area, if the researcher is using an unfamiliar source (or a source that may be unfamiliar to the requester), its scope and coverage should be noted.

What sorts of similar research will the researcher be doing in the future? Any time future research in the same area is envisioned, taking careful and thorough notes in the present is a wise course. There is no better gift researchers can give themselves than having all the conundrums solved when the need to revisit the same area of research occurs. Notes will show the researcher the best sources to try first, perhaps provide leads that took days to develop in the former project, and suggest effective terms for searching. If the researcher cannot imagine ever doing research on a particular topic again, good note-taking is still a boon. One never really knows when an odd, messy problem might crop up again (and the researcher will be looked to as the “expert”). As Louis Pasteur said, “Chance favors only the mind that is prepared.”

Conclusion

Research, no matter how interesting and rewarding, is hard work. Taking notes, good notes, may not come naturally to you and may at first seem like a lot of bother. But good notes help you remember, organize, process, synthesize, and communicate information—which, in the long run, is the point of research. And the first time you find yourself up against a deadline writing up your results, and you realize that everything you need to complete the project is in your notes, you will appreciate having made an effort to form good note-taking habits.³

³ Taking technology, work environments, and personal styles into consideration, we have compiled a list of “top 10 tips” for better note-taking. These are designed for distribution to LR&W students and anyone else who might wish to sharpen their note-taking skills. (All we ask is proper attribution.) We cannot guarantee the tips will lead to perfect note-taking (and from there to prestigious clerkships, lucrative partnerships, or academic tenure), but we hope all researchers will find a few ideas for improving their research habits.

Top 10 tips for Better Note-Taking in Legal Research

BY PENNY A. HAZELTON, PEGGY ROEBUCK JARRETT, NANCY MCMURRER,
AND MARY WHISNER

1. DO A REFERENCE INTERVIEW

If you are doing research for another person, be sure you summarize what you think the person has asked you to do, determine when the project is due, ask if there is a financial limit on the project, and find out what kind of product you must produce (e.g., a client letter, a memo, a bibliography, a list). In many cases it may be appropriate to solicit strategies, sources, or search terms. The more information you can gather the better. Reference interviews, which are the process of finding out this information, are not just for librarians!

2. PREPARE TO CITE

Keep track of what you will need in order to cite whatever you find. It is not necessary to have all the semicolons and commas in place, but you do need to know enough about citation format to know, for example, whether you need the author's first name, or a book's copyright date or edition. You will be wise to take a minute to check a citation manual if you are citing a source you do not use often. Get in this habit and ALWAYS write down citation information—regardless of whether you are excited about what you have found or you think it will not be used. You do NOT want to be staring at a deadline and then realize you have a number of gaps to fill in!

3. NOTE SEARCH TERMS

Before you turn on your computer or start pulling books off the shelves, note the key terms and phrases that characterize your research problem. Think about which ones to try in the various paper sources and which might be useful in various computer databases. This is a particularly important step for anyone who is doing research for another person. As you go through your research, write down new terms you find. Of course, it can be tedious to write down every single term you try in every index. You might have a list of terms, and quickly check them off. Or write down the terms that work. Or the ones that fail. Highlight the ones that seem to work the best, but do not limit your research to them since what works in one source may not work in another.

4. NOTE YOUR CONTACTS

To whom have you talked? Record names, titles, organizations, and phone numbers. Were they helpful? Will they be sending you something? When? Will you want to use that contact again (should you add them to your Rolodex)?

5. TAKE GOOD CALR NOTES, TOO

If the databases you use frequently have a built-in way to keep track of what searches you have done, always remember to exercise that option. Use all the technology at your disposal! Every printout should contain a notation of the search you performed, the database you worked in and the date of your search. If the system cannot automatically add this information, be sure you write it on the printout itself.

6. ANNOTATE YOUR PHOTOCOPIES

The moment you read or even scan a photocopy, make a note on the copy, or highlight a piece of text, so you can glance at it quickly to tell where it fits into your research project. And, of course, get in the habit of checking to see that all the elements of a complete citation appear on the copy. If not, take a minute to write down all the pertinent information. Copying only a portion of a case, an article, or a book can really cause identification problems later. It does you little good to know the citation to the case you copied is 654 N.E.2d 35 if you do not also know the date of decision, court, and parties, particularly if you cannot get back to the library or into the online database to look at it again to verify the correct information.

7. REMEMBER TIME IS OF THE ESSENCE

Be sensitive to how current each source you use is. If you will be working on the project for a while (or someone else will be looking at your research results next month or next year), you need to note coverage information, for example:

1. shep thru 12/95 pamph.
2. RCWA 1996 pock. pt. (covers '95 reg. legis. sess.)
3. WESTLAW searches 12/29/95

8. KEEP THE REQUESTER INFORMED

Should the project take more time than anticipated, do not hesitate to get back to the requester and find out if you should stop or spend more time. Be ready to explain (from your excellent notes) what you have done and what you have left to do. Make a note of the conversation and date it.

9. ORGANIZE YOUR NOTES

Once the project is complete, resist the tendency to head for the recycle bin, or, more likely, to toss the notes in a pile on your office floor. Take a few moments to spruce them up. If there was a cover memo, attach it on top of the notes. If there was not, write a quick one to the file, so you can tell at a glance what the project was about. File your research notes by requester or by topic or by whatever system will enable you to find them again.

10. CONSIDER DESIGNING YOUR OWN TEMPLATE

If you tend to have a number of projects going on at the same time, you may want to design your own research cover sheet. A cover sheet can be the place for your general, summary notes; using colored paper prevents a request from becoming intermingled with the research on another project. Decide what sorts of information you need for most of your assignments and make yourself a form. Possibilities for the form include:

1. dates (when the research was assigned and when it is due)
2. requester's name, telephone number and e-mail address
3. description of the request
4. how to charge costs (to a client, to a particular account)
5. what form the results should take (e.g., citations list, memo, telephone call)
6. method of delivery and destination (e.g., put on desk, chair, mailbox)

The rest of the page is left blank so you can note contacts you have made, terms for searching, databases or sources already tried, etc. If you now need to contact the requester, all the basic information about the project is at your fingertips without your having to shuffle through papers. ♦

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Printed in 4 Perspectives 51-52 (winter 1996). Legal research teachers are encouraged to photocopy and distribute in their classes.

End-User Electronic Information Competencies

by Bobbie Studwell

Professional Perspectives — Tools and Techniques of the Trade. The Professional Development Committee encourages members to continue to explore topics after presentations at the local, regional, and national levels. We welcome your comments and article suggestions. Please contact Mary A. Hotchkiss at 206/553-4475 or hotchma@u.washington.edu.

I've always thought of myself as a competent researcher. I'm able to use paper-based legal research tools efficiently, quickly, effectively, and flexibly. Ten years of reference work tend to give anyone a feeling of confidence and competence.

Paper-based legal research tools aren't necessarily our end-users' tools of choice anymore, however. Students ask about electronic legal resources as soon as they enter the law school door, knowing that their legal career is likely to depend on what they know and how well they can use those electronic resources. They are likely to have surfed the Web, used e-mail, and scanned CD-ROM indexes long before they entered law school. But, do

they know much more than this when they leave law school? What can our profession do to help our students, attorneys, judges, and paralegals, not to mention ourselves, gain that same feeling of competence in using electronic resources?

A group of four of your colleagues posed that same question not long ago and drafted a working document to help supply an answer. Jill Porter (PLI), Leigh Semple (LEXIS-NEXIS), Faye Jones (Hastings Law School), and I drafted the discussion document you see below. It reformulates skills and values found in the McCrate Report for electronic research and takes technology-based competencies

from the book titled *Beyond Workplace 2000* and creates from them skill sets students and attorneys should master to be considered competent electronic information users.

You may also be interested in reviewing the "Compilation of Core Information Literacy Competency/ Outcomes for Undergraduates" document found in the May 1998 issue of *C & RL News*. It includes some Web sites to peruse as you consider the working document set out in this

End-User Electronic Information Competencies

Skill Sets Required Before Entering Law School

Basic Skills: Reading, Writing, Mathematics, Listening, Speaking

Thinking Skills: Creative Thinking, Decision Making, Problem Solving, Synthesizing, Active Learning, Reasoning

Personal Qualities: Responsibility, Self-Esteem, Sociability, Self-Awareness, Ethical Integrity

article. Whether you agree with the list of skills, their arrangement, or their placement within this structure or not, hopefully you agree that it's time for our profession to step up and define basic legal research competencies. The *CR & L News* article shows that we are not alone in forging forward to define basic levels of competency. Isn't it time to set out lists of electronic research competencies, among other research skills, and ask other organizations that police our profession to take note?

I'll be interested in your thoughts on this important issue as discussion groups and listservs are used to explore the topic.

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3 AALL Spectrum 4-5, No. 2
(October 1998)

AALL recognizes major support from BNA, Inc. for the Professional Development Program.

A Desktop Learning Opportunity

Information & Research Competency Skill Sets to Be Acquired before Entering the Profession

Information Awareness and Foundational Skills

- Familiarity with the nature of legal rules and institutions
- Familiarity with the fundamental tools of legal research
- Awareness of the diversity of information sources and technologies available
- Awareness of techniques that will reduce costs, including an understanding of how information is gathered, organized, packaged, published in cycles, and stored
- Ability to transfer skills between platforms and systems
- Awareness of the time-consuming nature of information retrieval
- Understanding of the concepts of intellectual property and other doctrines associated with information creation and provision

Assessment and Selection Skills

- Ability to formulate issues for research after determining the range of issues presented, type of answer sought, degree of confidence in answers required for the purpose, and degree of documentation of answers needed for the purpose
- Ability to determine the levels of legal research required
- Ability to use specialized techniques for reading and using research materials efficiently, including techniques related to alternative formats
- Ability to select from a range of search strategies to create a research design

Searching and Locating Skills

- Ability to choose effective search terms, phrases, and images

- Awareness of database structures and content
- Ability to perform truncated, Boolean, field, and delimited searching
- Ability to use controlled vocabulary when appropriate
- Understanding of the differences between full-text and index searches
- Understanding of how to interpret and use citation formats to locate items

Evaluation and Interpretation Skills

- Ability to evaluate a range of search strategies and choose the proper technology to produce the desired results
- Ability to monitor and, when necessary, modify the results of an implemented design or search strategy
- Ability to determine the degree of risk involved in not conducting thorough research
- Awareness of the degree of thoroughness of legal research required based on the end-user's need for the information and the client's resources
- Ability to create a design that evaluates the degree of thoroughness and time required and the feasibility of completing research in light of other time pressures and client resources
- Ability to distinguish relevant from irrelevant information
- Knowing how to determine and weigh factual accuracy, currency, authority, bias, viewpoints, and assumptions against the need for the information
- Ability to identify and/or troubleshoot problems with the technology chosen

Manipulation and Organizational Skills

- Ability to devise and implement a coherent and effective research design
- Knowledge of how to create a research design
- Ability to provide appropriate documentation of results
- Understanding of how to integrate new information into an existing body of knowledge
- Ability to organize information for practical and counseling applications, including creating documents such as World Wide Web pages
- Understanding of how and when to use document delivery to retrieve documents
- Understanding of the process for saving, downloading, e-mailing, or printing search results

Citation Skills

- Knowing the requirements for legal citation forms, including electronic formats
- Ensuring that sources are up-to-date
- Ability to double check the accuracy of research

Communication Skills

- Understanding how to articulate information needs
- Understanding how to communicate the results of research to clients and others
- Ability to present and interpret information visually using graphs, charts, etc.
- Ability to communicate using visual presentation software such as PowerPoint, WhiteBoard, and others

Directories, Search Engines, the Invisible Web, and Portals

by Penny A. Hazelton

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DIRECTORIES, SEARCH ENGINES, THE DEEP WEB, AND PORTALS

DIRECTORIES Use for general questions and topics that need exploring

- Group websites by subject
 - Include sites chosen by experts
 - Add substantive content
- Internet Legal Resources from Gallagher <http://lib.law.washington.edu/research/research.html>
 - CataLaw is a legal mega-directory www.catalaw.com
 - Librarians' Index to the Internet www.lii.org

SEARCH ENGINES Use for targeted or ambiguous questions, and sometimes broad questions

- Rank websites by relevance to query
 - May retrieve dated results
 - Offer specialized features
- Google employs human editors to rank sites www.google.com
 - AltaVista allows limiting by date or url www.altavista.com
 - SurfWax gives help with terminology www.surf wax.com
 - Northern Light organizes results into subtopics www.northernlight.com
 - LawRunner & LawCrawler target legal databases www.lawrunner.com
www.lawcrawler.com

THE INVISIBLE WEB Use to find information stored in databases

- Search a database from its own homepage, found by a directory or search engine
 - Or use a search engine with an option for deep web search
- Invisible Web links to searchable databases www.invisibleweb.com
 - ProFusion searches databases directly www.profusion.com
 - Mapquest (deep web because it's dynamic) www.mapquest.com
 - Aviation Accidents (a deep web database) www.nts.gov/NTSB/query.asp

PORTALS Use to customize your research, shopping, and email

- Provide case law and statutes, forms, filings, CLEs, news, career information, and legal services
 - Sell products of legal publishers
 - Offer email and chat rooms
- FindLaw, Inc., from West Group www.findlaw.com
 - lexisONE from LexisNexis www.lexisone.com
 - Law.com affiliated with American Lawyer Media www.law.com

Finding Information on the Internet: A Tutorial<http://www.lib.berkeley.edu/TeachingLib/Guides/Internet/InvisibleWeb.html>**Invisible Web: What it is, Why it exists, How to find it, and Its inherent ambiguity***UC Berkeley - Teaching Library Internet Workshops*[About This Tutorial](#) | [Table of Contents](#) | [Handouts](#) | [Glossary](#)**What is the "INvisible Web"?**

The "**visible web**" is what you see in the results pages from general web [search engines](#). It's also what you see in almost all [subject directories](#). The "**invisible web**" is what you cannot retrieve ("see") in the search results and other links contained in these types of tools.

- **Searchable Databases.** Most of the invisible web is made up of the contents of thousands of specialized searchable databases that you can search via the Web. The search results from many of these databases are delivered to you in web pages that are just for your search. Such pages very often are not stored anywhere: it is easier and cheaper to dynamically generate the answer page for each query than to store all the possible pages containing all the possible answers to all the possible queries people could make to the database. Search engines cannot find or create these pages. [More explanation](#).
- **Excluded Pages.** There are some types of pages that search engine companies exclude by policy. There is no technical reason they could not include them if they wanted. It's a matter of selecting what and what not to include in databases that are already huge, expensive to operate, and low revenue producers. [More explanation](#).

and search engines cannot find or recreate them. You have to go to the page with a search box for each specialized database and search it. Additional invisible web pages are ones that search engines choose for various reasons to exclude. To learn more about the invisible web, please read the sections below:

[Why Are Some Pages Invisible?](#) | [The Inherent Ambiguity of the Invisible Web](#) | [More Info](#)

How to Find the Invisible Web

Simply think "databases" and keep your eyes open? You can find searchable databases and other invisible web stuff in the course of routine searching in most general web [directories](#). Of particular value in academic research are

- [Librarians Index](#)
- [AcademicInfo](#)
- [Infomine](#)

Use [Google](#) and other [search engines](#) to locate searchable databases by searching a subject term and the word "database". If the database uses the word database in its own pages, you are likely to find it in Google. The word "database" is also useful in searching a topic in [Yahoo!](#), because Yahoo! used the term to describe searchable databases in its listings.

EXAMPLES for Google & Yahoo!:

- plane crash database
- languages database
- toxic chemicals database

Remember that the Invisible Web exists. Remember that, in addition to what you find in search engine results and most directories, there are these gold mines you have to search directly.

As part of your wise web search strategy, spend a little time looking for databases in your field or topic of study or research. The table below may help if you cannot find anything using the suggestions above.

Selected Directories of Searchable Databases: Table of Features

The table below describes several of the best directories and lists of searchable databases on the general web with **content frequently useful in academic research**. There are many more directories to parts of the invisible web than those listed here, but their content is more popular or commercial.

Listed in ranked order, for academic research purposes.

Ranked as: **** very useful for academic research, *** useful for academic research, ** less useful for academic research

Directory of Searchable Databases	Size and General Features	Searchable or Browsible?	Evaluations of Databases	Search Boxes
<p>Direct Search www.freepint.com/gary/direct.htm ****</p>	<p>Several long pages listing and describing searchable databases on many academic topics. Pick the section or page from the links near the top. Done by an academic librarian with research in mind. HARD TO USE. Except in Business and Economics, I would use the other directories above.</p>	<p>BOTH, but not a searchable database. Search feature new in fall 2000 tells which page to look in. Use Ctrl+F to find term in page.</p>	<p>Not really. Brief descriptions only.</p>	<p>None.</p>
	<p>Large (over 10,000) collection of searchable databases. Many academic subjects and audience. Quick Search a concept or topic. Advanced Search allows <u>Boolean</u> and other searches. Keep searches broad.</p>			

The Invisible Web Catalog
www.invisibleweb.com

Click GO.
 Browse in "Hot List" and categories expand for convenient selection.
 Can sort results Alphabetically or by Score (relevance - default)
 Click database name for search box.
 Links to matching subject categories at top of results get more databases in category.
 Excellent HELP if you click tab in upper right.

BOTH

Excellent, useful.
 Click [more] to read complete evaluation.

Yes, almost always.

Not as easy to use as some of the directories above that now contain a lot of the same sites.

Large (# not specified) collection searchable databases. Also selected web sites, often of academic interest.

Search a concept or topic. Keep searches broad.

Two somewhat confusing results displays:
 1. If boldface, numbered, and ranked by % score, results are subject sub-categories. Pick the most appropriate category to view searchable databases list.
 2. If bulleted list not boldface, you have the searchable databases list. Click on title to go directly to site.

BOTH. But use SELECT A CATEGORY and browse. Search engine produces unusable results list often.

None.

Rarely. Called "In Line Databases."

Internets
www.internets.com/
 **

Large (claims 100,000 but few are databases). Collection of web pages, directories, and some searchable databases


Some, unreliable.
 is

IncyWincy
www.incywincy.com
 **

drawn from the DMOZ Open Directory. Often search boxes are not to contents of the page linked to but to some other database (like Amazon.com). Use specific terms: supports AND, OR, ANDNOT, "" and *. Use them because it is a whole subject directory.

BOTH. Can search top results sometimes in second box.

Brief descriptions.

supposed to identify and link to a search box on the page.  submits your terms in the search engine (not useful).

Complete Planet
www.completeplanet.com/
 **

Large database of searchable databases, web pages with search boxes (not databases), and just web pages. Although site speaks eloquently of the "deep" (their term for "invisible" web), many of the links are to "visible" or "surface" web.

Search, then use "Category" links at each entry to browse.

No evaluations. Some descriptions, some strings of keywords, some extracts from the page.

None.

Hard to know which are databases. Search using " " around phrases, and Boolean operators (complete set). Stems. Simple searches often retrieve too many documents. "Categories" link at end of entry displays subject classifications assigned for easy access to more in category.

Why Are Some Pages Invisible

There are two reasons a search engine does not contain a page: (I) technical barriers that prohibit access and (II) choices or decisions to exclude.

I. Technical barriers:

TYPING and/or JUDGMENT are required. If the only way to access web pages requires you to **type something** or scan a page and **select a combination of options**, search engines are unable to proceed.

WHY? Search engine databases are created by robot programs called spiders, computer robot programs that crawl the web seeking search engine content. These spiders crawl or navigate the Web by following the links in the web pages that are already in the database of their parent search engine. If there is no link to a page, a spider cannot "see" it. **They lack the ability to type or think** of any string of characters. They also cannot scan a set of options and choose which one to select. They not only lack fingers for typing, but also lack a brain capable of judgment.

Pages created as the result of a search are called "**dynamically generated**" pages. The answer to your query is encased in a web page designed to carry the answer and sent to your computer. Often the page is not stored anywhere afterward, because its unique content (the answer to your specific query) is probably not of use to many other people. It's easier for the database to regenerate the page when needed than to keep it around.

The opposite of a "dynamic" page is a "**static**" page. Static pages reside on servers, each identified by a unique URL, and waiting to be retrieved when their URL is invoked. Spiders can find a static page if it is linked to in any other page they "know" about. They follow links to it and retrieve it much as you would by clicking if you knew the link. Static pages are not invisible, although search engines might choose to omit them for policy reasons discussed below.

The content of a lot web pages is *both* searchable and browsable by clicking on links. To the extent that the content found by searching is replicated in web pages with links somewhere, part (or all) of the content might be found in a general Web search engine (unless the pages are excluded from a search engine for policy reasons, discussed below). Any content not contained in static pages linked to somewhere else remains invisible. You have to search a database directly to find these.

The inability for spiders to type and think causes two types of Invisible Web pages:

Category 1: Content from **searchable specialized databases** can be entirely or partially invisible or visible, depending on how much is contained in static pages with links.

EXAMPLES of sites with searchable databases include most search engines like Google or Northern Light or AltaVista. The contents of all online library catalogs that do not require a password (like UCB's Pathfinder) are also invisible web. The results of your searches are dynamically generated. It is sometimes possible to retain that humongous URL on top of your search result, and use it to regenerate the page dynamically when you click on it. But the results pages are not stored anywhere. (Why don't search engine's contain the links to results in other search engines? See the section below on links search engine spiders won't touch.)

An EXAMPLE of a site in this course with contents that are accessible both by searching directly and by links accessible to search engine spiders is Yahoo! and many other directories organized as searchable but also providing access to their contents by browsing (following links). Spiders have to approach the contents following the slow browse/link approach, whereas you can type searches or browse. If a search engine wants to, it could get to all of the information in Yahoo! that is

accessible by following links. This is true for many such sites, but see the section below about links search engine spiders won't touch.

Category 2: Password or login required. All sites requiring a password or login are closed to search engine spiders because they require typing something spiders cannot "know." The contents of these sites are very unlikely to be in any general Web search engine. This includes all of the passworded resources that exist (at UCB, we have hundreds of indexing services, encyclopedias, directories, and other web-based resources that you need some kind of password to access; there are thousands more web sites where all or part of the site requires a password because the site is not free or restricted use for other reasons).

II. Pages search engines choose to exclude:

FORMAT of the page. Search engines may choose not to include pages because the format of the document would be infrequently or unsuccessfully searched by the users of the search engine. There is no technical reason they must exclude them -- only a policy made by most search engine companies.

WHY? Search engine databases and spiders are optimized to "read" HTML, the basic language of the Web. These other types of programming languages contain codes and format requirements that are incompatible with HTML. HTML can carry links to these pages, but not full text of their content in their special format. Pages with images and no text are also often omitted because, without text, there is nothing for you to do a keyword search on to find the image; so why bother to include it?

Category 3: Pages formatted in PDF and other pages written using very little if any HTML text. Search engines also have a hard time indexing the contents of documents in Flash, Shockwave, and other programs like Word, WordPerfect, PowerPoint etc. Pages consisting almost entirely of images are often excluded as well.

EXCEPTIONS:

- Google now provides the ability to search the full text of many PDF files by converting these files to text, and encasing the text in HTML so it can work like an ordinary web page in the Google database. You search matching on the text "translation," and see in the results a link to the original complete PDF document. Other search engines currently do not provide this service. (Try it searching "form 1040" in Google. Click on the little "Text version" and "PDF" links.)
- The image databases that Google, AltaVista, and other search engine companies offer are structured to handle these types of files with less text.

SCRIPT-BASED pages: Links containing a ?. A script is a type of programming language that can be used to fetch and display web pages. There are many kinds and uses of scripts on the Web. They can be used to create all or part of a web page, and to communicate with searchable databases. Many of the database queries and responses discussed in Category 1 use scripts. When you find a question mark (?) in the URL of page, some kind of script command is used in that page. Most search engines are instructed not to crawl sites or include pages that use script technology, although it is

often technically possible for them to do so. This is a another policy decision.

WHY? If spiders encounter a ? in a URL or link, they are programmed to back off. They could encounter poorly written script or intentional "spider traps" designed to ensnare spiders, sometimes bogging them down in infinite loops that run up the cost and time it takes for spiders to do their work. So search engine companies instruct their spiders not to retrieve (i.e., put in the search engine) pages with URLs containing ?. This may result in the contents of an entire site using scripts being excluded from a search engine, or a search engine may crawl safe part of a site and omit others. A spider doesn't have the freedom and creativity that you have to jump around a site intelligently.

Category 4: Script-based pages, bearing a tell-tale ? in their URL:.

EXAMPLES of databases whose contents are entirely script-generated Google, . There are no static URLs on these sites for the kinds of things you can access by searching, and, if there were, search engine spiders would choose not to index them. They are doubly invisible (once because they fall in Category 1, and once because excluded by policies).

An **EXAMPLE** of a site partially using scripts is the Librarians' Index. Some of the links in the browsable directory that starts on on the home page are script-based (containing ?), and some are not. Google and some other search engines contain the pages without any ?, but not any that do contain a ?

The LII page for **Automobile** (<http://lii.org/search/file/automobiles>) is in Google; The LII page for **Motorcycles** (<http://lii.org/search?title=Motorcycles;query=Motorcycles;searchtype=subject>) is not. Note the question mark. Google's spider is technically capable or retrieving both pages by following their links, just as you can by clicking on it. But, because of the ?, it omits it the "Motorcycles" page.

In Yahoo!, when you click on links (the way a spider would have to) there are no ? in the resulting URLs. But if you search Yahoo!, the URLs all contain ? indicating scripts. Guess which URLs you will find in a search engine?

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The Ambiguity Inherent in the Invisible Web:

It is very difficult to predict what sites or kinds of sites or portions of sites will or won't be part of the Invisible Web. There are several factors involved:

- o Which sites replicate some of their content in static pages (hybrid of visible and invisible in some combination)?
- o Which replicate it all (visible in search engines if you construct a search matching the page)?
- o Which replicate none and must be searched directly (totally invisible)?
- o You often don't know if a page has a ? in its URL until after you've somehow found it

(excluded by policy).

- o Search engines can change their policies on what they exclude and include.

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Want to learn *more* about the Invisible Web?

- Clear presentation of the basics with a bibliography: [Invisible Web](#) by Liane Luckman
- A new book: Gary Price & Chris Sherman. *The Invisible Web : Uncovering Information Sources Search Engines Can't See*. CyberAge Books, July 2001. ISBN 091096551X (Paper \$29.95).
- Excerpts from chapters 4 and 6 of this book have been adapted or reprinted in: Gary Price & Chris Sherman. "Premier(e) Books: The Invisible Web," *SEARCHER* [magazine], vol. 9, no. 6, June 2001. Pages 62-74. This article is available for a fee from [Northern Light Special Collection](#).
 - o *NOTE: I disagree with some of the overly confusing explanations in this article: the authors make the Invisible Web more complicated than it is, in my opinion.*
- A smart discussion may be found at: Robert J. Lackie, *Those Dark Hiding Places: The "Invisible Web" Revealed*
http://library.rider.edu/scholarly/rlackie/Invisible/Inv_Web.html
- Other links of possible interest on the Invisible Web are available under this topic in [About.com](#).
- [SearchAbility](#). Descriptions of many directories and lists of searchable databases, extensively annotated, rated, and described. Excellent [background](#) on specialized searchable databases on the web.

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Quick Links

Detailed instructions of search engines: [Google](#) | [Alta Vista Adv. Search](#) | [alltheweb Adv. Search](#)

4 types of recommended search tools: [Search Engines](#) | [Meta-Search Engines](#) | [Subject Directories](#) | [Invisible Web](#) | [Beyond Web Searching](#)

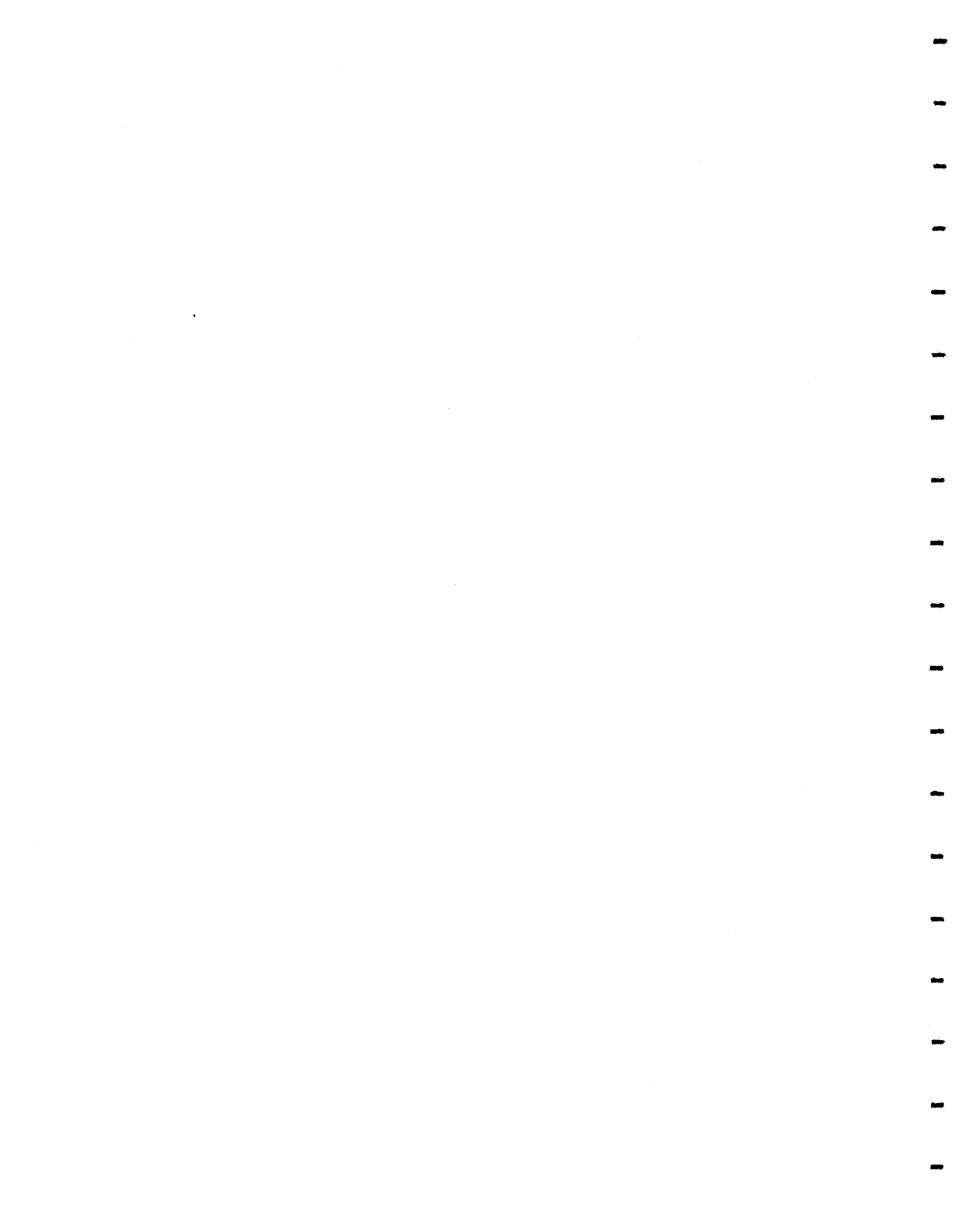
[HELP/FAQ](#) **[CATALOGS](#)** **[COMMENTS](#)** **[HOME](#)**

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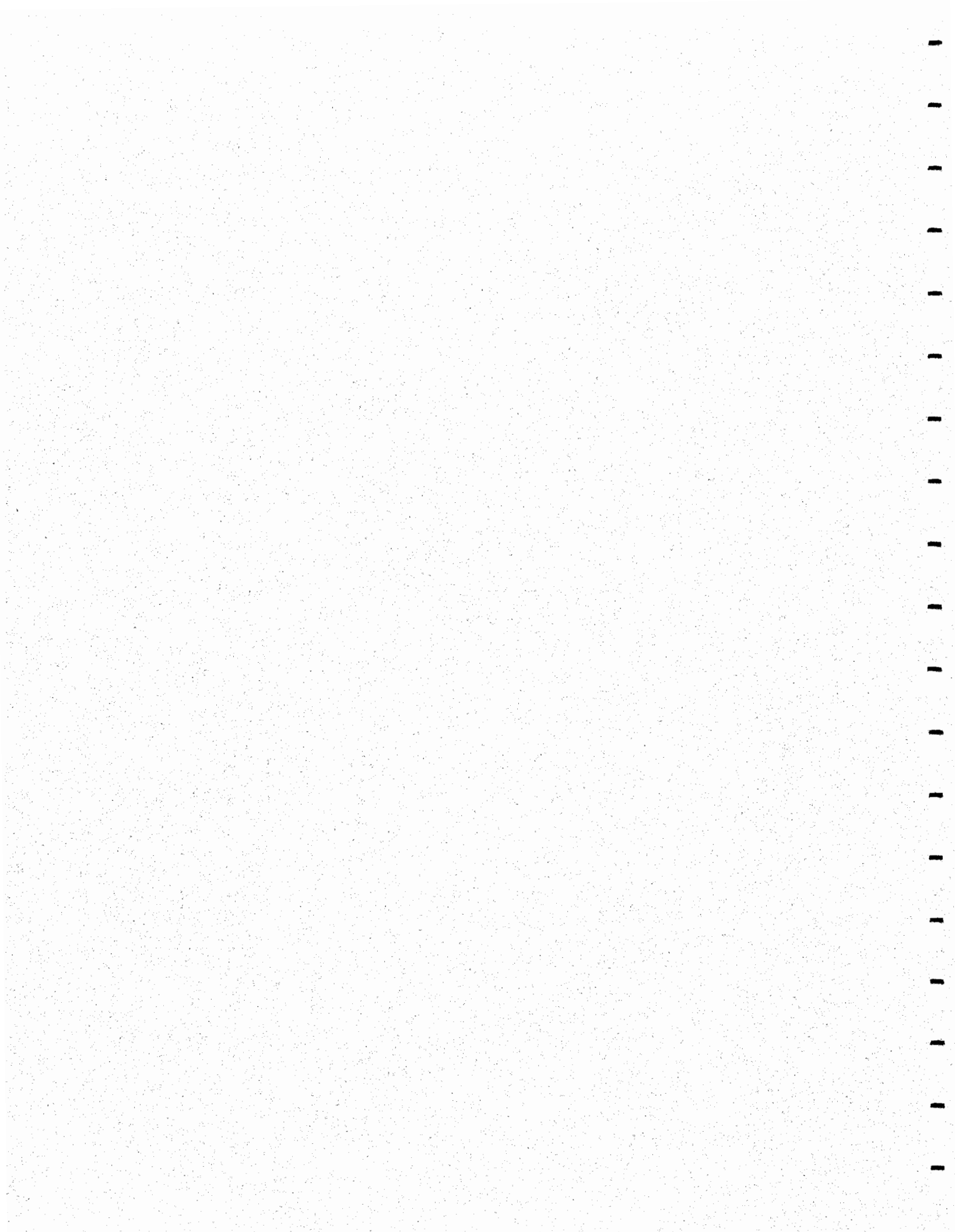
Last update 10October2002. Server manager: webman@library.berkeley.edu



Effective Searching on Your Own

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EFFECTIVE SEARCHING ON YOUR OWN

Points to Remember:

1. Remember, the research process is the same whether you use manual or electronic resources.
 - a. Be sure to develop an exhaustive list of search terms.
 - b. Start with secondary sources, a good way to develop alternate terms.
 - c. Think about whether the issue is likely to be controlled by statute, or case law, or both.
 - d. Decide which part of the research should be tackled electronically, which manually.
 - e. Plan everything **before** you go online.

2. Choose the best electronic source for your research.
 - a. What electronic choices do you have (commercial services, CD-ROM, Internet)?
 - b. Where is the information likely to be found?
 - c. Which electronic source can you use most effectively to keep costs to a minimum?

3. Choose a database or file.
 - a. With commercial services, choose the most specific database that will meet your research needs.
 - b. If you decide to use a free Internet resource, determine what reliable, authoritative sites(s) will have the information you need.
 - c. If you do not know which electronic file or Internet site is best, devise a search strategy for locating it online.
 1. Decide whether a directory or search engine is the best tool to locate your information on the Internet.
 2. Try more than one Internet search tool to make sure you are finding the best information.

4. Using the search terms gathered during your preliminary analysis, develop a search strategy.
 - a. Think about whether you need to allow for different spellings of your terms or different endings (*marihuana* or *marijuana*; *legis!* to retrieve *legislate*, *legislation*, *legislators*, etc.).
 - b. Establish what form must be used so the search engine will recognize the phrase.
 - c. Determine what sort of relationships you wish to establish among the terms using Boolean connectors (*and*, *or*, *not*) or proximity connectors (*same sentence*, *same paragraph*, *within n words of each other*, *near*).
 - d. If necessary, put terms in parentheses to control the order in which they are processed.

- e. Consider searching in particular fields or segments of the documents (look in the *name* or *title* of case law to locate the *Smith v. Jones* case).
 - f. Limit by date to eliminate extraneous materials.
 - g. Use natural language searches, if appropriate.
 - h. Look in online *help* for search tips; each online system is a bit different.
5. Consider backup strategies if your first search is unproductive.
 - a. Are there other electronic sources, databases, or websites you should search?
 - b. What are other searches you should try?
 6. Decide the format and destination of the search results.
 - a. Do you need the full text, KWIC, or will a list of citations be satisfactory?
 - b. Should you print, download, or read the results online?
 7. Update by using the most current electronic resource to which you have access.

LEGAL SEARCH ENGINES:

- Findlaw's LawCrawler -- <http://lawcrawler.lp.findlaw.com/>
- LawRunner -- <http://www.lawrunner.com/>

LEGAL DIRECTORIES:

- Go to the Gallagher Law Library Homepage -- <http://lib.law.washington.edu/> -- and click on the *Internet Legal Resources* link found in the table of contents list on the left side of the screen. Once at that page, choose *Legal Indexes* from the list at the top of the page.

GENERAL SEARCH ENGINES AND DIRECTORIES:

- Go to the Gallagher Law Library Homepage -- <http://lib.law.washington.edu/> -- and click on the *Internet Legal Resources* link found in the table of contents list on the left side of the screen. Once at that page, choose *General Search Engines* from the list at the top of the page.

OPTIONAL EXERCISES - WASHINGTON

1. You vaguely recall that there was (is?) a law in Seattle that prohibited people (including beggars or the homeless) from sitting on the sidewalks. Is there such a law? If so, what is the penalty? What is this law called, popularly? How current is this code on the Internet? How many different websites include the searchable version of this code? Which do you think is the most reliable? Has this law been challenged in court? Locate and name the case, if there is one and give its full citation. What challenges you in looking for such a case? Think of several different ways to approach this problem using only free sources on the Internet.

2. You represent a number of small businesses and lately have had several questions about the content of state law concerning what sort of leave employees can use to take care of sick family. You vaguely recall that the legislature in 2002 amended these provisions and you want to check the legislative history to see what changes were made and why.

- Locate the relevant sections of the RCW.
- What chapter of the 2002 Laws of Washington amended some of these sections?
- Were there new sections created by this chapter?
- What is the bill that became that law?
- What legislative document(s) would provide you with a quick overview of the changes made?
- When are (were) the changes effective?
- Do any of the legislative history documents suggest that domestic partners might be, or are not, covered by the term "spouse"?
- There are two committee reports from the same house on the bill. Which one is more probative? Why?

3. One of your current clients (a hospital chain) is investigating the possibility of opening several free-standing birthing centers. These birthing centers will offer more natural, home-like environments for the deliver of newborns by mothers who expect no serious medical complications. You have been asked to prepare a summary of the regulatory and licensing requirements for such facilities and the health care professionals who staff them. Which agency (or agencies) regulate these facilities and professionals? What is the procedure for obtaining a business license? Are birthing centers required to file certificates of need?

4. A new client appears in your office, in a frazzled and frustrated state. She tells you that her neighbors have been harassing her for the past several months and she wants to do something to stop them, immediately. She lives on a few acres of land in a rural area where she cares for several dogs and cats as a "foster parent" volunteer for the local animal shelter. The neighbors don't like this and have been setting off firecrackers on their property near where her dogs are fenced in, shooting rifles at varying times of the day and night, and putting obnoxious signs in their front yard which disparage her (e.g., "Love thy neighbor? Not mine!"). You recall hearing about a case with similar facts in the news recently. Is there some kind of court order for a harassment situation like this?

HINTS FOR THE OPTIONAL EXERCISES (WASHINGTON) - IF NEEDED

1. Will this be a Seattle law or a state-wide law? You might try the *Seattle Times* or the *PI* websites - surely they archive old articles. This may have been pretty controversial! How far back do these go on the Internet? Where would you locate all the current ordinances for the city of Seattle? Try the Gallagher Law Library, Internet Legal Resources page, for some suggestions. The Seattle Public Library has a great list of city and county codes from around the United States. What search terms will you use?

If there was a challenge to this law, how would you locate the case? How long ago do you think this happened? What are the limitations of the official state Supreme Court and Court of Appeals websites? Would LEXISOne or FindLaw be good sources? Why or why not?

2. Hints for Question Two

- Constructing a search that locates the relevant RCW sections will not be difficult. However, if you have trouble finding a reference to the change made by the 2002 Laws of Washington, you may need to focus on the possibility of a future effective date.
- Once you have done the search above, you may wish to check the RCW Sections Affected Table at the Legislature's site to find the specific sections changed in 2002 and the chapter that changed or added sections.
- Alternatively, there is a RCW to Bill table that would go directly to the bill; note that you will need to figure out (or guess) what the "+" symbol means.
- If you locate the chapter number, you must still locate the bill number.
- Once you search with the bill number to find the legislative history documents, the other questions are just a matter of exploring the documents you find.

3. Because you are looking for regulations, you might go directly to the Washington Legislature's search page, <http://search.leg.wa.gov/basic/textsearch/default.asp>. There you can search statutes and regulations at the same time. But full-text searching is successful when you know the words and phrases likely to be used. A better choice might be to "Ask George" at Access Washington, <http://access.wa.gov/>, the State's homepage. Once you know the responsible agency, you can search the RCW and WAC more accurately.

4. Try one of the websites for searching Washington caselaw, linked from the Internet Legal Resources webpage (<http://lib.law.washington.edu/research/research.html>). If you think the case you recall is very recent (i.e., released in the past 90 days) try the Washington Courts website; otherwise consider the legalWA.org website. The advanced searching option at both websites allow you to search for phrases and keywords. What are some possible search terms? antiharassment, anti-harassment, order of protection, protection order, civil. How do you eliminate cases related to domestic violence?

Is there an RCW section that deals with this topic? If so, how would you search for cases that site to that RCW section?

What about the client's desire for immediate relief? Is there some type of court form available?

ANSWERS TO OPTIONAL EXERCISES (WASHINGTON)

1. Seattle enacted a pedestrian interference law which can be found in the Seattle Municipal Code 12A.12.015(B)1. It is a misdemeanor. The City of Seattle maintains a great website with a fully searchable version of the *SMC*. It is current through March 2002. And it provides some information to link to newly passed ordinances. You can link to the *SMC* from a number of places, including the Gallagher Law Library, Internet Legal Resources page. There is a helpful note at the end of this section, citing a case with upheld the ordinance as constitutional, see *Seattle v. Webster*, 115 Wash. 2d 635, 802 P.2d 1333 (1990). To locate a copy of this opinion, the only free site on the Internet is LegalWA (<http://www.legalwa.org>), a new website containing court opinions from Washington from 1939. An easy link from the Gallagher Law Library homepage, the Washington State Bar Association's webpage (<http://www.wsba.org>), or the Municipal Research and Services Center (<http://www.mrsc.org/>) will get you there. The official state webpages for Washington court opinions include only 90 days of caselaw. LEXISOne and FindLaw include only 5 years of Washington court opinions.

2. I used a simple search *employee and leave and family* in the RCW at both the Code Reviser's website and the MRSC website. At the former, the first hit was RCW § 49.12.270, which seemed directly on point. It indicated that it was effective until 1/1/2003. When I searched at the MRSC, I actually got one of the new sections that becomes effective in 2003; it provided the chapter number from the 2002 Laws of Washington – Chapter 243.

I then went to the Legislature's website and used the chapter or §49.12.270 to find SSB 6426, which I then used as my search. Once I knew that the bill that became law was SSB 6426, I knew that was the committee report that I should read. The original bill also had a committee report, but it was not about the version passed, so it should be ignored. The effective date is January 1, 2003. The effective date is part of the statute and is noted in the Final Bill Report. Looking through the amendments discloses one that proposed adding "domestic partner" to "spouse." That language was not part of the final act.

3. The Washington State Department of Health regulates the operation of childbirth centers. A website, http://www.doh.wa.gov/hsqa/fsl/HHHACS_ChildBirth.htm, provides information on the licensing of these facilities, including links to the relevant statutes (RCW 18.46) and regulations (WAC 246-329).

The site also provides a step-by-step process for licensing, including links to the Department's Construction Review Services, <http://www.doh.wa.gov/hsqa/fsl/crs/crs.htm>, with applications, interpretations, and related information.

The Health Department also regulates the licensing of health care professionals. Its Licensing/Certification page, <http://www.doh.wa.gov/Licensing.htm>, contains a list of all of the professionals under its jurisdiction, including health care assistants, midwives, physicians, physician assistants, and others.

4. There are several Washington decisions dealing with the issuance and modification of civil antiharassment protection orders (e.g., Hough v. Stockbridge, Court of Appeals, Docket # 26403-0- II (Sep. 20, 2002); McIntosh v. Nafziger, 69 Wn. App. 906 (1993)). These cases refer to various sections of RCW Chapter 10.14, including specifically RCW 10.14.080 which deals with obtaining an ex parte temporary antiharassment protection order upon showing reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted.

The Washington Courts website includes many forms, <http://www.courts.wa.gov/forms/home.cfm>. Clicking under the "List of all Forms," you will find a section of forms under the heading "Antiharassment" including a "Petition for an Order for Protection." And back at the Washington Courts Forms and Instructions webpage under the "Instructions" category, you will find "Antiharassment Forms Instructions."