

## Scope

*“You! What planet is this?” McCoy*

This pathfinder is meant to be a guide to starting your research once you have already chosen your paper topic and performed a preemption check. If you have not yet chosen a topic, we recommend that you first consult the pathfinder entitled “How to Find a Paper Topic”.

## Performing research

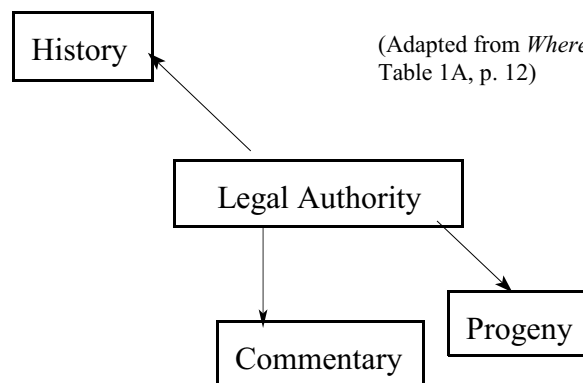
*“Chance favors the prepared mind” Louis Pasteur*

We tend to think of writing as a linear process with our research supporting an end product that is a clear and straightforward presentation of our topic and thesis. Research, however, is less “straight” forward. Researching a topic is a roller coaster ride of twists and turns that can be exhilarating, but, if it takes an unexpected turn, can make you lose your lunch. As a thorough researcher you must have an idea what you expect to find, but you must also keep an open mind so you can recognize the value of the unexpected. Patience is required for effective research. Search, retrieve, read, analyze, accept or reject, and begin again. Housekeeping is also important. Careful note taking and organization from the beginning of your research will pay off in the end. But before you begin, you need a plan.

## Developing a research plan

*“Research is what I’m doing when I don’t know what I’m doing” Werner von Braun*

To begin your research the first thing you should ask yourself is what resource do you already have? A case? A statute? A newspaper article or secondary source? Or do you have nothing except a brilliant idea? The next step is to create a research plan building on that resource. As you get more experience, you will develop a method that works for you. For the beginner with little experience, it is useful to consider the following general research categories illustrated in the chart below when generating your research plan. “Legal authority” is the authority that determines your legal issue. “Progeny” represents any subsequent implementing authority or applications of your authority. “History” can be thought of as any legal predecessors or factual background for your authority. Finally “commentary” encompasses any resource that has discussed or analyzed your authority. This pathfinder uses these broad research categories to help you determine what resources you should look for and where to find them.



*If you need help, please ask a librarian for assistance.  
Reference Desk 680.7612*

## What resources to look for and where to find them

*Jan's lawyer: How long have you known the plaintiff? Michael Scott: I haven't actually seen it. But I have seen The Firm and I am planning on renting The Pelican Brief.*

What	Where
Starting with a Case	Reporters (Chronological order) Digests (Subject Order)
Finding history, progeny, commentary	Citators, Headnotes, Statutes, Briefs, Motions, Pleadings, ALR annotations, Law Journals
Starting with a Statute	Session laws (Chronological Order) Codes (Subject Order)
Finding history, progeny, commentary	Annotated codes, USCCAN, Thomas, LexisNexis Congressional
Starting with a Regulation	Administrative Register (Chronological Order) Administrative Code (Subject Order)
Finding history, progeny, commentary	Federal Register, List of Sections Affected (CFR), Administrative Agency Decisions, GPO Access
Starting with a Secondary Source	Law Journals, Newsletters (Chronological Order) Periodical Index, Encyclopedia, Restatements, Treatise, Interfiled Legal Looseleafs (Subject Order)
Finding history, progeny, commentary	Annotations, Footnotes

## Updating and evaluating what you find

*Homer: Oh Lisa, there's no record of a hurricane ever hitting Springfield.*

*Lisa: Yes, but the records only go back to 1978 when the hall of records was mysteriously blown away.*

You must update and evaluate each resource you find. Is your case or statute still good law? Is it the correct jurisdiction? Is it current? Is it too broad? How often has it been cited? Was it originally published in a prestigious journal? Is it authentic? Is it accurate? Ask yourself these types of questions to ensure you are using only the best of what your research gives you.

## Knowing when to stop

*"All of this has happened before, and all of this will happen again" Number Six*

As long as you continue to find new resources that are relevant to your topic you are not ready to end your research. When you begin to find footnotes and references to the same materials over and over again it is time to stop.