

Thursday, February 4, 2021 (class 2 of 30!!)

Today:

- OpenLab demo!
- Follow-up on course syllabus!
- Why study legal research?!
- Types of legal authorities!

Tu. Feb. 9: **NO** class meeting! *Individual meetings instead.*

- Post "Who I Am" on OL (or before your meeting, if sooner, and if possible).

For Th. Feb. 6: **YES** class meeting! ☺

- Read textbook ch. 1 part B and ch. 2 part A.
- Review US legal system charts & maps posted on OL.

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Legal research = the search for legal authority (primary and secondary sources) to apply to a set of facts, and answer a legal question (*or* "issue") about those facts.

Such as . . .

- Did X violate a law when she . . . ?
- Is Y entitled to compensation for . . . ?
- What is the procedure to achieve . . . ?

Paralegal's (or junior attorney's) **role** in legal research—*varies by employer, may include:*

- background research
 - find authorities, provide to attorney, she does the analysis (applies law to facts)
- find authorities and apply them to facts
 - write up your analysis in internal memoranda, or draft letters or motions for attorney to sign
- "cite-checking" → substance (is it good law?) and format (***Bluebook!***)
- others?

?? What are some types of legal authorities (sources of law)? *Here is your awesome list!!*

Primary

- Constitutions (federal & state)
- Case law/common law
- Administrative regulations

- Statutes & ordinances
- Treaties (international agreements)

Secondary

- Legal encyclopedias
- Law reviews & journals
- Textbooks (such as Restatements)

Here are some more details!! .

Types of legal authorities!! (sources of law)

Primary Sources = "The Law"

- 1st choice to cite
- can be binding (mandatory) or persuasive, depending on jurisdiction

Include:

- constitutions
- statutes
- court decisions (cases)
- administrative agency regulations
- other government policies

Secondary Sources = "About The Law"

- 2d choice to cite (after primary)
- can only be persuasive (never binding/mandatory)

Include:

- law textbooks (incl'g treatises & hornbooks)
- law dictionaries
- legal encyclopedias
- legal periodicals (e.g., law reviews and journals)

Finding Tools = direct you to the law

- **DO NOT** cite!!
- they're not even *persuasive!* Just a tool to get to the law.

Include:

- digests
- citators (e.g., *Shepard's*)