

# Working Through the Research Plan

## Legal Research Center Video Series

Materials adapted from Amy E. Sloan, *Basic Legal Research: Tools and Strategies* (7<sup>th</sup> ed. 2018).



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# Learning Objectives For This Video

Students will...

1. Assess the effectiveness of the research plan in achieving research goals and objectives.
2. Reflect on the research process to identify strengths and areas for improvement.

# Basic Research Steps

1. Obtain preliminary information about the issue.
2. Plan the steps in your research.
  - A. An initial issue statement
  - B. A list of possible search terms
  - C. An outline of your search strategy

# C. Outline of search strategy

- i. Locate and read secondary authority
  - a. Locate specific titles by name or subject and use indexes and tables of contents to find relevant sections.
  - b. Conduct natural language keyword search(es) to find relevant sections
  - c. Collect citations to primary authority.
  - d. Update: check publication date or consult pocket part.

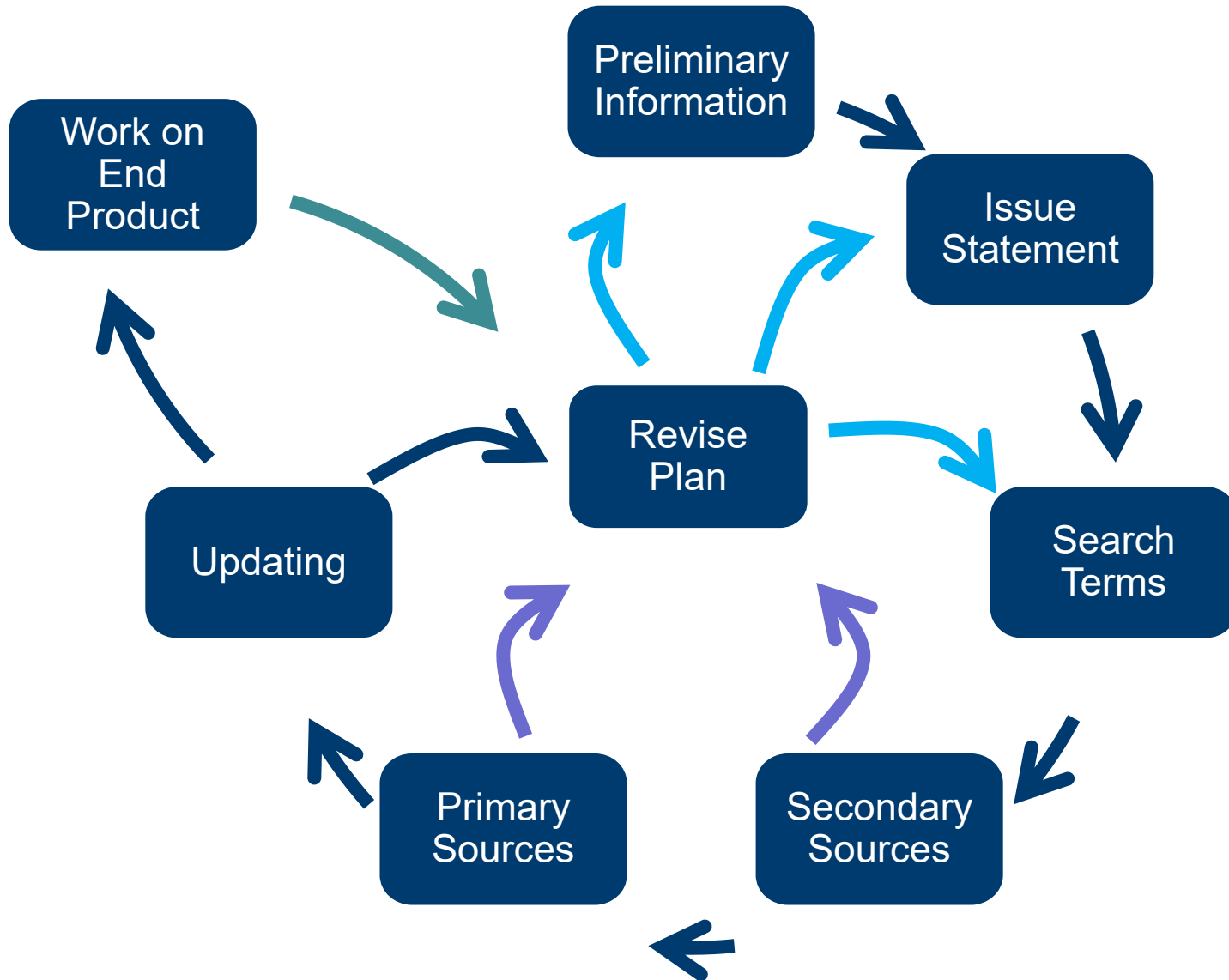
# C. Outline of search strategy (cont.)

- ii. Locate and read primary authority
  - a. Locate relevant statutory sections and review annotations.
  - b. Examine cases cited in secondary authority and statutory annotations.
  - c. Use West's topic & key numbers and Lexis' topics & subtopics to locate similar cases.
  - d. Perform natural language and advanced keyword searches.
  - e. Use citators (Shepard's and KeyCite) for 2 purposes:
    1. Make sure all your primary authority is still good law.
    2. Locate further relevant cases that have cited to a statute or case you've already found.

# Basic Research Steps (cont.)

3. Execute your research plan effectively.
4. Assess the information you find and update to ensure it is current.
5. Revise your research plan as necessary and repeat steps as needed.

# Research is Cyclical



# Hypothetical

Local celebrity “Smash” Grabberson has been trying to make a name for himself as a rising social media star. A few weeks ago, he was walking down Garnet Ave. in Pacific Beach, broadcasting live on Instagram. He saw a parked car with a brand-new iPhone in a box on the passenger seat. Knowing that he could resell the phone for a pretty penny, and that an act of mischief would resonate with his adoring fans, Smash decided to “do it for the ‘gram” and shattered the passenger window. He reached in, took the iPhone, and went on his way. Commenters started joking about how Smash hadn’t even checked whether the car was unlocked, and one even claimed to see that it wasn’t. A law-abiding viewer notified the police and Smash was promptly arrested.

We’re charging Smash with vehicular burglary.

Can we prove that the car was locked to meet the requirements of  
California Penal Code § 459?

# Working through the hypo like a librarian

# A. Issue Statement

- San Diego = California law
- “Locked to meet the requirements of California Penal Code § 459”
- Broke a window

Under California law, does a car meet the “locked” requirement of Cal. Penal Code § 459 when the defendant broke a window to gain entry?

## B. Search Terms

- Vehicular burglary
- Car
  - Vehicle
  - Automobile
- Locked
- Window
- Penal Code 459

# C. Outline Search Strategy

- i. Read given statute first: Pen. § 459
    - a. Find secondary sources in annotations (Context & Analysis/Research References & Practice Aids)
    - b. Citator for other secondary sources
  - ii. Secondary sources
    - a. Sources that cover California criminal law
    - b. Natural language search
- \* Update each secondary source as found

# C. Outline Search Strategy (cont.)

iii. Pen. § 459, again

a. Notes of Decision for cases

b. Citator for cases, research and validation

iv. Cases

a. Cases already found

1. Topic & key number/topic & subtopic

2. Citators for research and for validation

b. Natural language and advanced search

1. Topic & key number/topic & subtopic

2. Citators for research and for validation

# LRC Reference Desk

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