Intro to Legal Research for Non-Law Students

Lesson Prepared for MGT 601 – HR Management/Labor Relations, Fall Semester 2016

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Overview

The Law Library offers legal research instruction to other colleges within the University. One professor from the College of Business asked for a session to introduce her students to legal research, focusing on research in labor law. She wanted her students to get an overview of the US legal system, conducting complete legal research, and a library tour, all in 45 minutes. She also wanted her students to be able to identify emerging issues in labor law, and move from news articles to researching the legal issues mentioned in the news.

For this session, I drafted goals, an outline of concepts to cover, and created two example problems to walk through with the students, using the demonstration to explain and expand on the concepts introduced at the beginning of the lecture.

The Business students do not get access to Westlaw, Bloomberg Law, or Lexis Advance. Therefore, research sources focused on Nexis Uni, free web sources, our print collection, and other business and law databases that the Law Library shares with the University. Secondary sources and research guides were emphasized as good places to start.

Included below are my planning notes, the student handout, and PowerPoint slides. While there are slides with screencaps, when I reached that point in the lecture, I switched over to doing a live demo of that content.
Planning Notes

MGT 601

Goals:

Students will identify 3 different types of legal citations (statute, case, reg)

Students will locate 2 documents using citations via Nexis Uni

Students will be able to identify and use at least one source for news on emerging issues

Students will explain value of using secondary sources in 1-3 sentences

Students will explain value of using research guides in 1-2 sentences

Students will locate a research guide on employment-related topics via Law Library website

Students will formulate a legal research question

Library Tour (10 minutes)

- Main services desk and research services desk (ref hours, research consultation)
- Print reference materials (encyclopedia, practice guides)
- Public terminals (Nexis Uni, Hein, etc.)
- Atrium level – stacks with other print material, treatises, study aids

Lecture/Demo (30 minutes)

- Basics of legal research – structure
  - US is a common law country
  - Have constitution and statutes – laws made by the legislature
  - Leave it to the courts to determine how the statutes are interpreted
  - Courts issue opinions, and opinions from higher courts carry weight over lower courts
  - Gets complicated – point out that law students spend a full school year learning how to do legal research and legal writing
- Basics of legal research – Sources – Primary Sources
  - Statutes – what is it, what is the citation
  - Cases – what is it, what is the citation
  - Regulations – what is it, what is the citation
  - Be aware that each of these primary sources exists at both state level and federal
- Basics – Secondary Sources
  - Encyclopedias, treatises, law journals – why to use them
  - Research guides – point out law library website and guides; why use them
  - AALL guide for non-lawyers
- Starting from Scratch – Emphasize research guides and secondary sources
  - Research Guides - Show where to find research guides on LL homepage
  - Secondary Sources – the recommended method! – briefly describe each
    - AmJur (print/nexis uni) and OJur (print)
    - ALR (print)
- Law Reviews (Nexis Uni or Hein)
- Practice guides and other treatises/hornbooks (print)
  - Agency Guidance
    - EEOC website – lists of laws and regs; guidance documents; MOUs
  - Searching on Nexis Uni or open web
    - Right to searching cases or statutes on Nexis Uni
    - Can be overwhelming
    - If searching on open web, be careful of the source

- Example 1 – your boss emails you an article talking about a case and wants you to find the full text of the court opinion and more information about it. The article is about a funeral home firing an employee after the employee came out as transgender, RFRA issue, etc. How to go from the article to locating the full court opinion?
  - What happens if we Google it?
    - Search keywords: funeral home transgender discrimination case Michigan
      - Result – more news reports, not the court opinion
  - Google Scholar – case search, select MI districts, party names
    - Result – brings up 2015 opinion on motion to dismiss, and 2016 opinion
  - Nexis Uni
    - Get a Doc Assistance – Use the F.Supp.3d. cite from the 2015 opinion (100 F. Supp. 3d 594) – brings that up with link to the latest decision
    - Search by party names – careful because spelling and punctuation is an issue
    - Once on Nexis Uni – can locate the prior history, link to other cases that are cited in this opinion, Headnotes, Shepardize (explain about updating cases)
    - This is also how you can locate cases you have discussed in class – party name search with Griggs v Duke Power Company (1971) (Scotus)

- Example 2 – Your boss has asked you for information about the Americans with Disabilities Act and ADA Amendments Act of 2008. Specifically, she wants to know whether the business is a covered employer and what types of accommodations she may be required to provide for an employee with a hearing impairment.
  - Starting from scratch here – what did we say were good places to start? Secondary sources & Research Guides like the Law Library’s Labor and Employment Law Guide
  - AmJur – use the print index or search it on Nexis Uni
    - Quick point out – if you forget anything about Nexis Uni, click “help” in upper right corner, takes you to help pages and tutorials
    - Search by Publication: ADA and employer and accommodations, then select AMJUR
      - Relevant article – also browse the table of contents, skim article for references to statutes, regs, other sources

Examples from their class:
Supreme Court cases discussed include:
Ricci v DeStefano (2009)
Intro to Legal Research

Three Types of Law in the US:

Jurisdiction

The ______________ of a court to hear a case

http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts/Ohio.aspx

http://www.uscourts.gov/about-federal-courts

Weight of Authority

Precedent is a _____________ or __________________ established in a judicial decision that is then binding or persuasive on other subsequent decisions.

Ohio is part of the ___________ Circuit

Sources of Legal Research

Primary Sources:

Secondary Sources:

Why do you use them?

List a few types of secondary sources:
Legal Citations
Diagram the following citations:


42 U.S.C.A. §12111(b)

29 C.F.R. §1630.1 (2015)

Legal Research Process

Accessing Nexis Uni
- Go to the Law Library’s homepage: https://www.law.csuohio.edu/lawlibrary
- Click on “Law Databases”
  - Click on “Nexis Uni”

How do you look up a case on Nexis Uni?

By Name:

By Citation:

What is the name of the updating feature on Nexis Uni?

List a few sources to use to begin your research when you do not have a case in hand:
Powerpoint
See PDF