

“Like Sands Through the Hourglass. . .”: How to Develop a Good Legal Research Problem

By Susan T. Phillips. 28 Legal Reference Services Q. 219 (2009).

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Reviewer’s Summary:

The first part of the article focuses on the fundamentals of creating a legal research problem. Because legal research can only be learned by practice, good research problems are important for developing the researcher’s skills. Problems must impart the basics of legal research: case law research, statutory research, and secondary sources. Time permitting, they should also address administrative law, forms, court rules, and legislative history. Phillips identifies two types of legal research problem: treasure hunt problems (answering a relatively simple question) and contextual problems (using a hypothetical legal problem to simulate real-life research). Tips for constructing both kinds of problems are provided. In the second part of the paper, Phillips provides two examples of contextual problems and gives detailed accounts of how they were constructed.

Summarized by: Robert Clark, University of Houston Law Center, in 2019.