

file:jresearch3.htm

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Research SCANNER Normal JOJO 2 13 2002-01-15T05:32:00Z 2002-01-15T05:32:00Z 2 596 3402 SC 28 6 4177 9.2720 110

7. Reading The Law

Internal Evaluation through:

7.1.1 Surveys

7.1.2 Legal Periodicals

7.1.3 Annotations

7.1.4 Loose-Leaf services

7.1.5 Treaties

8. Updating The Law

- Shepards Citations

- Paras/Dizon's Citations

- RP Digest Citator Volume

- Computer-Assisted Legal Research

9. Writing Your Decision

Pay attention to the grammar, the substantive content, the lucidity of arguments and its development, the preciseness of the words used, and the accuracy and completeness of the citations.

10. General Pointers In Legal Research

In finding the law, your ultimate goal is to find mandatory primary authorities bearing on your legal problem. If these are either scarce or nonexistent, your next priority should be to find persuasive primary authorities. Finally, if all else fails, you might rely on relevant secondary authorities.

10.1 Whenever your research focuses on primary sources, you should normally start with statutes, because they can control the other kinds of primary law (except for constitutional provisions); administrative regulations exist only by virtue of a statute authorizing their promulgations, and court decisions can be and often are overturned or at least modified by statutes

10.2 Do not rely on summaries (e.g., case headnotes, statutory annotations, generalizations in legal encyclopedias) as necessarily being either accurate or authoritative statements of the law. Although such summaries are helpful guides, they can never substitute for the primary authorities themselves. To determine precisely what a summarized primary authority says or means, you must read it for yourself.

10.3 Remember that titles of sub-topics listed under the various topics in case digests, as well as indexes in secondary reference works (e.g., legal encyclopedias) do not classify legal subject matter with scientific precision. Consequently, when you have found an entry you think is relevant to your research problem, you generally should examine neighboring entries also.

10.4 When doing a descriptive or fact word search in an index of a set of annotated statutes, an administrative code, case digest; or some other primary search complete as soon as you find your first word listed, even if it has several index entries under it. Try some of your other descriptive words, too; they may lead you to still other relevant sources.

10.5 Whenever you do your research in a secondary source of the law, start by reading the table of contents, preface, or other introductory remarks, or any section with a title like 'Scope Note' or 'Scope Analysis.' These sections will explain the reference work's coverage and may help you determine at the outset whether the book will be useful in your research. Spending a few minutes determining a reference's scope before investing extensive time reading through it will often prevent wasted research efforts.

10.6 Finally, always look for authorities that undermine the position for which you are contending as well as those that support it. In legal research, you need to discover not only the law that helps you, but also the law that will hurt you, so you can anticipate and answer objections that may arise to the arguments you advance.

10.7 Always begin your research from the latest to the earliest in order not to waste your time. But put the date of your research so that when the same problem occurs, you need only to update your research from that date.

III. CONCLUSION

There are non-legal materials which could be used depending upon the nature of the problem. Skills in legal research are focused on the researcher's critical need to know how to draw effectively or how to select from the myriad of lawbooks, the one book required at any given point in solving a problem.

There is no uniform rule as to how extensive the research should be in solving a legal problem. This is influenced by the nature of the problem, the available sources, the legal measures being adopted and of course, the research habits and attitudes of the lawyers or researchers. But in any situation, please take note that common sense has a significant bearing on the research procedure.

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