Attorney's Guide to Legal Research Strategies On- and Offline

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Michael Kaiser is president of the Kaiser Legal Group and founder of Seattle Legal Research, a company focused primarily on discovery and legal research. Seattle Legal Research's work has been integral to success at both the state appellate and federal levels. Seattle Legal Research also has been part of ground-breaking litigation, including a series of upcoming national cases seeking to redefine animals' standing in court. Mr. Kaiser also has reported on legal-affairs for local radio, and has been a law-school guest speaker on the subject of how different court systems address those suffering from mental illness. In addition, Mr. Kaiser has worked with local judges and members of the King County Bar Association's Judiciary and the Courts Committee to draft new rules for King County Superior Court. Mr. Kaiser also has served on the King County Bar Association's Judicial Evaluation Committee. He earned his B.A. degree from the University of Washington in Seattle, and his J.D. from Seattle University.

Legal Research is a Process

- Way of thinking.

- Method of Approach.

- Not about finding the perfect search term or shortcut.

Its Always About the Money

- Clients need to know what role research plays in the case.

- Clients dictate how far you can go, and they need to know this.

- Clients need to know that having a J.D. means that you know how to find the answer. Not that you are a walking encyclopedia.

- There is no excuse for absorbing the cost of research.

Delegating

- Be specific if you are the one delegating.
- How much time is available?
- Don't be afraid to ask questions if you are the one to whom work has been delegated.

Legal Process Outsourcing

- Wave of the future.

- The American Bar Association, in Ethics Opinion 08-451, states that the outsourcing trend is "a salutary one for our globalized economy."

Legal Process Outsourcing (con't)

- Quicker Turnaround.

- Cost Effective and Profitable.

- Answer for problematic issues.

- Improve quality of product.

- Even improve your quality of life—why struggle with something when you can hand it off to someone else and also profit in many other ways?

Goals of Search

- Broad or Narrow?

- Who is the audience?

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Narrowing the Scope

- Analyze Facts and frame the question

1. Do not be afraid to ask more questions.

2. Do not be afraid to seek other opinions.

Narrowing the Scope

- Learn the jargon and get an overview of the subject area.

1. Make use of secondary sources like hornbooks, encyclopedias, treatises, etc.

2. Pyramid effect.

Narrowing the Scope

- Conduct in-depth search for legal authority.

1. This is the one area where I believe internet-based research clearly is superior to book-based research, and remember, your opponent is most likely using the internet.

2. Brevity is key.

3. Broad to narrow. Let database do the heavy lifting.

Narrowing the Scope

- Evaluate your primary authority and bring your law up to date.

e.g. Shepardize, KeyCite, check pocket-parts.

Choosing the Right Tools for the Search

- <u>Books</u>
1. Legal Encyclopedias
2. Hornbooks
3. Deskbooks
4. Treatises
5. Restatements
6. Law Reviews

Choosing the Right Tools for the Search (cont.)

- Internet-based Research
1. Westlaw
2. Lexis
3. LoisLaw
4. Versus Law
5. Hein Online
6. Zimmerman Guide
7. Fastcase
8. Countless free resources

Identifying Key Focal Points

- <u>KNOW WHEN TO MOVE ON</u>.
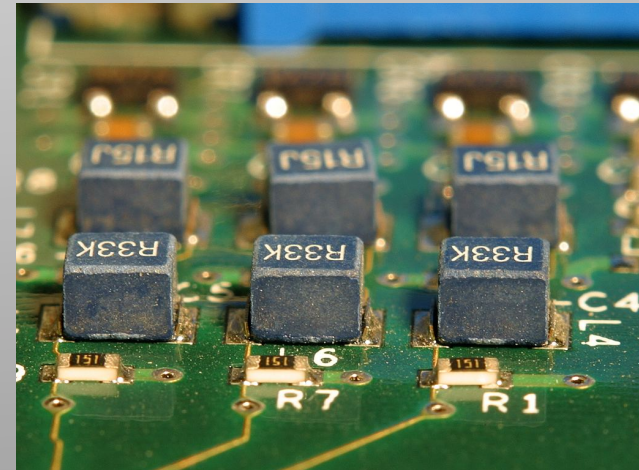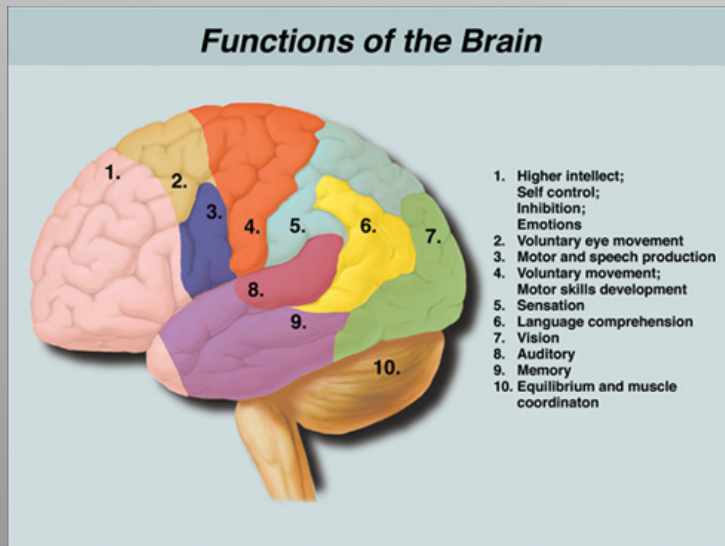
- Have Confidence in your abilities.

Setting Timelines

- Easiest part of the process but the one we most often neglect.

- Budget your time between background and primary research.

- Always reserve some time because you are going to have to go back. Count on it.

Tracking Work

- Keep track as you go.
- Don't rely on a computer to determine what was going on in your mind.

Functions of the Brain

1. Higher intellect; Self control; Inhibition; Emotions
2. Voluntary eye movement
3. Motor and speech production
4. Voluntary movement; Motor skills development
5. Sensation
6. Language comprehension
7. Vision
8. Auditory
9. Memory
10. Equilibrium and muscle coordinaton

Tracking Your Time

- Case Tracking Software

1. Client Profiles--http:/www.clientprofiles.com/default.asp. This system includes case management software designed to manage the entire case, accounting and time & billing software, and document management solutions.

2. AbacusLaw--http://www.abacuslaw.com/forms/freedemo/freedemo.php. Contains legal calendaring software, contact management, case management, document handling, document production, conflict checks, phone messaging, time capture, and law office billing and accounting.

3. Amicus Attorney--http://www.amicusattorney.com/products/ prod_overview.html. Provides several different software packages including "Amicus Attorney 2010 Premium Edition," "Amicus Attorney 2010 Small Firm Edition," "Amicus Accounting 2010," and "Amicus Mobile 2010".