

Case law



CASES: "One Good Case" Research Strategy

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■ **What is the "one good case" research strategy?**

The traditional method for finding cases on a particular legal issue has been using digests in print or doing full text searching on Lexis or Westlaw. Choosing the right search terms to represent the issue can be very difficult.

However, the "one good case" method of case law research lets you build from a known case on point to find more cases directly related. In print or online, the "one good case" approach avoids the frustrations of the traditional method and gets you more relevant cases quickly.

First, you need to identify "one good case" on your legal issue. Then, you use that case in key number digests or in citators like Shepard's or KeyCite to identify more authorities.

■ **How do you identify that "one good case"?**

- **Someone Tells You**

When you work as a research assistant in law school or as an associate in a law firm, take the opportunity to ask the professor or the attorney if there is "one good case" they could recommend as a starting point, when you are given a research assignment.
- **Secondary Sources**

It is recommended that you begin research on a new issue in secondary sources, such as treatises, legal encyclopedias, ALR, or law review articles. These sources will cite the leading cases you can use for your "one good case," as well as explain the background of the issue.

- **Annotated Statutes**

A basic tenet of legal research is to consider whether a statute controls your legal question. If so, find the statute in an annotated code which lists cases that have interpreted your section. Read through those brief case listings to find "one good case" to take to the next level.

- **How do you use "one good case" to find more legal authorities on point?**

- **Digest Approach**

Read the "one good case" in a West reporter in print or online. Consider the headnotes at the beginning of the case, and identify one or more headnote that captures your issue. Use the topic and key number of that headnote to find more cases.

In print, use the digest of the jurisdiction which will be mandatory authority for your research. Even if the "one good case" was from California, you can use the topic and key number in the New York Digest since the same topics and key numbers are used in every digest. Go to the volumes of that topic, turn to the specific key number, and read through the case listings to identify more cases on your issue.

On Westlaw, find your "one good case" and your best headnotes. Click on the KeyCite Notes icon to bring up links to the various categories of authorities that cite your case. Or click on the key number itself (e.g.: 92k213.1(2)) and build a search based on that plus your choice of jurisdiction, date, and additional key words. This will bring you more authorities on your issue.

- **Citator Approach**

Check your "one good case" on Shepard's or KeyCite and you will retrieve links to cases that have cited your case. Decisions that cite your "one good case" are good candidates for expanding your understanding of the legal issue. Remember that you can customize the Shepard's or KeyCite display to the precise headnote, jurisdiction, document type, etc. In addition to cases, these citators also list statutes, administrative decisions, and secondary sources that cite your "one good case," giving you a broader base of relevant authorities for your research.

The "one good case" method of research lets you avoid problems of wondering how to begin, what search terms to use, and what other authorities cover the issue. Using the topic and key numbers of "one good case" or checking Shepard's / KeyCite for your "one good case," you quickly have a power base of authorities on point for your review and analysis.