Strategies for Seeing the Big Picture in Legal Research

By Julie Graves Krishnaswami

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The current wave of sophisticated search engines—and each wave that will follow—can turn students into passive computer operators likely to crash when faced with a new, complex issue. Our teaching methods need to get students out of the glass cockpit so that they actually think while doing legal research. Of course, to do so we have to get out of the glass cockpit ourselves.¹

Each spring, I begin my Advanced Legal Research class (ALR) at Yale Law School with some “words of wisdom.” I hope students carry these suggestions throughout the course and into their summer internships or post-graduate work. I want my students to approach research systematically and holistically—distinct from the research systems—and to think critically and creatively along the way.

Yale Law School’s ALR course is designed to (1) teach law students the breadth and depth of legal publications, and (2) produce students with strong legal research skills. Most of all, however, the course is designed to bring critical thinking skills to the research process because “research is an analytical process, not an automatic system of document retrieval.”² To accomplish these aims, students experiment with traditional and nontraditional legal research methods and strategies in order to provide them with an outline of various processes and impart research habits. These strategies can then be applied to research problems the students encounter in their courses, internships, and eventual clerkships or practices of law. Additionally, it is my goal to teach students to recognize patterns in legal publications and materials so that they can apply those patterns to unfamiliar legal issues and sources.

I want my students to become efficient researchers so that they’ll have more time to polish their written product. Therefore, I employ a problem-based approach in class.³ In each class session, students work in small groups⁴ to address realistic, concrete legal research problems. Students then present their research strategies before the entire class, and we discuss the various approaches together as a class. In these presentations, I expect students to adhere to a research process, track and record their work, synthesize knowledge from the legal authorities, and communicate the results as they would to a supervisor in practice.

My aims and the class sessions, however, must be framed by concrete concepts for the students to practice and make their own. On the first day of each class, I introduce the concepts below for students to keep in mind as they research. Then, I spend the rest of the semester reinforcing these principles as my students learn the mechanics and develop the judgment and critical thinking skills to locate and select relevant materials. Throughout the semester, few classes pass where I

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² Id. at 42.
³ The problem-based approach, along with the challenges of this approach, are explored in Shirley Lung, The Problem Method: No Simple Solution, 45 WILLAMETTE L. REV. 723 (2009).
⁴ Our classes strive to adhere to the principles articulated in Anne E. Mullins, Team-Based Learning: Innovative Pedagogy in Legal Writing, 49 U. OF SAN FRAN. L. REV. FORUM 53 (2015), and Sophie M. Sparrow & Margaret Sova McCabe, Team-Based Learning in Law, 18 J. LEGAL WRITING INST. 153 (2012).
don’t mention—and ask students to think about or apply—one of the specific research concepts below.

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1. Terminology—words matter.
Lawyers use different words to describe people, places, things, and ideas. When you’re researching, finding the right words or phrases to describe an issue or problem can be challenging but it is the most important first step. Finding the right words will lead you to the authority you need. Take the time at the outset of your research and before you log onto the online research system to ponder whether you’ve identified the right words or concepts.

2. Think about how you learn and what works for you?
Start to learn your learning style because doing legal research is all about learning. Experiment. For example, organization and note-taking are very important in legal research. You need to know what you’re looking for and how that changes along the way as you gather sources. More importantly, in the early years of a legal career, you will do research for others, and when they ask, “Did you check here? Did you find this? Did you find that?” you need your notes at your fingertips. Some people take notes by hand on a legal pad, some use a Word document, some use the tools—in the proprietary databases, and some use the other systems. Spend the time in law school thinking about and mastering how you work and learn.

3. Don’t reach conclusions too quickly—rethink your process every step of the way.
Be nimble. If one strategy or source doesn’t work, try something different. Rethink your issue, your process, your sources, your approach, and your search terms. This is especially important when you’re starting research in a new area; don’t make conclusions about sources or words, or search terms.

4. Remember relationships and patterns in the law and use them as leverage.
The relationships among sources and authorities will lead you to other authorities. Cases interpret statutes, statutes authorize regulations, etc. Look for patterns in publications and once you start to recognize these, they’ll help you understand new sources, publications, and more.

5. The context is always important.
Always consider the context in which you’re researching. Context includes time, money, work product, what your client wants or needs, and other limitations or constraints.

For many issues you’ll research, you’ll never find or be able to read everything. That’s okay, you just need to know that you found the best sources and that you used the best and most appropriate tools in your toolbox. Keeping good notes as you work will help you make peace with the uncertainty.

7. You always know something: start there.
You might not have an issue statement, but you’ll have terms, or you’ll have a sense of the area of law (e.g. contracts). If you’re lucky, you may even have a case name or statutory citation. Use that to begin and as a starting point.

8. It is okay to start with Google or Wikipedia, but don’t stop there. Ever.
If you are going to do it, you might as well do it right. Google or Wikipedia will often provide you with background information, citations, or search terms that might prove valuable for the next step in your research. It’s okay to start there and use that information; however, don’t stop your research there and don’t believe everything you read.

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There is always a help screen, chat window, or librarian nearby. Ask for help early so that you’re not spinning your wheels and wasting time, when you could be writing.

10. Start reading and writing.
The sooner you starting reading and writing, the sooner you’ll discover the holes in your understanding and research. Reading and writing will reveal what is left to find.

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Students seem to appreciate learning these big picture pointers at the beginning of the semester, although they find them to be somewhat abstract. Throughout the semester, however, my students come to internalize them. I see students discussing these techniques in their assignments and during class discussions. Moreover, I encourage students to supplement this list with their own big picture thoughts on how to think critically as they do legal research. It is my hope that these short tips will help students see the bigger picture of a research problem.

Micro Essay: Print Matters?

Why Teach Print?

This can be sung as a rap ...

The question posed to teachers today
Is why teach print or suggest it is okay
Since we know as digital natives arrive
They think online is the only way to thrive.

What they need to know is that print is not dead
And using it is not something to dread.
For finding a book you can touch and feel
Will give great answers and add to its appeal.

So research need not be just online
And librarians know which books can save you time
However, what should be frequently stressed
Is that librarians help you find the tool that’s best.

Anonymous Law Librarian in Iowa