

The University of Montana School of Law
2009 Football CLE

Ten Practical Tips for Effective & Time-Saving Legal Research

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INTRODUCTION

1. USE ALREADY COMPILED LEGISLATIVE HISTORIES.

- A. UM Libraries Print Collection.
- B. Hein Online.
- C. Westlaw & Lexis.
- D. Thomas – <http://thomas.loc.gov>

2. START WITH A GOVERNMENT WEBSITE.

- A. What they have.
- B. How to find.
 - 1. Directories.
 - a. USA.gov -- <http://www.usa.gov/>
 - b. Montana Agency Listings -- <http://mt.gov/govt/agencylisting.asp>
 - 2. Google Advanced – <http://www.google.com>

3. USE A GOOD RESEARCH PORTAL.

- A. UM Law Library – <http://www.umt.edu/law/library>
- B. State Law Library of Mont. -- <http://www.montanacourts.org/library/default.mcp>
- C. Legal Information Institute -- <http://www.law.cornell.edu/>
- D. Findlaw -- <http://lp.findlaw.com/>

4. COME TO THE LAW SCHOOL LIBRARY.

- A. Treatises -- <http://catalog.lib.umt.edu>
- B. Online Databases – <http://www.umt.edu/law/library>
 - 1. Law.
 - 2. Non-Law.

5. USE SOME SOURCES IN PRINT.

- A. Treatises.
- B. Annotated Codes.
- C. Administrative Codes.
- D. Encyclopedias.

5 ½ CALL/EMAIL A LIBRARIAN.

- A. Scope of Services.
- B. Contact Info.
 - 1. stacey.gordon@umontana.edu, 243-6808
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6. TERMINOLOGY.

- A. Montana.
 - 1. Words and Phrases defined in Montana Code: in last index volume of *Montana Code Annotated* and *West's Montana Code Annotated* (right after general index).
 - 2. Words and Phrases judicially defined in Montana cases: 272-page section in volume 11 of *Montana Digest* (plus additional pages in pocket part).
 - 3. Westlaw: “Words and Phrases” field search in case databases.

7. WESTLAW/LEXIS.

A Field/Segment Searching.

1. Westlaw: case synopsis (SY); case headnotes (DI).
[DI is for digest key number]
Effective search for cases: sy,di(key words).
2. Lexis: case summary (LN-Summary), case headnotes (LN-Headnotes).
Effective search for cases:
LN-Summary(key words)
LN-Headnotes(keywords).

B. Terms and Connectors Searching.

1. Universal character; exclamation mark (!): tort! Retrieves **tortious & torte**.
2. Logic connectors.
 - a. Same sentence: **insurance /s indemni!**
 - b. Same paragraph: **work-product /p discovery.**
 - c. Within a certain number of words (/n): **stockholder /10 liab!**

C. Cite checking: KeyCite (Westlaw); Shepard's (Lexis).

1. Great way to find relevant secondary material and briefs.

8. IMPORTANT MONTANA LEGAL PUBLICATIONS/WEB SITES.

A.. *Montana Law Week* (406/933-8846).

1. Summaries of opinions from Montana Supreme Court, U.S. District Courts of Montana, Montana State District Courts, Workers' Compensation Court, Human Rights Commission, Tribal Courts.
2. Publishes bench judgements, jury verdicts, settlements.
3. www.montanalawweek.net.
 - a. Searchable database of verdicts, settlements, arbitration rulings.
 - b. Searchable database of back issues of *Montana Law Week* with hyperlinks to full opinions.
 - c. \$670 per year which includes a free year of hard copy.

B. State Bar of Montana Bookstore (www.montanabar.org; 442-7660).

1. *Civil Jury Instructions* (\$200).
2. *Criminal Jury Instructions* (\$105).
3. *Family Law Forms* (\$150.00).
4. *Handbook for Guardians & Conservators* (\$150).
5. *Probate Forms (Montana)* (\$150).
6. CLE materials in the following areas (\$35 - \$100).
 - a. Bankruptcy.
 - b. Constitutional Law.
 - c. Construction Law.
 - d. Copyright Law.
 - e. Criminal Law.
 - f. Elder Law.
 - g. Ethics.
 - h. Family Law.
 - i. Insurance Law: Underinsured Motorist Coverage.
 - j. Landlord-Tenant Law.
 - k. Law Office Management & Technology.
 - l. Oil & Gas.
 - m. Probate, Estate Planning, Elder Law.
 - n. Real Estate.
 - o. Technology Law.
 - p. Trial & Litigation.

9. RESEARCH AND PRACTICE SETS.

- A. Very helpful in litigating very narrow issues.
- B. Each has very good index.
- C. Three different print sets (all also on Westlaw).
 1. *Am. Jur. Proof of Facts*.
 2. *Am. Jur. Trials*.
 3. *Causes of Action*.

10. MONTANA CODE.

A. Montana Legislative Services Division (444-3064)

1. *Montana Code Annotated* (\$365 in print; available for free on Google).

2. *Montana Code Annotated Annotations* (\$400; not available online).

a. This print product is only published every two years (in the even numbered years) so the coverage of cases annotating particular statutes can be as much as two years behind.

b. If you are checking for cases which analyze a statute, it is essential that you keycite or shepardize the statute to get complete and current coverage.

B. *West's Montana Code Annotated* (\$450; 800/344-5009)

1. This will have annual pockets: the first year's worth (2010) will be free; after that they will cost about \$400 a year.

2. This set includes both the statutes and case annotations for the statutes together in one volume.

3. The case annotation coverage for the statutes will be more current than the *Montana Code Annotated Annotations*, but it will still be necessary to keycite or shepardize the statute to get complete and current coverage.