Chapter 4 – Applying the Second Principles of Legal Research. Using Secondary Sources

Learning about the law is more than just memorizing the organization of our system of government or its law-making functions. Law is something that requires a lot of thought and deliberation, whether it is at the legislative level, in the judicial chambers, or in various agencies. Our democracy works by requiring expertise in order to perform many of these functions. To achieve that expertise, students of law often start by reading legal analysis, and only then, the text of the law itself. The reason behind this approach to legal studies is multifaceted. This chapter will present it from the legal researcher’s perspective.

Earlier we talked about the principles of legal research. The first rule stated that there is no legal research without jurisprudential understanding of the issues at hand. We translated that axiom by saying:

The first basic rule has two prongs: a) your research is as good as your understanding of the substantive legal issue at hand, and b) your research depends on your knowledge of how legal information is published.

APPLYING THE SECOND PRINCIPLE OF LEGAL RESEARCH TO MAP OUT YOUR RESEARCH

Use the second principle enunciated here. Map out your expectations and start strategizing. If you are a novice in this area, you may still be confused by this suggestion, and rightfully so. When you are faced with a legal research question you need to be able to read it. Depending on how versed you are in American law before you even start thinking about research, you may need help understanding English legal jargon, which, at times, may sound like a foreign language.

DEFINING SECONDARY SOURCES

That is why when conducting legal research, you want to start with specific points of information, called secondary sources. Conceptually, secondary sources have multiple meanings, but their main role is well-settled. Secondary sources help the researcher find the answer, the primary sources, the law itself. How that role is performed depends on many factors, and most importantly perhaps, their meaning.

Secondary sources direct the research to legal analysis, to jurisprudence, “la doctrine” or “la dottrina,” and to primary sources, the law itself. Thus, secondary sources might only be explanatory and persuasive.

Secondary sources in American law do not share the unique pervasive role “la doctrine” or “la dottrina” has in both international and civil law systems. While “la doctrine” should never be confused with legislation of judicial decisions, it nevertheless influences the law differently in the two legal systems mentioned above. One reason may be that in other legal systems, experts and professional publishing houses are the gatekeepers of jurisprudential wisdom, while in the United States, law students decide what is published in law journals, and thus what becomes the bulk of legal scholarship.

Certainly, legal scholarship exerts some influence over legislators and judges in the United States legal system too, but its influence is further removed and less predictable. Secondary sources may persuade judges to accept a certain interpretation of the statute versus another interpretation. They may persuade legislators during hearings to accept a certain version of a bill versus another one.

Nevertheless, secondary sources are the first place to go for legal researchers. Typically, their role is that of a tool used to understand the scope of the research. Secondary sources thus offer analysis and background information.
1. Typically, secondary sources are useful because they function as a fundamental finding-aid tool. For instance, indexes help locate relevant legal scholarship. Legal scholarship both helps to explain issues and to locate relevant primary sources.

### REMEMBER

- **Sources are binding** when they influence a court directly.
- All secondary sources and primary sources from another jurisdiction are only **persuasive**.

For example, if you write a paper about the New York law regarding non-criminal “unconscious aiding and abetting,” reading a piece of legal scholarship may be all you need to do. There are many strategies to find what you need in the most effective way. If you deem that the issue is esoteric enough, then rather than consulting a book, an article, such as a law review article, may be the fastest way to find what you need. Once you identify the best index to locate relevant law review articles, you can use it to perform a search for articles. In this instance, you may find that a law article, entitled *Concert of Action by Substantial Assistance*, identified by the following **citation** as 16 Touro L. Rev. 25 (1999), offers you the information you need. In addition to that explanation, it would direct you to the binding law in that area, as of the date of its writing.

Legal practitioners look at a secondary source in a different way than a non-practitioner. Secondary sources help them start the legal research process, and may help them frame a legal argument when they present their client’s case in front of a judge. When practitioners cannot find a binding primary source, then they look for sources of persuasive authority. Thus, for practitioners, whether attorneys or law librarians, secondary sources rarely represent the end of the legal research process. By their very essence, they are a commentary on specific legal rules, and not the law itself.

2. For a student of law, because they summarize, restate, review, analyze, and interpret the law, secondary sources, especially legal scholarship, often represent only the beginning of the legal research process.

Secondary sources, by their very own nature, incorporate various time gaps between the moment they are authored and the moment they are published. From the moment an author produced a commentary and a publication published it, many primary sources could have changed their status; statutory amendments or court appeals could have taken place. Certainly, with the new movement toward open publishing, the time from finalizing a secondary source and its public accessibility is substantially minimized. But even if secondary sources might become explanations written as soon as the law is passed, and the fee-based databases, such as Westlaw, LexisAdvance, and Bloomberg Law, aim to present the researcher with an integrated approach to legal research where primary and secondary sources are amassed in one relevant-looking answer, secondary sources are only persuasive. Of course, they remain the pivotal starting point in legal research, because the law due to its highly abstract content is hard to decipher. Below are some of the reasons for mastering secondary sources. I will start with what a Berkeley Librarian, Bob Berring, called “research-aid tools,” then move to finding-aid tools, and end with legal scholarship, jurisprudence, and practitioners’ tools.

### YOUR FIRST TIME READING THE QUESTION

Legal research, like any research process, benefits the researcher if the researcher has some familiarity with the topic and the legal publishing. But there is always a first time, and secondary sources are here to help anybody who just is just starting this process.

### Legal Dictionaries

Legal dictionaries are indispensable for reasons explained earlier – legal jargon often sounds like a foreign language – and also because American law contains Latin phrases for which translation requires a legal dictionary.

For instance, when the United States Supreme Court is asked to review a lower court’s decision, that procedural demand takes the form of a *writ of certiorari*. The *writ of certiorari*, as you might already know, comes from the Latin *certiorari*, a verbal derivative of *certior*, which means to inform. Through a *writ of certiorari*, the Court decides whether it will hear a case or not. For a brief, but illuminating definition, in this and any other similar instance, legal dictionaries are a must. For more than a century BLACK’S LAW DICTIONARY has been the golden standard of the language of law.

Originally authored by Henry Campbell Black, and first published in 1891, BLACK’S LAW DICTIONARY, now in its 10th edition, contains “definitions of the terms and phrases of American and English jurisprudence, ancient and modern.” The up-to-date BLACK’S LAW DICTIONARY is available online for a fee, through the legal database Westlaw. The 2nd edition, however, is freely available at [https://thelawdictionary.org/](https://thelawdictionary.org/).

BLACK’S LAW DICTIONARY is not the only legal dictionary practitioners and students of U.S. law use. For instance, WEX is a free legal dictionary and encyclopedia sponsored and hosted by the Legal Information Institute at

**The Bluebook and Free-of-Charge Digital Decoders**

Continuing with our example, most of the time, the United States Supreme Court will deny the writ. That outcome is further abbreviated as *cert. den*. What do you do to decipher its meaning, *cert. den.* = *certiorari denied*? Google may help, but in law, Google searches are insufficient because their relevance comes from source crowding rather than expertise. Furthermore, legal information is identifiable by legal citations, which also need to be deciphered.

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<td>• within that typology, what hierarchical place it occupies (whether it is a case, its precedential value, or if it is a federal or state statute, or a federal or state administrative regulation)</td>
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Legal jargon is filled with abbreviations and rules governing these abbreviations. There are many secondary sources to help decipher legal abbreviations. For instance, BIEBER'S DICTIONARY OF LEGAL ABBREVIATIONS, edited by Mary M. Price, assistant director of the Law Library at Vanderbilt Law School, and available on LexisAdvance, provides extensive coverage of all legal abbreviations within the U.S. legal system. It is a useful tool to understand the abbreviations for titles, terms, and names used in American legal literature.

**The Bluebook and Other Systems of Citation**

Law students, who decide what is published in law journals and thus, what constitutes American doctrine, also decide those rules of citations. The rules of citations are published in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, uniformly known as THE BLUEBOOK. THE BLUEBOOK is compiled by the editors of the COLUMBIA LAW REVIEW, THE HARVARD LAW REVIEW, the UNIVERSITY OF PENNSYLVANIA LAW REVIEW, and THE YALE LAW JOURNAL, or the main repositories of American jurisprudence.


The purchase of the print edition enables the user to access it digitally as well.

THE BLUEBOOK is the golden standard for journal publications. However, there are other ways to decipher abbreviations, and the following page is memorized by all U.S. law students. In addition to citation rules, THE BLUEBOOK is also useful because it lists all federal and state primary sources, and identifies them both by their full title and their legal abbreviations. For example, if you are interested in learning the name of the repositories that cover the Supreme Court decisions, all you need to do is go to the section of THE BLUEBOOK called the “Table on United States Jurisdiction” (T.1) and search for the names of the Supreme Court reporters. In addition to their names, you will also learn the time frame covered. For example, just by using THE BLUEBOOK, you find out that the name of one of the reporters is the UNITED STATES REPORTS that it covers all opinions starting with those decided in 1790 and that its abbreviation is “U.S.”

Peter Martin, a former Harvard Law librarian, publishes another guide to legal citation, INTRODUCTION TO BASIC LEGAL CITATION, which is available at [https://www.law.cornell.edu/citation/](https://www.law.cornell.edu/citation/). It comes with a companion blog, CITING LEGALLY, at [http://citeblog.access-to-law.com](http://citeblog.access-to-law.com), for those with an interest in current issues of citation practice, policy, and instruction.

Another database which allows the search for the meaning of abbreviations for English language legal publications, from the “British Isles, the Commonwealth and the United States, including those covering international and comparative law” is CARDIFF INDEX TO LEGAL ABBREVIATIONS, available at [http://www.legalabbrevs.cardiff.ac.uk/](http://www.legalabbrevs.cardiff.ac.uk/). It covers a wide selection of major foreign language law publications. The database mainly covers law reports and law periodicals, but some other legal publications are also included. THE INDEX is under continuous development with new abbreviations and titles being added on a regular basis.
Once you can read the research question, you are ready to start your research journey. As mentioned earlier, the first basic rule of legal research has two prongs: a) your research is as good as your understanding of the substantive legal issue at hand, and b) your research depends on your knowledge of how legal information is published. In this book we focus on environmental law and policy, so it becomes necessary to understand environmental issues and then the legal information gathering process.

**Fundamental Secondary Sources:**
- decipher legal meaning (dictionaries)
- decipher citations (citators)

**Meta-Research - Mapping out Your Research**

One of the daunting pre-research tasks is to know where to start your legal research. You want a reliable starting point which will also give you an idea of what information is out there. You would like a Google Map of your research if possible.

Your first instinct may be to Google the answer to your research question. Not a bad first step if your digital literacy is strong enough to bypass the ads and figure out what is reliable and what is junk. Frequently, even what seems reliable may not be useful. Pay attention to legal research guides. Often, they are authored by a law librarian. If maintained up to date, then go ahead and use them. For example, law reference librarians at Georgetown Law Library have preempted your effort by posting such a library guide. [http://guides.ll.georgetown.edu/home](http://guides.ll.georgetown.edu/home).

There is no fixed point for using secondary sources in the process of legal research. When we talked about the basic principles of legal research it became clear that you need to understand the issue at hand, but understanding C.E.R.C.L.A. liability may require more than a one-time reading of any relevant explanation.

For another example, if you want to learn about the legal status of nuclear reactors you may want to use a research guide even after you have started your research. Linda Tashbrook’s NUCLEAR LAW RESEARCH GUIDE, available from the NYU Law Library’s website, at [http://www.nyulawglobal.org/globalex/Nuclear_Research1.html](http://www.nyulawglobal.org/globalex/Nuclear_Research1.html) offers a quick and rather slim overview of the international and comparative aspects of nuclear law, easing the finding of sources or confirming earlier suggestions. Even when a guide lacks clarity, or its scope is too limited, it may still be a useful starting point because it identifies relevant research terms in addition to potentially relevant statutes, which in itself is daunting for a beginner.

Similar finding tools are guides created by specialized institutes or consortium of higher education, or the legislative (administrative) body itself. For instance, ORAU, a non-profit consortium of major Ph.D.–granting academic institutions, cultivates collaborative partnerships that enhance the scientific research and education enterprise of our nation. [ORAU’s Citizen’s Guide to U.S. Nuclear Regulatory Commission Information](https://www.orau.org/new/law_library/library/NRC/NUREG/0010.pdf), is a detailed, though limited in scope, guide to the work of the agency.

This first step is the beginning of the process. As soon as the language of the question is clear, then you need a research plan. A research plan encourages you to organize the information you know and focus on how you can use what you know to find what you do not know. The steps of an easy research plan are mentioned below.

**Meta-Research and the Role of Secondary Sources**

**Preliminary Research Plan**
- identify what you know;
- identify what you do not know;
- make a list of what secondary sources you think might be useful to clear your confusion.

If we define legal research narrowly as finding the answer to a particular question, usually that answer consists of primary sources, the law.

- “What are the rules for dumping nuclear waste?” or
- “Where can nuclear waste be dumped on the territory of the United States?”

The questions identify the final answer “the rules.” But they do not tell you where you should start. Perhaps you already know that statutory provisions are further detailed by administrative rules. Perhaps you already know that the correct
and comprehensive answer also needs to contain additional case law research to confirm that the rules you found are still “good law.”

But depending on where you are in your research, you may find it useful to avoid going directly to the law itself. You may find it useful to first have an understanding of the issues.

You can achieve an understanding of the related issues through secondary sources. If primary sources represent the official pronouncement of the governmental lawmakers or the opinions of the judiciary, and I call that the tangible aspect of American law, then secondary sources are texts that explain the law.

Legal scholarship is authored by members of the academe, whether faculty members, or students, members of the academe auxiliary, law librarians, or even practitioners to explain what the law is in a particular area. They have an academic audience in mind (the pool that produced the authors), but these materials can be used by practitioners as tools of persuasion.

If you know that you have a good grasp of the issues in question and that you understand them sufficiently that searching for secondary sources will be meaningful and bring you a responsive source that covers your topic, then the next step is to learn how you can locate those commentaries about the law.

Finding--Aids, Google, and Google Scholar

By now, everybody is familiar with various search engines. The most popular search engine in the United States is Google, https://www.google.com, and for scholarship, its companion, Google Scholar, https://scholar.google.com/.

Thus, searching for the rules for nuclear waste disposal on Google Scholar will prompt two types of results: citations and full-text sources. With Google Scholar, it is imperative to enable library catalog searches, especially if you are affiliated with a specific university. The larger the library holdings collection, the more relevant the Google Scholar results will be.

Library Catalogs and More

It is hard to explain legal research without being involved in a practical exercise. That is why at the end of this book you can follow along with this explanatory part by undertaking to answer Question 1 in Introduction to the U.S. Law and Legal System: An Environmental Perspective – Legal Research Exercise.

Legal scholarship, as well as many sources of legal analysis published in book-format can and should be located through online library catalogs. Library catalogs are a better first stop than a mere Google search, because like Google, they are free-of charge. Unlike Google, their access is available even from China. Library catalogs limit the results to their holdings and library-produced research guides. Additionally, unlike Google Books, a catalog search has the benefits of an index search conceived by a legal expert. For example, through “title” or “keyword” field restrictions and a geographical location restriction, an index can quickly give the researcher an idea of the best starting point because of the substantive expertise of the legal academia and the information management expertise of the librarian.

For instance, using Columbia University’s Catalog, CLIO, https://clio.columbia.edu/, the results cover multiple sources, from book-format to articles and from print to digital sources. Also, all sources available using a library catalog have been vetted by experts rather than users, which impacts scholarly pursuits differently.

Law library catalogs are even more limited in their results because they index their law collection and offer the researcher quick access to their highly specialized holdings. For example, Pegasus, www.pegasus.law.columbia.edu, the online 2-generation catalog of the law school library at Columbia Law School, offers the researcher the advantage of quickly locating the most popular treatises on any general subjects such as “contracts” or “torts,” through a title and limited-collection search. By typing “contracts” in the title field and limiting the search to “Third Floor,” the researcher obtains a limited number of hits. They represent those treatises and other legal monographs that the Columbia Law School faculty found to be the most relevant as of the date of the search, which, librarians located in the most selective part of the library, the third-floor reserves.

In a catalog-search the user should avoid the search option in the “subject headings” because those subjects are designated by the Library of Congress and they often are far removed from the ordinary meaning of a concept. You will be well-advised to start with the well-established authors in the field, and the most recent edition, because it contains the most relevant explanation. In legal research, we always want the law applicable the day of the inquiry, and thus the most recent explanation.

Google, as well as Lexis Advance, Westlaw, Bloomberg Law or new legal services, such as Casetext, have search features similar to the field search offered by any library catalog. For example, if you know the title of the treatise you want to locate you may do so through “Find a Source” on Lexis or “Find a Database” on Westlaw. Bloomberg Law offers a “secondary sources” option which can be further limited by expanding it to more specific secondary sources, including their version of AMERICAN LAW REPORTS, BLOOMBERG LAW REPORTS.

Repositories of Jurisprudence and Legal News

Going back to our nuclear waste questions, imagine that you need to explain the results of your search to someone with no background. To be able to do that, you will need to make sure you have a good grasp of those issues. Thus,
perhaps finding out more about nuclear energy and its corollary, nuclear waste, is the way to go. But what secondary source is best suited to give you that background analysis?

Before we tackle that question, let’s review the rules for citation for secondary sources. Citing monographs, book-like sources, requires only a three-part identifier: The Name of the Author, The Title of the Book, and (the year of its publication).

- Carlton Stoiber, HANDBOOK ON NUCLEAR LAW (2003).

Journal articles have a similar structure: Author name, Title of the Article, volume number, Title of the Periodical, first page number, and (year of publication). For instance, let’s look at the following article:


In law, as in any other academic area, encyclopedias continue to remain the first place to search for a brief, meaningful explanation. There are two major legal encyclopedias, CORPUS JURIS SECUNDUM, and AMERICAN JURISPRUDENCE, available in print and digitally from the major legal databases, Lexis Advance and Westlaw.

**Treatises**

Unlike any other academic area, legal scholarship consists predominantly of journal articles, because academic tenure requires academic journal publications. Treatises are works of comprehensive analysis written by experts, often members of the legal academe, offering a general overview of the specific subject matter. Journal articles often advocate the author’s perspective, but in doing so cover a more limited subject matter in more depth than a treatise.

There are many treatises that students of the law use. Some are called *Hornbooks*, while others are called *Nutshells*. Treatises are used when (1) the research fits within a traditional area of legal doctrine, and (2) the researcher is not comfortable with a specific legal area. Treatises have the advantage of explaining issues in a larger context. For example, if you are interested in nuisance start with a treatise. You should start with a treatise on torts, such as PROSSER AND KEETON ON THE LAW OF TORTS, because this treatise will briefly but comprehensively explain the different types of nuisance. If you are interested in nuisance in the context of environmental law, you will find it easier by starting with an environmental law treatise, such as Grad’s TREATISE ON ENVIRONMENTAL LAW, which will cover public nuisance as an environmental tort, as well.

Treatises are useful because they summarize court decisions, and give you an insightful view of the development of our common law system based on a complex interplay of court decisions, statutes, and administrative regulations. While all treatises are useful, those usually identified as “hornbooks” are of special value because they are written for students, albeit law students, and not legal practitioners. Like PROSSER’S LAW OF TORTS, they are more likely to give an overview of the area in a more comprehensive way. Similarly, useful for those who need to learn fast about a legal subject, are those treatises published by West in its nutshell treatises. For example, if you are interested in a quick and reliable overview of the U.S. patent system, MILLER AND DAVIS’S INTELLECTUAL PROPERTY: PATENTS, TRADEMARKS, AND COPYRIGHT IN A NUTSHELL will be the right place to start your search.

**Law Review Articles**

If you find yourself doing research in a more esoteric area of law, a law review article that expounds on the primary source of your interest may be a better starting point. You can try to answer Question 2 in *Introduction to the U.S. Law and Legal System: An Environmental Perspective – Legal Research Exercise*, to find the explanation below easier to understand.

Law review articles are authored by members of the academe, practitioners, and law students. They follow a well-established practice of analyzing and discussing the chosen topic so that the reader can get an accurate view of what the law is in the very specific and often quite narrow area that constitutes the topic of that article. Law review articles, or law journal articles, have the advantage of covering obscure areas in more detail than a treatise. For example, while PROSSER’S LAW OF TORTS explains the different standards for concert of action by substantial assistance, including as it relates to toxic torts (such as illegal dumping where more than one individual or company may be involved in the wrongdoing) it does not explain state law subtleties. To the contrary, a law review article, such as Neacșu’s *Concert of Action by Substantial Assistance: What Ever Happened to Unconscious Aiding and Abetting?* will devote its entire content to explaining that issue according to New York law. In other words, if treatises have the advantage of explaining the law that covers a larger body of legal norms—torts, environmental law, criminal procedure, etc.—then law review articles have the advantage of advocating a point of view that may be similar to that of the reader, and thus offer ready-made support for an argument. Treatises mostly refrain from challenging any given status quo.

Going back to our questions about the rules governing nuclear waste disposal, the most relevant answer came from a student note. Its BLUEBOOK citation is:
From Farah’s note, one can learn that Congress enacted the Nuclear Waste Policy Act (NWPA) in 1982 and that the NWPA mandated the Department of Energy (D.O.E.) to implement a blueprint for the nuclear waste repositories and established a goal for the federal government to take over wastes by 1998.

In 1987, Congress designated Yucca Mountain in Nevada as the national repository, but the Obama Administration has since terminated the Yucca Mountain repository’s license. However, the D.O.E. authority to withdraw the Yucca Mountain license from the NRC has been challenged and is currently being litigated. Even if courts decide that the NWPA does not allow the D.O.E. to prohibit the licensing of Yucca Mountain, there will still be challenges. For example, Congress, which has previously refused to appropriate monies for the Yucca Mountain project, would have to find a way to fund it. This leaves the country without any long-term plan or back-up plan for radioactive waste. Even if Yucca Mountain ultimately receives a license from the NRC and becomes operational, it is not big enough to store all of the nation’s nuclear waste. According to the Nevada Attorney General, seventy-seven reactor sites across the country are holding 70,000 metric tons of high-level nuclear waste and spent nuclear fuel, and it is estimated that each site accumulates 2,000 tons each year. Yucca’s design capacity is only 77,000 metric tons. Thus, by the time Yucca Mountain would be filled to capacity in 2036, “there will still be at least the same amount of spent fuel still stored at the reaction sites, even if no new plants are built” (Farah, 196–97).

Other Repositories of Jurisprudence - Academic Commons & SSRN

Jurisprudence is available in print and online. Online, it is available in all legal mega databases, as well as through free-of-charge specialized portals, such as Academic Commons, SSRN, and Beppress, that may provide you access to legal information authored by legal practitioners, or even law professors. Here are a few words on when you would use some of these sources of legal information.

For instance, Columbia University’s Academic Commons are described as the digital repository where faculty, students, staff of Columbia, and its affiliate institutions can deposit the results of their scholarly work and research. Academic Commons stand for free access to scholarship. The name and the platform vary. For instance, the Harvard law faculty use the NELLCO platform, a law library consortium platform, at https://lsr.nellco.org/harvard_faculty/. The Columbia University law faculty used the Bepress platform until recently when they migrated to a platform which is still under construction.

The Social Science Research Network, SSRN, available at ssrn.com, is another way to locate texts on current and obscure issues of law. SSRN is composed of a number of specialized research networks in social sciences, including law. The SSRN eLibrary consists of a Full Text and an Abstract Database. SSRN has recently been purchased by a digital publisher, Elsevier.

Blogs as Repositories of Legal News

A few years ago, using blogs as a source of legal information might have looked sketchy. Today, members of the legal academia have their own blogs where they explain changes in their area of law. For example, the TaxProfBlog, http://taxprof.typepad.com/, is maintained by Paul C. Caron from Pepperdine University School of Law. Another useful blog is SCOTUS Blog, http://www.scotusblog.com/, maintained by Aaron Nielson, who is an associate law professor at Brigham Young University and the weekly author of D.C. Circuit Review–Reviewed at the Notice & Comment Blog.

FindLaw Professionals: News and Commentaries

“FindLaw Professionals” present themselves as a “group of well-respected authorities in their legal practice areas.” Their legal summaries are advertised to help any “individual legal consumer” learn more about the legal system. Since this book was first published, the database has improved both its search capabilities and its content. Now, you can search for both legal analysis, called a law firm article, or a legal news article, and legal commentary.

HAVING MAPPED OUT YOUR RESEARCH EXPECTATIONS, THE RESEARCH PROCESS CONTINUES

In conclusion, when you believe that you are done with secondary sources, make sure you read the summary you settled upon to convey the analysis needed to present your research memo. If it doesn’t make sense, remember the fourth principle of legal research. Do not move on to primary sources until you know what you need, and more importantly, make sure that it all makes sense when you read your research plan.

The Role of Scholarship in Legal Research To:
- explain the research question
• explain research options
• focus the researcher’s attention to a specific legal area
• identify potentially relevant primary sources

In our most recent example about nuclear waste and where it can be dumped, a brief research plan would contain the information obtained from research guides and various texts of legal scholarship. It would be more specific, but along these lines, because it would mention:

• the area of law, and
• the research terms
  o for identifying the applicable federal statute, and
  o the relevant binding case law interpreting that statute, within the specific jurisdiction, according to the particular set of facts.

Now, you may want to try your research skills and answer the first two questions of Applying the Second Principle of Legal Research. This research exercise is printed at the end of this chapter.

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APPLYING THE SECOND PRINCIPLE OF LEGAL RESEARCH. PRACTICE EXERCISE.

The following exercise will introduce you to some secondary sources: library catalogs, monographs, and law review articles.

Questions highlighted in Italicized Bold can be completed by anyone with internet access. Questions highlighted in underlined Bold may only be completed by students with access to Nexis Uni or Westlaw Campus.

**Question 1** - Using a library catalog, such as Pegasus, http://pegasus.law.columbia.edu, locate the catalog record for any treatise or other secondary source on endangered species. For instance, locate the record for *The Endangered Species Act: history, implementation, successes, and controversies.*

a. What is the name of the author? What is its call number and location?
   b. Is it currently checked out? (In Pegasus, if the space under Status is empty, the source is on the shelf)
   c. Now, go to http://clio.columbia.edu/. Can you locate that title as an ebook?

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**Question 2** – Use http://clio.columbia.edu/ and find an article considering a species-loss domino-effect before the implementation of endangered species legislation. (While only Columbia University students have access to the entire Columbia library catalogue, even non-Columbia University students should be able to answer the following questions).

a. What is the title of the article?
   b. What is its citation? Can you use the Bluebook citation format as explained below?

The Bluebook citation of a law review article contains:

• the name of the author;
• the title of the article;
• the volume number of the journal;
• the abbreviation of the journal;
• the page where the article starts; and
• the year of its publication.

Here is an example, E.D. Neăscu, *Concert of Action by Substantial Assistance*, 16 Touro L. Rev. 25 (1999).

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