



Diversify your Toolkit: Legal Research for Everyone

SWALL/HALL 2018 Annual Meeting

Thursday, April 5 | 8:00 am–11:30 am

Harris County Attorney's Office Conference Center
1019 Congress | Houston, Texas 77002

Welcome
2018 SWALL/HALL Preconference



Diversify your Toolkit: Legal Research for Everyone

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Legal Reference Interview

Heather Holmes | Assistant Law Librarian | Harris County Law Library

- Answering the Legal Reference Question
- Understanding the Legal System & Legal Authority
- Providing a Legal Reference Pathway



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- **Goal of Legal Research** - To find binding primary authority that is relevant to the particular legal problem being researched
 - **Goals of the Legal Reference Interview** - Help patron navigate resources that lead them to the binding, primary authority
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Steps in the Legal Reference Interview

1. Determine what the patron is asking for

- What is the subject matter of the question?
 - Landlord-Tenant Dispute
 - Domestic Relations – Divorce, Child Custody, Adoption
 - Property Dispute – Boundaries, Buying and selling property
 - Criminal – Traffic violation, Prison and Parole
 - Civil Rights Violations
 - Court System – Complaints about the court system or a judge
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Steps in the Legal Reference Interview

- The Self-Represented or Pro Se Litigant
 - Listen carefully and empathetically
 - Patrons with legal issues may be under particular stress at the thought of losing property, freedom, status, or money
 - Patrons may feel passionate about their desire to vindicate rights or defeat an opponent
 - Allow patrons to vent, but at some point redirect them to the specific resources or help they are seeking
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Steps in the Legal Reference Interview

2. Determine jurisdiction - Federal, State, or Local
 - What is the subject matter of the question?
 3. Develop a list of keywords
 - Does the patron provide a citation to a case, regulation, or local government ordinance?
 - Is a citation provided in their paperwork?
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Steps in the Legal Reference Interview

4. Help patron navigate resources to locate relevant authority

The goal is **process** not results

Do not provide legal advice

Do not provide facts or identify specific resources



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Do This

Direct patrons to resources.

Recommend resources.

Don't Do This

Recommend a specific legal form.
Complete the legal form for the patron.
Draft any documents or pleadings.

Direct the patron to a particular law or case unless they provide a citation to it.



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Do This

Help generate search terms and conduct online searches.
Help formulate search query.
Help search index or table of contents.

Read a statute, case, regulation, or rule.

Don't Do This

Offer advice on the legal outcome of any particular matter.

Interpret a statute, case, regulation or rule. Interpret a contract, will, deed, or other legal document.



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Identifying resources

Search for authority

Two Categories

- Primary and Secondary
- Binding and Persuasive



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Primary Authority - In the Proper Jurisdiction

Executive : Regulations

Legislative : Statutes

Judicial : Cases, Court Rules

Statutes, Regulations, Cases & Court Rules

Constitution, Articles, & Amendments

Local Government Ordinances



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Secondary Authority

Helps us understand and locate primary authority

- Treatises
- Practice Guides
- Law Review Articles
- Legal Encyclopedia Articles
- Annotated Forms



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Locating Secondary Authority -- Examples

- Nolo Press publications
 - Thomson Reuters (West) Nutshell series
 - State Bar of Texas CLE publications
 - O'Connor's publications
 - American Jurisprudence 2d
 - Corpus Juris Secundum
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Legal Reference Pathway

- Determine the general subject area of the problem
 - Determine the jurisdiction
 - Develop a list of keywords
 - Consult secondary authority
 - Locate primary authority
 - Contact a local law library for further guidance
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