USING GUIDED RESEARCH LOGS TO PROVIDE SCAFFOLDING TO STUDENTS WORKING ON THEIR FIRST MAJOR ANALYTICAL RESEARCH PROJECT

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Purpose of a Research Log

Old Guidance

A Developing Disaster…

The Solution

KEY REASONS FOR REQUIRING A RESEARCH LOG

1	2	3	4
• Assess each student's individual research process	• Help students track their own research path	• Assess each student's ability to course correct	• Assess whether students are adapting their strategy as they learn new information

MY INITIAL RESEARCH LOG INSTRUCTIONS

- I do NOT care the format.

- I just want you to show me what you looked at, what you found there (even if nothing), and where that took you next.

- Must include:

  - Descriptive words or Boolean searches you used

  - Key numbers and headnotes tracked down

  - Critical cases found and accepted

  - Cases you initially found useful but eventually rejected (and why)

  - Statutes reviewed (whether useful or not – explain usefulness)

  - Other sources reviewed (whether useful or not – explain usefulness)

  - Whether authorities are good law

A DEVELOPING DISASTER…

GUIDED RESEARCH LOG

1. Getting Started (Pre-Research)
2. Mining a Secondary Source
3. Transitioning to Primary Authorities
4. Expanding Your Research
5. Reassessing While Researching
6. Finishing Your Research

GUIDED RESEARCH LOG: GETTING STARTED MATERIAL

Getting Started

1. **Read the Open Memo prompt carefully. Then fill in the appropriate information below:**

   a. What is the discrete issue(s) you've been asked to research?

   b. Are there any explicitly excluded issues or material? If so, list them.

   c. What is the relevant jurisdiction? What does that tell you about what law will be binding and what law will be persuasive?

   d. Using the methods we have discussed, brainstorm relevant search terms. Place 8-10 of the most relevant search terms here. (Keep the rest as a back-up in case you need to return to the list for more.)

2. **Read the relevant statute, and make sure it's still good law.**

   a. Where and how did you access the statute?

   b. Write down any new search terms you identify (if any) that might be relevant. If you don't think you have anything new to add, just write "none."

   c. Identify whether the portions of the statute relevant to your client are still good law and how you determined this fact.

   d. How much time did this step take you?

GUIDED RESEARCH LOG: SECONDARY SOURCE RESEARCH

Reviewing Secondary Sources to Gain an Understanding of the Basic Law and to Find Starting Points in the Primary Authority

1. Identify the first secondary source you chose to use. Why did you choose it over other sources? If it does not turn out to be a useful source, mention that, and tell me what you went to next.

2. Identify the specific sections of the secondary source that you reviewed. Take notes on the materials you read, writing down what you learn about the legal analysis of your various issues. Do not provide me with all your notes. Just provide the following:

   a. As you start to see the contours of the basic analysis while reading the secondary source, start developing an outline of issues and sub-issues based on what you're learning, and place it here.

      - For example, does the overall issue you identified in reading the open memo prompt divide into elements and sub-elements? Factors? Is there a balancing test? If so, what are the elements, sub-elements, factors, or test(s)?

      - Include the cases or other primary authority you plan to follow up on once you have reviewed the secondary source. Tie those primary authorities to the issues/sub-issues for which you think they'll be most relevant.

   b. Did your review of the secondary source lead you to additional possible helpful search terms? If so, list them.

3. If you feel like you found enough in the first secondary source, note that, and move on to primary authorities. If not, move to an additional secondary source. Provide the information listed above for the new secondary source.

4. How much time did you spend in the secondary sources?

GUIDED RESEARCH LOG: TRANSITIONING TO PRIMARY AUTHORITY

Moving to Primary Authority

1. Read the primary authorities you identified as potentially relevant above.

   a. List the first three items you chose to read. Identify whether they are still good law on your issue(s) before reading. Explain why you chose to start with these materials. What did you learn from them? Do you need to adjust your outline or your understanding of one or more issues/sub-issues based on what you've read?

   b. Move on to read the other materials you found. In no more than a paragraph, briefly summarize key points you learned (how these new materials altered or deepened your understanding of the analysis of any given issue or sub-issue).

2. List any cases you wrote down from the secondary source that you initially thought would be relevant but then discarded. Give no more than a phrase or sentence per case as to why you discarded them.

3. Make sure all cases are good law, and certify that you have done so. Explain what service you used to confirm cases were good law.

GUIDED RESEARCH LOG: EXPANDING THE RESEARCH

Expanding Your Research

1. For cases where you think it might be useful, Shepardize or Keycite to expand your research and find additional relevant cases. Explain whether and how you limited your search by headnote, jurisdiction, date, or other limiting features.

2. Now that you have a more sophisticated understanding of the key issues and sub-issues, look at the Notes of Decisions in the Annotated Statute. What topics did you select? Did you find anything new? Confirm you were likely on the right track by seeing the same cases you'd already been researching?

GUIDED RESEARCH LOG: REASSESSING WHILE RESEARCHING

Reassessing While Researching

1. At any point, did you feel like you had gotten lost in the research or were going down a wrong path? If so, how did you course correct?

2. Did you need to cycle back to revisit secondary authorities? If so, what did you look at, and what did you learn? When in your process did this happen?

3. At any point, did you feel that you needed to gap-fill with targeted searches? If so, when did you do that in the process? List some of the targeted searches here.

4. Did you at any point find that your search terms were too broad or too narrow to yield helpful results? If so, what did you do to adjust your terms?
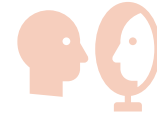
TAKEAWAYS

Pro: Logs shorter and more focused

Pro: Students expressed less (but not zero) frustration

Neutral: Students spent the same amount of time on the research

Con: Logs not as personal

QUESTIONS?

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