2015

Getting Ready to Clerk Guide

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Legal research may be only part of your extended audition as a summer associate or law clerk, but the way you conduct this fundamental lawyering skill is sure to be scrutinized and measured by the hiring organization's specific standards.

This guide provides tips for your summer associate experience, including:

- Finding a position
- Learn your employer's work culture, resources and expectations (including a collection of tips from lawyers and law librarians)
- Be prepared for a variety of work assignments
- Practice cost effective research
- Learn the law of your jurisdiction (under the More Research Hints tab)
- Seek out attorney work product (under the More Research Hints tab)
### First Things First - Find a Position

Contact C|M|LAW's Office of Career Planning for help. Take a look at:

- Office of Career Planning’s Job Search Resources Guide
- Researching Employers Guide
  Find background information on attorneys, firms and other employers using this library guide. This information is useful for interviews and career decision-making.
- Law Career Resources
  This library guide lists books about job search strategies, interviewing, resumes, cover letters and legal careers.
- Photo by C. Frank Starmer

### Search the Library Catalog

<table>
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<tr>
<th>Title</th>
<th>Author</th>
<th>Keyword</th>
<th>Subject</th>
<th>Call Number</th>
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Search the library catalog for books about job searching or browse in Room A066 at call numbers KF297-KF315.

### Learn Employer Expectations

#### Questions to Ask About Work Culture, Resources & Expectations

- What services and support staff are available to me?
- What electronic subscriptions can I use? Are there any restrictions or usage preferences?
- What time and billing, case management or other legal support software will I be expected to use?

**ASK QUESTIONS! ASK FOLLOW-UP QUESTIONS! ASK FOR FEEDBACK!**
The Ten Commandments of Memo Writing

Advice from Paul Cane, partner at Hastings, Janofsky & Walter:

1. Ascertain what kind of memo is needed: pros and cons, argumentative, find the cases, or opinion letter
2. Use good judgment
3. Communicate with the assigning attorney about deadlines
4. Do thorough research, but also adhere to time limits, check back with assigning attorney, don’t reinvent the wheel
5. Be concise: Avoid lawyerisms, passive voice, too many prepositions, “said” and “clearly”
6. Consider the importance of facts
7. Apply the law to the facts
8. Remember THERE IS NO SUCH THING AS A DRAFT!
9. Honor the Bluebook
10. ASK QUESTIONS

Paul Cane, Ten Commandments of Memo Writing…Advice for the Summer Associate, 4 Perspectives: Teaching Legal Research & Writing 83 (1996); reprinted in Best of Perspectives: Teaching Legal Research and Writing 84 (2001) K16 E73

Legal Research Tips for Summer Associates - from Attorneys and Law Librarians

Berring’s First Rule of Legal Research is to **Find Somebody Who has Already Done the Work For You.** (See the video Commando Legal Research, Prof. Robert C. Berring, KF240 .B533 ). In that spirit, this guide will summarize the advice of attorneys, law librarians and law faculty.

The summaries are on the tabs below, by author name.


- Understand the research tools available to you – ask before you start work, so you can get pre
- Make the most of the research interview. ASK QUESTIONS!
- Find a friend – newer associate, law professor, law librarian to discuss your research strategies
- Plan your research – keep track of the issues you are researching, what you found and where
- Administrative law – know what it is about! Review what you’ve been taught, and get familiar w
- Using the CFR and Federal Register
- Don’t reinvent the wheel – seek out relevant secondary sources before you jump into searching law databases
- Costs – know your employer’s policies and use the databases available to you cost effectively
- Have confidence – with a good law school introduction to legal research, you have the basic sk
- They will improve with practice

Law School Podcaster - **How to Succeed as a Summer Associate**: Advice to Turn Your Summer Job Permanent Position

- Make sure you really understand the scope of the assignment and the desired format of end p
- At the onset
- What jurisdiction
- Ask the assigning attorney for tips on where to start
- Go to treatises before jumping into case research to get a comprehensive overview of the area
- Strive to hand in a perfect, error free work product – do not leave it to your supervisor to proof r
- ASK QUESTIONS!!! Ask them in person whenever possible
Legal Research Tips for Summer Associates - from Attorneys and Law Librarians cont.

- Mary Whisner, Surviving Summer Research Assignments
  Keep a log with notes about who assigned the project, when it is due, etc.
  Keep a calendar and plan your time
  For every assignment, find out when it is due, how to contact and can you contact
  the requestor, and who else in the office knows about the project. What format is
  final product to be in? How much time should you spend? How should cost be
  charged? ASK QUESTIONS!
  Before you jump in, plan your research: What is the issue you need to answer?
  What jurisdiction? Key words to search? How much time do you think it will take?
  Plan your research strategy based on what you already know or don’t know about
  the subject field or issue. Do you need to start with a good secondary source? Did
  the assigning attorney give you a starting place such as a relevant statute? Check
  for relevant authority and be sure to update
  Take great notes
  Stop researching when you keep finding the same answer, when you have checked
  all appropriate sources, when you are confident about your results, when your
  supervisor says you’ve done enough, when you run out of time
  Communicate results according to the requirements of the project

Cindy Carlson, Cost Effective Research, LLRX Notes from the Technology
Trenches, March 15, 2004

Plan your research strategy
Keep an open mind about resource options
ASK, ASK, ASK someone who may know better
Use the ten minute rule: If the search strategy isn’t getting you anywhere in ten
minutes, stop and re-evaluate your approach
Think strategy before you think source
Check sources that are most likely to answer your issue first, then expand if
necessary
Know your online and print tools
Know relative costs of the databases
Use the smallest database that will answer your question, but search broadly. Then
use Locate or Focus to narrow your results (Using the smallest database applies to
Classic Lexis and Classic Westlaw systems. On WestlawNext and LexisAdvance, it
is still a good idea to search broadly and then narrow by search term or other
post-filters. See our Cost Effective Guide for Lexis Advance and WestlawNext cost
saving tips.)
When possible, start with in-house resources that are available to use without
charge to the client
Use digests and indexes, whether print or online: full-text searching is often
inherently inefficient

Kimm Alayne Walton, How to Crush Research and Writing Assignments, in What
Typical Assignments

Typical Research Projects Might Include...

- Legislative Histories
- Administrative Law
- Fifty State Surveys
- Procedural Issues for Litigation
- Pro Bono Projects
- Attorney Professional Publication Projects
- Non-legal Research in support of litigation or client transactions

Legislative Histories

- Ohio and Other States Legislative History
  Find the legislative history of the fifty states. Chart of federal and Ohio legislative history documents compared.
- Ohio Legislative History
  An in-depth look at finding Ohio Legislative History.
- Federal Legislative History

Administrative Law Research

Know the importance of regulations and administrative decision making in state and federal law.

- Administrative Law Guide
  A refresher on the essentials.

Pro Bono Projects

Law firms have their summer associates provide research to non-profit organizations pro bono. Examples:

- Anti-Defamation League Summer Law Associates Program

Attorney Professional Publication Projects

Your assigning attorney may be an author or editor of a practice treatise, or involved in writing for professional publications for service, networking or marketing goals. You will help minimize the impact on the attorney's billable hours if you bone up on skills discussed in the Law Library's:

- Scholarly Writing Resource Guide
- Citation Checking Guide

Pro Bono Projects

You may be required to conduct non-legal research in support of ongoing litigation or client transactions. See, for example the wealth of company information available in corporate filings on EDGAR. Learn how to find information about people. Try People Finders and PublicRecords FAQs from the Cleveland Law Library. See also Steven Anderson's Competitive Intelligence - A Selective Resource Guide, particularly Selected Online People Tracking Sources, on LLRX.
Cost Effective Research

<table>
<thead>
<tr>
<th>Fifty State Surveys</th>
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<tr>
<td>A common assignment for summer associates is collecting or updating the legal status of particular issues in all or several states. Some of the work you need may already be started for you. Try:</td>
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<tr>
<td>- WestlawNext 50 State Statutory Surveys (SURVEYS)</td>
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<td>- LexisNexis 50 State Surveys - Legislation and Regulation</td>
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<tr>
<td>- Subject Compilations of State Laws</td>
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<tr>
<td>Lists articles, books &amp; websites that compare state laws on hundreds of subjects.</td>
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<tr>
<td>- National Conference of State Legislators</td>
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<tr>
<td>Lists of legislation in the fifty states on certain topics, as well as pending legislation in the fifty state on hot topics.</td>
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<tr>
<td>- LII State Statutes by Topic</td>
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<tr>
<td>- Bloomberg Law</td>
</tr>
<tr>
<td>Click on All Legal Content (Upper Left, under Getting Started-Research). Select US Law&gt;Jurisdiction (in the grey bar). Click on the plus sign to open up State, and then Ohio. Click on the words &quot;Combined Ohio&quot; to search all Ohio sources. Or select multiple individual sources by clicking on the name of the source.</td>
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## What do Lexis and Westlaw Searches Cost?

LexisNexis and Westlaw are **not free** in the practice world as they have been in law school.

**Sample costs:**

- WestlawNext Subscriber Pricing Guide
- Lexis Advance Price Guide
- Lexis and Westlaw Pricing in the Cost Effective Legal Research Guide

Sample prices for classic Lexis and Westlaw, and more information about what firms actually pay for research and what they charge to clients.

## Start with Free Resources

Free sources include books in print and materials available for free on the Internet. These guides will help you locate the print materials and free web sites you need:

- **Major Legal Treatises and Services by Subject**
  For each legal subject, lists treatises and practice sets available to C|M|LAW students in print and/or electronically via Lexis, Westlaw, CCH or BNA.

- **Forms and Practice Materials Guide**
  Form sources in print and Lexis and Westlaw, as well as free forms on the web.

- **Free Websites page in the Cost Effective Research Guide**
  A list of some of the most popular and essential free Internet legal sites.

- **Free Electronic Legal Research**
  A comprehensive portal of free legal research sites.

- **Mobile Apps for Law Students**
  Many of the legal research apps listed in this guide are free.
## Use LexisNexis & Westlaw Efficiently

If your employer offers access to one, but not both, of the major providers, or both, but one with a more restrictive contract, make sure you can transition to the preferred system. **If you know Westlaw but not Lexis (or vice versa)** See the Law Library's Lexis Advance and WestlawNext Features Compared.

For **cost effectiveness tips**, see the library's guide Cost Effective Legal Research, and the following:

- Lexis Advance Top 10 Cost-Effective Research Tips
- LexisNexis Researching Efficiently for a Client
  - Tips for Classic Lexis
- WestlawNext Cost Effective Tips
- Westlaw's Research Time is Money. Spend it Cost Effectively
  - Tips for WestlawNext and Classic Westlaw.
- Cost of Legal Research
  - CALI Lesson

## Use Alternative Databases

For more information on the databases below, see the Low Cost Databases page in our Cost Effective Research Guide.

- **Bloomberg Law**
  - Students can use their law school subscription to Bloomberg when working for a law firm or other employer.
- **Casemaker**
  - Part of your Ohio State Bar Association membership, which is FREE for students.
- **Fastcase**
  - On campus, students can access Advanced Fastcase (law school and library only). Off campus, go here and create a username and password for the free app.
  - Free to Cleveland Bar Members (except student members). But there is a FREE App for iPhone and Android available to all.
- **Versuslaw**
  - more...
- **LoislawConnect**
  - An alternative database made available by some county law libraries (check if your firm is a member). Employers may purchase LoislawConnect for your use.

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More Research Hints
Learn the Law of Your Jurisdiction

If your clerkship is in Ohio, make sure you are acquainted with Ohio's major primary and secondary resources. See the Law Library's Ohio Primary Law Legal Research Guide and Ohio Secondary Sources Legal Research Guide. Are there jurisdiction specific citation formats you haven't encountered before? See, for example, the citation format required by the Ohio Supreme Court - Effective Jan. 1, 2012, the new Supreme Court of Ohio Writing Manual.

Seek Out Attorney Work Product

Identifying specific attorney work product may be the end goal of the research assignment, or a fruitful starting place for ideas and possible arguments supporting similar issues. Get acquainted with:

- Dockets, Court Information and Rules
  Dockets list the documents filed in a case. Some dockets have full text of the filings accessible via the web. Besides learning the status of a case, you can search dockets to: (1) find out whether a person or company has been sued or filed for bankruptcy and (2) find sample pleadings and motions useful for drafting.

- Commercial Brief and Motion Banks
- Lexis Advance
- WestlawNext - Briefs
- WestlawNext - Trial Court Documents
- Bloomberg Law - Breaking Complaints
- Bloomberg Law - Dockets
- Free Attorney Work Product on the Web
- Briefmine
- Docracy

Open web collection of legal documents. Documents are submitted by anyone, not just attorneys. The document indicates the contributor. Many of the contracts deal with web design and web developers, but there are also wills, real estate and other contracts. Can sign with an electronic signature.

- Docstoc
- Scribd

Briefs, Motions, Pleadings & Oral Arguments Guide
See this guide for more ways to find briefs, motions and pleadings.