YOUR EXAM NUMBER: _____

MIP LEGAL RESEARCH
FINAL EXAM
FALL 1998

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Thank you for your hard efforts at learning legal research this semester. This closed book Exam covers material from your assigned readings in Roberts & Schlueter, *Legal Research Guide* (3d ed.). The questions are objective - true/false, multiple choice and fill in the blanks. Your text focuses on the basics of print publications. Your answers must provide print resources. Lexis and Westlaw tools are NEVER an answer other than as part of the five extra credit questions.

Your worksheets focused on the intellectual property applications of the legal research tools covered in this book. It is very important that you have a firm understanding of the basic working tools. We hope that studying for this Exam has helped you commit to memory the tools you will find in any basic law library in the United States. Good luck and have a great break. Remember that I am here to help you throughout your time at the Law Center. I look forward to helping you in the future. This Exam is worth twenty points of your grade. Each question is worth one half point. There are five extra credit questions at the end of the exam that you can complete if you wish. You may begin...

Case Law Research

1. Legal authority is divided into two major categories. They are:

1.
2.

2. There are four types of authorities promulgated on the Federal and state levels. What are they?

1.
2.
3.
4.

3. The Anglo-American judicial system is founded on the concept of the "common law" and the doctrine of _____.

4. The trial courts on both state and Federal levels are organized in a similar three level structure. List the three levels and the function of each:

1.
2.
3.

5. True or false - all Federal judicial decisions of the District and Circuit court are reported either in print or online.

6. Court decisions are organized and published in the ways. They are by:

1.
2.
3.

7. To facilitate access to reported decisions, traditional court reports in print are published in three stages. They are:

1.
2.
3.

8. Because cases are published in chronological order, researchers need subject access to the law. West Publishing devised a method for subject classification of legal and factual issues. West divides the law into seven major categories. The categories are subdivided into 400 legal _____. These are divided into even more specific sections which are called _____ _____.

9. The west subject arrangement of the law is collected in volumes called _____.

10. True or false - West publishes a state digest for all fifty one jurisdictions.

11. True or false - West publishes a regional digest corresponding to each and every regional case reporter.

12. If you don not have the name of a case, you may use the following three methods to access any West case digest:

1.
2.
3.

13. Many of the same cases found by the digest method can be found through A.L.R. - American Law Reports. Features of ALR include:

a. goal is to analyze all reported cases
b. provides lawyers with a continuing series of up-to-date annotations that collect, organize and evaluate all of the case law specific to a broad area of law
c. provide cross references to other West publications
d. all of the above
e. none of the above

FEDERAL LEGISLATIVE RESEARCH

14. When the United States Congress passes legislation, it is published officially in three phases. They are:

1.
2.
3.

15. The three major versions of the subject compilation of federal laws published by the Government Printing Office, West Publishing and Lawyer's Co-op are:

1.
2.
3.

16. The codification process: (circle correct choice)

a. groups all laws related by subject
b. includes subsequent amendments
c. eliminates those laws which have been repealed
d. provides references to the origin of the law in the Statutes at Large
e. all of the above

17. Annotated codes include sections that are not found in the official U.S. Code which assist further research. This question is asking three reasons why you would use an annotated code over the official version. List three unique editorial enhancements:

1.
2.
3.

18. If you do not have a statute's popular name, public law number or Statute at Large citation, what two access methods by subject would you use:

1.
2.

19. Once you have located and updated a statute, the next task is to find cases on point that interpret the statute. Judicial interpretations can be found in the following manner - list two sources of the list of five discussed by your text:

1.
2.

FEDERAL ADMINISTRATIVE RESEARCH

20. Agencies responsible for administering federal laws derive their authority trough delegation of power from either _____ or _____.

21. Rules and regulations do not exist in a vacuum, and their interpretation depends upon
_____ or _____.

22. In order for any federal rule or regulation to take effect it must first be published in the _____.

23. After a rule or regulation appears in the publication you provided in the last question, it is incorporated into the _____ arranged in _____ similar but not identical to the United States Code.

24. Published _____, the publication you provided in the last question is issued in _____ intervals.

25. True or false - you must update the subject compilation of rules and regulations using the daily compilation of rules and regulations because the subject compilation contains all regulations still in force, but does not incorporate those rules and regulations that took effect during the preceding twelve months and deleting those revoked.

26. If you do not have the enabling legislation, use the following three methods to access the subject compilation of rules and regulations

1.
2.
3.

27. Once you have located and read the rule or regulation applicable to the problem, the next step is to determine whether any changes to the text have occurred since the publication date listed on the cover of the subject compilation of rules and regulations. The two steps to accomplish this are:

1.
2.

28. Once you have located and updated a federal rule or regulation, there are numerous ways to find interpretive cases using print resources. Name two:

1.
2.

SECONDARY SOURCE RESEARCH

29. There are two functions to secondary authority. They are to:

1.
2.

30. All secondary sources are not created equal. There are differences in the weight of their authority and likelihood of finding pertinent information. This is called the hierarchy of secondary authority. Your text lists five ways to evaluate the quality of a treatise. Please list at three:

1.
2.
3.

31. The Restatements of the law were begun in 1923 by the American Law Institute the purpose of the Restatements is to _____
_____.

32. Law reviews are arranged in print of the shelves chronologically. To gain subject access you may use the following two print indexes:

1.
2.

33. When you are in a law library you may find as many treatises treatise on point by: (circle correct choice)

a. using the card catalog
b. using cross references found in other secondary sources
c. using cross references found in other primary sources such as judicial opinions
d. a or b or c
e. a and b and c

34. True or false - you can Shepardize most treatises.

35. True or false - legal encyclopedias are both valuable as a reference and have substantial weight in persuading a court to accept a particular position.

36. True or false - the two general legal encyclopedias are Corpus Juris Secundum by West Publishing and ALR by Lawyers Co-op.

37. Name the special interest IP encyclopedia we used in our first research class covering secondary sources _____ Desk Encyclopedia of Intellectual Property.

38. One thoughtful way to develop a list of key words to use while looking at any index to a multi volume set or formulate an electronic search is to do an analysis of the problem. Throughout your text the author uses this approach. Identify each letter of this analytical approach. If your text uses more than one word for a particular letter, any word the author lists will be considered a correct answer;

T
A
R
P

39. True or false - both Lexis and Westlaw have legal periodical databases. They are comprehensive - containing all legal periodical currently in print.

40. True or false - the current edition of the C.F.R. and Federal Register can be found on both Lexis and Westlaw.

EXTRA CREDIT QUESTIONS THAT CAN ADD UP TO TEN POINTS TO YOUR SCORE

41. If you simply type your issue in plain English using key words to do a Lexis or Westlaw search, this is called a _____ search.

42. True or false - both Lexis and Westlaw offer Shepards Citators and KeyCite.

43. Lexis and Westlaw offer databases profiling law firms, branch offices, and biographical records of lawyers in all fifty states, as well as government and corporate law offices. Lexis provides access to _____ - "the most pertinent directory for the purpose."

44. Cases, statutes, regulations and procedural manuals are available on the Web for free. List as many limitations of these Web sites based on your use in class as possible and conclude whether you could use the Web as your main access point for searching U.S. primary and secondary sources.

45. Lexis and Westlaw offer very large and expensive databases of primary and secondary sources. List as many ways as possible that you could use to limit your search to only IP primary and secondary sources. Telling me to use the correct IP search terms is not an answer.