

# New York State Unified Courts System Public Access Law Libraries

*Legal Research Question? Ask a Librarian*

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This handout describes legal research materials available on-line and in print in New York Court Public Access Law Libraries.

The information provided should be considered a starting point in your research and should not be interpreted as a comprehensive review of the subject or issue in question

## What is the purpose of legal research?

The purpose of legal research is to help you prepare a written statement that will provide the court with the facts and legal issues necessary to make its decision. The facts are what happened. Legal issues are principles of law as defined in cases and laws that support your request for the judge to rule in your favor. Court rules and laws state the requirements for filing papers and following procedures.

The legal research services, Westlaw, LexisAdvance, and E-books, help you find laws and cases that define legal issues. Since legal research requires coordinating common legal principles and the facts that happened to you, organizing your research is essential.

Starting legal research also means learning a new vocabulary: presuit investigation, theory of the case, settlement negotiations, etc. The quote below from *New York Civil Practice Before Trial* uses unfamiliar words, but you must learn what these terms mean to successfully research and prepare legal papers:

### § 2:201 Issues to Research

Your legal memo should address:

Applicable causes of action or defenses

- The elements of each cause of action or defense
- The applicable statute of limitations and if applicable, available tolling theories
- Defenses or causes of action available to the opposition and their essential elements

- The applicable burden of proof for each cause of action or defense
- Any special evidentiary requirements or problems
- Applicable legal trends
- Previous rulings by the assigned judge

The following library guides will help you

#### Doctrine of Stare Decisis

- Burden of Proof
- New York Primary Law Resources
- Preparing a Trial Brief or Trial Memorandum
- Statutes of Limitation Research
- What are Legal Issues
- What is a Cause of Action

#### New York Official Reports Digest

##### ***Important Disclosures:***

###### Legal Advice

NY State Court System staff are pleased to provide you with basic legal information of relevance to New York State courts, caselaw, statutory and regulatory materials from standard legal reference sources. Our court employees, however, may not provide legal advice, interpret the law or assist with the processing of specific motions or cases.

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1/22/2018

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