

Law 118: Advanced Legal Research

John Scherrer
jscherr@gmu.edu

Office: Room 145 (inside the Law Library reference office)

I have an open-door policy; feel free to stop by any time. If I'm teleworking, you can email me to arrange a Zoom call.

“Legal information, its classification, and forms of retrieval are at the heart of legal thinking. Legal information informs legal structure. It dictates how law students, law professors, and lawyers think. Understanding legal information can only be accomplished by learning how to use it... Anyone who understands the inner structure of the soul of legal information understands the working of the substantive law.”

-Robert C. Berring & Kathleen Vanden Heuvel

Welcome to ALR! I'm glad you're here. You've made a wise choice by enrolling in this course. Not only is legal research a critical skill for young attorneys, but beginning in 2026 (for some jurisdictions), legal research will be tested on the “NextGen” bar exam.

While there will be instructor presentations and in-class demonstrations (of course), our goal will be learning by doing. That is, active learning. You'll improve your research skills by regular in-class research simulations and exercises.

What You'll Learn:

Upon completion of this course, you will be able to:

- Assess the reliability and trustworthiness of information, including its authority, credibility, currency, and authenticity
- Design and implement a successful research strategy, including selecting appropriate sources, creating effective search queries, and refining your strategy when needed
- Critically select and efficiently locate appropriate sources for a research question, considering time, cost, and availability of resources
- Verify your research results
- Summarize and synthesize your research results and communicate them orally and in writing

And what do those fancy learning outcomes above mean? While legal research is a skill, I also want you to think about the context of legal information. The tools/databases you use today will evolve, and one goal of this class is to prepare you for whatever happens down the road.

How Will You Be Assessed and Graded?

Assignment #1: 15%

Assignment #2: 20%

Assignment #3: 25%

In-class assignments (not graded; check or check minus): 10% (a “check minus” can be resubmitted for credit)

Final: 30% (take-home exam to be completed in a finite period of time—probably 4-6 hours—during the exam period window; definitely will include multiple-choice questions; may require short answer or describing a research plan; and will *not* be an essay)

Full details of the assignments and criteria for grading will be posted on Canvas in advance. Each assignment will be comprised of some or all of the following components:

- Preliminary analysis of legal issues
- Efficiently locating and analyzing legal sources
- Logging your research
- Reflecting on your research process; and
- Summarizing and communicating your research orally and in writing

This class probably has more assessments than your other classes, but that’s intentional and is for your benefit, not punishment. Ideally, with more formative assessments, you will see where you can continue to improve.

You also may notice that later assignments are more heavily weighted. The intended goal is you’ll get better throughout the semester (again, research is a skill set that requires practice, practice, practice), and you should be rewarded for your improvement.

How to Succeed in ALR:

- Be professional. Show up on time and prepared. Obviously, per the academic regulations, there is an [attendance requirement](#);
- Be positive. As I will say repeatedly, improving your research skills requires practice, and you will make mistakes. Further, I’ve never taught this class and I guarantee you I will make mistakes.
- Be proactive. If you need assistance, please ask for help.

Required text:

Kent C. Olson/Aaron S. Kirschenfeld/Ingrid Mattson, *Principles of Legal Research* (hereafter “Olson”); available on West Academic: <https://subscription-westacademic-com.mutex.gmu.edu/Book/Detail/27092>

Kent C. Olsen/Kurt X. Metzmeier/Michael Whiteman, *Legal Research in a Nutshell* (hereafter “Nutshell”); available on West Academic: <https://subscription-westacademic-com.mutex.gmu.edu/Book/Detail/28458>

Other articles and chapters as assigned (all available via GMU resources)

Semester Schedule:

<p><u>Week 01: August 21–August 25</u></p> <p>Advanced Searching or: Algorithms, AI, & Controlled Vocabulary</p> <p>Read: <i>Olson, Chapter 1, Research Methods and Process</i></p> <p><i>Susan Nevelow Mart, The Algorithm as a Human Artifact: Implications for Legal [Re]Search,</i> https://scholar.law.colorado.edu/faculty-articles/755/</p>	
<p><u>Week 02: August 26–September 01</u></p> <p>Secondary Sources for the Academic & Practitioner</p> <p>Read: <i>Olson, Chapters 2 & 3, Encyclopedias, Restatements, and Texts & Periodicals</i></p>	
<p><u>Week 03: September 02–September 08</u></p> <p>No class</p>	<p>MONDAY SCHEDULE OBSERVED</p>
<p><u>Week 04: September 09–September 15</u></p> <p>Advanced Case Law Research with Litigation Analytics</p> <p>Read: <i>Olson, Chapters 11 & 12, Case Research</i></p>	<p>Assignment #1</p>

<p><u>Week 05: September 16—September 22</u></p> <p>Advanced Statutory Law Research or: “What do you mean it’s not positive law?”</p> <p>Read: <i>Olson, Chapter 5, Statutory Research</i></p>	
<p><u>Week 06: September 23—September 29</u></p> <p>Modern Legislative History or: “I thought I was a bill!?!?”</p> <p>Read: <i>Kent C. Olson, Kurt X. Metzmeier, & Michael Whiteman, Legal Research in a Nutshell, Chapter 5, Legislative Information,</i> https://subscription-westacademic-com.mutex.gmu.edu/Book/Detail?id=28458</p> <p><i>Richard J. McKinney & Ellen A. Sweet, Federal Legislative History Research: A Practitioner’s Guide to Compiling the Documents and Sifting for Legislative Intent,</i> https://www.llsdc.org/federal-legislative-history-guide#Finding</p>	
<p><u>Week 07: September 30—October 06</u></p> <p>Regulations and Researching the Administrative State</p> <p>Read: <i>Olson, Chapter 8, Federal Agency Law</i></p>	
<p><u>Week 08: October 07—October 13</u></p> <p>Individual Research Conferences</p>	<p>Assignment #2: Live Assessment</p>
<p><u>Week 09: October 14—October 20</u></p> <p>NO CLASS; Fall break</p>	

<p><u>Week 10: October 21—October 27</u></p> <p>Virginia State Legal Research</p> <p>Read: <i>Joyce Manna Janto, A Guide to Legal Research in Virginia, Chapters 2 & 3, Constitutional Law & Statutory Law</i></p>	
<p><u>Week 11: October 28—November 03</u></p> <p>Foreign, Comparative, and International Law Research</p> <p>Read: <i>Kent C. Olson, Kurt X. Metzmeier, & Michael Whiteman, Legal Research in a Nutshell, Chapters 8 & 9, International Law & The Law of Other Countries,</i> https://subscription-westacademic-com.mutex.gmu.edu/Book/Detail?id=28458</p>	
<p><u>Week 12: November 04—November 10</u></p> <p>Historical Sources or: “So that Blackstone guy in the stairwell is famous?”</p> <p>Read: <i>William Baude & Jud Campbell, Early American Constitutional History: A Source Guide,</i> https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2718777</p>	Assignment #3
<p><u>Week 13: November 11—November 17</u></p> <p>Generative AI or: What New Product Just Came Out?</p> <p>Read: TBA</p>	
<p><u>Week 14: November 18—November 24</u></p> <p>TBA</p> <p>You, the student, will vote on the topic to cover. No electoral college—just straight-up democracy. I’ll distribute possible</p>	

topics (e.g., tax law research; IP law research, etc.) in late October.	
<u>Week 15: November 25–December 01</u> Thanksgiving recess; end of semester	FINAL

Other Policies:

- Yes, you can use laptops and the internet in class, In fact, you will need your laptop for every class session (unless you aspire to research in print);
- Yes, unless explicitly directed not to, you can use generative AI technology. Frankly, it would be malpractice for me not to include generative AI in our discussions;
- I will use Canvas and GMU email to communicate with you (I've been assured that Canvas is not as clunky as Blackboard and is more intuitive);
- Please refrain from any desire to sell bootleg copies of ALR and don't record the class (unless I expressly grant permission);
- If the university is closed due to inclement weather or for some other reason, we will have class by Zoom;
- The Academic Regulations are binding authority; and
- If you need a disability accommodation, please contact the Records Office or Associate Dean Nields.