

LAWYER ETHICS/MALPRACTICE RESEARCH - 2013

I. Research Guides - see **Legal Ethics and Professional Responsibility for Lawyers** handout - Law Library > Research Guides > Topical > Legal Ethics - http://libguides.law.hofstra.edu/legaethics_professional

II. Specialized Ethics / Professionalism resources need to understand role in legal malpractice - see **Legal Ethics and Professional Responsibility for Lawyers** handout

A. Ethics Codes - ABA Model Rules, State Codes/Rules - NY - in Appendix to Judiciary Code

B. Disciplinary actions - see state bar web sites

C. Ethics opinions - advisory, informative - see Lexis or Westlaw, bar association web sites

III. Where to start - Secondary Sources

A. Basic Introduction - NOT for citing

1. Legal Encyclopedias / ALR - look for State specific Encyclopedia where relevant - see NY Jur>Malpractice>IV. Malpractice by Attorneys

2. Am Jur Proof of Facts / Causes of Action

B. Current awareness / scope of issue - also check these sources at end of process

1. Web sites / blogs

- [Legalethics.com](http://www.legaethics.com/) - <http://www.legaethics.com/>
- [Legal Ethics Forum](http://www.legaethicsforum.com/) - <http://www.legaethicsforum.com/>
- [Legal Information Institute Ethics Library](http://www.law.cornell.edu/ethics/) - <http://www.law.cornell.edu/ethics/>
- [Legal Profession Blog](http://lawprofessors.typepad.com/legal_profession/) - http://lawprofessors.typepad.com/legal_profession/

Note: If no search box is available, use Google Advanced Search

- e.g. *site:www.legaethicsforum.com facebook*

2. BNA Manual on Prof Conduct - Law Library > Online Resources > Ethics > ABA/BNA Lawyers' Manual
- *malpractice facebook*

C. Treatises - go to catalog, start with casebook

- Legal malpractice law : problems and prevention / by Susan Saab Fortney, Vincent R. Johnson
- Legal Malpractice / Ronald E. Mallen, Jeffrey M. Smith (also on Westlaw)
- Attorney Malpractice : Law and Procedure / David J. Meiselman
- The Law of Lawyering / Geoffrey C. Hazard, Jr., W. William Hodes, see ch. 4
- Restatement of the Law Governing Lawyers (also on Lexis and Westlaw)

- Lexicat / WorldCat, search subject - Lawyers Malpractice - United States

D. Articles

1. Westlaw Next - (*lawyer attorney*) /s *malpractice* /s *research* - narrow to Secondary Sources

- look at Citing references, look at footnotes
- locate *facebook* or “*social media*”

2. Index - Online Resources>Article Finding>Index to Legal Periodicals

- *malpractice ; research*
- Subject: *lawyers-malpractice ; research*
- *lawyers malpractice ; facebook*

IV. Primary Sources

A. Statutes

- use Index, each state will be different and use different terminology
- Annotated code- note cross ref, regulations, key number, annotations
- 50 state surveys - great, if cover your topic, but don't count on it
- HeinOnline - (Subject Compilations of State Laws) - browse and search subjects - *attorneys* in Subj ; *malpractice* in Title (not Journal Title)
- Lexis - 50 State Multi-Jurisdictional Surveys - Browse TOC
- WestlawNext - type in 50 state surveys

B. Administrative Code / Court Rules

- Regulations - authority delegated by legislature to executive agencies - in Administrative Codes online - e.g. Lexis, Westlaw
- administrative decisions - ethics opinions
- State Rules of Professional Conduct may be in statutes, regulations or Court Rules (sometimes found in administrative codes (see p. 5 of **Legal Ethics and Professional Responsibility for Lawyers** handout))

C. Cases

- References from Secondary Sources and annotated code - look in State annotated code for cases decided re: Rules of Prof. Conduct
- KeyCite / Shepardize a known case
- Using digest on Westlaw
 - get topic and key number from known case
 - Note Topic number - and Key Number in headnotes on Westlaw
 - Use TOC of Key Numbers
- search using topic, key number and terms in WestlawNext Advanced search for cases
 - *45k112.50* or *45k105.5* and *internet* or *facebook* or “*social media*” or “*social network!*”

Lisa A Spar
Assistant Director for Reference and Instructional Services
Last updated 1/7/2013