Jack Jones, a Brooklyn auto dealer and beloved family man, discovered that he had inoperable cancer in the summer of 2011. In preparation for his death, he began making arrangements for his estate by enlisting the legal services of his long-time friend, Ben Barrister. It is undisputed that Jack and Ben had been friends for over a decade, and that Jack and often relied on Ben to help him with legal matters for both his personal and business interests. Ben prepared Jack’s will in the fall of 2011, and Jack passed away on January 5, 2012.

Jack never shared the details of his preparations with his family, but assured his wife and sons that they would be cared for after his death. When the will was finally shared with the family, they discovered that the provisions of the will left the bulk of Jack’s estate to Save the World, a non-profit organization on whose board of directors Ben Barrister sits. Only the family home and the contents of a small savings account were left to the family.

Jack’s widow has come to your law office seeking some kind of help. She is sure that Ben must have manipulated Jack in some way, and that the ultimate distribution of property in Jack’s will was the product of coercion by Ben. She wants to contest the will.

The senior attorney assigned to the case has asked you to begin the research for the case. She wants you to provide her with an overview of the New York law relevant to the problem and has asked you to give an opinion as to whether or not they should try to contest the will.

*Issue:*

*Are there grounds to contest a will where the will designates as a beneficiary a non-profit organization on which the will’s drafter (who is also the decedent’s attorney) sits as a board member?*

**Essential Elements of the Research Process**
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1. Frame the question(s) and develop search terms.
2. Identify, prioritize, and consult relevant sources.
3. Expand and update your research.
4. Make sure your research is responsive to the question(s) presented.
5. Know when to stop.

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**Developing Search Terms**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Things** | **Actions** | **Relief** | **Persons** | **Other?** |  |
|  |  |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Who** | **What** | **When** | **Where** | **Why** | **Other?** |
|  |  |  |  |  |  |

3. Update and validate your research by using Shepard’s or KeyCite. These tools can also help you expand your research.

2. Examine primary authority, looking for controlling authority in your jurisdiction first.

1. Build your foundation with legal encyclopedias, law review articles, treatises, ALR annotations, Restatements, and practice aids.

**Smart Folks Take Notes**

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Use the right tools:

* Google it! (just don’t stop there)
* Wikipedia is not your enemy (unless you rely on it blindly or cite to it)
* Cornell’s Legal Information Institute (both free and awesome) <http://www.law.cornell.edu/>
* Are there other free state or federal research resources available? (Cornell’s LII can help you find out)
* Check for signs of intelligent life (find those around you with good information and ask questions)
* Find out how the online databases available to you are billed (then make smart decisions about using them)
* Master the basics of print research and you will be prepared for the zombie apocalypse (and lack of access to Westlaw or Lexis)

Questions?