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How I Learned to Stop Worrying and Love Legal Research: Teaching Comfort with Uncertainty in Legal Research

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Students in legal research and writing often ask two deceptively easy questions: “Where do I start?” and “How do I know when I am done?” Even after learning how to spot issues, select jurisdictions, identify sources of authority, and navigate legal research platforms, many remain uncertain about these questions. They resurface in upper-level research and writing courses, as well as in internships, clerkships, clinics, and jobs. Students hesitate to begin when they do not see a clear starting point and struggle to stop when no answer feels fully complete. When they cannot find authority directly on point, they often assume they have done something wrong or have missed something in their research.

These reactions are understandable. Research is often taught as a process of finding answers, but in practice, it rarely produces clear or definitive ones. Researchers often encounter too much information, too little information, or information that points to multiple possibilities. The challenge is not simply locating an answer to a question but deciding how to proceed when the path forward is uncertain and when the endpoint is unclear.

Legal writing instruction does introduce students to ambiguity. Many assignments expose students to competing interpretations and the need to assess likely outcomes. However, writing assignments generally provide a defined problem and assume that relevant authority exists. Legal research presents a different kind of uncertainty. It requires students to determine whether the relevant authority exists at all, whether they have searched sufficiently, and when additional research is unlikely to change the analysis. This distinction between structured ambiguity and open-ended research uncertainty deserves greater attention in legal research instruction.

This uncertainty is particularly acute for first-year law students, who are learning not only how to research, but also how to understand the law itself. Without a developed sense of how legal problems are structured or resolved, students often expect research to yield a single “right” answer. When it does not, they experience that ambiguity as failure rather than as a normal feature of legal analysis. Yet practicing lawyers routinely operate in this space. The familiar response, “it depends,” reflects not a lack of knowledge, but the reality that legal outcomes are contingent, fact-sensitive, and open to interpretation.

Even as new generative and agentic artificial intelligence tools make it easier to generate a starting point and plausible answers, they do not eliminate this underlying uncertainty. These tools may help students generate terminology, identify unfamiliar concepts, or overcome initial research paralysis, but they could also pose risks to the development of professional research judgment.¹ They may hinder analysis by minimizing students’ need to struggle with information during the early stages of research. By providing an initial, confident response, these tools may bias what students investigate further, leaving students to think they have found the essential law on a given topic. Finally, they can create a false sense of completeness, encouraging students to stop too soon, rather than evaluate whether their research was sufficient.²

Legal research instruction, therefore, should not focus solely on teaching students how to find information. It should also help them become more comfortable making decisions in the absence of certainty. This Article advocates that teaching students when

¹ See generally Paul McQuiston, *AI Is Changing How Students Learn—Or Avoid Learning*, USC TODAY (Sept. 18, 2025), <https://today.usc.edu/ai-is-changing-how-students-learn-or-avoid-learning/> [<https://perma.cc/4N9F-423Z>].

² See *Here’s the Reason Your Gen AI Tool Sounds Right, But Might Be Wrong*, VILLANOVA UNIV. COLL. OF PRO. STUD.: NEWS ROOM, <https://www.villanova.edu/university/professional-studies/about/news-events/2026/0225.html> [<https://perma.cc/K4DV-5YPZ>] (last visited May 7, 2026) (discussing how AI provides confident answers that humans are wired to trust, even if the answer is hallucinated and only partially correct).

to begin, how to continue, and when to stop research deserves more emphasis in early legal research instruction, and that instruction should shift from mastering research mechanics to developing judgment under conditions of uncertainty. It then offers teaching strategies designed to help students recognize, navigate, and ultimately become more comfortable with the inherent uncertainty of legal research, a skill they will need throughout their legal careers.

Research mechanics and research judgment

Legal research instruction already provides students with important procedural skills, including issue spotting, source selection, jurisdiction identification, and authority hierarchy.³ These foundational skills help students begin legal research in a structured way. Yet mastering these mechanics alone does not eliminate students' uncertainty because legal research also requires judgment. It requires knowing where to begin, when to pivot, and when further research is unlikely to change the analysis. Students also struggle when no authority appears directly on point, and they must determine whether they are confronting a genuine gap in the law or simply an incomplete search.

Experienced researchers make these decisions using patterns developed through practice. They recognize when searches become repetitive, when secondary sources converge, and when additional research isn't producing anything of value to the analysis. Novice researchers, however, are rarely taught these evaluative processes explicitly or given opportunities to become more "comfortable" with them.⁴ Instead, students may assume that effective research is primarily a matter of finding the correct source, arriving at a clear answer, or conducting enough searches.

This distinction between research mechanics and research judgment becomes increasingly important as students encounter artificial intelligence tools that rapidly generate plausible answers or starting points. The ease of obtaining information does not eliminate the need to evaluate whether research is sufficiently thorough, reliable, or complete. In fact, it makes it more important.

³ See generally AM. ASS'N OF L. LIBRS., PRINCIPLES AND STANDARDS FOR LEGAL RESEARCH COMPETENCY (2026), <https://www.aallnet.org/wp-content/uploads/2020/04/AALL2020-PrinciplesStandardsLegalResearchCompetencyFull> [<https://perma.cc/7NKG-EW6Y>].

⁴ By "comfort," I do not mean the uncertainty disappears, but rather that students learn to exercise judgment despite incomplete certainty and to coexist with it, as it is a genuine part of legal research and legal practice. This "comfort" takes practice, and students need regular exposure to these situations.

Structured ambiguity vs. open-ended uncertainty

Legal writing courses already expose students to ambiguity through predictive and persuasive writing assignments. Appellate brief problems are often intentionally designed so that either side can present a plausible argument, while office memorandum assignments require students to analyze authority supporting competing outcomes. In these assignments, however, the uncertainty is structured. Since students are given a defined problem, they know from the outset that their task is to evaluate competing legal arguments rather than determine whether an answer exists at all. Therefore, they can generally assume that relevant authority exists and can be identified through competent research.

Legal research presents a different kind of uncertainty. Students may not know whether directly relevant authority exists, whether they have identified the most important sources, or whether additional research is likely to change the analysis. Unlike writing assignments, there are few external boundaries to signal whether the search is progressing appropriately or when it should end. The challenge lies not simply in weighing competing authority, but in determining when the research process itself is sufficient.

This distinction may help explain why students who are comfortable analyzing competing legal arguments often remain uncomfortable conducting independent legal research. Research uncertainty is less bounded, less predictable, and less visible than the uncertainty students encounter in traditional writing assignments. Rather than evaluating competing legal answers, students must evaluate the adequacy of their own research process.

Teaching “comfort” with uncertainty

If uncertainty is an unavoidable feature of legal research and legal practice, then legal research instruction should address it more explicitly, rather than treating it as a problem students will naturally outgrow with experience. The goal is not to eliminate uncertainty or make students unconcerned about incomplete research. Uncertainty is certain to remain with them throughout their practice. Instead, the goal is for students to learn that competent legal research often involves making reasonable, defensible decisions without complete certainty.

This requires making expert judgment processes more visible and practicing them. Students benefit from hearing that uncertainty is not evidence of failure, but a normal feature of legal analysis and practice. Rather than assuming students will intuitively recognize when research has become sufficiently comprehensive, instructors can model

the cues they use to evaluate whether additional research is likely to change the analysis. The following class exercises are designed to help students develop greater comfort with these evaluative judgments throughout the research process. They are short, repeatable exercises that can be incorporated into class to help students become more familiar with the uncertainty inherent in legal research.

Classroom exercises

A. Forced start

The purpose of this exercise is to reduce the paralysis with beginning legal research and to normalize imperfect beginnings. It helps students understand that there isn't always a correct starting point, that a hypothesis isn't a conclusion, and that a failed start isn't a failed search. To conduct this exercise, give students a messy fact pattern.⁵ For example:

Alex attended a haunted attraction that encouraged guests to "explore every room." While trying to escape an actor with a chainsaw, Alex pushed another patron out of the way, causing the patron minor injuries. Alex then opened an unmarked door and entered what turned out to be a staff storage area, where he tripped over stored equipment and injured himself. We represent the owner of the haunted attraction and need to determine what potential liability, if any, the owner may face.

Fact patterns like this work well because there is no single obvious starting point. Some students may begin by researching whether Alex became a trespasser when he entered the storage area. Others may begin with negligence principles governing the injuries sustained by Alex or the other patron. Both approaches are reasonable starting points and illustrate that legal research often requires making an initial judgment before knowing which path will prove most productive.

Allow students five to ten minutes to formulate an initial research strategy, including not only search terms but also where they would begin their research. Discuss in class the justifications for their choices, asking students to explain not only where they would begin, but why. Some may start with a legal encyclopedia or treatise to identify the governing legal principles, others may use an AI tool to generate terminology or

⁵ To increase engagement, instructors might consider using excerpts from popular books, films, or television shows as the basis for the fact pattern. In the author's experience, children's books work particularly well because they present familiar narratives with intentionally sparse facts, encouraging students to recognize assumptions, identify multiple legal issues, and appreciate that reasonable researchers may choose different starting points. Students also seem to enjoy the stories for the nostalgia, so it is a combination of a tough skill paired with a comforting story.

brainstorm causes of action, while others may immediately search for cases. The discussion should emphasize that several approaches may be reasonable and that the effectiveness of each depends on how the research develops. Consider running the searches and discussing what they could learn from that initial search and how to expand, refine, and dig deeper.

B. Checkpoints

This exercise takes a little more time, but it is meant to help students learn to look for the signals to either continue researching or stop. It helps them recognize patterns of repeating sources, converging authority, and diminishing returns, while encouraging them to evaluate whether additional research is likely to produce new or meaningful information.

To conduct this exercise, give students a problem to research. This exercise can also be built directly from the *Forced Start* exercise by allowing students to continue researching the same fact pattern after discussing their initial research strategies. At recurring intervals, pause the class and ask students to briefly describe (1) what sources they have consulted, (2) what they have learned so far, (3) what information is still missing, and (4) whether they believe additional research is likely to change their analysis. Repeat this two or three times, depending on the complexity of the problem and the progress of the discussion. The value of this exercise lies in the discussion. Rather than evaluating whether students found the "right" answer, instructors should focus on the cues students used to decide whether to continue, modify, or conclude their research.

C. Prove a negative

The purpose of this exercise is to teach students to handle the absence of authority. This scenario often produces the most anxiety because students generally assume that every research problem has a discoverable answer. While time-consuming, this exercise is often most effective when conducted in class because students frequently experience significant anxiety when they cannot locate authority directly on point. That discomfort is part of the learning objective. Rather than immediately reassuring students, instructors should use the discussion to normalize the absence of directly controlling authority and demonstrate how experienced researchers determine when they have searched sufficiently. If chosen as an out-of-class exercise, the instructor will need to find a way to quell some of that distress without explicitly telling students there is no authority on point, which would defeat the purpose of the exercise.

To conduct this exercise, give students a fact pattern with no legal authority directly on point. Designing these exercises requires some advance planning because the absence of

authority must be genuine rather than artificial. They also need to be regularly updated to ensure there is still no authority available, as laws and resources change. Effective fact patterns often fall into one of two categories: either they present questions for which no directly controlling authority exists within the relevant jurisdiction, or they present questions for which the necessary authority or historical materials exist but are not readily accessible through typical electronic research methods. Fact patterns to use for this exercise can be found in several ways.

- Use causes of action or statutes that have been adopted in several jurisdictions but not yet in the jurisdiction students are researching.
- Adapt emerging legal issues for which no controlling authority yet exists in the selected jurisdiction. At the time of this writing, artificial intelligence and copyright issues are particularly good topics for this type of fact pattern.
- Develop fact patterns based on proposed legislation that was never enacted in the jurisdiction being researched. Students must determine that the anticipated legal change never became law.
- Ask students to locate historical statutes, regulations, or legislative materials that are unavailable electronically. In some jurisdictions, legislative history may exist only in state archives or other physical collections.
- Consult your law librarians. They frequently receive research questions from attorneys and students that have no clear answer because directly controlling authority simply does not exist. Those questions often provide excellent inspiration for this exercise.

Have students document their search paths, explain what they found, or didn't find, and discuss why further research is unlikely to help. Students should be expected to justify not only the conclusion that no directly controlling authority exists but also the research process that led them to that conclusion. The emphasis should be on explaining the scope of the search, the sources consulted, the analogous authorities considered, and why they concluded that additional research was unlikely to produce a materially different result.

D. Information overload

The goal of this exercise is to address how to handle information overload, narrow results, and make wise judgments on legal resources. It helps students learn which sources to prioritize, which to start with, and why not everything deserves equal weight in legal research.

To conduct this exercise, provide students with a fact pattern and about twenty legal resources with varying relevance to the problem. The collection should include a

mixture of primary and secondary authority, such as statutes, regulations, cases, legal encyclopedias, treatises, law review articles, practice guides, agency guidance, and persuasive authority from other jurisdictions. Some resources should be highly relevant, while others should be outdated, only tangentially related, superseded, or otherwise unlikely to contribute meaningfully to the analysis.

For example, if the fact pattern involves a premises liability claim, the resource packet might include the applicable state statute, a leading state supreme court case, a legal encyclopedia section, a practice guide chapter, a persuasive case from another jurisdiction, an outdated case that has since been overruled, a law review article discussing recent trends, and an AI-generated research summary. Another option is to provide a list of resources from an actual search in Westlaw, Lexis, or another database. Students should determine which resources they would consult first, which they would postpone reviewing, and which they would ignore altogether.

In class, discuss the rationale for these decisions. Ask students to explain not only which resources they prioritized, but why. Students should also explain why certain resources were intentionally set aside. The discussion should emphasize that effective legal research is not measured by the number of sources consulted, but by the ability to identify those most likely to answer the research question efficiently and reliably.

Conclusion

Legal research instruction already equips students with essential skills for identifying issues, locating authority, and navigating complex information systems. What students often need more help developing is confidence in exercising judgment when those tools do not yield clear or complete answers or the starting point is overwhelming.

Uncertainty is not a failure of research but an inherent feature of the work lawyers do every day. By making this uncertainty more explicit and by modeling how experienced researchers decide when to begin, how to continue, and when to stop, instructors can help students see that effective research involves reasoned decision-making as much as technical skill. Intentionally incorporating opportunities to practice these evaluative judgments can help students normalize uncertainty, reduce anxiety, and better prepare them for the realities of legal practice, where perfect answers are rare, but thoughtful, well-supported decisions matter.