Contents

Preface Acknowl	edgments		xvii xix
Part I.	Introduc	ction to Legal Research	1
Chapter	r 1. Fortr	esses, Tumors, and Legal Research	3
§ 1.1	Two Puzz	zles	3 5
§ 1.2	Two App	roaches to Learning How to Do Legal Research	
§ 1.3	The Stru	ctures Underlying Legal Research	6
Chapter	r 2. The	United States Legal System	9
§ 2.1	The Thre	ee Branches of Government	10
	§ 2.1.1	The Executive Branch	10
	§ 2.1.2	The Legislative Branch	10
	§ 2.1.3	The Judicial Branch	11
		a. The Hierarchical Nature of the	
		Court System	11
		b. The Federal Courts	13
		c. State Courts	16
		d. Other Courts	17
§ 2.2		tionship Between the Federal and	
		overnments	17
	§ 2.2.1	A Short History	17
	§ 2.2.2	The Relationship Between Laws Enacted by	
		Congress and Those Enacted by the	
		State Legislatures	17
	§ 2.2.3	The Relationship Between Federal and	10
		State Courts	18
	§ 2.2.4	The Relationship Among Federal, State, and	10
0 -		Local Prosecutors	19
§ 2.3	A Final C	Comment	19
Chapter	r 3. Intro	duction to Legal Research	21
§ 3.1	The Sou	rces	21
-	§ 3.1.1	Sources Containing Primary Authority	21
	§ 3.1.2	Sources Containing Secondary Authority	22
	§ 3.1.3	Finding Tools	23
	§ 3.1.4	Citators	23

Contonto	
concents	ntents

§ 3.2	Using Cita	ations to Locate Information in Books and	
	Fee-Based	Services	24
	\$ 3.2.1	Citations to Constitutional Provisions, Statutes,	
	0	Regulations, and Court Rules	25
		a. Constitutional Provisions	25
		b. Statutes and Regulations	25
		c. Court Rules	26
	e^{2}		26
	§ 3.2.2	Citations to Cases	20
	§ 3.2.3	Using the Citations to Find Material in a Book	Ζ/
	§ 3.2.4	Using Citations to Find Material on a Free	
		Website or Fee-Based Service Such as	• •
		Bloomberg Law [®] , LexisNexis [®] , or Westlaw	28
§ 3.3	0	How Much Weight to Give to a Particular	
	Authority		28
	§ 3.3.1	Which Jurisdiction's Law Applies?	29
	§ 3.3.2	What "Law" Will Be Binding on the Court?	29
Part II.	Researchi	ing Issues Governed by State Statutes,	
1 dlt 11.		tatutes, and Local Ordinances	33
	Federal S	latures, and Local Ordinances))
Chapter	4. Resear	rching Issues Governed by State Statutes and	
1	Regula		35
C 4 1	D		25
§ 4.1		Plan for an Issue Governed by State Statutes	35
§ 4.2		or State Statutory Research	36
	§ 4.2.1	Sources for Background Reading	36
		a. Practice Manuals and Practice Books	37
		b. Hornbooks and Nutshells	38
		c. The Internet	38
	§ 4.2.2	Sources for Statutes	39
		a. Session Laws	39
		b. Unannotated Codes	39
		c. Annotated Codes	40
	§ 4.2.3	Sources for State Regulations	41
	\$ 4.2.4	Locating Cases That Have Interpreted or	
	Ŭ	Applied a State Statute	41
		a. Notes of Decisions/Case Notes	41
		b. Reporters	43
	§ 4.2.5	Sources for Secondary Materials	45
	0	a. State Attorney General Opinions	45
		b. American Law Reports	45
		c. Law Reviews and Journals	46
§ 4.3	Using the	Research Plan to Research an Issue Governed	10
y 1.2	by State S		46
	Dy State S	tatutes	10
Chapter	5 Recent	rching Issues Governed by Federal Statutes	
Onapter		egulations	49
		-guiations	т 7
§ 5.1	Research	Plan for Issues Governed by Federal Statutes	
	and Regul		49
§ 5.2	Sources fo	or Federal Statutory Research	50

xii

Contents

	§ 5.2.1	Sources for Background Reading	50
		a. The Internet	50
		b. Practice Manuals	51
		c. Hornbooks and Nutshells	51
		d. Legal Encyclopedias	52
	§ 5.2.2	Sources for Federal Statutes and Regulations	52
		a. Session Laws	53
		b. Unannotated Codes	53 53
		c. Annotated Codes	>> 54
	§ 5.2.3	d. Federal Regulations Sources for Cases That Have Interpreted or	24
	§).2.)	Applied a Federal Statute or Regulation	55
		a. Finding Tools	55
		b. Reporters	56
	§ 5.2.4	Sources for Additional Secondary Authority	58
	J 7.2. I	a. Law Reviews and Law Journals	58
		b. American Law Reports, Federal	59
		c. Looseleaf Services	59
Chapter	6. Resea	arching Issues Governed by City or County	
	Ordi	nances	63
§ 6.1	An Introd	duction to City and County Covernment	63
§ 6.2	An Introduction to City and County Government Research Plans for Issues Governed by City or County		
y 0.2	Ordinances		
§ 6.3	Sources for Researching Issues Governed by City or		
J 0.2	County Ordinances		
	§ 6.3.1	Charters	65 65
	§ 6.3.2	Ordinances	66
	§ 6.3.3	Other City or County Documents	66
Part III.	Research	hing Common Law and Constitutional	
1 unt 1111	Issues	ing common but and constitutional	69
Chapter	Chapter 7. Researching Issues Governed by Common Law		71
§ 7.1	Are All C	Cases the Same?	71
§ 7.2	Modifying the Generic Research Plan for Issues That		
		erned by Common Law	73
§ 7.3	•		
		ommon Law	74
	§ 7.3.1	Background Reading	74
		a. The Internet	74
		b. Practice Manuals and Books	74
		c. Hornbooks and <i>Nutshells</i>	75
	@ 7 7 7	d. Legal Encyclopedias	76 76
	§ 7.3.2	Finding Tools	76 76
		a. Digests b. Practice Manuals and Books	76 77
			77
		c. Fee-Based Services d. Free Websites	78

xiii

~			
CO	nt	en	its
		_	

	 § 7.3.3 Cases § 7.3.4 Other Authorities a. American Law Reports b. Law Reviews and Journals 	78 79 79 80
§ 7.4	Using the Research Plan to Research an Issue Governed by Common Law	80
Chapter	8. Researching Constitutional Issues	83
\$ 8.1 \$ 8.2	Research Plan for Constitutional Issues Sources for Researching Constitutional Issues § 8.2.1 Background Reading § 8.2.2 Primary Authority a. United States Constitution b. Federal Cases Interpreting and Applying the United States Constitution c. State Constitutions d. Cases Interpreting and Applying a State Constitution	83 84 84 86 86 86 86 87 87
	§ 8.2.3 Finding Tools § 8.2.4 Briefs	87 88
	, 0.2. i Direio	00
Part IV.	Rules	91
Chapter	9. Researching Issues Governed by Federal, State, or Local Court Rules	0.2
	Local Coult Rules	93
§ 9.1	Research Plans for Projects Involving Federal, State, or	
§ 9.1 § 9.2	Research Plans for Projects Involving Federal, State, or Local Court Rules Sources for Federal Rules	93 93 94
*	Research Plans for Projects Involving Federal, State, or Local Court Rules	93
\$ 9.2 \$ 9.3	Research Plans for Projects Involving Federal, State, or Local Court Rules Sources for Federal Rules § 9.2.1 United States Code, United States Code Annotated, and United States Code Service § 9.2.2 Specialized Books § 9.2.3 Free Internet Sites § 9.2.4 Fee-Based, Online Services Sources for State Rules § 9.3.1 State Codes § 9.3.2 Specialized Books § 9.3.3 Free Internet Sites § 9.3.4 Fee-Based, Online Services Sources for Local Rules § 9.4.1 Books § 9.4.2 Free Internet Sites § 9.4.3 Fee-Based, Online Services	93 94 95 96 96 97 97 97 97 97 97 97 98 88 98 98
\$ 9.2 \$ 9.3 \$ 9.4 Part V.	 Research Plans for Projects Involving Federal, State, or Local Court Rules Sources for Federal Rules § 9.2.1 United States Code, United States Code Annotated, and United States Code Service § 9.2.2 Specialized Books § 9.2.3 Free Internet Sites § 9.2.4 Fee-Based, Online Services Sources for State Rules § 9.3.1 State Codes § 9.3.2 Specialized Books § 9.3.3 Free Internet Sites § 9.3.4 Fee-Based, Online Services Sources for Local Rules § 9.4.1 Books § 9.4.2 Free Internet Sites § 9.4.3 Fee-Based, Online Services § 9.4.4 Telephone Calls and Emails 	93 94 95 96 96 97 97 97 97 97 97 98 98 98 98 99

xiv

		Contents
Part VI.	Legislative Histories	107
Chapter 1	11. Doing Federal and State Legislative Histories	109
§ 11.1	What Is a Legislative History, and Why Would You	
0.11.2	Do One?	109
§ 11.2	When You Do a Legislative History, What Are You Looking For?	110
§ 11.3	Research Plan for Doing a Legislative History	110
§ 11.4	Sources for Legislative Histories	112
*	§ 11.4.1 Summaries	112
	§ 11.4.2 Compiled Legislative Histories	112
	§ 11.4.3 Sources for Assembling Your Own Legislative	112
е 11 г	History	113
§ 11.5	A Note About State Legislative Histories	113
Part VII.	Practice Information	115
Chapter	12. Locating Forms	117
§ 12.1	Forms on Court Websites	117
§ 12.2	Forms on Government and Other Websites	117
§ 12.3	Forms on Fee-Based Sites	118
§ 12.4	Practice Manuals and CLE Materials	118
Chapter	13. Researching Judges, Law Firms, People,	
Onapter	Companies, and Things	121
§ 13.1	, o	121
§ 15.1	Researching Judges § 13.1.1 Court Websites	121
	§ 13.1.2 Fee-Based Services	121
§ 13.2	Researching Law Firms and Attorneys	121
0	§ 13.2.1 Websites	122
	§ 13.2.2 Fee-Based Services	122
§ 13.3	Locating and Researching People	123
	§ 13.3.1 Finding Mailing Addresses, Phone Numbers,	
	and Email Addresses	123
© 12 4	§ 13.3.2 Finding Public Records	123
§ 13.4	Researching Companies	124 124
	\$ 13.4.1 Company Websites\$ 13.4.2 Fee-Based Services	124
§ 13.5	Sources to Use in Preparing for Litigation	121
J 17.7	§ 13.5.1 Experts	125
	§ 13.5.2 Jury Verdicts	126
	§ 13.5.3 Dockets and Pending Litigation	126
	§ 13.5.4 Jury Instructions	126
§ 13.6	Finding Medical Information	126
	§ 13.6.1 Books	126
	§ 13.6.2 Free Websites	126
¢ 12 7	§ 13.6.3 Fee-Based Services	127
§ 13.7	Finding Information About Products \$13.7.1 Books	127 127

xv

Contents

	§ 13.7.2	Free Websites	127
§ 13.7.3 Fee-Based Services		127	
Glossary of Sources for Legal Research		129	
List of Reliable Websites		139	
Index		143	

xvi