

Chapter 3

BASIC LEGAL RESEARCH TECHNIQUES

This chapter is intended to serve as a guide for public librarians assisting users who have legal reference questions. In many ways, a library user seeking legal information is no different from any other library user. You use the same reference skills to assist users seeking legal information as you would with users seeking information about, for instance, history or biology.

Still, finding and using legal resources can be tricky. The good news, as discussed in other chapters in this book, is that many legal resources, especially primary law (cases, statutes, regulations, local ordinances, and related government information), are now available online. Nonetheless, because a general knowledge of the print publications helps one to understand and navigate online resources, this chapter also covers traditional print resources.

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Initial Steps

Conducting a thorough reference interview will allow you to more effectively identify the legal resources that may provide answers to the user's questions. The first steps in answering a legal research question are (1) to identify the legal issues by conducting a thorough reference interview and by using the TARP method (discussed below) and (2) to identify the legal resources the user should consult, which includes secondary sources and indexes in the print collection as well as relevant online resources.

Identifying the Legal Issues

A person seeking legal information will often begin by presenting a factual scenario, ending with a very general question. Here are two examples:

My neighbor's dog barks all night long, and I'm tired of putting up with the noise. I've called the police, but they never want to come out, because they say it is not an emergency situation. They also tell me I have to take my neighbor to court and sue him. Is this true? I want to know my legal rights!

My landlord comes into my apartment when I am at work. I think he is going through my personal items. He says he is there to do repairs, but I haven't seen any improvement to all the problems I have complained about. Can he come into my apartment anytime he wants to? And what can I do to actually get him to repair my leaky faucets and broken stove?

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Other legal reference questions may be deceptively straightforward as initially presented by the user:

I was driving my brand-new red Mercedes, and it was totaled in an accident. I need to find all the cases on car accidents. Can you help me?

I received a letter from the state announcing a public hearing on a highway expansion that is going to go right through my neighborhood. Can the government build the highway if my neighbors and I object to it?

Regardless of how the question is phrased, the user is ultimately asking what law or laws apply to his or her situation. Your first task, as in any reference interview, is to analyze the information provided in order to identify the relevant facts and to weed out the irrelevant. To determine the relevant facts, you will usually need to ask additional questions. At this point, it is appropriate to briefly address concerns about the unauthorized practice of law.

Librarians conducting a reference interview should not be afraid to ask questions of someone seeking legal information. Asking questions in order to make recommendations about appropriate legal resources to consult **does not** constitute giving legal advice.

Do not be afraid to exercise your expertise as an information specialist! A librarian who conducts an effective reference interview can assist the user in identifying the facts that may be relevant to the legal issue (whatever it may be). While the user may have difficulty in initially describing the situation, by asking a few appropriate questions you can help the user help him or herself by starting to identify the relevant facts. Ultimately, however, it is the user's responsibility to determine the legal issue(s) involved in his or her situation and make a decision as to how he or she will handle the problem.

- *Using the TARP Method*

Many legal researchers use a systematic approach called the **TARP** method to analyze fact situations (see table on next page).

It is not always necessary to think of words to fit each TARP category. However, an analysis of the facts with TARP will suggest alternative ways in which the problem can be researched. Use your imagination.

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T	THING or subject matter, place, or property (e.g., divorce, contested will, dog bite)
A	Cause of ACTION or ground for defense (e.g., breach of contract, mistaken identity)
R	RELIEF sought or type of lawsuit (e.g., monetary damages, injunction)
P	PERSONS or PARTIES involved & their relationship to each other (e.g., husband-wife, employer-employee, landlord-tenant)

At this point, the most important task for the librarian is to try to ascertain the most relevant facts in the user's reference question. Begin the reference interview by ascertaining:

1. What information is already known? For example, the user may have part or all of a case name, the popular name of a law, or a code citation.
2. In which jurisdiction will research be conducted? Is the research only for California law, only federal law, or perhaps both? Remember that county or city municipal ordinances may also apply.
3. What are the factual issues involved? An issue is the question a court (or the researcher) must answer to solve a specific legal problem.

The issue may already be clearly formulated, such as:

What is the penalty for shoplifting?

Are handwritten wills valid in California?

Who is at fault in a car accident when one car rear-ends another?

One thing you can do is assist the user in separating the relevant from the irrelevant facts. Is it relevant that the two vehicles involved in the car accident example mentioned above were both painted red? Probably not. Is it relevant that one of the vehicles was a private car and the other was a fire engine with its siren blaring as it raced to answer an alarm? Perhaps, but do remember that the answer will ultimately be a legal conclusion, made either by the user acting as her own attorney, or by an attorney representing the user in the legal matter.

Once the user and the librarian identify the potentially relevant facts, the next

step is for the librarian to use his or her professional expertise to identify the appropriate resources that are likely to answer the user's questions. As in any other interaction, the librarian's responsibility is to assist the user in locating relevant resources that may answer the research question.

The major difference when providing legal reference is that the librarian must then step back, as it is the user's responsibility to do his or her own legal research and come to a conclusion about the legal issues and the relevant law that applies to the specific situation. Often, due to the complexity of legal issues, a person will reach the conclusion that he or she needs to consult a lawyer.

Identifying Relevant Legal Resources

Once the legal issue(s) have been identified, the challenge for the librarian is to identify the legal resources available in the collection or online which are most likely to provide answers. Many public libraries have some basic legal titles and self-help law books. It may be helpful to have one or two legal research books available for public library users, such as Nolo's [*Legal Research: How to Find and Understand the Law*](#). Public libraries in California may also want to have a number of the California law-specific self-help books.¹

It cannot be stressed enough that legal materials must be kept current, as the law is constantly changing. Many public libraries purchase the Nolo Press self-help law books, either in hard copy or in e-format, for the general public. [Nolo Press](#) and [Nolo Press Occidental](#) are very reputable publishers who are committed to keeping their materials up-to-date, so librarians can confidently refer users to the current editions of these resources.²

- *Consult a Secondary Source First*

Once the general legal terms are identified, the user will likely need to become more familiar with a specific area of law. Most researchers find it helpful to start with a secondary source such as a legal encyclopedia, a treatise, or a legal periodical article before researching primary authority. Secondary sources summarize and interpret the law in a narrative format. They also give useful

¹ Please see Chapter 10: [Bibliography of Self-Help Resources](#) for an extensive list of self-help publications and online resources.

² For more specific information on basic legal reference collections for public libraries, see Chapter 11: [Availability, Accessibility and Maintenance of Legal Collections](#).

background information and provide references to relevant primary sources.

One of the most useful secondary sources is a legal encyclopedia, which can be found in some non-law libraries. Legal encyclopedias provide good overviews of many legal topics, with numerous references to primary law and other secondary materials. There are three legal encyclopedias useful to researchers in California: *California Jurisprudence 3rd*, (abbreviated as *Cal. Jur. 3d*), which covers California law, and the two national encyclopedias: *American Jurisprudence 2d* (abbreviated as *Am. Jur. 2d*) and *Corpus Juris Secundum* (abbreviated as *C.J.S.*). The latter two titles cover all jurisdictions in the United States.

Another useful secondary source for those interested in California civil law is [Witkin's Summary of California Law](#). This authoritative, multi-volume treatise provides an overview of major areas of California law: torts, contracts, landlord-tenant, employment, and family law, to name a few. A separate Witkin treatise, [California Criminal Law](#) (scroll to bottom of page) discusses crimes and criminal procedure.

Common features of these secondary legal sources include subject indexes, as well as tables of cases and statutes cited. They are updated regularly with pocket parts (which are inserted in the back of the bound volumes) or supplementary pamphlets to reflect changes in the law or new cases. Please note that neither the [Witkin publications](#) nor the legal encyclopedias described above are available for free on the Internet.

- ***Accessing Print Legal Materials: Using the Indexes***

Despite many dire predictions to the contrary, printed law books are still widely used by researchers at all levels of experience. For the librarian with limited experience in legal materials, it can be comforting to know that using law books is not very different from using other kinds of reference books. Most law books have subject indexes, tables of contents, and tables of cases and statutes, as well as other helpful information. Whether looking for statutes, cases, or commentary on a particular topic, the index is usually the best place to begin research. In most indexes, both commonplace words as well as legal terms are used; often a subject is indexed under several different words or phrases. As an example: *statutes of limitation* may also be referred to as *limitations of actions*.

The first words to look for in the index are those that you have identified through TARP. If you are not successful using those words, you should not

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assume there is nothing on point. Also, you should not stop searching the index simply because you have found a single relevant reference. There may be other applicable statutes or relevant cases. For example, California statutes that address driving while intoxicated may be found in both the Penal and the Vehicle Codes.

As stated in other chapters of this publication and in the section above, novice legal researchers should start with a secondary source, such as a [Nolo Press](#) book. These publications are written in plain English and will provide citations to relevant cases and statutes. Secondary sources will also provide the researcher with keywords and terms that may not otherwise occur to the researcher.

For the purposes of identifying alternative terms, dictionaries and thesauri (particularly legal dictionaries and thesauri) may be consulted.³ Moreover, there are a number of legal Web sites which may be helpful in identifying the appropriate terminology for a particular issue.⁴ Later, this chapter will highlight the most reputable and authoritative legal Web sites.

USE ALTERNATE TERMS	
Closely related words	<i>Blind, as well as visually impaired or disabled</i>
Broader categories	<i>Instead of car or station wagon, use automobile, vehicle or motor vehicle</i>
Narrower categories	<i>Instead of accidents, try hit and run or slip and fall</i>
Synonyms	<i>Child, as well as minor, infant, juvenile or delinquent</i>
Antonyms	<i>Marriage and nuptial vs. divorce, dissolution, annulment or separation</i>

³ Examples of legal dictionaries and thesauri include *Black's Law Dictionary*, 9th ed. Bryan A. Garner, ed. in chief (West, 2009), *Burton's Legal Thesaurus*, 4th ed. William C. Burton (McGraw-Hill, 2007), *Random House Webster's Dictionary of the Law*, James E. Clapp (Random House, 2005), and *A Dictionary of Modern Legal Usage*, 3rd ed. Bryan A. Garner (Oxford University Press, 2011).

⁴ Please see [Law.com Dictionary](#), [Lawyers.com's Legal Dictionary](#), [Jurist's Legal Dictionaries](#), [Nolo's Plain-English Law Dictionary](#) and [FindLaw's Practice Area Definitions](#).

- *Print vs. Online Resources*

As previously stated, a vast amount of legal information is available for free online. In addition to government Web sites, there are commercially published online resources, such as West's [FindLaw](#) and Lexis's [Communities](#),⁵ as well as online resources created by academic and county law libraries. Online legal research can be daunting, however, depending on the researcher's familiarity with legal terminology and understanding of the organization of legal authority. As with all online research, the adage "garbage in, garbage out" is true when someone attempts to retrieve relevant information without a clear understanding of the legal concepts involved. The initial challenge, then, is in deciding whether it is more efficient to start with an online search, or whether it makes sense to start with the books. Consider the following two questions:

I have a traffic ticket. What is VC 23152?

I want to read the California case, Marvin v. Marvin.

If the librarian is able to identify VC as an abbreviation for Vehicle Code, he or she can assist the user in going online to the Web site for [Official California Legislative Information](#), which provides online access to the codes (select the button "California Law"), and locate section 23152 of the Vehicle Code⁶, which is one of the statutes dealing with driving under the influence. As for the *Marvin* case, the user can be directed to the California opinions database at the [Judicial Council's California Courts](#) Web site. Both of these resources will be discussed in more detail below. The point is that when a user has a specific citation to a case, statute, or regulation, going to the online resource is preferable in most situations.

Aside from questions relating to specific code sections, regulations, cases, and citing (discussed in greater detail below), the choice of using a print resource over an online resource depends on the complexity of the question and the expertise of the researcher. Certainly, a librarian's options may also be limited by the availability of print resources in his or her own collection, the proximity of a

⁵ [LexisNexis Communities](#) have replaced lexisOne. However, you are still able to access the same forms and free case law from this page.

⁶ Checkmark the box next to the Vehicle Code and enter the section number into the search box. Also note that a beta site for California legislative information was launched in the fall of 2011: <http://leginfo.legislature.ca.gov/>

law library with the needed sources, and the user's willingness or ability to visit that law library.

Finding the Law

Because access to the Internet is now almost universal in public libraries, and much primary legal authority is available through government and other Web sites, the remainder of this chapter will provide an overview of traditional print legal materials, providing references to online sources where appropriate. Legal information from each branch of government will be discussed in this order: statutes, regulations, case law, and a short description of local government ordinances and codes. The chapter concludes with a discussion of a few of the most reputable and useful legal Web sites.

Finding Statutes

Many public and college libraries in California collect one or more of the printed federal codes, as well as one or both California annotated codes. Once the user has a general idea of the major legal issues involved, he or she should be directed to the federal or state codes for applicable statutes. This is advisable even when the user has already done some case law research and believes he or she has identified the relevant cases. If the user is not sure whether state law or federal law governs, he or she should consult both the state and federal codes, as some legal issues are covered by more than one jurisdiction.

As discussed in detail in Chapter 1: [Introduction](#) and Chapter 7: [Federal Law](#), statutes are laws passed by the U.S. Congress and the various state legislatures. Federal laws are assigned public law numbers and California laws are assigned chapter numbers. Statutes are first published chronologically (by public law number or chapter number) and then reorganized by subject into codes. The federal code is published by the government in the *United States Code* (abbreviated *U.S.C.*) and in two commercial publications: *West's United States Code Annotated* (abbreviated *U.S.C.A.*) and *Lexis' United States Code Service* (abbreviated *U.S.C.S.*).

California codes (discussed in detail in Chapter 5: [California Law](#)) are published in *West's Annotated California Codes* (published by West) and in *Deering's California Codes Annotated* (published by Lexis). Annotated codes include references to case law and other sources in addition to the text of the statutes themselves. The text of the statutes is the same in all sets of codes for a particular jurisdiction; however, indexing words, case

annotations, and references to other sources are chosen by the publication editors and may differ from one set to another.

Each codified set includes a comprehensive general index, which is republished annually. In addition, each also includes a table of contents and a separate index for each subject code or title. Because some legal issues may be addressed in a number of laws, in several different subject codes or titles, it is best to start with the general index when looking for relevant statutory law. As an example, California laws involving drugs and other controlled substances can be found in the Penal Code, the Health and Safety Code, and the Vehicle Code.

Starting with the general index usually helps the researcher identify the relevant subject code title(s) that cover the broad legal topic. He or she can then go to the specific code and use the code index and/or table of contents to find the precise sections relevant to his or her research. Use the words identified through TARP to search the index. Both legal and factual words are indexed. Once the user has identified a relevant section of the code using the index, he or she can go to that code section and read the text of the statute. For the California codified sets, the code names and sections are on the spines of the volumes. For the federal codified sets, the title name, number and sections are on the spines.

Be sure to tell the user to read the information that follows the text of the code section. There are often references to legal encyclopedias, treatises (such as the above-mentioned [Witkin's](#)) or periodical articles that discuss the statute.

Most importantly, there will usually be case summaries (or annotations), often referred to as *Notes of Decisions*. The *Notes of Decisions* for a particular statute summarize the cases that have interpreted that section and include citations to the cases (See Chapter 2: [How to Read a Legal Citation](#)). For some statutes, especially in the federal codes, there may be many cases where the courts have interpreted or applied the law. The case annotations are organized by specific topic and subtopic, with an outline of the topics and subtopics provided at the beginning of the *Notes*. After identifying some potentially relevant cases in the annotations, the researcher should read the complete opinions in these cases (discussed further below). Legal researchers never rely solely on the case annotations to understand the legal issues that were decided in the case.

Those researching California law should know that in addition to the general indexes contained at the end of the *West's* and *Deering's* codified sets, there is an alternative general index to the California codes entitled *LARMAC, The Consolidated Index to the Constitution and Laws of California*, which is republished annually.

- ***Using a Popular Name Table***

Another useful tool contained in many of the code sets is the Popular Name Table. This table is useful when the user knows the name of a particular act, but not the code citation. For example, if a user wants to find the federal Americans with Disabilities Act, she can look up this name in the Popular Name Table of either *U.S.C.A.* or *U.S.C.S.* to identify the correct title and section number in the federal code. In both the federal and state codes published by West, the Popular Name Tables are located at the end of the General Indexes (after the Z's). Fortunately, there is free online access to the federal Popular Name Table from the following two Web sites:

[U.S. House of Representatives' Office of Law the Revision Counsel](#)
[Cornell Law School's Legal Information Institute \(LII\)](#)

While *Deering's California Codes Annotated* does not contain a separate popular name table, the General Index for this set includes popular names of many state laws (e.g., the Brown Act) as index entries. An additional publication entitled *Shepard's Acts and Cases by Popular Name: Federal and State* allows the researcher to locate federal and state legislation by popular name, but is usually found only in law libraries.

- ***Updating Statutory Law in Print***

The annotated federal and California codes, like many other types of legal publications, are updated by annual pocket parts and supplementary pamphlets, each one of which incorporates the changes in the law that have taken place in a particular bound volume of the code since that volume was last published. Researchers must remember to check the relevant section(s) in the bound volume(s) and in the corresponding pocket part(s) or supplementary pamphlet(s) to determine if the law has been amended or repealed, and whether there are new case annotations or other references.

Unlike the annotated codes, the official *United States Code* is not updated regularly by pocket parts or supplementary pamphlets that correspond to specific volumes of the code. Instead, the official code is republished every six years and is updated annually by a series of hardbound supplements. For this reason, researchers are advised not to rely on the printed *U.S. Code* for the most current version of a statute.

There are additional sources that a researcher can use to find even more recent statutes and amendments not yet incorporated into the annual supplements. For example, both *U.S.C.A.* and *U.S.C.S.* have supplementary pamphlets that update the sets after the annual pocket parts are published. These pamphlets follow the same classification scheme as the bound volumes are organized by subject code or title. Even more up-to-date than those supplements, are the monthly advance sheets to *United States Code Congressional and Administrative News* (abbreviated *U.S.C.C.A.N.*), which contain the text of newly enacted legislation, arranged by public law number.⁷ Both *U.S.C.S.* and *U.S.C.A.* also have legislative service pamphlets that contain the text of the most recent public laws arranged by public law number.⁸

For California statutes, both *West's* and *Deering's* have advance legislative service pamphlets that can be used to update the annual pocket parts or supplementary pamphlets contained in their respective codes. The legislative service pamphlets for California contain statutes recently passed by the California legislature, which are arranged chronologically by chapter number.⁹

The advance sheets to *U.S.C.C.A.N.*, as well as the California legislative service pamphlets, contain subject indexes and a number of tables. One such table enables the researcher to use a bill number to identify the chapter number or public law number of the new statute. The indexes allow you to locate recent legislation by subject and popular names of acts. In addition, the current California laws are available online, as described in the section below.

Unfortunately, this multi-step process is cumbersome. The commercial databases (Westlaw, LexisNexis, and other lower-cost alternatives, such as [Loislaw](#) and [Fastcase](#)) are updated frequently and offer the researcher the assurance that he or she is relying on a law that has not been recently amended. Local academic and county law libraries often provide public access to these commercial legal services for free. Users can either contact the library directly or search the libraries' Web sites for information on electronic databases available for public use. Below is more information on several of these online databases.

- *Federal Statutes on the Internet*

⁷ Most law libraries have this multi-volume set.

⁸ For more detailed information on federal materials, see Chapter 7: [Federal Law](#).

⁹ For more detailed information on California materials, see Chapter 5: [California Law](#).

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There are several websites that provide free access to the unannotated federal statutes. While all use the same *U.S. Code* (prepared by the Law Revision Counsel of the House), each has a different “front end” (way to access and search). Deciding which site to use for federal statutory research is dependent on how much information is available at the start of the search session, as well as the type of information that is sought. Many legal researchers often go to more than one web site to be sure that they have located all relevant information:

1. [*Cornell's Legal Information Institute \(LII\)*](#)

This site provides access to the *United States Code* that is easy to navigate for the researcher who is familiar with federal law and knows the title in which a statute will be contained. The searcher can enter the title and section number of the code and be linked to the current text as produced on the House of Representatives site. Another great feature of this site is the [Popular Names of Acts in the US Code](#) that provides links to statutes and other resources related to recent federal laws, such as legislative documents on [Thomas](#). There is also a search engine that permits keyword searches.

2. [*House of Representatives, Office of the Law Revision Counsel*](#)

The House's version of the *Code* actually links directly to the Web site of the Office of the Law Revision Counsel, the agency responsible for compiling and publishing the *U.S.C.* This site is fairly easy to navigate and one of the best features is that recent amendments to laws are incorporated, and a note about the amendment is appended at the end of each statute. It also has very simple search options for researchers who are looking for the text of a statute and already have the *U.S.C.* citation. Furthermore, it offers the option of keyword searches within specific titles. However, in terms of citation to the official *U.S.C.*, the following caution on the site should be noted: “*While every effort has been made to ensure that the Code database on the web site is accurate, those using it for legal research should verify their results against the printed version of the United States Code available through the Government Printing Office.*” Also note that the new [United States Code beta](#) site was launched in the fall 2011, which introduces new search features.

3. [*United States Code on GPO's Federal Digital System \(FDsys\)*](#)

This is the official online version of the *U.S. Code*, produced online in the same way that the print *U.S. Code* is published by the Government Printing Office (GPO). FDsys contains the virtual main editions of the

U.S. Code, which has been provided to GPO by the Office of the Law Revision Counsel of the U.S. House of Representatives. The most current edition is the 2006 edition. Annual cumulative supplements are published in order to present the most current information.

4. [*Library of Congress' Thomas*](#)

This is Congress' official Web site, which is maintained through the Library of Congress. A link on the homepage sends the researcher to the *Code* as published by the [Office of the Law Revision Counsel](#) as discussed above. In addition, Thomas has federal bills, committee reports, and other legislative documents.

- *California Statutes on the Internet*

California statutes are available on the [Official California Legislative Information](#) Web site. This site is maintained by the Legislative Counsel of California and contains the text of the current California codes. The codes are searchable by keyword and citation, or can be browsed section by section within each subject title. A new [beta site](#) for California legislative information was released in the fall of 2011. As of Nov. 4, 2011, it did not yet include a *California Law* option.

Finding Agency Rules & Regulations

Administrative law is a huge, complex category of law. Often, when Congress or a state legislature sees a need to regulate in a certain area, it will write a statute in very general terms and delegate the power to issue specific rules and regulations to an administrative agency that specializes in this area. The rules and regulations issued by the administrative agencies are referred to as administrative law. Agencies deal with such issues as eligibility requirements for Medi-Cal and safety standards for various products such as toys.

As our society has become more and more complex, Congress and the state legislatures have been forced to delegate more and more of their legislative powers to administrative agencies, which has significantly augmented the role that administrative law plays in our legal system and in our everyday lives. In California, there are more than 200 agencies, departments, commissions, and other entities that have some regulatory power. Chapter 5: [California Law](#) and Chapter 7: [Federal Law](#) discusses federal and California administrative materials in more detail. Below is a summary of the major resources for locating federal and California administrative law.

- *Federal Regulations*

The Government Printing Office (GPO) publishes federal administrative regulations, which are first issued in chronological order in the *Federal Register*. Regulations are later codified by subject in the *Code of Federal Regulations (C.F.R.)*. Like the *U.S. Code*, the *C.F.R.* is organized into 50 broad subject titles. There is an official subject index to the *C.F.R.* contained at the end of the set. The entire set is revised annually in paper bound volumes. Each year has a different spine color. There are also commercially published *C.F.R.* indexes. Researchers may need to update a specific *C.F.R.* section, to determine if it has been recently amended. The *List of CFR Sections Affected (LSA)* pamphlet lists all of the *C.F.R.* sections affected by new regulations issued since the *C.F.R.* annual revision. Consult the *Federal Register* issues, which contain *CFR Parts Affected* tables for the months following the latest *LSA* that covers your subject. These tables usually appear in the *Federal Register* issues at the end of each month. All of the sources discussed in this paragraph are available online through [GPO's Federal Digital System \(FDsys\)](#).¹⁰

- *California Regulations*

In California, regulations are codified by subject and published in *Barclays Official California Code of Regulations (CCR)*, which is published by West in loose-leaf format. The state's administrative code is divided into 27 titles and each title focuses on a particular topic (e.g., Title 5, Education). All of the rules for a particular agency are kept together in *CCR*. Each title contains detailed tables of contents that can be consulted to find the relevant regulations. There is a detailed subject index for the *California Code of Regulations*, called the *Master Index*. The state regulations are also available online through the Web site of the [Office of Administrative Law \(OAL\)](#).

The OAL has contracted with West to provide online public access to the state regulations. However, one title, Title 24 Building Standards, is not published as part of the *Official California Code of Regulations*, nor is it available on the OAL

¹⁰ The migration of information from GPO Access into FDsys was completed in 2011. As of November 5, 2011, GPO Access is no longer updated or maintained. Until it is shut down in 2012, it will be available as a reference archive. For a table that outlines the relationship between the collections on GPO Access and FDsys collections, see http://www.gpo.gov/help/gpo_access_and_fdsys_content_collection_mapping.htm

Web site. Title 24 is copyrighted and published by the International Conference of Building Officials.¹¹

- ***Other Methods of Finding Regulations***

The Master Index to the *California Code of Regulations* contains a *Statutes to Regulations* table that lists the regulations related to the various California statutory code sections. For federal regulations, the official *C.F.R.* index contains a similar table called a *Table of Authorities*, which lists the regulations issued under the authority of the various federal statutory code sections. Researchers who have a statutory code section may find these tables particularly useful when trying to locate related regulations. Regulations related to a particular statute may also be referenced in the annotations to the code section in either *West's Annotated California Codes* or *Deering's California Codes Annotated*.

Finding Case Law

Case law is judge-made law issued by the appellate courts in the form of written opinions. Courts and attorneys are concerned with case law because our legal system is based in part on the recording of precedents. Under this system, courts apply the same law to similar cases. Sometimes, courts are bound to follow prior precedents (e.g., when the precedent comes from the U.S. Supreme Court). Even if the prior authority is not binding on a court, the prior decisions still have persuasive authority and courts rely on these prior decisions in subsequent cases. Generally, the more similar a previously decided case is to the case at hand, the more likely it is that a court will follow the prior precedent. Thus, it is the job of the researcher to look for cases that are as similar as possible (both from a factual, as well as a legal standpoint) to the case at hand.

- ***Traditional Subject Approach to Case Law: Print Digests***

Because cases are published chronologically, historically the researcher needed an index to access case law. Cases are indexed in multi-volume sets called digests. For California cases, two digests are available: *McKinney's Digest of*

¹¹ Please note that you will not find the California Building Standards Code (Title 24 of the California Code of Regulations) online for free. However, Part 2 and the California Fire Code, Part 9 of Title 24, are available for viewing online via the [International Code Council's](#) Web site. In addition, Title 24, Part 1, 6, 8, 10, 11, & 12 are available in PDF form on the [Building Standards Commission Web site](#). The California Building Standards Code is published every 3 years and is updated by supplements in intervening years. It is available for purchase or available to the public at no cost through [depository libraries](#) (click on the "DOC" link for list of names and addresses of depository libraries throughout California).

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Official Reports and *West's California Digest*. For federal cases, there is the *West Federal Practice Digest* series, which indexes all reported federal opinions, including the U.S. Supreme Court. West publishes the *Supreme Court Digest* and Lexis publishes the *Digest of U.S. Supreme Court Reports, Lawyers' Edition*. Both focus exclusively on U.S. Supreme Court cases.

West also publishes the *Decennial Digest* series, which covers all federal and state cases from throughout the country, as well as regional digests that correspond to various regional reporters published by West (e.g., *Pacific Digest*, *South Eastern Digest*, etc.).

The West digests are organized by legal topics, which are subdivided into many smaller sections known as key numbers, each of which represents a specific legal/factual issue.

All digests have multi-volume subject indexes. In the digests published by West, these indexes are called *Descriptive Word Indexes*. To find cases that are factually similar to the user's, one should use the words identified through TARP as discussed at the beginning of the chapter. *The Descriptive Word Index* directs the researcher to a topic and a key number. Once the topic and key number that covers the legal issue are identified, the digest volume containing that topic and key number must be located. Under the key number, you will find many short summaries (i.e., annotations) of cases that deal with the legal issue at hand.

Researchers must read through the annotations to identify the cases that may be promising. At the end of each annotation is the name of the case and its citation. Again, users should always be advised to read the actual opinion in a case and not to rely solely on the annotations in the digests, which are written by editors, not judges.

Because the key numbers are arranged in the digest in a logical classification scheme, users who are having difficulty isolating a relevant key number from the *Descriptive Word Index* may find it helpful to browse one or more of the topical outlines that exist for each topic in the digest. A list of the digest topics can be found at the beginning of all of the digest volumes. Even if a user has already found a relevant key number, she may still wish to browse the topical outline for that topic to find related key numbers. Another way of finding other relevant topics and key numbers is to look up a relevant case in the appropriate case reporter. West case reporters contain *headnotes* (which summarize the rules of law) at the beginning of the case with the relevant topic and key numbers also

provided. Often, browsing the *headnotes* of a relevant case will provide a researcher with ideas of other relevant topics and key numbers to look up in the digest.

Note: West uses the same topics and key numbers in each of its digests. This enables the researcher to readily find relevant cases from a multitude of jurisdictions.

Like other legal materials, the digests are updated with pocket parts and supplementary pamphlets. When looking up a particular topic and key number, after checking the appropriate bound volume of the digest, remember to check the pocket part or supplementary pamphlet for more recent case annotations under your relevant topic and key number.

- ***Case Name Approach***

What if the user has the name of a case, such as *Brown v. Board of Education*, but no citation? A case citation can be found by consulting the *Table of Cases* volumes found at the end of the digest. The *Table of Cases* is merely an alphabetical listing, by plaintiff, showing the name of all reported cases covered in the digest. There is also a *Defendant-Plaintiff Table*. Like all other digest volumes, the *Table of Cases* and *Defendant-Plaintiff Table* are updated with pocket parts or pamphlets.

As mentioned earlier, *Shepard's Acts and Cases By Popular Name: Federal and State* may also be an effective way of finding the citation to a well-known case by its popular name (e.g., *Closed Shop Case*). However, it is not comprehensive, so the digest tables may need to be consulted for less prominent cases.

- ***Using the Annotated Codes to Find Case Law***

As noted above, case law can be very important when doing statutory research. When looking for cases related to a particular statute one should begin with the case annotations contained in the annotated codes (as opposed to starting with the digests). After consulting the annotations (and reading the cases summarized therein), one should consult the relevant digest for additional cases, since the digest may summarize cases not included in the annotations to the codes.

- ***Legal Citators***

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[*Shepard's Citations*](#) enables a researcher to find all of the subsequent cases that have cited to a particular case. *Shepard's* is used primarily to trace the history of a case, to determine whether a case is still valid and to find other relevant authority to support one's arguments. Researchers should always "*Shepardize*" a case before relying on it in court or in a court document. The *Shepard's* hardcopy sets are kept up-to-date with both bound supplements and supplementary pamphlets. Researchers using *Shepard's* must consult all supplementary volumes and pamphlets in order to do a complete search for the subsequent treatment of a case. The preface pages of each volume contain detailed illustrations of actual usage and have a table of abbreviations. Researchers should be cautioned that since judicial opinions are issued daily, the *Shepard's* print copies are out of date from the date that they are published. Additionally, they are extremely cumbersome to use, especially when compared with online versions. Hence, because many law libraries subscribe to [*Shepard's online*](#) through LexisNexis, users should contact their local law library. Westlaw has developed a similar online service, called [KeyCite](#), which links the researcher to other cases. Again, some law libraries provide public access to Westlaw. A list of county law libraries is available online at the [Public Law Library](#), under [Find Your ...](#)

- ***Locating Case Law on the Internet***

Until recently, a user who was attempting to do extensive case law research, even with a fairly clear set of facts, usually needed to be referred to the closest law library open to the public. This was because searching for case law on the Internet was frustrating and time-consuming, since the commercially published reporter series containing appellate decisions are copyrighted publications, which are not available for free online.

Increasingly, recent and even historical cases are available for free online. In November 2009, Google launched a Legal Opinions and Journals database (available via its [Google Scholar](#) search). Go to the [Advanced Scholar Search](#) page to limit your search to only U.S. federal court opinions or to search court opinions from individual states or combination of states. Keep in mind that because you are searching the full text opinions your searches will inevitably result in many cases not directly relevant to your research. Please see the section on Google's [Advanced Scholar Search Tips](#) for options on how to refine your search.

In addition, various sites, covering specific legal topics, often contain the full text of significant cases. All appellate courts, federal and state, are now making their

recent decisions available on their Web sites. Most of these Web sites can now be searched by case name, docket number or date of decision, and many sites have some type of search engine. Retrospective coverage for earlier decisions, however, varies significantly from one site to another.¹²

United States Supreme Court cases can be located on a number of Web sites. One of the easiest to access is [FindLaw's US Supreme Court Opinions](#). This site contains U.S. Supreme Court opinions back to 1893 (volume 150 of the *United States Reports*), which can be searched by citation, case name or keyword.

As stated previously in this chapter, California cases are available online for free on the [Judicial Council's California Courts](#) site. Several years ago, Lexis agreed to provide free online access to California cases as part of its contract to be the official publisher of the state court reporters. A link on the official court Web site takes the researcher to a special Lexis page for searching California cases from 1850 to within six months of publication. Cases can be retrieved by citation to the official and unofficial reporters. Natural language is the default search. For terms and connectors searching, click on the Advanced Search link. A new source worth noting is [SCOCAL](#), a joint project between the Robert Crown Law Library at Stanford Law School and [Justia](#), Inc. The site provides free access to the full text California Supreme Court opinions from 1934 to present, along with detailed annotations of selected cases written and edited by students in Stanford's Advanced Legal Research class. Also note that some briefs and other court documents are available on this site, free of charge.

Finding Local Government Law

City and county ordinances are local statutes passed by city councils and county boards of supervisors. For most local jurisdictions, there is a codified set that arranges the local ordinances by topic (like the state and federal codes). Usually there is a subject index for the local code. Today, most municipalities have official Web sites that publish their ordinances and codes, in addition to other official information, such as minutes of meetings, calendars of events, etc.¹³ However, if a local community is slow in publishing its ordinances or does not have a Web site, the county office or city hall may

¹² For a links to federal and state courts, please see WashLaw's [United States Courts](#) and [State Resources](#) pages.

¹³ Please see Chapter 6: [Bibliography of California Law Resources](#) for a list of municipal code & ordinance resources. Also useful is the Local Gov't tab on UCLA Law Library's LibGuide on [Online Legal Research](#) at <http://libguides.law.ucla.edu/content.php?pid=34909&sid=256604>.

be your only recourse to finding this information.

Online Resources

The increasing availability of online legal information offers the advantages of speed and timeliness for the experienced researcher. In recent years, costs for subscribing to LexisNexis, Westlaw, and other online legal services, have become more affordable, as legal information vendors have increasingly marketed their products outside of the traditional legal community. Today, researchers can subscribe to some legal databases for as little as \$100 per month.

The good news is that many county law libraries in California now offer access to one or more of the subscription legal databases for the public. To locate the closest county law library to you and obtain information about their publicly available resources, please see Appendix C of this publication or go to the [Public Law Library](#) Web site (click on [Find Your ...](#))

Commercial Legal Databases

For some users, subscription to one of the commercial legal databases may be a viable alternative to the extra time it would require to visit a law library or to navigate the free resources on the Internet. These users would be fairly advanced online researchers and not averse to spending their own money, in exchange for the convenience of doing their research from their own computer. There are several options from which to choose: [Fastcase](#), [LexisNexis Communities](#),¹⁴ [Loislaw](#), [VersusLaw](#), and [Westlaw by Credit Card](#). These legal services are described in [Georgetown's Free & Low Cost Legal Research Guide](#).

Free Internet Sources

In addition to Georgetown's Guide, Pace Law Library has a guide entitled [Free and Low Cost Resources for Legal Research](#), which includes several New York state sources. UCLA Law Library also has a guide called [Online Legal Research: Beyond LexisNexis and Westlaw](#) that includes many California resources.

¹⁴ As of April 5, 2011, LexisNexis discontinued LexisNexis by Credit Card, its Research Value Packages and transactional access to enhanced case law available at lexisONE. In addition, [LexisNexis Communities](#) have replaced lexisOne, although you are still able to access the same forms and free case law offered through lexisOne.

In concluding this chapter, here is a summary of several of the better-known legal Web sites:

- [FindLaw](#)

Probably the largest and best known of all the legal meta-sites, FindLaw was originally created in 1996 by several attorneys who sold their site to Thomson West in 2001. FindLaw has a user-friendly search engine (i.e., Law Crawler, powered by Google) that can search within the site or across the Web. Users create a free “My FindLaw” account and can create a customized homepage for their specific legal research requirements. And most important of all, users have confidence that information retrieved through this site will be legitimate and reliable. The “new” FindLaw continues to grow and has some great features, such as offering separate interfaces for the public, for the legal practitioner, and for students.

While researchers are able to access many of the same thousands of links to law and related sites (more than 50,000) from any of the three interfaces, FindLaw for the Public offers information in more than 100 subject areas, which are all arranged in an easy-to-view format:

1. Overview of the legal topic;
2. Subject FAQ (frequently asked questions);
3. Links to related resources, including forms.

- [Cornell Law School's Legal Information Institute \(LII\)](#)

One of the most venerable portals to legal information, LII continues to be one of the most frequently visited Web sites since its launch in 1993. LII provides links to more than 90,000 other sites. Its version of the *United States Code* (discussed above) is the single most heavily visited source for this item. In addition, all opinions of the United States Supreme Court from 1990 to the current term are available (organized by party name), as well as over 600 earlier decisions selected for their historic importance.

There are a number of easily-accessible drop-down menus for the most frequently accessed sources from LII's home page, including: federal and state constitutions and codes, court opinions, law by jurisdiction, basic legal citation information, and directories, which includes a link to the [University Law Review Project](#). This service allows the researcher to sign up to receive abstracts of current law review articles (from the LII homepage, go to the *Directories* page and click on *Journals* for registration information). This also links the researcher back to [FindLaw's Academic Law Reviews and Journals](#) page.

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The real highlight of Cornell LII's site, however, is under the "Law about" link to [Wex](#), "a collaboratively-edited legal dictionary and encyclopedia" which offers the online researcher access to primary and secondary materials arranged in more than 130 main legal topics, each of which is broken down in the following manner:

1. Each topic begins with an "Overview," which offers a concise explanation/definition of the legal topic, similar to that found in traditional print legal encyclopedias such as *C.J.S.* or *Am. Jur. 2d*.
2. There is also a "Menu of Sources" which provides links to online federal and state materials, including statutes, regulations, and selected court decisions about the particular area of law.
3. "Other Resources" links the researcher to other Internet (both free and fee) sites with information about these topics.
4. Finally, there are links to "Other Topics" in Wex, which are related to the present topic.

- [Washburn University School of Law's WashLaw](#)

This site, maintained by the staff of the Washburn Law Library, organizes much of the information available in an alphabetical index by jurisdiction, for state, federal, and international law. Each page is organized similarly, with links to the following:

1. The official home page for the jurisdiction
2. Statutes and other legislative documents
3. Administrative codes and regulations
4. Courts and related agencies, other resources (opinions, forms, rules, etc.)
5. Historical documents (if available), such as constitutions

There is also a separate "Master Index," which provides an interesting A-Z listing of law-related topics not found on other sites.

(Hint: For easy, one-stop shopping to all official websites for California's state, county and local governments, bookmark [WashLaw's California page](#)).



Internet Sources Cited in this Chapter

California Law

- Legislative Counsel of California: www.leginfo.ca.gov
For California Bills (1993-1994 legislative session to current), California Codes and the California Constitution.
- Judicial Council of California's California Courts:
<http://www.courts.ca.gov/opinions.htm>
California court opinions, forms, and rules (links at the top of screen)
- California Office of Administrative Law: www.oal.ca.gov
California Code of Regulations, Notice Register, Proposed Regulations, and State Agency Index
- California Building Standards Commission: www.bsc.ca.gov
- Public Law Library: www.publiclawlibrary.org

Federal Law

- GPO's Federal Digital System (FDsys): <http://www.gpo.gov/fdsys/search/home.action>
Congressional bills, the U.S. Code, Code of Federal Regulations, and the Federal Register
- Thomas: <http://thomas.loc.gov>
U.S. Congressional Bills, Resolutions, Schedules, Calendars

Legal Dictionaries

- Law.com: <http://dictionary.law.com/>
- Lawyers.com: <http://research.lawyers.com/glossary/>
- Jurist's Legal Dictionaries: <http://jurist.law.pitt.edu/dictionary.htm>
- Nolo's Free Dictionary: <http://www.nolo.com/dictionary>
- FindLaw's Practice Area Definitions: <http://public.findlaw.com/library/padefinitions.html>

Low Cost Legal Databases

- Fastcase: <https://www.fastcase.com>
- LexisNexis Communities Portal:
<http://www.lexisnexis.com/community/portal/content/lexisonelandingpage.aspx>
- Loislaw: <http://www.loislaw.com/>
- VersusLaw: <http://www.versuslaw.com/>

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Law Library Research Guides

- Georgetown Law Library's Free & Low Cost Legal Research: <http://www.ll.georgetown.edu/guides/freelowcost.cfm>
- Pace Law Library's Free and Low Cost Resources for Legal Research: <http://libraryguides.law.pace.edu/free>
- UCLA Law Library's Online Legal Research: Beyond LexisNexis & Westlaw: <http://libguides.law.ucla.edu/onlinelegalresearch>

Commercial Legal Publishers:

- Nolo Press: <http://www.nolo.com>
- Nolo Press Occidental: <http://www.nolotech.com>
- Witkin Legal Institute: <http://www.witkin.com/index.html>
- Lexis Shepard's Citations Service: <http://law.lexisnexis.com/shepards>
- Lexis Shepard's in Print: <http://www.lexisnexis.com/shepards-citations/print/features.asp>
- Westlaw's KeyCite: <http://west.thomson.com/support/user-guide/keycite.aspx>