

Chapter 3

BASIC LEGAL RESEARCH TECHNIQUES

Ideally, this chapter will serve as a guide for public librarians assisting users who have legal reference questions. However, it may also be useful for students and others who are interested in doing legal research on their own. Public librarians might note that, in many ways, a library user seeking legal information is no different from any other library user. Librarians use the same reference skills to assist users seeking legal information as they do to assist users seeking information about, for instance, history or biology.

Still, finding and using legal resources can be tricky. In terms of access, the good news is that much primary law (cases, statutes, regulations, local ordinances, and related government information) is available online. There are also a number of free Web sites, some maintained as a public service by law schools, which provide an abundance of legal information, at least as directories. These sites typically organize and define the law in terms that are easy to understand. They also provide links to primary sources, which can be helpful to public librarians and their users seeking authoritative information related to legal questions. 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

The first step in assisting a patron with a legal research question is to identify the relevant legal issues by conducting a thorough reference interview using the TARP method (discussed below). Next, based on the information gathered, the librarian should identify the legal resources the user may want to consult, including indexes and secondary sources in print, as well as relevant online resources. Lastly, it's a good idea for the librarian to demonstrate how to locate relevant information in each of those sources. Using this type of methodical approach encourages the researcher to define the research question precisely and increases the likelihood of locating relevant 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!

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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?

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 the 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 ones. To determine the relevant facts, you will usually need to ask additional questions. At this point, it is appropriate to 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 start to determine the questions to research. Ultimately, however, it is the user's responsibility to determine the legal issue(s) involved in the situation and make a decision regarding how to handle the problem.¹

¹ See Chapter 4: Legal Reference vs. Legal Advice for more discussion regarding the unauthorized practice of law.

- *Using the TARP Method*

Many legal researchers use a systematic approach called the **TARP** method to analyze fact situations. 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 to research the problem. Use your imagination.

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

1. What information is 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 for California law, 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 relevant from 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 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 her professional expertise to identify the appropriate resources that are likely to answer the user's questions.

The major difference when providing legal versus more general reference assistance is that, after demonstrating how to use the legal resources, the librarian should step back. It is the user's responsibility to do his 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 needs to consult a lawyer.

Identifying Relevant Legal Resources

As stated above, once the user identifies the legal issues, the librarian's challenge is to identify the legal resources that 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 California law-specific self-help resources, such as those listed in Chapter 10: Bibliography of Self-Help Resources.

Legal materials must be kept current because the law constantly changes. Many public libraries purchase the Nolo Press self-help law books, either in hard copy or in e-format, for the public. [Nolo Press](#) and [Nolo Press Occidental](#) are 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*

After identifying the general legal questions, 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 practice guide before

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

researching primary authority. Secondary sources summarize and interpret the law in a narrative format, while providing references to relevant primary sources.

One of the most useful secondary sources is a legal encyclopedia, which may be available 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 legal 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*](#), discusses crimes and criminal procedure.

Common features of these secondary legal sources include subject indexes, as well as tables of cases and tables of statutes cited within the source. Pocket parts (in the back of the bound volumes) or supplementary pamphlets update these sets by noting changes in the law and new cases. Please note that neither the [Witkin publications](#) nor the legal encyclopedias described above are available free on the Internet.

In addition to traditional print resources, some free Web sites provide basic information about legal topics. These online sources are similar to secondary legal resources in that they help broaden the researcher's general knowledge on the topics. They are valuable to public librarians who do not have access to many print legal materials because they offer a place to start one's research. At the end of this chapter, see the sections *Online Legal Resources* and *Internet Sources Cited*, (especially the subsection *Law Library Web Sites and Research Guides*) for information regarding the Web sites *FindLaw*, *Wex*, *WashLaw*, *Hieros Gamos*, and *Lawyers.com's Understanding Your Legal Issue*. Public librarians may want to provide links to some of these resources (including this publication which is available online) in their online catalogs to better assist users in conducting legal research.

- *Accessing Print Legal Materials: Using the Indexes*

Despite predictions to the contrary, printed law books are still 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 tools. Whether looking for statutes, cases, or commentary on a particular topic, the index is usually the best place to begin research. In most indexes, commonplace words as well as legal terms are used; often a subject appears under several different words or phrases. As an example, the phrase *statute of limitations* may appear in the index under the term *limitation 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 assume there is nothing on point. In addition, do not stop searching the index simply because you 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 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. Secondary sources provide citations to relevant cases and statutes. They also suggest keywords and terms of art that may not occur to the researcher. [Nolo Press](#) titles may be useful secondary sources to start with because they are written in “plain English.”

Researchers may wish to consult legal dictionaries and thesauri to identify alternative terms.³ Moreover, a number of legal Web sites may be helpful in identifying appropriate terminology for a particular issue.⁴ Later, this chapter will highlight some reputable legal Web sites, which provide background information on legal topics.

³ Examples of legal dictionaries and thesauri include *Black’s Law Dictionary*, 10th ed. Bryan A. Garner, ed. (Thomson West, 2014); *Burton’s Legal Thesaurus*, 5th ed. William C. Burton (McGraw-Hill, 2013); *Random House Webster’s Dictionary of the Law*, James E. Clapp (Random House, 2005); and *Garner’s Dictionary of Legal Usage*, 3rd ed. Bryan A. Garner (Oxford University Press, 2011).

⁴ See FindLaw’s [FindLaw Legal Dictionary](#), The Free Dictionary’s [Legal Dictionary](#), Law.com’s [Search Legal Terms and Definitions](#), Nolo’s [Free Dictionary of Law Terms and Legal Definitions](#), and United States Courts [Glossary of Legal Terms](#).

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

- ***Print vs. Online Resources***

As previously stated, a vast amount of legal information is available free online. In addition to government Web sites, commercially published online resources, such as West's [FindLaw](#) and online resources created by academic and county law libraries lead to legal and government information. 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. One initial challenge is deciding whether it is more efficient to start with an online search or whether it makes sense to start with books. Consider the following questions:

I have a traffic ticket. What is VC 23152?

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

Vehicle Code section 23152 is one of the statutes dealing with driving under the influence. If the librarian is able to identify VC as an abbreviation for Vehicle Code, he can suggest going to the [California Legislative Information](#) Web site and locating section 23152 of the Vehicle Code under the

[California Law](#) tab.

As for the *Marvin* case, the librarian can direct the patron to the Judicial Council's [California Courts](#) Web site and recommend searching by party name in the California published and unpublished opinions databases. Thus, when a user has a specific citation to a case, statute, or regulation, going to the online resource may be preferable in most situations.

Aside from questions relating to specific citations, the choice of using a print or an online resource depends on the complexity of the question, the expertise and preference of the researcher, and the materials available. Certainly, a librarian must consider the availability of print resources in the collection, the proximity of a law library with the needed sources, and the user's willingness or ability to visit another library.

Finding the Law

Because access to the Internet is nearly 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. A basic understanding of how print law books are organized can be helpful even when one conducts most legal research online. Legal information from each branch of government will be discussed in this order: statutes (often referred to as codes), regulations, case law, and local government ordinances and codes. The chapter concludes with a discussion of some free 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, she may want to consult the federal or state codes for applicable statutes. This is advisable even when the user has already done some case law research and believes she has identified the relevant cases. If the user is not sure whether state law or federal law governs, she should consult both the state and federal codes, as laws from both jurisdictions may apply.

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 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 official publication, *United States Code* (abbreviated U.S.C.) and by two commercial publishers in the unofficial publication, *United States Code Annotated* (abbreviated U.S.C.A. from Thomson Reuters) and *United States Code Service* (abbreviated U.S.C.S. from LexisNexis).⁵

Unofficial print California codes (discussed in detail in Chapter 5: California Law) are published in *West's Annotated California Codes* (published by Thomson Reuters) and in *Deering's California Codes Annotated* (published by LexisNexis). 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, editors choose the indexing words, case annotations, and cross-references, so those may differ from one set to another.

Each codified set includes an annual general index. In addition, each subject includes a table of contents and its own index. Because some legal issues fall within multiple code subjects, 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 appear 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. If necessary, he can then go to the specific code and use that code's index and/or table of contents to find the sections that are more precise. Use the words identified through TARP to search the index. Both legal and factual words appear in the index. Once the user has identified a relevant section of the code using the index, he 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, title 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 [Within sets](#)), or periodical articles that discuss the statute.

⁵ See Chapter 1: Introduction, p. 5-6 for more information about official versus unofficial publications. In short, official versions are published by the government itself or by a commercial publisher under contract with the government. Unofficial versions are not sanctioned by the government.

Most importantly, annotated codes may contain case summaries, often referred to as *Notes of Decisions*. The *Notes of Decisions* for a particular statute summarize and provide citations to cases that interpret that section. (See Chapter 2: How to Read a Legal Citation for guidance on interpreting citations.) Some statutes, especially federal code sections, may have many cases that interpret or apply the law. The case annotations are organized by 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 published annually by LexisNexis.

- *Using a Popular Name Table*

Another 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 Table is located at the end of the General Indexes (after the Z's). Fortunately, there is free online access to the federal government's Popular Name Table from two Web sites:

- [U.S. House of Representatives Office of the Law Revision Counsel – United States Code Popular Name Tool](#)
- [Cornell Law School's Legal Information Institute \(LII\) – Table of Popular Names](#)

While *Deering's California Codes Annotated* does not contain a separate popular name table, the General Index includes popular names of many state laws (e.g., the Brown Act) as index entries. Another 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; this title 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 of which incorporates the changes in the law that have taken place 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 that apply to the section.

Unlike the annotated codes, the official *United States Code*, published by the Government Publishing Office, 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 statutes that are even more recent 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 in addition to the annual pocket parts. These pamphlets follow the same classification scheme as the bound volumes that 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.⁶ In addition, *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.⁷

For California statutes, *West's* and *Deering's* codes have advance legislative service pamphlets that 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 and arranged chronologically by chapter number.⁸

⁶ Many law libraries have *U.S.C.C.A.N.*

⁷ For more detailed information on federal materials, see Chapter 7: Federal Law.

⁸ For more detailed information on California materials, see Chapter 5: California Law.

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 codes are available online, as described in the section below.

Unfortunately, following this multi-step updating process in print is cumbersome. The commercial databases ([Westlaw](#), [Lexis Advance](#), and other lower-cost alternatives, such as [Fastcase](#)) are updated frequently and offer the researcher the assurance that she is relying on the most recent information. Local academic and county law libraries often provide public access to some commercial legal databases free of charge. Users can contact the library or search the libraries' Web sites for information on electronic databases available for public use.

- *Federal Statutes on the Internet*

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

1. [Cornell Law School's Legal Information Institute \(LII\) – U.S. Code](#)

This Web site provides easy access to the *United States Code* for the researcher who knows the title and section number of the statute. The searcher can enter that information in the template provided by LII and access the current text of the code as produced on the U.S. House of Representatives site. Another great feature of this site is the [Table of Popular Names](#) that allows a researcher to locate a federal law by its famous name and provides links to statutes and related resources, such as legislative documents. The site also has a search engine.

2. [House of Representatives, Office of the Law Revision Counsel – U.S. Code](#)

The U.S. House 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.*

One of its best features is the incorporation of recent amendments to laws, and a note about the amendments at the end of each statute. It also has simple search options for researchers who are looking for 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 citing 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.”*

3. [GPO’s govinfo.gov – U.S. Code](#) (govinfo.gov is replacing FDsys.)
govinfo.gov has the official online version of the *U.S. Code*. Govinfo.gov contains “virtual main editions of the *U.S. Code*,” which the Office of the Law Revision Counsel of the U.S. House of Representatives provides to the GPO.⁹ The Web site encourages users to “verify their results against the printed version of the *U.S. Code* available through the Government Publishing Office.”
4. [Congress.gov](#)
This is Congress’ official Web site, which is maintained through the Library of Congress. A link on the homepage sends the researcher to the *U.S. Code* as published by the [Office of the Law Revision Counsel](#). In addition, Congress.gov has federal bills, committee reports, and other legislative documents.

- ***California Statutes on the Internet***

California statutes (which can refer to session laws and/or codes)¹⁰ are available on the [California Legislative Information](#) Web site, which is maintained by the Legislative Counsel of California. The codes are searchable by keyword and citation, or browseable by section within each subject title. On the home page, click the California Law button to search codes (or the Bill Information button to search session laws).

⁹ GPO stands for Government Publishing Office.

¹⁰ Session laws are the laws passed during a particular legislative session and published in chronological order. Codes are the current laws published in a subject arrangement. While session laws and codes are two different things, the terms statutes and codes are sometimes used interchangeably.

More information about searching the California Legislative information site appears in Chapter 6: Bibliography of California Resources. It is important to note here that starting in mid-2015, an official and authenticated version of the California codes became available for the first time.¹¹ The official version is accessible only online at the California Legislative Information Web site through the PDF link provided for each code section. To access the official version of a code section, at the California Legislative Information Web site, click the California Law tab, and click the Code Search tab (if necessary). From the Code dropdown box on the right side, choose a code subject. Input the code section number, and click Search. Once the text of the code appears, click the PDF link and then open the PDF document. In the document that opens, an authentication seal should appear in the top left corner.

Finding Agency Rules & Regulations

Administrative law is a huge, complex aspect of the 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 the details of policies, e.g., Medi-Cal eligibility requirements, product safety standards, etc.

As our society has become more complex, Congress and the state legislatures have delegated more of their legislative powers to administrative agencies; that practice 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 discuss 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 Publishing Office (GPO) publishes federal administrative regulations in chronological order in the *Federal Register*. Regulations are later codified by subject in the *Code of Federal Regulations* (C.F.R.). The C.F.R. is organized into fifty broad subject titles and an index.¹² The set is revised annually, although

¹¹ See [Electronic Legal Materials Authentication and Preservation FAQ](#), Office of Legislative Counsel (link at the bottom of the page).

¹² Thomson Reuters also produces a four-volume index to the C.F.R.

the revision is done in intervals; one-fourth of the set is revised quarterly. Each year has a different spine color.

Researchers should check for updates to *C.F.R.* sections, to determine if the section 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. After using the *LSA*, 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 the GPO's Web site govinfo.gov.

- ***California Regulations***

In California, regulations are codified by subject and published in loose-leaf format in *Barclays Official California Code of Regulations (CCR)*.¹³ The state's administrative code is divided into 27 titles, each of which focuses on a particular topic (e.g., Title 5, Education). The rules for a particular agency are kept together in the *CCR*. Detailed tables of contents for each title and the set's Master Index help locate relevant regulations. California regulations are also available online at the [Office of Administrative Law \(OAL\)](http://oal.ca.gov) Web site under the blue California Code of Regulations button. The print and online versions are updated weekly.

The OAL contracts with Thomson Reuters (Westlaw) to provide free online access to California's regulations, except for Title 24. Title 24, [California Building Standards Code](http://www.bsc.ca.gov), is published by several other groups and is available on the [California Building Standards Commission](http://www.bsc.ca.gov) Web site. The Building Code is published every three years and is updated by supplements in intervening years.

- ***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 California statutory code sections. For federal regulations, the official *C.F.R.* index contains 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 useful when trying to locate related regulations. Regulations that are relevant to a particular statute may also be referenced in

¹³ *Barclays* is part of West and Thomson Reuters.

the annotations to the code section in *West's Annotated California Codes* or *Deering's California Codes Annotated*.

Finding Case Law

Case law is judge-made law issued by 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 a higher court within the same jurisdiction). Even if the prior authority is not binding on a court, prior decisions still have persuasive authority and courts may rely on them 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 researchers needed an index to access case law. The answer was a case-indexing system in multi-volume sets called digests. Thomson Reuters (West) publishes digests for almost all fifty states. California cases can be located using *West's California Digest*. *West's Federal Practice Digest* indexes all reported federal opinions, including U.S. Supreme Court cases. Two digests exclusively cover the Supreme Court: the *Supreme Court Digest*, published by Thomson Reuters and the *U.S. Supreme Court Digest, Lawyers' Edition* published by LexisNexis.

Thomson Reuters also publishes the *Decennial Digest*, which covers federal and state cases throughout the U.S., as well as regional digests that correspond to regional reporters (e.g., *Pacific Digest*, *South Eastern Digest*, etc.).

The digests contain summaries of cases organized by legal topic. The topics are subdivided into subtopics, known as key numbers (in Thomson Reuters digests), each of which represents a specific legal/factual issue.

Digests themselves have multi-volume subject indexes to assist researchers in finding topics that list relevant cases. Thomson Reuters calls them *Descriptive Word Indexes*. To find relevant cases, one should look up the words identified in the TARP process in the *Descriptive Word Index*. That index will direct the researcher to a topic and a key number that address the legal facts/issues. Next, the researcher

should locate the digest volume containing that topic and key number. In that volume the researcher will find short summaries (i.e., annotations) of cases that deal with the legal issue represented by the topic and key number. Researchers must read the annotations to identify the cases that may be relevant. At the end of each annotation is the name of the case and its citation. Again, users must 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 appears at the beginning of all 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. Cases published in the *National Reporter System* by Thomson Reuters contain headnotes, which summarize the rules of law of the case and which contain a topic and key number. 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: Thomson Reuters uses the same topics and key numbers in each of its digests. This consistency enables researchers to find relevant cases from multiple jurisdictions within the U.S.

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.¹⁴

- ***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

¹⁴ Online access to Thomson Reuters digests is available only through Westlaw. To locate a nearby county law library which may provide public access to Westlaw, use the [California County Public Law Libraries](#) Web site.

alphabetical listing, by plaintiff, showing the names 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 as comprehensive as the digest tables, which include less prominent cases as well.

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

As noted above, case law can be very important when doing statutory research because relevant cases tell the researcher how courts have interpreted that code section. 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 because the digest may summarize cases not included in the annotations to the codes.

- ***Legal Citators***

The *Shepard's Citations* series, published by LexisNexis, enables a researcher to find cases that have cited a particular case. Researchers use *Shepard's* primarily to trace the history of a case and to determine whether a case is still valid based on its subsequent history and treatment by other cases. Thus, researchers should always "*Shepardize*" a case before relying on it in court or in a court document because researchers must cite to valid cases that support their arguments. Besides checking the validity of a case, researchers can also use a citator like *Shepard's* to find other relevant cases to support their arguments. Because a citator's purpose is to locate cases that cite the case the researcher is interested in, the act of using a citator means that the researcher will find cases that are similar in terms of the law or facts.

The *Shepard's* hardcopy sets are updated with 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 prefatory pages of each volume contain instructions and a table of abbreviations. Researchers should be cautioned that because courts issue opinions daily, *Shepard's* print copies are out-of-date from

the moment that they are published. Additionally, they are cumbersome to use, especially when compared with online versions. Hence, because many law libraries subscribe to [Shepard's](#) online through Lexis Advance and/or [KeyCite](#) through Westlaw, users are advised to contact their local law library regarding online access to these up-to-date versions of the citators. To locate a county law library close to you, use the [California County Public Law Libraries](#) Web site. In addition, please see Chapter 8: Citators, for more information about using citators as part of the research process.

- *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 visit the closest law library open to the public. In-person research was necessary because searching for case law on the Internet could be challenging; commercially-published reporter series containing appellate decisions are copyrighted publications and were not available free online.

During the last decade, recent and even some historical cases have become available free online. Federal and state appellate courts now make their recent decisions available on their Web sites. Most of these Web sites are searchable by case name, docket number, or date of decision, or through a search engine. Retrospective coverage for earlier decisions, however, varies significantly from one site to another.¹⁵

In November 2009, Google launched a case law and articles database, [Google Scholar](#). To search the database for opinions, click on the Case Law button. (The default is to search for periodical articles.) Researchers may restrict searches to federal and/or state court opinions. Because Google Scholar searches the full-text of opinions, searches can lead to irrelevant cases. Please see Google Scholar's [Search Tips](#) for options on refining your search.

United States Supreme Court cases appear on a number of Web sites. One of the easiest to access is FindLaw's [United States Supreme Court Cases](#). This site contains U.S. Supreme Court opinions from 1760 to present, which can be searched by citation, case name, or keyword.

¹⁵ For links to federal and state courts, please see WashLaw's [U.S. Federal Resources](#) and [State Resources](#) pages.

California cases are available online on the Judicial Council's [California Courts Opinions](#) Web site. Researchers have a variety of options to research published (which may be cited as precedent) and unpublished (which may not be cited as precedent) opinions. Researchers who are interested in California Supreme Court cases might also try [SCOCAL](#), a joint project between the Robert Crown Law Library at Stanford Law School and [Justia, Inc.](#) The site provides free access to full-text California Supreme Court opinions starting in 1934, 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. However, if a local community is slow in publishing its ordinances or does not have a Web site, a county office (such as a Board of Supervisors) or city hall may be the only recourse to find this information.

Online Legal Resources

The increasing availability of legal information online 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 less than \$100 per month.

Fortunately, many county law libraries in California offer public access to one or more subscription legal databases. To locate the closest county law library to you and obtain information about its publicly available resources, please see the [California County Public Law Libraries](#) Web site. In addition, some college, university, and public libraries offer access to [LexisNexis Academic](#).

Commercial Legal Databases

For some users, subscription to one of the commercial legal databases may be a viable alternative to the extra time required to visit a law library or to navigate free resources on the Internet. These users would be fairly advanced online researchers and not averse to spending money for the convenience of conducting research from their own computers. In addition to the two most well-known online legal vendors, [Lexis Advance](#) and [Westlaw](#), there are several low-cost options from which to choose: [Fastcase](#), [VersusLaw](#), and [Casetext](#). These legal services are described in Georgetown Law Library's [Free and Low Cost Legal Research Guide](#).

Free Internet Sources

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

In concluding this chapter, here is a summary of several of the better-known and reliable free legal Web sites that provide basic information about legal subjects.

- [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 offers a variety of resources on its site including blogs, videos, and legal forms, which can be purchased and downloaded. It offers separate interfaces for the public and legal practitioners. Users might note the many awards and recognitions the Web site has received over the years.

FindLaw's [Learn About the Law](#) section offers information on more than one hundred legal subject areas, making it a good starting point for researchers who are not familiar with that practice area. The broader legal subject (e.g. Bankruptcy and Debt) is explained in layperson's terms that link to more specific sub-topics (e.g. Chapter 13 and Chapter 7 bankruptcies).¹⁶

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

Since its launch in 1993, LII continues to be one of the most frequently visited

¹⁶ FindLaw's [What are Legal Practice Areas?](#) is a subset of the *Learn About the Law* section and may also be worth reading.

legal Web sites, with its version of the *United States Code* (discussed above) especially popular. The LII homepage has dropdown buttons such as “Get the Law,” which facilitate research by source (such as the *U.S. Code*) or jurisdiction.

LII also offers free use of [Wex](#), described on the site as “a 6,000+-entry legal dictionary and encyclopedia that contains... a series of “topical” pages that serve as concise explanatory guides and Internet resource listings for roughly 100 areas of law.”¹⁷ These entries are “collaboratively created and edited by legal experts.”¹⁸ Each entry has a concise explanation or definition of the legal topic, similar to that found in traditional print encyclopedias like *C.J.S.* or *Am. Jur. 2d*. The article may contain links or citations to relevant federal and state materials, including statutes, regulations, and court decisions. Each entry also links to related topics. Note: Wex has a Spanish language converter. Find out more at the Wex [FAQ](#) page.

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

This Web site organizes much of the information in an alphabetical index by jurisdiction. Each jurisdictional page links to government agencies and resources by branch of government.

The [Legal Resources by Subject](#) page provides an A-Z list of legal topics with links to Web sites of related organizations. Bookmark WashLaw's [California page](#) to easily access the official Web sites for California state and local governments.

- [Hieros Gamos](#)

Hieros Gamos links to 260 [Law Guides](#) on topics ranging from Foreclosure to Veterans' Benefits, and from Felony to Visa law. Each guide provides an overview of the topic and includes information such as articles for further reading, links to state and federal laws on the subject, and lists of organizations with subject expertise.

- [Lawyers.com's Understand Your Legal Issue](#)

Martindale-Hubbell offers free access to Lawyers.com. The Web site's Understand Your Legal Issue section explains fifty-nine areas of the law through articles that address aspects of the topic. The link above leads to the most popular topics. Researchers might also try clicking the Understand Your Issue dropdown arrow at the top of the page to view the list of topics by practice area, life event, or jurisdiction. See the complete list of topics at this link: [All Areas of Law](#).

¹⁷ [Who We Are](#), Legal Information Institute.

¹⁸ [Wex](#), Legal Information Institute.



Internet Sources Cited in this Chapter

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- California Legislative Counsel's California Legislative Information: <http://leginfo.legislature.ca.gov/>
 - California Law: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- Judicial Council of California's California Courts (Opinions): <http://www.courts.ca.gov/opinions.htm>
- California Office of Administrative Law: <http://oal.ca.gov>
- California Building Standards Commission: www.bsc.ca.gov
 - California Building Standards Code: <http://www.bsc.ca.gov/Codes.aspx>

Federal Law:

- Congress.gov: <https://www.congress.gov>
- FindLaw's United States Supreme Court Cases: <http://tinyurl.com/ydew3r42>
- govinfo.gov: <https://www.govinfo.gov>
 - Code of Federal Regulations: <https://www.govinfo.gov/app/collection/CFR>
 - Federal Register: <https://www.govinfo.gov/app/collection/FR>
 - U.S. Code: <https://www.govinfo.gov/app/collection/USCODE>
- U.S. House of Representatives, Office of the Law Revision Counsel:
 - United States Code: <http://uscode.house.gov/browse.xhtml>
 - United States Code Popular Name Tool: <http://tinyurl.com/3rq6tjs>

Legal Dictionaries:

- The Free Dictionary's Legal Dictionary: <http://legal-dictionary.thefreedictionary.com/>
- Law.com's Search Legal Terms and Definitions: <http://dictionary.law.com/>
- Nolo's Free Dictionary of Law Terms and Legal Definitions: <http://tinyurl.com/7r4a9b6>

Low Cost Legal Databases:

- Casetext: <https://casetext.com>
- Fastcase: <https://www.fastcase.com>
- VersusLaw: <http://www.versuslaw.com/>

Law Library Web Sites and Research Guides:

- California County Public Law Libraries: <http://tinyurl.com/yckxnj8d>
- Cornell Law School's Legal Information Institute: <https://www.law.cornell.edu/>
 - Table of Popular Names: <https://www.law.cornell.edu/topn/0>
 - U.S. Code: <https://www.law.cornell.edu/uscode/text>
 - Wex: <https://www.law.cornell.edu/wex>
 - Wex FAQs: <https://www.law.cornell.edu/wex/faq>
- FindLaw: <http://www.findlaw.com/>
 - Learn About the Law: <http://public.findlaw.com/>
 - What are Legal Practice Areas?: <http://tinyurl.com/yc5n2vmx>
- Georgetown Law Library's Free and Low Cost Legal Research Guide: <http://guides.ll.georgetown.edu/freelowcost>
- Hieros Gamos: <https://www.hg.org/>
 - HG's 260 Law Guides: <https://www.hg.org/practiceareas.html>
- Lawyers.com's Understand Your Legal Issue: <http://tinyurl.com/y72b68m7>
 - All Areas of Law: <http://research.lawyers.com/areas-of-law.html>
- Pace Law School Library's Free and Low Cost Resources for Legal Research:
 - <http://libraryguides.law.pace.edu/free>
- SCOCAL (Supreme Court of California Resources): <http://scocal.stanford.edu/>
- UCLA Law Library's Free and Low Cost Online Legal Research: Beyond Westlaw, Lexis & Bloomberg Law:
 - <http://libguides.law.ucla.edu/onlinelegalresearch>
- Washburn University School of Law's WashLaw: <http://www.washlaw.edu/>
 - California: <http://www.washlaw.edu/uslaw/states/california.html>
 - Legal Resources by Subject: <http://www.washlaw.edu/subject/index.html>
 - State Resources: <http://www.washlaw.edu/uslaw/index.html>
 - U.S. Federal Resources: <http://www.washlaw.edu/uslaw/judicial.html>

Commercial Legal Publishers:

- Lexis Advance: <http://lexisadvance.com/>
 - Shepard's Citations: <http://law.lexisnexis.com/shepards>
- LexisNexis Academic: <http://tinyurl.com/ya6kfuc2>
- Nolo Press: <http://www.nolo.com>
 - Legal Research: How to Find and Understand the Law: <https://store.nolo.com/products/legal-research-lres.html>
- Nolo Press Occidental: <http://www.nolotech.com>
- Westlaw: <https://www.westlaw.com>
 - KeyCite: <http://tinyurl.com/yb9ft23q>
- Witkin Legal Institute: <http://www.witkin.com/index.html>
 - Contents of the Witkin Library: <https://tinyurl.com/y7lgrtvs>
 - The Witkin Library: <http://tinyurl.com/yc5lm6sy>

Miscellaneous:

- Google Scholar: <http://scholar.google.com>
 - Google Scholar Search Tips: <http://tinyurl.com/ydxnnqrf>
- Justia: <https://www.justia.com>