

SOUTHERN CALIFORNIA ASSOCIATION OF LAW LIBRARIES

Locating the Law

A Handbook for Non-Law Librarians

Sixth Edition

2018



PUBLIC ACCESS TO LEGAL INFORMATION COMMITTEE

Locating the Law

A Handbook for Non-Law Librarians

Sixth edition

Edited by Elizabeth Caulfield

Southern California Association of
Law Libraries

2018

*Public Access to Legal Information (PALI) Committee,
Southern California Association
of Law Libraries*

Elizabeth Caulfield, Chair

2017-2018 COMMITTEE MEMBERS:

Laura Cadra, Esther Eastman, Janine Liebert,
David McFadden, Kara Noel, and
Robert Rodriguez

Foreword

Lawyers are the only persons in whom ignorance of the law is not punished.

--Jeremy Bentham

The Southern California Association of Law Libraries (SCALL) Public Access to Legal Information (PALI) Committee is charged with providing consulting services and related educational programs to public and other non-law libraries offering open access to legal information.

Public access to legal information is extremely important in today's rapidly changing legal environment. In recognition of the public's need to know their legal rights and how statutes, administrative regulations, and judicial cases affect their lives, SCALL is pleased to present the sixth edition of *Locating the Law: A Handbook for Non-Law Librarians*, 2018. This publication is not a substitute for a detailed legal research guide or for the advice of a licensed attorney. Instead, *Locating the Law* is intended to provide basic information about California and federal legal materials: what they are, how they are organized, and how to find and use them.

The sixth edition of *Locating the Law* is available free-of-charge on the SCALL Web site. For economic and environmental reasons, the publication is no longer produced in print format. Links are included throughout the publication, and Web site addresses are provided for most of the materials in a sources-cited section at the end of each chapter. Thus, an online version of the guide facilitates accessing the materials referenced because they are linked. As used in this handbook, Internet access generally means publicly, electronically available. When commercially available Internet services are described, they are identified as fee-based services.

As a law librarian for over ten years, I have trained attorneys in the use of legal databases such as Westlaw and Lexis. In addition, I have taught legal research and writing to paralegal students for approximately fifteen years. I know the importance that basic information plays in enabling researchers to find the law. *Locating the Law* will continue to serve paralegals, law students, legal administrators, law firm support staff, attorneys and others as that foundational first stepping stone into what can be a confusing maze of materials. The editor and authors hope the sixth edition will continue to be an important resource for locating legal information.

Readers with questions, comments, or suggestions for revisions may contact the PALI

Committee Chair, [Elizabeth Caulfield](#).

April 2018

Robert Rodriguez
Research Librarian
Los Angeles, CA

Preface

The Southern California Association of Law Libraries (SCALL) Committee on Public Access to Legal Information (PALI) presents the sixth edition of *Locating of Law: A Handbook for Non-Law Librarians*.

Several substantive changes characterize the latest edition, which the Committee completed in August 2018. The Committee removed most of the subject-specific secondary source suggestions from [Chapter 6: Bibliography of California Resources](#) under the premise that most public libraries are unlikely to carry them. In place of those suggestions, the Committee substituted basic information about commonly used California secondary sources and ways to access them. Similarly, the guide no longer has a section on maintaining a print legal collection (formerly in [Chapter 11: Legal Collections](#)) under the theory that the average public library is more likely to rely on online legal resources rather than provide a print collection of legal titles. [Chapter 8: Bibliography of Federal Law Resources](#) has been replaced with a chapter called *Citators*, with the goal of informing readers about an essential legal research tool that should be part of every serious legal research plan.

The [Appendix on California county law libraries](#) has been streamlined and now primarily consists of a list of the libraries and links to their Web sites. The Appendix on California law schools, which formerly listed each school's contact information, now links to the identical information provided online by The State Bar of California.

I would like to thank the PALI members and former members who contributed chapters and sections for the sixth edition: Joan Allen-Hart, Laura Cadra, Karla Castetter, Esther Eastman, Jennifer Lentz, David McFadden, Kara Noel Gelman, Robert Rodriguez, and Lisa Schultz. In addition, thanks to Suzie Shatarevyan who electronically assembled the publication and made it available online and to Diana Torti who provided instruction and guidance on using Adobe Acrobat.

The Committee offers this edition of *Locating the Law* in the hopes that it will provide guidance to librarians who serve patrons seeking legal information and bring legal researchers closer to the information they need.

December 2018

Elizabeth Caulfield
Chair, Public Access to Legal Information Committee (2014-2018)
Southern California Association of Law Libraries

Acknowledgments

The 2017-2018 Public Access to Legal Information (PALI) Committee is pleased to offer the sixth edition of *Locating the Law: A Handbook for Non-Law Librarians*. This edition brings the guide up-to-date since its last revision in 2011. It is not a radical change from the previous version; instead, it updates guidance deemed useful from the last publication and offers some new research suggestions and resources that may not have existed in 2011. Examples of new information include coverage of the California Legislative Information Web site in chapters 3, 5, and 6; a new chapter on citators ([Chapter 8](#)); and suggestions of free online resources that provide a starting point for learning about legal subjects, although those resources may be of a more general nature than the subscription sources used by legal practitioners. (See [Chapter 3](#), specifically the section on [Online Legal Resources](#).)

Authors of the current guide are Joan Allen-Hart, Laura Cadra, Elizabeth Caulfield, Esther Eastman, Jennifer Lentz, David McFadden, Kara Noel Gelman, Robert Rodriguez, and Lisa Schultz. The following table provides specific credits.

<i>SECTION/CHAPTER</i>	<i>AUTHOR</i>	<i>TITLE/AFFILIATION</i>
FORWARD	Robert Rodriguez	Research Librarian
PREFACE	Elizabeth Caulfield	Law Librarian California Court of Appeal
ACKNOWLEDGMENTS	Elizabeth Caulfield	Law Librarian California Court of Appeal

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CHAPTER 1: <i>Introduction</i>	Karla Castetter and Elizabeth Caulfield	Library Director, Retired, Thomas Jefferson School of Law (Karla) Law Librarian, California Court of Appeal (Elizabeth)
CHAPTER 2: <i>How to Read a Legal Citation</i>	David McFadden	Senior Reference Librarian Southwestern Law School
CHAPTER 3: <i>Basic Legal Research Techniques</i>	Joan Allen-Hart	Assistant Director, Retired San Diego County Public Law Library
CHAPTER 4: <i>Legal Reference vs. Legal Advice</i>	Joan Allen-Hart	Assistant Director, Retired San Diego County Public Law Library
CHAPTER 5: <i>California Law</i>	Laura A. Cadra and Elizabeth Caulfield	Head of Reference/Foreign & Int'l Law Librarian, Loyola Law School Los Angeles (Laura) Law Librarian, California Court of Appeal (Elizabeth)
CHAPTER 6: <i>Bibliography of California Resources</i>	Elizabeth Caulfield	Law Librarian California Court of Appeal
CHAPTER 7: <i>Federal Law</i>	Karla Castetter and Esther Eastman	Library Director, Retired, Thomas Jefferson School of Law (Karla) Reference Librarian, LA Law Library (Esther)
CHAPTER 8: <i>Citators</i>	Elizabeth Caulfield	Law Librarian California Court of Appeal

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CHAPTER 9: <i>Assisting Self-Represented Litigants in California</i>	Kara Noel Gelman	Research Librarian Latham & Watkins LLC
CHAPTER 10: <i>Bibliography of Self-Help Resources</i>	Lisa Schultz	Instructional Services Research Librarian University of Colorado Law School
CHAPTER 11: <i>Availability, Accessibility and Maintenance of Legal Collections</i>	Joan Allen-Hart and Elizabeth Caulfield	Assistant Director, Retired, San Diego County Public Law Library (Joan) Law Librarian, California Court of Appeal (Elizabeth)
CHAPTER 12: <i>Major Law Publishers</i>	Jennifer Lentz	Head of Collection Development & Reference Librarian UCLA School of Law
APPENDIX A: <i>Glossary of Legal Terms</i>	June Kim	formerly at UCLA School of Law
APPENDIX B: <i>List of Common Abbreviations in the Law</i>	June Kim	formerly at UCLA School of Law
APPENDIX C: <i>California's County Law Libraries</i>	Esther Eastman	Reference Librarian, LA Law Library
APPENDIX D: <i>California Law Schools</i>	Karla Castetter and PALI Committee	Library Director, Retired, Thomas Jefferson School of Law (Karla)

Lastly, the Committee dedicates the sixth edition of *Locating the Law* to two people who had many friends in the law library community and who ensured the publication of past editions of *Locating the Law*, June Kim and Ruth Hill.

June Kim, formerly at the UCLA School of Law, Hugh & Hazel Darling Law Library, chaired the PALI Committee and served as editor of this publication for the fifth edition (original and revised). After receiving a SCALL scholarship while in library school, June became an active member of SCALL. She served on the Library Liaison Committee starting in 2003, and the 2005 SCALL Institute Committee. June was twice a winner of the William B. Rohan Chapter Service Award, first in 2004 as a member of the American Association of Law Libraries (AALL) Academic Law Libraries Special Interest Section's Academic Marketing Toolkit Bibliography Committee, and again in 2010 as Chair of the PALI Committee.

"June was the consummate reference librarian and a great colleague," recalls UCLA Law Library Director Kevin Gerson. "What impressed me most about June was her unhesitating willingness to help, her thoroughness, her ability to anticipate and explore research avenues beyond what was requested, and her extremely sharp mind."

UCLA law professor Jerry Lopez remembered June in this way. "She brought energy, wisdom, and perseverance to the tiniest and the hugest projects. She brought good humor to the daily grind. She brought love, really."

Ruth Hill, formerly at the Oliver B. Spellman Law Library, Southern University Law Center, also chaired the PALI Committee and managed the publication of *Locating the Law*. Ruth Johnson Hill joined SCALL in 1992 when she moved to Los Angeles to become Head of Reference Services and Adjunct Professor of Law at the Loyola William M. Rains Law Library. She maintained her SCALL membership even after she left Southern California to become Director of the Law Library and Associate Professor of Law at Southern University Law Center in Louisiana in 2008.

Devoted to professional growth, Ruth took an active role in both SCALL and AALL. Ruth served as Chair of the SCALL Grants Committee from 1997-2000, and was an active member on many SCALL Institute Committees. On the national level, Ruth served on the AALL Executive Board as Secretary from 2008 to 2011. She chaired the Black Caucus, the Academic Law Library Special Interest Section, the Special Interest Section Council, the Nominations Committee, and the 96th Annual Meeting Program Committee.

Ruth believed in the power of librarians in general and law librarians in particular to make a positive difference in society. She was a founding member of SCALL's Inner City Youth Internship Committee (now ICYIC) and, in recognition of her contributions, she received the Rohan Chapter Service Award and AALL's Spirit of Law Librarianship Award. She co-authored *Celebrating Diversity: A Legacy of Minority Leadership in the American Association of Law Libraries*.

Perhaps most importantly, Ruth championed and supported professional growth opportunities for other law librarians. Under her guidance, several Southern California law librarians became leaders in SCALL and at least one library staff member was inspired to attend library school. Ruth served as an inspirational role model throughout her almost twenty-five years of SCALL membership and service.

June and Ruth were indispensable forces in support of PALI and this publication, and the Committee misses their friendship and contributions.

Elizabeth Caulfield, Chair
SCALL Public Access to Legal Information Committee
2014-2018

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Chapter 1

INTRODUCTION

This introductory chapter gives an overview of legal research and provides general descriptions of the sources one should consult. Detailed descriptions of California and federal law may be found in Chapters 5 and 7, respectively. In addition, see Chapter 6 for a bibliography of California legal materials.

Contents:

- [*Categories of Legal Research Sources*](#)
- [*Constitutional Law*](#)
- [*Statutory Law*](#)
- [*Case Law*](#)
- [*Administrative Law*](#)
- [*How It All Fits Together*](#)
- [*Basic Tips for Locating the Law*](#)
- [*Selected Bibliography*](#)

Categories of Legal Research Sources

The goal of most legal research is to identify the answer to one's legal question. *Were my rights violated? How do I probate a will? Can I adopt my stepchild?* Finding the answer or solution requires research into the applicable legal basis or *authority*. In other words, which laws apply to my legal issue?

In order to identify applicable laws, one must first have a basic understanding of the U.S. legal system. In the United States, there is a federal government as well as fifty state

governments. Each of these governments has executive, legislative, and judicial branches, and have the power to promulgate laws. These state and federal governments share authority over some legal matters but have distinct authority over others. Hence, one of the first questions a legal researcher must address is whether state law or federal law applies to a legal problem.

Second, one must distinguish between three different types of sources—primary, secondary, and finding tools (or aids). Primary sources of law are the official pronouncements of the government’s lawmakers: court decisions, statutes, and regulations. They are the legal rules that govern our society. Secondary sources of law describe the law, discuss a legal problem, or set out a model piece of legislation. Secondary sources of law include law review articles, treatises,¹ restatements,² hornbooks,³ and practice manuals. Finding tools facilitate access to primary and secondary sources of law and include indexes, digests,⁴ and citators.⁵

Each type of source described above has a distinctive place in the hierarchy of *legal authority*. Authority may be (1) primary or secondary and (2) mandatory or persuasive. Indeed, while courts and other decision makers are often open to guidance from a wide range of sources, only primary authority can be mandatory in application (which means that the court decision, statute, or regulation must be followed). For example, a decision from a state’s highest court is mandatory authority in its jurisdiction and must be followed by the lower state courts. Similarly, a state statute must be followed within the state. However, some primary authority is only persuasive. Persuasive authority is that which the court or other decision maker may consider it but is not obligated to follow. For example, California state courts may find other state court cases persuasive, but are not bound to follow court opinions from any of the other forty-nine states. Moreover,

¹ Treatises are books written by experts that provide extensive coverage of legal topics. A treatise can be one volume or many volumes.

² Restatements of the Law (often referred to as the Restatements) are prepared by the American Law Institute and literally “restate” (or summarize) general case law principles in specific areas of law.

³ Hornbooks are one-volume books on a legal topic often used by law students.

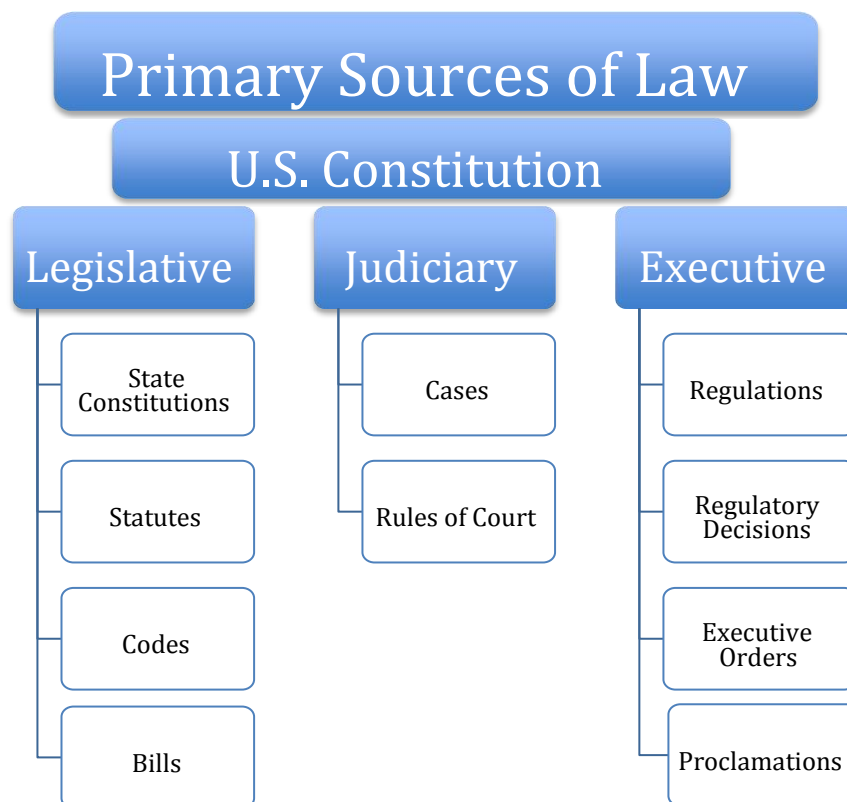
⁴ Digests are subject indexes to case law.

⁵ Citators are commonly described as tools used to check whether a case, etc. is “still good law.” But citators serve two functions: they update (indicate whether a source of law is still valid) and they lead the researcher to additional sources of law.

there are varying degrees of persuasiveness. A well-respected treatise, albeit a secondary source of law, may have more persuasive force than decisions from courts in other states.⁶

Primary Sources of Law

The primary sources of federal law are the U.S. Constitution, the enactments of the U.S. Congress, the decisions of the U.S. Supreme Court and of the lower federal courts (i.e., Courts of Appeals and District Courts), the regulations and rulings of the federal administrative agencies, and the executive orders and proclamations of the President of the United States. The primary sources of law for each state are the state constitution, the enactments of the state legislature, the decisions of the state courts, the regulations and rulings of the state administrative agencies, and the orders of the states' governors. Within each state, municipalities may have their own charter, ordinances and administrative regulations.



⁶ See Amy E. Sloan, "Types and Weight of Authority," in *Basic Legal Research: Tools and Strategies*, 7th ed. (Wolters Kluwer, 2018) at 4-10; Richard K. Neumann and Kristen Konrad Tiscione, sections 8.3 – 8.8 regarding authority, in *Legal Reasoning and Legal Writing: Structure, Strategy, and Style*, 7th ed. (Aspen Publishers, 2013).

Other sources of primary law include tribal laws passed by Indian sovereign nations and international laws (usually expressed in the form of treaties between two or more nations).

Hence, it is important for researchers to determine at the beginning of their research whether federal or state law is implicated and which type of primary law applies to their legal problem.

Secondary Sources

Law librarians often suggest starting legal research with a secondary source. This advice is especially relevant to those who are new to legal research or new to a specific subject area of legal research. Secondary sources, such as practice guides, legal encyclopedias, and treatises summarize a subject area of law, describing (and providing the citations to) the applicable statutes, court opinions, and regulations. Not only does using secondary sources save the researcher time in identifying the relevant primary law, but it also provides the background information needed to frame intelligent questions, determine the best research paths, and learn the key terms used in the area of law. Moreover, scholarly commentaries (in law reviews or legal treatises) can have persuasive influence on the law-making process by drawing attention to the flaws in current legal doctrine and suggesting alternative methods.

Although many public libraries will not add legal treatises, hornbooks, practice guides, and law reviews to their physical collections, they will likely have legal self-help books,⁷ which will provide an excellent starting point for most researchers. It is worth noting that legal secondary sources are generally not available for free on the Internet. In any case, for those unfamiliar with these sources, it is recommended that they use secondary sources in print, in order to take advantages of the indexes, tables, and other finding aids included therein. Secondary source references appear throughout these chapters, with the idea that librarians will be able to locate the best local library to serve the needs of their users.

⁷ See Chapter 9: Assisting the Self-Represented Litigant in California and Chapter 10: Bibliography of California Self-Help Resources.

Finding Tools

The third and final type of legal research material is the finding tool. These research aids should not be cited in a court brief, law review article, or legal memorandum, but are, nonetheless, critical to anyone updating or searching for primary and secondary sources. *West's California Digest* is an example of a finding and indexing tool for California case law. Shepard's citation titles such as *Shepard's United States Citations* or *Shepard's California Citations* are examples of updating tools. The process of updating cases and other legal materials is colloquially called *Shepardizing*, whether or not one is using a *Shepard's* tool. Online updating is widely available in public law libraries— either through LexisNexis, which owns *Shepard's*, or through Thomson Reuters Westlaw (hereinafter Westlaw), which has its own updating service called KeyCite. Chapter 8 covers citators in more detail.

Constitutional Law

The highest law of the land is the U.S. Constitution. As a grant of power to the federal government to rule in the name of the people, the Constitution defines the basic rights of U.S. citizens. It cannot be changed except by amendments proposed by two-thirds of both houses of Congress and ratified by three-fourths of the states, or by a constitutional convention. The U.S. Supreme Court is the final authority on interpreting the U.S. Constitution. No law, whether state or federal, is valid unless made in accordance with the U.S. Constitution and with the interpretations of the U.S. Supreme Court. All state constitutions, state statutes, and county and municipal charters and ordinances are subordinate to the U.S. Constitution.

A state's constitution is analogous to the U.S. Constitution in that it is the supreme law within the boundaries of that state, and all state statutes must be in accordance with it. However, a state constitution is inferior to the U.S. Constitution, as well as to all valid federal statutes.

In California, the state constitution can be amended by the legislature and by the voters. Amendment by voters is accomplished by the initiative and referendum processes. Initiatives and referendum appear on the ballot as propositions. If passed, they are incorporated into the Constitution.

Statutory Law

In basic terms, a statute is an enactment by a legislative body. Statutes are the acts, or laws, written and passed by the United States Congress or by the state legislatures (and signed (or not vetoed) by the chief executive). Bills are proposed statutes which become laws if they proceed successfully through the legislative process.

Statutes are published in chronological order (i.e., in the order in which they are signed into law). To provide a more logical (and accessible) arrangement of these laws, most statutes are collected and systematically arranged, usually by subject, into a separately published set called a *code*. The federal laws are codified into the *United States Code*, which is subdivided into 53 *titles*. Each title covers a certain subject. For example, Title 15 deals with commerce and trade. California's codes are identified by name instead of numbered titles. For example, the laws dealing with taxes are in the Revenue and Taxation Code. In addition to federal and state statutes, there are municipal and county ordinances, which are enactments of bodies such as county boards and city councils.

Statutes and codes are published in both official and unofficial versions. Official versions are published by the government itself or by a commercial publisher under contract with the government while unofficial versions can be offered by several commercial publishers. The text of the law is identical in both official and unofficial publications. The difference is that the official versions are usually not annotated, while unofficial publications generally are annotated. The annotations in the unofficial publications include helpful information such as references to court opinions interpreting the code sections, citations to law review articles and other secondary sources which address the sections, summaries of legislative histories, and a list of related administrative regulations, if there are any. Another difference between official and unofficial versions is that the commercial publisher may be able to publish and update the unofficial version more frequently.

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<i>TYPES</i>	<i>DEFINITION</i>	<i>NOTES</i>
Bill	A proposed law, introduced before the legislature	Current and more recent bills may be viewed on the legislature's official Web site. For older bills, especially those that did not become law, users may need to refer to print or microform sources.
Statute	A bill that is passed by the legislature (and usually signed by the executive). A statute may add, revise, or repeal an existing law.	Numbered chronologically as they are approved by the legislature. Refer to subject indexes and cross-reference tables.
Code	A subject arrangement of statutes	Commercially published codes tend to be updated much more frequently than official publications. In either case, one must always consult the cumulative supplements (pocket parts), which show any changes that have been made to the law since the print volume was published.

Case Law

The United States is a *common law* country. This means that, in addition to statutes passed by legislative bodies, the collected history of cases decided by judges in various courts is also part of our law. The underlying principle of such a system is that similar cases should be treated in a similar way. This principle is referred to as precedent, or, in Latin, *stare decisis*.

The written opinion of a judge or of a panel of judges is also referred to as a case or decision. A case usually includes a brief description of the factual background of the

situation and a short history of the legal procedures that brought the dispute before the present court followed by the court's reasoning in reaching its decision.

Judicial decisions are published, or *reported*, only if they change or clarify a rule of law. Generally, trial level state court decisions are not published. Only some appellate decisions are reported. All cases from the U.S. Supreme Court and from state supreme courts are published.

Like statutory law, judicial law or cases are published in both official and unofficial versions. The difference between the official and unofficial version lies in the publisher and in the editorial enhancements. The text of an opinion is the same in both versions. Editors for the unofficial publishers often add a summary of the case and identify individual points of law discussed in the case with special topic headings and numbers called headnotes. These headings can then be used to find similar cases in the case-finding tools called digests.

<i>COURT</i>	<i>NAME</i>	<i>PUBLISHED?</i>	<i>PRINT PUBLICATION</i>	<i>FREE INTERNET ACCESS?</i>
<i>Supreme Court</i>	U.S. Supreme Court	Yes, all cases are published.	<i>United States Reports</i> <i>Supreme Court Reporter</i> <i>U.S. Supreme Court Reports, Lawyers' Edition</i> <i>U.S. Law Week</i>	Yes, all cases are available from Web sites such as Supreme Court of the United States , Public Library of Law , and Justia .
	California Supreme Court	Yes, all cases are published.	<i>California Reports</i> <i>California Reporter</i> <i>Pacific Reporter</i>	Yes, all cases from 1850 forward are available through the California Courts Web site and SCOCAL .

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<i>Appellate Courts</i>	U.S. Courts of Appeals	Some cases are published.	<i>Federal Reporter Federal Appendix</i>	Yes, published cases generally from 1950 forward are available on Public Library of Law and from the mid-1920s forward on Justia .
	California Courts of Appeal	Some cases are published.	<i>California Reporter Pacific Reporter California Appellate Reports</i>	Yes, all published cases from 1850 forward are available through the California Courts Web site.
<i>Trial Courts</i>	U.S. District Courts	Some cases are published.	<i>Federal Supplement Federal Rules Decisions</i>	Yes, some published cases are available on Justia .
	California Superior Courts	No.	n/a	No, not for free. Some superior courts may allow online access to some court documents such as dockets, but there is usually a charge for other documents.

Administrative Law

Agency Regulations & Decisions

Administrative law is created when a state or federal agency issues regulations, or when an administrative official decides a dispute in the subject area for which the agency is responsible. Examples of [federal regulatory agencies](#) are the Federal Communications Commission, the Environmental Protection Agency, and the Federal Trade Commission. [California state regulatory bodies](#) include agencies such as the Public Utilities

Commission, the Public Employment Relations Board, and the Department of Fair Employment and Housing.

These agencies are authorized by the federal or state legislative bodies to promulgate rules, or regulations, governing the area of the agencies' special knowledge. Such agencies also have their own procedural rules to follow when settling disputes. They may also have their own administrative law judges, who hear cases and reach decisions involving the interpretation of the agencies' regulations.

Administrative decisions, or cases, are usually published in special loose-leaf services⁸ whose coverage is limited to a particular subject, such as antitrust or labor law. Looseleaf publications are generally issued by commercial publishers. Most publishers offer these services as online subscriptions as well. However, many federal and state agencies are now putting their current decisions, procedures, and rules on their Web sites. Federal and California regulations are available on the Internet. See Chapter 6: Bibliography of California Law Resources, or access agencies' Web sites through these lists of [California](#) and [federal agencies](#).

Executive Orders & Proclamations

The major legal documents issued by the President of the United States are executive orders and proclamations, which are described in detail in Chapter 7: Federal Law. California makes available recent [Executive Orders](#) (as well as older executive orders under "Archives") on the [Governor's Web site](#).

How It All Fits Together

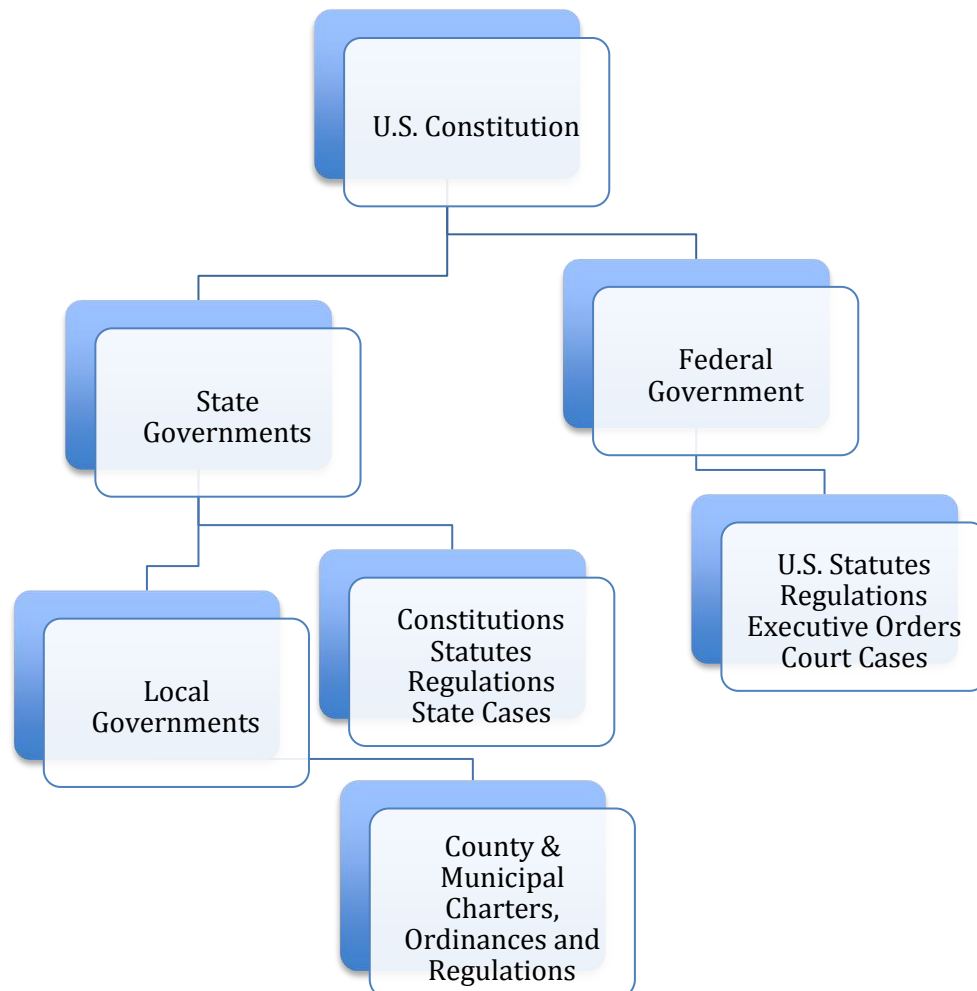
There are fifty-one separate legal systems in operation in the United States—the federal system and each of the state systems. In any one instance, federal law alone may apply, state law only may be relevant, or there may be a mixture of state and federal issues. In general, the federal courts are responsible for applying and interpreting federal statutes and the U.S. Constitution, and the state courts for applying and interpreting the state's constitution and state statutes. Bear in mind that there may also be relevant county and

⁸ Loose-leaf services are binders where pages with new information are inserted to replace the pages with outdated information. Loose-leaf services are updated at varying intervals, depending on the volatility of the area of law they cover.

CHAPTER 1: INTRODUCTION

municipal ordinances as well as state and federal administrative regulations and rulings, which may apply to a legal issue.

How do all these different systems fit together? Because a full answer to that question would require far more space than is available here, a brief explanation must suffice. First, the powers of the federal government are defined in the Constitution. Conflicts between state and federal laws are governed by the Supremacy Clause of the Constitution (Article VI, paragraph 2), which establishes the Constitution, federal statutes, and U.S. treaties as “the supreme law of the land.”⁹ Thus, federal laws have legal superiority over state constitutions and laws. Second, no laws may contradict any of the Constitution’s principles. Briefly outlined, the hierarchy of our legal system is as follows:



⁹ For full-text (as well as links to annotations) of this Article, see Cornell Law School’s Legal Information Institute, at <http://www.law.cornell.edu/constitution/articlevi>.

Basic Tips for Locating the Law

Tip 1: Use finding aids

Most legal publications are well organized. Look for indexes, cross-reference tables, tables of cases and other special features.

Tip 2: Parallel citations lead you to the same official text

Primary sources of law, especially statutory or case law, may be published by more than one publisher. The *text* of the law itself will be the same, no matter which case reporter or which version of the code you decide to use.

Tip 3: Cases can be published and unpublished

Remember that the vast majority of court cases are *unpublished*, in the sense that they are not available online or printed in case reporters. This is especially true of trial court cases. The patron who wants to read the decision of a highly publicized trial needs to understand that, although the trial may be reported in the news, there is no published *decision*, as such. There may be a brief court order or memoranda in the case file. A trial transcript may or may not be included in the case file. One must contact the court clerk directly to find out whether they provide copying services to the public. Sometimes one is required to contact the court reporter directly for trial court transcripts, which can be costly (depending on the length of the trial).

Tip 4: Update your research

The law is constantly changing. To determine the status of the law, check the currency of the information:

- Is there a pocket part?
- A paperback supplement?
- If loose-leaf, when was the last update filed?
- Is there a Web site available that is reliable, current, and free or low-cost?

Tip 5: Not all legal Internet sources are created equal

Using Google can be extremely helpful in finding useful information. However, in legal research, one must be extremely careful in evaluating the results gathered from a general Internet search. To increase the likelihood of finding reliable information when using a search engine, use the Advanced Search option and limit to the domains *.edu*, *.gov*, and *.org*. Another option is to use Internet search engines that refine your results, such as [Cornell Law Library's Wex](#) or [FindLaw's Law Crawler Search](#).

Below you will find a short list of reputable Web sites as well as three legal research guides in print. Note that throughout the sixth edition of *Locating the Law*, you will find numerous links to Internet sources that law librarians use on a daily basis. Print resources are, for the most part, reserved for the bibliographies. Nevertheless, since print sources continue to be used in legal research, selected titles are highlighted in the explanatory chapters as well.



Selected Bibliography

Basic Legal Research Guides:

- In print:
 - *Fundamentals of Legal Research*, 10th ed. Steven M. Barkan, Barbara A. Bintliff, & Mary Whisner. St. Paul, MN: Foundation Press, 2015.
 - *Legal Research: How to Find & Understand the Law*, 17th ed. Stephen Elias. Berkeley, CA: Nolo Press, 2015.
 - *Legal Research in a Nutshell*, 12th ed. Morris L. Cohen & Kent C. Olson. St. Paul, MN: West Academic Publishing, 2016.
- On the Internet:
 - *Public Law Library's Basic Legal Research — A Mini Research Class*:
<http://www.publiclawlibrary.org/self-help/mini-research-class/>
 - *Law Library of Congress Guide to Law Online*: (federal and state legal research guides)
<http://www.loc.gov/law/help/guide/federal.php>
- In-person classes and events:
 - LA Law Library:
<http://www.lalawlibrary.org/index.php/classes-events.html>

Other Internet Sources:

- FindLaw's Introduction to the U.S. Legal System: <http://tinyurl.com/ychk924v>
- Cornell Law School's Legal Information Institute (LII): <http://www.law.cornell.edu>
- U.S. Government Publishing Office's govinfo: <https://www.govinfo.gov>
- Judicial Council's California Courts: <http://www.courts.ca.gov/>
- California Legislative Information: <http://leginfo.legislature.ca.gov/>
(The previous version of the Web site is called Official California Legislative Information and is still accessible at <http://www.leginfo.ca.gov/>. Updates to the prior version ceased as of November 30, 2016, but the older Web site remains online as an archive of information from 1993 - November 2016.)

Chapter 2

HOW TO READ A LEGAL CITATION

A citation (or cite) in legal research is a reference to a specific legal source, such as a constitution, statute, reported case, treatise¹ or law review article. Like non-legal citations, it is a shorthand method of identifying an authority. One basic format of a legal citation includes the volume number, the title of the publication, the page or section number, and date. The titles of primary² legal authorities are generally abbreviated. This format may look unfamiliar at first to non-law librarians who are accustomed to seeing citations where the title is unabbreviated, followed by the volume and page numbers. This chapter will describe citations to cases, statutes or codes, and law reviews and treatises. A short discussion of legal citation manuals is also included, and a list of common abbreviations appears in Appendix B.

Contents:

- [Cases](#)
- [Statutes or Codes](#)
- [Law Reviews and Treatises](#)
- [Citation Manuals](#)

Cases

Court cases (i.e., judicial opinions) may be published by more than one publisher. Because of this, there can be more than one citation appearing after the name of the case. The first citation given in this string of numbers and letters is to the official reports for a particular court, and is called the official citation. The official reports are published by the publisher with whom that court has contracted to publish its cases. For example, in California, the official reports for the state Supreme Court and Courts of Appeal are currently published by LexisNexis. The California Supreme Court cases are published in

¹ Treatises are books on legal topics.

² Primary legal authorities are constitutions, statutes/codes, case decisions (also known as judicial opinions), and regulations and regulatory decisions.

the *California Reports* (1st - 5th series)³ and the Courts of Appeal cases in *California Appellate Reports* (1st - 5th series).⁴

The citations given after the first, official cite are known as unofficial or parallel citations. The text of the opinion is the same in all sources, whether they are designated as official or unofficial. Here is an example:

Lyle v. Warner Bros., 38 Cal. 4th 264, 132 P.3d 211, 42 Cal. Rptr. 3d 2 (2006)

The citation in our example above begins with the case name, which includes the plaintiff/appellant's last name, Lyle, and a shortened version of the defendants/respondents' name, Warner Brothers Television Productions. The first citation, to the *California Reports*, is the official citation. The second and third citations are considered parallel citations because they refer to unofficial sources—to the *Pacific Reporter* and *California Reporter*, respectively. The goal of providing parallel citations is to provide the researcher with several options by which to locate the same judicial opinion. Case reporters are hundreds of volumes, and a library may have space (and the budget) for only one of these sets.

Below you will find additional examples of the official and parallel citations for a California Supreme Court case and a California Court of Appeal case.

CALIFORNIA SUPREME COURT CITATIONS		
Name of Parties	Official Citation	Parallel Citations
<p>Marvin v. Marvin</p> <p style="text-align: center;">↓ ↓</p> <p>Plaintiff v. Defendant</p>	<p>18 Cal. 3d 660</p> <p style="text-align: center;"> ↙ ↓ ↘ Volume Page Number ↓ California Reports, Third Series </p>	<p>557 P.2d 106, 134 Cal. Rptr. 815 (1976)</p> <p style="text-align: center;"> ↓ ↓ Pacific Reporter, Year of Second Series decision ↓ California Reporter </p>

³ Abbreviated Cal. or C. 1st series, 1850-1934 (vol. 1-220); 2d series, 1943-1969 (vol. 1-71); 3d series, 1969-1991 (vol. 1-54); 4th series, 1991-2016 (vol. 1 - 63); 5th series, 2016-present (vol. 1 -).

⁴ Abbreviated Cal. App. or C.A. 1st series, 1905-1934 (vol. 1-140); 2d series, 1934-1969 (vol. 1-276); 3d series, 1969-1991 (vol. 1-235); 4th series, 1991- 2016 (vol. 1 - 248); 5th series, 2016-present (vol. 1 -).

CHAPTER 2: HOW TO READ A LEGAL CITATION

CALIFORNIA COURT OF APPEAL CITATIONS		
Name of Parties	Official Citation	Parallel Citation
<p>Daniels v. Weigum</p> <p>↓ ↓</p> <p>Plaintiff v. Defendant</p>	<p>194 Cal. App. 2d 620</p> <p>↙ ↓ ↘</p> <p>Volume Page</p> <p>Number</p> <p>↓</p> <p>California Appellate Reports, Second Series</p>	<p>15 Cal. Rptr. 57 (1961)</p> <p>↙ ↓ ↘</p> <p>Volume Year of</p> <p>Number decision</p> <p>↓</p> <p>California Reporter</p>

The California Supreme Court case has two parallel citations. The first is to the *Pacific Reporter*, and the second is to the *California Reporter*. The Court of Appeal case has one parallel citation, to the *California Reporter*.

In the above examples, note the inclusion of the series number after *California Reports* (3d series) and after *Pacific Reporter* (2d series). This is a crucial part of the citation because publishers start numbering from volume 1 when they begin a new series. Therefore, there is more than one volume with the number 18 on it in the *California Reports*: there is a volume 18 in the first series, another volume 18 in the second series, another volume 18 in the third series, and yet another volume 18 in the fourth series. (The absence of a 2d, 3d, 4th or 5th from a citation indicates that the volume is part of the first series.)

The following is an example of a citation for a United States Supreme Court case:

UNITED STATES SUPREME COURT CITATIONS		
Name of Parties	Official Citation	Parallel Citations
<p>Brown v. Board of Education</p> <p>↓ ↓</p> <p>Plaintiff v. Defendant</p>	<p>347 U.S. 686</p> <p>↙ ↓ ↘</p> <p>Volume Page</p> <p>Number</p> <p>↓</p> <p>United States Reports</p>	<p>74 S.Ct. 686, 98 L.Ed. 873 (1954)</p> <p>↓ ↓ ↓</p> <p>Supreme Court Year of</p> <p>Reporter decision</p> <p>↓</p> <p>U.S. Supreme Court Reports, Lawyer's Edition</p>

As with the California Supreme Court case, there are two parallel citations. Here, the first one is to the *Supreme Court Reporter* and the second is to the *U.S. Supreme Court Reports, Lawyers' Edition*.

Cases from the thirteen United States Courts of Appeals and the trial level United States District Courts are published by West in the *Federal Reporter* and *Federal Supplement*, respectively. The *Federal Appendix* includes decisions from the Courts of Appeals that were not selected for publication in the *Federal Reporter* and are generally of lesser precedential value. Like other case reporters, the *Federal Reporter*, *Federal Appendix*, and *Federal Supplement* are arranged in series. Unlike other case citations, however, there are no parallel citations to these reporters.

Examples of citations from each of these reporters appear below. Note that these citations include the court that issued the decision.

UNITED STATES COURT OF APPEALS & DISTRICT COURT CITATIONS	
Name of Parties	Citations
<p>Mattel, Inc. v. MCA Records, Inc.</p> <p>↓ ↓</p> <p>Plaintiff v. Defendant</p>	<p>296 F.3d 894 (9th Cir. 2002)</p> <p>Volume Number Page Year of Decision</p> <p>↓ ↓ ↓</p> <p>Federal Reporter, Third Series U.S. Court of Appeals for the Ninth Circuit</p>
<p>United States v. Ramirez</p> <p>↓ ↓</p> <p>Plaintiff-Appellee v. Defendant-Appellant</p>	<p>44 F. App'x 80 (9th Cir. 2002)</p> <p>Volume Number Page Year of Decision</p> <p>↓ ↓ ↓</p> <p>Federal Appendix U.S. Court of Appeals for the Ninth Circuit</p>
<p>Butler v. Target Corp.</p> <p>↓ ↓</p> <p>Plaintiff v. Defendant</p>	<p>323 F. Supp. 2d 1052 (C.D. Cal. 2004)</p> <p>Volume Number Page Year of Decision</p> <p>↓ ↓ ↓</p> <p>Federal Supplement, Second Series U.S. District Court, Central District of California</p>

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Statutes or Codes

Another common type of legal citation is to a statute or code.⁵ The major difference between a case citation and a statute or code citation is that the latter will usually not include a parallel citation. In addition, the year of publication of the print volume or supplement rather than the year of enactment or amendment is used for a code section.

Here are two examples: Cal. Rev. & Tax Code § 2280 (West 1998) and Cal. Lab. Code § 5304 (Deering 2006). The year next to the publisher refers to the publication date of the print volume or supplement. The first citation refers to section 2280 of the California Revenue and Taxation Code published in *West's Annotated California Codes*. The second citation is to section 5304 of the California Labor Code published in *Deering's California Codes Annotated*. Again, note the absence of parallel citations for code sections.

CALIFORNIA CODE CITATIONS		
Title of Code	Section Number	Publisher & Date
Cal. Rev. & Tax. Code [California Revenue & Taxation Code]	§ 2280	(West 1998)
Cal. Lab. Code [California Labor Code]	§ 5304	(Deering 2006)

The following are examples of citations to the U.S. Code.

UNITED STATES CODE CITATIONS		
Title of Code	Section Number	Publisher & Date
8 U.S.C. [United States Code]	§ 1151	(2012)

⁵ The terms *statutes* and *codes* are sometimes used interchangeably.

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15 U.S.C.A. [United States Code Annotated]	§ 1601	(West 1998)
42 U.S.C.S. [United States Code Service]	§ 2000e-3	(LexisNexis 2005)

The major difference between the California Codes and the *United States Code* is that titles in the former are identified by subject (Civil, Penal, Family, etc.), whereas titles of the *U.S. Code* are arranged by number. In the examples above, title 8 of the *U.S. Code* is Aliens and Nationality; title 15 is Commerce and Trade; and title 42 is the Public Health and Welfare.⁶ Also, note that the United States Code is the official government publication, while the other two are commercially published.

Law Reviews and Treatises

Law review and other legal periodical citations follow the standard format of author, title, volume number, abbreviated title of the law review, beginning page number, and date. An example would be:

Jonathan Zasloff, *Law and the Shaping of American Foreign Policy: From the Gilded Age to the New Era*, 78 N.Y.U. L. Rev. 239 (2003).

Note that the title of the law review is abbreviated. Sources to decipher such abbreviations are listed below.

Treatises, which are books on a particular legal topic, are generally cited by author, title and year. Unlike other citation systems, the publisher is usually not included in the citation.

Citation Manuals

Further guidance on proper citation format can be found in *The Bluebook: A Uniform System of Citation* (20th ed. Cambridge, Mass.: Harvard Law Review Association, 2015), in Edward W. Jessen, *California Style Manual: A Handbook of Legal Style for California Courts*

⁶ govinfo provides the [U.S. Code](#) by year and by title.

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and *Lawyers* (4th ed. West Group, 2000), and in Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (5th ed. Aspen Publishers, 2014). For further assistance with both the *Bluebook* and *ALWD Citation Manual*, consult Peter W. Martin, [*Introduction to Basic Legal Citation*](#) (Legal Information Institute, 2017). This online resource introduces the reader to the basics of legal citation principles, illustrating throughout with examples from each citation system.

Citations are necessarily in an abbreviated form. To assist you with deciphering some of the more common abbreviations used in legal citations, a list of abbreviations appears in Appendix B. The above-mentioned style manuals may also help in understanding abbreviations. For more complete lists of legal abbreviations, see the following works:

Black's Law Dictionary, 10th ed. St. Paul, MN: Thomson Reuters, 2014 (Appendix A).

Mary Miles Prince, *Bieber's Dictionary of Legal Abbreviations*, 8th ed. Buffalo, NY: William S. Hein & Co., 2011.

Steven M. Barkan, Barbara Bintliff & Mary Whisner, *Fundamentals of Legal Research*, 10th ed. St. Paul, MN: Foundation Press, 2015 (Appendix A).

University of Washington Marion Gould Gallagher Law Library, [*Acronyms and Abbreviations*](#)

Please note that most law book publishers devise their own system of abbreviations that may vary from the examples in Appendix B. Therefore, check the preface to each source for its in-house abbreviation explanations. Although many legal researchers now rely on online citators, the print version of *Shepard's Citations* is a leading example of a legal research tool that uses unique symbols and abbreviations.

Also, there is a movement in some states (but not yet California) to move toward a medium-neutral, public domain citation style. There is a list of "Jurisdiction-Specific Citation Rules and Style Guides" in the 20th edition of *The Bluebook* in Table BT2 (on pages 30--56) that includes citations to court rules dealing with public domain citations. In any case, older sources will continue to use the more traditional publisher-based systems.



Internet Sources Cited in or Related to this Chapter

- United States Code: <http://uscode.house.gov/>
- Peter W. Martin, [Introduction to Basic Legal Citation](#) (Legal Information Institute 2017).
- University of Washington Marion Gould Gallagher Law Library, [Acronyms and Abbreviations](#).

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.

Contents:

- [Initial Steps](#)
 - [Identifying the Legal Issues](#)
 - [Using the TARP Method](#)
 - [Identifying Relevant Legal Resources](#)
 - [Consult a Secondary Source First](#)
 - [Accessing Print Legal Materials: Using the Indexes](#)
 - [Print vs. Online Resources](#)
- [Finding the Law](#)
 - [Finding Statutes](#)
 - [Using a Popular Name Table](#)
 - [Updating Statutory Law in Print](#)
 - [Federal Statutes on the Internet](#)
 - [California Statutes on the Internet](#)

- [Finding Agency Rules & Regulations](#)
 - [Federal Regulations](#)
 - [California Regulations](#)
 - [Other Methods of Finding Regulations](#)
- [Finding Case Law](#)
 - [Traditional Subject Approach to Case Law: Print Digests](#)
 - [Case Name Approach](#)
 - [Using the Annotated Codes to Find Case Law](#)
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 - [Locating Case Law on the Internet](#)
- [Finding Local Government Law](#)
- [Online Legal Resources](#)
 - [Commercial Legal Databases](#)
 - [Free Internet Sources](#)
- [Internet Sources Cited in this Chapter](#)

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!

CHAPTER 3: BASIC LEGAL RESEARCH TECHNIQUES

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

California Law:

- 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>

Chapter 4

LEGAL REFERENCE VS. LEGAL ADVICE

*"No person shall practice law in California unless the person is an active member of the State Bar."*¹

In California, it is illegal for individuals who are not active members of The State Bar of California to practice law. California courts have defined the practice of law as:

" . . . doing or performing services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matter may or may not be pending in a court."²

Contents:

- [*The Issue Presented*](#)
- [*What a Non-Attorney Can and Cannot Do*](#)
- [*How to Help Users Find Legal Assistance*](#)
- [*Have a Written Policy*](#)
- [*Suggested Readings*](#)
- [*Internet Sources Cited in this Chapter*](#)

The Issue Presented

When or in what situations legal reference may constitute the unauthorized practice of law has been the topic of professional library literature since the early twentieth century.³ If one takes the most common sense view, the issue is whether a user who goes to a public library to do legal research reasonably believes that the communications between him or her and the librarian creates an attorney-client relationship. Most people, queried about this scenario, would probably answer with a resounding "no."

¹ California Business & Professions Code §§ [6125-6133](#).

² *Smallberg v. The State Bar*, 212 Cal. 113, 119 (1931), citing *Eley v. Miller*, 34 N.E. 836, 837-838 (Ind. Ct. Appt. 1893).

³ Margaret E. Hall, *Reference Work in a Law Library*, 31 Law Libr. J. 238 (1938).

However, while there is no documented case of a librarian being prosecuted for practicing law without a license, the real concern for the library profession is a matter of ethics. No librarian wants to give bad or inaccurate information to their library's users.

Nonetheless, it is foreseeable that in an effort to provide good service, a librarian may go beyond providing reference assistance and begin offering personal opinions or advice. Under this scenario, the librarian may inadvertently, but unduly, influence the user in deciding not only what his or her specific legal issue may be, but also the course of action which should be taken to resolve the legal issue.

It is important to remember that in times of stress, people often neglect to mention facts that may be crucial to the legal issue. If the librarian is mistaken in his or her understanding of the facts or legal issues involved (possibly because the user has not communicated his or her question clearly), the librarian's interventions could negatively affect the ultimate outcome of the user's legal problem.

Imagine the following scenario at the reference desk of your public library:

Library User: I would like information on security deposits. I just got a letter from my old landlord. He is not going to give me any of my security deposit back. I left the apartment cleaner than it was when I moved into it! In fact, I even painted the apartment while I lived there for almost a year. Now I get this letter from him saying I won't be getting my deposit back, and not only that, he is threatening to sue me for more money!"

Public Librarian: "Landlords can't do that! They have to provide you with a list of any deductions for repairs they make from your deposit," as she prepares to hand the user a copy of the Nolo book, [California Tenants' Rights](#).

Library User: "Really? In that case, I am going to the court to get the papers to sue him first right now." Out of the library he goes, without looking at the book being offered to him.

In this scenario, there is no issue of unauthorized practice of law. However, by commenting on the user's situation, the librarian may have inadvertently influenced the library user's course of action in dealing with this potential legal problem. Without conducting a thorough reference interview, the librarian was not able to assist the user in identifying the facts which may determine the legal issues involved.

It is possible that the landlord had to re-paint the entire apartment to cover the inappropriate colors (think neon pink, yellow & blue) chosen by Library User (who did leave the apartment clean). Also, Library User may not have paid rent for the last month he lived in the apartment, assuming it was covered by the move-in deposit. The cost of repainting the apartment may have been more than the amount the landlord was holding in the tenant's account, causing the landlord to demand more money from Library User. There are a number of unknown facts which could impact the legal issues of this landlord-tenant dispute.

This scenario is an example of how the comments of a librarian who does not know all the relevant facts might influence a library user to act in ways that may not be in the user's best interests. Presumably, no librarian would ever knowingly provide bad information to users, but when assisting those seeking legal information, additional sensitivity and caution is important. Conducting a thorough reference interview⁴ allows the librarian to assist the user in identifying potential legal issues such as:

Can the landlord deduct for the cost of re-painting the apartment when the tenant lived there for a year?

Is the letter Library User received the legal equivalent to the required "list of repairs and deductions?"

What a Non-Attorney Can and Cannot Do

Librarians in all types of libraries are committed to giving the best service possible. The list of "**dos and don'ts**" below serve as a guide when public librarians assist a user with legal reference questions. In general, librarians who recommend research sources, teach legal research techniques, and help in constructing searches, are providing legal reference.

On the other hand, librarians who "take over" the user's legal question by interpreting and making conclusions about the legal problem may inadvertently cross the line. Librarians, paralegals, and other non-attorneys may know where to find legal information but are not trained in the procedures and rules of court, or in legal theory, and most importantly, are not licensed to practice law. It is imperative that users research their issues and come to their own conclusions about how the law applies to

⁴ See Chapter 3: Basic Legal Research Techniques for additional information on identifying relevant legal issues in a reference interview.

their particular situations.

Ultimately, it is the user's decision as to what the particular legal issue is and how or whether he or she will handle his or her own legal problem or obtain representation. There are plenty of legal procedures self-represented litigants can handle themselves, such as small claims court matters, but when issues get complicated, there is usually no substitute for a good attorney. Attorneys are trained in the law, they understand legal theory, they have experience with forms and court procedures, and they have malpractice insurance in case matters go awry.

LEGAL REFERENCE	(Probably) LEGAL ADVICE
Non-attorneys <i>do</i> :	Non-attorneys <i>do not</i> :
Recommend law books on particular subjects, including books that provide forms and will explain the law and procedures of the courts, and demonstrate how to effectively use them by explaining the indexes and tables of contents	Recommend a specific legal form, explain how to fill in the form, or fill out a legal form for the user. (It is permissible to refer users to form books. The user will need to decide whether to use those forms.)
Help to find the broad definition of legal words or phrases, with sources such as <i>Black's Law Dictionary</i> , <i>Cal. Jur. 3rd</i> , <i>Words and Phrases</i> , etc.	Offer an opinion as to how a user's specific legal problem should be handled.
Perform searches to provide the user with information which may be relevant to a legal question	Identify any single law as <i>the</i> statute (or regulation, or case) that will answer the user's legal question.
Suggest search terms when using indexes or finding tools	Help a person by interpreting the law (statutes, regulations, or cases)
Teach legal research techniques such as the use of digests and Shepard's	Write a brief, prepare a will, or draft a contract
Locate biographical information about attorneys and judges	Interpret any legal document from a court or an attorney

How to Help Users Find Legal Assistance

There may be a variety of legal resources, agencies, or other groups in your community that are not well-publicized. This section briefly describes three steps that librarians may take to prepare for law-related questions from library users. For further information, please see Chapter 9: Assisting Self-Represented Litigants for a description of the California Courts' programs for *pro se* litigants, as well as those offered by California county law libraries, nonprofit legal aid organizations, and local law schools.

First call or check out the Web site of the closest public law library

There are often legal resources available in the community to assist people who are reluctant or unable to consult an attorney when they are initially confronted with a legal problem. For public librarians in California, a great resource is the Council of California County Law Librarians' [Public Law Library](#) Web site. The Web site includes sections such as: (1) [Ask a Law Librarian](#), a service which lets you ask questions and get answers in real time. Hours are limited to week days; (2) [Self Help](#), which provides links to Web sites which include content for use by the self-represented litigant; (3) a [Find Your Nearest California County Law Library](#) directory; (4) [Mini Research Class](#) (under Self Help) is a mini research guide covers the basics of legal research. Sections include "Learning How to Research," "Finding the Forms You Need," and "The Importance of Updating Your Research;" and (5) [Resources](#) provides links to categories of legal research: "General," "California Resources," "Federal," "Local," "Directories," and "Forms & Rules."

There is a county law library in every county in California. Though they are funded separately from the public library, they are open to the public, and offer some reference service. They usually have a good collection of self-help law books, such as the [Nolo Press](#) publications. While many law librarians do have legal training, they do not give any legal advice--they provide reference service. County law libraries often compile a listing of local legal resource services (such as the State Bar-approved lawyer referral service or a legal clinic which offers *pro bono* services in the area), and they will be happy to share this information with public libraries. In addition, because many county law libraries are located in or near courthouses, the librarians may be able to provide information about domestic violence clinics which assist victims in getting temporary restraining orders, as well as other important programs, such as adoption clinics, mediation services for divorce, landlord-tenant, or neighbor disputes. Library users may be unaware of these resources, which may prove to be good starting points.

Be familiar with local bar associations and other legal service providers

You may also contact your local county bar association to learn about resources available in your area. Many county bar associations in California have *pro bono* programs, where attorneys volunteer time to legal causes and to people who cannot afford an attorney. In addition, some law schools offer legal clinics run by students who are supervised by attorneys. Contact your local law schools to get more information regarding this option.

There are legal aid societies and community outreach programs which may host legal clinics. Often senior citizen centers will have a lawyer visit on a regular basis.

Be familiar with the basic online federal and state resources

Check out the Web sites of federal and state government agencies for answers to questions about their internal policies and procedures. This will assist library users who are involved in a dispute with these agencies. [The United States Government Manual](#) is often a good resource to begin a quest for information about federal agencies. For general information about federal laws and regulations, remember to refer the user to the USA.gov web page [Federal Laws and Regulations](#).

For information about California law and legal resources, you might refer the user to the official [State of California](#) Web site or WashLaw's [California Law & Government Resources](#) web page from the Washburn University School of Law Library.

Go to [The State Bar of California](#) Web site for information about [lawyer referral services](#) to the public.

Have a Written Policy

People who need legal help are often apprehensive and may even be desperate to get the answer they want. When a library staff member becomes overly eager in assisting users, it can give the impression that a library is willing to do more than the law allows. All library staff should be educated regarding giving legal reference assistance. A posted written statement of the library's policy is often useful in helping staff understand their limitations, as well as notifying the public.

Be sure to prominently display your library's policy regarding legal reference assistance. The following language may assist you in developing your library's policy:

**A MESSAGE TO OUR USERS
ABOUT LEGAL REFERENCE QUESTIONS:**

It is unlawful for members of the Library staff to help users interpret legal materials they read or to advise them how the law might apply to their situation because these actions would constitute the unauthorized practice of law. It would also require an amount of personal service that a staff of our size cannot provide if we are to carry out other duties. For those reasons, our staff must limit themselves to advising you which materials might be helpful to you, where they are located, and how to find information in them. Please do not think our staff is being uncooperative when they suggest that you interpret the materials you read for yourself and make your own decisions as to how the material you have read applies to your legal problem. Our staff will be happy to help you find the materials you need, and to show you how to use the various legal publications.

If you need further help to solve your legal problem, you may wish to consult one of the following legal service organizations:

[LIST YOUR LOCAL LEGAL SERVICE PROVIDERS HERE]

A file of organizations that offer legal services may be very useful. Keep track of organizations' URLs, addresses and phone numbers, as well as hours of operation, and services they provide. It is a good idea to note if they charge for their services, if they offer help over the phone, if an appointment is necessary, etc.

It is every librarian's goal to be helpful and to give excellent reference service. By recommending appropriate legal resources, teaching users how to use the sets (e.g., indexes, tables, etc.) in your collection, and helping choose search terms and translating legal citations, we are keeping ourselves within the bounds set by the law and our professional ethics. We are also doing more good than harm to a user's legal situation.

Suggested Readings

Yvette Brown, [From the Reference Desk to the Jail House: Unauthorized Practice of Law and Librarians](#), 13 Legal Ref. Serv. Q. 31 (1994).

Government Law Libraries, A Special Interest Section of the American Association of Law Libraries, [Unauthorized Practice of Law Toolkit](#).

Paul D. Healey, [Pro Se Users, Reference Liability, and the Unauthorized Practice of Law: Twenty-Five Selected Readings](#), 94 Law Libr. J. 133 (2002).

Larry D. Richmond, Jr., [The Pro Se Patron: An Ethical Rather than Legal Dilemma](#), 22 Legal Ref. Serv. Q. 75 (2003).



Internet Sources Cited in this Chapter

- Public Law Library: <http://www.publiclawlibrary.org/>
- [United States Government Manual](#) (1995-current edition)
- State of California: <http://www.ca.gov/>
- Washburn University School of Law's WashLaw, California Law & Government Resources: <http://www.washlaw.edu/uslaw/states/california.html>
- The State Bar of California: <http://www.calbar.ca.gov>
 - Lawyer Referral Services: <https://tinyurl.com/ybwmvqq3>
- USA.gov, Federal Laws & Regulations: <https://www.usa.gov/laws-and-regs>

Chapter 5

CALIFORNIA LAW

The state of California has done a great job of making its primary sources of law widely available on the Internet. In addition, legal publishers produce a multitude of California secondary sources in print and in online subscription databases. This abundance of information makes researching California law easy for some and overwhelming for others. For those without a legal background (and most with one), it is usually advisable to start with a secondary source.¹

Contents:

- [Secondary Sources](#)
- [Primary Sources](#)
 - [California Constitution](#)
 - [California Statutory Law](#)
 - [Legislative Process](#)
 - [California Case Law](#)
 - [California State Court System](#)
 - [California Case Law Publications](#)
 - [California Regulations & Regulatory Decisions](#)
 - [City & County Municipal Codes](#)
- [Other Resources](#)
 - [California County Law Libraries](#)
 - [California Attorneys](#)
 - [California Judges](#)
- [Selected Bibliography](#)
 - [Print Sources](#)
 - [Internet Sources](#)

¹ Secondary sources describe and explain the law and provide background information and citations to primary sources of law.

Secondary Sources

There are many California secondary sources geared specifically towards non-lawyers. [Nolo Press](#) is one of the most well respected legal self-help publishers. Titles such as *The California Landlord's Guide: Rights and Responsibilities*, *California Tenants Rights*, *How to Do Your Own Divorce in California*, and *U.S. Immigration Made Easy* are found in many public libraries and serve as an excellent starting place for non-lawyers doing their own legal research. The [Nolo Press](#) Web site also has a [Legal Encyclopedia](#) that offers brief entries on many legal topics. Chapter 10: Bibliography of Self-Help Resources includes an extensive list of self-help books and Web sites, including numerous Nolo Press publications, arranged by subject.

Another excellent resource for locating self-help materials is the California Judicial Council's [California Courts](#) Web site. The California Judicial Council created [The California Courts Online Self-Help Center](#) to assist self-represented litigants and others in learning about California law and court procedures. The [Self-Help Center](#) offers information on common legal matters such as divorce, child custody and visitation, landlord/tenant issues, and small claims court, in English, Spanish, Chinese, Korean, and Vietnamese. It includes guides for completing necessary court forms and links to legal service organizations and lawyer referral programs. It also provides links to state agencies that assist with legal problems such as employment discrimination.

The [Self-Help Center](#) provides access to [AskNow's Law Librarian Service](#), which connects users with county law librarians throughout the state. Law librarians may suggest strategies and resources to help individuals with their particular legal research needs.

Secondary sources that require subscriptions from publishers like Thomson Reuters (West), RELX Group (LexisNexis, Matthew Bender), and CEB may be available to the public online or in print at county or law school libraries. These subscription sources are geared for legal practitioners. Check with your local law libraries regarding access.

In addition, please refer to Chapter 3: Basic Legal Research Techniques, specifically the section on Free Internet Sources, for suggestions of legal Web sites that provide basic information about legal subjects. See Chapter 6: Bibliography of California Law Resources for information about California-specific secondary sources, including a legal encyclopedia, treatises, and formbooks.

Primary Sources

It is important to keep in mind that primary sources of law – constitutions, statutes, cases, regulations, and regulatory decisions – work together to form “the law” on a particular subject. A good secondary source will explain how these pieces of primary law fit together and which is most important for a particular legal issue.

A word of caution: while researchers often just want to read the text of the Vehicle Code section they allegedly violated or the text of a recent California Supreme Court decision, caution should be exercised in looking at any one of the primary sources of law in isolation when a broader topic is researched.

California Constitution

A group of forty-eight delegates drafted the first California Constitution in 1849. In 1878, a second constitutional convention met and in 1879, one hundred fifty-two delegates drafted the second California Constitution. Though amended numerous times, the 1879 Constitution continues to serve as the framework for California government and the rights of its citizens.²

The California Constitution appears in many sources, including the annotated California Codes. The California Legislative Counsel provides a searchable copy of the current [California Constitution](#) under the *California Law* button on the [California Legislative Information](#) Web site.

California Statutory Law

The statutory laws of California consist of acts passed by the California legislature and by the California electorate through the initiative process. See below for a section on the legislative process. For more information on the initiative process, see the California Secretary of State’s webpage, [History of California Initiatives](#).³

California’s laws are first published in chronological order as session laws, i.e., the laws of a particular legislative session. Then the laws are organized by subject and published in the California codes. Codes provide the current version of statutes arranged by topic.

² See *The California State Constitution: A Reference Guide* (Joseph R. Grodin, Calvin R. Massey, and Richard B. Cunningham, 1993) for a discussion of the history of the California Constitution and commentary on its provisions.

³ See also J. Fred Silva, [The California Initiative Process: Background and Perspective](#) (Public Policy Institute of California, 2000).

As discussed in Chapter 3, starting in mid-2015, the California Legislative Counsel began publishing an official and authenticated version of the California codes online on the [California Legislative Information](#) Web site under the [California Law](#) tab. This free online version is searchable by keyword, by particular code topic(s), or across the set of twenty-nine subjects. The table of contents for each code is also available to help you locate sections of interest. Regarding the currency of the online codes, the Web site states, “[o]n January 1st of each year, the California Law database is updated with all new laws that became effective on January 1st of that calendar year. The California Law database is also updated as bills are passed and become effective during the legislative session.”⁴

In addition, two unofficial versions of the codes, *West’s Annotated California Codes* published by Thomson Reuters and *Deering’s California Codes Annotated* published by LexisNexis contain all twenty-nine codes and are available in print or online at Westlaw or Lexis Advance, respectively. The print version is arranged alphabetically by code title and includes the California Constitution and the California Rules of Court. The annotated sets differ from the free online version in that they include references to cases, law review articles, and other materials that discuss and explain individual code sections. The print annotated sets are updated by yearly pocket parts, newspaper-like pamphlets inserted in the back of each volume, or by supplementary pamphlets.

Some individual code titles such as the Civil Code, Evidence Code, and Vehicle Code are also published in unannotated paperback versions, often called compact or desktop codes. These volumes are republished yearly to incorporate changes to the codes.

Both annotated and unannotated codes contain indexes to assist in locating particular sections. *West’s Annotated California Codes* and *Deering’s California Codes Annotated* contain indexes to each individual code title as well as general indexes to the entire set of codes. *LARMAC Consolidated Index to the Constitution and Laws of California* is a separate index to the California Codes published yearly. It may not be easy to guess in which code a particular statute will be found. Therefore, it is best to start in one of the general indexes or in *LARMAC* to locate relevant code sections.

⁴ “How can I tell how current a version of the code is?” [Frequently Asked Questions](#), Office of Legislative Counsel.

<i>CALIFORNIA CODES</i>	
Business and Professions Code	Insurance Code
Civil Code	Labor Code
Code of Civil Procedure	Military and Veterans Code
Commercial Code	Penal Code
Corporations Code	Probate Code
Education Code	Public Contract Code
Elections Code	Public Resources Code
Evidence Code	Public Utilities Code
Family Code	Revenue and Taxation Code
Financial Code	Streets and Highways Code
Fish and Game Code	Unemployment Insurance Code
Food and Agriculture Code	Vehicle Code
Government Code	Water Code
Harbors and Navigation Code	Welfare and Institutions Code
Health and Safety Code	

The California code subjects listed above are available free online at the California Legislative Information Web site under the [California Law](#) tab.

*Legislative Process*⁵

The laws that eventually become part of the California codes begin in the state legislature as bills. Bills passed by the legislature are enacted into law and become statutes. Statutes (or session laws) are published in chronological order in the official *Statutes and Amendments to the Codes*, which serves as the permanent record of all statutes passed by the California Legislature. These session laws are then incorporated into the subject arrangement of the codes. A single statute may affect (add to, revise, or repeal) more than one code section and, over time, one code section may be affected by many different statutes. *West's Annotated California Codes* and *Deering's California Codes Annotated* keep each code volume up-to-date with statutory changes through the use of pocket parts and supplementary pamphlets. Compact codes are republished each year so as to reflect any statutory change.

To understand why the legislature enacted a statute, researchers may wish to search for documents regarding the law's legislative history. Legislative history research involves collecting the documents generated at each step of the legislative process and reading them for evidence of the legislature's intent. Locating legislative history documentation requires that one understand the process by which a bill becomes a statute.⁶

The legislative process begins with the introduction of a bill on the floor of the Senate or the Assembly. Only a legislator may introduce a bill, but government agencies and community organizations, as well as individuals often propose the subject matter. The Legislative Counsel drafts the bill into the proper form and also provides a commentary in the preface of the bill, called the Legislative Digest.

Bills introduced in the Assembly are assigned a number preceded by *A.B.* Bills introduced in the Senate are assigned a number preceded by *S.B.* The Legislature meets in two-year sessions (e.g. 2017-2018), and bill numbers are assigned in sequential order during each session. Bill numbers start anew with each new legislative session. It is imperative when researching legislative intent to be able to specify:

- ✓ A.B. or S.B.
- ✓ the bill number
- ✓ the year the bill was introduced or passed

⁵ [California's Legislature](#), published by the Office of the Assembly Chief Clerk, is an in-depth introduction to the legislative process and to California state government. It is available free online or for \$5.00 from the [Legislative Bill Room](#) by calling (916) 445-2323.

⁶ The Legislative Counsel offers a detailed chart of the California legislative process, [The Life Cycle of Legislation – From Idea into Law](#).

CHAPTER FIVE: CALIFORNIA LAW

As a bill makes its way through the legislative process, it must follow certain rules. Once passed by the Assembly and the Senate, it is submitted to the Governor for his signature. If the Governor signs the bill, it becomes a law effective January 1 of the following year. If the act is not signed within twelve days and the Legislature is still in session, it becomes a law without the Governor's signature. If the Governor vetoes the bill, it can still become a statute on a two-thirds majority vote from each house of the Legislature. Once a bill becomes a statute, the Secretary of State assigns it a chapter number and it is placed chronologically in the official *Statutes and Amendments to the Codes*.

The Legislative Counsel makes the statutes (or session laws) available online starting in 1999 at the California Legislative Information Web site (under [Bill Information](#)), and from 1993 forward at the archived California Official Legislative Information Web site (at the [Statutes](#) page, or the [Bill Information](#) page, which requires searching by bill number). The session laws are also available at the California State Assembly Office of the Chief Clerk Web site under the Historical Information, Archived Publications, [Statutes](#) section, from 1850 to 2008.

During the legislative process, documents such as committee analyses and reports may be generated. These documents may offer evidence of the legislative intent behind a particular statute.⁷ Committee analyses, voting records, veto messages, and bill versions are available on the California Legislative Information Web site under the [Bill Information](#) tab (from the 1999 to the most present legislative sessions) and at the archived Official California Legislative Information Web site under the [Bill Information](#) page (back to the 1993-94 to the legislative session). Legislative information, both for bills that became law and for those that died, may be searched by bill number, bill author, or keyword.⁸ While not providing complete legislative history documentation, these Legislative Counsel Web sites make some legislative documents accessible and may provide insight into legislative intent.

For a (possibly) more complete legislative history, you could start your search in a library that serves as a state depository. There are also commercial legislative intent service companies that will research and prepare legislative histories for a fee.⁹ Fortunately, as described above, some legislative history documents are available free

⁷ However, compiling legislative documents can be a time-consuming and frustrating task, and the documents may fail to reveal the legislator's intent.

⁸ The newer version of the Web site also allows for searching by code section.

⁹ See the Selected Bibliography at the end of this chapter for examples of commercial California legislative intent research services.

online from government Web sites. The more recent the law, the more complete a history you will likely be able to compile. Some libraries that collect legislative intent materials have worksheets that guide the researcher through the process and reflect the materials available in their own collections. One example is the [California Legislative History Checklist](#) available from the [LA Law Library](#). The guide, [California Legislative History: Researching Legislative Intent](#), from the [Sacramento County Public Law Library](#) offers another good starting point.

There are numerous ways to research the history of a California session law. Locating relevant materials is easier if you know the year the law passed, its chapter number, and its bill number. If you know only the code section, i.e. Penal code section 654, check the parenthetical reference immediately following the section. This information tells you how many laws comprise the section and gives you the year and chapter number (and perhaps the bill number) for each of those laws. The first law in parentheses is the one that added the section. If any other laws are listed, those laws amended the section. If only one law is listed, the section has not been amended since it was added to the code.

So a code section may be comprised of just one statute (session law), or it may be the result of multiple laws. If the section consists of several session laws and you are not sure which one(s) to research, read the historical notes that follow the section in the annotated codes. In *West's Annotated California Codes*, these notes are called Historical and Statutory Notes. In *Deering's California Codes Annotated*, they are called Amendments, Historical. These historical notes summarize the changes that each law made to the section. Reading these notes may help you decide which statute or statutes to research based on how each statute affected the code section. Once you know which session law(s) you want to research, consider following these steps, based on your research needs:

1. Using the parenthetical reference immediately following the code section, note the year, chapter number, and bill number (if provided) for the law you are interested in.
2. If the bill number is not included in the parenthetical section, convert the chapter number into a bill number. Through 1979, check Volume 1 of the *Statutes and Amendments to the Codes*, Table of Laws Enacted. Starting in 1967, you can check the last volume of the *Statutes and Amendments to the Codes* for the Summary Digest. These resources provide the bill number for each chaptered law. *Statutes and Amendments to the Codes* is available online free at the California State Assembly Office of the Chief Clerk

CHAPTER FIVE: CALIFORNIA LAW

Web site under the Historical Information, Archived Publications, [Statutes](#) section.

3. Read the original statute, as well as the Legislative Counsel's Digest that accompanies the law or the Summary Digest of the law in the *Statutes and Amendments to the Codes*. These materials are available online free at the California State Assembly Office of the Chief Clerk website under the Historical Information, Archived Publications, [Statutes](#) section (1850-2008), the California Legislative Information website (1999-current) under the [Bill Information](#) tab, or the archived version of the website (1993-2016) under the [Bill Information](#) section.
4. Read each version of the bill. Bill versions allow you to see how the language of the bill changed with each amendment, until the legislature settled on the final language in the enrolled version of the bill. Bill versions are available at the California Legislative Information website (1999-current) under the [Bill Information](#) tab, or the archived version of the website (1993-2016) under the [Bill Information](#) section. Check county and law school libraries for bills proposed before 1993.
5. Read the committee and floor analyses (i.e., hearings, reports) for the bill. These documents explain how the bill would change existing law and assess its fiscal impact on the state. The analysis typically includes arguments and organizations in support of and opposition to the bill, author's statements, the effect of amendments to the bill, etc. Analysis for each bill is available at the California Legislative Information website (1999-current) under the [Bill Information](#) tab, or the archived version of the website (1993-2016) under the [Bill Information](#) section.

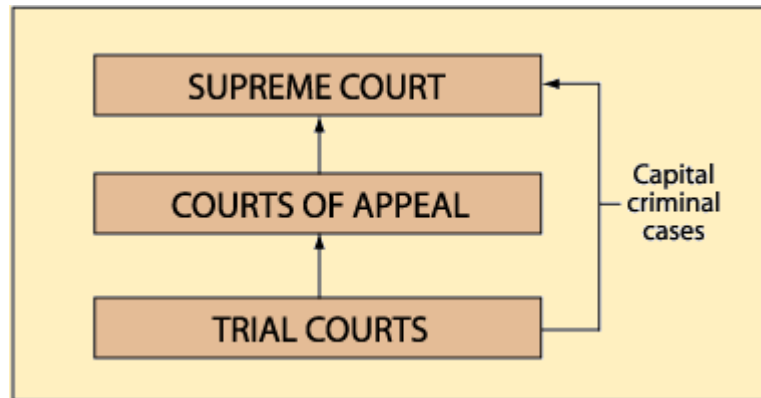
For analysis of bills proposed before 1993, you must determine which committees studied the bill. You can find this information by checking the Senate or Assembly Final History. Assembly histories are available at the California State Assembly Office of the Chief Clerk website under the Historical Information, Archived Publications, [Histories and Indexes](#) section. The History lists all actions that occurred on the bill, including which committee(s) the bill was assigned to. Once you determine which committees studied a bill passed before 1993, check county and law school libraries and the California State Archives for the availability of committee materials. (See #9 below for more information regarding the State Archives.)

6. Check the indexes to the *Journal of the Assembly* and the *Journal of the Senate* for references to Legislative Counsel Opinions or Statements of Intent regarding the bill. The Journals are available at the California State Assembly Office of the Chief Clerk website under the Historical Information, Archived Publications, [Journals](#) section from 1849-2011.
7. Check published sources of legislative intent:
 - a. *Pacific Law Journal* (1970-1997) renamed *McGeorge Law Review* (1998 – Present), Annual Review of Selected California Legislation. Covers legislation from 1970 to the present.
 - b. “The [California Law Revision Commission](#) is an independent state agency created by statute in 1953. It assists the Legislature and Governor by examining California law and recommending needed reforms.” The Commission’s [Web site](#) describes how its materials become part of the legislative history of a California law. The [Reports](#) section contains Commission documents that provide context for the origins of laws.
 - c. CEB’s *Review of Selected Code Legislation* covers some years prior to 1970.
8. Check the annotations to the code section in *West’s Annotated California Codes* and *Deering’s California Codes Annotated* for law review articles, cases, etc. that discuss legislative intent.
9. Contact the [California State Archives](#) in Sacramento at (916) 653-2246 or archivesweb@sos.ca.gov. The Archives maintains bill files that may contain correspondence, reports, caucus materials, the author’s file, the Governor’s chaptered bill file, etc. The Archives will compile a package of legislative documents for twenty-five cents per page. The process may take several weeks. In addition, the Archives is open to the public and staff will demonstrate how to compile a California legislative history.

California Case Law

Cases are written opinions rendered by judges in particular disputes. Cases resolve disputes between parties by interpreting statutes and regulations. They may establish the law in areas where there are no governing statutes or regulations. Not all cases result in a written opinion, nor are all opinions formally published or “reported.”

- *California State Court System*¹⁰



Like most states, California has a three-tiered court system. The [California Supreme Court](#) is the highest court for the state. Cases do not originate in the Supreme Court but arrive there on appeal from a lower court. The Supreme Court's reviewing power allows it to decide important legal questions and to maintain uniformity in California law. The Supreme Court is composed of a Chief Justice and six Associate Justices.

The [California Courts of Appeal](#) are the basic appellate courts for the state. There are six appellate districts: First District – San Francisco; Second District – Los Angeles and Ventura; Third District – Sacramento; Fourth District – San Diego, San Bernardino/Riverside and Santa Ana; Fifth District – Fresno; Sixth District – San Jose. Each district has a presiding justice and two or more judges.

[Superior Courts](#) are the trial level courts within California. All California cases must begin in a superior court. There is one superior court in each of California's fifty-eight counties. (Each court may maintain multiple branches.) Municipal courts were unified with superior courts in 2001.

As stated above, cases are written opinions rendered by judges in particular disputes. Superior Courts generally do not publish their decisions; those opinions must be retrieved directly from the court. Cases from the California Courts of Appeal and the California Supreme Court are published in both official and unofficial versions.¹¹ In either case, only the text of the opinions

¹⁰ This diagram comes from the California Courts Web site, [About California Courts](#).

¹¹ 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

comes from the court itself; the editorial matter, such as the case summary and headnotes, differ between the official and unofficial versions.

It should also be noted that all California Supreme Court opinions are published, but the same is not true of California Court of Appeal opinions. Court of Appeal decisions are published if they meet one of the standards listed in California Rule of Court [8.1105\(c\)](#).

- *California Case Law Publications*

Below is a chart that shows where California cases are published.

<i>COURT</i>	<i>PUBLICATION TITLE</i>
California Supreme Court	<i>California Reports</i> (Official) <i>West's California Reporter</i> (Unofficial) <i>West's Pacific Reporter</i> (Unofficial)
California Appellate Courts	<i>California Appellate Reports</i> (Official) <i>West's California Reporter</i> (Unofficial)
Trial Courts (e.g., Los Angeles Superior Court)	Decisions are not published.

[Published opinions](#) of the California Supreme Court and Court of Appeal dating back to 1850 are available free on the California Courts Web site in the [Official Reports Opinions database](#) provided by LexisNexis, the official publisher of California cases. In addition, [SCOCAL](#), a joint project between [Justia](#) and Stanford Law School Library, provides free access to California Supreme Court opinions (from 1934 to present), along with annotations, briefs, other documents, and news.¹² [Unpublished opinions](#) are also accessible at the California Courts Web site for several years after they are first issued.

contract with the government. Unofficial versions are not sanctioned by the government.

¹² Additional online sources which carry California cases include [Lexis Advance](#), [Westlaw](#), [Bloomberg Law](#), and [Fastcase](#) (for a fee); and [FindLaw](#) (free).

California Regulations & Regulatory Decisions

California regulations are rules and procedures promulgated by state agencies. These regulations assist in enforcing the laws passed by the legislature. Regulations are a binding source of law similar to statutes and cases.

California regulations are found in the *California Code of Regulations* (formerly called the *California Administrative Code*) published by the [California Office of Administrative Law](#). The *California Code of Regulations* (CCR) is divided into 27 numbered titles (excluding Title 24, see below) and then into sections. A typical citation might appear as 25 CCR 60, where 25 is the title number and 60 is the section number. The print version of the CCR is published in loose-leaf format by Barclays, a division of West Publishing Company (a Thomson Reuters business). Update pages are issued weekly. Regulations can be found by consulting the subject index or, where a relevant code section is known, by consulting the Statutes to Regulations Table.

The [CCR](#) is also available free online through the [Office of Administrative Law](#) (under the blue California Code of Regulations box). Regulations are accessible through a subject or agency list, a table of contents, or a keyword search through one or more titles. The [California Regulatory Notice Register](#) updates the CCR each week and is also available at the Web site.

Note that Title 24, the Building Code, is not published as part of either the print or the online version of the CCR. It has a different publisher. [California Building Standards Code](#) is available on the [California Building Standards Commission](#) Web site. The Building Code is published every three years and is updated by supplements in intervening years.

In addition to promulgating regulations, state administrative boards and agencies such as the Workers' Compensation Appeals Board and the Franchise Tax Board often have judicial or quasi-judicial authority and may issue administrative decisions. Finding these decisions can be challenging. Subject-specific practice books may include administrative decisions. Researchers should also check state agency Web sites for their regulations, decisions, forms, and other information of interest. The California State Web page offers a [listing of California agencies](#) and their Web sites.

City & County Municipal Codes

Article 11 of the [California Constitution](#) gives cities and counties the authority to pass legislative acts, called ordinances, relating to municipal affairs. These ordinances are collected and arranged by topic in municipal codes and county codes.

Most city and county Web sites contain their ordinances. U.C. Berkeley's Institute of Governmental Studies provides a list of [California Local Codes and Charters](#) and includes links to those available on the Internet.

Other Resources

California County Law Libraries

Because many public libraries have limited legal research resources, it may be necessary to refer users to a local county law library. By statute, each of the fifty-eight counties in California maintains a county law library whose mission is to provide free access to legal materials to all persons interested in the law. The county law libraries vary greatly in size and resources. Several, including the [LA Law Library](#), the [Bernard E. Witkin Alameda County Law Library](#), and the [San Diego Law Library](#) collect not only California legal materials, but materials for the federal system and for other states as well. The LA Law Library also has an extensive collection of foreign and international law materials.

The larger county law libraries maintain Web sites that provide access to their catalogs and include helpful research guides and lists of local legal providers. Some also provide in-person classes and training on legal research topics. The county law libraries also participate in [AskNow's Law Librarian Service](#), which provides real-time legal reference assistance online.

The [Council of California County Law Libraries](#) provides a list of [California county law libraries](#). More information about these libraries appears in Appendix C: California's County Law Libraries of this publication.

California Attorneys

To practice in California, an attorney must be a member of The State Bar of California. Furthermore, only active members of the State Bar are entitled to practice law within California.

The [State Bar](#) makes its member records available to the public through its [Attorney Search](#) feature. Information provided for individual attorneys includes current contact information, undergraduate and law school information, and, most importantly, status¹³ and disciplinary history. In addition, the State Bar's [Conduct & Discipline](#) page connects to a section on [How to File a Complaint Against an Attorney](#).

California attorneys can become certified legal specialists in one or more of twenty-two legal specialties including bankruptcy, elder law, family law, immigration law, and tax law. You can find attorneys who specialize in particular areas of the law by using the [Certified Specialist Search](#) or the Advanced Search link on the [Attorney Search](#) page.

Several other attorney directories may be of interest. [Martindale-Hubbell](#) is a national directory of lawyers. Its publisher, LexisNexis, makes the database available at no charge. Lawyers may be searched by name, specialty, and geographic region. The advanced search features allow searching by language or law school attended. Martindale-Hubbell's directory is also available through [Lawyers.com](#).

[Avvo.com](#) also provides a national database of lawyers. In addition to biographical information, Avvo.com provides ratings for attorneys based on its proprietary ratings system.

Lawyers identified through [Martindale-Hubbell](#), [Lawyers.com](#), or [Avvo.com](#) should be checked in the California State Bar [Attorney Search](#) database for active status and disciplinary history.

California Judges

Biographical information on California judges may be found on court Web sites. The Judicial Council of California provides a [list of courts](#) and their Web sites.

Biographical information may also be found in *Judicial Profiles* published by the Daily Journal Corporation. This multi-volume set includes information on state court judges and federal judges sitting in California. Check your local law library's catalog or call the reference desk to find out if you have access to the print volumes.¹⁴ The *Judicial Profiles* are also available on the [Daily Journal](#) Web site but require a subscription and payment.

¹³ Statuses include active, inactive, not entitled to practice law, disbarred, and resigned. Only active members can practice law.

¹⁴ For a directory of California County Law Libraries, see the [list](#) provided by the Council of California County Law Libraries or Appendix C of this publication.

The California [Commission on Judicial Performance](#) is an independent state agency responsible for investigating complaints of judicial misconduct and for disciplining judges. Its jurisdiction includes all judges of California's superior courts, justices of the California Courts of Appeal and California Supreme Court, and former judges for conduct prior to retirement and resignation. Its Web site has additional information, including instructions on [how to file a complaint](#) against a judge.



Selected Bibliography

Print Sources:

- Lisa Guerin & Patricia Gima. *Nolo's Guide to California Law*, 11th ed. (July 2011) (Nolo is not updating this title beyond 2011.)
- Daniel Martin. *Henke's California Law Guide*, 8th ed. (LexisNexis Matthew Bender, 2006)
- Larry D. Dershem. *California Legal Research Handbook*, 2nd ed. (W.S. Hein & Co., 2008).
- John K. Hanft. *Legal Research in California*, 7th ed. (Thomson West, 2011)

Internet Sources:

- ***Secondary Sources:***
 - Nolo Press: <http://www.nolo.com>
 - The California Courts Self-Help Center: <http://www.courts.ca.gov/selfhelp.htm>
 - AskNow's Law Librarian Service: http://www.247ref.org/portal/access_law3.cfm
- ***California Constitution:***
<http://tinyurl.com/y8bj3s4m>
- ***California Statutory Law:***
 - History of California Initiatives: <http://tinyurl.com/ycb5jdzh>
 - Legislative Counsel's Official California Legislative Information:
<http://leginfo.legislature.ca.gov/>
 - California Codes: <http://www.leginfo.ca.gov/calaw.html>

- ***California Legislative Process:***

- California's Legislature: <http://www.leginfo.ca.gov/califleg.html>
- Legislative Bill Room: <http://www.dgs.ca.gov/osp/Programs/BillRoom.aspx>
- Chart of Legislative Process: http://www.leginfo.ca.gov/pdf/Ch_09_CaLegi06.pdf
- California Legislative Information, Bill Information: <http://tinyurl.com/hm9vrqn>
- Official California Legislative Information, Statutes: <http://tinyurl.com/78tncmd>
- Official California Legislative Information: Bill Information: <http://tinyurl.com/fo2z>
- California State Assembly Office of the Chief Clerk, Statutes: <http://tinyurl.com/y79pc97a>
- California State Assembly Office of the Chief Clerk, Histories and Indexes: <http://tinyurl.com/yc39xyrr>
- California State Assembly Office of the Chief Clerk, Journals: <http://tinyurl.com/y756ue7a>
- California Legislative History Checklist, LA Law Library: <http://tinyurl.com/yad6vcdq>
- California Legislative History: Researching Legislative Intent,
 - Sacramento County Public Law Library: <http://tinyurl.com/y9fgxa3q>
- California Law Revision Commission Materials as Legislative History: <http://tinyurl.com/y9pb4my7>
- California Law Revision Commission Reports: <http://tinyurl.com/ya9zm7mn>
- California State Archives: <http://www.sos.ca.gov/archives/>

- ***California Legislative Intent Research Services:***

- Legislative Intent Service, Inc.: <http://www.legintent.com/> (800) 666-1917
- LRI History LLC: <http://www.lrihistory.com/> (916) 442-7660
- Legislative History & Intent: <http://www.lhclearinghouse.com/> (888) 676-1947

- ***California Cases:***

- California Courts Web site: <http://www.courts.ca.gov>
- California Supreme Court: <http://www.courts.ca.gov/courts/supremecourt.htm>
- California Courts of Appeal: <http://www.courts.ca.gov/courtsofappeal.htm>
- California Superior Courts: <http://www.courts.ca.gov/superiorcourts.htm>
- Published Opinions: <http://www.courts.ca.gov/opinions-slip.htm>
- Official Reports Opinions: <http://www.lexisnexis.com/clients/CACourts/>
- Unpublished Opinions: <http://www.courts.ca.gov/opinions-nonpub.htm>
- SCOCAL (Supreme Court of California Resources) : <http://scocal.stanford.edu/>

- **California Regulations and Regulatory Decisions:**
 - California Office of Administrative Law: <http://www.oal.ca.gov/>
 - California Code of Regulations: <http://tinyurl.com/yaq2qhhd>
 - California Regulatory Notice Register:
http://oal.ca.gov/publications/notice_register/
 - California Building Standards Code: <http://www.bsc.ca.gov/Codes.aspx>
 - California Building Standards Commission: <http://www.bsc.ca.gov/>
 - Find an Agency: <http://www.ca.gov/Agencies?page=1>
- **California City and County Municipal Codes:**
 - California Local Codes and Charters, U.C. Berkeley Institute of Governmental Studies: <http://igs.berkeley.edu/library/cagovdocs/calcodes.html>
- **California County Law Libraries:** (see also Appendix C)
 - Council of County Law Librarians: <http://www.ccll.org/>
 - Listing of County Law Libraries: <http://www.publiclawlibrary.org/law-libraries/>
 - AskNow's Law Librarian Service: http://www.247ref.org/portal/access_law3.cfm
 - LA Law Library: <http://www.lalawlibrary.org/default.aspx>
 - Bernard E. Witkin Alameda County Law Library:
<http://www.co.alameda.ca.us/law/index.htm>
 - San Diego Law Library: <http://www.sdcpll.org/>
- **California Attorneys:**
 - The State Bar of California: <http://www.calbar.ca.gov/>
 - Attorney Search: <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>
 - Certified Specialist Search: <https://members.calbar.ca.gov/search/lsearch.aspx>
 - Conduct & Discipline: <http://www.calbar.ca.gov/Attorneys/Conduct-Discipline>
 - How to File a Complaint Against an Attorney: <http://tinyurl.com/yamhbcw7>
 - Martindale-Hubbell Law Directory: <https://www.martindale.com/> or
<http://www.lawyers.com/>
 - Avvo.com: <http://www.avvo.com/>
- **California Judges:**
 - California Courts (list of courts and Web sites):
<http://www.courts.ca.gov/courts.htm>
 - California Commission on Judicial Performance: <https://cjp.ca.gov/>
 - How to File a Complaint: http://cjp.ca.gov/file_a_complaint/
 - Daily Journal: <https://www.dailyjournal.co>

Chapter 6

BIBLIOGRAPHY OF CALIFORNIA LAW RESOURCES

This chapter lists a wide variety of California legal materials and includes both print and Internet sources. This bibliography begins with the California Constitution, and then is arranged by branch of government: legislative branch resources (e.g., codes, statutes, bills), judicial branch resources (e.g., case law, digests, court rules, jury instructions); executive branch resources (e.g., administrative rules and regulations); and municipal and county codes and ordinances. Also included are sources related to California attorneys and judges (e.g., ethics rules and directories), as well as a few of the seminal California secondary sources (e.g., form books). This chapter includes hyperlinks throughout. For a list of URLs, please see the end of the chapter.

For self-help sources, readers should refer to Chapter 9: Assisting Self-Represented Litigants and Chapter 10: Bibliography of Self-Help Resources of this publication. Also be sure to review Chapter 1: Introduction to determine how each of these types of materials, such as legislative codes, case law reporters, administrative rules and regulations, and secondary sources, relate to each other, as well as Chapter 5: California Law, which gives an overview of California law.

Contents:

- [California Constitution](#)
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 - [Statutes](#)
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- [Court Decisions](#)
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- [California Municipal & County Codes, Ordinances](#)
- [California Attorneys & Judges](#)
 - [Professional Responsibility](#)
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 - [California Rules of Professional Conduct](#)
 - [Ethics Opinions & Rulings](#)
 - [Directories of Attorneys and Judges](#)
- [Secondary Sources for California Legal Research](#)
 - [California Legal Research Guides](#)
 - [Legal Encyclopedias](#)
 - [Witkin Treatises](#)
 - [Treatises, Practice Guides & Handbooks](#)
 - [Formbooks](#)
- [List of Internet Sources Cited in this Chapter](#)

California Constitution

The California Constitution is the supreme law of California. Copies of the California Constitution are available at nominal cost from the [Legislative Bill Room](#), State Capitol, in Sacramento.¹ The Constitution is reprinted in the [annotated codes](#) and is also available on the [California Constitution](#) page of the [California Legislative Counsel](#) Web site, the official site for California legislative information.

¹ Phone inquiries/orders may be placed by calling the Legislative Bill Room at 916-445-2323.

California Legislative Branch Materials

This section will cover finding aids, statutes, codes, bills and resolutions, initiatives referenda, ballot propositions, and legislative process resources.

Statutes & Codes

- *Finding Aid*

LARMAC Consolidated Index to the Constitution and Laws of California. Matthew Bender. Annual.

A handy, one-volume index, LARMAC uses “non-legalese” and offers a detailed subject index to the codes. Note that the publications listed below under *Statutes* and *Codes* also include their own indexes and tables.

- *Statutes*

Newly passed legislation is bound and printed in chronological order (by date passed into law). These chronological compilations are called statutes or session laws.

California Statutes and Amendments to the Codes. Annual.

This is an official publication of all laws enacted by the legislature in a given year, prior to codification in the annotated code sets. This set includes tables and indexes.

The [Bill Information](#) page on the [California Legislative Information](#) Web site provides the full text of California session laws from 1999 to the present. Users may search by chapter or bill number,² author, keyword, code topic, or session or statute year. For the years 1993 to 1998, use the Bill Information page from the older version of the Web site, [Official California Legislative Information](#), which remains online as an archive of California legislative information.

² A bill is “chaptered” by the Secretary of State after both houses of the legislature approve it and the governor signs it (or it becomes law without the governor’s signature).

- ***Codes***

Legislative code sets are collections of current statutes, arranged by subject. Codes are consulted more frequently than session laws because codes are geared for researching the current state of the law, unlike session laws which are generally used for historical research. Codes may be easier to use than session laws because codes place related statutes together, which means that code sections are accessible by topic or keyword. (Alternatively, the chronological publication of session laws requires knowing the year a statute passed to access them.) In addition, code sets may have more enhanced indexes than session laws and may be annotated with editorial enhancements.

- ***Annotated Codes***

These sets provide the text of the code section as well as references to court decisions and secondary sources that explain its meaning. Thus, annotated code sets are a popular source for legislative research. Two sets of California annotated codes are available from commercial publishers, one from LexisNexis and one from Thomson Reuters. Both sets include the full-text of the codes, the California Constitution, and the Rules of Court.

Deering's California Codes, Annotated. LexisNexis. 220+ vols. Updated by pocket parts. With *Deering's California Codes Advance Legislative Service*.

West's Annotated California Codes. Thomson West. 400+ vols. Updated by pocket parts. With *West's California Legislative Service*.

Legislative service pamphlets update the codes with the newest session laws.

- ***Unannotated Codes***

Typically these sets are compilations of one or a few of the twenty-nine California code titles. Calling them “unannotated” is a bit of a misnomer, as they often include a minimal amount of annotations.

Deering's California Desktop Code Series. LexisNexis. Various code subjects and Rules of Court. Annual.

Parker's California Codes. Michie. Various code subjects and Rules of Court. Annual.

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The Standard California Codes: 6 in 2. LexisNexis. Includes the following codes: Civil, Civil Procedure, Evidence, Family and Probate, as well as California Rules of Court. Annual.

West's California Codes, Desktop Edition. Thomson West. Various code subjects and Rules of Court. Annual.

The [California Law](#) page on the [California Legislative Information](#) Web site provides full-text access to California's twenty-nine codes. Under the Code Search tab on the left side of the page, click the link for the code to display its table of contents and to browse to a particular code section. Specific code sections can also be accessed in the Code Search tab by using the Code dropdown box and Search box on the right side. To search for keywords in one or multiple code subjects, click the Text Search tab, enter search terms, select a code topic(s), and click Search.

Legislative Process Materials

- *Finding Aids*

[Legislative Index](#). California Legislative Counsel. This tool helps researchers locate bills by subject.

"[P]rovides a subject matter index of all legislative measures for the current legislative session... indicates the subject of each bill, constitutional amendment, and current or joint resolution as introduced and as amended. Entries are not removed from the index when the subject matter is deleted from the measure in the course of passage."³

[Table of Sections Affected](#). California Legislative Counsel. This tool helps researchers locate bills that amend, repeal, add, or otherwise affect a specific code section.

"[P]rovides an index of each section of the California Constitution, codes and uncodified laws affected by measures introduced. The PDF document includes links for the measure and chapter number [if applicable]."⁴

³ Legislative Index. [Legislative Publications](#), Office of Legislative Counsel.

⁴ Table of Sections Affected. [Legislative Publications](#), Office of Legislative Counsel.

- ***Bills & Resolutions***

The [Legislative Bill Room](#) provides copies of all legislative publications to the public, including single copies of individual bills.

[Legislative Highlights](#) (California Senate Office of Research). This source provides a succinct review of legislation from 1991 to 1994, and 1997 to 2007; also includes “significant” California statutes from the 20th Century and statutes by California women senators from 1976 to 1999.

[California Law Revision Commission Printed Reports, Recommendations, and Studies](#) (1957-). The Commission is the seminal bipartisan bill evaluator and legal issue researcher for California. The Commission’s studies on topics of interest to the Legislature are available on this Web site.

The [Bill Information](#) page on the [California Legislative Information](#) Web site provides the full text of bills, resolutions, and constitutional amendments, from 1999 to the current legislative session. Users may view the bill versions, including the chaptered law for bills that have passed, as well as the bill’s status, history, votes, and committee and floor analysis. Search by bill number, chapter number, author, keyword, code topic, or session or statute year. Use the older version of the Web site, [Official California Legislative Information](#), for [bills](#) and [legislative publications](#) from 1993 to 1998. The [Bill Index](#) from the previous Web site is also available. This tool helps researchers locate bills by bill number or author from 1993 to 2016.

- ***Legislative Publications***

Journal. California Legislature. State Printing Off. 1849/50-.

Contains an “account of the proceedings of each house (not a verbatim report of debates), the titles of all measures introduced, considered, or acted upon by the house, the full text of all amendments to any such measures, the text of all house resolutions, roll calls upon all actions requiring a recorded vote,, messages from the Governor and the other house...[.]” the rules of the Senate and Assembly, an alphabetical subject index, and a bill action index.⁵

⁵ Daniel W. Martin, *Henke’s California Law Guide*, 8th ed. (LexisNexis Matthew Bender 2006) at 94-95.

CHAPTER 6: BIBLIOGRAPHY OF CALIFORNIA LAW RESOURCES

[*Senate Daily Journal*](#). California Legislature. 1850-. The Legislative Counsel provides the Senate Daily Journal from 2003 to the present:

[*Senate Daily Journal*](#). November 2016-.

[*Senate Daily Journal*](#). December 2004-November 2016 (and October and November 2002).

[*Prior Session Senate Journal*](#). 2003-2004.

[*Assembly Daily Journal*](#). California Legislature. 1849-. The California State Assembly Office of the Chief Clerk provides the *Assembly Daily Journal* from 1849 to the present:

[*California State Assembly*](#). 1995-.

[*Archived Journals*](#). 1849-2011.

Daily File. California Legislature.

The *Daily File* is the agenda of business for each legislative day. It also contains a table of all bills and constitutional amendments with their dates of introduction. The *Assembly File* includes titles of all committee hearing notices and all measures eligible for floor actions.

Current Assembly and Senate Daily Files are available on the CA [Legislative Information](#) Web site on the right side of the page.

The Daily File and the Committee Hearings versions of the File are also available under the [Publications tab](#) of the Web site.

Initiatives, Referenda, Ballot Pamphlets & Propositions

[Elections and Voter Information, Ballot Measures](#). California Secretary of State.

Provides information on current [ballot measures](#); [voter information guides](#) starting with the March 1996 election, which provide the text of each proposition, along with summaries, analyses, and pro and con arguments; the [status](#) of initiatives proposed for qualification; and a [history](#) of the California initiative process. The Web site links to UC Hastings College of the Law's *California Ballot Measures Database*.

[California Ballot Measures Databases](#). UC Hastings College of the Law Library.

Search for information on California propositions and initiatives from 1911 to the present. The database contains the full-text of measures, ballot pamphlets, and other related information. UC Hastings Scholarship Repository provides links to [ballot pamphlets](#) (voter information guides) from 1911-present, [individual propositions](#) from 1911-present, and [initiatives](#) from 1912-present.

[Ballot Initiatives](#). State of California Department of Justice.

The California Attorney General's Ballot Initiatives Web site [explains](#) initiatives and referenda, provides a [database](#) to search for initiatives, links to [active](#) and [inactive](#) measures and those that have [qualified for the ballot](#), and offers an [e-mail subscription list](#) to be notified about initiatives on the Web site.

[California Ballot Propositions](#). Los Angeles County Law Library.

Users may browse ballot propositions from 2008, 2009, and 2010.

California Judicial Branch Materials

Court Decisions

Court decisions are published in bound volumes called reporters. California has official and unofficial reporters. The text of the case opinion is the same in both sources, but the editorial enhancements provided by the publishers differ.

- ***Official Court Reporters***

Reporters that are sanctioned by the State of California to contain published case law are called official reporters.

California Reports. LexisNexis.

Includes full text opinions of California Supreme Court cases. The first series includes volumes 1 to 220 (1850-1934); *California Reports, 2nd* includes volumes 1 to 71 (1934-1969); *California Reports, 3rd* includes volumes 1 to 54 (1969-1991); *California Reports, 4th* includes volumes 1 to 63 (1991-2016); *California Reports, 5th* started with volume 1 in 2016.

California Appellate Reports. LexisNexis.

Includes published opinions of the California Courts of Appeal and Appellate Departments of the Superior Courts. The first series includes volumes 1 to 140 (1905-1934); *California Appellate Reports, 2nd* includes volumes 1 to 276 (1934-1969); *California Appellate Reports, 3rd* includes volumes 1 to 235 (1969-1991); *California Appellate Reports, 4th* includes volumes 1 to 248 (1991-2016); *California Appellate Reports, 5th* started with volume 1 in 2016.

California Official Reports (Advance Sheets). LexisNexis.

Recent court decisions first appear online, then in advance sheets, paperbacks that may be discarded when bound volumes are published to replace them.

[Court Opinions](#) on the [California Courts](#) Web site. Judicial Council of California. All series of *California Reports* and *California Appellate Reports* are available for free at this official Web site.

In addition, the California Courts Web site publishes California Supreme Court and California Courts of Appeal [slip opinions](#) from the last 120 days that are certified for publication or ordered published. The Web site posts Supreme Court opinions “immediately on filing at 10:00 a.m. on Mondays and Thursdays. Court of Appeal slip opinions are posted throughout the day as soon after filing as possible.”⁶ Slip opinions may be superseded during the time they are available on this Web site, so proceed with caution before relying on them.

- ***Unofficial Court Reporters***

Unofficial court reporters are published commercially and do not have government sanction. Court decisions are reprinted in their entirety by commercial publishers Thomson Reuters (West), the Daily Journal Corporation, Metropolitan News Company, and ALM. West’s reporters (and West digests) use the ubiquitous “key number system” to categorize cases by subject, and make them more discoverable to researchers.

California Reporter. Thomson Reuters. In print and online with a paid [Westlaw](#) subscription.

The first series includes volumes 1 to 286 (1960-1992). *California Reporter, 2d* includes volumes 1 to 135 (1992-2004), and *California Reporter, 3d* includes volumes 1 to present (2004-) with advance sheets. The *California Reporter* contains decisions of the California Supreme Court, Courts of Appeal, and Appellate Departments of the California Superior Courts.

Pacific Reporter. Thomson Reuters. In print and online with a paid [Westlaw](#) subscription.

The first series includes volumes 1 to 300 (1883-1931). *Pacific Reporter, 2d* includes volumes 1 to 999 (1931-2000); *Pacific Reporter, 3d* includes volumes 1 to present (2000-) with advance sheets. The *Pacific Reporter* contains appellate

⁶ [Published Opinions](#). Judicial Council of California.

decisions from fifteen western states, including California. It ceased publication of California Courts of Appeal decisions in 1960 but continues to publish California Supreme Court opinions.

Daily Appellate Report (D.A.R.). [The Daily Journal](#). In print and online with a paid *Daily Journal* subscription.

This publication is an insert in the *Los Angeles Daily Journal* and the *San Francisco Daily Journal*, both published by the Daily Journal Corporation. This publication contains full-text California Supreme Court and Courts of Appeal decisions within a few days of being issued. It also includes full-text decisions from the U.S. Ninth Circuit Court of Appeals, the Ninth Circuit Bankruptcy Appellate Panel, the U.S. Supreme Court, and the California Attorney General.

Slip Opinion Supplement (S.O.S.). [Metropolitan News-Enterprise](#). In print.

The *Slip Opinion Supplement* is an insert in the legal newspaper, Metropolitan News-Enterprise, which is published by the Metropolitan News Company. The supplement contains full-text California Supreme Court and Courts of Appeal decisions within a few days of being issued. The paper's articles (not the cases) are online.

[The Recorder](#). ALM. Online with a paid Recorder subscription.

The Recorder is a subscription-based Web site with California legal news and cases. The site contains the *California Daily Opinion Service (C.D.O.S.)*, which is similar in case coverage to the *Daily Appellate Report* described above. Five articles are free every thirty days with registration.

[FindLaw's California Case Law](#). Thomson Reuters.

FindLaw provides the full text of California Supreme Court and Courts of Appeal opinions dating back to 1934. Registration is free. Unannotated.

Digests

Digests provide a means of conducting comprehensive subject searches of court decisions in print. Thomson Reuters (West) is the only publisher continuing to publish digests in print. Find an appropriate legal topic and subtopic by using the index volumes, and you will be directed to the main digest volumes which contain short summaries of decisions in your jurisdiction on that topic. These summaries, or subject headings, are also known as “headnotes.” Headnotes are assigned to each case in the reporters by the publisher. These headnotes correspond to the topics and headnotes in that publisher’s digest.

The following digest sets correspond to the West Reporter sets. West digests are also available online with a paid [Westlaw](#) subscription.

West’s California Digest. West Group. 1850-1949.

West’s California Digest, 2nd. Thomson Reuters. 1950-.

West’s Pacific Digest. Thomson Reuters. 1962-.

These digest sets correspond to the former official reports:

McKinney’s New California Digest. Bancroft-Whitney. 1850-1968.

California Digest of Official Reports, 3rd & 4th series. Bancroft-Whitney. 1969-2003.

Court Rules

Court rules ensure the proper control of litigation by establishing uniform procedures. There are rules that apply to all California state courts, to all appellate courts, and to all trial courts. There are also “local rules” that are set by each individual court. A litigant must abide by all applicable court rules.

Deering’s California Codes Annotated: Rules of Court. LexisNexis. 3 vols.

Deering’s California Desktop Code Series. California Rules of Court. LexisNexis. Annual. 1 vol. (which also includes Civil, Code of Civil Procedure, and Evidence codes).

California Rules of Court, State. Thomson Reuters. Annual. 1 vol.

Also in *West’s Annotated California Codes: Court Rules*. Thomson Reuters. 6 vols.

California Civil Practice Statutes and Rules, Annotated. Thomson Reuters. Annual. 1 vol.

Standard California Codes, Rules of Court. LexisNexis. Annual. 1 vol.

[Official California Rules of Court](#). Judicial Council of California.

Local Court Rules:

Court Rules: Northern California. Daily Journal Corp. Loose-leaf. 9 vols.

Court Rules: Southern California. Daily Journal Corp. Loose-leaf. 8 vols.

Metropolitan News-Enterprise Rules of Court. Metropolitan News Co. Loose-leaf.
Publishes court rules for individual counties as well as state court rules.

[Official Local Court Rules](#). Judicial Council of California.

Provides links to the local rules of the superior courts of California. Alphabetical by county.⁷

Jury Instructions

During a trial a judge gives specific instructions to a jury before deliberation begins. The use of the CACI (for civil cases) and CALCRIM (for criminal cases) jury instructions is strongly encouraged by the California Rules of Court. The older sets of jury instructions, BAJI and CALJIC, were drafted by the Committee on Standard Jury Instructions, and include notes explaining their use, history, and relevant cases. Most of the publications below are updated with a new edition each year or twice each year. In most cases, your local library will retain the latest edition only.

- ***Civil Jury Instructions***

Judicial Council of California, Civil Jury Instructions (CACI). LexisNexis
Matthew Bender. 2 vols.

Judicial Council of California, Civil Jury Instructions (CACI). Thomson Reuters. 2 vols.

[Civil Jury Instructions \(CACI\)](#). Judicial Council of California.

⁷ Thomson Reuters also publishes local court rules for Los Angeles County and for three regions: Northern, Central, and Southern California.

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California Jury Instructions, Civil (BAJI). Thomson Reuters. 2 vols.

- ***Criminal Jury Instructions***

Judicial Council of California Criminal Jury Instructions (CALCRIM). LexisNexis Matthew Bender. 2 vols.

Judicial Council of California, Criminal Jury Instructions (CALCRIM). Thomson Reuters. 2 vols.

[Criminal Jury Instructions \(CALCRIM\)](#). Judicial Council of California.

California Jury Instructions Criminal (CALJIC). Thomson Reuters. 2 vols.

California Jury Instructions Criminal Forms (CALJIC). Thomson Reuters. 2 vols.

CJER Mandatory Criminal Jury Instructions Handbook. California Center for Judicial Education and Research.

California Executive Branch Materials

California's executive branch is large and complex.⁸ There are hundreds of executive, administrative, and advisory agencies. Most California administrative law research will focus on regulatory rules and regulations, which begins this section. Also covered are agency reports, decisions and orders, as well as executive orders and proclamations.

Administrative Rules & Regulations

State agencies issue administrative rules and regulations, which implement or explain legislation. These rules and regulations carry the same force of law as legislation and published case law.

Barclay's Official California Code of Regulations. Barclays Law Publishers (subsidiary of Thomson Reuters). 25+ vols. 1980-. Loose-leaf. Formerly *California Administrative Code*.

⁸ Please see the organizational chart, available at <https://cold.govops.ca.gov/File/OrganizationalChart>.

The full text of the [California Code of Regulations](#) (CCR) is available free online (except for Title 24), as maintained by Thomson Reuters under contract with the California [Office of Administrative Law](#).

California Regulatory Notice Register (Z-Register) contains the most recent notices of *proposed* actions by state agencies which relate to the repeal, adoption, or amendment of regulations contained in the *California Code of Regulations*.

The [California Regulatory Notice Register](#) is online (in PDF) on the California Office of Administrative Law Web site. From 2002-.

California Regulatory Code Supplement (Digest of New Regulations).

This source offers the official changes (*final* actions) to the *California Code of Regulations*, on a weekly basis. From the point in time that the changes are published in this source, the changes await codification into the *California Code of Regulations*. Note that this source includes only those changes that have actually been made, whereas the Z-Register includes all proposed changes (which may not actually become law).

[Title 24 of the California Code of Regulations](#), called the *California Building Standards Code*, is published independently of the rest of the *California Code of Regulations*.

It is published every three years and updated by supplements in intervening years. It is available to the public at no cost through California [depository libraries](#).

There are several parts to the *California Building Standards Code*:

- California Building Standards Administrative Code* (Part 1)
- California Building Code* (Part 2).
- California Residential Building Code* (Part 2.5)
- California Electrical Code* (Part 3)
- California Mechanical Code* (Part 4)
- California Plumbing Code* (Part 5)
- California Energy Code* (Part 6)
- California Historical Building Code* (Part 8)
- California Fire Code* (Part 9)
- California Existing Building Code* (Part 10)
- California Green Building Standards Code (CAL Green Code)* (Part 11)
- California Reference Standards Code* (Part 12)

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[2016 Triennial Edition of CCR, Title 24](#). California Buildings Standards Commission. Applies to all occupancies that applied for a building permit on or after January 1, 2017, and remains in effect until the effective date of the 2019 triennial edition.

For more information on Title 24 of CCR and the selected parts that are available online, please visit the [California Buildings Standards Commission](#) Web site.

California Agency Decisions, Orders & Reports

Some agencies post decisions and orders on their Web sites. The State of California posts an Agency Directory (link below), which provides links to the agencies' sites. Reports, on the other hand, are rarely posted online. To find out if an agency has published a report, go to the Legislative Counsel's [Agency Reports](#) database.

[California State Agencies Directory](#). State of California.

Alphabetical listing of state agency Web sites. Links to State agencies, departments, boards, commissions, etc. The list can be searched and filtered by category. Also includes links to frequently requested projects, programs, and other nonprofit organizations related to government.

- *Agency Decisions & Orders*

Note that the print version of an agency decision may be deemed the controlling or official version. Contact the individual agency directly for availability of the print decision. In addition, because of the transitory nature of the Internet, some of the links below are sure to have been changed since the publication of this chapter. If a link is broken, please use the [Agency Directory](#) to find the agency Web site and look for either a tab or link to the publications listed below. Below is a list of just a few examples of agency decisions and orders posted online.

Department of Justice. Attorney General. [Legal Opinions of the Attorney General](#). Search opinions dated back to 1986 by keyword or phrase, opinion number, or citation, or use the yearly indexes, which go back to 1984.

California Natural Resources Agency. [1972-2010 Reported CEQA Cases](#).

Access court decisions relating to the California Environmental Quality Act (CEQA). Includes court reporter citations.

[Fair Employment and Housing Commission](#). Precedential decisions from 2000 to 2011.⁹

Department of Managed Health Care. [Independent Medical Review Decisions, Complaint Reports, and Arbitration Decisions](#).

The Department provides a database of Independent Medical Review decisions (2001-) and Arbitration Decisions (1999-2016). In addition, once a year, the Department prepares a report on complaints and Independent Medical Reviews. Complaint reports are available from 2000-2015.

Department of Social Services. [Index of Decisions Designated as Precedent](#). Summaries of twenty-three decisions with precedential value “involving” the Department of Social Services, Community Care Licensing Division. Each summary links to the full-text of the decision (in PDF). The Index link is at the bottom of the page.

Fair Political Practices Commission. Access to [Commission Opinions](#) (1976-2014), [Administrative Fines and Penalties](#) (2014-), [Summary of Enforcement Decisions](#) (PDF) (1980-2014), [Case Resolutions](#) (Without Fine/Penalty) (2009-), [Advice Letters](#) (1984-), and [Complaint Closure Letters](#) (2009-).

Medical Board of California. [Precedential Decisions](#).

“[A] decision that contains a significant legal or policy determination of general application that is likely to recur may be designated as precedential... Once a decision is designated as precedential, the Medical Board of California... may rely on it, and parties may cite to such decision in their argument to the Board and courts.” Search by keyword, subject, Business and Professions code section, or year.

Office of Administrative Hearings. [Special Education Decisions and Orders](#).

Search decisions dated back to July 1, 2005, by keyword, judge, case number, or school district. May also browse a listing of all decisions. The link at the bottom of the page leads to a database of decisions from 1993-2005.

⁹ This link is provided by the Internet Archive Wayback Machine because the [California Department of Fair Employment and Housing](#) appears no longer to link to these decisions.

- *Agency Reports*

[Agency Reports](#). California Legislative Counsel.

This database provides information about reports by various state and local agencies. The information is processed and updated continuously by the Legislative Counsel. For a copy of the report, contact the agency directly.

The Governor's Executive Orders, Proclamations, Press Releases, etc.

[Executive Orders](#), [Proclamations](#), [Public Notices](#), [Press Releases](#), and [Media Advisories](#).

The Governor of California.

View current executive orders, proclamations, public notices, press releases, and speeches. After you have selected one of the types of documents, notice the links under *Archives* on the right side of the screen. If the links above fail, go to the [Governor of California](#) page and place your mouse over *Newsroom*.

California Municipal & County Codes, Ordinances

Many city and county municipal codes and ordinances are posted online. If a city or county self-publishes its codes and ordinances, you will find a link on the city or county's Web site. Normally, a self-published municipal code will have limited search features and may not be updated frequently.

There are several commercial publishers of municipal codes. UCLA Law Library has a comprehensive list of those publishers on one of its LibGuides pages, [Municipal Codes Online](#), which is on the [Local Government Law](#) tab of the guide called [Online Legal Research: Beyond LexisNexis & Westlaw](#). Please note that these local code databases are not comprehensive. You will find a state's cities in more than one database. For this reason, researchers who need to search for codes in multiple cities and would like to do one general search (rather than search the codes of each city and county separately) will face some difficulties.

An excellent source for researching particular California municipal and county codes and ordinances is the UC Berkeley Institute of Governmental Studies Library's [California Local Codes and Charters](#) page.

An alternative, if you are looking for one city or county's municipal code or ordinances, is to use a search engine such as Google, Bing, or DuckDuckGo to find the city's Web site or to search for the city name and the words "municipal code."

California Attorneys & Judges

Professional Responsibility

California attorneys and judges must follow rules of professional conduct. Ethics opinions serve to guide the ethical conduct of attorneys through the use of hypothetical situations and commentary. Ethics opinions have advisory value. State Bar Court opinions are ethical rulings regarding California attorneys and have precedential value, if designated for publication and printed in their final form in the *California State Bar Court Reporter*.

- *Digest*

California State Bar Court Reporter. Office of the State Bar Court. 1990-. 6 vols. Loose-leaf. Includes topical digests, a table of cases (including case numbers and subsequent history notations), and the official version of published State Bar Court, Review Department opinions.

- *California Rules of Professional Conduct and Code of Judicial Ethics*

California Rules of Professional Conduct, State Bar Act. State Bar of California. Annual.

[California Rules of Professional Conduct](#). State Bar of California.

This page provides links to current, previous, and proposed rules of professional conduct required of California State Bar members.

[California Code of Judicial Ethics](#) (PDF). Amended by the Supreme Court of California, effective December 1, 2016. This code is intended for the California judiciary and candidates for judicial office.

- *Ethics Opinions & Rulings*

California Compendium on Professional Responsibility. Office of Professional Competence, State Bar of California. Randall Difuntorum, editor. 1983-. 3 vols. Loose-leaf. Includes ethics opinions from the State Bar and four local bar associations, California Rules of Professional Conduct, the State Bar Act, and the California Code of Judicial Conduct. The [486-page Index](#) for the Compendium from 2015 is available online (PDF).

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[Ethics Opinions](#). The State Bar of California Committee on Professional Responsibility and Conduct. View the list of opinions by date — older opinions are listed on the left side of the page — or search for opinions with keywords. 1965-.

California State Bar Court Reporter. Office of the State Bar Court. 1992-. 6 vols. Loose-leaf. Official source of State Bar Court opinions.

[Published Opinions](#) and [Non-Published Opinions](#). The State Bar Court of California, Review Department.

The full text of published and non-published State Bar Court *slip opinions* are posted on these Web pages. Please note: these slip opinions are *not* the finalized or official version of the opinions and thus are not citable in a court document. “Only opinions designated for publication or ordered published may be cited or relied on by courts and parties.” Published Opinions with precedential value are available in their final form *only* in the print version of the *California State Bar Court Reporter*.

[Dockets](#) for State Bar Court cases are searchable on the State Bar Web site by attorney name or case number.

*Directories of Attorneys and Judges*¹⁰

[Attorney/Member Search](#). State Bar of California.

The member records directory of the California State Bar provides contact information and education history for members of the state bar. In certain circumstances, incidents of public discipline are provided. Use the Advanced Search page to search for attorneys by location and certified specialists in a particular legal area.

California Judge Reviews (formerly *California Courts and Judges*). Mark Thompson and Elizabeth Smith. James Pub. Co. 2001-. Annual.

Provides information on California’s federal and state court judges. The new version of this title began in 2014 and includes “attorney comments about California judges.”

¹⁰ The attorney directories in this section generally are statewide (California) or nationwide. An alternative is to use an attorney directory provided by a local bar association or a pro bono organization.

California Court Directory. Daily Journal Corp. 1989-. Monthly.

Published as an insert in the *Los Angeles Daily Journal*. Contains telephone numbers for federal and state courts and judges in California, the Office of Administrative Hearings, and the Unemployment Insurance Appeals Board.

Judicial Profiles (Southern California). Daily Journal Corp. 1995-. 7 vols. Loose-leaf.

Profiles current California federal and state court judges.

Judicial Profiles (Northern California). Daily Journal Corp. 1995-. 8 vols. Loose-leaf.

Profiles current California federal and state court judges.

The Lawyer's Almanac. Wolters Kluwer. 1981-. 1 vol. Annual.

Describes itself as "[t]he Leading Reference of Vital Facts and Figures About the Legal Profession." Includes lists of the largest U.S. law firms, MCLE requirements by state, federal and state government information, and vital records departments by state.

Martindale-Hubbell Law Directory. Martindale-Hubbell. 18 vols.

Volumes 2 and 3 list California firms and attorneys. Attorney profiles include biographical information and areas of practice.

Martindale.com.

Contains credentials and contact information for over one million attorneys. Search by keyword at the top of the page, or scroll down to the Comprehensive Attorney Coverage section to browse by practice area or location. Filters on the left lead to even more precise results.

Find a Lawyer. (FindLaw from Thomson Reuters).

Offers credentials and contact information on U.S. attorneys. Search or browse by location, legal issue, language, and type of payment.

Secondary Sources for California Legal Research

Secondary sources offer two major benefits – they summarize an unfamiliar area of law, and they provide citations to the law. There are many forms of secondary sources. With few exceptions, traditional secondary sources are not available free online. So, unless a hyperlink is included below, assume that the listed resource is a print resource. A free online book published by the Office of the Assembly Chief Clerk may be helpful to researchers who need an introduction to the legislative process and state government.

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[*California's Legislature*](#). Office of the Assembly Chief Clerk. 2016.

This book “is a resource for the citizens of California, elected officials, and others who are interested in the Legislature and state government. This year’s edition has over 1,000 footnotes and other resources. The detailed table of contents, “Quick Information Guide,” and detailed index will provide you with easy access to the charts, photos, glossaries, and other pertinent information regarding California’s governmental process.”

Access it [online](#) free (in PDF) or order from the [Legislative Bill Room](#) for \$5.00 per copy by calling (916) 445-2323.

This next section begins with a short list of instructional resources on California legal research. Information on legal encyclopedias, treatises or practice guides, and formbooks follows.

California Legal Research Guides

California Legal Research Handbook, 2nd ed. Larry D. Dershem. William S. Hein. 2008.

Henke's California Law Guide, 8th ed. Daniel W. Martin. LexisNexis. 2006.

Legal Research in California, 7th ed. John K. Hanft. Thomson West. 2011.

Libguides, online guides provided by academic and county law libraries, also provide pointers on conducting state and federal legal research and may offer suggestions of secondary sources. Try locating relevant libguides via a search engine. For instance, if researching a landlord-tenant issue, search the words California landlord tenant libguide in a search engine such as Google, Bing, or DuckDuckGo.¹¹ Another option is to search specifically for secondary source libguides.

Legal Encyclopedias

Legal encyclopedias include short narrations of the law, arranged by topic. They refer to California case and statutory law. Because the topics are numerous and the narrations are short, using legal encyclopedias can be an effective way to start the research process when you are researching an unfamiliar area of law: You will likely find information

¹¹ Such searches may also lead to guides from government agencies or law firms.

related to your issue, and it will not be overly detailed. Because of the brevity of the narrations, it may be necessary to consult a more detailed secondary source such as a treatise or practice guide before proceeding to primary law research.

California Jurisprudence, 3d. Thomson Reuters. 1972-. 104+ vols. The [table of contents](#) gives you an idea of the many topics covered by *Cal Jur*, 3d.

Some other “large” states, i.e., Texas, also have legal encyclopedias. Two national legal encyclopedias may be worth reviewing as well: *American Jurisprudence*, 2d and *Corpus Juris Secundum*.

Witkin Treatises

Legal scholar Bernard Witkin dedicated most of his professional life to writing a series of treatises covering all aspects of California law. After his death in 1995, the Witkin Legal Institute continued his legacy by updating and then producing new editions of his works. Despite its grand title, *Summary of California Law* covers civil law only. His co-author in the criminal law set is Norman L. Epstein.

California Criminal Law, 4th ed. Witkin Legal Institute. 2012-. 7 vols.

California Evidence, 5th ed. Witkin Legal Institute. 2012-. 4 vols.

California Procedure, 5th ed. Witkin Legal Institute. 2008-. 10 vols.

Summary of California Law, 10th ed. Witkin Legal Institute. 2005-. 16 vols.

Treatises, Practice Guides & Handbooks

The [California Continuing Education of the Bar \(CEB\)](#) publishes more than one hundred practice guides.¹² In addition, CEB publishes Action Guides, which contain basic how-to instructions for a variety of legal situations. [The Rutter Group](#) (Thomson Reuters) and [Matthew Bender](#) (LexisNexis) also produce useful secondary sources for California law.¹³ For a more extensive list of legal publishers, see Chapter 12.

¹² Among the many popular CEB practice guides are *California Criminal Law Procedure and Practice* and *Neighbor Disputes: Law and Litigation*.

¹³ Examples include *California Practice Guide: Family Law* (from The Rutter Group) and *California Family Law: Practice and Procedure* (Matthew Bender).

CHAPTER 6: BIBLIOGRAPHY OF CALIFORNIA LAW RESOURCES

You may wish to check with your local county and academic law libraries for suggestions of secondary sources on specific subjects. Law libraries that are open to the public may offer access to these sources in print or online via CEB OnLAW,¹⁴ Westlaw, and/or Lexis Advance.

Formbooks

California Civil Litigation Forms Manual. Continuing Education of the Bar. 1980-. 2 vols. Loose-leaf.

California Civil Practice. Thomson Reuters. Loose-leaf. This title consists of multiple sets which cover many topics, including family law and probate.

California Forms of Pleading and Practice, Annotated. Matthew Bender. 1962-. 55 vols. Loose-leaf.

California Civil Litigation Forms Manual (1980-. 2 vols.) and *California Criminal Law Forms Manual*, 2nd ed. (2005-. 1 vol.). Continuing Education of the Bar. Loose-leaf.

California Legal Forms: Transaction Guide. Matthew Bender. 1968-. 36 vols. Loose-leaf.

California Points and Authorities. Matthew Bender. 1965-. 26 vols. Loose-leaf.

California Transaction Forms. Thomson Reuters. This title consists of multiple sets, which cover business and family law topics.

West's California Code Forms with Practice Commentaries. Thomson Reuters. This title consists of multiple sets that are keyed to specific California legislative code sections.

West's Judicial Council Forms. Thomson Reuters. 1986-. 4 vols. Annual.

[California Judicial Council forms](https://ceb.com/new-lawyers) are also available free on the California Courts Web site.

¹⁴ Attorneys admitted to the State Bar of California during the last five years are eligible for a free CEB OnLAW account for one year. See details at <https://ceb.com/new-lawyers>.



Internet Sources Cited in this Chapter

California Legislative Counsel's California Legislative Information:

- Home page:
<http://leginfo.legislature.ca.gov/>
<http://leginfo.ca.gov> (previous Web site)
- State Constitution:
<http://tinyurl.com/y8bj3s4m>
- California Law:
<http://leginfo.legislature.ca.gov/faces/codesTextSearch.xhtml>
- Bill Information:
<http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>
<http://leginfo.ca.gov/bilinfo.html> (previous Web site)
- Bill Index:
<http://www.leginfo.ca.gov/bilindex.html> (previous Web site)
- Legislative Publications, including *Daily File*, *Legislative Index*, *Table of Sections Affected*, *Senate Daily Journal*, and *Assembly Daily Journal*:
<http://leginfo.legislature.ca.gov/faces/publicationsTemplate.xhtml>
<http://www.leginfo.ca.gov/legpubs.html> (previous Web site)

Other Legislative Branch Materials:

- California State Assembly. Schedules & Publications. Assembly Daily Journal:
<http://assembly.ca.gov/schedulesandpublications>
- California State Assembly. Office of the Chief Clerk:
Daily Journals (1995-): <http://clerk.assembly.ca.gov/daily-journals>
Archived Journals (1849-2011): <http://clerk.assembly.ca.gov/archive-list>
- Legislative Bill Room:
<http://www.dgs.ca.gov/osp/Programs/BillRoom.aspx>
- Senate Daily Journal:
<http://senate.ca.gov/dailyjournals>
<http://tinyurl.com/y83zzsjy> (Nov. 2016-)
<http://leginfo.ca.gov/senate-journal.html> (Oct. and Nov. 2002, Dec. 2004 - Nov. 2016)
<http://leginfo.ca.gov/legpubs-SIprior.html> (2003-2004)
- Senate Office of Research's Legislative Highlights:
<http://tinyurl.com/ycxk3cgx>
- California Law Revision Commission. Printed Reports, etc. (1957-):
http://www.clrc.ca.gov/Menu3_reports/publications.html

Judicial Council of California's California Courts:

- Home page: <http://www.courts.ca.gov>
- Opinions (published and unpublished): <http://www.courts.ca.gov/opinions.htm>
- Slip opinions (published): <http://www.courts.ca.gov/opinions-slip.htm>
- Forms: <http://www.courts.ca.gov/forms.htm>
- California Rules of Court: <http://www.courts.ca.gov/rules.htm>
- California Civil Jury Instructions: <http://www.courts.ca.gov/partners/317.htm>
- California Criminal Jury Instructions: <http://www.courts.ca.gov/partners/312.htm>

Other Judicial Branch Materials:

- Westlaw: <http://www.westlaw.com>
- Daily Journal: <http://www.dailyjournal.com>
- Metropolitan News-Enterprise: <http://mnc.net>
- The Recorder: <http://www.therecorder.com>
- FindLaw's California Case Law: <http://www.findlaw.com/cacases/>

Executive Branch Materials:

- California State Government - The Executive Branch (org chart):
<https://cold.govops.ca.gov/File/OrganizationalChart>
- California State Agencies Directory: <http://www.ca.gov/agencies.aspx>
- Agency Reports: <http://agencyreports.ca.gov>
- California Code of Regulations:
 - California Office of Administrative Law: <http://www.oal.ca.gov>
 - California Code of Regulations: <http://ccr.oal.ca.gov>
 - California Regulatory Notice Register: <http://tinyurl.com/y84ahe64>
 - California Code of Regulations, Title 24, California Building Standards Commission: <http://www.bsc.ca.gov/home.aspx>
 - California Code of Regulations, Title 24, California Building Standards Code: <http://www.bsc.ca.gov/codes.aspx>
- Opinions/Decisions of California agencies (selective):
 - Legal Opinions of the Attorney General: <http://oag.ca.gov/opinions>
 - Reported CEQA cases (1972-2010): <http://resources.ca.gov/ceqa/cases/>
 - Fair Employment and Housing Commission Decisions (2000-2011):
<http://tinyurl.com/ybncfwx2>
 - Department of Managed Health Care. Independent Medical Review Decisions, Complaint Reports, Arbitration Decisions:
<http://tinyurl.com/y89wwdq7>
 - Department of Social Services. Index of Decisions Designated as Precedent:
<http://tinyurl.com/y9mmh6mt>

- Fair Political Practices Commission
 - Commission Opinions: <http://tinyurl.com/yawk62m3>
 - Administrative Fines and Penalties: <http://tinyurl.com/y7jmouz7>
 - Summary of Enforcement Decisions: <http://tinyurl.com/y9dzu4mv>
 - Case Resolutions: <http://tinyurl.com/ybtncreb>
 - Advice Letters: <http://tinyurl.com/yddpurjw>
 - Complaint Closure Letters: <http://www.fppc.ca.gov/index.php?id=539>
- Medical Board of California
 - Precedential Decisions: http://www.mbc.ca.gov/precedential_decisions
- Office of Administrative Hearings
 - Special Education Decisions and Orders: <http://tinyurl.com/6wqkeos>
- California Governor's Office
 - Home page: <http://gov.ca.gov>
 - Executive Orders: http://gov.ca.gov/s_executiveorders.php
 - Proclamations: http://gov.ca.gov/s_proclamations.php
 - Public Notices: http://gov.ca.gov/s_publicnotices.php
 - Press Releases: https://www.gov.ca.gov/s_pressreleases.php
 - Media Advisories: https://www.gov.ca.gov/s_mediaadvisories.php

Initiatives, Referenda, Propositions, Ballot Propositions:

- California Secretary of State
 - Election & Voter Information, Ballot Measures: <http://tinyurl.com/yd9w5stb>
 - Qualified Statewide Ballot Measures: <http://tinyurl.com/glxt872>
 - Voter Information Guides: <http://tinyurl.com/y7zmpn2u>
 - Initiative and Referendum Qualification Status: <http://tinyurl.com/ybhb2fhm>
 - History of California Initiatives: <http://tinyurl.com/ycb5jdzh>
- UC Hastings
 - California Ballot Measures: <http://tinyurl.com/y9xuccma>
 - Pamphlets (Voter Information Guides): <http://tinyurl.com/yblay5wf>
 - Propositions: http://repository.uchastings.edu/ca_ballot_props/
 - Initiatives: http://repository.uchastings.edu/ca_ballot_inits/
- State of California. Department of Justice
 - Ballot Initiatives: <https://oag.ca.gov/initiatives>
 - Ballot Initiatives FAQs: <https://oag.ca.gov/initiatives/faqs>
 - Search for an Initiative (database): <https://oag.ca.gov/initiatives/search>
 - Initiatives - Active Measures: <https://oag.ca.gov/initiatives/active-measures>
 - Initiatives - Inactive Measures: <https://oag.ca.gov/initiatives/inactive-measures>
 - Initiatives (Qualified for Ballot): <https://oag.ca.gov/initiatives/qualified-for-ballot>
 - E-mail Subscription List: <https://oag.ca.gov/subscribe>
- LA Law Library Ballot Propositions: <http://tinyurl.com/kp9ywbdb>

California Municipal, County, Local Codes, Ordinances:

- UCLA Law Library Libguides
 - Online Legal Research: Beyond LexisNexis & Westlaw: <http://tinyurl.com/7cyxmks>
 - Municipal Codes Online: <http://tinyurl.com/yatznuwh>
 - Local Codes Online: <http://tinyurl.com/yatznuwh>
- California Local Codes and Charters: <http://tinyurl.com/h366z9s>

Attorneys & Judges:

- Professional Responsibility & Ethics - State Bar of California
 - Rules of Professional Conduct: <http://tinyurl.com/y8dbfyql>
 - California Code of Judicial Ethics: <http://tinyurl.com/c3lrplt>
 - California Compendium on Professional Responsibility Index: <http://tinyurl.com/y9fn3rrn>
 - Ethics Opinions:
 - Published slip opinions: <http://tinyurl.com/ycomnr4f>
 - Nonpublished opinions: <http://tinyurl.com/y8nksxgw>
 - State Bar Court Dockets: <http://apps.statebarcourt.ca.gov/dockets.aspx>
- Directories
 - State Bar of California. Attorney Search: <http://tinyurl.com/86og8lj>
 - Martindale: <https://www.martindale.com>
 - West's Legal Directory on FindLaw: <http://lawyers.findlaw.com>

Secondary Source Publishers/Research:

- California depository libraries: https://www.library.ca.gov/gps/gps_cal3.html
- California Jurisprudence 3d, Table of Contents (PDF): <http://tinyurl.com/y7t8mtxw>
- California's Legislature (book in PDF): <http://www.leginfo.ca.gov/califleg.html>
- Continuing Education of the Bar (CEB): <http://ceb.com>
- The Rutter Group: <http://www.ruttergroup.com>
- Matthew Bender: <https://store.lexisnexis.com>

Search Engines:

- Bing: <https://www.bing.com>
- DuckDuckGo: <https://duckduckgo.com>
- Google: <https://www.google.com>

Chapter 7

FEDERAL LAW

The U.S. federal government system consists of executive, legislative, and judicial branches, each of which creates information that can be the subject of legal research. This chapter provides brief descriptions of the legislative process, the federal judiciary, and the primary sources of federal law, i.e., cases, statutes, and regulations. Included are references to print and Internet sources.

Contents:

- [U.S. Constitution](#)
- [Federal Legislation](#)
 - [The Legislative Process](#)
 - [Federal Statutes](#)
 - [Researching Federal Legislative History](#)
 - [Tracking Current Legislation](#)
 - [Determining Legislative Intent](#)
 - [Selected Legislative History Sources](#)
- [Federal Case Law](#)
 - [The Federal Judiciary](#)
 - [Federal Case Law Publications](#)
- [Federal Regulations & Regulatory Decisions](#)
 - [Regulations](#)
 - [Regulatory Decisions](#)
- [Presidential Materials](#)
- [Selected Bibliography](#)
- [Internet Sources Cited in This Chapter](#)

U.S. Constitution

The United States Constitution is the preeminent government document for Americans. It creates the framework for the system of the U.S. government and its powers, the American political structure, and the guarantee that citizens have fundamental freedoms. The U.S. Supreme Court is the highest court in the land and, as such, interprets the meaning and scope of the Constitution.

While the actual text of the Constitution can be printed in twenty pages or less, legal research sources such as cases and treatises, which offer analysis and interpretation of

this basic document, number in the millions of pages.¹ The text of the Constitution appears in many standard reference sources that are available in public libraries, e.g., dictionaries, almanacs, and encyclopedias, and even more places on the Internet. For a historical perspective, one may view a signed copy of the Constitution on the National Archives [America's Historical Documents](#) Web page. For constitutional commentary and analysis, the GPO (U.S. Government Publishing Office) makes available editions and supplements (from 1992 forward) of the [Constitution of the United States of America: Analysis and Interpretation](#), prepared by the Library of Congress's Congressional Research Service.² Constitutional analysis is also available on Cornell University Law School's Legal Information Institute (LII) Web site as part of the [CRS Annotated Constitution](#).

Federal Legislation

*The Legislative Process*³

Legislative powers provided by the Constitution in Article I are vested in the House and Senate. A majority of Congressional bills originate in the House of Representatives. Therefore, the following discussion traces the progress of a bill originating in the House. Senate procedures are very similar.

Ideas for bills come from varied sources including constituents, members of the President's Cabinet, and members of Congress. Proposed legislation may take one of four forms: bills, simple resolutions, joint resolutions, or concurrent resolutions. The designated bill number (e.g., H.R. 1 or S. 1) that a proposed piece of legislation receives remains the same as the bill progresses from one house to the next. In the federal system, "H.R." designates a bill which originated in the House of Representatives and "S." signifies a bill which originated in the Senate. In contrast, in the California legislative system "S. B." designates a Senate bill and "A.B." identifies an Assembly bill. Measures proposed in Congress other than bills are called resolutions.

¹ An excellent six-volume set, *Encyclopedia of the American Constitution*, 2nd ed. Leonard W. Levy, Kenneth Karst, and Adam Winkler, eds. Macmillan Reference USA, 2000, includes articles on constitutional doctrines, landmark court opinions, individuals, and historical periods.

² This is an extensive and authoritative source published by the Congressional Research Service. The Centennial Editions are several thousand pages.

³ For background articles about the federal legislative process, consult the following: Charles W. Johnson, Parliamentarian, United States House of Representatives, [How Our Laws Are Made](#) (July 24, 2007) and Robert B. Dove, Parliamentarian, United States Senate, [Enactment of a Law](#) (February 1997).

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The first and second readings of a House bill are accomplished by publication of its title in the *Congressional Record*, which is available as far back as 1873 (depending on the format) on govinfo.gov, and from 1989-present on Congress.gov. In the Senate, the bill title is read aloud. Once introduced, bills are assigned to the appropriate committees for consideration. Each committee has jurisdiction over particular types of proposed legislation. These committees may opt to route a bill to a specialized subcommittee.

Committees schedule public hearings for important bills so that witnesses for and against the proposed measure may present testimony. The subcommittee that has been assigned the bill then decides whether to table (take no further action on) the bill, or to report the bill favorably out to the full committee. The bill may be reported out favorably either with or without amendments. An appointed committee member will prepare a detailed report if the committee decides to report the bill favorably to the House. All reports issued, beginning with the 91st Congress, are numbered with a prefix designating the issuing Congress, followed by the report number (e.g., [H. Rpt. 110-513](#)). Read more about the legislative process in the [Resources](#) section of Congress.gov.

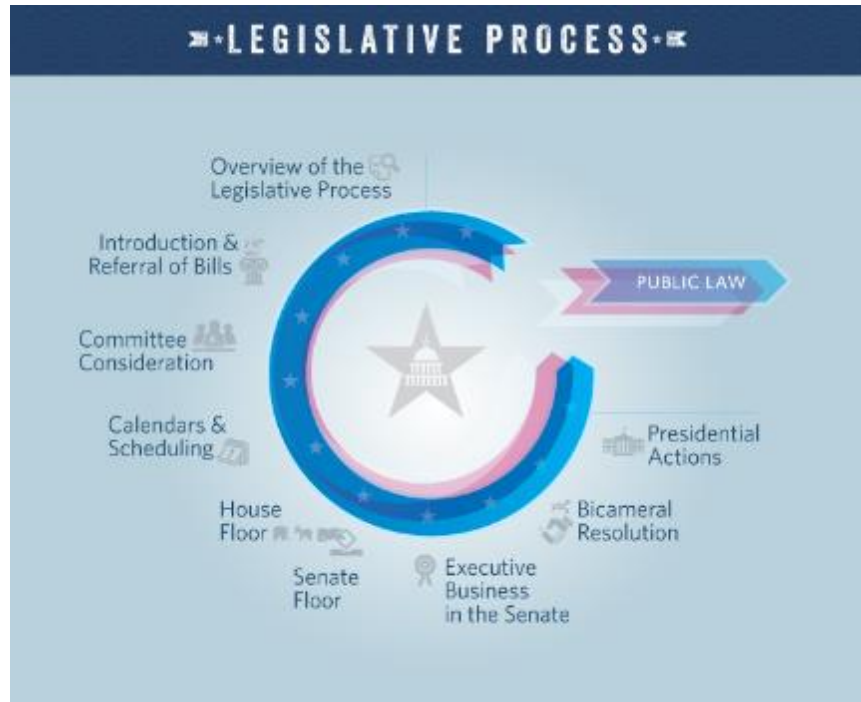
Bills of a noncontroversial nature may be placed on a consent calendar, where they will quickly be passed without debate. Other bills, not on the consent calendar, may be debated on the floor, and amendments to the text may be offered.

Following passage in the House, a bill moves to the Senate where the procedure is more formal. If the bill is noncontroversial, it may be considered at the time of introduction and passed without delay. Other bills are read a second time and are subject to the debate/amendment procedure. A majority of votes is required for the bill to pass. The version of the Senate bill that has passed is returned to the House with a request for concurrence in the amendments. Conference committees will be appointed by each house to resolve differences in proposed, disputed amendments. If an appointed conference committee is unable to agree on the amendments, it will be discharged and a new conference committee appointed. Both the House and the Senate must vote to accept the conference committee report and the identical text of amendments, or a bill will not become law.

Bills that pass both houses are enrolled and sent to the President for approval. The bill will become law either by Presidential approval and signature, or by the lapse of ten days in which no action is taken. If the President disapproves of a bill, the President vetoes the bill and returns it to the originating house with his or her objections. A two-thirds majority in each house is required to override a Presidential veto.

LOCATING THE LAW, SIXTH EDITION, 2018

"The passage of a bill is rarely predictable." Source: Congress.gov



(Image from Congress.gov, or <https://tinyurl.com/y7w8497k>)



(Image from Congress.gov or <https://tinyurl.com/ycet7a4b>)

Federal Statutes

Bills approved through the federal legislative process become statutes and are known as Public Laws. [Public Laws](#) are numbered sequentially by Congressional session and chronological number designation (e.g., [Pub. L. 107-236](#)), and published in chronological order in the [United States Statutes at Large](#). This large set is published by the Office of the Federal Register, National Archives, and is available in print, and online on [govinfo.gov](#). Federal statutes are legal evidence of the laws, concurrent resolutions, Presidential proclamations, and proposed and ratified amendments to the Constitution. Researchers who wish to read a law in its entirety as Congress passed it (before it is arranged by subject in the U.S. Code) should refer to the *Statutes at Large*. The laws are arranged by their Public Law numbers (e.g., Pub. L. 108-262) and may be cited by volume and page number (e.g., 118 Stat. 696) in the United States Statutes at Large.⁴ In addition, one may find selected statutes in a set published by Thomson Reuters called *United States Code Congressional and Administrative News (USCCAN)*.

However, the most helpful compilation of federal laws is the subject arrangement found in the official [United States Code](#), which is prepared and published by the [Office of the Law Revision Counsel of the U.S. House of Representatives](#). The *U.S. Code* is arranged in 53 numbered Titles (e.g., Title 11 contains U.S. bankruptcy laws, Title 15 deals with commerce and trade). The U. S. Code is available in print at some law libraries, for free on the internet ([U.S. House](#), GPO's [govinfo.gov](#), and Cornell Law School's [LII](#)), and on fee-based commercial databases like Lexis Advance and Westlaw. New editions of the official version of the *U.S. Code* are published every six years, with cumulative supplements published annually to update the bound volumes. Because laws are passed throughout a Congressional session, currency is a concern for researchers using the official *U.S. Code*. Fortunately, [LII](#) integrates the date listings on the House servers with [Congress.gov](#) to notify searchers of any updates to sections that have changed.

The two largest commercial publishers of the Code in print and online are *United States Code Annotated* (U.S.C.A.) published by Thomson Reuters and available on Westlaw, and *United States Code Service* (U.S.C.S.) published by Reed Elsevier and available on Lexis Advance. These commercial versions are updated more frequently than the official *United States Code*. If available to researchers, these resources should be consulted, not only because they are more current, but because of their added content.

Both offer the same subject arrangement and reproduce the same statutory language as

⁴ The example in this sentence is a law passed by the 108th Congress and assigned the number 262. You will find this law in the *U.S. Statutes at Large* (abbreviated as Stat.) in volume 118 and starting on page 696.

the *U.S. Code*, but they also provide annotations. Annotations are notes of court decisions, regulations, and other sources that interpret or discuss the text of the laws. The same U.S. Code section will be referred to as follows: i.e., the Consumer Product Safety Act will be cited as 15 U.S.C. § 2051 et seq., 15 U.S.C.A. § 2051 et seq., or 15 U.S.C.S. § 2051 et seq. Each citation refers to the same statutory language, which appears in Title 15 (Commerce and Trade) and begins at section 2051. Following the statutory language and notes, the annotations for this section may include references to relevant sections in the *Code of Federal Regulations* (discussed at the end of this chapter), law review commentaries and other secondary sources, and cases that discuss this section of the Consumer Product Safety Act. For other examples of code citations, please see Chapter 2: How to Read a Legal Citation.

Each version of the U.S. Code includes a general subject index and other finding tools such as classification tables, and a particularly useful *Table of Popular Names of Acts* also known as a Popular Names Table. Often, researchers know only the name of the act as it is referred to in the press; e.g., Family and Medical Leave Act. To find the citation to the act in the *U.S. Code* or the *Statutes at Large*, one may look up the popular name of the act in either the U.S.C.A. or U.S.C.S. popular name table or use an online source such as the U.S. House of Representative's [Popular Name Tool](#) or LII's [Table of Popular Names](#).

Researching Federal Legislative History

Legislative history traces the legislative process of a particular bill for the purpose of (1) locating the current status of a bill and monitoring its progress, or (2) determining the legislators' intent behind the enactment of a law to explain or clarify ambiguities in the language or the perceived meaning of that law. The work of compiling a legislative history involves searching for the documents generated during the legislative process such as the versions of the House or Senate bill; House and Senate committee hearings and reports, committee prints, and Presidential messages. While there are many sources to aid a researcher in locating these documents, this discussion highlights readily available Internet sources as well as print sources commonly found in law libraries and in larger public libraries. See [***Selected Legislative History Sources***](#) at the end of this section for additional sources.

- ***Tracking Current Legislation***
[Congress.gov](#), the official Web site for U. S. Federal legislative information, provides the text, status (including the last major action), and a summary of each bill. It offers links to a directory of the current session's Congressional members, the [Congressional Record](#) (a daily transcript of Congressional proceedings),

committee actions, and, once a bill is passed, the Public Law number. The Library of Congress launched this tracking service in 1995 as “Thomas” to make federal legislative information available to the public. In 2016, Congress.gov replaced Thomas with the goal of providing a more comprehensive search with filterable results. See [Congress.gov coverage dates](#) for a list of legislative titles available and their corresponding dates of coverage.

- ***Determining Legislative Intent***

Compiling a legislative history to determine intent can be a daunting task, especially if you are unfamiliar with this type of legal research. Once you know the steps, however, legislative history research can be straightforward and, at the federal level, much easier than compiling a state legislative history due to the availability of research resources. Many law libraries offer detailed guides to federal legislative history research.⁵

The first step in legislative history research is to determine whether someone has already compiled the legislative documents. Some libraries have legislative histories in print and microform. Search in the library catalog by title (e.g., legislative history housing act 1961), by subject (e.g., United States Laws, etc. Bankruptcy law of the United States), or by committee name (e.g., U.S. Congress House (or Senate) Committee on Interior and Insular Affairs Sub-committee on Indian Affairs Menominee Restoration Act).

*Sources of Compiled Legislative Histories, a Bibliography of Government Documents, Periodical Articles and Books, 1st Congress-113th Congress, Third Edition*⁶ offers a good starting point for locating completed histories. The Law Librarians' Society of Washington, D.C. (LLSDC)'s [Legislative Source Book](#) is another excellent resource. Some of its material has been published in print for years, and is also on its Web site. Resources within it include *Federal Legislative History Research: A Practitioner's Guide to Compiling the Documents and Sifting for Legislative Intent*, *A Research Guide to the Federal Register and the Code of Federal Regulations*, and *Selected Congressional Research Service Reports on Congress and Its Procedures*. The Sourcebook also includes

⁵ UCLA Law Library has a detailed [Federal Legislative History Research Guide](#). In addition, Jennifer Bryan Morgan, Documents Librarian, Indiana University School of Law Library —Bloomington, has compiled a list of legislative history research guides by state in [State Legislative History Research Guides Inventory](#).

⁶ *Sources of Compiled Legislative Histories* by Nancy P. Johnson is published by Hein (AALL Publications Series No. 14). It is updated online by Hein Online, a subscription service available at some libraries. *Sources* is also available in print at some law school and larger county public law libraries.

links to Legislative Histories of Selected U.S. Laws on the Internet, available through [Free Sources](#) and [Commercial Sources](#).

Other services that provide complete histories include ProQuest (a subscription database) starting in 1929 (with selective histories from 1789) and CIS (Congressional Index Service) since 1970. ProQuest provides the most comprehensive access to federal legislative histories. ProQuest's Legislative Insight A, B, and annual collections subscription database is a collection of U. S. public laws and the history behind them, including the full text of the law; related bills; Congressional Record excerpts; and House and Senate documents, committee hearings, and reports. The CIS index and abstract volumes bring together bills, hearings, reports, etc., as well as related bills from the same or prior sessions of Congress. All the documents (except full text of debates) are available in microfiche in law libraries. The same libraries may have the full text of debates from the Congressional Record.

Compiled legislative histories are not always available. Researchers of legislative intent are best served in a law library or a depository library which maintains some of the legislative materials described above.

Consider the following steps to identify and locate relevant federal legislative documents, based on your research needs:

1. Read the code section in the *U.S.C.A.* or *U.S.C.S.*
2. Look at the "Historical Note" which follows the code section. In the *U.S.C.A.* look for a citation to the *U.S. Code Congressional and Administrative News* (USCCAN) for legislative history and purpose.
3. Review the annotations for references to cases and law review articles that discuss legislative intent.
4. Note the Public Law number (e.g., Pub. L. 90-325).
5. Consult one of the following publications to identify relevant documents:
 - a. [Congress.gov](http://www.congress.gov)
 - b. *CIS/Annual's* Index of Bill, Report and Document Numbers
 - c. *USCCAN's* Table of Legislative History
 - d. *Sources of Compiled Legislative Histories* by Nancy P. Johnson.

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6. Read the statute's history (list of actions on the bill) at Congress.gov
 - a. Identify Committee hearings and reports

*Finding aids: CCH Congressional Index, CIS/Annual, CIS U.S. Congressional Committee Hearings Index, Monthly Catalog/Cumulative Subject Index*⁷
 - b. House and Senate Conference Reports

Finding aids: CCH Congressional Index, CIS/Annual, [Congressional Record](#), [Catalog of U.S. Government Publications](#), USCCAN, U.S. Serial Set Index
 - c. Debates in Congress

Finding aid: [Congressional Record Index](#) (1983-present)
 - d. Roll call votes

Finding aid: CCH Congressional Index, [Congressional Record Index](#), [Roll Call Votes](#) (U.S. House of Representatives), [Roll Call Votes](#) (U.S. Senate), and [Roll Call Votes by the U.S. Congress](#) (Congress.gov).
7. Look at Presidential statements and veto messages
 - a. [Public Papers of the Presidents of the United States](#). GPO Web site includes papers from George H. W. Bush – Barack Obama. Series is available in print at law libraries from 1957 to the present.
 - b. [Public Papers of the President](#). National Archives Web site includes papers from Ronald Reagan – Barack Obama.
 - c. [Compilation of Presidential Documents](#). 1992-present.
 - d. [The American Presidency Project](#). 1929-present.
8. Find the Congressional votes on vetoes
 - a. CCH Congressional Index
 - b. [Congressional Record](#)

⁷ For legislative publications issued prior to 1976, consult the printed *Monthly Catalog of the United States Government Publications*. The *Monthly Catalog*, which had been printed since the passage of the Printing Act of 1895, was discontinued with the December 2004 edition. The print editions were distributed to [federal depository libraries](#) through the [Federal Depository Library Program](#). For legislative publications issued after 1976, use the online [Catalog of U.S. Government Publications](#) (CGP), which provides descriptive records for historical and current publications and provides links to those that are available online.

- *Selected Legislative History Sources*

Below is a chart of reliable sources for federal legislative materials.

Name	govinfo	Congress.gov	LII
Link	govinfo.gov	Congress.gov	Legal Information Institute
Selected Contents	U.S. Constitution and analysis; U.S. Code; Statutes at Large; bills, hearings, and reports; Congressional Record, etc.	Bills, resolutions, Bill Summary and Status, roll call votes, committee reports, Congressional Record, etc.	U.S. Constitution, CRS Annotated Constitution, U.S. Code, Table of Popular Names (for the U.S. Code), etc.

Print Sources:

1. *Commerce Clearing House (CCH). Congressional Index* (1938-current)
Lists each bill by number and all the pages in that year's Congressional Record on which the bill is mentioned.
2. *CIS/Index* (LexisNexis) (1970-current)
Lists each public law in the annual abstracts volume chronologically and references hearings, reports, documents, and prints.
3. *Digest of Public General Bills and Resolutions* (GPO) (1971-1990)
Contains summaries of each Public Law. Gives dates of reports, debates, roll call votes, and passage. Ceased with final issue for 101st Congress, 2nd session.
4. Nancy P. Johnson. *Sources of Compiled Legislative Histories: A Bibliography of Government Documents, Periodical Articles, and Books, Third Ed.: 1st Congress to 113th Congress* (AALL Publication No. 14, 2014)
Arranged by Public Law number. Includes an author, title, and act indices.
5. Bernard D. Reams, Jr. *Federal Legislative Histories: An Annotated Bibliography and Index to Officially Published Sources* (Greenwood Press, 1994)
6. *United States Code, Congressional and Administrative News (USCCAN)* (Thomson Reuters) (1952-current)
Reprints what editors believe are the most important House, Senate, and Conference Reports for most Public Laws.

Federal Case Law

Case law, which consists of the written opinions of judges, is one of the most important sources of U.S. legal authority. While cases involve a specific dispute between parties, judges, in their written decisions, shape legal doctrine by interpreting statutes and regulations. Statutes, however clearly worded, must be read in conjunction with court decisions that construe and apply their provisions. Cases can also “create” law in areas where there are no governing statutes or regulations.

*The Federal Judiciary*⁸

The judicial power of the United States is vested in the Supreme Court of the United States and the various inferior or lower federal courts. Federal courts hear cases based on the U.S. Constitution, cases dealing with treaties or federal law, and certain other conflicts. Examples of issues based on federal law are immigration, bankruptcy, and federal taxation. Although the U.S. Supreme Court does have original jurisdiction (i.e., it may be the first court to hear a particular case), for some matters such as disputes between states, it is predominantly an appellate court. The U.S. Supreme Court is compelled to hear certain cases, but in most situations it is within the Court's discretion whether or not to hear an appeal. Cases come to the U.S. Supreme Court from both lower federal courts and state courts; wherever the case originates, a federal question must be involved for the Supreme Court to hear it. Ordinarily, cases are appealed from the highest state appellate court (e.g., the California Supreme Court) or from one of the U.S. Courts of Appeals.

The U.S. Courts of Appeals are the primary federal appellate courts. The United States is divided geographically into twelve circuits.⁹ California is in the Ninth Circuit, which is based in San Francisco. In the Ninth Circuit, bankruptcy appeals can be made either to the Bankruptcy Appellate Panel or to the Circuit Court. There is also a special Court of Appeals for the Federal Circuit. Cases from all fifty states based on patent appeals and appeals from the Court of International Trade, United States Court of Federal Claims, the Merit System Protection Board, and other specified cases are appealed to the Court of Appeals for the Federal Circuit.

District Courts are the trial courts for the federal system. California is divided into four districts. The Northern District is based in San Francisco; the Central District sits in Los Angeles and Santa Ana; the Southern District has offices in San Diego; and the Eastern District sits in Sacramento and Fresno. District courts are courts of first instance for most federal questions. There is also a bankruptcy court in each district.

In addition to the regular court system, there are several administrative agencies with judicial or quasi-judicial powers. The U.S. Tax Court and the National Labor Relations Board (NLRB) are two examples. Appeals from these agencies go to the Courts of Appeals.

⁸ See also the U.S. Courts [Federal Courts & the Public](#) page, which provides an introduction to the federal judicial system.

⁹ The United States Courts Web site provides a [Geographic Boundaries](#) map of the Circuits, as well as a [Court Locator](#) to find federal courts in a particular area.

Federal Case Law Publications

Cases are published chronologically in multi-volumes sets called “reporters” or “reports.” When the volumes reach a certain number (e.g., 100 or 999) the publisher will start over with volume one and designate it as the start of the publication’s second series. For example, the *Federal Reporter* began in 1880 and is currently in its third series. Hence, there is more than one volume with the number 1 in the *Federal Reporter* series: volume 1 of the first series (cited as F.), volume 1 of the second series (cited as F.2d.), and volume 1 of the third series (cited as F.3d).

Please note that while all decisions of the U.S. Supreme Court are published, only some of the U.S. Courts of Appeals and U.S. District Courts’ decisions are published. Also note that there are separate reporters for specialized subject fields of federal law. For example, the decisions of the U.S. Court of Appeals for the Armed Forces (formerly U.S. Court of Military Appeals) are published in Thomson Reuters’s *Military Justice Reporter* (1978 to current). The *Bankruptcy Reporter* (1980-current) contains the decisions of the U.S. Bankruptcy Courts and the bankruptcy decisions from the U.S. District Courts. For a complete list of federal court reporters, see Table 1.1: United States Jurisdictions, Federal of *The Bluebook: A Uniform System of Citation*, 19th ed. (Harvard Law Review Association, 2010). This chart indicates where federal cases are published.

COURT	PUBLICATION TITLE
U.S. Supreme Court	<i>United States Reports</i> (Official) <i>West’s Supreme Court Reporter</i> (Unofficial) <i>LexisNexis’ Supreme Court Reports, Lawyers’ Edition</i> (Unofficial) ¹⁰
U.S. Courts of Appeals	<i>West’s Federal Reporter</i> (Unofficial) <i>West’s Federal Appendix</i> (Unofficial) ¹¹
U.S. District Courts	<i>West’s Federal Supplement</i> (Unofficial) <i>West’s Federal Rules Decisions</i> (Unofficial) ¹²

¹⁰ Although only the printed bound volumes of the *United States Reports* contain the final, official opinions of the Supreme Court, the time lag between issuance of an opinion and its final publication in a bound volume is about four years. For this reason, print researchers must consult one of the unofficial, commercial publications, which are far more current.

¹¹ Cases not selected for publication (by West’s editors) in the *Federal Reporter* series are published in the *Federal Appendix*.

¹² This set began publication in 1940 and contains a selected number of U.S. District Court decisions dealing with procedural issues under the *Federal Rules of Civil Procedure* and the *Federal Rules of Criminal Procedure*.

This chart lists some free Internet sources where one may find federal cases.

FEDERAL CASES ON THE INTERNET (without paid subscription)		
<i>U.S. Supreme Court</i>	<i>U.S. Courts of Appeals</i>	<i>U.S. District Court*</i>
<p>Official Web site of the U.S. Supreme Court (for latest opinions and U.S. Reports starting with volume 502)</p> <p>govinfo.gov (date coverage varies by district)</p> <p>The Public Library of Law (1754 - present)</p> <p>FindLaw (1893 - present)</p> <p>Cornell's LII (1990 - present, plus 600+ historic decisions)</p>	<p>govinfo.gov (date coverage varies by district)</p> <p>The Public Library of Law (1950 - present, except 11th Circuit (1981 - present) and Federal Circuit (1982 - present))</p> <p>OpenJurist (U.S. Court of Appeals opinions from 1880 - present)</p> <p>Cornell's LII (date coverage varies by circuit, earliest opinions are dated 1992)</p>	<p>govinfo.gov (date coverage varies by district)</p> <p>Justia's Federal District Court Cases (2002 - present)</p> <p>Cornell's LII, by state or circuit (date coverage varies by district)</p> <p>*District court opinions are not readily available for free on the Internet. Consider asking your local academic or public law library about access to LexisNexis Academic Universe or public access Westlaw or LexisNexis to find these opinions online.</p>

Federal Regulations & Regulatory Decisions

Federal regulations are rules and procedures promulgated by the executive and administrative agencies, which are delegated power by Congress. Agencies have both quasi-legislative power and quasi-judicial power. Hence, agencies may promulgate binding regulations and issue decisions involving particular parties on a case-by-case basis. Agencies may also issue advisory opinions or decisions, which may be called orders or releases. This area of executive authority is often called administrative law. Researchers new to this area of law may consult the [United States Government Manual](#), which provides comprehensive information on the agencies of the legislative, judicial, and executive branches.

Regulations

Regulations often supply detailed explanations and interpretations for the broad mandates of Congressional acts. Regulations are a binding source of law similar to statutes and cases. Regulations from all federal agencies can be found in two publications issued by the government. The [Federal Register](#) is a daily publication that contains the text of new and proposed regulations.¹³ The [Code of Federal Regulations](#) (CFR) is the codification (subject arrangement) of the general and permanent rules published in the Federal Register. Consult Appendix C of the [U.S. Government Manual](#) for a list of agencies and where they appear in the CFR.

Research for federal regulations should begin with the [Code of Federal Regulations](#). The CFR is divided into 50 titles that represent the broad areas subject to federal regulation. Each title is divided into chapters, usually bearing the name of the issuing agency, which are divided further into parts that cover specific regulatory areas. CFR parts are further subdivided into subparts and finally into sections. Each title, along with an index, is published annually, with the new edition replacing the old. The publication schedule divides the CFR into fourths, with one-fourth of the titles being published in the spring, one-fourth in the summer, etc. A typical citation reads 23 C.F.R. § 750.308, where 23 is the title number and 750.308 is the section number.

The daily Federal Register prints proposed and final amendments to the CFR, and provides cross-reference tables to allow the researcher to determine whether a particular CFR section has been amended since the last annual edition was published. The [e-CFR](#) is a current daily edition of the CFR. Please note that it is not an official, legal edition of the CFR. It is a review of material in the Federal Register by the National Archives, Office of the Federal Register and the Government Publishing Office. Another monthly publication, which is part of the CFR, the [List of CFR Sections Affected](#) (LSA) lists proposed, new, and amended federal regulations that have been published in the *Federal Register* since the most recent revision of a CFR title.

Regulatory Decisions

Federal agencies such as the National Labor Relations Board and the Federal Maritime Commission often have judicial or quasi-judicial authority and may issue administrative

¹³ Also available is a prototype edition of the Federal Register at <http://www.federalregister.gov/>. In addition, the Office of the Federal Register's [Public Inspection Desk](#) provides access to documents that will appear in the next days' Federal Register, as well as selected documents scheduled for later issues.

decisions. The decisions of many agencies are not published officially by the agency.

Electronic database and loose-leaf law publishers are the main sources for this information. However, an increasing number of administrative decisions are available on the Internet, although there is little consistency in how agencies provide access to them. The University of Virginia Library's [Administrative Decisions & Other Actions – By Agency](#) provides links to administrative actions that are outside the scope of the CFR or the Federal Register. Another way to obtain these decisions and rulings is to make a request to the appropriate agency.

Presidential Materials

Materials that emanate from the President's lawmaking function include executive orders for officers in departments and agencies and proclamations for announcing ceremonial or commemorative policies. Executive orders and proclamations may be found in the *Federal Register*, *Code of Federal Regulations*, and the Web sites listed below.

Presidential materials available on [govinfo.gov](#) include the [Budget of the U.S. Government](#), the [Economic Report of the President](#), and [Compilation of Presidential Documents](#).

[Presidential Actions](#) (White House official Web site). Includes recent Executive Orders, Memoranda, and Proclamations.

[Codification of Presidential Proclamations and Executive Orders](#) (National Archives/ NARA). "Provides access to the edited and re-arranged text of Presidential Proclamations and Executive Orders from April 13, 1945 to January 20, 1989." This page includes a link to the [Executive Orders Disposition Tables](#), which begin with President Roosevelt's EO 7532, listing amendments and revocations, and a way to [search the codification](#) of proclamations and EOs.

[The American Presidency Project](#)

Established in 1999 as a collaboration between John Woolley and Gerhard Peters at the University of California, Santa Barbara, this site contains over 86,000 documents related to the study of the Presidency. The Document Archive includes the Messages and Papers of the Presidents (Washington to Taft, 1789-1913), the Public Papers of the President (Hoover to Bush, 1929-1993), as well as documents such as party platforms, candidates' remarks, formal farewell addresses, etc.

Selected Bibliography

- *Basic Legal Research: Tools and Strategies*, 7th ed. Amy E. Sloan (Aspen, 2018)
- *Finding the Law*, 13th ed. Robert C. Berring & Elizabeth A. Edinger (Thomson West, 2009)
- *Fundamentals of Legal Research*, 10th ed. Steven M. Barkan, Barbara A. Bintliff, and Mary Whisner (Foundation Press, 2015)
- *Legal Research Explained*, 2nd ed. Deborah E. Bouchoux (Aspen Publishers, 2010)
- *The Process of Legal Research*, 9th ed. Deborah A. Schmedemann et al. (Wolters Kluwer, 2016)



Internet Sources Cited in This Chapter

U.S. Constitution:

- America's Historical Documents: <http://www.archives.gov/historical-docs/>
- Constitution of the United States of America, Analysis and Interpretation: <https://tinyurl.com/yb8zwfcl>
- Cornell's Legal Information Institute (LII), Constitution with CRS annotations: <http://www.law.cornell.edu/anncon/>

Federal Legislation:

- Cornell's Legal Information Institute: <http://www.law.cornell.edu>
- How Our Laws Are Made: Learn about the Legislative Process: <https://tinyurl.com/h5ual9f>
- Popular Name Tables: <http://uscode.house.gov/popularnames/popularnames.htm>
<http://www.law.cornell.edu/uscode/topn/>
- Statutes at Large: <https://www.govinfo.gov/app/collection/STATUTE>
- U.S. Code: <http://uscode.house.gov/>
- U. S. Congressional Bills: <https://www.govinfo.gov/app/collection/BILLS>

Federal Legislative History Sources:

- Catalog of U.S. Government Publications: <http://catalog.gpo.gov/F>
- Congressional Calendars: <https://www.govinfo.gov/app/collection/CCAL>
- Congressional Record: <https://www.govinfo.gov/help/crec#about>
- Congressional Record Index: <https://www.govinfo.gov/app/collection/cri>
- Federal Depository Libraries: <https://tinyurl.com/yb33gvbc>
- How to Contact Your Elected Officials: <https://www.usa.gov/elected-officials>
- Indiana University, State Legislative History Research Guides: <https://tinyurl.com/3kqveb>
- Journal of the House of Representatives: <https://tinyurl.com/y9fu5wdf>
- LLSDC's Legislative Information Source Book: <https://www.llsdc.org/sourcebook>
- Legislative Histories of Selected U.S. Laws, Free Sources: <https://tinyurl.com/yb8gzqtv>
- Legislative Histories of Selected U.S. Laws, Commercial Sources: <https://tinyurl.com/yc9ua5tc>
- UCLA Federal Legislative History Research Guide: <https://tinyurl.com/ycl8sm4o>
- NARA's Finding Aids for Legislative Archives: <https://tinyurl.com/yaurpefu>

Federal Case Law:

- Cornell's LII, Federal Law: Judicial Opinions: <https://tinyurl.com/y8u89vj2>
- Federal Courts & the Public: <https://tinyurl.com/y7koytb7>
- FindLaw: <http://caselaw.findlaw.com/>
- govinfo.gov: <https://www.govinfo.gov/app/collection/USCOURTS>
- OpenJurist: <http://openjurist.org/>
- The Public Law Library: <http://www.plol.org/Pages/Search.aspx>
- Supreme Court of the United States: <https://tinyurl.com/ybay3dsy>

Federal Regulations & Regulatory Decisions:

- United States Government Manual: <https://tinyurl.com/y8myw84o>
- Federal Register: <https://www.govinfo.gov/app/collection/FR>
- Code of Federal Regulations: <https://www.govinfo.gov/app/collection/CFR>
- e-CFR: <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>
- Administrative Decisions & Other Actions—By Agency (University of Virginia): https://guides.lib.virginia.edu/administrative_decisions

Presidential Materials:

- American Presidency Project: <http://www.presidency.ucsb.edu/index.php>
- Codification of Presidential Proclamations and Executive Orders: <https://tinyurl.com/y7bnfk4j>
- Compilation of Presidential Documents: <https://tinyurl.com/yayeukqz>
- Economic Report of the President: <https://www.govinfo.gov/app/collection/ERP>
- Executive Orders Disposition Tables Index: <https://tinyurl.com/y8rh7v8y>
- Presidential Actions: <https://www.whitehouse.gov/presidential-actions/>
- Public Papers of the President: <https://tinyurl.com/y7xj3wn3>
- News: <https://www.whitehouse.gov/news/>

Chapter 8

CITATORS

Before relying on a case, statute, or regulation, a researcher must determine whether that authority is still valid, or as some legal professionals put it, “is still good law.” The importance of verifying the validity of the law cannot be overstated. Without checking on a law’s status, the researcher risks relying on authority that no longer has the force of law or that is viewed unfavorably in the jurisdiction. Instead, legal researchers must verify that the law they are citing for a particular proposition is valid in their jurisdiction.

Contents:

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 - [Casetext](#)
 - [Ravel Law](#)
 - [Google Scholar](#)
- [Annotated Codes](#)
- [Internet Sources Cited in This Chapter](#)

General Information About Citators

Legal researchers use citators to check on the status of laws. The laborious process of using citators in print has generally been replaced by using online methods, with the availability of citators like Shepard’s Citations Service (referred to as Shepard’s) in Lexis

Advance, KeyCite in Westlaw, and BCite in Bloomberg Law. Using the Shepard's citator has become known as Shepardizing, while using the citator in Westlaw is sometimes referred to as KeyCiting. These citators are not available free of charge online. However, Shepard's (in Lexis Advance or in print) and KeyCite may be available for free in law libraries that offer the use of legal research resources to the public.

A citator compiles a list of primary and secondary sources which cite to the law the researcher wants to rely on. By reading the documents in the list and understanding how they treat the cited law, the researcher develops an understanding of the law's validity and reputation. The law that the researcher "Shepardizes" is the cited source (usually a case, code section, or regulation). The sources that cite to that law are the history (often called the appellate or subsequent history)¹ and the citing sources. Assuming that the researcher is checking the validity of a piece of primary law (a case, code section, or regulation), the history will be comprised of primary sources. The citing sources may be comprised of primary and/or secondary sources. It is also possible that a law has no prior or subsequent history for the citator to report – citators do not report the prior history from state trial court cases – and that there are no other sources that cite to the law. In that case, the citator will produce no results to read.

History

The history of a law in part determines whether the researcher should cite to the law. The history section provided by a citator tells the researcher if any activity affecting the status of the law has occurred in the law's chain of events, or history, since the law came about. For instance, with regard to a case, has a rehearing been granted which could change the outcome of the decision? Has the case been appealed and is now pending review by a higher court? Has the case been reversed on appeal by a higher court? In terms of a code section, has the legislature passed a statute which repeals part or all of that section? Is a proposed statute (a bill) pending in the legislature which might affect the section? Has a case declared the section unconstitutional? For a regulation, has it been repealed or is a proposed regulation pending which might affect its authority? Has a case found the regulation to be unconstitutional?

¹ Previous or prior history may also be a part of the law's chain of events and may be included by the citator in the history. Because state trial court cases are generally not published, it is unlikely that history from those cases will appear in citator results.

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As these questions indicate, researchers must carefully review the history provided by a citator because the types of events described above affect or may affect the validity of the law. In addition, when drafting documents to submit to a court, researchers must consult that court's rules for any restrictions on the citing of opinions. Restrictions may apply based on the publication status of a case or because a case is pending rehearing or review.

Citing Sources

Citing sources or references are the other part of the results provided by a citator. The citing sources list may include multiple types of documents which cite the law: laws that are not part of the history of the cited source, secondary sources, and court documents. Although not a part of the law's history, cases, statutes, and regulations in the citing sources list could have a great bearing on the authority of the law being researched. Cases in the citing sources list which are from a higher court in the same jurisdiction as the cited source must be given appropriate deference. This idea of deference comes from the doctrine of stare decisis which is followed in the United States. "Under the doctrine of stare decisis, all tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction."²

For instance, if the court of last resort (for purposes of California, the California Supreme Court) in the same jurisdiction as the cited case disapproves of reasoning in the cited case, then the cited decision is invalid in that jurisdiction for that legal argument. Similarly, if a citing decision from the same court as the cited decision has overturned the cited case, then the cited case is no longer considered valid according to that court. If one of the citing sources is a statute which overturns or supersedes the cited source, the cited source is no longer considered "good law," and it will be rejected if offered to support a legal argument.

If a citing decision from a court of equal authority in the same jurisdiction as the cited case disagrees with the reasoning in the cited case, then the researcher must decide whether to use the cited case in a legal argument. The 1997 California case *Wolfe v. Dublin Unified School Dist.* refers to the fact that one Court of Appeal is not required to follow the decisions of another Court of Appeal, although the doctrine of stare decisis encourages

² *Auto Equity Sales, Inc. v. Superior Court of Santa Clara County*, 57 Cal.2d 450, 455 (1962).

appellate courts to follow others' decisions for the sake of "stability in the law and predictability of decision."³

In the alternative, cases, statutes, and regulations in the citing sources list may cite the law positively or may be neutral towards it. Then again, a case might reach a different conclusion from the cited law but explain why it should be distinguished from the cited source. In that situation, the citing source would not reflect negatively on the law in question. In addition, a citing source may treat negatively an issue in the cited case that is unrelated to the issue the researcher wishes to use the cited case for. In that situation, a researcher may decide that it is still useful and appropriate to use the cited source.

What to Do with the Results Provided by Citators - Read Them

After compiling a list of citations to a case (or other document), first the researcher should read the documents that comprise the history and the relevant citing sources. Relevant citing sources are likely those sources which are from jurisdictions that have influence over the jurisdiction of the cited case and which address the same legal issues and/or facts as the law being "Shepardized." Researchers themselves must read the documents provided by the citator to determine how they believe the documents affect the cited case and if the case should be used to support a legal argument. It is not sufficient to rely on analysis by the citator's editors who assign editorial enhancements like status symbols and treatment phrases to the documents. (See the section below on Subscription-based online citators for more on these editorial enhancements.) An editor could be mistaken regarding how one law treats another. Furthermore, only the researcher will be responsible if he or she relies on a law that a court finds invalid or questionable.

Second, whether using a print or online citator, the researcher must be sure to check not only the reputation of the law in question but the validity of the citing sources; it is possible that a citation in the history or a citing source is itself no longer good law. The law is ever-changing; the cited source and citing sources are continuously affected by laws that come after them.

³ 56 Cal.App.4th 126, 137 (1997).

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An Additional Benefit of Using Citators

Using a citator not only helps the researcher determine the validity of a law, it may introduce the researcher to additional relevant primary and secondary sources on a subject. Checking the citing sources can lead to a wealth of new material that addresses the same subject as the case, code section, or regulation at hand.

Citator Formats

Print Citators

Whether using a print or online citator, the researcher begins with a citation, such as 26 Cal 4th 598. If using the print method, the researcher has one option; Shepard's is the only citator available in print. A set of Shepard's print citators for a particular jurisdiction may consist of multiple (perhaps even twenty or more) volumes. If Shepardizing in print, the researcher must be sure to use the Shepard's citator(s) which covers the jurisdiction for the citation.

<i>COURT</i>	<i>NAME</i>	<i>REPORTER (PRINT PUBLICATION)</i>	<i>SHEPARD'S CITATOR (PARTIAL LIST)</i>
<i>Supreme Court</i>	U.S. Supreme Court	<i>United States Reports Supreme Court Reporter U.S. Supreme Court Reports, Lawyers' Edition U.S. Law Week</i>	Shepard's United States Citations (various sets)
	California Supreme Court	<i>California Reports California Reporter Pacific Reporter</i>	Shepard's California Reporter Shepard's California Citations

<i>Appellate Courts</i>	U.S. Courts of Appeals	<i>Federal Reporter Federal Appendix</i>	Shepard's Federal Citations, Part 1 Shepard's United States Citations (various sets)
	California Courts of Appeal	<i>California Reporter California Appellate Reports</i>	Shepard's California Reporter Shepard's California Citations
<i>Trial Courts</i>	U.S. District Courts	<i>Federal Supplement Federal Rules Decisions</i>	Shepard's Federal Citations, Part 2 Shepard's United States Citations (various sets)
	California Superior Courts	n/a	n/a

The citation 26 Cal 4th 598 comes from the case reporter *California Reports* (4th series), but this California Supreme Court case can also be found in the *Pacific Reporter* and the *California Reporter*. The Tables of Contents of Shepard's citators list the reporters that are included in that citator as cited sources. Citations to *California Reports* and the *Pacific Reporter* are found in *Shepard's California Citations*. Citations to the *California Reporter* are included in *Shepard's California Reporter Citations*. Thus, a researcher checking the validity of a California case citation in print may want to check both of these Shepard's sets. If the citation can be found in more than one citator, as is the case with many citations in California, the "Scope of Citing Sources" list at the front of each Shepard's volume can also be helpful in determining which citator(s) to use because the list indicates the titles which that citator checks for references to the cited law. Checking the lists of citing sources in the two Shepard's California citators indicates that the lists are nearly the same.

After choosing the correct Shepard's citator(s), the researcher should consult the latest pamphlet in the set and be sure that all the volumes and pamphlets listed in the "What Your Library Should Contain" section on the cover of that pamphlet are available. The

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researcher should be sure all the volumes and pamphlets are available to be checked because updating a citation with a print citator usually requires checking more than one volume or pamphlet. Reading the spines of each volume, the researcher will notice that each one covers different reporters and different series of the reporters. So next the researcher should read the spine of each volume in the set and pull those volumes that cover the citation to be checked. In the case of the citation 26 Cal 4th 598, one would pull volumes with spines that include Supreme Court Reports Fourth Series Vols. 19-45. (The court reference is to the California Supreme Court.) The researcher must also pull all the pamphlets that contain the citation. One can determine which pamphlets need consulting by reviewing the Table of Contents inside each pamphlet.

The last step is the heart of Shepardizing: looking in each appropriate volume and pamphlet for the citation by finding the page that correlates to the source (i.e., *California Reports*), volume, and page number for the citation. For 26 Cal 4th 598, one would turn to the pages in the Shepard's volume that cover California Supreme Court Reports, 4th Series, and specifically volume 26 and page 598 of that reporter.

Under the heading for page 598, one finds a list of citations: parallel citations, the history of the case, and sources which are not part of the case's history but which cite to the case. Some of the citations are tagged with symbols. Understanding the significance of each citation in this list and its treatment of the cited source involves interpreting the symbols. If one is unfamiliar with Shepardizing or a particular symbol, it is best to consult the guide and other materials at the beginning of each volume to learn how to interpret the information for the citation one is Shepardizing.

Online Citators

As noted in Chapter 3: Basic Legal Research Techniques, online citators are more up-to-date than their print counterparts. In addition, the process of using an online citator is simpler, as discussed below. Online citators include subscription-based citators like Shepard's in Lexis Advance, KeyCite in Westlaw, BCite in Bloomberg Law, and V.Cite in VersusLaw, as well as a few free citator-like tools, such as the How Cited tab in Casetext, the matching opinions section in Ravel Law, and the How Cited feature in Google Scholar.⁴ The free tools are relatively recent additions to the world of legal research and

⁴ Fastcase also offers a citator-like tool for a fee. V.Cite is not covered in this chapter.

are not considered as robust or trustworthy as the fee-based citators. In addition, although the fee-based resources are generally relied on by legal professionals, it is in a researcher's best interest to use more than one of the subscription-based citators, if possible; even these citators may produce different results because they use different algorithms to generate the lists and because they check for references to the citation in different secondary sources.⁵

Subscription-based Online Citators

To use the online citators Shepard's, KeyCite, or BCite, the researcher simply types a citation such as 26 Cal 4th 598 into the citator search box and clicks search. This search brings up the document as well as links to several lists of citations: a list of the prior and subsequent history of the case and a list of sources which cite to the case. (In Lexis Advance and Bloomberg Law, click the link Shepardize this document, and the BCite tab, respectively, to pull up these lists.) The subscription-based citators attach a status symbol to the document, i.e., a flag in KeyCite, a status symbol in Shepard's, and a square in BCite. The color of the symbol indicates the status which editors have assigned the case based on their analysis of the case's appellate history and treatment by other cases (or codes). For brief explanations of the symbols, mouse over the symbol. For more extensive explanations, in Lexis click the Legend button at the bottom of the Shepard's results webpage, in Westlaw click the Powered by KeyCite reference at the top of the webpage with the case or KeyCite results, and in Bloomberg Law click the Description of BCite Indicators link. Treatment phrases such as 'followed by,' 'declined to extend by,' and 'discussed by' are often attached to the history and citing sources to explain whether those sources reflect positively, negatively, or neutrally on the cited source. The researcher will notice that the citing sources themselves have status symbols. As stated before, the researcher should also check the validity of these citing sources.

Because these symbols and treatment phrases are editorial enhancements provided by the legal research companies rather than the courts, the researcher should read the relevant documents that the citator locates and make independent decisions on how the history and cited sources reflect on the law in question. A researcher might disagree with

⁵ Susan Nevelow Mart, *The Relevance of Results Generated by Human Indexing and Computer Algorithms: A Study of West's Headnotes and Key Numbers and LexisNexis's Headnotes and Topics*, 102 LAW LIBR. J. 221 (2010).

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the citator on how a citing source treats the cited source and, thus, the status symbol attached to the cited case. In addition as stated earlier, results amongst citators can differ in terms of the actual citing sources located and the status the citator assigns to the cited source.

Not only is the process of compiling the history and list of citing sources simpler online than with the print volumes, the online subscription services allow the researcher to narrow the list of citing sources through filters such as jurisdiction, type of document (cases, secondary sources, etc.), type of treatment (negative, positive, neutral), amount of discussion of the cited source, topic, date, keyword, and publication status such as reported and unreported cases. These sophisticated filtering options provided by fee-based online citators allow the researcher to pinpoint the types of citing sources that the researcher believes are most important and do so more systematically than if the researcher had to rely on a print citator.

Free Online Citator-like Tools

Casetext's How Cited tab, Ravel Law's citations section, and Google Scholar's How Cited link are free resources which give a researcher some idea of the treatment of a case. Except for Casetext, they do not provide the history or treatment of California code sections or regulations. In addition, these tools vary in the degree to which they provide editorial enhancements like status symbols or treatment phrases. For that reason, they might even be described as citator-like tools rather than as citators per se. Besides reading the information below and testing the resources for yourself, it is a good idea to consult a law librarian to learn more about the plusses and minuses of each citator.

Casetext

[Casetext](#) is a "legal research and publishing service,"⁶ with a database of cases, codes, and regulations. But Casetext is a legal research engine with a distinguishing feature, CARA A.I., an artificial intelligence tool.

⁶ Zach Abramowitz, *Casetext's New Feature Could Have Kept Me in Biglaw*, ABOVE THE LAW, Aug. 1, 2016, <http://abovethelaw.com/2016/08/casetexts-new-feature-could-have-kept-me-in-biglaw/>. (quoting Jake Heller)

This tool seeks to facilitate contextual research by allowing researchers to submit a document like a brief or complaint to Casetext, which Casetext analyzes to provide researchers with results tailored to the issues in the document. The idea is to find relevant cases and other primary law and analysis that competing research systems that do not offer this feature might miss. This search technique also minimizes the need to use Boolean (or terms and connectors) searches because the relevant terms and concepts are contained in the uploaded document itself. After analyzing the document, Casetext provides a list of cases, etc., which are relevant to the issues in the document but which are *not* cited in it.

Casetext's citator is its How Cited tab. The How Cited feature includes a red flag for all overturned cases in Casetext's database. The citator results can be viewed by depth of treatment, newest to oldest and vice-versa, and cite count (number of times the citing case cites the cited case). The results can also be filtered by keyword or jurisdiction.

CARA A.I. also plays a part in Casetext's citator. Researchers can upload the complaint or a brief from the litigation they are working on and CARA will rank the list of citing cases according to what is most relevant to the facts and legal issues in that litigation (the uploaded document).

Researchers can subscribe to Casetext, including the How Cited feature, for free. However, CARA A.I. is not included in a free account. Accessing CARA A.I. for purposes of searching and using the citator requires a subscription. An annual subscription is \$65 per month. Monthly subscriptions are \$89 per month. It is important to note that Casetext, including CARA A.I., is free to the judiciary and law schools.

Ravel Law

Ravel Law describes itself as a "tool that combines legal research and analytics."⁷ One of Ravel Law's distinguishing features is its use of data to depict the citation history of cases visually and to create profiles of judges.

⁷ *Our Story*, RAVEL LAW, <https://home.ravellaw.com/who-we-are> accessed on Aug. 28, 2018. Ravel Law representatives encourage researchers to use Mozilla Firefox or Google Chrome to access Ravel Law.

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With a free account, a researcher can put a citation into the database and Ravel Law provides a list (“matching opinions”) of all the cases it finds which include that citation. Clicking the link for a case in this list does not lead directly to the cited reference within the citing case. Instead one can use the keyboard function control F to locate the reference. Additional Ravel Law features which provide some information similar to citators require a paid Ravel Advanced account: an Opinion History bar graph, a How this page has been cited section, and a Case Map.⁸

Google Scholar

Google provides access to some state and federal case law through [Google Scholar](#). Each case in Google Scholar contains a How Cited tab which opens to a webpage with some citator-like features. The How Cited page is organized into three sections: a list called How this document has been cited, which consists of ten quotes from cases that cite the case, a Cited By list which includes cases, articles, and books, and could be assumed to provide all the cases Google Scholar finds in its database which reference the cited case, and a Related Documents section which links to more relevant cases, articles, and/or books.

The one editorial enhancement Google Scholar provides on the How Cited page is the horizontal bar symbol to the left of each case citation in the Cited By list. The symbol indicates the amount of discussion by the citing case of the cited case. Unfortunately, the researcher cannot filter the list to view only those cases with the most discussion. The list can be sorted by relevance and date.

In addition, the researcher can narrow the Cited By exclusively to case law, by court, and by date. Narrowing by keyword is another option by using the search box and clicking the Search within citing articles checkbox. Although Google Scholar uses the word articles, the list will be narrowed to any case, article, or book that contains the keyword(s).

Although the free features in these citator-like tools do not have the editorial treatment of Shepard’s, KeyCite, or BCite (such as status symbols and treatment phrases) and although they do not provide an appellate history of cases, they give the researcher a

⁸ More information about these fee-based features is available in the Ravel Law Quick Start Guide, <http://tinyurl.com/jutlkoc>, accessed on Aug. 28, 2018.

starting point to begin researching how courts have treated the cited case, and they are free.

Annotated Codes

Citators use algorithms to systematically locate sources within their databases which cite to the law in question. Although not as rigorous for cite-checking as those citators, annotated codes like *West's Annotated California Codes* and *Deering's California Codes Annotated* bear some similarity to citators, for purposes of checking the validity and reputation of code sections. Annotated codes, as the name indicates, provide California codes which are annotated or supplemented with references to sources like cases and secondary sources that cite to the code sections. While not a substitute for citators, a researcher without immediate access to a citator could start by checking for citing references in an annotated code. By consulting these references, a researcher can glean how other sources treat the case in which they are interested. Another option is to look in a secondary source's table of cases or statutes for a case or code section to find relevant commentary in that source.



Internet Sources Cited in This Chapter

- Bloomberg Law: <https://www.bna.com/bloomberglaw/>
- Bloomberg Law's BCite: <https://www.bna.com/bcite/>
- Casetext: <https://casetext.com/>
- Fastcase: <http://www.fastcase.com/>
- Google Scholar: <http://scholar.google.com/>
- Lexis Advance: <http://www.lexisadvance.com>
- Lexis Shepard's Citations Service: <https://tinyurl.com/y75nqqh3>
- Ravel Law: <http://ravellaw.com/>
- VersusLaw: <http://www.versuslaw.com/>
- VersusLaw's V.Cite: <http://www.versuslaw.com/products/caselawpremium.aspx>
- Westlaw: <http://westlaw.com>
- Westlaw's KeyCite: <https://tinyurl.com/yc3e8z8c>

Chapter 9

ASSISTING SELF-REPRESENTED LITIGANTS IN CALIFORNIA

The number of *pro se* litigants has risen dramatically in recent years.¹ The primary reason, fairly obvious and well understood by the legal community, is the scarcity of affordable legal services. Many people simply cannot afford to hire an attorney. Hence, librarians can expect to encounter a rising number of questions from users with law-related problems. In providing assistance to these users, librarians should understand the obstacles *pro se* litigants face in navigating the legal system on their own. First, the legal system is far from “user-friendly” — complex procedures and rules vary from jurisdiction to jurisdiction, from court to court, and even from judge to judge.² Second, legal information can be found in multiple sources and formats and is not often written in plain English. Another obstacle is the characteristics of the litigants themselves, who often have a lack of knowledge of the law and court procedures, unrealistic expectations, and, at times, harbor disdain for attorneys and the justice system.

In the state of California, it has been estimated that over 4.3 million of California’s court users are self-represented.³ *Pro se* litigants submit two-thirds of family law court filings.⁴ In addition, judges and court staff report that the defendant in unlawful detainer cases is self-represented over 90% of the time.⁵ Fortunately, the Judicial Council of California, the policymaking body of the California courts, established the Task Force on Self-Represented Litigants in 2001 “to coordinate the statewide response to the needs of litigants who represent themselves in court.”⁶

This chapter will describe the state’s programs as well as others offered to Californians at county law libraries and through legal clinics, providing links to Internet resources throughout. A list of selected Internet sources appears at the end of this chapter.

¹ Paula Hannaford-Agor, “Executive Summary,” [Access to Justice: Meeting the Needs of Self-Represented Litigants](#) (2002), at 2.

² *Id.* at 9.

³ Judicial Council of California, [Statewide Action Plan for Serving Self-Represented Litigants](#) (Feb. 2004), at 2.

⁴ *Id.*

⁵ *Id.*

⁶ Judicial Council of California, [Fact Sheet: Programs for Self-Represented Litigants](#) (May 2015).

Contents:

- [*California Courts' Programs for Self-Represented Litigants*](#)
- [*California State Bar*](#)
- [*County Law Libraries*](#)
- [*Self-Help Legal Publishers*](#)
- [*Pro Bono Legal Providers*](#)
- [*Other Useful Internet Sources*](#)
- [*Internet Sources Cited in this Chapter*](#)

California Courts' Programs for Self-Represented Litigants

In furtherance of its mission to ensure meaningful court access for all Californians, the California Judicial Council launched the [California Courts Self-Help Center](#) in 2001. The [Self-Help Center](#) is designed to provide the types of legal information needed by the majority of self-represented litigants. The Web site's more than 1200 pages include instructions on how to navigate the court system, offer step-by-step guidance in filling out court forms, and provide information on specific legal topics such as family law, restraining orders, landlord-tenant issues, and small claims court. A Spanish language version launched in 2003 and information is now also available in Chinese, Korean, and Vietnamese. The [Self-Help Center](#) provides contact information for free and low-cost legal help and a legal glossary. Links to other governmental bodies and organizations offering legal assistance are also included.

In 2008, the Judicial Council established a network of court-based self-help centers. These self-help centers, held in or near superior courts, are staffed by attorneys and other legal personnel to provide information and education to self-represented litigants. Some courts also offer [Family Law Facilitator](#) programs in which attorneys help self-represented litigants with forms and court procedures relating to child and spousal support. Family law facilitators do not meet individually with litigants. Rather, they offer group sessions or walk-in clinics for anyone who does not have their own lawyer. There is no income-level requirement.⁷

The oldest of California's self-help programs is the free [Small Claims Advisors](#) assistance which is available to litigants in small claims proceedings. Assistance varies by county and may be provided by telephone, in person, or through information booklets. Advisors "may be volunteers, and shall be members of the State Bar, law

⁷ To find the family law facilitator in your county, use this link: <http://www.courts.ca.gov/9497.htm>.

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students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisors may not appear in court as an advocate for any party.”⁸ A 2002 study commissioned by the Judicial Council exposed significant problems with this approach, including the use of law students and non- attorney volunteers who are not permitted to give legal advice but are limited to answering questions on the process.⁹

Self-Help Centers, Family Law Facilitators, and Small Claims Legal Advisors by county can be found at the [Help From Your Court](#) page on the [California Courts Self-Help Center](#). For a list of self-help centers in all 50 states, see the National Center for State Courts Self-Representation [State Links](#) Web page.

Links on the [California Courts Programs](#) page also lead to resources for self-represented litigants. The [Equal Access Project](#) from the [Center for Families, Children and the Courts](#) (CFCC) offers [instructional materials](#) arranged by subject (e.g., adoption, domestic violence, fraud, probate, etc.). The CFCC also offers video guides that describe proceedings in [juvenile delinquency court](#) and [juvenile dependency court](#). The [Alternative Dispute Resolution](#) section links to videos on mediation, arbitration, neutral evaluation, and settlement conferences.

Other parts of the California Courts Web site offer informational publications for self-represented litigants. The following are examples:

- [Summary Dissolution Information](#): A 23-page booklet that provides instructions on how to obtain a divorce, including an explanation of important terms and time periods, worksheets, and a sample property settlement agreement.
- [Handbook for Conservators](#) (2016 revised edition): This handbook is not a do-it-yourself guide, but aims to assist conservators by providing information about topics such as types of conservatorships, managing personal needs and finances, and probate court. Throughout the book are “L” symbols to emphasize the situations where the individual may need the advice of a lawyer.
- [Caregivers and the Courts](#): An eight-page primer on “Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers.”
- [Guardianship Pamphlet](#): A pamphlet “about probate guardianships for children.”

⁸ California Code of Civil Procedure § 116.940(e). To read the full-text of this code section, go to the Legislative Counsel’s [California Law](#) page, select CCP in the Code dropdown menu, enter 116.940 in the Section box, and click Search. Click the PDF link for the authenticated version of the section.

⁹ Steven Weller et al. [Report on the California Three Track Civil Litigation Study](#) (July 31, 2002), at 34-35.

Also available in [Spanish](#), [Korean](#), [Chinese](#) and [Vietnamese](#).

- [Juvenile Court Information for Parents](#): A six-page pamphlet that provides information to parents of children charged with minor crimes.

The [California Courts](#) Web site was given a new look and a new URL in March of 2011. It is now much easier to find information by topic by going to the online [Self-Help Center](#) and then browsing by subject area. The publications listed above were found either in the forms section or within a subtopic, embedded within the text. Lastly, consult the [Self-Help Glossary](#) for definitions of legal terms and phrases.

California State Bar

The California State Bar publishes a number of [pamphlets and guides](#) intended to help members of the public with their legal questions. Titles include the following:

- [Kids & the Law: An A-Z Guide for Parents](#)
- [Seniors & the Law: A Guide for Maturing Californians](#)
- [Finding the Right Lawyer](#)
- [Do I Need a Will?](#)
- [Having a Problem with Your Lawyer?](#)

Most are available in English and in Spanish in PDF format for free.

County Law Libraries

California county law libraries serve as resources of legal information for all Californians. Their users include not only attorneys and other legal professionals but lay people handling their own legal concerns.

The Council of California County Law Libraries (CCCLL), composed of representatives from the county law libraries across the state, offers [Your Public Law Library](#), a web site designed to highlight self-help resources available to members of the public. [Your Public Law Library](#) includes five sections:

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- [Self-Help](#) which provides links to Web sites offering content specifically designed for pro se litigants (including forms)
- [Mini-Research Class](#) which offers guidance on the legal research process including where to start and what resources to check
- [Find Your . . . Nearest California County Law Library](#) which lists all 58 county law Libraries, their contact information and Web site addresses
- [Legal Links](#) which provides links to Web sites offering federal and California-specific legal information
- [AskNow](#), a real-time reference service provided by county law librarians

[Your Public Law Library](#) provides an excellent starting place for library users embarking on self-representation.

Individual county law libraries have responded to the demand for self-help legal services in a variety of ways: in-person reference assistance, email reference, and participation in [AskNow's Law Librarian Service](#). They also maintain extensive lists of local legal aid providers and often make them available on their Web pages.

Additionally, larger county law libraries put on a variety of workshops geared to address commonly encountered legal situations. A sampling of workshops follows. Visit your local county law library's Web site to see what workshops they offer. A complete list of county law libraries is provided on the [California County Public Law Libraries](#) Web site and in Appendix C of this publication.

EXAMPLES OF CALIFORNIA COUNTY LAW LIBRARY WORKSHOPS

El Dorado County Law Library:

http://eldoradocountylawlibrary.org/lib_classes.html

Legal Services of Northern California provides free legal assistance to consumers representing themselves in some civil cases. The Family Law Information Center Workshops cover divorce, custody, establishing parentage, and more. Check the [News and Events tab](#) for schedules. The El Dorado County Superior Court [Workshops & Clinics](#) page provides more details.

Kern County Law Library: <http://kclawlib.org>

Check the [Self Help tab](#) for upcoming Events and Workshops. In addition, the [Kern County Superior Court](#) under Online Services lists [Family Law Workshop Schedules](#) and provides a link to enroll in classes.

LA Law Library: <http://www.lalawlibrary.org>

Hands-on, interactive classes held monthly on topics such as introduction to legal research, Westlaw and LexisNexis searching, free legal information, and finding forms. See the [Classes & Events](#) link.

Riverside County Law Library: <http://www.lawlibrary.co.riverside.ca.us/>

Public Education Forums on topics such as family law (e.g., how to file a petition/response, how to file a default judgment on the petition), medical malpractice, identity theft, and mobile home evictions. [Tax preparation assistance](#) is also offered.

Sacramento County Public Law Library: <http://www.saclaw.org/>

[Self help videos and audios](#) include *Expunging Your Conviction*, *See You in Court* (Parts 1 and 2), and *the Court System – Who are the Players & What Do They Do?* The Sacramento County Public Law Library also hosts the [Civil Self-Help Center](#) operated by the Voluntary Legal Services Program of Northern California.

San Diego Public Law Library: <http://sandiegolawlibrary.org/>

Regularly scheduled classes include *Focus on Forms*, *Law Made Public: Legal Research Class for the Public*, *Legal Research Using Free Websites*, and *Practical Legal Research*. Special lectures are also offered. The library Web site includes an extensive listing of free legal clinics in the area.

San Mateo County Law Library: <http://www.smclawlibrary.org>

Hosts a self-represented litigant class and guide to small claims court workshop, presented by the San Mateo County Superior Court Self-Help Center (in Spanish and English).

Self-Help Legal Publishers

Established in 1971 by Ralph Warner, then a legal aid lawyer, [Nolo Press](#) is the premiere self-help legal publisher in California. Nolo offers titles on a wide range of legal issues, including wills, divorce, child custody, elder care, and taxes. The books are written by attorneys using easily understandable language and include forms and software to assist users in completing legal documentation. Updates to titles are posted on the Web site. Of particular note to libraries is Nolo's [policy](#) of replacing stolen library Nolo Press titles for free. (Some restrictions apply.).

Thomson Reuters publishes a twenty-three volume set called Legal Almanac Series. "Written for the nonlawyer"¹⁰ by attorneys (many by Margaret Jasper, a New York attorney), titles include *How to Protect Elders from Harm*, *Veterans' Rights and Benefits*, *Workers Compensation Law*, and *Home Mortgage Law Primer*. Books in the series are sold individually.

For a comprehensive listing of self-help titles, please refer to Chapter 10: Bibliography of California Self-Help Resources.

Pro Bono Legal Providers

Pro bono¹¹ providers are organizations which provide free or low-cost legal advice and representation to individuals who are unable to afford the services of a lawyer. Staffed by licensed attorneys and paralegals as well as attorney volunteers, pro bono providers vary in the types of cases they handle. Typically, providers will handle common legal problems such as landlord-tenant, child custody, child support, employment, and government benefits. Unfortunately, many providers are underfunded and understaffed and may not be able to meet the demands made on them.

The [Legal Services Corporation \(LSC\)](#) was established by Congress in 1974 as a private, nonprofit corporation to promote equal access to justice to low-income Americans. It is now the single largest provider of civil legal aid in the United States. LSC functions by providing grants, training, and oversight to legal service providers.

¹⁰ [Legal Almanac Series](#). Publisher Thomson Reuters generally describes the titles as intended for "nonlawyers" and as "easy-to-understand."

¹¹ Pro bono is Latin for "for the public good."

In 2008, LSC provided over \$43 million to California legal service providers. LSC Programs in California include [Legal Services of Northern California, Inc.](#), the [Legal Aid Society of Orange County](#), [Central California Legal Services](#), and the [Legal Aid Foundation of Los Angeles](#). A complete list of LSC-supported legal service providers is available on the [Web site](#) along with a list of counties served by the various providers.

[LawHelpCa.org](#) provides an extensive listing of California legal aid providers alphabetically and by counties served.¹² Listings include LSC and non-LSC funded providers and indicate whether the organization provides legal representation in court. In addition to organizations that offer general assistance, [LawHelpCa.org](#) lists programs devoted to particular populations such as the homeless, persons with AIDS, seniors, etc. Because of its comprehensive nature, [LawHelpCa.org](#) should be the first resource librarians suggest to users looking for pro bono legal services.

The [American Bar Association](#) also provides a list of pro bono providers by state in its [Public Resources](#) section. The California portion of the [Consumer's Guide to Legal Help Pro Bono](#) lists pro bono providers by county and includes basic contact information, a link to each Web site, and information such as types of cases handled and income and other restrictions.¹³

In addition to Bar Associations, some law schools provide clinics tailored to specific legal issues or populations. For instance, the [USC Small Business Clinic](#) provides basic corporate legal assistance to small businesses, entrepreneurs, and non-profit organizations. The [Cancer Legal Resource Center](#), a joint effort of Loyola Law School in Los Angeles and the [Disability Rights Legal Center](#), provides legal information and support to cancer survivors and their families. UC Berkeley Law School's [East Bay Community Law Center](#) provides legal services to low-income individuals in the surrounding community. Legal services at clinics are typically provided by second and third-year law students under the supervision of licensed attorneys. Local law school Web sites should be consulted for a list of clinics.

¹² Under the Find Legal Help tab, click the link for View legal directory by service area.

¹³ For California pro bono programs listed on the ABA's Web site, use this link, <http://tinyurl.com/jg6mxyn>. For the ABA's Lawyer Referral Directory for California, use <http://tinyurl.com/hfgqt3d>.

Other Useful Internet Sources

FindLaw's Learn About the Law: <http://public.findlaw.com>

Use this online legal resource to find information on popular topics such as will preparation, divorce and child custody, personal injury, and employee rights. Also see the [FindLaw Law Library](#) for links to *Introduction to the U.S. Legal System*, *Guide to Hiring a Lawyer*, and other links helpful to legal researchers.

Nolo Press: <http://www.nolo.com>

The self-help publisher's Web site offers a variety of free resources, including a [Legal Encyclopedia](#), [Lawyer Directory](#), [Law Blogs](#), and [Nolo's Plain-English Law Dictionary](#). iPhone (and iPod Touch) users can download a free copy of *Nolo's Plain-English Law Dictionary* (search iTunes under Free Apps).

Online legal dictionaries:

- [FindLaw's Practice Area Definitions](#)
- [Law.com Dictionary](#)
- [Lawyers.com Legal Dictionary](#)
- [U.S. Court's Glossary](#)

Online Legal Research Guides:

Most law school libraries (e.g., [UCLA Law Library's LibGuides](#)) and county law libraries (e.g., [San Diego Law Library Guides](#)) post research guides on their Web sites. Use [Cornell University Law Library's Legal Research Engine](#) to find authoritative legal research guides on every subject, search the legal Internet, and search academic blawgs (for commentary from law professors.)



Internet Sources Cited in this Chapter

Bar associations:

- American Bar Association: <http://www.americanbar.org/aba.html>
 - Public Resources: http://www.americanbar.org/portals/public_resources.html
 - Consumers' Guide to Legal Help Pro Bono: <http://tinyurl.com/3pgexfq>
 - California pro bono directory: <http://tinyurl.com/jg6mxyn>
 - California lawyer referral directory: <http://tinyurl.com/hfgqt3d>
- The State Bar of California's Consumer Information Pamphlets: <http://tinyurl.com/8xtalnv>

California Courts website:

- Alternative Dispute Resolution: <http://www.courts.ca.gov/programs-adr.htm>
- Center for Families, Children and the Courts:
 - <http://www.courts.ca.gov/programs-cfcc.htm>
- Delinquency: <http://www.courts.ca.gov/cfcc-delinquency.htm>
- Dependency: <http://www.courts.ca.gov/cfcc-dependency.htm>
- Equal Access Project: <http://www.courts.ca.gov/partners/equalaccess.htm>
- Equal Access Project Instructional Materials: <http://www.courts.ca.gov/partners/55.htm>
- Family Law Facilitators: <http://www.courts.ca.gov/selfhelp-facilitators.htm>
- Help from Your Court: <http://www.courts.ca.gov/1083.htm>
- Programs: <http://www.courts.ca.gov/programs.htm>
- Self-Help Center: <http://www.courts.ca.gov/selfhelp.htm>
- Self-Help Glossary: <http://www.courts.ca.gov/selfhelp-glossary.htm>
- Small Claims Advisors: <http://www.courts.ca.gov/selfhelp-advisors.htm>

Dictionaries:

- FindLaw's Practice Area Definitions: <http://public.findlaw.com/library/padefinitions.html>
- Law.com: <http://dictionary.law.com/>
- Lawyers.com Legal Dictionary: <http://research.lawyers.com/glossary/>
- U.S. Court's Glossary: <http://www.uscourts.gov/Common/Glossary.aspx>

Law school clinics:

- Loyola Law School Los Angeles Cancer Legal Resource Center: <http://cancerlegalresources.org/>
- UC Berkeley Boalt Hall's East Bay Community Law Center: <https://ebclc.org/>
- USC Small Business Clinic: <http://mylaw2.usc.edu/why/academics/clinics/sbc/>

Legal aid sources:

- Central California Legal Services: <http://www.centralcallegal.org/>
- Disability Rights Legal Center: <http://drlcenter.org/>
- LawHelpCalifornia.org: <http://www.lawhelpcalifornia.org/>
- Legal Aid Foundation of Los Angeles: <http://www.lafla.org/index.php>
- Legal Aid Society of Orange County: <http://www.legal-aid.com/>
- Legal Services Corporation (LSC): <http://www.lsc.gov/index.php>
 - LSC Programs: http://www.lsc.gov/map/state_T32_R6.php
- Legal Services of Northern California: <http://www.lsnclinfo>

Library-related links:

- Ask Now's Law Librarian Service: http://www.247ref.org/portal/access_law3.cfm
- Your Public Law Library: <http://www.publiclawlibrary.org/>

Miscellaneous:

- California Legislative Information, California Law: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- National Center for State Courts:
 - State Links: <http://tinyurl.com/zjsku8s>
 - Self-Representation Resource Guide: <http://tinyurl.com/jgi6gsf>
- Nolo Press: <http://www.nolo.com/>
 - Library: <http://www.nolo.com/library/>

Publications:

- Paula Hannaford-Agor, "Executive Summary," Access to Justice: Meeting the Needs of Self-Represented Litigants (2002): <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/23>
- Judicial Council of California, *Statewide Action Plan for Serving Self-Represented Litigants* (February 2004): <http://www.courts.ca.gov/xbcr/cc/selfreplitsrept.pdf>
- Judicial Council of California, *Fact Sheet: Programs for Self-Represented Litigants* (May 2015): <http://www.courts.ca.gov/xbcr/cc/proper.pdf>
- Steven Weller et al. *Report on the California Three Track Civil Litigation Study* (July 31, 2002): <http://www.clrc.ca.gov/pub/BKST/BKST-3TrackCivJur.pdf>

Research guides:

- Cornell Law Library Research Guides: <http://guides.library.cornell.edu/LAW>
- San Diego Law Library Research Guides:
<http://sandiegolawlibrary.org/services/research-guides/>
- UCLA Law Library's LibGuides: <http://libguides.law.ucla.edu/>

Chapter 10

BIBLIOGRAPHY OF SELF-HELP RESOURCES

Legal information resources geared toward the non-lawyer have changed dramatically since the previous edition of this book was published in 2011. At that time, [Nolo Press](#) was the primary source for books that might help the novice legal researcher interpret the legalese of primary law materials (i.e., statutes, cases and regulations) or learn how to proceed in handling a legal matter (e.g., filing a lawsuit, responding to a summons, establishing copyright protection, changing your name, etc.). Nolo Press continues to dominate the self-help arena. However, thanks to the Internet, what is available online not only supplements, but often replaces, what is available in print. Now, one can often find step-by-step guidance from authoritative sources online.

This chapter consists of an annotated, selective bibliography of legal self-help books and websites aimed at providing guidance to the non-attorney and non-law librarian in California. For California resources outside the self-help arena, please see Chapter 5: California Law and Chapter 6: Bibliography of California Resources of this publication.

The books and Web sites listed below have proven reliable over the years. They are arranged under the following subject headings:

[Art Law](#)

[Bankruptcy](#)

[Business Law](#)

Includes corporations, limited liability companies and partnerships, small businesses and nonprofits

[Civil Procedure & Litigation](#)

Includes enforcing judgments, superior & appellate court practice, personal injury, traffic and small claims procedure, troublesome neighbors and their pets

[Consumer & Individual Rights](#)

Includes right of patients, privacy, and identity theft

[Contract Law](#)

Includes independent contractors and forms for personal use

[Copyright, Trademarks & Patent Law](#)

[Criminal Law](#)

[Employment Law](#)

Includes workers' compensation, family and medical leave, and discrimination

[Estate Planning](#)

Includes wills and trusts, probate

[Family Law](#)

Includes marriage, divorce, unmarried couples, children, adoption, guardianship, conservatorship, elder law, gay rights

[Financial Planning](#)

Includes credit and debt collection

[Free Forms](#)

[Immigration Law](#)

[Landlord-Tenant Law](#)

[Lawyers](#)

Includes attorney-client relationship, directories, bar associations, lawyer referral

[Legal Research](#)

[Public Records Data](#)

Includes trial verdicts, dockets, registrar records

[Real Property Law](#)

Includes mortgages and foreclosures

[Social Security](#)

Includes Medicare

[Tax Law](#)

[Veterans' Rights & Benefits](#)

Proceed with caution: Remember that laws are continually changing. Publishers attempt to keep their resources current, but it is sometimes beyond their control. The books and websites listed are current as of the publication date of this guide. Because many public libraries have [Nolo Press](#) books in their collections, please consult your local library catalog or call the reference desk. In any case, the books included in this bibliography should be available in any large county law library (see Appendix C for locations) or through your local bookstores.

Art Law

[California Lawyers for the Arts](#). Offices in Santa Monica, Sacramento, San Francisco, and Berkeley.

For a small fee, attorneys will provide a 30-minute consultation with clients on topics of interest to artists (i.e., copyright, contract drafting and negotiation, independent contractors, and mediation and arbitration). If appropriate, a client may apply for assistance in CLA's pro bono program.

Crawford, Tad. [Business and Legal Forms for Fine Artists](#), 4th ed. New York, NY: Allworth Press, 2014.

Includes arbitration agreements, promissory notes, and general releases. Also includes various sample contracts, as well as step-by-step instructions and checklists.

Crawford, Tad. [Legal Guide for the Visual Artist](#), 5th ed. New York, NY: Allworth Press, 2010.

Provides a comprehensive overview of the legal issues faced by visual artists. The book covers: copyright, contracts, censorship, moral rights, sales taxes, estate planning, museums, collecting, grants, graffiti art, privacy and the visual artists, and online copyright issues.

Duboff, Leonard D. [The Law \(in Plain English\) for Photographers](#), 3rd ed. New York, NY: Allworth Press, 2010.

Intended to answer the professional photographer's business and legal questions. Topics include: copyright, contracts and remedies, defamation and libel, censorship, taxes, estate planning, leases and insurance. There is also information on right of publicity laws protecting images of deceased celebrities, post-9/11 restrictions on photographing in "sensitive" environments, and online registration procedures at the Copyright Office.

Fishman, Stephen. [*The Public Domain: How to Find & Use Copyright-Free Writings, Music, Art & More*](#), 8th ed. Berkeley, CA: Nolo Press, 2017.

Helps find and identify creative works that are not protected by copyright.

Includes new developments in international copyright.

Stim, Richard. [*Getting Permission: Using and Licensing Copyright-Protected Materials Online & Off*](#), 6th ed. Berkeley, CA: Nolo Press, 2016.

Discusses how to use copyrighted materials, including information on public domain, fair use, academic permission, and the use of trademarks. Includes agreements for acquiring authorization to use copyrighted materials.

Stim, Richard. [*Music Law: How to Run Your Band's Business*](#), 8th ed. Berkeley, CA: Nolo Press, 2015.

How to book performances, copyright song lyrics, sign contracts, write a band partnership agreement, trademark a band name, sell music, find a manager, and much more.

Bankruptcy

O'Neill, Cara. [*The New Bankruptcy: Will it Work For You?*](#), 7th ed. Berkeley, CA: Nolo Press, 2017.

Determine whether you qualify for bankruptcy, which debts would be included, how repayment plans work, and how bankruptcy would affect your property.

Includes worksheets, checklists, and sample forms.

O'Neill, Cara & Albin Renauer. [*How to File for Chapter 7 Bankruptcy*](#), 20th ed. Berkeley, CA: Nolo Press, 2017.

Information on when and how to file your own bankruptcy. Gives details on exempt assets and non-dischargeable debts, what you get to keep and what you have to give back, how bankruptcy will affect your credit rating in the future, and whether or not bankruptcy is the proper course for you to take. All forms and instructions necessary for filing are included.

O'Neill, Cara. [*Chapter 13 Bankruptcy: Keep Your Property & Repay Debts Over Time*](#), 14th ed. Berkeley, CA: Nolo Press, 2018.

Learn how to determine if you qualify for Chapter 13 bankruptcy, stop a foreclosure, and construct a repayment plan.

U.S. Courts, [Bankruptcy Forms](#).

These Bankruptcy Forms are provided on the U. S. Courts Web site. The forms are fillable and may be downloaded in Adobe Acrobat. Many forms include instructions and committee notes.

Business Law

American Bar Association. [The American Bar Association Legal Guide for Small Business](#), 2nd ed. New York, NY: Random House Reference, 2010.

Guide to starting a small business, including initial set up and financing, employment laws, safety issues and insurance, extending credit, franchising, copyrights and trademarks, business taxes, retirement, and selling the business.

[Better Business Bureau](#).

Locate your local better business bureau, get information or file a complaint about a company, etc.

Bray, Ilona. [Effective Fundraising for Nonprofits: Real-World Strategies That Work](#), 5th ed. Berkeley, CA: Nolo Press, 2016.

Explains how to work with individual donors, plan events, solicit grants, start a side business, and more.

California Governor's Office of Business and Economic Development,
[California Business Portal](#).

Step-by-step instructions for starting a business in California.

Fishman, Stephen & Ronald J. Barrett. [Nonprofit Fundraising Registration: The 50-State Guide](#), Berkeley, CA: Nolo Press. Updated semi-annually: January and July.

Discusses fundraising registration. Includes information on exemptions, registering in and contact information for other states, filing requirements, and a tutorial on the Unified Registration Statement.

Mancuso, Anthony. [The Corporate Records Handbook: Meetings, Minutes & Resolutions](#), 7th ed. Berkeley, CA: Nolo Press, 2016.

Contains forms and instructions related to corporate, shareholders, directors, and paper meetings; participant list; shareholder proxy; and resolutions, etc.

Mancuso, Anthony. [*Form Your Own Limited Liability Company*](#), 9th ed. Berkeley, CA: Nolo Press, 2015.

How to set up a limited liability company in any state, including how to choose a valid name, prepare and file articles of organization, and manage an LLC.

Mancuso, Anthony. [*How to Form a Nonprofit Corporation: A Step-by-Step Guide to Forming a 501\(c\)\(3\) Nonprofit in Any State*](#), 13th ed. Berkeley, CA: Nolo Press, 2017.

Includes complete instructions for obtaining federal 501(c) (3) tax exemption and for qualifying for public charity status.

Mancuso, Anthony. [*How to Form a Nonprofit Corporation in California*](#), 16th ed. Berkeley, CA: Nolo Press, 2015.

Includes complete instructions for obtaining federal 501(c) (3) tax exemption and for qualifying for public charity status. Discusses California's specific legal and tax requirements.

Mancuso, Anthony. [*How to Form Your Own California Corporation*](#), 17th ed. Berkeley, CA: Nolo Press, 2017.

Contains information on forming a corporation, issuing and selling stock, tax issues, and post-incorporation paperwork.

Mancuso, Anthony. [*LLC or Corporation? How to Choose the Right Form for Your Business*](#), 7th ed. Berkeley, CA: Nolo Press, 2016.

Provides easy-to-understand explanations of the basics of business entities, personal liability under different business entities, differing tax treatments, converting a business from one entity to another, and conducting business out-of-state.

Mancuso, Anthony. [*Nolo's Quick LLC: All You Need to Know About Limited Liability Companies*](#), 9th ed. Berkeley, CA: Nolo Press, 2017.

Essential information for business owners in any state: how LLCs are formed by filing articles of organization with the state, the required ongoing legal and tax paperwork, choosing between a member-run and manager-run LLC. Includes URLs and phone numbers for required LLC forms.

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- Mancuso, Anthony. [*Your Limited Liability Company: An Operating Manual*](#), 8th ed. Berkeley, CA: Nolo Press, 2016.
Advises business owners on how to maintain the legal validity of their LLC, by providing tips on preparation of management minutes and how to fill out an LLC records book. State LLC statutes and state filing office locations are included. Forms appear in the book and on a Nolo webpage designed for the book.
- Mancuso, Anthony & Bethany K. Laurence. [*Business Buyout Agreements: Plan Now for All Types of Business Transitions*](#), 7th ed. Berkeley, CA: Nolo Press, 2016.
Provides guidance on the creation of buy-sell agreements. Includes worksheets and sample agreements.
- McKeever, Mike. [*How to Write a Business Plan*](#), 13th ed. Berkeley, CA: Nolo Press, 2016.
Learn how to estimate operating expenses, prepare cash flow, create profit and loss forecasts, determine assets and liabilities, and present your plan to lenders and investors.
- Pakroo, Peri H. [*The Small Business Start-Up Kit for California*](#), 12th ed. Berkeley, CA: Nolo Press, 2018.
Explains how to choose a business structure, write a business plan, file the right forms, draft contracts, manage finances, and file taxes. Forms appear in the book and on a Nolo webpage designed for the book.
- Pakroo, Peri H. [*Starting & Building a Nonprofit: A Practical Guide*](#), 7th ed. Berkeley, CA: Nolo Press. 2017.
Includes step-by-step instructions on how to structure a nonprofit, choose a federal tax-exempt status, create a mission statement, and develop a strategic plan and initial budget, and much more.
- Steingold, David M. [*Nolo's Guide to Single-Member LLCs: How to Form and Run Your Single-Member Limited Liability Company*](#). 1st ed. Berkeley, CA: Nolo Press. 2016.
Provides an overview of how to form, fund, and manage an SMLLC. Includes a sample operating agreement and consent forms.
- Steingold, Fred S. [*Legal Forms for Starting & Running a Small Business*](#), 10th ed. Berkeley, CA: Nolo Press, 2018.
Contains over sixty forms covering topics including business contracts, hiring employees, trade secrets, non-compete agreements, borrowing and lending money, leasing space, and bylaws.

Steingold, Fred S. [*Legal Guide for Starting and Running a Small Business*](#), 15th ed. Berkeley, CA: Nolo Press, 2017.

Includes information on how to get licenses and permits, how to buy or sell a business, how to insure your business, how to hire independent contractors, how to understand small business tax law, and many other day-to-day issues.

Steingold, Fred S. [*The Complete Guide to Buying a Business*](#), 4th ed. Berkeley, CA: Nolo Press, 2015.

Learn how to negotiate a payment plan, prepare a sales agreement, and protect yourself from existing liabilities. Includes more than twenty forms.

Warner, Ralph & Denis Clifford. [*Form a Partnership: The Complete Legal Guide*](#), 10th ed. Berkeley, CA: Nolo Press, 2017.

Provides an overview of partnership agreements, buy-outs, partnership disputes, and taxes. A Nolo webpage designed for the book includes partnership agreement forms.

Civil Procedure & Litigation

[American Arbitration Association.](#)

A non-profit provider of dispute resolution services. The website has news, rules for commercial and civil arbitration, and links to additional resources on mediation.

Bergman, Paul and Albert Moore. [*Nolo's Deposition Handbook*](#), 7th ed. Berkeley, CA: Nolo Press, 2018.

Explains how to prepare for a deposition, respond to questions, and ask the right questions.

Bergman, Paul & Sara J. Bergman-Barrett. [*Represent Yourself in Court: How to Prepare & Try a Winning Case*](#), 9th ed. Berkeley, CA: Nolo Press, 2016.

How to handle a civil court case from start to finish. Includes analyzing whether you have a good case, lining up witnesses, how to present testimony, how to cross-examine opponents, and many other aspects of litigation.

Brown, David. [*Fight Your Ticket and Win in California*](#), 16th ed. Berkeley, CA: Nolo Press, 2015.

This book helps readers prepare and present evidence, argue before a judge, and

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cross-examine a police officer's testimony. It appears that Nolo no longer publishes this title, so check for the last edition at a library.

California Court of Appeal, Second Appellate District. [*Civil Appellate Practices and Procedures for the Self-Represented*](#). Los Angeles, CA: California Court of Appeal, 2016.

Step-by-step manual to appealing a civil case in the California Court of Appeal, Second Appellate District. The appendices include a timeline and glossary. The final section of the book contains sample forms and instructions for filling them out. The self-help manual (linked above) may be downloaded for free in its entirety or individual chapters viewed on the [California Courts](#) Web site.

California Department of Consumer Affairs. [*The Small Claims Court: A Guide to Its Practical Use*](#).

This guide is available at the Small Claims Court Clerk's Office, by calling the Consumer Affairs' Publications Hotline at (800) 952-5210, in PDF at the link above (click the words Printer Friendly Version), or by sending a [Publication Order Form](#) to Department of Consumer Affairs, Office of Publications, Design & Editing (PDE), 1625 N. Market Blvd., Suite N-119, Sacramento, CA 95834. The Department of Consumer Affairs has publications on a variety of concerns to consumers (i.e., contracts, credit, hiring contractors, smog, etc.).

Goren, Julie A. [*California Civil Litigation and Discovery*](#), (Litigation by the Numbers Substantive Companion). Los Angeles, CA: Lawdable Press, 2018.

According to the publisher's description, this book "takes a substantive approach to litigation, e.g., what the pleadings should say..., rather than what they [should] look like." Alternatively, refer to *Litigation by the Numbers* (directly below) for up-to-date information on format and filing and service deadlines.

Goren, Julie A. [*Litigation by the Numbers*](#), Los Angeles, CA: Lawdable Press, 2018.

This loose-leaf is designed to walk the reader through the lifecycle of a California state court civil lawsuit. It provides step-by-step instructions on how to handle a case from filing all the way to enforcement of a judgment.

Jordan, Cora and Emily Doskow. [*Neighbor Law: Fences, Trees, Boundaries & Noise*](#), 9th ed. Berkeley, CA: Nolo Press, 2017.

This book answers basic questions about legal issues that often trouble neighbors: fences, trees, boundaries, and noise.

Judicial Council of California, [Self-Help Center](#).

The Self-Help Center's assists researchers in "find[ing] legal information and free or low-cost legal help." The site links to Common Legal Topics like Expungement and Going to Court. It also lists more topics alphabetically and is searchable. The Self-Help Center does not provide legal advice.

Matthews, Joseph. [How to Win Your Personal Injury Claim](#), 9th ed. Berkeley, CA: Nolo Press, 2015.

Use this resource to learn how to protect your rights after an accident, how to evaluate what the claim is worth, how to negotiate a fair settlement, etc.

Randolph, Mary. [Every Dog's Legal Guide: A Must-Have Book for Your Owner](#), 7th ed. Berkeley, CA: Nolo Press, 2012.

Discusses dog owner liability, animal cruelty, estate planning, and licensing issues. It appears that Nolo no longer publishes this title, so check for the last edition at a library. Another option might be [Neighbor Law](#), described below.

U. S. Courts, [Post Judgment Interest Rate](#).

Access rates from the most recent auction of 52-week Treasury bills.

U.S. District Court, [Legal Help Center Templates & Packets](#).

Developed by the Justice and Diversity Center of the Bar Association of San Francisco, the packets include instructions and templates (blank forms) to help pro se patrons proceed in the federal Northern District Court of California. The list of resources includes a link to a Legal Research Guide for Pro Se Litigants.

U.S. District Court, [Representing Yourself in Federal Court: A Handbook for Pro Se Litigants](#).

This 76-page guide provides civil procedure information, including a glossary, for self-represented litigants who are part of a civil case in federal court. Scroll down the page to download the entire guide in PDF format.

Warner, Ralph. [Everybody's Guide to Small Claims Court in California](#), 17th ed. Berkeley, CA: Nolo Press, 2018.

This book guides you step-by-step through small claims procedure, providing practical information on how to evaluate your case, file and serve the papers, prepare and present the case, and then collect when you win. Several types of cases are discussed, including landlord-tenant and vehicle accident.

Consumer & Individual Rights

[American Civil Liberties Union](#) (ACLU). 125 Broad St., 18th Floor, New York, NY 10004. (212) 549-2500.

The website identifies resources on a multitude of legal-based individual rights concerns; i.e., rights of the poor, families, Native Americans, women, and LGBT people; and rights related to immigration, voting, criminal justice, and privacy.

[California Department of Consumer Affairs](#). 1625 North Market Blvd., Suite N-112, Sacramento, CA 95834. (800) 952-5210.

Includes a license search database and information about filing a complaint, including a sample complaint letter.

California Department of Justice. [Legal Rights of Persons with Disabilities](#). Sacramento, CA: California Department of Justice, 2003 (with 2006 updates).

This eighty-five-page PDF discusses California and federal laws that protect the rights of individuals with disabilities.

California Secretary of State, [Elections and Voter Information](#).

Includes information about registering to vote and voting rights, as well as statistics, proposed regulations, campaign finance, and other election and voting related resources.

[Consumer Action Handbook](#). Pueblo, CO: USA.gov, 2017. (152 pages)

Besides the Consumer Action Handbook, USA.gov provides a [Consumer Issues](#) page, which contains instructions on how (and where) to file a complaint, and links to information regarding banking, cars, insurance, recalled products and more, in the context of consumer protection. To locate information in Spanish, click the [GobiernoUSA.gov](#) link at the bottom of the page.

[Disability Rights Advocates](#).

Nonprofit disability rights legal center that represents people whose civil rights have been violated. The website includes California-based resources on topics ranging from lawyer referral to housing and employment discrimination.

[Federal Trade Commission.](#)

The FTC “is the only federal agency with both consumer protection and competition jurisdiction in broad sectors of the economy.” Its work is performed by the Bureaus of Consumer Protection, Competition and Economics and aided by the Office of General Counsel and seven regional offices. Under the Policy tab the website contains a database of advisory opinions, federal register notices, policy statements, and more. The [FTC Complaint Assistant](#) will help you file a consumer complaint.

[Lambda Legal.](#)

Lambda Legal is the “oldest and largest national legal organization whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and those with HIV.” The website includes a state-by-state breakdown of legal rights in the areas of employment, public accommodation, and marriage.

Loftsgordon, Amy & Cara O’Neill. [*Credit Repair: Make a Plan, Improve Your Credit, Avoid Scams*](#), 13th ed. Berkeley, CA: Nolo Press, 2017.

Learn how to rebuild credit, avoid identity theft, and add positive information to your credit report. Includes a sample letter to negotiate with creditors and forms to fix errors in your credit report.

[National Consumer Law Center.](#)

This non-profit corporation is an advocate for “consumer justice and economic security for low-income and other disadvantaged people.” Its web site has a wealth of information on issues (e.g., credit cards) and projects (e.g., domestic violence survivors), which can be used as guidance for the public and other advocates. According to the agency’s Web site, attorneys from all over the world view the center’s books as authority for consumer law.

[National Immigration Law Center.](#)

NILC is dedicated to defending and advancing the rights of low-income immigrants. The website includes in-depth information about DACA, immigration enforcement, workers’ rights, and immigration reform.

[Native American Rights Fund.](#)

Nonprofit organization that provides legal assistance to Indian tribes, organizations, and individuals nationwide. Their website links to resources, such as the National Indian Law Library.

Contract Law

Editors of Nolo. [*101 Law Forms for Personal Use*](#), 10th ed. Berkeley, CA: Nolo Press, 2016.

Available as tear-outs and on a Nolo webpage designed for the book, the forms include bills of sale, promissory notes, wills, power of attorney forms, contracts, releases, and notices.

Fishman, Stephen. [*Consultant & Independent Contractor Agreements*](#), 9th ed. Berkeley, CA: Nolo Press, 2017.

For those contracting their services to others or hiring independent contractors. Instructions on how to put your agreement in writing, define a project's scope, components and duration, satisfy IRS requirements, and avoid disputes. Includes forms and electronic agreements in the book and on a Nolo webpage designed for the book.

Fishman, Stephen. [*Working for Yourself: Law & Taxes for Independent Contractors, Freelancers & Gig Workers of All Types*](#), 10th ed. Berkeley, CA: Nolo Press, 2017.

Includes sample agreements, forms, lists of state sales tax agencies and state offices that provide small business help. Also covers insuring your business, record keeping, and pricing your services.

Stim, Richard. [*Contracts: The Essential Business Desk Reference*](#), 2nd ed. Berkeley, CA: Nolo Press, 2016.

Defines common contract terms, discusses the importance of contractual clauses and how to change them, and focuses on the legal rules for electronic contracts. Also includes sample contracts and clauses.

Copyright, Trademarks & Patent Law

Fishman, Stephen. [*The Copyright Handbook: What Every Writer Needs to Know*](#), 13th ed. Berkeley, CA: Nolo Press, 2017.

Provides step-by-step instructions and forms for protecting all types of written works under U.S. and international copyright law. Covers fair use and copyright infringement.

Fishman, Stephen. [*Trademark: Legal Care for Your Business & Product Name*](#), 11th ed. Berkeley, CA: Nolo Press, 2016.

This book is designed for the small business and shows how to trademark the name of a service or product. Covers procedures for conducting a trademark search and registering a trademark, as well as forms and instructions.

Hitchcock, David. [*Patent Searching Made Easy: How to Do Patent Searches on the Internet and in the Library*](#), 7th ed. Berkeley, CA: Nolo Press, 2017.

Includes information on how to verify the patent status of an idea, search Patent and Trademark Depository Libraries, and use online patent search services.

Pressman, David. [*Patent It Yourself*](#), 19th ed. Berkeley, CA: Nolo Press, 2018.

Step-by-step procedures for protecting, patenting, and selling an invention. Covers use, licensing, and marketing advice. Forms appear in the book and on a Nolo webpage designed for the book.

Pressman, David & Jack Lo. [*How to Make Patent Drawings: Save Thousands of Dollars and Do It With a Camera and Computer!*](#), 7th ed. Berkeley, CA: Nolo Press, 2015.

Learn how to create a patent drawing that will comply with the rules of the US Patent and Trademark Office.

Pressman, David & Richard Stim. [*Nolo's Patents for Beginners*](#), 9th ed. Berkeley, CA: Nolo Press, 2018.

Explanations of patent principles, and instructions on how to document an invention, acquire patent rights, determine patent ownership, and find patent information. Provides sample forms and letters and a glossary of terms.

Stim, Richard. [*Getting Permission: Using & Licensing Copyright-Protected Materials Online & Off*](#), 6th ed. Berkeley, CA: Nolo Press, 2016.

This book includes agreements for the authorized use of text, photographs, artwork, and music, as well as worksheets, licenses, and permissions, which are available on a Nolo webpage designed for the book.

Stim, Richard. [*Patent, Copyright & Trademark: An Intellectual Property Desk Reference*](#), 15th ed. Berkeley, CA: Nolo Press, 2017.

Discusses issues such as who owns creative works and how to protect ownership-rights, resolve intellectual property disputes, and transfer rights to others.

[U.S. Copyright Office.](#)

The Copyright Office Web site provides copyright laws, regulations, forms, legislation, and related links to GPO Access, and WIPO and URAA agreements. U.S. Copyright Office records are searchable at this web site from 1978 to date, including COHM (all materials except serials and documents), COHD (documents), and COHS (serials). For the period 1891 to 1978, check the *Catalog of Copyright Entries* available at many larger public libraries. The Copyright Office Web site cautions users about the inconclusiveness and exceptions in conducting copyright investigations. Many public libraries are equipped to assist users in searching copyright records, and the office will provide searches and other records for a fee set by statute.

[U.S. Patent & Trademark Office.](#)

The USPTO's official site provides instructions on how to search for patents and trademarks and apply for patent and trademark rights. Patent grants are searchable in full text since 1976; patent applications are searchable from March 15, 2001. The trademark electronic application system (TEAS) allows online application filing through e-TEAS or PRINTEAS if the form cannot be filed electronically. To discover if a trademark is previously registered electronically, select TESS (U.S. Trademark Electronic Search System) from the home page of the Patent and Trademark Office. TESS contains more than 3 million pending, registered, and dead federal trademarks.

Criminal Law

Bergman, Paul & Sara J. Berman. [The Criminal Law Handbook: Know Your Rights, Survive the System](#), 15th ed. Berkeley, CA: Nolo Press, 2018.

Explains how the system works, including arrests, booking, preliminary hearings, bail, arraignment, plea bargains, and sentencing.

Judicial Council of California, [California Courts Self-Help Center for Criminal Law](#).

Describes criminal procedure, explains how to clean up your criminal record, provides links to forms, etc.

MacKay, Heather and the Prison Law Office. [*The California State Prisoners Handbook: Everything You Need to Know about Prison and Parole Law*](#), 4th ed. San Quentin, CA: The Prison Law Office, 2008 (with 2014 supplement).

Discusses in detail the laws governing prisoner rights and the policies and practices of the California Department of Corrections and Rehabilitation. Also includes sample forms and model pleadings.

Prison Law Office. [*State Habeas Corpus Procedure: A Manual for California Prisoners*](#). San Quentin, CA: The Prison Law Office, 2008.

Twenty-nine page description of the steps in the California state habeas corpus process. Includes a checklist of pleadings to submit to the court and documents to submit in response to the court, and sample court pleadings. The California Courts Web site links to a form for a [Petition of Writ of Habeas Corpus](#).

Employment Law

Ball, Christopher A. [*California Workers' Comp: How to Take Charge When You're Injured on the Job*](#), 11th ed. Berkeley, CA: Nolo Press, 2016.

Outlines steps in filing a claim, dealing with insurance companies, presenting a case at a hearing, and rating a disability using the workers' comp rating manual.

[California Labor and Workforce Development Agency](#).

Includes information on workforce oversight, appeals and benefits (including eligibility for unemployment insurance and disability), and workforce development.

DelPo, Amy & Lisa Guerin. [*Dealing with Problem Employees: How to Manage Performance and Personality Issues in the Workplace*](#), 9th ed. Berkeley, CA: Nolo Press, 2017.

Find out how to recognize a problem employee, investigate complaints, and suspend or fire employees.

Guerin, Lisa. [*The Essential Guide to Workplace Investigations: A Step-by-Step Guide to Handling Employee Complaints & Problems*](#), 4th ed. Berkeley, CA: Nolo Press, 2016.

Includes a ten-step plan for resolving workplace complaints, such as harassment, discrimination, violence, and employee theft. Also includes forms, checklists, and sample policies for states.

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Guerin, Lisa & Amy DelPo. [*Create Your Own Employee Handbook: A Legal & Practical Guide for Employers*](#), 8th ed. Berkeley, CA: Nolo Press, 2017.

Covers at-will employment, hiring, payroll, performance evaluations, discrimination, complaints, leave, and discipline.

Guerin, Lisa & Deborah C. England. [*The Essential Guide to Family & Medical Leave*](#), 5th ed. Berkeley, CA: Nolo Press, 2018.

Discusses the Family Medical Leave Act, including eligibility qualifications, quantity, and notice obligations. Links to a Nolo webpage with checklists, forms, and worksheets.

Guerin, Lisa & Amy DelPo. [*The Essential Guide to Federal Employment Laws*](#), 5th ed. Berkeley, CA: Nolo Press, 2016.

Legal topics covered include the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, and the Family and Medical Leave Act.

Mader-Clark, Margie. [*The Job Description Handbook*](#), 3rd ed. Berkeley, CA: Nolo Press, 2013. This book helps employers create job descriptions that are useful throughout the employee's tenure, as a means for hiring and evaluating employees' job performances.

Repa, Barbara Kate. [*Your Rights in the Workplace*](#), 11th ed. Berkeley, CA: Nolo Press, 2018.

Discusses illegal firings, how to challenge job loss, privacy, safety, testing, harassment, discrimination, and worker's compensation.

Rosenfeld, David A., Miles E. Locker, and Nina G. Fendel. [*California Workers' Rights: A Manual of Job Rights, Protections and Remedies*](#), 5th ed. Berkeley, CA: UC Berkeley Labor Center, 2016. [Chapter 1](#) is free online.

Describes California and federal legal protections for workers, focusing on: rights during the hiring process, investigations, police records, wages and hours, benefits, discrimination, health and safety, workers' compensation, union organizing, whistleblower protections, discharge, and discipline.

Steingold, Fred S. [*The Employer's Legal Handbook: Manage Your Employees & Workplace Effectively*](#), 13th ed. Berkeley, CA: Nolo Press, 2017.

This handbook includes information related to hiring, personnel practices, wages, benefits, OSHA requirements, discrimination, termination, and relevant state laws.

[UC Berkeley Labor Center](#).

"[P]ublic service and outreach program of the UC Berkeley Institute for Research on Labor and Employment... that conducts research and education on issues related to labor and employment." Topics covered by the website include black workers, immigrants, minimum wage law, workers' rights, labor in China, and retirement security.

Estate Planning

Barnes, Richard. *Estate Planning for Blended Families: Providing for Your Spouse & Children in a Second Marriage*, 1st ed. Berkeley, CA: Nolo Press, 2009.

Provides information on estate and gift taxes in a second marriage, choosing executors, trustees, and guardians, and working with lawyers, financial planners, and other experts. Includes sample estate plans, current tax information for your state, and the latest information about which federal and state laws apply to you. It appears that Nolo no longer publishes this title, so check for it at a Library.

Clifford, Denis. [*Estate Planning Basics*](#), 9th ed. Berkeley, CA: Nolo Press, 2017.

Learn how to choose a beneficiary, and create a will or living trust. The book also discusses probate-avoidance and estate tax reduction methods.

Clifford, Denis. [*Make Your Own Living Trust*](#), 13th ed. Berkeley, CA: Nolo Press, 2017.

How to avoid probate through the use of living trusts. Explains how living trusts work, how to create the trust and transfer property to it. Includes instructions and forms needed to create a basic living trust, a marital life estate trust, and a back-up will. Not applicable in Louisiana. Forms appear in the book and on a Nolo webpage designed for the book.

Clifford, Denis. [*Quick & Legal Will Book*](#), 8th ed. Berkeley, CA: Nolo Press, 2017.

Provides forms and step-by-step instructions to make a basic will. Topics include naming beneficiaries, choosing a guardian, setting up a trust, naming an executor, finalizing a will, and changing or revoking a will.

Clifford, Denis. [*Plan Your Estate*](#), 14th ed. Berkeley, CA: Nolo Press, 2018.

Detailed information about the many aspects of estate planning. Includes information on estate and gift taxes, trusts, durable powers of attorney, living wills, funerals and burials. Not applicable to the state of Louisiana.

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Cullen, Melanie & Shae Irving. [*Get It Together: Organize Your Records So Your Family Won't Have To*](#), 7th ed. Berkeley, CA: Nolo Press, 2016.

Shows you how to keep track of instructions for survivors, passwords, final arrangements, estate planning documents, employment records, insurance policies, tax records, retirement accounts, government benefits, and real estate records.

Irving, Shae. [*Living Wills and Powers of Attorney for California*](#), 5th ed. Berkeley, CA: Nolo Press, 2017.

Provides step-by-step instructions for the creation of a living will, a durable power of attorney, and a do-not-resuscitate order. Forms appear in the book and on a Nolo webpage designed for the book.

Nissley, Julia & Lisa Fialco. [*How to Probate an Estate in California*](#), 24th ed. Berkeley, CA: Nolo Press, 2018.

Written for the layperson that is responsible for guiding an estate through the probate process. Explains how to read a will, handle probate paperwork, collect benefits owed to the estate, pay bills and taxes and distribute property.

Randolph, Mary. [*8 Ways to Avoid Probate*](#), 12th ed. Berkeley, CA: Nolo Press, 2018.

This book discusses payable-on-death accounts, naming beneficiaries, small estates, joint ownership of property, living trusts, and making gifts.

Randolph, Mary. [*The Executor's Guide: Settling a Loved One's Estate or Trust*](#), 8th ed. Berkeley, CA: Nolo Press, 2018.

This guide helps you understand legal procedures and terminology, including claiming benefits; making sense of wills, taxes, probate court, and trusts; and researching state laws.

Superior Court of California, County of Los Angeles. [*Wills, Estates, and Trusts*](#).

Contains instructions and forms related to probate. Check the Superior Court website for the relevant jurisdiction if you reside outside of Los Angeles County.

Urbatsch, Kevin & Michele Fuller. [*Special Needs Trusts: Protect Your Child's Financial Future*](#), 7th ed. Berkeley, CA: Nolo Press, 2017.

Learn how to leave money for a disabled loved one without jeopardizing government benefits. Special trusts can pay for things like annual checkups, transportation, insurance, and rehabilitation.

Family Law

American Bar Association. [*You and Your Aging Parents: The American Bar Association Guide to Legal, Financial, and Health Care Issues*](#). New York, NY: Random House Reference, 2009.

Covers the social issues faced by family caregivers in a question- and-answer format. Topics covered include housing options, power of attorney, mental health concerns, and taking care of the caregiver. It appears the ABA no longer publishes this title so check for it at a Library.

California Department of Child Support Services. [*Child Support Handbook*](#). Sacramento, CA: California Department of Child Support Services, 2012.

This thirty-six page booklet provides general information about California's child support services program and child support laws.

[Center for Families, Children & the Courts \(CFCC\)](#). Contains links to publications on topics such as child support, delinquency, domestic violence, and self-represented litigants. According to the website's FAQ section, "The primary purpose of the CFCC is to maximize the effectiveness of court services for children and families." Contact information: 455 Golden Gate Ave., 6th Fl., San Francisco, CA 94102-3660; phone number: 415-865-7739; e-mail: cfcc@jud.ca.gov.

Doskow, Emily & Frederick Hertz. [*A Legal Guide for Lesbian & Gay Couples*](#), 19th ed. Berkeley, CA: Nolo Press, 2018.

This book covers important legal aspects of living and working together as a gay/lesbian couple. Straightforward information explains the legal options and alternatives of child custody and visitation rights; relating to former spouses; foster children and adoption; buying and selling houses; transferring deeds; dividing property; living-together arrangements; and planning for death. Included are sample letters, forms and agreements. Forms appear in the book and on a Nolo webpage designed for the book.

Doskow, Emily. [*Nolo's Essential Guide to Divorce*](#), 7th ed. Berkeley, CA: Nolo Press, 2018.

Helps you "understand the divorce process," "work with mediators or lawyers," "avoid expensive and painful court battles," figure out alimony, establish child custody and visitation, determine child support, divide money and property, and "draft[] a marital settlement agreement." Forms appear in the book and on a Nolo webpage designed for the book.

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Doskow, Emily and Marcia Stewart. *The Legal Answer Book for Families*, 2nd ed. Berkeley, CA: Nolo Press, 2014.

A reference book that includes an overview of the laws that affect families, answers to everyday legal questions, and a collection of family law rules and resources, with details for all 50 states. It appears that Nolo no longer publishes this title so check for the last edition at a Library.

Harriett Buhai Center for Family Law. [*California Family Law Basics*](#).

Manual to the current forms in California dissolution and paternity cases.

Hegland, Kenney F. and Robert B. Fleming. [*New Times, New Challenges: Law and Advice for Savvy Seniors and Their Families*](#). Durham, NC: Carolina Academic Press, 2010.

The first part of the book deals with living wills and the aging process. The second part of the book is divided into six sections, including retirement, family matters, elder abuse, estate planning, disability and death, and getting help.

Hertz, Frederick and Emily Doskow. [*Making It Legal: A Guide to Same-Sex Marriage, Domestic Partnerships & Civil Unions*](#), 5th ed. Berkeley, CA: Nolo Press, 2018.

A guide to same-sex relationship laws in the United States. Reviews the issues that influence the decision to marry and breaks down the complex and ever-changing rules of same-sex relationship laws.

Hertz, Frederick & Lina Guillen. [*Living Together: A Legal Guide for Unmarried Couples*](#), 16th ed. Berkeley, CA: Nolo Press, 2017.

This book includes topics such as “the legality of living together, having and raising children,... ownership agreements,” and getting authorization to make medical decisions for a partner. Forms appear in the book and on a Nolo webpage designed for the book.

Judicial Council of California. [*Going to Court Without a Lawyer: Handbook for Litigants – A Guide for Handling Uncontested Divorce and Legal Separation*](#). San Francisco, CA:

Judicial Council of California, 2015.

Explains the court process and legal forms needed for an uncontested divorce, legal separation, or annulment. [79-page PDF]

Judicial Council of California. [*Families & Children*](#).

Informational website devoted to topics such as child custody, guardianship, and adoption. Each topic includes instructions, forms, and answers to frequently asked questions.

Matthews, Joseph L. [*Long-Term Care: How to Plan & Pay for It*](#), 11th ed. Berkeley, CA: Nolo Press, 2016.

Learn how to assess long-term care insurance, arrange home care, choose a nursing facility, consider options beyond nursing homes, use Medicare and Medicaid, protect your assets, and avoid elder fraud.

Sedano, Lisa & Emily Doskow. [*How to Change Your Name in California*](#), 14th ed. Berkeley, CA: Nolo Press, 2014.

This book is aimed at people who wish to change their names, return to their former names after divorce, alter their children's names, obtain new ID documents related to a name change, or change their gender designation. Includes the tear-out forms and instructions necessary for the court petition and change of name. Forms appear in the book and on a Nolo webpage designed for the book.

Sherman, Ed. [*How to Manage a Contested Divorce in California in 2017*](#). 15th ed. Santa Cruz, CA: Nolo Press Occidental, 2017. Covers cases that are gently contested to those that are flat-out wars (with or without an attorney). Explains how to understand and plan your case, how to get information from the other side, how to respond to legal action, and how to select and supervise an attorney if you need or want one. Includes a CD-ROM with forms, pleadings, codes, and more.

Siegel, Lawrence M. [*The Complete IEP Guide: How to Advocate for Your Special Ed Child*](#), 9th ed. Berkeley, CA: Nolo Press, 2017.

Addresses how to understand your child's rights and special education eligibility rules and assessments; collect school records; develop a blueprint of programs and services; research alternatives; prepare for IEP meetings; and resolve disputes with your school district. Forms appear in the book and on a Nolo webpage designed for the book.

Siegel, Lawrence M. [*Nolo's IEP Guide: Learning Disabilities*](#), 7th ed. Berkeley, CA: Nolo Press, 2017.

Learn about your child's rights to an education, and learn how to present an argument for your child's eligibility for special education, how to develop IEP goals, how to resolve disputes, and how to do legal research on learning-disability issues. Forms appear in the book and on a Nolo webpage designed for the book.

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Stoner, Katherine E. & Shae Irving. [*Prenuptial Agreements: How to Write a Fair & Lasting Contract*](#), 5th ed. Berkeley, CA: Nolo Press, 2016.

Explains “whether a prenup is right for your relationship,” how to decide what a prenup should include, creating a draft agreement and turning it into a contract, and communication strategies. Forms appear in the book and on a Nolo webpage designed for the book.

Stoner, Katherine E. [*Divorce Without Court: A Guide to Mediation & Collaborative Divorce*](#), 5th ed. Berkeley, CA: Nolo Press, 2018.

This book explains how mediation works, how collaborative divorce works, how to increase opportunities for settlement, and formalizing an agreement in writing. Forms appear in the book and on a Nolo webpage designed for the book.

Superior Court of California, County of Los Angeles. [Self Help](#).

Includes instructions and forms related to adoption, child custody, child support, divorce, separation, and spousal support. Check the Superior Court website for the relevant jurisdiction if you reside outside of Los Angeles County. A list of superior courts in California is available [here](#).

Woodhouse, Violet. [*Divorce & Money: How to Make the Best Financial Decisions During Divorce*](#), 12th ed. Berkeley, CA: Nolo Press, 2016.

Discusses how to “avoid tax problems, handle alimony and child support,” make decisions about property, protect yourself against misuse of joint accounts, divide debts, reduce investment risk, and understand how a court evaluates assets.

Zemmelman, Mimi. [*Building a Parenting Agreement that Works: Child Custody Agreements Step by Step*](#), 8th ed. Berkeley, CA: Nolo Press, 2014.

Presents parenting issues and solutions, including issues related to medical care, education, religion, living arrangements, holidays, and money. Forms appear in the book and on a Nolo webpage designed for the book.

Financial Planning

Loftsgordon, Amy & Cara O'Neill. [*Credit Repair: Make a Plan, Improve Your Credit, Avoid Scams*](#), 13th ed. Berkeley, CA: Nolo Press, 2017.

Discusses how to read and correct mistakes on a credit report, how to protect your Social Security number, and how to work with creditors. Forms appear in the book and on a Nolo webpage designed for the book.

Loftsgordon, Amy & Cara O'Neill. [*Solve Your Money Troubles: Strategies to Get Out of Debt and Stay That Way*](#), 16th ed. Berkeley, CA: Nolo Press, 2017.

Discusses types of debt, working with creditors and debt collectors, bankruptcy, and credit discrimination. The book comes with access to a Nolo webpage with worksheets, checklists, and forms.

Free Forms

California Franchise Tax Board, [Forms and Publications](#).

Includes forms for the current and previous years. Browse by name, number and topic. Forms are available in Chinese, Korean, Spanish, Russian and Vietnamese.

California Judicial Council, [Browse All Forms](#).

Users can access the Judicial Council forms by category, by number, or by name. All forms are provided in PDF, may be downloaded, and some can be filled out electronically.

California Secretary of State, Business Programs Division, [Forms, Samples & Fees](#).

Samples and forms are in PDF format and are drafted to meet the minimum statutory filing requirements. Includes forms related to business entities, notary public, special filings, trademarks and service marks, and the Uniform Commercial Code (UCC).

FindLaw, [Forms and Contracts](#).

FindLaw provides links to sample legal forms and business contracts. Browse by type of form, industry, or company name. Scroll down the page for federal and state court forms.

FindLaw, [Corporate Counsel Center](#).

Browse by company name, contract type, and industry.

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Internal Revenue Service, U.S. Dept. of the Treasury, [Forms, Instructions & Publications](#).

May search for forms and publications by form and instruction number, publication number, year (back to 1980), or the topical index.

Superior Court of California, County of Los Angeles, [Forms](#).

Categories include civil, family law, probate, small claims, unlawful detainer, mental health, juvenile, and miscellaneous. Forms are available in PDF and are fillable unless otherwise noted.

U.S. Citizenship and Immigration Services, [Forms](#).

Provides forms related to adoptions, employment, family, green card, humanitarian, and citizenship and naturalization. Be sure to read the directions carefully.

United States Courts for the Ninth Circuit, [Forms](#).

Alphabetical list of forms including attorney admission forms and instructions, mediation forms, and student practice forms.

United States District Court, Central District of California, [Forms](#).

Includes appeals forms, civil & criminal forms, general forms, and pro se packets.

WashLaw, [Legal Forms](#).

This page provides links to a variety of forms, including business registration forms, tax forms, real estate forms, trademark forms, UCC forms, and state and federal court forms.

Immigration Law

[American Immigration Council](#).

Nonprofit organization that promotes laws, policies, and attitudes that honor our history as a nation of immigrants. Website includes information about immigration reform, DACA/DAPA, deportation waivers, immigration enforcement, and due process.

Asian Americans Advancing Justice (Advancing Justice – LA). [*Citizenship 101: Your Guide to Citizenship*](#).

Video and workbook cover the basics of U.S. citizenship. The video is available in English, Cantonese, Hindi, Korean, Mandarin, Tagalog, and Vietnamese. See also, [US Citizenship Podcast](#).

Bray, Ilona. [*Becoming a U.S. Citizen: A Guide to the Law, Exam & Interview*](#), 8th ed. Berkeley, CA: Nolo Press, 2016.

Includes information regarding eligibility, deportation, application forms, citizenship exam, and the interview.

Bray, Ilona. [*Fiancé & Marriage Visas: A Couple's Guide to U.S. Immigration*](#), 9th ed. Berkeley, CA: Nolo Press, 2016.

Learn about the immigration process, including eligibility, the testing period, dealing with bureaucracy, meeting with U.S. officials, and documenting your marriage.

Bray, Ilona & Loida Nicolas Lewis. [*How to Get a Green Card*](#), 13th ed. Berkeley, CA: Nolo Press, 2018. (Updated by Kristina Gasson)

Discusses how to determine eligibility, deal with bureaucracy, work with U.S. officials, and get a green card through family, lotteries, political asylum, refugee status, etc. The book does not address work-related green cards. It does cover “the expanded provisional waiver of unlawful presence.”

Bray, Ilona. [*U.S. Immigration Made Easy*](#), 18th ed. Berkeley, CA: Nolo Press, 2017.

Learn how to qualify for work visas, student visas, refugee status, green cards, and citizenship. Includes step-by-step instructions for completing and filing immigration forms.

[California Immigrant Policy Center](#).

The website states, “CIPC advances inclusive policies that build a prosperous future for all Californians.” Includes information about new and proposed California state laws, as well as fact sheets and community education tools.

[Immigrant Legal Resource Center](#).

Seeks to improve immigration law and policy, expand the capacity of legal service providers, and advance immigrant rights. Includes information for immigrant families, people with DACA status, fact sheets on sanctuary policies, and more.

[National Immigration Project of the National Lawyers Guild.](#)

Promotes justice and equality of treatment in all areas of immigration law. Includes information about immigrant rights, immigration enforcement, and DACA/DAPA programs, etc.

[U.S. Citizenship and Immigration Services.](#)

Website includes forms, descriptions of immigration services and benefits, the text of immigration laws, and federal regulations.

Landlord-Tenant Law

Brown, David Wayne et al. [The California Landlord's Law Book: Rights and Responsibilities](#), 17th ed. Berkeley, CA: Nolo Press, 2017.

This concise legal guide for California landlords describes how to avoid legal pitfalls by understanding leases, rental agreements, rent rules, rent control, repairing property, and abandoned property, etc. Forms (including lease and rental agreements) appear in the book and on a Nolo webpage designed for the book.

Brown, David & Nils Rosenquest. [The California Landlord's Law Book: Evictions](#), 17th ed. Berkeley, CA: Nolo Press, 2017.

This manual for California landlords details the steps in evicting tenants and addresses circumstances when eviction is required and when it is impermissible. The book covers how to file and conduct an uncontested eviction lawsuit (residential tenants only) and how to collect a money judgment. For legal questions regarding roommates, Nolo recommends [The California Landlord's Law Book: Rights and Responsibilities](#). Forms appear in the book and on a Nolo webpage designed for the book.

California Department of Consumer Affairs, [California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities](#), 2012.

Fishman, Stephen. [Every Landlord's Tax Deduction Guide](#), 15th ed. Berkeley, CA: Nolo Press, 2018.

This book explains how to maximize deductions, complete IRS Schedule E, utilize real estate tax credits, deduct losses, and keep proper tax records.

National Housing Law Project, [*HUD Housing Programs: Tenants' Rights*](#), 5th ed. Oakland, CA: National Housing Law Project, 2018. (Also referred to as the Green Book) Comprehensive manual on many of the issues arising in the representation of tenants and applicants under HUD's major low-income housing programs, including admissions, rents, utilities, maintenance, leases, and evictions, and terminations. See the website's [Publications tab](#) for more information.

Portman, Janet & J. Scott Weaver. [*California Tenants' Rights*](#), 21st ed. Berkeley, CA: Nolo Press, 2018.

Written for the tenant, this book discusses deposit returns, breaking a lease, getting repairs made, using small claims court, and dealing with an unscrupulous landlord. Contains sample letters, rental agreements, and rent control charts. Forms appear in the book and on a Nolo webpage designed for the book.

Portman, Janet et al. [*First-Time Landlord: Your Guide to Renting Out a Single-Family Home*](#), 4th ed. Berkeley, CA: Nolo Press, 2017.

Includes information on property rental basics for landlords: how to determine whether the property will turn a profit, finding the right tenants, preparing and signing the lease, handling repairs, complying with rental laws, dealing with problem tenants, and preparing for the sale of the property.

Portman, Janet & Marcia Stewart. [*Every Tenant's Legal Guide*](#), 9th ed. Berkeley, CA: Nolo Press, 2018.

Learn how to inspect a rental property, negotiate a lease, understand rent control, get repairs, protect your privacy, break a lease, and prepare for eviction proceedings. Forms appear in the book and on a Nolo webpage designed for the book.

Portman, Janet & Marcia Stewart. [*Renters' Rights*](#), 9th ed. Berkeley, CA: Nolo Press, 2018.

Addresses leases and rental agreements, discrimination, rules regarding rent, security deposits, privacy, roommates, and repairs and maintenance.

Stewart, Marcia & Janet Portman. [*Every Landlord's Legal Guide*](#), 14th ed. Berkeley, CA: Nolo Press, 2018.

Learn how to choose tenants and a property manager, prepare a lease, manage deposits, provide maintenance, limit liability, and deal with problem tenants. Forms appear in the book and on a Nolo webpage designed for the book.

CHAPTER 10: BIBLIOGRAPHY OF SELF-HELP RESOURCES

Stewart, Marcia, et al. [*Leases & Rental Agreements*](#), 12th ed. Berkeley, CA: Nolo Press, 2017.

Discusses how to prepare leases and rental agreements, make required disclosures, do credit checks, conduct a final inspection, and generally comply with landlord-tenant laws. Forms appear in the book and on a Nolo webpage designed for the book.

U.S. Department of Housing & Urban Development, [*Tenant Rights, Laws and Protections: California*](#).

Includes information on California landlord-tenant law, a guide for tenants and landlords, and links to relevant agency Web sites.

Lawyers

The American Bar Association, [*Consumers' Guide to Legal Help*](#).

This site guides the user to a list of resources by state. Provides links to lawyer referrals, commercial directories, legal aid for low-income people, self-help, and court information. See also the [*Consumers' Guide to Legal Help: Legal Terms Glossary*](#).

Bar Associations.

Most local county bar associations throughout the U.S. can assist in locating attorneys. For example, the [*Los Angeles County Bar Association*](#) has a lawyer referral and information service called [*SmartLaw*](#), where one can find a lawyer by area of law and language. (An alternative is to call LACBA's Lawyer Referral Service: (213) 243-1525). Go to the Hieros Gamos [*Bar Associations*](#) page for a comprehensive list of associations worldwide. Scroll down to the bottom of the page for links to U.S. bar associations, which includes local bar association information as well. Another resource is FindLaw's [*State Bar Associations*](#) page.

[*FindLaw Lawyer Directory*](#).

Features profiles of lawyers from across the U.S. May search or browse by legal issue and location. Note the link to FindLaw's [*Guide to Hiring a Lawyer*](#).

LawHelpCalifornia.org.

Provides low-income Californians with easy online access to basic legal resources and attorney information. Does not provide direct legal services. Provides referrals by topic or one may browse the directory (under the Find Legal Help tab, click View legal directory by service area), which lists organizations alphabetically and by service area. Note that resources are available in 28 other languages, including Spanish, Chinese, Korean, Tagalog, Punjabi, and Russian.

Martindale-Hubbell's Lawyer Locator.

This database of over 1 million lawyer profiles allows users to search for lawyers or law firms—by name, organization, publication, location, or practice area. Advanced search options filter the results by peer and client reviews, languages spoken, law school attended, etc. In the middle of the page, the Comprehensive Attorney Coverage section allows for browsing by practice area or location.

Nolo Lawfirms & Lawyers.

Each attorney provides the same information for his or her profile. Nolo has confirmed that every listed attorney has a valid license and is in good standing with the applicable bar associations at the time they are listed in the directory. Lawyers are required to notify Nolo within three business days if they become subject to any disciplinary action by a bar association. The website is organized for browsing by location and practice area.

Public Counsel.

Self-described as the “largest *pro bono* law firm in the nation.” In California, the organization assists low-income children, youth, adults, and families in the areas of childcare law, children’s rights, community development, consumer law, homeless assistance, and immigration. Public Counsel, in association with Centro Maravilla, offers free legal help on all consumer-related matters. See the [Offices](#) and [Services](#) pages for more information.

The State Bar of California, [Attorney Search](#).

The public can check a California attorney’s bar membership record by name or by bar number. Users can search names that “sound like” the search term, which comes in handy if you are not certain of the spelling of a person’s name. Profiles contain contact information, law school attended, date of admission to the bar, as well as whether there is a record of discipline against the attorney.

Legal Research

California County Public Law Libraries, [Mini Research Class](#).

This mini research guide helps users learn the legal research process, with guidance on where to start and how to access different types of legal resources. The sections are linked separately so that you may access any or all of them in whatever order you choose.

Cohen, Morris L. & Kent Olsen. [Legal Research in a Nutshell](#), 12th ed. St. Paul, MN: Thomson West, 2016.

This succinct guide covers major primary and secondary sources, including Web resources such as Congress.gov and PACER (Public Access to Electronic Court Records) as well as online databases and print materials. It addresses legislative history, administrative law, practice and specialized resources, and research in comparative and international law.

Elias, Stephen. [Legal Research: How to Find & Understand the Law](#), 18th ed. Berkeley, CA: Nolo Press, 2018.

Well-illustrated guide on the legal research process. It includes an overview of the law, an explanation of statutes, case law, and Shepard's citators, and examples relating to specific cases and legal questions. There are also chapters on how to obtain information under the Freedom of Information Act and how to conduct computer-assisted legal research.

FindLaw, [Introduction to the U.S. Legal System](#).

Explains civil and criminal cases, federal versus state court, and the litigation process.

[Law Libraries Resource Exchange](#).

Law librarian-developed website that provides "up-to-date information on a wide range of web research and technology-related issues, applications, resources and tools." Includes articles and continuing education resources. The archives goes back to 1997, providing a historical perspective on technological issues.

Law Library Web sites

County and university law libraries have Web sites with links to primary (statutes, regulations, cases) and secondary (explanatory and analytical) legal sources:

- LA Law Library, [Find Legal Information](#), [Government Documents](#), etc.
- Orange County Public Law Library, [Legal Research Resources](#)
- San Diego County Public Law Library, [Research a Legal Issue](#)
- Cornell Law School, [Legal Information Institute \(LII\)](#)
- UCLA Law Library, [LibGuides](#)
- Washburn Law School, [WashLaw](#)

Martin, Daniel W. *Henke's California Law Guide*, 8th ed. Lexis Law Publishing, 2006.

Dan Martin, Law Professor and Library Director at Loyola Law School, continues to edit this excellent explanation of all facets of California research sources: constitutional, statutory, administrative, judicial, etc.

[Nolo Press](#)

This legal how-to publisher's Web site contains a [legal dictionary](#), [legal research](#) section, [frequently asked questions/encyclopedia](#), and a [product catalog](#).

Tucker, Virginia and Marc Lampson. [Finding the Answers to Legal Questions: A How-To-Do-It Manual](#). 2nd ed. Chicago: ALA Neal-Schuman Publishers, 2018.

Self-described as "an ideal book for practicing librarians looking to better serve users' legal needs..." The author focuses on small to medium-size public libraries. There are four basic parts: (1) "Foundation: Legal Information Overview," (2) "Preparation: Understanding Legal Information Needs," (3) "Information: Specific Legal Questions," and (4) "Collection: Building a Basic Collection or Website." Three appendices provide a glossary and bibliography of online legal sources.

Public Records Data

Adair, Kristin and Catherine Nielsen. [Effective FOIA Requesting for Everyone: A National Security Archive Guide](#). Washington D.C.: National Security Archive, 2009.

Describes how to obtain federal government records from executive branch agencies through the Freedom of Information Act and other means.

[BRB Publications, Inc.](#)

A publisher of sourcebooks used for locating public records, this site includes a Free Resource Center.

[California Bar Journal](#)

This monthly publication includes a section called “Trials Digest,” a “summary of trials, awards, settlements, arbitrations,” in California civil cases. Archived issues of the Journal from 1996 are available free online. The summary is not comprehensive, but it is free. All other online services are fee-based, including *O’Brien’s Evaluator*, *Verdictum Juris*, *Tri-Service*, and the *Los Angeles Daily Journal’s Verdicts and Settlements*.

California Secretary of State, [FAQs – Personal Information in Public Filings](#).

Produces a six-page publication on [Guidelines for Access to Public Records](#), which describes the counter services and research facilities accessible to the public at the California State Archives and regional offices. A formal request pursuant to the California Public Records Act is not necessary for inspection and copying of public records that are routinely available at the public counters and the research facility. There are public counters at the regional offices in Los Angeles, San Diego, and San Francisco.

FOIA.gov, [How Do I Make a FOIA Request?](#)

Learn about the FOIA process, including how to file a request with particular agencies. Use the Find tab to search across all agencies for information they have already released. The website includes a [glossary](#) of FOIA terms and a section with [agency reports](#) of FOIA activities.

Justia, [Dockets & Filings](#).

A free searchable database of U.S. federal district court and court of appeal civil cases. It includes over 1 million civil cases filed since Jan. 1, 2004 and is updated multiple times each day. Selected high profile cases dated earlier than 2004 are included. Search by party name, jurisdiction, lawsuit type, and date. Users may also browse by state, circuit, and nature of suit.

[PACER](#) (Public Access to Court Electronic Records)

PACER provides access to dockets and documents from federal cases in the U.S. Courts of Appeal, U.S. District courts, U.S. Bankruptcy courts, and the U.S. Party/Case Index. Free registration is required. PACER charges \$.10 per page. The charge applies to the number of pages that result from any search, including a search that yields no matches (one page for no matches). The charge applies whether or not pages are printed, viewed, or downloaded. There is a cap of \$3.00 charged for any single document, although that cap does not apply to some results. See the Web site for more information.

Registrar Records.

Your local county is the official source for retaining public records related to fictitious business names, marriage licenses, death certificates, and assessor records. For a list of California counties and their websites, see the website of the [California State Association of Counties](#).

[Superior Court of California, County of Los Angeles](#).

Some Superior Courts allow the public online access to court documents for a fee. The L.A. Superior Court makes available online only documents filed in general jurisdiction civil cases at the Stanley Mosk Courthouse, and a criminal defendant index. The only free search for court records available from the L.A. Superior Court website is a Case Summary search for dockets with the case docket number.

VerdictSearch California Reporter. San Diego, CA: VerdictSearch California Reporter, 2003-. (continues *California Jury Verdicts Weekly*)
This print resource may be available in larger law libraries.

Real Property Law

Bray, Ilona & Marcia Stewart. [Nolo's Essential Guide to Buying Your First Home](#), 6th ed. Berkeley, CA: Nolo Press, 2016.

Learn how to get financing, find inspectors and insurance, and negotiate with sellers. Forms appear in the book and on a Nolo webpage designed for the book.

Devine, George. *For Sale by Owner in California*, 11th ed. Berkeley, CA: Nolo Press, 2014.
Practical tips on how to sell a home without a broker. It appears that Nolo no longer publishes this title, so check for the last edition at a library.

Doskow, Emily & Lina Guillen. [Neighbor Law: Fences, Trees, Boundaries & Noise](#), 9th ed. Berkeley, CA: Nolo Press, 2017.

Discusses laws "concerning common neighbor disputes," such as fences, trees, boundaries, blocked views, noise, water, dangers to children, etc.

Jasper, Margaret C. *Home Mortgage Law Primer*, 3rd ed. New York: Oxford University Press, 2009.

From Oceana's Law for the Law Person Series. Covers the mortgage loan process, home equity financing, real estate closing, mortgage loan discrimination, the Truth-in-Lending Act, the Real Estate Settlement Procedures Act (RESPA), and

foreclosure. It appears that Oceana no longer publishes this title so check for the last edition at a library.

Loftsgordon, Amy. [*Foreclosure Survival Guide: Learn How to Avoid Foreclosure & Stay in Your Home*](#), 6th ed. Berkeley, CA: Nolo Press, 2017.

Provides information on foreclosure and alternatives such as bankruptcy, short sales, workouts, and deeds in lieu of foreclosure. Addresses mortgage-related issues and credit.

Warner, Ralph at al. [*How to Buy a House in California*](#), 16th ed. Berkeley, CA: Nolo Press, 2017.

Strategies for buying a house plus all necessary real estate forms and worksheets. Forms appear in the book and on a Nolo webpage designed for the book.

Social Security

Bernan Press, [*Social Security Handbook Overview of Social Security Programs*](#). Lanham, Md.: Bernan Press, 2018.

Arranged by section number, the Handbook is a comprehensive and easy-to-read guide to many of the benefit programs that are covered under the Social Security Act and related laws, including retirement, survivors, medical and disability insurance, supplemental security income, veterans' benefits, unemployment insurance, and public assistance and welfare services.

Matthews, Joseph L. [*Social Security, Medicare & Government Pensions: Get the Most Out of Your Retirement & Medical Benefits*](#), 23rd ed. Berkeley, CA: Nolo Press, 2018.

Includes information and instructions on how to get retirement and disability benefits; dependent and survivor benefits; and Supplemental Security Income (SSI). Covers the nuts and bolts of Medicare and Medicaid and how to claim government pensions and veterans' benefits.

Morton, David A. III. [*Nolo's Guide to Social Security Disability: Getting & Keeping Your Benefits*](#), 9th ed. Berkeley, CA: Nolo Press, 2018.

Explains what Social Security disability is, what benefits are available to disabled children, how to prove a disability, how age, benefits and work experience affect benefits, how to appeal a denial of benefits, and how to respond to a Continuing Disability Review. Medical listing files appear in the book and on a Nolo webpage designed for the book.

[U.S. Social Security Administration.](#)

Use the official Web site to estimate your retirement benefits, check the status of your application, and find a local Social Security office. The website provides access to [forms](#) and [publications](#) (e.g., *How You Earn Credits*, *Disability Benefits*, *Benefits for Children with Disabilities*, *Medicare*, and *The Appeals Process*).

Tax Law

[California Franchise Tax Board.](#)

Responsible for administering two of California's major tax programs: Personal Income Tax and the Corporation Tax. The public will find forms, bills, notices, tax return basics, and assistance and resources for individuals and businesses.

Daily, Frederick W. [Stand Up to the IRS](#), 13th ed. Berkeley, CA: Nolo Press, 2017.

Learn how to "file a late return, work out a long-term payment plan, get a Taxpayer-Assistance Order,... stop collection efforts, avoid property seizures," protect assets, and appeal the auditor's decision.

Daily, Frederick W. [Tax Savvy for Small Business: A Complete Tax Strategy Guide](#), 19th ed. Berkeley, CA: Nolo Press, 2018.

Includes information on deductible business expenses, bookkeeping, and payroll taxes, as well as a discussion of the different types of corporations, partnerships, and limited liability companies. Also addresses how to buy or sell a business and how to deal with the IRS.

Fishman, Stephen. [Home Business Tax Deductions: Keep What You Earn](#), 14th ed. Berkeley, CA: Nolo Press, 2018.

Discusses how to "write off start-up and operating expenses" related to travel, health insurance, inventory, etc.

Fishman, Stephen. [Tax Deductions for Professionals: Pay Less to the IRS](#), 13th ed. Berkeley, CA: Nolo Press, 2018.

Discusses common tax deductions and how to choose the best legal structure for your business. Other topics include deductions related to retirement, how hiring decisions affect deductions, incorporating, paying expenses, IRS audits, etc.

Internal Revenue Service, U.S. Department of the Treasury, [Publications Online](#).

Publications available online include Employer's Tax Guide, Armed Forces' Tax Guide, and Tax Guide for U.S. Citizens and Resident Aliens Abroad.

Veterans' Rights & Benefits

[National Veterans Legal Services Program](#).

The NVLSP is an independent, non-profit, charitable organization that advocates for veterans' rights. Their Web site offers information for veterans on many matters and provides links to [publications](#), [a correspondence course](#) for people who help veterans obtain benefits, and affiliations with pro bono organizations.

U.S. Department of Defense. [Compensation & Benefits Handbook: For Seriously Ill and Injured Members of the Armed Forces](#) (2016).

The handbook describes the disability eligibility process, various program qualifications, application procedures, and numerous resources with associated contact information.

U.S. Department of Defense. [Office of Warrior Care Policy](#).

"Proactively supporting wounded, ill, and/or injured service members in their recovery and reintegration or transition to civilian life." The Web site includes caregiver resources, links to DoD policies, and a resource directory.

U.S. Department of Veteran Affairs, [Board of Veterans Appeals](#).

The Web page is designed to assist citizens and veterans in understanding the appeals process, and to provide copies of application forms. Decisions of the Board are included from 1992 to the present.

Chapter 11

AVAILABILITY, ACCESSIBILITY, AND MAINTENANCE OF LEGAL COLLECTIONS

Librarians are committed to providing the best collections possible for the communities they serve. Library users expect to be able to find the information they need to conduct their personal and business affairs. Courts are experiencing an increasing number of self-represented litigants—lay people who are litigating a variety of legal issues without formal legal representation by an attorney. This group often turns to their local public libraries as a first step in seeking legal information. Thus, it is more important than ever that public libraries are prepared to assist the legal researchers amongst their clientele.

Contents:

- [General Issues of Accessibility](#)
- [Five Factors to Consider When Building & Maintaining a Collection of Legal Materials](#)
- [Legal Information Vendors](#)
- [Additional Information to Assist Public Libraries](#)
- [Internet Sources Cited in This Chapter](#)

General Issues of Accessibility

As mentioned in Chapter 1: Introduction, legal materials may be divided into three types of sources: primary authority, secondary authority, and indexing/finding tools (e.g., citators and digests), all of which are available in a variety of formats. A significant amount of current and historical primary legal materials (i.e., cases, statutes, and administrative materials) are available online on government, academic, and free reputable legal Web sites, such as the U.S. Government Publishing Office's [govinfo](#), Cornell Law School's [Legal Information Institute](#), and Thomson Reuters's [FindLaw](#).

But challenges remain for librarians to efficiently provide access to the legal information that library users need. Despite some legal information being available freely online, a portion of the population is not computer-literate. In addition, understanding and using legal materials in any format can be challenging, especially

if there are language barriers. Lastly, few researchers of any background are able to answer their legal questions by accessing only primary sources. Most need the in-depth explanations of the law contained in secondary resources, such as legal treatises, practice guides, and formbooks. Those secondary sources generally are not available online free. Thus, issues related to technology, reading comprehension, and general availability should be considered, along with the factors below, when strategizing how to make legal materials accessible to patrons.

Five Factors to Consider When Building and Maintaining a Legal Reference Collection in a Public Library

The general principles of building and maintaining a general library collection also apply to legal collections. However, public librarians should consider additional factors when making acquisitions decisions for a legal reference collection. The following suggestions may serve as general guidance for public librarians who are developing and maintaining legal reference collections.

One: Locate Area Law Libraries

- Know the proximity to a county law library, law school, academic, or public library that provides legal materials and reference services to the public.¹
- Learn the hours and types of services and resources of the law libraries open to the public in your area, and distribute this information to your users. The law librarians at those institutions are committed to providing and improving public access to legal information. They are accustomed to assisting pro se users.

Two: Network with a Law Librarian

- There are three major regional law librarian groups in California that public librarians can contact for advice:
[Southern California Association of Law Libraries](#) (SCALL)

¹ This [California Council of County Law Libraries](#) webpage leads to a list of California county law library Web sites. Those Web sites link to research guides, forms, courts, government agencies, and local legal referral services and clinics. Some county law libraries also offer classes for the public that provide an introduction to legal research and law library resources.

[San Diego Area Law Libraries](#) (SANDALL)

[Northern California Association of Law Libraries](#) (NOCALL)

- Public librarians should contact their local [American Association of Law Libraries chapter](#) because AALL members may be able to provide assistance by evaluating public library legal reference collections. A chapter may also offer legal information programs and workshops for professionals and the public.

Three: Identify the Information Needs of Your Users

- This may seem obvious, but it is important to keep a record of the number of legal reference questions and use of the legal reference collection.
- Can you identify separate user groups of the collection, such as small business owners, government employees, students, or self-represented litigants? Is there a high proportion of a particular user group whose population might have many do-it-yourself individuals?
- Many public libraries provide some [Nolo Press](#) self-help law books for their users; however, these sources may not provide the depth of legal information some researchers need. For example, in a community with many small business owners, the public library may need to build its legal reference collection as part of its mission to serve this section of the community. These library users may need information on a variety of legal issues, such as federal and state employment law, consumer issues, insurance and related liability information, debt collection law, etc.

Four: Consider Costs of Legal Materials, Including Updating

- If a library decides to build and maintain a print legal reference collection, library staff must consider the budgetary impact. Legal materials are infamous for being expensive and for continuous price increases. In addition, it is imperative to keep law materials up-to-date. This upkeep only adds to the expense.²

² If the cost of updating a secondary source is an issue, a librarian might consider whether a new edition or supplement contains a sufficient amount of new material pertinent to a particular jurisdiction to warrant continuous updating. However, please note: *this advice applies only to secondary sources like treatises*; primary sources like legislative codes *must* be continuously updated or a library will risk users relying on superseded law. In addition, if a library chooses not to update a source but continues to

- In addition, never assume that an order for a legal title includes its supplementation. Publishers may not automatically send supplementation unless a standing order is established. To set up a standing order, consider including on the order form a phrase such as *“including standing order for supplementation until forbidden”* or similar wording.
- Almost all law publishers offer the option of automatic standing order plans for individual titles. On a title-by-title basis, verify with the publisher that a standing order exists for items you already have in the collection. A few legal publishers will notify customers of new supplementary materials and request instructions without automatically sending the materials. If a library’s budget process does not permit standing orders, place an “update expected” note in the check-in record for each legal title as a reminder to the acquisitions staff to check for and order updates.

Five: Consider Level of Staff Commitment Necessary to Keep Legal Materials Current

- Updating print legal materials correctly is labor intensive.
- It is imperative that library staff members receive adequate training, or updates may be incorrectly filed or mistakenly discarded. This training includes understanding the necessity of keeping all shipping material such as filing instructions with the title until it is completely updated. Having the updating instructions available to consult throughout the update process ensures that materials are added and removed properly.

Legal Information Vendors

In recent years, smaller legal publishers have been absorbed by the two main legal publishing conglomerates: RELX Group, owner of LexisNexis, and Thomson Reuters, owner of West. One result from this change is that responsibility for publishing a specific legal title may have shifted from the original publisher to another publisher within the larger conglomerate. While many of the formerly independent legal publishers continue to exist as divisions and publish under their traditional names, determining the current publisher of a law book can often be challenging. See Chapter 12: Major Legal Publishers for a complete list.

make the source accessible to patrons, the volume should indicate that it is not up-to-date.

CHAPTER 11: LEGAL COLLECTIONS

The upside of this consolidation of smaller publishers is that legal information vendors are more aware of the potential for enlarging their customer base beyond the traditional law school, court, and law firm libraries. They are increasingly willing to market their materials to public law libraries, university libraries that do not support a law school, and even public libraries. Some legal vendors offer consortium pricing for some of their products to county law libraries as discussed in the next section.

Providing Access to Online Legal Information from Vendors

The two largest commercial legal information vendors, [Lexis Advance](#) (part of RELX Group) and [Westlaw](#) (part of Thomson Reuters), offer “public access” subscription packages to county law libraries in California. These contracts allow online access through the libraries’ public computers to a specific list of databases, including state and federal primary materials, some related secondary sources, and citators. In 2006, California Continuing Education of the Bar (CEB), one of the foremost publishers of California legal practice materials, began offering [OnLAW](#), its database of practice materials and forms, to county law libraries at consortium prices.

There is a key difference, however, between legal vendors and other vendors who market their databases to the library community. The legal vendors continue to be reluctant to allow remote access for users of libraries who serve the public. Use of their databases tends to be restricted to in-library use only. These subscriptions are still costly and can consume a significant portion of an acquisitions budget. Public librarians will need to do a cost-benefit analysis before subscribing to any of these legal databases to determine whether they have staff with sufficient training in legal terminology and legal research methodology to assist users of commercial electronic legal information. However, many county law libraries now offer access to these databases for in-house users. Become familiar with the resources available at your closest county law library.

Additional Information to Assist Public Libraries

The American Association of Law Libraries [Committee on Relations with Information Vendors](#) (CRIV) provides a terrific resource that can assist public librarians with acquisitions information regarding legal materials. [CRIV Tools](#) includes a checklist, sample letters, and vendor contact information. One may also [Request Assistance](#) with working with a vendor by contacting the CRIV chair.



Internet Sources Cited in This Chapter

Legal research-related Web sites:

- CEB OnLAW (FAQs): <https://ceb.com/faqs-onlaw>
- Cornell Law School's Legal Information Institute: <https://www.law.cornell.edu/>
- FindLaw: <http://www.findlaw.com/>
- govinfo: <https://www.govinfo.gov/>
- Lexis Advance: <http://lexisadvance.com/>
- Nolo Press: <https://www.nolo.com>
- Westlaw: <http://westlaw.com>

California Council of County Law Libraries:

- <http://www.publiclawlibrary.org/law-libraries>

Law Library Organizations:

- American Association of Law Libraries (AALL) Chapters: <https://tinyurl.com/yc3ue9ta>
- Northern Association of Law Libraries (NOCALL): <https://nocall.org/>
- San Diego Area Law Libraries (SANDALL): <http://www.sandallnet.org/>
- Southern California Association of Law Libraries (SCALL): <http://scallnet.org/>

Additional Information:

- AALL Committee on Relations with Information Vendors (CRIV):
 - Vendor Relations: <https://tinyurl.com/yabye8o7>
 - CRIV Tools: <https://tinyurl.com/yb9chvo3>
 - Request Assistance: <https://tinyurl.com/y92trx44>

Chapter 12

MAJOR LEGAL PUBLISHERS

The legal publishing landscape has changed dramatically since 2000. As mentioned in Chapter 11 regarding Legal Collections, many of the smaller, independent publishers of legal information have been subsumed by larger publishing conglomerates. To date, the top major legal publishers are RELX, formerly Reed Elsevier, (LexisNexis); Thomson Reuters (West); and Wolters Kluwer (CCH). Although these three publishers dominate the legal information market, other fast-growing companies such as Bloomberg BNA are also impacting the legal publishing world.¹

This chapter contains the contact information for major publishers of legal information. Included are publishers of primary legal materials (statutes, cases, and regulations) and secondary sources (treatises, practice guides, encyclopedias, directories, periodicals and citators). Most of the publishers listed offer materials that are national in scope, although a few are California-specific.

Contents:

- [American Bar Association](#)
- [American Law Institute \(ALI\)](#)
- [Bloomberg BNA](#)
- [California Continuing Education of the Bar \(CEB\)](#)
- [Daily Journal Corporation](#)
- [LexisNexis](#)
- [Martindale Hubbell](#)
- [Nolo Press](#)
- [Practicing Law Institute](#)
- [The Rutter Group](#)
- [Thomson Reuters](#)
- [U.S. Government Publishing Office \(GPO\)](#)

¹ Please see the Association of American Law Libraries (AALL) Committee on Relations with Information Vendors (CRIV) [Vendor Contact Information](#) Web page for publishers not listed in this chapter.

- [Wolters Kluwer](#)
- [Legal Bookstores in California](#)

American Bar Association

321 North Clark Street
Chicago, IL 60654-7598
(312) 988-5000; (800) 285-2221
<http://www.americanbar.org/aba.html>

The American Bar Association is the largest bar association in the United States. In addition to publishing the *ABA Journal*, a news magazine for attorneys, it also publishes studies and statistics on the legal profession, research articles, and scholarly publications. The target audience for most ABA publications is the practicing bar and legal scholars.

American Law Institute (ALI)

4025 Chestnut Street
Philadelphia, PA 19104
(215) 243-1600; (800) 253-6397
<http://www.ali-cle.org/>

The American Law Institute is a major publisher of legal materials on specific practitioner-oriented subjects. Included among its major publications are the Restatements of the Law. The Restatements are a scholarly work, used mostly by judges and for instruction in law schools. ALI-CLE, a subsidiary of ALI, is a major publisher of continuing legal education (CLE) materials for attorneys.

Bloomberg BNA

1231 25th St. NW
Washington, DC 20037
(800) 372-1033
<http://www.bna.com/>

(Description on next page.)

In 2011, Bloomberg purchased the 82-year-old legal publisher BNA, and became Bloomberg BNA. Bloomberg BNA still produces the original BNA current awareness loose-leaves, such as *U.S. Law Week*, and in-depth, subject-specific treatises such as *Environment Reporter* and *Labor Law Reports*. The target audience is practicing attorneys, as these publications are detailed and comprehensive. Bloomberg BNA produces the online legal research database Bloomberg Law, available through a paid subscription at <https://www.bna.com/bloomberglaw/>

California Continuing Education of the Bar (CEB)

2100 Franklin St., Suite 500
Oakland, CA 94612-3098
(800) 232-3444
<https://ceb.com>

CEB publishes treatises and practice guides on specific areas of California law. California attorneys rely on CEB publications for step-by-step guidance and detailed analysis. CEB provides online access to its publications through a paid subscription to CEB OnLAW. Read more at <https://ceb.com/faqs-onlaw>.

Daily Journal Corporation

915 E. First Street
Los Angeles, CA 90012
(213) 229-5300
<http://www.dailyjournal.com>

The Daily Journal Corporation publishes the legal newspaper the *Daily Journal*, with local editions for Los Angeles and San Francisco. Each issue includes a biographical profile of a judge or prominent California attorney, legal news affecting California, and current opinions from California state and federal courts. The Daily Journal Corporation also publishes the legal newspapers the *Daily Recorder* (Sacramento) and the *Daily Transcript* (San Diego).

LexisNexis

9443 Springboro Pike
Miamisburg, OH 45342
(877) 394-8826

<https://store.lexisnexis.com>

LexisNexis' major California publications include *Deering's California Codes Annotated* and many specialty treatises, practice sets, casebooks and formbooks. Lexis also publishes *Shepard's Citations*, the citation system relied on by attorneys to verify their research. Under the Matthew Bender imprint, LexisNexis publishes major scholarly treatises and practice guides for attorneys. Examples include *California Pretrial Civil Procedure and Discovery*, *California Forms of Pleading and Practice Annotated*, and *California Probate Practice*.

Martindale Hubbell

121 Chanlon Road
New Providence, NJ 07974
(800) 526-4902

http://www.martindale.com/Products_and_Services/index.aspx

Martindale Hubbell, a subsidiary of LexisNexis, publishes the *Martindale-Hubbell Law Directory*, a multi-volume directory of attorneys available in print and online. The print version was last published in 2014 and used to be a staple in academic and court law libraries. An online version is available at <http://www.martindale.com>

Nolo Press

950 Parker Street
Berkeley, CA 94710
(800) 992-6656

<http://www.nolo.com/>

(Description on next page.)

Nolo is one of the leading publishers of legal “self-help” books, many of which can be found in general bookstores. These books explain in layperson’s terms the basics of several common legal procedures, such as writing a will, fighting a traffic ticket, and solving neighbor or landlord-tenant disputes. Some books come with sample forms suitable for copying. Many Nolo books are also available as e-books through EBSCO’s Legal Information Reference Center database. See Chapter 10: Bibliography of Self-Help Resources for a detailed list of self-help books.

Practicing Law Institute (PLI)

1177 Avenue of the Americas, 2nd Floor

New York, NY 10036

(800) 260-4754

<http://www.pli.edu/content>

Founded in 1933, PLI is a long-time publisher of legal treatises on a variety of topics. It also publishes course handbooks, which are materials developed from the educational institutes and seminars PLI offers attorneys wishing to fulfill CLE requirements. PLI materials are aimed at attorneys practicing in highly specialized fields.

The Rutter Group

15760 Ventura Blvd., Suite 630

Encino, CA 91436

(800) 747-3161

<http://www.ruttergroup.com/>

The Rutter Group is a division of Thomson Reuters. The Rutter Group publishes practice guides in loose-leaf format. These guides are a favorite source of attorneys because they are well-indexed and provide references to primary sources. Most Rutter Group publications are also available online with a paid subscription to Westlaw at <http://westlaw.com>.

Thomson Reuters

610 Opperman Drive

Eagan, MN 55123

(855) 366-0672

<http://legalsolutions.thomsonreuters.com/law-products>

Thomson Reuters, formerly West Publishing, is the largest publisher of statutory and case law in the United States. In addition to state case reporters, it publishes state codes (for example, West's Annotated California Codes), federal statutes, treatises, hornbooks, casebooks and digests. Thomson Reuters also publishes California's only legal encyclopedia, *California Jurisprudence (Cal Jur)*, as well as numerous California formbooks, loose-leaves and practice guides. Thomson Reuters owns Westlaw, one of the world's largest legal research databases.

U.S. Government Publishing Office (GPO)

732 North Capitol Street, NW

Washington, DC 20401-0001

(202) 512-1800

<http://www.gpo.gov/>

The GPO is the official publisher for the US Government. The GPO publishes statutes, congressional documents and agency rules and regulations. Items published by the GPO are usually inexpensive, but the publishing schedule may not be very timely. Federal depository libraries get items from the GPO free of charge in exchange for making them available to the public.

Wolters Kluwer

Wolters Kluwer Tax & Accounting
2700 Lake Cook Road
Riverwoods, IL 60015
(800) 344-3734
<http://www.cchgroup.com>

and

Wolters Kluwer Law & Business
76 Ninth Avenue, 7th Floor
New York, NY 10011
(212) 771-0600
<http://www.wolterskluwerlb.com/legal.html>

Wolters Kluwer has divided its legal publishing arm into two divisions, Wolters Kluwer Tax & Accounting, and Wolters Kluwer Law & Business. Included in the former are all of the CCH (Commerce Clearing House) products and services. These included loose-leaf sets in topical areas, such as tax, labor, securities, etc. Like the BNA materials, CCH sets are used mostly by attorneys who specialize in a particular area of law. The Kluwer Law & Business publishing division publishes treatises, casebooks, and study aids for law students on numerous legal topics. Wolters Kluwer offers two online legal research databases, IntelliConnect and Cheetah.

Legal Bookstores in California:

Law Bookstore

1775 W. La Palma Ave.

Anaheim, CA 92801

(714) 491-2665

<http://www.thelawbookstore.com>

Legal Books Distributing

4247 Whiteside St.

Los Angeles, CA 90063

(323) 526-7110; (800) 200-7110

<http://legalbooksdistributing.com>

Nolo Press Bookstore

950 Parker St.

Berkeley, CA 94810

(510) 549-1976

<http://www.nolo.com>

Appendix A

GLOSSARY OF LEGAL TERMS¹

Jump to terms beginning with the letter: [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#)
[P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Action: A judicial proceeding for the enforcement or protection of a right. Often used as another term for a lawsuit.

Advance sheet: A pamphlet containing the full-text of recent court opinions. Advance sheets are printed before a bound volume appears.

Administrative law: The branch of law dealing with the regulations and administrative decisions of government agencies.

Amicus curiae: Literally, “friend of the court.” An amicus curiae brief is an appellate brief prepared and submitted by a non-party with the court’s permission.

Annotation: Editorial commentary, critical notes and references to relevant legal sources (such as cases) often found following the text of the code sections in sets such as *Deering’s California Codes Annotated* and *West’s United States Code Annotated*.

Answer: The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense.

Appeal: A request made after trial (or adjudication) by a party that has lost on one or more issues to a higher court for review of the decision of a lower or inferior court or administrative agency. The one who appeals is called the “appellant,” while the other party is the “appellee.”

Bench trial: A trial in which there is no jury and the judge decides the case.

Bill: A proposed law submitted to a state or federal legislature. If a bill passes, it becomes a statute.

Breach: A violation of or failure in the performance of an obligation created by a promise, duty or law without excuse or justification.

Brief: A party’s written argument which cites legal authorities and is designed to persuade the court. Examples include appellate briefs and trial briefs.

¹ Treatises are books written by experts that provide extensive coverage of legal topics. A treatise can be one volume or many volumes.

Case law: The law established by previous decisions of appellate courts. A synonym for legal precedent.

Cause of action: The fact or facts that give a person a right to relief in court.

Certified copy: A copy of a document issued by a court or government agency guaranteed to be a true and exact copy of the original.

Charter: The fundamental law of a municipality or other local unit of government; analogous to a constitution.

Citation or Cite: The written reference to legal authorities such as statutes, reported cases, regulations, and law review articles. Legal citation manuals include *The Bluebook: A Uniform System of Citation* and the *California Style Manual*.

Citator: Traditionally, a set of books that provides the subsequent history of reported cases using abbreviations and arranged in a tabular form. The most well-known citator is *Shepard's Citations*. Today, most citators are online services, whereby users simply enter the citation of the case (or regulation, statute, or law review) in order to view the newer documents that cite the original document.

Civil procedure: The rules and processes by which a civil case is tried and appealed, including the preparations for trial, the rules of evidence and trial conduct, and the procedure for pursuing appeals.

Clerk of court: The court officer who oversees administrative functions, especially managing the flow of cases through the court.

Code: The statutory laws of a state or nation, generally arranged by subject.

Common law: Originating from England, common law relies on the articulation of legal principles in a historical succession of judicial decisions. Common law principles can be changed by legislation. Also called "case law."

Complaint: A written statement that, when filed with a court, begins a civil lawsuit, in which the plaintiff details the claims against the defendant.

Conservator/Conservatorship: The legal right given to a person to manage the property and financial affairs of a person deemed incapable of doing so for him or herself. See also guardianship.

Constitution: The fundamental law of a state or a nation; creates the branches of government and identifies basic rights and obligations.

Contract: An agreement between two or more people, which creates an obligation to do or not to do a particular thing. A legally enforceable agreement between two or more competent parties made either orally or in writing.

Court rules: Regulations governing practice and procedure in the various courts.

Decision: A judgment, decree, or order pronounced by a court in settlement of a controversy submitted to it.

Defendant: In a civil case, the person or organization against whom the plaintiff brings suit; in a criminal case, the person accused of the crime.

APPENDIX A: GLOSSARY OF LEGAL TERMS

Digest: A compilation of paragraphs summarizing court opinions, organized by subject matter and jurisdiction.

Discovery: Procedures used to obtain disclosure of evidence before trial. Depositions are oral statements by a party or witness under oath in response to questions. Interrogatories are written answers by a party or witness.

Docket: A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings.

Docket number: A unique number assigned to a case when it is filed with the court.

Due process: In criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial. In civil law, the procedural rights of someone who confronts an adverse action threatening liberty or property.

Enabling statute: A statute that confers (as to an administrative agency) the power or authority to engage in conduct not otherwise allowed.

En banc: French, meaning "on the bench." Indicates that all judges of an appellate court sit together to hear a case, as opposed to the routine disposition by panels of three judges. In the Ninth Circuit, an *en banc* panel consists of 11 randomly selected judges.

Encyclopedia (legal): A complete compendium of the law indexed by subject and supplemented annually. *American Jurisprudence 2nd* and *Corpus Juris Secundum* include case law from all the states. *California Jurisprudence 3rd* includes case and statutory law from California.

Estate planning: The arranging for the disposition and management of one's estate at death through the use of wills, trusts, insurance policies, and other devices.

Et al.: Latin, meaning "and others."

Et seq.: Latin, meaning "and the following." Often seen following code citations (e.g. Vehicle Code ' ' 22100 et seq.)

Family law: An area of law dealing with family relations, including divorce, adoption, paternity, custody and support.

Federalism: A political system in which power is divided and shared between the national/central government and the states/regional units, in order to limit the power of government.

FOIA: Freedom of Information Act

Fundamental right: A right that is considered by a court (as the U.S. Supreme Court) to be explicitly or implicitly expressed in a constitution (as the U.S. Constitution).

Gravamen: The essential element of a lawsuit.

Guardian ad litem: A guardian appointed by a court to represent the interests of a minor, a person not yet born, or a person judged incompetent in a particular legal action.

Guardianship: A legal arrangement under which one person (a guardian) has the legal right and duty to care for another (the ward) and his or her property. A guardianship is established because the ward is unable to legally act in his or her own behalf.

Headnote: A paragraph printed preceding the text of an opinion, which summarizes an important legal issue of a case and which is often assigned a topic and number by editors.

Hearing: A proceeding of relative formality at which evidence and arguments may be presented on the matter at issue to be decided by a person or body having decision-making authority. The purpose of a hearing is to provide the opportunity for each side of a dispute, and especially a person who may be deprived of his or her rights, to present its position. A hearing, along with notice, is a fundamental part of procedural due process. Hearings are also held, as for example by a legislature or an administrative agency, for the purpose of gathering information and hearing the testimony of witnesses.

Hornbook: Basic legal textbook, usually written by an authority in a field of law. An example is *Prosser & Keaton on the Law of Torts*.

J.D.: Juris Doctor or doctor of jurisprudence, the degree commonly conferred by law schools.

Judgment: The official decision of a court resolving the dispute between the parties to the lawsuit.

Jurisdiction: The power of a court over the subject matter or over the property to decide a matter in controversy. Also, the geographic area over which a particular court has authority.

Jurisprudence: The study of law and the structure of the legal system.

Law review: A legal journal published and edited by law school students to which legal scholars and students contribute articles.

Lawsuit: A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty, which resulted in harm to the plaintiff.

Legal aid: Assistance provided by an organization established to serve the legal needs of low income individuals.

Legislation: The making or giving of laws, especially the exercise of power and function of making rules that have the force of authority by virtue of their promulgation by a legislature.

Legislative history: The background documents generated during the passage of a bill through the legislative process. Examples are committee hearings and reports.

Legislative intent: The ends sought to be achieved by a legislature in an enactment. Courts often look to legislative intent for guidance in interpreting and applying a

APPENDIX A: GLOSSARY OF LEGAL TERMS

statute. The legislative history, the language of a law, and the wrong to be corrected may provide indications of legislative intent.

LexisNexis (or Lexis): A subscription online legal research service, owned by Reed Elsevier.

Lien: A charge or encumbrance upon property for the satisfaction of a debt or other duty that is created by agreement of the parties or by operation of law.

Litigation: A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

Loose-leaf: A publishing format in which legal materials are kept up-to-date by interfiling new pages periodically (inserting new pages and discarding old ones).

Malpractice: Negligence, misconduct, lack of ordinary skill or a breach of duty in the performance of a professional service (as in law or medicine) resulting in injury or loss.

Mechanic's lien: A lien against a building and its site to assure priority of payment for labor or services (such as construction or design) or material.

Memorandum opinion: A brief opinion of a court that announces the result of a case without extensive discussion. Memorandum opinions are usually unpublished and cannot be cited as precedent.

Opinion: The judge's written statement explaining how and why a decision was reached in a case. Because a case may be heard by three or more judges in the courts of appeals, the opinion in appellate decisions can take several forms. If all the judges completely agree on the result, one judge will write the opinion for all. If all the judges do not agree, the formal decision will be based upon the view of the majority, and one member of the majority will write the opinion. The judges who did not agree with the majority may write separately in dissenting or concurring opinions to present their views. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law the majority used to decide the case. A concurring opinion agrees with the decision of the majority opinion, but offers further comment or clarification or even an entirely different reason for reaching the same result. Only the majority opinion can serve as binding precedent in future cases.

Order: A mandate from a superior authority (e.g. executive orders); a ruling or command made by a competent administrative authority, especially one resulting from administrative adjudication and subject to judicial review and enforcement; or an authoritative command issued by the court (e.g. court order).

Ordinance: Law passed by the local legislative branch of government (city council, county commission); analogous to a state or federal statute.

Parallel citation: A citation indicating other sources for the same judicial opinion or statute. (See Chapter 2: *How to Read a Legal Citation* for further explanation and examples)

Per curiam: Latin, meaning “for the court.” In appellate courts, often refers to an unsigned opinion.

Plaintiff: A person or business that files a formal complaint with the court.

Pleadings: Written documents filed with the court, which describe a party’s legal or factual assertions about the case.

Pocket part: A paper supplement inserted into a bound volume to update the information found in the main volume. Pocket parts are a common way to update sets of codes.

Power of attorney: An instrument containing an authorization for one to act as the agent of the principal and which terminates upon revocation by the principal or death of the principal or agent.

Precedent: A court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally “follow precedent” - meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case.

Primary authority: Rules of law promulgated by the three branches of government as well as the texts of constitutions:

- Constitution-Organic laws of our nation and of our states
- Legislative-Statutes
- Executive/Administrative-Regulations, Executive Orders
- Judicial-Case opinions

Private law: A branch of law concerned with private persons, property, and relationships (compare with “public law”).

Procedure: The rules for conducting a lawsuit. There are rules of civil procedure, criminal procedure, evidence, bankruptcy, and appellate procedure.

Pro per: A slang expression sometimes used to refer to a *pro se* litigant. It is a shortened version of the Latin phrase “in propria persona.”

Pro se: Representing oneself; serving as one’s own lawyer.

Public law: An enactment of a legislature that affects the public at large throughout the entire territory (as in a state or nation) which is subject to the jurisdiction of the legislature or within a particular subdivision of its jurisdiction; the area of law that deals with the relations of individuals with the state and regulates the organization and conduct of the government (compare with “private law”).

APPENDIX A: GLOSSARY OF LEGAL TERMS

Re or In re: “With regard to” or “in the matter of.” Often used in the title or name of a case where the proceedings involve a probate or bankruptcy estate, or a guardianship.

Real property: Land, buildings, crops and other resources attached to or within the land or improvements or fixtures permanently attached to the land or a structure on it.

Record: A written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.

Regulation: A rule issued by an administrative agency under authority granted to the agency by the legislature.

Reply: A plaintiff’s or complainant’s response to a plea, allegation, or counterclaim in the defendant’s answer.

Reporter/Reports: Compilations of judicial opinions arranged chronologically.

Restatement: Multivolume publications by the American Law Institute and authored by legal scholars and experts that set forth statements of major areas of law (such as contracts, torts, trusts, and property) and are widely referred to in jurisprudence but are not binding on courts.

Ruling: An official or authoritative determination, decree, or interpretation (as by a judge on a question of law).

Secondary authority: Sources which explain or describe the law; examples include treatises, legal encyclopedias, hornbooks, and law review articles.

Shepardize: To use a Shepard’s citator to trace the history of a case or statute in order to verify its validity or find later legal authorities.

Slip law: The earliest separate publication of a new statute, made prior to its inclusion in the general laws.

Slip opinion: The earliest printed copy of a single judicial opinion. Slip opinions are compiled into advance sheets. Advance sheets are then compiled into bound volumes.

Source of law: The authority such as a constitution, treaty, or statute that provides the legal basis for judicial decisions and for legislation.

Statute: A law or act passed by a legislature.

Stare decisis: The doctrine of precedent, under which it is necessary for courts to follow earlier judicial decisions when the same points arise again in litigation.

Substantive law: Law that creates or defines rights, duties, obligations and causes of action that can be enforced by law.

Supersede: To subject to postponement or suspension; to take the place of in authority; to take the place of and render null or ineffective.

Supplement: An update usually issued annually, either paper or hardbound. May be inserted into a bound volume as a pocket part or may be shelved next to the main volume.

Testate: Having made a valid will; disposed of or governed by a will.

Tort: A wrongful act or violation of a duty (other than a breach of contract) that injures another and for which the law imposes civil liability.

Treatise: A type of secondary legal material which analyzes a particular aspect of law, often providing information intended to assist attorneys in their practice.

Treaty: An international agreement between two or more countries.

Triable: Subject to judicial or quasi-judicial examination or trial.

Westlaw: Subscription online legal research service, owned by Thomson Reuters.

WestlawNext: Launched in early 2010 by West, WestlawNext is a legal research service that allows users to conduct a federated search across multiple content types, without having to select a database first. Documents are sorted by relevance and may be filtered by selecting options provided on the left part of the screen.

Writ: A written court order directing a person to take, or refrain from taking, a certain action.

Writ of certiorari: An order issued by the U.S. Supreme Court directing the lower court to transmit records for a case which it will hear on appeal.



Internet Sources Cited in This Appendix:

- Law.com's Search Legal Terms and Definitions: <http://dictionary.law.com/>
- Nolo's Free Dictionary of Law Terms and Legal Definitions:
<https://www.nolo.com/dictionary>
- The Free Dictionary's Legal Dictionary: <http://legal-dictionary.thefreedictionary.com/>
- United States Courts Glossary of Legal Terms: <http://www.uscourts.gov/glossary>

Appendix B

LIST OF COMMON ABBREVIATIONS IN THE LAW

<p>A. - <i>Atlantic Reporter</i> A.2d - <i>Atlantic Reporter, Second Series</i> A.B.A. - American Bar Association A.G. - <i>Attorney General's Opinions</i> A.L.R. - <i>American Law Reports</i> A.L.R. 2d - <i>American Law Reports, Second Series</i> A.L.R. 3d - <i>American Law Reports, Third Series</i> A.L.R. 4th - <i>American Law Reports, Fourth Series</i> A.L.R. 5th - <i>American Law Reports, Fifth Series</i> A.L.R. 6th - <i>American Law Reports, Sixth Series</i> A.L.R. Fed. - <i>American Law Reports, Federal</i> A.L.R. Fed. 2d - <i>American Law Reports, Federal, Second Series</i> Am.Jur. - <i>American Jurisprudence</i> Am.Jur. 2d - <i>American Jurisprudence Second Series</i> BNA - Bureau of National Affairs C. - <i>California Reports</i> C.2d - <i>California Reports, Second Series</i> C.3d - <i>California Reports, Third Series</i> C.4th - <i>California Reports, Fourth Series</i> C.C.A. - Circuit Court of Appeal, U.S. C.C.H. - Commerce Clearing House C.C.R. - <i>California Code of Regulations</i> CEB - Continuing Education of the Bar (California) C.F.R. - <i>Code of Federal Regulation</i></p>	<p>C.J. - <i>Corpus Juris</i> C.J.S. - <i>Corpus Juris Secundum</i> C.L.I. - <i>Current Law Index (Information Access)</i> Cal. - <i>California Reports</i> Cal. 2d - <i>California Reports, Second Series</i> Cal. 3d - <i>California Reports, Third Series</i> Cal. 4th - <i>California Reports, Fourth Series</i> Cal. Admin. Code – <i>California Administrative Code</i> Cal. App. - <i>California Appellate Reports</i> Cal. App. 2d - <i>California Appellate Reports, Second Series</i> Cal. App. 3d - <i>California Appellate Reports, Third Series</i> Cal. App. 4th - <i>California Appellate Reports., Fourth Series</i> Cal. Code. Regs. - <i>California Code of Regulations</i> Cal. Jur. - <i>California Jurisprudence</i> Cal. Jur. 2d - <i>California Jurisprudence, Second Series</i> Cal. Jur. 3d - <i>California Jurisprudence, Third Series</i> Cal. Rptr. - <i>California Reporter (West)</i> Cal. Rptr. 2d - <i>California Reporter, Second Series (West)</i> Cal. Rptr. 3d - <i>California Reporter, Third Series (West)</i> Cal. S.B.J. - <i>California State Bar Journal</i> cert. - <i>certiorari</i> Cong. Rec. - <i>Congressional Record</i></p>
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<p>Cir.Ct. - Circuit Court</p> <p>Cl.Ct. - Claims Court or <i>United States Claims Court Reporter</i></p> <p>Ct.Cl. - Court of Claims or <i>Court of Claims Reports</i></p> <p>Cum. Bull. - <i>Cumulative Bulletin</i> (IRS)</p> <p>D.A.R. - <i>Daily Appellate Report</i> (published with the <i>Los Angeles Daily Journal</i>)</p> <p>D.C. - District Court; District of Columbia</p> <p>Dec. Dig. - <i>Decennial Digest</i></p> <p>eff. - effective</p> <p>et al. - and others</p> <p>et seq. - and the following ones</p> <p>F. - <i>Federal Reporter</i></p> <p>F.2d - <i>Federal Reporter, Second Series</i></p> <p>F.3d - <i>Federal Reporter, Third Series</i></p> <p>F. App'x - <i>Federal Appendix</i></p> <p>F. R. - <i>Federal Register</i></p> <p>F.R.D. - <i>Federal Rules Decisions</i></p> <p>F. Supp. - <i>Federal Supplement</i></p> <p>F. Supp. 2d - <i>Federal Supplement, Second Series</i></p> <p>Fed. Cl. - Court of Federal Claims or <i>Federal Claims Reporter</i></p> <p>Fed. Reg. - <i>Federal Register</i></p> <p>Gen. Dig. - <i>General Digest</i> (West)</p> <p>I.L.P. - <i>Index to Legal Periodicals</i> (H.W. Wilson)</p> <p>I.R.C. - <i>Internal Revenue Code, United States</i></p> <p>Juv. Ct. - Juvenile Court</p> <p>L.A.D.J. - <i>Los Angeles Daily Journal</i></p> <p>L.Ed. - <i>Lawyers' Edition, U.S. Supreme Court Reports</i></p> <p>L.Ed. 2d - <i>Lawyers' Edition, U.S. Supreme Court Reports, Second Series</i></p>	<p>L.R.I. - <i>Legal Resource Index</i> (Information Access)</p> <p>L.S.A. - <i>List of Sections Affected</i></p> <p>Mun. Ct. - Municipal Court</p> <p>N.E. - <i>North Eastern Reporter</i></p> <p>N.E. 2d - <i>North Eastern Reporter, Second Series</i></p> <p>N.W. - <i>North Western Reporter</i></p> <p>N.W. 2d - <i>North Western Reporter, Second Series</i></p> <p>P. - <i>Pacific Reporter</i></p> <p>P. 2d - <i>Pacific Reporter, Second Series</i></p> <p>P. 3d - <i>Pacific Reporter, Third Series</i></p> <p>P-H - Prentice-Hall</p> <p>P.L. - <i>Public Law</i></p> <p>R.I.A. - <i>Research Institute of America</i></p> <p>Rev. Proc. - <i>Revenue Procedure</i> (IRS)</p> <p>Rev. Rul. - <i>Revenue Ruling</i> (IRS)</p> <p>S. - <i>Southern Reporter</i></p> <p>S.2d. - <i>Southern Reporter, Second Series</i></p> <p>So. - <i>Southern Reporter</i></p> <p>So. 2d - <i>Southern Reporter, Second Series</i></p> <p>S. E. - <i>South Eastern Reporter</i></p> <p>S. E. 2d - <i>South Eastern Reporter, Second Series</i></p> <p>S. Ct. - <i>Supreme Court Reporter</i> (West)</p> <p>Stat. - Statute, or <i>U.S. Statutes at Large</i></p> <p>Sup. Ct. - Supreme Court</p> <p>Super. Ct. - Superior Court</p> <p>S.W. - <i>South Western Reporter</i></p> <p>S.W.2d - <i>South Western Reporter, Second Series</i></p> <p>S.W.3d - <i>South Western Reporter, Third Series</i></p> <p>T.C. - <i>Reports of the United States Tax Court</i></p> <p>T.C. Memo - <i>Tax Court Memorandum Decisions</i></p>
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APPENDIX B: COMMON ABBREVIATIONS

U.S. - *United States Reports*

U.S.C. - *United States Code*

U.S.C.A. - *United States Code Annotated* (West)

U.S.C.C.A.N. - *U.S. Code Congressional & Administrative News* (West)

U.S.C.S. - *United States Code Service* (LexisNexis)

U.S.L.W. - *United States Law Week* (BNA)

USTC - *United States Tax Cases* (CCH)

Appendix C

CALIFORNIA'S COUNTY LAW LIBRARIES

California's county law libraries were organized in 1891 to serve all county residents, the judiciary, state and county officials, and members of the state bar (1891 Cal. Stat. 430). The operation and governance of county law libraries was later codified in [California Business and Professions Code §§ 6300 et seq.](#)¹ Each library is governed by a board of trustees, which is comprised of one to five superior court judges (depending upon the size of the county) and two attorneys appointed annually by a county's board of supervisors.

Collections:

A typical county law library collection will include current and historic California primary (statutes, cases, and regulations) and secondary (treatises, practice guides, and formbooks) resources in print, microfiche, and/or digital formats. The collections of larger county law libraries (those located in or adjacent to larger municipalities) will also include primary and secondary resources from other states and foreign countries as well as special collections of California appellate briefs, self-help legal materials, legislative history documents, historic voter pamphlets, and archival county/municipal codes. Several county law libraries are designated as official depositories of state and federal government publications, which guarantees the availability of selective government publications at the library (in print or a digital equivalent).

Services:

County law libraries offer reference and research assistance (not advice) in person, by phone, and through live chat/remote access. The libraries provide free access to the Internet and to legal databases such as Westlaw, Lexis Advance, Loislaw, Fastcase, etc., as well as software for creating legal pleadings or calculating family support (through Word, Dissomaster, or XSpouse). Many

¹ At the Legislative Counsel's [California Legislative Information](#) Web site, click the California Law tab, select BPC in the Code dropdown box, and enter 6300 in the Section search box. Click Search. Section 6300 will appear. Use the Previous and Next links to move through the sections. For an authenticated copy of the section, click the PDF link.

libraries offer MCLE classes for attorneys, as well as legal research instruction for paralegals and pro se litigants. Almost all California county law libraries offer photocopies of library materials through a fee-based document delivery service and interlibrary loan service with other libraries.

This appendix contains a list of links to California's county law libraries (or court self-help centers, if no county law library exists). The list is divided into two parts: *Southern California* and *Northern California*.² The Northern California section is organized in three parts that coincide with the following regions: (1) the Central Coast, Northern Coast, and the San Francisco Bay Area; (2) the Shasta Cascade; and (3) the combined areas of the Central Valley, Gold Country, and High Sierra.

To locate the county your city resides in, the League of California Cities provides an [alphabetized listing](#) of California's 482 cities and their respective counties, as well as a list of [cities by population rank](#) that provides the county for each city. You might also review the location information posted for each law library provided by the [California County Public Law Libraries](#) Web site. For the counties listed below which do not link to a law library or self-help center, contact your local public library and/or superior court and inquire whether those institutions provide public access to legal materials.

Please consider visiting your county's law library to see what it can do for you. The mission of county law libraries remains the same: to provide free access to legal materials or access to justice.

Contents:

- [*Southern California*](#)
- [*Northern California*](#)
 - [*Central Coast, Northern Coast & San Francisco Bay Area*](#)
 - [*Shasta Cascade*](#)
 - [*Central Valley, Gold Country & High Sierra*](#)

² The [California County Map](#) from the California State Association of Counties may help you to visualize the location of counties in California.

Southern California

This section contains an alphabetical list of the county law libraries located in the following ten counties: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

[Imperial County Law Library](#)

[Kern County Law Library](#)

[LA Law Library](#)

[Orange County Public Law Library](#)

[Riverside County Law Library](#)

[Law Library for San Bernardino County](#)

[San Diego Law Library](#)

[San Luis Obispo County Law Library](#)

[Santa Barbara County Law Library](#)

[Ventura County Law Library](#)

Northern California

Central Coast, Northern Coast, and San Francisco Bay Area

This section lists the law libraries for the following fifteen counties: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

[Bernard E. Witkin Alameda County Law Library](#)

[Contra Costa County Public Law Library](#)

Del Norte County ([Self-Help Center](#), Del Norte County Superior Court)

[Humboldt County Law Library](#)

[Marin County Law Library](#)

[Mendocino County Law Library](#)

[Monterey County Law Library](#)

[Napa County Law Library](#)

San Benito County ([Self-Help Center](#), San Benito County Superior Court)

[San Francisco Law Library](#)

[San Mateo County Law Library](#)

[Santa Clara County Law Library](#)

[Santa Cruz County Law Library](#)

[Solano County Law Library](#)

[Sonoma County Law Library](#)

Shasta Cascade

The Shasta Cascade is located in the northeastern part of the state. The area shares borders with Oregon and Nevada. This section lists the law libraries for the following eight counties: Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity.

[Butte County Public Law Library](#)

Lassen County ([Access to Justice Center](#), Lassen County Superior Court)

Modoc County ([Self Help Center](#), Modoc County Superior Court)

[Plumas County Law Library](#)

[Shasta County Public Law Library](#)

[Siskiyou County Public Law Library](#) (in the Yreka Branch of the Siskiyou County Public Library)

[Tehama County Law Library](#)

Trinity County ([Self-Help Center](#), Trinity County Superior Court)

Central Valley, Gold Country, and High Sierra

This section lists the law libraries for the following twenty-five counties, plus the Bernard E. Witkin State Law Library in Sacramento: Alpine, Amador, Calaveras, Colusa, El Dorado, Fresno, Glenn, Inyo, Kings, Lake, Mariposa, Madera, Merced, Mono, Nevada, Placer, Sacramento, San Joaquin, Sierra, Stanislaus, Sutter, Tulare, Tuolumne, Yolo, and Yuba.

Alpine County ([Self Help Services](#), Alpine County Superior Court)

[Amador County Law Library](#)

[Bernard E. Witkin State Law Library](#)

Calaveras County ([Self-Help Legal Center](#), Calaveras County Superior Court)

[Colusa County Law Library](#) (at the Colusa County Free Library)

[El Dorado County Law Library](#)

[Fresno County Public Law Library](#)

Glenn County ([Self-Help Center](#), Glenn County Superior Court, under Willows Court Services section)

Inyo County ([Self-Help Center](#), Inyo Superior Court)

[Kings County Law Library](#)

[Lake County Law Library](#)

Mariposa County ([Self-Help Center](#), Mariposa Superior Court)

[Madera County Law Library](#)

[Merced County Law Library](#)

APPENDIX C: CALIFORNIA'S COUNTY LAW LIBRARIES

[Mono County Law Library](#)

[Nevada County Law Library](#)

[Placer County Law Library](#) (Sparks Law Library of Placer County)

[Sacramento County Public Law Library](#)

[San Joaquin County Law Library](#)

Sierra County ([Self-Help Center](#), Sierra County Superior Court)

[Stanislaus County Law Library](#)

Sutter County ([Self-Help Center](#), Sutter County Superior Court)

[Tulare County Public Law Library](#)

[Tuolumne County Law Library](#)

[Yolo County Law Library](#)

Yuba County ([Self-Help Resources](#) and [Self-Help Center](#), Yuba County Superior Court)

Appendix D

CALIFORNIA LAW SCHOOLS

The State Bar of California Web site's [Law Schools](#) page provides a list of California law schools approved by the ABA, a list of California law schools approved by the Committee of Bar Examiners (a State Bar committee), and a list of unaccredited law schools in California.

The following list of resources may also be helpful to prospective law students and other interested researchers.



Selected Internet Resources

[ABA Section of Legal Education and Admissions to the Bar](#)

- Provides links to ABA-Approved Law Schools, Accreditation and Bar Admissions information
- Schools are listed alphabetically, by type of school (public or private), and by year approved on the [ABA-Approved Law Schools](#) page

[The Association of American Law Schools](#) (AALS)

- AALS is a nonprofit association of 179 law schools. Its purpose "is to uphold and advance excellence in legal education."
- Publishes the annual *Directory of Law Teachers*, which lists, by school, the full-time faculty and professional staff of all member and fee-paid law schools. Contains biographical sketches of over 10,000 deans and faculty. Lists full-time teachers by subjects taught.

[Law School Admission Council](#) (LSAC)

- "The Law School Admission Council (LSAC) is a nonprofit corporation that provides unique, state-of-the-art products and services to ease the admission process for law schools and their applicants worldwide." Those services include the Law School Admissions Test (LSAT), research and statistical reports, and LSAT preparation tools.

- Publications include an [*Official Guide to ABA-Approved Law Schools*](#), which is searchable by keyword, alphabetically, or geographically.
- The [Data & More](#) tab leads to statistical reports, data on matriculants by ethnicity and gender, information on grants, etc.

[The State Bar of California](#)

- There are several useful pages for prospective law students on the California Bar's website. For instance, the Admissions section leads to information regarding Requirements (and then Education), Examinations, Moral Character, Special Admissions, and Law School Regulation (and then Law Schools).