



**PRESENTATION TO CALGARY LAW LIBRARY GROUP
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U.S. LEGAL RESEARCH

by Joan Bilsland

References: Morris L. Cohen and Kent C. Olson, *Legal Research in a Nutshell*, 6th ed. (St. Paul, Minnesota: West Group, 1996).

Fields in Report Series or Case Law Database

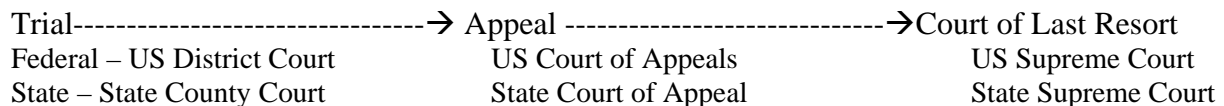
Synopsis is like a Canadian headnote with a summary of the case.

Headnote is the numbered editorial abstract of the specific legal issues.

Key number system is the legal topic and number indicating the particular subdivision of that topic. The key number system gives uniform subject access to the cases of different jurisdictions.

Court Process

Litigation begins in a trial court with the jurisdiction based on geography (federal-district) or state county courts or subject (e.g. tax).

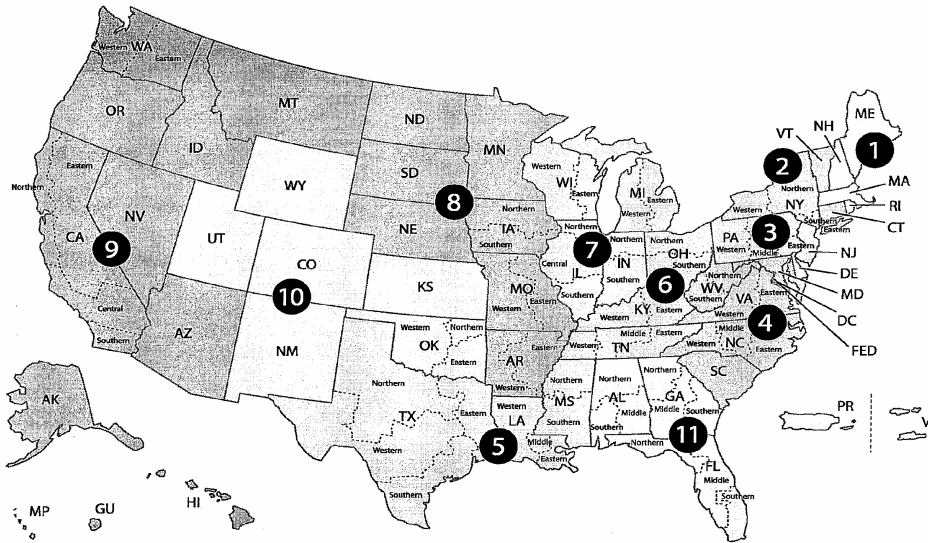


The US Supreme Court may take appeals from a trial court directly. It is also the court of last resort on federal issues raised in state courts.

The United States Supreme Court decides if it will grant leave to appeal a decision. When it declines, it is said to have "denied a writ of certiorari."

Federal District Court System

Geographic Boundaries
of United States Courts of Appeals and United States District Courts



West's Key Number Digests

The editors at West create short abstracts for every significant point of law discussed in each case in the West Reporters. Each abstract is classified by a topic and key number to the designated subject. West has over 400 subject headings. All headnotes for cases in an advance sheet or Reporter volume are reprinted in a key number digest in the front of the advance sheet and the back of the bound Reporter volume. These digests serve as subject indexes to the cases in the advance sheet or Reporter volume. You can limit searches by jurisdiction as well.

The General Digest collects and publishes headnotes from all West advance sheets. They are published into a General Digest (monthly) and from there into a Decennial Digest which is published every five years (used to be published every ten years and hence the name).

West also publishes in print Words & Phrases which is made up of headnotes, arranged alphabetically by term and not by key number.

Noting Up Cases

Lexis has Shepard's (older service). It was previously located on Westlaw.

Westlaw now has Key Cite in which you can limit the display to specific headnote numbers for noting up. It makes noting up by particular subjects possible.

American Law Reports Annotations, Legal Encyclopedias (AmJur and Corpus Juris Secundum)

There are cross links between these narrative discussions and other secondary sources (e.g. Corpus Juris has links to West key numbers and AmJur has links to ALR annotations).

Make sure you use indexes.

Make sure you use print resources as well as online to assist in finding the relevant material.

Legislation

<http://uscode.house.gov/search/criteria.shtml>

Thomas website: <http://thomas.loc.gov/home/thomas2.html>

Codes: State and federal codes collect current statutes of general and permanent application and arrange them by subject. The statutes are grouped into broad subject topics or titles and are divided further into numbered sections. Parts of a single legislative Act may be scattered by subject through several different titles. Annotated codes include cases which interpret those sections of the code. The codes are available online, federally through the Thomas website, as well as on Westlaw and Lexis.

Public laws are those which affect the general public and private laws are those for special needs of an individual or small group (e.g. a statute which creates a hospital). Only the public laws become part of the code. The public laws are also available on the GPO Access website from the U.S. government printing office.

The U.S. Code is published in a completely revised edition of about thirty volumes every six years with annual supplements. There are fifty titles and they include indexes to find statutes by popular name – e.g. the *Gramm-Rudman Act*.

Uniform Laws and Model Laws

The National Conference of Commissioners on Uniform State Laws was created to prepare legislation which would decrease unnecessary variations. One example is the Uniform Commercial Code which has been adopted by virtually every state and has served as a model for our *Personal Property Security Act*. Uniform laws are available on Westlaw and do come up in research questions.

Committee Reports

These reports are the most important source of legislative history and usually include the text of the Bill, contents and purpose, give reasons for the Committee's recommendations. These Committee Reports are issued by the Committees of each House.

Administrative Law

The source for administrative law information is the United States Government Manual which is an annual directory of the federal government with primary emphasis on executive branch and regulatory agencies. It is available on Lexis and Westlaw. It also provides citations to authorizing statutes, names of major officials, organizational charts and sources of information available from a particular agency.

Federal Regulations

Federal regulations are issued chronologically and then codified by subject. The Code of Federal Regulations is made up of fifty titles similar to the United States Code.

The Federal Register is a daily gazette for executive and administrative promulgations. To have general legal effect, executive orders and administrative regulations must be published in the Federal Register. A regulation not published in the Register is not binding unless one can be shown to have actual and timely notice of the regulation. Both the Code of Regulations and the Federal Register are available online.

It is possible to shepardize regulations using Shepard's Code of Federal Regulations Citations.

Secondary Materials

Restatements of the Law – American Law Institute

These Restatements provide comprehensive coverage of selected subject fields. Some include contracts, agency, foreign relations law, conflict of laws, property, restitution, torts and trusts. They are considered strong authority on the state of the law.

Periodical Indexes

Current Law Index, Legal Trac – both available at the Court House Library

Hein Online gives access to articles further back than those on Westlaw or Lexis. Very helpful if you have a citation. Also has Canadian articles.

Court rules are covered in state citators by Shepard's – would suggest calling Lexis reference attorney or the equivalent from Westlaw for help in using these. There are also annotated United States State Codes available.

Appellate records and briefs are sometimes available on the Internet, including those for the United States Supreme Court. Check www.findlaw.com for copies of briefs (free) or Westlaw (fee).

Martindale-Hubbell Law Digest

Annual three-volume set. It contains brief digests of the law of every state, federal intellectual property digests, uniform Acts, ABA Codes. It is available at the Court house library and online on Lexis. Suggest the first time you use them using them in print.

Martindale-Hubbell also publishes an international law digest which provides information on particular countries.

There is a list of official versus unofficial report series for the States available in the *Legal Research in a Nutshell* book which may be required at some point in your research.