

Online U.S. Legal Research

A Guidebook for University of Western Ontario Law School

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Online U.S. Legal Research.....	1
A Guidebook for University of Western Ontario Law School	1
Starting Your Research.....	2
Searching the library catalog	2
Searching for a Book	2
Searching for Law Encyclopedias	3
Searching for Articles	4
Web Sites	4
Online Legal Periodical Indexes.....	4
Databases	5
Resource Descriptions	6
The Great Library	6
Cornell's Legal Information Institute	6
Thomas.....	7
LLRX.com	7
WestlaweCARSWELL	7
Quicklaw	7
LexisNexis	9
Online Tutorials	9
Legal	9
Overview of the US Legal System.....	11
Federal Level	11
The US Court System	12
State Level Courts.....	12
Federal Level Courts.....	12
From State Level to Federal Level.....	13
Federal or State Level?	14
Jurisdiction.....	14
Making the Decision	14
U.S. vs. Canada.....	15
Federal Statutes and Regulations	15
Bills.....	15
How are bills identified?.....	15
Printing of Bills.....	16
Statutes.....	16
The passing of a statute.....	17
The Anatomy of a Statute	17

Regulations	19
Administrative & Executive Law	19
Legislation Publications.....	20
Finding Legislation	23
Comprehensive Law Web sites.....	24
Case Law.....	25
Finding Case Law	25
Digests & Reports.....	25
Databases	26

Starting Your Research

Before heading to the resources that are given below, make sure that you have defined your topic. Creating a search strategy where you lay out the keywords and subject headings you would like to use and the relevant sources may reduce the time you spend searching and increase your success.

Searching the library catalog

Textbooks on a particular legal topic will cite for you the prominent case law and legislation. Search in the catalogue under the legal topic and then subdivide by the jurisdiction.

Subject materials fall under three main formats: textbooks or treatises; looseleaf services (very current); and journals or periodicals.

Note: When searching a library catalog, the first subject heading that should be searched for is Law – United States. This subject heading will be the root of many more subject headings that are more specific.

Heavily-used texts are kept on 2hr reserve in the Law library. Check with library staff for a book that would be appropriate for your research.

Western libraries have put together a list of annotated resources: Western Libraries > Resources by Subject > Law > United States.

Searching for a Book

Step 1:	Go to the Western Library website.
Step 2:	Once on the website, go to search the library catalogue.
Step 3:	You have several options for searching: <ul style="list-style-type: none"> • Author – if you know who wrote the book <ul style="list-style-type: none"> ○ Example: • Title – if you know the exact title of the book

	<ul style="list-style-type: none"> • Subject – if you know a relevant assigned subject heading for your topic. • Keyword – if you do not know the exact title or author or subject heading. Put in words that you feel would be relevant (i.e. animal and cruelty) <p><i>Refer back to Starting Your Research for tips on Subject Headings and Keywords.</i></p>
Step 4:	Click ‘Search’
Step 5:	Write down the call number, location, and status of the books that are relevant, so that you may retrieve them.
	You could repeat the process using other libraries catalogs to see if any additional titles get pulled up.

If you do not find books of relevance, take your search terms and topic to the Reference Desk of the library. There a reference librarian will be pleased to give you a hand.

Searching for Law Encyclopedias

Law - Encyclopedia	General law information
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Legal Encyclopedias are multi-volume, multi-topic works which assemble discussions of the entire body of law.

Popular legal encyclopedias are:

Lawyer’s Co-operative Publishing Company. 1962- . *American Jurisprudence 2d: a modern comprehensive text statement of American Law, State and Federal*. Rochester, N.Y.: Lawyer’s Co-operative Publishing Company.

LAW digests NO LOAN KF154.A565

American Jurisprudence 2d has a topic arrangement in more than eighty volumes. It does not attempt to cite all reported cases, but rather cites selected decisions and A.L.R. annotations. Further reported cases may be located by reference to the A.L.R. annotations. This encyclopedia gives broad treatment to law, while A.L.R. is a more narrow in-depth treatment of many selected topics. Access to Am. Jur. 2d is through multi-volume, paperbound indexes with supplements. Supplementation is through pocket parts and a looseleaf binder, Am. Jur. 2d New Topic Service. The volumes on federal taxation are reissued annually, and there is an Am. Jur. 2d Desk Book containing miscellaneous information similar to that included in C.E.D. (Ont. 3rd)'s Legal Desk Book.

West Group. 1936- . *Corpus Juris Secundum: a contemporary statement of*

American Law as derived from reported cases and legislation. St. Paul, Min.: West Group.

LAW digests NO LOAN KF15.C676 v. # year

The text of *Corpus Juris Secundum* supersedes the text of *Corpus Juris*, but there are footnote references from C.J.S. to some earlier cases in C.J. The encyclopedia covers federal and state statutory and case law by an arrangement of topics throughout approximately 150 volumes. It attempts to comprehensively cite all relevant reported cases in footnotes and provides cross-references to West's Topics and Key Numbers for entry into the American Digest System. Access to C.J.S. is through the newly revised, paperbound, five-volume General Index. Older main volumes of C.J.S. have their own indexes (not updated), and newer re-issue volumes do not have such indexes (i.e., reliance on the revised General Index).

Searching for Articles

Web Sites

The following "comprehensive law web sites" have sections devoted to law journals and reviews. Coverage varies but tends to be for the last five or so years. Some sites have full-text, others have abstracts only.

CataLaw	http://www.catalaw.com
Cornell Law School's Legal Information Institute	http://www.law.cornell.edu
DocLaw Web	http://www.washlaw.edu/doclawnew.html
Hieros Gamos	http://www.hg.org
Research Articles	http://www.llrx.com
Hein-on-line	Through UWO library catalog

Online Legal Periodical Indexes

(Available through UWO Libraries)

These provide references only to articles in law reviews and law journals, case comments and annotations, book reviews and other publications. You must then locate the item through another source, i.e. in the Law Library stacks or a full text database.

Index to Legal Periodicals and Books (08/1981-current)

Index to Legal Periodicals Full Text is a bibliographic database that cites articles from legal periodicals and indexes law books. Full text coverage for selected periodicals is also included. Periodical coverage includes law reviews, bar association journals, university publications, yearbooks, institutes, and government publications. Index to Legal Periodicals & Books covers all areas of jurisprudence, including recent court decisions, new legislation, and original scholarship. (HW Wilson database description)

Legal Scholarship Network

The Legal Scholarship Network is a division of the Social Science Research Network (SSRN), which also sponsors the Accounting Research Network (ARN), the Economics Research Network (ERN), the Financial Economics Network (FEN) and the Management Research Network (MRN). The Legal Scholarship Network publishes a broad series of email abstracting journals of working papers and articles accepted for publication. LSN also publishes weekly Professional Announcements that include announcements such as important professional meetings, calls for papers and special issues of journals, and Professional Job Listings that carry announcements of open positions in academia and industry. For Journal title listings, click on "Journals" from the main LSN web site.

LegalTrac

LegalTrac on InfoTrac Web provides indexing and selective full-text for approximately 875 titles including major law reviews, legal newspapers, bar association journals, and international legal journals. Each title included in LegalTrac is selected on the basis of criteria provided by a special advisory committee of the American Association of Law Libraries. LegalTrac also contains law-related articles from over 1,000 additional business and general interest titles.

Databases

Quicklaw	Law Journals, Papers, Articles and Newsletters Contains full-text articles.	JOUR Can search by keywords. The use of the subject headings may also be useful.
WestlaweCARSWELL	Law Reviews and Journals; Combined Contains full-text articles. It contains Canadian articles however.	JLR TEXTS Can search by keywords. The use of the subject headings may also be useful.
LexisNexis	Law Reviews	LAWREV Can add code for specific review:

		Cornell Law Review ;CORLR Harvard Law Review ;HARV UCLA Law Review ;UCLALLR Yale Law Journal ;YALE
Western Libraries	<p>Databases available via Western Libraries on a wide variety of subjects, including law.</p> <p><i>Resources by Subject → Political Sciences → American Politics → Articles using Indexes.</i></p> <p>OR</p> <p><i>Resources by Subject → Law – United States → Articles using Indexes.</i></p> <p>Each database has a short description, pick the most relevant and search by keyword.</p>	<p>Via Western Libraries WebPAC or via Western Libraries web page:</p> <p>http://www.lib.uwo.ca/</p>

Resource Descriptions

The Great Library

<http://library.lsuc.on.ca/GL/home.htm>

The Great Library is the library for the Law Society of Upper Canada. On its website, a variety of legal research tools are available, some to the general public. The tools available to the public include 'Case Law & Legislation Online' and 'Legal Research Guides'. The 'Case Law & Legislation Online' provides annotated links to selected sources of online judicial opinions and legislative materials in the United States available on the Internet.

Cornell's Legal Information Institute

<http://straylight.law.cornell.edu/topics/index.html>

The LII's "Law About" pages provide brief summaries of law topics with links to key primary source material, other Internet resources, and useful offline references. They can be accessed through: the following set of broad topic categories (scroll down), through an alphabetical listing of topics, and through a searchable index.

Thomas

<http://thomas.loc.gov>

Acting under the directive of the leadership of the 104th Congress to make Federal legislative information freely available to the Internet public, a Library of Congress team brought the THOMAS World Wide Web system online in January 1995. For a complete list of the databases they offer, visit http://thomas.loc.gov/home/abt_thom.html.

LLRX.com

<http://www.llrx.com>

LLRX.com is a unique, free Web journal dedicated to providing legal, library, IT/IS, marketing and administrative professionals with the most up-to-date information on a wide range of Internet research and technology-related issues, applications, resources and tools, since 1996.

WestlaweCARSWELL

<http://www.westlawecarswell.com/lawsorce/>

Available at the Law Library.

WestlaweCARSWELL provides online access to the contents of Carswell's law report series, as well as unreported cases, selected legislation, finding and updating tools, and journals. The interface requires the researcher to use "Find by Citation" or run a search in the appropriate database.

Under the Westlaw tab, users have access to U.S. case law and legislation from the state and federal levels, as well as American law reviews and other secondary sources. It contains all of the West case reports supplemented by unreported decisions.

Refer to the *WestlaweCarswell Research Guide* for WestlaweCarswell search tips. For Westlaw specific search tips, refer to the *Guide to Westlaw* and *Researching with Westlaw.Com*. Available at the Law Library.

Quicklaw

www.quicklaw.com

Available at the Law Library

Quicklaw offers access to an extensive collection of databases including case law from all Canadian jurisdictions, administrative tribunal decisions, legislation and legal commentary in the form of texts, journals, newsletters, and indexes. In addition to Canadian materials, Quicklaw includes American case law and legislation and selective U.K. and Commonwealth judgments. Decisions are in the form of digests or full text. They may be either electronic versions of printed reports (e.g., *Dominion Law Reports*, *Ontario Reports*) or unreported current judgments as received directly from the courts.

	Publication	Database Code	Coverage
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Federal Legislation	United States Code	USC	Up to Dec. 2003
	United States Public Laws	USPL	1995 to 2002
	United States Code of Federal Regulations	CFR	Up to Dec. 2003
Federal Case Law	Federal Cases (cover the following Sources)	FED	Varies
	United States Supreme Court	SCT	Begins 1790
	Federal Circuit Courts of Appeals	USCA (includes USDS)	Begins 1930
	Federal District Courts	USDS	Begins 1930
	Federal Bankruptcy Courts	USBR	Begins 1979
	United States Court of Federal Claims	USCL	Begins 1930
	United States Court of International Trade	USIT	Begins 1980
	United States Tax Court	USTC	Begins 1930
State Collections	Search the State Collection for all 50 states, the district of Columbia and 3 Territories at once, or each individually.		
Legal News and Periodicals	Law Bulleting Publishing Company, group source	LAWB	
	Chicago Daily Law Bulletin	CHID	2000 to date
	Chicago Lawyer Monthly	CHIL	2000 to 2003
	Illinois Appellate Summaries	ILAS	2000 to date

For tips on searching the legislation and case law databases, refer to Quicklaw's *Introduction to United States Legal System for Canadian Researchers*. For tips on Quicklaw, refer to Quicklaw's *Training Manual*. For database codes, refer to Quicklaw's *Source Directory*. Available at the Law Library.

LexisNexis

<http://www.lexis.com>

Available at the Law Library.

Lexis has significant case law publications and finding aids available.

Federal Legislation	United States Code Service – Titles 1 through 50	Federal Legal – U.S.
	USCS – Federal Rules Annotated	
	CFR – Code of Federal Regulations	
	FR- Federal Register	
	Federal Agency Decisions, Combined	
State Legislation	All States searched individually or in combinations	States Legal – U.S.
Case Law	Federal & State Cases	Cases – U.S.
	Federal Cases, Combined Courts	
	State Cases, Combined Courts	
	U.S. Supreme Court Cases, Lawyer’s Edition	
	U.S. Supreme Court Briefs	
Area of Laws by Topic	Banking	Areas of Law – By Topic
	Bankruptcy	
	Environments	
Secondary Sources	Law Reviews & Journals	
	Legal News	
This list is not exhaustive. Sources can be selected using the tabs.		

For more information on using LexisNexis, refer to *Learning LexisNexis*. Available at the Law Library.

Online Tutorials

Legal

www.cali.org

ResearchCALI is a U.S. 501(c) (3) non-profit consortium of law schools that researches and develops computer-mediated legal instruction and supports institutions and

individuals using technology in legal education. Their lessons range from Administrative Law to Wills & Trusts.

Smith, C.A. 2005. *Legal Research 101*. LawSchoolhelp.com. Available at <http://www.west.net/~smith/research.htm>, June 11, 2005.

This online tutorial takes the through the basic steps of performing legal research, from identifying the sources of law to properly citing the authorities found. There are links to the ever increasing number of free legal research tools available on the World Wide Web. The focus is on researching federal law. Less relevant are the links to the major fee based services and its California focus.

Overview of the US Legal System

The American Law system, like the Canadian one, is largely rooted in the British system. The American and the Canadian systems diverge most widely in the matter of *Constitutional Law*. Since the passage of the *Canadian Charter of Rights and Freedom*, which has some similarities to the *American Bill of Rights*, the body of American case law may be examined in Canada to see whether it offers persuasive authority.

There are three branches in the American government: executive (president), judicial (courts), and legislative (congress). These three branches remain in both the Federal and the State levels of government.

The Federal level and the State level differ in their jurisdictions, as in Canada. However, in the United States, any topic not assigned to Federal by the Constitution remains in the State's jurisdiction. In Canada, what is not assigned to a province ends up in Federal.

Federal Level

Executive	President	PM & Cabinet
Legislative	Congress *House of Congress *Senate	Parliament *House of Commons *Senate
Judiciary	Supreme Court	Supreme Court

The **President** is not an elected member of Congress. In Canada, the Prime Minister is a member of the House of Commons. The PM is the leader of the party that forms the government.

The heads of federal departments are political appointees of the President. In Canada, they must first be elected members of Parliament, and then appointed by PM.

Another large difference is that a bill proposed by the President, if refused will not put in jeopardy his position. In Canada, it will be considered a vote of no-confidence and start the procedure for dissolving Parliament and thereby triggering elections to be called.

The **Congress** is made of two equally powerful chambers: House of Representatives and the Senate. Representatives and Senators are both elected to their position. In Canada, the Senate is the softer voice of government because Senators are appointed by the Prime Minister and approved by the Governor General.

The Congress has the authority to enact legislation as directed by the Constitution of the United States. The President may veto, which will hold unless the Congress passed the bill with more than 2/3 of the votes. In Canada, the PM does not have veto rights over legislation.

The **judicial system** is the court system. At the federal level, among other things, reviews laws to ensure that they are in standing with the *Constitution*. The United States Supreme Court is a nine-member body that heads the judicial branch of the federal government. Justices are appointed by the President and approved by the Senate, whereas no approval is needed in Canada by Parliament of the Prime Minister's appointments.

For more detailed information on the US Legal System:

- “U.S. Government” - <http://usinfo.state.gov/usa/infousa/politics/politics.htm>
- “How Our Laws are Made” - <http://thomas.loc.gov/home/lawsmade.toc.html>
- “Enactment of a Law” - <http://thomas.loc.gov/home/enactment/enactlawtoc.html>

The US Court System

In the U.S., the federal and state court systems are more separate structures than are the federal and provincial court systems in Canada. Both the federal and the state systems have a trial and appellate level.

State Level Courts

State courts may hear cases arising under state constitutions, state statutes, or common law and some cases arising under federal law. State courts may apply federal law in matters involving mixed state and federal law.

Although the names of state courts vary from state to state, for general purposes these courts can be categorized as follows:

- State Supreme Court
- State Intermediate Appellate Courts
- State Trial Courts

State trial courts usually have general jurisdiction at the county level and are often referred to as Superior courts. More than one-third of the states have an intermediate tier of courts, with such a court designated as the Court of Appeals. In all states but New York, the highest court is the Supreme Court.

Federal Level Courts

United States federal courts may hear cases arising under the federal Constitution or federal statutes, as well as cases involving an amount in controversy greater than \$75,000 combined with diversity of citizenship – the parties are from different states or one party is from a foreign country.

The federal court system includes the following courts:

- United States District Courts
- United States Court of Appeals
- United States Supreme Court

- Various specialized courts.

The federal trial court system, known as the District Court, has special jurisdiction in accordance with the U.S. Code, the American statute revision. An example of special jurisdiction of the District court would be a matter involving more than a certain dollar amount in a dispute between residents of different states. The District Court might apply federal law or state law to a situation.

The intermediate appellate level federal court is the Federal Court of Appeals, the popular name being Circuit Court. The FCA is divided into 13 different circuits, and if a matter is not reached in the USSC, different circuits may hold differently on the same subject matter.

The U.S. Supreme Court, as the highest court in the federal court system, interprets the Constitution and is the court of last resort for federal issues raised in state courts. It hears appeals from other federal courts and tribunals and rules on federal matters appealed from state courts. All U.S. Supreme Court decisions are reported. The official report series is called *United States Reports*.

From State Level to Federal Level

Legislatures

The division of powers between the federal government and the states results in a division of responsibilities different from that in Canada. State legislatures are authorized to enact legislation according to individually written state constitutions. All states, but one, have bicameral legislatures. The governor of each state is an elected official, but not an elected member of legislature.

The interrelationship between the state and federal systems can be quite complex. Simply stated, the powers of the federal government are defined specifically in the Constitution. Those powers not expressly prescribed therein are left to the jurisdiction of the fifty sovereign states. Conflicts between state and federal laws are governed by the Supremacy Clause of the United States Constitution, which declares that all laws enacted in the furtherance of the Constitution are the "supreme law of the land," and that federal laws have legal superiority over a state constitution or law. In Canada, unassigned legislative power goes to the federal government.

Courts

The United States Supreme Court is the court of final appeal. The Court is comprised of the Chief Justice and eight Associate Justices. Cases heard by the Supreme Court usually involve questions about the Constitution or federal law. Cases may begin in the federal or state courts. The court has discretionary power to decline review of cases from lower

courts by denying petitions of certiorari or dismissing appeals. However the highest state court would decide a state matter such as the interpretation of the state's constitution.

Federal or State Level?

Jurisdiction

The United States includes many jurisdictions, or areas of authority, in which courts are empowered to issue opinions. The basic court jurisdictions in the U.S. are 1) federal and 2) state (each state has its own jurisdiction).

Once you have your fact situation, deciding whether an issue is a state issue or a federal issue is one of the first steps you must take in doing legal research. "Federal or state?" is a critical question you must ask in order to determine the proper research path.

Making the Decision

Determining the appropriate jurisdiction and the applicable law can be tricky. Also, jurisdiction does not automatically determine the applicable law.

A federal court may wind up applying state law, while a state court may wind up applying federal law, or both may apply both!

The following analytical framework should help:

1) Start with the assumption that your issue is state law. The powers of the federal government are specifically set forth in the Constitution. Those powers not expressly prescribed therein are left to the jurisdiction of the fifty states.

2) Next, ask yourself is there any indication in the fact situation which would lead you to conclude that federal law is involved:

a. Does the issue fall under the subject matter jurisdiction of the federal courts?

The federal courts generally have jurisdiction over bankruptcy, admiralty, copyright, patent, and antitrust law.

For more on the jurisdiction of the federal courts, see 28 U.S.C. § 1330 et. seq.

b. Is there a federal question? A federal question is one which involves a federal law, a federal treaty, or the constitution.

Does the issue involve a federal statute or regulation? Does the issue involve the constitution or one of its amendments? E.g. First Amendment freedom of speech issues, civil rights claims, etc.

Is there a federal agency involved? A good rule of thumb is if federal funds are involved, federal law may be involved.

Major government agencies include:

EPA - Environmental Protection Agency

FCC - Federal Communication Commission

FTC - Federal Trade Commission

SEC - Securities Exchange Commission

See the United States Government Manual, in particular, the organizational chart of the federal government in the front of the book, for a quick overview of the major agencies.

3) If you have determined that federal law is involved, consider whether BOTH federal law and state law should be consulted.

4) If you have questions, background research in secondary sources such as treatises, ALR, legal periodical articles and legal encyclopedias should help to clear things up.

In particular, try books on federal practice and procedure, or trial practice handbooks. For example, the jurisdiction discussion in the Manual of Federal Practice is a good place to start.

U.S. vs. Canada

Both in the U.S. and Canada:

- a new bill can either amend an existing law or enact a whole new area of law.
- all new public laws (statutes) are printed in the annual statute volumes.
- federal amending laws are integrated into their official publications: the U.S. Code and the Revised Statutes of Canada.

The greatest difference between the U.S. and the Canadian federal legislative systems is the way in which new areas of law (Parent Acts) are integrated into existing law. In the U.S., a Public Law that enacts a whole new area of law is integrated into one or more Titles of the Code. In Canada, a Parent Act is added as a separate act to the Revised Statutes of Canada.

Federal Statutes and Regulations

Bills

Bills are the stage of statutes before they become law. They are proposals for new laws.

Bills can be useful to find out how the law might change in the short-term. Further, in the US, these can be used to help interpret the meaning of a phrase in a law if it has not been considered judicially.

How are bills identified?

There are four types of legislation: bills, joint resolutions, concurrent resolutions, and simple resolutions. Any of these may be introduced in either chamber. They are identified as follows:

S123	Bill originating in the Senate
SR123	Simple Resolution of the Senate
SJRes123	Joint Resolution originating in the Senate

SConRes123	Concurrent Resolution originating in the Senate
HR123	Bill originating in the House
HRes123	Simple Resolution of the House
HJRes123	Joint Resolution originating in the House
HConRes123	Concurrent Resolution originating in the House

Printing of Bills

Bills are printed by the Government Printing Office when introduced and again when reported from committee. After passage by either the House or Senate, a bill is printed when received by the other chamber and when reported by a committee of that chamber. It is important to note that members may vote to suspend the rules (particularly for non-controversial legislation) and not all versions of a bill may be printed.

In Canada, bills may be printed on as many as four occasions:

- First Reading,
- As Reported By The Committee,
- Third Reading "As Passed Copy", and
- Royal Assent.

Not all bills are printed at each stage listed above and it is not uncommon for a bill not to be printed as reported by the committee where there are not significant amendments proposed by the committee.

For more information on the rules surrounding the printing of bills, consult:

- Senate Standing rules
http://www.senate.gov/legislative/common/briefing/Standing_Rules_Senate.htm
- House Rules and Manual <http://www.gpoaccess.gov/hrm/index.html>
- U.S. Senate Parliamentarian's "Enactment of a Law" includes a discussion of the legislative process including printing of bills
<http://thomas.loc.gov/home/enactment/enactlawtoc.html> .

Statutes

Statutes, often referred to as Acts, are the primary legal authority created by the federal and State governments. It is important to understand that statutes are enacted, amended, and revised in a time-ordered sequence. They are identified by this time sequence.

The word statute refers to a law that appears together with other laws on the same topic for a given jurisdiction. Each statute consists of one or more paragraphs and begins with a unique number and heading.

The passing of a statute

Bills become statutes after being passed by both the houses of Congress and being signed by the President. In Canada, a bill needs to be passed by both parts of Parliament and granted royal assent from the Governor General.

The President has veto right over a bill becoming law, which can be challenged only if Congress passed the bill with a 2/3 majority. Governor General has not refused royal assent to any bill which has been approved by both the House of Commons and the Senate in the last century.

Statutes are used to:

- Change or reform the case law
- Codify a convoluted area of case law
- Deal with areas previously untouched by case law.

"How Our Laws are Made" < <http://thomas.loc.gov/home/lawsmade.toc.html> >

The Anatomy of a Statute

Statute Numbering

The number found on a statute is part of a larger numbering scheme that typically organizes all of the statutes currently in force for a jurisdiction. Statutory numbering schemes vary from jurisdiction to jurisdiction. Some are purely numerical; others are a combination of numbers and topical headings. All of them are hierarchical with several levels of specificity.

Single Numbering Scheme

Many jurisdictions use a single consecutively numbered scheme, assigning a range of numbers for each major subject area.

Each major subject area is called a "chapter." A chapter is subdivided into smaller topics by adding decimal numbers to the chapter number. This is a widely used way to number statutes, since new text can be inserted simply by expanding a decimal number.

Each of the numbered subtopics is called a "section." Sections are very important, since they are used when citing to a statute.

A broad code using a single consecutively numbered scheme is subdivided into narrower subtopics. Major sections are typically highlighted.

Citing

When citing to a statute in a single numbered scheme, you must add the section number to the major topical number.

Double Numbering Scheme

Some jurisdictions use two numbers to identify each statute. The first number represents the major subject category to which the statute belongs. Usually these major subject categories are called “titles” or “articles.”

The federal government uses this method. The title number forms the first part of a citation to a statute in the United States Code. Thus, all bankruptcy statute citations begin with 11 U.S.C.

The second number in a double numbered scheme represents a narrower topic within each title and is called a “section.” Each title is comprised of several consecutively numbered sections.

Citing

When citing to a statute in a double numbered scheme, you must add the section number to the number of the title or article.

Here is a complete U.S.C. citation for the example:

11 U.S.C. § 109 (2000)

Name & Number Scheme

A few jurisdictions use names to designate major subject areas. The named subject areas are called “codes.” Instead of one major code set containing all statutes, these jurisdictions have several smaller codes, each with its own name and numbering scheme. California is a jurisdiction that has several separately named codes. For example, statutes covering insurance are found in the Insurance Code.

Each code is subdivided into sections representing narrower topics. These sections are consecutively numbered within each code. When citing to a statute in a jurisdiction using individually named codes, use an abbreviated form of the code name (e.g., Cal. Ins. Code). Add the section number to the code name. For example, the statute discussing what is included in fire insurance is section 102 of the Insurance Code. This section is cited

Cal. Ins. Code § 102 (West 2001) or *Cal. Ins. Code* § 102 (Deering 2001)

Caption

In all jurisdictions, the legislature assigns a heading to each statute. This heading is known as the caption. The caption typically appears directly after the statute number. It gives a preview of the subject matter in the section that follows.

Body

Following the caption is the “body” containing the text of the statute. Most statutes consist of only a few paragraphs, but some run for many pages. Often, the paragraphs within a statute use numbered or lettered subdivisions. When citing only to a specific

paragraph, be sure to use the subdivision for that paragraph, if given (e.g., Minn. Stat. § 290.04, subd. 1).

History Line

Following the body of the statute, you will see a string of numbers. Often, the word “history” appears before these numbers. This is known as the “history line.” The numbers listed represent citations to the original enactment and subsequent amendments tracing the development of the current version of the statute. The history line indicates when a statute was changed and can be used to track the language that was added, changed, or deleted with each amendment.

Regulations

Regulations are subordinate legislation. They are created by an official person or body to whom a limited authority to legislate has been granted or delegated by an Act of a Legislature. Regulations are the implementation legislation of a statute.

When finding regulations, knowing the enabling Act can be useful.

Administrative & Executive Law

The publication of federal rules and regulations loosely parallels the publication of laws, in that they are published firstly, chronologically in the Federal Register, and in subject arrangement in the Code of Federal Regulations. Rules and regulations go through a process of notice and comment before they are final. The notice describes the proposed rule and allows the public at least 30 days to comment. After this process the agency can issue a final rule. A general statement describing the rule's purpose and authority usually accompanies the final rule.

The Federal Register is published each business day. Material is arranged under one of five headings.

1. **Presidential** Documents (proclamations, executive orders, other executive documents)
2. Rules and regulations (with force of law) CFR references, agency, summary of actions, effective dates and text of the regulation and change. Rules are published 30 days prior to effective dates. Comments received and subsequent actions are summarized
3. Proposed rules and regulatory agendas, hearings notices
4. Notices of matters not concerned with rulemaking agency decisions and rulings, impact statements, et cetera
5. Notices of Sunshine Act meetings

Each issue of the Federal Register contains a table of contents arranged by agency name and any rules, proposed rules, and notices of the agency, followed by a table of changes

in regulations (List of Sections Affected) arranged by Code of Federal Regulations citation. The last issue of the month contains a cumulative list of sections affected.

- GPO Access Federal Register (full text, searchable files from 1994- ; browse feature) < <http://www.gpoaccess.gov/fr/index.html>>
- GPO Access Code of Federal Regulations, 1996 < <http://www.gpoaccess.gov/cfr/>>
- Official US Executive Branch Web Sites
<http://lcweb.loc.gov/global/executive/fed.html>

Legislation Publications

Slip Laws

A slip law is a separately issued legislative enactment that has recently been signed into law.

"Slip" is just an old fashioned expression for a legal document that is separately issued in a temporary format. For example, new court decisions are individually issued and are known as "slip opinions."

The same is true for new legislation. As soon as an enactment is signed into law, a separate pamphlet containing the new law is issued. Nowadays, most legislatures also provide an electronic version of the law on the Internet. Each individual law text is known as a "slip law."

You will not find the phrase "slip law" used on the actual law texts. Instead, each enactment is officially labeled "act," "law," "public act," "public law," or "chapter." Occasionally, a law that does not have general application will be labeled "private act" or "private law."

At the time an enactment is first signed into law, it is assigned a unique number reflecting the sequential order in which it was passed.

Jurisdictions vary in how they number new enactments. Most use a single number, starting with 1 for the first law enacted in a given legislative session. In Minnesota, where laws are called chapters, Chapter 20 is 20th law passed by the Minnesota legislature in a specific session. The same law number is reused in different legislative sessions, so it is always necessary to include the year or legislative session in citations to laws in jurisdictions that use a single number.

In order to avoid confusion, some jurisdictions use a two part number that reflects both the number of the legislative session and the order of enactment. This is the case with federal laws. In Public Law 106-2, the number 106 indicates that the law is from the 106th U.S. Congress. The number 2 indicates that it is the second law passed by this congress.

A slip law will often be identified by a popular name. Sometimes this name actually appears in the text of the slip law (e.g., Y2K Act (Pub.L. 106-37, July 20, 1999, 113 Stat. 185).

Other times, the popular name is unofficial and does not actually appear in the text of the slip law, but is widely used by the media and general public. For example, Minnesota's popularly known "lemon law," M.S. 325F.665, does not use this phrase in its title or text.

Session Law

A session law is a slip law that has been bound together in chronological order with the other slip laws enacted during the same legislative session in a given jurisdiction. At the end of a legislative session, each jurisdiction compiles all of the slip laws enacted in that session in chronological order. The laws in this permanent set of volumes are called "session laws".

For the Federal level, at the end of each session of Congress, the slip laws are compiled into bound volumes called the *Statutes at Large*, and they present a chronological arrangement of the federal laws in the exact order that they have been enacted.

Session laws are identical to the original slip laws, retaining the same numbering and labeling.

It can be hard to identify session law compilations because the phrase, "session laws," is not always used in their titles. Sometimes just terms like "laws" or "acts" are used (e.g., *Acts and Resolves of Massachusetts, Kentucky Acts, Laws of the State of New York, General Laws of Mississippi, Public Laws of Rhode Island*).

Once in a while, the term "statutes" is used in session law titles (e.g., *United States Statutes at Large, Statutes of California*). Generally, though, the term "statutes" refers to the law provisions found in codes (a concept that will be discussed a bit later in this lesson).

When citing to a session law, use the number assigned to the slip law followed by the abbreviation for the session law set and the page on which it starts. For example, Chapter 20 found in the session laws for the 1999 Minnesota Legislature would be cited:

Ch. 20, 1999 Minn. Laws 127.

Each session law contains the exact language agreed upon by the legislature and chief executive. This is known as positive law. It is authoritative until it is changed by subsequent legislation.

Session laws are often used to trace the development of current law because they provide a retrospective record of each legislative change that was made at a particular point in time.

Code

A code is a topically arranged compilation of the current laws in force for a given jurisdiction. A “code” consists of session laws that have been arranged by topic. A code doesn’t contain every session law that has ever been passed. Instead, a code contains all the session laws that are *currently in force*. So a session law that has been repealed or replaced does not appear in a current code. Fifty different titles make up the U.S. Code.

In addition to chronological sets of session laws, all American jurisdictions compile topical arrangements of their current laws in force. These compilations are known as “codes.”

The titles of such subject compilations usually include the word “code,” but not always (*e.g., Connecticut General Statutes, Minnesota Statutes, Kansas Statutes, Revised Statutes of Nebraska, South Dakota Codified Laws, and Illinois Compiled Statutes*).

The process of compiling codes is known as codification. In this process, the sections of each newly enacted session law are renumbered and often rearranged to fit into a jurisdiction’s topical scheme of existing laws.

These newly numbered sections of session laws are known as statutes.

Codes change every time a new session law is enacted.

A new session law might REPEAL (essentially remove) an existing code provision.
A new session law might AMEND (insert or remove text) an existing code provision.
A new session law might ADD a new provision that did not previously exist.

Therefore, codes must be regularly updated through supplementation or recompilation of volumes to reflect the legislative changes mandated by the new session laws. Codes come with useful features such as tables of contents, indexes, and “Popular Name Tables.” A popular name table allows you look up a law by its informal or popular name.

Official versus unofficial codes--

In most states, you’ll find an official (state-published) and an unofficial (commercially-published) code. You’ll probably also find a state-published code on the Internet, though usually the Internet version will not be truly “official.”

Official and unofficial codes usually use the same numbering system and contain the same statutes.

“Named” codes.

In codes, laws are arranged by topic. Some states have gone a bit further and have created subject codes, each covering a general area. One important thing to remember about these named codes is that section numbers are reused within each separate code.

United States Code

The U.S.C. is published by the government, just like Statutes at Large. The government publishes a new U.S. Code set every six years, with annual supplements in the years between. It has 50 titles.

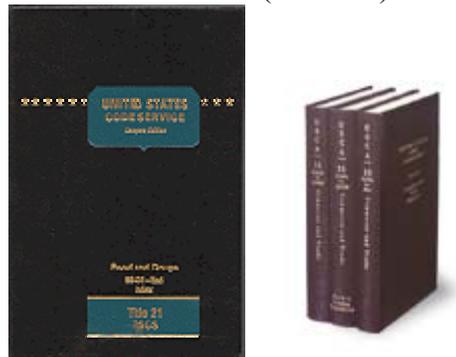
For more detailed information on the U.S.C. and how to search it, refer to Quicklaw’s *Introduction to the United States Legal System for Canadian Researchers*. It is available at the Law Library.

Annotated Code

An annotated code is a topically arranged compilation of current laws in force for a given jurisdiction. However, each code section is enhanced with references to relevant regulations, legal commentaries found in books and articles, and cases that interpret code sections. These references are called annotations.

Annotated codes are usually published commercially. They are kept current through frequent supplementation. When a code exists for a jurisdiction, the annotated code for that jurisdiction usually uses the same numbering scheme.

You will probably encounter at least two annotated versions of the U.S. Code. These two are called the *United States Code Service (U.S.C.S.)* and the *United States Code*



Annotated (U.S.C.A.).

Finding Legislation

Legislation includes Statutes or Acts, Regulations or Rules, and Bills. The best places to find legislation is usually a legal website, a government website, or a commercial publisher’s website.

Legislation Type	QuickLaw	Westlaw eCarswell	Lexis Nexis	Web Sites
Federal Statutes	x	x	x	X
Federal Regulations	x	x	x	X
Federal Bills		x	x	x
State Statutes	x	x	x	x
State Regulations	x	x	x	x

State Bills		x		x
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Comprehensive Law Web sites

Cornell Law School's Legal Information Institute	http://www.law.cornell.edu
DocLaw Web	http://www.washlaw.edu/doclawnew.html
FindLaw	http://www.findlaw.com
FirstGov	http://www.firstgov.gov
Hieros Gamos	http://www.hg.org

Case Law

Case Law is a system of a system of jurisprudence based on judicial precedents rather than statutory laws. Jurisprudence is the law and the principles that lead courts to make the decisions they do.

Judicial decisions from American courts, which include the reasons for the decision, are written by the presiding judge(s) and made available through Case Law Reports or electronically through commercial databases or free websites.

Finding Case Law

Digests & Reports

Law reports, digests, etc. – United States	
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Digests organize the entire body of law into many individual topics with summaries of points of law from individual cases. In the *West Key Number System* each point of law is given a number and that number is assigned to every headnote in every reported case which correlates to that same point of law. Thus, a researcher can take a key number and find other cases that discuss that same point of law. In addition to *West's State Digests*¹ there is a *General Digest* which includes federal cases as well as cases from all 50 states. Every 10 years these cases are cumulated into a *Decennial Digest* and a new General Digest is begun.

Digests also contain *Descriptive Word Indexes*. By cross-referencing words from your factual situation a researcher can be led to the Key Number topics which are in point. For example, a researcher trying to determine whether umpires can be held liable for bad calls, can look up the term "umpires" in the Descriptive Word Index, which would tell the researcher that the relevant Key Number is found under the topic "Exhibitions and Shows."

Lawyer's Co-operative. 1992-2005. *American Law Report: Annotations and Cases*.

Rochester, N.Y.: Lawyer's Co-operative.

LAW reports NO LOAN KF132.A4582 v.1-125

Seldom is a case reported in its entirety in A.L.R. In fact, it is not a reporter at all, but rather very well-written, cogent annotations on very specific legal topics that are brought about by the reporting of a particular case. These are very a good source for finding out the state of American law on a particular subject.

¹ Titled *West's (State Name) Digest*.

Databases

Refer to the Resource Description part of this document.

There are main techniques of searching databases, which include:

- Finding a Known Case by Name
- Finding a Known Case by Citation
- Finding Cases by Subject (Topic) – Classified Approach
- Finding Cases by Subject (Topic) – Keyword Approach
- Finding Cases which have Judicially Considered Another Case
- Finding Cases which have Judicially Considered a Statute
- Finding Cases which have Judicially Considered a Regulation
- Finding Cases which have Judicially Considered a Word or Phrase