

Oregon Legal Research

Second Edition

CAROLINA ACADEMIC PRESS
LEGAL RESEARCH SERIES

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Oregon Legal Research

Second Edition

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University of Oregon
School of Law

Suzanne E. Rowe, Series Editor

CAROLINA ACADEMIC PRESS

Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Rowe, Suzanne E., 1961-
Oregon legal research / by Suzanne E. Rowe. -- 2nd ed.
p. cm. -- (Legal research series)
Includes bibliographical references and index.
ISBN 978-1-59460-405-8 (alk. paper)
1. Legal research--Oregon. I. Title. II. Series.

KFO2475.R69 2007
340.072'0795--dc22

2007026626

CAROLINA ACADEMIC PRESS

700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America.

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Series Note

The Legal Research Series published by Carolina Academic Press includes an increasing number of titles from states around the country. The goal of each book is to provide law students, practitioners, paralegals, college students, and laypeople with the essential elements of legal research in each state. Unlike more bibliographic texts, the Legal Research Series books seek to explain concisely both the sources of state law research and the process for conducting legal research effectively.

Foreword

Hon. David Schuman

Judge, Oregon Court of Appeals

The ability to produce good legal writing—by which I mean clear prose, reflecting thorough legal research, organized according to analytically sound principles—is the one skill that every lawyer needs. Without it, the lawyer’s knowledge and intelligence can never move from inside the lawyer’s head into the world where it can have effect. The material that Professor Rowe of the University of Oregon School of Law presents in this volume provides a rich source from which students can acquire that ability and practitioners can refresh it.

The readers of *Oregon Legal Research* will find that the book takes them beyond basic case law, online query formation, and traditional indexes, and presents a systematic and logical approach to the entire process of research. It integrates book research with computer-assisted research and it explores the whole spectrum of law sources that are important to Oregon lawyers: state and federal cases, constitutions, statutes, regulations, legislative history, scholarship, and other materials. It recognizes the symbiotic relationship between research, writing, and analysis. And, although the world of legal research changes constantly and quickly, the principles embodied in this volume will continue to be of assistance even as technology develops.

As a book devoted to *Oregon* law, Professor Rowe’s volume reflects some of the state’s characteristic legal landscape. The material on the state constitution, for example, alerts the student or the newcomer to the fact that constitutional law in Oregon is, first and foremost, the law of the Oregon Constitution. The emphasis on sources of law

beyond judicial opinions reflects the legislatively oriented approach that Oregon courts take to resolving legal issues.

This book, then, will orient the student or newcomer to the complex and rich world of Oregon law, and it will provide a useful and systematic approach to the problems that the legal environment can present. Further, I would urge students who use this book to keep it after their Legal Research and Writing class is over, after they finish their law review career, and after they graduate. It contains material, advice, and techniques that the practicing lawyer (or judicial clerk or judge) will want to consult over and over. Along with a volume containing the most recent rules of professional responsibility, it is a book that every Oregon lawyer should have on an easily reachable shelf.

Preface and Acknowledgments

The primary audience for this book includes first-year law students who are enrolled in a course that integrates hands-on research with legal analysis and writing. Other audiences include lawyers from other jurisdictions who need to become familiar with Oregon resources, as well as law librarians, paralegals, college students, and even laypeople.

I began writing concise, state-specific research books when my students objected to the lengthy, nationally renowned texts that I had assigned. While librarians and professors—myself included—value those texts for their breadth of coverage and their detailed explanations of minute points, the students found them overwhelming. In addition, because many students at Oregon law schools have their first legal jobs in this state, they need to learn Oregon legal research. This book is my attempt to provide Oregon law students and other legal researchers with a concise, accessible, but meaningful introduction to legal research in this state.

The primary difference between this edition and the first is the greater integration of online resources. Each chapter now concentrates on the media most likely to be helpful for a particular resource. Thus, updating is presented almost exclusively through online citations, while secondary sources are still covered primarily in print. Recognizing that students are becoming more visual, this edition includes more sample pages and screen shots.¹ Discussion of legal analysis is included as a crucial element in legal research, as in the first edition,

1. In some instances, the format of these excerpts has been adapted to fit the small page size of this book.

but that discussion is still limited because the book's main focus is the process of performing research.

For this edition, I was fortunate to work with Harvey Rogers, an outstanding legal researcher and an excellent editor. Law reference librarian Angus Nesbit answered detailed resource questions on multiple occasions. Research assistants Dan Barrera, Kelly Fahl, Katie Green, Jeff Hinman, and Kyra Patterson provided helpful support in the final phases of production and, as always, Donna Williamson provided admirable administrative assistance. I continue to be grateful to the many people who contributed their expertise to the first edition: Dennis Hyatt, Sam Jacobson, Steve Johansen, Joan Malmud, Angus Nesbit, Amy Sloan, Kyu Ho Youm, David Olsson, David Schuman, Stephanie Midkiff, Greena Ng, Jennifer Hisey, Marcus Reed, Tim Hering, and Donna Williamson.

This book is part of the Legal Research Series being published by Carolina Academic Press, and as series editor I owe enormous thanks to the other authors in the series. I continue to learn from them, and I have incorporated some of their insights into this edition. The following books were in production as I updated this book, and I owe special thanks to their authors: *Tennessee Legal Research*, Sibyl Marshall and Carol Parker; *Georgia Legal Research*, Nancy Johnson, Beth Adelman, and Nan Adams; *Missouri Legal Research*, Wanda Temm and Julie Cheslik; *Pennsylvania Legal Research*, Barbara Busharis and Bonny Tavares; *Arkansas Legal Research*, Coleen Barger; and *Florida Legal Research*, Barbara Busharis (my co-author on that book).

I am thankful to the University of Oregon School of Law for my sabbatical during the Spring 2007 semester, when much of the work on this edition was completed.

Suzanne E. Rowe
May 2007