

# **Illinois Legal Research**

Second Edition

CAROLINA ACADEMIC PRESS  
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# **Illinois Legal Research**

Second Edition

**Mark E. Wojcik**

Suzanne E. Rowe, Series Editor

CAROLINA ACADEMIC PRESS

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*To my students—past, present, and future.*

The profession of the Law, when clothed in its true dignity and purity and strength, must rank first among the callings of men. Law rules the universe; "her seat is the bosom of God; her voice is the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempt from her power." What comprehensiveness! If to law herself may be applied such language, what may be said of that profession whose work is to formulate, to harmonize, to regulate, to adjust, to administer those rules and principles that underlie and permeate all government and society, and control the varied reactions of man? As thus viewed, there attaches to the legal profession a nobleness that cannot but be reflected in the life of the true lawyer, who, conscious of its greatness, and honest in the pursuit of his purpose, embraces the richness of learning, the profoundness of wisdom, the firmness of integrity and the purity of morals, together with the graces of modesty, courtesy and the general amenities of life.

To attain the highest excellence, the lawyer must possess the most varied and opposite qualities, and know how and when to use them; with depth and firmness of understanding, they must combine the keenness of acute discernment; learned in the subtleties of legal lore, let him at the same time know men, have tact to deal with them, and be rich in the enlarged beauties of classical learning; besides being a student, he must be able to leave the solitude of the study and adapt himself to the practical and every-day doings of men. It is his to command the respect of superiors, and again appeal to the weaknesses and infirmities of those less favored than himself; in fine, he must be "all things to all men."

Introduction, *The Bench and Bar of Chicago* 3 (American Biographical Publg. Co. 1904).

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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, laypeople, and librarians 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

by **Mary Ann G. McMorrow, Chief Justice of the Illinois Supreme Court (2002–2006)**

The preamble to the Illinois Rules of Professional Conduct emphasizes that the “practice of law is a public trust.” Lawyers are officers of the court vested with the responsibility of maintaining public confidence in our justice system by acting ethically and competently at all times. Pursuant to Rule 1.1 of the Illinois Rules of Professional Conduct, a lawyer is required to provide “competent representation” to a client. In turn, “competent representation” is defined by the Rule as having “the legal knowledge, skill, thoroughness and preparation necessary for the representation.” A special task force of the American Bar Association on law schools and the legal profession authored a report that recognized that “[i]t can hardly be doubted that the ability to do legal research is one of the skills that any competent practitioner must possess.”<sup>1</sup> That report concluded that “[i]n order to conduct legal research effectively, a lawyer should have a working knowledge of the nature of legal rules and legal institutions, the fundamental tools of legal research, and the process of devising and implementing a coherent and effective research design.”<sup>2</sup>

Professor Wojcik’s book provides a state-specific resource to aid both students and lawyers in researching Illinois case law, Illinois statutes and local ordinances, Illinois administrative law, and other sources of legal information. Because of his many years of experience

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1. Legal Education and Professional Development: An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap 163 (1992).

2. *Id.*

teaching courses in effective legal writing, Professor Wojcik has had the opportunity to observe and identify the most problematic aspects of legal research. This book may assist both law students and law practitioners to overcome such problems.

Effective and persuasive legal advocacy is grounded in accurate and thorough legal research. A lawyer must be able to capably research the law to provide competent representation and to ensure that the high standards of the legal profession are upheld. This book outlines the fundamental principles of researching Illinois law, and should be a valuable addition to the libraries of Illinois lawyers.



## Preface and Acknowledgements

Having taught legal research and writing for more than 16 years, I have learned much about effective legal research tools and strategies. (I am still learning, in fact, because legal research materials and databases change constantly.) I wanted to write this book to share my knowledge about legal research as it applies specifically to the state of Illinois, because most of the national legal research texts would often include only a vague reference to the possibility that additional research materials might be available for state law issues.

This book is part of a series of state legal research guides. This book can be used in several different ways:

- New lawyers, law students, and paralegals who are familiar with (or who are now learning) research skills from national legal research texts can use this book as an Illinois-specific supplement.
- Law students and paralegals who are just beginning their studies can use this book to learn legal research skills in primary and secondary law sources. Armed with the knowledge of one state's legal system and resources, a researcher can transpose that knowledge to other jurisdictions and to problems involving federal legal research.
- State and local government employees, including those who work in the legislative, judicial, and executive branches, can use this book for general guidance and specific tips on efficient legal research.
- Political scientists, academics, members of the public, and librarians without specialized legal training can use this book as an introduction to legal research skills and resources available in Illinois.

- Legal researchers in other jurisdictions can use this book to increase the efficiency of their legal research strategies for problems involving Illinois law.
- New lawyers and experienced professionals can use this book to identify recent developments in legal research as well as important “legal research secrets” that will make all researchers more efficient and effective.

When I was preparing the first edition of this book, I looked not only at Illinois legal materials but also at legal research guides for other states. I found a marvelous book—the first edition of *Florida Legal Research*, written by Suzanne Rowe, Barbara Busharis, and Lisa Kuhlman Tietig and published by Carolina Academic Press. The popularity and success of that book proved it a good general model for other state research guides—a user-friendly book that was a teaching tool rather than a bibliographic compilation of state legal research sources. Keith Sipe, Linda Lacy, and Bob Conrow allowed me to prepare the first edition of *Illinois Legal Research*, which appeared in 2003. Other books then appeared to create this outstanding and essential series; additional volumes (and new editions) are planned for this series, with each one shedding considerable light on state-specific resources. Carolina Academic Press is now also planning an exciting new series of foreign and international research texts.

I owe a continuing and special note of thanks to Suzanne Rowe for her initial work and for the tremendous contributions that she and her research assistants made to the manuscript for this second edition. Their careful and close edits were superb and reflected a strong commitment that I appreciate deeply.

Many other individuals helped me prepare the first and second editions of this book. I list their names here in thanks and ask forgiveness for any omissions.

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tions of this book, did specific research to help me answer questions about legal research sources in Illinois, and frequently suggested from their own rich knowledge many wonderful resources that were previously unknown to me. They provided enthusiastic encouragement and assistance to me all along the way, and this book simply would not have been possible to write without their help.

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I thank Mary Ann G. McMorrow for writing the foreword to the first edition of this book while she was Chief Justice of the Illinois Supreme Court. She was the first woman to become Chief Justice of the Illinois Supreme Court and the state is definitely better because of her service. We have kept her words unchanged in this new edition.

For additional assistance, I thank Traci Braun, Nora Crandall of the Illinois Institute of Continuing Legal Education, Bill Dineen, Michael J. Faley, John Kirkton of the Law Bulletin Publishing Company, Rhea Ramsey, and Howard S. Suskin of Jenner & Block. I also thank the Illinois Supreme Court Law Library, the Illinois State Archives, the library of the Chicago Historical Society, the Chicago Public Library, the Cook County Law Library, the Law Library of the Library of Congress, the Hawaii Supreme Court Law Library, and the law libraries of the Chicago-Kent College of Law, DePaul University College of Law, Northern Illinois University, the University of Hawaii, the University of Illinois, and Southern Illinois University.

I thank once again the entire staff at Carolina Academic Press for the high quality work that they do to make this book look so good.

And saving the best for last, I thank my partner, David Austin, for his constant support and encouragement.

All errors in the book are mine alone.

Mark E. Wojcik

July 2009