Arizona Legal Research

Second Edition

Tamara S. Herrera

Sandra Day O'Connor College of Law Arizona State University

Suzanne E. Rowe, Series Editor



Carolina Academic Press

Durham, North Carolina

Copyright © 2013 Tamara S. Herrera All Rights Reserved.

Library of Congress Cataloging-in-Publication Data

Herrera, Tamara S.

Arizona legal research / Tamara S. Herrera. -- Second edition. pages cm. -- (Legal research series)
Includes bibliographical references and index.
ISBN 978-1-61163-250-7 (alk. paper)
1. Legal research--Arizona. I. Title.

KFA2475.H47 2013 340.072'0791--dc23

2012051836

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.

Summary of Contents

Contents	vii
List of Tables	xiii
Series Note	xvii
Acknowledgments	xix
Chapter 1 The Research Process	3
Chapter 2 Researching Secondary Authority	23
Chapter 3 Researching Constitutions	35
Chapter 4 Researching Statutes and Court Rules	41
Chapter 5 Researching Legislative History	55
Chapter 6 Finding Cases in Reporters and Online	67
Chapter 7 Researching Cases in Digests and Online	79
Chapter 8 Researching Administrative Law	97
Chapter 9 Researching Arizona Tribal Law	107
Chapter 10 Updating Research	115
Appendix A Legal Citation	139
Appendix B Glossary of Legal Research Terms	157
About the Author	163
Index	165

Contents

List of	Tat	oles	X111
Series	Not	e	xvii
Ackno	wle	dgments	xix
Chapt	er 1	The Research Process	3
I.	Ari	zona Legal Research	3
II.	The	e Intersection of Legal Research and Legal Analysis	3
III.	Тур	oes of Legal Authority	4
IV.	Co	urt Systems	6
	A.	Arizona Courts	6
	В.	Federal Courts	7
	C.	Courts of Other States	8
V.	Ov	erview of the Research Process	9
	A.	Generating Research Terms	10
	В.	Selecting Print or Electronic Media	11
	C.	Selecting Specific Electronic Media	13
	D.	Composing a Word Search for the Original	
		Pay Research Databases	14
	Ε.	Composing a Word Search for the Newest	
		Generation of Pay Research Databases	17
		1. Bloomberg Law	17
		2. Lexis Advance and WestlawNext	19
	F.	Choosing a Starting Point for Research	20
	G.	Other Helpful Hints	21
	Н.	Researching the Law—Organization of This Text	21
	I.	Rules Governing Attorney Conduct	22
Chapt	er 2	Researching Secondary Authority	23
I.	Ari	zona Secondary Sources and Practice Aids	23

viii Contents

	A. Continuing Legal Education Materials	
	and Handbooks	24
	B. Jury Instructions	25
	C. Legal Forms	25
II.	Encyclopedias	25
III.	Treatises	27
IV.	Dictionaries	28
V.	Legal Periodicals	28
VI.	American Law Reports	31
VII	. Restatements of Law	33
Chapt	ter 3 Researching Constitutions	35
I.	Arizona Constitution	35
II.	United States Constitution	39
Chapt	ter 4 Researching Statutes and Court Rules	41
I.	Print Media	41
	A. Arizona Print Media	42
	B. Federal Print Media	45
	C. Researching Print Media	45
	1. Find the Relevant Statute	46
	a. Starting with a Citation	46
	b. Using the Conversion Table	46
	c. Beginning with a Popular Name	47
	d. Scanning the Title Outline	47
	e. Using the Topical Index	48
	2. Read the Statute	48
	3. Read the Relevant Cases	49
	4. Update the Statute	49
II.	Electronic Media	50
	A. Arizona Electronic Media	50
	B. Federal Electronic Media	51
	C. Researching Electronic Media	52
III.	Court Rules	53
Chapt	ter 5 Researching Legislative History	55
I.	How the Arizona Legislature Operates	55
	A. Arizona Bill Tracking	56
	B. Arizona Legislative History	58

Contents	1X

	1. Research Using Electronic Media	39
	2. Research Using Print Media	61
	C. Research at the State Capitol	61
II.	How the Federal Legislature Works	62
	A. Federal Bill Tracking	63
	B. Federal Legislative History	64
Chapt	ter 6 Finding Cases in Reporters and Online	67
I.	Print Media	68
	A. Editorial Enhancements of an Arizona Case	70
	B. Arizona Print Media	72
	C. Federal Print Media	73
II.	Electronic Media	75
	A. Arizona Internet Resources	76
	B. Federal Internet Resources	76
Chapt	ter 7 Researching Cases in Digests and Online	79
I.	Print Media	79
	A. Organization of the Digest System	81
	1. Headnotes	82
	2. Topics and Key Numbers	82
	B. Research Using the Digest System	82
	1. Determining the Correct Digest	83
	2. Locating Relevant Topics and Key Numbers	83
	a. Beginning with a Relevant Case	83
	b. Beginning with a Topic	84
	c. Beginning with the Descriptive Word Index	84
	3. Reading the Headnotes Organized under the	
	Relevant Topics and Key Numbers	84
	4. Updating the Research	85
	C. Using the Digest System with a Case or Party Name	86
	D. Using the Digest System's "Words and Phrases"	87
II.	Electronic Media	87
	A. LexisNexis	87
	1. Word Searching	88
	2. Subject Searching	88
	3. Segment Searching	89

x Contents

	B. Westlaw Classic	89
	1. Word Searching	90
	2. Subject Searching	90
	3. Field Searching	91
	C. Bloomberg Law	91
	D. Lexis Advance and WestlawNext	92
Chapt	er 8 Researching Administrative Law	97
I.	Researching Arizona Administrative Law	98
	A. Arizona Administrative Code	99
	B. Arizona Administrative Register	100
	C. Other Sources for Arizona Administrative Law	101
II.	Researching Federal Administrative Law	102
	A. Code of Federal Regulations	103
	B. Federal Register	104
	C. Other Sources for Federal Administrative Law	105
III.	Arizona Attorney General Opinions	105
Chapt	er 9 Researching Arizona Tribal Law	107
I.	Introduction to Tribal Law and Federal Indian Law	107
II.	Tribal Treaties, Constitutions, and Codes	108
III.	Tribal Case Law	108
IV.	Secondary Sources	110
Chapt	er 10 Updating Research	115
I.	BCite	116
II.	Shepard's	117
	A. Shepard's on LexisNexis	119
	B. Shepard's on Lexis Advance	120
III.	KeyCite	122
Apper	ndix A Legal Citation	139
I.	The ALWD Manual	141
	A. Incorporating Citations into a Document	141
	B. Case Citations	142
	1. Essential Components of Case Citations	142
	2. Full and Short Citations to Cases	144
	3. Prior and Subsequent History	146
	4 Cases Available Electronically Only	146

Contents	V1
COHICHIS	AΙ

	C. Statutes	147
	1. State Statutes	147
	2. Federal Statutes	147
	D. Signals	148
	E. Explanatory Parentheticals	149
	F. Quotations	149
	G. Citation Details	150
II.	The Bluebook	151
	A. Bluebook Citations for Practice Documents	151
	1. Quick Reference Guide and the Bluepages	s 152
	2. Index	152
	3. Case Citations	152
	4. Statutes	153
	5. Signals and Parenthetical Information	153
	6. Quotations	153
	7. Tables in <i>The Bluebook</i>	154
	8. Comparison of Arizona Citations in ALW	'D
	and Bluebook Formats	154
	B. Bluebook Citations for Law Review Articles	155
III.	. Editing Citations	155
Apper	ndix B Glossary of Legal Research Terms	157
About	t the Author	163
Index		165

List of Tables

Chapter 1 The Research Process	3
Table 1-1. Examples of Authority in Arizona Research	5
Table 1-2. Overview of the Research Process	9
Table 1-3. Generating Research Terms	11
Table 1-4. Boolean Connectors and Commands	15
Table 1-5. Bloomberg Law Search Operators	18
Chapter 2 Researching Secondary Authority	23
Table 2-1. Outline of the Research Process in a	
Print-Media Encyclopedia	26
Table 2-2. Outline of the Research Process in a Print-	
Media Legal Periodical	29
Table 2-3. Selected LexisNexis and Westlaw Databases	
for Legal Periodicals	30
Table 2-4. Electronic Media for Arizona Legal	
Periodicals	31
Table 2-5. Outline of the Research Process in a Print-	
Media A.L.R.	32
Table 2-6. Outline of the Research Process in a	
Print-Media Restatement of Law	34
Chapter 3 Researching Constitutions	35
Table 3-1. Arizona Constitution's Articles	37
Appendix 3-1. Sample Arizona Constitution Article	40
Chapter 4 Researching Statutes and Court Rules	41
Table 4-1. A.R.S. Titles	43

Table 4-2. Outline of the Research Process for Statutes	
in Print Media	46
Table 4-3. Finding Features for Statutes in Print Media	47
Appendix 4-1. Sample Arizona Statute with Annotations	54
Chapter 5 Researching Legislative History	55
Table 5-1. Sample Arizona Bill Tracking on ALIS	57
Table 5-2. Outline of the Research Process for Legislative	
History and Preferred Media	58
Appendix 5-1. Sample Arizona Legislative History on	
ALIS	66
Chapter 6 Finding Cases in Reporters and Online	67
Table 6-1. Coverage of Regional Reporters	69
Table 6-2. Arizona Reporters	73
Table 6-3. Federal Reporters	74
Appendix 6-1. Editorial Enhancements of an	
Arizona Case	77
Chapter 7 Researching Cases in Digests and Online	79
Table 7-1. Coverage of Regional Digests	80
Table 7-2. Outline of the Research Process in a Print-	
Media Digest	83
Table 7-3. Selected Court Abbreviations in Arizona	
Digest Entries	85
Table 7-4. LexisNexis Databases Containing Arizona	
Cases	88
Table 7-5. Westlaw Databases Containing Arizona	
Cases	90
Appendix 7-1. Sample Arizona Case on LexisNexis	92
Appendix 7-2. Sample Arizona Case on Westlaw	94
Chapter 8 Researching Administrative Law	97
Table 8-1. Outline of the Research Process for Arizona	
Administrative Law	98
Table 8-2. Arizona Agencies that Hear Contested Cases Appendix 8-1. Sample Arizona Rule from <i>Arizona</i>	102
Administrative Code	106

Chapter 9 Researching Arizona Tribal Law	107
Table 9-1. Arizona Tribal Court Information	110
Chapter 10 Updating Research	109
Table 10-1. BCite Treatment Codes for Cases	
on Bloomberg Law	117
Table 10-2. Shepard's Signals for Cases on LexisNexis	
and Lexis Advance	118
Table 10-3. KeyCite Status Flags on Westlaw Classic	
and WestlawNext	123
Table 10-4. KeyCite Stars and Bars on Westlaw Classic	
and WestlawNext	124
Appendix 10-1. Sample Excerpt from BCite Report	
on Bloomberg Law for an Arizona Case	126
Appendix 10-2. Sample Excerpt from Full Shepard's	
Report for an Arizona Case	127
Appendix 10-3. Sample KWIC Shepard's Report	
for an Arizona Case	129
Appendix 10-4. Sample Appellate History Report	
for an Arizona Case on Lexis Advance	131
Appendix 10-5. Sample Appellate History Map View	
of an Arizona Case on Lexis Advance	132
Appendix 10-6. Sample Excerpt from a Citing Decisions	
Report for an Arizona Case on Lexis Advance	133
Appendix 10-7. Sample Full History KeyCite Report	
for an Arizona Case	134
Appendix 10-8. Sample Excerpt from Citing References	
KeyCite Report for an Arizona Case	135
Appendix 10-9. Sample Full History KeyCite Report	
and Graphic View/WestlawNext	
for an Arizona Case	137
Appendix 10-10. Sample Excerpt from Citing	
References Key Cite Report/WestlawNext	
for an Arizona Case	138
Appendix A Legal Citation	139
Table A-1. Purposes of Legal Citations	140

xvi List of Tables

Table A-2. Examples of a Citation Sentence and a	
Citation Clause	142
Table A-3. Examples of Full Citations	145
Table A-4. Common Signals	148
Table A-5. Comparison of ALWD Manual and	
Bluebook Formats	152
Table A-6. Comparison of Selected Word Abbreviations	
in the ALWD Manual and The Bluebook	153
Table A-7. Comparison of Arizona Citations in	
ALWD Manual and Bluebook Formats	154

Series Note

The Legal Research Series published by Carolina Academic Press includes titles from states around the country as well as a separate text on federal legal research. 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 jurisdiction. 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.

Acknowledgments

I owe a great debt of gratitude to Suzanne Rowe, series editor, for her support of this project. She generously provided both her time and her material for Chapter 1 and Appendix A, for which I am grateful.

I also owe many thanks to others who supported me throughout this project with advice and materials: specifically, both the Ross-Blakely Law Library staff and the legal writing professors at the Sandra Day O'Connor College of Law (Arizona State University). The law school simply could not function without them, and they are the best colleagues one could hope for in any job.

In addition, no acknowledgement would be complete without thanking my parents, Thom and Carol Havelaar, for their support of all my writing projects, from the first book review I wrote at the age of twelve that they lovingly tucked in the pages of a scrapbook to all of my current work.

Finally, my greatest thanks go to my husband, William, and my son, Eric, for understanding my need to write and reminding me why life is beautiful.