California Legal Research

Second Edition

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Dedicated

to Stephen and Ellen
H.C.M.

to Joshua and Jeffrey
A.D.

and to Didi Alfred
S.E.R.
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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 legal research and the process for conducting legal research effectively.
Preface to the Second Edition

The second edition of *California Legal Research* reflects the great changes seen in legal research in the past few years. Fewer libraries house print sources, and more researchers rely on online sources. Lexis.com and Westlaw Classic are being replaced by Lexis Advance and WestlawNext. The text remains true to the goal of the first edition: to explain both the sources and the process for researching California law.

In updating the text, we have avoided making changes that were not essential, and we expect the second edition to feel familiar to readers of the first edition. Some of the more important changes are outlined below:

Chapter 1 diminishes the distinction between print and online research, recognizing the growing dominance of online resources. Given that online research techniques work similarly for cases, statutes, administrative regulations, and other sources, Chapter 1 presents a revised research outline that includes under one step searching for all primary authorities. These authorities are still explained in separate chapters later in the book.

Chapter 2 continues its focus on Lexis and Westlaw products. It now covers both the classic versions and the next generation versions of each service. We use “Lexis” and “Westlaw” as umbrella terms to cover both versions. To be specific, Lexis.com and Lexis Advance designate the classic and new products provided by Lexis, while Westlaw Classic and WestlawNext designate the products provided by Westlaw. Chapter 2 covers other online products in a brief section at the end. We chose to continue focusing on Lexis and Westlaw products as they are most widely used and most relevant to California-specific research.
In this edition, Chapter 3 explains judicial opinions, while Chapter 4 covers researching them. A single chapter in the first edition covered both an introduction to judicial opinions and how to research them.

Chapter 9 (formerly Chapter 8) no longer has an appendix explaining Shepardizing in print, as fewer libraries maintain current volumes. The chapter has been slightly reorganized: general information about citator symbols, the importance of reading citing references, and the utility of narrowing search results has been moved to the beginning of the chapter because those topics apply to research with all citators.

Chapter 10 (formerly Chapter 9), on secondary sources, no longer focuses primarily on print research. In addition, it presents Witkin alone, not with treatises, recognizing its unique importance to California research. This chapter expands the discussion of Rutter Group materials and jury instructions, while decreasing the attention given to continuing legal education materials, consistent with California practice. It no longer has a separate section on mini-libraries.

We try throughout to present a balanced coverage of the products of Lexis and Westlaw. For example, in some chapters we tend to discuss Lexis first while in other chapters Westlaw gets the first nod.

With this edition, we welcome a new co-author, Aimee Dudovitz, of Loyola Law School—Los Angeles. Professor Dudovitz brought particular expertise to the chapter on legislative history, and she was primarily responsible for updating that chapter as well as the chapter on administrative law. Professor Macfarlane was responsible for updating the two chapters on cases as well as chapters on statutes and constitutions. Professor Rowe updated the remaining chapters, though again the work on the book was a collaborative effort. Some portions of this book are drawn from Oregon Legal Research, which has served as a guide for a number of books in the Legal Research Series.

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