

# Colorado Legal Research

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# Colorado Legal Research

Second Edition

**Robert Michael Linz**

Tenielle Fordyce-Ruff, Series Editor  
Suzanne E. Rowe, Series Editor Emerita



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*For Max, Kathy, Andrew, Anne, Peter, and Jane*

*Ad Deum qui laetificant juventutem meam*  
*Psalm 42*



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## Series Note

The Legal Research Series published by Carolina Academic Press includes titles from many 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.



## Foreword to the Second Edition

It's no secret that Colorado has one of the fastest-growing populations and economies in the nation in 2018. The latest *Annual Report of the Colorado Supreme Court*, Office of Attorney Regulation Counsel reveals that the number of registered attorneys in Colorado is up 10 percent from five years ago, and that Colorado experienced a 30 percent increase in Uniform Bar Exam Score Transfer and On Motion applications from out-of-state attorneys seeking to practice here in 2017. Many active, private-practice attorneys in Colorado are solo or small-firm lawyers, who are often without the benefit of law librarians in their workplaces.

In addition to many new Colorado attorneys, there continue to be paralegal students and Colorado citizens who show up daily to consult with librarians and use legal resources at Colorado's public, academic, and court libraries. A gridlocked Congress is encouraging Colorado state and local governments to lead the way on issues of public interest, such as climate change, fracking, marijuana, and immigration. As state and local agencies make more resources available online, and as the number and sophistication of proprietary research databases increases, even seasoned Colorado law librarians are finding it challenging to keep up. The publication of this Second Edition of Robert Linz's *Colorado Legal Research* satisfies an important need to bring the legal community and the public up-to-speed, and to provide accurate, clear instruction on the methods, analysis, and tools of legal research in Colorado.

There are other reasons to embrace this new edition. An expanded *Chapter 4 — Researching Legislative History* — addresses the Colorado General Assembly's efforts to make more documents, committee testimony, and floor debate accessible on its websites, and the Chapter offers useful tables and images to clarify how a bill winds its way through the legislature, and what documents and publications are generated at each juncture. An expanded *Chapter 5 — Researching Administrative Law* — concludes with a new Administrative Law Research Checklist that neatly summarizes what questions to ask when navigating the cumbersome and separate processes of locating and updating Colorado regulations, agency decisions, and Attorney General opinions. The

addition of *Chapter 7 — Updating Law with a Citator* — is a useful complement to the book's thorough treatment of case research. It walks the reader step-by-step through the critical skill of using a citator to determine if a case, statute, or regulation is still good law in Colorado, and it includes several tables, screenshots, and checklists to illustrate important distinctions among the four major citator products.

Author Robert Linz has been my close colleague at the University of Colorado Law School's William A. Wise Law Library for 10 years. Our law school and library director have been leaders in defining and developing legal research pedagogy, most notably through organization of the annual Boulder Conference on Legal Information for legal research educators. Robert continues to study and innovate his teaching methods (lectures, in-class demos, hands-on group exercises) and class materials for an annual course in Colorado Legal Research, which he began offering around the time he published the first edition of this book. Many CU Law students have used and provided feedback on this book. Student course evaluations confirm what I have learned in working with Robert: that he is a highly effective researcher and teacher, who is passionate about educating others on the Colorado legal system and the research competencies explored in *Colorado Legal Research*.

Jane Thompson  
Associate Director of Faculty Services  
and Research  
William A. Wise Law Library  
University of Colorado at Boulder

## Foreword to the First Edition

Every state in the U.S. has its own legal system, shaped by its pioneers and continuing to evolve today. Colorado, the “Centennial State,” is no exception. Colorado’s colorful legal history includes its early geographic partition among at least five nations and then four U.S. states, and multiple attempts at forming governments on its own (with some success in its miners’ courts and the Territory of Jefferson). The result is an ever-changing landscape of state-specific legal resources that bears the mark of these previous jurisdictions.

Legal research, a skill fundamental to a legal education and the practice of law, varies with the jurisdiction. Because each state has its own legal system and corresponding resources, law students, lawyers, and other legal researchers must learn the methods and sources of researching in that state to practice their professions competently. Teaching Colorado’s unique legal resources is the subject of this book.

Legal research is more than learning the sources, the “bibliography,” of the jurisdiction, however. Legal research is a cyclical process of identifying issues, choosing the correct resources to consult, analyzing results, and then refining issues to research. Resources may be in print, microform, or electronic formats; their authority needs to be assessed, their rules and guidance analyzed, updated, and applied. The process changes with each problem, and a thorough knowledge of the resources of the jurisdiction into which the problem falls is essential. Colorado Legal Research offers guidance on the research process as well as its sources.

Robert Linz is well positioned to explain the intricacies of Colorado legal research. He has studied the Colorado system, and knows its ins and outs well. He has carried out legal research projects in support of the justices and judges of Colorado’s appellate court system and the faculty and students of the University of Colorado at Boulder School of Law. He has taught legal research to beginning and advanced law students. His attention to detail and his commitment to legal research education are evident on every page of this book.

*Colorado Legal Research* provides the roadmap for its readers to steer through the intricacies of legal research in Colorado. Colorado legal researchers are indebted to Robert for this work.

Barbara Bintliff  
Nicholas Rosenbaum Professor of Law  
Director, William A. Wise Law Library  
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## Preface and Acknowledgments

In recent years, Colorado has gained national attention for pushing the boundaries of the law in controversial areas. In 2000, the people of Colorado passed a referendum to legalize medical marijuana. In the 2009 and 2010 legislative sessions, the Colorado General Assembly enacted legislation to create a scheme in which medical marijuana patients could exercise this right while curbing potential abuses. In 2012, the people of Colorado again amended their Constitution and again over marijuana. By a wide margin, the voters approved Amendment 64 which legalized marijuana for recreation use. The constitutional amendment called for a statutory and regulatory scheme through which citizens could consume marijuana or marijuana products. In 2013, the Colorado General Assembly responded by creating the Colorado Retail Marijuana Code. It empowered the Colorado Department of Revenue to create regulations to implement the Retail Marijuana Code. Local governments were also involved in these groundbreaking laws. Local governments now play a role in permitting or prohibiting businesses from selling marijuana in their jurisdictions. As is always the case, the Colorado courts are slower to contribute to the legal developments surrounding marijuana. Simply, the courts speak to matters when asked to do so. While there are few cases regarding medical marijuana, and certainly criminal cases involving marijuana, there is not yet case law regarding recreational marijuana. But those cases will surely be coming.

The example of Colorado marijuana law is instructive for the legal researcher. For one to research the law well and thoroughly, the researcher will need (1) to know the branches of government; (2) the law they produce; (3) the relationship of the branches to one another and to the citizens of Colorado; (4) in what sources that law is published; and (5) how to find that law. While the Colorado law of marijuana enjoys a certain freshness that helps researchers more clearly see answers to these questions, this general understanding is necessary to perform research successfully for any legal area.

The goal of this book is to help researchers understand the nature of Colorado legal institutions, the law they produce, and how to find that law. It is written for the law student and attorney unfamiliar with Colorado law and legal research. It is also written to help members of the public who do not have the benefit of legal training to become appropriately acquainted with legal research methods and sources so that they can research Colorado law. While locating the law may be difficult, understanding and applying the law to a particular situation can be quite difficult. This text is not intended to provide legal advice but rather to help the researcher locate authority by which he or she can draw his or her own legal conclusions.

To reach this goal, the book contains several helpful features. These include checklists, flowcharts, tables, and graphics. The text book also includes sample problems through which the researcher will see how to navigate the materials to find the law. Finally, the book includes resources for additional information.

The book contains two parts. In Part One, the researcher will find information about the design, resources, and techniques for researching particular types of law. For example, Chapter Two introduces the researcher to the organization of Colorado statutory law and which print and online resources contain the various forms of statutory publication. The researcher will learn about the organization of the current statutory code but also about historical codes and features of these publications which improve research. In Part Two, the researcher will find step-by-step examples with illustrations on how to research particular types of law. In Chapter Fourteen, for example, the researcher will see examples of how to use contextual tools to narrow a list of statutory code sections to the ones most relevant to the researcher's research question.

While the researcher can open to any chapter to learn how to research that area of law, the best approach for the novice legal researcher would be to read first Chapter One on the structure of Colorado government and the various types of authority. This chapter is foundational. It provides the groundwork for understanding how governments derive authority to issue law, and the other types of authority that help the researcher determine where to research and what to find. Beyond Chapter One, researchers will want to turn to chapters in Part One for concepts and resources and to Part Two for specific examples and guidance on research methods.

This book is not designed to provide a comprehensive listing of Colorado legal resources. It is a manual on how to use resources to find Colorado law. For such a comprehensive bibliography, I draw the reader's attention to a companion volume to this text, *Colorado Legal Resources: An Annotated Bibliography*, published by the William S. Hein Company.



While writing involves hours of solitary work, it is also a team sport. I want to thank my co-authors Peter Kersten and Nick Harrell for making this second edition particularly useful for researchers. These authors bring their experience from law practice, research assignments and classroom instruction to provide research solutions to common Colorado legal research questions. I also want to thank my students who used and commented on the first edition and the drafts of the second edition. I also want to thank Suzanne Rowe and Tenielle Fordyce-Ruff for their review of the manuscript. I especially would like to thank Steve Elder at the University of Colorado Law Library for his careful review and proofreading of the manuscript. Finally, I would be remiss not to thank my family for their continued support including especially my parents.

I hope researchers find this manual to be helpful guide for legal research. I encourage feedback and would welcome any of your suggestions.

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