Legal Research Guide:
Patterns and Practice
Legal Research Guide: Patterns and Practice

EIGHTH EDITION

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Carolina Academic Press
Durham, North Carolina
Contents

Table of Research Checklists xiii
Tribute to Professor Bonita K. Roberts xv
Preface xvii
Acknowledgments xix
About the Authors xxi

Chapter 1 · Introduction to Legal Research 3
A. Overview 3
B. Understanding the Basics 4
C. Legal Search Engines 8
D. Commercial or Fee-Based Sources 8
   [1] Lexis Advance and Westlaw Edge 8
   [2] Selected Other Fee-Based Sites 11
E. Free Websites 13
   [1] Selected General Websites 13
   [2] Selected Federal Government Sources 14
   [3] Selected State and Local Sources 15
   [4] Selected Law School Websites 16
F. Proper Citation Form 16
   Checklist for Formulating a Search 18

Chapter 2 · Case Law Research 19
A. Overview 19
   [1] Types of Authority 20
      [a] Primary Authority 20
      [b] Secondary Authority 21
  A Simplified View of the Federal and State Court Systems 23
B. Case Law Organization 25
  [1] Official and Unofficial Reports 25
  [2] The Organization of Reported Cases 26
    [a] Jurisdiction 26
    [b] Geography 27
    [c] Subject Matter 27
    [a] Slip Opinions 27
    [b] Advance Sheets 27
    [c] Bound Volumes 27
  [4] Subject Access 28
C. Case Law Location Methods 31
  Looking for a Case? 31
    [1] Name Method 32
      [a] Plaintiff’s Name 32
      [b] Defendant’s Name 35
      [c] Popular Name 36
      [a] Words and Phrases “Permanent Edition” 37
      [c] Black’s Law Dictionary 40
    [3] Descriptive Word Method 41
      [a] Print Version 41
      [b] Electronic Version 45
      [a] Print Version 46
      [b] Electronic Version 46
  Digest Checklist 47
    [a] Print Version 48
    Looking for an A.L.R. Annotation? 51
    [b] Electronic Version 55
  A.L.R. Checklist 56
D. Citations to Legal Sources 58
E. Additional Tips 59

Chapter 3 · United States Constitutional Law Research 63
  A. Overview of the Legislative System 63
# Chapter 4 · Federal Legislative Research

## A. Federal Law Organization

1. Official Sources
2. Unofficial Sources

## B. Federal Law Location Methods

1. Popular Name Method
2. Tables Method
3. Topic Method
4. Descriptive Word Method

## C. Finding and Updating a Federal Law

1. Print Version
2. Electronic Version
3. Internet Version

## D. Finding and Updating Interpretive Cases

1. Print Version
2. Electronic Version
3. Internet Version
4. Legislative Research Checklist

## E. Federal Legislative History

1. Official Sources
2. Unofficial Sources

## F. Legislative History Location Methods

1. Legislative History of Pending Federal Legislation
2. Looking for Federal Legislative History?
Chapter 5 · Federal Administrative Research 97

A. Administrative Law Organization 97
   [1] Official Sources 98
   [2] Unofficial Sources 99

B. Federal Rule and Regulation Location Methods 100
   Looking for a Federal Rule or Regulation? 100
      [a] Print Version 101
      [b] Electronic Version 102
      [c] Internet Version 102

C. Updating Federal Rules and Regulations 104
   [1] Print Version 104
   [3] Internet Version 104

D. Finding and Updating Interpretive Cases 104
   [1] Print Version 104
   [3] Internet Version 105

E. Additional Tips 107

Chapter 6 · State Constitutional Law Research 109

A. State Constitutional Organization 109

B. State Constitutional Law Location Methods 111
   [1] State Code Method 111
   [3] Historical Sources 112

   Looking for a State Constitutional Provision? 112

C. Finding and Updating a Constitutional Provision 114
   [1] Print Version 114
   [3] Internet Version 116

D. Finding and Updating Interpretive Cases 116
Chapter 7 · State Legislative Research

A. State Law Organization
   [1] Overview
   [2] Pattern of Publication

B. State Law Location Methods
   Looking for a State Statute?
   [1] Popular Name Method
   [3] Descriptive Word Method

C. Finding and Updating a State Statute
   [1] Print Version
   [3] Internet Version

D. Finding and Updating Interpretive Cases
   [1] Print Version
   [3] Internet Version

E. State Legislative History
   [1] Overview
   [2] Locating Legislative History

F. Municipal Legislation
      [a] Print Version
      [b] Electronic Version
      [c] Internet Version
      [a] Print Version
      [b] Electronic Version

Looking for a City Ordinance?
[4] Finding and Updating a City Ordinance
   [a] Print Version
   [b] Electronic Version
<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>[c] Electronic Version</td>
<td>139</td>
</tr>
<tr>
<td>[5] Finding and Updating Interpretive Cases</td>
<td>140</td>
</tr>
<tr>
<td>[a] Print Version</td>
<td>140</td>
</tr>
<tr>
<td>[b] Electronic Version</td>
<td>140</td>
</tr>
<tr>
<td>[c] Internet Version</td>
<td>140</td>
</tr>
<tr>
<td>Municipal Code Checklist</td>
<td>141</td>
</tr>
<tr>
<td>G. Additional Tips</td>
<td>142</td>
</tr>
<tr>
<td>Chapter 8 · State Administrative Research</td>
<td>143</td>
</tr>
<tr>
<td>A. Administrative Law Organization</td>
<td>143</td>
</tr>
<tr>
<td>[1] Official Sources</td>
<td>143</td>
</tr>
<tr>
<td>[2] Unofficial Sources</td>
<td>144</td>
</tr>
<tr>
<td>[a] Print Version</td>
<td>144</td>
</tr>
<tr>
<td>[b] Electronic Version</td>
<td>145</td>
</tr>
<tr>
<td>[c] Internet Version</td>
<td>145</td>
</tr>
<tr>
<td>B. State Rule and Regulation Location Methods</td>
<td>145</td>
</tr>
<tr>
<td>Looking for a State Rule or Regulation?</td>
<td>145</td>
</tr>
<tr>
<td>[1] Descriptive Word Method</td>
<td>146</td>
</tr>
<tr>
<td>C. Updating a State Rule</td>
<td>147</td>
</tr>
<tr>
<td>[1] Print Version</td>
<td>147</td>
</tr>
<tr>
<td>[3] Internet Version</td>
<td>147</td>
</tr>
<tr>
<td>D. Finding and Updating Interpretive Cases</td>
<td>147</td>
</tr>
<tr>
<td>[1] Print Version</td>
<td>147</td>
</tr>
<tr>
<td>[3] Internet Version</td>
<td>148</td>
</tr>
<tr>
<td>State Rules and Regulations Check List</td>
<td>148</td>
</tr>
<tr>
<td>E. Additional Tips</td>
<td>149</td>
</tr>
<tr>
<td>Chapter 9 · Secondary Source Research</td>
<td>151</td>
</tr>
<tr>
<td>A. Secondary Source Organization</td>
<td>151</td>
</tr>
<tr>
<td>Checklist for Using Secondary Authority</td>
<td>152</td>
</tr>
<tr>
<td>B. Hierarchy of Secondary Authority</td>
<td>153</td>
</tr>
<tr>
<td>[a] Description</td>
<td>153</td>
</tr>
<tr>
<td>[b] Purpose</td>
<td>154</td>
</tr>
<tr>
<td>[c] Use</td>
<td>154</td>
</tr>
<tr>
<td>[d] Location Method</td>
<td>154</td>
</tr>
<tr>
<td>Checklist for Attorney General Opinions</td>
<td>156</td>
</tr>
</tbody>
</table>
Contents

[2] Restatements 157
  [a] Description 157
  [b] Purpose 158
  [c] Use 158
  [d] Location Method 159

Checklist for the Restatements 160

[3] Law Review Articles 161
  [a] Description 161
  [b] Purpose 161
  [c] Use 161
  [d] Location Method 162

Checklist for Law Review Articles 163

  [a] Description 165
  [b] Purpose 166
  [c] Use 166
  [d] Location Method 166

Checklist for a Treatise 168

[5] Legal Encyclopedias 169
  [a] Description 169
  [b] Purpose 171
  [c] Use 172
  [d] Location Method 172

Encyclopedia Checklist 174

[6] Legal Dictionaries 175
  [a] Description 175
  [b] Purpose 176
  [c] Use 176
  [d] Location Method 176

Dictionary Checklist 178

[7] Form Books 179
  [a] Description 179
  [b] Purpose 180
  [c] Use 180
  [d] Location Method 181

Form Book Checklist 183

[8] Legal Directories 184
  [a] Description 184
  [b] Purpose 184
  [c] Use 185
# Table of Research Checklists

1. Checklist for Formulating a Search 18
2. Digest Checklist 47
3. A.L.R. Checklist 56
4. Constitutional Law Checklist 72
5. Legislative Research Checklist 87
6. Federal Legislative History Checklist 94
7. Federal Rules and Regulations Checklist 105
8. State Constitutional Checklist 119
9. State Statutory Checklist 130
10. Legislative History Checklist 135
11. Municipal Code Checklist 141
12. State Rules and Regulations Checklist 148
13. Checklist for Using Secondary Authority 152
14. Checklist for Attorney General Opinions 156
15. Checklist for the *Restatements* 160
16. Checklist for Law Review Articles 163
17. Checklist for a Treatise 168
18. Encyclopedia Checklist 174
19. Dictionary Checklist 178
20. Form Book Checklist 186
22. Checklist for Foreign Law 193
23. Checklist for Treaties 198
24. Checklist for International Custom 200
25. Checklist for General Principles 201
26. Checklist for Judicial Decisions 204
27. Checklist for Teachings of Publicists 205
Tribute to Professor
Bonita K. Roberts

Professor Roberts joined the St. Mary’s law faculty in 1981 and became the inaugural Director of the Legal Research and Writing Program. In that capacity, she developed a leading legal research program which taught students the skills and framework to effectively and efficiently find the law. She taught students how to effectively analyze and communicate the law in an opinion letter, memorandum of law, and appellate brief. She was passionate about teaching law students to use precise and concise language, as well as to write in plain English in the tradition of Richard Wydick. She also oversaw the 1L moot court competition and the annual best brief awards—two activities which have provided valuable learning experiences and well-deserved recognition for generations of law students.

In 1986, Bonnie Roberts and Linda Schlueter published the first edition of Legal Research Guide: Patterns and Practice. It was with the same conviction that Professor Roberts dedicated herself to explaining how there was a pattern to research that would lead to confidence in finding the law. Over the years as technology developed, she enthusiastically embraced new approaches and taught students the best way to find the law, whether in hardcopy or electronic form. This book demonstrated that approach in succeeding editions with guidance on the use of electronic and Internet research.

Over the last thirty-seven years, Prof. Roberts’ commitment to teaching legal research is unsurpassed. Over 3,500 students have benefited from her knowledge and experience. Many of those former students still remember her classes for being engaging, tough, and extremely practical. She has graciously given of her time to mentor students both in law school and as they began law
practice. Further, she has been a valued inspiration and friend to her academic colleagues, who rely on her for guidance, wisdom, and wit.

It has been an honor and privilege to call her a colleague and friend. We are grateful for her contributions to this project for seven editions. And so, it is with heartfelt thanks that we recognize and acknowledge all that she has done. She has been a shining example of a dedicated law professor, a consummate attorney, and a passionate legal researcher.

Linda Schlueter and Zoe Niesel
February 2019
Preface

The purpose of this book is to provide law students, attorneys, and others doing legal research a simple step-by-step guide to the basic hard copy research processes. The book is not designed as a textbook to give an in-depth explanation of the law and its sources. Rather, this guide should be used when the research processes are unfamiliar to the researcher either through inexperience or insecurity.

To underscore the common patterns in print form legal research, as well as to simplify comprehension of each research process, checklists appear throughout the text and are separately indexed to allow the reader instant access to particular procedures. Specific problems illustrate each process, enabling the reader to relate better to each step or to follow the process through by using the problem for actual research. Because legal issues are rarely so straightforward as to involve only one research process, some sample problems are used in more than one chapter to demonstrate the interrelationships between research procedures. An appendix provides additional practice problems, accompanied by a brief outline of the research sources.

Although the databases for computer assisted legal research have expanded dramatically since publication of the third edition, unlimited access to material online may not be affordable or available to all researchers. Consequently, many day-to-day research tasks are still more efficiently completed by traditional research methods. The focus of this book, therefore, remains the efficient use of the manual research processes. In this edition, however, there are sections on print, electronic, and Internet versions. The electronic version focuses primarily on Lexis Advance and Westlaw Edge. The Internet version is limited to Internet sites that we consider to be reliable and stable addresses that are not likely to change.
Acknowledgments

We want to express our thanks to the following individuals who provided the inspiration for this manuscript: Professor David A. Schlueter, for his constant encouragement and support of this project, and Professor Richard Wydick, for his inspiration to say it in simple English.
About the Authors

**Linda L. Schlueter** is the founder, president, and attorney for Trinity Legal Center, a nonprofit foundation. She has over forty-eight years of legal research and writing experience including being a Professor of Law teaching legal research and writing for eleven years at St. Mary’s University School of Law. She is a recognized expert on punitive damages and has authored a two-volume national treatise, *Punitive Damages* (LexisNexis 7th ed. 2015), which is cited by the United States Supreme Court and other federal and state courts and commentators. Attorney Schlueter is the author of other law journal articles and publications. From 1990–2005, she served as the Editor for a 20-volume international treatise entitled *Modern Legal Systems Cyclopedia*. She has written numerous amicus briefs to the United States Supreme Court and has testified before legislative bodies in the United States and foreign countries. Attorney Schlueter received her Bachelor of Arts degree from the University of Southern California and her Juris Doctor from Baylor Law School. She is a member of the Order of Barristers for her outstanding advocacy skills.

**Zoe Niesel** is an Assistant Professor of Law and Director of the Law Success Program at St. Mary’s University School of Law. She focuses her time preparing St. Mary’s students for the rigors of law school and the bar exam. Additionally, she is a published scholar in the fields of civil procedure and complex litigation. Prior to joining the faculty at St. Mary’s, Professor Niesel taught at Wake Forest University School of Law as a Visiting Assistant Professor. In addition to her experience in academia, Professor Niesel spent time in private practice and as a federal law clerk. Professor Niesel received her Bachelor of Arts degree from Southern Methodist University and her law degree from Wake Forest University School of Law.