

Georgia Legal Research

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Georgia Legal Research

Second Edition

Margaret (Meg) Butler
Thomas (TJ) Striepe

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



CAROLINA ACADEMIC PRESS

Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Names: Butler, Margaret (Meg), 1973-author. | Striepe, Thomas, author.

Title: Georgia legal research / by Margaret Butler, Thomas Striepe.

Description: Second edition. | Durham, North Carolina : Carolina Academic Press, LLC, [2022] | Series: Legal research series | Includes bibliographical references and index.

Identifiers: LCCN 2022012045 (print) | LCCN 2022012046 (ebook) | ISBN 9781531020026 (paperback) | ISBN 9781531020033 (ebook)

Subjects: LCSH: Legal research—Georgia.

Classification: LCC KFG75 .J64 2022 (print) | LCC KFG75 (ebook) | DDC 340.072/0758—dc23/eng/20220525

LC record available at <https://lcn.loc.gov/2022012045>

LC ebook record available at <https://lcn.loc.gov/2022012046>

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
(919) 489-7486
www.cap-press.com

Printed in the United States of America.

*For my father,
a truly A-1 guy, and for my beloved and loving children.
My thanks for your encouragement and support.*

*To my wife, Jen,
who has been supportive throughout my career,
my children Jude and Arly,
who continually make me laugh,
and my parents, who have always been there.*

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Acknowledgments

Many thanks to Pamela C. Brannon, Faculty Services Coordinator at Georgia State University College of Law Library, for her enthusiasm for administrative law, accuracy, and her generous research assistance. Some day I, too, may have a favorite rule in *The Bluebook*. I appreciate the support of my colleagues who offered me encouragement and answered questions as I considered the topics of the manuscript. Thanks also to student assistant Hannah Kim and graduate research assistant Meri Elkin for their gracious assistance. Thanks to Annabel Wrightsman for her years of friendship and encouragement toward editorial excellence.

Thanks to all of my current and former colleagues at the University of Georgia Law Library for making me a better librarian and research instructor; and for their helpful advice in writing this book. A special thanks to Mikhael F. Thomson who assisted in researching various topics in this second edition.

Preface

We are very happy to share the second edition of *Georgia Legal Research* with you. The first edition authors, Nancy P. Johnson, Elizabeth G. Adelman, and Nancy J. Adams, set a high standard for process-oriented research training focused on Georgia law. We hope we have continued in their footsteps with this second edition.

This book may be used in a variety of ways. Because the book focuses on Georgia while also including federal context, it would be useful as a textbook in a general legal research course or even a Georgia-specific legal research course. A person engaging in independent, personal, or other academic legal research would find it helpful, as it contextualizes the Georgia and federal legal systems, the sources of law produced by those systems, and recommends processes for successful research.

In general, we believe that research is most successful under the following circumstances:

- 1) Research is undertaken with an understanding of the weight and authority of the sources of law;
- 2) Research is planned and organized; and
- 3) Research is validated and evaluated.

When researching in a new area, we recommend that researchers begin with secondary sources, as described in Chapter 4, then consider statutory law, if it exists, as described in Chapter 5. If the area of law is not governed by statute, we recommend turning from secondary sources to judicial opinions, as described in Chapters 6 & 7. Georgia and federal legal issues may require research in administrative law, such as when an agency has been charged with governing an area of law and has created regulations or enforces

regulations. Such research, including the Georgia-specific complications and considerations, is described in Chapter 8. Researchers should remember to expand their research and validate their findings using citators, as described in Chapter 11, before calling a project complete.

We included chapters on additional topics including constitutions (Chapter 9), legislative history (Chapter 10), legal ethics (Chapter 12), and dockets and analytics (Chapter 13) because we thought they were important. These chapters may be included in a basic legal research course, or consulted as reference by someone who has a specific research question in mind and would benefit from any of those specific topics.

Constitutions are foundational, but research often does not begin with constitutions, as true constitutional issues are rare when compared with the frequency of legal issues arising from statutes, cases, and administrative law. Legislative history is important to research, but it is not necessary for every research project. Scholars may consult legislative history when making arguments about the interpretation of the law, and attorneys and judges may rely on legislative history when the language of a statute is not clear on its face. We included coverage of legal ethics due to their importance for attorneys and others, with descriptions of sources specific for both attorneys and judges in Georgia. In the practice of law, dockets are important, and legal analytics is increasingly important. Our final chapter provides context for students about the importance of dockets and how they are used, as well as a brief introduction to legal analytics.

We also included three appendices that we thought would be helpful. The first, Appendix A, describes in some detail legal citation as it typically appears in Georgia. Although the earlier chapters include descriptions of citation format, the Appendix gathers the information for a variety of sources in one location. Appendix B is a selected bibliography of resources that a person who wants to know more about the content of any of the chapters may wish to consult. Appendix C may be useful for those who just want to know quickly what Georgia-specific secondary sources may be useful in particular legal areas.

In this edition, we focused less on the use of the web and more tightly on the use of specific legal research tools available in print and online. At the time of publication, members of the Georgia Bar Association receive access

to Fastcase as a benefit of membership. Georgia's Virtual Library, GALILEO, provides access to a variety of online resources, including Westlaw Campus Research, which may be helpful for legal researchers as well. It is worth contacting a local Georgia library to find out what resources may be available to you as you research. Additionally, many county courts in Georgia have law libraries researchers may visit. The metro Atlanta area counties offer online research tools for those who are able to come to the library in person.

We worked together to create this manuscript and consulted the first edition from time to time as we drafted this edition. Meg took the lead on Chapters 1, 3, 7, 8, 11, 12, and 13, while TJ took the lead on chapters 2, 4, 5, 6, 9, and 10. We drew heavily on the appendices of the first edition, particularly Appendix B. This shared endeavor has taken longer than we expected—thanks to an unexpected Spring 2020 semester—and we have supported each other well in this process.

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, and laypeople 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.

