

Texas Legal Research

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LEGAL RESEARCH SERIES

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Second Edition

Spencer L. Simons

Suzanne E. Rowe, Series Editor



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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 and Acknowledgments

The primary audience for *Texas Legal Research* is law students in first-year legal research and writing programs or in advanced legal research classes where the specifics of Texas legal research are studied. The book is also useful to lawyers, paralegals, college students, laypersons, and anybody needing a handbook on how to find and use Texas legal resources.

In the four years since the publication of *Texas Legal Research, Revised Printing*, changes have accumulated in resources cited in the text and the locations at which they can be found. This second edition of *Texas Legal Research* includes updates regarding the Texas codification project and updated information about online legal information sources. All citations to online and print resources have been brought up to date. The text uses citation rules under the thirteenth edition of *The Greenbook: Texas Rules of Form*, the twentieth edition of *The Bluebook: A Uniform System of Citation*, and the fifth edition of the *ALWD Guide to Legal Citation* and discusses citation rule changes of greatest relevance.

This second edition also contains significant changes in organization and an entirely new chapter. Chapter 2 has been renamed from “Online Research” to “Research Techniques” and substantially rewritten to give a broader view of basic research principles and their application in the legal process chapters. In other chapters, selective reorganization and changes or increases in depth of discussion have been introduced where greater clarity or completeness would result. The sequence of chapters dealing with the various types of legal authority has been changed to align with the sequence of the seven-step research process introduced in Chapter 1. Secondary resources are now discussed in Chapter 3, before the chapters dealing with primary law. The chapters dealing with court systems and judicial opinions (Chapter 8) and searching for cases (Chapter 9) now follow the chapters on constitutional law (Chapter 4), statutory law (Chapter 5), bill tracking and legislative history (Chapter 6), and administrative

law (Chapter 7). The second edition also contains an entirely new chapter on local government law research (Chapter 10), responding to suggestions from readers of the earlier edition and reflecting the importance of the law of counties, municipalities, and special districts to the public and practicing lawyers.

In addition to writing *Texas Legal Research*, I am also a co-author of *Federal Legal Research*, now in its second edition. Readers of both texts might notice that parts of *Texas Legal Research, Second Edition* draw from *Federal Legal Research, Second Edition*, where content applies to both federal and Texas legal research.

This book serves a dual purpose. It is first of all an instructional text. Law students must develop an understanding of the relationships of legal authority to the legal system, legal analysis, and the practice of law. Students must also master the practical skills of finding relevant authority. Most law students are preparing for a career in which most of their research will be conducted in the law of their state. This book uses Texas legal resources to introduce basic concepts of legal analysis and practice, teach the skills of legal research, and acquaint student with the particular legal authority found in Texas. Corresponding federal resources are discussed for each type of legal authority. Research in the law of other states is discussed as needed to provide context or where Texas practice differs from the general practice in other states.

The book may also be used as a field guide to Texas legal resources. Experienced researchers will find the book a useful reference for questions about the availability of particular types of authority in Texas and how to find them.

The book explores online legal research skills early, recognizing that students typically use online tools from the beginning of their studies. Since the researcher must understand print legal resources to research effectively either in print or online, the book first explains how to research each type of authority in print. Researching that type of authority online is then discussed. The book discusses the strengths and weaknesses of each format and suggests the more useful format for research in particular types of authority.

Texas Legal Research draws on the model developed by earlier books in the state legal research series, particularly *Oregon Legal Research*, and portions of that work are used with permission. The series is based on the insight of series editor Suzanne E. Rowe, director of the legal writing program at the University of Oregon School of Law, that law students can best learn legal research from a concise study of research in the law of their state. I want to thank Suzanne Rowe for the opportunity to write this book and for her invaluable advice and skillful editing. My associate Mon Yin Lung provided thoughtful com-

mentary on several of the more challenging issues. Thanks are also due to James Hambleton, retired Professor of Law at Texas A&M, for tips on the arcane subject of Texas writ and petition history. This book benefitted greatly from the counsel and support of these persons. Any errors or omissions are mine alone.

Spencer L. Simons

March 1, 2016

