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Research Guide : Selected Elements of Basic Legal Research

Introduction

The law is exceedingly well indexed and suited for research, but the process can be daunting for those attempting to research a point of law for the first time. This guide attempts to familiarize the new researcher with basic resources useful in legal research. It is divided into the following components: vocabulary, types of resources, reading a case citation, locating legal periodicals, and Internet resources. For more detail on locating cases or statutes, use the Federal Case Law Research Guide or the Federal Statutory Research Guide. This guide is not a substitute for a class on legal research. It is provided as an aid or starting point for persons unfamiliar with legal research. **Reference librarians cannot do research for a patron nor can they provide legal advice, which includes interpreting the law or explaining how the law would apply to a particular situation.**

Vocabulary

The following is a selection of words commonly used in legal research. The list is by no means exhaustive. To the extent unfamiliar terms are encountered try *Black's Law Dictionary* (8th ed. 2004) [assorted dictionary stands throughout the library].

Annotated Code: A version of a code (a compilation of laws) containing the language of the law and references to law review articles, other relevant regulations or statutes, and summaries of cases discussing and interpreting the particular code section. Annotations are provided by the editors and are not a part of the official language of the code. *United States Code Annotated* is an annotated version of the official *U.S. Code*.

Case: A dispute between two or more parties. It also refers to an opinion issued by a court and its ruling on a particular set of facts and legal issues.

Citation: The reference that identifies a particular case, article, book, statute or other resource. **Cite:** Short for citation.

Code: A compilation of laws arranged by subject matter.

Opinion: The reasons given for a court's judgment, finding or conclusion. Opinions may be published or unpublished. Published opinions are generally available through the reporter system. Unpublished opinions may be available only from the court.

Official Code/Reporter: Cases regulations and statutes may be published both electronically and in print. Official publications are specifically authorized by statute or other governmental act. Unofficial publications are those that lack official sanction, but may include additional research tools useful to the user.

Pocket part: Pamphlets inserted into a pocket generally located in the back of a book that update the information in the book itself. They are most often found in statutory codes, digests and encyclopedias. It is absolutely essential that the pocket part be checked if using a volume that has one. The pocket parts in digests provide additional information and in codes will indicate if the code section has been amended or repealed since the main volume was published.

Reporter: Court opinions from a particular court or group of courts are published in books referred to as reporters. Reporters may be official or unofficial.

Slip opinion: The first stage of publication for judicial opinions. Usually, the decision from a case is first issued by the court as a pamphlet containing the court's opinion along with any dissenting and concurring opinions. These lack enhancements such as head notes and final official or unofficial citations. Slip opinions will be reprinted in advance sheets when enough exist to make up an issue and ultimately cumulated into the final bound volumes of a reporter.

Basic Resources

The following general resources provide a starting point for a legal research problem:

Legal Encyclopedia

Legal encyclopedias are like any other encyclopedia except their focus is on legal matters. Entries are arranged alphabetically by subject and are usually neutral in tone. They include citations to cases and other materials relevant to a particular issue. The two most popular general legal encyclopedias are *American Jurisprudence*, 2d ("Am. Jur.") [Ref: KF2382d] and *Corpus Juris Secundum* ("C.J.S.") [Ref: KF132 .C67]. In addition, there are numerous state and specific legal encyclopedias. Legal encyclopedias are not generally cited as the ultimate source for a legal proposition; rather their best use is as a starting point for research.

American Law Reports (A.L.R.)

Like encyclopedia entries, *American Law Reports* (A.L.R.) annotations provide a neutral and in depth analysis of the law. A.L.R. annotations tend to discuss narrow legal topics in great detail. The entries tend to be fact-specific and often focus on rapidly developing or controversial areas of law. A.L.R. features commentary and discussion of reported cases on a particular subject.

Law Review and Journal Articles

Law reviews are scholarly publications edited by law students in conjunction with faculty members. They contain articles and essays by professors and lawyers as well as comments, notes or developments in the law written by students. Law reviews may be dedicated to a particular topic or may publish the proceedings of a wide range of panels and symposia on current and developing issues. The value of law review or journal articles lies in the depth of critique and analysis of a specific topic and the extent of its references to other sources. [See Locating Journal Articles below]

Treatises and Loose-leaf Services

Treatises, or books, are explanations or discussion of points of law on a particular subject. Legal treatises range from multivolume, specialized texts to short single-volume works on specific issues. Different kinds of treatises have different purposes. Hornbooks, written primarily for law students, provide a detailed treatment of a particular subject area and generally contain summaries of landmark cases and other useful details. Other treatises serve as practitioners' tools. They address realistic legal problems and often contain forms. Loose-leaf services are frequently updated tools specializing in a discrete area of law. Loose-leaf services often contain primary legal sources, finding aids, and secondary source material making them an invaluable resource for the topic they address.

Reading a Case Citation:

A case citation tells where a full copy of the court's legal opinion in a case may be located. A complete citation includes the names of the parties in the case, the volume number of the court reporter, the court reporter abbreviation, the page number of the reporter where the case begins, and the year the case was decided.

Roe v. Wade, 410 U.S. 113 (1973).

Case Name – Roe v. Wade

At the trial level the first name in a case citation refers to the plaintiff and the second to the defendant. If the case is at the appellate level, it may be reversed depending upon which party is bringing the appeal. For example, in *Roe v. Wade* at the trial level Roe is the plaintiff. If Wade loses at the trial level and appeals, the case name at the appellate level would be *Wade v. Roe*.

Volume Number and Case Reporter– 410 U.S.

410 is the number of the particular volume of the relevant case reporter in which the opinion is located. It is important to note that the volume number must be read in conjunction with the case reporter as there are a number of different reporters. Decisions of the United States Supreme Court are available in three separate reporters, U.S. (the United States Reports), S. Ct. (the Supreme Court Reporter), and L. Ed. (United States Supreme Court Reports Lawyer's Edition). Each reporter will have the case in question, but the volume numbers will vary depending upon the reporter used.

Page Number and Year —113 (1973)

The number following the reporter abbreviation is the first page of the case. Reporter volumes typically contain numerous different cases. The year the case was decided is the final element of a case citation.

Locating Journal Articles

The library's collection of law reviews and legal periodicals is located in the basement. They are arranged in alphabetical order by title. The significant legal periodical indices are detailed below. Unless otherwise indicated, they are also located in the basement of the library.

LegalTrac (1980–Present) *LegalTrac* is a web-based database, available at the library's online catalog. It is also available as the Legal Resource Index on LexisNexis and Westlaw. *LegalTrac* indexes all the significant law reviews, legal newspapers, specialty law publications, bar association journals, and thousands of law-related articles from non-legal specific publications in the United States, Canada, the United Kingdom, Australia, and other major English speaking countries. Coverage dates from 1980 forward for most periodicals indexed. It is updated monthly.

Index to Legal Periodicals (Online) (1981-Present) ILP Online is a web-based database that parallels *LegalTrac* in many respects. Its print base is the *Index to Legal Periodicals*. ILP Online covers all areas of jurisprudence, including recent court decisions, legislation, and scholarship.

Current Law Index (1980 – Present) The *Current Law Index's* coverage is identical to that of *LegalTrac* except the *Current Law Index* does not index legal newspapers and some newsletters that are indexed by *LegalTrac*. It is published twelve times a year. The March, June and September issues are quarterly cumulative and the twelfth issue of the year is a cumulative edition of the entire year.

Index to Legal Periodicals & Books This index includes many of the leading as well as some lesser articles published prior to 1898. Articles are indexed by subject and author.

Index to Periodical Articles Related to Law (1958-Present) This publication indexes periodicals not covered in other major indices, including social science, business and technical journals as well as popular magazines.

Current Index to Legal Periodicals This index lists newly issued articles by subject matter and prints the tables of contents of new issues. C.I.L.P. covers over 300 periodicals and is issued weekly. It is also available on Westlaw ("CILP" database).

Shepard's Federal Law Citations in Selected Law Reviews [KF 105.2 .S44] This publication includes citations taken from law review articles to decision federal courts, provisions of the United States Constitution, U.S. Code, federal court rules and the Code of Federal Regulations. Coverage begins for law reviews published in the 1972-1973 academic year.

LexisNexis and Westlaw Both LexisNexis and Westlaw provide comprehensive databases for locating legal periodicals. Westlaw also provides access to the *Insurance Periodical Index* ("IPI"). The *Insurance Periodicals Index* cites articles from more than 35 periodicals published in the United States and Canada in the fields of insurance and employee benefits.

Hein Online This product is a historical database providing full text searching and pdf format. Coverage includes a variety of law journals, the federal register, treaties, Supreme Court opinions and Opinions of the Attorney General.

Legal Research and the Internet:

The Internet is a valuable research tool. The following are available at no cost to the public. Please note there are other fee-based databases available to the faculty and students.

Findlaw.com [<http://www.findlaw.com>]: Legal web site for law and government information. The site provides access to state and federal primary legal material as well as legal materials from other countries.

LexisOne [<http://lexisone.com>]: A scaled down version of the fee-based LexisNexis research service.

Internet Legal Research Guide [<http://www.ilrg.com>]: Index of more than 4000 websites with an emphasis on United States material; however, it provides access to an extensive collection of legal material from other countries.

Legal Information Institute [<http://www.law.cornell.edu>]: An extensive collection of legal material, including Supreme Court decisions, U.S. Code, U.S. Constitution, Federal Rules of Evidence and Civil Procedure.

JURIST [<http://jurist.law.pitt.edu>]: Source for legal news, commentary, legal scholarship and law school information from the United States and around the world.

WasLawWeb [<http://washlaw.edu>]: Large and diverse collection of web links to legal material. The information is arranged by jurisdiction and topic.

LLRX.com [<http://www.llrx.com>]: A free web journal that provides information about legal information on the Internet. LLRX researchers study legal information sites and publish articles about what they find.