

**A RESEARCH
GUIDE FOR
LAW STUDENTS
AND
NEW ATTORNEYS**

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**GABRIEL AND MATILDA BARNETT
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PREFACE

This guide, divided into eight parts, provides an overview of legal research methodology and describes various sources useful for researching legal issues.

- Part 1 provides a suggested legal research methodology to research problems you are likely to encounter in your legal career, starting with preliminary analysis and concluding with updating your authorities. While legal research often follows the same basic process regardless of the legal issues, you will want to develop a method that works best for you.
- Part 2 focuses on legal secondary sources as generally the first place to begin your legal research. Various sources and finding tools to assist in the location and use of these sources are listed.
- Part 3 begins with a brief explanation of mandatory versus persuasive authorities. Case law research is reviewed, including the judicial system, how and where to find published opinions, and the publication rules.
- Part 4 discusses statutory research, including federal, California, and local legislation. This part reviews the two types of court rules (general and local), and the sources that have compiled such rules.
- Part 5 focuses on legislative history searching. The various types of legislative history documents are reviewed, as well as how and where to find them.
- Part 6 provides a brief overview of administrative law and identifies the sources of both federal and California regulations.
- Part 7 lists a variety of other legal research guides you may wish to consult for additional research sources, strategies, and specialization.
- Part 8 lists major websites containing basic legal information, sources, and authorities that allow free research. Legal portals, as access points to other websites, are also listed.

When starting at a new workplace, be sure to familiarize yourself with its library collection, including the online resources available to you. Ask your librarian, if the workplace has one, for an overview of the library's collection. Also, find out what limits may exist regarding using fee-based resources such as LexisNexis and Westlaw.

LEGAL RESEARCH METHODOLOGY

I. Introduction

The following is a suggested methodology for analyzing and researching any legal issue. In addition, you may want to consult the general legal research guides listed on pages 20-21.

II. Preliminary Analysis

- A. Gather and analyze the facts.
- B. Identify and arrange the legal issues in a logical order.
- C. Prioritize your work so that you research the most crucial or threshold issues first.

III. Start with Secondary Sources

- A. For most legal research problems, it is best to start with a secondary source before going to the primary authorities.
- B. Objectives:
 - 1. To obtain background information.
 - 2. To learn terms of art and to focus your research. In some instances, you can miss finding relevant authorities if you fail to use specialized terms or terms of art in your research. This is especially true with online research.
 - 3. To learn black letter law, including basic statutory and case law.
 - 4. To obtain citations to relevant primary authorities.
 - 5. To avoid overlooking pertinent issues or authorities.
- C. Sources: Treatises, the Witkin titles, legal encyclopedias (AmJur, CalJur), ALRs, Restatements, CEB materials, Rutter Group materials, nutshells, hornbooks, looseleaf services, and law journal articles. Many secondary sources are now available online and in print.

IV. Locate Existing Primary Authorities

- A. Primary authorities generally include court decisions, statutes, regulations, municipal ordinances, and court rules. They are either mandatory/binding or persuasive in terms of their authoritativeness and effect. It is important to know and understand which authorities are mandatory for your research question and which are merely persuasive.

B. Sources for finding primary authority:

1. Digests: find case law using topics and key numbers.
2. Statutory Codes: always try to use the annotated versions of statutory codes, since they often contain cites to related cases, regulations, and/or secondary sources.
3. Regulations: can be found through (1) indexes to regulatory codes, (2) tables of statutory authorities, or (3) references obtained from annotated statutory codes.
4. Secondary Sources (see pages 5-8)

C. Print or Online?

1. Before you begin with primary sources, you should consider whether you wish to start with print or online resources. If going online, you should formulate search statements before logging on (see Appendix 1 for search methods).
2. Think about taking advantage of any free legal web sites that relate to your topic, as opposed to LexisNexis or Westlaw, which are often charged to a client.

V. Update Your Research

A. Objectives:

1. To ensure the validity of the primary authorities you have located.
2. To identify new developments or new authority.

B. Sources: pocket parts, supplements, Shepards, and KeyCite

VI. Tips to Remember for Legal Research

A. Prioritize your work.

B. Research discrete questions separately.

C. Never assume the absence of relevant statutes or regulations. Case law is not the end all and be all of legal research.

D. Be flexible and creative with respect to your search terms when searching indexes and digests. When searching online, use synonyms, try both Natural Language and Terms & Connectors search methods, and use field/segment restrictions when appropriate.

- E.** Always read the primary authorities yourself - do NOT rely exclusively on secondary source descriptions.
- F.** Always try to find mandatory authority if it exists.
- G.** Always be sure to update your research.
- H.** Feel comfortable asking questions of the person who gave you the legal research problem or of others who might be able to help you. Always consider the librarian as a resource to consult for assistance, guidance, and suggestions.

SECONDARY SOURCES

I. Introduction

As noted in Part 1, Legal Research Methodology, it is often a good idea to begin legal research with secondary sources, especially in an unfamiliar area of law. There are a variety of types of secondary sources (see Appendix 2 for a chart of the major sources available on LexisNexis and Westlaw). The best place to begin to find secondary sources in your library is the library's catalog. Below is a list of the major types of secondary resources and some common titles.

II. Legal Encyclopedias

Legal encyclopedias summarize the law and set forth legal propositions, but without detailed analysis. They do, however, contain cross references and citations to primary authorities.

A. National Encyclopedias

1. *American Jurisprudence 2d (Am. Jur.)*
2. *Corpus Juris Secundum*

B. California Encyclopedia

1. *California Jurisprudence (Cal Jur)*

III. Treatises

The *Witkin* treatises series is very popular among California attorneys. These treatises contain very good general introductions to California law on many topics and discuss relevant statutes and cases. The series includes *Summary of California Law*, *California Procedure*, *California Evidence*, and *California Criminal Law*.

IV. Legal Periodicals

Good sources for analysis of legal issues and discussions of legal trends and developments include law reviews, bar association publications, commercial journals, legal magazines, newspapers, and newsletters. To find periodicals, you can use a full text database or a periodical index. Indexes are available in different formats, including print, CD-ROM, and online.

A. Periodical Indexes

1. *Index to Legal Periodicals*
2. *Current Law Index* (also known as *LegalTrac*)

B. Full Text Databases

1. *Westlaw or LexisNexis*
2. *HeinOnline*

V. American Law Reports

A.L.R. is a resource of representative cases on select issues, accompanied by an annotated article that summarizes related cases from different jurisdictions throughout the United States. Finding one good annotation in the *A.L.R.* is often an expedient way to start case law research. However, because its annotated topics are narrowly defined, it does not lend itself as well as an encyclopedia to general introductory research.

VI. Restatements of the Law

The *Restatements of the Law*, though not primary law, are highly respected and widely accepted as secondary sources that are often cited by the courts. They contain clear statements of the law, useful illustrations, case annotations, and references to other sources as well. Each restatement set covers a major area of law, such as *Restatement of the Law, Contracts* or *Restatement of the Law, Torts*.

VII. Martindale-Hubbell Law Directory

Directories provide locational and other important contact and statistical information about attorneys, firms, courts, judges, government agencies, legislators and associations. The *Martindale-Hubbell Law Directory* is the most popular and widely used directory, and it is available in print, on LexisNexis, and at www.martindale.com. Additionally, its *International Law Directory* contains information on attorneys and law firms outside of the United States.

Another lesser known, but potentially useful component of this directory set is the *Law Digests*. This multi-volume set contains a topical survey of law for each state and the *International Law Digests* survey the laws of other countries. These can be a great research starting point because it provides a brief summary of the major laws with citations to statutes and codes.

VIII. Practice Guides and Form Books

A. Generally

1. Practice books are fairly up-to-date sources written for the main purpose of helping attorneys practice law. They act as instruction guides and include discussion of substantive law. Practice books can be national in scope or state specific.
2. Form books are used by attorneys to aid in drafting legal documents. They contain sample or model documents for transactional or litigation matters (forms used for litigation are often referred to as “pleading and practice forms”). Form books can be useful starting points only. But case-specific facts, law, and analysis should determine what language should be used when drafting a document. Form books can be general, jurisdiction-specific, and/or subject specific.

B. Popular Practice Guides and Form Books Titles

1. *California Continuing Education of the Bar (C.E.B.) Practice Guides*
2. *Rutter Group California Practice Guide Series*
3. *Rutter Group Federal Practice Guide Series*
4. *California Forms of Pleading and Practice Annotated* is published by Matthew Bender. It is organized by topics and includes brief summaries of applicable law, cross references to other sources, and checklists.

IX. Looseleaf Services

A. “Looseleaf service” is a phrase used to describe a specific type of secondary source, characterized by timely and consolidated information. These sources often contain primary law, secondary source material (including analysis and commentary), and a “current awareness” section devoted to recent changes in the law, proposed legislation and regulations, and other news.

B. Looseleafs are generally more useful for federal law research. They can be found in print and through online subscriptions.

1. The print versions can be challenging to use. It is advised, that you take advantage of the following features to help in navigation: Instructions or How to Use section, Indexes, and Finding Lists.
2. Many looseleafs’ indexes and finding lists general refer the user to paragraph number instead of page numbers.

C. Two Major Publishers:

1. Commerce Clearing House (CCH)

Examples: *Copyright Law Reporter* and *Federal Securities Liability Reporter*

2. Bureau of National Affairs (BNA)

Examples: *United States Law Week* and *Labor Relations Reporter*

X. Pattern Jury Instructions

A. Generally

- 1.** Pattern jury instructions are sample instructions that provide guidance to attorneys and judges who need to draft such instructions for their cases at trial. Because they explain the law to individuals who typically do not have a legal background, attorneys sometimes find them useful in explaining the law to their own clients.
- 2.** Each set of pattern jury instructions is designed for a particular jurisdiction.
- 3.** Such instructions are considered secondary sources because they are not issued by a governing institution as the “law,” but rather as an explanation of the law for the jury.

B. California-Specific Pattern Jury Instructions

- 1.** The *California Civil Jury Instructions (CACI)* and the *California Criminal Jury Instructions (CALCRIM)* are pattern jury instructions adopted by the Judicial Council of California. The California Rules of Court strongly encourages the use of these “official” instructions.
- 2.** Prior to the adoption of the *CACI* and *CALCRIM*, the standard instructions were the *Book of Approved Jury Instructions - Civil (BAJI)*, and the *California Jury Instructions - Criminal (CALJIC)*.

CASE LAW RESEARCH

I. Mandatory/Binding Authority vs. Persuasive Authority

Primary sources of law are either mandatory/binding or persuasive authority in a given legal situation. Mandatory/binding authority is that which must be followed by the court in a given jurisdiction; persuasive authority is that which can but need not be followed and which operates more as a form of guidance for the court. For example, the constitution, statutes, and decisions of the highest court in a jurisdiction are binding upon and mandatory authorities for courts within that same jurisdiction. A source which is mandatory in one jurisdiction may be merely persuasive in another. When performing legal research, your goal is to locate mandatory/binding authority whenever possible.

II. Case Law Research

A. Federal Courts (see Appendix 3 for illustration)

1. The federal judiciary is made up of the U.S. Supreme Court, the intermediate U.S. Court of Appeals, and the trial level U.S. District Courts.
2. In California, there are four District Courts consisting of the Northern, Eastern, Central, and Southern Districts. Los Angeles is in the Central District.

B. California Court (see Appendix 4 for illustration)

1. The California courts system is made up of the California Supreme Court, the intermediate Courts of Appeals, the Appellate Division of the Superior Court, and the trial level Superior Courts.
2. Los Angeles is in the 2nd District, California Court of Appeal.

III. Finding Published Opinions

A. Availability

1. In most states, including California, *trial level cases* are not published and are therefore not available in case reporters. In general, they have to be obtained from case files at the court itself. At the federal level, a very small percentage of trial level cases are published.
2. Both at the federal level and in California, only a small percentage of *appellate cases* are published. Generally, an intermediate level appellate court opinion must change or clarify the law, or otherwise be significant in some meaningful fashion, in order to get published.

3. All federal and California *supreme court cases* are published and available in case reporters.

B. Case Reporters

1. Case reporters contain published cases in roughly a chronological arrangement. Official case reporters are those published or endorsed by the state itself. For some courts, such as the lower federal courts, there has never been a true official case reporter. Many of the reporters published by West have been endorse as “official” by states that no longer publish their own reporter.
2. Advance sheets are paperback or pamphlet versions of the case reporters and contain the most recent opinions that will be eventually bound.

IV. Federal Case Reporters - the following is a list of where various courts’ decisions are published and their publishers:

A. U.S. Supreme Court

- *United States Reports* (abbreviated as U.S.) (official)
- *Supreme Court Reporter* (abbreviated as S. Ct.) (West)
- *United States Supreme Court Reports, Lawyers’ Edition* (1st and 2d series; abbreviated as L. Ed. and L. Ed. 2d) (LexisNexis)

B. U.S. Court of Appeals

- *Federal Reporter* (1st, 2d, and 3d series; abbreviated as F., F.2d and F.3d) (West)

C. U.S. District Court of Appeals

- *Federal Supplement* (1st and 2d series; abbreviated as F. Supp. and F. Supp.2d) (West)
- *Federal Rules Decisions* (abbreviated as F.R.D.) (West) - contains cases not published in the *Federal Supplement* regarding procedural matters
- There are also a few specialty reporters that publish decisions of special federal courts. For example, the *Bankruptcy Reporter* contains decisions of the U.S. Bankruptcy Courts and U.S. District Courts involving bankruptcy matters that do not get reported in the *Federal Supplement*.

V. California Case Reporters - the following is a list of where various courts' decision are published and their publishers:

A. California Supreme Court

- *California Reports* (1st, 2d, 3d, and 4th series; abbreviated as Cal., Cal. 2d, Cal. 3d, and Cal. 4th) (official)
- *California Reporter* (1st, 2d, and 3d series; abbreviated as Cal. Rptr., Cal. Rptr.2d, and Cal. Rptr. 3d) (West, unofficial)
- *Pacific Reporter* (1st, 2d, and 3d series; abbreviated as P., P.2d, and P.3d) (West, unofficial)

B. California Courts of Appeal

- *California Appellate Reports* (1st, 2d, 3d, and 4th series; abbreviated as Cal. App., Cal. App. 2d, Cal. App. 3d, and Cal. App. 4th) (official)
- *California Reporter* (1st, 2d, and 3d series; abbreviated as Cal. Rptr., Cal. Rptr.2d, and Cal. Rptr. 3d) (West, unofficial)

C. The *California Reporter* contains both California Supreme Court and California Courts of Appeal cases. It was created in 1959. Before then, both California Supreme Court and Courts of Appeal cases were published in the *Pacific Reporter*.

D. Publication Rules - California Rules of Court

1. Not all decisions of the California Courts of Appeal get publish. Only those that meet the requirements of Rule 8.1105 may be certified for publication.
2. If the California Supreme Court grants review of a case or orders an appellate opinion depublished, such cases may no longer be cited. See Rule 8.1115 for citation rules.
3. Thus, before citing to or otherwise relying upon a recent appellate decision, you must check on its status - use Shepards or Keycite.

VI. Regional Reporters - for those states that do not have their own case reporter(s), they rely on regional reporters. Each regional reporter contains supreme and usually appellate court opinions from various states within a designated geographic area.

VII. Using Digests

- A.** A digest presents case law in an organized topical structure much like an outline. Almost all case digests in the United States are published by West, which follow the West Topic and Key Number System. Although most of you will probably find case law using LexisNexis and Westlaw, you should know that digests are available in print and online.
1. If you have a known case and would like to find similar cases, you can use the topic(s) and key number(s) from the headnotes appearing in the known case and look those up in the digest.
 2. If you don't have a case already, you can still use the digest by consulting the digest's Descriptive Word Index and/or the topic outline(s).
 3. Each digest series covers a specific time period (usually at least 10-15 years of case law for that jurisdiction). When using a print digest, check all of the digest series for a comprehensive search.
 4. You can also update your research by using the West topic and key number service via Westlaw.
- B.** Federal Case Digests
1. Two digests cover the U.S. Supreme Court cases:
 - *United States Supreme Court Digest* (uses the topics, key numbers, and headnotes contained in the Supreme Court Reporter) (West)
 - *Digest of United States Supreme Court Reports, Lawyers' Edition* (uses the topics, section numbers, and headnotes contained in the *United States Supreme Court Reports, Lawyers' Edition*) (LexisNexis)
 2. One digest covers all reported federal cases:
 - *West's Federal Practice Digest* (the 4th series is the most current one; the earlier series cover cases from 1789 to the mid-1980s)
- C.** California Case Digests
1. The digest series containing headnotes from the official California case reporters, *California Reports* and *California Appellate Reports* is no longer being updated.
 2. The best method is to use the digest series containing headnotes from the West version of California cases. These digests are:
 - *West's California Digest 2d* (covering 1951 to present)
 - *West's California Digest* (covering 1850-1951)

VIII. Words and Phrases

- A. Acting as a comprehensive judicial dictionary, this set covers over 350,000 words defined by court decisions.
- B. Coverage includes both federal and state case law, and are updated with pocket parts.

IX. Recently Published Cases - There may be a day before a published case appears on LexisNexis or Westlaw. For the most timely coverage, consult the courts' websites and/or the *Los Angeles Daily Journal*, *Daily Appellate Report*.

X. Update - DO IT! Use Shepards or KeyCite.

STATUTORY RESEARCH AND COURT RULES

I. Statutes

Statutes are the laws enacted by the legislative branches of government (see Appendix 5) for an illustration of branches of government and their laws). In the federal system, the legislative branch is the U.S. Congress. In California, the legislative branch is referred to as the California State Legislature. Statutes begin their lives as bills. Once a bill is enacted into law, it becomes a statute. Statutes that are “general and permanent in nature” get codified in a subject arranged compilation (usually referred to as a code).

A. Common Features of Codes

1. “General Index” (a single or multi-volume subject index)
2. “Popular Name Table” for commercial versions (e.g. Clean Water Act)
3. Annual pocket parts and/or softbound supplements

B. Annotated Codes

1. Most commercially published codes are annotated. This means they contain case summaries, cites to regulations, and references to secondary sources and related materials.
2. Always use the annotated code for research purposes.
3. As annotations will differ according to publishers, consult each set of annotated codes if available.

II. Federal Statutes - The federal code is divided into 50 titles. There is one official version and two commercial versions:

- A. *United States Code* (U.S.C.) (official, but not annotated)
- B. *United States Code Annotated* (U.S.C.A.) (West, annotated)
- C. *United States Code Service* (U.S.C.S.) (LexisNexis, annotated)

III. California - The state code is divided into subjects, and are arranged alphabetically. There is no official version, only two commercial versions:

- A. *West’s Annotated California Codes*
- B. *Deering’s California Codes Annotated*

IV. Local Legislation: City and County Ordinances

- A.** City and county ordinances are legislative acts passed by local governing bodies, such as city councils and county board of supervisors. Ordinances are often compiled into municipal codes.
- B.** Municipals codes can often be found at the local public library. You can also check for them on the web, or contact the city or county clerk's office.

V. Constitutions

Constitutions are the supreme laws of the land setting forth the parameters for governmental action and giving the governmental branches their authority to govern. In addition to the U.S. Constitution, each state has its own constitution.

- A.** Location - While constitutions are not statutes, they usually are reprinted in the statutory code compilations (see sections II and III above for a list of the various compilation versions).
- B.** Interpretations - The annotations found in the commercial versions will include summaries of cases that have interpreted the constitutional provisions.

VI. Court Rules

Court rules regulate court operations, procedures, litigation and the conduct of litigants. They cover all types of matters, including: motions, proper format, time limits, jury selection, and appellate procedures.

- A.** There are two types of court rules:
 - 1.** General Rules - apply generally to all courts in a particular court system
 - 2.** Local Rules - apply to one particular court, dealing with routine and detailed matters (e.g. Los Angeles Superior Court)
- B.** Like the constitutions, general court rules can be found in the statutory code compilations with annotations, such as case summaries that have applied and interpreted the various rules.

- C. The following publications contain local court rules for various jurisdictions:
1. *Federal Local Court Rules* (West) - contains local court rules for all of the federal District Courts and Courts of Appeals.
 2. *California Rules of Court - Federal* (West) - contains local court rules for the federal District Courts and Bankruptcy Courts in California, and the 9th U.S. Circuit Court of Appeals.
 3. *California Rules of Court - State* (West) - contains the California Rules of Court and the local court rules for the California appellate courts.
 4. *Court Rules* (Daily Journal Corporation) - looseleaf set contains local court rules for all California courts (both federal and state), including the local rules for all of the California state trial courts.

LEGISLATIVE HISTORY SEARCHING

I. Introduction

Legislative history refers to the events and documents surrounding the consideration and enactment of a particular legislative bill (see Appendix 6 for an illustration of the legislative process). Legislative history research consists of finding these documents, which can often be helpful in shedding light on the meaning or intent of a particular statute or of specific language contained within that statute. Such documents can be found in print sources, as well as on Westlaw, LexisNexis, and the Internet. Although this section focuses on federal legislative history, comparable searching can be performed for state bills and statutes.

II. Types of Federal Legislative History Documents

A. Bills

1. Statutes are first introduced by a legislator as a bill. There are likely several versions of the bill before its text is finalized.
2. For federal bills, they either begin with “S” (Senate bill), or “H.R.” (House of Representatives bill). They are assigned a number sequentially. Thus, to locate a particular bill, you have to know the bill number and the particular Congress in which the bill was introduced (e.g. 105th Congress).

B. Reports

1. Legislative committees draft analyses of bills called reports.
2. If a bill is passed in one house of Congress, it is sent to the other house for approval. A conference committee is sometimes convened to settle disagreements between the two houses. Such a committee usually issues its own report, which is often the most helpful in determining legislative intent.
3. The citation “S. Rpt. 104-22” is an example of a Senate Report, issued by the 104th Congress as the 22nd report for that congressional session.

C. Hearings

1. In addition to reports, legislative committees often conduct hearings on the bills. Such hearings are published in full, in part, or not at all.
2. A published hearing can consist of prepared statements, transcripts from question and answer sessions, and/or exhibits.
3. As comments during hearings are often made by just one person, they are not as authoritative as joint committee reports.

- D. Debates
 - 1. Congressional debates on the House of Representatives and Senate floors may also shed light on the intent of a bill or statute.
 - 2. Transcripts of debates are published in the *Congressional Record*, identified by volume and page numbers (e.g. 75 Cong. Rec. 11235).
- E. Presidential Statements
 - 1. The President may issue a statement when signing or vetoing a bill which can include an interpretation of an ambiguous provision.
 - 2. Such statements can be found in the *Weekly Compilation of Presidential Documents* and the *Public Papers of the Presidents*.
 - 3. Since 1986, statements have also been reprinted in the legislative history volumes of the *United States Code Congressional and Administrative News (U.S.C.C.A.N.)*.

III. Finding Federal Legislative History Documents

- A. Using the Code - It is often necessary to know the public law number of a statute in order to find legislative history documents. The *U.S.C.* can be used to find this number, and the annotated versions will include further citations to relevant legislative reports.
- B. Using Session Laws - Once the public number is identified, the text of the law as originally passed can be viewed in the *Statutes at Large* or *U.S.C.C.A.N.* These sources will include references and sometimes the full text of additional legislative history documents.
- C. Sources of Compiled Legislative History Information - Sometimes, for the more well-known statutes, a source may bring together legislative history documents. Such a compilation can be found in a book or a law review article. Additionally, the *Sources of Compiled Legislative Histories* provides a bibliography of compiled legislative histories for certain statutes from 1789 to the present.

ADMINISTRATIVE LAW

I. Introduction

Administrative law describes the body of law that governs the organization and operation of administrative agencies. This body of law consists of statutes, rules, regulations, and agencies' decisions and opinions.

II. Federal Administrative Regulations - found in print, LexisNexis, Westlaw, and free legal websites including the U.S. Government Printing Office (GPO)

A. *Federal Register*

1. This source contains proposed and final rules of the federal administrative agencies, notices, and presidential documents. It is published daily and paginated consecutively.
2. Example: 45 Fed. Reg. 11220, refers to volume 45 and page 11220.

B. *Code of Federal Regulations (C.F.R.)*

1. The C.F.R. is a subject-arranged compilation of in-force regulations, divided into 50 titles.
2. Example: 26 C.F.R. § 300.1, refers to title 26 and section 300.1 (300 represents the part number).
3. The "Authority" note provides the citation to the specific *U.S.C.* section authorizing the issuance of the regulation.
4. The "Source" information tells when the regulation was first printed in the Federal Register, in addition to any amendments.

III. California Administrative Regulations - found in print, LexisNexis, Westlaw, and various websites

A. *Barclays Official California Code of Regulations (C.C.R.)*

1. This source, published by West, is a subject-arranged compilation of the in-force state regulations. It is arranged into 28 titles and the print version is found in looseleaf binders.
2. Example: 22 C.C.R. § 3500, refers to title number 22 and section 3500.
3. The "Authority cited" indicates the authorizing statutory section.
4. The "Reference" note provides citations to other related statutory sections.

LEGAL RESEARCH GUIDES

I. Introduction

There are a variety of research guides that are valuable when doing general and specific legal research. Two specialized areas that are common, yet challenging, include federal taxation and legislative history. Below is a list of both print and online guides.

II. General Legal Research

A. National

1. *Fundamentals of Legal Research* (8th edition) by R. Mersky and D. Dunn (Foundation Press 2002)
2. *Legal Research in a Nutshell* (9th edition) by M. Cohen et al. (Thomson/West 2007)
3. *Finding the Law* (12th edition) by R. Berring and E. Edinger (Thomason/West 2005)
4. *Zimmerman Research Guide* - www.lexisnexis.com/infopro/zimmerman

B. California Specific - *Henke's California Law Guide* (8th edition) by D. Martin (LexisNexis 2006)

C. Legislative History

1. *Guide to State Legislative and Administrative Materials* by W. Manz (W.S. Hein & Co. Inc. 2002)
2. *State Legislative Sourcebook: A Resource Guide to Legislative Information in the 50 States* by L. Hellebust (Government Research Service 2008)
3. *Fundamentals of Legal Research* (8th edition) by R. Mersky and D. Dunn (Foundation Press 2002)
4. *LLSDC Legislative Source Book: Federal Legislative History Research* - www.llsdc.org/sourcebook/

D. Federal Taxation

1. *Specialized Legal Research* (1987 - looseleaf format) by L. Chanin et al. (Boston: Little, Brown). This book also covers other areas of law, such as: securities, copyright, UCC, federal labor and employment, environmental law, admiralty and maritime, immigration, and banking.
2. *West's Federal Tax Research* (6th edition) by W. Raabe et al. (Thomson 2003)

LEGAL RESEARCH ON THE INTERNET

I. Introduction

It is possible to locate primary authorities, government documents, directories, and databases on the Internet. However, a lack of consistent structure or organization means that much of the information may be hard to find or easily overlooked. Make sure you check a website's "Help" or "Searching Tips" features in order to make the most effective use of that website. Furthermore, not all websites are equal in terms of reliability and authoritativeness. It is important to evaluate a website's credibility before relying on its information for exhaustive research purposes. Below is a list of useful websites.

II. Websites for Federal Research

- A. THOMAS includes legislative history and information - <http://thomas.loc.gov/>
- B. GPO Access - <http://www.gpoaccess.gov/>
- C. United States Government - <http://www.usa.gov/>
- D. United States Courts - www.uscourts.gov

III. Websites for California Research

- A. Legislative Counsel of California - <http://www.leginfo.ca.gov/>
- B. California Code of Regulations - <http://ccr.oal.ca.gov>
- C. California Courts - www.courtinfo.ca.gov

IV. Legal Portals

- A. Hieros Gamos - <http://www.hg.org/>
- B. Findlaw.com - www.findlaw.com
- C. Cornell Law School's Legal Information Institute - www.law.cornell.edu

APPENDIX

LEXIS AND WESTLAW SEARCH METHODS

Natural Language

- Use plain English
- Useful for searching broad concepts
- Useful when starting research in an unfamiliar area of law
- Use when researching a complex issue and you can't construct an effective T/C search
- Can use as an alternate form for T/C searching to exhaust research

LEXIS	WESTLAW
enter as a question or list of keywords	enter as a question or list of keywords
place synonyms in parentheses immediately after term, separated by commas - BEWARE that using many synonyms reduces the importance of each	place synonyms in parentheses
! and * not valid	! and * not valid
will NOT search for alternate endings	will search for some alternate endings automatically
will automatically check for legal phrases or you can use quotes for phrases; otherwise use commas to prevent terms from being read as phrases	will automatically check for legal phrases or you can use quotes for phrases
can specify Mandatory Terms	Require/Exclude Terms option available
can restrict search by requiring terms in certain Segments	can use Field restrictions: court, attorney, and judge only
results with terms highlighted	results with terms highlighted, and also in Best format
EXAMPLE	EXAMPLE
Does the smell of marijuana justify a warrantless search?	Does the smell of marijuana justify a warrantless search?
smell (scent, odor) marijuana (pot) justify warrantless search	smell (scent odor) marijuana (pot) justify warrantless search

LEXIS AND WESTLAW SEARCH METHODS

Terms and Connectors

- You, not the system, directly specify the relationships between terms
- Useful when you are searching for known legal terms of art and phrases
- Useful when researching a specific or narrow area of law
- Use when searching a database in which the NL option is not available
- Can use as an alternate form for NL searching to exhaust research

LEXIS	WESTLAW
use connectors such as: OR, W/n, W/s, W/p, AND, ! (root expander) and * (wildcard) - BEWARE that unlike Westlaw, Lexis does not interpret spaces as OR	use connectors such as: &, OR (space), /n, /s, /p, ! (root expander) and * (wildcard)
use OR for synonyms	synonyms can be grouped using spaces, or use the OR connector
cannot include numerical (W/n) connector with W/s and W/p connectors in the same search	can combine numerical (/n) connector with /s and /p connectors in the same search
use singular form of terms to check automatically for plural and possessive forms (except for non S or ES endings, e.g. children)	use singular form of terms to check automatically for plural and possessive forms, including irregular forms
will automatically check for legal phrases or you can use quotes for phrases	use quotes for phrases - BEWARE that otherwise, spaces are read as OR
results will include all search terms or their alternatives, unless you use the AND NOT connector	results will include all search terms or their alternatives, unless you use the BUT NOT connector
can restrict search by requiring terms in certain Segments	can further restrict search by using Fields
order of priority: OR, W/n, W/s, W/p, AND, AND NOT	order of priority: OR, /n, /s, /p, & (and), % (but not)
results with terms highlighted	results with terms highlighted
EXAMPLE	EXAMPLE
smell OR scent OR odor W/s marijuana OR pot W/p justif! AND warrantless search	smell scent odor /s marijuana pot /p justif! & "warrantless search"

Secondary Sources Online

I. Finding California Sources and Databases

Types of Secondary Source	LexisNexis (“Look for a Source” Links)	Westlaw (Database Identifier or Directory Links)
California Jurisprudence, 3d	not available	CAJUR
Witkin Treatises	not available	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > Witkin’s California Treatises > (specific title)
CEB Publications	Secondary Legal > Continuing Education of the Bar (CEB), CA > Treatises and Practice Guides > (specific title)	not available
California Practice Guides (The Rutter Group)	not available	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > Rutter Group, The California Practice Guides -- (specific title)
CA Form Books	States Legal - U.S. -- California > Search Analysis & CLE Materials -- California Forms of Pleading and Practice - Annotated States Legal - U.S.-- California > Treatises & Analytical Materials -- California Legal Forms Transaction Guide	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > West’s California Code Forms With Practice Commentaries (CACF) U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > California Transaction Forms -- (specific title)
CA Jury Instructions (CACI & CALCRIM)	States Legal - U.S. -- California > Find Jury Instructions -- (specific title)	U.S. State Materials > California > Jury Instructions, Jury Verdicts & Judgments > (specific title)

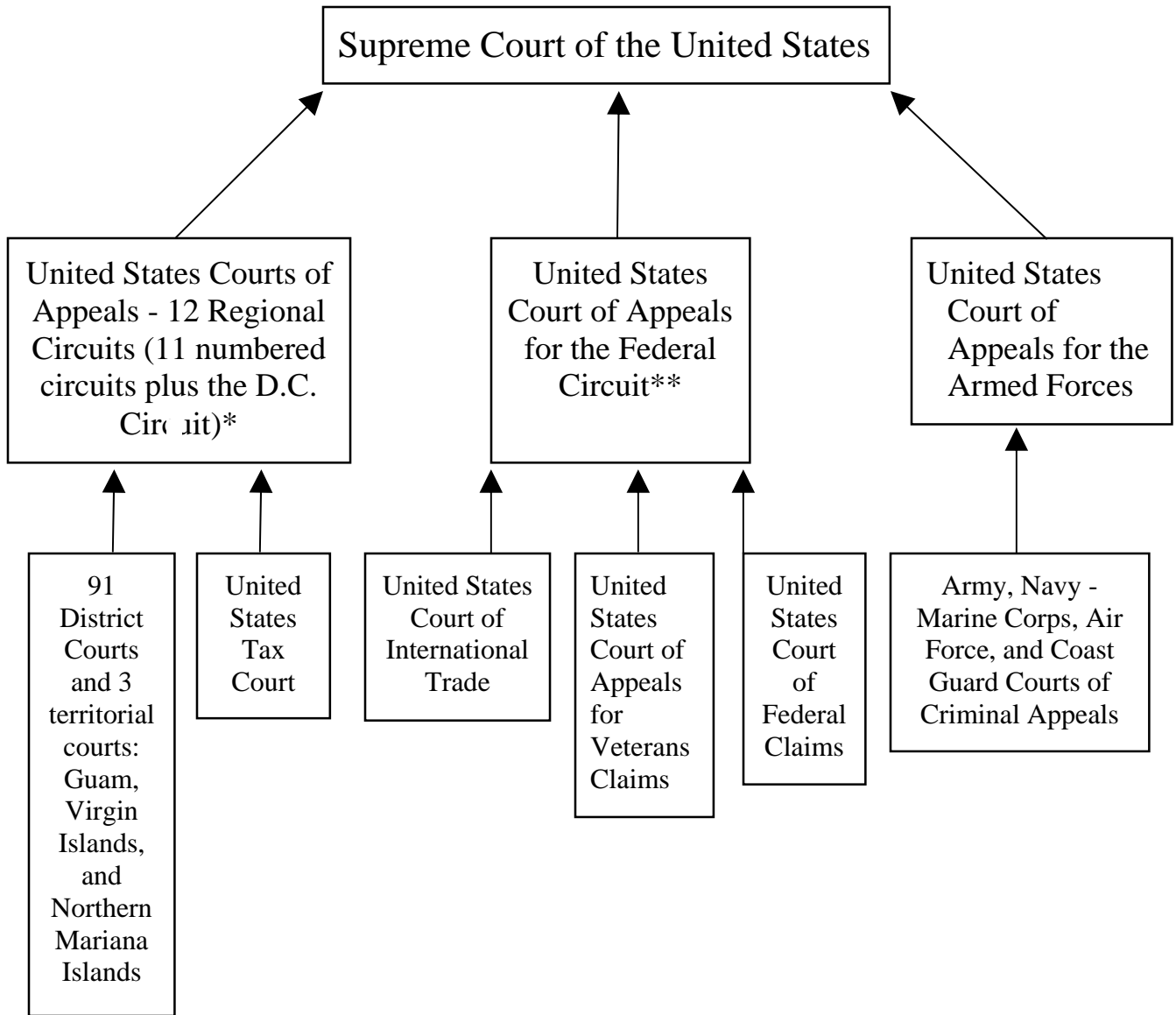
II. Finding Federal and Multi-Jurisdictional Sources and Databases

Types of Secondary Source	LexisNexis (“Look for a Source” Links)	Westlaw (Database Identifier or Directory Links)
American Jurisprudence, 2d	Secondary Legal -- Jurisprudences & Encyclopedias > American Jurisprudence 2d	AMJUR
American Law Reports (A.L.R.)	not available	ALR
Law Journals	Secondary Legal -- Law Reviews and Journals > U.S. Law Reviews and Journals, Combined	JLR
Treatises and Practice Guides	<p>Secondary Legal > Area of Law Treatises > (specific title)</p> <p>Secondary Legal -- Matthew Bender > (By Area of Law or By Jurisdiction) > (specific title)</p> <p>Secondary Legal > Aspen Publishers > (specific title)</p> <p>Secondary Legal > Practising Law Institute > (specific title)</p>	<p>TEXTS (to search all treatises and practice guides at the same time)</p> <p>Topical Practice Areas > (specific practice area) > Forms, Treatises, CLEs and Other Practice Material > (specific title)</p> <p>Treatises, CLEs, Practice Guides > (specific title)</p> <p>Treatises, CLEs, Practice Guides > Practice Guides and CLE Materials > (specific title)</p> <p>Litigation > Practice Materials > (specific title)</p>
Current Awareness	<p>Secondary Legal -- BNA > (specific title)</p> <p>Secondary Legal -- Mealey Reports & Conferences > (specific title)</p> <p>Secondary Legal > Individual ALI-ABA Materials</p>	<p>Topical Practice Areas (many of the practice areas will have links to BNA materials and/or other current awareness services)</p> <p>Treatises, CLEs, Practice Guides > Practice Guides and CLE Materials > (specific title)</p>

III. Searching and Browsing Tools

LexisNexis	Westlaw	Purpose of Tool
By Topic or Headnote	KeySearch	to help you to identify relevant legal topics and relevant secondary sources
Book Browse	“previous section” and “next section”	to enable you to browse subsequent or preceding sections or paragraphs in a particular source
Table of Contents (TOC)	Table of Contents	to enable you to view the Tables of Contents of particular sources
Focus	Locate in Result	to enable you to efficiently narrow your search results or find a particular term or set of terms in your documents

The United States Court System

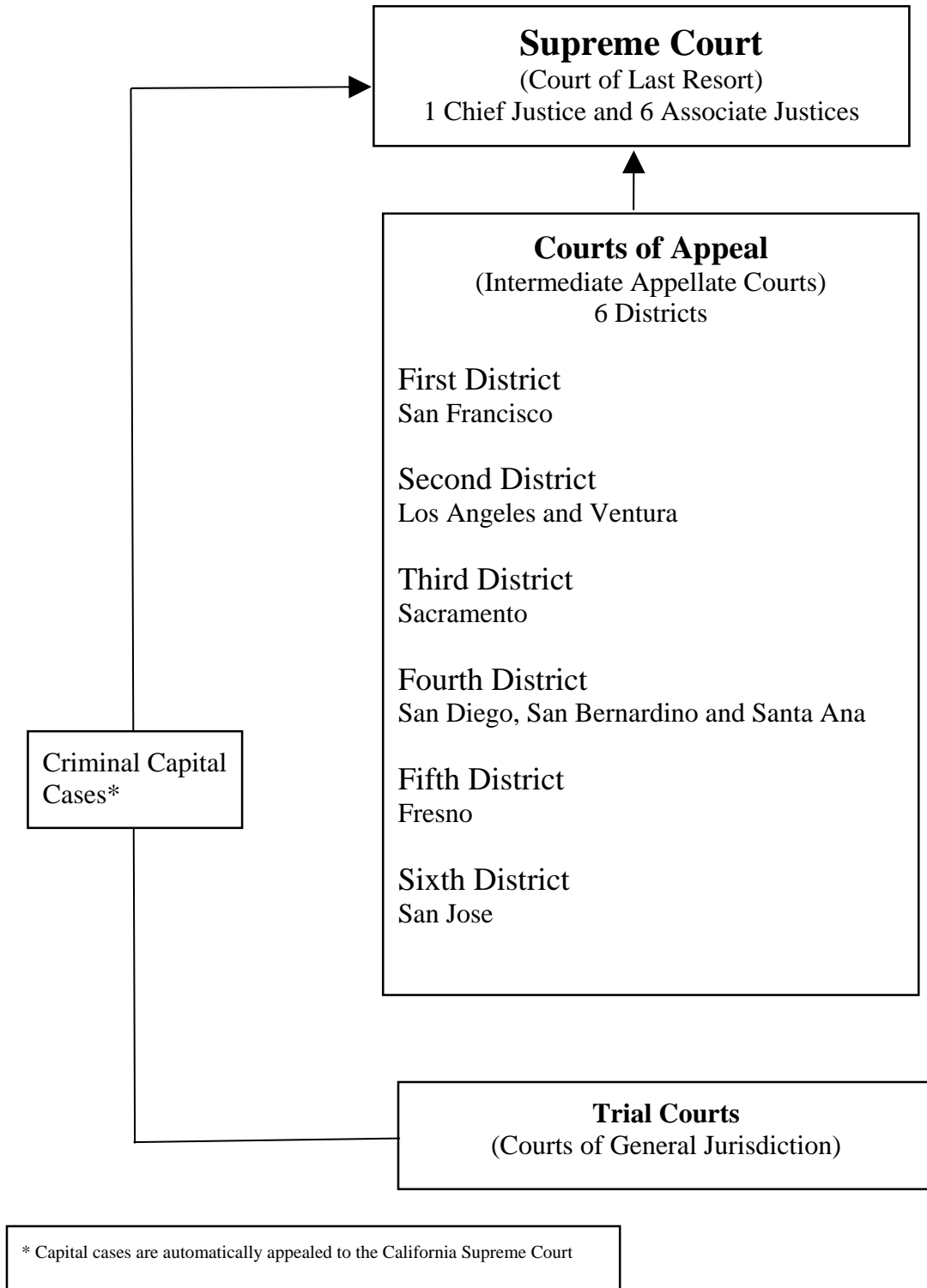


*The 12 regional Courts of Appeals (particularly the D.C. Circuit) also receive cases from a number of federal agencies, as determined by enabling statutes.

**The Court of Appeals for the Federal Circuit also receives cases from the International Trade Commission, the Merit Systems Protection Board, the Patent and Trademark Office, and the Board of Contract Appeals.

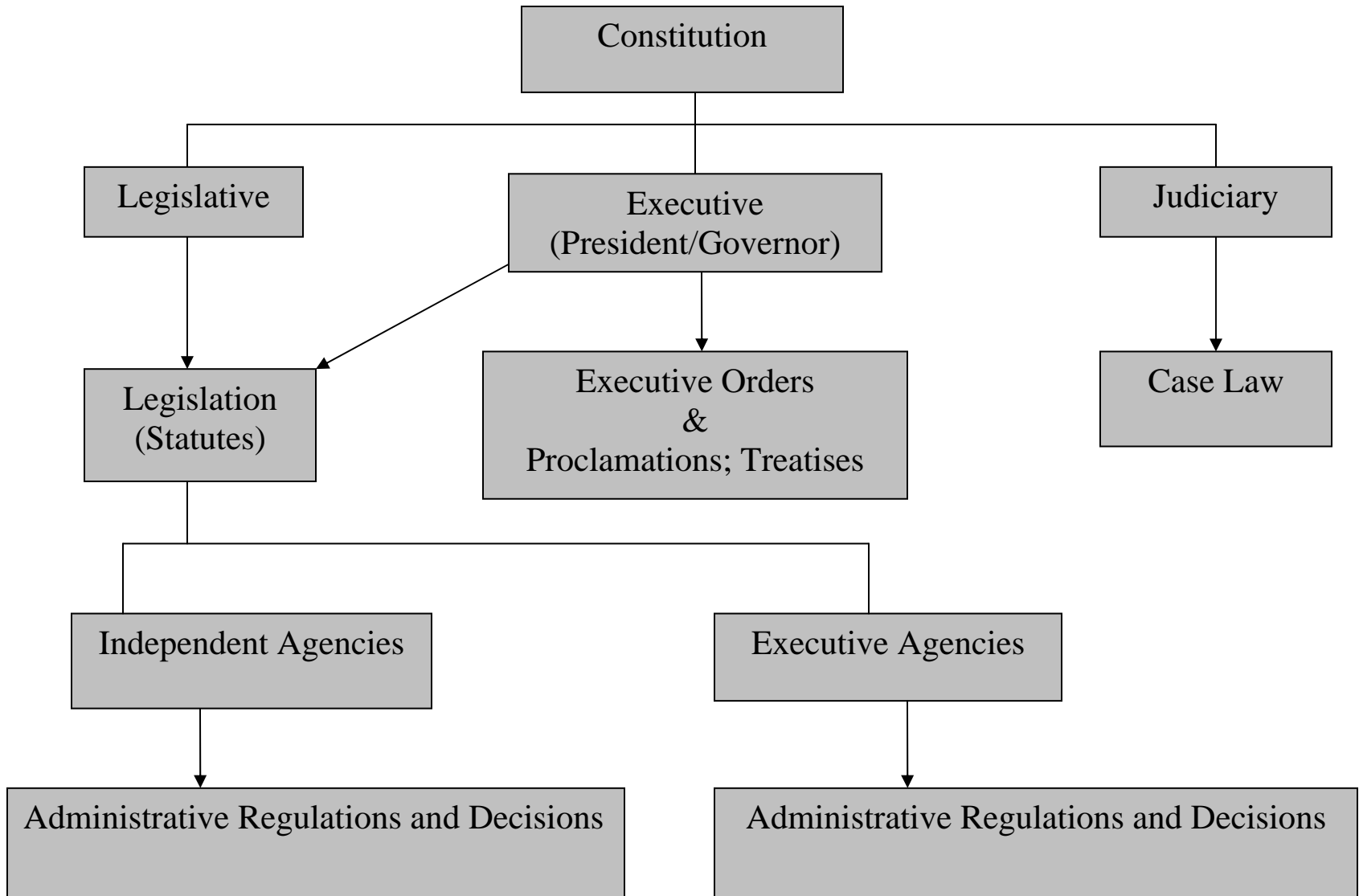
Adapted From: *BNA's Directory of State and Federal Courts, Judges and Clerks*

The California Court System



Adapted From: *Want's Federal-State Court Directory*

Branches of Government and the Laws They Create



How a Bill Becomes a Law

Below is a flowchart illustrating the process by which a bill becomes a law.

