

# **Research Guide for Law Students and New Attorneys**

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**2010**

**GABRIEL AND MATILDA BARNETT  
INFORMATION TECHNOLOGY CENTER  
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UNIVERSITY OF SOUTHERN CALIFORNIA LAW SCHOOL**

## TABLE OF CONTENTS

§ 1.	LEGAL RESEARCH METHODOLOGY.....	2
§ 2.	SECONDARY SOURCES.....	9
§ 3.	CASE LAW RESEARCH.....	16
§ 4.	STATUTORY RESEARCH AND COURT RULES.....	20
§ 5.	LEGISLATIVE HISTORY SEARCHING.....	23
§ 6.	ADMINISTRATIVE LAW.....	26
§ 7.	LEGAL RESEARCH GUIDES.....	27
§ 8.	FREE ONLINE RESEARCH SOURCES .....	28

# § 1. LEGAL RESEARCH METHODOLOGY

## I. Step 1: 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.

## II. Step 2: 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 for the following reasons:
  - 1. To obtain background information.
  - 2. To learn terms of art and to focus your 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.
- B. Sources: Treatises, the Witkin titles, legal encyclopedias (AmJur, CalJur), ALRs, Restatements, CEB materials, Rutter Group materials, nutshells, hornbooks, looseleaf services, and law journal articles.

## III. Step 3: Locate and Read 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 understand which authorities are mandatory for your research question and which are merely persuasive.
- B. Sources for finding primary authority:
  - 1. Digests: useful for finding case law using topics and key numbers.
  - 2. Statutory Codes: try to use the annotated versions of the 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

**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.
2. Think about taking advantage of any free legal websites that relate to your topic, as opposed to LexisNexis or Westlaw, which are often charged to a client. Remember the following when looking for or using free websites.
  - a. Lack of consistent structure or organization means that much of the information may be hard to find or easily overlooked.
  - b. Make sure you check a website's "Help" or "Searching Tips" feature in order to make the most effective use of that website.
  - c. Not all websites are equal in terms of reliability and authoritativeness. Evaluate a website's credibility before relying on its information.

**IV. Step 4: Update Your Research**

- A. Updating is necessary to 1) ensure the validity of the primary authorities you have located, and 2) identify subsequent developments or new authority.
- B. Sources: pocket parts, supplements, Shepard's, and KeyCite.

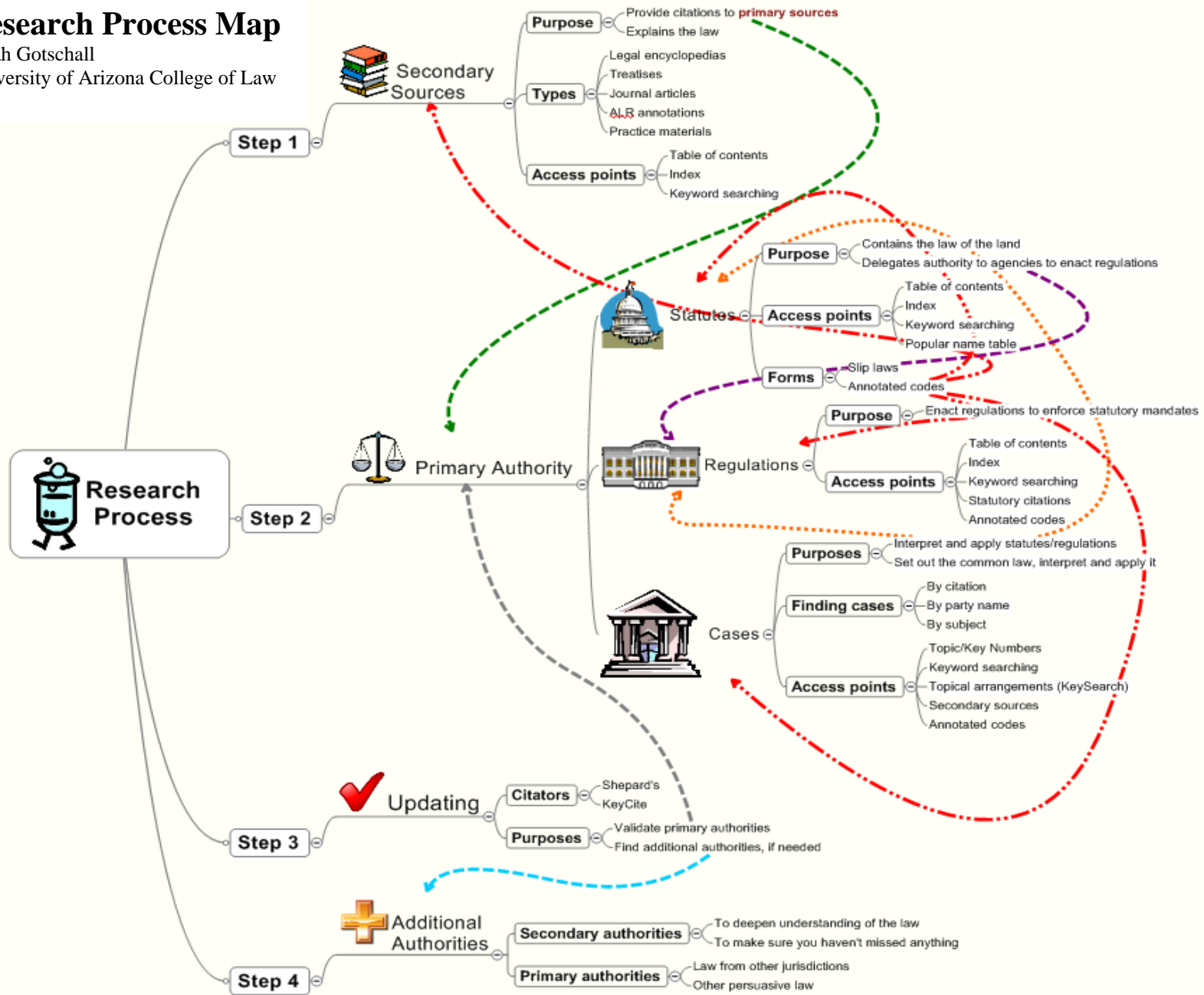
**V. Tips to Remember for Legal Research**

- A. Prioritize your work and research discrete questions separately.
- B. Never assume the absence of relevant statutes or regulations. Case law is not the end all and be all of legal research. Always try to find mandatory authority if it exists.
- C. Be aware of the variety of search methods.
  1. Be flexible and creative with respect to your search terms when searching indexes and digests.
  2. When searching online, use synonyms, try both Natural Language and Terms & Connectors search methods, and use field/segment restrictions when appropriate (see pages 7 and 8 for a search methods chart).
  3. It is also generally more cost-effective to start somewhat broader with your LexisNexis and Westlaw searches and then narrow down if necessary through the Focus or "Locate in Result" tools.

- D.** Always read the primary authorities yourself - do NOT rely exclusively on secondary source descriptions.
- E.** 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.

# Research Process Map

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## 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

<b>LEXIS</b>	<b>WESTLAW</b>
enter as a question or list of keywords – BEWARE that using too many synonyms on LexisNexis may make search less targeted	enter as a question or list of keywords, and 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 some legal phrases or you can use quotes for phrases; use commas to prevent terms from being read as phrases	will automatically check for some legal phrases or you can use quotes for phrases
can specify Mandatory Terms	can Require/Exclude Terms
can restrict search by requiring terms in certain Segments	can use Field restrictions: court, attorney, and judge only
terms highlighted in results	terms highlighted in results, also in Best format
<b>EXAMPLES</b>	<b>EXAMPLES</b>
Does the smell of marijuana justify a warrantless search?	Does the smell of marijuana justify a warrantless search?
smell marijuana 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

<b>LEXIS</b>	<b>WESTLAW</b>
use connectors such as: OR, W/n, W/s, W/p, AND, ! (root expander) and * (wildcard)	use connectors such as: &, OR (spaces interpreted as OR), /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 irregular forms, e.g. children)	use singular form of terms to check automatically for plural and possessive forms, including irregular forms
quote marks around exact phrases are not necessary but can be used	use quotes for phrases because 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 by requiring terms in Segments	can use Field restrictions
order of priority: OR, W/n, W/s, W/p, AND, AND NOT	order of priority: OR, /n, /s, /p, & (and), % (but not)
terms highlighted in results	terms highlighted in results
<b>EXAMPLE</b>	<b>EXAMPLE</b>
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"

## § 2. SECONDARY SOURCES

### I. Introduction

As noted in the Legal Research Methodology, it is often a good idea to begin legal research with secondary sources, especially in an unfamiliar area of law. Because there are a variety of types of secondary sources, the best place to begin to find secondary sources is a library's catalog. Whenever you start working at a new law firm or legal organization, ask the librarian, if one is available, for an overview of the library's catalog and guidance or tips as to the best ways to search within the catalog.

You might also find helpful one of the USC Law Library's Research Guides:  
*Subject Guide to Secondary Legal Sources in the USC Law Library*  
<http://law.usc.edu/library/assets/docs/intro-legalsou.pdf#page=4>

Below is a list of the major types of secondary resources and some common titles (see pages 13-15 for a chart of the major secondary sources available online).

### II. Legal Encyclopedias

Legal encyclopedias summarize the law and set forth legal propositions, but without detailed analysis. However, they contain cross references and citations to primary law.

- A. National Encyclopedias: e.g. *American Jurisprudence 2d (Am. Jur.)* and *Corpus Juris Secundum (C.J.S.)*
- B. California Encyclopedia: e.g. *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.

- A. Periodical Indexes: e.g. *Index to Legal Periodicals* and *Current Law Index* (also known as *LegalTrac*)
- B. Full Text Databases: e.g. *Westlaw*, *LexisNexis*, or *HeinOnline*

## V. American Law Reports

*A.L.R.* is a resource of representative cases on select issues, with each case accompanied by an annotated article that summarizes related cases from 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 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](http://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 great research starting points because they provide brief summaries of major laws, with citations to statutes and codes.

## VIII. Practice Guides and Form Books

### A. Generally

1. Practice guides are fairly up-to-date sources written for the main purpose of instructing attorneys on the practice law. They can be national in scope or state specific.
2. Form books contain sample or model documents used by attorneys to aid in drafting legal documents. They should only be used as starting points and tailored to the specifics of your client's case. Form books can be general, jurisdiction-specific, and/or subject specific.

**B. Popular Practice Guide and Form Book 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.** Looseleaves are generally more useful for federal law research. They can be found in print and through online subscriptions. Two major looseleaf publishers are Commerce Clearing House (CCH) and the Bureau of National Affairs (BNA).
- C.** The print versions can be challenging to use. Thus, take advantage of the following features to help in navigation: Instructions or “How to Use” section, Indexes, and Finding Lists. Many looseleaves’ indexes and finding lists refer the user to paragraph numbers instead of page numbers.

**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 laypersons, 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)*.

## SECONDARY SOURCES ONLINE

### I. Finding California Sources and Databases

<b>Type of Secondary Source</b>	<b>LexisNexis</b> (“Look for a Source” Links)	<b>Westlaw</b> (Database Identifier or Directory Links)
<b>California Jurisprudence, 3d</b>	Secondary Legal > Jurisprudences, ALR & Encyclopedias	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material (CAJUR)
<b>Witkin Treatises</b>	Secondary Legal > Jurisprudences, ALR & Encyclopedias > Witkin -- (specific title)	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > Witkin’s California Treatises > (specific title)
<b>CEB Publications</b>	not available	not available
<b>California Practice Guides (The Rutter Group)</b>	not available	U.S. State Materials > California > Forms, Treatises, CLEs and Other Practice Material > Rutter Group, The California Practice Guides > (specific title)
<b>CA Form Books</b>	States Legal - U.S. > California > Search Analysis & CLE Materials > California Forms of Pleading and Practice – Annotated  States Legal - U.S. > California > Search Analysis & CLE 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)
<b>CA Jury Instructions (CACI &amp; CALCRIM)</b>	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

<b>Type of Secondary Source</b>	<b>LexisNexis</b> (“Look for a Source” Links)	<b>Westlaw</b> (Database Identifier or Directory Links)
<b>American Jurisprudence, 2d</b>	Secondary Legal > Jurisprudences, ALR & Encyclopedias > American Jurisprudence 2d	Treatises, CLEs and Other Practice Material (AMJUR)
<b>American Law Reports (A.L.R.)</b>	Secondary Legal > Jurisprudences, ALR & Encyclopedias > American Law Reports (ALR)	Treatises, CLEs and Other Practice Material (ALR)
<b>Law Journals</b>	Secondary Legal > Law Reviews and Journals > U.S. Law Reviews and Journals, Combined	Legal Periodicals & Current Awareness > Journals & Law Reviews (JLR)
<b>Treatises and Practice Guides</b>	<p>Secondary Legal (View more sources) &gt; Area of Law Treatises &gt; (specific title)</p> <p>Secondary Legal &gt; Matthew Bender &gt; By Area of Law (or By Jurisdiction) &gt; (specific title)</p> <p>Secondary Legal (View more sources) &gt; Practising Law Institute &gt; (specific title)</p>	<p>TEXTS (to search all treatises and practice guides at the same time)</p> <p>Topical Practice Areas &gt; (specific practice area) &gt; Forms, Treatises, CLEs and Other Practice Material &gt; (specific title)</p> <p>Treatises, CLEs and Other Practice Materials &gt; (specific title)</p> <p>Treatises, CLEs and Other Practice Materials &gt; Practice Guides and CLE Materials &gt; (specific title)</p> <p>Litigation &gt; Practice Materials &gt; (specific title)</p>
<b>Current Awareness</b>	<p>Secondary Legal &gt; BNA &gt; (specific title)</p> <p>Secondary Legal &gt; Mealey Reports &gt; (specific title)</p> <p>Secondary Legal (View more sources) &gt; 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 and Other Practice Materials &gt; Practice Guides and CLE Materials &gt; (specific title)</p>

### III. Other Online Secondary Sources

Source	Website	Sample publications
BNA*	<a href="http://law.usc.edu/library/resources/bna.cfm">http://law.usc.edu/library/resources/bna.cfm</a>	Antitrust and Trade Regulation Report, Daily Tax Report, Environment Reporter, Family Law Reporter, Media Law Reporter, United States Law Week, White Collar Crime Report, etc.
CCH**	<a href="http://intelliconnect.cch.com/sicion/secure/index.jsp">http://intelliconnect.cch.com/sicion/secure/index.jsp</a>	Aviation Law Reporter, Bankruptcy Law Reporter, Copyright Law Reporter, Products Liability Reporter, Standard Tax Reporter, etc.

\*BNA is a subscription resource that is only accessible on the computers located in the law school building.

\*\*CCH is also a subscription resource, but is available both in the law school building as well as remotely through the USC proxy server.

### IV. Searching and Browsing Tools

LexisNexis	Westlaw	Purpose of Tool
By Topic or Headnote	Key Numbers	to help you to identify relevant legal topics
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

## § 3. 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. Court Systems

#### A. Federal Courts

1. The federal judiciary consists 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: Northern, Eastern, Central, and Southern Districts. Los Angeles is in the Central District.

#### B. California Courts

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

### III. Finding Published Opinions

#### A. Availability

1. In most states, including California, *trial level cases* are not certified for publication and are therefore not available in case reporters. In general, information about a trial level case has to be obtained from the case file at the court itself. At the federal level, a very small percentage of trial level cases are certified for publication.
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 be certified for publication. All

3. Some unpublished cases are available on LexisNexis, Westlaw, and other databases. Always check the applicable court rules to determine if you can cite to unpublished cases.

**B. Case Reporters**

1. Case reporters contain published cases in roughly chronological order. 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 endorsed 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 bound eventually.
3. Regional reporters contain supreme and usually appellate court opinions from various states within a designated geographic area. For those states that do have their own case reporter, they rely on regional reporters.
4. Consult *The Bluebook* T.1 for a list of reporters containing Federal and state cases.

**IV. Four Case Law Finding Methods (in addition to full-text searching)**

**A. Using Headnotes Online (Classification Systems)**

**1. LexisNexis**

LexisNexis has created a fairly detailed classification system for the law. The topical scheme is in an outline form, with broad topics such as Civil Procedure, Contracts Law, and Real Property that are divided and subdivided into more specific topics. Each case headnote is classified under one or more of the topics in the classification system. These topics appear right above the headnotes in a case, also known as LexisNexis legal topic strings.

You can retrieve additional cases by clicking on the “ALL” button located next to the topic strings and LexisNexis will retrieve additional cases that have been classified under the topic(s).

## 2. Westlaw

West also has a classification system that is used to classify case headnotes which is called the West topic and key number system. The broad topics are further divided and subdivided in an outline scheme. The most specific headings in the outline are each assigned a number with a “k” in front of it, referred to as a “key number.” Case headnotes are assigned at least one topic and key number based on the subject matter.

On Westlaw, you can easily retrieve all of the cases assigned a particular key number by clicking on the link next to one of the outline headings located immediately above the headnote. You then have the option of searching for cases assigned this particular key number or viewing the relevant portion of the West key number outline by choosing the “West Key Number Digest” option (see below for a discussion on digests).

### B. Print Digests

1. 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. Digests are available in print and online.
2. 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.
3. Each digest series covers a specific time period (usually 10-15 years of case law for that jurisdiction). When using a print digest, check all of the digest series for a comprehensive search. You can also update your research by using the Key Numbers service via Westlaw.
  - a) Federal Case Digests
    - *United States Supreme Court Digest (West)*
    - *West’s Federal Practice Digest* (covers all reported federal cases)
  - b) California Case Digests
    - *West’s California Digest 2d* (covering 1951 – present)
    - *West’s California Digest* (covering 1850-1951)

### C. Citators

Before you rely on a case in any way or cite to it, you must check on its status to verify it remains “good law.” It is also important to know if your case has been questioned or criticized by other courts in subsequent cases.

Citators are research tools that are most helpful in checking on the status and subsequent treatment of a case. They can also be helpful if you have one good case and wish to find additional cases dealing with the same issue(s).

LexisNexis' citator is called Shepard's and Westlaw's is KeyCite.

**D. Annotations**

Recall that one of the reasons for using a secondary source is to obtain citations to relevant primary authorities. Such sources will annotate their legal explanations and practical guidance with case law citations. Furthermore, annotated versions of statutes will provide notes of decisions and citations to cases that have discussed and interpreted the statutes. Thus, ensure you use both secondary and primary sources to review the annotations and expand your case law research.

## § 4. STATUTORY RESEARCH AND COURT RULES

### I. Statutes

Statutes are the laws enacted by the legislative branches of government. 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,” useful if you know the popular name of an act (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 different annotated versions of the code, if available.

### II. Federal Code - The federal code is divided into 50 titles.

- 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 Codes - The state codified compilation is divided into individual subject-specific codes (Civil, Penal, etc.), which are arranged alphabetically. There is no official version, only two commercial versions:

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

#### **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 boards of supervisors. Ordinances are often compiled into municipal codes.
- B.** Municipals codes can often be found on the web. They are also generally available at local public libraries, and you can also 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 (e.g., Los Angeles Superior Court Rules), dealing with routine and detailed matter.
- 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) - local court rules for all of the federal District Courts and Courts of Appeals.

2. *California Rules of Court - Federal* (West) - local court rules for the federal District Courts and Bankruptcy Courts in California, and the U.S. Court of Appeals for the Ninth Circuit.
3. *California Rules of Court - State* (West) - 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.

## § 5. LEGISLATIVE HISTORY SEARCHING

### I. Introduction

Legislative history refers to the events and documents surrounding the consideration and enactment of a particular legislative bill. 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. 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 Senate report for that congressional session.

#### C. Hearings

1. In addition to issuing 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 typically represent the views of 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 *Daily Compilation of Presidential Documents* (formally titled the *Weekly Compilation*) 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 may include further citations to relevant legislative reports.
- B.** Using Session Laws - Once the public law number is identified, the text of the law as 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 relevant legislative history documents. Such compilations can be found in several places such as *Sources of Compiled Legislative Histories*, LexisNexis, Westlaw, or HeinOnline.

#### IV. Legislative History Searching Guides

A. Below are three guides that can provide assistance in researching legislative history, which can be a complex and confusing process.

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. *LLSDC Legislative Source Book: Federal Legislative History Research* - [www.llsdc.org/sourcebook/](http://www.llsdc.org/sourcebook/)

## § 6. ADMINISTRATIVE LAW

### I. Introduction

Administrative law describes the body of law that governs the organization and operation of administrative agencies. It also refers to the body of law *produced by* administrative agencies, namely, administrative rules and regulations and agency decisions.

### II. Federal Administrative Regulations - print, LexisNexis, Westlaw, and on the web

#### 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 printed in the *Federal Register* (both the initial version as well as subsequent amendments)

### III. California Administrative Regulations - print, LexisNexis, Westlaw, and on the web

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

1. This source is a subject-arranged compilation of in-force state regulations dividing into 28 titles. 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.

## § 7. LEGAL RESEARCH GUIDES

### I. Legal Research Guides

There are a variety of research guides that are valuable when doing general and specific legal research. Below is a list of both print and online guides.

#### A. National

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

#### B. California - *Henke's California Law Guide* (8<sup>th</sup> edition) by D. Martin (LexisNexis 2006)

#### C. USC Law Library Research Guides

Several electronic research guides are available on the Law Library's webpage. These guides link to websites freely available to USC students and provide guidance on using these sites to research the law. These guides can be found at <http://lawweb.usc.edu/library/research/> and cover the following subjects:

- Finding Federal Statutes, Regulations, and Related Cases
- Federal Legislative History Research
- Finding California Statutes, Regulations, and Related Cases
- California Legislative History Research
- Researching Local Government Law

## § 8. FREE ONLINE RESEARCH SOURCES

### I. Legal Portals

Portals are websites that provide links to other informational sources. Below is a list of general legal portals that will link you to a variety of freely accessible legal websites:

- A. **Findlaw.com (for the Legal Professional)** – <http://lp.findlaw.com/>
- B. **Cornell Law School’s Legal Information Institute** – [www.law.cornell.edu](http://www.law.cornell.edu)
- C. **The Public Library of Law** – <http://www.plol.org>
- D. **USC Law Library’s “Legal Resources on the Internet” webpage**  
<http://law.usc.edu/library/resources/internet.cfm>
  - 1. **General Research Links**  
<http://law.usc.edu/library/resources/links/general.cfm>
  - 2. **Federal Research Links**  
<http://law.usc.edu/library/resources/links/federal.cfm>
  - 3. **California Research Links**  
<http://law.usc.edu/library/resources/links/california.cfm>
  - 4. **Foreign & International Research Links**  
<http://law.usc.edu/library/resources/links/international.cfm>

### II. Online Databases

There are several online databases that offer free access to primary sources such as case opinions, statutes, and regulations. Below are only a select few, which are more fully discussed in the USC Law Library’s “Legal Resources on the Internet” webpage (see links above).

- A. **Case Law**
  - 1. **Google Scholar (via an Advanced Search provides published opinions from Federal and state courts)**  
[http://scholar.google.com/advanced\\_scholar\\_search?hl=en&as\\_sdt=2000](http://scholar.google.com/advanced_scholar_search?hl=en&as_sdt=2000)
  - 2. **California Courts (via LexisNexis)**  
<http://www.lexisnexis.com/clients/CACourts/>

## **B. Statutes and Court Rules**

1. FDsys (new website of the Government Printing Office provides access to various federal primary laws)  
<http://www.gpo.gov/fdsys/search/home.action>
2. THOMAS (Library of Congress)  
<http://thomas.loc.gov/>
3. U.S. Courts (includes federal court rules, including links to local court rules)  
<http://www.uscourts.gov/rules/index.html>
4. California Legislature, California Laws  
<http://www.leginfo.ca.gov/calaw.html>
5. California Courts, California Rules of Courts  
<http://www.courtinfo.ca.gov/rules/>

## **C. Administrative Law**

1. FDsys  
<http://www.gpo.gov/fdsys/search/home.action>
2. California Office of Administrative Law (via Westlaw)  
<http://ccr.oal.ca.gov>