

Basic Information for Legal Research

Library Research Guide

Legal research is the process of identifying and retrieving information necessary to support legal decision-making. Most print sources (such as books, periodicals) related to Criminal Justice are located on 4th & 10th floor in Houston Cole Library. Electronic sources (such as databases) can be accessed via computer stations on each floor.

Books

Books are important sources of basic information on a topic, providing necessary definitions, background information, and historical information. Books provide a foundation for research which can be supplemented by more current information from periodical articles. Books may also contain useful bibliographies which may lead to additional sources of research. When looking for books, consult the Library of Congress Subject Headings to select the proper term(s) to use as subjects under "Find Books (Library Catalog <http://library.jsu.edu/>)." The following table shows U.S. Law in the Library of Congress System:

KF165	Uniform Laws	KF240-251	Legal Research & Writing
KF305-310	Legal Ethics and Etiquette	KF501-553	Domestic Relations/Family Law
KF560-720	Property	KF726-780	Trusts/Wills/Probate
KF801-905	Contracts	KF911-935	Sale of Goods
KF956-962	Negotiable Instruments	KF1046-1062	Secured Transactions
KF1146-1220	Insurance	KF1246-1329	Torts
KF1384-1482	Corporations	KF1501-1548	Debtor-Creditor & Bankruptcy
KF2971-3193	Intellectual Property	KF3301-3580	Labor Law
KF3775-3816	Environmental Law	KF4501-5130	Constitutional Law
KF5401-5425	Administration Law	KF6271-6645	Federal Taxation
KF8810-9220	Civil Procedure	KF9223-9479	Criminal Law
KF9601-9780	Criminal Procedure	KFA	Alabama Law
KZ	Law of Nations		

Periodicals & Databases

Current print issues of periodicals to which the Library subscribes can be found at the Current Periodical Section 10th floor. Older print issues of magazines and journals, usually bound into complete years or volume numbers, are located on 10th floor Bound Periodical Section. You can also use Library subscribed electronic databases (<http://www.jsu.edu/library/resources/>) to identify articles on particular topics in magazines, journals, and newspapers. The following are commonly used databases for legal research:

EBSCOhost	Gale Databases	OmniFile Full Text Mega
America: history and Life	LegalTrac	Westlaw Campus
Criminal Justice Periodicals Index	Elsevier ScienceDirect	NCJRS Database
PsycARTICLES	PsycINFO	GPO Access

Internet Sources

Supreme Court of the United States (<http://www.supremecourtus.gov/>): Provides an overview of the Supreme Court of the United States, also includes links to court rules, opinions, case handling guides, and etc.

Cornell Law School's Legal Information Institute LII Project (<http://lii.law.cornell.edu/>): Offer all opinions of the United States Supreme Court handed down since 1992, together with over 600 earlier decisions selected for their historic importance, over a decade of opinions of the New York Court of Appeals, and the full United States Code. We also publish important secondary sources: libraries in two important areas (legal ethics and social security) and a series of "topical" pages that serve as concise explanatory guides and Internet resource listings for roughly 100 areas of law.

FindLaw (<http://findlaw.com/>): Resources include Web search utilities, cases and codes, legal news, an online career center, and community-oriented tools, such as a secure document, management utility, mailing lists, message boards and free e-mail.

Law Library of Congress (<http://www.loc.gov/law/>): Collection of law books and legal resources.

Useful Reference Books & Journal Titles

Alabama Reports (Ala.) (So.) (Ref KFA45.A2)

Alabama Appellate Court Reports (Ala. App.) (REF KFA47.A2)

Federal Supplement (F. Supp.) (REF KF120.F4)

U. S. Reports (U.S.) (REF KF101.U5)

Supreme Court Reporter (S.Ct.) (REF KF 101.S9)

Alabama Code (Ala. Code 1975) (REF KFA 30 1975.A2)

Alabama Lawyer (K1.L2)

Alabama Law Review (K1.L2)

West's Encyclopedia of American Law (REF KF154.W47 1998)

Encyclopedia of the American Constitution (REF KF4548.E53 2000)

Related Search Words

Administrative Law
Annotated Codes
Appellate Courts
Civil Law System
Courts Rules/Federal Rules/State Rules
English Laws
Ethics
Executive Orders
Federal Administrative Agencies
Federal Courts
Federal Rules of Appellate Procedure
Federal Rules of Civil Procedure
Federal Rules of Criminal Procedure

Federal Rules of Evidence
Federal Sentencing Guidelines
Federal Statutes
International Court of Justice
International Criminal Court
International Law
Judges
Legislative History
Session Laws
Slip Laws
State Courts
Statutes
Supreme Court

Common Law System

Legal instruction in the United States of America lays great stress on the common law, which provides a starting point for research and understanding of the differing views which have developed not only in statutory law, but also in the court decisions dealing with the common law. No search of American law is complete without an investigation of statute and case (decision) sources.

Constitutions

Constitutional law involves the interpretation and application of the United States Constitution. Drafted in 1787, the Constitution contains fewer than 4,400 words, divided into seven short parts, called articles. The Bill of Rights (the first ten amendments to the Constitution) was added in 1791, and only seventeen more amendments have been added in the more than two centuries since.

The basic authority for all law in the United States rests in the Constitution of the United States. In addition, each of the fifty states has its own constitution, which may not, however, contravene the Constitution of the United States of America. State constitutions appear in the various sets of statutes, or compiled laws, issued by or for the several states. Some of these state constitutions are elaborate, frequently amended documents. They may also contain materials which one would ordinarily expect to find in statutes.

Legislative Law

Federal statute law, enacted by the Congress of the United States publication of statute law is the *Statutes at Large* (Call Number: KF50.U5), published in bound volumes after each session of Congress and containing the laws enacted during that session. Prior to 1951, the Statutes at Large also contained treaties and executive agreements of international import.

The *United State Code* (<http://www.gpoaccess.gov/uscode/>, Call Number: KF62), in which congressional enactments are collected and arranged in numbered subject divisions called "Titles," is much more useful way of using the enactments of Congress. The disadvantages of this edition are that it is frequently not up-to-date and that it does not refer to the various court decisions and administrative rulings which have interpreted the Code in its various subdivisions. Privately published versions of the United States Code are the best for practical use; these editions contain references (annotations) to court decisions and administrative rulings in which Code sections have been interpreted. They are frequently supplemented so as to be up-to-date. The day-to-day proceedings in Congress, including speeches, are published in the *Congressional Record* (<http://memory.loc.gov/ammem/amlaw/lwcr.html>), which is issued daily while Congress meets.

Administrative Regulations

These are the proclamations and regulations issued by various government agencies charged with implementing the enacted law. In some states such regulations are found in administrative registers or administrative codes, but in many other states, each agency publishes its own regulations. Under the federal government, administrative regulations are contained in the *Code of Federal Regulations* (<http://www.gpoaccess.gov/cfr/index.html>, Call Number: KF70.A3). New regulations are published in the *Federal Register* (<http://www.gpoaccess.gov/FR/browse.html>, Call Number: KF70.A2), a daily publication of the newspaper type.

Dual Federal/State Court Structure

The Federal Court System: an integrated system divided into numerous geographic units and various levels of hierarchy

The State Court System: local courts that operate within the state

The U.S. Supreme Court is the final arbiter of federal law, while the highest court of each state (usually called supreme courts) has the ultimate authority to interpret matters of the law of its

state. When federal constitutional or statutory matters are involved, the federal courts have the power to decide whether the state law violates federal law.

Hierarchy U. S. Court System:

The Federal Courts

The State Courts

Entry Level:

The U. S. District Courts (94 U.S. federal judicial districts)

Trial/Superior/District/Circuit/ courts

Intermediate Level:

The U. S. Courts of Appeals (12 circuits)

Court of Appeals

Highest Level:

The U. S. Supreme Court (9 justices)

supreme court

Special Courts:

U. S. Court of Federal Claims

Specialized courts (traffic matters, family law, small claims)

U. S. Court of International Trade

U.S. Court of Appeals for Federal Circuit

U.S. Court of Appeals for the Armed Forces

U. S Court of Veterans Appeals

U.S. Tax Court

U. S. Bankruptcy Courts

Administrative Courts (Federal Regulations)

Local Courts (cities/counties/towns, villages)

The Law of Court Decisions (Reports or Reporters)

Report or Reporters contain opinions (sometimes called decisions or cases) written by courts to explain how and why certain legal rules were used to resolve a dispute in a particular lawsuit. These rules constitute the "common law," and are followed by courts deciding later cases with similar facts and issues to be resolved so that consistency may be maintained.

The U.S. District Courts are entry-level courts of general jurisdiction. There are 94 U.S. federal judicial districts, with at least one district court in each state. Selected decisions of these courts from 1932 onward are published in *The Federal Supplement* (Call Number: KF120.F4). Appeals from the various district courts are ordinarily taken to the circuit courts of appeal, which is the intermediate-level federal court. The U.S. Court of Appeals is divided into 12 geographic areas, eleven of which are called circuits and the last of which embraces the District of Columbia, the area containing the capital of the United States. Decisions of these courts are published in *The Federal Reporter* (Call Number: KF105.F42).

The U.S. Supreme Court is at the apex of the federal court system and consists of nine justices who hear and decide cases. The decisions of the U.S. Supreme Court are contained in the following three sets: *United States Supreme Court Reports* (Call Number: KF101.U5), *Supreme Court Reporter* (Call Number: KF101.S9), *United States Supreme Court Reports* (Lawyers' edition, Call Number: KF101.U52).

Each of the fifty states has a court system of its own. These systems vary in structural details, but all of them start with trial courts and end in a supreme court of the particular state involved. In most states, there are intermediate courts between the trial and the supreme courts. The decisions of the state supreme courts are usually reported in official series, but the decisions of the courts of some states are available only in the Reporter System. A complete list of the Reporter System published by West Publishing follows: *Atlantic Reporter*, *Northeastern Reporter*,

New York Supplement, *Northwestern Reporter*, *Pacific Reporter*, *California Reporter*, *Southeastern Reporter*, *Southern Reporter* (Call Number: KFA41.A2), *Southwestern Reporter*, *American Law Reports* (Call Number: KF105.A54) selects the cases based on the editor's conclusion that the cases are significant for the development of the law. In addition to publishing the decisions of the cases themselves, ALR provides "annotations" (text discussions) which related the reported cases to other decisions in the same field of law. This series provides a useful approach to the law as developed by the courts in the United State of America.

Court Decisions by Subject

"Digests" are indexes for locating a decision or a group of decisions dealing with a particular subject. All reported cases are listed by subject or subjects under an elaborate classification of legal topics.

In addition to the digests, a series of publications is issued by Shepard's Citations, Inc., which tells the reader what has happened to the law as decides in a case. It will, for instance, tell him whether or not a court decision has been followed in another decision, overruled in another decision, mentioned in another decision, or in some instances, been the subject of a scholarly article. Some examples of citations are: *Shepard's Acts and Cases by Popular Names: Federal and State* (Call Number: KF90.S52), *Shepard's Alabama Citations* (Call Number: KFA47.2 S5), *Shepard's Federal Citations* (Call Number: KF105.2.S42), *Shepard's United States Citations* (Call Number: KF101.2/.S54), *Shepard's United States Supreme Court Case Names Citator* (Call Number: KF101.2/.S55).

Encyclopedias

The encyclopedias, like *American Jurisprudence* (Call Number: KF105.A53) and *Corpus Juris Secundum* (Call Number: KF106.C6) are used by many attorneys and other legal researchers as a starting point of their investigations and are frequently cited in court decisions, but to a lesser extent in treaties and legal periodicals. Encyclopedias furnish an essay access to court decisions on a particular subject. They represent the law of the country by subject, with extensive references to the decisions and some of the other sources which have determined law. These encyclopedias are very useful in discovering what the present state of the law is with regard to a particular subject.

Looseleaf

In certain subject areas, such as taxation, where the law is constantly changing and where it is important to have the latest information, looseleaf services are published. These services have removable pages, some of which are changed as new statutes, cases, and administrative regulations are issued.

Legal Periodicals

In legal periodicals one finds articles on significant topics (mostly in rapidly developing fields of law) which are written by members of the faculties of law schools and by attorneys and other authorities, and case notes and book reviews. All important publications in law reviews and bar association journals are indexed in the *Index to Legal Periodicals* (REF KF8.I5) by subject and author.

Textbooks & Treatises

The systematic treatment of a subject is found in textbooks and treatises. A textbook is a relatively succinct statement and is published primarily for instruction purposes. Most textbooks are annotated with references to the case law. Treatises are elaborate statement statements on a particular subject, mostly with annotations referring to the statutory and case law, articles in legal periodicals, and other learned writings. Textbooks and treatises frequently contain tables of the cases which are cited in the text, and tables of statutes to which reference is made.

Words Often Used

Bill---Individual publication of proposed legislation; each bill numbered sequentially as introduced and within each bill, each paragraph numbered.

Slip Law---Individual publication of approved laws; each law numbered sequentially as enacted (Usually a double number is used, e.g. P.A. 86-10 is the tenth public act passed by the 86th legislative session in the state of P.A.), paragraphs numbered the same as in the final version of the bill.

Session Laws---All the laws passed in a session of a legislature, bound together in chronological order; numbered the same as slip laws.

State Code--- Publication of just the laws still in force, arranged by subject rather than by date of passage; completely renumbered.

Annotated Code--- Publication similar to the state code but with added features: historical notes, summaries of court cases, extensive indexes, fast supplementation service, and cross-references to journal articles, encyclopedias, and attorney general opinions.