

Legal Research for Non-Law Students

Library Research Guide

What is legal research, and how is it different from research in other disciplines?

Even if you are using legal sources, you may not be doing legal research. Legal research is a search for statements of the law found in statutes, cases, or other primary sources that can be used to predict how a court would decide a dispute involving a specific fact situation. In many disciplines there is a distinction between laboratory or empirical research and library research. Legal sources are often used for research in other disciplines, such as history and sociology, but historians and sociologists use the legal sources for a purpose or result different from that of a law student or practicing attorney. Given this difference a non-lawyer may utilize different types of legal research processes and standards.

Why don't I need to do the same type of legal research as a practicing attorney?

Legal research, as performed by a lawyer, is always library research, whether it is done in books or computer databases. Lawyers must know if there have been any recent statutes or cases that have changed the predictive ability of the sources they are relying upon. The cost of not finding these recent materials can be the difference between the client winning or losing a lawsuit. On the other hand, most papers assigned in non-law courses require a student to discuss the impact and significance of a particular legal decision, a statute, or an area of law. Only in rare cases will a non-law student be required to research an area of law as exhaustively as a lawyer must do.

It's all Latin to me - What if I have trouble understanding legal terminology?

Like many other disciplines, the law seems to have a language all its own. For help in deciphering legal terminology, do what lawyers and law students do: consult a legal dictionary. The most frequently consulted legal dictionary, *Black's Law Dictionary* (Call Number: KF 156 .B53 1999, also available online via the Houston Cole Library's Campus Research database---Content List)) contains references to cases that define legal terms as well as the definitions themselves. Legal definitions which may be more accessible to a novice legal researcher can also be found in Houston Cole Library, *Law Dictionary for Non-Lawyers* (Call Number: KF 156 .O7).

What is the best place for a non-law student to start researching legal materials?

It is best to start with what you know. If you know very little about a topic and would like basic information, one useful source is *West's Encyclopedia of American Law* (Call Number: KF 154 .W47 1998). A general legal encyclopedia such as *American Jurisprudence* (Call Number: KF 105 .A53), *American Jurisprudence 2d* (available via the Library's Campus Research database) are useful for setting out the basic issues surrounding a legal problem. If you are writing a paper about a specific case, you will want to read the court's opinion. It is necessary to have a citation to that case in order to find the text of the opinion in a reporter or online. Citations to some landmark cases can be found in *West's Encyclopedia of American Law* and *American Jurisprudence 2d*. A citation looks similar to this: 98 S. CT. 2733

If you are writing about an area that is new to you, it is often best to start with a secondary source such as a law review article or an article in *American Law Reports (ALR)*, available via the Library's Campus Research database). Finding one or two law review articles on your topic is a good place to begin. They may even provide you with all the information you need for your project.

What are law reviews?

Law reviews are periodical publications of law schools, bar associations, and commercial publishers, that contain articles providing in-depth analysis of legal issues or practical legal information. Since law review articles are well-documented with footnotes, they give the researcher quick access to citations of relevant cases and statutes and interpret and explain those sources as well.

How do I find law review articles on my topic?

Use an index to find citations to law review articles on a particular legal topic. There are two excellent general law review indexes: the *Index to Legal Periodicals and Books* (Call Number: REF KF8.I5) in print and electronic formats, the Campus Research electronic database, and the *LegalTrac* electronic database. No matter which index or format you choose, the process is the same: look for two or three law review articles on your topic by using appropriate search words. For example, if you need to find articles on the use of DNA fingerprinting as evidence, search an online or print index for articles with the keywords "dna AND evidence." If you need to find articles about a particular case, such as *Roe v. Wade*, try a keyword search using the name of the case: "roe and wade." If your initial search does not retrieve any relevant citations, try another search using terms that are more general than those you originally used.

Once you have found citations for two or three relevant law review articles, use JSU Library online catalog to find out whether the law reviews you need are available at the Library and where they will be located. For example, if you wanted to read the article entitled "Law Students and the Disorder of Written Expression," which was published in the *Journal of Law & Education*, you would search the catalog for the *Journal of Law & Education* to find out if the Library subscribe to this journal.

Faculty and enrolled students of JSU may also use these indexes from home computers through JSU Library Home Page—Find Articles (<http://www.jsu.edu/library/resources/>). A growing number of law reviews are establishing an electronic presence in the Library's subscribed databases or on the World Wide Web. Visit WWW Virtual Law Library (<http://vlib.org/Law>) to browse the contents of many of these journals.

How can I find cases on my topic?

Lawyers frequently use secondary sources to get references to case law. If you have found a law review article or two on your topic, it will contain citations to the cases or other legal sources it relies upon. *American Law Reports* via Campus Research database is a searchable full-text secondary source that publishes annotations (or articles) that discuss the leading cases on a topic and provide references to similar state or federal cases.

Lawyers frequently expand their case law research using a case finding tool called a digest. A digest arranges brief statements of the points of law found in cases by topic so that once you have found a relevant case, you can easily find other cases on the same topic from any court jurisdiction. The "Key Search" feature of the Campus Research database allows you to search and browse cases by topic that covers United States case law from state and federal courts. Once you have citations to cases, look them up in the print case reporters or retrieve them from Campus Research. The Library has a number of case reporters including *United States Reports* (Call Number: REF KF 101.U52), *Supreme Court Reporter* (Call Number: KF101.S9), *Alabama Reports* (Call Number: REF KFA 45.A2), *United States Law Week* (Call Number: REF K25.N54x), *West's Education Law Reporter* (Call Number: KF4110. A2 W47).

Why can't I find many transcripts of trials in the Library?

Most cases found in a law library are the written opinions of appeals court judges. These are the most useful source for predicting how a future court would resolve an issue because the doctrine of "stare decisis" requires that similar cases be treated the same. Trial court transcripts, the record of what was said at trial, may be very interesting, but will not bind future courts. Transcripts are not automatically printed from trials, but requested and usually purchased by the parties if they want to appeal the trial court's findings.

Trial court decisions, also called verdicts, determine the outcome of a case for the two parties, but also have limited predictive value, and therefore are not used as much in legal research. However, the Library has a small collection of famous historical trials and sample trials. Several

samples are: *Great World Trial* (Call Number: REF K540.G74 1997), *Laws and Trials that Created History* (Call Number: KF220.A9), *Trials that Made Headline* (Call Number: KF 220.F4).

What kinds of background material can I find about cases?

Information about the people involved in a lawsuit is usually not available in the law section of the Library, since that information is not relevant to the legal principles established by the court's opinion in that case. Consult a newspaper index at the Library to find basic background information about your case.

What do I do if my paper topic involves statutes?

Many legal topics have a statutory basis, which means that a law enacted by a legislative body "controls" in a particular legal situation. In fact, today most areas of law have a statutory basis. One well-established rule of statutory interpretation says that a statute means what it says, but even more than that it means what the appropriate courts say it means. In other words, to find out if a statute applies in a particular instance it is necessary not only to read the words of the statute, but also to look at court decisions interpreting the statute. Luckily, there are often law review articles and ALR annotations about statute-based topics as well, so following the strategies suggested above should be helpful here as well.

Another way to research a statute-based topic is to begin by finding the statute itself. *United States Code Annotated* (REF KF 62 1927.W25, also available via the Library's Campus Research database) is a useful tool for locating most well-known statutes published in annotated codes, which not only provide the text of the statute but also provide citations to cases that interpret the statutory language.

Many states, and the federal government, have mounted their statutory codes on the World Wide Web. U.S. Code can be accessed at: <http://www4.law.cornell.edu/uscode/>, and Code of Alabama can be accessed at: <http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm>

What is primary law? What are secondary sources?

Primary law consists of constitutions, statutes, administrative law, and court cases. Primary law is "the law" as passed by authoritative bodies. Secondary sources comment on and explain primary law, but do not have the force of law that primary law has. The major secondary sources are legal encyclopedias, law reviews, ALR, and treatises.

How do I find international law sources?

With the growing globalization of the world economy, international law is having a bigger and bigger impact on American law and many law-related disciplines. The term "international law" is often used to refer to three completely separate types of law: foreign law, private international law, and public international law.

Foreign law is actually the domestic law of foreign countries. If you need to research the laws of a country other than the United States, please remember that most law is published in the language of the country, so it is helpful to restrict your research to countries for which you can speak and read the language. Also, the Library does not have an extensive collection of foreign law.

Private international law applies when private citizens of different countries interact or transact business. Usually the parties decide jointly which country's laws they will rely upon in advance, but sometimes there are established rules about which law will apply.

Public international law regulates the legal relations between countries. Sources of international law can include treaties, international conventions, custom, and general principles of law. Materials of international intergovernmental organizations like the United Nations are also considered sources of international law.

Once again, an excellent way to begin to research an international law topic is to locate a few law review articles by using one of the indexes discussed above. In addition, the Library's Campus Research database provides *European Union treaties and etc.*

What kind of legal materials I can find in the Library?

Legal materials in the Houston Cole Library are located on the tenth (10th) floor. They are classed under the call number **K** classification.

Indexes: *Index to Legal Periodicals & Books* (Call Number: KF 8.I5) is located in the Index Area close to the Reference Librarian's office. It provides information for finding articles that most closely match research needs.

Directories: Directories provide information of names, address, and telephone numbers, some even provide information such as narrative descriptions of practices or objective evaluations of lawyers' expertise and skill. The Library provides access to *Martindale-Hubbell Law Directory* (Call Number: KF 190. M3x), *Martindale-Hubbell International Law Directory* (Call Number: KF 190.M26x, also available at: <http://www.martindale.com>), and etc.

Legal Dictionaries & Encyclopedias: Legal dictionaries interpret the language in legal documents. Encyclopedias provide a narrative summary of legal matters, generally covering such issues as legal history, institutions, famous jurists and lawyers, and leading Supreme Court cases. The Library provides access to *Black's Law Dictionary* (Call Number: KF 156. B53), *American Jurisprudence 2d* (Call Number: KF 8934. A5), *Guide to American Law: Everyone's Legal Encyclopedia* (Call Number: KF 156.G77), and etc.

Digests: Digests reprint headnotes summarizing points of law from court decisions in a subject classification. The Library provides access to *United States Supreme Court Digest (West)* (Call Number: KF 101.1.U55), *West's Educational Law Digest* (Call Number: KF 4110.3. W47), *Criminal Law Digest* (Call Number: KF 9210.3.C75 1983), *The Environmental Law Digest* (Call Number: KF3775.A59E5), and etc.

Citators: A citator is a tool which lists later references to a particular document. The Library provides access to *Shepard's United States Citations* (Call Number: KF 78. S56), *Shepard's Alabama Citations* (Call Number: KFA 47.2.S5), and etc.

Reports: Court reports contain judicial decisions. They also provide guidance to later courts faced with similar cases. *United States Reports* (Call Number: KF 101.U5), *Alabama Reporter* (Call Number: REF KFA45.A22), and etc.

Legislation: *U. S. Code* (Call Number: KF 62. W25), *The United States Constitution* (Call Number: KF 4530.C6), *Alabama code* (Call Number: KFA 30. A2), and etc.

What do these citations mean? How can I access them?

The legal citation, which is always written in a standard form, tells you precisely where the law/Case is located. *Black's Law Dictionary* (5th ed.) (Call Number: KF156. B53) also provides a Table of Abbreviations for further research.

Constitution

The Constitution of the United States of America (Call Number:JK31.D8, can also be accessed at Campus Research Database at: <http://www.jsu.edu/library/resources/>)

Citation Examples:

U.S. Const. Art. I, §8, cl. 5. (*The Constitution of the United States*, Article 1, Section 8, clause 5)
U.S. Const. amend. XIV, §2. (Amendment XIV to the Constitution of the United States, Section2)

Constitution of Alabama (Call Number: KFA401 1901.A4 1966, can also be accessed at Campus Research Database at: <http://www.jsu.edu/library/resources/>)

Citation example: Ala. Const. of 1875, art. IX, §2 ("Constitution of Alabama 1875", Article 9, Section 2)

Statutes

United States Code (Call Number: KF62.A1 1958, annotated version can also be accessed at Campus Research Database at: <http://www.jsu.edu/library/resources/>)

Citation Example: 42 U.S.C. § 1983 (Title 42, United States Code, Section 1983)

Statutes at Large (Call Number: KF50.U5, can also be accessed at: <http://thomas.loc.gov> from 93rd Congress to date)

Citation Example:

Pub. L. No. 91-190, 83 Stat. 852 (Public Law, 91st Congress, Number 190, Volume 83, Statutes at Large, Page 852)

Code of Alabama (Call Number: KFA30 1975.A2, can also be accessed at Campus Research Database at: <http://www.jsu.edu/library/resources/>)

Citation Example: Ala. Code 1975 §16-3-35 (Code of Alabama 1975, Title 16, Chapter3, section35)

Legislative Materials

House and Senate Bills (Call Number: KF16.U5x, can also be accessed at: <http://thomas.loc.gov> from 101 Congress to date)

Citation Example: H.R. 1264, 100th Cong. (1987) (House of congress---Representative, the number of the bill---1264, 100th Congress, the year---1987)

Hearings: Check library catalog

Citation Example: 5 Hearings before the House Comm. On Ways and Means on Comprehensive Tax Reform, 99th Cong. 25 (1985) (Volume or part number---5, House of Congress---House, Name of the Committee---Ways and Means, Subject matter title---Comprehensive Tax Reform, the number of the congress---99th Cong., local page reference---25, the year---1985)

Cases (Federal Reporter (F.), call number: KF105.F42), United States Reports (U.S.), call number: REF KF 101.U52, can also be accessed at Campus Research Database at:

<http://www.jsu.edu/library/resources/>)

Citation Example: Knighten V. Commissioner, 702 F.2d 59 (Name of the case---Knighten V. Commissioner, published source---Volume 702 Federal Reporter 2nd Series Page 59)

(see more information on Library Research Guide: Finding Information about Cases and Court Opinions)

What do I do if I get stuck?

Be sure to leave yourself enough time to find and READ the sources. Reference librarians at the Library may be able to suggest additional strategies if your research keeps coming up against a dead end. For help and further information, please contact:

Hanrong Wang

Houston Cole Library

Jacksonville State University

Jacksonville, AL 36265

Tel: 256-782-5250

Fax: 256-782-5872

Email: hwang@jsu.edu

H. W.