

A Guide to Legal Research

Locating Information for the Public Policy Paper Using Legal Research Tools

Overview

This pathfinder will help you identify and distinguish between the legal research resources. It also serves as a guide to accessing the legal research tools.

Included in this pathfinder are:

- I. Statutes, Codes and Regulations**
- II. Case Law** – U.S. Supreme Court Cases, Reporters and State Case Law (when available)
- III. Books, Periodicals and Additional Aids** – Including Law Reviews, Shepardizing®I, and Legal Research Reference Materials

I. Statutes, Codes & Regulations

1. Statutes

A statute, sometimes referred to as legislation, is a positive statement of legal rules enacted by a legislature. Statutes are used to create new areas of law, to fill gaps in the law, and to change court-made rules. Statutes are published chronologically.

Identifying the legislature's purpose in passing statutes and the legislature's intended meaning for specific provisions of statutes require students to investigate the **legislative history** of the statute. This process typically involves looking at revised versions of bills and legislative debates, hearings, and reports, and other materials, created by the legislature while the statute was under consideration.

United States Statutes at Large

This is the official publication of all laws exactly as it passed in chronological arrangement from 1789 to present.

An example citation from the United States Statutes at Large for *the Adoption and Safe Families Act of 1997* law is **111 Stat. 2115**.

111 - refers to the volume

Stat. - official United States Statutes at Large

2115 - indicates the first page in Volume 111 at which the law appears.

2. Codes

Statutes, and collections of statutes arranged by subject are called codes. The process of taking the laws passed by Congress and rearranging them and making them more accessible is called **codification**. Codification does three things: 1) collate the original law with all subsequent amendments by taking into consideration the deletion or addition of language made by the amendments; 2) bring all laws on the same subject or topic together; and 3) eliminate all repealed, superseded, or expired laws.

Many states have published official and unofficial codes of all laws in force which have been compiled by code commissions and enacted by the legislatures (e.g. California Code).

1. United States Code (U.S.C.)

This is the official version of all general and permanent laws in force. It contains subject arrangement of public laws under fifty "titles" or subject categories. Also, it *does not* summarize legislative history but does cite the U.S. Statutes at Large.

An example of an entire statute, as codified in the U.S.C. is the

Comprehensive Environmental Response, and Liability Act, 42 U.S.C. §§ 9601-9675 (1994).

Official name of the act

42 - U.S. C. title number

U.S.C. - abbreviation of code cited

§§ 9601-9675 - section symbols and span of sections containing the statute

(1994) - date of code edition cited

2. United States Code Annotated

As the unofficial compilation of laws in force, it has the same arrangement as the U.S.C. but also lists references to case law, legislative histories and other sources.

Accessing Statutes, Codes, & Legislative History:

Statutes & Codes	<ul style="list-style-type: none"> • Legal Information Institute, Cornell University - http://www4.law.cornell.edu/uscode/#TITLES • FindLaw - http://guide.lp.findlaw.com/casecode/uscodes/ <ul style="list-style-type: none"> ▪ Search by title and section, by keyword, or browse by title name or popular name • Lexis-Nexis: Congressional Universe <ul style="list-style-type: none"> ➢ Laws <ul style="list-style-type: none"> ➢ <u>US Code</u> – Search the U.S. Code by keyword or title ➢ <u>US Code citation</u> – Find a section of the U.S. Code by citation ➢ <u>Public Laws</u> – Find public laws with keywords or by title and limit the search to laws from a specific Congress • Cole Library - <i>United States Code, 1994 edition</i>; REF 345.2 Un3 1994
Legislative History	<ul style="list-style-type: none"> • Lexis-Nexis: Congressional Universe <ul style="list-style-type: none"> ➢ CIS Index <ul style="list-style-type: none"> ➢ <u>Legislative Histories by number</u> - Search by law or bill number or Statutes at Large citation ➢ <u>Legislative Histories</u> - Search the CIS Legislative Histories by keyword ➢ <u>Testimony</u> – Find information within testimonies by keyword, by witness, and date ➢ <u>Bills</u> – Access bill tracking reports, search full-text of bills or retrieve a bill by number

Accessing State Codes (when available):

State Codes	<ul style="list-style-type: none"> • Legal Information Institute, Cornell University - http://www.law.cornell.edu/states/listing.html (State codes are listed by jurisdiction) • FindLaw - http://guide.lp.findlaw.com/casecode/ (Under “US State Laws – Codes, Statutes and Regulations”) • Lexis-Nexis: Academic Universe <ul style="list-style-type: none"> ▪ Legal Research <ul style="list-style-type: none"> ▪ <u>State Codes</u> – States are listed alphabetically, availability of information varies from state to state
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3. Federal Regulations

Prior to 1936, no official source for publication of rules and regulations of federal agencies existed, nor were agencies required to make their rules and regulations available to the public. In 1936 the Congress passed the Federal Register Act (codified as amended at 44 U.S.C. §§ 1501-1511 (1988), as a result of the case *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935). This act led to the publication of the Federal Register, and then later the Code of Federal Regulations (CFR). The relationship between these two publications is similar to that of the U.S. Statutes at Large and the U.S.C.

1. Federal Register

The Federal Register publishes on a daily basis all federal administrative rules and regulations. Organized chronologically, it contains newly adopted rules and regulations, notice of proposed regulations and rules, and decisions of administrative bodies. It also contains presidential documents.

An example of a citation of recently proposed rules from the Environmental Protection Agency on January 3, 2001, is **66 FR 424**.

2. Code of Federal Regulations (C.F.R.)

The C.F.R. is a codification of rules and regulations first published in the Federal Register. It is arranged under fifty separate titles and brings together all regulations and amendments by subject. Each title is subdivided into chapters, subchapters, parts and sections and is cited by title and section.

An example citation of a C.F.R. is **42 C.F.R. § 405.501**.

Accessing Federal Regulations:

Federal Regulations	<ul style="list-style-type: none"> • Lexis-Nexis: Academic Universe <ul style="list-style-type: none"> ➢ Legal Research <ul style="list-style-type: none"> ➢ <u>Federal Regulations</u> – Search the Federal Register or C.F.R. by keyword. • Legal Information Institute, Cornell University - http://www4.law.cornell.edu/cfr/ <ul style="list-style-type: none"> ▪ Search the C.F.R. by title and section or access it via its table of contents • FindLaw - http://guide.lp.findlaw.com/casecode/ <ul style="list-style-type: none"> ▪ Search the C.F.R. by keyword or by title and section (http://guide.lp.findlaw.com/casecode/cfr.html) ▪ Search the Federal Register by issue date or by keyword (http://guide.lp.findlaw.com/casecode/fed_register.html)
State Regulations	<ul style="list-style-type: none"> • FindLaw - http://guide.lp.findlaw.com/casecode/ (Under “US State Laws – Codes, Statutes and Regulations”) – availability of information varies from state to state

II. Case Law

1. U.S. Supreme Court Cases

There are a variety of tools available to access the full-text of U.S. Supreme Court Cases and lower Federal Court Reports. As you gain familiarity with these tools you will develop your own preference for a tool, or a combination of tools.

➤ Reporters

U.S. Supreme Court opinions are published in three reporters:

1. **United States Reports**

These are the *official* reports of the United States Supreme Court produced by the U.S. Government.

The citation for the Supreme Court Case *Roe v. Wade* is **410 U.S. 113**.

410 - refers to the volume

U.S. - official United States Reports

113 - indicates the first page in Volume 410 at which *Roe* appears.

2. **U.S. Supreme Court Reports Lawyers' Edition (1st and 2nd Series)**

This is an unofficial reporter that discusses the entire body of case law on issues ruled on by the Supreme Court. In addition to the opinions it contains summaries of each case with headnotes (syllabi) and abbreviated versions of the briefs of counsel with annotations discussing important legal developments reported in official cases.

The citation for *Roe v. Wade* is **35 L. Ed. 2d 147**.

It indicates the *Roe* case is found in Volume 35, beginning on page 147 of the Lawyers' Edition 2nd series.

3. **Supreme Court Reporter (S. Ct.)** – Another unofficial law reporter, the S.Ct. contains many of the same features as the Lawyers' Edition. It also contains a feature where headnotes and other references correlate

with other publications by this publisher (West Publishing). The disadvantage to this publication is it begins with the Supreme Court's 1882 term and therefore does not contain the cases reported in volumes 1-105 of the official *United States Reports*.

The citation for *Roe w. Wade* is **93 S. Ct. 705**.

The *Roe* case is located in Volume 93 of the S. Ct. and begins on page 857.

Accessing U.S. Supreme Court Opinions:

Supreme Court Opinions	<ul style="list-style-type: none"> • FindLaw - http://guide.lp.findlaw.com/casecode/supreme.html <ul style="list-style-type: none"> ▪ Search by citation, party names, or full-text search the opinions. • Lexis-Nexis: Academic Universe <ul style="list-style-type: none"> ➢ Legal Research <ul style="list-style-type: none"> ➢ <u>Get a Case</u> – Search by citation or party names only. ➢ <u>Federal Case law</u> – Search by keyword. Be sure to select “Supreme Court Cases” to indicate the Court you wish to search.
Recent & Pending S.C. Decisions	<ul style="list-style-type: none"> • Legal Information Institute, Cornell University - http://supct.law.cornell.edu/supct/

2. Lower Federal Court Reports

Another group of reporters is the Federal Court Reporters. These reporters do not provide the opinions of the U.S. Supreme Court judges, but rather publish the opinions of the District Court judges and Courts of Appeal judges.

1. **Federal Reporter (F.), (F.2d), (F.3d)**

The Federal Reporter covers the U.S. Court of Appeals (though at one time it did also cover the District Court).

- Federal Reporter - Contains decisions of the U.S. District Court and the U.S. Court of Appeals from 1880-1924.
- Federal Reporter, 2d Series – Contains decisions of the U.S. Court of Appeals from 1924-1993 and the U.S. District Court from 1924-1932.
- Federal Reporter, 3d Series – Contains decisions of the U.S. Court of Appeals from 1993 to the present.

An example citation from the Federal Reporter is **Kadala v. Amoco Oil Co., 820 F.2d 1355**.

3. **Federal Supplement**

The Federal Supplement covers the District Courts.

- It contains decisions of the U.S. District Court from 1932 to present.

An example citation from the Federal Supplement is **Republic of Philippines v. Marcos, 665 F. Supp. 793**.

Accessing Lower Federal Court Reports:

Lower Federal Court Reports	<ul style="list-style-type: none"> • FindLaw - http://guide.lp.findlaw.com/casecode/ <ul style="list-style-type: none"> ▪ Under the category “Case Law” you can search U.S. Court of Appeals and U.S. Trial Courts opinions by docket number, party name or full-text search. • Lexis-Nexis: Academic Universe <ul style="list-style-type: none"> ➢ Legal Research <ul style="list-style-type: none"> ➢ <u>Federal Case Law</u> – Search by keyword. Select the appropriate court for which you would like to search.
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3. **Accessing State Court Opinions (when available):**

State Courts	<ul style="list-style-type: none"> • Legal Information Institute, Cornell University - http://www.law.cornell.edu/opinions.html#state • Lexis-Nexis: Academic Universe <ul style="list-style-type: none"> ➢ Legal Research <ul style="list-style-type: none"> ➢ <u>State Case Law</u> - Search by keyword. ➢ Get a Case - Search by party names only. • FindLaw - http://guide.lp.findlaw.com/casecode/ <ul style="list-style-type: none"> ▪ Under the category “US State Laws” you can choose a state and access searchable state court opinions, if available. (Formats for searching these opinions vary from state to state.)
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III. Books, Periodicals and Additional Aids

1. Law Reviews

Law reviews are journal articles published in legal periodicals. These articles are an excellent resource for researching case law because they typically contain secondary source material providing historical context for what the law has been, what it is now, and what it might become. Also, law review articles reflect conflicting expert opinion about what the law should become.

Accessing Law Reviews

Law Review Articles	<ul style="list-style-type: none"> • Lexis-Nexis: Academic Universe – available at http://cornell-iowa.edu/library/ <ul style="list-style-type: none"> ➢ Legal Research <ul style="list-style-type: none"> ➢ Law Reviews – Search Law Reviews by keyword. Selecting “More Options” when searching which allows you to search an individual law review title.
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2. Books

Many books are published each year on the topic of case law. Though books may not contain the most recent developments with regard to case law, they do typically provide in-depth coverage of a specific body of cases surrounding a law or focus on a landmark case (e.g. Roe v. Wade).

Accessing Books

Cole Online	<ul style="list-style-type: none"> • Cole Online is the catalog for Cole Library. It represents the Library’s physical holdings, including books. You can access it from the Library’s homepage at http://www.cornell-iowa.edu/library/.
WorldCat (Available via <i>FirstSearch</i>)	<ul style="list-style-type: none"> • Click on <i>FirstSearch</i>, next to “Jump to Advanced Search” select “WorldCat” from the drop-down box. • Search for books by keyword, title, author, etc... (Reminder: WorldCat <i>does not</i> index journal articles, only books.) • You may request books Cole Library does not own via Interlibrary Loan at http://www.cornell-iowa.edu/library/circ_otherlib.shtml

3. Additional Aids

Shepard’s® United States Citations

Citators are used to locate citations to other cases, statutes, regulations, or articles that have referred to a particular case. The most popular citator is *Shepard’s*. Shepard’s lists U.S. Supreme Court cases by citation. Under each citation is a list of other cases which have cited to the primary case.

Shepard’s® Citations	<ul style="list-style-type: none"> • Lexis-Nexis: Academic Universe <ul style="list-style-type: none"> ➢ Legal Research <ul style="list-style-type: none"> ➢ <u>Shepard’s® for U.S. Supreme Court</u> – check citations of U.S. Supreme Court cases
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Legal Research Reference Materials

The Bluebook: A Uniform System of Citation, 17th Ed. <ul style="list-style-type: none">• A citation primer based on the 17th edition of <i>The Bluebook</i> is available at http://www.law.cornell.edu/citation/.	REF 340 B625 2000
Black's Law Dictionary	REF 340.03 B564b 1990
Researching Constitutional Law, 2nd Ed.	REF 342.73 M492r 2000

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