

Starting Points for Researching a Legal Issue Using Print or Digital Resources



The information in this packet is not intended to be, and should not be taken as, legal advice. Librarians are not qualified to provide legal advice, and the unlicensed practice of law is prohibited in all states.

Please seek a qualified attorney to represent you to whatever extent possible given your current circumstances. The information in this packet is not intended to replace or supplement representation by a qualified attorney.

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HOW TO USE AN INDEX FOR LEGAL RESEARCH

An index will help you look within a book or documents for words that describe a topic.

To use an index:

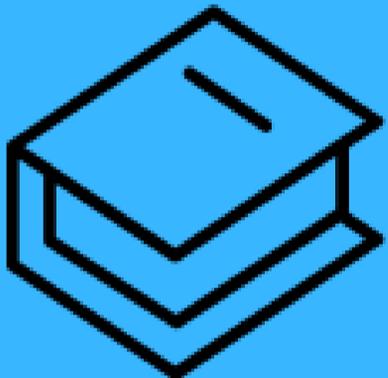
Think of the word you want to look for and other words that mean the same thing.

If you can't find the first word, the other words that also describe it might be in the index instead.

If you look where you thought you would find a word and the book says to look under a different word, look in that place in the index, too.

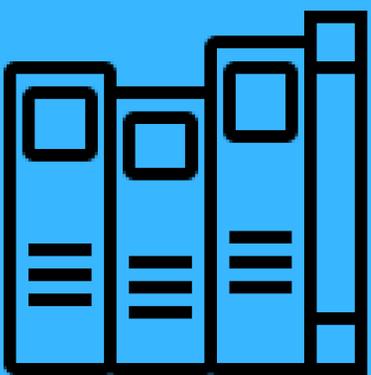
FINDING THE INDEX

Where to find an index



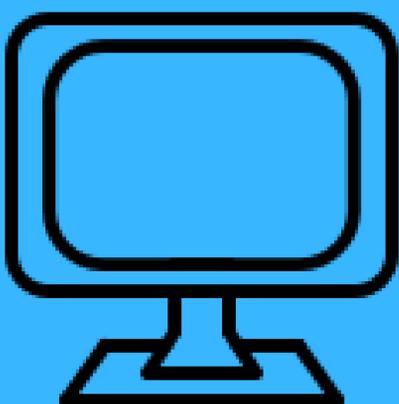
If you have one book:

The index is usually in the back of the book. Words are in the order of the letter they start with. When you find the word or topic you are looking for, the page number next to it is where you will find that topic in the book.



If you have a group of books:

The index will probably be in a separate book that is kept at the end of the group. The words will be in the order of the alphabet letter they start with. It will tell you which "volume"(book) and what section or page number to look in

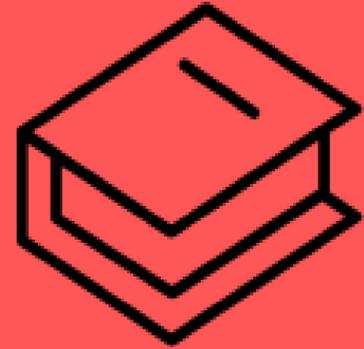


If you are using a legal research website on a computer or tablet:

You might see a button or a blue link that says "index" in the bar on the sides of the e-book you are reading. The words or topics will be in the order of the alphabet letter they start with.

HOW TO USE THE TABLE OF CONTENTS

Usually, the table of contents is located at the beginning of a book or by clicking on a link to the table of contents of a page on a legal research website.



The chapters and sections in the book will be listed here next to the page number where you can find the information. This can help you see what is covered in the book and how it is organized.

Legal books often use letters called roman numerals instead of numbers.

Here are just a few to help you get started:



I = 1

II = 2

III = 3

IV = 4

V = 5

VI = 6

VII = 7

VIII = 8

IX = 9

X = 10

XI = 11

XII = 12

SEARCHING FOR LEGAL INFORMATION

If you have access to a computer to research your own legal matters, there are a few things you can do to make the way you search for information work better.

Use the search bar:

You can use connectors to find laws and cases that talk about more than one topic or word. Try some of the examples, below.

AND : Gives you results that have all of the words you want. You would type _____ AND _____ into the search bar.

Example: **robbery AND bus** will retrieve only documents that say both words.

W/p: Gives you results that have the words you want within the same paragraph as each other. This is good for when you are looking for words that are related.

Example: **car W/p bus** will retrieve documents that talk about a car and bus in the same paragraph.

AND NOT: Gives you results that have the words you want but not a word you don't want. You would type _____ AND NOT _____ into the search bar.
Example: **car AND NOT bus** will retrieve documents that have only car in them, not bus.

OR : Gives you results that have ONE of the words you want. You would type _____ OR _____ into the search bar.
Example: **car OR bus** will retrieve documents that have either car or bus in them, not both.

Sometimes you might want to find cases or laws that talk about something that takes more than one word to express. Using quotes can help.

Example: "legal malpractice" will bring you sources that talk about "legal malpractice", but without quotes you would get sources that mention the word legal, the word malpractice, or both in any order.

AN OVERVIEW OF 'LAW'

The laws of the United States are more than just written rules. "Law" can mean **statutes**, **case law**, **regulations**, and **common law**. This section will tell you what each of these are and how they work together so you can understand while you are researching.

Definition

Statutes are specific written rules that were approved by a legislative body at the state or federal level. They are published in a way that arranges them by topic ('codified').

Regulations are rules made by administrative agencies, like the Department of Labor. They are often posted on an agency's website and usually apply to very specific activity.

Case law refers to opinions written by judges when they rule on a case. There is state and federal case law. The judge writes opinions which interpret or explain statutes and other case law that came before it. Case law often explains what statutes do not.

Common Law is a body of law that is made by judges as they issue rulings on cases. A common law, put simply, is a rule that comes out of a case and not a legislative body.

Example

Federal statutes are published in the U.S. Code, "U.S.C." for short. State statutes may be published with either "statute" or "code" in the name

Regulations may also be published under a "code." Federal regulations can be found in the Code of Federal Regulation, "C.F.R." for short.

A case usually has two or more parties in the title, for example "Miranda v. Arizona." These are published in 'reporters' which can be organized by date or by topic.

One example you may have heard of is "common law marriage." In states that have this, there is no statute about it but judges have determined it exists anyway.

THE FEDERAL COURT SYSTEM

<<<LOWER COURT-----HIGHEST COURT>>>

The U.S. Supreme Court:

Reviews decisions of the federal and state trial and appellate courts.

The citations for these cases will include "U.S.", "S.Ct." or "L. ed." The top of case opinions from this court will say "Supreme Court of the United States" across the top. The decisions of this court must be followed by all other courts in the U.S.



The Supreme Court



U.S. Courts of Appeals:

There are 13 "circuits" in the U.S. and each represents a handful of states.

These courts review the decisions of the U.S. District Courts

Case opinions from this court will say "United States Court of Appeals, _____ Circuit" and the blank will tell you a number to show which "circuit" it is from.

When a judge makes a decision in a circuit court, that circuit and the district courts within it must follow it as law .



Appeals Courts



U.S. District Courts:

There are 94 Judicial Districts, and the courts at this level are trial courts--the first place where a case is heard.

These cases will say "United States District Court" followed by the district they are in. In some places, a district will be named after a state- like District of Arizona- but other districts will be named after a part of a state, like Eastern District of New York.



Trial Courts

STATE COURT SYSTEMS

Each of the 50 states has its own court system that is separate from the federal system. States use different words to describe their courts at different levels, but they usually have the same steps.



- Small states do not have intermediate appeals courts
- This court hears appeals from trial decisions

The Highest State Court

- Some states call it:
- Supreme court,
 - Court of Appeals
 - Supreme Court of Appeals

Intermediate Appeals Court



Trial Court

Family Court

Juvenile Court

Municipal Court

Probate Court

Criminal Court

These are special courts that only hear certain topics

Research Tip:

If you are looking for cases to support your appeal in a state court, cases that were decided in the highest court of the state must be followed by all state courts.

Find out more about each state's court structure on this website: <https://bit.ly/statecourtstats>

FINDING STATUTES

There are state and federal statutes. State statutes cover a specific number of topics that federal statutes do not cover. See below for explanation about what topics are covered and where you can find statutes.

State Statutes

Apply to: People who live or conduct business in a state, or have connections to the state (like having a car accident there).

Topics include: most criminal laws, landlord/tenant laws, real estate, contracts

The availability of state statutes changes in each state. If you have access to an online legal research platform, try searching for the name of the state and the word 'statutes'. If you have a legal research database available to you, you may find a version of the statutes that has comments at the end of each statute. These comments are called annotations and can help you find court cases that discuss the statute. Annotations also include other helpful information.

Federal Statutes

Apply to: anyone in the entire United States, no matter what state they live in.

Topics include: some crimes (like tax evasion), immigration, social security, intellectual property

Federal statutes are found in the United States Code, or U.S.C. for short. They are organized by topic and are published online at <https://uscode.house.gov>. If you have a legal research platform available to you, you may find an annotated version of these statutes which will list cases that discuss the rule and other helpful information.

Recursos para asuntos relacionados con inmigración

Los recursos en el resto de este paquete pertenecen de manera amplia a investigaciones de índole legal que son en general útiles para personas encarceladas. Entendemos que la mayoría de la gente que recibe este paquete trabaja con problemáticas de derecho migratorio y a continuación queremos proporcionarles recursos en caso de que cuenten con acceso a Internet:

Derecho migratorio: Una introducción

<https://www.fjc.gov/content/immigration-law-primer-0>

- Este libro descargable nos provee una idea general del derecho migratorio en los EE.UU con la vista puesta en aquellos casos que surgen en litigios judiciales. (Inglés).

Centro de investigación del Departamento de Justicia Migratoria:

<https://www.justice.gov/eoir/virtual-law-library>

- Una biblioteca virtual legal con fuentes del gobierno en derecho migratorio. (inglés)

Servicios de inmigración y ciudadanía estadounidense – Recursos multilingües.

<https://www.uscis.gov/citizenship/find-study-materials-and-resources/citizenship-multilingual-resources>

- Una biblioteca de recursos para inmigración y material de estudio para aquellas personas que necesiten asesoramiento para obtener la ciudadanía en los EEUU. (Español y otros idiomas).

Protégete

<https://www.protegete.us/>

- Página de internet del Condado de LA que provee una idea general de tus derechos como inmigrante así como también información en relación a la organización y guarda de documentos importantes. Además, provee un link de ayuda legal. (Español e inglés).

Asistencia para el derecho migratorio

<https://www.immigrationlawhelp.org/>

- Esta página provee asistencia legal relacionada a cuestiones migratorias en todo el país a costos bajos.