





The online revolution is creating the incredible shrinking law library. Libraries are doing away with subscriptions to print materials. Some law libraries have totally done away with the hard copy of Shepard's Citations. Except for the Colorado Case Names Citator and the Colorado Citations, the ACC Library does not carry the print version of Shepard's Citations. And in a recent survey, almost half the law libraries surveyed plan to completely do away with their West reporters.



finding tools. Some secondary resources can also be used as persuasive authorities.

Law collection resources are: the law (constitution, statutes, ordinances, regulations, and case law) and tools that help you find and also explain the law and related cases.

You'll notice that one of my handouts has resources arranged in a pyramid. In this pyramid, the primary sources are at the top of the pyramid, and secondary resources and finding tools are lower down and at the base.

Research starts at the base of the pyramid, and then your object is to reach the upper part of the pyramid, which will have the statutes or cases that will answer the legal question or solve the legal problem for the client. Each tool and resource leads you as a guidepost to this goal, leading you to additional cases and statutes as you go up the pyramid. By starting at the lower part of the pyramid (secondary sources) you familiarize yourself with the issues and points of law before finding the answer to the problem or question in the primary sources at the upper part of the pyramid. After finding the primary sources, you may want to go back to secondary sources to fill gaps. The scholarly content of some secondary sources, such as law journal articles, can carry persuasive weight in legal arguments.



still the most preferred way. Treatises can be found on an online law library catalog by entering an author, title, subject, or keywords.

You often lose the context of the discussion if you read extensive text online. Relevant sections of text can usually be found easier using an index rather than through online searching.

Certain print and online resources are being coordinated more. For instance, in the front section of the West Digest publications, all 414 Digest topics have their own number that can be used for online searching for cases within the topic and within specified key numbers. The American Law Reports includes suggested electronic search queries for use in Westlaw.

Finally, there is no denying there are a lot of fantastic free sites for legal information on the Internet that are tremendous, especially when you can't make it to your library or get your hands on the hard copy of legal materials. These free resources include statutory and case law, as well as tutorials, guides, and reference tools. I've compiled a list of some of the best links to legal sites at this address: <http://knowledgeresearch.homestead.com/legalresourcesguides.html> You can also find the print version of this CD that you're listening to at that same Web page.



heading. The Library carries a number of books about the paralegal profession, as well as legal guides for paralegals. Lower down on our homepage are the subscription databases such as ProQuest and EBSCOhost for periodical articles. These and some of the other databases are available off-campus, but do require passwords, obtainable from the Library.



also have a convenient listing of the newest laws in the table of contents of each pamphlet volume. Also contained in the *US Code Service* are some agency procedural rules, with cross-references to the *Code of Federal Regulations*.

**The US Supreme Court Reports, Lawyers' Edition (L. Ed.)**

(Not to be confused with *West's Supreme Court Reporter*, which is not carried by ACC). The *US Supreme Court Reports* is the unofficial collection of all US Supreme Court Decisions, published by the former Lawyers Co-op. Yes, you can get the US Supreme Court decisions on the Internet, but with the print *US Supreme Court Reports*, you get more than just the text of the case: namely, useful quick summaries and annotations and essays of the cases and legal issues. Summaries of briefs by counsel are especially helpful in helping determine the relevancy of the case. Be careful not to confuse arguments by counsel with the actual opinion of the court, which follows the name of the justice. In addition to pocket supplements, the *US Supreme Court Reports* issues advance sheets twice a month. To help you find the right Supreme Court case, use the library's set of *US Supreme Court Digests*, which will be discussed with the rest of the Digests carried by the Library.

**National reporters not carried by ACC**

There are six national reporters of federal court decisions, none of which are carried by the ACC Library. The following National Reporters are not carried by the ACC Library:

*The Federal Reporter*, *Federal Supplement*, and *Federal Rules Decisions*. *The Federal Reporter* covers cases from the US Courts of Appeals. *The Federal Supplement* covers a small percentage of US District Court cases. *The Federal Rules Decisions* interprets Federal Rules of Civil and Criminal Procedure. There are also Federal reporters for bankruptcy courts, claims courts, and tax courts. As I have mentioned, none of these national reporters are carried by the ACC Library, but are available at other law libraries in the area, such as the Colorado Supreme Court Library in downtown Denver and at the University of Denver Law School Library. Also, check the *ALR*, which reports some of the most significant federal cases.

**Code of Federal Regulations**

Administrative rules and regulations are created by government agencies and are chronologically compiled in *The Federal Register*, then topically arranged in *The Code of Federal Regulation*. The ACC Library has *The Code of Federal Regulations* on microfiche.

**Now, the primary resources for state statutes and case law, including Colorado.**

**Colorado Revised Statutes Annotated (CRS)**

The maroon-colored volumes are issued every year. Titles in each volume are on the spine. Besides statutes and annotations, the Colorado Revised Statutes contain US and Colo. Constitution, and Colorado Court Rules—Civil, Criminal, Juvenile, Traffic, Appellate. The last volume is the index, includes Words and Phrases and various tables converting statutes from older editions.

The CRS also includes the Colorado Revised Statutes *Red Book*, a thin red softbound volume issued every year prior to the publication of the yearly set of the statutes. At the ACC Library, the CRS *Red Books* go back to 1999. A single *Red Book* is published for each first and second regular session of the general assembly, listing the changes in the statutes. By quickly scanning through the lists you can see if an old statute has been changed in any way, or if a new statute has been added. Each *Red Book* for each session contains a couple of tables—one listing the changes to the Colorado Revised Statutes by amendments, additions and repeals. The other table lists all house and senate bills chronologically, identifying their corresponding statutes.

**The Session Laws of Colorado**

The Session Laws of Colorado are the enacted bills of the general assembly before they become codified in the Colorado Revised Statutes and are issued yearly in tan-colored volumes. The ACC Library's set of Session Laws go back to 1971. The session laws allow you to see the original wording of the statutes and how the statutes have changed over time as they are amended and modified.

**West's Pacific Reporter and National Reporter System of state court cases**

Cases that are published are "reported." The state reporters cover state appellate and Supreme Court cases in chronological order, not by topic. State trial courts are not covered because trial court cases do not have precedential value. Part of the unofficial National Reporter System which groups regional states together into seven regions, the Pacific Reporter consists of many cases from AL, AZ, CA, CO, HI, ID, KS, MT, NV, NM, OK, OR, UT, WA, and WY. West's also publishes many cases not officially published. Many states (including Colorado) have ceased publishing official case reports because of the expense and success and accuracy of West's Reporters.

Tracking a legal issue or topic across courts in different states in regional digests and reporters allows you to see how a single issue has developed and been treated by different courts in various states. These other cases are also useful to courts for making rulings in a state which does not have a rich body of law on a particular issue.



West's superb outline organization makes it easy to locate cases relating to any topic across all time periods and jurisdictions—amazingly helpful for extensive research. The West system consistently assigns topic names and Key Numbers to legal issues. Key numbers are subdivided to cover subcategories and aspects of topics. References are made to the *Corpus Juris Secundum* encyclopedia as well as other publications.

The ACC Library carries *West's Pacific Digest* and *West's Colorado Digest*. To access cases from jurisdictions outside of the 15-state Pacific Digests region, you must use either the Westlaw database or the *Decennial Digests*, neither of which are carried by the ACC Library. *The Pacific Digests* at the ACC Library consist of four series, with the first series covering cases back to 1932. *The Colorado Digest* covers cases from 1864 on.

Digest volumes are organized alphabetically by topic, like an encyclopedia. At the beginning of each volume is a list of the topics covered in that particular volume. There are several helpful tables at the beginning of each West's Digest volume. At the beginning of each volume is the West Outline of the Law, divided into the seven main divisions of the law and then further subdivided. Also at the beginning of the West's Digests, there is an alphabetical listing of Digest Topics (from Abandoned and Lost Property to Zoning and Planning, each one numbered for Westlaw database searching). At the front of the Colorado Digests you will find a listing of abbreviations for Colorado courts as well as abbreviations for reporters and other major legal publications.

Multiple volumes of indexes help you locate your cases. The Descriptive Words index consists of common words that come to mind associated with topics and are the easiest way to identify topics and key numbers. There is also an index organized by topics. In addition, there is a table of cases if you know name of the case and defendant-plaintiff table if you know the name of the defendant. The table of cases includes citations and history of cases (whether affirmed or reversed), and cross-references to coverage in other topic areas and key numbers.

There is also an index of Words and Phrases. Words and Phrases listings are useful as a casefinder. West Publishing has compiled a huge multi-volume set (several dozen volumes) that alphabetically list words and phrases that have been legally defined and interpreted by courts. This particular resource is not carried by the ACC Library. A listing of Words and Phrases is also present in all of the West Digests which contain cases covering these Words and Phrases. The Words and Phrases index only contain terms that have been specifically construed by a court of law.

If you do not know the name of a case, and therefore cannot use the Table of Cases approach, you have to use descriptive words or topical approach to locate relevant material. Descriptive words are keywords associated with a problem or

issue that are inserted into an index at the end of a publication to find information in a publication. Descriptive Words are common words that come to mind associated with topics (who, what, when, where, etc.) and are the easiest way to identify topics and key numbers.

The topic approach, easier for those who are experienced and familiar with legal topics, bypasses the general index and leads you directly to the title or topic in a publication. A list of topics is found in the front of volumes of law, and they are a logical arrangement and more general listing than the descriptive word approach. One has to be careful that the same area of the law may also be under other topics and key numbers.

Here's a little bit of information about the Key Number system used by West: West's Topic and Key Number system is remarkably consistent and reliable in locating points of law ranging in time from 1658 to today. Key numbers are assigned by West's editors to each legal issue in a case, allowing the same point of laws to be identified in different cases, time periods, and jurisdictions. The most general topics are divided into seven areas: persons, property, contracts, torts, crimes, remedies, and government. Each of these topics are further subdivided, with each topic or subtopic having aspects or points of the legal issues, and these are assigned key numbers so they are consistently treated across all West publications in their National Reporter System using West's own topical system. Each issue is summarized in a paragraph that is called a headnote, each with its own key number. Each case may contain numerous headnotes and key numbers. West classifies all US laws into over 400 broad topics, with each topic being assigned its own number. Within the broad topics, specific legal issues and points of law have been isolated and assigned key numbers—there are approximately 100,000 key numbers in this system. Some broad topics may have thousands of subdivisions and key numbers. Key numbers are paired with the broad topics (arranged alphabetically, from Abandoned and Lost Property to Zoning and Planning). Thus the topic of Corporations (101) and the specific issue of Assumption of Transferor's Liabilities (Key no. 445.1) would be listed as 101K445.1 (which is the key number format for the Westlaw database). A specific issue with a key number can be a subheading under an intermediate heading, in this case Corporate Powers and Liabilities.

**Federal Digests not carried by ACC: namely, *Federal Practice Digest*, which is an overall digest of federal cases**



## Encyclopedias

The ACC Library law collection carries both major national encyclopedias—*Corpus Juris Secundum* and *American Jurisprudence Second*, as well as several minor legal encyclopedias. The *Corpus Juris Secundum* at the ACC Library is no longer kept current, and has not been updated since 1999.

The two major general legal encyclopedias such as *Corpus Juris Secundum* (CJS--“Body of Law Second”) and *American Jurisprudence 2d* (Am. Jur. 2d) cover all of American law, civil and criminal, state and federal. Cover more than 400 topics in dozens of volumes, presented in clear, easy-to-understand concise narrative form. The coverage is national, not state-by-state, although these encyclopedias include cases from various states.

These encyclopedias are thorough and comprehensive, but are not in-depth, because it would require many more volumes. Topics are arranged alphabetically through the volumes, with indexes of descriptive words in the last volumes. Neither have a table of cases. Neither encyclopedia is considered better than the other, they both have their advantages and disadvantages. It is suggested you not try to use both of them at the same time, select one and stick with that one.

*American Jurisprudence 2d* has a Table of Parallel References in the front of each volume that converts old section number from index to new section number where new volumes have replaced older volumes and it is not updated in the index.

Start research by either going to index using words you associate with topic or go directly to topic, such as Corporations. Use the discussions as a starting point to jump to other resources for fuller coverage of the issues.

Each alphabetically-arranged topic begins with a “scope” paragraph, briefly outlining what will be discussed there and elsewhere, letting you know if you are researching the correct topic or if you should research the topic elsewhere in the set.

The *American Jurisprudence Second* is kept up to date with annual cumulative pocket parts and occasional replacement of volumes (in particular tax volumes are replaced every year). Both sets refer you to other sources for additional coverage. Although encyclopedias are useful as casefinders, be aware that the cases cited may not be the most up-to-date. Both of these encyclopedias are also available online on Westlaw, and *American Jurisprudence Second* is available on Lexis.

There are noteworthy differences between these two encyclopedias:

CJS is larger than Am. Jur. 2d in the number of volumes. This is mainly because CJS contains more information, more than is necessary, according to some

scholars. The CJS provides extra information that it leaves up to the reader to decide which is relevant to the researcher's needs. This function, on the other hand, is performed by the editors of the *American Jurisprudence 2d*.

CJS, a West publication, will refer you to other West publications with the topic names and key numbers. Footnotes will reference cases to various states and jurisdictions. CJS is a little larger than *American Jurisprudence*, with more volumes.

Am. Jur. 2d stresses statutory law more than CJS, and has separate volume of "Table of Statutes, Rules, and Regulations Cited," which directs you to USCS, CFR, and other resources.

CJS purports to send you to all relevant cases, while Am Jur. 2d sends you to selected leading cases.

### **Other encyclopedias**

Smaller encyclopedias offer "The Reader's Digest" introduction to legal issues and concepts. The 12-volume *West's Encyclopedia of American Law* is a good starting point for legal research if you have no knowledge of the subject and also serves as an excellent dictionary of basic legal terms. The two-volume *Gale Encyclopedia of Everyday Law* provides a good practical overview of the law. Another good introductory encyclopedia is *The Oxford Companion to American Law*. Then there are specialized legal encyclopedias, which focus on specific areas of the law, for example, *The Encyclopedia of the American Constitution*.

A good free online legal encyclopedia is Zimmerman's Research Guide. Just enter Zimmerman's Research Guide in Google or Yahoo!

Some states have their own state-specific legal encyclopedias, but Colorado does not. The closest thing to a Colorado encyclopedia is the Colorado Practice series of books.

### **Law dictionaries**

While we're on the topic of encyclopedias, let's not forget their smaller cousins, the legal dictionaries. The ACC Library carries several law dictionaries. Published by West, Black's Law Dictionary is the best-known dictionary for legal professionals, but sometimes it may be a bit hard to understand for beginners. Black's dictionary includes a guide to pronunciation of Latin terms and a table of common legal abbreviations. Alternatives to Black's are the *Law Dictionary for Non-Lawyers* and the *Paralegal's Encyclopedic Dictionary*. Also good at defining terms is *West's Encyclopedia of American Law*. There are some excellent online legal dictionaries, among them Nolo Everybody's Legal Dictionary at

[www.nolo.com/lawcenter/dictionary/wordindex.cfm](http://www.nolo.com/lawcenter/dictionary/wordindex.cfm) and the Law.com dictionary at <http://dictionary.law.com>.



**Periodicals for articles and news items**

In library lingo, periodicals refers to newspapers, magazines and journals, in other words, anything that is issued periodically on a daily, weekly, monthly, bi-monthly, or quarterly basis.

First, let's talk about law reviews.

Most legal commentary is published in law journals, known as law reviews, written mostly by law professors, attorneys, and members of the judiciary. Most law schools publish several law journals, a general review and more specialized reviews, totaling several hundred in the US. These journal articles are on narrow topics, covered comprehensively, with extensive footnotes to primary and secondary sources. These articles are good for explaining on point cases or statutes that you have found, and also have persuasive authority. Law review articles are cited in such sources as encyclopedias, the American Law Reports and in Shepard's Citations. Law journal articles will often be more in-depth and narrower in focus on a legal topic than what is found in encyclopedias and other reference works.

ACC does not have any print law reviews, but some of them are available on the ACC databases ProQuest and EBSCOhost, located on our Library homepage. Law reviews are also available in Westlaw and Lexis. Some free law review articles are found on the Internet through the University Law Review Project at [lawreview.org](http://lawreview.org). There are a couple of major comprehensive print indexes that list law review articles, but the ACC Library does not carry them.

The Library carries three paralegal periodicals: Legal Assistant Today, National Paralegal Reporter, and Facts and Findings. These publications have useful information for paralegals, such as licensing and certification issues, practical approaches to paralegal tasks such as interviewing, document control, discovery; data on salaries and benefits. Advertisements feature books, software, and seminars. LAT has a website at [LegalAssistantToday.com](http://LegalAssistantToday.com), containing news briefs and links to sites useful for paralegals.

It is important to stay on top of the latest breaking news developments and most current articles in the legal arena. Through news stories you can track the development of legal issues, offering insights not always found in other legal resources. News stories identify new and emerging legal issues before the publication of case law, statutory law, or scholarly legal comment. News stories are useful for orienting you to a topic and providing background information. News stories cannot, however, substitute for scholarly resources.

General newspapers and magazines carry legal news, as well as specialized legal newspapers such as *Legal Times*, *Business Lawyer*, *New York Law Journal*, and *Chicago Daily Law Bulletin*. The ACC Library does not carry these specialized news resources, but does have various print newspapers and

magazines as well online databases. If you have access to Lexis or Westlaw, these services include the legal newspapers such as *Legal Times* and *New York Law Journal*.

One of the best ways to stay on top of the latest legal news is through free Internet sites that gather news, such as Google News at [news.google.com](http://news.google.com) and through subscription databases that index periodical articles, such as ProQuest and EBSCOhost on the ACC Library homepage. When doing online searching for articles, enter keywords you know that identify cases by plaintiff or defendant names, or keywords that identify issues covered in cases and statutes. For the latest news briefs of interest to paralegals, go to the Legal Assistant Today website at [LegalAssistantToday.com](http://LegalAssistantToday.com).

### **Treatises and monographs**

Treatises and monographs are in-depth reference books on legal topics and issues, and good starting points for research to provide background information on the law. Treatises cover an entire area of the law, while monographs treat a narrow portion. Written by leading scholars, these materials can be used as persuasive legal arguments. Some resources, such as the American Law Reports, list relevant treatises for various topics in the list of references.

Many treatises are available in Lexis and Westlaw, but not on free websites. Treatises cover major areas of the law such as criminal law, property, torts, contracts, constitutional law, civil procedure. Treatises can be found on an online library catalog by entering an author, title, subject, or keywords. Treatises often have the name of the author in the title, such as *Farnsworth on Contracts* or *Prosser and Keaton on Torts*. Some treatises are multi-volume and come with pocket updates, although not all treatises are up-to-date.

The Hornbook series of hardcover green volumes are used as textbooks in law schools and are very helpful for a deeper understanding of the law with illustrative examples of points of law, written by law professors who are leading authorities, but Hornbooks are not as in-depth as treatises. Look at the table of contents or index to find the specific area you want. One of the Hornbooks carried in the ACC Library is *Remedies* by Dan B. Dobbs.

In contrast, the Nutshell series of books are short, concise summaries of legal topics that give you a big picture overview. Example nutshells in the ACC Library are *Administrative Law and Process in a Nutshell* and *Constitutional Analysis in a Nutshell*.



fiduciary administration, local, state, and federal rules, jury instructions, rules of evidence.

By the way, the Library also carries a title called *Colorado Peace Officers' Legal Source Book*.

### **Shepard's Citations**

*Shepard's Citations* has a dual function: as a validating tool and as a finding tool. Shepardizing allows you to make sure cases and statutes cited are still valid as "good law" and is also great research tool that leads to citations of your case in other cases and discussions of the cases, statutes and points of law in other resources. Shepard's will let you know if your case has not been overruled or reversed, and also if it has not been criticized, limited or distinguished on facts similar to your client's. Shepard's lets you know if your statute has not been declared invalid or unconstitutional, by having been repealed by legislation or ruled on by a higher court. Frequent Shepardizing is necessary to ensure citation currency, even after checking pocket parts and supplements of print resources.

All statutes can be shepardized, as well as statutes, regulations, and constitutional provisions. There are also Shepard's for ALR and law reviews.

Many law firms no longer subscribe to Shepard's in print and instead subscribe to the online version of Shepard's Citations available from Lexis (as well as similar services CiteCheck and Auto-Cite) or use the Westlaw KeyCite service.

The ACC Library only carries one set of *Shepard's Citations: Shepard's Colorado Citations* and *Shepard's Colorado Case Names Citator*.

Well, that's it for our guide to the legal resources at the ACC Library. Feel free to contact the Library if you have any questions about our law collection or legal research in general. We wish you success with your legal research!

# GLOSSARY

## Advance sheets

Case opinions published weekly in temporary softcover books or pamphlets, available within a couple of weeks after a court decision is issued. Advance sheets are placed next to the hardcover volumes they relate to and are discarded when a permanent hardcover volume is published with the identical information and same volume number and pagination. West Group reporter advance sheets feature a subject index, a key number digest, and a cumulative table of word and phrases construed in the cases reported. *Lawyers' Edition, 2d* advance sheets feature a "table of classifications to the U.S. Supreme Court Digest" and a table of statutes cited in the cases reported.

## Black Letter series

You can't identify the rule of law from the cases, and when you do, you're not sure if you've extracted the right rules. This is the scenario where you read and read and brief and re-read the cases and class reading assignments religiously, but can't seem to decipher what's important and what's not. More importantly, you don't know what to remember from the cases: what is the rule of law, when different cases seem to say different things? The Black Letter Series does exactly what its title says, it gives you the "black letter law." The series summarizes the rules from the cases you read into short, digestible formats, and is available for almost all law school subjects.

## Chronological vs. topical arrangement of published law

>Statutes that are compiled and published as they are enacted by legislative bodies, arranged in chronological order, include state session laws and federal statutes at large. These chronologically-arranged laws are not indexed cumulatively (only indexed for that particular volume). State session laws and US statutes at large (session laws) are then indexed and topically-compiled in the collections of state statutes and US Code publications, like encyclopedias.

>Case reporters (*Pacific Reporter, US Supreme Court Reports, etc.*) compile cases chronologically, while case digests are topically-arranged. State case reporters cover the entire case of selected cases, while digests cover all cases, albeit in abbreviated fashion.

Advance sheets (softcover publications) are issued temporarily for the chronologically-arranged laws until the hardcover volume is printed.

## Cite-checking

Cite-checking is a two-fold process in producing a valid legal brief or argument: first, ensuring that the citations' format meets Bluebook rules for citation form (abbreviations, spacing, etc.); second, verifying that the laws and cases cited are up-to-date and "good law." This second process of validation of primary authorities is done through the print and online Shepard's Citations ("Shepardizing") or online through Westlaw's KeyCite or Lexis' CheckCite.

## The Incredible Shrinking Law Library

Law libraries are getting smaller everywhere. Online subscriptions are more cost effective, less expensive, without the shelving, cataloging headaches of dealing with print volumes. Many law firms have done away with *Shepard's Citations*, half of law firms surveyed planned to cancel their West Reporter subscriptions. The ACC Library discontinued the CJS after 1995, as well as the form books.

### **The inflexible cardinal rules of legal research**

>Always check pocket parts and softcover supplements and advance sheets. >Always Shepardize EVERY case. >Just like voting in Chicago, during your research project Shepardize early and often! (By waiting late to Shepardize, you may run into the unpleasant surprise that a case you were relying on has been overruled or reversed and is no longer valid, resulting in a huge waste of time on your part, not to mention embarrassment.)

### **Legal abbreviations**

Abbreviations used in legal citation are often completely inscrutable, akin to trying to decipher hieroglyphics. Before you can track down a publication in a citation, you need to figure out its complete title. At the ACC Library, *The Bluebook* has a section in the back of the book with the most common abbreviations of legal publications. The blue pages in the middle of *The Bluebook* has the proper citations for Colorado and the other states. The front of the Colorado Digests has the abbreviations for the Colorado courts. There are reference books devoted exclusively to legal abbreviations, but the ACC Library does not carry them. However, *Black's Law Dictionary* has a section on abbreviations. There is an excellent British website for legal abbreviations in the English language (including US), the Cardiff Index to Legal Abbreviations at [www.legalabbrevs.cardiff.ac.uk](http://www.legalabbrevs.cardiff.ac.uk)

### **Legal research assistance**

A law librarian can be the paralegal's best friend if the paralegal gets stuck on a research project. Law librarians know most law resources backwards and forwards, inside and out. If your law firm does not have a law librarian, become familiar with the major law libraries in your area, as a law librarian can bail you out. In the Denver area, in addition to the ACC Library, you have access to the librarians and law collections at the Colorado Supreme Court Library, the University of Denver Law School library, the University of Colorado Law Library. There is also the Arapahoe District Court Law Library. The West Group publishers also offer phone technical support and research assistance. *The American Law Reports* (ALR) also has a phone number for assistance.

### **Nutshells**

You understand the cases, but get frustrated because you don't see where they're going. You need a "big picture" overview or a "road map" in order to make sense of all the cases and the reading materials (otherwise you might find it hard to see the forest for the trees). The nutshell series of small paperbacks give you the big picture, a concise overview, to understand the law in context. Read the entire book or an applicable section.

### **Official vs. unofficial publications**

Official legal publications (such as statutes or cases) are published by government entities or by approved commercial publishers (such as West). Many states do not publish their own statutes anymore due to expense, having adopted West's reporter system as "official." Government disclaimers warn that when both print and online versions of cases or statutes exist, the print publication is the official version and the final authority if any discrepancies exist, even if the source is a government website.

### **"On point" cases or cases that are "on point"**

Very relevant, up-to-date cases that identify precedents and provide answers to a client's questions are called "on point." The cases substantially match the client's situation. It's very hard to find an exactly on point case, but you can find cases that share elements of your issue, and are still helpful. If you can find a marginally on-point case with enough similarities to your own case, it

can be persuasive. Locate on-point cases when a statute does not address the specifics of the legal problem. If you do not know a specific on-point case, you might start with your state Digest, looking in the Descriptive Words, Words and Phrases, or Topic table of contents. If not found in the state Digest, look in the regional reporters, such as the Pacific Reporters. If not found in the regional reporters, then you will have to try other regional reporters, the Decennial Digests (both of which not held at ACC) or do online searches. Other useful print casefinding tools include legal encyclopedias and American Law Reports.

### **Paralegal information**

The ACC library carries a number of books regarding paralegals, particularly career information (enter the keyword “paralegal” in the ACC catalog search box). There is also a slender volume called *Survival Guide for Paralegal Students*.

The Library carries three paralegal periodicals: Legal Assistant Today, National Paralegal Reporter, and Facts and Findings. These publications have useful information for paralegals, such as licensing and certification issues, practical approaches to paralegal tasks such as interviewing, document control, discovery; data on salaries and benefits. Advertisements feature books, software, and seminars. LAT has a website at [LegalAssistantToday.com](http://LegalAssistantToday.com), containing news briefs and links to sites useful for paralegals.

### **Parallel citations**

Indicating the publication of a single case in multiple (official and unofficial) resources. Many resources provide parallel citations for listed cases. State court cases submitted in a document must include all parallel cites according to the Bluebook format.

### **Pocket supplements**

Pocket parts are usually in the slot of the back cover, but also can be in the front cover. Digests, ALR, and encyclopedias have pocket parts. Whenever a book has a pocket part it **MUST** be examined. Otherwise you may be relying on outdated laws. These supplements inform you of changes in statutes: amended or even repealed, and more recent interpretations of statutes; cases overruled, reversed, or somehow limited. Changes might still have occurred since pocket part came out, thus you need to “Shepardize” to verify that it is still “good law.” This is where online cite checking is very useful.

### **Practice manuals and form books**

The practical nuts-and-bolts explanation of procedures, rules, forms to use, and even case law, in practicing law, written by practitioners in the field. These are guides to procedural and substantive law. There are both national and state practice manuals. ACC has *The Colorado Methods of Practice* and *American Jurisprudence Legal Forms*. Practice manuals treat specific areas of the law, while form books cover the entire spectrum.

### **Precedents**

American law is largely based on case law. The judicial practice of following decisions of previous cases, or precedents is called *stare decisis*—to adhere to decided case). Thus the same principle of law is followed in similar cases, meaning everyone regardless of race, gender, etc. is treated equally. (However, unreported cases—cases not officially published—do not carry binding precedent under the doctrine of *stare decisis*, and are treated as persuasive authority only.)

### **Print resources**

You might find it easier to use print resources first before going online to become familiar with the research problem, the vocabulary, an analysis of the component parts. It's easier to see things in context in print resources than online. If the problem is difficult using print sources, go to computer aided legal research (CALR), as well as vice versa. Problems using vague, imprecise or varying terminology are better done in print resources, while specific fact patterns make better candidates for online research. CALR are useful for updating book research as well as for citatory services.

The ACC Library obviously lacks a lot of print legal resources. Other law libraries in the area can be helpful with their print collections, including the Colorado Supreme Court Library in downtown Denver, the University of Denver Law School Library, and the Arapahoe District Court Law Library, 7325 S. Potomac Street, Centennial (303-649-6355), near the Centennial Airport.

### **Restatements**

Restatements are an attempt to organize and "codify" the common law of the United States. Each area of law is "restated" into chapters, titles, and sections. Restatements are published by the American Law Institute (ALI). Although the Restatements are not primary law, they can carry great weight with courts and are frequently cited for common law issues. Further information about ALI and the drafting process for the Restatements can be found at <http://www.ali.org/ali/thisali.htm>. There are thirteen Restatements covering broad areas of law, such as: Contracts, Property, and Torts.

Although the format of the various Restatements has varied slightly, most volumes will have a Table of Contents at the front of the volume, followed by the text, which will be in chapter, title, and section order. A very detailed index usually appears at the end of the volume or set of volumes. Each section will state the specific findings of the section, followed by comments from the drafters. Often [sections](#) will have illustrations of the section to clarify the point of law and extensive case citations.

The Restatements are updated by an Appendix, which may be in several volumes. The Appendix contains short summaries of cases in section number order of the of the Restatement. Some Appendices also have Reporters Notes which expand on the text of the section in the main volume(s).

Research Tip: Judicial opinions and secondary sources often cite to the Restatements. Use these citations in the printed or online Restatements to find the full text of the section, reporters notes, and case notes.

### **Secondary resources**

You use secondary resources that explain, discuss and analyze the law (such as commentaries, treatises, encyclopedias, digests, journal articles, restatements, etc.) as tools to either help you find the primary sources (laws, cases), to help you understand these primary source, or to help as a persuasive authority in arguing a case. (Good persuasive authorities included hornbooks, restatements, and law journal articles.) Using secondary sources saves work and time in researching an issue.

### **Table of cases**

If you know of a case in point (and its state or federal jurisdiction), it can be located in the Tables of Cases of various Digests. If only the topic and key number is know, you must look through the overall indexes in hard copy known as the Decennial Digests (not carried by ACC) or, much easier yet, search by topic in the WESTLAW database.

The table of cases list alphabetically the title of each case (by both plaintiff and defendant names in the more recent publications), parallel citations (volume and page number of Reports it is published in), subsequent case history (affirmed, reversed, or modified) and Topic and Key Numbers of the case.

If you do not know of case in point, you must find relevant cases through scanning the list of topics or through Descriptive Words and Phrases, thereby identifying the appropriate Key Numbers and cases.

### **Treatises**

These are books that are comprehensive secondary resources on various topics. Includes hornbooks and black letter series. Many have pocket parts with updates of the law. Treatises are not available on the free Web, although many are found in Lexis and Westlaw. Treatises are found in libraries by using the online library catalog and searching by title, author, subject or keywords. Treatises often have the name of the author in the title, such as *Farnsworth on Contracts* or *Prosser and Keaton on Torts*. Treatises and law review articles give you the most in-depth analysis of legal topics, compared to the introductory treatments of encyclopedias. For some projects, treatises are good starting points to familiarize yourself with the issues before you read the primary sources.