Legal Research

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

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. How exhaustive your research is predicated by your goal. For instance, if you are an attorney representing a case, your search will be far more comprehensive than if you are doing legal research in a particular discipline where your goal might be to discuss the impact and significance of a specific legal decision or statute.

Legal Terminology

If you are unfamiliar with legal terminology, Black’s Law Dictionary is a good source to use. It is available at the JFK Ref Desk KF156 .B53 2004, with earlier editions in the Reference collection and the book stacks. The Law Dictionary for Non-Lawyers is in our book stacks under KF156 .O7.

Basic Introduction to Law Sources

If you are very unfamiliar with legal material, encyclopedias like American Jurisprudence, 2nd ed. JFK Ref. KF62.B3 A45 is a good place to start. If you are writing about a topic that you are not very familiar with, law reviews are often a good source to get you started.

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. Law review articles tend to be well-documented with footnotes, providing the researcher quick access to citations of relevant cases and statutes and interpret and explain those sources as well.

Where can I find Law Reviews?

The database, LexisNexis Academic is a good resource. Click on Legal Research on the left side and select Law Reviews
What is Case Law and Where do I find it?

Court Cases/Case Law

**LexisNexis Academic** -- click on Legal Research on the left hand side, then Get a Case if you know the citation or party names, or **Federal Case Law** to keyword search either Supreme Court cases, Federal Court of Appeals, or Federal District Court cases.

**Definitions:** There are three types of law which prevail at the federal, state, and local levels of government in the United States: **Statutory Law**, Case (or Judicial Law), and Regulations (or Administrative Law). Case law is the law of reported judicial opinions. Opinions are also known as reports or decisions. NOT all opinions published; trial court opinions are seldom published. A reported judicial opinion may include: majority or plurality opinion, concurrences or dissents, and a prefatory syllabus.

"**Stare Decisis**" (or precedent) is the basic concept of case law (common law) in which courts look to statutes and regulations and prior court decisions to formulate opinions. One method of determining prior law is to "Shepardize" a citation, using the **Shepard's Citations** volumes.

**Shepard's federal citations.** JFK REF KF105.2 .S42

**How to use Shepard's citations : a detailed presentation of the scope and functions of Shepard's citation books with illustrative examples.** JFK REF KF101.2 .S538

**Legal Citation**

The legal citation for a case identifies the name of the court reporter in which the opinion is published, the volume number, and the page on which the opinion begins. Sometimes opinions are published in more than one reporter. These are called "parallel citations." **LexisNexis Academic** (a Library database) includes notations and page numbers of all the parallel citations for a case, including the Lexis citation. To identify a case in a research paper, use the name of the case and a legal citation taken from a print reporter. The Lexis citation may be included as a convenience.

Lexis-Academic Citation: 208 U.S. 412; 28 S. Ct. 324; 52 L. Ed. 551; 1908 U.S. LEXIS 1452

208 U.S. 412

Court Reporters

- Contain published or reported opinions of the court
- Are arranged chronologically
- Are published by jurisdiction. **Delaware is in Atlantic region and Third Circuit.**

- The federal government publishes *United States Reports* -- the reporter of the Supreme Court
- Note: bound volumes of *United States Reports* (Ref. KF101 .U48). Recent official reports are under (Ref. KF101 .U482) Reporters for other jurisdictions are commercially published
- One case may be published in more than one reporter; citations to additional sources are called parallel citations

Additional Sources

**Cases argued and decided in the Supreme Court of the United States. Lawyer's ed.** JFK Ref KF101.U5 1 ser.

**United States Supreme Court Reports. Lawyer’s ed.** JFK Ref KF101.U5 2 ser.

Federal Law & Legislation

**United States Code** -- federal laws arranged by subject; available online at these sites

- [LexisNexis Academic](#) -- click on Legal Research on the left hand side, then Federal Code
- [US Code](#) -- free version from the Office of the Law Revision Council, House of Representatives
- In print set **Statutes at Large**, Main Floor Documents Reference area, Y 1.2/5

**Public Laws** -- each piece of legislation separately, rather than incorporated together

- [Public Laws via Thomas](#) -- keyword search or browse, back to 1989
- [Public Laws via GPO Access](#) -- keyword search laws, back to 1995
- In print set **Statutes at Large**, Main Floor Documents Reference area, AE 2.111
Administrative Reports, Rules & Regulations

**Code of Federal Regulations (CFR)** -- federal agency rules & regulations, arranged by subject

- LexisNexis Academic -- click on Legal Research on the left hand side, then Federal Regulations; change Source to Code of Federal Regulations, updated weekly
- eCFR -- unofficial beta version of CFR, updated daily
- Print version in Main Floor Documents Reference area, AE 2.106/3, updated annually, so need to check for recent changes in List of Sections Affected AE 2.106/2 and Federal Register AE 2.106

**FCC Record** -- Federal Communications Commission decisions, reports, public notices and other documents

- Online at [http://www.fcc.gov/searchtools.html](http://www.fcc.gov/searchtools.html), back to the early 1990s -- though not called "FCC Record" on the website
- In print Gov Doc Stacks, Lower Level, CC1.12/3, 1986 to present

**Digests and Regional Digests**

- Are multi-volume subject indexes to case law
- Are arranged alphabetically by subject (points of law). Each Digest has a multi-volume "Descriptive Index" to assist laypersons in finding points of law
- Are compiled by state, geographic area, or jurisdiction. Delaware is in Atlantic region and Third Circuit
- Are commercially published
- Are updated by pocket parts and pamphlets
- Include table of cases and plaintiff-defendant and defendant-plaintiff case indexes

- West's digests use topic and key number classification, keyed to the West's published court opinions.
- LexisNexis Academic (Library Databases) [restricted to UD] offers keyword searching and may replace using a digest

**Selected Sources**


Supreme Court Opinions: Free Internet Sources

**Supreme Court of the United States.**
LOCATION: Internet (http://www.supremecourtus.gov/opinions/opinions.html)

Official Web site of the Supreme Court. Provides slip opinions from 2003 to present in PDF format. Provides the complete bound volumes of *United States Reports* from 1991 (vol. 502) to present in PDF format. Bound volumes of *United States Reports* contain the fourth and final version of opinions as well as additional materials. The Web site includes a guide called "Information about Opinions."

**U.S. Supreme Court Opinions: Cornell.** (LII).
LOCATION: Internet (http://supct.law.cornell.edu/supct/)

Full text of Supreme Court opinions issued since 1990, with selected historic decisions. From Cornell's Legal Information Institute.

**Supreme Court Decisions: GPO Access.**
LOCATION: Internet (http://www.access.gpo.gov/su_docs/supcrt/)

Full text of Supreme Court decisions, 1937-1975.

**U.S. Supreme Court Opinions: Findlaw.**
LOCATION: Internet (http://www.findlaw.com/casecode/supreme.html)

Full text of Supreme Court decisions from FindLaw. Includes decisions since 1893 (U.S. Supreme Court Decisions: U.S. Reports 150-, 1893-). Browsable by year and *U.S. Reports* volume number and searchable by citation, case name, and words in the full text of the opinion.

Citing References from LexisNexis® Academic

Two professional organizations, the Modern Language Association (MLA) and the American Psychological Association (APA), establish the documentation standards for most scholarly publishing in the U.S. Sample MLA and APA citations are shown below for some document types found in LexisNexis® Academic.

The rules for citing online documents are as changeable as the online publishing environment itself. Find out which format is preferred by your instructor, then select the relevant items from the bibliographic data section found at the top of each html file. Typically this section will provide more information than you need in your citation.

**Magazines & Newspapers**

MLA lists the author's name, article title, magazine or newspaper title, publication data, publication medium (Online), name of the online service (LexisNexis® Academic), and date of accessing the site.


APA lists the author's name, date of publication, article title, magazine title, type of medium in brackets and Internet availability.


**Supreme Court Cases**

MLA lists the case title, U.S. Reports citation, page numbers, docket number, name of the court, year of decision, Internet address, and date of accessing the site


APA lists the case title, U.S. Reports citation, year of decision, and Internet address.


**U.S. Code**

MLA lists the title number, statute book of the U.S. Code, section, year, publication medium, name of computer service, and date of access.


(Lexis-Nexis Citing References Guide)