# Chapter 7: The Law Books

# **Chapter Outline:**

- **§ 7.1** The Functions of Law Books
- **§ 7.2** Law Books: Secondary and Non-Authority
- ✓ § 7.3 Law Books: Primary Authority

# § 7.1 THE FUNCTIONS OF LAW BOOKS

#### A Needle in a Haystack

When the researcher walks into a law library, the objective is not to be a crusader for the client. The goal is to find the law, good or bad, that applies to the client's case. A researcher on a crusade runs the risk of overlooking relevant authority. Sometimes there will be too much authority, sometimes too little. In fact, sometimes there may be only one or two cases in the entire library that address the relevant issue.

To put this into perspective, the average law library contains more than 7,000,000 cases. It may seem that finding a case on-point is akin to winning the lottery, or finding a needle in a haystack.

Many publishers have created books and research systems to make the researcher's job easier. Among these publishers are *West*, *Lawyers Cooperative*, *Bureau of National Affairs* (BNA), *Commerce Clearing House* (CCH), *Michie*, and the *American Law Institute* (ALI). Competition among these publishers has resulted in many interesting innovations, all designed to make the researcher's job easier so attorneys will buy the books (which are not cheap). The result is that the research systems have become so user-friendly that they can be used by anyone who is trained in the system.

The law library and online research site contains virtually every kind of information most paralegals will need in the course of their careers. Not all books (or databases) contain the law, but each serves a specific function. Some exist to help the researcher locate the law. Some exist to help the researcher use the law after it has been found. Almost all law library books fall into one of the following categories.

#### Books That Help You Find the Law

Many secondary sources, such as the legal encyclopedias, *American Law Reports*, and *West's Digests* exist primarily to assist the researcher in finding the law.

#### Books That Contain The Law

Reports and reporters contain cases. Codes contain statutes. The library contains regulations, court rules, the Constitution, and other books that contain the law. The law is primary authority.

#### Books That Help You Use the Law

Form books, such as *Am. Jur. Proof of Facts*, *Am. Jur. Pleading and Practice Forms*, and *Bender's Discovery Forms*, help the researcher create legal documents. Other form books, such as *Am. Jur. Trials* and *Causes of Action*, help in developing trial strategy.

There are also general reference materials, such as the *Martindale-Hubbell Law Directory*, but the vast majority of law library books fall into one of the above categories. The materials on the following pages will make more sense if you ask yourself as you look at each book or set of books, "What purpose does this book serve?"

This chapter presents books in two groups: Those containing secondary and non-authority and those containing primary authority. Books that may contain a mixture of authority are grouped according to their predominant function.

A student's ultimate success in becoming a good researcher of law will depend in great part on his or her willingness to just dive into the various materials using basic skills, such as cartwheeling and index research, that have previously been taught in this manual. So don't be afraid. Just hold your breath, and plunge right in.

# § 7.2 LAW BOOKS: SECONDARY AND NON-AUTHORITY

The researcher must understand some basic research techniques and systems in order to access the millions of cases available in the average law library. Before launching a study of those systems, however, the student must learn to identify various types of law materials. Study this section very thoroughly. It may define your career as a researcher. After reading each description, note the major function of each law book. Some may serve more than one function.

#### **Online Research Database Shortcuts**

Most summaries below will indicate whether the publication is available as a filter (or database) in *Westlaw Next* or *Lexis Advance*, as well as abbreviation shortcuts to those databases. To go straight to the online databases, use the following tools:



In the Home page, locate the *Search Query Box* at the top of the page, enter the abbreviation, and click on the appropriate recommendation that pops up.



In the Home page, locate the *Search Query Text Box*, enter the abbreviation, and click on the appropriate recommendation that appears below the text box.





#### American Law Reports (A.L.R.)

The A.L.R. series is an annotated reporter.

- ✓ It is a reporter because it reports (reprints) cases from courts.
- ✓ It is annotated because its editors comment on those cases.

A.L.R. reprints important or interesting cases, then comments on those cases and provides additional research tools and references. There are several series of A.L.R.:

• A.L.R.	(Annotates state and federal cases)
• A.L.R. 2d	(Annotates state and federal cases)
• A.L.R. 3d	(Annotates state and federal cases)
• A.L.R. 4 <sup>th</sup>	(Annotates state cases)
• A.L.R. 5 <sup>th</sup>	(Annotates state cases)
• A.L.R. 6 <sup>th</sup>	(Annotates state cases)
• A.L.R. Federal	(Annotates federal cases)
• A.L.R. Federal 2d	(Annotates federal cases)
• A.L.R. International	(Annotates international articles & treaties)

A.L.R. was originally published by the *Lawyers Cooperative Publishing Company* (now part of *Thomson-Reuters*), and therefore uses the *Total Client-Service Library* research system. Although *A.L.R.* contains selected cases, which are primary authority, it is considered secondary since it is mostly valued for its annotations.

A.L.R. Functions

- ☑ available on Westlaw [Database: ALR]
- ☑ available on *Lexis* [Database: alr]
- $\blacksquare$  helps to find the law
- $\ensuremath{\boxdot}$  contains selected cases
- $\hfill\square$  helps to use the law
- $\hfill\square$  acts as a reference, form book, or other usage

# American Jurisprudence, 2d (Am. Jur. 2d)

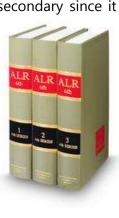
This is the national legal encyclopedia by *Lawyers Cooperative Publishing Company* (now published by *WestGroup,* owned by *Thomson-Reuters*). It is thus a part of the *Total Client-Service Library*.

Each topic within *Am. Jur. 2d* has a commentary. Within the commentary superscripts refer to footnotes. The footnotes, in turn, refer to other forms of authority, usually cases and statutes. The primary purpose of *Am. Jur. 2d* is to lead to primary authority. *Am. Jur. 2d* is secondary authority.

# Am. Jur. 2d Functions

- ☑ available on Westlaw [Database: AMJUR]
- ☑ available on *Lexis* [Database: am jur 2d]
- ☑ helps to find the law
- $\hfill\square$  contains the law
- $\Box$  helps to use the law
- $\ensuremath{\boxtimes}$  acts as a reference, form book, or other usage



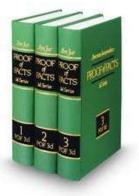


#### Am. Jur. Proof of Facts

The articles in this series identify the essential facts and how to prove them in a variety of civil litigation and criminal defense actions. There is one combined general index for all three series (*Am. Jur. POF, Am. Jur. POF2d*, and *Am. Jur. POF 3d*). Tools within this publication include checklists, elements of proof list, sample discovery and expected answers, sample examination questions and expected answers, references to primary authority, and more.

Annotation Functions

- ☑ available on Westlaw [Database: POF]
- available on *Lexis*
- ☑ helps to find the law
- $\hfill\square$  contains the law
- ☑ helps to use the law
- ☑ acts as a reference, form book, or other usage



#### Am. Jur. Pleading and Practice Forms

Comprehensive collection of state and federal forms, checklists, and timetables needed for every stage of a case. Includes commentary and "how to" guidance, plus statutory and procedural rules references. Includes notices, complaints, petitions, declarations, summonses, answers, counterclaims, cross-complaints, interrogatories, replies, motions, affidavits, stipulations, subpoenas, orders, writs, jury instructions, judgments, decrees, and more.

Am. Jur. Pleading and Practice Forms Functions

☑ available on Westlaw [Database: AMJUR-PP]

- □ available on *Lexis*
- $\blacksquare$  helps to find the law
- $\hfill\square$  contains the law
- □ helps to use the law
- ☑ acts as a reference, form book, or other usage



#### Am. Jur. Trials

This powerful tool provides strategy guides to winning settlements and trials. Includes forms, investigative suggestions, discovery tips, and more.

#### Am. Jur. Trials Functions

- ☑ available on Westlaw [Database: AMJUR-TRIALS]
- □ available on *Lexis*
- $\ensuremath{\boxdot}$  helps to find the law
- $\hfill\square$  contains the law
- $\Box$  helps to use the law
- ☑ acts as a reference, form book, or other usage



#### Annotation

An annotation is a commentary or discussion by a private publisher and is considered secondary authority. A.L.R. is best known for its annotations. In fact, when a lawyer asks a paralegal to find an "annotation," he or she is referring to *American Law Reports*.

Annotation Functions

□ helps to find the law
□ contains the law
☑ helps to use the law
□ acts as a reference, form book, or other usage

#### Bluebook

The term *Bluebook* can mean two things:

- ✓ The Uniform System of Citation, a guide to citation form
- ✓ The A.L.R. Blue Book of Supplemental Decisions updates the first series of A.L.R.

The most common reference to *Bluebook* refers to the citation guide.

Bluebook (Uniform System of Citation) Functions

available on Westlaw
available on Lexis
helps to find the law
contains selected cases
helps to use the law
acts as a reference, form book, or other usage



#### Causes of Action (C.O.A.)

Extensive reference providing articles and case studies, which focus on different types of actions. Identifies the various elements of each case, educating you to the litigation issues by offering a Substantive Law Overview. In some ways, this is *West Publishing's* response to *Am. Jur. Proof of Facts* (although *West* has since purchased the publisher of *Proof of Facts*).

Causes of Action Functions

- ☑ available on Westlaw [Database: COA]
- □ available on *Lexis*
- ☑ helps to find the law
- $\Box$  contains selected cases
- □ helps to use the law



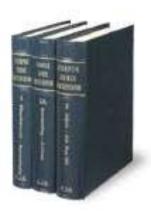
#### Corpus Juris Secundum (C.J.S.)

C.J.S. is the national legal encyclopedia published by *West Publishing Company*. As with all legal encyclopedias, the material is arranged topically. Each topic features a commentary. Within the commentary, superscripts refer to footnotes. The footnotes, in turn, refer to other forms of authority, usually cases and statutes.

The primary purpose of C.J.S. is to lead to primary authority. C.J.S. is considered secondary authority.

# Corpus Juris Secundum Functions

- ☑ available on Westlaw [Database: CJS]
- □ available on *Lexis*
- ☑ helps to find the law
- □ contains selected cases
- $\Box$  helps to use the law
- ☑ acts as a reference, form book, or other usage



#### **Cumulative Supplement**

A cumulative supplement is a collection of material that contains both previously printed material and new or updated material. A cumulative supplement is usually a softbound supplement, or pocket part. (See *pocket parts.*)

# **Cumulative Supplement Functions**

- ☑ available on *Westlaw* (within individual databases)
- ☑ available on *Lexis* (within individual databases)
- $\Box$  helps to find the law
- $\Box$  contains selected cases
- $\Box$  helps to use the law
- □ acts as a reference, form book, or other usage
- depends on what is being supplemented



# Current Law Index (CLI), a/k/a Legal Resource Index (LRI)

The CLI is one of the most popular methods of finding articles in hundreds of legal periodicals. CLI is accessed in a fashion similar to that used in library card catalogues. In other words, the researcher may locate material by author, title of article, or subject matter. Since an index would never be quoted, CLI would be considered non-authority. The online companion to CLI is the *Legal Resource Index* (LRI).

Current Law Index (Legal Resource Index) Functions

- ☑ available on Westlaw [Database: LRI]
- ☑ available on *Lexis* [Database: legal resource index]
- $\Box$  helps to find the law
- $\Box$  contains selected cases
- □ helps to use the law
- ☑ acts as a reference, form book, or other usage

# Digests

A digest is a collection of summaries, similar to headnotes, collected in topical order. They act as an index to case law. The primary publisher of digests is *West*. For instance, the *Pacific Reporter* has the *Pacific Digest*. The *Colorado Reports* have the *Colorado Digest*. The *Federal Reporter* and *Federal Supplement* have the *Federal Practice Digest*. The *Supreme Court Reporter* has the *Supreme Court Digest*.

In addition, *West* publishes the *American Digest System*. There are three parts to the *American Digest System*:

#### The Century Digest

Summarizes cases from the 1600s to 1896. Very old authority.

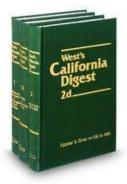
#### The Decennial Digest

This digest collects material from all digests, state and federal, over ten-year periods. Because it contains so much material, it can be very useful. More recent editions have been forced to split the Decennial into five-year segments, as in: the Tenth Decennial Digest, Part One and Part Two.

#### The General Digest

The *Decennial Digest* does not have pocket parts, the usual means of updating the volumes. Instead, the *General Digest* updates the *Decennial Digests*.

West incorporates the Key Number System (see below) into its digests. Digests do not comment on legal topics and are not law. They contain summaries, so they are non-authority. Westlaw refers to the Key Number System, but digests have largely been replaced by the online search query.



West Digest Functions

- ☑ available on *Westlaw* (by use of *Key Numbers*)
- available on *Lexis*
- ☑ helps to find the law
- □ contains selected cases
- $\Box$  helps to use the law
- □ acts as a reference, form book, or other usage

#### Form Book

A form book is a manual or aid that helps researchers prepare documents, develop trial strategy and learn about a specific area of law. Form books are secondary authority.

Form Book Functions

- ☑ available on Westlaw [Various publications]
- ☑ available on *Lexis* [Various publications]
- □ helps to find the law
- $\Box$  contains selected cases
- $\Box$  helps to use the law
- ☑ acts as a reference, form book, or other usage

# Index to Legal Periodicals (ILP)

Like the *Current Law Index*, the ILP helps the researcher locate relevant articles in legal journals and magazines. ILP may be accessed in a fashion similar to that used with library card catalogues. In other words, the researcher may locate material by author, title of article, or subject matter. Since an index is never quoted, ILP would be considered non-authority.

# Index to Legal Periodical Functions

- ☑ available on Westlaw [Database: ILP]
- $\Box$  available on *Lexis*
- $\Box$  helps to find the law
- □ contains selected cases
- $\hfill\square$  helps to use the law
- $\ensuremath{\boxtimes}$  acts as a reference, form book, or other usage

# Key Number System

*West's Key Number System* assigns key topics and key numbers to thousands of topics and subtopics. Similar to a topic and section number in an encyclopedia, the key topic and number are the same in any digest published by *West.* Assume the researcher locates adoption (*Key Number 52*) in the Pacific Digest. This key topic and number deals with "Adoption of Child by Relative." The researcher can use the same keys in any other *West Digest* (*the Atlantic Digest*, for example) to access "Adoption of Child by Relative" in that publication.

The *Key Number System* is also referenced within *Westlaw*. If a researcher identifies a *Key Topic and Number* as being particularly relevant, the researcher can click on that *Key Number* link within the case being viewed. A series of choices will be provided allowing the researcher to search other jurisdictions, such as a different state or another federal jurisdiction, resulting in cases dealing with that identical topic from those jurisdictions.

In Westlaw, a number has been assigned to each topic. For example, West has assigned the number 45 to the topic Attorney and Client. The abbreviation used by West for Key Number is the letter "k" followed by the number. Thus, a Key Number would be represented as 45k32(12). 45 represents the topic Attorney and Client, and k32(12) represents the Key Number dealing with regulation of professional conduct.

# ATTORNEY AND CLIENT

45k32(12) Regulation of professional conduct

# Key Number System Functions

- ☑ available on Westlaw
- □ available on *Lexis*
- helps to find the law
- □ contains selected cases
- $\hfill\square$  helps to use the law
- ☑ acts as a reference, form book, or other usage

# Legal Dictionary

The three major standard legal dictionaries are *Ballentine's*, *Black's*, and *Barron's*. These are all standard legal dictionaries that make nice desk reference books for the paralegal.

*Words & Phrases*, with more than a hundred volumes, is also a legal dictionary. It provides actual quotes from court opinions defining legal terms. Legal dictionaries are considered secondary authority. There are also online legal dictionaries, such as *www.nolo.com/dictionary*.

# Legal Dictionary Functions

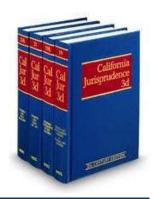
- ☑ available on Westlaw [Database: BLACKS or WORDS-PHRASES]
- ☑ available on *Lexis* [Database: legal dictionaries, combined]
- $\Box$  helps to find the law
- $\Box$  contains selected cases
- □ helps to use the law
- $\ensuremath{\boxtimes}$  acts as a reference, form book, or other usage

# Legal Encyclopedia

A legal encyclopedia contains a little information about virtually all areas of law and provides, through footnotes, references to other research sources. *Am. Jur. 2d* and *C.J.S.* are the major legal encyclopedias. Some states have their own encyclopedias, such as *California Jurisprudence, 3d.* Encyclopedias are secondary authority.

Legal Encyclopedia Functions

- ☑ available on *Westlaw* [Database: AMJUR or CJS]
- ☑ available on *Lexis* [Database: jurisprudence]
- ☑ helps to find the law
- $\Box$  contains selected cases
- $\Box$  helps to use the law
- $\ensuremath{\boxtimes}$  acts as a reference, form book, or other usage



#### **Legal Periodicals**

A legal periodical is a softbound publication, such as a law school or bar association journal, published weekly, monthly, bimonthly or at some other regular interval. The best method to access periodicals in the law library is the *Index to Legal Periodicals* (ILP) or the *Current Law Index* (CLI). Online, use the *Legal Resource Index* (LRI) on *Westlaw* to access periodicals.

Legal Periodical Functions

☑ available on *Westlaw* [Database: LRI – and other publications]
 ☑ available on *Lexis* [Various publications]

□ helps to find the law

 $\Box$  contains selected cases

 $\blacksquare$  helps to use the law

☑ acts as a reference, form book, or other usage

#### **Legal Treatise**

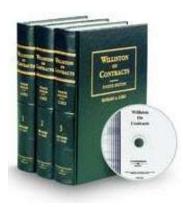
A legal treatise is a book authored by a private person about a specific area of law. While a legal encyclopedia provides a little information about every area of law, a treatise provides a great deal of information about a single area of law. The most influential legal treatise is *Restatements of the Law* by the *American Law Institute*.

There are literally hundreds of treatises. Each library chooses which ones to keep on its shelves. Common examples include *Prosser on Torts*, and *Williston on Contracts*. Treatises are secondary authority.

Legal Treatise Functions

☑ available on *Westlaw* [Various publications]
 ☑ available on *Lexis* [Various publications]
 ☑ helps to find the law
 □ contains selected cases
 ☑ helps to use the law

□ acts as a reference, form book, or other usage



#### **Loose-leaf Service**

These legal materials are collected in a three-ring or post-binder, usually sent out periodically, instead of a bound volume. A loose-leaf may be primary or secondary, depending on what it contains. Many loose-leaf services are also available on *Westlaw* and *Lexis*.

Loose-Leaf Functions

- ☑ available on *Westlaw* [Various publications]
- ☑ available on *Lexis* [Various publications]
- Image helps to find the law
- $\Box$  contains selected cases
- □ helps to use the law
- $\ensuremath{\boxtimes}$  acts as a reference, form book, or other usage

#### Martindale-Hubbell Law Directory

The *Martindale-Hubbell Law Directory* is a reference book on lawyers and the law. The three functions of Martindale-Hubbell are:

- 1. state-by-state listing of attorneys.
- 2. separate volume of digested state laws.
- 3. separate volume of digested foreign laws.

The major function of *Martindale-Hubbell* is to provide information to its attorney subscribers. The volumes contain digested state and foreign laws, but not the law itself. The online address for *Martindale-Hubbell* is *www.martindale.com*.

#### Martindale-Hubbell Functions

- □ available on Westlaw
- ☑ available on Lexis [Database: martindale-hubbell]
- □ helps to find the law
- □ contains selected cases
- $\Box$  helps to use the law
- ☑ acts as a reference, form book, or other usage



#### **Pocket Part**

A pocket part is a pamphlet found in the back of many law books that alters or updates material in the bound volume, a form of supplement. With a pocket part, a volume may be updated instead of being replaced. A pocket part often takes the form of a cumulative supplement.



#### Pocket Part Functions

- ☑ available on Westlaw (online material is constantly updated)
- ☑ available on *Lexis* (online material is constantly updated)
- $\Box$  helps to find the law
- □ contains selected cases
- $\Box$  helps to use the law
- $\blacksquare$  depends on what is being updated



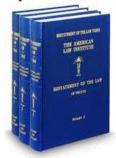
#### **Restatements of the Law**

*Restatements* are the most highly respected legal treatise. There are various series of *Restatements*, such as *Restatements (Second) of Contracts* or *Restatements of Property Law. Restatements* are highly valued, since they are published by the *American Law Institute*, a highly respected private publisher. They are not law and are considered secondary authority, yet *Restatements* are frequently cited by courts.

#### Restatements of the Law Functions

☑ available on *Westlaw* [Database: RESTATE]

- ☑ available on *Lexis* [Database: combined restatement]
- ☑ helps to find the law
- $\Box$  contains selected cases
- ☑ helps to use the law
- □ acts as a reference, form book, or other usage



# Shepard's

*Shepard's* is the major mechanism for ensuring that a published case, statute, or other authority is still good law. *Shepard's* has three major functions:

- ✓ to validate authority
- ✓ to provide parallel citations
- ✓ To help locate additional relevant cases

The use of validation tools will be discussed in greater detail later in this manual. It should be noted that most law libraries no longer subscribe to hardcover editions of *Shepard's*, instead choosing to provide access to online validation services. *Lexis* provides access to *Shepard's*. *Westlaw* does not include access to *Shepard's*, but has a system called *KeyCite* that is also a validator of authority. *Shepard's* would never be quoted because it is non-authority.

Shepard's Functions

- $\Box$  available on Westlaw
- ☑ available on *Lexis*
- In helps to find the law
- $\Box$  contains selected cases
- □ helps to use the law
- ☑ acts as a reference, form book, or other usage

#### **Total Client-Service Library**

The *Total Client-Service Library* is not actually a law book. Instead, it is a research system originally designed by *Lawyers Cooperative Publishing Company*. The *Total Client-Service Library* leads researchers to other relevant legal material.

Total Client-Service Library Functions

- ☑ helps to find the law
- $\Box$  contains selected cases
- $\Box$  helps to use the law
- $\ensuremath{\boxtimes}$  acts as a reference, form book, or other usage

# Words & Phrases

*Words & Phrases* is a multi-volume legal dictionary by *West Publishing*. This dictionary is different from other legal dictionaries in that it uses quotations from actual court opinions to define terms. It is an excellent source for locating primary authority.

Words and Phrases Functions

- ☑ available on Westlaw [Database: WORDS-PHRASES]
- □ available on *Lexis*
- $\hfill\square$  helps to find the law
- □ contains selected cases
- $\Box$  helps to use the law
- $\ensuremath{\boxtimes}$  acts as a reference, form book, or other usage



# § 7.3 PRIMARY AUTHORITY

#### **Advance Sheets**

This softbound pamphlet is published in advance of the hardbound publication to give the reader quick access. Advance sheets are usually associated with reports and reporters and are placed at the end of the set. The advance sheet is discarded when the hardbound book is published.

Advance Sheets Functions

- □ helps to find the law
- $\square$  contains the law
- □ helps to use the law
- □ acts as a reference, form book, or other usage



# **Cases: Reports and Reporters**

A case is a published court opinion. *West* is the major reporter of case law, although there are a few exceptions. The *Reporter System* is the means by which *West Publishing Company* publishes cases from various regions of the country, in addition to the federal cases found in the *Federal Reporter* (first, second, and third series), the *Federal Supplement* (first and second series), and the *Supreme Court Reporter*. Other publications containing federal cases include the *Federal Rules Decisions*, the *Federal Appendix*,

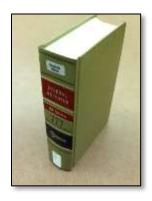


and subject matter reporters, such as the *Bankruptcy Reporter* and the *Military Justice Reporter*.

Lawyer's Cooperative Publishing Company also publishes cases, but only the U.S. Supreme Court Reports, Lawyer's Edition (first and second series). All the

publications mentioned above are unofficial publications, because they are published by private publishers, not the government.

Many states also publish opinions from their courts. The *Washington Reports*, for example, are published by the state of Washington and are, therefore, official publications. Some states have a separate publication for the appellate court opinions within their state. For instance, Michigan has the *Michigan Reports* for cases from its highest court, and the *Michigan Appellate Reports* from the Michigan Court of Appeals. Cases are law and are therefore primary authority.



Reports and Reporters Functions

available on Westlaw [Database: ALLSTATES, ALLFEDS, other]
available on Lexis [Search Tab>Cases - U.S.]
helps to find the law
contains the law
helps to use the law
acts as a reference, form book, or other usage

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

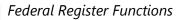
The C.F.R. is a collection of softbound pamphlets containing regulations for federal agencies. These regulations are law; hence, primary authority.

Code of Federal Regulations Functions

- ☑ available on Westlaw [Database: CFR]
- ☑ available on *Lexis* [Database: code of federal regulations index]
- $\hfill\square$  helps to find the law
- $\blacksquare$  contains the law
- $\hfill\square$  helps to use the law
- □ acts as a reference, form book, or other usage

# Federal Register (Fed. Reg. or F.R.)

The *Federal Register* reports daily summaries of administrative agencies, including proposed laws and actions taken by those agencies.



☑ available on Westlaw [Database: FR]

- ☑ available on *Lexis* [Database: federal register and cfr, combined]
- $\Box$  helps to find the law
- ☑ contains the law
- □ helps to use the law
- □ acts as a reference, form book, or other usage



#### **Official Authority vs. Unofficial Authority**

A publication of a state or the federal government, or a series published under the authority of the government, is considered official. A publication from a private publisher is considered unofficial. Here is how you can tell the difference:

- a. In case citations, the official publication is always cited first.
- b. Official publications use neither *West's Key Number System* nor *Lawyer's Cooperative Publishing's Total Client-Service Library* system.

# **Rules of Court**

Rules of court govern the procedural aspects of litigation or criminal trials. Court rules are law, therefore, primary authority.

#### Rules of Court Functions

- ☑ available on Westlaw [Database: (state abbrev RULES) NC-RULES]
- ☑ available on *Lexis* [Database: (state abbrev + rule) txrule]
- $\Box$  helps to find the law
- $\blacksquare$  contains the law
- □ helps to use the law
- □ acts as a reference, form book, or other usage

# Session Laws (Statutes at Large)

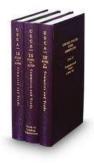
Legislative acts and bills are collected in sets of hardbound books called Session Laws, Statutes at Large, or some similar term. Most legislatures meet every year and each year has its own set of Session Laws. The acts or bills will also be incorporated within the regular set of statutes for that state, which means the researcher rarely uses or quotes the Session Laws.

#### Session Laws Functions

□ helps to find the law
☑ contains the law
□ helps to use the law
□ acts as a reference, form book, or other usage

# United States Code; United States Code Annotated; United States Code Service

Federal statutes are published in three publications: U.S.C. (official Government publication), U.S.C.A. (*West*), and U.S.C.S. (*Lawyers Coop.*) Only U.S.C. is official, but all three publications contain primary authority. However, always cite to the official, U.S.C.



# United States Code Functions

☑ available on *Westlaw* [Database: USC]
☑ available on *Lexis* [*Search* Tab > *Federal Legal–US* > *USCS*]
□ helps to find the law
☑ contains the law
□ helps to use the law
□ acts as a reference, form book, or other usage

#### United States Law Week (U.S.L.W.)

U.S.L.W. is a loose-leaf publication that reports all U.S. Supreme Court opinions. Its loose-leaf form allows it to be distributed much more quickly than hardbound publications. Due to the even faster abilities of online services to quickly deliver court opinions, U.S.L.W. is fast becoming obsolete. However, the publication still provides fine summaries and observations of the most recent and important U.S. Supreme Court cases.

United States Law Week Functions

- ☑ available on Westlaw [Database: USLW]
- □ available on *Lexis*
- $\Box$  helps to find the law
- $\ensuremath{\boxdot}$  contains the law
- $\hfill\square$  helps to use the law
- $\Box$  acts as a reference, form book, or other usage

#### CHAPTER 7 WRAP-UP

#### WHAT YOU SHOULD KNOW...

After reading this chapter you should know the following:

- □ How to locate databases on *Westlaw*
- □ How to locate databases on *Lexis*
- □ The various publications containing secondary authority
- □ The various publications containing primary authority

#### ASSIGNMENTS

There are no assignments for this chapter.