



Legal Research, Writing, and Civil Litigation

Class 2

Legal Research - Sources

- **Primary Sources ("the law"):**
 - **Statutes** – federal and state
 - **Cases** – federal and state
 - Supreme Court cases in: U.S. Reports, Supreme Court Reporter, "Lawyer's Edition"
 - Lower federal cases in: Federal Reporter series
 - State cases in: State Court Reports and in "regional reporters"
 - Both come with indexes, which is used to find relevant cases and/or statutes
 - Be sure to check all volumes for "pocket parts" (updates)

Legal Research – Sources (cont.)

- **Secondary Sources (commentary):**
 - Treatises
 - Restatements
 - Digests
 - American Law Reports (ALR)
 - Law review articles
 - Legal periodicals

Case Law – Reading a Case

- Parts of a case:
 - **Overview:** A summary written by the publisher of the facts and holding of the case, along with the procedural history of how the case came to be heard in that court)
 - **Headnotes:** Key concepts of law that come from the case (extracted by the publisher)
 - **Syllabus:** A summary of the facts written by the court itself and its holding
 - **The opinion:** includes
 - Facts summary
 - Decision (outcome)
 - Rationale for the decision; this becomes binding case law
 - Dicta (reasoning not necessary for the outcome); does not become binding case law

Case Law

- Case law is either:
 - **Mandatory Authority; MUST** be followed by lower courts in the appellate chain

OR

- **Persuasive Authority; MAY** be followed by other courts, but they do not need to



QUIZ TIME!

Legal Citation

- The general citing convention for all legal publications is:
 - **Name of Document** (if applicable), Volume # Name of Publication Page # (or section #), Pinpoint Page or subsection (forum, year)
 - Example: Case: *Mas v. Perry*, 489 F.2d 1396 (5th Cir. 1974)
 - This tells you:
 - The parties in the case were Mas and Perry
 - This case can be found in volume 489 of the 2nd edition of the Federal Reporter
 - The case begins on page 1396 in that volume
 - The case took place in the Fifth Circuit Court of Appeals
 - The case was decided in 1974

Legal Citation (cont.)

- **Pinpoint Citation** (used when you want to point the reader to a specific part of the case):
 - Example: *White v. Halstead Industries, Inc.*, 750 F. Supp. 395, 403 (E.D. Ark. 1990)
 - This case can be found in volume 750 of the Federal Supplement. The case begins on page 395; but the author is pointing the reader to something on page 403.

Legal Citation (cont.)

- **Statute:**

- Example: 18 U.S.C. § 2001
 - This refers to a statute that appears in Title 18 of the United States Code, in Section 2001.

- **Secondary source:**

- Example: Russ VerSteeg, Running Scared: Negligence and the Running Boom, 4 Seton Hall J. Sports L. 447 (1994).