

Using American Law Books

Fourth Edition

Alfred J. Lewis

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Fourth Edition
Including Online
and CD-Rom Services

Alfred J. Lewis

University of California—Davis



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*Dedicated
to my wife Theresa
and my children Christopher, Josette, and Liza.*

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Foreword to the Student

In my early days in law school I had several moments in the law library where the crush of all those thousands of strange, dry, technical, unpleasant, and *thick* law books became overwhelming. I had heard vague references to “citators,” “digests,” “looseleaf services,” “reporters,” “*Corpus Juris Secundum*,” and dozens of other oddities, and wondered how could there be so many books on law.

Fortunately, I have since learned that all of this literature is not as complex as it first seems. If you concentrate on the fundamentals and see the overall patterns, you can obtain a working acquaintance with these materials in a short time. A really thorough knowledge of law books will only come with repeated use. There is nothing in this book that is difficult to understand, just difficult to remember a week later.

Do not plow through the book sentence by sentence. Read through each chapter to get the essential ideas first. **Ignore the footnotes for at least the first reading.** Extensive footnoting has been used so that you will not be burdened with too much detail at once. This permits the notation of peripheral details at the point where they are relevant.

Do at least some of your reading of this manual while in a law library. Look at the actual books on the shelves. Legal research is a practical skill that employs concrete objects. It is like learning to drive a car: you have to get your hands on the subject matter.

A study of American legal literature can be an interesting introduction to the fundamental structure and philosophy of our legal system. Admittedly, for those of you who are going to be lawyers, you may find that this practical subject lacks the color of Criminal Law, the grand themes of

Constitutional Law, or the big bucks aura of Taxation and Corporation Law. But it is part of a lawyer's basic lifetime skills; it is the one skill you can sell to a law firm or government agency over the summer or when you first get out of law school. You cannot tell them that you can interview their important clients, or do their trial work, or do most of the other things a lawyer does. But you can say that you can do their research—if you know your way around a law library, that is.

A. J. L.

Preface

Using American Law Books is intended as an introductory classroom textbook on legal bibliography and research techniques. It is suitable for first year law school courses in legal research, paralegal programs, undergraduate law related courses, and library science classes in legal bibliography. My experience in teaching law and non-law students is that they all bring nearly the same *tabula rasa* to class. It is a beginner's manual, and I think one should observe a clear distinction in style and content between a beginner's manual and a reference work on this subject. The latter is for the experienced legal researcher who occasionally needs to refer to detailed descriptions of the content, structure, and background of all law books.

It is a common mistake to overwhelm the beginner with too much detail while failing to adequately stress the essentials. Students should leave the course with a *working knowledge* of all the major categories of law books. They should be able to find a federal regulation, a state court rule, a sample pleading, a U.S. treaty, a recent state statute, and so forth. All we can do is to give them a framework on which to build. Much of the detail will have to be learned through experience.

With these thoughts in mind, I have tried to provide more than just another catalog of law book descriptions. Step-by-step instructions have been provided for the use of all the more complex tools. Beginners usually appreciate this guidance. In most chapters I have tried to go from the general to the specific. In annotated codes, for instance, it is important that students understand the overall structure of annotated codes and especially their relationship to session laws, before dealing with specific matters of numbering, supplementation, competing sets, and so on. It is so easy to forget the ignorance and misconceptions that the novice brings to this subject. Patterns of publication (for example, in case reporting—the official/unofficial and state/federal parallels) have also been brought to the student's attention.

It is paramount, in teaching this material, to keep the student constantly oriented. Otherwise, it all turns into a confusing array of

pamphlets, sections, advance sheets, blue books, codes, supplements, digests, citations, headnotes, pocket parts, parallel tables, annotations, indexes, committee reports, registers, forms for motions, looseleaf services, and on and on and on. Throughout this work I have attempted to distinguish the essential from the less essential. Important, but less essential details have been relegated to footnotes. *The student should initially read through each chapter one or more times, ignoring the notes.* He or she will then be in a position to fit in some of the finer points.

To also aid in orientation, and to touch base with reality, the student is constantly encouraged in the text to look at the actual books in a law library while reading the manual. Sample pages have been reproduced in the text but a sample page is only a small part of the entire context. Typically, the full context is seeing a certain page, in a certain supplement, to a certain volume, in a certain multivolume set, which sits on the shelves of a certain law library. It is easy to teach these materials to a few people in a law library; it is difficult to do it in a classroom.

I have provided the correct citation form as soon as a new source is introduced. The citation samples are in accordance with the rules of the fifteenth edition of the "Harvard Blue Book."

As a final aid to orientation, all of the law books covered have been categorized under the headings of cases, codes, or commentaries. This is another device to help the student to organize these materials in his memory. It is also the framework that most closely corresponds with how American lawyers look at their literature: Are there any cases on point? Is there a statute (or regulation)? Is there a law review article, book, or service on the subject?

In teaching people to do legal research, the question comes up as to when to introduce the online services, namely, LEXIS and WESTLAW. I have not dealt with them as a separate topic until the final chapter. They are easier to comprehend at that point. Once a student understands a case report, an annotated code section, etc.—he or she is better able to tackle the complexities of online searching. I admit that this does not reflect the importance of online searching in practice. But, of course, you cannot always teach a subject in an efficient manner and at the same time reflect the realities of practice. In any case, I have noted the online services at numerous points throughout the text because, in many instances, they are now more often used in practice than their paper counterparts.

A Problems Supplement is available containing nearly 300 short answer drills for use in a law library. An **Instructor's Manual** is also available with the answers and occasional commentaries and teaching hints. Both are keyed to the text.

Acknowledgments

I would like to thank Professors Friedrich Juenger of the University of California at Davis School of Law and Jean Love of the University of Iowa School of Law for their advice and encouragement. Jean Love was especially helpful in the early drafts of the 1976 *Using Law Books*.

I owe a special debt to Professor John W. Truslow of Georgia State University for his informed and insightful reviews of the 1983 and 1990 editions and for prodding my thinking about the basic organization of legal materials.

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Thanks are also due to former law librarian Silvia Gonzalez and other staff members of the University of California at Davis.

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Introductory Matters

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