

ASSIGNMENTS TO
BARKAN, BINTLIFF, AND WHISNER'S

**Fundamentals of
Legal Research
and
Legal Research
Illustrated**

TENTH EDITIONS

SUSAN T. PHILLIPS

WENDY N. LAW

JOAN E. STRINGFELLOW



UNIVERSITY TREATISE SERIES

ASSIGNMENTS TO
BARKAN, BINTLIFF, AND WHISNER'S

Fundamentals of Legal Research and Legal Research Illustrated

TENTH EDITIONS

by

SUSAN T. PHILLIPS

Professor of Law
Director, Dee J. Kelly Law Library
Texas A&M University School of Law

WENDY N. LAW

Associate Professor of Law
Head of Collection Development
Dee J. Kelly Law Library
Texas A&M University School of Law

JOAN E. STRINGFELLOW

Instructional Associate Professor of Law
Head of Technical and Electronic Services
Dee J. Kelly Law Library
Texas A&M University School of Law

 FOUNDATION
PRESS

The publisher is not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

© 2009 By THOMSON REUTERS/FOUNDATION PRESS

© 2015 LEG, Inc. d/b/a West Academic

444 Cedar Street, Suite 700

St. Paul, MN 55101

1-877-888-1330

West, West Academic Publishing, and West Academic are trademarks of West Publishing Corporation, used under license.

Printed in the United States of America

ISBN: 978-1-60930-057-9

STUDENT INTRODUCTION

All attorneys are charged with knowing the fundamentals of legal research. To reach this objective, you must learn what research tools are available, the content of each tool, and how to use each tool. *Fundamentals of Legal Research* (10th ed.) and *Legal Research Illustrated* (10th ed.) are the narrative resources for this information. However to master legal research skills, you must learn to use the tools. To learn, you must practice and then practice some more. The assignments in this book provide practice in using the tools with the goal that you will gain the required fundamentals needed for the profession.

The first fifteen assignments are organized to correspond to the chapters in *Fundamentals of Legal Research* (10th ed.) and *Legal Research Illustrated* (10th ed.) that cover legal research resources most law students learn about in their first year. Each assignment has six variations (A-F), allowing you to repeat the exercise until you have mastered the skill. If working in print, be cooperative with your classmates and share the books. In addition, we give you an example exercise complete with answers at the beginning of each assignment. We provide these examples for two reasons: First, the sample answers allow you to see what your answers should look like—eliminating anxiety as to how the answers should look. For most first year students, legal research is like a foreign language and knowing the format for your answers should help you focus on the substance. Second, the sample answers provide you an opportunity to walk through a problem with the answers given so you can duplicate the research. We want you to learn to conduct effective and efficient legal research with as few distractions as possible.

The questions in these assignments ask you to locate information. Sometimes we direct you to a specific source and other times we do not. When we do not, you typically have a number of sources from which to choose to use depending on your library's resources. Refer to the corresponding chapter in *Fundamentals of Legal Research* or *Legal Research Illustrated* for information on possible sources. In most exercises, we wrote the questions to be “media neutral,” that is, they can be completed in either print resources or in electronic resources depending on the resources available at your library as well as the preference of your instructor. In a few instances, we direct you to an online resource.

The last assignment, Assignment Sixteen, contains six fact situations for you to research using the skills and resources you learned in the previous assignments. These problems are designed to be researched in your jurisdiction.

Read the special instructions at the beginning of each assignment. These instructions provide guidance for citation and to the resources that we used to write the questions as well as the possible resources that you can use to answer

the questions. For citation, use *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 20th ed. 2015).

Although we tried to eliminate mistakes, drafting errors do occur for which we apologize. In addition, it is a usual occurrence in legal publishing, both in print and online, for legal research resources to change with updates. All of our questions have been written to help you locate information. If you find you are spending an inordinate amount of time on a question, seek research help. The most important resources for completing these problems are your instructor, the *Fundamentals of Legal Research* or the *Legal Research Illustrated* book, and your librarian. If you do not understand a research tool or concept after reading the book, ask a librarian. We are here to help.

Susan T. Phillips

Professor of Law
Director of the Law Library
Dee J. Kelly Law Library
Texas A&M University School of Law

Wendy N. Law

Associate Professor of Law
Head of Collection Development
Dee J. Kelly Law Library
Texas A&M University School of Law

Joan E. Stringfellow

Instructional Associate Professor of Law
Head of Technical and Electronic Services
Dee J. Kelly Law Library
Texas A&M University School of Law

FUNDAMENTALS OF LEGAL RESEARCH CHAPTERS/ASSIGNMENTS
CORRELATION CHART

<u>Chapter</u>	<u>Assignments</u>
1: An Introduction to Legal Research	None
2: The Legal Research Process	None
3: Communicating Research Results Through Writing	None
4: Court Reports and the National Reporter System	One
5: Federal Court Reports	Two
6: State Court Reports	Three
7: Digests for Court Reports	Four
8: Constitutional Law and the Supreme Court of the United States	Five
9: Federal Legislation	Six
10: Federal Legislative Histories and Legislative Materials	Seven
11: State and Municipal Legislation	Eight
12: Court Rules and Procedures	Nine
13: Administrative Law	Ten
14: Topical Services	None
15: Citators	Eleven
16: Legal Encyclopedias	Twelve
17: American Law Reports (A.L.R.)	Thirteen
18: Legal Periodicals and Indexes	Fourteen
19: Treatises, Restatements, Uniform Laws, and Model Acts	Fifteen
20: Practice Materials and Other Resources	None
21: Public International Law	None
22: Researching the Law of the United Kingdom	None
23: Electronic Legal Research	None
24: Legal Citation Form	None
25: Native American Tribal Law	None
26: Federal Tax Research	None

LEGAL RESEARCH ILLUSTRATED CHAPTERS/ASSIGNMENTS
CORRELATION CHART

<u>Chapter</u>	<u>Assignments</u>
1: An Introduction to Legal Research	None
2: The Legal Research Process	None
3: Communicating Research Results through Writing	None
4: Court Reports and the National Reporter System	One
5: Federal Court Reports	Two
6: State Court Reports	Three
7: Digests for Court Reports	Four
8: Constitutional Law and the Supreme Court of the United States	Five
9: Federal Legislation	Six
10: Federal Legislative Histories and Legislative Materials	Seven
11: State and Municipal Legislation	Eight
12: Court Rules and Procedures	Nine
13: Administrative Law	Ten
14: Topical Services	None
15: Citators	Eleven
16: Legal Encyclopedias	Twelve
17: American Law Reports (A.L.R.)	Thirteen
18: Legal Periodicals and Indexes	Fourteen
19: Treatises, Restatements, Uniform Laws, and Model Acts	Fifteen
20: Practice Materials and Other Resources	None
21: Public International Law	None
22: Electronic Legal Research	None
23: Legal Citation Form	None

TABLE OF CONTENTS

Student Introduction	iv
<i>Fundamentals of Legal Research</i> Chapters/Assignments Correlation Chart	vi
<i>Legal Research Illustrated</i> Chapters/Assignments Correlation Chart	vii

Assignments:

One: Judicial Opinions and their Segments: Chapter 4	1
Two: Federal Court Reports: Chapter 5	9
Three: State Court Reports: Chapter 6	29
Four: Digests for Court Reports: Chapter 7	51
Five: Constitutional Law: Chapter 8.....	75
Six: Federal Legislation: Chapter 9.....	91
Seven: Federal Legislative Histories and Legislative Materials: Chapter 10.....	107
Eight: State and Municipal Legislation: Chapter 11	123
Nine: Court Rules and Procedures: Chapter 12.....	133
Ten: Administrative Law: Chapter 13.....	149
Eleven: Citators: Chapter 15	159
Twelve: Legal Encyclopedias: Chapter 16.....	181
Thirteen: American Law Reports (A.L.R.): Chapter 17	197
Fourteen: Legal Periodicals and Indexes: Chapter 18.....	213
Fifteen: Treatises, Restatements, Uniform Laws, and Model Acts: Chapter 19.....	223
Sixteen: Research Problems	239

Assignment One
Chapter 4
JUDICIAL OPINIONS AND THEIR SEGMENTS

GOALS:

- Provide practice looking up an opinion.
 - Acquaint you with the various parts of the opinion.
 - Introduce you to using *The Bluebook: A Uniform System of Citation* to cite cases.
-

CITATION:

♦ For purposes of Assignment One, assume you are drafting a legal document and citing the cases in citations and not in textual sentences. Consequently, follow the typeface conventions in Bluepages B2.

♦ Use Bluebook Rule 10 to cite cases. Follow the abbreviation rules in 10.2.2 and refer to table T6. Tables T1 and T10 will also be useful. Unless specifically instructed to do so, do not include information as to prior or subsequent history or weight of authority.

♦ Even if you are not instructed to give the complete cite in proper *Bluebook* format, use *Bluebook* abbreviations in your answers.

SOURCES:

Print

Official version used to write the questions:

United States Reports

Unofficial versions that can also be used to answer the questions:

West's Supreme Court Reporter

United States Supreme Court Reports, Lawyers' Edition

Online

WestlawNext

Lexis Advance

Other Sources

Bloomberg Law

Google Scholar (Filter to case law)

EXAMPLE EXERCISE:

Look up the opinion citation provided and answer the questions.

Opinion at page 291 of volume 446 of the *United States Reports*

1. Using the correct name of the opinion, cite the opinion in proper *Bluebook* citation form.
***Rhode Island v. Innis*, 446 U.S. 291 (1980).**
2. Which party is the respondent?
Innis
3. What is the docket number?
No. 78-1076
4. What is the date of decision?
May 12, 1980
5. What is the name of the justice who wrote the opinion of the court?
Justice Stewart
6. Who wrote the first dissenting opinion?
Justice Marshall
7. What is the court's decision?
Vacated and remanded

Exercise A

Look up the opinion citation provided and answer the questions.

Opinion at page 553 of volume 431 of the *United States Reports*

1. Using the correct name of the opinion, cite the opinion in proper *Bluebook* citation form.
2. Which party is the petitioner?
3. What is the docket number?
4. What is the date of decision?
5. What is the name of the justice who delivered the opinion of the court?
6. Who wrote the dissenting opinion?
7. What is the court's decision?

Exercise B

Look up the opinion citation provided and answer the questions.

Opinion at page 254 of volume 474 of the *United States Reports*

1. Using the correct name of the opinion, cite the opinion in proper *Bluebook* citation form.
2. Which party is the petitioner?
3. What is the docket number?
4. What is the date of decision?
5. What is the name of the justice who delivered the opinion of the court?
6. Who wrote the concurring opinion?
7. What is the court's decision?

Exercise C

Look up the opinion citation provided and answer the questions.

Opinion at page 83 of volume 525 of the *United States Reports*

1. Using the correct name of the opinion, cite the opinion in proper *Bluebook* citation form.
2. Which party is the petitioner?
3. What is the docket number?
4. What is the date of decision?
5. What is the name of the justice who delivered the opinion of the court?
6. Who wrote the first concurring opinion?
7. What is the court's decision?

Exercise D

Look up the opinion citation provided and answer the questions.

Opinion at page 517 of volume 510 of the *United States Reports*

1. Using the correct name of the opinion, cite the opinion in proper *Bluebook* citation form.
2. Which party is the petitioner?
3. What is the docket number?
4. What is the date of decision?
5. What is the name of the justice who delivered the opinion of the court?
6. Who wrote the concurring opinion?
7. What is the court's decision?

Exercise E

Look up the opinion citation provided and answer the questions.

Opinion at page 323 of volume 418 of the *United States Reports*

1. Using the correct name of the opinion, cite the opinion in proper *Bluebook* citation form.
2. Which party is the respondent?
3. What is the docket number?
4. What is the date of decision?
5. What is the name of the justice who delivered the opinion of the court?
6. Who wrote the concurring opinion?
7. What is the court's decision?

Exercise F

Look up the opinion citation provided and answer the questions.

Opinion at page 322 of volume 439 of the *United States Reports*

1. Using the correct name of the opinion, cite the opinion in proper *Bluebook* citation form.
2. Which party is the respondent?
3. What is the docket number?
4. What is the date of decision?
5. What is the name of the justice who delivered the opinion of the court?
6. Who wrote the dissenting opinion?
7. What is the court's decision?

Assignment Two
Chapter 5
FEDERAL COURT REPORTS

GOALS:

- Provide practice looking up and citing federal opinions.
 - Use commercial reporters (*West's Supreme Court Reporter* and *United States Supreme Court Reports, Lawyers' Edition*) to cite to the official reports (*United States Reports*) when you do not have access to the *United States Reports* since *Bluebook* rules require citation to the official reports.
-

CITATION:

♦ For purposes of Assignment Two, assume you are drafting a legal document and citing the cases in citations and not in textual sentences. Consequently, follow the typeface conventions in Bluepages B2.

♦ Use Bluebook Rule 10 to cite cases. Follow the abbreviation rules in 10.2.2 and refer to table T6. Tables T1 and T10 will also be useful. Unless specifically instructed to do so, do not include information as to prior or subsequent history or weight of authority.

♦ Even if you are not instructed to give the complete cite in proper *Bluebook* format, use *Bluebook* abbreviations in your answers.

Tip: For help with citing a United States Supreme Court decision in a nominative report, particularly the correct year of the decision, see <http://www.supremecourt.gov/opinions/datesofdecisions.pdf>.

SOURCES:

Print

United States Reports
West's Supreme Court Reporter
United States Supreme Court Reports, Lawyers' Edition, Second Series
Federal Reporter, Third Series
Federal Supplement, Second Series

Online

WestlawNext
Lexis Advance

Other Sources:

Bloomberg Law
Google Scholar (Filter to case law)