
Shepard's

LAWYER'S

REFERENCE

MANUAL

SHEPARD'S/McGRAW-HILL

P.O. Box 1235

Colorado Springs, Colorado 80901

McGRAW-HILL BOOK COMPANY

New York • St. Louis • San Francisco • Colorado Springs
Auckland • Bogota • Hamburg • Johannesburg • London
Madrid • Mexico • Montreal • New Delhi • Panama • Paris
São Paulo • Singapore • Sydney • Tokyo • Toronto



Copyright © 1983 by McGraw-Hill, Inc. All rights reserved. Printed in the United States of America. Except as permitted under the United States Copyright Act of 1976, no part of this publication may be reproduced or distributed in any form or by any means, or stored in a data base or retrieval system, without the prior written permission of the publisher.

ISBN 0-07-056736-0

EDITORIAL DIRECTOR

Donald T. Kramer

EDITOR

Myrna L. Bennett

CONTRIBUTING EDITORS

Jon R. Abele
Ronald W. Berg
David E. Fischer
Joseph J. Gramza
Hanna G. Hanna

P. Ellen Koerner
Kathy A. Osborn
Jonathan Penn
John C. Strand
Thomas Waters

PREFACE

Shepard's Lawyer's Reference Manual is designed to be an informative and easy-to-use reference tool for attorneys. It provides extensive treatment of pertinent legal information while it ignores archaic and superfluous data frequently found in general reference manuals.

The book is divided into three major parts. The first part consists of a listing and comparison of both federal and state statutory provisions on a wide variety of legal subjects ranging from abortion to wills. Federal, state, District of Columbia and Puerto Rico statutes are summarized and compared. The charts included in this part of the Manual provide the user with a clear insight into each jurisdiction's law on a particular topic, and contain references to code sections for more in depth research.

The second part is designed to familiarize the attorney with all court structures and jurisdictions within the United States and Puerto Rico. It contains diagrams of court structures and charts depicting jurisdictional information.

The last division of the Reference Manual contains a listing of addresses and telephone numbers for state and federal agencies and departments. Every effort has been made to provide current and accurate information.

SHEPARD'S/McGRAW-HILL

TABLE OF CONTENTS

PAGE

Preface	v
-------------------	---

PART A: SURVEY OF LAWS

Abortion [A-1]	3
Adverse Possession [A-2]	32
Adoption [A-3]	38
Adoption of Uniform Acts [A-4]	46
Alimony or Support [A-5]	54
Anatomical Gifts [A-6]	60
Antitrust [A-7]	90
Attorney Licensing [A-8]	96
Child Custody [A-9]	121
Civil Rights [A-10]	127
Consumer Actions [A-11]	138
Corporate Filing Requirements [A-12]	158
Death Taxes [A-13]	180
Descent and Distribution [A-14]	252
Divorce [A-15]	288
Grounds for Divorce [A15.1]	297
Driver's License [A-16]	304
Extradition [A-17]	334
Homesteads [A-18]	340
Income Tax - Corporate [A-19]	347
Income Tax - Personal [A-20]	370
Long Arm Statute [A-21]	415
Medical Malpractice [A-22]	425
Narcotics and Dangerous Drugs [A-23]	440
Negligence [A-24]	466
Product Liability Statutes [A-25]	474
Redemption of Real Property [A-26]	479
Small Claims Courts [A-27]	485
Statute of Frauds [A-28]	516
Statutes of Limitations [A-29]	524
Contracts [A-29.1]	539
Criminal Prosecutions [A-29.2]	548
Real Property [A-29.3]	556
Torts [A-29.4]	562
Survival of Causes of Action [A-30]	569
Voter Qualifications [A-31]	575
Water Rights [A-32]	596

Wills [A-33]	600
Wrongful Death Statutes [A-34]	615

PART B: JUDICIAL SYSTEMS

Federal Court System [B-1]	625
Alabama Court System [B-2]	636
Alaska Court System [B-3]	640
Arizona Court System [B-4]	643
Arkansas Court System [B-5]	647
California Court System [B-6]	653
Colorado Court System [B-7]	657
Connecticut Court System [B-8]	662
Delaware Court System [B-9]	665
District of Columbia Court System [B-10]	670
Florida Court System [B-11]	674
Georgia Court System [B-12]	677
Hawaii Court System [B-13]	682
Idaho Court System [B-14]	687
Illinois Court System [B-15]	690
Indiana Court System [B-16]	693
Iowa Court System [B-17]	698
Kansas Court System [B-18]	701
Kentucky Court System [B-19]	704
Louisiana Court System [B-20]	708
Maine Court System [B-21]	712
Maryland Court System [B-22]	716
Massachusetts Court System [B-23]	719
Michigan Court System [B-24]	726
Minnesota Court System [B-25]	731
Mississippi Court System [B-26]	736
Missouri Court System [B-27]	741
Montana Court System [B-28]	745
Nebraska Court System [B-29]	749
Nevada Court System [B-30]	752
New Hampshire Court System [B-31]	756
New Jersey Court System [B-32]	760
New Mexico Court System [B-33]	766
New York Court System [B-34]	771
North Carolina Court System [B-35]	786
North Dakota Court System [B-36]	791
Ohio Court System [B-37]	794
Oklahoma Court System [B-38]	800
Oregon Court System [B-39]	803
Pennsylvania Court System [B-40]	809
Puerto Rico Court System [B-41]	817

Rhode Island Court System [B-42]	820
South Carolina Court System [B-43]	825
South Dakota Court System [B-44]	829
Tennessee Court System [B-45]	834
Texas Court System [B-46]	839
Utah Court System [B-47]	843
Vermont Court System [B-48]	849
Virginia Court System [B-49]	852
Washington Court System [B-50]	858
West Virginia Court System [B-51]	862
Wisconsin Court System [B-52]	865
Wyoming Court System [B-53]	869

PART C: GOVERNMENT AGENCIES AND DEPARTMENTS

United States Government [C-1]	875
Alabama [C-2]	884
Alaska [C-3]	887
Arizona [C-4]	891
Arkansas [C-5]	894
California [C-6]	897
Colorado [C-7]	900
Connecticut [C-8]	903
Delaware [C-9]	906
District of Columbia [C-10]	909
Florida [C-11]	912
Georgia [C-12]	915
Hawaii [C-13]	918
Idaho [C-14]	921
Illinois [C-15]	924
Indiana [C-16]	927
Iowa [C-17]	930
Kansas [C-18]	933
Kentucky [C-19]	936
Louisiana [C-20]	939
Maine [C-21]	942
Maryland [C-22]	945
Massachusetts [C-23]	948
Michigan [C-24]	951
Minnesota [C-25]	954
Mississippi [C-26]	957
Missouri [C-27]	960
Montana [C-28]	963
Nebraska [C-29]	966
Nevada [C-30]	969
New Hampshire [C-31]	972

New Jersey [C-32] 975

New Mexico [C-33] 978

New York [C-34] 981

North Carolina [C-35] 985

North Dakota [C-36] 988

Ohio [C-37] 991

Oklahoma [C-38] 994

Oregon [C-39] 997

Pennsylvania [C-40] 1000

Puerto Rico [C-41] 1003

Rhode Island [C-42] 1006

South Carolina [C-43] 1009

South Dakota [C-44] 1012

Tennessee [C-45] 1015

Texas [C-46] 1018

Utah [C-47] 1021

Vermont [C-48] 1024

Virginia [C-49] 1027

Washington [C-50] 1030

West Virginia [C-51] 1033

Wisconsin [C-52] 1036

Wyoming [C-53] 1039

Index 1043

Part A

SURVEY OF LAWS

ABORTION* [A-1]

Jurisdiction	Code Section	Statutory Definition of Illegal Abortion	Requirement Regarding Legal Abortion		Requirements Regarding Health Care Provider, M.D.	Consent	Residency
			Penalties	Mother, Fetus			
Ala	§13A-13-7	By drug, substance, instrument which induces abortion or miscarriage	Fine \$100 to \$1,000 and imprisonment to 12 months	Purpose to preserve life, health of mother			
Alk	§18.16.010	Knowingly doesn't meet standards for legal abortion	Fine to \$1,000 and/or imprisonment to five years	Nonviable fetus	Licensed M.D., approved health facility	Of patient or guardian if patient less than 18	30 days before procedure
Ariz	§13-3603	By drug, instrument with intent to procure miscarriage	Imprisoned 2-5 years	Necessary to preserve life of mother			
Ark	§§41-2551 to 41-2560	By drugs, medicine or any other means with intent	Fine to \$1,000 and imprisoned 1-5 years	Continuation of pregnancy would threaten life,	Licensed M.D.	Written consent of mother; if minor or	4 months before procedure unless

* Please see the following United States Supreme Court cases for the court's treatment of the abortion issue. Some state codes have not been amended to reflect these changes.

City of Akron v Akron Center for Reproductive Health — US —; 76 LE2d 687; — SC — (1983)

Planned Parenthood v Ashcroft — US —; 76 LE2d 733; — SC — (1983)

Simopoulos v Virginia — US —; 76 LE2d 755; — SC — (1983)

Roe v Wade 410 US 113; 35 LE2d 147; 93 SC 705 (1972)

Doe v Bolton 410 US 179; 35 LE2d 201; 93 SC 739 (1973)

Planned Parenthood v Danforth 428 US 52; 49 LE2d 788; 96 SC 2831 (1976)

Jurisdiction	Statutory Definition of Illegal Abortion		Requirement Regarding Legal Abortion			
	Code Section	Penalties	Mother, Fetus	Requirements Regarding Health Care Provider, M.D.	Consent	Residency
Ark (cont.)		to produce abortion, or pre-mature delivery	health of mother; risk of child born with physical or mental defect or pregnancy result of rape, incest (reported to authorities within 7 days of occurrence)		incompetent, written consent of parents, husband or guardian	emergency
Calif	Health and Safety Code §§25950 to 25957; Penal Code §§274 to 276	By drugs, medicine or instrument with intent to procure miscarriage	Imprisonment	Continuation of pregnancy would threaten life or health of mother, or pregnancy result of rape or incest	Approved health care facility, approval of medicare board	
Colo	§18-6-101 to §18-6-105*	Ends or causes pregnancy to be ended by any means other than justified medical	Imprisonment 2-4 years and 1 year parole; if mother dies, imprisonment	Continuation of pregnancy likely to result in death or permanent physical or	Licensed hospital, licensed M.D. and certification of hospital board	Mother; mother and father, if married; mother and parent/guardian if

* portions of Colorado's abortion law were declared unconstitutional by *People v Norton*, 181 Co 47, 507 P2d 862 (1973), although they have not been repealed

Jurisdiction	Code Section	Statutory Definition of Illegal Abortion	Requirement Regarding Legal Abortion		Requirements Regarding Health Care Provider, M.D.	Consent	Residency
			Penalties	Mother, Fetus			
Colo (cont.)		termination	8-12 years and 1 year parole	mental impairment of mother or child born with grave mental or physical retardation or within first 16 weeks of pregnancy and pregnancy result of sexual assault or incest		under 18 years	
Conn	§§53-29 to 53-31	By giving, administering, causing to take or use instrument with intent to procure abortion or miscarriage	Fine \$1,000 and/or imprisonment to 5 years	Preserve life of mother or unborn child			
Del	11 §§651 to 654; 24 §§1790 to 1794	By drugs or act done with intent to cause miscarriage including acts by mother	Fine: established by court, and/or imprisoned to 10 years; mother: fine	Continuation of pregnancy would result in death or injury to mother; mental and/or physical	Licensed M.D., national accredited hospital, approval of hospital review board	Written consent of mother with full explanation, 24 hour waiting period following consent; if un-	120 days before procedure unless employed in state or patient of state

Jurisdiction	Code Section	Statutory Definition of Illegal Abortion	Requirement Regarding Legal Abortion		Requirements Regarding Health Care Provider, M.D.		Residency
			Penalties	Mother, Fetus	Health Care Provider, M.D.	Consent	
Del (cont.)			\$1,000 and/or imprisoned to 2 years	retardation of child or pregnancy result of rape, incest but must be performed within first 20 weeks		married and under 18, consent of parent required	licensed M.D.
DC	§22-201	By means of instrument, drug or whatever attempts to or procures abortion	Imprisoned 1-10 years If mother dies, imprisoned 20 years to life	Necessary to preserve life or health of mother	Under direction of licensed M.D.		
Fla	§§390.001 to 390.025; §§707.02 and 797.03	Termination of pregnancy during last trimester which does not meet requirements of legal abortion	Fine to \$5,000 and/or imprisoned to 5 years; if mother dies, fine to \$10,000 and/or imprisoned to 15 years	Regulated only in last trimester, necessary to save life or preserve health of mother	2 licensed M.D.'s certifying necessity unless emergency, one sufficient, if 2 not available, licensed hospital	Written informed consent of mother, if mentally incompetent, consent of guardian; if under 18 and unmarried written consent of parent or guardian or	

Jurisdiction	Code Section	Statutory Definition of Illegal Abortion	Penalties	Requirement Regarding Legal Abortion			Residency
				Mother, Fetus	Requirements Regarding Health Care Provider, M.D.	Consent	
Fla (cont.)						order of court; husband must be given notice unless separated	
Ga	§§16-12-140 to 16-12-143	By administering medicine, drugs, substance or using instrument with intent to procure miscarriage or abortion	Imprisoned 1-10 years	Preserve life or health of mother	Within first trimester: licensed M.D. and licensed hospital; within second trimester: M.D. and 2 consulting M.D.'s certify necessity of procedure		
Haw	§453-16	Failure to meet standards for legal abortion	Fine to \$1,000 and/or imprisoned to 5 years	Nonviable fetus	Licensed M.D., licensed hospital		90 days
Ida	§§18-603 to 18-615	Provides, supplies, administers drug, substances to woman or uses instrument with	Fine to \$5,000 and/or imprisoned 2-5 years; mother, same fine, imprisoned 1-5 years		Within first trimester: consultation between licensed M.D. and mother and determination	Mother and husband if she is married during any part of pregnancy	

Jurisdiction	Code Section	Statutory Definition of Illegal Abortion	Requirement Regarding Legal Abortion			Requirements Regarding Health Care Provider, M.D.	
			Penalties	Mother, Fetus		Consent	Residency
Ida (cont.)		intent to produce abortion				by M.D. that abortion is "appropriate" considering various mental, physical, familial factors; within second trimester; same as within first except must be performed in licensed hospital; within third trimester: same as in second except requires consulting M.D. and procedure necessary to preserve life if mother or fetus would likely be unable to survive	
	Chapter 38 §§81-21 to 81-55	Use of any instrument, drug or any other device to terminate pregnancy with	Fine to \$1,000 and/or imprisonment 3-7 years	If nonviable fetus and abortion not necessary to preserve mother's life: M.D. must	Licensed M.D. determines abortion is "necessary"; after first trimester	Voluntary informed consent of mother (guidelines in statute), mother	24 hours following certification of informed consent; ex-