

FUNDAMENTALS OF LEGAL RESEARCH

THIRD EDITION

AND LEGAL RESEARCH ILLUSTRATED

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J. MYRON JACOBSTEIN
ROY M. MERSKY

ASSIGNMENTS

University Textbook Series
Foundation Press

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AND LEGAL RESEARCH ILLUSTRATED

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Mineola, New York
THE FOUNDATION PRESS, INC.
1985

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ISBN 0-88277-300-3

TO THE STUDENT:

To master the numerous nuances of legal research requires exercising the skills acquired through the Fundamentals of Legal Research (3d ed.) or Legal Research Illustrated (3d ed.). That is the purpose of this assignment book.

We have provided numerous types of problems to introduce many aspects of legal research. The chapters in the assignment book correspond with the chapters in the Fundamentals and Legal Research Illustrated except for additional materials on Canadian legal research. Students in the northern tier of the United States may find the Canadian problems particularly useful.

Some problems specifically direct you to a particular source. Other problems require you to choose a specific title within a series or multi-volume work. Another group of problems is less directive as to the resource which may answer the question. This variety of assignments is provided to exercise two skills: an ability to choose among different approaches to resolving a legal problem and an ability to glean the most information when limited to a particular resource.

Keep in mind four criteria when choosing among resources. First, what is the scope of a particular title? Does this title exclusively cover the information you desire or will you have to deal with superfluous information in order to answer the problem? Secondly, how is a particular title arranged? Does the title contain only current information or must you relate to both current and retrospective historical information? Is the information arranged appropriate to your particular inquiry, e.g., chronologically as opposed to subject? Does the title provide a "How to Use" guide? Thirdly, how is the title you have chosen to answer the question indexed? Is there a combination of tables and indexes which provide a comprehensive approach to the information in the title or is access limited? Finally, how current is the information provided in the title? Do you need current information to answer the question? How is the information updated--through cumulative supplements, pocketparts, replacement volumes, looseleaf pages or new editions? Is the indexing appropriately current to the form of updating?

Although these issues appear generic, their application to a problem can aid you as you pursue the course of study as outlined in the Fundamentals or Legal Research Illustrated and this assignment book. If you are not comfortable in using certain types of legal materials following your readings in Fundamentals or Legal Research Illustrated and classroom lectures, apply the scope, arrangement,

index and update strategy. This analysis is particularly useful having the book(s) in hand. A few moments in the library using this approach can save hours of frustration.

We have provided many duplicate types of problems so your classmates will not have to share one particular book. Although you may not be doing the same problems the questions are designed to be balanced and to exercise identical or similar skills. There are no "trick questions." If you find you are laboring over a particular question longer than fifteen minutes, seek assistance from your instructor or librarian. Maintain a detailed record of your research strategy (or pathfinder). When you encounter obstacles in your research, reviewing the pathfinder with an instructor or librarian can facilitate clarifying your confusion.

Problem solving in the legal profession involves gathering the operative facts, identifying the legal issues, researching the legal issues and resolving the legal issues through effective writing by applying the law to the factual setting. Each of these steps builds upon the other. Successful lawyering requires analysis and research. Your first year of law school introduces each step. Equal attention must be given to each process component if you are to be successful as a lawyer. Many times poor analysis or confused writing is the result of ineffectual research. Diligence in using these assignments in conjunction with the Fundamentals of Legal Research or Legal Research Illustrated provides you with a sound foundation in the legal process.

A problem book of this magnitude is the result of intellectual and clerical hard work. We particularly thank our chief editor, Professor Joyce Saltalamachia, Director of the Law Library at the New York Law School. Without her steadfast commitment to this project, the assignment book would not have been written. Professor Saltalamachia was assisted in the compilation and editing of the manuscript by Professor Robert J. Nissenbaum, Director of the Law Library at Cleveland State University's Cleveland-Marshall College of Law.

Several outstanding law librarians prepared manuscripts for chapters of the assignment book or updated previous edition chapters. Professors Saltalamachia and Nissenbaum received editorial assistance from: Professor Kathleen Carrick, Director of the Law Library at Case Western Reserve University; Professor Donald J. Dunn, Director of the Law Library at Western New England College; Professor John Pickron, Director of the Law Library at the University of Hawaii; Ms. Lynn Wishart, Director of the Law Library at the Benjamin Cardozo School of Law of Yeshiva University; Ms. Patricia Harris, Associate Law Librarian and Instructor in Law at the Case Western Reserve University School of Law Library; Mr. Gary McCann, Assistant Director for Public Services, American University Washington College of Law Library; and Ms. Georgia Chadwick, Law Librarian for the Dallas, Texas law firm of Jenkins and Gilchrist.

Joyce Saltalamachia wishes to thank her colleagues at the New York Law School Library for their bibliographic assistance. Particularly, Professor Saltalamachia wishes to acknowledge the assistance Kitty MacLeod and Marie Newman for their invaluable help in the final preparation of the manuscript. In particular, thanks also goes to Margot Thomas of New York Law School Library for excellent typing services.

Robert J. Nissenbaum expresses his appreciation to Judith Kaul, Reference/Media Librarian at Cleveland State University and his research assistant Paul John Caputo '85, Cleveland State University, Cleveland-Marshall College of Law.

Donald J. Dunn gratefully acknowledges the assistance of Christine Archambault, Michele Dill, Robert LaRose, Patricia Maloney, Howard Polonsky, Renee Streese, Donna Tracy, Susan Wells, and the invaluable contributions of Bonnie White, all associated with Western New England College of Law Library.

Mr. Gary McCann expresses appreciation to Hilary Burg, Harvey Covell and Arthur Mindling of American University, Washington College of Law Library reference staff.

At the University of Texas Tarlton Law Library, invaluable word processing assistance was provided by Bach Truc Nguyen and Wendy Leiter. Manuscript coordination was provided by Wendy Leiter and Professor Mersky's research assistant, Goldie Domingue.

We close by reiterating our final thoughts in the previous edition of this problem book. Our greatest reward is in the appreciation and professional fulfillment we enjoy in knowing that many lawyers have gained from this workbook the skills necessary to solve the law's mystery.

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May, 1985

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Chapter 4
FEDERAL COURT DECISIONS

ASSIGNMENT 1
EXAMINATION OF U.S. REPORTS

Questions:

A. Using the early volumes of U.S. Reports and the latest edition of A Uniform System of Citation, find the U.S. Reports (U.S.) volume number for the following nominative reports. Put your answer in proper citation form.

1. 2 Dallas
2. 12 Howard
3. 8 Wheaton
4. 6 Cranch
5. 20 Wallace
6. 5 Peters
7. 1 Dallas
8. 15 Wallace
9. 10 Wheaton
10. 1 Black
11. 2 Cranch
12. 1 Peters
13. 24 Howard
14. 4 Wallace
15. 3 Cranch
16. 16 Peters
17. 3 Wheaton

18. 6 Howard
19. 12 Wallace
20. 9 Cranch
21. 12 Wheaton
22. 8 Peters
23. 3 Howard
24. 21 Wallace
25. 2 Peters
26. 3 Dallas
27. 4 Peters
28. 3 Wallace
29. 23 Howard
30. 9 Wheaton
31. 7 Cranch
32. 6 Peters
33. 16 Wallace
34. 11 Wheaton
35. 2 Black
36. 21 Howard
37. 4 Wallace
38. 4 Cranch
39. 15 Peters
40. 4 Wheaton
41. 7 Howard
42. 13 Wallace

43. 8 Cranch
44. 7 Wheaton
45. 9 Peters
46. 22 Wallace
47. 4 Howard
48. 3 Peters
49. 4 Dallas
50. 3 Wallace
51. 1 Howard
52. 12 Peters
53. 7 Wallace
54. 20 Howard

B. Using the latest edition of A Uniform System of Citation and U.S. Reports (U.S.), find the names of the following cases and cite them properly in your answer.

1. 340 U.S. 581
2. 293 U.S. 388
3. 283 U.S. 494
4. 288 U.S. 290
5. 300 U.S. 5
6. 306 U.S. 451
7. 315 U.S. 32
8. 397 U.S. 337
9. 399 U.S. 66
10. 378 U.S. 368
11. 358 U.S. 133
12. 367 U.S. 643

13. 402 U.S. 415
14. 401 U.S. 154
15. 399 U.S. 66
16. 397 U.S. 254
17. 396 U.S. 435
18. 395 U.S. 752
19. 394 U.S. 576
20. 372 U.S. 335

ASSIGNMENT 2
U.S. REPORTS - RELATED MATERIALS

Method:

For each of the citations to the official U.S. Reports (U.S.), locate the unofficial parallel citations in the United States Supreme Court Reporter (S. Ct.) and the United States Supreme Court Reports (L. Ed.).

Questions:

1. 358 U.S. 133
2. 367 U.S. 643
3. 402 U.S. 415
4. 401 U.S. 154
5. 399 U.S. 66
6. 397 U.S. 254
7. 396 U.S. 435
8. 395 U.S. 752
9. 394 U.S. 576
10. 372 U.S. 335
11. 340 U.S. 581
12. 293 U.S. 388
13. 283 U.S. 494
14. 288 U.S. 290
15. 300 U.S. 5
16. 306 U.S. 451
17. 315 U.S. 32
18. 397 U.S. 337
19. 399 U.S. 66
20. 378 U.S. 368

21. 376 U.S. 665
22. 378 U.S. 226
23. 380 U.S. 451
24. 381 U.S. 676
25. 383 U.S. 569
26. 384 U.S. 73
27. 386 U.S. 237
28. 389 U.S. 31
29. 390 U.S. 62
30. 393 U.S. 5
31. 394 U.S. 831
32. 395 U.S. 100
33. 405 U.S. 34
34. 406 U.S. 164
35. 411 U.S. 1

ASSIGNMENT 3
FEDERAL CASES

Questions:

A. Using the set Federal Cases (F. Cas.) and the latest edition of A Uniform System of Citation, find the name of the following cases and properly cite them.

1. Federal Case Number 358
2. Federal Case Number 18,210
3. Federal Case Number 7,881
4. Federal Case Number 9,317
5. Federal Case Number 2,865
6. Federal Case Number 1,424
7. Federal Case Number 2,344
8. Federal Case Number 3,555
9. Federal Case Number 6,994
10. Federal Case Number 13,753
11. Federal Case Number 9,596
12. Federal Case Number 11,825
13. Federal Case Number 8,260
14. Federal Case Number 14,249
15. Federal Case Number 15,959

B. Using the Table of Citations in the Digest volume of Federal Cases (F. Cas.), locate the following decisions. Put your answer in proper citation form. [Instructions: Locate the digest volume to the set Federal Cases. Within it is a Table of Citations (these are on colored pages in the edition used by the editor) listing reporters alphabetically. A parallel citation is given to the Federal Case Number.]

1. 1 Fish. Pat. Cas. 483
2. 19 Int. Rev. Rec. 108
3. 5 Dill. 549

4. 1 Leg. Gaz. Rep. 279
5. 12 O.G. 1026
6. 1 McLean 120
7. Abb. Adm. 529
8. 7 Biss. 426
9. 8 N.B.R. 525
10. 1 Lowell 91
11. 2 Sumn. 108
12. 2 McLean 464
13. 1 Bond 1
14. 4 Brewst. 250
15. Spear, Extrad. (2d ed.) 451

ASSIGNMENT 4
FEDERAL RULES DECISIONS

Method:

Use the cumulative index to articles in the Federal Rules Decisions (F.R.D) (v. 1-50 or v. 51-80) to locate an article in F.R.D. concerning the topics below. Give the author, title and the cite to F.R.D. (volume and page) where the article appears.

Questions:

1. The business of judicial administration.
2. Can the courts find improvement through science?
3. Discovery in criminal cases.
4. Techniques for shortening trials.
5. Part-time clerkships for law students.
6. The judicial panel on multi-district litigation.
7. Pre-trial procedure in rural districts.
8. Jury instructions and forms for federal civil cases.
9. Damages allowable under rent control laws.
10. Business administration of the United States Courts.
11. Immigration and Nationality System of the United States.
12. Postconviction applications viewed by a federal judge -- revisited.
13. Problems of statutory interpretation.
14. Techniques for proof of complicated scientific and economic facts.
15. Ancillary jurisdiction and the joinder of claims in the federal courts.
16. Alternatives to the present hearsay rules.
17. Use of special verdicts in federal court.
18. Courtroom decorum.

19. Procedural changes in Michigan.
20. Observations on anti-trust procedures.
21. Originality in the law of intellectual property.
22. Removal of defendants in federal criminal procedure.
23. Selected jury instruction forms in SEC criminal cases.
24. The veto power of the president.
25. Sentencing in federal tax fraud cases.
26. Liberty under the Bill of Rights.
27. Objectivity in predicting criminal behavior.
28. Bail as a rich man's privilege.