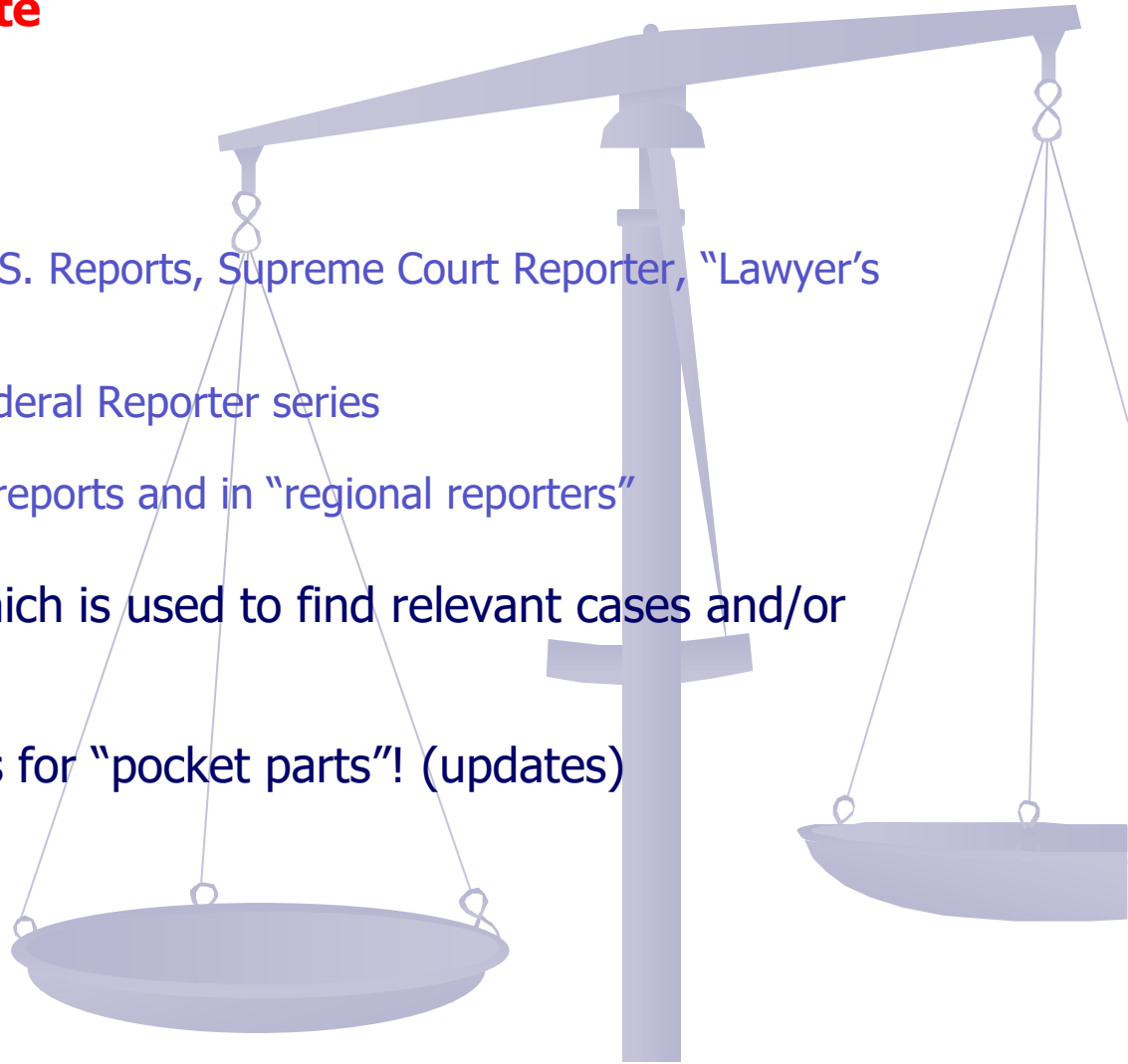


Legal Research - Sources

Primary Sources ("the law"):

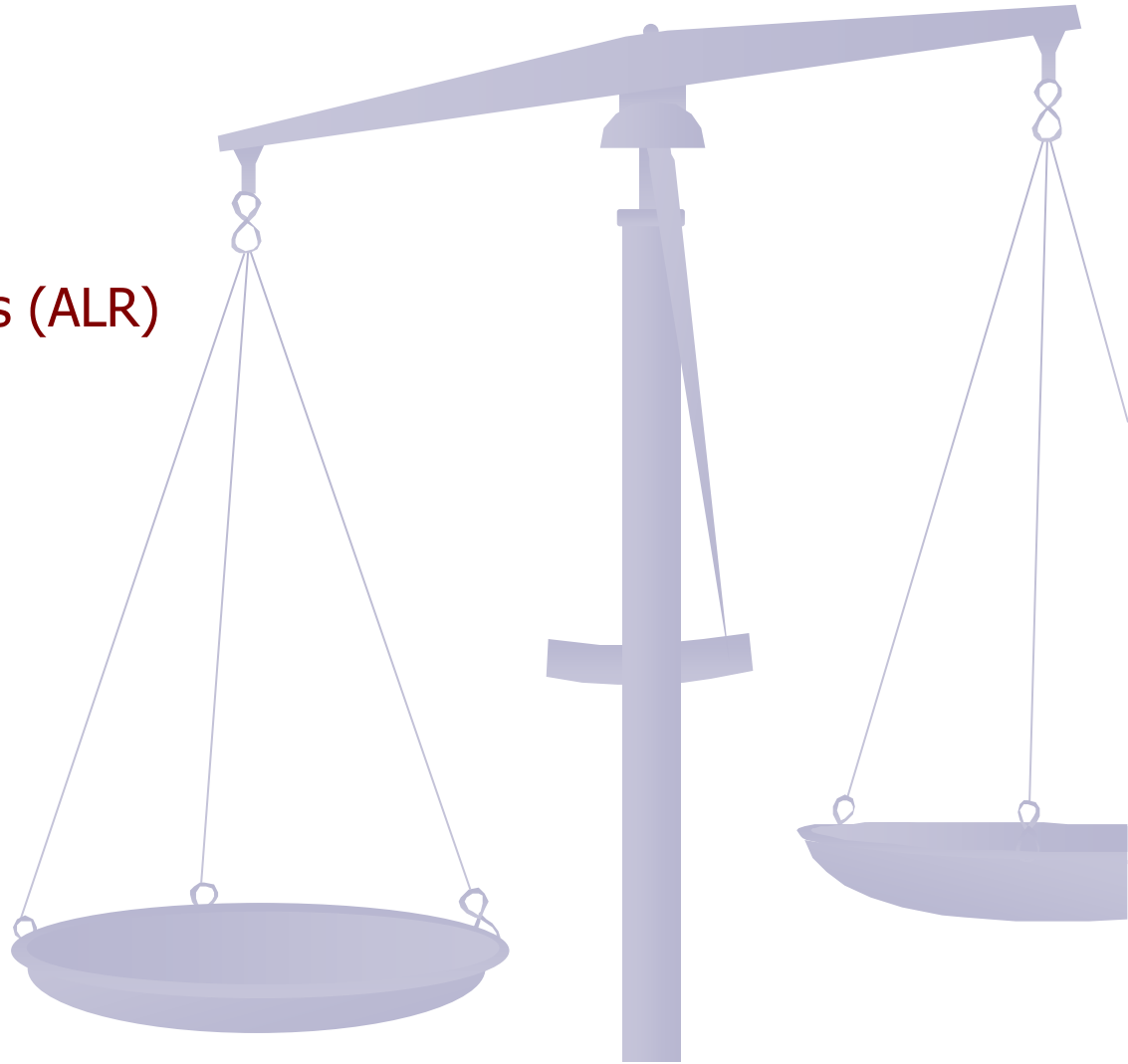
- **Statutes, federal and state**
- **Cases, federal and state**
 - Supreme Court cases in: U.S. Reports, Supreme Court Reporter, "Lawyer's Edition"
 - Lower Federal Cases in: Federal Reporter series
 - State cases in: State court reports and in "regional reporters"
- Both come with Indexes, which is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



Legal Research - Sources

■ **II. Secondary Sources (commentary):**

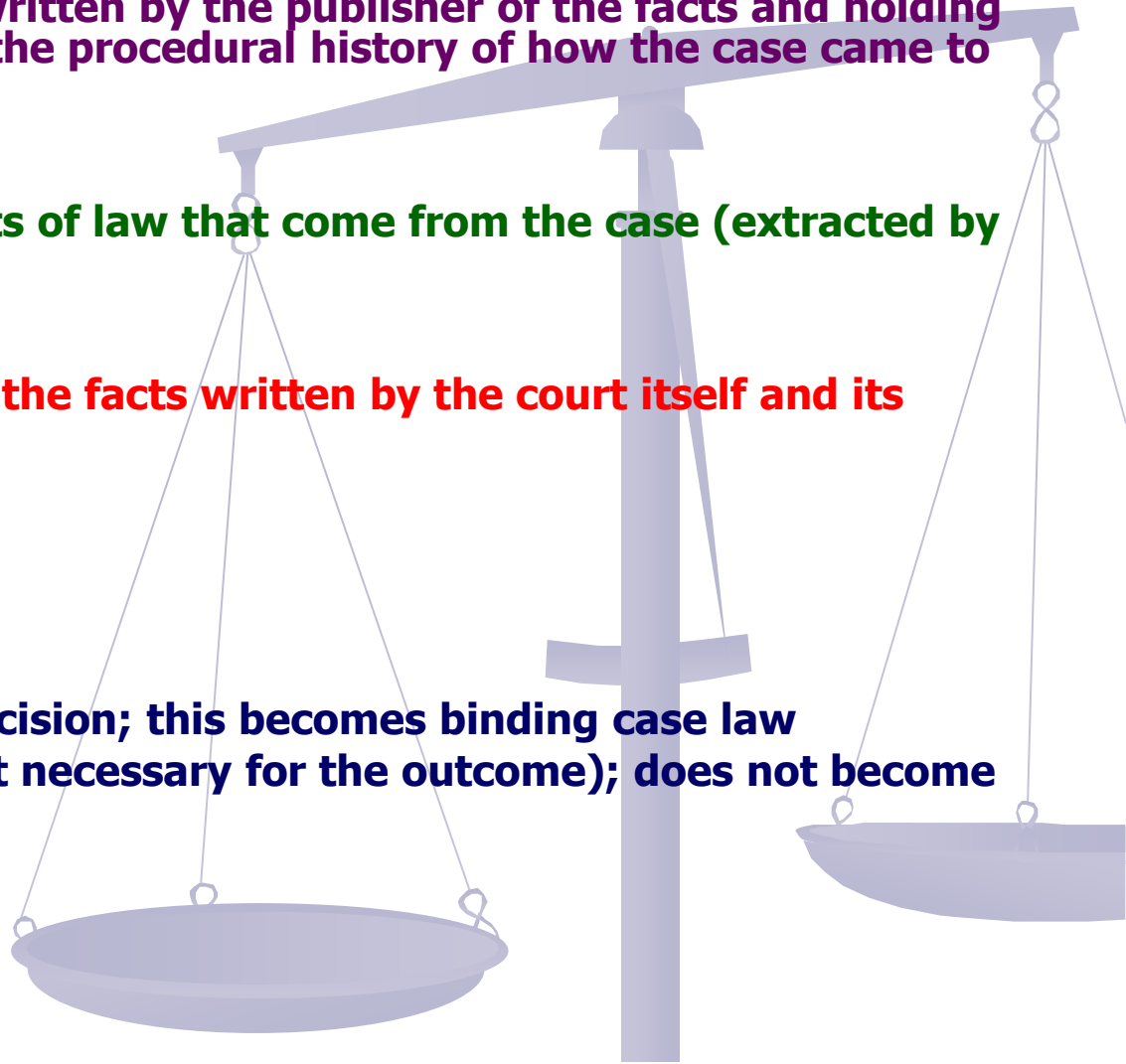
- Treatises
- Restatements
- Digests
- American Law Reports (ALR)
- Law Review Articles
- Legal Periodicals



Case Law – Reading a Case

■ Parts of a case:

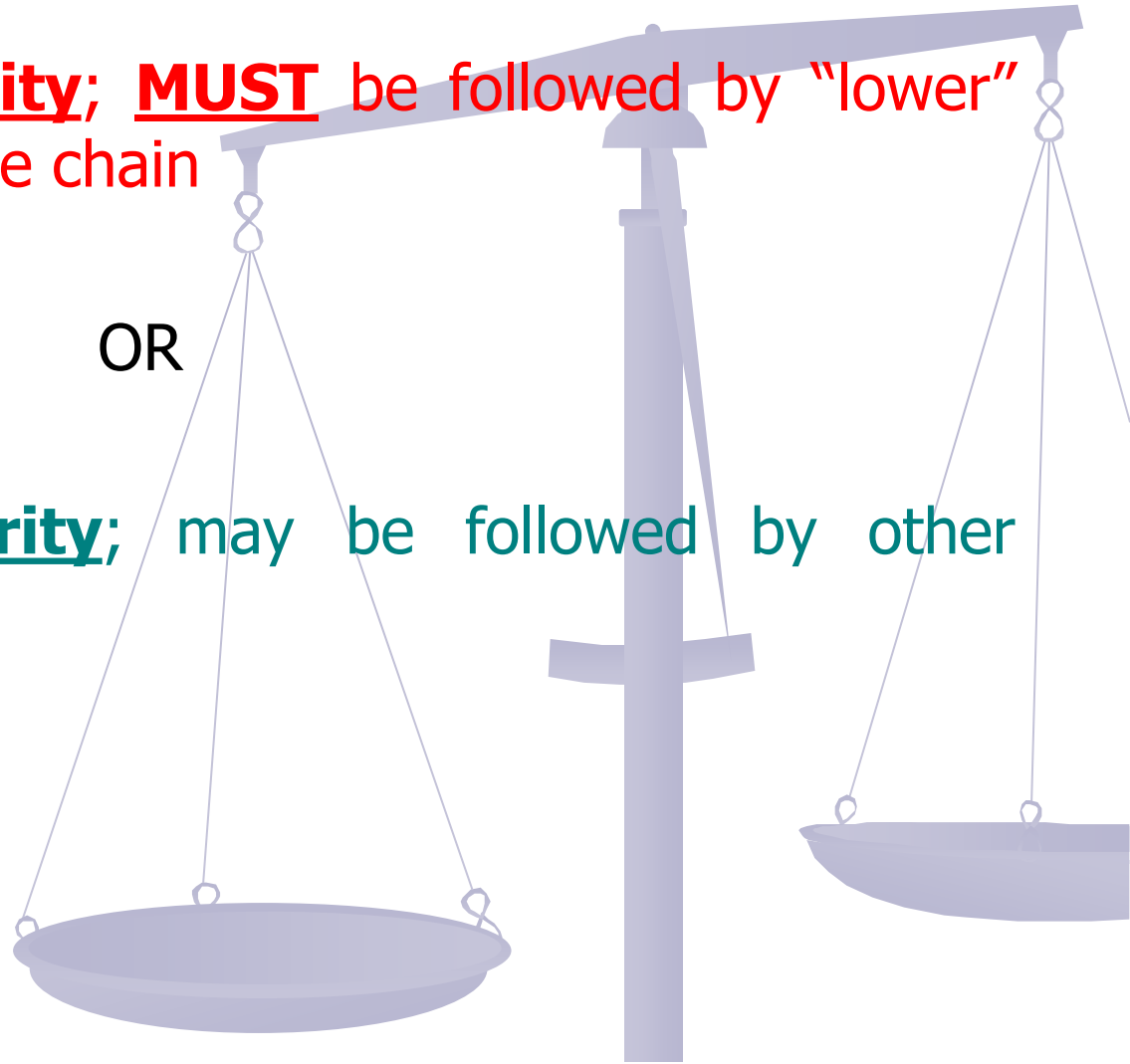
- **Overview**: A summary written by the publisher of the facts and holding of the case, along with the procedural history of how the case came to be heard in that court)
- **Headnotes**: Key concepts of law that come from the case (extracted by the publisher)
- **Syllabus**: A summary of the facts written 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 2

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 need not!



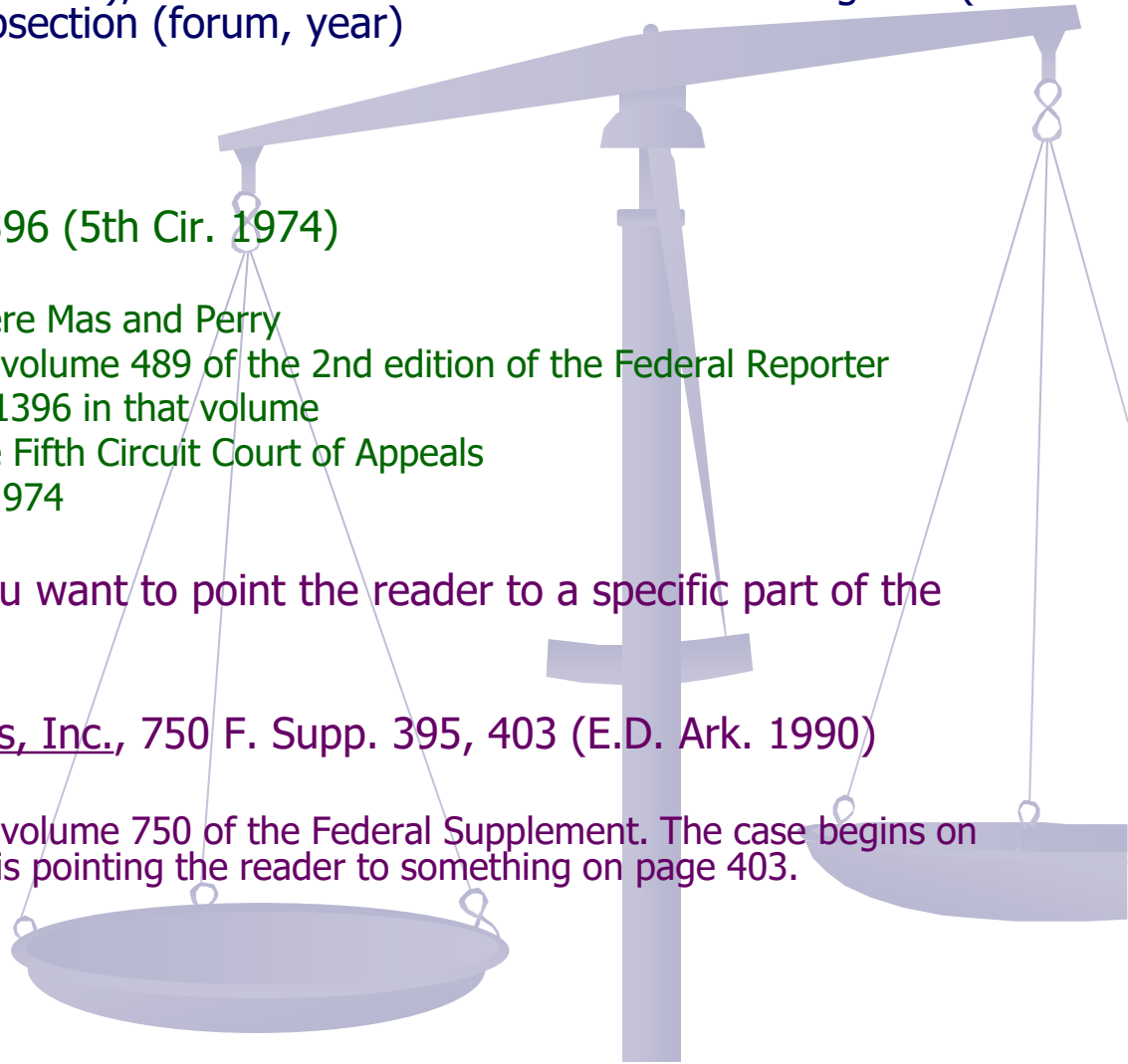
QUIZ TIME!



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
- Pinpoint Citation (used when you want to point the reader to a specific part of the case):
 - 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

- Statute:

- 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:

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

