

Legal Resources at the ACC Library Notes

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**A CD version of these notes is available for purchase.
These notes are also available on the Web at
www.KnowledgeResearch.net/ACC.html**

Introduction	Here at the ACC Library we have the largest legal collection in the south metro area, outside of the University of Denver. I thought I'd share with you some information about our law resources here at the Library. I'll tie it in with the legal research process and a description of these various resources to help you use our library collection to the fullest. More specifically, we'll talk about how legal research has changed over the last few years, which impacts the way you will be doing research today. We'll discuss the differences between print and online resources, the advantages and disadvantages of both. We'll explain how the legal materials are arranged in the Library, and how to look them up. Then we'll cover the specific kinds of resources in our library—the primary, secondary, national, as well as Colorado legal resources.
1 The Changing Face of Legal Research	The nature of legal research has changed dramatically in recent years. The huge volume of cases and decisions continues to increase in our litigious society. In addition, cases are increasing in complexity, thanks to the ever-quickenning march of science and technology, intertwined with social issues. For instance, Internet issues regarding copyright or first amendment rights require an understanding of the new technology and new media. Internet law is a new area of law that did not even exist a few years ago. Genetic engineering and nanotechnology will be adding new wrinkles to the legal landscape, to mention some of the other new technologies. In addition, the law has become more international in scope (due in great part to the rise of multinational corporations, globalization of business, and the proliferation of international trade). For example, an intellectual property litigation might call for information about the side effects of a certain class of drugs manufactured in Brazil. Or an international corporate merger might require a working knowledge of stock markets in Asia. The complexity of the law has seen a significant expansion of legal-related research to non-legal information, namely business as well as the other types of information. Legal research can carry across a range of academic disciplines including business, political science, government, medicine, science, sociology, criminology, and computer/information science. Today, some law librarians will tell you that 15 years ago their research was 80 percent legal, and 20 percent non-legal, and now those figures have been reversed, where 80 percent of the research is in specialized, non-legal resources for such things as background information, facts and statistics that can bolster a case. Anyone engaged in legal research has to be knowledgeable not only of the standard legal resources, but also the wide array of non-legal information resources. That means the resources you will need in legal research will go

	beyond the law library—the whole library at ACC or any other library becomes your legal library, as well the whole world of online information becomes your library. The nature of legal research has seen a significant shift in the last few years in other ways. In the old days law librarians did the heavy lifting of researching the law. Back in the mid-1970s, fork lifts in the form of online legal database services such as Westlaw and Lexis came on the scene, albeit clunky and full of bugs, signaling a new dawn in legal research. Westlaw and Lexis have matured and now much garden-variety research is a snap. The Internet has also matured with incredible amounts of free and low-cost information. Thus the role of law librarians has changed from sole heavy lifters to instructing lawyers and paralegals how to also perform significant amounts of research. The online revolution is creating the incredible shrinking law library. Libraries are doing away with subscriptions to print materials. Some law libraries have totally done away with the hard copy of Shepard's Citations. Except for the Colorado Case Names Citator and the Colorado Citations, the ACC Library does not carry the print version of Shepard's Citations. And in a recent survey, almost half the law libraries surveyed plan to completely do away with their West reporters.
2 The Legal Research Process	It's a form of detective work, without the trench coat. You start with a legal question or problem presented by a client. The object is to find "the law"—the exact statute or case that will answer the question or solve the problem—in other words, the statutory law or case law. One of the challenges of legal research is tracking the history of a law as it is modified through an extended period of time. When we use the term statute, we are referring to statutory law, which includes the constitution, which is the set of principles and fundamental laws that are the guiding light, and federal and state statutes, administrative rules and regulations, and municipal codes and ordinances. By cases, we mean case law, which is civil and criminal rulings and decisions by courts of law on the state and federal levels, particularly district, appellate, and Supreme Court rulings. Laws are created legislatively and judicially, both on federal and state levels. State legislative bodies and Congress enact laws, and government agencies create rules and regulations. Judges create a "common law," interpreting statutory law, when in the opinion of the court it is felt that issues or questions are not adequately covered by existing statutory law. Existing laws are impacted legislatively and judicially. Laws are amended or repealed by legislative bodies. Courts can set precedents, rule a law unconstitutional, reverse, over-rule, modify, criticize lower-court decisions, or affirm previous decisions through stare decisis. (In addition, administrative rules and regulations are revised and revoked frequently by the various government agencies.) All of these statutes and cases in general have to harmonize with each other ultimately and have to be in harmony and not contradict the constitution, otherwise they are ruled unconstitutional or are amended or repealed by Congress and legislatures.

	The law or cases have to be relevant (“on point”), meaning their facts and issues are substantially the same or quite similar to your case and are also current and up-to-date to be valid, because the law changes with various twists and turns over time through legislative, judicial and administrative actions. Relevant cases exert mandatory and persuasive authority. There are two major elements of legal research: knowing how to find the appropriate law (found in primary sources), and once you find it, understanding it (you don’t know if you’ve found the right law if you don’t understand it). Helping you find and understand the law is the function of the secondary sources and finding tools. Some secondary resources (persuasive authorities) can also be used as arguments to influence judicial opinions. Law collection resources are: the law (primary authorities in the form of the constitution, statutes, ordinances, regulations, and case law) and secondary authority tools that help you find and also explain the law and related cases. You’ll notice that one of the ACC handouts has resources arranged in a pyramid. In this pyramid, the primary sources are at the top of the pyramid, and secondary resources and finding tools are lower down and at the base. Research starts at the base of the pyramid, and then your object is to reach the upper part of the pyramid, which will have the statutes or cases that will answer the legal question or solve the legal problem for the client because the facts and issues will be similar to yours. Each tool and resource leads you as a guidepost to this goal, leading you to additional cases and statutes as you go up the pyramid. By starting at the lower part of the pyramid (secondary sources) you familiarize yourself with the issues and points of law before finding the answer to the problem or question in the primary sources at the upper part of the pyramid. After finding the primary sources, you may want to go back to secondary sources to fill gaps.
3 Online Research vs. Traditional Research	In a number of ways online research through the Internet and commercial databases such as Lexis and Westlaw is faster and easier than using traditional print resources, where cases and laws can be added online faster than they can be published in print. In fact, cases are reported within 24 hours online, whereas it can take a couple of weeks to receive the printed advance sheets. This superiority is especially true when it comes to Shepardizing, where online services CheckCite in Lexis and KeyCite in Westlaw provide quick cite checking. (Many law firms have even cancelled their subscriptions to Shepard’s Citations and use these online alternatives instead. The same fate has befallen many print looseleaf services.) If you are well-versed in the law and know pretty much what you’re looking for, you might accomplish online in 30 minutes what could take three hours the old-fashioned way. Many law offices have cut back on their law books, including, as we’ve already just mentioned, Shepard’s Citations, in favor of online methods—print law collections are shrinking and even disappearing. This phenomenon is called the Incredible Shrinking Law Library. Online resources are certainly more cost effective than the huge expense of maintaining a large law library full of books. There is still much to be said for the traditional approach of being able to hold a book in your hand. While primary law is available online, print publications provide editorial aids such as headnotes, annotations, summaries, and cross-references, extras not found on free websites. Understanding how to use the print resources is helpful in using the online services, which try to make their

	interface congruent with the print publications. With print resources, you can see the context of the points of law easier than online. Jumping back and forth between the table of contents and the indexes and the body of a book is often easier for a lot of researchers than having to scroll down the screen and picking out links to click. Familiarizing yourself with the law through print materials is often the best way to get a good background on an issue that trying to do it online. In short, you could say books are often much more user friendly than the online alternatives, which is why online law resources are often under-used in law offices in favor of the books. Free websites are good for primary materials, current cases or issues in the news, and government information. Free websites are not that good for complete overviews (use books and encyclopedias); or sophisticated full-text searching and case-finding tools (use Lexis and Westlaw); or historical materials (use print sources or Lexis and Westlaw). Online legal research services such as Lexis and Westlaw try to be the best of both worlds, combining the in-depth coverage of print publications with the speed and convenience of the online environment. Legal treatises are not found on free websites, but are increasingly available in Lexis and Westlaw. Reading print publications of treatises and monographs is still the most preferred way. Treatises can be found on an online law library catalog by entering an author, title, subject, or keywords. You can lose the context of the discussion if you read extensive text online. Relevant sections of text can usually be found easier using an index rather than through online keyword searching. Certain print and online resources are being coordinated more. For instance, in the front section of the West Digest publications, all 414 Digest topics have their own number that can be used for online searching for cases within the topic and within specified key numbers. The American Law Reports includes suggested electronic search queries for use in Westlaw. Finally, there is no denying there are a lot of fantastic free sites for legal information on the Internet that are tremendous, especially when you can't make it to your library or get your hands on the hard copy of legal materials. These free resources include statutory and case law, as well as tutorials, guides, and reference tools. A list of some of the best links to legal sites have been compiled at this site: http://knowledgegeresearch.net/legalresourcesguides.html You can also find the print version of these notes at that same Web page.
4 How Legal Materials are Arranged at the ACC Library and Using the ACC Library Catalog	Like other college libraries, the ACC Library uses the Library of Congress Classification system, or LC, for short. High schools and public libraries, on the other hand, use the Dewey Decimal System, which is all numbers. But at the ACC Library, all books and other materials are arranged on the shelves using the LC system, which is a combination of letters and numbers, or, alphanumerically. Depending on the subject, each book, tape, CD, and so on are placed on the library shelf according to its own Library of Congress call number, which consists of letters followed by numbers. The shelves start on the second floor, with the Library of Congress call numbers going from A through HN. The collection of materials continues onto the first floor below, with the LC call numbers going HQ through Z. So, where are the law books located, based on this system? Basically, the subject of law is classified as KF in the Library of Congress system, with Colorado law books classified under KFC. Most of our legal collection is in the legal reference area, which is on the second floor, around the corner from the Circulation Desk, near the photocopyers. Reference materials are

	those that cannot be checked out. However, we do have a section of law books that can be checked out. These are called circulating books. All Reference books are on the second floor, while Circulating books start on the second floor and continue to the first floor. Normally, the circulating law books, that is, those in the KF area, would be downstairs, as all circulating materials HQ through Z are downstairs. However, for the convenience of the paralegal students, the circulating law books have been moved upstairs next to the Reference law materials. So, if you're looking for the circulating law materials, don't go downstairs where the KFs would normally be—instead, you'll find them next to the Reference law materials on the second floor. To use the ACC Library catalog to find books or use the subscription databases, go to the ACC Library homepage at www.youseemore.com/arapahoecc. You can also get to the Library homepage from the ACC homepage at www.arapahoe.edu, where there is a link to the Library. If you can't remember the exact Web addresses, just type in Arapahoe Community College Library in Yahoo! or Google, and the library site will be listed at the top of the results list. Near the top of the ACC Library homepage is the text search box for finding books and other materials in the Library. Simply type in a subject or keywords for a topic and press the Enter key or press Go. If you have a specific author or title in mind, type that in instead. For a specific area of the law, such as torts or family law, type in that topic in the library catalog's search text box. For books on legal research, type in legal research. If you want to see what books are available regarding paralegals, type in "legal assistants," which is the official subject heading. The Library carries a number of books about the paralegal profession, as well as legal guides for paralegals. Lower down on our homepage are the subscription databases such as ProQuest and EBSCOhost for periodical articles (including law review articles). These and some of the other databases are available off-campus, but do require passwords, obtainable from the Library.
5 Primary Sources— Statutory and Case Law	The US Code Congressional and Administrative News Service (USCCAN) The USCCAN is a chronologically-compiled collection of federal session laws (statutes), West's unofficial version of the Statutes at Large. The USCCAN is a softbound monthly pamphlet of laws as they are passed that is later compiled into yearly hardcover volumes (at the end of a congressional session). The pamphlets are discarded after the hardcover volumes come out. The USCCAN contains public laws (statutes) recently enacted, the legislative history of selected bills, a summary of pending legislation, presidential proclamations and executive orders, various federal regulations, and court rules. Statutes at Large are identified with Public Law numbers (Public Law Number 104-449 means it was the 449th bill enacted by the 104th Congress). If you do not have the public law number for a statute, the USCCAN has a subject index by Congressional session it was enacted, giving the public law number. The US Code Service (USCS) <i>The US Code Service</i> is the topical arrangement of the complete US Code (50 titles, from Agriculture to War) plus history of the law and annotations and cross-references to related case law and documents. <i>The US Code Service</i> is an unofficial, commercial version of the <i>US Code</i>, published by LexisNexis. West's version, <i>The US Code Annotated</i>, not carried by ACC, has its own strengths and weaknesses compared to USCS. The <i>US Code</i> is the government's codified publication of the Federal law after it is initially and

officially published as the *Statutes at Large*. The *USCS* maintains the same title and section numbering found in the *U.S. Code* (USC). However, the *US Code Service* follows more closely the context and language used in the session laws, i.e., *Statutes at Large* (using notes for clarification). USCA uses language taken from USC. USCS has a more detailed index than USC. The USC has no citations to CFR, no annotations, no court rules, no uncodified law, and is usually at least two years behind in updating the law.

The US Code Service is annotated selectively, avoiding repetitive decisions, while USCA contains more annotations. The annotations supplement the statute. They provide historical notes, which can be used to research the language of the statute as it was enacted and its amendments. The notes give the date of enactment, the public law number, and the *Statutes at Large* cite. There are also brief comments about amendments, or revisions made to the statute.

The US Code Service includes an index of keywords as well as an index of Popular Names. There is also a table of parallel citations to Statutes at Large. *The US Code Service* contains annual pocket parts and pamphlets and interim supplements, and is more current (timely) than official US Code publication.

Throughout the year, advance annotation supplements are issued containing the most current annotations. Monthly, advance sheets are published which has the text of recently enacted laws, executive documents, court rules, and selected regulations with tables indicating which code sections have been affected by recent legislative action (USCA issues quarterly supplements). USCS publishes its court rules in a separate volume, while USCA includes court rules within the body of the code. These pamphlets, which are like paperback books, also have a convenient listing of the newest laws in the table of contents of each pamphlet volume.

Also contained in the *US Code Service* are some agency procedural rules, with citations and cross-references to the *Code of Federal Regulations*. Covers the constitution, with annotations. While USCS cites administrative agency decisions, USCA only cites court decisions. USCS provides a Table of Authorities listing CFR sections, while USCA cross references CFR within annotations. Separate volumes contain uncodified legislation (not available in USCA).

USCS cites ALR and Am Jur 2d, while USCA cites CJS and West Digest Key Numbers.

An online version of the US Code is at www.law.cornell.edu/uscode

The US Supreme Court Reports, Lawyers' Edition (L. Ed.)

(Not to be confused with *West's Supreme Court Reporter*, and the government-published *United States Reports*, which are not carried by ACC). First, cases decided in the US Supreme Court are published in the official *United States Reports* (US), then reprinted by the West and LexisNexis reporters. The *US Supreme Court Reports* is the unofficial collection of all US Supreme Court Decisions, published by the former Lawyers Co-op and now owned by LexisNexis. Unlike the other two reporters, the LexisNexis Lawyer's Edition contains detailed annotations for each case. These annotations are issue-by-issue discussions of the decisions, with extensive cross-referencing to other U.S. Supreme Court cases.

Yes, you can get the US Supreme Court decisions on the Internet, but with the

print *US Supreme Court Reports*, you get more than just the text of the case: namely, useful quick summaries and annotations and essays of the cases and legal issues. Summaries of briefs by counsel are especially helpful in helping determine the relevancy of the case. Be careful not to confuse arguments by counsel with the actual opinion of the court, which follows the name of the justice.

In addition to pocket supplements, the *US Supreme Court Reports* issues advance sheets twice a month. To help you find the right Supreme Court case, use the library's set of *US Supreme Court Digests*, which will be discussed with the rest of the Digests carried by the Library.

National reporters not carried by ACC

There are a number of national reporters of federal court decisions, none of which are carried by the ACC Library. The following National Reporters are among those not carried by the ACC Library:

The Federal Reporter, *Federal Supplement*, and *Federal Rules Decisions*. *The Federal Reporter* covers cases from the US Courts of Appeals. *The Federal Supplement* covers a small percentage of US District Court cases. *The Federal Rules Decisions* interprets Federal Rules of Civil and Criminal Procedure. There are also Federal reporters for bankruptcy courts, claims courts, and tax courts. Also not carried by ACC is the Federal Appendix (F.Appx), which has selected unpublished opinions of the Federal courts. (Unpublished court opinions are also provided by the Westlaw and LexisNexis databases, as well as on certain Web sites.)

As I have mentioned, none of these national reporters are carried by the ACC Library, but are available at other law libraries in the area, such as the Colorado Supreme Court Library in downtown Denver and at the University of Denver Law School Library. Also, check the *ALR*, which reports some of the most significant federal cases.

Code of Federal Regulations

Administrative rules and regulations are created by government agencies and are chronologically compiled in *The Federal Register*, then topically arranged in *The Code of Federal Regulation*. The ACC Library has *The Code of Federal Regulations* on microfiche through 2005.

Now, the primary sources for state statutes and case law, including Colorado.

Colorado Revised Statutes Annotated (CRSA)

The maroon-colored volumes are issued every year and have been officially published by LexisNexis since 2003 as the Colorado Revised Statutes Annotated (cited as CRSA). Prior to 2003 the statutes were published by Bradford Publishing for a number of years as the Colorado Revised Statutes (cited as CRS). The statutes are also provided online by LexisNexis at www.michie.com/colorado. The statutes are also available on the subscription legal services LexisNexis, Westlaw and others.

The CRSA contains 43 titles, arranged alphabetically from Aeronautics to Wildlife. Title numbers in each volume are on the volume spine. The statutes are arranged by title, chapter, and section. Colorado statute citations list the title

number, article, then section number, followed by CRS, as in 25-14-204(1) (cc), C.R.S. This citation is part of the Colorado Clean Indoor Air Act, consisting of Title 25, Article 14, Section 204, subsection 1, paragraph cc, which prohibits smoking in entryways of buildings and facilities specified in the previous paragraphs of this section in the Act.

Each volume has a very sparse, undetailed table of contents. All 43 of the CRSA titles are listed in the front cover of each volume. Preceding the text there are listings of the topics. At the start of each title there is a listing of all topics by article number. At the start of each article, there is a further topical breakdown by sections, divided into parts. The last volumes contain a very detailed index of topics, providing the title, chapter, and section number of each topic. It is recommended that one not rely just on the topic listings in each volume but also use the index, because certain specific aspects of a topic may be included in another title or chapter. Also at the front of each volume is a listing of the sources cited within the volumes, stated as follows: "Published with annotations through" then listing the most recent editions of the sources that are cited.

Besides statutes and annotations, the Colorado Revised Statutes contain US and Colo. Constitution; the Colorado Court Rules—Civil, Criminal, Juvenile, Traffic, Appellate; the Uniform Commercial Code; and the Enabling Act of Colorado. The last volume is the index, includes Words and Phrases and various tables converting statutes from older editions.

The CRSA also includes the *Colorado Revised Statutes Red Book*, a thin red softbound volume issued every year prior to the publication of the yearly set of the statutes. A single *Red Book* is published for each first and second regular session of the general assembly, listing the changes in the statutes.

By quickly scanning through the lists you can see if an old statute has been changed in any way, or if a new statute has been added. The statutes are listed with the following codes: A--Amended IP--Introductory portion of a section, subsection, paragraph, or subparagraph N--New NC--No Change in existing law R--Repealed RE--Repealed and reenacted RC--Recreated and reenacted.

Each *Red Book* for each session contains a couple of tables—one listing the changes to the Colorado Revised Statutes by amendments, additions and repeals. The other table lists all house and senate bills chronologically, identifying their corresponding statutes.

For the most up-to-date changes, the Red Book is available online at www.state.co.us/gov_dir/leg_dir/olls/sl2008a/RBTitle1.htm. The listings show upcoming effective dates for the latest indicated changes in the statutes. The online version of the Red Book includes footnotes, which provide background information on the changes. In addition, a digest is provided giving background information of the bills tied to the changes.

The Session Laws of Colorado

The Session Laws of Colorado are the enacted bills of the general assembly before they become codified in the Colorado Revised Statutes. The Session Laws are arranged chronologically and issued yearly in tan-colored volumes. Session laws are cited in the Colorado Revised Statutes with a capital L followed by the year and page number. The ACC Library's set of Session Laws go back to

	1971. The session laws going back to 1993 are also available online at www.state.co.us/gov_dir/leg_dir/olls/session_laws_of_colorado.htm. Older hard copy of the session laws are available in the Joint Legislative Library in the State Capitol basement. The session laws allow you to see the original wording of the statutes and intents of the legislators, showing how the statutes have changed over time as they are amended and modified. The session laws are thus useful for researching legislative history. West's Pacific Reporter and national reporter system of state court cases Cases (opinions) that are published are "reported." The state reporters cover state appellate and Supreme Court cases in chronological order, not organized by topic. State trial courts are not covered because trial court cases do not have precedential value. Part of the unofficial National Reporter System which groups regional states together into seven regions, the Pacific Reporter consists of many cases from the 15 states of AL, AZ, CA, CO, HI, ID, KS, MT, NV, NM, OK, OR, UT, WA, and WY. West's also publishes many cases not officially published. Many states (including Colorado) have ceased publishing official case reports because of the expense and success and accuracy of West's Reporters. Tracking a legal issue or topic across courts in different states in regional digests and reporters allows you to see how a single issue has developed and been treated by different courts in various states, which may have persuasive authority. These other cases are also useful to courts for making rulings in a state which does not have a rich body of law on a particular issue. West's reporters have an overall summary for each case, followed by headnotes and key numbers that briefly sum up each point of law. In front of each volume of the Pacific Reporter (before "text of cases") are a list of case judges, cases reported (alphabetically by plaintiff, defendant, appellant, respondent), and words and phrases. At the end of each volume are found a key number digest, which is an alphabetical index of topics with one-paragraph summaries (abstracts) of points of law by key number.
6 Secondary Sources	Use the secondary sources first if you are not well-versed in an area of the law before plunging into the statutes and cases. Secondary resources include the American Law Reports, encyclopedias, treatises, law review articles, and digests. First, the Digests. Digests are one of the main finding tools for case law in reporters. The various Digests cover all cases, arranged by topic, from the Supreme Court, federal, regional and state courts. In researching case law, the object is to find cases whose facts are as close to your facts. A case with facts like yours will provide a strong authority for your case. The more cases similar to yours you find, the better chance of finding a case with facts very much like yours, ideally "on point." Reporters are chronological compilations of court cases which are not arranged by topic and are not indexed. The Digest is a compilation of abstracts. The Digest abstracts are one-paragraph summaries, of cases in particular jurisdictions or areas of the law, and how these cases decided a particular issue. When these abstracts are printed in a reporter, they are called headnotes.

Digests provide citations to relevant cases in reporters. You find your topic in a digest, which points you to useful cases. You go to the topic in a digest by selecting a digest volume containing the topic and sub-topic (key number). It may be easier to start with the Descriptive Words index first. The brief paragraph summaries are called abstracts or headnotes. The same headnotes are printed in a reporter. Key numbers from the digests can be used to access headnotes and cases in the Westlaw database. Use the table of cases by name if you know the name of the plaintiff or defendant. Although West is the largest publisher of digests, digests are also published by looseleaf services and by Lexis for their Lawyer Edition supreme Court Reporter. The American Digest, also known as the Decennial Digest, contains all the digest.

US Supreme Court Digest, Lawyer's Edition

The *US Supreme Court Digest* is published by Lawyers Co-op of the LexisNexis Group. This set provides brief summaries, or digests, of US Supreme Court cases, arranged alphabetically throughout the volumes by topic, from Abandoned Property to Zoning. The table of contents of each volume contains the topics covered in that volume. The abstracts, or headnotes, arranged by topic coincide with topic arrangement in the Lawyer's Edition *US Supreme Court Reports*.

Indexes for the *US Supreme Court Digest* include a Table of Cases, with alphabetical listings of plaintiffs/petitioners/appellants, with citations to reporters where the case decision is reported. These cited reporters are the official *US Supreme Court Reports* (abbreviated US), the *Lawyers' Edition US Supreme Court Reports* (abbreviated L.Ed and L.Ed 2d). Citations are also made to West's *US Supreme Court Reporter* (abbreviated S. Ct.). There is also an index in the *US Supreme Court Digest* to decisions by popular name and keyword.

The *US Supreme Court Digest* is kept up-to-date with cumulative pocket parts.

West's Digests

The West *Digests* serve as guideposts directing you to the specific cases that you need. The *Digests* are indexes to cases published in the *Reporters*. West's outline organization makes it easy to locate cases relating to any topic across all time periods and jurisdictions—amazingly helpful for extensive research. The West system consistently assigns topic names and key numbers to legal issues. Key numbers are subdivided to cover subcategories and aspects of topics. References are made to the *Corpus Juris Secundum* encyclopedia as well as other publications.

The ACC Library carries *West's Pacific Digest* and *West's Colorado Digest*. To access cases from jurisdictions outside of the 15-state Pacific Digests region, you must use either the Westlaw database or the *Decennial Digests*, neither of which are carried by the ACC Library. The *Pacific Digests* at the ACC Library consist of four series, with the first series covering cases back to 1932. The *Colorado Digest* covers cases from 1864 on.

Digest volumes are organized alphabetically by topic, like an encyclopedia. At the beginning of each volume is a list of the topics covered in that particular volume. There are several helpful tables at the beginning of each West's *Digest* volume. At the beginning of each volume is the West Outline of the Law, divided into the seven main divisions of the law and then further subdivided. Also at the beginning of the West's *Digests*, there is an alphabetical listing of *Digest* Topics (from Abandoned and Lost Property to Zoning and Planning, each one numbered for Westlaw database searching). At the front of the *Colorado Digests* you will find a listing of abbreviations for Colorado courts as well as abbreviations for

reporters and other major legal publications.

Multiple volumes of indexes help you locate your cases. The Descriptive Words index consists of common words that come to mind associated with topics and are the easiest way to identify topics and key numbers. There is also an index organized by topics. In addition, there is a table of cases if you know name of the case and defendant-plaintiff table if you know the name of the defendant. The table of cases includes citations and history of cases (whether affirmed or reversed), and cross-references to coverage in other topic areas and key numbers.

There is also an index of Words and Phrases. Words and Phrases listings are useful as a casefinder. West Publishing has compiled a huge multi-volume set (several dozen volumes) that alphabetically list words and phrases that have been legally defined and interpreted by courts. This particular resource is not carried by the ACC Library. A listing of Words and Phrases is also present in all of the West Digests which contain cases covering these Words and Phrases. The Words and Phrases index only contain terms that have been specifically construed by a court of law.

If you do not know the name of a case, and therefore cannot use the Table of Cases approach, you have to use descriptive words or topical approach to locate relevant material. Descriptive words are keywords associated with a problem or issue that are inserted into an index at the end of a publication to find information in a publication. Descriptive Words are common words that come to mind associated with topics (who, what, when, where, etc.) and are the easiest way to identify topics and key numbers.

The topic approach, easier for those who are experienced and familiar with legal topics, bypasses the general index and leads you directly to the title or topic in a publication. A list of topics is found in the front of volumes of law, and they are a logical arrangement and more general listing than the descriptive word approach. One has to be careful that the same area of the law may also be under other topics and key numbers.

Here's a little bit of information about the Key Number system used by West: West's Topic and Key Number system is remarkably consistent and reliable in locating points of law ranging in time from 1658 to today. Key numbers are assigned by West's editors to each legal issue in a case, allowing the same point of laws to be identified in different cases, time periods, and jurisdictions.

The most general topics are divided into seven areas: persons, property, contracts, torts, crimes, remedies, and government. Each of these topics are further subdivided, with each topic or subtopic having aspects or points of the legal issues, and these are assigned key numbers so they are consistently treated across all West publications in their National Reporter System using West's own topical system.

Each issue is summarized in a paragraph that is called a headnote, each with its own key number. Each case may contain numerous headnotes and key numbers.

West classifies all US laws into over 400 broad topics, with each topic being assigned its own number. Within the broad topics, specific legal issues and points of law have been isolated and assigned key numbers—there are approximately 100,000 key numbers in this system. Some broad topics may

	have thousands of subdivisions and key numbers. Key numbers are paired with the broad topics (arranged alphabetically, from Abandoned and Lost Property to Zoning and Planning). Thus the topic of Corporations (101) and the specific issue of Assumption of Transferor's Liabilities (Key no. 445.1) would be listed as 101K445.1 (which is the key number format for the Westlaw database). A specific issue with a key number can be a subheading under an intermediate heading, in this case Corporate Powers and Liabilities. Federal Digests not carried by ACC: namely, <i>Federal Practice Digest</i>, which is an overall digest of federal cases
7 Other Secondary Sources: Encyclopedias and ALR	American Law Reports <i>The American Law Reports</i>, or ALR, originally published by Lawyers Cooperative Publishing, but now published by Thomson West, contains selected (that is, significant, leading, but not all) state and federal appellate cases and comprehensive essays on legal issues. This differs from the general legal encyclopedias that cover all legal topics and deliver "the big picture." ALR articles are not arranged alphabetically by topic as they are in encyclopedias. ALR articles are selective in the coverage of topics, compared to the comprehensiveness of encyclopedias, but ALR topics are treated in greater depth. ALR saves research time by providing key citations to a case. ALR emphasizes rapidly developing or highly controversial areas of the law. ALR's table of jurisdictions identifies cases from particular states. <i>The American Law Reports</i> is published in two separate collections. ALR covers state cases while ALR Federal covers the federal cases. ACC only carries the ALR for state cases. There are five separate series of ALR, and ACC carries the fourth and fifth series. Each series is a separate collection of material, not cumulative, in other words, each subsequent series does not replace the previous series, unlike encyclopedias. ALR also tends to discuss narrower topics in greater depth than encyclopedias. <i>The American Law Reports</i> is a combination primary source (contains cases) and secondary (contains annotations). ALR also covers practice issues with cross-references to practice manuals and the American Juris forms books. Supposedly ALR is quoted and cited more than any other secondary authority. Some ALR articles are 150 pages long! ALR is valuable not so much for text of cases (case reports are also published in a number of other resources) but for in-depth essays (annotations) of high scholarly caliber that follow each case. ALR is not to be used as persuasive authority, but as a help to understand the law. "Annotation" is a misleading term for ALR content in that annotations are very detailed and lengthy, unlike the annotations in digests, which are one-sentence summaries of cases. The ALR includes scope notes, summaries, practical practice pointers, outlines of cases, in-depth index, sample terms for electronic searches, and table of cited statutes and cases. There are helpful cross-references to other sources that discuss the specific issues, such as encyclopedias, treatises, practice manuals, law reviews articles, and digests and indexes. There is a separate Shepard's Citations for ALR. The Table of Jurisdictions identifies cases from particular states. Starting with volume 111 (in the year 1993, which is the first year of the fifth

series) cross-references are made to West's Key Number System and electronic queries for Westlaw online searching. The complete ALR is available electronically on Westlaw and LexisNexis.

ALR has a telephone hotline for case updates for cases not yet published: the phone number is 800-225-7488.

Encyclopedias

The ACC Library law collection carries both major national encyclopedias—*Corpus Juris Secundum* and *American Jurisprudence Second*, as well as several minor legal encyclopedias. The *Corpus Juris Secundum* at the ACC Library is no longer kept current, and has not been updated since 1999.

The two major general legal encyclopedias such as *Corpus Juris Secundum* (CJS--"Body of Law Second") and *American Jurisprudence 2d* (Am. Jur. 2d) cover all of American law, civil and criminal, state and federal. Cover more than 400 topics in dozens of volumes, presented in clear, easy-to-understand concise narrative form. The coverage is national, not state-by-state, although these encyclopedias include cases from various states.

These encyclopedias are thorough and comprehensive, but are not in-depth, because it would require many more volumes. Topics are arranged alphabetically through the volumes, with indexes of descriptive words in the last volumes, as well as indexes at the back of each individual volume. Neither have a table of cases. Neither encyclopedia is considered better than the other, they both have their advantages and disadvantages. It is suggested you not try to use both of them at the same time, select one and stick with that one.

American Jurisprudence 2d has a Table of Parallel References in the front of each volume that converts old section number from index to new section number where new volumes have replaced older volumes and it is not updated in the index.

Start research by either going to the index using words you associate with topic or go directly to topic, such as Corporations. Use the discussions as a starting point to jump to other resources for fuller coverage of the issues.

Each alphabetically-arranged topic begins with a "scope" paragraph, briefly outlining what will be discussed there and elsewhere, letting you know if you are researching the correct topic or if you should research the topic elsewhere in the set.

The *American Jurisprudence Second* is kept up to date with annual cumulative pocket parts and occasional replacement of volumes (in particular, tax volumes are replaced every year). Both sets refer you to other sources for additional coverage. Although encyclopedias are useful as casefinders, be aware that the cases cited may not be the most up-to-date.

Both of these encyclopedias are also available online on Westlaw, and *American Jurisprudence Second* is available on Lexis.

There are noteworthy differences between these two encyclopedias:

CJS is larger than Am. Jur. 2d in the number of volumes. This is mainly because CJS contains more information, more than is necessary, according to some scholars. The CJS provides extra information that it leaves up to the reader to decide which is relevant to the researcher's needs. This function, on the other

	hand, is performed by the editors of the American Jurisprudence 2d. CJS, a West publication, will refer you to other West publications with the topic names and key numbers. Footnotes will reference cases to various states and jurisdictions. CJS is a little larger than American Jurisprudence, with more volumes. Am. Jur. 2d stresses statutory law more than CJS, and has separate volume of "Table of Statutes, Rules, and Regulations Cited," which directs you to USCS, CFR, and other resources. CJS purports to send you to all relevant cases, while Am Jur. 2d sends you to selected leading cases. Other encyclopedias Smaller encyclopedias offer "The Reader's Digest" introduction to legal issues and concepts. The 12-volume <i>West's Encyclopedia of American Law</i> is a good starting point for legal research if you have no knowledge of the subject and also serves as an excellent dictionary of basic legal terms. The two-volume <i>Gale Encyclopedia of Everyday Law</i> provides a good practical overview of the law. Another good introductory encyclopedia is <i>The Oxford Companion to American Law</i>. Then there are specialized legal encyclopedias, which focus on specific areas of the law, for example, <i>The Encyclopedia of the American Constitution</i>. A good free online legal encyclopedia is Zimmerman's Research Guide. Just enter Zimmerman's Research Guide in Google or Yahoo! Some states have their own state-specific legal encyclopedias, but Colorado does not. The closest thing to a Colorado encyclopedia is the Colorado Practice series of books. Law dictionaries While we're on the topic of encyclopedias, let's not forget their smaller cousins, the legal dictionaries. The ACC Library carries several law dictionaries. Published by West, Black's Law Dictionary is the best-known dictionary for legal professionals, but sometimes it may be a bit hard to understand for beginners. Black's dictionary includes a guide to pronunciation of Latin terms and a table of common legal abbreviations. Alternatives to <i>Black's</i> are the <i>Law Dictionary for Non-Lawyers</i> and the <i>Paralegal's Encyclopedic Dictionary</i>. Also good at defining terms is <i>West's Encyclopedia of American Law</i>. There are some excellent online legal dictionaries, among them Nolo Everybody's Legal Dictionary at www.nolo.com/lawcenter/dictionary/wordindex.cfm and the Law.com dictionary at http://dictionary.law.com.
8 Other Important Secondary Sources	The Bluebook: A Uniform System for Citation <i>The Bluebook</i> is the best-known and most-used guide for proper citation forms for preparing legal documents, used for over three-quarters of a century. <i>The Bluebook</i> helps you make sure you use the right legal abbreviations, capitalization, and that you space it right! For the correct abbreviations of reporters, codes, and so on, go to the shaded pages at the end of <i>The Bluebook</i>. For specific citation forms for Colorado and the other states, go to the blue pages in the <i>Bluebook</i>. The ACC Library also carries a couple of alternative guides for citations: the

University of Chicago Manual of Legal Citation and the *ALWD Citation Manual*. The *University of Chicago Manual of Legal Citation* is also referred to as *The Maroon Book* and is edited by the University of Chicago Law Review and the University of Chicago Legal Forum. It is one of the few widely used legal citation guides besides *The Bluebook*. It was created as a practical alternative to *The Bluebook* setting forth general guidelines and encouraging people to merely use common sense when devising citations not explicitly listed. An alternative citation guide that is gaining popularity for its ease-of-use is the *ALWD Citation Manual: A Professional System of Citation (ALWD)*, published by the Association of Legal Writing Directors. The *ALWD Citation Manual* closely follows the Bluebook-prescribed format but provides more examples and requires more complete bibliographic information for some sources.

Form books and practice manuals

Procedural law (as opposed to substantive law) is covered by form books and practice manuals, which are practical nuts-and-bolts aids for the law office. Form books are more specific, while practice manuals are wider in scope. Both types of resources contain forms, instructions, and the procedural rules. These books come in both state-specific and national editions. For Colorado legal practitioners, the ACC Library carries the multi-volume *Colorado Practice* series.

In addition, the Library carries the multi-volume *American Jurisprudence Legal Forms*, a national resource, arranged by topic, from Abandoned Property to Zoning. The set was last updated at the ACC Library in 1995. There is also a *Federal Tax Guide to Legal Forms*, also last updated in 1995.

Periodicals for articles and news items

In library lingo, periodicals refers to newspapers, magazines and journals, in other words, anything that is issued periodically on a daily, weekly, monthly, bi-monthly, or quarterly basis.

First, let's talk about law reviews.

Most legal commentary is published in law journals, known as law reviews, written mostly by law professors, attorneys, and members of the judiciary. Most law schools publish several law journals, a general review and more specialized reviews, totaling several hundred in the US. These journal articles are on narrow topics, covered in depth, with extensive footnotes to primary and secondary sources.

Law reviews, along with treatises, are the most scholarly and in-depth treatments of points of law. Law journal articles are good for explaining on point cases or statutes that you have found, and also have persuasive authority. Law review articles are cited in such sources as encyclopedias, the *American Law Reports* and in *Shepard's Citations*.

ACC does not have any print law reviews, but some of them are available on the ACC databases ProQuest and EBSCOhost, located on our Library homepage. Law reviews are also available in Westlaw and Lexis. Some free law review articles are found on the Internet through the University Law Review Project at lawreview.org. There are a couple of major comprehensive print indexes that list law review articles, but the ACC Library does not carry them.

The Library carries three paralegal periodicals: *Legal Assistant Today*, *National Paralegal Reporter*, and *Facts and Findings*. These publications have useful information for paralegals, such as licensing and certification issues, practical

approaches to paralegal tasks such as interviewing, document control, discovery; data on salaries and benefits. Advertisements feature books, software, and seminars. LAT has a website at LegalAssistantToday.com, containing news briefs and links to sites useful for paralegals.

It is important to stay on top of the latest breaking news developments and most current articles in the legal arena. Through news stories you can track the development of legal issues, offering insights not always found in other legal resources. News stories identify new and emerging legal issues before the publication of case law, statutory law, or scholarly legal comment. News stories are useful for orienting you to a topic and providing background information. News stories cannot, however, substitute for scholarly resources.

General newspapers and magazines carry legal news, as well as specialized legal newspapers such as *Legal Times*, *Business Lawyer*, *New York Law Journal*, and *Chicago Daily Law Bulletin*. The ACC Library does not carry these specialized news resources, but does have various print newspapers and magazines as well online databases. If you have access to Lexis or Westlaw, these services include the legal newspapers such as *Legal Times* and *New York Law Journal*.

One of the best ways to stay on top of the latest legal news is through free Internet sites that gather news, such as Jurist Legal News and Research (jurist.law.pitt.edu), Google News at news.google.com, LegalAssistantToday.com, FindLaw.com, Law.com, and through subscription databases that index periodical articles, such as ProQuest and EBSCOhost on the ACC Library homepage. When doing online searching for articles, enter keywords you know that identify cases by plaintiff or defendant names, or keywords that identify issues covered in cases and statutes. For the latest news briefs of interest to paralegals, go to the Legal Assistant Today website at LegalAssistantToday.com.

Treatises, texts, and monographs

Treatises and monographs are in-depth reference books on legal topics and issues, and good starting points for research to provide background information on the law. Treatises cover an entire area of the law, while monographs treat a narrow portion. Written by leading scholars, these materials can be used as persuasive legal arguments. Some resources, such as the American Law Reports, list relevant treatises for various topics in the list of references.

Many treatises are available in Lexis and Westlaw, but not on free websites. Treatises cover major areas of the law such as criminal law, property, torts, contracts, constitutional law, civil procedure. Treatises can be found on an online library catalog by entering an author, title, subject, or keywords. Treatises often have the name of the author in the title, such as *Farnsworth on Contracts* or *Prosser and Keaton on Torts*. Some treatises are multi-volume and come with pocket updates, although not all treatises are up-to-date.

The Hornbook series of hardcover green volumes are used as textbooks in law schools and are very helpful for a deeper understanding of the law with illustrative examples of points of law, written by law professors who are leading authorities, but Hornbooks are not as in-depth as treatises. Look at the table of contents or index to find the specific area you want. One of the Hornbooks carried in the ACC Library is *Remedies* by Dan B. Dobbs.

In contrast, the Nutshell series of books are short, concise summaries of legal

	topics that give you a big picture overview. Example nutshells in the ACC Library are <i>Administrative Law and Process in a Nutshell</i> and <i>Constitutional Analysis in a Nutshell</i>.
9 Colorado Legal Resources	We've already covered the <i>Colorado Revised Statutes</i> in our discussion of primary sources, and we've covered the <i>Colorado Digest</i> in our discussion of secondary sources. The ACC Library carries a number of other Colorado resources. The Colorado Lawyer <i>The Colorado Lawyer</i> is a monthly publication with articles on various topics, as well as summaries of Colorado appellate and Supreme Court decisions. This periodical is kept in the legal reference area. An index of previous months' articles is in the December issue of each year. An online index is at their website at cobar.org. <i>Colorado Lawyer</i> articles are available on their site for CBA (Colorado Bar Association) members. The articles in <i>Colorado Lawyer</i> (as well as in other states' bar association publications) provide practical, "how-to" information on legal topics and guidelines for legal practice, as opposed to the academic nature of articles in law journals. The Colorado Practice series There is a series of practice manuals that provide expert guidance from practitioners of Colorado law. Examines the Colorado court system and its procedures with contributing authors focusing on the most common issues facing Colorado attorneys. <i>The Colorado Methods of Practice</i> is not an in-depth analysis but rather a practical overview of common problems in specific areas of practice. The table of Contents at front is topical (a logical arrangement and more general than descriptive words approach). The section titles discuss, among others: the Colorado employment law, commencement of action and service of process, parties and claims discovery, pre-trial procedures, the appellate process, trial and post-trial matters, judgments, creditor's remedies and debtor's relief, garnishment, replevin, special proceedings, bankruptcy, workers' compensation, municipal law and practice, litigation, real estate transactions, the Uniform Commercial Code, domestic relations, wills, and probate. Other Colorado Practice volumes deal with the following: civil rules, civil trial practice, civil procedures forms and commentary, personal injury practice, creditors' remedies-debtors relief, employment law and practice, workers compensation, family law and practice, will and estate planning, trusts and fiduciary administration, local, state, and federal rules, jury instructions, rules of evidence. By the way, the Library also carries a title called <i>Colorado Peace Officers' Legal Source Book</i>. Shepard's Citations <i>Shepard's Citations</i> has a dual function: as a validating tool and as a finding tool. Shepardizing allows you to make sure cases and statutes cited are still valid as "good law" and is also great research tool that leads to citations of your case in other cases and discussions of the cases, statutes and points of law in other

	resources. Shepard's will let you know if your case has not been overruled or reversed, and also if it has not been criticized, limited or distinguished on facts similar to your client's. Shepard's lets you know if your statute has not been declared invalid or unconstitutional, by having been repealed by legislation or ruled on by a higher court. Frequent Shepardizing is necessary to ensure citation currency, even after checking pocket parts and supplements of print resources. All statutes can be shepardized, as well as statutes, regulations, and constitutional provisions. There are also Shepard's for ALR and law reviews. Many law firms no longer subscribe to Shepard's in print and instead subscribe to the online version of Shepard's Citations available from LexisNexis, or use the similar Westlaw KeyCite service. The ACC Library only carries one set of <i>Shepard's Citations: Shepard's Colorado Citations</i> and <i>Shepard's Colorado Case Names Citor</i>. Well, that's it for our guide to the legal resources at the ACC Library. Feel free to contact the Library if you have any questions about our law collection or legal research in general. We wish you success with your legal research!
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