## ORIENTING NEW LAW STUDENTS: LAW LIBRARIES

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What Are the Different Types of Legal Materials?

- Primary and Secondary sources.
  - Primary law consists of constitutions, statutes, administrative law, and court cases. Primary law is “the law” as passed by authoritative bodies.
  - Secondary sources, such as law review articles, books by experts (often referred to as “treatises”), and legal encyclopedias, comment on and explain primary law, but do not have the force of law that primary law has.

- Federal and State materials.
  The U.S. federal government and each of the state governments make their own laws and regulations. A legal issue may be a federal or a state issue, or both. Courts and judges can be federal or state. There are also county and municipal courts and judges which derive their authority from the local state government.

Where Are Court Cases Found?

Court cases are published in reporters. Many cases are not published (mostly trial court cases). Official reporters are considered authoritative. These are usually published by the government itself or by a private publisher working under a government contract. An official reporter is “official” because the relevant government body or court system has adopted it as an official publication of cases. All other reporters of the same cases are considered unofficial. Unofficial reporters are published by commercial publishers and are usually much timelier than official reporters.

There are different levels of courts, and they go by different names in each jurisdiction. On the federal level, the trial courts are known as Federal District Courts, the appellate courts are the Courts of Appeals, and the highest court is the U.S. Supreme Court. In New York, the trial courts are Supreme Courts, the appellate courts are the Appellate Division, and the highest court is the Court of Appeals. (A chart of the New York court system is available at [http://www.courts.state.ny.us/courts/structure.shtml](http://www.courts.state.ny.us/courts/structure.shtml). Printouts of this chart are available near the Reference Desk in the library.)

There are many types of case reporters:

- Federal (Reading Room)
  - Supreme Court
    - United States Reports (official)
    - Supreme Court Reporter (West, unofficial)
    - United States Supreme Court Reports, Lawyer’s Edition (Lexis, unofficial)
  - Federal Reporter (appellate court decisions) (West, official)
  - Federal Supplement (district court decisions) (West, official)
Federal Appendix (“unpublished” court decisions) (West, unofficial)

- State (NY – Reading Room, Other states – Law Classified)
  - West’s National Reporter System divides the country into regions and publishes the decisions of the appellate courts of the states in each region.
    - Regional Reporters – Atlantic, North Eastern, North Western, Pacific, South Eastern, Southern, South Western. (Please note that these regions were divided many years ago, and thus are not entirely intuitive—for instance, the area covered by the North Western Reporter mostly includes Midwestern states).
  - California Reporter and New York Supplement - These two reporters are part of the West Regional Reporter system, but contain the judicial opinions only from California and New York, respectively. Because of the number of cases that come from these two states, New York and California have their own reporters as part of the West system.
  - State Reporters – Many states have their own official reporters. Cases from states that do not have their own reporters can be found in the Regional Reporters. Some states, such as NY, have both official and unofficial reporters. In this library, we rely on the Regional Reporters for states other than New York.

- Subject Reporters (Law Classified, by subject) – cases on specific areas of the law such as bankruptcy, education and securities regulation.

Cases are published chronologically in hard-bound multi-volume reporter sets. Between new volumes, the most recent cases are supplemented in paperback books, called “advance sheets.” (One of the main advantages of many electronic systems is the nearly immediate updating they provide.)

**How Do Legal Researchers Find Cases?**

With so many cases, it would be impossible to find relevant ones without the finding aids that have been developed. Digests serve as a subject index and contain brief summaries of case rulings arranged by topic. The best place to begin research in the Digests is the Descriptive Word Index, which is a topical overview. There is a “citator” (print and online) called Shepard’s (Lexis), and a similar online service called KeyCite (Westlaw), which allow researchers to find all the cases that have cited a particular case (see “Shepardizing” below). Also useful are secondary sources such as legal encyclopedias, law reviews, American Law Reports (ALR) and treatises (see Secondary Sources below).

In addition to Reporters, cases can also be found online on the databases of Lexis and Westlaw, on other fee databases, and on some free internet websites and services.

**What Is “Shepardizing?”**
To “Shepardize” a case or statute means to use a “citator” to find out which later cases, articles, etc. have discussed the case or statute at hand. This is done by using Shepards on Lexis, or by using KeyCite on Westlaw. Shepardizing is done for two reasons: 1) to see if your case is still good law, and 2) to find new cases on the same point of law.

**What Role Do Statutes Play?**

Statutes are bills that have been passed by legislative bodies and approved by the executive (except in the relatively rare case of a veto override). Everyone in a particular jurisdiction is bound by its statutes (e.g. in New York State we are bound by both the laws passed by the New York State Legislature and the U.S. Congress.) The legislature may enact a statute that modifies or overturns a court ruling. On the other hand, courts interpret statutes, saying what statutes mean in particular contexts.

At the federal level, the government publishes the *United States Code* (USC). There is a lag time of about two years for this print publication. In other words, it takes about two years for an enacted law to appear on our shelves in the USC. The *United States Code Service* (USCS) and the *United States Code Annotated* (USCA) are two privately published (unofficial) versions of the USC. Both are annotated, which means that each statute contains brief summaries of cases that interpret it. There is very little lag time between enactment and publication in these versions. (Reading Room)

All states all have published statutes, which are sometimes referred to as “codes.” In New York, the state statutes are frequently referred to as “McKinney’s.” This is because their proper title is *McKinney’s Consolidated Laws of New York*. (Similar titles, such as *McKinney’s Session Laws of New York* and *West’s McKinney’s Forms* are not New York’s state statutes.) (NY – Reading Room, Other states – Law Classified)

Print statute volumes are updated annually by a “pocket part” placed in the back of the book as an update to the volume. Once the pocket part is too large for the slot (pocket) in the book, a separate supplementary pamphlet may be used until the publisher decides to revise and republish the main volume.

**IT IS MALPRACTICE TO FAIL TO CHECK THE POCKET PARTS AND SUPPLEMENTS OF STATUTES!**

**Where Are Constitutions Found?**

A constitution sets up the government and contains the system of fundamental principles by which a political body (state or nation) governs itself. This is the highest law of the land, which means that constitutional disputes often go to the highest court of a state or to the United States Supreme Court. Each state constitution may be found in that state’s code. The United States Constitution may be found in any of the three versions of the *United States Code*, but since it is so important that it is found in many other sources around the library.
What Is Administrative Law?

There are two main types of administrative law: rules and regulations, and decisions. These are made by agencies or commissions which derive their authority from Congress or a state legislature. This authority is often referred to as “delegated” authority since Congress or the state legislature “delegated” its authority to make rules to the appropriate agency. Most of these agencies or commissions are part of the executive branch of government.

Administrative rules and regulations flesh out the laws passed by the legislative branch. In other words, the regulations go into much greater detail about the law, and are considered primary law.

Federal rules are first published in the Federal Register, which is published daily. After a notice and comment period, the final version of a rule is published in the Federal Register. The rules are then published in the Code of Federal Regulations (CFR), which is arranged by subject. (Although, like the CFR, the USC is also arranged by subject and both have 50 titles, those titles are not identical.) States have administrative publications as well. For instance, New York’s equivalent to the Federal Register is the New York State Register, and New York’s equivalent to the CFR is the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR).

Administrative decisions occur when an agency is authorized to hear actual legal disputes. For example, the Equal Employment Opportunity Commission (EEOC) is empowered to make decisions about civil rights violation disputes. Administrative decisions are often published in loose-leaf services and many are available on Westlaw and Lexis and on agency websites. Administrative decisions are published in different reporters for different agencies.

What Are Secondary Sources?

Just about every book in the library that is not a primary source (constitution, statute, administrative regulation, and court case), is a secondary source. The major secondary sources are legal encyclopedias, law reviews, ALR, and treatises.

What Are Am Jur and CJS?

These are national legal encyclopedias, which attempt to provide introductory coverage for a large variety of legal topics. They are arranged in alphabetical order by topic and are well-indexed. Am Jur is short for American Jurisprudence 2d, and CJS stands for Corpus Juris Secundum. Although these encyclopedias are similar, they are not the same. Some states have their own legal encyclopedias (e.g. New York Jurisprudence). Encyclopedias are a good place to begin research. (Reading Room)

What Is ALR?
ALR, which stands for *American Law Reports*, is a multi-volume series of in-depth discussions on specific legal issues. It covers fewer issues than encyclopedias, but discusses the issues in more depth and also is a good place to begin research. (Reading Room)

**What Are Law Reviews?**

Virtually every law school publishes a law review, and many publish additional journals on specific topics. These law reviews are run and edited by law students, who gain valuable experience which is highly regarded by many employers. They feature scholarly articles on various law-related topics, which present the authors’ views and commentary. Law reviews are the main forum for which scholars (often law professors) write and they contain the bulk of scholarly research in the legal field. (Lower Level)

To find law review articles, use an index. The law library subscribes to the online indexes of legal periodicals, Index to Legal Periodicals (ILP) and LegalTrac (the legal version of Infotrac). You can find a link to both of these on our Online Resources page (http://law.hofstra.edu/Library/Research/libres_online.cfm) under Article Finding.

**What Are Treatises?**

Treatises are secondary sources that generally present the law in a given field, often providing exhaustive treatment of a narrow subject area (e.g. Siegel’s *New York Practice*). They are sometimes published as multi-volume sets. Use the Library’s catalog - http://libweb.hofstra.edu/search/Y - to find treatises in the Law Library. (Reserve and Law Classified)

**What Are Loose-leafs?**

Loose-leaf services are a type of treatise which compiles both primary materials (court cases, statutes and administrative regulations) and secondary materials (commentary and explanation) in a specific area of the law (e.g. Nimmer on Copyright). They are published in loose-leaf binders and are updated frequently.

**What Is Computer-Assisted Legal Research (CALR)?**

- *Westlaw and LexisNexis* - The two systems that provide the bulk of online legal research are Westlaw and LexisNexis. These systems are used at virtually all law schools, and each contain enormous databases that allow for extensive legal research. Despite their coverage, there are still many research resources in print that are not available on either system. Many employers feel that law students rely too heavily on Westlaw and LexisNexis instead of using print sources. Although Lexis and Westlaw appear “free” to law students, they are very expensive resources in legal practice. When students take jobs, they may find that Westlaw and LexisNexis are too expensive for them to use as much as they did in law school, or at all.
• **Other Databases** - Most academic law libraries, including Hofstra, also offer many other databases. These range from periodical indexes to many full text databases of articles in all academic areas. Most of these are available either when using a computer in the library or law school or from off campus (which requires a password). Some databases are valuable for non-legal issues that present themselves in the course of legal research. A few examples of helpful databases are LexisNexis Congressional Universe, Index to Legal Periodicals and Academic Search Premier.

• **Web** - There are also many computerized legal databases that are available for free on the Web. These are often sponsored by government, educational or nonprofit institutions. Examples of valuable sites are Cornell’s Legal Information Institute, [http://www.law.cornell.edu/](http://www.law.cornell.edu/), and The Law Library of Congress website, [http://www.loc.gov/law/public/law.html](http://www.loc.gov/law/public/law.html).

**What Is the Difference Between Circulation/Reserve, Reference, and Technical Services?**

• **Circulation** deals with the flow of library materials to and from patrons (check-out and check-in) and within the library.

  *Reserve* are high-demand items that are segregated from the main collection and kept behind the Circulation desk. They often are treatises or other materials placed there by professors for use by students in their classes. Reserve items may also include frequently used resources, such as The Bluebook. Reserve items can only be checked out for 3 hours, and they cannot leave the library, to ensure their availability for other users.

• The **Reference** librarians assist with patrons’ research and can assist students in finding useful resources. Reference librarians here at Hofstra Law Library have both a J.D. and a Masters in Library Science.

• The **Technical Services** department orders, processes and pays for all print and online resources and maintains the online catalog. The catalog contains a listing of all the items held by the library, their location, and their Call number (where the item sits on the shelf).

**How Does Interlibrary Loan Work?**

If Hofstra does not have access to a particular book or article, the Law Library can obtain it for you from another library. We use a web-based system called ILLiad to request Interlibrary Loans [http://illiad.hofstra.edu/illiad/Deane/logon.html](http://illiad.hofstra.edu/illiad/Deane/logon.html). It may take up to two weeks for the borrowed material to reach you, so plan your ILL requests in advance.
**Deane Law Library’s Web Pages and Links**

You can find a great deal of information about the law library, plus help in doing legal research on the Deane Law Library’s web site at [http://www.hofstra.edu/Libraries/Lawlib/Law_library.cfm](http://www.hofstra.edu/Libraries/Lawlib/Law_library.cfm). There you will find:

- **Library Catalog** – To look for books, periodicals, electronic and audio/visual material at any of Hofstra’s libraries (Axinn is the main library of the University)
- **Past Exams** – Many professors place past exams online for students to study from
- **Information About the Library** – this includes the library’s:
  - Hours
  - Access Policy
  - Staff, with names, phone numbers and email addresses
- **Online Resources** – list of all Law Library subscription databases, some Axinn databases, and some recommended free databases with descriptions and links.
- **Research Guides** – useful guides to help with research in the following areas:
  - General Library and Research
    - Call Number Cheat Sheet
    - Paper Writing Guide
    - Finding Articles
    - Finding Books
    - Forms
    - Orienting new Law Students to Law Libraries
    - Recommended Treatises in the Deane Law Library
    - Paper Writing Resources
    - Study Guides
    - Where to Find Citable PDFs
  - United States Law
    - U.S. Government Information on the Web
    - U.S. Treaties
    - Statutory / Legislative History
      - Debates of Congress - Congressional Record
      - Differences between USCA and USCS and USC
      - Federal Legislative History
    - Executive / Administrative
      - Administrative Law Resources
      - Regulatory Decisions
  - New York
    - New York Civil Practice Research
    - New York Forms
    - New York Legislative Intent
    - New York Statutes and Reporters
  - Topical
    - Business Resources Online
• Family Law
• Federal Tax Research
• Legal Ethics and Professional Responsibility for Lawyers
• Housing Clinic Research
• Legal History & Historical Research
  o Foreign and International
    • Beginner’s Guide to International Family Law
    • Canadian Legal Research
    • Foreign / Comparative & International Law Resources
    • Researching International Human Rights
• Audio Tour – download mp3 files to your player for a self-guided Library tour
• Webcasts – view audio/visual recordings of research workshops held by the Library, including a tour of the Library’s web site
• Virtual Cat’s Eye View – Library’s blog with research tips and upcoming events
• Chat and Text Reference – contact a Reference Librarian for our instant messaging chat or our Text number

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