

Cerritos College Library

In the Wilford Michael Library & Learning Resource Center

LEGAL RESEARCH—LOCATING THE LAW

Primary Sources

The texts of the laws. The legal rules that govern our society.

Examples—Constitutions statues, court decisions, regulations.

Secondary Sources

Explain and/or describe the law or discuss a legal problem. (Anything that is not primary authority; usually commentary on the law).

Examples—Legal Treatises, legal encyclopedias, and law review articles.

Judicial Law AKA Cases

Case Research—Court opinions, or cases, are published in books called reporters. Reporters are sets of books collecting cases in chronological order.

WHERE CALIFORNIA CASES ARE PUBLISHED

Court	Where Published	Abbreviation
California Supreme Court All decisions are published	1. Official California Reports 2. West's California Reporter 3. Pacific Reporter	C, C.2d, C.3d, C.4 th or Cal., Cal.2d, Cal. 3d, Cal.4 th Cal. Rptr., Cal. Rptr. 2 nd P., P.2d
California Appellate Courts (Courts of Appeal, Appellate Dept. of the Superior Court) SOME DECISIONS ARE PUBLISHED	1. Official California Appellate Reports 2. West's California Reporter	Cal. App., Cal. App.2d Cal. Rptr., Cal. Rptr.2d
Trial Courts NO DECISIONS ARE PUBLISHED		

If you have a citation for California Reports or California Appellate Reports, you will want to use the *California Blue & White Book* to convert your citation to a parallel citation in the Pacific Reporter or California Reporter.

California Blue and White Book:

- East wall of Reference Stacks
- One bound volume and pamphlet supplements
- The tables contain in one column a list of pages of the state reports on which each case begins, and in a parallel column gives the volume and page of the Pacific Reporter and California Reporter.

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Subject Approach to Finding Cases

Finding Case Law:

Case law is judge-made law issued from the courts in the form of court opinions. Court and attorneys are concerned with case law because our legal system is based in part on the recording of precedents. Generally courts rely on prior decisions to decide the case at hand.

Digests

Cases are indexed by subject in multi-volume sets called digests. The digests are updated with pocket parts and supplementary pamphlets.

<i>CALIFORNIA CASES</i>
West's California Digest California Digest of Official Reports *Digest are updated with pocket parts

A case published in a West reporter has five components:

1. The heading containing the parallel citation (if any) to an official reporter, the case name, the court that rendered the decision and the date of the decision.
2. A synopsis of the decision written by case editors, not by the court.
3. One or more paragraphs summarizing the key points within the decision.
4. The names of the attorneys who represented the parties and the judge or judges who decided the case.
5. The opinion of the court.

How to Read a Case Citation:

Stewart v. Thelan, 22 Cal. Rptr.448, 204 Cal.App.2d 562

Court cases can be published by more than one publisher. Because of this, there can be more than one citation appearing after the name of the case.

The first citation in this string of numbers is to the official reports for a particular court, and is called the "official" citation.

The other citations given after the "official" cite are known as the "unofficial" or "parallel" citations.

California Supreme Court Citation:

Names of Parties	Official Citation	Parallel Citations
Marvin v. Marvin Plaintiff Defendant	18 Cal.3 rd 660 Volume 18 Page 660 California Reports 3 rd Series	55 P2nd 106, 134 Ca. Reporter 81 (1976) Pacific Reporter, 2 nd Series California Reporter Date of Opinion

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Pacific Reporter. 1884-1931.

- North Wall of Reference Stacks—Law Collection

KFC44 .P24

Contains all the decisions of the Supreme Court of California, Colorado, Kansas, Oregon, Nevada, Arizona, Idaho, Montana, Washington, Wyoming, Utah, and New Mexico from 1883-1931.

Pacific Reporter. Second Series. 1931-1960.

- North Wall of Reference Stacks—Law Collection

KFC45 .C3

Contains all the decisions of the Supreme Courts of California, Kansas, Oregon, Washington, Colorado, Montana, Arizona, Nevada, Idaho, Wyoming, Utah, New Mexico, and Oklahoma from 1931-1960. Also contains the District Courts of Appeal and Appellate Department of the Superior Court of California and Criminal Court of Appeals of Oklahoma from 1931-1960.

West's California Reporter. 1960-1991.

- North Wall of Reference Stacks—Law Collection

KFC47 .C32

Cases decided in the California Supreme Court, Superior Court Appellate Dept., and the California Court of Appeals from 1960-1991.

West's California Reporter. Second series.

- North Wall of Reference Stacks—Law Collection

KFC48 .A32

Cases reported in California Supreme Court, Superior Court of Appeals, and the California Court of Appeals from 1991-2003.

West's California Reporter. Third series.

- East Wall of Reference Stacks—Law Collection

KFC48 .A33

Cases reported in California Supreme Court, Superior Court of Appeals, and the California Court of Appeals from 2003 to the present.

Legal Encyclopedias

Legal encyclopedias provide good overviews of a wide variety of legal topics, with numerous references to PRIMARY and SECONDARY materials. All of these sources contain subject indexes and are updated with pocket parts.

Corpus Juris Secundum (CJS)

A contemporary statement of American law as derived from reported cases and legislation.

- North Wall of Reference Stacks—Law Collection

KF154 .C56

This contains a summary of the law and significant pronouncements of the courts. This set can also lead you to cases decided in courts throughout the U.S.

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Basic Tips

The law is constantly changing: if you need to know the current status of the law or check the currency of the information – is there a pocket part? a paperback supplement? if looseleaf, when was the last update filed? is there a web site available which is reliable, current and free?

Parallel Citations: primary sources of law may be published by more than one publisher. The *text* of law itself will be the same, no matter which case reporter or which version of the code you decide to use.

Cases, published and unpublished: the vast majority of court cases are *unpublished*, in the sense that they are not printed in case reporters. This is especially true of trial court cases. The trial may be reported in the news, but there is no published decision, as such. There would only be a trial transcript, kept on file by a court clerk.

Use intrinsic finding aids: Look for indexes, cross-reference tables, tables of cases and other special features.

Internet Resources

California Codes: Individual Codes or the entire set of 29 Codes can be searched by keyword. The table of contents for each Code can be printed or downloaded.

www.leginfo.ca.gov

California Municipal Codes:

http://california.findlaw.com/CA01_codes/municode.html

SCALL (Southern California Association of Law Libraries): Locating the Law, 4th edition

<http://www.aallnet.org/chapter/scall/locating.htm>