



Massachusetts Legal Research

BOSTON COLLEGE LAW LIBRARY

INTRODUCTION

As a general rule, legal research requires the use of many different sources. The type and nature of the sources used often depends upon the issues under examination, as well as jurisdictional considerations. State-based legal research may involve the use of sources which are unique to that jurisdiction.

This guide provides an overview of the legal research process in Massachusetts. It focuses on the primary sources: the constitution, statutes, administrative law, case law and court rules, along with the major finding aids for these sources. Secondary sources such as legal encyclopedias, treatises and periodical literature will also be reviewed.

Unless otherwise indicated, all of the call numbers listed in this guide are for the Boston College Law Library's Massachusetts Collection, located on Level 4 of the library. For assistance in locating materials in the collection, please consult a member of the library staff.

SOURCES OF PRIMARY AUTHORITY: THE MASSACHUSETTS CONSTITUTION, STATUTES, REGULATIONS AND CASE LAW

Constitution

The text of the Massachusetts Constitution appears in the various editions of the General Laws of Massachusetts, and may be found by checking the index for each edition (see **Codes** below). It also may be found on the Internet at <http://www.state.ma.us/legis>.

Statutes

Session Laws

Acts and Resolves passed by the General Court of Massachusetts. Boston: Secretary of the Commonwealth, 1839-.

Law Massachusetts Collection KFM 2425 .A213

These volumes provide the text of all public and private acts passed by the annual sessions of the Massachusetts legislature, officially known as the General Court of the Commonwealth. Coverage for this set is from 1839 to the present.

A complete collection of Massachusetts session laws, dating back to 1654, is located in the state session laws collection on microfiche, Microform Room Cabinet 5, Drawers 24-26.

Westlaw provides an electronic version of session laws from 1987-1995 in the MA-LEGIS-OLD database. Recent session laws are available through LexisNexis and Westlaw in the legislative services listed under **Codes** below. They are also available on the Internet at <http://www.state.ma.us/legis>.

Codes

General Laws of Massachusetts (GL), Official edition. St. Paul, MN: West Group.

Law Massachusetts Collection KFM 2430 199x .A24

An electronic version of the *General Laws* is available on Westlaw in the MA-ST database.

The General Laws are also available at <http://www.state.ma.us/legis/laws/mgl/index.htm> on the Internet. Check the web site for search tips.

The "official" edition of the codified laws of Massachusetts, based upon the 1932 Tercentenary Edition of the General Laws. Like other codes the "official" edition provides a subject arrangement, in 282 chapters, of the laws of general application currently in force. It is not annotated with references to secondary sources and court decisions. A subject index is included at the end of the set.

Annotated Laws of Massachusetts (ALM). Rochester, NY: LexisNexis Legal Publishing, 1984-.

Law Massachusetts Collection KFM 2430 1932 .A2

An annotated edition of the General Laws, ALM provides a researcher with case law and secondary source references as well as the text of the statutes. It is updated with pocket parts and interim supplements. An *Advanced Legislative Service* provides coverage of recent session laws not included in the General Laws. A subject index is included at the end of the set.

LexisNexis has an electronic version of the *Annotated Laws of Massachusetts* and the *Advanced Legislative Service*.

Massachusetts General Laws Annotated (MGLA). St. Paul, MN: West Group, 1958-.

Law Massachusetts Collection KFM 2430 1958 .A2

West's edition of the General Laws includes annotations of secondary source references and court decisions. Updating is through pocket parts and interim supplements, as well as the *Massachusetts Legislative Service* for recent laws. A subject index is included at the end of the set.

Westlaw has an electronic version of the *Massachusetts General Laws Annotated*, in the MA-ST-ANN database. The *Massachusetts Legislative Service* is available in the MA-LEGIS database.

Administrative Law

Agency Regulations

Massachusetts Register. Boston: Secretary of the Commonwealth. No. 165-, July, 1979-.

Law Massachusetts Collection KFM 2434.5 M3x; Current issues-Law Permanent Reserve; also available in Law Microforms Cabinet 17, Drawer 1-, 1987-.

A biweekly publication that includes new administrative agency regulations, executive branch documents and Attorney General opinions.

The Massachusetts Register is also available on LexisNexis.

Code of Massachusetts Regulations (CMR). Boston: Secretary of the Commonwealth, 1986-.

Law Permanent Reserve KFM 2435 1986 .A213

Also available on LexisNexis and Westlaw, and on the web at <http://www.state.ma.us/law.htm>.

The source for administrative regulations currently in force, arranged by agency. A one-volume looseleaf index is available at Law Permanent Reserve.

Agency Decisions

Listed below are the various looseleaf services which provide the full text of administrative agency decisions and adjudications.

Massachusetts Appellate Tax Board Reporter. Boston: Butterworth Legal Publishers. Vol. 1-, 1982-.

Law Massachusetts Collection KFM 2871.5 A82

LexisNexis and Westlaw have decisions from this reporter since 1979.

Massachusetts Civil Service Reporter. Weston, MA: New England Legal Publishers. Vol. 1-, 1989.

Law Massachusetts Collection KFM 2835 .A35 M37x 1989

Provides coverage of Civil Service Commission decisions.

DEP Reporter: Massachusetts Department of Environmental Protection Administrative Law Decisions. Belmont, MA: Massachusetts Landlaw. Vol. 1-, 1994-.

Law Massachusetts Collection KFM 2758 .A812

Provides coverage of Environmental Protection Department decisions.

Massachusetts Discrimination Law Reporter. Boston: Massachusetts Labor Relations Reporter. Vol. 1, 1979-.

Law Massachusetts Collection KFM 2811 .A6 M37x

Provides coverage of Commission against Discrimination decisions.

Massachusetts Environmental Law Reports. Boston: Atlantic Legal Publishers. Vol. 1-, 1983-1994.

Law Massachusetts Collection KFM 2754 .A8

Provides coverage of Department of Environmental Protection decisions from 1983-1994.

Massachusetts Labor Cases. Weston, MA: New England Legal Publishers. Vol. 1-, 1974-.

Law Massachusetts Collection KFM 2731 .A555

Provides coverage of Massachusetts Labor Commission decisions.

Massachusetts Labor Relations Reporter: MLRR. Wellesley, MA: Massachusetts Labor Relations Reporter. Vol. 1-, 1974-.

Law Massachusetts Collection KFM 2731 .A6 M37x

Provides coverage of Labor Relations Commission decisions and labor relations cases from the Massachusetts courts.

Attorney General Opinions

Annual Report of the Attorney General. Boston: Attorney General's Office. 1894/1895-.

Law Massachusetts Collection KFM 2840 .A555

Opinions are included along with the annual report. Current opinions are published in the issues of the *Massachusetts Register*.

LexisNexis and Westlaw have Attorney General opinions since the mid-1970s.

Massachusetts Attorney General Opinions. Boston: Wright & Potter. Vol. 1-8, 1891-1929.

Law Massachusetts Collection KFM 2840 .A553

This eight-volume set is the only compilation of Attorney General opinions ever published.

Case Law

Official Reports

Massachusetts Supreme Judicial Court

Reports of Cases Argued and Determined in the Supreme Judicial Court of the Commonwealth of Massachusetts. Boston: Lawyer's Co-operative Publishing Co., 1866-.

Law Massachusetts Collection KFM 2445 .A2; Current issues at Law Permanent Reserve

This set contains the reported decisions from the highest court in Massachusetts, dating back to 1804.

LexisNexis and Westlaw include cases from the Massachusetts Supreme Judicial Court dating back to the late nineteenth century.

Recent Supreme Judicial Court opinions are also available at

<http://www.sociallaw.com/masslaw/> (Social Law Library web site), at <http://www.masslaw.com> (Massachusetts Lawyers Weekly web site), and at <http://www.massreports.com> (Massachusetts Supreme Judicial Court web site).

Massachusetts Appeals Court

Massachusetts Appeals Court Reports. Boston: Bateman & Slade, 1972-. Vol. 1-, 1972-.

Law Massachusetts Collection KFM 2448. A22; Current issues at Law Permanent Reserve

The Appeals Court was created by the Massachusetts legislature in 1972 to reduce the case load burden on the Supreme Judicial Court. This set reports the cases decided by the Appeals Court.

LexisNexis and Westlaw include cases from the Massachusetts Appeals Court since 1972.

Recent Massachusetts Appeals Court opinions are also available at

<http://www.sociallaw.com/masslaw/> (Social Law Library web site) and at <http://www.masslaw.com> (Massachusetts Lawyers Weekly web site).

Massachusetts Superior Court

The Social Law Library provides the text of selected Superior Court decisions from 1999 at <http://www.sociallaw.com/superior>.

Massachusetts District Court Appellate Division

The following two series provide coverage for the Appellate Division of the District Court. This court hears appeals from cases in the District Court and is a separate entity from the Appeals Court.

Massachusetts Appellate Decisions. Boston: Wilson-Hill Co., 1942-1978. Vol. 1-59.

Law Massachusetts Collection KFM 2451 .A4 M36

Reports of the Massachusetts Appellate Division: *Decisions of the Appellate Divisions of the District Court and the Boston Municipal Court*. Boston: Lawyers Weekly Publications. Vol. 1979-.

Law Massachusetts Collection KFM 2451 .A4 M37. Current issues at Law Permanent Reserve

Westlaw has the text of cases from the Appellate Division of the District Court and the Boston Municipal Court since 1990, in the MA-CS database.

Commercial Reporters

West Group

Northeastern Reporter, First and Second Series. St. Paul, MN: West Group, 1885-.

First Series Law Massachusetts Collection KF 135 .N6 N61;

Second Series Law Massachusetts Collection KF 135 .N6 N62

Provides the full text of Supreme Judicial Court decisions since 1885 and the Appeals Court since 1972.

Massachusetts Decisions. St. Paul, MN: West Group, 1936-.

Law Massachusetts Collection KFM 2450. 1 .M37x

Reprints Massachusetts cases from the *North Eastern Reporter, Second Series*.

Westlaw includes Massachusetts cases reported in the *North Eastern Reporter* since 1885 in the MA-CS database.

Massachusetts Land Law

Land Court Reporter. Belmont, MA: Massachusetts Landlaw. Vol. 1-, 1993-.

Law Massachusetts Collection KFM 2512 .A512

Reports decisions from the Land Court.

Butterworth Legal Publishers

Massachusetts Family Law Journal. Boston: Butterworth Legal Publishers, Vol. 1-, 1983-.

Law Periodicals M; Current issues at Information Desk

In addition to articles on family law and domestic relations issues, this monthly publication selectively reports cases from the Massachusetts Probate Court.

Massachusetts Law Book Co.

Massachusetts Law Reporter. Brighton, MA: Massachusetts Law Book Co. Vol. 1-, 1993-.

Law Massachusetts Collection KFM 2451 .M3

Provides selective coverage for the Superior Court, the main trial court in Massachusetts.

Cases from this reporter are also included in Westlaw, in the MA-CS database.

Records and Briefs

Collections of the briefs filed for Supreme Judicial Court and Appeals Court cases, arranged by Massachusetts Reports and Appeals Court Reports volume numbers. The SJC holdings begin in 1915. See Index notebooks in the Microform Room.

Massachusetts Supreme Judicial Court Records and Briefs. Boston: Social Law Library. Vol. 219 -.

Law Microforms, Cabinet 19

Massachusetts Appeals Court Records and Briefs. Boston: Social Law Library. Vol. 1-, 1972-.

Law Microfiche, Cabinet 19

Court Rules

Massachusetts Rules of Court: State. Annual. St. Paul, MN: West Group.

Law Massachusetts Collection KFM 2929 .A195; Current issue at Law Permanent Reserve KFM 2929 .A195

A one-volume collection of court rules, including the rules of civil, criminal and appellate procedure as well as standing orders from the courts. Court rules are also published in the various editions of the General Laws.

Massachusetts Court Rules are also available on LexisNexis and Westlaw.

Research Tools for Primary Materials

Massachusetts Law Finder. St. Paul, MN: West Group. Law Reference Area KFM 2461 .M3

This annual publication is a useful starting point for Massachusetts research. Arranged topically, it provides references to chapters of the General Laws, the United States Code, West Digest Topics and Key Numbers, and secondary sources such as the *Massachusetts Practice Series* (see below) and *Corpus Juris Secundum*.

Massachusetts Digest Annotated. St. Paul, MN: West Group, 1947-1985.

Law Massachusetts Collection KFM 2457.2 .M38x

West's Massachusetts Digest, 2nd. St. Paul, MN: West Group, 1986-.

Law Massachusetts Collection KFM 2457.2 .M39x

These sets allow a researcher to use the West Digest Topic and Key Number system to locate relevant case law from Massachusetts and federal courts. The *Massachusetts Digest Annotated* provides coverage from the earliest court reports up to 1985. Coverage for the *West's Massachusetts Digest* begins in 1933, and includes more recent cases located in pocket parts and supplements. Both series have a Descriptive Word Index, and a Table of Cases. The West Digest Topic and Key Number system is also a searchable part of the Massachusetts case law database on Westlaw, MA-CS, for cases included in the *North Eastern Reporter Series*.

Shepard's Massachusetts Citations (Case edition). Colorado Springs, CO: Matthew Bender, 1993-.

Law Massachusetts Collection KFM 2459 .S54

Shepard's Massachusetts Citations (Statute edition). Colorado Springs, CO: Matthew Bender, 1993-.

Law Massachusetts Collection KFM 2459 .S542

The Massachusetts Shepard's volumes allow a researcher to check the status of case law and statutes and to locate secondary source references such as law review articles. LexisNexis provides an electronic version of *Shepard's Citations*.

Secondary Sources

General Research Guides

Botsford, Margot and Ruth Matz, editors. *Handbook of Legal Research in Massachusetts*. Boston: Massachusetts Continuing Legal Education, 1988.

Law Permanent Reserve KFM 2475 .H36 1988; also Law Massachusetts Collection KFM 2475 .H36 1988; also Law Reference Desk KFM 2475 .H36 1988

Encyclopedic Works

Massachusetts Practice Series. St. Paul: West Group. 36 titles; 81 vols. Pocket part supplements.

Law Permanent Reserve KFM 2480 .M8; also Law Massachusetts Collection KFM 2480 .M8

Although its coverage is extensive, this set is not a legal encyclopedia but rather a series of treatises on Massachusetts law written by leading experts in the field. Content includes substantive analysis of the major areas of Massachusetts law along with forms and trial practice volumes. The set includes a two-volume subject index.

Massachusetts Practice is also available on Westlaw in the MAPRAC database.

Procedural Forms

Garrity, Paul and James A. Frieden. *Massachusetts Standardized Civil Practice Forms*. Boston: Little, Brown and Company, 1986-. 4 vols.

Law Permanent Reserve KFM 2930 .A65 G37 1986

Swartz, Edward M. et al. *Massachusetts Pleading and Practice: Forms and Commentary*. New York: Matthew Bender, 1974-. 7 volumes.

Law Permanent Reserve KFM 2935 .A65S9

These two sources provide analysis of the Massachusetts Rules of Civil Procedure, as well as examples of forms used in conjunction with those rules. Both sets are arranged by Massachusetts Rules of Civil Procedure number, but there is also a subject index for each set.

Evidence

Liacos, Paul J. *Handbook of Massachusetts Evidence*. 7th ed., revised by Mark S. Brodin and Michael Avery. New York: Aspen Law & Business, 1999.

Law Permanent Reserve KFM 2940 .Z9 L4 1999. Annual cumulative supplements.

Perlin, Marc G. *Mottla's Proof of Cases in Massachusetts*. 3rd ed. Rochester, NY: Lawyer's Co-operative Publishing Company, 1992. Pocket part supplements.

Law Permanent Reserve KFM 2940 .M6 1992

Massachusetts does not have Rules of Evidence similar to the Federal Rules of Evidence. Instead, it still uses common law rules for evidence. As a result, a legal researcher should consult one of these well-regarded treatises for assistance with evidence issues.

Jury Instructions

Greaney, John M. *Massachusetts Jury Instructions: Civil*. Charlottesville, VA: Michie, 1997. Looseleaf.

Law Permanent Reserve KFM 2942.6 .G7 1997

Homans, William. *Massachusetts Jury Instructions: Criminal*. Charlottesville, VA: Michie, 1996. Looseleaf.

Law Permanent Reserve KFM 2983 .H65

Massachusetts Administrative Office of the District Court. *Model Jury Instructions for Use in the District Court*. Salem, MA: Administrative Office of the District Court, 1995-. 2 vols. Looseleaf.

Law Permanent Reserve KFM 2983 .A816 1995

These publications provide model jury instructions for civil and criminal trials in Massachusetts.

Trial Practice

Perlin, Marc G. and John M. Connors. *Handbook of Civil Procedure in the Massachusetts District Courts*. 2nd ed. Boston: Lawyers Weekly Publications, 1990. Annual cumulative supplements.

Law Permanent Reserve KFM 2930 .P48 1990

A useful starting point for someone researching an issue of civil procedure as applied in the Massachusetts District Courts.

Swartz, Edward M. *Trial Handbook for Massachusetts Lawyers*. 3rd ed. Egan MN: West Group, 1999. Annual cumulative supplements.

Law Permanent Reserve KFM 2938 .S5 1999

A single-volume survey of Massachusetts trial practice, from pretrial discovery to closing statements and jury instructions.

Legal Newspapers

Massachusetts Lawyers Weekly. Boston: Massachusetts Lawyers Weekly. Vol. 1-, 1972. Law Microforms Cabinet 3, Drawer 4; Current issues at the Information Desk

Selected excerpts are available on the Internet at <http://www.masslaw.com>.

A weekly newspaper devoted entirely to the Massachusetts legal system and to the practice of law in Massachusetts. It features news articles and analysis of legal developments, as well as abstracts of recently reported cases from throughout the Massachusetts court system.

Bar Journals

Boston Bar Journal. Boston: Boston Bar Association. Vol. 1-, 1957-

Law Periodicals B; Current issues at the Information Desk

LexisNexis provides full coverage of the Boston Bar Journal from January 1995. Westlaw has selective coverage in the BBJ database since 1983.

Massachusetts Law Quarterly. Boston: Boston Bar Association. Vol. 1-62, 1915-1977.

Law Periodicals M (compact shelving)

Massachusetts Law Review. Boston: Massachusetts Bar Association. Vol. 63-, 1978.

Law Periodicals M; Current issues at the Information Desk

Westlaw provides selective coverage in the MALR database since 1989.

These three journals are excellent sources of analysis and commentary on Massachusetts case law and statutes, as well as articles dealing with general issues of Massachusetts law. The *Massachusetts Law Quarterly* changed its title to the *Massachusetts Law Review* in 1978.

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