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


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.

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 .A42

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.lawlib.state.ma.us/cmr.html.

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 electronic and looseleaf services which provide the full text of administrative agency decisions and adjudications.

Massachusetts Agency Opinions. The Law Library subscribes to the Social Law Library's database of opinions, which may be found at http://www.bc.edu/schools/law/library/research/mass/massexecutive/ (scroll down to Massachusetts Agency Opinions link).


Law Massachusetts Collection KFM 2871.5 A82

LexisNexis and Westlaw have decisions from this reporter since 1979.


Law Massachusetts Collection KFM 2835 .A35 M37x 1989

Provides coverage of Civil Service Commission decisions.


Law Massachusetts Collection KFM 2758 .A812

Provides coverage of Environmental Protection Department decisions.
Law Massachusetts Collection KFM 2811 .A6 M37x
Provides coverage of Commission against Discrimination decisions.

Law Massachusetts Collection KFM 2754 .A8
Provides coverage of Department of Environmental Protection decisions from 1983-1994.

Law Massachusetts Collection KFM 2731 .A555
Provides coverage of Massachusetts Labor Commission decisions.

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
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.

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.socialaw.com/sjcslip/sjcslip.html (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.socialaw.com/appslip/appslip.html (Social Law Library web site) and at http://www.masslaw.com (Massachusetts Lawyers Weekly web site).

Massachusetts Superior Court


Law Massachusetts Collection KFM 2451 .M3

**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.


Law Massachusetts Collection KFM 2451 .A4 M3


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**


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.**


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
  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

  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.*

  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
Encyclopedic Works


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


Law Permanent Reserve KFM 2930 .A65 G37 1986


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


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


Law Permanent Reserve KFM 2942.6 .G7 1997


Law Permanent Reserve KFM 2983 .H65


Law Permanent Reserve KFM 2983 .A816 1995

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

Trial Practice


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.


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


Selected excerpts are available on the Internet at [http://www.masslaw.com](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.


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.