



Legal Sources for Non-Law School Courses

BOSTON COLLEGE LAW LIBRARY

What is legal research, and how is it different from research in other disciplines?

Even if you are using legal sources, you may not be doing legal research. Legal research is a search for statements of the law found in statutes, cases, or other primary sources that can be used to predict how a court would decide a dispute involving a specific fact situation. In many disciplines there is a distinction between laboratory or empirical research and library research. Legal research, as performed by a lawyer, is always library research, whether it is done in books or computer databases. Legal sources are often used for research in other disciplines, such as history and sociology, but historians and sociologists use the legal sources for a purpose or result different from that of a law student or practicing attorney. Given this difference a non-lawyer may utilize different types of legal research processes and standards.

Why don't I need to do the same type of legal research as a practicing attorney?

Lawyers must know if there have been any recent statutes or cases that have changed the predictive ability of the sources they are relying upon. The cost of not finding these recent materials can be the difference between the client winning or losing a lawsuit. On the other hand, most papers assigned in non-law courses require a student to discuss the impact and significance of a particular legal decision, a statute, or an area of law. Only in rare cases will a non-law student be required to research an area of law as exhaustively as a lawyer must do.

It's all Latin to me - What if I have trouble understanding legal terminology?

Like many other disciplines, the law seems to have a language all its own. For help in deciphering legal terminology, do what lawyers and law students do: consult a legal dictionary. The most frequently consulted legal dictionary, *Black's Law Dictionary*, O'Neill Library Reference KF 156 .B53, and Law Reference Area KF 156 .B53, contains references to cases that define legal terms as well as the definitions themselves. Legal definitions which may be more accessible to a novice legal researcher can also be found in Daniel Oran, *Law Dictionary for Non-Lawyers*, O'Neill Library Stacks KF 156 .O7.

What is the best place for a non-lawyer to start researching legal materials?

It is best to start with what you know. If you know very little about a topic and would like basic information, one useful source is *West's Encyclopedia of American Law*, O'Neill Library Reference KF 154 .W47 and Law Reference Area KF 154 .W47. A general legal encyclopedia such as *American Jurisprudence 2d*, Law Library General Collection KF 154 .A42 is useful for setting out the basic issues surrounding a legal problem. If you are writing a paper about a specific case, you will want to read the court's opinion. It is necessary to have a citation to that case in order to find the text of the opinion in a reporter or online. Citations to some landmark cases can be found in *West's Encyclopedia of American Law* and *American Jurisprudence 2d*. A citation looks similar to this: 390 A.2d 1161. For information on deciphering citations see Boston College Law Library Legal Research Guide #1, *Reading Legal Citations*.

If you are writing about an area that is new to you, it is often best to start with a secondary source such as a law review article or an article in *American Law Reports (ALR)*, Law General Collection KF 132 .A. Finding one or two law review articles on your topic is a good place to begin. They may even provide you with all the information you need for your project.

What are law reviews?

Law reviews are periodical publications of law schools, bar associations, and commercial publishers, that contain articles providing in-depth analysis of legal issues or practical legal information. Since law review articles are well-documented with footnotes, they give the researcher quick access to citations of relevant cases and statutes and interpret and explain those sources as well.

How do I find law review articles on my topic?

Use an index to find citations to law review articles on a particular legal topic. There are two excellent general law review indexes: *Index to Legal Periodicals and Books* and *Current Law Index*. Both are available in print and electronic formats. No matter which index or format you choose, the process is the same: look for two or three law review articles on your topic by using appropriate search words. For example, if you need to find articles on the use of DNA fingerprinting as evidence, search an online or print index for articles with the keywords "dna and evidence." If you need to find articles about a particular case, such as *Roe v. Wade*, try a

keyword search using the name of the case: “roe and wade.” If your initial search does not retrieve any relevant citations, try another search using terms that are more general than those you originally used.

Index to Legal Periodicals and Books is on the web at <http://www.bc.edu/schools/law/library/research/articlesdatabases/lawarticlesindexes/>. Select “Index to Legal Periodicals and Books.” Researchers may access this database from any Boston College computer that supports web access. Members of the Boston College community may also use this index from home computers. Additionally, this index is available in print in the O’Neill Library’s index area at call number K9 .N34x, and in the Law Library’s first floor index area.

Current Law Index is on the web at <http://www.bc.edu/schools/law/library/research/articlesdatabases/lawarticlesindexes/>. Select “LegalTrac.” From the next screen, select “LegalTrac” again. You can now search by subject guide or keyword. Our subscription provides for access from law library computers only. This index is also available in print in the O’Neill Library’s index area at call number K33 .C87, and in the Law Library’s first floor index area.

Once you have found citations for two or three relevant law review articles, use Boston College’s online catalog to find out whether the law reviews you need are available at Boston College and where they will be located. For example, if you wanted to read the article entitled “Law Students and the Disorder of Written Expression,” which was published in the *Journal of Law & Education*, you would search the catalog for the *Journal of Law & Education* to find out which Boston College library subscribes to this journal.

A number of law reviews are available at both O’Neill and the Law Library, while others are only available at the Law Library. Some are also available in full text on the LexisNexis legal research system. **Non-law students may only use LexisNexis Academic Universe at the O’Neill Library, and not at the Law Library, so it is important to find out what you need before making a trip to the Newton campus.**

A growing number of law reviews are establishing an electronic presence on the Internet. Visit <http://vlib.org> then select “Law,” then “Browse by information source,” and select “Law Journals.” For more information on other law review indexes and other ways to find law review articles, see Boston College Law Library Research Guide #3, *Using Law Reviews*.

How can I find cases on my topic?

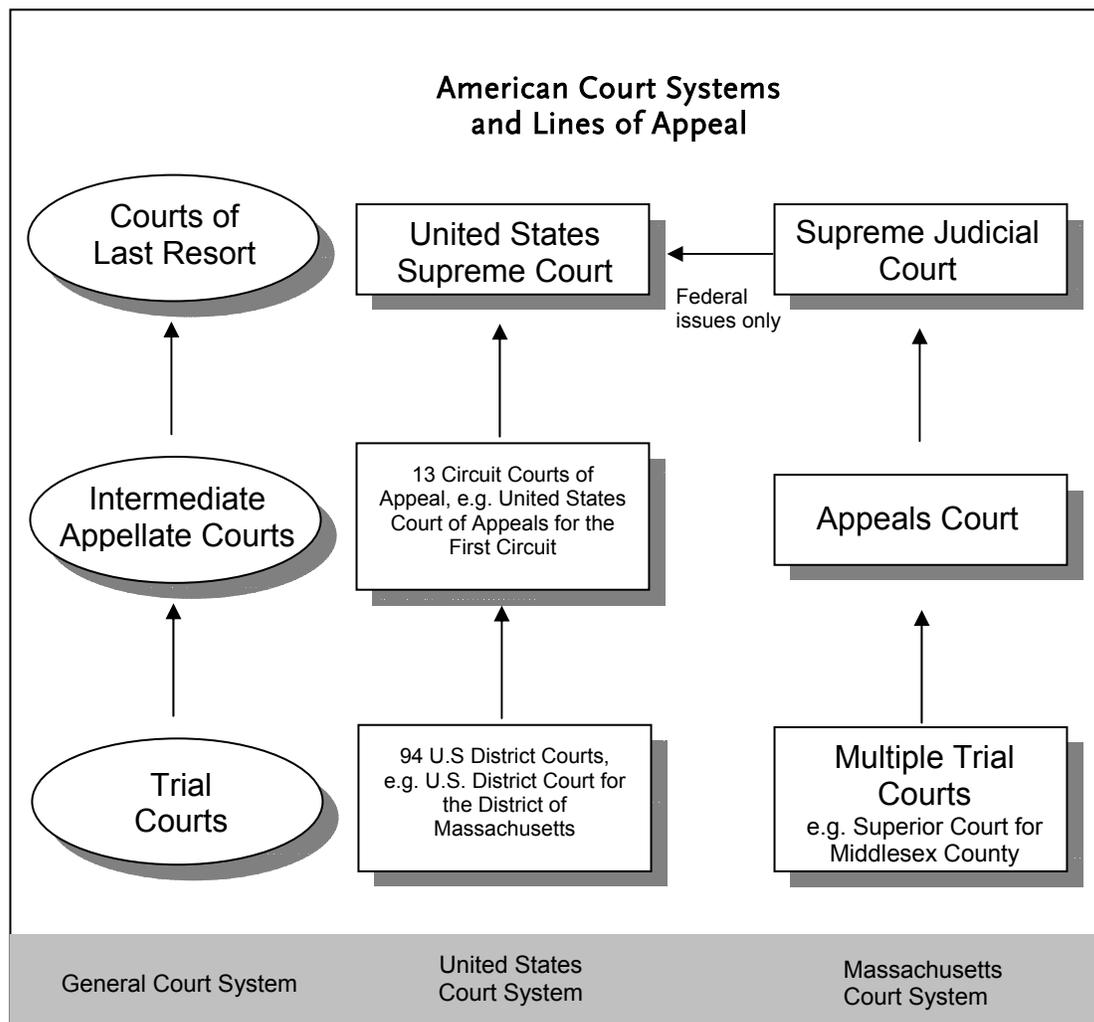
Lawyers frequently use secondary sources to get references to case law. If you have found a law review article or two on your topic, it will contain citations to the cases or other legal sources it relies upon. *American Law Reports*, Law General Collection KF 132 .A, is another secondary source that publishes annotations (or articles) that discuss the leading cases on a topic and provide references to similar state or federal cases. To see if there is an ALR Annotation on your topic, use the *ALR Index*, Law General Collection KF 132 .A48. It is a comprehensive index covering the annotations included in the 2^d, 3rd, 4th, 5th and Federal series of ALR.

Another way to look for cases is to use LexisNexis Academic Universe at the O’Neill Library. LexisNexis has full-text databases that allow a researcher to search for documents that contain words of the researcher’s choice. The LexisNexis databases are especially good for finding cases that involve unique factual situations.

Lawyers frequently expand their case law research using a case finding tool called a digest. A digest arranges brief statements of the points of law found in cases by topic so that once you have found a relevant case, you can easily find other cases on the same topic from any court jurisdiction. The Law Library has digests that cover all United States case law from state and federal courts. For more information on finding cases using a digest, see Boston College Law Library Legal Research Guide #2, *Finding Cases*.

The O’Neill Library has a specialty digest, *West’s Education Law Digest*, O’Neill Library Reference KF 4110 .A2 W472, that contains only education law cases. Students working on education law papers will find it easier to use this digest to find references to cases. Cases referenced in the education law digest can be found in *West’s Education Law Reporter*, O’Neill Library Reference KF 4110 .A2 W47 as well as in the federal and state reporters in the Law Library. *Specialty Law Digest: Health Care Law*, O’Neill Library Reference KF 3821. A59 S62, is useful for students working on health care law issues.

Once you have citations to cases, look them up in the print case reporters or retrieve them from LexisNexis. O’Neill Library has a number of case reporters including *United States Reports*, O’Neill Library Stacks JK 1562 .U5; *Supreme Court Reporter*, O’Neill Library Stacks JK 1562 .U52 (Permanent Edition) and O’Neill Library Reference JK 1562 .U52 (Interim Edition); *United States Law Week*, O’Neill Government Docs Reference KF 127 .U672; and *West’s Education Law Reporter*, O’Neill Library Reference KF 4110 .A42 W47 (not available at the Law Library). The Law Library has most major United States federal and state case reporters. For assistance in deciphering citations, see Boston College Law Library Legal Research Guide #1, *Reading Legal Citations*.



Why can't I find many transcripts of trials in the law library?

Most cases found in a law library are the written opinions of appeals court judges. These are the most useful source for predicting how a future court would resolve an issue because the doctrine of “stare decisis” requires that similar cases be treated the same. Trial court transcripts, the record of what was said at trial, may be very interesting, but will not bind future courts. Transcripts are not automatically printed from trials, but requested and usually purchased by the parties if they want to appeal the trial court’s findings.

Trial court decisions, also called verdicts, determine the outcome of a case for the two parties, but also have limited predictive value, and therefore are not used as much in legal research. However, the Law Library has a small collection of transcripts from famous historical trials and sample trials that are used in teaching trial technique. To find out which historical trials are in this collection, consult Susan D. Csaky, *A Collection of Trials on Microfiche*, Law Microforms Index Area KF 220 .C64x. To obtain a transcript from a particular trial, or an unpublished court opinion, you usually need to contact the court in which the trial was held, or one of the parties to the suit.

What kinds of background material can I find about cases?

Information about the people involved in a lawsuit is usually not available in a law library, since that information is not relevant to the legal principles established by the court’s opinion in that case. Consult a newspaper index at the O’Neill Library to find basic background information about your case.

In addition, the Law Library has some collections of briefs, which are the written arguments of the lawyers in a case used to persuade the court that their side should win. Selected briefs from the United States Supreme Court can be found in *Landmark Briefs and Arguments of the Supreme Court of the United States*, Law General Collection KF 101.8 K87. The Law Library has Records and Briefs in microfiche for the United States Supreme Court from volume 396 of *United States Reports* (1969); the Massachusetts Supreme Judicial Court from volume 218 of *Massachusetts Reports* (1914); and the Massachusetts Appeals Court from volume 1 of *Massachusetts Appeals Court Reports* (1972).

What do I do if my paper topic involves statutes?

Many legal topics have a statutory basis, which means that a law enacted by a legislative body “controls” in a particular legal situation. In fact, today most areas of law have a statutory basis. One well-established rule of statutory interpretation says that a statute means what it says, but even more than that it means what the appropriate courts say it means. In other words, to find out if a statute applies in a particular instance it is necessary not only to read the words of the statute, but also to look at court decisions interpreting the statute. Luckily, there are often law review articles and ALR annotations about statute-based topics as well, so following the strategies suggested above should be helpful here as well.

Another way to research a statute-based topic is to begin by finding the statute itself. *Shepard's Acts and Cases by Popular Name*, O'Neill Library Stacks KF 80 .S5 and Law Reference Desk KF 90 .S52, is a useful tool for locating most well-known statutes published in annotated codes, which not only print the text of the statute but also provide citations to cases that interpret the statutory language.

Many states, and the federal government, have mounted their statutory codes on the Internet. Visit the Boston College Law Library's web page at <http://www.bc.edu/lawlibrary> to start your statutory research on the web. For more information on finding statutes, see Boston College Law Library Legal Research Guide #4, *Finding Statutes*.

How do I find international law sources?

With the growing globalization of the world economy, international law is having a bigger and bigger impact on American law and many law-related disciplines. The term “international law” is often used to refer to three completely separate types of law: foreign law, private international law and public international law.

Foreign law is actually the domestic law of foreign countries. If you need to research the laws of a country other than the United States, please remember that most law is published in the language of the country, so it is helpful to restrict your research to countries for which you can speak and read the language. Also, the Law Library does not have an extensive collection of foreign law. *Martindale-Hubbell International Law Digest*, Law Reference Area KF 190 .M39, provides summaries in English and citations to authority for many basic areas of law in most major jurisdictions in the world. *Constitutions of the Countries of the World*, Law General Collection K 3157 .A2B53, provides English translations of updated texts of foreign constitutions as well as annotated bibliographies of sources of law. *Foreign Law: Current Sources of Codes and Legislation In Jurisdictions of the World*, by Thomas Reynolds and Arturo Flores, Law Library Reference Area K 38 .R49, provides background information on the legal systems of other countries and descriptions of their primary and secondary sources of law.

Private international law applies when private citizens of different countries interact or transact business. Usually the parties decide jointly which country's laws they will rely upon in advance, but sometimes there are established rules about which law will apply.

Public international law regulates the legal relations between countries. Sources of international law can include treaties, international conventions, custom, and general principles of law. Materials of international intergovernmental organizations like the United Nations are also considered sources of international law. For more information on researching documents and publications of the UN, see Boston College Law Library Research Guide #8, *United Nations Research*. If you are researching the law of the European Union, see Boston College Law Library Legal Research Guide #9, *European Union Research*.

Once again an excellent way to begin to research an international law topic is to locate a few law review articles by using one of the indexes discussed above. In addition, the Law Library subscribes to the *Index to Foreign Legal Periodicals*, Law Periodical Indexes, K 33 .I38. Most of the articles are available in the Law Library's periodical collection or on LexisNexis Academic Universe at O'Neill.

Can I do my legal research on the Internet?

More and more legal materials are being made available on the World Wide Web including recent cases, state and federal codes, and federal regulations and patent registrations. To explore specific legal research resources on the Web visit the Boston College Law Library's webpage at <http://www.bc.edu/lawlibrary>.

What do I do if I get stuck?

Be sure to leave yourself enough time to find and *read* the sources. Librarians at O'Neill and the Law Library may be able to suggest additional strategies if your research keeps coming up against a dead end.

Revised April 2004. An electronic version of this guide may be found at <http://www.bc.edu/schools/law/library/research/researchguides/>

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