

## US legal information

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### Introduction

Did you know that the US state of Louisiana is a civil law outpost in a common law country? That US lawyers have invented the verb “to shepardize”? That cases from landlocked Kansas are published in the *Pacific Reporter*? Despite the historical links between our two countries, US legal information holds more surprises than might be expected.

The biggest difference is that the United States has a federal system of government. Each of the fifty states has its own government, legislature and court system, operating separately from the federal (that is, national) government, legislature and court system. So a US legal citation could be to a federal law or a state law, a federal case or a state case. The US Constitution sets out the powers of the federal government; those powers not specified as federal are left to the states. Areas of federal law include bankruptcy, intellectual property and foreign and inter-state commerce.

The field of US legal information is further distinguished from that of the UK by the use of codified legislation. There are also many variations in terminology. However, familiar law publishers dominate in the US: Thomson Reuters, who own the US publisher West, and LexisNexis.

The URLs of key websites are given at relevant points in the text below; it should be noted that the websites usually warn that internet versions of legislation and case law are not official, nor necessarily reliable. A bibliography and glossary are provided at the end of the article, together with details of US law research guides on the internet.

### The US Constitution

The Constitution of the United States defines the structure and powers of the federal government and guarantees certain rights and freedoms to citizens, such as the right to bear arms and freedom from slavery. It was last amended in 1992 (see [www.archives.gov/federal-register/constitution/](http://www.archives.gov/federal-register/constitution/)).

The Constitution is cited as follows (§ means “section”):

U.S. Const. art. II, § 1, cl. 7

U.S. Const. amend. XIV, § 2

The official text appears in volume 1 of the *United States Code*, which is published by the US Government Printing Office (GPO). It is on the subscription database HeinOnline and there is a free version on the US House of Representatives website (<http://uscode.house.gov>). However, the latter version is not very user-friendly; the Constitution comes under the rather opaque heading “Organic Laws” and the link to the pdf document itself is simply the filename, const.pdf.

Annotated versions of the Constitution can be found in West’s multi-volume printed work, *United States Code Annotated* (also on Westlaw International) and in LexisNexis’s *United States Code Service* (available on the Lexis database if your subscription covers

foreign materials). A monograph edition with annotations, *The Constitution of the United States of America*, is produced by the Library of Congress Congressional Research Service and published by the GPO; there is a web version of this at [www.gpoaccess.gov/constitution/](http://www.gpoaccess.gov/constitution/).

At first sight the Constitution is rather a confusing document. The seven articles are followed by the Amendments, which look like another set of articles, starting again with number I. So after Article VII the reader is perplexed to find that the next bit is called "Article I", although it is always referred to as the First Amendment. (Some versions, however, do use the heading "Amendment" rather than "Article".)

### **State constitutions**

Every US state has its own constitution. The main printed source for a state constitution is that state's code of laws. State codes have various titles and publishers; they are all listed in US citation manuals such as *The Bluebook* and the *ALWD Citation Manual*. Conveniently, the relevant part of the ALWD manual – appendix 1 – is available free on the internet at [www.alwdmanual.com](http://www.alwdmanual.com).

The easiest way to access state resources on the internet is via gateway sites. These include Findlaw (<http://www.findlaw.com/11stategov/>); the Cornell Legal Information Institute (<http://www.law.cornell.edu/>); and State and Local Government on the Net (<http://www.statelocalgov.net/>). On websites, constitutions tend to be available as separate documents from the state codes.

All the state constitutions are on Westlaw International (*ST-CONST* database) and Lexis (*Constitutions* folder, in the US part of the Sources Directory).

### **Federal statutes**

Federal statutes are usually called acts or laws. There are both public and private laws, like UK public and local acts.

Statutes are often referred to by title and year in a similar way to UK acts, for example, *Administrative Procedure Act of 2000*. Often an act will also acquire a popular name, such as *Taft-Hartley Act*. The Cornell Legal Information Institute (see above) provides a table of popular names on its US Code page.

The correct way to cite a federal statute is in the form *Pub. L. 102-61*, meaning 61<sup>st</sup> public law passed by the 102<sup>nd</sup> Congress. Private laws are cited as *Priv. L.* (plus Congress and law number). Past Congress numbers and the corresponding years can be looked up on the US House of Representatives website at [http://clerk.house.gov/art\\_history/house\\_history/index.html](http://clerk.house.gov/art_history/house_history/index.html)

Laws passed before 1957 are cited by date and chapter number, for example, June 25, 1948, ch. 644.

### Session laws

In the US, laws published chronologically, as passed, are called "session laws". Each law appears first in individual pamphlet form; these pamphlets are called "slip laws". Both public and private laws cumulate into the official chronological series, *United States Statutes at Large*. Slip laws and *Statutes at Large* are published by the Office of the Federal Register, in partnership with the GPO.

Slip laws are cited by their law number and the number of the Congress which passed them, as described above. Citations to *Statutes at Large* take the form *89 Stat. 213* (volume 89, starting at page 213).

Federal public laws are reproduced in West's monthly *US Code Congressional and Administrative News* (USCCAN). This series is available in print and on Westlaw International.

### Codes

US laws are codified, that is, amalgamated into a vast subject-based compilation of laws as amended. Individual sections of a particular law are often dispersed among the various sub-headings of the Code and the original phrasing is not even necessarily preserved.

The official codification of federal laws is the *United States Code*, a multi-volume work compiled by Office of the Law Revision Counsel at the US House of Representatives and published by the GPO. It is divided into fifty titles, each covering a broad area of law. Each title has a continuous series of section numbers and a section might derive from several different statutes; this means that the section numbers of the Code do not correspond to section numbers of original statutes.

The Code is cited by title number, section number of that title and year of publication of the volume, for example: *5 U.S.C. § 555 (2000)*, meaning Title 5, section 555, 2000 edition.

There is a new edition of the Code every six years and updating supplements are also produced. However, there is a time-lag in publication. Even the version on the US House of Representatives website is not always current.

Commercially-published versions of the Code are widely preferred, since they are more up-to-date and have extensive annotations, which the official Code does not. West publishes the *United States Code Annotated* (USCA) and LexisNexis publishes its own version called the *United States Code Service* (USCS). They are available on Westlaw and Lexis respectively.

### Electronic sources of federal statutes

Federal statutes can be found on subscription databases and on the internet, as detailed in the table below. From 2007 onwards, public laws on the GPO website are available in the form of digitally signed and authenticated pdf files.

<b>Electronic sources of federal statutes</b>	
<p><b>GPO Access</b> (US Govt. Printing Office) &lt;<a href="http://www.gpoaccess.gov">www.gpoaccess.gov</a>&gt;</p>	<p><i>United States Code</i> (1994 – current) Public and private laws (1995/96 - ; authenticated 2007 -) <i>Statutes at Large</i> (2003 – 2006 only)</p>
<p><b>US House of Representatives</b> &lt;<a href="http://uscode.house.gov">http://uscode.house.gov</a>&gt;</p>	<p><i>United States Code</i> (current + previous)</p>

<b>Thomas</b> (Library of Congress) < <a href="http://thomas.loc.gov/">http://thomas.loc.gov/</a> >	Public laws, in the form of the final printing of each bill (1989 - ; summaries 1973 - )
<b>Cornell Legal Information Institute</b> (Cornell University) < <a href="http://www.law.cornell.edu/">http://www.law.cornell.edu/</a> >	Current <i>United States Code</i> Table of popular names
<b>Lexis</b> (with appropriate subscription)	<i>United States Code Service</i> (2005 – current) <i>Statutes at Large</i> (whole series) Public laws (1988 -)
<b>Westlaw International</b>	<i>United States Code Annotated</i> (1990 – current) Public laws (1973 - ) <i>Statutes at Large</i> , as premium subscription, (1789–1972)
<b>HeinOnline</b>	<i>United States Code</i> (1926 – ) <i>Statutes at Large</i> (1789 - 2005)

### Federal regulations

Federal regulations are similar to UK statutory instruments. They are issued by federal administrative agencies under powers delegated by a federal statute or Presidential executive order. Unexpectedly, to law librarians with a UK background, regulations are often referred to in the US as “administrative law”.

#### Original text

Federal regulations are officially published in a series called the *Federal Register*, in their original form. A typical citation would be *60 Fed. Reg. 50379 (Sept. 29, 1995)*; this means volume 60 of the *Federal Register*, issue of 29<sup>th</sup> September 1995, page 50379 onwards.

Regulations are reproduced West’s *US Code Congressional and Administrative News* (USCCAN).

#### The Code of Federal Regulations

The codified version of federal regulations is the *Code of Federal Regulations* (CFR). Each title of the CFR is updated annually. There is a monthly table of amendments, the *List of CFR Sections Affected*, and this can be updated further by lists of amendments in subsequent issues of the *Federal Register*.

The GPO Access website provides a continually-updated version of the CFR called the *Electronic Code of Federal Regulations* (or e-CFR). It is not an official edition of the CFR, but is described as an “authoritative informational resource” (see FAQs at <<http://ecfr.gpoaccess.gov/>>). The Lexis and Westlaw versions of the CFR are also continually updated. Full details of electronic sources are given in the table below.

<b>Electronic sources of federal regulations</b>	
<b>GPO Access</b> <a href="http://www.gpoaccess.gov/ecfr/">http://www.gpoaccess.gov/ecfr/</a> > <a href="http://www.gpoaccess.gov/fr/index.html">http://www.gpoaccess.gov/fr/index.html</a> > <a href="http://www.gpoaccess.gov/cfr/index.html">http://www.gpoaccess.gov/cfr/index.html</a> >	e-CFR (current) Fed. Reg. (1994 - ) CFR (annual editions from 1996/97 - )
<b>Cornell Legal Information Institute</b> <a href="http://www.law.cornell.edu/">http://www.law.cornell.edu/</a> >	CFR (derived from latest GPO Access version)
<b>Lexis</b> (with appropriate subscription)	Fed. Reg. (1/7/1980 - ) CFR (annual editions 1981 – 2008, plus current version)
<b>Westlaw International</b>	Fed. Reg. (1936 - ) CFR (annual editions 1984–2008, plus current version)
<b>HeinOnline</b>	Fed. Reg. (1936 – Apr. 2009) CFR (annual editions 1938 – 2008)

### **State statutes**

The publication of state laws follows the pattern for federal laws: the original instruments are published chronologically as originally passed, then codified.

Most states, but not all, issue slip laws either on a website or on paper (or both). All states issue bound session laws.

Codified sets of state laws do not necessarily have the word “code” in the title: for instance, Florida’s code is called *Florida Statutes*. In some states there are both official and unofficial codes - and even official editions may be published by a commercial publisher. To find out the name of a state’s code, refer to the *Bluebook* or the *ALWD Citation Manual*, which both list all the state codes and say which is the official version for each state.

Some UK libraries, notably IALS and the Bodleian Law Library, still receive printed statutes for a few states; many more subscribe to US materials on Westlaw International and Lexis. The most widely-available UK source of information about US state laws, however, is probably the *Martindale-Hubbell International Law Digest*. This contains outlines of the laws of every state. It comes out in printed format and is also available on Lexis.

Westlaw International and Lexis both provide session laws and codes for all states. (If your Westlaw International homepage does not have a link to state legislation, click on Directory, then select All Westlaw Databases.)

Most states' laws are available on free websites, via gateways such as Findlaw (<<http://www.findlaw.com/11stategov>>), the Cornell Legal Information Institute (<<http://www.law.cornell.edu/states/listing.html>>) and State and Local Government on the Net (<<http://www.statelocalgov.net>>).

### Uniform laws

These are model laws drafted by the National Conference of Commissioners on Uniform State Laws, with the aim of harmonising legal provisions across the states. An example is the *Uniform Commercial Code*. Uniform laws may or may not be adopted by individual states.

The main printed source of uniform laws is West's *Uniform Laws Annotated* (also on Westlaw International). The Lexis database has a selection of individual uniform laws derived from *Martindale-Hubbell uniform and model acts*. If adopted by a particular state, uniform laws can also be found among that state's own statutes.

### **State regulations**

In many states, regulations are published in a similar way to federal regulations: in a register and also in a code. Examples include the *North Carolina Register* and the *North Carolina Administrative Code*. However, some states publish neither register nor code; instead each government agency issues its own regulations. Sources of state regulations are listed in Table 1 of the *Bluebook* and Appendix 1 of the *ALWD Citation Manual* (<<http://www.alwdmanual.com>>).

When looking for regulations in electronic sources, bear in mind that they usually come under the heading "administrative law" or "administrative materials" and that codes of regulations are often known as "administrative codes".

The Cornell and Findlaw gateways, mentioned above, have links to state regulations. It is also worth trying the website of the agency that issued the regulation.

Westlaw International has administrative codes for about 45 states. From mid-2002 onwards it has the original text of regulations for all states, in the ST-REGTXT database. Lexis has administrative codes for all states in the *State Administrative Codes* source. It also has a source called *State Administrative Codes & Registers, Combined*, although this does not include registers for every state.

### **Case law**

In addition to the federal courts, each US state has its own judicial system. The great majority of litigation, both civil and criminal, is heard by state courts.

### The federal court system

The federal court system divides the United States and its overseas territories into 94 judicial districts, each with its own district court. These courts are where federal litigation starts; they hear both civil and criminal cases. At this level there are also special courts: bankruptcy courts, the US Court of International Trade and the US Court of Federal Claims. The general name for all these courts is "trial courts".

The 94 judicial districts are grouped into 12 regions called circuits, and each circuit has a Court of Appeals. There is also a 13th Court of Appeals, the Court of Appeals for the

Federal Circuit, with nationwide jurisdiction in certain types of litigation (such as patent cases).

At the top of the federal court hierarchy is the United States Supreme Court. Appeals from the Courts of Appeals go to the Supreme Court. Appeals from district courts usually go to the US Courts of Appeals, but occasionally go direct to the Supreme Court.

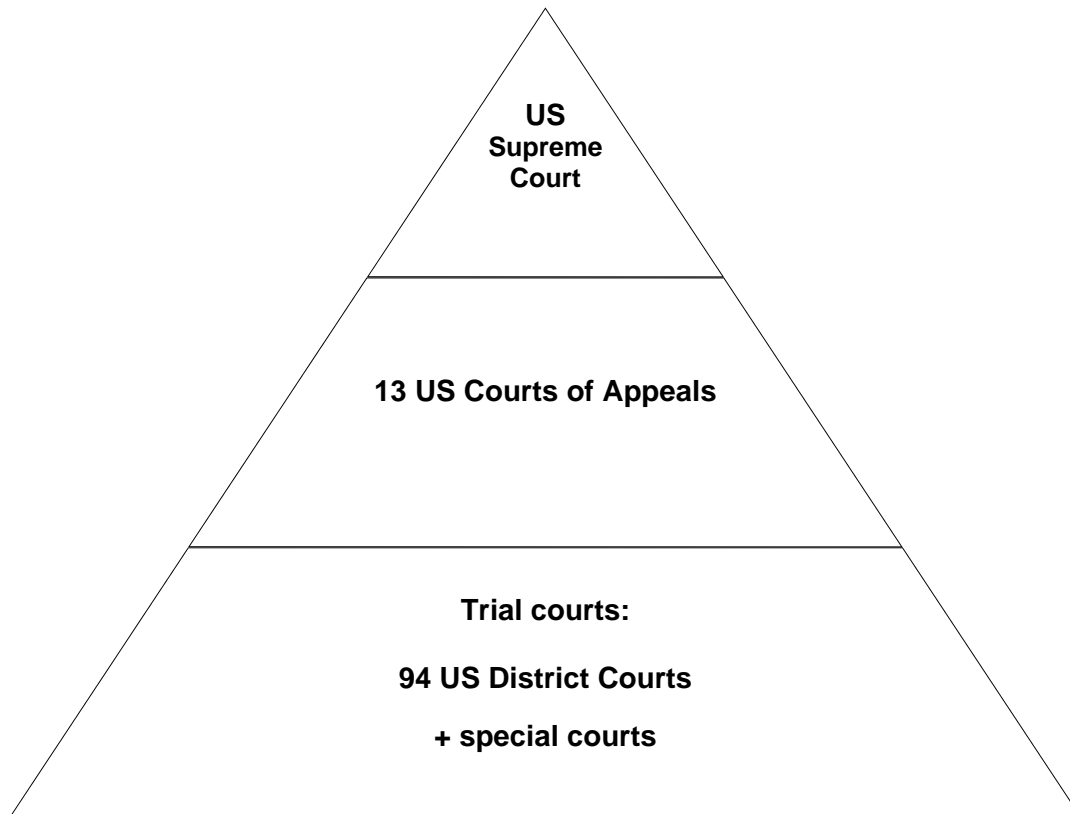


Diagram of the US federal court system. (For more information, see <http://www.uscourts.gov/about.html> .)

### State court systems

The state systems vary widely, particularly as regards court names.

Depending on the state, the name of a trial court of general jurisdiction could be superior court, district court, circuit court or court of common pleas, among other things. Like the federal district courts, they hear both civil and criminal cases. There are also various special trial courts, such as family courts.

Only forty of the states have an intermediate appellate court, but every state has its own court of last resort. A state's court of last resort is usually – but not always - called the Supreme Court.

A diagram of each state's court system can be found on the website of the National Center for State Courts (<<http://www.ncsconline.org/>>).

### Law report citations

US law report citations work in the same way as UK ones, except that year comes last – see below.

Roper v. Simmons, 543 U.S. 551 (2005)

State of Maryland v. Rusk, 424 A.2d. 720 (Md. 1981)

In the second example, because “A.” (*Atlantic Reporter*) is a series covering more than one state, the state is specified in brackets with the year.

The Cardiff Index to Legal Abbreviations (<<http://www.legalabbrevs.cardiff.ac.uk/>>) covers US abbreviations. They can also be looked up in the *ALWD Citation Manual* or the *Bluebook*.

State abbreviations, such as Md. for Maryland, are included in Raistrick’s *Index to Legal Citations*. The *ALWD Citation Manual* lists them in Appendix 3 and the *Bluebook* gives them in Table 1 (after the name of each state’s court of last resort).

### US court abbreviations

Sometimes all the information you have about a case is the party names and a court abbreviation. The most difficult court abbreviations to work out are probably those for the federal district courts: the abbreviation is D., but there are numerous geographical abbreviations which might be added to this (see table below).

The *ALWD Citation Manual*, Appendix 4 (<<http://www.alwdmanual.com/>>), provides extensive lists of both federal and state court abbreviations. Raistrick and the *Bluebook* include court abbreviations as well, but are more limited in their coverage.

<b>Guide to federal court abbreviations</b>	
6th Cir.	US Court of Appeals, 6th circuit
D.	US District Court (hence N.D. Fla. = District Court for the Northern District of Florida)
D.C. Cir.	US Court of Appeals, District of Columbia Circuit
Fed. Cir.	US Court of Appeals, Federal Circuit
U.S.	US Supreme Court

### Law reports

US lawyers tend to call series of law reports “reporters”.

#### *Federal series*

For the US Supreme Court, the official series is the *United States Reports* (cited as U.S.). Cases are slow to appear in this series, however. They are published sooner in West’s *Supreme Court Reporter* (cited as S.Ct) and LexisNexis’s *United States Supreme Court Reports: Lawyer’s Edition* (cited as L.Ed. ).



The lower federal courts do not have official reports. Their opinions are found in two series published by West: the *Federal Reporter* (F.), which covers the US Courts of Appeals; and the *Federal Supplement* (F. Supp.), which covers the US District Courts. The *Federal Supplement* started in 1933; before this, the *Federal Reporter* covered District Courts as well as the Courts of Appeals.

There are also specialist series covering the federal courts, such the *Bankruptcy Reporter* and *Federal Rules Decisions* (again published by West).

*Electronic sources of federal cases*

The most useful web sources are probably the Supreme Court website, the Cornell Legal Information Institute and the FindLaw practitioner’s website (see table, below). It is useful to be aware that on US websites judgments often come under the heading “Opinions”.

Lexis and Westlaw International both provide all reported federal cases, plus many unreported ones, while HeinOnline has the entire series of the *United States Reports*.

<b>Federal cases – electronic sources</b>	
<b>US Supreme Court</b> < <a href="http://www.supremecourtus.gov/">http://www.supremecourtus.gov/</a> >	Supreme Court cases (1991 - )
<b>FindLaw</b> < <a href="http://lp.findlaw.com/">http://lp.findlaw.com/</a> >	Supreme Court (1893 – ) Courts of Appeals (mid-1990-) District Courts (dates vary)
<b>Cornell LII</b> < <a href="http://www.law.cornell.edu/">http://www.law.cornell.edu/</a> >	Supreme Court (1990 - ; + selected earlier cases) Courts of Appeals (mid/late1990s - ) District Courts (dates vary)
<b>Lexis and Westlaw International</b>	All reported and many unreported cases
<b>HeinOnline</b>	<i>United States Reports</i> , whole series (1754 -)

State cases

Only the decisions of state intermediate appellate courts and courts of last resort are reported, not those of the trial courts. More than half the states still publish their own official series of law reports. However, many states have designated commercially-published series as “official”. To look up the official series for a particular state, use the *ALWD Citation Manual*, Appendix 1 (<<http://www.alwdmanual.com/>>).

West produces seven regional reporters, each of which publishes decisions from several states. They are: the *South-Western Reporter*, *South-Eastern Reporter*, *Southern Reporter*, *Atlantic Reporter*, *Pacific Reporter* (for some reason covering several land-locked states), *North-Eastern Reporter* and *North-Western Reporter*. The Thomson

West website says which reporter covers which states:  
<<http://lawschool.westlaw.com/federalcourt/NationalReporterPage.asp>>.

#### Electronic sources of state cases

A great many state cases are available on the internet, but not those of all states. The National Center for State Courts website (<<http://www.ncsconline.org/>>) gives links to individual state sites.

Lexis and Westlaw International contain all reported decisions of every state, broadly speaking from around the 1940s onwards.

#### Updating cases

*Shepard's Citations* is the leading case citator in the US. So long-established is it, that "to shepardize" has become a verb, meaning to check whether a case is still good law. Shepard's is available in print and is also on the US version of the Lexis database.

In 1997, West launched a rival citator, *KeyCite*. It is available in the UK on Westlaw International.

Both *Shepards* and *KeyCite* cover state and federal cases, from the 1700s onwards. They give parallel citations and references to commentary, as well as details of cases citing/cited.

#### **Finding US legal materials in UK libraries**

UK libraries with substantial US law collections include the Bodleian Law Library, University of Oxford; the British Library (Social Sciences Department); the Institute of Advanced Legal Studies; and the Squire Law Library, University of Cambridge. These libraries all hold federal legislation and cases and subscribe to US materials online. None has current print holdings of legislation and cases for all states.

For further information, refer to the FLAG Foreign Law Guide, a directory of UK libraries' foreign law holdings (<<http://ials.sas.ac.uk/library/flag/flag.htm>>).

### **Glossary**

<b>administrative law</b>	often used to mean delegated legislation
<b>advance sheet</b>	publication containing recent cases
<b>docket number</b>	case number
<b>opinion</b>	judgment
<b>preliminary print</b>	US Supreme Court advance sheet
<b>session laws</b>	statutes published chronologically (as passed)
<b>shepardize</b>	to check if still good law, etc.
<b>slip law</b>	a single law published as a pamphlet

<b>slip opinion</b>	a single case published as a pamphlet
<b>syllabus</b>	headnote (though <i>headnote</i> is also used in the US)

## Bibliography

### 1. Books

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Clark, D.S., and Ansay, T. (ed.s), *Introduction to the law of the United States*, (2nd ed., Kluwer Law International, 2002).

Farnsworth, E.A., *An introduction to the legal system of the United States*, (3rd ed., Oceana, 1996).

Mersky R.M., and Dunn, D.J., *Fundamentals of Legal Research* (8th ed., Foundation Press, 2002).

*The Bluebook: a uniform system of citation*, compiled by the editors of the Columbia Law Review, the Harvard Law Review, the University of Pennsylvania Law Review, and The Yale Law Journal. (18th ed., Harvard Law Review Association, 2005).

### 2. US law research guides on the internet

D'Angelo Law Library, University of Chicago Law School:  
<<http://www.lib.uchicago.edu/e/law/llm.html>>

Globalex: <[http://www.nyulawglobal.org/globalex/United\\_States1.htm](http://www.nyulawglobal.org/globalex/United_States1.htm)>

IALS Library: <[http://ials.sas.ac.uk/library/guides/research/res\\_united.htm](http://ials.sas.ac.uk/library/guides/research/res_united.htm)>

Tarlton Law Library, University of Texas School of Law:  
<<http://tarlton.law.utexas.edu/tour/index.html#resources>>