Legal Research for Library Patrons

2013 OLA/WLA Conference

April 2013

Important Things to Note

- Understand the difference between primary authority and secondary authority
- Understand the publication patterns of statutes, rules and regulations, and cases
- Context – Relationship between statutes, rules and regulations, and cases
- Understand the availability of print and electronic sources
- Online scope of coverage
- Understand the importance of updating

Primary Authority – Secondary Authority

- Secondary Authority – It isn't the law
  - Explains the law
  - Comments on the law
  - Critiques the law
  - Written by lawyers, scholars, and others not in their capacity as the government
- Primary Authority – It is the law
  - Constitution
  - Statutes
  - Rules & Regulations/Administrative Materials
  - Judicial Opinions

Three Branches of Government

- Legislative Branch
  - Legislation - Statutes
- Executive Branch
  - Rules & Regulations/Administrative Materials
- Judicial Branch
  - Judicial Opinions

Federalism

- Federal Government
  - Three branches
    - Congress
    - President – Departments, Administrations, Bureaus, and Services
    - Federal Courts
- State Governments
  - Three branches for each state
    - Washington Legislature & Oregon Legislature
    - Washington Governor & Oregon Governor – Departments, Administrations, Bureaus, and Services
    - Washington Courts & Oregon Courts

Print & Electronic Resources

- Print materials – some official publications are inexpensive and most commercial publications are expensive
- Electronic – for fee and for free
  - For fee – subscriptions like Westlaw, LexisNexis, LexisNexis Academic, Bloomberg/BNA, etc.
  - For free – Casemaker, Findlaw, Oyez, Temple of Justice, legislative websites, etc.

Basic Legal Citation

- Secondary Authority
  - Law Review Articles
  - Legal Encyclopedias
- Primary Authority
  - Statutes
  - Administrative Codes
  - Cases

Legislative Branch

- Publication Pattern of Legislation - Statutes
  - Slip Laws
  - Session Laws
  - Codification
    - Unannotated Codes
    - Annotated Codes

Publication Pattern of Legislation

- Slip Laws - Chronological Arrangement
  - Freestanding legislation
- Session Laws - Chronological Arrangement
  - Slip laws for legislative session bound together
- Codification - Subject-Matter Arrangement
  - Official Code - published by government
  - Unofficial Code - published by commercial publisher
  - Unannotated Code - statutes and historical source notes
  - Annotated Codes - statutes, historical source notes, and cases

Congress - Legislation

- Slip Laws – *Public Laws*
  - Pub. L. No. 112-98
- Session Laws – *Statutes at Large*
  - 112 Stat. 1475
- Codes – *United States Code*
  - Official – Unannotated
    - *United States Code* 42 U.S.C. § 1983
  - Unofficial – Annotated Codes
    - *United States Code Annotated* 42 U.S.C.A. § 1983
    - *United States Code Service* 42 U.S.C.S. § 1983

Oregon - Legislation

- Slip Laws – Chapter number c. 108
- Session Laws – *Oregon Laws & Resolutions*
  1991 Or. Laws c. 986
- Codes
  - Official – Annotated *Oregon Revised Statutes* O.R.S. § 12.050
  - Unofficial – Annotated West's *Oregon Revised Statutes Annotated* O.R.S.A. § 12.050

Washington - Legislation

- Slip Laws – Chapter number
- Session Laws – *Laws of Washington*
  - 1981 Laws of Washington c. 286
- Codes
  - Official – Unannotated *Revised Code of Washington* R.C.W. 19.108.010
  - Unofficial – Annotated
    - West's *Revised Code of Washington Annotated* R.C.W.A. 19.108.010
    - LexisNexis *Annotated Revised Code of Washington* A.R.C.W. 19.108.010

R.C.W. 81.28.230
Unannotated Code

81.28.230 Commission to fix just, reasonable, and compensatory rates. Whenever the commission finds, after a hearing had upon its own motion or upon complaint, as provided in this chapter, that the rates, fares, or charges demanded, exacted, charged, or collected by any common carrier subject to regulation by the commission as to rates and service for the transportation of persons or property within the state or in connection therewith, or that the regulations or practices of the common carrier affecting those rates are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or in any way are in violation of the provisions of law, or that the rates, fares, or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine and fix by order the just, reasonable, or sufficient rates, fares, or charges, or the regulations or practices to be thereafter observed and enforced. [2007 c 234 § 33; 1984 c 143 § 9; 1961 c 14 § 81.28.230. Prior: 1911 c 117 § 53, part; RRS § 10389, part.]

81.28.230. Commission to fix just, reasonable, and compensatory rates

Whenever the commission finds, after a hearing had upon its own motion or upon complaint, as provided in this chapter, that the rates, fares, or charges demanded, exacted, charged, or collected by any common carrier for the transportation of persons or property within the state or in connection therewith, or that the regulations or practices of the common carrier affecting those rates are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or in any way are in violation of the provisions of law, or that the rates, fares, or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine and fix by order the just, reasonable, or sufficient rates, fares, or charges, or the regulations or practices to be thereafter observed and enforced. This section does not apply to railroad companies, which shall be regulated in this regard by chapter 81.34 RCW[1] and rules adopted thereunder.

Enacted by Laws 1961, ch. 14, § 81.28.230, eff. Feb. 8, 1961. Amended by Laws 1984, ch. 143, § 9.

[1]**Reviser's Note:** Chapter 81.34 RCW was repealed by 1991 c. 49 § 1.

Historical and Statutory Notes

Source:

Laws 1911, ch. 117, § 53.
RRS § 10389.

Cross References

Common carriers subject to legislative control, see Const. Art. 12, § 13.
Rates for transportation, extortion and discrimination in rates to be prevented, see Const. Art. 12, § 18.

Library References

Carriers ⇐12, 26 to 31.
WESTLAW Topic No. 70.

C.J.S. Carriers §§ 137 to 140, 155, 159 to 161, 182 to 187, 367, 368.

Notes of Decisions

In general 1
Administrative power 2
Discrimination, factors considered 4
Factors considered 3, 4
In general 3
Discrimination 4
Judicial review 6
Orders and established roles 5

1. In general

Contract for special rate is subject to regulatory power of national and state governments. Northern Pac. Ry. Co. v. St. Paul & Tacoma Lumber Co., 1925, 4 F.2d 359, appeal dismissed 46 S.Ct. 105, 269 U.S. 535, 70 L.Ed. 399.

Contract for special rate is subject to regulatory power of national and state government, and contract by railroad company to transport logs for lumber company at agreed rate, though made in connection with sale to lumber company of land from which logs were to be cut and for purpose of securing increased lumber traffic, was subject to regulatory

R.C.W. A. 81.28.230
Annotated Code

Locating Statutes Online

- *United States Code*
  - FDsys Federal Digital System *http://www.gpo.gov/fdsys*
  - Thomas at the Library of Congress *http://thomas.loc.gov*
  - Office of the Law Revision Counsel *http://uscode.house.gov*
- *Oregon Revised Statutes*
  - Oregon Legislature *http://landru.leg.state.or.us/ors*
- *Revised Code of Washington*
  - Washington Legislature *http://apps.leg.wa.gov/rcw/default.aspx*

Executive Branch

- Quasi-Legislative
  - Rules & Regulations
- Quasi-Judicial
  - Administrative Opinions – Findings of Facts and Conclusions of Law

Executive Branch

- Publication Patten of Rules & Regulations
  - Register
    - Published daily, weekly, every two weeks, monthly, etc.
    - Contain notices, proposed regulations, interim regulations, final regulations, other finding aids
  - Administrative Code
    - published yearly or every other year
    - Subject-matter arrangement
    - Contain final regulations

Federal Government

- *Federal Register* 74 F.R. 38916
  - Published every business day except holidays
  - Consecutively paginated throughout the volume
  - Contain notices, proposed regulations, interim regulations, final regulations, finding aids – everything except public comments
- *Code of Federal Regulations* 15 C.F.R. § 30.3
  - Published every year – each year is a different color
  - Subject-matter arrangement 50 titles
  - Contains final regulations
  - Print & Online Access
- Print & Free Online Access
  - FDLP – *Federal Register* & *Code of Federal Regulations*
  - FDsys *http://www.gpo.gov/fdsys*
  - e-CFR *http://www.ecfr.gov*
  - National Archives *http://www.archives.gov/federal-register*

Oregon Government

- *Oregon Bulletin*
  - Published monthly
- *Oregon Administrative Rules* O.A.R. 105-020-0001
  - Published annually
- Print & Free Online Access
  - *Oregon Bulletin* $20 per month in print
  - *Oregon Administrative Rules* $650 per year in print
  - Oregon Secretary of State – *Oregon Bulletin* & *Oregon Administrative Rules*
    http://arcweb.sos.state.or.us/pages/rules/index.html

Washington Government

- *Washington State Register* W.S.R. 13-04-011
  - Published every two weeks
  - Contains notices, preproposed regulations, proposed regulations, final regulations, finding aids
- *Washington Administrative Code* W.A.C. § 16-24-010
  - Published every other year with supplements
- Print & Free Online Access
  - *Washington State Register* $400 for 24 issues in print
  - *Washington Administrative Code* $550 per year in print
  - Office of the Code Reviser –*Washington State Register* *http://www.leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx*
  - Office of the Code Reviser –*Washington Administrative Code* *http://apps.leg.wa.gov/wac*

Locating Other Administrative Materials Online – Federal

- Executive Orders & Presidential Proclamations
  - FDsys *http://www.gpo.gov/fdsys*
  - White House *http://www.whitehouse.gov/briefing-room/presidential-actions*
- University of Virginia Library – Administrative Decisions

  http://guides.lib.virginia.edu/administrative_decisions

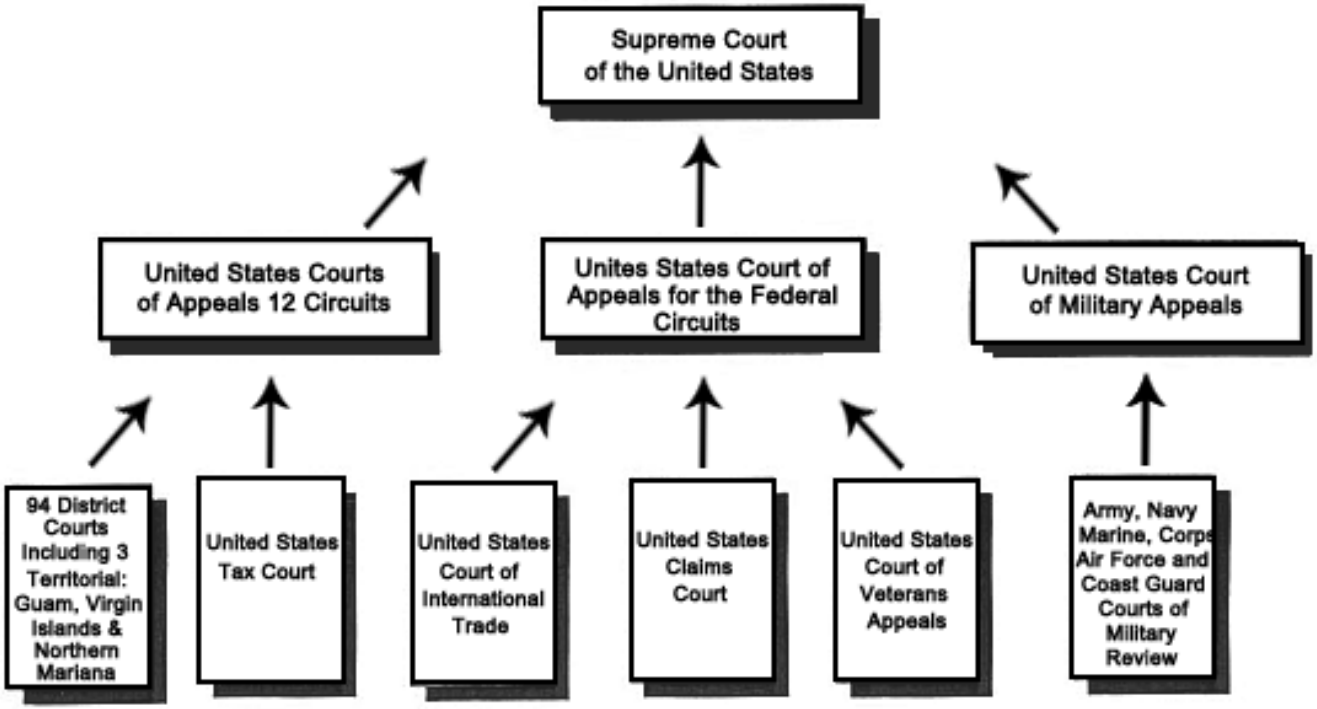
Locating Other Administrative Materials Online – Oregon & Washington

- Oregon
  - Oregon Attorney General Opinions
    http://www.doj.state.or.us/agoffice/Pages/index.aspx
  - Oregon Office of Administrative Hearings
    http://www.oregon.gov/OAH/Pages/index.aspx
  - Oregon Executive Orders
    http://www.oregon.gov/gov/Pages/exec_orders.aspx
- Washington
  - Washington Attorney General Opinions *http://www.atg.wa.gov*
  - Washington Office of Administrative Hearings
    http://www.oah.wa.gov
  - Washington Executive Orders
    http://www.governor.wa.gov/office/execorders/eoarchive/default.aspx

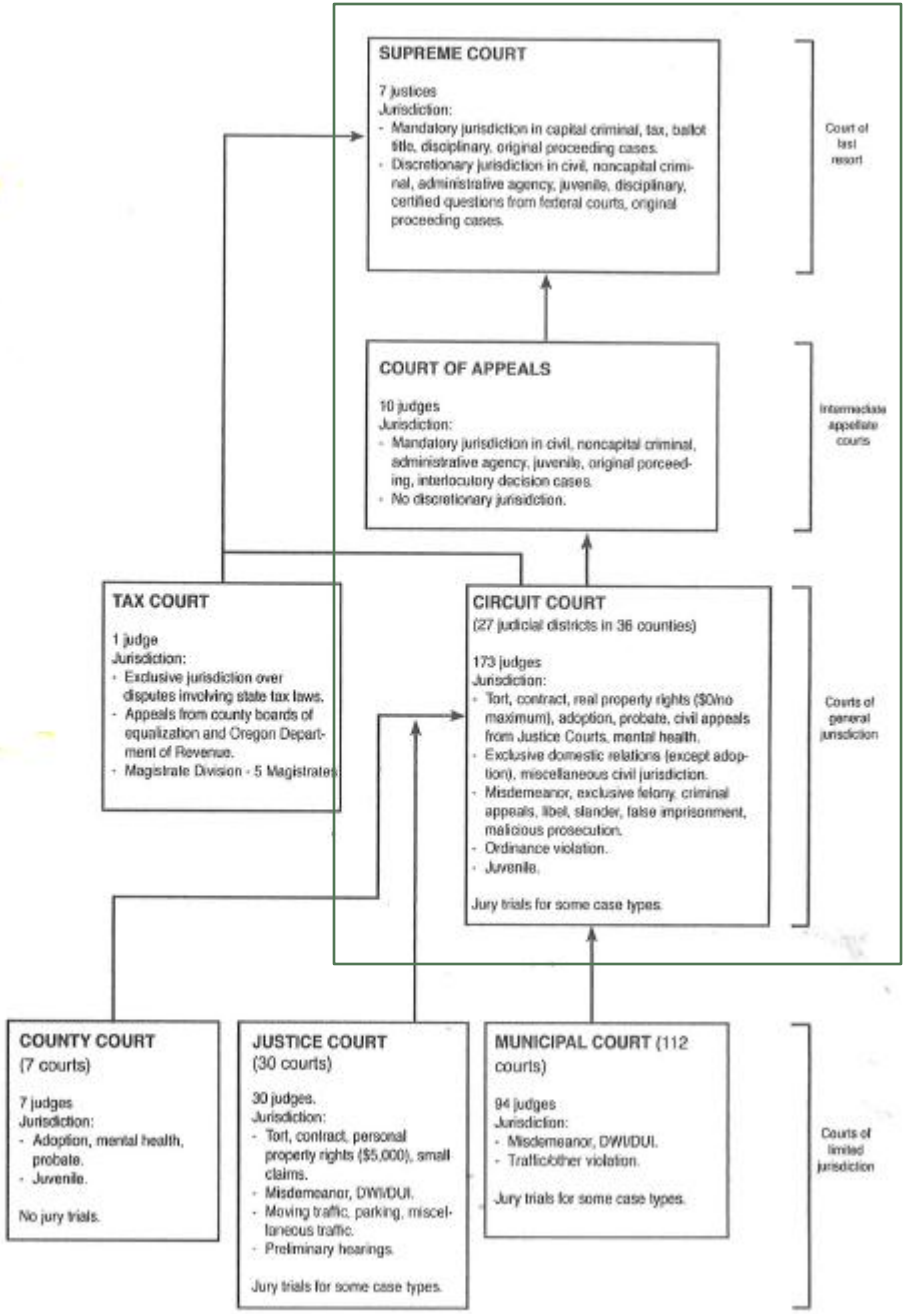
Judicial Branch

- Trial Courts – Courts of general jurisdiction
- Court of Appeals – Intermediate appellate courts
- Highest Courts – Courts of last resort

The United States Court System



OREGON COURT SYSTEM



WASHINGTON COURT SYSTEM

SUPREME COURT

9 justices (elected to six-year terms)
Jurisdiction:
- Appeals from the Court of Appeals
- Direct Appeals when action of state officers is involved, the constitutionality of a statute is questioned, there are conflicting statutes or rules of law, or when the issue is of broad public interest
- Final rule-making body for other state courts
- Administers state court system
- Supervises attorney discipline statewide

Court of last resort

COURT OF APPEALS (3)

22 judges (elected to six-year terms)
Jurisdiction:
- Appeals from lower courts except those in jurisdiction of the Supreme Court.

Intermediate appellate court

SUPERIOR COURT (31)

179 judges (elected to four-year terms)
Jurisdiction:
- Exclusive original jurisdiction in all civil matters involving a dollar amount over $50,000; title or possession of real property; legality of a tax, assessment or toll; probate and domestic matters.
- Original jurisdiction in all criminal cases amounting to felony.
- Original jurisdiction in all criminal cases when jurisdiction is not otherwise provided for by law.
- Exclusive original jurisdiction over juvenile matters.
- Orders for protection from domestic violence.
- Appeals from courts of limited jurisdiction heard de novo or appealed on the record for error of law.

Court of general jurisdiction

COURTS OF LIMITED JURISDICTION (112)

206 judges; 202 attorneys and 4 non-attorney (111 district court judges, elected to four-year terms, and 95 municipal court judges*)

DISTRICT COURTS

44 courts established by 39 counties in 58 locations.
123 municipalities contract for services from district courts.

MUNICIPAL COURTS

127 courts established by cities.

- Concurrent jurisdiction with superior courts in all misdemeanor and gross misdemeanor actions with a maximum fine of $5,000 or less and/or jail sentence of one year or less in violation of state/county statutes or county/municipal ordinances.
- Jurisdiction in all matters involving traffic, non-traffic, and parking infractions.
- Orders for protection from domestic violence.
- Civil antiharassment matters.
- Civil impoundment matters.
- Concurrent jurisdiction with superior courts over civil actions involving $50,000 or less**
- Small Claims of up to $4,000**
- Preliminary hearings of felonies**

Courts of limited jurisdiction

*Judges may sit in multiple municipal courts.

**District courts only.

Judicial Opinions

- Official Reporters & West's National Reporter System
- Publication Pattern of Judicial Opinions
  - Slip Opinion – free standing opinion
  - Advance Sheet – softbound collection of opinions
  - Reporter – hardbound permanent collection of opinions
  - Digest – West's subject-matter arrangement of opinions

Federal Courts

- Trial Courts – United States District Court – 94 district courts
  - West's Feder*al Supplement* 297 F.Supp.2d 436
  - PACER & CM/ECF *http://www.pacer.gov/psco/cgi-bin/links.pl*
- Intermediate Appellate Courts – United States Court of Appeals – 11 numbered circuits, District of Columbia Circuit, and Federal Circuit
  - West's *Federal Reporter* 35 F.3d 651
  - *http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx*
- Highest Court – United States Supreme Court *http://www.supremecourt.gov*
  - Official *United States Reports* 366 U.S. 423
  - West's *Supreme Court Reporter* 124 S.Ct. 45
  - *LexisNexis' Supreme Court Reports, Lawyers' Edition* 155 L.E.2d 190

Oregon Courts

- Trial Courts – Oregon Circuit Court
  - Oregon Courts *http://courts.oregon.gov/OJD/courts*
- Intermediate Appellate Court – Oregon Court of Appeals
  - Print
    - Official *Oregon Reports, Court of Appeals* 131 Or. App. 1
    - West's *Pacific Reporter* 299 P.3d 45
  - Oregon Courts *http://courts.oregon.gov/OJD/courts*
- Highest Court – Oregon Supreme Court
  - Print
    - Official *Oregon Reports* 278 Or. 311
    - West's *Pacific Reporter* 299 P.3d 125
  - Oregon Courts *http://courts.oregon.gov/OJD/courts*

Washington Courts

- Trial Courts – Washington Superior Court
  - Washington Courts *http://www.courts.wa.gov*
- Intermediate Appellate Courts – Washington Court of Appeals – Divisions I, II & III
  - Print
    - Official *Washington Appellate Reports* 57 Wash. App. 25
    - West's *Pacific Reporter* 168 P.2d 721
  - Washington Courts *http://www.courts.wa.gov*
- Highest Court – Washington Supreme Court
  - Print
    - Official *Washington Reports* 251 Wash.2d 75
    - West's *Pacific Reporter* 968 P.2d 90
  - Washington Courts *http://www.courts.wa.gov*
  - Temple of Justice *http://templeofjustice.org*

Local Laws

- Oregon
  - County or city websites
  - League of Oregon Cities *http://www.orcities.org*
- Washington
  - County or city websites
  - Municipal Research and Services Center *http://www.mrsc.org*

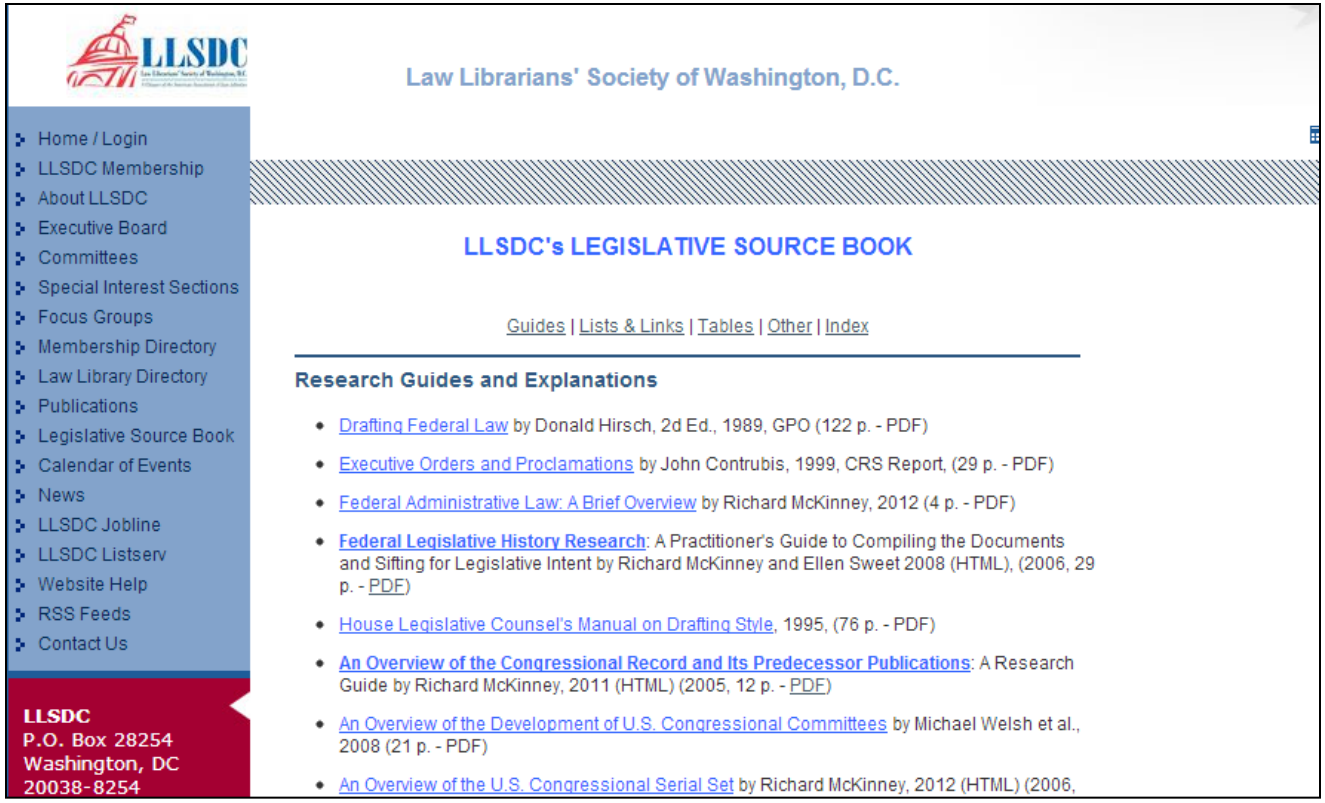
Foreign Law v. International Law

- Foreign Laws – Laws of other countries
  - Difficult to research
    - Language
    - Different systems
- International Laws – Laws between countries
  - American Society of International Law *http://www.asil.org*
  - American Society of International Law Electronic Resources Guide *http://www.asil.org/electronic-resources.cfm*
  - United Nations *http://www.un.org/en*
  - European Union *http://europa.eu/index_en.htm*

Federal Research Guide

- Law Librarians' Society of Washington D.C.

http://www.llsdc.org



LLSDC

Law Librarians' Society of Washington, D.C.

- Home / Login
- LLSDC Membership
- About LLSDC
- Executive Board
- Committees
- Special Interest Sections
- Focus Groups
- Membership Directory
- Law Library Directory
- Publications
- Legislative Source Book
- Calendar of Events
- News
- LLSDC Jobline
- LLSDC Listserv
- Website Help
- RSS Feeds
- Contact Us

LLSDC
P.O. Box 28254
Washington, DC
20038-8254

LLSDC's LEGISLATIVE SOURCE BOOK

Guides | Lists & Links | Tables | Other | Index

Research Guides and Explanations

- Drafting Federal Law by Donald Hirsch, 2d Ed., 1989, GPO (122 p. - PDF)
- Executive Orders and Proclamations by John Contrubis, 1999, CRS Report, (29 p. - PDF)
- Federal Administrative Law: A Brief Overview by Richard McKinney, 2012 (4 p. - PDF)
- Federal Legislative History Research: A Practitioner's Guide to Compiling the Documents and Sifting for Legislative Intent by Richard McKinney and Ellen Sweet 2008 (HTML), (2006, 29 p. - PDF)
- House Legislative Counsel's Manual on Drafting Style, 1995, (76 p. - PDF)
- An Overview of the Congressional Record and Its Predecessor Publications: A Research Guide by Richard McKinney, 2011 (HTML) (2005, 12 p. - PDF)
- An Overview of the Development of U.S. Congressional Committees by Michael Welsh et al., 2008 (21 p. - PDF)
- An Overview of the U.S. Congressional Serial Set by Richard McKinney, 2012 (HTML) (2006,

Oregon Legal Research Guides

- University of Oregon Law Library

  http://library.uoregon.edu/law/libraryguides.html

- Willamette Law Library

  http://www.willamette.edu/wucl/longlib/research_guides/index.html

- Lewis & Clark Law Library

  http://lawlib.lclark.edu/research

- Washington County Law Library

  http://www.co.washington.or.us/LawLibrary

Washington Legal Research Guides

- University of Washington Gallagher Law Library

  http://lib.law.washington.edu/ref/guides.html

- Seattle University Law Library

  http://lawlibguides.seattleu.edu

- Gonzaga Law Library

  http://libguides.law.gonzaga.edu

- King County Law Library

  http://www.kcll.org/research-guides

Print Reference Desk Resources "Must Haves"

- Morris L. Cohen & Kent C. Olson, *Legal Research in a Nutshell* (West 10th ed. 2010). ISBN 978-0-31426- 408-4 $35.00
- Marci B. Hoffman & Robert C. Berring, *International Legal Research in a Nutshell* (West 2008). ISBN 978-0-31416-324-0 $30.00
- Mary Garvey Algero, Spencer L. Simons, Suzanne E. Rowe, Scott Childs, Sarah E. Ricks, *Federal Legal Research* (Carolina Academic Press 2012). ISBN 978-1-61163-122-7 $30.00
- Suzanne Rowe, *Oregon Legal Research* (Carolina Academic Press 2d ed. 2007). ISBN 978-1-59460-405-8 $25.00
- Julie A. Heintz-Cho, Tom Cobb & Mary A. Hotchkiss, *Washington Legal Research* (Carolina Academic Press 2d ed. 2009). ISBN 978-1-59460-718-9 $25.00
- *The Bluebook: A Uniform System of Citation* (Harvard Law Rev. Assoc. 19th ed. 2010). ISBN 978-0-61536-116-1$32.00

Other Reference Titles

- Mary Miles Prince, *Prince's Bieber Dictionary of Legal Abbreviations* (William S. Hein & Co. 6th ed. 2009). ISBN 978-0-83771-625-1
- Cardiff Index to Legal Abbreviation *http://www.legalabbrevs.cardiff.ac.uk*
- *Federal State Court Directory 2013* (Congressional Quarterly 2013). ISBN 978-0-87289-744-1