

Legal Research Resources:
Great Legal Reference and Referral in the Public Library

An *Infopeople* Webinar

Thursday, October 4, 2012
12 Noon

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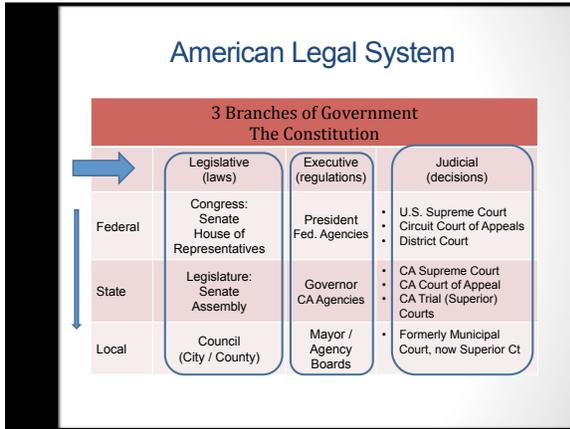


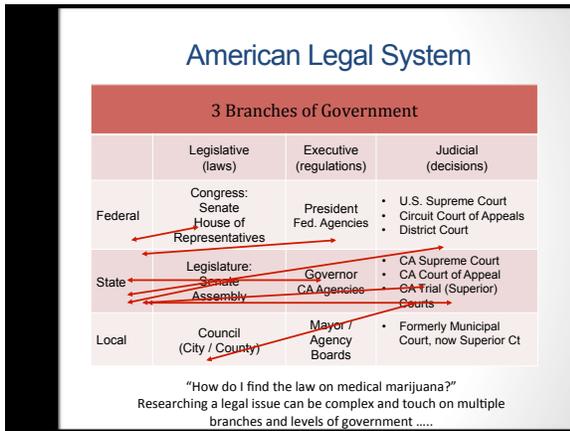
Agenda

- Provide an overview of the American legal system and resources
- Explore trustworthy self-help websites and referral sources
- Discuss best practices for responding to legal questions
- Learn how your county law library can help



American Legal System
and Authority







Sources for Finding
Primary Authority
- The law itself

Legislative Branch
Finding Bills, Statutes (Laws) & Codes

Federal
<http://www.law.cornell.edu/uscode/>
<http://thomas.loc.gov>

California
<http://leginfo.legislature.ca.gov/>

Local
City or County:
<http://igs.berkeley.edu/library/cagovdocs/calcodes.html>



United States Code
www.law.cornell.edu/uscode

Sample federal laws that can be found on this website:

Bankruptcy Freedom of Information Act Civil Rights
Foreclosure Dodd-Frank Wall Street Reform and Consumer Protection Act

Copyrights Trademarks Medicare Food Drug & Cosmetic Act Taxes

HIPPA (Health Insurance Portability and Accountability Act) Patriot Act Military

Family Medical Leave Act No Child Left Behind Act

Americans with Disabilities Act Patents Social Security

McCain Feingold Campaign Finance Reform Act Patient Protection & Affordable Care Act

Immigration National Parks

California Legislative Branch
<http://leginfo.legislature.ca.gov/>

Sample question: How many days does a landlord have to return a tenant's security deposit?

California Legislative Branch
<http://leginfo.legislature.ca.gov/>

Results

The answer: 21 days

California Civil Code section 1950.5(g) (1):
"No later than 21 calendar days after the tenant has vacated the premises, but not earlier than the time that either the landlord or the tenant provides a notice to terminate the tenancy the landlord shall furnish the tenant, by personal delivery or by first-class mail, postage prepaid, a copy of an itemized statement indicating the basis for, and the amount of, any security received and the disposition of the security and shall return any remaining portion of the security to the tenant."

California Codes
<http://leginfo.legislature.ca.gov/>

Sample questions that can be answered on this website:

My son wants to join a fraternity really badly and this fraternity has been known for its hazing. Isn't there a law against that?
My friend told me that if you're under 18 you can't talk on your cell phone while you drive at all. I thought anyone could talk on their cell phone while they drive as long as it was hands free. Which is right?

I was cleaning my house the other day and found a gift card from like 2002. It still has \$10 on it. Isn't there a California law that says gift cards don't expire?
I want to sue my doctor for malpractice. How much time do I have to file my case?

We're supposed to dissect frogs in biology class next week. I told my teacher I don't want to and she told me I had to. Isn't that against the law to make me dissect a frog?
My car broke down. It's old and I don't want to fix it. Is it against the law to just leave it on the side of the road?

Executive Branch Finding Regulations

Federal: Code of Federal Regulations (CFR)

- <http://www.gpo.gov/fdsys/>
- <http://www.law.cornell.edu/cfr/>

State: California Code of Regulations

- <http://ccr.oal.ca.gov/>

Local: City of Los Angeles Department

- <http://cityfone.lacity.org/>




Judicial Branch Finding Opinions – Decisions - Cases

State and Federal Case Law

- <http://scholar.google.com>

Federal Reporter Citation: 1 F.2d 325

California Case Law

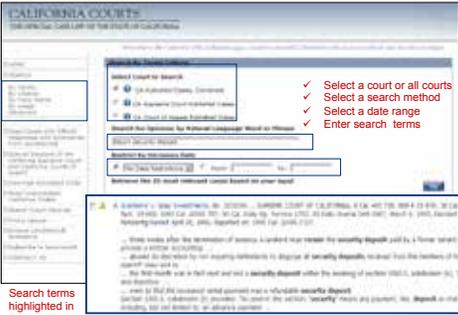
- <http://www.lexisnexis.com/clients/CACourts/>

California Reporter Citation: 7 Cal.App.3d 446




California Case Law

<http://www.lexisnexis.com/clients/CACourts/>



✓ Search terms highlighted in the results

- ✓ Select a court or all courts
- ✓ Select a search method
- ✓ Select a date range
- ✓ Enter search terms

Google Scholar
www.scholar.google.com/



1. From the search screen:
Enter search terms and select Legal documents

2. From the results screen:
Narrow results by selecting a specific state or federal court. Can also narrow by date.

Sources for Finding
Secondary Authority
– About the law

American Legal System:
3 Types of Legal Materials

Primary	Secondary	Finding Aids
Laws	Encyclopedias	Indexes
Regulations	Treatises/ Practice Guides	Digests
Court Decisions		Form Books

Legal Commentary and Practice Guides - aka "Secondary Authority"

- Expresses ideas *about* the law or decisions
- Helps point to laws, judicial opinions and other topical publications
- Discusses how to *do* something relating to a particular legal practice or procedure
- Persuasive, not binding
- Written by legal scholars and practitioners



Self Help – General Law & Dictionaries

-Findlaw-

<http://public.findlaw.com/>



- A starting place for learning about the law
- Articles vary in length & detail
- May incorporate references and links to state specific laws
- New at Findlaw: legal forms

FindLaw Legal Documents

Powered by **USLEGAL**

Self Help – General Law and Legal Dictionaries

-Nolo -

Legal Dictionary
Plain-English definitions for legal terms
<http://www.nolo.com/dictionary>



Legal Encyclopedia
Thousands of free articles on everyday legal topics
<http://www.nolo.com/legal-encyclopedia/>

EBSCO Host

- Searchable full-text database of Nolo publications
- Available on many California county law library websites



Self Help – General Law and & Legal Dictionaries
EBSCO Host

California consortium hosts full access
by county
Example: LA Law Library
www.lalawlibrary.org
Login: CA / LA



NOLO
LAW for ALL

Self-Help Resources
Statewide

Self Help – Statewide Websites

California Courts Self Help Center:
<http://www.courts.ca.gov/selfhelp.htm>

- Self help information on 12 topics, including: families & children, divorce & separation, evictions & housing, seniors, name change, traffic, small claims court, civil lawsuits, criminal cases, and appeals.
- Information in Spanish

LawHelpCalifornia:
www.lawhelpca.org

Provides self help information on 14 topics including: housing, families & kids, public benefits, health, disability, seniors, immigration, and civil rights.

- Also provides referrals to low cost legal providers and contains information on most topics in languages other than English.

CA Courts Self Help Center – List of Topics

Getting Started <ul style="list-style-type: none"> Court basics, researching the law, preparing for court, fee waivers, etc. 	Small Claims <ul style="list-style-type: none"> Suing someone or being sued, going to court, collecting/paying the judgment
Families and Children <ul style="list-style-type: none"> Custody and visitation, child support, child abuse and neglect, guardianship, emancipation, adoption 	Divorce or Separation <ul style="list-style-type: none"> Filing or responding to a divorce, annulment, property and debt, spousal/partner support
Abuse & Harassment <ul style="list-style-type: none"> Domestic violence, civil harassment, workplace violence 	Eviction and Housing <ul style="list-style-type: none"> Eviction, foreclosure, security deposits
Name Change <ul style="list-style-type: none"> Changing adult or child names 	Traffic <ul style="list-style-type: none"> How to pay a ticket, traffic & ticket basics, traffic court, etc.
Seniors & Conservatorship <ul style="list-style-type: none"> Elder abuse, when seniors are unable to care for themselves 	Problems with Money <ul style="list-style-type: none"> Suing someone or being sued for any amount of money
Criminal Law <ul style="list-style-type: none"> Cleaning your criminal record, understanding criminal court 	Appeals <ul style="list-style-type: none"> Civil, small claims, and traffic appeals

California Courts Self Help Center

<http://www.courts.ca.gov/selfhelp.htm>



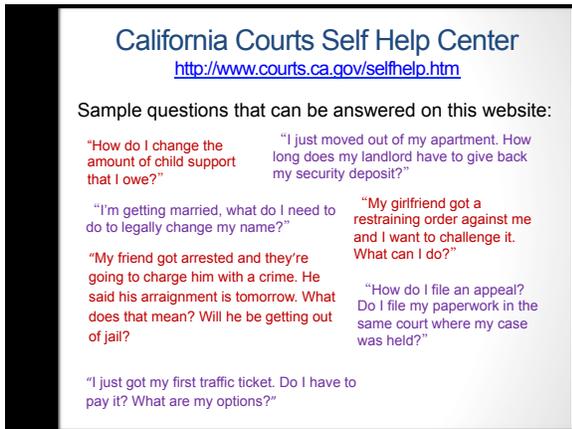
California Courts Self Help Center

<http://www.courts.ca.gov/selfhelp.htm>



Exercise question:
A customer approaches the reference desk and says:
"I just moved out of my apartment. How long does my landlord have to give back my security deposit? I need that money so I can pay my tuition this semester."







Law Help California
www.lawhelpca.org

Sample questions that can be answered on this Website:

<p>"I accidentally left some things in a closet when I moved out. My landlord won't return my calls. How can I get my stuff back?"</p> <p>"Debt collectors are calling me every night. How can I stop them from harassing me?"</p> <p>I need some legal advice on _____, but can't afford a lawyer. Do you know any lawyers or an agency that can help me?</p>	<p>"My friend got fired after his boss found out he was HIV positive. Isn't that against the law?"</p> <p>"I want to visit my grandchildren, but my son-in-law refuses to allow me to see them. What are my rights?"</p> <p>"I missed the last couple months of my mortgage payment. What can I do to make sure my house doesn't go into foreclosure?"</p>
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Self Help Resources Local

Courts, Agencies,
Non-Profits &
Law Libraries

Self Help – Courts

Contra Costa Virtual Self Help Center:
<http://cc-courthelp.org/>

Includes:

- Legal research for public library staff
- "Your Day in Court" presentation



San Mateo Superior Court:
<http://www.sanmateocourt.org/selfhelp>

Includes:

- "You're thinking of filing a lawsuit?"
http://www.sanmateocourt.org/self_help/guide_lawsuit.php#
- "I have a case in court, now what?"
http://www.sanmateocourt.org/documents/self_help/havcase.pdf

Self Help – Law Libraries

- **Alameda County Public Law Library**
<http://acgov.org/law/refservices/researchguide.htm>
- Los Angeles Law Library
<http://www.lalawlibrary.org>
- Orange County Public Law Library
http://ocplil.org/links_cal.html
- Riverside County Public Law Library
<http://www.rclawlibrary.org/reference-services/legal-research/>
- San Francisco Public Law Library
<http://sflawlibrary.org/index.aspx?page=31>
- **Sacramento County Public Law Library**
<http://www.saclaw.org/pages/legal-research-guides.aspx>
- San Diego County Public Law Library
<http://www.sdcpil.org/resources/guides.htm>
- San Mateo County Public Law Library
<http://www.smcil.org/research.html>
- Stanislaus County Public Law Library
<http://www.stanislauslawlibrary.org/internetguides.html>



Alameda County Public Law Library

25+ Resource guides
Links to websites & community resources
<http://www.acgov.org/law/refservices/researchguide.htm>
Topical guides include resources for:

- Conservatorship
- Homeowners
- Employees
- Guardianship & Adoption
- Estate Planning
- Obtaining and Amending Vital Records
- Small business start-ups
- Artists, Authors and Inventors
- Dealing with Debt
- Cleaning Up Your Criminal Record
- Alternative Dispute Resolution
- Going to Small Claims Court
- Child Custody and Family Support
- Resolving Neighbor Disputes

Sacramento County Public Law Library

65+ Legal Resource Guides
<http://www.saclaw.lib.ca.us/pages/legal-research-guides.aspx>
Topics Include:

- Adult Adoption
- Bankruptcy
- Child Support
- Civil Rights Litigation
- Consumer Law
- Criminal Law
- Custody and Visitation
- Deeds
- Divorce
- Education Law
- Elder Law
- Filing a Lawsuit
- Foreclosure
- Traffic Law
- Wills, Trusts & Estate Planning
- Workers' Compensation

Self Help – Additional Referral Guides and Directories

Lawyer Referral Services
Statewide (California Bar Association):

- <http://www.calbar.ca.gov/PublicLawyerReferralServices/RS.aspx>

 Los Angeles County Bar Association:

- www.smartlaw.org/

Dept. of Consumer Affairs Resource & Referral Guides
100+ page referral guides cover a broad range of consumer / legal topics
Statewide:

- <http://www.dca.ca.gov/publications/guide/index.shtml>

 Los Angeles County:

- <http://dca.lacounty.gov/ResourceDirectory.pdf>

California State Bar – Pamphlets on 22 topics in FAQ's format

- <http://www.calbar.ca.gov/public/pamphlets.aspx>

Self-Help Centers in California – Forms and court procedures assistance

- <http://www.courts.ca.gov/1083.htm>

 Los Angeles County Superior Court Self Help Centers

- www.lasuperiorcourt.org/familylaw/ui/pdfs/SelfHelpCentersLocations.pdf

Rainbow Resources Directory
Social services directory for Los Angeles County
Legal Assistance Resources at pp. 474-490

Free Online Legal Dictionaries

Free Online Legal Dictionaries

California Courts Self Help Center, Self-Help Glossary http://www.courts.ca.gov/selfhelp-glossary.htm	<i>Subpoena: An official order to go to court at a stated time. Subpoenas are commonly used to tell witnesses to come to court to testify in a trial. The term subpoena is also used generally to apply to a subpoena duces tecum.</i>
Nolo's Plain English Law Dictionary http://www.nolo.com/dictionary/	<i>Subpoena (subpoena): A court order issued at the request of a party requiring a witness to testify, produce specified evidence, or both. A subpoena can be used to obtain testimony from a witness at both depositions (testimony under oath taken outside of court) and at trial. Failure to comply with the subpoena can be punished as contempt of court.</i>
FindLaw Legal Dictionary http://dictionary.findlaw.com/	<i>Subpoena also subpoena: n [Latin sub poena under penalty] : a writ commanding a designated person upon whom it has been served to appear (as in court or before a congressional committee) under a penalty (as a charge of contempt) for failure to comply compare summons</i>

Legal Reference in the
Public Library Setting

Best Practices
Library staff are navigators

Library Staff:	The Patron / Customer:
<ul style="list-style-type: none">• Directs to legal publications in the collection• Suggests websites to try• Assists with searching the public or law library catalog• Helps to find definitions of legal words, references, concepts or phrases• Identifies government agency, community or legal resources• Refers to a Law Library	<ul style="list-style-type: none">• Does his / her own research• Selects and fills out forms• Interprets the meaning of a specific law or case• Composes his / her own original legal documents• Selects legal counsel• Hits the 'send' button on the computer• Decides on a specific course of action

Legal Reference Interviews Are Similar To General Reference Interviews

Step 1: Determine if the customer is

- Looking for something specific or
- For general information on an issue

Step 2: Ask follow-up questions. Clarify

- Define unfamiliar terms & concepts
- Collaborate on synonyms
- Use open ended questions to learn what the customer knows and needs

Step 3: Identify the appropriate action

- Answer
- Refer
- Defer



Learning Opportunities and
Help

Learn More about Legal Reference & Research
-Online Resources-

- SCALL: Locating the Law
<http://www.aallnet.org/chapter/scall/locating.htm>
- A primer on legal research for non-law librarians
 - Downloadable e-book



- Council of California County Law Librarians
<http://www.publiclawlibrary.org/research.html>
- Legal research guide for the public
 - California law libraries locator



Learn More about Legal Reference & Research
-Print Resources-

Legal Research How to Find and Understand the Law.
15th Ed., (Nolo, 2007)



Tucker, Virginia & Lampson, Marc. Finding the Answers to Legal Questions. New York. (Neal-Schuman, 2011)



What Public Law Librarians Do For The Public
(and public library staff)

- Respond to reference questions in-person, on the phone and via e-mail
- Suggest research avenues and resources
- Identify and locate appropriate print materials
- Demonstrate how to use legal research databases
- Help find forms & sample motions
- Participate in AskNow, a state-wide legal reference chat service
- Teach classes on legal resources and research
- Help understand the law making process
- Provide resources and referrals to legal services, clinics and government agency support





Thank You!

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