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

An Infopeople Webinar

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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
American Legal System

3 Branches of Government

**The Constitution**

- **Legislative** (laws)
  - Federal: Congress (Senate, House of Representatives)
  - State: Legislature (Assembly, Senate)
  - Local: Council (City / County)

- **Executive** (regulations)
  - Federal: President, Fed. Agencies
  - State: Governor, CA Agencies
  - Local: Mayor / Agency Boards

- **Judicial** (decisions)
  - Federal: U.S. Supreme Court, Circuit Court of Appeals, District Court
  - State: CA Supreme Court, CA Court of Appeal, CA Trial (Superior) Courts
  - Local: Formerly Municipal Court, now Superior Ct

*How do I find the law on medical marijuana?*

Researching a legal issue can be complex and touch on multiple branches and levels of government …
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
- Foreclosure
- Copyrights
- Trademarks
- HIPPA (Health Insurance Portability and Accountability Act)
- Family Medical Leave Act
- Americans with Disabilities Act
- McCain Feingold Campaign Finance Reform Act
- Immigration
- Freedom of Information Act
- Civil Rights
- Dodd-Frank Wall Street Reform and Consumer Protection Act
- Medicare
- Patriot Act
- No Child Left Behind Act
- Patents
- Social Security
- Food Drug & Cosmetic Act
- Taxes
- Military
- Patient Protection & Affordable Care Act
- National Parks
- No Child Left Behind Act
- Taxes
- Military
- Patient Protection & Affordable Care Act
- National Parks
Sample question: How many days does a landlord have to return a tenant’s security deposit?

Answer

No later than 21 calendar days after the tenant has vacated the premises, but not earlier than the date 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 Civil Code section 1950.5(g)(1):

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 want to sue my doctor for malpractice. How much time do I have to file my case?
- 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?
- 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?
Legal Research Resources:
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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://crr.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/
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
- Laws
- Regulations
- Court Decisions

Secondary
- Encyclopedia
- Treatises/Practice Guides

Finding Aids
- Indexes
- Digests
- 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-

- 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 …

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
Login: CA/LA

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.
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."
California Courts Self Help Center

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

Sample questions that can be answered on this website:

“How do I change the amount of child support that I owe?”

“I’m getting married, what do I need to do to legally change my name?”

“My friend got arrested and they’re going to charge him with a crime. He said his arraignment is tomorrow. What does that mean? Will he be getting out of jail?”

“I just moved out of my apartment. How long does my landlord have to give back my security deposit?”

“My girlfriend got a restraining order against me and I want to challenge it. What can I do?”

“How do I file an appeal? Do I file my paperwork in the same court where my case was held?”

“I just got my first traffic ticket. Do I have to pay it? What are my options?”

Law Help California

www.lawhelpca.org
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Sample questions that can be answered on this Website:

"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?"

"Debt collectors are calling me every night. How can I stop them from harassing me?"

"I need some legal advice on _, but can't afford a lawyer. Do you know any lawyers or an agency that can help me?"

"My friend got fired after his boss found out he was HIV positive. Isn't that against the law?"

"I want to visit my grandchildren, but my son-in-law refuses to allow me to see them. What are my rights?"

"I missed the last couple months of my mortgage payment. What can I do to make sure my house doesn't go into foreclosure?"

"I want to visit my grandchildren, but my son-in-law refuses to allow me to see them. What are my rights?"

"Debt collectors are calling me every night. How can I stop them from harassing me?"

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

Self Help – Law Libraries
- Alameda County Public Law Library
  http://acgov.org/law/refservices/researchguide.htm
- Los Angeles Law Library
  http://www.laalibrary.org
- Orange County Public Law Library
  http://library.ocgov.ca.us
- Riverside County Public Law Library
  http://www.rcpl.org/reference-services/legal-research/
- San Francisco Public Law Library
- Sacramento County Public Law Library
- San Diego County Public Law Library
  http://www.sdcpll.org/resources/guides.htm
- San Mateo County Public Law Library
  http://www.smcll.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
- Clearing 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
Legal Research Resources:
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Self Help – Additional Referral Guides and Directories

Lawyer Referral Services
Statewide (California Bar Association):
• http://www.calbar.ca.gov/Public/LawyerReferralServices_RS.aspx
Los Angeles County Bar Association:
• www.amerifax.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/ResourcesDirectory.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
Los Angeles County Superior Court Self Help Centers
• www.lasuperiorcourt.org/familylaw/ui/pdfs/SelfHelpCenter_locations.pdf

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

Free Online Legal Dictionaries

California Courts Self Help Center, Self-Help Glossary
http://www.courts.ca.gov/selfhelp-glossary.htm

Nolo’s Plain English Law Dictionary
http://www.nolo.com/dictionary/

FindLaw Legal Dictionary
http://dictionary.findlaw.com/

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.

Subpena (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.

Subpena also subpena: 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 governmental body) under a penalty (as a charge of contempt) for failure to comply with directions.
Legal Reference in the Public Library Setting

Best Practices
Library staff are navigators

<table>
<thead>
<tr>
<th>Library Staff:</th>
<th>The Patron / Customer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Directs to legal publications in the collection</td>
<td>• Does his / her own research</td>
</tr>
<tr>
<td>• Suggests websites to try</td>
<td>• Selects and fills out forms</td>
</tr>
<tr>
<td>• Assists with searching the public or law library catalog</td>
<td>• Interprets the meaning of a specific law or case</td>
</tr>
<tr>
<td>• Helps to find definitions of legal words, references, concepts or phrases</td>
<td>• Composes his / her own original legal documents</td>
</tr>
<tr>
<td>• Identifies government agency, community or legal resources</td>
<td>• Selects legal counsel</td>
</tr>
<tr>
<td>• Refers to a Law Library</td>
<td>• Hits the ‘send’ button on the computer</td>
</tr>
<tr>
<td></td>
<td>• Decides on a specific course of action</td>
</tr>
</tbody>
</table>

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
• Refer
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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)

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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