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

An Infopeople Webinar

Thursday, October 4, 2012
12 Noon

Malinda Muller
Director, Programs & Partnerships
LA Law Library
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Providing 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

<table>
<thead>
<tr>
<th>Federal</th>
<th>State</th>
<th>Local</th>
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</thead>
<tbody>
<tr>
<td><strong>Legislative (laws)</strong></td>
<td><strong>Legislature: Senate Assembly</strong></td>
<td><strong>Council (City / County)</strong></td>
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<tr>
<td><strong>Executive (regulations)</strong></td>
<td><strong>Governor CA Agencies</strong></td>
<td><strong>Mayor / Agency Boards</strong></td>
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<tr>
<td><strong>Judicial (decisions)</strong></td>
<td><strong>President Fed. Agencies</strong></td>
<td><strong>Formerly Municipal Court, now Superior Ct</strong></td>
</tr>
</tbody>
</table>

- **Federal**
  - Congress: Senate House of Representatives
  - President Fed. Agencies
  - U.S. Supreme Court
  - Circuit Court of Appeals
  - District Court
- **State**
  - Legislature: Senate Assembly
  - Governor CA Agencies
  - CA Supreme Court
  - CA Court of Appeal
  - CA Trial (Superior) Courts
- **Local**
  - Council (City / County)
  - Mayor / Agency Boards
  - Formerly Municipal Court, now Superior Ct
American Legal System

3 Branches of Government

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<td>• U.S. Supreme Court</td>
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<td>House of</td>
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<td>• Circuit Court of Appeals</td>
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<td>Representatives</td>
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<td>• District Court</td>
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<tr>
<td>State</td>
<td>Legislature:</td>
<td>Governor CA Agencies</td>
<td>• CA Supreme Court</td>
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<td></td>
<td>Senate</td>
<td></td>
<td>• CA Court of Appeal</td>
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<td></td>
<td>Assembly</td>
<td></td>
<td>• CA Trial (Superior)</td>
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<td>Courts</td>
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<td>Local</td>
<td>Council (City /</td>
<td>Mayor / Agency Boards</td>
<td>• Formerly Municipal</td>
</tr>
<tr>
<td></td>
<td>County)</td>
<td></td>
<td>Court, now Superior Ct</td>
</tr>
</tbody>
</table>

“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 ….
Legal Research: Find / Filter / Interpret / Apply

- Venue
- Appeal
- TRO
- Municipal Code
- Statute
- Ordinance
- Answer
- Rules of Court
- Statute of Limitations
- Writ
- Precedent
- Common Law
- Administrative Law
- Injunction
- Petition
- Motion
- Contract
- Arbitration
- Hearing
- Proof of Service
- Discovery
- Jurisdiction
- Mediation
- Small Claims Court
- Ex Parte
- Default
- Plaintiff
- Petition
- Pleading Paper
- Deposition
- Defendant
- Motion
- Proof of Service
- Arbitration
- Local Rules
- Regulations
- Interrogatory
- FRCP
- 12 Cal.4th 186
- Plaintiff
- Evidence
- Order
- Unlawful Detainer
- Witkin
- Regulations
- Continuance
- Discovery
- Minute Order
- Habeas Corpus
- Memorandum of Points and Authorities
- Memorandum of Points and Authorities
- Subpoena
- Order
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
- Trademarks
- Medicare
- Food Drug & Cosmetic Act
- Copyrights
- Patriot Act
- Taxes
- HIPPA (Health Insurance Portability and Accountability Act)
- Military
- Family Medical Leave Act
- No Child Left Behind Act
- Americans with Disabilities Act
- Patient Protection & Affordable Care Act
- McCain Feingold Campaign Finance Reform Act
- Social Security
- Immigration
- Patents
- National Parks
Sample question: How many days does a landlord have to return a tenant’s security deposit?
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.”
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.comclients/CACourts/

California Reporter Citation:  7 Cal.App.3d 446
California Case Law
http://www.lexisnexis.com/clients/CACourts/

California Courts
The Official Case Law of the State of California

Welcome to the California Official Reports page, created to provide Californians with access to official case law free of charge.

Search By Terms Criteria
Select Court to Search
- CA Published Cases, Combined
- CA Supreme Court Published Cases
- CA Court of Appeal Published Cases

Search for Opinions by Natural Language Word or Phrase
return security deposit

Restrict by Decisions Date
[ ] No Date Restrictions
[ ] From: ______ To: ______

Retrieve the 25 most relevant cases based on your input

Search terms highlighted in the results

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

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 ......
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
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

<table>
<thead>
<tr>
<th>Getting Started</th>
<th>Small Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Court basics, researching the law, preparing for court, fee waivers, etc.</td>
<td>• Suing someone or being sued, going to court, collecting/paying the judgment</td>
</tr>
<tr>
<td>Families and Children</td>
<td>Divorce or Separation</td>
</tr>
<tr>
<td>• Custody and visitation, child support, child abuse and neglect, guardianship,</td>
<td>• Filing or responding to a divorce, annulment, property and debt,</td>
</tr>
<tr>
<td>emancipation, adoption</td>
<td>spousal/partner support</td>
</tr>
<tr>
<td>Abuse &amp; Harassment</td>
<td>Eviction and Housing</td>
</tr>
<tr>
<td>• Domestic violence, civil harassment, workplace violence</td>
<td>• Eviction, foreclosure, security deposits</td>
</tr>
<tr>
<td>Name Change</td>
<td></td>
</tr>
<tr>
<td>• Changing adult or child names</td>
<td></td>
</tr>
<tr>
<td>Seniors &amp; Conservatorship</td>
<td>Traffic</td>
</tr>
<tr>
<td>• Elder abuse, when seniors are unable to care for themselves</td>
<td>• How to pay a ticket, traffic &amp; ticket basics, traffic court, etc.</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>Problems with Money</td>
</tr>
<tr>
<td>• Cleaning your criminal record, understanding criminal court</td>
<td>• Suing someone or being sued for any amount of money</td>
</tr>
<tr>
<td></td>
<td>Appeals</td>
</tr>
<tr>
<td></td>
<td>• Civil, small claims, and traffic appeals</td>
</tr>
</tbody>
</table>
California Courts Self Help Center

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

Judicial Branch Home

Courts ▼ Self-Help ▼ Forms & Rules ▼ Opinions ▼ Programs ▼ Policy & Administration ▼ News & Reference

Self-Help

Online Self-Help Center

Welcome, Self-Help will help you find assistance and information, work better with an attorney, and represent yourself in some legal matters. En español · More languages.

GETTING STARTED

• Finding Free and Low-Cost Legal Help
• Help From Your Court
• Fee Waivers
• Resolving Your Case Out of Court
• Preparing for Court
• More Topics

FAMILIES & CHILDREN

• Custody & Visitation
• Child Support
• Asking for Guardianship
• How to Adopt a Child
• Child Abuse & Neglect
• If Your Child is Arrested

SMALL CLAIMS

• Sue Someone
• Bring Suit
• Collecting Your Judgment
• Mediation

MORE »

DIVORCE OR SEPARATION

• Filing for Divorce or Separation
• An Easier Way to Get Divorced
• Responding to a Divorce
• Spousal Support
• Dividing Your Property

MORE »

COURT LOCATIONS

Jury Info, Court Info, Court Websites

Enter city or zip ▼ Find

QUICK LINKS

• Lawyers and Legal Help
• Help From Your Court
• Ask a Law Librarian

CALIFORNIA SELF-HELP AND FAMILY LAW FACILITATOR LOCATIONS
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.”
Answer: 21 days
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?”

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

“I just got my first traffic ticket. Do I have to pay it? What are my options?”
Law Help California
www.lawhelpca.org

LawHelpCA.org

Housing

Click on the sub-topic that best matches your legal problem to get legal information and to find help.

- Homelessness
- Homeownership
- Housing Discrimination
- Landlord and Tenant Issues
- Mobile Homes and Manufactured Homes
- Predatory Lending
- Small Claims Court
- Other Housing Issues
- Foreclosure Prevention
- Public Housing and Subsidized Housing

Los Angeles 90012
-Set your location

Please enter a city, county, or zip code

More Languages
Spanish / Español
Chinese / 中文
Law Help California

www.lawhelpca.org

Landlord and Tenant Issues

- How to Get Back Possessions You Left in a Rental Unit
  - By: California Department of Consumer Affairs

- Options for a Landlord: When a Tenant’s Personal Property Has Been Left in the Rental Unit
  - By: California Department of Consumer Affairs

- Tenant’s Right: Security Deposits
  - The following information may be useful to you in your effort to get your security deposit back from your landlord.
  - By: Legal Services of Northern California - Sacramento Office (Serves Sacramento County)
  - Read this in: Russian / Русский, Vietnamese / Tiếng Việt

- Write a Letter to Your Landlord Demanding the Return of Your Security Deposit
  - Click here for an online computer program that will help you write a letter to your landlord demanding the return of your security deposit.
  - By: Administrative Office of the Courts

- Write a Letter to Your Landlord Demanding the Return of Your Security Deposit
  - This program asks questions and prepares a letter to a landlord requesting the return a security deposit.
  - By: Los Angeles Superior Court
## Languages

- Amharic / ረዘምር (3)
- Arabic / العربية (60)
- Armenian / Հայերեն (53)
- Cambodian / Khmer (23)
- Chinese / 中文 (190)
- Farsi / دری (40)
- French / Français (43)
- Greek / Ελληνικά (35)
- Gujarati / ગુજરાતી (2)
- Haitian Creole / Kreyòl ayisyen (1)
- Hebrew / עברית (5)
- Hindi / हिंदी (12)
- Hmong / Hmoob (32)
- Italian / italiano (1)
- Japanese / 日本語 (8)
- Korean / 한국어 (100)
- Kurdish / کوردی (3)
- Laotian / ເ膦ນFirstname (17)
- Polish / polski (41)
- Portuguese / português (40)
- Punjabi / ਪੰਜਾਬੀ (8)
- Russian / Русский (78)
- Russian / Россия (6)
- Samoan / Gagana Samoa (2)
- Somali / Soomaali (7)
- Spanish / Español (646)
- Tagalog / Tagalog (64)
- Thai / ภาษาไทย (8)
- Turkish / Türkçe (4)
- Urdu / اردو (10)
- Vietnamese / Tiếng Việt (127)
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?”

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

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

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

“I need some legal advice on ________, but can’t afford a lawyer. Do you know any lawyers or an agency that can help me?”

“I missed the last couple months of my mortgage payment. What can I do to make sure my house doesn’t go into foreclosure?”
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?”
Self Help – Law Libraries

- **Alameda County Public Law Library**
  [http://acgov.org/law/refservices/researchguide.htm](http://acgov.org/law/refservices/researchguide.htm)
- Los Angeles Law Library
  [http://www.lalawlibrary.org](http://www.lalawlibrary.org)
- Orange County Public Law Library
  [http://ocplll.org/links_cal.html](http://ocplll.org/links_cal.html)
- Riverside County Public Law Library
- San Francisco Public Law Library
- **Sacramento County Public Law Library**
- San Diego County Public Law Library
  [http://www.sdcpll.org/resources/guides.htm](http://www.sdcpll.org/resources/guides.htm)
- San Mateo County Public Law Library
  [http://www.smcll.org/research.html](http://www.smcll.org/research.html)
- Stanislaus County Public Law Library
  [http://www.stanislauslawlibrary.org/internetguides.html](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
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/Public/LawyerReferralServicesLRS.aspx](http://www.calbar.ca.gov/Public/LawyerReferralServicesLRS.aspx)

Los Angeles County Bar Association:
- [www.smartlaw.org/](http://www.smartlaw.org/)

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

Los Angeles County:

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

**Self-Help Centers in California** – Forms and court procedures assistance
- [http://www.courts.ca.gov/1083.htm](http://www.courts.ca.gov/1083.htm)

Los Angeles County Superior Court Self Help Centers

**Rainbow Resources Directory**
Social services directory for Los Angeles County
Legal Assistance Resources at pp. 474-490
Free Online Legal Dictionaries
### Subpoena

**California Courts Self Help Center, Self-Help Glossary**

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

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.

**Nolo’s Plain English Law Dictionary**

http://www.nolo.com/dictionary/

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.

**FindLaw Legal Dictionary**

http://dictionary.findlaw.com/

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.
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>
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<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
  • 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)

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!

Malinda Muller
Director, Programs & Partnerships
LA Law Library
mmuller@lalawlibrary.org
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