Overview of Legal Research Tools
Agenda

1. Starting your Research
   - Use secondary sources
     - How to use them
     - Where to find them

2. Case Reporters
   - How to use them
   - Where to find them

3. How to cite case law

4. How to use Shepard’s to update your research
Use almost any study area
  - A few study areas are law students only
Find our books and journals through the online catalog (www.law.ufl.edu/library)
Check out anything that can be checked out
Access almost any online database
Ask any reference librarian for help – we are here every day
Secondary Sources

► Explain or discuss concepts

► Provide citations to primary sources
  ► Cases, statutes, regulations

► Examples:
  ► Legal encyclopedias
  ► Legal periodicals
Legal Encyclopedias

► National
  ► American Jurisprudence 2d
  ► Corpus Juris Secundum (CJS)

► State-focused
  ► Florida Jurisprudence 2d

► Updated with pocket parts and supplements
Using Legal Encyclopedias

1. Use the Index to find relevant entries.

2. The Index is at the end the series of books.

3. Look up your keyword in the appropriate book.

4. After finding the right entry, note the bolded Topic name and section number.

Example: Civil Rights (Index topic) > private clubs (narrower topic)

If the Index says (this index), go look up that keyword in the Index. **Example**: Fair Housing Act (this index) = look up Fair Housing Act as its own Index Topic.
Using Legal Encyclopedias

5. Locate the book that contains the Topic you found.

Example: CivilRghts § 233 to 242.

6. Find the Topic and section.

§ 232

necesses doing business in the District of Columbia.¹

2. Status of Private Clubs
   a. In General

§ 233 Generally

Research References
West’s Key Number Digest, Civil Rights ⇔1050; Commerce ⇔74.55
Construction and application of sec. 201(e) of the Civil Rights Act of 1964 (42 USC sec. 2000a(e)), excluding from the Act’s coverage private clubs and other establishments not in fact open to the public, 8 A.L.R. Fed. 634
Am. Jur. Pleading and Practice Forms, Associations and Clubs §§ 35 (Complaint, petition, or declaration—By municipal corporation—For injunctive and declaratory relief against discrimination by private club—Violation of civil rights—Public accommodations statute or ordinance), 38 (Complaint in federal court—Racial discrimination—Exclusion from establishment operating under guise of “private club”—Restaurant operating in interstate commerce—Class action—Request for injunctive relief), 39 (Complaint in federal court—Racial discrimination—Exclusion from establishment operating under guise of “private club”—Recreation park and swimming pool—Class action—Action for injunctive relief; Fraternal Orders and Benefit Societies § 52 (Complaint in federal court—Class action—Exclusion from establishment operating under guise of private fraternal order or society)

While Title II of the Civil Rights Act of 1964 constitutes a sweeping prohibition of discrimination or segregation on the ground of race, color, religion, or national origin, the exemption of private clubs from the Act's coverage is well established. The exemption reflects a policy judgment that private clubs should be able to maintain separate facilities for their members without interference from the federal government. This exception to the Act's general prohibitions allows private clubs to operate independently and without government interference, providing a space for members to associate and pursue their interests freely.

The fact that a club is private does make a difference. If there is state involvement, however, the state involvement must be sufficient to satisfy the Fourteenth Amendment. The mere fact that a religious organization was owned by a public accommodation at the time the theater for its meeting, for purposes of a religious woman who was allegedly excluded from...
Finding Legal Encyclopedias

American Jurisprudence 2d & CJS (Row 11)

Florida Jurisprudence 2d (Row 11)
Legal Periodicals

- Journals & Law Reviews
- Articles by professors and other leading legal scholars
- Examples:
  - Harvard Law Review
  - Yale Law Journal
  - Florida Law Review
  - Duke Journal of Constitutional Law & Public Policy
Finding Legal Periodicals in Print

Periodicals/Journals are arranged alphabetically by title.

Go left down the first hallway.
Go through the double doors (marked as a quiet room, so be quiet!).
On the right, go down the stairs.
Journals are immediately to the left.
Online Resources for Secondary Sources

(Listed in order of most to least useful)

Google Scholar
- Free, but less comprehensive than the others
  - If on campus or logged in through the VPN, will show if the article is available at UF
- Scholar.google.com

Law Library website: Find an Article
- http://www.law.ufl.edu/library/library-information/find-an-article
- Scroll to HeinOnline
  - Best to use if you have a citation.
  - Click into HeinOnline, click Law Journal Library, then enter search terms
Online Resources for Secondary Sources

(Listed in order of most to least useful)

Library Catalog

- [http://www.law.ufl.edu/library](http://www.law.ufl.edu/library) -- click “Catalog”
- Use keywords, limit to periodicals/journals

LexisNexis Academic

- Access through the law library’s homepage (law.ufl.edu/library) > Find a Database > Legal Research > LexisNexis (Academic)
- To get to Am.Jur.:  
  - Search By Content Type > Legal Reference > Advanced Options > click on American Jurisprudence 2d > search or scroll to a Topic.
Online Resources for Secondary Sources

Fastcase

- Access through law library’s homepage (law.ufl.edu/library) > Databases > Fastcase
- Database of cases, similar to LexisNexis Academic.
- Links into HeinOnline (to search both journals and cases!)
Citations to Reporters

- Cases are published in books called Reporters.
- Cases can be published in multiple Reporters (though there is usually an official Reporter).

<table>
<thead>
<tr>
<th>xx</th>
<th>U.S.</th>
<th>xx,</th>
<th>xx</th>
<th>S. Ct.</th>
<th>xx</th>
<th>(yyyy).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume number in which case appears in Reporter 1</td>
<td>Reporter 1 abbreviation</td>
<td>First page number on which case appears in Reporter 1</td>
<td>Volume number in which case appears in Reporter 2</td>
<td>Reporter 2 abbreviation</td>
<td>Page number on which case appears in Reporter 2</td>
<td>Year opinion was decided</td>
</tr>
</tbody>
</table>
Supreme Court reporters

- United States Reports (U.S.)
  - Official reporter, government source

- Supreme Court Reporter (S. Ct.)
  - West publishing company, has West headnotes and key numbers

- Supreme Court Reporter, Lawyer’s Edition (L. Ed.; L. Ed. 2d)
  - Has its own unique headnotes and indexing

- United States Law Week (U.S.L.W.)
  - First to publish Supreme Court opinions
Reading a Supreme Court case

Case citations/reporter information

Case name

Headnotes/Key numbers

Start of opinion

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**Case Name:**

*California v. Roy*

**Citation:** 519 U.S. 316 (1996)

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2. **Habeas Corpus**

The *Kotteakos* harmless error standard, which is whether the error had substantial and injurious effect or influence in determining the jury's verdict, does not apply to structural defects in the Constitution of the trial mechanism, but does apply to habeas review of so-called trial errors, including errors in respect to which the Constitution requires state courts to apply a stricter, *Chapman*-type standard of “harmless error” when they review a conviction directly.

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3. **Habeas Corpus**

If judge, in habeas proceeding, applying *Kotteakos* harmless error standard, which is whether the error had substantial and injurious effect or influence in determining the jury's verdict, is in grave doubt as to the harmlessness of an error, habeas petitioner must win.

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4. **Habeas Corpus**

Error in jury instruction that defined crime without including statement that jury was required to find that defendant had intent to commit or facilitate crime was an error of omission or so-called trial error, as opposed to structural error that defies analysis by harmless error standards, and thus, error had to be reviewed by habeas court under the *Kotteakos* harmless error standard, which is whether the error had substantial and injurious effect or influence in determining the jury's verdict.

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**Per Curiam.**

A California court convicted respondent Kenneth Roy of the robbery and first-degree murder of Archie Mannix. The State's theory, insofar as is relevant here, was that Roy, coming to the aid of a confederate who was...
Go left down the first hallway.

Go through the double doors (marked as a quiet room, so be quiet!).

Go past the staircase. The SC Reporters are in the bookcases on the left.

L. Ed. & L. Ed.2d: KF101.U581, rows 26-27
Other Federal Court Reporters

Federal Reporter

- Official reporter for all Circuit Courts of Appeals
- Reporter Citation: F., F.2d, F.3d
- Location in library: just past the Supreme Court Reporters

Federal Supplement

- Official reports for all District Courts (federal trial courts)
- Reporter Citation: F. Supp., F. Supp. 2d
- Location in library: just past the Supreme Court Reporters
Regional Reporters

State cases are divided geographically into regional reporters.
State Reporters

- Every state has its own method of reporting cases.

- For most states, the regional reporter is official for appellate decisions.

- In Florida, the Southern Reporter (So., So. 2d, So. 3d) is the official reporter for the Supreme Court and District Courts of Appeal
  - Florida Law Weekly also reports those decisions, first to publish
  - Florida Law Weekly Supplement publishes appellate decisions from local Circuit courts
Citing Cases -- Examples


- *Gore v. Harris*, 773 So. 2d 524 (Fla. 2000).

Bluebook: Judicial Opinion Citations

Bluebook Table T1
- lists official reporters for every U.S. jurisdiction, state and federal

Bluebook Rule 10
- Rule for citation of judicial opinions

Bluebook Table T6
- abbreviations for case names in citations
Citing Law Review Articles

- **Bluebook Rule 16**
  - Rule for citation of journal & periodical materials

- **Bluebook Table T13**
  - Abbreviations for journal titles in citations

- **Example**
To “shepardize” means to find other cases, statutes, journal articles, etc., that have cited a specific case, statute, etc., to confirm that the case or statute is still “good law.”

Generic description for a citation service.

For cases shepardizing is extremely important:
- Later cases can modify, invalidate, quash, or overrule earlier cases
- Cases or articles that cite your case(s) are likely to be on the same or similar topic
- Often shepardizing finds things that you wouldn’t find any other way
Use Shepards

Shepards is on [LexisNexis Academic](https://www.lexisnexis.com/):  
- Click Search By Content Type > Federal and State cases.  
- Type in the citation for a case.  
  - E.g. 410 U.S. 113.  
- Once you are in a case, click Next Steps > Shepardize > GO (top right of case):  
  - Scroll to Citing Decisions to find additional cases  
  - Lexis & Shepard’s are tricky – ask a librarian or professor if you’re having trouble.
Additional resources

- Ask a librarian – email me at tlmarks@law.ufl.edu; or email librequest@law.ufl.edu
  - Visit during reference hours (www.law.ufl.edu/library/contact/hours/reference-hours)
- Research guide on the process of legal research, http://guides.law.ufl.edu/stafford
- Research guide on locating newspaper articles, http://guides.uflib.ufl.edu/newspaperguide
Additional resources

• VPN (off-campus access) information: www.law.ufl.edu/library/library-information/remote-access


• UF Law Library, www.law.ufl.edu/library
  Click “Catalog” then enter search terms

• Link to HeinOnline: http://www.law.ufl.edu/library/library-information/find-an-article
  Click “Law Journal Library,” then enter search terms

• Google scholar, www.scholar.google.com
  If you’re on campus or logged in through the VPN, seamless access to any articles UF has

• Link to LexisNexis Academic: http://www.law.ufl.edu/library/library-information/find-a-database (under Legal Research)

• Link to Fastcase: http://www.law.ufl.edu/library/library-information/find-a-database (under Legal Research)

• Research guide on articles and newspapers: http://guides.uflib.ufl.edu/newspaperguide