Sources for Legal Research

The National Reporter System

This system is made up of seven state regional reporters, North Western, Pacific, North Eastern, Atlantic, South Western, Southern, and South Eastern, which report all state appellate court decisions received from the courts for publication. In addition, New York and California, because of their size and number of decisions, have separate reporters, the New York Supplement and the California Reporter.

In addition to these state court reporters, there is a separate set of reporters for federal court decisions. Federal court decisions touching on education are reported in the Supreme Court Reporter (decisions of the Supreme Court), the Federal Reporter (decisions of the U.S. Courts of Appeals), and the Federal Supplement (decisions of the federal district courts). The actual decisions of the courts are reproduced in these reporters. West Publishing Company has also provided syllabi of the cases, summaries, and abstracts of points of law at the beginning of each reported case.

Most importantly, the abstracts of legal principles are numbered by topic and "keyed," producing a Key Number System that can be used to trace a point of law throughout the reporters and West's Key Number Digests. The instructor may also point out to the class that The Lawyers Co-Operative publishes the American Law Reports (ALR), which has a word index to case annotations. The ALR also provide a valuable case analysis for selected topics.

Legal Encyclopedias

After informing the students about the National Reporter System, the next important step is to look for the topic in a legal encyclopedia. There are two legal encyclopedias, Corpus Juris Secundum and American Jurisprudence. The former is published by West, and the latter by The Lawyers Co-Operative. Both provide the student with a discussion of the prevailing rules of law with extensive annotation.

Corpus Juris Secundum is a restatement of the entire body of American law—all reported cases from 1658 to date, and it is the most comprehensive of any legal encyclopedia ever written. The text of the presentation is based on all American cases reported. This encyclopedia is, of course, in alphabetic order and the law of Schools and School Districts is found in Volumes 78 and 79.
**American Jurisprudence** is also a comprehensive legal encyclopedia containing expository statements of law, alphabetically arranged over more than 430 subjects. This encyclopedia is selective of cases clearly stating the leading principles of law.

Students may profitably begin legal research by looking up their research subject in either of these encyclopedias. The footnotes in both encyclopedias will lead the student back to the cases reported in the National Reporter System.

**West Key Number Digests and the American Digest System**

West's digests are indexed according to Key Numbers based on subject areas of the law. They are alphabetical; thus, when students look under "Schools and School Districts," they will find the full range of subjects and the corresponding Key Numbers. A Key Number is a permanent, or fixed, number given to a specific point of case law. Every legal point found in a decision has its own Key Number. All of the Key Numbers are compiled alphabetically in the digests. Each refers back to the Key Numbers and case abstracts in the reporters.

The digest serves as an index to case law. Digests can be found for neighboring states, regions or groups of neighboring states, single courts or court systems such as the federal courts and all state and federal courts. There are 46 State Key Number Digests. If a student is interested in the law of only one state, then perusal of that state's digest will reveal the major precedents indexed by Key Number. Additionally, a separate digest is provided for the United States Supreme Court, the United States Federal Court of Appeals, and the United States Federal District Courts.

The **American Digest** is the master index to all case law in the United States, beginning in 1658 with the **Century Digest**, to 1897 with the **1st Decennial Digest**, progressing at ten year intervals up to 1976, when the **8th Decennial Digest** was published. Because of the volume of law, the **9th Decennial Digest** was broken into Part 1--extending from 1976-1981, and Part 2 from 1981, and so on to date. Later Digests bring the student up to the present. Part 2 is reported in separate volumes, each alphabetical, called the **General Digest**, to 2005.

Thus, the student can read about a particular subject of law in the encyclopedia and then look up specific points of law in the digest system. By finding the desired Key Numbers, the search can progress back through the **American Digest** at ten-year intervals, or concentrate on the particular point of law in a single state digest. After the pertinent points of law are identified through the digests, then the case citations can be used to find the actual case in the reporter system.
**Shepards Citations**

Don't forget to "shepardize" the cases. How is one to know whether a particular case has been overturned, reversed, or has been disposed of or utilized in a number of other ways in subsequent court decisions? The answer is to look the case up in *Shepards*.

*Shepards Citations* is merely a listing of case numbers coded to reveal what has transpired since a case was rendered. For example, if a case was reversed, it will so indicate with a lower case "r." A key is given at the beginning of each Shepards volume indicating the meaning of the coding system.

A separate *Shepards* is provided for each reporter. In most libraries, *Shepards* may be found on or near the shelves nearest the corresponding reporter. Of course, the tedium of “Shepardizing” has been largely obviated by Westlaw and the Internet, which we recommend, if available. While *Shepards* is the traditional approach to verifying precedents, modern lawyers and students will more conveniently utilize the Westlaw or LexisNexis electronic search procedure (see below).

**Legal Periodicals**

Law reviews and journals are important sources of legal research. Virtually all law schools publish such periodicals, as do many legal organizations and associations. The *Index of Legal Periodicals* lists all articles, legal notes and comments in alphabetical order by author and subject. Legal periodicals may also be found via the computer and Westlaw.

**Education Law Reporter**

In 1981, West Publishing Company began publishing a separate reporter for education cases, which is kept up to date with paperback advance sheets that are published by West every few weeks. An *Education Reporter Digest* is also published as an index, keyed to points of law in education.

Every college of education library should subscribe to this reporter. If the school law course is taught in a college or university without a law school or the class is offered in an area where access to a law library is difficult, the *Education Law Reporter* can be a particularly valuable research aid.
Electronic access to information has had a great impact on legal research. The two most widely used electronic systems are Westlaw and LexisNexis. The principal difference between Westlaw and LexisNexis is that Westlaw includes entire cases published in the West Regional National Reporter System, including West synopses and headnotes summarizing each case. The LexisNexis system documents consist of the opinions as received from the courts, without the synopses and headnotes. Case verification systems are a component of both systems; Key Cite in Westlaw and Auto-Cite and Shepards verification are available on both systems. Using either system, the researcher can create his or her own database or case reporter by using document fields (Westlaw) or segments (LexisNexis).

One of the main advantages of Westlaw is that it includes the headnotes from the West National Reporter System, permitting the researcher to search by topic and key numbers. Westlaw introduced an innovation to its online search mechanism when it developed the WIN (Westlaw is Natural) search engine. By using WIN, the researcher can inquire about a point of law by entering a natural language query into the system. In other words, the researcher can simply type in a question such as “What is the liability of a physical education teacher for playground injury to a student?” and WIN will respond with sources.

The West Education Network is available through lawschool.westlaw.com. To enter The West Education Network, you must access lawschool.westlaw.com and register using your Westlaw password. In accessing The West Education Network: (1) open your Internet browser and type http://lawschool.westlaw.com; (2) on the lawschool.westlaw.com home page, type your Westlaw password.

LexisNexis, on the other hand, has also created its own natural language modification, called FREESTYLE, which permits the researcher to query the system in plain English.

In accessing lexis.com: (1) sign on by establishing a connection to the Internet and go to www.lexisnexis.com/lawschool; (2) click research; (3) type your LexisNexis ID number. Customer support is at 1-800-45-Lexis. A helpful publication is Understanding Lexis.com, an Introduction to Web-Based Legal Research.

Both Westlaw and LexisNexis have substantial on-line charges for maintenance and use by universities, law firms et cetera. Both also come in CD-ROM or compact disc systems.