

USING SECONDARY SOURCES IN PRINT

PROFESSIONAL LEGAL RESEARCH

Secondary legal resources such as legal encyclopedias, treatises, legal periodicals, and law reviews are not binding like judicial opinions and statutes. Nevertheless, they can provide well-reasoned statements of the law and be used as persuasive authority. They are also a good starting point for research in an unfamiliar area. This quick reference guide introduces you to some of the print secondary sources that will help you learn about new areas of the law.

Why Use Secondary Sources?

Secondary sources are vital legal research tools, even though courts are not obligated to follow them. These resources benefit your research in a variety of ways:

- **Secondary sources provide a starting point for your research.** If you are unfamiliar with a topic, secondary sources can quickly reveal major concepts, commonly used terms, and procedures used by practitioners in that area.
- **Secondary sources reference significant citations.** These materials help you to find citations to important case law and statutory authority, as well as citations for journals and law review articles.
- **Secondary sources are sometimes persuasive authority.** Some secondary sources are so widely respected that they can be cited as persuasive authority in arguments to the court.
- **Secondary sources often contain useful tools.** Some secondary sources, such as practice guides and forms books, contain forms templates; sample letters; model jury instructions; and concise explanations of rules of procedure, burdens of proof, or elements of a crime.



Figure 1. Nutshell Series

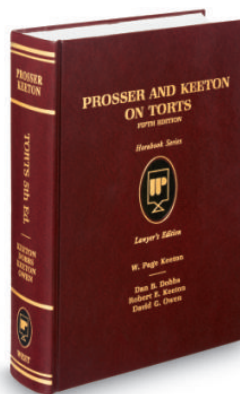
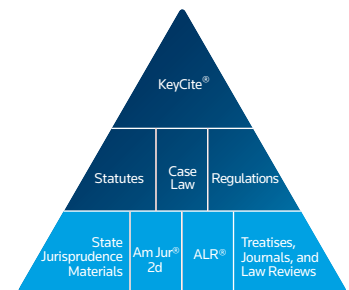


Figure 2. Hornbook Series

Category:

Research Fundamentals

For research assistance 24 hours a day, seven days a week, call the West Reference Attorneys at 1-800-850-WEST (1-800-850-9378) or click **Help** on Westlaw® for a live help session.



The Westlaw Research Pyramid

Using the Westlaw Research Pyramid

Start your research with secondary sources to build a good foundation.

Which Secondary Sources Should I Use?

The following are some of the most useful print resources:

CORPUS JURIS SECUNDUM® AND AMERICAN JURISPRUDENCE 2D (AM JUR® 2D)

Legal encyclopedias with easy-to-read explanations of legal principles derived from cases and statutes. They contain many citations to cases, statutes, and law review articles.

AMERICAN LAW REPORTS (ALR®) ANNOTATIONS

Encyclopedic essays (annotations) on particular legal topics discussed in key cases. These annotations contain many citations to cases, statutes, and secondary materials.

WEST'S® NUTSHELL SERIES®

Concise treatises on more than 120 legal subjects, such as products liability, evidence, and taxation.

WEST'S HORNBOOK SERIES®

Comprehensive treatises covering well-settled principles in major subject areas.

WEST'S FEDERAL PRACTICE DIGEST® 4TH

A digest containing all headnotes, classified according to the West Key Number System®, from all federal court decisions reported since 1984.

PRACTITIONER TREATISE SERIES®

Authoritative treatises on important areas of the law.

BLACK'S LAW DICTIONARY

A legal dictionary containing definitions for more than 43,000 legal words and phrases as well as an appendix of legal abbreviations.

WORDS AND PHRASES®

A multivolume dictionary containing hundreds of thousands of judicially defined terms, arranged alphabetically.

What Is ALR?



Figure 3. *American Law Reports*

ALR contains attorney-written annotations that cite, summarize, and analyze the case law on a particular legal issue or fact situation. An ALR annotation typically contains an article outline, references to law review articles and other analytical materials, jurisdictional tables of case and statute citations, and substantive text.

How Do I Search ALR?

Annotations in ALR are indexed under a variety of factual terms and concepts. In addition, the index contains the Table of Laws, Rules and Regulations, which lists authorities such as statutes, rules, regulations, and uniform laws and refers you to the ALR annotations that discuss them.

ACCESSING ALR

You can access ALR by using the multivolume *Index to Annotations*, which provides subject access to all of the ALR series (except ALR1st). When you look up an annotation in an ALR volume, you will find feature such as

- an outline of topics for that annotation
- an analysis of cases and statutes, in which the holdings of cases are summarized and the weight of authority is noted along with the direction of trends
- a word index of topics for the annotations
- a table of jurisdictions represented
- references to treatment of the issue in other publications, such as texts and treatises, practice aids, digests, and law review articles

UPDATING YOUR RESEARCH IN ALR

To update your research in ALR, consult the Annotation History Table, located in the *Index to Annotations*. This table will tell you whether an annotation has been superseded. Always check the Annotation History Table when you are performing research using ALR—you do not want to spend your time on an outdated annotation.

What Is Am Jur 2d

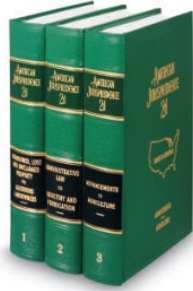


Figure 4. *American Jurisprudence 2d*

Am Jur 2d, a comprehensive encyclopedia of state and federal law covering a broad range of legal topics, provides background information, applicable primary law, and references to other secondary materials. An Am Jur 2d title typically contains navigation aids such as general and expanded outlines and indexes, research references to related legislation and secondary sources, and substantive text that explains underlying legal principles and leading cases.

How Do I Search Am Jur 2d?

The *General Index* to Am Jur 2d is arranged by legal and factual terms. In addition, Am Jur 2d provides tables that show you where specific statutes, regulations, uniform laws, and other authorities are cited in the text.

A ring-bound volume, the *New Topic Service*, updates Am Jur 2d with articles covering new and rapidly evolving areas of the law.

What Is Black's Law Dictionary?

Black's Law Dictionary, first published in 1891, provides definitions for more than 43,000 legal words and phrases. Many definitions include notations to the West Key Number System and to Corpus Juris Secundum, identifying the topics and sections relevant to a definition. An easy-to-use pronunciation guide will help you in pronouncing the Latin phrases and archaic terminology often found in older judicial opinions.

Several of the appendixes may also be useful to you, such as the appendix containing a table of legal abbreviations and the appendix providing legal maxims.

What Is Words and Phrases?

Words and Phrases is a multivolume dictionary containing hundreds of thousands of judicially defined terms, arranged alphabetically. Use it to locate cases in which the court has defined a particular term.

For assistance using Westlaw, call 1-800-850-WEST (1-800-850-9378).
For free reference materials, visit west.thomson.com/westlaw/guides.