

**Legal Research**  
**UNIT 1:**  
**Understanding**  
**Law**

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**QUICK PRIMER:**  
**DIFFERENT**  
**TYPES OF LAW**

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**(1) Constitutional Law**

- ✓ Law that comes from the constitution
- ✓ The constitution is the foundation of government and the law in the US.
- ✓ Executed by the Executive Branch
- ✓ Subject to the interpretation of the courts
  - ✓ Case law is constitutional law

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## (2) Statutory Law

- ✓ Law that comes from the statutes
- ✓ Passed by the legislature and signed into law by the executive
- ✓ When you hear people talking about "the law" this is it.
- ✓ Executed by the Executive Branch
- ✓ Subject to the interpretation of the courts (must be constitutional)

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## (3) Administrative Law

- ✓ Law that comes from rules and regulations from agencies.
- ✓ It is used for the administration of laws
- ✓ Executed by:
  - ✓ Executive Branch (e.g., FAA regs);
  - ✓ Legislative Branch (e.g., Copyright regs);
  - ✓ Judicial Branch (e.g., court rules)
- ✓ Subject to the interpretation of the courts (e.g., must be constitutional)

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## (4) Case Law

- ✓ Law that comes from the courts.
  - a) Common Law**
    - ✓ Law dealing with certain areas of law (e.g., torts, real property, contracts)
  - b) Interpretive Law**
    - ✓ Law dealing with interpreting the law (constitution, statutes, rules and regulations, and common law).

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**QUICK PRIMER:  
COURT SYSTEM**

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**MINI-BOOT  
CAMP!  
THE COURT  
SYSTEMS**

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**TYPICAL  
COURT  
PARADIGM**

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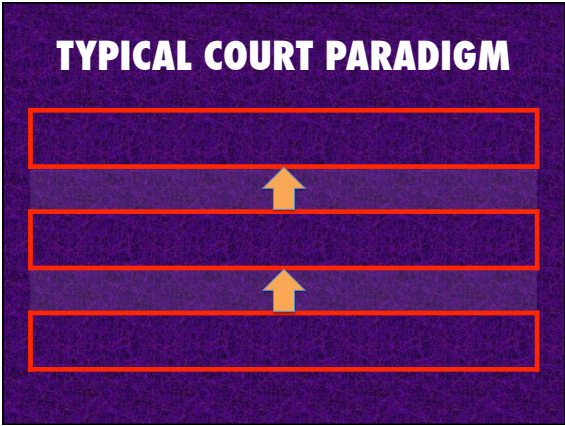
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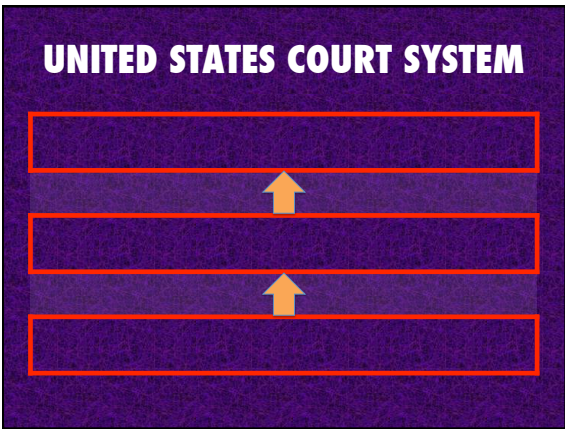
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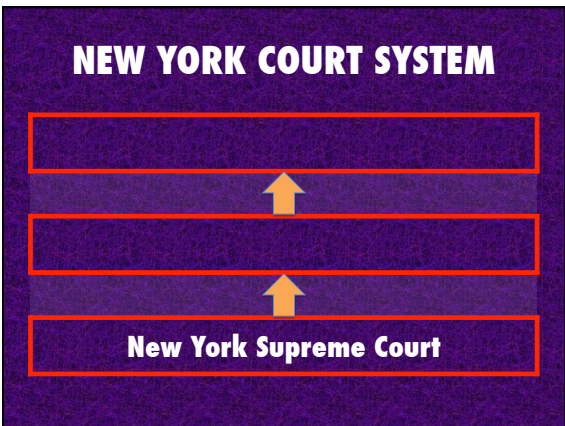
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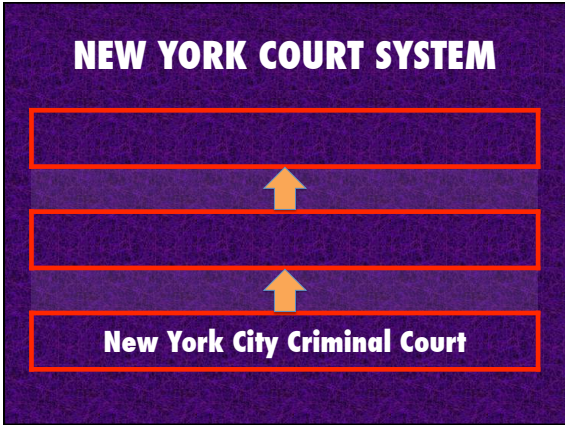
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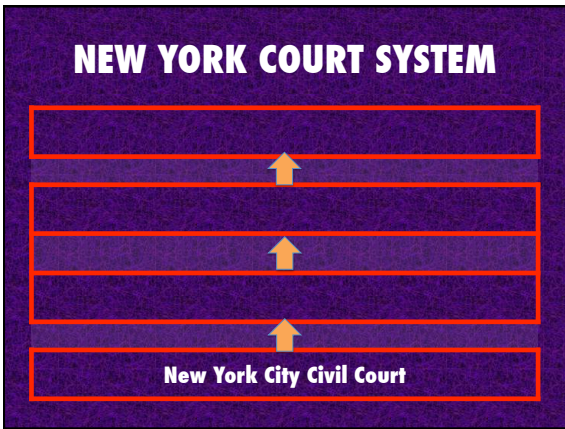
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**WHAT YOU MUST KNOW**

- 1) The US or Federal Court System
- 2) The Different NY Court Systems
  - ✓ Where the Trial Court is:
    - a) New York Supreme Court
    - b) New York City Criminal Court
    - c) New York City Civil Court

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# QUICK PRIMER: CITATIONS



*Gideon v Wainwright*, 372 US  
335, 83 S Ct 792, 9 L Ed 2d 799  
(1963)

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## But First . . .

SYMBOL/ABBREV.	MEANING
§	Section
v	Versus

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## Primary Law

- ✓ **Primary law:**
  - ✓ The constitution;
  - ✓ Statutes;
  - ✓ Rules and Regulations;
  - ✓ Case Law

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**Secondary Source of Law**

- ✓ **Secondary source of law:**
  - ✓ a legal encyclopedia,
  - ✓ a treatise, or
  - ✓ a law review article

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**Other Documents & Periodicals**

- ✓ **Other Documents and periodicals:**
  - ✓ A dictionary definition
  - ✓ A New York Times Article
  - ✓ A website

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**What Purpose do Cites Serve?**

- ✓ **It allows the reader to find the source (e.g., law) again.**
  - ✓ For example, where can I find the case cited in a memorandum of law or a pleading?

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**Official versus Parallel Cites**

- ✓ **For primary law only**
- ✓ There are different entities that publish law.
- ✓ For example:
  - ✓ The United States government
  - ✓ Thompson/Reuters Publishing (West)
  - ✓ LexisNexis Publishing

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**Official versus Parallel Cites**

- ✓ For example, if you want to read a United States Supreme Court case, you can go to three different books, called Reporters:
  - 1) United States Reports, published by the United States government
  - 2) Supreme Court Reporter, published by West
  - 3) Lawyers' Edition, published by LexisNexis.
- ✓ The government cite is the official cite
- ✓ All other cites (in this case, from West and LexisNexis) are parallel cites

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**SCOTUS: Official vs Parallel Cites**

REPORTER	PUBLISHER	CITE
United States Reports	U.S. Government Printing Office	US
Supreme Court Reporter	West	S Ct
Lawyers' Edition	LexisNexis	L Ed

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**Where to Find Statutes**

<b>FEDERAL</b>	<ul style="list-style-type: none"> <li>• United States Codes (USC),</li> <li>• United States Codes Annotated (USCA),</li> <li>• United States Codes Service (USCS)</li> </ul>
<b>NEW YORK</b>	McKinney's Consolidated Laws of New York (e.g., Penal Law § 120.00)

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**Where to Find Statutes**

<b>FEDERAL</b>	<ul style="list-style-type: none"> <li>• <b>United States Codes (USC),</b></li> <li>• United States Codes Annotated (USCA),</li> <li>• United States Codes Service (USCS)</li> </ul>
<b>NEW YORK</b>	McKinney's Consolidated Laws of New York (e.g., Penal Law § 120.00)

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**Federal Statute Cite Example**

**18 USC § 3161**

TITLE	UNITED STATES CODE	SECTION
18	USC	§ 3161

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**New York Statute Cite Example**

**Penal Law § 120.00**

TITLE	SECTION
Penal Law	§ 120.00

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**Finding Rules & Regulations**

<b>FEDERAL</b>	Code of Federal Regulations (CFR)
<b>NEW YORK</b>	New York Codes, Rules and Regulations (NYCRR)

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**Federal Rules & Regulations Example**

**21 CFR § 20.24**

TITLE	CODE OF FEDERAL REGULATIONS	SECTION
21	CFR	§ 20.24

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**New York Rules & Regulations Example**

**15 NYCRR 1614.44**

TITLE	NY CODES, RULES AND REGULATIONS	SECTION
15	NYCRR	1614.44

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**MINI-BOOT  
CAMP!  
CASE CITATIONS**

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**Finding Federal Court Opinions**

COURT	REPORTER	CITE
<b>Supreme Court</b>	United States Reports	US
	Lawyer's Edition	LEd, LEd2d
	Supreme Court Reporter	SCt
<b>Court of Appeals</b>	Federal Reporter	F, F2d, F3d
<b>District Courts</b>	Federal Supplement	F Supp, F Supp 2d

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**Finding New York Court Opinions**

COURT	REPORTER	OFFICIAL CITE		
<b>Court of Appeals</b>	New York Reports	NY	NY2d	NY3d
<b>Appellate Division</b>	Appellate Division Reports	AD	AD2d	AD3d
<b>Trial Courts</b>	Miscellaneous Reports	Misc	Misc 2d	Misc 3d

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**New York Court Opinions**

COURT	REPORTER	CITE	
<b>All Courts</b>	New York Supplement	NYS	NYS2d

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**Citation Components**

1 <sup>st</sup> Party	Versus	2d Party	Volume	Reporter	Page	Identifier
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**Parties: The two parties in the action:**

- Plaintiff and Defendant
- Petitioner and Respondent
- Appellant and Appellee

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# FEDERAL CASE CITATIONS

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**United States Supreme Court Citation Example**

*Addington v Texas, 441 US 418 [1979]*

1 <sup>st</sup> Party	Versus	2d Party	Volume	Reporter	Page	Identifier
<i>Addington</i>	<i>v</i>	<i>Texas,</i>	441	US	418	(1979)

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**United States Court of Appeals Citation Example**

*Dennis v Warren, 779 F2d 245 [5th Cir 1985]*

1 <sup>st</sup> Party	Versus	2d Party	Volume	Reporter	Page	Identifier
<i>Dennis</i>	<i>v</i>	<i>Warren,</i>	779	F2d	245	(5th Cir 1985)

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### United States District Court Citation Example

*Schultz v Frisby*, 619 F Supp 792 (ED Wis 1985)

1st Party	Versus	2d Party	Volume	Reporter	Page	Identifier
<i>Schultz</i>	v	<i>Frisby</i> ,	619	F Supp	792	(ED Wis 1985)

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## NEW YORK CASE CITES

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### New York Court of Appeals Citation Example

*O'Connell v Corcoran*, 1 NY3d 179 (2003)

1st Party	Versus	2d Party	Volume	Reporter	Page	Identifier
<i>O'Connor</i>	v	<i>Corcoran</i> ,	1	NY3d	179	(2003)

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### New York Appellate Division Citation Example

*Cornell v Beer*, 16 AD3d 890 (3d Dept 2005)

1 <sup>st</sup> Party	Versus	2d Party	Volume	Reporter	Page	Identifier
<i>Cornell</i>	v	<i>Beer</i> ,	16	AD3d	890	(3d Dept 2005)

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### New York Appellate Term Citation Example

*Cornell v Beer*, 16 AD3d 890 (3d Dept 2005)

1 <sup>st</sup> Party	Versus	2d Party	Volume	Reporter	Page	Identifier
<i>Cornell</i>	v	<i>Beer</i> ,	16	AD3d	890	(3d Dept 2005)

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### New York Supreme Court Citation Example

*People v Bellamy*, 26 Misc 3d 1210(A) (Sup Ct, Queen County 2010)

1 <sup>st</sup> Party	Versus	2d Party	Volume	Reporter	Page	Identifier
<i>People</i>	v	<i>Bellamy</i> ,	26	Misc 3d	1210(A)	(Sup Ct, Queens County 2010)

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# END OF MINI-BOOT CAMP!

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**Unofficial Cites**

- ✓ You will see unofficial (or parallel) cites:
  - ✓ 18 USCA § 1222
  - ✓ *US v Wade*, 123 S Ct 42
  - ✓ *Miranda v Arizona*, 65 L Ed2d 987
  - ✓ *People v Smith*, 875 NYS2d 248

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**Citation Form**

- ✓ There are two well known style manuals for citation form:
  - ✓ **The Blue Book**
  - ✓ **The ALWD Book**
- ✓ More lawyers know Blue Book
- ✓ More law schools are using Blue Book

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**Citation Form**

- ✓ **Blue Book**
  - ✓ Provides a systematic method by which members of the profession communicate important information to one another about the sources and legal authorities upon which they rely in their work
  - ✓ Published by Columbia Law Review, Harvard Law Review, University of Pennsylvania Law Review and Yale Law Review

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**We Will Use . . .**

- ✓ **The New York Style Manual (The Tanbook)**
  - ✓ "New York decisions shall be cited from the official reports, if any." (CPLR 5529 [e].)
  - ✓ "Where New York authorities are cited in any submissions, New York Official Law Report citations shall be included, if available." (Rules of Ct of Appeals).
  - ✓ "New York decisions shall be cited from the official reports, if any." (Rules of App Div, 1st Dept.)
  - ✓ "New York decisions shall be cited from the official reports, if any." (Rules of App Div, 4th Dept.)

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**QUICK PRIMER:  
WESTLAW**




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### What is Westlaw?

- ✓ Westlaw is a computer-assisted legal research tool
- ✓ It allows the user to find law by:
  - ✓ Citation
  - ✓ Query
  - ✓ Secondary sources of law
- ✓ It allows users to check whether the law found is "good law."

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