

§ 7.2

Books: Secondary and Non-Authority*The Starting Place for Legal Research*

The researcher must understand some basic research techniques and systems in order to access the millions of cases available in the average law library or online. Before launching a study of those systems, however, the student must learn to identify various types of law materials. Study this section very thoroughly. It may define your career as a researcher. After reading each description, note the major function of each law book. Some may serve more than one function.

Online Research Filter Shortcuts

Most summaries below will provide the abbreviation for the database (often referred to now as a Filter) in *Westlaw* or *Lexis*. To go straight to the online databases, use the following tools:

THOMSON REUTERS
WESTLAW EDGE

In the Home page, locate the *Search Query Box* at the top of the page, enter the abbreviation, and click on the appropriate recommendation that pops up.



Lexis+

In the Home page, locate the *Search Query Text Box*, enter the abbreviation, and click on the appropriate recommendation that appears below the text box.



ADDITIONAL ONLINE TRAINING

It is advised that you use the training in this textbook as your initial introduction to *Westlaw* and *Lexis*. After your initial introduction to online research in this volume, consider using the online training offered by both of those services concurrently. They are excellent resources and will reinforce and expand your ability to use online research.

WESTLAW | TRAINING

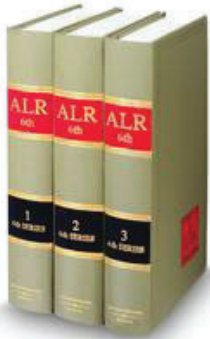
Web Address: <https://legal.thomsonreuters.com/en/support/westlaw>

LEXIS | TRAINING

Web Address: <https://www.lexisnexis.com/en-us/support/lexis/default.page>

AMERICAN LAW REPORTS

(A.L.R.)



The A.L.R. series is an annotated reporter.

- ✓ It is a reporter because it reports (reprints) cases from courts.
- ✓ It is annotated because its editors comment on those cases.

A.L.R. reprints important or interesting cases, then comments on those cases and provides additional research tools and references. There are several series of A.L.R.:

- *A.L.R.* (Annotates state and federal cases)
- *A.L.R. 2d* (Annotates state and federal cases)
- *A.L.R. 3d* (Annotates state and federal cases)
- *A.L.R. 4th* (Annotates state cases)
- *A.L.R. 5th* (Annotates state cases)
- *A.L.R. 6th* (Annotates state cases)
- *A.L.R. 7th* (Annotates state cases)
- *A.L.R. Federal* (Annotates federal cases)
- *A.L.R. Federal 2d* (Annotates federal cases)
- *A.L.R. Federal 3d* (Annotates federal cases)
- *A.L.R. International* (Annotates international articles & treaties)

A.L.R. was originally published by the *Lawyers Cooperative Publishing Company* (now part of *Thomson-Reuters*), and therefore uses the *Total Client-Service Library* research system. Although *A.L.R.* contains selected cases, which are primary authority, it is considered secondary since it is mostly valued for its annotations.

A.L.R. Functions

- available on *Westlaw* [Database: ALR]
- available on *Lexis* [Database: ALR]
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

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LOCATE AUTHORITY BY JURISDICTION

Apply

Federal

- Supreme Court
- First Circuit
- Second Circuit
- Third Circuit
- Fourth Circuit
- Sixth Circuit
- Seventh Circuit
- Ninth Circuit
- Tenth Circuit
- Eleventh Circuit

State

- Colorado
- Indiana
- Missouri
- New York
- Oklahoma
- South Carolina
- Texas

54 A.L.R. Fed. 3d Art. 3 (Originally published in 2020)

American Law Reports | The ALR databases are made current by the weekly addition of relevant new cases.
ALR Federal 3d
Elizabeth Williams, J.D.

COVID-19 Related Litigation: Challenges to Election and Voting Practices During COVID-19 Pandemic

Early in the presidential **election** year of 2020, COVID-19, an infectious and sometimes deadly disease caused by a novel coronavirus, appeared throughout the United States and the rest of the world. Many state and local governments imposed restrictions on activities that made the spread of the disease more likely, such as large gatherings of people. The restrictions, and the disease itself, raised questions about the conduct of **elections** during the pandemic, including whether voters would be allowed to cast absentee ballots and whether political candidates seeking a place on the ballot would be required to collect petition signatures as usual. This article collects and analyzes the cases in which courts have determined what adjustments, if any, to voting and **election** practices states would be permitted or required to make during the pandemic.

→ For cases on this issue after the date of this article, use this query: (vot! or **election** or **electing** or **poll!** or ballot or primary) /200 (COVID! or coronavirus or pandemic) & DA(aft 7/15/2020) % (wag! labor union! trustee! employ! estate)

Suggestions for A.L.R.? [Email an A.L.R. Attorney Editor.](#)

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[Article Outline](#)

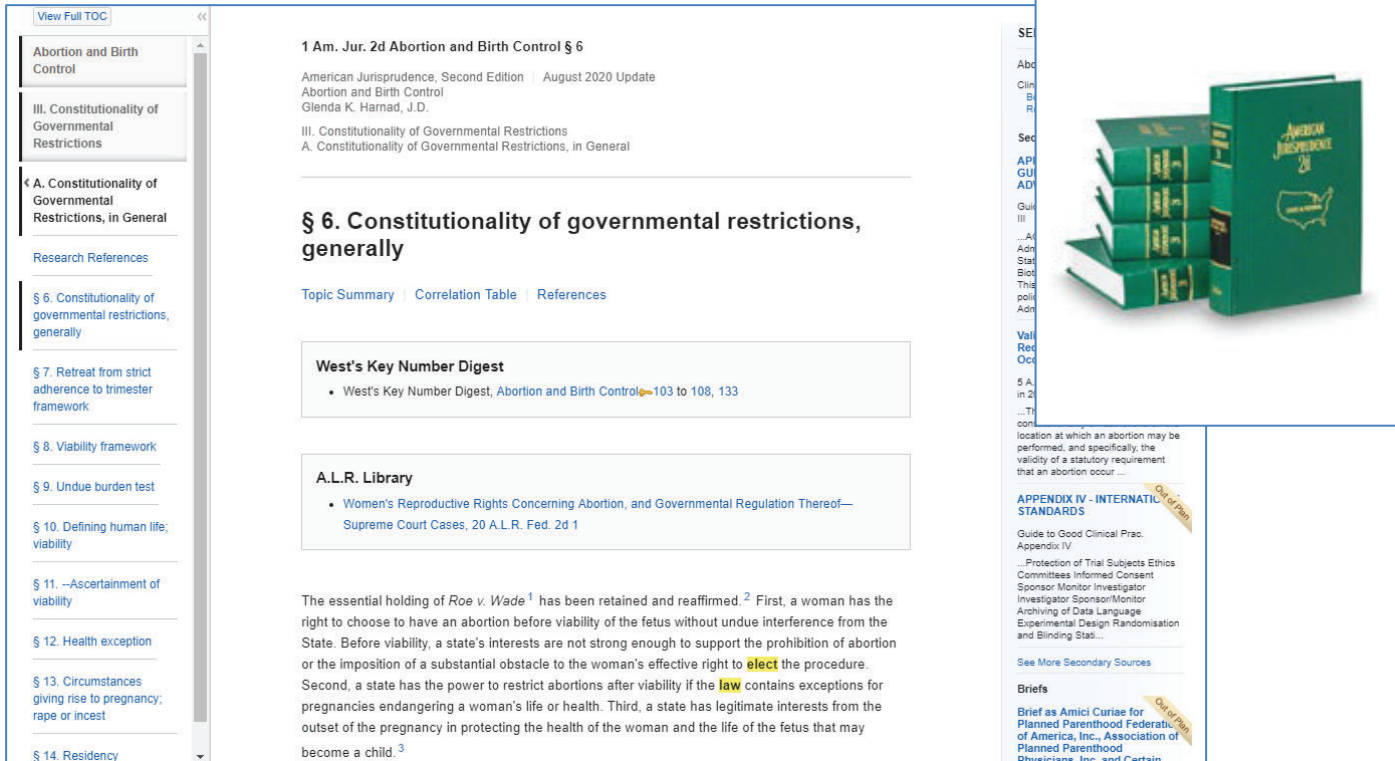
[Research References](#)

[Table of Cases](#)

A.L.R. Online

AMERICAN JURISPRUDENCE 2D

(Am. Jur. 2d)



View Full TOC

Abortion and Birth Control

III. Constitutionality of Governmental Restrictions

A. Constitutionality of Governmental Restrictions, in General

Research References

§ 6. Constitutionality of governmental restrictions, generally

§ 7. Retreat from strict adherence to trimester framework

§ 8. Viability framework

§ 9. Undue burden test

§ 10. Defining human life; viability

§ 11. --Ascertainment of viability

§ 12. Health exception

§ 13. Circumstances giving rise to pregnancy; rape or incest

§ 14. Residency

1 Am. Jur. 2d Abortion and Birth Control § 6

American Jurisprudence, Second Edition | August 2020 Update
Abortion and Birth Control
Glenda K. Harnad, J.D.

III. Constitutionality of Governmental Restrictions
A. Constitutionality of Governmental Restrictions, in General

§ 6. Constitutionality of governmental restrictions, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

- West's Key Number Digest, [Abortion and Birth Control](#) 103 to 108, 133

A.L.R. Library

- [Women's Reproductive Rights Concerning Abortion, and Governmental Regulation Thereof—Supreme Court Cases, 20 A.L.R. Fed. 2d 1](#)

The essential holding of *Roe v. Wade*¹ has been retained and reaffirmed.² First, a woman has the right to choose to have an abortion before viability of the fetus without undue interference from the State. Before viability, a state's interests are not strong enough to support the prohibition of abortion or the imposition of a substantial obstacle to the woman's effective right to elect the procedure. Second, a state has the power to restrict abortions after viability if the law contains exceptions for pregnancies endangering a woman's life or health. Third, a state has legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the fetus that may become a child.³

location at which an abortion may be performed, and specifically, the validity of a statutory requirement that an abortion occur ...

APPENDIX IV - INTERNATIONAL STANDARDS

Guide to Good Clinical Prac.
Appendix IV

...Protection of Trial Subjects Ethics Committees Informed Consent Sponsor Monitor Investigator Investigator Sponsor/Monitor Archiving of Data Language Experimental Design Randomisation and Blinding Stati...

[See More Secondary Sources](#)

Briefs

[Brief as Amici Curiae for Planned Parenthood Federation of America, Inc., Association of Planned Parenthood Physicians, Inc. and Certain](#)

This is the national legal encyclopedia by *Lawyers Cooperative Publishing Company* (now published by *West*, owned by *Thomson-Reuters*). It is thus a part of the *Total Client-Service Library*. Each topic within *Am. Jur. 2d* has a commentary. Within the commentary superscripts refer to footnotes. The footnotes, in turn, refer to other forms of authority, usually cases and statutes. The primary purpose of *Am. Jur. 2d* is to lead to primary authority. *Am. Jur. 2d* is secondary authority.

Am. Jur. 2d Functions

- available on *Westlaw* [Database: AMJUR]
- available on *Lexis* [Database: AMJUR]
- helps to find the law
- contains the law
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

AM. JUR. PROOF OF FACTS

(Am. Jur. POF)

184 Am. Jur. Proof of Facts 3d 351 (Originally published in 2020)

American Jurisprudence Proof of Facts 3d | September 2020 Update
Monique C.M. Leahy, J.D. *

Proof of Hospital Liability for Patient Injury from Failure to Adopt or Comply with Patient Safety Procedures

[Categorical List of Articles](#)

TABLE OF CONTENTS

[Article Outline](#)

[Scope](#)

[Index](#)

[Research References](#)

§ 66. Experience as expert witness in previous litigation

Q.

Have you been retained as an expert witness in other litigation?

A.

Yes, I have served as an expert in several previous litigation matters.

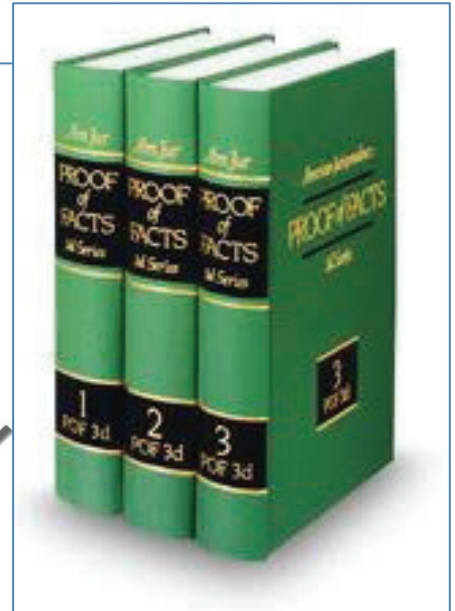
§ 67. Explanation of patient's surgery, infection complication, needed amputation

Q.

Please explain the standard of care and sequence of events involving the decedent at [defendant hospital].

A.

The standard of care is that of physicians and hospitals under similar circumstances. In this patient's situation, the patient was admitted to [hospital] for [gallbladder surgery](#), which was successful. According to the medical records I reviewed, the attending physician determined the patient to be a risk fall due to age and cognitive decline and ordered that the patient be assisted whenever the patient was out of bed.



The articles in this series identify the essential facts and how to prove them in a variety of civil litigation and criminal defense actions. There is one combined general index for all three series (*Am. Jur. POF*, *Am. Jur. POF2d*, and *Am. Jur. POF 3d*). Tools within this publication include checklists, elements of proof list, sample discovery and expected answers, sample examination questions and expected answers, references to primary authority, and more.

Annotation Functions

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AM. JUR. PLEADING AND PRACTICE FORMS

View Full TOC

Elections

IV. Conduct of Elections

B. Election Irregularities

2. Forms

§ 63. Complaint in federal court—Conspiracy to interfere with federal voting rights

§ 64. Complaint, petition, or declaration—Allegation—Prevention of qualified electors from voting—By failure to give notice of election

§ 65. —By failure to give notice of change of polling place

§ 66. —By failure to deliver election materials

§ 67. —By failure to have polls open during prescribed hours

§ 68. —Discriminatory administration of absentee voting process by election officials

§ 69. —Irregularities in school board election resulted in racial

9 Am. Jur. Pl. & Pr. Forms Elections § 70

American Jurisprudence | September 2020 Update
Pleading and Practice Forms Annotated

Elections

IV. Conduct of Elections

B. Election Irregularities

2. Forms

§ 70. Complaint in federal court—Allegation—Against State Board of Elections—Improper issuance of absentee ballots—Invalidation of absentee votes

Topic Summary | References | Correlation Table

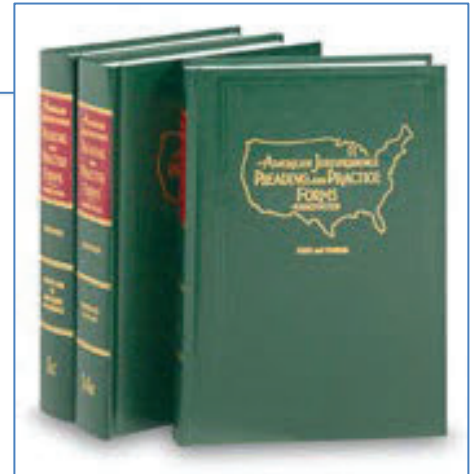
1. Voters, including [names of plaintiffs], were issued absentee ballots by the Board of Elections.

2. Plaintiffs relied on the Board's decision to issue them an absentee ballot and, therefore, believed they could vote by absentee ballot.

3. Plaintiffs had no indication that the Board of Elections had improperly issued the ballots.

4. But for the actions of the Defendant Board of Elections, the plaintiffs would have applied in [identification of year] for an absentee ballot for or voted in person for the [date of election] general election.

5. In fact, no person or party objected to the Board of Elections' bipartisan decision.



Comprehensive collection of state and federal forms, checklists, and timetables needed for every stage of a case. Includes commentary and “how to” guidance, plus statutory and procedural rules references. Includes notices, complaints, petitions, declarations, summonses, answers, counterclaims, cross-complaints, interrogatories, replies, motions, affidavits, stipulations, subpoenas, orders, writs, jury instructions, judgments, decrees, and more.

Note: *Am. Jur. Legal Forms* is another form book in the Am. Jur. collection of secondary sources.

Am. Jur. Pleading and Practice Forms Functions

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AM. JUR. TRIALS

Litigation of Voter Identification Requirements Under § 2 of Voting Rights Act, 52 U.S.C.A. § 10301
146 AMJUR TRIALS 207 Rachel M. Kane, M.A., J.D. American Jurisprudence Trials (Approx. 75 pages)

Document

Return to list 1 of 768 results Original terms Skip Out of Plan

§ 14. Complaint—United States as plaintiff

The following complaint is based on the complaint filed in UNITED STATES OF AMERICA, Plaintiff, v. THE STATE OF NORTH CAROLINA, The North Carolina State Board of Elections, and Kim W. Strach, in her official capacity as Executive Director of the North Carolina State Board of Elections, Defendants, 2015 WL 7289773 (M.D. N.C. 2015). Editorial modifications have been made to the document as appropriate. The document in unedited form is available on Westlaw at the citation provided.

First Amended Complaint

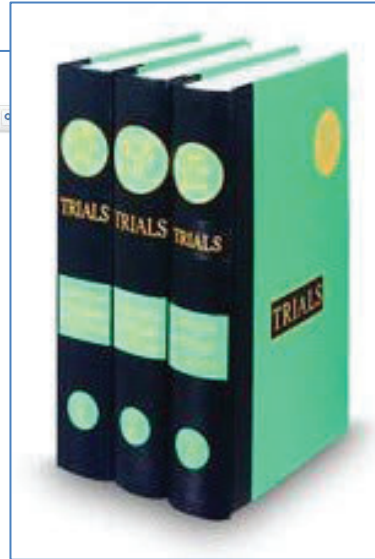
- The Attorney General files this action pursuant to §§ 2 and 12(d) of the Voting Rights Act, 52 U.S.C.A. §§ 10301, 10308(d), to enforce the voting rights guaranteed by the Fourteenth and Fifteenth Amendments to the United States Constitution.
- In this action, the Attorney General challenges portions of [title of bill], which was signed into law on [date of enactment], and is [designated as Session Law [number of session law]. [Title of bill] makes significant changes to [name of state]'s election laws.

JURISDICTION AND VENUE

- The Court has jurisdiction of this action pursuant to 28 U.S.C.A. §§ 1331, 1345, 2201 and 52 U.S.C.A. § 10308(f).
- Venue is proper in this court under 28 U.S.C.A. §§ 113(b), 1391(b).

PARTIES

- The Voting Rights Act authorizes the Attorney General to file a civil action on behalf of the United States of America seeking injunctive, preventive, and permanent relief for violations of § 2 of the Act. 52 U.S.C.A. § 10308(d).
- Defendant [name of state] is one of the states of the United States of America.



Am. Jur. Trials is a litigation support series that includes lists for trial strategies, forms, templates, and discussions of litigation strategy. It is basically a treatise that also includes forms. An excellent resource. Areas of support include:

Alternative Dispute Resolution
Commercial Law
Family Law
Insurance
Labor & Employment
Real Estate

Civil Procedure
Criminal Law & Procedure
Finance & Banking
Intellectual Property
Medical Litigation
Financing & Mortgage Lending

Civil Rights
Evidence
Professional Ethics & Liability
Torts & Personal Injury
Products Liability

Am. Jur. Trials Functions

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ANNOTATION

An annotation is a commentary or discussion by a private publisher and is considered secondary authority. A.L.R. is best known for its annotations. In fact, when a lawyer asks a paralegal to find an “annotation,” he or she is referring to *American Law Reports*.

Annotation Functions

- helps to find the law
- contains the law
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

BLUEBOOK – A UNIFORM SYSTEM OF CITATION



The term *Bluebook* can mean two things:

- ✓ The *Uniform System of Citation*, a guide to citation form
- ✓ The *A.L.R. Blue Book of Supplemental Decisions* updates the first series of *A.L.R.*

The most common reference to *Bluebook* refers to the citation guide.

Bluebook (Uniform System of Citation) Functions

- available on *Westlaw*
- available on *Lexis*
- helps to find the law
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- acts as a reference, form book, or other usage

CAUSES OF ACTION (COA)



73 Causes of Action 2d 211 (Originally published in 2016)

Causes of Action Second Series | September 2020 Update
Theodore Z. Wyman, J.D.[†]

Cause of Action for Employment Discrimination on Basis of Transsexual or Transgender Status

TABLE OF CONTENTS

Article Outline
COA Action Guide
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Research References

COA2d ACTION GUIDE

PRIMA FACIE CASE

- Plaintiffs alleging causes of action for employment discrimination on the basis of transsexual or transgender status have four main theories under which to proceed. Plaintiffs typically bring suits alleging:
 - (1) employment discrimination under Title VII of the Civil Rights Act of 1964 ("Title VII") [§§ 5 to 12];
 - (2) unlawful retaliation under Title VII [§§ 13 to 18];
 - (3) § 1983 violations of the Equal Protection Clause of the Fourteenth Amendment [§§ 19 to 21];
 - (4) employment discrimination under state statutes mimicking or expanding the protections offered by Title VII [§§ 22, 51].
- To establish a prima facie case of employment discrimination under Title VII via direct proof, a plaintiff must demonstrate

149 A.L.R. Fed. 431 (Originally published in 1998)

Section 704(a) of Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000e-3(a)), plays an important role in the statutory scheme for preventing employment discrimination under Title VII. Specific...

Cause of Action for Discharge from Employment in Retaliation for Exercise of Rights Protected by Title VII, 42 U.S.C.A. §§2000e to 2000e-17

61 Causes of Action 2d 229 (Originally published in 2014)

...This article discusses a cause of action by a plaintiff employee against an employer acting in violation of Title VII's anti-retaliation provision, 42 U.S.C.A. § 2000e-3. A Title VII retaliation action ...

Extensive reference providing articles and case studies, which focus on different types of actions. Identifies the various elements of each case, educating you to the litigation issues by offering a *Substantive Law Overview*. In some ways, this is *West's* response to *Am. Jur. Proof of Facts* (although *West* has since purchased the publisher of *Proof of Facts*).

Causes of Action Functions

- available on *Westlaw* [Database: COA]
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- contains selected cases
- helps to use, or educate about, the law

CORPUS JURIS SECUNDUM

(CJS)

View Full TOC

Elections

III. Registration of Voters

C. Registration Process

Research References

§ 65. Nature and necessity of registration

§ 66. Place to register

§ 67. --Effect of National Voter Registration Act

§ 68. Time for registering

§ 69. Persons entitled to register

§ 70. Form and content of registration

§ 71. --National Voter Registration Act

§ 72. Irregularities and defects

§ 73. Appeal from denial of registration

§ 74. Transfer of registration or new registration after changing residence

29 C.J.S. Elections § 70

Corpus Juris Secundum | September 2020 Update

Elections
James Buchwalter, J.D.; Michael N. Giuliano, J.D.; Stephen Lease, J.D.; Karl Oakes, J.D. and Barbara J. Van Arsdale, J.D.

III. Registration of Voters
C. Registration Process

§ 70. Form and content of registration

Topic Summary | References | Correlation Table

West's Key Number Digest

- West's Key Number Digest, Election Law—118, 122

→ The requirements for registering depend on state laws requiring information regarding the voter's name, residence, and the like.

→ The method and requirements for registration are dependent on, and controlled by, constitutional and statutory provisions,¹ including the information required of applicants,² such as the voter's name, although married women may be allowed to register under their maiden names;³ Social Security number, when allowed by the Privacy Act,⁴ and residence address.⁵ A signature may be required on the voter registration card to make it effective.⁶

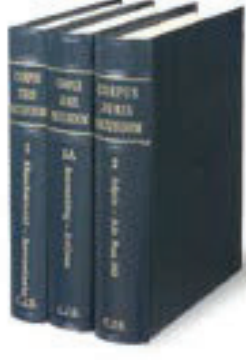
Westlaw. © 2020 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

1 Ill.—Tuthill v. Rendleman, 387 Ill. 321, 56 N.E.2d 375 (1944).

2 Pa.—Com. ex rel. Reno v. Lawler, 343 Pa. 353, 22 A.2d 900 (1941).

3 Ala.—State v. Taylor, 415 So. 2d 1043 (Ala. 1982).



96 A.L.R. 1035 (Originally published in 1935).

...The reported case for this annotation is *Pierce v. Superior Court*, 1 Cal. 2d 750, 37 P.2d 460, 96 A.L.R. 1020 (1934).

APPENDIX III JUDICIAL OPINIONS

FDA Enforcement Men, Appendix III ...No. 74-215 Supreme Court of the United States 421 U.S. 855, 96 S. Ct. 1903 2d 489 Argued March 18-19, 1975 June 9, 1975 Mr. Chief Justice Burger delivered the opinion of the Court. We granted certiorari...

See More Secondary Sources

Briefs

Appellees' Brief

2012 WL 5902668
VOTING FOR AMERICA, PROJECT VOTE, INC., Brad Richey, and Penelope McFadden, Plaintiffs-Appellees, v. HOPE ANDRADE, Texas Secretary of State, in her official capacity, Defendant-Appellant.
United States Court of Appeals, Fifth

C.J.S. is the national legal encyclopedia published by *West Publishing Company*. As with all legal encyclopedias, the material is arranged topically. Each topic features a commentary. Within the commentary, superscripts refer to footnotes. The footnotes, in turn, refer to other forms of authority, usually cases and statutes. The primary purpose of C.J.S. is to lead to primary authority. C.J.S. is considered secondary authority.

Corpus Juris Secundum Functions

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- available on *Lexis*
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- acts as a reference, form book, or other usage

CUMULATIVE SUPPLEMENT

Construction and effect of absentee voters' laws
97 A.L.R.2d 257 American Law Reports ALR2d Originally published in 1994 (Approx. 227 pages)

Document History (10) Citing References (118) Table of Authorities Powered by KeyCite

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LOCATE AUTHORITY BY JURISDICTION

Apply

United States
 Undefined Jurisdiction

Federal

Supreme Court
 First Circuit
 Second Circuit
 Third Circuit
 Fourth Circuit
 Fifth Circuit
 Sixth Circuit
 Seventh Circuit
 Tenth Circuit
 Eleventh Circuit

State

Alabama
 Alaska
 Arizona
 Arkansas
 California
 Colorado
 Connecticut
 Delaware
 Florida
 Georgia
 Hawaii
 Idaho
 Illinois
 Indiana
 Iowa
 Kansas
 Kentucky
 Louisiana
 Maine
 Maryland
 Massachusetts
 Michigan
 Minnesota
 Mississippi

that the statutory provision for absentee voters' ballots confers a privilege and not a right and that if an elector casts an absentee voters' ballot prior to the proper submission of an **issue**, he cannot complain that he has been disfranchised as to such **issue**. the court said that the casting of an absentee ballot is a privilege accorded individuals who, because of their own business or their own pleasure, see fit not to be within the jurisdiction, or within the municipality, on **election day**, that they must take the situation as they find it and that if they have absented themselves from the voting place at the time the **issue** is presented properly, they have so absented themselves at their own risk.

Recognizing view that absentee voting is privilege rather than absolute right.

Fla
Spradley v. Bailey, 292 So. 2d 27 (Fla. 1st DCA 1974)

Ky
Hallahan v. Cranfill, 383 S.W.2d 374 (Ky. 1964)

La
Adkins v. Huckabay, 755 So. 2d 206 (La. 2000)

Minn
Ball v. Gannaway, 303 Minn. 346, 227 N.W.2d 797 (1975) (citing annotation)

NJ
Mulcahy v. Bergen County Bd. of Elections, 156 N.J. Super. 383 A.2d 1214 (Law Div. 1978)

The following additional authority is relevant to the **issues** discussed in this section:

CUMULATIVE SUPPLEMENT

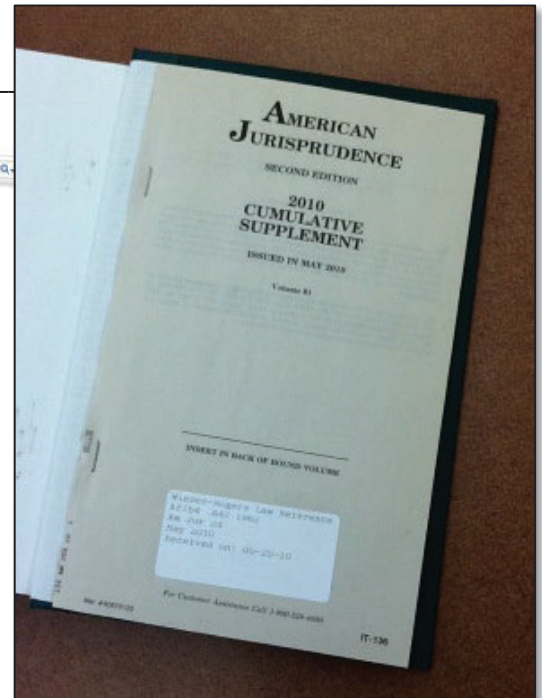
Cases:

See Oregon v. Mitchell, 400 U.S. 112, 91 S. Ct. 260, 27 L. Ed. 2d 272 (1970), *infra* § 17.

Federal Constitution did not require state to either shorten ballot, so as to reduce confusion and mistakes by voters, or allow all voters to vote by absentee ballot. U.S.C.A. Const. Art. 1, § 4, cl. 1. Griffin v. Roupas, 385 F.3d 1128 (7th Cir. 2004).

Constitutional protection for right to vote encompassed protections about voting with absentee ballots. Smith v. Maese, 821 F.2d 1484 (11th Cir. 1987).

State that created an absentee voter regime through which qualified voters could exercise their fundamental right to vote had to provide absentee voters with constitutionally adequate due process protection. U.S. Const. Amend. 14, Martin v. Kemp, 341 F.Supp. 3d 1326 (N.D. Ga. 2018).



A cumulative supplement is not a book. It is a collection of material that contains both previously printed information and new or updated content that is used to update information in hard bound texts. A cumulative supplement is usually a softbound supplement, or pocket part. (See *pocket parts*.) Supplements are much less important with the advent of online research since the material online may be published digitally. However, even within a digital version of a book, it will still usually refer to the updates as “cumulative supplements” to match the law library vernacular.

Cumulative Supplement Functions

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CURRENT LAW INDEX (CLI), A/K/A LEGAL RESOURCE INDEX (LRI)

Back to Legal Resource Index (Electronic Companion to Current Law Index)

Legal Resource Index (Electronic Companion to Current Law Index) (10,000)

1 - 100 Sort by: Relevance

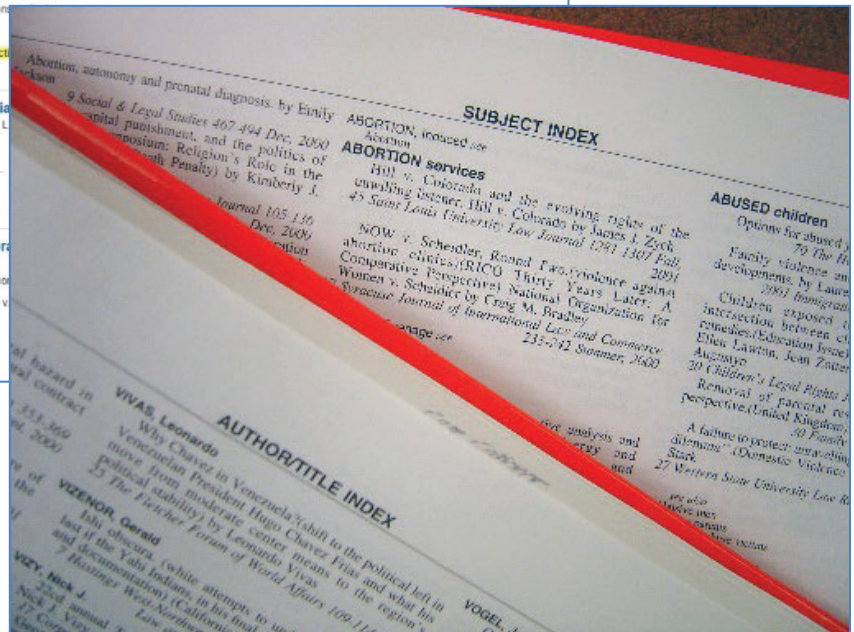
Select all items | No items selected

1. TITLE: **Out of Guatemala? Election law reform in Florida and the legacy of Bush v. Gore in the 2004 presidential election.**
 Legal Resource Index | Publication Date: Spring 2006. | 5 Election L.J. 121 | AUTHOR: Jones, Clifford A.
 ...Election law reform in Florida and the legacy of Bush v. Gore in the 2004 presidential election ...
 ...Descriptors: Election law - Evaluation...
 ...Periodical: Election Law Journal, ISSN 1533-1296...
 ...Presidents - Elections...

2. TITLE: **Is it time to draw the line? The impact of redistricting on competition in state house elections.**
 Legal Resource Index | Publication Date: Spring 2006. | 5 Election L.J. 144 | AUTHOR: Lublin, David, McDonald, Michael P.
 ...Descriptors: Apportionment (Election law) - Laws, regulations...
 ...Congressional elections - Laws, regulations and rules...
 ...The impact of redistricting on competition in state house elect...
 ...Periodical: Election Law Journal, ISSN 1533-1296...

3. TITLE: **If terrorists attacked our Presidential**
 Legal Resource Index | Publication Date: Fall 2004. | 3 Election L...
 ...Periodical: Election Law Journal, ISSN 1533-1296...
 ...Descriptors: Election law - Interpretation and construction...
 ...Presidents - Elections...
 ...TITLE: If terrorists attacked our Presidential elections...

4. TITLE: **Branch v. Smith - election law federalism after Bush v**
 Legal Resource Index | Publication Date: Winter 2003. | 2 Electo...
 ...TITLE: Branch v. Smith - election law federalism after Bush v...
 ...Periodical: Election Law Journal, ISSN 1533-1296...
 ...Apportionment (Election law) - Laws, regulations, etc...
 ...CITE: 2003 WL 22017363 (LRI), 2 Election L.J. 91...

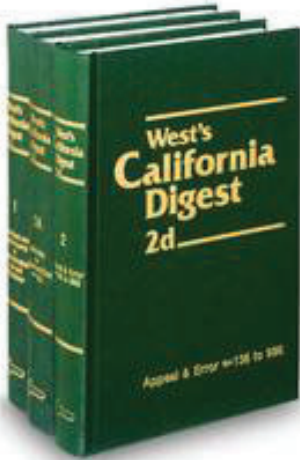


The CLI is one of the most popular methods of finding articles in hundreds of legal periodicals. CLI is accessed in a fashion similar to that used in library card catalogues. In other words, the researcher may locate material by author, title of article, or subject matter. Since an index would never be quoted, CLI would be considered non-authority. The online companion to CLI is the *Legal Resource Index* (LRI).

Current Law Index (Legal Resource Index) Functions

- available on *Westlaw* [Database: LRI]
- available on *Lexis*
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

DIGESTS



Digests used to be one of the most important tools for a researcher, but no more. As we shall see, online research has diminished the need for, and use of, the digest system. However, having a foundational understanding of the structure and function of digests will help you both online and in the law library.

A digest is a collection of summaries, basically headnotes, collected in topical order. *Digests were created to act as an index to case law.* The primary publisher of digests is *West*. For instance, the *Pacific Reporter* (which contains court opinions from the Pacific Region) has the *Pacific Digest*. The *Colorado Reports* have the *Colorado Digest*. The *Federal Reporter* and *Federal Supplement* have the *Federal Practice Digest*. The *Supreme Court Reporter* has the *Supreme Court Digest*. And so forth.

West also publishes the *American Digest System*. There are three parts to the *American Digest System*:

The Century Digest

Summarizes cases from the 1600s to 1896. Very old authority.

The Decennial Digest

This digest collects material from all digests, state and federal, over ten-year periods. Because it contains so much material, it can be very useful. More recent editions have been forced to split the Decennial into five-year segments, as in: the Tenth Decennial Digest, Part One and Part Two.

The General Digest

The *Decennial Digest* does not have pocket parts, the usual means of updating the volumes. Instead, the *General Digest* updates the *Decennial Digests*.

The Decline of Digests

The major function of digests is to act as an index to reports and reporters publishing cases (court opinions). In fact, digests provided the only mechanism for researching within law library case law books directly.

Now that has changed. Online legal research has made digests almost obsolete. Since the researcher can use search queries to access case law databases, no index (digest) is needed.

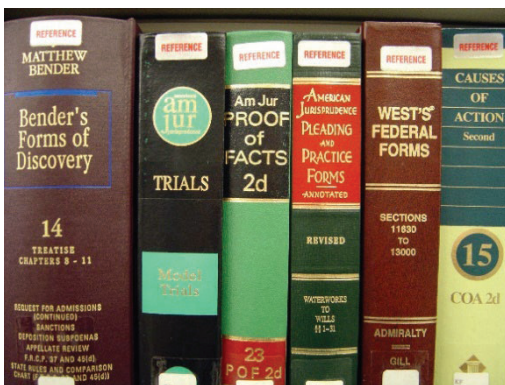
This does not mean you should not know how to use a digest. Law libraries will continue to use them to access the hardbound reporter volumes. Also, there is a chance that your law firm subscribes to a reporter series and its corresponding digest for your state or region. Knowing how to use it may be important.

Finally, the organizational system that was created by *West's* digests lives on and is still an important tool for online use as well as law library research. The *Key Number System* can be used to both focus and broaden your research by providing cases that deal with the same or similar subject matter as the case being viewed. (See *Key Number System* below.)

West Digest Functions

- available on *Westlaw* (by use of *Key Numbers*)
- available on *Lexis*
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

FORM BOOKS



25B Am. Jur. Pl. & Pr. Forms Workers' Compensation § 82

American Jurisprudence | September 2020 Update
Pleading and Practice Forms Annotated
Workers' Compensation
III. Judicial Determination of Claim
B. Allegations of Specific Matters
1. Injury or Disease, Degree of Disability, and Causation

§ 82. Complaint, petition, declaration, or application—Allegation—Drug addiction resulting from treatment prescribed for injury

[Topic Summary](#) | [References](#) | [Correlation Table](#)

- Plaintiff had a **preexisting** nervous or psychiatric disorder manifested by extreme nervousness, irritability, and low tolerance for pain. Following *[his/her]* injury *[he/she]* began taking increased dosages of drugs prescribed by *[his/her]* physicians, which drugs included the following narcotics and sedatives: *[List of narcotics and sedatives]*. As *[he/she]* continued to take such medication for relief of pain, *[he/she]* developed a tolerance to the effect of the drugs necessitating increased dosages, and has now become habituated or addicted to the use of such drugs. The **preexisting condition** has been thus aggravated by the treatment prescribed for *[his/her]* injury resulting in disability which would not have resulted, in the absence of the injury, from the normal progress of the **preexisting condition**.

A form book is a manual or aid that helps researchers prepare documents, develop trial strategy, or learn about a specific area of law. Form books are secondary authority. Online form books are used in much the same way as the hardbound editions, except that search queries are used to access the forms instead of an index. It is likely that the researcher will use snippets from multiple forms, a cause of action from one form, an example of general allegations from another form, for example. Those snippets are then copied and pasted into the document being created.

Form Book Functions

- available on *Westlaw* [Various publications]
- available on *Lexis* [Various publications]
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

INDEX TO LEGAL PERIODICALS

The image displays two digital research interfaces and a physical library set. On the left is the Lexis+ homepage with a search bar and a navigation menu where 'Law Reviews & Journals' is highlighted. On the right is the Westlaw Edge 'Secondary Sources' page, with a red arrow pointing to the 'Law Reviews & Journals' link. To the right of the Westlaw Edge page is a photograph of five yellow-spined volumes of the 'Index to Legal Periodicals' for the years 1986-1991, with volume numbers 26 through 30 visible on the spines.

The *Index to Legal Periodicals* still exists in the law library, but as of this publishing Westlaw and Lexis have stopped publishing this set online. Instead, researchers should use Westlaw's *Law Reviews and Journals* database (found by clicking *Secondary Sources* on the Home page) or Lexis' *Law Reviews and Journals* link on its Home page.

Like the *Current Law Index*, the ILP helps the researcher locate relevant articles in legal journals and magazines. ILP may be accessed in a fashion similar to that used with library card catalogues. In other words, the researcher may locate material by author, title of article, or subject matter. Since an index is never quoted, ILP would be considered non-authority.

Index to Legal Periodical Functions

- available on *Westlaw* [Database: ILP]
- available on *Lexis*
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

KEY NUMBER SYSTEM (BY WEST PUBLISHING)

Key Topic and Number in case headnote.

7. Libel and Slander ⇔30

Employee failed to show that district manager's statements on conference call regarding verbal altercation between employee and her supervisor were false, and therefore statements could not support defamation claim.

Key Topic Reference Number and Key Number on Westlaw.

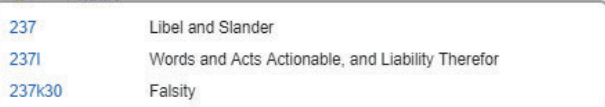
Desmond v. News and Observer Publishing Company
Supreme Court of North Carolina | August 14, 2020 | 846 S.E.2d 647 (Approx. 34 pages)

Document Filings (24) Negative Treatment (0) History (24) Citing References (4) Table of Authorities Powered by KeyCite

Return to list 1 of 1,559 results Go to

and applies the law fairly to variant factual situations presented by the evidence, the charge is sufficient.

18 Libel and Slander Falsity
The common law of libel overlooks minor inaccuracies and focuses on substantial truth; as such, minor inaccuracies do not amount to falsity so long as the substance, the gist, the sting, of the libelous charge be justified.

19 Libel and Slander Falsity
A plaintiff alleging materially false.  ing injury to the plaintiff's reputation, is

- 237 Libel and Slander
- 237I Words and Acts Actionable, and Liability Therefor
- 237k30 Falsity

20 Libel and Slander Falsity
In an action for libel, the issue of falsity relates to the defamatory facts implied by a statement.

21 Libel and Slander Exemplary damages
A successful showing of actual malice in the liability stage of a public-official defamation action does not eliminate the necessity of a jury finding one of the statutory aggravating factors to support an award of punitive damages. *N.C. Gen. Stat. Ann. § 1D-15(a)*.

West's Key Number System assigns key topics and key numbers to thousands of topics and subtopics. Similar to a topic and section number in an encyclopedia, the key topic and number are the same in any digest published by West. Assume the researcher locates *Adoption Key Number 52* in the Pacific Digest. This key topic and number deals with "Adoption of Child by Relative." The researcher can use the exact same Key Numbers in any other *West Digest* (the *Atlantic Digest*, for example) to access "Adoption of Child by Relative" in that publication. Key Numbers are found at the beginning of a headnote in a case (see top image).

Using Key Numbers in *Westlaw*

The *Key Number System* is also referenced within *Westlaw*. If a researcher identifies a *Key Topic and Number* as being particularly relevant, the researcher can click on that *Key Number* link within the case being viewed. A series of choices will be provided allowing the researcher to search other jurisdictions, such as a different state or another federal jurisdiction, resulting in cases dealing with that identical topic from those jurisdictions.

In *Westlaw*, a number has been assigned to each topic. For example, *West* has assigned the number 237 to the topic *Libel and Slander*. The abbreviation used by *West* for *Key Number* is the letter “k” followed by the number. Thus, a *Key Number* would be represented as **237k30**. 237 represents the topic *Libel and Slander*, and k30 represents the *Key Number* dealing with *Falsity*.

While you will usually just click on the *Key Number* link in a headnote of a case you are viewing on *Westlaw*, you can also search for the *Key Topic* assigned numbers (such as 237 for *Libel and Slander* above) by going to the *Westlaw* home page and clicking on *Topics & Key Numbers* in the main window.

Key Number System Functions

- available on *Westlaw*
- available on *Lexis*
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

LEGAL DICTIONARY

CONDITION
Black's Law Dictionary (11th ed. 2019) (Approx. 6 pages)

Document

[Return to list](#) | 1 of 6 results | Original terms

Black's Law Dictionary (11th ed. 2019), condition

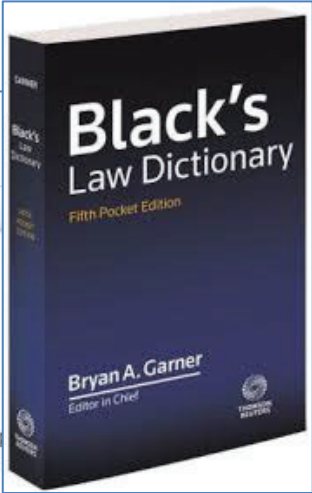
CONDITION

Bryan A. Garner, Editor in Chief

[Preface](#) | [Guide](#) | [Legal Maxims](#) | [Bibliography](#)

condition *n.* (14c) 1. A future and uncertain event on which the existence or extent of an obligation or liability depends or qualifies a transfer of property. In the law of trusts, for example, it is used to denote an event such as the death of the settlor that triggers or negates a duty to render a promised performance. • For example, if Jones promises to pay car, Smith's failure to repair the car (an implied or constructive condition) relieves Jones of the promise to pay.

“Condition’ is used in this Restatement to denote an event which qualifies a duty under a contract. It is recognized that ‘condition’ is used with a wide variety of other meanings in legal discourse. Sometimes it is used to denote an event that limits or qualifies a transfer of property. In the law of trusts, for example, it is used to denote an event such as the death of the settlor that qualifies his disposition of property in trust. Sometimes it is used to refer to a term in an agreement that makes an event a condition, or more broadly to refer to any term in an agreement (e.g., ‘standard conditions of sale’). For the sake of precision, ‘condition’ is not used here in these other senses.” *Restatement (Second) of Contracts* § 224 cmt. a (1981).

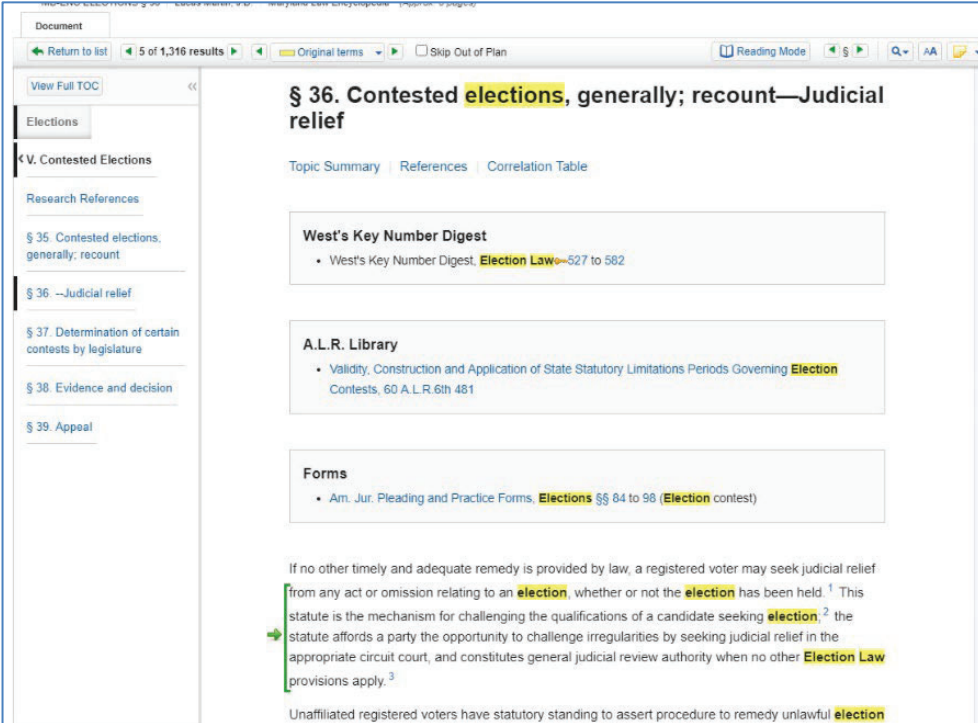


The three major standard legal dictionaries are *Ballentine's*, *Black's*, and *Barron's*. These are all standard legal dictionaries that make nice desk reference books for the paralegal. *Words & Phrases*, with more than a hundred volumes, is also a legal dictionary. It provides actual quotes from court opinions defining legal terms. Legal dictionaries are considered secondary authority. There are also online legal dictionaries, such as www.nolo.com/dictionary.

Legal Dictionary Functions

- available on *Westlaw* [Database: BLACKS or WORDS-PHRASES]
- available on *Lexis* [Database: BARRONS or BALLENTINES]
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

LEGAL ENCYCLOPEDIAS



The screenshot shows a web-based legal encyclopedia entry for "§ 36. Contested elections, generally; recount—Judicial relief". The page includes a sidebar with navigation options, a main text area with a green arrow pointing to a paragraph, and three research tool boxes: "West's Key Number Digest", "A.L.R. Library", and "Forms".

§ 36. Contested elections, generally; recount—Judicial relief

Topic Summary | References | Correlation Table

West's Key Number Digest

- West's Key Number Digest, **Election Law**—527 to 582

A.L.R. Library

- Validity, Construction and Application of State Statutory Limitations Periods Governing **Election** Contests, 60 A.L.R.6th 481

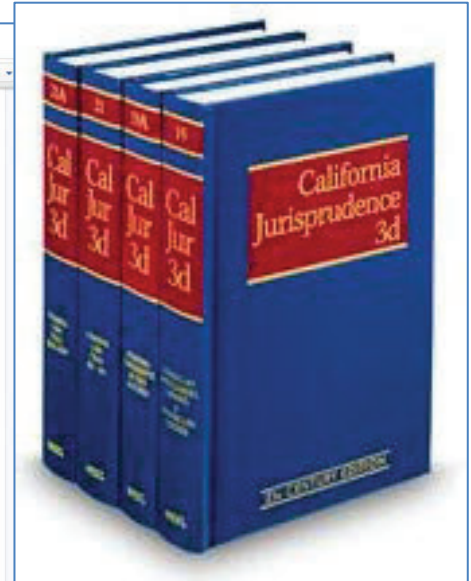
Forms

- Am. Jur. Pleading and Practice Forms, **Elections** §§ 84 to 98 (**Election** contest)

If no other timely and adequate remedy is provided by law, a registered voter may seek judicial relief from any act or omission relating to an **election**, whether or not the **election** has been held.¹ This statute is the mechanism for challenging the qualifications of a candidate seeking **election**,² the statute affords a party the opportunity to challenge irregularities by seeking judicial relief in the appropriate circuit court, and constitutes general judicial review authority when no other **Election Law** provisions apply.³

Unaffiliated registered voters have statutory standing to assert procedure to remedy unlawful **election**

Supreme Court of the United States
Dec. 10, 2000
On December 4, 2000, this Court unanimously vacated the Florida Supreme Court's November 21 judicial revision of Florida's **election laws**. Bush v. Palm Beach County Canvassing Board, No. 00-836 (U.S. De...
BRIEF OF RESPONDENT
ALBERT GORE, JR.



A legal encyclopedia contains a little information about virtually all areas of law and provides, through footnotes, references to other research sources. *Am. Jur. 2d* and *C.J.S.* are the major legal encyclopedias. Some states have their own encyclopedias, such as *California Jurisprudence, 3d*. Encyclopedias are secondary authority.

Legal Encyclopedia Functions

- available on *Westlaw* [Database: AMJUR or CJS]
- available on *Lexis*
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

LEGAL PERIODICALS / LOOSE LEAF SERVICES

5C Bender's Forms of Discovery Interrogatories FORM NO. 104:59

[Copy Citation](#)

[Bender's Forms of Discovery Interrogatories \(Volumes 1 to 10A\) > 13 INTERROGATORIES: FIXTURES TO HOSPITALS > CHAPTER 104 HOSPITALS AND HEALTH CARE FACILITIES](#)

[View the enhanced version of this form](#)

FORM NO. 104:59 PLAINTIFF'S INTERROGATORIES to Defendant Medical **Health Care Facility—Wrongful Death Medical Malpractice Action**

Summary of Form
 Staff Rendering Medical/Nursing **Care** to Decedent (Q 1)
 Attending Physician Agreement to Provide Medical Services (Q 2)
 Policies for Maintaining Medical Records (Q 3)
 Decedent's Medical Records (Q 4)

1. For each employee of the defendant medical **health care** practice facility who provided medical/nursing **care** and from _____ to _____ (date span during which defendants attended the decedent), with particularity, stating:


- their name and present address;
- their job description, and responsibilities during the decedent's medical treatment during the stated time period;
- their shift schedules(s) and/or hours worked during the noted time frame; and
- the identity of any and all documents reflecting your responses to this interrogatory, and attach copies of same herein.

▼

(See also similar questions in other forms in this title and in title EMPLOYMENT, FACT OF.)

Attending Physician Agreement to Provide Medical Services

2. Explain specifically and in detail any agreement, arrangement or contract which the defendant medical **health care** practice facility entered into with the co-defendant attending physician with regard to the provision of medical services for the period of time including _____ to _____ (date span during which defendants attended the decedent).



Legal Periodicals

A legal periodical is a softbound publication, such as a law school or bar association journal, published weekly, monthly, bimonthly or at some other regular interval. The best method to access periodicals in the law library is the *Index to Legal Periodicals* (ILP) or the *Current Law Index* (CLI). Online, use the *Legal Resource Index* (LRI) on *Westlaw* to access periodicals. Many are in softback booklets, and many are in "loose-leaf" form. Bender's Discovery Forms and U.S. Law Week are examples of legal periodicals.

Loose-leaf Service

These legal materials are collected in a three-ring or post-binder, usually sent out periodically. A loose-leaf publication may be primary or secondary, depending on what it contains. Many loose-leaf services are also available on *Westlaw* and *Lexis*.

Legal Periodical and Loose-Leaf Service Functions

- available on *Westlaw* [Database: LRI – and other publications]
- available on *Lexis* [Various publications]
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law
- acts as a reference, form book, or other usage

MARTINDALE-HUBBELL LAW DIRECTORY

West Legal Directory ★ Add to Favorites 🔗 Copy link

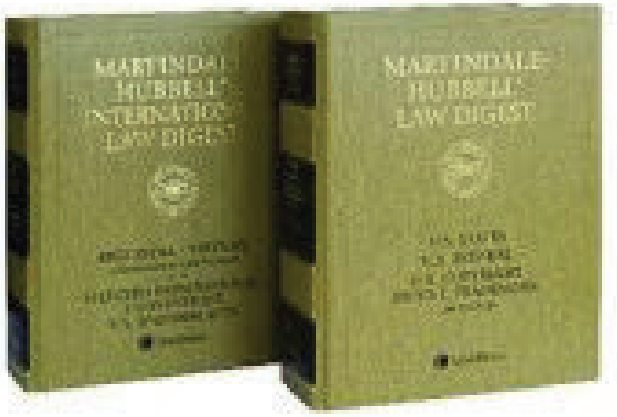
Search all West Legal Directory above or navigate to specific content below. ⓘ

Practice Areas

Administrative	Energy
Admiralty	Entertainment & Sports
Agriculture	Environmental
Alternative Dispute Resolution	Estate Planning
Antitrust & Trade Regulation	Family
Banking and Finance	Gaming Law
Bankruptcy	Government Agencies and Programs
Corporations and Business Organizations	Government Contracts
Civil Rights	Government Counsel
Criminal	Health
Commercial	Immigration
Communications	Insurance
Constitutional Law	Intellectual Property
Corporate Counsel	International
Construction	Judges
Election, Campaign & Political Law	Labor Law
Education	Litigation
Employment Law/Employee	Law Students
Employment Law/Employer	Legal Ethics and Professional Responsibility

States

Alabama	Kentucky	North Dakota
Alaska	Louisiana	Ohio
Arizona	Maine	Oklahoma
Arkansas	Maryland	Oregon
California	Massachusetts	Pennsylvania
Colorado	Michigan	Rhode Island



Workers' Compensation
Y2K

This legal directory has lost a lot of its luster due to the availability of online databases and directories, but if your firm subscribes to it, you should know how to use it. It has some great features. The *Martindale-Hubbell Law Directory* is a reference book about lawyers and the law. The three functions of Martindale-Hubbell are:

1. *state-by-state listing of attorneys.*
2. *separate volume of digested state laws.*
3. *separate volume of digested foreign laws.*

The major function of *Martindale-Hubbell* is to provide information to its attorney subscribers. The volumes contain digested state and foreign laws, but not the law itself. The online address for *Martindale-Hubbell* is www.martindale.com.

Westlaw and *Lexis* both have their own legal directories and therefore do not publish this book as they had previously.

Martindale-Hubbell Functions

- available on *Westlaw*
- available on *Lexis*
- helps to find the law
- contains selected cases
- helps to use, or educate about, the law (in the state and foreign digests)
- acts as a reference, form book, or other usage

POCKET PART / SUPPLEMENT

Construction and effect of absentee voters' laws
97 A.L.R.2d 257 American Law Reports ALR2d Originally published in 1964 (Approx. 221 pages)

Document History (10) Citing References (116) Table of Authorities Powered by KeyCite

Return to list 2 of 9,906 results Original terms Skip Out of Plan

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LOCATE AUTHORITY BY JURISDICTION

Apply

United States
 Undefined Jurisdiction

Federal

Supreme Court
 First Circuit
 Second Circuit
 Third Circuit
 Fourth Circuit
 Fifth Circuit
 Sixth Circuit
 Seventh Circuit
 Tenth Circuit
 Eleventh Circuit

State

Alabama
 Alaska
 Arizona
 Arkansas
 California
 Colorado
 Connecticut
 Delaware
 Florida
 Georgia
 Hawaii
 Idaho
 Illinois
 Indiana
 Iowa
 Kansas
 Kentucky
 Louisiana
 Maine
 Maryland
 Massachusetts
 Michigan
 Minnesota
 Mississippi

that the statutory provision for absentee voters' ballots confers a privilege and not a right and that if an elector casts an absentee voters' ballot prior to the proper submission of an **issue**, he cannot complain that he has been disfranchised as to such **issue**, the court said that the casting of an absentee ballot is a privilege accorded individuals who, because of their own business or their own pleasure, see fit not to be within the jurisdiction, or within the municipality, on **election** day, that they must take the situation as they find it and that if they have absented themselves from the voting place at the time the **issue** is presented properly, they have so absented themselves at their own risk.

Recognizing view that absentee voting is privilege rather than absolute right:

Fla
Spradley v. Bailey, 292 So. 2d 27 (Fla. 1st DCA 1974)

Ky
Hallahan v. Cranfill, 383 S.W.2d 374 (Ky. 1964)

La
Adkins v. Huckabay, 755 So. 2d 206 (La. 2000)

Minn
Bell v. Gannaway, 303 Minn. 346, 227 N.W.2d 797 (1975) (citing annotation)

NJ
Mulcahy v. Bergen County Bd. of Elections, 156 N.J. Super. 429, 383 A.2d 1214 (Law Div. 1978)

The following additional authority is relevant to the **issues** discussed in this section:

CUMULATIVE SUPPLEMENT

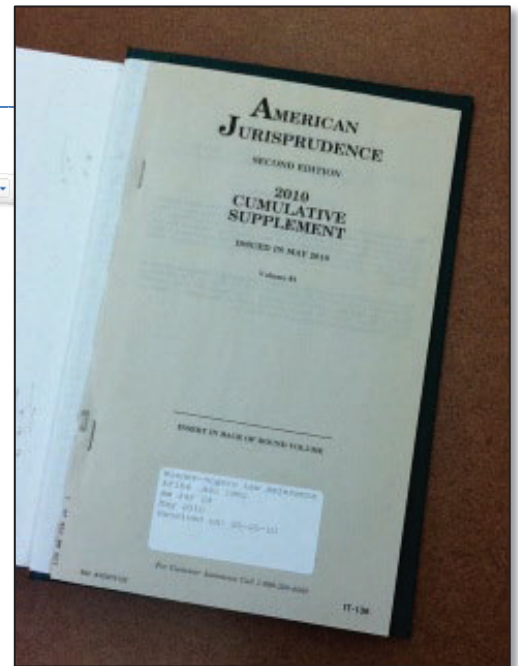
Cases:

See Oregon v. Mitchell, 400 U.S. 112, 91 S. Ct. 260, 27 L. Ed. 2d 272 (1970), *infra* § 17.

Federal Constitution did not require state to either shorten ballot, so as to reduce confusion and mistakes by voters, or allow all voters to vote by absentee ballot. U.S.C.A. Const. Art. 1, § 4, cl. 1.
Griffin v. Roupas, 385 F.3d 1128 (7th Cir. 2004).

Constitutional protection for right to vote encompassed protections about voting with absentee ballots.
Smith v. Meese, 821 F.2d 1484 (11th Cir. 1987).

State that created an absentee voter regime through which qualified voters could exercise their fundamental right to vote had to provide absentee voters with constitutionally adequate due process protection. U.S. Const. Amend. 14. Martin v. Kemp, 341 F. Supp. 3d 1326 (N.D. Ga. 2018).



A pocket part is a pamphlet found in the back of many law books that alters or updates material in the bound volume, a form of supplement. With a pocket part, a volume may be updated instead of being replaced. A pocket part often takes the form of a *cumulative supplement*.

Online research sites either update material that has been changed from the original or add supplemental information at the end of the online page. (See also: *Cumulative Supplement*.)

Pocket Part Functions

- available on *Westlaw* (online material is constantly updated)
- available on *Lexis* (online material is constantly updated)
- helps to find the law
- contains selected cases
- helps to use the law
- depends on what is being updated

RESTATEMENTS

Document: Restat 3d of the Law Governing Lawyers, § 56 | Actions

Go to All terms 63 Search Document

View full table of contents

- > Restatement of the Law 3d, Law Governing Lawyers - Official Text
- Introductory Note
- § 55 Civil Remedies of a Client Other Than for Malpractice
- § 56 Liability to a Client or Nonclient Under General Law**
- § 57 Nonclient Claims—Certain Defenses and Exceptions to Liability

Restat 3d of the Law Governing Lawyers, § 56

Copy Citation

Restatement of the Law 3d, Law Governing Lawyers - Official Text > Chapter 4: Lawyer Client Liability

§ 56 Liability to a Client or Nonclient Under General Law

Except as provided in § 57 and in addition to liability under §§ 48-55, a lawyer is subject to when a nonlawyer would be in similar circumstances.

COMMENTS & ILLUSTRATIONS

Comment:

a. *Scope and cross-references.* This Section states the general principle regulating the civil liability of legal malpractice, which is set forth in §§ 48-54, and the liabilities set forth in § 55. The Section does (see § 5), lawyer liability to clients and nonclients for acts beyond a lawyer's authority (see § 27, Comment f, & § 30(3)), attorney-fee forfeiture or reduction (see §§ 34, 37, & 39), criminal liability (see §§ 8 & 30(1)), administrative penalties, contempt of court (see § 105, Comment e), litigation sanctions (see § 110), or statutes expressly providing for lawyer liability (see § 52, Comment f). Certain exceptions to the liability described here appear in § 57, which also considers lawyers' liability for wrongful use of civil proceedings, abuse of process, malicious prosecution, and inducing breach of contract or contractual relations. Client-lawyer agreements restricting or settling a lawyer's liability to a client under this Section are subject to § 54. On a client's liability to a nonclient resulting from a lawyer's activities, see § 26, Comment d. On a lawyer's statements to nonclients, see § 98.

b. *Rationale; a nonlawyer in similar circumstances.* Lawyers are subject to the general law. If activities of a nonlawyer in the same circumstances would render the nonlawyer civilly liable or afford the nonlawyer a defense to liability, the same activities by a lawyer in the same circumstances generally render the lawyer liable or afford the lawyer a defense. See Restatement Second, Agency § 343 (acting at principal's command is not a defense for an agent committing a tort unless the principal is privileged). For special defenses of lawyers, see § 57. However, among the circumstances relevant to liability or defense under the general law are some that commonly attend lawyers practicing law, such as the fiduciary duties lawyers owe to clients and the powers, duties, and responsibilities that lawyers have in the legal system. Thus, courts considering the civil liability of lawyers must consider how a ruling that affirms or precludes liability would affect the



Restatements are the most highly respected legal treatise. There are various series of *Restatements*, such as *Restatements (Second) of Contracts* or *Restatements of Property Law*. *Restatements* are highly valued, since they are published by the *American Law Institute*, a highly respected private publisher. They are not law and are considered secondary authority, yet *Restatements* are frequently cited by courts.

Restatements of the Law Functions

- available on *Westlaw* [Database: RESTATE]
- available on *Lexis* [Database: RESTATE]
- helps to find the law
- contains selected cases
- helps to use the law
- acts as a reference, form book, or other usage

TOTAL CLIENT SERVICE LIBRARY (TCSL) / RESEARCH REFERENCES

ANNOTATION

LIABILITY FOR INJURY TO MARTIAL ARTS PARTICIPANT

by
Gregory G. Sarno, J.D.

TOTAL CLIENT-SERVICE LIBRARY® REFERENCES

4 Am Jur 2d, Amusements and Exhibitions §§ 81, 86, 98; 6 Am Jur 2d, Assault and Battery § 157; 57 Am Jur 2d, Negligence §§ 284, 341

Annotations: See the related matters listed in the annotation.

1 Am Jur Pl & Pr Forms (Rev), Amusements and Exhibitions, Forms 81 et seq.; 2 Am Jur Pl & Pr Forms (Rev), Assault and Battery, Forms 181-183, 273; 18 Am Jur Pl & Pr Forms (Rev), Negligence, Forms 231-252

2 Am Jur Legal Forms 2d, Amusements and Exhibitions § 19; 348: 13 Am Jur Legal Forms 2d, Negligence § 183:14

15 Am Jur Proof of Facts 2d 1, Sports Injury—Negligence; 18 Am Jur Proof of Facts 2d 217, Sports Injury—Intentional Acts

7 Am Jur Trials 213, Contact Sports Injury

US L. Ed Digest, Amusements, Exhibitions, Shows, and Resorts § 1; Assault and Battery § 1; Negligence §§ 10, 14, 15

L Ed Index to Annos, Amusements; Assault and Battery; Assumption of Risk; Consent; Contributory Negligence

ALR Quick Index, Amusements, Exhibitions, Shows, and Resorts; Assault and Battery; Consent; Contributory Negligence or Assumption of Risk; Negligence; Sports

Federal Quick Index, Amusements and Exhibitions; Assault and Battery; Assumption of Risk; Consent; Contributory Negligence; Negligence

Veralex™: Cases and annotations referred to herein can be further researched through the Veralex™ electronic retrieval system's two services, Auto-Cite® and SHOWME™. Use Auto-Cite to check citations for form, parallel references, prior and later history, and annotation references. Use SHOWME to display the full text of cases and annotations.

Consult POCKET PART in this volume for later cases 403

What conditions constitute "disease" within terms of life, accident, disability, or hospitalization insurance policy

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- A.L.R. Quick Index, Group Insurance
- A.L.R. Quick Index, Health and Accident Insurance Policies and Provisions
- A.L.R. Quick Index, Hospital Insurance
- A.L.R. Quick Index, Insurance
- Validity, Construction, and Application of Stranger-Originated Life Insurance Policies, 91 A.L.R.6th 327
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- Am. Jur. 2d, Insurance §§ 1200-1209
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- First-party Insurance Coverage for Medically Necessary Treatment, 15 Am. Jur. Proof of Facts 3d 355
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- 14 Am. Jur. Pleading and Practice Forms, Insurance, Forms 541-616, 1021-1041

Total Client-Service Library / Research References

The *Total Client-Service Library* (TCSL) is not actually a law book. Instead, it is a research system originally designed by *Lawyers Cooperative Publishing Company*. The *Total Client-Service Library* leads researchers to other relevant legal material.

When *West* purchased *A.L.R.* and *Am. Jur 2d* (as well as other materials) they began to diminish the brand of TCSL. Much of the information is still there, but now it is generically referred to as "Research References." Still a great way to broaden the scope of your research, though.

Total Client-Service Library / Research References Functions

- helps to find the law
- contains selected cases
- helps to use the law
- acts as a reference, form book, or other usage

VALIDATION SYSTEMS: SHEPARD'S AND KEY-CITE

Shepard's has for decades been the major mechanism for ensuring that a published case, statute, or other authority is still good law. *Shepard's* has three major functions:

- ✓ to validate authority
- ✓ to provide parallel citations
- ✓ To help locate additional relevant cases

Online Validation

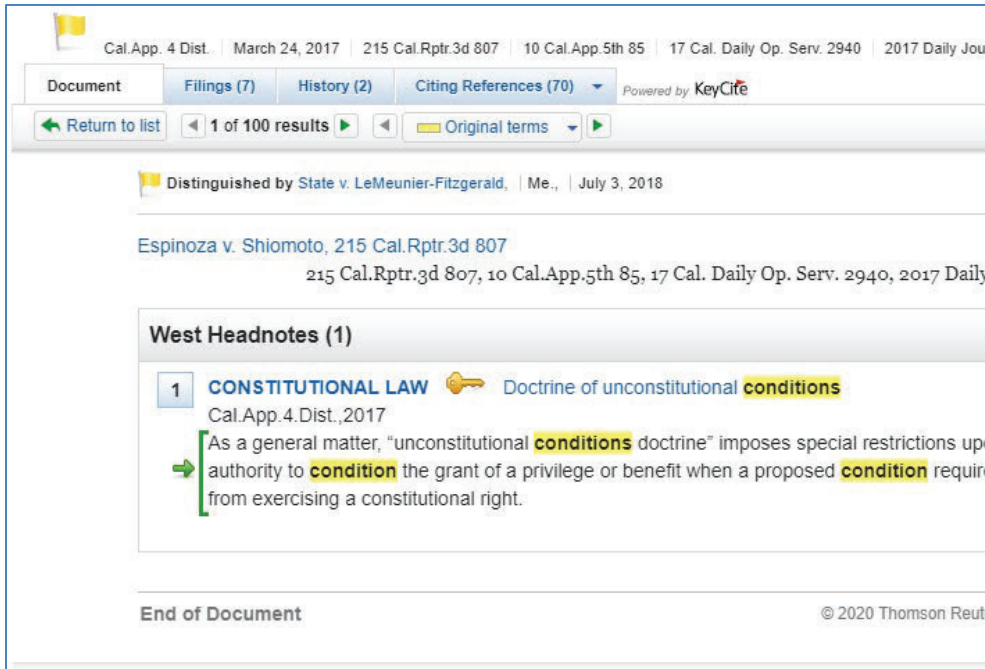
It should be noted that most law libraries no longer subscribe to hardcover editions of *Shepard's*, instead choosing to provide users free access to online validation services. *Lexis* provides access to *Shepard's*. *Westlaw* has its own validation system called *Key Cite*. *Shepard's* and *Key Cite* validate authority in much the same fashion (by use of signals). Neither *Shepard's* nor *Key Cite* would ever be quoted. They are non-authority.

- ⚠ - Warning: Negative treatment is indicated
- ⚠ - Warning: Negative case treatment is indicated for statute
- ⚠ - Questioned: validity questioned by citing refs
- ⚠ - Caution: Possible negative treatment
- ⊕ - Positive treatment is indicated
- Ⓐ - Citing Refs. With Analysis Available
- ℹ - Citation information available

Shepard's and Key Cite Functions

- ☑ available on *Westlaw* (*Key Cite*)
- ☑ available on *Lexis* (*Shepard's*)
- ☑ helps to find the law
- ☐ contains selected cases
- ☐ helps to use the law
- ☑ acts as a reference, form book, or other usage

WORDS AND PHRASES



Cal.App. 4 Dist. | March 24, 2017 | 215 Cal.Rptr.3d 807 | 10 Cal.App.5th 85 | 17 Cal. Daily Op. Serv. 2940 | 2017 Daily Jou


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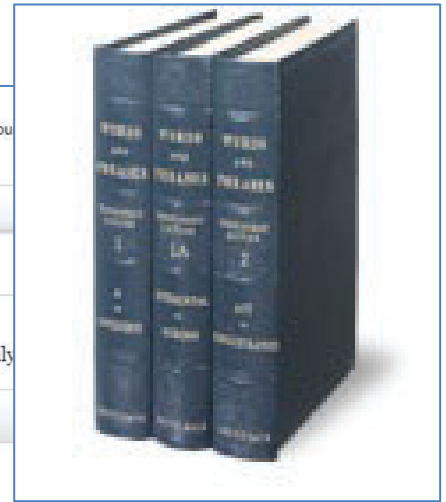
Espinoza v. Shiomoto, 215 Cal.Rptr.3d 807
215 Cal.Rptr.3d 807, 10 Cal.App.5th 85, 17 Cal. Daily Op. Serv. 2940, 2017 Daily

West Headnotes (1)

1 **CONSTITUTIONAL LAW**  Doctrine of unconstitutional **conditions**
Cal.App.4.Dist., 2017

→ As a general matter, "unconstitutional **conditions** doctrine" imposes special restrictions upon government's otherwise broad authority to **condition** the grant of a privilege or benefit when a proposed **condition** requires the individual to give up or refrain from exercising a constitutional right.

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Words & Phrases is a multi-volume legal dictionary by *West Publishing*. This dictionary is different from other legal dictionaries in that it uses quotations from actual court opinions to define terms. It is an excellent source for locating primary authority.

Words and Phrases Functions

- available on *Westlaw* [Database: WORDS-PHRASES]
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