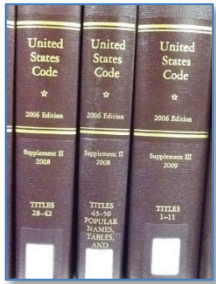


§ 8.4

Researching Statutes*Interactive Study*

Researching statutes is a more straightforward process than researching case law.

The first decision to be made is whether the matter calls for researching *state statutes* (if the matter is in state court) or *federal statutes* (if the matter is in federal court).

The second decision is whether to research using the law library, *Westlaw*, or *Lexis*.

Westlaw

1. Type the title of the statutes (such as *hawaii revised statutes*) in the *Search Query Box* and click on the desired result in the drop-down recommendations that appear
2. Type your *Search Query* into the text box at the top of the page and click *Search*
3. In the *Results Page*, select any relevant statute title links
4. If a relevant statute has been found review the *KeyCite* bar to validate the statutes (making sure there is no negative treatment or history)
5. Download, email, or print any relevant statutes

Lexis

1. Click the *Categories* button at the right of the *Search Query Text Box* and select *Statutes and Legislation*
2. Click the *Jurisdiction* button and select either your *state* or *federal jurisdiction*
3. Enter your *Search Query* in the text box and press the *Search* button
4. In the *Results Page*, view any relevant statutes by clicking on the title
5. Refer to the Shepard's box to the right of the caption to validate that statute
6. If any relevant statutes are found, have them delivered by printing, download, or email

Law Library

1. Determine whether to research in state statutes or within the federal statutes (*United States Code Annotated* or *United States Code Service*)
2. Locate the set of statutes
3. Research in the *index* for the statutes
4. Using the *statute citation* provided by the index, locate the statute in the *Main Volumes*
5. Review the statute, and if relevant review the cases in the *Notes* or *Research References*

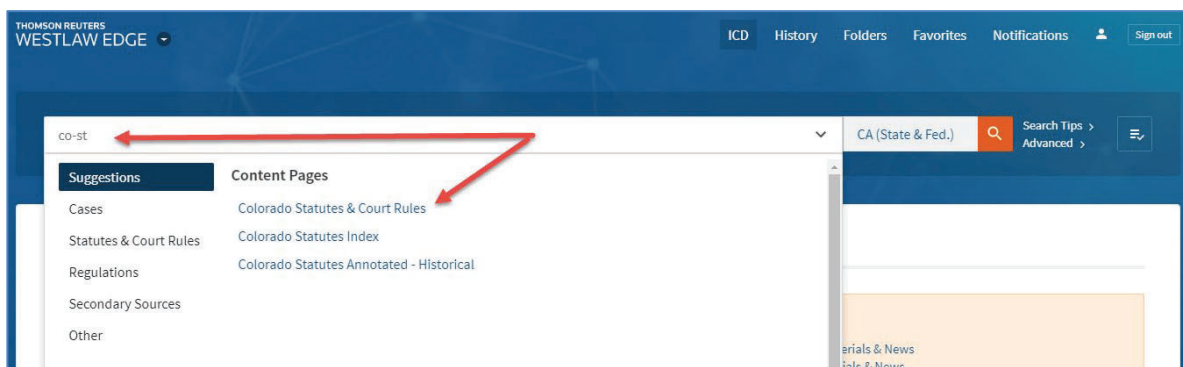
ASSIGNMENT § 8.4(A) | RESEARCHING STATUTES USING WESTLAW

For this assignment it is assumed you are researching for your state statutes. Had you been researching for federal statutes, the process would be identical as that for the state statutes below, except, of course, for the database abbreviation. (USCS or USCA for the federal code.)

1. *Select your Filters.*

If you know the citation of the statute just type it in the *Search Query Text Box* and click Search. Otherwise, follow these steps:

You should, by now, be familiar with the Filters options. There is, however, a nice shortcut system for case law databases in *Westlaw*. To locate a specific state database, in the *Search Query Text Box* type the two-letter postal code, followed by a hyphen and the letters st.



Click on the desired recommendation that appears below the box.

Examples | State Case Law Databases

ak-st	ca-st	co-st	dc-st
fl-st	il-st	nc-st	md-st
nv-st	ny-st	pa-st	tx-st
tn-st	va-st	wa-st	wv-st

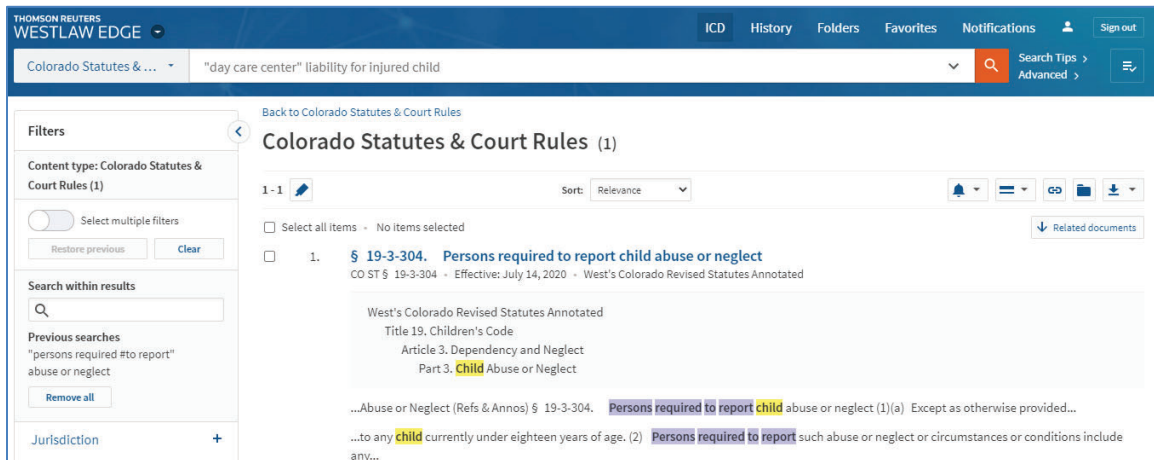
Enter the database in which you want to search and click the Search button (or simply type in "[your state] statutes").

2. *Enter your Search Query*

Type your query in the *Search Query Text Box* and click *Search*.

3. *Review your Results*

The *Results Page* will provide short excerpts from statutes that match your search query. The researcher is able to use the “*Narrow*” window at left to further refine filters, although for statutory research this is not typically necessary.



4. *Identify relevant statutes and validate*

To view a statute, click the *Title* in the *Results Page*. That statute will open in a new page.



The statute itself is often surprisingly brief, sometimes only one or two paragraphs. The rest of the material is made up of references to cases or secondary sources that have mentioned or relied upon that very statute. (See *Notes of Decisions*.) This means that once a researcher locates a relevant statute, it is usually easy to also find relevant case law using this feature. (The *Notes of Decisions* feature is found not only in online sources, but also in law library statutes.)

Comment: **Notes of Decisions** is sometimes referred to as **Case References** or other similar titles.

To validate a statute in *Westlaw* refer to the *KeyCite Bar*. Any red or yellow flags, or negative treatment or history, may indicate that the statute is no longer valid.



5. *Have any relevant statutes “delivered”*

The researcher can choose to have a statute delivered by means of printing, email, or download.

CHECKLIST | RESEARCHING STATUTES USING WESTLAW

- Locate the *Search Query Text Box* on the Home Page
- Enter your state abbreviation and “-st” (Example: il-st)
or
For federal statutes, type USCA
- Enter your search query and click the *Search* button
- Select any relevant statute or statutes
- Review the statute and make sure it is valid
- Refer to additional research sources, such as cases, provided for in the *Notes of Decisions*

REVIEW QUESTIONS § 8.3(A) | RESEARCHING CASE LAW USING WESTLAW

1. What method did you use to locate the database?
2. What search query did you use?
3. Were you satisfied with your search query, or did you need to modify your query?
4. List at least one statute citation from the *Results Page* that appears relevant to your research.
5. Were you able to locate any relevant additional authority? Such as case law or secondary sources from the *Notes or Research References*? If so, provide them here.

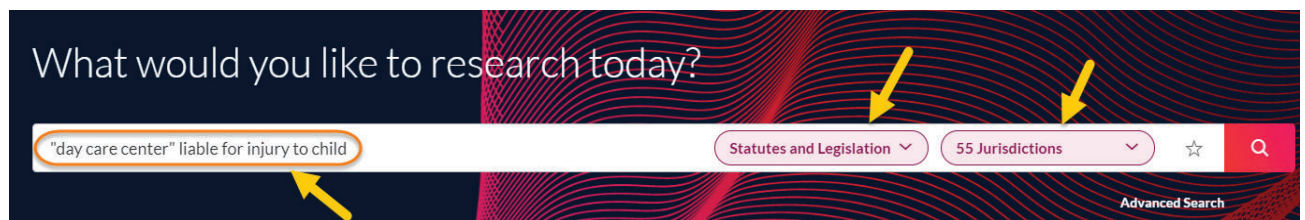
ASSIGNMENT § 8.4(B) | RESEARCHING STATUTES USING LEXIS

For this assignment it is assumed you are researching for your state statutes. However, the process for researching federal statutes (the United States Code) is very similar, except, of course, for the database.

If you know the citation of the statute just type it in the Search Query Text Box and click *Search*. Otherwise, follow these steps:

1. *Select your Jurisdictional and Category Filters*

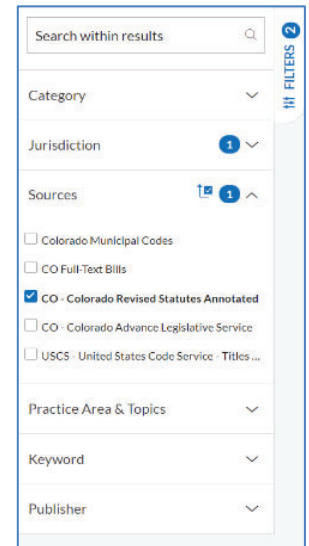
Using the *Category* drop-down menu, select *Statutes and Legislation*. Then, using the *Jurisdiction* drop-down menu, select your state or federal jurisdiction. (The setting of these filters can be done in any order.)



2. *Enter your search query*
Type your search query in the text box and click *Search*.

3. *Select statutes to view from the Results Page*

Once a statute has been identified that appears to be relevant, click on the title link to that case. You will also likely be shown local laws, such as municipal codes, and possibly court rules. To limit your search to state statutes, use the *Sources* tool in the *Filters* window at left and select the desired statutes. *Lexis* will instantly limit the results to that source. If you have too many results, narrow your search by using the *Search within results* tool at the top left. Simply type in more specific terms. *Lexis* will conduct a new search only within the previous results. The researcher can also further limit the number of jurisdictions (databases) being searched to narrow the results.



4. *Read the statute and validate*

Lexis provides the full statute as well as cases that have mentioned (cited) or relied upon that statute. To validate the statute (making sure it is still valid law) click on *Shepardize Document* in the right column.

§ 390. **Child day care**; license or registration required [Effective until April 1, 2022]

1. Definitions.

(a)

(i) "Child day care" shall mean **child care** where a license or registration pursuant to this section is required and shall include **care** for a **child** on a regular basis provided away from the **child's** residence for less than twenty-four hours per **day** by someone other than: (1) the parent, step-parent, guardian, or relative within the third degree of consanguinity of the parents or step-parents of such **child**; or (2) an enrolled legally-exempt provider as such term is defined in paragraph (g) of this subdivision.

(ii) **Child day care** shall not refer to **care** provided in:

(A) a **day** camp, as defined in the state sanitary code;

(B) an after-school program operated for the purpose of religious education, sports, or recreation;

(C) a facility:

Shepard's®

- Legislative Alert Service
- Future effective updates (1)
- Pending Legislation
- Shepardize® document**
- Signals on Subsections **Tips**
- Show signals
- About This Document

The *Shepard's Page* will inform the researcher of any positive, negative, or neutral treatment or history. If there is negative treatment, your client will likely not rely on that statute to support his or her position.

5. *Have any relevant statutes "delivered"*

Lexis provides options for delivery of statutes, including printing, download, and email.



CHECKLIST | RESEARCHING STATUTES USING *LEXIS*

- Set your *Jurisdictional* and *Category* filters
- Enter your search query and click *Search*
- Select the relevant statute or statutes
- Review the statute
- Use cases referred to in the *Notes* after the statute to lead you to additional authority
- Have any relevant statutes delivered

REVIEW QUESTIONS § 8.3(B) | RESEARCHING CASE LAW USING *LEXIS*

1. What method did you use to locate the database?

2. What search query did you use?

3. Were you satisfied with your search query, or did you need to modify your query?

4. List at least one statute citation from the *Results Page* that appears relevant to your research.

5. Were you able to locate any relevant additional authority? Such as case law or secondary sources from the *Notes* below the statute? If so, provide at least one here.

ASSIGNMENT § 8.4(C) | RESEARCHING STATUTES IN THE LAW LIBRARY (OPTIONAL)

Researching statutes using traditional hardcover versions of the books in the law library is not difficult. As we will see, the most important difference is that the supplements (pocket parts) need to always be checked for updates.

State Statutes

Although there are differences among statutes from one state to another, many aspects are consistent throughout the states.

Statutes are arranged by topic. For instance, all the statutes that deal with traffic laws are collected in the same chapter or title.

Federal Statutes

There are three publications that contain the entire set of federal statutes:

U.S.C. (United States Code) *official government publication*

U.S.C.A. (United States Code Annotated) *by West Publishing*

U.S.C.S. (United States Code Service) *by Lawyer's Cooperative*

When researching federal statutes, one should always use either the U.S.C.A., U.S.C.S., or both. While the U.S.C. contains only the statutes, the two unofficial publications contain additional information. However, when *citing* the code, one should cite to the official publication, even if researching in an unofficial version of the code. Simply drop the "A" in U.S.C.A. or the "S" in U.S.C.S. All three contain the U.S. Code.

1. *In the statutes, begin your research in the index*
Locate the statutes in which you wish to research and find the index at the end of the set. Research your key terms and phrases. The index will provide you with citations to statutes within the main volumes.
2. *Go to main volumes, locate the statute, and review*
Statutes are arranged by title and section number, chapter and section number, title-chapter and section number, or some variant of that system. Once you have the citation to a statute provided by the index (or other source), look for the **title** on the binding. *Be careful to find the title, not the volume number.* They are easy to confuse.

Next, turn to the page on which the **section number** appears. Be aware that the researcher is *not* led to an exact page number.

Consider the following statutory citation: §13-22-221(1)(a) C.R.S. 1999. This refers to:

- Title 13
- Chapter 22
- Section 221
- Subsection 1
- Sub-subsection (a)
- of the Colorado Revised Statutes

Be flexible. Some states arrange the citation so that the chapter, or title, and the section number are not immediately evident. For instance: N.R.S. §200.110(2)(c). This example refers to the *Nevada Revised Statutes*, Chapter 200, Section 110, subsection 2, sub-subsection c. Note that each subsection is self-contained within its own set of parenthesis.

Federal Statutes

18 U.S.C. §4180 (1980) refers to:

- Title 18
- in the United States Code
- Section 4180.

Once you find the title (or chapter) and section number within the main volume, note the topic of the statute. It will be in bold print. Following the topic is the statute itself. The statute is usually surprisingly brief. Read the entire statute. Use your ability to break rules into elements to more thoroughly grasp the full meaning of the statute.

Following the statute will be a series of dates and section numbers in parentheses detailing the history of the statute. Historical and revision notes detail any changes in the statute and often help indicate the purpose of those changes.

3. *Use the additional resources to broaden your research*

Cross References, *Library References*, and *Code of Federal Regulations* help the researcher broaden the scope of research. *Notes of Decisions* are case summaries (similar to headnotes) that have applied, or defined, the statute. They are often preceded by an index to the notes themselves, making U.S.C.A. and U.S.C.S excellent case finders.

4. *Always check the pocket part (supplement)*

Online statutes are immediately and almost automatically updated, but hardcover books require that the researcher take the extra step of checking the supplements in the back of the book. This is not an option. It is a necessity. Checking for updates in pocket parts is essential to thorough law library research.

CHECKLIST | RESEARCHING STATUTES USING THE LAW LIBRARY

- Determine whether to research in *state statutes*, or whether to research in *federal statutes* (*United States Code Annotated* or *United States Code Service*)
- Locate the set of statutes
- Research in the *index*, found at the end of the set
- Using the statute citation provided by the index, locate the statute in the *Main Volumes*
- Review the statute
- If relevant review the cases in the *Notes* or *Research References*
- Always check the pocket part (supplements) in the back of each volume

REVIEW QUESTIONS | RESEARCHING STATUTES USING THE LAW LIBRARY

1. Name at least one federal and state statute that deals with involuntary manslaughter
2. Name at least one federal and state statute that deals with education
3. Name at least one federal and state statute that deals with Internet communications
4. Name at least one federal and state statute that deals with state or national parks