

Legal Research for *Pro Se* Litigants: Getting Started

This document was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court paper. This document provides **general information for *pro se* litigants on how to begin legal research for civil cases before the U.S. District Court, Northern District of California.** It is available on the Court’s website at www.cand.uscourts.gov/Legal-Help-Center-Templates.

Legal research is the process of identifying and retrieving information necessary to support legal decision-making. Finding and using legal resources can be challenging. While there is no one “right way” to conduct legal research, this document outlines guiding principles you may find useful as you begin your research. This guide also lists free legal resources available online and in law libraries. The Justice & Diversity Center neither recommends these specific sources or publications, nor guarantees that the sources listed are accurate, current, or complete. The list is offered simply to illustrate the range of resources available to public at no cost. There are many helpful legal websites on the Internet, but be cautious when reviewing a website’s information. Information may change at any time without notice.

This document does NOT tell you everything you need to know about conducting legal research. For free legal information and advice, please contact one of the following:

- If your case is in the San Francisco or Oakland federal courthouse, make an appointment with the **Legal Help Center** by calling 415-782-8982 OR sign up at 450 Golden Gate Ave., S.F., 15th Floor, Room 2796 OR sign up at 1301 Clay Street, Oakland, 4th Floor, Room 470S.
- If your case is in the San Jose federal courthouse, make an appointment with the **Federal Legal Assistance Self Help Center** by calling (408) 297-1480 OR sign up at 280 South First Street, S.J., Room 2070.

You should also read **Chapter 3** of the **Handbook for Pro Se Litigants** for an explanation of legal research and list of public law libraries in the Northern District of California, organized by county. The Handbook is available at the Clerk’s Office or on the Court’s website at www.cand.uscourts.gov/prosehandbk

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DEFINE THE LEGAL ISSUE

When approaching a legal problem, it is important to define issue to the best of your ability.

Start with the facts - Lay out exactly what you know:

- Who is involved? Private individuals, government employees, private businesses, government agencies, etc.
- Where did it happened? City, county, state, country. On private property or public land.
- When did it happen?
- What happened? List the key events.

Next, determine the broad category of law in which you will conduct research.

- NOTE: If you already know the area of law you wish to research, skip ahead to the section marked “START YOUR RESEARCH.”

Answering the four questions below will help you to narrow your search to the appropriate area(s) of law:

1. Does your question involve criminal law or civil law?

In general, if a behavior is punishable by imprisonment, it is a criminal matter. Criminal charges are initiated by a government prosecutor. Sometimes people want to sue others for crimes - such as perjury. Individuals cannot sue others for criminal wrongdoing, unless that crime is also a violation of civil law.

All legal disputes that are not criminal are civil matters. In civil law cases, the court may award monetary damages or order that the defendants take or stop taking certain actions, but imprisonment is not something the party bring a lawsuit can ask the court to do.

NOTE: This document is designed to assist individuals researching civil law questions.

2. Does your question involve State Law, Federal Law, or both?

This is an important classification because discussions of state law and federal law are usually found in different sources.

- a. **State Law** – Most legal questions involve state law rather than federal law because states have the sole power to make the law in many areas.
 - i. **Categories of State Law** include, among others, family law (such as divorce, child custody, paternity, child support), landlord-tenant relationships, motor vehicles, personal injury, probate, state tax (including property tax), real estate, zoning, trusts, wills, contracts, guardianships, conservatorships, most crimes, professional and business licensing, corporations, partnerships, worker’s compensation, etc.

- b. **Federal Law** –Fewer legal questions involve federal law; the federal government, however, has sole authority to create law in a few specific subject areas.
 - i. **Categories of Federal Law** include, among others, federal Constitutional rights, admiralty/maritime, agriculture, bankruptcy, copyright, trademark, patent, federal tax, U.S. customs, food and drug regulation, immigration, interstate commerce, Social Security, Native Americans.
- c. **Both State and Federal Law** – Some legal categories involve both state and federal law. There are often overlaps in the areas of disability access law, employment law, and civil rights law, among others.
 - i. **Other categories where state and federal laws may overlap** include health, education, labor, occupational safety, consumer protection, environmental protection, and many public benefits programs.

3. Are you asking a substantive law question or a legal procedure question?

The law is divided into two large subgroups – substantive law and procedural law.

- a. **Substantive law** creates, defines, and regulates rights and duties, and also describes what evidence you must have to prove a legal claim. It is the body of law that applies even *before* you are court-involved. Most legal research by *pro se* litigants focuses legal rights under substantive law.
- b. **Procedural law** governs how the justice system works, including which courts have authority to decide different lawsuits, what papers need to be filed, when they need to be filed, what kind of proof can be offered in court, and how to appeal. It is the body of law that you must follow *after* you are involved in a lawsuit. There are four sources of procedural rules you must follow in this federal court:
 - i. **Federal Rules of Civil Procedure (FRCP)**- These rules apply to the procedures in every federal trial court in the country.
 - ii. **Local Rules of the United District Court for the Northern District of California (“Local Rules”)** - These are similar to the FRCP, including in how they are numbered, but provide more detail, and apply only in this Court.
 - iii. **Case Management or Standing Orders** - These are the special rules of an individual judge that apply in all cases assigned to that judge.
 - iv. **Federal Rules of Evidence (FRE)**- These rules also apply in every federal court in the country. They define what evidence a federal court can consider during a lawsuit.

NOTE: This document focuses on researching substantive civil law. For more information about federal procedural law, read Chapter 3 of the **Handbook for Pro Se Litigants and make an appointment with the **Legal Help Center** for free legal information and advice.**

4. In what broad area of the law does your question belong?

The list below sets out some of the more common civil substantive law categories used in legal books. If you can assign one or more of these categories to your issue, it will be much easier for you to conduct your research.

NOTE: The Federal Pro Bono Project Legal Help Center assists *pro se* litigants who are involved in or considering filing a **civil lawsuit**. We cannot assist with criminal matters.

Substantive civil law categories include:

Administrative Law – the law governing administrative agencies, including the scope of authority granted by the legislature, and how agencies develop and enforce their policies, decisions and regulations.

Bankruptcy Law – the federal rules and procedures used by the bankruptcy courts when a person or business files a bankruptcy petition to cancel or restructure debts.

Business & Professions Law – the law governing license requirements, and special responsibilities of professionals, such as lawyers, doctors, real estate agents and contractors.

Civil Rights Law – the law that guarantees a broad range of privileges and rights under the U.S. and state constitutions and federal and state laws. For example, the federal civil rights law 42 U.S.C. 1983 enables individuals to file lawsuits (“1983 actions”) alleging that a person, acting under the color of state law, deprived them of certain rights, privileges, or immunities guaranteed under federal law or the U.S. Constitution.

Commercial Law – the law governing commercial relations between borrowers and lenders, banks and their customers, wholesalers and retailers, and mortgagors and mortgagees. Generally, this area involves disputes between businesspeople rather than between a businessperson and a consumer (*but see* Consumer Law).

Computer/Cyber Law – the law governing the manufacture, use, and sale of computers (software and hardware) and the use of the Internet, including privacy and trade secret protection in the computer industry.

Constitutional Law – the law governing rights stated in the federal and state constitutions. Most of this body of law has developed from state and federal supreme court rulings, which interpret their respective constitutions and ensure that the laws passed by the legislature do not violate constitutional limits. Examples of constitutional law applicable to individuals include the right under the First Amendment of the U.S. Constitution to free exercise of religion, freedom of speech, freedom of the press, and peaceable assembly; and the Fifth Amendment and Fourteenth Amendments rights to due process and equal protection in civil, criminal, and administrative government proceedings.

Consumer Law – the law designed to protect consumers against unfair trade and credit practices involving faulty or dangerous goods or dishonest tactics.

Contracts Law – federal and state law governing transactions between a seller and a buyer of personal property in a commercial setting.

Business or Corporate Law – the law governing how corporations and other business entities are formed and run, the rights and duties of partners and corporate officers, directors, and shareholders, and the relationship between a company and outside parties who commercially interact with it.

Creditor/Debtor Law – the law governing how debts are collected, restrictions on collection practices, harassment by collectors, credit and credit card issues, enforcement of judgments, wage garnishments, levies on personal property and foreclosures.

Education Law – the law governing educational institutions, including the rights of students, educational standards, programs for students with special educational needs, and business and labor matters peculiar to schools (for example, teachers' unions, tenure, placement).

Elder Law – the law governing the rights of older people, including estate planning (wills, trusts, etc.), arrangements for care and health services, and protection against elder abuse, including physical, emotional, and/or financial harm.

Employment Law – the law governing the rights and responsibilities of employees and employers; includes many different subjects with the common goal to protect workers' rights. For employees, these laws work to prevent discrimination, promote health and safety, and establish a minimum wage, among other rights.

Environmental Law – the law governing use of the environment by business, government, and individuals, including restrictions on air, land, and water pollution.

Estate Planning – the law governing how people arrange for the distribution of their property after they die, including probate court, trusts, joint tenancies, wills, trusts, and gifts.

Family Law – the law governing all matters relating to marriage, separation, divorce, child support, child custody, child visitation, marital property, community property, guardianships, and adoptions.

Foreclosure Law – the law governing when a lender may foreclose on property, and the procedures required.

Housing Law – the law governing housing subsidies for construction and rental assistance, public housing, state and local planning requirements related to the type and amount of housing in different areas, and discriminatory housing practices.

Insurance Law – the law governing insurance contracts, including life insurance, car insurance, homeowners' insurance, fire insurance, and disability insurance. This area is also concerned with the duty of insurance companies to exercise good faith when dealing with insured parties and beneficiaries.

Intellectual Property Law – the law governing copyrights, trademarks, trade secrets, and patents.

Labor Law – the law governing unionization and union actions, including collective bargaining agreements, strikes, labor negotiations, and arbitration. Also covers unfair labor practices by employers, whether workers are organized or not.

Landlord/Tenant Law – the law governing the landlord-tenant relationship, including leases and rental agreements, evictions, responsibility for repairs, deposits, and liability for injuries.

Media Law – the law governing print and broadcast media, including libel, privacy, censorship, open meeting laws, access to government records, licensing of and restrictions on radio and television stations.

Prison Law – the law governing prison conditions, prison disciplinary procedures, parole, constitutional rights of prisoners and adequate access to legal information and medical treatment. There is some overlap between Prison Law and Civil Rights issues.

Property Law – the law governing the purchase, maintenance and sale of real estate, including easements, adverse possession, landowner’s liability, subdivision and construction requirements, and land use regulation. (*See also Zoning Law*)

Public Utilities Law – the law governing rights and restrictions on public utilities that provide water, telephone service, sewage and garbage disposal, gas, and electricity.

Tax Law – the law governing taxation of income, property left in an estate, personal property, business profits, real estate, and sales transactions.

Negligence/Tort/Personal Injury Law – the law governing any injury to a person or business that is directly caused by actions of another, including:

- 1) **intentional torts**, where a party intends the act and knew or should have known that it would result in a particular person being injured (such as assault, battery, intentional infliction of emotional harm, libel, false imprisonment, invasion of privacy, and malicious prosecution);
- 2) **negligence**, where behavior by a party that is considered unreasonably careless under the circumstances directly results in injury to another (medical malpractice, legal malpractice, and automobile accidents are often examples of negligence); and
- 3) **strict liability**, where the party is liable under tort law for acts that weren’t intentional or negligent; usually limited to product liability that holds a manufacturer liable for injuries caused by unsafe products or inherently dangerous activity, such as manufacturing explosives.

Vehicle Law – the law governing registration, use, and transfer of motor vehicles, drivers’ licenses, and traffic infractions.

Veterans Law – the law governing education, health, disability, and insurance benefits for veterans, as well as changes in discharge status.

Public Benefits Law – the law governing public benefits programs, including general assistance (GA/CAAP), social security, food stamps (Cal-Fresh), Supplemental Security Income (SSI), Cash Assistance Program for Immigrants (CAPI), Women, Infants, Children vouchers (WIC), school lunches, foster homes, CalWORKs, Medi-Cal, and unemployment insurance

Worker’s Compensation Law – the law governing the rights of workers who are injured or killed in work-related accidents.

If your legal issue or question does not seem to fit within one of these categories, or you are not sure, try **brainstorming to create a list of specific terms** related to your question. For example, a list about “foreclosure” might include foreclosure proceeding, foreclosure decree, foreclosure sale, foreclosure auction, sheriff’s sale, forced sale, deed of trust, mortgage, home equity loan, notice of default, notice of sale, loan reinstatement, encumbered real property, mortgagee, mortgagor, junior encumbrance, junior mortgagee, assignment, adverse title, adverse possession, mortgage lender, conveyance, lien, junior mortgagee, bankruptcy, fair value, intrinsic value, writ of assistance, power of sale clause, right to possession, judgment creditor, deficiency judgment, etc. Include regular, plain-English words and legal terms, if you know them. A good aid for coming up with lots of related, legal words is a legal thesaurus or legal dictionary.

Once you have your list, you can consult a legal index to look for the terms on your list. An **index search** involves looking for a legal issue by using the term or concept under which it is indexed by legal publishers. Legal indices are usually organized by subject and include both ordinary and legal words in their headings. They also contain elaborate cross-referencing systems so that even if you don’t choose the “right” word first, you will get to it. For example, “sheriff’s sale” might have “see foreclosure” under it, directing you to the correct entry. The trick to using a legal index successfully is being able to come up with lots of alternative terms that describe or relate to your legal question. The more words you think of, the better your chances of finding what you are looking for. Once you find a good main entry in a legal index, you will have your broad area of law. If you are visiting the law library, publishers often include descriptive word indices at the very beginning or end of volumes of published cases known as “digests.” Many of these indices are also available through a law library’s patron access subscription to paid legal search tools, such as WestLaw and Lexis Nexis. Ask your local law librarian for help.

Now you have narrowed your legal issue. For example, you may have determined that your legal question is a civil matter about substantive law in the area of employment discrimination, and you think it may involve federal and state law. Armed with that information and the specific facts of your case, you are now ready to begin your legal research.

START YOUR RESEARCH

Learn the Background

If you are unfamiliar with the area of law you will be researching, it makes sense to start with broader introductory materials, rather than diving right into statutes and cases.

Use Secondary Sources to gain a general understanding of the area of law you are researching. Primary Sources are the laws themselves. Secondary Sources, such as legal treatises, practice guides, and scholarly legal writings, describe or interpret the law. They are usually written by experts on the subject and can be very useful, pointing you to the statutes and cases you need to read. It is important to note, however, that Secondary Sources are never comprehensive. No book or article can cover every relevant case, and it may not be up-to-date.

Examples of Secondary Sources you may find in a law library:

1. **American Law Reports (ALR)** – a massive collection of detailed articles about legal issues.
2. **Treatises & Topic Specific Books** ordinarily written by a judges, law professors, or professionals who know a lot about the law in a particular field. To find the leading treatises, ask a law librarian.
3. **Legal encyclopedias** – *American Jurisprudence (Am. Jur.)* and *Corpus Juris Secundum (CJS)* can be found in most law libraries. There are also state-specific encyclopedias. In California, *Witkin* is commonly used. These are organized alphabetically and are used like an ordinary encyclopedia.
4. **Practice guides and manuals** – these are how-to books for lawyers that often cover substantive and procedural law, as well as provide hands-on instructions such as forms and practice tips.
5. **Books Aimed at Non-Lawyers** – some publishers offer books aimed at *pro se* litigants, including NOLO Press and the ACLU Rights Series published by Bantam Press. Many can be found in public libraries, as well as law libraries.
6. **Online research** – a growing number of secondary source materials are available on legal websites. Some websites provide original material (such as nolo.com), while others search and index materials available on the open web (such as scholar.google.com). Be selective and do not rely on a web sources exclusively. For many websites, the currency and accuracy of the information is difficult to determine.

Note, Secondary Sources provide important background information to you, but the court does not have to follow them.

Read Primary Sources

After you've learned the background, you are ready to look up the specific laws, or **Primary Sources**, that will give you the answer to your legal question. You can start by **reading the Primary Sources identified in the background materials you reviewed.** Certain Primary Sources are binding or controlling on the court, meaning the court is obligated to follow them, and, therefore, can be used to support legal decision-making.

There are four main types of Primary Sources:

1. A **Constitution** is a document containing the fundamental laws and principles of a government or society. It is the highest law of the nation or state.
 - Federal Constitution: <https://www.whitehouse.gov/1600/constitution>
 - California State Constitution: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
2. **Statutes (also called codes)** are laws created by the legislative branches of government, such as the federal Congress or the California Senate and Assembly. Statutes are often the starting point for answering a legal question. Statutes are the second highest law of the nation or state.
 - Federal statutory law or “United States Code” is divided by broad subjects into 53 titles: <http://uscode.house.gov/>
 - California statutory law or “California Code” is broken up into 29 topical legal codes: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
3. **Administrative regulations** are rules created by agencies that have been set up by the government to help deal with specific kinds of laws. There are not regulations in every area of law. For example, there are agencies that focus on employment, such as the federal Equal Employment Opportunity Commission (EEOC) and California Department of Fair Employment and Housing (DFEH). Because statutes can be broad and general, agencies write regulations to clarify the requirements of a statute. Agencies must follow their own regulations. Regulations look like statutes, and sometimes have the same effect as statutes, but they’re created according to a different type of authority and are published separately.
 - The Code of Federal Regulations (CFR) is the collection rules published in the *Federal Register* by all the executive departments and agencies of the Federal Government. The CFR is divided by broad subjects into 50 titles: <https://www.archives.gov/federal-register/cfr/>
 - The California Code of Regulations (CCR), is the collection of rules published by California state agencies. The CCR is divided by broad subjects into 28 titles and organized into divisions containing the regulations of specific state agencies: <http://www.oal.ca.gov/ccr.htm>
4. **Common law (also called cases, case law, decisions, or opinions)** is law created by the courts as they apply and interpret the constitutions, statutes, regulations, and earlier-decided cases to resolve specific disputes. Both the federal and California state court systems are based on *stare decisis* or **precedent**, meaning a court is supposed to apply the same legal rules in the same way as the same or higher courts have done in the past. After a case is decided by an appellate court, it becomes “binding precedent,” or mandatory authority for future cases in lower courts. Only in rare cases will a court overrule past cases. (A legislature or agency can usually change the effect of common law by enacting a new statute or promulgating a new regulation that responds to what the courts have said.)

Cases are published into collections of opinions called “law reports,” “case reports,” or the “reporters,” and identified by citations. A legal citation is a standard format that allows one writer to refer to legal authorities so that others can find the references themselves. The core of a case citation consists of four elements: 1) the parties’ names (often referred to as the “case name”), listed in a plaintiff vs. defendant format; 2) the address for the case (often itself referred to as the “cite” or “citation”), consisting of the reporter volume number, reporter name (abbreviated), and the first page of the case in that volume; 3) the court that issued the opinion; and 4) the year of opinion. For example, one copyright infringement case is cited as follows:

Apple Computer, Inc. v. Microsoft Corp., 35 F.3d 1435 (9th Cir. 1994).

- 1) The plaintiff is Apple Computer and the Defendant is Microsoft Corporation;
- 2) The case can be found in the 35th volume of the Federal Reporter, 3rd series, starting on page 1435;
- 3) The Ninth Circuit Court of Appeals issued the opinion; and
- 4) The opinion was issued in 1994.

In order to understand how to research and use case law, it is important to understand generally how the courts work. Both federal and California court systems are hierarchical. There are generally three court levels: the trial court, the intermediate appellate court, and the Supreme Court. A case enters the court system and proceeds up the hierarchy according to fixed rules.

Federal Court:

- U.S. District Courts, such as this one, are the trial courts of the federal judicial system. Only a small percentage of District Court decisions —those deemed to be of widespread legal interest - become published cases. **Cases decided at the trial court level do not operate as precedent for any other courts.** Decisions with excellent analysis of the legal issues may, however, provide guidance for any court that happens to read it, or **persuasive authority**.
 - All published U.S. District Court cases are collected in the *Federal Supplement F. Supp.* or *Federal Rules Decisions* (F.R.D.)
- The U.S. Courts of Appeal are the intermediate appellate courts of the federal judicial system. Their decisions are binding on U.S. District Courts within their circuit. The Northern District of California is in the jurisdiction of the Ninth Circuit Court of Appeals; therefore, **all Ninth Circuit decisions are binding, mandatory authority for this court.**
 - All published decisions by the U.S. Courts of Appeals are collected in the *Federal Reporter*. This is currently in its third series and is abbreviated as “F.”, “F.2d” or “F.3d”.
- **U.S. Supreme Court decisions are binding on all federal courts and on state courts with regard to the U.S. Constitution, federal laws, and disputes between states.**

California State Court:

- The Superior Courts are the trial courts of the California state judicial system. **Cases decided at the trial court level do not operate as precedent for any other courts.**
- The Courts of Appeal are the intermediate appellate courts of the California state judicial system. **Published opinions establish precedent and must be followed by all California Superior Courts.** Unpublished opinions do not establish precedent and may not be cited, or referred, to the court.
 - Citable Court of Appeal opinions are published in the *Official Reports*: <http://www.courts.ca.gov/opinions.htm>. California Court of Appeal decisions are abbreviated with “Cal. App.”
- The California Supreme Court is the highest court in the state and has discretion to review decisions of the Courts of Appeal in order to settle important questions of law and to resolve conflicts among the Courts of Appeal. **Opinions of the California Supreme Court establish precedent that must be followed by all California appellate and superior courts, and generally by federal courts deciding state law issues.**
 - California Supreme Court decisions are also published in the *Official Reports*. They are abbreviated with “Cal.”
 - Importantly, once a case has been decided by a state’s highest court, it may be appealed to the U.S. Supreme Court only if there is a federal legal question. The state’s highest court has the final say on issues of state law.

Narrow Your Search

After you have read the relevant statutes, regulations, and cases cited (meaning discussed or quoted) in the Secondary Sources you read, you can begin to narrow your search.

1. **Jury instructions.** Model jury instructions are templates that judges use to explain legal claims to a jury. In your research, you may have identified certain claims that seem to apply to your case, such as “breach of contract,” “employment discrimination,” or “civil rights violation.” The jury instructions provide you with the elements of the claim—each of the facts you will need to show in order to prove the claim. The instructions may also refer you to other sources of information about that area of law. There are not jury instructions for all potential claims. For federal claims, use the Ninth Circuit Manual; for California state law claims, use the Judicial Council Instructions.

Ninth Circuit Manual of Model Jury Instructions, Civil -

www3.ce9.uscourts.gov/jury-instructions/model-civil

Judicial Council of California Civil Jury Instructions (CACI) -

www.courts.ca.gov/partners/317.htm/civiljuryinstructions/317.htm

2. **Continue your case research.** Look for cases that are “on point” with your legal issue. A case is on point when it contains facts and legal questions similar to your case. Then read the cases, and any other law, cited and discussed *in that case, or the portion of that case that applies to your situation*. Legal research takes a good deal of time and patience. One

case leads to the next. The goal is to keep reading that looks relevant until the cases you are reading start citing cases and areas of law that you have already read - then you know you've completed the circle of research.

How do you know if you are on the right track? You are finding cases that:

- Concern the same legal issues as your case,
- Involve a similar situation,
- Were decided in a court of the same or higher authority than the one you are filing in, and
- Are in the same jurisdiction as your case (federal court in the Northern District of California, in the Ninth Circuit).

Some basic guidelines to help you narrow your case research:

- **Identify the precise issues decided by the court.** When considering a case, carefully read and understand the issues considered and legal reasoning used by the court in making its decision. Westlaw and Lexis Nexis both do some of this work for you, identifying the main issues at the beginning of each case. Are the facts in this case similar to the facts in your case? Would a comparison between this case and your situation help the court resolve your issues?
- **Remember, a case is only precedent as to a particular set of facts and the precise legal issue decided.** The more the facts or legal issues vary between two cases, the less the case will be helpful to you. In reality, it is very difficult to find a case exactly on point, so usually you must try to find cases that are somewhat similar and then compare them to your case. You may compare your case favorably to an existing case, making the argument that the court should apply the same rule of law.
- **Focus on cases from this jurisdiction.** You are in federal court in the Northern District of California, in the Ninth Circuit. Understand that state of the law here before you explore what other jurisdictions are doing in this area of law.
- **Search for the most recent ruling on the subject matter or issue.** Pay attention to dates on cases. It is important to keep in mind that recently decided cases may be more useful than cases decided many years ago. Legal doctrines change over time and sometimes judges will criticize older cases, or the reasoning in them.
- **Make certain that the cases you rely on have not been invalidated by a higher court.** It is necessary to confirm that the cases are "good law." Because case law builds on itself, an essential part of effective legal research is knowing what happened to a case after it was published. If a case - or a relevant portion of it - has been overturned, reversed, criticized, limited, questioned, distinguished, or modified, you may not want to use it. On the other hand, if a case has been reaffirmed, followed, explained, or cited favorably by later cases, you want to know that, too. Checking cases, sometimes called Shepardizing, can be done in a variety of ways. You can check the citation in a series of books called Shepard's Citations or by using on-line resources, such as "Key Cite" in Westlaw, Shepherd's in Lexis Nexis, or on Google Scholar. You may want to ask a law librarian for assistance. Detailed instructions on how to Shepardize with books may be found here: https://www.lexisnexis.com/shepards-citations/printsupport/shepardize_print.pdf

FREE RESOURCES FOR LEGAL RESEARCH ONLINE

Listed below are free legal resources available online and in law libraries. This list is included for informational purposes only. The Justice & Diversity Center neither recommends these specific sources or publications, nor guarantees that the sources listed are accurate, current, or complete.

Good Starting Places

The Legal Information Institute – www.law.cornell.edu

This website hosts a collection of federal case, statutory and regulatory law as well as provides links to government sources of state laws. Additionally, it provides Wex, a community edited legal dictionary and encyclopedia.

Justia – www.justia.com

Justia is a private company that shares an extensive collection of federal law on its site, as well as links to state law. Justia also has links to useful materials such as forms and subject specific resources.

Law Library of Congress – loc.gov/law

Includes over 9000 links to federal and state primary sources, organized by jurisdiction and topics. Also a resource for full text of constitutions, statutes, cases, and regulations. See the Law Library of Congress Guide to Law Online for help navigating the website:
www.loc.gov/law/help/guide.php

Federal Constitution & Statutes

United States Constitution- www.loc.gov/law/help/guide/federal/usconst.php

Library of Congress site with U.S. Constitutional texts, commentaries, historical texts and judicial decisions.

Congress.gov

Congress.gov is the official website for U.S. federal legislative information. The site provides access to accurate, timely, and complete legislative information. It is presented by the Library of Congress (LOC) using data from the Office of the Clerk of the U.S. House of Representatives, the Office of the Secretary of the Senate, the Government Publishing Office, Congressional Budget Office, and the LOC's Congressional Research Service. Includes bill summaries from 1973 to the present; bill text: 1989 to the present; Congressional Records from 1989 to the present; and Congressional Committee Reports from 1995 to the present.

United States Code (USC) uscode.house.gov

The USC is the codification by subject matter of the laws of the United States. It is divided by broad subjects into 53 titles. This website has advanced search tools that make reviewing it by topic a bit easier. Also new legislation is uploaded more quickly here than other websites.

United States Code

<https://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode=USCODE>

Another free government-operated website on which to view the USC.

Federal Regulations

Regulations.gov

Website includes Proposed Rules and Rules, as well as Notices from the Federal Register. Documents such as Public Comments and Supporting and Related Materials often associated with regulations can also be found on this site.

Reginfo.gov

Site provides information about regulations under development to enable the public to participate effectively in the regulatory process.

Federal Register - www.federalregister.gov

Called the “Daily Journal of the United States Government,” this site hosts four types of entries: Presidential Documents, including Executive orders and proclamations; Rules and Regulations, including policy statements and interpretations of rules; Proposed Rules, including petitions for rulemaking and other advance proposals; and Notices, including scheduled hearings and meetings open to the public, grant applications, administrative orders, and other announcements of government actions.

Federal Cases

United States Court Opinions

www.gpo.gov/fdsys/browse/collection.action?collectionCode=USCOURTS

United States Courts Opinions (USCOURTS) collection is a project between the U.S. Government Printing Office (GPO) and the Administrative Office of the United States Courts (AOUSC) to provide public access to opinions from selected United States appellate, district, and bankruptcy courts. Ninth Circuit opinions (along with those of several other circuits) dating back to January 2008 are available for free with advanced search capabilities. Once an opinion is located, all associated opinions within the same case can be accessed from the opinion.

United States Courts for the Ninth Circuit - www.ca9.uscourts.gov

Officially reported opinions, published and unpublished, are available. A search tool is available, and all opinions may be downloaded for free.

Oyez – <http://www.oyez.org/>

Oyez is the most comprehensive website covering the U.S. Supreme Court. Read about past and present Justices, learn about cases and issues before the Court, and listen to oral arguments.

Google Scholar - scholar.google.com/

Google Scholar's federal court case coverage is limited to federal district, appellate, tax and bankruptcy courts from 1923 and the U.S. Supreme Court from 1791. New content is added several times a week, but updates to existing content can take up to six months to appear. The “My Library” feature that enables users to save search results.

California Constitution & Statutes

California State Legislature - www.legislature.ca.gov

New website that serves as a gateway to a host of California's official government web sites, including those listed below.

California State Constitution - <http://www.legislature.ca.gov/port-const.html>

The California State Constitution is grouped into subject matter areas known as Articles. Each Article is organized by a heading and section numbers. The Table of Contents includes each Article heading and corresponding section numbers. Searchable by keyword, as well.

California Code - leginfo.legislature.ca.gov/faces/codes.xhtml

California Law consists of 29 codes, covering various subject areas.

California Statutes - www.legislature.ca.gov/port-statute.html

California Statutes are Chaptered Bills. A bill is "chaptered" by the Secretary of State after it has passed through both houses of the Legislature and has been signed by the Governor or becomes law without the Governor's signature. Statutes available online are those from 1993 to the present

California Regulations

California Office of Administrative Law - www.oal.ca.gov/ccr.htm

The Office of Administrative Law (OAL) ensures that agency regulations are clear, necessary, legally valid, and available to the public via an online version of the California Code of Regulations (CCR).

- *See also* <https://govt.westlaw.com/calregs/Search/Index> (OAL contracts with Barclays, a division of Thomson-Reuters to provide a free online version of the Official CCR)

California Regulatory Notice Register – http://www.oal.ca.gov/notice_register.htm

CA Notice Register contains notices of proposed regulatory actions by state regulatory agencies to adopt, amend, or repeal regulations contained in the California Code of Regulations.

California Cases

The Judicial Branch of California – www.courts.ca.gov/opinions.htm

Officially reported opinions, published and unpublished, of the Supreme Court and Courts of Appeal 1850 – present.

Google Scholar - scholar.google.com

Google Scholar's state court opinion coverage is limited to state appellate and supreme courts from 1950. Note, new content is added several times a week, but updates to existing content can take up to six months to appear. It also offers a "My Library" feature, allowing users to save search results.

Jury Instructions

Jury instructions are the set of legal rules explaining the jury's role and the particular laws that apply to the specific case. Jury instructions are designed to give jurors a framework for

understanding how the law applies to the evidence they have heard during trial, so they can return a consistent **verdict**. They can also be helpful for parties to consult at the outset of a case, in order to determine what evidence the court will require under specific laws.

Ninth Circuit Manual of Model Jury Instructions, Civil - www3.ce9.uscourts.gov/jury-instructions/model-civil

Judicial Council of California Civil Jury Instructions (CACI) - www.courts.ca.gov/partners/317.htm/civiljuryinstructions/317.htm

Other Useful Websites

Google Scholar for Secondary Sources- scholar.google.com/

Google Scholar provides a simple way to broadly search for journal articles, citations, theses, preprints and books availability on the web. Materials located using Google Scholar come from a wide variety of sources, including academic publishers, universities and resources on the open web. But keep in mind, you will need to evaluate your source. The articles may not be the final version of record since often publishers restrict researchers from posting the published version of the article for free on the Internet. Also, remember that Google Scholar does not have every scholarly journal. It would not be wise to base all of your research on what you find in Google Scholar, because you may miss some important information.

USA.gov (official portal) - usa.gov

USA.gov is an interagency product administered by USAGov (formerly the Federal Citizen Information Center); a comprehensive portal to federal government information and services. The website states “ask us any question about the U.S. government for free. We'll get you the answer, or we'll tell you where to find it.” Information specialists can help you locate information on federal agencies, programs, benefits, services, and more:

Call toll-free at 1-844-USA-GOV1 ([1-844-872-4681](tel:1-844-872-4681)) between 8:00 AM and 8:00 PM Eastern Time, Monday through Friday, except federal holidays.

Congress.gov (beta) - congress.gov

Congress.gov is the official website for U.S. federal legislative information. The site provides access to accurate, timely, and complete legislative information for Members of Congress, legislative agencies, and the public. It is presented by the Library of Congress (LOC) using data from the Office of the Clerk of the U.S. House of Representatives, the Office of the Secretary of the Senate, the Government Publishing Office, Congressional Budget Office, and the LOC's Congressional Research Service.

GPO Federal Digital System - fdsys.gov

The U.S. Government Publishing Office (GPO) is the Federal Government's digital resource for disseminating and preserving the official information products of the U.S. Government. GPO provides for permanent public access to Federal Government information at no charge through the Federal Digital System.

Library of Congress Guide to Law Online www.loc.gov/law/help/guide.php

Includes selected links to useful and reliable sites for legal information, including links for other the law to other states.

FindLaw - lp.findlaw.com

Secondary source for background information on legal topics. “Learn About the Law” section features informational articles about a wide variety of legal topics, as well as specific information about subjects such as how to hire an attorney.

The Public Library of Law www.plol.org

Self-described as one of the largest free law libraries in the world. Includes cases from the U.S. Supreme Court and Courts of Appeals, cases from all 50 states back to 1997, federal statutory law and codes from all 50 states, regulations, court rules, constitutions, and practice materials, such as forms. Also has tutorials on finding a case and searching statutes.

LexisWeb (beta) - lexisweb.com

Current beta version, compiled and curated by Lexis Nexis, combines content from Web sites and Web pages, including governmental agency information (federal, state, local), informal commentary on legal issues (e.g., blogs specifically for lawyers and legal professionals), and general open web information about legal topics.

Nolo Press – www.nolo.com

Publisher of DIY law books (their tag line is “Law for All”). This website includes a “Get Informed” free legal information section, organized topically, as well as general information about conducting research: www.nolo.com/legal-research

More Information

This packet does NOT tell you everything you need to know about legal research. We encourage you to seek legal advice. For free legal information and advice, please contact one of the following:

- If your case is in the San Francisco/Oakland federal courthouse, make an appointment with the **Legal Help Center** by calling 415-782-8982 OR sign up at 450 Golden Gate Ave., S.F., 15th Floor, Room 2796 OR sign up at 1301 Clay Street, Oakland, 4th Floor, Room 470S.
- If your case is in the San Jose federal courthouse, make an appointment with the **Federal Legal Assistance Self Help Center** by calling (408) 297-1480 OR sign up at 280 South First Street, S.J., Room 2070.

You should also read **Chapter 3** of the **Handbook for Pro Se Litigants** for an explanation of how to research the law and for a list of the public law libraries in the Northern District of California. The Handbook is available at the Clerk’s Office or on the Court’s website at www.cand.uscourts.gov/prosehandbk.