

Legal Research Lecture Hypotheticals (SET ONE)

1. Provide an example of a research tool that explains the law?
2. Provide an example of a research tool that helps find cases?
3. Is there an index for case reporters?
4. Provide an example of a research tool that contains the law?
5. What are statutes?
6. Where are federal statutes found?
7. What is meant by a federal annotated code?
8. Where will one find California state statutes?
9. Provide the names of the two California annotated Codes?
10. What is a case reporter?
11. What is meant by the term "official reporter" and why is it important to cite?
12. What is the official reporter for the California Supreme Court?
13. What are the two unofficial reporters for the California Supreme Court?
14. Name some other sources where one can find copies of recent California Supreme Court cases?
15. Is there a special way in which California Supreme Court cases must be cited? Does every publisher follow the same citation form?
16. What is the name of the official reporter for the California Court of Appeal?
17. What is the name of the unofficial reporter for the California Court of Appeal?
18. Were cases published in a reporter before California Reporter?
19. Where else can cases from the Court of Appeal be found?
20. What is meant by the term "unpublished" or "depublished" decisions?
21. Are all cases from the appellate courts published in reporters?

22. Where will one find Superior and Municipal court cases?
23. Even though cases are published in reporters and are in the hardbound books, are those cases still good law today? Is it possible that a case has been reversed on appeal, but yet it still appears in a reporter?
24. Are there supplements in case reporters?
25. What can one go to find if a case is still good law today?
26. Will one find Shepard's citations covering all case reporters?
27. Where will one find materials that help in the practice of the law?
28. Provide examples of popular practice guides that are helpful in California litigation practice?
29. What is meant by the term "primary" authority?
30. Give examples of the primary authority in California?
31. Give examples of the primary authority in a federal court in California?
32. Give examples of secondary authority?
33. Does a judge in California have to follow decisions of appellate courts in other states?
34. How do computers, such as WestLaw, aid in legal research?
- 35.
36. ~~Can~~ materials accessible in law libraries also accessible on the Internet?
37. When one has researched a problem, must the research be updated to see if cases have been overruled or statutes amended?

## Legal Skills I Review Questions

38. Why should one consult federal law first?
39. Identify some areas of law that are exclusively controlled by federal law?
40. What is meant by federal “preemption” of state law?
41. Does the Constitution permit Congress to make laws covering all conduct?
42. How does Congress have authority to regulate goods and services that might go from state to state?
43. If a person or entity accepts federal funds, may Congress attach conditions for receipt of those funds?
44. Is it possible that federal and state law can co-exist on a particular matter, such as employment law?
45. If federal law does not apply, then what jurisdiction would apply primary authority?
46. What is the highest law in each state?
47. States may enact statutes dealing matters affecting the health, safety and morality. This is known as police power. Give some example?
48. What is state common law?
49. May a state legislature alter common law principles?
50. What are sources for state law?
51. What are sources for federal law?
52. Where are federal administrative regs maintained?
53. Where are state administrative regs maintained?
54. When would regulatory law apply in a given scenario?

### Lecture Hypotheticals (Set Two)

1. What are the five principles of good legal writing?
2. Why should sentences be kept short?
3. Identify the passive construction in the following sentence? "The complaint was filed."
4. Re-write the sentence in the active voice.
5. What is a nominalization?
6. Identify the nominalization in the following sentence: "The parties made an agreement to seek representation for compensation for their rehabilitation."
7. Re-write the sentence without the nominalization(s).
8. Why is it important to eliminate surplus words?
9. Do courts impose page length restrictions? Where are these rules generally contained?
10. Why is important to eliminate abstract or unfamiliar words?
11. Should unusual terms be defined and clarified in legal writing?
12. Should paragraphs be long or short? May they contain one sentence?
13. What are some other rules that one should follow in legal writing?

Legal Research Hypotheticals (Set #3)

- 3.1 What is a legal encyclopedia?
- 3.2 Is a legal encyclopedia primary or secondary authority?
- 3.3 What is a national encyclopedia?
- 3.4 Is a nat'l encyclopedia designed around topics or issues?
- 3.5 Give the names of the two major nat'l legal encyclopedias?
- 3.6 In *Am. Jurisprudence*, should the researcher use the first or second edition?
- 3.7 What are the different access paths for getting into *Am. Jur.*
- 3.8 Does the "Descriptive World Index" refer the researcher to a Topic and section?
- 3.9 Are the encyclopedias arranged by topic?
- 3.10 When finding a topic on point, what information must be recorded for purposes of citing the tool later to a court?
- 3.11 Where will one find the date of publication?
- 3.12 Is key language recorded verbatim or paraphrased or both?
- 3.12 Should the researcher note the section and page number(s) where key language has been found?
- 3.13 Should the researcher note cross-references to other research tools?
- 3.14 What the cross-references listed in *Am. Jur.*
- 3.15 What is *Am. Jur. Proof of Facts*?
- 3.16 What is *Am. Jur. Pleading & Practice Forms*?
- 3.17 What is *Am. Jur. Trials*?
- 3.18 What is *Am. Jur. Legal Forms*?
- 3.20 Which one of the tools above would be helpful in preparing a lawsuit?

- 3.21 Does a nat'l encyclopedia have every single case and statute pertaining to a topic?
- 3.22 What is it important to check the supplement or pocket part to *Am. Jur.*
- 3.23 How does a researcher know how old a pocket part is?
- 3.24 What is *Corpus Juris Secundum*? Is their a first edition?
- 3.25 What are the differences between *CJS* and *Am. Jur.*?
- 3.26 What cross-references are listed in *CJS*?
- 3.27 What is meant by the terms "Digest Topic and Key Number?" Why would one want to note this information?
- 3.28 Does every state have a state encyclopedia?
- 3.29 What does one generally find in a state encyclopedia?
- 3.30 Will a state encyclopedia have every reported case and statute pertaining to a topic?
- 3.31 What is the major advantage of using a state encyclopedia?
- 3.32 Who was Bernard Witkin and why are his books so revered in California?
- 3.33 What topics are generally covered by Witkin's *Summary of California Law*?
- 3.34 What topics are generally covered by Witkin's *California Procedure*?
- 3.35 What topics are generally covered by Witkin's *California Evidence*?
- 3.36 What topics are generally covered by Witkin & Epstein's *California Criminal Law and Procedure*?
- 3.37 In using *Summary of California Law*, is it possible to access the tool if one has a case, a statute, descriptive term, or topic?
- 3.38 Is there a supplement to the Witkin materials?
- 3.39 Is Witkin considered a primary or secondary source?
- 3.40 Is Witkin helpful for finding law in states outside of California?
- 3.41 How would one find an encyclopedia for a state other than California?

- 3.81 What is meant by a uniform act?
- 3.82 Do statutes vary from state to state?
- 3.83 What is the purpose of proposing uniform state statutes?
- 3.84 Why can a uniform statute be useful in researching the law?
- 3.85 Where will one generally find the uniform statutes?
- 3.86 Do the uniform statutes cite to cases that have interpreted and applied the statute?
- 3.87 If a uniform statute has not been adopted by a state legislature, can citing the statute to a court be useful as persuasive authority?
- 3.88 What other secondary sources are there? Can a legal dictionary be cited to a court?
- 3.89 What is "Words & Phrases"?

4.0 What is *American Law Reports*?

4.1 When was ALR first published?

4.2 What is meant by the series notations, such as ALR, ALR2d, ALR3d, ALR4th and ALR5th?

4.3 Does it make a difference if one finds an ALR annotation in ALR3d rather than ALR4th or 5th? *or both*

4.4 Are ALR annotations updated by pocket parts?

4.5 How does ALR differ from the traditional encyclopedia?

4.6 Is ALR primary or secondary authority?

4.7 Is ALR often cited to courts?

4.8 Is ALR objectively written?

4.9 Will one find complete cases reported in ALR? If so, where, before an annotation or in the back of each volume?

4.10 Is an annotation based upon a key landmark case?

4.11 Does an annotation collect cases from all over the country and report on how the states treat a particular issue?

4.12 What are the cross-references in ALR?

4.13 What are the ALR Digests? Are they useful for letting one know about all the research tools published by Lawyer's Cooperative?

4.14 Where will one find annotations dealing with federal issues?

4.15 Where will one find annotations dealing specifically with U.S. Supreme Court cases?