INTRODUCTION TO LEGAL RESEARCH

Melanie Knapp
Head of Reference and Instructional Services
August 15, 2015
Overview

- Prep for Research Exercise 1 – Library Tour
  - About the U.S. Legal System
  - Research Exercises this Semester
    - 5 graded research assignments
    - Remaining 4 done is Breakout sessions with librarians on 9/25, 10/9, 10/16, and 10/23

- Signing up for Lexis, Westlaw, and Bloomberg Law

- Accessing your course materials on TWEN

- Westlaw Study Aids Subscription
Types of Legal Authority

- **Primary authority**
  - Constitutions
  - Statutes
  - Regulations
  - Court decisions

- **Secondary authority**
  - Books about the law
  - Articles in law reviews, or law journals

- You can find all these resources in our Library
The U.S. Constitution establishes our government with three branches. In turn, each branch makes law.
Federal Government Structure

U.S. Constitution

- Legislature
- Executive
- Judiciary
- Administrative Agencies
Legislature

- U.S. Congress ➔ Statutes (aka Laws)
- Published chronologically in U.S. Statutes at Large
- Then published in the United States Code
  **E.g., 18 U.S.C. § 924**

---

**Title 18—CRIMES AND CRIMINAL PROCEDURE**

<table>
<thead>
<tr>
<th>Page 223</th>
<th>1924</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>224</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Penalties**

(A)(3) Except as otherwise provided in this subsection, subsection (b), (c), (f), or (p) of this section, or in section 929, whoever—

(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or is applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (c), (f), or (p) of section 922;

(C) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922; or

(D) willfully violates any other provision of this chapter,

shall be fined under this title, imprisoned not

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii)</td>
<td></td>
</tr>
</tbody>
</table>

A juvenile is described in this clause if—

(i) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(a)(2), and

(ii) the juvenile has not been convicted in any court of an offense (including an offense under section 924) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would constitute an offense), or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(a)(2)(B)—

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

(C) Whoever knowingly violates section 921 shall be fined under this title, imprisoned not more than 3 years, or both.

(b) Whoever, with intent to commit terrorism, or otherwise possess, or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.
Agencies, like the EPA or the FDA, regulate

Published daily in the Federal Register

Published later in the Code of Federal Regulations (C.F.R.)
Courts make law in each case
Case opinions are published in reporters
You also read selected, edited opinions in your case books for class
The United States Federal Courts

SUPREME COURT

APPELLATE COURTS

U.S. Courts of Appeals
- 12 Regional Circuit Courts of Appeals
- 1 U.S. Court of Appeals for the Federal Circuit

U.S. District Courts
- 94 judicial districts
- U.S. Bankruptcy Courts
- U.S. Court of International Trade
- U.S. Court of Federal Claims

TRIAL COURTS

FEDERAL COURTS AND OTHER ENTITIES OUTSIDE THE JUDICIAL BRANCH

Military Courts (Trial and Appellate)
- Court of Veterans Appeals
- U.S. Tax Court
- Federal administrative agencies and boards
Court Structure

Federal

- U.S. Supreme Court
- U.S. Courts of Appeals
- U.S. District Courts

State

- Court of last resort
- Intermediate appellate court
- Trial Court
You will also find secondary authority – information about the law – in the library.

Secondary authority appears in books and in articles in law journals, or law reviews.
Row Signs & Numbers

- United States Supreme Court Reports (Lawyers' Edition)
- Supreme Court Reporter

- United States Reports
- Supreme Court Slip Opinions

- You can look it up in either reporter
  - *United States Reports* (U.S.), OR
  - *Supreme Court Reporter* (S.Ct.)
- Find the reporters in the Library by looking up the title in the catalog.
- Open to volume 347 of *U.S. Reports*; or volume 74 of *Supreme Court Reporter*
- Turn to page 483 in *U.S. Reports*; page 686 in *Supreme Court Reporter*.
  - Your case starts there.
Registering your Lexis, Westlaw, and Bloomberg Law Passwords

- Follow the instructions on the cards in your orientation packets.

- You can register online from any computer.

- Use these graduation dates:
  - 1D: 2018
  - 1E: 2019
  - Transfers, visitors, and LLMs: please use an accurate date

- We will train you to use the three services in LRWA I and II.
We provide a quick link to TWEN from the Law School Homepage.
www.lawschool.westlaw.com
Sign in at www.lawschool.westlaw.com
Click on TWEN
Add your courses
Add WF page later, probably Thursday 8/20.

<table>
<thead>
<tr>
<th>Name</th>
<th>Semester</th>
<th>Admin</th>
<th>Course Password</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRWA I: McClaskey Section</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA I: O'Connell Section</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA I: Parks Section</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA I: Pilgrath Section</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA I: Picard Section</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA I: Tang Section</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA I: Tully Section</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA I: Introduction to Legal, Research, Writing, and Analysis (Main Page)</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRWA III: Appellate Writing (ADJUNCTS)</td>
<td>Fall 2015</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Everybody adds Main Page now.
1L Professors Using TWEN

- LRWA
  - FitzGerald
    - + WF

- Contracts
  - Boardman
  - [NOT Buckley]

- Property
  - Eagle
  - Claeys

- Economic Foundations
  - Cooper

- Torts
  - Krauss
  - [NOT Polsby]
  - Yeh
www.lawschool.westlaw.com

Click here for more information.
Find a topic -- can browse all subjects -- or keyword search above
Capsule Summary

I. CONSIDERATION

A. INTRODUCTION

Generally, a promise is not enforceable unless it is supported by consideration. Early theories described consideration as a benefit received by the promisor or a detriment incurred by the promisee. Today, most authorities treat consideration as equivalent to bargain (i.e., an exchange of promises, acts, or both, in which each party views what she gives as the price for what she gets). However, the bargain approach does not explain all situations where promises are enforceable (e.g., detrimental reliance), and in some authorities, treat as consideration any factor that will make a promise or contract enforceable.

B. BARGAIN PROMISES

1. General Rule—Bargain Constitutes Consideration

As a general rule, a bargain constitutes consideration. The law usually does not require bargains for promises to be of equal value, but gross disparity may be used as evidence of defenses such as unconscionability, incapacity, fraud, and duress. Also, adequacy of consideration may be reviewed if an equitable remedy such as specific performance is sought.

2. Exceptions—Bargains that Are Not Consideration

a. Nominal consideration

A contract based on nominal consideration will fail for lack of consideration. A transaction involves nominal consideration if it has the form of a bargain but lacks the substance of a bargain (i.e., no real bargain exists). For example, a promise to pay $1 for a house worth $100,000 usually is nominal consideration.

(1) Distinct—options and guarantees

Under the majority view, nominal consideration will make an option enforceable if the option is in writing and promises fair terms. Similarly, under the majority view, nominal consideration makes a written guaranty binding. These transactions are usually enforceable because they serve an important commercial purpose and are likely to be relied on.
Get a FREE Lexis water bottle, AND a Westlaw lunch bag or backpack OR Bloomberg Law wireless mouse!

www.facebook.com/masonlawlibrary

How: Like the George Mason University Law Library Facebook page
Questions? We’re here to help.

- Stop in the Reference Office and ask a Law Librarian for help.
  - Or, call us: (703) 993-8076
- Turn in your Library Tour answers by Fri., August 28, 5 p.m.