What are secondary sources?

- Not themselves the law but discuss or analyze the law

- Secondary sources are never binding authority
  - They sometimes can be persuasive.
Secondary Sources

- At the beginning of research
  - Offer good background information
    - Help generate search terms, and
    - Find primary authority (from the footnotes).
During research

- Offer easy to understand explanations of difficult legal concepts

- Help you develop and organize complex arguments, and

- Find additional primary authority to help bolster analysis.
Have helpful tools, which make good research possible

- Tables of Contents
- Indexes
- References to primary authority
- References to other secondary authority
Commonly used secondary sources

- Legal Encyclopedias
- Law Reviews
- Treatises, Hornbooks, and Nutshells
- Restatements
- ALRs
- Model Jury Instructions
Two National Encyclopedias

- **American Jurisprudence 2d – “Am Jur”**
  - Westlaw
  - Lexis
  - In the Library, 1st Floor, Range #107

- **Corpus Juris Secundum – “CJS”**
  - Westlaw
  - In the Library, 1st Floor, Range #108
State-specific Encyclopedias

- Several states have an encyclopedia
  - *E.g.*, Virginia, California, Maryland, Ohio, and New York

- *Michie’s Jurisprudence of Virginia and West Virginia*
  - Lexis
  - Not on Westlaw
  - Library, 1st Floor
    - Range #121
  - Library, 2nd Floor
    - Range #228-229
Legal Encyclopedia Citations

35 C.J.S. False Imprisonment § 1 (1999)


- Bb Rule B8.1, p. 23
ARTICLES
A Model State Racial Justice Act: Fighting Racial Bias Without Killing the Death Penalty

A Public Convenience and Necessity and Other Conspiracies Against Trade: A Case Study from the Missouri Moving Industry

COMMENTS
Trading Rights for Greenhouse Gases: The Dilemma of Cap-and-Trade and Environmental Justice

Alienating Legal Alien: Exclusions from Professional Licensing, Standard of Review, and State Interest

- **Bb Rule B9.1.1**, p. 24
- **Bb T. 13**, p. 444-67
Treatises
Hornbooks, Nutshells, Study Aids

- **Hornbook**
  - E.g., *Constitutional Law* by Nowak & Rotunda
  - E.g., *Understanding Civil Procedure*

- **Nutshell**
  - E.g., *Legal Research in a Nutshell*
  - E.g., *Law and Economics in a Nutshell*

- **Other study aids**
  - E.g., Sum & Substance audio discs
    - Contracts, criminal law, etc.
  - Gilbert Law Summaries

- **See West Online Study Aids**

- Bb Rule B8, p. 23
West Study Aids Online

- Study aids, case briefs, Hornbooks
Restatements
Available Restatements

- Agency
- Conflict of Laws
- Contracts
- Employment Law
- Foreign Relations of the United States
- Judgments
- Law Governing Lawyers
- Property
- Restitution & Unjust Enrichment
- Security
- Suretyship and Guaranty
- Torts
- Trusts
- Unfair Competition
Restatement (Second) of Torts § 35 (1965).

Bb Rule B5.1.3, p. 17
WHEN IS INSTRUMENT “PAYABLE ON DEMAND OR AT A DEFINITE TIME” AS REQUIRED TO CONSTITUTE NEGOTIABLE INSTRUMENT UNDER §§ 3–104(a)(2), 3–108(a, b) OF UNIFORM COMMERCIAL CODE

by Jay M. Zitter, J.D.

To be a negotiable instrument within Article 3 of the Uniform Commercial Code, a writing must satisfy a fair number of requirements. For example, it must be payable on demand or at a definite time, as per Revised Code § 3–104(a)(2). Under Revised Code § 3–108(a), a promise or order is payable on demand if it states that it is payable on demand or at sight, otherwise indicates that it is payable at the will of the holder, or does not state any time of payment. Revised § 3–108(b) expands the definition of a promise or order payable at a definite time. In Northern Bank v. Pfefferoni Pizza Co., 252 Neb. 321, 562 N.W.2d 974, 32 U.C.C. Rep. Serv. 2d (CBC) 866, 71 A.L.R.5th 789 (1997), the court held that a promissory collateral note assigned as security for the payee’s underlying obligation signed as security for the payee’s underlying obligation containing a clause allowing renegotiation of the repayment terms up to 84 months after the date of closing, or at a definite time. However, other courts have reached as the following annotation illustrates.
Typical ALR Citation


- Bb. Rule 16.7.6, p. 156
Introduction to Secondary Resources

http://www.cali.org/lesson/721