INTRODUCTION TO LEGAL RESEARCH

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Head of Reference and Instructional Services
August 13, 2016
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 9/16, 10/7, 10/14, and 10/21

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 § 924

Firearms and Explosives to enforce the provisions of this chapter, or of a review of such an action or proceeding; except that this provision shall not be construed to prevent the disclosure of statistical information concerning the production, importation, and exportation of firearms and ammunition by each licensed importer (as defined in section 921(a)(18) of this title) and licensed manufacturer (as defined in section 921(a)(19) of this title). Similar provisions were contained in the following previous appropriation acts:


§ 924. Penalties

(a) Except as otherwise provided in this subsection, subsection (b), (c), (f), or (p) of this section, or in section 922, 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 in applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (5), (6), or (j) 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(f); or

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

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

(ii) A juvenile is described in this clause if—

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

(ii) the juvenile has not been convicted in any court of an offense (including an offense under section 922(g)(2) or any similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not 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(g)—

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

(11) 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 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.

(7) 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 therewith an offense punishable by imprisonment, for a
Administrative Agencies

- Agencies, like the EPA or the FDA, regulations
- 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
Federal Court Structure

The United States Federal Courts

SUPREME COURT

UNITED STATES 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
Finding a Case in a Reporter


- 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 BloombergLaw Passwords

- Follow the instructions on the cards in your orientation packets.
- You can register online from any computer.
- Use these graduation dates:
  - 1D: 2019
  - 1E: 2020
  - Transfers 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.
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Add WF page later, probably Thursday 8/18.

Everybody adds Main Page now.
1L Professors Using TWEN

- LRWA
  - FitzGerald
    - + WF

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  - Boardman
  - [NOT Buckley]

- Property
  - Eagle
  - Mossoff
  - Somin

- Economic Foundations
  - Wright
  - Mungan
  - Cooper

- Torts
  - Claeys
  - Krauss
  - Mazo
  - [NOT Polsby]
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The first time you click on the Study Aids, you will have to register your account.

- Username is your gmu.edu email address
- Password can be the same password you use for Westlaw

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- I.e., you won’t need to sign-in again

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Chapter 1. Prologue: Origins, Objectives, and Overviews of Tort Liability

CHAPTER 1

§ 1-1. THE DEFINITIONAL DILEMMA

‘Tort’ is an elusive concept. The word is not used in common speech. Although it describes one of the major pigeonholes of the law, the concept has defied a number of attempts to formulate a useful definition. The dilemma is that any definition that is sufficiently comprehensive to encompass all torts is so general as to be almost meaningless.

Closely related to the definitional dilemma is the classic question: is there a general principle of tort liability? Or are there only the laws of the individual “torts,” a miscellaneous and more or less unconnected collection of civil actions grouped together merely for convenience of reference? Legal scholars have debated this issue for more than a century, without resolving it satisfactorily.

If there is any such general principle, it has yet to be adopted by Anglo-American courts and legislatures. The common law developed as a system of individual named torts—trespass, deceit, slander, and later assault and battery, conversion, and so on—each with its own more or less unique rules. In fact, until 1859 there was no legal treatise bearing the name “torts.” As yet, except for the tort called “negligence,” there has been little synthesis of the nominate torts into larger categories.

The one common element of all torts is that someone has sustained a loss or harm as a result of some act or failure to act by another. Beyond this, accurate generalization becomes impossible. Virtually all of the infinitely diverse forms of human activity—driving a vehicle, engaging in business, speaking, writing, owning and using real or personal property, making love—may be a source of harm and therefore of tort liability. This diversity of conduct resists broad generalizations, and so does the tort liability on which it is based.

Tort law is perhaps the last bastion of the common law. Even in this age of legislation, with its proliferation of codes and uniform acts, tort law remains uncodified and in large part unaffected by statute. This may tell us something about its fundamental nature. In any event, in view of the fact that it evolved a posteriori, inductively, from particular cases, and not a priori, it is not surprising that a number of diverse and independent torts emerged. And perhaps this very diversity results, overall, in a closer approximation of justice than could be achieved by the application of more general rules.

Sometimes it is suggested that a common element of tort liability is fault, that tortious conduct is that which falls below accepted community standards of behavior. Some sort of fault is common to many torts, although it might more accurately be described as conduct that creates an unreasonable or unacceptable risk of harm. But even in this sense, fault cannot be said to be a universal principle of
CHAPTER 1
PROLOGUE: ORIGINS,
OBJECTIVES, AND OVERVIEWS
OF TORT LIABILITY

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• This is an excerpt from Torts in a Nutshell.
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CALI Lessons

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Finding a case online


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