

### Chapters 1 & 2

**Law**- The enforceable rules that govern individual and group conduct in a society

**Legal research**-Finding the law that applies to the problem

**Legal analysis**-Determining how it applies to the problem

*Types of law* (pg.4-6)

Enacted-Body of law adopted by the people  
constitutions, statutes, admin/regulations

Common-Law created by the courts in absence of enacted law

Case-Broader than common.

everything + laws created from interpretation or application of enacted

**Court Systems** (pg.7-8)

Over persons by geographic area-  
Personal jurisdiction

Over subject matter by types of

cases-Subject matter jurisdiction

More than one court has authority

to deal with the same matter-

Concurrent jurisdiction

*Federal Courts* (pg.8-9)

Trial court= US District Court

75k+, US Const, Fed laws, treaties, etc.

Court of Appeals= Circuit Courts-  
13

Only for review, no new trials

### Chapters 1 & 2 (cont)

The Supreme Court= The last stop  
A party who disagrees with a COA ruling must request a **petition for a writ of certiorari**

**Stare decisis**- Requires a court to follow a previous decision of that court or a higher court when the decision involves issues and facts similar. (pg.11)

**Authority** (pg.15)

Types of secondary authority:

*Annotations*-Notes and comments on the law. ALR. Provides a list of cases from other jurisdictions.

*Legal Dictionaries*- Black's Law.

Defines legal terms & maybe cite

*Law Reviews* Published by law schools|specific topics|references

*Legal Encyclopedias*

*Restatements of the law*

*Treatises*

Primary and Secondary as

Persuasive (pg. 18)

**IRAC Analysis** (pg.30)

Issue- Identify the issue(s) raised by the facts

Rule-Identify the law the governs the issue

Analysis/App-Determine how it applies

Conclusion-Summarize the results

### Chapters 3 & 4

**Statutory law**- Laws passed by Congress or state legis. Local level= Ordinances.

**Anatomy of a statute** (pg.62-63)

*Numbers*-Different # for every legis authority

*Short Title*- The name by which it's known. i.e "Affordable care act"

*Purpose Clause*- Purpose of the legis body when drafting. Shows intent.

*Scope*-Some sections define what is and isn't covered by statute

*Definitions*-Helps determine if legis gave specific meaning to terms

*Substantive Provisions*

*Annotations/Reference*- History of section, dates of ammend, **USCA** (pg. 65)

-200 Volumes + Gen Index

-Gen Index- Softbound

set|updated annually| Descriptive

words/phrases, alphabetically with

headings and subheadings

-Pocket parts are cumulative-

Volume is updated from the date of its publication.

-Up to date = "This Volume

Contains No Pocket Part"

-Pocket parts published once a

year

-(pg.68-69)

**Cannons of Construction**

(pg.91)

### Chapters 3 & 4 (cont)

Rules and guidelines the courts use when interpreting statutes

*Expressio Unius*- "The expression on one excludes all others"

exclusion of everything not covered.

A dwelling...not a dwelling

*Ejusdem Generis*- Other things of the same class. Bicycles,

tricycles...

*Pari Materia*-Same subj matter.

Gender preference

**Case Law** (pg. 105)

Why analyze court opinions?

-To learn the case law|Interpret con

or stat law| Understand litigation

process| To gain insight into legal

analysis|Develop legal writing skills

**Elements of Court Opinions** (pg.

106)

*Citation*

*Caption*- Names of

partie|*Appellee*-winner of the trial

court level|*Appellant*-Loser who

filed the appeal

*Syllabus*- A brief summary of the

opinion. Editorial by West.

*Headnotes* Summaries of the

points of law discussed in the case

**Court Opinion Research** (pg. 113)

*Slip Opinions*- Published by the

court|Concurring and dissent|

That's it!

*Advance Sheets*-



### Chapters 3 & 4 (cont)

*Reporter*- Only published when there are enough adv sheets to fill a vol

-U.S Reports is the official reporter for SCOTUS. Indexed but no headnotes of key #'s

-Supreme Court Reporter- Unofficial, published by West| Since 1882| Faster| Adv sheets published twice a month

**Case Brief** (pg. 123)

*Citation|Parties|Facts|Prior Proceedings|Issue|Holding|Reasoning|Disposition|Comments*

### Chapters 5 & 6

#### Secondary Authority

*Legal Encyclopedias*- No in-depth coverage, very broad  
CJS is larger than Am. Jur 2nd.  
Begin with Gen Index.

*Treatises*- Use this when you need more than a general summary of the law from a encyc. Valuable in locating cases

**American Law Reports** (pg.153)

*ALR (First Series)*- 1919-1948 has 175 Vol

*ALR.2d*-1948-1965 has 100 Vol

*ALR.3d*-1965-1969 state cases

'65-'80 has 100 vol

*ALR.4th* State '80-'91-100 vol

*ALR 5th* State '91-Jun 2005- 125 vol

### Chapters 5 & 6 (cont)

*ALR.6th* State '05-Present

**Key Number- West** (pg. 163)

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**Legal Periodicals** (pg. 193)

*Law Reviews*- Usually include: Articles, notes + comments. recent developments, book reviews  
Restatements of the law- American Law Institute 1923. Greater recognition than treatises.

### Chapter 7

**Computers** (pg. 229)

*Boolean searches*- Searches using key words or terms from the issue  
*Natural language* stating the query using plain English

*& (and)* - All documents with BOTH terms= Lots and lots of docs

*space (or)* - either term

*/s* - Both terms within same

sentence

*/p* - Both terms in same paragraph

*/n* - Where *n* = the number, terms appear within that many words

