

| Chapters 1 & 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Chapters 1 & 2 (cont)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Chapters 3 & 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Chapters 3 & 4 (cont)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b>Law</b>- The enforceable rules that govern individual and group conduct in a society</p> <p><b>Legal research</b>-Finding the law that applies to the problem</p> <p><b>Legal analysis</b>-Determining how it applies to the problem</p> <p><i>Types of law</i> (pg.4-6)</p> <p>Enacted-Body of law adopted by the people<sup>constitutions, statutes, admin/regulations</sup></p> <p>Common-Law created by the courts in absence of enacted law</p> <p>Case-Broader than common. everything + laws created from interpretation or application of enacted</p> <p><b>Court Systems</b> (pg.7-8)</p> <p>Over persons by geographic area-Personal jurisdiction</p> <p>Over subject matter by types of cases-Subject matter jurisdiction</p> <p>More than one court has authority to deal with the same matter-Concurrent jurisdiction</p> <p><i>Federal Courts</i> (pg.8-9)</p> <p>Trial court= US District Court</p> <p>75k+, US Const, Fed laws, treaties, etc.</p> <p>Court of Appeals= Circuit Courts-13</p> <p>Only for review, no new trials</p> | <p>The Supreme Court= The last stop</p> <p>A party who disagrees with a COA ruling must request a <b>petition for a writ of certiorari</b></p> <p><b>Stare decisis</b>- 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)</p> <p><b>Authority</b> (pg.15)</p> <p>Types of secondary authority:</p> <p><i>Annotations</i>-Notes and comments on the law. ALR.</p> <p>Provides a list of cases from other jurisdictions.</p> <p><i>Legal Dictionaries</i>- Black's Law. Defines legal terms &amp; maybe cite</p> <p><i>Law Reviews</i> Published by law schools specific topics references</p> <p><i>Legal Encyclopedias</i></p> <p><i>Restatements of the law</i></p> <p><i>Treatises</i></p> <p>Primary and Secondary as Persuasive (pg. 18)</p> <p><b>IRAC Analysis</b> (pg.30)</p> <p>Issue- Identify the issue(s) raised by the facts</p> <p>Rule-Identify the law the governs the issue</p> <p>Analysis/App-Determine how it applies</p> <p>Conclusion-Summarize the results</p> | <p><b>Statutory law</b>- Laws passed by Congress or state legis. Local level= Ordinances.</p> <p><b>Anatomy of a statute</b> (pg.62-63)</p> <p><i>Numbers</i>-Different # for every legis authority</p> <p><i>Short Title</i>- The name by which it's known. i.e "Affordable care act"</p> <p><i>Purpose Clause</i>- Purpose of the legis body when drafting. Shows intent.</p> <p><i>Scope</i>-Some sections define what is and isn't covered by statute</p> <p><i>Definitions</i>-Helps determine if legis gave specific meaning to terms</p> <p><i>Substantive Provisions</i></p> <p><i>Annotations/Reference</i>- History of section, dates of ammend,</p> <p><b>USCA</b> (pg. 65)</p> <p>-200 Volumes + Gen Index</p> <p>-Gen Index- Softbound set updated annually  Descriptive words/phrases, alphabetically with headings and subheadings</p> <p>-Pocket parts are cumulative-V-volume is updated from the date of its publication.</p> <p>-Up to date = "This Volume Contains No Pocket Part"</p> <p>-Pocket parts published once a year</p> <p>-(pg.68-69)</p> <p><b>Cannons of Construction</b> (pg.91)</p> | <p>Rules and guidelines the courts use when interpreting statutes</p> <p><i>Expressio Unius</i>- "The expression on one excludes all others" exclusion of everything not covered. A dwelling...not a dwelling</p> <p><i>Ejusdem Generis</i>- Other things of the same class. Bicycles, tricycles...</p> <p><i>Pari Materia</i>-Same subj matter. Gender preference</p> <p><b>Case Law</b> (pg. 105)</p> <p>Why analyze court opinions?</p> <p>-To learn the case law Interpret con or stat law  Understand litigation process  To gain insight into legal analysis Develop legal writing skills</p> <p><b>Elements of Court Opinions</b> (pg. 106)</p> <p><i>Citation</i></p> <p><i>Caption</i>- Names of parties <i>Appellee</i>-winner of the trial court level <i>Appellant</i>-Loser who filed the appeal</p> <p><i>Syllabus</i>- A brief summary of the opinion. Editorial by West.</p> <p><i>Headnotes</i> Summaries of the points of law discussed in the case</p> <p><b>Court Opinion Research</b> (pg. 113)</p> <p><i>Slip Opinions</i>- Published by the court Concurring and dissent  That's it!</p> <p><i>Advance Sheets</i>-</p> |



### 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*

**Key Number- West** (pg. 163)  
**Legal Periodicals** (pg. 193)  
*Law Reviews*- Usually include: recent developments, book reviews  
 Restatements of the law- American Law Institute 1923.  
 Greater recognition than caseatises.

### Chapters 5 & 6 (cont)

**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

### 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

### Chapter 7

**Computers** (pg. 229)  
*Boolean searches*- Searches using key words or terms from the issue  
*Natural language* stating the query using plain English  
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