

CHAPTER 6: ENCYCLOPEDIAS, PERIODICALS, TREATISES, RESTATEMENTS

***All are secondary authorities used to explain, locate, summarize, and validate primary authorities

A. Legal Encyclopedias: broad, general explanatory approach

1. C.J.S.

- a. explains thru text; locates thru footnotes
- b. use index to find topics
- c. updated by annual, cumulative pocket parts
- d. uses West's key topics and numbers as references

--See example on p. 204

2. Am.Jur.2d

- a. explains thru text and locates thru footnotes
- b. use index to find topics: see p. 213 for index updates
- c. updated by annual, cumulative pocket parts
- d. references to West's publications

---See p. 207 for example

---Special volumes: Am. Jur.2d Desk Book:
Am. Jur. 2d New Topic Service

3. Total Client Service Library: see p. 185 for example
4. Am. Jur. Proof of Facts: prep for civil & criminal trials (available on Westlaw)
5. Am. Jur. Trials: trial strategies & tactics (on Westlaw)
6. Am. Jur. Pleading & Practice Forms: for state & federal litigation (on Westlaw)
7. Am. Jur. Legal Forms 2d: non-litigation forms (on Westlaw)—see p. 212 sample
8. Citation Form: see pp. 208 & 243

****Research Strategies:**

1. Index: descriptive words—p. 213 example
2. Topic: use outline at topic's beginning
3. Table of Statutes (at end of set)
4. Table of Cases: only in C.J.S.

**** State/Local Encyclopedias: see p. 215**

B. Legal Periodicals

**4 broad categories:

1. Law School publications

- a. law reviews/law journals—See Table T.13 in Bluebook
- b. analyze recent cases and/or legislation
- c. scholarly analysis of hot topics
- d. usually published quarterly
- e. contain: articles; comments & notes; case comments; book reviews
- f. Citation Form: pp. 220 & 243

g. See p. 221 for example

2. Bar association/paralegal ass'n publications

- a. practical info

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b. attys suspended/disbarred

c. See p. 223 for example

3. Specialized Publications

a. focus on particular area of law

b. examples

4. Legal newspapers and newsletters

a. daily, weekly, or monthly

5. How to find periodical articles

a. I.L.P.

(1) subject/author index

(2) Table of Cases

(3) Table of Statutes

(4) See pp. 227 & 228 for example

(5) Available on CD-ROM, on-line version called Legal Periodicals & Books, and Westlaw

- b. C.L.I.: available on Westlaw as "Legal Resource Index" and on Internet as LegalTrac
- c. Other indexes: see p. 231-University Law Review Project:

<http://www.lawreview.org>

**many law reviews have their own web-sites

6. Advantages of periodicals

7. Disadvantages of periodicals

C. Texts and Treatises—see p. 235 in text
--usually not found on Internet

- 1. one volume or multi-volume sets
- 2. in depth, written by expert/s
- 3. hint to locating: format
 - a. Collier on Bankruptcy
 - b. Corbin on Contracts
 - c. Weinstein on Evidence
- 4. Explain thru text, locate thru footnotes

5. Updating: thru pocket parts, replacement pages, or new editions
6. See p. 237: if index directs you to 4:12, that means section 12 of volume 4
7. Citation form: see p. 243

D. Restatements

1. History, background
2. Arrangement
 - a. 2-5 volumes, arranged by chapters and sections; see p. 241 in text
 - b. comments & illustrations sections important
 - c. Table of Contents in first volume of set
OR
alpha index in last volume of set

d. check Appendices, pocket parts, and Interim Case Service for most recent material

3. Highly respected secondary source-p. 243

4. Available on Westlaw & West's CD-ROM

5. Citation form: p. 243

**See CyberSites on pp. 244 & 245