

CHAPTER 7: MISCELLANEOUS SECONDARY AUTHORITY

A. Attorneys General Opinions

1. highly persuasive
2. usually requested by legislators, state's attys, etc
3. find by index or references in annotated statutory codes or Shepard's Citators
4. federal:
<http://www.usdoj.gov/olc/opinions.htm>
5. state:
http://www.naag.org/attorneys_general.php

B. Legal Dictionaries-see p. 253 in text

1. define terms/phrases by cite to case
2. Black's (on Westlaw), Ballentine's, Burton's Legal Thesaurus
3. Online legal dictionary:
<http://dictionary.law.com>
4. Citation form: p. 279

C. Directories

1. Nat'l: Martindale-Hubbell-see p. 256
 - a. Web: www.martindale.com
 - b. Law Digest volumes-see p. 259
 - c. Intn'l Law Directory & Law Digests: see p. 260
 - d. International conventions
 - e. Uniform Acts, Rules, & Court Info
2. Local : by bar assn's usually
3. Internet: <http://lawyers.findlaw.com>
<http://www.lawyers.com>
<http://www.martindale.com/locator/home.html>

D. Form Books

1. Types:
 - a. Am.Jur.Legal Forms 2d: Contracts, wills, leases
 - b. Am.Jur. Pleading & Practice: forms related to litigation
 - c. West's Legal Forms 3d: general legal practice
 - d. Federal Procedure Forms (L.Ed.): federal practice

- e. Bender's Federal Practice: federal civil & criminal
- f. Bender's Forms of Discovery: interrogatories, depositions, etc.
- g. Form books for paralegals:
 - (1) Personal Injury Paralegal: Forms & Procedures
 - (2) Paralegal Litigation: Forms & Procedures
 - (3) Paralegal Discovery: Procedures & Forms
- h. treatises contain forms
- i. state web-sites
- j. <http://www.megalaw.com>, then select "Legal Forms", then "Government Forms"

***WARNING: For all legal forms, you need to verify that the form conforms to your state's laws on specific topics

**Westlaw also includes Am.Jur. Legal Forms 2d & Am.Jur. Pleading & Practice Forms Annotated

E. Uniform Laws—see p. 270

1. Nat'l Commer's on Uniform State Laws
2. Proposed laws state legislatures can adopt or adapt

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3. not law until a state legislature enacts it

4. Examples: U.C.C., U.P.C

** Model Acts are more guidelines

5. Uniform Laws Annotated, Master Edition: see
p. 272

6. Martindale-Hubbell: contains complete texts
of some uniform laws

7. Westlaw: has texts of all uniform laws &
model acts

8. Internet: <http://www.nccusl.org/Update>

9. Weight of authority

F. Looseleaf Services

1. 3-ringed binders

2. publishers: CCH, P.H., BNA, Matthew-Bender, etc

3. Content:

a. primary authority: statutes, regulations,
and cases

b. secondary authority: commentary

4. especially useful in rapidly changing areas
of law like tax, employment, environment

5. Look for and use the volume explaining how to
use the service

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6. update by interfiling (out with old pages, in with new)

G. Jury Instructions

1. lists elements of causes of action and/or defenses
2. See example, p.278
3. See California web-site on p. 275
4. Many states & courts have jury instructions on their web-sites
5. Westlaw: Modern Federal Jury Instructions

H. Order of Priority of Secondary Authority—per Rule 1.4(i) in Bluebook:

1. model acts
2. Restatements
3. Texts, treatises, & books
4. Journals and law reviews
5. A.L.R.'s
6. Magazine and newspapers articles

**Review citation forms on pp. 279 & 280 and Cyber-Sites on pp. 285 & 286: BOOKMARK

**Excellent chart of secondary authorities on pp. 281-284