



Self-Guided Library Tour #1:

- Legal Dictionaries
- Thesauri
- Encyclopedias
- Legal Periodicals and Treatises
- American Law Reports
- Restatements
- Pattern Jury Instructions

SELF-GUIDED LIBRARY TOUR #1 - SECONDARY SOURCES

Note on Self-Guided Library Tours:

These Self-Guided Library Tours are designed for use in conjunction with your research text (The Process of Legal Research) and with the on-line tutorials introducing Lexis and Westlaw commercial on-line resources. See the First Year Legal Research and Writing Tutorials online at: <http://library.kentlaw.edu/Courses/handouts/FirstYearTut.htm>

These e- tours will introduce you to print resources. As you become comfortable with legal research, you will discover that many secondary sources are more usable in electronic form. But we are not suggesting that you go into the library to examine these print resources simply to waste your time. Rather, we believe that seeing these materials in print will aid you to better understand what you later see on the screen, particularly as the indices in some of the print materials are both more cumbersome and more thorough than the commercial on-line searches, at least until the on-line products are refined a little further.

Your focus when doing research should be on content rather than on the media in which the content is contained. You may do your legal research in a mixture of media – print, “traditional” commercial on-line sources such as Lexis and Westlaw, digitized collections, commercial compilations such as Hein Online, government and court web sites, and using tools such as Google. We will introduce you to a wide variety of “containers” over the next two years. But a focus on **content** should enable you to adapt your research skills as the containers change, as they surely will, over the course of your legal career.

I. LEGAL DICTIONARIES AND THESAURI

Location: Ninth floor - Library Reference Desk Shelves

II. ENCYCLOPEDIAS

Location: Am. Jur. and C.J.S. are located on the ninth floor in stacks 919 and 920; state encyclopedias, where available, are shelved on the sixth floor with state reporters and statutes.

Note that the Library no longer updates C.J.S.

A. What are Legal Encyclopedias and How Are They Useful in Legal Research?

Legal encyclopedias are comprehensive reference works with articles on many subjects, organized alphabetically. There are two legal encyclopedias of national scope - Corpus Juris

Secundum (or C.J.S.) and American Jurisprudence, Second Edition (or Am. Jur.). Both are published by West, a subsidiary of Thomson Reuters. In addition, **some** states have encyclopedias particular to that jurisdiction. For example, the Library has two Illinois legal encyclopedia sets, Illinois Jurisprudence (Lexis) and Illinois Law & Practice (West). These are shelved on the 10th floor with other Illinois legal materials.

Legal encyclopedias provide background information on legal topics and citations to judicial decisions (“cases”) relevant to that topic. Articles in legal encyclopedias provide only a cursory treatment of most topics. They do not attempt to analyze the law critically or deeply, but they do treat virtually every legal issue that has ever arisen in American case law. Thus, they can be useful in researching obscure issues or in attempting to get an overview of the law. Legal encyclopedias rank relatively low in the hierarchy of persuasive authority and therefore should seldom be cited as persuasive authority.

Walk through the stacks containing C.J.S. and Am. Jur. C.J.S. has over 100 volumes containing more than 400 alphabetically arranged titles. Pull a volume off the shelf and open it to the beginning of one of the titles. Notice that the title contains two tables of contents - an "Analysis" and a "Sub-Analysis." The latter provides a very detailed breakdown of the specific issues addressed in the title with related section and page numbers. Turn to the beginning of the text on your title. Below each section number, you will see a concise summary of the legal principles covered in the section, and either “Research References” (in older volumes) or "Library References" (in newer volumes). The research note provides cross-references to other sections within the title that might be relevant. The library references identify relevant West key numbers. If you scan through the text on the pages that follow, you will see that the text occupies a relatively small percentage of each page. Most of the page is devoted to footnotes.

Leave the book open and go over to Am. Jur. to locate the same subject that was discussed in the title you reviewed in C.J.S. Am. Jur. has over 80 volumes containing more than 400 topics arranged alphabetically. An Am. Jur. "topic" is the same as a C.J.S. "title." Turn to the beginning of the topic. You will see a wealth of bibliographic information preceding the "Outline," the table of contents for the topic. You may also find references to relevant sections of a treatise or Restatement. Like C.J.S., Am. Jur. provides both a general and a specific table of contents for each topic. Prior to the beginning of the text, you may find additional research references to other publications.

If you scan the text of your topic in Am. Jur. and compare it to the text in C.J.S., you will see one of the main differences between the two encyclopedias. Am. Jur. provides more text and fewer footnotes, although the footnotes in Am. Jur. are arguably more useful because they

provide a brief description of the case and the date the case was decided. In conclusion, C.J.S. is generally regarded as the better tool for locating case citations, but Am. Jur. is regarded as the better tool for obtaining background information.

One other unique feature of Am. Jur. is its New Topics Service. Located on the shelf following the Am. Jur. General Index, the New Topics Service contains articles that address new and developing areas of the law.

B. How Do I Find Relevant Articles in Legal Encyclopedias?

The best way to locate relevant articles is to go first to the General Index volumes, which are shelved at the end of the encyclopedia. These paperback indexes are published each year. Look up the search terms you have identified in formulating your research strategy. Frequently your issue will be discussed in several different titles/topics, some of which you might never have considered. For example, if you are researching the issue of whether an employer can be held liable for the torts of its employees, you will find pertinent material under the headings of Negligence, Master and Servant, and Agency. That is why you should never go straight to the encyclopedia itself when doing research, even if you are quite certain which title/topic will be relevant.

The General Index will refer you not only to the general title/topic that addresses your legal issue, but to specific subsections within that title/topic. If your issue does not appear in the General Index under any of the search terms you have identified, try to identify the general title/topic under which your issue might be discussed by looking up related issues in the Index. Then go to the volume containing that title/topic and look up your search terms in the Volume Index. Each volume of C.J.S. and Am. Jur. contains a detailed index of the titles/topics covered in that volume.

If you are researching an issue involving statutory or regulatory law and know the citation of the relevant statute, regulation, or rule, you can save time by using the Am. Jur. Table of Laws & Rules, located at the end of the substantive encyclopedia volumes. This Table will refer you to specific Am. Jur. topics and sections that discuss your provision.

Once you have located relevant title/topic section numbers in the General Index, Volume Index, or Table of Statutes, you may be tempted to go straight to those sections to begin your research. Resist the temptation. Make a note of these sections, but first examine the Analysis (i.e. table of contents) at the beginning of each relevant title/topic to make sure that you do not overlook relevant sections that were not cited in the Index.

C. How Do I Update My Encyclopedia Research?

First jot down the relevant title/topic, the relevant section numbers, and the numbers of footnotes containing relevant cases. Then go to the pocket part in the back of the volume you are using and locate the same title, same sections, and same footnotes in order to obtain cases decided since the bound volume was published.

Take a look at an encyclopedia pocket part and you will notice that most of the pocket part consists of mere listings of cases and not very much, if any, additional text. Thus, if significant legal changes have occurred, you won't find a detailed account of those changes in an encyclopedia pocket part. Unlike the C.J.S. pocket parts, Am. Jur. provides a "blurb" for virtually every case cited and the date of the decision, so that you can immediately determine whether the case is sufficiently recent and on point to merit your retrieving it. C.J.S., on the other hand, provides more case citations in the pocket part (just as it did in the main volume).

The pocket parts to the encyclopedias are published annually. Thus, you should pay close attention to the date of the pocket part, so that you will know how current the entries are. The front page of the C.J.S. pocket part contains a **statement of the date when** the pocket part stopped collecting cases. Remember that an encyclopedia provides only a place to begin your research; you will update your research using other tools. **Remember, Chicago-Kent's library no longer updates C.J.S.. Thus, while you may examine the C.J.S. volumes in our library so that you become familiar with the general set-up of a legal encyclopedia, you will not want to do research on any current topic in C.J.S..**

The Am. Jur. Desk Book. Before you leave the encyclopedia area of the library go to the end of the shelf on which the last substantive volumes of Am. Jur. are shelved and find a volume called the Am. Jur. Desk Book. You will see that it contains a wealth of information that is not readily available in any other legal research tool - tables, charts, texts and factual information. You can find materials ranging from the text of the Declaration of Independence to detailed medical drawings.

III. LEGAL PERIODICALS

Location: Seventh floor - Stacks 701-714

A. What are Legal Periodicals and How are They Useful in Legal Research?

Legal periodicals are publications containing articles on legal topics. The term "legal periodicals" encompasses scholarly journals, such as the law reviews published by law schools, and practitioner-oriented publications, such as bar association journals. Articles in legal periodicals, particularly those in law reviews, can be extremely useful in the early stages of a research project because they often provide background on a topic and citations to many of the cases relevant to the topic. Law review articles are also useful to litigators who are writing persuasive briefs because they can be cited as authority for arguments supporting a change in existing law.

Walk down the stacks of legal periodicals on the 7th floor. For the most part, they are organized alphabetically by title. As you walk down the stacks, you will notice that **most** legal periodicals are represented by both hard-bound and soft-bound books. Most law reviews are published quarterly in soft-cover form and are paginated consecutively within each year. Thus, if you pull the Spring issue of a law review off the shelf, you will see that it does not begin on page 1. Once all of the law review's issues for a given year have been published, they are sent to the bindery and compiled into a single hard-bound volume.

Open up one of the law review issues and look at the Table of Contents. You will see that the articles are divided into several categories. The term "Article" refers to those written by law professors, lawyers, judges, or experts from other disciplines. They generally contain an in-depth analysis of an area of the law and are broad in scope and heavily documented with footnotes. You might see an article in a law review that is labeled an "Essay." An essay is another type of article written by a professional (law professor, judge, etc.), but it is shorter and narrower in scope than an "article." An essay generally contains relatively few footnotes and focuses more on the author's views on a legal issue than on a survey of the law on that issue. Some law reviews also contain "Book Reviews." Although these articles do review recent books published in the legal field, the author may use the review as an opportunity to express views on the issues addressed in the book being reviewed.

The terms "Note" and "Comment" refer to articles written by law students. Remember that when you cite to a law review article written by a student, you must always identify it as such, by including the word "Note" or "Comment" in the citation. In general, an article written by a professional in the legal field carries more weight than one written by a law student, but for purposes of obtaining background information and locating case citations, student articles can be very useful.

Look at a few law review articles. You can see that they are loaded with footnotes, which in turn are loaded with case citations. So you can imagine that a law review article might be an

excellent tool for finding case law on a specific legal issue.

Now locate one of the practitioner-oriented legal periodicals (e.g., the Illinois Bar Journal or the bar journal of some other state). Notice that these periodicals are not consecutively numbered (i.e., each issue begins on page 1). Notice also that the articles in these periodicals are shorter and contain fewer case citations than those in law reviews. Articles in practitioner journals can, nonetheless, be helpful if you are researching a narrow issue of state law and need a starting point. They can provide an overview of the issue in plain language and give you a few citations to begin your research.

B. How Do I Find Relevant Articles in Legal Periodicals?

On the tables in the middle of the 7th floor you will see two sets of indexes. The tan-colored volumes comprise the Index to Legal Periodicals ("ILP"). **Our library no longer updates the print Index to Legal Periodicals, so do not use it as a research tool.** The red and black volumes comprise the Current Law Index ("CLI"). Both indexes compile and categorize the titles of articles in legal periodicals by subject and by author. They also each contain a Table of Cases, which gives citations to articles analyzing a single case, and a Table of Statutes, which provides citations to articles analyzing a single statute.

Index to Legal Periodicals is available in print through the October 2006 issue. ILP is also available electronically on the library website E-Resources page. In the electronic version of ILP you will have access to Legal Periodicals Full Text and Legal Periodicals Retro, which covers the years 1908-1981. ILP can be accessed by current students, faculty and staff on and off campus.

How do the two indexes differ? The Index to Legal Periodicals has been around a lot longer than the Current Law Index, so if you are trying to locate articles on an archaic topic, you should use the Index to Legal Periodicals. The Current Law Index, on the other hand, indexes approximately 100 more periodicals than the ILP and allegedly publishes its index faster than the ILP.

Note that both indexes are published periodically in annual (or in the case of some volumes of the ILP, triennial) volumes. Thus, you must consult multiple volumes in either index in order to review the periodical literature published over a period of years. Look at the soft-bound volumes at the end of each set of hard-bound volumes. These are the publishers' supplements, which update the hard-bound volumes.

Choose one volume of each index to browse through. You'll see that ILP combines its subject and author index, whereas CLI has separate indexes for subject and author. More importantly, however, CLI uses more specific headings and breaks large subject matter headings into subheadings. For example, look up the topic "Environmental Law" in the volume of CLI you have chosen. It contains at least a dozen topical subheadings. Look up the same topic in a volume of ILP; it contains no topical subheadings, although it does break down the articles by jurisdiction with separate subheadings for articles pertaining to particular countries or states. In the ILP, all articles are listed alphabetically within a large subject heading, so you can spend a lot of time looking through a list of irrelevant articles before you find one on point. Whimsical law review titles can further complicate the research process, because it can be difficult to figure out what an article is really about, based on its title. Those titles may also confuse the indexers who decide what subject heading under which to place an article.

Once you have found citations to legal periodicals containing relevant articles, you can go to the stacks on the Seventh Floor to locate the periodicals. If you cannot find a periodical in its logical alphabetical location, do a title search in the library catalog to determine whether our library receives that publication. If so, use the Library of Congress number to locate the periodical on the shelves or consult a librarian. If our library does not receive the periodical, a librarian may be able to help you obtain a copy of the article.

Note that these Self-Guided Library Tours describe print resources and how to locate these print resources. You should familiarize yourself with print resources, but you may conclude that there are more efficient ways to locate periodical articles – through on-line searches of our library's electronic resources, and through Lexis and Westlaw's commercial on-line services.

C. How Do I Update My Periodical Research?

To make sure you have located the most relevant legal periodicals on a topic, consult all the relevant supplements to the ILP or CLI (whichever you are using). Legal periodicals, themselves, do not contain an internal method of supplementation. There are no pocket parts or paperback supplements. You can use the citator services on Westlaw and LEXIS to find subsequent articles. (You will learn how to use the citator services in subsequent lessons.)

IV. TREATISES

Location: Ninth floor - Stacks 920-968; some treatises have also been placed on open reserve on the tenth floor.

A. What are Treatises and How are They Useful in Legal Research?

A treatise is a book on a legal subject matter written by an expert in the field. It may be a single volume or multiple volumes. It may cover a broad topic like Williston on Contracts or a narrow topic like Punitive Damages in Bad Faith Cases. Like other types of secondary sources, treatises can provide both background information and citations to relevant authority.

Some treatises do nothing more than state what the law is; like legal encyclopedias they make no attempt to analyze the law deeply. Other treatises are more like law review articles in that they provide an in-depth analysis of the law and include the author's personal insights. A treatise may examine such questions as whether the law makes sense, is just, is outdated, or ought to be changed. In the hierarchy of secondary authority, treatises rank very high - particularly if they are interpretive or critical. They can be cited freely in memos and briefs and can be very effective in bolstering a legal argument.

Walk down Stack 925, which contains treatises on, among other things, Property, Family Law, and Conflicts of Law. Pull a couple of treatise volumes off the shelves (perhaps one single-volume treatise and one volume from a multi-volume treatise). The format of all treatises is similar. You will find the text topically divided into sections and you will find footnotes to virtually every sentence in the text. Although no treatise will have citations to all cases on a given point of law, the narrower the subject matter of the treatise the more complete its citations are likely to be. As with any other secondary research tool, relevant topics can be located by using the index or the table of contents.

B. How Do I Locate a Relevant Treatise?

If you happen to know the name or author of a relevant treatise, simply look it up in the library's catalog by doing a title or author search. If you do not have such information, you must use your search terms to perform a word search in the catalog. A word search will enable you to locate any book that has the word you identified in its catalog record. Because treatises are organized topically, once you have found the call number for one relevant treatise you can go to that location in the stacks and probably find other relevant treatises located nearby. At this point, browsing is the best way to identify the treatise or treatises that will be most useful to you. **Do not forget to browse the relevant call numbers on the 10th floor, where the most recent and most heavily-used treatises will often be found.**

C. How Do I Update My Treatise Research?

If a treatise is a multi-volume work, it will usually contain cumulative annual pocket

parts. A one-volume work may have a paperback supplement instead. Warning: Not all treatises have supplementation devices. Some are not sufficiently successful for the publisher to provide updates, so they may be woefully outdated. Always look at the copyright date of a treatise that has not been updated to see how recently it was written.

V. AMERICAN LAW REPORTS

Location: Ninth floor - Stack 914 (**no longer updated in print as of summer 2009**)

A. What is American Law Reports and How is It Useful in Legal Research?

American Law Reports is a unique research tool because it is both a primary source and a secondary source. It reports the full text of actual court decisions and it contains "annotations," which analyze the point of law found in the reported case. Its role as a primary source of judicial decisions, however, is virtually irrelevant. Lawyers don't go to an A.L.R. volume to look up the text of a judicial decision; they go to the volume to read the annotation.

An A.L.R. annotation can be tremendously useful because it covers an extremely narrow point of law in depth, citing most of the cases decided on that point of law from jurisdictions across the country. The issues covered in an A.L.R. annotation are very fact-specific; for example, a typical annotation might be titled, Failure to Lose Weight as a Basis for Reduction of Damages in a Personal Injury Action. The coverage of the legal issues is descriptive rather than critical. Nevertheless, an A.L.R. annotation is one of the best places to begin a research project (particularly if you need to do a multi-state survey of the law).

American Law Reports is published in six series: A.L.R.; A.L.R.2d; A.L.R.3d; A.L.R.4th; A.L.R.5th; and A.L.R. Fed. The first five series are devoted primarily to common law. A.L.R. Fed. is devoted exclusively to federal law. The first three series of A.L.R. are not useful in modern legal research; the publisher periodically updates the old annotations in A.L.R. with new ones, and thus most of the early annotations have been superseded.

Go to **Stack 914** on the ninth floor and pull a volume of A.L.R.4th off the shelf. Turn to the first page of any annotation (the annotations follow the reported decision in all A.L.R. volumes except those in the fifth series). The first thing you will see is a box labeled "Total Client-Service Library References"; the section refers you to a variety of other related publications (e.g., Am. Jur. 2d and Am. Jur. Proof of Facts). You will then see both a Table of Contents and an Index for the annotation, either of which can be used to locate specific material within the article. Following the Index, you will find a useful feature - the "Table of Jurisdictions

Represented." This Table identifies all the states whose decisions are cited in the annotation, along with the sections in which those cases are cited. By looking at the Jurisdiction Table, you can immediately find cases from the jurisdiction(s) in which you are primarily interested.

The actual text of the annotation begins with a "Scope Note," which briefly defines the issue to be discussed in the annotation. The section called "Related Matters" cites to related A.L.R. annotations. The "Summary and Comment" section provides a summary of the annotation. In "Practice Pointers" you may find some critical insight on the part of the author; the author may identify strategic considerations relevant to practicing attorneys or ambiguities in the case law.

The annotation itself catalogues cases that discuss every aspect of the subject of the annotation. In particular, an annotation often outlines splits of opinion among various jurisdictions (e.g., first it will identify all jurisdictions that have recognized IIED as an independent tort and then it will identify all jurisdictions that have refused to recognize this tort).

A.L.R. comes closer than any other secondary source to providing a complete reference to cases addressing a particular legal issue, but it is not always exhaustive. If you take the time to do your own supplementary research on the issue, using West Digests or an on-line search, you are likely to find relevant cases which were not cited in the annotation.

The annotations in A.L.R.5th contain a section called "Research Sources." This section identifies sources found to be helpful by the author of the annotation. Of particular interest are references to West Key Numbers and suggested computer word searches. Note that the "Research Sources" feature has been added to A.L.R.4th in its pocket parts.

B. How Do I Find a Relevant A.L.R. Annotation?

The best way to find relevant A.L.R. annotations is to use the A.L.R. Index, a tan-colored multi-volume set which is located **in Stack 914** on the ninth floor. The A.L.R. Index is a very detailed, user-friendly index that indexes all A.L.R. series except the first series. In addition, the A.L.R. Index contains a vital tool called the "Annotation History Table." This Table enables you to determine whether the annotation you have identified in the Index has been supplemented or superseded by a later annotation. If the annotation has been superseded, then you need only read the superseding annotation. If the annotation has been supplemented, however, you must read both the original annotation and the one that supplements it. Always consult the Annotation History Table before looking up an A.L.R. annotation. In addition, look at the

pocket part of the Index to make sure that you have gotten references to the most recent annotations. You may also have noticed an orange-colored paperback volume called the A.L.R. Quick Index. As its title suggests, this is an abbreviated version of the multi-volume index. It may be quicker to use this index if you are fortunate enough to find your search terms listed there, but you have a better chance of finding your search terms in the multi-volume index.

Finally, A.L.R. publishes a finding tool called the A.L.R. Digest, which is located **in the same stacks as A.L.R.** The A.L.R. Digest is not a particularly efficient research tool, and you should probably ignore it.

C. How Do I Update My A.L.R. Research?

In order to make sure that the annotation you are working with has not been superseded by a more recent annotation, you must check the "Annotation History Table" in the A.L.R. Index. Updating the cases relevant to your annotation is a separate process. By the time the publisher got around to publishing A.L.R.3d, it began to update each volume with its own pocket part. So to update annotations in A.L.R. 3d, A.L.R. 4th, A.L.R.5th, and A.L.R. Fed, you need only consult the pocket part for the volume in which your annotation is located. Remember, however, that the pocket part is only published once a year. So you cannot rely on it to cite cases beyond the date of the pocket part.

A.L.R. research can also be updated online with Westlaw and Lexis. The KeyCite service on Westlaw and Shepard's on Lexis covers A.L.R. through A.L.R.5th, as well as A.L.R.Fed.

VI. RESTATEMENTS

Location: Tenth floor - Reserve Room. Other Restatements (and duplicates of some of those located on the 10th floor) may be found in the 9th floor stacks.

A. What are Restatements of the Law and How are They Useful in Legal Research?

Restatements are secondary sources that seek to "restate" the legal rules that constitute the common law in a particular area. They are written by the American Law Institute (ALI), a prestigious legal organization composed of noted professors, judges, and lawyers. The ALI has completed Restatements on Torts, Contracts, Property-Mortgages, Property-Servitudes, Property-Wills & Other Donative Transfers, Judgments, Agency, Conflicts of Laws, Foreign Relations Law, Restitution, Security, Trusts, and others. In drafting a Restatement, the ALI

divides the law analytically into hundreds of key legal issues or situations and then writes a rule of law governing that issue or situation, based on the rule preferred by the majority of states (or in some instances, the rule preferred by the drafting committee). Each rule is given a section number and is followed by "Comments," which show how the rule would apply to a variety of situations and state why the rule is preferred.

Restatements are one of the most highly regarded types of secondary authority and have exerted considerable influence on the judicial process. Many courts have adopted Restatement sections verbatim as the law of their jurisdiction.

Restatements can be very useful in situations where the law in the jurisdiction you are researching is unclear or non-existent. In such a situation, you can rely on the Restatement to provide a clearly articulated rule that is most likely the one adopted by a majority of jurisdictions. Alternatively, where the jurisdiction whose law you are researching has adopted a Restatement section (or cited it with approval), you can use the comments and illustrations to that section to interpret and apply the legal rule. In addition, because Restatements are heavily annotated with case citations, they can be an excellent case-finding tool.

All of the Restatements (except for the Restatements of Restitution and Security) are published in both a first and a second series. Some are also published in a third. The second series does not technically repeal the first series because some states have adopted a variety of Restatement sections from both series. Thus, you may still need to consult the first series of a Restatement in order to interpret a case that has adopted a section from that Restatement. On the other hand, if you are using the Restatement to fill a gap in the law of the jurisdiction whose law you are researching, it makes sense to consult the most recent series.

Pull one of the topical volumes of a Restatement (not an Appendix volume) off the shelf and open it to any section. Notice that the actual Restatement provision is printed in bold-face. It is probably broken down into tabulated sections and subsections. Following the Restatement provision you will see a section labeled "Comments." Read this section. The Comments are written by the Restatement drafters to explain the provision and identify its limitations. If the provision addresses an area of law about which there is disagreement among jurisdictions, the comment will explain why the Restatement adopts one position rather than the other. The "Illustrations" sections of the Restatement provide examples of how a particular Restatement provision would apply in specific factual situations. Many of these Illustrations are based on actual cases.

In order to find cases that have cited a particular Restatement rule, comment, or

illustration, consult the Appendix volumes, which are generally shelved at the end of the topical volumes of the Restatement.¹ The Appendix volumes occupy a lot of shelf space. For example, there are 28 Appendix volumes for the Second Restatement of Torts alone. The Appendix volumes each cover a specific span of Restatement sections (e.g., Secs. 310-402) and a specific span of time (e.g., 1964-1975.) Find an Appendix volume that lists cases citing the Restatement section you just looked at and look up that section. You will see that the Reporter's Notes refer you to any changes in the substance of the section and identify the cases on which the illustrations are based. You will then see summaries of cases that have cited the Restatement section. Following the case summaries you will see cross-references to West key numbers, A.L.R annotations, and other secondary sources.

Note: The Appendix volumes to the Second Restatement of Torts pose particular problems for the legal researcher because they contain an inaccurate table of contents, inaccurate headers, differing organization, and one volume in which sections are not arranged logically.

B. How Do I Find a Relevant Restatement and the Relevant Section in It?

To locate a relevant Restatement, do a keyword search in the library catalog (e.g. "restatement contracts"), find the Library of Congress number, and use that number to locate the Restatement on the tenth floor or in the stacks. To locate a relevant section within a Restatement, use the Index, located in the last topical (non-appendix) volume of each set. For multi-volume Restatement subjects, you may have to consult indexes in more than one volume.

Note that in most instances, you will not be launching an independent search for on-point Restatement sections. More often, you will have found an initial reference to a Restatement section in a court opinion, law review article, or treatise. It is always wise, however, to consult the index or table of contents for the Restatement to which you have a reference to make sure that you are aware of any related sections.

C. How Do I Update My Restatement Research?

To determine whether you have found the most up-to-date version of the comments and to find the most recent citations to cases that have cited your Restatement section, consult the

¹ In some newly revised Restatements, such as those for Property, the case citations appear at the end of each section or in pocket parts. Check for both possibilities, in addition to checking the Appendix volumes.

pocket part of every Appendix volume you looked at and any paperbound supplement. You may need to consult multiple volumes of the Appendix in order to cover the time period from the date of the Restatement to the present. In addition, some Restatement Appendices provide a pocket part at the back of each volume of the Appendix, while others provide one large pocket part in the back of the last volume of the Appendix. Some Restatements have softbound supplements and others do not. In short, be very careful to consult every book necessary to update your research.

VII. PATTERN JURY INSTRUCTIONS

- Location: Federal Jury Instructions:
- Tenth Floor - Reserve Room (most recent edition)
 - Ninth floor - stack 965
 - State Jury Instructions: Sixth floor - with relevant state materials
 - Tenth floor - Illinois Jury Instructions

A. What are Pattern Jury Instructions and How are They Useful in Legal Research?

Like a Restatement, a collection of pattern jury instructions is a secondary source that restates the law in rule form. Unlike Restatements, however, pattern jury instructions come from multiple sources (e.g., groups of judges, bar associations, or supreme court committees) and they are based on actual instructions given to juries to instruct the jury members on the substantive law of a particular jurisdiction. Pattern jury instruction books attempt to collect the best and most reliable of these instructions from statutes or published cases.

Pattern jury instructions have the virtue of being drafted in plain English so that juries composed of laypersons may understand them. This makes them a good background research tool for first-year law students or for an attorney who needs to explain the law to a client who is a layperson.

There are numerous collections of pattern jury instructions - some covering federal law, some covering the law of a single state, and some covering specific subject areas such as employment law or medical issues. Thus the format of each collection may vary. In general, however, they follow a format similar to that in Federal Jury Practice and Instructions (KF 8984 .D4 2000). Go to stack 965, or to the most recent edition in the 10th floor reserve stacks, and open one of these volumes to a specific jury instruction. You will see that it contains a legal rule, set forth in boldface, followed by notes containing citations to cases and related authority.

B. How Do I Find Relevant Pattern Jury Instructions?

To locate pattern jury instructions do a word search in the catalog (e.g., "jury instructions federal" or "jury instructions Illinois"). Use the Library of Congress number to locate a specific book or to direct you to the location in the library where you can browse the shelves. Note that some pattern jury instructions are part of treatises on state practice and procedure and may not be listed separately in the library catalogue. Once you find a relevant set of pattern jury instructions, you can access particular legal issues by using its index or table of contents.

Note: As the courts' web sites become more sophisticated and user friendly, they are an excellent source for pattern jury instructions adopted by a particular court system. For example, the United States Court of Appeals for the Ninth Circuit has two "home" pages. The first is www.ca9.uscourts.gov. It is the entry point for a wealth of information on the Ninth Circuit. The second is www.ce9.uscourts.gov. It is the "home" page for the Ninth Circuit's Circuit Executive (the chief administrator for the Ninth Circuit); if you go to www.ce9.uscourts.gov and look at the menu on the left-hand side of the page, you will see the links to both civil and criminal jury instructions for use in the Ninth Circuit.

C. How Do I Update My Pattern Jury Instruction Research?

Most pattern jury instruction volumes are updated annually with pocket parts or other supplements. Illinois pattern jury instructions are updated with pocket parts (criminal) or softbound replacement volumes (civil). Most court systems now have their pattern jury instructions available on their websites; checking the court's website is the safest way to update your research.