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HEAFEY HEADNOTES

November 1996

Volume 7 Issue 2

Where to Begin?

Tips for getting started (and getting answers quickly) in basic legal research

By Leslie Campbell

Sometimes the hardest thing about legal research is getting started, especially if it is an area of the law you haven't worked with before. Often it is best to start with secondary materials. Strictly speaking all "secondary" authority means is: not "primary" authority. Helpful?

Primary materials are "The Statutes" or "The Cases" themselves which are often poorly indexed, with no explanation or commentary. Secondary materials explain and give access to the primary law. Secondary sources include treatises, hornbooks, nutshells, encyclopedias, annotations

and law review articles. Secondary authority, if it's worth its salt, gathers all the leading cases and important

The best of all worlds is finding a well researched recent law review article on point. (Let the author do

statutes for you and provides you with an overview and analysis of the cases, regulations and statutes.

Secondary First?

The reason you look for
(Continued on page 2)

The Internet

Commercial Law Resources on the Web

By Lynn Snyder

There are many informative sites on the Web dealing with commercial law--the substantive law that applies to the rights and relations of persons engaged in commerce and trade. If you need to look up a Uniform Commercial Code provision or are otherwise interested in commercial transactions, check out some of these resources:

Two great places to begin

(Continued on page 10)

inside...

Access to the Law Library
OSCAR Hints and Tips
Electronic Library — Diskettes & Books

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page 7
page 4

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secondary first is that it can save you from having to wander through the maze of cases and statutes without help. A good looseleaf or law review article can also prevent you from wandering down blind alleys because not only will it give you the important sites, it won't give you all the irrelevant, amended, and overruled primary sources. The best of all worlds is finding a well researched recent law review article on point. (Let the author do all the legwork for you!)

Not to sound like a luddite or anything...

Even though computers are fast and pull up cases and statutes quickly, there are times when taking a quick look at secondary materials is even faster because you can quickly get all the relevant sites **PLUS explanation and analysis**. A search in a case or statute database quickly gets you something that matches your query but no explanation, no references to related materials, no sense of hierarchy or importance. (No mention that the entire line of cases you are pulling up were made irrelevant by the passage of recent

(Continued on page 3)

Starting Points:

Summary of California Law
by B. E. Witkin
KFC 80 W5

Cal Jur 3d
KFC 80 C29

Federal Practice & Procedure,
by Wright & Miller
Stauffer KF 8714 W7 1982

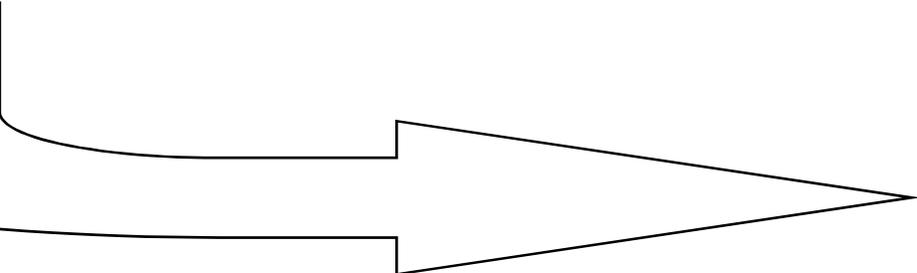
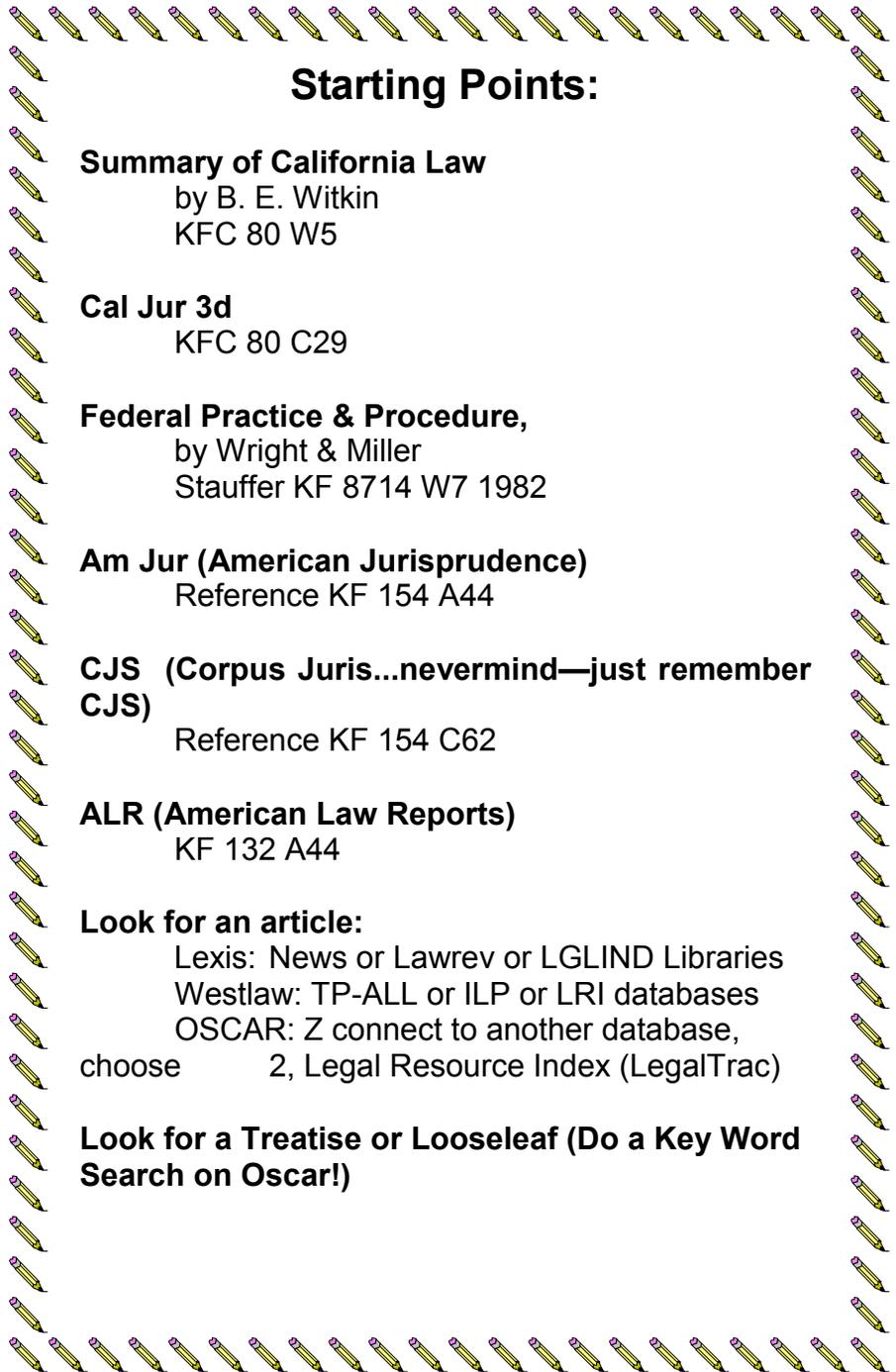
Am Jur (American Jurisprudence)
Reference KF 154 A44

CJS (Corpus Juris...nevermind—just remember CJS)
Reference KF 154 C62

ALR (American Law Reports)
KF 132 A44

Look for an article:
Lexis: News or Lawrev or LGLIND Libraries
Westlaw: TP-ALL or ILP or LRI databases
OSCAR: Z connect to another database,
choose 2, Legal Resource Index (LegalTrac)

Look for a Treatise or Looseleaf (Do a Key Word Search on Oscar!)



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legislation . . . You have to figure that out on your own!!!)

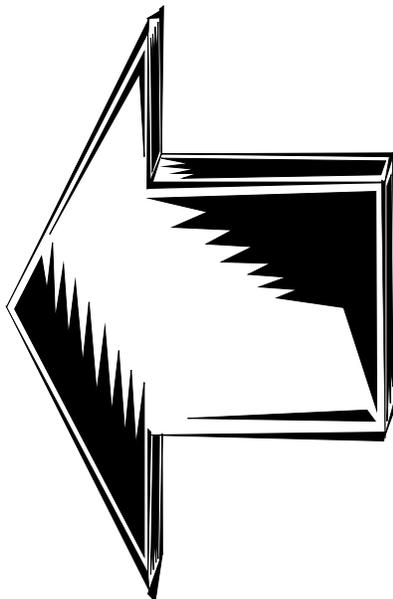
S T A R T HERE!!!

The undisputed leader is **Summary of California Law by B. E. Witkin (KFC 80 W5)** (aka "Witkin" to nearly everyone on earth, though a catalog librarian will tell you that is not the title!) This set summarizes most areas of California law in short, readable prose. **It is ALWAYS worth your time to take a quick look in Witkin; in under 5 minutes you can find your area of the law, cites to all the leading cases and statutes with readable explanations.**

Cal Jur 3d (KFC 80 C29) is another good place to start, though not as good for current changes in the law as Witkin. It is arranged like an encyclopedia with a good index.

For federal law and procedure: **Wright and**

Miller Federal Practice and Procedure (KF 8714 W7 1982) is the leader. Huge, encyclopedic but with an unfortunate penchant for giving you the "former rule" and "historical



background" (yawn), but very useful nonetheless.

NEXT: Let Your Fingers Do The Walking!

Search on Lexis/Westlaw or on OSCAR (Z connect to another database, 2, Legaltrac) to see if there are articles on a topic. Find an article on point and you've hit pay dirt!

Encyclopedias can help too:

Am Jur and **CJS** are also great helps. They are general encyclopedias which purport to give you cites to cases from all 50 states (and often federal jurisdictions) too. A good place for a general explanation but not as helpful for finding statutes. (KF 154 A44 and KF

154 C62 in Reference.)

ALR (KF 132 A44) provides articles (called annotations) on various topics with cites to cases. It is very good when you are dealing with a specific factual situation. It is a huge set in its 5th series now and can be daunting to use; remember the Quick Index!

Try a Treatise . . .

Why do they call them that?? Who knows. It sounds so much more lawyerly than saying "book". Basically a treatise is a well researched book (or set of books) on a single legal area, like family law or real property. They will give you more in depth explanation, research and citations to other sources than Witkin or Cal Jur.

Loose ? . . Leaves . . ? Is it Fall?

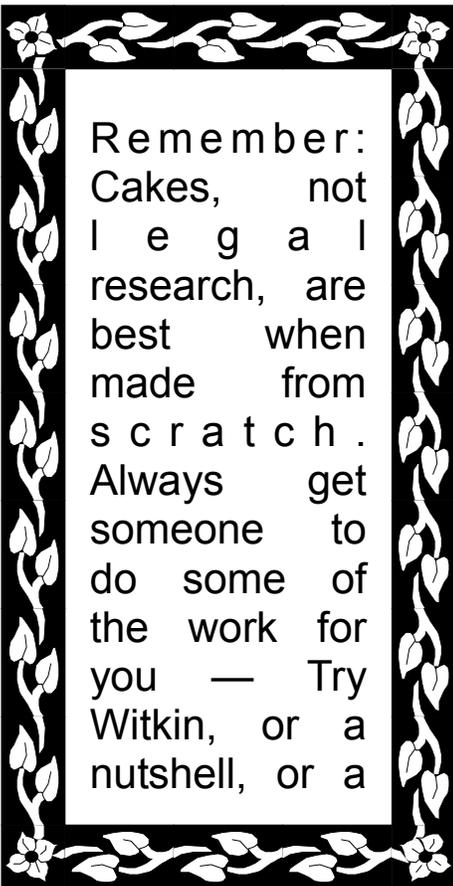
Looseleaf sets are usually big, multivolume sets in binders where new pages or supplements get added to keep the set up to date. Usually they give you the statutes, regulations, other administrative rulings etc. all

(Continued on page 4)

(BEGIN Continued from page 3)

in one spot! These are essential, don't-leave-home-with-out-'em sources for regulatory areas like tax and immigration. The best thing is that looseleaves are updated regularly (some as often as 2 weeks or so!) which means they are current.

OSCAR's in the Picture



Remember:
Cakes, not
legal
research, are
best when
made from
scratch.
Always get
someone to
do some of
the work for
you — Try
Witkin, or a
nutshell, or a

too!

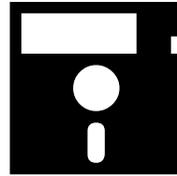
When you are starting your research always try OSCAR to see if there is a treatise or looseleaf in your area; be creative and use key word



Computer Files & Books

by Prano Amjadi

Many of the books purchased by the library come with computer diskettes. The software



accompanying these books primarily includes legal forms that are ready-to-use in a particular word processing format (usually Word Perfect). Typically, these forms are also printed in the book as part of the text. Occasionally, the forms are only available on the diskette. Even more rarely, the entire contents of a book are reproduced with a search engine for easy access to the material.

The library has gone through several evolutions in how to best make these materials available to our users. Originally, all the diskettes were kept at the Circulation Desk. Patrons would check out the book and then ask to also check

out the software. As we acquired more and more diskettes this process became too cumbersome. We then placed all the diskettes in the books. This

made processing much easier, but many of the diskettes began to "disappear."

This year we have started a new procedure where all the diskettes accompanying books are placed on a computer in the Reference CD-ROM area. The files are listed under directories set up by call number. There is an index of all the titles with their call numbers by the computer.

Legal and Illegal In the Library

The Ins and Outs of Law Library Access

By Kevin Schweikher

There are the proud, the few, the legitimate users of the library with unrestricted access to Heafey and its services. But, there is another group of users: exceptions to the rules who may be given temporary restricted access to the library.

Legitimate users / unrestricted access:

Law Students, paralegal students, faculty, staff are all legitimate users. Courtesy cards may be purchased by local attorneys or firms. When you graduate from Santa Clara and pass the bar you become this type of user. A schedule of fees and services for alumni library cards is available from the Circulation Desk. Attorneys, when they purchase courtesy cards, may register members of their staff who are also considered legitimate users.

Illegitimate users with no or restricted access:

The General Public, Santa Clara Undergraduates and Graduate students other than law are not typically allowed access to the library. Students from other law schools are not allowed into the law library, neither are undergraduate and graduate students from other colleges and universities.

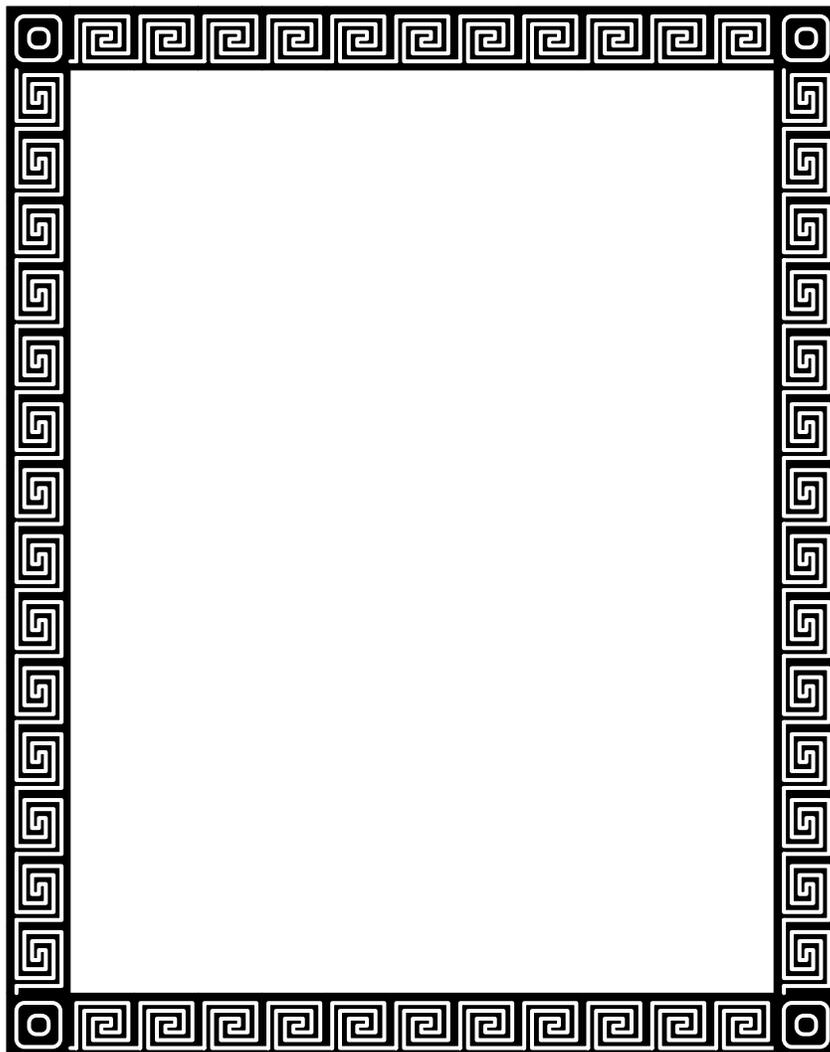
Exceptions to the Rules

(the tricky part):

The access policies of the law library are established by Dean Mary Emery and the associate director Mary Hood, but to allow for certain extraordinary situations they have made certain exceptions to the access rules. The law library will allow access to:

◆ Members of the general public who get a pass from

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HEAFEY MICROCLIMATES

Or “Why is it so cold in the White Room?”

by Kevin Schweikher

Microclimates are one thing but why is it the library often has such extremes in temperature—artic in one place, tropical only a few feet away? In simplest physics the library is divided into a new and several old heating/cooling systems. The old system has been chugging along since before the library's renovation in 1987, and the new system was put in place in 1988.

The old faithful system heats and cools the conference rooms, the circulation office, the main reading room, both computer labs, and the periodicals balcony. The new system takes care of everywhere else. If you've ever walked between the main reading room and the California Collection and felt the difference in temperature its because you have just crossed Heafey's very own equator, the magical line between new and old systems.

Maintenance of the systems is up to the University Facilities Department. They are the ones who can turn up or down hot and cold—this isn't as simple as turning a dial, but often requires workers to go to the roof and try to make the systems cooperate with each other. Usually extreme temperatures are a result of the two systems working against each other. So, why report discomfort with temperature to the circulation desk if it takes a work order and outside people to adjust the temperature?

Circulation does monitor complaints and reports problems to Facilities. Replacement of the old system can cost more than \$10,000. Therefore every complaint Circulation passes on is more evidence that the money would be well spent. Meanwhile, try a different location in the library—with so many fluctuations there's bound to be an area just right for you. It is usually warm on the second floor near periodicals and cold on the first floor near the downstairs stacks. The large conference rooms are usually cold while

(ACCESS Continued from page 5)

the County Law Library saying the County does not have material they require.

◆ Santa Clara undergrads who get a pass signed by an Orradre reference librarian to let them have access to materials only available in Heafey.

◆ Law Students from USF and Golden Gate may be granted semester long access to the library provided they go through an application process.

◆ When Orradre library is closed the law library has agreed to allow other Santa Clara students in to study.

◆ Both Dean Player and Dean Emery may grant other special exceptions to the access rules.

The library staff makes a serious effort to enforce the access rules, but at times it may be difficult to do so effectively. On nights and weekends there may be only one or two staff members available to patrol for illegitimate users. If you see someone you do not think belongs here do not hesitate to report them to either Circulation or reference staff. Library staff at their first opportunity will investigate the individual's access.



OSCAR NEWS

OSCAR has information on all* the books, video tapes, journals, audiotapes, etc. in both Heafey and Orradre (the main library).

But remember that OSCAR doesn't show what is inside a book; (i.e. chapters in a book, particular essays in a collection or articles in a journal.)

If you have a very specific topic, you may not find it on OSCAR, unless there is an entire book just on that subject. However, your subject may be the topic of an article in a journal or a chapter in a book. **If you don't find your specific topic, use more general terms to find books and then take a look at the books themselves to see if they have a chapter dealing with your topic.**

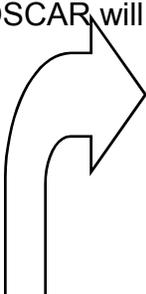
Or search LegalTrac (Legal Resource Index) for articles on your topic. This indexes

SEARCH TIP

Choose Z for Articles!

From the main menu choose Z "Connect to another Database".

OSCAR will give you these choices:

- 
1. Expanded Academic Index (InfoTrac)
 2. Legal Resource Index (LegalTrac)
 3. Index to Foreign Legal Periodicals (FLP)
 4. Uncover
 5. Other Library Catalogs
 6. Other Law Library Catalogs
 7. Gopher Systems

Remember Titles Change!

Law Journals are (mostly) upstairs (in the balcony above circulation) and (mostly) in alphabetical order. KF1 will be the journals starting with A and so on . . . But since titles change it is a good idea to get the call number of the journal before you go to the shelf.

For instance: Don't look in the P's for University of Pennsylvania Law Review; Nope it isn't in the U's either. Its in the A's because the title originally was the American Law Register!

Title	Location	Call #
The American Law Register K1 A4646	Heafey	
University of Pennsylvania Law Review	Heafey	K1 A4646

SO GET THE CALL NUMBER OF THE JOURNAL

Stress Busters!

by Diane Cascio

Is the specter of exams hovering over your shoulder? Are you going cross-eyed from staring at fluorescent high lighter? Just need a break? Why don't you -

TAKE A WALK! The Bay Area is known for its gentle Mediterranean climate. Become reacquainted with it and put new spring in your step by visiting any of the dozens of walking/hiking spots nearby. Whether you desire a peaceful stroll or need something more challenging to unkink those tired muscles, the South Bay has what you are looking for.

Shoreline Park- Located in Mountain View at the end of

Shoreline Blvd., this is a great place to appreciate the wetlands at the south end of San Francisco Bay. Broad, flat, and well-maintained paths travel for miles along cattail marshes and open water. Bring your binoculars to see the brown pelicans up close and personal. There is a small man-made lake with paddle boats and canoes for rent, a snack bar with a large menu, and grassy areas perfect for picnicking. Bicycles and roller blades are allowed. Sorry, no pets. Hours -

dawn to dusk. Snack bar stays open till 4:00 Monday-Friday, till 5:00 on weekends.

Villa Montalvo-This haven for the arts is hidden in the hills off Highway 9 between Los Gatos and Saratoga. The grounds contain a beautiful old mansion, a gallery, and an arboretum among other things. Behind the amphitheater at the rear of the villa, trails covered with fall leaves wind through the woods. One path snakes its way to the top of the ridge where there is a fabulous view of the valley. Open 8:00 to 5:00 weekdays and 9:00 to 5:00 on weekends. Sorry, no pets, bikes, or roller blades.

Santa Clara University-You need a break but can only spare a few minutes? No problem! Take a stroll



Legal Publishers Consolodate: Is there an Antitrust Lawyer in the House?

Thompson Publishing (the IBM, no, the Microsoft of Legal Publishing) is working on buying **all** of Legal Publishing It just bought all of West Publishing (including Westlaw!).

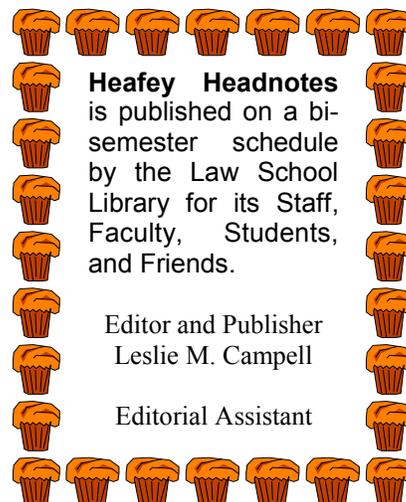
THOMPSON:

Thomson Publishing:
 Bancroft Whitney
 Shepard's Topical
 Warren Gorham & Lamont
 Clark Boardman Callaghan
 Lawyers Cooperative
 Barclays
 RIA
 WEST

EVERYONE ELSE:

New Partnership:
 Reed Elsevier
 Lexis-Nexis
 Martindale-Hubbell
 Michie
 Times Mirror
 Matthew Bender
 Shepard's Citations

Wolters Kluwer
 CCH
 Kluwer Law International



Heafey Headnotes is published on a bi-semester schedule by the Law School Library for its Staff, Faculty, Students, and Friends.

Editor and Publisher
 Leslie M. Campell

Editorial Assistant

We're sure this will ensure fair pricing and product diversity! Lots of publications have already disappeared or changed. Stay Tuned...

HOURS REMINDER

REGULAR HOURS:

MONDAY - FRIDAY	8am - Midnight
SATURDAY	9am - 8pm
SUNDAY	10am - Midnight

FINALS HOURS: BEGINNING 11/30

MONDAY - THURSDAY	8am - 2am
FRIDAY	8am - Midnight
SATURDAY	9am - Midnight
SUNDAY	10am - Midnight

REMINDER:

**WE MAY BE CHECKING ID'S AT PEAK TIMES
 EVERYONE WILL BE REQUIRED TO SHOW THEIR ACCESS CARD**

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your search are: **Focal Points — Commercial Law page** created by the Emory School of Law (<http://www.law.emory.edu/FOCAL/comm.html>), and the **Legal Information Institute page** sponsored by Cornell's Law School (<http://www.law.cornell.edu/topics/commercial.html>). From the Focal Points page, you will find links to the full-text of the Uniform Commercial Code (UCC), several listservs, an interactive, real-time **Commlaw Chat** channel, and the Commercial Law League of America.

The Commercial Law League of America (CLLA) is North America's oldest creditors' rights organization and consists of attorneys who specialize in commercial law, collections, the UCC and bankruptcy. The CLLA home page provides links to a

variety of useful sites--What's going on in Washington; National Bankruptcy Review Commission; Publications Available; For Those New to the Industry; and Useful Resources.

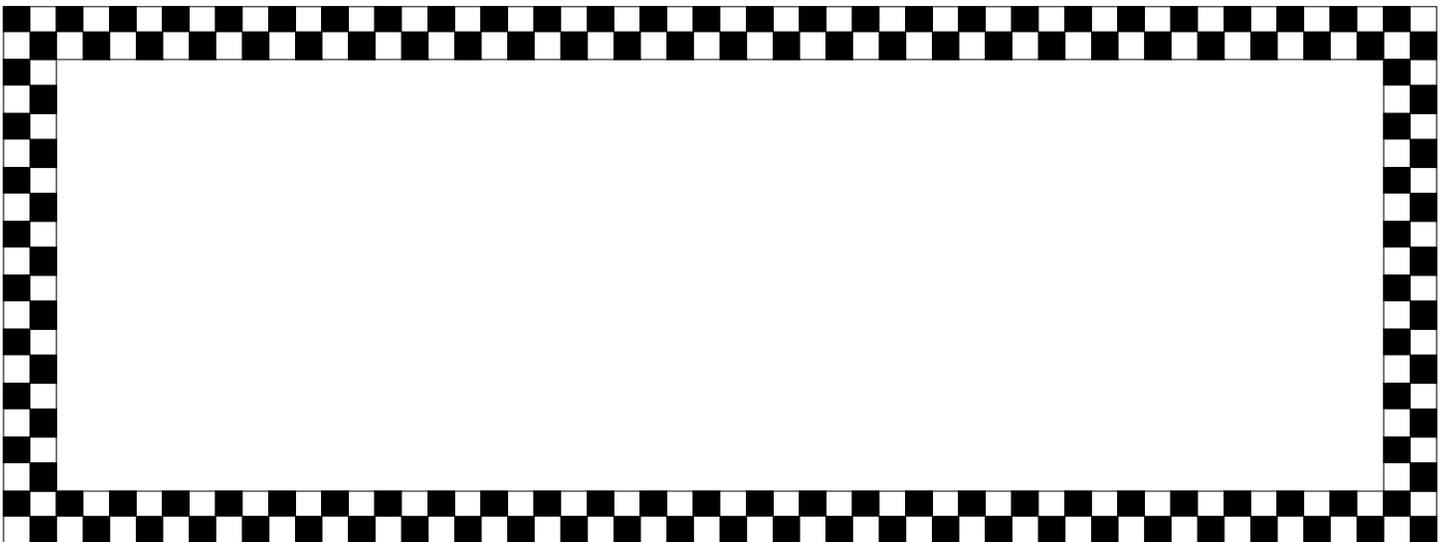
The Legal Information Institute has a page dedicated to commercial law materials. It contains links to the UCC and topical links such as: banking; bankruptcy; contracts; debtor and creditor; and secured transactions.

If you are interested in drafts of Uniform and Model Acts, these can be found at a site jointly sponsored by Chicago-Kent College of Law and the National Conference of Commissioners on Uniform State Laws (<http://www.kentlaw.edu/ulc>).

Interested in securities? You can search the **U.S.**

Securities & Exchange Commission's site at <http://www.sec.gov>. This page has links to the SEC News digests and public statements, current SEC rulemaking, information for small businesses and a link to the EDGAR database. EDGAR, the Electronic Data Gathering, Analysis, and Retrieval system, performs automated collection, validation, indexing and acceptance of submissions by companies who are required by law to file forms with the SEC. (However, some documents filed with the SEC by public companies will not be available on EDGAR.)

If your interest in commercial law is more international in scope, try **Florida State's Legal Research Net site** (<http://law.fsu.edu/lawtech/lawserch/comlaw.html>).



Topical Treatises & Looseleafs:

Not an exhaustive list my any means--just some goodies.

California Property:

Miller and Starr California Real Estate KFC 140 M5
1989

California Real Estate Law and Practice, KC 140 B45

California Civil Procedure:

Witkin California Procedure KFC 995 W52

Brown & Weil, Rutter Group, California Practice
Guide: CivilProcedure Before Trial, KFC 995
W44

Federal Civil Procedure:

Wright & Miller, Federal Practice & Procedure,
Stauffer KF 8714 W7 1982

Employment Law

Schlei & Grossman, Employment Discrimination Law
("the Bible" for federal employment discrimination
law) Stauffer KF 3464 S34 1983

CEB Advising California Employers, KFC 557 A95
1996

Intellectual Property:

Nimmer on Copyright, ("the Bible" for copyright)
Stauffer, KF2994 N5

Chisum, Patents, (He's soon to be a SCU Law prof!!)
Stauffer, KF 3114 C47

McCarthy on Trademark and Unfair Competition,
Stauffer, KF 3180 M32

Constitutional Law:

Tribe American Constitutional Law, ("the Bible"...)
Stauffer KF 4550 T785 1988

Federal Tax

CCH, Standard Federal Tax Reporter (has the code,