

CHAPTER 8 RESEARCHING A STATE LAW PROBLEM

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THE LEGAL RESEARCH PROCESS: STATE LAW SOURCES

- **Analyze the facts and formulate a preliminary statement of issues**

- **Familiarize yourself with the court structure of the jurisdiction, and develop a system for organizing research notes and citing authorities**
 - See *Bluebook* Table T1 for the courts in each jurisdiction and links to state courts and legislative websites.

- **Background research**

Conduct background research to get an overview of the subject area, identify issues and terms, and get clues to primary sources. Below are some resources to use for background research and some locations of print and digital versions. Note that this list and source locations are not comprehensive. To find additional resources, search TMLL's Catalog and Collections and Library Research Tools.

 - Hornbooks
 - Print: Reading Room on Level 2
 - Digital: West Academic Study Aids (available through the TMLL databases list, under "Library Research Tools")
 - Legal encyclopedias
 - Print: Level 2
 - Digital: Lexis; Westlaw
 - Law review articles
 - Print: Level 1 compact shelving
 - Digital: Bloomberg Law; Lexis; Westlaw; HeinOnline; websites
 - Treatises
 - Print: Levels 2 & 4
 - Digital: Bloomberg Law; Lexis; Westlaw

- American Law Reports (ALR)
 - Print: Level 2 (current through 2016)
 - Digital: Lexis; Westlaw
- Seek expert advice
 - Law librarians
 - Supervisors
 - Law faculty
- **Search for and evaluate primary authorities**

Locate relevant primary authorities (cases, statutes, constitutional provisions). Below are some resources to use for background research and some locations of print and digital versions. Note that this list and source locations are not comprehensive. To find additional resources, search TMLL's Catalog and Collections and Library Research Tools.

 - Annotated codes
 - Print: Level 3; Level 2 (Maryland Code)
 - Digital: Lexis; Westlaw
 - Unannotated codes
 - Digital: Bloomberg Law; Lexis; Westlaw; State government websites
 - Reporters
 - Print: Level 3; Level 2 (Maryland reporters)
 - Digital: Bloomberg Law; Lexis; Westlaw; State government websites
 - West digests
 - Print: Level 3, Level 2 (Maryland Digest)
 - Full text case databases
 - Digital: Bloomberg Law; Lexis; Westlaw; Google Scholar; other websites
 - American Law Reports (ALR)
 - Print: Level 2 (current through 2016)
 - Digital: Lexis; Westlaw
- **Make sure cases are still good law**

Citators help you track the history of a case and determine if the case is still good law. Citators can also help you find other cases and secondary sources that cite the case. Below are the major online citators.

 - BCite (Bloomberg Law)
 - Shepard's (Lexis)
 - KeyCite (Westlaw)
- **Refine analysis and formulate conclusion**

Based on your background research and identification of primary authorities you can refine your analysis and formulate conclusions. Continue to use the resources outlined above to refine analysis and formulate conclusions.

IDENTIFYING STATE COURT STRUCTURE AND REPORTERS

Each state has a unique court structure and the names of the various courts differ from state to state. When doing research in a particular jurisdiction, it is essential to know which court decided each case in order to evaluate each case's precedential weight. A quick way to determine the appellate structure and the names and abbreviations of the various courts is to consult Tables T1 and T7 of *The Bluebook*. Table T1 lists each United States jurisdiction, both federal and state, and provides the names of the courts, the reporters in which their decisions are published, relevant websites, and how they should be cited. Table T1 also lists information on legislative, administrative, and executive materials. Table T7 lists abbreviations for court names.

Sample Information from *The Bluebook*, Table T1 - Maryland

Maryland Court of Appeals (Md.) - Highest Appellate Court

Reporter	Dates	Reporter Abbreviation	Status
Maryland Reports	1851 - present	Md.	Official
Atlantic Reporter	1885 - present	A., A.2d	Unofficial

Maryland Court of Special Appeals (Md. Ct. Spec. App.) - Intermediate Appellate Court

Reporter	Dates	Reporter Abbreviation	Status
Maryland Appellate Reports	1967 - present	Md. App.	Official
Atlantic Reporter	1967 - present	A.2d	Unofficial

USING SECONDARY SOURCES FOR STATE LAW PROBLEMS

- A state-specific legal encyclopedia (e.g., *Maryland Law Encyclopedia*) can be a good starting point for a research problem set in a specific state.
- National coverage legal encyclopedias (e.g., *American Jurisprudence 2d*, *Corpus Juris Secundum*) can provide general background and citations to primary authorities from various states.
- The state series of American Law Reports (ALR) may contain an annotation on your topic. A print index covering the third through sixth series is available on Level 2 of the TMLL. ALR can also be searched on Lexis or Westlaw.
- Many treatises or the Restatements of Law can provide analysis and citations to state case law.
- A few law reviews and journals focus on state-specific legal issues. You can search law reviews and journals on Westlaw, Lexis, and the TMLL's "[Online Journals](#)" tool (found under "Library Research Tools" on the library's website). You also have access to many databases through the TMLL (found under "Library Research Tools" on the library's website). A very helpful database is HeinOnline. HeinOnline includes a Law Journal Library, which is searchable by state.

USING STATE ANNOTATED CODES IN PRINT

- Start with the index volumes using terms identified in background research.
- Look up references to sections that appear relevant. Before reading any text, check to see if there is added or amended text in either a pocket part or a separate pamphlet supplement next to the volume. There may also be a supplementary pamphlet at the end of the entire set.
- Read the text of the statute carefully. Look at adjacent sections to see if they may be relevant as well. There may also be separate “definitions” sections that define terms.
- Following the statute language, there may be references (annotations) to cases that have interpreted the section. There may also be cross-references to pertinent commentary sources. Additional case annotations and references to secondary sources may appear in pocket parts and supplements even if the text of the code section has not changed.
- State annotated codes also contain the text of the state’s constitution with annotations to cases and secondary sources interpreting each provision.

STATE AND REGIONAL CASE LAW RESOURCES

The table below lists regional reporters and digests by state. Due to expanded digital access, the TMLL has cancelled print subscriptions to most regional digests and reporters. However, the library has retained past volumes of regional digests through 2006 and past volumes of regional reporters through 2012. The print collections of official Maryland case reports and the *Maryland Digest* are current.

STATE	REGIONAL REPORTER(S)	DIGEST(S)
Alabama	Southern, Southern 2d	Alabama 2d (comprehensive)
Alaska	Pacific 2d, Pacific 3d	Pacific, Alaska 2d (comprehensive)
Arizona	Pacific, Pacific 2d, Pacific 3d	Pacific
Arkansas	South Western, South Western 2d, South Western 3d	Arkansas
California	Pacific, Pacific 2d, Pacific 3d	Pacific, Calif. (-1950) & Calif. 2d (1950-)
Colorado	Pacific, Pacific 2d, Pacific 3d	Pacific
Connecticut	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d
Delaware	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d
District of Columbia	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d & Maryland 2d (comprehensive)
Florida	Southern, Southern 2d	Florida 2d (1935-)
Georgia	South Eastern, South Eastern 2d	South Eastern, South Eastern 2d
Hawaii	Pacific 2d, Pacific 3d	Pacific
Idaho	Pacific, Pacific 2d, Pacific 3d	Pacific
Illinois	North Eastern, North Eastern 2d	Illinois (-1938) & Illinois 2d (1938-)

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STATE	REGIONAL REPORTER(S)	DIGEST(S)
Indiana	North Eastern, North Eastern 2d	Indiana 2d (comprehensive)
Iowa	North Western, North Western 2d	North Western, North Western 2d
Kansas	Pacific, Pacific 2d, Pacific 3d	Pacific
Kentucky	South Western, South Western 2d, South Western 3d	Kentucky (-1930) & Kentucky 2d (1930-)
Louisiana	Southern, Southern 2d	Louisiana 2d (1935-)
Maine	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d
Maryland	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d & Maryland 2d
Massachusetts	North Eastern, North Eastern 2d	Mass. (-1933) & Mass. 2d (1933-)
Michigan	North Western, North Western 2d	North Western, North Western 2d
Minnesota	North Western, North Western 2d	North Western, North Western 2d
Mississippi	Southern, Southern 2d	Mississippi
Missouri	South Western, South Western 2d, South Western 3d	Missouri (-1930) & Missouri 2d (1930-)
Montana	Pacific, Pacific 2d, Pacific 3d	Pacific
Nebraska	North Western, North Western 2d	North Western, North Western 2d
Nevada	Pacific, Pacific 2d, Pacific 3d	Pacific
New Hampshire	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d
New Jersey	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d
New Mexico	Pacific, Pacific 2d, Pacific 3d	Pacific
New York	North Eastern, North Eastern 2d	N.Y. (-1929), N.Y.2d (1930-1961), N.Y.3d (1961-1978), N.Y.4th (1978-).
North Carolina	South Eastern, South Eastern 2d	South Eastern, South Eastern 2d
North Dakota	North Western, North Western 2d	North Western, North Western 2d
Ohio	North Eastern, North Eastern 2d	Ohio
Oklahoma	Pacific, Pacific 2d, Pacific 3d	Pacific
Oregon	Pacific, Pacific 2d, Pacific 3d	Pacific
Pennsylvania	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d & Penn. (-1938) & Penn. 2d (1939-)
Rhode Island	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d
South Carolina	South Eastern, South Eastern 2d	South Eastern, South Eastern 2d
South Dakota	North Western, North Western 2d	North Western, North Western 2d
Tennessee	South Western, South Western 2d, South Western 3d	Tennessee 2d (comprehensive)
Texas	South Western, South Western 2d, South Western 3d	Texas (-1935) & Texas 2d (1935-)
Utah	Pacific, Pacific 2d, Pacific 3d	Pacific
Vermont	Atlantic, Atlantic 2d	Atlantic, Atlantic 2d
Virginia	South Eastern, South Eastern 2d	South Eastern, South Eastern 2d & Virginia and West Virginia
Washington	Pacific, Pacific 2d, Pacific 3d	Pacific
West Virginia	South Eastern, South Eastern 2d	South Eastern, South Eastern 2d & Virginia and West Virginia
Wisconsin	North Western, North Western 2d	North Western, North Western 2d
Wyoming	Pacific, Pacific 2d, Pacific 3d	Pacific

USING WEST DIGESTS TO LOCATE STATE COURT CASES

- Keep in mind that print state and regional digests in the TMLL, with the exception of the *Maryland Digest*, are up to date only through 2006.
- Use either the state digest or the appropriate regional digest, depending on which one is available at the TMLL. To identify the digests and reporters for each state's case law that are available in our library, consult the "State and Regional Case Law Resources" section above.
- Start with the most recent series of the digest if the one you are using has been published in more than one series (e.g., start with *Atlantic Digest Second Series*, which will index more recent cases than *Atlantic Digest*).
- Locate the Descriptive Word Index volumes for the digest set. Look up research terms to identify potentially relevant topics and key numbers. Check the pocket part of the Descriptive Word Index volumes to see if later terms have been added.
- Look up the topics and key numbers in the main digest volumes to find summaries of cases. Digests are organized alphabetically by topic and, within each topic, chronologically by key number.
- In addition to the main volume, references to more recent cases may be in a pocket part in the back of the book or in a separate pamphlet supplement that covers the particular volume, or in a paper supplement at the end of the set that updates all topics and key numbers in that set. It usually makes sense to start with the most recent supplement and work backwards.
- Record the citations of cases that appear to be relevant to your research. Note that the digest may include cases that are not mandatory authority. For example, regional digests include cases from other states; state digests include cases from federal courts.

The table below describes the date coverage of the TMLL's collection of regional digests.

REGIONAL DIGESTS	COVERAGE
Atlantic	1764 – 1938
Atlantic 2d	1938 – 2006 (cancelled)
North Eastern	Digest no longer published
North Western	1836 - 1941
North Western 2d	1942 – 2006 (cancelled)
Pacific Digest	1850 – 1931
Pacific Digest (vols. 1 – 100, P.2d)	1931 – 1940
Pacific Digest (vols. 101 – 366, P.2d)	1940 – 1962
Pacific Digest (vols. 367 – 584, P.2d)	1962 – 1979
Pacific Digest (vols. 585, P.2.d –)	1979 – 2006 (cancelled)
South Eastern	1729 - 1939
South Eastern 2d	1939 – 2006 (cancelled)
South Western	Digest no longer published
Southern	Digest no longer published

USING AMERICAN LAW REPORTS TO LOCATE STATE COURT CASES

American Law Reports (ALR) can be useful for getting an overview of the law on a specific topic and for locating citations to cases, both within the jurisdiction and in other states. ALR articles (also referred to as ALR annotations) provide useful background information and analysis for narrow topics in the law. ALR articles also contain citations to relevant cases, statutes, law review/journal articles, and other information. One weakness of the state series of ALR is that it sometimes gathers and reports case law without noting that cases are based on differing state statutes. For more information on ALR, see “Using American Law Reports” in Chapter 3.

ALR articles are available on Lexis and Westlaw. Note, that Thompson Reuters, the company that runs Westlaw, also publishes ALR; therefore Westlaw, generally, has the most comprehensive digital version. Due to expanded digital access, the TMLL cancelled its subscription to the print collection of ALR, but has retained past ALR print volumes through 2016, located on Level 2. The ALR Quick Index for the state ALR is a one-volume print paperback covering ALR 3rd, 4th, 5th, and 6th.

References to ALR annotations are often found in secondary sources, code annotations, and citators. The print state law version of ALR is currently in its 6th series. The newer series do not automatically update the earlier ones; that is, there may be annotations in the earlier series that are still useful and that are kept up to date in the volume’s pocket part. Use caution, however, because many of the older annotations have been superseded by a later one or may simply be too old to be useful.

To check the currency of an ALR annotation in print, do the following:

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| <ul style="list-style-type: none">• Go to the “Annotation History Table” located in the back of each bound volume of the ALR Index.• Look for the citation to your annotation in the Table. Be sure to also consult the Table in the pocket part.• If you find your citation, note the citation of the superseding (more current) or supplementary annotation.• Also check the superseding annotation in the “Annotation History Table.” |
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TIPS FOR SELECTING STATE LAW DATABASES

State Cases

Lexis, Westlaw, and Bloomberg Law are the primary subscription databases for accessing case law. These platforms allow you to search cases by a single jurisdiction, multiple jurisdictions, or all jurisdictions. For example, you can search only federal cases or only state cases. You can also search for only federal cases or state cases in a specific state, like Maryland. Your selection depends on the type of issue involved and the objective of the research project, among other

factors. Use online database descriptions to ascertain the coverage of a database before you begin searching.

State Statutes

Lexis and Westlaw offer the option of searching either annotated (including cross-references to cases and other sources) or unannotated (statute text only) versions of state codes. Bloomberg Law and free websites, including those provided by state governments, only have unannotated codes. Often the annotated version is a better choice, since it will search your terms in both the statute text and the annotation materials. However, if your searches yield too many hits, you may wish to try searching in an unannotated version.

State Constitutions

Annotated and unannotated state constitutions are available on Lexis and Westlaw. Unannotated state constitutions are available on Bloomberg Law, state government websites, and other free websites. On Westlaw, state constitutions are contained within the state's code. In Lexis and Bloomberg Law, state constitutions are listed separately along with other state legal materials. Researchers should take care when using state constitutions from free websites, other than state government websites, to ensure they are reading the state's current constitution. State constitutions tend to be amended more frequently than the U.S. Constitution, and some states have adopted completely revised constitutions. For example, Maryland's constitution has been revised four times.

State Court Rules

Court rules govern practice and procedure in the various courts. Each state has rules for the courts of that state. Generally each state has court rules that are analogous to federal court rules. The text of state court rules can often be found in the statutory codes for each state, on state court websites, and on legal research services like Bloomberg Law, Lexis, and Westlaw.

State Regulations

In general, every state has administrative agencies similar to those on the federal level. Generally, each state also has a publication analogous to the Federal Register for notice and updating purposes. At the state level, this publication is also typically called a register. For example, Maryland has the *Maryland Register*, Florida has the *Florida Administrative Register*, and California has the *California Regulatory Notice Register*.

Each state also has an administrative code or a codified set of agency regulations. A state's administrative code contains the current regulations of each state agency usually arranged by topic. In Maryland, the administrative code is called the *Code of Maryland Regulations* or COMAR, in Florida it is called the *Florida Administrative Code*, in California, it is called the *California Code of Regulations*.

State registers and state administrative codes are typically available online on state government websites. State administrative codes are also available online on Bloomberg Law, Lexis, or Westlaw.

Electronic Citators

The most up-to-date electronic citators are BCite on Bloomberg Law, Shepard's on Lexis, and KeyCite on Westlaw. Note that each platform's citators use unique methodologies and often will not return the exact same results.

STRATEGIES FOR RESEARCHING A STATE LAW PROBLEM

Initial Steps

When facing any research problem that involves unfamiliar territory, the wisest approach is to take some time at the outset to acquire background information. Without knowledge of the terminology and the issues, one can waste an inordinate amount of time unsuccessfully searching for primary sources.

Secondary sources are good places to gain helpful background information. Hornbooks cover broad legal topics, but may at least provide a paragraph or two about a particular subject that could serve as an overall framework. Law review articles deal with topics in greater detail and may give, in many instances, more information than is needed. If approached carefully, however, they can arm the novice with terms that will make searching and reading the primary sources an easier task. One should never view use of a secondary source as a substitute for the primary sources of the particular jurisdiction, but they can be viewed as excellent jumping off places. Encyclopedias, either general ones such as *American Jurisprudence 2d* or *Corpus Juris Secundum*, or jurisdiction-specific ones such as *West's Maryland Law Encyclopedia* may also be helpful as starting points, although the quality of the information varies topic by topic and these tools must be used with great care.

Law review articles can be found by using Bloomberg Law, HeinOnline, Lexis, Westlaw, and Google Scholar. You can also search for specific journals using the TMLL's "[Online Journals](#)" tool (found under "Library Research Tools" on the library's website). Citations to articles may be located using index databases such as *LegalTrac*. You can search databases by clicking on "[Databases](#)" under "Library Research Tools" on the library's website. Additionally, many law reviews and journals provide free online access to their articles.

The objective in looking for law review articles is to find one or two good articles to use as starting points. The more recent the article, the better, because the law changes rapidly. Articles in bar journals will be practitioner-oriented and are less likely to be helpful. Avoiding articles dealing with the law of particular states may be a good idea, unless the article happens to cover the state in which your problem is set. Printing or copying entire law review articles is generally a waste of time and paper and would be incredibly expensive in a work setting. Skim articles just to get an idea of what is involved in the topic. Many articles have a table of contents at the beginning of the

article to facilitate skimming and quickly locating relevant sections. You may also want to return to law review articles toward the end of your research to help put what you have found in context.

In addition to gathering terms and issues, you may notice citations to potentially relevant statutes or cases. Recording citations from other jurisdictions may not be a good use of time at this stage. However, noting a few citations from your jurisdiction that appear to be especially on point may save you time in the later phases of your research. If you can find one fairly recent case in any jurisdiction that is precisely on point with the issue(s) you are researching, you can look it up and note the relevant topic and key numbers for later use in the digest.

Finally, in terms of background, it is well worth spending a few minutes with the section in *The Bluebook* that deals with the specific state. The names of courts vary from state to state and you will often have to identify which court decided a case simply by looking at the reporter abbreviation.

Searching for Statutes

Once you are familiar with some of the terminology, the annotated code is a logical next step for researching the law of a particular state. While some topics may still be covered only by case law, it is extremely important that you not make that assumption without checking the code.

State annotated codes are available on Lexis and Westlaw. Bloomberg Law and state government websites have unannotated codes. An advantage of using Bloomberg Law, Lexis, or Westlaw, is that the databases are updated frequently and it may be easier to find recent statutory changes than in print sources.

Assuming that you find a relevant statute section, you may find that the statute has been amended. You should read the most recent version, as opposed to an older, obsolete version. Read the current language of the statute very carefully, word for word. Check the sections immediately preceding and following the section you found because they are likely to deal with the same general subject area and may be relevant to the problem. Also, many times there are “definitions” sections that define terms and it is important to look for these.

NOTE: There may be times in the practice of law that you will need an older version of a statute. For example, you may be litigating a case that arose before recent amendments. In general, the law that applies is the law that existed at the time of the occurrence.

Annotations are found after individual code sections. Annotations may include cases decided in the particular state that have interpreted that statute. While the annotations may not include a comprehensive listing of cases construing the statute, those cited are typically important and the cites should be noted. You will not find case annotations for all statutes. Some have never been the subject of litigation.

Some researchers find using annotated codes in print to be more efficient than using the online versions. When using an annotated code in print it is important to check the pocket part and any

other supplements to determine if there are amendments to the text of the code section or new cases interpreting a code section.

Additionally, if you are using a print annotated code then you may need to use the index to find relevant code sections. The index volumes for annotated codes are similar to the Descriptive Word Index volumes in the digest, except that they lead to statute sections rather than to topics and key numbers. Indexes can yield obvious entries but they can just as easily have entries that are not so obvious. Background information from secondary sources may certainly help with this process.

A good rule of thumb is to limit the time in any index to no more than 15 minutes. If you cannot find something fairly quickly, go on to another source. Eventually, you will either find a reference to the statute in cases or you may find additional information that will help you when you come back to the code at a later time.

Searching for Constitutions

State constitutions establish the powers and structure of government, set budget priorities, and guarantee certain fundamental rights. An effective strategy for searching state constitutions is to use annotated constitutions in Lexis or Westlaw or state annotated codes in print to find cases interpreting state constitutional provisions. When searching for state constitutional provisions using print annotated codes, researchers should use the index for the code to identify issues considered by state constitutions.

Thoughtful researchers should not neglect relevant federal cases. A state court may resolve conflicts regarding their state constitution by looking to cases interpreting similar federal constitutional provisions.

Searching for Cases

There are several strategies for searching for case law in a particular state and researchers develop their own preferences for tackling this aspect of legal research.

Most researchers now use online platforms like Bloomberg Law, Lexis, or Westlaw to conduct case research. Researchers may start with a known case gleaned from secondary sources or pleadings or briefs filed by opposing counsel. Researchers may also use full-text searching to find cases. In full-text searching online, the researcher must formulate a search request that anticipates terms that are used in the opinions.

Other possibilities for finding cases in a particular state include using ALR annotations, citators, or searching by topic. There is a table of jurisdictions at the beginning of each ALR annotation that allows the researcher to quickly find cites to cases of a particular state within the ALR annotation. Citators such as BCite, KeyCite, or Shepard's are very helpful in locating additional cases. Searching by topic involves using selected keywords or categories to find cases on the same legal issue. Topic searching is available on Bloomberg Law, Lexis, and Westlaw. Topic searching is useful for finding cases that: use different terminology for the same legal issue, are from different jurisdictions, or do not cite your known case.

When searching for cases using print resources, the traditional method is to begin with the Descriptive Word Index of the appropriate print digest, identify relevant topics and key numbers, read the summaries of cases found under the topics and key numbers and then look up and read the cases.

Because the regional reporter system and the digest system are interrelated, noting the topics and key numbers at the beginning of relevant cases can be a helpful shortcut to using the digest, although one should still check the index to make sure there is not an obvious entry that should be consulted. Once cites to cases have been found, they can be reviewed either online or in the print reporters. TMLL only maintains a current print subscription to Maryland's official reports. Most researchers now use online resources to access cases.

The research objective for a state law problem is to find and understand the holdings of *all* relevant statutes, cases, and constitutional provisions that constitute mandatory authority in that state. Relevancy should be defined here in a very broad sense. Cases may not exist that track your specific fact pattern and it may be necessary to analogize from other types of cases. Cases that are not in favor of the position you are trying to advocate cannot be ignored and you must deal with them in some fashion. While there are instances in which the number of cases on a particular issue in a particular state is overwhelming and different strategies must be applied, generally that is not the case. The best way to ensure that one finds all the relevant cases is to use a variety of research sources and methods. Print and online formats complement each other and often one finds cases by one method or in one source that are not found using another method or source.

Even if the law of a particular state appears to be clear, taking the time to understand trends in other states may be very important. The law in a state may be clear, but may be contrary to what is happening elsewhere. That could mean that existing decisions are ripe for being overruled. Law review articles and ALR annotations can be helpful in understanding the overall picture and identifying nationwide trends. While relevancy may be defined broadly when researching your own state's decisions, you may want to define relevancy on a narrower basis when looking at persuasive authority to make that search a manageable one.

Making Sure Cases Are Still Good Law

Prior to citing cases in a written document or oral argument, it is essential that each case is verified to make sure that it has not been reversed on appeal or overruled by a later court. Shepard's on Lexis and KeyCite on Westlaw are the tools for accomplishing this task. BCite on Bloomberg Law can also be used as an updating tool. However, note that the BCite signals apply to the entire case and signals are not assigned to particular issues in a case, so it is important to read citing cases carefully to see if the issues you are researching are affected.

Searching for Court Rules

The text of state court rules can often be found in the statutory codes for each state, on state court websites, and on legal research services like Bloomberg Law, Lexis, and Westlaw.

When researching court rules, it is important to research judicial interpretations of these rules. While cases interpreting court rules are available from the usual sources, many times attorneys rely on state-specific treatises to assist them with their research. These treatises are often available in print or from online legal research services like Lexis or Westlaw. Lexis and Westlaw also have annotated court rules that provide annotations to cases and secondary sources interpreting each court rule.

Searching for Regulations

State registers and state administrative codes are typically available online on state government websites. State administrative codes are also available online on Bloomberg Law, Lexis, or Westlaw.

It is also important to research cases interpreting regulations. Cases interpreting regulations are available from the usual sources for case research discussed elsewhere in this chapter and Guide. It may also be helpful to look for secondary sources discussing a particular state agency or state regulation.

Refining Analysis and Formulating Conclusion

Knowing when to stop researching can be difficult. It is tempting to believe that more time will unearth the perfect case that will make the entire problem clear. Unfortunately, many legal problems do not have as perfect an answer as one would like. Balancing the need to do a reasonable, comprehensive research job with time and resource constraints is not always easy. Following the steps outlined above ensures that the researcher has done a complete and reasonable job. At some point, you must stop and draw conclusions from the authority that has been found.

HIGHLIGHTS OF *BLUEBOOK* FORM FOR STATE LAW SOURCES

Cases

Rule 10 and Table T1.3 of *The Bluebook* govern citations to decisions from state courts. See Chapters 7 and 9 of this research guide for more information and examples. Additionally, state court rules may require citations to official reporters or may require citations to follow a specific format. Always check state court rules for requirements of specific courts.

Statutes

Rule 12 and Table T1.3 of *The Bluebook* govern citations to state statutes. See Chapter 4 of this research guide for more information and examples.

Constitutions

Citation form for constitutions is governed by Rule 11 of *The Bluebook*. See Chapter 4 of this research guide for more information and examples.

Court Rules

Rule 12.9.3 of *The Bluebook* provides guidance for citing court rules. Bluepages Table BT2 of *The Bluebook* provides examples jurisdiction-specific citation rules for court rules.

Regulations

Rule 14 and Table T1.3 of the *The Bluebook* govern citations to state regulations.