

Introduction to the Law Library & Legal Research

Created for:
SUNY Upstate Medical University
Center for Bioethics & Humanities
Health Care Ethics (CBHX 320/520)
Margaret M. Braungart, Ph.D. and Catherine V. Caldicott, M.D.

Prepared by Wendy Scott, Assistant Director for Faculty & Outreach Services
H. Douglas Barclay Law Library, 8/2003
Updated by Virginia Young, Reference Services, SUNY Upstate Medical University
Health Sciences Library, 11/2006

About the Barclay Law Library

For details about hours, collection locations and staff information, see our Library Services web page at <http://www.law.syr.edu/lawlibrary/libraryservices/services.asp>.

Access

- No access restrictions for legal research on premises
- SU ID required to borrow circulating materials
- College of Law doors locked at 8 p.m.; access with Law ID only
- You are welcome at the Barclay Law Library, but...
 - **These areas are off limits to non-law students**
 - Computer clusters
 - Reading Room, Floor 3
 - Study rooms and Reserved study carrels
 - Atrium Café seating

Copying

- See Location Guide at <http://www.law.syr.edu/lawlibrary/student/facilities.asp> for a list and locations of library's copy machines and microform reader printers
- All copiers and reader printers use College of Law vendacards
 - No coin-operated machines
 - SU Library vendacards will not work in our machines
 - Purchase vendacards in Support Services Office, Room 120 McNaughton Hall
8 a.m. – 4:30 p.m., Monday-Friday

General Information about Collections

- Law Library uses the Library of Congress call number system
- See the Location Guide at: <http://www.law.syr.edu/lawlibrary/student/facilities.asp> for information about how the collection is organized

Computing Access

- Computers may be used for legal research only
- Open computing on Floor 3 only (other clusters require Law network accounts)
 - No word processing or other office applications on these machines
 - Networked laser printer
- Library is wireless. For information on wireless laptop configuration, see http://www.law.syr.edu/lawlibrary/libraryservices/lib_wireless.asp or www.its.syr.edu/connecting/wireless.

Access to Our Electronic Resources

See Law Library – Electronic Resources web page at:
<http://www.law.syr.edu/lawlibrary/index.asp>

Please note: Most electronic resources are accessible within the College of Law. Some of our licensed databases are accessible by password to College of Law faculty and students only. The Electronic Resources web page, above, describes access guidelines for each title.

- Local access to licensed databases is available on Floor 3 computers
- By contract, Westlaw and Lexis are exclusively for law students and faculty

Learning about Case Research

Law Library Legal Research Guides:

The following research guides, prepared by the law librarians, can help you identify, locate and use secondary sources (periodicals, books, and other resources that explain the law) and research legal cases (primary sources). These pathfinders may be found in PDF form on the law library web site at <http://www.law.syr.edu/lawlibrary/electronic/researchguides.asp>.

Federal, State and International Law Research Guides

Research Methods and Case Research

American Law Reports

- A collection of articles (called annotations) on specific topics of law. Excellent source for finding citations to cases.

Tips for Shepardizing

- Shepardizing is a means of determining that a case is still “good law,” i.e. that it has not been modified or reversed by subsequent case law. It is also a useful tool for finding other cases that address the same issue of law as the case you are researching.

Secondary Sources Guides

- How to find and use legal periodicals, indexes to periodicals, scholarly texts, encyclopedias in print and online.

Topical Guides – Specific Areas of Law i.e. Disability Law, Elder Law

Basics of Case Research

Judicial opinions (court cases) are only one of the sources of the ‘law of the land.’ A complete understanding of the law includes a reading of all relevant law on a particular issue.

- Constitutions
- Statutes (legislation)
- Regulations (agency rules)
- **Cases (judicial decisions)**

The federal courts are comprised of trial courts (U.S. District Courts), appellate courts (U.S. Courts of Appeal) and the United States Supreme Court. States' courts follow a similar pattern.

Trial Court

- **Lower court so relatively few of the decisions are published**
- Jury or Judge determines facts
- Judge applies law and makes decision

Intermediate Appellate Courts

- **Most of these decisions are published**
- Review conduct of trial court
- Decide questions of law and fact

Court of Last Resort

- **Almost all decisions are published**
- Highest authority on questions of law
- United States Supreme Court; New York Court of Appeals

The Architecture of an Opinion

Case opinions usually contain four basic elements

- 1) A detailed statement of the facts
- 2) A formulation of the legal issue or issues
- 3) The holding (decision) and the legal basis for the holding
- 4) A discussion of the court's rationale including dissenting views

What is Precedent?

The decision of a court (usually the highest court) will bind other (lower) courts in future cases

- All federal courts must follow the decisions of the United States Supreme Court
- All Pennsylvania courts must follow the decisions of the Pennsylvania Supreme Court

Case Citations

Legal cases are identified by citations that provide the researcher with information about the volume, page number, and name of the case reporter (publisher of cases) in which you can find the full text of the case.

Deciphering a Case Citation

HALBMAN V. LEMKE, 99 WIS. 2D 241, 298 N.W. 2D 562 (1980)

Cases that appear in reporters have a citation that consists of:

- The name of the case
- The volume of the reporter
- The name of the reporter
- The pages number in the reporter
- The year the case was decided
- A parallel citation if one exists

The case above can be found in two case reporters (publishers); volume 99, page 241 of the Wisconsin Reporter, Second series, and volume 298, page 562 of the North Western Reporter, Second series.

To identify a Reporter Abbreviation, see:

The Bluebook: a uniform system of citation, 18th edition. KF245 .B58 2000 (on Reserve at the Barclay Law Library).

Suggested Resources – Databases

There may be additional electronic resources available on your topic at Syracuse University's Bird Library. Please speak with one of their librarians for assistance.

LexisNexis Academic (available at SU Library and the Law Library)

SU Library Database Menu

<http://library.syr.edu/research/database/index.html>

Law Library Electronic Resources – Full Text Legal Databases

<http://www.law.syr.edu/lawlibrary/electronic/fulltext.asp>

Note: This is a database licensed by Syracuse University Library.

This extensive resource includes the full text of legal periodical articles as well as the full text of federal and state legal sources. Also includes business and news sources. Search by citation or keyword.

Bureau of National Affairs Health Care Publications (use at the College of Law only)

Law Library Electronic Resources – Topical Resources

<http://www.law.syr.edu/lawlibrary/electronic/topical.asp>

This company is the publisher of the *Health Law Reporter*, which provides the latest legal developments that influence the health care industry, including new cases, federal and state legislation, rules from federal regulators, and enforcement trends.

Suggested Resources – Print

There may be additional print resources available on your topic at Syracuse University's Bird Library. Please speak with one of their librarians for assistance.

Bioethics reporter: ethical and legal issues in medicine, health care administration, and human experimentation. (looseleaf, 1983-)

Law Library: QH332 .B36

A comprehensive collection of resource materials to address the medical, legal, philosophical, religious, economic and social aspects of bioethics.

BioLaw (looseleaf, 1986-)

Law Library: KF3821 .A6 B56

An interdisciplinary resource intended to monitor the process by which society addresses bioethical issues. Original essays in volume 1, the Resource Manual of BIOLAW, provide a background for each of the major legal-bioethical issues. Bimonthly Updates chronicling recent developments in the field are collected in volume 2 and include reports of court cases, legislation, scholarly journal articles and news.

Cases in bioethics: selections from the Hastings Center report (1989)

Law Library: R724 .C36 1989

Encyclopedia of bioethics (1995-)

Bird Library: Reference QH332 .E52 1995

Law Library: Reference QH332 .E52 1995

Over 300 articles written by authorities from all fields, arranged by subject. Each article includes an extensive bibliography.

Law and bioethics: texts with commentary on major U.S. court decisions (1982)

Bird Library: KF3821 .A7 L38

Locating Additional Library Materials Using Library of Congress Subject Headings

To locate additional titles in the general area of medical ethics and bioethics, try searching the following Subject Headings in SUMMIT, the Syracuse University online catalog at <http://www.law.syr.edu/lawlibrary/catalog/index.asp> or ask a librarian for assistance.

Bioethics	Medical care law and legislation
Bioethics in the United States	Medical ethics
Biotechnology industries and law and legislation	Medical laws and legislation
Genetic engineering law and legislation	

Suggested Internet Sites in Bioethics & Law

Georgetown University:

Kennedy Institute of Ethics, National Reference Center for Bioethics Literature

Ethics Databases on the Web

<http://www.georgetown.edu/research/nrcbl/databases>

- ETHX database: Journal articles, book chapters, bills, laws, court decisions, reports, books, audio-visuals, and news articles relating to bioethics and professional ethics.
- Genetics & Ethics database: Books, journal articles, book chapters, bills, laws, court decisions, reports, news articles and audiovisuals.
- Note: results lists link to publishers' web sites, where articles may be found free of charge or for a nominal fee

Bioethics Law in New York State

<http://wings.buffalo.edu/faculty/research/bioethics>

- “Bioethics Law” link leads to relevant state and federal legal resources and documents