In Praise of Secondary Sources

Even though a few keystrokes can result in pages of documents citing pertinent search terms, sometimes a researcher needs to approach an issue from another direction. In performing legal research, “getting started on the right foot” can make all the difference.

Secondary sources do the initial legwork by citing to both primary and other secondary authorities related to an area of law, and often explain that area of law more thoroughly than would a single case or statute. Using the value-added enhancements of a table of contents or an index can provide quick access to specific issues.

Below is a refresher of the types of legal secondary sources created to provide direction for the researcher:

Treatises

Legal treatises are single or multi-volume works dedicated to the examination of an area of law. They describe and offer a “contour” of the law and provide references and citations to relevant cases and statutes. Many of the classic treatises, such as “Wigmore on Evidence,” are considered persuasive.

Popular Legal Texts

Without the time-tested authority of classic treatises, popular legal texts tend to be contemporary treatments of current issues. Often published by bar associations, they offer the insight of attorneys practicing in the field and focus on recent court opinions and enacted laws or regulations. Some popular texts reprint the content of institutes and CLE programs.

Handbooks and Hornbooks

Generally, handbooks, manuals, practice guides, and hornbooks are a collection of relevant statutes, case law, forms, and commentary or they are condensed versions of multi-volumes treatises. They can be national in scope or state specific. They often provide checklists and forms, along with the “mechanics” of practicing in a specific area of law. Hornbooks or student books are used by practitioners for refreshing their memory regarding theory or areas of the law.

Legal Periodicals

The articles are usually in-depth treatments of narrow areas of the law or legal issues. Law review articles tend to be more theoretical about contemporary legal issues and articles found in practitioner-oriented journals tend to be more practical. Both will usually provide numerous footnotes and citations, directing the reader to primary law. A pertinent, well-researched article can be an instant short-cut to interpretive research. LegalTrac and Index to Legal Periodicals are the two major indexing services, though HeinOnline also provides keyword searching as well as full-text retrieval of articles.

Legal Encyclopedias

As any encyclopedia, a basic introduction to a legal topic is provided. The entries are edited for succinctness and generally do not delve deeply into an area of law. However, the user will obtain citations to case law and statutes, along with related texts. In addition to the traditional print format, both Westlaw and LexisNexis provide electronic access to national and state encyclopedias.

ALR

The American Law Reports series is a preeminent secondary source. The topical annotations provide the user with an excellently edited interpretation of the law on narrowly prepared topics, along with lists of “finding tools,” such as case and statute citations and titles of related books and services. The ALR indexes and digests are often a quicker access to pertinent information than electronic keyword searching.

Restatements

The legal scholars of the American Law Institute developed the Restatements in order to categorize immense areas of case law, such as Agency, Contracts, and Torts and determine how the law has grown from the application of statutes by the courts. They offer a statement of common law principles backed by commentaries and examples. The Institute and the Restatements have received a high degree of acceptance by the courts.
Recent Acquisitions

KF 8935 .Z9 B633 2005   100 Vignettes for Improving Trial Evidence Skills.
KF 8964 .A15 M43 2016  Medical Evidence
KFO 147 .B37 2016       Basics of Estate Administration. OSBA
KFO 341.5 .P65 M32 2016 The 2016 Medicaid/Medicare Forum. OSBA
KFO 375 .B66 2016       Booze, Bullets, and Bingo. OSBA
KFO 537 .T34 2016       Taking and Defending Effective Depositions. OSBA
KFO 555 .A75 2016       Appellate Practice. OSBA

In order to perform a subject search in the Law Library’s catalog, access the following URL:

www.mcohio.org/lawlibrary

Click on the Catalog link on the left side of the screen and utilize either the browse search or advanced search feature by entering terms in the appropriate fields as necessary.

Please call the Law Library at 225-4496 if you wish to reserve a title. The interactive “place on hold” feature is not engaged.

Remembering Former Law Librarian Betty Busch

Former Law Librarian Betty Busch passed away on January 27, 2017. Betty served as Law Librarian of the former Dayton Law Library Association from November, 1971, until August, 1993. Anticipating just a short respite from her prior years as a Domestic Relations Court Referee, Betty truly found a home at the Law Library.

During the years Betty served as Law Librarian, the collection increased to its largest size and in April 1981, the Dayton Law Library became the first courthouse library in the state to install a Lexis terminal.

The nearly exhausting pace of the automation of legal research took its toll on the print collection of the Law Library and in 1992 Betty oversaw the first of three reductions in the square footage of the facility.

It is her commitment and efforts on behalf of the Law Library that we remember today.
Journal Watch

ARBITRATION
“Preparing for Arbitration: The Background Investigation, Part I.” 71 Dispute Resolution Journal 139 (2016, No. 3).

“Fighting the Fine Print.” 53 Trial 24 (January 2017, No. 1).

BANKRUPTCY

CHARITABLE GIVING

CLASS ACTIONS

CRIMINAL LAW


DEFERRED PROSECUTION

DOMESTIC RELATIONS

DISCOVERY

EMPLOYMENT LAW

“The NLRB Finds Online Employee Communications to be Protected ‘Concerted Activities’ (Part 1).” 62 The Practical Lawyer 11 (December 2016, No. 6).


EVIDENCE

FMLA
“When an Employer Must Offer an Unrequested Leave of Absence.” 59 For the Defense 63 (January 2017, No. 1).

HOBBS ACT
Journal Watch

IMMIGRATION LAW

LEGAL WRITING
“All Copying is not Created Equal: Borrowed Language in Supreme Court Opinions.” 17 The Journal of Appellate Practice and Process 21 (Spring 2016, No. 1).

LIABILITY

MILITARY LAW
“Zero Tolerance or Zero Accountability? An Examination of Command Discretion and the Need for an Independent Prosecutorial Authority in Military Sexual Assault Cases.” 41 University of Dayton Law Review 89 (Spring 2016, Issue 1).

PREMISES LIABILITY
“Seven Factors to Consider in a Child Dog Bite Case.” 52 Trial 26 (December 2016, No. 12).

REAL PROPERTY

SENTENCING LAW


TAX LAW


TRUCKING LAW

TRUSTS
“Understanding Qualified Domestic Trusts and Portability.” 47 The Tax Adviser 870 (December 2016, No. 12).

WITNESSES