

LEGAL RESEARCH GUIDE 2011

Legal Research Strategy

Legal research tools belong to one of three general categories: (1) primary resources are the law itself (e.g., statutes, regulations and case law); (2) secondary sources such as legal encyclopedias, law reviews, and treatises explain and/or refer to primary law; and (3) updating & finding tools (e.g., *Shepard's*, *KeyCite*, supplements, or pocket parts). This Research Guide is divided accordingly: Section I is devoted to Primary Resources; Section II to Secondary Sources; and Section III to Updating & Finding Sources. Your assignment has been designed to require you to *use the resources in each category* to complete your research. While this guide is designed for practice in Colorado and takes you through some state specific resources, the approach and use of these general sources can be applied to research in other states and at the federal level. Please note that while the print resources are described below, many of these resources are available in electronic formats and when applicable, a link is provided to the online database or free Internet site.

I. Primary Resources

A. Statutes

The *Colorado Revised Statutes* are located on Level 3 of the Law Library. There are two print versions of the Colorado statutes: (1) the "official" *Colorado Revised Statutes* (the red, soft-cover set, published by LexisNexis, KFC1830.1997.A2) and (2) West's *Colorado Revised Statutes Annotated* (the blue, hard-back set with paper pocket part updates in the back of the volume, KFC1830.1989.A2007). The statutory text found in both versions is the same. Both publications are "annotated", meaning they have research references to primary law and secondary sources. However, the two publications may list different annotations and research references. The statutes are available via the Internet, in the proprietary Westlaw and LexisNexis research databases, as well as other online and electronic sources.

The volumes of the *Colorado Revised Statutes (Colo. Rev. Stat.)* contain 43 titles and are republished annually following the Colorado legislative session(s) for that year. The library generally receives the new volumes in September. Following each section's statutory text, *Colo. Rev. Stat.* provides the legislative history by citing to session laws, followed by source and editor's notes. The Colorado Session Laws contain the actual bills enacted in each year's legislative sessions chronologically. This legislation is then "codified" by organizing them into statutes by topic. You can also search by topic using the index volumes. The legislative history is followed by annotations to cases (primary law), and references to secondary research sources such as legal encyclopedias, treatises and law reviews. (See the section on "Secondary Sources," *infra.*) Thus, *Colo. Rev. Stat.* serves both as a primary resource and a legal research finding tool. When using any statute or code, it is also important to look up any other citation found within the text of that source.

West's *Colorado Revised Statutes Annotated (Colo. Rev. Stat. Ann.)* are updated by pocket parts at the back of the volume and, sometimes, soft-bound cumulative supplements. Further, *Colo. Rev. Stat. Ann.* provides case annotations, cross references to related Colorado statutes, a list of "Law Review and Journal Commentaries," topical references to relevant sections of the West *Colorado Practice* series and references to related topics within the West Digest and Key Number System. While *Colo. Rev. Stat. Ann.*'s annotations and references work well with West's nationwide Digest Topic and Key Number System, it is not the "official" version of the statute. If there is a choice or any discrepancy, the red *Colo. Rev. Stat.* is the version that should be cited. (See Bluebook Rule 12.2.1.a.) Because there are sometimes different annotations for each version, it is a good idea to check both versions to make sure your research is complete.

The first step in using the statutes is the same as required for all sources in legal research. You must formulate search terms or descriptive words. If you have difficulty coming up with search terms, check a “words and phrases” set, digest outline or a legal thesaurus. Then try these search terms in the “general index” of both versions. The general index is usually found after the last statutory volume on the shelf. Remember to always check any pocket part or separately bound supplement as well.

Following the 43 titles of the Colorado Revised Statutes are two volumes containing the Colorado Court Rules, Book 1 and Book 2. Court rules are not legislative, but rather are drafted by committees appointed by the Colorado Supreme Court, and adopted by the Court if approved.

ONLINE RESOURCES

Internet: <http://www.michie.com/colorado/>

Westlaw: annotated – CO-ST-ANN; unannotated – CO-ST.

LexisNexis: CO-Colorado Revised Statutes Annotated

Flow chart on statutory research

<http://law.du.edu/documents/lawyering-process/flow-chart-on-statutory-research.pdf>

Westminster Law Library: Colorado Statutes

<http://libguides.law.du.edu/colostatutes>

B. Code of Colorado Regulations

The *Code of Colorado Regulations* (*Colo. Code Regs.*) is the official publication of the administrative regulations established by the executive departments and agencies in Colorado. The *Colo. Code Regs.* is a set of brown loose-leaf binders shelved near the Colorado statutes on Level 3 at KFC1835 1977 .A2. It is organized by department or agency, which is listed in the table of contents in the index volume. Because it is updated monthly as new pages are interfiled, there are no pocket parts to check. The *Colo. Code Regs.* is a great source for Colorado regulations. However, if you do not know the controlling department or agency, the print *Colo. Code Regs.* can be a confusing source. Agency regulations are also available via the Internet, Westlaw or Lexis.

ONLINE RESOURCES

Internet: <http://www.sos.state.co.us/CCR/Welcome.do>

Westlaw: CO-ADC (Colorado Administrative Code)

LexisNexis: CO – Colorado Code of Regulations

Westminster Law Library: Administrative Law

<http://libguides.law.du.edu/administrative>

C. Case Law

Case law is an example of primary authority. Court decisions are compiled chronologically by date of issuance and published in volumes called case reporters. The Colorado case reporters are located on Level 3 of the Law Library. Here you will find the *Colorado Reports* (the "official" reporter for decisions from the Colorado Supreme Court, KFC1845.A2) and the *Colorado Court of Appeals Reports* (the "official" reporter for decisions from the Colorado Court of Appeals, KFC1848.A2). Both the *Colorado Reports* and the *Colorado Court of Appeals Reports* ceased publication in 1981. Therefore, since 1981, West's *Pacific Reporter* is the only official reporter for all Colorado appellate decisions. The *Pacific Reporter* is also located on Level 3 of the Library at KF135.P2 P3.

The *Colorado Reporter* contains all of the Colorado cases published by West in the *Pacific Reporter* series, a part of West's National Reporter System. As such, Colorado cases can be found in both the *Colorado Reporter* and the *Pacific Reporter*. Each volume of the *Colorado Reporter* lists on its spine the series **P.** or **P.2d** or **P.3d** from which the cases were taken. All cases published in the *Colorado Reporter* retain their P. or P.2d or P.3d pagination and should be cited using the P. or P.2d or P.3d form. West publishes similar volumes for other states.

The annotations in the statute volumes (discussed above) and many secondary sources (discussed below) will lead you to case law on your topic. More detail regarding case law is included with the discussion of digests under the updating category. Colorado case law is also available via the Internet, Westlaw & LexisNexis.

ONLINE RESOURCES

Internet:

CO Supreme Court (2006 – current)

http://www.courts.state.co.us/Courts/Supreme_Court/Case_Announcements/Index.cfm

CO Court of Appeals (2006 – current)

http://www.courts.state.co.us/Courts/Court_of_Appeals/Case_Announcements/Index.cfm

Westlaw: CO-CS-ALL (federal & state cases from CO combined) or CO-CS (state cases only)

Lexis: CO State Cases, Combined or CO Federal & State Cases, Combined

Flow chart on case research

<http://law.du.edu/documents/lawyering-process/flow-chart-on-case-research.pdf>

Map of West's National Reporter System

<http://lawschool.westlaw.com/federalcourt/NationalReporterPage.asp?&mainpage=19&subpage=2&appflag=39>

Federal Courts Map

<http://lawschool.westlaw.com/federalcourt/federalcourt.asp?&mainpage=19&subpage=2&appflag=38>

Westminster Law Library: Reporters & Digests

<http://libguides.law.du.edu/reporters-digests>

II. Secondary Sources

There are a wide variety of resources that you can consult as secondary authority. As you develop your research skills, you will learn which sources may be helpful for a particular kind of project. This Research Guide is designed to familiarize you with the most commonly-used secondary sources.

A. Colorado Secondary Sources

1. Jury Instructions

A useful tool for obtaining a succinct statement of the law is the *Colorado Jury Instructions*. There are two separate series: one for criminal law (KFC2383.A65 C6, updated with a pocket part) and one for civil law (KFC2342 .C635, published annually). By scanning the table of contents or the index, you should be able to find any relevant instructions. The jury instructions generally lay out the elements necessary to establish a claim. They also contain citations to the cases upon which a particular jury instruction is based, as well as cross-references to other authorities. Jury instructions are limited in that they address only broad issues that are frequently litigated. These volumes are located on Level 3 of the Law Library. Remember to check any pocket parts or supplements at the back of the book.

ONLINE RESOURCES

Internet: Not Available

Westlaw: Civil – CO-JICIV; Criminal – CO-JICRIM

Lexis: Colorado Jury Instructions for Civil Trials

Westminster Law Library: Court Rules & Related Trial Practice Material
<http://libguides.law.du.edu/courtrules>

2. West's Colorado Practice Series

The Colorado Practice Series consists of treatises published by West. They are located on Level 3 of the Law Library. Each title in the series has a slightly different call number beginning at KFC1880 .C65. Listed below are some of the areas that are covered:

- Business
- Civil Rules & Procedure
- Civil Trial Practice
- Criminal Law
- Family Law
- Personal Injury
- Employment Law
- Family Law
- Elder Law
- Creditors/Debtors
- Real Estate

In general, the series synthesizes and explains Colorado law in specific areas, including citations to leading cases and recent appellate decisions, along with statutes and articles. Because the series is limited to Colorado law, it can be very useful to Colorado attorneys, but generally these treatises do not refer you to cases from other states.

Each set within the series has a table of contents and index. Both can be searched using the descriptive words or search terms you developed earlier. There is also a comprehensive index called *Colorado Practice – General Index* at KFC1880 .C60. Remember to check the annual pocket parts for the volumes in your series.

ONLINE RESOURCES

Internet: Not Available

Westlaw: COPRAC (search combined titles; you can also search within each subject title – check the directory for the correct database identifier)

Lexis: Not Available

Westminster Law Library: Colorado Practice Materials
<http://libguides.law.du.edu/coprac>

3. Colorado Law Annotated

The *Colorado Law Annotated* consists of two editions, the first with 7 volumes and the second with 2 volumes. These are located on Level 3 at KFC1880 .P75. *Colorado Law Annotated* analyzes Colorado case and statutory law for selected topics. The footnotes are useful in providing links to related topics, cases, and other collateral references. However, like the other Colorado resources, *Colorado Law Annotated* is helpful if there is Colorado law on point but will not refer you to cases from other states. Also, topics covered are not comprehensive. Please note that this title is no longer updated by the publisher after 2010.

ONLY AVAILABLE IN PRINT

4. West's Colorado Law Finder

The *Colorado Law Finder* is a one-volume print index located on Level 3 at KFC1861.W472. It is a comprehensive alphabetical listing of topics in Colorado law and provides direct references to relevant sources, including other West publications. It provides references to West's digest topic and key numbers, Colorado and Federal statutes, Colorado practice materials, encyclopedias, jury instructions, etc.

ONLY AVAILABLE IN PRINT

B. National Secondary Sources

1. Legal Encyclopedias (Am. Jur. and C.J.S.)

American Jurisprudence (Am. Jur.2d) and *Corpus Juris Secundum (C.J.S.)* are legal encyclopedias published by West Publishing Company. Both encyclopedias contain discussions of hundreds of legal areas and are extensively footnoted to provide case citations from different jurisdictions. Therefore, they serve as good sources for familiarizing yourself with a topic that is new to you and in deciding what areas of a given topic to explore.

While there are some differences between *Am. Jur.* and *C.J.S.*, the organization of the two sets is very similar. Both encyclopedias are organized in hard-bound volumes, alphabetically by topic or title. Both have a comprehensive set of soft-bound **general indexes**, which is helpful for finding a specific term and locating the larger related topic. Additionally, both contain topic **outlines** at the beginning of each subject. These outlines indicate the specific issues in each general topic. Both encyclopedias are updated by annual pocket parts. These legal encyclopedias are located on

Level 3 of the Law Library. The print editions of *Corpus Juris Secundum (C.J.S.)* were discontinued by the Westminster Law Library in 2005, but may be accessed on Westlaw.

- a. **Am. Jur.** is green and shelved as a set at KF154.A42. This encyclopedia includes “selective cases” – those cases it considers most important. This allows for commentary and analysis of the cases listed. Further, the footnotes include references to *A.L.R.* (See below). Also, the index is larger than that of *C.J.S.*, allowing for narrower word searches.

ONLINE RESOURCES

Internet: Not Available

Westlaw: AMJUR

Lexis: ALLJUR

Westminster Law Library: Legal Encyclopedias & ALR

<http://www.law.du.edu/images/uploads/library/39legalencyclopedias.pdf>

b. **C.J.S.** is navy blue and is shelved at KF154 .C46. At one time *C.J.S.* attempted to be comprehensive and cover every reported case but now it just covers selective cases. *C.J.S.* uses West’s Key Number System, which allows for a smoother transition to the other West sources.

ONLINE RESOURCES

Internet: Not Available

Westlaw: CJS

Lexis: Not Available

Westminster Law Library: Legal Encyclopedias & ALR

<http://www.law.du.edu/images/uploads/library/39legalencyclopedias.pdf>

2. **American Law Reports (A.L.R.)**

A.L.R. is an olive colored set of books located on Level 3 at KF132.A5. It contains the text of selected opinions, references to cases and articles discussing an area of law, and citations to *Am. Jur.*, *C.J.S.*, and other secondary sources. Further, the more recent editions also incorporate the West Key Number System, allowing for easy access to West publications. The topics of these annotations are typically very specific and often unusual. Consequently, *A.L.R.* is often “hit or miss.” You may find an *A.L.R.* article that addresses your specific issue. If so, that article will include cases addressing that point of law as well as commentary on the issue. *A.L.R.* then can be a virtual “gold mine” of information. On the other hand, there may be no *A.L.R.* article addressing your issue at all.

Always look at *A.L.R.* in the course of your legal research because it is surprising what you may find. There are seven different series of *A.L.R.*: *A.L.R.*, *A.L.R. 2d*, *A.L.R. 3d*, *A.L.R. 4th*, *A.L.R. 5th*, *A.L.R. 6th* and *A.L.R. Fed.* Make sure to use the appropriate updating source whether it is a separately bound volume or pocket parts. As its name indicates, *A.L.R. Fed.* includes references to federal law. Each volume of *A.L.R. Fed.* also contains a pocket part that must be checked.

To find articles in any of the editions of *A.L.R.*, locate the ALR Index: 2d, 3rd, 4th, 5th, 6th & Federal or the ALR Quick Index. The index is very specific, with subsections within many of the search terms. You begin your search the way you begin all legal research, by formulating search terms.

Find the “Annotation History Table” in the back of each volume of the index. Also, check the table in the pocket parts. If you find any superseding or supplementing annotations, list them in your results.

Note: If you do find a superseding annotation, you should consult the more recent annotation only. If there is a supplementing annotation, you should consult both the old and new annotations. (The online versions incorporate new cases and identify superseded annotations).

ONLINE RESOURCES

Internet: Not Available

Westlaw: ALR

Lexis: ALLJUR

Westminster Law Library: Legal Encyclopedias & ALR
<http://www.law.du.edu/images/uploads/library/39legalencyclopedias.pdf>

3. *Law Library Catalog* <http://pacman.law.du.edu/>.

The Law Library has an online web catalog which is a finding aid that helps you locate the call numbers of books, periodicals (including law journals), loose-leafs, treatises, e-Books, microfiche, CD-ROMS, links to library databases, web links to outside websites and other sources. There are several ways to search the Law Library’s catalog: (1) keywords; (2) author; (3) title; (4) subject; and (5) call number. The keyword or word search is the best way to search for items when you do not know the title of the work. The keyword search looks for words in the title, notes, assigned subject headings, and series of a work. Instead of the Dewey Decimal system, law uses the Library of Congress (LC) Classification system to assign call numbers. In the LC Classification system, KF stands for American law. An addition letter indicate state law, so for example, KFC will contain Colorado materials.

A. Restatements

The Restatements of the Law are published by the American Law Institute (ALI) in an attempt to codify specific areas of common law reflecting current and emerging trends. ALI membership includes prominent judges, lawyers and professors. A Restatement may be persuasive in any jurisdiction. It is generally incorporated into the law of a jurisdiction by judges in their written opinions which then carry precedential value.

There are Restatements for many areas of law (e.g., Restatement of Torts, Restatement of Contracts). If one of your other research sources refers to a specific Restatement section, you should look up that particular section and determine if the comments are helpful. If you have no referrals to a Restatement title and section you must then decide which general subject area of law contains your issue. Once you have determined the subject area, you will consult the table of contents and the index, for the volume and the set to locate pertinent sections. In this case, the online version might be an easier way to locate relevant material.

Once you have located a Restatement section on point, you should use the corresponding Appendix for case citations. The appendices include brief summaries of the cases cited, allowing you to determine if they will further your research.

The various *Restatements* are located in different areas of Level 3, based on the topic of the set. Use the Law Library's catalog to find the call number and specific location. You also can run electronic searches of the *Restatement* on Westlaw or Lexis using your search terms.

As always, when performing legal research, you must make sure to update the source. The appendices to the print *Restatements* contain pocket parts. Additionally, there are shelved supplements that are identified by the year and section covered. Finally, the *Restatements* can be Shepardized in both the Colorado Shepard's and the *Shepard's Restatement of the Law Citations* (Level 3, KF395.A4 S42) in print or through LexisNexis.

ONLINE RESOURCES

Internet: Not Available

Westlaw: REST – combined Restatements; can also search individual titles – see database directory to locate correct database identifiers

LexisNexis: Restatement Rules, Combined & Restatement Annotated Cases, Combined

B. *Shepard's Causes of Action*

Shepard's Causes of Action (COA) is located on Level 3 of the Law Library at KF8863 .S53. The title is published in cream colored hardbound volumes in two series. This set discusses and analyzes specific areas of law. It presents the points necessary to bring a cause of action and the defenses and contains cites and commentary on relevant cases.

There are three methods of searching *COA* and *COA2d*. You can search (1) articles by volume, (2) articles by topic, or (3) the index. Because the index provides a detailed topical listing, it is usually the most efficient means of searching. Further, some articles in the new volumes supersede previous articles. Since there is currently no convenient way to know if there has been a new article written when you are viewing an older article, you must scan through the Table of Contents of each new volume searching for the same title. Also, the series is updated annually through pocket parts that must be checked.

Colorado has a similar resource called Colorado Causes of Action which is located at KFC2333 .M33.

ONLINE RESOURCES

Internet: Not Available

Westlaw: COA

LexisNexis: Not Available

C. Treatises

A treatise is a commentary, prepared by a legal scholar, which discusses various legal principles. Treatises generally (1) interpret the law, (2) criticize the law, and/or (3) act as an exposition of the law (where they contain less analysis and focus more on explaining the law and providing on-point references). Because treatises are not written by those who make law – legislators or judges – generally, you should not cite to a treatise in a document submitted to the court. Most attorneys only cite to particularly noted treatises, such as *Prosser on Torts*. However, limited references to a treatise may be useful in a legal memorandum in order to direct the assigning attorney to some general background discussion of the topic. Thus, while treatises are usually only helpful as background, they can be very good for that limited purpose. Also, treatises can be heavily footnoted with on-point cases and statutes. A “hornbook” is a one volume treatise on a particular area of law.

Treatises are located on Level 1 and Level 3. Use the Law Library’s catalog to find the call number and specific location. After locating the appropriate book, search the index of the treatise for the terms you are interested in.

ONLINE RESOURCES

Internet: Not Available

Westlaw: TEXTS

LexisNexis: Area of Law Treatises

D. Continuing Legal Education Materials and CLE as Publisher

There are two types of Continuing Legal Education (CLE) materials. One is materials prepared for a seminar which attorneys attend in order to earn the educational credits required to maintain their license to practice law. The quality and quantity of the prepared materials for seminars varies depending on who submits them. Sometimes they do not reflect all of the information presented.

CLE also publishes topic-specific secondary materials (treatises) written by lawyers, judges, law professors and other professionals with specific expertise in a topic that covers a particular area of state or federal law.

The Law Library mostly carries CLE practice materials from Colorado, but you can find some CLE practice materials from other states as well. Some are published in hardbound volumes by Continuing Legal Education, Inc., and located in the Law Library stacks. The Colorado CLE materials are usually shelved with the other Colorado materials (KFC). Use the Law Library’s catalog to find the call number and specific location by topic.

Most CLE publications contain citations to statutes, regulations, and cases that can further your research. Some contain approved forms. Many of the CLE treatises also have CDs with forms which are kept at the circulation desk for check-out. There is no general index that lists all CLE publications.

ONLINE RESOURCES

Internet: Not Available

Westlaw: Variety of locations - see Directory under Treatises, CLEs & Other Practice Material

LexisNexis: CLE Materials

E. Law Reviews

Law reviews and other legal periodicals are secondary sources and can be effective finding tools. There are articles written on just about every legal topic imaginable. Current journals (individual issues from the most recent volume) and older bound journals are shelved on Level 1 in the compact shelving area.

Law review articles can be a great source for specific topics and newer areas of the law. However, they are not very persuasive and generally should not be cited. But when a legal problem requires that you argue for a change in the law or policy, it is often better to cite to a periodical rather than have the court believe that you created the argument or analysis on your own. Some legal periodicals published locally are: *Colorado Journal of International Environmental Law and Policy*, *Colorado Lawyer*, *Denver Journal of International Law and Policy*, *Denver University Law Review*, and *University of Colorado Law Review*.

There are several ways to search for articles in law reviews and other legal periodicals: (1) LegalTrac; (2) Index to Legal Periodicals (ILP); (3) Hein Online; and 4) Westlaw or LexisNexis. All of these databases can be accessed via the Law Library website at <http://www.law.du.edu/index.php/library/>.

1. LegalTrac

LegalTrac is an electronic periodical index. LegalTrac can be accessed from any of the terminals in the Law Library or via the Databases/Indexes section of the Library's homepage for on-campus use only. Coverage begins in 1980. It indexes over 1800 legal publications, including major law reviews, bar association journals, legal newspapers, specialty journals, and selected journals of allied disciplines (e.g., criminology and accounting). This resource is easy to search because it is relatively intuitive and allows for sophisticated searches. It is updated daily and includes some full-text items.

2. The Index to Legal Periodicals (ILP)

The Index to Legal Periodicals (ILP) is another index to the periodicals. The ILP is available in the Library or remotely through the Databases/Indexes section on the Law Library's website. The Basic Search feature allows keyword searching using natural language or Boolean search strategies. Users can choose to search current materials (1982 - current), historical records (1908-1981) or both sections at once. While the ILP coverage is for a longer time period, it indexes fewer periodicals than LegalTrac.

3. Hein Online

Hein Online is a full text pdf database of law review articles. It is good for older material not available electronically via Westlaw or LexisNexis, or material not available in one of the print copies of the law reviews owned by DU. Hein Online is available via the Databases/Indexes section of the Law Library's website. It includes a variety of search features, but may be slower than the other journal databases because it is searching pdf documents.

4. Westlaw & Lexis

Full-text journals are available on the online legal databases Westlaw (www.lawschool.westlaw.com) and Lexis (www.lexisnexis.com/lawschool/). Each vendor provides access to journals in a variety of ways including by individual journal title, by jurisdiction or area of law or through a comprehensive database.

ONLINE RESOURCES

Internet: Varies by Title

Westlaw: JLR (combined Journals & Law Reviews)

LexisNexis: U.S. & Canadian Law Reviews, Combined

III. Updating & Finding Sources

A. *Colorado Digests*

In order to find on-point Colorado cases using print resources, it is useful to use the *Colorado Digests*. The *Colorado Digests* are a multi-volume set of dark blue books found in the Colorado (KFC) section of the Law Library on Level 3. This series contains the West Digest Topic and Key number reference for every Colorado state appellate case published by West in the *Colorado Reporter* and the *Pacific Reporter* as well as any Colorado federal cases that interpret Colorado law. The annotations are organized alphabetically by subject matter in accordance with the West Digest Topic and Key Number System (also available on Westlaw). The subject matter covered by each volume is noted on the spine. Within each volume of the *Digests* you will find annotations that briefly describe and provide citations to the full opinions published in the *Colorado Reporter*, *Pacific Reporter*, *Federal Reporter*, or *Federal Supplement*, as applicable. Each volume of the *Colorado Digest* has a pocket part that you must check to make sure you are finding the most recent cases available. Also, look for the separate overall pocket part that West publishes more frequently than the volume pocket parts. Sometimes the Topic or Key Number will change, in which case you can look at the conversion table for the old to the new.

There are two ways in which to use the digest system. First, you can use Digest Topic and Key Numbers you already know are relevant. Make note of the Digest Topic and Key Numbers referred to you in your earlier research or in a case you already have that looks to be relevant. To use this information, simply look for the Digest Topic name on the spine of the book and the Key Number within that Topic. A West Digest Topic and Key Number can be used in any West Digest to find similar cases in other courts, or in the Westlaw Database.

Second, you can search the digest system index to find the topics related to your issue using the "Descriptive Word Index" for West's *Colorado Digest*. Any search of the "Descriptive Word Index" begins by formulating search terms. Once you find a topic in the index that addresses your issue, you simply look for the Digest Topic on the spine of the book. There is also an outline in the beginning of each digest West prints.

B. *Other Digests*

Once you have exhausted all your case law research possibilities in Colorado, you should check to see if there is analogous authority from other jurisdictions. Although cases from other jurisdictions will not be binding authority in Colorado, they may nevertheless be persuasive. This is especially true if you can find a well-reasoned case from another jurisdiction that is more on point than anything you have found in Colorado. Digests are published for other states and regions of the country (Pacific Digest, for example), as well as the United States Supreme Court and federal courts.

The *Decennials* published by West help you determine whether there is any authority from jurisdictions across the country that is relevant to your legal issue. These resources can be found in the Law Library on Level 3. The *Decennial Digest* contains annotations for all reported cases, from every state and federal jurisdiction in the United States since 1653. These are arranged by Digest and Key Number in the same manner as West's *Colorado Digests*.

Every ten years, West gathered together annotations for every case reported since the last *Decennial* was published: hence the name "Decennial," as in decade. The more recent *Decennials*, however, have been published in shorter intervals because of the ever-increasing volume of cases. For cases decided since the most recent *Decennial Digest*, you would need to go online because the Library has cancelled the print *General Digest series*. New volumes are added as soon as the latest cases can be compiled.

Like West's *Colorado Digest*, each volume of the *Decennial Digest* covers only a specific topic and contains a portion of the 400 or so Digest Topics covered by the West Topic and Key Number System. The subjects covered by a particular volume of the *Decennial* are noted on the spine.

Since each volume contains a “snapshot” of the case law decided throughout the nation for a brief period of time, not every volume will contain cases related to the Digest Topic and Key Number you are looking for.

Finding cases in the *Decennial Digest* is the same process as finding them in West’s *Colorado Digest*. Because the Topic and Key Numbers used by West are the same throughout the National Reporter System, you should be able to use the same Digest Topics and Key Numbers you found earlier in your search of the *Colorado Digests*. West occasionally adds new topics or changes topic names to reflect changes and trends in the law so a Digest Topic or Key Number that appears in an older digest may be indexed under a new Topic in a more recent edition.

ONLINE RESOURCES

Flow chart on case research

<http://law.du.edu/documents/lawyering-process/flow-chart-on-case-research.pdf>

Map of West’s National Reporter System

<http://lawschool.westlaw.com/federalcourt/NationalReporterPage.asp?&mainpage=19&subpage=2&appflag=39>

Federal Courts Map

<http://lawschool.westlaw.com/federalcourt/federalcourt.asp?&mainpage=19&subpage=2&appflag=38>

Westminster Law Library: Reporters & Digests

<http://libguides.law.du.edu/reporters-digests>

C. Citators – Shepard’s Citations

Shepardizing is the process of locating and validating cases and other legal authority using *Shepard’s Citations* in print or online. Shepardizing serves two functions: (1) validating that the sources you cite are still good law and (2) finding new sources that cited your item. First, it is important to verify that you are citing good law. Earlier cases may have been limited, criticized, distinguished, overruled, etc. Also, the enactment of a new statute or regulation may conflict with the authority’s position jeopardizing the precedential value of your source. Second, Shepardizing any source you cite generates a list of other materials that have cited the source you are relying on. This list may produce a case you have not found through other resources. In addition to case law, *Shepard’s* publishes many specialty citator volumes that allow you to update other resources, such as statutes and restatements.

Shepard’s is owned by LexisNexis. The headnotes in Shepard’s refer to the head note numbers designated in LexisNexis case head notes found in from their electronic research database (not the West Topic & Key Numbers from the Digests & Westlaw). The Westminster Law Library has a few print Shepard’s titles besides Colorado.

There is a Shepard’s Citations database on the Library homepage with directions on how to use it, which works for any reported case, including those cases found in the West Reporters. The LexisNexis online research database uses what they refer to as Shephard’s or Shephardizing. When you hear attorneys refer to Shepardizing, they may be referring to the general process of deciding if a case is good law, which can also be done using the newer “Keycite” system on Westlaw.

The *Shepard’s Colorado Citations* is located on Level 3 of the Law Library. When Shepardizing your resources in print, not only must you check the maroon bound volumes, but you also must check the red paper-back cumulative supplement, the gold annual/semi-annual supplement, and

the white advance sheets. You need to check the most recent supplement to see which volumes and supplements need to be updated. Because there is a long gap between a decision date and the printed version of *Shepard's*, it is a good idea to further update your sources online.

ONLINE RESOURCES

Internet: Not Available

Westlaw: Not Available (See KeyCite)

LexisNexis: www.lawschool.lexisnexis.com

Shepard's Citation Service handout

http://www.lexisnexis.com/documents/LawSchoolTutorials/20090716100213_large.pdf

D. Citators - West's KeyCite

West Publishing Company created an alternative to *Shepard's* called *KeyCite* which is available via Westlaw. It is used in the same way to check the status of cases, statutes, etc. as well as locating newer resources that cited your original source. You can also use it to search for cases dealing with specific head notes in the West Digest Topic and Key Number system.

ONLINE RESOURCES

Internet: Not Available

Westlaw: www.lawschool.westlaw.com

LexisNexis: Not Available (See Shepard's)

Using KeyCite in Westlaw.com handout

<http://west.thomson.com/documentation/westlaw/wlawdoc/web/kcwlcr6.pdf>
