PROCESS OF LEGAL RESEARCH

**Step One:** Consult **Secondary Sources**
Explain the law and provide context, keywords, vocabulary, analysis, and directs you to prominent Primary sources.

**Step Two:** Read and Analyze **Primary Sources**
These are THE LAW—cases, statutes, regulations.

**Step Three:** Validate **Primary Sources**
Check that your primary sources are still good law—that they have not been overturned or a statute amended/repealed. This process will also help expand your research.
WHAT IS A PRIMARY SOURCE?
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cases, statutes, regulations.
Three Branches of Government

Constitution

Legislative
- Creates the laws
- Laws are organized by topic in sets called statutes

Judicial
- Interpret the laws
- Opinions are case law which are organized in chronological order in sets called reporters

Executive
- Enforces the laws
- Enforcement delegated to Administrative Agencies who issue regulations found in the Code of Federal Regulations and the Federal Register
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[Diagram showing the three branches of government with images of the Capitol, Supreme Court, and White House]
HOW ARE LAWS CREATED AND PUBLISHED?

• A **Bill** is a draft of a law proposed by a member of either house of a legislative body.

• A **Statute** is a bill that has passed the legislature and approved by the executive (President or Governor).
When a Bill is enacted into Federal Law it is published in three steps:

**Step One**
A new law is passed, assigned a Public Law Number and published in its entirety as a separate document called a “slip law”.

Pub. L. No. 103-416

**Step Two**
Public laws for a session of Congress are compiled chronologically in the Statutes at Large. They can be referred to as “session laws”.

108 Stat. 4305

**Step Three**
Session laws are reorganized by subject and placed within the United States Code. They are now “codified”.

18 USC §1581
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PUBLICATION PROCESS FOR NEW FEDERAL LAWS

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18 USC §1581
8 USC §1401

Various provisions of Pub. L. No. 103-416 are added to appropriate Titles in the United States Code.
ANOTHER WAY TO LOOK AT IT

Patriot Act
Pub. L. 107-56

§ 208 Designation of judges

§ 352 Anti Money Laundering Programs

§ 403 Dept of State and INS access to criminal history for visa applicants

§ 503 DNA identification of terrorists & other violent offenders

§ 1012 Limitation on issuance of hazmat licenses

United States Code

Title 8 Aliens & Nationality § 1105 Liaison with internal security officers; exchange of data
8 USC § 1105

Title 31 Money & Finance § 5318 Compliance, exemptions & summons authority
31 USC § 5318

Title 42 Public Health & Welfare § 14135a Collection & use of DNA from certain federal offenders
42 USC § 5318

Title 49 Transportation § 31305 General driver fitness
49 USC § 31305

Title 50 War and Defense § 1803 Designation of judges
50 USC § 1803
State codes are also divided into smaller parts as Federal Laws but may not follow the Title/Chapter/Section naming style.
**PUBLICATION PROCESS FOR NEW FLORIDA LAWS**

Florida undergoes a process similar to the Federal system.

<table>
<thead>
<tr>
<th>Step One</th>
<th>Step Two</th>
<th>Step Three</th>
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<tbody>
<tr>
<td>A bill is passed by the Florida Legislature.</td>
<td>Laws enacted by the Florida legislature are compiled <em>chronologically</em> in the <em>Laws of Florida</em>. They can be referred to as “<em>session laws</em>”</td>
<td>Session laws are reorganized <em>by subject</em> and placed within the <em>Florida Statutes</em>. They are now “<em>codified</em>”</td>
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</table>

**BlueBook**

- *S. 1840*

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<tr>
<th>Rule 9.800</th>
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</table>
OFFICIAL VS. UNOFFICIAL STATUTES

**Official**
- United States Code
- Florida Statutes

- Not Annotated
- Contains:
  - Statutory Text
  - Historical Information

**Unofficial**
- U.S. Code Annotated-Westlaw
- U.S. Code Service- Lexis
- Florida Annotated Statutes- Westlaw
- Florida Statutes Annotated- Lexis

- Annotated
- Contains:
  - Statutory Text
  - Historical Information
  - Cross-References
  - Cites to Secondary Sources
  - Notes of Decisions
WHERE TO FIND STATUTES

- Statutes can be obtained from almost any commercial research service:
  - Westlaw
  - Lexis
  - Bloomberg
  - Fastcase

- Can also be obtained for free on internet:
  - Legislature Websites
  - Cornell LII
  - U.S. Code from GovInfo
  - Florida Statutes
  - Laws of Florida
My demonstration assumes you already know what statute you want to look at.

You would’ve found the statute either from a secondary source or you already have the citation

If you don’t know how to use a secondary source to find a statute, please watch our secondary sources webinar recording
What if you have the name of a statute?

Example:

Pacific Salmon Treaty Act of 1985
What if you have a citation?

Example:

17 USC §114
Bianca Anderson

banderson@law.miami.edu

https://www.law.miami.edu/faculty/bianca-anderson

Law Library Virtual Reference Services:
https://www.law.miami.edu/iml/library/ask-a-librarian