



STATUTES

MIAMI LAW LIBRARY LEGAL RESEARCH REFRESHER

SUMMER 2020



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Check that your primary sources are still good law- that they have not been overturned or a statute amended/repealed.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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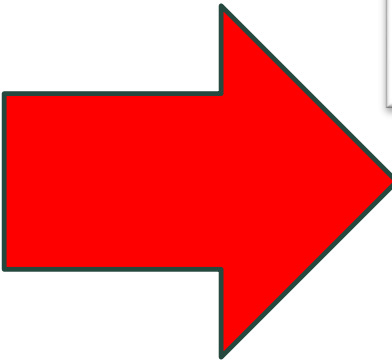
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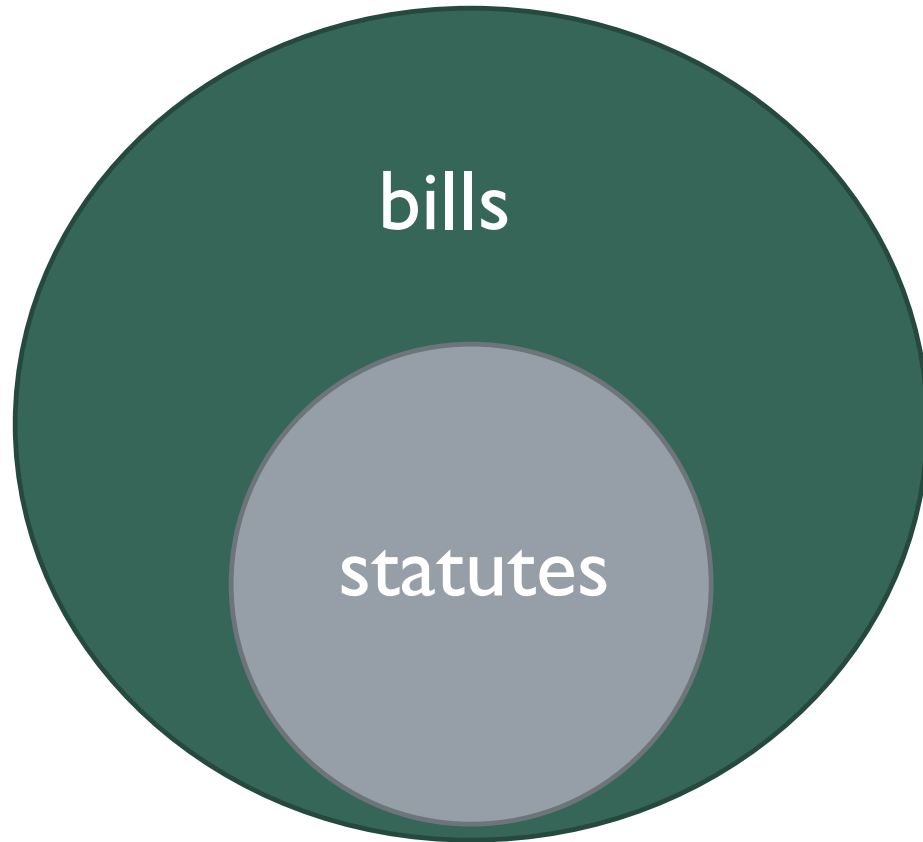


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HOW ARE LAWS CREATED AND PUBLISHED?



- 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).

PUBLICATION PROCESS FOR NEW FEDERAL LAWS

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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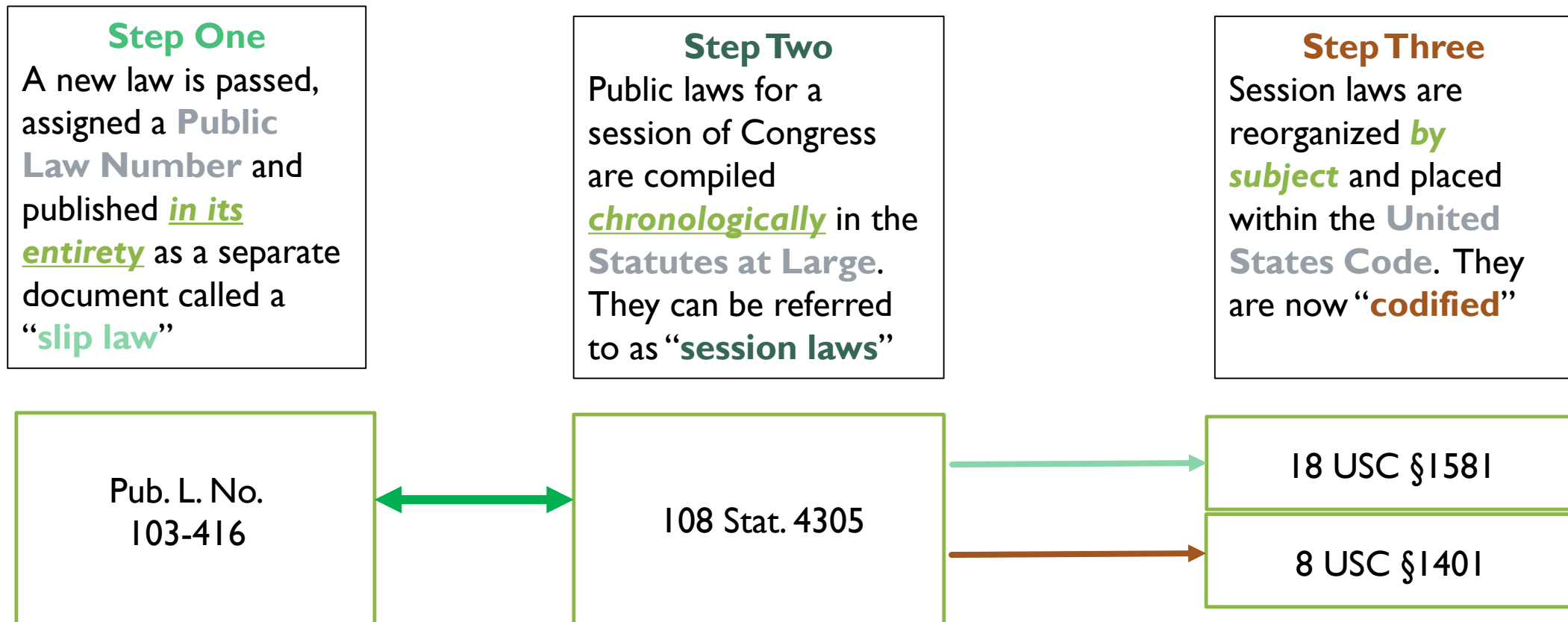
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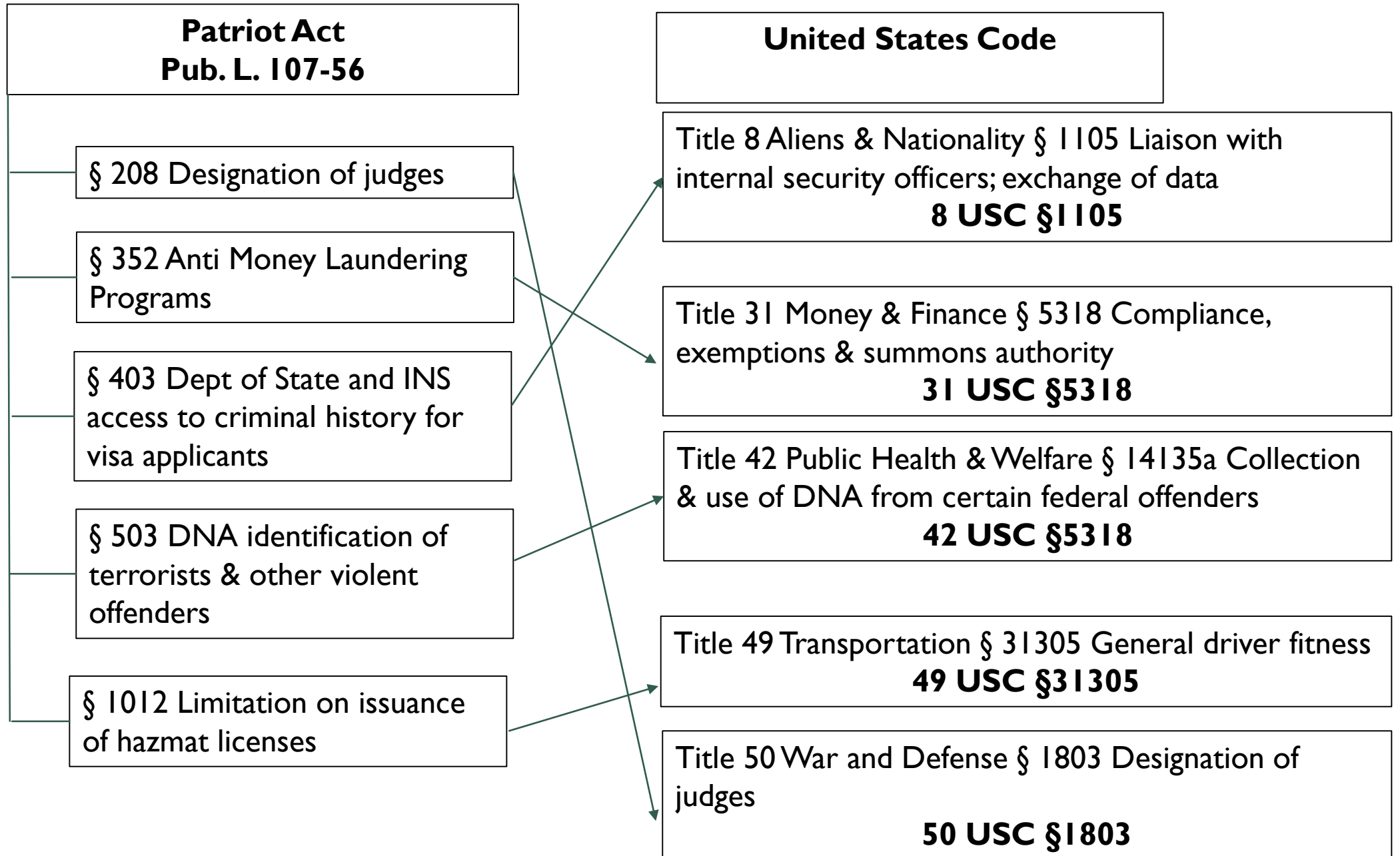
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Various provisions of Pub. L. No. 103-416 are added to appropriate Titles in the United States Code.

ANOTHER WAY TO LOOK AT IT



STATE CODES ORGANIZATION



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.

Step One

A bill is passed by the Florida Legislature.

S. 1840

Step Two

Laws enacted by the Florida legislature are compiled **chronologically** in the **Laws of Florida**. They can be referred to as “**session laws**”

BlueBook

2009 Fla. Laws. 728

Rule 9.800

Ch. 09-79, Laws of Fla.

Step Three

Session laws are reorganized **by subject** and placed within the **Florida Statutes**. They are now “**codified**”

BlueBook

Fla. Stat. § 210.011

Rule 9.800

§ 210.011, Fla. Stat.

OFFICIAL VS. UNOFFICIAL STATUTES

Official

- United States Code
- Florida Statutes
- Not Annotated
- Contains:
 - ✓ Statutory Text
 - ✓ Historical Information

VS.

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

STATUTES IN LEXIS AND WESTLAW

- 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**

STATUTES IN LEXIS AND WESTLAW

- **What if you have the name of a statute?**
- **Example:**
 - Pacific Salmon Treaty Act of 1985**

STATUTES IN LEXIS AND WESTLAW

- **What if you have a citation?**
- **Example:**

17 USC § 114

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- 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>

CONTACT DETAILS