

PROFESSIONAL LEGAL RESEARCH

Statutes form the second category of primary legal sources; in fact, statutory law is central to many legal issues and should often be the starting point for much of your research. This quick reference guide will help you understand the legislative process and how to use Westlaw resources to retrieve relevant statutory provisions.

What Is a Statute?

The word *statute* refers to a law passed by a state legislature or the U.S. Congress that commands, prohibits, or declares something. It is sometimes called *legislation*.

It is easy to overlook the importance of statutes in law school because most law school discussion focuses on case law. Yet state and federal court cases often involve statutory interpretation, and enactment of a statute may reverse established case law.

The tools and techniques used to research statutes can also be used to research federal and state constitutions, treaties, administrative rules, executive orders, uniform laws, local charters and ordinances, and court rules.

Where Do I Find Statutes?

FEDERAL STATUTES IN PRINT

After the U.S. Congress passes a bill and the president signs it into law, it is typically codified, i.e., placed into the *United States Code* (USC), the official version of federal statutory law. The USC includes 50 subject titles, which are subdivided into chapters and sections. The USC contains the codified legislation, as well as such elements as authority references, historical notes, enactment dates, cross-references, tables, and an index.

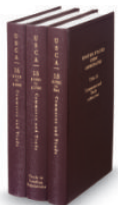


Figure 1. *United States Code Annotated*

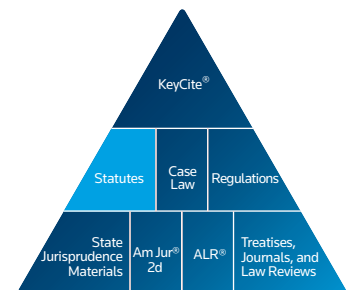
Since 1927, West has published an annotated version of the USC, the *United States Code Annotated*® (USCA®) (Figure 1). Annotations are summaries of published court decisions that have interpreted the section. In the USCA, the annotations follow the text of the section. The USCA and its indexes are updated more frequently than the USC—pocket part inserts and interim pamphlets are issued throughout the year.

See Figure 2 to view an excerpt from the USCA.

Category:

Research Fundamentals

For research assistance 24 hours a day, seven days a week, call the West Reference Attorneys at 1-800-850-WEST (1-800-850-9378) or click **Help** on Westlaw® for a live help session.



The Westlaw Research Pyramid

Using the Westlaw Research Pyramid

Statutes are the second category of primary legal sources.

Statutes on Westlaw are annotated to help you find relevant case law that interprets or applies a statute.

STATE STATUTES IN PRINT

Like federal laws, laws passed by the legislatures of the 50 states and U.S. territories, e.g., Puerto Rico, are available in unannotated form. The laws are first published chronologically as session laws and then codified into the state legislative codes.

West publishes annotated codes for all 50 states and the District of Columbia. Like the USCA, West annotated state statutes include cross-references to other state and federal statutes and administrative rules. They also provide historical notes; pertinent West topics and key numbers; references to law review and *American Jurisprudence 2d* (Am Jur® 2d) articles; and summaries of court decisions, including those of the U.S. Supreme Court. West annotated state statutes are updated annually with pocket part inserts.

STATUTES ON WESTLAW

On Westlaw you can retrieve the USCA, as well as annotated and unannotated statutes from all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. In addition, Westlaw gives you access to session laws, proposed bills, and legislative history.

Retrieving Statutes in Print

Since your issue may be governed by state law, federal law, or both, you will probably want to look for both federal and state statutes. Look in the index volumes of the USCA for references to statutes potentially relevant to your issue. Read each statutory provision—both in the main volume and in the supplement—and make a note of potentially valuable cross-references, law review citations, *Code of Federal Regulations* (CFR) references, and case citations. Follow these leads. Then check the annotated code of your state, e.g., *West's® Revised Code of Washington Annotated*, for references to statutes potentially relevant to your issue.

The image shows a page from the print USCA with several components labeled on the left side with orange lines pointing to the corresponding text on the page:

- Chapter number and name:** Points to "18 § 3193" and "CRIMINAL PROCEDURE Part 2".
- Section number and heading:** Points to "§ 3194. Transportation of fugitive by receiving agent".
- Text of statute:** Points to the main text of the statute: "Any agent appointed as provided in section 3182 of this title who receives the fugitive into his custody is empowered to transport him to the State or Territory from which he has fled." and the enactment date "(June 25, 1948, c. 645, 62 Stat. 825.)".
- Enactment date:** Points to the same text as above.
- History references:** Points to the "HISTORICAL AND STATUTORY NOTES" section, which includes "Revision Notes and Legislative Reports 1948 Acts. Based on Title 18, U.S.C., 1940 ed., § 663 (R.S. § 5279).", "Last sentence of said section 663, relating to rescue of such fugitive, was omitted as covered by section 752 of this title.", and "the punishment provision of which is based on later statutes. (See reviser's note under that section.)", "Minor changes were made in phraseology.", and "LIBRARY REFERENCES".
- West topic and key number:** Points to the "LIBRARY REFERENCES" section, which includes "American Digest System Extradition 697. Key Number System Topic No. 166.", "Encyclopedias Extradition, see C.J.S. § 34 et seq. Extradition, 31A Am Jur 2d § 144.", and "Texts and Treatises Applicability of Federal Rules of Criminal Procedure to extradition and rendition of fugitives, see Wright: Criminal 2d § 21. For local offenses or offenses against territorial laws remedy is extradition and not removal, see Wright: Criminal 2d § 651."
- Summaries of court opinions:** Points to the "Notes of Decisions" section at the bottom, which includes "Constitutionality 1" and "v. Reilly, U.S.Ga.1885, 6 S.Ct. 291, 116 U.S. 80, 29 L.Ed. 544. See, also, Las-".

Figure 2. Excerpt from the print USCA

Retrieving Statutes on Westlaw

There are several methods for retrieving relevant statutes on Westlaw. The method you choose depends on what you know about the statute.

RETRIEVING A STATUTE BY CITATION

If you know the citation of a statute (typically consisting of the title number, the abbreviated name of the code, and the section number, e.g., 18 U.S.C.A. § 3105), type the citation in the *Find by citation* text box in the left frame of the tabbed Law School page and click **Go** to retrieve the section. If you are unsure of the correct citation format for a state statute, type **xx st** (where xx is a state's two-letter postal abbreviation, e.g., **ca st** for California statutes) in the text box to display an easy-to-use Find template.

USING THE SEARCH PAGE

Access the USCA or a state statutes database. The Search page is displayed (Figure 3). The Search page provides links to features such as a table of contents, an alphabetical index, and the Popular Name Table, which you can use to find a statute by its short title or common name.

- Click **Table of Contents** to display the table of contents for the set of statutes.
- Click **Statutes Index** to browse for relevant statutory sections.
- Click **Pop. Name Table** to browse an alphabetical list for the name of an act and to see the statutory sections under which the act was codified.

You can also begin your research by typing a Terms and Connectors query or a Natural Language description in the *Search* text box and clicking **Search Westlaw**.



Figure 3. USCA Search page

USING THE TABLE OF CONTENTS SERVICE

The Table of Contents service allows you to browse the table of contents for a set of statutes, view a document in the context of the sections surrounding it, and quickly retrieve related sections. Browse the table of contents by clicking the plus (+) and minus (-) symbols. You can also select the check box next to a title, chapter, part, or subpart and click **Expand Selections** at the bottom of the page. That portion of the table of contents will be expanded. To retrieve a specific section, click its hypertext link.

USING THE STATUTES INDEX

Use the alphabetical statutes index to retrieve sections on a specific topic. Click the hypertext links and the plus and minus symbols until you see a section that interests you. To view the full text of the section, click its citation. You can also search an index for specific terms by using the Search feature.

BROWSING CONSECUTIVE SECTIONS

When you are viewing a statute, click **Previous Section** or **Next Section** at the top of the document to view consecutive sections even if they were not retrieved by your search or Find request. For example, if you retrieve 29 U.S.C.A. § 2614, click **Previous Section** at the top of the document to view section 2613 or click **Next Section** to view section 2615.

To return to the document you originally retrieved, click **Original Results** at the top of the Links tab or the Result List tab.

KeyCite® for Statutes

KEYCITE STATUS FLAGS



A red flag indicates that the statute has been amended by a recent session law, repealed, superseded, or held unconstitutional or preempted in whole or in part.



A yellow flag indicates that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available (statutes merely referenced, i.e., mentioned, are not marked with a yellow flag); that the statute was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute received negative treatment from a court.



A green C indicates that the statute has citing references.

HISTORY OF A STATUTE

Click **History** on the Links tab to view the history of a displayed statute (Figure 4). Statute history includes citations to cases affecting the validity of the statute, recent session laws that amend or repeal the statute (also called *legislative action* or *updating documents*), proposed legislation, bill drafts, reports and related materials, credits, and historical and statutory notes.

The screenshot displays the Westlaw interface for 29 U.S.C.A. § 2617. The left sidebar shows a 'Links for 29 USCA § 2617' menu with 'History' selected. The main content area shows the statute title '29 U.S.C.A. § 2617' with a yellow flag icon and a 'KeyCite' citation. Below the citation, it states 'Unconstitutional or Preempted' and lists 'Prior Version Held Unconstitutional by' and 'Prior Version Held Invalid' with corresponding case citations.

Figure 4. History of a statute

For assistance using Westlaw, call 1-800-850-WEST (1-800-850-9378).

For free reference materials, visit west.thomson.com/westlaw/guides.