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WHERE DO I FIND RECENT LEGISLATION AND STATUTORY ANNOTATIONS PUBLISHED AFTER A CODE VOLUME OR POCKET PART?

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Teachable Moments for Students ... is designed to provide information that can be used for quick and accessible answers to the basic questions that are frequently asked of librarians and those involved in teaching legal research and writing. These questions present a “teachable moment,” a brief window of opportunity when—because he or she has a specific need to know right now—the student or lawyer asking the question may actually remember the answer you provide. The material presented in this column is not meant to be an in-depth review of the topic, but rather a summary of the main points that everyone should know. It is a companion to the Teachable Moments for Teachers column that gives teachers an opportunity to describe a special moment of epiphany that changed their approach to presenting a particular topic to their students. Readers are invited to submit their own “teachable moments for students” to the editor of the column: Barbara Bintliff, University of Colorado Law Library, Campus Box 402, Boulder, CO 80309, phone: (303) 492-1233, fax: (303) 492-2707.

A student from a local law school is researching the issue of charter schools for a law review note and needs to see the amendments to the law from the legislative session two months ago. A lawyer representing a group of parents plans to challenge the current charter school law based on a case decided six months ago in another jurisdiction. An interested parent wants to know what is going on with these new charter schools. The key word for researching these questions is “current,” or to use the publishers’ favored term, “advance.”

For state statutory law and the annotated United States codes, the publishing system of bound volumes updated by pocket parts or pamphlet supplements shelved next to the base

volume makes perfect sense. The user needs only to identify the relevant code section in the base volume and then look for the same section in the pocket part or the pamphlet supplement for the bound volume to find more recent changes to the law or case annotations that cite that particular statute. The difficulty begins in finding enacted legislation or case annotations after the coverage date of the annual pocket part.

Publishers of statutes and codes have developed updating tools that are integral parts of most annotated codes. These updating “services” bear a variety of titles but fall into two categories: those that update the code itself and those that provide recent annotations of judicial decisions and other opinions arranged by code section. The basic purpose of all updating services is to bridge the time gap between slip laws¹ or slip opinions² and bound volumes with pocket parts.

The variety of titles applied to updating services leads to great confusion. Those that update statutes and codes with recently enacted legislation are called advance legislative service, session law service, legislative service, special statutory pamphlet, and advance sheets (not to be confused with the advance sheets that supplement a case reporter). For simplicity in this discussion, this group will be identified by the most common title of advance legislative service. The pamphlets that contain recent case annotations, variously referred to as advance code service, interim annotation service, and advance pamphlets, will be identified here as advance code services.

It is vital to understand that there is great variation among states, not only in the titles of updating services, but in what information is included and the schedule of publication. All of the services published by the two most common state code publishers, West and LexisNexis, share some features in common. However, the publication of interim legislative material follows the pattern established by the individual state code or statutes and these vary widely across the nation. The state legislature or secretary of state maintains the final authority for determining the code arrangement and the publication of any accompanying research aids.

¹ First publication of a state or federal law, issued by Congress or state legislatures. Printed in pamphlet or single sheets format.

² First publication of a state or federal court opinion, issued by the court. Printed in pamphlet or single sheets format.

Not all states have advance code or advance legislative services. Currently, 44 states and the District of Columbia have advance legislative services published with their codes; six states lack advance legislative services. Advance code services are published for 34 states plus the District of Columbia; 16 states do not have an advance code service. Two states—Kansas and South Carolina—lack both.

For the researcher who is tracking legislation on a particular topic, an advance legislative service is an invaluable tool. These pamphlets are issued at the end of each legislative session and contain the complete text of each law as enacted, in act number order (sometimes called chapters). The text of the acts is identical to the slip laws published by the legislature, and they can stand alone as a record of the legislative session activity, similar to bound volumes of a state's acts (also called session laws).

The publishers of advance legislative services incorporate research aids to enable the code updating process. The researcher who wants to know if an existing code section has been amended or repealed will need to consult a cumulative table of statutes amended, added, repealed, or suspended. Other typical research aids include an alphabetical list of acts; a cumulative table of act numbers with the statutes affected by each section; a list of House and Senate bills that became acts; lists of court rules; a cumulative list of bills that were vetoed by the governor; and a cumulative index. Legislative summaries briefly highlight the most important legislation of the session. Along with the text of the act, most states include a brief description of the act, the House or Senate bill number, the effective date, and the author of the bill. A few states also provide the legislative history, the House and Senate committees that considered the bill, and a list of code sections affected by the act.

Advance legislative services are eventually replaced by the annual pocket parts or pamphlet supplements to a state code. Occasionally there may be changes to code section numbers or corrections to the text of an act after it has been published in an advance legislative service. The officially certified edition of a state code, or in some states an official publication of session laws, will always prevail over an advance legislative service.

Occupying the other end of the research spectrum, advance code services directly supplement the annual pocket parts or cumulative code supplements and are designed for the researcher who needs recent cases citing a particular code section or statute. Advance code services are arranged according to the state code or statute numbering system and contain annotations of state and federal court opinions reported in a number of sources, such as a regional reporter, *Supreme Court Reporter*[®], *Federal Reporter*[®], *Federal Supplement*[®], *Bankruptcy Reporter*[®], *Federal Claims Reporter*[™], and *Federal Rules Decisions*[®]. Other sources of opinions may include the state's attorney general or ethics board. Research aids, such as references to law review commentaries, popular legal treatises, West digest topic and key numbers, and *American Law Reports* (ALR[®]) annotations, mirror the editorial material included in a code's bound volumes and pocket parts.

Advance code services vary in their frequency of publication, whether they are cumulative or noncumulative, and in their linkage to a state's advance legislative service. Some advance code services reprint recent legislation and provide a correlation table between act numbers and code section numbers. Oddly, some services even include lists of state officials and judges, although few users would think to look in these supplementary services for such information.

The users of advance code services must be attentive to the closing dates of decisions reported in each issue. For subsequent opinions, researchers are instructed to see the advance sheets of the reporters or to access an online service.

Conclusion

The researcher who needs to obtain recent legislation or case annotations on a particular code section should determine if the publisher of the state code in question provides updating services beyond the pocket part or pamphlet supplements to the code. A familiarity with the lists, tables, and editorial aids included in these advance services will shorten the research process. Whatever updating mechanism is used in a particular state, statutory research is not complete until current legislative activity has been reviewed.

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