Legal Reference Questions

Overview of the Research Process & Free Online Legal Information Resources Holly Gerber & Peter Howard



Legal Reference vs. Legal Advice

Common Misconceptions

- Library staff cannot give legal advice
- The fabled "fill-in-theblank" form
- "My legal question has a simple, straightforward answer that I can find 10 minutes before my court date"



Unauthorized Practice of Law

 It is against state law for library staff members to engage in any conduct that might constitute the unauthorized practice of law (ORS 9.160 to 9.166). They may not interpret statutes, cases, and regulations, perform legal research, or advise patrons regarding their legal rights. They may, however, assist patrons in locating materials or links that would aid in individual research.

Legal Reference vs. Legal Advice

Advice

- "Let me look for the law" or "I'm going to search the statutes and find an answer for you"
- "This is the divorce form you need"
- "This [statute/case] means..."

Reference

- "I'll show you how to research the law"
- "Here's the <u>Oregon Judicial</u> <u>Department's Family Law</u> <u>website</u>"
- "Here's a dictionary/book that discusses the topic"

Golden Rules of Legal Reference

- Do No Harm
- Provide Legal Resources not advice or information when asked questions about a person's specific legal situation
- Know What You Don't Know and know it thoroughly
- Refer repeat, and refer again and again

Stock Phrases

- "I don't know. I'm not a lawyer"
- "Here is the Oregon State Bar's contact information"
- "Only your attorney can answer questions about your specific situation"
- "Here are some organizations that may be able to assist you"
- "Laws, regulations, and court rules can change frequently"
- "These books and web sites might be useful"
- "I don't know. I'm not your attorney"

Reference Interview Questions

- What research have you done so far?
- Is the case (statue, regulation, etc.) you are trying to locate a federal or state one?
- Have you read any of the legal self-help books on the subject?
- Have you looked at the <u>Oregon State Bar's public information page</u>?
- Have you looked at the <u>Oregon Judicial Department's self-help</u> page?
- Do you know how to find an attorney to represent you?
- Do you know if the form you need is a standard one, a state-specific one, a county-specific one, or if you need to draft your own?
- Have you looked at the <u>court rules</u> (state and local)?

Brief Overview of Legal Research Resources and Process

Legal Research: Primary Materials

- Produced by one of the three (or four!) branches of government
- Legislative: statutes, ordinances
- Judicial: cases/opinions (reporters)
- Executive: constitutions (ORS vol. 17)
- Administrative: rules and orders

Legal Research: Secondary Materials

- Two major publishers: Thomson-Reuters (Westlaw and West Publishing), Reed-Elsevier (LexisNexis/Matthew Bender)
- Treatises and practice books
- Legal encyclopedias
- Law reviews and journals
- Digests and annotated materials (finding tools)

Updating Materials

- Citators (Shepard's, KeyCite)
- Pocket Parts (print only)
- Current vs. outdated law



Legal Research Process

- Generate a list of search terms
- Check secondary sources and practice aids
- Find the relevant constitutional provisions, statutes, or administrative rules
- Find related cases using case digests or online databases
- Read the cases
- Update with pocket parts and/or a citator like Shepard's
- Stop researching when there are no gaps left in your research and you begin to retrieve repeated results

(Oregon Legal Research 2d, Suzanne Rowe)



Free Online Legal Research Resources

Secondary Sources

(where to begin...)

- Law Library Guides
- Legal Research Blogs
- Free Legal Research Websites
- Court Websites
- State Bar Website

Law Library Guides & Legal Blogs



http://www.oregonlegalresearch.com/

• Also...

 Zimmerman's Research Guide

http://law.lexisnexis.com/infopro/zimmermans/

Gallagher Law Library

http://lib.law.washington.edu/ref/guides.html

• J.W. Long Law Library

http://www.willamette.edu/wucl/longlib/research ______guides/index.html

Georgetown Law Library

http://www.law.georgetown.edu/library/research /guides/index.cfm

Free Legal Research Websites



Judicial Department & Court Websites

OJD Self-Help Resources & Links

SELF-HELP

· Parenting Plan Information

Divorce/Separation/Custody

Judge & Lawyer Conduct

Code of Judicial Conduct

Domestic Violence

Child Support

· Paternity



This gage has links to resources for users who want to learn more about the law and courts or want to recreatent themselves in a legal matter. Self-help information in not legal advice. Oregon law prevents us from offering legal advice to the public.

To understand and protect your legal rights, you should consult an attorney. If you need help finding an attorney or if you want to find more information on Oregon law, visit the Oregon State Bar Legal Links pages. Those pages include information on Oregon's legal system, many areas of Oregon iaw, and how to find an attorney or low-cost legal help





 How to Prepare for Your Civil Tital · How to Contact a Court

- How to File a Case. . Do It Yourself Legal Help
- Summary Dissolution of
- Marriage IDivolce
- Small Claims
- · Restraining Order Hearings



· OJD Courts uPay

0.ItN Online

· Appeliate eFile

· Access to Public Records (Oregon





Rules and Laws · Detais Orugon Revised Statutes (ORS) Supplementary Local Rules (SLRs) . Uniform Trial Court Rules (UTCR) Court Etiquette

 General Information on Oregon Law



Forms & Fees Circuit Court Fees · Appellate Court Fees Oregon Tax Court Fees · Forms



DDI Diversion Form

. How to Find Legal Help Additional Resources What is a Subpoena? What to Know About Being a Wittians

· Oregon State Bar Website

Oregon State Bar

· Commetation on Judicial Fitness and Disability Complaint Process Complaint Form



 Other Court Information Justice/Municipal Court Registry

County Circuit Court Finder

Court Information Finder

Find out your state court hours, phone number, directions, map, address, and website:

Select a court location from the list.



General Information







http://courts.oregon.gov/OJD/courts/Pages/index.aspx

http://courts.oregon.gov/OJD/selfhelp/Pages/index.aspx

State Bar Website

egal Information Topics	Getting Legal Help	Client Services	Getting Involved
	Translate this pa	ige: Select Lan	guage 🔻
Legal Information Bankruptcy and Debt Business Law	Topics View All	Documents	Lawyer Referral Service Hours: M-F 8-12 pm and 1-5 pm Phone: (580) 684-3763 or toll-free in Oregon at (800) 452-7636 Referral Request Form Referral Service Info
Consumer Rights and R Courts Criminal Law	enieuies		LegalLinks Cable Program An OSB-produced television program designed to educate the public on
Disabilities			Important legal topics and issues. Current LegalLinks Programs
	d Madiatian		LegalLinks Program Archive
Disputes: Arbitration an			LegalLinks Program Archive
Employment and Public	Benefits		
Family Law			
Immigration Law			
Landlord and Tenant			
Lawyers			
Libel and Slander			
Oregon's Legal System			
Public Records Access			
The Rights of Gay, Lesb	ian and Bisexual People	1	
Traffic Law			
Youth Law			

http://www.osbar.org/public/

Primary Law Sources

- Bills and Session Laws
- Constitutions
- Statutes
- Administrative Rules
- Case Opinions

The Oregon State Legislature



Oregon Law

http://www.leg.state.or.us

Oregon Legislative History and Bill Tracking

Current Legislation

2013 Legislative Session at a Glance



Oregon Legislative Information System

OLIS allows you to quickly:

- Find the status of bills
- View the leg. calendar
- Read committee meeting materials and reports

Past Legislation

 Search and view all versions of bills from 1995 to current

Bills/Laws

- •Read impartial summaries of each bill
- Search and view final acts in the Oregon Laws from 1999 to current

Audio/Video

 View/listen to live and archived media of Senate, House, and committee sessions,1999 to current

Also allows view/listen
to live media from
current sessions

Oregon Revised Statutes(ORS)



http://www.oregonlaws.org

Oregon Administrative Rules (OAR)

OARs are the rules that state agencies and subunits operate by. They are promulgated by the agencies themselves and published by the Oregon Secretary of State. Current OARs are maintained on the Oregon State Archives Website.

rchives Home About Archives Archival Record	ds Administrative Rules Rules Coordinator Resources	Records Management s Subscriptions	Blue Book	Exhibits	Databases	SHRAB
Conside Custom Search Search X Contact Archives Division Open 8 AM - 5 PM, Mon - Fri Phone (603) 373-0701 Fat(603) 373-0701 Fat(603) 373-0701 Fat(603) 373-0701 Fat(603) 373-0701 Fat(603) 373-0701 Salem, OR 97310-1349	Access the Aphabetically by agency Numerically by OAR chap Note: Oregon Administra	name	ilings through	March 15, :	2013	

Agency List

Note: Agency subdivisions are listed under the parent agency name (e.g., Elections Division is under Secretary of State).

Select an agency link from the list below to view related Oregon Administrative Rules.

Alphabetical range quick links A-B | C-G | H-P | Q-Y

Chapter	Agency
A-B	
801	Accountancy, Board of
	Administrative Services, Department of
125	Administrative Services, Department of
122	Budget and Management Division
121	Business Administration, Office of
110	Capitol Planning Commission
105	Human Resource Services Division
	Agriculture, Department of
603	Agriculture, Department of
972	Albacore Commission
624	Alfalfa Seed Commission
606	Bartlett Pear Commission
605	Beef Council
670	Blueberry Commission
664	Clover Seed Commission
617	Dairy Products Commission
645	Dungeness Crab Commission
604	Fine Fescue Commission
620	Fryer Commission
679	Grains Commission
623	Hazelout Commission

http://arcweb.sos.state.or.us/pages/rules/access/index.html

Oregon Case Law



Use the Google Search Bar to conduct searches of Oregon Supreme Court and Court of Appeals opinions. Search using case or file number, party nstatute number, or keyword. For more precise searches, you may also use Boolean operators. For more information on Boolean operators, please cli Help button located next to the search form.

Note: This feature works for searching Oregon Supreme Court and Oregon Court of Appeals Digital Collections only.

Search by Case Citation or File Number

http://digitallawlibrary.oregon.gov/

Federal Law



Government Printing **Office FDSYS Website:** •U.S. Code Congressional Record Code of Federal Regulations (CFRs) •Federal Register Federal Case Law •...and much, much more

Federal Court Opinions

To Locate Federal Case Law, try: The issuing court's webs • FDsys Website •<u>Cornell LII</u> (Federal Materials – Judicial **Opinions**) •<u>Google Scholar</u>



Finding an Attorney

 Oregon State Bar Lawyer Referral Service

http://www.osbar.org/public/ris/ris.htm

Legal Aid Services of Oregon

http://sites.lawhelp.org/program/694/index.cfm

Oregon Law Center

http://www.oregonlawcenter.org

• St. Andrew Legal Clinic

http://www.salcgroup.org/saint-andrews-legal-clinic Descriptions of each program can be found at the <u>Oregon</u> Legal Research website



It's Not All Online

Legal Resources Not Available Online

Superseded Oregon Revised Statutes

Some former editions of the ORS are available on the OR Legislature Website (http://www.leg.state.or.us/bills laws/) through the "Selected Archives of the Oregon Revised Statutes" link.

Old Bills and Session Laws

Archived versions of Bills (1995-present) and Session Laws (1999-present are available on the OR Legislature Website (<u>http://ww.leg.state.or.us/bills_laws/</u>).

Oregon Appellate Court Case Opinions Prior to 1998

- Circuit Court Opinions
- Legal Forms...

The "Forms" Question

- There is no such thing as a simple legal form
- There isn't a prepared legal form for every issue
- Legal forms will vary by jurisdiction, even county to county
- Check the OJD and court websites for forms



Image courtesy of the Internet Reaction Face Archive, <u>www.reactionface.info/face</u>

Judicial Department & Court Websites

OJD Self-Help Resources & Links Page / Forms & Fees Web part



County Circuit Court Finder

Court Information Finder Find out your state court hours, phone number, directions, map, address, and website: General Information Select a court location from the list. Select a Court Baker Benton Parking Fee Rates Clackamas GC Clatsop

http://courts.oregon.gov/OJD/courts/Pages/index.aspx

http://courts.oregon.gov/OJD/selfhelp/Pages/index.aspx



Common Legal Reference Questions

Family Law

 "I got served papers for the disillusionment of my marriage. How do I respond?"

- Oregon Judicial Department's Family Law Website
- Legal Aid Services of Oregon publications
- St. Andrew Legal Clinic
- OSB Public Information
- Oregon Revised Statutes
- NOLO Publication's "Divorce & Family Law" Website
- OSB Deskbooks: Family Law
- Divorce and Money; Divorce Without Court; Divorce & Money; and Nolo's Essential Guide to Divorce, from <u>NOLO Press</u>
- Continuing Legal Education Materials

Landlord/Tenant Law

- "We need to evict our son. What do we have to do and what can we do with his belongings?"
 - Legal Aid Services of Oregon Landlord/tenant publication and Legal Aid's Tenant Hotline
 - Community Alliance of Tenants: Renter's Rights Hotline
 - OSB Public Information
 - NOLO Publication's "Landlords & Rental Property" Website
 - <u>The Oregon Revised Statutes Website</u>, "General Index" link
 - Landlord/Tenant Rights in Oregon, by Janay Ann Haas
 - Handbook for Oregon Landlords, Stevens-Ness publication
 - Continuing Legal Education materials

Small Claims Court

• "I want to file a case in small claims court. What do I do?"

- NOLO Publication's "Small Claims Court" Website
- Oregon State Bar Website, "Small Claims Court" article
- <u>Small Claims Court forms are available on the Uniform Trial Court Rules</u> Website in the "Appendix of Forms". Applicable forms will be titled "Small Claims Department"
- OJD "Self Help Resources & Links" Webpage
- <u>The Oregon Revised Statutes Website</u>, "General Index" link
- Everybody's Guide to Small Claims Court, from Nolo Press



Now It's Your Turn

Sample legal reference questions

- "My neighbor has a large oak tree and the roots are coming up in my backyard and causing damage to my concrete patio. What can I do?"
- "The heater in my apartment went out two months ago (it's December) and my landlord refuses to fix it."
- 3. "My ex refuses to follow the parenting plan. He keeps on picking our daughter up late and dropping her off early. How can I get him to follow the plan we agreed to when we got divorced?"

Question 1 Resources

- Local laws: city, county, etc.
- Self-help books: Neighbor Law from Nolo Press
- Mediation: Resolutions Northwest, Hillsboro Mediation Program, etc.
- Small claims court

Question 2 Resources

• Hotlines:

- Community Alliance of Tenants 503-288-0130
- Oregon Law Center's Tenant Hotline 503-648-7723
- Fair Housing Council 503-223-8197

Oregon Revised Statutes

- Legal Aid Services of Oregon's <u>OregonLawHelp.org</u> "Housing" website
- Oregon State Bar's <u>Public Information website</u>
- Oregon Housing and Community Services website
- Habitability resources

Question 3 Resources

- Oregon Judicial Department <u>Parenting Plan information</u>
- Oregon Revised Statutes on parenting plan enforcement
- County Mediation/Conciliation Services
- Oregon Law Help info on parenting plans
- Oregon State Bar info on custody and parenting time

Any Questions?



Connect with a Law Library

• Oregon law libraries:

http://www.oregonlegalresearch.com/content/oregon-lawlibraries-law-library-catalogs

 On L-net, tag legal reference questions with "Oregon County Law Libraries"