Legal Research
The search for authority on which to predict a likely outcome in order to advise a client or to advocate for a client.

Sources of Binding Primary Authority

<table>
<thead>
<tr>
<th>Organic Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutions</td>
</tr>
<tr>
<td>Charters</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legislature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutes</td>
</tr>
<tr>
<td>Ordinances</td>
</tr>
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<tr>
<th>Judiciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases</td>
</tr>
</tbody>
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<tr>
<th>Executive</th>
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<tbody>
<tr>
<td>Regulations</td>
</tr>
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<td>Executive Orders</td>
</tr>
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Statutes Are Published in Many Forms
Each form has advantages and disadvantages.

Research Choices Should Be Based On
Your knowledge of both the problem and the sources
Features of the various research tools
Access points – indexes, tables of contents, searchability
Completeness – coverage over time and thoroughness
Cost – out of pocket and cost of labor
Personal preferences

The First Rule of Legal Research – Do things the easy way!
That’s why most statutory research is done in codes, especially annotated codes.

Code: Topical arrangement of permanent, general, laws in force, with amendments incorporated. *Massachusetts General Laws*. Organized by Chapters, e.g. Ch.93A.

Annotated Code: Topical arrangement of permanent, general, laws in force, with amendments incorporated, frequently updated, and including research references and case annotations.
Finding Relevant Statutes – Start with What You Know

Getting from here to there depends as much on where here is as where there is.

Ways of Finding Relevant Code Sections

Start with what you know
- Citations
- Secondary Sources
- Print Indexes
- Online indexes
- Full text searches

Citations

If you have them, make use of them, even if they aren’t complete or to the form of the statute you are looking for.

The Massachusetts Code is referenced to by chapter number, but so are the session laws. Compare Chapter 93A (General Laws) to Chapter 766 (Acts of 1972).

Secondary Sources

The less you know, the better it is to start by reading something by someone who knows something about the issue you are researching. If there are relevant statutes, they will be referenced.

**M.G.L.A. (Massachusetts General Laws Annotated) Index**

“Invasion of Privacy” example
Layered index
References to major divisions (Chapters in Massachusetts) and sections
"Privacy” example
“See, also” and “see” references to other parts of index
--Equitable enforcement of right: Chapter 214 §1B

**A.L.M. (Annotated Laws of Massachusetts) Index**

“Privacy” see “Invasion of Privacy” example
Different indexers index differently.
-- Remedy to enforce right of privacy, 214:1B

Online Index – Westlaw

MA-ST or MA-ST- ANN database, link to “Statutes Index”
To simulate paper index, chose “Starts with”
“Contains” will get any instance of your search word in the top level of the index

Full Text Searchable Massachusetts Code Databases

Westlaw – MA-ST and MA-ST-ANN
Lexis – MA-Annotated Laws of Massachusetts – short name: MASS;CODE
Loislaw – General Laws of Massachusetts
Social Law Library Online Databases – Massachusetts General Laws
Difference between index and full-text searching
Indexes lead you to something a person thought was about a particular topic.
Full text searching leads you to any use of a term.

Code Comparisons
Choose the features that make your work easier.

Massachusetts General Laws Annotated (West) – Features
Text of section
Source (session law cite)
Historical Notes
Code of Massachusetts Regulations References
Law Review and Journal Commentaries
Library References
Notes of Decisions
Pocket parts and pamphlets updates

Annotated Laws of Massachusetts (Lexis Legal Publishing) – Features
Text of section
History
Editorial Notes
Code of Massachusetts Regulations References
Research References
Case Notes
Forms
Pocket parts and pamphlets updates

General Laws of Massachusetts (Official) – Features
Arranged by subject with amendments incorporated
Lines numbered
No notes, annotations, or other references between sections
Permanent, general laws currently in force - new edition every two years
Updated by cumulative pamphlets annually

Electronic Versions – Features
Westlaw – MA-ST-ANN is same data as MGLA plus extra references from KeyCite
Lexis – MA-Annotated Laws of Massachusetts (MASS;CODE) is same data as ALM.
State website, Loislaw, Social Law and Casemaker have no annotations.
Ability to cut and paste text into documents
Links to references, both internal and external
Usually fewer visual cues to data, but links to tables of contents and browse ability
Massachusetts Constitution
Print versions found in print codes and stand-alone
   Effects of 120 Amendments – Integrated and Unintegrated Versions
Electronic versions as separate databases
   State Website URL http://www.state.ma.us/legis/const.htm
   Lexis database MA-Constitution, short name (MASS;MACNST)
   Social Law Library Online Database – The Constitution of Massachusetts
   Casemaker - Constitution
   Electronic versions as part of state code database
   Westlaw and LOIS

Slip Laws
Individual copy of an individual law

Session Laws
All the laws enacted in a legislative session are compiled in enactment order in the
Massachusetts session laws, Acts and Resolves.
Acts and Resolves are separately numbered by chapters, e.g. Ch. 766, Acts of 1972.
   “Although this legislation is found in Chapter 71B of the Massachusetts General Laws, it was
   Chapter 766 of the statutes enacted in 1972, and is therefore often referred to as Chapter 766.”
   General Court website URL: http://www.state.ma.us/legis/laws/seslaw05/index.htm

Updating
Session laws update codes, whether using a book or an electronic form.
Acts can add a new section, amend a current section, repeal an existing section, or
   have no effect on the code.  Resolves never have an effect on the code.
Most laws go into effect 90 days after approval, so you usually have a 90-day window
Because of different publication schedules the publications see-saw as to which is
more up-to-date.  Electronic is more up-to-date than print, but even electronic
codes need to be updated.

Unincorporated Laws
Available in Acts and Resolves.

Shepard’s for Statutes
Print Shepard’s – includes unincorporated Acts and Resolves not available online
Electronic on Lexis – includes more “unreported” cases; customized display options

KeyCite for Statutes
Ability to customize annotation displays

Uniform Laws
   Uniform Laws Annotated includes case annotations from all adopting states
   Uniform Commercial Code is Mass. Gen. L. ch. 106