



Legal Research Refresher Training: Primary and Secondary Source Review



Legal Research Refresher



Secondary Sources

What Are Secondary Sources

Statements about the law that explain, interpret, develop, locate, or update primary authority

Written by practitioners or law professors

Examples: treatises, journal or law review articles, A.L.R. Annotations, restatements of the law, & looseleaf services

Secondary authority is **NOT** the law itself and is **NOT** binding





Why Use Secondary Sources?

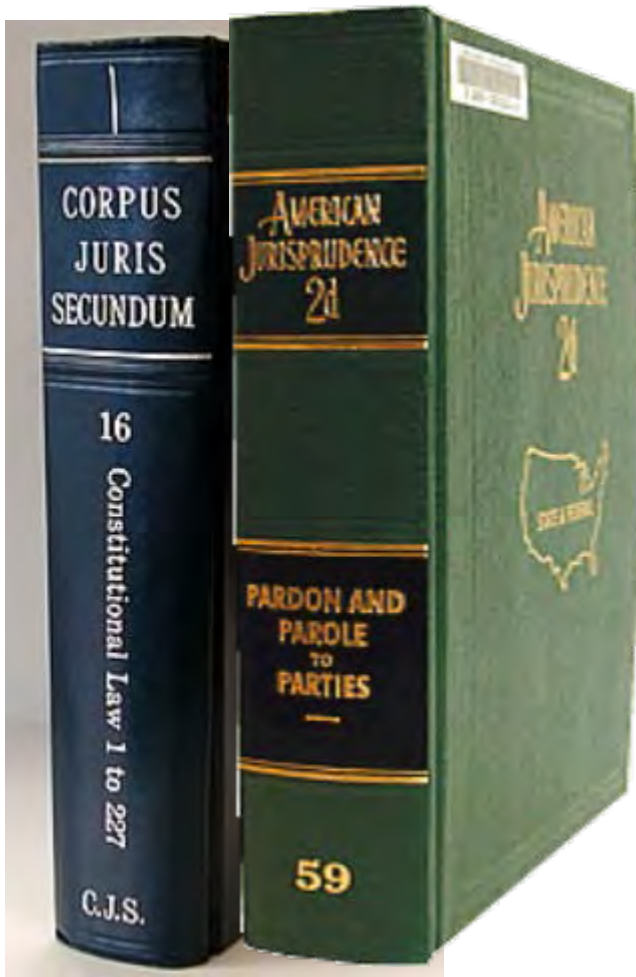
1. Gives you context, the big picture
2. Gets you up to speed quickly
3. Helps you locate the most relevant and most authoritative primary authorities
4. HUGE time-saver



Types of Secondary Sources

- Legal Encyclopedias
- Annotations
- Treatises/Practice Guides (sometimes called looseleafs)
- Legal Periodicals

Legal Encyclopedias



Federal/Multistate



California



Legal Encyclopedias

- Narratives covering 400+ topics
- Broad but shallow coverage
- References to case law



Great source when you're totally unfamiliar with the topic

§ 288 Employee's use of personal vehicle

Research References

West's Key Number Digest, Workers' Compensation ☞746

An exception to the going and coming rule, which generally denies compensation injuries to employees occurring while traveling to or from work,¹ exists if the employer requires that the employee bring a car to and from work for use in employment duties.² If an employee is required to have an automobile at the employment premises, an accident involving the use of it to reach those premises is in the course of employment for purposes of workers' compensation law.³

The theory behind this exception is that the employee is compelled to submit to the hazards associated with private motor travel, which otherwise

[Section 287]

¹§ 269.

²Judd v. Metropolitan Life Ins. Co., 111 Conn. 532, 150 A. 514 (1930); Cahill's Case, 295 Mass. 538, 4 N.E.2d 332 (1936); Camburn v. Northwest School Dist., 459 Mich. 471, 592 N.W.2d 46, 134 Ed. Law Rep. 300 (1999); Fleischmann Co. v. Marshall, 149 Va. 254, 141 S.E. 139 (1928).

An employee's death occurred in the

As to the special errand exception to the going and coming rule, see § 281.

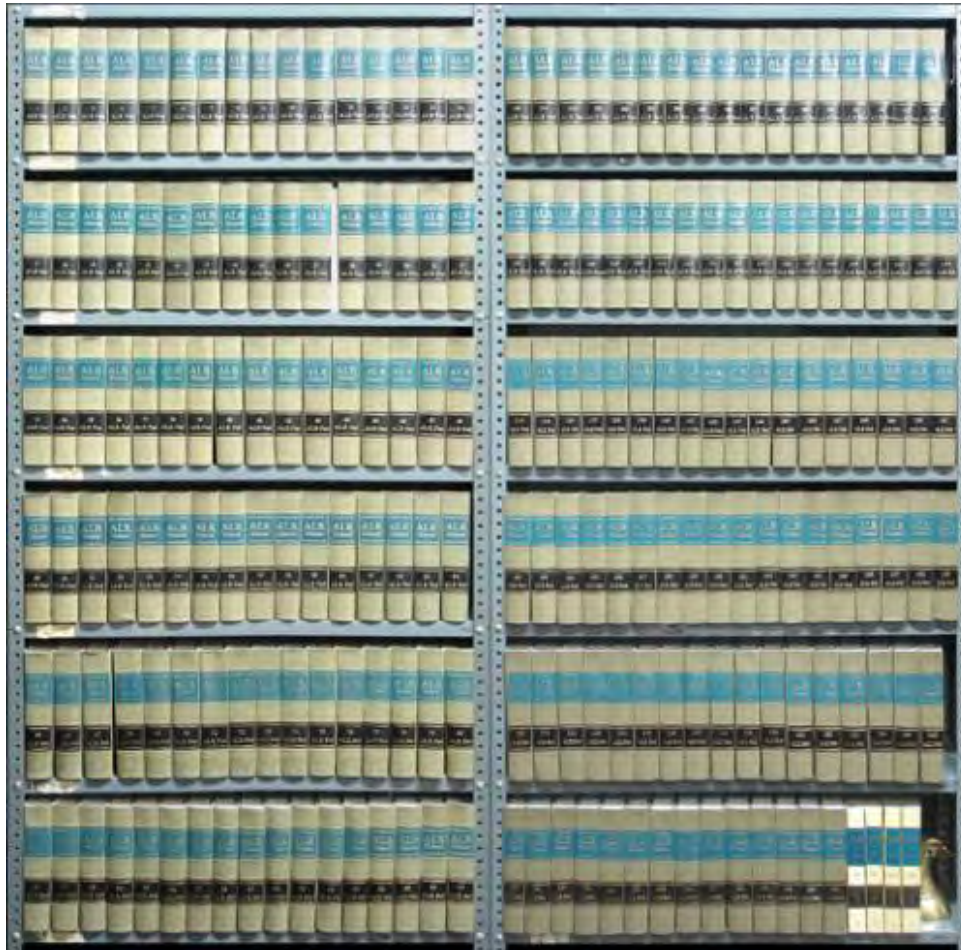
[Section 288]

¹§ 272.

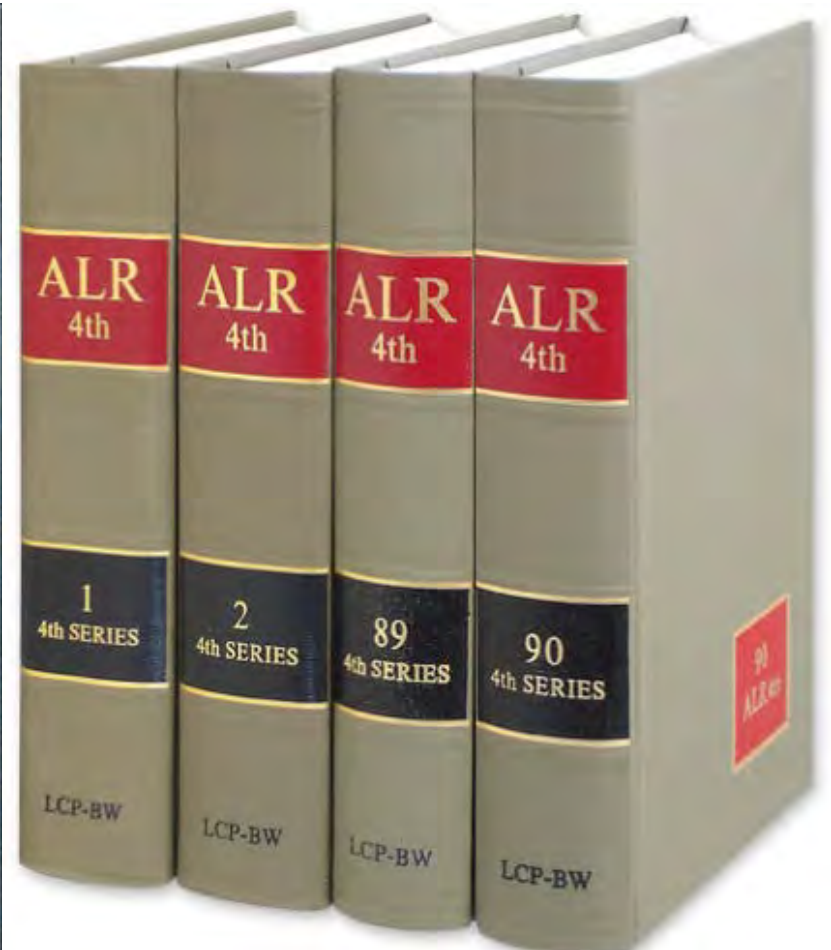
²Rhodes v. Workers' Comp. Appeals Bd., 84 Cal. App. 3d 471, 148 Cal. Rptr. 713 (2d Dist. 1978).

³Kiddie Knead Baking Co. v. Bolen, 106 Ind. App. 131, 17 N.E.2d 477 (1938); Olree v.

Annotations



Federal



Multistate

Annotations

- Topical essays
- Fewer topics than encyclopedias
- More in-depth than encyclopedias
- Refer to appellate court cases



Great if you have some basic familiarity with topic & want to quickly get into case law

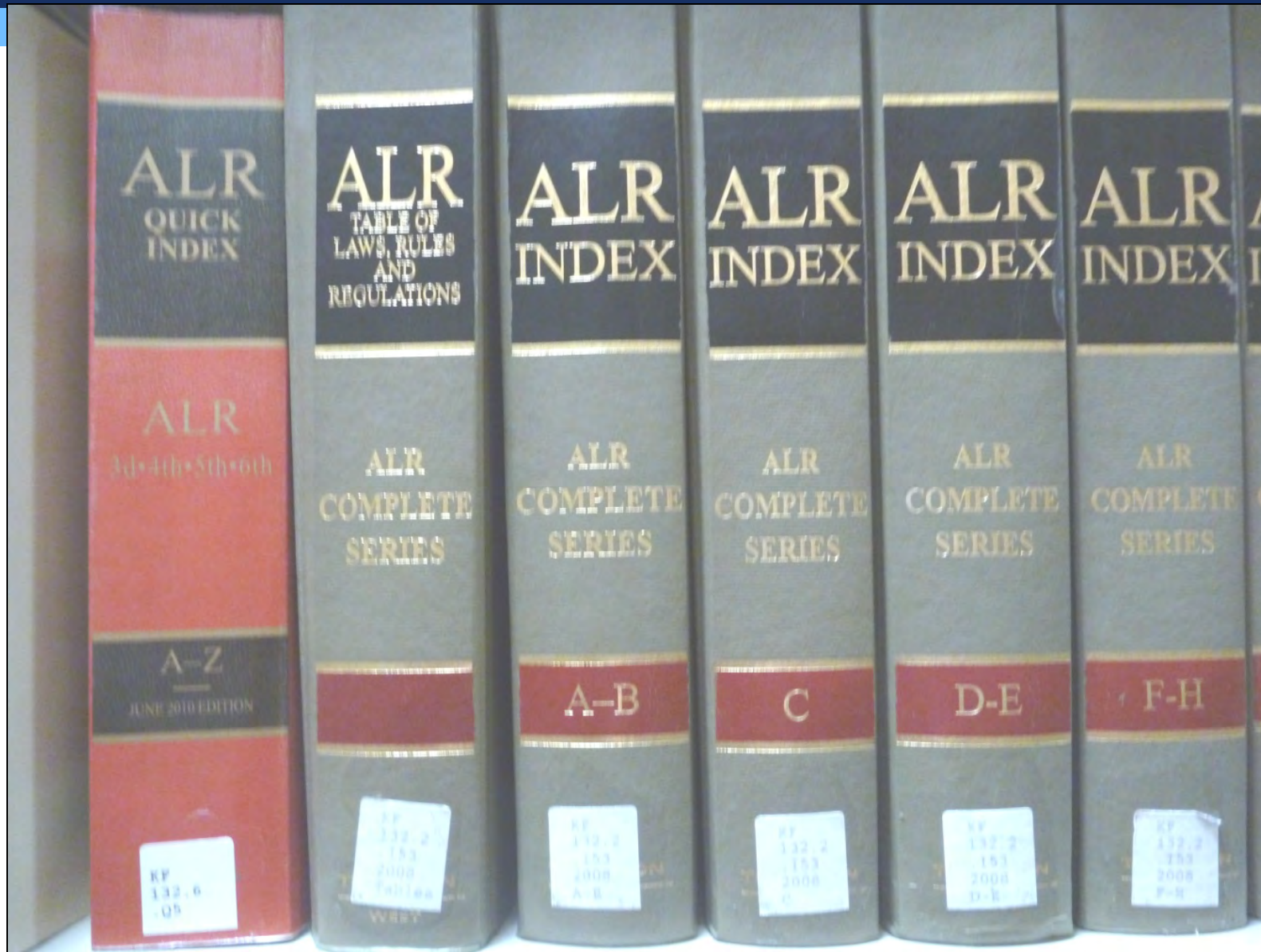
100 ALR5th 171

**EXCLUSION OF PUBLIC FROM STATE
CRIMINAL TRIAL TO PRESERVE SAFETY OR
CONFIDENTIALITY OF UNDERCOVER POLICE
OFFICER WITNESS**

by
Rachel G. Piven-Kehrle, J.D.

Although the United States Constitution guarantees the
right to a public trial under the Sixth Amendment, that

The ALR Annotation History Table can be found in any of the hard bound indices



ANNOTATION HISTORY TABLE

This table lists annotations in ALR (First Series), ALR2d, ALR3d, ALR4th, ALR5th, ALR6th through Volume 35, ALR Fed, ALR Fed 2d through Volume 30, which have been superseded or supplemented by later annotations. Consult the pocket part in this volume for later history.

ALR (First Series)

1 ALR 148

Superseded 74 ALR2d 828

1 ALR 222

Subdiv VIII Superseded
71 ALR2d 1140

1 ALR 329

Superseded 36 ALR2d 861

1 ALR 343

Superseded 51 ALR2d 1404

1 ALR 383

Superseded 13 ALR4th 1153

1 ALR 449

Superseded 28 ALR2d 662

1 ALR 1688

Superseded 99 ALR2d 7

2 ALR 6

Supplemented 49 ALR2d 982

2 ALR 61

Superseded 14 ALR3d 783

2 ALR 225

Supplemented 41 ALR2d 1263

2 ALR 287

Superseded 11 ALR4th 345

2 ALR 345

Superseded 44 ALR2d 1242

2 ALR 545

Superseded 54 ALR3d 9

2 ALR 579

3 ALR 242

Superseded 72 ALR2d 342

3 ALR 312

Superseded 24 ALR2d 194

3 ALR 610

Superseded 12 ALR2d 611

3 ALR 664

Superseded 48 ALR2d 894
74 ALR4th 90

3 ALR 824

Superseded 13 ALR3d 848

3 ALR 833

Superseded 22 ALR3d 1346

3 ALR 902

Superseded 57 ALR3d 1083

Treatises/Practice Guides/Looseleafs

- Most often used secondary sources
- Cover only *one* topic of law in detail
- May be single- or multi-volume set
- Practice Guides are especially practice friendly (forms, checklists, points/authorities, etc.)
- Need to know your jurisdiction before selecting your secondary source



Great source if you are familiar with the topic

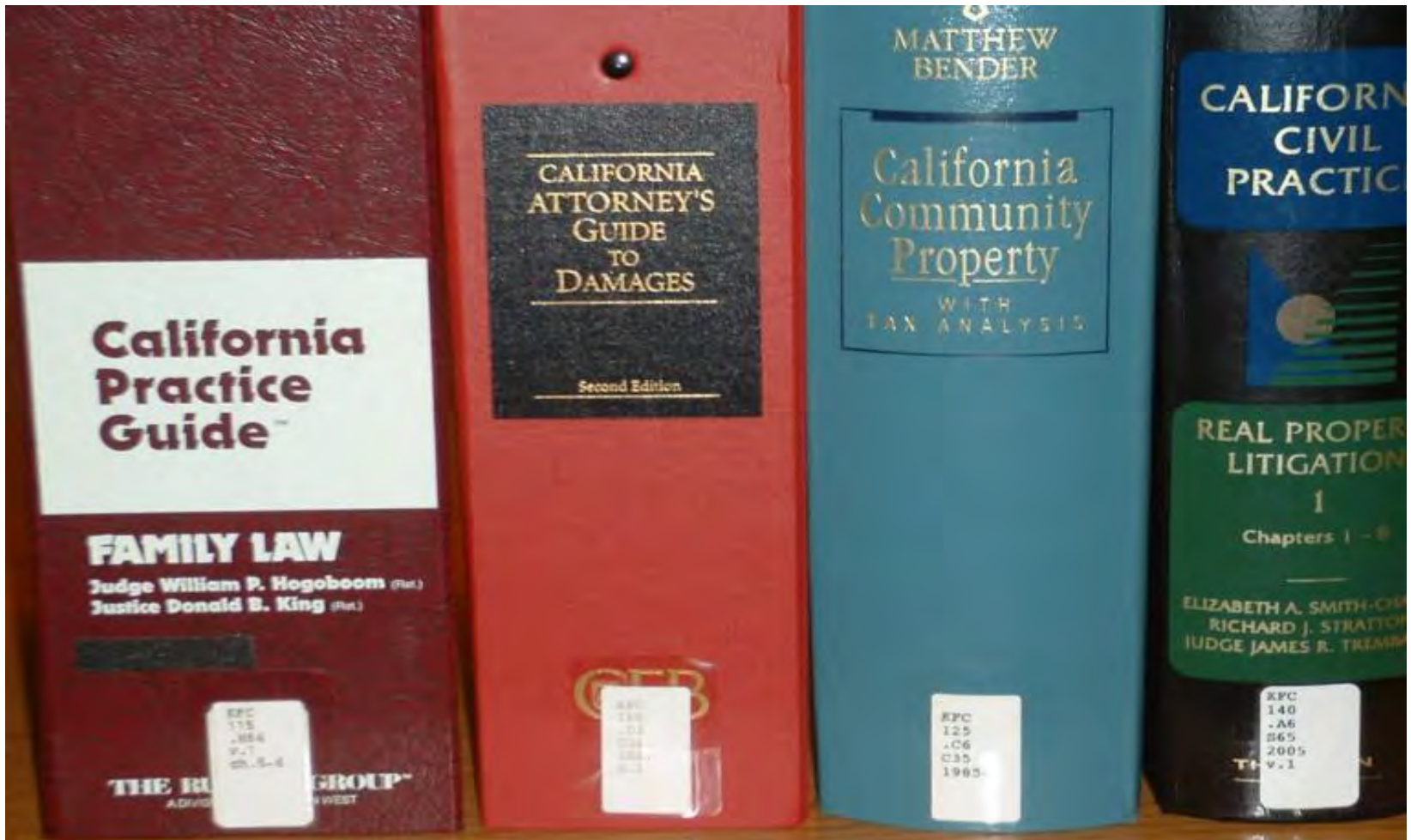
Treatises/Practice Guides

Some Federal and Multistate Examples:

- *Corbin on Contracts*
- *Dobbs on Torts*
- *Moore's Federal Practice*
- *Powell on Real Property*
- *Lindey on Entertainment, Publishing and the Arts*
- *Chisum on Patents*
- *Nimmer on Copyright*
- *Wigmore on Evidence*
- *Collier on Bankruptcy*

Treatises/Practice Guides

California



Rutter
Group

CEB

Matthew
Bender

Thomson
West

Legal Periodicals



Legal Periodicals

- Extremely in-depth analysis
- Current issues are cutting edge
- Articles in each issue often about same topic



Great source for researching novel/cutting edge issues

How to Find the Source You Need

1. Jurisdiction
2. Practice Area / Subject Area
3. Use SALLY, the library catalog to find the source & its location

<http://sally.sandiego.edu/search>





New Search

- [SALLY Public Access Catalog](#)
- [USD Digital Archives](#)
- [Circuit Search](#)
- [E-Reserves](#)
- [Course Reserves](#)

Find Articles and More

- [Databases A-Z](#)
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Search SALLY for books, videos, sound recordings and other materials at the Library and Legal Research Center.

New SALLY:



- Keyword
- Keyword
- Title
- Author
- Subject
- Form & Genre
- Call no.

All Collections

Chat with a librarian

New! Mobile Access to the Catalog



Find resources by topic by performing a **keyword** search.



If you're looking for state specific materials, use the **state name** in your search, along with the **topic**.



New Search

- [SALLY Public Access Catalog](#)
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- [E-Reserves](#)
- [Course Reserves](#)

Find Articles and More

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- [Select Search](#)
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- [Business](#)
- [Education](#)
- [Law](#)
- [Nursing](#)
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New SALLY:



Keyword

All Collections

ADVANCED SEARCH

Chat with a librarian

New! Mobile Access to the Catalog

Google Reader (1000+)



[Search History]

KEYWORD

California workers compensation

All Collections

Search

 Limit search to available items
78 results found. Sorted by **relevance** | [date](#) | [title](#) .Result Page [1](#) [2](#) [Next](#)

Save Marked Records

Save All On Page

KEYWORDS (1-50 of 78)

Most relevant titles entries 1-24

1

**California workers' compensation practice**

LOOSELEAF

Berkeley, Calif. : Continuing Education of the Bar--California, c2000-

LOCATION	CALL NO.	STATUS
LRC Reserve	KFC592 .S79 2000 v.1	AVAILABLE
LRC Reserve	KFC592 .S79 2000 v.2	AVAILABLE
LRC Reserve	KFC592 .S79 2000 CD Rom June 2007 CD-ROM	AVAILABLE

There are additional copies/volumes of this item

[Website](#)

LRC Locations

- Reserve
- Reading Room
- California
- Mezzanine – 1st & 2nd
- Reference



How to Use the Books

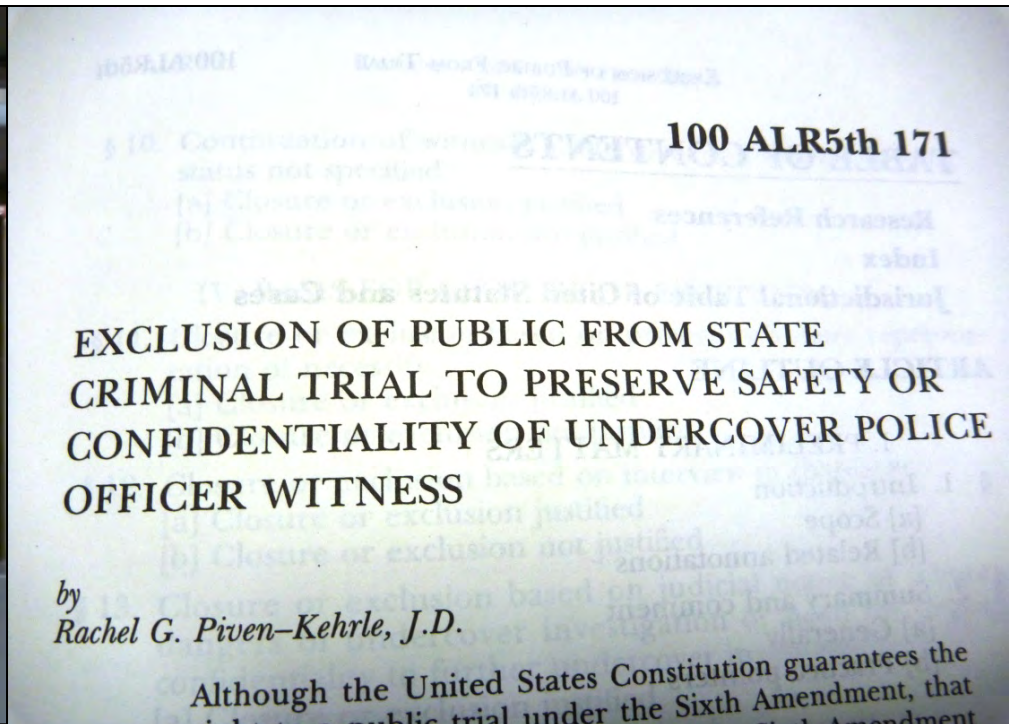
Access Methods

- Direct entry – some example citations
- Table of contents
- Index

Direct Entry

100 A.L.R.5th 171

- A.L.R. = American Law Reports (multi-state annotations)
- 5th = 5th Series of the ALR
- 100 = volume
- 171 = page



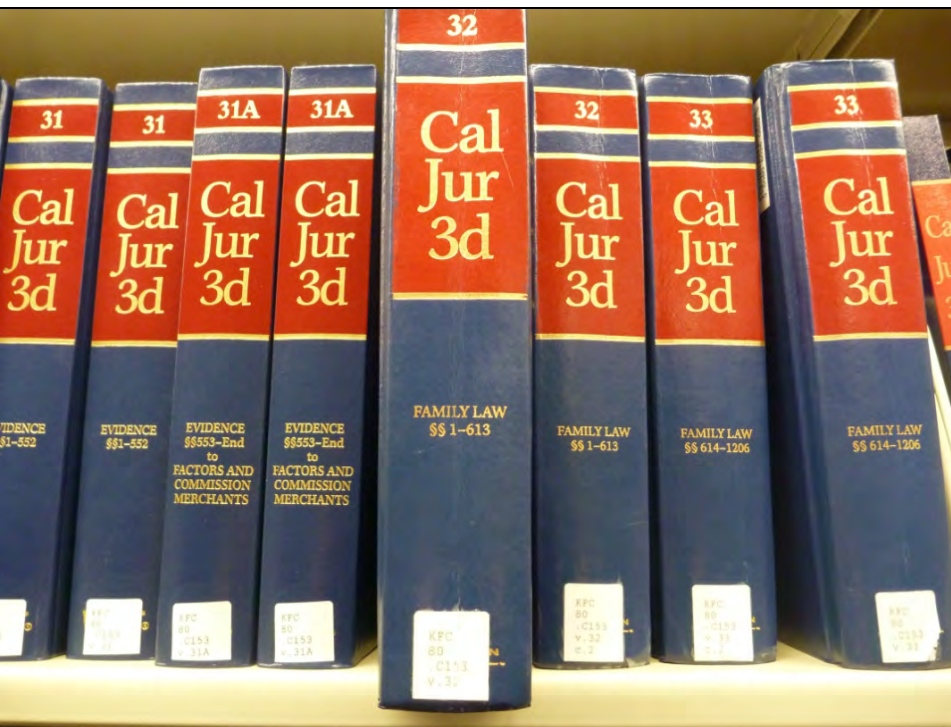


Using Books

Access Methods

- Direct entry
- Table of contents - Demo
- Index

Using Books – Table of Contents



FAMILY LAW

Leslie M. Larsen, J.D., William H. Lindsley, J.D., Susan L. Thomas, J.D., Jeffrey A. Schafer, J.D., Lisa Zakolski, J.D.

I. INTRODUCTION

- § 1 Family Code
- § 2 Procedure; Family Law Rules and forms
- § 3 “Family” defined

II. HUSBAND AND WIFE RELATIONSHIP

A. GENERALLY

§ 4 Definitions

Using Books – Table of Contents

§ 420 Factors and commission factors

§ 421 Statement of minor

VII. PROPERTY AND PROPERTY RIGHTS OF HUSBAND AND WIFE

A. IN GENERAL

§ 422 Generally; types of ownership

§ 423 Origin, nature, and theory of community property system

§ 424 Title and interest of spouses in community and separate property

B. CHARACTERIZATION OF PROPERTY AS SEPARATE OR COMMUNITY

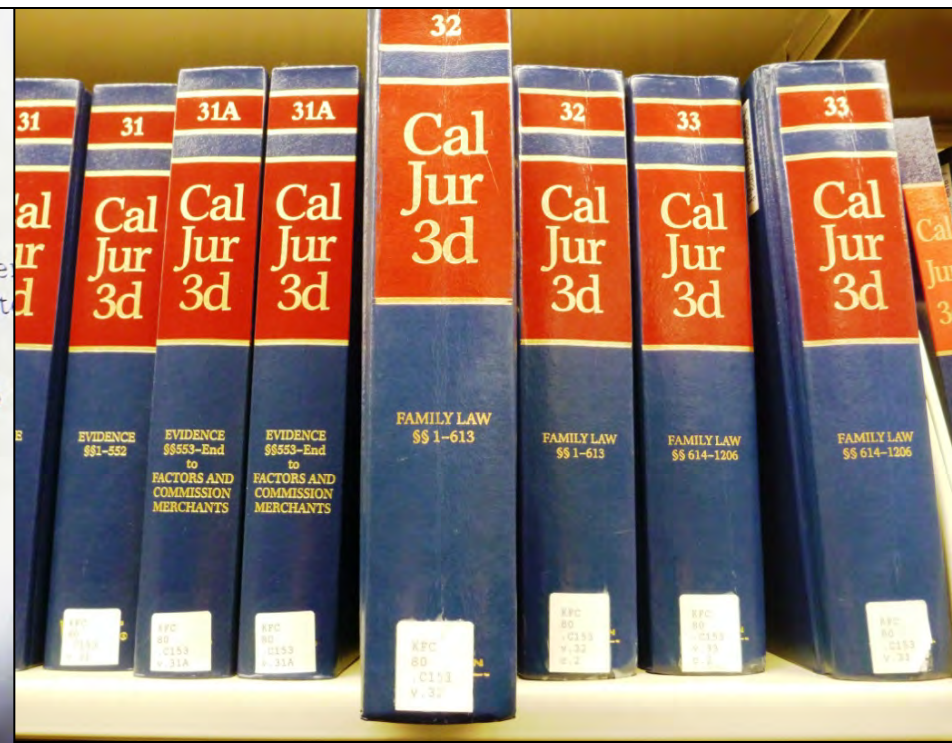
1. In General

§ 425 Generally; separate or community property

§ 426 Quasi-community property

§ 427 Joint forms of ownership

2. What Law Governs



Using Books – Table of Contents

§ 425 Generally; separate or community property

Research References

West's Key Number Digest, Husband and Wife ☞248, 249(1)

“Characterization of property” for purpose of community property law refers to the process of classifying property as separate, community or quasi-community.¹

Under the Family Code, the separate property of a married person includes: (1) all property owned by the person before marriage; (2) all property acquired by the person after marriage by gift, bequest, devise, or descent; and (3) the rents, issues, and profits of all such property.² The constitution provides that property owned before marriage or

[Section 425]

¹In re Marriage of Haines, 33 Cal. App. 4th 277, 39 Cal. Rptr. 2d 673 (4th Dist. 1995).

As to “quasi-community” property, see § 426.

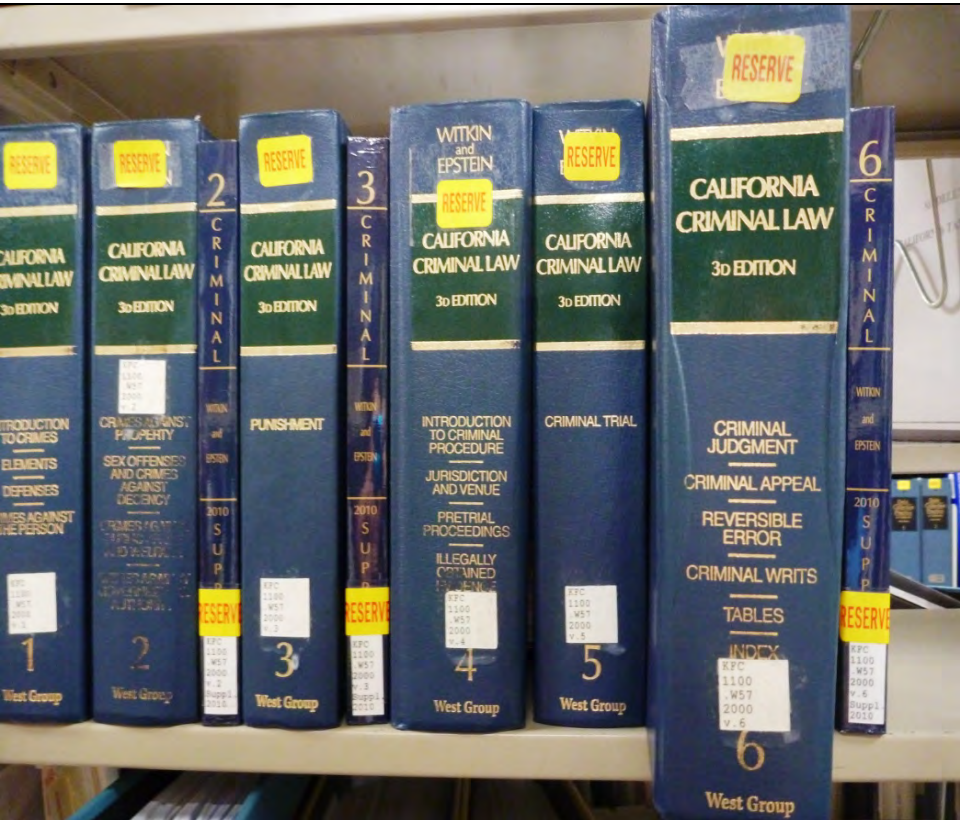
²Fam. Code, § 770, subd. (a).

Using Books

Access Methods

- Direct entry (you have a cite already)
- Table of contents
- **Index** – Demo
 1. Look up keywords in index to find cite
 2. Look up cite in main volume

Using Books – Index



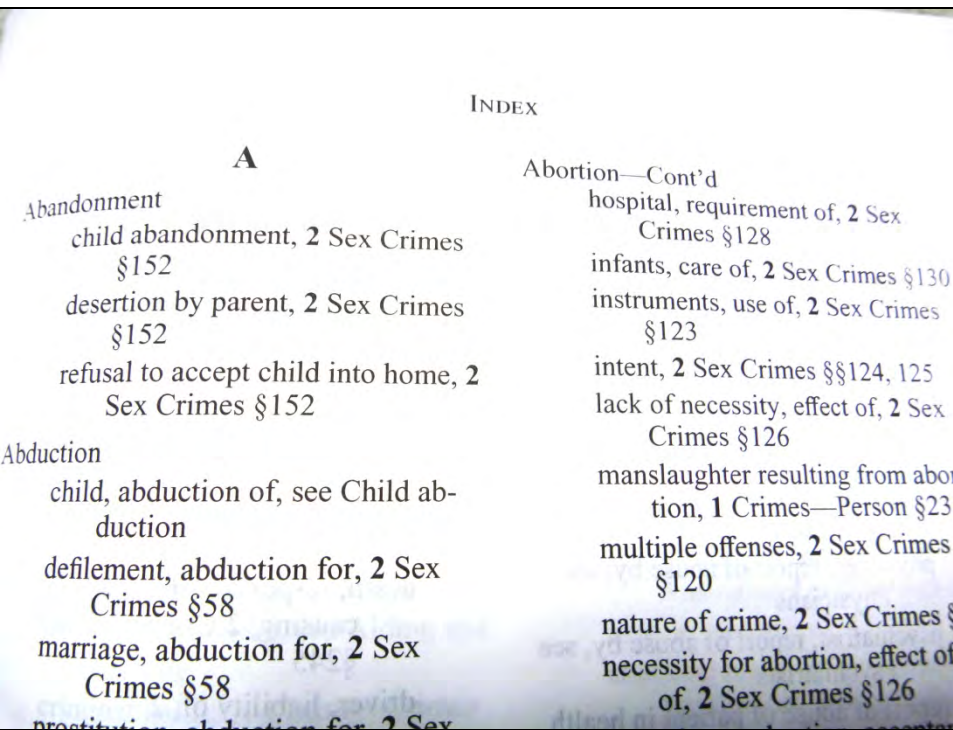
INDEX

References are to volume, chapter title, and section.

Chapter abbreviations used are:

Intro—Crimes	Introduction to Crimes
Elements	Elements
Defenses	Defenses
Crimes—Person	Crimes Against the Person
Crimes—Property	Crimes Against Property
Sex Crimes	Sex Offenses and Crimes Against Decency
Crimes—Public	Crimes Against Public Peace and Welfare
	Crimes Against Governmental Authority

Using Books – Index



§§39, 40

right to appeal

in general, 6 Crim Appeal §5 et seq.

constitutional rights, 6 Crim Appeal §5

death, effect of, 6 Crim Appeal §7

escape of defendant, effect of, 6 Crim Appeal §7

Using Books – Index

]; *People v. Aparicio* (1999) 14 C.A.4th 286, 7
iver of right to appeal previous conviction as pa
-case]; 23 Hastings Const. L. Q. 127 [waiver o
er of issues not raised on previous appeal, see P
A.4th 531, 41 C.R.2d 1, *infra*, §144.)

(c) [§7] Distinctions.

The following distinctions should be noted:

) Although any criminal judgment is ap
may be so unsubstantial that the appella
as frivolous. (See *People v. Shorts* (194
0; *infra*, §§161, 162; 9 Cal Proc. (4th).

Updating

New cases, statutes, and analysis must constantly be added to keep secondary sources up to date

Some secondary sources are looseleafs – pages are replaced with updated material

Other sources are bound – look for a “pocket part” in the back of each volume and/or a softbound supplement on shelf next to volume or at the end of the set

Reference Department

Reference – lrcrefer@sandiego.edu – 619.260.4612

M-Th 8:00am – 9:00pm

F 8:00am – 6:00pm

Sa, Su Noon – 4:00pm

Melissa Fung, mfung@sandiego.edu

Jane Larrington, jlarrington@sandiego.edu

Brent Bernau, bbernau@sandiego.edu

Judith Lihosit, jlihosit@sandiego.edu

Ruth Levor, rlevor@sandiego.edu

Anna Russell, russell@sandiego.edu





Legal Research Refresher



Primary Sources



Case Law

Federal Case Reporters

U.S. Supreme Court

- **U.S. Reports (U.S.)
- Supreme Court Reporter (S. Ct.)
- Supreme Court Reports Lawyer's Edition (L. Ed.)

How many cases are published?

All

Circuit Courts of Appeal

- **Federal Reporter (F., F.2d, F3d)

Most

District Courts

- **Federal Supplement (F. Supp., F. Supp. 2d)

Some

California Case Reporters

How many cases are published?

California Supreme Court

- **California Reports (Cal., Cal.2d, Cal.3d, Cal.4th)
- West's California Reporter (Cal. Rptr. – Cal. Rptr.3d)
- Pacific Reporter (P., P.2d, P.3d)

Few (113 out of 9,227 dispos in 2006-07)

Courts of Appeal

- **California Appellate Reports (Cal. App. – Cal. App.4th)
- West's California Reporter
- Pacific Reporter

Few (950 out of 10,560 opinions in 2006-07)

Superior Courts

- n/a

None



Finding Case Law

- 1. You know the reporter citation**
2. You know only the party names
3. You've found 1 case on point, but now you need to find more
4. You don't have any cases yet

Finding Case Law – When You Know Citation

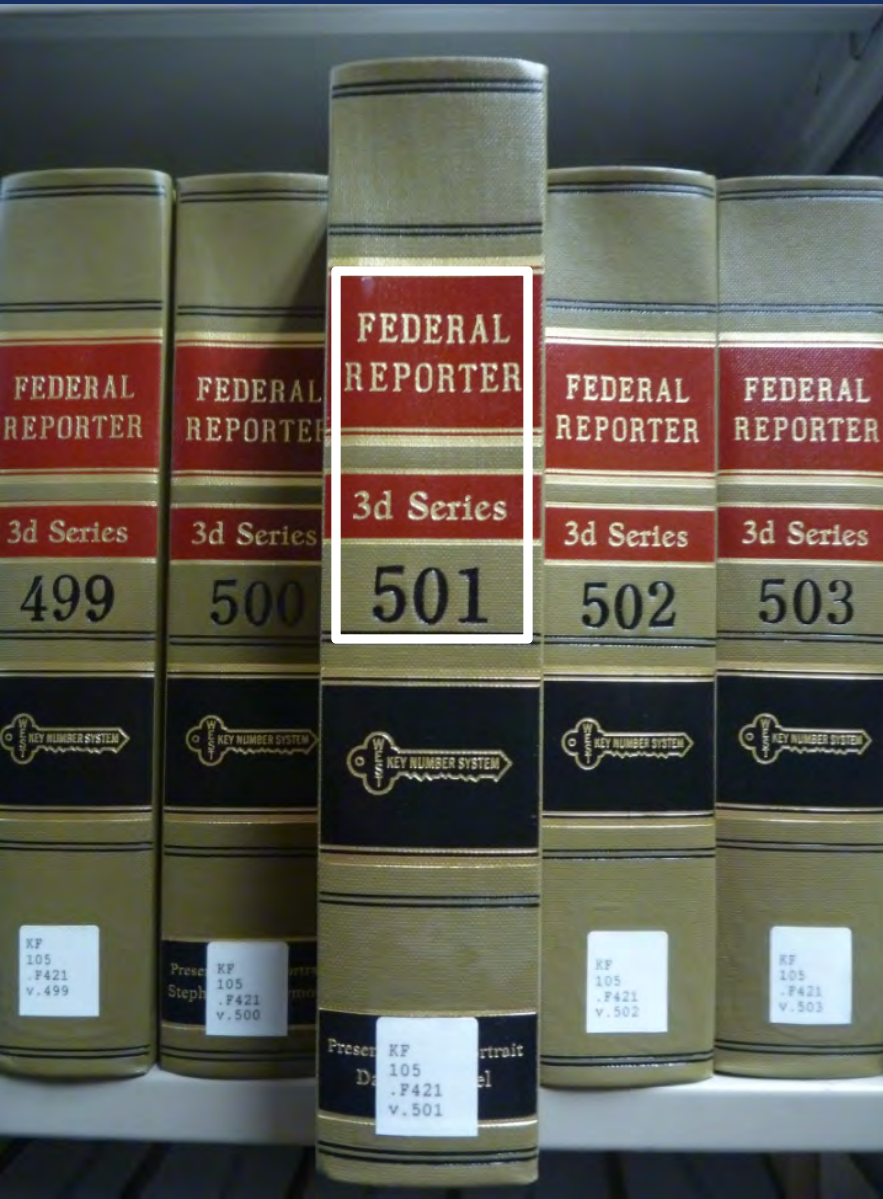
Example

501 F.3d 1179

Steps to finding your citation

1. Figure out which reporter the abbreviation stands for by going to Bluebook Table 1, beginning at page 215
2. Note any series designation for that reporter
3. Go to the reporter set
4. Find the volume # on the spine
5. Turn to page #

Example: 501 F.3d 1179



Accordingly, I would hold that M & M's violation of the stay between the time it received the telephone call on May 13, 2004, and the time that it returned possession of the truck to the Johnsons on May 28, 2004, was not willful. The bankruptcy court's order may be read as finding a separate willful violation of the stay when M & M noted a lien on the title transfer documents. *See* Aplt.App. at 54–56. I have no quarrel with the bankruptcy court's findings on this issue, and I join the court in affirming them.



claim, 310 F.Supp.2d 1215, and granted summary judgment for government on URAA challenges, 2005 WL 914754. Plaintiffs appealed.

Holdings: The Court of Appeals, Henry, Circuit Judge, held that:

- (1) CTEA provision extending term of copyright protection did not violate Copyright and Patent Clause, but
- (2) URAA provision restoring copyright protection to certain foreign works that had fallen into public domain was subject to First Amendment scrutiny.

Affirmed in part and remanded in part.

Lawrence GOLAN; Estate of Richard Kapp; S.A. Publishing Co, Inc., d/b/a ESS.A.Y. Recordings; Symphony of the Canyons; Ron Hall d/b/a Festival Films; and John McDonough, d/b/a Timeless Video Alternatives International, Plaintiffs–Appellants,

v.

Alberto R. GONZALES, in his official capacity as Attorney General of the United States; and Marybeth Peters, Register of Copyrights, Copyright Office of the United States, Defendants–Appellees,

International Coalition for Copyright Protection, Amicus Curiae.

No. 05–1259.

United States Court of Appeals,
Tenth Circuit.

Sept. 4, 2007.

Background: Artists and purveyors of art material brought action challenging constitutionality of Copyright Term Extension Act (CTEA) and Uruguay Round Agreements Act (URAA). The United States District Court for the District of Colorado, Lewis T. Babcock, J., dismissed CTEA

1. Statutes ⇔212.1

In enacting statute, Congress is presumed to act with knowledge of controlling constitutional limitations or proscriptions and with intent and purpose to avoid their contravention.

2. Copyrights and Intellectual Property ⇔33

Once copyright monopoly has expired, public may use work at will and without attribution.

3. Copyrights and Intellectual Property ⇔12(1)

In order to be copyrightable, work must be original.

4. Copyrights and Intellectual Property ⇔33

Copyright must be limited in duration.

5. Constitutional Law ⇔1603

First Amendment free speech review is warranted when act of Congress has altered traditional contours of copyright protection. U.S.C.A. Const.Amend. 1.

Finding Case Law

1. You know the reporter citation
- 2. You know only the party names**
3. You've found 1 case on point, but now you need to find more
4. You don't have any cases yet

Finding Case Law – Party Names

Table of cases

- Located near the end of each digest set
- Look up one of the party names
 - e.g., Golan v. Gonzalez
- Note: you must know which court the case comes from, or be prepared to look in several sets

Table of Cases: Golan vs. Gonzalez



101C F P D 4th—319

References are to Digest T

Golab; U.S. v., CA1 (NH), 325 F3d 63.—Arrest 63.5(4), 63.5(6); Crim Law 1134.49(4), 1158.12.

Golabek v. Home Depot U.S.A., Inc., CA10 (Colo), 277 FedAppx 765.—Evid 427; Fed Civ Proc 2537; Sales 71(5).

Golan v. Ashcroft, DColo, 310 FSupp2d 1215, aff 501 F3d 1179, on remand 611 FSupp2d 1165.—Const Law 1039, 3903; Copyr 2.

Golan v. Gonzales, CA10 (Colo), 501 F3d 1179, on remand 611 FSupp2d 1165.—Const Law 1512, 1514, 1517, 1518, 1603; Copyr 2, 4.5, 12(1), 33, 40, 53.2, 105; Statut 212.1.

Golan v. Holder, DColo, 611 FSupp2d 1165.—Const Law 655, 1490, 1512, 1514, 1517, 1518, 1521, 1603; Copyr 2; Fed Civ Proc 2534, 2544; Treaties 4.

Golan v. Pingel Enterprise, Inc., CAFed (Cal), 310 F3d 1360.—Antitrust 19, 48, 621, 644, 645, 646, 687; Courts 96(4), 96(5), 96(7), 97(5); Fed Civ Proc 2493; Fed Cts 212, 901.1, 1137; Pat 181, 328(1), 328(2).

Golan v. Puleo, SDFla, 480 FSupp2d 1325.—Action 3; Lim of Act 58(1); Sec Reg 35.17.

Goland v. U.S., CA9 (Cal), 903 F2d 1247.—Const Law 703.

Golan Heights Winery Ltd.; Royal Wine Corp. v.
DNI 448, FSupp2d 613 —Contracts 147(1), 164,

Finding Case Law

1. You know the reporter citation
2. You know only the party names
- 3. You've found 1 case on point, but now you need to find more**
4. You don't have any cases yet



Finding Case Law – When You’ve Got 1 Good Case

- The managing attorney remembers reading about a recent federal case out of Illinois dealing with a similar topic – **River of Life Kingdom v. Village of Hazel Crest, 611 F.3d 367.**
- She wants you to find more cases like it



Example: 611 F.3d 367

wholly without merit.” *Wiese v. Community Bank of Cent. Wis.*, 552 F.3d 584, 591 (7th Cir.2009). Although Golden raised a good number of frivolous points on appeal, he also drew this court’s attention to a number of issues that could not be dismissed out of hand. While it is a closer call than it should be, we elect not to impose Rule 38 sanctions.

* * *

We AFFIRM the judgment of the district court.



RIVER OF LIFE KINGDOM
MINISTRIES, Plaintiff–
Appellant,
v.
VILLAGE OF HAZEL CREST,
ILLINOIS, Defendant–
Appellee.

No. 08–2819.

United States Court of Appeals,
Seventh Circuit.

Argued Feb. 24, 2010.

Decided July 2, 2010.

Background: Church brought suit alleging that village zoning ordinance violated equal-terms provision of Religious Land Use and Institutionalized Persons Act (RLUIPA) by excluding noncommercial use. The United States District Court for the Northern District of Illinois, Joan B. Gottschall, J., 2008 WL 4865568, denied church’s motions for temporary restraining order and preliminary injunction. Church appealed. The Court of Appeals, 585 F.3d

364, affirmed. Rehearing en banc was granted.

Holding: The Court of Appeals, Posner, Circuit Judge, held that ordinance did not violate RLUIPA.

Affirmed.

Cudahy, Circuit Judge, filed concurring opinion, in which Rovner, Circuit Judge, joined.

Manion, Circuit Judge, filed concurring opinion.

Williams, Circuit Judge, filed concurring opinion, in which Circuit Judges Cudahy and Rovner joined.

Sykes, Circuit Judge, filed dissenting opinion.

1. Civil Rights ⇐1073

Regulation will violate provision of Religious Land Use and Institutionalized Persons Act (RLUIPA) stating that “no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution” only if it treats religious assemblies or institutions less well than secular assemblies or institutions that are similarly situated as to accepted zoning criteria. Religious Land Use and Institutionalized Persons Act of 2000, § 2(b)(1), 42 U.S.C.A. § 2000cc(b)(1).

2. Civil Rights ⇐1073

Zoning ordinance which excluded churches from commercial zone close to train station which could have been revitalized as commercial center did not violate equal terms provision of Religious Land Use and Institutionalized Persons Act (RLUIPA); secular assemblies, such as community centers, meeting halls, and libraries, which, like churches, did not generate significant taxable revenue or offer shopping opportunities, were also excluded.



Digest System

- West editors go through published cases and identify every issue addressed in case
- Then they assign Digest Topic & Key Number (subtopic) to every issue addressed (think tagging)
- And write a brief note about how this case addressed the issue = “Headnote”

Digest System

- Division of law into general headings
 - Called Digest Topics
 - Over 400 Digest Topics
- Subtopics within general headings
 - Called Key Numbers
 - From one to several hundred Key Numbers per Digest Topic
 - Key Numbers are relative to Digest Topics

Contracts k 1 / Torts k 1 / Railroads k 1

Digest Set

- Those Headnotes get printed in 2 places:
 1. At the beginning of the case in the West Reporter (we already looked at the Headnotes for River of Life Ministries)
 2. In the Digest set, which functions like a big index for the case reporters
- West's Federal Practice Digest
- West's California Digest



Example: 611 F.3d 367



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2. Civil Rights ⇄1073

Zoning ordinance which excluded churches from commercial zone close to train station which could have been revitalized as commercial center did not violate equal terms provision of Religious Land Use and Institutionalized Persons Act (RLUIPA); secular assemblies, such as community centers, meeting halls, and libraries, which, like churches, did not generate significant taxable revenue or offer shopping opportunities, were also excluded.

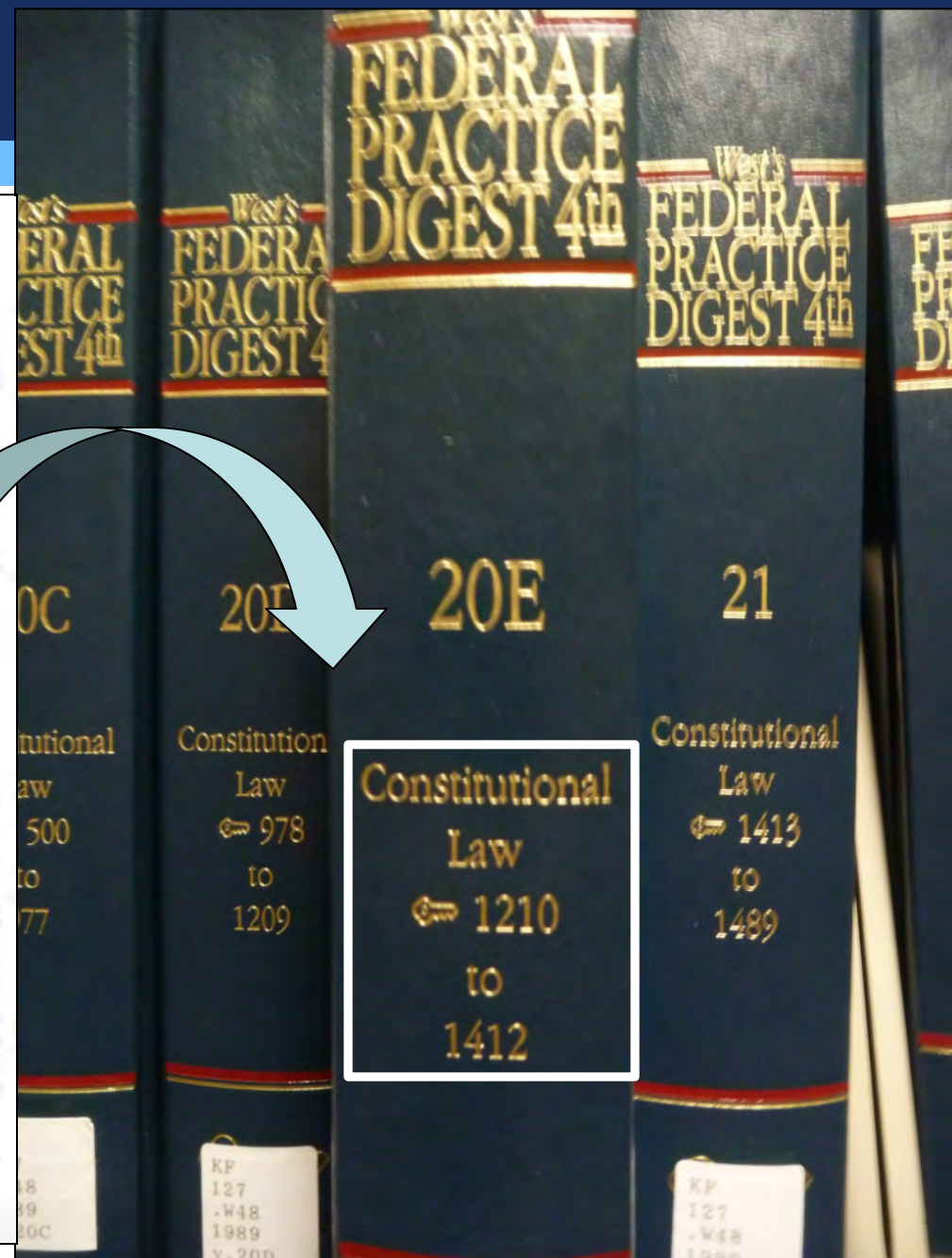
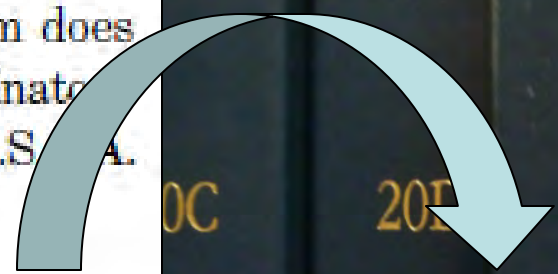


11. Constitutional Law ⇨1402

Land use regulations generally include or exclude a number of entities, and the fact that a church is one of them does not render the law facially discriminatory in the Free Exercise context. U.S.C.A. Const.Amend. 1.

12. Constitutional Law ⇨1401

That a zoning ordinance permits a non-religious assembly but excludes a religious assembly does not indicate that its object was to target religious practice, as would render the ordinance non-neutral and subject to strict scrutiny under Free Exercise Clause jurisprudence. U.S.C.A. Const.Amend. 1.



Finding Case Law – When You've Got 1 Good Case

20E FPD 4th—805

CONSTITUTIONAL LAW ↪1401

For references to other topics, see Descriptive-Word Index

demonstrate financial impact of providing free kosher meals, warranting inference that cost was de minimis, nor did they present any evidence to support their assertion that copayments would reduce tension between kosher and non-kosher meal recipients. U.S.C.A. Const.Amend. 1, 14.

Thompson v. Vilsack, 328 F.Supp.2d 974.

No rational connection existed between state officials' plan to require copayment for kosher meals provided to Orthodox Jewish civilly committed inmate of state institution and asserted penological interest of teaching financial responsibility to inmates, and thus plan's infringement of inmate's Free Exercise Clause rights could not be justified on that basis, in inmate's § 1983 action challenging copayments. U.S.C.A. Const.Amend. 1, 14; 42 U.S.C.A. § 1983.

Thompson v. Vilsack, 328 F.Supp.2d 974.

↪1400. Zoning and land use.

↪1401. — In general.

U.S.Ark. 1985. Establishment clause does not exempt religious organizations from such secular government activity as fire inspections and building and zoning inspections. U.S.C.A. Const.Amend. 1.

Tony and Susan Alamo Foundation v. Secretary of Labor, 105 S.Ct. 1953, 471 U.S. 290, 27 Wage & Hour Cas. (BNA) 209, 85 L.Ed.2d 278.

C.A.9 (Cal.) 2006. Restrictions on ability of government entities to interfere with exercise of religion in making zoning decisions, contained in Religious Land Use and Institutionalized Persons Act (RLUIPA), were valid exercise by Congress of its Fourteenth Amendment enforcement powers; RLUIPA was limited to cases in which there was an individual assessment having impact on religious exercise, it applied only to regulations affecting land use and prison conditions, and history of zoning bias against minority religions provided necessary support. U.S.C.A. Const.Amend. 1, 14.

Guru Nanak Sikh Soc. of Yuba City v. County of Sutter, 456 F.3d 978.

C.A.9 (Cal.) 2004. If a zoning law chal-

violation unless the strict scrutiny test is satisfied, that is, unless the law is narrowly tailored to advance a compelling government interest. U.S.C.A. Const.Amend. 1.

San Jose Christian College v. City of Morgan Hill, 360 F.3d 1024.

If a zoning law is not neutral or generally applicable, but is directed toward and burdens the free exercise of religion, it must meet the strict scrutiny test. U.S.C.A. Const.Amend. 1.

San Jose Christian College v. City of Morgan Hill, 360 F.3d 1024.

If a zoning law only incidentally burdens the free exercise of religion, with the law being both neutral and generally applicable, it passes constitutional muster unless the law is not rationally related to a legitimate governmental interest. U.S.C.A. Const.Amend. 1.

San Jose Christian College v. City of Morgan Hill, 360 F.3d 1024.

Incidental burden upon religiously-affiliated college's free exercise of religion, resulting from application requirements of city zoning ordinance, did not violate Free Exercise Clause, where ordinance applied throughout entire city. U.S.C.A. Const.Amend. 1.

San Jose Christian College v. City of Morgan Hill, 360 F.3d 1024.

C.A.9 (Cal.) 1990. Factors to consider in determining whether zoning provision violated free exercise clause include magnitude of statute's impact upon exercise of religious belief, existence of compelling state interest justifying imposed burden upon exercise of religious belief, and extent to which recognition of exemption from statute would impede objectives sought to be advanced by state. U.S.C.A. Const. Amend. 1.

Christian Gospel Church, Inc. v. City and County of San Francisco, 896 F.2d 1221, certiorari denied 111 S.Ct. 559, 498 U.S. 999, 112 L.Ed.2d 565.

C.A.10 (Colo.) 1988. Zoning regulations which regulate religious beliefs, as opposed to religious conduct, are unconstitutional. U.S.C.A. Const.Amend. 1.

Messiah Baptist Church v. County of Jefferson, State of Colo., 859 F.2d 820, certiorari denied 109 S.Ct. 1638, 490 U.S.

entities were disfavored. U.S.C.A. Const.Amend. 1.—Id.

C.A.7 (Ill.) 2009. That a zoning ordinance permits a non-religious assembly but excludes a religious assembly does not indicate that its object was to target religious practice, as would render the ordinance non-neutral and subject to

strict scrutiny under Free Exercise Clause jurisprudence. U.S.C.A. Const.Amend. 1.—River of Life Kingdom Ministries v. Village of Hazel Crest, 585 F.3d 364, rehearing granted, opinion vacated.

The intersection between RLUIPA and the First Amendment is only partial, because RLUIPA extends the Free Exercise Clause jurisprudence to the land use context; RLUIPA's Equal Terms provision applies to laws that do not necessarily impose a substantial burden on religious practices, but such laws do not violate the Free Exercise Clause of the First Amendment, even if they have incidental effects on a religion.

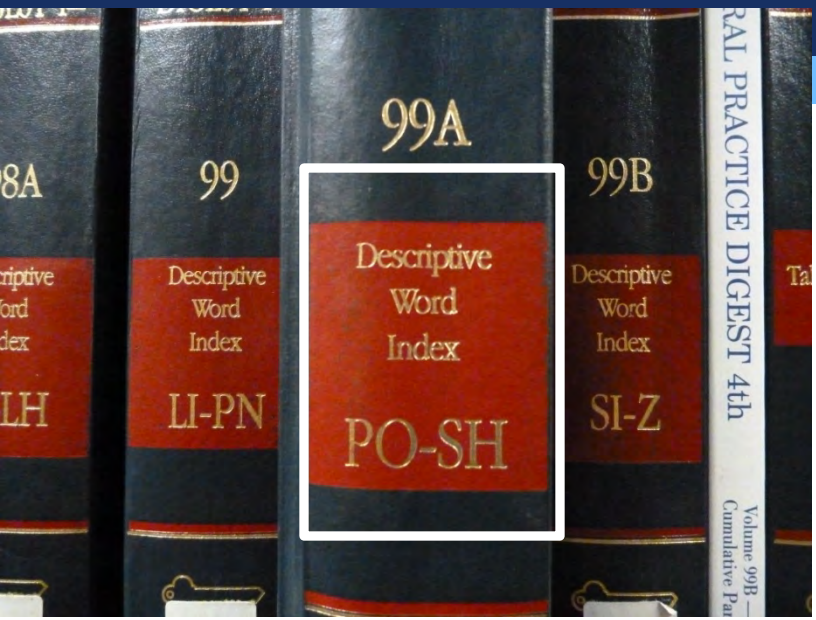


SCHOOL OF LAW
Pardee Legal Research Center

Finding Case Law

1. You know the reporter citation
2. You know only the party names
3. You've found 1 case on point, but now you need to find more
- 4. You don't have any cases yet**

Finding Cases Dealing with a Particular Legal Issue



WEARING apparel,
Schools and school districts, Const Law ☞ 1357

WOODS and forests, Const Law ☞ 1375

ZONING,
Generally, Const Law ☞ 1401 ←

Permits and certificates, Const Law ☞ 1403

Religious organizations, Const Law ☞ 1402

Standing, Const Law ☞ 850

Variations or exceptions, Const Law ☞ 1403

RELIGION ←

References are to Digest Topics and Key Numbers

RELIGION, FREEDOM OF—Cont'd
STANDING—Cont'd

Dependent children,
Termination of parental rights, Const Law ☞ 834

Divorce, Const Law ☞ 834

Education,
Generally, Const Law ☞ 832
Employment law, Const Law ☞ 840
Labor relations, Const Law ☞ 840

Employment law,
Generally, Const Law ☞ 838
Colleges and universities, Const Law ☞ 840
Education, Const Law ☞ 840
Private schools, Const Law ☞ 840
Schools and school districts, Const Law ☞ 840
Family law, Const Law ☞ 834
Government,

RELIGION, FREEDOM OF—Co
SUNDAY—Cont'd

Closure of public property, Const La

SYMBOLS,
Government symbols, Const Law ☞

TALENT shows,
Schools and school districts, Const L

TAX exemption,
Private schools, Const Law ☞ 1386
Religious organizations, Const Law

TAXATION,
Generally, Const Law ☞ 1385
Employment taxes. See subheading
MENT taxes, generally, under t



Statutes



Federal & California Legislative Codes

Federal

- Official code: United States Code – U.S.C.
- Annotated codes:
 - U.S. Code Annotated – U.S.C.A. (West)
 - U.S. Code Service – U.S.C.S. (Lexis)

California

- Annotated codes:
 - West's California Codes
 - Deering's California Codes

Why use annotated codes?

Annotated codes contain useful annotations past text of code section:

- History of the statute
- Secondary sources recommendations
- ****Case law summaries****



Finding a Code Section

- 1. When you know the code citation**
2. When you know the name of the Act that enacted the code section
3. When you don't know anything about the code; you just have a topic you're looking for



Finding a Code Section – When You Know the Citation

Examples:

- Cal.Govt.Code § 17600
- 42 U.S.C. § 1983

Refer to code titles on book spines or use the table of contents

Note: citation will use either a named or numbered “title” + some combination of numbered chapters, sections, and subsections





Finding a code section - Cal.Govt.Code §17600



The repealed section, added by Stats.1993, c. 59 (S.B.443), § 5, eff. June 30, 1993, relating to approval of claims, became inoperative July 1, 1995, and was repealed by its own terms, effective January 1, 1996.

Article 3

REPORTS TO THE LEGISLATURE

Section

- 17600. Semiannual report.
- 17601. Annual report.
- 17602. Annual report of all incorrect reduction claims decided.

Article 3 was added by Stats.1984, c. 1459, § 1.

§ 17600. Semiannual report

At least twice each calendar year the commission shall report to the Legislature on the number of mandates it has found pursuant to Article 1 (commencing with Section 17550) and the estimated statewide costs of these mandates. This report shall identify the statewide costs estimated for each mandate and the reasons for recommending reimbursement.

(Added by Stats.1984, c. 1459, § 1.)

Cross References

"Commission" defined for purposes of this Part, see Government Code § 17512.

Code of Regulations References

Certification of statewide cost estimate, see 2 Cal. Code of Regs. § 1184.2.
Financial operations, commission on state mandates, definitions, see 2 Cal. Code of Regs. § 1183.3.
Statewide cost estimate, see 2 Cal. Code of Regs. § 1183.3.

§ 17601. Annual report

The commission shall report to the Legislature on January 15, 1986, and on January 15 thereafter, on the number of claims it denied during the preceding calendar year and the basis on which the particular claims were denied.

(Added by Stats.1984, c. 1459, § 1.)

42 U.S.C. § 1983



CROSS REFERENCES

Professional review boards, members not liable for damages under this chapter, see 42 USCA § 11111.

SUBCHAPTER I—GENERALLY

§ 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; Pub.L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub.L. 104-317, Title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1979 Acts. House Report No. 96-548, see 1979 U.S. Code Cong. and Adm. News, p. 2609.

1996 Acts. Senate Report No. 104-366, see 1996 U.S. Code Cong. and Adm. News, p. 4202.

Codifications

R.S. § 1979 is from Act Apr. 20, 1871, c. 22, § 1, 17 Stat. 13.

Section was formerly classified to section 43 of Title 8, Aliens and Nationality.

Amendments

1996 Amendments. Pub.L. 104-317, § 309(c), inserted provisions...

...tive relief unless declaratory decree was violated or declaratory relief is unavailable.

1979 Amendments. Pub.L. 96-170 added "or the District of Columbia" following "Territory," and provisions relating to Acts of Congress applicable solely to the District of Columbia.

Effective and Applicability Provisions

1979 Acts. Amendment by Pub.L. 96-170 applicable with respect to any deprivation of rights, privileges, or immunities secured by the Constitution and laws occurring after Dec. 29, 1979, see section 3 of Pub.L. 96-170...

Finding a Code Section

1. When you know the code citation
- 2. When you know the name of the Act that enacted the code section**
3. When you don't know anything about the code; you just have a topic you're looking for

Finding a Code Section--When You Know the Name of the Act that Enacted It

Examples:

- **“Sex Offender Registration and Notification Act”**
- **“Patriot Act”**
- **“TARP”**
- **“Sarbanes-Oxley”**

Popular Names Table – at the end of:

- USC, USCA, USCS
- West’s California & Deering’s California

Finding a code section – Sex Offender Registration & Notification Act



This Public Law enacted no currently effective sections. For sections affected by this law, see Pub.L. 104-71 in the USCA-TABLES database and the enacting credit set out below.

Enacting law:
Pub.L. 104-71, Dec. 23, 1995, 109 Stat. 774 (18 § 2423; 28 § 994 note)

Sex Offender Registration and Notification Act
Pub.L. 109-248, Title I, July 27, 2006, 120 Stat. 590
Short title, see 42 USCA § 16901 note

Current USCA classifications:

Section of Pub.L. 109-248	USCA Classification
102	42 USCA § 16901
103	42 USCA § 16902
111	42 USCA § 16911
112	42 USCA § 16912
113	42 USCA § 16913
114	42 USCA § 16914
115	42 USCA § 16915
116	42 USCA § 16916
117	42 USCA § 16917
118	42 USCA § 16918
119	42 USCA § 16919
120	42 USCA § 16920
121	42 USCA § 16921
122	42 USCA § 16922
123	42 USCA § 16923
124	42 USCA § 16924
125	42 USCA § 16925



Finding a Code Section

1. When you know the code citation
2. When you know the name of the Act that enacted the code section
- 3. When you don't know anything about the code; you just have a topic you're looking for**

Finding a code section by topic – Use the General Index, located at the end of the Code



§ 1681 et seq.
West Point Military Academy, this index
Women, Task Force on Legal Equity for
Women, 42 § 2000e nt, EON 12336
Workforce investment, discrimination, 29
§ 2938

**SEX CRIMES AGAINST CHILDREN PRE-
VENTION ACT OF 1995**
See Popular Name Table

**SEX OFFENDER REGISTRATION AND NO-
TIFICATION ACT**
Generally, 42 § 16901 et seq.

SEX OFFENSES
Actions and proceedings, registry, 42 § 16922
Addresses,
 Jessica Lunsford Address Verification Grant
 Program, 42 § 16988
Registry, 42 § 16914
Affirmative defenses, registration, 18 § 2250
Aimée's Law, second and subsequent offenses,
 42 § 13713

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42 §
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Cards, re
Criminal
Immigration
Indians,
Children
Registry,
Internationa
Internet, res

42 U.S.C.A. § 16901



16981. Pilot program for monitoring sexual offenders. 16991. Annual report on enforcement requirements.

SUBCHAPTER I—SEX OFFENDER REGISTRATION AND NOTIFICATION

§ 16901. Declaration of purpose

In order to protect the public from sex offenders and offenders against children in response to the vicious attacks by violent predators against the victims listed in this chapter, Congress in this chapter establishes a comprehensive national system for the notification of those offenders:

- (1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota and remains missing.
- (2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in New Jersey.
- (3) Pam Lychner, who was 31 years old, was attacked by a career sex offender in Houston, Texas.
- (4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005, in Cedar Rapids, Iowa.
- (5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.
- (6) Jessica Lunsford, who was 9 years old, was abducted, sexually assaulted, and murdered in 2003, in North Dakota.

42 U.S.C.A. § 16901 - Notes of Decision

Sex Offender Registration and Notification Act (SORNA), 42 U.S.C.A. §§ 16901 et seq., Its Enforcement Provision, 18 U.S.C.A. § 2250, and Associated...

110 ALR 1308, Constitutional Prohibition of Ex Post Facto Laws as Applicable to Statutes Relating to Joinder of Offenses or Defendants.

Treatises and Practice Aids

Immigration Law and the Family § 3:2, U.S. Citizens.

Immigration Law and the Family § 3:3, Lawful Permanent Residents.

ance(E)s of U.S. Citizens--Over

Immigration Law and the F
Visas for Spouses and Children

Immigration Law and the F
Processing After Passage of Ad
Protection and Safety Act of 200

Immigration Law and the F
Revocation of Approved Petiti
Walsh Child Protection and Sa

Immigration Law Service 2d
42.41 NT, Notes.

NOTES OF DECISIONS

- Generally 1
- Commerce clause 6
- Ex post facto 2
- Indictment 9
- Non-delegation clause 11
- Policy safety regulation 5
- Procedural due process 3
- Registration updating 7

- Sex offender 8
- Standing 10
- Substantive due process 4

1. Generally
 - Sex Offender Registration Act (SORNA) applies to any de

Health ⇌ 469.5

Sex Offender Registration and Notification Act (SORNA) was rationally related to legitimate government interests and, thus, did not violate the substantive due process component of the Fifth Amendment. U.S. v. Mason, M.D.Fla. 2007, 510 F.Supp.2d 923, reconsideration denied 2008 WL 1882255. Mental Health ⇌ 433(2)

5. Policy safety regulation

There was rational public safety basis for regulation of interstate commerce, underlying Sex Offender Registration and Notification Act (SORNA) requirements that released offenders report address changes to authorities, precluding claim that SORNA violated Commerce Clause. U.S. v. Madera, M.D.Fla.2007, 474 F.Supp.2d 1257, reversed 528 F.3d 852. Mental Health ⇌ 433(2)

6. Commerce clause

Statute establishing crime for persons who were required to register under Sex Offender Registration and Notification Act (SORNA), but failed to do so, did not exceed Congress' authority under the Commerce Clause; statute only applied to those sex offenders failing to register

7. Registration updating

Pursuant to Sex Offender Registration and Notification Act (SORNA), defendant's failure to give constitutionally adequate notice that he would not update his registration when he moved to another state, given that defendant had previously signed instructions acknowledging that he would update his registration. U.S. v. LeTourneau, S.D.Texas. 2008 WL 1882255. Mental Health ⇌ 433(2)

8. Sex offender

Defendant's conviction for importing a sex offender into Guam for purposes of prostitution, violation of the Sex Offender Registration and Notification Act (SORNA), and thus subject to registration requirements; defendant's conviction was based on the fact that he had imported a 17-year-old female into Guam with the intent that she would have sexual contact with customers in a nightclub. U.S. v. Mi Kyung Byun, C.A.9, 2008, 530 F.3d 1139, withdrawn 2008 WL 1882255. Mental Health ⇌ 433(2)