Legal Research Refresher Training: Primary and Secondary Source Review
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 or 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.


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.


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
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 right may be limited to protect public safety or the confidentiality of undercover police officers.
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.

<table>
<thead>
<tr>
<th>ALR (First Series)</th>
<th>1 ALR 1688</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Superseded 99 ALR2d 7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2 ALR 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplemented 49 ALR2d 982</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2 ALR 61</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 14 ALR3d 783</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2 ALR 225</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplemented 41 ALR2d 1263</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2 ALR 287</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 11 ALR4th 345</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2 ALR 345</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 44 ALR2d 1242</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2 ALR 545</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 54 ALR3d 9</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2 ALR 579</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 242</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 72 ALR2d 342</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 312</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 24 ALR2d 194</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 610</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 12 ALR2d 611</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 664</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 48 ALR2d 894</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 824</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 74 ALR4th 90</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 833</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 13 ALR3d 848</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 902</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 22 ALR3d 1346</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>3 ALR 902</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superseded 57 ALR3d 1083</td>
<td></td>
</tr>
</tbody>
</table>
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

California Practice Guide™

FAMILY LAW
Judge William P. Hoganboom (Ret.)
Justice Donald B. King (Ret.)

CEB

CALIFORNIA ATTORNEY’S GUIDE TO DAMAGES
Second Edition

Matthew Bender

California Community Property
With Tax Analysis

Thomson West

REAL PROPERTY LITIGATION
1 Chapters 1-8

Rutter Group
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
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.

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**.
Search SALLY for books, videos, sound recordings and other materials at the Copley Library and Legal Research Center.

New SALLY:  

Keyword: California workers compensation  
All Collections  
Go

Chat with a librarian

New! Mobile Access to the Catalog
## California workers' compensation practice

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

### KEYWORDS

<table>
<thead>
<tr>
<th>Location</th>
<th>Call No.</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC Reserve</td>
<td>KFC592 .S79 2000 v.1</td>
<td>AVAILABLE</td>
</tr>
<tr>
<td>LRC Reserve</td>
<td>KFC592 .S79 2000 v.2</td>
<td>AVAILABLE</td>
</tr>
<tr>
<td>LRC Reserve</td>
<td>KFC592 .S79 2000 CD Rom June 2007 CD-ROM</td>
<td>AVAILABLE</td>
</tr>
</tbody>
</table>

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
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
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 right may be limited to protect the safety of undercover police officers and the confidentiality of their witness status.
Using Books

Access Methods

- Direct entry

- Table of contents - Demo

- Index
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
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
§ 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]


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
Elements
Defenses
Crimes—Person
Crimes—Property
Sex Crimes
Crimes—Public

Introduction to Crimes
Elements
Defenses
Crimes Against the Person
Crimes Against Property
Sex Offenses and Crimes Against
Decency
Crimes Against Public Peace and
Welfare
Crimes Against Governmental Authority
Using Books – Index

Index

A
Abandonment
child abandonment, 2 Sex Crimes §152
desertion by parent, 2 Sex Crimes §152
refusal to accept child into home, 2 Sex Crimes §152

Abduction
child, abduction of, see Child abduction
defilement, abduction for, 2 Sex Crimes §58
marriage, abduction for, 2 Sex Crimes §58
prostitution, abduction for, 2 Sex Crimes §58

Abortion—Cont’d
hospital, requirement of, 2 Sex Crimes §128
infants, care of, 2 Sex Crimes §130
instruments, use of, 2 Sex Crimes §123
intent, 2 Sex Crimes §§124, 125
lack of necessity, effect of, 2 Sex Crimes §126
manslaughter resulting from abortion, 1 Crimes—Person §23
multiple offenses, 2 Sex Crimes §120
nature of crime, 2 Sex Crimes §120
necessity for abortion, effect of, 2 Sex Crimes §126

§§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 §5

escape of defendant, effect of, 6 Crim Appeal §7
Using Books – Index

(c) [§7] Distinctions.

The following distinctions should be noted:

Although any criminal judgment is appealable, it may be so unsubstantial that the appellate court will characterize it as frivolous. (See People v. Shorts (1940); infra, §§161-162. 9 Cal. Proc. (4th)
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
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.)

Circuit Courts of Appeal

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

District Courts

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

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)

Courts of Appeal

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

Superior Courts

- n/a
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 #
GOLAN v. GONZALES
Cite as 501 F.3d 1179 (10th Cir. 2007)

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 Ap't/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.

Lawrence GOLAN; Estate of Richard Kapp; S.A. Publishing Co., Inc., d/b/a ESSAAY. 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, Amicius Curiae.

No. 05–1259.

United States Court of Appeals, Tenth Circuit.


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.

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

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, 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., DNJ 148 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
RIVER OF LIFE KINGDOM MINIST., Plaintiff–Appellant, 
v. 
VILLAGE OF HAZEL CREST, ILLINOIS, Defendant–Appellee. 

No. 08–2819. 

United States Court of Appeals, Seventh Circuit. 

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 4866568, denied church’s motions for temporary restraining order and preliminary injunction. Church appealed. The Court of Appeals, 586 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.
Sykas, 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 exclud-
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
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
RIVER OF LIFE KINGDOM MINIST. v. HAZEL CREST, ILL.

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.

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, 586 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 \(\Rightarrow\text{1073}\)

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 \(\Rightarrow\text{1073}\)

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 \( \Rightarrow 1402 \)

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. Const. Amend. 1.

12. Constitutional Law \( \Rightarrow 1401 \)

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

For references to other topics, see Descriptive-Word Index

违犯 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.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. —Id.

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.
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
Variances or exceptions, Const Law = 1403

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—Cont'd
Sundays—Cont'd
Closure of public property, Const Law = 1384
Symbols,
Government symbols, Const Law = 840
TALENT shows,
Schools and school districts, Const Law = 840
TAX exemption,
Private schools, Const Law = 1386
Religious organizations, Const Law = 840
Taxation,
Generally, Const Law = 1385
Employment taxes. See subheading MENT taxes, generally, under: Varies by State.
Statutes
Federal & California Legislative Codes

Federal
• Annotated codes:

California
• Annotated codes:
  • West’s California Codes
  • Deering’s California 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

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

**Examples:**

- Cal.Govt.Code § 17600
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.
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 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.)
§ 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.


HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports


Codifications

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

Amendments

Effective and Applicability Provisions
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
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.

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

SEX CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995
See Popular Name Table

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT
Generally, 42 $\S$ 16901 et seq.

SEX OFFENSES
Actions and proceedings, registry, 42 $\S$ 16922
Addresses,
Jessica Lunsford Address Verification Grant Program, 42 $\S$ 16988
Registry, 42 $\S$ 16914
Affirmative defenses, registration, 18 $\S$ 2250
Aimée’s Law, second and subsequent offenses, 64, 13713.
§ 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 below, Congress in this chapter establishes a comprehensive national system for the registration of those offenders:

1. Jacob Wetterling, who was 11 years old, was abducted in 1989 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 criminal 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 Florida.
SCHOOL OF LAW
Pardee Legal Research Center

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

NOTES OF DECISIONS

<table>
<thead>
<tr>
<th>Category</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commerce clause</td>
<td>6</td>
</tr>
<tr>
<td>Ex post facto</td>
<td>2</td>
</tr>
<tr>
<td>Indictment</td>
<td>9</td>
</tr>
<tr>
<td>Non-delegation clause</td>
<td>11</td>
</tr>
<tr>
<td>Policy safety regulation</td>
<td>5</td>
</tr>
<tr>
<td>Procedural due process</td>
<td>3</td>
</tr>
<tr>
<td>Registration updating</td>
<td>7</td>
</tr>
<tr>
<td>Sex offender</td>
<td>8</td>
</tr>
<tr>
<td>Standing</td>
<td>10</td>
</tr>
<tr>
<td>Substantive due process</td>
<td>4</td>
</tr>
</tbody>
</table>

1. Generally

Sex Offender Registration and Notification Act (SORNA) applies to any def

2. Immigration Law and the Family

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

3. Immigration Law and the Family


4. Immigration Law Service

42.41 NT, Notes.

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 notified the court of convicted sex offenders, who were not transferred to another state, that defendant was transferred. Defendant was found to have violated SORNA, but the court held that defendant had not violated SORNA because he had notified the court of his registration.

8. Sex offender

Defendant's conviction for imposing a sex offense on a child for purposes of prostitution, which agreement revealed was committed in the United States and not in a foreign country, was reversed because the court found that the defendant was in violation of the law.