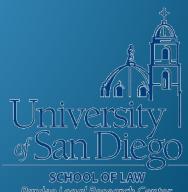
Treatises and Practice Guides Legal Research Center Video Series



Melissa Abernathy



Pardee Legal Research Center

What is it?

 A treatise is an extended, serious, and usually exhaustive book on a particular subject.

Treatise, BLACK'S LAW DICTIONARY (10th ed. 2014)

 EXAMPLES: Corbin on Contracts, Products Liability in a Nutshell, The Law of Torts, The First Amendment: Freedom of Speech, Witkin California Procedure, Witkin California Evidence, Witkin California Criminal Law.

What is it?

 A practice guide is a written explanation of how to proceed in a particular area of law or in a particular court or locality

Practice Guide, BLACK'S LAW DICTIONARY (10th ed. 2014)

EXAMPLES: California Landlord-Tenant Practice, Civil Procedure Before Trial, California Forms of Pleading and Practice, California Civil Practice

These items are <u>NOT</u> considered treatises or practice guides

California Jurisprudence (Cal. Jur.)	Digests
American Jurisprudence (Am. Jur.)	Case Reporters
Corpus Juris Secundum (C.J.S.)	Statutes and Codes
American Law Reports (A.L.R.)	Law review or law journal articles
Witkin's Summary of California Law*	Magazine articles

*Witkin publishes both subject specific treatises (e.g. Witkin California Criminal Law) as well as the Summary of California Law, which is considered more like a legal encyclopedia.

Treatises and Practice Guides Online

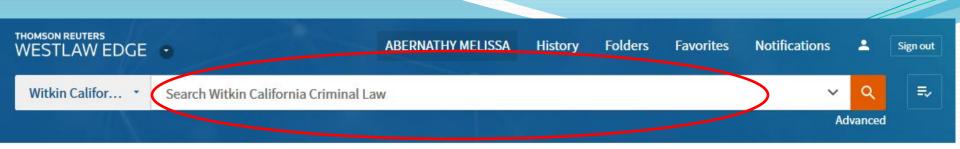
Treatises and Practice Guides Online

- 1. In Westlaw or Lexis, type in the name of a treatise or topic area and select one of the populated options.
- 2. Alternatively, search by keyword and filter by clicking on secondary sources, jurisdiction, and/or type (texts & treatises).
- 3. Note that these items are proprietary, so it is common for one treatise to be in one database and not the other (e.g. Corbin on Contracts is available on Lexis but not on Westlaw).

THOMSON REUTERS WESTLAW EDGE



ON REUTERS	ABERNATHY MEL	ISSA History	Folders	Favorites	Notificati	ons 💄	Się
						_	
witkin california			~	All State	e & Federal	۹	_=>
Cases W Statutes & Court Rules W Regulations W Secondary Sources W	ontent Pages itkin California Procedure itkin California Evidence itkin California Criminal Law It kin Summary of Californ ia Law itkin's California Materials					lvanced	
Other Statutes & Court Rules Secondary Sources	Forms Jury Verdicts & Settlements	48%)		courts, and can a can be case strate		s, law build a	
Practical Law	Key Numbers						
Regulations	Proposed & Adopted Regulations						
Administrative Decisions & Guidance	Proposed & Enacted Legislation						

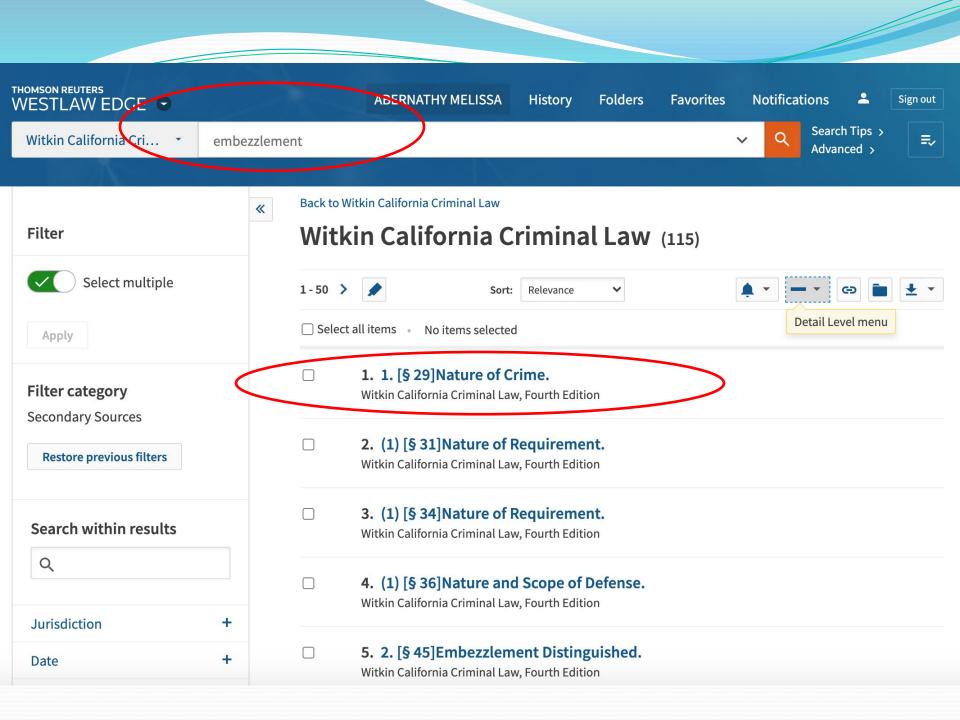


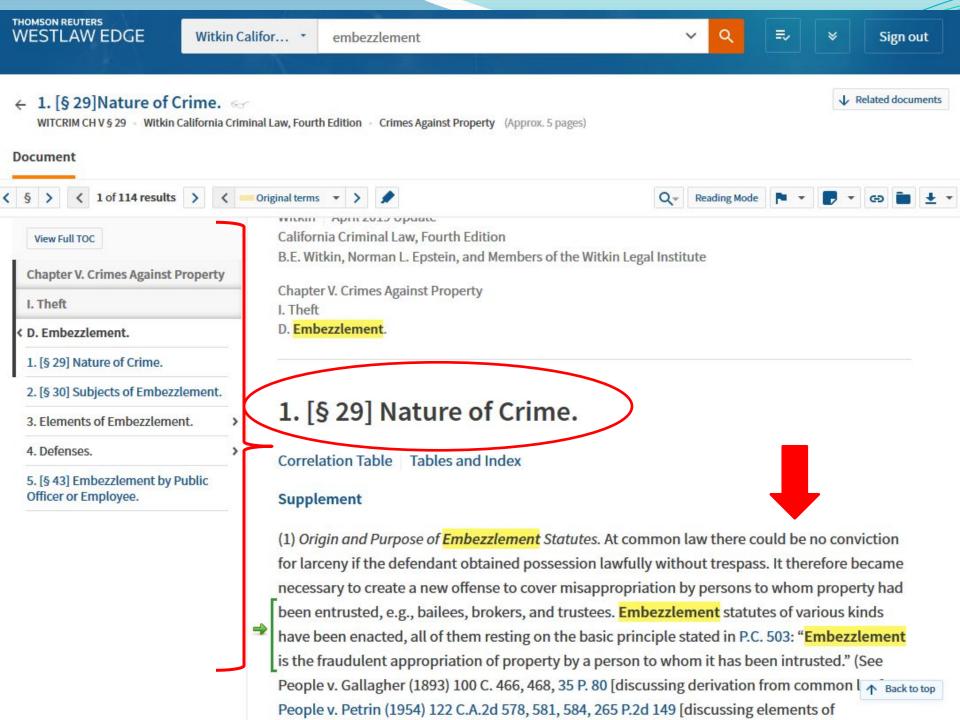
Home > Secondary Sources > California Secondary Sources > California Texts & Treatises > Witkin's California Materials

Witkin California Criminal Law

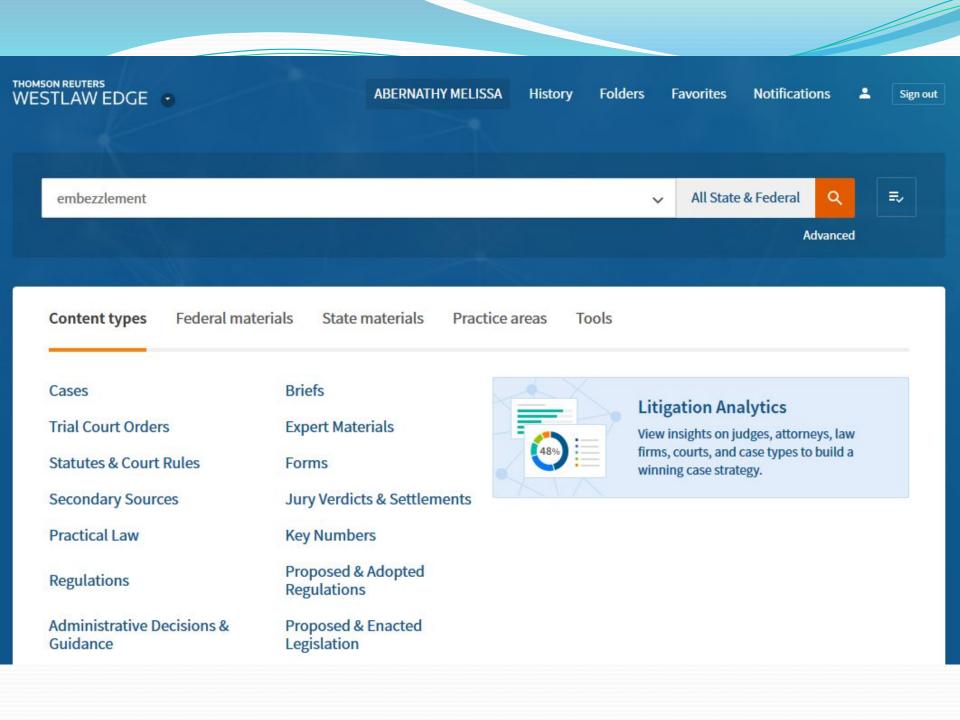
☆ Add to Favorites G⊃ Copy link	
Browse Table of Contents below or search above. 🛈 🥅	
Select all content - No items selected - Clear Selection	Q Search TOC ▼ Reading Mode 💼 生 ▼

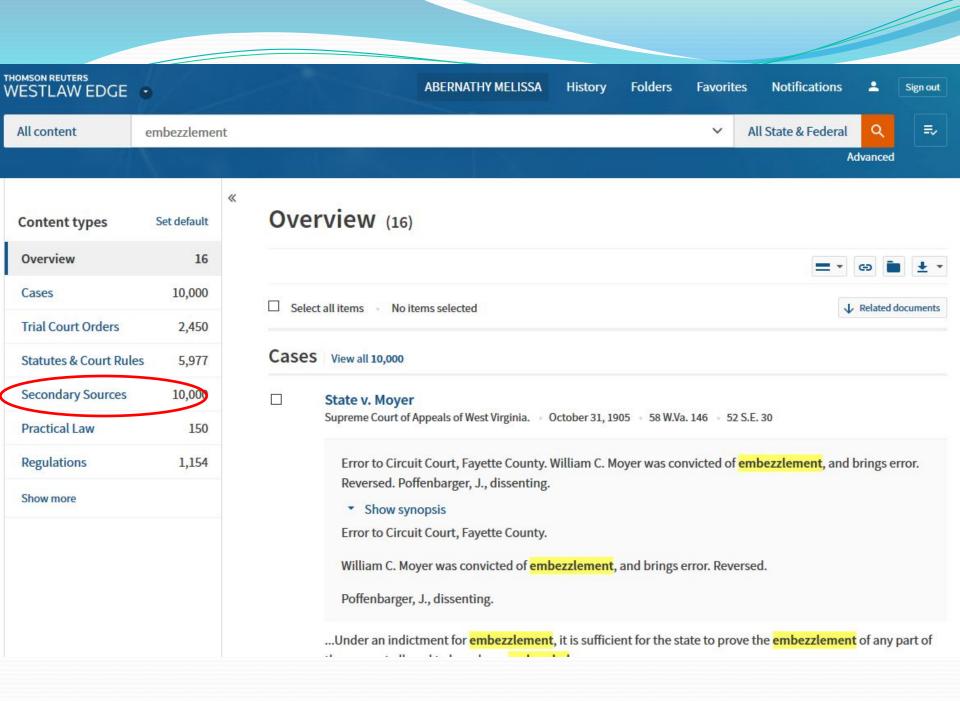
- Chapter I. Introduction to Crimes
- 🗄 🗆 Chapter II. Elements
- া 🗆 Chapter III. Defenses
- 🗄 🗆 Chapter IV. Crimes Against the Person
- া 🗆 Chapter V. Crimes Against Property
- া 🗆 Chapter VI. Sex Offenses and Crimes Against Decency
- া 🗆 Chapter VII. Crimes Against Public Peace and Welfare
- া 🗆 Chapter VIII. Crimes Against Governmental Authority
- া 🗆 Chapter IX. Punishment
- Chapter X. Introduction to Criminal Procedure
- া 🗆 Chapter XI. Jurisdiction and Venue
- 🗄 🗆 Chapter XII. Pretrial Proceedings
- া 🗆 Chapter XIII. Illegally Obtained Evidence

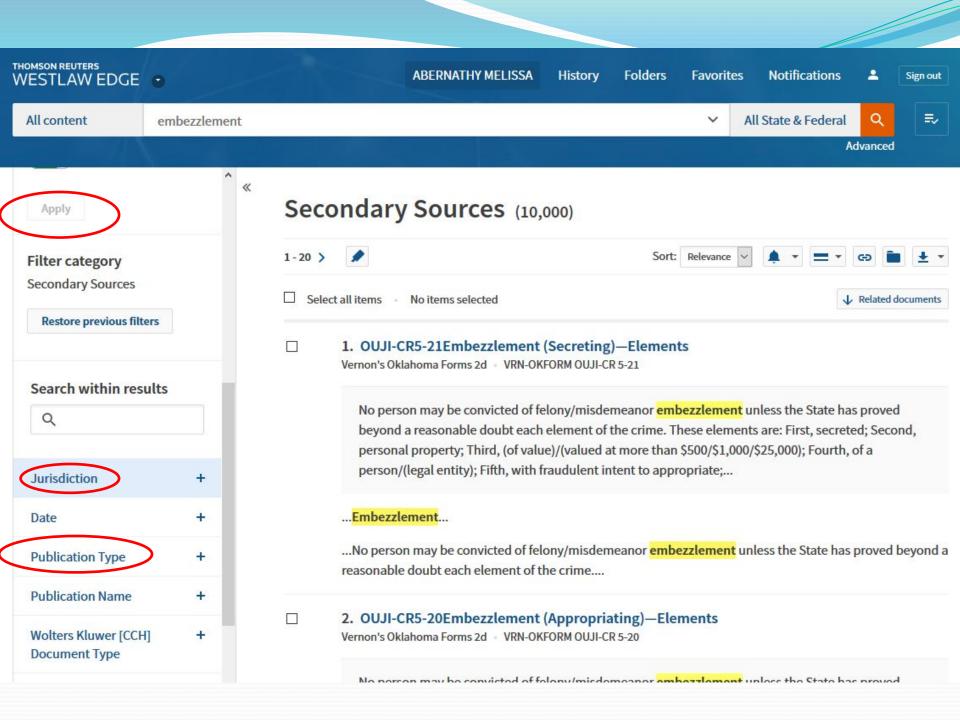




I All the second se		
THOMSON REUTERS WESTLAW EDGE	Witkin Califor Search Witkin California Criminal Law	
Home > Secondary Sources > Ca	alifornia Secondary Sources > California Texts & Treatises > Witkin's California Materials	
Witkin Califor	rnia Criminal Law	
☆ Add to Favorites GĐ Copy	oy link	
Browse Table of Contents below	w or search above. (i) 🖽	
Select all content • No ite	items selected Clear Selection	
া 🗆 Chapter III. Defense		
🗄 🗆 Chapter IV. Crimes /		
	Against Property [Chapter View]	
I. Theft [Chapter]		
A. In General.		
🗄 🗆 B. Grand and	d Petty Theft.	
🗄 🗆 C. Larceny.		
🖃 🗆 D. Embezzler	ement. [Chapter View]	
🗆 1. [§ 29] Natu	ure of Crime.	
🗆 2. [§ 30] Subj	jects of Embezzlement.	
🗄 🗆 3. Elemen	nts of Embezzlement.	
🗄 🗆 4. Defense	ses.	
🗆 5. [§ 43] Emb	bezzlement by Public Officer or Employee.	
🗄 🗆 E. Misapprop	priation of Public funds.	
🗄 🗆 F. Diversion o	of Construction Funds.	
🗄 🗆 G. False Prete	tenses.	







THOMSON REUTERS WESTLAW EDGE	All co	ntent		embezzlement	~	All State & Federal	₹,	✓ Sign out				
Cases	10,000	^	🗆 Se	elect all items 🔹 No items se	lected			↓ Related documents				
Trial Court Orders	2,450	*										
Statutes & Court Rules	5,977			1. § 147.Property subject to embezzlement, generally California Jurisprudence 3d CAJUR CLCPRP § 147								
Secondary Sources	327			Personal property that may be embezzled includes money, goods, chattels, things in action, and								
Practical Law	150			evidences of debt. Shares of corporate stock are personal property that may be the subject of								
Regulations	1,154				blic funds may be the s d actually <mark>executed is t</mark> l	ubject of <mark>embezzlement</mark> . A he subject of	any evidence of	debt negotiable				
Show more				21 Public funds may	he the subject of embe	zzlement [
Filter			2] Public funds may be the subject of <mark>embezzlement</mark> .[1] Shares of corporate stock are personal property that may be the subject of <mark>embez</mark>									
Select multiple				2. § 8:25.Embezzle Expert Series CACRLAV	ment—Distinguished N§8:25	d from larceny						
Apply Filter category				common law defini larceny for fraudule	tion of larceny. Under t	by statute to respond to cer the common law, a defenda ty that was originally entru was not present	ant could not b	e charged with				
Secondary Sources		The crime of <mark>embezzlement</mark> was created to remedy this problem										
Restore previous filters				<mark>Embezzlement</mark> is the has been entrusted."		fraudulent appropriation of	of property by a	a person to whom it				
Search within results				3. § 8:26.Embezzle Expert Series CACRLAV		embezzlement—Two ba	asic requirem	A Back to top				

THOMSON REUTERS WESTLAW EDGE	All co	ontent	embezzlement	~	All State & Federal		*	Sign out				
Cases	10,000	^ «			er even if existent at the tim	e of the mis	appropria	ition, is not a				
Trial Court Orders	2,450		defense to <mark>embezzleme</mark> r	nt								
Statutes & Court Rules	5,977		□ 14. 1. [§ 29]Nature of	f Crime.				65				
Secondary Sources	327		Witkin California Criminal La	aw, Fourth Edition — W	ITCRIM CH V § 29							
Practical Law	150		(1) Origin and Purpose	(1) Origin and Purpose of Embezzlement Statutes. At common law there could be no conviction for								
Regulations	1,154			and the benefit of the second second	ion lawfully without trespa			a service a construction of the service of the serv				
Show more			to create a new offense to cover misappropriation by persons to whom property had been e e.g., bailees, brokers, and trustees. <mark>Embezzlement</mark>									
Filter Clear					ve been enacted, all of the idulent appropriation of pro							
Select multiple			been intrusted."									
Apply			15. (1) [§ 31]Nature o Witkin California Criminal La		ITCRIM CH V § 31							
Filter category Secondary Sources Restore previous filters			fiduciary to whom the	e property is entruste supra, § 14). Hence, u	ssential to <mark>embezzlement</mark> . ed, and the relationship tak inless receipt of money or p n to his or	es the place	of the tre	spass				





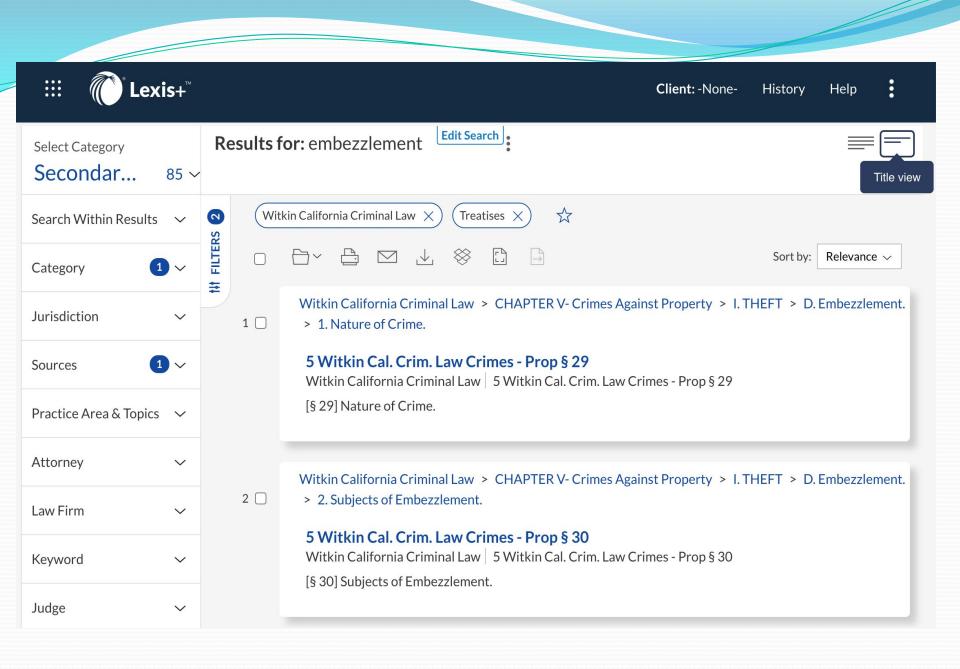
What would you like to research today?

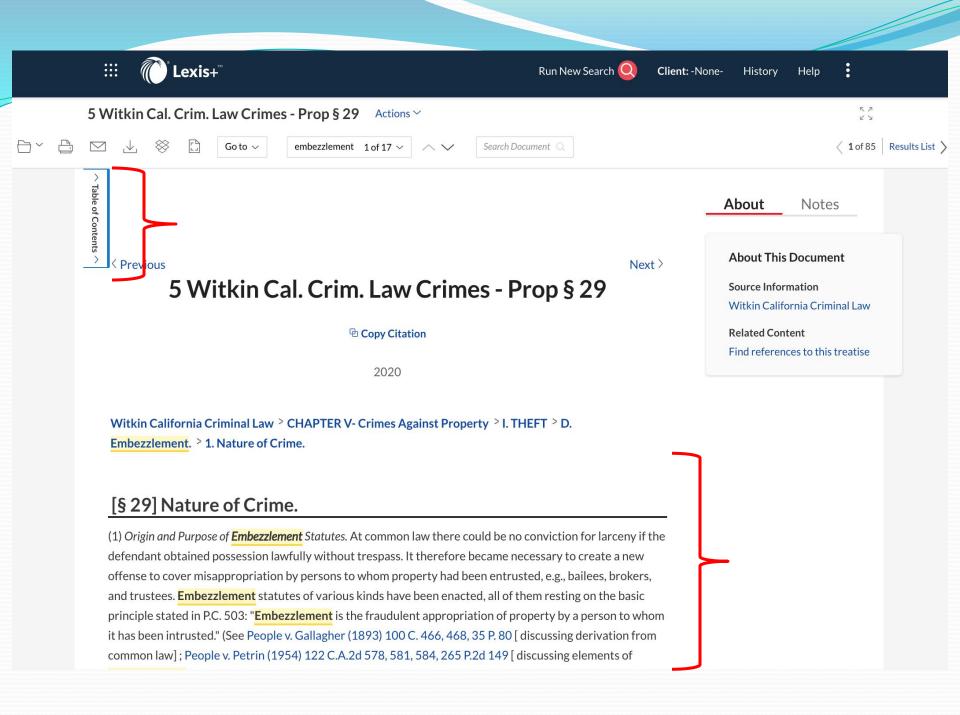
Practical Guidance

Brief Analysis

\langle	California Cr	iminal Law	>				II Categorie	s ~
	Sources	California Cr	iminal Defense Practice		iQ			
		Witkin <mark>Califo</mark>	ornia Criminal Law		iQ			
		California Cr	<mark>iminal Law</mark> Forms Manual (C	EB)	i Q			
		Matthew Ber	nder Practice Guide: <mark>Californ</mark>	nia Criminal Law	i Q	ional	Sources	Topics
	Documents	california hal	pitual offender laws					
		National Ass LEXIS 3096	n. of Criminal Defense Lawye	ers v. Newsom; Bece	rra, 2020 (Cal.	Public Reco	ords 🖾
	Statutes & Leg	gislation	Treatises	Briefs, Plea	adings &		Company &	Financial
	Statutory	Codes	Law Reviews &	Motions			Directories	;

Witkin California Criminal Law 🚖 📮 Actions~	
	Advanced Search
embezzlement	Witkin California Criminal Law
• Search All Documents in this source O Table of Contents (TOC) only	Search Selected
$\Box \sim \Box \qquad \Box \qquad \Leftrightarrow \qquad \Box \qquad \Box$	
+ CHAPTER I- Introduction to Crimes	
+ CHAPTER II- Elements	
+ CHAPTER III- Defenses	
+ CHAPTER IV- Crimes Against the Person	
+ CHAPTER V- Crimes Against Property	
+ CHAPTER VI- Sex Offenses and Crimes Against Decency	
+ CHAPTER VII- Crimes Against Public Peace and Welfare	
+ CHAPTER VIII- Crimes Against Governmental Authority	





∭) Lexis+[™]

:::



What would you like to research today?

Research Q embezzlement \$ All Jurisdictions All Categories V Practical Guidance **Advanced Search** Brief Analysis Explore Practice Area Federal State Content International Sources Topics Secondary Materials Public Records 🖾 Dockets Cases **COVID-19 Resources** Statutes & Legislation Treatises Briefs, Pleadings & **Company & Financial** View all complimentary COVID-19 resources. Motions Statutory Codes Directories Law Reviews & **Expert Witness Materials** Journals Archived Codes Scientific Materials Forms Jury Verdicts &

₩ **€**Lexis+

Run New Search 🝳

:

Select Category Ro Cases 10,000+~	esults for	$\mathbb{E} \stackrel{\text{embezzlement}}{=} \mathbb{P} \stackrel{\text{constraint}}{=} \mathbb{P} \text{constrai$				
Cases	10,000+					
Statutes and Legislation	10,000+	nswers				
Practice Notes and Articles	75					
Forms, Clauses and Checklists	31	18 U.S.C.S. § 666 does not define embezzlement. The court must therefore interpret the word according to its				
Secondary Materials	10,000+	raditional meaning. Embezzlement is historically defined as the fraudulent appropriation of property by a				
Administrative Materials	10,000+	person to whom such property has been intrusted, or into whose hands it has lawfully come. An individual commits embezzlement when he: (1) with intent to defraud; (2) converts to his own use; (3) property				
Briefs, Pleadings and Motions	10,000+	pelonging to another; in a situation where (4) the property initially lawfully came within his possession or				
Administrative Codes and Regulations	6,668	control. Element (1), intent, is the mens rea of embezzlement. Elements (2), (3), and (4) are the actus reus and attendant circumstances elements. When all four elements come together, an embezzlement is complete for				
Forms	349	statute-of-limitations purposes.				
News	Get	United States v. Sampson				
Legal News	10,000+	United States Court of Appeals, Second Circuit Aug 6, 2018 898 F.3d 270				
Dockets	Get					
Jury Verdicts and Settlements	443					
Jury Instructions	474	The definition of embezzlement, as the term is used in the Bankruptcy Code, is to be determined by federal common law. The basic definition of embezzlement is the fraudulent appropriation of property by a person to				
Expert Witness Materials	1,402	whom such property has been entrusted, or into whose hands it has lawfully come. In order to be successful				
Company and Financial	Get	on an embezzlement claim under 11 U.S.C.S. § 523(a)(4) a creditor must show that the debtor acted with fraudulent intent or deceit. Further, retention by a debtor who is acting in good faith and with a reasonable				
Directories	10,000+	claim of right without secrecy or concealment is generally inconsistent with the fraudulent intent necessary for embezzlement.				
Scientific	172	or empezziement.				
Intellectual Property	220	Timlake v. Timlake (In re Timlake)				

∷: (()° Lexis+ [™]		Run New Search 🧕 Client: -None- History Help
Select Category Secondar10,000+~	Result	s for: embezzlement 🖉 🗘 :
Search Within Results \sim	EILTERS	$\begin{array}{cccccccccccccccccccccccccccccccccccc$
Category ^	E ₽ 1 □	Bankruptcy: what constitutes embezzlement of funds giving rise to nondischargeable debt under 11 U.S.C.A. § 523(a)(4)
Treatises 5,13		American Law Reports (ALR) 99 A.L.R. Fed. 124
Jurisprudence 3,331		
CLE Course of Study Materi 587 Practice Guides 403	2 🗆	Bankruptcy: what constitutes embezzlement of funds giving rise to nondischargeable debt under 11 U.S.C.A. § 523(a)(4) American Law Reports (ALR) 99 A.L.R. Fed. 124
More		American Law Reports (AER) / 77 A.E.N. Fed. 124
Jurisdiction ~		Where is embezzlement committed for purposes of territorial jurisdiction or venue
Sources ~	3	American Law Reports (ALR) 80 A.L.R.3d 514
Practice Area & Topics 🛛 🗸		
Attorney 🗸	4 🗆	Pretenses and § 19.2-284
Law Firm 🗸 🗸		Washington & Lee Law Review Jan 01, 1999 56 Wash & Lee L. Rev. 249 21351 words John Wesley Bartram [*]

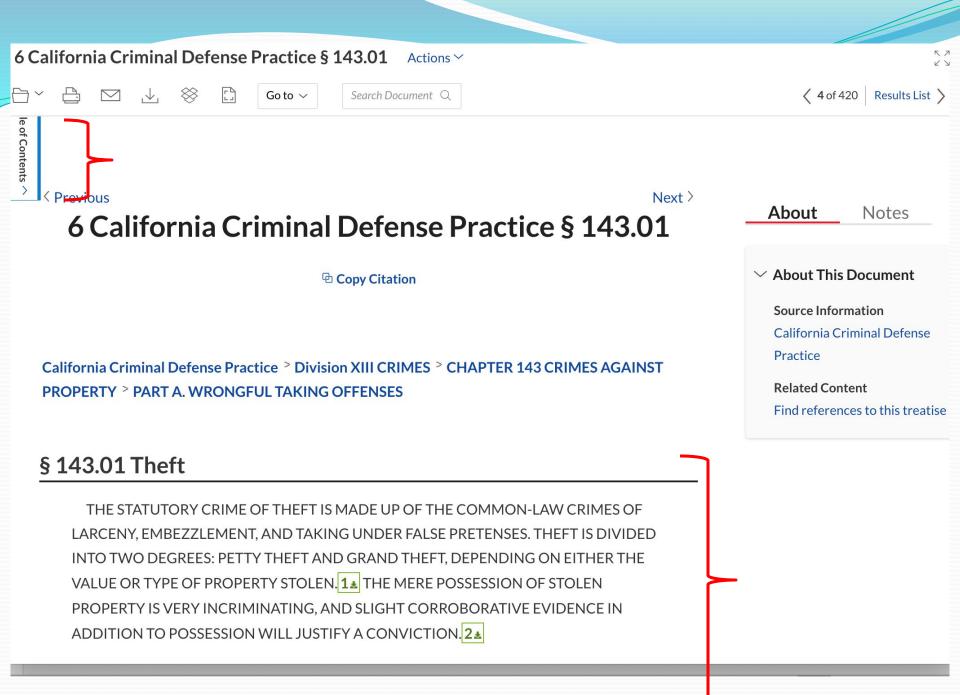
3	 § 1.61 - 2. Embezzlement by Public Officials and Those with Duties to an Organization California White Collar Crime and Business Litigation 1 California White Collar Crime and Business Litigation Sec. 1.61 § 1.61 - 2. Embezzlement by Public Officials and Those with Duties to an Organization Wiew Table of Contents
4	§ 143.01 Theft California Criminal Defense Practice 6 California Criminal Defense Practice § 143.01 § 143.01 Theft ⋮≣ View Table of Contents
5	5 Witkin Cal. Crim. Law Crimes - Prop § 29 6 Witkin California Criminal Law 5 Witkin Cal. Crim. Law Crimes - Prop § 29 [§ 29] Nature of Crime.

§ 1.34 - A. Definition; False Pretenses and Embezzlement Distinguished

California White Collar Crime and Business Litigation 1 California White Collar Crime and Business Litigation Sec. 1.34

§ 1.34 - A. Definition; False Pretenses and Embezzlement Distinguished

6



Picking the "Best" Treatise or Practice Guide

- Consider your jurisdiction (e.g. California).
- Consider the reputation of the author or publisher. Look for preeminent treatises using <u>Georgetown's treatise finder</u>.
- Make sure your treatise or practice guide is up to date.



Still stuck? Ask a Reference Librarian! We are happy to help.

LRC Reference Desk

 Other videos: <u>https://www.sandiego.edu/law/library/research-trainings</u> <u>/lwr-trainings.php</u>

Chat: <u>http://www.sandiego.edu/law/library/</u>

Ircrefer@sandiego.edu

619.260.4612