
Legal Research Fundamentals

Primary Sources

Abstract of Title refers to a summary of the history of ownership of a particular property, including all the transfers and conveyances of the property. Related terms include Chain of Title, Title Search, and Property Deeds. In the context of Primary Sources in Legal Research Fundamentals, an Abstract of Title is essential for verifying the ownership and validity of a property title. For instance, when purchasing a property, a buyer would typically request an Abstract of Title to ensure that the seller has the right to sell the property and that there are no outstanding liens or encumbrances on the property.

Acquisition refers to the process of obtaining control or ownership of something, such as a company, property, or assets. Related terms include Merger, Takeover, and Purchase Agreement. In the context of Primary Sources in Legal Research Fundamentals, Acquisition is relevant to understanding the laws and regulations governing business transactions and combinations. For example, when a company acquires another company, it must comply with antitrust laws and regulations to avoid monopolistic practices.

Administrative Regulation refers to a rule or standard established by a government agency to implement or interpret a statute or law. Related terms include Administrative Law, Regulatory Agency, and Rulemaking. In the context of Primary Sources in Legal Research Fundamentals, Administrative Regulations are essential for understanding how agencies exercise their authority and discretion in implementing laws and policies. For instance, the Environmental Protection Agency (EPA) issues Administrative Regulations to implement the Clean Air Act and Clean Water Act.

Admission refers to a statement or acknowledgement made by a party to a lawsuit or proceeding that is adverse to their interests. Related terms include Confession, Stipulation, and Waiver. In the context of Primary Sources in Legal Research Fundamentals, Admission is relevant to understanding the rules of evidence and procedure in court proceedings. For example, a defendant may make an admission of guilt in a criminal case, which can be used as evidence against them.

Amicus Curiae refers to a friend of the court who is not a party to a lawsuit but provides information or insight to the court on a particular issue or matter. Related terms include Brief, Opinion, and Judgment. In the context of Primary Sources in Legal Research Fundamentals, Amicus Curiae is essential for understanding the role of interest groups and experts in influencing court decisions. For instance, an advocacy group may file an Amicus Curiae brief in a Supreme Court case to provide context and perspective on a particular issue.

Appeal refers to a request to a higher court to review and reverse a decision made by a lower court. Related terms include Appellate Court, Brief, and Oral Argument. In the context of Primary Sources in Legal Research Fundamentals, Appeal is relevant to understanding the appellate process and the standards of review used

by courts. For example, a party may appeal a trial court decision to a court of appeals on the grounds that the trial court erred in its application of the law.

Appellant refers to the party that initiates an appeal from a lower court decision. Related terms include Appellee, Appeal, and Appellate Court. In the context of Primary Sources in Legal Research Fundamentals, Appellant is essential for understanding the roles and responsibilities of the parties in an appellate proceeding. For instance, the Appellant must file a brief and participate in oral argument to pursue their appeal.

Archive refers to a collection of documents, records, or materials that are stored and preserved for historical or research purposes. Related terms include Repository, Database, and Digital Archive. In the context of Primary Sources in Legal Research Fundamentals, Archive is relevant to understanding the importance of preserving and accessing historical documents and records. For example, a law library may maintain an Archive of historical court decisions and statutes for research purposes.

Authority refers to a source or reference that is cited or relied upon to support a legal argument or position. Related terms include Precedent, Persuasive Authority, and Binding Authority. In the context of Primary Sources in Legal Research Fundamentals, Authority is essential for understanding the hierarchy of sources and the weight given to different types of authority. For instance, a court decision may be cited as authority for a particular legal principle or doctrine.

Bill refers to a proposed law or legislation that is introduced to a legislative body for consideration and enactment. Related terms include Act, Statute, and Legislation. In the context of Primary Sources in Legal Research Fundamentals, Bill is relevant to understanding the legislative process and the stages of lawmaking. For example, a bill may be introduced to a state legislature to amend an existing statute or to enact a new law.

Binding Authority refers to a source or reference that is mandatory and controlling on a particular issue or matter. Related terms include Precedent, Persuasive Authority, and Stare Decisis. In the context of Primary Sources in Legal Research Fundamentals, Binding Authority is essential for understanding the hierarchy of sources and the weight given to different types of authority. For instance, a Supreme Court decision is binding authority on all lower courts in the United States.

Brief refers to a written argument or submission made to a court or tribunal on a particular issue or matter. Related terms include Memorandum, Petition, and Appeal. In the context of Primary Sources in Legal Research Fundamentals, Brief is relevant to understanding the process of appellate advocacy and the skills required to draft and present effective briefs. For example, a lawyer may file a brief on behalf of their client in a court of appeals to argue for reversal of a lower court decision.

Case Law refers to the body of law that is based on court decisions and judicial precedent. Related terms include Common Law, Statutory Law, and Regulatory Law. In the context of Primary Sources in Legal Research Fundamentals, Case Law is essential for understanding the role of courts in interpreting and

applying the law. For instance, a court decision may establish a new legal principle or doctrine that becomes binding precedent for future cases.

Chain of Title refers to the sequence of ownership and transfers of a particular property over time. Related terms include Abstract of Title, Title Search, and Property Deeds. In the context of Primary Sources in Legal Research Fundamentals, Chain of Title is relevant to understanding the concept of property rights and the importance of verifying ownership and title to a property. For example, a buyer may request a chain of title to ensure that the seller has the right to sell the property and that there are no outstanding liens or encumbrances on the property.

Citation refers to a reference or quotation from a source or authority that is used to support a legal argument or position. Related terms include Authority, Precedent, and Reference. In the context of Primary Sources in Legal Research Fundamentals, Citation is essential for understanding the importance of accurate and consistent citation practices in legal research and writing. For instance, a lawyer may cite a court decision or statute to support their argument in a brief or motion.

Code refers to a systematic collection of laws and regulations that are codified and organized in a single volume or database. Related terms include Statute, Regulation, and Ordinance. In the context of Primary Sources in Legal Research Fundamentals, Code is relevant to understanding the process of codification and the importance of accessing and interpreting codified laws and regulations. For example, the United States Code is a comprehensive collection of federal laws that are codified and organized by subject matter.

Commentary refers to a written analysis or interpretation of a particular law, regulation, or legal issue. Related terms include Annotation, Note, and Treatise. In the context of Primary Sources in Legal Research Fundamentals, Commentary is essential for understanding the role of scholarship and analysis in interpreting and applying the law. For instance, a law professor may write a commentary on a recent court decision to analyze its implications and impact on the law.

Common Law refers to the body of law that is based on court decisions and judicial precedent, rather than on statutes or regulations. Related terms include Case Law, Statutory Law, and Regulatory Law. In the context of Primary Sources in Legal Research Fundamentals, Common Law is relevant to understanding the role of courts in interpreting and applying the law. For example, a court may develop a new legal principle or doctrine through its decisions, which becomes binding precedent for future cases.

Constitution refers to the foundational document of a country or state that establishes the framework of government and the rights and protections of its citizens. Related terms include Statute, Law, and Regulation. In the context of Primary Sources in Legal Research Fundamentals, Constitution is essential for understanding the supreme law of the land and the principles of constitutional interpretation. For instance, the United States Constitution is the supreme law of the land and provides the framework for the federal government and the relationship between the federal government and the states.

Contract refers to a binding agreement between two or more parties that outlines the terms and conditions

of their relationship. Related terms include Agreement, Covenant, and Obligation. In the context of Primary Sources in Legal Research Fundamentals, Contract is relevant to understanding the principles of contract law and the elements of a valid contract. For example, a buyer and seller may enter into a contract for the sale of a property, which outlines the terms and conditions of the sale.

Court refers to a tribunal or forum where disputes are resolved and justice is administered. Related terms include Tribunal, Forum, and Judiciary. In the context of Primary Sources in Legal Research Fundamentals, Court is essential for understanding the role of courts in interpreting and applying the law. For instance, a court may hear a case and render a decision that is binding on the parties involved.

Decision refers to the outcome or result of a court proceeding or appeal. Related terms include Judgment, Opinion, and Ruling. In the context of Primary Sources in Legal Research Fundamentals, Decision is relevant to understanding the process of appellate review and the standards of review used by courts. For example, a court may render a decision in a case that is appealed to a higher court, which may affirm, reverse, or modify the decision.

Deed refers to a written instrument that transfers ownership of a property from one party to another. Related terms include Title, Property, and Conveyance. In the context of Primary Sources in Legal Research Fundamentals, Deed is essential for understanding the concept of property rights and the importance of verifying ownership and title to a property. For instance, a seller may execute a deed to transfer ownership of a property to a buyer.

Discovery refers to the process of obtaining and exchanging information and evidence between parties in a lawsuit or proceeding. Related terms include Deposition, Interrogatory, and Request for Production. In the context of Primary Sources in Legal Research Fundamentals, Discovery is relevant to understanding the rules of procedure and the importance of obtaining and preserving evidence in litigation. For example, a party may serve a request for production of documents on an opposing party to obtain evidence relevant to the case.

Docket refers to the schedule or calendar of court proceedings and hearings. Related terms include Calendar, Schedule, and Hearing. In the context of Primary Sources in Legal Research Fundamentals, Docket is essential for understanding the process of court procedure and the importance of managing and tracking court deadlines and hearings. For instance, a court may maintain a docket of upcoming hearings and trials, which is available to the public for review.

Document refers to a written or printed instrument that contains information or evidence relevant to a particular issue or matter. Related terms include Record, File, and Exhibit. In the context of Primary Sources in Legal Research Fundamentals, Document is relevant to understanding the importance of preserving and authenticating documents in litigation and legal research. For example, a party may introduce a document as evidence in a trial to support their claim or defense.

Enactment refers to the process of passing a law or regulation into effect. Related terms include Legislation,

Statute, and Regulation. In the context of Primary Sources in Legal Research Fundamentals, Enactment is essential for understanding the legislative process and the stages of lawmaking. For instance, a bill may be enacted into law after it is passed by a legislative body and signed by the executive branch.

Evidence refers to the information or materials that are presented in a court proceeding to support or refute a particular claim or fact. Related terms include Testimony, Exhibit, and Document. In the context of Primary Sources in Legal Research Fundamentals, Evidence is relevant to understanding the rules of evidence and the importance of preserving and authenticating evidence in litigation. For example, a witness may testify in a trial to provide evidence relevant to the case.

Exhibit refers to a physical or documentary item that is introduced as evidence in a court proceeding. Related terms include Document, Record, and Evidence. In the context of Primary Sources in Legal Research Fundamentals, Exhibit is essential for understanding the importance of preserving and authenticating evidence in litigation. For instance, a party may introduce a document or physical item as an exhibit in a trial to support their claim or defense.

File refers to a collection of documents or records that are related to a particular case or matter. Related terms include Document, Record, and Docket. In the context of Primary Sources in Legal Research Fundamentals, File is relevant to understanding the importance of organizing and managing documents and records in litigation and legal research. For example, a lawyer may maintain a file for a particular client or case, which contains all the relevant documents and records.

Hearing refers to a proceeding or session of a court or tribunal where evidence is presented and arguments are made. Related terms include Trial, Proceeding, and Session. In the context of Primary Sources in Legal Research Fundamentals, Hearing is essential for understanding the process of court procedure and the importance of presenting evidence and arguments in a court proceeding. For instance, a court may hold a hearing to determine the admissibility of evidence or to resolve a dispute between parties.

Index refers to a list or catalog of terms, topics, or subjects that are related to a particular field or area of study. Related terms include Table, Catalog, and Directory. In the context of Primary Sources in Legal Research Fundamentals, Index is relevant to understanding the importance of organizing and accessing information and resources in legal research. For example, a law library may maintain an index of legal topics and subjects, which provides access to relevant resources and materials.

Interpretation refers to the process of analyzing and understanding the meaning of a particular law, regulation, or legal issue. Related terms include Construction, Analysis, and Explanation. In the context of Primary Sources in Legal Research Fundamentals, Interpretation is essential for understanding the role of courts and scholars in interpreting and applying the law. For instance, a court may interpret a statute to determine its meaning and application in a particular case.

Judgment refers to the final decision or outcome of a court proceeding or appeal. Related terms include Decision, Opinion, and Ruling. In the context of Primary Sources in Legal Research Fundamentals, Judgment

is relevant to understanding the process of appellate review and the standards of review used by courts. For example, a court may render a judgment in a case that is appealed to a higher court, which may affirm, reverse, or modify the judgment.

Jurisdiction refers to the authority or power of a court or tribunal to hear and decide a particular case or matter. Related terms include Venue, Forum, and Tribunal. In the context of Primary Sources in Legal Research Fundamentals, Jurisdiction is essential for understanding the limits of a court's authority and the importance of determining the proper jurisdiction for a particular case. For instance, a court may exercise jurisdiction over a particular case because it involves a federal question or because the parties have consented to its jurisdiction.

Law refers to the body of rules and regulations that are enacted or established by a government or other authoritative body. In the context of Primary Sources in Legal Research Fundamentals, Law is relevant to understanding the sources and types of law and the importance of accessing and interpreting legal information. For example, a law may be enacted by a legislative body to regulate a particular activity or industry.

Legislation refers to the process of enacting or passing a law or regulation into effect. Related terms include Enactment, Statute, and Regulation. In the context of Primary Sources in Legal Research Fundamentals, Legislation is essential for understanding the legislative process and the stages of lawmaking. For instance, a bill may be introduced to a legislative body and passed into law after undergoing various stages of review and debate.