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## LEGAL SYSTEM

The United States has a federal system of government, a written constitution, and a common law legal system, though “legal system” is used here as a term of convenience that encompasses a multiplicity of systems that are linked in often complex ways.

There is a legal system for the federal government (i.e. for the United States at the national level), and there is a separate system for each of the fifty states, for the District of Columbia (the nation’s capital), and for each of the American territories and other overseas possessions. For the most part, these systems fall within the common law tradition, though there are significant civil law influences in some of the states (most notably, Louisiana) that are located in territory that was once under French, Spanish or Mexican rule.

In very general terms, the courts in each jurisdiction are the primary forums for decisions on the law of that jurisdiction, but there is considerable overlap. It should be noted that when, for procedural reasons, federal courts decide cases that arise under state law, they will apply the substantive law of the particular state, including any relevant case law. (The highest court of a state remains the ultimate authority on the law of that state, though the federal courts will overrule state law if it is inconsistent with federal law.)

The main federal courts are organized in a hierarchy of three tiers: United States District Courts at the trial level (ninety-four federal judicial districts, including at least one in every state); United States Courts of Appeals at the intermediate appellate level (thirteen appellate circuits); and the United States Supreme Court as the court of last resort. There are also certain specialized courts at the trial level. The Courts of Appeals and the District Courts have existed in their present form (with some variation in their names) only since 1891 and 1911 respectively. They should not be confused with the lower federal courts that previously existed (called circuit courts and district courts) which were organized in a very different way. The powers of the Supreme Court have been interpreted (an interpretation that is not seriously questioned) to include the power to declare acts of Congress and of the President unconstitutional.


The state courts are creations of the individual states, so there is variation from one state to another, but they tend to follow the same general pattern as the federal courts. There is usually a hierarchy of three tiers, though in some states it is just two. The names of the courts vary, but the highest court is usually called the Supreme Court (though in New York the Supreme Court is the trial court and the Court of Appeals is the highest court).

The Bodleian Law Library has one of the largest collections of American legal materials in the United Kingdom. **This guide lists the main works in each category, but it should be remembered that the collection includes many other items as well.** The USA section of the library consists of a main section, covering American law in general, and a subsection for each of the individual states. Earlier editions of many works and some other (generally older) items are located in a secondary collection, though when shelfmarks for particular works are given in this guide the secondary collection (sec coll) is not indicated unless all volumes are located there.

## | CONSTITUTION

*The Constitution of the United States* was written in 1787, ratified in 1788, and put into effect in 1789. It now includes twenty-seven amendments, the first ten of which (1791) are known collectively as the *Bill of Rights*. It is really the second constitution, the first being the *Articles of Confederation* (written 1777, ratified 1781), a document that is invariably referred to by its title.

The Constitution is not simply a technical document for lawyers, but is universally regarded as an essential part of history, citizenship and politics. As such, its text is widely available in both official and unofficial publications. The Constitution, though not part of any code, is published for convenience in Vol. 1 of *United States Code* and in the "Constitution" volumes of *United States Code Annotated*. It is included in almost any textbook or casebook on American constitutional law, and in almost any university-level textbook on American history. It has frequently been published as a pamphlet. It can be found on the U.S. National Archives website, on other websites too numerous even to count, and (with extensive notes and annotations)



in the Lexis and Westlaw databases. The Code volumes and many of the electronic sources will also include the Articles of Confederation, the Declaration of Independence, and a number of other important historical documents. The Constitution in pamphlet form is at **USA 9** in the library. Other publications are listed below.

Each state has its own constitution which is normally published (for convenience) in one of the volumes of the state code of laws, and can usually be found on one of the official websites of the state government. It can also be found (with notes and annotations) in the Lexis and Westlaw databases.

## | DATES AND ABBREVIATIONS FOR LEGISLATION AND LAW REPORTS

The dates that are given below for legislation and law reports are generally the dates of the statutes and cases that are included. But when a series does not cover a clearly defined time span, or when a work is generally known by the date of the edition, then that is the date that is used. Where possible, standard abbreviations are also given. In formal usage, American legal abbreviations are generally written with full stops, and that style has been followed here.

## | LEGISLATION

Federal legislation is published both chronologically and in codified form. The official codified version is the *United States Code* which was first published in 1926 and was preceded by the *Revised Statutes of the United States*. It should be noted that, unlike the coherent codes of civil law jurisdictions, the United States Code is a collection of separately enacted statutes which have been consolidated into a logical framework. Although the Code is compiled and published under the authority of Congress, only certain “titles” (the main subdivisions) have been enacted into positive law. For other titles, the Code is prima facie evidence of the law, but the authoritative text is that found in the individual acts as published in *Statutes at Large*.

|                                                                                                                                                                                                                 |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <i>United States Statutes at Large</i> (Stat.), 1789–present                                                                                                                                                    | USA 10    |
| <i>United States Code Congressional and Administrative News</i> (U.S.C.C.A.N.), statutes and legislative history, 1939-present                                                                                  | USA 40 10 |
| <i>Revised Statutes of the United States</i> (R.S.), 1875; 2nd ed., 1878                                                                                                                                        | USA 30    |
| <i>United States Code</i> (U.S.C.), 1926, 1934, and then at six-year intervals (The 1926 edition was published in Vol. 44, Part 1, of <i>Statutes at Large</i> )                                                | USA 30    |
| <i>United States Code Annotated</i> (U.S.C.A.)                                                                                                                                                                  | USA 35    |
| <i>Internal Revenue Acts</i> , statutes and legislative history, 1954-present                                                                                                                                   | USA 40 30 |
| <i>Uniform Laws Annotated</i> (U.L.A.), proposed laws, including the <i>Uniform Commercial Code</i> (U.C.C.), recommended by state commissioners for adoption by the individual states as part of their own law | USA 51    |

State legislation is similar in form to federal legislation. The codes of laws of the individual states and, for some states, partial collections of session laws, can be found in the state subsections at the end of the main USA section. The codes for California and New York are still received in published volumes, and for other states are current up to the early to mid 1990s. The current code for any state is generally available on one of the websites of the state government.

## ■ SECONDARY LEGISLATION

|                                                           |           |
|-----------------------------------------------------------|-----------|
| <i>Code of Federal Regulations</i> (C.F.R.), 1939-present | USA 94    |
| <i>Federal Tax Regulations</i> , 1954-present             | USA 40 20 |

## LAW REPORTS (IN GENERAL)

In the United States (as in England) the earliest law reports were typically known by the names of the individuals chiefly responsible for their publication. From roughly the middle of the nineteenth century these gave way to reports with jurisdictional, regional, or (occasionally) subject-based names. In many jurisdictions, when an official series of reports was inaugurated for a particular court, the earlier nominate (or “nominative”) reports were retrospectively incorporated into that series. This is particularly true of *United States Reports* (U.S.), the official reports of U.S. Supreme Court decisions, which began publication with Volume 91 (1875), but with 90 earlier volumes receiving retrospective “U.S.” volume numbers. (The earliest “U.S.” volumes, edited by Dallas, also contain cases from other courts.)

Many of the main reports, both federal and state, are part of the *National Reporter System*, inaugurated in 1879 by West Publishing Company (now West Group). A significant feature of the National Reporter System is the “key number system” which was created for the *First Decennial Digest* (see below) but is now used in all West digests and law reports.

## LAW REPORTS (WHOLLY OR PREDOMINANTLY FEDERAL)

*United States Supreme Court Reports, Lawyers’ Edition* (L.Ed., L.Ed.2d),\* U.S. Supreme Court, 1790-present USA 105 10

*Supreme Court Reporter* (S.Ct.),\* U.S. Supreme Court, 1882-present USA 105 30

\*The spines of these volumes have cross references to the corresponding volumes of the official *United States Reports* (U.S.).

*Federal Cases* (Fed. Cas. or F. Cas.), lower federal courts, “from the earliest times” to 1880 USA 110 10

*Federal Reporter* (F., F.2d, F.3d), lower federal courts generally, 1880-1932; U.S. Courts of Appeals and certain specialized appellate courts, 1932-present USA 110 15

*Federal Supplement* (F. Supp., F. Supp. 2d), U.S. District Courts and certain specialized trial courts, 1932-present USA 110 25

*Federal Appendix* (Fed. Appx.), cases in Courts of Appeals not selected for publication in F.3d, 2001-present USA 110 15.1

*Federal Rules Decisions* (F.R.D.), opinions, decisions and rulings involving federal civil and criminal procedural rules, 1939-present (Vol. 6 contains a report of the 1946 Nuremburg trial before the International Military Tribunal) USA 110 20 (sec coll)

*Reports from the Court of Claims*, 1856-1862 USA 119 Claims

*United States Court of Claims Reports* (Ct. Cl.), 1863-1982

*United States Claims Court Reporter* (Cl. Ct.), 1982-1992

*United States Federal Claims Reporter* (Fed. Cl.), 1992-present

*American Maritime Cases* (A.M.C.), 1923-present USA 130 A65

In addition to the main reports (included above) the library holds many others, including reports from specialized courts and from a variety of government agencies with adjudicatory authority.

## **LAW REPORTS (STATE)**

The *National Reporter System* is central to the reporting of state cases which are published in what are often described as regional reports (though the selection of states for inclusion in a particular series may sometimes seem arbitrary in relation to the name given to the supposed "region"). Additionally, there are individual series for California and New York.

### **National Reporter System**

*Atlantic Reporter* (A., A.2d), 1885-present USA 145 Atl

*North Eastern Reporter* (N.E., N.E.2d), 1885-present USA 145 NE

*North Western Reporter* (N.W., N.W.2d), 1879-present USA 145 NW

*Pacific Reporter* (P., P.2d, P.3d), 1883-present USA 145 Pac

|                                                                                                                                                                                                                                    |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <i>South Eastern Reporter</i> (S.E., S.E.2d), 1887-present                                                                                                                                                                         | USA 145 SE     |
| <i>South Western Reporter</i> (S.W., S.W.2d, S.W.3d), 1886-present                                                                                                                                                                 | USA 145 SW     |
| <i>Southern Reporter</i> (So., So.2d), 1886-present                                                                                                                                                                                | USA 145 So     |
| <i>California Reporter</i> (Cal. Rptr., Cal. Rptr. 2d, Cal. Rptr. 3d), 1959-present                                                                                                                                                | USA Cal 100 17 |
| <i>New York Supplement</i> (N.Y.S., N.Y.S.2d), 1888-present; including cases from New York Court of Appeals from 1847 onward, in some instances reprinted from <i>New York Reports</i> (N.Y.) or the <i>North Eastern Reporter</i> | USA NY 100 N70 |

### **Other state reports**

|                                                       |            |
|-------------------------------------------------------|------------|
| <i>American Decisions</i> (Am. Dec.), 1765-1869       | USA 140 10 |
| <i>American Reports</i> (Am. Rep.), 1871-1888         | USA 140 20 |
| <i>American State Reports</i> (Am. St. R.), 1886-1911 | USA 140 30 |

In addition to the above, the library holds many of the reports published in individual states prior to 1964, including many that pre-date the National Reporter System. (Cases decided after the advent of the National Reporter System can often be found in both the relevant series of state reports and the National Reporter System. Frequently, both citations will be given, being then described as “parallel citations”.)

## **OFFICIAL OPINIONS**

|                                                                                                    |                        |
|----------------------------------------------------------------------------------------------------|------------------------|
| <i>Official Opinions of the Attorneys General of the United States</i> (Op. Att’y Gen.), 1791-1982 | USA 120 A30 (sec coll) |
|----------------------------------------------------------------------------------------------------|------------------------|

## **ANNOTATED LAW REPORTS**

|                                                                                       |            |
|---------------------------------------------------------------------------------------|------------|
| <i>American and English Annotated Cases</i> (Ann. Cas. or A.&E. Ann. Cas.), 1906-1911 | USA 140 40 |
| <i>Lawyers’ Reports Annotated</i> (L.R.A., L.R.A.(N.S.)), 1906-1918                   | USA 140 50 |

|                                                                                                                                            |                             |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <i>American Law Reports Annotated</i><br>(A.L.R., A.L.R.2d, A.L.R.3d, A.L.R.4th, A.L.R.5th),<br>1919-1997 (For later volumes, see Westlaw) | USA 140 60<br>to USA 140 64 |
| <i>American Law Reports, Federal</i> (A.L.R. Fed.), 1969-1997<br>(For later volumes, see Westlaw)                                          | USA 110 30                  |

## | DIGESTS

A digest is an index to case law, organized by subject, in which all of the cases that discuss a given point of law are listed, with a brief statement of the holding or the facts of the case. The standard and most comprehensive digest is the group of publications in the *American Digest System* (also known simply as the *American Digest*) which uses the West “key number system”. This system was devised for the *First Decennial Digest*, and is now used in a wide range of West publications. The “key numbers” form a complex system of classification in which a number is assigned to every point of law, making it much easier to find most or all of the cases that involve that point of law. Each Decennial Digest contains a comprehensive table of cases for the period covered by that digest. The *Century Edition* does not have a table of cases but is covered by a composite table in the *First Decennial Digest*. These are the definitive tables of cases in American law.

### **American Digest System**

|                                                                                                                                                                                                                                                                                                                                                                                                   |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <i>Century Edition of the American Digest</i> (1658-1896)<br>(Does <b>not</b> use the key number system)                                                                                                                                                                                                                                                                                          | USA 150 |
| <i>First to Eleventh Decennial Digests</i> , large multi-volume works<br>covering ten-year periods beginning in 1897. Beginning with the<br>Ninth Decennial Digest, the time period has been effectively<br>reduced to five years by the publication of separate sets of volumes<br>for each half of the decennial period, e.g. Ninth Decennial Digest,<br>Part 1 (1976-81) and Part 2 (1981-86). | USA 150 |

## LEGAL ENCYCLOPEDIAS

*American Jurisprudence*, 2nd ed. (Am. Jur. 2d), updated to 1998 (For current text, see Westlaw) USA 200 21

*Corpus Juris Secundum* (C.J.S.), up to date USA 200 35 (sec coll)

## JOURNALS

There are over 150 journals in the USA section of the library, of which well over a hundred are currently received. The great majority are the journals published at various American law schools. Although they are typically edited by students, many of them are the leading journals in American law, containing articles by professors, judges, practitioners, and other recognized authorities. Most of them deal with all areas of law, though some concentrate on particular subjects. There are also journals published by professional bodies (e.g. the American Bar Association), by other specialized bodies (e.g. the Copyright Society of the U.S.A.), and by commercial publishers. The journals are located at **USA 300**, and are then arranged alphabetically by title (or, occasionally, by the name of the sponsoring organization). Some older journals, and the older volumes of some current journals, are in the secondary collection.

## LEGAL DICTIONARIES

*Black's Law Dictionary*, generally regarded as the standard one-volume dictionary in American law USA 450 B627a

*Words and Phrases*, containing judicial constructions and definitions from all American courts, in about 50 volumes updated with pocket parts and supplementary pamphlets USA 450 W924

## RESTATEMENTS AND OTHER PROJECTS OF THE AMERICAN LAW INSTITUTE

The *Restatements of the Law*, published by the American Law Institute (A.L.I.), form an almost unique category of literature. They were intended literally to restate the common law in a clear and systematic way, with indications of the

ways in which the law could or should develop. It was hoped that they would eventually be accorded almost the same degree of authority as the decisions of the courts. They have been more influential than most treatises, and have been described (Cohen and Olson) as an unofficial common law emulation of the codes of the civil law system. The library holds the *Restatements of the Law of --Agency, --Conflict of Laws, --Contracts, --Judgments, --Property, --Restitution and Unjust Enrichment, --Security, --Torts, --Trusts, and --Unfair Competition*, generally through the second series, and in some cases into the third. Later volumes can be found on Westlaw.

The A.L.I. also publishes *uniform laws* and *model acts*, which are proposed laws recommended for adoption by the individual states as part of their own law. These include the *Uniform Commercial Code* (U.C.C.), and the *Model Penal Code*.

With one exception, all of these A.L.I. publications are located at **USA 505**. The Restatement of *Conflict of Laws* is at **Private Int 510 A512.7u**. Most uniform laws and model acts are also included in *Uniform Laws Annotated* (see above under Legislation).

## TEXTBOOKS, TREATISES AND OTHER MISCELLANEOUS PUBLICATIONS

The library's collection under this heading is so large that only a cursory description is possible. Several of the main categories are the following:

- The textbooks and casebooks that are widely used by law students.
- The main treatises on various subjects, including: Areeda on Antitrust Law; Bogert on Trusts and Trustees; Corbin on Contracts; Frumer and Friedman on Products Liability; Gordon on Immigration Law and Procedure; Loss and Seligman on Securities Regulation; Nimmer on Copyright; Powell on Real Property; Scott on Trusts; Simes on Future Interests; Wigmore on Evidence; Williston on Sales; Williston on Contracts; Wright and Miller on Federal Practice and Procedure. Many of these are large multivolume works, updated with pocket parts or new loose-leaf pages. In some cases, the work has been continued in later editions by other authors.

- Older treatises, some of which were key works in their day, including: Bishop on Marriage and Divorce; Edwards on Bailments; Greenleaf on Evidence; Hermann on Estoppel; Kent on American Law; Pomeroy on Remedies; Story on Agency; Story on The Constitution; Story on Partnership; Sugden on Powers (American ed.); Tyler on American Ecclesiastical Law; Wharton on Criminal Law.
- Books by legal writers, intended for a general audience as well as a legal audience. Authors include: Justice Stephen Breyer, Alan Dershowitz, Ronald Dworkin, David Luban, Richard Posner, Laurence Tribe, and Mark Tushnet.
- Books about the lives and the work of important figures in the law (some of whom are also of general historical importance), including: Louis Brandeis, Benjamin Cardozo, Clarence Darrow, Felix Frankfurter, Alexander Hamilton, Learned Hand, Oliver Wendell Holmes, John Marshall, Roscoe Pound, and Earl Warren.
- Reports issued by government departments and other organizations, e.g. *Annual Report of the Attorney General of the United States, 1892-1984* (not all years).
- Reports of criminal trials (outside the category of law reports), e.g. *American State Trials, "important and interesting criminal trials . . . from the beginning of our government to the present day"*, published in 17 vols., 1914-1936.
- Individual works of historical significance, most notably *The Federalist*, the series of essays by Alexander Hamilton, James Madison and John Jay urging ratification of the U.S. Constitution, first published in 1788 and widely considered to be the most important work ever written about the Constitution.
- Introductions and guides to the U.S. legal system. Two very concise and informative works are: E. A. Farnsworth, *An Introduction to the Legal System of the United States*, 3rd ed., 1996; and P. Hay, *An Introduction to U.S. Law*, 2nd ed., 1991.

All of these works are located at **USA 510**, and are then arranged alphabetically, usually by the name of the first author.

## INDEXES

*An Index to Legal Periodical Literature* (sometimes known as the *Jones-Chipman Index*), 1803-1937 (Vol. 1, published in 1888, attempts to include articles from "the whole body of periodical literature . . . published prior to January 1887") Ref Bibl General I35

*Index to Legal Periodicals* (with some variation in title), 1908-1996 (For later volumes, see electronic version from R.W. Wilson Co.; also available on Lexis) Ref Bibl General I56

## GUIDES TO CITATION AND LEGAL RESEARCH

*The Bluebook: A Uniform System of Citation*, 18th ed., 2005 Ref Bibl USA U58a18

Association of Legal Writing Directors, *ALWD Citation Manual: A Professional System of Citation*, 2nd ed., 2003 Ref Bibl USA A851a2

M.L. Cohen and K.C. Olson, *Legal Research in a Nutshell*, 6th ed., 1996 Ref Bibl USA C678b6

R.M. Mersky and D.J. Dunn, *Fundamentals of Legal Research*, 8th ed., 2002 Ref Bibl USA J17a8

M.O. Price et al., *Effective Legal Research*, 4th ed., 1979 Ref Bibl USA P946b4

## LAW DIRECTORIES

*Martindale-Hubbell Law Directory*, 1948-1998 (not all years) (See Lexis for up-to-date entries) Ref Law Dir M17

## ONLINE RESOURCES – INTERNET

*Legal Information Institute* (Cornell Law School). Probably the most comprehensive internet site for American law, with information compiled at Cornell together with links to many other internet sites. Includes federal and

state legislation, recent federal and state case law, selected historic decisions of the U.S. Supreme Court, and federal and state administrative regulations.  
<http://www.law.cornell.edu>

## **ONLINE RESOURCES – DATABASES (PASSWORD REQUIRED)**

*HeinOnline*. Includes comprehensive coverage of U.S. Supreme Court; a substantial number of law journals (frequently not including the most recent year, but usually starting with Vol. 1); and classic legal treatises and other texts from the whole history of American law.

*Lexis*. Includes federal and state legislation; comprehensive federal and state case law; law journals, usually from the 1980s onward; Index to Legal Periodicals (1978-present); and Martindale-Hubbell Law Directory

*Westlaw*. Includes federal and state legislation; comprehensive federal and state case law; law journals, usually from the 1980s onward; the two main legal encyclopedias; and the Restatements of the Law.



## | NOTES



## NOTES

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Email: [law.library@bodley.ox.ac.uk](mailto:law.library@bodley.ox.ac.uk)

Web: <http://www.ouls.ox.ac.uk/law/>

This leaflet is also available online in alternative formats (<http://www.ouls.ox.ac.uk/guides>). Please contact [aracu@ouls.ox.ac.uk](mailto:aracu@ouls.ox.ac.uk) for requests for Braille and audio.

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