

Legal Research On Your Own

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One of the ways you can save some money on legal fees is to do research on your own.

Caution: While you may be able to find what the law says, you may still need an attorney to help you apply it to your specific situation.

Before you get started looking for a particular law, here's a quick review of the different sources of the American legal system. A good tip to remember is that there are federal laws and there are state laws.

Federal laws apply to all of us as individuals and businesses; state laws apply only to the individuals and businesses within a particular state. State laws on different legal topics can vary from state to state. Federal laws are the same for everyone, no matter in what state they live or do business. State laws are valid only if they don't conflict with Federal laws.

- U.S. Constitution--the federal Constitution is the foundation of our legal system. The other types of laws listed below are valid only if they don't conflict with the United States Constitution. It would be unusual for your business to have a legal issue involving the federal Constitution. So, if you can't remember what you learned about the Constitution in high school or college, don't worry. Chances are good that you won't have to do any research on this! If you do, you should probably hire a lawyer. See <http://www.law.cornell.edu:80/constitution/constitution> for a copy of the Constitution.
- State Constitutions--each state has its own constitution. Because it's state law, though, it can't conflict with Federal law. You probably won't need to do any research on your state constitution. If you do, see the resources listed below.
- Federal treaties--these are agreements between the United States and other countries. States can't make their own treaties. Again, it would be unusual for your business to have a legal issue involving treaties. If you do, you probably need to hire a lawyer.
- Statutes--these are laws written by the legislature. Federal statutes are created by the United States Congress. State statutes are created by state legislators. Statutes are what we normally think of when we want to look up "the law". These will definitely affect your business.
- Ordinances--these are laws passed by local municipalities. These will also affect your business.
- Administrative regulations--these are rules created by federal administrative agencies. Depending on your business, they will impact upon you either a lot or almost not at all.
- Case law--these are the decisions made in lawsuits. Since statutes are applied and interpreted to reach a decision, case law is very helpful understanding statutes.

Before you look up a statute, you may have the idea that it will be black and white, clear and unambiguous. Unfortunately, many statutes aren't. Sometimes it takes a judge in a court case to decide what the legislature really meant when they wrote the statute. An example occurred when a state legislature was writing a law to create a pedestrian-traffic-only area in a state park. What they actually wrote was that, "No four-wheeled vehicles" would be permitted in the designated area. Here's the problem: that language **does not** exclude motorcycle traffic, which they meant to do, and it **does** exclude parents pushing baby strollers (technically a "four-wheeled" vehicle), which they didn't mean to do! What brought the problem to the attention of the court was that a veteran's group wanted to put a monument in the designated area of the park, and the monument they had in mind was a World War II army jeep--a "four-wheeled" vehicle prohibited by the statute! It took a lawsuit and the court's application of the statute in order to make its meaning clear. By the way, the court said the jeep was fine.

If you are ready to do some legal research on your own, here's where to begin. Although many do-it-yourself guides advise you to start with a trip to the local law library, you actually don't have to move from your computer. There are numerous law libraries on-line, and most have links to others. My favorite place to start is www.law.cornell.edu/. This is the Legal Information Institute of Cornell Law School. In addition to providing federal law, this site has the state statutes from all fifty states. It also has links to WWW Virtual Library - Law, Internet Law Library - House of Representatives, Nolo Press, and others.

Another great resource is a paperback book published by Oasis Press/PSI Research, called Starting & Operating a Business in {your state}. Oasis is in the process of re-titling this series; so you might also look for the new title, Smart Start in {your state}. This book is a useful step-by-step guide that includes forms and worksheets.

Here are some other great resources:

<http://www.adr.org>

American Arbitration Association: an alternative to going to court to resolve a dispute

<http://www.best.com/~szabo/smart.contracts.2.html>

This site has a good discussion of "smart contracts"

<http://cisgw3.law.pace.edu/>

The Institute of International Commercial Law at Pace University: contracts for international sale of goods.

<http://www.cli.org>

The Cyberspace Law Institute (CLI): articles and information on copyright infringement, trademarks, and domain names.

<http://www.fastsearch.com/law/index.html>

Use the Law Engine for index of user-friendly legal sites

<http://www.findlaw.com/>

Findlaw's directory of law-related Web sites: numerous links to aspects of contract law.

<http://www.ftc.gov/>

The Federal Trade Commission

<http://www.hia.com/llcweb/ll-home.html>

Information about limited liability corporations

<http://lawguru.com>

Law Guru: access to more than 400 legal search engines and indexes from a single location

<http://law.house.gov/>

The Internet Law Library: sponsored by the U.S. House of Representatives and offers links to legislative and regulatory materials

<http://www.lectlaw.com/formb.htm>

Business and general forms

<http://www.Lweekly.com>

Lawyers Weekly USA: see the Treasure Chest of Important Documents as well as timely articles

<http://www.osha-slc.gov>

Occupational Safety and Health Administration (OSHA): information related to workplace health and safety.

<http://www.sbaonline.sba.gov/>

U.S. Small Business Administration: assists in forming, financing and operating your business

<http://www.uchastings.edu/plri/fall94/whipple.html>

This is a valuable report on electronic contracts.

<http://www.unicc.org/wipo/>

World Intellectual Property Organization

<http://www.uspto.gov/>

The U.S. Patent and Trademark Office: provides online access to U.S. and international trademark resources

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