

Chapter 7 Researching Outside of Illinois: The Laws of Indiana and Wisconsin

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Beginning State-Specific Legal Research in Indiana or Wisconsin

The first step of any type of legal research is finding background materials and sources for jurisdictional legal research. Legal researchers rely upon secondary sources, such as legal encyclopedias, American Law Reports, treatises, Nutshells, Continuing Legal Education publications series (“CLEs”), or other types of books about legal topics to begin their research in topics of the law or particular jurisdictions of law. Like with topical research or federal research, it is wise to begin state law research with a legal encyclopedia (if the state has one) to decipher the terminology of particular state law research topics and collect citations to primary law that are found in the footnotes of a secondary source. For a national scope and treatment of states, researchers may choose to consult one or both of the two prominent legal encyclopedias: *American Jurisprudence 2d* (*Am. Jur. 2d*) or *Corpus Juris Secundum* (*C.J.S.*). Both of these national legal encyclopedias are available in print at court or public libraries or are also available online on Westlaw or Lexis. Academic law libraries are increasingly canceling print legal encyclopedias, so they will not typically be in print in academic law libraries.

In addition to national legal encyclopedias, there are also state-specific legal encyclopedias that provide great overviews and analysis for state-specific legal topics. For the laws of Indiana, researchers rely on West’s *Indiana Law Encyclopedia* to begin topical areas of legal research. In Wisconsin, legal researchers begin their research in other types of secondary sources, such as the *Wisconsin Practice* series or one of the national legal encyclopedias (*Am. Jur. 2d* or *C.J.S.*), because there is not a state-specific legal encyclopedia. If you are researching in large state jurisdictions, there is likely a legal encyclopedia to help you begin your research on any topic and save time. For example, in New York, there is *New York Jurisprudence*, and, similarly, in California, there is *California Jurisprudence*.

Another wonderful place to begin legal research for specific states, especially online legal research, is at the Law Library of Congress’s [Guide to Law Online website](#). This portal provides helpful links for online state research and also useful research guides. It also points researchers toward the best executive, legislative, judicial, and administrative law websites for state [legal research in Indiana](#) and [legal research in Wisconsin](#). The [Law Library of Congress’s portal](#) is an excellent place to begin cost-effective and free research for state law research, federal law research, and even foreign and international legal research.

The Harvard Law Library has also digitized many judicial decisions throughout the nation in its [Caselaw Access Project](#).

Consulting Background Materials: State Legal Research Books or Research Guides

Another very helpful research tool for state-specific research, such as legal research in Indiana or Wisconsin, is a state-specific legal research text or a state-specific research guide that lays out all of the primary sources for that jurisdiction and also cites helpful texts and treatises for interpretation of state laws. The following books are extremely helpful when beginning to identify legal sources for Wisconsin or other state law research:

- *Wisconsin Legal Research* by Patricia Cervenka and Leslie Behroozi (Carolina Academic Press 2011).
- Other [Carolina Academic Press Legal Research](#) publications.
- *Principles of Legal Research* by Olson, Kirschenfeld & Mattson (West 3rd edition 2020).
- *Legal Research in a Nutshell* by Morris L. Cohen and Kent C. Olson (West 13th ed. 2018).
- *Fundamentals of Legal Research* by Steven M. Barkan, Barbara Bintliff, and Mary Whisner (Foundation Press 10th ed. 2015).

In addition to these foundational texts on legal research, researchers should also consult any state law library research guides. Academic law libraries or court and legislative libraries often produce research guides to the laws of their state. Some of the following websites are excellent selected examples for Indiana, Wisconsin, and the laws of other states:

- [Indiana University Maurer School of Law Library](#)
- [Library of Congress Guide to Law Online – U.S. \(Indiana\)](#)
- [Notre Dame Law Library](#)
- [Marquette Law Library](#)
- [University of Wisconsin Law Library](#)
- Wisconsin State Law Library: [Guides to Wisconsin Law](#) and [Other States' Law](#)

Finally, it is often helpful to begin legal research on a topic by consulting basic secondary sources, such as law review articles and state bar journals. In Indiana, articles from the [Indiana Lawyer](#) may be helpful for nuanced legal issues for practice. Similarly, in Wisconsin, the [Wisconsin Law Journal](#) or the [Wisconsin Lawyer](#) would be useful for researching current issues in Wisconsin law and specific topics of state practice. Most academic law libraries, court libraries, and law firm libraries also have subscriptions to [HeinOnline](#) or possibly [LegalTrac](#), which are very helpful for beginning broad searches of law review archives and legal journals. When searching in these online databases, it is important to ask a law librarian for help and carefully think of search terms for your research issue.

Primary Legal Materials for Indiana, Wisconsin, and Other States

All states have their own state constitutions, state session laws and codes, state reporters, state digests for case-finding, state administrative codes, state registers, and state administrative decisions. The state publications (codes, cases, and administrative law publications) mimic the federal structure, but the state structures of the publications and names of the publications vary.

Online archiving of these state materials is also tricky and varies from state-to-state based on governmental funding and the importance placed on public access to these state governmental

materials, but most states now have materials going back to the mid-1980s to early 1990s. Westlaw, Lexis, Bloomberg Law, and HeinOnline also have state primary materials.

Indiana Primary Materials

The Indiana Constitution is printed in the Official *Indiana Code*, *Burns Indiana Statutes Annotated*, and *West's Annotated Indiana Code*. It is also freely available online at the [Indiana General Assembly website](#).

The chronological arrangement of Indiana laws, or session laws for Indiana, are called the *Indiana Acts*. Most law libraries in Indiana have the complete set of historical *Indiana Acts* or you can access them online in HeinOnline through the [State Session Laws Library](#). The codified version of the Indiana state laws or subject arrangement, which is the best version for finding laws by subject, is called the *Indiana Code*. The [official Indiana Code](#) is available on the Indiana General Assembly's website. Unofficial, annotated versions of the Indiana Code are published by Lexis and Westlaw and are available on Westlaw (*West's Annotated Indiana Code*) and Lexis (*Burns Indiana Statutes Annotated*).

The best way to research state laws, such as the laws of Indiana, is through the unofficial, annotated versions of the state codes. Each set of annotated codes has a General Index at the end of the set for topical research and also a "Popular Name Table" for Popular Acts at the state level. These are very useful tools for finding the appropriate statutory section for state law research topics. The finding aids (Statutes Index and Popular Name Table) are replicated online in Westlaw and Lexis.

For case finding, there are two main reporters for Indiana Supreme Court decisions: the *Indiana Reports (Ind.)* or *North Eastern Reporter* (regional reporter – N.E., N.E.2d, N.E.3d). For Indiana Court of Appeals decisions, researchers should find all decisions in the *North Eastern Reporter* (N.E., N.E.2d, N.E.3d) or *Indiana Court of Appeals Reports (Ind. App.)*.

Traditionally, attorneys used state digests (e.g., *West's Indiana Digest*) to locate Indiana decisions by topic and uncover citations to the best cases. Now, lawyers increasingly rely on searching case law online in Westlaw and Lexis and the digitized digests and headnote classification systems found therein. Courts also have free access to selected decisions on their court websites, so it is important to also check for recent decisions there. For example, [Indiana Supreme Court decisions and Court of Appeals decisions](#) are available on the Court's website.

Indiana administrative law is available in the *Indiana Administrative Code* and the *Indiana Register* in print. Like with case law and codes, most Indiana academic law libraries and court libraries will have access to a historical print record for these primary sources. However, the Indiana Administrative Code and regulations released in the *Illinois Register* may also be researched online. The codified version of the Indiana regulations is available online in the [Indiana Administrative Code](#). In the same way, the initial release of the regulations in the chronological [Illinois Register](#) is available for free from the Indiana General Assembly (2000–present).

Wisconsin Primary Materials

The [official Wisconsin Constitution](#) is published in the *Wisconsin Statutes* or is also available online through the [Wisconsin Legislative Reference Bureau's website](#).

The chronological arrangement for Wisconsin laws, or session laws for Wisconsin, is called the *Laws of Wisconsin*. Most law libraries in Wisconsin have the complete set of historical *Laws of Wisconsin* or you can access them online in HeinOnline through the [State Session Laws Library](#). The codified version of the Wisconsin state laws or subject arrangement, which is the best version for finding laws by subject, is called the *Wisconsin Statutes*. The official code, [Wisconsin Statutes](#), is also available on the [Wisconsin Legislative Reference Bureau's website](#). Unofficial, annotated versions of the Wisconsin statutes are published by West and are available on Westlaw (*West's Wisconsin Statutes Annotated*).

The best way to research state laws like the laws of Wisconsin is through the unofficial, annotated versions of the state codes. Similar to the federal code, each set of state annotated codes has a General Index at the end of the set for topical research and also a "Popular Name Table" for Popular Acts at the state level. These are very useful tools for finding the appropriate statutory section for state law research topics. The finding aids (Statutes Index and Popular Name Table) are replicated online in Westlaw and Lexis. For case finding, there are two main reporters for Wisconsin decisions: the *Wisconsin Reports* (Wis., Wis. 2d) or *North Western Reporter* (regional reporter – N.W., N.W.2d, N.W.3d). For Wisconsin Court of Appeals decisions, researchers will also find all decisions in the *North Western Reporter* (N.W., N.W.2d, N.W.3d) or *Wisconsin Reports* (Wis. 2d.).

Traditionally, attorneys used state digests (e.g., *West's Wisconsin Digest* or *Callaghan's Wisconsin Digest*) to locate Wisconsin decisions by topic and uncover citations to the best cases. Now, lawyers increasingly rely on searching case law online in Westlaw and Lexis and using the digitized digests and headnote classification systems found within those databases. Courts also have free access to selected decisions on their court websites, so it is important to also check for recent decisions there. For instance, [Wisconsin Supreme Court opinions and Court of Appeals opinions](#) are available on the Court's website and [searchable](#).

Wisconsin administrative law is available in the *Wisconsin Administrative Code* and the *Wisconsin Administrative Register* in print. Like with state case law and code publications, most Wisconsin academic law libraries and court libraries will have collected a historical print record for these primary sources. However, the *Wisconsin Administrative Code* and regulations released in the *Administrative Register* may also be researched online. The codified version of the Wisconsin regulations is available online in the [Wisconsin Administrative Code](#). The initial release of the regulations in the chronological [Wisconsin Administrative Register](#) is also available for free online from 1956 to present.

For other states' primary law (other than Indiana or Wisconsin), it is best to initially consult the available online sources available through the Law Library of Congress's [Guide to Law Online](#) or consult a state research guide from the academic library or court/legislative law library in that state.

Practice Materials for Indiana, Wisconsin, and Other States

Many states publish highly regarded practice materials, such as Continuing Legal Education publications or “Practice Series” publications, for attorneys to rely on in practice. These sources often contain forms for practice, explain procedural rules, and also provide analyses or provide illustrations for difficult legal issues in practice for that state. In Indiana, the most important practice sets are the [Indiana Practice Series \(West\)](#) and the [Indiana Continuing Legal Education Forum \(I.C.L.E.F.\)](#) series. These traditional practice sets walk attorneys through procedural rules for practice and also have cross-references to very important primary and secondary sources for their practice (such as legal forms). In Wisconsin, the most vital practice materials for attorneys are the [Wisconsin Practice Series \(West\)](#) and the *Wisconsin CLE Publications* available through the [State Bar of Wisconsin](#). Wisconsin attorneys also often rely on a set called [Wisconsin Judicial Benchbooks](#) for research on particular topics. Overall, many states have similarly important practice materials for the nuances of state law research and often these practice materials are CLE publications or have “Practice Series” in the title. It is often helpful to consult with a reference law librarian to locate the most authoritative practice material set(s) for other states.

Topic-Specific Secondary Materials (“Legal Treatises”)

With difficult topical issues, attorneys often turn to sophisticated legal treatises, which are written by experts on a particular subject, to assist with detailed analysis and understanding for highly regulated topics. National authoritative treatises include citations to state primary law and often discuss legal trends in particular states. Georgetown’s law library has a very good [list of authoritative national treatises](#) for particular legal topics. Most academic law libraries have print copies of these national treatises, and researchers can search the individual library catalogs to locate the call numbers of these titles. In addition, the topic-specific treatises are available in online databases like Westlaw and Lexis depending on who publishes the particular treatise. [Bloomberg Law](#) also has topical treatises (e.g., published by BNA) with a subscription to their database. Lastly, there are often state-specific topical treatises and those titles vary by state. For example, there are often sophisticated texts (practice materials or handbooks) for larger legal topics in each state for tax law, family law, estate planning, or property and real estate law. These texts are increasingly digitized and available online on Westlaw or Lexis depending on the publisher and are also sometimes available in print in academic law libraries, court law libraries, or law firm libraries.

Updating Your Research

Like all types of federal or state legal research, it is critical to update your research for primary law and check the dates of currency for secondary source materials. Print materials might not be as current as online digitized sources, but it is important to check the date(s) of the last update. In addition, it is crucial to check a reliable legal citator (Shepard’s on Lexis or KeyCite on Westlaw) to make sure that your state cases, statutes, and regulations are still good law. If you are confused about the updating procedure for legal research, be sure to seek the assistance of a knowledgeable reference librarian to walk you through the process. Academic and court law libraries often have public terminals for Keyciting or Shepardizing your state case law or statutory research.

Finding Illinois Law

An online legal research manual in Wisconsin through the Law Librarians Association of Wisconsin (LLAW) provides a great overview of legal citators in its [Introduction to Legal Materials](#). Descriptions of the [Shepard's service \(Lexis\)](#) and [KeyCite service \(Westlaw\)](#) are also available online. Overall, Shepardizing and KeyCiting primary sources is always the last step of conducting state law research and checking dates of currency on websites is an essential final step for state law research on the Internet.