



# FINDING ILLINOIS LAW:

A LIBRARIAN'S GUIDE FOR NON-LAWYERS



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Finding Illinois Law:  
A Librarian's Guide  
for Non-Lawyers

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Chicago Association of Law Libraries

2012



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## Preface

The Chicago Association of Law Libraries (CALL) is a network of law librarians whose mission includes encouraging advocacy in the legal information community. Recognizing that legal research is a specialized skill practiced by attorneys and law librarians, but that the general public often has a need to locate and understand legal information, the CALL Government Relations Committee presents this guide as a tool to aid non-lawyers.

*Finding Illinois Law* begins with an overview of the entire U.S. legal system to provide an introduction to American law. Legal information follows a unique system of citation, so we have included a guide to deciphering citations to legal publications which also serves as an overview of the kinds of legal resources that exist.

Each branch of government produces its own source of law from cases to statutes to administrative regulations. Chapters 3 through 7 of the guide discuss each of these sources of law focusing on the law of Illinois, but also including information about federal law and the laws of our neighboring states, Indiana and Wisconsin.

Because this guide is intended for an audience of non-lawyers, it includes advice on how free internet legal research compares with the commercial services generally used by attorneys. Librarians who conduct legal research on behalf of another individual or who assist patrons with locating legal information will be interested in the chapter on the unauthorized practice of law to ensure that the assistance they are providing does not cross the fine line between reference assistance and providing legal advice.

Chapters 10 and 11 are intended to serve as resources for additional help. If a situation arises where legal representation is needed, consult the list of law school clinics, legal organizations and lawyer referral services to locate free and low-cost legal assistance. Librarians who are looking to add legal titles to their collection should consult the list of recommended publishers and resources.

Finally, I would like to thank the CALL members who generously donated their time and wisdom by contributing chapters to this guide. *Finding Illinois Law* also would not have been possible without the support of the CALL Executive Board. The authors and I hope that this guide will be a valuable resource for librarians and non-lawyers throughout Illinois.

Jamie Sommer  
Co-chair, Government Relations Committee  
Chicago Association of Law Libraries

*November 2012*





# Chapter 1

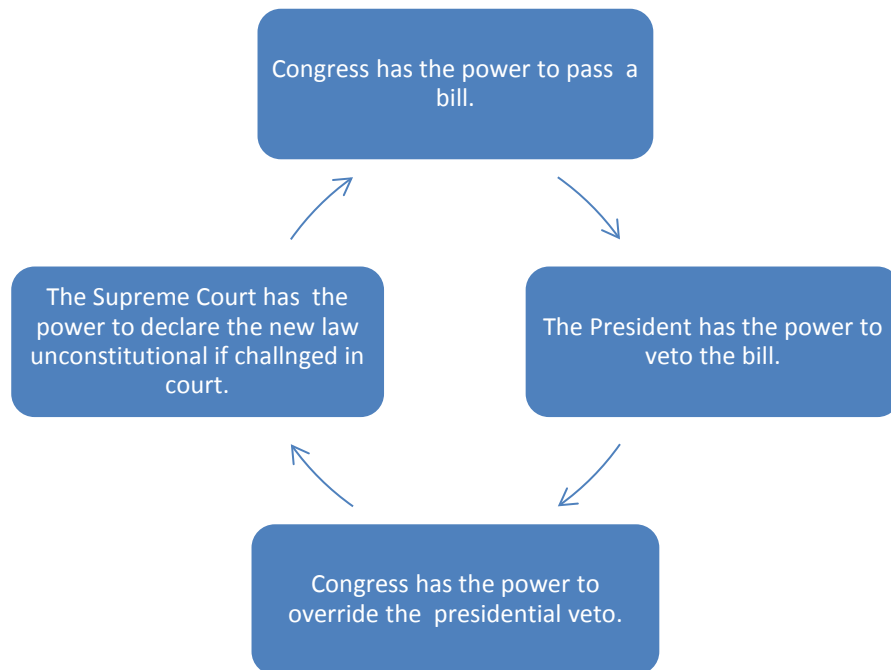
## Introduction to U.S. Legal System

Konya Lafferty  
Librarian  
Supreme Court of Illinois - Chicago Branch

This chapter provides an overview of the United States Legal System. Article VI of the Constitution of the United States declares the authority of the Constitution as "the supreme Law of the Land," therefore; this primer on the U.S. Legal System will begin with the importance of the Constitution, followed by discussion of the three branches of government, and conclude with sources of law.

### The Constitution

Effective since 1789, the U.S. Constitution is the oldest functioning government charter in the world. It is a governmental framework containing two important principles: a system of checks and balances to guarantee that no one branch dominates the government and the distribution of power between national and state governments through a system known as federalism. The chart below illustrates one example of checks and balances. Notice that the chart is not hierarchical, but is rather a process because none of the three branches are more powerful than another.



The U.S. Constitution does much more than set up the three branches of government. Specifically, it sets the parameters of federal and state powers. The federal government only has the powers stated in the Constitution. Limitations on state powers are enumerated in Article I

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Section 10, but the 10<sup>th</sup> amendment broadly describes the powers reserved to the states as all “powers not delegated to the United States by the Constitution, nor prohibited by it to the States.” What does this mean in practice? Federal courts hear disputes regarding federal statutes and the constitution. State courts hear disputes regarding state statutes, the state constitution and issues governed by common law.

The United States still operates from the original Constitution, though twenty-seven amendments have been added over the years as needed. All fifty U.S. states have their own constitution, and each state exercises its own discretion as to the writing, amending, enforcing, and rewriting of that constitution. Illinois has held six Constitutional Conventions, but only four Illinois Constitutions have been ratified by popular vote in 1818, 1848, 1870, and 1970.

The Constitution of the State of Illinois models the Illinois government after the government of the United States in that Illinois has the same three branches of government: Legislative, Executive, and Judicial. The details of these three branches are suited to meet the specific needs of Illinois.

Please make use of the resources listed throughout this primer to learn more about the Constitution, the branches of government, and the sources of law.

### Resources on the Constitution of the United States and the Illinois Constitution

<a href="#">Ben’s Guide for Kids</a>	Find explanations of the U.S. government for kids of all grade levels.
<a href="#">Illinois Digital Archives</a>	Find PDFs of constitutions and constitutional conventions in Illinois.
<a href="#">Illinois General Assembly</a>	Find the current (1970) Illinois Constitution.
<a href="#">Library of Congress</a>	Find primary sources from the drafting of the Constitution.
<a href="#">The National Archives</a>	Find images and transcripts of documents such as the Constitution, the Declaration of Independence, and the Bill of Rights.
<a href="#">U.S. Government Manual</a>	Find the Constitution, and listing of persons filling federal offices along with their contact information.
<a href="#">Library of Congress</a>	Find primary sources from the drafting of the Constitution.

### The Three Branches of Government

For both the United States government and the Illinois government, the three branches are coequal in power and separate in functions. The Legislative Branch enacts the law, the Executive Branch enforces the law, and the Judicial Branch interprets the law. They are explained here in

## Chapter 1: U.S. Legal System

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order of their appearance in both constitutions: the Legislative Branch, the Executive Branch, and the Judicial Branch.

### The Legislative Branch

The purpose of the Legislative Branch is to enact statutory law by passing identical bills through both the Senate and the House of Representatives. In the U.S. Congress, representation in the Senate is equal among the states with each state having two Senators. Representation in the House of Representatives is based on state population, with Illinois having 19 U.S.

Representatives. This bicameral system is mirrored in Illinois General Assembly. The Illinois Senate has 59 members and the Illinois House of Representatives has 118 members.<sup>1</sup> See chapter 3: "Statutes" for a detailed explanation of how a bill becomes a statute.

#### Resources on the Legislative Branch

<a href="#">House of Representatives</a>	Find U.S. House representatives, leadership, committees, votes, calendars, and reports.
<a href="#">How Our Laws Are Made</a>	Find detailed descriptions of each step of the legislative process for the U.S. Congress.
<a href="#">Illinois General Assembly</a>	Find Illinois Public Acts, bills, and transcripts for the Senate and House of Representatives.
<a href="#">The Library of Congress: Thomas</a>	Find Public Acts, Congressional debates, committee reports, and the Congressional Record of the U.S. Congress.
<a href="#">Senate</a>	Find for the U.S. Senate representatives, leadership, committees, votes, calendars, and reports.
<a href="#">U.S. Government Printing Office</a>	Find U.S. Congressional committee reports, bills, and the <i>Congressional Record</i> .

### The Executive Branch

It is the job of the Executive Branch to enforce the laws using federal regulations. Statutes can be broadly written, so administrative actions fill in the gaps to give citizens and administrations specific details as to compliance with the law. The Executive Branch of the United States is led by the President, and the executive for the State of Illinois is the Governor. There are both

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<sup>1</sup> U.S. Constitution, art. 1, sec 10 and the Constitution of the State of Illinois, art 4.

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federal and state administrative agencies to assist both executives in the "faithful" execution of the laws. See chapter 5: "Administrative Law" for discussion on administrative rules and regulations.

### Resources on the Executive Branch

<a href="#">The Federal Register</a>	Find the daily publication of documents from various government agencies including addresses, letters, notices, proposed rules, final rules, vetoes, and presidential documents.
<a href="#">The National Archives</a>	Find online editions of the public papers and photographic portfolios of the current and historical Presidents dating back to 1991. See a Federal Depository Library for print editions.
<a href="#">The White House</a>	Find information on the current Presidential administration.
<a href="#">Illinois.gov</a>	Find information on the Illinois Executive Branch.

### Judicial Branch

The Judicial Branch has adjudicative powers for actual controversies; there are no advisory opinions. Illinois courts consist of the Illinois Supreme Court, Appellate Courts, and lower circuit courts and they only apply laws of the State of Illinois. The federal judicial system is charged with applying federal law and includes the U.S. Supreme Court, the U.S. District Courts, and the U.S. Courts of Appeals. The Supreme Court of the United States is the highest court in the land and the only federal court provided by the U.S. Constitution. Jurisdiction for this high court includes cases involving ambassadors, cases between states, and cases that have been appealed through the lower federal courts. All inferior courts are bound by the decisions of the Supreme Court. See chapter 4: "Cases" for discussion on the judicial system and common law.

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Resources on the Judicial Branch	
<i>BNA's Directory of State and Federal Courts, Judges, and Clerks</i>	Find contact information on justices and clerks as well as organizational charts of court hierarchies.
<a href="#">Illinois Courts</a>	Find dockets, opinions, and court rules from the Illinois Judicial Branch.
<a href="#">Oyez Project</a>	Find recordings of oral arguments, transcripts of cases, and virtual tours of the Supreme Court of the United States.
<a href="#">PACER</a>	Find public access to court electronic records (fee involved).
<a href="#">Supreme Court of the United States</a>	Find the calendar of the Supreme Court, reported opinions, biographies of the Justices, and court rules.
<a href="#">U.S. Code, Title 28</a>	Find codified U.S. laws, particularly related to the Supreme Court.

### Sources of Law

Each of the three branches produces law. The legislative branch produces bills and statutes, the Executive Branch produces federal regulations, and the Judicial Branch produces case law. Some of these sources are online in an official format, but for others, a trip to the library is necessary. The Federal Depository Library Program makes sources of law available to the public. Even if the library belongs to a private institution, if it is a member for the FDLP program, the public may enter free of charge. For example, in Illinois, Northwestern University is a private university, but because the Deering Library of Northwestern University is a member of the Federal Depository Library program, the public may enter and use the government documents section of that library. See the chart below for sources of law and visit <http://www.gpo.gov/libraries/> to find your local Federal Depository Library.

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	<b>Legislative Branch Branch (Statutes)</b>	<b>Judicial Branch (court opinions)</b>	<b>Executive Branch (regulations)</b>
<b>Federal</b>	U.S. Code	<ul style="list-style-type: none"><li>• U.S. Reports (U.S. Supreme Court opinions)</li><li>• Federal Reporter (Circuit Court of Appeals opinions)</li></ul>	Code of Federal Regulations
<b>Illinois</b>	Illinois Compiled Statutes	<ul style="list-style-type: none"><li>• Illinois Reports (IL Supreme Court opinions)</li><li>• Illinois Appellate Court Reports (Appellate court opinions)</li></ul>	Illinois Administrative Code

### Primary and Secondary Sources

In legal research, it is important to distinguish between primary and secondary sources of law. Primary sources are the law. Examples of primary sources include statutes, cases and regulations. Secondary sources are not the law, but they are *about* the law. Secondary sources serve to provide explanation, commentary or analysis about the primary sources that are produced directly by a governing body.

One example of a secondary source is a journal article. Legal periodicals offer new scholarship and often offer the opinion of the author. Legal journals are generally published by professional associations for attorneys such as the American Bar Association or by law schools. A few examples are the *Northwestern University Law Review*, the *University of Illinois Law Review*, the *Loyola University Chicago Law Journal*, and the *Illinois Bar Journal from the Illinois State Bar Association*. For a comprehensive listing of periodicals, see the *Index to Legal Periodicals & Books*.

In addition to journal articles, there are several other examples of secondary sources: legal dictionaries, legal encyclopedias, and treatises. A legal dictionary, such as *Black's Law Dictionary*, defines legal terms and phrases. Legal encyclopedias are a good place to start a legal research project because they offer background information on a topic. While encyclopedias are not considered authority, they do have footnotes that point the researcher to primary sources. A treatise is a legal resource on a specific area of law such as contracts or criminal law. Treatises can include books that are a single volume or multiple volumes, but they are more narrowly focused than an encyclopedia because a treatise usually covers only one topic. All secondary sources are useful for their summaries or analysis of the law, but they are also good sources to find citations to relevant primary sources.

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The Constitution itself is a primary source. A law review article discussing a new interpretation of the Constitution is a secondary source. As a rule, secondary sources are not cited in documents submitted to a court. Courts prefer to see citations to primary law such as statutes and cases. However, if an attorney wished to persuade a judge to follow a new interpretation of the law, a law review article could be cited as a secondary, persuasive authority. See the chart below for examples of the different kinds of information found in secondary sources. Notice the differing types of information found from each type of source when the topic is the Constitution.

Examples of Sources	
<b>Primary</b> (The Constitution)	"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." <sup>2</sup>
<b>Dictionaries</b> ( <i>Black's Law Dictionary</i> )	"1. The fundamental and organic law of a nation or state that establishes the institutions and apparatus of government, defines the scope of governmental sovereign powers, and guarantees individual civil rights and civil liberties. 2. The written instrument embodying this fundamental law, together with any formal amendments." <sup>3</sup>
<b>Encyclopedias</b> ( <i>American Jurisprudence 2d</i> )	"Constitutional law, which deals with the interpretation and construction of constitutions and the application of this fundamental law to statutes and other public acts because of the American governmental system, occupies an extremely important position in the jurisprudence of this country, because constitutions in this country, rather than stating inflexible specific rules of conduct, contain broad principles capable of accommodating societal changes." <sup>4</sup>
<b>Treatises</b> ( <i>Treatise on Constitutional Law: Substance and Procedure</i> )	"[The Framers] did not create a perfect document or even a completely democratic charter, but they created in the new Constitution a degree of flexibility which allowed it to grow with the times and to become more democratic. The new Constitution gave the central government enough power to grow, to meet new needs. It preserved fundamental human rights." <sup>5</sup>
<b>Periodicals</b> ( <i>University of St. Thomas Journal of Law &amp; Public Policy</i> )	"The overall thesis is that while history may be an appropriate tool for making or sustaining constitutional arguments, what is needed is some rule of translation explaining why, when, and how the past is relevant to defending presidential power." <sup>6</sup>

<sup>2</sup> U.S. Constitution, art. 6., sec. 2.

<sup>3</sup> "Constitution," *Black's Law Dictionary*, 9<sup>th</sup> ed., (St. Paul, MN: Thompson Reuters, 2009): 353.

<sup>4</sup> "Constitutional Law," *American Jurisprudence*, 2<sup>nd</sup> ed., (Thompson Reuters, 2009): 323.

<sup>5</sup> "The Origins of Judicial Review," *Treatise on Constitutional Law: Substance and Procedure*, 5<sup>th</sup> ed. (West, 2012): 42-43.

<sup>6</sup> David A. Schultz, "Don't Know Much About History: Constitutional Text, Practice, and Presidential Power," *University of St. Thomas Journal of Law & Public Policy*, (Fall 2010): 3.





## Chapter 2

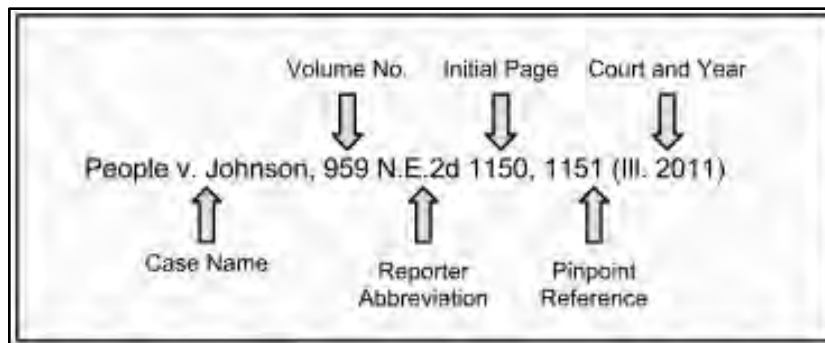
### How to Read Legal Citations

Maribel Nash  
Research and Instructional Services Librarian  
Pritzker Legal Research Center  
Northwestern University School of Law

Legal *citations*, or *cites*, are references to specific legal sources. They serve as shorthand to assist researchers in quickly identifying legal authority. A typical citation describes what is being cited, where the reader can find the information, when the information was produced, and who produced it. Citations may refer to primary law (court opinions, statutes, constitutions, or administrative rules and decisions) or secondary materials (law review articles or treatises). This chapter describes common legal citations: cases and statutes. It also provides a list of legal citation manuals for further information.

#### Case Law

A common type of legal citation is a citation to a court case, or judicial opinion. The process of case law research is described in detail in Chapter 4 of this Guide. Most citations to court cases appear as illustrated below:



Citations to court cases, or judicial opinions, generally begin with the name of the case. The complete citation to the print reporter follows. “N.E.2d” refers to the Northeastern Reporter, Second Series.<sup>7</sup> The volume number in which the opinion appears always precedes the reporter abbreviation, and the case’s initial page follows it. Therefore, *People v. Johnson* can be found in volume 959 of the Northeastern Reporter, Second Series, and the opinion starts on page 1150. A second page number, a pinpoint reference to a specific page within the opinion, may also be included in the citation. At the end of the citation, the court that decided the case -- in this case, the Illinois Supreme Court -- and the year the case was decided will appear in parenthesis.

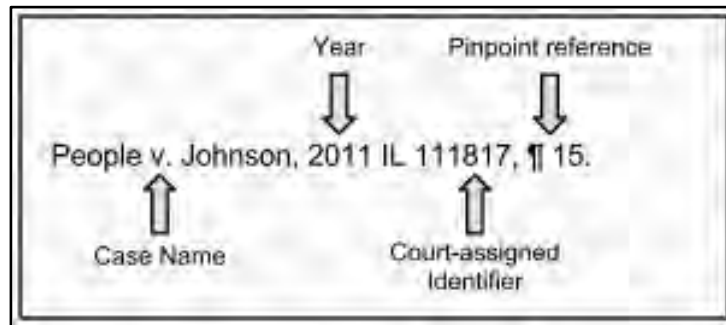
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<sup>7</sup> The Northeastern Reporter is one of seven regional reporters in West’s National Reporter System, published by Thomson Reuters.

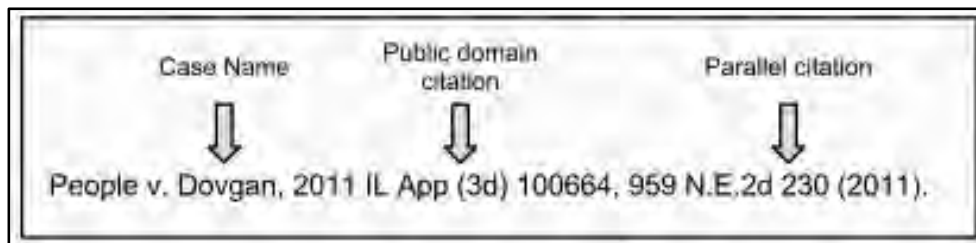
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Until 2011, Illinois state court opinions were published in official reporters: *Illinois Reports* (abbreviated “Ill.” or “Ill.2d”) for Supreme Court decisions and *Illinois Appellate Reports* (abbreviated “Ill. App.,” “Ill. App. 2d,” or “Ill. App. 3d”) for Appellate Court Opinions. Publication of these print reporters was discontinued in 2011. That year, the Illinois Supreme Court adopted a public domain citation format for Illinois Supreme Court and Appellate Court decisions. The new citation format, now adopted by about a dozen states, includes the year of the decision and a sequential number, or identifier, assigned to the opinion. Instead of pinpoint references to page numbers, a paragraph number now indicates where the cited information is located within the opinion. Using these public domain citations, researchers can easily find Illinois opinions on the [Illinois Courts website](#). An example of the new public domain citation from the Illinois Supreme Court appears below:



The Illinois Supreme Court rules allow, but do not require, parallel citation to the unofficial print reporters. Researchers may see a long citation containing multiple references to the same case. See this example of a case opinion from the Illinois Court of Appeals:



Illinois researchers frequently encounter the following abbreviations when reading cases and other legal materials. For a list of legal abbreviations, refer to citation manuals such as the Bluebook or Bieber’s Dictionary of Legal Abbreviations.

## Chapter 2: Legal Citations

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Court	Abbreviation	Reporter
U.S. Supreme Court	U.S. / S. Ct. / L. Ed.	United States Reports (official) / Supreme Court Reporter (West) / Supreme Court Reporter, Lawyers' Edition (Lexis)
U.S. Courts of Appeals (Federal appellate level)	F. / F.2d / F.3d	Federal Reporter [First, Second, or Third Series] (West)
U.S. District Courts (Federal trial level)	F. Supp. / F. Supp. 2d	Federal Supplement [First or Second Series] (West)
Illinois Supreme Court	IL / Ill. / N.E. / Ill. Dec.	Illinois public domain citation (official) / Illinois Reports (official) / Northeastern Reporter [First or Second Series] (West) / Illinois Decisions (West)
Illinois Court of Appeals	IL App / Ill. App. / N.E. / Ill. Dec.	Illinois public domain citation (official) / Illinois Appellate Reports (official) / Northeastern Reporter [First or Second Series] (West) / Illinois Decisions (West)

### Statutes

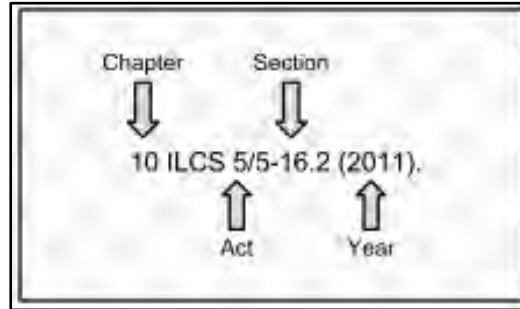
Researchers are also likely to encounter citations to statutes. The process of statutory research is described in detail in Chapter 3 of this Guide. Illinois statutes are published in the *Illinois Compiled Statutes* (abbreviated “ILCS”<sup>8</sup>). An example of a citation to an Illinois statute appears here:

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<sup>8</sup> The Bluebook requires the abbreviation “Ill. Comp. Stat.,” but that abbreviation is not in compliance with Illinois law. See 25 ILCS 135/5.04 (2012).

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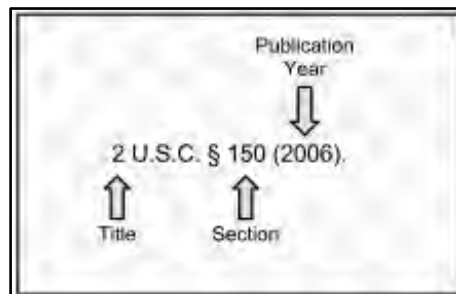
The *Illinois Compiled Statutes* are organized, by topic, into Chapters. The topical chapters are then subdivided into Acts and Sections. West publishes an annotated version of the ILCS, the *Smith-Hurd Illinois Compiled Statutes Annotated* (abbreviated “Ill. Comp. Stat. Ann.”). A citation to the unofficial annotated statutes also includes a reference to the publisher in the parenthesis, as well as the year of the print publication:

10 Ill. Comp. Stat. Ann. 5/5-16.2 (West 2010).

Notice that statutory citations, unlike case law citations, do not include parallel citations.

Official publication of federal statutes is in the *United States Code*. Both Thomson Reuters (West) and LexisNexis publish unofficial annotated versions of the U.S. Code. West publishes the *United States Code Annotated* (abbreviated “U.S.C.A.”), and LexisNexis publishes the *United States Code Service* (abbreviated “U.S.C.S.”).

Federal statutes are organized, by topic, into Titles. Within the statutory citation, the title number precedes the U.S.C. abbreviation. The next number in the citation is the statutory section. The year of publication appears in the parenthesis (in addition to the publisher, for the unofficial codes.)



## Chapter 2: Legal Citations

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Examples of federal statutory citations follow. Note that the section numbers for the U.S.C.A. and U.S.C.S. correspond to the same section numbers in the U.S.C.

	Citation
<i>United States Code (official)</i>	2 U.S.C. § 150 (2006).
<i>United States Code Annotated (unofficial)</i>	2 U.S.C.A. § 150 (West 2006).
<i>United States Code Service (unofficial)</i>	2 U.S.C.S. § 150 (LexisNexis 2006).

### Citation Manuals

For further information on citations, consult the following sources:

*The Bluebook: A Uniform System of Citation* (19th ed. 2010).

Introduction to Basic Legal Citation (Legal Information Institute 2011):

<http://www.law.cornell.edu/citation/>

For more comprehensive lists of legal abbreviations, consult:

Mary Miles Price, *Prince's Bieber Dictionary of Legal Abbreviations* (6th ed. 2009).

Abbreviation tables in *The Bluebook: A Uniform System of Citation* (19th ed. 2010).

Acronyms and Abbreviations (University of Washington Gallagher Law Library 2006):

<http://lib.law.washington.edu/pubs/acron.html>



## Chapter 3

### Statutes

Ramsey Donnell  
Associate Director for Access and Organization  
Louis L. Biro Law Library  
The John Marshall Law School

#### What is a statute?

In the United States, a statute, also called an act, is a written law passed by a legislature or other lawmaking body.<sup>9</sup> “Legislature” refers to those elected bodies we commonly associate with lawmaking, such as the U.S. Congress or the Illinois General Assembly. Other enactments are sometimes referred to as statutes—for example, legislation enacted by administrative boards, the constitution adopted by the people of the U.S. or a given state, and ratified treaties.<sup>10</sup> For purposes of this discussion, we will focus on the most common statutes, the enactments of legislatures.

After a statute is passed by a legislature and signed by the executive (i.e., the President of the United States or the governor of a state), it is compiled and integrated with all of the outstanding laws of the jurisdiction. These compiled sets of laws are often called codes. For example, the compiled set of laws passed by the U.S. Congress is called the *United States Code* and the full body of laws passed by the Illinois General Assembly is collected in the *Illinois Compiled Statutes*.

#### How are statutes created?

Do you remember the old “How a Bill Becomes a Law” poster from your junior high classroom? Despite its frayed edges and yellowed borders, this old standby encompasses most of what a layman needs to know about the process of enacting legislation. In very broad strokes, here is how the process works in the U.S. Congress and the Illinois General Assembly.

A. Federal Law (For an interactive diagram of the process, see this [flowchart from LexisNexis](#).)

1. Introduction of Legislation. A member of Congress, either a U.S. Representative or Senator, introduces a proposed, written piece of legislation, called a bill. It is assigned an identifying number (e.g., HR 1 for the House or S 1 for the Senate).

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<sup>9</sup> Black’s Law Dictionary 1542-43 (Bryan A. Garner, ed., 9<sup>th</sup> ed., West 2009).

<sup>10</sup> Id.

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2. The Bill is Referred to Committee. The Speaker of the House of Representatives or the presiding officer of the Senate refers the bill to the appropriate committee, where it is analyzed and amended. Ultimately, the committee votes on whether or not to send the bill back to the House or Senate. If the bill fails to get out of committee it is most often dead.
  3. Debate and Vote. When a bill returns to the full House or Senate, legislators in that body debate the bill and vote on whether or not to pass it.
  4. Referral to Other Chamber. If the bill passes one chamber of Congress, it then goes to the other chamber (e.g., if the bill passes in the House, it would then go to the Senate). The other chamber goes through a similar process—referral to committee, approval by committee, debate and vote. Often, separate House and Senate versions of a bill make their way through the process at the same time.
  5. Conference Committee. With major legislation, it is common for House and Senate to pass different versions of the bill. When this happens, a Conference Committee consisting of members of both chambers meets to reach a compromise on the bill’s final language.
  6. The Bill Goes to the President. After both chambers pass the bill or approve the Conference Committee’s version, the bill goes to the President for signature. If the President signs the bill, it becomes a law. The President may veto a bill, in which case it does not become a law, unless the veto is overridden by Congress.
- B. Illinois Law (For a diagram of the process in Illinois, see this [chart from the Illinois General Assembly](#)).
1. Introduction of Legislation. As with Federal laws, Illinois laws begin their journey to enactment when a bill is introduced in either the Illinois House or Senate. Upon introduction, there is a first reading of the bill in the chamber in which it is proposed. (The Illinois Constitution requires three readings in each chamber.)
  2. The Bill is Referred to Committee. Following introduction, the bill is referred to the applicable committee where hearings may be held and amendments made to the text of the bill. The committee recommends whether or not to pass the bill. If it recommends passage or the full house overrides a “do not pass” recommendation, the bill goes back to the chamber in which it originated.
  3. Additional Readings; Vote. When the bill comes out of committee, it is read a second time, during which floor amendments may be proposed. It will then be read a third time and voted upon.



## Chapter 3: Statutes

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4. Referral to Other Chamber. If the bill passes the first chamber, it is sent to the second chamber. A similar process is followed: the bill is read a first time, referred to committee for analysis and amendment, read a second time with the possibility of floor amendments and finally read a third time and voted upon.
5. Conference Committee. If a bill passes the second chamber in a different version than that passed in the first, a conference committee may be convened to recommend a compromise version.
6. The Bill Goes to the Governor. After both chambers pass the bill or approve the conference committee's compromise, the bill goes to the Governor for signature. If the Governor signs the bill, it becomes a law. The Governor may veto the bill in total, make an item or reduction veto or an amendatory veto. If the General Assembly fails to override the Governor's veto action, the bill may be dead (following a total veto) or passed in the reduced or amended form suggested by the Governor.

### **How are laws organized?**

So, myriad bills have successfully wended their way through the legislative process and been signed into law by the President or Governor; taken together, they comprise the laws of the nation or state. How do you find the laws you are interested in? To answer this question, it helps to understand how laws are organized and published.

### ***Public Laws and Public Acts***

After becoming law, a statute is assigned an identifying number. With U.S. laws, these identifiers are called Public Law numbers (e.g., P.L. 101-73); in Illinois, they are called Public Act numbers (e.g., P.A. 87-1226). In both cases, the numbers provide the same information: the first digits refer to the number of the Congress or General Assembly and the second set of digits refers to the chronological order of that law's passage. So, in the foregoing examples, P.L. 101-73 refers to the 73<sup>rd</sup> law passed by the 101<sup>st</sup> U.S. Congress, and P.A. 87-1226 refers to the 1226<sup>th</sup> law passed by the 87<sup>th</sup> Illinois General Assembly. The number of the Congress and General Assembly tells you when the law was passed. For example, the 101<sup>st</sup> U.S. Congress sat in 1989-1990 and the 87<sup>th</sup> Illinois General Assembly sat in 1991-1992.

### ***Session Laws***

Eventually, all of the laws are published in chronological order as what are called session laws. For U.S. laws, this publication is called the *Statutes at Large*. In the *Statutes at Large*, P.L. 101-73 would be followed by P.L. 101-74, etc. Illinois session laws are published as the *Laws of Illinois*, and P.A. 87-1226 would be followed by P.A. 87-1227. These sets contain every law the particular legislature has passed, including laws that have subsequently been repealed or amended.

### *Codes*

Most people don't look for laws in the order in which they were passed; they look for them by subject matter. Consequently, researching Federal or Illinois statutes using solely the *Statutes at Large* or *Laws of Illinois* would be a difficult task. To make the laws more accessible, U.S. and state governments also organize their laws by subject, integrating the Public Laws and Public Acts into an existing structure that contains all laws currently in effect. These subject-based arrangements of the law are called codes, and codes are what most researchers rely on when trying to analyze the law. The U.S. code is called the *United States Code*, and the Illinois code is called the *Illinois Compiled Statutes*.

#### A. *United States Code*

The *United States Code* is organized into Titles, which are divided into Chapters, which are further subdivided into Sections. For example, Title 17, "Copyrights," is subdivided into 13 Chapters. Chapter 1 of Title 17, "Subject Matter and Scope of Copyright," is subdivided into Sections 101 through 122. Each Section contains statutory text addressing a distinct issue. For instance, Section 107 addresses "Fair use," and Section 108 addresses "Reproduction by libraries and archives."

References to the *United States Code* in legal documents, called citations, commonly take the form of [Title] U.S.C. [Section]. Thus, a citation to the fair use section of the Copyright Act would be cited as 17 U.S.C. § 107. (The year of the code volume is often provided in parentheses after the section number.)

#### B. *Illinois Compiled Statutes*

The *Illinois Compiled Statutes* are organized into Chapters that are grouped according to subject matter. For instance, Chapters 805, 810, 815 and 820 consist of laws on the topic of business. Chapters are divided into Acts (e.g., Act 5 of Chapter 805 is the Business Corporation Act of 1983), Acts further divided into Articles (e.g., Article 2 of Act 5 of Chapter 805 is titled "Formation of Corporations"), and Sections delineated by decimal places after the Article number. Each Section consists of statutory text on a given issue. For example, the statutory language dealing with Articles of Incorporation is found in Section 2.10 of Chapter 805, Act 5, Article 2 of the *Illinois Compiled Statutes*.

Citations to the *Illinois Compiled Statutes* take a similar form to *United States Code* citations: [Chapter] ILCS [Act/Section]. So, a citation to the section dealing with Articles of Incorporation would take the form of 805 ILCS 5/2.10. As with the *United States Code*, the year of the code volume is often given in parentheses after the section number.

#### C. Annotated Codes

Commercial legal publishers produce annotated versions of codes for most jurisdictions, including the United States and Illinois. Such publications are

## Chapter 3: Statutes

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distinguished by their annotations, which supply information on the legislative history of the law (e.g., citations to prior laws, Public Act or Public Law numbers for the initial enactment and amendments, etc.), lists of law review, journal, legal encyclopedia and treatise entries addressing the law, and notes of judicial decisions interpreting the law. Such information can help provide additional insight into the meaning of a particular law, particularly when the text by itself is vague.

West and LexisNexis are the two major publishers of annotated codes. Applicable publications include:

- *United States Code Annotated* (West)
- *United States Code Service* (LexisNexis)
- *West's Smith-Hurd Illinois Compiled Statutes Annotated* (West)
- *Illinois Compiled Statutes Annotated* (LexisNexis)

### Where are statutes found?

The annotated codes listed above are published in multi-volume print sets. Many public libraries and law libraries carry them. When using print resources, make sure you are using the most recently published edition and always check for either a “pocket part” in the back of the hardbound volume or a stand-alone softcover supplement. Such supplements contain amendments and updates to the law.

Over the last 20 years online legal research has grown significantly in popularity. Most practicing attorneys have access to one of the two major online legal research platforms: Westlaw and Lexis. Both contain annotated versions of the *United States Code* and *Illinois Compiled Statutes* and can be searched using a full-text search engine as well as browsed by Title, Chapter and Section. A major advantage of the established commercial platforms is that they can generally be relied upon to provide the latest version of a given law and to notify the researcher of any repeal or other action that affects a law's validity. Newer commercial competitors of Westlaw and Lexis, such as Bloomberg Law and Loislaw, also provide access to these statutes.

Free versions of the *United States Code* and *Illinois Compiled Statutes* are now available online from governmental and other websites:

- Legal Information Institute (at Cornell University Law School): [United States Code](#)
- U.S. House of Representatives: [United States Code](#)
- Illinois General Assembly: [Illinois Compiled Statutes](#)

Free websites are a very helpful, cost effective place to begin researching statutes but should not be relied upon to provide the most current text of the law.



## Chapter 4

### Cases

Jamie Sommer  
Student Services Librarian  
Louis L. Biro Law Library  
The John Marshall Law School

#### Introduction to the U.S. Court System

As explained in the introduction, our system of laws is made up of statutes, court opinions issued by courts, and administrative regulations and decisions. Unlike legislatures which draft statutes to apply broadly, courts adjudicate disputes between 2 specific parties. In civil cases, courts resolve disputes between 2 individuals or businesses. In criminal cases, the dispute is between an individual and the government responsible for enforcing the criminal laws.

Courts can be asked to interpret and apply statutes, as is the case with criminal law, but courts can also be asked to interpret and apply what is known as “common law.” Common law refers to the body of law that is made up of judicial decisions. If there is no statute or code on an issue, judges will refer to prior cases and follow what earlier courts decided on that issue. Prior cases are known as precedent and the concept of following these earlier cases is known as *stare decisis*, which in Latin means “to stand by things decided.” This means that once courts have decided on a rule of law, they will generally follow that rule in similar cases in the future. The rationale for *stare decisis* is that it creates a system where the laws are applied uniformly and rulings can be predicted.

However, judges don’t have to abide by the earlier decision of just any court. Courts are limited in which earlier decisions they must follow through a system known as mandatory and persuasive authority. Mandatory authority, also known as binding authority, refers to authority that a court must follow. Persuasive authority, or nonbinding authority, refers to laws that a court may look to for guidance and choose to follow, but it is not required to do so. There are two aspects to determining whether a rule of law is mandatory or persuasive authority: jurisdiction and level of court.

#### *Jurisdiction*

Courts must follow earlier decisions from courts within their same jurisdiction. Jurisdiction describes a court’s authority to hear a case and is generally based on geographic area or subject matter. In the United States there is a federal court system and a state court system. Federal courts hear disputes that involve a *federal question*, meaning a dispute involving the U.S. Constitution, a U.S. law or statute or a treaty to which the U.S. is a party. Federal courts also hear cases involving *diversity jurisdiction*, or disputes between individuals from different states. For example if you are an Illinois resident and you have a dispute with a resident of Indiana, you can file your law suit in federal court. The rationale for diversity jurisdiction is that an Illinois

## Finding Illinois Law

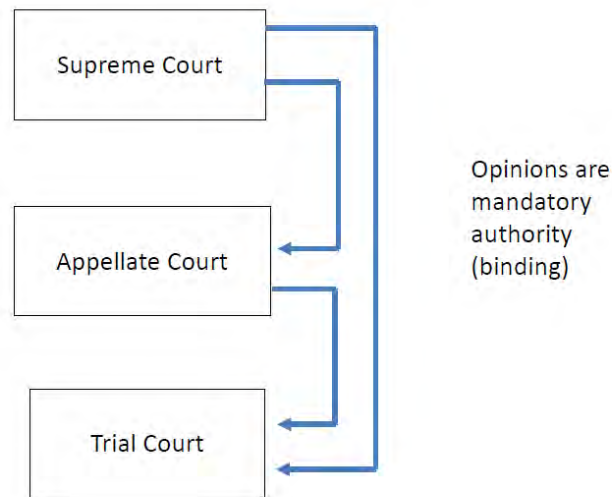
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state court may treat an Illinois resident more favorably and vice versa, so a federal court provides a neutral locate to adjudicate the dispute.

### *Level of court*

The federal and state court systems are both divided into multiple levels. For the federal court and most states including Illinois, the lowest courts are the trial courts. In the federal court system these are known as district courts. In Illinois they are referred to as circuit courts. Both court systems then have intermediate appellate courts and a final appellate court, usually known as the Supreme Court.

The general rule for determining whether a court must follow an earlier courts opinion is that courts are only bound by opinions from courts within their jurisdiction and from their level or higher. However, the opinion of a lowest level trial court is never binding (mandatory) on another court. The following chart explains how the level of court affects whether an opinion is considered mandatory authority.



For example, the opinion of an Indiana court is not mandatory authority to an Illinois court, regardless of what level of court it comes from, because it is from a different jurisdiction. The Illinois Supreme Court does not have to follow the opinion from any of the Illinois Appellate courts, because they are lower courts, although the Supreme Court may look at that opinion as persuasive authority and choose to follow it or not. To illustrate an example from the federal court system, an opinion from the 7<sup>th</sup> Circuit Court of Appeals, an intermediate appellate court, is not considered mandatory authority to the 9<sup>th</sup> Circuit Court of Appeals because the 9<sup>th</sup> Circuit is considered a different jurisdiction from the 7<sup>th</sup> Circuit. The 7<sup>th</sup> Circuit Court of Appeals also never has to follow an opinion from a lower district court, but the opinions of the U.S. Supreme court are considered mandatory authority because it is a higher court.

### Locating Court Opinions

Cases or court opinions have traditionally been published in books called reporters. A reporter is a collection of cases from a jurisdiction arranged in chronological order. For example, the reporter United States Reports contains the text of opinions from the United States Supreme Court in the order in which they were decided. Illinois Appellate Reports contains the text of opinions from all the Illinois Appellate courts. Some opinions of the lowest federal district courts appear in the Federal Supplement reporter, however, because the opinions of the lowest (trial) courts are never considered mandatory authority they are not published in Illinois. If you are trying to determine the outcome of a case heard before a trial court (circuit court) in Illinois, you should contact the clerk of that court.

As explained in Chapter 2, citations to cases include the names of the parties, the volume and page number of the printed reporter where the opinion is published and the date of the opinion. If you happen to be at a local law library that has copies of print reporters in the collection, you can locate a case using the citation. However, many court opinions are now available online for free.

Many courts now provide the text of recent opinions on their website. In Illinois, since July 2011 all Supreme Court and Appellate Court cases are made available at the website of the [Illinois Supreme Court](#). The [U.S. Supreme Court](#) website provides access to the court's opinions from 2007 on.

Google Scholar, available at <http://scholar.google.com>, is a separate search service from Google.com and provides access to scholarly articles and legal documents, including federal and state court opinions. Google Scholar includes state appellate and Supreme Court cases since 1950, U.S. federal district and appellate court cases since 1923 and U.S. Supreme Court cases since 1791.

Attorneys often use fee-based commercial databases such as LexisNexis or Westlaw for legal research. The text of court opinions found in these services is identical to that found on free sites such as Google Scholar or court websites; however, attorneys use these services for the added search features, finding tools and editorial analysis that they provide. In recent years new lower cost legal information databases such as [Fastcase](#), [Casemaker](#), and [Loislaw](#) have emerged as alternatives to Lexis and Westlaw. See Chapter 8 for additional information about free and fee based sources of legal information.





## Chapter 5

### Administrative Law

Deborah Darin  
Reference Librarian and Legal Research Instructor  
Loyola University Chicago Law School

When Congress or state legislatures enact statutes, more details frequently are needed to effectively carry out the provisions of those laws. Rules made by government agencies that give more specificity to a statute are one example of administrative law. And, just as statutes are law, so are administrative rules -- or regulations, as they are sometimes called. Rules and regulations fill in the details of a statute.

For example, Illinois has a statute that controls the licensing of drivers and provides for a graduated license for teenaged drivers (625 ILCS 5/6-107). The Illinois Department of Transportation made rules, which are authorized by the driving license statute and describe the specific offenses and procedures and criteria that would cause a graduated license to be revoked. Those rules are found in Chapter 92 of the Illinois Administrative Code. The citation to the relevant Illinois Administrative Code section looks like this: 92 Ill. Adm. Code 1040.28.

Federal and state statutes often have regulations that must be considered by someone who needs to know all the requirements of a law. And, a federal or state agency usually has general legal authority to make rules about the functions the agency controls. For example, many state and federal agencies conduct hearings -- about benefits, tax assessments, and licensing appeals, for example -- and these procedures are controlled by administrative laws and agency rules, as well as by statutes.

Usually, the best way to start searching for help with an administrative law question is to locate the agency that governs the issue. Sometimes, a federal agency will be the best place to start -- for example, if the problem involves immigration or Social Security. Often, a good starting place will be the State of Illinois, or a county or city government agency. This chapter gives sources and suggestions for researching Illinois state agencies and administrative rules, and also for the federal government. Information about county and municipal administrative agencies is found in Chapter 6 of this guide.

#### Illinois Administrative Law Resources

A simple way to begin administrative law research online in Illinois is to look at the website for the [executive branch of government](#). The page has a link to the [Illinois Handbook of Government](#), which describes the structure of state government and has extensive background and contact information for the executive branch, including state agencies.

The Executive Branch site also links the homepage [for Illinois state agencies, boards and commissions](#). From here, you can locate an agency and go to its website. Most agency sites have information about the statutes that empower the agency, details about what the agency does, consumer information, links to agency rules, case decisions, forms, publications, and contact

information. If an agency conducts hearings and does not publish its decisions in full-text online, it may provide lists of decisions and will give contact information for locating copies of the full decisions.

Here are some examples of Illinois agencies with rulemaking and decisional authority:

- [Illinois Commerce Commission](#)
- [Illinois Department of Healthcare and Family Services](#)
- [Illinois Department of Insurance](#)
- [Illinois Department of Human Rights](#)
- [Illinois Department of Revenue](#)
- [Illinois Department of Labor](#)

The main page for Illinois government has links to the state agencies page, the executive branch page, and also to other helpful features, such as “How Do I?” links for consumers, with explanations of how to accomplish things that are governed by executive agencies.

### ***Finding Illinois Administrative Rules***

Illinois regulations are available on the web. The official version of the [Illinois Administrative Code](#) is at the Illinois General Assembly site, [www.ilga.gov](http://www.ilga.gov). The code is published by the Joint Committee on Administrative Rules (JCAR), and allows browsing by title, and keyword searches. Updates to the Illinois Administrative Code are published daily in the online [Illinois Register](#), and every week in the printed version of the *Illinois Register*.

Here is a list of free, online resources for finding and updating Illinois administrative regulations:

### ***[Illinois Administrative Code](#)***

The current version is available online. Older versions are not online and may be difficult to find in print. The Illinois Administrative Code was printed and updated irregularly in the past. If you need an older regulation, the best source is the agency. If necessary, a [Freedom of Information Act \(FOIA\) request](#) can be made.

### ***[Illinois Register](#)***

The official, weekly compilation of Illinois administrative law documents; the state website includes archived issues from 2002 to the present (in PDF files). The Register publishes notices of proposed rulemaking, emergency rules, notices of comment periods and hearings on proposed rulemaking, and other information about rulemaking in-progress. Final rules are published in the Register with the date they will become effective. Print versions of older *Registers* can be found in law libraries, university libraries, and larger public libraries. Coverage of older issues varies depending on the institution.

### ***[The Flinn Report](#)***

This weekly current awareness publication (PDF file) reports current Illinois rulemaking and gives cites to issues of the *Illinois Register*.

### JCAR

The Joint Committee on Administrative Rules (JCAR) is the bipartisan legislative committee that oversees administrative rulemaking in Illinois. The JCAR website contains several helpful links, including a PDF document, “Illinois Rulemaking Process,” that presents a straightforward explanation of the regulatory process in Illinois and the importance of public participation.

### Illinois Administrative Procedure Act

The Illinois Administrative Procedure Act (IAPA), 5 ILCS 100/, is the state statute that controls many procedural requirements for rulemaking and agency hearings. It is always a good idea to check the agency website for additional information about other statutes or rules that apply. Many agencies are governed by specific statutes beyond the Illinois APA.

### The Governor

The Governor of Illinois, as the chief executive of the state, can issue orders that have the effect of law. Executive Orders and Administrative Orders issued by Governors from 1999-present can be found online at the government website. They can be browsed in full text, but cannot be searched electronically.

### The Attorney General

Another variety of executive authority comes from the Office of the Attorney General of Illinois. The Attorney General is a constitutionally established officer, and basically is the lawyer for the state. Although AG opinions are not law, they can be viewed as a highly authoritative source of guidance. They are issued on questions of law that have not yet been settled by the courts or by statute. While not binding, administrative agencies routinely abide by Attorney General opinions, and courts often follow them. Official opinions are available on the state website from 1971-present, and are keyword searchable. Informal opinion letters also are rendered, but they are not published and are more difficult to find.

## **Federal Administrative Law Resources**

Agencies of the federal government work in much the same way as the state model. The executive branch of government has authority, based in constitutional and statutory law, to carry out the functions of government, give detail to federal statutes via regulations, create procedures for disputed cases, hold hearings, call witnesses, issue decisions, investigate, grant or revoke licenses, determine particular constituent benefits, enforce taxing powers, etc. And, like the states, federal agencies’ actions can be challenged in court. The federal administrative structure is larger, but researching federal administrative law often can be easier, because sources are better organized and more reachable electronically.

Like Illinois, starting your federal research with agency webpages is often the best way to determine what agency controls the issue. Federal agency pages are increasingly prioritized around Freedom of Information Act and open government mandates. Most agency pages direct the researcher to underlying statutory authority, relevant regulations, cross-agency issues, contact information, etc., and generally are much more user friendly than just a few years ago. Several websites assist citizens’ participation in the rulemaking process – via electronic comment submission and much greater access to data the agencies collect in the process of rulemaking.

### *Finding Federal Regulations*

The *Code of Federal Regulations* (C.F.R.) contains final regulations. Like the Illinois Administrative Code, it is arranged by *subject* into Titles (Illinois has chapters). Currently, there are 50 C.F.R. Titles. The C.F.R. is available in print, updated annually on a rotating schedule, and also online. The official online version for the current year, and all years back to 1996, is found at [FDSys](#), the federal government's official site for government information. The C.F.R. can be updated unofficially by using the [unofficial Electronic CFR](#), which is current within a few days. Although the site is unofficial, it is a government source, and the updated regulations can be confirmed in the *Federal Register*.

The *Federal Register* is published every business day by the U.S. Government Printing Office. It is also available online. Like the *Illinois Register*, the *Federal Register* publishes documents throughout the rulemaking process: notices of hearing and comment, notices of proposed regulations, studies, reports, investigation results, etc., as well as the final regulations as soon as they are available. Preambles to final regulations are published only in the *Federal Register*, not in the C.F.R., and trace the regulatory history of a newly finalized rule. Preambles often contain valuable information about the intent of the agency, and the President, regarding the purpose and details of a rule. If regulations are challenged in court, preamble information can be important. Like the C.F.R., the *Federal Register* is found at [www.fdsys.gov](#), which has the current day back to 1994. The print version has existed since 1936, and old issues can be found at many large public and university libraries, and on subscription databases. The easiest way to search the *Federal Register* is via online sources.

For tracking or commenting on a rulemaking procedure, or researching a closed one, try <http://www.regulations.gov>. This site allows comments by the public on proposed regulations, as well as the opportunity to read comments submitted by others, reports, and other evidence submitted in the rulemaking process. Many closed rulemaking dockets are also on the site. Also, check specific agency websites, since some agencies do not submit to regulations.gov. It is not mandatory for all agencies to post rulemaking files there.

Agency decisions and other agency documents can be found at the federal agency websites. Agencies have varying practices regarding whether and how many decisions/guidance documents they post. Freedom of Information requests can be made for particular decisions or documents you may be seeking. Search the agency pages, contact agency personnel, and read the FOIA procedures for the agency. Many agency pages also provide links to the federal administrative procedure statutes.

### *Websites to help locate federal agencies*

[A-Z Index of United States Government Departments and Agencies](#)

[Agency Index at the Washburn School of Law](#)

[The University of Virginia School of Law Library list of federal agency decisions](#)

The *United States Government Manual* is the official handbook of the federal government. It provides details about agency functions and structure.

### *Presidential Materials*

Executive Orders and other documents are available for the current administration on [www.whitehouse.gov](http://www.whitehouse.gov). Executive Orders from previous administrations are available from the [National Archives](#).

### *The United States Attorney General*

[Official opinions of the U.S. Attorney General](#) are available from 1977 from the U.S. Department of Justice. The [U.S. Office of Legal Counsel's electronic reading room](#) has other materials, including legal opinions, which have not been selected for official publication. These selected documents “have been released as a matter of discretion and posted publicly because they are the subject of repeated requests or may be of significant public or historical interest.”

### **Secondary Sources**

There are many secondary sources available that can help you navigate federal and Illinois administrative law. Here are a few:

- The Law Librarians' Society of Washington, D.C. Legislative Sourcebook, available online at <http://www.llsdc.org/sourcebook/>, contains an excellent [research guide to the Code of Federal Regulations and the Federal Register](#).
- William A. Price, editor, *Handbook of Illinois Administrative Law* (2d. ed., Illinois State Bar Association, 2008).
- Mark E. Wojcik, *Illinois Legal Research* (2d. ed., Carolina Academic Press, 2009).



## Chapter 6

### Municipal Law: The City of Chicago and Cook County, Illinois

Walter Baumann  
Government Documents Librarian  
Rinn Law Library  
DePaul University College of Law

#### Cook County

Cook County was created on January 15, 1831 by an act of the Illinois State Legislature as the 54th county established in Illinois. Cook County is an urban county in the upper northeastern section of the State of Illinois. Cook County contains 128 municipalities in its region, the most well-known being the City of Chicago - which is the County seat where the central offices of Cook County are located.

It is a home rule county pursuant to Article VII, Section 6 of the Illinois State Constitution and is governed by a 17-member Board of Commissioners who are elected from single-member districts. The Commissioners and a County Board President are elected to four-year terms by the citizens of the County.

The City of Chicago and the suburban municipalities account for approximately 85% of the County's 946 square miles, while unincorporated areas make up the remaining 15%. The unincorporated areas of the County are under the jurisdiction of the Cook County Board of Commissioners.

#### *Cook County Board of Commissioners*

The [Cook County Board of Commissioners](#) is the legislative body of county government, and the President is the Board's Chief Executive Officer. There are eleven additional Cook County governmental offices, run by their own, independently elected officials.

The Cook County Board has the authority to set policy, and pass ordinances & resolutions related to the responsibilities of county government including approving certain county purchases, levying taxes and adopting the annual budget for the entire county government, including the budgets of the other independently elected county officials. For the unincorporated areas of the county the County Board also passes and enforces all regulatory ordinances on issues such as public health & safety and building & zoning.

- [Code Of Ordinance of Cook County, Illinois, including Zoning](#)

The [Cook County Legislative Reference Service](#) provides an online database of legislation introduced into the Cook County Board of Commissioners and the Forest Preserve District of Cook County Board of Commissioners. This searchable database includes both pending legislation and post-action legislation.

## Finding Illinois Law

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Beginning in 2010, roll call votes from [Cook County Board Meetings](#) are now available [online](#). For years prior to 2010, roll call votes are detailed in the Post Board Action Agendas and the New Items Agendas

The Board of Commissioners conducts its business at regularly held bi-monthly Board meetings as well as through its standing legislative committees and subcommittee. See the [Rules Of Organization And Procedure](#) for additional information about Board meetings.

All records on final actions of the Cook County Board are housed with the [Cook County Clerk of the Board](#). The Clerk of the Board records the activity of the Cook County Board of Commissioners by preparing bi-weekly agendas and post-meeting reports and maintaining county board records.

All records of items referred by the Board to its legislative committees or subcommittees are held by the [Office of the Secretary of the Board](#). Any notice or report of a Committee's action to be considered or taken on items in committee is prepared by the Secretary to the Board's Office and are available for your review with the Secretary's Office.

The Department was set up to provide expedient, independent and impartial hearings to citizens who are alleged to have violated a Cook County ordinance. The cases the Department of Administrative Hearings presides over are civil in nature and are not criminal proceedings. Many of these cases were previously heard by the Cook County Circuit Court.

For additional information about Cook County governance, visit [The Open Data Portal for Cook County](#) which contains the Cook County Register, County checkbook, searchable by payment amount, description, company name, and more.

### ***Cook County Department of Administrative Hearings***

The [Cook County Department of Administrative Hearings](#) (DOAH) was established by Ordinance 09-O-03 on December 3, 2008, effective January 1, 2009. The DOAH began hearing cases in May 2009.

### ***Circuit Court of Cook County***

The Circuit Court of Cook County is not only the largest of the 22 circuits in Illinois; it is also one of the largest unified court systems in the world. It was created by a 1964 amendment to the Illinois Constitution which reorganized the courts of our state. The amendment effectively merged the often confusing and overlapping jurisdictions of Cook County's 161 courts into one uniform and cohesive court of general jurisdiction.



## Chapter 6: Municipal Law

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### Clerk of Court Operating Divisions

#### Division/District Information

All Daley Center offices are open: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Suburban District offices are open: Monday - Friday, 8:30 a.m. to 4:30 p.m.

<u>CHANCERY DIVISION</u>	<u>CRIMINAL DIVISION</u>	<u>DISTRICT 2</u>
<u>CHILD SUPPORT</u>	<u>DOMESTIC RELATIONS</u>	<u>DISTRICT 3</u>
<u>CHILD</u>	<u>JUVENILE</u>	<u>DISTRICT 4</u>
<u>PROTECTION DIVISION</u>	<u>JUSTICE DIVISION</u>	<u>DISTRICT 5</u>
<u>CIVIL DIVISION</u>	<u>LAW DIVISION</u>	<u>DISTRICT 6</u>
<u>COUNTY DIVISION</u>	<u>PROBATE DIVISION</u>	
<u>CRIMINAL DEPARTMENT</u>	<u>TRAFFIC DIVISION</u>	

#### Court Rules and Orders

Guide to the Criminal Justice System | Public Defender

Pro Se/Self Help Center | Clerk of Court

Advice Desks for Pro Se Defendants (those defending themselves)

#### Clerk of the Circuit Court Of Cook County

- Services and Resources
- Self Represented (Pro Se) Resources
- Obtain copies of court records
- Research archives of court records
- Search online case information

#### ***Recorder of Deeds & Registrar of Titles***

The Office of the Recorder of Deeds records, stores and provides information that is accurate, legible, timely, and easily retrievable for public and private use. The office creates public records of land transactions as well as federal and State tax liens, articles of incorporation, and Uniform Commercial Code filings.

#### Frequently Asked Questions - Recording, Research, Forms, Other Documents

#### ***Cook County State's Attorney's Office***

Cook County State's Attorney's Office is the second largest prosecutor's office in the nation, second only to Los Angeles County. The Assistant State's Attorneys in the Office prosecute all misdemeanor and felony crimes committed in Cook County. The Office is divided into seven bureaus: Criminal Prosecutions, Juvenile Justice, Narcotics, Special Prosecutions, Civil Actions, Investigations and Administrative Services.

### ***Cook County Public Defender's Office***

The [Public Defender](#) is appointed by the judge when an individual is not able to afford an attorney (55 ILCS 5/3-4006). A Public Defender should be available to individuals at the time of the first court appearance. The Public Defender provides legal representation in the areas of criminal, misdemeanor, juvenile justice, child protection, paternity, appeals, post-conviction and traffic cases.

### ***Chicago Police Board***

The [Chicago Police Board](#) is an independent civilian body that oversees certain activities of the Chicago Police Department. The Board's powers and responsibilities include deciding disciplinary matters involving police officers and nominating candidates for Superintendent of Police to the Mayor.

### ***Independent Police Review Authority***

In 2007 the [Independent Police Review Authority](#) (IPRA) was created and approved by the City Council. Headed by a civilian Chief Administrator and staffed entirely with civilian investigators, IPRA is an independent agency of the City of Chicago, separate from the Chicago Police Department. IPRA replaced the former Office of Professional Standards. IPRA intakes all allegations of misconduct made against Chicago Police Department (CPD) members whether from a member of the public or from another CPD member.

### ***City of Chicago***

The City of Chicago is a home rule unit of government under the Illinois Constitution and thereby authorized to perform certain functions pertaining to its government and affairs. The government of the City of Chicago is divided into the executive and legislative branches. City government is divided into executive and legislative branches. The mayor is the chief executive while the City Council, elected from 50 wards, is the legislative body.

Government priorities and activities are established in a budget ordinance usually adopted in November of each year. The city takes official action through the passage of ordinances and resolutions.

### ***Mayor***

The Mayor is the chief executive of the city and responsible for the administration and management of various city departments. The Mayor submits proposals and recommendations to the City Council and is active in the enforcement of the city's ordinances. The Mayor also submits the city's annual budget and appoints city officers, department commissioners or directors, and members of city boards and commissions, including Commissioner of the Chicago Fire Department and Superintendent of the Chicago Police Department.

- [Office of the Mayor Rahm Emanuel](#)
- [Proposed Mayoral Ordinances](#)

[The Law Department](#) serves the Mayor, the City Departments, Boards and Commissioners and the City Council as they establish and administer policies and programs to benefit the Chicago residents. The Law Department's clients are the City's more than forty Departments, as well as its agencies and officials. The Department employs approximately 270 lawyers that handle litigation, transactional, and legislative projects, and enforce the Municipal Code.

The [Department of Administrative Hearings](#) is an independent quasi-judicial body. The matters which come before us to be adjudicated relate to the public health, safety, welfare, morals and economic well being of the residents of the City of Chicago.

### *City Council*

The [City Council](#) is the legislative branch of government of the City of Chicago. In accordance with Illinois law (65 ILCS 5/3.1-40-5) It consists of the Mayor and aldermen elected from each of the fifty wards to serve four-year terms. The legislative powers of the City Council are granted by the state legislature and by the home rule provisions of the Illinois constitution. Within specified limits, the City Council has the general right to exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare: to license: to tax: and to incur debt.

- [Chicago Municipal Code](#)
- [Chicago Zoning Ordinance and Land Use Ordinance](#)  
(Comprising Titles 16 & 17 of the Municipal Code of Chicago, and Zoning & Land Use-Related Tables)
- [Building Code and related excerpts of the Municipal Code of Chicago](#)  
Comprising Sections of Titles 13, 15, 18 and other related excerpts of the Municipal Code of Chicago for the Building Industry
- [Chicago Municipal Code – Advance Legislative Service](#)

The [Journals of the Proceedings](#) serves as the official record of City Council meetings and reflects all legislative actions. Included in the official record is a synopsis of Mayoral and Aldermanic introductions referred to committees, committee reports, complete text of adopted legislation, roll call votes, motions and parliamentary actions, notifications of filings with and legislative publications by the City Clerk, approval of City Council Journal, and other actions taken on the Council Floor.

### [Chicago City Clerk's Legislative Information Center](#)



[Legislation](#), such as ordinances, resolutions, orders, and claims. Legislative records contain detailed information including sponsors, actions taken and related dates, and passage status, as well as a .pdf of the actual legislative text.



[City Council meetings](#). Includes both full City Council meetings as well as Committee meetings. A meeting record will contain the date/time/location of the meeting, a list of all considered legislation, the notice, the agenda and the recorded minutes. Videos of all City Council meetings between July 2011 and present are available here.



[City Council committees](#). Records include meeting history, membership, jurisdiction and pending legislation.



[Alderman](#). Aldermanic pages contain office contact information (including website links and social media links), committee membership and sponsored legislation.

### **Illinois Open Meetings Act**

In its present form, the Illinois Open Meetings Act is designed to ensure that public business is conducted in public view, by prohibiting secret deliberations and actions on matters that should be discussed in a public forum. It also balances the competing interests of government officials to discuss sensitive matters candidly with the public's right to be informed about how its government operates. See the [Guide to the Illinois Open Meetings Act](#) from the Illinois Attorney General for additional information.

### **Illinois Freedom of Information Act**

The Freedom of Information Act (FOIA) is a state statute that provides the public the right to access government documents and records. The premise behind FOIA is that the public has a right to know what the government is doing. The law provides that a person can ask a public body for a copy of its records on a specific subject and the public body must provide those records, unless there is an exemption in the statute that protects those records from disclosure (for example: records containing information concerning trade secrets or personal privacy)

### ***FOIA Contact Information by City Department***

All FOIA requests must be submitted directly to the appropriate City Department. Below is a list of City Departments with their contact information and a link to each Department's FOIA page. Please remember to include the name, mailing address, and daytime phone number of the requestor, along with a description of the records being requested.

## Chapter 6: Municipal Law

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<b>Department Name</b>	<b>FOIA Email Address</b>
<a href="#">Mayor's Office</a>	<a href="mailto:MOfoia@cityofchicago.org">MOfoia@cityofchicago.org</a>
<a href="#">311</a>	<a href="mailto:311foia@cityofchicago.org">311foia@cityofchicago.org</a>
<a href="#">Administrative Hearings</a>	<a href="mailto:AHfoia@cityofchicago.org">AHfoia@cityofchicago.org</a>
<a href="#">Animal Care and Control</a>	<a href="mailto:ACCfoia@cityofchicago.org">ACCfoia@cityofchicago.org</a>
<a href="#">Aviation</a>	<a href="mailto:CDAfoia@cityofchicago.org">CDAfoia@cityofchicago.org</a>
<a href="#">Board of Ethics</a>	<a href="mailto:BOEfoia@cityofchicago.org">BOEfoia@cityofchicago.org</a>
<a href="#">Budget &amp; Management</a>	<a href="mailto:OBMfoia@cityofchicago.org">OBMfoia@cityofchicago.org</a>
<a href="#">Buildings</a>	<a href="mailto:DOBfoia@cityofchicago.org">DOBfoia@cityofchicago.org</a>
<a href="#">Business Affairs &amp; Consumer Protection</a>	<a href="mailto:BACPfoia@cityofchicago.org">BACPfoia@cityofchicago.org</a>
<a href="#">Chicago Public Library</a>	<a href="mailto:CPLfoia@cityofchicago.org">CPLfoia@cityofchicago.org</a>
<a href="#">City Clerk</a>	<a href="mailto:ClerkFOIA@cityofchicago.org">ClerkFOIA@cityofchicago.org</a>
<a href="#">Compliance</a>	<a href="mailto:OCXfoia@cityofchicago.org">OCXfoia@cityofchicago.org</a>
<a href="#">Cultural Affairs and Special Events</a>	<a href="mailto:DCAfoia@cityofchicago.org">DCAfoia@cityofchicago.org</a>
<a href="#">Emergency Management &amp; Communication</a>	<a href="mailto:OEMCfoia@cityofchicago.org">OEMCfoia@cityofchicago.org</a>
<a href="#">Family &amp; Support Services</a>	<a href="mailto:FSSfoia@cityofchicago.org">FSSfoia@cityofchicago.org</a>
<a href="#">Finance</a>	<a href="mailto:DOFfoia@cityofchicago.org">DOFfoia@cityofchicago.org</a>
<a href="#">Fire</a>	<a href="mailto:CFDfoia@cityofchicago.org">CFDfoia@cityofchicago.org</a>
<a href="#">Fleet and Facility Management</a>	<a href="mailto:2fmfoia@cityofchicago.org">2fmfoia@cityofchicago.org</a>
<a href="#">Health</a>	<a href="mailto:CDPHfoia@cityofchicago.org">CDPHfoia@cityofchicago.org</a>
<a href="#">Housing and Economic Development</a>	<a href="mailto:HEDfoia@cityofchicago.org">HEDfoia@cityofchicago.org</a>
<a href="#">Human Relations</a>	<a href="mailto:CCHRfoia@cityofchicago.org">CCHRfoia@cityofchicago.org</a>
<a href="#">Human Resources</a>	<a href="mailto:DHRfoia@cityofchicago.org">DHRfoia@cityofchicago.org</a>
<a href="#">Independent Police Review Authority</a>	<a href="mailto:FOIA.Officer@iprachicago.org">FOIA.Officer@iprachicago.org</a>
<a href="#">Innovation &amp; Technology</a>	<a href="mailto:DOITfoia@cityofchicago.org">DOITfoia@cityofchicago.org</a>
<a href="#">Inspector General's Office</a>	<a href="mailto:IGOFOIA@chicagoinspectorgeneral.org">IGOFOIA@chicagoinspectorgeneral.org</a>
<a href="#">Law</a>	<a href="mailto:LAWfoia@cityofchicago.org">LAWfoia@cityofchicago.org</a>
<a href="#">License Appeal Commission</a>	<a href="mailto:LACfoia@cityofchicago.org">LACfoia@cityofchicago.org</a>
<a href="#">Mayor's Office for People with Disabilities</a>	<a href="mailto:MOPDfoia@cityofchicago.org">MOPDfoia@cityofchicago.org</a>
<a href="#">Police</a>	<a href="mailto:CPDfoia@cityofchicago.org">CPDfoia@cityofchicago.org</a>
<a href="#">Police Board</a>	<a href="mailto:CPBfoia@cityofchicago.org">CPBfoia@cityofchicago.org</a>
<a href="#">Procurement Services</a>	<a href="mailto:DPSfoia@cityofchicago.org">DPSfoia@cityofchicago.org</a>
<a href="#">Streets &amp; Sanitation</a>	<a href="mailto:DSSfoia@cityofchicago.org">DSSfoia@cityofchicago.org</a>
<a href="#">Transportation</a>	<a href="mailto:CDOTfoia@cityofchicago.org">CDOTfoia@cityofchicago.org</a>
<a href="#">Water Management</a>	<a href="mailto:DWMfoia@cityofchicago.org">DWMfoia@cityofchicago.org</a>

### Local Library Resources

#### *Cook County Law Library*

The [Cook County Law Library](#) opened on September 6, 1966 and is the first free, public law library for the legal profession and citizens of Cook County. The main office is on the 29th floor of 2900 Daley Center, 50 West Washington Street, Chicago, Illinois 60602. The phone number there is (312) 603-5423 and the fax number is (312) 603-4716. **Hours:** 8:30 a.m. to 4:30 p.m., Mondays through Fridays. The Law Library is open only to Attorneys on Saturday.

The Cook County Law Library provides professional library services at seven branch locations offering one of the largest and broadest collections of law books in the nation, including statutes, case law and digests for all fifty states, as well as numerous Illinois practice manuals.

The library has extensive collection of superseded state and federal statutes. In addition to Westlaw our other electronic subscription services, HeinOnline and LoisLaw. The library has have actively expanded collections in foreign legal materials (primary and secondary) especially in the area of commercial and business law, litigation, and family law.

The branch libraries have smaller, locally-focused collections and access to our public access electronic subscriptions, such as Westlaw, LoisLaw, and HeinOnline.

For additional information, see [An Update on Illinois County Law Libraries – “Mock interview” with Jean M. Wenger](#), Government Documents/Foreign & International Law Librarian at Cook County Law Library. CALL Bulletin, Winter 2011 Bulletin, May 10, 2011.

#### *Chicago Public Library Municipal Reference Collection*

The [Municipal Reference Collection](#) is a comprehensive group of tangible documents from the City of Chicago, the Chicago Housing Authority, and the other local taxing bodies in the City. Other materials include an extensive local newspaper clipping file and public policy papers. Harold Washington Library Center, Fifth Floor South, 400 South State Street  
Chicago, Illinois 60605 (312) 747-4526

## Chapter 7

### Researching outside of Illinois: The Laws of Indiana and Wisconsin

Heidi Frostestad Kuehl  
Foreign, Comparative, and International Law Librarian and  
Coordinator of Educational Programming and Outreach  
Pritzker Legal Research Center  
Northwestern University School of Law

#### 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, 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 in most academic law libraries or court libraries or are also available online on Westlaw/WestlawNext.

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, though, 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.

### 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. See <http://www.cap-press.com/s/Legal+Research>
- *How to Find the Law* by Morris L. Cohen, Robert C. Berring, and Kent C. Olson (West 9<sup>th</sup> edition).
- *Legal Research in a Nutshell* by Morris L. Cohen and Kent C. Olson (West 10<sup>th</sup> edition).
- *Fundamentals of Legal Research* by Steven M. Barkan, Roy M. Mersky, and Donald J. Dunn (Foundation Press 2009).

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](#)
- [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 [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, and 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.



## Chapter 7: Laws of Indiana and Wisconsin

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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, WestlawNext, Lexis, Lexis Advance, 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/WestlawNext (*West's Annotated Indiana Code*) and Lexis/Lexis Advance (*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 and the finding aids (Statutes Index and Popular Name Table) are replicated online in Westlaw/WestlawNext and Lexis/Lexis Advance. 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*). For Indiana Court of Appeals decisions, researchers should find all decisions in the *North Eastern Reporter (N.E., N.E.2d)* 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/WestlawNext and Lexis/Lexis Advance 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 *Administrative 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 [Administrative 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 Westlaw and are available on Westlaw/WestlawNext (*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 and the finding aids (Statutes Index and Popular Name Table) are replicated online in Westlaw/WestlawNext and Lexis/Lexis Advance. 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*). For Wisconsin Court of Appeals decisions, researchers will also find all decisions in the *North Western Reporter* (*N.W.*, *N.W.2d*) 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/WestlawNext and Lexis/Lexis Advance 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.

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 [Administrative Register](#) is also available for free at <http://docs.legis.wisconsin.gov>. (1996 - present). For other States' primary law (other than Indiana or Wisconsin), it is best 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 explain the detailed analysis 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 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 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 also 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/WestlawNext and Lexis/Lexis Advance depending on who publishes the particular treatise. [Bloomberg Law](#) also has topical treatises (*e.g.*, published by BNA and the Practising Law Institute) 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/WestlawNext or Lexis/Lexis Advance 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 LexisNexis 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

## Finding Illinois Law

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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.

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.

## Chapter 8

### Free vs. Fee-based Resources

Tom Keefe, J.D., M.L.I.S.

The first truth that any legal researcher must understand is that legal information is a commodity. The two main services that lawyers use today are LexisNexis and Westlaw. These online services are aggregators of sources. They are well-known for their editorial enhancements. They are pervasive and necessary sources for legal information, but neither is free. Some estimates put the cost at \$15 per minute or higher. It's not impossible for the inexperienced legal researcher to run up a \$20,000 bill.

For that reason, it has become necessary for legal researchers to seek out low-cost or free sources of legal information. One of the main ways to accomplish this end is to seek out information from free and low-cost Internet legal research sites. But, using the Internet for legal research presents its own difficulties. In this chapter we will explore how and when to use the Internet for legal research and how to use the Internet effectively.

Many of the problems that arise from using the Internet for legal research stem from the two horns of the Internet dilemma. First, many people believe wrongly that everything is available for free on the Internet and that you should just be able to go out and get it, no problem. Second, even when information is available, researchers with limited skills or understanding often struggle to gather it or miss it entirely and falsely report that the information is not available for free.

The truth is that over the course of the last decade, the Internet has become an essential tool for the cost-effective legal researcher. As a researcher, you will need to know when *and how* to use the Internet as a legal research tool. That's why this chapter is important.

This chapter is intended to help beginning researchers understand:

- what is and isn't available on the Internet;
- how and where to locate that information;
- how to evaluate its value and credibility.

### Why Must I and When Should I Use the Internet for Legal Research

Even if one has access to the powerful online legal research services like LexisNexis or Westlaw, the cost-effective researcher ought to be able to conduct a good bit of research without having to incur online research charges. Trying to get as far along in your research as you can before you begin incurring online research charges is one of the central themes of using the Internet for legal research.

The second part of the answer lies in the fact that it has become more efficient for courts, agencies, and associations etc. to 'publish' legal information on websites via the free Internet. Thus, it has become more imperative that researchers recognize that there may be important information that resides only on the free Internet, or, stated differently, information that is not captured by Lexis or Westlaw.

### Using the Internet as Part of an Overall Legal Research Strategy

One of the first questions you should ask yourself when you are pursuing a legal research task is this: Where exactly am I in the search process? Generally speaking there are two different types of legal searches: the “learning” search and the “honing-in” search. One performs a ‘learning search’ when little is known about a topic. A learning search starts with general materials like encyclopedias, treatises, or articles. The review provides a perspective for analysis and provides clues for more in depth searching. Only once you have reached the point that you understand the general concepts in the area related to your question, and how they apply to your specific facts, will you be able to hone in on an answer to a particular legal question.

This is what I call the 80/20 rule of legal research. Until you become an expert in any particular area, you will spend the bulk of your time becoming familiar with sources and understanding the general concepts in an area of law. This is the 80%. And, it’s one of the important points here: The Internet can often serve as an excellent *starting* point for legal research if you are just “learning” or looking for background information without too much concern for accuracy or timeliness. You can use various resources available for free to gather definitions, recent cases, or legal news and articles. In fact, the Internet is often used best when it used to execute a broad search in pursuit of one or two starting points instead of combing through a list of mediocre results looking for an “answer.”

### Recognizing the Internet’s Limitations

So you have decided that you are going to use the Internet for legal research. One thing to be aware of is what you might *not* find and why you might not find it.

One of the keys to understanding legal research sources is to understand their weaknesses as well as their strengths. Many beginning searchers understand the Internet’s strengths—speed, size, ease of search. Unfortunately, most are not aware of its weaknesses, so let’s briefly examine the most important ones.

#### The Sheer Size of the Internet

One of the limitations to searching the Internet is its sheer size and complexity of cataloging it. Recent estimates suggest that the ‘Web’ consists of more than 1 trillion pages of information. Today’s search engines find only about 200 billion pages; that is only about 20% of what’s available. Looking at the numbers just presented, it’s obvious that there is a large percentage on the Internet that search engines simply don’t access. That part of the World Wide Web that search engines don’t see is called the Invisible Web or Deep Web. There are a number of reasons why search engines do not access information. The first relates to how a search ‘index’ or keep track of what information is available.

Search engines use ‘spiders’ or ‘crawlers’ or ‘bots’ to constantly scour the Internet looking for new content. They retrieve the important information from unrecognized Websites and store it in indexes. When you search a search engine, you are matching your keywords up against the

search engine's index. The results are then returned back to you in a list in order of relevance. We'll talk more about relevance in a minute.

One of the main problems in using the Internet for legal research is that search engines cannot locate information in databases. And, there is a wealth of legal information that exists within databases. These databases need to be accessed by using a password or by filling out search forms. The 7<sup>th</sup> circuit case database, for example, requires one to put the case number in a search box to locate the text of an opinion. Search engines can neither supply a password nor fill out forms. So, search engines cannot index most information located inside databases.

### **Limited Retrospective Treatment**

The development of the World Wide Web made it possible for non-computer geniuses to actually use the Internet as a communication tool. This development opened up a world of possibilities, but it also created some problems. Most agencies, companies etc. did not begin posting material to the Internet until the development of the Web in the early 1990's. It is costly and time consuming to go back and scan documents into a computer and then transfer them to the Web. Thus, most sites only have information of value back to the early 1990's. Also, many Websites lack the ability to archive materials so even though the organization may have material going back to say the mid-1990's, only the last two years is available on its Web site. That's where the Wayback machine (<http://www.archive.org>) can be helpful. The Wayback machine is an independent attempt to catalog the contents of the Web on an ongoing basis. The Wayback machine makes it possible for a researcher to retrieve information that resided on a website in the past but no longer does. This sort of archival information is becoming more important as we rely more on the Web for publishing vital information, like government information, because the Web doesn't have the same permanence as previous sources like print books or microfiche. Lack of permanence is a genuine concern in the field of law.

### **Paid Links**

Generally speaking, when you review a list of hits from a search engine they are ranked on the basis of 'relevance'. Relevance is determined by factors such as how many times the words appear in a document, how close they are to each other and how close to the front of the document they are. But, more and more content providers are *paying* for placement. In other words, a content provider will make an arrangement with the search engine such that every time a certain combination of words appear in a search, the providers information will appear first, or toward the top of the search results. In exchange, the content provider pays the search engine a small amount. This is how search engines pay the bills. Paid links are a problem because they produce results that are contrary to a search engine's determination of "relevance" as an organizing feature.

A legal researcher should be aware that today's search engines have become shopping tools and current awareness vehicles because that's how people use them and that's how these companies make money off them. The net effect of this is that general purpose search engines are much less effective research tools that they were in the not-too-distant past. One thing to keep in mind if

you are using Google or any other general-purpose search engine for legal research is that the first concern with Internet search engine providers is money.

### **Credibility, Currency and Authenticity**

Probably the single most important consideration in determining whether to use information gathered from a free Website is the credibility of the information contained. We've all heard stories about reporters who got duped by relying on information on the Web that turned out to be false. The truth of the matter is that anyone can post information on the Internet. But, there is no guarantee that that information is accurate or up to date. So, when you locate information on the Internet it is always important to ask yourself, "Who put that information there and why?" Was it a person or an organization with an axe to grind or was it an unbiased educational institution or government agency. It's not always easy to tell. One thing to look at is the domain name. Is it an educational institution (.edu) or a government entity (.gov, .us.)? Was it published by a not-for-profit organization? If one finds conflicting gun control statistics, what source is more reliable: information from a government agency that has an interest in gun control? A university study? How about MichiganMilitia.org?

Another important question is whether the information is current or not. One way to tell is to look for the "date last updated" at bottom of homepage or other signs that website is being kept up to date. If you can't tell, especially if it's time critical information like a regulation or a statute, it might be time to obtain the information from another source. For those of you who are old enough to remember Y2K, there were thousands of websites that continued to warn of the dangers of Y2K for years after the millennium dawned. Why? Because there are no Internet police to tell them to take the information down. That's one of the chief dangers of using the Internet for legal research.

### **What is the Internet Good For?**

Despite its limitations, the Internet, as it turns out is a vast repository of helpful information, most of it factual. Here is a basic list of the types of information that a skilled researcher ought to be able to retrieve from the free Web:

- some primary legal information
- government information
- company information
- basic legal forms and briefs
- information on individuals
- reference information and statistics

You'll notice that "what the Internet is good for" is heavily slanted toward "factual research." One thing that the Internet is often excellent for is as a starting place for legal research. One of the corollaries to the 80/20 rule is the "one good case" theory of legal research which says that if you can find one or two good cases or articles on point you are well on your way toward an answer. The Internet is often an excellent place for this initial foray.



Beyond that, there are a number of specific types of information that the free web is particularly good for. Using the Internet to locate all of the various kinds of information is the subject of multiple-day seminars, and well beyond the limits of this chapter. Instead, here we will shift gears and look at a few techniques for locating information and then take a basic tour through the myriad of helpful sites available to the legal researcher.

### Using General-Purpose Search Engines for Legal Research

So you've decided to go ahead and search the Internet for legal information. Chances are if you are like most people, you will rely on an "*all-purpose* search engine" for this task. So, let's spend a few minutes talking about the ins and outs of search engines and how to best utilize them.

A search engine is a program that uses spiders or crawlers to locate Internet files (web pages) and index them. When you search a search engine, you are in fact matching your keywords up against its index. You are not searching the live Internet.

There are any number of general-purpose search engines like Google, Yahoo and Bing. There are also subject specific search engines that search for specific types of files like pictures or music. These are usually based on general search engines, but the engine's algorithm (search criteria) has been altered to favor certain subject-related results and exclude others. We'll see later that there are a few legal subject specific search engines which we may use to run more refined searches for legal materials. There are also meta-search engines which search other search engines.

As you might imagine, as of spring 2012, Google is far and away the top search engines in terms of traffic, garnering 63% of unique visitors. Bing was next with 13%, Yahoo with 12% and Ask.com with 9%.<sup>11</sup> One thing that has changed over the course of the last ten years is Google. This section on using search engines effectively had a lot of background information on what made Google so popular among researchers. I talked about how Google had the largest index and what that meant, and about some of the unique features that Google the preeminent search engine. That's ancient history now. Today, general-purpose search engines are morphing toward being devices for newsfeeds and shopping tools. The latest craze in search engine design is to personalize search results. The results are based more on a searcher's history and the likelihood that a searcher will be interested in certain ads or products and not in others. This trend is particularly confounding to legal researchers because it means that two searchers, sitting next to each other, executing the same search, can arrive at radically different results

Should I still Google? Yes, absolutely. Why? Because if you don't and your boss does and she finds something you didn't find, you'll look stupid. Even worse, if you don't and the judge's clerk finds something you say doesn't exist like valid information for serving a defendant, you could lose your case. But, there's a lot more than that to using search engines for legal research.

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<sup>11</sup> Top 15 Most Popular Search Engines, eBizMBA, <http://www.ebizmba.com/articles/search-engines> (last visited March 2012)

### Using Search Engines Effectively: Advanced Features and Alternatives

One of the main problems in using a general-purpose search engine is information overload. Sometimes you'd like to focus or restrict your search results. By way of example, there are a number of ways you can restrict your search using Advanced Google ([http://www.google.com/advanced\\_search](http://www.google.com/advanced_search)). See the useful book "Google for Lawyers" for additional details on using Google effectively as a research tool.<sup>12</sup>

One thing you can use Google advanced search for is to restrict your search for a particular type of file. So, for example, if you were looking for financial information that may (or may not) be available online, you can restrict your search to just excel spread sheets, .xsl files. You can also use the advanced search feature to search for information on a particular website. So, for example, if you were looking for information produced by the SEC you could type in your search terms and restrict your search to just <http://www.sec.gov>.

The advanced feature in Google is one of the best ways to use the Internet to locate background information. For example, if you were looking for background information on the Patent Reform Act of 2011, you could enter the words 'patent reform act 2011' and then below in the 'one or more of these words' field' enter background or summary or overview. This search will retrieve hits that provide a background overview or summary of the Act, a handy-dandy starting point.

A searcher should also be aware that searching different search engines yields different search results. In fact, according to a study by the meta search engine Dogpile in 2007, 88.3% of top search results were unique to one of the top four search engines and only 11.7% were shared by two or more search engines. Thus, one of the techniques you can use for thoroughness is to employ multiple search engines. Another technique you can employ is to use a meta-search engine like [Dogpile](#). Dogpile allows you to search Google, Yahoo, Bing and Ask.com simultaneously. It then parses the results, and removes the duplicates. For those of you who are familiar with the travel site, Kayak, that is a subject-specific meta search engine that searches only other travel websites. One downside to using meta-search engines is that they cannot take advantage of the advanced features built into each of the general-purpose search engines. They are powerful, but relatively simple.

### Using Subject Directories to Complement Search Engines

Because search engines miss so much of what is available via the free Web, it's important to complement searches in a general-purpose search engine by accessing information using an internet subject directory. This technique helps to overcome the problem of the invisible web. In terms of looking for factual information, Internet (subject) directories act like a card-catalog for the Internet, in that they are an attempt to group together relevant sites. Unlike search engines which locate and organize information on the basis of computer programs called "spiders", subject directories are organized by human beings—most often subject experts. There are basically two different types of directories academic and commercial, either of these can be

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<sup>12</sup> Carol Levitt and Mark E. Rosch, *Google For Lawyers: Essential Search Tips And Productivity Tools* (2010).

subject specific. Findlaw's directory would be properly characterized as a subject-specific (legal) directory.

There are as many different types of subject directories as there are different search engines. Again, directories, especially academic subject directories, are often overlooked by researchers who tend to go straight to search engines.

One of the most popular academic directories is [Internet Public Library 2](#). IPL2 is the result of the merger of two rival services, the Internet Public Library and the Librarians Index to the Internet. The subject index which you see is an index of more than 20,000 entries, maintained by public librarians and a consortium of library school volunteers organized into 14 main topics and nearly 300 related topics. It's essentially a Dewey decimal system for the Internet. Sites are chosen for their usefulness in helping library patrons by people who use the Internet all day long to search.

[Infomine](#) is an academic subject directory at a higher level. Infomine is a virtual library of Internet resources relevant to faculty, students, and research staff at the university level. It contains useful Internet resources such as databases, electronic journals, electronic books, bulletin boards, mailing lists, online library card catalogs, articles, directories of researchers, and many other types of information. Like IPL, Infomine was built and is maintained by librarians from a consortium of university libraries.

### Legal Portals

The following sites are legal "portals". "A portal is a Web site that serves as a starting point to other destinations or activities on the Web. In short, it's a web site that collects and organizes other websites. Because they bring together so much related legal information, legal portals are a great starting point for legal research. There are a multitude of different legal portals, both academic and commercial. If you happen to find a legal portal that you like, stick with it. Here, we'll mention only a few of the more popular legal portals; there are many more.

#### [Findlaw](#)

The granddaddy of legal portals is Findlaw. Findlaw was started as a project by two Stanford law students. Eventually the site was purchased by West publishing. Findlaw has consistently ranked as one of the most used legal websites according to the ABA Legal Technology user survey. Findlaw is typical portal in that it contains links to freely-available cases and codes from all jurisdictions and a healthy free forms library with links to purchasable forms. In addition, Findlaw offers links to secondary information like old copy of Black's, articles from law firms, and an excellent current news section

#### [Justia](#)

According to Robert Ambrogi, author of *The Best and Worst of Legal Websites*, Justia has become one of the best free legal research sites on the web. In addition to common features like those found on Findlaw, it also offers some innovative features like a Google custom search and a blawg search. In addition, it offers links to federal district court filings & dockets a la PACER.

### [Cornell Legal Information Institute \(LII\)](#)

Cornell Legal Information Institute is an academic legal portal. Because it's an academic site it tends to focus more on research materials and less on practice materials—like experts, consultants and legal forms. Like most portals, it has a well-organized homepage and an excellent current legal news section. In addition, it has probably the best collection of federal codes and a 'wikipedia' of law called Wex. This is often a good starting point for learning about an unfamiliar subject.

### **Fee-based Resources: Tier-two Legal Research Providers**

A “tier-two” legal research product is one whose breadth and capabilities lie somewhere between full service commercial research systems like Lexis and Westlaw and the hit or miss world of free Internet legal research. These sites provide access to caselaw information across the country but do not have the editorial enhancements that one might find using LexisNexis or Westlaw. There are a number of different competing products. If you see names like Casemaker, VersusLaw, or LoisLaw, you are looking at a “tier-two” product. These sites are becoming important tools for legal research because practitioners often have access to them for free via membership in state bar associations

#### *Coverage*

- Cases: generally speaking, tier-two products do not have complete coverage of cases. For example, Fastcase provides state cases back to 1950 and federal cases back to 1924.
- Statutes: As far as statutes go, Fastcase links to state legislative Websites which saves the researcher the time of locating these Websites, but, free state Websites often lack the indicia of credibility needed to be trustworthy, so this is not the best place to do statutory research

#### *Ease of Use*

One of the main advantages of the tier-two systems is ease of use. Anyone familiar with Lexis and Westlaw ought to be able to use the interfaces without an issue. The learning curve is not steep and since there are no search changes, mistakes like misspelling do not have major consequences

#### *Caveats*

The two main downsides of using 'tier-two systems are first, as noted before, that as far as case databases are concerned, coverage is not complete. Second, these systems lack the editorial enhancements like headnotes and citators that are part and parcel of Lexis and Westlaw

### **Free Legal Research Providers**

#### *Google Scholar*

[Google Scholar](#) allows you to search and read opinions for US state appellate and supreme court cases since 1950, US federal district, appellate, tax and bankruptcy courts since 1923 and US Supreme Court cases since 1791.

Google Scholar is an excellent starting point for case law research especially if you know the jurisdiction that you would like to search. To access legal opinions, choose the legal opinions and journals radio button from the homepage and then choose “advanced search.” Again, one of the downsides of a service like Google Scholar as opposed to a more robust commercial service like Lexis or Westlaw is that Lexis and Westlaw have editorial enhancements that provide for better linking and updating. Also, you’ll notice that Google scholar does not include statutes. All and all, Google Scholar is an excellent addition to the world of free legal research

### *Federal Government Sites*

The federal government has been a leader in moving valuable content to the Web. The federal government is working to move as much “printed” material as possible to the Web, and limit the cost of actually printing. In fact, it appears the federal government would like to close the GPO. What follows are a number of sites that contain information that was formerly either available only in print or on Westlaw/Lexis. Print version of the CFR and the version of the CFR on Westlaw/Lexis and the version available on the Internet all have pluses and minuses and students should be made aware that no one source is always the best one to use.

### [Federal Judiciary Homepage](#)

The Federal Judiciary Homepage is an important page to know because it provides a gateway to all federal court websites. What might one find on a court’s website? One will find important information like opinions, dockets, information on court calls, and local rules and forms.

### [Seventh Circuit Court of Appeals](#)

The Seventh Circuit is a stickler on filing briefs. If you look at the website, you’ll see a whole array of links to materials intended to assist practitioners in preparing winning briefs. This free information does not exist elsewhere.

### [Thomas – Library of Congress](#)

The federal government is making a strong push to provide all government information to the American public for free via the Internet. Thomas is a perfect example. Thomas provides access to federal bills back to 1979 and federal public laws back to 1973. This is one of only a few sites where those responsible for the content have made a concerted effort to add information that pre-dates the World Wide Web. It’s an important site because it provides those doing federal research can use Thomas, for example, to track the status of a bill for free. One can also do the better part of a federal legislative history for free. There’s much more there worth exploring.

### [Govtrack.us](#)

GovTrack is a great way to keep track of what’s going on in Congress. You can follow the status of current legislation as it makes its way through the house and senate. One can also look at the voting records and success rates for particular congressman and look at the work being done by individual committees just to name a few things.

### [U.S. Code Search](#)

This site, still in beta, allows a researcher to search and browse the U.S. Code as well as retrieve sections by citation. It’s not perfect, but it’s a vast improvement over its predecessor. Be careful though, there is a disclaimer that says “While every effort has been made to ensure that the Code

database on the website is accurate, those using it for legal research should verify their results against the printed version of the United States Code available through the Government Printing Office.” One can update a code section by looking at the classification table for the ensuing years and updating using Thomas. Is this an acceptable alternative to commercial publications of the code? It depends on one’s purpose.

### [USGPO-FDsys](#)

FDsys is the replacement for GPOAccess. It’s an attempt by the federal government to provide accurate, trustworthy government information. For more on ‘authentication,’ see the ‘about’ section the FDsys website. It also represents the government’s effort to bring all important sources of federal legal information into one searchable location.

### [E-CFR](#)

Very few offices have an up-to-date print set of the CFR. Fortunately, the federal government provides a pretty reliable online version through E-CFR. The nice thing is that one can easily update a section by checking against the Federal Register. Be careful though, as it notes, this site is not an official source.

### [PACER](#)

PACER is the Public Access to Court Electronic Records website of the U.S. government. It provides 24/7 access to a listing of all parties and participants in a federal lawsuit including judges and attorneys; a compilation of all case information like the cause of action, nature of the suit, dollar demand and docket information. In addition, it provides images of many pleadings and briefs that can be retrieved and printed. It’s not free, but it only costs 8 cents per page to print. One can use PACER to track similar cases or to retrieve briefs.

### [FedStats](#)

The federal government produces a wealth of statistical information. Fedstats is an attempt to organize the vast array of federal government information sources into one search interface. Anyone involved in litigation will eventually need to make an argument based on a federal statistic like case load statistics or employment statistics. Note that you can search by topic, region or agency. This is truly one-stop shopping for government statistics.

### ***Illinois Government Sites***

The availability of “primary” legal information like cases and statutes varies widely from state to state. According to a state by state study done by the AALL Access to Electronic Information Committee, “The vast majority of state online primary legal resources are not sufficiently trustworthy.” There is presently an effort under foot to require states to provide authentic, credible information, but as this is a voluntary effort only a few states have followed this initiative; Illinois is not among them. What follows are a few important Illinois sites; there are many more that are beyond the scope of this chapter.

### [Illinois General Assembly](#)

The ILGA website is a must-have for Illinois practitioners. It’s the only place you will find the Illinois Administrative Code for free online, and there is no longer an official print version. It’s where you need to go to perform an Illinois legislative history. And, it’s where you MAY go to

find a free version of the Illinois Compiled Statutes. But, be aware that's not official and there is a large disclaimer noting that fact. This is very typical of primary legislative and administrative materials online.

### [Illinois Corporate Name Database](#)

The Internet is a great source for agency information at both the state and federal level. Agency websites will contain: agency decisions, applicable regulations, practice pointers like how to handle an administrative appeal and other documents like agency handbooks. The Illinois Corporate Name database provides the corporate information for all corporations and LLCs registered in Illinois.

### [Illinois Court Opinions](#)

The Illinois Courts website provides a host of important information sources for Illinois practitioners. As of July 1, 2011, there is no longer an official print version of Illinois cases. The official version resides here. In addition, the citation format for these cases has changed. See the amended Supreme Court Rule 6. This site provides a wealth of state court information including court rules, and beginning recently, jury instructions. There is a search function, but the cases only go back to 1996 and the search engine is very rudimentary.





## Chapter 9

### Avoiding the Unauthorized Practice of Law

Tom Gaylord  
Research Librarian  
IIT Chicago-Kent College of Law

#### Introduction

Illinois, like all American jurisdictions, generally enjoins the practice of law by anyone not admitted to the state bar. It is important that law librarians, both those with and without J.D.s, recognize when and whether a particular reference answer might be straying too close to the line separating providing reference service from the unauthorized practice of law (UPL).

#### The Law

In Illinois, the admission of attorneys to the bar and the regulation of their practice is governed by the Attorney Act, 705 Ill. Comp. Stat. § 205/0.01 *et seq.* (2011)<sup>13</sup>, and the Illinois Supreme Court Rules, Article VII, Rules on Admission and Discipline of Attorneys.<sup>14</sup> Section one of the Attorney Act provides:

No person shall be permitted to practice as an attorney or counselor at law within [Illinois] without having previously obtained a license for that purpose from the Supreme Court of this State... 735 Ill. Comp. Stat. § 205/1 (2011).

Neither the Attorney Act nor the Illinois Supreme Court Rules define the phrase “unauthorized practice of law.”<sup>15</sup> However, the Illinois Supreme Court has broadly defined the provision of legal services as “when the giving of such advice or rendition of such service requires the use of any degree of legal knowledge or skill.”<sup>16</sup> Broadly, the practice of law is not limited to appearing in court on behalf of a client. “When lawyers give transactional advice and engage in similar non-court representation of clients, the cases hold that they are practicing law.”<sup>17</sup>

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<sup>13</sup> Available at <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1853&ChapterID=50&Print=True> (all Websites last visited September 4, 2012).

<sup>14</sup> Available at [http://www.state.il.us/court/supremecourt/rules/art\\_vii/artvii.htm](http://www.state.il.us/court/supremecourt/rules/art_vii/artvii.htm).

<sup>15</sup> However, Illinois Supreme Court Rule 779 governs the proceedings against those accused of unauthorized practice of law, *see* Ill. Sup. Ct. R. 779 (“Unauthorized Practice of Law Proceedings”). The fact that Illinois does not define the practice of law by statute or rule is not unique: “A 1994 ABA survey indicated that 13 jurisdictions have adopted no definition of the “practice of law,” and three others did not respond to the survey. Of the 35 jurisdictions that reported that they had a definition, one could find that definition only in the case law in 28 of the 35 jurisdictions.” Legal Ethics, Law. Deskbk. Prof. Resp. § 5.5–3 (2012-2013 ed.).

<sup>16</sup> *People ex rel. Ill. State Bar Ass’n v. Schafer*, 404 Ill. 45, 50 (1949). For more on the unauthorized practice of law, geared toward a member of the public, see Illinois State Bar Association, “ISBA and the Unauthorized Practice of Law – What the Public Needs to Know.” available online at <http://www.isba.org/sites/default/files/committees/uplfaq.pdf> and providing information for *pro se* patrons seeking no- or low-cost legal aid.

<sup>17</sup> Legal Ethics, Law. Deskbk. Prof. Resp. § 5.5–3 (2012-2013 ed.).

### Applying the Law to Reference Services

Reference librarians can often be confronted with the possibility of providing legal advice, even unintentionally, while providing reference services. It is important to remember that while we strive as reference librarians to provide our patrons with the “right” answer, there are times when we must limit what we say so as not to run afoul of the law.

Thus, while we can provide an answer to the question, “In which year was *Bivens v. Six Unknown Federal Narcotics Agents* decided?”, and while we can show a patron how to find *Bivens* in the *U.S. Reports*, we cannot tell a patron what the holding in *Bivens* means, or whether *Bivens* is still good law, or whether a cause of action exists for the patron under the facts of *Bivens*.

But, at the same time, we can direct a patron to a treatise on constitutional torts, where she can read about the nature of *Bivens* claims and how *Bivens* has been construed and applied. We can direct a patron to *Causes of Action*, where she might find a sample complaint setting up a *Bivens* claim and how to plead a *Bivens* cause of action (though we could not direct her to the *correct* form to use). And we could show her *how* to Shepardize *Bivens* (or another case or statute), providing we did not analyze the results of her efforts.

It is also the case that lay persons are allowed to represent themselves in criminal cases.<sup>18</sup> The right is extended to lay persons in Illinois in civil cases as well.<sup>19</sup> Thus, a layperson seeking resources to assist in her case or transaction can be helped by a librarian in locating such resources, again, so long as legal advice is not provided:

Assume that a lay person wishes to write her or his own will. If the lay person asks the law librarian where the self-help books on writing wills are located, the law librarian, without violating the rules against unauthorized practice, can direct a layperson to the books on wills. “Go to aisle 14, and there are the books on wills.” The law-librarian is not aiding the “unauthorized” practice of law because the lay person is authorized to represent herself or himself. Legal Ethics, Law. Deskbk. Prof. Resp. § 5.5–3 n. 38 (2012-2013 ed.).

Thus, while we should be careful not to cross the line into extending legal advice, nor should we as librarians be overly fearful of fulfilling our duties to the extent possible, which includes directing patrons to the resources most likely to help them, and instructing on their use (without instructing, necessarily, on their meaning).

### Conclusion

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<sup>18</sup> The Sixth Amendment right to represent oneself in criminal cases was established in *Faretta v. California*, 422 U.S. 806 (1975).

<sup>19</sup> “Plaintiffs shall have the liberty of prosecuting, and defendants of defending in their proper persons.” 705 Ill. Comp. Stat. § 205/11 (2011).

## Chapter 9: Unauthorized Practice of Law

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While the research undertaken for this chapter did not reveal any cases (judicial or administrative) in which UPL proceedings were brought against a reference librarian, nonetheless the possibility exists, most likely at the behest of a patron to whom the librarian, with the best of intentions, inadvertently crossed the line from providing direction (“this might be a helpful book”) to advice (“this is the form you want”). While we often see it as our duty to provide our patron exactly the answer she is looking for, when it comes to legal advice, regardless of our training and background, there is a line that should not be broached.



## Chapter 10

### Where to Seek Additional Help

Victor Salas  
Reference Librarian  
Louis L. Biro Law Library  
The John Marshall Law School

#### Legal Service Providers or Referrals

<b>Organization</b>	<b>Description of Services Offered</b>
<b>Access Living</b>  115 West Chicago Avenue Chicago, IL 60654 Tel: 312-640-2100	Attorneys and legal assistants counsel persons with disabilities about their civil rights and provide representation in cases implicating important disability rights issues.
<b>ABA Military Pro Bono Project</b>  321 North Clark Street Chicago, IL 60654 Tel: 312-988-5783	The ABA Military Pro Bono Project connects eligible, active-duty service members with pro bono attorneys to assist with the resolution of civil legal issues.
<b>Administer Justice</b>  1750 Grandstand Place, #15 Elgin, IL 60123 Tel: 847-844-1100	Legal assistance consists of individual appointments to assist an individual with forms, educate someone of their rights, and when necessary and available provide pro bono representation for those who meet income and geographic guidelines - Our financial counseling includes conducting a low income taxpayer clinic to help inform individuals of their rights under our tax code, particularly those who are Spanish-speaking, and providing budget counseling to understand and avoid some of the common legal and relational problems that result from money issues. Our Low Income Taxpayer Clinic also provides assistance for those individuals of lower income who have a dispute with the IRS. Our conflict resolution services include mediation and arbitration of disputes.

**Finding Illinois Law**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>AIDS Legal Council of Chicago</b></p> <p>180 North Michigan Avenue Suite 2110 Chicago, IL 60601 Tel: 312-427-8990</p>	<p>Provides legal services to low-income residents of Cook County who are affected by HIV/AIDS. The organization addresses clients' issues including estate planning, discrimination (in the context of housing, employment, health care, and insurance), confidentiality, bankruptcy, immigration, social security benefits, and guardianship.</p>
<p><b>Cabrini Green Legal Aid</b></p> <p>740 N. Milwaukee Avenue Chicago, IL 60642 Tel: 312-738-2452</p> <p>Richard J. Daley Center, 50 West Washington 10th Floor, Room 1006 Chicago, IL 60602 Tel: 312-738-2452</p>	<p>Offer legal representation to impoverished individuals, at no cost, in areas of housing law, family law, and criminal law.</p> <p>Assist qualifying individuals, at Daley Center Expungement Desk, to complete expungement or sealing forms. Individuals who do not qualify for this relief will be informed about the executive clemency option.</p>
<p><b>Catholic Charities Legal Assistance</b></p> <p>651 W. Lake Street Suite 403 Chicago, IL 60661 Tel: 312-948-6821</p>	<p>Legal Advice, Educational Outreach, Self-Help Materials, Access to a Network of Pro Bono Attorneys and Referrals to other Legal Aid Organizations.</p> <p>Spanish speaking staff available.</p>

**Chapter 10: Additional Help**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Center for Conflict Resolution</b></p> <p>11 East Adams Street Suite 500 Chicago, IL 60603 Tel: 312-922-6464</p>	<p>Pro bono cases may be self-referred by anyone who is involved in a dispute or by counsel or judge by contacting the Center for Conflict Resolution. CCR also offers pro bono mediation services through programs developed in the Circuit Court of Cook County including the Daley Center, Maywood, Markham, Bridgeview and Rolling Meadows courthouses, misdemeanor branch courts and Juvenile Court. Mediations conducted at the Equal Employment Opportunity Commission (EEOC), through the Residential Alternatives for Dispute Resolution (RADR) program, the Community Consensus Project, Chancery Court cases and matrimonial fee dispute cases. The majority of cases mediated by CCR are civil in nature. Mediations may involve tenants and landlords, families, neighborhoods, juvenile offenders, the workplace, corporate, employment, construction, real estate, environmental, health care, personal injury, intellectual property, church and community disputes. It is not necessary for cases to have legal issues and/or lawsuits pending.</p>
<p><b>Center for Economic Progress - Tax Clinic</b></p> <p>29 East Madison Street Suite 900 Chicago, IL 60602 Tel: 312-252-0280</p>	<p>The Center provides free tax and financial services to improve the bottom line of Illinois' families. Through our tax clinic we provide free, professional legal services to low-income families facing an IRS controversy. We also provide year-round financial counseling and tools that support and empower the residents of our communities.</p>
<p><b>Center on Halsted Legal Program</b></p> <p>3656 North Halsted Street Chicago, IL 60613 Tel: 773-472-6469</p>	<p>Provides members of the lesbian, gay, bisexual, and transgender (LGBT) community with referrals to attorneys specializing in areas such as discrimination, adoption, custody, personal injury, criminal cases, harassment, contracts, wills, and bankruptcy. Referrals are made to attorneys who are sensitive to and experienced in matters related to lesbian, gay, bisexual, and transgender issues. Clients can speak with a volunteer lawyer one-on-one about specific, immediate needs for specific situations and receive appropriate referrals.</p>

**Finding Illinois Law**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Chicago Bar Association</b></p> <p>312 S. Plymouth Court Chicago, IL 60604-3113 (312) 554-2001 <a href="http://www.chicagobar.org">http://www.chicagobar.org</a></p>	<p>Referrals</p>
<p><b>Chicago Coalition for the Homeless Law Project</b></p> <p>70 East Lake Street Suite 700 Chicago, IL 60601 Tel: (800) 940-1119</p>	<p>Provide assistance to homeless and unaccompanied youth.</p>
<p><b>Chicago Law and Education Foundation</b></p> <p>Chicago Public Schools <a href="mailto:clefoundation@gmail.com">clefoundation@gmail.com</a></p>	<p>Provides Chicago Public School students and families access to legal services and legal education.</p> <p>CLEF's current programs include free after school legal clinics, open house events, and educational initiatives focusing on a variety of issues including domestic violence, immigration, and tenants' rights.</p> <p>Free after school legal clinics are currently operating at 5 CPS high schools</p> <ul style="list-style-type: none"> <li>Roberto Clemente Community Academy</li> <li>David G. Farragut High School</li> <li>Edwin G. Foreman High School</li> <li>Hancock College Preparatory High School</li> <li>Little Village Lawndale High School</li> <li>Thomas Kelly High School</li> <li>Kenwood Academy High School</li> <li>Tilden Career Community Academy</li> <li>George Westinghouse College Prep</li> </ul>



**Chapter 10: Additional Help**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Chicago Legal Advocacy for Incarcerated Mothers (CLAIM)</b></p> <p>70 East Lake Street Suite 1120 Chicago, IL 60601 Tel: 312-675-0912</p>	<p>Provides legal advice and representation to help mothers take proactive steps to prevent their incarceration from causing the permanent destruction of their families. We assist mothers in appointing relatives or trusted friends as guardians of their children, as well as helping women and their children's caregivers enforce legal rights such as mother-child visits and public benefits for children while their mothers are incarcerated. We also work with mothers to regain child custody upon their release after a period of transition and adjustment.</p>
<p><b>Chicago Legal Clinic</b></p> <p>211 W. Wacker Drive Suite 750 Chicago, IL 60606 Tel: 312-726-2938</p> <p>2938 East 91st Street Chicago, IL 60617 Tel: 773-731-1762</p>	<p>The Clinic provides low-cost legal services (sliding fee scale) to disadvantaged individuals in the Chicago area from its four neighborhood offices (South Chicago, Austin, Downtown and Pilsen) and its several programs. Representation is provided in many areas of law including: family law (divorce, adoption, visitation, paternity, and assistance to victims of domestic violence), guardianships of disabled adults, social security disability claims, real estate closings, debt counseling, immigration, expungements of criminal records, and environmental law.</p> <p>There are no income eligibility restrictions; fees are charged on a sliding scale based on household income.</p> <p>Assist with all type of cases; also staff the Municipal Advice Desk, Chancery Advice Desk, and Foreclosure Desk at the Cook County Daley Center.</p>
<p><b>Chicago Volunteer Legal Services Foundation</b></p> <p>100 North LaSalle Street Suite 900 Chicago, IL 60602 Tel: 312-332-1624</p>	<p>Types of cases we accept include divorce, adult and minor guardianships, adoption, tort defense, collection defense, bankruptcy, and landlord-tenant. Last year almost 2,000 volunteers represented more than 10,000 clients.</p> <p>CVLS accepts no government money, and, therefore, can represent individuals with income in excess of those that qualify only for programs using 125% Federal Poverty guidelines. CVLS uses 175% Federal Poverty guideline as a starting point in identifying our clientele who includes Chicago's working poor. We do not represent individuals with fee-generating cases.</p>

**Finding Illinois Law**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Chicago-Kent College of Law- Low Income Taxpayer Clinic</b></p> <p>565 W. Adams St. Suite 600 Chicago, IL 60661-3691 (312) 906-5053</p>	<p>Provide representation to clients with matters before the Internal Revenue Service who lack the financial means to hire a private attorney.</p>
<p><b>Coordinated Advice and Referral Program for Legal Services CARPLS</b></p> <p>17 North State Street Suite 1850 Chicago, IL 60602 Tel: 312-738-9200</p>	<p>The CARPLS Legal Aid Hotline answers questions about everyday legal problems including housing, employment, education, consumer debt, divorce, guardianships, estates, injuries to person or property, public benefits, health care and more. Attorneys do not represent clients in court. If in-court representation is required, the CARPLS attorneys will assist with a referral to an appropriate full-service legal aid agency if one is available.</p>
<p><b>DuPage County Bar Association</b></p> <p>Lawyer Referral and Mediation Service 126 S County Farm Road Wheaton, IL 60187-4597 Tel: (630) 653-9109 <a href="http://www.dcba.org/for-the-public/how-to-find-a-lawyer">http://www.dcba.org/for-the-public/how-to-find-a-lawyer</a></p>	<p>Referrals</p>
<p><b>Equip for Equality</b></p> <p>20 N. Michigan Avenue Suite 300 Chicago, IL 60602 Tel: 800-537-2632.</p>	<p>Provides legal &amp; self-advocacy services for People with Disabilities</p>

**Chapter 10: Additional Help**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Family Defense Center</b></p> <p>70 East Lake Street Suite 1100 Chicago, IL 60601 Tel: 312-251-9800</p>	<p>The FDC is counsel in major litigation and represents many individual family members who are dealing with the Illinois Department of Children and Family Services (DCFS) and/or the Juvenile court.</p>
<p><b>Farmworker and Landscaper Advocacy Project (FLAP)</b></p> <p>100 W. Monroe 18th Floor Chicago, IL 60603 Tel: 847-668-2114</p>	<p>The Farmworker and Landscaper Advocacy Project provides legal representation to the thousands of migrant and seasonal farmworkers who work planting and harvesting crops, detasseling corn, and cultivating nursery products. The vast majority of these migrants are Spanish speakers who migrate to Illinois from Texas or Mexico for 6-9 months. The primary focus is on migrants living in Northern Illinois. The FLAP represents farmworkers and landscapers, regardless of their immigration status, in disputes over wages and working conditions.</p>
<p><b>First Defense Legal Aid</b></p> <p>1111 N. Wells Street Suite 308A Chicago, IL 60610 Tel: 1-800-LAW-REP-4</p>	<p>For person being held in custody by the Chicago Police Department, immediately call 1-800-LAW-REP-4 (1-800-529-7374) for a free lawyer, 24 hours a day, 365 days a year.</p> <p>First, FDLA provides a free, reliable, and experienced lawyer to individuals who are arrested in the city of Chicago. The FDLA attorney is available at the initial and most critical stage of the criminal justice process: from the time of arrest until the court system assigns a Public Defender. At the police station, the attorney helps the client understand and assert his rights, gathers information about arrest and detainment, documents evidence of police brutality, advocates for medical treatment, and informs the family and friends of the detainee throughout the process.</p>
<p><b>Health and Disability Advocates</b></p> <p>205 West Monroe Street 2nd Floor Chicago, IL 60606 Tel: 312-223-9600</p>	<p>Health and Disability Advocates has three main program areas: Children, Youth &amp; Families with Disabilities; Workforce Development for People with Disabilities; and Access to Health Care for People with Special Health Care Needs. HDA staff provides direct legal services to children with disabilities and their families in selected cases and provide training and materials for families. HDA represents children and adults in the areas of Social Security, SSI, Children’s SSI, Medicaid, Medicare, and Insurance law.</p>

## Finding Illinois Law

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Illinois Guardianship and Advocacy Commission -Legal Advocacy Service</b></p> <p>1-866-274-8023</p>	<p>LAS attorneys provide needed assistance to persons with disabilities in a variety of settings: mental health facilities, residential programs, community placements, and nursing homes. Issues addressed include, but are not limited to: admission and discharge from hospitalization, adequate treatment, refusal of unwanted services, and confidentiality of mental health records.</p> <p>Assistance takes the form of information, referral, and legal representation in court hearings and administrative proceedings.</p>
<p><b>Illinois Legal Aid Online</b></p> <p>17 N State Street Suite 1590 Chicago, IL 60602 Tel: 312-977-9047 <a href="http://www.illinoislegalaid.org/index.cfm">http://www.illinoislegalaid.org/index.cfm</a></p>	<p>Provides those who cannot afford an attorney with user friendly legal information, educational materials, interactive forms, instructions for self-representation, multimedia training, and referrals to free legal services.</p>
<p><b>Illinois State Bar Association</b></p> <p>Illinois Lawyer Finder 424 S.2nd St. Springfield, Il 62701 (217) 525-4297 <a href="http://www.illinoislawyerfinder.com">http://www.illinoislawyerfinder.com</a></p>	<p>Referrals</p>
<p><b>Kane County Bar Association</b></p> <p>Find a lawyer service PO Box 571 Geneva, Il 60134-0571 (630) 762-1900 <a href="http://www.kanecountybar.org/find-a-lawyer">http://www.kanecountybar.org/find-a-lawyer</a></p>	<p>Referrals</p>

## Chapter 10: Additional Help

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>LAF (Legal Assistance Foundation)</b></p> <p>120 S. LaSalle St. Suite 900 Chicago, IL 60603 Tel: 312-341-1070</p>	<p>Free civil legal services to individuals and families unable to afford legal counsel. LAF currently has approximately 60 attorneys and 30 paralegals providing legal assistance out of the general office.</p>
<p><b>Lake County Bar Association</b></p> <p>Lawyer Referral Service 7 N County St. Waukegan, IL 60085 (847) 244-3140 <a href="http://www.lakebar.org/find-a-lawyer">http://www.lakebar.org/find-a-lawyer</a></p>	<p>Referrals</p>
<p><b>Lambda Legal Midwest Regional Office</b></p> <p>11 E. Adams St. Suite 1008 Chicago, IL 60603 Tel: 312-663-4413</p>	<p>Lambda Legal's docket consists of test cases in a wide range of areas, including federal and state constitutional law such as first amendment and equal protection challenges; discrimination in employment rights, benefits, housing, insurance, schools, and other areas; prevention of anti-gay harassment and violence; anti-gay ballot initiatives; access to healthcare and AIDS-related treatments; child custody, visitation and adoption; and sodomy law reform. The Midwest Regional Office has three attorneys devoted to sexual orientation, gender identity, and HIV/AIDS issues.</p>
<p><b>Land of Lincoln Legal Assistance Foundation - Western Regional Office</b></p> <p>Central and Southern Illinois</p> <p>310 Easton Street Suite 330 Alton, IL 62002 Tel: 877-342-7891</p>	<p>Provides free, civil legal assistance to low-income persons and senior citizens in 65 counties in central and southern Illinois through five regional offices, three satellite offices, and a centralized telephone intake, advice and referral center (Legal Advice and Referral Center or LARC). LARC provides callers with general information on how to use the legal system; offers free legal advice and self-help materials to low-income callers; and refers qualified low-income callers to LOLLAF branch offices for extended legal services.</p>

**Finding Illinois Law**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Lawyers' Committee for Better Housing</b></p> <p>100 W. Monroe Suite 1800 Chicago, IL 60603 Tel: 312-347-7600</p>	<p>Attorney-of-the-Day (AOD) Eviction Defense Project - Clients are provided an array of services by volunteer attorneys, from settlement negotiations to motion practice to full litigation, depending on the nature of their case. With the help of an Attorney of the Day, tenants are often able to work out settlements that will allow them to remain in their apartments or have enough time to locate appropriate housing.</p> <p>The Affordable Housing Preservation Project - AHPP provides legal assistance to tenants in multi-unit buildings who are experiencing dangerous, unsanitary conditions, or utility shut-offs. Tenants are guided through self-help remedies provided by the Chicago Residential Landlord Tenant Ordinance. Coordinating with tenant advocates and neighborhood groups. LCBH also provides legal resources when landlords refuse to comply with building codes and correct violations.</p> <p>The Tenant Advocacy Project- TAP provides legal assistance to resolve landlord-tenant conflicts over code violations, lockouts and utility shut-offs. Additionally, TAP seeks to provide legal assistance to tenants who have received an eviction notice and intervene prior to the filing of an eviction action and resolve the situation outside of the courtroom.</p> <p>LCBH also represents low-income tenants in a variety of fair housing cases.</p>
<p><b>Lawyers for the Creative Arts</b></p> <p>213 West Institute Place Suite 403 Chicago, IL 60610 Tel: 312-649-4111</p>	<p>Lawyers for the Creative Arts (LCA) provides pro bono legal services to qualifying individuals and organizations in all areas of the arts: the visual, performing, entertainment and literary. Clients are musicians, dancers, filmmakers, artists, photographers, graphic artists, actors, writers, arts educators, theaters, and many other kinds of organizations. LCA's volunteer attorneys work in the areas of: contracts, business planning and organization, intellectual property, licensing, employment, dispute resolution and more. LCA also provides not-for-profit and tax exemption consulting.</p>

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Legal Aid Society of Metropolitan Family Services - General Operating Office</b></p> <p>1 North Dearborn Street 10th Floor Chicago, IL 60602</p> <p>Tel: 312-986-4200</p>	<p>Areas of Legal Service: Family Law, Elder Law, and Poverty Law (housing and consumer issues)</p> <p>Family Law for victims of domestic violence</p> <p>Orders of Protection Dissolution of Marriage Custody, child support, visitation for married and unmarried Reversal of parental kidnapping Training for professionals and community workshops on domestic violence</p> <p>Elder Law and Elder Abuse Advice</p> <ul style="list-style-type: none"> <li>•Orders of Protection</li> <li>•Guardianships</li> <li>•Custody and safe visitation for grandparents raising grandchildren</li> <li>•Powers of Attorney (health care and financial)</li> <li>•Workshops on housing law, rights of elderly, living will protections, etc.</li> </ul> <p>Advice and Representation on Consumer Issues:</p> <p>Eviction defense Protection and retention of subsidized housing vouchers Protection against creditors' unfair practices</p>
<p><b>Life-Span Center for Legal Services &amp; Advocacy</b></p> <p>Center for Legal Services &amp; Advocacy 20 E Jackson Blvd. Suite 500 Chicago, IL 60604 Tel: (312) 408-1210</p>	<p>Provides legal assistance to victims of domestic violence and VAWA cases.</p>

## Finding Illinois Law

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Metropolitan Tenants Organization</b></p> <p>2150 South Canalport, Suite 2-B2 Chicago, IL 60608 Tel: 773-292-4980</p>	<p>Provide assistance to tenants who live under poor housing conditions.</p>
<p><b>Micah Legal Aid</b></p> <p>2804 W Belmont Avenue 2nd Floor Chicago, IL 60618 Tel: 773-463-6768</p>	<p>Serve clients in the following areas of civil law: family law, domestic violence, housing, employment, unemployment, public benefits, automobile repossession, home ownership, foreclosure, consumer law, bankruptcy, and more.</p>
<p><b>National Immigrant Justice Center</b></p> <p>208 South LaSalle Street Suite 1818 Chicago, IL 60604 Tel: 312-660-1370</p>	<p>Comprehensive immigration legal services to low-income immigrants, refugees, and asylum seekers.</p>
<p><b>North Suburban Bar Association</b></p> <p>Lawyer Referral Service PO Box 731 Glenview, IL 60025-5183 (312) 985-8264 <a href="http://www.ilnsba.org">http://www.ilnsba.org</a></p>	<p>Referrals</p>
<p><b>Northwest Suburban Bar Association</b></p> <p>Attorney Referral Service 800 E. Northwest Hwy, Ste. 418 Palatine, IL 60074 (847) 221-2681 <a href="http://nwsba.org">http://nwsba.org</a></p>	<p>Referrals</p>



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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Peoria County Bar Association</b></p> <p>110 SW Jefferson Avenue, Suite 520 Peoria, Illinois 61602 Tel: (309) 674-6049 <a href="http://www.peoriabar.org/pcba-lawyer-referral">http://www.peoriabar.org/pcba-lawyer-referral</a></p>	<p>Referrals</p>
<p><b>Prairie State Legal Services</b></p> <p>Northern Illinois</p> <p>Various Offices 303 N. Main Street, Suite 600 Rockford, IL 61101 Tel (815) 965-2902 (800) 892-2985</p>	<p>Prairie State Legal Services, Inc. provides free legal services in civil legal matters for persons who have incomes below 125% of the federal poverty guidelines and senior citizens age 60 and older regardless of income. Do not take criminal, personal injury, malpractice, or workman's compensation cases.</p>
<p><b>Southern Illinois University Domestic Abuse Clinic</b></p> <p>Jackson, Williamson and Union Counties</p> <p>1150 Douglas Dr., Carbondale, IL 62901 Tel: (800) 739-9180</p>	<p>The Domestic Violence Clinic provides representation to victims of domestic violence in obtaining Orders of Protection. These orders, issued by the court, prohibit someone from harassing or abusing a victim again. The orders can also make an abuser move out of a shared house, and can make arrangements for child custody and visitation. If an abuser hurts or harasses the victim again after being ordered not to, the abuser can be charged with the crime of Violation of an Order of Protection</p>
<p><b>Southern Illinois University Elderly Law Clinic</b></p> <p>Southern Illinois</p> <p>1150 Douglas Dr. Carbondale, IL 62901 Tel: (800) 739-9180</p>	<p>The program provides a full range of civil legal services to those 60 and over. These services include the drafting of simple wills and powers of attorney, assistance with securing public benefits and entitlements including Social Security, Medicare, Medicaid and Veteran's benefits. In addition, the clinic handles family law (divorce, etc.) matters, consumer problems, and public utilities problems.</p>

**Finding Illinois Law**

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>The John Marshall Law School Fair Housing Legal Clinic</b></p> <p>55 East Jackson Blvd., Suite 1020 Chicago, Illinois 60604 Tel: (312)786-2267</p>	<p>Represent clients in the Chicago metropolitan area who have been denied housing because of race, color, national origin, sex, disability, familial status, marital status, age, source of income or sexual orientation.</p>
<p><b>The John Marshall Law School Veterans Legal Support Center &amp; Clinic (VLSC)</b></p> <p>315 South Plymouth Court Chicago, IL 60604 Tel: (312) 360-2656</p>	<p>Assist veterans filing VA benefit claims as well as to provide representation for veterans during the appeals process through statewide network of pro bono attorneys.</p>
<p><b>University of Chicago Law School Edwin F. Mandel Legal Aid Clinic</b></p> <p>6020 South University Avenue Chicago, IL 60637 Tel: (773)702-99611</p>	<p>Civil Rights and Police Accountability Project, Criminal &amp; Juvenile Justice Project, Employment Discrimination Project, Federal Criminal Justice Project, Housing Initiative, Mental Health Project, Social Service Project.</p>
<p><b>Uptown People's Law Center</b></p> <p>4413 North Sheridan Road Chicago, IL 60640 Tel: (773)769-1411</p>	<p>The Uptown People’s Law Center represents poor and working people living in Uptown and other similar communities. The Law Center’s biggest areas of practice are landlord-tenant, Social Security disability, and public benefits. In addition, the Law Center represents prisoners seeking to challenge the way they are treated in prison.</p>
<p><b>West Suburban Bar Association</b></p> <p>Cook County</p> <p>Lawyer Referral Service 10560 W Cermak Road Westchester, Il 60154 (708)338-2662 <a href="http://www.westsuburbanbar.org">www.westsuburbanbar.org</a></p>	<p>Referrals</p>

## Chapter 10: Additional Help

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<b>Organization</b>	<b>Description of Services Offered</b>
<p><b>Will County Bar Association</b></p> <p>Lawyer Referral Service            167 N. Ottawa St., Suite 200            Joliet, IL 60432            (815) 726-0383  <a href="http://willcountybar.org/legal-community/lawyer-referral-program">http://willcountybar.org/legal-community/lawyer-referral-program</a></p>	<p>Referrals</p>
<p><b>Winnebago County Bar Association</b></p> <p>Lawyer Referral Service            321 West State Street, Suite 300            Rockford, IL 61101            (815) 964-5152  <a href="http://www.wcbarockford.org">http://www.wcbarockford.org</a></p>	<p>Referrals</p>

### County Law Libraries

<p><b>Cook County Law Library</b>            Daley Center - 50 W Washington St., 29th fl            Chicago, IL 60602            Tel: (312) 603-5423</p>	<p><b>Champaign County Law Library</b>            101 E. Main St.            Urbana, IL 61801            Tel: (217) 384-0154</p>
<p><b>DuPage County Law Library</b>            505 N. County Farm Rd, Rm 2015            Wheaton, IL 60187            Tel: (630) 407-8811</p>	<p><b>Macon County Law Library</b>            County Building            253 E. Wood St., Rm 303            Decatur, IL 62523            Tel: (217) 424-1372</p>
<p><b>Madison County Law Library</b>            155 N. Maine St.            Edwardsville, IL 62025            Tel: (618) 296-5291</p>	<p><b>Madison County Law Library</b>            155 N. Maine St.            Edwardsville, IL 62025            Tel: (618) 296-5291</p>
<p><b>Will County Law Library</b>            Will County Courthouse            14 W. Jefferson St.            Joliet, IL 60432            Tel: (815) 727-8400</p>	<p><b>Winnebago County Law Library</b>            400 W. State St.            Rockford, IL 61101            Tel: (815) 319-4500</p>



## Chapter 11

### Recommended Publishers & Resources

Joseph Mitzenmacher  
Reference and Electronic Services Librarian  
Loyola University Chicago Law School

This chapter of the guide will focus on “how-to” resources and other legal research sources which are especially helpful for non-lawyers and for other legal researchers who lack access to expensive subscription databases. It is not intended to be an exhaustive list, nor is it designed to be a subject-by-subject breakdown of all available resources. Rather, it is meant to highlight recommended publishers of legal information for non-lawyers and to focus on selected high-quality individual print and online resources. Many of the listed print resources can be found in public libraries as well as in law libraries, and all of the listed online resources are available for free. Please be advised that when using any “how-to” resource, you must make sure that the information it contains conforms to the laws of your jurisdiction. Also, you must be aware that these resources may only provide you with a starting point for your legal research, and that in some cases it may still be necessary to contact an attorney for assistance with your legal issue.

#### PRINT RESOURCES

##### Print Series

###### American Bar Association Division for Public Education

The mission of the ABA Division for Public Education is “to promote public understanding of law and its role in society.” As part of that mission, the Division publishes a series of self-help books which are designed to give practical legal advice to non-lawyers. Sample titles include:

- The American Bar Association Legal Guide for Americans over 50, which covers topics such as estate planning, Social Security, Medicare, and Medicaid benefits, and caring for aging parents.
- The American Bar Association Complete Home Legal Guide, which provides guidance on legal issues involved in areas such as real estate, healthcare, home ownership, and retirement.

A complete list of ABA Division of Public Education titles can be found online at [http://www.americanbar.org/groups/public\\_education/publications/books\\_related\\_products/books.html](http://www.americanbar.org/groups/public_education/publications/books_related_products/books.html).

### Nolo

Nolo (formerly known as “Nolo Press”) is a leading publisher of “do-it-yourself” law books aimed at non-lawyers. Sample titles include:

- 101 Law Forms for Personal Use, which includes instructions, checklists, and sample language that can help you draft an assortment of legal documents, including wills, leases, and bills of sale for buying and selling personal property.
- Legal Research: How to Find & Understand the Law, which guides non-lawyers through the entire legal research process and provides instruction on topics such as: the basics of the legal system; how to frame a legal issue to make your research as efficient as possible; how to find the primary and secondary sources which are needed to answer a legal question; and how to organize and use the results of a legal research project.
- Nolo's Encyclopedia of Everyday Law: Answers to your Most Frequently Asked Legal Questions, written by Nolo's team of attorneys, which provides concise, easy-to-understand answers on a wide range of legal questions, including assistance with debt and bankruptcy matters, divorce and child custody issues, estate planning, and landlord-tenant law.

You can view a complete list of Nolo books, including subject-specific form books and titles on topics ranging from accidents and injuries to wills and trusts, at <http://www.nolo.com/products/>.

### West's Nutshell Series

Nutshells are short paperback volumes which are generally used by students as study aids, but they can also help give non-lawyers a general overview of an area of law. Over 150 titles are available in the Nutshell series, ranging in complexity from basic topics such as Family Law and Wills and Estates to more complex topics such as Coastal and Ocean Management Law. There are also Nutshells that cover the topics of Legal Research and Legal Writing. A complete list of Nutshells is available online from [West Publishing's website](#).

### **Individual Print Titles**

#### The Cybersleuth's Guide to the Internet: Conducting Effective Free Investigative & Legal Research on the Web (Internet for Lawyers, 2009)

This reference book lists and reviews free and low-cost legal research and investigative research Web sites. However, it's more than just a listing of links; the Guide also offers assistance on the most effective way use those sites, including screen-shots to illustrate the step-by-step directions. The Guide also demonstrates how to use several often-overlooked features of Web browsers.

## Chapter 11: Recommended Publishers and Resources

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### Gale Encyclopedia of American Law (Gale, 2010)

Formerly known as West's Encyclopedia of American Law, the Gale Encyclopedia of American Law is a legal encyclopedia written in easy-to-understand language, which makes it a great starting point for non-lawyers who are doing legal research. Like other legal encyclopedias, this multi-volume set provides users with a basic overview of thousands of legal topics, as well definitions of legal terms and citations to key cases and statutes.

### Law Dictionary for Nonlawyers (West Legal Studies, 2000)

Legal professionals will frequently turn to legal dictionaries to understand the meaning of words and phrases they encounter. The Law Dictionary for Nonlawyers defines key legal terminology in ordinary, easy-to-understand English. For legal terms which are not in English (many legal words and phrases from other languages such as Latin are in ordinary use), phonetic pronunciations are included.

### Law for the Layperson: an Annotated Bibliography of Self-Help Law Books (William S. Hein, 2006).

This book is designed to help direct non-lawyers to the best source for their need. It provides a listing of nearly 1,000 self-help books and Web sites, along with a brief summary of each listed resource. The resources are organized by topic and jurisdiction; you can also search for titles by author name or search for publisher information.

### Law 101: Everything You Need to Know about the American Legal System (Oxford University Press, 2006).

Law 101 is not a “how-to” manual; instead, it provides readers with a basic overview of every aspect of the U.S. legal system. The author covers the topics a student would encounter during the first year of law school along with the civil and criminal litigation process, and refers to significant and interesting cases ranging from *Roe v. Wade* to the McDonald's hot coffee case as illustrative examples.

## ONLINE RESOURCES

### [AALL How to Research a Legal Problem: A Guide for Non-Lawyers](#)

Created by the American Association of Law Libraries, this Guide is “intended to help a person with a legal problem find legal rules that can resolve or prevent conflict.” The Guide includes start-to-finish instructions and provides links to helpful free resources.

### [American Bar Association Public Resources Portal](#)

The ABA's Public Resources Portal includes information on consumer legal issues, links to legal research sites, educational materials, practical law guides to everyday law, and general publications about the law and the legal system. Linked resources include:

- [\*The Consumers' Guide to Legal Help\*](#)  
*The Consumers' Guide* is a portal which lists lawyer and legal aid referral services plus resources and information on foreclosures for all 50 U.S. States and the District of Columbia. The Guide also provides links to self-help resources on selected subjects for all 50 U.S. States and the District of Columbia, plus self-help resources for Canada, Puerto Rico, and the U.S. Virgin Islands.
- [\*Law Issues for Consumers\*](#)  
*Law Issues for Consumers* is a listing of practical guides to handling legal issues involving real estate, personal finance, workplace issues, health care, and more.
- [\*Estate Planning FAQs\*](#)  
These FAQs cover all aspects of estate planning, including wills and trusts, powers of attorney, the probate process, guidelines for executors, and information on "do-it-yourself" estate planning.
- [\*Real Estate FAQs\*](#)  
These FAQs provide answers to general legal questions that arise in the context of both residential and commercial real estate transactions. A glossary of real estate terms is also provided.
- [\*TaxTips4U\*](#)  
TaxTips4U provides information on consumers' rights and responsibilities as taxpayers.
- [\*How Courts Work\*](#)  
*How Courts Work* provides an overview of the court system and legal procedures.
- [\*ABA Home Front\*](#)  
*ABA Home Front* provides information on legal issues faced by military families.

### [Cook County Clerk of the Circuit Court Self Represented \(Pro Se\) Resources](#)

The Cook County Clerk of the Circuit Court provides this portal to information and public resources which is designed for people representing themselves in Cook County Courts. The site is organized by topic (e.g. "Going to Court", "Family and Juvenile", "Criminal and Traffic", "Small Claims"), and under each topic you will find relevant forms and how-to guides.



## Chapter 11: Recommended Publishers and Resources

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### [Findlaw](#)

Findlaw is a free online portal site which is maintained by West Publishing, a major legal publisher. Resources available in Findlaw include:

- The *Learn about the Law* tab, which provides guidance and detailed information about legal issues related to topics such as will preparation, family issues, small businesses, and workplace rights.
- The *Find a Lawyer* tab, which provides a directory of attorneys which is searchable by city, state, or legal issue.
- The *Findlaw Answers* tab, an online user community that provides answers to frequently asked questions and a forum for submitting questions for other Findlaw users to answer.
- The [Bookshelf](#), a collection of free, full-text online books.

You can also use Findlaw to browse laws by state or by topic (Findlaw provides summaries of state laws as well as citations and links to relevant sections of official online statutes), and to find legal news and law-related blogs.

### [HALT \(Help Abolish Legal Tyranny\)](#)

HALT is a non-profit organization which is “[d]edicated to providing simple, affordable, accountable justice for all.” HALT’s Web site provides free information and resources including self-help books, article, guides and brochures, and links to other self-help Web sites.

### [Illinois Citizen Self-Help Web Site](#)

This list of online self-help resources was created by the official Web site of the Illinois court system.

### [Illinois State Bar Association Illinois Lawyer Finder Web Site](#)

The ISBA’s Web site provides this online lawyer referral service, which also serves as a portal to a wealth of self-help information specifically designed for Illinois residents. The site contains a [Legal FAQs](#) tab (with legal situations arranged by topic) and a [Legal Resources](#) tab, which includes the following sub-sections:

- *You and the Law*, a topical legal guide containing links to Illinois primary law and explanatory materials.
- *Rights and Responsibilities*, which provides easy-to-understand explanations of basic legal rights (e.g. the right to remain silent) and responsibilities (e.g. what consequences are there to becoming a legal adult) in the state of Illinois, along with information on jury duty and voting rights.

## Finding Illinois Law

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- *Legal Information*, which includes [Consumer Legal Guides](#) (a series of brief, downloadable articles on a wide variety of topics), information on Illinois laws protecting military personnel, and information on alternative dispute resolution (arbitration and mediation) in Illinois.

### [Indiana Courts Self-Service Legal Center](#)

The Self-Service Legal Center was created to assist people representing themselves in Indiana courts by providing them access to information and forms. This site includes a guide to representing yourself in court, a searchable case records database, legal research links, an FAQ section, and information on finding low-cost or no-cost legal services.

### [Justia](#)

Justia is a directory of legal Web sites arranged by subject. Justia also provides links to free primary law sources, free online forms (arranged by state or by topic), legal news sources, law journals, and legal blogs.

### [Legal Information Institute](#)

Hosted by Cornell Law School, the Legal Information Institute (LII) provides users with a wealth of free legal research resources, including the full text of all U.S. Supreme Court opinions issued since 1992 (along with full text of selected older opinions), the United States Code, the Code of Federal Regulations, federal court rules, and links to online state law materials, searchable by state or by topic. The LII also sponsors [Wex](#), a collaboratively-created free legal dictionary and encyclopedia which is edited by legal experts, and [Introduction to Basic Legal Citation](#). In addition, you can use LII to [search for lawyers](#) by state or practice area.

### [Library of Congress Guide to Law Online](#)

Prepared by the Law Library of Congress Public Services Division, the Guide to Law Online is an annotated guide to sources of information on government and law available online which includes selected links to useful and reliable sites for legal information. Resources are grouped by jurisdiction (International and Multinational, Nations of the World, U.S. Federal, U.S. States and Territories), and the linked material includes some sources which are written for non-lawyers.

### [Nolo](#)

The Web site of the legal publisher Nolo (see above) includes free, practical information on a wide variety of topics. Click on the “Get Informed – Free Legal Information” tab to find articles on subjects such as bankruptcy and debt management, criminal law, real estate law, taxes, and wills and estates, all of which are written in easy-to-understand language. You can search [Nolo’s List of Helpful Legal Websites](#) or use Nolo to locate attorneys who specialize in almost any area of the law.

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### [Public Library of Law](#)

The Public Library of Law, a free service of the subscription database Fastcase, is a portal to a wide variety of free legal information gathered from many different Web sites, allowing users to search for different forms of state and federal law in one place. The site includes helpful video tutorials on how to search for cases and statutes, as well as guidance on how to construct searches.

### [SelfHelpSupport.org](#)

Maintained by the National Center for State Courts, and supported in part by Chicago-Kent College of Law and the American Association of Law Libraries, this site acts as a clearinghouse for information on self-representation. Within the “Help” tab, you’ll find a link to *Resources for Self Represented Litigants*, a list of helpful web resources for litigants who are representing themselves in court.

### [Southern Illinois University School of Law Self-Help Center](#)

The SIU Self-Help Center assists pro-se litigants in finding the resources they need to represent themselves. This site includes forms, links to information on specific issues such as family law, financial matters, and housing law, and how-to guides on subjects such as service of process and enforcing a money judgment.

### [USA.gov](#)

USA.gov is the official gateway to online information from federal and state governments, the District of Columbia, and U.S. Territories. Many federal and state government agencies (e.g. the Equal Employment Opportunity Commission, the Social Security Administration, and the Occupational Health & Safety Administration) provide basic guidance on legal matters on their Web sites, and you can find links to those agency sites on USA.gov. USA.gov’s searchable [FAQs page](#) includes answers and links to government information, plus resources on topics such as workplace issues, consumer protection, and immigration.

### [Wisconsin Court System Self-Help Center](#)

The Wisconsin Court System’s self-help law center contains forms, links to resources about Wisconsin law and court procedures, and guidance on self-representation in some types of court matters.