1996

Nonlegal Research

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Introduction</td>
<td>ix</td>
</tr>
<tr>
<td></td>
<td>Author Biographies</td>
<td>xii</td>
</tr>
<tr>
<td>1</td>
<td>How to Use a Law Library</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>The Process of Legal Research</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>Fundamentals of Legal Research in Washington</td>
<td>69</td>
</tr>
<tr>
<td>4</td>
<td>Administrative Decisions and Materials</td>
<td>133</td>
</tr>
<tr>
<td>5</td>
<td>Legislative History and Bill Tracking</td>
<td>153</td>
</tr>
<tr>
<td>6</td>
<td>Washington Practice Materials</td>
<td>161</td>
</tr>
<tr>
<td>7</td>
<td>Nonlegal Research</td>
<td>207</td>
</tr>
<tr>
<td>8</td>
<td>Computer-Assisted Legal Research</td>
<td>217</td>
</tr>
<tr>
<td>9</td>
<td>Managing Your Library: With or Without a Librarian</td>
<td>239</td>
</tr>
<tr>
<td>I</td>
<td>City and County Codes in Washington Libraries</td>
<td>261</td>
</tr>
<tr>
<td>II</td>
<td>Acronyms and Abbreviations</td>
<td>277</td>
</tr>
<tr>
<td></td>
<td>Index</td>
<td>283</td>
</tr>
</tbody>
</table>

# DETAILED TABLE OF CONTENTS

## Chapter 1, How to Use a Law Library

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Getting Acquainted</td>
<td>1</td>
</tr>
<tr>
<td>II</td>
<td>People in Libraries</td>
<td>2</td>
</tr>
<tr>
<td>III</td>
<td>Collection Organization</td>
<td>4</td>
</tr>
<tr>
<td>IV</td>
<td>Access to the Collection</td>
<td>5</td>
</tr>
<tr>
<td>V</td>
<td>Access to the Contents of the Library Collection</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>A. Searching Bibliographic Records</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>B. Searching Indexing and Abstracting Services</td>
<td>8</td>
</tr>
<tr>
<td>VI</td>
<td>Access to Legal Information Without Leaving the Comfort of Your Home or Office</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>A. Electronic Access to Library Catalogs</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>1. Access Without a Personal Internet Account</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>2. Access With a Personal Internet Account</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>B. Electronic Access to Legal Information</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>C. What You Miss by Staying Home</td>
<td>12</td>
</tr>
<tr>
<td>Append</td>
<td>1. Law Libraries in Washington State</td>
<td>14</td>
</tr>
<tr>
<td>A</td>
<td>State</td>
<td>14</td>
</tr>
<tr>
<td>B</td>
<td>County</td>
<td>14</td>
</tr>
<tr>
<td>C</td>
<td>Court</td>
<td>17</td>
</tr>
<tr>
<td>D</td>
<td>Academic</td>
<td>17</td>
</tr>
</tbody>
</table>
Chapter 1, How to Use a Law Library, cont’d

Appendix 2, Free or Low Cost Advocacy, Information, and Referral for King County Residents ........................................... 18

Chapter 2, The Process of Legal Research

I. Introduction ........................................................................... 25
II. Strategies for Effective Legal Research ................................ 26
   A. Rombauer Framework .................................................. 26
      1. Preliminary Analysis ................................................. 26
      2. Search for Statutes .................................................. 29
      3. Search for Mandatory Case Precedent ...................... 31
      4. Search for Persuasive Case Precedent ....................... 32
      5. Refine, Double-Check, and Update ......................... 34
   B. Conclusion ....................................................................... 35
III. Integrating Manual and Computerized Legal Research Tools .. 36
IV. Managing Your Legal Research ......................................... 59
   A. General Suggestions .................................................. 59
   B. Note-Taking .................................................................. 60
   C. Help! A Dead End! ..................................................... 66
   D. When to Stop the Search ............................................. 66

Chapter 3, Fundamentals of Legal Research in Washington

I. Introduction and General Legal Research Texts .................... 69
II. Secondary Sources .......................................................... 71
   A. Practice Materials ..................................................... 71
   B. Encyclopedias, Texts, and Treatises ............................... 72
   C. Legal Periodicals ....................................................... 74
III. Statutes ............................................................................... 78
   A. Session Laws ............................................................ 78
   B. Codes — The Revised Code of Washington and Its Predeces- sors ........................................................................... 81
   C. Annotated Codes ........................................................ 84
      1. West’s Revised Code of Washington Annotated .......... 84
      2. Annotated Revised Code of Washington .................... 87
      3. Checklist for Updating Statutes in Print ...................... 88
   D. Electronic Versions of Washington Statutes .................. 89
   E. Uniform Laws and Model Acts ...................................... 91
   F. Court Rules ................................................................... 91
IV. City and County Codes ...................................................... 93
V. Administrative Regulations ................................................. 94
   A. Washington State Register .......................................... 95
Chapter 3, Fundamentals of Legal Research in Washington, cont’d

B.  *Washington Administrative Code*  ................................................. 97
C.  Electronic Versions of Administrative Regulations  .......................... 98

VI.  Case Law  .................................................................................. 100
A.  Official Reports  ................................................................. 100
B.  Unofficial Reports  ............................................................... 102
C.  Legal Newspaper  .................................................................. 104
D.  Electronic Versions of Case Law  ........................................... 105
E.  Unpublished Opinions  .......................................................... 106

VII.  Case Finding Tools  ................................................................. 107
A.  Secondary Sources and Annotated Codes  .................................... 107
B.  *Cumulative Subject Index*  .................................................... 107
C.  *Shepard’s Washington Case Name Citator*  ............................... 108
D.  *West Digest* System  ............................................................. 108
E.  West Searchers  ........................................................................ 112
F.  Citator Services  ........................................................................ 112
G.  Computer-Assisted Legal Research  ........................................... 113
H.  Checklist of Case Finding Tools  .............................................. 114
I.  Briefs  ....................................................................................... 114

VIII.  Attorney General Opinions  ...................................................... 116

IX.  Citator Services  ......................................................................... 117
A.  Shepard’s  .................................................................................. 117
B.  Electronic Citator Services  ....................................................... 121
   1.  Shepard’s  .............................................................................. 121
   2.  Shepard’s PreView and Shepard’s Overnight  ............................... 122
   3.  Auto-Cite and Insta-Cite  ....................................................... 122
   4.  Full-text Searching, LexCite and QuickCite  ............................... 124

X.  Citation Format  ........................................................................... 126

XI.  Appendix, Office of Reporter Style Sheet  .................................... 131

Chapter 4, Administrative Decisions and Materials

I.  Introduction  ............................................................................... 133

II.  Administrative Agencies’ Functions and Procedures  ....................... 133
A.  Enabling Legislation  ............................................................... 133
B.  Administrative Procedure Act and Model Rules of Procedure  ....... 134
C.  Bibliography  .......................................................................... 135

III.  Multi-Agency Sources of Administrative Decisions  ....................... 136
A.  CD Law  ................................................................................. 136
B.  L.A.W. BBS  ........................................................................... 137
C.  LEXIS-NEXIS  ........................................................................ 138
D.  West Publishing Company  ....................................................... 138
Chapter 4, Administrative Decisions and Materials, cont’d

IV. Agency-Specific Sources .................................. 140
   A. Administrative Hearings Office ......................... 140
   B. Ecology Department .................................. 141
   C. Education Department ................................ 141
   D. Employment Security Department ...................... 141
   E. Environmental Hearings Board ......................... 141
   F. Ethics Advisory Committee .............................. 142
   G. Executive Ethics Board ................................ 142
   H. Financial Institutions Department .................... 142
   I. Fish and Wildlife Department ......................... 142
   J. Forest Practices Appeals Board ....................... 142
   K. Governor ................................................ 143
   L. Growth Management Hearings Boards .................. 143
   M. Higher Education Personnel Board .................... 143
   N. Human Rights Commission ................................ 143
   O. Hydraulics Appeals Board .............................. 144
   P. Industrial Insurance Appeals Board ................... 144
   Q. Insurance Department ................................ 144
   R. Judicial Conduct Commission ......................... 145
   S. Labor and Industries Department ....................... 145
   T. Legislative Ethics Board ................................ 145
   U. Minority and Women’s Business Enterprises Office .. 146
   V. Personnel Appeals Board ............................... 146
   W. Personnel Board ....................................... 146
   X. Pollution Control Hearings Board ..................... 146
   Y. Public Disclosure Commission .......................... 147
   Z. Public Employment Relations Commission ............. 147
   AA. Retirement Systems Department ....................... 148
   BB. Revenue Department .................................. 148
   CC. Secretary of State ................................... 148
   DD. Securities Division .................................. 149
   EE. Shorelines Hearings Board ............................ 149
   FF. Tax Appeals Board .................................... 149
   GG. Utilities and Transportation Commission ............ 150

V. Agency Decisions at a Glance ......................... 150

Chapter 5, Legislative History and Bill Tracking

I. Researching Legislative History in Washington ......... 153
   A. At the Law Library ..................................... 153
   B. The State Archives ..................................... 154
   C. The House and Senate Journal Tapes ................... 155
   D. Other Sources .......................................... 155
Chapter 5, Legislative History and Bill Tracking, cont’d

E. Bibliography ........................................ 155
F. Phone Numbers ...................................... 156

II. Legislative Bill Tracking .......................... 156
A. How a Bill Becomes a Law ...................... 156
B. New Sources ...................................... 157
C. Legislative Digest and History of Bills ......... 157
D. Meeting Schedule and Bill Status .............. 158
E. Legislative Hotline ................................. 158
F. Governor’s Office .................................. 158
G. LegLink ............................................. 158
H. Washington State Legislature Public Access System ..... 159
I. LEXIS-NEXIS and WESTLAW .................... 159
J. Legi-Tech ......................................... 159

Chapter 6, Washington Practice Materials

I. Introduction ......................................... 161

II. Encyclopedic Sources ............................. 161
A. Washington Practice .............................. 161
B. Washington Lawyers Practice Manual ......... 167

III. Deskbooks, Manuals, Treatises, and Self-Help Sources ...... 169
A. Introduction and Overview ...................... 169
B. Deskbooks, Manuals, Treatises, and Self-Help Sources: Arrangement by Subject .............. 171

IV. Continuing Legal Education Materials and CLEDEX .......... 189
A. CLE Materials ..................................... 189
B. CLEDEX: Locating CLE Chapters ............... 190

V. Litigation Aids .................................. 191
A. Benchbooks ....................................... 191
B. Pattern Forms .................................... 193
   1. Mandatory Forms .............................. 193
   2. Optional, Suggested Forms ................. 194
C. Jury Verdicts, Arbitration Awards, and Expert Witnesses .... 194
   1. Jury Verdicts ................................ 195
   2. Arbitration Awards .......................... 196
   3. Expert Witnesses .............................. 196
D. Judicial Biographies and Backgrounds ............ 197
   1. State Judges .................................. 197
   2. Federal Judges ............................... 198

VI. Ethics Opinions .................................. 199

VII. Directories ...................................... 199
A. Washington State Yearbook ...................... 200
Chapter 6, Washington Practice Materials, cont’d.

B. Resources .................................................. 200
C. Attorneys ... Red Book .................................. 201
D. Washington Legal Directory ............................ 201
E. Washington Court Directory ........................... 201
F. Online Directories ....................................... 202

VIII. Current Awareness ..................................... 202
A. Bar Periodicals ........................................... 203
B. Legal Association Publication ......................... 204
C. Legal Newspaper .......................................... 204
D. Access to Current Awareness Materials: NEWDEX .. 204

Chapter 7, Nonlegal Research

I. Introduction .................................................. 207
II. Finding People, Organizations, Etc. .................. 207
A. Phone Books .............................................. 208
B. Directories of Associations ............................. 208
C. Government Directories ................................ 208
D. Corporate Directories ................................... 209

III. Finding Factual Information ............................ 210
A. Almanacs .................................................. 210
B. Atlases and Maps ........................................ 210
C. Statistical Sources ....................................... 210
D. Medical Information ..................................... 211
E. Interest Rates ............................................. 212
F. Consumer Price Index .................................. 212

IV. Writing ..................................................... 213
A. Dictionaries and Thesauruses ......................... 213
B. Usage Guides ............................................. 214
C. Quotation Books ......................................... 214

Chapter 8, Computer-Assisted Legal Research

I. Introduction .................................................. 217
II. Reasons to Use CALR .................................... 217
III. Types of CALR ............................................ 218
IV. Online Services: LEXIS-NEXIS and WESTLAW .... 219
A. Features of LEXIS-NEXIS and WESTLAW ........... 219
B. Washington Materials on LEXIS-NEXIS and WESTLAW 219
C. LEXIS-NEXIS and WESTLAW Cost-Control Tips ..... 224
   1. Prepare Before Going Online ....................... 224
   2. Use the 800 Numbers .................................. 224
   3. Know Your Prices; Know Your Contract Terms ...... 224
# Table of Contents

## Chapter 8, Computer-Assisted Legal Research, cont’d

4. Use Print Sources in Conjunction with CALR .................................... 225
5. Retrieve Documents in One Step .................................................. 225
6. Scan Documents Quickly ............................................................... 225
7. Use Hypertext Capabilities ............................................................ 225
8. Proofread Your Query ................................................................. 225
9. Use Smaller or Subject-Specific Files or Databases .......................... 226
10. Use the Fastest Modem You Can Afford ....................................... 226
11. Use Fields and Segments ............................................................... 226
12. Use Key Numbers ........................................................................ 226
13. Stack Commands .......................................................................... 226
14. Modify on LEXIS-NEXIS ............................................................... 227
15. Keep Track of Your Searches ....................................................... 227
16. Save Your Last Search .................................................................. 227
17. Automatically Run Searches .......................................................... 227
18. Update Your Research .................................................................. 227
19. Reduce Printing and Downloading ............................................... 228
20. Change Client Information Online ............................................... 228
21. If You Are In Trouble, Sign Off .................................................... 228
22. Use Less Expensive or Free Electronic Sources When Available and Time-Efficient .................................................. 228
23. Use Documentation, Help Screens, and Other Search Aids ................. 229
24. Use Vendor Representatives ......................................................... 229
25. Keep Up with New Developments ............................................... 229
26. Ask a Librarian ........................................................................... 230

## V. CD ROM Products ........................................................................ 230

A. Features of CD ROM Products .................................................. 230
B. Washington CD ROM Products .................................................. 231

## VI. Bulletin Board Systems ............................................................... 231

A. L.A.W. BBS .................................................................................. 231
B. Court Record Information .......................................................... 232
   1. JIS-Link .................................................................................... 232
   2. PACER ..................................................................................... 233
   3. CourtLink ............................................................................... 233

## VII. Internet ...................................................................................... 234

A. Introduction ................................................................................. 234
B. Internet Guides ........................................................................... 236
C. Selected Washington Internet Sites ............................................. 236

## Chapter 9, Managing Your Library: With or Without a Librarian

I. Managing Your Library: With or Without a Librarian ......................... 239

   A. If Your Firm Has a Librarian .................................................. 239
INTRODUCTION

The Washington Legal Researcher's Deskbook has been written to assist lawyers, librarians, legal assistants, legal secretaries, and members of the public in the complex task of researching legal problems. This book focuses on the law of the state of Washington and the legal materials that are available to the Washington practitioner. The reader will not find answers to legal questions but rather will find a rich array of information that can help in the process of researching the law.

The importance of legal research certainly cannot be overstated. Most lawyers want to give good advice to their clients. If the client's problem is new to the practitioner, chances are good that a review of the legal issues and authority will be necessary. This may plunge the researcher into unfamiliar areas of law.

If it were not enough to want to give good advice, the Washington Rules of Professional Conduct (RPC) 1.1 require that a practitioner "shall provide competent representation to a client." This rule requires familiarity with the relevant law through previous knowledge or through conducting adequate research. No Washington State Bar Association Ethics Opinions interpret this rule regarding the standards for performing competent legal research.

A 1975 California Supreme Court case, Smith v. Lewis, 10 Cal.3d 349, 530 P.2d 589 (1975), articulates a standard of care for legal research. The standard requires (1) sufficient research (2) using standard research techniques (3) to obtain readily available authority. The Court found that the defendant lawyer failed to meet this standard of care. Cases in other jurisdictions have reached a similar result. Washington has apparently adopted this standard in Halvorsen v. Ferguson, 46 Wash. App. 708, 718, 735 P.2d 675, 681 (1986).

A study commissioned by the ABA Section of Legal Education and Admissions to the Bar recently listed legal research among ten skills necessary for the practice of law. The Task Force identified three specific skills needed for thorough and efficient research:

3.1 Knowledge of the Nature of Legal Rules and Institutions;
3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;
3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.

The legal researcher of the 1990s cannot rest on the knowledge of legal research tools acquired while in law school or even as recently as two years ago. The computerization of legal information has completely changed the world of legal research and the practice of law. Some recent commentators have even suggested that computerized research is required in order for practitioners to avoid malpractice. See David M. Sandhaus, Computers Are Required for the Practitioner to Avoid Malpractice, 47 Washington State Bar News 51-52 (no. 11, Nov. 1993); Robert C. Berring, Technology and the Standard of Care for Legal Research, 3 Legal Malpractice Report 21-22 (no. 4, 1992).

The purpose of this Deskbook is to provide a broad spectrum of information that would be helpful to the person who must research Washington State law. In the first chapter, I describe how to use a law library. From using law libraries in person to using law libraries without leaving the comfort of your home or office, the tips provided in this chapter will be useful to all legal researchers.

In the second chapter, I outline a strategy to help a legal researcher design a research process or framework. Practical tips for efficient use of legal tools are discussed. A reprint of an article that discusses the relative merits of computer and manual legal research tools has been included to help researchers sort through the maze of legal information products. If taking good notes is your downfall, be sure to read the note-taking article found near the end of this chapter. This piece is full of practical hints that can help any researcher create a fine research product.

Chapter three was written by Mary Whisner and is an excellent review of the most basic and important legal research tools used for researching Washington law. Ms. Whisner reviews secondary sources, statutes, city and county codes, administrative regulations, case law, case-finding tools, Attorney General Opinions, citator services, and basic citation information. She includes information about electronic versions of these information tools as well as the printed texts. Every legal researcher should be familiar with the contents of this chapter. This is one of the chapters that should be read completely by any researcher who must use Washington legal information resources.

Washington State agencies promulgate a variety of administrative decisions or actions. These are ably discussed in the next chapter by Cheryl Nyberg. Pay particular attention to the description of the Administrative Procedure Act and its requirements. Ms. Nyberg discusses each state agency that issues administrative determinations and even provides a summary chart of the various sources of agency quasi-judicial actions in order to speed your research.

Never done a Washington legislative history? Follow the clear step-by-step directions written by Peggy Roebuck Jarrett in Chapter five on legislative history and bill tracking. Clearly our author has had some experience with this awesome task!
Ms. Jarrett shows the novice exactly how to follow the legislature's process and includes important tips for accomplishing this research chore efficiently and competently.

Using one or more of the many excellent handbooks and deskbooks available on Washington law can help the legal researcher quickly and efficiently define the problem and locate the primary sources to answer the question. In Chapter 6, Nancy McMurrer provides annotated descriptions both of broad, multi-topic sources and other, more specific titles listed by subject. Organized into sections on encyclopedic sources; deskbooks and treatises; continuing legal education materials; litigation aids (benchbooks, pattern forms, jury verdicts and judicial biographies); ethics opinions; directories; and current awareness services, this chapter is crucial for the researcher who is not intimately familiar with the wealth of secondary literature available in Washington.

This edition of the Deskbook contains a new chapter on nonlegal research written by Mary Whisner and Peggy Roebuck Jarrett. In a clear and direct style, the authors cover sources that will help you find information about people and organizations, find factual information, and improve your writing skills.

Peggy Roebuck Jarrett, Nancy McMurrer, and Mary Whisner have written the chapter on computer-assisted legal research (CALR). Although the Deskbook is replete with references to and discussions of electronic research tools, this section discusses CALR generally. Highlighting the electronic tools and information available to the Washington legal researcher, this chapter includes excellent sections on different types of access to computer-assisted legal research: online services, CD ROM products, bulletin board systems and the Internet. Comparative tables of the most important Washington legal materials and their availability on WESTLAW and LEXIS-NEXIS are also included. If you have little or no exposure to electronic legal information systems, this chapter is a must.

In the final chapter Ms. Jarrett compiles a collection of information about legal resources in Washington. Included here are tips on how to manage your library, hire a librarian, and select materials and research tools for your library. Lists of filing and library service organizations, document delivery services, legal publishers with addresses and telephone numbers, publisher information for Washington legal periodicals, Washington CLE providers, and libraries that have various city and county codes complete the informative material to be found in this section of the Deskbook. This chapter will be a great help to those trying to keep their libraries current and properly managed, to those making decisions about purchases for office libraries, and to those trying to locate legal materials available in the local area.

I am very pleased with the high quality of the material you will find within this Deskbook. Many thanks to the authors for their tireless work. Janet Abbott worked many hours to put our draft material into final form — thank you! Thanks
also to Reba Turnquist who helped update information about publishers, prices, and the like; to the Gallagher Law Library staff for being supportive and helpful; to the law librarianship student interns who helped cover the Reference Office when we needed extra time to write; to various colleagues around the state who responded cheerfully to our requests for information; and, finally, to our library patrons for asking us questions and helping us learn what legal researchers in Washington need to know.

Penny A. Hazelton
Seattle, Washington
July 1996
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PENNY A. HAZELTON.  Professor Hazelton has been the Director of the Marian Gould Gallagher Law Library at the University of Washington School of Law since 1985. Teaching legal research to law students, law librarianship students (lawyers training to be law librarians), library students, attorneys, legal secretaries, and paralegals has occupied a good part of Professor Hazelton's twenty-year career. She earned her JD from Northwestern School of Law of Lewis & Clark College and received a Masters in Law Librarianship from the University of Washington in 1976. Professor Hazelton is a member of the Washington State Bar Association and has served as a member and Chair of its Editorial Advisory Board Committee. Professor Hazelton spent five years at the University of Maine and four at the U.S. Supreme Court Library as head of the research services department.

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of Law Libraries and the Law Librarians of Puget Sound, and is a former officer and member of the Mid-America Association of Law Libraries.

MARY WHISNER. Mary Whisner received a BA in Philosophy from the University of Washington in 1977, a JD from Harvard Law School in 1982, and an MLIS from Louisiana State University in 1987. Ms. Whisner clerked for Judge Stephanie K. Seymour of the U.S. Court of Appeals, Tenth Circuit, and practiced law for two years in Washington, D.C. at the National Labor Relations Board and the Lawyers’ Committee for Civil Rights Under Law. She has been on the reference staff of the Gallagher Law Library at the University of Washington since 1988. Mary Whisner is a member of the American Association of Law Libraries, Law Librarians of Puget Sound, and the Washington State Bar Association.
I. Introduction

Legal researchers often need to find information that is not strictly legal. What day of the week was February 9, 1977? What is the phone number of the New York Times? How much has the Consumer Price Index changed since 1992? Who said "A rose by any other name would smell as sweet?" What are the potential side effects of Benadryl?

Depending on your questions, you may from time to time need to use libraries other than law libraries. Get to know your local resources, especially public libraries and academic libraries; many college and university libraries are open to the public. Some public libraries have telephone information lines. For example, in King County, the Seattle Public Library Quick Information Line at 386-4636 and the King County Library System Answer Line at 462-9600 or (800) 462-9600 are fabulous resources. Do not assume that your local law library will have everything you need. For example, if you are working on a medical malpractice case and you want to read articles written by the other side’s expert witness, you will probably need to use a medical library. If you want detailed financial information about a corporation, you will need a library with a good business department.

Electronic sources are also valuable for nonlegal research. WESTLAW and LEXIS-NEXIS, for instance, include many sources of nonlegal information, including newspapers, magazines, and business information sources. Much nonlegal information is also available on the Internet.

Many legal researchers will want to develop a small collection of nonlegal reference books to have on hand. If you are just trying to remember whether “offered” has one “r” or two, it is not really practical to take the bus to your local library — you ought to have a dictionary within reach. In the following pages, we list some sources that we find helpful. It is not a comprehensive list, but it might give you some ideas for your office collection and some ideas for what to look for at your local library.

II. Finding People, Organizations, Etc.

Very often in legal practice and in business, you need to contact an individual, a business, or a government agency. Calling experts can be a good way to get information.
A. Phone Books

Don't overlook your local phone book! Check out the government and community service listings. If you regularly deal with people and businesses in a neighboring city, get that phone book, too.

*National Directory of Addresses and Telephone Numbers* (Omnigraphics, Inc.) (annual).

Layout is similar to a standard city phone books. Lists thousands of U.S. corporations, both alphabetically and by industry classification. Executive Reference Section lists accounting firms, associations, colleges and universities, financial institutions, government agencies (federal, state, and local), hospitals, insurance companies, media sources, airlines, hotels, etc. Obviously, one volume cannot provide comprehensive listings in all those areas, but this one covers a tremendous amount.

B. Directories of Associations

Associations often track legislation and monitor legal developments in areas of interest to their members. Contacting one might help you find information quickly. Think of the staff and publications of organizations like the American Polygraph Association, the National Consumer Law Center, or the Sierra Club.

*Encyclopedia of Associations* (Gale Research Co.) (annual).

DIALOG File 114; WESTLAW EOA database. Caution: it may be expensive to print out full records from the online services. Includes information about thousands of nonprofit associations, professional societies, trade groups, etc., grouped broadly by subject. Each entry usually includes address, phone number, chief official, founding date, number of members, staff, budget, and a description of the organization's activities. Each entry also includes the association's chief publications and dates and locations of its annual meetings.

*Associations Yellow Book* (Leadership Directories) (semi-annual).

WESTLAW ASSOCYB database. Subtitled "who's who at the leading U.S. trade and professional associations," this lists fewer associations than *The Encyclopedia of Associations*, but provides much more detail about each association and its officers. Includes Industry Index, Individual's Name Index, and Acronym Index.

C. Government Directories

Legal researchers need to contact government agencies to gain information or to advocate for their clients. You can find a new regulation in the *Washington State Register*, for instance, but might find out even more if you ask to see the agency's
rule-making file and talk to the staff person who was in charge of seeing the regulation through the rule-making process. You can also learn about government studies to get background on a problem.


This is one of the most heavily used books in our reference office. It lists state government officials, agency addresses and descriptions, city and county governments, Indian tribes, colleges and universities, newspapers, television stations, radio stations, etc. At around $20, this is one of the best reference bargains around.


This one-volume paperback provides a wealth of information about government agencies, including names of top officials, phone numbers, organizational charts, and textual descriptions of each agency’s history, mission, and powers, often citing the statute that established it.

**Washington Information Directory** (Congressional Quarterly, Inc.) (annual).

Covers official as well as unofficial Washington: agencies, Congress, associations, think tanks, embassies, media, etc. Organized by topic, with both a name and subject index.

**D. Corporate Directories**

**Corporation Records** (Office of the Secretary of State) (monthly; on microfiche).

These records list all corporations doing business in Washington State. Each corporate entry includes the name of the corporation, the name and address of the registered agent, the date of incorporation, and the state of incorporation. Neither the address of the corporation itself nor the names of officers or directors is included. (Also available electronically on WESTLAW in the WA-CORP database, and on L.A.W. BBS.)

**Corporate Yellow Book: Who’s Who at the Leading U.S. Companies** (Leadership Directories) (quarterly).

WESTLAW CORPYB database.

Lists more than a thousand corporations. Includes corporate addresses and names of officers and directors. Covers subsidiaries and divisions.

For more detailed corporate information, many large companies, including Dun & Bradstreet and Standard & Poor’s, produce print and electronic directories, and the U.S. Securities and Exchange Commission offers some access to its databases. Much of this information is available on LEXIS-NEXIS and WESTLAW. Researchers who do not have access to either of these online services should check with the
nearest large public or academic library. For example, both the Seattle Public Library and the University of Washington Business Library offer public access to a wide variety of print and CD ROM sources. Both academic and public business libraries also have expert reference staff to assist users with this specialized information.

III. Finding Factual Information

A. Almanacs

Almanacs are one-volume compilations of information on a variety of subjects. Generally they include a little geography, economics, science, biography, sports, and more. There are several on the market. One of the standards is:

Inexpensive ($9.95) and essential. Real questions we have answered with the *World Almanac*: Do you have a list of Presidents? Do you have a perpetual calendar? What’s the correct form of address for a letter to the governor? When did Anthony Lewis win the Pulitzer Prize? Note that the almanac often gives a source, e.g., a government report, that provides you with a lead for further research.

B. Atlases and Maps

There are whole libraries of atlases and maps. Most offices should probably have at least a road atlas and maps of the local cities. (It makes a bad impression if you get lost on your way to interview your key witness!)

Handy and affordable.

C. Statistical Sources

A good almanac will generally get you started. Here are a few other sources:

Published by the same company as the *Washington State Yearbook*, the *Washington State Almanac* gathers all sorts of handy statistics on population, income, and business. It includes rankings of cities and counties by selected indicators and maps of counties that compare population, income, real property value, percent of farm land area, etc.
Chapter 7, Nonlegal Research


This is chock full of statistics on a wide variety of subjects from international trade to crime, agriculture to employment. Even better, its index is good, so you can find the statistics you need. The compilers always list a source for the data, either a published report or an agency that can be contacted for further information.


Statistics compiled from reports of over 16,000 city, county, and state law enforcement agencies "voluntarily reporting data on crimes brought to their attention" (p.1, 1992 ed.). The FBI cautions readers against "comparing statistical data of individual reporting units from cities, counties, metropolitan areas, states, or colleges and universities solely on the basis of their population coverage or student enrollment" (p. v, italics in original), but of course it is tempting to do so. In recent years, the FBI has added some color graphics to its statistics. If you want to know the number of burglaries in Ada, Oklahoma, or the number of people arrested for murder nationally, or the number of law enforcement personnel in Denver, look it up here.


The editors compile statistics from a variety of sources. To be included, "the information must be national in scope or of nation-wide relevance" and "the data must be methodologically sound" (p. iv, 1992 edition). Sources include scholarly articles, government reports, opinion surveys, and the FBI's *Uniform Crime Reports*.

D. Medical Information

If your practice includes personal injury or medical issues, you might want to have some basic medical sources. Of course, for more complete information, you will use many more sources and work with medical professionals.

*Physicians' Desk Reference: PDR* (Medical Economics Co.) (annual).
*Physicians' Desk Reference for Nonprescription Drugs* (Medical Economics Co.).

What drugs do what, when they are prescribed, and what their side effects are. (Also available on CD-ROM.)


### E. Interest Rates

*Washington State Register* (Code Revisor’s Office) (bimonthly).

Pick up an issue, look at the back of the front cover, and find the state maximum interest rate for that month.


This is a hefty compilation of amortization tables, compounded interest rates, historical interest rates, and more.

### F. Consumer Price Index

The Consumer Price Index (CPI) is published by the U.S. Bureau of Labor Statistics (BLS). Summary tables can be found in the *Statistical Abstract*, with updates in the *Monthly Labor Review*. Another good source is the "Labor Relations Expediter," which is part of the BNA’s *Labor Relations Reporter*.

Current information is available on the Consumer Price Index 24-Hour Hotline at (206) 553-0645. For more information, call the San Francisco office of the BLS at (415) 995-5605 or (415) 744-6600, or call the CPI Hotline in Washington D.C. at (202) 523-1239.

The BLS also has a World Wide Web page at:

http://stats.bls.gov/cpihome.htm

### IV. Writing

"The only tool of the lawyer is words. We have no marvelous pills to prescribe for our patients. We have no Superconducting Supercollider to help us find the Higgs boson. Whether we are trying a case, writing a brief, drafting a contract, or negotiating with an adversary, words are the only things we have to work with."

The goal of much legal research is finding something to support a written product — whether it be a brief, a speech, or a letter to a client. To make the writing clear, concise, and grammatically correct, you might refer to some reference books like the following.

A. Dictionaries and Thesauruses

*The American Heritage Dictionary of the English Language* (Houghton Mifflin, 1992). There are many good dictionaries. This one is popular in our reference office. Many words are followed by helpful discussion of synonyms, explaining how their connotations differ. For instance, the definition of "faithful" has notes for faithful, loyal, true, constant, fast, steadfast, and staunch. Usage Notes explain points of grammar; since speakers and writers of English differ, the Usage Notes often reflect a survey of a Usage Panel, some 170 writers, editors, professors, and politicians — from S.I. Hayakawa to Andrea Dworkin, Alistair Cooke to Erica Jong. Most of the usage panel frowns on "hopefully" as a sentence adverb; on the other hand, most of the panel accepts split infinitives in some sentences.

Thesauruses:


It is a matter of personal taste whether you prefer having the thesaurus arranged by abstract category (as Roget himself did it) or in alphabetical order (i.e., dictionary form). We often use Rodale’s *Synonym Finder*, which is in dictionary form. Remember that thesauruses are helpful both for writing — when you want to use the perfect word — and for research — when you want to search for words and phrases someone else has used.

B. Usage Guides


This is an excellent handbook, covering grammar, punctuation, spelling, word usage, and more. Recognizing that most of us now write on word processors, it includes tips for using word processing features to make outlines, memos, letters, and other formats easier to produce. It even has a few pages on email. The index is detailed and easy to use. The book is available in both
hardback and spiral bound editions; the spiral bound edition costs half as much and has the added advantage of lying flat on your desk while you are puzzling over a fine point of grammar.

William Strunk, Jr., with revisions, an introduction, and a chapter on writing by E. B. White, *The Elements of Style* (Macmillan, 1979). This is an American classic. Affordable, short, and easy to read.

*The Chicago Manual of Style* (14th ed. University of Chicago Press, 1993). Originally a style sheet for authors to use when preparing manuscripts for the University of Chicago Press, this work has developed into a weighty guidebook. Part 1, Bookmaking, includes information on copyediting and proofreading; the chapter on Rights and Permissions gives a nice overview of copyright law, with suggestions for obtaining copyright releases. Part 2, Style, is the largest portion of the book; chapters cover punctuation, spelling, quotations, bibliographies, and notes. Part 3 covers book design, typography, printing, etc.


Guides for bias-free language:

C. Quotation Books

If you want to spice up a speech or brief with a choice remark by someone famous, consult one of these books.


*Bartlett's* is the classic quotation book. Quotations are arranged by author, in chronological order. An index provides access by keyword.

This work brings together over 3,500 quotations about American law. You will find famous — and not-so-famous — lines from Supreme Court Justices
and scholars, as well as poets, novelists, and at least one bank robber.¹ Shapiro provides citations in a modified Bluebook form, so it is very easy to use the quotations in your work.


Quotations are arranged by subject, which makes for easy browsing. Many quotations relate to politics, civil rights, justice, etc.


DIALOG file 175; WESTLAW QUOTATIONS database — 3d edition (i.e., through 1979).


The title says it all.


¹ "The line between a bank robber and a lawyer is a very thin one, anyway." Willie Sutton, Where the Money Was 28 (1976) (quoted on p.280).