

Legal Research for the Texas Practitioner

Legal Research for the Texas Practitioner

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TABLE OF CONTENTS



Dedication	xxi
Supplementation	xxiii
Preface	xxv
Chapter One. Introduction to Legal Research and the Nature of Legal Authority	1
§ I. Necessity of Legal Research Skills in Practice	1
§ II. Introduction to Legal Authority	6
A. Primary Versus Secondary Authority	6
B. Mandatory and Persuasive Primary Authority	7
C. Secondary Authority	8
§ III. The Legal Research Process	9
A. Locating Legal Information	9
B. Updating Legal Resources	11
C. Expanding Research	13
D. Citing Legal Authority	14
E. Official Versus Unofficial Resources	17
Chapter Two. Using Secondary Sources in the Legal Research Process	19
§ I. Using Secondary Authority to Begin Legal Research	19
§ II. Legal Dictionaries and Thesauri	20
A. Words and Phrases	21
B. Legal Dictionaries and Thesauri: American Law	21
C. Legal Dictionaries on the World Wide Web	22

§ III. Legal Encyclopedias	22
A. General Legal Encyclopedias	23
B. State Legal Encyclopedias	24
C. Other State Legal Encyclopedias	25
§ IV. American Law Reports	25
A. Using American Law Reports in the Research Process	25
B. Locating Relevant A.L.R. Annotations in Print	27
C. Locating Relevant A.L.R. Annotations on Westlaw and LexisNexis	29
D. Updating A.L.R. Annotations	29
§ V. Legal Periodicals	30
A. Types of Legal Periodicals	30
B. Locating Legal Periodical Articles	34
C. Texas Legal Periodicals	37
§ VI. Legal Treatises and Hornbooks	41
A. Using Treatises in the Legal Research Process	41
B. Identifying Treatises and Hornbooks	42
C. Locating Relevant Information in Treatises and Hornbooks	43
§ VII. Form Books and Practice Guides	44
A. Using Form Books and Practice Guides in the Research Process	44
B. Publishers of Form Books and Practice Guides	46
C. Locating Relevant Information in Form Books and Practice Guides	47
§ VIII. Looseleaf Services—Generally	47
A. Using Looseleaf Services in the Research Process	47
B. Looseleaf Publishers	49
C. Locating Relevant Information in Looseleaf Services	50
§ IX. Restatements of the Law	52
A. Development of the Restatements of the Law	52
B. Using Restatements in the Research Process	53
C. Locating Relevant Restatements in Print Format	54
D. Locating Relevant Information in Restatements in Print Format	55

E. Locating Relevant Information in Restatements on Westlaw and LexisNexis	56
§ X. Directories for Lawyers, Law Firms, Courts, and Judges	56
A. Texas Lawyer, Court, and Other Judicial Directories	57
B. National Law Directories	58
C. Federal and State Court and Other Judicial Directories	59
Chapter Three. Case Law Research	61
§ I. Case Law Research in General	61
A. Purpose of Case Law in the U.S. Legal System	61
B. Doctrines of Precedence and Stare Decisis	62
C. Publication of Case Law	65
D. National Reporter System	70
E. Case Digests	71
F. Citators	72
§ II. Texas Case Law Research	73
A. Structure of the Texas Judiciary	73
B. Locating Texas Cases	81
C. Citators for Texas Case Law	89
D. Writ and Petition History System in Texas	90
§ III. Federal Case Law Research	96
A. Structure of the Federal Judiciary	96
B. Locating Federal Cases	97
C. United States Supreme Court	99
D. United States Courts of Appeals	104
E. United States District Courts and Other Lower Federal Courts	109
F. Federal District Courts and Bankruptcy Courts in Texas—Contact Information	115
G. Locating Unpublished Federal Decisions	116
H. Citators for Federal Case Law	116
Chapter Four. Jury Instructions	119
§ I. Jury Charge—Texas	119
A. Texas Pattern Jury Charges	120
B. Texas Jury Charges—Additional Resources	122
§ II. Federal Jury Instructions	123

§ III. United States Court of Appeals for the Fifth Circuit	
Jury Instructions	126
A. Print Resources for Fifth Circuit	
Jury Instructions	127
B. World Wide Web Resource for Fifth Circuit	
Jury Instructions	127
C. Westlaw	128
§ IV. Subject-Specific Jury Instructions	128
A. Antitrust	128
B. Automobiles	128
C. Business Torts	129
D. Commercial Litigation	129
E. Construction Litigation	129
F. Employment Litigation	130
G. Medical	130
H. Patents	131
I. Police Misconduct/Civil Rights	131
J. Products Liability	131
K. Real Estate Litigation	132
L. RICO	132
M. Section 1983	132
N. Securities	133
O. Surety Cases	133
P. Torts/Damages	133
Chapter Five. Briefs, Records, and Oral Arguments	135
§ I. Introduction	135
§ II. The Supreme Court of Texas	136
A. World Wide Web	136
B. Supreme Court of Texas—Supreme Court Building	136
C. Texas State Library and Archives Commission—State and Local Records Management Division	137
§ III. Texas Court of Criminal Appeals	137
§ IV. Texas Courts of Appeals	137
§ V. United States Court of Appeals for the Fifth Circuit	138
§ VI. United States Supreme Court Briefs and Records	139
A. Print/Microfiche Resources for Briefs and Records of the U.S. Supreme Court	139

B. Tarlton Law Library—University of Texas	140
C. Document Retrieval Services	140
D. Self-Service at the Supreme Court	140
E. World Wide Web Resources for Briefs and Records of the United States Supreme Court	140
F. LexisNexis	141
G. Westlaw	141
§ VII. United States Supreme Court—Oral Arguments	141
A. Print/Microfiche Resources for Oral Arguments	141
B. Alderson Reporting Company	142
C. United States Supreme Court Library	142
D. World Wide Web Resources for Oral Arguments	142
E. LexisNexis	143
F. Westlaw	143
G. Audiotapes of Oral Arguments	143
§ VIII. World Wide Web Resources for Briefs	144
§ IX. Docket Information	144
A. United States Supreme Court	144
B. Public Access to Court Electronic Records (PACER)	145
C. CourtLink	145
D. WestDocket	145
Chapter Six. Civil Jury Verdicts and Settlements	147
§ I. Introduction	147
§ II. Texas Verdicts and Settlements	148
§ III. Verdicts and Settlements—Nationwide	151
§ IV. World Wide Web	158
§ V. LexisNexis	160
§ VI. Westlaw	161
Chapter Seven. Court Rules	163
§ I. Texas Rules of Civil Procedure	163
A. Print Resources for Texas Rules of Civil Procedure	164
B. World Wide Web Resource for Texas Rules of Civil Procedure	165
C. LexisNexis	165
D. Westlaw	165

§ II. Local Rules of Texas District and County Courts	165
A. Print Resources for Local Rules of Texas’ District and County Courts	166
B. World Wide Web Resource for Local Rules of Texas’ District Courts	167
§ III. Texas Rules of Appellate Procedure	167
A. Print Resources for Texas Rules of Appellate Procedure	168
B. World Wide Web Resources for Texas Rules of Appellate Procedure	169
C. LexisNexis	169
D. Westlaw	169
§ IV. Local Rules of Texas Courts of Appeals	169
A. Print Resources for Local Rules of Texas Courts of Appeals	170
B. World Wide Web Resource for Local Rules of Texas’ Courts of Appeals	170
C. Westlaw	170
§ V. Texas Code of Criminal Procedure	170
A. Print Resources for Texas Code of Criminal Procedure	172
B. World Wide Web Resource for Texas Code of Criminal Procedure	172
C. LexisNexis	172
D. Westlaw	172
§ VI. Texas Rules of Evidence	173
A. Print Resources for Texas Rules of Evidence	174
B. World Wide Web Resources for Texas Rules of Evidence	175
C. LexisNexis	175
D. Westlaw	175
§ VII. Federal Rules of Civil Procedure	176
A. Print Resources for Federal Rules of Civil Procedure	177
B. World Wide Web Resources for Federal Rules of Civil Procedure	178
C. LexisNexis	178
D. Westlaw	179

Table of Contents

xi

§ VIII. Local Rules of United States District Courts	179
A. Print Resources for Local Rules of United States District Courts	179
B. World Wide Web Resources for Local Rules of United States District Courts	180
C. Westlaw	180
§ IX. Federal Rules of Bankruptcy Procedure	180
A. Print Resources for Federal Rules of Bankruptcy Procedure	181
B. World Wide Web Resource for Federal Rules of Bankruptcy Procedure	182
C. LexisNexis	183
D. Westlaw	183
§ X. Local Rules of United States Bankruptcy Courts	183
A. Print Resources for Local Rules of United States Bankruptcy Courts	183
B. World Wide Web Resources for Local Rules of United States Bankruptcy Courts	184
C. Westlaw	184
§ XI. Federal Rules of Appellate Procedure	185
A. Print Resources for Federal Rules of Appellate Procedure	185
B. World Wide Web Resources for Federal Rules of Appellate Procedure	187
C. LexisNexis	187
D. Westlaw	187
§ XII. Local Rules of the United States Courts of Appeals	187
A. Print Resources for Local Rules of United States Courts of Appeals	188
B. World Wide Web Resources for Local Rules of United States Courts of Appeals	189
C. LexisNexis	189
D. Westlaw	189
§ XIII. Rules of the Supreme Court of the United States	190
A. Print Resources for Rules of the Supreme Court of the United States	191
B. World Wide Web Resource for Local Rules of the Supreme Court of the United States	192

C. LexisNexis	192
D. Westlaw	192
§ XIV. Federal Rules of Criminal Procedure	192
A. Print Resources for Federal Rules of Criminal Procedure	193
B. World Wide Web Resources for Federal Rules of Criminal Procedure	194
C. LexisNexis	195
D. Westlaw	195
§ XV. Federal Rules of Evidence	195
A. Print Resources for Federal Rules of Evidence	196
B. World Wide Web Resources for Federal Rules of Evidence	198
C. LexisNexis	198
D. Westlaw	198
Chapter Eight. Federal and Texas Statutory and Constitutional Research	199
§ I. Statutory Research in General	199
A. Role of the Legislature in the United States Legal System	199
B. Publication of Legislation	207
C. Updating Statutory Sources	211
D. Citing Statutory Authority	214
§ II. Texas Statutory Research	214
A. Codification of Texas Legislation	214
B. Resources for Texas Session Laws	221
C. Resources for Texas Codes and Statutes	222
D. Citators for Texas Statutes	224
E. Municipal and Other Local Government Codes	225
§ III. Federal Statutory Research	226
A. Publication and Codification of Federal Statutes	226
B. Resources for New Federal Legislation	231
C. Resources for Federal Session Laws	232
D. Resources for Codified Federal Statutes	233
E. Citators for Federal Statutes	234
§ IV. Constitutional Research	234
A. Resources for the United States Constitution	234
B. Resources for the Texas Constitution	237

Chapter Nine. Tracking Bills and Compiling Legislative Histories	239
§ I. Introduction	239
§ II. The Legislative Process in the Texas Legislature	241
A. Introduction of a Bill in the Texas Legislature	242
B. Different Versions of Bills	244
C. Referring Introduced Bills to Committees	246
D. Committee Activities	248
E. Reporting a Bill to the Floor of the House or Senate	250
F. Floor Debates	251
G. Engrossment and Conference Committees	251
H. Enrollment and Actions of the Governor	252
I. Additional Materials	252
§ III. The Legislative Process in the United States Congress	254
A. Introduction of a Bill in Congress	254
B. Referring Introduced Bills to Committees	256
C. Committee Activities	256
D. Reporting a Bill to the Floor of the House or Senate	258
E. Floor Debates	259
F. Engrossment of Bills	260
G. Conference Committees	260
H. Enrollment of Bills	261
I. Actions of the President	261
§ IV. Tracking Texas Bills	262
A. Texas Legislature Online	262
B. House and Senate Calendars	262
C. House and Senate Committee Schedules	263
D. House and Senate Journals	263
E. Texas Legislative Council	264
F. Texas Legislative Reference Library	264
G. Westlaw	265
H. LexisNexis	265
§ V. Tracking Federal Bills	265
A. Congressional Record	265
B. Congressional Index	266
C. Subject-Specific Looseleaf Services	266

D. Westlaw	266
E. LexisNexis	266
F. World Wide Web	267
§ VI. Compiling a Texas Legislative History	267
A. Introduction	267
B. Locate the Original Bill Number and Session of the Legislature	268
C. Locate and Examine Bill File	270
D. House Research Organization Information	272
E. Tape Recordings of Committee Hearings	272
F. Tape Recordings of Floor Debates and Other Activities	273
G. Additional Documents and Information	274
H. Citing Texas Legislative History	275
§ VII. Compiling a Federal Legislative History	275
A. Introduction	275
B. Locate the Original Public Law Number, Bill Number, and Congress Number	276
C. Resources for Locating Federal Legislative History Information	277
D. Compiled Legislative Histories	283
E. Citing Federal Legislative History	285
Chapter Ten. Administrative Regulations and Decisions	287
§ I. Administrative Law Research in General	287
A. Introduction	287
B. Role of Administrative Agencies	288
C. Delegations of Power and Enabling Legislation	288
D. Administrative Procedures	290
E. Regulatory and Adjudicatory Administrative Power	291
F. Types of Regulations	293
G. Judicial Review of Agency Actions	299
H. Citing Administrative Authority	300
I. Identifying Administrative Agencies	300
§ II. Texas Administrative Law Research	301
A. Texas Administrative Procedure Act	301
B. Texas Regulations	302
C. Texas Agency Decisions and Related Documents	308

§ III. Federal Administrative Law Research	311
A. Administrative Procedure Act	311
B. Federal Regulations	312
C. Presidential Proclamations and Executive Orders	319
D. Federal Administrative Decisions	321
§ IV. Miscellaneous Sources for Administrative Law Research	322
A. Treatises	322
B. World Wide Web	322
C. Westlaw and LexisNexis	323
Chapter Eleven. Attorneys General Opinions	325
§ I. Texas Attorneys General	325
A. Print/Microfiche Resources for Texas Attorneys General Opinions	327
B. Electronic Resources for Texas Attorneys General Opinions	328
§ II. Other States' Attorneys General Electronic Resources	329
§ III. United States Attorneys General	329
A. Print/Microfiche Resources for United States Attorneys General Opinions	331
B. Electronic Resources for United States Attorneys General Opinions	332
Chapter Twelve. Professional Responsibility	333
§ I. Introduction	333
§ II. American Bar Association Model Rules of Professional Conduct	337
A. Print Resources for the ABA Model Rules of Professional Conduct	338
B. World Wide Web Resources for the ABA Model Rules of Professional Conduct	340
C. LexisNexis	340
D. Westlaw	340
§ III. American Bar Association Ethics Opinions	341
A. Print Resources for ABA Ethics Opinions	341
B. LexisNexis	343
C. Westlaw	343

§ IV. American Bar Association Model Code of Judicial Conduct	343
A. Print Resources for the ABA Model Code of Judicial Conduct	344
B. World Wide Web Resource for the ABA Model Code of Judicial Conduct	345
C. LexisNexis	345
D. Westlaw	345
§ V. Restatement of the Law Third: The Law Governing Lawyers	345
A. Print Resources for Restatement of the Law Third: The Law Governing Lawyers	346
B. LexisNexis	347
C. Westlaw	347
§ VI. Texas Disciplinary Rules of Professional Conduct	348
A. Print Resources for the Texas Disciplinary Rules of Professional Conduct	349
B. World Wide Web Resources for the Texas Disciplinary Rules of Professional Conduct	350
C. LexisNexis	350
D. Westlaw	350
§ VII. Texas Rules of Disciplinary Procedure	351
A. Print Resources for the Texas Rules of Disciplinary Procedure	352
B. World Wide Web Resources for the Texas Rules of Disciplinary Procedure	353
C. LexisNexis	353
D. Westlaw	353
§ VIII. Texas Ethics Opinions	353
A. Print Resources for Texas Ethics Opinions	354
B. World Wide Web Resources for Texas Ethics Opinions	355
C. LexisNexis	356
D. Westlaw	356
§ IX. Texas Lawyer's Creed—A Mandate for Professionalism	356
A. Print Resources for The Texas Lawyer's Creed—A Mandate for Professionalism	357

B. World Wide Web Resources for The Texas Lawyer’s Creed—A Mandate for Professionalism	358
§ X. Standards of Appellate Conduct	359
A. Print Resources for the Standards of Appellate Conduct	359
B. World Wide Web Resource for the Standards of Appellate Conduct	360
§ XI. Texas Code of Judicial Conduct	360
A. Print Resources for the Texas Code of Judicial Conduct	361
B. World Wide Web Resources for the Texas Code of Judicial Conduct	361
C. LexisNexis	362
D. Westlaw	362
Appendix A. Guide to Citation of Legal Resources	363
§ I. Introduction	363
A. Bluebook, Greenbook, and ALWD Citation Manual	363
B. Electronic Citation Forms	364
§ II. Citing Secondary Sources	364
A. Legal Dictionaries	364
B. Legal Encyclopedias	365
C. American Law Reports	366
D. Reviews/Journals and Other Periodicals	367
E. Treatises and Form Books	369
F. Restatements of the Law	371
§ III. Citing Cases and Other Judicial Materials	372
A. Basic Citation Formats	372
B. Case Names	377
C. Writ/Petition History and Subsequent History	379
D. Citing Cases in Electronic Databases	382
E. Briefs, Records, and Oral Arguments	382
F. Jury Instructions	382
G. Rules of Court	383
§ IV. Citing Statutes, Bills, Legislative History, and Constitutions	383
A. Federal Statutes	383
B. Texas Codes and Statutes	385

C. Federal Legislative History Materials	386
D. State Legislative History Materials	387
E. Citing Electronic Databases	388
F. Constitutions	389
§ V. Citing Administrative Materials	389
A. Federal Administrative Regulations	389
B. Federal Agency Decisions	390
C. Texas Administrative Regulations	390
D. Attorneys General Opinions	391
E. Rules of Professional Responsibility	391
§ VI. Citing Tax Materials	392
A. Internal Revenue Code	392
B. Treasury Regulations	393
C. Revenue Rulings and Procedures	393
D. Tax Court Decisions	393
Appendix B. Law Libraries and Publishers	
Contact Information	395
§ I. Texas Law Libraries	395
Abilene	395
Amarillo	395
Angleton	395
Arlington	396
Austin	396
Beaumont	396
Cleburne	396
Conroe	397
Dallas	397
Denton	397
Edinburg	397
El Paso	397
Fort Worth	398
Houston	398
Hurst	398
Laredo	399
Lubbock	399
McKinney	399
Richmond	399
San Antonio	399
Waco	400

Table of Contents

xix

§ II. Legal Publishers

400

§ III. Contact Information for Publishers

400

List of Tables

403

Index

405

DEDICATION



Brandon D. Quarles dedicates this book to his family—
Debbie, Ashtyn, and Corban.

Matthew C. Cordon dedicates this book to his wife, Jennifer,
and children, Chandler and Madelynne,
with all his love and devotion.

SUPPLEMENTATION



The authors of this text provide periodic revisions and updates online at
<<http://law.baylor.edu/library/lrtp>>.

PREFACE



Developing legal research skills always has been a challenge, and the many textbooks that have been published over the years have approached the subject with some variety.¹ The traditional collection of resources, including case reporters, digests, statutory compilations, encyclopedias, annotated law reports, etc., remain important in the legal profession, but today's law students require instruction and training in a wide array of additional types of sources across various media. Law libraries generally are full of various treatises, practice-oriented guides, looseleaf services, and many other specialized legal resources, not to mention the vast electronic subscription databases, Internet resources, and CD-ROM titles. Even the most thorough basic and advanced legal research courses cannot possibly cover in much detail all of the resources that are necessary for the practice of law.

The complexity of legal research is compounded in Texas due to its rather unique legal system. In practically every area of legal research, the resources and the nature of legal authority in Texas differ from what is

1. *See, e.g.*, MORRIS L. COHEN ET AL., HOW TO FIND THE LAW (9th ed. 1989); CHRISTINA L. KUNZ ET AL., THE PROCESS OF LEGAL RESEARCH (5th ed. 2000); ROY M. MERSKY & DONALD J. DUNN, FUNDAMENTALS OF LEGAL RESEARCH (8th ed. 2002); AMY E. SLOAN, BASIC LEGAL RESEARCH: TOOLS AND STRATEGIES (2000); SPECIALIZED LEGAL RESEARCH (Leah F. Chanin ed., 1987); CHRISTOPHER G. WREN, THE LEGAL RESEARCH MANUAL: A GAME PLAN FOR LEGAL RESEARCH AND ANALYSIS (2d ed. 1986).

typically covered by the major legal research textbooks. Examples are plentiful—a bifurcated appellate system for civil and criminal cases; a seemingly endless process of codifying statutes into subject matter codes; nonconsecutive numbering of the titles of the state’s administrative code; and many others. Teaching legal research in Texas often involves a comparative process, whereby students must learn not only the “general rules” of legal research but also the many distinctions present in Texas legal authorities. Moreover, legal researchers in Texas are “both blessed and cursed” with an ever-growing body of practice-oriented materials from a variety of publishers and organizations, further complicating the legal research process.²

The contents of *Legal Research for the Texas Practitioner* are based on instructional materials prepared by the authors at Baylor Law School for courses in Legal Analysis, Research, and Communications and Advanced Legal Research. Both courses provide extensive instruction in general research skills as well as Texas-specific resources. This book is intended not only for law students but also the more than 67,000 attorneys who practice law in Texas and the many thousands of additional individuals who engage in legal research in a practical setting. The objective in preparing this text was to produce a practical manual for legal research in Texas, focusing on those types of resources and research processes commonly encountered by modern-day practitioners. It covers not only the basic skills that are needed to perform legal research in the day-to-day practice of law, such as case law research, statutory research, administrative research, etc., but also such areas as jury instructions, briefs and records, civil jury verdicts and settlements, and attorney general opinions.

The authors hold Juris Doctor and Master of Library Science degrees, and both are members of the American Bar Association, State Bar of Texas, McLennan County Bar Association, American Association of Law Libraries, and Southwestern Association of Law Libraries.

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2. See Ann H. Jeter & Karl T. Gruben, *Miscellaneous Books for Texas Lawyers*, in A REFERENCE GUIDE TO TEXAS LAW AND HISTORY: SOURCES AND DOCUMENTATION 83 (Karl T. Gruben & James E. Hambleton eds., 2d ed. 1987).

Kendrick of the Sheridan and John Eddie Williams Legal Research and Technology Center at Baylor Law School; Professor Ronald L. Beal of Baylor Law School for substantive consultation; and Anna K. Teller, Associate Director of the Law Library at Texas Wesleyan University School of Law for assistance during the preparation of the manuscript. Special thanks also to Dean Brad Toben, Associate Dean Leah Jackson, and the faculty and staff at Baylor Law School for their continued support and encouragement.

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INDEX



A

- AALS Directory of Law Teachers*, 58
ABA Compendium of Professional Responsibility Rules and Standards, 338
ABA Journal, 32, 56, 341
ABA Model Code of Judicial Conduct, 335, 344
ABA/BNA Lawyers' Manual on Professional Conduct, 343
abbreviation(s), 11
adjudication(s), 6, 48, 52, 62, 200, 287, 292, 293, 299
 federal agency, 292, 293
administrative adjudications, *see* adjudication(s)
administrative agencies, 288
administrative law research, 287
Administrative Procedure Act (APTRA or APA)
 federal, 311
 Texas, 290, 301
Administrative Procedure and Texas Register Act, *see* Administrative Procedure Act (APTRA or APA), Texas
administrative regulation(s), 6, 52, 62, 200, 287, 291, 302, 313, 389, 390
administrative rule(s), 292, 294, 296
advance legislative service(s), 208, 209, 213, 221, 222, 231, 232, 269, 320
 federal, 232
 Texas, 222
ALI, *see* American Law Institute (ALI)
Almanac of the Federal Judiciary, 59
A.L.R., *see* American Law Reports
ALWD Citation Manual, 14–17, 20, 23, 27, 30, 33, 42, 53, 214, 285, 300, 331, 334, 338, 341, 344, 346, 363–67, 369–74, 379, 381–84, 386–93
Am. Jur. 2d, *see* American Jurisprudence

American Bar Association Directory, 58
American Bench: Judges of the Nation, 59
 American Digest System, 82
American Journal of Criminal Law, 38
American Jurisprudence, 23–25, 45, 46, 62, 100
 LEXIS, 23
 Westlaw, 23
American Jurisprudence Pleading and Practice Forms, 45
 American Law Institute (ALI), 52, 345, 346
American Law Reports (A.L.R.), 23–28, 29, 30, 44, 72, 89, 100, 236, 366
Federal, 26–28
Annotated Model Rules of Professional Conduct, 339
 annotation(s), 6, 9, 13, 25–30, 43, 44, 48, 56, 72, 89, 100, 130, 131, 133, 181, 208, 210, 213, 234–37, 253, 366, 367
Annual Report of the Opinions of the Attorney General of Texas, 327
 APA, *see* Administrative Procedure Act (APTRA or APA), federal
 application for writ of error, *see* writ of error, application for
 Archivist of the United States, 227, 231
 attorney general
 LexisNexis, 329
 National Association of Attorneys General, 329
 Texas, 303, 325–28, 330
 U.S., 329–32
 Westlaw, 329

attorney general opinion(s)
 LexisNexis, 328, 332
 Texas, 253, 303, 308, 328
 U.S., 332
 Westlaw, 328, 332
 authority
 legal, 6
 mandatory, primary 7, 8, 83
 persuasive, primary 7, 8
 primary, 6–9, 19, 20, 42, 45, 47, 51–53
 secondary, 6–9, 13, 17, 19, 20, 30, 42, 45, 47, 48, 53, 210, 235

B

Ballentine's Law Dictionary
 LEXIS, 22
Bankruptcy Code, Rules and Forms, 182
Bankruptcy Service Lawyers Edition, 182
Baylor Law Review, 38
Bender's Federal Practice Manual: A Manual of Procedural and Court Rules for Practice in the Federal Courts, 177, 181, 188, 191, 193, 196
Bieber's Dictionary of Legal Abbreviations, 11, 31
 bill(s), 202, 203
 analyses, 249, 270
 bill file, 270–72
 companion, 255, 262
 engrossed, 245, 251, 260
 enrolled, 245, 252
 federal, 254–61
 fiscal notes, 250, 270
 floor debate(s), 251
 introduction of, federal, 256
 introduction of, Texas, 242–46
 reading of, 244

reporting of, 250, 251, 258
 reports, 270
 Texas, 242–55, 270
 tracking, 240, 241, 265, 266, 267
 bill(s), tracking
 federal, 265–67
 LexisNexis, 265, 266
 Texas, 262–65
 Westlaw, 265, 266
 World Wide Web, 267
Black's Law Dictionary, 6, 12,
 20, 21, 31, 62, 63, 204, 210,
 364, 365
 Westlaw, 21
Bluebook, see *Bluebook: A Uniform
 System of Citation (The)*
*Bluebook: A Uniform System of
 Citation (The)*, 11, 14–16, 20,
 23, 27, 30, 32, 33, 42, 53, 214,
 285, 300, 334, 338, 341, 344,
 346, 363–74, 377–79, 381–93
*BNA's Directory of State and Federal
 Courts, Judges, and Clerks*, 59
 Brief Reporter, The Definitive
 Source for Legal Briefs, 138, 141
 brief(s), xxvi, 2, 87, 135–41, 144,
 155, 156, 190, 370, 382
 LexisNexis, 141
 Supreme Court of Texas, 136
 Tarlton Law Library, 140
 Texas Court of Criminal
 Appeals, 137
 Texas courts of appeals, 137
 U.S. Court of Appeals for the Fifth
 Circuit, 138
 U.S. Supreme Court, 139
 Westlaw, 141
 World Wide Web, 140, 144
 BriefServe.com, The Ultimate Brief
 and Research Engine, 138, 140
 Bureau of National Affairs
 (BNA), 101
Burton's Legal Thesaurus, 21

C

calendar(s)
 Texas House, 262
 Texas Senate, 262
 called session, 204, 386
 canon(s), 206, 239, 333–36, 338,
 340–43, 350, 354, 360, 361
 statutory construction, of, 206,
 239, 240
 Texas Canons of Ethics, 336
 case, subsequent treatment of, 72
 case digest(s), 21, 52, 67, 68, 71,
 97, 106, 113, 117, 208
 case law, xxvi, 1, 6, 7, 12, 13, 17,
 20, 24, 36, 41, 48, 52, 61, 65,
 71–73, 81, 86, 89, 96, 97,
 101, 116, 129–31, 133, 162,
 200, 208, 210, 211, 213, 224,
 230, 235, 237, 287, 293, 300,
 310, 346
 advance sheet(s), 65, 66
 bound volume(s), 66
 case reporters, 66, 70
 official vs. unofficial, 66
 decision(s)/opinion(s), unpub-
 lished, 68, 69, 116
 publication of, 65
 published case, components of,
 67, 68
 slip opinion(s), 65
 case reporters, Texas 83
 casebook(s), 42
 CaseMail, 88
Century Edition, 82
CFR Index and Finding Aids, 316
CIS Federal Register Index, 314
 citator(s), 12, 72, 89, 95, 116, 117,
 213, 214, 224, 234, 308, 319
 civil jury verdicts and settle-
 ments, 147
 LexisNexis, 160
 nationwide, 151
 Texas, 148

- Westlaw, 161
- World Wide Web, 158
- civil procedure, rules of
 - federal, 28, 113, 123, 176–78, 181, 182, 190
 - LexisNexis, 178
 - World Wide Web, 178
- Texas, 163, 164, 167
 - LexisNexis, 165
 - Westlaw, 165
 - World Wide Web, 165
 - Westlaw, 179
- C.J.S., *see Corpus Juris Secundum*
- C.L.I., *see Current Law Index*
- code(s)
 - Code Construction Act, Texas, 206, 207
 - Code of Federal Regulations* (C.F.R.), 28, 312, 314–19, 329, 331, 389, 390, 393
 - Code of Judicial Conduct, 359–61
 - Code of Professional Responsibility, Texas, 337
 - LexisNexis, 362
 - Texas, 336
 - Westlaw, 362
 - World Wide Web, 361
- code(s) and statutes, Texas, 215, 222, 224
 - LexisNexis, 224
 - Westlaw, 223
 - World Wide Web, 224
- Collier on Bankruptcy*, 182
- commissions of appeals, Texas, 78
- Committee on the Judiciary, 226, 229
- committee(s)
 - bill analyses, 249
 - conference, 251, 260, 261
 - federal, 256, 258
 - fiscal notes, 250
 - hearing(s), 248
 - print(s), federal, 257
 - schedule(s), Texas, 263
 - Texas House, 246–48
 - Texas Senate, 247, 248
- common law, 24, 52, 61, 62, 201, 202, 206, 240
 - system, 61, 62, 201
- Compilation and Analysis of the 1998 Texas Constitution and the Original 1876 Text (A)*, 237
- Comptroller of Public Accounts
 - hearing decisions, 309
- Computer Law Review and Technology Journal*, 38
- Congress, iv, 17, 96, 99, 176, 178, 182, 185, 186, 190–92, 194, 195, 197, 200–03, 207, 211, 213, 214, 227–29, 232, 233, 235, 236, 240, 241, 254–56, 258–61, 264–67, 270, 276, 278–84, 288–90, 294, 298, 299, 313, 386, 387, 396, 398
- Congressional Index*, 266
- Congressional Information Service, Inc. (CIS), 139, 141, 279, 316
- Congressional Record*, 259–61
- Congressional Universe, 279, 281, 283
- Constitution of the United States: Analysis and Interpretation*, 235
- constitution(s), 389
 - Constitution of the State of Texas, 1, 73–75, 79, 80, 163, 199, 200, 203, 204, 207, 211, 212, 214, 224, 225, 237, 238, 242, 244, 251, 263, 264, 288
 - Constitution of the United States, 1, 6, 28, 96, 199, 202, 234–37, 288, 329
- constitutional county courts, Texas, 73, 79, 80
- contested cases, Texas, 293

- Cooper, Hensley, and Marshall's Texas Rules of Civil Procedure Annotated*, 164
- Copyright Law Reporter*, 49
- Corpus Juris Secundum*, 24
Westlaw, 24
- County Bench Books, 58
- county courts at law, Texas, 73, 79, 80
- county-level courts, Texas, 79
- Court Administration, Texas, Office of, 73
- Court of Claims Reports* (Ct. Cl.), 113
- Court of Criminal Appeals, *see* court(s) of appeals, Texas
- Court of Federal Claims, 113
- Court Record Services, Inc., 138, 139
- CourtLink, 145
- Courtroom Handbook on Texas Evidence*, 174
- court(s) of appeals
Texas, 73, 75, 76, 78, 79, 81, 83, 84, 86, 87, 93–95, 137, 167, 169, 173, 200, 337, 356, 357, 359, 375, 376, 380, 381
U.S., 96
- Court's Charge Reporter: Trial-Level Resource Service for Texas Judges and Lawyers Preparing Charges in Civil Jury Cases*, 122
- Current Award Trends in Personal Injury*, 151
- Current Index to Legal Periodicals*, 36
- Current Law Index*, 34, 35
- Cyclopedia of Federal Procedure*, 177, 185, 188, 191, 193, 196
- Definitive Source for Legal Briefs*, 136
- dicta, 64
- dictionaries, legal, 20–22
Black's Law Dictionary, 20, 21
Dictionary of Modern Legal Usage, 21
Modern Dictionary for the Legal Profession, 21
World Wide Web, 22
- Digest of the Laws of Texas*, 214
- Digest of/Index to the Opinions of the Attorney General of Texas*, 327
- direct history of the case, 72
- directories, 56–59, 181, 283
- Directory of State Court Clerks & County Courthouses*, 59
- Disability Discrimination: Employment Practices Verdicts, Settlements and Statistics*, 151
- Disciplinary Procedure, Texas Rules of, 337
- dissenting opinion(s), *see* opinion(s), dissenting
- district court(s)
federal, 70, 83, 109, 113–15, 123, 124, 149, 152, 176, 179, 180, 193, 335, 374
decisions, 113
Texas, 73, 79, 81, 83, 97, 113–16, 123, 149, 150, 180
- “do not publish” designation, *see* case law, decision(s)/opinion(s), unpublished
- docket information, 135, 144
- U.S. Supreme Court, 144
- Dollar Verdicts: Personal Injury*, 151
- Dorsaneo & Soules' Texas Codes and Rules—Civil Litigation*, 164, 168, 174, 349, 358, 359

D

- Damages in Tort Actions*, 151
- Decennial Digest*, 82

Drugs in Litigation: Damage Awards Involving Prescription and Nonprescription Drugs, 152

E

East Texas Trial Reports, 148
Employment Discrimination: Verdicts, Settlements and Statistical Analysis, 152
Employment Law Jury Verdicts and Summaries, 161
Employment Practice Liability Verdicts and Settlements, 152
Employment Practice Liability: Jury Award Trends and Statistics, 152
 enabling statute(s), 288, 289, 293, 296, 298
 enactment date, 211
 encyclopedia(s), 10, 12, 22–25, 27, 43–45, 47, 218, 365, 366
American Jurisprudence 2d, 23
Corpus Juris Secundum, 24
 legal, 22, 23, 25
Texas Jurisprudence 3d, 24
Environment Reporter, 50
 Ethics Commission
 advisory opinions, 309
Ethics Course, 355, 358
 ethics opinion(s), 309
 American Bar Association, 341–43
 LexisNexis, 343, 356
 Texas, 336, 353, 354
 Westlaw, 343, 356
 World Wide Web, 355
 executive order(s), 303, 313, 319–21

F

federal administrative decisions, *see* adjudication(s), federal agency
 federal agency decisions, *see* adjudication(s), federal agency
Federal Appendix, 106, 116
Federal Civil Judicial Procedure and Rules, 177, 185, 191, 196
Federal Civil Rules Handbook, 177, 186, 196
Federal Claims Reporter (Fed. Cl.), 98, 113
Federal Court of Appeals Manual: Local Rules, 186, 188
 Federal Courts Finder, 107
Federal Criminal Code and Rules, 186, 191, 193, 196
Federal Criminal Laws and Rules, 186, 191, 193, 196
Federal Criminal Rules Handbook, 193, 196
Federal Digest, 98
 federal district court, *see* district court(s), federal
Federal Employment Jury Instructions, 130
Federal Judges and Justices: A Current Listing of Nominations, C, 59
Federal Jury Practice and Instructions, Fifth Edition, 125
 Federal Legal Information Through Electronics (FLITE), 102
Federal Legislative History Research: A Practitioner's Guide to Compiling the Documents and Sifting for Legislative Intent, 276
Federal Local Court Rules, 179, 188
Federal Practice and Procedure, 46
Federal Procedure Lawyers Edition, 177, 179, 186, 188, 191, 194, 196

Federal Register, 36, 280, 296, 300, 312–20, 390
 Office of, 313
Federal Regulatory Directory, 301
Federal Reporter, 70, 98, 99, 106, 113, 117, 373
Federal Rules Decisions (F.R.D.), 98, 113
 Federal Rules of Appellate Procedure, 28, 108, 185, 187–89
 LexisNexis, 187
 Westlaw, 187
 World Wide Web, 187
 Federal Rules of Bankruptcy Procedure, 28, 180–82
 LexisNexis, 183
 Westlaw, 183
 World Wide Web, 182
 Federal Rules of Court, 177, 181, 186, 191, 194, 196
 Federal Rules of Criminal Procedure, 28, 113, 123, 192–94, 200
 LexisNexis, 195
 Westlaw, 195
 World Wide Web, 194
 Federal Rules of Evidence, 28, 173, 174, 181, 182, 195–98, 366
 LexisNexis, 198
 Service, 197
 Westlaw, 198
 World Wide Web, 198
 Federal Rules Service, 177, 186
Federal Securities Law Reporter, 49
 federal statute(s), 10, 17, 226, 229, 230, 233–36, 276, 283, 289, 296, 327, 383–85
Federal Supplement, 70, 98, 99, 113, 117, 374
Federal Tax Coordinator 2d, 50
Fifth Circuit Reporter, 108
 FindLaw, Supreme Court
 Briefs, 140

floor debate(s), 245, 251
 federal, 259
 form book(s), 13, 41, 44–47, 369
 Greenbook rule, 46
Formal and Informal Ethics Opinions: 1983–1998, 342
Formal Opinions 316–48, 342

G

General and Special Laws of the State of Texas, 204, 219, 221, 268, 269
General Digest, 82, 83
 general law, 204
 Government Printing Office, *see* United States Government Printing Office
 government(s), local, 220, 223, 225, 226, 297
 codes, municipal and other, 225, 226
 GPO, *see* United States Government Printing Office
 GPO Access, 277, 281
Greenbook, *see* *Texas Rules of Form Guide to Model Patent Jury Instructions*, 131
Guide to Texas State Agencies, 301
Guide to the Basics of Law Practice, 350, 353, 355, 358

H

Hanby's Texas Rules of Appellate Procedure Annotated with Local Rules of Courts of Appeals and Forms, 168, 170, 359
 headnote(s), 66–68, 71, 82, 83, 100, 106, 330
 hearing(s)
 federal, 257
 Hein-On-Line, 35, 36, 315
 hornbook(s), 41–44

House Bill Analysis, Office of, 249
 House Research Organization,
 Texas, 249, 253, 272
 House Study Group, *see* House
 Research Organization, Texas
*Houston Journal of Health Law
 and Policy*, 38
*Houston Journal of International
 Law*, 38
Houston Law Review, 38

I

*Index to Legal Periodicals and
 Books*, 34, 35
*Index to the Code of Federal Regula-
 tions*, 316
Index to the Supreme Court of Texas,
 84, 379
 index(es), 9, 10
 IndexMaster, 43
*Informal Ethics Opinions:
 Volume I*, 342
*Informal Ethics Opinions:
 Volume II*, 342
 informal rule making, *see* rulemak-
 ing, notice-and-comment
Injury and Liability Studies, 153
Insider's Guide to Law Firms, 58
 insurance bulletin(s), 310
*Interim Case Citations to the
 Restatements of the Law*, 56
 interim committee reports
 Texas, 253, 274
*Introduction to Basic Legal
 Citation*, 16

J

Joint Committee on Printing, 227,
 231, 259
*Journal of Air Law and Com-
 merce*, 38
Journal of Texas Consumer Law, 38

journal(s)
 House, Texas, 263, 269, 274
 Senate, Texas 263, 269, 274
 Judicial Conduct, ABA Code of,
 334, 335
 judicial ethics, canon(s) of, 334
 Judicial Ethics Opinions, Committee
 on, 308
 judicial review of agency actions,
 299, 300
Judicial Yellow Book, 59
 jury charge, *see* jury instruction(s)
 jury instruction(s), xxvi, 108, 119,
 120, 122–33, 149, 151, 156,
 224, 382
 Westlaw, 128
 World Wide Web, 127
*Jury Instructions in Automobile
 Actions*, 128
*Jury Instructions in Commercial
 Litigation*, 129
*Jury Instructions in Real Estate
 Litigation*, 132
*Jury Instructions on Damages in Tort
 Actions*, 133
*Jury Instructions on Medical Issues,
 Fifth Edition*, 130
*Jury Instructions on Products
 Liability*, 131
*Jury Instructions Under Securities
 Laws*, 133
*Jury Verdict and Settlement
 Summaries*, 162
 Texas, 162
 Jury Verdict Research, 159
*Jury Verdict Summaries from the
 National Association of State
 Jury Verdict Publishers* 158
 justice of the peace courts, Texas,
 73, 80, 81

K

- Key Numbering System, 71
- KeyCite, 12, 72, 89, 95, 96, 213, 224, 234, 319, 380

L

Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law, 139, 141

Lane Medical Litigation Guide, 153

Law of Lawyering, 339, 347

Law Reporter, 153

law review(s), 3, 11, 13, 14, 16, 20, 23, 31, 32, 36–41, 53, 72, 75, 85, 89, 204, 214, 237, 275, 285, 300, 327, 330, 334, 336, 354, 355, 363, 368, 370

Law Revision Counsel, Office of, 227, 228, 234

Lawyer's Edition, *see United States Supreme Court Reports, Lawyer's Edition*

Legal Counsel, Office of, 329
opinion(s), 329

legal dictionaries, *see* dictionaries, legal

legal encyclopedia(s), *see* encyclopedia(s), legal

Legal Ethics: The Lawyer's Deskbook on Professional Responsibility, 339, 344

Legal Information Buyer's Guide and Reference Manual, 43

Legal Information Institute:
Supreme Court Collection, 102

Legal Looseleaves in Print, 51

Legal Newsletters in Print, 33, 34

legal periodical(s), 30
ALWD Citation Manual rule, 30, 33
Bluebook rule, 30, 33

law reviews and journals
academic, 30, 31
bar association, 31, 32
specialized, 30, 32

LexisNexis, 36

newsletters, legal, 31, 33, 34

newspapers, legal, 31, 33

non-student works, 31

student-written works, 31

Westlaw, 36

World Wide Web, 37

Legal Resource Index (L.R.I.), 35

Legal Times, 33, 104

LegalTrac, 35

Legislative Budget Board, 250

Legislative Council, Texas, 264
reports, 253

legislative histories, 9, 16, 200, 202, 206, 208, 210, 217, 228, 232, 233, 239–41, 248, 249, 252, 253, 259, 262, 266–68, 271–73, 275–85, 383, 386–88
compiled, 283–85

LexisNexis, 283

Texas, 267–75

Westlaw, 282

Legislative Information System of Texas (LIST), 241

legislative power, delegation of, 288

legislative process

federal, 254–62

Texas, 241–54

Legislative Reference Library,

203, 204, 246, 249, 251,

264, 267–72, 274, 396

legislative rule(s), 294

Library and Archives Commission,
Texas, 271

local rule(s), 68, 108, 123, 124, 165–70, 179, 180, 183, 184, 186–89, 192, 359, 383

local rules of Texas courts of
 appeals, 169, 170
 Westlaw, 170
 World Wide Web, 170

Local Rules of Texas District and
 County Courts, 165, 166
 World Wide Web, 167

Local Rules of the Bankruptcy
 Courts—Fifth Circuit, 183
 Westlaw, 184
 World Wide Web, 184

Local Rules of the District Courts in
 Texas, 166
 LexisNexis, 192
 Westlaw, 192
 World Wide Web, 192

Local Rules of the United States
 Courts of Appeals, 187
 LexisNexis, 189
 Westlaw, 189
 World Wide Web, 189

Local Rules of United States
 Bankruptcy Courts, 183, 184

Local Rules of United States District
 Courts, 179, 180
 Westlaw, 180
 World Wide Web, 180

looseleaf format(s), 13, 50

looseleaf service(s), *see* looseleaf
 format(s)

M

Martindale-Hubbell Law Digest,
 339, 344

*Martindale-Hubbell Law
 Directory*, 58

*Martindale-Hubbell Law
 Directory—Texas*, 57

*McDonald & Carlson Texas Civil
 Practice*, 46

memorandum decision(s), *see*
 opinion(s), memorandum

*Meta-Index for U.S. Legal
 Research*, 107

Military Justice Reporter, 70, 98

Model Code of Judicial Conduct,
 343–45, 360
 LexisNexis, 345
 Westlaw, 345
 World Wide Web, 345

Model Code of Professional
 Responsibility, 333–40, 344, 347

*Model Code of Professional Respon-
 sibility, Model Rules of Profession-
 al Conduct, and Other Selected
 Standards Including California,
 New York and Washington, D.C.
 Rules on Professional Respon-
 sibility*, 340, 344, 347

model jury charge, *see* jury
 instruction(s)

Model Jury Instructions for Surety
 Cases, 133

*Model Jury Instructions:
 Business Torts Litigation,
 Third Edition*, 129

*Model Jury Instructions: Construc-
 tion Litigation*, 129

*Model Jury Instructions: Employ-
 ment Litigation*, 130

*Model Jury Instructions: Securities
 Litigation*, 133

Model Rules of Professional Con-
 duct, 333, 335, 337–41,
 344–48, 391
 LexisNexis, 340
 Westlaw, 340
 World Wide Web, 340

*Modern Dictionary for the Legal
 Profession*
 LEXIS, 21

*Modern Federal Jury Instruc-
 tions*, 126

Modern Federal Practice Digest, 98

Monthly Catalog of United States Government Publications, 284
Moore's Federal Rules Pamphlet, 177, 186, 191, 194, 197
MoreLaw.Com: A Civil Litigation Digest, 158
 municipal courts, Texas, 73, 80, 81

N

National Archives and Records Administration (NARA), 227, 228, 231, 236, 313
National Directory of Legal Employers, 58
National Jury Verdict Reporter, 154
National Jury Verdict Review & Analysis, 154
National Law Journal, 33, 104, 160, 161
National Reporter on Legal Ethics and Professional Responsibility, 355
 National Reporter System, 21, 23, 24, 66–68, 70, 71, 81–83, 89, 100, 106, 113
North Texas Reports, 149, 161
Norton Bankruptcy Law and Practice 2d, 182
 notice-and-comment rulemaking, *see* rulemaking, notice-and-comment
 nutshell(s), 42

O

Official Opinions of the Attorneys General of the United States, Advising the President and Heads of Departments in Relation to Their Official Duties 331
 operative date, 211
 opinion(s), 63
 advisory, 309
 attorney general, *see* attorney general opinion(s)
 concurring, 63, 68, 69, 239, 330
 dissenting, 63, 64, 68, 69
 ethics, 309, 336, 341–43, 353, 354, 355, 356
 majority, 63
 memorandum, 64, 69, 70, 148, 331
 per curiam, 2, 63, 64, 139, 326, 382
 plurality, 63, 68
 slip, 65, 83–85, 96, 100, 102, 107, 114, 208, 376, 379
Opinions of the Committee on Professional Ethics with the Canons of Professional Ethics Annotated and Canons of Judicial Ethics Annotated, 342
Opinions of the Office of Legal Counsel of the United States Department of Justice Consisting of Selected Memorandum Opinions Advising the President of the United States, the Attorney General and Other Executive Officers of the Federal Government in Relation to Their Official Duties, 331
 oral argument(s), 87, 135, 139, 141–43, 190, 382
 LexisNexis, 143
 transcripts of, 135
 U.S. Supreme Court, 141
 Westlaw, 143
 World Wide Web, 142
Oral Arguments of the U.S. Supreme Court, 141
 Oyez Project, 142
O'Connor's Civil Practice & Remedies Code Plus, 350, 358, 361

O'Connor's Criminal Codes Plus,
168, 172, 174

*O'Connor's Federal Rules: Civil
Trials*, 177, 186, 197

*O'Connor's Texas Civil Appeals:
Practice Guide & Annotated
Texas Rules of Appellate Pro-
cedure with Forms* 168

O'Connor's Texas Rules: Civil Trials,
165, 168, 174

P

Paschal, George, 214

pattern circuit instructions, *see* jury
instruction(s)

Pattern Criminal Jury Instructions,
126

pattern jury charge, *see* jury
instruction(s)

*Pattern Jury Instructions (Civil
Cases): Prepared by the Com-
mittee on Pattern Jury Instruc-
tions, District Judges Association,
Fifth Circuit*, 127

per curiam decision(s), *see*
opinion(s), per curiam

*Personal Injury and the Hospitality
Industry: Verdicts, Settlements
and Statistical Analysis*, 154

*Personal Injury Valuation
Handbooks*, 155

Personal Injury Verdict Reviews, 155

petition(s)
discretionary review, for, 93
review, for, 90, 92–96, 164, 377,
379–81

petition notation(s), *see* petition(s),
review, for

pocket-part supplement(s), 12,
43, 213

*Police Misconduct and Civil Rights:
Federal Jury Practice and In*, 131

practice guide(s), 13, 44–47, 119,
168, 175, 183

Greenbook rule, 46

precedence, 62

precedent(s), 61, 62, 64, 68, 69, 78,
106, 116

*Preview of United States Supreme
Court Cases*, 103

*Prince's Bieber Dictionary of Legal
Citations*, 11, 16

private law(s), 202, 231
number, 202

probate courts, Texas, 73, 79, 80

procedural rule, 28, 295

proclamation(s), presidential,
313, 319

Products Liability Advisory, 155

Products Liability Law Reporter, 155

Products Liability Reporter, 156

*Products Liability: Verdicts,
Settlements and Statistical
Analysis*, 156

Professional Conduct, Texas
Disciplinary Rules of, 337

professional ethics, canon(s) of,
333, 334

*Professional Negligence Law
Reporter*, 156

*Professional Responsibility Stand-
ards, Rules & Statutes*, 340, 344,
347, 358

professional responsibility,
canon/rule of
American Bar Association,
333, 334

Project Hermes, 100

*Pronse's Texas Bankruptcy
Annotated*, 181, 183

Public Access to Court Electronic
Records (PACER), 145

public law(s), 40, 62, 202, 204,
209, 210, 229, 231, 232, 233,
276, 278, 279, 281, 284, 384
number, 202, 210, 231, 276,
279, 384

*Public Papers of the Presidents of the
United States*, 262, 280, 320

Public Utilities Reports, 310

Public Utility Commission
decision(s), 310

publication(s)
official, 17
unofficial 17

R

ratio decidendi, 64

Recent Ethics Opinions, 342

*Recommended Publications for Legal
Research*, 43

regular session, 204, 242, 247,
248, 386

*Regulation of Lawyers: Statutes and
Standards*, 340, 345, 347

regulation(s)
interpretive, 289
legislative, 289
procedural, 289
tracking, federal, 312, 313
tracking, Texas, 302

Research Institute of America, 50

resolution(s)
concurrent, 203, 255
joint, 137, 202, 203, 204, 227,
255, 386
simple, 203, 255

Restatement(s), 8, 24, 52–56, 72,
338, 339, 340, 345–47, 371, 372
courts, in the, 56
ALWD Citation Manual rule, 53
Bluebook rule, 53
Law Governing Lawyers, of the,
339, 340, 345, 346
LexisNexis, 56

Westlaw, 56

*Restatement of the Law Third: The
Law Governing Lawyers*, 345–47

LexisNexis, 347

Westlaw, 347

Review of Litigation, 38

*Roach's Texas Rules of Evidence
Annotated with Federal Rules of
Evidence Appendix*, 174, 197

rule(s)

administrative, 294
agency, federal, 291–93
agency, Texas, 292, 296
court, 163
interpretive, 289, 293–95
legislative, 294
substantive, 294

rulemaking

formal, 298
hybrid, 298
negotiated, 299

notice-and-comment, 296, 298

rules of civil procedure, *see* civil
procedure, rules of, Texas

rules of practice, *see* rule(s), court
Rules of Professional Responsibility
Texas, 336, 337

Rules of the Supreme Court of the
United States, 190

S

Sample Civil RICO Jury

Instructions, 132

Sample Jury Instructions in Civil
Antitrust Cases, 128

Sample Jury Instructions in
Criminal Antitrust Cases, 128

*Scholar: St. Mary's Law Review on
Minority Issues (The)*, 39

secondary sources, *see* authority,
secondary

Section 1983 Litigation: Jury
Instructions, 132

- Senate Research Center, 249
- session law(s), 203, 204, 209–11, 214, 219, 221, 222, 227, 230, 232, 245, 268, 269, 276–78, 279, 383, 384–86
- federal, 230, 232, 277
- LexisNexis, 222
- Texas, 221
- Westlaw, 221
- Shepard's Citations, 12, 28, 56, 72, 89, 95, 116, 117, 213, 224, 234, 308, 319, 327, 330, 334, 336, 338, 341, 344, 346, 349, 352, 357, 360, 380
- Shepard's Federal Case Names Citators: Fifth Circuit Cases*, 117
- Shepard's Federal Circuit Table, 117
- Shepard's Federal Citations*, 117
- Shepard's Federal Statute Citations*, 234
- Shepard's Professional and Judicial Conduct Citations*, 334, 338, 341, 344
- Shepard's Restatement of the Law Citations*, 56, 346
- Shepard's Southwestern Reporter Citations*, 89, 380
- Shepard's Texas Citations*, 89, 95, 224, 308, 327, 336, 349, 352, 357, 360, 380
- Shepard's United States Citations*, 116
- Shepard's United States Citations: Parallel Reference Tables, 116
- Shepard's United States Supreme Court Case Names*, 117
- slip law(s), 208–10, 221, 226, 231
- federal, 231
- Texas, 221
- Slip Opinions of the Court of Criminal Appeals of Texas*, 84, 96, 376, 379, 380
- Slip Opinions of the Courts of Appeals of Texas: Civil Cases*, 84
- SMU Law Review*, 39
- source(s)
- official, 207, 208, 222
- unofficial, 208
- Sources of Compiled Legislative Histories: A Bibliography of Government Documents Periodical Articles, and Books*, 284
- South Texas Law Review*, 39
- South Western Reporter*, 73, 79, 82–84, 86, 94, 375, 376
- special law(s), 204, 219, 221, 268, 269, 386
- special session, 248
- St. Mary's Law Journal*, 39
- Standard Federal Tax Reporter*, 49
- Standards of Appellate Conduct, 359, 360
- World Wide Web, 360
- stare decisis, 62
- State Bar Member Search, 57
- State Office of Administrative Hearings, 293
- State Securities Board
- decision(s), 311
- opinion(s), 311
- statute in derogation of the common law, 202
- statute(s)
- codification of, 210
- federal, 233
- Texas, 7, 172, 206, 208, 215, 216, 219, 221–24, 264, 385
- Statutes at Large*, see *United States Statutes at Large*
- statutory county courts, see county courts at law, Texas
- statutory interpretation and construction, 204, 205
- statutory revision program, 206, 216, 217, 291

- Stein on Personal Injury*
Damages, 162
Third Edition, 156
Submission of Electronic Briefing in Granted Cases, 136
 sunset date, 212
 Superintendent of Documents, 231, 314, 331
 Supreme Court of Texas, 3, 65, 73–75, 78, 84, 85, 92, 96, 136, 137, 163–65, 167, 169, 173, 175, 309, 336, 337, 348, 351, 353, 354, 356, 357, 359, 360, 379, 380
 Professional Ethics Committee, 309
 Supreme Court of the State of Texas, *see* Supreme Court of Texas
 Supreme Court of the United States, 96–104, 113, 116, 117, 135, 139–44
 rules of, 190, 192
 oral arguments, 143
Supreme Court Practice, 191
Supreme Court Reporter, 70, 95, 97–100, 113, 116, 373
- T**
- table(s)
 cases, of, 10
 contents, of, 10
 statutes and rules, of, 10
Tax Management, 50
 Tex. Jur. III, *see* *Texas Jurisprudence 3d*
 Texas Administrative Code, 302, 303, 305, 306, 390, 391
 Texas Administrative Practice and Procedure, 322
 Texas Attorney General Reports and Opinions—Microfilm/Microfiche, 328
Texas Bar Journal, 32, 33, 39, 164, 254, 275, 354, 355, 358, 359
Greenbook rule, 33
 Texas Blue Sheet, 149
Texas Cases, *see* *West's Texas Cases*
 Texas cases, 88
 LexisNexis, 86
 newspapers, 88
 Westlaw, 86
 World Wide Web, 86
Texas Civil Practice Statutes & Rules Annotated, 165, 168, 174, 350, 353, 361
 Texas Code Construction Act, 207, 240
 Texas Code of Criminal Procedure, 170–72, 200, 218
 LexisNexis, 172
 Westlaw, 172
 World Wide Web, 172
 Texas Code of Professional Responsibility, 336
 Texas Constitution, *see* constitution(s), Constitution of the State of Texas
 Texas Court of Criminal Appeals, *see* court(s) of appeals, Texas
Texas Courthouse Guide, 57
 Texas courts of appeals, *see* court(s) of appeals, Texas
Texas Criminal Codes & Rules Annotated, 168, 172, 174
 Texas Criminal Jury Charges, 122
 Texas Criminal Procedure—Code and Rules, 168, 172, 174
Texas Criminal Reports, 79, 82, 84, 85, 376
Texas Digest, 1, 81–83, 98, 99
 Texas Disciplinary Rules of Professional Conduct, 348, 349, 351, 359
 LexisNexis, 350

- Westlaw, 350
 World Wide Web, 350
- Texas Ethics Commission
 advisory opinions, 309
- Texas Ethics Opinions*, 355
- Texas Forum on Civil Liberties and Civil Rights*, 39
- Texas Hispanic Journal of Law and Policy*, 39
- Texas Intellectual Property Law Journal*, 39
- Texas International Law Journal*, 40
- Texas Journal of Women and the Law*, 40
- Texas Judge Reviews*, 57
- Texas Judicial System Directory*, 58
- Texas Judiciary Online, 167,
 169, 170
- Texas Jurisprudence 3d* (Tex. Jur. III), 24, 25
 LEXIS, 24
 Westlaw, 24
- Texas Jury Verdicts—Blue Sheet Publications, Inc.*, 161
- Texas Law Review*, 40
- Texas Lawyer*, 33, 40, 57, 58, 88,
 168, 172, 174, 181, 183, 349,
 352, 357, 401
- Texas Lawyer: Case Summaries*, 88
- Texas Lawyer's Creed—A Mandate for Professionalism, 337, 356–58
 World Wide Web, 358
- Texas Lawyers' Professional Ethics, 349, 352, 355, 357
- Texas Legal Directory*, 57
- Texas Legal Malpractice & Lawyer Discipline*, 349, 352, 357
- Texas Legislative Council, 212,
 217, 219, 222, 243, 253, 262,
 264, 291
- Texas Legislative History and Administrative Agency Citation Guide*, 16
- Texas Legislative Reference Library,
 203, 204, 246, 249, 251, 264,
 267–72, 274, 396
- Texas Legislature, 75, 76, 80, 81,
 137, 163, 164, 172, 200, 203,
 204, 206, 207, 212, 215, 216,
 221, 222, 224, 238, 241–45,
 250, 255, 258, 260, 262–64,
 267–70, 272, 274, 290, 291,
 293, 298, 299, 302, 304, 305
- Texas Legislature Online, 137,
 172, 204, 212, 222, 224, 238,
 242, 245, 262, 263, 268–70,
 272, 274
- Texas Litigation Guide*, 46
- Texas Pattern Jury Charges*
 Family, 121
 Malpractice; Premises;
 Products, 121
Texas Pattern Jury Charges, 120
Texas Pattern Jury Charges:
Business; Consumer; Employ-
ment, 121
- Texas Practice Guide: Evidence*, 175
- Texas Practice: Volume 8—Criminal Forms and Trial Manual*, 122
- Texas Register*, 290, 291, 297, 299,
 301–08, 328, 390, 391
- Texas Reporter*, 149, 161
- Texas Reports*, 79, 82–85, 149, 159,
 161, 375
- Texas Review of Law and Politics*, 40
- Texas Rules of Appellate Procedure,
 167–69
 LexisNexis, 169
 Westlaw, 169
 World Wide Web, 169
- Texas Rules of Civil Evidence,
 173, 201
- Texas Rules of Court—Federal,
 177, 179, 183, 186, 188, 197
- Texas Rules of Court—State, 165,
 168, 170, 174, 349, 357, 361

- Texas Rules of Criminal Evidence, 173
 - Texas Rules of Disciplinary Procedure, 351, 352, 359
 - LexisNexis, 353
 - Westlaw, 353
 - World Wide Web, 353
 - Texas Rules of Evidence, 173–75, 197
 - LexisNexis, 175
 - Westlaw, 175
 - World Wide Web, 175
 - Texas Rules of Evidence Handbook*, 175
 - Texas Rules of Evidence Manual*, 175
 - Texas Rules of Evidence with Objections*, 175
 - Texas Rules of Form*, 3, 16, 23, 33, 42, 46, 75, 76, 78, 84, 90–93, 204, 214, 218, 275, 300, 327, 336, 349, 352, 354, 360, 363, 364, 366, 367, 371, 372, 374–77, 380–83, 385–92
 - Texas State & Federal Local Court Rules, 166, 170, 179, 184
 - Texas State Library and Archives Commission—State and Local Records Management Division, 137
 - Texas State Securities Board
 - decision(s), 310, 311
 - opinion(s), 310, 311
 - Texas Subsequent History Table, 94–96, 379, 380
 - Texas Supreme Court, *see* Supreme Court of Texas
 - Texas Supreme Court Journal*, 65, 83, 84, 88, 96, 375, 379
 - Texas Tech Journal of Texas Administrative Law*, 40
 - Texas Tech Law Review*, 40
 - Texas Transaction Guide*, 46
 - Texas Verdict Survey, 150
 - Texas Wesleyan Law Review*, 41
 - Texas Workers' Compensation Commission decision(s), 311
 - thesauri, legal, 20, 21
 - Burton's Legal Thesaurus*, 21
 - Thomas: Legislative Information on the Internet, 281
 - Thurgood Marshall Law Review*, 41
 - topic and key number, 71, 82, 83
 - Trade Regulation Reporter*, 49
 - treatise(s), 6, 8, 11, 41–45, 46, 47, 53, 162, 235, 236, 275, 284, 289, 290, 292, 322, 364, 369–71
 - ALWD Citation Manual* rule, 42
 - Bluebook* rule, 42
 - Greenbook* rule, 42
 - interpretive, 41
 - Trial Report Service, Inc., 150
- U**
- U.S. Code, 234
 - U.S. Congress, *see* Congress
 - U.S. Constitution, 23, 199, 234, 236, 288
 - delegation of, 288
 - U.S. Court of Appeals for the Fifth Circuit, 68, 81, 83, 86, 97, 108, 116, 117, 126, 127, 138, 162, 179, 188, 189
 - U.S. Department of Justice/Office of the Solicitor General, Gove, 141
 - U.S. Supreme Court Records & Briefs, 139
 - uncodified statutes, 211
 - Texas, 219
 - Unified Agenda of Federal Regulatory and Deregulatory Actions, 313
 - Union List of Legislative Histories*, 284
 - United States Bankruptcy Court(s), 113, 114, 115, 183, 184

- United States Claims Court Reporter* (Cl. Ct.), 113
- United States Claims Reporter*, 98
- United States Code* (U.S.C.), 17, 28, 178, 181, 182, 186–92, 194, 197, 207, 209, 213, 226, 227, 229, 230, 232–36, 276, 277, 290, 311, 313, 315, 316, 319, 320, 384, 390, 392
- United States Code Annotated* (U.S.C.A.), 17, 28, 178, 182, 186, 188, 194, 197, 213, 229, 230, 234, 235, 384
- United States Code Annotated: Constitution of the United States*, 235
- United States Code Congressional and Administrative News* (U.S.C.C.A.N.), 232, 233, 277, 278, 319, 384
- United States Code Service*, 17, 178, 182, 187, 189, 192, 194, 197, 230, 232, 234, 236, 316, 320, 384
- Advance*, 232, 320
- United States Code Service: Constitution*, 236
- United States Congress, *see* Congress
- United States Constitution, *see* constitution(s), Constitution of the United States
- United States Court of Appeals for the Fifth Circuit, *Clerk's Office Most Frequently Asked Questions*, 138
- United States Court of Federal Claims, 113
- United States courts of appeals, 104–07, 113
- United States district court(s), *see* district court(s), federal
- United States Government Manual*, 300
- United States Government Printing Office (GPO), 17, 99, 100, 178, 182, 186, 191, 194, 197, 207, 227, 228, 231–33, 235, 236, 255, 257, 258, 261, 262, 267, 277, 278, 280, 281, 284, 300, 313, 314, 315, 316, 318, 320, 331
- United States Law Week* (U.S.L.W.), 65, 101, 103, 373
- United States Lawyers Reference Directory*, 58
- United States Reports*, 99, 101, 102, 116, 372, 373
- United States Statutes at Large*, 203, 210, 211, 227, 234, 276, 277, 279, 384
- United States Supreme Court Digest*, 97, 100, 178, 182, 187, 189, 192, 194, 197
- Lawyers' Edition*, 97, 100, 178, 182, 187, 189, 192, 194, 197
- United States Supreme Court Reports, Lawyer's Edition* (L. Ed., L. Ed. 2d), 97, 99, 100, 116, 236
- United States Supreme Court, *Docket*, 144
- Universal Citation Guide* (UCG), 15
- U.S. Congress, *see* Congress
- User's Guide to the Bluebook*, 15, 16

V

- value-added information, *see* annotation(s)
- Vehicular Liability: Verdicts, Settlements and Statistical Analysis*, 156
- Verdicts, Settlements & Tactics: A Personal Injury Litigation Reporter*, 157
- VerdictSearch, 160
- Vernon's Annotated Constitution of the State of Texas*, 237

Vernon's Texas Codes Annotated:
Government Code, 349, 352, 361
Vernon's Texas Revised Statutes
Annotated, 215
Vernon's Texas Rules Annotated—
 Civil, 165
Vernon's Texas Rules Annotated—
Rules of Evidence/Rules of
Appellate Procedure, 168, 174
Vernon's Texas Session Law Service,
 221, 269
Vernon's Texas Statutes Anno-
tated— Code of Criminal Pro-
cedure, 172

W

Want's Federal-State Court
Directory, 59
Weekly Compilation of Presidential
Documents, 262, 280, 281, 320

West Legal Directory, 58
WestDocket, 145
West's Bankruptcy Digest, 99
West's Bankruptcy Reporter, 70, 99,
 113
West's Federal Practice Digest, 98
West's Legal Forms, 45
West's Military Justice Reporter, 70
West's Texas Annotated Code
Series, 223
West's Texas Cases, 83, 96
West's Texas Statutes and Codes,
 216, 223
What's It Worth? A Guide to Cur-
rent Personal Injury Awards and
Settlements, 157
Who's Who in American Law, 58
Words and Phrases, 21
 writ histories, *see* writ of error,
 application for
 writ notation(s), *see* writ of error,
 application for
 writ of error, application for, 90–96,
 171, 377, 379–81

Y

Young's Federal Rules of
Evidence, 197