Glossary of Legal Research Terms

Act: synonym of statute. In Illinois, public bills that become law are called Public Acts, numbered in the order in which they became law.

Administrative law: agency-made law, including regulations and quasi-judicial decisions. Also, authorizing statutes and other statutes that establish or limit agency powers.

Advance legislative service: supplement to an annotated code that contains reprints of new laws that have not yet been codified, i.e., organized by topic. Advance legislative services are organized chronologically, in the order the laws were enacted. Also called legislative services.

Advance sheet: supplement to a reporter that contains new cases that are not yet included in the bound reporter volumes.

American Digest System: covers "all published American court decisions, state and federal from 1658 to the present." Includes Century Digest, Decennial Digests, and General Digests.

Annotation: summary of the facts and holding of an appellate court's opinion; can be as short as the annotations in an annotated code or as long as the article-length annotations in the ALR (American Law Reports) series.

Annotated code: version of a code, usually published commercially, with editorial enhancements, such as case summaries, notes, and cross-references. Updated with pocket parts, supplemental volumes or pamphlets, and advance legislative service pamphlets.

Appellate review: an appellate court's power to reverse decisions of lower courts. Appellate review should be distinguished from judicial review, which refers to a court's power to refuse to enforce an unconstitutional law.

Authority: a legal writing that states the law, including statutes, regulations, judicial decisions, and administrative rulings. Also, a source cited in support of a legal argument.

Authorizing statute: a statute by which the legislature gives an agency certain responsibilities and authority. See delegated authority.

Bicameral: a legislature that has two chambers or houses, such as Congress, which is composed of the Senate and the House of Representatives.

Bill: proposed legislation. In Congress, bills are designated as H.R. (House of Representatives) or S. (Senate), depending on the chamber in which they were first introduced, and are numbered consecutively in the order in which they are introduced.

Public bills address general questions and become Public Laws or Acts (see statute ) if passed by the legislature and signed by the executive. Private bills deal with individual matters such as
claims against the government, immigration and naturalization cases, land titles, etc., and become private laws if approved and signed.

**Binding authority:** see mandatory authority.

**Case:** a civil or criminal proceeding or controversy. The term "case" is sometimes also used to refer to a court's written opinion in a case.

**Checks and balances:** a system of limits imposed on all branches of a government, giving each branch the power to change or void certain acts of the others. For example, the President can veto bills approved by Congress, and the President nominates individuals to serve on the federal Courts; the Supreme Court can declare a law enacted by Congress or an action by the President unconstitutional; and Congress passes new statutes that must be applied and enforced by the other two branches, and it can impeach the President and justices and judges of the federal Courts.

**Citator:** print or electronic tool that lists and analyzes cases and secondary authorities that have cited to a specific case or other authority. Shepard's and KeyCite are citators.

**Cited Case:** the case you have found and whose value you are trying to determine.

**Citing References** or **Citing Decisions:** authorities that have mentioned the cited case.

**Code:** compilation of statutes or regulations currently in effect in the jurisdiction, arranged by topic. Distinguish statutory code from session laws, and regulatory code from register.

**Common law:** that body of law set out in court decisions that recognize and apply judge-made law that developed originally in England. Common law has developed over the centuries as courts have applied these long-standing general rules and principles to new fact situations.

Common law is frequently defined by contrasting it to other types of law. For example, common law is judge-made law, whereas statutory law is the body of law set out in statutes. A country with a common-law tradition may be contrasted with countries that have a civil-law or code-based system of laws. Common-law courts recognize different rights and remedies than those available in equitable courts.

**Constitutional:** proper or valid under the Constitution. See also unconstitutional.

**Deference:** judicial courts' practice of yielding to an agency's interpretations of its own regulations and authorizing statute.

**Delegated authority:** power to act that is given to an agency by its authorizing statute.

**Delegated legislation:** regulations that agencies adopt pursuant to the legislature's delegation of authority.
**Descriptive Word Index**: index to each West *digest* that provides subject access to the case summary (*headnote*) volumes of the digest, which are arranged by *topic-and-key-number*.

**Digest**: collection of short summaries of points of law from *judicial decisions*, arranged by topic; used to find cases in *reporters*. West digests use a *topic-and-key-number system* to arrange the main digest volumes, and they have Descriptive Word Indexes, *Table of Cases* volumes, and *Words and Phrases* volumes.

**Enrolled bill**: *bill* that has been passed by both chambers of Congress, signed by their presiding officers, and sent to the President for signature.

**Finding**: determination of a matter of fact necessary to a *judicial decision*. Compare to *holding* of law.

**Good law**: a term used to indicate that a statute, regulation, or judicial decision is current and still applicable. A *statute* cannot be good law if it has been repealed or declared *unconstitutional*. A *regulation* cannot be good law if it exceeds the statutory delegation of authority or is inconsistent with the statute. A *judicial decision* cannot be good law if it has been overruled or reversed, or if the statute on which it was based has been changed.

**Headnotes**: short paragraphs at the beginning of a *case report* that summarize each point of law in the case. Headnotes are added by the publisher, not the court, and *should never be cited*.

Headnotes in *West reporters* include references to *West's topic-and-key-number system*, and the headnote paragraphs are reproduced in West *digests*. West headnotes also appear on Westlaw, and LexisNexis has its own headnote system.

**Hearing**: in the context of legislative history, a hearing is a proceeding of a committee or subcommittee of Congress, usually open to the public, to obtain information and opinions on proposed *legislation*, conduct an investigation, or oversee a program.

In the context of administrative law, a hearing can refer to a similar proceeding by an agency considering proposed *regulations*. The term can also refer to a *quasi-judicial* proceeding heard by an agency or administrative law judge.

**History**: in *citators*, refers to what happened to the *cited case* itself. For history of legislation, see *legislative history*.

**Holding**: a determination of a matter of law necessary to a *judicial decision*. Compare to *finding* of fact.

**Interim annotation service**: supplemental pamphlets to an *annotated code* issued between *pocket parts*. Interim annotation service pamphlets include additional annotations, organized by code section. Also called later case service. Contrast with *advance legislative service*. 
Judicial decision: a ruling, order, judgment, or other determination by a court, after considering the facts in the case before it and applying the law to those facts. Appellate courts usually issue opinions to explain their decisions.

Judicial review: a court's power to refuse to enforce an unconstitutional law. It is part of the system of checks and balances. Judicial review should be distinguished from appellate review, which refers to an appellate court's power to reverse decisions of lower courts.

Jurisdiction: power of a nation and of the smaller governmental units within a nation; territory within which a government may exercise its authority. For example, the United States and each state are jurisdictions. Also, the power of a court to decide a particular case.

KeyCite: see citator.

Later case service: supplemental pamphlets to an annotated code issued between pocket parts. Later case service pamphlets include changes to the code and additional annotations, organized like the code they supplement. Also called interim annotation service. Contrast with advance legislative service.

Law: synonym of statute. Public bills that pass Congress and become law are called Public Laws, numbered in the order in which they became law.

The term "Law" can also be used to refer to the legal order, or the aggregate of statutes, common law, and administrative law.

Legislation: process by which a legislature makes Laws. The term can also refer to the statutes that are enacted by the legislative process.

Legislative history: documents produced by the legislature as it makes Laws, e.g., bills, conference reports, committee reports, debates, and hearings.

Legislative service: see advance legislative service.

Mandatory authority: authority that a court deciding a case must apply; law that is binding on the court. Whether an authority is binding depends on which jurisdiction's law applies, and, within that jurisdiction's law, which has the highest authority. Also called binding authority. Compare to persuasive authority.

National Reporter System: the system of case reporters published by West that includes court decisions for all state and federal jurisdictions. See regional reporters.

Opinion: a court's written statement explaining its decision, including findings of fact and holdings of law.

Override: Congress can override a Presidential veto only by a two-thirds vote in each chamber. Only in this way can proposed legislation become law without the President's signature.
Parallel citations: citation to two or more reporters for the same case. See also star pagination.

Persuasive authority: authority that might persuade the court to rule in a particular way. Compare to mandatory authority.

Pocket part: a pamphlet that fits into a pocket inside the back cover of a volume, organized like the volume it supplements, to update that volume. Typically issued annually. This method of updating is used by many legal publications, including annotated codes.

Precedent: a judicial decision that furnishes the basis for deciding a similar case or question of law that arises later. It is usually used to refer to binding precedent, which must be followed. See also stare decisis.

Primary authority: the law itself, including statutes, regulations, judicial decisions, and administrative rulings.

Quasi-judicial: an executive branch or administrative official's adjudicative functions. Quasi-judicial rulings are subject to review by judicial courts.

Ratification: approval of a proposed constitution or constitutional amendment by the legislatures of the states. The term "ratification" can also refer to action by the U.S. Senate with respect to a treaty.

Regional reporters: West case reporters that include cases from more than one state.

Register: periodic publication in which new regulations are published chronologically. Distinguish from regulatory code, which is arranged by topic.

Regulations: rules, standards, and orders that have the force of law and are issued by agencies. For example, income tax regulations are issued by the Internal Revenue Service (an agency) and are law, just as binding as statutes and judicial decisions.

Reporter, reports: set of books in which judicial decisions are published chronologically. In the context of legislative history, a report is the document issued by a Congressional committee or subcommittee, following hearings on proposed legislation, that states the committee's or subcommittee's recommendation on whether the bill should be approved.

Secondary authority: authority that summarizes, analyzes, or comments on the law. Secondary authorities are a good place to start your research because they give you some background on the issue you are researching, and they have citations to primary authorities.

Separation of powers: the principle of having independent branches of government with different powers.
**Session laws:** compilation of all **laws** or **acts** passed during a specific legislative session, arranged chronologically. Distinguish from statutory **code**, which is arranged by topic.

**Shepard's, Shepardize:** see **citatior**.

**Slip law:** a single **Law** or **Act**, numbered in the order in which it became law.

**Star pagination:** the use of asterisks by Westlaw and LexisNexis to indicate page numbers in multiple case reporters. **See also parallel citations.**

**Stare decisis:** the doctrine of **precedent**, requiring courts to follow earlier **judicial decisions** when similar questions of law arise in later cases.

**Statutes:** law created by the legislature. **Legislation** that becomes law is also frequently referred to as **laws**, **codes**, or **acts**. For example, the Federal Aviation Act, the Internal Revenue Code, and a state's Lemon Law are all statutes.

**Statutory authority:** see **authorizing statute**.

**Supplemental volumes or pamphlets:** supplemental pamphlets, organized like the volumes they supplement, that are issued between **pocket parts**. This method of updating is used by many legal publications, including **annotated codes**.

**Table of Cases:** index to each West **digest**, arranged by plaintiff and defendant names, which provides the citation to each case covered by the digest, as well as the topics under which the cases can be found. Older digests had tables of cases arranged only by plaintiff name and separate defendant-plaintiff tables.

**Topic-and-Key-Number system:** see **West Topic and Key Number System**.

**Treatise:** book or set of books that provides in-depth discussion of a legal subject, with citations to **primary authorities** and other **secondary authorities**.

**Treatment:** in **citatior**, refers to what other, later cases have said about the **cited case**.

**Unconstitutional:** in violation of some provision of the Constitution.

**Veto:** can be a noun or a verb. When both chambers of Congress have passed a **bill** or joint resolution, the President can sign or veto it. If he signs it, it becomes **law**. If he vetoes it, it is returned to the originating chamber, and Congress may or may not attempt to **override** the veto.

A veto is the President's refusal to approve a bill or joint resolution passed by Congress, thus preventing its enactment into law. A regular veto occurs when the President returns an **enrolled bill** to the originating chamber without approval. A pocket veto occurs when the President neither signs nor vetoes an enrolled bill within ten days of its being sent to him, if Congress has adjourned and would be unable to override the President's action.
**West Topic and Key Number System:** classification system used in West *reporters* and on Westlaw. It functions as an index to the entire *National Reporter System*, helping you locate cases with similar legal issues in any *jurisdiction*.

**Words and Phrases:** West digest-like publication that includes case summaries only for cases that have defined terms. Each West *digest* also has a *Words-and-Phrases* volume or volumes.

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**References and More Definitions**


