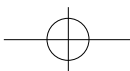
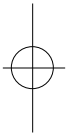
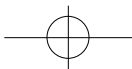
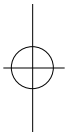


Illinois Legal Research





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Mark E. Wojcik

Associate Professor of Law
The John Marshall Law School

CAROLINA ACADEMIC PRESS
Durham, North Carolina

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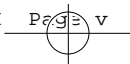
ISBN 0-89089-339-X
LCCN 2003110318

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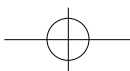
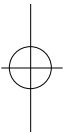
700 Kent Street
Durham, North Carolina 27701

Telephone (919)489-7486
Fax (919)493-5668
www.cap-press.com

Printed in the United States of America



To my students — past, present, and future.



The profession of the Law, when clothed in its true dignity and purity and strength, must rank first among the callings of men. Law rules the universe; "her seat is the bosom of God; her voice is the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempt from her power." What comprehensiveness! If to law herself may be applied such language, what may be said of that profession whose work is to formulate, to harmonize, to regulate, to adjust, to administer those rules and principles that underlie and permeate all government and society, and control the varied reactions of man? As thus viewed, there attaches to the legal profession a nobleness that cannot but be reflected in the life of the true lawyer, who, conscious of its greatness, and honest in the pursuit of his purpose, embraces the richness of learning, the profoundness of wisdom, the firmness of integrity and the purity of morals, together with the graces of modesty, courtesy and the general amenities of life.

To attain the highest excellence, the lawyer must possess the most varied and opposite qualities, and know how and when to use them; with depth and firmness of understanding, they must combine the keenness of acute discernment; learned in the subtleties of legal lore, let him at the same time know men, have tact to deal with them, and be rich in the enlarged beauties of classical learning; besides being a student, he must be able to leave the solitude of the study and adapt himself to the practical and every-day doings of men. It is his to command the respect of superiors, and again appeal to the weaknesses and infirmities of those less favored than himself; in fine, he must be "all things to all men."

Introduction, *The Bench and Bar of Chicago* 3 (American Biographical Publ. Co. 1904).

Contents

Foreword by Chief Justice Mary Ann G. McMorrow	xv
Preface and Acknowledgments	xvii
Chapter 1 Starting Out	3
I. Introduction	3
II. Some Differences Between Research for Legal Writing Classes and Research for Real Clients	4
III. Starting Your Research	5
A. Determine the Parameters of the Assignment	5
B. Create a List of Research Terms	8
C. Create a List of Research Sources	10
IV. The Most Overlooked Research Resource in the Law Library	12
V. Ethical Duties of Legal Research	13
VI. Getting Off of the Research Wheel	14
VII. Chapter Summary	14
Additional Resources	15
Chapter 2 The Illinois Constitution	17
I. Introduction	17
II. Illinois before Statehood	19
A. First Peoples	19
B. French Claims	20
C. English Claims	21
D. Illinois as Part of Virginia	22
E. The Northwest Ordinance of 1787	23
F. The Territory of Illinois (1809)	24
III. Illinois as a State	24
A. The First Illinois Constitution (1818)	24
B. The Second Illinois Constitution (1848)	29
C. The Third Illinois Constitution (1870)	30

viii • Contents

D. The Current Illinois Constitution (1970)	31
E. Special Rules for Citing the Illinois Constitution	33
IV. Chapter Summary	35
Additional Resources	35
Chapter 3 Illinois Judicial Decisions	37
I. Introduction	37
II. Overview of the Illinois State Court System	38
A. Illinois Supreme Court	38
1. Stare Decisis	38
2. Information About the Illinois Supreme Court	40
3. Illinois Supreme Court Opinions	41
4. How to Read a Citation	42
5. Finding Parallel Citations	43
B. Illinois Appellate Court	44
1. Finding Published Decisions	45
2. Illinois Appellate Court Decisions Before 1935 Are Not Binding	46
3. “Unpublished” Decisions and Rule 23	46
C. Circuit Courts	48
1. Overview	48
2. Finding Information on the Circuit Courts	49
3. Appeals from the Circuit Court	50
4. Researching Circuit Court Decisions	51
5. Researching Civil Jury Verdicts and Settlements	52
6. Illinois Criminal Justice Information Authority	55
III. Illinois Court of Claims	56
IV. Federal Courts in Illinois	59
A. Overview	59
B. Interplay between the State and Federal Courts	59
1. Federal Question Jurisdiction and Pendent Jurisdiction	59
2. Pendent Jurisdiction	60
3. Removal	60
4. Diversity Jurisdiction	60

5. Two Views on Applying State Law	61
6. State Courts and Federal Precedent	62
V. A Few More Words about Case Reporters	63
A. Slip Opinions	63
B. Advance Sheets	63
C. Electronic Sources: Cases and Summaries	63
VI. Illinois Digests	65
A. Need for Digests	65
B. Headnotes	66
C. Never Quote a Headnote	66
D. Organization of the Digest	67
E. Use the Topic and Key Number from an Illinois Case to Find Other Illinois Cases	69
F. Use the Topic and Key Number from a Non-Illinois Case to Find an Illinois Case	69
G. The Wojcik Secret for Using the Illinois Digest – Five Up, Five Down	70
H. Finding a Topic and Key Number to Use in West's Illinois Digest	70
I. Updating Your Digest Research	71
VII. An Overlooked Research Resource: The Official Index	72
VIII. Sullivan's Judicial Profiles	73
IX. Summary	74
Additional Resources	74
Chapter 4 Illinois Statutes and Local Ordinances	77
I. Overview	77
II. Illinois Statutes	78
A. Session Laws	78
B. Illinois Compiled Statutes	78
C. Finding a Statute	80
D. Spell Check Warning	81
III. Interpreting Statutes	81
A. The Debate Over Using Legislative History	82
B. Finding Legislative History	86
1. Check the Annotated Statutes	86
2. Identify the Public Act Number	87

x • Contents

3. Find the Bill Number	87
4. Find the Indexes to Debates	87
5. Finding the Debates	88
6. House and Senate Journals	89
IV. Tracking Current Illinois Legislation	90
V. Citing Statutes from Other Jurisdictions	92
VI. Local Ordinances	93
Additional Reading	94
Chapter 5 Illinois Administrative Law	95
I. Executive Branch	95
A. State Constitutional Offices	95
B. Illinois Attorney General	95
II. Administrative Agencies	97
III. How to Research Administrative Law	100
A. Finding the Enabling Statute	101
B. Finding Cases that Interpret the Enabling Statute	103
C. Finding Illinois Regulations	104
D. Finding Cases that Interpret the Regulations	105
E. Finding Secondary Sources that Interpret the Statute or Regulations	106
IV. Illinois Administrative Law Materials	106
A. CD Rom, Websites, and Books	106
B. Illinois Register	107
C. Historical Research	107
D. Decisions of Administrative Agencies	108
Additional Sources	108
Chapter 6 Updating Primary Authority	111
I. Why Update Authorities, and What Can Happen If You Don't?	111
II. Using Shepard's Citators	114
A. Using Shepard's in Print to Shepardize Cases	115
1. Select the Shepard's	115
2. "What Your Library Should Contain"	116
3. Get to Work	116

4. Tips for Using Shepard's Effectively	117
5. Daily Update Desk for Shepard's Citations	118
B. Shepardizing Statutes and Regulations	119
C. Shepardizing Other Primary Authorities	119
D. Shepardizing Secondary Authority	120
III. KeyCite	120
IV. Leave to Appeal Table of Cases	121
V. Call the Court Clerk	121
VI. Using Sources as Search Terms	122
VII. Using Digests to Update Legal Rules	122
VIII. Chapter Summary	123
Additional Resource	123
Chapter 7 Secondary Sources	125
I. Introduction	125
A. Secondary Sources as a Roadmap	125
B. Using Secondary Sources to Start and Finish Research	126
C. Choosing a Secondary Source: Learn about Your Tools	127
D. Updating Secondary Sources	128
II. Legal Encyclopedias	129
A. Three Functions of Legal Encyclopedias	129
B. State Legal Encyclopedias for Illinois Law	131
C. How to Use the Encyclopedias	133
D. Citing Encyclopedias as Sources of Authority	134
III. Treatises	134
A. Overview	134
B. Finding a Treatise	135
C. Using a Treatise	136
D. When Should You Cite a Treatise?	137
IV. Law Review Articles	138
A. Understanding Legal Periodicals	138
B. Finding Law Review Articles and Bar Association Journals	139
C. Citing Law Review Articles as Authority	143

xii • Contents

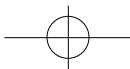
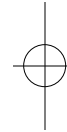
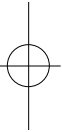
V. Continuing Legal Education Materials	143
VI. Other Secondary Law Sources	144
A. Dictionaries	145
B. Restatements (Annotated)	145
C. Uniform Laws (Annotated)	146
D. A.L.R. Annotations	146
VII. Chapter Summary	147
Additional Resources	147
Chapter 8 Rules of Court and Rules of Ethics	149
I. Introduction	149
II. Researching Illinois Court Rules	150
A. Finding the Text of Court Rules	150
B. Finding Judicial Interpretations of the Court Rules	151
C. Finding Commentary on the Court Rules	152
III. Rules of Ethics	153
A. Ethical Rules for Judges	153
1. Substantive Rules	153
2. Illinois Courts Commission	153
B. Ethical Rules for Attorneys	153
1. Substantive Rules	153
2. Illinois Attorney Registration and Disciplinary Commission	154
C. Bar Association Ethics Opinions	155
IV. Updating Ethical Rules	156
V. Researching Local Federal Rules	156
Additional Resources	157
Chapter 9 Form Books, Forms, and Jury Instructions	159
I. Introduction	159
II. How to Use Form Books	161
A. Research First	161
B. Take Care When Combining Provisions	161
III. Finding Illinois Form Books	162
IV. Legal Forms from Cyberspace	164
V. Federal Court Forms	164

VI. Illinois Jury Instructions	165
Additional Resources	166
Chapter 10 Looseleaf Services	169
I. Introduction	169
II. Finding Looseleaf Services	171
III. Using Looseleaf Services in Print	172
IV. Citing Looseleaf Services	172
V. Using Computerized Databases as Looseleaf Services	173
Additional Resources	174
Chapter 11 Legal Citation	177
I. Six Citation Functions	177
A. Establish Authority	177
B. Minimize Distraction	177
C. Ensure Accuracy	178
D. Avoid Plagiarism	178
E. Promote Concise Writing	180
F. Show Subsequent Legal History	181
II. Citation Manuals	181
A. The Bluebook	181
B. The University of Chicago Maroon Book	183
C. The ALWD Citation Manual	183
D. Illinois Citation Rules	184
III. Samples of Specific Citations	185
Sample Citations	186
Additional Resources	193
Chapter 12 Electronic Legal Research	195
Additional Resources	197
Appendix A Website Addresses for Illinois Courts	201
Federal Courts	201
State Courts	202



xiv • Contents

Appendix B Selected Constitutional Offices, Administrative Agencies, and Special Government Commissions and Committees for the State of Illinois	205
Appendix C Illinois Legal Research Quiz	217
Index	221



Foreword

by Chief Justice Mary Ann G. McMorrow

The preamble to the Illinois Rules of Professional Conduct emphasizes that the “practice of law is a public trust.” Lawyers are officers of the court vested with the responsibility of maintaining public confidence in our justice system by acting ethically and competently at all times. Pursuant to Rule 1.1 of the Illinois Rules of Professional Conduct, a lawyer is required to provide “competent representation” to a client. In turn, “competent representation” is defined by the Rule as having “the legal knowledge, skill, thoroughness and preparation necessary for the representation.” A special task force of the American Bar Association on law schools and the legal profession authored a report that recognized that “[i]t can hardly be doubted that the ability to do legal research is one of the skills that any competent practitioner must possess.”¹ That report concluded that “[i]n order to conduct legal research effectively, a lawyer should have a working knowledge of the nature of legal rules and legal institutions, the fundamental tools of legal research, and the process of devising and implementing a coherent and effective research design.”²

Professor Wojcik’s book provides a state-specific resource to aid both students and lawyers in researching Illinois case law, Illinois statutes and local ordinances, Illinois administrative law, and other sources of legal information. Because of his many years of experience teaching courses in effective legal writing, Professor Wojcik has

1. Legal Education and Professional Development: An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap 163 (1992).

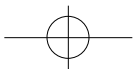
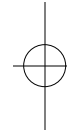
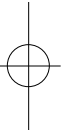
2. *Id.*



xvi • Foreword

had the opportunity to observe and identify the most problematic aspects of legal research. This book may assist both law students and law practitioners to overcome such problems.

Effective and persuasive legal advocacy is grounded in accurate and thorough legal research. A lawyer must be able to capably research the law to provide competent representation and to ensure that the high standards of the legal profession are upheld. This book outlines the fundamental principles of researching Illinois law, and should be a valuable addition to the libraries of Illinois lawyers.



Preface and Acknowledgments

For more than a decade, I have had the pleasure of teaching legal research and writing. Over these years, I have learned much about effective legal research tools and strategies. I am still learning, because there are so many developments in legal research materials and methods.

This book can be used in several ways:

1. New lawyers, law students, and paralegals who are familiar with (or who are now learning) research skills from national research texts can use this book as a state-specific supplement to the national legal research texts.
2. Law students and paralegals who are just beginning their studies can use this book as a primary tool for learning legal research skills in primary and secondary law sources. Armed with knowledge of one state's legal system and resources, a researcher can transpose that knowledge to other jurisdictions and to problems involving federal legal research.
3. Government employees, including those who work in the legislative, judicial, and executive branches of state government, can use this book for general guidance and specific tips on efficient legal research.
4. Political scientists, academics, members of the public, and librarians without specialized legal training can use this book as an introduction to legal research skills and resources available in Illinois.
5. Legal researchers in other jurisdictions can use this book to increase the efficiency of their research strategies for problems involving Illinois law.
6. New lawyers and experienced professionals can use this book to identify recent developments in legal research as

xviii • Preface and Acknowledgments

well as “legal research secrets” that will make all researchers more efficient and effective.

In preparing the materials for this book, I looked not only at Illinois legal materials, but also at research guides for other states. I found a marvelous book—*Florida Legal Research* written by Suzanne Rowe, Barbara Busharis, and Lisa Kuhlman Tietig. Carolina Academic Press published the first edition of that book in 1998, and the second edition in 2002.¹ The popularity and success of that book proved it to be a good general model for a state research guide – a book that was a teaching tool rather than a bibliographic compilation of state legal research sources. A book that would not necessarily replace the national research texts, but would explain the special sources of state legal research that are often ignored or only briefly mentioned.

This book on Illinois legal research thus owes much to Suzanne Rowe, Barbara Busharis, and Lisa Kuhlman Tietig. Although I had been working on various versions of *Illinois Legal Research* for several years before I found their book on Florida Legal Research, it was the format of their book that finally made this book a reality. It was also the success of that book that convinced Keith Sipe and Bob Conrow at Carolina Academic Press to allow me to prepare this first edition of *Illinois Legal Research* and to plan future volumes for other jurisdictions. These books are intended to become part of a national series of state-specific legal research guides to supplement national research texts.

Many judges, lawyers, law students, and law librarians from Illinois and across the country have helped me directly and indirectly with this present work. I am particularly grateful to Dorothy In-Lan Wang Li, Director of the Law Library at The John Marshall Law School, and to the professional law librarians and library staff who provided not only enthusiastic support and encouragement for this book, but also astute proofreading and editing assistance. This book

1. Barbara J. Busharis & Suzanne E. Rowe, *Florida Legal Research: Sources, Process, and Analysis* (2d ed., Carolina Academic Press 1998).

Preface and Acknowledgments • xix

would not have been possible without their help. I am particularly grateful to Anne Abramson, Thomas Budny, Claire Toomey Durkin, Phyllis Finney, Bob Ilseman, Thomas Keefe, Kym Ogden, Victor Salas, Patricia Scott, and William Wleklinski, all of The John Marshall Law School Law Library. They not only closely reviewed drafts of many chapters, but they also undertook extensive discovery on minute points of Illinois law for the benefit of this book. For their additional comments, assistance, and support, I also thank Professors Gerald Berendt, Susan Brody, Joseph Butler, John Corkery, Joel Cornwell, Sonia Bychkov Green, Ardath Hamann, Kevin Hopkins, Gil Johnston, Walter Kendall, Maureen Straub Kordesh, Ann M. Lousin, Marie Monahan, Frank Morrissey, Sandy Olken, William Mock, Tim O'Neill, Leslie Reis, Ron Smith, David Sorkin, and Julie Spanbauer. And for their professional support, I thank Gwen Konigsfeld, Diane Gordon, and Cristine Cotter.

I thank Chief Justice Mary Ann G. McMorrow of the Illinois Supreme Court for writing the foreword to this book, and for her helpful suggestions for revisions of specific portions of the draft text. I am grateful to an army of research assistants, particularly David Hall, Ronak Joshi, Panagiota Kelali, Brian Nielson, Adam Powers, Zubaida Qazi, and Michael Roberts. I also thank many other students who helped with their comments on drafts of this work, including Michael Fenwick, Russell Kochis, Larisa Morgan, John Scott, and Dr. Janet Lee Walters.

I extend special thanks to Michael J. Faley, law clerk for the Illinois Appellate Court; John Kirkton of the Law Bulletin Publishing Company of Chicago; Rhea Ramsey of LexisNexis; Ellen Schanzle-Haskins, Director and Deputy Clerk for the Illinois Court of Claims; Bill Dineen, of the Cook County Forest Preserve District; and Lori Schneider of the Day Care Action Council. I also thank Howard Suskin of Jenner & Block, with whom I presented a full-day training program on "An Effective Approach to Legal Writing and Research."

I wish to thank my legal research and writing colleagues across the country. For their help on this book, I wish to acknowledge Barbara Busharis, Charles Calleros, Maureen Collins, Darby Dickerson,

xx • Preface and Acknowledgments

Bryan Garner, Mark Giangrande, Peter Jan Honigsberg, Joseph Kimble, Terri LeClerq, Sue Liemer, Suzanne Rowe, Amy Sloan, and Christopher Wren.

I also extend my gratitude to the institutions that enabled me to write this book, including the Chicago Historical Society, the Chicago Public Library, The John Marshall Law School and Chicago Bar Association Law Library, the Illinois Supreme Court Law Library, the Hawaii Supreme Court Law Library, and the University of Hawaii Law School Law Library.

I am extremely grateful to my partner, David Austin, for his constant support and encouragement.

Any errors in the book are mine alone.

Mark E. Wojcik
July 2003

A Note on Citation Format

The citation format for sources found in the footnotes for each chapter largely follow the second edition of the *ALWD Citation Manual*, a book written by Dean Darby Dickerson and the Association of Legal Writing Directors. This manual is far easier to use than *The Bluebook*, and those reading the citations will seldom notice that they follow the *ALWD Citation Manual* instead. Experienced lawyers who have not yet seen the *ALWD Citation Manual* should make a point of getting a copy – its rules are familiar and the format is easy to use.

Persons who need to use *The Bluebook* citation manual can find in Chapter 11 a comparison of the citation formats of common primary and secondary law sources.