

United States Collection

INTRODUCTION

Middle Temple Library holds one of the largest collections of American law outside the United States. The main aim of the collection is to provide practitioners with quick access to US case law within the precincts of the Inns of Court, and to basic supporting materials. Members who require more specialist texts or expertise will find both at the Institute of Advanced Legal Studies in Russell Square.

ACCESS TO THE COLLECTION

The collection is housed on the third floor of the Library, which is shared by the Education Department for advocacy training. This means that on occasion some of the rooms will not be accessible to members. If this is the case, please ask a member of staff at the Enquiry Desk for help. All material housed in the training rooms is also available through Westlaw US, which may be accessed on all of the public Library computer terminals.

CASE LAW

A major part of the collection consists of the *National Reporter* series of Federal and State law reports. Early reports are housed mostly off-site with online access available through HeinOnline and LLMC Digital.

Although more recent volumes of the *National Reporter* are no longer available in hard copy (cancelled July 2010), the full series is available online through Westlaw US

The Honourable Society of the Middle Temple
The Library, Ashley Building
Middle Temple Lane
London EC4Y 9BT



CONTACT

Lauren Cummings
Assistant Librarian

Tel: 020 7427 4830

Fax: 020 7427 4831

Email:

library@middletemple.org.uk

Web:

[www.middletemple.org.uk/
library](http://www.middletemple.org.uk/library)

CITING LEGISLATION

Federal legislation is issued in 3 stages. The first is as an individual slip or public law, which is cited using a public number (for example: Pub. L. 107-56).

Public laws are collected at the end of each legislative session and arranged chronologically as session laws. Session laws have been corrected and are the most authoritative form of the law. The official source for session laws is *Statutes at Large*, which is cited as: Volume State. Page (for example: 115 Stat. 272)

Codes arrange current legislation by subject and incorporate amendments or repeals. The *United States Code* (USC)

LEGISLATION

Federal legislation published in the series *United States Statutes at Large* is held from Vol. 1 (1st Congress, 1776) to Vol. 118 (108th Congress, 2004) and is located off-site. All enacted laws from 1776 to the present day are available online through multiple sources, both free and subscription.

Uniform Laws Annotated contains the text of uniform and model laws adopted by at least one state. The library holds some common uniform laws, such as the Uniform Commercial Code, which has been either fully or partially enacted in all 50 states.

TEXTBOOKS, REFERENCE & JOURNALS

The Library holds a broad range of textbooks, including authoritative titles on areas of practice such as civil procedure, family law, and insurance law, major multi-volume works such as Speiser's *American Law of Torts* and *Williston on Contract*, and texts on other subjects of particular significance to British lawyers.

Reference works held include *Words and Phrases* (a multi-volume legal dictionary containing judicial definitions from both state and federal courts) (print updates cancelled in 2020; but available online through Westlaw US). *Corpus Juris Secundum* (a legal encyclopædia comparable to *Halsbury's Laws*) (print updates cancelled in October 2020, but available online through Westlaw US) and *Restatements of the Law* (distillations of the common law in subject areas such as contract and property). Although not primary law, *Restatements* are often cited in court and are considered persuasive authority.

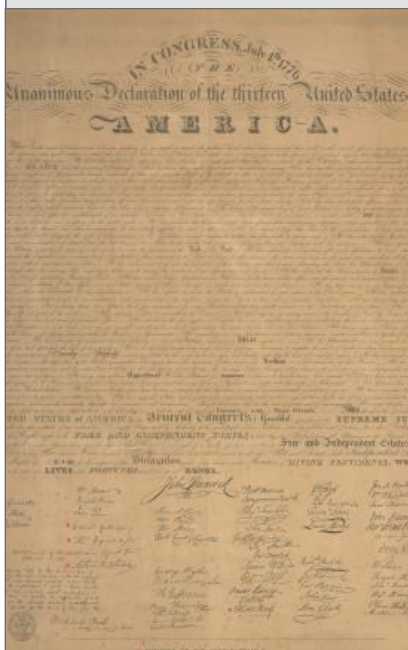
The Library also continues to collect the *Harvard Law Review* in print. *Yale Law Journal* (to 2001) and *Notre Dame Law Review* (to 2020) are housed off-site. All three titles are available online through multiple sources—check the library catalogue.

ELECTRONIC RESOURCES

The majority of federal, state, and district cases as well as current legislation may be accessed online through Westlaw US. This database is also home to a vast library of secondary sources.

Access to articles from thousands of US journal titles is provided by HeinOnline, which also contains the US Congressional documents collection, including the *Congressional Record* (the US equivalent of *Hansard*). HeinOnline also provides access to supreme court cases and historic case law from the states.

The Library also has access to LLMC Digital for historic case law from the states as well federal material, including legislation.



AMERICAN LEGAL SYSTEM

The American legal system consists of two parallel but entirely separate systems. The federal system applies at a national level, and each of the 50 states also has its own legal system.

The federal courts deal with matters of federal law, relations between states, and relations between the federal government and foreign states. State courts deal with disputes between private citizens, and most criminal offences. Which system has jurisdiction will therefore depend on the subject matter of the case.

With the exception of the US Supreme Court, federal courts do not hear appeals from state courts.

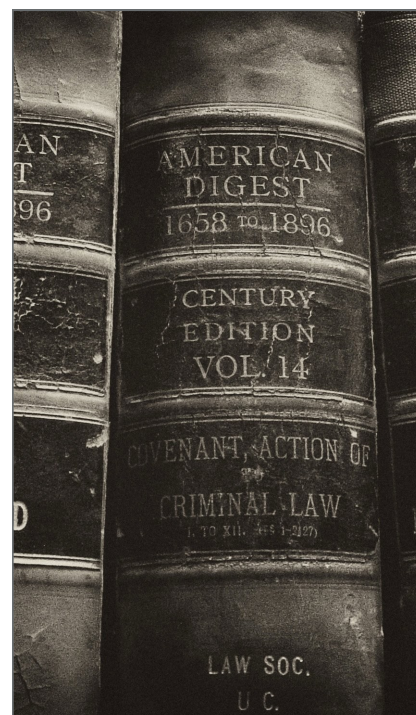
THE FEDERAL SYSTEM

The federal courts of first instance are the US District Courts. There is at least one Federal District Court in each state, and they are named according to the states in which they are located. Larger states have more than one district court. For example, New York has four: Northern District, Eastern District, Western District and Southern District. Pre-1932 District Court decisions are published in the *Federal Reporter*, and from 1932 onwards in the *Federal Supplement*, both of which are held in print through 1996 from which point they are available online through Westlaw US

There is a right of appeal from the District Courts to the US Courts of Appeals. These are arranged in 13 circuits and are the courts of last resort for the majority of federal cases. A decision of a Circuit Court is binding on District Courts belonging to that Circuit, and persuasive to District Courts in other Circuits and to other Circuit Courts. Decisions are published in the *Federal Reporter*.

The highest court in the federal system is the US Supreme Court, which sits in Washington DC. Appeals may only be brought with leave, and its decisions are binding on all federal courts. Decisions of the Court are reported in three series: the *United States Reports* (the official Government Printer's series, held in print through 1972), the *Supreme Court Reporter* (part of the *National Reporter* series and held in print through 2006). These two series are available online through HeinOnline and Westlaw US, respectively. A further series, the *United States Supreme Court Reports. Lawyers' Edition*, is not collected by the Library.

Federal legislation is passed by Congress and is published in two series: the *United States Statutes at Large*, which arranges the acts in chronological order, and the *United States Code* (USC) which arranges the law by subject with amendments.



CITING CASES

US case law citations usually contain a volume number, an abbreviation for the report, and a page number, much like British citations, except that the date (where it is included) is given in round brackets at the end of the citation.

For example, a case heard in the Supreme Court, such as *Gideon v Wainwright*, could be cited as 372 US 335 (1963).

For more about citing American cases see *The Bluebook*.



THE STATE SYSTEM

The structure of the court system varies from state to state. Decisions are reported in a series of regional reporters, named after their location within the US. The states included in a specific region are listed on the title page of each volume. For example, the *Atlantic Reporter*, contains cases from Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Rhode Island and Vermont.

State statutes, like federal statutes, are published chronologically as session laws and as codes.

Uniform Laws are drafts of proposed legislation for consideration by each state. Some uniform laws have been widely adopted in the suggested form, while others are rarely adopted or significantly altered.

Five of the original signatories to the 1776 Declaration of Independence were Middle Templars and seven Middle Templars were amongst the 39 original signatories to the US Constitution.

INTERNET SOURCES

American Bar Association's Lawlink: a gateway to resources on federal, state and international legislation, the American legal profession, legal research and business and reference information:

www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/lawlink

American Law Sources Online (ALSO): a compilation of links to free online source of US and Canadian law - covers both Federal and State legislation: www.lawsource.com/also

Code of Federal Regulations: issued by the federal government, these regulations are equivalent to UK statutory instrument. The eCFR is continually updated: <https://www.ecfr.gov>

Congress.gov: is the official website for US federal legislative information and is maintained by the Library of Congress: www.congress.gov/

FindLaw: a useful site covering Federal and State laws: codes, statutes, regulations, historical documents and background information on US courts and government; also Supreme Court decisions since 1999 and opinions from Courts of Appeal: <http://www.findlaw.com>



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Google Scholar: now gives full text legal opinions from US federal and state district, appellate and supreme courts, as well as links to other opinions and articles citing them. Use "Advanced Scholar Search": scholar.google.co.uk

Government Printing Office (GPO): provides public access to official government information, e.g. history of bills with full text of each version and signed public and private laws, Congressional debates, US Code unannotated back to 1995, Federal Register and Code of Federal Regulations: www.gpo.gov/fdsys/

Justia: basic docket information for federal district courts and courts of appeal, 2004 onwards: party names, date filed, court, docket number. Useful for finding out about pending appeals: <https://dockets.justia.com/>

Legal Information Institute, Cornell University: text of federal and state legislation, court opinions and law directories - a good source for searching codes and updating GPO site: www.law.cornell.edu

LexisNexis Legal Newsroom: Legal news headlines, commentary and analysis: www.lexisnexis.com/legalnewsroom/

National Center for State Courts: Links to state court websites, most of which provide quite extensive collections of cases and other resources: [http://www.ncsc.org/](http://www.ncsc.org)



PACER (Public Access to Court Electronic Records): there is a small charge for this service, which offers case and docket information of Circuit and District Courts: www.pacer.gov/psco/cgi-bin/links.pl

Supreme Court: contains judgments since 1991, including the latest slip opinions: www.supremecourt.gov

Uniform Law Commission: text of Uniform Laws: www.uniformlaws.org

US Law Library of Congress: information on the legal system, including sources, legal profession and Federal Court system: www.loc.gov/law/

Photocopiers are available on the first and second floors of the library.

PHOTOCOPYING

Although there is no photocopier in the American floor itself, there is one located on the Gallery and two on the First floor for member's use.

Copies cost 10p per A4 sheet– ask a member of staff at the Enquiry Desk to set up a photocopying and printing account for you.

ONLINE LEGAL RESEARCH GUIDES

Using American resources can be quite different from using their British counterparts. For more information on undertaking American research see the following websites:

General Legal Research: researchguides.lawnet.fordham.edu/index.php

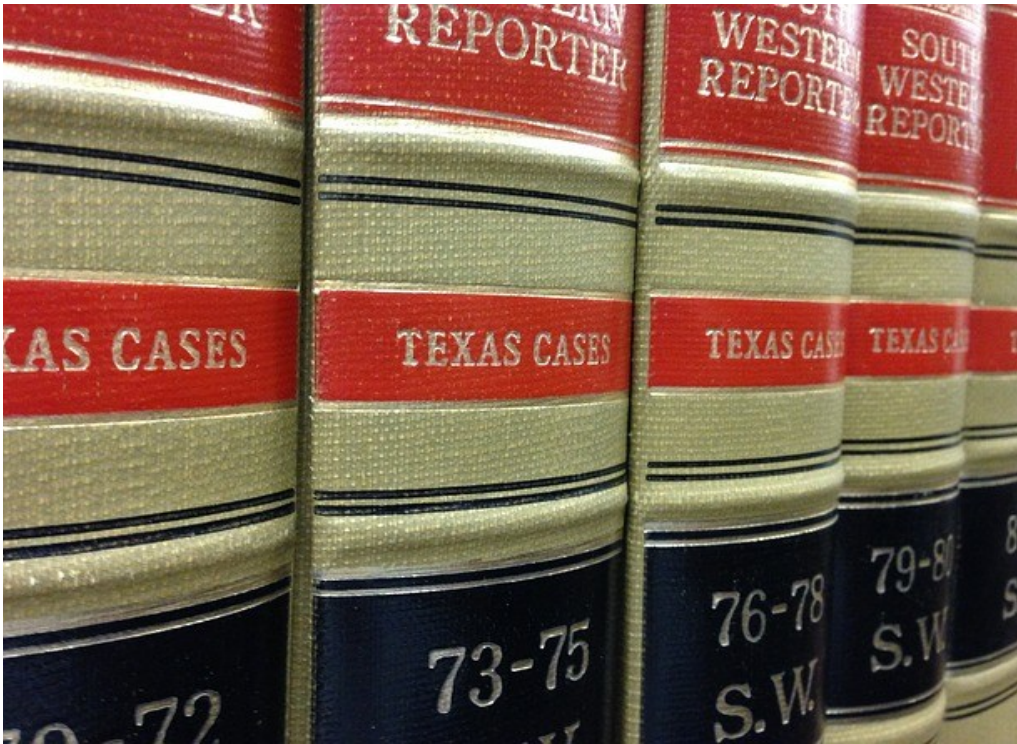
Court Structure: <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>

Federal Register: www.archives.gov/federal-register/tutorial/

Hein Online: help.heinonline.org/

Legal Citation (Bluebook) (created by Cornell University Law School, Legal Information Institute): www.law.cornell.edu/citation/

Westlaw US (created by Harvard Law School Library): www.law.harvard.edu/apps/library/video/popnametable_skin.swf



CAPITAL PUNISHMENT COLLECTION

Although not formally part of the US collection, the capital punishment collection is also located on the third floor. It was created in 2005 partly by request of members of the Inn who had advised inmates of death rows in different states of the US.

The collection consists of donations from the private libraries of Master Blom-Cooper, Professor Anthony Amsterdam and Professor Roger Hood, among others. Books and documentaries

have also been donated by Amicus, Amnesty International, Reprieve and the Illinois-based Centre on Wrongful Convictions.

The capital punishment collection is available for use both in the library and for short loan periods to members, researchers and campaigners. Please ask at the Enquiry Desk for further details.

HISTORY

Middle Temple has always enjoyed a close relationship with the United States, with links going back to Elizabethan times. Five of the original signatories to the 1776 Declaration of Independence were Middle Templars, and there is a copy of the first authorised printing on the third floor landing. Seven Middle Templars were amongst the 39 original signatories to the US Constitution.

Over the years, the collection has been enriched by donations from sources such as the Carnegie Endowment for International Peace (over 2000 volumes) and the American Ambassador the Hon. W. Aldrich (over 500 volumes).

Our ties are still maintained through the American Bar Association, the American Inns of Court, and through the United States Ambassadors who are made Honorary Benchers of the Inn.

Notes

The Honourable Society of the
Middle Temple
The Library
Ashley Building
Middle Temple Lane
London EC4Y 9BT

Phone: 020 7427 4830

Fax: 020 7427 4831

E-mail:

library@middletemple.org.uk

Web:

[www.middletemple.org.uk/
library](http://www.middletemple.org.uk/library)

