

WASHINGTON STATE LAW LIBRARY

TEMPLE OF JUSTICE

Post Office Box 40751
Olympia, WA 98504-0751

<http://www.courts.wa.gov/library>

Fax: (360) 357-2143

TDD: (360) 357-2115

General Information

(360) 357-2136

WELCOME

The State Law Library was originally a part of the State Library. In 1907, the State Law Library Committee was charged with appointing the State Law Librarian, who would also serve as the Deputy State Librarian. The State Law Library has occupied the Main Reading Room in the Temple of Justice since the building was opened in 1913.

In 1959, under Revised Code of Washington chapter 27.20, the State Law Library was made a part of the Supreme Court. It serves employees of all three branches of state government and provides some services to local governments. We are also open to the public.

With over 55,000 titles and over 330,000 volumes, the collection is one of the largest legal collections in the Far West. It is one of the few law libraries in the Pacific Northwest to have primary materials from all fifty states, including published official reports and statutes. The collection includes a comprehensive set of primary federal materials. The Library has a large collection of legal periodicals. The treatises collection is comprehensive.

It has a full set of printed briefs for the Washington Reports, First and Second series, and for the Washington Appellate Reports. In addition, the collection has early Washington territorial laws and reports and copies of early Washington state codes and statutes.

The Library has many early sets of reports and statutes from other states and from the federal government.

The Law Library is a selective federal depository library and a depository for materials published by the State Justice Institute.

The renovation of the historical Temple of Justice was completed in 1989. The State Law Library continues to occupy the Main Reading Room as well as a portion of the lower floor of the building.

Primary materials are located in the Main Reading Room, on the lower floor, and on the Mezzanine. Located on the lower floor are: periodicals, such as law reviews, journals and newspapers and treatises; Canadian and English materials; and, the microfiche collection. Some older materials are stored off-site.

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10 Easy Steps to Legal Research

1. Become familiar with the State Law Library
 - Main floor and mezzanine: Primary materials such as statutes, codes and court reports
 - Lower Level: Treatises, loose-leaf services, law reviews and journals, and microfiche
2. Know your facts
 - What is the subject
 - What has happened: who, what, when, where, why and how
3. Classify the problem
 - Is it under state or federal jurisdiction
 - Is it a civil or criminal case
4. Be familiar with the organization of the judicial system
 - Federal: Supreme Court, Court of Appeals, or District or Bankruptcy Courts
 - State: Supreme Court, Court of Appeals, or trial level courts, e.g. Superior or District Courts
 - Administrative tribunals
5. Select the appropriate background search
 - Legal dictionaries are helpful in defining terminology used in similar cases
 - Legal encyclopedias give an overview of the subject
6. Use indexes to find an exact page or to find information on a particular subject
7. Use primary sources
 - Statutes or acts passed by U.S. Congress or state legislatures
 - Rulings, decisions or opinions of courts
 - Regulations of state and federal agencies

8. Use secondary sources

- **Treatises**
- **Law Reviews**
- **Loose-leaf services**

9. Check for the most current information

- **Newest edition**
- **Most recent supplement**
- **Pocket parts**

10. Use LoisLaw to find a table of subsequent cases citing to the original case for further history and treatment in the courts

NOTE.—See our “Internet Legal Research Guide” for further information; an interactive edition is available at the Library’s website.

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LEGAL RESEARCH ON THE INTERNET

The list below provides a set of useful starting places for legal research on the Internet. It is not intended to be exhaustive. For additional information please consult your local library.

WASHINGTON STATE

CONSTITUTION

http://www.leg.wa.gov/pub/other/washington_constitution.txt - Constitution text

<http://www.courts.wa.gov/education/constitution/> - Washington Constitution

LEGISLATURE

<http://www.leg.wa.gov/legislature> - Legislature home page

<http://www.leg.wa.gov/wsladm/billinfo1/bills.cfm>

Bill information - committee reports, amendments, digests, daily bill status, topical index, etc. Contains full text of bills from 1997 - those currently before the legislature. Key word searching is available

REVISED CODE OF WASHINGTON (RCW)

<http://www.legalwa.org> or <http://www.leg.wa.gov/rcw/index.cfm> - Full text of the current Washington code. Search by title, chapter or keyword.

WASHINGTON ADMINISTRATIVE CODE (WAC)

<http://www.legalwa.org> or <http://www.leg.wa.gov/wac/> - Full text of the current Washington code. Search by title, chapter or keyword.

WASHINGTON STATE REGISTER

<http://www.leg.wa.gov/CodeReviser/Washington+State+Register/> - Includes proposed, emergency, and adopted rules, executive orders, etc.

CITY AND COUNTY MUNICIPAL CODES

<http://www.mrsc.org>

WASHINGTON ATTORNEY GENERAL OPINIONS

http://www.atg.wa.gov/opinions/opinion_index.shtml - Contains AG opinions back to 1949

WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD DECISIONS

<http://www.gmh.wa.gov/> Contains Growth Management Hearings Board decisions from 1992 to present.

WASHINGTON STATE COURTS

<http://www.courts.wa.gov> - Comprehensive site for general court information, court rules, and selected forms.

http://www.courts.wa.gov/appellate_trial_courts/supreme/?fa=atc_supreme.style - Repr. of Decisions Style Sheet

<http://www.courts.wa.gov/opinions> - Recent Supreme and Appellate Court slip opinions.

<http://www.legalwa.org> - Washington Court Rules and Supreme and Appellate Court Decisions including Territorial and 1st series cases

(Caution: this is an unofficial database that does not mirror the report of the opinions in the official reports.)

<http://www.courts.wa.gov/forms> Washington Legal Forms - domestic, protection orders, criminal, appellate

http://www.courts.wa.gov/court_dir/ Washington Court Directory

<http://www.tvw.org> - Public TV: Coverage of State Government, Agency and Supreme Court Hearings

http://www.courts.wa.gov/court_dir/?fa=court_dir_facils Family Law Facilitator List

<http://www.courts.wa.gov/index.cfm?fa=dw.resources>

WASHINGTON STATE LAW LIBRARY

<http://www.courts.wa.gov/library> - Legal research guides, research assistance, catalog and "chat".

WASHINGTON STATE BAR ASSOCIATION

<http://www.wsba.org> - Consumer pamphlets, self-help guides, lawyer link (bankruptcy, criminal law, dissolution, landlord-tenant, legal fees, marriage, probate, real estate, trusts, wills)

OTHER STATES

STATUTES

<http://www.law.cornell.edu/statutes.html> - Federal and State constitutions, statutes and codes.

OPINIONS, STATUTES ETC.

<http://www.washlaw.edu>

Comprehensive sites of addresses for state court opinions.

CITY, COUNTY AND MUNICIPAL CODES

<http://www.mrsc.org>

FEDERAL MATERIALS

<http://www.firstgov.gov>

Official website for searching the U.S. Government Congress

<http://thomas.loc.gov> -

Full text of legislation, amendments, committee reports, bill summary and status.

<http://www.house.gov/house/govsites.html>

House of Representatives Internet Law Library: federal law, law of states by subject. With links to state codes.

FEDERAL REGISTER

<http://www.gpoaccess.gov/multidb.html> - Key word search.

US CODE

<http://uscode.house.gov/search/criteria.shtml>

U.S. Code

<http://www4.law.cornell.edu/uscode> -

Includes full text of US code. Access by key word search.

STATUTES AT LARGE

<http://memory.loc.gov/ammem/amlaw/lwsl.html> - U.S. Statutes for the first 43 Congresses (1789-1875)

CODE OF FEDERAL REGULATIONS

<http://www.gpoaccess.gov/cfr> -

National Archives and Records Administration site. Includes: Federal Register, Public Laws, Weekly Compilation of Presidential Documents, and more.

<http://www4.law.cornell.edu/cfr> -

A browse-able front end to the CFR materials on the GPO Access site. May work a bit better; easier to navigate, and understand than the GPO site.

FEDERAL COURTS

<http://www.uscourts.gov>

Has links to US Supreme Ct., Ct. of appeals, District Ct. & Bankruptcy Ct. Sites. Includes information on court structure, electronic filings, history, etc.

U.S. SUPREME COURT

<http://supct.law.cornell.edu/supct/index.html> -

Decisions of the U.S. Supreme Court; 1990-present, current term, & selected cases; 1937-1975, vol. 300-422 U.S. Reports

http://supreme.lp.findlaw.com/supreme_court/resources.html - Search and view full text of Supreme Court Decisions issued since 1893

U.S. COURT OF APPEALS

<http://www.uscourts.gov/links.html>

U.S COURT OF APPEALS 9th Circuit

<http://www.ca9.uscourts.gov>

OTHER STARTING POINTS

<http://washingtonlawhelp.org/>

Legal research site for non-attorneys primarily low income persons

<http://lib.law.washington.edu>

Gallagher Law Library, University of Washington

<http://www.law.cornell.edu/>

Comprehensive research site

<http://www.lib.umich.edu/govdocs/index.html>

University of Michigan Federal Documents Center.

<http://www.loc.gov/law/guide/nations.html>

Law Library of Congress, International Legal and General Information.

<http://www.martindale.com>

National lawyer directory

<http://www.findlaw.com>

Legal research on many U.S. topics

<http://www.megalaw.com>

Legal research on many U.S. topics

<http://www.hg.org>

Hieros Gamos - International resources

<http://www.catalaw.com/info/map.shtml>

Catalog of catalogs of worldwide law on the Internet

<http://lawweb.usc.edu/library/resources/journals.html>

Periodical website

<http://library.osgoode.yorku.ca/mr/linksjournal/york.htm>

Periodical website

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Monday through Friday
8:00 AM - 5:00 PM

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Visit our Web Site

<http://www.courts.wa.gov/library>
for

1. Starting points for Legal Research
- Internet sources
2. Informational brochures on RCW,
WAC, court reports and more
3. Reference Assistance
4. Photocopy Requests

Other Local Resources:

Washington State Archives
360-586-1492

Washington State Library
360-753-5592

Timberland Regional Library
360-352-0595

Under SAR 18, the Law Library's primary mission is to serve the Supreme Court, the Legislature, the Governor's Office, the Office of the Attorney General and state employees. In addition, the Law Library is open to the public and participates in interlibrary loans with other libraries throughout the Pacific Northwest

MAIN READING ROOM RESOURCES

Federal and State
Primary Materials

Alabama through Illinois

MEZZANINE

State Primary Materials

Illinois (cont.) through Wyoming

PERIODICAL READING ROOM RESOURCES

*Periodicals, treatises, textbooks,
microfiche, foreign materials*

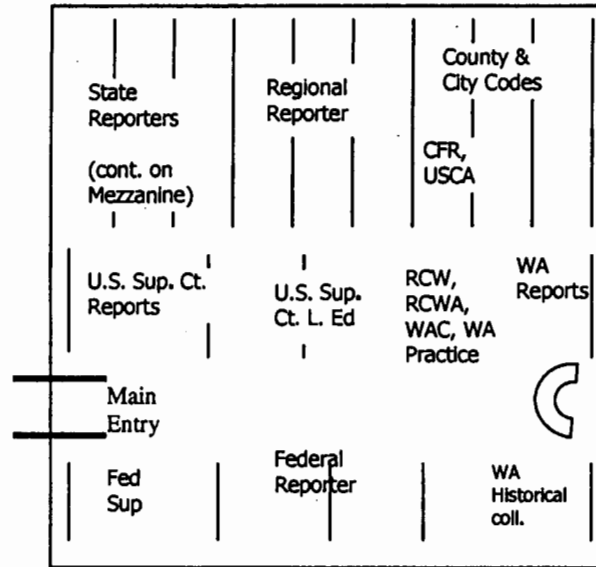
Self Service Photocopying

\$.10 per page
both floors

What does the Law Library offer?

- ❖ Comprehensive legal collection
- ❖ Statutes & codes, rules & regulations, court rules, court reports
- ❖ Federal materials:
U.S. Official Court reports, USCA, CFR, Federal Register
- ❖ Over 1,000 Law Reviews in English
- ❖ Legal treatises and textbooks
- ❖ Basic books for the non-lawyer
- ❖ Foreign collection: Canada and England
- ❖ Reference Assistance, not legal advice
- ❖ **GEORGE** — the On-line public access catalog

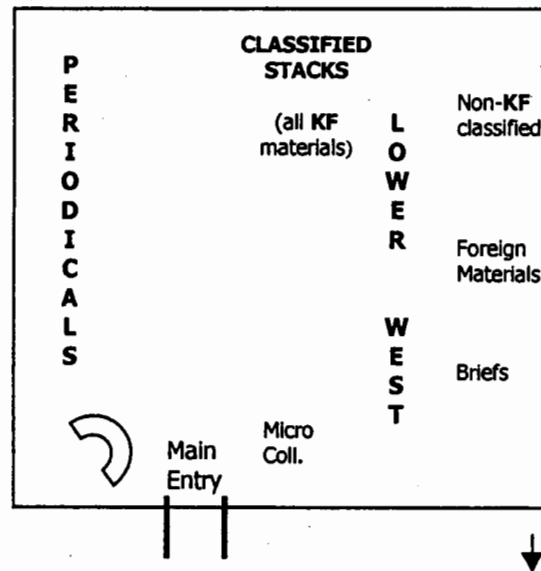
MAIN LEVEL



WASHINGTON MATERIAL

- ✓ Official Court Reports
- ✓ Briefs
- ✓ Statutes and Codes
- ✓ Rules and Regulations
- ✓ Territorial Laws
- ✓ Legislative Bills and Journals
- ✓ County and city codes

LOWER LEVEL



CD-ROM Collection includes:

- Official Washington Reports
- WAC
- RCW
- CFR
- West's Ninth Circuit Reporter
- Washington Practice

Welcome to the Washington State Capitol Campus



Legend



Visitor Parking
50 cents per hour.

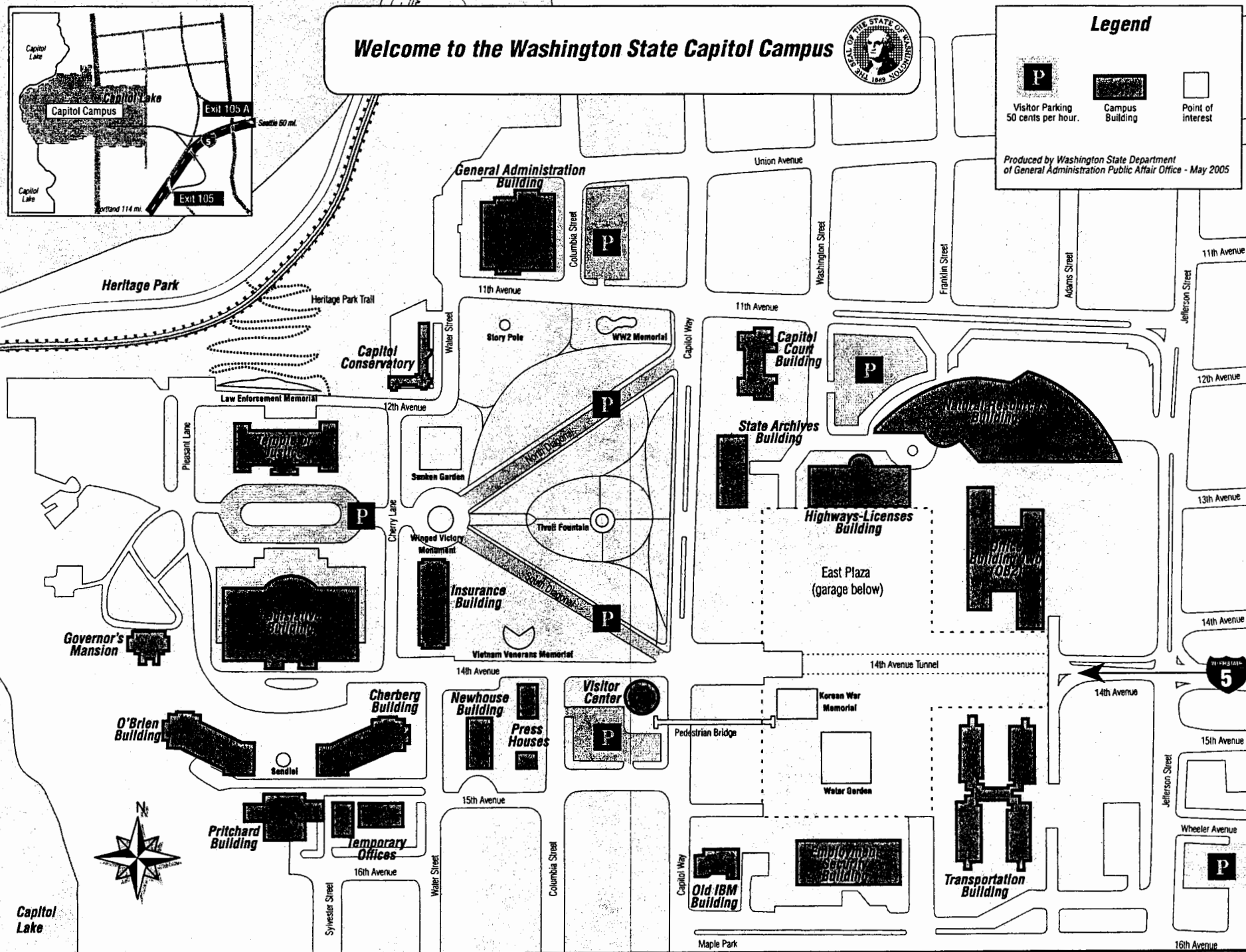
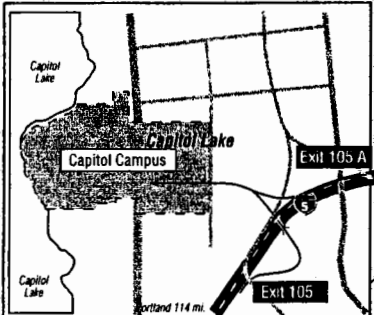


Campus Building



Point of Interest

Produced by Washington State Department of General Administration Public Affairs Office - May 2005



Capitol Lake

16th Avenue



Jefferson Street

Wheeler Avenue



Maple Park

Capitol Way

Old IBM Building

Employment Security Building

Transportation Building

Water Garden

Korean War Memorial

Pedestrian Bridge

Visitor Center

Press Houses

Newhouse Building

15th Avenue

Water Street

Sylvester Street

Temporary Offices

Pritchard Building

Sundial

O'Brien Building

Cherberg Building

14th Avenue

Insurance Building

Winged Victory Monument

Samson Garden

Capitol Conservatory

Law Enforcement Memorial

Pleasant Lane

Cherry Lane

Water Street

Story Pole

WW2 Memorial

Capitol Way

State Archives Building

Highways-Licenses Building

East Plaza
(garage below)

14th Avenue Tunnel

14th Avenue

14th Avenue

13th Avenue

12th Avenue

11th Avenue

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**WASHINGTON STATE LAW LIBRARY
POPULAR UNITED STATES SUBJECTS**

(360) 357-2136

Administrative law	KF5401-5425
AIDS	KF3803.A54
Alcohol	KF3901-3925
Americans with Disabilities Act	KF480
Americans with Disabilities Act (employment)	KF3469
Bankruptcy	KF1501-1548
Building law	KF5701-5710
Business corporations	KF1396-1480
Child support	KF549-550
Civil procedure	KF8810-9075
Civil rights	KF4741-4788
Commercial law	KF871-935
Constitutional law	KF4501-5130
Construction law (contracts)	KF901-905
Contracts (general)	KF801-1241
Copyright	KF2986-3080
Criminal law	KF9223-9479
Criminal procedure	KF9601-9827
Damages (breach of contract)	KF836-839
Damages (other)	KF445-446
Discovery (civil)	KF8900
Divorce	KF531-535
Domestic relations	KF501-553
Drugs	KF3885-3895
Drunk driving	KF2231 & 8925.T7
Education	KF4101-4257
Employment discrimination	KF3464-3469
Environmental law	KF3775
Estates	KF726-780
Evidence (bankruptcy)	KF1530.E87
Evidence (criminal)	KF9660-9677
Evidence (general & civil)	KF8931-8968
Family law	KF501-553
Form books (general)	KF170

Form books (civil procedure)	KF8900.A3
Immigration	KF4801-4836
Income tax	KF6351-6499
Indians	KF8201-8228
Instructions to juries (civil)	KF8984
Instructions to juries (criminal)	KF9682
Insurance	KF1146-1238
Judicial administration	KF8700-8709
Juvenile justice	KF9800-9827
Labor	KF3301-3580
Landlord/tenant	KF586-593
Law office management	KF318-320
Legal ethics & discipline of lawyers	KF305-309
Maritime law	KF1096-1114
Medical legislation	KF3821-3832
Patents	KF3091-3165
Personal injury (torts)	KF1256-1257
Personal injury (trial practice)	KF8925.P4
Probate	KF765-769
Public health	KF3775-3816
Public safety	KF3941-3977
Real property	KF566-720
Restatements	KF395
Taxation	KF6271-6708
Trademarks	KF3176-3193
Traffic regulations	KF2231
Trial practice (civil)	KF8911-8925
Trial practice (criminal)	KF9656-9657
Uniform commercial code	KF879
Uniform laws	KF395.A4U6
Wills	KF726-780

POPULAR WASHINGTON TITLES

1. Washington family law deskbook	KF505.W27
2. Washington lawyers practice manual	KF300.W27
3. Washington real property deskbook	KF570.W381
4. Washington will & trust forms (Muckelstone)	KF755.M84

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LEGAL CITATIONS

Reporters and Case Citations

The first named plaintiff or petitioner and the first named defendant or respondent are listed as the case name. Surnames only are used for individuals.

The volume for a reporter is given first, then the abbreviation of the title. The page number of the volume on which the case first appears is next. This is followed, in parentheses, by the year or date the case was decided. Sometimes additional information, such as an abbreviation for the court issuing the opinion or a brief history of subsequent review, may be included.

Parallel cites are often included in a citation. These refer to the same case as reported in a different reporter. The *Pacific Reporter* is a parallel cite to cases for the *Washington Reports* and *Washington Appellate Reports*.

EXAMPLE A:

Bedford v. Sugarman, 112 Wn.2d 500, 772 P.2d 486 (1989)

The name of the case is "Bedford v. Sugarman" and appears in volume 112 of *Washington Reports*, 2d series, beginning on page 500. It was also reported in volume 772 of *Pacific Reporter*, 2d series, beginning on page 486. The case was decided in 1989.

EXAMPLE B:

Jordan v. Gardner, 953 F.2d 1137 (9th Cir. 1992), *reh'g granted* 968 F.2d 984 (1992)

The name of the case is "Jordan v. Gardner" and appears in volume 953 of the *Federal Reporter*, 2d series, beginning on page 1137. There is no parallel citation. The case was decided in the United States Court of Appeals for the Ninth Circuit in 1992. An order granting a rehearing before an en banc panel of the court was reported in volume 968 of the *Federal Reporter*, 2d series, beginning on page 984. The rehearing was granted in 1992.

Codes

Generally the chapter or title number is listed first, then the subchapters, sections or parts.

EXAMPLE C:

5 U.S.C. 551(a)

refers to title 5 of the *United States Code*, section 551(a).

EXAMPLE D:

RCW 27.20.030

refers to title 27, chapter 20, section 030 of the *Revised Code of Washington*

Rules of Citation

Rules for citation form may be found in:

The Bluebook: A Uniform System of Citation

University of Chicago Manual of Legal Citation [the Maroon Book]

Sources for Abbreviations

Accepted abbreviations for legal materials may be found in various publications, such as:

The Bluebook: A Uniform System of Citation

Price, Bitner and Bysiewicz, *Effective Legal Research*

Bieber's Dictionary of Legal Abbreviations

Style Sheet for Washington Reports

NOTE.—See our “Internet Legal Research Guide” for further information; an interactive edition is available at the Library’s website.

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DIGESTS FOR CASE LAW

Digests are indexes for case opinions published in reports. With few exceptions, the reports provide only appellate decisions; therefore, the digests do not provide access to trial level records. (One notable exception to trial level reporting is selective opinion reporting for the United States District Courts.)

The digests most often used are those published by the West Group. West's publishing philosophy is to report all of the opinions of all appellate level courts for state jurisdictions and to publish all opinions submitted to it by all levels of the federal courts. To access the opinions in its reporters, it developed the "key number" system which is an index and abstract system for locating relevant case law.

The researcher should also be aware that not all decisions from a court will be reported and subsequently digested. Courts issue many rulings and decisions that are never reproduced or otherwise indexed. These can be simple procedural orders or they may in fact be "opinions". Courts may designate opinions as not for publication in which case they will not be reproduced by West. The Washington State Court of Appeals and the United State Court of Appeals for the Ninth Circuit both have rules governing the publication of their opinions; both courts issue most of their rulings as unpublished opinions or memorandum dispositions. Occasionally, a publisher other than West will pick up these "opinions" and publish them in a service; however, they will not be indexed in West's digests. Two computer assisted legal research services, Westlaw and Lexis, reproduce "opinions" on-line which have not been included in printed reports. In either case, the researcher should verify if the "opinion" is in fact designated by the court as one for publication. The researcher should study the court rules for any restrictions on citing to opinions designated as not for publication.

USE OF WEST'S DIGESTS

FINDING CASES BY TOPIC

1. Select the digest which covers the jurisdiction and time period in which you are interested. There are a few subject digests, such as West's Bankruptcy Digest, but generally the West's digest are categorized by jurisdiction. Examples are the Washington Digest, the Federal Practice Digest, or the Pacific Digest.

2. Look up your term in the Descriptive Word Index. You may need to use alternate phrases or synonyms to find the term or topic. You will find a list of words with numbers under your term or topic; these are the key words and key numbers.
3. The “key word” is the subject-word index to the term; the “key number” is the subject breakdown assigned by West for the key word. A list of the key numbers is located at the beginning of each key word section; reference to this list may help to refine your search.
4. From the information given in the Descriptive Word Index, locate the “key number” by:
 - a) finding the volume which covers the “key word” (note coverage on spine); then,
 - b) turning to the “key number”.
5. Be sure to check the pocket parts, both for the Descriptive Word Index and for the key word volume. The Interim Annotations pamphlet must also be checked to update the pocket parts.
6. The information given under the key number will refer the user to cases which involve that topic. West’s editors assign the key numbers and do the actual abstracting.
7. Once the digest has been consulted the user should also check individual reporter volumes, including advance sheets, for more current entries. Each volume or advance sheet contains a digest which covers cases reported in it
8. Once you have the key number that satisfies your search you can cross-check any West digest using the same key number to find similar cases.

FINDING DEFINITIONS/TERMS OF ART

If you are interested in a definition for a particular phrase or term of art, you may try looking in “Words and Phrases”. Washington has its own volume of “Words and Phrases” which is part of the Digest. West also publishes a multi-jurisdictional set call Words and Phrases. If the term has been defined by the courts, the cite will follow the entry for the term.

FINDING CITES

If you just need a cite and if you know the names of the parties to a case, you can use the “Table of Cases” or the “Defendant-Plaintiff Tables”. You will need the last name for each of the first named plaintiff and defendant; these tables do not cross index by more than one plaintiff or one defendant. Due to the fact that on appeal the order of the parties may switch, be sure to try both tables for the particular case.

FINDING ADDITIONAL AUTHORITY

If you have a particular case which is on point, but you would like to find others for further support, use the headnotes which are found at the beginning of your case. The headnotes refer to the key word and number under which West has indexed the case; use these to get back into the digest or to check any other West digest for similar cases.

WASHINGTON DIGEST

The Washington Digest covers reported cases from Washington which are decided in the State Supreme Court and the Court of Appeals, the United States District Courts for the Eastern and Western Districts of Washington, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court. Cases from the Ninth Circuit and the United States Supreme Court are included only if they originated in Washington State, either in state courts or the federal trial level courts, and they involve questions of Washington Law.

Other relevant digests for locating cases from Washington are: the United States Supreme Court Digest; the Federal Practice Digest series, which covers the United States Supreme Court, the United States Court of Appeals for the Ninth Circuit and all other circuits, and the United States District Courts; the United States Claims Court Digest; the Pacific Digest series; and, the Bankruptcy Digest.

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COURT REPORTS

Written opinions of appellate courts are reported, or published, in court reports. Copies of opinions appear first as "slip opinions" which are copies of the original manuscript filed in the clerk's office. Slip opinions are then published in "advance sheets" for the court reports; advance sheets are proof pages of a final volume issued as interim pamphlets. Once corrections are made to the advance sheets, the reports are published as permanent bound volumes.

Court opinions may be available on the Internet, via <http://www.legalwa.org>; see the State Law Library's guide entitled *Legal Research on the Internet*.

Washington Supreme Court

All opinions of the Supreme Court are published. Since 1939, opinions are officially reported in the *Washington Reports*, 2d series (Wn.2d). Earlier opinions were published in the *Washington Reports* (Wash.) and *Washington Territory Reports* (Wash. Terr.). Opinions are also published in the *West's Pacific Reporter* (P.) and *West's Pacific Reporter*, 2d ser. (P.2d).

Washington Court of Appeals

Published opinions are officially reported in the *Washington Appellate Reports* (Wn. App.) and are also published in the *West's Pacific Reporter*, 2d ser. (P.2d). Under state and court rule, opinions must have precedential value to be published; see RCW 2.06.040 and RAP 12.3(d). If an opinion is not designated for publication, it is filed for purposes of the public record and is considered "unpublished."

United States Supreme Court

Opinions are reported officially in the *United States Reports* (U.S.). Opinions are also reported in *West's Supreme Court Reporter* (S. Ct.) and in *United States Reports*, L. Ed. (L. Ed.) and *United States Reports*, L. Ed. 2d (L. Ed. 2d)

Opinions for the United States Supreme Court are first widely available in print in *United States Law Week* (U.S.L.W.), issues of which are usually received within 7 to 10 working days after the filing of the opinion. Opinions next appear in print in S. Ct. and L. Ed. 2d, usually four to six weeks after the date of filing of the opinion. The advance sheets for the official court reports are not available for some 18 months after the date of filing; however, on-line services such as Westlaw or Lexis may cite to U.S. before the advance sheets are published.

United States Court of Appeals

Not all opinions of the Court of Appeals are published. Under local court rule, each Circuit determines which of its opinions will be published but generally the panel issuing an opinion of the court must determine that it has precedential value. Opinions not designated for publication are

unpublished memorandums and are filed for purposes of the public record. Opinions are published in *West's Federal Reporter*, all series (F., F.2d, and F.3d) and may also be published by other commercial publishers, such as CCH or BNA.

The United States Court of Appeals is comprised of 11 numbered circuits and the Federal Circuit. Washington is in the Ninth Circuit, which also includes Alaska, Idaho, Montana, Oregon, California, Nevada, Arizona, Hawaii, Guam and the Pacific Trust Territories and possessions. The headquarters for the Ninth Circuit is in San Francisco, with division offices in Seattle and Pasadena.

Unlike the other 11 circuits which hear appeals based on geographical jurisdiction, the Federal Circuit handles cases by subject matter jurisdiction only. The Federal Circuit is the successor to the United Court of Customs and Patent Appeals. Earlier opinions of this circuit's predecessors are also published in other court reports, such as *Court of Customs and Patent Appeals Reports*.

United States District Courts

Since 1932, opinions of the United States District Courts are published in *West's Federal Supplement*, both series (F. Supp. and F. Supp. 2d); earlier opinions were published in *West's Federal Reporter*. Opinions may also be published by other commercial publishers, such as CCH or BNA.

Opinions pertaining to court rules, and not published in F.2d, F.3d, F. Supp. or F. Supp. 2d, are published in *West's Federal Rules Decisions*, including opinions written by United States magistrates. The *Federal Rules Service* series is another title which publishes opinions of the federal courts on federal rules and procedures.

There are two District Courts for Washington state: the Western District of Washington, with headquarters in Seattle and a division office in Tacoma; and, the Eastern District of Washington, headquartered in Spokane.

United States Bankruptcy Courts

Bankruptcy courts are specialized courts that are part of United States District Courts. Opinions of the bankruptcy courts are published in several sources, including *West's Bankruptcy Reporter* (B.R.) and *Bankruptcy Law Reporter* [Bankr. L. Rep. (CCH)].

Specialized Federal Courts

United States Court of Federal Claims

Opinions of the United States Court of Federal Claims are published in the *West's Federal Claims Reporter* (Fed. Cl.) and its predecessors, including *West's United States Claims Court Reporter* and the *Court of Claims Reports*.

United States Court of International Trade

Opinions of the United States Court of International Trade are published in *West's Federal Supplement* (F. Supp. and F. Supp. 2d).

United States Court of Veterans Appeals

Opinions of this court are published in *West's Veterans Appeals Reporter* (Vet. App.).

NOTE.—See our "Internet Legal Research Guide" for further information; an interactive edition is available at the Library's website.

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WASHINGTON LEGISLATIVE HISTORY AND LEGISLATIVE INTENT

Legislative history is the written and spoken record of bills, from their inception in the Legislature, and, if passed, to their approval by the governor. Legislative history also may include vetoes and other action by the governor. If a bill is still in committee at the end of a session, it dies and its history ends there for the session or entire two-year Legislature.

Legislative intent is the purpose of a bill or an act. Intent is useful when the language of the bill or act is unclear or ambiguous. Legislative history is used for discovering sources of information about the intent of the bill or act.

Legislative history may be found in the following materials:

1. Revised Code of Washington (RCW)

Refer to the history note enclosed in brackets following the text of each code section. The note contains references to the original enactment and each amendment, if any, by year and Session Law citation. For a complete history of the RCW section, a separate search must be done for each year and session cited.

2. Laws of Washington (Session Laws)

Consult the session laws to find the bill number and to determine the year that changes in the law were made. The bill number is listed after the chapter number. Deletions are indicated by a strike-out; additions are underlined.

3. Legislative Journals

The Journals are divided into sections for each chamber, one for the House of Representatives and one for the Senate. Each section contains a subject index to locate bills and a table to track the history of action in that chamber. The references in the tables include floor debates, committee action and actions by the governor.

Other items to note in the journals are the sponsors of a bill, the committee to which it is assigned, amendments either in committee or on the floor, and records of votes. Of particular importance are references to "Point of Inquiry" which are actual records of floor debates between members.

4. Floor Debates

Often the phrase "Debate ensued" appears in the proceeding of the House or Senate. Recordings of floor debates are available from the State Archives; coverage of tapes runs from about 1983 to the immediate past legislature.

5. Committee Files

Committee bill files contain important information such as correspondence, testimony, bill reports, study results, staff memos and any other matter that the committee needed when it considered the bill. Files are kept by the committees for the current and the immediate past Legislature; committees may be contacted directly for materials. The State Archives maintains the older files and arranges them by committee name, year, and bill number. Files are available from the early 1970's to the most recently completed Legislature.

Like the files, committee tapes are available from the committee for the current and the immediate past Legislature. The State Archives has other tapes from about 1983.

6. Papers of the Governor

Former governors' papers include those relating to legislative activity and are collected and stored at Archives. Because coverage of committee bill files begins as late as 1970, governors' papers prior to that date are available and may be useful for history purposes when no committee files exist.

7. Final Legislative Report, (1975-)

The Report is an official publication, issued jointly by the House and Senate, and is a good source for interim history before publication of the Journals. The Report provides a paragraph on the background of bills that passed, including the need for new or amended legislation, along with a daily digest, summary of committee reports, votes, veto message, etc. The Report is an official publication of the Legislature and has been cited a number of times by the courts.

Additional sources are:

1. Bills

Some researchers have compared the successive changes in the language of a bill, from the original (printed) bill through its amendments to its final language, as a factor in establishing a pattern of intent. However, the language of a bill may change during the legislative process for reasons other than conscious and deliberative efforts.

2. Revised Code of Washington - Legislative Finding

Since the early 1970's the Legislature has added a prefatory section called "Legislative Finding" or "Purpose" to certain bills. Such sections are official statements of the Legislature. These sections are codified along with the other parts of the law.

3. Treatises

Sand's Sutherland on Statutory Construction. Refer to Sutherland and similar treatises on this subject for general principles of construing statutes.

Wang, Arthur C., "Legislative History in Washington," 7 Univ. Puget Sound L. Rev. 571 (1984). The author, a former Washington legislator, considers the courts' role in using legislative history.

Post-enactment statements. Caution should be exercised when using news articles, speeches, and statements by legislators and other officials after a bill is approved by the governor. They are not generally used for developing legislative history and are not relied upon by courts.

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UNITED STATES PUBLIC LAWS

Bills

Bills are introduced in the Senate or the House and must be sponsored by a legislator. Each body of Congress has a separate numbering sequence for bills.

Bills must be reintroduced each Congress if they did not pass during the previous Congress. However, bills will carry over from one session to another. Each Congress is 2 years; there are two sessions per Congress, lasting one year each. The First Congress under the Constitution was 1789-90; the 106th Congress is 1999-2000.

Bill numbers are found in the legislative history notes at the end of each public law. *S.* refers to a Senate bill; *H.R.* refers to a House bill. You may also locate bill numbers through subject indexes in *Congressional Index* (CCH) and through the index to the *Congressional Record*.

CIS Indexes and Abstracts is a privately published index to hearings, reports and other Congressional documents which pertain to the bills.

Veto messages by the President are found in the *Weekly Compilation of Presidential Documents*, Title 3 of the *Code of Federal Regulations*, and the *Papers of the President* series.

To determine the status of a bill, check *Congressional Index* (CCH). The Congressional Bill Status Office in Washington, D.C., is open from 8:00 am - 2:00 pm Pacific Time; phone 202/225-1772.

The Law Library collects copies of bills on microfiche. Bills are also sometimes reprinted in the *Congressional Record*. Bills are also available on-line through the Internet. (See also our research guide entitled [Legal Research on the Internet](#).)

Public Laws

Public laws are acts passed by Congress, and either signed by the President or passed by a vote overriding a veto, that affect the general public. These laws are printed by the Government Printing Office (GPO) first as slip laws, then cumulated in bound volumes of *Statutes at Large* (Stat.).

GPO chronologically assigns numbers to the laws as they are received. Public laws (P.L.) are cited by the Congress and then the number of the law. Cite to slip laws by the P.L. number and the Stat. by volume and page. The numbers and volume/page are kept the same when cumulated in

the bound volumes of Stat. The volume numbers for Stat. do not correspond to the numbers for the Congress.

EXAMPLE: P.L. 101-650, 104 Stat. 5089 (Dec. 1, 1990) refers to the 650th law enacted during the 101st Congress. It is printed in volume 104 of *Statutes at Large* beginning at page 5089. It was signed by the President, or a veto was overridden, on December 1, 1990.

Printed copies of public laws are found in: 1) slip laws printed by GPO and later cumulated as bound volumes of Stat.; 2) *United States Code Congressional and Administrative News*; 3) advance sheets for *United States Code Service*; and, 4) advance sheets to *United States Code Annotated*.

Public laws are later codified in *United States Code* (U.S.C.) and reprinted in *United States Code Annotated* (U.S.C.A.), and *United States Code Service* (U.S.C.S.). Tables at the end of each set refer from the P.L. or Stat. cite to the code cite. Code sections are often indicated in the margin of the public law.

Public laws and U.S.C. are available on-line through the Internet.

Locating Laws by Popular Name or Subject

1. If you know only the name of the act, check *Shepard's Acts and Cases by Popular Name*, including the paper supplement. Check also the subject indexes and the tables to U.S. Code Cong. & Admin. News, U.S.C., U.S.C.A. or U.S.C.S. Look at legislative history notes following code sections which will refer you to the public law number and the citation for Stat., also, check the *CIS Legislative History* volume.
2. Check the subject index in *Congressional Index* (CCH) which may refer you to a House or Senate bill reference; look up the bill reference in *Congressional Index* which will also indicate when the bill was enacted and the public law cite. All of these indexes will cite both by subject and by the title of the bill or act.
3. If all you have is the bill number, check *Congressional Index* (CCH).

Private Laws

Private laws are acts passed which affect one person or entity. For example, an act may be passed settling the monetary claim of a private citizen against the United States government. A few private laws are passed every Congress. Private laws are found in the bound volumes of *Statutes at Large*.

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FEDERAL ADMINISTRATIVE RULES AND REGULATIONS

Regulations of administrative branch agencies, boards and commissions are issued under authority of statutes. Like statutes, treaties and the Constitution, regulations are considered a source of primary law for the United States. The publication scheme for administrative rules and regulations was established under the Federal Register Act of 1935, c. 417, 49 Stat. 500, as amended by the Administrative Procedures Act, 5 U.S.C. §551 *et seq.*

For a brief description of departments, agencies, boards and commissions of the United States government, see the *United States Government Organizations Manual*. The *Manual* is published annually by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C.

Federal Register

Office of the Federal Register, National Archives and Records Administration
Washington, D.C.; 1936-

The *Federal Register* (Fed. Reg.) publishes: Presidential proclamations and executive orders of general interest; proposed and final rules and regulations of administrative agencies which affect the general public; notices, such as notices of meetings or agreements filed for approval by an agency; documents required to be published by an Act of Congress; and other documents as decided upon by the Director of the Federal Register. Court rules, Congressional rules, and internal operating procedures of administrative agencies are not published in the *Federal Register*. *Federal Registers* are cited by volume number, title and page followed by the year in parentheses, for example, 61 Fed. Reg. 63199 (1996).

Each issue of the *Federal Register* also contains a table of contents, a list of sections of the *Code of Federal Regulations* (C.F.R.) affected by documents in that issue and an index. One issue per month also contains a cumulative list of the sections of the C.F.R. which were affected by the documents published in the preceding month of the *Federal Register*.

A cumulative *Index* is published monthly for each volume, with a final cumulative *Index* covering January through December. The *Index* also contains a guide, by agency, of Freedom of Information indexes that are required by statute.

Code of Federal Regulations

Office of the Federal Register, National Archives and Records Administration
Washington, D.C.; 1938-

The *Code of Federal Regulations* (C.F.R.) publishes final administrative rules and regulations of general applicability, in force at the time that the volume is published. Court rules, Congressional rules, and internal operating procedures of administrative agencies are not published in the C.F.R.

The C.F.R. is arranged by subject matter to correspond to the arrangement of the United States Code (U.S.C.). The first five titles cover general government organization, with title 2 reserved; the remaining titles are arranged alphabetically by subject, with title 6 reserved. For example, title 7 covers agriculture, title 26 deals with internal revenue for the Department of the Treasury and title 50 covers wildlife and fisheries. The C.F.R. is revised annually according to the following schedule: titles 1-16 as of January 1; titles 17-27 as of April 1; titles 28-41 as of July 1; and, titles 42-50 as of September 1.

A title of the C.F.R. is subdivided into chapters, parts and sections. Citations are to a title of the code and then to a section with the year included in parentheses. For example, 28 C.F.R. §2.2 (1996) refers to title 28 (Judicial Administration) and section 2.2 (Eligibility for parole; adult sentences) which was in force when the volume was published in 1996.

The *Index*, published annually in January, is a subject index to titles and sections of the C.F.R. The *Index* also contains a Parallel Table of Authorities and Rules, which lists the statutory rule-making authority for each section of the C.F.R. The Table is divided into information for U.S.C. by title and section, for Statutes at Large (Stat.) by volume and page, for public laws by number, and for Presidential documents by document number. The citations for Stat. and public laws are included only when there is no corresponding citation to U.S.C. The *Index* also includes an alphabetical list of agencies appearing in the C.F.R.

The cumulative *List of Sections Affected* (L.S.A.) refers to changes that are published in the *Federal Register* that affect sections of the C.F.R.; a one or two word description of the action taken is included with each entry. The L.S.A. is issued monthly with permanent cumulative issues published quarterly. The quarterly cumulations follow the same publication schedule as the publication schedule for titles of C.F.R. except that a quarterly cumulation is published in December for titles 1-16. The L.S.A. is also updated in daily issues and monthly cumulations of the *Federal Register*.

Presidential Proclamations, Executive Orders and Papers
Office of the Federal Register, National Archives and Records Administration
Washington, D.C.

The *Weekly Compilation of Presidential Documents* (1965-) is published on Mondays. It covers Presidential proclamations, executive orders, press conferences, speeches, letters, and other memorandum. Each issue contains a cumulative index for the calendar quarter; cumulative quarterly indexes are also published separately.

Title 3 of the C.F.R., published annually, contains Presidential proclamations, executive orders and other documents issued the preceding year.

The *Public Papers of the President* series, which began with the Truman administration, contains all documents, verbatim, issued by the President. Volumes are published annually and include all proclamations and executive orders, State of the Union addresses, budget and economic messages, news conferences, other addresses and remarks, letters, public records of meetings with foreign leaders, and all statements by the President. Since 1977, the *Public Papers* have also included all nominations and announcements of Presidential appointments. Documents published in the *Public Papers* are first published in the *Weekly Compilation of Presidential Documents*.

The *Codification of Presidential Proclamations and Executive Orders, 1945-1989*, codifies those of "general applicability and continuing effect" from April 13, 1945 to January 20, 1989. The subject matter arrangement follows the same arrangement as found in U.S.C.

Note.—See our "Internet Legal Research Guide" for further information; an interactive edition is available at the Library's website.

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WASHINGTON STATE CONSTITUTION

The State Constitution is the master plan for the operation of our state government. It sets out the three branches of government (executive, legislative and judicial). It also defines what rights are guaranteed to the people. For example, the Constitution may be referred to when individual rights are violated, when the validity of a state statute or law is questioned or when the authority of the State to act is in doubt. The State Constitution is the highest law of the State although it must also work in compliance with the federal Constitution.

The Constitutional Convention of 1889 approved the original text of the Constitution. It was amended 64 times, the last time in 2001. The State Constitution and all of its amendments may be found in the Revised Code of Washington (RCW), the Revised Code of Washington Annotated (RCWA), and the Annotated Revised Code of Washington (ARCW).

Annotations to the Washington Constitution are notes about materials which interpret the Constitution. The noted materials aid in understanding how sections of the Constitution are applied. Two printed sources for annotations are:

Annotated Revised Code of Washington (published by Lexis Law Publishing, Charlottesville, VA)

Revised Code of Washington Annotated (published by West Group, Eagan, MN)

The Washington Digest 2d abstracts court opinions discussing the State Constitution. The Digest indexes opinions by subject and gives a brief summary of the law of the case. The general subject is "Constitutional Law" but cases may also be indexed under other topics, such as "Civil Rights," "Discrimination," and "Searches and Seizures." Check the "Descriptive Word Index" of the Digest for additional topics. (*See also* our research guide entitled Digests for Case Law.)

A source for historical research on articles and sections of the Constitution is:

Journal of the Washington State Constitutional Convention, 1889
(published by Book Pub. Co., Seattle; 1962 o.p.)

The first part of the book, entitled "Minutes of Proceedings," is a daily chronicle of matters discussed by the delegates. The second is a section-by-section analysis showing sources and citations to articles in Territorial newspapers. Also noted are discussions, votes, and other floor actions. Separating the two parts is a roster of delegates with portraits and biographies. A detailed index is available at the end of the book.

Other traditional avenues of legal research to consider are:

- Textbooks and Monographs

See: the online catalog (GEORGE) under subject headings beginning with
WASHINGTON (STATE) – CONSTITUTION

<http://lawlibrary.courts.wa.gov> (General Public)

<http://lawlib.courts.wa.gov> (State Employees)

- Periodical Articles

Use periodical indexes to locate law review articles, such as—

Index to Legal Periodicals, subject:

CONSTITUTIONAL LAW, WASHINGTON (STATE)

Current Law Index, subject:

CONSTITUTIONAL LAW

Index to Washington Law Review, subject:

CONSTITUTIONAL LAW

- Other Sources

Washington Lawyers Practice Manual. See chapter on "Civil Rights,"

Washington State Bar Association (WSBA). Continuing Legal Education series.

Use <http://wsba.org/cle/default1.htm>

materials are indexed under "Constitutional Law" or "Civil Rights."

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REVISED CODE OF WASHINGTON

The Revised Code of Washington (RCW) is the compilation of all permanent laws now in force. It is a collection of Session Laws arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts. The RCW is published by the Statute Law Committee and is the official version of the code.

Revised Code of Washington. (RCW) Olympia, WA, Statute Law Committee

The nine volume set of RCW begins with Vol. 0 which contains the U.S. Constitution, Washington Constitution, Codification Tables, and a Table of Disposition that shows what happened to an RCW section when the text does not otherwise appear in the code. Volumes 1 through 7 contain the code itself and a general index is in Vol. 8. Supplements (Vol. 9), are issued in odd-numbered years, and new editions of the entire set are re-issued in even-numbered years.

Earlier editions of RCW and its predecessors, as far back as the Code of 1881, are available at the State Law Library.

Annotated Revised Code of Washington. (ARCW) Charlottesville, VA, Lexis Law Publishing

This set contains references listed for court cases that interpret code sections, Opinions of the Attorney General (AGO's), American Law Reports (ALR's) and legal periodical articles. It is supplemented annually and a new edition is published periodically.

Revised Code of Washington Annotated. (RCWA) Eagan, MN, West Group

RCWA is a convenient set of Washington laws with annotations following each section. In addition to case annotations and citations to AGO's, references are provided to law review articles, Corpus Juris Secundum, a legal encyclopedia, and to other West Publishing Co. materials.

RCWA is updated with pocket supplements and an annotations pamphlet. A separate Legislative Service, issued during a legislative session, provides new chapter laws as they become available during and after a session.

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WASHINGTON ADMINISTRATIVE LAW

Regulations of executive branch agencies are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State.

Regulations first appear in:

Washington State Register
Olympia, (bi-weekly), 1977-

The Register (WSR) publishes proposed, emergency, and final regulations and repeals, along with Governor's Executive Orders and Attorney General Opinions.

Register section numbers are preceded by the year, followed by the issue number, and end with the item number. For example, in WSR 90-04-020, 90 is the year 1990, the issue number is 04, and the item number is 020.

Each issue has a cumulative index and a table of Washington Administrative Code (WAC) sections that are affected by changes published since the last edition of the WAC. To use the Register as an updating device, locate the table in back of the most recently published issue, find the WAC number and note the Register number it refers to. Go to the issue of the Register for the rule, repeal, or amendment.

Notice that the index and table are cumulative for a given year, through the second issue of the following year. Thus issue 91-02 would contain a complete index and table for all 1990 Registers. Each year's regulations are compiled into soft cover supplements to the WAC.

Washington Administrative Code
Olympia, 9 vols., supps.

The Washington Administrative Code codifies the regulations and arranges them by subject or agency. Beginning with the 1995 edition, a new edition of the WAC is issued every two years with a supplement issued for the year between new editions.

The history of administrative law is more elusive than legislative history. Searches may have only two sources to consider: the Register and the issuing office. In the history note following the text of a WAC section, there is a reference to the source of the regulation, to an Order no., and/or to a Register (WSR) number. The earlier Register item may provide a prefatory paragraph with a brief description of the need for the change, but usually not. The second source, the issuing office, is suggested because the names and titles of state officials are provided in the Register, and these persons may be helpful in providing history from their office files.

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NATIVE AMERICAN LAW

The titles listed here are commonly used sources for Indian law. Two of the most frequently requested sources are noted with asterisks (*).

A. TREATIES

- *1. Charles J. Kappler, Indian Affairs, Laws and Treaties, 5 vols. ["Kappler" set].
2. United States Statutes at Large. Vols. 10 and 12. See indexes under tribal name.

B. STATUTES

1. United States Code. Title 25, "Indians".
2. "Kappler" set, see above.

C. CASES

1. Cases are indexed in the West digests system under "Indians". Look for indexing of cases in the Federal Digest, the Modern Federal Digest, the Federal Practice Digests and the Supreme Court Digest. Also look to the Decennial and General Digests, the Pacific and Washington Digests, as well as digests from other states.
2. Indian Law Reporter (monthly) 1974-date.
3. "Boldt Decision": United States v. State of Washington, 384 F.Supp. 312 (1973), *aff'd* 520 F.2d 676 (9th Cir. 1976), *cert. denied*, 423 U.S. 1086 (1976).
4. Casebooks, such as David H. Getches, Cases and Materials on Federal Indian Law, 4th ed. (1998), and Monroe E. Price and Robert N. Clinton, Law and the American Indian 2d ed. (1983), contain selected cases on Indian law.

D. ADMINISTRATIVE LAW

1. Code of Federal Regulations. Title 25 Code of Federal Regulations.
2. Indian Claims Commission Decisions, 1948-1979. 43 vols.

E. TRIBAL CONSTITUTIONS AND CODES

1. Indian Tribal Codes, ed. by R.W. Johnson (1981) in microfiche. This collection is arranged alphabetically by tribe. A hard copy "index", including a description of the collection, is available. [A supplement has been issued to this set that is not in the collection of the State Law Library.]
2. The State Law Library has a few individual tribal codes. Codes are found in the Library's catalog under the name of the tribe.

F. SECONDARY AUTHORITIES

- *1. Felix Cohen, Handbook of Federal Indian Law. (1982).
2. Textbooks may be used to find cases that the authors discuss, e.g., Monroe Price, Law and the American Indian (1983) and William C. Canby, Jr., American Indian Law in a Nutshell, 3d ed. (1998).
3. Additional sources in the Library's collection may be found under the main subject heading of "Indians of North America" in the Library's catalog.
4. Encyclopedias. See American Jurisprudence 2d [Am. Jur. 2d] and Corpus Juris Secundum [C.J.S.] under the heading "Indians". Both sets contain very general articles on Indian law supported by cases from all jurisdictions.
5. Periodical articles are indexed in Index to Legal Periodicals ("Indians") and Current Law Index ("Indians of North America").

G. BIBLIOGRAPHY

1. Nancy Carol Carter, "American Indian Law: Research and Sources," 4 Legal Reference Services Q. (4) 5-71 (1984-85).
2. Susan Lupton, "American Indian Tribal Codes," 1 Legal Reference Services Q. (4) 25-41 (1981).
3. Native American Legal Materials Collection. This extensive set of fiche is accompanied by a hard copy manual by Laura A. Gasaway, American Indian Legal Materials; a Union List. Includes subject, geographical and tribal name indexes.

NOTE.—See our "Internet Legal Research Guide" for further information; an interactive edition is available at the Library's website.

Locating Copyright Holders

Why is locating a copyright holder important?

The United States copyright law protects unpublished materials as well as published materials. If you wish to use an unpublished manuscript in a publication, you must determine whether the work has passed into the public domain and is no longer under copyright protection or find the copyright holders and get permission to use the manuscript.

The eleven steps below can help you track down copyright holders of both manuscript and nonmanuscript materials, such as audio tapes, photographs, works of art and motion pictures.

Definitions

- **manuscript** any unpublished form of a creative work not intended for general distribution, including notes, holograph, typescript, galleys, page proofs as well as correspondence and diaries.
- **copyright** a right granted by statute to the author or originator of a literary or artistic production that invests, for a limited time, the originator with the sole and exclusive privilege of multiplying copies of the work and publishing and selling them.
- **ownership rights** rights that come with owning tangible physical property.

What are the provisions of U.S. copyright law?

The Copyright Revision Act of 1976, which took effect January 1, 1978, provides that:

- Unpublished manuscripts created on or after January 1, 1978, are accorded federal copyright protection for a fixed term—the life of the author plus 50 years. There are, of course, important grandfathering provisions.
- Copyright in unpublished manuscripts created before January 1, 1978, will not expire, regardless of the author's death date, before December 31, 2002. On January 1, 2003, unpublished manuscripts created before January 1, 1978, by authors who died before 1953, will become part of the public domain.

For example, copyright in an unpublished letter by Edith Wharton (d. 1937) will enter the public domain on January 1, 2003. Copyright in an unpublished letter by William Faulkner (d. 1962) will enter the public domain in 2012, 50 years after his death. The 50-year rule applies to Faulkner and other writers who died in 1953 or after.

Does U.S. law protect manuscripts by non-U.S. authors?

The U.S. is party to international copyright agreements that ensure writers in other countries essentially the same rights as U.S. writers. For most copyright purposes, the nationality and citizenship status of the author does not alter the nature of the copyright protection.

Can a single work have different copyright protections?

Interpretations of what constitutes publication of a manuscript can vary. Although the text of a manuscript may be in the public domain, facsimile publication of the manuscript itself may still be protected by copyright.

Substantive textual differences between the manuscript and the commonly accepted published versions of a work may be protected by copyright. In short, given two versions of a work, one may be copyrighted and one may not be.

Who grants permissions?

Only holders of copyright interests or their authorized agents can give permission to publish or to quote from unpublished manuscripts under copyright. The "fair use" provision of the copyright law (section 107), however, does permit limited use of unpublished materials for a number of purposes, including scholarly and research use. The extent to which an unpublished manuscript may be quoted or paraphrased is not precisely defined. To date, legal interpretation seems to favor the right of first publication over the defense of fair use.

Copyright ownership does not necessarily accompany physical ownership of a manuscript. An owner of the physical manuscript may assert certain proprietary rights in regard to the physical manuscript, for example permitting or denying access to the property. This assertion of ownership rights, however, is distinct and separate from any copyright consideration affecting the manuscript.

HOW TO LOCATE COPYRIGHT HOLDERS

Where do I begin my search for a copyright holder?

The library that owns the manuscript most often will be the most reliable source of information about its copyright ownership. But what do you do when the repository does not know who owns the copyright? Here are some approaches to solving the problem:

Step 1. Ask the owner. The owner of the manuscript may also control the copyright. With increasing frequency, repositories and individual collectors attempt to obtain copyrights as well as the manuscripts.

If the owner does not control the copyright, ask if he or she knows the name and address of the legal copyright owner or owners. Some repositories maintain files of estate addresses pertinent to the manuscripts they house. Most repositories are free to give this information to researchers. If one repository does not know the name or address of the copyright holder, another repository housing other papers by the same author may.

Step 2. Ask the Copyright Office. Because copyright in unpublished manuscripts often is not formally registered with the Copyright Office of the Library of Congress, the Office's records are not always useful. For a nominal fee, however, the Copyright Office can establish relatively quickly whether or not it has a record of an author's heir or estate representative. (Circular R22, "How to Investigate the Copyright Status of a Work," is available from the Copyright Office, Library of Congress, Washington, DC 20559.)

Send requests for searches to: Reference and Bibliography Section, LM-450, Copyright Office, Library of Congress, Washington, DC 20559.

Step 3. Ask other scholars. Scholars conducting research on the same author may know the identity of the copyright holder. You can find such scholars through their publications, through manuscript curators and archivists who may be able to facilitate contacts or through the Research-in-Progress Data Base (RIPD) of the Research Libraries Information Network (RLIN).

The RIPD contains information about articles accepted for publication that have not yet been published. Records are contributed to RIPD by the National Council for Research on Women.

Step 4. Examine acknowledgements and notes sections. These sections of published works by or about an author may cite the name of the copyright holder. Full addresses are seldom given, but you can write to the citing author or the permissions department of the publisher for more information.

Step 5. Ask the author's publisher. A publisher may be paying royalties on in-print works, especially when the author is still living, and may be able to provide the payee's address or forward a letter on a researcher's behalf.

Step 6. Ask an author's society. An organization devoted to a specific author may have published information about the copyright holder. For example, The Hemingway Society has published "Guidelines for Permissions and Publications" in its newsletter. Use Margaret C. Patterson's *Author Newsletters and Journals* (Detroit: Gale Research, 1979) to locate author societies.

Step 7. Use genealogical sources. Genealogical sources, especially probated wills, can give the name and address of an author's heir, estate representative or literary executor. *The Source: A Guidebook of American Genealogy*, edited by Arlene Eakle and Johni Cerny (Salt Lake City, Utah: Ancestry Publishing Co., 1984) has a comprehensive section on wills. *Genealogical Research: Methods and Sources*, edited by Milton Rubincam, (Washington, D.C.: The American Society of Genealogists, 1980, 1983; 2 volumes) includes genealogy sources for Canada, Great Britain and Europe.

Step 8. Write to the author's last known address. For recently deceased authors, a letter written in care of their last known address could reach a member of the immediate family or someone who has a forwarding address for an executor. An ad in the local paper or a letter to an author's literary agent, any professional associations or private clubs the author belonged to could yield information.

Step 9. Ask your librarian to search national data bases. With increasing frequency, repositories are using the USMARC Archival and Manuscripts Control (AMC) format to catalog their manuscript holdings on-line. AMC is a standard format for describing archives and manuscript materials, primarily in automated systems.

Restrictions on access to materials are recorded in field 506. Field 540 gives terms governing the use and reproduction of materials once access to a collection has been provided. If available, information about an author's heir or estate is in field 540. Field 561 (provenance), which contains information about present or past ownership of manuscripts, also can provide information about heirs and estates. Be aware, however, that copyright information in the 540 and 561 fields usually pertains only to the author whose manuscripts are being described. These fields are not likely to contain heir or estate information for other individuals represented in the author's manuscript collection.

Ask your librarian to search national data bases for information in field 540. (A fee may be required.) Discuss with your librarian beforehand the chances of a successful search.

Step 10. Search published references. The two most useful kinds of references are those that give addresses for authors and those that give location information for an author's papers.

For addresses:

James L. Harner's *Literary Research Guide* (New York: The Modern Language Association of America, 1989) lists a number of source books, including Who's Who biographical dictionaries in specific regions or professions.

The *Contemporary Authors* series (Gale Research) is perhaps the best place to begin for scholars using literary manuscripts.

International Literary Market Place (New York and London: R. R. Bowker Company) has entries for countries under the headings "Book Trade Organizations," "Literary Agents" or "Literary Associations and Societies". For example, in the United Kingdom The Society of Authors (84 Drayton Gardens, London, SW10 9SB) represents a large number of authors and authors' estates.

Literary Market Place (New York: R. R. Bowker Company) gives U.S. entries under the headings "Literary Agents" and "Literary and Writers' Associations". For example Poets & Writers, Inc. (201 W. 54th St., New York, NY 10019) maintains current address files for more than 6,000 authors.

The membership directory of CISAC (Confederation Internationale des Societes d'Auteurs et Compositeurs/International Confederation of Societies of Authors and Composers, 1 rue Keppler, F-75116, Paris, France) contains addresses for more than 100 societies in more than sixty countries.

For collections of authors' papers:

"Guides to Manuscripts and Archives" in Harner's *Literary Research Guide* contains descriptions of sources on the location of manuscripts.

National Union Catalog of Manuscript Collections (Washington, D.C.: Library of Congress, 1959 -). Publication of the *Index to Personal Names in the National Union Catalog of Manuscript Collections 1959-1984* (Washington, D.C.: Library of Congress, 1988) makes the task of searching this resource much easier. Ask your librarian about the on-line searching capabilities of NUCMC.

Contemporary Writers of the English Language. James Vinson and D. L. Kirkpatrick, eds. (New York: St. Martin's Press) contains information on the location of manuscripts, when known, for *Contemporary Novelists*, *Contemporary Dramatists*, *Contemporary Poets* and *Contemporary Literary Critics*.

Twentieth-Century Writers of the English Language. James Vinson and D. L. Kirkpatrick, eds. (Detroit, Mich.: Gale Research Company) contains information on the location of manuscripts, when known, for *Twentieth Century Children's Writers*, *Twentieth Century Crime and Mystery Writers*, *Twentieth Century Romance and Gothic Writers*, *Twentieth Century Western Writers* and *Twentieth Century Science Fiction Writers*.

National Inventory of Documentary Sources, published by the Chadwyck-Healey firm, reproduces on microfiche finding aids to selected archives and manuscript collections in the United States and United Kingdom. The guides are indexed by name and subject.

Location Register of Twentieth-Century English Literary Manuscripts and Letters (London: The British Library, 1988; 2 volumes) is the printed version of a computerized union catalog of all twentieth-century literary manuscripts and letters by British literary figures that are available for public consultation in the British Isles. Selected information on U.S. holdings is included. Also available on RLIN. "Twentieth century" includes all living British literary writers plus any who died after December 31, 1899. The word "literary" defines certain essayists, critics and biographers, as well as poets, dramatists and novelists. Minor as well as major writers are included. Photoduplicated or filmed collections of papers are listed alongside collections of original material. Expansion of the Location Register project's scope to include location information on manuscripts of British authors from 1700 through the nineteenth century is underway.

CANLIT, a computerized database developed by Queen's University Archives (Kingston, Ontario, Canada), has more than 350,000 items in MARC format for Canadian literary papers. You can get a printout of all or some entries on request, a microfiche main entry listing and a dictionary catalog key phrase index on microfiche. The University of Calgary also has participated in CANLIT and cataloged its papers of contemporary Canadian authors. Published guides to these collections are available from the University of Calgary Press.

Step 11. Publish a notice in the newspaper. *The New York Times Book Review*, *The New York Review of Books* and *The (London) Times Literary Supplement* publish free queries by authors seeking information about, among other things, the location of an author's papers or the identity of an author's heir or estate representative. (Use this service only after you have exhausted all other avenues.) Write: "Author's Query" Department, *The New York Times Book Review*, The New York Times Company, Times Square, New York, NY 10036. "Query" Department, *The New York Review of Books*, New York Review, 250 W. 57 St., New York, NY 10017. "Information, Please" Department, *The Times Literary Supplement*, Priory House, St. John's Lane, London EC1M 4BX, Great Britain.

A Final Note

Taking these steps may not lead you to the author or the author's heir or estate representative. Making a good-faith effort to locate a copyright holder and having on file sufficient evidence (copies of letters, return postal receipts, etc.) that a reasonable effort was made to locate the copyright holder in a reasonable period of time may be important if litigation ensues from publication.

Additional Resources

Thorough discussion of changes in U.S. copyright law:

Johnston, Donald F. *Copyright Handbook* (2nd ed., 2nd printing with revisions; New York: Bowker, 1983).

Strong, William S. *The Copyright Book: A Practical Guide* (2nd ed., Cambridge, Mass.: MIT Press, 1984).

Discussion of copyright tailored specifically to researchers, writers and archivists:

Thorpe, James. *The Use of Manuscripts in Literary Research: Problems of Access and Literary Property Rights* (2nd ed., New York: Modern Language Association, 1979; pp. 30-40).

Achert, Walter S., and Joseph Gibaldi. *The MLA Style Manual* (New York: The Modern Language Association of America, 1985, pp. 32-42).

Peterson, Gary M., and Trudy Huskamp Peterson. *Archives & Manuscripts: Law* (Chicago: Society of American Archivists, 1985, pp. 81-89).

Current developments and interpretations of the copyright law:

Journal of the Copyright Society of the USA, quarterly

Literary Rights Committee, Cathy Henderson, chair
Rare Books and Manuscripts Section
Association of College & Research Libraries
American Library Association



Office of Reporter of Decisions
STYLE SHEET

This style sheet is effective January 7, 2005 and is subject to revision.

GENERAL PRINCIPLES

1. The Seventeenth Edition of *The Bluebook: A Uniform System of Citation* is the basic citation resource for Washington appellate court opinions except as noted below.
2. The Practitioners' Notes section of the *Bluebook* (section P at 10-19 on light blue paper) applies specifically to court documents. Bluebook I.1, at 3 and § P at 11. Conflicts between section R of the *Bluebook* (General Rules of Citation and Style at 20-181) and section P of the *Bluebook* are resolved in favor of section P with the exception that for typefaces, a manuscript opinion may follow the rules of section P or section R.
3. The latest edition of *The Chicago Manual of Style* is the authority for punctuation and style matters not covered by the *Bluebook*.
4. *Webster's Third New International Dictionary of the English Language* is the authority for spelling, including spacing and hyphens between nouns (e.g., boyfriend, girl friend, day care, baby-sitter). Where two or more spellings are listed, use *Webster's* preferred spelling rather than the variant.
5. For matters not covered by the *Bluebook*, *The Chicago Manual of Style*, or *Webster's*, the Office of Reporter of Decisions applies formal, traditional, noncolloquial English.

ABBREVIATIONS

The following abbreviations are used for citing to primary Washington legal materials. The list replaces the list of abbreviations for Washington materials found in *Bluebook* table T.1, at 239.

TITLE	ABBREVIATION
Washington Constitution	Const. art. VI, § 1
Revised Code of Washington (Official)	RCW
Revised Code of Washington Annotated (West)	RCWA
Annotated Revised Code of Washington (LEXIS)	ARCW
Session Laws	Laws of 2002, ch. 107, § 3
special sessions	Laws of 1995, 2d Spec. Sess., ch. 14, § 21
extraordinary sessions	Laws of 1963, 1st Ex. Sess., ch. 26
Washington Reports, 2d Series	Wn.2d
Washington Reports	Wash.
Washington Territory Reports	Wash. Terr.
Washington Appellate Reports	Wn. App.

Washington Administrative Code
Washington State Register

WAC
Wash. St. Reg.

Early Statutes

Ballinger Code

Bal. Code

Code of 1881

Code of 1881

Hill's Code of Procedure

Hill's Code of Proc.

Hill's General Statutes

Hill's Gen. Stat.

Pierce's Code

Pierce's Code

Remington Revised Statutes

Rem. Rev. Stat.

Remington's 1915 Code

Rem. 1915 Code

Note: In citations, "Const.," "Laws," and the names of codes are printed in the official reports in large and small caps but ordinary typeface is acceptable in manuscript opinions. In text, both the official reports and manuscript opinions use ordinary typeface.

EXCEPTIONS TO *BLUEBOOK*

1. Exception to *Bluebook* practitioners' note P.3, at 14: For Washington cases, pinpoint citations are made to Wn.2d or Wn. App. pages, paragraph numbers, or both; pinpoint citations to P., P.2d, or P.3d pages are optional; pinpoint citations should not be made to P.3d paragraph numbers. For non-Washington cases, pinpoint citations are made to the official report or the unofficial report. Maintain consistency throughout the opinion.
2. Exception to *Bluebook* practitioners' note P.6, at 17-18 and rule 8, at 51-53: Ignore these sections. The Reporter's Office generally follows *The Chicago Manual of Style* to resolve capitalization issues although, other than capitalizing proper nouns and maintaining consistency throughout the opinion, the judicial author's preference governs.
3. Exception to *Bluebook* practitioners' note P.7, at 18: Cite court documents without parentheses.
4. Exceptions to *Bluebook* rule 6.2(a) at 49-50: In text, spell out numbers zero to nine. Use arabic numerals for higher numbers. Use commas in numbers 1,000 and higher (e.g., 9,876) except when citing a page number in a case or court document.
5. Exception to *Bluebook* rule 6.2(d) at 50: In text, always write out "percent" rather than using a percentage sign (%).
6. Exception to *Bluebook* rule 10.3.1, at 62: Cite official reports and regional reporters for all cases for which official reports are published. For California, Illinois, and New York, include the state specific reporter (Cal. Rptr. 2d, Ill. Dec., N.Y.S.2d) in addition to the official reports and regional reporters.
7. Exception to *Bluebook* rule 12.3.2, at 80: Do not add the year in parentheses after a citation to a presently effective version of a statute or code.
8. Exception to *Bluebook* rule 12.8.2, at 85: Do not add "Wash." for codes and ordinances of Washington local governments.
9. Exception to *Bluebook* table T.1, at 183: Cite United States Supreme Court cases as follows:

__ U.S. __, __ S. Ct. __, __ L. Ed. or L. Ed. 2d __ (year).

ADDITIONS TO *BLUEBOOK*

1. Subsequent history of cases. For *review denied* and *review granted* of Washington cases, cite to Wash. or Wn.2d; citing P., P.2d, or P.3d in addition to Wash. or Wn.2d is optional. For non-Washington cases, cite to the regional reporter; citing the official report in addition to the regional reporter is optional. For *cert. granted* or *cert. denied* in the United States Supreme Court, cite only to U.S. if therein; otherwise, cite to one of the following: S. Ct., L. Ed. or L. Ed. 2d, or U.S.L.W. in that order of preference. When subsequent history results in an opinion (such as *aff'd*, *rev'd*, *vacated*, and *overruled by*), use a full case cite.
2. Add the following to the list of short citations to cases from the *Bluebook* practitioners' note P.4, at 15: *Smith*, 123 Wn.2d 51.
3. When a case is amended and has a single Wn.2d or Wn. App. citation but two Pacific Reporter citations, cite as follows: *Queen City Farms, Inc. v. Cent. Nat'l Ins. Co. of Omaha*, 126 Wn.2d 50, 882 P.2d 703, 891 P.2d 718 (1994). Use the year that the opinion was filed, not the year of the amendment.

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Construction law (contracts)	KF901-905
Contracts (general)	KF801-1241
Copyright	KF2986-3080
Criminal law	KF9223-9479
Criminal procedure	KF9601-9827
Damages (breach of contract)	KF836-839
Damages (other)	KF445-446
Discovery (civil)	KF8900
Divorce	KF531-535
Domestic relations	KF501-553
Drugs	KF3885-3895
Drunk driving	KF2231 & 8925.T7
Education	KF4101-4257
Employment discrimination	KF3464-3469
Environmental law	KF3775
Estates	KF726-780
Evidence (bankruptcy)	KF1530.E87
Evidence (criminal)	KF9660-9677
Evidence (general & civil)	KF8931-8968
Family law	KF501-553
Form books (general)	KF170

Form books (civil procedure)	KF8900.A3
Immigration	KF4801-4836
Income tax	KF6351-6499
Indians	KF8201-8228
Instructions to juries (civil)	KF8984
Instructions to juries (criminal)	KF9682
Insurance	KF1146-1238
Judicial administration	KF8700-8709
Juvenile justice	KF9800-9827
Labor	KF3301-3580
Landlord/tenant	KF586-593
Law office management	KF318-320
Legal ethics & discipline of lawyers	KF305-309
Maritime law	KF1096-1114
Medical legislation	KF3821-3832
Patents	KF3091-3165
Personal injury (torts)	KF1256-1257
Personal injury (trial practice)	KF8925.P4
Probate	KF765-769
Public health	KF3775-3816
Public safety	KF3941-3977
Real property	KF566-720
Restatements	KF395
Taxation	KF6271-6708
Trademarks	KF3176-3193
Traffic regulations	KF2231
Trial practice (civil)	KF8911-8925
Trial practice (criminal)	KF9656-9657
Uniform commercial code	KF879
Uniform laws	KF395.A4U6
Wills	KF726-780

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4. Washington will & trust forms (Muckelstone)	KF755.M84