

TYPES OF FEDERAL AUTHORITY

KINDS OF LAWS:

SOURCE(S):

Constitution

Fundamental law creating branches of government. Defines the scope of basic rights and obligations

U.S. Constitution
(found in *United States Code*)

Cases (judicial)

A court's written explanation (a.k.a. *decision* or *opinion*) regarding how and why it applied the law to the facts of the case, before rendering a holding.

U.S. Supreme Court
(highest court) (e.g., *U.S. Reports* ("U.S.") or *Supreme Court Reporter* ("S.Ct."))

U.S. Court of Appeals
(13 intermediate appellate court circuits)
(e.g., *Federal Reporter* ("F."), ("F.2d"))

U.S. District Courts
(94 trial courts in 50 states) (e.g., *Federal Supplement* ("F. Supp."))

Statutes (legislative)

Laws enacted by the legislature.

U.S. Congress
U.S. Statutes at Large ("Stat.")
(Chronological annual compilation of laws passed during a Congressional session.)

U.S. Code ("U.S.C.")
(Subject or topical compilation of current session laws.)

Administrative Regulations (executive)

Administrative agencies issue *rules* or *regulations* implementing legislation, which govern an agency. These rules or regulations explain or enforce a statute. Authority derived from Executive branch of government.

U.S. Executive & Independent Agencies
Federal Register ("Fed. Reg.")
(Chronological compilation of *regulations* or *rules*.)

Code of Federal Regulations ("CFR")
(Subject or topical compilation of current *regulations* or *rules*.)

Fundamental Legal Resources

Berring, Robert and Elizabeth A. Edinger. *Finding the Law*. St. Paul, MN: Thomson/West, 2005.

Garner, Bryan A. *Black's Law Dictionary*. St. Paul, MN: Thomson/West, 2004.

Harvard Law Review. *The Bluebook: A Uniform System of Citation*. Cambridge, MA: Harvard Law Review Association, 2005.

Mersky, Roy M. and Donald J. Dunn. *Fundamentals of Legal Research*. New York: Foundation Press, 2002.

Citation Examples

- Supreme Court Case:** **Eldred v. Ashcroft, 537 U.S. 186 (2003).**
(case name, volume number, abbreviated name of reporter (“U.S.” for *United States Report*), page number, and year or court/year of decision.)
- U.S. Court of Appeals Case:** **Eldred v. Reno, 239 F.3d 372 (D.C. Cir. 2001).**
- U.S. District Court:** **Eldred v. Reno, 74 F. Supp.2d 1 (D.D.C. 1999).**
- U.S. Statutes at Large:** **The Sonny Bono Copyright Term Extension Act, Pub. L. 105-298, 112 Stat. 2827 (1998).**
(name of act, public law or chapter number, volume number, and abbreviation for *Statutes at Large* (“Stat.”), page number in session laws, & date of enactment)
- United States Code:** **The Sonny Bono Copyright Term Extension Act, 17 U.S.C. § 101 (2000).**
(name of act, title number, abbreviated name of code, section number, and year of code edition cited.)
- Federal Register:** **Importation of Fruits and Vegetables, 60 Fed. Reg. 50,379 (Sept. 29, 1995) (to be codified at 7 C.F.R. pt. 300).**
- Code of Federal Regulations:** **Establishment of Roadless and Wild Areas on Indian Reservations, 25 C.F.R. § 265.1 (2006).**
(name of regulation, title number, abbreviation “C.F.R.”, section number of *rule* or *regulation*, year of code edition.)
- Law Reviews (periodicals):** **Michael D. Birnhack, Copyright Law and Free Speech After Eldred v. Ashcroft, 76 S. Cal. L. Rev. 1275 (2003).**

Legal Research & Law Related Websites

Lexis Academic (<http://hdl.library.upenn.edu/1017/6973>): “Among the document sources included are the U.S. Code and Federal Case Law, state codes and case law, and U.S. patents.” Also includes secondary literature.

GPO Access (<http://www.gpoaccess.gov/index.html>): Provides links to the three branches of government, and corresponding primary authority.

Legal Information Institute at Cornell University (<http://www.law.cornell.edu/>): “[A] research and electronic publishing activity of the Cornell Law School. Popular collections include: the U.S. Code, Supreme Court opinions....”