

# LEGAL BULLETIN 1.2

## Legal Research

(Set: Litigation. Bulletin 1.2)

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Updated June, 2005

### **Introduction**

Legal research, on the most general level, is the process of finding statutes, cases, and other legal authorities as well as learning the techniques necessary to use them. A large part of legal research involves finding out what the law means, what procedures are required, and the remedies involved and available in specific cases. The purpose of research is to educate, inform, and enable individuals to pursue and protect their rights. This bulletin provides an overview of legal research and offers some practical guidance to help you find and understand the law.

Legal research can be very complicated and extensive. The aim of this bulletin is to give the researcher a starting point and some general understanding of the topic. For a more detailed approach to legal research, consult your law librarian for related publications.

There may be limits on the amount and quality of legal resources available to you in prison. Therefore, we will focus on only the basics, excluding less accessible sources such as computer-based research.

### **Organizing Your Case for Research**

**The Facts:** Prior to beginning your actual research, you should develop a Statement of Facts. If you are involved in a civil case, the facts will be found in the complaint, discovery, and other documents and pleadings. If a complaint has not yet been filed, the facts must be gathered from your and the witnesses' knowledge of what happened. Obviously, there are many other sources for finding the facts, but remember the facts are the record of what happened and what was said, not accusations or even reasonable guesses. Like the news, the facts should answer the questions Who, What, When, Where, Why and How in your case.

First, organize the facts in list-form. Then, using the list, write the "story." It may be helpful to think of explaining the story to someone who does not know anything about the case. Your story should be complete but to the point and easy to follow. Do not include emotional pleas or feelings unless they will directly relate to a claim for damages or will be necessary to prove a fact. Rule 8 of the Federal Rules of Civil Procedure requires a similarly concise style for all pleadings submitted to the court.

## **Establishing A Cause of Action**

A cause of action is a legally recognized basis used to classify wrongs or violations of rights. For example, if you have been subjected to an illegal search and seizure, your cause of action would be a Fourth Amendment violation. Another situation would be if a guard illegally beat you. Your fact statement might say – “On     (date and time)    , Guard     (name)     entered my cell and punched me, causing injury to my face.” The cause of action in that case may fall under the legal theory of “excessive use of force.” There may also be relevant constitutional violations involved in such a situation. The relief you would seek might be money damages for your injuries and the accompanying pain and suffering.

When pursuing a legal remedy, it is important to separate each wrong done to you and find the appropriate cause of action that corresponds to that injury. For example, if the guard also destroyed a letter from your attorney, your cause of action may involve a Sixth Amendment claim which should be separated from the assault claim for pleading purposes.

In organizing your case, be sure you can demonstrate:

1. The facts are true and verifiable to the best of your ability.
2. Which legal authority you are proceeding under (Constitutional, Statutory, Common law, etc.)
3. The extent and nature of your injuries.
4. How your injuries were the responsibility of another because of something they did or failed to do.

## **Methods of Research**

**The Topic Method:** In general, the case method is the best form of legal research to use. However, if you do not have a good case to serve as a starting point, you may find the topic method helpful.

To begin the topic method of research, you will need to identify a category of information relevant to your inquiry. The broad headings of parole hearings or medical care are two examples.

After identifying a category, consult a legal digest or legal encyclopedia, such as the Modern Federal Practice Digest published by West Publishing Company. This digest, like others, contains a number of major headings relating to prisoners’ issues, such as convicts, prisons, civil rights, pardons and paroles, constitutional law and criminal law. Also frequently useful are listings such as federal civil procedure, federal court, injunctions and damages.

**Note:** Most digests have various editions; try to use the newer, updated ones. Digests and encyclopedias have yearly updates called pocket parts inserted into the back of each volume. It is very important to refer to these every time a topic is researched.

Under the general topic in the digest, there will be a listing of more specific sub-topics. The more specific headings will have a numbering or letter system used by the publisher to organize the materials. In the West Publishing Co. books, these numbers also

have a key system that tracks the topic in other book sets and helps in locating related cases and information.

In the Modern Federal Practice Digest, for example, cases and their “headnotes”(brief summaries highlighting the holding or holdings of a case regarding the major issues) are listed in chronological order. The cases are further organized by the court in which they appeared. The United States Supreme Court is listed first, then the Federal Courts of Appeal, and then the Federal District Courts listed alphabetically by state. Review the headnotes of the cases to find other cases similar to yours. If another case with facts similar to those in your case was decided a certain way, you can use it to argue that your case should be decided the same way. If, however, the case was resolved in a manner unfavorable to the result you seek, you should try to find differences between that case and yours. By distinguishing that case, you can argue it should not control the outcome of your case.

Other publications that work in a similar way to those described above are: State Digests; American Jurisprudence (Am Jur); Corpus Juris Secundum; Index to Legal Periodicals; Words and Phrases; American Law Reports (A.L.R., which has four series) and American Law Reports, the Federal version.

### **Case Method**

The case method requires having a citation to a case relevant to your set of facts and legal problem. Often by beginning with the topic method mentioned previously, cases can be found to help you with the case method of research.

There are a variety of ways to cite a case. The 'Blue Book' sets out the formal system of citation. However, for your purposes, you should concentrate on providing enough information to allow someone reading your legal papers to find the cases you are referencing. Below is an example of a case citation, followed by a breakdown of its parts:

Institutional Juveniles v. Secretary of Public Welfare, 568 F.Supp. 1020  
(E.D. Pa. 1983).

1. “F.Supp.” means the opinion appears in the Federal Supplement and reports a decision of a United States District Court.
2. “568” means the case appears in volume number 568 of the Federal Supplement.
3. “1020” means the case begins on page 1020 of volume 568 of the Federal Supplement.
4. “E.D. Pa.” means the case was decided by the United States District Court for the Eastern District of Pennsylvania.
5. “1983” means the opinion was handed down in the year 1983.
6. The title of the case (the underlined names at the beginning) is divided into two parts. The first name is the moving party (either the Plaintiff at the trial court level or the Petitioner at an appeals court). The second name is the Defendant at a trial court or the Respondent at an appeal court.

The tables below list the full title, abbreviation, and type of cases reported in the major

sets of casebooks.

**Federal Cases** (Opinions from United States Courts)

<u>Full Name of Publication</u>	<u>Official Abbreviation</u>	<u>Type of Cases</u>
United States Reporter	U.S.	U.S. Supreme Court
Supreme Court Reporter	S. Ct.	U.S. Supreme Court
U.S. Supreme Court Reports – Lawyers Edition	L.Ed / L.Ed.2d...	U.S. Supreme Court
Federal Reporter, Third Series	F. 3d	Federal Appeals Court
Federal Supplement	F. Supp.	Federal District Courts
Federal Rules Decisions	F.R.D.	Federal District Courts

**Regional Reporters of the National Reporter System** (Sources of State Court Opinions)

<u>Full Name of Publication</u>	<u>Official Abbreviation</u>	<u>Type of Cases</u>
Atlantic Reporter	A. / A2d ...	Reports cases from PA, MD, NJ, CT, VT, RI, NH, ME, DE, and DC
North Eastern Reporter	N.E. / N.E.2d ...	Reports cases from IL, IN, MA, NY, and OH
North Western Reporter	N.W. / N.W.2d ...	Reports cases from IA, MI, MN, NB, ND, SD, WI.
Pacific Reporter	P. / P2d ...	Reports cases from AK, AZ, CA, CO, HI, ID, MT, NV, NM, OK, OR, UT, WA, WY.
South Eastern Reporter	S.E. / S.E.2d ...	Reports cases from GA, NC, SC, VA, and WV.
Southern Reporter	So. / So.2d ...	Reports cases from AL, FL, LA, and MS.
South Western Reporter	S.W. / S.W.2d ...	Reports cases from AK, KY, MO, TN, and TX.

The “2d” or “3d” behind the citation of a reporter means it is the second or third series of that reporter. In addition to the reporters listed in the table above, each state may publish cases from its state courts in individual volumes. Also, you should be aware that the company publishing these state court opinions for inclusion in a regional reporter might also put out a series of books for one specific state. For example, in Pennsylvania, West publishes the Pennsylvania Reporter. This series uses the Atlantic series for its citation, but it includes only Pennsylvania court opinions.

**Note:** Some state court opinions handed down by lower / trial courts have a separate set of books. In Pennsylvania this set is called District and County Court Reports and contains opinions from Courts of Common Pleas. These sets do not report all the opinions written by lower courts; rather, they include only those the publisher deems noteworthy.

**Statutes:** Statutes are laws passed by local governments, state legislatures, and Congress. The highest law in the United States is the Federal Constitution. A state law cannot overcome a federal constitutional right. The Federal Constitution grants exclusive power to regulate or govern particular matters to the federal government. Additionally, Congress may have interpreted the Constitution to specifically designate an area for exclusive federal control. However, rights can also be granted in a state constitution.

In addition to the Constitution, federal statutory or code law includes congressional legislation (Statutes at Large and the United States Code), treaties, administrative rules, and executive orders.

Whether statutes are applicable to prisoners or not depends, in large part, upon their status in relation to federal, state and local jurisdictions. If one of these levels of government has the total authority, this is said to be exclusive jurisdiction. If, on the other hand, more than one level of government has authority, they share concurrent jurisdiction. Thus, a federal prisoner held in a federal institution on the basis of a federal conviction out of federal court and premised on federal law need only address the United States Constitution, federal codes, and federal statutes with respect to issues arising from the conviction. However, if prisoners find themselves involved in civil cases arising from a tort or other civil law issue, they may need to address the situation through the relevant state courts. Both state and federal statutory law will be applicable to the state prisoner whether held in a state or federal institution.

Statutory law generally appears in codes in both an official and an unofficial edition. Annotated editions include both the exact wording of the law as well as valuable resource material. The annotations consist of brief summaries of judicial decisions interpreting a code section and often research aids such as references to legal encyclopedias, scholarly texts, and digests.

While statutory law forms the basis for judicial decisions, it is not possible to understand the actual application of the statutes, codes or constitutional provisions without reference to the judicial decisions interpreting them. When a court applies a constitution or a statute to a set of facts, it interprets the words and intention of the statute a certain way. Specific circumstances and the passing of time can affect this interpretation. For example, although the 1791 enactment of the Sixth Amendment created a right to counsel in a criminal case, it was not until 1932 that the Court ruled an indigent defendant in a capital case in state court had the right to court-appointed counsel. See Powell v. Alabama, 287 U.S. 45 (1932). However, in the case of Betts v. Brady, 316 U.S. 455, 62 S.Ct. 1252, 86 L.Ed.1595 (1942), the Court ruled indigent defendants in a *non-capital* case in state court have no right to appointed counsel. In 1963, the court in Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed2d 799 (1963) overruled Betts and decided indigent defendants *do* have a right to court-appointed counsel in both capital and non-capital cases. This example illustrates how the interpretation of a law's meaning can evolve within the court system.

**Note:** Notice in the above paragraph that the Powell case has only one citation as compared to the other two cases cited. In Betts v. Brady and Gideon v. Wainwright, citations are given for all three sets of books where the cases can be found. The case is the same case regardless of in which set of books it is reported. However, be careful in

your research to make sure the citation is to the case you are using. Sometimes the same name of the case will reference the opinion of a lower court and not the same opinion you are using.

### **Primary and Secondary Materials**

In the course of your research, you will most likely come across both primary and secondary sources of information. While both types of sources can be helpful in gaining a better understanding of the law and its application, it is important to note that they are treated differently by the courts and carry different authoritative weight.

Secondary sources include legal articles in law reviews, legal periodicals, and other scholarly texts about the law. They are not binding authority, but can be useful in gaining a more solid background of the law and in attempting to persuade a court to view a legal question in a certain way.

Primary sources of law include statutes and judicial decisions and are binding under the doctrine of *stare decisis*. *Stare decisis* means that precedents (similar cases that came before) should be followed in deciding cases based upon similar facts. However, remember that cases can be overruled, as in the example in the previous section where the court overruled Betts in the Gideon case. This means the law as interpreted in Betts was no longer the controlling law and had no authority or weight of law.

The courts also have accepted non-legal research sources for use in making judicial decisions, such as statistics or scientific studies. Although this type of research will not be applicable in most situations, you should be aware of its existence. In most cases, the gathering and analyzing of statutes and case law should remain the core method of your legal research.

Legal Encyclopedias: The format of a legal encyclopedia is very much like that of any general subject reference encyclopedia. Usually a legal encyclopedia can be useful for providing a general overview of a subject in a short amount of time. However, in most cases, they will be best used as a starting point and will not provide the kind of specific information needed to advocate an issue.

The two primary legal encyclopedias are American Jurisprudence (Am. Jur.) and Corpus Juris Secundum (C.J.S.). Each of these sets is made up of hundreds of topics arranged alphabetically. Many states also have encyclopedias focusing on that jurisdiction's law and cases.

Treatises and Scholarly Works: These resources can be used to find law and cases. Although they do not carry binding authority in the court, they can be used as a tool of persuasion to argue that a particular interpretation of the law should or should not be accepted by the court. When the author of such an article has a significant reputation in the legal community, the court may give his or her opinion serious consideration.

The two best-known treatises of this type are Wright and Miller's Federal Practice and Procedure and Moore's Federal Practice. Other helpful books of this sort include the Clark Boardman Publishing Co. volume on federal practice entitled Federal Rules of Civil Procedure, Shepard's Manual of Federal Practice, and Sokol's Federal Habeas Corpus.

Legal Periodicals: The most commonly cited legal periodicals are law reviews and law journals. Lead articles are usually written by lawyers, judges, law professors, or specialists in a particular field and provide an in-depth analysis of a specific legal issue. In addition, law review articles often include citations. However, since most prison libraries do not have law review collections, legal periodicals will most likely not be a viable source of research for you. If you do discover a particular issue of a law review that addresses a frequently used topic such as parole or prison conditions, you can try to obtain that single publication by writing to the publisher.

Digests: A digest can be thought of as an index to judicial decisions. It is made up of a series of short case descriptions containing summaries of facts and points of law that a court ruled upon in a particular case. Each of these short summaries is followed by the name of the case and its citation. After finding what appears to be a useful case, go to the casebook and read the actual text of the case. If it is helpful, then the case should be Shepardized to find out how the case has been applied in cases that came after it. The Modern Federal Practice Digest is very helpful in the areas of constitutional law, civil rights, prisons and prisoners, and federal civil procedure.

Reporters: Cases, whether federal or state, have similar sections in their layout in the reporters. Below is a brief overview of those parts:

Caption: This contains the names of the parties involved in the legal action. Usually the Plaintiff is on top in a civil case and the Defendant is under the “v.” In criminal cases, the government is usually on top and the Defendant below.

A cautionary note: in some instances the caption is reversed by the Supreme Court. Also, there are cases where prisoners file for certain kinds of relief concerning the criminal case that resulted in their incarceration and name a government official as the opposing party (e.g. habeas corpus petitions).

Synopsis: This is an unofficial summary of the case written by a member of the publishing company. The synopsis is not part of the decision and should not be quoted.

Headnotes: Headnotes are short paragraphs with identifying numbers followed by a key symbol. Each headnote relates to some area of law that is covered in the case. The numbering key system helps you to cross-reference similar information in other books published by the same company, such as a digest. Like a synopsis, a headnote is not written by the judge, but is provided by the publisher.

Text of the Case: Located after the headnotes is the actual decision written by the court. The words of the decision itself can be quoted in your legal briefs. The footnotes within the text of the opinion are also considered part of the court decision and can be used as authority for a point of law you are arguing.

**Briefing a Case:** Briefing a case is the process of structuring and analyzing the individual cases you have found according to certain classifications and parts. It is not the same as a legal brief filed with the court. A case brief should be approached in the

following manner:

Fact Statement: This is the “story” of the case. It should include the relevant facts used by the court that decided the case. It is not necessary to include all of the facts, rather only those that have a bearing on the outcome. For example, a case may contain a detailed account of a crime and police chase of a suspect. The same case may also contain information about the interrogation of the defendant that led to his confession. If you are using the case for what it held about the circumstances of the confession, it may not be necessary to go into detail about the police chase.

Judicial History (Procedural Posture): This should contain the chronological history of the case as it went through the legal system. It should include the date of arrest, trial, appeals, etc, and the disposition at each level. In most cases, the court’s opinion will summarize this information near the beginning of the opinion.

The Issues: The issues are the legal questions answered by the court in the case. For your purposes, focus on the issues relating to the type of question you are addressing. However, you should read the entire case to be sure there is no important carry-over or link between issues that might not be apparent at first glance.

Holding: The holding refers to the result the court reached in regard to the issue or issues of the case. In our previous example, if the police had beaten the defendant to get him to confess, the issue would be whether or not the police violated the Fifth Amendment rights of the defendant in the methods they used to obtain a confession. The answer to this issue might result in the holding that the confession should be suppressed because it was the product of illegal police action and was not voluntarily given, thus violating the defendant’s Fifth Amendment rights.

Reasoning / Rationale: In reaching a decision, the court will state its reasons for arriving at a particular answer or result. This rationale must be grounded in some law or principle of law. Note: A party to a legal action may argue constitutional and statutory reasons for the court to decide an issue a certain way, but only the basis of the court’s actual decision carries the weight of law in future cases.

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Legal Briefs to the Court: Briefs submitted to the court by a party will incorporate the cases you found in your research along with persuasive argument and logic. In our confession example, you would include references to the cases you found regarding other confessions courts had suppressed because they were obtained through illegal police force. You would then argue that your case is factually similar to the cited cases, and therefore, the rulings in those cases should be applied to your case.

There are a number of different formats that various courts require for these briefs and specific time requirements for their submission. Check the Rules of Procedure as well as local rules for the specifics of your case and the particular court to which you are presenting your case. A typical brief will have 4 parts: Caption, Statement of Facts,

Issues, and Argument. Like other legal filings, it is necessary to provide a copy to the other side in the case.

### **Citators**

When you have found cases in your research, you will need to find other cases or statutory materials to explain and elaborate on the topics covered. It is also vital to find out the current legal status of your materials. For example, the Betts case was overruled by the Gideon case. If you had only found Betts and investigated no further, you would have been relying upon a case that was no longer controlling. Citators are used primarily to determine the current legal status of a case and can also be used to research statutes.

By far, the most useful and comprehensive resource for this process is called **Shepard's**, published by McGraw – Hill, Inc. Shepard's books of citations list all subsequent references to the cases covered in its publication. There are separate sets for the Supreme Court, the federal courts, state appellate courts, and some other courts. Some Shepard's citators reference non-decisional material, such as the opinions of the Attorney General and a selected number of legal periodicals. Some prison law libraries that have Shepard's citators have only case and statute citators and do not have these special citators.

When Shepardizing your research, the first step is to make sure you have the proper volume of Shepard's Citations. The following are the most commonly used volumes:

United States Supreme Court Citations

Federal Citations (including citations to Fed. Reporter, F.2d, F.Supp., and FRD)

State Citator (usually only for the state that you are in)

Separate volumes for: United States Constitution,

United States Code,

Federal Rules of Civil Procedure,

Federal Rules of Evidence.

In order to find the proper volume and begin the Shepardizing process:

1. Select the published decision, statute, or court rule you need to investigate.
2. Locate the appropriate Shepard volume and any companion paperback (these updates come in different colors).
3. Locate the volume number of the case, the title and section of the statute, or the number of the rule on the upper corner of the page in the Shepard Citator.
4. Once you have found the proper page, look for the boldface numbers that indicate the first page of the case or the subsection of the statute or rule.
5. The citations following the boldface numbers are the citations of other cases that have mentioned your case.
6. A letter abbreviation may precede the citations listed. There is a chart located near the front of the volume that lists the abbreviations and their meanings. For example, if there is a little "e" next to the citation, it means that within that case, the case you are Shepardizing was explained. Other terms used to describe the treatment of a case include: affirmed, reversed, dismissed, criticized, distinguished, overruled, etc.

The amount of cases cited will vary significantly from case to case and statute to statute. A case may never be referred to again, or, with regard to a landmark decision such as Erie v. Tompkins, 304 US 64 (1938), there may be as many as four thousand citing references.

When you encounter a long list of citing references, you will need to use some sort of system to limit your search. The best system to use is limiting your search to the highest courts and relevant jurisdiction. Thus, you would first review the relevant United States Supreme Court cases, then the relevant Court of Appeals, and so forth. Finally, you could examine some of the decisions originating from trial courts within your circuit in an effort to locate a decision by a judge from your district, or even by the judge who is hearing your case.

### **Constitutions, Statutes and Codes**

United States Constitution: The text of the Constitution has been published in various forms. It is perhaps most accessible in the United States Code Annotated or the United States Code Service. There is also extensive reference to it in the Modern Federal Practice Digest for cases from 1939 to the present and the Federal Digest for the period prior to 1939.

Statutes at Large: Statutes at Large contain all public and private laws and concurrent resolutions enacted during a session of Congress, as well as reorganization plans, proposed and ratified amendments to the Constitution, and proclamations by the President. These materials are arranged in chronological order by approval date within each category. The Statutes at Large are considered to be the permanent or official form of federal statutory law and are treated as the “positive law” of the United States of America.

United States Code: The Code differs from the Revised Statutes and Statutes at Large because it does not accumulate the positive law as it is passed by Congress. Rather, the Code gathers it as a restatement in convenient form. All related laws of a permanent and general character in force are recompiled into a classification of fifty subjects called titles. The titles are divided into chapters and subdivided into sections. The sections are renumbered separately for each title. The Code is regularly updated. In practice, citations to the United States Code will be accepted as authoritative even if the statute in the Statutes at Large remains the only enacted version of the law passed by Congress.

United States Code Annotated: The U.S.C.A., published by West Publishing Company, is comprised of more than one hundred volumes. It contains the identical wording and language of the statutes in the official edition and is arranged in the same way by titles, chapters, and sections. The value of the U.S.C.A. lies in its annotations to judicial opinions that have interpreted and applied the sections of the Code. Generally, an annotation is a remark, commentary, or reference to some part of the Code which is intended to illustrate or explain its meaning. The form of the annotations is similar to that of the headnotes found in other West Publishing Co. volumes. The United States Code Service (U.S.C.S.), published by The Lawyers Cooperative Publishing Company, is a

comparable reference work addressing the United States Code.

Also published in the U.S.C.A. and the U.S.C.S. are the federal court rules for civil and criminal procedure and materials on the rules of evidence.

Code of Federal Regulations: Agencies of the federal and state governments exercise legislative functions delegated to them by Congress and state legislatures. Their regulations and rules are comparable to statutes and carry the full force of law.

The regulations first appear in the daily issues of the Federal Register. However, it is easier to find them in the Code of Federal Regulations where they are codified by subject in a similar way to the organization of the U.S. Code's chronologically published enactments of the Statutes at Large. The Code of Federal Regulations (CFR) is an especially useful series for persons interested in the actions of federal agencies such as the Bureau of Prisons and the United States Parole Commission. The CFR should be used in conjunction with the Federal Bureau of Prison Program Statements and the United States Parole Commission's Rules and Procedures Manual. Be sure to find the newest editions of these publications.

Legislative History: Legislative history includes debates and speeches made when a law was being considered. Some legal researchers use it on occasion to argue that the words of a law should be interpreted in a certain way because of what was said when the law was being considered. While there is the possibility you will find such information referenced within your research, keep in mind that legislative histories are often ambiguous and do not carry the weight of law.

### **General Suggestions and Information:**

Familiarize yourself with what resources your law library offers. In addition to the types of books described in this bulletin, there are quite a few practice aid books that concentrate on particular areas of law and are very helpful in finding the proper law and procedure. These books include Hornbooks, law texts, formbooks, and publications by continuing legal education providers, etc.

During the actual process of researching, it is recommended you take notes of the book names and citations you encounter so you can refer to them later. However, do not brief every case you come across; rather, make a note of its name and citation. Once you have decided to use the case, then brief it.

Another important recommendation concerns organization. Organize your materials separately and divide one case from another if you have more than one legal action pending. If some documents or research materials are needed for more than one case, try to make copies for each of your case files.

Within each case file find a uniform system of arranging papers and materials. Listed below is one method of division that has proven to work for many lawyers:

- Research
- Administrative Documents and Remedies
- Pleadings (e.g. complaint, answer, etc.)
- Motions and Briefs

Orders and Opinions  
Procedural Orders (rules from the court on how you are to proceed)  
Correspondence  
Miscellaneous notes, memos, and materials

Each designation should have its own clearly labeled file or folder. Keep a log sheet at the front of each folder that catalogs its contents. Organizing your materials in such a way will save time and effort later on.

### **Working with your Lawyer:**

While your case is the most important one to you, your attorney may have many cases that are demanding his or her time and attention. Remember that just because an attorney does not seem to be as emotionally involved in the case as you are does not mean that he or she does not care. If you have a situation that must be brought to your counsel's attention, write a letter and keep a copy of it in your correspondence folder. There are some attorneys who will permit you to set up a phone conference with them, and you can schedule a day and time with their administrative staff or secretary to do so.

Before a visit from your legal representative, take some time to prepare. Organize all the documents you want to show him or her. Write out a list of questions so you do not forget any important issues you need to address. Prepare a list of witnesses' addressees and phone numbers your attorney might need to contact. If your research leads you to believe that there are certain cases or laws your attorney should pursue in representing you, prepare a brief memo for him or her. This preparation will create a record of the information you have given your attorney in case you later need to show you provided such information. Finally, you are encouraged to take notes during legal visits with your attorney.

You have every right to disagree with your lawyer. Keep in mind, however, that you are both interested in obtaining a favorable outcome. If you find you are unable to work with a specific lawyer or legal representative, you can seek representation elsewhere. If your attorney has not provided competent representation, there are procedures available to you to seek redress in the courts. You can also choose to proceed *pro se* and represent yourself. However, you should be aware that even though the courts give some leeway if you are not formally trained in the law, you should make every effort to get the process correct.

### **Conclusion:**

Legal issues can be complex and difficult. Do not let that intimidate you. By taking the time and making the effort, you will eventually come to a point where you can find information in the law books to serve you in your legal concerns.

One final note: We recommend prisoners help each other. Often in the sharing of research results, new and helpful information is found or understood in another way that proves beneficial for all involved.