

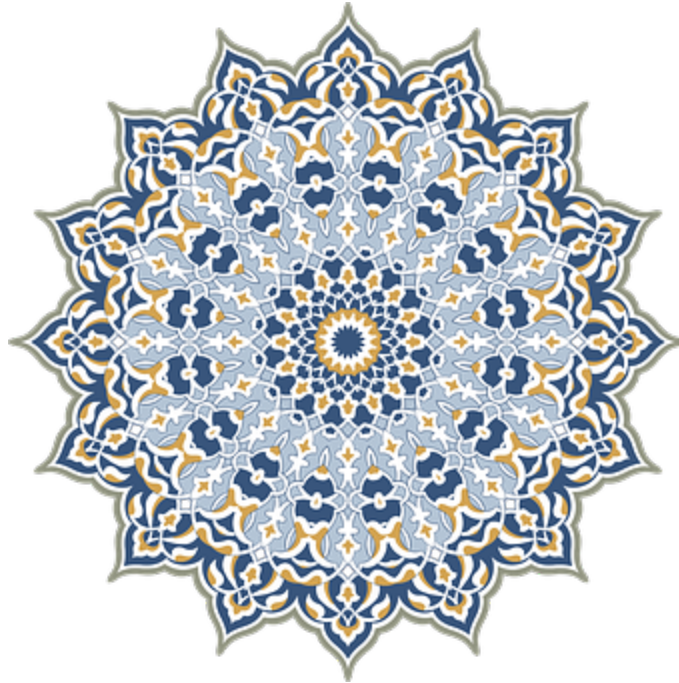
FOUNDATIONS OF LEGAL INFORMATION AND RESEARCH

Part 2: Applying the Foundations OR Tackling Legal Reference Questions



Kimberly Koscielniak and Julie Clement
Michigan Library Association, October 2019

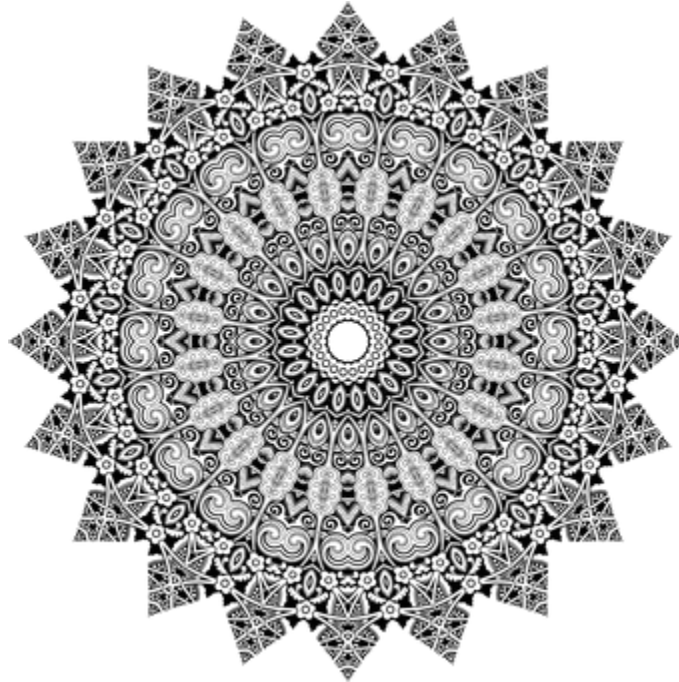
Someone has thought about this before.



A secondary source is anything that discusses, summarizes, identifies, explains, or analyzes primary authorities AND/OR helps someone to identify legal issues AND/OR helps to understand how the law works AND/OR provides a roadmap of how to deal with the problem AND/OR even answers the question!

(not all secondary sources are created equal)

The goal of broad initial secondary research is to find the language and context for more specific searches.

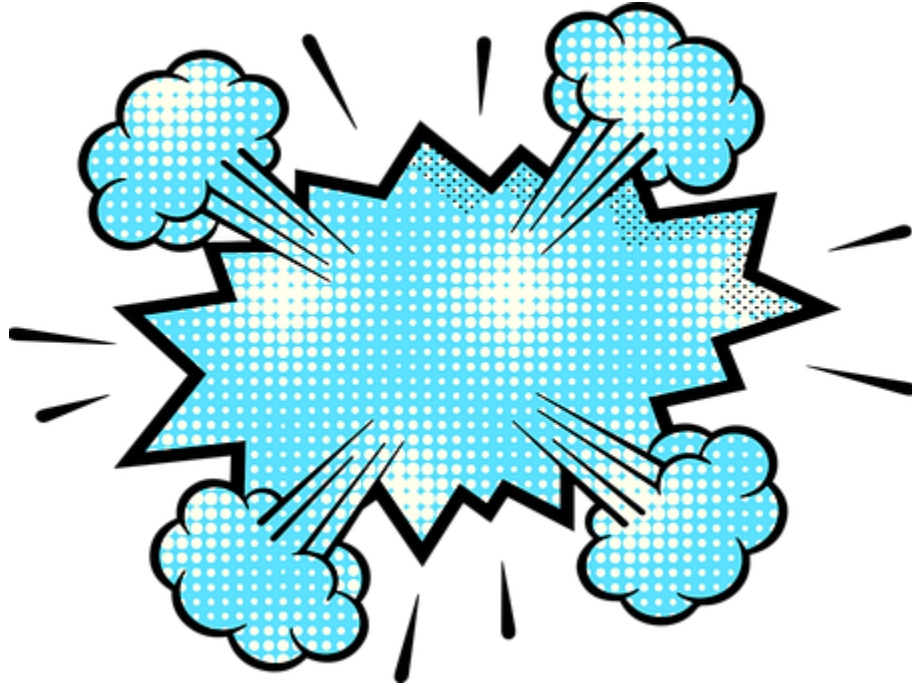


Do you book or do you Google? *

- The object here is to find terminology or words most likely used in primary legal authorities by finding a site that uses everyday language and associates it to those more formal terms.
- Books for laypeople on a legal topic (Nolo)
- Open-minded approach: go for news sources like MLive, public radio, local news (including government meeting minutes)
- Social media: what's got your researcher worried?
- If you think you might know the source of the law, try using "MCL" or "USC" as a search term.

*or Dogpile, or Yahoo, or Safari?

No place for popups: Sifting through the noise



You want a resource that's CURRENT and COHERENT and maybe even leads to PRIMARY AUTHORITY

- May be found by using .org, .edu, .net in the search
- [Advocacy groups](#)
- University-sponsored [websites](#) or [clinics](#)
- [Publications produced by non-profits](#)
- [Professional organizations](#)
- The Good Dot Coms - [law firm blogs and presentations](#) and trade groups
- Put them through the [CRAAP test](#)

Looking for the Rosetta Stone: Legal assistance websites and government mini libraries



- State and Federal Government (.gov, .org)
 - Government [mini-libraries](#) for links to [codes](#), [regs](#), [summaries](#), [forms](#), [FAQs](#)
 - Michigan.gov, USA.gov searches across websites
 - MCL, USC in search string
- Local
 - [County offices](#)
 - [Municipal ordinances](#)
 - [Court websites](#) with links to procedures and forms
- Legal aid and assistance websites
 - [Michigan Legal Help](#) (civil)
 - [State Appellate Defender Office](#) (criminal)
- Information for the Bench and Bar
 - Bar websites ([State](#), [local](#), [American Bar Association](#))
 - [Judicial](#) and professional organizations for information on [disciplinary matters](#)
 - [Michigan Judicial Institute](#)

Tracking down the Primary Authority



Many websites link to statutes, codes, cases, regs, and forms – go to the source for the official text. Portals can help you to get there.

- Law Libraries
 - State Law Library, ["Statutes, Regulations, and Decisions"](#)
 - State Law Library, ["Common Legal Citations and Where to Find Them"](#)
 - [Law Library of Congress](#), "Guide to Law Online"
- Government Portals
 - [GovInfo.gov](#)
 - [Michigan Courts: One Court of Justice](#)

Referrals: Getting your researcher to the next step on the legal help continuum



More informational resources

- State Law Library (10-5 M-F): 517-335-1480
- State Law Library reference email: lmllib@michigan.gov
- The Library of Michigan is also open on Saturdays from 10 am to 4 pm. Law Librarians may be working on the Main Reference Desk on any given Saturday.
- Michigan eLibrary for Nolo books, legal forms and articles, and MeLCat for borrowing materials from libraries with legal collections.

Legal aid and free clinics

- Michigan Legal Help: [Guide to Legal Help](#)

Lawyer referral

- [State Bar of Michigan Legal Resource and Referral Center](#)
- [Local and special purpose bar associations](#)
- [Lawyer directories](#)
- [Michigan Limited Scope Representation](#)
- [Additional directories](#)

This is not legal advice



"I can look for information on this for you!"

If it's the same answer for everyone, it's information, not advice.

Don't be afraid to say, "I don't know."

"It depends ..." is not a lawyer dodge – the need for analysis and research is real.

Looks like, sounds like, smells like – there could be a million facts why this ISN'T like what happened to you.

"They sent you for what?" Reach out to your community partners.

Thank you!

- Julie and Kim

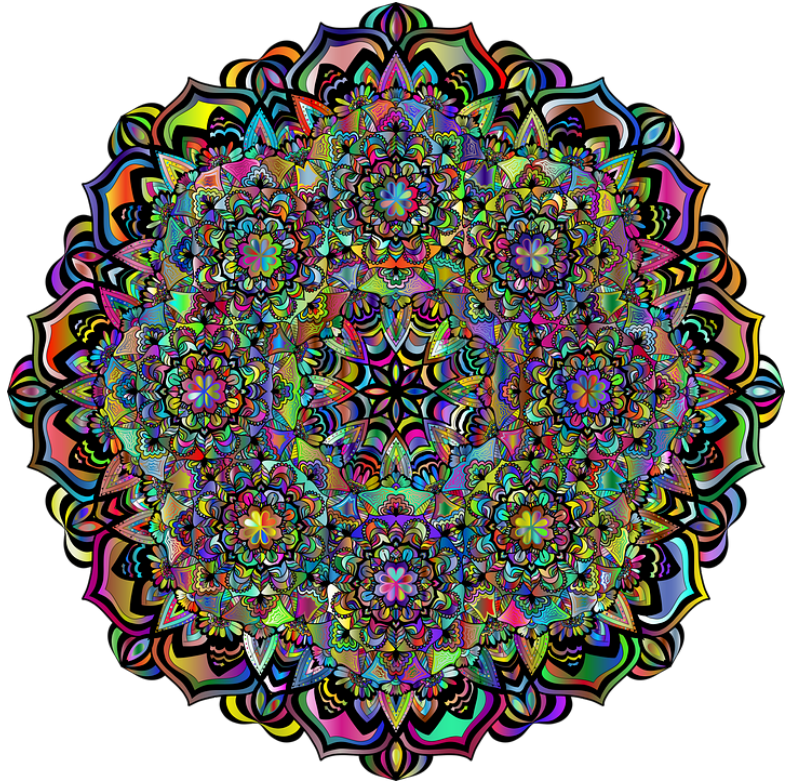
For more information:

[Library of Michigan /
State Law Library](#)

lmllib@michigan.gov

517-335-1480

M-F 10 am to 5 pm



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Examples of resources are provided by following links incorporated into the information above. Examples of places to find primary authority (cases, codes, regs, court rules) may be found in the screen shots below.

Mich Court Rules Chap 6. Criminal Procedure

Subchapter 6.000 General Provisions

Subchapter 6.100 Preliminary Proceedings

- Rule 6.101 The Complaint
- Rule 6.102 Arrest on a Warrant
- Rule 6.103 Summons Instead of Arrest
- Rule 6.104 Arraignment on the Warrant or Complaint
- Rule 6.106 Pretrial Release
- Rule 6.107 Grand Jury Proceedings
- Rule 6.108 The Probable Cause Conference
- Rule 6.110 The Preliminary Examination
- Rule 6.111 Circuit Court Arraignment in District Court
- Rule 6.112 The Information or Indictment
- Rule 6.113 The Arraignment on the Indictment
- Rule 6.120 Joinder and Severance: Single Defendant
- Rule 6.121 Joinder and Severance: Multiple Defendants
- Rule 6.125 Mental Competency Hearing

Subchapter 6.200 Discovery

- Rule 6.201 Discovery
- Rule 6.202, Disclosure of Forensic Laboratory

Subchapter 6.300 Pleas

Subchapter 6.400 Trials

Subchapter 6.500 Postappeal Relief

Subchapter 6.600 Criminal Procedure in District Court

Subchapter 6.900 Rules Applicable to Juveniles

SUBCHAPTER 6.100 PRELIMINARY PROCEEDINGS

RULE 6.101 THE COMPLAINT

(A) Definition and Form. A complaint is a written accusation that a named or described person has committed a specified criminal offense. The complaint must include the substance of the accusation against the accused and the name and statutory citation of the offense. At the time of filing, specified case initiation information shall be provided in the form and manner approved by the State Court Administrative Office.

(B) Signature and Oath. The complaint must be signed and sworn to before a judicial officer or court clerk.

(C) Prosecutor's Approval or Posting of Security. A complaint may not be filed without a prosecutor's written approval endorsed on the complaint or attached to it, or unless security for costs is filed with the court.

RULE 6.102 ARREST ON A WARRANT

(A) Issuance of Warrant. A court must issue an arrest warrant, or a summons in accordance with MCR 6.103, if presented with a proper complaint and if the court finds probable cause to believe that the accused committed the alleged offense.

(B) Probable Cause Determination. A finding of probable cause may be based on hearsay evidence and rely on factual allegations in the complaint, affidavits from the complainant or others, the testimony of a sworn witness adequately preserved to permit review, or any combination of these sources.

(C) Contents of Warrant; Court's Subscription. A warrant must

- (1) contain the accused's name, if known, or an identifying name or description;
- (2) describe the offense charged in the complaint;
- (3) command a peace officer or other person authorized by law to arrest and bring the accused before a judicial officer of the judicial district in which the offense allegedly was committed or some other designated court; and
- (4) be signed by the court.

(D) Warrant Specification of Interim Bail. Where permitted by law, the court may specify on the warrant the bail that an accused may post to obtain release before arraignment on the warrant and, if the court deems it appropriate, include as a bail condition that the arrest of the accused occur on or before a specified date or within a specified period of time after issuance of the warrant.

(E) Execution and Return of Warrant. Only a peace officer or other person authorized by law may execute an arrest warrant. On execution or attempted execution of the warrant, the officer must make a return on the warrant and deliver it to the court before which the arrested person is to be taken.

(F) Release on Interim Bail. If an accused has been arrested pursuant to a warrant that includes an interim bail provision, the accused must either be

Michigan Court Rules: MCR

COURTS CASES, OPINIONS & ORDERS ADMINISTRATION EDUCATION & REFERENCES NEWS & EVENTS SELF HELP

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Court Forms

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State Court Administrative Office

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Index of SCAO-Approved Forms for Use in Small Claims

This set of forms is used in the small claims division of district court. The forms must be filed in the district court. See also indexes for general and general civil forms which are used as appropriate.

Title	Name	Date	Citation	Previous Versions
Affidavit and Claim, Small Claims	dc84	6/19	MCL 600.8401 et seq., MCR 4.302, MCR 4.303, 50 USC App 3931	(12/17) version can be used until stock is depleted
Collecting Your Money from a Small Claims Judgment	dc84	6/19	MCL 600.8409(2)	(10/12) version can be used until stock is depleted
Demand and Order for Removal, Small Claims	dc86	6/19	MCL 600.8401 et seq., MCR 4.306	(3/16) version can be used until 12/31/2019
Judgment/Dismissal, Small Claims	dc85	6/19	MCL 600.8401 et seq., MCR 2.620, MCR 4.305, 50 USC 3931	(6/18) version can be used until 12/31/2019
Motion and Affidavit to Set Aside Default (Civil) (formerly DC 99)	mc99	8/12	MCR 2.603(D), MCR 2.612(C)	

Michigan State Court Administrative Office (SCAO) Forms

ACT NO. 21
Public Acts of 2019
Approved by the Governor
May 30, 2019
Filed with the Secretary of State
June 11, 2019
EFFECTIVE DATE: June 11, 2019

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Senators Nesbitt, Theis, LaSata, Horn, McBroom, Barrett, Lauwers and VanderWall

ENROLLED SENATE BILL No. 1

Michigan Public Act: PA

Michigan Compiled Laws Complete Through PA 48 of 2019
House: Adjourned until Wednesday, October 2, 2019 1:30:00 PM
Senate: Adjourned until Wednesday, October 2, 2019 10:00:00 AM

Home Register Why Register? Login New! Help

Legislature
Bills
Appropriation Bills
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Public Act (Signed Bills)
Resolutions
Rules
Session Schedules
Search - Basic
Search - Advanced

Laws
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Executive Reorgs
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MCL Tables
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Publications
Related Sites

Syndication

Search Results
Printer Friendly
(60 found)
Search Criteria: Public Act Number = 21; Public Act Year = 2019

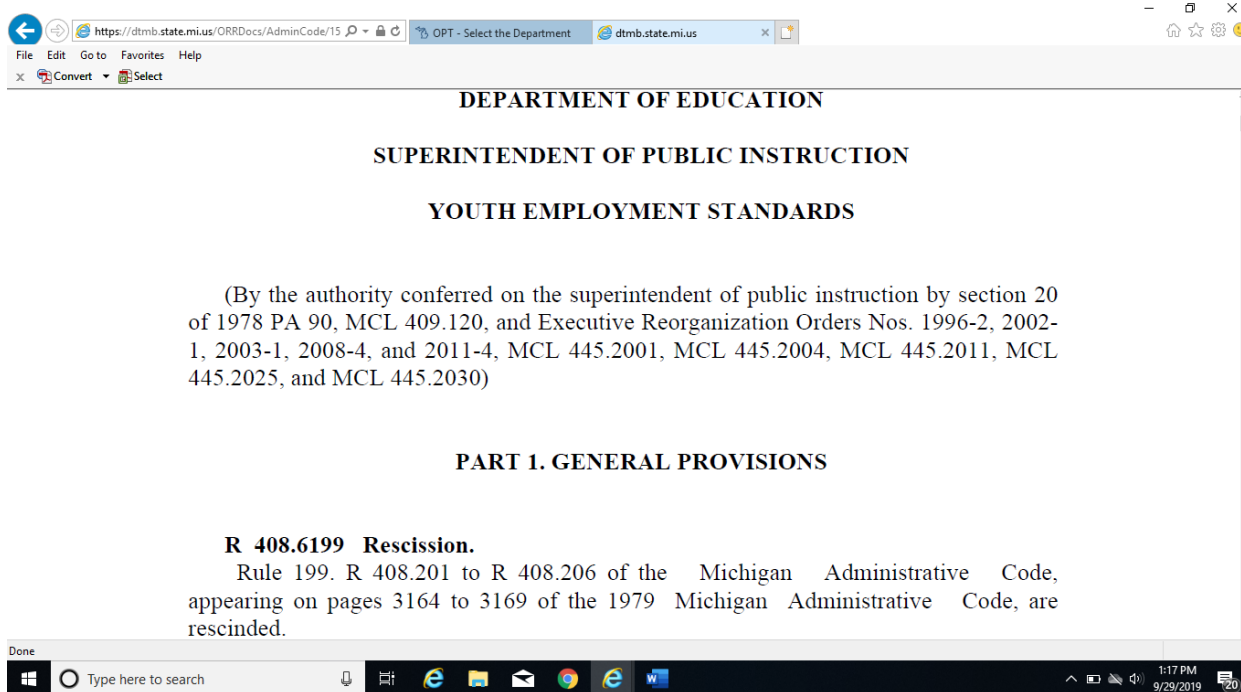
Search within these documents for Search

For bills, the 'search within' feature only searches the description (bill digest). It does not search bill documents. Use the full text search on the bills page to search through bill documents.

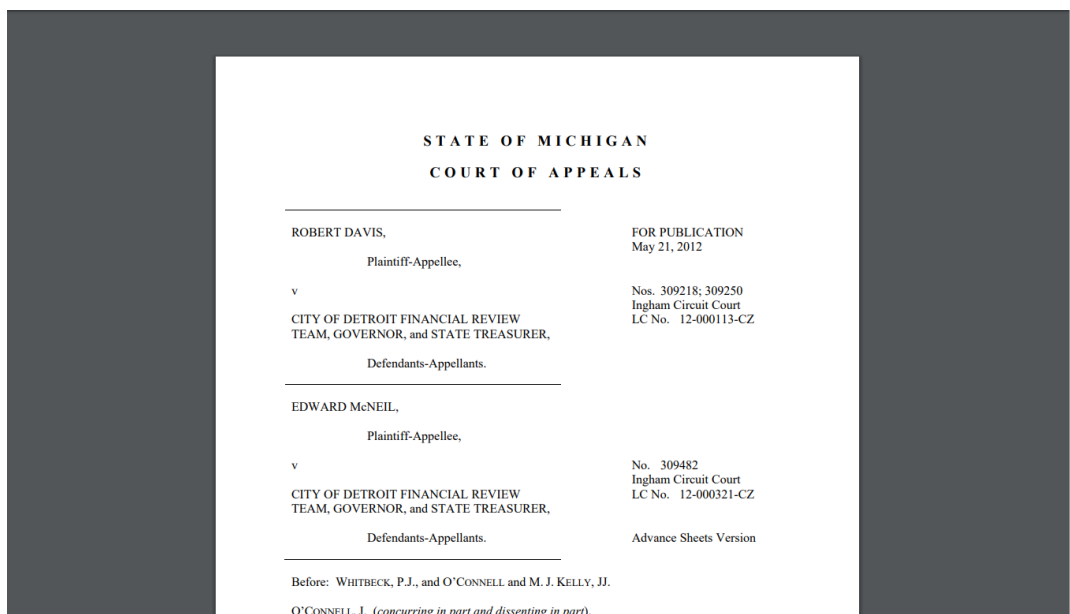
Document	Type	Description
Section 500.150	Section	Violation of act; hearing; order of director; penalties; court order.
Section 500.224	Section	Examinations and investigations of insurers; expenses; statement to insurers; employment of expert personnel; regulatory fees; expense of administering delinquency proceeding; definitions.
Section 500.261	Section	Internet website; publication of changes and rights regarding automobile insurance in this state; reporting of fraud and unfair practices.
Section 500.271	Section	Report to legislature on the effect of the limits imposed on charges for products, services, and accommodations under MCL 500.3157.
Section 500.1244	Section	Violation of chapter; hearing; serving copy of findings and cease and desist order; additional orders; reopening, altering, modifying, or setting aside order; violation of cease and desist order; notice and hearing; civil fine; suspension or revocation of license; disposition of fine; court of claims.
Section 500.2013a	Section	Failure to comply with MCL 500.3107e; unfair practice; applicability to other rights.
Section 500.2038	Section	Findings and decision to be in writing; cease and desist order; other orders; stay; modification or setting aside of order.
Section 500.2040	Section	Violation of cease and desist order; penalty; stay; contents of cease and desist order.
Section 500.2069	Section	Violation of MCL 500.2064 or 500.2066 as misdemeanor; penalty.
Section 500.2105	Section	Automobile insurance or home insurance to conform with chapter; exceptions; group plan requirements; group discounts; applicability to certain insurers; effective date.
Section 500.2106	Section	Applicability of chapters 24 and 26; file, approval, and use of rates; inconsistent provisions.
Section 500.2108	Section	Filing of manual or plan; statement of character and extent of coverage; maintaining rates in effect for eligible persons; insurer as member of or subscriber to rating organization; deviations; certification, contents, and public inspection of filing; trade secret; contract or policy to be in accordance with filings; automobile insurance compliance with chapter 24; redlining practices prohibited.
Section 500.2111	Section	Classifications and territorial base rates for automobile insurance or home insurance; conformity with applicable requirements; additional factors.

http://www.legislature.mi.gov/(S(1x5wstc1vqkld2gm3w0k5n))/mleg.aspx?page=getobject&objectname=mcl-500-261&query=on

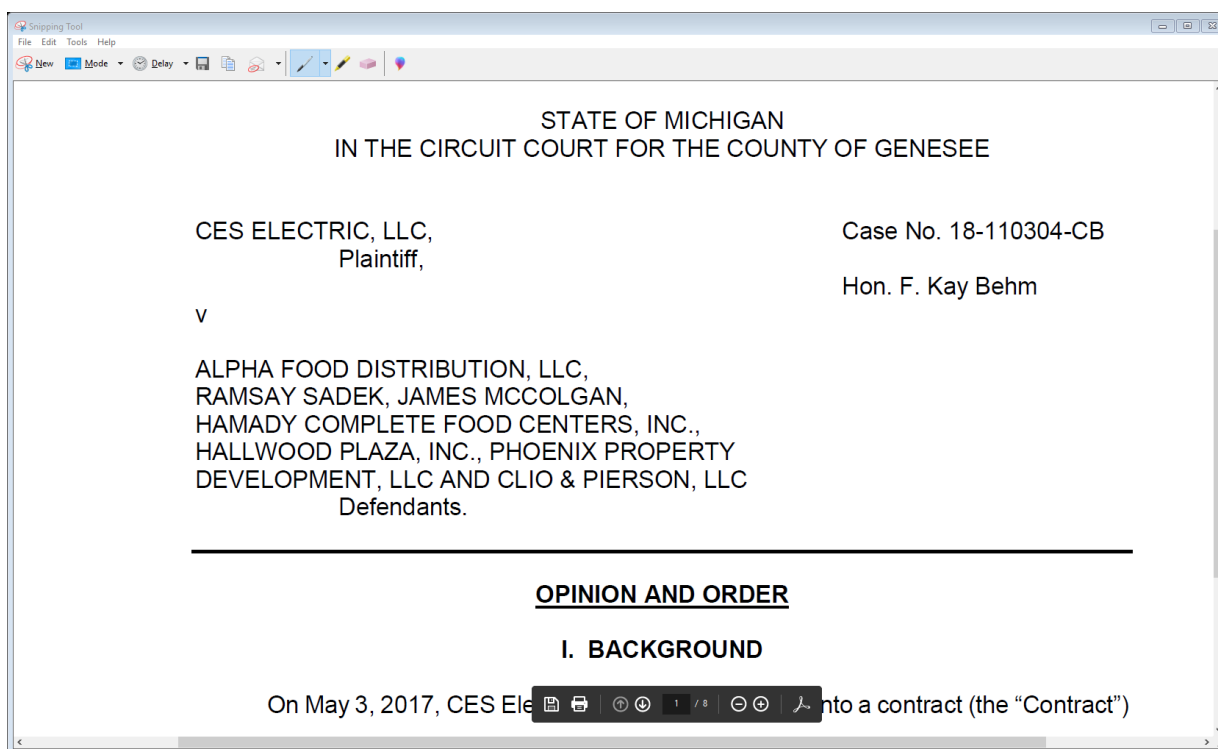
Michigan Public Act as codified in the Michigan Compiled Laws: MCL



Michigan Administrative Rules: MAC R



Michigan Supreme Court and Court of Appeals Cases: Mich or Mich App



[Michigan Trial Court case example from Business Court](#)

OAKLAND COUNTY MICHIGAN

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Court Explorer

Search Cases

Court Type **Circuit** Probate [Create ePraeclipse](#)

Circuit Search

Business Name

Or

Person's Name Last Name First Name

Or

Case Number YYYY-999999-AA

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Note: Personal Protection Orders (PPO), Juvenile, and Probate Mental Health records are not available through Court Explorer.
Data obtained on this site is for **personal information use only**. Bulk data downloads and commercial use of data from this site are prohibited.
The information contained on this site is **NOT** the official record of the court and should not be used for criminal background checks or the like.

[Docket search example for a Michigan circuit court](#)

Office of the Law Revision Counsel
UNITED STATES CODE

The United States Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. It is prepared by the Office of the Law Revision Counsel of the United States House of Representatives. For currency information, click [here](#).

Search the United States Code

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- *Title 2—The Congress [View](#)
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- *Title 4—Flag And Seal, Seat Of Government, And The States [View](#)
- *Title 5—Government Organization And Employees; and [Appendix](#) [View](#)
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- *Title 8—Aliens And Nationality [View](#)
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- *Title 11—Bankruptcy; and [Appendix](#) [View](#)
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- *Title 17—Copyrights [View](#)
- *Title 18—Crimes And Criminal Procedure; and [Appendix](#) [View](#)
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- *Title 20—Education [View](#)
- *Title 21—Food And Drugs [View](#)
- *Title 22—Foreign Relations And Intercourse [View](#)
- *Title 23—Highways [View](#)
- *Title 24—Hospitals And Asylums [View](#)
- *Title 25—Indians [View](#)
- *Title 26—Internal Revenue Code [View](#)

United States Code: USC

eCFR — Code of Federal Regulations

Electronic Code of Federal Regulations

e-CFR data is current as of **September 26, 2019**

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Code of Federal Regulations: CFR



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