

Appellate Advocacy College *2000*



Lecture

Research Tools and Techniques in Criminal Appeals

Peggy O'Neill, Jonathan Soglin

RESOURCES FOR CALIFORNIA CRIMINAL APPELLATE ATTORNEYS

These resources are recommended for use by California Court of Appeal appellate project panel attorneys who represent indigent criminal defendants on appeal. The listed resources, while not by any means exclusive, are fairly comprehensive and represent a variety of research tools available. In some instances, more than one publisher or provider of nearly identical resources is listed. This list is not intended as advocating for one publisher or provider over any other.

The resources are organized into several broad categories, with some overlap. First, is a short list of “Strongly Recommended Desktop Resources,” which are essential to have on your desktop. These include such items as the California Penal Code and a dictionary that you will consult regularly. The strongly recommended list is followed by a list of “Recommended Desktop Resources” which refers to items such as CALJIC which may not be quite as essential on a regular basis as the strongly recommended items. “Additional Resources to Consult” is a broader list of treatises, compendiums, and case compilations which you would not necessarily consult daily but which you should rely on, as needed, at the library, for example.

A list of “Electronic Research” tools is also provided which includes free internet legal search engines, dial-up services such as Westlaw and LEXIS, and CD-ROM libraries. (Unless you have easy access to a law library, an electronic source is essential.) Next, under “Staying Current,” free email subscription bulletins and web sites are listed which will notify you of California, Ninth Circuit, and U.S. Supreme Court published decisions as they are filed and which will enable you to keep current on the law. This list also identifies resources that track pending *questions presented* that are before those courts.

A list of “Appellate Project Web Sites” follows. The sites include newsletters, case summaries, forms, filing requirements, and a multitude of hyperlinks to additional internet resources. Of course, the best way to explore these sites is to actually browse their pages on the internet. Finally, a list of hyperlinks to useful statistics is provided.

STRONGLY RECOMMENDED DESKTOP RESOURCES:

California Penal Code (Lexis: http://bookstore.lexis.com/bookstore/store_index and
West Group: [http://www.westgroup.com/products/store/.](http://www.westgroup.com/products/store/))

California Evidence Code (Lexis: http://bookstore.lexis.com/bookstore/store_index and
West Group: [http://www.westgroup.com/products/store/.](http://www.westgroup.com/products/store/))

California Juvenile Laws and Rules

(Lexis: http://bookstore.lexis.com/bookstore/store_index and
West Group: [http://www.westgroup.com/products/store/.](http://www.westgroup.com/products/store/))

California Rules of Court—State and Federal

(Lexis: http://bookstore.lexis.com/bookstore/store_index and
West Group: [http://www.westgroup.com/products/store/.](http://www.westgroup.com/products/store/))

California Style Manual (West Group: [http://www.westgroup.com/products/store/.](http://www.westgroup.com/products/store/))

California Courts Directory (<http://www.courtclerks.org>)

Dictionary

RECOMMENDED DESKTOP RESOURCES

California Jury Instructions, Criminal, Sixth Edition, by Committee on Standard Jury
Instructions, Criminal, of the Superior Court of Los Angeles County, California
(West Group: <http://www.westgroup.com/products/store/>)

Cal. Criminal Law: Procedure and Practice (Cont.Ed.Bar: <http://www.ceb.ucop.edu>)

ADDITIONAL RESOURCES TO CONSULT:

General Criminal Law

Ford, California Criminal Law Reporter (La Jolla Legal Publications: ljlegal@flash.net)

Haynes, Ninth Circuit Criminal Law Reporter (James Publishing, Inc.:
<http://www.jamespublishing.com>)

Millman et al., California Criminal Defense Practice (Lexis:
http://bookstore.lexis.com/bookstore/store_index)

Witkin & Epstein, Cal. Criminal Law (<http://www.westgroup.com/products/store/>)

Jury Instructions

Lundy, Latest Developments in Criminal Jury Instructions (<http://www.forecite.com>)

Cal. Center for Jud. Education and Research, 1999 CJER Mandatory Criminal Jury
Instructions Handbook. (West Group: <http://www.westgroup.com/products/store/>)

Evidence

Imwinkelried & Hallahan, California Evidence Code Annotated (West Group:
<http://www.westgroup.com/products/store/>)

Imwinkelried et al., California Evidentiary Foundations
(http://bookstore.lexis.com/bookstore/store_index)

Witkin, California Evidence (West Group: <http://www.westgroup.com/products/store/>)

Search and Seizure

Capozzola, California Search and Seizure Handbook (tc@capozzolalaw.com)

LaFave, Search & Seizure (West Group: <http://www.westgroup.com/products/store/>)

James Scott Bell, Bells's Searches and Seizures Compendium & *The Poop Sheet*,
Bell's Points & Authorities on Searches & Seizures (Courtroom compendiums:
(818) 884-9039)

Menaster and Ricciardulli, Bell's Motion Manual on 1538.5 Procedure (Courtroom
Compendiums:(818) 884-9039)

Appellate Practice

Appeals and Writs in Criminal Cases (Cont.Ed.Bar: <http://ceb.ucop.edu>)

Liebman, and Hertz, Federal Habeas Corpus Practice and Procedure (Lexis:
http://bookstore.lexis.com/bookstore/store_index)

Stern and Gressman, Supreme Court Practice (BNA Books:
<http://www.bna.com/bnabooks>)

Three Strikes

First District Appellate Project, *Three Strikes Issues Outline and Index* (FDAP: (415)
495-3119)

Manaster and Ricciardulli, *3 Strikes Manual* (Courtroom Compendiums: (818) 884-9039)

ELECTRONIC RESEARCH

Online Services

FindLaw: <http://www.findlaw.com>

JurisLine.com <http://www.jurisline.com>

JuriSearch: <http://www.jurisearch.com>

Lexis: <http://www.lexis.com>

Criminal Law Package (All state & federal criminal cases and statutes, legislative
materials, secondary authorities, no Shepard's products)

California Package (Components vary)

Westlaw: <http://westlaw.com>

California Pro (California Materials - not specific to California Law)

California Pro Plus (California, 9th Circuit, and U.S. Supreme Court cases)

CD-ROM

CD-ROM: Law Desk (West Group: <http://www.westgroup.com/products/store/>)

California Criminal Practice Library (Witkin, California Evidence 3d; Witkin & Epstein, California Criminal Law; California criminal caselaw, Penal Code, Evidence Code, CALJIC, CJER Mandatory Criminal Sentencing Handbook)

STAYING CURRENT

California

California published opinions available within hours of filing at the Judicial Council web site: <http://www.courtinfo.ca.gov/opinions>

Ninth Circuit Court of Appeal

Ninth Circuit published opinions are available by noon of the day they are filed at the Circuit Executive's website: opinions
<http://www.ce9.uscourts.gov/web/newopinions.nsf/Opinions>

U.S. Supreme Court

Legal Information Institute of Cornell Law School (LII): U.S. Supreme Court summaries and links to new opinions: <http://supct.law.cornell.edu/supct/>

Pending Questions Presented

California Supreme Court: Appellate Defender's Website:
<http://www.adi-sandiego.com/Resources/opinions.htm>

Ninth Circuit En Banc: <http://www.ca9.uscourts.gov/ca9/welcome.nsf/main/page>
U.S. Supreme Court: LII: <http://www4.law.cornell.edu/php/qp.php3>

Subscription Services

California Supreme Court Service: Published by the Recorder: (800) 587-9288

Los Angeles Daily Journal: (213) 229-5300

The Recorder, the daily legal newspaper of California, based in San Francisco:

<http://www.law.com/california/supreme/index.html>

Email Subscriptions

Cal Law (affiliated with The Recorder in San Francisco): Provides daily opinions, news, analysis, local court rules, state and federal appellate opinions, and information on all cases before California Supreme Court: <http://www.callaw.com/>

Findlaw: Case Law Summaries of U.S. Supreme Court, 9th Circuit and California Supreme Court Opinions: <http://www.findlaw.com/lists/announcesubscribe.html>

Legal Information Institute of Cornell Law School (LII): Free current awareness service via e-mail which delivers synopses (syllabi) of U.S. Supreme Court decisions and links to the new decisions within hours after their release:
<http://www.law.cornell.edu/focus/bulletins.html>

APPELLATE PROJECT WEB SITES

Appellate Defenders (Fourth Appellate District): <http://www.adi-sandiego.com>

Central California Appellate Program (Third and Fifth Appellate Districts):
<http://Administrator@capcentral.org/>

First District Appellate Project: (under construction)

ADDITIONAL WEB SITES

Courts and Court Decisions

California Appellate Courts Case Information Site. Docket information for all pending cases, except juvenile and other confidential cases:
<http://appellatecases.courtinfo.ca.gov>

Links to all Federal Courts of Appeal: <http://www.ll.georgetown.edu/Fed-Ct/> or
<http://wwwsecure.law.cornell.edu/federal/opinions.html>

U.S. Supreme Court Briefs:

http://supreme.findlaw.com/Supreme_Court/briefs/index.html

U.S. Supreme Court Oral arguments:

http://oyez.nwu.edu/cases/cases.cgi?command=search_by_subjects

U.S. Supreme Court Site (this is the Court's official site):

<http://www.supremecourtus.gov/>

Useful Statistics

Vital Statistics: <http://www.cdc.gov/nchs/products/pubs/pubd/netpubs.htm>

Justice Information Center: <http://www.ncjrs.org/>

Federal Justices Statistics Resource Center: <http://fjsrc.urban.org/index.shtml>

Calif. AG's Crim. Justice Statistics Center: <http://caag.state.ca.us/cjsc/spereq.htm>

Census Bureau: <http://venus.census.gov/cdrom/lookup>

Bureau of Justice Statistics: <http://www.ojp.usdoj.gov/bjs/>

Miscellaneous

Martindale Hubbell attorney search: <http://lawyers.martindale.com/marhub>

California Regulations (fee-based): <http://www.citation.com/hpages/cr.html#titles>

DSS Regulations: <http://www.dss.cahwnet.gov/getinfo/regintro.html>