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## Researching Georgia Law (2015 Edition)

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## RESEARCHING GEORGIA LAW (2015 EDITION)

**Austin Martin Williams\***

### INTRODUCTION

This article serves as a revision of the previous *Researching Georgia Law* (2006 Edition) article published by *Georgia State University Law Review*.<sup>1</sup> As with the previous version, this article sets out to describe the process of researching Georgia laws, provide a description of the print and online legal resources available, and offer strategies and techniques researchers can use to locate applicable laws.

Readers of the previous versions of this article will notice a significant increase in the discussion of online sources. There are two reasons that necessitated this change. First, attorneys and legal researchers today overwhelmingly are using online sources to conduct legal research.<sup>2</sup> Second, there have been significant changes to the online sources available to Georgia researchers. Since the last publication, LexisNexis and Westlaw have rolled out next-generation systems, Bloomberg Law has arrived as an alternative legal research system, and the State Bar of Georgia has switched from Casemaker to Fastcase. For these reasons, significant portions of this article deal with how to use online sources effectively to locate applicable legal materials. Due to the large number of online sources, the discussion in each section will focus on strategies to employ, mention a few

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\* Austin Martin Williams, Coordinator of Research Instructional Services, Georgia State University College of Law Library. This article serves as a revision of the 2006 version of *Researching Georgia Law* by Nancy P. Johnson, Nancy J. Adams, & Elizabeth Adelman. The importance of their previous work cannot be overstated. The author would like to express his gratitude for the support and assistance from his colleagues and graduate research assistants. The author would also like to dedicate this article to the memory of Nancy P. Johnson, who co-authored the previous versions of this article and served as Director of the Georgia State University College of Law Library from 1986–2013.

1. Nancy P. Johnson, Nancy J. Adams & Elizabeth Adelman, *Researching Georgia Law (2006 Edition)*, 22 GA. ST. U. L. REV. 381, 382 (2005).

2. Karl Mattson, *Browser Considerations*, 29 LAW. PC, no. 1, Oct. 2011, at 7.

noteworthy online sources, and then refer readers to tables that follow the section for more information on other online sources.

This article is also organized differently from the previous version. The organizational changes are due to the author's preference to arrange the primary and secondary sources based on when researchers should consult them during the legal research process. Parts I and II establish the foundation for conducting legal research by analyzing legal authority in Georgia and the legal research process. Part III discusses secondary sources that researchers will use as starting points. Parts IV–VIII will introduce and describe the various Georgia primary sources, as well as provide strategies and techniques for locating these materials. Part IX will explore legal ethics research. Part X discusses other sources attorneys will use in practice in conjunction with the legal research process. Part XI provides a bibliography of Georgia secondary and practice materials.

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## I. LEGAL AUTHORITY

Before discussing the research process, it is important for researchers to understand the role legal authority plays in legal research. No matter the scope of the legal issue, the primary goal of conducting legal research is to locate authoritative sources that will address the client’s issue and be binding authority to the courts.<sup>3</sup> Therefore, it is absolutely necessary for researchers to be able to distinguish between primary and secondary authority, as well as mandatory and persuasive authority. Understanding the different types of legal authority will help researchers know how they can use these sources to answer their client’s legal question.

Primary authority is the law itself, created by a government body, such as a legislative, executive, or judicial branch.<sup>4</sup> Primary authority includes a broad range of sources—known as primary sources—such as cases, statutes, regulations, and local ordinances. On the other hand, secondary authority describes sources—known as secondary sources—that provide commentary and analysis on the law.<sup>5</sup> An example of secondary authority is an article about tort law in Georgia. In addition to these distinctions, researchers must also be able to distinguish between mandatory and persuasive authority.

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3. MARY GARVEY ALGERO ET AL., *FEDERAL LEGAL RESEARCH* 3 (2012).

4. *Id.* at 5.

5. AMY E. SLOAN, *BASIC LEGAL RESEARCH: TOOLS AND STRATEGIES* 4 (3rd ed. 2006).

Mandatory authority describes sources that are binding on the courts, while persuasive authority describes sources of law that are nonbinding.<sup>6</sup> By their very nature, secondary sources are persuasive authority because they are not actually law, and therefore the courts would not be bound to follow them.<sup>7</sup> However, depending on the circumstances, primary sources could be mandatory or persuasive.<sup>8</sup>

Georgia primary sources fall into three categories: (1) always mandatory, (2) always persuasive, and (3) mandatory in some situations, persuasive in others. Being able to identify which sources fall into these three categories is key to evaluating their weight of authority, and thus determining how a researcher can use them to solve their client's legal issue. Primary sources that will always be mandatory authority in Georgia are the U.S. Constitution, U.S. Supreme Court opinions, the Georgia constitution, Georgia statutes, Georgia regulations, and Georgia Supreme Court opinions.<sup>9</sup>

Georgia Court of Appeals opinions can be both mandatory and persuasive authority. Georgia Court of Appeals opinions that do not conflict with Supreme Court of Georgia opinions are mandatory authority for all lower courts.<sup>10</sup> However, Georgia Court of Appeals opinions are never binding on the Supreme Court of Georgia.<sup>11</sup> Instead, the Georgia Supreme Court treats Georgia Court of Appeals opinions as persuasive authority.<sup>12</sup> In addition, due to the makeup of the court—consisting of twelve members divided between four divisions—only some Georgia Court of Appeals opinions will be binding on the court.<sup>13</sup> A judgment concurred in by all the judges in a division will be binding on all other divisions.<sup>14</sup> However, when the

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6. *Id.* at 5.

7. *Id.*

8. *Id.*

9. NANCY P. JOHNSON, ELIZABETH G. ADELMAN & NANCY J. ADAMS, *GEORGIA LEGAL RESEARCH* 5 (2007). *See also* *Balmer v. Elan Corp.*, 599 S.E.2d 158, 161 (Ga. 2004) (quoting *Rodgers v. First Union Nat. Bank*, 470 S.E.2d 246, 249 (Ga. Ct. App. 1996)).

10. GA. CONST. art. VI, § V, para. III.

11. *Id.*

12. *Id.*

13. O.C.G.A. § 15-3-1 (2012).

14. GA. APP. CT. R. 33(a).

Georgia Court of Appeals sits as two divisions and a seventh judge, that court can overrule by majority concurrence a previous decision of one division.<sup>15</sup> Moreover, a majority concurrence by the entire court will take precedent over any decision by a single division.<sup>16</sup> Furthermore, decisions concurred in by all judges cannot be overruled or materially modified except by a concurrence of all judges.<sup>17</sup>

In addition to these circumstances, the Georgia Court of Appeals also classifies some opinions as “physical precedent.”<sup>18</sup> Physical precedent identifies cases decided by a division that do not have the full concurrence in the opinion by all of the judges, as well as cases from a seven or twelve judge court that do not have the full concurrence in the opinion by a majority of the judges.<sup>19</sup> Opinions that the Georgia Court of Appeals label as physical precedent will not be binding authority on the Georgia Court of Appeals.<sup>20</sup>

Researchers will also come across several primary sources that the Georgia appellate courts consider to be persuasive authority only. As a general rule of thumb, courts will consider primary sources from other jurisdictions to be persuasive authority only.<sup>21</sup> The same is true in Georgia courts.<sup>22</sup> In addition, the Georgia Supreme Court and Georgia Court of Appeals have determined that Georgia Attorney General Opinions are not binding on Georgia’s appellate courts.<sup>23</sup> The Georgia Supreme Court has also concluded that federal court

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15. O.C.G.A. § 15-3-1(d) (2012).

16. *Id.*

17. *Id.*

18. GA. APP. CT. R. 33(a). *See also* Eugene Volokh, *Supermajority Rules for Court Opinions, and “Physical Precedent,”* THE VOLOKH CONSPIRACY (July 13, 2011, 2:53 PM), <http://volokh.com/2011/07/13/supermajority-rules-for-court-opinions-and-physical-precedent/>.

19. GA. APP. CT. R. 33(a).

20. *Id.* *See also* Davis v. State, 535 S.E.2d 528, 531 (Ga. Ct. App. 2000) (“Under Court of Appeals Rule 33(a), *DeCastro v. State*, relied upon by Davis, is not binding precedent but is physical precedent only since one judge concurred in the judgment only.”).

21. SLOAN, *supra* note 5, at 6.

22. Balmer v. Elan Corp., 599 S.E.2d 158, 161 (2004) (quoting Rodgers v. First Union Nat. Bank, 470 S.E.2d 246, 249 (1996)).

23. Moore v. Ray, 499 S.E.2d 636, 637 (Ga. 1998) (citing C.W. Matthews Contracting Co. v. Collins, 448 S.E.2d 234 (Ga. Ct. App. 1994)).



decisions, including those of the Eleventh Circuit, are not binding on the courts.<sup>24</sup>

While the goal of legal research is to find primary authority that is binding on the courts, persuasive authority can still be very useful when crafting a legal argument. In situations where no binding authority exists, such as an issue of first impression, it is more advantageous to present persuasive authority to the court than nothing at all.<sup>25</sup> While there is no guarantee that persuasive authority will actually persuade the court to rule one way or another, both Georgia appellate courts have considered persuasive authority in the past when deciding matters.<sup>26</sup> Therefore, although this article focuses on Georgia sources, thorough legal research may also include consulting persuasive authority inside and outside of Georgia.

## II. PROCESS OF GEORGIA LEGAL RESEARCH

Conducting legal research, at times, is very similar to cooking or solving a math problem. Researchers must take certain steps to ensure they find legal sources that will help them evaluate their client's issue. Several describe these steps as a process that researchers must take in order to find relevant primary and secondary sources.<sup>27</sup> Others abandon the "checklist" method and advocate for a less rigid approach that highlights elements researchers should focus on when conducting legal research.<sup>28</sup> To conduct effective legal research, researchers must have a plan and also maintain a certain level of flexibility.

This article describes the process of conducting legal research as a two-phase process, with each phase having its own underlying steps

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24. *Balmer*, 599 S.E.2d at 161; *Perez v. State*, 657 S.E.2d 846, 848 (Ga. 2008).

25. Kevin H. Smith, *Practical Jurisprudence: Deconstructing and Synthesizing the Art and Science of Thinking Like A Lawyer*, 29 U. MEM. L. REV. 1, 32 (1998).

26. *Norman v. Ault*, 695 S.E.2d 633, 638 (Ga. 2010); *Presto v. Sandoz Pharm. Corp.*, 487 S.E.2d 70, 75 (Ga. Ct. App. 1997).

27. ALGERO, *supra* note 3, at 6. *See also* JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 9.

28. J.D.S. ARMSTRONG & CHRISTOPHER A. KNOTT, *WHERE THE LAW IS: AN INTRODUCTION TO ADVANCED LEGAL RESEARCH* 12 (4th ed. 2013).

researchers must follow. Phase one involves preliminary considerations that researchers will take into account no matter the scope of the legal issue or their expertise.<sup>29</sup> Phase two involves researchers selecting, reviewing, and evaluating legal sources to find legal authority applicable to their client's issue.<sup>30</sup> The steps researchers take in phase two will vary based on the scope of their issue and their own expertise.<sup>31</sup>

#### *A. Phase One: Preliminary Considerations*

There are several questions researchers must consider before ever consulting a legal source. What is the end product? Is the end product an internal memo, a motion, or brief? What are the time constraints? Does the research need to be done by the end of today, tomorrow, or a week from now? What are the cost constraints? How much of the legal research cost is billable? What sources do you have access to? Do you have access to commercial sources, such as Lexis Advance and WestlawNext, or do you have to rely on free or low cost resources, such as Google Scholar and Fastcase? The answers to all of these questions will play a significant role in how researchers conduct legal research.

Researchers must also isolate the legal issue they are researching, identify the research terms, and determine the jurisdiction of the issue. While most practicing attorneys should be able to figure out the crux of the legal issue, identifying the relevant research terms is a more difficult task. Research terms are the legal concepts and legally significant facts that researchers will use when exploring the index of print sources and executing full-text keyword searching using online sources.<sup>32</sup> When trying to identify research terms, it may help to think of the following four criteria: (1) parties, (2) places and things, (3) potential claims and defenses, and (4) relief sought.<sup>33</sup> Being able

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29. *See infra* Part II.A.

30. *See infra* Part II.B.

31. *See infra* Part II.B.

32. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 10–11.

33. *Id.* at 11.

to generate terms that fall into these four criteria will help a researcher focus on the legally significant concepts and facts. Just as important as identifying the research terms is determining the jurisdiction of the legal issue. Determining the jurisdiction will help researchers narrow down which sources they are trying to locate.

Before researchers can begin reviewing sources, they must determine which sources to research. Researchers should think of this as the point where they develop their research strategy. When trying to determine which sources to consult, it may help to review a bibliography, research guide, article, or book about researching that jurisdiction's law. These sources will identify for researchers what sources exist and where they can locate them. The bibliography at the end of this article provides a list of Georgia focused secondary sources, bibliographies, research guides, and practice materials.<sup>34</sup> Researchers can also use this article to determine what sources are available and where they can locate them in print and online. By identifying which sources are available, researchers can develop a better idea of which ones they should consult.

#### *B. Phase Two: Locating, Reviewing, and Evaluating Legal Sources*

Only when researchers have gone through the preliminary steps will they be fully prepared to begin locating, reviewing, and evaluating legal sources. Generally, researchers will first consult secondary sources, then move to statutory law and regulations, and finally to case law. However, these steps should not be set in stone. In reality, the next steps in the process will depend on the legal issue and a researcher's experience. Unfamiliarity with an area of law may require the researcher to first consult a secondary source. On the other hand, knowledge of a statute on point may lead the researcher to begin with an annotated statutory code. In short, each situation will require a slightly different approach.

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34. *See infra* Part XI.

No matter which approach researchers take, they must always make sure to evaluate the sources they consult for accuracy, authority, and currency, as well as determine if the source answered their legal question. If researchers do not find the answer to their legal question at the end of the legal research process, then they may have to consider returning to secondary sources, broadening their search parameters, or consulting persuasive authority.

### III. SECONDARY SOURCES

Researchers should always consider consulting secondary sources when conducting legal research. While not the law itself, secondary sources do provide valuable commentary and analysis on the law.<sup>35</sup> When used at the beginning of the research process, secondary sources can provide researchers with an overview of an area of law, and help them develop terms they can use to locate primary authority through full-text keyword searching and indexes.<sup>36</sup> Moreover, because secondary sources often cite to primary authority, researchers can use secondary sources as a finding tool.<sup>37</sup> Locating a secondary source on topic can lead researchers to statutes, regulations, and seminal cases relevant to their legal issue.

There are several types of secondary sources, each providing different levels of commentary and analysis. Based on their law school experience, researchers should be familiar with legal dictionaries, law review articles, restatements, and *American Law Reports*. Instead of trying to cover all of the secondary sources available to a Georgia legal researcher, the focus is instead on those that primarily cover Georgia legal topics, which include *Words and Phrases*, legal encyclopedias, practice treatises, and law reviews and bar journals.

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35. ALGERO, *supra* note 3, at 55.

36. *Id.*

37. *Id.* at 56.

### A. *Words and Phrases*

In the process of conducting legal research, researchers may need to determine how the courts have defined a particular term. A traditional legal dictionary, such as *Black's Law Dictionary*, will only provide a general definition of the term.<sup>38</sup> On the other hand, the source *Words and Phrases* will direct researchers to opinions where courts defined the term.<sup>39</sup> Because the terms listed in *Words and Phrases* are the exact terms or phrases used by the courts, researchers may find several different variations or synonyms of a term listed in the source. For example, researchers will find references to different cases for “Incriminating Statement” and “Incriminating Statements.”

Researchers will find *Words and Phrases* located in several print sources and online through WestlawNext. The multi-volume print edition of *Words and Phrases* covers definitions across all jurisdictions. To find the same information from only Georgia courts, researchers can use the *Words and Phrases* volumes located in the *Georgia Digest, 2nd*. When using a print version of *Words and Phrases*, researchers should always make sure to check the pocket parts to determine if there are any new court opinions that have defined the term.

Subscribers to WestlawNext can access the same information as the print version using the *Words and Phrases* database. Because this database only allows users to perform keyword searches, instead of browsing a list of terms, researchers must take word variations into account when constructing searches. In addition, researchers should always remember to limit the results by jurisdiction to Georgia.

### B. *Legal Encyclopedias*

Legal encyclopedias are similar to other types of encyclopedias in that they provide a very concise overview of a broad range of topics.<sup>40</sup> In addition, legal encyclopedias provide references to

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38. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 49.

39. *Id.*

40. ARMSTRONG & KNOTT, *supra* note 28, at 141.

primary and secondary legal sources.<sup>41</sup> Both of these features make legal encyclopedias a great resource for researchers to consult when they are unfamiliar with an area of law. The two legal encyclopedias that cover Georgia law are *Georgia Jurisprudence* and the *Encyclopedia of Georgia Law*.

*Georgia Jurisprudence*, published by Thomson West, covers a wide range of topics, such as criminal law, family law, property, and torts.<sup>42</sup> To locate applicable sections in the print version, researchers can browse the table of contents or use the index at the end of the set. Researchers can use the pocket parts to check for any updates to the content in the bound volume. *Georgia Jurisprudence* is also available on WestlawNext. The online version provides the added benefit of full-text keyword searching. Whether using the print or online version, researchers will find references to Georgia statutes, regulations, and cases located in the footnotes. Although the Harrison Company ceased publication of the *Encyclopedia of Georgia Law* in 2002, this encyclopedia can still be quite useful to researchers.<sup>43</sup> The *Encyclopedia of Georgia Law* includes several topics not covered by *Georgia Jurisprudence*, such as income tax and municipal law.<sup>44</sup>

### C. Practice Treatises

While a legal encyclopedia may provide a few paragraphs or pages of commentary on a legal issue, a treatise may include an entire chapter on that same issue. Generally, treatises cover an entire area of law, providing both a broad outline and a detailed analysis of the issues encompassed by the area of law.<sup>45</sup> For example, the treatise *Georgia Trust and Trustees* includes chapters on Charitable Trusts, Duties of a Trustee, and Liability of Trustees.<sup>46</sup> In addition to commentary and analysis, treatises also cite to seminal authorities on

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41. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 146.

42. *Id.* at 147.

43. *Id.* at 146.

44. *See id.* at 147.

45. ARMSTRONG & KNOTT, *supra* note 28, at 137.

46. *See generally* MARY RADFORD, GEORGIA TRUST AND TRUSTEES (2012).

an issue, which make them an excellent resource to use as a finding tool for primary authority. Some treatises also include forms, checklists, and other materials that researchers can use when preparing legal documents. In addition, treatises published as looseleaf sets, which look similar to a three-ring binder, may include a mix of commentary and analysis, forms, and the full text of applicable primary authority.

The subject bibliography at the end of this article provides a list of Georgia treatises organized by the area of law they cover.<sup>47</sup> Most of the treatises in the subject bibliography are known as “practice treatises” because attorneys rely on them heavily in the practice of law.<sup>48</sup> For many attorneys, these practice treatises will be the first source they turn to when presented with a legal issue.<sup>49</sup> Researchers will find Georgia practice treaties available in a variety of print formats, as well as on Lexis Advance and WestlawNext.

While the content may be the same, there are significant differences between using the same treatise in print and online, especially when it comes to accessing the content and updating material. Print treatises allow researchers to more easily browse between adjacent pages, and include an index that researchers can use to locate applicable pages and sections. On the other hand, online treatises allow researchers to perform full-text keyword searching. The editors of Lexis Advance and WestlawNext update online treatises much quicker than their print counterparts. Unless significant changes have occurred, publishers generally update print treatises on a yearly basis. The method publishers use to update print treatises will vary based on the treatise’s format. Georgia practice treatises are published in softbound, hardbound, or looseleaf formats. Publishers will generally republish softbound treatises every year, while hardbound treatises are updated by pocket parts. To update looseleaf treatises, publishers will send new pages that researchers will use to either replace outdated pages or add additional content to

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47. *See infra* Part XI.

48. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 142.

49. *Id.* at 143.

the set. Looseleaf updates will also include a page researchers can place at the front of the set that identifies when the set was last updated. Understanding these differences is important when evaluating whether to use a treatise. Researchers should tread cautiously when using a treatise that a publisher has not updated in over a year.

#### *D. Law Reviews and Bar Journals*

Some consider academic law review articles to be the most thorough analysis of a very specific legal issue.<sup>50</sup> Where a practice treatise might provide a few pages of commentary on a particular test or element, a law review article may provide thirty pages or more of commentary and analysis on the same topic. While academic in nature—written mostly by legal scholars, law professors, and law students—law review articles can provide researchers with a wealth of information on their issue.<sup>51</sup> Most law review articles will provide history and background information on the legal issues they are discussing.<sup>52</sup> It is in these background portions where researchers will find extensive footnotes that typically include citations to seminal cases, fifty-state surveys, and references to other secondary sources.<sup>53</sup>

Generally, researchers will have the best luck finding articles that discuss Georgia legal topics by searching for articles published by the law reviews and journals from Georgia law schools. Fastcase, HeinOnline, Lexis Advance, and WestlawNext all allow researchers to perform full-text keyword searching of law reviews and journals from these schools. If searches across these journals produce few or no results, then researchers can expand to national law reviews and journals.

In addition to academic law reviews and journals, researchers may also find useful articles in bar journals published by state and local

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50. See ARMSTRONG & KNOTT, *supra* note 28, at 89.

51. *Id.* at 89.

52. *Id.* at 90.

53. *Id.*



bar associations. The State Bar of Georgia publishes the *Georgia Bar Journal* six times a year.<sup>54</sup> Articles in the *Georgia Bar Journal* are generally much shorter than those in academic journals, ten to twelve pages,<sup>55</sup> and have a more practice oriented focus.<sup>56</sup> While the footnotes are not as detailed as those in academic journals, they do provide citations to relevant primary authority.<sup>57</sup> Researchers can access the *Georgia Bar Journal* in print, on the State Bar's website, and through Fastcase and HeinOnline.<sup>58</sup> One benefit of using Fastcase or HeinOnline to access the *Georgia Bar Journal* is that they both allow researchers to locate articles using full-text keyword searching.

#### IV. CONSTITUTIONAL LAW

The Charter of 1732, issued by King George II of England, served as Georgia's first ruling document.<sup>59</sup> The Charter governed Georgia until April 14, 1776, when Georgia's Third Provincial Congress enacted The Rules and Regulations.<sup>60</sup> The Rules and Regulations served as a temporary constitution until Georgia adopted the first of ten state constitutions in 1777.<sup>61</sup> Georgia voters ratified the tenth, and most recent, constitution in November 1982, becoming effective in 1983.<sup>62</sup> Of all the revisions, Professor Melvin Hill described the 1983 constitution as the product of "a complete constitutional revision effort."<sup>63</sup>

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54. STATE BAR OF GEORGIA, <http://www.gabar.org/newsandpublications/georgiabarjournal/index.cfm> (last visited Apr. 2, 2015).

55. *Id.*

56. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 152.

57. *See id.*

58. *Georgia Bar Journal*, STATE BAR OF GEORGIA, <http://www.gabar.org/newsandpublications/georgiabarjournal/index.cfm> (last visited Apr. 3, 2015). *See* JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 153.

59. LEAH F. CHANIN & SUZANNE L. CASSIDY, GUIDE TO GEORGIA LEGAL RESEARCH AND LEGAL HISTORY § 1-1, at 1 (1990).

60. *Id.* at 4.

61. *Id.*

62. MELVIN B. HILL, THE GEORGIA STATE CONSTITUTION: A REFERENCE GUIDE 1 (1994).

63. *Id.*

A. *Researching the Constitution of the State of Georgia*

In spite of Georgia's numerous constitutions, attorneys researching a state constitutional issue should begin their research with the 1983 constitution. The 1983 constitution is organized by article, section, and paragraph. Researchers can locate the 1983 constitution through several print and online resources.

For those who prefer to research in print, the 1983 constitution is located in Volume 2 of the *Official Code of Georgia Annotated* (O.C.G.A.), published by LexisNexis, and Volumes 2 and 3 of *West's Code of Georgia Annotated* (Ga. Code Ann.), published by Thomson West. In addition to the text of the constitution, the editors of both print codes have annotated the constitution at the paragraph level, providing summaries of court decisions and references to secondary sources that cite, discuss, or explain the paragraph. Moreover, both print codes also include historical information following the text of each Paragraph, which refers researchers to similar provisions in previous constitutions.

Although each of the print codes contains similar resources, they differ in several key ways. The Ga. Code Ann. provides references to Topics and Key Numbers in the West Digest system, proprietary treatises, the United States Constitution, the United States Code Annotated, and United States Supreme Court opinions that address similar issues. On the other hand, the O.C.G.A. provides references to Georgia Attorney General Opinions, and refers users to additional Georgia law review articles not provided in the Ga. Code Ann. Additionally, the O.C.G.A. includes tables in Volume 41 that allow researchers to compare provisions between the 1983 and 1976 constitutions, 1976 and 1945 constitutions, and 1976 and 1877 constitutions. Volume 41 also includes tables that include information on where researchers can find codified sections of constitutional provisions for the 1877, 1945, and 1976 constitutions in previous statutory codes. Unlike other constitutions, the General Assembly did not codify provisions of the 1983 constitution as

sections in the O.C.G.A.<sup>64</sup> Therefore, when citing the 1983 Georgia constitution, researchers should use the following citation format: GA. CONST. art. I, § II, para. III.<sup>65</sup>

With the exception of Lexis Advance and WestlawNext, the online sources listed in the table that follows provide only the text of the constitution, without references to other primary and secondary sources that cite the constitution. Nevertheless, all of the online sources allow researchers to perform keyword searching. The 1983 constitution on Lexis Advance and WestlawNext provides researchers with much of the same information as that provided in the print versions of the O.C.G.A. and Ga. Code Ann. The one exception is that the information provided in the tables in Volume 41 of the O.C.G.A. is only available in print. Lexis Advance provides references to other sources in the Annotations section that follows the text of the Paragraph. WestlawNext provides references to other sources via the KeyCite functions at the top of the page.

### *B. Proposed Amendments*

Article 10 of the 1983 constitution provides the procedures for amending the constitution.<sup>66</sup> Researchers will find proposed amendments passed during a specific General Assembly session located in the corresponding edition of the session laws, titled *Georgia Laws*. For example, proposed amendments passed during the General Assembly's 2014 session reside in the 2014 edition of *Georgia Laws*. Proposed constitutional amendments in *Georgia Laws* include the text of the amendment and the ballot language presented to the voters. Proposed amendments become part of the Constitution if ratified by the voters.

To find proposed amendments in *Georgia Laws*, researchers will need to identify the General Assembly session that passed the

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64. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 70.

65. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 11, at 110 (Columbia Law Review Ass'n et al. eds., 19th ed. 2010).

66. See GA. CONST. art. X, § I, para. I–VI.

proposed amendment, and then find that session's corresponding *Georgia Laws* edition. Researchers must then locate the Tabular Index in that edition of *Georgia Laws*. Prior to the 1995 edition of *Georgia Laws*, the Tabular Index was located in the back of both Volumes I and II. Since the 1995 edition, the Tabular Index has been located in Volume III. References to the proposed amendments appear at the beginning of the Tabular Index, which provides the title of the proposed amendment and the page number where researchers can find it in that edition of *Georgia Laws*.

*C. Sources of the Georgia Constitution Online*

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Georgia constitution without annotations
Coverage	Current constitution
Update	Check currency information
<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Georgia constitution without annotations
Coverage	Current constitution
Update	Check Outline View
<b>GeorgiaInfo – free</b> <a href="http://georgiainfo.galileo.usg.edu/topics/government/article/constitutions">http://georgiainfo.galileo.usg.edu/topics/government/article/constitutions</a>	
Contents	Georgia constitution without annotations
Coverage	All twelve ruling documents
Update	As revised
Notes	Constitutions as ratified without subsequent amendments.
<b>Georgia Code Research Tool – free</b> <a href="http://www.lexisnexis.com/hottopics/gacode/">http://www.lexisnexis.com/hottopics/gacode/</a>	
Contents	Georgia constitution without annotations
Coverage	Current constitution
Update	As revised

<b>Georgia Secretary of State – free</b> <a href="http://sos.ga.gov/admin/files/Constitution_2013_Final_Printed.pdf">http://sos.ga.gov/admin/files/Constitution_2013_Final_Printed.pdf</a>	
Contents	Georgia constitution without annotations
Coverage	Current constitution
Update	As revised
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Georgia constitution with annotations
Coverage	Current constitution and archived versions back to 1991
Update	As revised
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Georgia constitution with annotations
Coverage	Current constitution and archived versions back to 1988
Update	Updated regularly
Notes	Located with the Georgia Statutes & Court Rules.

## V. STATUTORY LAW

Outside of secondary sources, statutory codes and ordinances are the best sources to begin researching a legal issue.<sup>67</sup> Codes are useful to researchers because they only include statutory laws currently in force, and they are organized by topic.<sup>68</sup> While codes are a great place to begin researching a legal issue, they are actually the end product of a long process that starts with an idea for a law.

Article III, Section I, Paragraph I of the Georgia constitution vests legislative power in the General Assembly.<sup>69</sup> In exercising that power, members of the General Assembly take ideas for laws and

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67. ARMSTRONG & KNOTT, *supra* note 28, at 14.

68. EDWIN L. JACKSON, MARY E. STAKES & PAUL T. HARDY, HANDBOOK FOR GEORGIA LEGISLATORS 132 (13th ed. 2007).

69. GA. CONST. art. III, § I, para. I.

introduce them as “bills” and “resolutions” which, when passed by both the House and Senate and signed by the Governor, become “acts” or “statutes.”<sup>70</sup> At the end of a General Assembly session, these statutes are published in *Georgia Laws* as a collection of session laws, representing all of the acts and resolutions passed during that particular legislative session.<sup>71</sup> Subsequently, laws of general applicability will make their way into one of two statutory codes: the O.C.G.A. or Ga. Code Ann.<sup>72</sup> In addition to statewide legislative power, the Georgia constitution provides in Article IX, Section II a level of “home rule” for counties and municipalities, allowing them to create ordinances, resolutions, or regulations.<sup>73</sup>

Determining whether to start with a state statutory code or a code of local ordinance will depend on the legal issue. For purposes of this article, the discussion will start with statutory codes, followed by session laws, local laws, and finally, codes of ordinances.

#### A. *Statutory Codes*

Georgia researchers can access Georgia’s statutory code through several print and online sources. The online sources are based on the print versions, so the discussion of statutory codes will begin with an overview of the print versions.

##### 1. *Georgia’s Print Statutory Codes*

Georgia’s two current print statutory codes are the LexisNexis-published O.C.G.A., and the Thomson West-published Ga. Code Ann. Prior to these two print codes, Georgia had several statutory codes, with the most notable being the Harrison Company’s annotated version of the Code of 1933, titled *Georgia Code Annotated*.<sup>74</sup> However, at the recommendation of the Code Revision

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70. JACKSON, STAKES & HARDY, *supra* note 68, at 131–32.

71. *Id.* at 280.

72. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 57.

73. GA. CONST. art. IX, § II, para. I–II.

74. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 56.

Study Committee in 1976, the General Assembly created a Code Revision Committee in 1977 to create a code to replace the Code of 1933.<sup>75</sup> The Code Revision Committee entered into a contract with the Michie Company to prepare the new code.<sup>76</sup> The O.C.G.A. became the product of this long revision effort; the General Assembly adopted the O.C.G.A. during a special session in 1981.<sup>77</sup> Even though the O.C.G.A. is now published by LexisNexis, the General Assembly has designated the O.C.G.A. as the official statutory code for Georgia.<sup>78</sup> Nevertheless, both the O.C.G.A. and the unofficial Ga. Code Ann. provide the text of Georgia statutes and uniform laws currently in force, along with references to other primary and secondary sources that cite the statutory section.

## 2. *Statutory Code Organization and Citation*

The statutes listed in both codes are organized under the same citation system, divided by title, then chapters and sections. The title represents the major subject area; for example Title 24 relates to Evidence. The chapter represents subtopics within the title, while the section represents the actual statutory text of the law. When citing to the a code section, researchers must use the following citation format: “O.C.G.A. § 24-3-1 (year),” which translates to Title 24, Chapter 3, Section 1 of the *Official Code of Georgia Annotated*.<sup>79</sup> Regardless of whether researchers are using another print or online version of the code, researchers must cite to the O.C.G.A.<sup>80</sup> Because both codes utilize the same citation system, the statutory text in O.C.G.A. § 24-3-1 is the same as in Ga. Code Ann. § 24-3-1.

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75. *Id.*; JACKSON, STAKES & HARDY, *supra* note 68, at 132.

76. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 56.

77. *Id.*

78. O.C.G.A. § 1-1-1 (2000).

79. *Id.* § 1-1-8.

80. *Id.* § 1-1-1. *See also* THE BLUEBOOK, *supra* note 65, at 237(directing researchers to cite to the Ga. Code Ann., however the code requires researchers to cite to the O.C.G.A.).

### 3. *Differences Between O.C.G.A. and Ga. Code Ann.*

Although the print versions of the O.C.G.A. and the Ga. Code Ann. are very similar in nature, researchers should be aware of several differences. Because the codes are compiled and published by different editors, researchers will find some differences between the primary and secondary sources referenced in each code. These differences are largely based on editorial philosophy and proprietary reasons. Researchers with access to both would benefit from reviewing the annotations in each code for a particular section. For certain sections, there may be no references to other sources in one code, while the other code may include several references.

In addition to different annotations, the O.C.G.A. has tables in Volume 41 that no other print or online source replicates. Volume 41 includes eleven tables that enable users to compare code sections in the current code (1981 Code) to code sections in previous codes. Most beneficial are the two tables that allow users to convert 1933 Code citations to 1981 Code citations. While the O.C.G.A. uses a three number citation system (ex. O.C.G.A. § 9-2-1), the *Harrison Georgia Code Annotated* (1933 Code) used a two number citation system (ex. Ga. Code Ann. § 3-101). Any secondary sources or cases published prior to November 1, 1982 cite to the 1933 code. Therefore, researchers need to use the tables in Volume 41 to convert the 1933 Code citations to the 1981 Code citations. Volume 41 also includes a Table of Laws Codified, which provides a list of acts passed by the General Assembly and their corresponding code section in the O.C.G.A.

### 4. *Locating Code Sections in Print*

When trying to locate a code section in the print versions of the statutory code, researchers must have either a citation or a list of search terms they will use to browse the table of contents or index. In practice, a fellow attorney with experience in an area of law may direct a researcher to an applicable code section. Researchers may also find a code section referenced in a case or secondary source they



review during their initial research. Additionally, researchers may find a code citation from reviewing court documents, such as complaints and briefs. If researchers do not have a citation in hand, then they will need to browse the table of contents or consult the statutory code's index to locate sections that address their research terms.

Even though more attorneys are turning to online sources to locate code sections by full-text keyword searching, indexes in a print statutory code are a more efficient way of locating code sections on point.<sup>81</sup> Using keyword searching without knowing the proper terms can lead to unsuccessful results, which may falsely portray that no code sections address a researcher's issue. Indexes, however, use controlled vocabulary, which will account for synonyms and reveal to researchers the proper terminology used throughout the code. In addition, indexes are far easier to browse than their online counterparts and enable researchers to see the relationship between major topics and their various subtopics.

Once researchers have a relevant code citation, they can then locate the section in the code. The first step is to find the volume that contains the code section. For example, if a researcher has the citation "O.C.G.A. § 44-7-5," she would find the volume of the O.C.G.A. or Ga. Code Ann. that lists "Title 44" on the spine of the book. In some circumstances, a title may cover multiple volumes of the code, so researchers should also check the spine of the book to make sure the volume also covers the chapter. The second step is to remove the volume from the shelf and flip through until they arrive at the beginning of the section. The beginning of the code section will include the section's citation and name. The third step is to determine if there is a definition section that defines key terms within the code section or if there are surrounding sections that are more applicable to the client's issue. Researchers can find this information by locating the table of contents for the chapter or article that contains the section.

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81. ARMSTRONG & KNOTT, *supra* note 28, at 15.

Once researchers settle on a code section, they must check to see if the section has been amended or repealed. Researchers can check for updates to printed codes by first reviewing either the pocket part inserted in the back of the code volume or the pamphlet located next to the code volume. The pocket parts and pamphlets provide researchers with any updates that occurred since the last publication of the bound volume. Both print codes also use supplements located at the end of the set to provide information on whether a code section has been affected by recent legislation. If a researcher's code section is not included in the pocket parts, pamphlets, or supplements, then the text located in the bound volume is the current text of the law. If these updating materials do include the code section, then researchers will need to follow the text located in those materials.

After determining the current text of the code section, researchers should take time to thoroughly read and outline the section. Quite often, code sections are difficult to understand on the first, second, or even third reading. Fortunately, the annotations after the code section will include references to primary and secondary sources that provide analysis and information on how the courts have construed and applied the code section.

##### *5. Researching Statutory Codes Using Online Sources*

Although there are several advantages to using print codes for statutory research, there are also many benefits to using online sources. Although indexes are a highly effective way to locate code sections on point with an issue, an index is only as good as the editors who create it. The failure to account for certain synonyms could lead researchers to believe that no statutory section applies to their issue. Furthermore, some areas of law are poorly indexed.<sup>82</sup> In these situations, researchers will get better results by using an online source to execute full-text keyword searching.

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82. *Id.* at 9.

Each of the online sources listed in the table that follows allows researchers to perform full-text keyword searching. Although there are certain risks involved when using full-text keyword searching, such as empty or off-topic results, keyword searching does help users “check on the completeness” of their research and enables them to locate areas of law that have not been fully indexed.<sup>83</sup> Before conducting full-text keyword searching, researchers should have a list of legally significant terms they will use when executing searches. In addition, researchers should take time to determine how they anticipate the terms will appear in a statute on point with their issue. The use of terms and connectors will help a researcher retrieve only those statutes that meet a specific set of criteria. Furthermore, when searching for relevant code sections, make sure to restrict the search on Bloomberg Law, Fastcase, Lexis Advance, or WestlawNext to the Georgia Code before executing a search. Using the main search bar on these online sources without locating the source or restricting the search to an individual source will retrieve results from a variety of sources.

Although the full-text keyword searching works in a similar manner amongst the online sources, researchers must consider several factors before choosing one of these sources. First, what type of information is provided? Is the statutory text annotated or unannotated? Lexis Advance and WestlawNext both provide references to other primary and secondary sources that cite the code section. The other online sources only provide the text of the statute. The second factor to consider is how often the online source is updated. One major benefit of online sources is that editors can update them much more quickly than their print counterparts. Researchers should check the frequency that the online source updates the statutory text. Moreover, researchers should always check the currency information provided for a statutory section to see when the editors last checked for any changes to the text. Since most laws passed by the General Assembly take effect on July 1st (unless

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83. *Id.*

otherwise noted), researchers can use this date to gauge the currency of a code section. In addition, researchers can use Lexis Advance *Shepard's* and WestlawNext *KeyCite* to discover if there is any proposed legislation in the current General Assembly session that could affect the statutory section if passed into law. The third factor to consider is cost. Two of the online sources mentioned in the table that follows are free, but access to the other online sources will require a paid subscription.

Determining which factor is most important will depend on each individual user. Although cost will be a major factor for some users, the benefit of having access to an annotated version may outweigh the cost for other users.

#### 6. Sources of Georgia Code Online

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Unannotated Official Code of Georgia
Coverage	Current code
Update	Annual
<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Unannotated Georgia Code
Coverage	Current code and archived codes (2009–present)
Update	Several months behind July effective date of new legislation
<b>Georgia Code Research Tool – free</b> <a href="http://www.lexisnexis.com/hottopics/gacode/">http://www.lexisnexis.com/hottopics/gacode/</a>	
Contents	Unannotated Official Code of Georgia
Coverage	Current code
Update	Annual
Notes	Also accessible through the Georgia General Assembly website.

<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Official Code of Georgia Annotated
Coverage	Current code and archive codes (1991–present)
Update	Regularly
<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	West’s Code of Georgia Annotated
Coverage	West’s Code of Georgia Annotated (2002–present), O.C.G.A. (1988–2010)
Update	Regularly

### B. Session Laws

Unlike a statutory code, which only includes the laws currently in force, session laws serve as a collection of all of the laws passed by the legislature.<sup>84</sup> While statutory law research typically begins with reviewing the statutory codes, researchers may want to review session laws to find the text of a law when it was originally passed, to see the text of the amendments to a code section, or to locate repealed laws that no longer appear in the code. Georgia session laws are published under the title *Georgia Laws*.<sup>85</sup>

#### 1. Georgia Laws

*Georgia Laws* serves as a collection of all the laws and resolutions passed by the General Assembly. Acts and resolutions appear in *Georgia Laws* in order of their enactment date.<sup>86</sup> In addition to the text of the act or resolution as passed by the General Assembly, the beginning of each act includes a preamble, which serves as a purpose clause.<sup>87</sup>

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84. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 63.

85. *Id.*

86. *Id.*

87. *Id.*

The contents of *Georgia Laws* is currently organized across three volumes. Volume I includes general acts and resolutions of the General Assembly. These are typically the laws of general statewide application that will enact, amend, or repeal code sections in the O.C.G.A. Volume II includes local and special acts and resolutions, county and consolidated government home-rule actions, and municipal home-rule actions. Since the O.C.G.A. only includes laws of general statewide applications, researchers will only find local and special laws passed by the General Assembly in Volume II of *Georgia Laws*.<sup>88</sup>

Volume III of *Georgia Laws* includes a variety of useful tools, such as indexes, tables, population charts, member listings, referendum results, and the Governor's veto messages. Prior to the 1995 edition of *Georgia Laws*, each edition was published as a two volume set. When published as a two volume set, the information currently contained in Volume III was duplicated at the end of both Volume I and II. Since the 1995 edition, this information has been located solely in Volume III. There are three resources available in Volume III that researchers should find especially useful when consulting *Georgia Laws*. First, the "Acts by Numbers, Page References" table allows researchers to locate the appropriate page number of an act in *Georgia Laws* based on the act number. Second, the "Index – Tabular" allows researchers to locate proposed amendments to the Georgia Constitution passed during that edition's General Assembly session. Third, the "Index – General" allows researchers to locate acts in that *Georgia Laws* edition based on a topic.

## 2. *Researching Session Laws*

Generally, session law research begins with a researcher trying to find background and history information on a statutory code section. Whether using a print or online code, the history line that follows the

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88. *Id.*

statutory text will provide researchers with citations to *Georgia Laws*. The first citation listed identifies where in *Georgia Laws* researchers can find the text of the law as it was originally passed by the General Assembly. Additional citations provide researchers information on where they can locate amendments to the statutory text in *Georgia Laws*. The last citation listed refers to where researchers can locate the text of the most recent amendment in *Georgia Laws*.

Depending on which code a researcher is using, the format used to identify the *Georgia Laws* citation will appear as one of the following: “Ga. L. 1960, p.289, § 1” or “Laws 1960, p. 289, § 1.” In actuality, the proper citation format for *Georgia Laws* is “1960 Ga. Laws 289, § 1.”<sup>89</sup> Nevertheless, when faced with any of these three formats, researchers should identify three elements to help them determine where they can locate the act in *Georgia Laws*. First, the four-digit year corresponds to the Generally Assembly session and the volume number on the spine of *Georgia Laws*. Second, the page number corresponds to the page of that *Georgia Laws* edition where the act begins. Third, the section number corresponds to the section of the act that amended the code section.

There are other ways researchers can find a *Georgia Laws* citation without first consulting a code section. Researchers may find references to *Georgia Laws* when reviewing cases and secondary sources. If a researcher knows the year a law was passed and the subject matter, they can use the “Index – General” in Volume III of that year’s *Georgia Laws* to find the corresponding page number for that act. Without a citation or a session in mind, researchers would have little option but to consult an online source. Currently, there is no cumulative subject index for the entire collection of *Georgia Laws*. The only indexes available are for the individual editions of *Georgia Laws*. Therefore, researchers would have to use an online source that provides for full-text keyword searching.

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89. *Id.* at 212.

### 3. *Online Sources of Georgia Laws*

In many respects, researchers will be more inclined to use one of the online sources listed in the table that follows than the print version of *Georgia Laws*. On top of the fact that many of the online sources provide for full-text keyword searching, several provide the full text of the entire collection of *Georgia Laws*, including the tables and indexes located in Volume III. In addition, Lexis Advance and WestlawNext make it seamless for researchers to navigate from a code section to *Georgia Laws* by providing direct links in the history line. Although easy to use, Lexis Advance and WestlawNext do not provide access to the entire collection of *Georgia Laws*, nor do they provide access to the information located in Volume III. To access the entire collection of *Georgia Laws*, researchers must use HeinOnline, or a combination of Georgia Legislative Documents and Georgia Government Publications.

HeinOnline is the only online source that provides researchers with access to the entire collection of *Georgia Laws*. *Georgia Laws* is available in HeinOnline in PDF format, and looks exactly as it would in the print version. Researchers can access *Georgia Laws* in HeinOnline by entering the “Session Laws Library,” and then navigating to “Georgia.” Researchers who have a *Georgia Laws* citation can easily browse the collection by year, volume, and page number. HeinOnline also provides for full-text keyword searching of the entire collection, so researchers can locate laws without a *Georgia Laws* citation.

Researchers without access to HeinOnline can use a combination of two free online sources to access the entire collection of *Georgia Laws*: Georgia Legislative Documents and Georgia Government Publications. Georgia Legislative Documents covers the years 1799–1999, while Georgia Government Publications covers the years 2000–present. Both online sources allow researchers to browse *Georgia Laws* by year, volume, and page number, as well as perform full-text keyword searching. Although researchers would have to consult two sources to access the full collection of *Georgia Laws*, the



quality of both online sources makes them a reasonable alternative to HeinOnline or the print version of *Georgia Laws*.

#### 4. Sources of Georgia Session Laws Online

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Session Laws
Coverage	1997–present
Update	Continually during legislative session
<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Session Laws
Coverage	2010 – present
Update	Annually
<b>Georgia General Assembly – free</b> <a href="http://www.legis.ga.gov/Legislation">http://www.legis.ga.gov/Legislation</a>	
Contents	Acts and Resolutions of the State of Georgia
Coverage	1995 – present
Update	Continually during legislative session
Notes	Locate by Signed by Governor (2001–present) or Legislation Archive (1995–2000). Unable to locate act by <i>Georgia Laws</i> citation; Using advanced search, select year, and then search using bill number, subject, or code section.
<b>Georgia Government Publications – free</b> <a href="http://dlg.galileo.usg.edu/ggp/">http://dlg.galileo.usg.edu/ggp/</a>	
Contents	Acts and Resolutions of the State of Georgia, PDF Format
Coverage	2000–present
Update	Annually

<b>Georgia Legislative Documents – free</b> <a href="http://www.galileo.usg.edu/express?link=zlg">http://www.galileo.usg.edu/express?link=zlg</a>	
Contents	Acts and Resolutions of the State of Georgia, HTML Format
Coverage	1799–1999
Update	No longer updated
Notes	Subsequent years located on Georgia Government Publications. Locate materials using “Browse by Date” if you have a <i>Georgia Laws</i> citation, or use the “Basic Search” or “Boolean Search” to locate by keywords.
<b>HeinOnline – commercial</b> <a href="http://heinonline.org/">http://heinonline.org/</a>	
Contents	Acts and Resolutions of the State of Georgia
Coverage	1735–present
Update	Annually
Notes	Located in the Session Laws Library
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	All laws enacted during a legislative session
Coverage	1989–present
Update	Continually during legislative session
Notes	Located in Georgia Advance Legislative Service.
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Session Laws
Coverage	Enacted legislation from the most recent completed session
Update	Annually

### C. Local Laws and Codes of Ordinances

While given far less attention than federal and state law in law school courses, local laws and ordinances often have a more direct effect on citizens' lives than larger bodies of law.<sup>90</sup> Local laws can cover areas related to zoning, nuisances, and advertising.<sup>91</sup> Therefore, when evaluating a legal issue, researchers should make sure to consider whether the issue is addressed by a local law or ordinance.

#### 1. Home Rules

Generally, because counties and municipalities are creations of the state, they do not have the power to create their own laws.<sup>92</sup> Nevertheless, many states provide some level of "home rule," which allows local governments to create some ordinances and resolutions.<sup>93</sup> Generally, ordinances refer to laws that "deal with an ongoing situation," while resolutions "deal with matters of special or temporary character."<sup>94</sup> The Georgia constitution provides for a level of home rule for both counties and municipalities, allowing them to create ordinances, resolutions, or regulations.<sup>95</sup> For counties, the Georgia constitution expressly provides for the powers they can exercise, as well as the exceptions to those powers.<sup>96</sup> The Georgia constitution bestows upon the General Assembly the authority to delegate powers to local municipalities.<sup>97</sup> The General Assembly designates home rule powers and exceptions under O.C.G.A. Title 36.<sup>98</sup>

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90. ARMSTRONG & KNOTT, *supra* note 28, at 220.

91. *Id.*

92. 56 AM. JUR. 2D *Municipal Corporations, Counties, and Other Political Subdivisions* § 163 (2010). See also JACKSON, STAKES & HARDY, *supra* note 68, at 141.

93. *Id.*

94. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 68.

95. GA. CONST. art. IX, § II, para. I-II.

96. *Id.* at para. I.

97. *Id.* at para. II.

98. See O.C.G.A. §§ 36-30-1 to 36-92-5 (2012).

## 2. *Local Laws Passed by the General Assembly*

The General Assembly has the ability to delegate home-rule authority, but in reality, it utilizes that power in very limited circumstances.<sup>99</sup> Therefore, when researching a local issue, researchers will often need to consult local laws passed by the General Assembly.<sup>100</sup> Local legislation introduced in the General Assembly follows a similar course as bills and resolutions of general statewide application.<sup>101</sup> Once signed into law, local acts are published in Volume II of *Georgia Laws*.<sup>102</sup> Because local laws are not of general statewide application, they will not appear in the O.C.G.A.<sup>103</sup> Furthermore, while some counties and municipalities will include local laws passed by the General Assembly in their codes of ordinances, others merely refer researchers to their location in *Georgia Laws*.<sup>104</sup> Therefore, *Georgia Laws* is quite often the only place to locate the text of the local laws passed by the General Assembly.

Although each edition of *Georgia Laws* includes its own topical index that researchers can use to find local laws for a specific local government, this will not help researchers determine where other applicable laws are located throughout the entire collection of *Georgia Laws*. To identify where all of the local laws for a specific local government reside within *Georgia Laws*, researchers must use the Index to Local and Special Laws, which is only available in Volume 42 and 42A of the print O.C.G.A.<sup>105</sup> The Index to Local and Special Laws is organized alphabetically by counties and municipalities.<sup>106</sup> Under each local government, researchers will find an alphabetical listing of topics, corresponding local acts, citations to where those acts reside in *Georgia Laws*, and citations to acts that

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99. JACKSON, STAKES & HARDY, *supra* note 68, at 141.

100. *Id.*

101. *See id.* at 141.

102. *Id.* at 280.

103. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 57.

104. *Id.*

105. *Id.*

106. *Index to Local and Special Laws*, O.C.G.A vol. 42–42A (2009).

amended or repealed the original act.<sup>107</sup> The Index to Local and Special Laws is absolutely essential for any researcher that needs to find local laws passed by the General Assembly that are currently in force for a specific local government.

### 3. *Codes of Ordinances*

In addition to researching local laws passed by the Generally Assembly, researchers should also consult the local government's code of ordinances. Similar to statutory codes, codes of ordinances include only local laws currently in force, organized by topic.<sup>108</sup> Online sources are the best way to access Georgia local codes of ordinances. Municode provides free online access to over 270 codes of ordinances for Georgia counties and municipalities. In addition, the American Legal Publishing Corporation provides free access to the codes of ordinances for Dade County and the City of Harlem. On both online sources, researchers must first select their county or municipality. Researchers can then find applicable local laws by browsing the table of contents of the code or by performing full-text keyword searching. In addition to these two free resources, Lexis Advance also includes a substantial collection of Georgia ordinances. If the code is not available through one of these online sources, researchers can check the local government's website or contact the local government office.<sup>109</sup>

### 4. *Sources of Local Laws and Codes Ordinances Online*

<b>American Legal Publishing Corporation – free</b> <a href="http://www.amlegal.com/">http://www.amlegal.com/</a>	
Contents	Ordinances for Dade County and the City of Harlem
Coverage	Current code
Update	Regularly

107. *Id.*

108. See ARMSTRONG & KNOTT, *supra* note 28, at 222.

109. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 68.

<b>Georgia Government Publications – free</b> <a href="http://dlg.galileo.usg.edu/ggp/">http://dlg.galileo.usg.edu/ggp/</a>	
Contents	Acts and resolutions of local application
Coverage	2000–present
Update	Annually
Notes	Local laws are located in Volume II of <i>Georgia Laws</i> .
<b>Georgia Legislative Documents – free</b> <a href="http://www.galileo.usg.edu/express?link=zlg1">http://www.galileo.usg.edu/express?link=zlg1</a>	
Contents	Acts and resolutions of local application
Coverage	1799–1999
Update	No longer updated
Notes	Subsequent years located on Georgia Government Publications. Locate materials using “Browse by Date” if you have a <i>Georgia Laws</i> citation, or use the “Basic Search” or “Boolean Search” to locate by keywords. Local laws are located in Volume II of <i>Georgia Laws</i> .
<b>HeinOnline – commercial</b> <a href="http://heinonline.org/">http://heinonline.org/</a>	
Contents	Acts and resolutions of local application
Coverage	1735–present
Update	Annually
Notes	Located in the Session Laws Library. Local laws are located in Volume II of <i>Georgia Laws</i> .
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Ordinances for several Georgia cities and counties
Coverage	Current codes
Update	Regularly
Notes	Municode provides the codes, but users are able to search across multiple jurisdictions simultaneously.

<b>Municode – free and commercial</b> <a href="https://www.municode.com/">https://www.municode.com/</a>	
Contents	Ordinances for over 270 cities and counties
Coverage	Current code
Update	Regularly
Notes	Users can search or browse one code at a time for free, but an account is required to search across multiple codes simultaneously.
<b>State of Georgia Government – free</b> <a href="http://georgia.gov/municipality-list">http://georgia.gov/municipality-list</a>	
Contents	List of cities and counties
Coverage	Varies
Update	Regularly
Notes	Use this list to locate contact information for cities and counties that do not post their ordinances on any of the above resources.

## VI. BILL TRACKING AND LEGISLATIVE HISTORY

There are times when attorneys will be interested in tracking current legislation, as well as reviewing documents that correspond to the enactment or amendment of a code section. Although used for different purposes, bill tracking and legislative history share many common aspects. In both situations, researchers are interested in the life of a piece of legislation. Although bill tracking focuses on a piece of legislation's current progress through the legislative process, legislative history looks back on the life of a piece of legislation after its enactment.<sup>110</sup>

### A. Legislative Process

It is essential to have a basic understanding of the legislative process when conducting bill tracking and researching legislative

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110. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 89.

history. There are several resources researchers can consult to gain a better understanding of the Georgia legislative process. The *Handbook of Georgia Legislators* provides an excellent overview of the General Assembly, describes its membership, discusses the lawmaking process, and provides a description of the types of legislation dealt with by the General Assembly.<sup>111</sup> In addition, *Georgia Legal Research* includes a table that outlines the steps for how a bill becomes a law, along with descriptions of the various documents created along each step of the legislative process.<sup>112</sup> Furthermore, the *Legislation* webpage on the Georgia General Assembly's website provides a concise overview of the legislative process.<sup>113</sup> Due to the wealth of information already available on the Georgia legislative process, this article will merely highlight some of its key aspects.

### 1. Georgia General Assembly

The Georgia General Assembly consists of a House of Representatives (180 members) and a Senate (fifty-six members) that are elected every two years.<sup>114</sup> The General Assembly convenes the second Monday in January of each year.<sup>115</sup> As prescribed by the Georgia constitution, the General Assembly cannot meet more than forty legislative days within a year.<sup>116</sup> Days where the General Assembly is adjourned do not count toward this forty-day total.<sup>117</sup> Due to several adjournments throughout a session, the General Assembly will often not reach its final adjournment, known as "adjournment sine die," until sometime between March and May.<sup>118</sup>

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111. See generally JACKSON, STAKES & HARDY, *supra* note 68.

112. See JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 82–84.

113. *Legislation*, GEORGIA GENERAL ASSEMBLY, <http://www.legis.ga.gov/Legislation/en-US/default.aspx> (last visited Apr. 4, 2015).

114. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 82; JACKSON, STAKES & HARDY, *supra* note 68, at 77.

115. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 82.

116. JACKSON, STAKES & HARDY, *supra* note 68, at 77 (citing GA. CONST. art. III, § IV, para. I).

117. *Id.* at 77–78.

118. *Id.*



## 2. *Types of Legislation*

While virtually anyone—private citizens, interest groups, and government agencies—can assist with drafting legislation, only members of the General Assembly can introduce legislation.<sup>119</sup> Members introduce legislation as either a resolution or a bill.<sup>120</sup> A resolution is proposed legislation that “may or may not have the force of law, depending on the subject matter and intent of the legislature.”<sup>121</sup> Simple resolutions are those passed by one chamber, while joint resolutions are those passed by both chambers.<sup>122</sup> The members use each type for a variety of reasons, but resolutions generally express either the opinion of a chamber or the entire General Assembly.<sup>123</sup>

A bill is proposed legislation that will have the force of law if passed by both chambers and signed by the Governor.<sup>124</sup> Bills are classified under three categories: general, local, and special.<sup>125</sup> General bills are those that pertain to laws of general statewide application, and if enacted, are published in *Georgia Laws* and integrated into the O.C.G.A.<sup>126</sup> Local bills are those that pertain to laws of a local county or municipality, and if enacted, reside in *Georgia Laws*.<sup>127</sup> The General Assembly uses special bills to pass laws that pertain to a private individual or company.<sup>128</sup> Though the Georgia Supreme Court has upheld the General Assembly’s power to pass special bills, the General Assembly rarely uses them anymore.<sup>129</sup>

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119. *Id.* at 188.

120. *Id.* at 131.

121. *Id.*

122. JACKSON, STAKES & HARDY, *supra* note 68, at 146.

123. *See id.* at 146–52 (describing the types of resolutions and providing examples).

124. *Id.* at 131.

125. *Id.* at 134.

126. *Id.* at 134–36.

127. *Id.* at 139–40.

128. JACKSON, STAKES, & HARDY, *supra* note 68, at 140.

129. *Id.*

### 3. *How a Bill Becomes a Law*

The process for how a bill becomes a law in Georgia is very similar to the process in the U.S. Congress. Generally, bills can be introduced in the House or Senate.<sup>130</sup> However, there are a few restrictions on where certain types of bills must originate.<sup>131</sup> After introduction, bills are often referred to a committee, which can hold hearings on the bill.<sup>132</sup> When a committee reports a bill to a chamber, that chamber will place it on the calendar, hold debates, and then vote on the bill.<sup>133</sup> If the bill passes one chamber, it is then sent to the other chamber, where it goes through the same process all over again.<sup>134</sup> Once both chambers pass the identical text of a bill, they submit the “enrolled bill” to the Governor.<sup>135</sup>

Once submitted to the Governor, the bill becomes law one of three ways. First, the bill becomes law if signed by the Governor.<sup>136</sup> Second, the bill automatically becomes law if the Governor does nothing for a required number of days.<sup>137</sup> Third, if the Governor vetoes the bill, the General Assembly can override the Governor’s veto if two-thirds of the members of both the House and Senate vote in support of the bill.<sup>138</sup> Unless specified otherwise, the passed legislation, now referred to as an “act,” takes effect on July 1<sup>st</sup>.<sup>139</sup> The act is then published in *Georgia Laws*, and if applicable, incorporated into the O.C.G.A.<sup>140</sup>

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130. *See id.* at 131.

131. *See id.* at 164.

132. *Legislation, supra* note 113.

133. *Id.*

134. *Id.*

135. *Id.*

136. JACKSON, STAKES & HARDY, *supra* note 68, at 228.

137. *Id.*

138. *Id.* at 228–30.

139. *Id.* 132, 232.

140. *Id.* at 132, 280.

### B. *Bill Tracking*

Bill tracking consists of following the status of a current bill or resolution as it makes its way through the legislative process. Effective bill tracking requires researchers to not only monitor the progress of proposed legislation, but also gauge the likelihood of its enactment and understand how the legislation would affect laws currently in force.

There are three main reasons why an attorney would conduct bill tracking. First, if an attorney's practice focuses on a certain area of law, he would want to know how proposed legislation would affect that area of law.<sup>141</sup> Second, an attorney is in a much better position to advise his clients on certain matters if he knows how proposed legislation could affect his clients' interests.<sup>142</sup> Third, an attorney will want to know if any proposed legislation could affect the practice of law, such as amendments to the rules of procedure or evidence. This interest is demonstrated by the efforts of the State Bar of Georgia's Legislative Program to inform members of legislation affecting the practice of law.<sup>143</sup> Though this list is not exhaustive, these reasons demonstrate bill tracking's importance to the legal research process.

Online sources provide the most practical and effective way to conduct bill tracking. When conducting bill tracking, researchers want to identify the current status of the bill, as well as locate the current and previous versions of a bill. Though the table that follows lists several commercial online sources, one of the best sources to use to find the text of a bill and its current status is the Georgia General Assembly's website. The Advanced Search feature on the *Legislation* webpage allows researchers to locate bills using a combination of keyword searching and filters.<sup>144</sup> Once researchers identify a bill of interest in the results, they can enter the bill's status page by clicking

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141. ALGERO, *supra* note 3, at 126.

142. Lawrence E. Marino, *Tracking Legislation and Researching Legislative History*, 48 LA. B.J. 370, 370 (2001).

143. *Legislative Program*, STATE BAR OF GEORGIA, <http://www.gabar.org/committeesprogramssections/programs/leg/index.cfm> (last visited Apr. 8, 2015).

144. *Legislation*, *supra* note 113.

on the bill number. The bill's status page includes the current text of the bill, previous versions of the bill, status history, committee assignments, and a list of bill sponsors.<sup>145</sup> The bill's status page is updated throughout the session, so researchers can return to this page for updated bill texts and status information.

In addition to information on the bill's status page, researchers may also find it useful to review the general calendars and composite status sheets on the General Assembly's Legislation webpage. The House and Senate General Calendars are prepared daily throughout the session and display the order in which bills and resolutions will receive floor consideration.<sup>146</sup> The Composite Status Sheets provide tables with the current status of all bills and resolutions introduced during an assembly session.<sup>147</sup>

Although the General Assembly does not keep a record of the remarks made on the floor, researchers can follow the floor proceedings of both chambers by accessing the live video stream found on the General Assembly's website.<sup>148</sup> In addition, Georgia Public Broadcasting produces the show *Lawmakers*, which provides interviews and analysis of each legislative day.<sup>149</sup> The *Lawmakers* website includes an archived version of the show, along with archived video of floor proceedings from each chamber.<sup>150</sup> Researchers will have a good idea of the status of a bill and the likelihood of its enactment by viewing both floor proceedings and the *Lawmakers* program.

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145. See, e.g., Georgia General Assembly, HB 200, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20152016/HB/200> (last visited May 19, 2015).

146. Clerk's Office, GEORGIA HOUSE OF REPRESENTATIVES, <http://www.house.ga.gov/clerk/en-US/HouseCalendars.aspx> (last visited May 18, 2015); Secretary of the Senate, GEORGIA STATE SENATE, <http://www.senate.ga.gov/sos/en-US/SenateCalendars.aspx> (last visited May 18, 2015).

147. *Legislation*, *supra* note 113.

148. GEORGIA GENERAL ASSEMBLY, <http://www.legis.ga.gov/en-US/default.aspx> (last visited Apr. 8, 2015).

149. JACKSON, STAKES & HARDY, *supra* note 68, at 286. See also JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 88.

150. *Lawmakers*, GEORGIA PUBLIC BROADCASTING, <http://www.gpb.org/lawmakers> (last visited Apr. 8, 2015).

*1. Sources of Georgia Bills and Bill Tracking Online*

<b>Georgia General Assembly – free</b> <a href="http://www.legis.ga.gov/Legislation">http://www.legis.ga.gov/Legislation</a>	
Contents	Bills
Coverage	1995–present
Update	Continually during legislative session
Notes	Search by topic, bill number, and code number. A bill’s page will provide status history and previous versions of bills.
<b>Georgia General Assembly – free</b> <a href="http://www.legis.ga.gov/Legislation">http://www.legis.ga.gov/Legislation</a>	
Contents	Composite Status Sheet
Coverage	2007–present
Update	Continually during legislative session
Notes	Provides the current status of all bills and resolutions.
<b>LegislationTrack – commercial</b> <a href="http://www.legislationtrack.com/">http://www.legislationtrack.com/</a>	
Contents	Bill Tracking
Coverage	Current session of General Assembly
Update	Continually during legislative session
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Bills
Coverage	1991–present
Update	Continually during legislative session
Notes	Located in GA Full-Text Bills.
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Summary and legislative chronology of legislation
Coverage	1989–present
Update	Continually during legislative session
Notes	Located in GA Bill Tracking Reports.

<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Bills
Coverage	Current legislative session
Update	Continually during legislative session
Notes	Located in Georgia Proposed Legislation (Bills) database.
<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Bill summaries and status information
Coverage	2005–present
Update	Continually during legislative session
Notes	Located in Georgia Bill Tracking database.

### C. Legislative History

Legislative history research begins with a statutory code section and involves reviewing the bills and other documents that correspond to the enactment and amendment of the code section. Researchers can view legislative history as “the reverse of bill tracking.”<sup>151</sup> While there are many reasons attorneys would research the legislative history of a code section, there are two that stand above the rest.<sup>152</sup> First, researchers examine legislative history in order to gain a better understanding of the law.<sup>153</sup> Second, when used as a means of statutory interpretation, legislative history can help researchers determine the legislature’s intent for enacting the law and thereby shed light on how courts should construe ambiguous language.<sup>154</sup>

#### 1. Georgia Statutory Interpretation

The Georgia General Assembly asserted in O.C.G.A. § 1-3-1(a) that “[i]n all interpretations of statutes, the courts shall look diligently

151. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 89.

152. See Mary Whisner, *Other Uses of Legislative History*, 105 LAW LIBR. J. 243 (2013).

153. See *id.* at 248.

154. See *id.* at 249.

for the intention of the General Assembly, keeping in view at all times the old law, the evil, and the remedy.”<sup>155</sup> The Georgia Supreme Court has determined that courts can examine legislative history as a form of statutory interpretation, but only in circumstances when ambiguity exists.<sup>156</sup> In situations “[w]here the plain language of the statute is clear and susceptible to only one reasonable construction,” the Georgia Supreme Court has maintained that courts “must construe the statute according to its terms.”<sup>157</sup> Researchers can find additional information on Georgia courts’ use of legislative history by consulting Professor R. Perry Sentell Jr.’s article *Georgia Statutory Construction: The Use of Legislative History*.<sup>158</sup>

## 2. Sources of Legislative History

Unlike federal legislative history, there are very few sources to consult when compiling a legislative history of a Georgia statute.<sup>159</sup> The authors of *Georgia Legal Research* classify the sources of Georgia legislative history as official and unofficial.<sup>160</sup> Official sources include the statutory codes, *Georgia Laws*, bill versions, and the House and Senate Journals.<sup>161</sup> While not part of the act, Georgia appellate courts have established that the preamble to an act in *Georgia Laws* may be used as evidence when considering the meaning of an ambiguous law.<sup>162</sup> The Georgia Supreme Court also

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155. O.C.G.A. § 1-3-1 (2000 & Supp. 2014).

156. *You v. JP Morgan Chase Bank*, 743 S.E.2d 428, 431 (Ga. 2013) (citing *Botts v. Se. Pipe-Line Co.*, 10 S.E.2d 375, 385 (Ga. 1940)).

157. *Id.* at 431 (citing *Hollowell v. Jove*, 279 S.E.2d 430, 432 (Ga. 1981)).

158. R. Perry Sentell, Jr., *Georgia Statutory Construction: The Use of Legislative History*, 1 GA. B.J. 30 (1996).

159. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 81.

160. *See id.* at 90.

161. *See id.* at 90–91.

162. *Eastman v. McAlpin*, 1 Ga. 157, 157 (1846) (“In the construction of a statute, when the words of the enacting clause are clear and positive, recourse must not be had to the title or the preamble. They serve to assist in removing ambiguities, where the intent is not plain and manifest. The title of an act and the preamble, are, strictly speaking, no parts of it.”); *Spalding Cnty. Bd. of Elections v. McCord*, 700 S.E.2d 558, 560 (Ga. 2010) (“Although a preamble is not a part of the act and therefore cannot control over its plain meaning, it may be considered as evidence of the meaning of an ambiguous, codified law.”); *Mays v. Target Corp.*, 743 S.E.2d 603, 605 (2013) (“As OCGA § 9-3-99 is ambiguous as to whether it tolls the limitation period for a crime victim’s cause of action against the person accused of

considers the House and Senate Journals and their depiction of events to be sources of legislative intent.<sup>163</sup>

The *Journal of the House of Representatives* and the *Journal of the Senate* serve as the official record of proceedings of the General Assembly.<sup>164</sup> The journals do not provide a verbatim account of remarks and debates made on the House and Senate floor, nor do they provide the full text of bills introduced, debated, and voted on.<sup>165</sup> The journals provide a record of bill sponsors, first and second readings, committee recommendations, the text of floor amendments, and vote results.<sup>166</sup> While the journals are available in print, researchers can also access PDF versions of them on the Georgia Government Publications website.<sup>167</sup> Locating the journals online enables users to utilize the journal's index or keyword searching to find information related to a bill.

There are also several very useful unofficial sources of Georgia legislative history. Both Lexis Advance and WestlawNext include databases that compile various official and unofficial sources of legislative history. In addition, *Georgia State University Law Review* and *Mercer Law Review* both publish issues that cover legal developments in Georgia law. While it focuses primarily on case law, *Mercer Law Review's* "Annual Survey of Georgia Law"<sup>168</sup> does provide some coverage of recently passed legislation. *Georgia State University Law Review's* "Review of Selected Georgia Legislation," also known as the "Peach Sheets," serves as one of the main sources of legislative history in Georgia.<sup>169</sup> While the *Georgia State Law Review* is selective in which acts it covers in the Peach Sheets, the

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the crime only, we find the preamble persuasive evidence of the legislature's intent.").

163. See *Sale v. Leachman*, 131 S.E.2d 185, 188 (Ga. 1963).

164. GA. CONST., art. III, § V, para. I.

165. JACKSON, STAKES & HARDY, *supra* note 68, at 281.

166. *Id.*

167. GEORGIA GOVERNMENT PUBLICATIONS, <http://dlg.galileo.usg.edu/ggp> (last modified June 24, 2014).

168. *Mercer Law Review*, MERCER UNIVERSITY WALTER F. GEORGE SCHOOL OF LAW, <http://law.mercer.edu/academics/journals/lawreview/> (last visited Apr. 11, 2015).

169. *GSU Law Review*, GA. ST. U. COLLEGE OF LAW, <http://readingroom.law.gsu.edu/gsulr/about.html> (last visited Apr. 9, 2015).



articles within include a wealth of information, such as analysis and background on a bill's introduction, factors surrounding the bill's course through the General Assembly, relevant portions of floor debates, and public perception while the Assembly considered the bill.<sup>170</sup> Researchers can determine if an article in the Peach Sheets addresses an act or code section by locating the Table of Code Sections Affected or the House and Senate Bills Index in each issue.

*a. Process of Compiling a Legislative History*

The process of compiling Georgia legislative history begins with a code section. Whether located in print or online, each code section will include a history line following the text of the statute.<sup>171</sup> The citations in the history line correspond to where researchers can locate the original act and amendments in *Georgia Laws*.<sup>172</sup> The next step in the process will depend on the scope of the issues. In some instances, a researcher may compile a legislative history for the original act and each amendment. Other times, a researcher may be interested in the legislative history of only one of the acts. The editors' notes—located in the print annotated codes and through Lexis Advance and WestlawNext—can help a researcher pinpoint which amendment provided a significant change to the law. Researchers could also locate and compare the text of the original act and each amendment in *Georgia Laws* to determine which act to further investigate.

Once researchers pinpoint an act, they should then locate that act in *Georgia Laws* and review the preamble at the beginning of the act. Researchers can then use the bill number provided in *Georgia Laws* to locate the text of the bill and bill versions on the General Assembly's website. Researchers can also use the bill number to locate information pertaining to the bill in the House and Senate Journals. After reviewing these official sources, researchers should

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170. *Id.*

171. *See, e.g.*, O.C.G.A. § 1-3-1 (2000 & Supp. 2014).

172. *See Index to Local and Special Laws*, O.C.G.A. vols. 42–42A (2009).

then consult the Peach Sheets or the Annual Review of Georgia Law to see if either provides any additional insight or analysis on the act. Lastly, researchers should consult the legislative history databases on Lexis Advance or WestlawNext to see if they provide access to any additional sources.

### 3. Sources of Legislative History Online

<b>Georgia Government Publications – free</b> <a href="http://dlg.galileo.usg.edu/ggp/">http://dlg.galileo.usg.edu/ggp/</a>	
Contents	House and Senate Journals
Coverage	1876–present
Update	Annually
<b>Georgia Statute University Law Review – free and commercial</b> <a href="http://readingroom.law.gsu.edu/gsulr/">http://readingroom.law.gsu.edu/gsulr/</a>	
Contents	Review of Selected Legislation (also known as the Peach Sheets)
Coverage	Vol. 1, 1985–present
Update	Issued Annually
Notes	The Peach Sheets reside in Iss. 2 of Vols. 1–3 and Iss. 1 of Vols. 5–present. Researchers will also find varying coverage of the Peach Sheets by locating Georgia State University Law Review articles on Fastcase, Lexis Advance, HeinOnline, and WestlawNext.
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Bill Analyses, Governor’s Messages, Committee Reports, Fiscal Messages, and Summary Amendments.
Coverage	Full coverage 2006–present, Limited coverage 2001–2005
Update	Continually during legislative session
Notes	Located in Georgia Legislative Bill History.

<b>Mercer Law Review – free and commercial</b> <a href="http://www.law.mercer.edu/academics/lawreview/">http://www.law.mercer.edu/academics/lawreview/</a>	
Contents	Annual Survey of Georgia Law
Coverage	Vol. 46, 1994–present
Update	Issued Annually
Notes	The Annual Survey resides in Iss. 1 of Vols. 2–present. Researchers will also find varying coverage of the Annual Survey by locating Mercer Law Review articles on Fastcase, Lexis Advance, HeinOnline, and WestlawNext.
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Bill histories, amendments, daily reports, news releases, votes, and Governor’s messages.
Coverage	Varies by source
Update	Continually during legislative session
Notes	Located in Georgia Legislative History.

## VII. ADMINISTRATIVE LAW

Administrative law covers the laws produced by the executive branch and its subordinate agencies. While agencies wield great regulatory power, their power is not inherent. In fact, much of the power that agencies possess is derived from the legislative branch. When thinking about of the relationship between the legislative branch and executive branch agencies, researchers can view the legislative branch as a manager. In its managerial role, the legislative branch writes a broad statute that outlines its vision, and then delegates power to expert agencies to carry out that vision.

The legislative branch delegates power by passing enabling statutes. These enabling statutes will either expressly define an agency’s authority, or provide an agency with the deference to act in ways necessary to enforce the statute.<sup>173</sup> Agency actions must stay

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173. See, e.g., O.C.G.A. § 43-7-9(9) (2011) (“Adopt such rules and regulations as shall be reasonably

within the authority granted to them by their enabling statutes. In exercising authority from the legislature, agencies will perform both quasi-legislative functions, such as creating rules and regulations, and quasi-judicial functions, such as holding hearings and issuing decisions.<sup>174</sup>

Though they are not mirror images of each other, federal administrative law and Georgia administrative law do have several similarities. Georgia's Administrative Procedure Act (A.P.A) is codified in Title 50, Chapter 13 of the O.C.G.A.<sup>175</sup> Georgia's A.P.A. provides for the procedures agencies must follow when issuing regulations and decisions.<sup>176</sup> Georgia also has an administrative code, the *Official Compilation of Rules and Regulations of the State of Georgia*, which contains regulations currently in force.<sup>177</sup> Although it is not published every day like the *Federal Register*, the *Georgia Government Register* does provide researchers with notices of proposed rulemakings.<sup>178</sup> In addition, several of Georgia's government agencies hold hearings and issue administrative decisions.<sup>179</sup> Georgia administrative law also includes Attorney General Opinions and the Governor's Executive Orders.

#### A. Rules and Regulations

The Georgia A.P.A. expressly defines which government entities are not considered agencies and, therefore, do not have the authority to create rules and regulations.<sup>180</sup> Those government entities that are considered agencies are required under the A.P.A. to make their rules

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necessary for the enforcement and implementation of the provisions and purposes of this chapter and other laws of this state insofar as they relate to barbering, including, but not limited to, rules and regulations prescribing requirements for sanitation in barbershops and barber schools when these rules have been approved by the Board of Public Health.”)

174. See, e.g., O.C.G.A. § 43-7-9(5).

175. See O.C.G.A. §§ 50-13-1 to -44 (2013 & Supp. 2014).

176. *Id.* § 50-13-1.

177. *Rules and Regulations of the State of Georgia*, GA. SECRETARY OF STATE, <http://rules.sos.state.ga.us/pages/> (last visited Apr. 9, 2015).

178. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 108.

179. *Id.* at 110.

180. O.C.G.A. § 50-13-2 (2014).

and regulations available to the public.<sup>181</sup> To accomplish this requirement, the A.P.A. instructs the Secretary of State to “compile, index, and publish in print or electronically all rules adopted by each agency and remaining in effect.”<sup>182</sup> The result of this effort is the *Official Compilation of Rules and Regulations of the State of Georgia*, which provides a collection of rules and regulations currently in force.

The Secretary of State organizes the regulations in the *Official Compilation* by agency, where each chapter represents an agency. Similar to the statutory code, the chapters in the *Official Compilation* are further subdivided, with the section level containing the regulatory text. The proper citation format for regulations listed in the *Official Compilation* is GA. COMP. R. & REGS. 80-2-1-.01 (year), where 80 notes the chapter, 2 is the subchapter, and 1-.01 is the section number.<sup>183</sup>

### 1. Locating the Official Compilation

The Secretary of State publishes the print version of the *Official Compilation* as multi-volume looseleaf set.<sup>184</sup> As new rules are adopted, pages are added and removed from the *Official Compilation*. The print version of the *Official Compilation* is unannotated and does not include an index, which makes it much less user-friendly than the O.C.G.A. Attorneys starting their research with the print version will have to rely solely on the table of contents to navigate the regulatory code.

The Secretary of State also publishes a free version of the *Official Compilation* on its website.<sup>185</sup> While the website provides a search bar, researchers should be mindful of the fact that it only searches the table of contents of the *Official Compilation*, and not the text of the

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181. *Id.* § 50-13-3(a)(3).

182. *Id.* § 50-13-7.

183. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 212.

184. *Id.* at 107.

185. *Rules and Regulations of the State of Georgia*, GA. SECRETARY OF STATE, <http://rules.sos.state.ga.us/pages/> (last visited Apr. 9, 2015).

regulations. Therefore, much like the print version, researchers will have to rely mostly on the table of contents to locate a code section.

Because of the drawbacks of using the *Official Compilation*, researchers will need to employ other methods to efficiently find regulations relevant to their legal issue. All of the commercial online sources located in the table that follows allow for full-text keyword searching of the regulatory code. Moreover, regulations located in Lexis Advance and WestlawNext also include references to cases, corresponding statutes, and secondary sources that cite the regulatory section.

Researchers can also use annotated statutory codes to find relevant regulations. By using the index to locate a relevant statutory code section, researchers can then refer to the annotations for the code section to locate regulations that correspond to that code section. Statutory codes on Lexis Advance and WestlawNext will also direct researchers to corresponding regulations.

Once researchers locate a relevant regulatory section, they should browse surrounding code sections to make two determinations: (1) if there is a definitions section that defines key terms, and (2) if there are adjacent sections that are more applicable to the client's issue.

## 2. *Updating the Official Compilation*

After deciding on a regulatory section, researchers will need to make sure the text is up-to-date. The Secretary of State releases updates to the regulatory code on a monthly basis.<sup>186</sup> Since the print version of the *Official Compilation* is a looseleaf set, there is no need to refer to pocket parts or supplements. Instead, updated sections are inserted in place of outdated sections. Researchers should tread cautiously though when updating the *Official Compilation* in print.<sup>187</sup> Any delay in receipt of new sections can cause updating problems.

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186. *Rules and Regulations*, GA. SECRETARY OF STATE, [http://sos.ga.gov/index.php/General/rules\\_and\\_regulations](http://sos.ga.gov/index.php/General/rules_and_regulations) (last visited Apr. 9, 2015).

187. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 108.

On the other hand, commercial online sources will provide users with “currency” information, notifying researchers of the last time the editors checked to see if there were any updates for that section. Because some commercial online sources can take months to check for updates, researchers should always check the currency information.<sup>188</sup> For peace of mind, researchers should compare the regulatory text they find in any source with the online version of the *Official Compilation* on the Secretary of State’s website. Even though the online version is not an “official” copy, it is updated on a monthly basis, and therefore, will often be more up-to-date than any other online source.

### 3. *Checking Authority Information*

After verifying that the section is up-to-date, researchers should then thoroughly read and outline the regulatory text. In addition, researchers should locate the authority information following the regulatory text to find citations to the enabling statutes in the O.C.G.A. There are three benefits to reviewing regulations and their enabling statutes at the same time. First, reviewing the statutory authority can give researchers some perspective on the purpose agency hoped to accomplish by drafting the regulations. Second, reviewing the statutory authority can help an attorney determine if the agency acted within its authority when it wrote the regulations. Finally, the corresponding regulations can give researchers a better understanding of the statutory text. Regulations provide researchers with the agency’s interpretation of the statute. However, in situations where a conflict exists between the language in the statute and the corresponding regulation, the statute will always take precedent. Regulations are always subordinate to statutes because agencies receive their authority from the General Assembly.

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<sup>188</sup> At the time of this writing, the Georgia Rules and Regulations located on Fastcase were the 2012 version.

#### 4. Sources of Rules and Regulations Online

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Rules and Regulations
Coverage	Current
Update	Regularly
<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Rules and Regulations
Coverage	2010 & 2012 versions
Update	Every two years
Notes	Up to two years behind latest updates.
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Rules and Regulations
Coverage	Current and archived versions (2004–present)
Update	Regularly
<b>Office of the Secretary of State – free</b> <a href="http://sos.ga.gov/index.php/General/rules_and_regulations">http://sos.ga.gov/index.php/General/rules_and_regulations</a>	
Contents	Rules and Regulations
Coverage	Current
Update	Regularly
Notes	The website notes that the electronic version provided is not an official version. Be aware that the search bar only searches the text of the table of contents, not the language of the regulation.
<b>State of Georgia Government – free</b> <a href="http://georgia.gov/agency-list">http://georgia.gov/agency-list</a>	
Contents	Links to Georgia agency websites
Coverage	Some agency websites do provide their rules and regulations
Update	Varies



<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Rules and Regulations
Coverage	Current and archived versions (2012–present)
Update	Regularly

### B. Proposed Rules and Regulation Tracking

Attorneys should track proposed regulations for many of the same reasons they track proposed legislation in the General Assembly. This is especially true if an attorney's practice focuses on a heavily regulated area of law. The Georgia A.P.A. requires agencies to provide at least thirty days' notice for proposed adoptions, amendments, or repeals of regulations.<sup>189</sup> Moreover, the A.P.A. requires agencies to maintain a period in which interested parties can comment on proposed changes to current regulations.<sup>190</sup>

The table that follows provides a list of online sources that provide databases for tracking regulations and locating the full-text of proposed regulations. By far the best source to consult when tracking regulations is the *Georgia Government Register*. Originally published in 2001, this monthly publication serves as the Georgia equivalent to the *Federal Register*.<sup>191</sup> Available in print or on Lexis Advance, the *Georgia Government Register* provides users with a variety of information, such as notice of proposed rulemakings, emergency regulations, agency actions, attorney general opinions, and executive orders. Both the print and Lexis Advance version include a cumulative index for the year, which allows researchers to determine if there have been any proposed regulations in that calendar year. The Lexis Advance version also allows researchers to perform full-text keyword searching of the entire collection back to 2002. Whether accessing in print or on Lexis Advance, the *Georgia Government*

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189. O.C.G.A. § 50-13-4 (2013).

190. *Id.*

191. *See id.* § 50-25-6.

*Register* is an invaluable tool for anyone who practices administrative law.

*1. Sources of Proposed Rules and Regulation Tracking Online*

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Proposed, final, emergency, temporary, interim rules, and regulatory notices
Coverage	2011–present
Update	Regularly
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Georgia Government Register
Coverage	2002–present
Update	Monthly
Notes	Tracks rulemaking activity in Georgia.
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Summaries of proposed regulations and status actions for regulations
Coverage	2013–present
Update	Regularly
Notes	Located in GA State Regulation Tracking database.
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Full text of proposed and recently adopted rules and regulations
Coverage	Current
Update	Regularly
Notes	Located in Georgia Proposed & Adopted Regulations database.

<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Tracking information for proposed and recently adopted rules and regulations. Content includes summaries of rule or regulation, status information, and sponsoring agency
Coverage	2006–present
Update	Regularly
Notes	Located in Georgia Regulation Tracking database.

### C. Agency Orders, Decisions, and Opinions

Georgia agencies also exercise quasi-judicial power by issuing orders, decisions, and opinions. With some exceptions, the A.P.A. requires agencies to make all of their final decisions, opinions, and orders available to the public.<sup>192</sup> The A.P.A. enforces this requirement by declaring that no decision “shall be valid or effective against any person or party nor may it be invoked by the agency for any purpose until it has been published or made available for public inspection as required in this Code section.”<sup>193</sup> Agencies are also required to maintain “a properly indexed file of all decisions in contested cases,” and they must make those files available for public inspection.<sup>194</sup> While the A.P.A. is clear in its requirements for public access to decisions and opinions, researchers will have great difficulty locating these materials.

Unlike court opinions, there is no official reporter for agency decisions. Locating agency decisions requires researchers to utilize a variety of sources and techniques. Subscribers to Bloomberg Law, Lexis Advance, or WestlawNext have access to some agency decisions, but each provide very limited coverage. As noted in the table that follows, only decisions from a small handful of agencies

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192. O.C.G.A. § 50-13-3 (2013).

193. *Id.*

194. *Id.* § 50-13-17.

are available through these commercial online sources.<sup>195</sup> In some limited instances, agencies, such as the Department of Banking and Finance, will post decisions on their website.<sup>196</sup>

Researchers will have a much easier time finding a decision if it falls within the dominion of the Office of State Administrative Hearings (OSAH). The OSAH operates independently of state agencies and provides for “impartial administration of administrative hearings.”<sup>197</sup> When a party requests a hearing from an agency, the agency refers that request to OSAH.<sup>198</sup> Researchers can find a list of agencies that refer cases to OSAH on its website.<sup>199</sup> The administrative law judge (ALJ) that hears the case holds the same power as that of the referring agency.<sup>200</sup> Generally, the ALJ has thirty days to issue a decision to the parties.<sup>201</sup> Once a decision is rendered, the reviewing agency will have thirty days to reject or modify the decision.<sup>202</sup> Following the entry of a decision, the administrative hearing clerk will transfer the records over to the referring agency.<sup>203</sup>

While OSAH decisions are available on its website, researchers must have the docket number and the plaintiff’s zip code to locate a decision.<sup>204</sup> Fortunately, there is another way to locate OSAH decisions. OSAH launched the Administrative Law Report website to provide a selective online collection of ALJ decisions rendered since March 2013.<sup>205</sup> The *Administrative Law Report* is set up similar to an

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195. See *infra* Part VII.C.1.

196. *Rulings and AG Opinions*, DEPARTMENT OF BANKING AND FINANCE, <http://dbf.georgia.gov/rulings-and-ag-opinions-1> (last visited Apr. 10, 2015).

197. O.C.G.A. § 50-13-40 (2013).

198. *A Case is Born*, ADMINISTRATIVE LAW REPORT, <http://administrativelawreport.com/?p=1708> (last visited Apr. 10, 2015).

199. *Agency Referrals*, GA. OFFICE OF STATE ADMINISTRATIVE HEARINGS, <http://osah.ga.gov/agency-ref-word.html> (last visited Apr. 10, 2015).

200. O.C.G.A. § 50-13-41(b) (2013).

201. *Id.* § 50-13-41(c).

202. *Id.* § 50-13-41(e)(1).

203. GA. COMP. R. & REGS. 616-1-2-.33 (2015).

204. *Court Decisions*, GA. OFFICE OF STATE ADMINISTRATIVE HEARINGS <http://www.osah.ga.gov/get-decision.php> (last visited Apr. 10, 2015).

205. *About the ALR*, ADMINISTRATIVE LAW REPORT, [http://administrativelawreport.com/?page\\_id=2](http://administrativelawreport.com/?page_id=2) (last visited Apr. 10, 2015).

online blog.<sup>206</sup> While the posts provide a summary of the facts, each post also includes a link to a PDF version of the decision. The search bar at the top of the website only searches the text of the post title, not the summary provided or the text of the decision. Therefore, the best method for researchers looking to locate applicable decisions is to use the filters on the right side of the screen to browse for posts by month, judge, or topic.<sup>207</sup>

In spite of these online sources, researchers will more often than not have to contact the agency and request a copy of a decision. Since the A.P.A. requires agencies to maintain a file of decisions, researchers can make an oral or written public records request following the procedures set out in O.C.G.A. § 50-18-71.<sup>208</sup> Researchers should be aware that some exceptions do apply to public record requests and there may be charges for the production of the records.<sup>209</sup>

### *1. Sources of Agency Decisions and Guidance Online*

<b>Administrative Law Report – free</b> <a href="http://administrativelawreport.com/">http://administrativelawreport.com/</a>	
Contents	Office of State Administrative Hearings (OSAH) decisions
Coverage	Only a portion of decisions from March 2013–present
Update	Regularly
Notes	Decisions are attached to each post as a PDF document. Use the links on the right side of the screen to locate decisions by judge, month, and topic.

206. ADMINISTRATIVE LAW REPORT, <http://administrativelawreport.com/> (last visited Apr. 10, 2015).

207. *Id.*

208. O.C.G.A. § 50-18-71 (2013).

209. *Id.*

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Orders, Decisions, Guidance, and Interpretations
Coverage	Varies based on agency
Update	Irregularly
Notes	Includes Department of Banking & Finance, Department of Revenue, Office of Insurance and Safety Fire Commissioner, and Office of the Secretary of State.
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Decisions, Opinions, and Releases
Coverage	Varies based on agency
Update	Irregularly
Notes	Includes Commissioner of Securities Decisions, Department of Natural Resources, Department of Revenue Rules and Regulations, Public Service Commission Decisions, Public Utilities Reports, and Department of Banking & Finances Releases.
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Georgia Government Register
Coverage	2002–present
Update	Monthly
Notes	Includes agency actions, although coverage varies month to month.
<b>State of Georgia Government – free</b> <a href="http://georgia.gov/agency-list">http://georgia.gov/agency-list</a>	
Contents	Links to Georgia agency websites
Coverage	Some agency websites do provide decisions, opinions, and other publications
Update	Varies

<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Decisions, Opinions, Bulletins, and Materials
Coverage	Varies based on agency
Update	Irregularly
Notes	Includes Banking Administrative Decisions, Environmental Administrative Materials, Public Service Commission Decisions, Insurance Bulletins, Employment Regulations Materials, Insurance Regulations Materials, and Securities Regulations Materials.

#### D. Attorney General Opinions

The Georgia Attorney General serves as the legal advisor for the executive department.<sup>210</sup> In this capacity, the Attorney General represents the state in certain civil and criminal actions and exercises exclusive authority and jurisdiction in matters involving state authorities.<sup>211</sup> The Attorney General issues opinions on the law at the request of the Governor and other state officials.<sup>212</sup>

Researchers tend to give attorney general opinions more weight than other agency decisions because courts look to them for guidance when interpreting statutes and regulations. Although not binding, Georgia appellate courts do consider attorney general opinions to be persuasive authority.<sup>213</sup>

The Georgia Attorney General issues two types of opinions: official and unofficial. Official opinions are those requested by and issued to the Governor and heads of executive departments. Unofficial opinions are those requested by and issued to other state officials. Researchers can tell the difference between an official and

210. GA. CONST. art. V, § III, para. IV.

211. O.C.G.A. §§ 45-15-3 to -14 (2002).

212. *Id.* § 45-15-3.

213. See *Court System and Types of Action*, 1 GA. PROC. § 1:161 (2015) (citing *Wheeler Cnty. Bd. of Tax Assessors v. Gilder*, 568 S.E.2d 786 (Ga. Ct. App. 2002); *Collier v. Bd. of Comm'rs of Pike Cnty*, 524 S.E.2d 292 (Ga. Ct. App. 1999)).

unofficial opinion by the opinion's citation. An example of an official opinion's citation is 1998 Op. Att'y Gen. No. 98-7,<sup>214</sup> where 98 stands for the year issued and 7 stands for the chronological number. An example of an unofficial opinion's citation is 1998 Op. Att'y Gen. No. U98-7.<sup>215</sup> The only difference between the two citations is the *U* that precedes the unofficial citation numbers. This small difference is very important when researching attorney general opinions. Even though the numbers are the same in both example citations above, the opinions cover two different subjects.

It is considerably easier to locate attorney general opinions than agency decisions. In print, researchers can locate attorney general opinions through a combination of two sources: (1) *Opinions of the Attorney General*, which ceased publication in 1999; and (2) the *Georgia Government Register*, which began publication in 2001. There are also several online sources listed in the table that follows that allow researchers to locate attorney general opinions by performing full-text keyword searching. Of note is the Attorney General's website, which offers free access to opinions issued since 1994, and the Government Publications website, which offers free access to older opinions.<sup>216</sup> In addition, the *Georgia Government Register* on Lexis Advance allows researchers to locate attorney general opinions published in that publication by full-text keyword searching or by using the cumulative index. Moreover, print annotated statutory codes and statutory code sections on Lexis Advance and WestlawNext also provide references to applicable attorney general opinions.

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214. 1998 Op. Att'y Gen. No. 98-7, available at <http://law.ga.gov/opinion/98-7>.

215. 1998 Op. Att'y Gen. No. U98-7, available at <http://law.ga.gov/opinion/98-7-0>.

216. See *Opinions*, ATTORNEY GENERAL OF GA., <http://law.ga.gov/opinions> (last visited Apr. 10, 2015).



1. Sources of Attorney General Opinions Online

<b>Attorney General of Georgia – free</b> <a href="http://law.ga.gov/">http://law.ga.gov/</a>	
Contents	Official and Unofficial Opinions of the Attorney General
Coverage	1994–current
Update	Irregularly
Notes	Select “Opinions” on home page.
<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Official and Unofficial Attorney General Opinions
Coverage	1992–present
Update	Irregularly
Notes	Up to one year behind.
<b>Georgia Government Publications – free</b> <a href="http://dlg.galileo.usg.edu/ggp/">http://dlg.galileo.usg.edu/ggp/</a>	
Contents	Official and Unofficial Opinions of the Attorney General
Coverage	Varied from 1911 – 1976
Update	Irregularly
Notes	Select <i>State Agencies</i> on home page, locate Office of the Attorney General, and then select <i>Annual Reports</i> under record type to refine the results to only opinions.
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Official and Unofficial Attorney General Opinions
Coverage	1839–present
Update	Regularly
Notes	Located in GA Attorney General Opinions Database.

<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Georgia Government Register
Coverage	2002–present
Update	Monthly
Notes	Includes attorney general opinions, but there is often a lag between the issuing of an opinion and its publication in the Georgia Government Register. Best practice is to search the entire collection instead of a specific year.
<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Official and Unofficial Attorney General Opinions
Coverage	1977–current
Update	Regularly
Notes	Located in Georgia Attorney General Opinions database.

### E. Executive Orders

The Georgia Governor utilizes executive orders to “support or enforce existing legislation, create commissions whose recommendations may result in new legislation, or otherwise influence the legislative process.”<sup>217</sup> While it is always important to be aware of executive orders issued during the current administration, researchers should not discount orders issued by past administrations. In *Baxter v. State*, the Georgia Court of Appeals held that an executive order “issued pursuant to this statutory provision, until rescinded or superseded, is effective beyond the expiration of the term of the Governor who issued it.”<sup>218</sup> In coming to this determination, the *Baxter* court reasoned that “the executive power is one of continuing effect, never ending, and unbroken by succession,

217. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 112 (citing GA. CONST. art. V, § II, para. I).

218. *Baxter v. State*, 214 S.E.2d 578, 582 (Ga. Ct. App. 1975).

a principle inherent and necessary to preservation of the stability and the integrity of our constitutional government.”<sup>219</sup>

While there is no official publication or compilation of executive orders in Georgia, there are several sources researchers can use to locate executive orders. The print and Lexis Advance version of the *Georgia Government Register* includes executive orders, and is a great source to use because of its a cumulative index. In addition, researchers can access executive orders for free through the Governor’s website and the Georgia Government Publications website. Moreover, the commercial online sources listed in the table that follows allow for researchers to perform full-text keyword searches of executive orders. When trying to determine if an executive order has been rescinded or suspended, researchers should search subsequent executive orders for the subject matter or the date the Governor issued the order in question.

#### 1. Sources of Executive Orders Online

<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Executive orders
Coverage	2003–present
Update	Irregularly
Notes	Up to one year behind.
<b>Georgia Government Publications – free</b> <a href="http://dlg.galileo.usg.edu/ggp/">http://dlg.galileo.usg.edu/ggp/</a>	
Contents	Executive orders
Coverage	1994–present
Update	Regularly
Notes	Using the search box, select <i>Title</i> from the drop down and search <i>Executive order</i> . Used Advanced Search to run a title search for executive order and a keywords and text search for your search terms.

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219. *Id.*

<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Georgia Government Register
Coverage	2002–present
Update	Monthly
Notes	Includes executive orders, but there is often a lag between the issuing of an executive order and its publication in the Georgia Government Register. Best practice is to search the entire collection instead of a specific year.
<b>Office of the Governor – free</b> <a href="https://gov.georgia.gov/">https://gov.georgia.gov/</a>	
Contents	Links to Georgia agency websites
Coverage	2003–current
Update	Regularly
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Georgia Executive Orders
Coverage	2008–current
Update	Regularly
Notes	Search <i>Georgia Executive Order</i> in Netscan Executive Orders database.

## VIII. CASE LAW

When a court renders a decision in a matter, it may write an opinion of that decision that explains its ruling. Depending on the circumstances, these opinions can make new law. In common law matters not covered by statutes or regulations, case law is the only source of primary legal authority. Opinions can also provide researchers with the court’s interpretation of statutes and regulations, and their application to a set of facts. When conducting case law research, researchers must focus on locating cases that meet two criteria: (1) they address the client’s issue, either through creating

new law or interpreting other primary sources; and (2) they bind or persuade the court to rule in the client's favor.

#### A. Georgia Court System

In order to effectively locate applicable Georgia court opinions, a researcher must have a basic understanding of the court system. Article VI of the Georgia Constitution provides the basic framework of the Georgia court system. The Georgia Constitution vests the judicial power of the state in seven types of courts: magistrate, probate, juvenile, state, superior, Court of Appeals, and Supreme Court.<sup>220</sup> The state is divided into judicial circuits, and each county is granted at least one superior, magistrate, and probate court, and if needed, a state and juvenile court.<sup>221</sup> In addition to these courts, the Georgia Constitution grants the General Assembly the authority to establish municipal courts and empower agencies to exercise quasi-judicial powers.<sup>222</sup>

Each of these Article VI courts exercises different types of jurisdiction. Magistrate, probate, juvenile, and state courts are courts of limited jurisdiction.<sup>223</sup> Unless otherwise provided by the Georgia Constitution, superior courts exercise jurisdiction in all cases. Superior courts also exercise exclusive jurisdiction over felony cases, with some exceptions, and appellate jurisdiction where provided by law.<sup>224</sup> The Georgia Court of Appeals exercises appellate and certiorari jurisdiction in all cases not reserved for the Georgia Supreme Court, or conferred to other courts.<sup>225</sup> The Georgia Supreme Court exercises four types of jurisdiction: (1) exclusive appellate jurisdiction over cases of election contests and cases involving the construction of a treaty, the U.S. Constitution, and the Georgia Constitution; (2) general appellate jurisdiction over a broad range of

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220. GA. CONST. art. VI, § I, para. I.

221. *Id.* para. VI.

222. *Id.* para. I.

223. *Id.* para. I.

224. *Id.* § IV, para. I.

225. *See id.* § V, para. I–III.

subject matters, such as cases involving title to land, equity, wills, and habeas corpus; (3) jurisdiction over any question of law from a state appellate, federal district, or federal appellate court; and (4) certiorari jurisdiction of Georgia Court of Appeals cases, but only when cases are “of gravity or great public importance.”<sup>226</sup>

### *B. Reported and Unreported Opinions*

Even though all seven classes of Georgia courts render decisions, not all of their decisions set legal precedent. Only Georgia Supreme Court and Georgia Court of Appeals opinions selected for publication set legal precedent for Georgia courts.<sup>227</sup> These opinions selected for publication are known as reported opinions. Opinions not selected for publication are known as unreported opinions. Unreported opinions do not set legal precedent and are therefore not binding on the courts.<sup>228</sup> Despite the fact that unreported opinions are not binding on the courts, they are binding on the parties of that decision because the decision establishes the law of the case. Researchers will focus almost exclusively on locating reported appellate court opinions.

The sections that follow will identify where researchers can locate reported appellate court opinions, strategies for finding opinions on point with a legal issue, and how to make sure cases are still good law. Additionally, coverage will also include where researchers can locate trial court decisions and orders and explain the intricacies of Georgia federal case law.

### *C. Georgia Appellate Court Opinions*

For decades, print case reporters were the only source attorneys used to access published case law.<sup>229</sup> While more researches are accessing case law online today, it is still important to understand

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226. See GA. CONST. art. VI, § VI, para. II–V.

227. See *Court System and Types of Action*, 1 GA. PROC. § 1:156 (2015) (citing *Chan v. W-East Trading Corp.*, 403 S.E.2d 840 (Ga. Ct. App. 1991)).

228. *Id.* § 1:159 (2015) (citing *Dep’t of Transp. v. Metts*, 430 S.E.2d 622 (Ga. Ct. App. 1993); *Floyd v. First Union Nat’l Bank of Ga.*, 417 S.E.2d 725 (Ga. Ct. App. 1992)).

229. See MORRIS L. COHEN & KENT C. OLSON, *LEGAL RESEARCH IN A NUTSHELL* 56 (11th ed. 2013).

print case reporters. Only appellate opinions selected for publication in a reporter will serve as binding legal precedent in Georgia.<sup>230</sup> Georgia appellate court opinions selected for publication are published in four different print reporters: *Georgia Reports*, *Georgia Appeals Reports*, *South Eastern Reporter*, and *Georgia Cases*.

Prior to cases arriving in these four reporters, researchers will find them on the appellate courts' websites and in advance sheets. Opinions selected for publication by the judges are first published on courts' websites as slip opinions.<sup>231</sup> Every Thursday a collection of slip opinions are shipped out to subscribers as advance sheets.<sup>232</sup> These advance sheets, titled *Georgia Advance Sheets*, are soft-bound pamphlets that include cases not yet published in the bound case reporters.<sup>233</sup> Opinions located in the advance sheets are organized in chronological order and match the pagination of the bound volumes.<sup>234</sup> Once opinions in the advance sheets reach around 900 pages, they are published as a bound volume.<sup>235</sup>

LexisNexis serves as the official publisher of *Georgia Reports* and *Georgia Appeals Reports*.<sup>236</sup> *Georgia Reports* (Ga.) is the official reporter of Georgia Supreme Court opinions, and includes all decisions reported since 1846.<sup>237</sup> *Georgia Appeals Reports* (Ga. App.) is the official reporter of Georgia Court of Appeals opinions and includes all decisions reported since 1907.<sup>238</sup> The opinions in both reporters represent the official decision of the courts and do not include any supplemental information or editorial enhancements to the text.

Georgia Supreme Court and Court of Appeals opinions are also included in two unofficial reporters published by Thomson West, the

230. *Court System and Types of Action*, 1 GA. PROC. § 1:156 (2015).

231. *Reporter of Decisions of the Supreme Court of Georgia and the Court of Appeals of Georgia*, SUPREME COURT OF GA., [http://www.gasupreme.us/reporter\\_office.php](http://www.gasupreme.us/reporter_office.php) (last visited Apr. 10, 2015).

232. *Id.*

233. *Id.*

234. SUPREME COURT OF GA., *supra* note 233.

235. *Id.*

236. *Id.*

237. *See* O.C.G.A. § 50-18-20 (2013).

238. *See id.* § 50-18-20.

*South Eastern Reporter* and *Georgia Cases*. As a regional reporter, the *South Eastern Reporter* includes Georgia appellate opinions, along with appellate opinions from North Carolina, South Carolina, Virginia, and West Virginia. The inclusion of opinions from multiple jurisdictions makes this set useful for firms operating in several states or for researchers looking for persuasive authority. Thomson West also publishes *Georgia Cases*, which is a collection of Georgia appellate cases included in the *South Eastern Reporter*. For this reason, *Georgia Cases* utilizes the *South Eastern Reporter* citation system. Both Thomson West reporters are currently on their second series, *South Eastern Reporter, 2nd.* (S.E.2d) and *Georgia Cases, 2nd.* (S.E.2d.).

Although these Thomson West reporters are unofficial reporters, the text of the opinion written by the judges is the same as that found in the official reporters. Researchers should find these unofficial reporters more useful than the official reporters because of the editorial enhancements and finding aids that supplement the opinions. Both unofficial reporters provide parallel citations to the official reporters and include a synopsis before the text of the opinion that summarizes the procedure, significant facts, and the judges' holdings. Additionally, both reporters include headnotes and references to the West Key Number System. These headnotes, which are located before the text of the opinion, are short summaries of law that researchers can use to quickly scan the legal issue discussed in an opinion. Researchers can also use the headnote numbers to locate the corresponding text in the opinion for that legal issue.

### 1. *Online Case Opinions*

The explosion of online legal sources over the past 20 years has greatly affected the use of print case reporters.<sup>239</sup> Editors of online sources can add new cases to the online system more quickly than

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239. Peter W. Martin, *Reconfiguring Law Reports and the Concept of Precedent for a Digital Age*, 53 VILL. L. REV. 1, 21 (2008).



they can to print reporters.<sup>240</sup> In addition, with more online sources such as Google Scholar now offering free access to case law, some would argue that the cost of print reporters outweighs their value.<sup>241</sup> The fact of the matter is that online equivalents have become viable substitute to print reporters.<sup>242</sup>

The table that follows provides information on which free and commercial online sources provide access to Georgia case opinions.<sup>243</sup> Several factors will determine which online source will best meet a researcher's individual needs, such as cost, coverage, and editorial content. There are several free online sources researchers can use to locate cases online, but these sources do not always include the same level of coverage and editorial content as the commercial online sources. No matter which online source researchers ultimately use, once they find a case, they must identify the citation for that case. Bloomberg Law, Lexis Advance, and WestlawNext all include unreported Georgia opinions in their databases. Therefore, once researchers locate a case, they must verify that the online source provides the citation for where they could find that case in *Georgia Reports* or *Georgia Appeals Reports*.

## 2. Citing Cases

Whether researchers access a case online or in print, the court rules of both appellate courts require attorneys to cite to the volume and page number of the official Georgia reporters.<sup>244</sup> An example of a citation to *Georgia Reports* is *Williams v. State*, 290 Ga. 533 (2012). In this example, *Ga.* signifies that the case is in *Georgia Reports*, 294 is the volume number, and 533 is the page where the opinion begins. An example of a citation to *Georgia Appeals Reports* is *Smith v. State*, 319 Ga. App. 590 (2013). Both courts also require attorneys

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240. Robert C. Vreeland & Bert J. Dempsey, *Toward a Truly Seamless Web: Bringing Order to Law on the Internet*, 88 LAW LIBR. J. 469, 472 (1996).

241. *See id.*

242. Martin, *supra* note 239, at 23–24.

243. *See infra* Part VIII.C.2.

244. GA. SUP. CT. R. 22; GA. APP. CT. R. 24(d).

citing cases not yet located in a reporter to cite to the courts' case number and date of decision.<sup>245</sup> An example of a citation to a case not yet reported is *Thomas v. State*, No. S14A1918, (Ga. Feb. 2, 2015).

In addition to local court rules, *The Bluebook* also encourages researchers to use parallel citations when citing cases in court documents.<sup>246</sup> Parallel citations are citations to other reporters where a researcher could find the same case opinion. Most print and online resources will provide parallel citations for court opinions, as well as a method for determining corresponding pagination for those reporters. Following this rule, Georgia researchers would cite to the official reporter—*Georgia Reports* or *Georgia Appeals Reports*—as well as the unofficial regional reporter—*South Eastern Reporter*.<sup>247</sup> An example of a parallel citation is *Williams v. State*, 290 Ga. 533, 722 S.E.2d 847 (2012). Furthermore, if attorneys cite to cases from other jurisdictions in court documents, *The Bluebook* requires them to cite to where the case is located in a regional reporter.<sup>248</sup> An example of how researchers would cite to an Alabama case is *Snider v. Morgan*, 113 So. 3d 643 (Ala. 2012). When citing to regional reporters, researchers should make sure to include the court identification in the parenthetical, which they can find in the T1.3 table of *The Bluebook*.<sup>249</sup>

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245. GA. SUP. CT. R. 22; GA. APP. CT. R. 24(d).

246. THE BLUEBOOK, *supra* note 65, at 95.

247. *Id.* at 237.

248. *Id.* at 95.

249. *Id.* at 237.

3. *Sources of Georgia Supreme Court and Court of Appeals Cases Online*

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Supreme Court and Court of Appeals
Coverage	Supreme Court (1846–current) Court of Appeals – Published (1907–current), Selected Unpublished (2005–current)
Update	Regularly
Notes	Use the BCite tabs at the top of the case to locate other sources in Bloomberg that cite the case.
<b>Court of Appeals of Georgia – free</b> <a href="http://www.gasupreme.us/">http://www.gasupreme.us/</a>	
Contents	Court of Appeals opinions
Coverage	2003–current
Update	Regularly
Notes	Select <i>Docket</i> to locate cases. Users can either browse by <i>Opinion/Order Search by Date</i> or use the search bar to search for docket or case number, trial court case number, or the name of a party.
<b>Daily Report – commercial</b> <a href="http://opinions.dailyreportonline.com/">http://opinions.dailyreportonline.com/</a>	
Contents	Georgia Supreme Court and Georgia Court of Appeals opinions
Coverage	2000–current
Update	Regularly
Notes	Users can search for cases for free, but must have a subscription to access the text of the opinion.
<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Supreme Court and Court of Appeals opinions
Coverage	Supreme Court (1846–current) Court of Appeals (1907–current)
Update	Regularly

<b>Google Scholar – free</b> <a href="https://scholar.google.com/">https://scholar.google.com/</a>	
Contents	Supreme Court and Court of Appeals
Coverage	Both courts 1950–current
Update	Regularly
Notes	Select a specific jurisdiction by selecting <i>Case law</i> under the search bar and clicking on <i>Select courts</i> .
<b>Lexis Advance – commercial</b> <a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Supreme Court and Court of Appeals opinions
Coverage	Supreme Court (1846–current) Court of Appeals (1907–current)
Update	Regularly
Notes	Use Shepard’s to locate other sources in Lexis Advance that cite the case.
<b>Supreme Court of Georgia – free</b> <a href="http://www.gasupreme.us/">http://www.gasupreme.us/</a>	
Contents	Supreme Court opinions
Coverage	2011–current
Update	Regularly
Notes	Cases are arranged chronologically. There is no search function for opinions.
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Supreme Court and Court of Appeals Cases
Coverage	Supreme Court (1846–current) Court of Appeals (1906–current)
Update	Regularly
Notes	Use the KeyCite tabs at the top of the case to locate other sources in WestlawNext that cite the case.

#### D. Finding Case Law

Because case reporters organize cases by chronological order, instead of by topic, researchers cannot use case reporters as a case

finding tool. This is very different from a statutory or regulatory code, which provides researchers with a finding tool in the form of an index. In case law research, a researcher can only locate the text of the opinion if they have the case citation. Therefore, the goal of any case finding strategy is to ascertain if a case might pertain to a client's legal issue, identify the citation, and then locate that case opinion for further review.

Researchers can employ several strategies and methods to identify cases that pertain to a legal issue. Some of the most common methods include: (1) references from other attorneys; (2) form banks; (3) pleadings; (4) secondary sources; (5) annotated codes; (6) West Key Number System; (7) topic systems; (8) full-text keyword searching; and (9) citators. The circumstances of the situation will decide which one a researcher employs.

### *1. Fellow Attorney*

A fellow attorney can often be a great resource when researching case law. Generally, attorneys who have been practicing in the same area of law for many years can suggest a few seminal cases. Researchers should still be able to find the case even if the attorney cannot remember the citation but does remember the name of the case. Many online sources allow researchers to search for cases by party names. In addition, both the *South Eastern Digest* and the *Georgia Digest* include a "Table of Cases," which enables users to look up cases by party names. Each entry in the "Table of Cases" includes a parallel citation to the official reporter and regional reporter. Researchers should tread cautiously when locating cases by party names though, as multiple cases could include the same party names. When attempting to locate a case by party names, it helps to know the court and the year of the decision.

### *2. Form Banks and Pleadings*

Attorneys can also find relevant case citations in form banks or pleadings. Some law firms will have a form bank or database that

attorneys can use to draft court documents.<sup>250</sup> If the legal issue is one that the firm ordinarily handles, one of these forms may cite to the seminal case on the issue. In addition, if an attorney is on the receiving end of a pleading, there is a good chance that opposing counsel has already cited to a case relevant to the legal issue. While researchers should not stop their research with these cases, they do offer a great place to begin.

### 3. *Secondary Sources and Annotated Codes*

Secondary sources and annotated codes are also great sources to use to find case law pertaining to a legal issue. Authors of secondary sources will take time to find the most authoritative primary sources on the issue and then cite to them in their publications in order to support their analysis. Editors of annotated statutory or regulatory codes also provide references to cases that have cited, discussed, or explained the code section. Generally, these references are located after the text of the code section in print resources or through using the *Shepard's* and *KeyCite* functions on Lexis Advance and WestlawNext. Therefore, if researchers locate a secondary source or code section that addresses their legal issue, they will likely also find citations for case law that further address their legal issue.

### 4. *West Key Number System*

The West Key Number System is the gold standard of digest systems. Similar to an index, this system allows users to locate cases across multiple jurisdictions by a specific legal issue. Researchers can access this system through print *West Digests* and on WestlawNext.

The West Key Number System indexes cases by over 400 general topics, and arranges these general topics in alphabetical order throughout the *West Digests* and on WestlawNext. Examples of

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250. Jacob M. Carpenter, *Unique Problems and Creative Solutions to Assessing Learning Outcomes in Transactional Drafting Courses: Overcoming "The Form Book Problem"*, 38 U. DAYTON L. REV. 195, 215 n.79 (2012).

general topics include Marriage and Robbery. The West Key Number System further divides these general topics into a hierarchical list of subtopics and specific legal issues, which are represented by key numbers. When referring to a specific legal issue within a general topic, researchers must note the Topic and Key Number. For example, *Marriage 7* stands for the specific legal issue of mental capacity in regards to persons who may marry.<sup>251</sup> Because all of the general topics are divided by numerical key numbers, having the key number alone is useless. For example, *Marriage 7* covers a very different legal issue than *Marriage 18* or *Robbery 7*.<sup>252</sup> Unlike the print *West Digests*, WestlawNext also assigns a number to a general topic. For example, the number 253 represents the general topic Marriage in WestlawNext.<sup>253</sup> So, *Marriage 7* in WestlawNext would be 253k7.

When researchers locate a Topic and Key Number on WestlawNext or through a *West Digest*, they will find a list of headnotes from cases and the case citations. These headnotes are the same headnotes researchers will find at the beginning of the cases accessed through WestlawNext, the *South Eastern Reporter*, or *Georgia Cases*. Therefore, by identifying a relevant Topic and Key Number, researchers are able to unlock all of the cases classified by the West editors as pertaining to a specific legal issue.

Which headnotes and case citations a researcher finds when she locates a Topic and Key Number will depend on how she accesses the West Key Number System. When accessing the West Key Number System on WestlawNext, users can easily restrict results by jurisdiction. When accessing the West Key Number System in print, however, researchers must first locate the *West Digest* that covers the

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251. *253 Marriage*, WESTLAWNEXT, [https://a.next.westlaw.com/Browse/Home/WestKeyNumberSystem?guid=128cf470434e87a4f4faef9d3ecd8946b&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://a.next.westlaw.com/Browse/Home/WestKeyNumberSystem?guid=128cf470434e87a4f4faef9d3ecd8946b&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)) (last visited Apr. 10, 2015).

252. *Id.*

253. *West Key Number System*, WESTLAWNEXT, [https://a.next.westlaw.com/Browse/Home/WestKeyNumberSystem?transitionType=Default&contextData=\(sc.Default\)](https://a.next.westlaw.com/Browse/Home/WestKeyNumberSystem?transitionType=Default&contextData=(sc.Default)) (last visited Apr. 10, 2015).

jurisdiction that they are researching. Both the *South Eastern Digest* and the *Georgia Digest* cover Georgia cases.

The *Georgia Digest* is split between two series: *Georgia Digest* and *Georgia Digest, 2nd*. The first series, *Georgia Digest*, includes references to cases from 1792–1941. The second series, *Georgia Digest, 2nd*, includes references to cases from 1942–present. Unless researchers need references to cases before 1942, the best practice will be to start with *Georgia Digest, 2nd*. In addition to Georgia Supreme Court and Court of Appeals cases, *Georgia Digest, 2nd* also includes references to cases from the U.S. District Courts in Georgia, and those cases arising from Georgia that result in opinions by the U.S. Court of Appeals for the Eleventh Circuit and the Supreme Court of the United States. The *South Eastern Digest* also consists of two series: *South Eastern Digest* and *South Eastern Digest, 2nd*. The first series, *South Eastern Digest*, includes references to cases before 1935. The second series, *South Eastern Digest, 2nd*, includes references to cases after 1935. As with the *Georgia Digest*, researchers should begin with the second series, and only consult the first series as needed. Unlike the *Georgia Digest*, the *South Eastern Digest* includes state cases from Georgia, North Carolina, South Carolina, Virginia, and West Virginia, but does not include federal cases. Of the two, the *Georgia Digest* would be a better choice for attorneys who focus primarily on Georgia law.

Before accessing a Topic and Key Number, researchers must identify which of the over 400 Topics and 100,000 Key Numbers is relevant to their issue.<sup>254</sup> Researchers can use four methods to identify a relevant Topic and Key Number: (1) “One Good Case” approach; (2) Topic Analysis approach; (3) Descriptive Word Index (print *West Digest* only); and (4) Keyword Searching (WestlawNext only).

Researchers can use the One Good Case method if they have already found one case opinion that is applicable to their legal issue. Case opinions located in Thomson West reporters and on

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254. See ARMSTRONG & KNOTT, *supra* note 28, at 109.



WestlawNext include headnotes, which will provide researchers with Topics and Key Numbers. Researcher will need to determine which headnote pertains to their legal issue, and then identify the Topic and Key Number for that headnote. If accessing the case on WestlawNext, researchers can click on the relevant headnote's corresponding Topic and Key Number (ex. 253k7) to retrieve all the cases in WestlawNext tagged with that same Topic and Key Number. After retrieving the list of results, researchers will be able to filter the headnotes by jurisdiction. If accessing the case in the *South Eastern Reporter* or *Georgia Cases*, researchers will need to identify the Topic and Key Number, and then locate the *Georgia Digest, 2nd*. Researchers will then need to locate the volume that covers the Topic—remember, topics are organized in alphabetical order—and turn to the page where that Topic and corresponding Key Number begins. Following the Key Number, researchers will see a list of headnotes and case citations that address this specific legal issue.

Although best suited for experienced attorneys, the Topic Analysis approach is another method researchers can employ to find relevant Topics and Key Numbers. This method is very similar to browsing the table of contents of a treatise or statutory code. This approach on WestlawNext involves the researcher accessing the West Key Number System, and then navigating through the topics and subtopics until he locates a Key Number on point with his issue. To use this approach in print, researchers would find the volume of the *Georgia Digest, 2nd*. that includes their topic. They would then open the volume and flip through until they get to the first page of the topic. The first page is the Topic Analysis, which acts as an outline of all the Key Numbers associated with the Topic. Researchers can then scan the Topic Analysis to identify the relevant Key Number and then turn to the page where that Key Number begins.

The third method researchers can employ is utilizing the Descriptive Word Index, which is located at the end of the *Georgia Digest, 2nd*. Although the West Key Number System is described as an index to cases, many researchers would be hard pressed to identify which of the over 400 topics and 100,000 key numbers applies to

their specific issue without a little guidance. The Descriptive Word Index provides researchers with a subject index to the West Key Number System. Researchers can use this “index to the index” as a way to locate where certain legal issues are covered in the West Key Number System. The Descriptive Word Index is superior to the Topic Analysis Approach because it can help researchers locate legal issues that may appear across multiple general topics. Once researchers locate their legal issue in the Descriptive Word Index, they will find an abbreviation for the Topic and Key Number. Because the editors frequently alter the Topic and Key Numbers—known as reclassification—researchers should always check the pocket part of the Descriptive Word Index. While editors may not immediately reprint the Descriptive Word Index for a topic reclassification, and instead rely on pocket parts, they will reprint the volume that contains that topic in the *Georgia Digest, 2nd*.

The last method for locating a relevant Topic and Key Number is to perform a series of keyword searches across the West Key Number System on WestlawNext. Researchers can search the West Key Number System using three different search functions. First, researchers can use the main search bar at the top of the screen to search the text of the headnotes in the West Key Number System. Second, researchers can use the “Search for Key Numbers relevant to your issue” to find Topics and Key Numbers that WestlawNext determines to be the most relevant points of law based on a researcher’s search terms. Third, researchers can use the “Title Search” to search only the text of key number titles.

Once locating a relevant Topic and Key Number, researchers must make sure the information presented is up-to-date. There are two reasons a Topic and Key Number may no longer be up-to-date: new cases and reclassification. Neither of these issues will affect researchers using WestlawNext because new headnotes are added to the West Key Number System automatically, and reclassification changes are made across all of the cases in the system. However, the Topic and Key Numbers in the print digests are only as current as the volume’s last publication date. Therefore, researchers must check the

pocket parts, cumulative supplementary pamphlets, and in some instances, even recent volumes of the *South Eastern Reporter* and *Georgia Cases*. Researchers who find a Topic and Key Number in an older print opinion may also be affected by reclassification. Fortunately, a table will appear after the Topic Analysis outline in the print digest that researchers can use to convert former Key Numbers to the new Key Numbers. In situations where researchers must update a Topic and Key Number in print, it is best to seek the help of a law librarian.

### 5. *Topic Systems*

While the West Key Number System is exclusive to Thomson West products, there are other digest-like topic systems that provide researchers with at least some level of case indexing. The two topic systems Georgia researchers will encounter are available on Lexis Advance and on the Daily Report's website.<sup>255</sup> Each allows researchers to locate cases based on a topic.

Lexis Advance uses its LexisNexis Headnotes and Topics to index cases by topic. Similar to WestlawNext, researchers will find LexisNexis headnotes at the beginning of cases. While these headnotes do not correspond to those found in WestlawNext or in Thomson West reporters, they do function in a similar fashion. LexisNexis Headnotes provide a summary of the law, and allow users to quickly access corresponding portions of the opinion. The "Shepardize—Narrow by this Headnote" function allows researchers to find other cases that have cited the case based on the same legal issue. Unlike WestlawNext headnotes, which are generally only assigned one Topic and Key Number, the editors of the LexisNexis Headnotes may assign several topics to a headnote. Researchers can click on the end of a topic hierarchy to retrieve all of the materials in Lexis Advance identified with that specific topic.

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255. DAILY REPORT, [www.dailyreportonline.com](http://www.dailyreportonline.com) (last visited Apr. 11, 2015).

Lexis Advance also allows users to browse and search their topic system. To enter the topic system, researchers must click on *Browse* at the top of Lexis Advance, and then select *Topics*. From here, researchers have two options. First, researchers can use the “Search for a topic” function, which will allow them to search the topics based on keywords. They can also browse the topics, by clicking through the main topics and subtopics. At the end of a topic hierarchy, researchers can either get all of the documents in Lexis Advance assigned to that specific topic or add the topic to the search bar. Unlike the West Key Number System, LexisNexis topics index all of the sources in Lexis Advance.

While not as robust as the index systems found on WestlawNext and Lexis Advance, the *Daily Report* website does allow users to browse Georgia Supreme Court and Georgia Court of Appeals opinions by areas of law. The Court Opinions web page allows researchers to filter the opinions by sixty-one different areas of law.<sup>256</sup>

#### 6. Full-Text Keyword Searching

The prevalence of free and commercial online research systems has allowed full-text keyword searching to become one of the most common methods utilized by today’s researchers for locating relevant case opinions. Before the birth of online research systems, researchers had to rely solely on locating cases using the methods already discussed, such as digests, secondary sources, and annotated codes. However, online sources opened the door for researchers to search for terms not typically included in a digest system, such as the facts of a case. For all intents and purposes, full-text keyword searching acts as “an index of almost every word in the case.”<sup>257</sup>

While full-text keyword searching certainly gives researchers the ability to locate cases by terms otherwise unaccounted for in the

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256. *Court Opinions*, DAILY REPORT, <http://opinions.dailyreportonline.com/> (last visited Apr. 10, 2015).

257. ARMSTRONG & KNOTT, *supra* note 28, at 104.

digest system, its use is fraught with danger. Novice researchers are sometimes left with either too few or too many results. While a good index will take into account the various synonyms of legal terminology, full-text keyword searches only look for the terms provided by the researcher. Thus, results may include cases far off topic or only a small sampling of cases that are actually pertinent to the legal issue. This is not to say that researchers should not use full-text keyword searching, only that they should understand its shortcomings. When used appropriately, full-text keyword searching can be a highly effective method for locating relevant cases.

Although each of the free and commercial online sources vary slightly in how researchers can use full-text keyword searching, they each have some common elements that researchers should consider when performing full-text keyword searching. The commentary that follows will focus on the broad considerations researchers should take into account, such as: (1) Which court's opinions are they looking for?; (2) What is the coverage of the system?; (3) What are the search terms?; and (4) Does the system allow for Boolean searching?

Before executing any search, researchers must understand which sources are included in the search. Most online research systems now employ a main search bar on their homepage; however, each varies on which sources the search bar is searching across. Nevertheless, all of the online systems will allow users to select a jurisdiction or navigate to a defined list of cases before running a search. Remember, the goal is always to find Georgia appellate cases that set legal precedent. With that in mind, researchers should first limit their search parameters to only these materials.

Researchers should also consider the online source's coverage of those cases. How far back does coverage go? While recent case law is ideal, an older opinion may still be the seminal case on the issue. Furthermore, researchers may want to locate a few older opinions to demonstrate the evolution of the law. While the commercial online sources offer almost a complete range of coverage for Georgia

appellate cases, sources like Google Scholar only cover state cases since 1950.<sup>258</sup>

The next consideration is to determine which terms to use and the connection between those terms. Although one benefit to using full-text keyword searching is the ability to search for factual terms, researchers should limit those terms to only legally significant facts. For example, the fact that a burglar was wearing a red shirt does not necessarily mean a relevant case must include the term *red shirt* in it. Instead, when constructing full-text keyword searches, think about legal concepts and legally significant facts. Part II of this article discusses how to brainstorm legally significant research terms.

When determining how to construct the search, researchers should consider whether to use natural language or Boolean search terms. In a natural language search, researchers enter search terms without Boolean language, they execute the search, and then the online system identifies the relevant terms and produces results based on those terms. While easier for beginning researchers, natural language is not the most accurate method for locating pertinent cases. Boolean search terms, also known as terms and connectors, provide researchers with a more precise method of locating cases pertinent to their legal issue. Most of the online sources for cases allow researchers to use the most general Boolean language—and, or, not, “”, ()—as well as some advanced functions, such as locating terms within the same sentence or paragraph. Because Boolean searching locates the exact search executed, researchers must make sure to account for alternate terms and word variations. In addition to Boolean terms, some online sources will also let researchers conduct subject field searching, which allows them to search for terms across a particular part of the case opinions, such as judge, party name, and synopsis.

While discussed as two separate methods, digests and full-text keyword searching work best when used in combination with each

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258. *Search Tips*, GOOGLE SCHOLAR, <https://scholar.google.com/intl/en-US/scholar/help.html#coverage> (last visited Apr. 10, 2015).

other. Initial research in a digest or topic system can help a researcher develop the terminology they will need when performing full-text keyword searching. Moreover, researchers can use full-text keyword searching to locate case law not covered in the digest, as well as to check the “completeness and validity” of their research.<sup>259</sup>

### 7. Citators

Although they are generally more useful in updating case law, citators can help researchers find cases pertinent to a legal issue. Once researchers locate one case on point, they can use a citator to find other cases that have cited that case, which could lead to other cases that address the same issue. Bloomberg Law, Fastcase, Google Scholar, Lexis Advance, and WestlawNext all include citator functions. Moreover, Lexis Advance *Shepard's* and WestlawNext *KeyCite* allow researchers to limit the citing cases by headnotes, which provides a researcher with an even better chance of finding additional cases on point with their legal issue.

### E. Updating with Citators

There is no “codification” of cases that are still good law. When courts issue opinions that overturn previous opinions, those overturned opinions are not removed from the Georgia case reporters or from the online sources of case law. By using a citator, researchers can discern how subsequent cases have treated their case and thereby determine if a case is still good law.

For decades, attorneys used the print version of *Shepard's* to determine if a case was still good law.<sup>260</sup> Today, no attorney would think of using the print version of *Shepard's* in lieu of an online citator. Courts are constantly issuing new case opinions, making it virtually impossible for a print citator to keep up with recent decisions in a timely manner. On the other hand, online citators are

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259. ARMSTRONG & KNOTT, *supra* note 28, at 9.

260. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 123.

updated almost as soon as the courts render their decisions, which ensures researchers have access to the most current information about their case.

It is necessary to explain the terminology used when discussing citators before delving into the process of how to use them. *Cited source* or *cited case* indicates the case that a researcher is updating, while *citing decisions* and *citing sources* are those cases and other materials that are referring to the cited source. For example, if researchers were trying to update the case *Rivers v. State*, 283 Ga. 1 (2008), the *Rivers* case would be the cited source. On the other hand, the cases listed in the citator report for the *Rivers* case would be the citing decisions, which are cases published after the *Rivers* case that cite the *Rivers* case.

### 1. *Online Citators*

The discussion that follows will focus on three online citators: Bloomberg Law's *BCite*, Lexis Advance's *Shepard's*, and WestlawNext's *KeyCite*.<sup>261</sup> While produced by different companies, all of these citators function in very similar ways. Nevertheless, it is essential that researchers understand the three distinctions between each citator system. First, each citator is presented in a different format. Researchers can access full citator reports for *BCite* and *KeyCite* using the tabs at the top of a case opinion. To access the full *Shepard's* report, researchers should click on the *Shepard's* symbol next to the case name or click on *Shepardize this document*. Second, each system employs a different set of symbols to inform researchers about the treatment of the cited case. There is little need to discuss each symbol at length because each system provides a key that defines what each symbol means. Generally, a red symbol next to the case name means the case has been overruled in some way, while a

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261. Although Fastcase's *AuthorityCheck* and the "How cited" function on Google Scholar do cite to subsequent case law, neither provide the necessary editorial analysis that researchers need to determine if a case is still good law. They are citators in the sense that they refer to other cases that cite the cited case, but they should not be used as a means to update a case.



yellow symbol means the case has been criticized, questioned, or distinguished by subsequent cases. Third, because each citator report is maintained by different editors and resides in a different online source, each system will provide different citing sources in the results list.

In spite of these differences, researchers will follow the same basic steps to verify if a case is still good law throughout each system. In order to verify if a case is good law, researchers must: (1) identify any subsequent negative direct history, (2) identify any negative treatment by subsequent cases, and (3) determine if the authorities cited by the cited source affect the precedential value of the cited source.

### 2. *Direct History*

The first step in verifying if a case is still good law is determining if there is any subsequent negative direct history. The direct history of a case refers to the case's procedural history. For example, if researchers were updating a case opinion issued by the Georgia Court of Appeals, they would want to check to see if the case subsequently went before the Georgia Supreme Court, and if so, how the Georgia Supreme Court treated the case. If the Georgia Supreme Court reversed the ruling of the Georgia Court of Appeals, the Georgia Court of Appeals's opinion may no longer be good law. Using *BCite*, this information is available using the Direct History tab. Using *KeyCite*, this information is available under the History tab. Using *Shepard's*, this information is available under the Appellate History section of the *Shepard's* report. Each system will highlight the cited case in some manner to identify it in the procedural history.

### 3. *Citing Decisions*

The second step is to determine if any subsequent cases issued outside of the cited case's procedural history have treated the cited case negatively. Using *BCite*, researchers can find citing decisions under the Case Analysis tab. Using *KeyCite*, researchers can find

citing decisions under two tabs: Negative Treatment tab and Citing References tab. The Negative Treatment tab includes only those citing decisions that have treated the cited source negatively. The Citing References tab includes all cases, court documents, and secondary sources in WestlawNext that cite the cited source. Using *Shepard's*, researchers can find citing decisions available under the Citing Decisions section of the *Shepard's* report.

Just because a case has been treated negatively by subsequent citing decisions does not mean the case is no longer good law. Several factors will determine if a case is no longer good law, such as the authority of the citing decisions, the level of the court, the time period, the legal issue in question, and the type of negative treatment.

When evaluating the authority of the citing decisions, consider which court opinions are binding authority in Georgia: Georgia Court of Appeals, Georgia Supreme Court, and the United States Supreme Court.<sup>262</sup> Opinions from outside jurisdictions are merely persuasive authority and will have little to no bearing on the cited case's legal precedent in Georgia.<sup>263</sup> Each of the three citators allows researchers to narrow the list of citing decisions by jurisdiction. Researchers should also consider the level of the court when reviewing citing decisions. Georgia Supreme Court opinions are binding authority over all Georgia Courts, so researchers should always take into account their analysis of the cited source. Moreover, researchers will want to view the most recent opinions before consulting older opinions. How the courts treated a case recently will have more bearing on its authority than how they treated it treated twenty years ago.

In addition to the authority, court level, and year, researchers must also consider the legal issue at question. Many cases involve multiple legal issues. The fact that a case has been overruled by subsequent citing decisions does not necessarily mean attorneys cannot use the case in support of their argument; rather, the cited case is no longer

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262. See *Balmer v. Elan Corp.*, 599 S.E.2d 158, 161 (Ga. 2004) (quoting *Rodgers v. First Union Nat. Bank*, 470 S.E.2d 246 (Ga. Ct. App. 1996)).

263. See *id.*

good law for at least one legal issue. Therefore, researchers may want to narrow the citing decisions to only those cases that discuss the legal issue they are researching in the cited case. *KeyCite* and *Shepard's* enable researchers to do this by allowing them to narrow the citing decisions by headnotes. Once researchers identify a headnote in the cited case that addresses their legal issue, they can then narrow the list of citing decisions to those that address the issue in that headnote. Although narrowing cases to those that address a specific legal issue may be effective, researchers should be careful when using this method because the headnotes may not cover all of the legal issues addressed in a case.

The last factor researchers will want to consider when reviewing the citing decisions is the treatment. Did the citing decision overturn or overrule the cited source? If so, did it pertain to the researcher's legal issue? If not, the case may still be good law. In addition, did any citing decisions criticize, question, distinguish, or decide not to follow the cited case? In these situations, it's important to understand why a subsequent court chose not to follow the cited case. While not a reversal of the cited case, cautionary treatments can make researchers reconsider the value of a case in regards to a particular set of facts and circumstances.

These factors can assist in narrowing the pool of citing decisions. However, they will not eliminate a researcher's need to read negative and cautionary citing decisions. These factors will simply help researchers determine which citing decisions have the most impact on determining if the cited case is still good law.

#### 4. *Table of Authorities*

When fully updating a case, researchers will also need to review the cited authorities within the case to determine if it is still good law. While subsequent citing decisions may not have overruled the cited case, they may have overruled decisions the cited case relied on. It would be risky for researchers to use a cited case if some of the cases it relied on are no longer good law. The Table of Authorities includes a list all of the decisions cited by the cited source. Using *BCite* and

*KeyCite*, researchers can access this information by clicking on the “Table of Authorities” tab. Using *Shepard’s*, researchers can access this information using the “Table of Authorities” section of the *Shepard’s* report.

#### *F. Georgia Trial Court Opinions, Summaries, Judgments, and Orders*

While trial court decisions and verdicts do not set legal precedent, attorneys may still find them useful when representing clients. Trial court verdicts can provide attorneys with information on how a judge ruled in a matter, and the amount of damages awarded by the court. Attorneys can use this information to gauge how a certain judge may rule in their case or how much a certain cause of action is worth in damages.

There are no official reporters for Georgia trial court decisions and verdicts.<sup>264</sup> However, the table that follows provides a list of several online sources attorneys can use in Georgia to find trial court decisions and verdicts. Researchers may also subscribe to the print version of *Verdict Search* for Georgia, formally known as the *Georgia Trial Reporter*.<sup>265</sup>

##### *1. Sources of Georgia Trial Court Opinions, Summaries, Judgments, and Orders Online*

<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Superior Court opinions
Coverage	Varies
Update	Irregularly
Notes	Navigate to <i>State Law</i> , then select <i>Georgia</i> , and then <i>Court Opinions</i> .

264. See JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 24.

265. VERDICT SEARCH, <http://verdictsearch.com/state/ga/> (last visited Apr. 11, 2015).

<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Verdicts and settlements from Georgia courts
Coverage	Varies by jurisdiction, 1977–current
Update	Regularly
Notes	Locate in GA-ALM Verdicts database.
<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Verdicts and settlements from Georgia county courts
Coverage	1987–April 2012
Update	Regularly
Notes	Locate in GA Trial Reporter database.
<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Verdicts and settlements from Georgia courts
Coverage	1990–current, with limited coverage 1980–1989
Update	Regularly
Notes	Locate in GA-LexisNexis Jury Verdicts and Settlements database.
<b>VerdictSearch – commercial</b> <a href="http://verdictsearch.com/state/ga/">http://verdictsearch.com/state/ga/</a>	
Contents	Verdicts and settlements from Fulton, DeKalb, and Gwinnett County
Coverage	1988–present
Update	Regularly
<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Summaries of jury verdicts, judgments, settlements, and arbitration awards
Coverage	Varies
Update	Irregularly
Notes	Locate in Georgia Jury Verdicts & Settlements database.

<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Civil, criminal, and bankruptcy court orders
Coverage	2001–current
Update	Regularly
Notes	Locate in Georgia Trail Court Orders database.

### G. Eleventh Circuit Opinions

While the focus of this article is state materials, it would be a disservice not to alert Georgia researchers to an issue they will face when researching Georgia federal court opinions. Georgia federal courts currently reside in the Eleventh Circuit. However, before October 1, 1981, Georgia federal courts resided within the Fifth Circuit.<sup>266</sup> The Eleventh Circuit Court of Appeals decided in *Bonner v. City of Prichard* that Fifth Circuit Court of Appeals opinions decided before September 30, 1981 are binding precedent on the Eleventh Circuit courts.<sup>267</sup> Therefore, researchers should consider these Fifth Circuit cases when conducting federal case law research in Georgia.

## IX. LEGAL ETHICS RESEARCH

The discussion of the legal research process in Part II did not include legal ethics materials within the process of conducting Georgia legal research. Legal ethics materials provide no authority on a client’s civil or criminal matter, yet they play a significant role in the practice of law. All attorneys must be familiar with how to perform legal ethics research.<sup>268</sup> Practicing attorneys must be able to

266. See Fifth Circuit Court of Appeals Reorganization Act of 1980, Pub. L. No. 96-452, 94 Stat. 1994 (1980).

267. *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (“We hold that the decisions of the United States Court of Appeals for the Fifth Circuit (the ‘former Fifth’ or the ‘old Fifth’), as that court existed on September 30, 1981, handed down by that court prior to the close of business on that date, shall be binding as precedent in the Eleventh Circuit, for this court, the district courts, and the bankruptcy courts in the circuit.”).

268. ARMSTRONG & KNOTT, *supra* note 28, at 196.

determine if their daily actions conform to the ethical standards set in place by the state bar, the legislature, and the courts. The actual process of conducting legal ethics research will be very similar to the process discussed in Part II of this article. The difference will be the sources that attorneys must consult when researching an ethics issue. In addition to secondary sources, cases, and statutes, attorneys must also consult rules of conduct, advisory opinions, disciplinary proceedings, and persuasive authority from other jurisdictions.

When beginning legal ethics research, attorneys should begin first with the Georgia Rules of Professional Conduct and Georgia statutes that pertain to attorney conduct and the practice of law. Researchers should next consult advisory opinions, disciplinary proceedings, and court opinions to gain an understanding of how the State Bar and the courts have applied the rules to a set of facts. When these Georgia sources do not provide a clear answer, attorneys must then look to model rules and ethics materials from other jurisdictions. During the legal ethics research process, it may also help to consult secondary sources that focus on legal ethics.

#### A. Rules of Conduct

The Supreme Court of Georgia abolished the State Bar's Canons of Ethics Rules and formally adopted the *Georgia Rules of Professional Conduct* (GRPC) on June 12, 2000.<sup>269</sup> As with other states, Georgia modeled its ethics rules off those developed by the American Bar Association (ABA). For that reason, it is important to understand the relationship between the ABA rules and the state rules. The ABA first developed the ABA Canons of Professional Ethics in 1908.<sup>270</sup> The Canons served as the first national, comprehensive code that all members were required to follow.<sup>271</sup> In

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269. CHARLES R. ADAMS III, GEORGIA LAW OF TORTS § 5:4 n.32 (2014); *State Adoption of the ABA Model Rules of Professional Conduct and Comments*, CPR POLICY IMPLEMENTATION COMM 2 (May 23, 2011), <http://www.americanbar.org/content/dam/aba/migrated/cpr/pic/comments.authcheckdam.pdf>.

270. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 168 tbl.9-1. See also ARMSTRONG & KNOTT, *supra* note 28, at 198.

271. ARMSTRONG & KNOTT, *supra* note 28, at 198.

1969, the ABA developed a new ethics code, titled the ABA Code of Professional Responsibility.<sup>272</sup> To reflect the idea that states should see the code as an example for their own ethics rules, the ABA subsequently changed the name of the ethics code to the ABA Model Code of Professional Responsibility.<sup>273</sup> Eventually, the ABA adopted a new set of ethics rules in 1983, titled the ABA Model Rules of Professional Conduct.<sup>274</sup> Much like the Uniform Commercial Code, the ABA hoped states would adopt the Model Rules as their own rules of conduct.<sup>275</sup> The ABA's Center of Professional Responsibility provides several charts and tables on its website that researchers can use to see which states have adopted the Model Rules in portions or its entirety.<sup>276</sup>

### 1. *Georgia Rules of Professional Conduct*

When researching a legal ethics issue that applies to attorney conduct, researchers should begin their research by locating and reviewing the GRPC. Researchers can access the GRPC through several print and online sources. In print, researchers can access the GRPC in the *Georgia Bar Journal Directory & Handbook*, the *Georgia Court Rules and Procedure—State and Federal*, the *Georgia Rules of Court Annotated*, and in the State Court Rules volume of the *West's Code of Georgia Annotated*. The GRPC is not available in the O.C.G.A.

There are also several places that researchers can access the GRPC online. The table that follows provides a list of online sources researchers can use to access the GRPC. Although each of the online sources provides access to the GRPC, researchers may find the State Bar of Georgia's website, Lexis Advance, and WestlawNext to be the

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272. *Id.*

273. *Id.*

274. MODEL RULES OF PROFESSIONAL CONDUCT (1983), available at [http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html).

275. ARMSTRONG & KNOTT, *supra* note 28, at 199.

276. *Center of Professional Responsibility*, AMERICAN BAR ASSOCIATION, [http://www.americanbar.org/groups/professional\\_responsibility/policy.html](http://www.americanbar.org/groups/professional_responsibility/policy.html) (last visited Apr. 11, 2015).



most useful. The State Bar of Georgia's website provides free access to the GRPC on its "Ethics and Professionalism" web page.<sup>277</sup> Lexis Advance and WestlawNext both offer annotated versions of the GRPC that researchers can use to find primary and secondary sources that have cited, discussed, or explained the rules.

## 2. *Georgia Rules of Judicial Conduct*

In addition to the GRPC, Georgia also has a set of rules that govern judicial conduct. The *Georgia Code of Judicial Conduct* (GCJC), which took effect on January 1, 1994, governs the conduct of judges, administrative law judges, those performing judicial functions, and candidates for judicial office.<sup>278</sup>

Researchers can locate the GCJC in many of the same print and online sources as they can find the GRPC. In print, the GCJC is available in the *Georgia Bar Journal Directory & Handbook*, *Georgia Court Rules and Procedure—State and Federal*, *Georgia Rules of Court Annotated*, and in the State Court Rules volume of *West's Code of Georgia Annotated*.<sup>279</sup> The table that follows provides a list of online sources researchers can use to access the GCJC. Although each of the online sources provides access to the GCJC, researchers may find the State Bar of Georgia's website, the Administrative Office of the Courts' website, Lexis Advance, and WestlawNext to be the most useful. The State Bar of Georgia's website provides researchers with free access to the GCJC through the bar's online handbook.<sup>280</sup> The Administrative Office of the Courts' website provides users with free access to a PDF version of the GCJC.<sup>281</sup> Lexis Advance and WestlawNext also offer annotated

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277. *Ethics and Professionalism*, STATE BAR OF GEORGIA, <http://www.gabar.org/barrules/ethicsandprofessionalism/index.cfm> (last visited Apr. 11, 2015).

278. See GA. CODE OF JUDICIAL CONDUCT (2011), [http://www.georgiacourts.org/files/GEORGIA%20CODE%20OF%20JUDICIAL%20CONDUCT%20-%2009\\_23\\_11.pdf](http://www.georgiacourts.org/files/GEORGIA%20CODE%20OF%20JUDICIAL%20CONDUCT%20-%2009_23_11.pdf).

279. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 171.

280. *Handbook*, STATE BAR OF GA., <http://www.gabar.org/barrules/handbook.cfm> (last visited Apr. 11, 2015) (located under the Judicial section of the Handbook).

281. *Court Rules*, ADMINISTRATIVE OFFICE OF THE COURTS, <http://www.georgiacourts.org/index.php/court-rules> (last visited Apr. 11, 2015).

versions of the GCJC that researchers can use to find primary and secondary sources that have cited, discussed, or explained the rules.

### 3. Sources of GRPC and GCJC Online

<b>Administrative Office of the Courts – free</b>	
<a href="http://www.georgiacourts.org/index.php/georgia-courts/court-rules">http://www.georgiacourts.org/index.php/georgia-courts/court-rules</a>	
Contents	Georgia Code of Judicial Conduct
Coverage	Current
Update	As updated
Notes	Located under Rules of the Supreme Court.
<b>Georgia Judicial Qualifications Commission – free</b>	
<a href="http://www.gajqc.com/">http://www.gajqc.com/</a>	
Contents	Georgia Code of Judicial Conduct
Coverage	Current
Update	As updated
Notes	Located under Canons.
<b>Lexis Advance – commercial</b>	
<a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Georgia Rules of Professional Conduct
Coverage	Current
Update	As updated
Notes	Located through the Georgia State & Federal Court Rules database. Available in chapter on Rules and Regulations for the Organization and Government of the State Bar of Georgia.
<b>Lexis Advance – commercial</b>	
<a href="http://www.lexisadvance.com/">www.lexisadvance.com/</a>	
Contents	Georgia Code of Judicial Conduct
Coverage	Current
Update	As updated
Notes	Located through the Georgia State & Federal Court Rules database.

<b>State Bar of Georgia – free</b> <a href="http://www.gabar.org/barrules/georgia-rules-of-professional-conduct.cfm">http://www.gabar.org/barrules/georgia-rules-of-professional-conduct.cfm</a>	
Contents	Georgia Rules of Professional Conduct
Coverage	Current
Update	As updated
Notes	Located on the Ethics and Professionalism web page.
<b>State Bar of Georgia – free</b> <a href="http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&amp;id=522">http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&amp;id=522</a>	
Contents	Georgia Code of Judicial Conduct
Coverage	Current
Update	As updated
Notes	Located through the State Bar Governance Rules Handbook.
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Georgia Rules of Professional Conduct
Coverage	Current Rules
Update	As updated
Notes	Located in the Georgia Statutes & Court Rules databases under State Court Rules. Available in chapter on Rules and Regulations for the Organization and Government of the State Bar of Georgia.
<b>WestlawNext – commercial</b> <a href="http://www.westlawnext.com/">www.westlawnext.com/</a>	
Contents	Georgia Code of Judicial Conduct
Coverage	Current Rules
Update	As updated
Notes	Located in the Georgia Statutes & Court Rules databases under State Court Rules.

#### 4. *Statutory Law*

After researching the rules that apply to attorney and judicial conduct, researchers should also determine if any statutory law applies to the conduct. Researchers can use the index of the print versions of the O.C.G.A. or Ga. Code Ann. to locate statutes that apply to attorneys, the practice of law, and judges. As discussed in Part V, researchers can also use the online versions of the statutory code to locate applicable code sections by performing full-text keyword searching. When using an annotated print code or accessing the code on Lexis Advance or WestlawNext, researchers should check to see if there are references to any other primary or secondary sources that might provide commentary and analysis on the code section.

#### B. *Advisory Opinions, Disciplinary Proceedings, and Court Opinion*

##### 1. *Advisory Opinions*

In a similar way in which case law can help attorneys understand how a statute is applied, advisory opinions will also demonstrate how the rules apply to a set of circumstances of general interest. There are two types of advisory opinions produced by the State Bar of Georgia: formal advisory opinions and informal advisory opinions. The Office of the General Counsel of the State Bar of Georgia renders informal advisory opinions in either oral or written format.<sup>282</sup> Informal advisory opinions interpret the GRPC regarding prospective conduct.<sup>283</sup> While informal advisory opinions are important to their requestors, they hold little value for researchers looking for binding authority. The Formal Advisory Opinion Board, State Bar of Georgia, and the Georgia Supreme Court are not bound by informal advisory opinions because they are viewed as only the opinion of the issuing attorney.<sup>284</sup> Nevertheless, recipients can request that the

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282. GA. RULES OF PROF'L CONDUCT R. 4-401.

283. *Id.*

284. *Id.*

Office of the General Counsel of the State Bar submit informal advisory opinions to the Formal Advisory Opinion Board for consideration in drafting a formal advisory opinion.<sup>285</sup>

The State Bar of Georgia authorizes the Formal Advisory Opinion Board to draft proposed formal advisory opinions that interpret the GRPC as it applies to a given set of facts.<sup>286</sup> The Formal Advisory Opinion Board files proposed formal advisory opinions with the Georgia Supreme Court, and then publishes them in an official publication of the State Bar of Georgia, which is generally the *Georgia Bar Journal* and *Georgia Bar Journal Directory & Handbook*.<sup>287</sup> Three outcomes can occur once the Formal Advisory Opinion Board files an opinion with the Georgia Supreme Court, all of which affect the authority of the opinion.<sup>288</sup> First, the Georgia Supreme Court can decline to review the opinion, which will make it binding on only the State Bar of Georgia and the person who requested the opinion.<sup>289</sup> An opinion the Georgia Supreme Court declines to review will not be binding on the court, but attorneys can use it as persuasive authority.<sup>290</sup> Second, the Georgia Supreme Court can elect to review the opinion and disapprove of the opinion.<sup>291</sup> Under those circumstances, the opinion would not constitute binding or persuasive authority.<sup>292</sup> Third, the Georgia Supreme Court can elect to review the opinion and either approve or modify the opinion.<sup>293</sup> If the Georgia Supreme Court approves or modifies the opinion, it will be binding on all members of the State Bar of Georgia, and it will hold the same level of binding authority as a published judicial opinion of the Georgia Supreme Court.<sup>294</sup> Therefore, when researching formal advisory opinions, researchers

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285. *Id.*

286. *Id.* R. 4-403(a).

287. *Id.* R. 4-403(d).

288. GA. RULES OF PROF'L CONDUCT R. 4-403(e).

289. *Id.*

290. *Id.*

291. *Id.*

292. *Id.*

293. *Id.*

294. GA. RULES OF PROF'L CONDUCT R. 4-403(e).

should identify if the formal advisory opinion is one that the court declined to review, disapproved, approved, or modified.

When reviewing formal advisory opinions, researchers will also come across advisory opinions issued by the State Disciplinary Board. The State Disciplinary Board issued advisory opinions prior to 1986, when the Supreme Court assumed the power to issue formal advisory opinions.<sup>295</sup> Subsequently, the Formal Advisory Opinion Board set out to review all of the advisory opinions issued by the State Disciplinary Board.<sup>296</sup> While the Formal Advisory Opinion Board withdrew some opinions, it elected to keep some of the pre-1986 opinions.<sup>297</sup> Nevertheless, because these opinions were not published under the authority of the Georgia Supreme Court, attorneys can only use them as persuasive authority.<sup>298</sup>

Researchers can tell the difference between the two types of formal advisory opinions based on issue date, name, and citation. Formal advisory opinions issued by the State Disciplinary Board will be dated before 1986, carry the name “Advisory Opinion,” and will use the citation format “SDB No. 17.” On the other hand, formal advisory opinions issued by the Formal Advisory Opinion Board will be dated after 1986, carry the name “Formal Advisory Opinion,” and use the citation format “FAO No. 97-3,” with the first number corresponding to the issue year.

There are several resources and methods researchers can use to locate formal advisory opinions on point with their legal ethics issue. In print, researchers can locate formal advisory opinions in the *Georgia Bar Journal Directory & Handbook*.<sup>299</sup> The handbook provides users with the full text of all the formal advisory opinions, along with three useful finding tools. First, the “Topical Index” allows researchers to locate opinions based on a topic. Second, the “Question Presented Index” allows researchers to locate opinions

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295. *State Disciplinary Board Opinion History*, STATE BAR OF GEORGIA, <http://www.gabar.org/barrules/opinion-history.cfm> (last visited Apr. 11, 2015).

296. *Id.*

297. *Id.*

298. *Id.*

299. STATE BAR OF GEORGIA, *GEORGIA BAR JOURNAL DIRECTORY & HANDBOOK* (2014–2015).

based on what question was presented to the Formal Advisory Opinion Board. Third, the “Georgia Rules of Professional Conduct Index” matches the rules with corresponding opinions that interpret or cite the rule. The *Georgia Bar Journal Directory & Handbook* is also available for free in an enhanced and downloadable PDF format on the State Bar’s website.<sup>300</sup> The Ethics and Professionalism web page on the State Bar of Georgia website also provides the full text of the advisory opinions, along with a “Topical Index” and a “Rules Index.”<sup>301</sup> Finally, the online version of the *ABA/BNA Lawyer’s Manual on Professional Conduct* allows users to locate formal advisory opinions by topic or full-text keyword searching.<sup>302</sup>

## 2. *Judicial Advisory Opinions*

The Georgia Judicial Qualifications Commission issues advisory opinions specifically regarding judicial conduct.<sup>303</sup> Researchers can locate these opinions through the main menu on the Judicial Qualifications Commission website.<sup>304</sup> The website allows researchers to browse the opinions, execute full-text keyword searches, or search for opinions by opinion number. Opinions appear on the website in HTML and PDF formats. In addition to the text of the opinion, researchers will also find cross-references to related opinions and related canons of the Georgia Code of Judicial Conduct.

## 3. *Disciplinary Proceedings and Court Opinions*

In addition to advisory opinions, researchers can use disciplinary proceedings and court opinions to find examples of how the courts have interpreted and applied the legal ethics rules to a factual

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300. *Handbook Viewer*, STATE BAR OF GEORGIA, <http://www.gabar.org/barrules/handbookviewer.cfm> (last modified Nov. 2014).

301. *Ethics and Professionalism*, STATE BAR OF GEORGIA, <http://www.gabar.org/barrules/ethicsandprofessionalism/index.cfm> (last visited Apr. 11, 2015).

302. See BLOOMBERG BNA, <http://www.bna.com> (last visited Apr. 11, 2015).

303. JUDICIAL QUALIFICATIONS COMMISSION STATE OF GA., <http://www.gajqc.com/> (last visited Apr. 11, 2015).

304. *Opinions*, JUDICIAL QUALIFICATIONS COMMISSION STATE OF GA., <http://www.gajqc.com/opinions.cfm> (last visited Apr. 11, 2015).

situation.<sup>305</sup> Researchers can find the procedural rules for disciplinary proceedings in Chapter 2 of the Georgia Rules of Professional Conduct.<sup>306</sup> Final dispositions of disciplinary matters are held before the Georgia Supreme Court.

Researchers can find ethics matters brought before the Georgia Supreme Court by using any of the online sources discussed in Part VIII for locating Georgia Supreme Court cases. While full-text keyword searching can be an effective way to find disciplinary matters before the Georgia Supreme Court, there are three other methods that are much more efficient. The three methods include utilizing the West Key Number System, the *Daily Report's* Court Opinions web page, and *Mercer Law Review's* Annual Survey of Georgia Law.

First, there is a general topic in the West Key Number System titled “Attorney and Client.” Under this general topic, researchers will find Key Numbers 34–61, which cover attorney discipline. Researchers can use these Topic and Key Numbers in the *Georgia Digest, 2nd.* or in WestlawNext to locate disciplinary proceedings. Second, the Court Opinions web page on the *Daily Report's* website allows researchers to use the “Area of Law” filter to limit cases to only those assigned the topic Legal Profession.<sup>307</sup> Researchers can also search by keywords after selecting *Legal Profession* to further narrow their search results. The results include the name of the party, court docket number, date, and a one-to-two sentence summary of the Supreme Court’s holding. To gain access to the complete opinion of the case on the Court Opinion web page, researchers must subscribe to the *Daily Report*. Third, the Annual Survey of Georgia Law, published in the *Mercer Law Review* fall issue, includes an article titled *Legal Ethics*.<sup>308</sup> In addition to providing citations to ethics matters before the Georgia appellate courts, the Legal Ethics article is

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305. ARMSTRONG & KNOTT, *supra* note 28, at 200.

306. See GA. RULES OF PROF'L CONDUCT R. 4-201 to -228.

307. *Court Opinions*, DAILY REPORT, <http://opinions.dailyreportonline.com/> (last visited Mar. 1, 2015).

308. *Mercer Law Review*, *supra* note 168; Patrick Emery Longan, *Legal Ethics*, 65 MERCER L. REV. 175 (2013).



also a great way to find commentary and analysis on ethics issues in Georgia.

### C. *Persuasive Authority*

#### 1. *Other Jurisdictions' Legal Ethics Materials*

When the Georgia legal ethics opinions do not provide adequate answers, researchers can look to the ABA or other jurisdictions for guidance. Legal ethics materials from the ABA and other jurisdictions, however, are strictly persuasive authority and in no way bind the State Bar of Georgia or the Supreme Court of Georgia.<sup>309</sup> Each jurisdiction will have its own rules of conduct, advisory opinions, and court opinions. Additionally, the ABA maintains the *Model Rules of Professional Responsibility* and issues a number of formal ethics opinions.

There are several sources researchers can use to find ethics materials from the ABA and other states. Researchers can find formal ethics opinions online using the ABA's Center for Professional Responsibility website, Lexis Advance, and WestlawNext.<sup>310</sup> The best source to use when trying to find legal ethics materials from the ABA and other jurisdictions is the *ABA/BNA Lawyers' Manual on Professional Conduct*, located on Bloomberg BNA.<sup>311</sup> Researchers can use the *Lawyers' Manual* to access ethics and advisory opinions, rules of conduct, disciplinary proceedings, and court opinions from other jurisdictions, as well as ABA ethics materials. The *Lawyers' Manual* indexes all of these materials, allowing researchers to find legal ethics materials from across all jurisdictions on the same topic. In addition, the *Lawyer's Manual* includes Practice Guides, which provide a detailed analysis of several ethical issues, and references to applicable ABA and state ethics materials.

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309. See *Balmer v. Elan Corp.*, 599 S.E.2d 158, 161 (Ga. 2004) (quoting *Rodgers v. First Union Nat. Bank*, 470 S.E.2d 246 (Ga. Ct. App. 1996)).

310. *Ethics Opinions*, AMERICAN BAR ASSOCIATION, [http://www.americanbar.org/groups/professional\\_responsibility/publications/ethics\\_opinions.html](http://www.americanbar.org/groups/professional_responsibility/publications/ethics_opinions.html) (last visited Apr. 11, 2015).

311. BLOOMBERG BNA, <http://www.bna.com> (last visited Apr. 11, 2015).

## 2. *Secondary Sources*

Secondary sources are also useful if researchers' state ethics materials do not cover a particular ethics issue. Applicable law review articles and treatises can provide analysis on the issue, and include references to other primary or secondary sources. The *Restatement of Law: The Law Governing Lawyers, 3rd.* is also a useful source for finding analysis on ethics issues. Like other restatements, *Law Governing Lawyers* provides black letter law-type rules and commentary specifically related to attorney ethics issues. While persuasive authority, the Supreme Court of Georgia has cited to *Law Governing Lawyers* in court opinions and when approving formal advisory opinions.<sup>312</sup>

## X. PRACTICE MATERIALS

The words *practice materials* can be used to classify a variety of sources that attorneys use in the everyday practice of law. In this article, *practice materials* is used to identify sources attorneys will consult at the end of the legal research process, or on an ongoing basis. Those sources include forms, pattern jury instructions, rules of procedure, court rules, continuing legal education materials, and current awareness tools. A discussion of treatises, which are often classified as practice materials, is included in the secondary sources portion of this article, Part III, because many attorneys rely on them for background research at the beginning of the legal research process.<sup>313</sup>

### A. *Forms*

Attorneys spend an enormous amount of time preparing legal documents. For an inexperienced attorney, drafting complaints,

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312. Hodge v. URFA-Sexton, LP, 758 S.E.2d 314, 319 (Ga. 2014) (citing the *Law Governing Lawyers*); *In re* Formal Advisory Opinion 10-1, 744 S.E.2d 798, 799–800 (Ga. 2013) (citing the *Law Governing Lawyers*).

313. JOHNSON, ADELMAN & ADAMS, *supra* note 9, at 141–42.

motions, wills, and contracts from scratch can seem like a daunting task. However, the use of sample forms can help relieve some anxiety and eliminate costly mistakes. Sample forms provide attorneys with a how-to guide for organizing legal documents and provide examples of standard language attorneys can use in legal documents.

Some law firms use form banks and in-house databases to collect forms their attorneys draft over and over again, so that other members of the firm can consult them when preparing similar documents.<sup>314</sup> In addition to these in-house resources, there are also several commercial publishers and services that provide attorneys with sample and fillable forms. No matter which source an attorney uses, they must always make sure to read the form carefully and take time to fully understand what each part of the form means. The inherent danger of using sample forms is that an attorney will simply fill in the blanks. Sample forms can make drafting a document much easier, but an attorney must always make sure they modify the form to meet their client's specific situation.

Georgia attorneys will find commercially produced sample forms in a variety of print and online formats. Print formbooks provide a collection of forms that can be topic specific, such as *Georgia Real Estate Forms*; procedure focused, such as *Georgia Civil Procedure Forms*; or cover a broad range of legal documents, such as *Georgia Forms: Legal and Business*. One general form book that attorneys might find especially useful is *Brown's Georgia Pleading, Practice, and Legal Forms Annotated*. Unlike other formbooks, *Brown's* organizes and labels forms based on their corresponding O.C.G.A. sections. In addition to formbooks, Georgia attorneys will also find that several Georgia practice treatises include forms within them, such as *Redfearn Wills & Administration in Georgia*. Furthermore, researchers can also access Georgia forms online using Lexis Advance and WestlawNext. The subject bibliography in Part XI includes materials that provide forms.

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314. Carpenter, *supra* note 250, at 215 n.79.

### B. *Pattern Jury Instructions*

Before a jury begins deliberation, the judge will instruct them on the applicable law. Pattern jury instructions provide researchers with an example of the jury instructions the judge will use at trial. Attorneys can use pattern jury instructions in two ways. First, in preparation for trial, attorneys can use pattern jury instructions as a guide for how they should present their argument. Second, attorneys can refer to them at the beginning of research process to ensure they research all of the essential elements of a legal issue.

Attorneys can access pattern jury instructions through several print and online sources. The quintessential collection of pattern jury instructions in Georgia is a two-volume set prepared by the Council of Superior Court Judges of Georgia, titled *Suggested Pattern Jury Instructions*.<sup>315</sup> This set covers Georgia trial court civil and criminal jury instructions. In addition to the print and online version researchers can purchase through the Carl Vinson Institute of Government,<sup>316</sup> researchers can also access *Suggested Pattern Jury Instructions* on Lexis Advance and WestlawNext.

#### 1. *Online Sources of Georgia Pattern Jury Instructions*

<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Suggested civil pattern jury instructions for Georgia
Coverage	Current
Update	Twice a year
Notes	Located in Georgia State Bar Jury Instructions – Civil database.

315. COUNCIL OF SUPERIOR COURT JUDGES OF GEORGIA, SUGGESTED PATTERN JURY (Volume 1: Civil Cases, 4th ed. & Volume 2: Criminal Cases 3rd ed. 2004).

316. *Suggested Pattern Jury Instructions*, CARL VINSON INSTITUTE OF GOVERNMENT, <https://www.cviog.uga.edu/store/category/patternjury> (last visited Apr. 11, 2015).

<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Suggested criminal pattern jury instructions for Georgia
Coverage	Current
Update	Twice a year
Notes	Located in Georgia State Bar Jury Instructions – Criminal database.
<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Suggested civil pattern jury instructions for Georgia
Coverage	Current
Update	Twice a year
Notes	Located in Georgia Suggested Pattern Jury Instructions, Volume 1: Civil Cases database.
<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Suggested criminal pattern jury instructions for Georgia
Coverage	Current
Update	Twice a year
Notes	Located in Georgia Suggested Pattern Jury Instructions, Volume 2: Criminal Cases database.

### *C. Rules of Procedure*

Rules of procedure play an important role in the legal system, in that they provide the general rules that attorneys must follow when litigating matters in court. Using rules of procedure, attorneys can find the answers to questions like “How many days do you have to file an answer to a complaint?” or “What are the exceptions to the hearsay rules?”

Georgia rules of procedure are codified in the statutory code. Researchers will find the rules for Civil Practice (Title 9), Criminal Procedure (Title 17), and Evidence (Title 24) in the statutory code

using any print or online source discussed in Part V of this article. Annotated print codes, Lexis Advance, and WestlawNext will provide the text of the rules of procedure and references to primary and secondary sources that cite, discuss, or explain these rules. Researchers can find additional analysis of these rules in several Georgia practice treatises, such as *Davis & Shulman's Georgia Practice and Procedure*, *Daniel's Georgia Criminal Trial Practice*, and *Georgia Rules of Evidence*. The subject bibliography in Part XI provides a list of treatises that provide commentary and analysis on civil practice and procedure, criminal procedure, and evidence.

#### D. Court Rules

While the rules of procedure provide the general rules an attorney must follow to litigate in a trial or appellate court, each court has its own specific rules that govern how attorneys interact with them. These rules, referred to as court rules or local rules, govern aspects such as filing rules and requirements, formatting of documents, and which sources of authority to cite to in documents submitted to the court.

The books *Georgia Court Rules and Procedure—State and Federal* and *Georgia Rules of Court Annotated* provide researchers with the local court rules for the Supreme Court of Georgia and Georgia Court of Appeals, as well as the uniform rules adopted by the Superior, State, Juvenile, Magistrate, Municipal, and Probate courts. All of these rules are also available in the State Rules volumes of the *West's Code of Georgia Annotated*, as well as through several commercial online sources. Researchers can also access free versions of all the court rules on Georgia's Administrative Office of the Courts (AOC) website.<sup>317</sup> Researchers should also consult each court's website to find any additional rules.

Attorneys practicing in Atlanta and surrounding Metro counties should also review the *Georgia Legal Almanac*, published by the

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317. *Court Rules*, ADMINISTRATIVE OFFICE OF THE COURTS, <http://www.georgiacourts.org/index.php/court-rules> (last visited Apr. 11, 2015).

*Daily Report*.<sup>318</sup> The *Georgia Legal Almanac* includes a section titled “Metro Bench Guide,” which provides information on policies, procedures, and recommendations attorneys should follow when practicing in certain courts.<sup>319</sup> The “Metro Bench Guide” includes conduct by lawyers that judges find irritating and the appropriate courtroom decorum.<sup>320</sup> The *Georgia Legal Almanac* is available on the *Daily Report*’s website.<sup>321</sup>

1. *Online Sources for Local Court Rules*

<b>Administrative Office of the Courts – free</b> <a href="http://georgiacourts.org/index.php/georgia-courts/court-rules">http://georgiacourts.org/index.php/georgia-courts/court-rules</a>	
Contents	Court rules for all Georgia trial and appellate courts
Coverage	Current Rules
Update	As updated
Notes	Located on the Court Rules web page. Access using the Georgia Court tab on the AOC homepage. Rules links will take researchers to the PDF version of the HTML version on the court’s website.
<b>Bloomberg Law – commercial</b> <a href="http://www.bloomberglaw.com">http://www.bloomberglaw.com</a>	
Contents	Court rules for all Georgia trial and appellate courts
Coverage	Current Rules
Update	As updated
Notes	Located in the Georgia State Court Rules database.
<b>Fastcase – free to members of the State Bar of Georgia</b> <a href="http://gbar.org/">http://gbar.org/</a>	
Contents	Court rules for all Georgia trial and appellate courts
Coverage	Current Rules
Update	As updated

318. See DAILY REPORT, *Metro Bench Guide*, in GEORGIA LEGAL ALMANAC 135, 135–38 (2014).

319. *Id.*

320. *Id.*

321. GEORGIA LEGAL ALMANAC, available at [http://www.dailyreportonline-digital.com/dailyreport/georgia\\_legal\\_almanac\\_2014#pg1](http://www.dailyreportonline-digital.com/dailyreport/georgia_legal_almanac_2014#pg1).

Notes	Access using the Search Court Rules feature on the homepage.
<b>Lexis Advance – commercial</b> www.lexisadvance.com/	
Contents	Court rules for all Georgia trial and appellate courts
Coverage	Current Rules
Update	As updated
Notes	Located in the GA – Georgia State & Federal Court Rules database.
<b>WestlawNext – commercial</b> www.westlawnext.com/	
Contents	Court rules for all Georgia trial and appellate courts
Coverage	Current Rules
Update	As updated
Notes	Located in the Georgia Statutes & Court Rules databases under State Court Rules.

#### *E. CLE Materials and Current Awareness Tools*

While researchers may not refer to current awareness tools or continuing legal education (CLE) materials when conducting legal research, they should consult them often in order to stay abreast of current legal developments.

All attorneys are required to attend CLE courses in order to maintain their license.<sup>322</sup> CLE courses are generally topic specific and cover recent legal developments in an area of law. The Institute of Continuing Legal Education in Georgia (ICLE) publishes the program materials from Georgia CLE courses.<sup>323</sup> The program materials can include presentations, handouts, and sample forms. Currently, there is no online source that provides access to ICLE materials, but researchers can purchase these materials on the ICLE

322. *Continuing Legal Education*, STATE BAR OF GA., <http://www.gabar.org/membership/cle/index.cfm?uniqueID=A8D6C442-9C8E-9913-79DB4916E08D70DE> (last visited Apr. 11, 2015).

323. *Publications*, INSTITUTE OF CONTINUING LEGAL EDUCATION, <http://iclega.org/publications/publications.html> (last visited Apr. 11, 2015).



website in print or CD format.<sup>324</sup> It can be difficult for researchers to incorporate ICLE materials into the research process because the materials lack a comprehensive index. Nevertheless, a researcher may want to consult recent CLE materials if they know significant changes occurred within the past year to an area of law they are researching.

Current awareness tools describe a broad range of resources, such as newspapers, magazines, journals, newsletters, and blogs. Because each area of law has its own collection of current awareness tools, the focus will instead be on two that can benefit all Georgia attorneys. At the top of the list is the legal newspaper the *Daily Report* (formerly the *Fulton County Daily Report*), which is the leading source for legal news in Georgia. In addition to current legal developments and political news, the *Daily Report* publishes opinions from the Supreme Court of Georgia and the Georgia Court of Appeals.<sup>325</sup> The *Daily Report* is available in print, on the *Daily Report's* website (subscription required), and through Lexis Advance.

The second current awareness tool that Georgia attorneys will find beneficial is the annual surveys published in *Mercer Law Review*.<sup>326</sup> The Annual Survey of Georgia Law (Fall) and the Annual Eleventh Circuit Survey (Summer) review appellate court decisions that have an impact on major practice areas. Mercer Law Review selects authors based on their experience and knowledge of a practice area. This is an excellent resource for examining recent developments in an area of law. Researchers can access these issues in print, on Mercer Law Review's website, and through Fastcase, HeinOnline, Lexis Advance, and WestlawNext.

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324. *Id.*

325. DAILY REPORT, [www.dailyreportonline.com](http://www.dailyreportonline.com) (last visited Apr. 10, 2015).

326. *Mercer Law Review*, *supra* note 168.

## XI. SUBJECT BIBLIOGRAPHY OF GEORGIA SECONDARY SOURCES AND PRACTICE MATERIALS

### **Administrative Law**

DANIEL D. KLECKLEY & EDWARD W. MCCRIMMON, *GEORGIA ADMINISTRATIVE PRACTICE FORMS WITH DECISIONAL DIGEST* (Harrison Co. 1992 & Supp. 2013) (later acquired by Thomson Reuters).

### **Alternative Dispute Resolution**

H. SOL CLARK, & FRED S. CLARK, *GEORGIA SETTLEMENTS LAW AND STRATEGIES* (Thomson Reuters 2d ed. 1999 & Supp. 2007).

DOUGLAS H. YARN, & GREGORY T. JONES, *ALTERNATIVE DISPUTE RESOLUTION: PRACTICE AND PROCEDURE IN GEORGIA* (Thomson Reuters 2014 ed.), *available at* WestlawNext. Updated with annual pocket part.

### **Banking**

GEORGIA DEPT. OF BANKING AND FINANCE, *GEORGIA DEPARTMENT OF BANKING AND FINANCE APPLICATIONS MANUAL* (2001), *available at* Lexis Advance.

### **Civil Practice and Procedure**

CHARLES R. ADAMS III & CYNTHIA TRUMBOLI ADAMS, *GEORGIA PLEADING, PRACTICE AND LEGAL FORMS ANNOTATED* (Thomson Reuters 3rd ed. 1989), *available at* WestlawNext. 11 vols. Updated with annual pocket parts.

ALSTON & BIRD LLP, *GEORGIA APPELLATE PRACTICE HANDBOOK* (Institute of Continuing Legal Education in Georgia 2014–2015 ed.).

*APPELLATE HANDBOOK FOR GEORGIA LAWYERS* (Thomson Reuters 2014–2015 ed.). 2 softbound vols. Replaced annually with new edition.

RONALD L. CARLSON, TRIAL HANDBOOK FOR GEORGIA LAWYERS (Thomson Reuters 2014–2015 ed.) (1974), *available at* WestlawNext.

JEFFERSON JAMES DAVIS, GEORGIA LITIGATION FORMS AND ANALYSIS (Thomson Reuters 1998), *available at* WestlawNext. 3 looseleaf vols. Updated annually with replacement pages.

GEORGIA CIVIL TRIAL PROCEDURE (LexisNexis 2014–2015 ed.), *available at* Lexis.com and Lexis Advance. 1 softbound vol. Replaced annually with new edition.

GEORGIA PROCEDURE (Thomson Reuters 2007 & Supp. 2014), *available at* WestlawNext. 13 vols. (vols. 1-8 Civil Procedure, vols. 9-12 Criminal Procedure).

HARDY GREGORY, JR., GEORGIA CIVIL PRACTICE (LexisNexis 3d ed. 2003) (1990), *available at* Lexis Advance. Looseleaf. Matthew Bender. Updated annually with replacement pages.

FELTON A. JENKINS, JR., RALPH A. PITTS & ROBERT R. AMBLER, JR., GEORGIA CIVIL PROCEDURE FORMS (LexisNexis 2004), *available at* LexisNexis and Lexis Advance. 2 looseleaf vols. Updated annually with replacement pages.

CHRISTOPHER J. MCFADDEN, EDWARD C. BREWER III & CHARLES R. SHEPPARD, GEORGIA APPELLATE PRACTICE WITH FORMS (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext. Replaced annually with new edition.

WAYNE M. PURDOM, GEORGIA CIVIL DISCOVERY WITH FORMS (Thomson Reuters 2014–2015 ed.) (1968), *available at* WestlawNext.

WAYNE M. PURDOM, GEORGIA MAGISTRATE COURT HANDBOOK WITH FORMS (Thomson Reuters 2014–2015 ed.) (1984), *available at* WestlawNext.

RICHARD C. RUSKELL, DAVIS & SHULMAN'S GEORGIA PRACTICE & PROCEDURE (Thomson Reuters 2014–2015 ed.) (1949), *available at* WestlawNext. Published annually.

RICHARD C. RUSKELL, RUSKELL'S CIVIL PLEADING AND PRACTICE FORMS FOR USE WITH WEST'S OFFICIAL CODE OF GEORGIA

ANNOTATED (Thomson Reuters 6th ed. 2003). Three looseleaf vols. Updated annually with replacement pages.

CHARLES R. SHEPPARD, HANDBOOK ON GEORGIA PRACTICE WITH FORMS (Thomson Reuters 2014–2015 ed.) (1978) *available at* WestlawNext.

PHILIP WELTNER II, GEORGIA PROCESS AND SERVICE WITH FORMS (Thomson Reuters 2000 & Supp. 2014) (1982), *available at* WestlawNext.

### **Collections**

STUART FINESTONE, GEORGIA POST-JUDGMENT COLLECTION WITH FORMS (Thomson Reuters 5th ed. 2013 & Supp. 2014) (1978), *available at* WestlawNext.

DANIEL F. HINKEL, GEORGIA CONSTRUCTION MECHANICS' AND MATERIALMEN'S LIENS WITH FORMS (Thomson Reuters 4th ed. 2009 & Supp. 2014), *available at* WestlawNext.

LEWIS N. JONES, GEORGIA LEGAL COLLECTIONS (Thomson Reuters 2d ed. 2010 & Supp. 2013), *available at* WestlawNext.

### **Commercial Law**

JAMES S. RANKIN JR., ENFORCEMENT OF GEORGIA SECURITY INTERESTS IN PERSONAL PROPERTY WITH FORMS (Thomson Reuters 4th ed. 2012), *available at* WestlawNext.

### **Conflict Of Law**

L. LYNN HOGUE, CONFLICT OF LAWS IN GEORGIA (Harrison Co. 1995) (later acquired by Thomson Reuters).

### **Contracts**

JOHN K. LARKINS, JR., GEORGIA CONTRACTS: LAW AND LITIGATION (Thomson Reuters 2d ed. 2011 & Supp. 2013), *available at* WestlawNext.

## Corporations

PINNEY L. ALLEN, ET AL., GEORGIA LIMITED LIABILITY COMPANY FORMS AND PRACTICE MANUAL (Data Trace Publishing 3d ed. 2010). 2 looseleaf vols. Updated annually with replacement pages.

DAVID JON FISCHER, G. WILLIAM SPEER, RONALD D. STALLINGS & WALTER G. MOELING IV, GEORGIA CORPORATE FORMS (LexisNexis 5th ed. 2010) (1988), *available at* Lexis Advance. 2 vols.

GEORGIA LEGAL FORMS, *available at* WestlawNext Business & Commercial.

ANDREW L. IMMERMANN & ANDREA LEE LYMAN, GEORGIA LIMITED LIABILITY COMPANY FORMS AND PRACTICE MANUAL (Data Trace Publishing 3d ed. 2010). 2 looseleaf vols. Updated annually with replacement pages.

JEROME L. KAPLAN, ET AL., KAPLAN'S NADLER GEORGIA CORPORATIONS, LIMITED PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES WITH FORMS (Thomson Reuters 2014–2015 ed.) (1950), *available at* WestlawNext. 2 vols. Published annually.

## Criminal Law and Procedure

ROBERT E. CLEARY, JR., KURTZ CRIMINAL OFFENSES AND DEFENSES IN GEORGIA (Thomson Reuters 2014 ed.), *available at* WestlawNext. Published annually.

ROBERT E. CLEARY, JR., MOLNAR GEORGIA CRIMINAL LAW: CRIMES AND PUNISHMENTS (Thomson Reuters 2014–2015 ed.) (1971), *available at* WestlawNext. Published annually.

GEORGIA CRIMES AND THEIR ELEMENTS: WITH CASE LAW (LexisNexis 2006).

GEORGIA CRIMINAL AND TRAFFIC LAW FIELD GUIDE (LexisNexis). Replaced annually with new edition.

GEORGIA CRIMINAL LAW AND TRAFFIC LAW MANUAL (LexisNexis). Replaced annually with new edition.

GEORGIA PROCEDURE (Thomson Reuters 2007), *available at* WestlawNext. 13 vols.

JOHN J. (JACK) GOGER, DANIEL'S GEORGIA CRIMINAL TRIAL PRACTICE (Thomson Reuters 2014–2015 ed.) (1977), *available at* WestlawNext. Published annually.

JOHN J. (JACK) GOGER, DANIEL'S GEORGIA CRIMINAL TRIAL PRACTICE FORMS (Thomson Reuters 2014–2015 ed.) (1979), *available at* WestlawNext. Published annually.

JOHN J. (JACK) GOGER, DANIEL'S GEORGIA HANDBOOK ON CRIMINAL EVIDENCE (Thomson Reuters 2014 ed.) (1986), *available at* WestlawNext. Published annually.

LEXISNEXIS PRACTICE GUIDE: GEORGIA CRIMINAL FORMS, *available at* Lexis Advance.

DONALD F. SAMUEL, GEORGIA CRIMINAL LAW CASE FINDER (LexisNexis 2014 ed.), *available at* Lexis Advance. Published annually.

### **Damages**

ERIC JAMES HERTZ & MARK D. LINK, GEORGIA LAW OF DAMAGES: WITH FORMS (Thomson Reuters 2014–2015 ed.) (1979), *available at* WestlawNext. Published annually.

ERIC JAMES HERTZ & MARK G. BERGETHON, PUNITIVE DAMAGES IN GEORGIA (Thomson Reuters 2d ed. 2006 & Supp. 2013–2014), *available at* WestlawNext.

### **Elder Law**

MICHAEL S. REEVES & STEPHANIE F. BROWN, GEORGIA ELDER CARE, LONG-TERM HEALTH CARE AND NURSING HOME LITIGATION WITH FORMS (formerly ELDER CARE AND NURSING HOME LITIGATION IN GEORGIA WITH FORMS) (Thomson Reuters 2009), *available at* WestlawNext.

### **Election Law**

THOMAS R. THRASH, HANDBOOK OF GEORGIA CAMPAIGN FINANCE AND DISCLOSURE LAW (Carl Vinson Institute of Government, University of Georgia 1997).

### **Eminent Domain**

DANIEL F. HINKEL, *GEORGIA EMINENT DOMAIN* (Thomson Reuters 2007 & Supp. 2014) (1982), *available at* WestlawNext.

### **Employment and Labor**

*See also Workers' Compensation.*

MICHAEL CLEMENTS, *LABOR AND EMPLOYMENT IN GEORGIA: A GUIDE TO EMPLOYMENT LAWS, REGULATIONS, AND PRACTICES* (LexisNexis 1993), *available at* LexisNexis and Lexis Advance. 1 looseleaf vols. Updated annually with replacement pages.

JAMES W. WIMBERLY, *GEORGIA EMPLOYMENT LAW* (Thomson Reuters 4th ed. 2008 & Supp. 2014) (1983), *available at* WestlawNext.

### **Environmental and Water Law**

*GEORGIA CONSERVATION LAW HANDBOOK* (LexisNexis 2014). 1 softbound vol. Replaced annually with new edition.

### **Evidence**

NEAL W. DICKERT, *GEORGIA HANDBOOK ON FOUNDATIONS AND OBJECTIONS* (Thomson Reuters 2014 ed.) (1988), *available at* WestlawNext.

JOHN J. (JACK) GOGER, *DANIEL'S GEORGIA HANDBOOK ON CRIMINAL EVIDENCE* (Thomson Reuters 2014 ed.) (1986), *available at* WestlawNext. Published annually.

MICHAEL E. McLAUGHLIN & HERMAN & McLAUGHLIN, *ADMISSIBILITY OF EVIDENCE IN CIVIL CASES: A MANUAL FOR GEORGIA TRIAL LAWYERS* (Thomson Reuters 2015 ed.) (1984), *available at* WestlawNext.

PAUL S. MILICH, *COURTROOM HANDBOOK ON GEORGIA EVIDENCE: WITH COMPARISONS TO THE FEDERAL RULES OF EVIDENCE* (Thomson Reuters 2014 ed.) (1996), *available at* WestlawNext. Published annually.

PAUL S. MILICH, *GEORGIA RULES OF EVIDENCE* (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext.

ALEXANDER SCHERR, *GREEN'S GEORGIA LAW OF EVIDENCE* (Thomson Reuters 2014–2015 ed.) (1957), *available at* WestlawNext.

ROBIN V. SPIVEY, *AGNOR'S GEORGIA EVIDENCE* (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext. Replaced annually with new edition.

### **Family and Juvenile Law**

#### *See also* **Guardian and Ward**

EDWARD E. BATES, JR., *GEORGIA DOMESTIC RELATIONS FORMS: PRACTICE* (LexisNexis 1988), *available at* Lexis Advance. 1 looseleaf vol. Updated annually with replacement pages.

BOYD COLLAR NOLEN & TUGGLE LLC, *GEORGIA FAMILY LAW* (LexisNexis 2013 ed.).

RANDALL M. KESSLER, *LIBRARY OF GEORGIA FAMILY LAW FORMS* (American Lawyer Media 3rd ed. 2013). Daily Report Books.

LEXISNEXIS PRACTICE GUIDE: *GEORGIA FAMILY LAW FORMS*, *available at* Lexis Advance.

DAN E. MCCONAUGHEY, *GEORGIA DIVORCE, ALIMONY, AND CHILD CUSTODY* (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext. Published annually.

BARRY B. MCGOUGH, *GEORGIA DIVORCE* (Thomson Reuters 2013) (1981). 1 looseleaf vol. Updated annually with replacement pages.

MARK H. MURPHY, *GEORGIA JUVENILE PRACTICE AND PROCEDURE WITH FORMS* (Thomson Reuters 2014 ed.) (1980), *available at* WestlawNext.

KATHY L. PORTNOY & CHARLA E. STRAWSER, *GEORGIA DOMESTIC RELATIONS CASE FINDER* (LexisNexis 4th ed. 2011) (1990), *available at* Lexis Advance.



### **Forms – Legal and General**

CHARLES R. ADAMS III AND CYNTHIA TRUMBOLI ADAMS, *BROWN'S GEORGIA PLEADING, PRACTICE AND LEGAL FORMS ANNOTATED*. (Thomson Reuters 3rd ed. 2005 & Supp. 2014) (1960), *available at* WestlawNext. 11 looseleaf vols. Updated annually with replacement pages.

GERALD BLANCHARD, ED., *GEORGIA FORMS: LEGAL AND BUSINESS* (Thomson Reuters 1994–), *available at* WestlawNext. Includes annual paperback Tables & Index volume. 5 looseleaf vols. Updated annually with replacement pages.

JEFFERSON JAMES DAVIS, *GEORGIA LITIGATION FORMS AND ANALYSIS* (Thomson Reuters 1998 & Supp. 2014) (1995), *available at* WestlawNext. 3 looseleaf vols. Updated annually with replacement pages.

*GEORGIA FORM FINDER*, *available at* WestlawNext.

### **General**

ANN BLUM & ANNA D. BOLING, *AN INTRODUCTION TO LAW IN GEORGIA* (Carl Vinson Institute of Government, University of Georgia 4th ed. 2004). State Bar of Georgia, Younger Lawyers Section Staff.

*ENCYCLOPEDIA OF GEORGIA LAW* (Thomson Reuters 1960 & Supp. 2002) Vols. 1-30. No longer updated.

*GEORGIA JURISPRUDENCE* (Thomson Reuters 1995), *available at* WestlawNext. Updated with annual pocket parts.

### **Guardian and Ward**

MARY F. RADFORD, *GUARDIANSHIPS AND CONSERVATORSHIPS IN GEORGIA* (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext. 1 softbound vol. replaced annually with new edition.

**Health Law**

DONNA P. BERGESON, ET AL., *GEORGIA HOSPITAL LAW MANUAL* (Georgia Academy of Healthcare Attorneys (Georgia Hospital Association) 5th ed. 2005).

**Insurance**

RANDOLPH J. EVANS & J. STEPHEN BERRY, *GEORGIA GENERAL LIABILITY INSURANCE WITH POLICIES AND STATUTES* (Bold Legal Publishing Co. 2010).

FRANK E. JENKINS III & WALLACE MILLER III, *GEORGIA AUTOMOBILE INSURANCE LAW INCLUDING TORT LAW WITH FORMS* (Thomson Reuters 2014–2015 ed.) (1980), *available at* WestlawNext. Published annually.

**Intellectual Property**

VALERIE P. WOODRICK & KELLY L. FREY, *GEORGIA INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSACTIONS: FORMS AND PRACTICE MANUAL* (Data Trace Publishing Co. 2009).

**Jury Instructions**

COUNCIL OF SUPERIOR COURT JUDGES OF GEORGIA, *SUGGESTED PATTERN JURY INSTRUCTIONS* (2004), *available at* WestlawNext and Lexis Advance. Volume 1: Civil Cases (5th ed.); Volume 2: Criminal Cases (4th ed.). Council of Superior Court Judges of Georgia, 2007.

**Landlord and Tenant Law**

WILLIAM J. DAWKINS, *GEORGIA LANDLORD AND TENANT: BREACH AND REMEDIES, WITH FORMS* (Thomson Reuters 4th ed. 2007 & Supp. 2014), *available at* WestlawNext.

JAMES A. FLEMMING, *GEORGIA LANDLORD AND TENANT: LEASE FORMS AND CLAUSES* (Thomson Reuters 3rd ed. 2008 & Supp. 2014) (1990), *available at* WestlawNext.

### Legal Research

LEAH F. CHANIN & SUSANNE L. CASSIDY, *GUIDE TO GEORGIA LEGAL RESEARCH AND LEGAL HISTORY* (Harrison Co. 1990 & Supp. 1997). (Later acquired by Thomson Reuters.)

MELVIN B. HILL, *THE GEORGIA STATE CONSTITUTION: A REFERENCE GUIDE* (Greenwood Press 2011).

NANCY P. JOHNSON, ELIZABETH G. ADELMAN, & NANCY J. ADAMS, *GEORGIA LEGAL RESEARCH* (Carolina Academic Press 2007).

NANCY P. JOHNSON, AUSTIN MARTIN WILLIAMS, & KIMBERLY SNODDY-GEORGE, "GEORGIA LEGAL RESEARCH" at <http://libguides.law.gsu.edu/georgialegalresearch>. Last updated May 2014.

AUSTIN MARTIN WILLIAMS, DEBORAH SCHANDER, NANCY P. JOHNSON, & RONALD WHEELER, *Georgia Practice Materials: A Selective Annotated Bibliography*, in *STATE PRACTICE MATERIALS: ANNOTATED BIBLIOGRAPHIES* 32 (Frank Houdek ed. 2014).

### Legislation

EDWIN L. JACKSON, MARY E. STAKES, & PAUL T. HARDY, *HANDBOOK FOR GEORGIA LEGISLATORS* (Carl Vinson Institute for Government, University of Georgia 13th ed. 2007) (1958).

### Local and State Government

ROBERT E. GORDON, JR., *COMPLIANCE AUDITING IN GEORGIA COUNTIES AND MUNICIPALITIES: A PRACTICAL GUIDE TO STATE LAWS FOR AUDITORS AND LOCAL GOVERNMENT OFFICIALS* (Carl Vinson Institute of Government, University of Georgia 2014).

*HANDBOOK FOR GEORGIA MAYORS AND COUNCIL MEMBERS* (Georgia Municipal Association, with Carl Vinson Institute of Government, University of Georgia 5th ed. 2012).

PAUL T. HARDY, ET AL., *COMPLIANCE AUDITING IN GEORGIA COUNTIES AND MUNICIPALITIES: A PRACTICAL GUIDE TO STATE*

LAWS FOR AUDITORS AND LOCAL GOVERNMENT OFFICIALS (Carl Vinson Institute of Government, University of Georgia 2014).

### **Medical Malpractice**

C. ASHLEY ROYAL ET AL., MEDICAL TORTS IN GEORGIA: A HANDBOOK ON STATE AND FEDERAL LAW HANDBOOK ON GEORGIA MEDICAL MALPRACTICE LAW (Thomson Reuters 2006) (1991).

### **Motor Vehicle Law**

WILLIAM C. HEAD, GEORGIA DUI TRIAL PRACTICE MANUAL (Thomson Reuters 2014) (1990), *available at* WestlawNext.

FRANK. E. JENKINS, III & WALLACE MILLER, III, GEORGIA AUTOMOBILE INSURANCE LAW INCLUDING TORT LAW WITH FORMS (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext. 1 softbound vol. replaced annually with new edition.

GEORGE A. STEIN, GEORGIA DUI LAW: A RESOURCE FOR LAWYERS AND JUDGES (Matthew Bender, LexisNexis 2003 & Supp. 2005), *available at* Lexis Advance.

### **Products Liability**

JANE E. THORPE, DAVID R. VENDERBUSH, & J. KENNARD NEAL, GEORGIA PRODUCTS LIABILITY LAW (Thomson Reuters 4th ed. 2012 & Supp. 2013) (1976), *available at* WestlawNext.

### **Real Property**

FRANK S. ALEXANDER, GEORGIA REAL ESTATE FINANCE AND FORECLOSURE LAW WITH FORMS (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext.

RUSSELL S. GROVE, JR., DEBORAH E. GLASS & BRUCE P. COHEN, GEORGIA REAL ESTATE FORMS: PRACTICE (LexisNexis 2008), *available at* Lexis Advance. 4 looseleaf vols. Updated annually with replacement pages.

DANIEL F. HINKEL, ABRAHAM GEORGIA REAL ESTATE SALES CONTRACTS (Thomson Reuters 6th ed. 2009 & Supp. 2014) (1972), *available at* WestlawNext. Updated with annual pocket part.

DANIEL F. HINKEL, GEORGIA REAL ESTATE TITLE EXAMINATIONS AND CLOSINGS WITH FORMS (Thomson Reuters 2015 ed.) (1989), *available at* WestlawNext. Updated with annual pocket part.

DANIEL F. HINKEL, PINDAR'S GEORGIA REAL ESTATE LAW AND PROCEDURE WITH FORMS, (Thomson Reuters 7th ed. 2013 & Supp. 2014) (1971), *available at* WestlawNext. 4 vols. Updated with annual pocket parts.

MARA A. MOONEY, FUNDAMENTALS OF GEORGIA REAL ESTATE LAW (Carolina Academic Press 2010).

SETH G. WEISSMAN & NED BLUMENTHAL, THE RED BOOK ON REAL ESTATE CONTRACTS IN GEORGIA (Association of Realtors 2012).

### **Securities**

JAMES S. RANKIN, JR., GEORGIA SECURITIES PRACTICE WITH FORMS (Thomson Reuters 2001), *available at* WestlawNext.

### **Security Interests**

JAMES S. RANKIN, JR., GEORGIA ENFORCEMENT OF SECURITY INTERESTS IN PERSONAL PROPERTY WITH FORMS (Thomson Reuters 4d ed. 2012 & Supp. 2014) (1979), *available at* WestlawNext.

### **Torts and Personal Injury**

CHARLES R. ADAMS III, GEORGIA LAW OF TORTS (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext. Published annually.

CHARLES R. ADAMS III & DERON R. HICKS, GEORGIA LAW OF TORTS: PREPARATION FOR TRIAL (Thomson Reuters 2014), *available at* WestlawNext.

MICHAEL J. GORBY, PREMISES LIABILITY IN GEORGIA WITH FORMS (Thomson Reuters 2d ed. 2008 & Supp. 2014), *available at* WestlawNext.

ERIC JAMES HERTZ, MARK D. LINK & HOUSTON D. SMITH III, GEORGIA LAW OF TORTS FORMS (Thomson Reuters 2002), *available at* WestlawNext.

HOUSTON D. SMITH III, SOFT TISSUE INJURIES IN GEORGIA INCLUDING WHIPLASH, WITH FORMS (Thomson Reuters 2d ed. 2007 & Supp. 2014), *available at* WestlawNext.

### **Wills, Trusts, and Estates**

DANIEL F. HINKEL, GEORGIA PROBATE & ADMINISTRATION WITH FORMS (Thomson Reuters 4th ed. 2010), *available at* WestlawNext. 1 vol. Updated with annual pocket part.

BENTRAM L. LEVY & BENJAMIN T. WHITE, GEORGIA ESTATE PLANNING, WILL DRAFTING AND ESTATE ADMINISTRATION FORMS: PRACTICE (LexisNexis 1987), *available at* Lexis Advance. 2 looseleaf vols. Updated annually with replacement pages.

MARY F. RADFORD, GEORGIA TRUSTS AND TRUSTEES (Thomson Reuters 2014–2015 ed.), *available at* WestlawNext. 1 softbound vol. Replaced annually with new edition.

MARY F. RADFORD, REDFEARN WILLS & ADMINISTRATION IN GEORGIA (Thomson Reuters 7th ed. 2008 & Supp. 2014) (1923), *available at* WestlawNext. 2 vols.

### **Workers' Compensation**

JAMES B. HEIRS & ROBERT R. POTTER, GEORGIA WORKERS' COMPENSATION: LAW AND PRACTICE (Thomson Reuter 5th ed. 2007 & Supp. 2014), *available at* WestlawNext. 1 softbound vol.

JACK B. HOOD, BENJAMIN A. HARDY JR., & BOBBY LEE COOK, GEORGIA WORKERS' COMPENSATION CLAIMS WITH FORMS (Thomson Reuters 2014–2015 ed.) (1985), *available at* WestlawNext.

RICHARD C. KISSIAH, *KISSIAH'S GEORGIA WORKERS' COMPENSATION LAW* (LexisNexis 3d ed. 2007) (1987), *available at* Lexis Advance.

### **Wrongful Death**

ROBERT E. CLEARY, *ELDRIDGE'S GEORGIA WRONGFUL DEATH ACTIONS WITH FORMS* (Thomson Reuters 4th ed. 2008 & Supp. 2014) (1976), *available at* WestlawNext.