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McGill Guide 9th ed.

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OSCOLA 4th ed.

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RESEARCHING GEORGIA LAW (2006 EDITION)

Nancy P. Johnson*
Nancy J. Adams
Elizabeth G. Adelman

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INTRODUCTION

This Article describes the paper and electronic sources that attorneys, paralegals, and students use in researching Georgia law. Increasingly, researchers use electronic sources; however, Georgia legal researchers still depend heavily on traditional print research sources, such as the codes and the Georgia practice materials. Law librarians and legal research instructors respond to a myriad of questions from both the academic community and the practicing bar.

This Article shares knowledge of Georgia legal materials and research techniques. Part I discusses constitutional law resources. Part II highlights statutory law resources. Part III focuses on judiciary and case law resources. Part IV shares information on citator resources. Part V describes administrative law resources. Part VI provides insight on legal ethics research. Part VII emphasizes secondary sources. Part VIII explains filings resources. Finally, Part IX presents a bibliography of Georgia practice materials.

I. CONSTITUTIONAL LAW

Georgia's present constitution, adopted November 1982 and effective July 1983, is the latest of eleven constitutions, with the first one written in 1777.¹ The current 1983 Georgia Constitution includes annotations to decisions, opinions of the attorney general, citations to law review articles, and citations to comparable 1976 provisions. A researcher may locate this information by using Volume 2 of the *Official Code of Georgia Annotated* (O.C.G.A.) or Volumes 2 and 3 of the *West's Code of Georgia Annotated* (Ga. Code Ann.). These sources also include historical notes referring to the presence or absence of similar provisions in earlier documents that may be useful for research purposes. Volume 41 of O.C.G.A. provides tables comparing each provision of the earlier constitutions (1877, 1945, and 1976) to the 1983 Constitution.

Article X of the Georgia Constitution stipulates amendment procedures.² *Georgia Laws*, the session laws, include resolutions of the General Assembly that propose amendments to the Georgia Constitution. Once the legislature and Governor approve the amendments, the constitution incorporates the text of the amendments.³

As with federal constitutional research, judicial interpretation of the Georgia Constitution is voluminous. The O.C.G.A. and Ga. Code Ann. make available citations to court decisions and attorney general opinions interpreting the Georgia Constitutions. A researcher may also find Georgia and federal cases and other sources citing the Georgia Constitution under the article and section by using *Shepard's* and *KeyCite*.

Although citing the Georgia Constitution by referencing a code section would be more convenient, it is necessary to cite by article, section, and paragraph because the legislature has never codified the

1. MELVIN B. HILL, JR., *THE GEORGIA STATE CONSTITUTION: A REFERENCE GUIDE* 1-15 (1994).

2. See GA. CONST. art. X, § 1, para. 2 (providing for the publication of amendments).

3. See generally MELVIN B. HILL, JR., *THE GEORGIA STATE CONSTITUTION: A REFERENCE GUIDE* (1994) (discussing the history of the state's constitutional development and providing a section-by-section analysis of the current constitution).

Georgia Constitution of 1983.⁴ Therefore, the correct citation format for the current Georgia Constitution is Ga. Const. art. I, § 9, para. 20.

A. Free Sources of the Georgia Constitution Online

CASEMAKER – Free to members of the State Bar of Georgia http://www.gabar.org	
Content	Georgia Constitution without annotations
Coverage	Current constitution
Update	Ten days from electronic posting of change
LEXISNEXIS http://www.lexis.com	
Content	Georgia Constitution with annotations
Coverage	Current constitution
Update	Quarterly
LOISLAW http://www.loislaw.com	
Content	Georgia Constitution without annotations
Coverage	Current constitution
Update	Click on Currency
WESTLAW http://www.westlaw.com	
Content	Georgia Constitution with annotations
Coverage	Current constitution
Update	Check Scope information for currency

B. Free Sources of the Georgia Constitution Online

GEORGIA SECRETARY OF STATE http://www.sos.state.ga.us/elections/2003_constitution.pdf	
Content	Georgia Constitution without annotations in .pdf
Coverage	Revised 2005
Update	As revised
Notes	Also includes constitutional amendments

4. See *DeKalb County v. Post Prop., Inc.*, 263 S.E.2d 905, 908 (Ga. 1980) (stating “the provision of the Constitution, which it is claimed has been violated must be clearly designated.”).

II. STATUTORY LAW

Finding a Georgia statute is a simple task. Georgia has two annotated codes, the *Official Code of Georgia Annotated* (O.C.G.A.), published by LexisNexis, and *West's Code of Georgia Annotated* (Ga. Code Ann.), published by Thomson/West. The *Official Code of Georgia Annotated* is the code legislatively sanctioned as official.⁵ However, a researcher should check both sources if accessible since each source might have different annotations and citations to secondary materials.

Until the early 1980's, the Harrison Company published the only code, *Georgia Code Annotated* (commonly referred to as the Code of 1933).⁶ However, in 1976 the Code Revision Study Committee recommended a complete revision of the code.⁷ In 1977, the General Assembly created a Code Revision Committee to initiate work on a new code for Georgia.⁸ The legislature contracted with the Michie Company, which LexisNexis later acquired, to work with the state in preparing a new official code.⁹ During a special session in 1981, the General Assembly adopted the results of this effort, the *Official Code of Georgia Annotated*.¹⁰ This code became effective on November 1, 1982.¹¹

The defunct, unofficial *Georgia Code Annotated* published by Harrison, which Thomson/West later acquired, ceased publication in 2002.¹² The two codes – the old *Georgia Code Annotated* and O.C.G.A. – use different numbering systems, so attorneys should be careful to cite to the official code, O.C.G.A.¹³

5. See O.C.G.A. § 1-1-1 (2002).

6. See *State v. Harrison Co.*, 548 F. Supp. 110, 112 (N.D. Ga. 1982), *vacated*, 559 F. Supp. 37 (N.D. Ga. 1983).

7. 1976 Ga. Laws 739.

8. 1977 Ga. Laws 922 (as amended at 1978 Ga. Laws 230).

9. See Terry A. McKenzie, *The Making of a New Code*, 18 GA. ST. B.J. 102, 102 (1982).

10. *Id.* at 103.

11. 1981 Ga. Laws, Ex. Sess. 8.

12. See generally *Harrison Co. v. Code Revision Comm'n*, 260 S.E.2d 30 (Ga. 1979) (explaining an unsuccessful attempt by the Harrison Company, in a suit against the Code Commission, to halt publication of the code by the Mitchie Company).

13. See *State v. Harrison Co.*, 548 F. Supp. 110, 114-15 (N.D. Ga. 1982), *vacated*, 559 F. Supp. 37 (N.D. Ga. 1983).

Comparison of the Two Current Georgia Codes		
	<i>Official Code of Georgia Annotated—O.C.G.A.</i>	<i>West's Code of Georgia Annotated—Ga. Code Ann.</i>
Official/Unofficial	Official	Unofficial
Number of volumes	44	65
Citation	Title-chapter-section Three-unit numbering system	Title-chapter-section Three-unit numbering system
Supplementation	Annual pocket parts Advance Legislative Service Advance Annotation Service (new annotations only)	Annual pocket parts Georgia Legislative Service Interim Annotation Service (new annotations only)
Notes of Decisions	Decisions of Georgia state and federal cases arising in Georgia and Attorney General Opinions	Decisions of Georgia state and federal cases arising in Georgia and Attorney General Opinions
Notes Involving Constitutionality of Statute	Appear first in annotations	Included
Notes to Bar Opinions	Included	Not included
History Line to Georgia Laws	Included	Included
Historical Notes	Amendment notes for recent years only	Selective amendment notes
Uniform State Laws	Included	Included
Georgia Constitution	Included	Included
U.S. Constitution	Included	Included

Cross References	Cross references to related constitutional and statutory provisions	Cross references to related constitutional and statutory provisions
Administrative Code References	References to rules and regulations	References to rules and regulations
Law Review Citations	Georgia law reviews Georgia Bar Journal	Georgia law reviews Selective national law reviews
Library References to A.L.R., Am. Jur., C.J.S., and Other Resources	Included	Included and also West's Key Numbers Forms Georgia practice titles
Federal Laws	Not included	Cross-references to U.S.C.A.
U.S. Supreme Court References	Not included	Included
Tables of Comparative Citations	1933 Code to 1981 Code 1981 Code to 1933 Code Constitutional Provisions Table Georgia Laws to O.C.G.A. Other tables	Not included
Indexes	Subject Index	Subject Index

	Short Title Index	Popular Name Table
	Index to Local & Special Laws since 1730	Yearly Legislative Highlights Index
	Each title has own index	Each title has own index

A. *Official Code of Georgia Annotated*

The *Official Code of Georgia Annotated*, often called the Code of 1981, is divided into major subject areas called titles. The titles are subdivided further into chapters that, in turn, are divided further into sections. Each section contains the actual language of the law. The proper citation format reads, for example, O.C.G.A. § 20-2-16 (year).¹⁴

Local and special acts are not codified and appear only in the session laws, *Georgia Laws*. However, Volume 42 of O.C.G.A. indexes these acts. Therefore, O.C.G.A. includes only laws of general applicability. The chart in Part II, Comparison of Two Georgia Codes, lists all of the code's features.

A researcher may convert a citation to the now defunct Harrison's *Georgia Code Annotated*, which is recognized easily by two numbers separated by a hyphen, e.g., Ga. Code Ann. § 43-3323 (1976), by using the Tables Volume in O.C.G.A. The Tables Volume, in Volume 41, includes conversion charts from Ga. Code Ann. (labeled 1933 Code) to O.C.G.A. (labeled 1981 Code) and the reverse. An old code citation cannot be converted to an O.C.G.A. citation online.

14. See O.C.G.A. § 1-1-8 (2002). The citation format required by the courts as stated in O.C.G.A. differs from the citation format required in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 206 tbl.T.1 (Columbia Law Review Ass'n et al. eds., 18th ed. 2005). The BLUEBOOK policy is not to adopt local citation rules for state codes. See THE BLUEBOOK at 206 tbl.T.1 (citing Official Code of Georgia Annotated as "GA. CODE ANN. § x-x-x (year)," as opposed to local citation rule O.C.G.A. § 1-1-8 (2002)).

Updating a code citation is very straightforward. Each volume of O.C.G.A. has an annual pocket part for updating statutory provisions. However, since the publishers issue the pocket parts during the summer and the legislative session extends from January to March, there will be a few months when a new law or amendment is not yet included.¹⁵ To fill this gap between the annual pocket part and the recently enacted laws, a researcher should use the red softbound *Georgia Laws*, the *Advance Legislative Service* (LexisNexis), the *Georgia Legislative Service* (Thomson/West), or the online services, which include session laws. In addition, the Georgia General Assembly website includes bills signed by the Governor; however, a researcher must know the bill number to locate the law or search by keyword, which can be cumbersome.¹⁶

To find new references to interpreting cases, a researcher should use the *Advance Annotation Service* (LexisNexis) or the *Interim Annotation Service* (Thomson/West). These cumulative pamphlets supplement the annual pocket parts of the codes with new notes to judicial decisions and other research references. This service does not carry the text of the new laws, only the new annotations. A researcher should consult the online services for the most recent interpretive decisions for statutes.

B. West's Code of Georgia Annotated

In 2003, Thomson/West published a new code, *West's Code of Georgia Annotated* (GA. CODE ANN. § x-x-x (West year)).¹⁷ The publisher's attorney editorial staff thoroughly examined the text of the statutes and prepared thousands of annotations to cases and secondary materials, along with extensive index references to ensure thorough access to the code. Since the Thomson/West publishers realize that the most troublesome concept in the use of the index is

15. See O.C.G.A. § 1-3-4 (Supp. 2005). Most laws go into effect on July 1 of each year. *Id.*

16. See Georgia General Assembly, <http://www.legis.state.ga.us> (last visited Mar. 20, 2006).

17. See Comparison of the Two Current Georgia Codes *supra* Part II (comparing features of each code).

that of cross-references, the preface explains the terminology used in the index.

1. Fee Sources of Georgia Code Online

CASEMAKER – Free to members of the State Bar of Georgia http://www.gabar.org	
Content	Unannotated Code
Coverage	Current
Update	Continuous
LEXISNEXIS http://www.lexis.com	
Content	Annotated Code – O.C.G.A. only
Coverage	Current, Archive from 1991 - present
Update	Continuous
LOISLAW http://www.loislaw.com	
Content	Unannotated Code – text is O.C.G.A.
Coverage	Current code with hyperlinks to current amendments
Update	Quarterly
WESTLAW http://www.westlaw.com	
Content	O.C.G.A. (LexisNexis) and Ga. Code Ann. (West)
Coverage	O.C.G.A. (LexisNexis) 1988 – present; Ga. Code Ann.(West) 2002-present
Update	Annual

2. Free Sources of Georgia Code Online

GEORGIA GENERAL ASSEMBLY http://www.legis.state.ga.us/	
Content	Unannotated Code
Coverage	Currency is stated on website
Update	Currently one year behind – dating is unpredictable making the code out of date for up to one year
Notes	Search by subject or browse by title

C. Session Laws – Georgia Laws (1787-present)

Occasionally, research requires the original statutory language as passed by the General Assembly.¹⁸ Also, research may involve a repealed law that has been deleted from the code. The *Georgia Laws* includes the Senate or House bill number. As enacted, an act contains a preamble or caption to the act that serves as a “Purpose” clause that can be useful in determining the legislature’s intent.¹⁹ Compilers of the *Georgia Laws* write the preamble or caption “solely to assist the reader in quickly determining the subject matter” of an act.²⁰ However, when the General Assembly enacts the act, these captions do not constitute part of the act.²¹

Eventually, *Georgia Laws* annual, bound volumes consolidates the materials in the red, softbound advance sheets. The first volume contains general laws, resolutions, and proposed amendments to the Georgia Constitution. The second volume includes local laws, special laws, and resolutions. Finally, there may be a third volume for an extra session.²² In addition to a topical index, a very useful table in *Georgia Laws* allows a researcher to learn whether legislators have amended, reversed, renumbered, or repealed a statutory section in O.C.G.A. in that session. When interested in the summaries of legislative activity, a researcher should use the pamphlet titled *Summary of General Statutes Enacted at the (year) Session of the General Assembly of Georgia*.²³

18. See, e.g., *Stewart v. State*, 268 S.E.2d 906, 909 (Ga. 1980) (“The constitutionality of an act of the General Assembly must be determined by examination of its act (as it existed at the time of the alleged offense), not by examination of an isolated section of the annotated code.”).

19. See *Proo v. State*, 384 S.E.2d 197, 198 (Ga. Ct. App. 1989), cert. denied, 493 U.S. 1071 (1990) (relying on preamble of act to discern legislative intent).

20. 2004 Ga. Laws Compiler’s Note.

21. *Id.*

22. A researcher may purchase softbound and hardbound session laws from Administrative Division of the Secretary of State at 404-656-2885.

23. The Summary is available in print from the Legislative Services Committee and available online at Georgia General Assembly, http://www.legis.state.ga.us/legis/2005_06/05sumdocnet.htm (last visited Mar. 20, 2006).

1. *Free Sources of Georgia Session Laws Online*

CASEMAKER – Free to members of the State Bar of Georgia http://www.gabar.org	
Content	Session laws
Coverage	Current session
Update	Posted as they become available
LEXISNEXIS http://www.lexis.com	
Content	Session laws
Coverage	1989 – present
Update	Continuous during legislative session
LOISLAW http://www.loislaw.com	
Content	Session laws
Coverage	1997 – present
Update	Click on Currency
WESTLAW http://www.westlaw.com	
Content	Session laws
Coverage	1990 – present
Update	Continuous during legislative session

2. *Free Sources of Georgia Session Laws Online*

GEORGIA GENERAL ASSEMBLY http://www.legis.state.ga.us/	
Content	Laws in .pdf or .htm, lists sponsors
Coverage	1995 – present
Update	Continuous during legislative session
Notes	Search by bill number or subject; cannot locate law by public law number or code section
GEORGIA LEGISLATIVE DOCUMENTS http://www.galileo.usg.edu/ (available at Georgia educational institutions and public libraries)	
Content	Laws – only online source of retrospective coverage
Coverage	1799 – 1999
Update	Plans to add more years
Notes	Search by subject or year and page number to Georgia Laws

D. *Uniform Laws*

Georgia has adopted several uniform laws promulgated by the National Conference of Commissioners on Uniform State Laws. Interpretations from other state courts that have adopted the uniform law may be valuable as persuasive authority. The *Uniform Laws Annotated* (U.L.A.), published by Thomson/West, contains this information. The U.L.A. includes the text of each uniform law approved by the Commissioners, with each section of the act followed by the Commissioners' comments; citations to secondary sources; and digests of decisions. A table immediately precedes the text of each uniform act, showing the states that have adopted the act and the citation to the state law. A researcher should identify the uniform laws by looking under the heading "Uniform Laws" in the indexes of O.C.G.A. and Ga. Code Ann. or in the Directory of Acts and Tables of Adopting Jurisdictions, a pamphlet published with the U.L.A.

E. *Bills, Journals, and Other Legislative Documents*

Reviewing the legislative process and the documents connected with it helps a researcher to clarify the process before one researches legislative history.²⁴ The annual legislative session begins the second Monday in January and lasts 40 legislative days, usually adjourning in mid-March.²⁵ When legislators propose legislation in Georgia, its first written form is a bill or resolution.²⁶ Legislators may introduce a bill in either house of the General Assembly.²⁷ However, bills to raise money or spend money are the exceptions; by law, the lawmakers must introduce these types of bills in the House.²⁸ The General Assembly classifies bills under consideration as general, local, or

24. See generally EDWIN L. JACKSON, MARY E. STAKES, & PAUL T. HARDY, HANDBOOK FOR GEORGIA LEGISLATORS (12th ed. 2001) (discussing laws, procedures, and practices that govern the legislative process in Georgia).

25. See *id.* at 59-60.

26. See *id.* at 101.

27. See *id.* at 153.

28. GA. CONST. art. III, § 5, para. 2.

special in their application.²⁹ According to the Georgia Constitution, general laws have uniform operation throughout the state, and no local or special law may pass in subject areas covered by a general law.³⁰ Local acts, which make up a high percentage of the bills passed, apply to a specific city, county, or a special district named in the act.³¹ A special law, although rarely enacted, affects a limited area or class.³² “A ‘resolution’ is very similar to a bill, but does not have the force of law.”³³ Resolutions provide the legislature with a way to express its opinion on an issue without changing existing laws and statutes. However, legislators usually introduce constitutional amendments as resolutions, which can change existing statutes.³⁴

After the first reading, the presiding officer assigns a bill to a standing committee. Committee members must read a bill two additional times, with each reading on a separate day, before the legislators vote on it.³⁵ After the third reading, all the members of the chamber debate the bill and offer amendments from the floor.³⁶ Once the House or Senate votes on the bill, the chamber sends it over to the other chamber for the same treatment.³⁷ If legislators disagree about the language, the members of the conference committee work on the bill.³⁸ After both houses pass the same version of the bill, it is enrolled and sent to the Governor for approval.³⁹

The House and Senate Status Sheets consist of the daily compilation of several documents that comprise a comprehensive tracking service. A digest is prepared for each legislative day of bills

29. Secretary of State, Legislative Terms, http://www.sos.state.ga.us/sac/legislative_terms.htm (last visited Feb. 23, 2006).

30. GA. CONST. art. III, § 6, para. 4(a).

31. See GA. CONST. art. IX, § 2, para. 1.

32. See *Lasseter v. Ga. Pub. Serv. Comm'n*, 319 S.E.2d 824, 827 (Ga. 1984) (discussing coal conversion statute dealing with limited activity in specific industry during limited time).

33. Secretary of State, Legislative Terms, http://www.sos.state.ga.us/sac/legislative_terms.htm (last visited Mar. 20, 2006).

34. *Id.*

35. See GA. CONST. art III, § 5, para. 7.

36. Secretary of State, How a Bill Becomes a Law, <http://www.sos.state.ga.us/tours/html/bill.html> (last visited Mar. 20, 2005).

37. *Id.*

38. *Id.*

39. *Id.*

read for the first time. These digests, called "First Readers," include the bill number and title, the names of the sponsoring legislators, the committee assigned to the bill, and a short summary.⁴⁰ The General Assembly website contains the full text of the bill, amendments, sponsors, votes taken on the bill, and links to First Readers.⁴¹ In addition, several fee-based bill-tracking services exist.⁴²

In Georgia, the *Journal of the House of Representatives* and the *Journal of the Senate* (1799 – present) (*Journals*) are the sole official records of the proceedings of each house.⁴³ Each *Journal* includes the authors of every measure considered by a house, the dates of the readings of the measure, the name and date of committee assignments, and the committee recommendation on each bill or resolution reported out of the committee.⁴⁴ The *Journals* do not contain the text of bills and resolutions; however, they include the committee or floor amendments and substitutes to a measure.⁴⁵ The *Journals* report votes on all motions and on the final passage of bills or resolutions.⁴⁶ Though the *Journals* do not include individual floor remarks and debates, the Georgia courts may review events occurring during the progress of a bill as recorded by the *Journals*.⁴⁷

Committees or commissions record hearings on rare occasions, including the Georgia Tax Reform Commission and the Criminal Code Revision Commission. In these infrequent situations, the Georgia Archives maintains copies of the proceedings.⁴⁸

Although both legislative and conference committees are involved in the legislative process and make reports to the House and Senate, they do not publish such reports, except by noting them in the

40. Georgia General Assembly, Legislation, http://www.legis.state.ga.us/legis/2003_04/leg/legislation.htm (last visited Mar. 20, 2006).

41. *Id.*

42. *See infra* Part II.E.1.

43. GA. CONST. art. III, § 5, para. 1.

44. *See* STAKES & JACKSON, *supra* note 24, at 218-20.

45. *Id.*

46. *See Journal of the House of Representatives* and *Journal of the Senate*. Bound *Journals* are available from the Office of Secretary of State, Administrative Service Division at 404-656-2885.

47. *See, e.g.,* Sharpe v. Lowe, 106 S.E.2d 28, 32 (Ga. 1958).

48. Secretary of State, Georgia Archives, <http://www.sos.state.ga.us/archives/> (last visited Mar. 28, 2006).

Journals. These reports are single sentences stating that the committee has considered the legislation and recommending that the legislation pass as introduced, as modified, or not pass. Other types of committees include study committees, ad hoc committees, and interim committees, which study proposed new legislation.⁴⁹

1. Free Sources of Georgia Bills and Bill Tracking Online

GEORGIA TRACK (Online Legislation Tracking Service) http://www.gatrack.com	
Content	Information about legislation and status of bills
Coverage	Subscriptions available for different levels – Individual, Professional, Agency/Corporation, Association
Update	Daily during legislative session
LEXISNEXIS http://www.lexis.com	
Content	Advance Legislation Service – Full Text Bills and Bill Tracking
Coverage	Advance Legislation Service – Full Text Bills 1995 - present Bill Tracking is current session only
Update	Daily during legislative session
WESTLAW http://www.westlaw.com	
Content	Full Text Bills Bill Tracking Legislative History materials
Coverage	Full Text Bills 1991 - present Bill Tracking – Current session only

49. The House and Senate websites include valuable information on committees. See Georgia General Assembly, Legislation, <http://www.legis.state.ga.us/legis/> (last visited Feb. 23, 2006) (including valuable information on House and Senate Committees). Study committee reports and ad hoc committee reports may also be obtained from either the House Clerk's Office at 404-656-5015 or the Secretary of the Senate at 404-656-5040.

	Legislative History Materials – bill histories, amendments, daily reports, news releases, votes, press releases from Governor – Date of coverage varies by source
Update	Daily during legislative session.

2. *Free Sources of Georgia Bills and Bill Tracking Online*

GEORGIA GENERAL ASSEMBLY http://www.legis.state.ga.us/	
Content	Full Text Bills, amendments Older bills are available in microform from the Clerk of the House (1979 - present) and the Secretary of the Senate (1969 - present). The Georgia State Archives, at 678-364-3700, is the only source for very old bills beginning in 1838.
Coverage	Bills 1995 – present
Update	Daily during legislative session
Notes	Search by topic, bill number, and code number

F. *Legislative Histories*

The courts in Georgia, similar to several other states, determine the meaning of a statute by referring to its actual language.⁵⁰ Statutory language stipulates that when construing statutory enactments, the courts must diligently look for the intention of the General Assembly in passing the law, “keeping in view at all times the old law, the evil, and the remedy.”⁵¹ The courts have ruled that such intent should come from the language of the statute, which requires plain and unequivocal language.⁵² Professor Sentell explains in his article, *Georgia Statutory Construction: The Use of Legislative History*, how

50. See, e.g., *Williamson v. Lucas*, 320 S.E.2d 800, 802 (Ga. Ct. App. 1984).

51. O.C.G.A. § 1-3-1(a) (Supp. 2005).

52. See, e.g., *Lunda Constr. Co. v. Clayton County*, 410 S.E.2d 446, 447 (Ga. Ct. App. 1991).

the Georgia Supreme Court accepts the use of the term "legislative history" within a broad range of contexts.⁵³

In Georgia, possibly the most accessible sources of legislative intent are the bills and amendments introduced in the General Assembly. However, the legislature does not transcribe the floor debates, nor does it issue written legislative committee reports.

If anyone questions the interpretation of the meaning or the validity of any statute due to ambiguous wording, vagueness, uncertain legislative intent, conflicts with other laws, or questionable constitutionality, Georgia law imposes upon the courts sole responsibility for the construction of statutes.⁵⁴ Researchers can review events that occurred during the progress of a statute's enactment, as revealed by the Journals of the General Assembly, in their search to find the intent of the legislature.⁵⁵

Under the enrolled bill rule in Georgia, the courts presume a duly enrolled act, authenticated by the presiding officer of each chamber, approved by the Governor, and deposited with the Secretary of State, has been enacted according to constitutional requirements.⁵⁶

A researcher should begin with the code in order to uncover the intent of the legislature. The code provides citations to the *Georgia Laws* that created or amended the section. The session laws often include statements of purpose that may prove useful in determining intent. The original bill, with its amendments, may provide insight into the intent of the legislative body. Notwithstanding all the judicial arguments against investigating the extraneous matters surrounding the statute's passage, legislative history materials provide valuable insight into the genesis of the law. A popular source of legislative history materials is the "Review of Selected Georgia Legislation" in the *Georgia State University Law Review*.⁵⁷ The

53. R. Perry Sentell, Jr., *Georgia Statutory Construction: The Use of Legislative History*, GA. ST. B.J., Apr. 1996, at 30.

54. See *McLeod v. Burroughs*, 9 Ga. 213, 216 (1851).

55. See *Sharpe v. Lowe*, 106 S.E.2d 28, 32 (Ga. 1958).

56. See *DeLoach v. Newton*, 68 S.E. 708, 713 (Ga. 1910).

57. Georgia State University Law Review, Peach Sheets, available at <http://law.gsu.edu/lawreview/peachsheets.htm> (last visited Mar. 20, 2005). For subscription information call 404-651-2047.

review, known as the “Peach Sheets,” began in 1985 and presents well-documented histories of Georgia legislation. The research includes an analysis of the reasons for the bill's introduction, the pressures on the bill during its course through the legislature, and the public perceptions at the time the legislature was considering the bill. Students conduct research through personal interviews, analysis of prior statutory and case law, identification of the various changes the bill went through during the legislative process, and identification of public perceptions as revealed by newspaper accounts of the legislative activity.

Another source of legislative history materials is the “Annual Survey of Georgia Law” in the *Mercer Law Review*.⁵⁸ The Survey, published since 1950, includes special contributions discussing legislative issues.

The following chart outlines the features of Westlaw’s noteworthy database, Georgia Legislative History:

WESTLAW http://www.westlaw.com	
Content	Full Text Bills Bill Tracking Legislative History materials
Coverage	Full Text Bills 1991- present Bill Tracking – Current session only Legislative History Materials – bill histories, amendments, daily reports, news releases, votes, press releases from Governor – Date of coverage varies by source.
Update	Daily during legislative session.

58. See *Mercer Law Review*, <http://www.law.mercer.edu/academics/lawreview/index.cfm> (last visited Mar. 20, 2006).

Georgia Public Television (WGTV) provides television access to the legislative session. The program, *The Lawmakers*, airs in the evenings during the legislative session and includes coverage of the session, supplemented by interviews and analyses.⁵⁹ In addition, the Georgia General Assembly website provides live audio and video of gavel-to-gavel coverage of the Georgia General Assembly Legislative Session.⁶⁰

G. Ordinances

It is important to understand that in Georgia numerous cities and 159 counties exercise legislative functions. The state grants counties and municipalities some measure of control by home rule. Under the Georgia Constitution, Georgia grants to its cities and counties a great degree of self-governing power.⁶¹

In Georgia, two types of city and county laws exist: resolutions and ordinances. The courts have defined a resolution as dealing with matters of special or temporary character, for example, designating a day to honor a dignitary.⁶² An ordinance is legislation that deals with an ongoing situation in the city or county and sets a permanent rule or law, for example, the licensing of the sale of alcoholic beverages.⁶³ Most of the highly populated cities and counties have published codifications or compilations of their ordinances. When not codified, a researcher can obtain county and city ordinances directly from the clerk's office.

59. Georgia Public Broadcasting, *Lawmakers*, <http://www.gpb.org/public/tv/lawmakers/> (last visited Mar. 20, 2006) (providing web access to previously aired shows).

60. Georgia General Assembly, *Live Broadcast*, <http://www.legis.state.ga.us/legis/> (last visited Mar. 28, 2006) (providing live feed to legislative session and web access to archived sessions).

61. See GA. CONST. art. IX, § 2, paras. 1, 2 (giving county government authority the power to enact "clearly reasonable" local laws and rulings.).

62. See *Allen v. Wise*, 50 S.E.2d 69, 71 (Ga. 1948).

63. *Id.*

Georgia Ordinances Online	
Municipal Code Corporation	http://www.municode.com
List of contact information for counties and cities	http://www.georgia.gov click on local government

III. JUDICIARY AND CASE LAW

Under the Georgia Constitution, there are seven classes of courts.⁶⁴ In addition to the Supreme Court and the Court of Appeals, judicial power vests in superior courts, state courts, juvenile courts, probate courts, and magistrate courts.⁶⁵ The four latter courts have limited jurisdiction.⁶⁶ Each of Georgia's 159 counties has "at least one superior court, magistrate court, probate court, and where needed, a state court and a juvenile court."⁶⁷ The *State of the Judiciary Address* is a report reflecting the state of the various courts each year.⁶⁸

The Georgia Supreme Court, established in 1845 as the highest court of review, exercises exclusive appellate jurisdiction in cases involving the construction of a treaty, the constitution, the constitutionality of a law or ordinance, and election contests.⁶⁹ The Court also exercises general appellate jurisdiction in cases involving title to land, equity, wills, habeas corpus, extraordinary remedies, divorce, alimony, questions certified to it by the Court of Appeals, and cases in which the State could impose the death sentence.⁷⁰

A 1906 constitutional amendment established the Court of Appeals of Georgia as a supplementary appellate court.⁷¹ This court exercises appellate and certiorari jurisdiction in all cases not reserved to the

64. GA. CONST. art. VI, § 1, para. 1; *see also* Judicial Branch of Georgia, <http://www.georgiacourts.org/courts> (last visited Mar. 20, 2006).

65. GA. CONST. art. VI, § 1, para. 1.

66. *Id.*

67. GA. CONST. art. VI, § 1, para. 6.

68. *See* Honorable Leah Ward Sears, 2006 State of the Judiciary Address (Mar. 20, 2006), http://www.gasupreme.us/pdf/2006_state_judiciary.pdf.

69. GA. CONST. art. VI, § 6, para. 2.

70. GA. CONST. art. VI, § 6, para. 3.

71. 1906 Ga. Laws 24.

Supreme Court or conferred on other courts.⁷² Such cases include civil claims for damages, child custody cases, cases involving workers' compensation, and criminal cases other than capital felonies. Although the Supreme Court has certiorari jurisdiction over all decisions of the Court of Appeals, the Court exercises this jurisdiction sparingly, usually in cases of great public importance.⁷³

A. Case Law Reports

A researcher can locate Georgia Supreme Court and Georgia Court of Appeals decisions in the official reporters, the *Georgia Reports* and the *Georgia Appeals Reports*, the unofficial regional reporter, the *South Eastern Reporter*, or in the reprinted *Georgia Cases*. Additionally, case law from Georgia is online. Briefs and petitions from the Georgia Supreme Court from 1990 to the present are available on Westlaw.

1. Fee Sources of Georgia Cases Online

CASEMAKER – Free to members of the State Bar of Georgia http://www.gabar.org	
Content	Supreme and Court of Appeals cases
Coverage	Supreme and Court of Appeals 1939 – current
Update	Supreme – within 48 hours of posting Court of Appeals – within 72 hours of receipt from court
LEXISNEXIS http://www.lexis.com	
Content	Supreme and Court of Appeals cases
Coverage	Supreme 1846 – current Court of Appeals 1907 - current
Update	As received from the court, usually 24 - 48 hours

72. GA. CONST. art. VI, § 5, para. 3.

73. See GA. CONST. art. VI, § 6, para. 5.

LOISLAW http://www.loislaw.com	
Content	Supreme and Court of Appeals cases
Coverage	Supreme and Court of Appeals 1939 - current
Update	Typically, cases are received from the court daily.
WESTLAW http://www.westlaw.com	
Content	Supreme and Court of Appeals cases Supreme Court Briefs and Petitions
Coverage	Supreme 1846 – current Court of Appeals 1907 – current Supreme Briefs and Petitions 1990 – current
Update	As available from the court, usually in a few days

2. Free Sources of Georgia Cases Online

GEORGIA SUPREME COURT http://www.gasupreme.us/	
Content	Recent Supreme Court cases in .pdf Certiorari Granted and Docket Information also available
Coverage	2004 – current
Update	Weekly
Notes	Cases arranged chronologically, no searching
GEORGIA COURT OF APPEALS http://www.gaappeals.us/	
Content	Recent Supreme Court cases on LexisOne (must register) Status of cases since January 2003 are in Docket Information Links to Standards of Review
Coverage	Most recent five years
Update	Continuously
Notes	Search by keyword; no browsing options

B. *Georgia Reports and Georgia Appeals Reports*

Since the Georgia legislature directs the publication of the court reports, the *Georgia Reports* and the *Georgia Appeals Reports* are designated the “official” reporters of the state.⁷⁴ As of July 2004, the Supreme Court of Georgia designated LexisNexis the publisher of its *Official Reports*, the state’s official case law.⁷⁵ The indexes and research tables contained in each volume are the product of the legal editorial staff of Matthew Bender, a member of the LexisNexis Group.

The *Georgia Reports* include all Georgia Supreme Court decisions since 1846.⁷⁶ The *Georgia Appeals Reports* has published most of the Court of Appeals decisions since 1907.⁷⁷ The Georgia Court of Appeals Rules dictate the publication of opinions for that court.⁷⁸ If the judges vote not to publish a decision, a list of the cases in which opinions were written but not officially reported appears in the reporter.⁷⁹ This list of cases shows the author of the opinions and those who concurred.⁸⁰ Unreported opinions are not binding precedent of the court.⁸¹ However, such opinions establish the law of the particular case.⁸²

Both the *Georgia Reports* and the *Georgia Appeals Reports* include the texts of the opinions without any synopses or headnotes, which limits a researcher to the text of the opinion without editorial

74. See O.C.G.A. § 50-18-20 (2002).

75. See Press Release, LexisNexis Media Relations, Supreme Court of Georgia Names LexisNexis Publisher of the State’s Official Reports (Apr. 14, 2004) (on file with the Georgia State University Law Review).

76. See LEAH CHANIN & SUZANNE L. CASSIDY, GUIDE TO GEORGIA LEGAL RESEARCH AND LEGAL HISTORY 69 (1990 & Supp. 1997); see also Supreme Court of Georgia, <http://www.gasupreme.us/scbroch.html> (last visited Mar. 20, 2006).

77. See History of the Court of Appeals, <http://www.gaappeals.us/history/> (last visited Mar. 20, 2005).

78. GA. CT. APP. R. 34.

79. *Id.*

80. *Id.*

81. GA. CT. APP. R. 33(b); see also *S. Guar. Ins. Co. v. Cotton States Mut. Ins. Co.*, 335 S.E. 2d 598, 601 (Ga. Ct. App. 1985).

82. See O.C.G.A. § 9-11-60(h) (2002); see also Melissa M. Serfass & Jessie Wallace Cranford, *Federal and State Court Rules Governing Publication and Citation of Opinions: An Update*, 6 J. APP. PRAC. & PROCESS 349, 363-64 (2004) (including detailed chart on citation rules of unpublished opinions).

assistance. Although there are no headnotes for cases, each legal issue is numbered within the actual text of the opinion. This numbering scheme helps researchers on *Shepard's* and *KeyCite* to focus on an individual issue in the case.⁸³

The *Georgia Reports* and the *Georgia Appeals Reports* organize cases by the date of the decision and provide the parallel citation to the *South Eastern Reporter*. Each volume includes a Table of Case Names and a Topical Index.

Both of the official reports share the same weekly advance sheet service, titled *Georgia Advance Sheets*. The volume and pagination of the advance sheets are identical to the hardbound *Georgia Reports* and *Georgia Appeals Reports*. Although the advance sheets are published weekly, the cases are one to two months old. Certiorari tables, also included in the advance sheets, list the applications to the Georgia Supreme Court for writ of certiorari. Each advance sheet also includes useful research information, including indexes, parallel tables, and new court rules.

C. *West's South Eastern Reporter*

Since 1887, the *South Eastern Reporter*, published by Thomson/West, prints opinions of the Georgia Supreme Court and the Georgia Court of Appeals. The reporter includes only the Georgia Supreme Court opinions from 1887 to 1907, but the reporter has included Georgia Court of Appeals decisions since 1907. In addition to Georgia cases, the *South Eastern Reporter* includes appellate decisions from North Carolina, South Carolina, Virginia, and West Virginia.

The text of opinions reported officially and those reported unofficially are essentially the same. Unlike the Georgia official reporters, the editors at Thomson/West provide supplementary analysis. Each case in the *South Eastern Reporter* includes a synopsis of the facts of the case, the name and holding of the lower court judge, the holding of the current appellate court, and the name of the

83. See *infra* Part IV.

judge writing the opinion. Additionally, the Thomson/West editors decipher the legal issues from cases and summarize each issue in a headnote. The editors number each headnote so the researcher can use the headnotes as a table of contents to the case. These headnote numbers appear in brackets in the text of the opinion indicating which portions of the opinion a particular headnote covers. A researcher may use the topic and key number in a Thomson/West headnote in the *Georgia Digest*, the *South Eastern Digest*, or any other Thomson/West digest to search for additional cases on the same topic. The researcher can also search for the topic and key number on Westlaw.

Several tables first appear in the advance sheets of the *South Eastern Reporter* and later in the bound volume, including Certiorari Tables and the Key Number Digest. Researchers most frequently use the Table of Cases Reported, listed by both plaintiff and defendant. Although the advance sheets are weekly, the cases are one to two months old.

D. West's Georgia Cases

West's Georgia Cases, since 1939, is a compilation of Georgia cases reprinted from the pages of the *South Eastern Reporter 2d*. It retains the same volume and pagination as the *South Eastern Reporter 2d*. For those lawyers who concentrate on Georgia law, the *Georgia Cases* is the most convenient and inexpensive source of printed case law.

E. Current Case Law and Court Websites

Although the official and unofficial advance sheets are published weekly, it still takes several months for an opinion to appear in print. The "Daily Report's Opinions Weekly" in the *Daily Report* (formerly *Fulton County Daily Report*) comes out before the advance sheets and includes the opinions of the Supreme Court and the Court of Appeals. LexisNexis provides access to the *Daily Report* editions

from February 1996 to present. Other online sources also include current opinions.⁸⁴

F. Trial Level Reporter

Georgia reporters do not report trial level cases. However, since 1988, *The Georgia Trial Reporter* has published a monthly summary of all available superior and state court civil jury trials in the Atlanta metropolitan area that result in a verdict.⁸⁵ Access to the reporter is by defendant, attorney, subject matter, injuries, and insurance carriers. Although a researcher cannot cite to these opinions, the information is particularly valuable for verdicts.

Beginning in December 2005, Thomson/West publishes significant court decisions in *West's Jury Verdicts Georgia Reports*.⁸⁶

G. Parallel Citations

For documents submitted to the Georgia courts, the correct citation form, according to *The Bluebook: A Uniform System of Citation*, must be to the source or sources required by local rules.⁸⁷ According to the Georgia Supreme Court Rules, citations must include the volume and page number of the official Georgia reporters.⁸⁸ A researcher should cite unreported cases by the Supreme Court or Court of Appeals case number and date of decision.⁸⁹ To ensure that all researchers can locate a case by either official citation or regional reporter citation, researchers should include the parallel citations.⁹⁰ A correct citation would read, for example, *Ponder v. Williams*, 80 Ga. App. 145, 55 S.E.2d 668 (1949). When writing a memo or brief for submission to a state court in Georgia and citing a case from outside

84. See *supra* Part III.A.

85. See National Association of State Jury Verdict Publishers, <http://www.juryverdicts.com> (last visited Feb. 26, 2005) (including online reporter and subscription information).

86. See Thomson/West, <http://west.thomson.com/product/40440427/product.asp> (last visited Apr. 20, 2006) (including description and subscription information, also available on Westlaw).

87. See THE BLUEBOOK, *supra* note 14, B. 5.1.3 at 8, 27 tbl.BT.2.

88. See GA. SUP. CT. R. 22; see also GA. CT. APP. R. 24(d).

89. See GA. CT. APP. R. 24(d).

90. See THE BLUEBOOK, *supra* note 14, R. 10.3.1 at 86-87.

Georgia, such as North Carolina, researchers should cite only to the regional reporter with the court identification in parentheses, for example, *Woodson v. Bowland*, 407 S.E.2d 222 (N.C. 1991). For case citations in other forms of legal writing, such as law review articles and legal memoranda, researchers should cite only to the appropriate regional reporter, for example, *Brannon v. Brannon*, 407 S.E.2d 748 (Ga. 1991).⁹¹

There are several ways to find a parallel citation if the researcher only knows one citation. To expedite the search for a parallel citation, a case printed in a bound official reporter or in a Thomson/West reporter includes the parallel citation. Thomson/West publishes alternative sources, including the *Georgia Blue and White Book* and the *National Reporter Blue Book*, which list conversion tables for parallel citations. The researcher can also find parallel citations by using either *Shepard's* or *KeyCite*. If the researcher knows the name of the case rather than the case citation, he or she should check the Table of Cases in the digests or online to find the parallel citations.

H. Finding Case Law

Researchers can locate Georgia cases in several ways: (1) through the Thomson/West digests in print or on Westlaw; (2) as references in legal periodicals, treatises, encyclopedias, and American Law Reports (A.L.R.) annotations; (3) in annotations following the text of each statute in O.C.G.A. and Ga. Code Ann.; and (4) online by searching full-text case law databases.

West's Georgia Digest allows a researcher to find a Georgia case by its subject. The first series (blue binding) covers 1792 to 1941, and the second series (green binding) covers 1942 to the present. A researcher should always begin with the most recent series and then continue to the earlier one. Unless doing an exhaustive search, the researcher may not need to use the first series. The *Georgia Digest* presents references to published cases decided by the Georgia Supreme Court, the Georgia Court of Appeals, the United States

91. See *id.* at 87.

District Courts in Georgia, cases arising from Georgia that result in opinions of the United States Court of Appeals for the Eleventh Circuit (formerly the 5th Circuit before October 1, 1981), and Georgia cases that result in opinions of the United States Supreme Court. Thomson/West organizes its digests according to West's Key Number System. The cases in the digests are the headnote paragraphs from the cases in the *South Eastern Reporter* rearranged according to subject. The paragraphs under each key number follow by jurisdiction, beginning with the federal levels, then the Georgia Supreme Court, and finally the Georgia Court of Appeals. Under each jurisdiction, the digests list the cases in reverse chronological order.

It is recommended that a researcher begin a search in any of the Thomson/West digests with the Descriptive-Word Index (DWI). The DWI is a list of commonplace words that lead a researcher to the relevant topic and key number. When already familiar with the topic, a researcher should bypass the DWI and go directly to the "Analysis" of the topic that appears at the beginning of each topic listed in the individual volumes.

When a researcher knows the name of the case but lacks the citation, a researcher should look in the Table of Cases in the *Georgia Digest* or *South Eastern Digest* to locate the appropriate citation.

To update a search in the digest, check the pocket parts and supplementary pamphlets. When attempting to find very recent cases, a researcher should use the key number digest or the case name index found in each volume and advance sheet of the *South Eastern Reporter* or the *Georgia Cases*. A researcher may also update one's work on Westlaw, once a researcher knows the topic and key number.

When expanding a search for cases outside Georgia, a researcher should search the *South Eastern Digest*. One of few regional digests still in existence, the *South Eastern Digest* includes appellate decisions from South Carolina, North Carolina, Virginia, West Virginia, and Georgia. Similar to the *Georgia Digest*, the *South Eastern Digest* is in two editions. The first edition covers cases

decided before 1935, and the second edition covers cases from 1935 to the present. Unlike the *Georgia Digest*, the *South Eastern Digest* does not include federal cases.

I. Court Rules

The courts' rulemaking authority derives from their constitutional powers and legislative authority. The Supreme Court of Georgia has specific authority "[t]o establish, amend, and alter its own rules of practice."⁹² Likewise, the constitution provides that the Court of Appeals and the lower courts have uniform rules of practice and procedure.⁹³

Thomson/West prints an annual two-volume paper bound set titled *Georgia Court Rules and Procedure - State and Federal*, which, in addition to court rules, includes practice statutes. Its comprehensive index makes this publication very useful. Another convenient location for court rules and case notes is the *Georgia Rules of Court Annotated*, published annually by LexisNexis. A similar source, titled *Georgia Court Manual Rules and Regulations Annotated* and published by Darby Printing Company in loose-leaf format, includes court rules, state bar rules, code of judicial conduct, and rules of the Judicial Qualifications Commission. *West's Code of Georgia Annotated* also publishes court rules; however, the rules are not included in O.C.G.A. Since changes in court rules are the result of court proceedings, advance sheets of the *Georgia Reports*, the *South Eastern Reporter*, and the *Georgia Cases* contain recent changes in court rules. It is possible to *Shepardize* court rules, but the researcher cannot use *KeyCite* for Georgia court rules.

1. Free Sources of Georgia Court Rules Online

CASEMAKER – Free to members of the State Bar of Georgia	
http://www.gabar.org	
Content	All court rules

92. O.C.G.A. § 15-2-8(5) (Supp. 2005).

93. See GA. CONST. art. VI, § 1, para. 5.

Coverage	Current
Update	Ten days from notice of change
LEXISNEXIS http://www.lexis.com	
Content	All court rules, case annotations, orders
Coverage	Current
Update	Two times per year; case annotations monthly
LOISLAW http://www.loislaw.com	
Content	All court rules
Coverage	Current
Update	Click on Currency
WESTLAW http://www.westlaw.com	
Content	All court rules, local rules from selected counties, orders
Coverage	Current
Update	Continuous

2. Free Sources of Georgia Court Rules Online

JUDICIAL BRANCH OF GEORGIA http://www.georgiacourts.org/rules.html	
Content	Links to Rules of Supreme Court, Court of Appeals, Uniform Rules
Coverage	Dates vary; check individual court rules sites
Update	Varies
Notes	Can search entire site by subject
GEORGIA SUPREME COURT http://www.gasupreme.us/	
Content	Rules and amendments for the Georgia Supreme Court
Coverage	Current
Update	Continuous
Notes	No subject searching
GEORGIA COURT OF APPEALS http://www.gaappeals.us	
Content	Rules of the Georgia Court of Appeals
Coverage	Current
Update	Yearly
Notes	No subject searching

IV. CITATORS⁹⁴

Citators, in the context of Georgia legal research, are useful in two ways. First, citators demonstrate whether cases and statutes remain good law and how subsequent courts from inside and outside the jurisdiction have treated cases. Second, use of a citator during preliminary research enables the researcher to find other relevant authorities that pertain to the research question. When researching Georgia law, a researcher can use either print or online citators, but should use caution when using a print citator because it tends to lag a few months behind its online counterparts.

A. *Print Citators*

When researching Georgia law, the available print citators include *Shepard's Georgia Citations* or *Shepard's Southeastern Citations*. In addition to the time lag associated with print citators, using multiple volumes and symbols to update one citation can be an onerous task. Despite the less desirable aspects of print citators, the ability to *Shepardize* code sections from the *Code of Georgia 1933*, titled *Code of Georgia of 1933—Georgia Code Annotated*, is unique to the print *Shepard's Georgia Citations*. The table below provides a comparison of the two print citators.

Comparison of Citing References in Print Citators (for Georgia Cases)		
	<i>Shepard's Georgia Citations</i>	<i>Shepard's Southeastern Citations</i>
Georgia Laws	Included	Not included
Federal Case	Included	Included

94. The citators portion of this article is not intended to teach the researcher how to use a citator. Instead, this section informs the researcher about the benefits and unique qualities of using citators in the context of Georgia legal research. Researchers interested in exploring how to use citators can access several online guides. See *Shepard's*, <http://www.lexisnexis.com/custserv/pdfs/legal/LO9099-5.pdf> (last visited Mar. 20, 2006); *KeyCite*, <http://west.thomson.com/keycite/keycite.pdf> (last visited Mar. 20, 2006); *Casemaker*, <http://www.ohioabar.org/casemaker/?articleid=333> (last visited Mar. 20, 2006); *GlobalCite*, <http://www.llrx.com/features/globalsite.htm> (last visited Mar. 20, 2006) (assisting researchers in how to use citators).

Citations		
A.L.R. Citations	Included	Included
Legal Treatises	Included	Not included
Georgia Cases	Included	Included
Out-of-State Cases	Not included	Included (Georgia, North Carolina, South Carolina, Virginia, and West Virginia)
Law Review Articles	Selected law review articles from any jurisdiction included	Not included

B. Online Citators⁹⁵

Online citators include *Shepard's* (LexisNexis), *KeyCite* (Westlaw), *GlobalCite* (Loislaw), and *CaseCheck* (Casemaker). It is strongly recommended that researchers use online citators because they provide the most up-to-date and comprehensive information about the status of an authority. Researchers without access to LexisNexis, Westlaw, Loislaw, or Casemaker who are seeking access to an online citator have a few options. A researcher may subscribe by credit card on the LexisNexis or Westlaw web sites to *Shepard's* or *KeyCite* for a single use or a la carte service.⁹⁶ The actual use of online case citators, online statutory citators, and other citators provides a more complete understanding of the services.

C. Online Case Citators

Researchers generally consider *Shepard's* (LexisNexis) and *KeyCite* (Westlaw) to be the most comprehensive online case citators

95. See, e.g., Gallagher Law Library, <http://lib.law.washington.edu/ref/encite.html> (last visited Mar. 20, 2006) (providing detailed comparison of *GlobalCite*, *KeyCite*, and *Shepard's*).

96. See *Shepard's*, <http://web.lexis.com/xchange/forms/uas/catalog.asp> (last visited Mar. 20, 2006) (using credit card to access LexisNexis citator, or purchasing subscription by calling 1-800-227-9597, extension 54335); *KeyCite*, <http://creditcard.westlaw.com/> (last visited Mar. 20, 2006) (using credit card to access citator services, or purchasing subscription by calling 1-800-762-5272).

available. *Shepard's* has been available as a resource in the legal community for over 100 years, and *KeyCite* has been an online product in the legal marketplace since 1997. Both services produce comprehensive reports with parallel citations, citing cases, statutes, and secondary sources. A researcher may tailor these reports by negative or positive history, jurisdiction, treatment code, headnote number, or related secondary sources.⁹⁷

Casemaker's citator service, *CaseCheck*, is available at no charge to members of the State Bar of Georgia. When one retrieves a case, *CaseCheck* automatically supplies citing references from cases available in the Casemaker database. However, aside from citing cases, it provides no treatment codes or other related authorities.

GlobalCite is accessible through Loislaw. Researchers must retrieve the full text of a case and choose the *GlobalCite* option at the bottom of the screen. *GlobalCite* retrieves a list of cases or other materials available in the Loislaw databases that cite the case. Like *CaseCheck*, it provides no treatment codes or other authorities aside from citing cases.

The timeliness of online citators is crucial to legal research. Some vendors have cases loaded within 24 hours and the analysis of the cases within 48 hours.⁹⁸

D. Online Statutory Citators

Once a researcher has found relevant statutory language, one should search for judicial decisions that have interpreted the statute or have clarified ambiguous statutory language. Once a court interprets a statute, the interpretation itself becomes an integral part of the statute.⁹⁹ As discussed earlier, one of the easiest places to locate decisions that have interpreted statutes is in the annotations of the O.C.G.A. or the *West's Code of Georgia Annotated*.¹⁰⁰ The researcher can explore whether a statute has been repealed, amended, or has any

97. In *Shepard's*, research results can be restricted by either LexisNexis or West headnote number. In *Keycite*, research results can only be restricted by West headnote number.

98. See *supra* Part III.A.1.

99. See *Jones v. Swett*, 261 S.E.2d 610, 612 (Ga. 1979).

100. See *supra* Part II.

citing references by using *Shepard's*, *KeyCite*, and *GlobalCite's* online statutory citators.

E. Citators for Other Legal Materials

Researchers can use citators to validate legal materials other than cases and statutes. For example, a researcher can validate federal regulations in *KeyCite* or *Shepard's*, but the only source for validating Georgia regulations is *GlobalCite*. In addition, a researcher can run Georgia law review articles through *KeyCite* and *Shepard's* for citing references.

Comparison of Online Citators				
	<i>CaseCheck</i>	<i>KeyCite</i>	<i>GlobalCite</i>	<i>Shepard's</i>
	http://www.gabar.org/casemaker/	http://westlaw.com	http://loislaw.com	http://lexis.com
Section 1. Fee or Free?	Free to members of the State Bar of Georgia	Fee	Fee	Fee
Print or Online?	Online	Online	Online	Both
Case Citator	Included (Ga. & Ga. App., 1939 - present)	Included (Ga., 1846-present; Ga. App. 1907 - present)	Included (Ga. & Ga. App., 1939 - present)	Included (Ga., 1846 -present; Ga. App. 1907 - present)
Statutory Citator	Not included	Included	Included	Included
Regulations Citator	Not included	Not included	Included	Not included
Law Review Article Citator	Not included	Included	Not Included	Included

References to Secondary Sources Owned by the Vendor	Not included	Included	Included	Included

V. ADMINISTRATIVE LAW

A. Rules

The 1964 Georgia Administrative Procedure Act (Act) outlines the procedures used by agencies in both rulemaking and adjudication.¹⁰¹ The Act requires the Secretary of State to compile, index, and publish the rules adopted by each agency.¹⁰² However, the compilation does not include all agency rules because the Act outlines express exemptions from the statutory definition of "agency."¹⁰³ Consequently, the agencies may be the only source of some rules.¹⁰⁴

The Secretary of State compiles rules and regulations issued by agencies and boards in Georgia in the multi-volume loose-leaf set, *Official Compilation Rules and Regulations of the State of Georgia* (cited as Ga. Comp. R. & Regs. r. 160-4-2 (1967)). The set arranges the rules alphabetically by agency, with each agency assigned a control number. In the example above, the number 160 is the control number. The history follows each rule, identifying the filing, amendment, or repeal of each rule. The Office of the Secretary of

101. See O.C.G.A. §§ 50-13-1 to -42 (Supp. 2005).

102. O.C.G.A. § 50-13-7(a) (2002).

103. O.C.G.A. § 50-13-2 (2002). The act identifies specific offices and entities that are exempt from the coverage of the Administrative Procedure Act: "... the General Assembly; the judiciary; the Governor; the State Board of Pardons and Paroles; the State Financing and Investment Commission; the State Properties Commission; the Board of Bar Examiners; the Board of Corrections . . . ; the State Board of Workers' Compensation; all public authorities; the State Personnel Board (Merit System); the Department of Administrative Services . . . , the Department of Technical and Adult Education; the Department of Revenue [in some instances]; the Georgia Tobacco Community Development Board; the Georgia Higher Education Savings Plan; any . . . educational, eleemosynary or charitable institution; or any agency when its action is concerned with the military or naval affairs of this state." *Id.*

104. See generally EDWIN L. JACKSON AND MARY E. STAKES, HANDBOOK OF GEORGIA STATE AGENCIES (2d ed. 1988) (describing state agencies within the executive, legislative, and judicial branches).

State updates the *Official Compilation* as it receives changes from agencies, and it releases the updates to subscribers on a monthly basis.

Unfortunately, no current index to the *Official Compilation* exists. Therefore, researchers should use the Secretary of State's website to search the table of contents of the *Official Compilation*.¹⁰⁵ Finally, researchers cannot *Shepardize* or *KeyCite* a Georgia rule; however, *GlobalCite* allows researchers to locate cases and other resources within Loislaw that have cited a rule.

Weil's Georgia Government Register (Register), a LexisNexis service, is a companion to the *Official Compilation* and is available in print and online. The *Register*, available monthly since May 2001, is a tracking tool for rulemaking activity in Georgia. The publication includes emergency regulations, notices of proposed rulemaking, notification of modifications to existing Georgia regulations, certification pages of recent rulemaking activity, and other regulatory agency actions from selected Georgia agencies. The *Register* also includes an annual cumulative index.

1. Fee Sources of Agency Rules Online

CASEMAKER – Free to members of the State Bar of Georgia http://www.gabar.org/casemaker/	
Content	Rules and Regulations of the State of Georgia
Coverage	Current
Update	Updated 21 days from release
Notes	Search by keyword or browse by chapter
LEXISNEXIS http://www.lexis.com	
Content	Rules and Regulations of the State of Georgia
Coverage	Current rules available
Update	Updated when received from the State
Notes	Administrative Archive containing the text of the 2004 Georgia Administrative Code (LexisNexis plans to

105. Georgia Secretary of State, Rules and Regulations, <http://rules.sos.state.ga.us/> (last visited Mar. 20, 2006).

	archive the text of the Administrative Code for each subsequent year)
	Georgia Administrative Regulations Tracking database includes summaries of proposed rules and status actions for individual rules as promulgated by various agencies in the state
LEXISNEXIS http://www.lexis.com	
Content	Weil's Georgia Government Register
Coverage	January 2002 – present
Update	As received from the publisher
Notes	Tracks rulemaking activity in Georgia; not a full-text source of rules
LOISLAW http://www.loislaw.com	
Content	Rules and Regulations of the State of Georgia
Coverage	Current
Update	Updated when received from the Secretary of State
WESTLAW http://www.westlaw.com	
Content	Rules and Regulations of the State of Georgia
Coverage	Current
Update	Updated when received from the Secretary of State

2. Free Sources of Regulations Online

GEORGIA SECRETARY OF STATE http://www.sos.state.ga.us/rules_regs.htm	
Content	Rules and Regulations of the State of Georgia
Coverage	Current
Update	Monthly
Notes	Keyword search or browse by agency
GEORGIA.GOV: ONLINE ACCESS TO GEORGIA GOVERNMENT http://www.georgia.gov/	
Content	Provides links to Georgia agency websites
Coverage	Some rules are linked from agency websites

B. Administrative Decisions

Agencies issue opinions in addition to writing rules. The Georgia Administrative Procedure Act requires each agency to render decisions in contested cases. In compliance with this Act, agencies must maintain a publicly available file of decisions that contain findings of fact, rulings, final orders, and opinions.¹⁰⁶ However, in reality, except for the opinions of the Georgia Attorney General, agencies publish few administrative decisions, and many agencies do not report administrative decisions at all.

A researcher must request an administrative decision written in the last 30 days from the Office of State Administrative Hearings (OSAH).¹⁰⁷ After the 30 day appeal period is over, OSAH releases the decision to the agency. The decisions are state records and become accessible if a researcher submits an open records request, which makes state records available for inspection under the Georgia Open Records Act.¹⁰⁸ This Act opens all public records to inspection unless closed by a specific exception.¹⁰⁹ Likewise, the Open Meetings Act assures the public's access to information.¹¹⁰

The issuing agency is often the best, if not the only, source to obtain a paper copy of a decision. Few agencies make the full text of decisions available on their websites. Some vendors make the full text of selected agency opinions available online. Absent a comprehensive index to state administrative decisions, a researcher may not know if relevant decisions exist. Therefore, using the few full-text fee-based databases made available by vendors benefits researchers who seek administrative opinions.

106. O.C.G.A. §§ 50-13-3, -13 (2002).

107. Office of State Administrative Hearings, <http://www.osah.ga.gov/> (last visited Mar. 20, 2006). The office receives case referrals from "covered agencies," or agencies required to refer cases to OSAH for the initial hearing. *Id.* After the administrative law judge conducts an initial hearing, OSAH keeps the records for the 30 day appeal period. *Id.* After the appeal period ends, the OSAH returns the case file to the agency. OSAH's website provides links to its administrative procedures. *Id.*; see Donald M. Dotson, *Executive Branch Adjudication in Georgia: Tips from the Judges' Perspectives*, EXECUTIVE BRANCH ADJUDICATION IN GEORGIA 1-13 (Institute for Continuing Legal Education in Georgia, 2004).

108. See O.C.G.A. §§ 50-18-70 to -135 (Supp. 2005).

109. O.C.G.A. § 50-18-70(b) (2002).

110. See O.C.G.A. § 50-14-1 (2002).

1. *Fee Sources of Agency Decisions Online*

LEXISNEXIS http://www.lexis.com	
Content	Full text
Coverage	<p>Ga. Commissioner of Securities Decisions (February 1973 - September 1998)</p> <p>Ga. Department of Natural Resources Decisions (April 1973 - present)</p> <p>Ga. Public Service Commission Decisions (November 2, 1999 - present)</p> <p>Ga. Judicial Qualifications Commission Opinions (1997 - present)</p>
Update	Updated as received from the agency
WESTLAW http://www.westlaw.com	
Content	Full text
Coverage	<p>Ga. Attorney General Opinions (1977 - present)</p> <p>Ga. Environmental Law Administrative Decisions (1975 - present)</p> <p>Ga. Public Utilities Reports (1953 - present)</p>
Update	Updated when received from the agency

2. *Free Sources of Agency Decisions Online*

STATE BOARD OF EDUCATION http://www.doe.k12.ga.us/doe/legalservices/sboe_decisions_search_db.asp	
Content	Appeals decisions only
Coverage	1975 – present
Update	Current
Notes	Search by keyword or browse by year

C. Attorney General Decisions

Under the Georgia Constitution, the Georgia Attorney General acts as the legal advisor of the executive branch, represents the state in the Supreme Court of Georgia in all capital felonies, and, when required by the Governor, represents the state in all civil and criminal cases.¹¹¹ Upon request of the Governor, the Attorney General issues opinions on “any question of law connected with the interest of the state or with the duties of any of the departments.”¹¹² In 1978, the Attorney General stated that his opinions do not have the force and effect of court decisions.¹¹³ But the recipient must adhere to these opinions unless a conflicting judicial decision reverses or a legislative action makes them inapplicable.¹¹⁴ In Georgia courts, opinions of the Georgia Attorney General are persuasive authority but not binding.¹¹⁵

The Attorney General issues both official and unofficial opinions. Opinions rendered to the Governor or to heads of state departments are designated “official” opinions.¹¹⁶ The last two digits of the year serve as the serial numbers for the official opinions, which also include a chronological number, so the citation appears as 1990 Op. Ga. Att’y Gen. No. 90-2. Other officials provide unofficial opinions, which are informational only and do not bind the Attorney General or anyone else, for questions involving the general laws of the state.¹¹⁷ The letter U precedes the unofficial opinion numbers, for example, Op. Ga. Att’y Gen. No. U85-24.

The earliest published opinions of the Georgia Attorney General appeared in 1878; but the Attorney General has recorded opinions since 1875.¹¹⁸ The set entitled *Opinions of the Attorney General* bound the opinions annually until it ceased publication in 1999.

111. GA. CONST. art. V, § 3, para. 4.

112. O.C.G.A. § 45-15-3(1) (2002).

113. 1978 Op. Ga. Att’y Gen. No. 78-32.

114. See ARTHUR BOLTON, *THE ATTORNEY GENERAL OF GEORGIA* 6 (1979).

115. *Id.* at 5.

116. See 1998-1999 Op. Ga. Att’y Gen. ix (1999).

117. See BOLTON, *supra* note 114, at 6.

118. CHANIN & CASSIDY, *supra* note 76, at 189-92 (noting availability of Opinions of Attorneys General of Georgia from 1875 to 1876 in manuscript form at the University of Georgia Library and subsequent years, 1878 to present, as part of bound set *Opinions of the Attorney General*).

Researchers can locate Georgia Attorney General opinions in print through the multi-year *Tables and Index to the Opinions of the Attorney General* or in the index to each volume of opinions. The annotated codes cite official and unofficial opinions where appropriate. The tables below list online sources which include the full text of the Georgia Attorney General Opinions.

1. Fee Sources of Attorney General Opinions Online

CASEMAKER – Free to members of the State Bar of Georgia http://www.gabar.org/casemaker/	
Content	Attorney General Opinions
Coverage	1994 – present
Update	Updated ten days from release
LEXISNEXIS http://www.lexis.com	
Content	Attorney General Opinions
Coverage	1970 – present
Update	Updated when received from the State
WESTLAW http://www.westlaw.com	
Content	Attorney General Opinions
Coverage	1977 – present
Update	Updated when received from the State

2. Free Sources of Attorney General Opinions Online

OFFICE OF THE ATTORNEY GENERAL OF GEORGIA http://www.ganet.org/ago/opinions.html	
Content	Attorney General Opinions
Coverage	1994 – present
Update	Current
Notes	Search by keyword or number Contact the Office of the Attorney General for copies of Attorney General Opinions prior to 1994

D. Governor's Executive Orders and Proclamations

The Governor has the power to issue executive orders that may support or enforce existing legislation, create commissions whose recommendations may result in new legislation, or otherwise influence the legislative process.¹¹⁹ Since May 2001, *Weil's Georgia Government Register* has provided print copies of executive orders. The charts below list sources of online access to executive orders and proclamations.

1. Free Sources of Governor's Executive Orders Online

LEXISNEXIS http://lexisnexus.com	
Content	Weil's Georgia Government Register
Coverage	January 2002 – present
Update	As received from the publisher

2. Free Sources of Governor's Executive Orders and Proclamations Online

GEORGIA GOVERNOR'S WEBSITE http://www.gov.state.ga.us/	
Content	Executive Orders: http://www.gov.state.ga.us/2005_exec_orders.shtml Proclamations: http://www.gov.state.ga.us/proclamations.shtml
Coverage	Current administration only
Update	As issued by the Governor
Notes	Governor's Executive Orders and Proclamations from previous administrations can be accessed at the Georgia Archives located in Morrow, Georgia (678) 364-3700

119. See GA CONST. art. V, §2, para. 1.

VI. LEGAL ETHICS RESEARCH

A. *Georgia Rules of Professional Conduct*

To perform thorough legal ethics research, a researcher should consult a variety of sources. The first step includes consulting the *Georgia Rules of Professional Conduct (GRPC)* and the Georgia code for any relevant rules or code sections that apply to the research question.¹²⁰

The Georgia Supreme Court adopted the *GRPC* and integrated them into its court rules; they are based largely on the *ABA Model Rules of Professional Conduct (Model Rules)*.¹²¹ The *GRPC* are in the *ABA/BNA Lawyers' Manual on Professional Conduct* in both print and online formats. The *State Bar of Georgia Directory & Handbook*, published annually in November as a special supplement to the *Georgia Bar Journal*, includes the text of the *GRPC*. Separate rules exist to govern judicial conduct in Georgia. The *Georgia Code of Judicial Conduct* is available on the State Bar of Georgia's website.¹²²

1. *Fee Sources of Georgia Rules of Professional Conduct (GRPC) Online*

BUREAU OF NATIONAL AFFAIRS (BNA) http://www.bna.com	
Content	ABA/BNA Lawyer's Manual on Professional Conduct
Coverage	Current version of <i>GRPC</i>
Update	Updated as new rules are adopted from the Supreme

120. See *supra* Part II (accessing Georgia codes in print and online).

121. American Bar Association: Center for Professional Responsibility, *Model Rules of Professional Conduct*, http://www.abanet.org/cpr/mrpc/mrpc_toc.html (last visited Mar. 20, 2006). The American Bar Association (ABA) drafted the model rules as a vehicle to improve and unify ethics rules among the states. *Id.* The rules have no force until adopted by a jurisdiction. *Id.* Rules of ethics governing attorney conduct have evolved since 1908 when the ABA adopted the original *Canons of Professional Ethics*. *Id.* This evolution includes many forms, including *The Model Code of Professional Conduct (Model Code)*, which the ABA adopted in 1969. *Id.* The ABA adopted the *Model Rules* in 1983 to replace the *Model Code*. *Id.* To date, at least 45 of the 50 states have adopted the *Model Rules*.

122. State Bar of Georgia, *Georgia Code of Judicial Conduct*, available at http://www.gabar.org/handbook/georgia_code_of_judicial_conduct/ (last visited Mar. 20, 2006).

	Court
LEXISNEXIS http://www.lexis.com	
Content	Georgia Rules of Professional Conduct
Coverage	Current version of <i>GRPC</i>
Update	Updated as received from the State
LOISLAW http://www.loislaw.com	
Content	Georgia Rules of Professional Conduct
Coverage	Current version of <i>GRPC</i>
Update	As received from the State
WESTLAW http://www.westlaw.com	
Content	ABA/BNA Lawyer's Manual on Professional Conduct
Coverage	Current version of <i>GRPC</i>
Update	Updated within 24-48 hours of receipt
WESTLAW http://www.westlaw.com	
Content	Georgia Rules of Court
Coverage	Current version of the <i>GRPC</i> .
Update	Updated within 24-48 hours of receipt.

2. Free Sources of Georgia Rules of Professional Conduct Online

STATE BAR OF GEORGIA WEBSITE http://www.gabar.org/ethics/ethics__discipline_rules/	
Content	Georgia Rules of Professional Conduct
Coverage	Current rules (2001 - present) Old rules (prior to 2001)
Update	Updated as new rules are adopted from the Supreme Court

B. *Advisory Opinions and Disciplinary Proceedings*

The second step of legal ethics research involves locating relevant Georgia case law, advisory opinions, results of disciplinary proceedings, and other documents that have precedential value.¹²³

The Formal Advisory Opinion Board drafts formal advisory opinions that the Georgia Supreme Court approves, disapproves, or modifies.¹²⁴ The weight of the opinion depends on its treatment by the Court.¹²⁵ Formal advisory opinions address questions of general interest such as lawyer advertising.¹²⁶ Informal advisory opinions address a specific set of facts and may be issued orally or in writing.¹²⁷ The *National Reporter on Legal Ethics & Professional Responsibility* (LexisNexis) makes available in print and online advisory opinions for every state. In addition to advisory opinions, a researcher should explore the results of disciplinary proceedings, which may provide some relevant precedent.

1. *Free Sources of Advisory Opinions and Disciplinary Proceedings Online*

LEXISNEXIS http://www.lexis.com	
Content	Georgia State Case Law and Ethics Opinions
Coverage	Current

123. See *supra* Part III (accessing traditional Georgia case law in print or online).

124. Pre-1986 the State Disciplinary Board drafted the advisory opinions. A researcher should use these opinions with caution if the Supreme Court of Georgia did not subsequently adopt or amend the opinion. These opinions are still available: State Bar of Georgia, Disciplinary Board Opinions, http://www.gabar.org/handbook/state_disciplinary_board_opinions/ (last visited Mar. 21, 2006).

125. See State Bar of Georgia, Rule 4-403, Formal Advisory Opinions, http://www.gabar.org/handbook/rule_4-403_formal_advisory_opinions/ (last visited Mar. 21, 2006) (providing more information about the weight of Formal Advisory Opinions).

126. See, e.g., Formal Advisory Opinion 92-2 (July 30, 1992), http://www.gabar.org/handbook/supreme_court_of_georgia/fao_92-2/ (last visited Mar. 21, 2006) (discussing the following question: Is it "ethically improper for a lawyer to advertise for legal business with the intention of referring a majority of that business out to other lawyers without disclosing that intent in the advertisement and without complying with the disciplinary standards of conduct applicable to lawyer referral services.").

127. See State Bar of Georgia, Rule 4-401, Informal Advisory Opinions, http://www.gabar.org/handbook/rule_4-401_informal_advisory_opinions/, (last visited Mar. 21, 2006) (providing more information about the scope of informal advisory opinions).

Update	Updated within 24 - 48 hours of receipt
LEXISNEXIS http://www.lexis.com	
Content	National Reporter on Legal Ethics and Professional Responsibility
Coverage	Selected formal and informal ethics opinions from 1991 - present
Update	Updated when received from vendor
Notes	Database includes all 50 states; limit to Georgia by using the following segment search: STATE(Georgia)
WESTLAW http://www.westlaw.com	
Content	Georgia Legal Ethics & Professional Responsibility Cases; Current
Coverage	1846 - present
Update	Updated as cases become available

2. *Free Sources of Advisory Opinions and Disciplinary Proceedings Online*

STATE BAR OF GEORGIA WEBSITE http://www.gabar.org/ethics/advisory_opinions/	
Content	Advisory Opinions
Coverage	Formal Advisory Opinions (1986 - present)
Update	Updated as issued by the Supreme Court of Georgia
STATE BAR OF GEORGIA WEBSITE http://www.gabar.org/handbook/state_disciplinary_board_opinions/	
Content	State Disciplinary Board Opinions
Coverage	Current advisory opinions (1986 - present)
Update	As issued by the Supreme Court of Georgia

C. *Precedent from Other Jurisdictions and Secondary Sources*

At this point, a researcher should evaluate whether steps one and two have resulted in thorough research. If the researcher lacks authority from one of the categories above, a researcher may want to consider a third step, which involves locating sources from other jurisdictions or secondary sources.

Recommended sources from other jurisdictions include, but are not limited to, *ABA Ethics Opinions*, available for free in summary format from 1996 to present on the ABA website, and the *ABA/BNA Lawyers' Manual on Professional Conduct*, available in print and online, which includes ethics rules and opinions for other states.¹²⁸

The *Restatement of the Law: The Law Governing Lawyers*, a secondary source available in print and online, contains black letter law and commentary about ethical issues pertaining to attorney conduct. Law review articles and treatises are other secondary sources for legal ethics research.

1. Fee Precedent from Other Jurisdictions and Secondary Sources Online

LEXISNEXIS http://www.lexis.com	
Content	ABA/BNA Lawyers' Manual on Professional Conduct
Coverage	Current
Update	When received from BNA
LEXISNEXIS http://www.lexis.com	
Content	Restatement of the Law—The Law Governing Lawyers
Coverage	Current restatement
Update	Updated as received from the publisher
Notes	Lexis features an Annotated Case Citations database that includes Annotations to Restatement Rules and Notes (updated annually) and the American Law Institute's Interim Case Citations (updated two times per year)

128. ABA Center for Professional Responsibility, ABA Formal Ethics Opinions, <http://www.abanet.org/cpr/ethicopinions.html> (last visited Mar. 21, 2006) (selling copies of individual ethics opinions for nominal fee, annual subscriptions, and members of Center for Professional Responsibility can download full-text of ethics opinions for free); ABA Center for Professional Responsibility, ABA/BNA Lawyers' Manual on Professional Conduct, <http://www.abanet.org/cpr/manual.html> (last visited Feb. 19, 2006) (providing description and subscription information for *ABA/BNA Lawyers Manual on Professional Conduct*).

WESTLAW http://www.westlaw.com	
Content	Legal Ethics & Professional Responsibility - American Bar Association Ethics Opinions
Coverage	Formal opinions: Jan. 1924 - present; Informal opinions: July 1961 – present
Update	Updated as new opinions are received from the ABA
WESTLAW http://www.westlaw.com	
Content	Restatement of the Law–The Law Governing Lawyers
Coverage	Current
Update	Updated three times per year
Notes	Westlaw also features a companion archive database that features all drafts of this restatement from Tentative Draft No. 1, 1998-present
WESTLAW http://www.westlaw.com	
Content	ABA/BNA Lawyer's Manual on Professional Conduct
Coverage	Ethics Opinions: 1986-present
Update	As received from publisher

2. Free Precedent from Other Jurisdictions and Secondary Sources Online

AMERICAN BAR ASSOCIATION CENTER FOR PROFESSIONAL ETHICS http://www.abanet.org/cpr/center_entities.html	
Content	Miscellaneous lawyer regulation resources
Coverage	Varies depending on the resource
Update	Update schedule unknown
Notes	Contains the full text of the Model Rules of Professional Conduct available at: http://www.abanet.org/cpr/mrpc/mrpc_home.html
NATIONAL ORGANIZATION OF BAR COUNSEL http://nobc.org/cases/cotm.asp	
Content	Cases of the Month – Featured disciplinary proceedings
Coverage	Selected disciplinary proceedings from all jurisdictions
Update	Monthly

VII. SECONDARY SOURCES

Georgia attorneys can access practice materials on a wide variety of subjects, including wills, criminal law, civil procedure, torts, and workers compensation. Real estate attorneys rely on *Pindar's Georgia Real Estate Law & Procedure* to find relevant law. Likewise, most attorneys use form books or online sources rather than crafting original documents. Family law attorneys depend on McConaughy's *Georgia Divorce, Alimony and Child Custody*, primarily because of its consistency—the 2004 edition is the 30th edition. Practice treatises save not only time but also space and money because researchers do not have to maintain a full law library.

Both new and experienced attorneys can benefit from this article's *Subject Bibliography of Georgia Practice Materials*.¹²⁹ The two most prolific publishers of Georgia practice material are Thomson/West, which acquired the Harrison Company in 2002, and LexisNexis, which publishes the former Michie titles.¹³⁰ These companies also continue to publish titles formerly published by Matthew Bender and Lawyers Cooperative.

Publishers update most of the books listed in the Bibliography annually. The few exceptions are included because there is no updated treatise in that area of law. Excluded from the Bibliography are books that, for the most part, reprint sections of the Georgia code, sometimes with applicable regulations.

The Bibliography excludes legal self-help books for the layperson, but researchers can locate these books on the Sphinx Publishers website and non-Georgia self-help books on the Nolo Press website.¹³¹ Also, the Bibliography excludes Seminar materials, but researchers may find a list of publications for purchase on the Institute of Continuing Legal Education in Georgia (ICLE)

129. See *infra* Part IX.

130. See Thomson/West, <http://west.thomson.com/store/default.asp> (last visited Mar. 21, 2006); LexisNexis, <http://bookstore.lexis.com/bookstore/catalog> (last visited Mar. 21, 2006).

131. Nolo Press, <http://www.nolo.com/> (last visited Mar. 21, 2006); Sphinx Publishers, <http://www.sphinxlegal.com/sphinx/> (last visited Mar. 21, 2006) (including Georgia titles, HOW TO START A BUSINESS IN GEORGIA, HOW TO MAKE A GEORGIA WILL, and HOW TO FILE FOR DIVORCE IN GEORGIA).

website.¹³² No comprehensive list or index of publications from ICLE other than the *Index to Publications January 1984-June 1990* exists. To find publications that are not listed on the ICLE, or any other, website, researchers should search the online catalogs of the Georgia law school libraries.

A. Websites of Law School Libraries in Georgia

EMORY SCHOOL OF LAW Atlanta, Georgia	http://www.law.emory.edu/library
	Click on EUCLID–Emory's Library Catalog
GEORGIA STATE UNIVERSITY COLLEGE OF LAW Atlanta, Georgia	http://law.gsu.edu/library/
	Click on Library Catalog (GIL)
JOHN MARSHALL LAW SCHOOL Atlanta, Georgia	http://www.johnmarshall.edu/library
	Click on Online Library Catalog
MERCER UNIVERSITY SCHOOL OF LAW Macon, Georgia	http://www.law.mercer.edu/library
	Click on Library Catalog–LawCat
UNIVERSITY OF GEORGIA SCHOOL OF LAW Athens, Georgia	http://www.law.uga.edu/library
	Click on GAVEL–Catalog

132. Institute for Continuing Legal Education in Georgia,
<http://www.iclega.org/shoppingcart/tek9.asp?pg=products> (last visited Mar. 21, 2006).

Other seminar materials are available from Professional Education Systems of Eau Claire, Wisconsin.¹³³ However, the Professional Education Systems does not update its publications.

In addition to practice treatises, two encyclopedias for Georgia legal research exist. The *Encyclopedia of Georgia Law*, originally published in 1960, remains useful even though its last update occurred in 2002. *Georgia Jurisprudence*, first published in 1996 and updated annually with pocket parts, brings together the cases, statutes and regulations that comprise the law on each topic. For procedural questions, *Georgia Procedure* covers both civil and criminal procedure. Another valuable source includes the annotations found in *American Law Reports*, where researchers find legal analysis of topics that include Georgia and other state citations.

Law review articles provide a great source of secondary Georgia research materials. The Georgia Bar publishes useful articles in the *Georgia Bar Journal* and other newsletters. Researchers can use periodical indexes and full-text databases to find relevant articles. Using periodical indexes, researchers can focus on the articles that are on topic because they are indexed using a controlled list of subject headings. Periodical indexes include *LegalTrac*, which is available online and on Westlaw and LexisNexis, and the *Index to Legal Periodicals & Books*. Using periodic indexes is often a more precise research method than searching journal articles in full-text databases. Several online services include the full-text of law reviews and other secondary sources.

B. Free Sources of Law Reviews and Secondary Materials Online

CASEMAKER – Free to members of the State Bar of Georgia http://www.gabar.org	
Content	<i>Georgia Bar Journal</i> and Georgia State University Law Review
Coverage	Ga. Bar Journal: selected articles August 2000 - present

133. Professional Education Systems, <http://www.pesi.com/> (last visited Mar. 21, 2006) (covering topics such as civil litigation, real estate, trusts and estates, personal injury claims and workers' compensation).

	Georgia State University Law Review: Fall 2000 - present
HEINONLINE http://heinonline.org	
Content	Full-text law reviews
Coverage	Depends on title; most start with volume one of the journal
LEXISNEXIS http://www.lexis.com	
Content	Full-text law reviews, treatises, and periodical indexes
Coverage	Depends on title
LOISLAW http://www.loislaw.com	
Content	Treatise libraries on a variety of topics (none are Georgia specific)
Coverage	Depends on title
WESTLAW http://www.westlaw.com	
Content	Full-text law reviews, treatises and periodical indexes
Coverage	Depends on title

C. Free Sources of Law Reviews and Secondary Materials Online

CARL VINSON INSTITUTE OF GOVERNMENT, UNIVERSITY OF GEORGIA http://www.cviog.uga.edu/	
Content	Publishes a variety of titles useful to attorneys
Notes	See the Public Policy Research Series (http://www.cviog.uga.edu/pprs) which includes Policy Papers and Notes
FAMILY DIVISION OF THE SUPERIOR COURT OF FULTON COUNTY http://www.fultoncourt.org/family/	
Content	Helpful tips and forms
FULTON COUNTY LAW LIBRARY (ATLANTA) http://www.fultoncourt.org/lawlibrary/	
Content	Helpful tips and forms
OFFICIAL WEBSITE OF THE STATE OF GEORGIA http://www.georgia.gov/	
Content	Variety of legal and non-legal information

D. Law Reviews at Georgia Law Schools

EMORY SCHOOL OF LAW http://www.law.emory.edu	
Bankruptcy Developments Journal	http://www.law.emory.edu/students/bdj/
Emory International Law Review	http://www.law.emory.edu/students/eilr
Emory Law Journal	http://www.law.emory.edu/students/elj/
GEORGIA STATE UNIVERSITY COLLEGE OF LAW http://law.gsu.edu	
Georgia State University Law Review	http://law.gsu.edu/lawreview/
MERCER LAW SCHOOL http://www.law.mercer.edu	
Journal of Southern Legal History	http://www.law.mercer.edu/academics/jslh
Mercer Law Review	http://www.law.mercer.edu/academics/lawreview/
UNIVERSITY OF GEORGIA SCHOOL OF LAW http://www.lawsch.uga.edu	
Georgia Journal of International and Comparative Law	http://www.law.uga.edu/gjicl/intlaw2.html
Georgia Law Review	http://www.law.uga.edu/galawrev
Journal of Intellectual Property Law	http://www.law.uga.edu/jipl/

E. Forms

Georgia forms on a variety of topics are available online, and many other Internet sites provide general legal forms.¹³⁴

134. See *infra* Part IX (including forms published in books).

1. *Fee Sources of Forms Online*

THE 'LECTRIC LAW LIBRARY PREMIUM FORMS http://www.lectlaw.com/usforms	
Content	Forms from U.S. Legal Forms, Inc.
Notes	Limit Search to Georgia, variety of topics
LEXISNEXIS http://www.lexis.com	
Content	See: Georgia > Forms & Agreements
Notes	Real Estate, Domestic Relations, Civil Procedure, Estate Planning, Corporations, and Southeast Transaction Guide
U.S. LEGALFORMS.COM www.uslegalforms.com/Georgia.htm	
Content	Forms from U.S. Legal Forms, Inc
Notes	Georgia Legal Forms on a variety of topics
WESTLAW http://www.westlaw.com	
Content	Georgia Forms: Legal and Business Georgia Litigation Forms and Analysis
Notes	Georgia Legal Forms Multibase: GA-FORMS

2. *Free Sources of Forms Online*

ALL LAW.COM http://www.alllaw.com/state_resources/georgia/forms/	
Content	Living Will, Liberty Court Forms, LLC Forms and Tax Forms
Notes	Directory path to forms: Home > State Resources > Georgia > Forms
FINDLAW FORMS: GEORGIA http://forms.lp.findlaw.com/states/gap_1.html	
Content	Probate forms
INTERNET LEGAL RESEARCH GROUP http://www.ilrg.com/forms	
Content	Living Will and Powers of Attorney forms
Notes	Search site for "Georgia"

LAWSMART FORMS http://www.lawsmart.com/forms.html	
Content	Free forms on a variety of topics
Notes	Select a Practice Area and "Georgia" from pull-down menus
LEXISNEXISONE http://www.lexisone.com/lx1/store/catalog?action=rootFreeCategory	
Content	Estate planning and probate forms (.pdf files)
Notes	Select "Georgia" under Jurisdictions

VIII. FILINGS

Researchers can access and retrieve a variety of detailed filings information online.

A. Fee Sources of Corporation and Business Filings Online

KNOWX.COM http://www.knowx.com	
Content	Business Profiles and Background Checks
Coverage	1992 - present
LEXISNEXIS http://www.lexis.com	
Content	GA Secretary of State Corporation, LP, LLC, LLP and LLLP Information Business Leads and Fictitious Business Name Information
Coverage	Incorporation Information - Current Fictitious Business Name Information: January 1991 - present
Update	Georgia incorporation information updated weekly
LOISLAW http://www.loislaw.com	
Content	Business names, addresses, executives, bankruptcies, liens and judgments, and related information
Notes	Search by corporation name and address, officer name, fictitious business name, and phone number

WESTLAW http://www.westlaw.com	
Content	Corporate Records and Business Registrations Fictitious Business Name Records

B. Free Sources of Corporation and Business Filings Online

GEORGIA SECRETARY OF STATE http://www.sos.state.ga.us/corporations/corpssearch.htm	
Content	Corporations' and Business entities' annual registration
Notes	Search by Entity or Agent Name; cannot search by officer name Search one word (first word of Entity name or last name of Agent) and then narrow search if needed

C. Fee Sources of Court Filings Online

GEORGIA VERDICT REPORTER http://www.georgiaverdicts.com	
Content	8,000 Georgia jury verdicts and settlements
KNOWX.COM http://www.knowx.com	
Content	Bankruptcy Filings
Coverage	1992, 1993 - present (only certain counties available)
LEXISNEXIS http://www.lexis.com	
Content	Bankruptcy filings; superior court civil and criminal filings—selected counties; Trial Reporter
Coverage	1995 – present
Update	Updated daily
Notes	Also—US District Court criminal filings, US District Courts in Ga.
LOISLAW http://www.loislaw.com	
Content	Party status in civil actions, bankruptcies, liens and judgments
Notes	Search by defendant name, corporation name and address, or corporation officer name

WESTLAW http://www.westlaw.com	
Content	Briefs and Petitions filed in the Supreme Court of Ga. (PDF images)
Coverage	1990 – present

D. Fee Sources of Filings on Persons Online

KNOWX.COM http://www.knowx.com	
Content	People Finder
Coverage	Current
Update	Continuously
LEXISNEXIS http://www.lexis.com	
Content	Person Locator; Professional Licenses; Voter Registrations
Coverage	Professional licenses—current Voter registrations—current through May 31, 2004
Update	Professional licenses—updated quarterly Voter registrations—updated regularly as received from vendor
Notes	Person locator uses voter registration, death, marriage, and divorce information
LOISLAW http://www.loislaw.com	
Content	Personal Public Records includes searchable and cross-referenced public information on approximately 98% of adults in the United States
Notes	Search by name, address, social security number or phone number Indicate the purpose of the search to obtain a social security number
LOISLAW http://www.loislaw.com	
Content	County, state, and federal incarceration and sex offender records

WESTLAW http://www.westlaw.com	
Content	People Finder Household-Centric Records; People Finder Name Tracker; Criminal Records; Sex Offenders

E. Free Sources of Filings on Persons Online

GEORGIA BUREAU OF INVESTIGATION GEORGIA CRIME INFORMATION CENTER http://www.ganet.org/gbi/crimhist.html	
Content	Information on obtaining criminal history record information
GEORGIA BUREAU OF INVESTIGATIONS http://www.ganet.org/gbi/disclaim.html	
Content	Sex Offender Registry
Coverage	Offenders placed on probation, parole, supervised release, or released from prison after July 1, 1996
Update	Twice daily with all record changes received from Sheriffs' Offices
Notes	Search by person's name or city

F. Fee Sources of Public Records on Motor Vehicles, Boats, Planes, and Unclaimed Property Filings Online

GEORGIA DEPT OF REVENUE MOTOR VEHICLES DIVISION http://www.dmv.ga.gov/motor/dealers/proofofinterest.asp	
Content	Motor Vehicles
Notes	Search using VIN number; "Only authorized persons can receive information from our files."
GEORGIA DEPT OF REVENUE MOTOR VEHICLES DIVISION http://www.dmv.org/vehicle-history.php	
Content	Motor Vehicle History
Notes	"Only authorized persons can receive information from our files."
KNOWX.COM http://www.knowx.com	
Content	Assets, aircraft, watercraft
Coverage	See individual files

LEXISNEXIS http://www.lexis.com	
Content	Ga. Public Records Combined Material includes assets
LOISLAW http://www.loislaw.com	
Content	Records on vessels, motor vehicles with loan information - previous plate number and previous owner information
WESTLAW http://www.westlaw.com	
Content	Public Records Combined; State Licensing Boards; Asset Locator
Coverage	See individual files

G. Fee Sources of Indexes to Real Property Filings Online

GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY http://www.gscca.org/search/RealEstate/deedindex.asp	
Content	Real Estate Transactions
Coverage	1999 - current; see link to "Display County Good From/Thru Dates"
Notes	Search by name, book, page, or property; must have an account to view details.
GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY http://www.gscca.org/Search/plat/platindex.asp	
Content	Plat Documents
Coverage	See link to "Display County Good From/Thru Dates"
Notes	Search using name, taxpayer ID, file number, date, county, or secured party; for certified searches must have an account
KNOWX.COM http://www.knowx.com/georgia/georgia-property.jsp	
Content	Real Estate Tax Assessors and Real Estate Deed Records
Coverage	See individual files

LEXISNEXIS http://www.lexis.com	
Content	Deed Transfers–selected counties; Mortgage Records; Tax Assessor Records–selected counties
Coverage	See individual files, current and archive files
LOISLAW http://www.loislaw.com	
Content	Real estate holdings with property values (square footage and property numbers plus home improvement values – year built and sale date)
WESTLAW http://www.westlaw.com	
Content	Tax Assessor Records; Transaction Records
Coverage	See individual files

H. Fee Sources of UCC and Liens Filings Online

GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY http://www.gscca.org/search/Lien/lienindex.asp	
Content	Lien Index includes 16 types of instruments such as FIFA, Federal Tax Liens, Lis Pendens, and Mechanics' and Materialmen's Liens
Coverage	January 1, 1995 - present; see link to "Display County Good From/Thru Dates"
Notes	Search by name, book, page; login to view or print details of records
GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY http://www.gscca.org/search/UCC_Search/default.asp	
Content	UCC Filings
Coverage	January 1, 1995 - present; see link to "Display County Good From/Thru Dates"
Notes	Search using name, taxpayer ID, file number, date, county or secured party; login to view or print details of records
KNOWX.COM http://www.knowx.com	
Content	Assets, Georgia lien records, UCC filings

Coverage	Assets and lien records: current thru 2005 UCC filings: 1955 – present
Update	Yearly
LEXISNEXIS http://www.lexis.com	
Content	Tax Liens Federal & State; Judgment and Lien Filings; UCC Lien Filings
Coverage	1991 – present
Update	Regularly as received from the vendor
LOISLAW http://www.loislaw.com	
Content	Liens, civil judgments, and bankruptcy filings
Notes	Search by name of person, corporation name and address, or corporation officer name
WESTLAW http://www.westlaw.com	
Content	Georgia lien records, UCC records, and bankruptcy filings

I. Fee Sources of Vital Record Filings Online

GEORGIA.GOV http://www.georgia.gov/00/channel_title/0,2094,4802_5009,00.html	
Content	Vital Records—includes marriage, divorce, birth, death
Coverage	1919 – present
KNOWX.COM http://www.knowx.com	
Content	Birth, death, divorce, marriage records
Coverage	1937 – present
Update	Quarterly
LEXISNEXIS http://www.lexis.com	
Content	Death, marriage, and divorce records
Coverage	Death records: current thru 2001 Marriage records: current thru 1999 Divorce Records: current thru 1999

LOISLAW http://www.loislaw.com	
Content	National date of birth database and Social Security Administration (death records)
WESTLAW http://www.westlaw.com	
Content	Death records

J. Free Sources of Vital Record Filings Online

ONLINE GEORGIA DEATH RECORDS & INDEXES: A GENEALOGY GUIDE http://www.deathindexes.com/georgia/	
Content	Death Records; Public Records—includes criminal, court, professional records
Coverage	Coverage dates vary by county (early as 1790s to 1998)
Notes	Fee required for access to the Georgia death index from 1919 - 1998
PRETRIEVE—PUBLIC RECORD SEARCH ENGINE http://www.pretrieve.com/	
Content	Nationwide public records
Notes	Search by person, business, address or phone number

IX. SUBJECT BIBLIOGRAPHY OF GEORGIA PRACTICE MATERIALS

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S. Forms

For online forms, *see* Part VIII.A., VIII.B

See Collections, FINESTONE, HINKEL

Commercial Law, SHORTRIDGE

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Damages, Hertz

Debtor and Creditor, ALEXANDER

Elder Law, REEVES

Environmental and Water Law, GEORGIA ENFLEX

Family and Juvenile Law, BATES, MCGOUGH, MURPHY

Landlord and Tenant, DAWKINS

Insurance Law, JENKINS

Practice and Procedure, McFadden, Purdom, Sheppard,
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