

Foundations of Law for Public Library Reference

This may be a familiar scenario: a patron approaches the reference desk and says, “I want the law that says...” Many people make the presumption that any given statement can be located in law or that any situation is directly addressed by law. They also presume that the written law is readily and easily identifiable – and that all law is located in one place. Finding law, even when precisely identified, requires a basic understanding of the institutions that write law and how that written law is published or presented.

What is Law?

Law is language passed by government bodies that holds force over all parties in a particular jurisdiction.

Governments make law – and there are all sorts of government levels and bodies that do this. Law is crafted by many of these levels and bodies, and comes in many forms: statutory, regulatory, and judicial. Within those, there are variations and additional materials that carry the weight of law, like rules of court procedure.

For the most part, law is written to encompass and adapt for the very specific facts of real-life situations. Law uses a specialized vocabulary and includes precise procedures. Law provides structure for people’s daily lives. And law – primary source law (codes, rules, regulations, cases) is cited in legal filings and used as the basis for legal arguments.

Because all of this makes finding “law” more challenging, these sections of Frontlines provide a foundation for understanding where law comes from and how to find it.

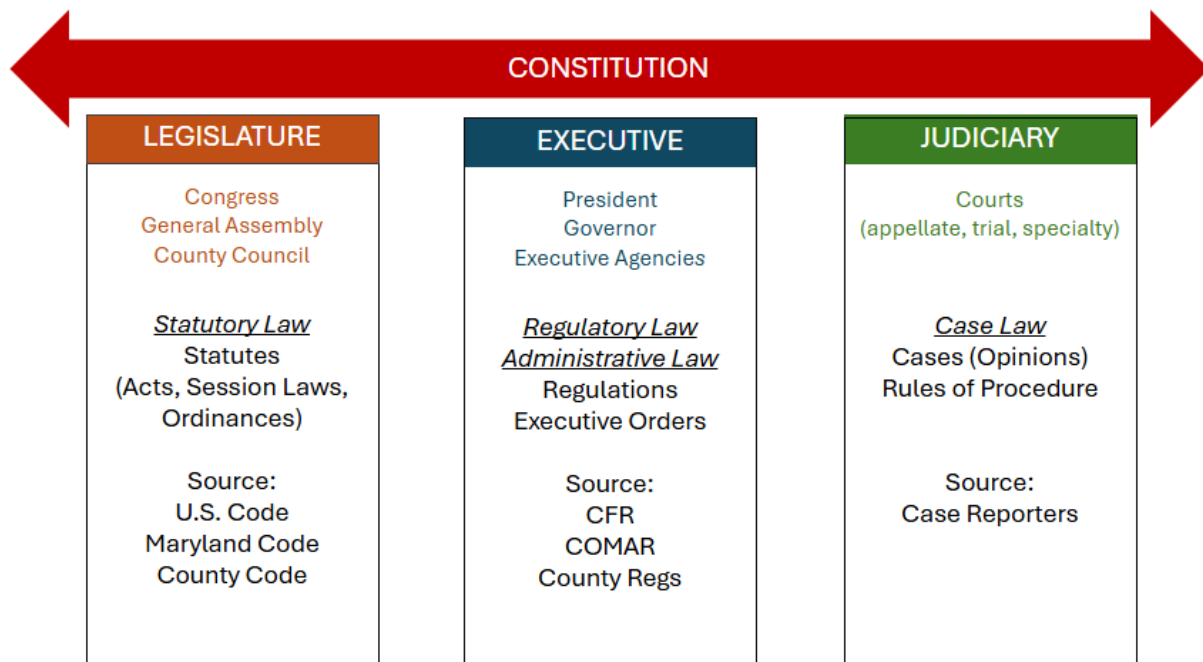
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Government Structure

An understanding of the organization of the bodies of our government, how they interact with each other, and what law they produce is essential to the ability to provide pertinent and helpful resources for a legal reference question.

The Constitution is the basis of American government structure. It defines how we are governed, what our institutions are, and what those institutions can do. The U.S. Constitution provides the structure for the Federal government. The [Maryland Constitution](#) provides the structure for the state government.

It can be helpful to think of government organization as a series of “threes.” There are (generally speaking) three bodies (branches) of government: executive, legislative, and judicial. Each of these bodies produces a part of “the law.” All three bodies and the law they produce interact with each other. Each kind of law has a role to play in the larger law picture.



The legislative branch writes the law (statutes, referred to depending on context as acts, sessions laws, or ordinances). Statutory law appears in Maryland as the [Maryland Code](#).

The executive branch implements or administers the law (regulations). This branch includes all the departments, agencies, and administrative bodies of government, e.g., the Department of Commerce, the State Ethics Commission, the Maryland State Library Agency, etc. Regulatory law appears in Maryland in [COMAR \(Code of Maryland \[Agency\] Regulations\)](#).

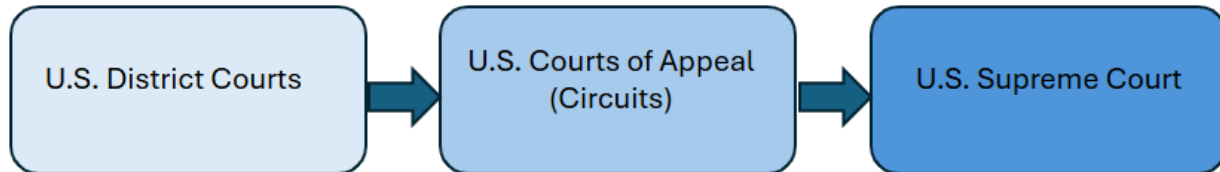
The judicial branch interprets or applies the law (cases). Case law is published in “reporters”. In Maryland, the Maryland Reports (Supreme Court of Maryland) and Maryland Appellate Reports (Appellate Court of Maryland) contain state case law. The Judicial Branch also writes court rules of procedure, the [Maryland Rules](#), which guide the process of cases through the court system.

Court Structure and Process

The court system can be pictured, somewhat, as another “three” - generally speaking, courts at the federal and state level have three levels: trial court, mid-level appellate court, and highest court.

Federal Courts

Federal courts call their initial trial level court a “District” court. The federal trial court for Maryland is the United States District Court for the District of Maryland. The mid-level courts are called the Courts of Appeal, with states grouped within a “circuit.” Maryland is in the 4th federal circuit. The court is called the Fourth Circuit Court of Appeals (or Court of Appeals for the Fourth Circuit). And the highest court is the U.S. Supreme Court.



Maryland Courts

In Maryland, there are two trial-level courts: **District Court** and **Circuit Court**. The mid-level appellate court is the **Appellate Court of Maryland** (formerly called the *Court of Special Appeals*). The highest court is the **Supreme Court of Maryland** (formerly called the *Court of Appeals*).

The **District Court** generally hears smaller cases, including small claims, traffic, landlord-tenant (often referred to as “rent court”), and lesser criminal and civil matters. There are District Court locations in each county and Baltimore City. Some jurisdictions have more than one location.

The **Circuit Court** generally hears family matters (divorce, child custody and support, etc.) as well as larger criminal and civil matters. Circuit Courts are where jury trials are held. If your patron indicates a jury is involved, their case is not at District Court but rather at Circuit Court. There is a Circuit Court in each county as well as in Baltimore City, for a total of 24 locations.

The **Appellate Court of Maryland** and the **Supreme Court of Maryland** are both located in Annapolis. The appeals process can be complicated, and where a particular case is appealed depends on several factors, including where the case originated, whether it has been appealed before and more. Generally speaking, there is a right of one appeal, and cases are appealed to the court directly above in the hierarchy, i.e., District Court cases are appealed to Circuit Court, and Circuit Court cases are appealed to the Appellate Court of Maryland. For a case to be heard at the Supreme Court of Maryland, with a few exceptions, a party must request that their case be

heard, and the court has to agree to hear it. This is similar to how the U.S. Supreme Court process works.

In addition to the four courts above, Maryland has the [Orphans' Court](#), where wills, estates, and other probate matters are handled. The Orphans Court is commonly located in the Circuit Court for each county.

Learn more about the [Maryland Court System](#) below.

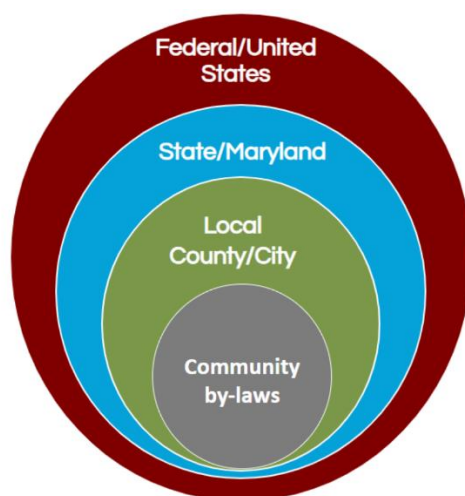
Court systems have rules of procedure that dictate how a case moves through the court process. In some court systems, notably the federal courts, there are procedural rules that apply to all cases in the system as well as local rules for each court. In Maryland, there is one unified set of procedure rules. These are called the [Maryland Rules](#).

See the People's Law Library article on [Finding Court Rules](#).

Jurisdiction, Government Level, and the Importance of Location

As with government bodies, there are essentially three “levels” of government: federal, state, and local (county or municipal). Law is crafted at each of these levels, though not necessarily all three types – generally, at the local level, there is legislative (statutory) law; there may be regulations (Montgomery County, for example, has a hefty number of these). But there is rarely a form of judicial law.

Each level of government has jurisdiction only to its boundaries. Federal law applies to the full country; state to the individual state; and local to the borders of its location. Each lower level is subject to the upper ones as well, thus, someone living in Baltimore County is subject to Baltimore County's laws, Maryland's laws, and the laws of the United States.



Where an action or event takes place generally impacts the information you provide to a patron. The “location” - or jurisdiction – is critical to identifying law and descriptive materials relevant to the situation.

Though not included in the “threes”, in some areas of Maryland, community by-laws can form a sort of fourth level. Residents of communities with covenants and by-laws are subject to the language of those documents as much as to county, state, and federal law.

The *Frontlines: Best Practices for Legal Reference* class addresses the importance of the information-gathering question, *where?* Where is the situation happening? Where do the involved parties reside or do business? These are critical elements to addressing a legal situation. Where an action takes place can impact which laws apply, where documents are filed, and other details.

Determining which level of law to look for is often a matter of experience. There are some broad topical areas that generally fall into a particular level.

Federal	State	Local
<ul style="list-style-type: none"> ▪ Medicare/Medicaid ▪ Copyright ▪ Interstate Commerce ▪ Telecommunications 	<ul style="list-style-type: none"> ▪ Crimes ▪ Traffic (rules of the road) ▪ Family (marriage, divorce, child support) ▪ Business (corporation registrations and practices) 	<ul style="list-style-type: none"> ▪ Zoning ▪ Parking ▪ Landlord-Tenant ▪ Senior services

TIP: MANY AREAS OF LAW ARE ADDRESSED BY MORE THAN ONE LEVEL. IT'S OFTEN BEST TO CHECK MORE THAN ONE.

The Importance of Dates

Dates play a critical role in law for many reasons. Dates related to procedures, legal obligations and responsibilities, legislative action, and more, can seriously impact the outcome, answer, and options for a situation.

Procedure Deadlines

For matters handled under the law, timing impacts all things procedural – there are deadlines for filings, dates for obligations (contracts, leases, etc.), and more. The language of the law related to deadlines can be specific – or not.

Illustrations

- Maryland Rule 2-112 regarding the issuance of a summons reads, “...*the clerk shall issue forthwith a summons...*”
- Maryland Rule 2-321 regarding the time for filing an answer to a complaint reads, “...*A party shall file an answer...within 30 days after being served...*”

TIP: CALCULATING DATES FOR DEADLINES HAS A FEW COMPLEXITIES, AND IF THE CALCULATION IS WRONG, THE CASE COULD BE LOST. SO, LIBRARY STAFF SHOULD NOT OFFER CONFIRMATION OF DATES BUT RATHER POINT TO LANGUAGE AND SUGGEST CONTACTING THE COURT HELP CENTER.

Obligations and Responsibilities

Legal documents – in particular, contracts and leases – often contain dates related to the responsibilities of those party to those documents.

Illustration

- Residential leases include dates related to notifications (renewal of lease, grace period for rent payment, etc.). If a patron asks for information related to a landlord asking them to move out, it may be related to the dates in the lease.

Language Changes

From a “finding the law” standpoint, the most important thing to keep in mind about dates is that law changes - all the time. The “when” of an event can impact what law applies, depending on when it changed.

Illustration

- Crimes can be classified as felony or misdemeanor (and a few other categories). If someone is applying for a certain license, their record may need to be clean of certain serious crimes within a certain time period. Some crimes have been reclassified from misdemeanor to felony, and the reverse. Someone filing a license application will need to know what the language read at the time of the incident.

During the reference interview, ask your patron about the timing – do they have a deadline? When did the event they are describing happen? Are there dates included in any related paperwork? These can impact the resources and referrals you provide.

The Importance of Language

Law uses complex language. There is an ongoing effort to use simpler, clear language for law-related matters. But there are still many areas of law using traditional terminology (*replevin* and *detinue*) or Latin words and phrases (*certiorari*, *mandamus*, *amicus curiae*). In addition, the legal world sometimes has different meanings or usages for common vocabulary – *negligence*, for example, has specific meaning to attorneys, and the word *prejudice* in law might not mean exactly what you think.

When assisting with legal reference questions, it is helpful to either understand the jargon or to be able to look it up quickly. Understanding the vocabulary will help you connect your patron to appropriate topical resources. Don’t presume you understand what a particular word means. Use resources – dictionaries and encyclopedias – to look up a word. Read the definition and use any notes provided to understand how that word might fit into the wider topics of law.

The most commonly used legal dictionary is *Black's Law Dictionary*. Published since 1891 and now in its 12th edition (2024), *Black's* is often available in general public libraries. Check your library's catalog and reference collection. *Black's* provides not just definitions but also sometimes references to cases that may further explain a term. This can be helpful if the patron's question is about the term itself.

If you don't have access to *Black's*, there are other print dictionaries your library may have instead. Additionally, there are reliable and easily accessible glossaries and vocabulary lists on the Internet.

- Maryland Judiciary, Glossary of Court Terms, <https://www.mdcourts.gov/reference/glossary>
- U.S. Courts, Glossary of Legal Terms, <https://www.uscourts.gov/glossary>
- Cornell's Legal Information Institute, Wex, <https://www.law.cornell.edu/wex>
- Nolo's Dictionary of Law Terms, <https://dictionary.nolo.com/>

Recognizing Citation Formats

You can't find it if you don't know what those numbers and symbols are. This is the "quick and dirty" of basic legal citation format.

Because citation format is very specific, even if your patron has only the citation but knows absolutely nothing else about their situation, you can usually find that material. If the citation doesn't fit any of the standard descriptions but you're sure it's law, check against citation sources (see Public Library Toolkit) or contact a law library. We can often identify material with only the citation.

There are important parts to citations that help clarify or pinpoint where the language exists. These elements need to be included to accurately locate the language.

Maryland Code

For the Maryland Code, you need an ARTICLE as well as a section number. The Maryland Code is organized by named Articles: Agriculture, Criminal Law, Family Law, Insurance, etc. Each Article starts numbering sections with 1 (usually 1-101), so if you only have a section number, there are several dozen possible Articles your patron could be looking for.

Md Code, Family Law §5-104

State Code

Article Name

Section Number

TIP: THE SQUIGGLY SYMBOL IN A CODE CITATION STANDS FOR “SECTION.” TWO SQUIGGLY SYMBOLS MEANS PLURAL, I.E. SECTIONS.

Maryland Rules

Maryland Rules citations look very similar to the Code citations, which can make identifying which one your patron is seeking a challenge. Rule numbers look like section numbers – the true identifier is usually that, with the Code, an Article indicator is present.

Md Rule 6-301

State Rules Title Chapter

COMAR (Code of Maryland Regulations)

For the Code of Maryland Regulations (COMAR), a citation generally has three or four sections, depending on how specific the language is that it's pointing to. Each regulation in COMAR is part of a hierarchy that includes a Title, Subtitle, Chapter, then regulation. There are about three dozen Titles in COMAR. Each Title has a varying number of Subtitles; each Subtitle a varying number of Chapters; and each Chapter a varying number of regulations – all depending on the subject.

Example:

09 Department of Labor (all of Title 09 is Department of Labor regulations)

09.10 Racing Commission (all of Title 09, Subtitle 10 is Racing Commission regulations)

09.10.06 New Racetrack License (all of Title 09, Subtitle 10, Chapter 06 is New Racetrack Licenses regulations)

09.10.06.02 Application Fee (09.10.06.02 is the regulation providing for the application fee)

COMAR 07.01.02.05

Title . Subtitle . Chapter . Regulation

Case Citations

To find a case citation, the minimum information needed is a volume number, reporter series title, and page number. It helps to have the party names for confirmation, but they are not necessarily critical to locating a case.

The biggest challenge with case citations is usually the reporter series abbreviation. There are many – many – reporter titles across the combined federal and state courts. For Maryland, there are two:

- Maryland Reports, containing the opinions of the Supreme Court of Maryland. Cases in this series are abbreviated simply “Md.”

- Maryland Appellate Reports, containing the opinions of the Appellate Court of Maryland. Cases in this series are abbreviated “Md. App.”

Doe vs. Johnson		413	Md.	817
Party 1 Name	Party 2 Name	Volume Number	Title	Page Number

There are also abbreviations for each non-Maryland state’s official reporters (like Maryland’s) as well as regional reporters produced by Thomson Reuters (West Publishing Company). The Regionals include opinions for several states in a “region”. Maryland opinions are in the Atlantic Reporter, abbreviated A.3d (currently, this reporter is in its third series, thus the 3d).

At the federal level, there are three reporters for the US Supreme Court as well as reporters for the Courts of Appeal, District Courts, and a range of topic-specific courts (e.g., U.S. Court of Claims). The Library of Congress provides a brief and convenient summary of these in their [Guide to Case Law: Federal Court Decisions](#).

Finding Law

When seeking the actual language of the law, unless you have a specific citation, it’s often best to start with secondary sources – discussions about a law topic that footnote to the primary source from which the discussion is pulled. However, if you wish to look for “the law” directly, make sure you understand the different kinds and the publication sources.

The State Law Library has made finding Maryland primary law easier by pulling together into one location links to reliable sources of primary law. The [Gateway to Maryland Law](#), on the State Law Library’s website, lists free online sources accessible anywhere.

Sources are listed by type of law: Maryland Code and Laws of Maryland (legislative law), County and Municipal Codes (legislative law – local), Maryland Rules (judicial), Maryland Case Law (judicial), Maryland Regulatory Law (executive).

A few tips can help your searching:

- The [Maryland Code and the Maryland Rules](#) are published together (though written by different government bodies), so the Gateway links will take you to both resources.
- The Westlaw and Lexis links in the Gateway are to free versions provided to the State Law Library for public use. While the annotations seen in print versions are not included, the statutory text and history notes are available.
- [COMAR \(regulations\)](#) is provided through the Maryland Division of State Documents, which is the publisher of regulatory law.

- The Code, Rules, and COMAR are all structured with a table of contents that can help you understand the larger hierarchy of information. They all also have a search mechanism that can search by a keyword or two. The search mechanism is not highly sophisticated and the language of these sources is specific to law, so you may need to run more than one search to find what you are seeking.

Case Law

Case law is composed of decisions by the courts which the court interprets and applies to the situation presented. Case law is used by lawyers or the self-represented to support an argument in a newer case. Older cases demonstrated how the courts interpreted and applied law in similar situations in the past. This helps lawyers (and the self-represented) to structure arguments for why the courts should decide a certain way for their own case.

The body of court decisions is often referred to as *common law*. Historically, this meant law based on commonly-accepted custom; today, it means prior court decisions. This is also known as *precedent*.

Case law is highly interpretive. And we know that as information people, we cannot interpret the law. So, if someone asks us to help them find a case that will support their argument in their divorce case, what can we as library staff do?

- Point them to secondary sources, like law texts, which may cite to cases, as well as other resources, for their topic.
- Point them to case law databases, where they can construct keyword searches and review cases to find those that might be helpful.
- If their question is based on a statutory citation (Maryland Code), check to see if you have the print Code in your library's reference collection. The print Code includes annotations – notes about cases and other sources that help explain how the law applies.
- [Google Scholar](#) provides free case law back to the 1950s. As a Google search product, it can be familiar for people to search.

Practice – look at the [PLL dog bite law](#) article. Using Google Scholar, look up the case cited in the PLL article. To find more cases addressing the same or similar topics, click on the “how cited” link, show how to use the “how cited” in the upper left of the screen to find more cases.

Case Dockets

The Maryland Judiciary provides Case Search, a resource to locate cases within the state judiciary. Case Search is a docket system, meaning it shows the chronological list of events in a case. It is not a document system, meaning it does not link to the full text of the documents listed.

Case Search can be helpful to find the court where someone's case is being heard, or what the disposition of the case might be. If someone needs actual documents, they will need to visit a courthouse. All Maryland courts are now on the electronic courts system, MDEC. All courthouses have kiosks where visitors may view and print documents in a case.

Resources for Further Discovery

- [Maryland Public Library Toolkit](#)
- [Library of Congress, Legal Research: A Guide to Case Law](#)