



Federal *Pro Se* Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

▣ Legal Research in Federal Court ▣

If you are litigating a case in the United States District Court for the Central District of California, you must understand how to conduct legal research. There are two kinds of legal research you should know about: **Procedural Rules** and **Substantive Law**. Procedural rules govern the way you litigate, such as how to format a court document or how to give notice to another party about a lawsuit. Substantive law governs the rights that give rise to a lawsuit, that is, what facts you must prove to win a case.

A. PROCEDURAL RULES

1. FEDERAL RULES OF CIVIL PROCEDURE ("FRCP")

The FRCP explain the procedural rules that apply in civil actions and proceedings in the United States federal district courts.

The FRCP is available at: <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure>

2. LOCAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ("LOCAL RULES")

The Local Rules supplement the FRCP and establish additional procedures specific to the Central District of California. Many, but not all, Local Rules are organized to correspond with related provisions of the FRCP.

The Local Rules are available at: <http://www.cacd.uscourts.gov/court-procedures/local-rules>

3. FEDERAL RULES OF EVIDENCE ("FRE")

The FRE govern whether and how evidence is admissible in federal court proceedings. Different standards may apply to information exchanged during the discovery process.

The FRE are available at: <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure>

4. CASE MANAGEMENT ORDER

The Case Management Order lists many deadlines in your case and is usually issued after the defendant has responded to the lawsuit.

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<https://publiccounsel.org/services/federal-court/>

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5. **STANDING ORDER**

A Standing Order includes the procedural rules that apply to all cases before the judge assigned to your case. The Standing Order is available on the judge's website.

You can find the website of each individual judge in the Central District of California at:
<http://www.cacd.uscourts.gov/judges-schedules-procedures>

B. **SUBSTANTIVE LAW**

Substantive laws describe what facts you must prove to establish your claims or defenses. Each claim has a different set of facts you will need to show to win your case. For example, different laws and facts apply to an employment discrimination case than to an intellectual property case. There are several types of substantive law that may apply in a federal trial-level case, depending on the claims and the basis for federal jurisdiction. In addition to the sources listed below, sources of state substantive law may apply in cases brought under diversity jurisdiction.

1. **AMENDMENTS TO THE UNITED STATES CONSTITUTION**

The amendments to the United States Constitution describe certain rights an individual may enforce in a federal court. For example, the Fourth Amendment protects an individual from unlawful search and seizure by law enforcement. The Eighth Amendment protects a convicted individual from cruel and unusual punishment during confinement.

You can find more information about the amendments to the United States Constitution at:
<https://www.archives.gov/founding-docs/constitution>

2. **STATUTES**

Federal statutes are laws enacted by the United States Congress. The United States Code ("U.S.C.") contains permanent federal laws.

The U.S.C. is available at: <https://www.govinfo.gov/app/collection/uscode/>

Before suing under a statute, determine whether it creates an express or implied private right of action. If it does not, a private litigant generally cannot bring a claim directly under that statute, although other legal claims or enforcement mechanisms may be available.

3. ADMINISTRATIVE REGULATIONS

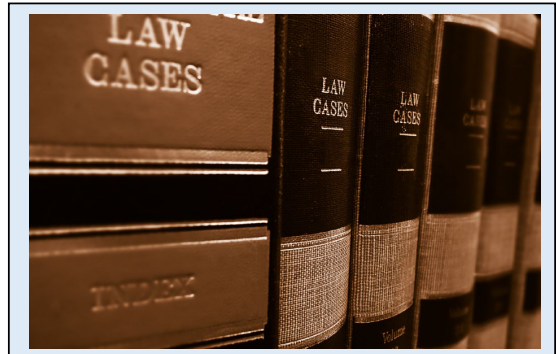
Regulations are issued by federal agencies, boards, and commissions. Regulations explain how agencies plan to carry out their policies. Federal regulations are published in the *Federal Register* and codified by subject in the Code of Federal Regulations (“C.F.R.”), which is updated annually on a staggered schedule.

You can find more information about how to search the C.F.R. on the National Archives website: <https://www.archives.gov/federal-register/tutorial/online-html.html#CFR>

4. CASE LAW

Case law consists of judicial opinions that interpret and apply constitutions, statutes, regulations, and prior judicial decisions.

You can find some judicial opinions online for free on websites such as FindLaw (caselaw.findlaw.com) or Google Scholar (scholar.google.com).



For a fee, you can research judicial opinions online through databases such as Westlaw and LexisNexis. Some law libraries, like the Los Angeles Law Library, allow you to use these databases in person for free for a limited amount of time.

BONUS RESEARCH SOURCE: FEDERAL CIVIL MODEL JURY INSTRUCTIONS

Model jury instructions summarize the elements and legal standards a jury may be asked to apply in a case. They are useful research aids in cases such as civil rights, employment, and intellectual property, but litigants should verify the governing law and any later developments.

The Ninth Circuit Court of Appeals hears appeals from the District Court for the Central District of California. The Ninth Circuit has prepared model jury instructions that can be applied in some cases in the Central District of California:

<https://www.ce9.uscourts.gov/jury-instructions/model-civil>

PUBLIC LAW LIBRARIES IN THE CENTRAL DISTRICT OF CALIFORNIA

Law libraries can assist pro se litigants with legal research questions and provide access to legal materials. A law librarian can show you where to find a specific judicial opinion or help narrow your legal research. Some law libraries even have samples of court documents.

LOS ANGELES COUNTY LAW LIBRARY

301 W. 1st Street
Los Angeles, California 90012
213-785-2529
<http://www.lalawlibrary.org>

ORANGE COUNTY LAW LIBRARY

515. N. Flower Street
Santa Ana, California 92703
714-338-6790
<https://www.ocpll.org>

RIVERSIDE COUNTY LAW LIBRARY – VICTOR MICELI LAW LIBRARY

3989 Lemon Street
Riverside, California 92501
951-368-0368
<http://www.rclawlibrary.org>

RIVERSIDE COUNTY LAW LIBRARY – INDIO BRANCH

82-995 US Highway 111, Suite 102
Indio, California 92201
760-848-7151
<http://www.rclawlibrary.org>

RIVERSIDE COUNTY LAW LIBRARY – TEMECULA LAW RESOURCE CENTER

30600 Pauba Road
Temecula, California 92592
951-693-8902
<http://www.rclawlibrary.org>