

Pennsylvania Libraries: *Research & Practice*

Commentary

An Introduction to Pennsylvania Legal Research for Academic Librarians and Researchers

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This article reviews electronic Pennsylvania legal research resources available to academic librarians and researchers, the structure of the Pennsylvania state government, and the types of information published by each branch of the government. The executive branch publishes the *Pennsylvania Bulletin* (the state's administrative register) and the Pennsylvania Code (the state's administrative code). The laws passed by the Pennsylvania state legislature are codified in two separate statutory codes: *Pennsylvania Consolidated Statutes* and *Pennsylvania Statutes*. The legislature also publishes legislative history for statutes that can help to determine the intent of the legislature when the law was passed. The Pennsylvania courts consist of trial courts, two intermediate appellate courts, and a supreme court. All levels of courts publish case decisions and rules to govern court procedure. Citators help to determine whether a case decision is still valid.

Introduction

In past years, access to electronic legal research resources was limited to databases such as Lexis and Westlaw. People not enrolled in law school did not have access to these databases and were unable to access most electronic legal research resources. Today, however, databases available to university students and websites posted by the Pennsylvania government, universities, and other sources provide access to valuable legal research resources. This article outlines electronic Pennsylvania legal resources, the structure of the Pennsylvania government, the types of information published by each branch of government, and where to find the information.

Overview of Pennsylvania State Government Structure

A basic understanding of government structure is needed to conduct effective legal research. Both state governments and the United States federal government have three branches: legislative, executive, and judicial. Pennsylvania's legislative branch is the Pennsylvania General Assembly. It is composed of two houses: The Senate

and House of Representatives. The legislature passes laws that are then incorporated into Pennsylvania's statutory codes. In the process of creating statutory law, they create information on the legislative history that can be helpful in determining their intent when laws are passed. They can also initiate changes to the state constitution. Pennsylvania's executive branch includes the Office of the Governor and the state administrative agencies, which issue executive orders, proclamations, and administrative regulations. Pennsylvania's judicial branch consists of the Pennsylvania state court system, which creates court opinions and court rules.

In summary, the Pennsylvania government issues various types of legal information: the state's statutory code, legislative history, the state constitution, executive orders, proclamations, administrative regulations, and court decisions. Together they comprise the law of the Commonwealth of Pennsylvania. This article will discuss how these various laws are created, where to find them, and how to search them.

The Legislative Branch of the Pennsylvania State Government

Pennsylvania's Statutory Codes

As mentioned, Pennsylvania's statutory laws are created by the state's legislature, which has been passing laws since in 1700s. Some of the laws passed in that century are still active. The statutory code is arranged by subject to help determine the current statutory laws of a jurisdiction. As the jurisdiction's legislature passes new laws, they are incorporated into the statutory code. As old laws are repealed, they are removed from the statutory code.

Pennsylvania has two incomplete statutory codes that work together to create one complete statutory code: the *Pennsylvania Consolidated Statutes* (the state's official statutory compilation) and the *Pennsylvania Statutes* (an unofficial statutory compilation). The state is in the process of codifying all statutory law into the *Pennsylvania Consolidated Statutes*. For more information about this project, see Egler (2013) *The Pennsylvania Statutory Codification Project - A Long and Winding Road*. Until that project is finished, researchers need to search both sources to review all Pennsylvania statutory law. Thankfully, Nexis Uni and Westlaw Campus Research databases can search both codes simultaneously, either by keyword or by browsing their table of contents. When researchers find a statute that interests them, they should review the other statutes published in the same chapter or subchapter, because the other statutes in the scheme may impact or further illustrate their statute.

The Nexis Uni and Westlaw Campus Research versions of the statutory codes are annotated, providing the current text of the statute, a history of how the statute has changed over time, and references to cases, law review articles, practice guides, and other resources that cite the statute. If researchers don't have access to the Nexis Uni or Westlaw Campus Research databases, they can use the [unannotated version of the Pennsylvania statutory code](http://govt.westlaw.com/pac/index) (govt.westlaw.com/pac/index) on the state legislature's website. They can search or browse this version of the current statutory codes, but it doesn't provide annotations such as summaries of cases or law review articles that interpret the statutes.

When citing Pennsylvania statutory law, it is important to correctly cite either the *Pennsylvania Consolidated Statutes* or the *Pennsylvania Statutes*. The citation formats are not interchangeable. For example, 75 Pa.C.S. § 3111 (a citation to the *Pennsylvania Consolidated Statutes*) requires Pennsylvania drivers to obey traffic signals. There is no statute at 75 P.S. § 3111 (a citation to the *Pennsylvania Statutes*).

Pennsylvania Legislative History

The legislative history of a bill passed into law by the Pennsylvania legislature can reveal the motivation for passing it and its purpose. The history can also support an advocate's position that a law should be interpreted in a certain way.

A review of the Pennsylvania legislative process illustrates the different types of legislative history created during the process:

1. A state legislator introduces a bill (proposed legislation) in either the Senate or the House of Representatives.
2. The bill is assigned a number, which stays with it throughout its legislative process. If it is introduced in the Senate and eventually makes its way to the House, it will continue to be identified by its Senate bill number.
3. The bill is assigned a legislative committee, based on its subject matter. For example, a bill concerning improvements to the state's transportation network would be assigned to the Transportation Committee.
4. The legislative committee considers whether to advance the bill. It may hold hearings or take testimony from witnesses. Committee hearings are not recorded.
5. Only a small number of bills advance out of committees. If it is not advanced, the bill "dies in committee."
6. If a bill advances out of committee, the entire legislative chamber considers it. Legislators can speak in favor of or in opposition to the bill. These comments are recorded in the House and Senate journals.
7. The bill is voted on by the legislative chamber. If approved, the bill is transferred to the other chamber, and the process repeats: The bill is assigned to a legislative committee, the committee advances the bill, the bill is considered by the entire legislative chamber, and the bill is approved by the second legislative chamber.
8. Legislators in the second legislative chamber may make changes to the bill. If the two chambers pass different versions of the bill, a conference committee consisting of legislators from each house is formed to reconcile the two versions. The reconciled version of the bill must then be passed by both chambers.
9. After both chambers have passed identical versions of the bill, it is sent to the Governor. If signed, it becomes law. If vetoed, there is a process by which the legislative chambers can try to override the veto.

For a detailed explanation of the Pennsylvania legislative process, see "[Making Law in Pennsylvania](#)" (bit.ly/3TLy033), published by the Pennsylvania House of Representatives.

This process produces several types of legislative history:

1. Different versions of the bill. The bill may be amended several times during its legislative journey. Review them to see what has been added and removed.
2. Testimony on the House or Senate floor. The bill may be debated, but not all bills are debated. Testimony from legislators can help determine the legislature's intent when it passed.

The best source for floor testimony is the House and Senate journals on the [state legislature's website](#) (bit.ly/3VUwIUK), which includes information since 1993. Use its search features to locate your bill. On the bill's website under the bill number at the top of the page, select the "History" to review the history of the bill. It will include links to any floor debate available for the bill.

The Pennsylvania Constitution

The Pennsylvania Constitution is the state's foundational document. It justifies the existence of the state's government, lays out the structure of that government, grants and limits the powers of that government, and includes a list of rights granted to citizens of the state. The first Pennsylvania Constitution was drafted in 1776. The current Pennsylvania Constitution was drafted in 1968. [All versions of the Pennsylvania Constitution](#) (bit.ly/3TyGdHt) are on

the Duquesne University School of Law PA Constitution website. For research purposes, the Pennsylvania Constitution is included with Pennsylvania's statutory codes. The Constitution can be researched in the same manner as the Pennsylvania statutory codes, as discussed above.

The Executive Branch of the Pennsylvania State Government

The state government's executive branch includes the Governor and the state's administrative agencies. Each of these entities publishes information.

The Pennsylvania Governor's Office

The Governor issues executive orders and proclamations. Executive orders direct action by administrative agencies or some other part of the executive branch. Proclamations are formal public announcements, often honoring a person or group of people. Executive orders and proclamations are published in the *Pennsylvania Bulletin*, discussed below.

The Pennsylvania Administrative Code

Pennsylvania's administrative agencies create regulations. They are both similar to and different from the statutes issued by the state legislature. The purpose of the agencies is to regulate specific subject areas. For example, the Department of Banking and Securities regulate banks in Pennsylvania. The agencies create administrative regulations, and those are published in the *Pennsylvania Administrative Code*.

Nexis Uni and Westlaw Campus Research include the *Pennsylvania Administrative Code*. Researchers can search or browse the database for relevant regulations. A free version of the [Pennsylvania Administrative Code](http://www.pacodeandbulletin.gov) (www.pacodeandbulletin.gov) is also available.

As with statutes, researchers should review other regulations published in the regulatory scheme to gain perspective on how their regulation fits into the overall regulatory scheme for their subject. Other regulations may further illustrate or impact the researcher's regulation.

The Pennsylvania Bulletin

The *Pennsylvania Bulletin* is a weekly publication that notifies the public of numerous activities of legislative, executive, and judicial branches. It publishes proposed and final administrative regulations, notices of hearings and other actions by state agencies, a list of laws passed by the General Assembly, proposed and final court rules issued by the state trial courts and appellate courts, proclamations and executive orders by the Governor during that week. Nexis Uni and Westlaw Campus Research include the *Pennsylvania Bulletin*. Researchers can also search and browse issues of the official and free [Pennsylvania Bulletin](http://www.pacodeandbulletin.gov) (www.pacodeandbulletin.gov).

The Judicial Branch of the Pennsylvania State Government

Court Structure

There are three levels of courts: the Pennsylvania Courts of Common Pleas are trial courts and are arranged by county, the Pennsylvania Superior Court and Pennsylvania Commonwealth Court are the two intermediate

appellate courts, and the Pennsylvania Supreme Court is the highest court. More information about the [structure of the state court system](#) (www.pacourts.us/learn) is on the Unified Judicial System of Pennsylvania's website.

Court Decisions

All three levels of courts issue decisions, but each level issues different types of decisions. The Court of Common Pleas opinions decide motions that parties filed during trial court litigation. Most of those decisions do not decide which party prevails in the litigation. Parties can appeal Court of Common Pleas decisions to the intermediate appellate courts. Opinions issued by the Superior Court and the Commonwealth Court decide appeals filed by trial court parties. Only a small percentage of appeals considered by the intermediate appellate courts result in opinions. Parties can appeals decisions of the Superior Court or the Commonwealth Court to the Pennsylvania Supreme Court. The Supreme Court will only review the intermediate appellate court's decision if the court feels the case law on the issue needs to be clarified or changed.

Nexis Uni and Westlaw Campus Research include all Pennsylvania court decisions, which can be searched by keyword. The search results can be limited by several factors including date, court, and judge. For researchers that don't have access to these databases, options are limited. [Google Scholar](#) (scholar.google.com) has Pennsylvania case law, but it doesn't provide information about its coverage or currency, and it is not certain whether the information is comprehensive. The [Pennsylvania court system website](#) (bit.ly/3D4vdKS) provides a caselaw database, but it only includes decisions issued since 1998.

Court Rules

Pennsylvania court rules govern the procedure of the courts. There are several types of rules, including:

- Rules of Civil Procedure. For example, Pennsylvania Rule of Civil Procedure 1007 requires that all civil actions be commenced by filing a complaint or a praecipe for a writ of summons.
- Rules of Criminal Procedure. For example, Pennsylvania Rule of Criminal Procedure 602 requires that the defendant be present at every stage of the trial.
- Rules of Appellate Procedure. For example, Pennsylvania Rule of Appellate Procedure 903 requires that appeals be filed within 30 days of the date of the lower court order that is being appealed.
- Rules of Evidence. For example, Pennsylvania Rule of Evidence 610 states that evidence of a witness's religious beliefs or opinions is not admissible to attack or support a witness's credibility.

Nexis Uni and Westlaw Campus Research include annotated version of Pennsylvania's state, federal, and local courts rules. The databases can be searched and browsed. A free unannotated version of all Pennsylvania state court rules is published in the [Pennsylvania Administrative Code](#) (www.pacodeandbulletin.gov), starting at chapter 201.

Citators

An important part of legal research is making sure that information is current. Researchers need to check the currency date of their information resources. Commercial databases, such as Nexis Uni and Westlaw Campus Research, and official government databases, are generally kept current. Databases used for researching statutes, administrative regulations, and court rules should provide the currency date of the information.

Determining the currency of case law is more challenging. If researchers locate a relevant court decision, they must next determine if the law stated in the court decision is still valid or if it has been altered by a subsequent case decision. Nexis Uni and Westlaw Campus Research both provide citators that help check whether their caselaw is current. Shepard's is Nexis Uni's citator, and KeyCite is Westlaw Campus Research's citator. These tools will indicate

whether the law in the initial case has been impacted by subsequent case decisions. Citator services are important and necessary resources when conducting case law research.

Conclusion

This article has reviewed the process of conducting Pennsylvania legal research using academic databases and free online resources. The continued proliferation of electronic information will likely result in the creation of additional resources. Researchers need to understand the structure of the Pennsylvania state government and the availability of legal information resources.