

APPENDIX V – Case Law

The following is an explanation of case law. It is a revised version of a correspondence lesson for magistrates.

Case law is the law established by judicial decisions in particular cases, instead of by legislative action.

One of the basic differences between case law and other types of law is the way case law is made. **Alaska Statutes** are laws passed by the Alaska legislature. The statutes are not directed at any one person or personal situation. Rather, they are general laws under which we all must live. The **Alaska Rules of Court**, adopted by the Alaska Supreme Court, are general rules which apply to all those who appear before the courts in Alaska. Likewise, the **Alaska Administrative Code** contains regulations adopted by administrative agencies, such as the Department of Public Safety, on a number of subjects which apply generally to the people of Alaska. They are not directed to any one particular person or personal situation.

Case law is different because case law begins with a personal situation. Case law contains the rules of law that courts have developed as they look at the specific disputes (i.e., the cases) which are brought before them. In each case, the court is asked to decide how the general laws apply to the particular case before the court.

The first decision in a case is made at the trial court level, with each party to the case making arguments to the court and usually presenting evidence. The trial judge makes a decision in the case. Then, if any party is unsatisfied with the decision and wants to take the case further, he or she can appeal the case to a higher court. An appeal is a request that the higher court review the decision made by the lower court. The higher court decides whether the lower court made any legal errors which would make the decision in the case improper or unfair. The higher court does not take any new evidence or listen to testimony.

The higher court reviews the record of what went on in the lower court, reads the written arguments (briefs) of the parties and listens to their oral arguments about whether or not mistakes were made. The court then issues a written decision. The decision tells who wins the appeal and why. Often the appellate court's decision will affect many more people than just the parties before the court, because the court's decision may, for example, explain what a statute means.

In some cases, most often criminal cases which have been appealed to the court of appeals and then again to the supreme court, there will be more than one written decision. The decision of the highest court is the controlling decision to be followed by the lower courts. In a case which has been appealed to the court of appeals and then to the supreme court, the supreme court decision contains the principles of law (case law) which must be followed.

The reason an appellate decision may be so important is because our legal system is built on the concept that courts will base their decisions on what courts have previously

decided in other cases. An appellate decision gives authority or direction to lower courts on how to decide similar questions of law in later cases with similar facts. Lower courts must follow the law stated in decisions made by higher courts. This is called "following precedent."

Sometimes a court will change its mind about a principle of law. It can do this by overruling that principle of law—that is, changing it—in another case which comes before the court. From then on, the new principle is the one all lower courts will follow.

In Alaska, only appeal decisions called opinions issued by the supreme court and court of appeals set precedent (that is, make case law). Appeal decisions issued by the superior court and appeal decisions called MO&J's (Minute Orders and Judgments) by the supreme court and court of appeals do not set precedent. Appellate Rule 214.

AN EXAMPLE OF HOW CASE LAW DEVELOPS

For purposes of example, we will trace the history of the case of State of Alaska v. Gary Jacobson. This is an old case (decided in 1976) which was decided before Alaska had a court of appeals.

The case began when Gary Jacobson was charged with the crime of operating a motor vehicle while under the influence of intoxicating liquor, in violation of AS 28.35.030. The complaint was brought in the district court in Fairbanks.

The complaint was entitled State of Alaska v. Gary Howard Jacobson and was assigned a Fairbanks trial court number. The State of Alaska was the plaintiff (also referred to as the "prosecution" or the "state") and Gary Jacobson was the defendant.

The facts can be described as follows:

At approximately 2:00 a.m. on the morning of November 18, 1973, Alaska State Trooper Robin Lown noticed a vehicle parked on the edge of Davis Road in Fairbanks. Two wheels of the vehicle were on and two wheels were off the pavement of Davis Road. The engine and heater of the parked vehicle were running, the lights were off, and Jacobson was observed sound asleep on the front seat, his head and shoulders on the passenger side and his feet and legs below the steering wheel.¹

At the time this case was brought, AS 28.35.030 read, in part, as follows:

A person who, while under the influence of intoxicating liquor...operates or drives an automobile...in the state, upon conviction, is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both...

Mr. Jacobson said he was not operating a motor vehicle because he was not putting the car in motion. He was asleep, and the car was stopped, although the car engine was on. The district court judge decided the word "operating" in this statute includes sleeping at the wheel with the engine running, which is what Mr. Jacobson did.

Mr. Jacobson was convicted at trial, and he appealed the decision of the district court judge that he was operating a motor vehicle.

The argument, then, was about what the word "operating" means in AS 28.35.030.

Gary Jacobson appealed his case to the superior court.² The case was retitled Gary Jacobson v. State of Alaska. Mr. Jacobson's name was listed first because he brought the appeal. He was the appellant, and the State of Alaska was the appellee. The

¹ This is a quote from page 2 of the supreme court opinion, Jacobson v. State, 551 P.2d 934 (1976).

² This case was decided before Alaska had a court of appeals. Under the current system, Mr. Jacobson could have appealed to **either** the superior court or the court of appeals. If he lost his appeal to either court, he could then petition for hearing in the next higher level of court.

superior court agreed with the district court that Mr. Jacobson was operating a motor vehicle, so he lost his appeal to the superior court. He decided to appeal to the supreme court.³

In the supreme court the trial court number is no longer used.⁴ As soon as the case is appealed, it is given a file number by the court of appeals or the supreme court. In this case, the file number assigned was 2478. That means that Mr. Jacobson's case was the 2478th appeal filed in the Alaska Supreme Court.

The supreme court listened to and considered the legal arguments of Mr. Jacobson and the State of Alaska. In Supreme Court Opinion No. 1282, the supreme court agreed with the district and superior courts. The supreme court decided the acts done by Mr. Jacobson were included in the term "operating" and, therefore, he could be found guilty of driving while intoxicated. (The opinion number means this was the 1282nd formal opinion issued by the supreme court.)

This decision is important for more people than just Mr. Jacobson. Because of this decision, the courts know more about what the term "operating" means in this statute, and this knowledge can be applied to other similar cases. When Mr. Jacobson's case was decided by the supreme court, the principles of law contained in the case became the law to be followed by all courts in Alaska.

HOW TO FIND CASE LAW

When the court of appeals or supreme court decides a case, its opinion is first printed in "slip" form—that is, on 8-1/2" x 11" paper in the form shown on the next page. Each week these opinions are released by the appellate courts. These slip opinions are sent to Alaska judges, magistrates, law libraries and others.

³ Such a request for a second review by a higher appellate court would no longer be called an appeal. It is now called a petition for hearing, and the higher court is no longer required to grant review. This was one of the changes made when the appellate rules were completely revised in 1980 after the court of appeals was created.

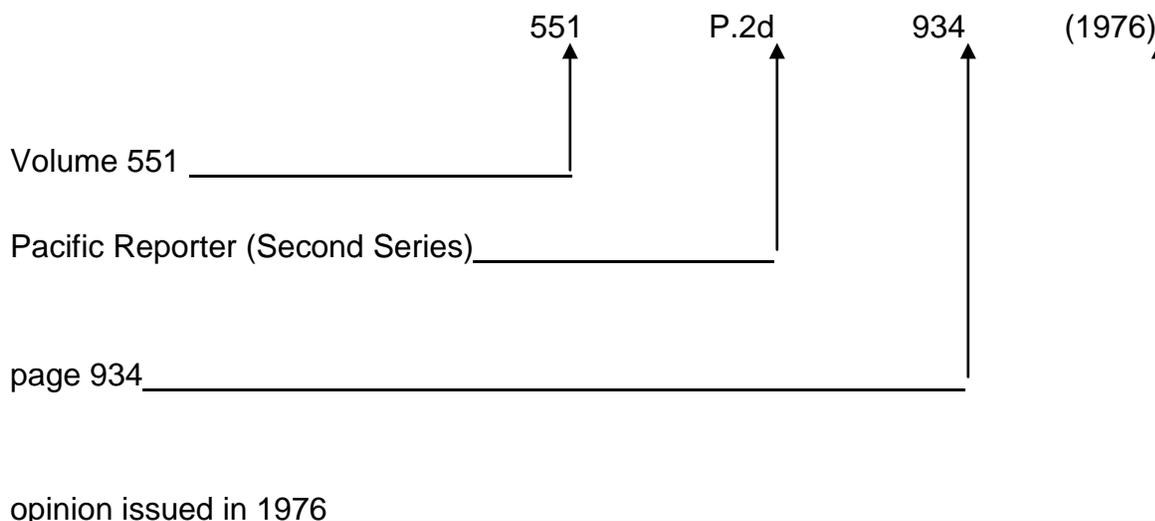
⁴ This is also true in the court of appeals. A new file number is assigned when the case is appealed to the court of appeals. If the case is appealed from the court of appeals to the supreme court, yet another file number is assigned to the supreme court case.

Example of first page of an Alaska Supreme Court opinion in "slip opinion" format.

THE SUPREME COURT OF THE STATE OF ALASKA		
GARY HOWARD JACOBSON,)	
)	
Appellant,)	
)	File No. 2478
v.)	
)	<u>O P I N I O N</u>
STATE OF ALASKA,)	
)	
Appellee.)	[No. 1282 - July 2, 1976]
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Appeal from the Superior Court of the State of Alaska, Fourth Judicial District, Fairbanks, Gerald J. Van Hoomissen, Superior Court Judge, Mary Alice Miller, District Court Judge.		
Appearances: John F. Rosie, Fairbanks, for Appellant. David Mannheimer, Assistant District Attorney, Harry L. Davis, District Attorney, Fairbanks, and Avrum Gross, Attorney General, Juneau, for Appellee.		
Before: Boochever, Chief Justice, and Rabinowitz, Connor, Erwin, and Burke, Justices.		
RABINOWITZ, Justice.		
BURKE, Justice, with whom ERWIN, Justice, joins, dissenting in part, concurring in part.		
Gary Jacobson was charged with the crime of operating a motor vehicle while under the influence of intoxicating liquor. After trial by jury in the district court, Jacobson was found guilty and sentenced to imprisonment for a period of 120 days and fined \$1,000. ¹ Jacobson then appealed to the superior court, which affirmed his district court conviction. The instant appeal has been brought from the superior court's		
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1. The district court suspended 100 days of the 120 period of imprisonment as well as \$500 of the \$1,000 fine which had been imposed.		

There is a nationwide system of organizing these opinions called the National Reporter System. The 50 states in the United States are divided into seven regions. Alaska is included in the Pacific region, along with Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington and Wyoming. Opinions of the courts of appeals and supreme courts of these states are printed in a set of books called the Pacific Reporter.

Each case is given an official reporter citation, which tells where the case can be found in the national reporter system. Jacobson v. State was given the official citation of 551 P.2d 934 (1976).⁵ This means:



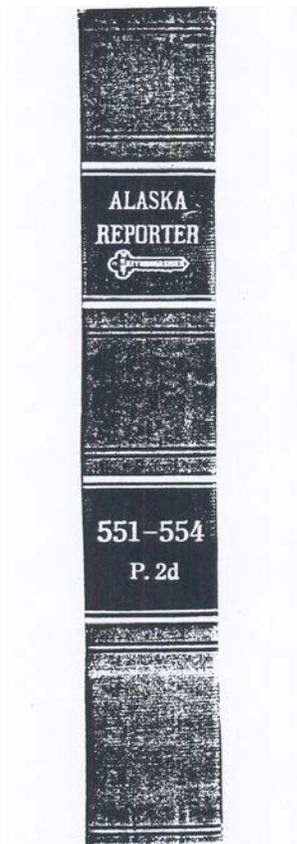
Most superior court law libraries in Alaska have the Pacific Reporter series. However, most magistrate courts do not have the Pacific Reporter series because it is very expensive and takes up a great amount of room.

Instead, many magistrate courts have the Alaska Reporter. The Alaska Reporter contains only Alaska Supreme Court and Alaska Court of Appeals opinions. The Alaska Reporter uses the same official citations for cases as the Pacific Reporter. Thus, you use the same citation to find a case in either reporter. Jacobson v. State appears in the volume of the Alaska Reporter which contains the Alaska cases from Volume 551 of the Pacific Reporter. The Alaska Reporter volume where this case appears is the volume labeled "551 - 554 P.2d." A copy of the spine of this volume is shown below.

⁵ The official reporter citations now include a designation as to which appellate court (supreme court or court of appeals) decided the appeal.

Example: The citation "Jackson v. State, 791 P.2d 1023 (Alaska App. 1990)" indicates that this opinion was issued by the Alaska Court of Appeals in 1990.

Example: The citation "Poor v. Moore, 791 P.2d 1005 (Alaska 1990)" indicates that this opinion was issued by the Alaska Supreme Court in 1990.



FINDING CASE LAW RELATING TO A PARTICULAR LAW OR RULE

There are several legal research tools which can be used to find cases which discuss particular subjects or laws. The best place to begin to find citations to cases which discuss a particular statute or rule is in the Alaska Statutes or Alaska Rules of Court.

Alaska Statutes

After each statute is a section printed in small print. These small print sections are called annotations. The annotations give additional information about the statute they follow. The annotations usually begin with information about the legislative history of the statute, such as when the statute was passed or amended. Then, if there are any appellate cases which discuss the statute, these cases are summarized and the official citation to the case is listed.

For example: Part of the annotation section for AS 28.35.030 is shown on the next page. It includes Jacobson v. State. From the annotations, the official citation to the case can be found and used to locate the case.

An annotation should not be relied upon as an exact interpretation of a case. If it appears from the annotation that a case is important, the whole case should be read. The annotations are not part of the official text of the case, and the annotator may have made a mistake.

Annotations for AS 28.35.030

§ 28.35.030

MOTOR VEHICLES

§ 28.35.030

State, 653 P.2d 343 (Alaska Ct. App. 1982).

This section prohibits a person who is under the influence of intoxicating liquor being in actual physical control of a vehicle with its motor running. Jacobson v. State, 551 P.2d 935 (Alaska 1976).

Continuing offense. — Driving while intoxicated is a continuing offense, i.e., a defendant can only be prosecuted once for a continuous period of drunk driving. Reeve v. State, 764 P.2d 324 (Alaska Ct. App. 1988).

Rebuttable presumption of intoxication. — This section does not establish a conclusion that blood tests become irrelevant if taken more than four hours after the alleged violation; rather, the statute simply reflects the legislative conclusion that a blood test taken within four hours of the alleged infraction is such definitive evidence of intoxication at the time of driving, that the blood test result is sufficient to establish a rebuttable presumption of intoxication. Williams v. State, 737 P.2d 360 (Alaska Ct. App. 1987).

Reasonable suspicion of intoxication. — Police officer's suspicion that driver was possibly intoxicated and posed an imminent danger while driving was reasonable. Larson v. State, 669 P.2d 1334 (Alaska Ct. App. 1983).

The words "operate" and "drive" have differing connotations and refer to different acts. Jacobson v. State, 551 P.2d 935 (Alaska 1976).

As a general proposition, it appears that "to operate" includes a larger class of activities than "to drive." While one who drives a vehicle must necessarily in that process operate it, the reverse is not necessarily so. Jacobson v. State, 551 P.2d 935 (Alaska 1976).

Movability of vehicle. — This section on its face, contains no "movability" requirement, and the definition of "operate" adopted in Jacobson contains no such requirement; and a defendant could be found guilty of driving while intoxicated even though his automobile was stuck in a mudhole and was incapable of movement. Lathan v. State, 707 P.2d 941 (Alaska Ct. App. 1985).

Defendant was "in actual physical control" of her vehicle, where she was seated in the driver's seat behind the steering wheel, had possession of the ignition key and was attempting to put the key in the ignition; given these factors of control, it is not necessary that the engine

be running. State, Dep't of Pub. Safety v. Conley, 754 P.2d 232 (Alaska 1988).

Police response to what is reasonably interpreted as request for assistance justified. — A trooper's action in engaging his emergency lights and contacting a defendant, following what he reasonably interpreted to be a request for assistance from the defendant's vehicle, is permissible under U.S. Const., Amend. 4 as well as Alaska Const., Art. I, § 14. When a police officer observes facts and circumstances which he actually and reasonably concludes to be a request for contact or assistance, the officer is justified in making that contact, which would not be analyzed as an investigatory stop requiring articulable suspicion. Crauthers v. State, 727 P.2d 9 (Alaska Ct. App. 1986).

A conviction under subsection (a) of this section cannot be based on the use of a drug which had not been specifically designated by regulation as a drug which carried criminal sanctions for its use while driving. Crutchfield v. State, 627 P.2d 196 (Alaska 1980).

Subsection (c) inapplicable to airboats. — A court may not revoke the driver's license of a person convicted of driving while intoxicated on public property in an airboat; an airboat is not a motor vehicle for which a driver's license is required. State v. Stagno, 739 P.2d 198 (Alaska Ct. App. 1987).

Cough medicines as intoxicating liquors. — Nyquil and terpin hydrate, two cough medicines, are intoxicating liquors within the common understanding of that phrase and can be the basis for a conviction of driving while intoxicated. Lambert v. State, 694 P.2d 791 (Alaska Ct. App. 1985).

Right to counsel guaranteed. — When convicted for violating this section, a person may receive a fine of not more than \$1,000 or a term of imprisonment for not more than one year, or both. Therefore, such case is one in which the right to counsel is guaranteed an accused by the Alaska Constitution. Gregory v. State, 550 P.2d 374 (Alaska 1976).

Request for counsel before breathalyzer test. — District court judge's finding that defendant, convicted of driving while intoxicated under municipal code, did not request counsel prior to taking the breathalyzer examination where he never asked to speak to an attorney but asked whether he might need an attorney, with testimony supporting the conclusion that he wondered if he needed an attorney in

Alaska Rules of Court

The Rules of Court are also annotated. After each rule is a set of annotations. For example: One of the cases annotated after Criminal Rule 11 is Gregory v. State. This case discusses the meaning of Criminal Rule 11.

CRIMINAL RULES		Rule 11
<p>(3) A plea of guilty or nolo contendere which is not accepted or has been withdrawn shall not be received against the defendant in any criminal proceeding.</p> <p>(Adopted by SCO 4 October 4, 1959; amended by SCO 98 effective September 16, 1968; amended by SCO 157 effective February 15, 1973; by SCO 427 effective August 1, 1980; by SCO 589 effective January 1, 1984; by SCO 606 effective October 4, 1984; SCO 660 effective November 7, 1985; by SCO 662 effective March 15, 1986; and by SCO 719 effective August 1, 1986; and by SCO 750 effective December 15, 1986)</p>	<p>suspended imposition of sentence procedure. <i>Stobaugh v. State</i>, Op. No. 2127, 614 P2d 767 (Alaska 1980).</p> <p>In a case involving a simple offense and a quite specific charge, i.e. operating a motor vehicle while intoxicated, the requirement that the court establish a factual basis for the plea was satisfied by the reading of the charge and defendant's subsequent plea. <i>Swensen v. Municipality of Anchorage</i>, Op. No. 2179, 616 P2d 874 (Alaska 1980).</p> <p>This rule does not permit the court to inquire as to whether there is a reasonable basis for a plea of nolo contendere. <i>Miller v. State</i>, Op. No. 2186, 617 P2d 516 (Alaska 1980).</p> <p>Where a defendant pleads guilty to a lesser offense and a review of the facts establishes that he, in fact, committed a greater offense, the court may legitimately find that he is a worst offender for purposes of sentencing him for the lesser offense. <i>Schnecker v. State</i>, Op. No. 732, 739 P2d 1310 (Alaska App. 1987).</p> <p>If a defendant establishes that there has been a violation of this rule, the state must bear the burden of showing, by a preponderance of the evidence, that the court substantially complied with the rule. <i>Walsh v. State</i>, Op. No. 829, 758 P2d 124 (Alaska App. 1988).</p>	
Annotations		
<p>Cases</p> <p>I. Pleas</p> <p>A. In General</p> <p>B. Voluntariness and Understanding</p> <p>C. Withdrawal</p> <p>D. Plea Agreements</p> <p>I. Pleas</p> <p>A. In General</p> <p>Where record failed to show that the defendant was ever called upon to enter a plea but record showed that the trial was conducted as though he had entered a plea of not guilty and that the defendant's situation would not have been altered in any respect if such a plea had been entered, failure to enter a plea did not render the conviction void. <i>State v. Pete</i>, Op. No. 372, 420 P2d 338 (Alaska 1966).</p> <p>A defendant who was adequately represented by counsel and who voluntarily and knowingly entered a plea of guilty, waived all non-judicial defenses. <i>Thompson v. State</i>, Op. No. 408, 426 P2d 995 (Alaska 1967).</p> <p>A plea of nolo contendere, like a guilty plea, is both an admission of guilt and a waiver of all non-judicial defects. <i>Cooksey v. State</i>, Op. No. 1063, 524 P2d 1251 (Alaska 1974).</p> <p>A plea of guilty is generally regarded as a waiver of all non-judicial defects; such plea provides a means by which a defendant may acknowledge his guilt and manifest a willingness to assume responsibility for his actions. <i>Cooksey v. State</i>, Op. No. 1063, 524 P2d 1251 (Alaska 1974).</p> <p>When defendant pleads guilty without the assistance of counsel, the plea is invalid unless defendant waived his right to counsel. <i>Gregory v. State</i>, Op. No. 1269, 550 P2d 374 (Alaska 1976).</p> <p>Since plea of guilty or nolo contendere requires judicial determination of voluntary nature and reasonable basis of plea, disqualified arraignment judge should immediately assign case to another judge. <i>Gleffels v. State</i>, Op. No. 2787, 552 P2d 661 (Alaska 1976).</p> <p>If defendant pleads not guilty, disqualified arraignment judge need only refer case to another judge if calendaring becomes a disputed issue. <i>Gleffels v. State</i>, Op. No. 1295, 552 P2d 661 (Alaska 1976).</p>	<p>B. Voluntariness and Understanding</p> <p>Plea of guilty made in 1952 under the similar federal rule was voluntarily made when the defendant had discussed the plea of guilty with counsel of his choice who advised him of the effect thereof and was present at plea, and the trial judge had determined at a conference with counsel though not in open court that the plea was not improvidently made, and the judge had asked appellant if he had anything to say why sentence should not be imposed. <i>Oughton v. State</i>, Op. No. 377, 420 P2d 452 (Alaska 1966).</p> <p>The fact that a plea of guilty was entered because of the possibility of obtaining a more lenient sentence did not, standing alone, vitiate the plea, when it was established on the record that appellant was fully aware of the consequences of his plea. <i>Thompson v. State</i>, Op. No. 408, 426 P2d 995 (Alaska 1967).</p> <p>Record of post-conviction hearing on remand disclosed sufficient basis for superior court's finding that appellant's change of plea to guilty was made voluntarily and with understanding of the nature of the charge. <i>Thompson v. State</i>, Op. No. 408, 426 P2d 995 (Alaska 1967).</p> <p>Where a guilty plea is in fact entered voluntarily and with an understanding of the nature of the charge, the failure of the trial court to determine, prior to accepting the guilty plea, that the plea is made voluntarily with an understanding of the nature of the charge is harmless, and there is no reason to vacate defendant's sentence in order to allow him to withdraw his guilty plea; however, in such a situation, the burden is on the state to demonstrate that the plea was in fact made voluntarily and with an understanding of the nature of the charge. <i>Ingram v. State</i>, Op. No. 523, 450 P2d 161 (Alaska 1969).</p> <p>Where a defendant suffers from mental deficiencies, it is incumbent upon either his counsel or the court, before acceptance of a guilty plea to a charge of second-degree murder, to explain to the defendant as clearly as possible the difference between first and second-degree murder and the consequences of entering a plea of guilty to second-degree murder. <i>Ingram v. State</i>, Op. No. 523, 450 P2d 161 (Alaska 1969).</p>	

Alaska Administrative Code

Unfortunately, the Alaska Administrative Code is not annotated. There is no way to go directly from the administrative code to the cases which discuss the regulations in the code.

FOLLOWING CASE LAW

The Alaska district court and superior court must follow the rules of law contained in the opinions of the Alaska Court of Appeals and the Alaska Supreme Court (unless those opinions have been overruled at a later time).

Occasionally, an annotation may indicate that an appellate court has found a law unconstitutional. This means that the appellate court has ruled that the law cannot be used because it violates some part of the Alaska Constitution or the United States Constitution. Laws which have been ruled unconstitutional cannot be enforced.

APPEALING TO THE U.S. SUPREME COURT

If a case involves rights which are guaranteed by the U.S. Constitution (and in certain other limited cases), a person who loses an appeal in the Alaska Supreme Court can try to appeal his or her case to the U.S. Supreme Court. However, the U.S. Supreme Court can refuse to hear the case. In fact, the U.S. Supreme Court hears only a very small percentage of the cases which are appealed from state courts.

If the U.S. Supreme Court does hear a case from the Alaska Supreme Court, the opinion of the U.S. Supreme Court will be the controlling opinion. If the U.S. Supreme Court refuses to hear the appeal, the decision of the Alaska Supreme Court is final.

OPINIONS FROM THE U.S. SUPREME COURT WHICH DID NOT COME FROM ALASKA CASES

The U.S. Supreme Court is the highest court in the land. Therefore, regardless of where a case originates, case law from the U.S. Supreme Court must be applied in all 50 states.

However, in a case involving constitutional rights, the Alaska Supreme Court can give more rights to an individual based on the Alaska Constitution than the rights recognized by the U.S. Supreme Court (which are based on the U.S. Constitution). The two constitutions are somewhat different. When it comes to interpreting the U.S. Constitution, the U.S. Supreme Court is the final authority; and the Alaska Supreme Court cannot issue a conflicting opinion. However, if a case raises issues about the meaning of the Alaska Constitution, the Alaska Supreme Court is the final authority.

Thus, the Alaska Supreme Court may not recognize any fewer rights than are recognized by the U.S. Supreme Court (because Alaska's citizens are protected by the U.S. Constitution as well as the Alaska Constitution), but it can recognize more rights and give individuals more protection. For example, Article I, Section 22 of the Alaska

Constitution explicitly recognizes the right of privacy. The U.S. Constitution does not have this specific provision. Therefore, Alaska courts may decide to recognize more privacy rights in cases based on the Alaska Constitution than would the U.S. Supreme Court based on the U.S. Constitution.

CASES DECIDED BY OTHER STATES' APPELLATE COURTS AND COURTS IN THE FEDERAL SYSTEM

A case from another state court may be persuasive inasmuch as it shows how another judge decided a case similar to one facing an Alaska judge. However, an Alaska judge is not required to follow such a ruling by a court in another state.

Case law which an Alaska judge is required to follow, such as Alaska Supreme Court case law, is called "mandatory" authority. Case law from other states is only "persuasive authority" in that an Alaska judge need not follow it if the judge does not think it would be right to do so.

Generally, cases from federal courts other than the U.S. Supreme Court are only "persuasive" authority. However, this is not always true.

A NOTE ABOUT OTHER SOURCES USED IN LEGAL RESEARCH

Statutes, rules, regulations and case law are not the only sources used in legal research. Other sources of legal information include legal encyclopedias, treatises, hornbooks and law review articles. These other sources are called "secondary" materials because they summarize, analyze or interpret "primary" materials such as court cases and statutes.

These secondary materials are generally valuable as an overview of a subject area or problem. Judges are not required to follow the statements of law contained in secondary materials, but judges are required to follow the statements of law contained in the primary sources (the statutes, rules, regulations and court opinions) which the secondary material summarizes. The superior court law libraries usually contain a variety of these secondary materials.