

Legal Resources



When legal writers make assertions about the law or quote or paraphrase published sources, they must support each statement with a reference to the original material. This legal citation or cite may be to a particular court opinion, a statute, an administrative opinion, a regulation, or a secondary authority such as a treatise or a law review article.²²¹ This appendix provides a primer on the organization and referencing systems used for locating state and local regulations and case law.

State Regulations

The terms used to identify legislative acts can be confusing. The state legislature adopts laws called statutes (e.g., Wisconsin Statutes Chapter 59: Counties, or Wis. Stat. § 59). These laws often provide only general policies. State agencies hold public hearings and adopt administrative rules to provide the detailed regulations needed to implement general statutory policies. After review by the state legislature, administrative rules have the full force of law (e.g., Wisconsin Administrative Code ch. NR 115: Shoreland Management, or Wis. Admin. Code ch. NR 115).

²²¹ Information excerpted from *Introduction to Legal Materials: A Manual for Non-Law Librarians in Wisconsin* by the Law Librarians Association of Wisconsin. Available at: <http://www.aallnet.org/chapter/llaw/paliguide/>.

Appendices

Annotations

Following each affected section of state statutes you will often find annotations that provide information on the history of the section, interpretative notes, related court decisions or attorney general opinions, and published articles.

State statutes and administrative rules are available at many libraries and on-line at: www.legis.state.wi.us.

Local Ordinances

Similar to state statutes and administrative rules, local ordinances are organized and referenced in the following manner.

Numbering systems

Understanding the numbering system, terms and abbreviations used to identify specific provisions and to organize an ordinance or statute is essential to interpretation. The following example from Wisconsin Statutes illustrates an organizational scheme that must be mastered in order to determine a law's meaning. For example, "s. 8.31(2)(a)" in an ordinance refers to:

Chapter = ch. 8

Section = s. 8.31 (literally "section 31 of chapter 8" but common usage is "section 8 point 31")

Subsection = sub. (2)

Paragraph = par. (a)

Internal references

The entire citation is often not used to refer to a provision within the same section. For example, in s. 8.31(2), "sub. (b)" refers to s. 8.31(2)(b).

Case Law

Case law is the dynamic body of law containing legal principles derived from the application of law to individual court cases. Case law records the facts of controversy within a case, explains the judges' decisions, and in some cases provides judges' dissenting opinions. Following exhaustion of local relief remedies, zoning decisions may be appealed through several levels of court, starting with the circuit courts and preceding through the court of appeals, and in rare instances the Wisconsin Supreme Court or U.S. Supreme Court. When examining the findings of similar cases, higher court decisions take precedent over lower court decisions.

Citations to court decisions generally begin with the name of the case, which is usually in the form of Plaintiff v. Defendant. The first number to appear will be a reference to a volume number. Following the first number is an abbreviation for a court reporter. Lists of these abbreviations and the titles for which they stand are included as appendices in many legal research texts. Following the reporter abbreviation a series number may appear, such as 2d.

Websites for Accessing Wisconsin Court Decisions

Wisconsin Supreme Court decisions released since September 1995
<http://www.courts.state.wi.us/opinions/sopinion.htm>

Wisconsin Court of Appeal decisions released since June 1995
<http://www.courts.state.wi.us/opinions/aopinion.htm>

Older Wisconsin Supreme Court and Court of Appeal decisions
http://web.lexis-nexis.com/universe/form/academic/s_casecite.html

DNR's *Zoning Case Law in Wisconsin*. Includes summaries of published decisions of the Wisconsin Supreme Court and Court of Appeals relevant to shoreland and floodplain zoning in Wisconsin. DNR Publication # WT-540, Revised October 2004.
<http://www.dnr.wi.gov/org/water/wm/dsfm/shore/documents/zoning-case-law-2004.pdf>

To request supplemental updates, contact:
WDNR Dam Safety/Floodplain/Shoreland Section
101 S. Webster St.
P.O. Box 7921
Madison, WI 53707-7921
Telephone: 608-266-8030