# Appendix 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.<sup>221</sup> 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).

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<sup>&</sup>lt;sup>221</sup> 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.

Many reporters are numbered up to a certain point, then begin again with volume one of a second series. Following the series number, if there is one, will be a number indicating the page on which the decision begins. A second page number may indicate a specific page reference within a particular case. Many citations will also include a parallel cite, which leads to the same case in a different set of reporters. Finally, the citation may end with the date of the decision enclosed in parentheses.

The Wisconsin Supreme Court adopted a new, slightly different citation format for Wisconsin decisions in 2000. In Wisconsin, cases are now also identified by a public domain citation that includes a sequential number assigned by the clerk of court, and a paragraph number that indicates where in the decision the cited information is located. Illustrations of various case citations are provided below.<sup>222</sup>

Snyder v. Waukesha County Zoning Bd., 74 Wis. 2d 468, 247 N.W.2d 98 (1976)			
Case name	Location(s) in official reporters Year		
74 Wis. 2d 468 247 N.W.2d 98 Ct. App.	Volume 74, Wisconsin Reports Second Edition, page 468 Volume 247, North Western Reporter Second Edition, page 98 Indicates a court of appeals decision when placed in parentheses prior to the year		

Figure 43: Citation Format for Wisconsin Court Decisions After 2000

State ex rel. Ziervogel v. Washington County BOA, 2004 WI 23, 269 Wis. 2d 549, 676 N.W. 2d 401			
	Case name	Public domain $Location(s)$ in official reporters	
ex. rel.	Abbreviation for ex relatione meaning "on behalf of"		
2004 WI 23	Year 2004 Wisconsin Supreme Court case 23 (may be followed by <b>¶</b> paragraph #)		
WI App.	Indicates a court of appeals decision when placed in the public domain		
269 Wis. 2d 549	Volume 269, Wisconsin Reports Second Edition, page 549		
676 N.W. 2d 401	Volume 676, North W	estern Reporter Second Edition, page 401	

<sup>&</sup>lt;sup>222</sup> 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/.

# 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