NO ACCESS TO COMMERCIAL LEGAL DATABASES? DO NOT WORRY; YOU CAN STILL ASSIST NON-LAWYERS

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“Sometimes, people can't afford legal representation or they just want to do it themselves. People without legal training may be able to handle some simple legal problems on their own. (This is called proceeding "pro se" or "pro per.")

Handling a legal problem by yourself can be risky, however, because each step may involve tax issues or other legal consequences that you may not think about. Representing yourself requires a lot of time and energy to learn the proper procedures and law. The first thing you will want to do is to learn as much as possible about the law and procedures related to your problem. You will want to get information about the law and courts in your state.” (From American Bar Association’s Division for legal help website).
A combination of classic legal research tools, subscription and the internet is usually the be solution when researching legal issues. **Important:** Cases and statute need to be both validated and updated. This part can be a challenge if you do not have access to **Shepard’s and KeyCite**. (These services provide a comprehensive report of the cases, statutes, secondary sources, and annotations that cite your authority, including more recent cases that rely on your starting case. You can then use the report to quickly validate your research and ensure you have good law). Unfortunately, you can no long access these services with a credit card.

This presentation is not intended to be comprehensive and it’s focus is on US state legal issues, not US federal legal issues. My allotted time for this presentation is 25 min.
HOW TO HELP

- Remember: As a reference librarian you need to avoid unauthorized practice of law while facilitating access to legal sources. In other words: You need to be able to strike a delicate balance between facilitating access to legal information and actually interpreting it.

- How? Do not advise your library user on how to fill out forms, or how to take legal action with regards to their special circumstances.
In short what you can do:

- Provide answers to users’ legal **ready reference** questions.
- **Teach** users how to **identify** and **utilize** sources for legal research.
- **Connect** users with appropriate legal referral resources.

Newkirk Barnes, *Handling Legal Questions at the Reference Desk and Beyond, 6 Journal of Academic and Special Librarianship* (Winter 2005 No. 3.)
Your library user visited with her cousin in Texas last week and learnt that in Texas common law marriages are just as legally binding as a statutory marriage. She also learnt that a legal divorce is necessary in order to terminate a common law marriage.

- She is wondering what elements must be present in order to establish common law marriages in Texas.
- She also wants to know whether you can establish common law marriages in Missouri.
How do you research something you know nothing about? Any suggestions?
What are the options out there?
Fortunately, these days it is ok to access legal information on the web as long as the researcher is aware of the caveat that anyone can post on information the web.

- You will need a research plan. Are there any legitimate web sites and web portals can consult? Do you need to consider visiting a public library or a law library, or can you do most of your research via the internet? Access to cases, statutes and regulations are now for the most part facilitated via the web. Many secondary sources can be accessed via the web in either a full view, or a preview format.

  Let’s start by exploring some options via Google

  1. Your problem can be either too many, or too few hits. Aim on utilizing Google’s new “two step search method to it’s fullest: Do not just “Google”, go directly to Google’s advance search page: http://www.google.com/advanced_search. Still too many hits? Try filtering by date and revising your search query further.

  2. Still lost?

  a. Consider checking in with a legal research guide or legal pathfinder from an academic law library. (This can also be your first step) Here is a link from our host institution http://libraryguides.missouri.edu/familylaw (This guide facilitates some useful some web links.)

  b. Consult information facilitated by the American Bar Association American Bar Association’s Consumers’ Guide to Legal Help in Missouri, The Missouri Bar e.g Marriage - the Missouri Bar, a not for profit organization or legal portals.
3. When all you need to retrieve a case or statute:

- **Legislative** and **state agency** information online.
- A direct link to the **Missouri Revised Statutes**
- **Missouri courts**
DID YOU KNOW THAT YOU CAN SEARCH FOR CASES ON **Google Scholar**?
NEED SOME BACKGROUND INFO FIRST?

- **Try searching for articles on Google Scholar**
  Google Scholar provides access to scholarly literature across many disciplines and sources,

- **Google Books** + books digitized!

- **SSRN.com** (Social Science Network) SSRN has again been named the Number 1 Open Access Repository in the World (for July, 2012)
If you are lost in transition after 7 minutes on Google, then consider searching via an online catalog.

You can access any law school’s catalog online. E.g.

- [http://catalog.wustl.edu/](http://catalog.wustl.edu/)

  Search by either title, keyword of subject. A title search for “Common law marriage” lead me to:

  **Common law marriage : a legal institution for cohabitation / Göran Lind** (2008), and guess what - there is a link to Google Books!
Washington University Libraries  Law Library Catalog

Law Library Catalog | Law Library | Law School | WUSTL

Start Over  Add to My Lists  Save Record  MARC Display  Return to Browse  Modify Search  Another Search  Search MOBIUS

Search History

TITLE: "common law marriage"

Law Library

System Sorted  Search

Mark box to limit search to items available in the library or online.

Record:  Prev  Next

Author: Lind, Göran.

Title: Common law marriage: a legal institution for cohabitation / Göran Lind.


Description: xxii, 1221 p.; 25 cm.

Permanent URL for this record: http://catalog.wustl.edu/00/record-b3571099-s1

WUSTL has online access:

Table of contents only

Table of contents

<table>
<thead>
<tr>
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<th>CALL #</th>
<th>STATUS</th>
</tr>
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</tr>
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</table>

(Limited preview)
WONDERING WHAT THE ELEMENTS FOR A COMMON LAW MARRIAGE ARE IN TEXAS?

marriage is formed when the minds of the parties meet in consent at the same time. 165

In Texas, common law marriage has been codified since the end of the 1960s. The legislation contains the requirement that the parties “lived together in this State as husband and wife,” and that they represented to others that they were married in Tex. Fam. Code Ann. § 2.401(a)(2) (West 2008). 166 The legislation contains a codification of the early principles found in the case law. 167 Without introducing any material changes, the legislature chose, however, the expression “represented to others” instead of the usual phrase found in the case law, “holding out” as husband and wife. The expressions have been viewed as synonymous in the later case law. 168 As can be seen from the statutory wording, the parties’ cohabitation and outward representation must occur within Texas. 169

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YOU WILL NEED TO UPDATE THE INFORMATION IN THE BOOK

When exploring this book you will come across a reference to: Texas Family Code Section 2.401

Which means you can check out this info online via:
http://www.statutes.legis.state.tx.us/

“The statutes available on this website are current through the 1st Called Session of the 82nd Legislature, July 2011. The Texas Constitution is current through the amendments approved by voters in November 2011.”

Today’s date is June 6th 2013.
TEXAS FAMILY CODE CHAPTER TWO
“SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES

Sec. 2.401. PROOF OF INFORMAL MARRIAGE. (a) In a judicial, administrative, or other proceeding, the marriage of a man and woman may be proved by evidence that:

(1) a declaration of their marriage has been signed as provided by this subchapter; or

(2) the man and woman agreed to be married and after the agreement they lived together in this state as husband and wife and there represented to others that they were married.

(b) If a proceeding in which a marriage is to be proved as provided by Subsection (a)(2) is not commenced before the second anniversary of the date on which the parties separated and ceased living together, it is rebuttably presumed that the parties did not enter into an agreement to be married.

(c) A person under 18 years of age may not:

(1) be a party to an informal marriage; or

(2) execute a declaration of informal marriage under Section 2.402.

(d) A person may not be a party to an informal marriage or execute a declaration of an informal marriage if the person is presently married to a person who is not the other party to the informal marriage or declaration of an informal marriage, as applicable.


Amended by: Acts 2005, 79th Leg., Ch. 268, Sec. 4.12, eff. September 1, 2005.” at http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.2.htm
Can you establish a common law marriage in Missouri? Try checking out the Missouri Statutes via the MO General Assembly page.
A closer look at Missouri Revised Statutes’s

Chapter 451
Marriage, Marriage Contracts, and Rights of Married Women

date: August 28, 2012  (the statutes are updated once a year)

Marriage license required, waiting period--application, contents--license void when--common law of marriages void--lack of authority to perform marriage, effect.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

4. Common-law marriages shall be null and void.

5. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

NEEDING HELP TO STAYING UPDATED?

- No idea what an RSS-Feed is? Check out this YouTube snippet.
USEFUL LINKS (CLICK ON HYPERLINKS TO EXPLORE FURTHER)


- **LexisONE**: Legal information from Lexis for free, but requires registration. Its Legal Web Site Directory provides links to more than 20,000 law-related websites that were selected for their relevancy by legal practitioners. Access to many legal forms, including about 6,000 that are free. Limited to most recent resources for many databases


- Select Legal portals and pathfinders
Missouri Courts

“This section of Your Missouri Courts website is designed to assist lawyers and members of the public find pertinent sources of law. This is not intended to be a complete list of all law applicable in Missouri; rather, it is intended merely for the convenience of the user.

The Appellate Opinions section provides, in reverse chronological order, of all the opinions issued by the Supreme Court of Missouri and the three geographic districts of the Missouri Court of Appeals. The Court Rules section takes you to the rules published by the Supreme Court of Missouri pertaining to attorneys and judges, civil and criminal practice and procedure in Missouri’s trial courts, appellate practice, and practice before certain specialized court divisions, as well as to Supreme Court operating rules. The Jury Instructions & Charges page provides information about how to find jury instructions and charges for civil and criminal cases in Missouri. The Supreme Court Library section explains its services and holdings. Additional pages will take you to other websites, outside the Missouri Judiciary, that will allow you to search the federal constitution, Missouri’s constitution, statutory law, administrative regulations and attorney general advisory opinions. The charge codes section provides links to various documents showing the codes that courts assign to criminal charges created by the general assembly. The traffic guide is a quick reference manual for the use of judges, prosecutors and attorneys involved in handling traffic cases. The Federal Cases link will redirect you to various websites of certain federal courts. Finally, the Other Legal Resources page provides links to other websites, outside the Missouri Judiciary, that we hope you will find useful.

Missouri Court Forms
Find Information Concerning Your Legal Problem in Missouri

- Legal Aid Services of Missouri
- Missouri Bar publications
- In need of a lawyer?
- Missouri Bar Lawyer Search
- The Missouri Bar Referral Service