

## Element 4: About Law

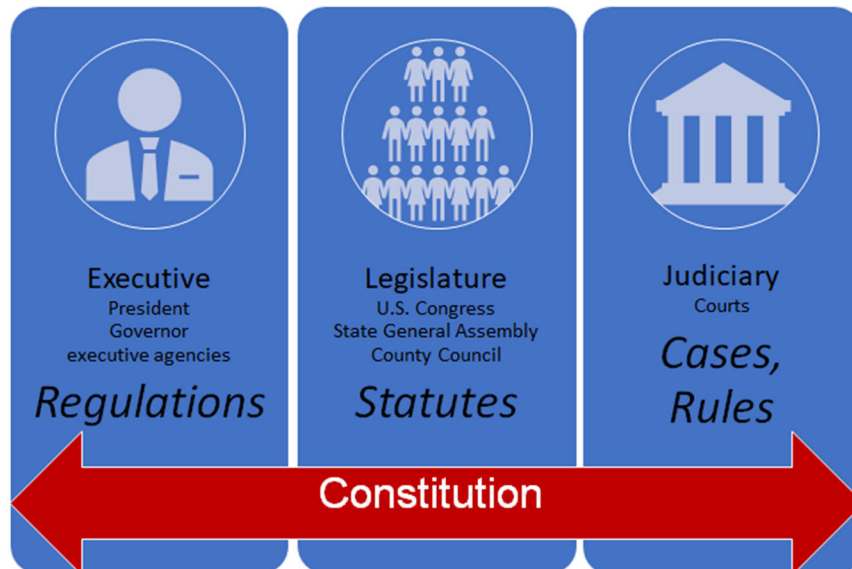
To grow beyond the basics, it is critical to learn about the foundations on which our law is built. This amounts first and foremost to growing an understanding of basic civics – how the government is structured. Then, from that platform, develop the connection from the structure to the process – how is law made and where does it appear when made (published and official format). Law is a highly procedural field. If you can understand the underlying processes, you’ll have a much better chance of identifying relevant and helpful resources for your patron.

- Civics and Government Organization
- Location and Its Importance
- Finding Law
- Court Structure and Process
- Language of Law
- Understanding and Finding Forms

### Government Organization

An understanding of the organization of the bodies of our government, how they interact with each other, and what law they produce, is essential to the ability to provide pertinent and helpful resources for a legal reference question.

It may be helpful to think of government organization as a series of “threes.” There (generally speaking) three bodies of government: executive, legislative, and judicial. Each of these bodies of government produces part of “the law.”



## Read more about Government Organization

There are many great resources for learning more about the structure of government:

- The [National Constitution Center](#) in Philadelphia includes [educational videos](#) on their website. Generally intended for school audiences, these are yet a helpful way for anyone to learn more about government structure.
- Schoolhouse Rock, fondly remembered by children of several generations, produced the Three Ring Government video that is still the gold-standard for quick and informative. A quick search of YouTube pops up several options for watching this three-minute gem.

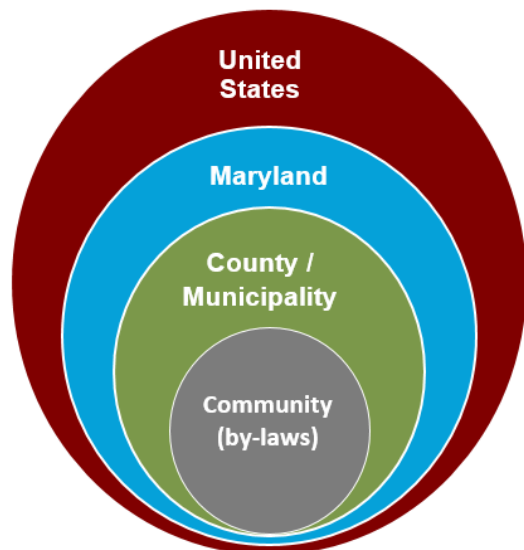
## Location and Its Importance

There are also three “levels” of government: federal, state, and local (county/municipal). At each of these levels, law is crafted (though not necessarily all three types – generally, at the local level, there is legislative law, and sometimes regulatory, but rarely a form of judicial law).

Federal law applies to the full country, state to the individual state, and local to the borders of its location. Each lower level is subject to the upper ones as well. Thus, someone living in Baltimore County is subject to Baltimore County’s laws, Maryland’s laws, and the laws of the United States.

Though not included in the “threes”, in some areas of Maryland, community by-laws can form a sort of fourth level. Residents of communities with covenants and by-laws are subject to the language of those documents as much as to county, state, and federal law.

An important information-gathering question to ask in a reference interaction is, where? Where the situation is happening and/or where the party or parties involved in the situation reside is a critical element to addressing a legal situation. Where an action takes place can impact which laws apply, where documents are filed, and other details. For illustrations, see Where is this happening, under Information-Gathering Questions (What to Ask).



## Finding Law

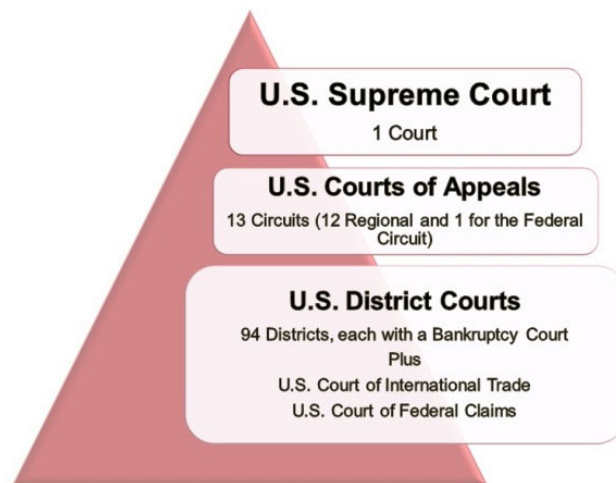
For the best collection of reliable online Maryland primary law sources (Code, cases, and regulations), see the Library's [Gateway to Maryland Law](#). Resources are also separately enumerated below.

Watch the Maryland Courts' video, [What is the Law?](#) for a good visual of the different kinds of law.

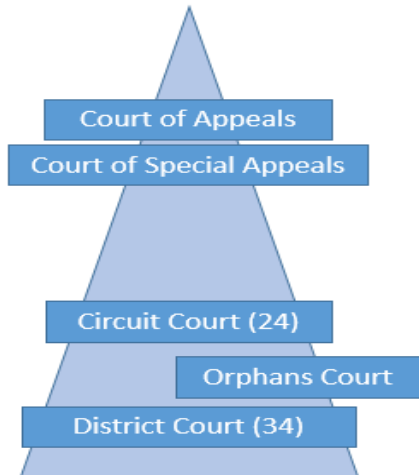
## Court Structure and Process

The court system can be pictured, somewhat, as another “three” – generally speaking, courts at the federal and state level have three levels: trial court, mid-level appellate court, and highest court.

Federal courts call their initial trial level court a “District” court. The federal trial court for Maryland is the Federal District Court for the District of Maryland. The mid-level courts are called the Courts of Appeal, with states grouped within a “circuit.” Maryland is in the 4<sup>th</sup> federal circuit, with the court called the Fourth Circuit Court of Appeals (or Court of Appeals for the 4<sup>th</sup> Circuit). And the highest court is the U.S. Supreme Court.



<https://judiciallearningcenter.org/levels-of-the-federal-courts/>



In Maryland, there are two trial-level courts: District Court and Circuit Court. The mid-level appellate court is the Court of Special Appeals, and the highest court, the Court of Appeals.

The [District Court](#) generally hears smaller cases, including small claims, traffic, landlord-tenant, and lesser criminal and civil matters. There are District Court locations in each county and Baltimore City; some have more than one location.

The [Circuit Court](#) generally hears family matters (divorce, child custody and support, etc.), as well as larger criminal and civil matters. Circuit Courts are where jury trials are held. If your patron indicates a jury is involved, their case is not at District Court, but rather at Circuit Court. There is a Circuit Court in each county as well as in Baltimore City, for a total of 24 locations.

The appellate courts – Court of Special Appeals and Court of Appeals – are both located in Annapolis. Generally, cases from the trial level can be appealed to the Court of Special Appeals, and from there, to the Court of Appeals. The appeals process can be complicated, and where a particular case is appealed depends on multiple factors, including where it originated, whether it has been appealed before, and more.

In addition to the courts listed above, there is also an additional court, called the Orphans Court, where wills, estates, and other probate matters are handled.

Learn More About the [Maryland Court System](#)

## Language of Law

The legal world uses many words that are unique to the legal field – for example, *certiorari*, *tort*, and ----. The legal world also sometimes has different usages or meanings of standard vocabulary – *negligence*, for example, has specific meaning to attorneys.

It is helpful, when assisting with a legal reference question, to either understand the jargon, or be able to look it up quickly. Getting a quick grasp of the meaning of the vocabulary will help you connect your patron to appropriate topical resources.

When a patron uses words that look unfamiliar, it is good to have tools at your fingertips to help you identify those odd elements. Once you have identified the material requested, you can actually go find it.

There are many ways to locate the meaning of a term when used in law, both in print and on the Web.

The most commonly-used legal dictionary is Black's Law Dictionary. Published since 1891 and now in its 11th edition (2019), Black's is often available in general public libraries. Check your library's catalog and reference collection. Black's provides not just definitions, but sometimes references to cases that may further explain a term, which can be helpful if the patron's question is about the term itself.

If you don't have access to Black's, there are any number of other print dictionaries your library may have instead. Additionally, there are a large number of glossaries and vocabulary lists on the Internet that are easily accessible.

Maryland Judiciary, [Glossary of Court Terms](#)

U.S. Courts, [Glossary of Legal Terms](#)

Cornell's Legal Information Institute, [Wex](#)

Nolo's [Dictionary of Law Terms](#)

## Understanding and Finding Forms

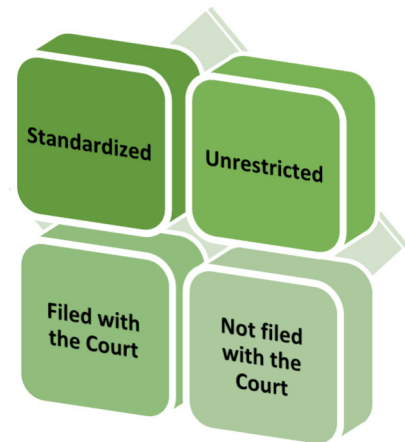
The business of law is transacted in large part by forms and filings. Almost every legal action begins with a form: filing for divorce; transferring property; forming a business corporation; making a contract; filing a complaint; etc. However, in Maryland only a small number of legal actions have standard fill-in-the-blank forms. For most civil legal actions, a patron must find information about formatting and content, and structure their own document.

Often, when a patron asks for a form, they are hoping there is a simple one-pager with blanks to fill in, like filling out an emergency contact form for your child's school. The patron may also believe that the action they intend to take is easy, simple, and can be addressed in such a one-pager. This is rarely the case.

Library staff try to identify generally what the patron would like the form to address (via the reference interview), and to point them to resources that will help them choose for themselves a form or sample form and draft their own document. There are many sources of forms and information about forms, so even though we cannot determine the perfect form for them (see *Recognizing the Difference between Information and Advice*), we have an opportunity to point them helpfully and effectively.

## Types of Forms

- Some forms are standardized by law – courts, statute, or regulation. This means that the governing body has developed a specific look for the form, with those highly-desired blanks to be filled in. “Fillable” forms are available for...
  - Many [District Court](#) actions (small claims, landlord-tenant);
  - [Family actions](#) in Circuit Court (divorce, child support, guardianships, name changes);
  - Powers of Attorney (standardized by [MD Code, Estates & Trusts Article, Title 17](#)).
- Some "forms" are more unrestricted in their content, allowing flexibility to accommodate many possibilities. These includes actions like more complicated motions and complaints, wills, contracts and leases.
- Some forms are filed with a court; some do not need to be filed with a court to take effect. Some may not need to be filed with a court until a later time or a specific circumstance (examples: a will; a power of attorney).



## Finding Forms

Forms from the Court are linked through the courts' website. There is a [Court Forms Finder](#) to help guide a patron to the needed forms.

The Maryland People's Law Library's [Find Court and Legal Forms](#) has an overview and list. This is more comprehensive, as it links to forms the court provides as well as to forms found in other locations.

Federal forms are sometimes available from the website of the federal court. The U.S. District Court for the District of Maryland, for example, has a page [District Court Forms](#), and an additional page of Self-Represented Forms that help support the self-represented.

Additional resources for forms and formatting of documents and filings are linked in the Maryland Public Library Toolkit. See the Toolkit at [11.State Judicial Law, Part D: Forms](#)