

Legal Definitions: A Research Guide for Congressional Staff

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SUMMARY

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Legal Definitions: A Research Guide for Congressional Staff

This report is designed to introduce congressional staff to examples of legal and nonlegal sources, including statutes, legislation, and dictionaries, for researching legal definitions. It includes governmental sources, such as the *United States Code (U.S. Code)*, the *Code of Federal Regulations (C.F.R.)*, and congressional legislation. Proprietary information sources are also included.

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In addition to carrying their conventional meanings, terms can be defined and expanded upon by legislatures, federal agencies, judiciaries, and legal and nonlegal dictionaries. There are several approaches to finding legal definitions and a variety of sources from which to choose; however, some sources are more authoritative than others, depending on the nature of research. Members and congressional staff can consult with attorneys and analysts at the Congressional Research Service (CRS) to determine whether the executive or judicial branches have defined or interpreted particular terms used in federal statutes, as well as bills or other legislation.

Federal Statutory Definitions

Congressional researchers may be interested in how the U.S. Congress has defined or attempted to define terms in the past. Oftentimes, searching statutory definitions in the *United States Code* (*U.S. Code*) in the *Westlaw* and *LexisNexis* legal databases can be an effective method, since a researcher can use advanced “terms and connectors” searches that may not be able to be used in other sources. Open sources include uscode.house.gov for the *U.S. Code*, maintained by the Office of the Law Revision Counsel, and Congress.gov, maintained by CRS, for congressional legislation and public laws.

For the purposes of this guide, the following sections use the term “disadvantaged community” for its examples.

United States Code

Sample *Westlaw* or *LexisNexis* search syntax: “disadvantaged community” /7 (defin! or mean! or refer! or includ! or consist!)

Sample uscode.house.gov search syntax: “disadvantaged community” near/7 (defin* or mean* or refer* or includ* or consist*)

Congressional Bill Text

Sample *Westlaw* or *LexisNexis* search syntax: “disadvantaged community” /7 (defin! or mean! or refer! or includ! or consist!)

Sample Congress.gov search syntax: N/7 (“disadvantaged community” ~(defin* mean* refer* includ* consist*))¹

By performing these advanced searches, results will be retrieved that contain the terms “disadvantaged community” that are within seven words of one or more of the following search terms. By using the quotation marks connector, the words “disadvantaged” and “community” will be grouped together, helping ensure accuracy. By using the exclamation point or asterisk connector, depending on the database, results will include word endings (for example, in *Westlaw* and *LexisNexis*, defin! will return define, defines, defined, definition, etc.). Depending on the word or term, the exclamation point or asterisk connector can allow for broader results. For example, by searching for “disadvantaged communit!”, word endings of “community” will be included. Using different search techniques may yield different results.

Searching for synonyms or alternatives to the initial search term(s) may prove beneficial, as terms can vary among legislatures and statutes. In this case, a researcher can substitute “disadvantaged” for “economically distressed,” “underserved,” “poor,” and “depressed.” A researcher can also substitute “community” for “area,” “region,” and “political subdivision.” By performing these

¹ Wildcard characters, such as ? or *, can only be included in a proximity search query within a “Legislation Text” search.

substitutions and other modifications to the search, one may improve its comprehensiveness and relevance.

Once a drafter has identified a suitable definition, it can be useful to cross-reference it with the definition found in official federal and state government publications to help ensure accuracy and currency. Additionally, if the definition is to be used in an official publication, citing the most authoritative source possible can be preferred.

Federal Regulatory Definitions

In some circumstances, Congress has not defined a particular term used in a statute but has authorized a federal agency to promulgate rules to interpret or implement that law. Because of this, federal regulations may contain pertinent definitions.

Code of Federal Regulations

Sample search syntax: “disadvantaged community” /7 (defin! or mean! or refer! or includ! or consist!)

Within *Westlaw* and *LexisNexis*, the search strategy for C.F.R. remains the same. An open source of C.F.R. is ecfr.gov, maintained by the National Archives and Records Administration.

Judicial Definitions

In some instances, a court may interpret a term used in a statute.

Words and Phrases. *Words and Phrases*, compiled by Thomson Reuters and available on *Westlaw*, provides instances where terms have been interpreted by federal and state courts. These definitions are sourced from cases dating back to 1781.

Legal Dictionaries

For more general legal terms, several dictionaries and thesauri are useful.

Ballentine’s Law Dictionary. *Ballentine’s* dates back to 1916 and provides citations to *American Jurisprudence 2d* as well as relevant case law. It is available on *LexisNexis*.

Black’s Law Dictionary. Dating to 1891, *Black’s Law Dictionary* has been the leading source for legal definitions, providing citations to *Corpus Juris Secundum* and relevant statutes. The latest edition of *Black’s* (11th ed., 2019) is available on *Westlaw* and in print in the La Follette Congressional Reading Room; earlier editions are available on *Westlaw*.

Bouvier’s Law Dictionary. Dating to 1837, *Bouvier’s Law Dictionary* provides historical legal entries. It is currently referred to as the *Wolters Kluwer Bouvier Law Dictionary* and is available on *LexisNexis*.

Burton’s Legal Thesaurus. *Burton’s* contains words used in a variety of legal contexts, including within the legal community and in legal communications, as well as translations of foreign terms. It is available on *LexisNexis*.

A Dictionary of Modern Legal Usage. Edited by Bryan A. Garner, the editor of *Black’s Law Dictionary*, *Garner’s* provides legal context for each entry, including case citations, as well as general commentary. A reference copy of the latest edition (3d. ed., 2011) is available in the Law Library of Congress Reading Room.

Prince's Bieber Dictionary of Legal Abbreviations. Dating to 1988 and compiled by Mary Miles Prince, this dictionary contains abbreviations, acronyms, and symbols found in a variety of primary and secondary legal sources. The latest edition (7th ed., 2017) is available as a reference copy in the Law Library of Congress Reading Room.

West's Tax Law Dictionary. This dictionary contains terms and phrases used in American tax law and is available on *Westlaw*.

Industry Dictionaries

In some cases, researchers may not be able to find a definition created by a statute or regulation or interpreted by the courts. In those instances, definitions used in the industry may provide guidance on the term. Below are a sample of industry dictionaries. Some of them are available electronically in the La Follette Congressional Reading Room.

The Environmental Regulatory Dictionary. This dictionary provides definitions for thousands of terms in Title 40 of the Code of Federal Regulations, with cross-references to other C.F.R. sections. A reference copy is available in the Law Library of Congress Reading Room.

The New Palgrave Dictionary of Economics. This dictionary contains essays, articles, and other supplementary material from leading economists, as well as thousands of entries. This dictionary is available in print in the La Follette Congressional Reading Room.

Stedman's Medical Dictionary. Dating to 1833, *Stedman's Medical Dictionary* contains medical terms, measurements, acronyms, and abbreviations. *Stedman's* is available on *Westlaw*.

Warren, Gorham & Lamont (WG&L) Tax Dictionary. *WG&L* contains more than 4,000 federal taxation terms from IRS rulings, court decisions, and sections from the Internal Revenue Code. It is available on *Westlaw*.

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