

Treatises

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What are treatises?

- Treatises are books that analyze the law and can also influence its development.
- They are secondary sources... they are not the law itself. However, some are written by scholars of outstanding reputation that are well respected by the courts.
- There are several categories of treatises:
 - Scholarly treatises
 - Hornbooks and law school text books
 - Practitioner's handbooks and manuals
 - Scholarly monographs
 - Self-help publications

Why and how do I use treatises?

- Treatises, like all secondary legal materials, are a good place to start your research. They help you understand the topic and then point you to primary resources like statutes and case law.
- Many treatises become known by the name(s) of the author(s). Some examples are:
 - "Wright and Miller" (Federal Practice and Procedure)
 - "Appleman" (on Insurance)
 - "Padovano" (Florida Appellate Practice)
 - "Trawick's" (Florida Practice and Procedure)
 - "Reynolds and Flores" (Foreign Law Guide)

Why and how do I use treatises?

- So, you may hear your professor use the "name", that is the popular name, of a work and then not be able to find it in the library.
- Your *number one strategy* is to ask a librarian! We are always happy to help.
- You can also search the online library catalog for the author's name. If you don't find what you are looking for, you can also Google to get the real title, then try the online catalog again and search by title.
- Many treatises are also available online as the publishers of the books are either Thomson Reuters West (of Westlaw fame) or Lexis (of LexisNexis fame).
- Let's take a look at these strategies.




