Research Resources for Michigan Criminal Law

By Kate E. Britt

Few areas of the law are as consequential to the personal lives of those involved as criminal law. The law can, and does, change quickly, and attorneys need to stay abreast of the latest developments to effectively represent their clients. Thankfully, modern government bodies publish current primary law (and many useful secondary sources) online. The sites outlined below will take users to reliable sources of Michigan criminal law and procedure.

Caselaw and other court documents

The Michigan Courts One Court of Justice website is an authoritative source for primary law research.[1] In the Cases, Opinions & Orders section of the site, users can search for Michigan Supreme Court and Court of Appeals opinions and orders dating as far back as 1996. To locate a case using the Case Search function, users must know a party name, the docket number, or a listed attorney. When conducting an Opinion & Order Search, however, users can search by keyword, status, and date.

The One Court of Justice website links to more than cases and opinions. Under the Legal Community tab on the home page, you can find Quick Links to Court Forms (organized by name or area of law), Court Rules (both local and state), Model Criminal Jury Instructions, and more.

State Bar of Michigan members have free access to the commercial legal database Casemaker—an excellent alternative to pricey Westlaw or Lexis subscriptions. While you can find many individual cases through free court websites, Casemaker can tell you if the case is still "good law" by placing it within the web of common law judicial precedent. Citing References connects a single case with its subsequent history, and CaseCheck+ is a citator (like Shepard's), alerting researchers to subsequent negative treatment. Casemaker also provides access to statutes, regulations, caselaw, and court rules for all U.S. state and federal governments. Find out how to access Casemaker through your Bar membership at https://www.michbar.org/programs/Casemaker.

State, federal, and local legislation

The Michigan Compiled Laws are available on the legislature's website.[2] Execute a Basic MCL Search to go directly to a particular statute according to its MCL Section Number or Popular Name, or search for an unknown citation by using the Key Words search. Some state legislative acts related to criminal practice are directly linked as follows:

- Michigan Penal Code: http://legislature.mi.gov/doc.aspx?mcl-act-328-of-1931
- Michigan Vehicle Code: http://legislature.mi.gov/doc.aspx?mcl-act-300-of-1949
- Public Health Code: http://legislature.mi.gov/doc.aspx?mcl-act-368-of-1978
- Code of Criminal Procedure: http://legislature.mi.gov/doc.aspx?mcl-act-175-of-1927
- Michigan Medical Marihuana Act: http://legislature.mi.gov/doc.aspx?mcl-Initiated-Law-1-of-2008

The federal government's home for the U.S. Code, CFR, and other official publications recently moved. The FDsys website was retired in December 2018 and has been replaced with https://www.govinfo.gov. GovInfo is designed for enhanced performance and stability, additional links between related documentation, and general user-friendliness in searching, browsing, and sorting. Browse by category to find the U.S. Code in Bills and Statutes and the CFR in Regulator Information. Go directly to a statute using the Citation search function.

If you are looking for local municipal codes, Municode hosts the current and archival codes for thousands of cities and towns, including more than 250 in Michigan.[3] Codes are easy to navigate with search functions and a browsable sidebar, and include parallel tables that cross-reference code sections with Michigan Compiled Laws. Find the library for Michigan municipalities at https://library.municode.com/mi.

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Administrative Code

The Michigan Administrative Code is buried in the website of the Office of Performance and Transformation. Starting at https://www.michigan.gov/opt, click the tab for the Office of Regulatory Reinvention and navigate to the Publications section. There you will find the Michigan Administrative Code, Michigan Register, and Annual Administrative Code Supplement.

Casemaker, as previously discussed, provides easier access to the Michigan Administrative Code. Another all-in-one location for legal documents is the website Governing Michigan. This project of Library of Michigan provides access to electronic versions of select Michigan government publications, all of which are listed at https://governingmichigan.org. Select from the categories in the Collections tab to find current and historical caselaw, codes, statutes, and more.

Secondary sources

Conduct efficient and fruitful research by starting with secondary sources, i.e., not with primary law like statutes and cases. Wading through legislative acts and court rules and sifting for relevant sections takes forever and can result in incomplete and frustrating results. Relevant secondary sources can lay out exactly what you need to know and what you need to do in a particular situation.

One free and trustworthy producer of secondary source material is the Michigan Judicial Institute.[4] The MJI publishes thematic benchbooks for the judiciary, but attorneys will certainly find them useful. Benchbooks organize statutory sections, judicial precedents, court rules, and other relevant primary sources on an area of law into a single convenient book. Several criminal law benchbooks are freely available on the MJI website for online reading, downloading, or printing, including the *Criminal Proceedings Benchbook* in three volumes (pretrial/trial, sentencing, and post-judgment), *Controlled Substances Benchbook*, *Sexual Assault Benchbook*, and *Traffic Benchbook*.[5] The *Sentencing Guidelines Manual*[6] is also located among the MJI benchbooks.

The MJI goes a step further for certain areas of criminal practice, providing quick reference guides on arrest and search warrants, controlled substance offenses, and the Michigan Medical Marihuana Act, among other subjects.[7] These materials provide procedural guidance, sentencing tables, checklists, and other helpful information. The MJI's Felony Sentencing Online Resources is its most extensive collection of reference materials, with sentencing flowcharts, offense variable scoring tables, current and archival sentencing guidelines manuals, and other practical information.[8]

Your local law library is sure to have additional resources to further assist your research, like practitioner treatises and legal encyclopedias. The Library of Michigan maintains a directory of law libraries in Michigan, organized by peninsula.[9] Michigan government websites have notoriously complicated URLs, so the easiest way to locate the directory may be to Google "directory of Michigan law libraries." Contact the one closest to you for information about its collection and access policies. ■

Kate E. Britt is a reference librarian at the University of Michigan Law Library. She received her JD and MLIS from the University of Alabama.

ENDNOTES

1. Mich Courts, Mich One Court of Justice Website <https://courts.michigan.gov/>. All websites cited in this article were accessed December 4, 2018.
2. Mich Legislature <https://www.legislature.mi.gov/>.
3. Municode, Library <https://library.municode.com>.
4. Mich Courts, Mich Judicial Institute (MJI) <https://mjieducation.mi.gov/>.
5. MJI, Publications, *Benchbooks* <https://mjieducation.mi.gov/benchbooks>.
6. State of Mich, *Sentencing Guidelines Manual*, MJI (October 17, 2018) <https://mjieducation.mi.gov/benchbooks/sgm>.
7. MJI, *Criminal Proceedings Quick Reference Materials* <https://mjieducation.mi.gov/quick-reference-materials/criminal-qrms>.
8. MJI, *Felony Sentencing Online Resources* <https://mjieducation.mi.gov/felony-sentencing-online-resources>.
9. Library of Mich, *Directory of Michigan Libraries with Legal Collections* <https://www.michigan.gov/libraryofmichigan/0,2351,7-160-50206_18639_18657-52451--,00.html>.

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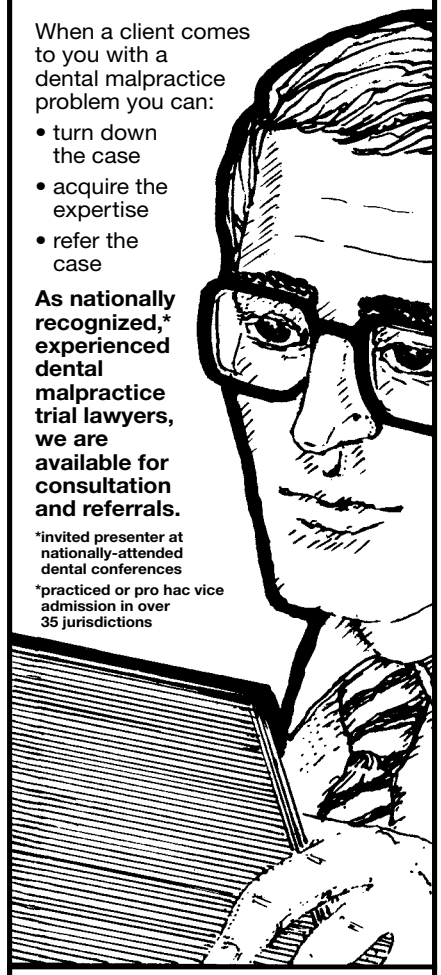

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