



Chastek Library

## RESTATEMENTS

Research Guide

### INTRODUCTION TO THE RESTATEMENTS

In 1923, the American Law Institute (ALI) was created to produce one highly authoritative rule-like source stating the common law. The purpose was not to create the law but to state what already existed, hence the name Restatements. The first Restatement, covering the law of contracts, was promulgated in 1932.

The Restatements are not primary authority; however, the Restatements are usually given greater weight by the courts than other secondary materials because they are drafted by eminent scholars in a particular field of law.

### RESTATEMENT DRAFTING PROCESS

The Restatements are products of a very lengthy process that takes many years of deliberation by members of the ALI. This process includes:

- **Preliminary Draft** – Preparation of a preliminary draft by a reporter, an eminent scholar in that legal subject. The preliminary draft is reviewed by small group of advisers with special knowledge of the subject.
- **Council Draft** – Consideration and analysis by the Council of the Institute, a group of sixty prominent legal scholars, judges and practitioners. When approved by the Council, it is referred to as a council draft.
- **Tentative Draft** – Consideration by the entire ALI membership. This is referred to as a tentative draft and it is presented to the entire membership of the ALI for debate and discussion. A series of tentative drafts may be produced over a period of years.
- **Discussion Draft** – At times, the Council may deem a tentative draft not yet ready for action, yet there would be a benefit if the ALI membership discussed the draft; this is referred to as a discussion draft.
- **Proposed Final Draft** – When this process has been completed, a proposed final draft, consisting of all prior tentative drafts and reflecting membership action, is submitted to the entire membership of the ALI for approval.
- **Official Text** – When approved, the official text is published by the ALI.

For a more in-depth discussion of the drafting process for the Restatements, see the ALI web site (<http://www.ali.org/ali/thisali.htm>).

## ORGANIZATION AND FEATURES OF RESTATEMENTS

The Restatements cover broad common law topics, such as contracts or property. Generally, the Restatements have a table of contents and an index. Each Restatement is organized into chapters, titles, and sections. Each section contains:

- **Rule**  
This is the “black letter” rule of law.
- **Comments**  
The comments provide explanations of the text of the rules.
- **Illustrations**  
The illustrations provide application of the rules in hypothetical factual situations.
- **Reporter’s Notes**  
The reporter’s notes explain the history of the rules.
- **Appendices**  
These consist of finding aids, secondary sources, and cases citing or commenting on the rules. Some Restatements have more than one appendix covering different time periods or different section numbers. They are supplemented by pocket parts.

The ALI web site (<http://www.ali.org/>) has information regarding Restatement projects, ALI membership, history, and institutional processes.

## RESTATEMENT TITLES AND LOCATIONS IN PRINT

For tentative, preliminary, and council drafts consult Chester, the library’s catalog. The Restatements are located in the Greenan Reading Room on the first floor of the library. The Restatements are also available in microfiche on the second floor of the library. Listed below are the Restatement subjects, series, and locations in the Greenan Reading Room of the Chastek Library.

## CURRENT RESTATEMENTS IN THE CHASTEK LIBRARY

- **Restatement of the Law - Agency, Third (vols. 1-2)** KF1345.A753 – Greenan Reading Room
- **Restatement of the Law - Conflict of Laws, Second (vols. 1-2 & Appendix vols. 3-7)** KF411.A52 – Greenan Reading Room
- **Restatement of the Law - Contracts, Second (vols. 1-3 & Appendix vols. 4-11)** KF801.A46 – Greenan Reading Room
- **Restatement of the Law - The Foreign Relations Law of the United States, Third (vols. 1-2)** KF4651.R47 – Greenan Reading Room
- **Restatement of the Law - The Law Governing Lawyers, Third (vols. 1-2)** KF300.R48 – Greenan Reading Room
- **Restatement of the Law - Property, First (vols. 1-5 & Appendix vol. 6)** KF570.A48 – Greenan Reading Room
- **Restatement of the Law - Property, Landlord & Tenant, Second (vols. 1-2)** KF590.A45 – Greenan Reading Room
- **Restatement of the Law - Property, Donative Transfers, Second (vols. 1-4)** KF613.A42 – Greenan Reading Room

- **Restatement of the Law - Property, Wills & Other Donative Transfers, Third (vols. 1-2)** KF561.A47 – Greenan Reading Room
- **Restatement of the Law - Property, Mortgages, Third (vol. 1)** KF696.R49 – Greenan Reading Room
- **Restatement of the Law - Property, Servitudes, Third (vol. 1-2)** KF657.R48 – Greenan Reading Room
- **Restatement of the Law - Restitution, First (vol. 1 & Appendix vols. 2-3)** KF1244.A48 – Greenan Reading Room
- **Restatement of the Law - Suretyship and Guaranty, Third (vol. 1)** KF1045.A938 – Greenan Reading Room
- **Restatement of the Law - Torts, Second (vols. 1-4 & Appendix vols. 1-26)** KF1249.A42 – Greenan Reading Room
- **Restatement of the Law - Torts, Apportionment of Liability, Third (vol. 1)** KF1249.R5 – Greenan Reading Room
- **Restatement of the Law - Torts, Products Liability, Third (vol. 1)** KF1296.R467 – Greenan Reading Room
- **Restatement of the Law - Trusts, Second (vols. 1-2 & Appendix vols. 3-5)** KF730.A752 – Greenan Reading Room
- **Restatement of the Law - Trusts, Third (vols. 1-2)** KF730.R48 – Greenan Reading Room
- **Restatement of the Law - Trusts, Prudent Investor Rule, Third (vol. 1)** KF730.R4725 – Greenan Reading Room
- **Restatement of the Law - Unfair Competition, Third (vol. 1)** KF3195.R47 – Greenan Reading Room

#### RESTATEMENT IN DRAFT STATUS IN THE CHASTEK LIBRARY

- **Restatement of the Law - Employment, Third** KF3319.R47 2006 – Greenan Reading Room
- **Restatement of the Law - Torts, Liability for Physical & Emotional Harm, Third** KF1286.R47 – Greenan Reading Room
- **Restatement of the Law - Restitution & Unjust Enrichment, Third** KF1244.R47 – Greenan Reading Room
- **Restatement of the Law - Torts, Third** KF12846.A2R47 – Greenan Reading Room

#### RESTATEMENTS AVAILABLE ON LEXISNEXIS

All series of the Restatements are available on LexisNexis. On LexisNexis, you can browse the Restatement tables of contents, keyword search, or retrieve a Restatement citation by using the Get a Document feature. The Restatement rules (along with comments, illustrations, and notes) are searchable in separate sources from case citations on LexisNexis. This makes searching for relevant rules very efficient on LexisNexis. Case citations are linked from individual rules. The Restatement drafts are in separate sources from final versions of Restatements.

- **Restatement of the Law – Agency, Second** (2NDARY;AGEN2)
- **Restatement of the Law - Conflicts of Law, Second** (2NDARY;CONFL2)
- **Restatement of the Law - Contracts, Second** (2NDARY; CONTR2)
- **Restatement of the Law - Employment, Third (Drafts)** (2NDARY;DEMPLW)
- **Restatement of the Law - The Foreign Relations of the United States, Third** (2NDARY;FREL2)

- **Restatement of the Law - Judgments, Second** (2NDARY; JUDG2)
- **Restatement of the Law - The Law Governing Lawyers, Third** (2NDARY;LAWGV2)
- **Restatement of the Law - Property, First** (2NDARY;PROP2)
- **Restatement of the Law - Property, Donative Transfers, Second** (2NDARY;DTRAN2)
- **Restatement of the Law - Property, Landlord & Tenant, Second** (2NDARY;LAND2)
- **Restatement of the Law - Property, Mortgages, Third** (2NDARY;MORT2)
- **Restatement of the Law - Property, Servitudes, Third** (2NDARY;PSERV2)
- **Restatement of the Law - Property, Wills & Other Donative Transfers, Third** (2NDARY;PWILL2)
- **Restatement of the Law - Restitution, First** (2NDARY;REST2)
- **Restatement of the Law - Restitution & Unjust Enrichment, Third (Drafts)** (2NDARY;DREST)
- **Restatement of the Law – Security, First** (2NDARY;SECUR2)
- **Restatement of the Law - Suretyship & Guaranty, Third** (2NDARY;S&G2)
- **Restatement of the Law - Torts, Second** (2NDARY;TORTS2)
- **Restatement of the Law - Torts, Third (Drafts)** (2NDARY;DTORT)
- **Restatement of the Law - Torts, Products Liability, Third** (2NDARY;PLIAB2)
- **Restatement of the Law - Torts, Apportionment of Liability, Third** (2NDARY;ALIAB2)
- **Restatement of the Law - Trusts, Second & Third** (2NDARY;TRUST2)
- **Restatement of the Law - Unfair Competition, Third** (2NDARY;UNCOM2)

#### **RESTATEMENTS AVAILABLE ON WESTLAW**

All series of the Restatements are available on Westlaw. On Westlaw, you can browse the Restatement tables of contents, keyword search, or retrieve a Restatement citation by using the Find feature. Keyword searching the Restatements on Westlaw can be problematic because multiple series as well as selected drafts are combined into one database along with case citations to all of them. For example, the Restatement of the Law of Torts first, second, and the topic-specialized torts third series with citations to all series are in one database. This can make keyword searching inefficient unless you use a field search or use the table of contents mode to search within a particular Restatement.

- **Restatement of the Law – Agency, First, Second & Third** (REST-AGEN)
- **Restatement of the Law - Conflict of Laws, First & Second** (REST-CONFL)
- **Restatement of the Law – Contracts, First & Second** (REST-CONTR)
- **Restatement of the Law – Judgments, First & Second** (REST-JUDG)
- **Restatement of the Law - The Foreign Relations Law of the United States, Second & Third** (REST-FOREL)
- **Restatement of the Law - The Law Governing Lawyers, Third** (REST-LGOVL)
- **Restatement of the Law – Property, First, Second & Third** (REST-PROP)
- **Restatement of the Law – Restitution, First** (REST-RESTI)
- **Restatement of the Law - Security, Suretyship & Guaranty, Third** (REST-SEC)
- **Restatement of the Law - Employment Law , Third (Drafts)** (REST-EMPL)
- **Restatement of the Law - Torts, First, Second & Third** (REST-TORT)
- **Restatement of the Law - Trusts, Prudent Investor Rule, Third** (REST-TRUST)
- **Restatement of the Law - Unfair Competition, Third** (REST-UNFAIR)

## **SHEPARD'S CITATIONS AND KEYCITE**

You can Shepardize a Restatement citation using Shepard's on LexisNexis. You can also KeyCite a Restatement citation using KeyCite on Westlaw.