



NO ACCESS TO COMMERCIAL LEGAL DATABASES? DO NOT WORRY; YOU CAN STILL ASSIST NON-LAWYERS

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“Sometimes, people can't afford legal representation or they just want to do it themselves. People without legal training may be able to handle some simple legal problems on their own. (This is called proceeding "pro se" or "pro per.")

Handling a legal problem by yourself can be risky, however, because each step may involve tax issues or other legal consequences that you may not think about. Representing yourself requires a lot of time and energy to learn the proper procedures and law. The first thing you will want to do is to learn as much as possible about the law and procedures related to your problem. You will want to get information about the law and courts in your state.” (From American Bar Association’s [Division for legal help](#) website).



- A combination of classic legal research tools, subscription and the internet is usually the best solution when researching legal issues. **Important:** Cases and statute need to be both validated and updated. This part can be a challenge if you do not have access to Shepard's and KeyCite. (These services provide a comprehensive report of the cases, statutes, secondary sources, and annotations that cite your authority, including more recent cases that rely on your starting case. You can then use the report to quickly validate your research and ensure you have good law). Unfortunately, you can no longer access these services with a credit card.
- This presentation is not intended to be comprehensive and its focus is on US state legal issues, not US federal legal issues. My allotted time for this presentation is 25 min.



HOW TO HELP

- Remember: As a reference librarian you need to avoid **unauthorized practice of law** while facilitating access to legal sources. In other words: You need to be able to strike a delicate balance between facilitating access to legal information and actually interpreting it.
- How? Do not advise your library user on how to fill out forms, or how to take legal action with regards to their special circumstances.



- In short what you can do:
 - Provide answers to users' legal **ready reference** questions.
 - **Teach** users how to **identify** and **utilize** sources for legal research.
 - **Connect** users with appropriate legal referral resources.

Newkirk Barnes, *Handling Legal Questions at the Reference Desk and Beyond*, 6 *Journal of Academic and Special Librarianship* (Winter 2005 No. 3.)



Your library user visited with her cousin in Texas last week and learnt that in Texas common law marriages are just as legally binding as a statutory marriage. She also learnt that a legal divorce is necessary in order to terminate a common law marriage.

- She is wondering what elements must be present in order to establish common law marriages in Texas.
- She also wants to know whether you can establish common law marriages in Missouri.



- How do you research something you know nothing about? Any suggestions?
- What are the options out there?



FORTUNATELY, THESE DAYS IT IS OK TO ACCESS LEGAL INFORMATION ON THE WEB AS LONG AS THE RESEARCHER IS AWARE OF THE CAVEAT THAT ANY ONE CAN POST ON INFORMATION THE WEB.

- You will need a research plan. Are there any legitimate web sites and web portals can consult? Do you need to consider visiting a public library or a law library, or can you do most of your research via the internet? Access to cases, statutes and regulations are now for the most part facilitated via the web. Many secondary sources can be accessed via the web in either a full view, or a preview format.

Let's start by exploring some options via Google

1. Your problem can be either too many, or too few hits. Aim on utilizing Google's new "two step search method to it's fullest: Do not just "Google", go directly to Google's advance search page: http://www.google.com/advanced_search. Still to many hit's? Try filtering by date and revising your search query further.
2. Still lost?
 - a. Consider checking in with a legal research guide or legal pathfinder from an academic law library. (This can also be your first step) Here is a link from our host institution <http://libraryguides.missouri.edu/familylaw> (This guide facilitates some useful some web links.)
 - b. Consult information facilitated by the American Bar Association American Bar Association's [Consumers' Guide to Legal Help in Missouri](#), The Missouri Bar e.g [Marriage - the Missouri Bar](#), a not for profit organization or legal portals.

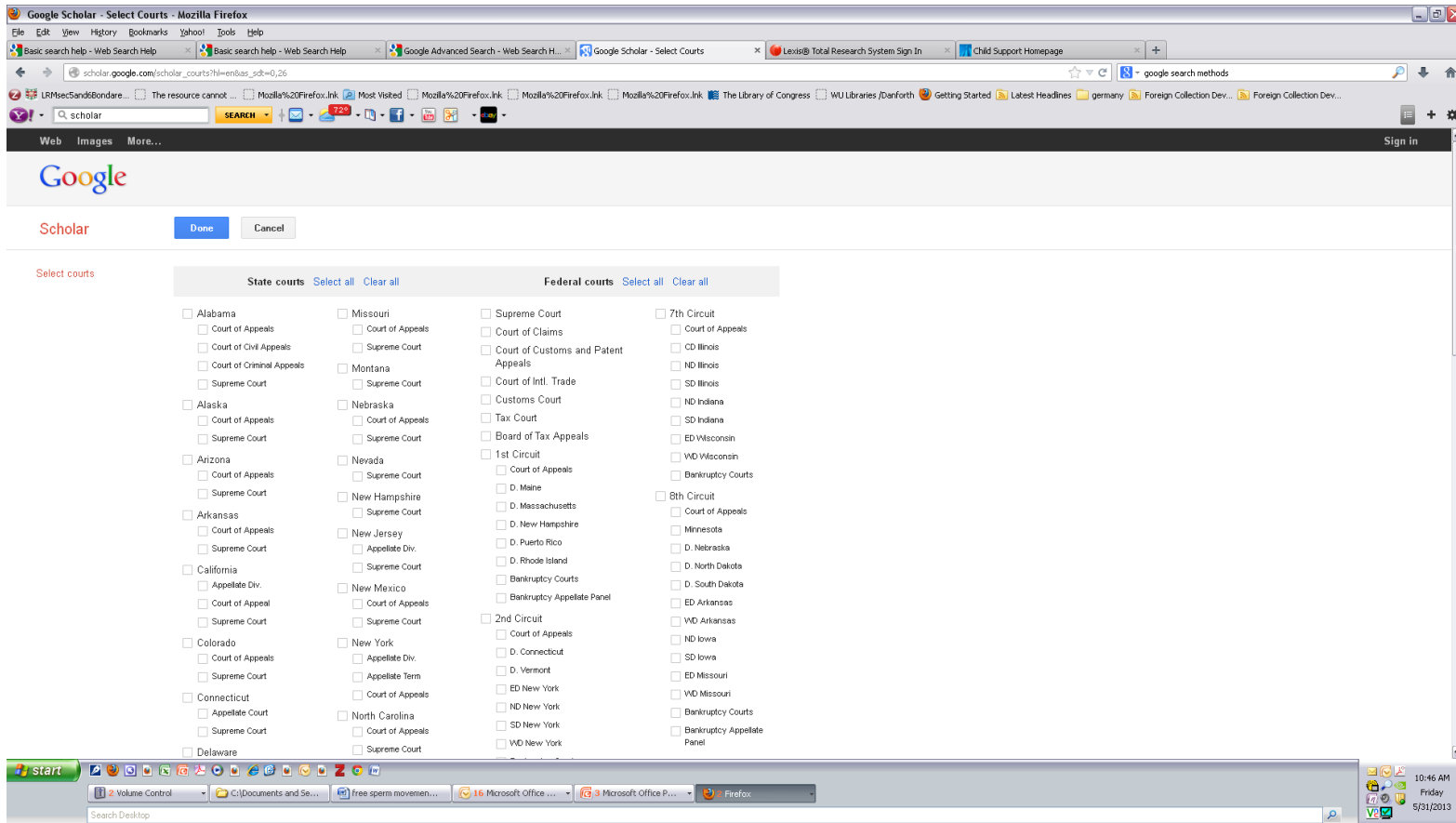


3. When all you need to retrieve a case or statute:

- Legislative and state agency information online.
- A direct link to the Missouri Revised Statutes
- Missouri courts



DID YOU KNOW THAT YOU CAN SEARCH FOR CASES ON GOOGLE SCHOLAR?



NEED SOME BACKGROUND INFO FIRST?

- Try searching for articles on Google Scholar

Google Scholar provides access to scholarly literature across many disciplines and sources,

- Google Books + books digitized!

- SSRN.com (Social Science Network) SSRN has again been named the Number 1 Open Access Repository in the World (for July, 2012)



IF YOU ARE LOST IN TRANSITION AFTER 7 MINUTES ON GOOGLE,
THEN CONSIDER SEARCHING VIA AN ONLINE CATALOG.....

You can access any law school's catalog online. E.g.

○ <http://catalog.wustl.edu/>

Search by either title, keyword or subject. A title search for “Common law marriage” lead me to:

Common law marriage : a legal institution for cohabitation / Göran Lind (2008), and guess what - there is a link to Google Books!





WONDERING WHAT THE ELEMENTS FOR A COMMON LAW MARRIAGE ARE IN TEXAS?

Common Law Marriage : A Legal Institution for Cohabitation: A Legal ... - Goran Lind - Google Books - Mozilla Firefox

books.google.com/books?id=e-K3xO1SP5MC3printsec=frontcover&source=gbs_viewAPI#v=onepage&q=texas elements&f=false

WULS: Law Library and Technology

WU Libraries / Law Library

Common Law Marriage : A Legal Institution for Cohabitation: A Legal ...

google search methods

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By Goran Lind

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marriage is formed when the minds of the parties meet in consent at the same time.¹⁶⁵

In **Texas**, common law marriage has been codified since the end of the 1960s. The legislation contains the requirement that the parties "lived together in this State as husband and wife," and that they "represented to others that they were married" in Tex. FAM. CODE ANN. § 2.401 (a) (2) (West 1998).¹⁶⁶ The legislation contains a codification of the early principles found in the case law.¹⁶⁷ Without introducing any material changes, the legislature chose, however, the expression "represented to others" instead of the usual phrase found in the case law, "holding out" as husband and wife. The expressions have been viewed as synonyms in the later case law.¹⁶⁸ As can be seen from the statutory wording, the parties' cohabitation and outward representation must occur within **Texas**.¹⁶⁹

165 *Standefer v. Standfer*, 26 P.3d 104 (Okla. 2001), which cites *Reaves v. Reaves*, 82 P. 490 (Okla. 1905); *Compare Davis v. State*, 103 P.3d 70, 82 (Okla.Cr.App. 2004), requiring "a permanent relationship, an exclusive relationship – proved by cohabitation as man and wife."

166 Act of June 2, 1969, 61 st Leg., R.S. ch. 888 § 1.91, 1969 Tex.Gen.Laws 2707, 2717 (Vernon's 1975) (amended 1997). The regulations were renumbered in 1997, from § 1.01 to § 2.401, without any material changes. Three requirements are to be fulfilled in order for a common law marriage be established, namely: (1) an agreement to be married, (2) living together in **Texas** as husband and wife and (3) representing to others in **Texas** that they are married. See Tex. FAM. CODE ANN. (Vernon 2005). These three **elements** must exist simultaneously. See *Ganesan v. Vallabhaneni*, 96 S. W.3d 945 (Tex.App.-Austin 2002); *Nava v. Baldy Partnership/Quail Chase*, 988 S.W.2d 346, 350 (Tex.App.-Houston (1 st Dist.) 1999); *Balderson v. Jones*, 985 S.W.2d 483, 489 (Tex.App.-San Antonio 1998); *Winfield v. Renfro*, 821 S.W.2d 640, 646 (Tex.App.-Houston 1991); *Bolash v. Heid*, 735 S.W.2d 698, 699 (Tex.App.-San Antonio 1987); and *Gary v. Gary*, 490 S.W.2d 929, 934 (Tex.Civ.App.-Tyler 1973). In *Canady v. Russell*, 138 S.W.3d 412 (Tex.App.-Tyler 2004), in which the parties had plans to cohabit but

11:17 AM Friday 5/31/2013

YOU WILL NEED TO UPDATE THE INFORMATION IN THE BOOK

- When exploring this book you will come across a reference to: Texas Family Code Section 2.401

Which means you can check out this info online via:

<http://www.statutes.legis.state.tx.us/>

“The statutes available on this website are current through the 1st Called Session of the 82nd Legislature, July 2011. The Texas Constitution is current through the amendments approved by voters in November 2011.”

Today's date is June 6th 2013.



TEXAS FAMILY CODE CHAPTER TWO

“ SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES

Sec. 2.401. PROOF OF INFORMAL MARRIAGE. (a) In a judicial, administrative, or other proceeding, the marriage of a man and woman may be proved by evidence that:

- (1) a declaration of their marriage has been signed as provided by this subchapter; or
- (2) the man and woman agreed to be married and after the agreement they lived together in this state as husband and wife and there represented to others that they were married.

(b) If a proceeding in which a marriage is to be proved as provided by Subsection (a)(2) is not commenced before the second anniversary of the date on which the parties separated and ceased living together, it is rebuttably presumed that the parties did not enter into an agreement to be married.

(c) A person under 18 years of age may not:

- (1) be a party to an informal marriage; or
- (2) execute a declaration of informal marriage under Section 2.402.

(d) A person may not be a party to an informal marriage or execute a declaration of an informal marriage if the person is presently married to a person who is not the other party to the informal marriage or declaration of an informal marriage, as applicable.

Added by Acts 1997, 75th Leg., ch. 7, Sec. 1, eff. April 17, 1997. Amended by Acts 1997, 75th Leg., ch. 1362, Sec. 1, eff. Sept. 1, 1997.

Amended by: Acts 2005, 79th Leg., Ch. 268, Sec. 4.12, eff. September 1, 2005.” at

<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.2.htm>



CAN YOU ESTABLISH A COMMON LAW MARRIAGE IN MISSOURI?

TRY CHECKING OUT THE MISSOURI STATUTES VIA THE MO GENERAL ASSEMBLY PAGE.

The screenshot shows a web browser window displaying the Missouri General Assembly website. The browser's address bar shows the URL www.moga.mo.gov. The website's header includes the text "missouri general assembly" and a copyright notice: "© 2013 Committee On Legislative Research (Last Change: March 21, 2013) Old Site". A navigation menu at the top lists various roles and entities: State of Missouri, Governor, Attorney General, Lt. Governor, Auditor, Secretary of State, Treasurer, Missouri Senate, Missouri House, House Live Debate, and Senate Live Debate. Below this, a secondary menu lists: Legislative Research, Legislative Oversight, Legislative Library, Statute/Constitution, Public Retirement, Comments, and Back. The main content area is titled "Missouri Revised Statutes" and is organized into sections. The first section is "TITLE XXX DOMESTIC RELATIONS August 28, 2012", which includes chapters 451 through 455, each with a corresponding link to a specific statute. The second section is "TITLE XXXI TRUSTS AND ESTATES OF DECEDENTS AND PERSONS UNDER DISABILITY August 28, 2012", which includes chapters 456 through 475, each with a corresponding link to a specific statute. The third section is "TITLE XXXII" under the heading "Missouri Revised Statutes". The browser's status bar at the bottom shows the search results for "common-law" and the system clock indicating 12:51 PM on Friday, 5/31/2013.

missouri general assembly
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Legislative Research Legislative Oversight Legislative Library Statute/Constitution Public Retirement Comments Back

Missouri Revised Statutes
TITLE XXX
DOMESTIC RELATIONS
August 28, 2012

Chapter 451 [Marriage, Marriage Contracts, and Rights of Married Women](#)
Chapter 452 [Dissolution of Marriage, Divorce, Alimony and Separate Maintenance](#)
Chapter 453 [Adoption and Foster Care](#)
Chapter 454 [Enforcement of Support Law](#)
Chapter 455 [Abuse--Adults and Children--Shelters and Protective Orders](#)

Missouri Revised Statutes
TITLE XXXI
TRUSTS AND ESTATES OF DECEDENTS AND PERSONS UNDER DISABILITY
August 28, 2012

Chapter 456 [Trusts and Trustees--The Uniform Trust Code](#)
Chapter 459 [Declarations, Life Support](#)
Chapter 460 [Estates of Convicts](#)
Chapter 461 [Nonprobate Transfers Law](#)
Chapter 469 [Disclaimers of Property](#)
Chapter 470 [Escheats](#)
Chapter 471 [Uniform Simultaneous Death Law](#)
Chapter 472 [Probate Code--General Provisions](#)
Chapter 473 [Probate Code--Administration of Decedents' Estates](#)
Chapter 474 [Probate Code--Intestate Succession and Wills](#)
Chapter 475 [Probate Code--Guardianship](#)

Missouri Revised Statutes
TITLE XXXII

- *A closer look at Missouri Revised Statutes's*

- Chapter 451**

- Marriage, Marriage Contracts, and Rights of Married Women**

date: August 28, 2012 (the statutes are updated once a year)

Marriage license required, waiting period--application, contents--license void when--common law of marriages void--lack of authority to perform marriage, effect.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

4. Common-law marriages shall be null and void.

5. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

(RSMo 1939 § 3364, A.L. 1943 p. 639, A.L. 1974 H.B. 981, A.L. 1978 H.B. 1634, A.L. 1981 S.B. 21 & 113, A.L. 1986 H.B. 931, A.L. 1997 S.B. 361, A.L. 1998 H.B. 987, A.L. 2001 H.B. 157, A.L. 2007 S.B. 22) Prior revisions: 1929 § 2977; 1919 § 7302; 1909 § 8283

NEEDING HELP TO STAYING UPDATED?

- No idea what an RSS-Feed is? Check out this [YouTube snippet](#).



USEFUL LINKS (CLICK ON HYPERLINKS TO EXPLORE FURTHER)

- How old is the info on this website?
<http://www.ncsl.org/issues-research/human-services/common-law-marriage.aspx> - remember to update the info.
- LexisONE: Legal information from Lexis for free, but requires registration. Its Legal Web Site Directory provides links to more than 20,000 law-related websites that were selected for their relevancy by legal practitioners. Access to many legal forms, including about 6,000 that are free. Limited to most recent resources for many databases
- <http://www.findlaw.com/>
- Select Legal portals and pathfinders



Missouri Courts

“This section of Your Missouri Courts website is designed to assist lawyers and members of the public find pertinent sources of law. This is not intended to be a complete list of all law applicable in Missouri; rather, it is intended merely for the convenience of the user.

The Appellate Opinions section provides, in reverse chronological order, of all the opinions issued by the Supreme Court of Missouri and the three geographic districts of the Missouri Court of Appeals. The [Court Rules](#) section takes you to the rules published by the Supreme Court of Missouri pertaining to attorneys and judges, civil and criminal practice and procedure in Missouri’s trial courts, appellate practice, and practice before certain specialized court divisions, as well as to Supreme Court operating rules. The [Jury Instructions & Charges](#) page provides information about how to find jury instructions and charges for civil and criminal cases in Missouri. The [Supreme Court Library](#) section explains its services and holdings. Additional pages will take you to other websites, outside the Missouri Judiciary, that will allow you to search the [federal constitution](#), Missouri’s [constitution](#), [statutory law](#), [administrative regulations](#) and [attorney general advisory opinions](#). The [charge codes](#) section provides links to various documents showing the codes that courts assign to criminal charges created by the general assembly. The [traffic guide](#) is a quick reference manual for the use of judges, prosecutors and attorneys involved in handling traffic cases. The Federal Cases link will redirect you to various websites of certain federal courts. Finally, the [Other Legal Resources](#) page provides links to other websites, outside the Missouri Judiciary, that we hope you will find useful.

Missouri Court Forms



- Find Information Concerning Your Legal Problem in Missouri
- Legal Aid Services of Missouri
- Missouri Bar publications
- In need of a lawyer?
- Missouri Bar Lawyer Search
- The Missouri Bar Referral Service

