



University of Connecticut School of Law Library



RESTATEMENTS OF THE LAW

Restatements of the law are produced by the American Law Institute (ALI), an organization comprised of prominent American judges, lawyers, and law professors. Each restatement distills the case law on a particular topic into a series of concise “black letter” principles or rules. Although the restatements do not have binding legal authority, they are considered persuasive authority and are frequently cited by the courts.

Most of the original restatements have been reissued in an updated Restatement 2d series, and some have been reissued in a Restatement 3d series. In addition, new restatements are being issued for the first time as part of the 3d series.

Current restatements are located on Reserve and in Reference. They include the following titles:

Agency, 3d (KF1345.R474 2006)
Conflict of Laws, 2d (KF411.A46 1971)
Contracts, 2d (KF801.A8 1981)
Foreign Relations Law of the U.S., 3d (KF4651.A75 1987)
Judgments, 2d (KF 8990.A94 1982)
Law Governing Lawyers, 3d (KF300.R475 2000)
Property (KF570.A73 1936)
Property, 2d, Landlord and Tenant (KF590.A84 1977)
Property, 2d, Donative Transfers (KF613.A42 1983)
Property, 3d, Wills and Other Donative Transfers (KF613.R474 1999)
Property, 3d, Mortgages (KF695.R49 1997)
Property, 3d, Servitudes (KF657.R465 2000)
Restitution, Quasi Contracts and Constructive Trusts (KF1244.A943 1937)
Suretyship and Guaranty, 3d (KF1045.R473 1996)
Torts, 2d (KF1249.A4 A45)
Torts, 3d, Apportionment of Liability (KF1249.A4 R474 2000)
Torts, 3d, Products Liability (KF1296.R467 1998)
Trusts, 2d (KF730.A83 1959)
Trusts, 3d (KF730.R477 2003)
Unfair Competition, 3d (KF3195.R475 1995)

Older restatements that are no longer current are located on the 5th floor; check the online catalog for exact locations.

USING THE RESTATEMENTS

Each restatement is arranged first by chapter, then by topic and title, and then by section. Restatements are cited by section number (see Bluebook Rule 12.8.5 for how to cite a restatement). Each restatement section includes:

- a statement of the principle of law, or the “black letter” rule;
- explanatory comments;
- illustrations of the principle, in the form of hypotheticals; and
- reporter’s notes, which provide background information on the development of the rule, including citations to cases which were used in formulating the rule, statutes, treatises, and journal articles.

The appendix volumes of each set contain annotated citations of cases that cite that particular restatement. Appendices for the 2d and 3d series also include cross-references to West Key Numbers and ALR Annotations. Appendices are not cumulative; check the spines for sections and years covered. Appendix volumes are kept up-to-date by a series of pocket parts, supplements, and pamphlets.

Each restatement in the 2d and 3d series has its own index, usually located in the last volume of the set. There is also a comprehensive general index covering only the first restatement series (Restatement of the Law, Permanent Index KF395.A56 1946). Each restatement volume includes a table of contents as well.

ONLINE ACCESS

Lexis

The “Restatement Rules Combined” file contains the rules, comments, and illustrations for all the restatements combined. The “Restatement Annotated Case Citations Combined” file contains the annotated case citations for all the restatements combined, and each citation is linked to the cited rule. Restatements can also be searched individually; check the Lexis directory for exact file names for individual restatements.

Westlaw

The “Restatements of the Law” database includes the complete text of all available restatements, including the appendices, pocket parts, and supplements. It also includes various tentative drafts and proposed final drafts. Restatements can also be searched individually; check the Westlaw directory for exact database titles for individual restatements.

DRAFTS AND RELATED SOURCES

The ALI’s restatement adoption process generates a series of drafts for each restatement. These may include preliminary drafts, Council drafts, tentative drafts, and proposed final drafts. The library holds selected restatement drafts; consult the online catalog for exact titles and locations.

A number of ALI publications are useful for tracking the progress of the various restatement drafts and revisions. The Annual Reports of the ALI (KF294.A5 A51 and online at <http://www.ali.org/index.cfm?fuseaction=news.annualreports>) discuss the various projects of the ALI and the progress being made therein. The Proceedings of the ALI (KF294.A5 A17) contain reporters’

presentations and floor discussions of restatement drafts. For up-to-date information on the restatements, check the ALI Reporter (KF200.A455 and online at <http://www.ali.org/index.cfm?fuseaction=news.thealireporter#>), a quarterly newsletter that provides the latest information about ALI projects and activities.

FINDING ARTICLES ABOUT THE RESTATEMENTS

The following sources can be used to locate articles discussing the restatements:

Legal Periodical Indexes

To locate articles in legal journals, consult the two major online legal periodical indexes which can be accessed from the library's web page: [Index to Legal Periodicals](#), which covers from 1918 to the present, and [LegalTrac \(Legal Resource Index\)](#), which covers from 1980 to the present.

Shepard's (Lexis) and KeyCite (Westlaw)

A restatement section can be "shepardized" (using Lexis) or "keycited" (using Westlaw) to obtain citations to law review articles, ALR annotations, legal encyclopedias, treatises, and other secondary sources that discuss that section.

ALI Bibliographies

An annual bibliography of selected articles discussing the restatements, entitled *The Institute in Legal Literature: A Selective Bibliography*, is published each year in the Annual Reports of the ALI (KF294.A5 A51 and online at <http://www.ali.org/index.cfm?fuseaction=news.annualreports>.) A selective bibliography of articles published before 1973 is also included in The American Law Institute 50th Anniversary (KF294.A5 A5).