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## SECTION 1983

# Civil Rights Litigation

[Title 42, Section 1983](#), of the [United States Code](#) is a procedural vehicle by which one whose federal statutory or constitutional rights have been violated can bring an action against state “actors” who commit these violations “under color of law.” The statute was rarely used until 1961, when the Supreme Court ruled that private litigants are to be permitted a federal court remedy as a *first* resort rather than having to first bring suit in state court [Monroe v. Pape, 365 U.S. 167 \(1961\)](#). Today, Section 1983 actions include suits over freedom of speech, search and seizure, use of excessive force, cruel and unusual punishment, and claims of due process violations.

### **Related Guides:**

[Criminal Law](#)

## 1. SELF-HELP

**Civil Rights Law and Practice** [KF 4749 .L49](#) (Self Help)

This Hornbook includes Title VI of the 1964 Civil Rights Act, Civil Rights Attorney's Fees Act of 1976, 42 U.S.C. Section 1982, Title VIII of the 1968 Fair Housing Act, Title IX of the Education Amendments of 1972, and more.

## 2. LEGAL ENCYCLOPEDIAS AND LAW SUMMARIES

**American Jurisprudence 2d (Am. Jur.)** [KF 154 .A42](#) (Ready Reference)

Volume 15, *Civil Rights*

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

**American Law Reports, Federal 2d** [KF 132 .A471](#) (Compact)

American Law Reports, Federal, is a set comprised of annotations focusing on very narrow aspects of law. The annotations provide an in-depth analysis of current statutory and case law on the subject, including law review articles, and other secondary sources on the subject. Look in the index to find annotations dealing with Section 1983 cases.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

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## **Corpus Juris Secundum (CJS)**

Volumes 14 and 14A, *Civil Rights*

**Electronic Access Only:** On the Law Library's computers, using *WestlawNext*.

### **3. PRACTICE GUIDES**

#### **Civil Actions Against the United States, Its Agencies, Officers, and Employees**

[KF 1325 .U55 C58](#)

A useful guide for attorneys filing claims against the U.S. government. Topics include sovereign immunity and strategies to circumvent it; and specific types of actions (e.g., a *Bivens* action).

#### **Civil Rights and Civil Liberties Litigation: The Law of Section 1983**

[KF 1325 .C58 N34](#)

Written for attorneys and judges, this comprehensive practice guide includes discussion of a Section 1983 cause of action, pre-trial matters, damages, possible remedies and defenses, and governmental liability. Useful features include checklists, forms, tables, and extensive footnotes.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

#### **Discovery and Proof in Police Misconduct Cases** [KF 1307 .R93](#)

Contains a variety of Section 1983 forms, including sample pleadings, discovery forms, and sample deposition scripts. Appendices and index included.

#### **Police Civil Liability** [KF 1307 .S55](#)

Volume I of this work features a chapter devoted to section 1983 litigation, including forms and extensive citations to case law.

#### **Police Misconduct: Law and Litigation** [KF 1307 .A98](#)

Offers a comprehensive discussion of Section 1983 claims relating to police misconduct, plus litigation checklists, sample pleadings, discovery forms, and model closing arguments.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

#### **Prisoner's Rights Union: Self-Help Materials** [KFC 1181.5 .P75](#)

Self help materials distributed by the Prisoners' Rights Union including pre-trial, post conviction, and jail-prison conditions.

#### **Section 1983 Litigation** [KF 1325 .C58 S36](#)

This multi-volume set includes a thorough discussion of claims and defenses, statutory attorneys' fees, federal evidence, and jury instructions.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

#### **Section 1983 Litigation in State Courts** [KF 1325 .C58 S74](#)

This is the only treatise focusing on filing Section 1983 claims in state courts, providing coverage from claim initiation to post-trial motions. Also offers state and federal case law analysis, practice tips, and useful appendices. Chapter 24 addresses the removal of suit to federal court.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

## **State and Local Government Civil Rights Liability**

This text examines the grounds on which state and local government entities and their officials may be subject to liability under major civil rights statutes. Chapters 1 and 1A specifically address claims arising under Section 1983.

**Electronic Access Only:** On the Law Library's computers, using *WestlawNext*.

## **Sword and Shield: A Practical Approach to § 1983 Litigation** [KF 1325 .C58 S96](#)

Features in this single-volume guide include a discussion of approaches from both the plaintiff and the defendant; in-depth coverage of the issues involved in selecting a jurisdiction; and the fundamentals of drafting Section 1983 pleadings.

## **4. FORMS**

### **American Jurisprudence Pleading and Practice Forms Annotated**

[KF 8836 .A45](#) (Ready Reference)

The only major set of general pleading and practice forms, several volumes within this work address a variety of Section 1983 forms. See the *Table of Statutes* to locate sections that contain forms relevant to 1983 actions.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

### **Section 1983 Litigation: Forms** [KF 1325 .C58 W5](#)

This user-friendly volume contains model language and sample forms for pleadings, motions, discovery, jury instructions, and miscellaneous forms.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

### **United States District Court for the Northern District of California**

The Northern District has a sample complaint for civil rights violations of prisoners.

**Electronic Access:** On the Internet at [www.cand.uscourts.gov/filelibrary/30/PrisonerCiv4-06.pdf](http://www.cand.uscourts.gov/filelibrary/30/PrisonerCiv4-06.pdf)

## **5. DECISIONS**

### **Section 1983 Civil Rights Digest** [KF 1325 .C58 R688](#)

Section 1983 cases decided in federal courts are published in the Federal Supplement, the Federal Reporter, and the Supreme Court Reporter, located in Compact Shelving.

## **6. WEBSITES**

### **Police Misconduct and Civil Rights Law**

[corporate.findlaw.com/litigation-disputes/police-misconduct-and-civil-rights-law.html](http://corporate.findlaw.com/litigation-disputes/police-misconduct-and-civil-rights-law.html)

This detailed article on Findlaw references important case law for most police misconduct and civil rights issues.

### **Section 1983 Claims**

[corporate.findlaw.com/litigation-disputes/typical-section-1983-claims.html](http://corporate.findlaw.com/litigation-disputes/typical-section-1983-claims.html)

This detailed article on Findlaw discusses typical Section 1983 claims, including prison litigation and police misconduct.

## 7. COMMUNITY RESOURCES

### **American Civil Liberties Union (ACLU) of Northern California**

[www.aclunc.org/index.shtml](http://www.aclunc.org/index.shtml)

39 Drumm Street, San Francisco, California 94111

(415) 621-2493

This organization works to preserve and guarantee the protections of the Constitution's Bill of Rights through litigation, education, lobbying, the formation of grassroots organizations, and dissemination of key information on constitutional freedoms.

### **Office of the Attorney General: Civil Rights Section**

[ag.ca.gov/civil.php](http://ag.ca.gov/civil.php)

Attorney General's Office California Department of Justice

Attn: Public Inquiry Unit

P.O. Box 944255 , Sacramento, CA 94244-2550

(916) 210-6276 or (Toll-free in California) (800) 952-5225

The mission of the Civil Rights Enforcement Section is to work with the public, state, federal and local government agencies, and with civil rights and community groups to identify civil rights issues and vigorously prosecute those who have violated the law.

*IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.*