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Cost Effective Legal Research Redux: How to Avoid Becoming the Accidental Tourist Lost In Cyberspace

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**COST EFFECTIVE LEGAL RESEARCH REDUX: HOW TO AVOID
BECOMING THE ACCIDENTAL TOURIST, LOST IN CYBERSPACE**

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I. INTRODUCTION

There are three primary sources of American law¹ produced by the three branches of American government.² These sources are:

- Opinions published by the judicial branch, i.e. the courts;
- Legislation or statutes enacted and then published by the legislature; and
- Regulations promulgated under the power of the legislative branch and published by regulatory agencies³ as well as executive orders and executive orders and proclamations which are issued and published by the executive branch under its own authority.⁴

With citations or names, it is relatively easy to access these materials in print or in electronic format. If the material is lacking a citation, popular or party name, bill, public law or docket number, it is necessary to utilize finding aids to locate the relevant material. As American law evolved over the centuries, a number of finding aids and updating tools were developed to assist legal researchers.⁵ When using

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¹ See generally ROBERT C. BERRING & ELIZABETH A. EDINGER, *FINDING THE LAW* 14-16 (12th ed. 2005). See also ROY M. MERSKY & DONALD J. DUNN, *LEGAL RESEARCH ILLUSTRATED: AN ABRIDGMENT OF FUNDAMENTALS OF LEGAL RESEARCH* 1 (8th ed. 2002).

² U.S. CONST. art. I, II, III.

³ See generally BERRING & EDINGER, *supra* note 1, at 14-15.

⁴ *Id.*

⁵ See *id.* at 102-16. See also MERSKY & DUNN, *supra* note 1, at 81.

these precise finding aids and updating tools with understanding, researchers were said to be performing cost-effective legal research.⁶

Generations of law students, now attorneys, learned to research with print finding aids.⁷ Several resources, such as digests, American Law Reports, law reviews, loose leafs, and treatises, were created to assist the researcher when locating cases by subject.⁸ Popular names tables and indexes provided access to statutes and regulations.⁹ Shepard's Citation Service allowed researchers to update their materials.¹⁰

In the 1970s, the electronic computer assisted legal research systems of Westlaw¹¹ and LexisNexis¹² (Lexis) were created by researchers familiar and comfortable with the print process of legal research.¹³ Thus, these new fee-based electronic systems relied upon the foundation of print legal research as the basis for their development.¹⁴ As electronic resources continued to grow, develop, and expand, law schools suddenly found themselves with Gen X and Millennial students who

⁶ See generally Lisa Smith-Butler, *Cost Effective Legal Research*, 18 *LEGAL REFERENCE SERVICES Q.* 61 (2000).

⁷ See BERRING & EDINGER, *supra* note 1, at 5.

⁸ See *id.* at 5, 102-16.

⁹ See MERSKY & DUNN, *supra* note 1, at 170, 223-24.

¹⁰ See *id.* at 67-69.

¹¹ John B. West and his brother, Horatio, began West Publishing in 1872 in St. Paul, Minnesota. Thomson West, *Historic Highlights*, <http://west.thomson.com/about/history/> (last visited March 2, 2008). Over 100 years later in 1975, Westlaw, a computer assisted legal instruction system, began operation. *Id.*

¹² Mead Data Corporation developed Lexis-Nexis in conjunction with the Ohio State Bar in the late 1960s. See Bernard J. Hibbitts, *Last Writes? Re-assessing the Law Review in the Age of Cyberspace*, Mar. 10, 1997, http://faculty.law.pitt.edu/hibbitts/lw_p3.htm. Lexis-Nexis went public in April 1973. See Lexis Nexis, *Media Kit: Company History*, <http://www.lexisnexis.com/presscenter/mediakit/history.asp> (last visited Mar. 2, 2008).

¹³ John B. West and his brother, Horatio, began West Publishing in 1872 in St. Paul, MN. Over 100 years later in 1975, Westlaw, a computer assisted legal instruction system, began operation. See *Historic Highlights*, *supra* note 11. Mead Data Corporation developed Lexis-Nexis in conjunction with the Ohio State Bar in the late 1960s. Lexis-Nexis went public in April 1973. See *Media Kit*, *supra* note 12.

¹⁴ See BERRING & EDINGER, *supra* note 1, at 5-6.

were raised on computers and the Internet.¹⁵ These students were interested in using electronic rather than print resources.¹⁶ Since the late 1990s, a contentious debate has ensued among law professors, law librarians, and legal research and writing instructors about the value and validity of print and electronic resources.¹⁷ With flat or shrinking budgets for library materials, and rising costs of serial prints,¹⁸ academic law libraries struggled to make sense of the new world of electronic resources while trying to juggle the duplicative coverage created by electronic resources with print and micro formats.¹⁹ Students continued to learn print research in legal bibliography or legal research and writing classes, but dismissed print research tools as irrelevant until summer clerkships and lack of access to Westlaw and Lexis revealed their lack of research skills.

Because of the above, it appears that this transitional generation will need to understand both print and electronic legal research.²⁰ Ac-

¹⁵ See Leslie Larkin Cooney, *Heart and Soul: A New Rhythm for Clinical Externships*, 17 ST. THOMAS L. REV. 407, 411-12 (2005) (explaining the terms "Gen X" and "Millennials").

¹⁶ Just as law students, decades ago, learned to refer to the updating process as "shepardizing," so too has "googling" entered the language as a verb, meaning "to search for." See BERRING & EDINGER, *supra* note 1, at 66, for a discussion of shepardizing. See also Randy Cohen, *The Way We Live Now: 12-15-02: The Ethicist; Is Googling O.K.?*, N.Y. TIMES, Dec. 15, 2002, at 50, for a discussion on googling. For a discussion of teaching GenX and Millennial law students, see Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?*, 9 LEGAL WRITING 119, 124 (2003); see also Cooney, *supra* note 15, at 412-15.

¹⁷ See generally Penny A. Hazelton, *How Much of Your Print Collection is Really on WESTLAW or LEXIS-NEXIS?*, 18 LEGAL REF. SERV. Q. 3 (1999); Paul E. Howard & Renee Y. Rastorfer, *Do We Still Need Books? A Selected Annotated Bibliography*, 97 LAW LIBR. J. 257 (2005); Gordon Russell, *Re-Engineering the Law Library Resources Today for Tomorrow's Users: A Response to How Much of Your Print Collection is Really on Westlaw or LEXIS-NEXIS?*, 21 LEGAL REFERENCE SERVICES Q. 29 (2002); Michelle M. Wu, *Why Print and Electronic Resources Are Essential to the Academic Law Library*, 97 LAW LIBR. J. 233 (2005); James G. Milles, *Out of the Jungle* 10, (Feb. 2005), available at <http://www.acsu.buffalo.edu/~jgmilles/Jungle.pdf>.

¹⁸ See, e.g., KENDALL F. SVENGALIS, *LEGAL INFORMATION: GLOBALIZATION, CONGLOMERATES AND COMPETITION—MONOPOLY OR FREE MARKET* (2007), <http://www.rilawpress.com/AALL2007.ppt>.

¹⁹ See generally Wu, *supra* note 17.

²⁰ See BERRING & EDINGER, *supra* note 1, at 6.

cepting that, it also seems important to acknowledge that these students prefer the electronic format to either the print or micro format.²¹ As legal research transitions into electronic formats, perhaps the most useful and cost-effective approach to teaching students should be to focus on the three branches of government, the information produced by those branches, where the information is published, and the format in which it is available.²² In order to perform cost-effective legal research, students need to know how to precisely locate primary and secondary sources of law. They need to know in what sources these materials can be located; and they must also know how to evaluate these sources, whatever their format.²³

²¹ See Wu, *supra* note 17, at 251.

²² I am indebted to my colleague, Dean Gail Levin Richmond, for sharing this approach as she taught taxes to my advanced legal research class.

²³ Both states and the U.S. government are placing their primary sources of law on the Internet. While much of this information is now available in electronic format, concerns do exist as to the authentication of these materials. See, e.g., AALL, *State-by-State Report on Authentication of Online Legal Resources*, <http://www.aallnet.org/aallwash/authenreport.html> (last visited Mar. 3, 2008). Although the technology exists to authenticate the materials, the majority of states have not yet done so. See Robert C. Berring, *Losing the Law: A Call to Arms*, 10 GREEN BAG 2D 279, 280 (2007) ("Not one state has put in place a system that authenticates and preserves the new digital information."). In order to educate the appropriate government entities on the topic, the American Association of Law Libraries (AALL) recently convened a national summit to deal with the authentication of legal information in the digital age. See American Association of Law Libraries, *Authentic Legal Information in the Digital Age: AALL National Summit*, <http://www.aallnet.org/summit/default.asp> (last visited Jan. 19, 2008). AALL recently published a report, listing the authentication of online legal resources by state. See RICHARD J. MATTHEWS & MARY ALICE BAISH, AALL 2005-2006 ACCESS TO ELECTRONIC INFORMATION COMMITTEE, *STATE-BY-STATE REPORT ON AUTHENTICATION OF ONLINE LEGAL RESOURCES*, <http://www.aallnet.org/summit/rmatthewspresentation.pdf>. To deal with these concerns and raise legislative awareness of the issues, the Legal Information Preservation Alliance (LIPA) was created. Legal Information Preservation Alliance, <http://www.aallnet.org/committee/lipa> (last visited Jan. 19, 2008). LIPA's stated mission is "to provide the leadership, the necessary organizational framework, and the professional commitment necessary to preserve vital paper and electronic legal information by defining objectives, developing and/or adopting appropriate standards and models, creating networks, and fostering financial and political support for long term stability." *Id.* AALL also published a document, listing the U.S. government information that is permanently available via PURLs (Permanent Uniform Resource Locator). See RICHARD J. MATTHEWS ET AL., AMERICAN ASSOCIATION OF LAW LIBRARIES, *STATE-BY-STATE*

Before using an Internet site, students should evaluate it just as a print source would be evaluated. A student should consider:

- Whether the publisher of the site is reputable and knowledgeable;
- Whether the content of the site is accurate, authentic, and objective;
- Whether the content can be retrieved via keyword, author, or title searching;
- Whether the information is current; and
- Whether the information is frequently updated.²⁴

To assist law students with evaluating legal web sites containing primary and secondary sources of law, this article reviews certain free Internet sites pertaining to primary sources of federal and state law as well as secondary sources. When using these sites with understanding, legal researchers are said to be performing cost effective legal research and will avoid becoming an accidental tourist, lost in cyberspace.

II. COURT OPINIONS

A. United States Supreme Court Opinions

The United States Supreme Court is at the apex of the federal court system. Having both appellate²⁵ and limited original jurisdiction,²⁶ the Court is the court of "last resort."²⁷ Opinions produced by the Court are available in several sources, in both print and electronic format. In print, there are three reporters and a loose leaf service that publish Court opinions. The *U.S. Reports*, published by the Govern-

REPORT ON PERMANENT PUBLIC ACCESS TO ELECTRONIC GOVERNMENT INFORMATION (2003), available at http://www.aallnet.org/aallwash/State_report.pdf.

²⁴ See Marie Stefanini Newman, *Evaluation Criteria and Quality Control for Legal Knowledge Systems on the Internet: A Case Study*, 91 LAW LIBR. J. 9, 11-14 (1999). See also Claire M. Germain, *Legal Information Management in a Global and Digital Age: Revolution and Tradition*, LAW LIBR. RESOURCE EXCHANGE, Aug. 27, 2007, <http://www.llrx.com/features/legalinformationmanagement.htm> ("Is this the official, final version of a text? Can you cite this to a court?").

²⁵ SUP. CT. R. 10.

²⁶ 28 U.S.C. § 1251 (2000).

²⁷ Evan H. Caminker, *Precedent and Prediction: The Forward-Looking Aspects of Inferior Court Decisionmaking*, 73 TEX. L. REV. 1, 16 (1994).

ment Printing Office, is the official publication of Court decisions while commercial publications produced by Thomson West (*Supreme Court Reporter*) and Lexis (*Supreme Court Reporter, Lawyer's Edition*) are also available.²⁸ The Bureau of National Affairs' publication, *United States Law Week* (USLW), a loose leaf, also publishes Supreme Court opinions.²⁹ Access to these opinions is either via citation, party name, or subject search with the appropriate print case-finding tools.³⁰

Fee-based electronic services provide access to these opinions. In Westlaw³¹, the legal researcher will consult the SCT database (which covers all United States Supreme Court Cases)³² to search for Court opinions, while researchers using Lexis³³ will consult the Federal Legal U.S. library.³⁴ In addition, VersusLaw and Loislaw provide access to these decisions for a low-cost electronic service fee.³⁵ HeinOnline³⁶ also has comprehensive coverage of the full text of Court decisions in

²⁸ See SUP. CT. OF THE U.S., WHERE TO OBTAIN SUPREME COURT OPINIONS (2007), available at <http://www.supremecourtus.gov/opinions/obtainopinions.pdf>.

²⁹ *Id.*

³⁰ Both Lexis and West publish cumulative digests for their Supreme Court reporters with comprehensive coverage from 1754 to the present. *Id.* Party name, citation, and subject indexes are available. *Id.*; see also DIGEST OF UNITED STATES SUPREME COURT REPORTS: LAWYER'S EDITION (LEXISNEXIS) (1754 - Present); UNITED STATES SUPREME COURT DIGEST, (West) (1754-Present).

³¹ Thomson West, Westlaw Information, <http://west.thomson.com/westlaw/default.aspx> (last visited Jan. 19, 2008).

³² Thomson West, Scope Content, http://web2.westlaw.com/scope/default.wl?rs=WLW8.01&fn=_top&sv=Split&tc=1101&tf=770&db=SCT&vr=2.0&rp=%2fscope%2fdefault.wl&mt=LawSchoolPractitioner (last visited Jan. 19, 2008).

³³ LexisNexis, About LexisNexis, <http://global.lexisnexis.com/about.aspx> (last visited Jan. 19, 2008).

³⁴ The Library of Congress, Research Help, <http://www.loc.gov/law/help/guide.html> (last visited Feb. 29, 2008).

³⁵ T.R. Halvorson, *Survey of Online Legal Information Alternatives for Small Law Firms and Public Law Libraries*, LEGAL AND TECHNOLOGY RESOURCES FOR LEGAL PROFESSIONALS, Nov. 1, 2001, <http://www.llrx.com/features/alternatives.htm> (noting that LoisLaw provides access to the full text of United States Supreme Court opinions from 1899 to present).

³⁶ William S. Hein & Co., Hein Online, <http://heinonline.org/> (last visited Jan. 19, 2008).

its publication, *United States Supreme Court Library*.³⁷ Searching is via keyword, party name, or citation.³⁸

Several reputable Internet sites provide access to Court opinions. These sites include the official U.S. Supreme Court site,³⁹ Cornell's Legal Information Institute,⁴⁰ FindLaw,⁴¹ FLITE,⁴² and Oyez.⁴³ While all of these sites provide access to Court opinions, the focus of each site as well as the respective dates of coverage differ. Search engines also vary from site to site.

Presented by the U.S. Supreme Court, the Court's official site is aptly named, "Supreme Court of the United States."⁴⁴ The site provides an enormous amount of information for the practitioner and the legal researcher. Practitioners can access both the Court's docket⁴⁵ and oral argument calendar⁴⁶ for scheduling purposes. They can also review the Court's rules⁴⁷ and case handling guidelines.⁴⁸ A history of the Court as well as photographs and biographical information about present and past Justices is available.⁴⁹ A recent feature provides transcripts of oral arguments from October 2000 to date.⁵⁰ In October of 2006, the Court

³⁷ William S. Hein & Co., List of Collections, <http://www.heinonline.org/home/content/Browse.html> (last visited Feb. 29, 2008) (providing complete coverage).

³⁸ See *id.*

³⁹ Supreme Court of the United States, Home Page, <http://www.supremecourtus.gov/> (last visited Jan. 18, 2008).

⁴⁰ Cornell University Legal Information Institute, Supreme Court Collection, <http://www.law.cornell.edu/supct/index.html> (last visited Jan. 18, 2008).

⁴¹ FindLaw, U.S. Supreme Court Opinions, <http://www.findlaw.com/casecode/supreme.html> (last visited Jan. 18, 2008).

⁴² National Technical Information Service, Federal Legal Information Through Electronics, <http://supcourt.ntis.gov/> (last visited Jan. 18, 2008).

⁴³ Northwestern University, Oyez, <http://www.oyez.org/> (last visited Jan. 18, 2008).

⁴⁴ Supreme Court of the United States, *supra* note 39.

⁴⁵ See *id.*

⁴⁶ See *id.*

⁴⁷ See *id.*

⁴⁸ See *id.*

⁴⁹ See Supreme Court of the United States, About the Supreme Court, <http://www.supremecourtus.gov/about/about.html> (last visited Jan. 18, 2008).

⁵⁰ See Supreme Court of the United States, Argument Transcripts, http://www.supremecourtus.gov/oral_arguments/argument_transcripts.html (last visited Jan. 18, 2008).

began posting transcripts of oral arguments to the site on the same day that the case is argued.⁵¹

The full text of all Court opinions issued from 2004 onwards is available at this site.⁵² Access is to either recent slip opinions or term opinions, published in reverse chronological order and hyperlinked.⁵³ Earlier opinions (1991-2001) can be located by a keyword search on the home page of Oyez or by using a case citation finder that must then be applied to the hyperlinked volumes that are labeled "bound."⁵⁴

Cornell's Legal Information Institute also provides access to the full text of Court opinions.⁵⁵ Coverage is comprehensive for decisions rendered from 1990 onwards. Coverage is selective for decisions issued prior to 1990, using significant historical value as the selection criteria.⁵⁶ Access to the decisions is via a topical search, a justice-authored search, a party name search, or a date search using either the month or term.⁵⁷ There is also information about the Court's calendar and rules as well as biographical information about the Justices.⁵⁸ The *liibulletin*, an electronic current awareness resource published and produced by Cornell second- and third-year law students, provides commentary on cases pending before the Court.⁵⁹ The site also provides hyperlinks to briefs located on the American Bar Association Website, oral arguments reproduced on Oyez, and oral argument transcripts published on the official Court site.⁶⁰

⁵¹ See Tony Mauro, *High Court to Provide Same-Day Argument Transcripts Online*, LEGAL TIMES, Sept. 15, 2006, <http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1158224728196>.

⁵² Supreme Court of the United States, Opinions, <http://www.supremecourtus.gov/opinions/opinions.html> (last visited Feb. 29, 2008).

⁵³ *Id.*

⁵⁴ See Oyez, *supra* note 43.

⁵⁵ See Supreme Court Collection, *supra* note 40.

⁵⁶ Cornell University Legal Information Institute, About Supreme Court Collection, <http://www.law.cornell.edu/supct/supremes.htm> (last visited Jan. 18, 2008).

⁵⁷ See Supreme Court Collection, *supra* note 40.

⁵⁸ See *id.*

⁵⁹ See Cornell University Legal Information Institute, *liibulletin*, <http://www.law.cornell.edu/bulletin/> (last visited Mar. 4, 2008).

⁶⁰ See Supreme Court Collection, *supra* note 40.

FindLaw,⁶¹ created by attorneys in northern California⁶² and eventually purchased by Thomson West, is also available for electronic case research.⁶³ This site provides comprehensive coverage and access to the full text of Court opinions from 1893 to present.⁶⁴ Access is via publication year, official U.S. citation, party name, or keyword search.⁶⁵ There is a limited updating feature within the U.S. Supreme Court and circuit court files at this site.⁶⁶ Links are readily available to Keycite, one of Thomson West's commercial products.⁶⁷ In addition to the full text of Court opinions, this site also provides access to additional Court information, including the Court's calendar and rules.⁶⁸ The U.S. Supreme Court Center at this site provides access, via the oral argument date, to the Court's docket sheet, the full text of decisions from the lower courts, and briefs submitted to the Court, including petitioner, respondent and amicus briefs.⁶⁹

FLITE,⁷⁰ developed in 1992⁷¹ and maintained by the National Technical Information Service of the U.S. Government, provides comprehensive coverage to Court decisions between 1937 and 1975.⁷² Decisions can be searched either by keyword or party name.⁷³

⁶¹ Findlaw, Home Page, <http://lp.findlaw.com/> (last visited Mar. 4, 2008).

⁶² See Brian D. Anderson, *FindLaw.com Founders Discuss Entrepreneurship and FindLaw's Future*, <http://blj.ucdavis.edu/article.asp?id=501&print=true> (last visited Feb. 24, 2008).

⁶³ FindLaw, *supra* note 61.

⁶⁴ FindLaw, Supreme Court Opinions, *supra* note 41.

⁶⁵ See *id.*

⁶⁶ You must actually locate a case to access the updating feature. It is not a separate and distinct feature like Keycite in Westlaw or Shepard's in LexisNexis. Look for "Cases Citing this Case: Supreme Court" or "Cases Citing this Case: Circuit Courts."

⁶⁷ See Thomson West, What is KeyCite?, <http://www.keycite.com/> (last visited Jan. 18, 2008). Keycite was created by Thomson West in 1997 to compete with Shepard's, which is available exclusively on Lexis Nexis. Tobe Leibert, *GlobalCite: Is it a Third Citator?*, L. AND TECH. RESOURCES FOR LEGAL PROFESSIONALS, Mar. 1, 2001, <http://www.llrx.com/features/globalsite.htm>.

⁶⁸ See Findlaw, U.S. Supreme Court Center, <http://supreme.lp.findlaw.com/index.html> (last visited Mar. 4, 2008).

⁶⁹ See *id.*

⁷⁰ Federal Legal Information Through Electronics, *supra* note 42.

⁷¹ National Technical Information Service, About FedWorld, <http://www.fedworld.gov/about.html> (last visited Feb. 24, 2008).

⁷² *Id.*

⁷³ *Id.*

Oyez,⁷⁴ published by Northwestern University⁷⁵ with support from the National Endowment for the Humanities,⁷⁶ is noted for its audio recordings of oral arguments made before the Court.⁷⁷ This site provides access to all recorded proceedings in the Court recorded from 1995 onwards.⁷⁸ Selected audio from 1955 to 1995 is available at this site; the site's ultimate stated goal is to provide "a complete and authoritative source for all audio recorded in the [Supreme] Court since the installation of a recording system in October 1955."⁷⁹ Audio in the format of MP3 files and podcasts is available from the 2005 term onwards while earlier audio is available in the RealPlayer format available for computer use.⁸⁰ Selected new media releases are podcasts, allowing the user to download updates with iTunes.⁸¹ Really Simple Syndication (RSS) feeds are available for news headlines from the site.⁸²

In addition to the audio of oral arguments made to the Court, Oyez also provides access to blogs and other current-awareness resources. It links to the SCOTUS blog, which offers commentary about current cases before the U.S. Supreme Court.⁸³ Docket reports are also available from Appellate.net, which is published by the law firm Mayer Brown LLP.⁸⁴ There is also a link to a site maintained by the Medill School of Journalism at Northwestern University,⁸⁵ On the Docket, which aggregates articles about cases pending before the U.S. Supreme

⁷⁴ Oyez, *supra* note 43.

⁷⁵ Northwestern University Library, Electronic Resources, <http://er.library.northwestern.edu/details.php?rid=34363> (last visited Jan. 18, 2008).

⁷⁶ Northwestern University, About Oyez, <http://www.oyez.org/about/> (last visited Jan. 18, 2008).

⁷⁷ See American Bar Association, Silver Gavel Awards for Media and the Arts, <http://www.abanet.org/publiced/gavel/98/newmedia98.html> (last visited Feb. 24, 2008).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Oyez, *supra* note 43.

⁸¹ See Northwestern University, The Oyez Project: Featured Audio Releases, <http://www.oyez.org/rm-podcast> (last visited Mar. 4, 2008).

⁸² See Oyez, *supra* note 43.

⁸³ Akin, Gump, Strauss, Hauer, & Field, L.L.C., Supreme Court of the United States Blog (SCOTUSBLOG), <http://www.scotusblog.com/wp/> (last visited Feb. 29, 2008).

⁸⁴ Mayer Brown, Appellate.net, <http://www.appellate.net> (last visited Jan. 24, 2008).

⁸⁵ See SCOTUSBLOG, *supra* note 83.

Court, and provides a list of current cases.⁸⁶ An RSS feed is available for On the Docket.⁸⁷

Historical and pictorial information is also available at the Oyez site. A virtual tour of the U.S. Supreme Court, including selected Justices' chambers, is available.⁸⁸ Photos, paintings, and biographical information are provided about each Justice of the Court since its inception.⁸⁹

Access to selected full text opinions is also available at this site.⁹⁰ Opinions can be searched by date, an Oyez-created subject index, or keyword search of the full text.⁹¹ Searching via a Justice's name or an advocate's name is also possible.⁹² Opinions are linked to Justia.com's beta site known as the "US Supreme Court Center."⁹³

As the above sites demonstrate, audio recordings of oral arguments, transcripts of oral arguments, briefs, docket sheets, and the full text of Court opinions are readily available at no charge to the cost-effective legal researcher. In addition, commentaries and opinions by law professors and Court practitioners are now available at the click of a mouse.

There are many blogs available about the Court. A selected list includes:

- The ACLU blog,⁹⁴ which is authored by the American Civil Liberties Union and reflects concerns with special RSS feeds for topics such as capital punishment, civil liberties, drug law,

⁸⁶ See Medill School of Journalism at Northwestern University, On the Docket, <http://docket.medill.northwestern.edu/> (last visited Feb. 23, 2008).

⁸⁷ *Id.*

⁸⁸ See Oyez, *supra* note 43.

⁸⁹ See Northwestern University, Oyez, <http://www.oyez.org/courts/roberts/robt2/> (last visited Feb. 23, 2008).

⁹⁰ See Oyez, *supra* note 43.

⁹¹ See *id.*

⁹² See *id.*

⁹³ Justia, US Supreme Court Center, <http://supreme.justia.com/> (last visited Jan. 24, 2008).

⁹⁴ American Civil Liberties Union, ACLU Blog, <http://blog.aclu.org/> (last visited Jan. 24, 2008).

free speech, government spying, privacy and technology, religious freedom, reproductive rights, torture and abuse, and women's rights.

- The ACS blog,⁹⁵ which is edited by law students from Yale, Rutgers, Texas, and Virginia. The American Constitution Society for Law and Policy was founded in 2001.⁹⁶ The stated mission is to protect the "fundamental principles of human dignity, individual rights and liberties, genuine equality, and access to justice . . ." by ensuring that these principles "enjoy their rightful, central place in American law."⁹⁷
- The Balkinization⁹⁸ blog, which was created by Yale Law School professor, Jack M. Balkin.⁹⁹ Other bloggers at this site now include: Ian Ayres, Lee Epstein, Mark Graber, Stephen Griffin, Scott Horton, Andrew Koppelman, Marty Lederman, Sanford Levinson, David Luban, Kim Scheppele, Brian Tamanaha, and Mark Tushnet.¹⁰⁰ The blog provides commentary on how legal topics interact with politics and culture.¹⁰¹
- The Behind the Homefront blog¹⁰² was created by reporters concerned about a free press. It is self-described as "[a] daily chronicle of news in homeland security and military operations affecting newsgathering, access to information and the public's right to know."¹⁰³
- The Campaign for the Supreme Court blog,¹⁰⁴ which was created by The Washington Post to track Court nominations. It

⁹⁵ American Constitution Society for Law and Policy, ACS Blog, <http://www.acsblog.org/> (last visited Jan. 24, 2008).

⁹⁶ American Constitution Society for Law and Policy, About the American Constitution Society, <http://www.acslaw.org/about> (last visited Jan. 24, 2008).

⁹⁷ *Id.*

⁹⁸ Balkinization, <http://balkin.blogspot.com/> (last visited Jan. 24, 2008). The blog is still run by Jack Balkin and numerous other contributors are listed on the blog's main page in the left margin.

⁹⁹ See Yale Law School, Jack M. Balkin, <http://www.yale.edu/lawweb/jbalkin/index.htm> (last visited Feb. 24, 2008).

¹⁰⁰ Balkinization, *supra* note 98.

¹⁰¹ See *id.*

¹⁰² The Reporters Committee for Freedom of the Press, Behind the Homefront, <http://www.rcfp.org/behindthehomefront> (last visited Jan. 24, 2008).

¹⁰³ *Id.*

¹⁰⁴ The Washington Post, Campaign for the Supreme Court, <http://blog.washingtonpost.com/campaignforthecourt/> (last visited Jan. 24, 2008).

focuses on the process, the politics, and the strategies involved in the nomination process.¹⁰⁵

- The Media Law blog,¹⁰⁶ which was created by legal technology attorney Robert J. Ambrogi, who blogs about freedom of the press.
- The SCOTUS blog,¹⁰⁷ which is published and edited by the Court practice Akin, Gump, Strauss, Hauer & Feld, L.L.P., provides commentary and analysis about the Court as well as discussions about new filings, orders, and opinions.¹⁰⁸

To keep current with Court information, alerts can be created using several sources. Google Alerts,¹⁰⁹ RSS feeds from Cornell University's Legal Information Institute's Court site,¹¹⁰ Oyez,¹¹¹ and the SCOTUS blog all provide free alerts.¹¹² Fee alert services include Lexis Alerts,¹¹³ Loislaw Law Watch Alerts,¹¹⁴ and Westlaw Westclips.¹¹⁵

A social book marking site, del.icio.us, allows registered users to tag and post articles of interest.¹¹⁶ Del.icio.us tags regarding the Court are available, with links to articles recommended by individuals

¹⁰⁵ See *id.*

¹⁰⁶ Robert J. Ambrogi, Media Law, <http://www.legaline.com/medialaw.html> (last visited Jan. 24, 2008).

¹⁰⁷ See SCOTUSBLOG, *supra* note 83.

¹⁰⁸ See generally *id.*

¹⁰⁹ Google, Google Alerts, <http://www.google.com/alerts> (last visited Feb. 29, 2008).

¹¹⁰ See Supreme Court Collection, *supra* note 40 (providing RSS News Aggregators for daily and recent decisions).

¹¹¹ See Oyez, *supra* note 43. With the tag/book mark site, del.icio.us, Oyez has teamed up to create RSS feeds regarding articles tagged and posted to the site. See del.icio.us, What is del.icio.us?, <http://del.icio.us/about/> (last visited Feb. 24, 2008).

¹¹² See SCOTUSBLOG, *supra* note 83.

¹¹³ LexisNexis, Using LexisNexis, <http://www.lexisnexis.com/associates/usinglexisnexis/using0905.asp> (last visited Feb. 29, 2008).

¹¹⁴ New York State Bar Association, Welcome to the NYSBA/LouisLaw CaseAlert Service, http://www.nysba.org/Content/NavigationMenu/ForAttorneys/NYSBALoislawCaseAlertService/NYSBA_Loislaw_CaseAl.htm (last visited Mar. 5, 2008).

¹¹⁵ Thomson West, Westlaw Watch, <http://west.thomson.com/westlawwatch/> (last visited Feb. 29, 2008).

¹¹⁶ See What is del.icio.us?, *supra* note 111.

interested in the Court.¹¹⁷ Since anyone can post, care should be utilized when accessing this site.¹¹⁸ Nonetheless, recent interesting posts include a link to *A Supreme Court Conversation*, published by online *Slate Magazine*.¹¹⁹

Finally, Justia's Blawg Directory is a directory of 2,431 law related blogs.¹²⁰ Searching is via subject-created categories, analogous to an index, as well as by publisher (i.e. state, country, or law school).¹²¹ Constitutional law is an available subject category.¹²²

B. United States Circuit Courts of Appeals

Poised between the U.S. district courts and the U.S. Supreme Court are the U.S. circuit courts of appeals. There are eleven circuit courts of appeals as well as the District of Columbia Circuit Court and the Federal Circuit Court.¹²³ Decisions from these federal courts of appeals are published in print and electronic formats. Electronic formats include fee and free Internet sites.

Decisions from all U.S. circuit courts of appeals issued between 1789 and 1880 are published in thirty print volumes of *Federal Cases*.¹²⁴ From 1880 to the present, print decisions from the U.S. circuit courts of appeals are published in the *Federal Reporter* series, which is part of West's National Reporter System.¹²⁵ Access to these

¹¹⁷ See del.icio.us, tag/supremecourt, <http://del.icio.us/tag/supremecourt> (last visited Jan. 14, 2008).

¹¹⁸ What is del.icio.us, *supra* note 111.

¹¹⁹ See del.icio.us, Search, http://del.icio.us/search/?fr=del_icio_us&p=a+recent+supreme+court+conversation&type=all (last Mar. 6, 2008).

¹²⁰ Justia, Blawg Search, <http://blawgsearch.justia.com/category.aspx> (last visited Feb. 24, 2008).

¹²¹ See *id.*

¹²² *Id.*

¹²³ See 28 U.S.C. § 41 (2000).

¹²⁴ FEDERAL CASES, (West) (1894-1897).

¹²⁵ West's National Reporter System includes federal cases, arranged by jurisdiction or geography, published by West in the FEDERAL REPORTER. See WESTLAW, THE NATIONAL REPORTER SYSTEM, <http://lscontent.westlaw.com/research/ppts/National%20Reporter%20System.ppt> (discussing FEDERAL REPORTER (West ed., 1st-3rd) (1880-Present); FEDERAL SUPPLEMENT (West ed., 1st-2nd) (1932-Present); MILITARY JUSTICE REPORTER (West ed.) (1941-Present); BANKRUPTCY REPORTER (West ed.),

print cases can be found with a series of non-cumulative federal digests.¹²⁶

Free electronic resources also provide access to the full text of decisions from the circuit courts of appeals. Westlaw provides access via its CTA databases,¹²⁷ while Lexis makes the opinions available in its Cases-US/All Courts by Circuit files.¹²⁸ Loislaw provides access to the full text of opinions from 1924 to the present.¹²⁹

Several Internet sites either maintain or provide access to official opinions of the circuit courts of appeals. Perhaps one of the best-known sites belongs to Emory University School of Law, MacMillan Law Library, Federal Courts Finder.¹³⁰ Emory developed this site in the mid-1990s.¹³¹ At that time, it provided access to the full text of opinions from the First, Fifth, Sixth, Eleventh, and Federal Circuits. Today,

(1941-Present), FEDERAL CLAIMS REPORTER (West) (1983-Present); VETERANS APPEALS REPORTER (West ed.,) (1941-Present). REGIONAL REPORTERS, *see* note 174, *infra*, published by West are also part of this National Reporter series. *See* BERRING & EDINGER, *supra* note 1, at 44-45.

¹²⁶ *See* THE WILLIAM S. RICHARDSON SCHOOL OF LAW, LAW LIBRARY (2006), http://library.law.hawaii.edu/refres/legal_research_guides/Legal_Digests.pdf (discussing FEDERAL DIGEST (West) (1941), MODERN FEDERAL PRACTICE DIGEST (West) (1960-1961), FEDERAL PRACTICE DIGEST (West ed., 2nd- 4th) (1976-1999). These series contain party name and citation indexes as well as subject indexes. *See* BERRING & EDINGER, *supra* note 1, at 108-09. Topics and key numbers are also part of this case finding system. *Id.* Since this series does not cumulate, as do the U.S. Supreme Court digests, each series must be examined.

¹²⁷ Thompson West, Comprehensive Federal Case Law, <http://www.westlaw.com/SubOptions/WestlawPRO/allfed.wl> (last visited Jan. 17, 2008).

¹²⁸ Lexis Nexis, Total Research System, <http://w3.lexis.com/lawschoolreg/researchlog/in08.asp?t=y&fac=no> (last visited Jan. 17, 2008).

¹²⁹ Wolters Kluwer, LouisLaw, <http://loislaw.com/product/subscriptions/national.htm> (last visited Jan 17, 2008). Loislaw provides access from 1924 to the present for opinions of the First through the Ninth Circuit as well as the Federal Circuit. *Id.* Opinions from the Tenth Circuit and the D.C. Circuit are available from 1929 onwards while the Eleventh Circuit opinions are available from 1981 onwards when that Circuit came into being. *Id.*

¹³⁰ *See* Emory Law, Federal Courts Finder, <http://www.law.emory.edu/FEDCTS/> (last visited Jan. 14, 2008).

¹³¹ Emory Law School Federal Courts Finder, <http://www.law.emory.edu/law-library/research/federal-courts-finder/credits-and-conditions.html> (last visited Apr. 1, 2008). The copyright clearly indicates that the site was created in 1994.

Emory no longer maintains official circuit court sites.¹³² Opinions may be searched by party name, keyword, or date of decision.¹³³ In addition to maintaining official sites for these circuit courts, the Federal Courts Finder also operated as a portal to decisions from other circuits as well as the D.C. and Federal Circuits.¹³⁴ Today, Emory continues to maintain the Federal Courts Finder with links to official circuit courts of

¹³² *See id.*

¹³³ *See, e.g.,* Emory University School of Law, First Circuit Opinions, <http://www.law.emory.edu/1circuit/> (last visited Mar. 6, 2008).

¹³⁴ The First Circuit Court of Appeals had opinions maintained by Emory from 1995 to 2001. *Id.* In 2001, the First Circuit Court of Appeals began maintaining its own official Internet site. *See* United States Court of Appeals for the First Circuit, <http://www.ca1.uscourts.gov/> (last visited Jan. 17, 2008). The Second Circuit Court of Appeals site was initially maintained by Touro Law Center but that Court now maintains its own Internet site. *See* United States Court of Appeals for the Second Circuit, <http://www.ca2.uscourts.gov/> (last visited Jan. 17, 2008). The Third Circuit Court of Appeals is officially maintained by Villanova University School of Law. *See* Villanova University School of Law, Opinions by the United States Court of Appeals for the Third Circuit, <http://vls.law.vill.edu/locator/3/> (last visited Jan. 17, 2008). From 1995 to 2001, Emory Law School maintained the Internet site for the Fourth Circuit Court of Appeals but that Circuit assumed responsibility in 2001. *See* United States Court of Appeals for the Fourth Circuit, <http://www.ca4.uscourts.gov/> (last visited Jan. 17, 2008). Emory Law School also maintained official sites for the Sixth and Eleventh Circuits before each of these Circuits created its own site. *See* United States Court of Appeals for the Sixth Circuit, <http://www.ca6.uscourts.gov/internet/index.htm> (last visited Jan. 17, 2008); United States Court of Appeals for the Eleventh Circuit, <http://www.ca11.uscourts.gov/> (last visited Jan. 17, 2008). The Fifth, Seventh, and Eighth Circuit Courts of Appeals also provide their own official Internet sites now while the Ninth Circuit Court of Appeals, once maintained by FindLaw, now maintains its own official Internet presence. *See* United States Court of Appeals for the Fifth Circuit, <http://www.ca5.uscourts.gov/> (last visited Jan. 17, 2008); United States Court of Appeals for the Seventh Circuit, <http://www.ca7.uscourts.gov/> (last visited Jan. 17, 2008); United States Court of Appeals for the Eighth Circuit, <http://www.ca8.uscourts.gov/index.html> (last visited Jan. 17, 2008); United States Court of Appeals for the Ninth Circuit, <http://www.ca9.uscourts.gov/> (last visited Jan. 17, 2008). The Tenth Circuit Court of Appeals' site was maintained by Washburn University from 1997-2000, but it now maintains its official site. *See* United States Court of Appeals for the Tenth Circuit, <http://www.ck10.uscourts.gov/> (last visited Jan. 17, 2008). Both the D.C. Circuit and Federal Circuit now maintain their own official sites, but Georgetown University previously maintained them. *See* United States Court of Appeals for the District of Columbia Circuit, <http://www.cadc.uscourts.gov/internet/home.nsf> (last visited Jan. 17, 2008); United States Court of Appeals for the Federal Circuit, <http://www.cafc.uscourts.gov/> (last visited Jan. 17, 2008).

appeals' sites.¹³⁵ These official sites then provide access to court opinions;¹³⁶ search engines vary from site to site. Perhaps, the Federal Courts Finder is best known for the circuit court map, color-coded by geography and circuit.¹³⁷

Villanova's Federal Court Locator¹³⁸ maintains the official Third Circuit Court of Appeals' Internet site.¹³⁹ It also provides a portal to the other official circuit court sites.¹⁴⁰ FindLaw¹⁴¹ provides links to Internet sites for the circuit courts of appeals.¹⁴²

The official federal government Internet site that provides portal access to the opinions of the circuit courts of appeals is the U.S. Courts site.¹⁴³ In addition to providing links to official sites containing court opinions, this site also provides access to statistical reports, as well as manuals, including the *Code of Conduct, U.S. Judges*.¹⁴⁴ Like Emory's Federal Courts Finder,¹⁴⁵ this site also has a map geographically color-coded by circuit.¹⁴⁶ It allows researchers to search for federal circuit and district court information by district, circuit, zip code, area code, county, or state.¹⁴⁷ Once the appropriate court is located, searching can usually be done via party name, keyword, or docket number, but it varies from court to court.

¹³⁵ See First Circuit Opinions, *supra* note 133.

¹³⁶ See, e.g., Emory University School of Law, Eleventh Circuit Opinions, <http://www.law.emory.edu/11circuit/> (last visited Jan. 17, 2008).

¹³⁷ See Federal Courts Finder, *supra* note 130.

¹³⁸ Villanova University School of Law, Federal Court Locator, <http://www.law.villanova.edu/library/researchandstudyguides/federalcourtlocator.asp> (last visited Mar. 7, 2008).

¹³⁹ See *id.*

¹⁴⁰ See *id.*

¹⁴¹ Home Page, *supra* note 61.

¹⁴² See Findlaw, U.S. Federal Laws, <http://www.findlaw.com/casecode/> (last visited Mar. 7, 2008).

¹⁴³ The Federal Judiciary, U.S. Courts, <http://www.uscourts.gov/> (last visited Jan. 17, 2008).

¹⁴⁴ See The Federal Judiciary, U.S. Courts Library, <http://www.uscourts.gov/library.html> (last visited Mar. 7, 2008).

¹⁴⁵ Federal Courts Finder, *supra* note 130.

¹⁴⁶ See The Federal Judiciary, <http://www.uscourts.gov/courtlinks/> (last visited Jan. 14, 2008).

¹⁴⁷ *Id.*

Columbia Law School and the University of Colorado Law School recently joined together to provide AltLaw.org,¹⁴⁸ an alternative to fee-based online case resources. At this site, the full text of selected opinions, chosen by date, decided by the U.S. Supreme Court, the Eleventh Circuit Court of Appeals, as well as the Federal and the D.C. Circuits, is available.¹⁴⁹ U.S. Supreme Court decisions from 1759 onwards are available, while the date selection varies for U.S. circuit court decisions.¹⁵⁰ Some circuits, such as the Second Circuit, have decisions available from 1949 onwards, while others, such as the Eleventh Circuit, have opinions available from 1981 onwards.¹⁵¹ This site can be searched via keyword with Boolean and proximity connectors as well as by title.¹⁵² Browsing of cases is also an option; cases are arranged in reverse chronological order.¹⁵³

Lexisone¹⁵⁴ was created by Lexis for small law firms and solo practitioners.¹⁵⁵ At this site, attorneys and legal researchers can search for decisions from the last five years from all federal circuits.¹⁵⁶ Decisions from 1790 onwards for the U.S. Supreme Court are available here as well.¹⁵⁷ Searching is via keyword or citation.¹⁵⁸

¹⁴⁸ Columbia University Law School and the University of Colorado Law School, AltLaw Beta, <http://www.altlaw.org/> (last visited Jan. 14, 2008).

¹⁴⁹ See Columbia University Law School and the University of Colorado Law School, Case Coverage, <http://www.altlaw.org/v1/about/coverage> (last visited Jan. 14, 2008).

¹⁵⁰ See *id.*

¹⁵¹ See *id.*

¹⁵² Columbia University Law School and the University of Colorado Law School, Advanced Search, <http://www.altlaw.org/v1/search/advanced> (last visited Jan. 14, 2008).

¹⁵³ Columbia University Law School and the University of Colorado Law School, Browse All Cases, <http://www.altlaw.org/v1/cases> (last visited Mar. 7, 2008).

¹⁵⁴ LEXIS NEXIS, Lexisone, <http://www.lexisone.com/legalresearch/index.html> (last visited Jan. 14, 2008).

¹⁵⁵ LEXIS NEXIS, About Lexisone, <http://www.lexisone.com/aboutlexisone/index.html> (last visited Mar. 7, 2008).

¹⁵⁶ LEXIS NEXIS, Lexis Nexis® Research for Small Firms, <http://www.lexisone.com/legalresearch/index.html> (last visited Mar. 7, 2008).

¹⁵⁷ See *id.*

¹⁵⁸ LEXIS NEXIS, Free Case Law, <http://www.lexisone.com/lx1/caselaw/freecase-law?action=FCLDisplayCaseSearchForm&l1loc=FTAB> (last visited Mar. 7, 2008).

C. United States District Courts

Decisions from United States district courts are also available in print and electronic format. Each state has at least one U.S. district court; some states have more.¹⁵⁹ Print decisions from U.S. district courts can be located in two sources: the *Federal Reporter*¹⁶⁰ and the *Federal Supplement*.¹⁶¹ Between 1879 and 1932, decisions from U.S. district courts were published alongside opinions from U.S. circuit courts of appeals in the *Federal Reporter* series.¹⁶² After 1932, U.S. district courts obtained their own publication, the *Federal Supplement*, which now includes the *Federal Supplement*, Second Edition.¹⁶³ As with opinions from the U.S. circuit courts of appeals, access to print decisions is done with the *Federal Digest* series,¹⁶⁴ which is non-cumulative. Electronic fee services also provide access to U.S. district court opinions. In Westlaw, these opinions can be found in the DCT databases¹⁶⁵ while Lexis provides access through Federal Court Cases, Combined.¹⁶⁶ Loislaw provides access to selected federal district court opinions from 1921 onwards.¹⁶⁷

Several Internet sites exist that provide portal access to either information or information and opinions from U.S. district courts. Both

¹⁵⁹ There are 94 judicial district courts, including courts in D.C., Puerto Rico, the U.S. Virgin Islands, Guam and the Northern Mariana Islands. See The Federal Judiciary, U.S. District Courts, <http://www.uscourts.gov/districtcourts.html> (last visited Mar. 7, 2008).

¹⁶⁰ See The University of Texas at Austin, Jamail Center for Legal Research, Tarlton Law Library, Federal Primary Authority—Case Law, <http://tarlton.law.utexas.edu/tour/federalcase.html> (last visited Mar. 8, 2008) (explaining that only pre-1932 cases from the United States District Courts are published in the Federal Reporter).

¹⁶¹ FEDERAL SUPPLEMENT (St. Paul, MN: West Pub. 1933 — 1988) and FEDERAL SUPPLEMENT 2D (St. Paul, MN: West Pub. 1988—Present).

¹⁶² See Berring, *supra* note 1, at 45.

¹⁶³ See *id.*

¹⁶⁴ See FEDERAL DIGEST, *supra* note 126.

¹⁶⁵ Thomson West, Scope Content, http://web2.westlaw.com/search/default.wl?vr=2.0&sv=Split&rs=WLW8.02&db=DCT&fn=_top&rp=%2fsearch%2fdefault.wl&mt=Westlaw (last visited Feb. 25, 2008).

¹⁶⁶ LexisNexis, Search: By Source, <http://www.lexis.com/research/> (last visited Feb. 29, 2008).

¹⁶⁷ Wolters Kluwer, Loislaw, <http://www.loislaw.com/product/information/federal.htm> (last visited Feb. 25, 2008).

FindLaw and Villanova's Federal Court Locator provide links to the official U.S. district court sites for each state and territory.¹⁶⁸

The official site providing portal access to U.S. district court Internet sites is published by The Federal Judiciary.¹⁶⁹ Cornell's Legal Information Institute also provides portal access to official U.S. district and bankruptcy court Internet sites.¹⁷⁰ A chart, organized by circuit, indicates whether an official U.S. district court site has only information available or whether it contains both information and opinions.¹⁷¹

D. State Supreme Courts

State supreme court decisions can also be located in print and electronic format. Some states have an official print publication of their decisions,¹⁷² while other states simply rely upon the *West Regional Reporter* to be the official print publication.¹⁷³ Because of finite monetary and space constraints, West divided the country into seven regions in the late 1800s, and state supreme court decisions are published in the regional reporter servicing the particular state.¹⁷⁴ Again, access is gen-

¹⁶⁸ See Findlaw, Federal Government Resources, http://www.findlaw.com/10fedgov/judicial/district_courts.html (last visited Mar. 7, 2008); Federal Court Locator, *supra* note 130. Villanova also provides access to official links to U.S. Bankruptcy Courts, the U.S. Court of International Trade, the U.S. Court of Federal Claims, and the U.S. Tax Court. See Federal Court Locator, *supra* note 130.

¹⁶⁹ U.S. Courts, *supra* note 143.

¹⁷⁰ See Cornell University Legal Information Institute, Law by Source, <http://www.law.cornell.edu/federal/districtsbystate.html> (last visited Mar. 7, 2008).

¹⁷¹ See *id.*

¹⁷² See, e.g., GEORGIA REPORTS (Darby Printing Co. 1st ed.) (1846—Present).

¹⁷³ See, e.g., West's Florida Cases, Cases Adjudicated in the Supreme Court and District Courts of Appeal of Florida. SOUTHERN REPORTER (West ed., 2d) (1941—Present).

¹⁷⁴ See THE ATLANTIC (West ed., 1st-2nd) (1886—Present); NORTH EASTERN (West ed., 1st-2nd) (1885—Present); NORTH WESTERN (West ed., 1st-2nd) (1879—Present); PACIFIC (West ed., 1st-3rd) (1884—Present); SOUTH EASTERN (West ed., 1st-2nd) (1887—Present); SOUTH WESTERN (West ed., 1st-3rd) (1886—Present); SOUTHERN (West ed., 1st-2nd) (1887—Present), which comprise the seven regional reporters published by West. All but three states have digests. See BERRING & EDINGER, *supra* note 1, at 41-45 and 107 (stating that no digest is published for Delaware, Nevada, or Utah).

erally via a digest, either regional or state,¹⁷⁵ that generally allows for searching via party name, citation, or subject.

Fee and free electronic access to state court decisions is also available. In Lexis, state court decisions can be found in alphabetical order by state, under the Legal, States Legal - U.S. library,¹⁷⁶ while Westlaw provides access in its Cases by State and Other U.S. Jurisdictions database.¹⁷⁷ Loislaw also provides access to the full text of state supreme court decisions in its State Library.¹⁷⁸ While coverage varies by state, Loislaw generally provides coverage from the mid-twenties to present.¹⁷⁹

Internet access to state court decisions is also available and has greatly increased since the late-nineties. Cornell's Legal Information Institute provides a portal to all fifty states.¹⁸⁰ Links to official state Internet sites are organized into three categories: judicial opinions, regulations and other agency information, and other state legal collections.¹⁸¹

FindLaw also provides an alphabetical portal with access to information from all fifty states.¹⁸² Information is organized as follows:

¹⁷⁵ There are five regional digests that are still being published, namely ATLANTIC DIGEST (West ed., 1st-2nd) (1966-Present), NORTH WESTERN DIGEST (West ed., 1st-2nd) (1879-Present), PACIFIC DIGEST (West ed., 1st-4th) (1942-Present), SOUTHERN DIGEST (West) (1969-Present) and SOUTH EASTERN DIGEST (West ed., 1st-2nd) (1949-Present). See BERRING & EDINGER, *supra* note 1, at 107.

¹⁷⁶ LexisNexis, Search: By Source, <http://www.lexis.com/research/> (last visited Feb. 29, 2008).

¹⁷⁷ See THOMSON WEST, Cases by State, http://web2.westlaw.com/welcome/LawSchoolPractitioner/default.wl?rs=WLW8.02&civl=RCC&fn=_top&sv=Split&tc=47640bcd-7f47-4e4a-8207-a2730df8141f&cnm=Search_9&tf=363555d0-e4e7-4117-8dff-ea85e086c48&rcname=Cases&vr=2.0&rp=%2fwelcome%2fLawSchoolPractitioner%2fdefault.wl&mt=LawSchoolPractitioner (last visited Feb. 25, 2008).

¹⁷⁸ Wolters Kluwer, Loislaw, <http://www.loislaw.com/product/information/state.htm> (last visited Feb. 25, 2008).

¹⁷⁹ See *id.*

¹⁸⁰ See Cornell University Legal Information Institute, State Courts—By Jurisdiction, <http://www.law.cornell.edu/opinions.html#state> (last visited Mar. 8, 2008).

¹⁸¹ See, e.g., Cornell University Legal Information Institute, Law by Source - State, <http://www.law.cornell.edu/states/alabama.html#opinions> (last visited Mar. 7 2008).

¹⁸² See FindLaw, U.S. State Laws, <http://www.findlaw.com/casecode/#statelaw> (last visited Mar. 8, 2008).

- Constitution;
- Code;
- Administrative Code;
- Legislation;
- Bills;
- Attorney General Opinions;
- Federal Court Opinions;
- State Courts Opinions; and
- City Ordinances.¹⁸³

WashLaw also provides an information portal for international, state, and federal information.¹⁸⁴ At this portal, links to official state Internet sites are arranged in the following categories:

- Demographics/Vital Records;
- Administrative Code and Regulations;
- Attorney General;
- Boards;
- Courts;
- Directories;
- Executive Information;
- Historical Documents;
- Legal Forms and Filings;
- Legal Research;
- Legislative Information;
- Local Government;
- News; and
- State Agencies.¹⁸⁵

III. LEGISLATION

Promulgated by the legislative branch, legislation is enacted by elected bodies in order to regulate individual, corporate, and govern-

¹⁸³ See, e.g., FindLaw, Alabama State Resources, <http://www.findlaw.com/11stategov/al/laws.html> (last visited Mar. 8, 2008).

¹⁸⁴ Washburn University School of Law, WashLaw, <http://washlaw.edu> (last visited Mar. 8, 2008).

¹⁸⁵ See, e.g., Washburn University School of Law, WashLaw, <http://washlaw.edu/uslaw/states/Alabama/index.html> (last visited Mar. 8, 2008).

ment behavior.¹⁸⁶ Legislation is "broadly construed to include constitutions, statutes, treaties, municipal charters and ordinances, interstate compacts, and reorganization plans."¹⁸⁷ Federal laws are promulgated and enacted by the U.S. Congress.¹⁸⁸ Federal legislation has traditionally been published in three print formats: first, as an individual law known as a *slip law*; next, the laws passed during a particular legislative session are compiled and chronologically arranged in a format known as *session laws*; finally, the laws currently in force are arranged by subject, and are referred to as a *code*.¹⁸⁹ With codes, access is usually via citation, popular name, or subject index.¹⁹⁰

A. Federal Session Laws

Federal session laws are published in two formats that are available both electronically and in print: *Statutes at Large* and *United States Code Congressional and Administrative News*.¹⁹¹ Statutes are available electronically at both fee and free sites. At GPO Access,¹⁹² the *Statutes at Large* are available for 2004, the 109th Congress, and can be searched by subject, public law number, popular name, statute or U.S. Code citation, or bill number.¹⁹³ The Library of Congress makes the index and lists of Public Acts/Private Acts/Treaties of the *Statutes at Large* from 1789 to 1875 available.¹⁹⁴ At this site, the researcher can

¹⁸⁶ MERSKY & DUNN, *supra* note 1, at 149-51.

¹⁸⁷ See BERRING & EDINGER, *supra* note 1, at 119.

¹⁸⁸ See MERSKY & DUNN, *supra* note 1, at 149-51.

¹⁸⁹ AMY SLOAN, BASIC LEGAL RESEARCH: TOOLS AND STRATEGIES 155-57 (3rd ed. 2006).

¹⁹⁰ ROBERT C. BERRING & ELIZABETH A. EDINGER, LEGAL RESEARCH SURVIVAL MANUAL 85-86 (2002).

¹⁹¹ United States Statutes at Large (Stat.) is the official government publication of the federal session laws while the United States Code Congressional and Administrative News (U.S.C.C.A.N.) is a commercial publication containing the session laws as well as selected legislative history. BERRING & EDINGER, *supra* note 1 at 126-27.

¹⁹² GPO Access, Home Page, <http://www.gpoaccess.gov/index.html> (last visited Mar. 8, 2008). This site provides access to legislation enacted by the 109th Congress or located in the print volume 119. GPO Access, Statutes at Large: About, <http://www.gpoaccess.gov/statutes/about.html> (last visited Mar. 8, 2008).

¹⁹³ GPO Access, Statutes at Large: Search Tips, <http://www.gpoaccess.gov/statutes/tips.html> (last visited Mar. 8, 2008).

¹⁹⁴ Library of Congress, Statutes at Large, <http://memory.loc.gov/ammem/amlaw/lwsl.html> (last visited Mar. 8, 2008.)

peruse a scanned document which allows the table of contents and the List of Public Acts to be browsed by volume.¹⁹⁵

Lexis makes the *Statutes at Large* available in its Federal-Legal/US library.¹⁹⁶ At this site, the statutes from 1789 to present can be searched via title, popular name, or subject; a PDF document is then retrieved.¹⁹⁷ According to Lexis, "after 1987 [researchers] can retrieve the full text from the Lexis public laws file (PUBLAW)."¹⁹⁸ Westlaw provides access to the full text of the *Statutes at Large* from 1789 to 1972 in its US-STATLRG database.¹⁹⁹ HeinOnline also provides access to the full text of the *Statutes at Large* from 1789 to 2005; it is searchable via keyword, citation, popular name, or treaty name.²⁰⁰

The *United States Code Congressional Administrative News* (USCCAN) is published by West in both print and electronic format.²⁰¹ The electronic format is available only on Westlaw.²⁰² Beginning in 1948, USCCAN became the commercial publication for federal session laws.²⁰³ It provides access to the full text of the law as initially passed during a particular congressional session, full text of major legislative reports published to accompany the law, and limited legislative history.²⁰⁴ Public law and bill numbers, as well as a date of passage, can also be ascertained from this source.²⁰⁵

¹⁹⁵ See Library of Congress, Statutes at Large, 1789-1875, <http://memory.loc.gov/ammem/amlaw/lwsl.html> (last visited Mar. 8, 2008).

¹⁹⁶ LexisNexis, Source Information, <http://w3.nexis.com/sources/scripts/info.pl?173014> (last visited Mar. 8 2008).

¹⁹⁷ See *id.*

¹⁹⁸ See *id.*

¹⁹⁹ WESTLAW, RESEARCHING FEDERAL STATUTES AND LEGISLATIVE MATERIALS 17 (2007), <http://west.thomson.com/documentation/westlaw/wlawdoc/wlres/statgde6.pdf>.

²⁰⁰ See William S. Hein & Co., List of Collections, <http://heinonline.org/home/content/Browse.html> (last visited Mar. 8, 2008).

²⁰¹ See BERRING & EDINGER, *supra* note 1, at 126; see also RESEARCHING FEDERAL STATUTES AND LEGISLATIVE MATERIALS, *supra* note 199, at 21.

²⁰² Welcome to Westlaw, https://web2.westlaw.com/WelcometoWestlaw/default.wl?fn=_Top&rs=WLW8.03&mt=Westlaw&vr=2.0&sv=Split (last visited Mar. 21, 2008) (log into Westlaw and then search for "USCCAN" in the "Search These Databases" field on the left side of the page).

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ *Id.*

B. Federal Codifications

While session laws are excellent resources for reconstructing the historical aspects of federal legislation, researchers looking to locate the law that is currently in force should consult a code. A code is the subject-arrangement of the law that is currently in force.²⁰⁶ In print format, there are three publications of a federal code: the *United States Code*,²⁰⁷ the *United States Code Annotated*,²⁰⁸ and the *United States Code Service*.²⁰⁹

The *United States Code*, published by the Government Printing Office, is the official code.²¹⁰ It can be searched by subject, citation, or popular name.²¹¹ In addition to its print format, it can also be located on several Internet sites such as Cornell's Legal Information Institute,²¹² FindLaw,²¹³ GPO Access,²¹⁴ and the United States House of Representatives' Office of Law Revision Counsel.²¹⁵

Cornell's Legal Information Institute provides researchers with access to both the United States Constitution and the *United States Code*.²¹⁶ The Constitution can be browsed by preamble, article, or amendment.²¹⁷ The *United States Code* can be searched via popular

²⁰⁶ See BERRING & EDINGER, *supra* note 1, at 128.

²⁰⁷ See *id.* at 129.

²⁰⁸ *Id.* at 131.

²⁰⁹ *Id.* at 126.

²¹⁰ THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 12.3 at 104 (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).

²¹¹ BERRING & EDINGER, *supra* note 1, at 129-30.

²¹² See Cornell University Legal Information Institute, U.S. Code Collection, <http://www.law.cornell.edu/uscode/> (last visited Mar. 8, 2008).

²¹³ See FindLaw, U.S. Code, <http://www.findlaw.com/casecode/uscodes/> (last visited Feb. 29, 2008).

²¹⁴ See GPO Access, United States Code: Main Page, <http://www.gpoaccess.gov/uscode/index.html> (last visited Feb. 29, 2008).

²¹⁵ See U.S. House of Representatives, Office of the Law Revision Counsel, <http://uscode.house.gov> (last visited Feb. 29, 2008).

²¹⁶ See Cornell University Legal Information Institute, Welcome to the LII, <http://www.law.cornell.edu/> (last visited Jan. 13, 2008).

²¹⁷ See Cornell University Legal Information Institute, United States Constitution, <http://www.law.cornell.edu/constitution/constitution.overview.html> (last visited Feb. 25, 2008).

name, citation, or subject search, using the most recent version made available by the U.S. House of Representatives.²¹⁸ Researchers can also browse by title.²¹⁹ *United States Code* sections are annotated with citations to applicable public law numbers and statute cites, historical and revision notes, and citations to any applicable *Code of Federal Regulations*.²²⁰

FindLaw also provides access to the United States Constitution and the *United States Code*.²²¹ It pulls its data from the most current version of the *United States Code* issued by the House of Representatives.²²² The Constitution can be browsed via preamble, article, or amendment,²²³ while the *United States Code* can be browsed by title, popular name,²²⁴ keyword, or official citation.²²⁵ Annotations include citations to the original public law number and statute cite, as well as citations to later amendments.²²⁶

GPO Access, presented by the Government Printing Office, provides electronic access to both the United States Constitution and the *United States Code*.²²⁷ This site provides access to the most recent version of the *United States Code* that is released by the U.S. House of Representatives.²²⁸ The 2002 edition and 2004 supplement of the Constitution can be browsed by either article or amendment while earlier versions can be browsed or searched via keyword.²²⁹ The 2000 edition

²¹⁸ See U.S. Code Collection, *supra* note 212.

²¹⁹ See *id.*

²²⁰ See *id.*

²²¹ U.S. Code, *supra* note 213.

²²² See *id.*

²²³ FindLaw, U.S. Constitution, <http://www.findlaw.com/casecode/constitution/> (last visited Jan. 21, 2008).

²²⁴ U.S. Code, *supra* note 213.

²²⁵ See *id.*

²²⁶ See *id.*

²²⁷ GPO Access, Legislative Branch Resources on GPO Access, <http://www.gpoaccess.gov/legislative.html> (last visited Mar. 8, 2008).

²²⁸ See *id.*

²²⁹ The 1992, 1996, 1998, and 2000 versions of the U.S. Constitution at this site can be either browsed or searched by keyword. *Id.* at <http://www.gpoaccess.gov/constitution/index.html> (last visited Jan. 18, 2008.)

and supplement four of the *Code* is also available at this site.²³⁰ It can either be browsed by title or searched via keyword.²³¹ Public law information, as well as later amendment information about a particular provision, immediately follows the full text of the selected statutory provision.²³²

Pursuant to 2 U.S.C. § 285(b)(3), the House of Representatives' Office of the Law Revision Counsel prepares and publishes the *United States Code*.²³³ At this site, the researcher can search by either keyword or citation.²³⁴ The entire *United States Code* can be browsed in either PDF or ASCII formats.²³⁵ A table of sections with amendments enacted, omitted, repealed or transferred, via legislative session, is included.²³⁶ Instructions for updating refer the researcher to the GPO Access site.²³⁷

Fee electronic access to the *United States Code* is also available via Lexis and Westlaw.²³⁸ Loislaw and VersusLaw also provide fee access to federal legislation.²³⁹

²³⁰ See GPO Access, Constitution of the United States: Main Page, <http://www.gpoaccess.gov/uscode/index.html> (last visited Feb. 25, 2008).

²³¹ See *id.*

²³² See *id.*

²³³ 2 U.S.C. § 285(b)(3); see also Office of the Law Revision Counsel, *supra* note 215.

²³⁴ See U.S. House of Representatives, Office of the Law Revision Counsel, <http://uscode.house.gov/search/criteria.shtml> (last visited Mar. 8, 2008).

²³⁵ See U.S. House of Representatives, Office of the Law Revision Counsel, <http://uscode.house.gov/search/criteria.shtml> (last visited Mar. 8, 2008).

²³⁶ See *id.*

²³⁷ See *id.*

²³⁸ In Lexis, the *United States Code Service* is available in the *Federal/Legal US* library while the *United States Code Annotated* is available on Westlaw in the *USCA* database. See Lexis, <http://w3.lexis.com/lawschoolreg/researchlogin08.asp?t=y&fac=no>; see also Westlaw, http://web2.westlaw.com/welcome/LawSchoolPractitioner/default.wl?rs=WLW8.01&clvl=RCC&fn=_Top&sv=Split&cnm=Search_12&rcname=Statutes&utid=%7bDFCE26C6-0F34-40F2-936B-162247AD61C5%7d&vr=2.0&rp=%2fwelcome%2fLawSchoolPractitioner%2fdefault.wl&mt=LawSchoolPractitioner (last visited Feb. 29, 2008).

²³⁹ See Loislaw, Primary Law: Statutes and Acts, <http://loislawschool.com/product/information/statutesandacts.htm> (last visited Feb. 29, 2008); see also Versus Law, Library Directories, <http://www.versuslaw.com/help/library/LibCatProfessional.aspx> (last visited Feb. 29, 2008).

C. United States House and Senate Bills

Researchers trying to obtain pending federal legislation in the form of bills, congressional debates, and committee reports can locate a great deal of information at the Library of Congress' Internet site, thomas.loc.gov.²⁴⁰ Pending bills and resolutions, in both the U.S. House of Representatives and the U.S. Senate, can be found at this site from the 101st Congress to the present.²⁴¹ Bills can be searched by keyword, a Library of Congress-created index (known as standard subject searching), a bill's sponsor, a House or Senate committee, or by date.²⁴² Both individual and multiple congresses can be searched.²⁴³ The full text of the bill, its summary and status, and any congressional actions pertaining to it can be retrieved.²⁴⁴ Related bills are listed, along with the bill's sponsors and co-sponsors.²⁴⁵

Legislative intent is also ascertainable at this site via both House and Senate committee reports.²⁴⁶ Committee reports are available from the 104th Congress and can be searched via keyword, committee, or date.²⁴⁷ Legislative intent can also be discerned from congressional debate available via the *Congressional Record*.²⁴⁸ The *Congressional Record*, available in print and electronic formats, records the daily debate occurring in House and Senate sessions.²⁴⁹ With Thomas, this publication can be searched via keyword, member name, or date from the 101st

²⁴⁰ See The Library of Congress, Thomas, <http://thomas.loc.gov/> (last visited Jan. 18, 2008).

²⁴¹ See The Library of Congress, Thomas, <http://thomas.loc.gov/home/r110query.html> (last visited Feb. 29, 2008).

²⁴² See Thomas, *supra* note 240.

²⁴³ See *id.*

²⁴⁴ See *id.*

²⁴⁵ See *id.*

²⁴⁶ Selected committee reports are published in the UNITED STATES CODE CONGRESSIONAL ADMINISTRATIVE NEWS (U.S.C.C.A.N.) as well as other sources. For a discussion of committee reports, see BERRING & EDINGER, *supra* note 1 at 178-80.

²⁴⁷ See GPO Access, Congressional Reports: Main Page, <http://www.gpoaccess.gov/serialset/creports/index.html> (last visited Feb. 29, 2008).

²⁴⁸ Thomas, *supra* note 240.

²⁴⁹ See Thomas, *supra* note 240.

Congress to present.²⁵⁰ The *Congressional Record* is also available on fee based sites such as Lexis and Westlaw.²⁵¹

The House and Senate each have sites that provide access to current directories of members along with contact information and information about the members' staffs. Committees, along with their members, are listed; links to selected committee hearings are available at both sites.²⁵² Roll call votes and legislative activities, including daily bill digests and calendars, are also available from the 101st Congress.²⁵³

In addition to the above sources, the Law Librarians' Society of Washington, D.C. (LLSDC) has created a web site providing the researcher with practical advice about compiling a federal legislative history, as well as links to useful Internet sites with its *Legislative Source Book*.²⁵⁴ At this site, there is a guide to items needed for the compilation of a legislative history.²⁵⁵ There are also links to electronic legislative histories of selected U.S. laws.²⁵⁶ Links to selected congressional hearings and publications, such as the *Research Service Reports*, also exist at this site.²⁵⁷

The Center for Democracy and Technology has created the Open Congressional Research Reports site²⁵⁸ which attempts to provide a central location for the electronic deposit of *Congressional Research Reports*.²⁵⁹ Coverage is not comprehensive at this site, but it does pro-

²⁵⁰ See *id.*

²⁵¹ See Westlaw, *supra* note 238; see also Lexis, *supra* note 238.

²⁵² The House and Senate maintain official sites. Permanent archival access to hearings and reports is not yet available at these sites. United States House of Representatives, <http://www.house.gov> (last visited Mar. 8, 2008); United States Senate, <http://www.senate.gov> (last visited Mar. 8, 2008).

²⁵³ See *id.*

²⁵⁴ See Law Librarians Society of Washington, D.C. (LLSDC), LLSDC's Legislative Source Book, <http://www.llsdc.org/sourcebook> (last visited Mar. 8, 2008).

²⁵⁵ See *id.*

²⁵⁶ See *id.*

²⁵⁷ See *id.*

²⁵⁸ Center for Democracy and Technology, Open Congressional Research Reports for the People, <http://opencrs.com/> (last visited Feb. 29, 2008).

²⁵⁹ See Center for Democracy and Technology, Featured Collections, <http://opencrs.com/collections.php> (last visited Feb. 29, 2008).

vide access to reports requested by individuals from their congressional representatives and deposited with the site.²⁶⁰

State legislative information is also available. All fifty states publish official codes with updates.²⁶¹ Most states are putting their codes online now. While most of these sites are not authenticated, official sites,²⁶² they do provide online access to the codes. Both FindLaw and WashLaw provide portal access, in alphabetical order, to links for official state Internet sites.²⁶³ Search engines vary by site, as do dates of coverage.²⁶⁴

Local government legislation in the form of municipal codes and ordinances has been published in print format for years.²⁶⁵ Currently, online access to many city and county codes and ordinances can be found at Municode.com.²⁶⁶ This commercial publisher is presently providing free Internet access to the full text of many codes and ordinances for the fifty states.²⁶⁷ A hyperlinked map allows the researcher to select the appropriate state.²⁶⁸ After clicking on the chosen state, the researcher then receives an alphabetical listing of counties and cities with hyperlinks to their codes.²⁶⁹ Searching is via keyword; the table of contents for most codes can be browsed at this site as well.²⁷⁰

²⁶⁰ See *id.*

²⁶¹ See BERRING & EDINGER, *supra* note 1, at 154-56; see also MERSKY & DUNN, *supra* note 1, at 221-23.

²⁶² For a discussion of authentication of official online legal materials, see American Association of Law Libraries, Authentic Legal Information in the Digital Age: AALL National Summit, <http://www.aallnet.org/summit/default.asp> (last visited Feb. 29, 2008).

²⁶³ See FindLaw, *supra* note 61; see also Washlaw, *supra* note 185.

²⁶⁴ See *id.*

²⁶⁵ See BERRING & EDINGER, *supra* note 1, at 161-63; see also MERSKY & DUNN, *supra* note 1, at 233-235.

²⁶⁶ See Municipal Code Corporation, <http://www.municode.com/> (last visited Feb. 29, 2008).

²⁶⁷ See Municipal Code Corporation, Online Library, <http://www.municode.com/resources/online%20Library.asp> (last visited Feb. 26, 2008).

²⁶⁸ See *id.*

²⁶⁹ See *id.*

²⁷⁰ See *id.*

IV. REGULATIONS AND EXECUTIVE PUBLICATIONS

The third and final primary source of American law,²⁷¹ regulations by administrative agencies, is promulgated under executive or legislative authority.²⁷² Regulations are published by agencies acting under the legislature's grant of enabling power, whereas executive orders and proclamations are issued directly by the executive branch.²⁷³ As with all American law, regulations and executive orders are produced at both the federal and the state level.²⁷⁴

A. Federal Regulations

At the federal level, agencies publish regulations to fill in gaps left by legislation.²⁷⁵ Federal agencies publish proposed rules, interim rules, and final rules, as well as notices of various agency actions, such as hearings.²⁷⁶ These are initially published in the *Federal Register*.²⁷⁷ Available in print and electronic formats, the *Federal Register* is published every business day by the Government Printing Office.²⁷⁸ GPO

²⁷¹ See BERRING & EDINGER, *supra* note 1 at 230.

²⁷² See J. MYRON JACOBSTEIN ET AL., FUNDAMENTALS OF LEGAL RESEARCH 269 (7th ed. 1998) ("All regulations by administrative agencies are issued either under authority delegated to them by a federal statute or by a Presidential Executive Order.").

²⁷³ See J.D.S. ARMSTRONG & CHRISTOPHER A. KNOTT, WHERE THE LAW IS: AN INTRODUCTION TO ADVANCED LEGAL RESEARCH 138-40 (1st ed. 2004); see also BERRING & EDINGER, *supra* note 1 at 266.

²⁷⁴ See BERRING & EDINGER, *supra* note 1 at 266.

²⁷⁵ See *id.* at 235.

²⁷⁶ See *id.* at 237.

²⁷⁷ *Id.* 235-37. Executive orders and presidential proclamations are also published in the *Federal Register*. *Id.* at 236. According to Berring, the *Federal Register* was designed to end the chaos created by Roosevelt's New Deal legislation. *Id.* at 235. The New Deal legislation established numerous new federal agencies, which began issuing rulings. *Id.* at 235-36. Prior to 1935, no attempt was made to publish the rulings. See *id.* at 235. Consequently, several cases, involving the lack of notice regarding the existence of agency rulings and regulations, made their way to the U.S. Supreme Court. See *id.* at 235-36. After receiving congressional attention, Congress passed the *Federal Register Act*, initially published at 49 STAT. 500 (1935). *Id.* at 236. The *Federal Register* helped to make order out of chaos, by publishing proposed rules, final rules, and notices of agency meetings. See *id.* at 236-37.

²⁷⁸ See GPO Access, The *Federal Register* (FR): Main Page, <http://www.gpoaccess.gov/fr/index.html> (last visited Mar. 8, 2008).

Access, the official website for the U.S. Government Printing Office, provides electronic access to the *Federal Register* for agency publications dating back to 1994.²⁷⁹ This site can be searched by date or keyword.²⁸⁰ Every year, a table of contents, organized alphabetically by agency name, is published with hyperlinks to proposed agency rules, final rules, and meeting notices.²⁸¹ An alert feature has been added to the site, allowing the legal researcher to receive daily email notifications.²⁸²

Other electronic sources include Westlaw and Lexis.²⁸³ On Westlaw, the *Federal Register* is available in the *Federal Register* database from 1936, the date of its inception, to the present.²⁸⁴ By contrast, Lexis provides current coverage, but limited retrospective coverage in the Federal Legal US Library.²⁸⁵

B. Decisions of Federal Agencies

While the *Federal Register* publishes proposed agency rules, notices of agency meetings, and final agency rules, it is not a satisfactory resource for locating final regulations that are currently in force.²⁸⁶ To locate final regulations that are currently in force, use the *Code of Federal Regulations* (C.F.R.).²⁸⁷ While similar to the *United States Code*, with respect to the fact that the C.F.R. is a subject arrangement of regulations currently in force, comparisons are not exact.²⁸⁸ In the C.F.R., agencies, rather than regulations, are grouped together based on

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ GPO Access, *Federal Register*: Browse, <http://www.gpoaccess.gov/fr/browse.html> (last visited Jan. 14, 2008).

²⁸² United States Government Printing Office, Welcome to GPOLISTSERVE, <http://listserv.access.gpo.gov/> (last visited Jan. 14, 2008).

²⁸³ See Westlaw, <http://www.westlaw.com> (follow "View Westlaw Directory" hyperlink; "U.S. Federal Materials" hyperlink; then follow "Administrative Rules and Regulations" hyperlink); LexisNexis, <http://www.lexis.com> (follow "Search by Source" tab; then follow "Federal Legal—U.S." hyperlink).

²⁸⁴ See Westlaw, *supra* note 283.

²⁸⁵ See Lexis, *supra* note 283 (providing coverage from 1980 to the present).

²⁸⁶ See BERRING & EDINGER, *supra* note 1, at 243.

²⁸⁷ See *id.*

²⁸⁸ See *id.*

subject matter and are arranged under fifty titles.²⁸⁹ Similar to the *Federal Register*, the C.F.R. is published in print and electronically by the Government Printing Office,²⁹⁰ and can also be found on Westlaw and Lexis.²⁹¹

In addition to acting in a quasi-legislative fashion by promulgating regulations, federal agencies carry out quasi-judicial functions, by issuing agency opinions.²⁹² Many of these agencies publish their information on their own websites, while others allow GPO Access to publish their information.²⁹³ The University of Virginia's library²⁹⁴ provides access to agency decisions and orders from various administrative agencies.²⁹⁵ Access is via a subject-created index and a directory of agencies.²⁹⁶

²⁸⁹ *Id.* In addition to the publication of final agency regulations, the C.F.R., Title 3, also publishes executive orders, presidential proclamations, and other presidential documents. *Id.* at 248-49.

²⁹⁰ GPO Access, Code of Federal Regulations (CFR): Main Page, <http://www.gpoaccess.gov/cfr/index.html> (last visited Jan. 14, 2008). The C.F.R. is available electronically from 1996 to the present. *Id.* Print coverage dates back to 1937. *See* 50 STAT. 304 (1937).

²⁹¹ Thomas-West, Westlaw® RegulationsPlus™, <http://west.thomson.com/westlaw/regulationsplus/> (last visited Mar. 8, 2008). Westlaw provides access to the C.F.R. from 1984 to the current version. *See id.* Lexis, *supra* note 283 (Click "Research System" and then "CFR—Code of Federal Regulations"). Lexis provides access to the C.F.R. from 1980 to the present. *See id.*

²⁹² *See* BERRING & EDINGER, *supra* note 1, at 257-61 (including a discussion on researching federal agency decisions and their publication).

²⁹³ *See id.* at 257-58; *see also* GPO Access, Federal Web Sites Hosted by GPO Access, <http://www.gpoaccess.gov/hosted.html> (last visited Mar. 8, 2008).

²⁹⁴ University of Virginia Library, http://www.lib.virginia.edu/govdocs/fed_decisions_subject.html (last visited Mar. 8, 2008).

²⁹⁵ University of Virginia Library, Administrative Decisions and Other Action—By Subject, http://www.lib.virginia.edu/govdocs/fed_decisions_subject.html (last visited Mar. 8, 2008); University of Virginia Library, Administrative Decisions and Other Actions—By Agency, http://www.lib.virginia.edu/govdocs/fed_decisions_agency.html (last visited Mar. 8, 2008).

²⁹⁶ *See id.* The library website provides links to decisions and orders from many agencies, including the FDIC, FRS, OMB, SEC, IRS, SBA, NSA, FDA, FEC, EEOC and FLRA. *See id.*

C. Executive Orders and Presidential Proclamations

In addition to agency regulations and decisions, regulatory materials are also produced by the executive branch.²⁹⁷ At the federal level, executive orders and presidential proclamations are published in print and electronic format.²⁹⁸ Initially, both appear in the *Federal Register*, and then published in Title 3 of the *Code of Federal Regulations*.²⁹⁹ Proclamations are usually policy announcements, while executive orders direct federal agencies and government officials to pursue a particular course of action.³⁰⁰ In addition to the sources listed above, proclamations can be found in the *Statutes at Large* (1846 to present), the *United States Code Congressional Administrative News* (USCCAN), and the *United States Code Service Advance Sheets* (USCS Advance).³⁰¹ While executive orders are not available in the *Statutes*, they are available in USCCAN and USCS Advance.³⁰²

The current administration's proclamations and executive orders can be located at the official White House Internet site.³⁰³ Orders and proclamations are arranged in reverse chronological order and keyword searching of the site is available.³⁰⁴

Proclamations and executive orders from the Clinton Administration are archived by the National Archives and Records Administration (NARA).³⁰⁵ The five versions of the White House web site, created under former President Clinton, are archived there as well.³⁰⁶ Plans are to archive future presidential documents, by term, on the Clinton Li-

²⁹⁷ *See* BERRING & EDINGER, *supra* note 1, at 262-65.

²⁹⁸ *See id.* at 262-63.

²⁹⁹ Both resources are published in print and electronic formats by the Government Printing Office. *See id.* at 262. They are also available in fee electronic resources such as Lexis, LoisLaw, Westlaw, and VersusLaw. *See* BERRING, *supra* note 1, at 263.

³⁰⁰ *Id.* at 262.

³⁰¹ *Id.* at 263.

³⁰² *Id.* at 263.

³⁰³ White House, <http://www.whitehouse.gov/> (last visited Jan. 14, 2008).

³⁰⁴ *See id.*

³⁰⁵ National Archives and Records Administration, <http://www.archives.gov/> (last visited Jan. 14, 2008).

³⁰⁶ *See* National Archives and Records Administration, Clinton Presidential Materials Project, <http://clinton.archives.gov/welcome/welcome.html> (last visited Jan. 14, 2008).

brary site.³⁰⁷ One may access former President Clinton's official papers via the GPO Access site, which provides access to the *Public Papers of the President*.³⁰⁸

In addition to executive orders and proclamations, presidents also produce other information, including messages to Congress, reorganization plans, speeches, press conferences, and nominations to various government posts.³⁰⁹ This material can be located in the *Weekly Compilation of Presidential Papers*, published by the Government Printing Office in print and electronic formats.³¹⁰ This material is compiled biannually into the *Public Papers of the President*, available in print and electronic formats.³¹¹

If a researcher remains confused and unsure where to look, they should visit the USA.gov site which is self-described as the "U.S. government's official web portal."³¹² It provides access in several ways, including: a subject created index, an alphabetical agency index, an audience selection, and a federal/state/local government selection.³¹³

V. SECONDARY SOURCES

There are numerous secondary sources available to assist the legal researcher. Research guides, directories, dictionaries, law reviews, current awareness resources, blogs, and working papers are a few secondary sources that can point a researcher to primary sources of law and clarify legal concepts.

³⁰⁷ See William J. Clinton Presidential Library & Museum, <http://www.clintonlibrary.gov> (last visited Feb. 29, 2008). The Public Papers of the Presidents of the United States can be found at GPO Access. GPO Access, Public Papers of the Presidents of the United States: Search, <http://www.gpoaccess.gov/pubpapers/search.html> (last visited Jan. 14, 2008).

³⁰⁸ See Public Papers of the President of the United States: Search, *supra* note 307.

³⁰⁹ See BERRING & EDINGER, *supra* note 1 at 263-65.

³¹⁰ See GPO Access, Weekly Compilation of Presidential Papers, <http://www.gpoaccess.gov/wcomp/index.html> (last visited Mar. 8, 2008).

³¹¹ See GPO Access, Public Papers of the Presidents of the United States: About, <http://www.gpoaccess.gov/pubpapers/about.html> (last visited Mar. 8, 2008).

³¹² See Office of Citizen Services and Communications, <http://www.usa.gov/> (last visited Jan. 14, 2008).

³¹³ See *Id.*

A. Research Guides

The *Law Librarians' Resource Exchange* (LLRX) was created in 1996 by law librarian Sabrina Pacifici.³¹⁴ LLRX helps researchers ascertain which resources to consult and how to begin a research process, by providing access to subject research guides for over thirty-five legal topics, ranging from agricultural law to trade law.³¹⁵ Links to court rules and dockets by jurisdiction are available at this site, as are articles about technology, marketing, and librarian resources.³¹⁶ This site focuses on providing research assistance for primary sources of law at the international, federal, and state levels.³¹⁷

The Virtual Chase³¹⁸ was created in 1996 by Genie Tyburski, a law librarian, and owned by the law firm of Ballard, Spahr, Andrews, and Ingersoll, LLP.³¹⁹ This site assists the legal researcher in locating primary and secondary sources of law.³²⁰ It is best known for its excellent guides that help researchers locate information about businesses, companies, or individuals.³²¹

*Zimmerman's Research Guide*³²² was created by a law firm librarian, Andrew Zimmerman.³²³ As word about the guide spread, Lexis published it, and it is now known as an "online encyclopedia for legal

³¹⁴ Law Librarians' Resource Exchange (LLRX), <http://www.llrx.com/> (last visited Jan. 14, 2008).

³¹⁵ See LLRX, United States Law, <http://www.llrx.com/category/> (last visited Mar. 8, 2008).

³¹⁶ See LLRX, *supra* note 314.

³¹⁷ See *id.*

³¹⁸ Ballard, Spahr, Andrews & Ingersoll, L.L.P., The Virtual Chase, <http://www.virtualchase.com/> (last visited Jan. 14, 2008).

³¹⁹ See The Virtual Chase, <http://www.virtualchase.com/about.html> (last visited Mar. 8, 2008).

³²⁰ See The Virtual Chase, http://www.virtualchase.com/topics/legal_research_index.shtml (last visited Mar. 8, 2008).

³²¹ See The Virtual Chase, http://www.virtualchase.com/topics/company_information_index.shtml (last visited Mar. 8, 2008); The Virtual Chase, http://www.virtualchase.com/topics/people_finder_index.shtml (last visited Mar. 8, 2008).

³²² LEXIS NEXIS, Zimmerman's Research Guide, <http://www.lexisnexis.com/infopro/zimmerman/> (last visited Jan. 14, 2008).

³²³ See LEXIS NEXIS, About Zimmerman's Research Guide, <http://www.lexisnexis.com/infopro/zimmerman/about.aspx> (last visited Mar. 8, 2008).

researchers."³²⁴ An extensive subject index was created to help researchers browse³²⁵ in addition to keyword searching capabilities.³²⁶ In response, an encyclopedic entry is returned with hyperlinks to similar subjects.³²⁷

B. Directories and Dictionaries

In addition to research guides, there are directories and dictionaries available to assist a legal researcher.³²⁸

1. Directories

Directories are abundant, but vary in quality. The oldest and most familiar attorney directory, Martindale Hubbell, is now available online at no charge.³²⁹ At this site, lawyers and law firms can be searched by name, practice area, or location.³³⁰ An advanced search engine expands the search to include the number of years that have passed since a lawyer's first bar admission.³³¹ The search also permits the researcher to discover the languages a lawyer speaks and the law school they attended.³³² Access to a legal personnel directory is also available, allowing a search for firm administrators, marketing professionals, librarians, and paralegals.³³³ Peer ratings are available for consumers, while attorneys have access to practice related articles.³³⁴ Links to professional development sites and professional organization infor-

³²⁴ *Id.*

³²⁵ *See Id.*

³²⁶ *See Id.*

³²⁷ *See Id.*

³²⁸ *See, e.g.,* LEXIS NEXIS, martindale.com®, <http://www.martindale.com/> (last visited Mar. 8, 2008); *see also* FindLaw, Research Lawyers, <http://legalrecords.findlaw.com/> (last visited Mar. 8, 2008); *see also* Hieros Gamos, Worldwide Legal Directories, <http://www.hg.org/> (last visited Mar. 8, 2008).

³²⁹ *See* LEXIS NEXIS, *supra* note 328.

³³⁰ *See Id.*

³³¹ *See* LEXIS NEXIS, martindale.com®, <http://www.martindale.com/SearchAdvanced.aspx> (last visited Mar. 8, 2008).

³³² *See Id.*

³³³ *See Id.*

³³⁴ *See id.* (check "Featured Peer Review Rated" box); LEXIS NEXIS, martindale.com®, http://www.martindale.com/legal-articles/Article_Basic_Search.aspx (last visited Mar. 8, 2008).

mation also exist.³³⁵ This directory has been accessible in print since 1931.³³⁶

The Lexis competitor, Thomson West, also has a directory of legal professionals and attorneys known as *FindLaw's Lawyer Directory*.³³⁷ This site is a traditional directory, allowing consumers to search for an attorney by name, law firm name, legal topic, subject, or location.³³⁸ *FindLaw's Lawyer Directory* differs from the traditional print directory because it allows consumers with a legal issue to contact the consultants listed within the directory.³³⁹

Worldwide legal directories are available on Hieros Gamos.³⁴⁰ Consumers can search for attorneys throughout the world by practice area, continent, or bar association.³⁴¹ This site also offers directories for court reporters, expert witnesses, process servers, forensic experts, and investigators.³⁴² Individuals interested in attending law school can search for law schools by continent.³⁴³

There is a directory of "defunct U.S. government agencies and commissions" maintained by the U.S. Government Printing Office and the Libraries of the University of North Texas, known as the CyberCemetery, that allows researchers to access federal agencies' web sites that no longer exist.³⁴⁴ This site allows searching via keyword in addition to browsing by agency name.³⁴⁵ For example, it maintains the

³³⁵ *See* LEXIS NEXIS, martindale.com®, http://www.martindale.com/xp/legal/Professional_Resources/professional_resources.xml (last visited Mar. 8, 2008).

³³⁶ MARTINDALE HUBBELL LAW DIRECTORY (LEXIS NEXIS) (1800s- Present)

³³⁷ FindLaw, FindLaw Profiles, <http://www.lawyermarketing.com/CM/Products/Findlaw-Profile.asp> (last visited Mar. 8, 2008).

³³⁸ *See* Research Lawyers, *supra* note 328.

³³⁹ *Id.* (follow "Search" hyperlink; then follow "Practice Support & Consultants" hyperlink).

³⁴⁰ Hieros Gamos, *supra* note 328.

³⁴¹ *See id.*

³⁴² *See id.*

³⁴³ *See id.*

³⁴⁴ University of North Texas Libraries, CyberCemetery, <http://govinfo.library.unt.edu/default.htm> (last visited Jan. 14, 2008).

³⁴⁵ *See* University of North Texas Libraries, Browse the CyberCemetery, <http://govinfo.library.unt.edu/browse.htm> (last visited Mar. 8, 2008).

defunct Amtrak Reform Council web site exactly as it existed before the council was disbanded.³⁴⁶

2. Dictionaries

Along with directories, dictionaries are available in electronic and print formats. Perhaps the best known legal dictionary today is *Black's Law Dictionary*.³⁴⁷ Initially compiled in 1891 and produced by Henry Campbell Black,³⁴⁸ *Black's Law Dictionary* has been a standard for law students and lawyers alike for well over a century.³⁴⁹ While it is available in print and electronic formats, it is not available free in an electronic format. Electronic legal dictionaries that are available at no charge include *Merriam-Webster's Law Dictionary* and *Law.comDictionary*. *Merriam-Webster*, published in 1996, is available online at *FindLaw's* site.³⁵⁰ At this site, the researcher keys in the legal terms; a list of hyperlinked terms is then retrieved.³⁵¹ Pronunciation and definition are included.³⁵² *Law.comDictionary*, an American Law Management product, also has a legal dictionary that allows researchers to search by word, or browse an alphabetical list of words.³⁵³

Hieros Gamos provides hyperlinks to thirteen electronic dictionaries; ranging from the early and no longer updated, *John Bouvier Law Dictionary* to the *Nolo Press's Everybody's Legal Glossary*.³⁵⁴

³⁴⁶ See Amtrak Reform Council, <http://govinfo.library.unt.edu/arc> (last visited Mar. 8, 2008).

³⁴⁷ BLACK'S LAW DICTIONARY, 8th Edition (2004).

³⁴⁸ *Id.* at ix.

³⁴⁹ Roy M. Mersky & Jeanne Price, *The Dictionary and the Man: The Eighth Edition of Black's Law Dictionary*, Edited by Bryan Garner, 63 WASH. & LEE L. REV. 719, 719-20 (2006.)

³⁵⁰ FindLaw, Law Dictionary, <http://dictionary.lp.findlaw.com> (last visited Jan. 7, 2008).

³⁵¹ *Id.*

³⁵² *Id.*

³⁵³ Am. Law Management (ALM), Law.com Dictionary, <http://dictionary.law.com/> (last visited Jan. 7, 2008).

³⁵⁴ Hieros Gamos, Law Dictionaries, <http://www.hg.org/law-dictionary.html> (last visited Jan. 7, 2008).

WEX is "a collaboratively built, freely available legal dictionary and encyclopedia."³⁵⁵ WEX is a wiki created site³⁵⁶ that is published, and maintained by Cornell University's Legal Information Institute.³⁵⁷ Unlike traditional wikis, which allow anyone to contribute content to the site, WEX requires that an author/contributor be a qualified expert.³⁵⁸ The site defines a qualified expert as one who has "demonstrated expertise in particular areas of law[,] [a] desire to educate law novices[,] [and] the ability to communicate effectively with an extremely diverse audience."³⁵⁹ As a dictionary, this site arranges entries in alphabetical order, as traditional dictionaries do.³⁶⁰ In addition to definitions, it provides citations to illustrative cases, as well as *see also* references to other related subjects.³⁶¹ As an encyclopedia, it arranges topics in alphabetical order, and then provides commentary on the topic.³⁶² Citations to applicable federal and state statutes and judicial decisions are included.³⁶³

C. Law Reviews

Law reviews are plentiful and provide researchers with a wealth of citations to primary sources of law. They are available in print formats, as well as online in both fee based and free resources. Westlaw, Lexis, and HeinOnline provide fee based access to electronic versions of law reviews, while FindLaw and Hieros Gamos provide free access.

FindLaw has worked with Stanford, *Jurist*, the Australian Legal Information Institute, and Cornell's Legal Information Institute, among

³⁵⁵ Cornell Univ. Legal Info. Inst., Wex Main Page, http://www.law.cornell.edu/wex/index.php/Main_Page (last visited Jan. 7, 2008).

³⁵⁶ See generally *id.*

³⁵⁷ *Id.*

³⁵⁸ See *id.* (encouraging "contributions from qualified experts").

³⁵⁹ Cornell Univ. Legal Info. Inst., Wex Editorial Contributions, http://www.law.cornell.edu/wex/index.php/Editorial_contributions (last visited Jan. 7, 2008).

³⁶⁰ Cornell Univ. Legal Info. Inst., Wex Definitions, <http://www.law.cornell.edu/wex/index.php/Category:Definition> (last visited Jan. 8, 2008).

³⁶¹ *Id.*

³⁶² Cornell Univ. Legal Info. Inst., Wex Overview, <http://www.law.cornell.edu/wex/index.php/Category:Overview> (last visited Jan. 8, 2008).

³⁶³ See *id.* (listing citations that are available by clicking on each category).

others, to create the University Law Review Project website.³⁶⁴ Hyperlinked law reviews are listed, in alphabetical order, under the topic, General Law Reviews.³⁶⁵ At this site, a researcher can determine if a particular law review's full text is available at no charge.³⁶⁶ Law reviews are grouped into thirty-five subject categories that can be browsed.³⁶⁷ Keyword searching, using Boolean connectors, is available.³⁶⁸ These searches retrieve both an abstract and a hyperlinked citation.³⁶⁹ Current awareness resources can be created when researchers sign up to receive emails with "abstracts of new law review articles."³⁷⁰

Another source that provides access to free law review articles is Hieros Gamos.³⁷¹ Journals are listed in alphabetical order with hyperlinks.³⁷² Some journals provide free, unfettered access to their articles, while others require a subscription password.³⁷³

In addition to locating electronic law reviews, a researcher may also need a directory of law reviews. Such a directory can be found at the Lexis site.³⁷⁴ Compiled by University of Mississippi law professor Michael H. Hoffheimer, and initially published by Anderson Publications, this site lists, in alphabetical order, all student edited law reviews plus contact information.³⁷⁵ Special focus law reviews, as well as non-

³⁶⁴ See Univ. Law Review Project, <http://www.lawreview.org/> (last visited Jan. 7, 2008).

³⁶⁵ FindLaw, General Law Reviews, <http://stu.findlaw.com/journals/general.html> (last visited Jan. 7, 2008).

³⁶⁶ See *id.*

³⁶⁷ See *id.*

³⁶⁸ See *id.* (making such searches available by clicking on "options" under "Full Text Search of Law Journals on the Internet").

³⁶⁹ See *id.*

³⁷⁰ *Id.*

³⁷¹ Hieros Gamos, Law Journals, Newsletters, and Bulletins, <http://www.hg.org/journals.html> (last visited Jan. 7, 2008).

³⁷² *Id.*

³⁷³ See *id.*

³⁷⁴ LexisNexis, Directory of Law Reviews, <http://www.lexisnexis.com/lawschool/prodev/lawreview> (last visited Jan. 7, 2008).

³⁷⁵ LexisNexis, <http://www.lexisnexis.com/lawschool/prodev/lawreview/SpecialFocus200611.htm> (last visited Jan. 7, 2008).

student edited peer reviewed journals, are listed in separate directories.³⁷⁶

The table of contents pages of law reviews are an excellent current awareness resource. There are electronic versions that are free as well as those that require a fee. The University of Washington School of Law's Marian Gould Gallagher Library has published the *Current Index to Legal Periodicals* (CILP) since 1948.³⁷⁷ Today it is available for a modest subscription in electronic format.³⁷⁸ It indexes over 500 legal publications and uses 100 subject headings.³⁷⁹ A researcher can view the information either by subject heading or browse the table of contents pages for law reviews arranged in alphabetical order.³⁸⁰ SmartCILPs, a current awareness resource that functions via email, can be set up in the CILP.³⁸¹ The advantage of this particular resource is its currency; it is available four to six weeks before commercial indexes such as *Current Law Index* or the *Index to Legal Periodicals* become available.

The University of Texas' Jamail Center for Legal Research, Tarlton Law Library, provides access to the contents' pages of 750 law reviews at no charge.³⁸² Publication is limited to law reviews published by the Tarlton Law Library within the last three months.³⁸³ Keyword searching of these pages is available and retrieves a hyperlink to law reviews with articles on the keyword searched.³⁸⁴

Washington & Lee Law School's law library provides a database that allows researchers to select, and then determine, the *most*

³⁷⁶ *Id.*

³⁷⁷ Univ. of Wash. Marian Gould Gallagher Law Library, Current Index to Legal Periodicals, <http://lib.law.washington.edu/cilp/cilp.html> (last visited Jan. 7, 2008).

³⁷⁸ See *id.*

³⁷⁹ *Id.*

³⁸⁰ Marian Gould Gallagher Law Library, CILP—Subject Headings, <http://lib.law.washington.edu/cilp/revsub.html> (last visited Jan. 7, 2008).

³⁸¹ See Univ. of Wash. Marian Gould Gallagher Law Library, SmartCILP, <http://lib.law.washington.edu/cilp/scilp.html> (last visited Jan. 7, 2008).

³⁸² The University of Texas at Austin, Jamail Center for Legal Research, Tarlton Law Library, Contents Pages from Law Reviews and Other Scholarly Journals, http://tarlton.law.utexas.edu/tallons/content_search.html (last visited Jan. 7, 2008).

³⁸³ *Id.*

³⁸⁴ *Id.*

cited law reviews.³⁸⁵ An alphabetical list of law reviews exists with contact information and hyperlinks for each law review.³⁸⁶ Known as the Current Law Journal Content (CLJC), this site covers 1,354 law journals that include the 720 journals scanned by the Tarlton Law Library.³⁸⁷ With the CLJC feature, researchers can search the table of contents of law journals via date or keyword.³⁸⁸ A keyword search retrieves a list of citations that includes the author's name, title of the article, and publication information.³⁸⁹

D. Current Awareness Resources

Other current awareness resources exist aside from law reviews and their respective table of contents. *Jurist: Legal News & Research* was originally known as *Law Professors on the Web*, because Bernard Hibbitts, editor-in-chief and publisher, initially developed the service for law professors in 1996.³⁹⁰ Today, this service is written and edited by regular law school staff and students at the University of Pittsburgh.³⁹¹ There are also special contributors, including law professors from Duke, Texas, and Yale; as well as former Supreme Court clerks.³⁹² *Jurist* provides access to continuous legal news from all around the world and updates this information twenty-four hours a day.³⁹³ In addition to headline news, researchers can access the site by U.S. and world subject created hot topics, as well as a limited subject and name index.³⁹⁴ In addition to leading legal news stories, links are available to recently released important documents, as well as to video clips from

³⁸⁵ Wash. & Lee Law School, Law Journals: Submission and Ranking, <http://lawlib.wlu.edu/LJ/index.aspx> (last visited Jan. 7, 2008).

³⁸⁶ *Id.*

³⁸⁷ Wash. & Lee Law School, Current Law Journal Content, <http://lawlib.wlu.edu/CLJC/index.aspx> (last visited Jan. 7, 2008).

³⁸⁸ *See id.*

³⁸⁹ *See id.*

³⁹⁰ Univ. of Pittsburgh School of Law, Jurist: Legal News & Research, FAQ <http://jurist.law.pitt.edu/faq/> (last visited Jan. 7, 2008).

³⁹¹ *Id.*

³⁹² *Id.*

³⁹³ *See id.*

³⁹⁴ *See* Univ. of Pittsburgh School of Law, Jurist: Legal News & Research, Gazette, <http://jurist.law.pitt.edu/gazette> (last visited Jan. 7, 2008).

House and Senate Committee conferences and hearings.³⁹⁵ Op eds by law professors are also published.³⁹⁶ The entire site can be searched via keyword.³⁹⁷

Google Alerts³⁹⁸ can also be used as a current awareness resource. Created by Google, these alerts allow a researcher to enter his or her choice of search terms.³⁹⁹ Once selected, the researcher then decides whether the search will be comprehensive, or limited to either news or blogs.⁴⁰⁰ Search results are then emailed directly to the specified email account on an as-it-happens basis, daily, or weekly basis, as preferred.⁴⁰¹

Fee based alert services, provided by Lexis,⁴⁰² Loislaw,⁴⁰³ and Westlaw,⁴⁰⁴ also exist. As a subscriber to these services, a researcher can create a search in an individual database, or multiple databases, and can choose to have the search results sent to him or her on a daily, weekly, or monthly basis; either via email or print.⁴⁰⁵

³⁹⁵ *See* Univ. of Pittsburgh School of Law, Jurist: Legal News & Research Gazette, <http://jurist.law.pitt.edu/gazette> (last visited Jan. 7, 2008). On this date, there were links to the full text of a DC ruling on California's auto emissions standards, an Arizona immigration law ruling, and the White House Executive privilege ruling. *See id.*

³⁹⁶ *See id.*

³⁹⁷ *See id.* (making the search available under "Documents Search").

³⁹⁸ Google Alerts, *supra* note 109.

³⁹⁹ *See id.*

⁴⁰⁰ *See id.*

⁴⁰¹ *See id.*

⁴⁰² LEXIS NEXIS, LexisNexis Research® Total Alerts powered by Ozmosys, <http://www.lexisnexis.com/total-alerts/about.asp> (last visited Jan. 12, 2008).

⁴⁰³ Wolters Kluwer, Loislaw, Research Tools: LawWatch and My Saved Searches, <http://www.loislaw.com/product/information/research/tools/lawwatch.htm> (last visited Jan. 12, 2008).

⁴⁰⁴ Thomson West, Westlaw Watch, <http://west.thomson.com/westlaw/guides/WestlawWatch.aspx> (last visited Jan. 12, 2008).

⁴⁰⁵ *See* LexisNexis, *supra* note 402; *see also* LoisLaw, *supra* note 403 and Thomson West, *supra* note 404.

E. Blogs

Blogs are becoming increasingly popular as a current awareness resource, and some are speculating that "the future of legal scholarship" belongs to the blogosphere.⁴⁰⁶ Several "blawg"⁴⁰⁷ directories are available to provide access and direction, including the American Bar Association's ("ABA") Blawg Directory, Blawg.com, Justia's Blawg Search, and the Law Student Blogger Directory.⁴⁰⁸

At the ABA's Blawg Directory, there is a weekly featured blawg as well as a list of the most popular blogs as determined by the week, the month, or all time.⁴⁰⁹ The latest legal news is available at this site.⁴¹⁰ Also, readers can suggest and submit blog links.⁴¹¹ While no keyword searching is available, researchers can search over 1,000 law related blogs by alphabetical subject index, author type, region, or law school.⁴¹² The ABA's subject created index includes over one-hundred topics, ranging from administrative law to worker's compensation, while the author index allows the researcher to locate blogs authored or edited by an associate, general counsel, judge, law professor, law student, partner, prosecutor, or public defender.⁴¹³ Additionally, researchers can search by region, arranged via U.S. jurisdiction (i.e. Supreme Court, circuits, and states), or by continent.⁴¹⁴ Lastly, a researcher can search by law school to see professors that are publishing blogs.⁴¹⁵

⁴⁰⁶ Margaret A. Schilt, *Is the Future of Legal Scholarship in the Blogosphere?*, LEGAL TIMES, Aug. 31, 2007, <http://www.law.com/jsp/llf/PubArticleLLF.jsp?id=1188464547361>.

⁴⁰⁷ Dennis Kennedy, *Jeffrey Rosen Gets All Mixed Up About Blawgs, Blogging and Other Things*, DENNISKENNEDY, Dec. 20, 2004, http://www.denniskennedy.com/blog/2004/12/jeffrey_rosen_gets_all_mixed_u.html (stating that a "blawg" refers to law web logs).

⁴⁰⁸ See Nova Southeastern University, Shepard Broad Law Center, Law Library & Technology Center, Legal Blogs, http://www.nsulaw.nova.edu/library_tech/library/services/currentawareness/blogs.cfm (last visited Jan. 12, 2008).

⁴⁰⁹ See American Bar Association Journal, *Blawg Directory*, <http://www.abajournal.com/blawgs> (last visited Jan. 12, 2008).

⁴¹⁰ See *id.*

⁴¹¹ See *id.*

⁴¹² See *id.*

⁴¹³ See *id.*

⁴¹⁴ See *id.*

⁴¹⁵ See *id.*

Created by Bill Gratsch in 2002,⁴¹⁶ Blawg.com is known as "Your Source for Legal Blogs, Podcasts & News Feeds."⁴¹⁷ Gratsch began the directory because "[t]here was little organization or structure to the blogosphere."⁴¹⁸ At this site, the researcher can search for blogs via keyword, a thirty topic subject index with topics ranging from bar exams to world blawgs, and a U.S. map that highlights the home state of the site's bloggers.⁴¹⁹ There are several categories to assist the researcher, including a list of most recent posts, recently added blogs, and the most popular legal blogs.⁴²⁰ RSS feeds are available for blogs listed at this site.⁴²¹ In addition, podcasts from the legal radio network Legal Talk Network's⁴²² program, *Lawyer 2 Lawyer*,⁴²³ are available in both MP3 and Windows Media Player formats.⁴²⁴

Justia's Blawg Directory, discussed earlier under the cases section, allows for keyword searching, in addition to searching via Justia-created subject topic.⁴²⁵ Topics range from admiralty law to worker's compensation.⁴²⁶ The site features a blawger of the week, as well as

⁴¹⁶ Blawg, About Blawg, <http://www.blawg.com/About.aspx> (last visited Jan. 12, 2008).

⁴¹⁷ Blawg, The Blawg Directory, <http://www.blawg.com> (last visited Jan. 12, 2008).

⁴¹⁸ Blawg, *supra* note 416.

⁴¹⁹ See Blawg, *supra* note 416.

⁴²⁰ See *id.*

⁴²¹ See *id.* (listing "Featured Feed").

⁴²² Legal Talk Network, Welcome, <http://www.legaltalknetwork.com/> (last visited Jan. 12, 2008). This network began in 2005 as an Internet radio station by Lu Ann Reeb and Scott R. Hess. Legal Talk Network, The Company, http://www.legaltalknetwork.com/modules.php?name=FAQ&myfaq=yes&id_cat=1&categories=About+The+Legal+Talk+Network (last visited Jan. 12, 2008). It made legal programs available in both the MP3 (ipod) and Windows Media Player (computer) formats. *Id.* RSS feeds made it possible for listeners to be updated whenever a new program was available. *Id.* Several legal programs are available at this site, including The Power of Attorney, The ESI Report, Workers Comp. Matters, and Lawyer 2 Lawyer. *Id.*

⁴²³ See Legal Talk Network, Lawyer 2 Lawyer, http://www.legaltalknetwork.com/modules.php?name=News&new_topic=15 (last visited Jan. 12, 2008). Lawyer 2 Lawyer is a legal Internet radio program hosted by J. Craig Williams and Robert Ambrosi for the Legal Talk Network. *Id.*

⁴²⁴ Legal Talk Network, *supra* note 422.

⁴²⁵ See Justia, BlawgSearch, <http://blawgsearch.justia.com> (last visited Jan. 12, 2008).

⁴²⁶ *Id.*

listing the most popular blogs of the day, week, month or all time.⁴²⁷ It also headlines the most recent blawg posts.⁴²⁸

Law students can search for blogs by, and about, law students at the Law Student Blogger Directory.⁴²⁹ At this site, students can search by school, keyword, or a subject index, consisting of ten topics that begin with blogging and conclude with virtual property.⁴³⁰

Lawsagna⁴³¹ is edited and published by attorney Anastasia Pryanikova.⁴³² Pryanikova also has a business, E-Studio, which develops and sells "study aid and training products for law students and legal professionals."⁴³³ The blog's stated purpose is to provide "[a]lternating layers of thoughts, tips, tricks, and other ingredients to live and learn well in law and beyond."⁴³⁴ Recent posts include motivational topics such as "21 Steps to Becoming a Better Learner"⁴³⁵ and "What Can Law Schools Do Better?"⁴³⁶ RSS feeds are available, as are social bookmarking options, such as *Digg This!*,⁴³⁷ *Stumble It!*, and *de.licio.us*.⁴³⁸

Vendors are beginning the process of sponsoring law related blogs. Law Professor Blogs is sponsored by Thomson West and published by Dean Paul L. Caron, University of Cincinnati College of

⁴²⁷ *Id.*

⁴²⁸ *Id.*

⁴²⁹ Law Student Blogger Directory, <http://krhunt.blogspot.com/2006/03/law-student-blogger-directory.html> (last visited Jan. 12, 2008).

⁴³⁰ *Id.*

⁴³¹ Lawsagna, <http://lawsagna.typepad.com/lawsagna> (last visited Jan. 12, 2008).

⁴³² *Id.*

⁴³³ *Id.*

⁴³⁴ Lawsagna, *supra* note 431.

⁴³⁵ Lawsagna, http://lawsagna.typepad.com/lawsagna/21_steps_to_becoming_a_better_learner/index.html (Feb. 11, 2008, 23:18).

⁴³⁶ Lawsagna, <http://lawsagna.typepad.com/lawsagna/2007/09/the-complete-la.html> (Sept. 19, 2007, 11:11).

⁴³⁷ See, e.g., WordPress.Com, *Digg This!*, <http://wordpress.com/blog/2007/02/22/digg-this/> (last visited Feb. 28, 2008).

⁴³⁸ See, e.g., Richard MacManus, *The Serendipity of StumbleUpon—an Interview with Garrett Camp, Chief Architect, ReadWriteWeb*, Oct. 17, 2006, http://www.readwriteweb.com/archives/stumbleupon_interview.php (discussing *StumbleIt!*, also known as *StumbleUpon*, and *de.licio.us*).

Law.⁴³⁹ It links to over fifty-three blogs, published, edited, and authored by law professors at law schools that include American University's Washington College of Law, Florida Coastal School of Law, Georgetown University Law Center, Mercer University School of Law, University of Texas School of Law, University of Cincinnati College of Law, and University of California-Davis School of Law.⁴⁴⁰ Topics include:

- Aviation Law;
- Chinese Law;
- Civil Rights;
- Elder Law;
- Food Law;
- Immigration Profs;
- Law Librarians;
- Law School Innovation;
- Legal Profession;
- Legal Writing Prof Blog;
- Brian Leiter's Law School Reports;
- Products Liability;
- Statutory Construction; and
- Tax Prof.⁴⁴¹

Prawfs Blawg⁴⁴² is sponsored by Aspen.⁴⁴³ Created by several law professors, its mission is to discuss a "variety of topics related to law and life."⁴⁴⁴ Editors and contributors include Dan Markel of Florida State University, Ethan J. Leib of UC Hastings College of Law, Robert Howse of University of Michigan, Rick Garnett of University of Chicago School of Law, Matt Bodie of Saint Louis University, Steve

⁴³⁹ Thomson West, Law Professor Blogs, <http://www.lawprofessorblogs.com/> (last visited Jan. 12, 2008).

⁴⁴⁰ *Id.*

⁴⁴¹ *Id.*

⁴⁴² Aspen Publishers, PrawfsBlawg, <http://prawfsblawg.blogs.com/> (last visited Jan. 7, 2008).

⁴⁴³ *Id.*

⁴⁴⁴ Aspen Publishers, Prawfs Blawg, <http://prawfsblawg.blogs.com/about.html> (last visited Jan. 9, 2007).

Vladeck of American University, and Orly Lobel of University of San Diego.⁴⁴⁵

F. Working Papers

Working papers are another recent development in digital scholarship, allowing researchers to keep track of works in progress.

BePress⁴⁴⁶ was established in 1999, and is the Berkeley Electronic Press working paper series.⁴⁴⁷ Here, legal researchers and scholars can submit articles for publication and download articles that are continuing works in progress.⁴⁴⁸ As of January 7, 2008, this site had 3,098 papers with full text downloads of 563,111 for the 2007 calendar year.⁴⁴⁹ Since its inception, there have been 1,070,338 downloads.⁴⁵⁰ This site can be searched by keyword, browsed by institution, or browsed by a subject index⁴⁵¹ that includes over one-hundred topics, such as Animal Law, Law & Technology, Psychology and Psychiatry, and RICO.⁴⁵² The site organizes and provides links to recent publications, the most popular papers, and peer reviewed articles.⁴⁵³ Bealerts are current awareness resources,⁴⁵⁴ delivered directly to a chosen email address, that allow researchers to be notified of new papers by a particular author, or in a particular subject area.⁴⁵⁵ In addition to keyword, subject index, and institution searching, this site can also be browsed by author.⁴⁵⁶

⁴⁴⁵ *Id.*; PrawfsBlawg, *supra* note 442.

⁴⁴⁶ BePress Legal Repository: About The Berkeley Electronic Press, http://law.bepress.com/repository/about_bepress.html (last visited Jan. 9, 2008).

⁴⁴⁷ *Id.*

⁴⁴⁸ BePress Legal Repository: Promote Your Faculty Scholarship, <http://law.bepress.com/repository/faq-institutions.html> (last visited Jan. 9, 2008).

⁴⁴⁹ BePress Legal Repository, <http://www.law.bepress.com/repository/> (last visited Jan. 7, 2008).

⁴⁵⁰ *Id.*

⁴⁵¹ *Id.*

⁴⁵² BePress Legal Repository: Search by Subject, http://law.bepress.com/repository/search_by_subject.html (last visited Jan. 7, 2007).

⁴⁵³ *Id.*

⁴⁵⁴ *Id.*

⁴⁵⁵ *Id.*

⁴⁵⁶ BePress Legal Repository: Promote Your Faculty Scholarship, *supra* note 448.

NELLCO's Legal Scholarship Repository⁴⁵⁷ is a consortium that includes materials categorized as "working papers, reports, lecture series, [or] workshop presentations" created by NELLCO member schools.⁴⁵⁸ Member schools include Boston College Law School, Columbia Law School, Cornell Law School, Duke Law School, Fordham University School of Law, Georgetown University Law Center, Harvard Law School, New York University School of Law, Pierce Law, Roger Williams University School of Law, Suffolk University Law School, University of Connecticut School of Law, University of Pennsylvania Law School, Vermont Law School, and Yale Law School.⁴⁵⁹

Powered by the BePress technology, this site allows for searching via keyword, a subject index, author name, corporate author name, title, publication title, or abstract.⁴⁶⁰ Customized email alerts, created by chosen subject topic, are available.⁴⁶¹

The Social Science Research Network (SSRN)⁴⁶² began, in 1994, to "create a way for scholars to share and distribute their research worldwide long before their papers worked their way through the journal refereeing and publication process."⁴⁶³ Like BePress, it too allows legal researchers and scholars to upload working papers in progress, as well as download working papers.⁴⁶⁴ This facilitates scholarship before publication is finalized. Many law schools are members of the SSRN working paper series.⁴⁶⁵ This membership allows professors to upload their works in progress, receiving commentary from other scholars in

⁴⁵⁷ New England Law Library Consortium Organization, NELLCO Legal Scholarship Repository, <http://lsr.nellco.org/> (last visited Jan. 7, 2008).

⁴⁵⁸ *Id.*

⁴⁵⁹ *Id.*

⁴⁶⁰ New England Law Library Consortium Organization, Advanced Search, <http://lsr.nellco.org/cgi/query.cgi?advanced=1> (last visited Jan. 7, 2008).

⁴⁶¹ *Id.*

⁴⁶² Social Science Research Network, SSRN's Objectives and Commitments to Users, <http://www.ssrn.com/update/general/mjensen.html> (last visited Feb. 29, 2008).

⁴⁶³ *Id.*

⁴⁶⁴ *Id.*

⁴⁶⁵ See Social Science Research Network, Browse SSRN's Partners in Publishing, <http://papers.ssrn.com/sol3/DisplayPipPublishers.cfm> (last visited Jan. 7, 2008) (providing a listing).

the field;⁴⁶⁶ similarly, researchers can download works in progress to assist with research in a particular subject area.⁴⁶⁷ The SSRN consists of an abstract database as well as an electronic paper collection database.⁴⁶⁸ The electronic paper collection can be searched via keyword, title, title abstract, or author;⁴⁶⁹ it can be browsed by network, journal, or topic.⁴⁷⁰ The site provides access to several subject areas, including accounting, economics, financial, information systems, and law.⁴⁷¹ The Legal Scholarship Network portion of the SSRN site is managed by University of Texas professor Bernard Black, and two Stanford Law School professors, A. Mitchell Polinsky and Ronald J. Gilson.⁴⁷² According to data on the SSRN site, as of January 9, 2008, there have been 171,817 abstracts and 132,270 full text papers deposited with SSRN.⁴⁷³ There are 86,433 authors whose papers have been downloaded and a total of 17,340,777 downloads since the site's inception, 294,301 of which were downloaded in the last thirty days.⁴⁷⁴

VI. CONCLUSION

In this article, selected free Internet sites have been reviewed that can assist the legal researcher with performing cost effective legal research when used with understanding.⁴⁷⁵

⁴⁶⁶ See Social Science Research Network (SSRN) Homepage, http://www.ssrn.com/home_bd.html (last visited Jan. 7, 2008).

⁴⁶⁷ SSRN's Objectives and Commitments to Users, *supra* note 462.

⁴⁶⁸ SSRN Homepage, *supra* note 466.

⁴⁶⁹ Social Science Research Network, SSRN Electronic Library, <http://papers.ssrn.com/sol3/DisplayAbstractSearch.cfm> (last visited Feb. 29, 2008).

⁴⁷⁰ *Id.*

⁴⁷¹ See *id.*

⁴⁷² Social Science Research Network, Legal Scholarship Network (LSN), http://www.ssrn.com/update/lsn/lsn_about.html (last visited Jan. 7, 2008).

⁴⁷³ SSRN Electronic Library, *supra* note 469.

⁴⁷⁴ *Id.*

⁴⁷⁵ It is the author's contention that appropriate free Internet legal research sites, when used properly and with understanding, can be effective in locating primary and secondary sources of law. For disagreement, view the video available at: You Tube, Westlaw Stress Toy, <http://www.youtube.com/watch?v=miv9k2kfEW4> (last visited Jan. 7, 2008).

While official authentication remains an issue⁴⁷⁶ to be resolved, these reputable sites provide an enormous amount of legal information at no cost.⁴⁷⁷

As legal research is taught today, the emphasis should be for researchers to select the appropriate branch of government from which information is needed. Once this is decided, researchers can then directly approach the primary source of information and begin retrieval via name, number, or subject searching. While electronic resources have yet to develop the precision searching tools created for print resources, electronic precision searching tools are in the process of development at fee sites. It is likely that these precision tools will develop eventually at free sites.

As with the beginning of any print research project, today's digital researchers should begin their research projects by asking a series of questions, such as:

- What are the relevant background facts in the problem to be researched?;
- What issues need to be researched?;
- What research terms should be used?;
- Should federal or state law be researched on the topic? Is there a need to consult both?;
- Should cases, statutes, or regulations, or a combination of these three primary sources be researched?;
- Do secondary sources need to be utilized to help locate primary sources on point?;
- Do non-legal resources need to be consulted?;

⁴⁷⁶ AALL Washington Affairs Report: State-by-State Report on Authentication of Online Legal Resources, *supra* note 23. See also *Losing the Law: A Call to Arms*, *supra* note 23 ("Not one state has put in place a system that authenticates and preserves the new digital information.").

⁴⁷⁷ For a portal of law related Internet sites, see Nova Southeastern University, Internet Resources - Shepard Broad Law Center, http://www.nsulaw.nova.edu/library_tech/library/resources/internet.cfm (last visited Jan. 7, 2008) (listing free Legal Research Portals).

- Does updating the research change anything?⁴⁷⁸

Once these questions have been answered, and the researcher knows which resources will be consulted, the research can begin.

⁴⁷⁸ See LISA SMITH-BUTLER, NOVA SOUTHEASTERN UNIVERSITY, RESEARCH STRATEGIES WORKSHEET, http://www.nsulaw.nova.edu/faculty/syllabi/research_strategies1.pdf.