Cost Effective Legal Research

Lisa Smith-Butler, Charleston School of Law
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ABSTRACT. Legal researchers need to be able to efficiently retrieve information in a cost effective manner. To do this, they must be familiar with the various information formats and be able to evaluate these formats. This article reviews the various information formats, discusses the advantages and disadvantages of each format, suggests research strategies, and reviews Internet sites that provide legal information.

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INTRODUCTION

In today’s legal market, it is essential that attorneys and legal researchers be able to provide clients with cost effective research. With the various

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Researchers today are confronted with several different formats: electronic-ROM, print, video, audio, and micro formats. Each format has its advantages and disadvantages. Of the newer formats is electronic, and it is the favorite of many researchers. It is fast and usually easy to use. Retrieval is rapid, and updating is often daily. Boolean searching allows the researcher to more fully and narrow the research query, providing more accurate retrieval of data. Electronic data can usually be printed or downloaded immediately. Of the oldest and best known electronic legal resources are Westlaw and Lexis. At present, both are available through the Internet and also in print form distributed by the companies. The full text of primary and state primary sources as well as numerous secondary sources such as ALR’s, restatements, law reviews, company information, and treaties is available on both Westlaw and Lexis. Westlaw and Lexis permit researchers to use either Natural Language or Freestyle searching. Westlaw provides for the linking of resources with Keycite while Lexis offers Shepard’s. Best of all, resources are updated continuously (see Figure 1).

The primary drawback for legal researchers, particularly those in small or mid-sized firms, is the expense. Westlaw and Lexis usually require a subscription to use their service although both now make their resources available to anyone for a transactional fee. Even so, it remains expensive to either subscribe or use these resources. Printing and downloading documents from these sources is an additional expense; in addition, reading documents online can be tedious.

Expensive alternatives to Westlaw and Lexis are the Internet based resources LOIS Law and Versus Law. Both sources require a subscription and are accessible via the Internet.

LOIS Law provides access to the full text of federal and state regulations, orders and cases. Coverage is not comprehensive. U.S. Supreme Court cases are available from 1899 onwards while most federal circuit court decisions are available from the 1970’s. At present there are no federal district court cases on LOIS Law. The primary sources of only twenty-four states are available on this resource (see Figure 2).
of online subscriptions: they are quick and easy to use, allowing the researcher to be his/her own indexer. Updating is usually monthly so a CD is more current than print sources but not quite as current as online electronic resources. However CD-ROM's do have some disadvantages. Frequently they require the purchase of additional hardware to support a particular CD. They can be expensive to mount on a network if there are many network users. There is little uniformity among CD-ROM publishers so researchers must learn the search strategies and software for each particular CD. Nevertheless for small or medium sized firms that cannot afford Westlaw or Lexis, CD-ROM's can be ideal.  

Print is the last format to be discussed, and it is the format that has been available the longest. Despite the profusion of electronic resources, print remains an important aspect of a law library's collection and of value to the legal researcher. Well over a century has gone into the development and organization of American print legal resources. Many researchers are familiar with the structure and organization of print resources and are comfortable using them. Often print remains the only option available for certain research queries, particularly those involving historical legal research. Print resources tend to be more portable than electronic; it is easier to take a book than a laptop to the beach.

Disadvantages to print resources also exist. They require a great deal more space than CD-ROM's or online resources. They can be expensive to maintain (filing and shelving) and they are not updated as rapidly. The researcher is limited to the indexing done by the publisher.
Researchers face a quandary. What is the best format? There is no “best” format that will work for every research query. Instead, researchers must be aware of the resources available and decide what resource will provide the most relevant and most economical retrieval. Before deciding which format to use for a research query, the researcher must consider:

- Cost of the resource: is it affordable?
- Comfort: can the researcher comfortably use print indexes and conduct an online query?
- Currency: how often is the resource updated?
- Support available: is the publisher willing to provide technical support when problems with the product are encountered? What type of technical support skills (i.e., loading software and CDs as well as address compatibility issues) does the researcher possess?
- Reputation: is the producer/publisher of the information known and regarded for accuracy, timeliness, and thoroughness?

**CONDUCTING A RESEARCH QUERY**

After evaluating and choosing formats, the researcher must next decide on the most appropriate format to conduct the research query. Consider:

- what final product is necessary: an opinion letter, memo, or brief?
- how much time and money can be spent on the assignment?
- what is the issue in dispute?
- what research terms should be used to begin searching for information?
- whether cases, statutes, regulations, or a combination thereof, are needed?
- whether state or federal law applies?
- whether resources are updated?

Once the format and query have been decided, the researcher can proceed to look for the information, selecting the format that is the fastest and most economical.

**FEDERAL INFORMATION**

There are numerous electronic and print resources that provide access to the primary federal legal resources. Electronic resources include the Internet, Westlaw, Lexis, Versus, and the Federal Register. Since the focus of this article is on cost effective research, Internet legal sites which do not require a subscription will be discussed.

Cornell's Legal Information Institute, [http://www.law.cornell.edu/](http://www.law.cornell.edu/), provides access to both federal cases, statutes, and regulations (see Figure 4). The researcher can locate:

- **United States Code (U.S.C.)**
- The researcher can search for code sections via keyword, citation, popular name, or via title through a table of contents. Full text of the code section is provided. It is updated within twenty-four hours of updates being released by the U.S. House of Representatives.
- **U.S. Constitution**
- Searching is via section or amendment. Hyper-text links to the full text are provided.
- **Code of Federal Regulations (C.F.R.)**
- Search for sections via a table of contents, citation, and keyword. Keyword searching is connected to the popular GPO search engine.
- **Federal Rules of Civil Procedure**
- **Federal Rules of Evidence**
- **U.S. Supreme Court Opinions**
  The full text of U.S. Supreme Court opinions from 1990 onwards is available at this site, as is the Court's Calendar and its schedule of Oral Arguments. Opinions can be searched via party name, date of decision, and keyword.
University's School of Law provides access to the decisions of the circuit courts with their Federal Courts Finder, http://www.law.emory.edu/FEDCTS/. Emory maintains some of the sites while providing others (see Figure 5). At sites maintained by Emory, the full text of decisions from 1995 onwards is available. They can be searched by date, name, or keyword. Decisions from the following courts can be ac-

Court of Appeals for Armed Forces Court of Federal Claims
Federal Circuit
C. Circuit
9th-11th Circuits

Federal Local Rules at the Law Librarians' Resource Exchange site links to both federal and state court rules. Designed by Genie Ty-
the Federal Local Rules can be found at http://www.llr.com/. Open
ower to this address and click on columns. From there, scroll down
k on Litigator's Internet Resource Guide: Rules of Court. There are

J.S. Supreme Court
Federal Rules of Appellate Procedure
Federal Rules of Civil Procedure
Federal Rules of Evidence
Court Rules
Rules for the 1st-11th Circuits
Rules for the D.C. and Federal Circuits
Rules for the U.S. Court of Claims
Rules for some of the U.S. District Courts
Rules for some state appellate courts

the sites provide a list of the court's rules, with hyper-text links to the
d of the court rule. Keyword searching is rarely an option.
world, http://www.fedworld.gov/, was developed by the National
Information Service in 1992 to "serve as the online locator service
prehensive inventory of information disseminated by the Federal
At present, it has over 10,000 data files of U.S. government
ation archived. These files can be searched by keywords with boolean
ors. In addition, this site provides links to several other government
ings, including the BIA (Bureau of Indian Affairs), the EPA (Environ-
Protection Agency), the FAA (Federal Airline Administration), the
ernal Revenue Service), and the U.S. Department of Customs. Fed-
also maintains FLITE, a database with U.S. Supreme Court decisions
between 1937-1975. With FLITE, Supreme Court decisions can be searched
by party name or keyword (see Figure 6).

Another government organization provides access to federal information. The
gov/, provides access to a wealth of government information (see Figure 7). Links to the official websites of all agencies under the Executive Office are provided and include:

- Office of Management & Budget
- Food & Drug Administration
- General Accounting Office
- Merit Systems Protection Board
- National Archives & Records Administration's Office of the Federal
- National Labor Relations Board
- Occupational Safety & Health Review
- Office of Government Ethics
- Office of Special Counsel
- U.S. Census Monitoring Board
- U.S. Equal Employment Opportunity Commission
other Executive branch resources are available at this site and

*Budget of the United States Government, (1997 onward)
*Foreign Affairs Network
*GAO (General Accounting Office) Reports
*Statistical Abstract of the United States (1997 version)
*Weekly Compilation of Presidential Documents (1993 onward)

Site also provides extensive regulatory information, including the full text of the Federal Register and the Code of Federal Regulations (C.F.R.)

The full text of the current C.F.R. is also available at the GPO Access site. The most recent C.F.R. can be searched either by keyword or citation. Histor-
Solutions of the C.F.R. (1996 onwards) are available at this site as well and can be searched by citation. The List of Sections Affected (L.S.A.) is also available at this site from 1996 onwards.

The audio of U.S. Supreme Court oral arguments, visit Oyez, Oyez, http://oyez.nwu.edu. Developed and maintained by Northwestern University, this site is intended to provide access to leading constitutional cases in the United States. Consequently, coverage is selective rather than comprehensive. This site is known for its archival of oral arguments made to the Supreme Court. To listen to these arguments, Real Audio is necessary. The researcher can search for cases via keyword, party name, or citation. In addition to U.S. Supreme Court cases, this site also provides access to information about all Justices of the United States Supreme Court as well as a bio of the United States Supreme Court (see Figure 8).

There is Thomas, http://thomas.loc.gov/, which is maintained by the Library of Congress (see Figure 9). Thomas provides a great deal of information about the U.S. House and Senate. It divides its information into three databases: Legislation, Congressional Record, and Committee Information. Searching varies in each database. It provides the full text to bill summaries, committee reports, public laws, and the Congressional Record. Thomas provides access to:

- Bill Summaries and Status are available from 1993 onwards. Searching is by keyword, dates, bill number, sponsor or committee.
- Text of Bills from 1989 onwards is available with searching via either keyword or bill number.
- Public Laws from 1973 onwards are also available. Searching is by Public Law Number.
- The text of the Congressional Record from 1994 onwards is available and searching is via keyword.
- Committee Reports from 1995 onwards are available and can be searched via keyword, bill number, report number, or committee.
- Roll Calls
- House Committee & Senate Committee members.

Additionally, there is the White House, http://www.whitehouse.gov/, which is maintained by the White House Web Team and provides the full text of Press

- Press Briefings
- Speeches
- Radio Addresses
- Executive Orders

Searching is via keyword.
STATE INFORMATION

One of the best known sites for locating state information is FindLaw, www.findlaw.com. Produced and maintained by the Northern California Librarians, this site provides extensive links to legal resources available on the Internet (see Figure 10). The full text of documents can be read, and keyword searching with boolean connectors is available. Findlaw uses the Law Crawler search engine. At Findlaw's state sites, you will find an alphabetical arrangement of hyper-text links to all 50 states. Each is a link for:

- Primary Materials (codes, cases, and regulations)
- Law School
- Local Government Information
- State Bar Associations

Another good source for locating state information is Washlaw, www.washlaw.edu. Developed and maintained by Washburn University's School of Law, this site provides links to legal resources from all 50 states. Searching is via keyword. States are arranged in alphabetical order. There are the following information for each state (see Figure 11):

- Legislative
- Court
- Statutes
- Rules of Court
- State Agencies
- Local Government
- Congressional Districts

The text of statutes, regulations, and cases are available for many states.

- Rominger Legal, http://www.romingerlegal.com, is an excellent source for materials as well (see Figure 12). It provides links to a state's court decisions, statutes, court rules, Attorney General opinions, government agencies, and area law schools. It also provides links to legal resources as well as non-legal resources such as the Blue Books, maps, and telephone directories. The site and the Internet can be used with the Rominger Search Engine. Links to the Alta Vista, Excite, or Yahoo search engines are also available here.

- Municipal Code Corporation, http://www.municode.com, is a special site that requires fees for the retrieval of full text documents (see Figure 13). It does allow free searching and charges only for the retrieval of a document. States are organized alphabetically and codes/ordinances...
In listed under the appropriate state. Using Folios software, the researcher can use keyword and boolean connectors to retrieve a citation and an alert to various city and county codes.

**MISCELLANEOUS SOURCES**

There are several sites that may be of use to the legal researcher/practitioner. These include the Virtual Chase, LegalDocs, Martindale, the Brief Reporter, Gamos, Legal Online, and Northern Light.

*Virtual Chase*[^42], http://www.virtualchase.com/, began in 1996 with Genie Tyburski. It contains legal pathfinders on numerous legal topics. Although not only explains how to do legal research, she then provides links to the best sites available for the research. Thus, if you are looking for particular regulations, Tyburski will explain how to locate regulations in her *Statutes, Legislation, and Regulations* guide and then provide links to GPO Access site.

*LegalDocs*[^43], http://www.legaldocs.com/, is produced by USA Law Publishers and provides access to boilerplate legal documents on a variety of legal issues (see Figure 14). Forms are available for wills, leases, and UCC sales. Some forms that are “free” but the majority of forms require payment prior to downloading.

*Martindale Hubbell*[^44], http://www.martindale.com/, allows the researcher to search for attorneys at its Internet site (see Figure 15). With this resource, researchers can search for attorneys in any state. The researcher can search by attorney name, location, type of practice, firm, government, faculty, or corporation. Search retrieval results in a listing of the attorney’s name, address, practice affiliation, law school, and bar admissions. There is no charge for this information.

Next is *Heiros Gamos*[^45], http://www.hg.org/. Produced by Lex Mundi, it provides links to:

- Legal Guide for Foreign Countries, including the European Union
- Law Journals
- Global Bar Directories
- Directories of Experts

Keyword searching is possible. Hyper-text links to the full text of documents exist.

The *Brief Reporter*[^46], http://www.briefreporter.com/, is a collection of appellate briefs and trial memoranda written by attorneys. Coverage includes cases in federal and state jurisdictions. Briefs are arranged by subject, and there are over fifty subjects, including briefs on ADA, Bankruptcy, Civil Rights, etc.

[^42]: Virtual Chase
[^43]: LegalDocs
[^44]: Martindale Hubbell
[^45]: Heiros Gamos
[^46]: Brief Reporter
Rights, Criminal Law and Procedure, ERISA, Legal Malpractice, Patents, Securities Fraud, Sexual Discrimination, Trademarks and Workers’ Compensation. Searching is by keyword with boolean connectors. There is also a general index with hyper-text links. Both of these sources are free of charge. Once the search is complete, a citations list with a brief abstract is retrieved. If the researcher decides to read the brief, the download fee is $40.00 for non-members and $10.00 for members.

The Best of the Web for Lawyers @ Legal Online, http://www.legalonline.com/best.98.html, has been reviewing and evaluating web sites of use to attorneys. Produced by American Lawyer Media, it provides a listing of the “best of the web” available to lawyers as well as hyper-text links to these sites. Links to the best sites for law firms, law schools, law libraries, and government agencies can be found here.

Northern Light, http://www.northernlight.com/, is the new Internet search engine that allows a researcher to search the Internet and provides access to the full text of numerous documents. Developed by a group of software engineers in Cambridge in 1995, the site was designed to provide cutting edge technology on the Internet. According to David Suebs, Northern Light’s CEO, “The Web is the ultimate expression of the problem of too much data and not enough information.” Northern Light was designed to remedy that problem. The search engine prioritizes your search results by best match and then organizes them into folders to further narrow the search.

**FIGURE 14**

The site searches 5,400 “premium sources” and sorts the results. Some materials require a document download fee, usually ranging from $1.00-$5.00, in order to obtain the full text of the document. Some of the materials retrieved can be viewed at no charge.

**HANDLING THE RESEARCH QUERY**

Now that the researcher knows what information is available and how it can be located, the research process can begin. As an example, suppose a researcher receives a request about a “hostile work environment.” The researcher is told to ascertain the meaning of the phrase and that a federal law may be applicable. A memo is due within twenty-four hours, and the client will not pay for electronic research. That is the only information the researcher is given. Where should the researcher begin?

Since the researcher knows nothing about “hostile work environment,” a law review article that discusses the topic would be a good starting place. From there, it might be possible to find citations to applicable cases and statutes. Since both time and money are of the essence, the researcher could begin with the Internet. In addition to state resources, the website, FindLaw, provides links to electronic law reviews, and this information is available at no charge. Frequently full text documents are available at this site. The
money was spent. Copying the various documents from the Internet and pasting them into the memorandum saves further time. This is cost effective research.

CONCLUSION

Today's market driven economy requires anyone providing legal research to know the most efficient and cost effective method of retrieving the information. This requires that the researcher be familiar with the various formats, i.e., print, electronic, CD-ROM, and aware of the costs of using each format.

At present, there are several electronic subscriptions available on the Internet. They include: BNA, CCH, Congressional Universe, Lexis-Nexis, LOIS Law, Matthew Bender's Authority on Demand, Shepard's, Versus Law, and Westlaw. All of these services require a subscription to use. Many Internet sites provide access to legal information at no charge. Cornell's Legal Information Institute, Emory's Federal Courts Finder, FindLaw, FedWorld, GPO Access, Thomas and Washlaw are just a few examples that provide the full text of various federal and state legal documents.

In addition to knowing the resources available, a researcher should first determine the type of document that must be produced. Is a memo, brief, or opinion letter needed? At this time, the researcher should also ascertain any time and cost constraints. Next determine the issue in dispute and formulate search terms. Decide which resource will quickly and cost effectively retrieve the information. Finally, the researcher should make sure that the research is current. Using this process, the researcher will be conducting cost effective research.

ENDNOTES

3. Boolean searching allows researchers to connect search terms (i.e., keywords) with connectors such as and, or, not, within/. Thus if you want to retrieve cases on the issue of whether weight is a disability protected under the Americans with Disabilities Act and thus precludes termination, you might use the following boolean search query: terminates w/5 weight and ADA or Americans with Disabilities Act. Italicized words are the boolean connectors.
15. With LOIS Law, you can see what later cases have cited your case by putting the citation in Search All Fields. The library will then retrieve all cases that contain your citation. This is Loisizing. Unfortunately you are limited to searching only the libraries in LOIS Law which excludes coverage of federal district court cases, several states, and any secondary sources. Id.
16. Id.
17. See Note 12, supra.
18. You can access Congressional Universe from the home page of Congressional Information Services, CIS (visited May 1, 1999) <http://www.cispubs.com/>. It provides access to the full text of pending federal bills, recently enacted federal legislation, the U.S.C., some committee reports and hearings as well as the Congressional Record. CIS is also introducing a new product, State Capitol, which provides the same type of information for all fifty states.
20. Id. Shepard's is also available from the Matthew Bender Website. It can be used with either a subscription or a “pay per citation” charge. Per citation charges are $4.95. See also Shepard's (visited June 12, 1999) <http://www.shepards.com/>.
27. West created the National Reporter System in the 1880's while Frank Shepard developed the Shepard's Citations, a system for updating cases and known by law students as Shepardizing, in 1873. See Berring, supra note 8 at 51, 57.
56. As with any document in any format, the researcher should always be concerned with the copyright law. For a more extensive discussion on copyright, visit the Copyright Clearance Center. Copyright Clearance Center (visited May 18, 1999) <http://www.copyright.com/>.

57. Since Meritor was decided and published in 1986, Cornell's Internet site cannot be used because coverage does not begin until 1990. FedWorld's FLITE provides coverage for cases decided between 1937-1975. Thus Findlaw is the only Internet site that publishes Meritor at no charge.

58. See note 36, supra.

59. Id.

60. Electronic citation sources include KeyCite on Westlaw and Shepard's Online. See Westlaw (visited June 12, 1999) <http://www.westlaw.com/td Shepard's(visited June 12, 1999) <http://www.shepards.com/> or a discussion of the differences between KeyCite and Shepard's Online see Fred R. Shapiro, KeyCite and Shepard's—Coverage and Currency of Citations to Recent Cases: A Comparative Study, 17 Legal Information Alert 1 (April 1998).

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Statutes


Cases

2. EEOC v. Hacienda Hotel, 881 F.2d 1504 (9th Cir. 1989).
4. Henson v. City of Dundee, 682 F.2d 897 (11th Cir. 1982).
### APPENDICES

#### Cases

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#### Statutory Provisions

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## Regulations

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