Today’s Agenda

• Receiving the assignment
• Framing the issue(s)
• Getting background
• Developing online searches
• Putting it all together
• Keeping current in your practice areas
Receiving the Assignment

Ask these questions to make your research process smoother
Questions to Ask Early

• **When** the assigning attorney wants your results, and **how much time** you are expected to spend on it

• What **form** the results should take (formal memo vs. short email)

• What **resources** are available to you, or *not* available to you

• **Other questions** as appropriate (see handout)
Access to Research Databases

- **Lexis Advance** and **Bloomberg Law** allow students to use Law School passwords over the summer, unlimited.
- **Westlaw** restricts student passwords to educational or non-profit use only (need to request an extension).
- **Your organization may have different rules about using student passwords, or certain resources.**
Framing the Issues

“The Rule of 3”
The Rule of 3

- At the beginning of your research process, distill your question(s) into their top 3 concepts.
- Brainstorm synonyms for each one with a dictionary, thesaurus, etc.
- This will help you develop effective search terms for print or online searches.
Our search example

Under current laws, is it legal for someone to hunt for deer in North Carolina using a 3D-printed handgun?
Our search example

Under current laws, is it legal for someone to hunt for deer in North Carolina using a 3D-printed handgun?
Two Possible Directions

What weaponry is currently permitted within North Carolina deer-hunting laws?

What is the legal status of 3D-printed firearms more generally?
3 Key Concepts

What weaponry is currently permitted within North Carolina deer-hunting laws?
Dictionaries

- **Black’s Law Dictionary**: WestlawNext
- **Ballentine’s Law Dictionary**: Lexis
Thesauri

• Merriam-Webster: http://www.merriam-webster.com/browse/thesaurus/a.htm
• Thesaurus.com: http://thesaurus.com/
• *Burton’s Legal Thesaurus:*
  http://search.library.duke.edu/search?id=DUKE002537874
Possible search words

• **Weaponry**: firearms, handgun
• **Permitted**: lawful, unlawful, allowed
• **Deer-hunting**: hunting, game
Getting Background

Go beyond “Googling it”!
Law School Research Help

Research Guides

**Foreign & International Materials**
- Canadian Legal Research
- Council of Europe
- English Law
- English Legal History
- European Union
- Foreign & Comparative Law
- GATT / WTO
- International Criminal Law
- International Law
- NAFTA
- Treaties
- United Nations

**U.S. Materials**
- Bankruptcy Law
- Court Records & Briefs
- Court Rules
- Directories of Courts & Judges
- Directories of Lawyers
- Environmental Law
- Federal Administrative Law
- Federal Legislative History
- Federal Tax
- Form Books
- Intellectual Property
- Introduction to the U.S. Legal System
- Legal Ethics
Law School Research Guides

- **CALI.org** offers an option to search all ABA-accredited law school sites, which can help you find research guides at other libraries.

- This uses a Google Custom Search ([http://www.google.com/cse/](http://www.google.com/cse/)) to look across selected sites.
Online Research Guides

Zimmerman’s Research Guide (LexisNexis)
http://law.lexisnexis.com/infopro/zimmermans

• “Online encyclopedia for legal researchers.”
• Free website; no LexisNexis login required.
• Provides tips and tricks for researching a wide variety of topics, with links to many free (and paid subscription) resources.
A. Legislative Branch

**Bills:** The [Delaware General Assembly](http://www.delaware.gov) posts bills, resolutions and bill tracking records for pending and recent legislation, or you can call the Delaware Legislative Counsel (302-739-4114, out of state; 800-282-8545, in state).

You can also get Delaware bills and bill tracking on [Lexis](http://www.lexisnexis.com) and [Westlaw](http://www.westlaw.com).

Older bills can be ordered from the Delaware Archives (302-739-5318).


Historical editions of the Delaware Code are available from [Lexis](http://www.lexisnexis.com) back to 1991 (e.g. CODES; DE1991), [Westlaw](http://www.westlaw.com) and [Fastcase](http://www.fastcase.com) back to 2008.

**Legislative History:** [Westlaw](http://www.westlaw.com) has Bill Summaries, Committee Reports and the Journals back to 2000, plus Governor's Messages and Votes back to 2001 (DE-LG). For more information, see [Compiling a Delaware Legislative History](http://www.widener.edu) by the Widener Library, as well as the following information on legislative intent and corporate law materials.
Legal Encyclopedias

Great way to quickly find background information on a topic, with references for further reading.

- **Wex** (Cornell LII)
- *American Jurisprudence / CJS*
- State-specific encyclopedias
WEX

WELCOME TO WEX, LII'S COMMUNITY-BUILT, FREELY AVAILABLE LEGAL DICTIONARY AND LEGAL ENCYCLOPEDIA.

WHAT IS WEX?

Wex is a free legal dictionary and encyclopedia sponsored and hosted by the Legal Information Institute at the Cornell Law School. Wex entries are collaboratively created and edited by legal experts. More information about Wex can be found in the Wex FAQ. Here's a list of all pages.
General Legal Encyclopedia

• **American Jurisprudence 2d** (AmJur) Published in print by West. Available online in both **Lexis** and **Westlaw**.

• **Corpus Juris Secundum** (CJS) Published in print by West. Available online only on **Westlaw**.

• Also some treatises for **federal practice** which are similar: **Federal Practice & Procedure** (Westlaw) & **Moore’s Federal Practice** (Lexis).
Many states, like New York and North Carolina, have their own *jurisdiction-specific encyclopedia*.

Some are available in full-text on LexisNexis or Westlaw.

HUNTING AND WILDLIFE

NCINDEX Index

Strong's North Carolina Index 4th
Index updated May 2014

Strong's North Carolina Index, General Index

**HUNTING** AND WILDLIFE

- Animals, taking regulations, **Hunting** § 21 et seq.
- Arrest, **Arrest** § 54
- Artificial lights, use in **hunting, Hunting** § 23
- Bears, taking regulations, **Hunting** § 13
- Beavers, taking regulations, **Hunting** § 13
- Birds, taking regulations, **Hunting** § 21 et seq.
- Counterfeit licenses, **Counterfgt** § 8
- Criminally negligent **hunting, Hunting** § 19
- Disabled hunters' exemptions from license requirements, **Hunting** § 9
National Background:

As to the regulation of the manner of hunting, generally, see Am. Jur. 2d, Fish, Game, and Wildlife Conservation §§ 46 to 58.

Footnote 1


The Wildlife Resources Commission may also prescribe the types of handguns and handgun ammunition that may be used in taking bear, deer and wild boar, big game animals other than wild turkey, migratory game birds, rabbits, squirrels, opossum, raccoons, fur-bearing animals, and nongame animals and birds. It is a Class 1 misdemeanor for any person taking wildlife to be in possession of a firearm equipped with a silencer or any device designed to silence, muffle, or minimize the report of the firearm, or a weapon of mass death and destruction as defined in N.C. Gen. Stat. Ann. § 14-288.8.

The Wildlife Resources Commission may also prohibit individuals taking particular species from carrying axes, saws, tree-climbing
Encyclopedia Structure

- Organized by alphabetical legal topics and divided into numbered outline sections.
- Can browse the subject index or search keywords to locate appropriate sections.
- Practice with the print – it can be more efficient than online! Remember to check pocket parts for updates.
Developing Online Searches
FAMILY LAW - Marriage. Evidence was sufficient to support finding that, unlike marital acts regarding a common law marriage.

...Common law marriages cannot be created in North Carolina...

...North Carolina courts will recognize as valid a common law marriage if...

...In Texas, the instant that all three requirements of common law marriage...
1. **State v. Alford, 298 N.C. 465**

   ... S.E. 416 (1897); 1 R. Lee, North Carolina Family Law, § 9 (4th ed. 1979); Lynch, Social Security Encounters Common-Law Marriages in North Carolina, 16 N.C.L. Rev. 255, 259 ...

   The state of North Carolina recognize as valid a common law marriage if the acts alleged to have created it took place in a state in which such a marriage is valid. Pennsylvania recognizes common law marriages. This State, however, will recognize as valid a common law marriage "if the acts alleged to have created it took place in a state in which such a marriage is valid." 1 R. Lee, supra, § 9. Harris v. ...

   ... N.C. 416, 126 S.E. 2d 83 (1962). Pennsylvania recognizes common law marriages. In re Manfredi's Estate, 399 Pa. 285, ... vows had no legal effect in this State, which doesn't recognize common law marriage, or in Pennsylvania, since the vows were made ...

   **Overview:** State was not required by law to provide indigent defendant with an investigator absent a showing that evidence, if properly developed by an investigator, would have shown that someone other than defendant committed the crime.

2. **Garrett v. Burris, 735 S.E.2d 414**

   At the outset, we note that Common law marriages cannot be created in North Carolina. North Carolina courts, however, will
Power Searching

• Both WestlawNext and Lexis Advance allow for **advanced Terms & Connectors** style searching.

• Advanced searching gives you **more control over the way your search terms appear** in your results.
Westlaw: From 80 to 15 cases...

Search criteria: adv: "common law marriage" /s recognize

Cases (15)

1-15

Sort by:

Relevance

<table>
<thead>
<tr>
<th>Case</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bowlin v. Bowlin</td>
</tr>
</tbody>
</table>

Bowlin v. Bowlin

Appeal was taken from judgment of the District Court, Buncombe County, Peter L. Roda, J., declaring plaintiff to be lawful wife of deceased. The Court of Appeals, Harry C. Martin, J., held that plaintiff and deceased were husband and wife on the date of deceased's death though deceased was not divorced from his first wife until five days after his...

...and the parties never entered into a civil ceremony or recognized their illicit relationship and mutually agreed to a common-law marriage relationship after the divorce was granted. Defendants appeal from a...
Lexis: From 37 to 12 cases

Results for: "common law marriage" /s recogni!

Cases

1. Garrett v. Burris, 735 S.E.2d 414
   ... created in North Carolina. North Carolina courts, however, will recognize as valid a common law marriage if the acts alleged to have created it took place ... 19 N.C. 177 (1836). North Carolina courts, however, will recognize as valid a common law marriage if the acts alleged to have created it took place ... Texas recognizes common law marriages. Under Texas law, a valid informal, or common-law, marriage consists of three elements: (1) agreement of the parties to ... Number 12 occurred in Texas and satisfy the requirements of common law marriage under Texas law, this Court is bound to recognize the existence of the marriage. State v. Alford, 298 ...
   Overview: Where plaintiff claimed a common-law marriage, evidence supported the finding that the parties had not agreed to be spouses under Tex. Fam. Code Ann. § 2.401. Plaintiff executed legal documents as "unmarried," did not use defendant's surname as her own legal name, owned property in her own name, and acquired property as a tenant in common.

2. State v. Alford, 298 N.C. 465
   The state of North Carolina recognize as valid a common law marriage if the acts alleged to have created it took place ... a state in which such a marriage is valid. Pennsylvania ...
### Comparing Search Options

<table>
<thead>
<tr>
<th>Terms &amp; Connectors</th>
<th>NextGen / Natural Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can limit your terms to specific areas of the document.</td>
<td>Works more like a Google/web search.</td>
</tr>
<tr>
<td>Displays only the results which match your parameters exactly.</td>
<td>Displays most mathematically relevant results (for better or worse).</td>
</tr>
<tr>
<td>Works best when you already know something about your topic (e.g. “terms of art”).</td>
<td>Works best for “shot in the dark” or when just beginning research on a topic.</td>
</tr>
</tbody>
</table>
Using Terms & Connectors

• Nesting and order of operation
• Boolean operators (AND, OR, NOT)
• Phrases ("common-law marriage")
• Proximity connectors (/s, /p, and /n)
• Root expanders/universal characters (! and *)
• Date limitations
Nesting & Order of Operations

- Terms & Connectors are processed in order, following a series of mathematical rules.
- Parentheses are processed first.
  \[(4 - 3) \times 2 \text{ vs. } 4 - (3 \times 2)\]
- Nesting also works; terms within the innermost parentheses are processed first.
  \[(4 - (3 \times 2)) + 1\]
Put each component of your search in its own little container!

(handgun or firearm or weapon)

Now we’re ready to add more to the search.
Root Expanders & Wild Cards

- The **asterisk (\*)** is a "**wild card**" character that is best for when the spelling of a term is in question.
  - `vamp*re` returns `vampire` or `vampyre`

- The **exclamation (!)** is used to expand the root of a word so all possible endings are included
  - Example: `vamp!` will return results for `vampire, vampires, vampiric, vampyre, etc.`
Allow for plurals...

(handgun! or firearm! or weapon!)
Proximity Connectors & Phrases

- /s = within the same sentence
- /p = within the same paragraph
- /## = within specified # of words
- “ ” = in that exact phrase

How close do you want the words to be?
(handgun! or firearm! or weapon!)

/s
(hunt! or tak!)

/s
deer
Results are much more specific

Statutes and Legislation (59)

1. **N.C. Gen. Stat. § 113-291.1**

   **CHAPTER 113. CONSERVATION AND DEVELOPMENT, § 113-291.1.** Manner of taking wild animals and wild birds

   ... Wildlife Resources Commission may by rule prescribe the types of **handguns** and **handgun ammunition** that may be used in **taking** big game animals other than wild turkey. During the regular gun seasons for **taking** bear, deer and wild boar these animals may be **taken** with types of **handguns** and **handgun ammunition** that shall be approved for such use by the ...
personal communication by agents of the Wildlife Resources Commission, and other measures designed to reach persons who may be affected. Proclamations under this subsection shall remain in force until rescinded following the same procedure established for enactment.

(g) If a season is open permitting such method of taking for the species in question, a hunter may take rabbits, squirrels, opossum, raccoons, fur-bearing animals, and nongame animals and birds open to hunting with a pistol. In addition, a hunter or trapper lawfully taking a wild animal or wild bird by another lawful method may use a knife, pistol, or other swift method of killing the animal or bird taken. The Wildlife Resources Commission may, however, restrict or prohibit the carrying of firearms during special seasons or in special areas reserved for the taking of wildlife with primitive weapons or other restricted methods.

(g1) The Wildlife Resources Commission may by rule prescribe the types of handguns and handgun ammunition that may be used in taking big game animals other than wild turkey. During the regular gun seasons for taking bear, deer and wild boar these animals may be taken with types of handguns and handgun ammunition that shall be approved for such use by the rules of the Wildlife Resources Commission. The Commission shall not provide any special season for the exclusive use of handguns in taking wildlife.
...fewer results, but more focused.
.0120 TAKING DEER AND BEAR WITH HANDGUNS

15A NC ADC 10B.0120 North Carolina Administrative Code (Approx. 3 pages)

North Carolina Administrative Code
Title 15a. Dept. Of Environment & Natural Resources
Chapter 10. Wildlife Resources and Water Safety (Refs & Annos)
   Subchapter 10B. Hunting and Trapping
      Section .0100. General Regulations

15A NCAC 10B.0120

.0120 TAKING DEER AND BEAR WITH HANDGUNS

Currentness

Handguns of any type may be used to take deer and bear. Ammunition of any type may be used to take deer and bear, unless otherwise prohibited by state or federal law.

Current with rules received through January 23, 2015

15A NCAC 10B.0120, 15A NC ADC 10B.0120
Developing Online Searches

• Lists of possible search words help!
• Know your order of operations.
• Available search commands will vary in each database.
• Review Help screens in your search interface to ensure you’re constructing searches correctly.
Putting it All Together

Now the 3D printing question!
Ginger Colburn, a spokeswoman for the Bureau of Alcohol, Tobacco and Firearms, said it is not illegal to print and make a gun in your own home. Yet if someone were to print an all-plastic gun, they would be breaking the Undetectable Firearms Act, which prohibits owning a gun that cannot be seen in a metal detector.

It took me about five minutes to find these gun schematics online. A teenager who grew up on the Internet could probably find them in half that time.
Start with Secondary Sources

Results for: 3d printing firearms

Secondary Materials (10,000+)

1. 41 Rutgers Computer & Tech. L.J. 74


... low accuracy, and weaknesses to create a series of subsequent 3D-printed firearm designs that increased their
Locate Primary Law

- It’s time to review case law and/or statutes from your jurisdiction.
- You can use footnotes from secondary sources as a starting place, or search primary databases online.
How Do You Find Statutes?

It depends what you know...

- **Popular Name**: use the A-Z Popular Name Table
- **Citation**: look up in print or online
- **Subject matter**: index (in print or on Westlaw)
POPULAR NAME TOOL

The Popular Name Tool enables you to search or browse the United States Code Tables by Popular Name. For printing purposes, the PDF file is recommended. A detailed explanation is located here.

Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006
- Also known as the U.S. SAFE WEB Act of 2006
- Short title, see 15 U.S.C. 58 note

Underwood Tariff Act
- Oct. 3, 1913, ch. 16, 38 Stat. 114

Undetectable Firearms Act of 1988
- Short title, see 18 U.S.C. 921 note

Unemployment Benefits Extension Act of 2012
- Short title, see 26 U.S.C. 1 note

Unemployment Compensation Amendments of 1976
- Short title, see 26 U.S.C. 3311 note

Unemployment Compensation Amendments of 1992
- Short title, see 26 U.S.C. 1 note

Unemployment Compensation Amendments of 1993
- Short title, see 26 U.S.C. 1 note
The relevant part for our purposes is codified here (you can tell by reading the session law).
Statutes (like 18 U.S.C. § 922(p)(1))

• Review them in annotated codes if you can. Research references will include cases and secondary sources.

(p) (1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm--

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.
Statutes

- Look at the **table of contents** for relevant entries nearby.
Statute Navigation

- Sometimes penalties or definitions can be found in nearby sections, like 18 U.S.C. § 924.

(f) In the case of a person who knowingly violates section 922(p) [18 USCS § 922(p)], such person shall be fined under this title, or imprisoned not more than 5 years, or both.
Statutes – Notes of Decisions

• Annotated codes (USCA on Westlaw and USCS on Lexis) offer **notes of decisions** and **citing references**, which include headnotes of cases decided under that section of the code.

• The notes can help you focus on the most relevant cases related to your research issue.

• They won’t work for **every** possible research issue related to a statute!
Statutes – Notes of Decisions

§ 924. Penalties
United States Code Annotated | Title 18. Crimes and Criminal Procedure | Effective: October 6, 2006 (Approx. 9 pages)

Notes of Decisions (2,998)

"3D printer" "3D printing"

List View | Hierarchical View

No search terms found.

I. GENERALLY (4)
   1-8. Constitutionality (1)
   7. Constitutionality - Vagueness (1)
   31. Dealers, false statements (1)
   39-40. Defenses (1)
   39. Defenses - Generally (1)
   30-33, 54. False statements (1)
   31. False statements - Dealers (1)
   37-38, 55. Felon in possession (1)
   37. Felon in possession - Generally (1)
Case Law Searching

• **Headnotes** on cases in Lexis, Westlaw, and Bloomberg can help you focus on a particular legal issue.

• Searching the full text of case law can help you find analogous **factual situations**, too (or find cases without headnotes).

• Try **terms & connectors**, as well as the more **Google**-like searching.
Updating with Citators

- *Shepard’s*, KeyCite and BCite help you determine the precedential value of case law and statutes.
- You will still need to review the citing cases and draw your own conclusions!
Updating with Citators

• Consider the **jurisdiction** of the negative references – sometimes criticism comes from a different jurisdiction.

• Carefully review **distinguishing** cases – which case is more analogous to yours: your original citation or the one making a legal distinction from it?

• Use **headnote #s** (where available) to focus on the specific issues you care about.
Knowing When to Stop

• Are you finding the same things over and over, even when using a variety of search methods?

• Have you updated all of your case law (and statutes, if applicable) to ensure anything you cite is still good law?
Putting It All Together

• Get a good grip on the research problem issues and terminology.

• Try a variety of search combinations before giving up.

• Review your findings as you go along to adjust your research plan as needed.
Keeping Current
Alerts

Available on Westlaw, Lexis and Bloomberg to track developments in citator reports or re-run searches at designated intervals.
Services

Keep up with the latest developments in your practice areas by subscribing to topical services or newsletters.

- **Law360** (available through Lexis Advance or on Law360.com inside Law School IP range)
- **Bloomberg Law Reports** (through Bloomberg Law or Bloomberg BNA)
- **Westlaw Legal Newsletters** (through Westlaw secondary sources list)
Blogs

• **Blogs** written by practicing attorneys can be a good source for the latest news in your practice areas, too.

• See our list of **blog search engines and directories** at [http://law.duke.edu/lib/blogs/](http://law.duke.edu/lib/blogs/).
Research Databases

• Sites like Lexis, Westlaw and Bloomberg are constantly changing their appearance and adding new features.

• Use the **Help** screens, online **Tutorials** and any “**What’s New**” links to keep up!
What If I Get Stuck?

• Ask for help if you’re spinning your wheels.
  – Your assigning attorney
  – Librarians at your law firm
  – Customer support from research services like Westlaw/Lexis/Bloomberg
  – Goodson Law Library, too!

• Accept (after due diligence) that there may not be any authority on your topic!
Good luck!

Goodson Law Library Reference Desk
Monday – Friday 8:00 am – 5:00 pm
http://law.duke.edu/lib/ask_librarian/

Photo credit: Flickr user maveric2003
(used under Creative Commons license)