Library Research Refresher

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April 4, 2017
Today’s Agenda

• Legal research generally
  • Receiving the assignment
  • Framing the issue(s)
  • Getting background
  • Developing online searches
  • Putting it all together

• Using practitioner-oriented tools
  • Practitioner-oriented treatises
  • Forms and checklists
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.

- **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**: Westlaw
- **Ballentine’s Law Dictionary**: Lexis
- **Oxford English Dictionary**: [http://search.library.duke.edu/search?id=DUKE002744777](http://search.library.duke.edu/search?id=DUKE002744777)
Thesauri

• **Merriam-Webster:**

• **Thesaurus.com:**
  [http://thesaurus.com/](http://thesaurus.com/)

• **Burton’s Legal Thesaurus:**
  [http://search.library.duke.edu/search?id=DUKE002537874](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
- Arbitration
- Bankruptcy Law
- Business Associations
- Court Records & Briefs
- Court Rules
- Directories of Courts & Judges
- Directories of Lawyers
- Environmental Law
- Federal Administrative Law
- Federal Legislative History
- Federal Tax
- Health Law
- Intellectual Property
- Introduction to the U.S. Legal System
- Legal Ethics
- Legal Forms
- Legal Research for Non-Lawyers
- North Carolina Practice
- Securities Law
- Transactional Resources: Tools for Doing a Deal
- Uniform Commercial Code (UCC)
- U.S. Supreme Court

Online-Only Materials
- Finding Legal Materials in PDF
- Government Documents
- Legal Research on the Web
- PACER Access via Bloomberg Law [PDF]
- Researching Duke in D.C.
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.

• (it’s actually okay to return to “**Googling it**”...)
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
- Subject-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.
State-Specific Encyclopedia

• Many states, like New York and North Carolina, have their own jurisdiction-specific encyclopedia.
• Some are available in full-text on LexisNexis or Westlaw.
• See Harvard Law Library’s helpful list: http://guides.library.harvard.edu/c.php?g=309942&p=2070279
Looking for this?
Strong's North Carolina Index
Strong's North Carolina Index Index

Cases
In Re Strong's Estate 119 Cal. 663 | 51 P. 1078 | 1/22/1898 | Cal.

Dockets
Harris V. Strong's Plumbing PSPSC02-1116 | 10/16/2002 | Cal.Super.

Administrative Decisions & Guidance

Threat to Apple patents to be excluded from upcoming Samsung retrial, judge rules
3/4/2016 | REUTERS LEGAL

Samsung may not introduce evidence from the U.S. Patent and Trademark Office questioning the validity of smartphone rival Apple's patents at the center of an upcoming damages retrial, a federal judge has ruled.
NCINDEX Index

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

Strong's North Carolina Index, General Index

HUNTING AND WILDLIFE

HUNTING AND WILDLIFE

Generally, Hunting § 1 to 27

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, Counterfeit § 8

Criminally negligent hunting, Hunting § 19

Disabled hunters' exemptions from license requirements, Hunting § 9

Dogs, use of, Hunting § 22

Drug use in hunting, Hunting § 24

Due process challenges to hunting laws, Constlaw § 115

Electricity use in hunting, Hunting § 24

Endangered and threatened wildlife, Hunting § 20, 27

Environmental protection. See index heading ENVIRONMENTAL PROTECTION, REGULATION, AND CONSERVATION

Environment and Natural Resources Department, Hunting § 2

Exemptions from license requirements, Hunting § 8, 9

Fishing

commercial fishing, See index heading FISH AND FISHERIES

licenses, Fish § 2, Hunting § 6

Foxes, taking regulations, Hunting § 13

Hunting regulations

generally, Hunting § 14

posted property, Hunting § 17, 18

preserves, Hunting § 29

National Background:

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

Statutes:

Except as otherwise provided, game may be taken only between a half hour before sunrise and a half hour after sunset, and only by one or a combination of the following methods: 1

1. with a rifle, except that rifles may not be used in taking wild turkeys;
2. with a shotgun not larger than number 10 gauge;
3. with a bow and arrow of a type prescribed in the rules of the Wildlife Resources Commission;
4. with the use of dogs; 2 and
5. by means of falconry.

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, 3 migratory game birds, 4 rabbits, squirrels, opossum, raccoons, fur-bearing animals, and nongame animals and birds. 5 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.

The Wildlife Resources Commission shall adopt and use by persons taking wildlife, equipment, and other items used in the taking of wildlife.

No wild animals or wild birds, or other conveyance, except on the taking 6 Furthermore, recorded animal or bird sounds and electronic calling devices. No bear or wild boar may be taken with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait, and no wild turkey may be taken from an area in which bait has been placed until the expiration of 10 days after the bait has been consumed or otherwise removed. 9 It is unlawful to take deer swimming or in water above the knees of the deer.

In accordance with the supply of wildlife and other factors it determines to be of public importance, the Wildlife Resources Commission may fix seasons and bag limits upon the wild animals and wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources. 11

Any individual hunter or trapper who, in taking a wild animal or bird, has wounded or otherwise disabled it must make a reasonable effort to recover the animal or bird. 12

Footnotes:


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
Garrett v. Burris
Court of Appeals of North Carolina. December 04, 2012 224 N.C.App. 32 735 S.E.2d 414

FAMILY LAW - Marriage. Evidence was sufficient to support finding that, under Texas law, there was no agreement regarding a common law marriage.

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

State v. Lynch
Supreme Court of North Carolina. December 02, 1980 301 N.C. 479 272 S.E.2d 349

Defendant was convicted in the Superior Court, Forsyth County, Hal H. Walker, J., of bigamy, and he appealed. The Court of Appeals, 46 N.C.App. 608, 265 S.E.2d 491, found no error, and defendant appealed. The Supreme Court, Huskins, J., held that first marriage ceremony solemnized by Roman Catholic layman who bought for $10 a mail order certificate...

North Carolina does not recognize common law marriage or marriage by consent. G.S. § 51-1...

[5] A common law marriage or marriage by consent is not recognized in this State....

Key Numbers - Points of Law Found in Cases

MARRIAGE
- 253> 13 Essentials > Common law requisites
- 253> 3 MARRIAGE > What law governs
- 253> 50(1) Weight and sufficiency of evidence > In general
- 253> 22 MARRIAGE > Marriage by cohabitation and reputation
- 253> 20(1) Marriage by mutual agreement > In general
Cases (43)

1. **State v. Alford, 298 N.C. 465**
   - **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.
   - of the premises rented to him. 3. Criminal Law § 83: Marriage § 5 -- no common law marriage between defendant and witness -- witness competent to testify Defendant ...
   - whom he lived and who bore his child was his common law wife pursuant to the laws of ... Carolina. 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: ...

2. **Garrett v. Burris, 224 N.C. App. 32**
   - **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.
   - only that the trial court erred as a matter of law in concluding that no common law marriage existed between Plaintiff and Defendant. Specifically, Plaintiff insists that this ... was "overwhelming un-rebutted evidence supporting the finding of a valid common-law marriage." At the outset, we note that common law marriages cannot be created in ... Common law marriages cannot be created in North Carolina. Under Texas ...
Power Searching

• Both Westlaw 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 81 to 15 cases...
Lexis: From 43 to 13 cases

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

Snapshot

Cases
- 13

Statutes and Legislation
- 1

Administrative Codes and Regulations
- 0

Administrative Materials
- 2

Secondary Materials
- 29

Forms
- 0

Briefs, Pleadings and Motions
- 1

Jury Instructions
- 0

Jury Verdicts and Settlements
- 2

Expert Witness Analysis
- 0

Dockets
- Get

Directories
- 0

News
- 0

Legal News
- 35

Scientific
- 0

Company and Financial
- Get

Web
- Get

Cases (13)

1. Garrett v. Burris, 224 N.C. App. 32

   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.

   ... North Carolina courts, however, will recognize as valid a common law marriage if the acts alleged to have created it took place ... 
   ... (1886). North Carolina courts, however, will recognize as valid a common law marriage if the acts alleged to have created it took place.
   Under Texas law, "[a] valid informal, or common-law, marriage consists of three elements: (1) agreement of the parties to ... 
   ... marriages. Under Texas law, a valid informal, or common-law, marriage consists of three elements: (1) agreement of the parties to ... 
   ... 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. ... 
   ... three elements by a preponderance of the evidence. Texas recognizes common law marriages. Russell v. Russell, 866 ... 

2. State v. Alford, 298 N.C. 465

   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 ...
## 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
• /n = within specified n number of words
• " " = in that exact phrase

How close do you want the words to be?
(handgun! or firearm! or weapon!)
/s
(s
(hunt! or tak!)
/s
deer
Results are much more specific

N.C. Gen. Stat. § 103-2

CHAPTER 103. SUNDAYS, HOLIDAYS AND SPECIAL DAYS. § 103-2. Method of take when hunting on Sunday

... on Sunday is prohibited. (3) The use of a firearm to take deer that are run or chased by dogs on Sunday is ...

... or any person with written permission from the landowner, may hunt with the use of firearms on Sunday on the landowner’s

... except that all of the following limitations apply: (1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g). (2) Hunting of migratory birds on Sunday is prohibited....

... Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g). (2) Hunting of migratory birds on Sunday is prohibited. (3) The use of a firearm to take deer that are run or chased by dogs on Sunday is ...

N.C. Gen. Stat. § 113-291.1

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

... If a season is open permitting such method of taking for the species in question, a hunter may take rabbits, squirrels, opossum, raccoons, bur-bearers animals, and nongame animals and ...

... with a pistol. In addition, a hunter or trapper lawfully taking a wild animal or wild bird by another lawful method ...

... or other swift method of killing the animal or bird taken. The Wildlife Resources Commission may, however, restrict or prohibit the ...

... during special seasons or in special areas reserved for the taking of wildlife with primitive weapons or other restricted methods. (g)1...

... 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 ...

... not provide any special season for the exclusive use of handguns in taking wildlife. (h) In the interests of enhancing the enjoyment...

... If a season is open permitting such method of taking for the species in question, ...
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 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 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.

(h) In the interests of enhancing the enjoyment of sportsmen, and if consistent with conservation objectives, the Wildlife Resources Commission may by rule relax requirements of this section on controlled shooting preserves and in other highly controlled situations.

(i) The intentional destruction or substantial impairment of wildlife nesting or breeding areas or other purposeful acts to render them unfit is unlawful. These prohibitions include cutting down den trees, shooting into nests of wild animals or birds, and despoilation of dens, nests, or rookeries.

(j) It is unlawful to take deer swimming or in water above the knees of the deer.

(k) If a hunter kills or wounds a big game animal during the hunting hours authorized by subsection (a) of this section, the hunter may use a portable light source and a single shot from a rifle, shotgun, or pistol to finish the kill.
...fewer results, but more focused.
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 February 11, 2016.

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 (remember each service uses slightly different **terms and connectors**).
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

1. **90 Ind. L.J. 901**
   - Analyzes the regulations in place on **3D-printed firearms** and proposes a new standard for regulating **3D-printed goods**. Part I provides a brief primer on **3D printing** and **3D-printed firearms**. Part II turns to the events surrounding Defense Distributed's creation of the world's first **3D-printed firearm** and the subsequent government censorship of the corresponding CAD files. Part III discusses the regulations affecting **3D-printed firearms** and why these regulations are ill-suited for CAD files and **3D-printed goods**. Part IV analyzes the implications of treating CAD files and **3D-printed goods** as equivalents of traditional goods. Finally, Part V offers a proposal for a new standard of regulating **3D-printed goods** inspired by Sony Betamax's "substantial noninfringing uses"...

2. **14 U. Ill. J.L. Tech. & Pol'y 219**
   - University of Illinois Journal of Law, Technology & Policy, NOTE: DEEPER THAN A PAPER CUT: IS IT POSSIBLE TO REGULATE THREE-DIMENSIONALLY PRINTED WEAPONS OR WILL FEDERAL GUN LAWS BE OBSOLETE BEFORE THE INK HAS DRIED?, Caitlyn R. McCutcheon*, 20266 words
   - But in 1986, the Act was extended for an additional five years. 131 Id. Congress passed the **Undetectable Firearms Act** of 2003 (UFA 2003) to reauthorize the ban, with the... risk by allowing individuals to pass through airport security with undetectable firearms. " 132 Id. The UFA was...
   - The main piece of a gun considered to be a **firearm** for regulatory purposes. 106 See Id. § 921(a)(3) ("The term **firearm** means [...] A any weapon (including a starter gun) which will...
   - The frame or receiver of any such weapon, (C) any **firearm** muffler or **firearm** silencer, or (D) any destructive device. Such term does not include an antique (**firearm**). The receiver is defined as ["the part of a **firearm** which provides housing for the hammer, bolt or breechblock, and...
   - and regulation of using a 3-D printer to manufacture plastic **firearms** and the acquisition, transfer, sale, or possession of a...
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 Table of Popular Names. For printing purposes, the [PDF file](#) is recommended. A detailed explanation of the Table 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!
§ 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)

II. VIOLENCE OR DRUG TRAFFICKING (17)
III. CAREER CRIMINALS (12)
IV. SENTENCE (9)
V. PRACTICE AND PROCEDURE (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.
Let’s return to our 3D printed gun search...

Since Congressmen Steve Israel first called for legislation that would ban 3-D printed guns, those plastic-printed firearms have evolved from a few simple components to a full one-shot pistol to rifles and multi-shot revolvers, with more advances on the horizon. Israel’s bill, meanwhile, has gone nowhere, leaving a widening gap between DIY weapons and the law.

But the representative from New York says he hasn’t given up: In the next few months, Israel’s office tells WIRED he plans to reintroduce legislation that would ban 3-D printed guns or any other fully-plastic firearm. The Undetectable Firearms Modernization Act, which Israel first tried and failed to pass last year, forbids the possession or manufacture of any gun that could slip through a standard metal detector unnoticed, including those that include a removable chunk of non-functional metal—what he sees as a loophole in the current law against plastic weapons.

Bill to Ban Undetectable 3D Printed Guns Is Coming Back...

www.wired.com/.../bill-ban-undetectable-3-d-printed-guns-comin...

Wired

Apr 6, 2015 - Since Congressman Steve Israel first called for legislation that would ban 3-D printed guns, those plastic-printed firearms have evolved from a few simple components to a full one-shot pistol to rifles and multi-shot revolvers, with more advances on the horizon. Israel’s bill...

Feds Tighten Restrictions on 3-D Printed Gun Files Online...

www.wired.com/2015/06/feds-restrict-3d-printed-gun-files/

Wired

Jun 11, 2015 - Click to Open Overlay Gallery The 3D-printed gun its creator calls the "Liberator." Michael Thad Carter/Forbes Collection/Corbis Outline.
H.R.2699 - Undetectable Firearms Modernization Act of 2015

114th Congress (2015-2016)

Sponsor: Rep. Israel, Steve (D-NY-3) (Introduced 06/09/2015)
Committees: House - Judiciary
Latest Action: 07/01/2015 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. (All Actions)

Tracker:
- Introduced
- Passed House
- Passed Senate
- To President
- Became Law

All Actions H.R.2699 — 114th Congress (2015-2016)

Date All Actions
07/01/2015 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations
Type of Action: Committee Consideration
Action By: House Judiciary

06/09/2015 Referred to the House Committee on the Judiciary.
Type of Action: Introduction and Referral
Action By: House of Representatives

06/09/2015 Introduced in House
Type of Action: Introduction and Referral
Action By: House of Representatives
S.533 - Undetectable Firearms Modernization Act of 2017
115th Congress (2017-2018)

Sponsor: Sen. Nelson, Bill [D-FL] (Introduced 03/06/2017)
Committees: Senate - Judiciary
Latest Action: 03/06/2017 Read twice and referred to the Committee on the Judiciary. (All Actions)

Tracker: Introduced Passed Senate Passed House To President Became Law

Summary: S.533 — 115th Congress (2017-2018)

A summary is in progress.
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!
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Folders
Practice Tools

Tools for research, drafting, and staying current
“Practitioner-oriented” materials

• Emphasis on current law
• Practical, rather than theoretical
• Often include practice and drafting guides, checklists, timelines, and sample documents ("forms" and "precedents").
Types of Litigation Practice Guides

• General
• Evidentiary
• Discovery
• Jury Instructions
<table>
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<td>CHAPTER VI: PUBLIC RECORDS ACT</td>
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<td>CHAPTER VII: CONSTRUCTION LAW</td>
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<td>CHAPTER VIII: FEDERAL LAW PRACTICE</td>
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LEXIS TIP: 👇 IS YOUR BEST FRIEND

Takes you to the Table of Contents to browse, instead of adding the resource to the search filter.
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<td>Shuford North Carolina Civil Practice &amp; Procedure with Appellate Advocacy</td>
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Shuford North Carolina Civil Practice & Procedure with Appellate Advocacy

INTRODUCTION TO 2016-2017 EDITION
Preliminary Materials
Part I. Civil Procedure
  Chapter 1. The North Carolina Rules of Civil Procedure
  Chapter 2. Scope of Act: Form of Action
  Chapter 3. Commencement of Action
  Chapter 4. Process
  Chapter 5. Service and Filing of Pleadings and Other Papers
  Chapter 6. Time
  Chapter 7. Pleadings Allowed; Form of Motions
  Chapter 8. General Rules of Pleadings
  Chapter 9. Pleading Special Matters
  Chapter 10. Form of Pleadings
  Chapter 11. Signing and Verification of Pleadings
  Chapter 12. Defenses and Objections; When and How Presented; by Pleading or Motion; Motion for Judgment on Pleadings
  Chapter 13. Counterclaim and Crossclaim
  Chapter 14. Third-party Practice
  Chapter 15. Amended and Supplemental Pleadings
  Chapter 16. Pre-trial Procedure; Formulating Issues
Litigation resources for other common jurisdictions

**West**
- Wright and Miller’s *Federal Practice & Procedure*
- Carmody-Wait 2d *New York Practice with Forms*
- Rutter Group *California Practice Guides*

**Lexis**
- *Moore’s Federal Practice*
- *New York Civil Practice: CPLR*
- *California Forms of Pleading and Practice-Annotated*
Transactional Resources: Tools for Doing a Deal

Covers transactional forms, checklists, and drafting guides
Lexis Practice Advisor: a transactional approach to Lexis for selected practice areas
Search or browse by topic

Topics

Jurisdictional Considerations
- State Charts and Surveys
- International Considerations

Screening and Hiring
- Recruiting and Screening
- Hiring and Onboarding
- Employment Agreements
  - More Subtopics

Discrimination and Retaliation
- EEO Laws and Protections
- Policies and Procedures
- Employment Contracts
  - More Subtopics

Wage and Hour
- FLSA Requirements and Exemptions
- Independent Contractors
- Employment Agreements
  - More Subtopics

Employment Policies
- Employee Handbooks
- Equal Employment Opportunity
  - More Subtopics

Attendance, Leaves, and Disabilities
- Attendance and Time Off
- FMLA Leave Administration
  - More Subtopics

Privacy, Technology, and Social Media
- Protecting Employee Data
- Monitoring and Testing Employees
  - More Subtopics

Workplace Safety and Health
- Occupational Safety and Health Act
- Policies and Procedures
  - More Subtopics

Union Organizing and Representation
- Collective Bargaining
- Disputes Under CBAs
- Investigations, Discipline, and Terminations
  - More Subtopics

Employees Benefits
- ERISA
- Air Transportation
- International Employment

Forms Index
- Labor & Employment
- View forms for all practice areas

Recently Browsed Documents
You have not viewed any documents yet. As you access content, the system will build a list of the documents you view here.

Law360 News
- Employment
- Immigration

- Chopper Mechanic Micro-Unit Gets Green Light For Union Vote
- Ambulance Cos. Blast FCA Suit Alleging $20M in Kickbacks
- ERISA Exception Applies To Church Affiliates, Justices Told
- Jackson Hewitt Can’t Escape Suit Over Tax Prep Commissions
- Food Products Co. Dodges ADA Suit At 6th Circ.

Meet Our Authors
We select leading attorneys and in-house counsel from a variety of practice areas to provide expertise and insight you can’t get from any other source. Offering fresh perspectives, up-to-date topics, and innovative thinking. Lexis Practice Advisor® is the leading online research practice advisor for the legal profession.
Primary and secondary sources are collected by topic.
Crafting Employment Agreements on Behalf of Employers and Employees

1. Understanding, Drafting, and Negotiating Employment Agreements on Behalf of Employers by Marc E. Bernstein, Paul Hastings LLP
   - The Purposes of an Employment Agreement
   - Form of the Agreement
   - Essential Components of an Employment Agreement

2. Negotiating Employment Agreements on Behalf of Employees by Lexis Practice Advisor Attorney Team
   - Position, Title, Duties, and Work Location
   - Base Salary and Bonus
   - Employee Benefit Plans
   - Equity Compensation
   - Perquisites
   - Reimbursement of Expenses
   - Termination Events
   - Payments upon Termination
   - Confidentiality
   - Non-Disparagement
   - Non-Competition
   - Non-Solicitation
   - Indemnification
   - No Mitigation/No Offset
   - Evergreen Provisions
   - Dispute Resolution
   - Class Action Waivers
   - Integration Clause
   - Internal Revenue Code Section 409A

Drafting Executive Employment Agreements on Behalf of Employers and Executives

3. Understanding, Drafting, and Negotiating Executive Compensation Agreements on Behalf of Employers by Michael J. Collins, Gibson, Dunn & Crutcher LLP
   - Key Legal Issues
   - Key Items to Address – Non-Financial Items
   - Key Items to Address – Financial Items
   - Other Items to Address

   - Compensation
   - Key Terms of Employment
   - Special Tax Considerations in Executive Compensation
6. Employment Agreement (Comprehensive Covenants Not To Compete Or To Divulge Confidential Information, Remedies In Event Of Breach)

LexisNexis(R) Forms FORM 240-12.07
Type: Lexis Forms
BWEXIS, but not only BWEXIS!

• Great secondary sources from lots of other publishers
  • e.g., Aspen, BNA, PLI, Wiley Press

• Subscription-based online sources beyond BWEXIS.
  • e.g., Thomson Reuters Checkpoint
  • Lots of free and fee-based databases for searching SEC filings
Tools for staying current
Example of a practitioner-oriented treatise

Outline: Portfolio 97: Noncompetition Agreements

Working Papers

Table of Practice Tools
Practice Tool 1 Sample Confidentiality, Proprietary Rights, and Security Agreement
Practice Tool 2 Sample Confidentiality Agreement
Practice Tool 3 Sample Confidentiality, Nonsolicitation, and Noncompetition Agreement
Practice Tool 4 Sample Multi-Employer Confidentiality, Nonsolicitation, and Noncompetition Agreement
Practice Tool 5 Checklist for Departing Employee
Practice Tool 6 Noncompete Litigation Checklist
Practice Tool 7 Sample Cease and Desist Letter
State-by state survey: another kind of practitioner-oriented treatise
Why forms & checklists?

• Forms/precedents: Sample versions of standard legal documents and instruments

• Checklists: Tools to help you make sure you’ve included all relevant facts, elements of claims, contract terms, etc.

• Potential benefits:
  • Save time
  • Prevent mistakes
  • Learn about legal issues to be researched
Using forms & checklists

• Forms: full documents, clauses, defined terms
• Caution: make sure your form or checklist
  • Is **current**
  • Complies with **applicable law**
  • Is **procedurally** and **factually** appropriate
• Modify the form to conform to your facts, law of your jurisdiction.
Varieties of forms

• In-house forms
• Commercial form books & online equivalents
  • General
  • Subject-specific
  • Jurisdiction-specific
• Government forms
• Exhibits to SEC filings
Finding forms

• In print
• On Bloomberg Law, Lexis, Westlaw
• Other lawyers in your firm/organization
  • Personal recommendations
  • Document management system
  • Knowledge management: bank of best work product
• Other commercial services
  • e.g., Practical Law (now available on Westlaw)
Covers general forms sources & litigation forms
General forms sources

- Forms (not specific to any jurisdiction) with helpful annotations; may also include checklists.
- Often separated into **transactional** & **procedural** sets
- Examples of transactional form sets
  - *American Jurisprudence, Legal Forms, 2d*
  - *Nichols Cyclopedia of Legal Forms, Annotated*
  - *West’s Legal Forms*
    - Especially *Business Organizations* and *Commercial Transactions* volumes
- Examples of litigation/procedural form sets
  - *American Jurisprudence, Pleading & Practice Forms Annotated*
  - *Nichols Cyclopedia of Federal Procedure Forms*
  - *West’s Federal Forms*
- Use as general overview, basic starting point
Subject-specific sources

- Examples of business-related, standalone form books
  - *Fletcher Corporation Forms, Annotated* (WL)
  - *Securities Regulation Forms* (WL)
  - *Rabkin & Johnson’s Current Legal Forms with Tax Analysis* (LA)
- Forms in or accompanying treatises and practitioner-oriented materials.
  - Check appendices
  - Examples:
    - Forms from *Collier* publications (bankruptcy) (LA)
    - *West’s Securities Law Series* (WL)
      - *D&O Liability Handbook*
    - *Drafting Legal Opinion Letters* (print)
Jurisdiction-specific sources

- Federal:
  - *Bender’s Federal Practice Forms* (LA), arranged by court rule
  - *West’s Federal Forms* (WL), arranged by court rule
- State examples:
  - *Massachusetts Practice Series* (WL), a state legal encyclopedia with forms
  - *Robinson on North Carolina Corporation Law* (LA), a subject- and state-specific treatise with forms
  - *North Carolina Limited Liability Company Forms and Practice Manual* (print), subject- and state-specific forms
Government forms

• “Forms” = forms to complete + sample documents
• Try the relevant court’s or agency’s website.
Includes documents that were filed as exhibits to SEC filings
Sample agreements:
Use filters to narrow further
## Practical Law

Search all Practical Law above or navigate to specific content below.

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<th>PRACTICE AREA</th>
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### WHAT'S MARKET

Search, review and compare summaries of recent deals, filings and court documents. Stay on top of current trends and market practice.

**ACCESS NOW**

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**Recently Viewed**

MY RECENTLY VIEWED DOCUMENTS

- Curtis Brunson and L3 Technologies, Inc. consulting agreement - 6 days ago
Employee Non-Compete Agreement (PA)

by Practical Law Labor & Employment

Law stated as at 31 Aug 2016 · Pennsylvania

A Pennsylvania-compliant agreement between an employer and an employee limiting an employee's competitive activities for a specified period of time after the employment relationship ends. It is based on Pennsylvania law and is intended for use with employees or businesses located in Pennsylvania. This Standard Document is drafted in favor of the employer. It has integrated notes with important explanations and drafting tips.

Includes helpful drafting notes

Employee Non-Compete Agreement (PA)

This Employee Non-Compete Agreement ("Agreement") is entered into by and between [EMPLOYER NAME], a [STATE OF INCORPORATION OR LOCATION] [TYPE OF ENTITY], with [its principal] place of business located at [ADDRESS] (the "Employer"), on behalf of itself, its subsidiaries, and other corporate affiliates (collectively referred to herein as, the "Employer Group"), and [EMPLOYEE NAME] (the "Employee"), residing at [ADDRESS] (the Employer and the Employee are collectively referred to herein as the "Parties"), as of [DATE] (the "Effective Date").

Note: Defining Employer

In consideration of [the Employee's employment by the Employer as [JOB TITLE]] (and) [OTHER CONSIDERATION OFFERED], which the Employee acknowledges to be good and valuable consideration for the Employee's obligations hereunder, the Employer [Group] and the Employee hereby agree as follows.

Note: Consideration

1. Confidential Information: The Employee understands and acknowledges that during the course of employment by

2. Non-Compete: The Employee agrees not to engage in activities that compete with the Employer's business...
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/

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(used under Creative Commons license)