

Table of Contents

ACKNOWLEDGMENTS.....	V
ABOUT THE AUTHOR.....	VII
TABLE OF FIGURES.....	XI
Chapter 1. Introduction	1
My Approach.....	2
Why Constructs?	2
Common Problems of Novice Researchers	4
On Your Own	6
Chapter 2. Working the Problem.....	7
“Working” a Research Problem	7
The Basic Construct—Who, What, Where, When, Why, and How?	8
Working Problem 2-1.....	10
Working Problem 2-1, Paragraph 1.....	10
Working Problem 2-1, Paragraph 2.....	10
Working Problem 2-1, Paragraph 3.....	11
Working Problem 2-1, Paragraph 4.....	13
Precision and Recall.....	13
On Your Own	16
Chapter 3. Problem Typing.....	17
Construct for Problem Typing	17
<i>Known-Item</i> Problems.....	19
Subject Problems.....	24
Institution or Agency Problems	34
Statistical Problems.....	39
News Problems	44
Special Techniques Problems.....	47
Reference Problems.....	53
Competitive Intelligence	57
Litigation Analytics	59
The Technique of Problem Typing.....	63
On Your Own	64
Chapter 4. Understanding the Terrain of Legal Authority.....	67
Primary and Secondary Authority, Combined Sources, and Legal Grey Literature	67
Problem Typing and Working with Primary and Secondary Authority.....	69
A Construct for the Three American Legal Institutions and Arrangements of Law	71
Historical Basis of Law	73
Legal <i>Grey Literature</i>	74
Building Your Library Template.....	76
Flagship Services (Subject).....	76
Flagship Services (Code)	78

Subject (Single Topic) Looseleaf or Treatise	80
Handbooks	82
Form Books	83
News and Awareness	86
Citators	89
On Your Own	92
Chapter 5. The Map—The Octants of Legal Research Resources	95
The Octant Construct of Legal Research	95
The Classic <i>Known-Item</i> Problem: Primary—Chronological—Computer Algorithm	98
The Classic Subject Problem: Secondary—Subject—Controlled Vocabulary	100
Codified Statutes and Regulations: Primary—Subject—Controlled Vocabulary	102
A Home for ALR: Primary—Chronological—Controlled Vocabulary	110
Law Reviews and Journals: Secondary—Chronological—Controlled Vocabulary and Computer Algorithm	113
Searching a Treatise or Encyclopedia with a Full-Text Search: Secondary—Subject— Computer Algorithm	119
Why the Octant Map Is Important to You	121
On Your Own	122
Chapter 6. Construct of the Legal Research Process	123
Legal Research Cycle	123
Finding the Most Relevant Authority	124
Finding Similar Authority	125
Citation Analysis	128
Understanding	130
Additional Iterations	131
On Your Own	132
Chapter 7. A Few Additional Suggestions	133
You Have a Case!	133
You Have a Statute!	134
You Have a Regulation!	138
You Have a Court Rule!	139
You Have a Rule of Professional Conduct!	139
Preparation for Litigation and Docket Searching	140
Constitutional Research	142
International, Foreign and Comparative Law	142
On Your Own	143
Chapter 8. A Few Parting Words	145
Chapter 9. Answers to Select <i>On Your Own</i> Problems	147
INDEX	151

Table of Figures

Figure 1-1—Find Ursa Minor.....	3
Figure 1-2—Ursa Major and Ursa Minor Outlined with the Pole Star	4
Figure 2-1—Westlaw Database Precision and Recall Study.....	15
Figure 3-1—Lexis California Case Law Search.....	19
Figure 3-2—Lexis “Connectors”	20
Figure 3-3—Westlaw Edge Natural Language Search.....	21
Figure 3-4—Westlaw Edge’s Virginia Statutes Popular Name Table	22
Figure 3-5—Lexis Code TOC Search	23
Figure 3-6—Bloomberg Law BNA Tax Portfolio	25
Figure 3-7—Index for Tax Portfolios	26
Figure 3-8—BNA Print Portfolio on Low Income House Tax Credits	27
Figure 3-9—WorldCat Search for “Qualified Domestic Relations Order”	28
Figure 3-10—WorldCat Results for “Qualified Domestic Relations Order”	28
Figure 3-11—WorldCat List of Nearest Libraries with Item	29
Figure 3-12—Searching Google Books.....	29
Figure 3-13—Index of Understanding: Securities Law	30
Figure 3-14—Intrastate Offerings in Understanding: Securities Law.....	31
Figure 3-15—CCH Blue Sky Law Reporter Topical Index	32
Figure 3-16—CCH Blue Sky Law Reporter, Exemptions Chart.....	33
Figure 3-17—Google Site Search of Justice Department	35
Figure 3-18—Department of Justice, Anti-Trust Division Website, HealthCare.....	36
Figure 3-19—Delaware Court of Chancery Home Page	37
Figure 3-20—LLMC Digital’s Historical Materials for Executive Agencies.....	38
Figure 3-21—Google Search for “Children below poverty level in Los Angeles County”	40
Figure 3-22—U.S. Census Bureau, American Community Survey	41
Figure 3-23—From the U.S. Census Bureau, American Community Survey	41
Figure 3-24—U.S. Sentencing Commission Research Web Page.....	42
Figure 3-25—U.S. Sentencing Commission, Quarterly Sentencing Update for Period October 1, 2015 to September 30, 2016, Showing Number of Months for Bribery	43
Figure 3-26—Bloomberg Law, Copyright News. IP Law News	44
Figure 3-27—Westlaw Edge Clips and Alerts Services	45
Figure 3-28—Reuters Story on Chinese Internet Streaming Law	46
Figure 3-29—Google Search Among Chinese Domain Sites That Are the Cyberspace Administration	46
Figure 3-30—China’s Cyberspace Agency Normative Policy Document Page.....	47
Figure 3-31—WIPO IPC Classification for Surgical Instruments, Including Needles...	49
Figure 3-32—U.S. PTO’s Patent and Patent Application Search.....	49
Figure 3-33—U.S. PTO Patent Search.....	50
Figure 3-34—Search Results	50
Figure 3-35—Image from Patent 5,583,450.....	51
Figure 3-36—Thomson Reuters Checkpoint, U.S. Tax Reporter Index.....	52
Figure 3-37—Answer to “Minitrial” Search with Google	53
Figure 3-38—Another Result from “Minitrial” Search with Google.....	53

Figure 3-39—Location of Black’s Law Dictionary on Westlaw Edge	54
Figure 3-40—Part of Definition for Escrow from Black’s Law Dictionary	54
Figure 3-41—Oxford English Dictionary, Escrow	54
Figure 3-42—Westlaw Edge’s Location for Words and Phrases	55
Figure 3-43—Westlaw Words & Phrases Search for “Qualified Retirement Plan”	55
Figure 3-44—Bloomberg BNA, Tax Rate Schedules.....	56
Figure 3-45—Brewer and ALA Digital Copyright Slider	57
Figure 3-46—Bloomberg Law Litigation Analytics, Sample Search for Apple, Inc.	58
Figure 3-47—Bloomberg, Litigation Analytics (Motion and Appeals Outcomes for Judge)	59
Figure 3-48—Bloomberg Litigation Analytics (Analysis of Case Load)	60
Figure 3-49—Bloomberg Litigation Analytics (Length of Case by Type).....	60
Figure 3-50—Westlaw Edge Litigation Analytics (Judge’s Motions by Case Type)	61
Figure 3-51—Westlaw Edge Litigation Analytics (Outcomes for an Attorney).....	62
Figure 3-52—Westlaw Edge Litigation Analytics (Case Parties for an Attorney).....	62
Figure 3-53—Lexis Lex Machina Legal Analytics (Comparison of a Judge to Other Judges).....	63
Figure 4-1—A Small Sampling of Subtopics for “Low-Income Housing Credit” in RIA Checkpoint’s Fed Tax Coordinator 2nd	70
Figure 4-2—“Shepardizing” a Statute (Lexis)	72
Figure 4-3—A More Advanced Construct of Institutions and Sources of Law	73
Figure 4-4—ProQuest Congressional and CRS Report	75
Figure 4-5—EPA Site Specific Search for Constructed Wetlands.....	75
Figure 4-6—“Building a Library” Template	76
Figure 4-7—Table of Contents in “Flagship” in Westlaw’s California Jurisprudence 3d	77
Figure 4-8—Illustration of a “Flagship” from CCH Standard Federal Tax Guide, Organized Around the Code and Including Commentary	79
Figure 4-9—Example of State “Subject (Single Topic) Looseleaf or Treatise” (Westlaw Edge).....	81
Figure 4-10—Example of a “Handbook” for Qualified Domestic Relations Orders, Which Are Pertinent to Pension Plans in Divorce.....	82
Figure 4-11—Table of Contents from Rabkin and Johnson’s Current Legal Forms with Tax Analysis (Lexis)	83
Figure 4-12—Bloomberg Law’s Tool for Searching for Sample Agreements.....	84
Figure 4-13—Westlaw Edge’s Form Finder.....	85
Figure 4-14—Bloomberg Law’s IP Law News Channel	86
Figure 4-15—Bloomberg’s The U.S. Law Week.....	87
Figure 4-16—Bloomberg Law’s Tech & Telcom Law News Channel (Filtered by “Electronic Commerce,” “Fintech,” and “Social Media”)	88
Figure 4-17—Shepardizing 17 U.S.C. 106 and Setting up an Alert Service (Lexis)	89
Figure 4-18—Westlaw Alert Service	89
Figure 4-19—Bloomberg Law’s BCite Service.....	90
Figure 4-20—FastCase Authority Report	90
Figure 4-21—Lexis Ravel Search for Cases with Terms Pertaining to Copyright AND (“Vicarious Liability or Contributory”)	91
Figure 5-1—Dimensions Forming the Octants of Legal Research	97
Figure 5-2—Case Law “ <i>Known-Item</i> ” Problem: Primary—Chronological—Computer Algorithm	98

Figure 5-3—Search at www.congress.gov , Quick Search	99
Figure 5-4—“Subject” Problem Research	101
Figure 5-5—Lexis Online Table of Contents of Moore’s Federal Practice—Civil	102
Figure 5-6—The Octants: Where Codified Statutes, Regulations, Case Digests and West’s Words and Phrases Are Found.....	103
Figure 5-7—Fair Use Section of U.S. Code at Cornell Legal Information Institute.....	104
Figure 5-8—Westlaw Edge Search in Kansas Statutes for (Animal or Pet) /s Trust ...	105
Figure 5-9—West Key Number System	106
Figure 5-10—California Jurisprudence on Westlaw (Note the Index)	107
Figure 5-11—Westlaw Version of <i>Beisler v. C.I.R.</i> with Headnotes and Topic and Key Numbers	108
Figure 5-12—Westlaw Cases Sorted by Key Number 3161	109
Figure 5-13—Where ALR Resides: Primary—Chronological—Controlled Vocabulary	110
Figure 5-14—Westlaw Edge American Law Reports Digest for Conversion and Civil Theft	112
Figure 5-15—Digest Entry in ALR for Intangible and Intellectual Property (Westlaw Edge).....	113
Figure 5-16—Researching Journals as Secondary Authority, Chronologically Produced but Accessed Through Abstract Indexes or Full-Text Searching.....	114
Figure 5-17—Searching the Legal Resource Index Abstract Service on Westlaw Edge	115
Figure 5-18—Search Results for “Pet & Trust” (Westlaw Edge).....	115
Figure 5-19—SSRN Advanced Search Feature Allowing for Title, Abstract and Keyword Searches	116
Figure 5-20—BePress Key-Word Post-Search Filter.....	117
Figure 5-21—Relevancy-Ranked Search for Articles on HeinOnline	118
Figure 5-22—The Final Octant: Secondary—Subject—Algorithm.....	120
Figure 5-23—One of the Results from Searching Nimmer on Copyright for Acuff- Rose (Lexis)	121
Figure 6-1—Legal Research Cycle	123
Figure 6-2—Picking the Best Authority.....	124
Figure 6-3—Finding Similar Authority	125
Figure 6-4—Using Lexis to Find Similar Cases Through Headnotes.....	126
Figure 6-5—Using an Online Catalog to Find Similar Materials.....	126
Figure 6-6—Westlaw Hierarchical View of Links to Statute Annotations for Endangered Species Act § 1536	127
Figure 6-7—Citation Analysis as a Step in the Research Cycle.....	128
Figure 6-8—Checking Table of Authorities in a Case on Westlaw Edge	129
Figure 6-9—Shepardizing a Statute on Lexis	130
Figure 6-10—Finishing the Research Cycle with Understanding.....	130
Figure 6-11—Using the Context & Analysis Tab with the Endangered Species Act (Westlaw Edge)	131
Figure 7-1—West Topic and Key Number.....	133
Figure 7-2—Westlaw Edge’s Citing References for a Case	134
Figure 7-3—Westlaw Edge Code Section with Public Law Numbers in the Credits ...	135
Figure 7-4—Searching Congress.gov by Public Law Number.....	136
Figure 7-5—Senate Bill 256 and Corresponding House Report 103–31	137
Figure 7-6—House Report Corresponding to Pub. L. 109–9.....	138

Figure 7-7—Copyright Office Open and Closed Rulemakings	139
Figure 7-8—Bloomberg Law Lawyer’s Manual on Professional Conduct.....	140
Figure 7-9—Bloomberg BNA Docket Search by Court and Party Names.....	141
Figure 7-10—Bloomberg Law Docket Sheet	142
Figure 7-11—Depictions of the Various Fields in Foreign, Comparative and International Law	143
Figure 9-1—Duty to Stay Abreast of Relevant Technology	149