



LRC Research Training

For Professor Claus' Animal Law seminar Fall 2017

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lrcrefer@sandiego.edu

What we will cover

- Tools for picking a paper topic
- Conducting a thorough literature review
- Quick refresher on case law and statutory research
- Crash course in administrative law sources
- Note-taking tools and techniques
- Citation style

Finding a topic

News

- Web (Google tip), LexisNexis, Factiva

Blawgs, advocacy organizations websites or listservs

- Assessing your sources
 - Bias
 - Well-sourced, supported
 - Currency

Google

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Blog Archives - Animal Legal Defense Fund

Tell the USDA to stop rubber-stamping Animal Welfare Act licenses

Posted by on August 24, 2017





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Animal Ethics

Philosophical Discussion of the Moral Status of Nonhuman Animals

320570

08 AUGUST 2017

Statistics

This blog had 697 visits during July, which is an average of 22.4 visits per day. A year ago, the average was 20.4.

Posted by Keith Burgess-Jackson at 11:12 AM

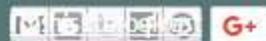


07 AUGUST 2017

Ten Years Gone

Here are the posts from August 2007.

Posted by Keith Burgess-Jackson at 6:37 PM



02 JULY 2017

Statistics

This blog had 723 visits during June, which is an average of 24.1 visits per day. A year ago, the average was 26.4.

Posted by Keith Burgess-Jackson at 5:18 PM



Links

- ✦ [Alley Cat Rescue](#)
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Laws, also known as statutes, which impact on animals exist in all 50 states and in the federal government. These laws are adopted by a legislative body and are in effect until amended or repealed. To find specific laws regarding animals in your own or another state, or adopted by the federal government, use the search tabs below. To find proposed laws, go to the "Search Legislation" tab above.

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- Companion Animals (Pets)
- Education
- Entertainment
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- Veterinarians
- Wildlife

Listed below are the current Top 10 Trending Laws

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SEARCH

Name/Link	Bill/Cite	State	Category
CRIMINAL CODE: Offenses Against Public Order and Safety; Interfering with Police Animals and Handlers: Definitions	ALA. CODE § 13A-11-260 (2015)	AL	Animal Abuse/Cruelty, Companion Animals (Pets), Law Enforcement
CRIMINAL CODE: Offenses Against Public Peace, Order and Decency: Animal-fighting - penalty	Colo. Rev. Stat. § 18-9-204 (2015)	CO	Animal Abuse/Cruelty, Companion Animals (Pets), Entertainment
CRIMES: Animals: Cruelty; Sales: Animal Enterprise Protection; Animals found in distress: when agent may take charge: hearing: disposition: sale	Fla. Stat. § 828.073 (2016)	FL	Agriculture, Animal Abuse/Cruelty, Animal Control, Companion Animals (Pets), Law Enforcement

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NAIA Official Blog

FOR THE WELFARE OF ANIMALS, TO SAFEGUARD THE RIGHTS OF RESPONSIBLE ANIMAL OWNERS.

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Aug 9, 2017 - [Animal Law](#), [Animal Policy](#), [Animal Welfare](#), [Animals and Culture](#) [o Comments](#)

NAIA at NCSL

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For more than a decade, we have maintained a presence at the National Conference of State Legislatures (NCSL). NAIA board members attend to the booth, conversations are had, connections are made, and perceptions are changed. This year, the event was held in Boston, Massachusetts.



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Cool Job Opening! Policy Director, Harvard Animal Law & Policy Program

Posted on June 19, 2017 by David

David Cassuto

From the email:

Policy Director – Job Description

Harvard Animal Law & Policy Program

Overview

The Harvard Law School Animal Law & Policy Program is inviting applications for a Policy Director to develop and oversee a broad range of federal, state, and local policy projects to improve the treatment of animals by the legal system. The Animal Law & Policy Program engages with academics, students, practitioners, and decision makers to foster discourse, facilitate scholarship, develop strategic solutions, and build innovative [Continue reading →](#)

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AUGUST 26, 2017
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<http://libguides.law.gonzaga.edu/animal>

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USD's online catalog find items located in the LRC and also in the Copley Library collection.

- Remember that the catalog can be used to find not just materials in our print collection, but it also provides direct access to materials in our subscription databases, and it also links to websites!
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- Check <http://www.worldcat.org> or come ask a reference librarian
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<http://www.sandiego.edu/law/library/find-resources/ill/index.php>



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Course



Animal law in a nutshell / Pamela D. Frasch (assistant dean of the Animal Law Program, executive director, Center for Animal Law Studies, Lewis & Clark Law School), Katherine M. Hessler (clinical professor of law, director, Animal Law Clinic, director, Aquatic Animal Law Institute, Center for Animal Law Studies, Lewis & Clark Law School), Sonia S. Waisman (partner, McCloskey, Waring & Waisman LLP)

Frasch, Pamela D., author

Print Book | 2016

Available at LRC Reserve (KF390.5.A5 F73 2016) plus 2 more [see all](#)

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Additional actions:



Animal law and welfare : international perspectives / Deborah Cao, Steven White, editors

Print Book | 2016

Available at LRC Reading Room (K3620 .A96 2016) [see all](#)

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Additional actions:



Understanding animal law / Adam P. Karp

Karp, Adam P., author

Print Book | 2016

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Additional actions:



What can animal law learn from environmental law? / edited by Randall S.

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Cham [Switzerland] : Springer, [2016]
xii, 283 pages : illustrations ;



2 **Animal law in a nutshell**



Frasch, Pamela D., author
St. Paul, MN : West Academic Publishing, [2016]
xxix, 512 pages ;



3 **What can animal law learn from environmental law?**



Washington, D.C. : Environmental Law Institute, 2015
xxxi, 453 pages ;



4 **A worldview of animal law**



Wagman, Bruce A
Durham, N.C. : Carolina Academic Press, [2011], ©2011
xvii, 340 pages ;



5 **Animal law in a nutshell**



Frasch, Pamela D.
St. Paul, MN : Thomson/West, c2011.
xxxv, 405 p. ;



6 **Careers in animal law : welfare, protection, and advocacy**



Eisenstein, Yolanda
Chicago, Ill. : ABA Law Practice Management Section [and] Law Student Division, c2011
xiii, 145 pages ;



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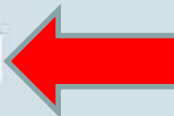
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- State Statutes: A Historical Archive
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Animal Studies: Law, Welfare and Rights

With titles from the Animal Legal Defense Fund and Animal Welfare Institute, this collection aims to establish the foundational laws pertaining to animals and follow the evolution of these rights throughout the years. It includes philosophical books dating back to the 1800s, videos, periodicals, brochures, and more.

<http://heinonline.org/HOL/Index?collection=animal&set as cursor =clear>

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Ggv V. Jlr 39 P. 3d 1066 | 2002 WL 188923 | 2/7/2002 | Wyo.

Ggv V. Jlr 2005 WL 280453 | 105 P. 3d 474 | 2/7/2005 | Wyo.

Jlr Investments, Inc. V. Village Of Barrington Hills828 N. E. 2d 1193 | 355 Ill. App. 3d 661 | 293 Ill. Dec. 695 | 1/21/2005
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CARACAS (Reuters) - A U.S. judge has authorized Canadian miner Crystallex to seize Venezuelan



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Abstract We compiled and analyzed 24 years (1972-1995) of verified incidents of **mountain lions** killing domestic animals (n= 2,663) to examine trend, distribution, and types of conflicts in **California**. To model the relationships between **mountain lion** depredation and various
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KS Smallwood - The Southwestern Naturalist, 1994 - JSTOR
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Genetic structure of mountain lion (Puma concolor) populations in California

HB Ernest, WM Boyce, VC Bleich, B May, SJ Stiver... - Conservation ..., 2003 - Springer
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J Paul-Murphy, T Work, D Hunter... - Journal of wildlife ..., 1994 - Wildlife Dis Assoc
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- Build from the sources you've already found
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 - use a citator (Shepard's or KeyCite) to find sources that have cited to sources you've already found
- Use multiple search techniques
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A note about secondary sources

- Evaluate sources for quality, authority, currency
- Don't rely solely on a secondary source to tell you what the primary law says
- Best source rule



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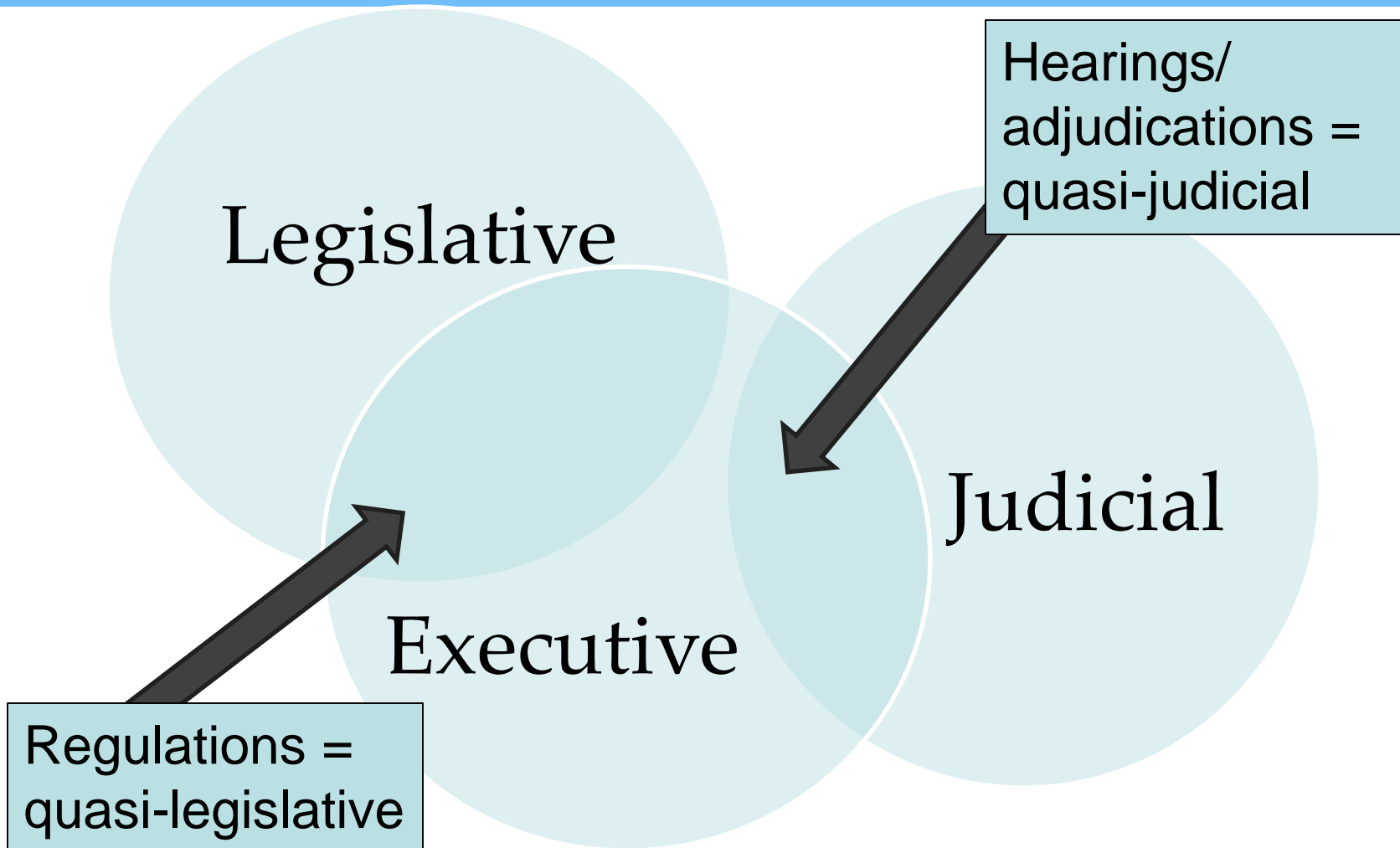


Intro to admin law



- Legislature passes a law, giving the broad strokes and “enabling” a government agency to implement the law
- To implement the legislature’s intent, the agency typically will have to do 2 things:
 1. Promulgate regulations that provide more detailed rules & establish oversight processes;
 2. Enforce the law through those processes, including administrative hearings/adjudications
- These regulations & adjudications are generally referred to as “administrative law”

Administrative law



Promulgating regulations



- Agency drafts proposed regulations
- Publish proposed regulations in the Federal Register (Fed. Reg. or F.R.)
- Opportunity for public comment
- Agency drafts final regulations
- Publish notice of final regulations in Federal Register
- Codify the final regulations in the Code of Federal Regulations (C.F.R.)

Administrative law documents



Regulations	Advisory and guidance documents	Decisions and Adjudications
Code of Federal Regulations (C.F.R.)	Varies widely across agencies	Varies widely across agencies
Federal Register	Check website, Westlaw, Lexis, BloombergLaw	Check agency website, Westlaw, Lexis, BloombergLaw
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Agency websites

There are hundreds of federal agencies. Here's an index of federal agencies or just Google the name:

<http://www.washlaw.edu/doclaw/executive5m.html>

Agency websites are a wealth of information, including links to recent bills, statutes, regulations, and decisions

Agency materials are also available on Westlaw, Lexis, and BloombergLaw

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1:30 p.m.

[ASM RULES](#)

10 minutes prior to
Session

[SEN APPROPRIATIONS](#)

10 a.m.

WELCOME

Welcome to the website for California Legislative Information! This site has been updated to include legislative publications starting with the 2017 session and forward.

A "Daily Updates" report feature has been added. The report displays, by house, measures for which there was activity the previous day such as new analyses, hearings, placement on the Daily File, amendments, History actions, or votes.

Measures prior to 1999 can be still be found at <http://leginfo.ca.gov> which will remain as an archive for legislative information.

To access a complete listing of California Law Codes and Bill Search features, click the California Law or Bill Information Tabs on the Tabbed Panel above.

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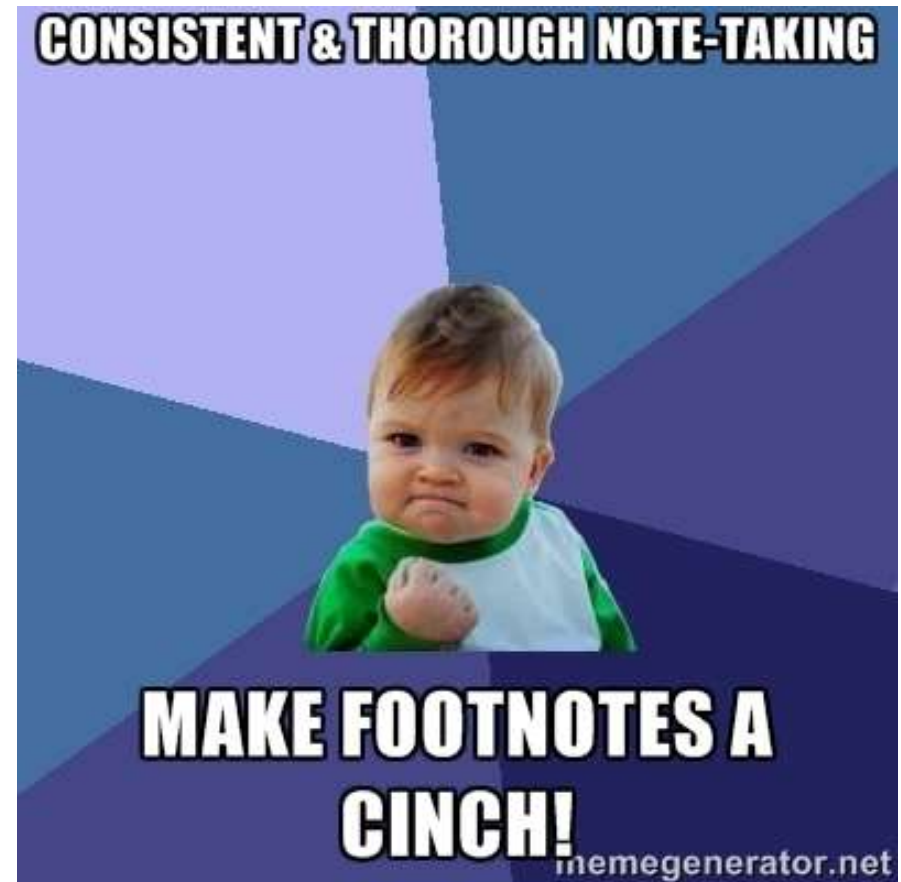


1. Start with a secondary source
2. If there's a governing statute, ALWAYS start with annotated code
3. Use the digest/headnote system & citators
4. Use keyword searching strategically, or not at all!

NOTE-TAKING TOOLS & TECHNIQUES

Why good note-taking is important

- Bolster your argument
- Avoid inadvertent plagiarism
- Save yourself time and trouble when creating citations



USD School of Law's Honor Code



Plagiarism. Passing off of another's ideas, words, or work as one's own for the purpose of misleading the reader or viewer of the work; "plagiarism" may include using the writings, words, phrases, ideas, data, opinions, citations, arguments, or organization of another person and conveying such information in a way that makes it seem as if the information originated with the writer. Failure to provide proper attribution, including quotation marks when necessary, constitutes plagiarism. Plagiarism applies to any source, whether published or not.

<http://www.sandiego.edu/law/student-affairs/student-handbook/honor-code.php>

Understanding Plagiarism

Plagiarism is the presentation of another person's work as your own.

- summarizing, paraphrasing, copying, or translating
- words, ideas, or any other creative work,
- without proper attribution.

Plagiarism can be deliberate or accidental; partial or complete.

Materials adapted with permission from:

Plagiarism Tutorial by Ramona Islam, Fairfield University &

How to Recognize Plagiarism: Tutorial and Tests by T.W. Frick et al.

Types of Plagiarism

Understanding what counts as plagiarism is an important step in learning to avoid accidental plagiarism.

Some acts of plagiarism:

- buying, stealing, or ghostwriting a paper
- copying and pasting from the Internet without attribution
- using other people's ideas without attribution
- paraphrasing an author too lightly

Threshold that some adopt: 7 or more consecutive words must be in quotes

Consequences of Plagiarism

Plagiarism violates USD's Honor Code.

It can earn you a failing grade, suspension, expulsion, or the rescission of a degree, even after graduation.

It can be a barrier to admission to the bar.

It degrades a university's reputation and diminishes the value of its degrees.

Whether or not plagiarism is detected, those who commit it suffer the disadvantages of missed opportunities to learn, grow, and think for themselves.

Using Other Scholars' Work



Every writer uses other scholars' work. It's a necessary and important part of scholarly writing.

It lends credence to your ideas and places your work within a larger "conversation" among scholars on a topic.

But you must avoid crossing ethical & legal boundaries by:

- Honoring the ideas and work of other authors
- Helping other researchers find the sources that inspired your work
- Respecting an author's legal copyright

Begin with Proper Note-Taking

The first step in avoiding plagiarism and giving proper documentation is to cultivate good note-taking habits. There's no one right way to do it. Pick a method that works for you and be consistent.

- There's an app for that. Actually there are MANY apps for that. Two popular options:



What to look for

- Reference manager
- Citation support for Bluebook style
- Organize and annotate PDFs and other digital content
- Fits your research style
- Something you will use!!



Document AND citation management



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Delicious

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Managing Sources

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apps:



For a comparison of features & links to tutorials:

- <https://www.library.wisc.edu/services/citation-managers/comparison-chart/>
- <http://library.law.yale.edu/research-management-and-citation>

For tips on setting up Bluebook style:

- <https://www.law.georgetown.edu/library/research/citation-tools/bluebook.cfm>

Note-taking tips

If you cut & paste text from another source to look at later, **immediately** mark it as copied text & include citation info



Note-Taking Tips

If you cut & paste text from another source to look at later, **immediately** mark it as copied text & include the bibliographic data you'll need for a citation.

- Notes that are lightly paraphrased (too similar to the original language) could come back to haunt you.
- Any time you have not sufficiently rephrased something, mark it immediately to make sure you return to it later.

Alternatively, if you're taking notes from a source, distinguish your own ideas and analysis with some marking.

A Few Words about Quoting

Do not rely too much on direct quotations—they should be used infrequently.

Try paraphrasing rather than quoting unless:

- the specific language is critical to the argument you're making or
- it's a particularly well-phrased and concise passage

Never rely on a quote to make your argument for you:

- Integrate the quote into your argument
- Use it to set up your argument or drive home your point
- Make sure it's clear how the quote relates to your argument

Rules for Quoting

Whenever you copy anything, you must put quotation marks around it. Merely citing the source for the quote is not sufficient.

Be careful to copy direct quotations word for word. If you must change the length, indicate omitted text with ellipses (...) and place [added] phrases within brackets.

Short quotations must conform to the syntax of the sentence in which you place them. Pay attention to tense and subject/verb agreement.

Rules for Quoting

An especially long quotation—50 or more words—should be set off by indenting the whole passage.

Do not quote from or cite a source that you have not directly consulted.

Citation should include a specific page reference.

Save Copies of Source Material

Save them until you have finished writing your paper. Or even better, until you've received a final grade on the paper.

Double-check your work against each source to make sure you have not accidentally plagiarized something.

Paraphrasing

To paraphrase is to restate the meaning of a segment of text using other words, either

- (1) by expanding and clarifying, or, more often,
- (2) by summarizing the main point or points.

Paraphrasing is necessary, but it can be dangerous if you don't know how to do it correctly

It's not enough to simply change a few words around, or replace words with synonyms to constitute a paraphrase. You literally have to rewrite the material using your own words.

Paraphrasing

A good strategy:

- read your source document carefully until you understand exactly what the author is saying
- then look away and rely on your memory to record the statement in your own words
- Check your paraphrase against the source for accuracy, and modify phrases that match the original too closely.

Paraphrasing

If you must borrow a unique word or phrase, enclose it in quotation marks

Always indicate whose ideas you are paraphrasing by providing a footnote reference (including a page reference)

Sometimes it may also be appropriate to introduce your paraphrase with attribution. (According to Howard Gardner...)

Make sure that you make it clear to the reader where your paraphrase begins and ends and where your own ideas or comments are included

Because there is a fine line between an acceptable paraphrase and plagiarism, here are some examples:



Problems in Paraphrasing

Original Source: America today has veered too far in the direction of formal testing without adequate consideration of the costs and limitations of an exclusive emphasis on that approach.

HOWARD GARDNER,
MULTIPLE INTELLIGENCES:
THE THEORY IN PRACTICE
179 (1993).

Paraphrase Version 1:
America has now gone too far toward formal testing, without realizing the costs and limitations of exclusively emphasizing that approach.¹

¹HOWARD GARDNER,
MULTIPLE INTELLIGENCES:
THE THEORY IN PRACTICE
179 (1993).

Comments



Although the source is cited, the paraphrasing retains too much of the original wording and sentence structure.



Paraphrasing Examples

Original Source:

“America today has veered too far in the direction of formal testing without adequate consideration of the costs and limitations of an exclusive emphasis on that approach.”

HOWARD GARDNER,
MULTIPLE INTELLIGENCES:
THE THEORY IN PRACTICE 179
(1993).

Paraphrase Version 2:

In the United States, the education system places too much emphasis on formal testing, overlooking the limitations and expenses imposed when that assessment strategy is employed exclusively.¹

¹HOWARD GARDNER,
MULTIPLE INTELLIGENCES:
THE THEORY IN PRACTICE 179
(1993).

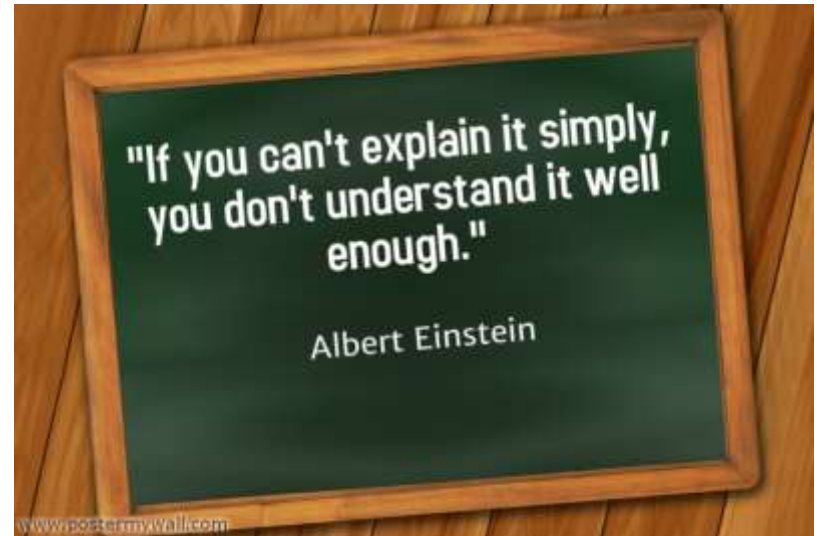
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This paraphrase is different enough from the original source that it would not be considered plagiarism, as long as Gardner is credited.

Summarizing & Paraphrasing

- Try to do it without looking at the source material
- Not enough to change a few words around, or substitute synonyms
- You literally have to rewrite the material using your own words



Research log



- Keep a log of where you've searched and what search terms you used (even if you didn't find anything useful!)
- This will save you time later

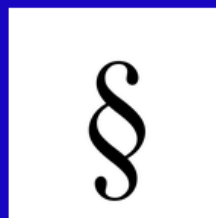
Sources & additional resources

Comparing reference managers:

- <https://www.library.wisc.edu/services/citation-managers/comparison-chart>
- <http://library.law.yale.edu/research-management-and-citation>

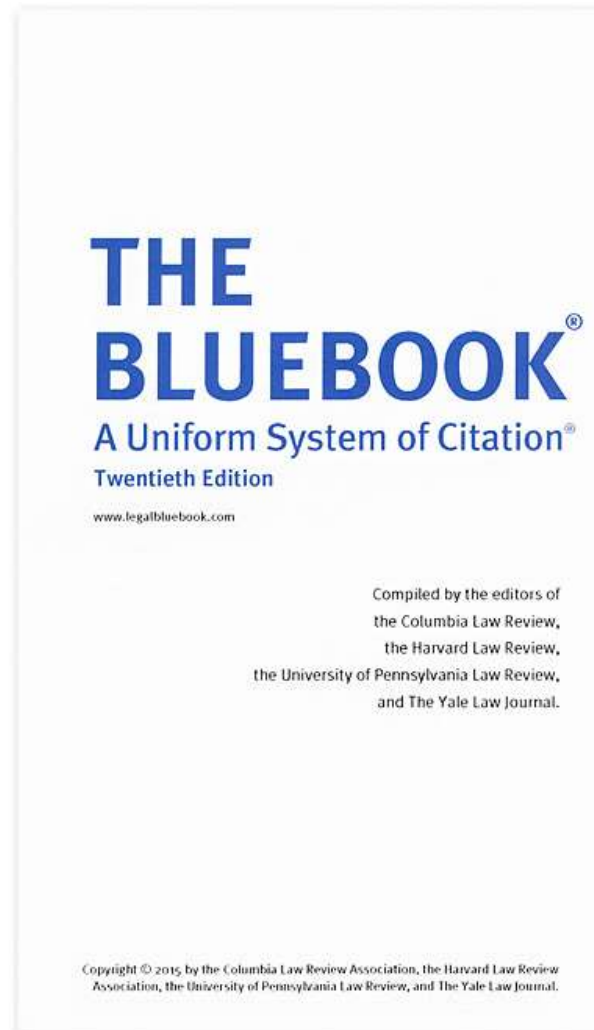
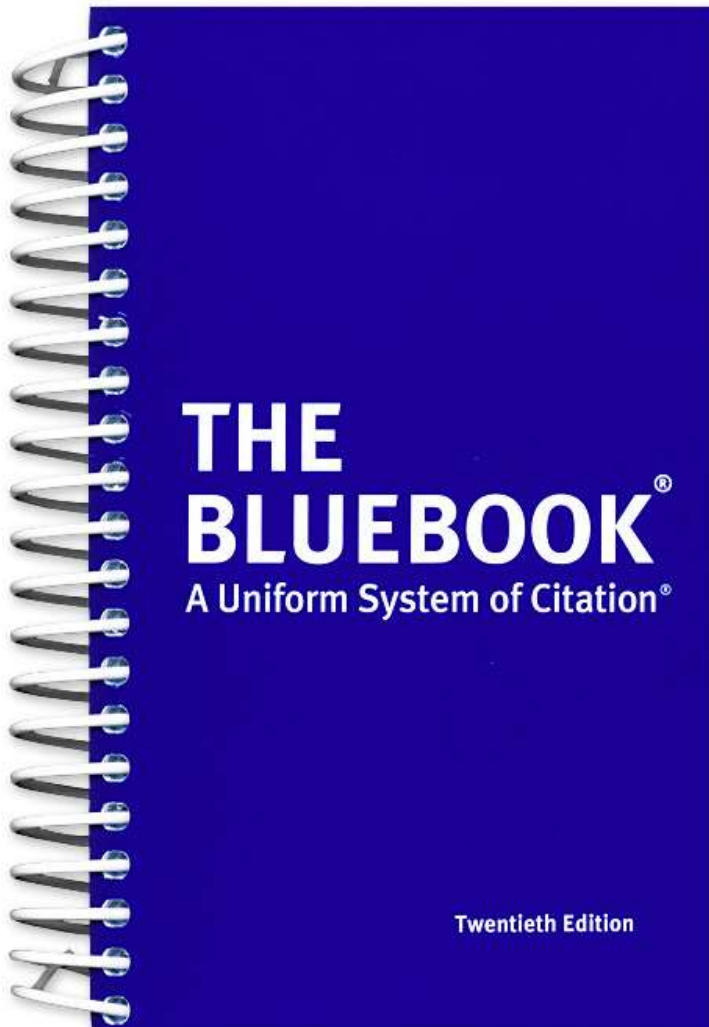
Setting up Bluebook style:

- <https://www.law.georgetown.edu/library/research/citation-tools/bluebook.cfm>



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Citation



Laura Mehalko, Note, *This is Gun Country: The International Implications of U.S. Gun Control Policy*, 35 B.C. INT'L & COMP. L. REV. 297, 302 (2012).

Women in Combat

THE REVOLUTIONARY WAR EXPERIENCE

LINDA GRANT DE PAUW
George Washington University

ARMED FORCES AND SOCIETY, Vol. 7 No. 2, Winter 1981 209-226
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Consecutively paginated journal:

Linda Grant De Pauw, *Women In Combat: The Revolutionary War Experience*, 7 *ARMED FORCES & SOC'Y* 209 (1981).

Nonconsecutively paginated journal:

Jeffrey Goldberg, *The Case For More Guns (And More Gun Control)*, *ATLANTIC MONTHLY*, Dec. 2012, at 68.

The New York Times

National Edition

Southern California: Mostly cloudy. Scattered showers. Snow showers northeast. Highs near 30 northeast to 70s south. Scattered showers tonight. Weather map, Page A19.

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THURSDAY, JANUARY 24, 2013

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CHRISTOPHER GREGORY/THE NEW YORK TIMES

ate Panel Over Benghazi

questions over the attack on an American mission. Page A9.

esteps an Ultimatum on Debt

EQUALITY AT THE FRONT LINE: PENTAGON IS SET TO LIFT BAN ON WOMEN IN COMBAT ROLES

By ELISABETH BUMILLER
and THOM SHANKER

WASHINGTON — Defense Secretary Leon E. Panetta is lifting the military's official ban on women in combat, which will open up hundreds of thousands of additional front-line jobs to them, senior defense officials said Wednesday.

The groundbreaking decision overturns a 1994 Pentagon rule that restricts women from artillery, armor, infantry and other such combat roles, even though in reality women have frequently found themselves in combat in Iraq and Afghanistan, where more than 20,000 have served. As of last year, more than 800 women had been wounded in the two wars and more than 130 had died.

Defense officials offered few details about Mr. Panetta's decision but described it as the beginning of a process to allow the branches of the military to put the change into effect. Defense officials said Mr. Panetta had made the decision on the recommendation of the Joint Chiefs of Staff.



LYNSEY ADDARIO FOR THE NEW YORK TIMES

Cpl. Christina Oliver of the Marines on patrol in 2010.

Joint Chiefs Urged End to 1994 Rule

the broad and ambitious liberal agenda, especially around matters of equal opportunity, that President Obama laid out this week in his Inaugural Address. But while it had to have been approved by him, and does not require action by Congress, it ap-

the chairman of the Joint Chiefs of Staff, who stated in strong terms that the armed service chiefs all agreed that "the time has come to rescind the direct combat exclusion rule for women and to eliminate all unnecessary gender-based barriers to service."

A military official said the change would be implemented "as quickly as possible," although the Pentagon is allowing three years, until January 2016, for final decisions from the services.

Each branch of the military will have to come up with an implementation plan in the next several months, the official said. If a branch of the military decides that a specific job should not be opened to a woman, representatives of that branch will have to ask the defense secretary for an exception.

"To implement these initiatives successfully and without sacrificing our war-fighting capability or the trust of the American people, we will need time to get it right," General Dempsey wrote.

Indeed, it will be carried out during what the administration

Pentagon Is Set to Lift Combat Ban for Women



Lynsey Addario for The New York Times

Cpl. Christina Oliver of the Marines on patrol in 2010.

By ELISABETH BUMILLER and THOM SHANKER
Published: January 23, 2013 | 1057 Comments

WASHINGTON — Defense Secretary Leon E. Panetta is lifting the military's official ban on women in combat, which will open up hundreds of thousands of additional front-line jobs to them, senior defense officials said Wednesday.

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Newspapers



Print:

Elisabeth Bumiller & Thom Shanker, *Equality at the Front Line: Pentagon is Set to Lift Ban on Women in Combat Roles*, N.Y. TIMES, Jan. 24, 2013, at A1.

Electronic:

Elisabeth Bumiller & Thom Shanker, *Pentagon is Set to Lift Combat Ban for Women*, N.Y. TIMES (Jan. 23, 2013), http://www.nytimes.com/2013/01/24/us/pentagon-says-it-is-lifting-ban-on-women-in-combat.html?pagewanted=all&_r=0.

Legal Information Institute at Cornell University

Introduction to Basic Legal Citation

<http://www.law.cornell.edu/citation/>

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