For Professor Brooks’ Civil Rights Theories & Jurisprudence Seminars
Fall 2018

LRC Reference Desk:
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lrcrefer@sandiego.edu
What we will cover

- Conducting a thorough literature review
  - Evaluating sources
  - Books & articles
  - Law and other disciplines
  - USD and other libraries
- Fact finding
  - News
  - Searching the web
  - Public policy research & analysis
  - Case law & docket research
- Note-taking tools and techniques
  - Perma.cc
LITERATURE REVIEW
Literature Review

- A survey of books, scholarly articles, and any other sources relevant to a particular issue, area of research, or theory
- Helps you formulate your thesis and locate your arguments within the larger field of study
A note about secondary sources

- Evaluate sources for:
  - **Authority** – author is identified, reputable, credentialed
  - **Objectivity** (fairness, lack of bias)
  - **Accuracy** – provides references to sources, verifiable
  - **Scope** (relevancy)
  - **Currency**
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The law library exists to support the educational and scholarly activities of the USD law community.

Welcome to the Pardee Legal Research Center (LRC). The library is open seven days a week. Professional reference librarians are available to assist you with your research queries.

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civil rights jurisprudence

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Searching the catalogs

**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!

- You can search [USD’s online catalog](#) from LRC’s homepage
Searching the catalogs

**Circuit Catalog:**

- USD is a member of a library consortium, the Circuit
- borrow materials from SDSU, UCSD, Cal State San Marcos, & the San Diego County & City Libraries.
- greatly increases the universe of materials that are accessible to you!
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Choose Your Institution

Requesting *Racism and the underclass: state policy and discrimination against minorities* / edited by George W.

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- UC San Diego
Searching the catalogs

Interlibrary Loan (ILL):

• If you can’t find an item at USD or through the Circuit, we may be able to get it through interlibrary-loaned from another library

• Check http://www.worldcat.org or come ask a reference librarian

• Delivered to LRC anywhere from 3 days to 3 weeks—make your request early!

http://www.sandiego.edu/law/library/find-resources/ill/index.php
Law articles

- Lexis
- Westlaw
- Google Scholar

Unpublished or forthcoming
- SSRN
- Bepress
# Secondary Sources (4,295)

Click Scope icon for coverage information.

## All Publications

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- Select all items | No items selected |

- The 401(k) Handbook
- 401(k) Handbook Newsletter
- 409A Administration Guide
- 50 State Construction Lien & Bond Law
- 50 State Regulatory Surveys
- 50 State Statutory Surveys
- ABA Agricultural Management Committee Newsletter
- ABA Air Quality Committee Newsletter
- ABA Annotated Model Rules of Professional Conduct
- ABA Environment, Energy & Resources Law: The Year in Review
- ABA Environmental Enforcement & Crimes Committee Newsletter
- ABA Environmental Litigation & Toxic Torts Committee Newsletter
- ABA Ethics Opinions
- ABA Journal
- ABA Journal eReport
- ABA Journal of Labor & Employment Law
- ABA Model Jury Instructions For Surety Cases
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critical race jurisprudence

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Health Economics  HEN
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Law  LSN
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Political Science  PSN

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Research Paper Series
Conference Papers
Partners in Publishing

http://www.ssrn.com
You searched: critical race jurisprudence

1. The Vulnerable Subject: Anchoring Equality in the Human Condition
   Number of pages: 23 • Posted: 10 May 2008 • Last Revised: 19 Jun 2012
   Martha Albertson Fineman
   Emory University School of Law
   Keywords: equality, constitutional law, critical theory, feminism, gender, race, class, disability, social...

   Downloads 2,921

   Number of pages: 34 • Posted: 28 May 2008
   Sunny Woan
   Santa Clara University
   Keywords: Asian, Asian American, APA, feminist jurisprudence, feminism, white sexual imperialism, ...

   Downloads 1,790

3. Social Justice Feminism
   Number of pages: 61 • Posted: 24 Mar 2008 • Last Revised: 01 Aug 2014
   Verna L. Williams and Kristin Kalsem
   University of Cincinnati - College of Law and University of Cincinnati - College of Law
   Keywords: Social justice feminism, oppression, Women's Legal History, Intersectionality, Race, Feminist Legal ...

   Downloads 1,086
Relation Between International Law And Municipal Law, Edwin Borchard
Yale Law School

Prostitution Policy: Legalization, Decriminalization And The Nordic Model, Ane Mathieson, Easton Branam, Anya Noble
Seattle University School of Law

The Housing Crash And The End Of American Citizenship, Matt Stoller
Roosevelt Institute

The Financialization Of The U.S. Corporation: What Has Been Lost, And How It Can Be Regained, William Lazonick
Seattle University School of Law
Full-Text Articles in Law

Secrets On The Texas-Mexico Border: *Leiva Et Al. V. Ranch Rescue* And *Rodriguez Et Al. V. Ranch Rescue* And The Right Of Undocumented Aliens To Bring Suit, Brooke H. Russ

The Universality Of The Human Condition: Theorizing Transportation Inequality Claims By Persons With Disabilities In Canada, 1976-2016, Laverne A. Jacobs

Prison Officials' Failure To Provide Adequate Health Care For Trans Prisoners Must Be Presumed To Be Deliberately Indifferent, A Key To A Cruel And Unusual Constitutional Violation, Timothy Chessher

Reforming The Law On Police Use Of Deadly Force: De-Escalation, Pre-Seizure Conduct, And Imperfect Self-Defense, Cynthia Lee


Private And Family Life, Gender Equality And Social Security Under The European Convention On Human Rights - Di Trizio V Switzerland, Mel Cousins

Slaying The Gerrymander: How Reform Will Happen In The Commonwealth, Brian Cannon, Ben Williams

Legal Formalism Meets Policy-Oriented Jurisprudence: A More European Approach To Frame The War On Terror, Julien Cantegrel

Gender And Nation-Building: Family Law As Legal Architecture, Tracy E. Higgins, Rachel P. Fink
Search strategies

- Use multiple search techniques
  - keyword (natural language & Boolean)
  - subject
  - browse
- Ask a librarian
- Build from the sources you’ve already found
  - look at sources cited by those sources
  - use a citator (Shepard’s or KeyCite) to find sources that have cited to sources you’ve already found
CRITICAL RACE THEORY AND CLASSICAL-LIBERAL CIVIL RIGHTS SCHOLARSHIP: A DISTINCTION WITHOUT A DIFFERENCE?

We need to admit up front to our collective disadvantage in making multiculturalism a focus of this book. We are three bland middle class white men whose academic careers have focused on mainstream doctrine and the application of positive political theory to public law issues. Though one of us (Farber) is a Jew and one of us (Eskridge) is a gay man, we have not experienced exclusion in the same ways as women, lesbians, Asians, African Americans, Hispanics, and Native Americans. Partly for this reason, in our treatment of discrimination-related issues, we have relied less on our own textual exposition of different points of view (as we do in most of the book), and more on excerpting the views of scholars whose work reflects other perspectives.
ARTICLES FROM OTHER DISCIPLINES
Results

- Anthropology
- Art, Architecture & Applied Arts
- Biographical Information
- Biological Sciences
- Business & Economics
- Chemistry, Physics & Mathematics
- Communication & Media Studies
- Earth & Environmental Sciences
- Education
- Engineering & Computer Science
- Ethnic Studies
- History

- Languages & Literatures
- Law
- Library Science
- Music, Dance & Theatre
- News
- Nursing & Health Sciences
- Philosophy
- Politics & Government
- Psychology
- Reference
- Sociology
- Theology & Religious Studies
A few general databases

- Academic Search Premier
- JSTOR
- Sage Premier Journals
- SpringerLink Journals
- Wiley Interscience Journals
Other libraries

• You may be able to access subscription databases available at other libraries by visiting campus
News, blogs & web searching

• Web
  • Google Advanced Search: https://www.google.com/advanced_search

• Subscription paywall
  • search the library catalog for title of publication – we may have a subscription

• News
  • Lexis & Factiva

• Law blogs
  • http://blogs.law.unc.edu/civilrights/
Beyond the case opinion

- www.clearinghouse.net
- www.SCOTUSblog.com
- Website of advocacy organization or law firm involved in litigation
- Contemporary news articles
Civil Rights Challenges to President Trump's Executive Orders on Immigration and Refugees

In his first week in office, President Trump issued three Executive Orders relating to immigration and refugee policy. The two immigration orders, available here and here, directed much heavier use of detention for those seeking lawful status, punitive measures against so-called "sanctuary jurisdictions," an increase to the number of deportation officers, and building
Breaking News: The Supreme Court has vacated the judgment of the U.S. Court of Appeals for the 9th Circuit in Trump v. Hawaiʻi, the remaining challenge to the March 6 entry ban, and remanded the case to the court of appeals with instructions to dismiss it as moot.

Special Feature: Race and the Supreme Court

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<td>Lyle Denniston</td>
<td>Argument preview: Race’s role on campus, in society</td>
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<td>12.05.12</td>
<td>Lyle Denniston</td>
<td>Fast-track effort on new race case</td>
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<td>08.13.12</td>
<td>Lyle Denniston</td>
<td>Government backs U. Texas on use of race</td>
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<td>What Powell v. McCormack Teaches Us About Contemporary Race and Politics</td>
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Older Posts »

Featured Posts

- Relist Watch – John Elwood
  Argument preview: Bankruptcy case will have justices pondering standard of review for mixed questions of law and fact – Ronald Mann
  Argument preview: To which state-court adjudications must federal habeas courts defer? – Steve Vladeck

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Archives | Month ▼ or Category ▼
Court filings

• Date of case

• Federal vs. state

• Dockets vs. documents

• Sources:
  • BloombergLaw
  • Westlaw & Lexis
  • Court websites
Public policy studies & analysis

- Evaluate the source
  - **Authority** – author is identified, reputable, credentialed
  - **Objectivity** (fairness, lack of bias)
  - **Accuracy** – provides references to sources, verifiable
  - **Scope** (relevancy)
  - **Currency**

- Look for nonpartisan research
The Racial Confidence Gap in Police Performance

Blacks, whites also have dramatically different views on causes of fatal encounters between blacks and police

BY RICH MORIN AND RENEE STEPLER

The deep racial tensions seen in many areas of American life underlie how blacks and whites view police in their communities, as well as their reactions to the deadly encounters in recent years between blacks and law enforcement officers, according to a new survey by Pew Research Center.

Only about a third of blacks but roughly three-quarters of whites say police in their communities do an excellent or good job in using the appropriate force on people they arrest, according to the survey.

Blacks are about half as likely as whites to have a positive view of the job their local police are doing
Marc Hernandez Appointed to Age of Learning’s Curriculum Board

Dr. Marc Hernandez, Senior Research Scientist in NORC’s Academic Research Centers, has been appointed to the Education Technology Leader Age of Learning’s Curriculum Board. Hernandez will help guide program development and advise on efficacy research and evaluation.

NORC at 45th Annual Conference for Middle Level Education

The 45th Annual Conference for Middle Level Education (AMLE) will take place October 25 - 27 in Orlando, Florida. Kailonnie Dunsmore, Director of NORC’s Literacy Organization Capacity Initiative (LOCI), will attend and present at the event.
http://censtats.census.gov/
http://www.bjs.gov/

Publications & analysis vs. raw data

Infographics
NOTE-TAKING TOOLS & TECHNIQUES
Why good note-taking is important

• Bolster your argument
• Avoid inadvertent plagiarism
• Save yourself time and trouble when creating citations
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!!
Note-taking apps

- Evernote
- Google Drive
- Microsoft OneNote
- Dropbox
- Box
Typical features include:

- Free or premium upgrade
- Web, client, mobile apps
- PDF storage & annotation
- Cloud & local storage
- Web content capture
- Citation style (“bibliographic utility”)
Web content management
If you cut & paste text from another source to look at later, **immediately** mark it as copied text & include citation info.
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

"If you can't explain it simply, you don't understand it well enough."

Albert Einstein
Citing the best source

• Don’t rely on Source A to tell you what Source B says – go back to the original
  • Don’t cite Scholar A to tell your reader what Scholar B argued
  • Don’t cite a book or an article to tell your reader what a case held
  • Don’t cite a case to tell you what the statute says
• Keep a log of where you’ve searched and what search terms you used (not just what you found)
• This will save you time later
Sources & additional resources

Comparing reference managers:

- [https://www.library.wisc.edu/services/citation-managers/comparison-chart](https://www.library.wisc.edu/services/citation-managers/comparison-chart)
- [http://library.law.yale.edu/research-management-and-citation](http://library.law.yale.edu/research-management-and-citation)

Setting up Bluebook style:

- [https://www.law.georgetown.edu/library/research/citation-tools/bluebook.cfm](https://www.law.georgetown.edu/library/research/citation-tools/bluebook.cfm)
Web citations

Bluebook Rule 18

- Author (if any)
- Title of article or page
- Publication/Organization/Sponsor
- Date
- URL
- Archive of page (Perma.cc or Internet Archive)

- When in doubt, more info is better!
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Examples

Jeffrey Toobin (@JeffreyToobin), Twitter (Aug. 30, 2014, 6:10 AM),
https://twitter.com/JeffreyToobin/status/505704145035468800

Rocio Gonzalez, *Puerto Rico’s Status Debate Continues as Island Marks 61 Years as a Commonwealth*, Huffington Post (July 25, 2013, 9:00 AM),
http://www.huffingtonpost.com/2013/07/25/Puerto-rico-status-debate_n_3651755.html
[http://perma.cc/C6UP-96HN]
Puerto Rico's Status Debate Continues As Island Marks 61 Years As A Commonwealth (GRAPHs) (VIDEO)
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.

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

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.

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

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

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Dan Kimmons (619) 260-6846 or dkimmons@sandiego.edu