LRC Research Training

Health Law & Reproduction
Spring 2024

LRC Reference Desk:
(619) 260-4612
lrcrefer@sandiego.edu
What we will cover

• Picking a paper topic
• Literature review
  o Books & articles
  o Law and other disciplines
• Note-taking tools and techniques
Picking a Paper Topic
News

- news.google.com

- Lexis & Factiva have thorough news archives
Legal News Sources

• **Law360**
  - Practice area: Health

• **Lexis+ Legal News**
  - Practice area: Healthcare Law

• **Westlaw Today**
  - Practice area: Health Law

• **Bloomberg Law News**
  - Practice areas: Health Law & Business and Pharma & Life Sciences
Blogs & Current Awareness

• Reproductive Rights Prof Blog
• Bioethics.com – Reproductive Ethics
• Harvard Law’s Bill of Health blog
• Bioethics Today – Reproductive Ethics
• RepoHealthLaw Blog

• Topic finding tools from Bloomberg Law
  o Circuit Splits Chart
  o Supreme Court Today Tracker
  o United States Law Week
Research Institutes & Advocacy Organizations

• Guttmacher Institute
• Hastings Center – Ethics and Abortion
• Center for Reproductive Rights
• Planned Parenthood - Issues
• ACLU – Reproductive Freedom
• National Women’s Law Center – Health Care & Reproductive Rights
• USD Law’s Center for Health Law Policy and Bioethics
Literature Review
What is a lit 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.
Reliable Sources

• Evaluate sources for:
  o **Authority** – author is identified, reputable, credentialed
  o **Objectivity** – fairness, lack of bias
  o **Accuracy** – provides references to sources, verifiable
  o **Scope** – relevant to your topic and argument
  o **Currency** – may vary by topic, but make sure you know the current state of thinking in your field (even if it’s rooted in older writings)
Legal Databases
Practice areas

- Admiralty & Maritime
- Antitrust
- Bankruptcy
- Capital Markets
- Commercial Law
- Construction Law
- Corporate Counsel
- Corporate Governance
- Corporations
- Criminal Law
- Data Privacy
- Employee Benefits & Executive Compensation
- Employment
- Energy & Environment
- Estate Planning
- Family Law
- Finance & Banking
- Government Contracts
- Immigration
- Insurance Law
- Intellectual Property
- Medical Litigation
- Mergers & Acquisitions
- Military Law
- Municipal Law
- Native American Law
- Pension & Retirement Benefits
- Products Liability
- Real Property
- Securities Enforcement & Litigation
- Tax
- Workers Compensation

Key Features

- Next Generation KeyCite
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Health

Health Resources

Select all content - No items selected - Clear Selection - Specify content to search

- Cases
- Trial Court Orders
- Statutes & Court Rules
- Regulations
- Administrative Decisions & Guidance
- Secondary Sources
- Forms
- Briefs
- Trial Court Documents
- Expert Materials
- Jury Verdicts & Settlements
- Proposed & Enacted Legislation
- Proposed & Adopted Regulations
- Arbitration Materials

Health Analysis

Congress focuses on China risk at U.S. colleges and universities
Practitioner Insights Commentaries

Matthew A. Goldstein of Akerman LLP discusses a congressional focus on China's state-sponsored influence and technology transfers at U.S. colleges and universities.

Possible revival of the Generalized System of Preferences and its effect on the trade industry
Practitioner Insights Commentaries

R. Kevin Williams and Sally Alghazali of Clark Hill PLC discuss efforts proposing to revive the Generalized System of Preferences, which has provided duty-free treatment to developing countries' exports of certain products into the United States.

Pep Boys insurers must pay twice for 'annual' policies exceeding 12 months
WESTLAW Insurance Daily Briefing

In a case of first impression, two excess insurers of auto parts chain Pep Boys-MonroeMac & Jack of California’s own two segment annual report.
Health

Practice Center

Practical Guidance
- AI Legal Issues Toolkit
- AI in Health Care
- Prescription Drug Pricing & Security
- HIPAA Toolkit
- Health Industry ESG Toolkit
- Health Care Corporate Compliance
- Fraud & Abuse
- Health Care Bankruptcy & Restructuring Toolkit
- Health Care Mergers & Acquisitions
- Telehealth
- Comparison Table - Medicaid Change of Ownership
- Search All Health Practical Guidance

Bloomberg Law 2024
Data-rich, forward-looking analysis on key issues shaping the legal industry

Get Ahead

Health:
Federal Health Regulation Tracker
Create an Alert

Chart Builders
View all state health law chart builders

State Health Resources
Click on a jurisdiction in the map below or select a jurisdiction from the dropdown menu to view our collection of laws, regulations, practice tools, and other materials specific to your state.

State Regulation & Legislation Tracker
STATE
- Ex. Delaware

HEALTH CARE
Fraud Analytics
Create an Alert
Legislative History & Current Legislative Materials

• Federal
  • ProQuest Legislative Insight
  • Congress.gov

• California
  • LRC Guide to California Legislative History
  • California Legislative Information

• Other states – talk to a reference librarian
Searching the Library Catalog

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
Reproductive Rights [electronic resource]
E-JOURNAL | Available at Copley Internet
Click here for full text (USD Users Only) from Academic Search Premier: 2003 - 2003

Reproductive rights and justice stories / edited by Melissa Murray, Katherine Shaw, Reva B. Siegel
E-BOOK | [2019]
Available at LRC Internet (K986 S6 U6 ONLINE) Access this resource in West Academic Study Aids (USDOne login required)

Producing reproductive rights : determining abortion policy worldwide / Udi Sommer, Tel-Aviv University; Aliza Forman-Rabinovic, Tel-Aviv University
PRINT BOOK | 2019
Available at LRC Reading Room (K2000 S66 2019) Map it

Producing reproductive rights : determining abortion policy worldwide / Udi Sommer, Aliza Forman-Rabinovic
Sommer, Udi, author
E-BOOK | 2019
Available at LRC Internet (K2000 S66 2019)
Searching the Circuit Catalog

• USD is a member of a library consortium, the San Diego 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!

• Delivered to LRC in 24–48 hrs.—pickup at Circulation desk

• **Access:** You can link to the Circuit catalog through the USD catalog (click on the hyperlinked Circuit logo) or go to: [http://circuit.sdsu.edu](http://circuit.sdsu.edu)
Choose Your Institution

Requesting Reproductive rights as human rights: women of color and the fight for reproductive justice / Zakiya

With which institution are you affiliated?

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- San Diego Public Library
- San Diego State Library
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Requesting Palliative care ethics: a good companion / Fiona Randall and R.S. Downie.

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or Login with library identification:
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• Delivered to LRC anywhere from 3 days to 3 weeks—make your request early!
Law Articles
Where can you find law articles?

• Lexis
• Westlaw
• Google Scholar
• Unpublished or forthcoming
  o SSRN
  o Bepress
Population Growth and Reproductive Rights in International Human Rights Law

Paradigmatic Changes in Gender Justice: The Advancement of Reproductive Rights in International Human Rights Law

Introduction: the constitutional law and politics of reproductive rights

Sexual but not reproductive: exploring the junction and disjunction of sexual and reproductive rights
The High Stakes of Gamete Regulation in a Post-Dobbs World


Number of pages: 9  •  Posted: 03 Jan 2024

Courtney G. Joslin, Katherine Kraschel and Douglas NeJaime

University of California, Davis - School of Law, Northeastern University - School of Law and Yale University - Law School

Keywords: parentage, assisted reproduction, LGBTQ+, law, donor, gamete

State Constitutional Rights, State Courts, and the Future of Substantive Due Process Protections

*SMU Law Review*

Number of pages: 33  •  Posted: 20 Dec 2023

Jonathan L. Marshfield

University of Florida Levin College of Law

Keywords: Constitutional law, state constitutions, constitutional change, due process, state courts, ...

Understanding Shield Laws

*Journal of Law, Medicine & Ethics (Online, December 13, 2023), U. of Pittsburgh Legal Studies Research Paper No. 2023-50*

Number of pages: 8  •  Posted: 19 Dec 2023

David S. Cohen, Greer Donley, Rachel Rebouche and Isabelle Aubrun

Drexel University Thomas R. Kline School of Law, University of Pittsburgh - School of Law, Temple University - James E. Bessley School of Law and Temple University - Public Health Law Research Program

Keywords: Shield Laws, Reproductive Rights, Dobbs, Roe, Abortion, Reproductive Health, Constitutional Law, ...
1. Reproductive Negligence
   Number of pages: 87  •  Posted: 04 Apr 2016  •  Last Revised: 15 Jun 2017
   Dov Fox
   University of San Diego: School of Law
   Keywords: intangible loss, material breach, probabilistic recovery, expectation damages, malpractice insurance

2. Medical Disobedience
   Number of pages: 82  •  Posted: 22 Sep 2022  •  Last Revised: 14 Feb 2023
   Dov Fox
   University of San Diego: School of Law
   Keywords: conscience, pluralism, standard of care, act/omission, informed consent

3. Silver Spoons and Golden Genes
   33 AM. J. L. & MED. 568 (2007)
   Number of pages: 58  •  Posted: 16 Dec 2007  •  Last Revised: 03 Aug 2012
   Dov Fox
   University of San Diego: School of Law
   Keywords: reproductive liberty, substantive due process, prenatal testing, disability rights

4. The Illiberality of Liberal Eugenics
   20 RATIO 1 (2007)
Search Strategies

• Use multiple search techniques.
  o Keyword (natural language & Boolean)
  o Subject
  o Browse

• Ask a librarian!

• Build from the sources you’ve already found.
  o Look at sources cited by those sources.
  o Use a citator (Shepard’s or KeyCite) to find sources that have cited to sources you’ve already found.
37

DIGNITY AND THE POLITICS OF PROTECTION: ABORTION RESTRICTIONS UNDER CASEY/CARHART

ABSTRACT. This essay on the law and politics of abortion analyzes the constitutional principles governing new challenges to Roe. The essay situates the Court's recent decision in Gonzales v. Carhart in debates of the antiabortion movement over the reach and rationale of statutes designed to overturn Roe—exploring strategic considerations that lead...
DIGNITY AND THE POLITICS OF PROTECTION: ABORTION RESTRICTIONS UNDER CASEY/CARHART

ABSTRACT. This essay on the law and politics of abortion analyzes the constitutional principles governing new challenges to Roe. The essay situates the Court’s recent decision in Gonzales v. Carhart in debates of the anti-abortion movement over the reach and rationale of statutes designed to overturn Roe—exploring strategic considerations that lead advocates to favor incremental restrictions over bans, and to supplement fetal-protective justifications with woman-protective justifications for regulating abortion. The essay argues that a multi-faceted commitment to dignity links Carhart and the Casey decision on which it centrally relies. Dignity is a value that bridges communities divided in the abortion debate, as well as diverse bodies of constitutional and human rights law. Carhart invokes dignity as a reason for regulating abortion, while Casey invokes dignity as a reason for protecting women’s abortion decisions from government regulation. This dignity-based analysis of Casey/Carhart offers principles for determining the constitutionality of woman-protective abortion restrictions that are grounded in a large body of substantive due process and equal protection case law. Protecting women can violate women’s dignity if protection is based on stereotypical assumptions about women’s capacities and women’s roles, as many of the new woman-protective abortion restrictions are. Like old forms of gender paternalism, the new forms of gender paternalism remedy harm to women through the control of women. The new woman-protective abortion restrictions do not provide women in need what they need: they do not alleviate the social conditions that contribute to unwanted pregnancies, nor do they provide social resources to help women who choose to end pregnancies they otherwise might bring to term. The essay concludes by reflecting on alternative—and constitutional—modes of protecting women who are
<table>
<thead>
<tr>
<th>Title</th>
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<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. THINLY ROOTED: DOBBS, TRADITION, AND REPRODUCTIVE JUSTICE</td>
<td>2023</td>
<td>Law Review</td>
<td></td>
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<tr>
<td>65 Ariz. L. Rev. 385, 429+</td>
<td></td>
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<td>In Dobbs v. Jackson Women's Health Organization, the Supreme Court</td>
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<td>2. WOMEN'S RIGHT TO EQUALITY AND REPRODUCTIVE AUTONOMY: THE IMPACT</td>
<td>2023</td>
<td>Law Review</td>
<td></td>
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<td>OF DOBBS v. JACKSON WOMEN'S HEALTH ORGANIZATION</td>
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<tr>
<td>45 U. Haw. L. Rev. 305, 345</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1. Introduction. 306 II. Reproductive Autonomy - at the Nexus of</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Privacy, Liberty and Equality?: 309</td>
<td></td>
<td></td>
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<tr>
<td>A. The Relationship Between Gender Equality and Reproductive</td>
<td></td>
<td></td>
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<td>Autonomy. 309 ...</td>
<td></td>
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<td>3. THE NEGATIVE RIGHT TO SHELTER</td>
<td>2023</td>
<td>Law Review</td>
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<td>criminalization of homelessness by calling for a &quot;right to shelter&quot;</td>
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<td>4. POLITICAL EQUALITY, GENDER, AND DEMOCRATIC LEGITIMATION IN DOBBS</td>
<td>2023</td>
<td>Law Review</td>
<td></td>
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<td>46 Harv. J. L. &amp; Gender 81, 130</td>
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<td>deploys new arguments about women's political...</td>
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Articles from Other Disciplines
Reproductive Rights [electronic resource]
E-JOURNAL | Internet see all
Available at Copley Internet 2003 - 2003

→ Click here for full text (USD Users Only) from Academic Search Premier:

OH I ▼ ABORTION RIGHTS.
McCLAIN, DANI
Ohio recently passed a ballot initiative, Issue 1, which guarantees the right to abort... more

Reproductive rights and justice stories / edited by Melissa Murray, Katherine Shaw, Reva B. Siegel
E-BOOK | [2019]
Available at LRC Internet (HQ765.5.U6 ONLINE) see all

→ Access this resource in West Academic Study Aids (USDOne login required)

Assisted reproductive technology in France: The reproductive rights of LGBT people.
Agopiantz M; Dup M; Martin E; Meyer L; Uwricz A; Mougou R; Malmancro H
Background: In 2021, France authorized ART with sperm donor for female couples and sin... more
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- Music (13)
- New Books and Media (1)
- News (8)
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- Peace Studies (3)
- Philosophy (13)
- Physics (10)
- Political Science (16)
- Popular Databases (10)
- Psychology (14)
- Reference (22)
- Sciences (17)
- Sociology (16)
- Spanish (5)
- Test and Measures (2)
- Theatre (11)
- Theology and Religious Studies (23)
- TransBorder Institute (2)
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Best Bets!

CINAHL Plus with Full Text
CINAHL with Full Text, provides indexing for 1,835 journals from the fields of nursing and allied health. The database contains more than 1,000,000 records dating back to 1982. Offering complete coverage of English-language nursing journals and publications from the National League for Nursing and the American Nurses' Association, CINAHL with Full Text covers nursing, biomedicine, health sciences librarianship, alternative/complementary medicine, consumer health and 17 allied health disciplines.

PubMed
PubMed is a service of the U.S. National Library of Medicine that includes over 18 million citations from MEDLINE and other life science journals for biomedical articles back to the 1950s.

Up to Date
Alternate Name(s) UpToDate
A clinical information resource created by a community of 3,000 expert clinicians that provides current answers to clinical questions. Over 8,500 topics are covered. Note: Off campus access is not available for this database.

Cochrane Database of Systematic Reviews (COCHR)

The Cochrane Database of Systematic Reviews (COCHR) is part of Ovid's Evidence Based Medicine Reviews collection, and includes the full text of the regularly updated systematic reviews of the effects of healthcare interventions.
Relevant Non-Law Databases

- Academic Search Premier
- JSTOR
- Sage Premier Journals
- ScienceDirect
- SpringerLink Journals
- Web of Science (index only)
- Wiley Interscience Journals
Other Special Libraries

- Academic medical libraries
  - UCSD’s library supports their medical school
- Georgetown Bioethics Research Library
- National Library of Medicine
Google Advanced Search

google.com/advanced_search

- Approximate Boolean connectors
- Narrow by language, region, or date
- Search a specific website or domain (e.g. .edu or .gov)
Generative (Gen) AI
How do Gen AI tools work?

• Gen AI tools use large language models (LLMs) to simulate conversations.
• LLMs are trained on the internet but are not a search engine by themselves.
• LLMs predict what each word of a response should be based on training.
  o Hallucinations
  o Training limited in time
    ▪ Or quality of connected search engine/database
  o Inherent bias from training sources

• LRC Guide to ChatGPT & Other Generative AI Tools for USD Law Students
What about Gen AI tools designed for legal research?

• Legal databases have been developing gen AI tools that combine LLMs with retrieval augmented generation (RAG).
  
  o RAG is a process by which the gen AI tool couples an LLM with a search engine.
  
  o The user enters a prompt which the tool turns into a search query. The LLM is then supposed to include the results of the query in its response.
  
  o This allows legal databases to harness their collections of primary and/or secondary sources to increase accuracy and access up to date information.

  ▪ RAG is not a foolproof way to eliminate hallucinations.
What are Gen AI tools good for?

- Only use it for tasks it’s good at!
  - Catching typos and grammar errors
    - But not for Bluebooking
  - Modifying tone
  - Brainstorming
  - Summarizing specific, discrete pieces of text
- Disclose what tool you used and what you used it for.
- Ask ahead of time if you’re not sure whether you should or should not use a tool.
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 in a tool

- Reference manager
- Citation support for Bluebook style
- Organize and annotate PDFs, webpages, and other digital content
- Fits your research style--something you will use!!
Note-taking apps

Evernote
PowerNotes
Google Drive
Box
Document AND citation management

Typical features include:

- Free or premium upgrade
- Web, client, mobile apps
- PDF storage & annotation
- Cloud & local storage
- Web content capture
- Citation style ("bibliographic utility")
Sources & additional resources

• Comparing reference managers:
  o U. Wisconsin-Madison Libraries: Citation Manager Comparison Chart
  o Yale Law Library: Choose a Research/Citation Management System that is Right for You

• Setting up Bluebook style:
  o U. Cincinnati Law Library: Citation Management Services
Citing the best source

• Don’t rely on Source A to tell you what Source B says – go back to the original
  o Don’t cite Scholar A to tell your reader what Scholar B argued
  o Don’t cite a book or an article to tell your reader what a case held
  o Don’t cite a case to tell you what the statute says
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)

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Sun: 12pm-4pm

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