Research Assistant Training: Statutory and Administrative Law Research

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The majority of “law” is here

1L curriculum focuses here
Legislative Research
Quick review

• Session laws: statutes enacted during a legislative session; compiled at end of each session
• Statutory codes: compilation and arrangement of those statutes by subject; constantly updated as new statutes add to or change prior law

• Federal and state
• Text, history, annotations, citators
Today’s legislative research topics

- Local/municipal codes
- 50-state surveys
- Tracking pending legislation
- Historical statutes
- Legislative history
Local/Municipal Codes
Local/municipal codes

• Created by local governing bodies, e.g. County Board of Supervisors, City Council
• Various names: codes, ordinances, bylaws, measures
• Have the force and effect of law; can’t conflict with state law
Sources of municipal codes

- No comprehensive source
- Lexis Advance includes some municipal codes (see e.g. California municipal codes here, but nothing for San Diego-area governments)
- Westlaw Edge includes only the New York City and Washington, D.C. codes
- Best approach: search the website of the municipality in question to find a link to its code
City of San Diego Municipal Code

Available on City of San Diego’s website
San Diego County Ordinances

Available via American Legal Publishing website
50-State Surveys
50-state surveys

Manually collecting each state’s law on a topic is time-consuming and difficult (variations in terminology and code structure).

Look for an existing compilation—even if incomplete or out of date, can save considerable time. May be found in various places:

• HeinOnline
• Westlaw and Lexis
• Secondary sources: law review articles, A.L.R. annotations, practice guides, etc.
• National Conference of State Legislatures
• Advocacy organizations often collect state statutes on topics of interest to them
50-state surveys: HeinOnline

**National Survey of State Laws**
Searchable and browsable database of 50-state surveys on more than 50 topics. Includes citations to and brief summaries of state laws.

**Subject Compilations of State Laws**
Searchable and browsable index of articles, books, current-awareness materials, websites, and more which include comparisons of state laws on more than 1,200 subjects. Includes direct links to materials which are also available on HeinOnline; may have to locate other materials elsewhere.
2019 (8th Ed.) + Interim Updates


Browse Laws by Category

BUSINESS AND CONSUMER LAWS
CRIMINAL LAWS
EDUCATION LAWS
EMPLOYMENT LAWS
FAMILY LAWS
GENERAL CIVIL LAWS
REAL ESTATE LAWS
TAX LAWS

Browse Laws by Topic

1. ABORTION
2. ADOPTION
3. ADVERSE POSSESSION
4. ANIMAL WELFARE
5. ANNULMENT AND PROHIBITED MARRIAGE
6. ANTITRUST
7. ATTORNEYS
8. BEER LAW Recently Added
9. BULLYING
10. CAPITAL PUNISHMENT
11. CHILD ABUSE
12. CHILD CUSTODY
13. CHILD SUPPORT GUIDELINES
14. CIVIL RIGHTS Recently Updated
15. CIVIL SHOPLIFTING Recently Added
16. CIVIL STATUTES OF LIMITATIONS
17. COMPULSORY EDUCATION
18. COMPUTER CRIMES
50-state surveys: Westlaw

From the main Westlaw page: Secondary Sources → 50 State Surveys (or via this direct link)

• Separate pages for surveys of regulations and statutes
• Organized topically (e.g. Criminal Laws, Environmental Laws, Health Care, etc.); also full-text searchable
Favorite Publications

Secondary Sources (2)

- Add to Favorites
- Copy link

Click Scope icon for coverage information.

Filtered Publications

- 50 State Surveys

1 - 2

- Select all items
- No items selected
- 50 State Regulatory Surveys
- 50 State Statutory Surveys

50 per page
50-state surveys: Lexis

From the main Lexis+ page: Content: Secondary Materials → Content Type: 50 State Surveys → LexisNexis® 50-State Surveys, Statutes & Regulations (or via this direct link)

• Single page includes surveys of regulations and statutes
• Organized topically (e.g. Criminal Law & Procedure, Environmental Law, Healthcare Law, etc.); also full-text searchable
50-state surveys: chart builders

- Westlaw, Lexis, Bloomberg Law and some specialty databases have tools that will collect provisions for you across states
- Not available for all topics
- Often allow exporting to an Excel spreadsheet
https://www.bloomberglaw.com/page/chart_builders_home
Chart Builders

Banking & Consumer Finance
- Bank Capital Requirements
- Bank Chartering
- Bank Charter Conversions
- Bank Reserve Requirements
- Branches of Foreign Banks
- Commercial Lender Licensing
- Debt Collection Change of Control
- Debt Collection Compliance
- Debt Collection Licensing
- Digital Currency Regulation
- General Lending: Change of Control

Health Care
- Access, Retention & Disposal of Records
- Accountable Care Organizations
- Any Willing Provider/Patient Choice
- Benefit Mandates for Providers/Specialists
- Benefit Mandates for Services/Supplies
- Benefit Mandates for Specific Treatments
- Certificates of Need
- Continuation Coverage
- Corporate Practice of Medicine
- Coverage of Abortion Services
- Data Breach Notification

Blue Sky/Securities
- Broker-Dealer Representative Registration & Reporting
- Broker Dealer Firm Registration & Reporting
- Exemptions for Commercial Paper
- Exemptions for Employee Benefit Plans
- Exemptions for Fiduciaries, Pledges & Accredited Investors
- Exemptions for Government, Industry & Nonprofits
- Exemptions for Isolated Transactions & Limited Offerings
- Exemptions for Mergers, Reorgs & S’holder Transactions
- Exemptions for Offers Subject to 1933 Act Registration

Labor & Employment
- Age Discrimination
- All Equal Employment Opportunity (EEO) Topics
- Arrest & Conviction Records
- At-Will Employment
- Child Labor
- Child Support
- Commuter Benefits
- Compensable Time
- Confidential & Proprietary Information
Health Privacy: Medical Record Access, Retention and Disposal
# Health Privacy: Medical Record Access, Retention and Disposal Chart

## Applicable Law

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<th>Topic</th>
<th>Arizona</th>
<th>California</th>
<th>Nevada</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td>Nev. Admin. Code § 449.794 (home health agencies)</td>
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<td></td>
<td>Nev. Admin. Code § 433.27 (NEW) (mental health providers community-based living arrangement services)</td>
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## Patient Access

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<th>Topic</th>
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<th>California</th>
<th>Nevada</th>
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<tr>
<td>Patient Access</td>
<td>Health professionals must have written protocols for patient medical records specifying how to timely respond to requests for record access and copies. Ariz. Rev. Stat. § 32-3211(A)(3)</td>
<td>Businesses that maintain medical information must provide patients with copies of their medical profiles and other information at no charge. Cal. Civ Code § 56.07</td>
<td>Health-care providers must make a record available to the patient, his representative or other specified individuals, within 10 working days for in-state patients, for a reasonable cost. Nev. Rev. Stat. § 629.061(1), (2), (4)</td>
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<td>Healthcare providers must provide access to or copies of medical or payment records to patients or their health care decision makers upon written request; however, providers may deny requests in certain situations, such as when they believe access is reasonably likely to endanger the life or physical safety of the patient or another person. Ariz. Rev. Stat. § 12-2293</td>
<td>Patients’ rights to access electronic medical records are consistent with their rights to other medical information. Cal. Civ Code § 56.101(b)(2)</td>
<td>Ambulance owners and operators must make a record available to the patient, his representative or other specified individuals. Nev. Rev. Stat. § 629.061(6)</td>
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<td>Psychologists may not condition the release of client records on payment for services and must provide access to or a copy of a client’s record to the client or his/her healthcare decision maker with the client’s written consent unless the release violates copyright laws or rules of professional conduct. Psychologists may deny requests to provide access to or a copy of a client’s record if they determine that, among others things, access is reasonably likely to endanger the client’s life or physical safety or cause substantial harm to the client or another person; or access may result in misuse or misrepresentation of the information and may potentially harm the client. Ariz. Admin. Code R4-26-106</td>
<td>Patients and their representatives have the right: to inspect their records upon request and payment of reasonable costs within five working days; and to receive paper or electronic copies of the record in the form and format requested or agreed to by the provider and patient or representative, within 15 days of a request. Minor patients may inspect only records relating to health care to which they can lawfully consent. Parties aggrieved by access violations may bring an action against the provider. Providers may prepare a summary of the record to meet access requirements within 10 working days. Cal. Health and Safety Code § 123110, Cal. Health &amp; Safety Code § 123120, Cal. Health &amp; Safety Code § 123130</td>
<td>Skilled nursing facilities must allow a patient and his representative to inspect the records within 24 hours of receiving a request. Nev. Admin. Code § 449.7443(1)</td>
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<td>It is unprofessional conduct for psychologists to fail to make a copy of a client’s or patient’s record available to the client, patient or his/her representative upon written request. Ariz. Rev. Stat. § 32-2061(16)(cc)</td>
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<td>Mental health providers must make records available for review by the patient or patient’s guardian. Nev. Admin. Code § 433.27 (NEW)</td>
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Bill Tracking
Tracking pending legislation

- Westlaw, Lexis bill tracking tools
- National Conference of State Legislatures
- Advocacy organizations’ legislative action centers
- GovTrack
- BillTrack50
Historical statutes

- Westlaw and Lexis have some prior versions of statutes; varies widely state to state, but none prior to early-1990s. Both also have a Compare Versions tool
  - Westlaw: Current statute → History → Versions
  - Lexis: Current statute → About This Document → Archived code versions
- HeinOnline: State Statutes: A Historical Archive
Browse Databases by Name

- Law Journal Library
  - American Bar Association Journals
  - Core U.S. Journals
  - Criminal Justice Journals
  - International & Non-U.S. Law Journals
  - Most-Cited Law Journals
  - ABA Law Library Collection Periodicals
  - Acts of the Parliament of Canada (Annual Statutes)
  - American Association of Law Libraries (AALL)
  - American Enterprise Institute (AEI)
  - American Indian Law Collection
  - American Law Institute Library
  - Animal Studies: Law, Welfare and Rights
  - Annual Statutes of Canada
  - Association of American Law Schools (AALS)
  - Art Antiquity and Law
  - Australian & Canadian Acts of the Parliament
  - Bar Journals
  - Brennan Center for Justice Publications at NYU School of Law
  - Buffalo Environmental Law Journal
  - Buffalo Public Interest Law Journal
  - Canada Supreme Court Reports
  - Canadian & Australian Acts of the Parliament
  - Cataloging Legal Literature
  - Cataloging Online
  - Civil Rights and Social Justice
  - Code of Federal Regulations
  - Congress and the Courts
  - COVID-19: Pandemics Past and Present
  - Criminal Justice & Criminology
  - Current Index to Legal Periodicals (CILP)
  - Democracy in America
  - Early American Case Law
  - English Reports
  - European Centre for Minority Issues
  - Executive Privilege
  - Immigration Law & Policy in the U.S.
  - Intellectual Property Law Collection
  - International Commission of Jurists Library (ICJ)
  - International Law & Association Reports
  - John F. Kennedy Assassination Collection
  - Legal Classics
  - Martindale-Hubbell Law Directory
  - Multinational Sources Compared
  - National Conference of Commissioners on Uniform State Laws
  - National Moot Court Competition
  - National Survey of State Laws
  - NOMOS: American Society for Political and Legal Philosophy
  - Oregon Review of International Law
  - Pentagon Papers
  - Philip C. Jessup Library
  - Preststatehood Legal Materials
  - Preview of United States Supreme Court Cases
  - Reports of U.S. Presidential Commissions and Other Advisory Bodies
  - Review of Banking and Financial Law
  - Revised Statutes of Canada
  - Session Laws Library
  - Slavery in America and the World: History, Culture & Law
  - Spinelli's Law Library Reference Shelf
  - Standard Federal Tax Reporter (1917-1985)
  - State Attorney General Reports and Opinions
  - State Constitutions Illustrated
  - State Reports: A Historical Archive
  - State Statutes: A Historical Archive
  - Statutes of the Realm
  - Subject Compilations of State Laws
  - Tax Foundation Archive Publications
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<tr>
<th>Title</th>
<th>Author(s)</th>
<th>Publisher</th>
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<tbody>
<tr>
<td>Compiled Laws of the State of California: Containing All the Acts of</td>
<td>Garfield, S., Compiler; Snyder, F.</td>
<td>1 v. Berclio: Published by S. Garfield, 1853</td>
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<td>Legislation of a Public and General Nature, Now in Force, Passed</td>
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<td>the Sessions of 1850-51-52-53</td>
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<td>in the Courts of Justice in This State, as Passed April 29, and</td>
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<td>Amended May 18, 1853, May 18, 1854; April 28, May 4 and May 7, 1855</td>
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<td>Character which will be in Force on the First Day of January, 1858</td>
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<td>California Probate Law and Practice</td>
<td>Belknap, D.P.</td>
<td>1 v. San Francisco: Sterett &amp; Butler, 1858</td>
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<td>Character Which Were in Force on the First Day of January, 1858</td>
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<td>Leyes de California, Dadas en la Duodecima Sesion de la Legislatura</td>
<td>Lies, Eugene</td>
<td>1 v. Sacramento: Charles T. Botts, 1851</td>
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<tr>
<td>1861: Que Principio el Lunes, Dia Siete de Enero, y Finalizo el</td>
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<td>Lunes Dieante Mayo</td>
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<tr>
<td>Civil Practice Act of the State of California, as Amended</td>
<td>Parker, Charles H.</td>
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</table>
Researching Legislative History
Overview of federal legislative process
(image courtesy https://www.dailyinfographic.com/how-our-laws-are-made-infographic)
Federal legislative history materials

Some of the documents you may find when researching legislative history:

- Bill text (all the versions throughout the process)
- Committee Reports
- Committee Hearings
- Congressional Debates
- Committee Prints
- Presidential or Executive Agency Documents
- Public statements, including blogs or podcasts
Sources of federal legislative history

ProQuest Congressional and Legislative Insight
- Subscription databases (use LRC website for access)
- Offer deeper coverage than Westlaw and Lexis, including materials related to both recent and historical legislation

Westlaw and Lexis
- Both include some legislative history materials, though not as comprehensive as the ProQuest databases
- Both have dedicated legislative history pages (Westlaw, Lexis)

Congress.gov
- Includes current and recent materials, including videos of hearings
New to ProQuest Congressional? Here are some useful starting places.

**Legislative Histories**

*Legislative Insight* provides compiled histories with full text PDFs and tools to facilitate research into the legislative histories of U.S. statutes.

**Congress in Context**

*Read our Congressional profiles* to gain an understanding of the historical context of each Congressional term, including an overview of party divisions and leadership, economic conditions, conflicts, major laws, landmark Supreme Court cases, and major events.

**Research Reports**

*Nonpartisan Congressional Research Service (CRS) reports* are great starting points for research on a wide variety of topics, past and present. Reports often provide pro and con positions, overviews, statistics, and analysis.

**Members of Congress**

*Access Member profiles* to find information on Senators and Representatives, including sponsored bills, remarks, and floor votes.

**Bills by Number**

*Do you have a bill number* or another type of citation for a government document you would like to look up?

**Hearings**

*Explore Hearings* to find differing perspectives on the issues of the day as congressional committees take testimony from a wide range of individuals to inform decisions on legislative proposals or investigative proceedings.
Congressional Bills

e.g. 104 H.Res 464

Congress (e.g. 104)

Bill Type (e.g. H.Res)

Bill Number (e.g. 464)

117th Congress (2021-2022)
H.R. – House Bill

Search

About Congressional Bills

Bills are legislative proposals. A bill might have numerous versions as it passes through both chambers of Congress.

Bill citations consist of the Congress number, the bill type (see definitions below) and then the number.

Example: 104 S. 652 is the 652nd bill introduced in the Senate in the 104th Congress.

There are eight different types of bills:
FEATURED LAW:
PL111-148, the Patient Protection and Affordable Care Act.

Enacted March 23, 2010, PL111-148, the Patient Protection and Affordable Care Act was the most comprehensive Federal reform of the U.S. healthcare system since the creation of the Medicare program nearly 35 years before. Viewed as the signature domestic policy achievement of the Obama administration and colloquially referred to as “Obamacare,” after President Barack H. Obama, the act was passed following years of effort to address a variety of interrelated issues that were placing increasing strain on the nation’s health care system. The result is a complex law with provisions addressing (among other things) precipitously rising healthcare costs, medical coverage for individuals with preexisting medical conditions, and the disproportionate costs of insuring young, healthy individuals in comparison to older individuals with more health problems.

Passage of the Patient Protection and Affordable Care Act was the culmination of a dizzyingly complex history of Congressional action aimed at reforming healthcare in the United States. The legislative history for PL111-148 brings this history together, allowing the researcher to track the development of these disparate initiatives over the years. Related bills, Congressional hearings, as well as numerous Congressional reports and debates recorded in the Congressional Record are all aggregated to track the process of enacting this complex legislation.
State legislative histories

The legislative process varies widely among states; fewer materials are generated than at the federal level, and they typically are more difficult to locate. Materials related to recent legislation are often easier to find; consult a reference librarian for assistance.

Two starting points for California:

- USD’s [California Legislative History Research Guide](http://linksome.example.com)
- California State Legislature: [Legislative Information](http://linksome.example.com)
BILL SEARCH

Bill Number: AB1 or ab
Session Year: 2021 - 2022
Author: All
Code: All
Code Section: 
Keyword(s): 

Search  Clear

Bills Returned: 0
Researching Administrative Law
What is administrative law?

The law that governs the creation/operation of administrative agencies and the law that such agencies create.

Agencies create law in two ways:

1. Regulations
2. Agency adjudications
Administrative Law

- Legislative
- Executive
- Judicial

Regulations: quasi-legislative

Hearings/adjudications: quasi-judicial
How agencies are created

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 two things:

1. Promulgate regulations that provide more detailed rules and establish oversight processes;
2. Enforce the law through those processes, including administrative hearings/adjudications.
Regulations
Promulgation of regulations

Strict rules about what the agency must do (simplified):

1. Agency drafts and publishes proposed regulations in the Federal Register (Fed. Reg.)
2. Opportunity for public comment
4. Codify the final regulations in the Code of Federal Regulations (C.F.R.)
About the Code of Federal Regulations

The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The 50 subject matter titles contain one or more individual volumes, which are updated once each calendar year, on a staggered basis. The annual update cycle is as follows: titles 1-16 are revised as of January 1; titles 17-27 are revised as of April 1; titles 28-41 are revised as of July 1; and titles 42-50 are revised as of October 1. Each title is divided into chapters, which usually bear the name of the issuing agency. Each chapter is further subdivided into parts that cover specific regulatory areas. Large parts may be subdivided into subparts. All parts are organized in sections, and most citations to the CFR refer to material at the section level. 

Click here to access the e-CFR (Electronic Code of Federal Regulations), the regularly updated online version of the CFR.
Guidance documents

- Some agencies put out informal documents that lay out current thinking on issues
- Avoids strict requirements for promulgating regulations
- Not legally binding, but can be a good indicator of an agency’s position
- May not be formally published—look on agency’s website
Agency Adjudications
Administrative adjudications

- Differs widely among agencies
- Informal/formal
- Bind only parties/precedential effect
- Whether and how they’re published

- Agency websites are often a good place to start
- Westlaw, Lexis, Bloomberg Law and other specialty databases have selected agency adjudications
- HeinOnline has historical agency materials
Formal adjudications

- Look a lot like court cases
- Agency hearing (similar to trial)
- Conducted by administrative law judge (ALJ) (similar to trial court judge)
- Can be appealed up to a higher authority within the agency
- Once administrative remedies are exhausted, often can file suit in court
Informal adjudications

- Advice letters
- Attorney General opinions
- Advisory guidance
Memos & Research
- General Counsel Memos
- Operations-Management Memos
- Advice Memos
- Citenet
- Agency Court Filings

Key Reference Materials
- National Labor Relations Act
- Rules & Regulations
- Manuals and Guides
- Interagency & International Collaboration

Fillable Forms
- Inspector General Hotline
- OIG Contractor Reporting Form
- Policies
- Request For Information
- Request a Speaker
- Site Feedback

Freedom of Information Act (FOIA)
- How to File a FOIA Request
- FOIA Reference Guide
- FOIA E-Library
- FOIA Reports
- FOIA Resources
- FOIA Contacts

The NLRB My Account Portal is an NLRB website that allows individuals to view cases and inquiries to which they are a party, e-file documents in those cases/inquiries, view their e-file history and manage their user profile.

About NLRB  |  Cases & Decisions  |  News & Publications  |  Guidance  |  Reports  |  E-Filing  |  Search  |  Downloads  |  Contact Us

Introduction to the NLRB  |  What Are My Rights?  |  Protect Employees

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- NLRB Process
- Board Rules & Regulations
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Board Decisions

XPO LOGISTICS FREIGHT, INC.
Citation Number: 370 NLRB No. 99
Case Number: 09-RC-262066
Issuance Date: 23 March 2021

FAA CONCORD T, INC., DBA CONCOR...
Citation Number: 370 NLRB No. 98
Case Number: 32-CA-264162
Issuance Date: 19 March 2021

Get Decision by volume and page / slip opinion number.

Volume# *

Page or Slip Opinion Number *

Get Decision

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Federal Tax Update on Checkpoint

*Code Sec. 501—Exempt orgs.—exempt status—final adverse determinations.*

IRS issued final adverse determination that org. didn’t qualify for exempt status under Code Sec. 501(c)(6) after it failed to file protest to proposed adverse determination within requisite 30 days. (PLR 202015022)

*Filing date for tentative refund applications extended - Category : Federal Tax Update*

In a Notice, the IRS has extended, for 6 months, the deadline for filing an application for a tentative refund with respect to the tax liability of a decedent whose estate tax return has been rejected because of deficiency in the tax due.
Tax Administrative Decisions & Guidance

Federal

All Internal Revenue Service (IRS) Materials
  Private Letter Rulings
  Revenue Procedures
  Revenue Rulings
  Joint Committee on Taxation Prints (Bluebooks)

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