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 Look for an existing compilation—even if incomplete or out of date, can save considerable time.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.
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

Filter
- Select multiple
- Apply
- Apply Favorites

Search by title

Home > Secondary Sources

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

Tools & Resources
- Black's Law Dictionary
- Current Index to Legal Periodicals
- International Materials
- Law Reviews & Journals Index
- Legal Resource Index
- Rise of American Law
- Secondary Sources Index
- Westlaw Bulletins & Topical Highlights
- Words & Phrases
- World Journals
- More Secondary Sources Resources
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
<table>
<thead>
<tr>
<th>SEARCHES</th>
<th>LAW SCHOOL RESOURCES</th>
<th>FEATURED</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Legal Content</td>
<td>BLAW Skills Center</td>
<td>Core Litigation Skills</td>
</tr>
<tr>
<td>Court Opinions</td>
<td>Live &amp; Recorded Webinars</td>
<td>Brief Analyzer</td>
</tr>
<tr>
<td>Dockets</td>
<td>On-Demand Certification Courses</td>
<td>Contract Drafting</td>
</tr>
<tr>
<td>Points of Law</td>
<td>Videos &amp; Reference Guides</td>
<td>Draft Analyzer</td>
</tr>
<tr>
<td>Litigation Analytics</td>
<td>Law Review Resources</td>
<td>Lawyer Development</td>
</tr>
<tr>
<td>Books &amp; Treatises</td>
<td>Career Resources</td>
<td>Lawyer Well-Being</td>
</tr>
<tr>
<td>Transactional Precedents</td>
<td>Librarian Resources</td>
<td>Bloomberg Law News</td>
</tr>
<tr>
<td>EDGAR</td>
<td>Practice Centers &amp; Tools</td>
<td>Subscribe to Newsletters</td>
</tr>
<tr>
<td>Bloomberg News</td>
<td>In Focus Resources</td>
<td>Alerts Management</td>
</tr>
<tr>
<td></td>
<td>Practical Guidance</td>
<td>New on BLAW</td>
</tr>
<tr>
<td></td>
<td>State Law Chart Builders</td>
<td></td>
</tr>
</tbody>
</table>
Health Privacy: Medical Record Access, Retention and Disposal
<table>
<thead>
<tr>
<th>Topic</th>
<th>Arizona</th>
<th>California</th>
<th>Nevada</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Patient Access</strong></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) 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 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 other things: access is reasonably likely to endanger the client's life or physical safety or cause substantial harm to the client or other person.</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 Patients' rights to access electronic medical records are consistent with their rights to other medical information. Cal. Civ. Code § 56.101(b)(2) 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>Health-care providers must make a record available to the patient, his representative or other specified individuals, within 10 working days for in-state patient for a reasonable cost. Nev. Rev. Stat. § 629.061(1), (2), (3) Ambulance owners and operators must make a record available to the patient, his representative or other specified individuals. Nev. Rev. Stat. § 629.061(6) Skilled nursing facilities must allow a patient and his representative to inspect the records within 24 hours receiving a request. Nev. Admin. Code § 449.74443(1) Mental health providers must make records available to the patient or patient's guardian. Nev. Admi Code § 433.27 (NEW)</td>
</tr>
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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
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
State Statutes: A Historical Archive
<table>
<thead>
<tr>
<th>State</th>
<th>Titles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
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<tr>
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<td>(33)</td>
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<td>Delaware</td>
<td>(9)</td>
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<td>District of Columbia</td>
<td>(25)</td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
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<td>Compiled Laws of the State of California: Containing All the Acts of</td>
<td>Garfield, S., Compiler; Snyder, F. A., Compiler</td>
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<td>Legislature 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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</tr>
<tr>
<td>California Probate Law and Practice</td>
<td>Belknap, D.P.</td>
</tr>
<tr>
<td>Character which were in Force on the First Day of January, 1858</td>
<td></td>
</tr>
<tr>
<td>Leyes de California, Dadas en la Duodécima Sesión de la Legislatura,</td>
<td>Lies, Eugene</td>
</tr>
<tr>
<td>1861: Que Principio el Lunes, Día Siete de Enero, y Finalizó el</td>
<td></td>
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<tr>
<td>Lunes Día Veinte de Mayo</td>
<td></td>
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<tr>
<td>Civil Practice Act of the State of California, as Amended</td>
<td>Parker, Charles H.</td>
</tr>
</tbody>
</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
Want to learn more? Here are some useful starting places.

Choose one of these Popular Topics or browse our Topic Pages to discover key concepts and policies.

SEARCH CRS REPORTS
Looking for background information on a policy issue?
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.

SEARCH FOR A CITATION
Got a citation?
Use a dedicated citation search with help on formatting citations to find Bills, Public Laws, Statutes at Large, Public Resolutions, US Code, Congressional Record and Regulations.

CONGRESS IN CONTEXT
Need some historical context?
Read our specially created historical profiles to discover more about the setting, personnel and events which may have influenced the legislation created during a particular Congressional period.

SEARCH HEARINGS
Looking for a viewpoint?
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

Congress (e.g. 104)

Bill Type (e.g. H.Res)

Bill Number (e.g. 464)

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:

Bills

- H.R. – House Bill
- S. – Senate Bill
PL115-397, The culmination of nearly two years of hearings and discussion, the Congressional Accountability Act of 1995 Reform Act aims to strengthen sexual harassment protections for employees of the Federal government and extends those protections to interns and other unpaid employees of the legislative branch. The act further eliminates the mandatory "cooling off" period previously required before a victim could formally pursue a harassment complaint, requires that members of Congress be held personally liable for any settlement payments arising from sexual harassment complaints, and increases transparency in cases where settlements have been paid.

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.

RESEARCH TIP:
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
• California State Legislature: Legislative Information
WELCOME

Welcome to the California Legislative Information website! In response to your feedback, we are pleased to announce improved legislative research capabilities available with the new Advanced Search feature. Using the new search options, you can now find bills using the following criteria: status, author, committee or floor location, and date ranges for various legislative actions on a bill. In addition, you may perform a more complex bill search by combining criteria available on one or more of the Advanced Search tabs. Measures prior to 1999 can 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.

Quick Bill Search:

<table>
<thead>
<tr>
<th>Bill Number</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Keywords(s)</td>
<td>Search phrase</td>
</tr>
</tbody>
</table>

Quick Code Search:

<table>
<thead>
<tr>
<th>Code</th>
<th>Select Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code Section</td>
<td>1 or 2 or 1001</td>
</tr>
<tr>
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<td>Keyword(s) input</td>
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</tbody>
</table>

Pursuant to Section 10248.5 of the Government Code, the information described in subdivision (a) of Section 10248 of the Government Code and made available on this Web site is within the public domain and the State of California retains no copyright or other proprietary interest in the information.
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.

Browse the Code of Federal Regulations

- 2021
- 2020
- 2019
- 2018
- 2017
Make a difference. Submit your comments and let your voice be heard.

Search for Rules, Proposed Rules, Notices or Supporting Documents

What's New on Regulations.gov

New features recently added include docket subscriptions and the ability to browse all posted comments to a docket. See FAQs for more detail.

What's Trending

- **DEPARTMENT OF THE INTERIOR**
  - Reconciliation of Derogatory Geographic Names

- **WAGE AND HOUR DIVISION**
  - Updating the Davis-Bacon and Related Acts

Explore

Comments Due Soon
- Today: 44
- Next 3 Days: 62
- Next 7 Days: 203

Posted Recently
- Today: 45
- Last 3 Days: 193
- Last 7 Days: 369

Dockets
- Deregulatory: 646
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
### Cases & Decisions

<table>
<thead>
<tr>
<th>Cases</th>
<th>Decisions</th>
<th>Filing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Search</td>
<td>Board Decisions</td>
<td>E-File Charge / Petition</td>
</tr>
<tr>
<td>NLRB Case Map</td>
<td>Unpublished Board Decisions</td>
<td>File Case Documents</td>
</tr>
<tr>
<td>Research</td>
<td>Administrative Law Judge Decisions</td>
<td>Invitations to File Briefs</td>
</tr>
<tr>
<td></td>
<td>Regional Election Decisions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Notable Board Decisions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weekly Summaries of Decisions</td>
<td></td>
</tr>
</tbody>
</table>

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### Board Decisions

1. **Collier County Education Association**
   - Citation Number: 371 NLRB No. 92
   - Case Number: 12-CA-283928
   - Issuance Date: 20 April 2022

2. **CMA Logistics, LLC**
   - Citation Number: 371 NLRB No. 90
   - Case Number: 22-CA-283429
   - Issuance Date: 15 April 2022

3. **J.G. Kern Enterprises, Inc.**
   - Citation Number: 371 NLRB No. 91
   - Case Number: 07-CA-231820
   - Issuance Date: 20 April 2022

4. **Hogan CP, Inc.**
   - Citation Number: 371 NLRB No. 89
   - Case Number: 13-CA-281569
   - Issuance Date: 13 April 2022

5. **Lagos General Contractors, Inc.**
   - Citation Number: 371 NLRB No. 88
   - Case Number: 13-CA-284126

6. **Qawasmi Trading Inc. d/b/a Green ...**
   - Citation Number: 371 NLRB No. 85
   - Case Number: 13-CA-226275

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**Quick Decisions**

Get decision by volume and page / slip opinion number.

- **Volume #**
- **Page or Slip Opinion Number**

[Get Decision]
Westlaw, Lexis, & Bloomberg Law Practice Centers
<table>
<thead>
<tr>
<th>Content types</th>
<th>Federal materials</th>
<th>State materials</th>
<th>Practice areas</th>
<th>My content</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Admiralty &amp; Maritime</td>
<td>Criminal Law</td>
<td>Government Contracts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antitrust</td>
<td>Data Privacy</td>
<td>Health Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>Employee Benefits &amp; Executive Compensation</td>
<td>Immigration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Markets</td>
<td>Employment</td>
<td>Insurance Law</td>
<td></td>
<td></td>
<td></td>
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<td>Commercial Law</td>
<td>Energy &amp; Environment</td>
<td>Intellectual Property</td>
<td></td>
<td></td>
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<td>Construction Law</td>
<td>Estate Planning</td>
<td>Medical Litigation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Corporate Counsel</td>
<td>Family Law</td>
<td>Mergers &amp; Acquisitions</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Corporate Governance</td>
<td>Finance &amp; Banking</td>
<td>Military Law</td>
<td></td>
<td></td>
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<tr>
<td>Corporations</td>
<td></td>
<td>Municipal Law</td>
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</tbody>
</table>

**News and insight from Reuters**

*Florida lawmakers pass bill to revoke Disney's special status*

4/21/2022 - Reuters
President Biden's Digital Revenue Proposals
JD Supra (Blog)

On March 8, 2022, President Biden signed Executive Order 14067, "Ensuring Responsible Development of Digital Assets." The order set national policy for digital assets emphasizing six priorities. Those priorities were consumer and investor protection, innovation, prudence, national security, and integrity. The order states that the government will work with other countries to promote transparency in the digital asset sector.

The 8 corners and beyond, a Texas Supreme Court ruling and implications for designers' and contractors’... Practitioner Insights Commentaries

Andrew Le of Atheria Law discusses a recent Texas Supreme Court decision that confirmed an exception to the state's "eight corners rule" and how the ruling might apply to coverage issues surrounding design and construction defect litigation.

Virginia Department of Taxation Releases Initial Guidance on New Pass-Through Entity Election, Including...
Enter a source name, a citation, terms or shep: [citation] to Shepards®

- Search all sources on this page
- Select sources to search

General

- AK Oil and Gas Conservation Commission Decisions
- AK Regulatory Commission Decisions
- AL Public Service Commission Decisions
- AR Public Service Commission Decisions
- AZ Corporation Commission Utilities Division Decisions
- CA Public Utilities Commission Decisions
- CO Public Utilities Commission Decisions
- CT Public Utility Regulatory Authority
- DC Public Service Commission Decisions
- DE Public Service Commission Decisions
- DNFSB Letters and Correspondence
- DNFSB Policies and Procedures
- FERC Performance And Accountability Report
- FERC Staff Reports
- FL Public Service Commission Decisions
- GA Public Service Commission Decisions
- HI Public Utilities Commission Decisions
- IA Utilities Board Decisions
- ID Public Utilities Commission Decisions
- IL Commerce Commission Decisions
- IN Utility Regulatory Commission Decisions
- KS Corporation Commission Decisions
- KY Public Service Commission Decisions
- LA Public Service Commission Decisions
- MD Public Service Commission Decisions
- ME Public Service Commission Decisions
- MI Public Service Commission Decisions
- MN Public Service Commission Decisions
- MS Public Service Commission Decisions
- MT Public Service Commission Decisions
- NE Public Service Commission Decisions
- NH Public Service Commission Decisions
- NJ Public Service Commission Decisions
- NM Public Service Commission Decisions
- NV Public Service Commission Decisions
- NY Public Service Commission Decisions
- ND Public Service Commission Decisions
- OH Public Service Commission Decisions
- OK Public Service Commission Decisions
- OR Public Service Commission Decisions
- PA Public Service Commission Decisions
- RI Public Service Commission Decisions
- SC Public Service Commission Decisions
- SD Public Service Commission Decisions
- TN Public Service Commission Decisions
- TX Public Service Commission Decisions
- UT Public Service Commission Decisions
- VA Public Service Commission Decisions
- VT Public Service Commission Decisions
- WA Public Service Commission Decisions
- WI Public Service Commission Decisions
- WY Public Service Commission Decisions
- USC ratification Copy of USC Orders
Bloomberg Law

Practice Center

Chart Builders
View all banking and consumer finance chart builders

Trackers & Analytics
View all banking and finance trackers and analytics

Agency Materials
FEDERAL FINANCIAL REGULATORS
Federal Deposit Insurance Corporation (FDIC) Go to Fed. Reg.
Federal Reserve Board (FRB) Go to Fed. Reg.
Financial Stability Oversight Council (FSOC) Go to Fed. Reg.
National Credit Union Administration (NCUA) Go to Fed. Reg.

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Financial Technology Developments Tracker
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