Successful Research in Your Summer Job

Legal Research Center Video Series







What this video will cover

- Summer database access—Lexis, Westlaw, Bloomberg, CEB
- Librarian assistance available over the summer
- Summer research resources
 - Practice guides
 - Administrative law (agency materials and regulations)
 - Dockets
 - Legal analytics
 - Drafting tools

Summer Database Access



Bloomberg Law

THOMSON REUTERS

LRC databases Low-cost options such as state and federal government websites

SCHOOL of LAW

Academics Admissions Library Careers Student Life Faculty About

🟫 > Pardee Legal Research Center

Academics

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Articles

Guides

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About

About the LRC

Library Services

Research Trainings and

Law librarians

Library

Pardee Legal Research Center

The law library exists to support the educational and scholarly activities of the USD law community.

The LRC is open for 24/7 access to USD students, faculty, and staff!

Quick Links

- Online Study Aids
- Study Room Reservations
- LRC Access Information
- CALI code
- Faculty Services
- San Diego Circuit
- Printing
- Course Reserves & Past Exams
- Law Alumni/LRC Visitor Library Account

Search LRC

ons n	Search Catalog	Databases	
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t Exams	Library Account Classi	c Catalog Course Reserves Past Exams	
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Thurs	Hours day, March 16, 2023	ext Day Contact the LRC
Public Building Hours	8:00am – 8:00pm	Circulation Desk Irccirc@sandiego.edu
Reference Desk	9:00am – 6:00pm	619-260-4542 Reference Desk
View all Hours		Ircrefer@sandiego.edu 619-260-4612
are available via	chat or in person to	Zoom appointments available on request

answer your summer research questions, Monday-Friday 9:00-5:00

Follow us on Instagram @usdlaw.lrc

Ask a law librarian!

Q SEARCH

Summer Clerks Research Guide

Strategies and research tips for working law students

Practical Tips - The Basics	-
Research Basics	
California Resources	
Federal Resources	-
Policy Research	
Working for a Judge	-
Working for an Attorney	÷
Online Access During the Summer	-

1. Make a Plan

Ask Questions

Do a quick preliminary analysis, and take the time to answer who, what, when, where (jurisdiction), why, and how.

 For example, if you know starting out that you are looking at an issue of federal law, you can limit your preliminary research to resources that focus on federal law.

Further questions can help keep you organized and limit your work.

- "How much time do I have to complete this research?"
- · What do you want for the final product memo, contract, brief, motion, or something else?"
- "Has anyone else worked on this?"

Clarify your Questions

· If you are unclear about any part after your preliminary analysis (the who, what, when, where, why, and how), now is the time to clarify.

2. Keep a Research Log

Research Logs & Credible Research

Keep a detailed record of what you researched, what you found, and how long you spent on that issue. This is especially helpful when your entire work product is mostly an explanation of how you spent your time.

- · Maintain your log so that someone else could pick up where you left off.
- Keep track of your time for client billing or funding purposes.
- · Common research questions for summer jobs often ask you to prove a negative. For example:
 - "Can you make sure there's nothing new about [x]?"
 - "I don't think there's anything that says we can't do this. Can you check?"

One great way to back up your answer to these kinds of questions is to provide a summary of your research log.

Your research is more credible—your employer will be more confident in your final answer—if you show clearly that you checked authoritative secondary sources and thoroughly reviewed relevant primary law.

Kote-taking Model
 Via II CLI ave Library Includes star-by-star quidance for a typical lanal research cycle

lawlibguides.sandiego.edu/summer/research-basics



Search this Guide

Free and Low-Cost Resources

- Government websites
 - State, county, and local government websites provide a number of free resources
- Municipal codes
 - Many for free online at Municode and American Legal Publishing
 - Or, check the municipal website
- CA Secretary of State website
 - Information about businesses licensed in the state
 - Forms for starting a business
- Court websites
 - Court rules, sample forms, fee and filing information, dockets

Summer Research Questions

I want to find out if the SEC ever made any statements regarding their definition of the negligence standard, particularly around a private equity or investment context. How can I search for cases from the Board of Immigration Appeals?

> I need help finding USDA regulations for custom slaughter.

I need to find out if a case was recently filed in the 9th judicial district of Colorado.

Is there a way to access past court orders? Where can I find city and county laws that apply to my research question?

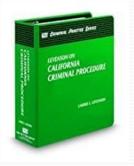
Questions to ask when you start a research project:

- Where do you suggest I start?/Where have you looked?
- How long should I spend on this project?
- Is there a preference for one database over another?
- What billing number should I use for this online research?
- Are you available for follow-up questions?

Practice Guides

Hello, do you know if Westlaw or Lexis has *The Rutter Group: Personal Injury*? A partner recommended that I look at some sample demand letters in that guide.

- Step-by-step manuals written for legal practitioners in most subjects
 - In print or online (Westlaw, Lexis, Bloomberg Law, or CEB OnLaw Pro)





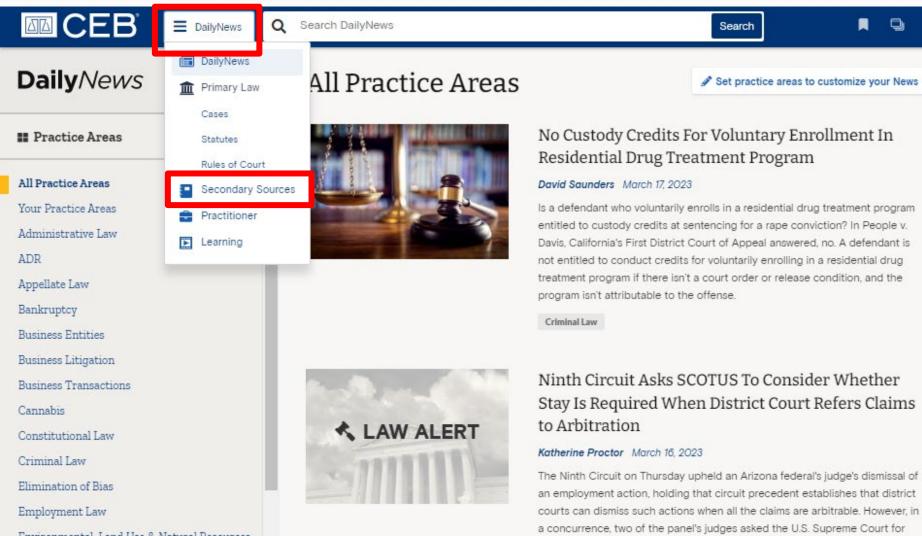


Practice Guides

Database	Guides Included
Westlaw	Rutter Group, Bancroft-Whitney, Witkin, Cal Jur
	Select Secondary Sources, then select California under By State; can narrow by Publication Type or Publication Series
	*Practical Law includes Practice Notes on narrow issues
Lexis	Matthew Bender, Witkin, Cal Jur
	Under Content, select Secondary Materials in the Content tab, then select California under State; can narrow by a few large categories or pick from Top Secondary Sources
	*Practical Guidance includes Practice Notes on narrow issues
Bloomberg Law	Trademarks & Copyrights, Labor & Employment, Health, Environmental & Safety, Bankruptcy, Tax, and more
	For BNA materials, select Browse, then Secondary Sources. For all other publishers select Books & Treatises from the homepage.
CEB OnLaw	California Treatises and Form Books
Pro	Register for a CEB academic account. Link available on the <u>LRC Databases A-Z list</u> .

CEB OnLaw Pro

research.ceb.com



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Secondary Sources		1 Find Secondary Source Publications using the search field abo	ve			
Administrative Law						
Appellate Law						
Business Entities						
Business Litigation						
Business Transactions						
Criminal Law						
Employment Law						
Environmental, Land Use & Natural Resources						
Evidence						
Family Law						
Insurance Law						
Intellectual Property						
Law Practice Management						
Litigation Practice & Procedure						
Personal Injury						
Privacy & Information Security						
Real Property						
State & Local Government						
Trusts & Estates						
Workers' Compensation						0

Secondary Sources

Litigation Practice & Procedure

- California Administrative Hearing Practice
- California Administrative Mandamus
- California Attorney Fee Awards
- California Attorney's Guide to Damages
- California Civil Appellate Practice
- California Civil Discovery Practice
- California Civil Procedure Before Trial
- California Civil Writ Practice
- California Expert Witness Guide
- California Government Tort Liability Practice
- California Summary Judgment
- California Trial Objections
- ▶ California Trial Practice: Civil Procedure During Trial
- ▶ Civil Litigation Reporter
- ▶ Effective Direct and Cross-Examination
- ▶ Enforcing Civil Money Judgments
- ▶ Handling Civil Appeals
- ▶ Handling Depositions
- ▶ Handling Expert Witnesses in California Courts
- ▶ Handling Motions to Compel and Other Discovery Motions
- ▶ Handling Subpoenas
- Meeting Statutory Deadlines: During and After Litigation
- ▶ Obtaining a Writ of Attachment

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Michael C. Denison

5 Developing and Proffering Evidence

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California Summary Judgment

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- ▶ 6 Moving Papers
- ▶ 7 Opposition Papers

1 Strategic Overview California Summary Judgment

\$1.6 E. When Summary Judgment Is Appropriate

Motions for summary judgment or summary adjudication are appropriate when

The dispositive issue in the case is one of law, not of fact;

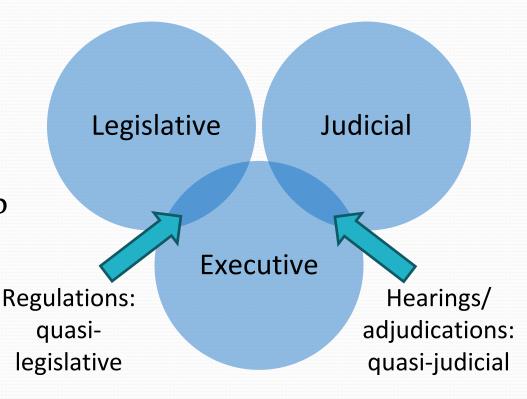
EXAMPLE: Examples of legally dispositive issues include the court's subject matter jurisdiction (*Garofalo v Princess Cruises, Inc.* (2000) 85 CA4th 1060, 1068); statutory interpretation, including preemptive effect (*Garofalo v Princess Cruises, Inc., supra*); application of statute to undisputed facts (*Schachter v Citigroup, Inc.* (2009) 47 C4th 610); contract interpretation (*C. L. Smith Co. v Roger Ducharme, Inc.* (1977) 65 CA3d 735, 743); and existence of a duty (see, e.g., Denton v City of Fullerton (1991) 233 CA3d 1636, 1639).

- The admissible evidence reveals no issue of material fact as to the matters for which the party has the burden of proof;
- There is no admissible evidence to prove any material fact as to which the other side has the burden of proof;
- No reasonable jury would accept the adversary's position on a fact issue that is a necessary element of the adversary's claim or defense;
- There is no material fact issue as to an important cause of action, defense, or issue of duty, and the elimination of that issue would significantly improve the posture of the case at trial; or
- No reasonable jury could find clear and convincing evidence of malice, fraud, or oppression, or approval/ratification by a principal against whom punitive damages are sought.

Administrative Law: Overview

Branch of law governing the creation and operation of administrative agencies

Administrative law makes up a huge portion of "the law"



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 2 things:

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

Promulgation of Regulations

Strict rules about what a federal agency must do (simplified):

- 1. Agency drafts and publishes proposed regulations in the <u>Federal Register</u> (Fed. Reg.)
- 2. Opportunity for public comment
- 3. Agency reviews comments, drafts and publishes final version in Fed. Reg.
- 4. Codify the final regulations in the <u>Code of Federal</u> <u>Regulations</u> (C.F.R.)

Federal Register

February

O March

○ 2020

O 2019

"[T]he official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents"

Available via govinfo.gov (free; 1994–present); Westlaw, Lexis, and Bloomberg Law (from inception (1936)–present)



Code of Federal Regulations

Codified version of agency rules. Traditionally published annually but now also available with current updates.

Available via govinfo.gov (free; 1996–present); eCFR.gov (free; 2017 – present); Westlaw, Lexis, and Bloomberg Law (historical scope varies)

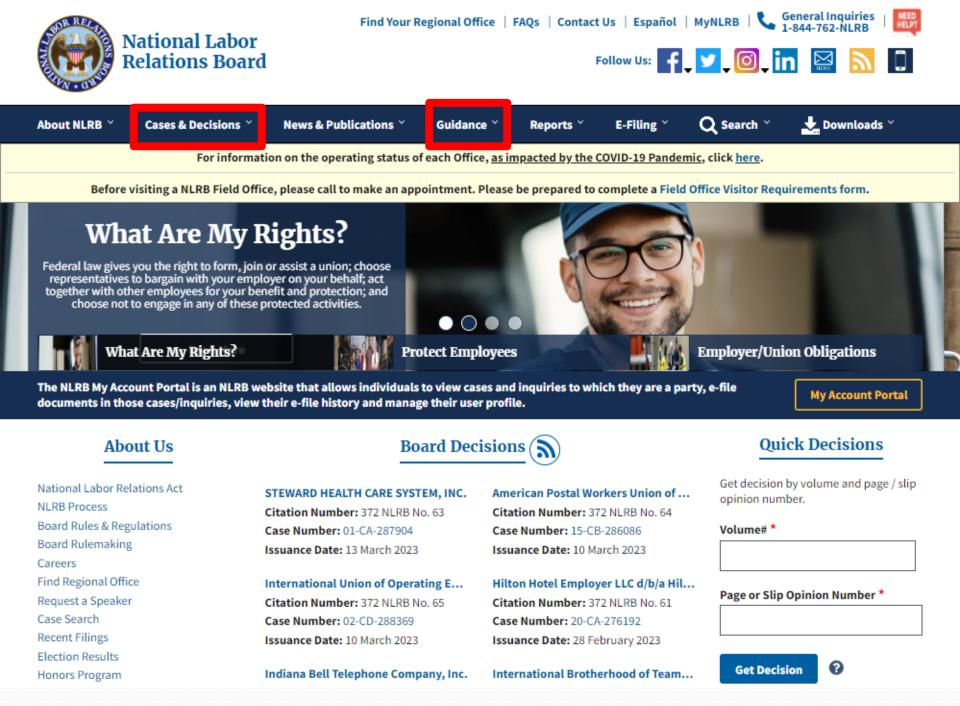


Administrative Adjudications

- Differ 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 (restricted summer access), Lexis, Bloomberg Law and other specialty databases have selected agency adjudications
- HeinOnline has historical agency materials

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



Example Federal Agencies

- Department of Agriculture (USDA)
- US Patent and Trademark Office (USPTO)
- Department of Housing and Urban Development (HUD)
- Occupational Safety and Health Administration (OSHA)
- Federal Trade Commission (FTC)

California Administrative Law

- <u>California Code of Regulations</u> (C.C.R.)
- <u>Office of Administrative Law</u> (OAL)
- Agency websites
- LRC's <u>California Administrative Law Research Guide</u>

Example California Agencies

- Department of Consumer Affairs (DCA)
- California Energy Commission (CEC)
- California Public Utilities Commission (CPUC)
- California State Transportation Agency (CalSTA)

Docket Research

- A docket is a record of all documents filed by the parties or the court in a given case
- Includes pleadings, briefs, exhibits, orders, judgments, and other various documents
- Searchable by docket number or party name
- Also called Register of Actions in California courts

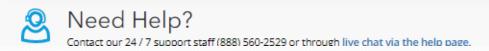
Where to Find Dockets

Bloomberg

- Includes all dockets from PACER (electronic public access to docket information from federal courts)
- Federal dockets and selected state dockets
- Westlaw and Lexis also have docket coverage
 - Coverage is incomplete; you won't find a docket for every case in Westlaw or Lexis
- State court dockets
 - State court websites
 - Check out our guide to <u>Finding Court Documents</u>

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	State Law Chart Builders		



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Legal Analytics: Overview

- Lexis Context
- Westlaw Litigation Analytics
- Trellis
 - CA Superior Court analytics
 - Create account using USD email address at <u>https://trellis.law/signup</u>
- For more information, view the optional Legal Analytics video

I am looking for information about objections to evidence before Judge John Kronstadt.

> Is there a way for me to search the decisions of a particular judge?

Transactional and Drafting Tools

- Bloomberg Law Best option for transactional resources
 - <u>Transactional Precedent Search</u>
- Lexis Practical Guidance
- Westlaw Practical Law
- Internal collection of templates/sample forms

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- Finding sources
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- Citation formatting
- 50-state surveys
- Legislative histories
- Public records
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