

# Current Trends in Research & Instruction

## Spring 2013

*LRC Reference Desk:*  
*(619) 260-4612*  
*[lrcrefer@sandiego.edu](mailto:lrcrefer@sandiego.edu)*

- Instructional & Research Support
- WestlawNext, Lexis Advance, Bloomberg Law
- The Bluebook Online
- Institutional Repositories for Faculty Scholarship



# Instructional & Research Support

- **Research Assistant training**
  - Sunday, April 21 (1 p.m.- 4 p.m.)
  - How to find materials at the LRC and elsewhere
  - Researching cases & journals
  - Subject-specific materials
- **Research trainings for your paper classes**
  - Tailored to the needs of your students



# What we will cover: sample training

- **Finding items in the LRC's collection and beyond**
- **Find journal articles: legal & non-legal**
- **Legislative & regulatory law research**
- **Statistics & Company Financials**
- **Citation styles**



# Flipping the Classroom

- Homework / classroom paradigm is “flipped”
- Students watch online lectures at home & do homework in class

# Benefits of Classroom Flipping

- Increases class-time
- Professors can correct misunderstandings
- Students can go at their own pace
- Promotes active learning & collaboration



- [How 'Flipping' the Classroom Can Improve the Traditional Lecture](#), Chronicle of Higher Education, Feb. 19, 2012
- [Gathering Evidence that Flipping the Classroom can Enhance Learning Outcomes](#), EmergingEdTech, Mar. 10, 2013
- Jon Bergman & Aaron Sams, Flip Your Classroom: Reach Every Student in Every Class Every Day (ISTE 2012)
- [How to Teach a Blended \(Hybrid\) Course](#), Norman M. Garland (CALIcon 2012)
- [Blending the First-Year Legal Classroom](#), Law School Ed Tech, Dec. 18, 2012



<https://flash.sandiego.edu:8443/ess/pres/ListPresentations.html>



- **Our results:** students were engaged, & so were we!
- Contact us!



# Overview of 3 New Legal Research Platforms



BloombergLaw, Lexis Advance, & WestlawNext

# DELIVERING YOUR LEGAL AND BUSINESS INTELLIGENCE ADVANTAGE >>

**REQUEST A TRIAL**  
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.....



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FOR A LAW  
SCHOOL  
ACCOUNT  
>>**

**RE-TOOL  
RE-THINK  
REVEAL  
>>**

## MAR 21

LEGAL NEWS >>

**NEW** NextEra Sues Banks Over Solar  
Funding Equity Guarantee

**NEW** Aurelius Sues Energy Future Unit  
Directors Over Loans

**NEW** N.Y. Dairy Farm With Gas Leases

# BLOOMBERG LAW NAMED 2012 NEW PRODUCT OF THE YEAR BY AALL >>

**CONNECT  
WITH  
BLOOMBERG LAW**

# Registration

Not a law school user? Please click [here](#).

Activation Code  
What's this?

If you do not have an activation code skip this section.

First name:

Last name:

Phone number:

Law school email address:

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What law school do you work for or attend?

Which of the following best describes your current role?

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### GETTING STARTED

Research

All Legal Content

Court Opinions

Statutes & Regulations

Dockets

Books & Treatises

EDGAR

DealMaker Documents

Patents

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Stay Current

BNA Law Reports

Legal News

TOP News

**Bloomberg Law and SCOTUSblog's Supreme Court Challenge:**

**Students, Do You Have What It Takes? Learn More >>**

### MARKETING & VIDEOS



▶ Northwestern Law Dean: Let Students Vote With Their Feet: Video



▶ Weekly Brief: Are Law Scholarships a Bait-and-Switch?: Video

### RECENT ACTIVITY

Research Trail

Alerts

Workspaces

- Volokh Conspir: The Supreme Cou... 04/01/2013
- Gizmodo: Everything Wrong with ... 03/21/2013
- Fish & Richardsn: Copyright Ale... 03/21/2013
- Volokh Conspir: The Supreme Cou... 03/21/2013
- Topic: Match Any of The Follow... 03/21/2013

RESEARCH TRAIL

**NEED HELP?** [Click here](#) to learn about our all new BLAW capabilities

### >> SUPREME COURT MARRIAGE CASES

- ▶ Live Blog: Wednesday's Gay Marriage Arguments at Supreme Court
- ▶ Supreme Court Majority Casts Doubt on Federal Gay-Marriage Law

QUEUE 0

## **Strengths**

- BNA commentary & analysis
- PLI content
- Dockets
- Market, financial, company news & info

## **Weaknesses**

- Comparatively small secondary source collection
- Lacking public records, legislative history docs

**Content**

**Bloomberg**  
**LAW**

## Strengths

- Practice centers\*\*
  - Antitrust, Banking & Finance, Bankruptcy, Corporate/M&A, Employee Benefits, Health, Intellectual Property, Labor & Employment, Securities, Tax
- Transactional materials
- Search – natural language or Boolean; can search all or specific source(s)

## Weaknesses

- \*\*Not all practice areas are represented
- Citator

**Features**

**Bloomberg  
LAW**

## Pricing

- Flat-rate is all-inclusive
- More expensive than WL/LN for less content

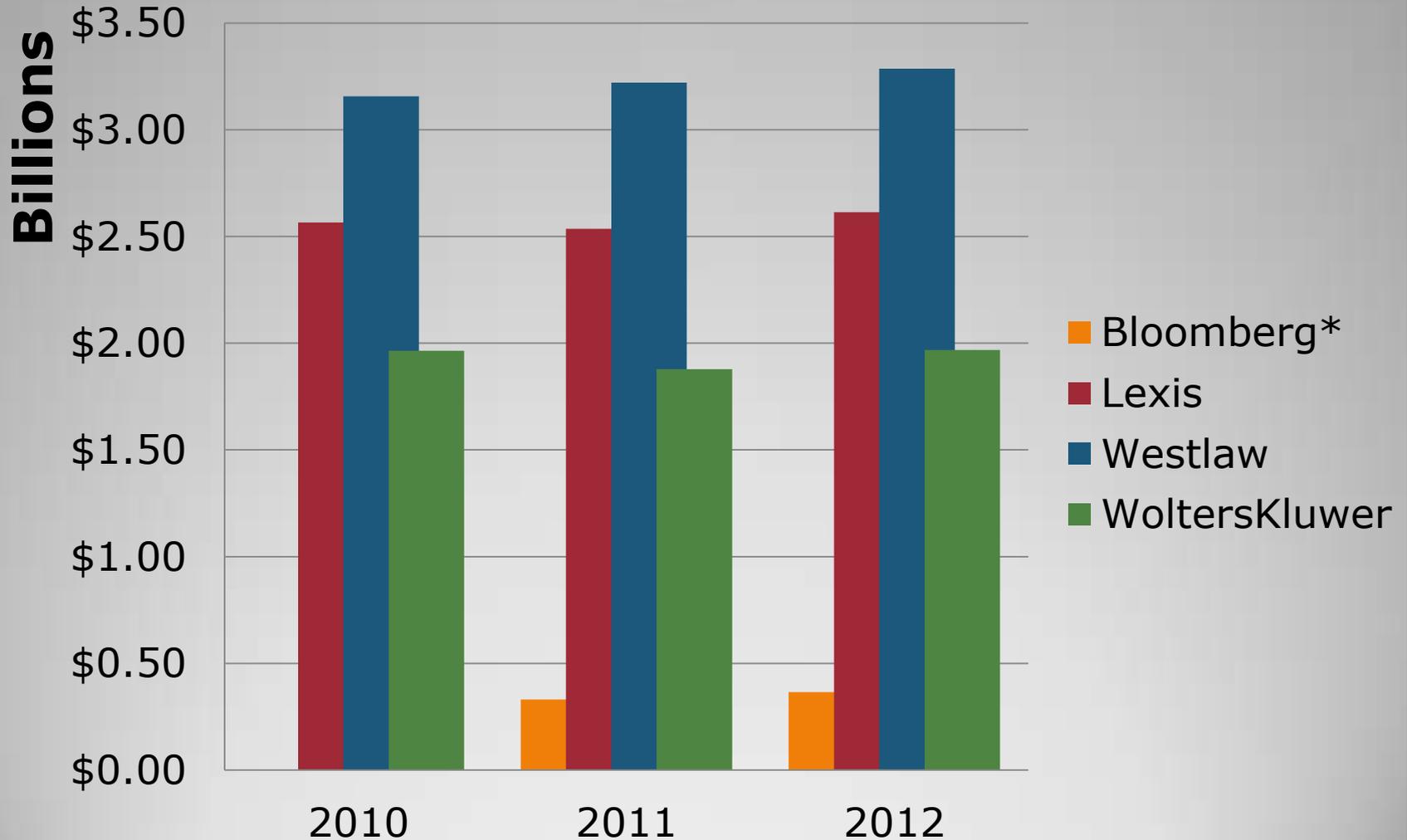
## Marketshare

- Content is insufficient to be sole legal research platform, but adoption is growing

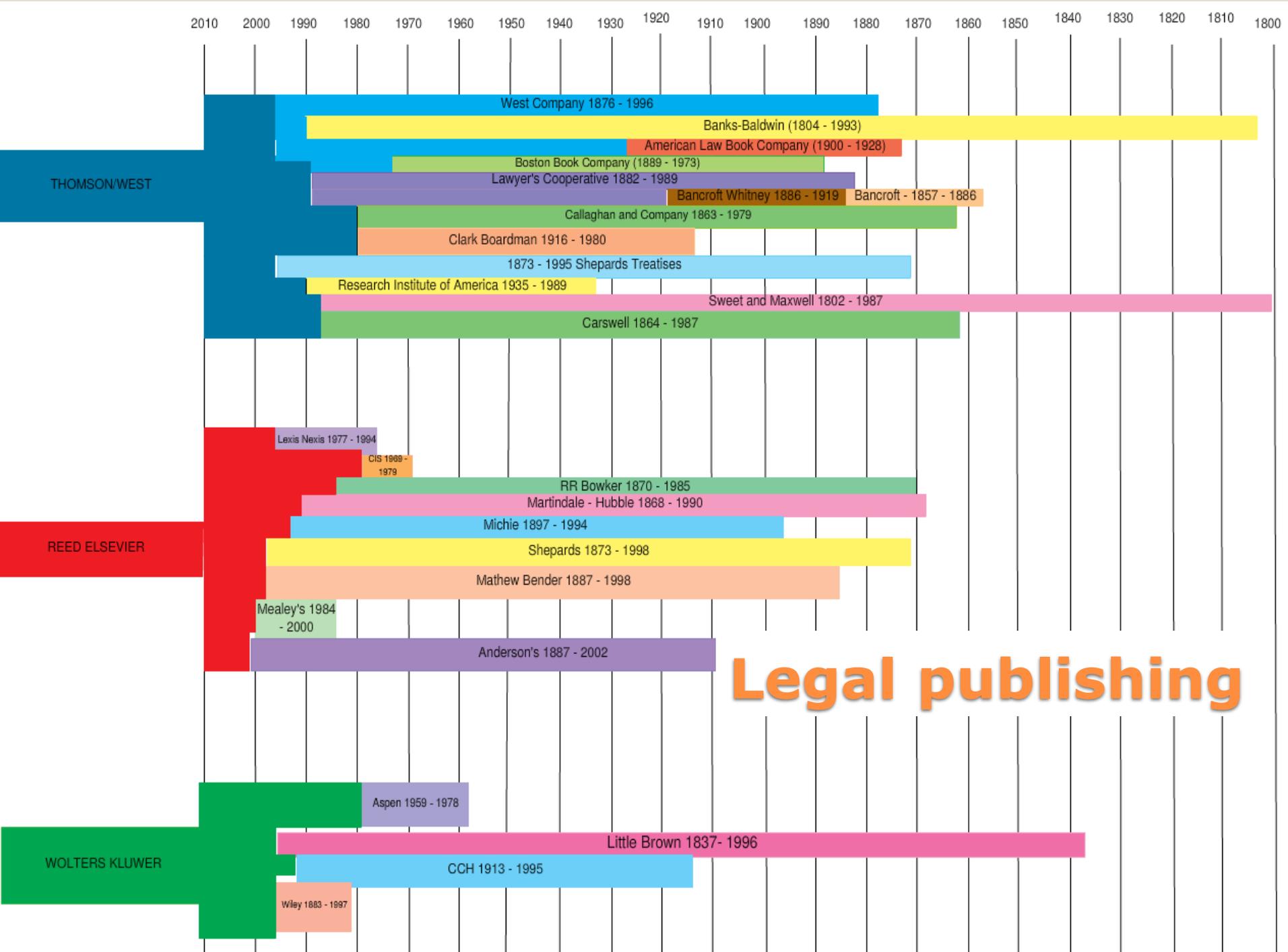


# Legal Search Market

## Total Revenue 2010 & 2011



\* Bloomberg is estimated, based on BNA's 2010 revenues





Lexis Advance™

Westlaw®

WestlawNext™

**WL & LN next generation & classic platforms**

## **Content**

- Business & News (ALM & Factiva)
- Matthew Bender titles
- Public records (Accurint)

## **Features**

- Shepard's
- Lexis for Microsoft Office (LMO)

## **Price**

- By most accounts, less expensive than Westlaw
- No additional cost for Advance

Lexis Advance™



## Content

- Thomson, West, Rutter Group treatises

## Features

- West's digest system
- WLN search incorporates digest, KeyCite, crowdsourcing
- WLN came out 1<sup>st</sup> and is beyond more of the growing pains

## Price

- By most accounts, most expensive
- Surcharge for WLN



## **Classic platforms**

- Navigate to a specific database
- Compose a terms & connectors search or use natural language processing (NLP)(hit or miss)

## **Next Gen platforms**

- Search all content
  - \*\*option to narrow by jurisdiction, type of content, or specific source)
- Enter a simple search which will be processed by a complex and secret search algorithm
- Post-search, filter results using facets

**Biggest difference: How you search**

4,605,453 for California proposition 8 Options ▼

Sort by Relevance

Narrow by...

- Search within results
- Jurisdiction
- Court
- Timeline
- Source
- Practice Areas & Topics
- Attorney
- Law Firm
- Most Cited
- Keyword
- Judge

Document Title	Jurisdiction	Court	Date
<p>1. ▲ <b>Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization, 22 Cal. 3d 208</b></p> <p>... in accordance with the natural and ordinary meaning of its words. ( In re Quinn (1973) 35 Cal.App.3d 473 , 482 [ 110 Cal.Rptr. 881 ] .) The literal language of enactments may be disregarded to avoid absurd results and to fulfill the apparent intent of the framers. (See Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247 , 259 [ 104 Cal.Rptr. 761 , 502 P.2d 1049 ] ; In re Kernan (1966) 242 Cal.App.2d 488 , 491 [ 51 Cal.Rptr. 515 ]</p>	California	Supreme Court	September 22, 1978
<p>2. ▲ <b>Strauss v. Horton, 46 Cal. 4th 364</b></p> <p>... enforce that measure, on the ground that <b>Proposition 8</b> constitutes an invalid revision of the <b>California</b> Constitution. In Tyler v. State of <b>California</b> (S168066), petitioners—one same-sex couple who married in <b>California</b> prior to the adoption of <b>Proposition 8</b> and one same-sex couple who want to marry notwithstanding <b>Proposition 8</b> —seek similar relief, asserting both that <b>Proposition 8</b> constitutes an impermissible constitutional revision and that <b>Proposition 8</b> violates the ...</p>	California	Supreme Court	May 26, 2009
<p>3. ● <b>Perry v. Schwarzenegger, 704 F. Supp. 2d 921</b></p> <p>Egan and Badgett testified that <b>Proposition 8</b> harms the State of <b>California</b> and its local governments economically. Egan testified that San Francisco faces direct and indirect economic harms as a consequence of <b>Proposition 8</b>. Egan explained that San Francisco lost and continues to lose money because <b>Proposition 8</b> slashed the number of weddings performed in San Francisco. Egan explained that <b>Proposition 8</b> decreases the number of married couples in San Francisco, who tend to be wealthier than ...</p>	U.S. Federal	California Northern District Court	August 04, 2010
<p>4. ▲ <b>Perry v. Brown, 671 F.3d 1052</b></p> <p>... of <b>Proposition 8</b> and shapes the basic issues in this case. The official argument in favor of <b>Proposition 8</b>, published in the Voter Information Guide, emphasized this distinction: "<b>Proposition 8</b> doesn't take away any rights or benefits of gay or lesbian domestic partnerships. Under <b>California</b> law, 'domestic partners shall have the same rights, protections, and benefits' as married spouses. (Family Code § 297.5 .) There are NO exceptions. <b>Proposition 8</b> WILL NOT change this." Voter ...</p>	U.S. Federal	9th Circuit Court of Appeals	February 07, 2012
<p>5. ● <b>Wilson v. Superior Court, 134 Cal. App. 3d 173</b></p> <p>... aspect of <b>Proposition 8</b>, other than the bail provision, that contributed to the drop off of votes as between the two <b>propositions</b>. 15 We note, without deciding, that <b>Proposition 4</b> concerning bail which passed by a larger number of votes than did <b>Proposition 8</b> may prevail only over those provisions in <b>Proposition 8</b> relating to bail to the extent there is a conflict in the provisions of the two <b>propositions</b>. See Cal. Const. art. XVIII, § 4 . <b>California</b> Constitution, article XVIII, section 4 ...</p>	California	2nd District Court of Appeals	July 23, 1982
<p>6. Q <b>Brosnahan v. Brown, 32 Cal. 3d 236</b></p> <p>... of the state. <b>Proposition 4</b> passed with over 82 percent of the electorate voting in its favor. <b>Proposition 8</b> received only</p>	California	Supreme Court	September 02, 1982

- Classic platforms are on their way out
  - Lexis: within 2–3 years; starting this summer you must login via LexisAdvance
  - Westlaw: no date announced
- Boolean searching is still relevant
  - can get better results even on nextgen platforms
  - Newest kid on the block, Bloomberg, encourages Boolean
- Industry experts are still expecting Bloomberg will compete

**The future...**

# The Bluebook Online

- Includes table of contents & index
- Searchable
- Create and share notes and bookmarks
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# Institutional Repositories

What are they  
&  
Why should I be interested?

# What is an IR?

**An institutional repository is an organized and managed collection of digital content generated by faculty, staff, and students at an institution.**

*The content can be made available through integration with an institution's website and other database systems.*



# IR's Value Added:

- Showcase for the law school
- Wider outreach/distribution of your scholarship
- Response to Scholarly Communication crisis (buying back access to the research the institution funded)
- Preservation
- Efficiencies



# The Sandra Day O'Connor College of Law Faculty Scholarship Repository

*A Service of the Ross-Blakley Law Library*

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[BERCH, MICHAEL](#)

ARTICLES

- [An Essay on the Role of the Supreme Court in the Adjudication of Constitutional Rights](#), 1984 *Ariz. St. L. J.* 283 (1984).  
[K1 R532](#)  
[SSRN](#) | [HeinOnline](#)

[BODANSKY, DAN](#)

ARTICLES

- [The Use of International Sources in Constitutional Opinion](#), 32 *GA. J. INT'L & COMP. L.* 421 (2004).  
[K7 E624](#)  
[HeinOnline](#) | [Lexis](#) | [Shepards](#)

[CLINTON, ROBERT N.](#)

ARTICLES

- [Essay, A Brief History of the Adoption of the United States Constitution](#), 75 *IOWA L. REV.* 891 (1990).  
[K9 O8221](#)  
[HeinOnline](#) | [Lexis](#) | [Westlaw](#) | [Keycite](#) | [Shepards](#) | [Abstract](#)
- [Original Understanding, Legal Realism, and the Interpretation of "This Constitution"](#), 72 *IOWA L. REV.* 1177 (1987).  
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[HeinOnline](#) | [Lexis](#) | [Westlaw](#) | [Keycite](#) | [Shepards](#) | [Abstract](#)
- [Further Explorations in the Political Thicket: The Gerrymander and the Constitution](#), 59 *IOWA L. REV.* 1 (1973).  
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# Tool for Academic Grey Literature

- preprints;
- working papers;
- theses and dissertations;
- research and technical reports;
- conference proceedings;
- departmental and research center newsletters and bulletins;
- papers in support of grant applications;
- status reports to funding agencies;
- committee reports and memoranda;
- statistical reports; technical documentation; and surveys.



# Faculty Misconceptions re: IRs

- 1) Impediments to publication in a prestigious journal, whether the work is posted to the institutional repository prior to or after formal journal publication
- 2) Perceived low status from lack of quality control and peer review; also undermining of the current system of academic journal publishing
- 3) Intellectual property rights, particularly copyright, and information abuse
- 4) Added faculty workload to submit content
- 5) Cost to the law school