Starting your research

Figure out what you’re looking for.
Legal research is the search for authority to predict a likely outcome in order to advise a client or to advocate for a client.
Use current awareness services, especially from relevant topical reporters, to stimulate creative thoughts and find a paper topic.
General legal current awareness service:
United States Law Week (BNA)
(Available at the Information Desk and electronically)
BNA (Bureau of National Affairs) business of health care current awareness services:
Health Care Daily Report
Health Care Fraud Report
Health Care Policy Report
Health Law Reporter
Health Plan and Provider Report
Medicare Report
State Health Care Regulatory Developments
(Available electronically – can sign up for e-mail alerts – access through the Alphabetical List of Databases to get authenticated)
CCH (Commerce Clearing House) health care current awareness services:
Food and Drug Tracker
Healthcare Compliance Tracker
Home Health Tracker
Medicare/Medicaid Tracker
Medical Devices Tracker
(Register for CCH IntelliConnect on-campus, then can use anywhere – can sign up for e-mail alerts – access through the Alphabetical List of Databases)

Building a Foundation
Understand the facts involved in whatever you are researching.
Understand legal terms. Unknown terms can be looked up in legal dictionaries or in the digest of definitions, Words and Phrases.
Understand general legal principles and what general areas of law are involved. Read a general secondary source such as a nutshell or other study aid if you are in an area of law you are unfamiliar with.

The Main Event
Only primary can be binding. Your research must uncover any relevant constitutional provisions, statutes, cases, and regulations.
Secondary authority can only be persuasive, but it can be an aid in research and understanding as well as persuasion. Most lawyers start with secondary sources because they are easier to read and understand, are well organized, contain cites to primary materials, and can indentify the leading primary authorities.

The order in which you look for relevant authorities is a dependant on what you already know, what is most accessible to you, and how you like to research, so long as you find everything you need to find.

**Treatises (Books)**
Books are often used for general overview, citations to primary sources, and persuasive authority. Find Books in QUEST, the library catalog.

**Quest Searching**
Search the Full Library Catalog to find everything available at B.C. Law Library Catalog restricts you to items physically in the Law Library and electronic resources.

If Quest doesn’t have what you need, try changing to the WorldCat database in the “Other Library Resources” section and request books thorough interlibrary loan.

Quest offers many searching options including keyword searches and “Browsing” by author, title, or subject heading. Use index browses when you only know the beginning of a title or when you want to browse a list of authors, titles, or a known Library of Congress Subject Heading Subject Headings. Here is a list of some LC subject headings that might be relevant:

- Employer-sponsored health insurance
- Health care rationing
- Health care reform
- Health facilities—Administration
- Health facilities—Business management
- Health facilities—Finance
- Health facilities—Law and legislation
- Health facilities, Proprietary
- Health insurance claims
- Health lawyers
- Health maintenance organizations
- Health services administration
- Insurance, Health
- Hospital administrators
- Hospital attorneys
- Hospital management companies
- Hospitals
- Hospitals—Administration
- Hospitals—Business management
Knowing the subject headings can lead you to relevant information regardless of the exact words in the title. For example: the term ‘Health services administration” is used for all the following subjects: health administration, health care administration, health care management, health services management.

Browses read left to right and automatically truncate so they do not work well if you do not know the order of words in a subject heading. And they are hard to predict. For example: for “Health insurance”, use “Insurance, Health”, but do use ‘Health insurance claims” So I recommend you start with keyword searches.

Incorporate words from the known subject headings into a well-crafted keyword search to improve both accuracy and precision of your search.

Choose “Advanced search” for field-restrictors, and more sophisticated keyword searching. Remember that truncation is not automatic in keyword searches.

Shelf Browsing
Because the library shelves books by topic, knowing some call numbers for books on the business of health law can allow you to browse the books on the shelves. Remember that books can only be in one place at a time, but can have multiple subject headings, so supplement browsing with catalog searches.

Suggested Shelf-browse Call Numbers for Business of Health Law
KF   American law
   KF 2905 – KF 2915   Regulation of health professionals
   KF 3605 – KF 3609   Health insurance
   KF 3821 – KF 3832   Medical legislation including health facilities
RA   Public aspects of medicine
   RA 410 – RA 416    Medical economics
   RA 960 – RA 966    Hospitals

Law Reviews
Law review articles are used to monitor recent developments, to find citations to primary sources, and for use as persuasive authority. You can find relevant articles using indexes or full-text searches, but I recommend using indexes first. Indexes use human intelligence to direct you to articles primarily about your topic; full-text searching takes you to any mention of your search terms. The indexes discussed below are available in their native formats from the Alphabetical List of Databases and also through LexisNexis and Westlaw.
Index to Legal Periodicals & Books (ILP)
ILP lists articles under general legal topics. The LexisNexis and Westlaw databases only go back to 1980. To find older articles use the ILP Retrospective database through the Alphabetical List of Databases.

Current Law Index (CLI, LRI, LegalTrak)
CLI tries to classify articles more exactly using modified LC subject-headings (see above LC headings for some suggested search terms). It begin publication in 1980 so all versions cover the same years.

Current Index to Legal Periodicals (CILP)
CILP is primarily a current awareness service. It contains tables of contents from recent law reviews and classifies titles under broad legal subject headings. The last eight issues are on Westlaw; it is not on LexisNexis at all.

Law Reviews – Full Text
Full-text searching can help you find more focused discussions in law review articles. Use full-text searching when you are trying to find support for a specific proposition.

The LexisNexis Legal Publications Group File is the most comprehensive of its law review databases containing law reviews, bar journals, ABA journals, legal newspapers, legal newsletters, specialty legal publications, and CLE materials.

Westlaw’s TP-ALL database contains law reviews, texts, American Law Reports (ALR), legal encyclopedias (American Jurisprudence 2d and Corpus Juris Secundum), CLE course materials, bar journals, and legal practice-oriented periodicals.

HeinOnline’s Law Journal Library provides PDF scans of selected law reviews, including many too old to be on LexisNexis and Westlaw. Articles may be retrieved by citation or a full-text database created by optical character recognition (OCR) may be searched.

Topical Services
Topical services provide access to commentary and the primary materials being commented on. Designed for the practitioner who needs primary and secondary materials in specific practice areas they can provide the majority of legal resource reference materials needed for a legal specialist.

CCH publishes a number of titles useful in various healthcare practices. We subscribe through IntelliConnect. Select the appropriate Practice Areas to Browse or Search the contents of the following titles:

<table>
<thead>
<tr>
<th>Title</th>
<th>Practice Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>COBRA Guide</td>
<td>Benefits</td>
</tr>
<tr>
<td>Disabilities Management Guide</td>
<td>Labor and Employment Law</td>
</tr>
<tr>
<td></td>
<td>(Federal)</td>
</tr>
<tr>
<td>Employment Safety and Health</td>
<td>Safety/OSHA</td>
</tr>
<tr>
<td>Food, Drug and Cosmetic Reporter</td>
<td>Food, Drugs, Devices</td>
</tr>
</tbody>
</table>
Statutes and Regulations
Relevant statutes and regulations should be considered before looking at case law. Topical services such as BNA’s Health Law & Business Library provide a gateway to relevant statutes (especially state statutes), regulations, and agency documents. BNA’s Benefits Practice Center contains ERISA statutes and regulations and Medicare Secondary payor rules (42 U.S.C. 1395y.) A number of CCH titles contain relevant state and federal statutes for health care law research.

Statutes mean what they say, but even more than that, they mean what a court says they mean. Use annotated codes to find interpretive cases. Use Shepard’s and KeyCite to find additional relevant cases.

Cases
American Law Reports (A.L.R.) is a case-finding tool which provides historical background; citations to primary sources; and a structure for analyzing cases. A.L.R. is on Westlaw and has paper indexes. 

Digests are a useful for finding cases under legal concepts and principles. They bring together cases with a variety of fact situations. Using digest topic and key number searching on Westlaw allows you to electronically search just cases selected as being about the particular point of law represented by that topic and key number. For example, to find cases discussing Medicaid benefit eligibility of aliens include the search term 198Hk470, which stands for key number 470 in the digest topic health, which represents the point of law: Health—Government assistance—Medical assistance in general, Medicaid—eligibility for benefits—Aliens
Full-text searching will allow you to find relevant cases based on the words used in the case or added by editors.

**General Search Hints**
LexisNexis and Westlaw allow you to choose between two search engines: Terms and Connectors or Natural Language.

Terms and Connectors searching uses search words combined with Boolean connectors to find all exact matches of your search statement. Use this kind of search when you need comprehensive results, like for a preemption check; when there are unique terms; when you have a good idea of the type of language that will be in the documents you are seeking; and if you want to know how many documents in the database contain your search terms.

Natural Language searching is a relevancy ranking search engine that applies your search words as weighted according to algorithms to find “most” relevant based on the system’s ranking criteria. Use this kind of searching when you don’t know much about a subject; when you want more than just a casual mention; when you are willing to take a close match; or when you are looking for an extensive discussion of your search words.

**Updating**
Do you have the latest information?
Check dates of coverage whether you access information print or online.
Citator Services – KeyCite and Shepard’s – will let you know if newer authorities have something to say about the authority you want to rely on.

**When to Stop**
Don't stop too soon. Remember too look at your issue from more than one angle and using a variety of sources and methods.

Don't waste your time. If you keep finding the same thing from different sources, you have found what is out there. Take a break in your research and start writing or at least outlining your paper to see where the holes in your research are.

**Help is Available**
Reference Librarians are on duty:
- Monday - Thursday 9:00 - 8:00
- Friday 9:00 - 5:00
- Saturday and Sunday 1:00 - 5:00

My contact information:
- e-mail joan.shear@bc.edu
- phone 617-552-2895
- webpage http://www2.bc.edu/shearj