Research Review
For Grimes Moot Court

February 4, 2010

Joan Shear, Legal Information Librarian and Lecturer in Law

Where to Start

Figure out what you’re looking for
What is legal research?

The search for authority:
- to predict a likely outcome
- to advise a client
- or
- to advocate for a client

Building a Foundation

Understand the **facts** - read your record.

Understand legal **terms** - legal dictionaries, words and phrases.

Understand general legal **principles** and what general areas of law are involved - general secondary sources.
Treatises (Books)

Used for:
- general overview
- citations to primary sources
- persuasive authority

Suggested Title:


use 2nd ed. for Chapters 9 - 18
Suggested Title:


Hornbook Series

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Suggested Title:


[On Course Reserve]
Suggested Title:

[6 volumes]
(Thomson-West 2007).

Suggested Title:

*Understanding Constitutional Law*, 3rd ed. by Norman Redlich, John Attanasio, Joel K. Goldstein
(LexisNexis 2005).
Thorough Research

<table>
<thead>
<tr>
<th>Types of Authority</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>Constitutions</td>
</tr>
<tr>
<td>(Can be binding)</td>
<td>Cases</td>
</tr>
<tr>
<td></td>
<td>Statutes</td>
</tr>
<tr>
<td></td>
<td>Regulations</td>
</tr>
<tr>
<td>Secondary</td>
<td>Commentaries</td>
</tr>
<tr>
<td>(Can only be persuasive)</td>
<td>e.g. Law Reviews</td>
</tr>
<tr>
<td></td>
<td>Background Materials</td>
</tr>
<tr>
<td></td>
<td>e.g., Records and Briefs</td>
</tr>
</tbody>
</table>

Citation Theory

Why we cite

To provide authority for our pronouncements

What cites do

Identify source of authority

Tell where to find source of authority

Provide limited information on weight of authority such as date, jurisdiction, or relevant subsequent history
Statutes and Constitutions

Annotated codes to find interpretive cases.
Chapter 97: Jurisdictional Immunities of Foreign States

§ 1604. Immunity of a foreign state from jurisdiction

(8) The immunity of a foreign state from jurisdiction is preserved if the actions in question are not in furtherance of the official functions of the foreign state and are not susceptible to attachment in the forum State.

Notes and Comments

The immunity of a foreign state from jurisdiction is preserved if the actions in question are not in furtherance of the official functions of the foreign state and are not susceptible to attachment in the forum State.
American Law Reports (ALR)

Case Finding Tool
Provides:
historical background;
citations to primary sources;
structure/organization
Available on Westlaw and LexisNexis

Case Finding - Digests

Digest Searches
Useful for finding cases under legal concepts and principles.
Brings together cases with a variety of fact situations.
Digest Searching on Westlaw

Digest topic: Constitutional Law
(Designated as topic # 92)
Key Number: 580

Write as 92Hk580 in Westlaw searches

Full Text Searching

<table>
<thead>
<tr>
<th>Terms and Connectors</th>
<th>Natural Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Search words</td>
<td>Search words</td>
</tr>
<tr>
<td>Combined with Boolean connectors</td>
<td>Weighted according to algorithms</td>
</tr>
<tr>
<td>To find all exact matches</td>
<td>To find “most” relevant based on ranking criteria</td>
</tr>
</tbody>
</table>
## Terms and Connectors

<table>
<thead>
<tr>
<th>Connectors</th>
<th>When you need everything using particular terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternatives “or”</td>
<td>When terms are unique</td>
</tr>
<tr>
<td>Conjunctions</td>
<td>When you want to include a field search</td>
</tr>
<tr>
<td>Joining: “and” “&amp;”</td>
<td>When you need to know how many cases use these terms</td>
</tr>
<tr>
<td>Proximity: w/# /#</td>
<td></td>
</tr>
<tr>
<td>Ordered Proximity:</td>
<td></td>
</tr>
<tr>
<td>pre/# +#</td>
<td></td>
</tr>
<tr>
<td>Grammatical: /s /p</td>
<td></td>
</tr>
<tr>
<td>Exclusions “but not”</td>
<td></td>
</tr>
</tbody>
</table>

## Natural Language

<table>
<thead>
<tr>
<th>Relevancy</th>
<th>When you don’t know much about a subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ranking</td>
<td>When you don’t want just a casual mention</td>
</tr>
<tr>
<td></td>
<td>When you are willing to take a close match</td>
</tr>
<tr>
<td></td>
<td>When you need an extensive discussion</td>
</tr>
</tbody>
</table>
Topical Services

United States Law Week (BNA) (latest two years at Law Permanent Reserves) Available through Alphabetical List of Databases.
Price Fixing Allegations Against Major Music Labels

A major music company may face allegations that it colluded to fix prices on international music sales in violation of Section 1 of the Sherman Act, according to a suit filed by a group of consumers and retailers. The suit claims that the plaintiffs alleged specific facts sufficient to plausibly suggest that the parallel conduct alleged was the result of an agreement among the defendants.

The allegations against the music companies include that they control 80 percent of the digital music market in the United States, that their joint ventures were sham, that they attempted to hide their most favored nation agreements from antitrust scrutiny, and that they charged almost three times as much per song more than the number two market participant. Among other things, the suit alleges that the plaintiffs tied to identify the specific time, place, or person related to such conspiracy, allegations.

CASE ALERT HIGHLITS

State Law Allowing Only In-State Alcoholic Beverage Retailers To Make Home Deliveries Upheld As Inherent in Three-Tier Scheme

A Texas statute that allows in-state but not out-of-state retailers to deliver alcoholic beverages to in-state consumers does not violate the Commerce Clause, the Fifth Circuit decided. It agrees with a recent Second Circuit ruling that local deliveries are a "constitutionally benign incident" of a typical three-tier liquor distribution regulatory scheme approved by the U.S. Supreme Court in Brown-Forman v. Royal, which means, the plaintiffs company that California retailer complained that the state law was discriminatory in banning it from making deliveries anywhere in Texas. But the court held that there is no evidence of discrimination.
A jury verdict that the copyright in the "Bow Wow" refrain from the funk music song "Atomic Dog" was infringed by the song "O.G. in Me" was upheld by the U.S. Court of Appeals for the Sixth Circuit. The refrain in "Atomic Dog" repeats the phrase "Bow wow, wow, wow, wow, wow" while the refrain in "O.G. in Me" uses the refrain and the word "dog" in a line that is literal. The court noted that "the jury heard testimony that described the copied elements of "Atomic Dog" as unique to the song and the Bow Wow refrain is, in particular, the most well-known aspect of the song—indeed, the functional equivalent of the 'hook'... The jury's verdict... was not unreasonable in concluding that there was substantial similarity... Given evidence that the copied elements had such great qualitative importance... It added that the district court's instructions to the jury concerning the fair use defense were appropriate and that "the result reached by the jury was not unreasonable."
Law Reviews

Uses

- recent developments
- citations to primary sources
- persuasive authority

Start with Indexes

Indexes lead you to articles about a particular topic.

Full text searching leads you to any use of a term.
Law Review Indexes - ILP

*Index to Legal Periodicals & Books* (back to 1980) through
Westlaw - **ILP**
Lexis - *Index to Legal Periodicals*
*ILP* and *ILP Retrospective* can be accessed through Alphabetical Databases Link

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Law Review Indexes - CLI

*Current Law Index*
Westlaw – **LRI**
Lexis – *Legal Resource Index*
Alphabetical List of Databases – **LegalTrak**
Law Review Indexes - CILP

Current Index to Legal Periodicals

Westlaw – CILP
Alphabetical List of Databases – Current Index to Legal Periodicals

Law Reviews – Full Text

LEXISNexis
Legal Publications Group File
contains: law reviews, bar journals, ABA journals, legal newspapers, legal newsletters, specialty legal publications, and CLE materials

WESTLAW
TP-ALL

- Order Adopting Revised Rules (Effective January 12, 2010)
- Amendments to Rules (2010)
- Rules of the Supreme Court (Effective February 16, 2010)
- Memorandum to Congress - Amendments to Rules
- Distraction Matter Brief Submission Guidelines
Supreme Court Rules

In Print:
Federal Rules of Civil Procedure
(West 2009-2010 Educational Ed.)

Law Course Reserve
KF 8816 .A2 F42

Supreme Court Rules page 510
[Does not include latest amendments]
Records & Briefs

Landmark Briefs and Arguments of the Supreme Court of the United States.

Records and Briefs of the United States Supreme Court in Microfiche.
Oral Arguments

May It Please the Court: Landmark Cases Argued Before the Supreme Court, Transcripts and Cassettes

Oral Arguments of the Supreme Court of the United States in Microfiche.
Find Books in QUEST
E.g., Advocacy Manuals on Reserve
Updating
Do you have the latest information?
Check dates whether print or online.
Citator Services – KeyCite and Shepard's

When to Stop
Don't stop too soon
Don't waste your time
Any Questions?

Reference Librarians are on duty:

Monday - Thursday 9:00 - 8:00
Friday 9:00 - 5:00
Saturday and Sunday 1:00 - 5:00

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