

## LEGAL RESEARCH

The third major research area within LexisNexis Academic is Legal Research. It includes secondary source materials, such as legal news and law reviews for background information on legal issues, as well as primary source material such as case law, statutes, and regulations. We have already explained how to use one form you will find in this area—the **Get a Case** search form that is duplicated on the Home Page (see page 7). In this section, we'll explain some concepts related to performing legal research, then show you how to use some of the other search forms found in this area.

If you are performing legal research for the first time, the following background information may be useful to you—if you are a seasoned researcher, feel free to skip ahead!

### Background on Legal Research

In addition to researching laws and regulations, much of legal research centers on analyzing case law. Therefore it is useful to review some of the basic concepts before we begin. Legal research is based on the concept of “stare decisis,” indicating that courts follow or adhere to previously decided cases. Generally, where the facts are similar or the facts are essentially the same in two court cases, the tendency is to follow the older or previous court's decision.

### Jurisdiction and Finding Cases on a Subject or Topic

*Excerpted from the writings of Alan P. Stein, J.D., M.L.S.*

To begin your research, you must ask whether the assignment requires relevant federal case law or state case law. This determination goes to the question of jurisdiction, one of the most complex and important concepts in law. Jurisdiction tells us whether a particular court can hear a case. It is often asked as to whether a potential defendant had enough of a contact or nexus with the state or federal entity in which s/he is being sued.

A few illustrations may help to better explain the concept.

If I live in California and I drive a motor vehicle, I must operate a motor vehicle with a California driver's license. By living and driving in California, the California courts have personal jurisdiction over me.

If I live in New York and buy a house in Long Island, the New York courts have jurisdiction over real property (land) and personal property located within the geographical boundaries of the state of New York.

Other jurisdictional questions are determined by statute or by the dollar amount of a specific legal claim. For example, federal courts adjudicate or hear cases related to admiralty (sea), customs, patents, federal taxes, treaties and treason. Federal courts have exclusive subject jurisdiction over cases that are admiralty or patent cases, which means that only federal courts may hear these types of cases.

All researchers need to know whether to begin looking for a case in Federal or State Case Law within LexisNexis Academic. If they elect to search Federal Case Law or State Case Law, it is because they know that either a federal court or a given state court has jurisdiction. If they do not know which type of court has jurisdiction, they must check both the Federal and State Case Law search forms. Having resolved this aspect of our research, we are ready to delimit it more topically.

In traditional legal research we would look for our topic or the subject matter of the case in a legal reference called a “digest” for the federal or state jurisdiction. Digests have descriptive word indexes or broad topic headings arranged by subject matter. Subtopics in the digest refer researchers to specific volumes arranged by subject. Those volumes contain annotations or summaries of cases relevant to specific legal issues.

Computerized legal research now provides us with similar options for legal research by subject or topic. For now, let us assume, that federal cases from the U.S. Supreme Court would be most relevant to our research paper. In LexisNexis Academic, we would select the research category, **Federal Case Law**, then choose the **Guided Search** form. Within the box “Search for” we would type in our search terms. Our terms must correspond to legal concepts. For instance, “busing” is likely to be indexed under the terms or concept “public school desegregation.” See Figure 21. (For help with this and other legal terms, please see

the glossary contained within the LexisNexis Academic Knowledge Base. (The Knowledge Base is available via the **Help** link in LexisNexis Academic.) From the **Court** pull-down list, we would select **Supreme Court Cases**. In the **Date** box, we would select **All available dates**. Click **Search**, then review the summaries or annotations and select the cases that are most appropriate or relevant to our research.

Figure 21: Federal Case Law, Guided Search form

The screenshot shows the LexisNexis Academic interface. On the left is a sidebar with 'Academic Search Forms' and a list of categories including News, Business, Legal Research, Legal News, Law Reviews, Get a Case, Shepard's® for U.S. Supreme Court, **\* Federal Case Law**, State Case Law, Area of Law by Topic, Federal Code, Federal Regulations, State Code, Tax Law, Canadian Legislative Materials, and a Help link. The main area is titled 'Guided Search' and contains 'Additional Search Options'. It features a 'Search for:' field with the text 'school desegregation' and a dropdown for 'Full Text'. Below this are three rows for adding more search terms with 'and' connectors. The 'Date:' section has radio buttons for 'All available dates' (selected), 'From:', and 'To:'. The 'Court:' dropdown is set to 'Supreme Court Cases' with a 'Source List' link. 'Search' and 'Clear Form' buttons are at the bottom.

## Reading a Case Citation

*Excerpted from the writings of Alan P. Stein, J.D., M.L.S*

Very often we have the legal citation or formal way of referencing a case and only need to retrieve it. Or novices may see references to case citations and be unsure as to how to decipher them. The case citation provides the following four critical pieces of information:

1. the **name** of the actual case;
2. the physical volumes **where** the case can be found;
3. the **court** that decided the case; and,
4. the **year** the case was decided.

Here is an example of a citation and how you would decipher it:

Regents of the University of California v. Bakke, 438 U.S. 265; 98 S. Ct. 2733; 1978 U.S. LEXIS 5; 57 L.Ed. 2d 750; 17 Fair Empl. Prac. Cas.(BNA); 17 Empl. Prac. Dec. (CCH) P8402 (1978).

Regents of the University of California v. Bakke is the name of the case. It should always be underlined. 438 U.S. 265 is the cite of one of six sources where the case can be found—in volume 438 of the *United States Reports*, beginning at page 265. (Reporters are sets of volumes containing judicial opinions.)

Let's look at the second part of the case citation. 98 S. Ct. 2733; 1978 U.S. LEXIS 5; 57 L.Ed. 2d 750; 17 Fair Empl. Prac. Cas. (BNA); and 17 Empl. Prac. Dec. (CCH) P8402 (1978), are five additional sources where this case can be found. These additional sources are called **parallel citations**. In the example, the parallel citations are volume 57 of the *U.S. Supreme Court Reports, Lawyers Edition, Second Series* at page 750; and volume 98 of *Supreme Court Reporter* at page 2733. A set of reporter volumes numbered consecutively is called a series. The abbreviation “2d” or “3d” stand for Second Series or Third Series. The year 1978 in the parentheses tells you the year the court decided the case.

In the last thirty years, the law community has embraced electronic storage and retrieval of court cases. The above example, “1978 U.S. LEXIS 5”, refers us to the specific electronic citation for the Bakke decision within LexisNexis. In like manner, many commercial publishers, like Bureau of National Affairs (BNA) or Commerce Clearinghouse (CCH), publish subject-oriented reporters on various topics like labor law cases, patent cases, or tax cases. In the above example, we see references to a collection of labor cases in a set titled *Fair Employment Practices Cases* by BNA and a collection of labor cases in a set titled *Employment Practices Decisions* by CCH.

Please note that both the official set or primary source published by a government entity and commercial sets or secondary sources always contain the same text of the actual court case. Frequently, commercial sets present annotations or comments in advance of the actual court case. Often these explanations assist our understanding of the meaning or the importance of the case.

Here is a list of reporters and abbreviations that you will normally encounter when you are researching the federal level of courts or doing federal jurisdiction research:

#### Supreme Court (Federal) Reporters

*U.S. Supreme Court Reports* L.Ed. or L.Ed.2d  
*Supreme Court Reporter* S. Ct.  
*U.S. Reports* U.S.  
*United States Law Week* USLW

#### Circuit Court of Appeals (Federal) Reporters

*Federal Reporter* F or F.2d or F.3d

#### District Courts (Federal) Reporters

*Federal Supplement* F. Suppl

If you come across an abbreviation for a court reporter that you do not know, you can consult *Black's Law Dictionary* or *A Uniform System of Citation*—both contain extensive listings of legal abbreviations.

### Law Reviews

An excellent way to begin legal research on an issue is to locate law reviews that cover the topic. Law reviews will not only explain the legal principles in question, but will also direct researchers to all relevant cases that illustrate the point of law. When checking law reviews, researchers are using secondary source materials. In addition to pulling together information from a broad array of courts, the law reviews will often provide important socioeconomic context for judicial decisions.

In San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973) the court upheld or sustained the Texas system of financing public education through a combination of taxes including heavy reliance on local property taxes. Justice Thurgood Marshall dissented from the majority opinion. Remembering that Justice Marshall had been the lead attorney for the plaintiffs in the Brown v. Board of Education case of 1954, legal scholars and educators studied Marshall's dissent with great care. In 1999, or 26 years later, Justice Marshall's dissent is generally regarded as a guiding principle in modern school finance statutes and modern school finance court cases. We learn of the impact of the Marshall dissent only by using the **Law Reviews** search form and finding references to such periodicals as the *Journal of Law and Education*.

### Default Display Format for Legal Materials

For legal materials, the default sort order of results retrieved depends on what is being searched. Law reviews sort alphabetically by title. Supreme Court cases sort in reverse chronological order by date decided. Code of Federal Regulations sections sort by title and part number, in chronological order. For some material, such as the Martindale-Hubbell® lawyer listings, the default sort is alphabetical.

### Search Federal/State Case Law

Now that we've had a brief overview of legal research, let's try conducting some searches. For argument's sake, let's say that you need to find and read a particular case entitled Vacco v. Quill. This is a famous right-to-die case, but you are unsure if the court that heard it was the Supreme Court or some other court.

In fact, you aren't even sure if it is a federal or state case. You also do not have its legal citation. (For more information on reading a legal citation see above text.)

Figure 22: Search case law by party name(s)

The screenshot shows the LexisNexis website's search interface. At the top, there is a navigation bar with links: Home, Sources, How Do I?, Site Map, What's New, and Help. On the left side, there is a sidebar titled 'Academic Search Forms' with a list of options: News, Business, Legal Research, Legal News, Law Reviews, and 'Get a Case' (which is highlighted). Below 'Get a Case', there are links for 'Shepard's® for U.S. Supreme Court', 'Federal Case Law', 'State Case Law', 'Area of Law by Topic', and 'Federal Code'. The main content area is titled 'Get a Case' and includes a 'Tips' link. It contains instructions: 'Retrieve a case by cite or party names. Only cases that match all the criteria you entered will be found.' There are two input fields: 'Party name:' with the text 'Vacco v. Quill' and 'Party One' and 'Party Two' labels below it, and 'Citation:' with the text '407 U.S. 258' and a 'View Citation Formats' link. At the bottom of the form are three buttons: 'Search', 'Clear Form', and 'Source List'.

LexisNexis Academic's **Get a Case** form makes this research simple. Enter the names of the parties to the case in the party name boxes as shown in Figure 22. The order is not important. Then click on **Search** and your case is retrieved! This form works for both federal and state cases.

Now, let's try something a little bit harder. In the context of international trade research, you are looking for cases about the dumping of steel into the U.S. market. Dumping is a legal term, which signifies the selling of foreign goods at less than fair market value.

Select **Legal Research/Federal Case Law** using the navigational tools on the left.

Your search strategy is:  
 Choose the **Guided Search** form.  
 Search for: **dumping** (Keep default as **Full Text**)  
**w/25 atleast3 (steel) in Full Text** (change the pull-down for the connectors so that it reflects **w/25** instead of the default **and**, then keep default in 2nd pull-down box as **Full Text**)  
 Date: **All available dates** (change from the default of **Previous six months**)  
 Court: **Court of International Trade** (Scroll down and select this option from the pull-down list)

Click on **Search**

Your search should look like Figure 23.

**Figure 23: Search Federal Case Law for cases from Court of International Trade**

The screenshot shows the LexisNexis Academic search interface. On the left is a navigation menu with categories like News, Business, Legal Research, and Federal Case Law. The main area is titled 'Additional Search Options' and contains a 'Guided Search' form. The search criteria are entered as follows: 'Search for: dumping in Full Text', 'w/25 atleast3 (steel) in Full Text', and 'and in Full Text'. The 'Date' is set to 'All available dates' and the 'Court' is set to 'Court of International Trade'. There are 'Search' and 'Clear Form' buttons at the bottom.

## **Shepard's® for U.S. Supreme Court Cases on LexisNexis Academic**

Keeping track of precedent is a vital part of legal research. *Shepard's* Citation Service is one of the tools legal researchers rely upon to validate their citations and to locate additional authorities that support their arguments. *Shepard's* on LexisNexis Academic lets you access one important component of *Shepard's* comprehensive coverage: United States Supreme Court decisions from 1789 to the present.

Using *Shepard's*® you will be able to:

- Make sure that a case has not been overturned or somehow criticized or distinguished (in lay terms, *Shepard's* can ensure that a supreme court case is still “good law,” i.e. not dissimilar to another case in either the facts of the case, or application of the law)
- Locate a comprehensive listing of additional cases and other authorities that have cited your case, including annotations and law-review articles
- Verify that your citation for a case is accurate, including case name, jurisdiction, and all parallel citations; i.e. 407 U.S. 258, 32 L.Ed. 2d 728, 92 S.Ct. 2009 is the correct citation format for the *Flood v. Kuhn* case.

## **How to Shepardize on LexisNexis Academic**

Let's look at the steps required to Shepardize a particular case: [Erznoznik v. City of Jacksonville](#). If you have retrieved the case using the **Get a Case** form or the **Federal Case Law** search form, go to either the KWIC or Full View. Below the Document List tab on the top left side of the screen, you should see a red *Shepherd's*® link. (Note: only cases heard before the U.S. Supreme Court will have this link.) Click on the link to Shepardize the case. Alternately, you can:

1. Choose **Legal Research** under **Academic Search Forms** in the left navigation area
2. Choose the **Shepard's for U.S. Supreme Court** search form.

3. Fill in the citation of the case you wish to check in the entry required boxes on the search form using this format: 95 S. Ct. 2268  
**Note:** Since the default selection on the pull-down menu is set to U.S. (which references the U.S. reporter series), use the pull-down list to select the S.Ct. reporter instead. Other choices, although not applicable to this example, include U.S., L.Ed. and L.Ed. 2d, or U.S. LEXIS. The first box filled in on the form refers to the volume number of the legal reporter, (in this case, it is volume 95), and the last box refers to the page number in the legal reporter (in this case it is 2268).
4. Below the citation entry boxes are two options: *Shepard's* for Validation (KWIC) and *Shepard's* for Research (FULL). *Shepard's* for Research is the default and is the format that guarantees you will retrieve the greatest number of cases that reference your case. The FULL view provides:
  - All prior history (what happened before the case got to the Supreme Court)
  - All subsequent appellate history (includes rehearings from the Supreme Court)
  - Every citing reference in case law, law reviews, periodicals, annotated statutes, and annotations.
5. To continue with the FULL view, click **Search**.
6. The next screen you see is the results screen. A signal appears at the top, indicating pictorially that either positive, negative, or warning treatment is indicated. See Figure 25 for a chart that displays the various signals used by *Shepard's* and their meanings. For our citation, warning treatment is shown with a yellow triangle: ▲
7. In addition, citations for all cases referencing or citing our case appear on the screen. The default display is **Unrestricted**, which means it shows all cases that have ever referenced the case—both favorable (positive treatment—which could mean a case that affirmed, explained, or followed our case) and unfavorable (negative treatment—which could mean cases that overruled, criticized, reversed, or questioned our case).
8. If there are too many cases for you to review, click **All Negative** to see only negative treatment of your case, **All Positive** to see only positive treatment of your case, or **Custom Restrictions** to pick and choose among the menu presented there. (Custom restrictions allow you to specify restrictions by analysis, jurisdiction, headnote or date of the citing references. The custom restrictions choices from which you can select are those that actually occur in the citing references. For example, if you don't see a state or federal circuit listed in the jurisdiction section, there are no citing references from that jurisdiction. Using the Custom Restrictions form will reduce the number of citing references that you retrieve, making your search more precise and easier to review. See Figure 24.)
9. Simply insert check marks in the boxes corresponding to the display you would like to see, then click the **View Restrictions** button. Your new, narrower search results will display.

Once you have a list of citations, you can use the **Get a Case** form to pull up the individual cases. Refer to page 24 for information on reading case citations.

For additional information and definitions, refer to the tips located at the bottom of the search form or go to the **Help** page (click on the **Help** link on the top navigation bar) and select **Shepard's® Citations Service**. Librarians and library staff may also call Customer Support (see page 4 for more details).

Figure 24: Custom Restrictions Screen

LexisNexis® Home Sources How Do I? Site Map What's New Help

Custom Restrictions: Title  
 Citation: 422 U.S. 505  
 Type: Analysis, Jurisdictions, Headnotes, Date

Check restrictions from available options, then select "View Restrictions" button to display your results.

**Analyses available in FULL:**

<input type="checkbox"/> Criticized	<input type="checkbox"/> Distinguished
<b>Positive:</b>	
<input type="checkbox"/> Followed	
<b>Other:</b>	
<input type="checkbox"/> Concurring Opinion	<input type="checkbox"/> Dissenting Op.
<input type="checkbox"/> Explained	<input type="checkbox"/> Quoted Precedent

**Jurisdictions available in FULL:**

<b>Federal:</b>	<input type="checkbox"/> 4th Circuit	<input type="checkbox"/> 8th Circuit	<input type="checkbox"/> D.C. Circuit
<input type="checkbox"/> U.S. Supreme Court	<input type="checkbox"/> 5th Circuit	<input type="checkbox"/> 9th Circuit	<input type="checkbox"/> Admin. & Agency Dec.
<input type="checkbox"/> 1st Circuit	<input type="checkbox"/> 6th Circuit	<input type="checkbox"/> 10th Circuit	
<input type="checkbox"/> 2nd Circuit	<input type="checkbox"/> 7th Circuit	<input type="checkbox"/> 11th Circuit	
<input type="checkbox"/> 3rd Circuit			
<b>State:</b>	<input type="checkbox"/> Alaska	<input type="checkbox"/> Illinois	<input type="checkbox"/> Mississippi
<input type="checkbox"/> Alabama	<input type="checkbox"/> Indiana	<input type="checkbox"/> Montana	<input type="checkbox"/> Pennsylvania
<input type="checkbox"/> Arizona	<input type="checkbox"/> Kansas	<input type="checkbox"/> North Carolina	<input type="checkbox"/> Puerto Rico
<input type="checkbox"/> California	<input type="checkbox"/> Kentucky	<input type="checkbox"/> North Dakota	<input type="checkbox"/> Tennessee
<input type="checkbox"/> Colorado	<input type="checkbox"/> Louisiana	<input type="checkbox"/> Nebraska	<input type="checkbox"/> Texas
<input type="checkbox"/> Connecticut	<input type="checkbox"/> Massachusetts	<input type="checkbox"/> New Hampshire	<input type="checkbox"/> Utah
<input type="checkbox"/> Dist. of Columbia	<input type="checkbox"/> Maryland	<input type="checkbox"/> New Jersey	<input type="checkbox"/> Virginia
<input type="checkbox"/> Delaware	<input type="checkbox"/> Maine	<input type="checkbox"/> New York	<input type="checkbox"/> Vermont
<input type="checkbox"/> Florida	<input type="checkbox"/> Michigan	<input type="checkbox"/> Ohio	<input type="checkbox"/> Washington
<input type="checkbox"/> Georgia	<input type="checkbox"/> Minnesota	<input type="checkbox"/> Oklahoma	<input type="checkbox"/> Wisconsin
<input type="checkbox"/> Iowa	<input type="checkbox"/> Missouri	<input type="checkbox"/> Oregon	<input type="checkbox"/> West Virginia
<b>Others:</b>	<input type="checkbox"/> Law Reviews	<input type="checkbox"/> Secondary Sources	<input type="checkbox"/> Statutes
		<input type="checkbox"/> American Law Reports/Annot.	

**Headnotes available in FULL:**

L. Ed. 2d: ☐ All ☐ 1 ☐ 3 ☐ 5 ☐ 7 ☐ 9 ☐ 11

☐ 2 ☐ 4 ☐ 6 ☐ 8 ☐ 10

S. Ct.: ☐ All ☐ 1 ☐ 4 ☐ 7 ☐ 10 ☐ 13 ☐ 16 ☐ 19

☐ 2 ☐ 5 ☐ 8 ☐ 11 ☐ 14 ☐ 17 ☐ 20






☐ 3 ☐ 6 ☐ 9 ☐ 12 ☐ 15 ☐ 18

Date: ☐ No additional date restrictions  4-digit year

☐ From:  To:  4-digit year



Figure 25: *Shepard's* Signals that Precede Citations

	<b>Warning</b>	<b>Strong negative treatment</b> indicated. Includes: <ul style="list-style-type: none"> <li>• Overruled by</li> <li>• Questioned by</li> <li>• Superseded by</li> <li>• Revoked</li> <li>• Obsolete</li> <li>• Rescinded</li> </ul>
	<b>Caution</b>	<b>Possible negative treatment</b> indicated. Includes: <ul style="list-style-type: none"> <li>• Limited</li> <li>• Criticized by</li> <li>• Clarified</li> <li>• Modified</li> <li>• Corrected</li> </ul>
	<b>Positive</b>	<b>Positive treatment</b> indicated. Includes: <ul style="list-style-type: none"> <li>• Followed</li> <li>• Affirmed</li> <li>• Approved</li> </ul>
	<b>Citing References with Analysis</b>	Other cases cited the case and assigned some analysis that is <b>not considered positive or negative</b> . Includes: <ul style="list-style-type: none"> <li>• Appeal denied by</li> <li>• Writ of certiorari denied</li> </ul>
	<b>Citation Information</b>	<b>References have not applied any analysis</b> to the citation. For example the case was cited by law reviews, ALR® Annotations, or in other case law not warranting an analysis. Example: Cited By

## Searching Codes and Regulations

In addition to a wealth of law review, legal news, and case law sources, LexisNexis Academic provides access to a number of state and federal codes and regulations.

The *Code of Federal Regulations* (CFR) is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government. The *Federal Register* is the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents. When codified, or put into book form, the permanent regulations in the CFR are divided into 50 titles that represent broad areas subject to federal regulation. Each title is divided into chapters that usually bear the name of the issuing agency. Since federal regulations often interpret and serve as the implementing legislation for federal statutes, they are useful tools in the hands of students and researchers. LexisNexis Academic contains the CFR, updated within two weeks after the regulation appears in the *Federal Register*. Let's try a search in this rich resource.

### Search the Code of Federal Regulations by Cite

Select the **Legal Research** category, then **Federal Regulations** from the interim menu presented. Assume that you know the citation format for the CFR (*Code of Federal Regulations*) and that you want to retrieve the text of 40 CFR 280.10, dealing with underground storage tanks. Although the **Basic** search form presents itself by default, click instead on the tab for **Guided Search** to access the advanced search form. Only this form allows for citation or fielded searching.

**Your search strategy is** (see Figure 26):

Search for: **40 CFR 280.10** in **Cite** (Change pull-down list from default setting of **Full Text** to **Cite**)

Leave blank the remaining fields under **Search for**.

Source: **Code of Federal Regulations** (Change pull-down from default setting of **Federal Register** to **Code of Federal Regulations**)

Click **Search**

When searching by cite, it is best not to use the title name (Environment) and not to include subsections (i.e., 280.10(a)).

Figure 26: Search the Code of Federal Regulations by Cite

The screenshot shows the LexisNexis website's search interface. The top navigation bar includes links for Home, Sources, How Do I?, Site Map, What's New, and Help. On the left, there is a sidebar with 'Academic Search Forms' and a list of categories including News, Business, Legal Research, Law Reviews, Get a Case, Shepard's® for U.S. Supreme Court, Federal Case Law, State Case Law, Area of Law by Topic, Federal Code, \* Federal Regulations, State Code, Tax Law, Canadian Legislative Materials, Canadian Statutes & Regulations, EU Law (CELEX), and International Legal. The main content area is titled 'Additional Search Options' and includes a 'Tips' link. It contains a search form with the following fields: 'Search for:' with the value '40 CFR 280.10', 'in' with a dropdown set to 'Cite', 'and' with a dropdown set to 'Full Text', and 'Source:' with a dropdown set to 'Code of Federal Regulations'. There are 'Search' and 'Clear Form' buttons. Below the search form, there is a section titled 'Related search forms on LexisNexis™ Congressional' with a list of links: 'Search the Code of Federal Regulations by agency', 'Search the Code of Federal Regulations by statutory authority', 'Search the Federal Register by agency and keyword', and 'Search the Federal Register by CFR citation'.

Since you knew the exact cite for your search, your document list as seen in Figure 27 will include only the exact section of the CFR that you requested. Click on the document to view it.

Figure 27: Document list for cite search of Code of Federal Regulations

The screenshot shows the LexisNexis search results page. The top navigation bar is the same as in Figure 26. The search terms are '40 CFR 280.10'. Below the search bar, there is a 'FOCUS™' field and a 'Search Within Results' button. There are also 'Edit Search', 'Print', and 'Email' buttons. The results are displayed in a table with columns for 'Document List', 'Expanded List', 'KWIC', and 'Full'. The first result is '1. 40 CFR 280.10, TITLE 40 -- PROTECTION OF ENVIRONMENT, CHAPTER I -- ENVIRONMENTAL PROTECTION AGENCY, SUBCHAPTER I -- SOLID WASTES, PART 280 -- TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS (UST), SUBPART A -- PROGRAM SCOPE AND INTERIM PROHIBITION, § 280.10 Applicability., 312 words, CODE OF FEDERAL REGULATIONS'. There is a checkbox next to the result. The page number 'Document 1 - 1 of 1.' is shown at the bottom right.

### Search the Code of Federal Regulations by Keyword

Another way to search the *Code of Federal Regulations* is by searching the full text by keyword. This strategy is effective when you do not know the exact citation as we did in the search executed in Figure 26. In this case, assume that you know something about the subject matter of the regulation, for instance underground storage tanks. To conduct this search, remain with the **Guided Search** form.

#### Your search strategy is:

Search for: **corrective action** in Full Text (Keep default set to **Full Text**)

w/25 **underground storage tanks** (Keep default set to **Full Text**)

Source: **Code of Federal Regulations** (Change pull-down from default setting of **Federal Register** to **Code of Federal Regulations**)

Click **Search**

See Figure 28 on the next page to see what the completed search form should look like.

Figure 28: Search the Code of Federal Regulations by Keyword/Full Text

Figure 29: Document List for Keyword/Full Text CFR search

For this search, the answer set would be larger than the answer set obtained with the citation search in Figures 26 and 27, since the keyword search would have retrieved all instances within the CFR in which the search terms appeared. (Citation searches, looking for specific cites, retrieve only one result.) See Figure 29 to see the Document List retrieved using the search example provided. At this point, you would either review the results or decide to further refine the search.

## Use Related Links within LexisNexis Web Products to Maximize Your Research

As previously explained, LexisNexis Academic allows you to move between various LexisNexis products that your institution subscribes to, using the **Search for Other Information** links on the left-hand navigation bar. Depending upon your library's subscriptions, you will sometimes see links to suggested search forms on other LexisNexis products while within a particular service. For example, while searching the **Federal Regulations** search form (**Basic** or **Guided**) within the Legal Research section of LexisNexis Academic, if your institution subscribes to LexisNexis Congressional, you will see a list of related links on the bottom half of the form. For example, there is a link for a search form that enables you to search the CFR by agency. See Figure 30.

Figure 30: Inter-service links

## Searching Patents

A patent allows an inventor to keep others from making commercial use of a new idea without the patent holder's permission. This right of control over the idea lasts between 14 and 20 years, depending on the type of invention. Before explaining how to search patents, let's review some background on types of patents in LexisNexis Academic.



The U.S. Patent and Trademark Office (PTO) issues three different kinds of patents:

**Utility patents**—Useful inventions may qualify for a utility patent if they fit into at least one of these five categories: a process, a machine, a manufacture, a composition of matter or an improvement of an existing idea that falls into one of these categories. Often, an invention that qualifies for a patent because of its usefulness will fall into more than one of the categories. For instance, computer software can usually be described both as a process (the steps that it takes to make the computer do something) and as a machine (a device that takes information from an input device and moves it to an output device). Regardless of the number of categories an invention falls under, only one utility patent may be issued on it.

**Design patents**—To qualify for a patent under the design test, a design must be innovative, nonfunction and part of a functional manufactured article. For example, a new shape for a car fender, bottle or flashlight that doesn't improve its functionality would qualify.

**Plant patents**—Patents may be issued for any asexually or sexually reproducible plants (such as flowers) that are both novel and nonobvious. Plant patents are the least frequently issued type of patent.

The U.S. Patent and Trademark Office (PTO) assigns numbered classes and subclasses to inventions for the purpose of classifying patents to facilitate the retrieval of these patents in the course of a patent search. There are roughly 300 main classes, and an average of more than 200 subclasses under each main class. An invention will fall within at least one of the 66,000 separate classifications, and sometimes several. To aid your research, the Patent Research section of the Legal Research area includes the U.S. Patent and Trademark Office Manual of Classification (use the **Patent Manual** search form to conduct keyword or class number searches of the manual) and **Patent Numbers by Classification**, an index that allows you to look up a patent by its patent number and see which class and subclass it belongs to (as noted before, it may belong to several; this search will also show you other patents belonging to those classes/subclasses), or to look up a particular class and subclass (using the **U.S. Classification Number**) to see which patents have been assigned that number. Note: this search will yield a list of patent numbers, which then need to be manually looked up using the **Patents** search form.

### Sample Patent Searches

LexisNexis Academic allows you to search for patent information in a number of different ways, depending on how little or how much information you know. You may search by patent type (such as design, utility, or plant patents), by classification number, by assignee or inventor, or by keywords that appear in the full text of the patent. The examples below demonstrate how to search for patents when you know a keyword or concept about an invention or when you have the patent number. In both examples, you should select **Legal Research** from the left navigational menu, then choose the **Patents** form, which is the first of three patent-related search forms offered.

#### Search based on keyword or concept:

Use the **Basic** form

Keyword: **flying saucer**

Narrow search with additional terms:

**glide or sail**

Patent type: **All patents**

Date: **All available dates**

(Modify from default of **Previous six months**)

Click **Search**

Figure 31: Patent Search Using Keywords

The screenshot displays the LexisNexis Academic search interface. On the left is a vertical navigation menu with categories like News, Business, Legal Research, and Shepard's® for U.S. Supreme Court. The main area shows the 'Basic' search form for 'U.S. Patents (1971-present)'. The 'Keyword' field contains 'flying saucer' with a red 'Entry Required' message. Below it, the 'Narrow search with additional terms' field contains 'glide or sail'. The 'Patent Type' dropdown is set to 'All Patents'. The 'Date' section has 'All available dates' selected. At the bottom are 'Search' and 'Clear Form' buttons.

**Search based on known item, i.e., patent number:**  
 Your search strategy is:  
 Use the **Guided Search** form  
 Search for: **393,934** in **Patent Number** (Change default from Assignee to Patent Number)  
 Date: **All available dates** (Modify from default of **Previous six months.**)  
 Patent Type: **All Patents** (default)  
 Click **Search**

**Figure 32: Patent Search Using Patent Number**

The screenshot shows the LexisNexis Academic website's 'Guided Search' interface. On the left is a sidebar with 'Academic Search Forms' including News, Business, Legal Research, Legal News, Law Reviews, Get a Case, Shepard's® for U.S. Supreme Court, Federal Case Law, State Case Law, Area of Law by Topic, Federal Code, Federal Regulations, State Code, Tax Law, Canadian Legislative Materials, and a 'Materials' link. The main area has tabs for 'Basic' and 'Guided Search'. Under 'Additional Search Options', there's a tip: 'Enter keywords and select the field where you want the words to be found. Combine your search criteria using the connectors provided.' The search form includes: 'Search for: 393,934' with a red 'Entry Required' note; a dropdown menu set to 'PatentNumber'; two 'and' connectors followed by empty input fields and dropdown menus set to 'Assignee'; a 'Date:' section with a radio button selected for 'All available dates' and a dropdown menu; another radio button for 'From:' and 'To:' with empty input fields and an 'Examples' link; a 'Patent Type:' dropdown set to 'All Patents' with a 'Source List' link; and 'Search' and 'Clear Form' buttons at the bottom.

### **A Final Note on Constructing Legal Research Searches: Fielded Searching**

Fields or segments are standard and consistent parts of documents that relate to the structure of the document, as opposed to its content. These fields may vary depending on the source material selected, and not every field will be present in every document. Although different sets of documents potentially contain certain predictable fields, not all available fields occur in every document. In case law, the most common searchable fields are:

- Plaintiff
- Defendant
- Judges
- Opinion By
- Opinion Text
- Dissenting Opinion By
- Concurring Opinion By
- Citation
- Counsel
- Headnotes and
- Syllabus

Access to these fields is offered via the pull-down lists on the **Guided Search** forms. When performing fielded searching, you can pinpoint information located in specific parts of the data. Your searching is therefore more precise. Instead of searching in every word of the vast LexisNexis Academic database (i.e., what occurs when conducting “keyword/full text searching”), fielded searching instructs the search engine to query only the designated segment(s) or field(s) of the data for the information being sought. This type of search methodology helps avoid false hits and allows you to search more efficiently. This can be seen clearly when searching for the name of a case. The user who conducts a full text search on the name could find hundreds of references to that case, many of which mention the case in passing. Using a fielded search for that same case—for example, using the **Plaintiff** field—will result in the retrieval of hits which are more “on point” or relevant.

Using the **Guided Search** forms’ pull-down menus in LexisNexis Academic provides you with richer field searching options. Full text searching is also a choice off of the same pull-down list. Thus, both full text and fielded searching can be performed from the **Guided Search** forms in the product.