

CHECK IT OUT

Lucille Stewart Beeson Law Library Newsletter
Cumberland School of Law of Samford University



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Do You Have a Research Plan?

By Leigh A. Jones
Evening/Weekend
Reference Librarian
ljones17@samford.edu

Before beginning a legal research project, it is always important to have a plan. Having a plan is important because it forces the researcher to think about the needed information before beginning the work. By giving some thought to what is needed, the researcher becomes more effective and efficient in their search. This efficiency saves time and money, two important things when it comes to legal research.

A research plan is never static; it can change according to what is already known and what is learned in the process of the search. Keeping that in mind, here are six guiding steps that can serve as the foundation of any legal research project:

1. Analyze the facts and the problem(s) that have been presented.

Determine the legal issues that are relevant to the facts. Ask: Who? What? When? Where? How? Use these questions to understand which facts are significant to the research that should be done.

2. Generate a list of research terms.

Develop a list of terms (keywords) that can be used to locate information that is relevant to your search. Consider alternate terms and alternate spellings. (Legal dictionaries and thesauri help.)

In This Issue:

HeinOnline Update.	2
Finding State Law.	3
Recent Acquisitions.	4
Using Study Aids.	4
A Few Reminders	5
Director's Brief.	6

3. Gain a foundational understanding of the issues and terms that you have identified.

Use secondary sources for this. These are useful because they explain legal principles. Also, they can be used to locate primary law. Examples of secondary sources include legal encyclopedias, treatises, law reviews, and more.

4. Locate the relevant law.

After gaining an understanding of the issues involved, find cases, statutes, and other rulings that apply. Utilize secondary sources and other tools to reach this information.

5. Make sure the law that you find is good law.

See *Research Plan*, Page 2



LAW LIBRARY SCHEDULE**MONDAY-THURSDAY****7:00 A.M.-12 MIDNIGHT****FRIDAY****7:00 A.M.-10:00 P.M.****SATURDAY****9:00 A.M.-10:00 P.M.****SUNDAY****1:00 P.M.-12 MIDNIGHT**

Research Plan from Page 1

Always remember to make the distinction between binding authority and persuasive authority. Use citators to make sure that you have found the most current information.

6. Recognize when it is time to stop your search.

Have you provided the information that is being requested? With different searches, are you reaching the same conclusions?

While executing your research plan, always remember to remain open to the idea that unexpected information might be found. Also, remember to document research by using a research log. This is important because it allows the researcher

to easily return to information that has been discovered during the search.

The following resources, found in the law library's collection, provide additional information about developing research plans:

Cohen, Morris L., and Kent C. Olson. *Legal Research in a Nutshell*. West Academic 2016 (12th edition)

Olson, Kent C. *Principles of Legal Research*, West Academic, 2015 (2nd edition)

HeinOnline Update

[U.S. Congressional Serial Set](#)

Access to the *United States Congressional Serial Set* and *American State Papers* is now available in HeinOnline. The *United States Congressional Serial Set*, commonly referred to as the *Serial Set*, is considered an essential publication for American history. Spanning more than two centuries and over 17,000 bound volumes, the records in this series include House and Senate Documents, House and Senate Reports, and much more.

Twenty-seven percent of the full-text is now available in HeinOnline; additional full-text will be added in phases. The database includes:

Complete indexing of over 17,000 volumes

Full content coverage of 40 years (1978-2018)

Complete coverage of the American State Papers

Links to additional full-text in the HathiTrust Digital Library

Thanksgiving hours will be posted on the kiosk outside the

Law Library and on the [Law Library Hours](#) website.



Finding State Law Beyond the Statutory: Administrative Codes

By Ed Craig,
Reference Librarian
elcraig@samford.edu

When looking for the written law of a particular state, a typical first stop will likely be to that state's statutory code (such as the Code of Alabama 1975). The next step likely will be to find interpretations of that statute in the state's reported decisions. But there may be quite a bit more.... Where? That state's administrative code, such as the Alabama Administrative Code!

Why have such a publication? Why not include everything in the statutory code? The reason boils down to the structure of American law itself; on both the state and federal levels, the legislative branch (in cooperation with the executive branch) chooses to create through statutory law various agencies which are assigned administrative responsibilities on a particular topic giving that agency the ability to create and enforce rules and regulations within the parameters defined by the enabling legislation. These agencies are created for the purpose of developing government expertise (which Congress or the state legislature do not have the time nor the talents to accomplish) about a topic so that it can create and enforce intelligent, pertinent,

up-to-date rules and regulations about its intended subject area.

A good example of agency rule making and enforcement on the federal level is the Federal Aviation Administration. No one would seriously want to fly on an airliner without the regulatory oversight that the FAA provides. The FAA determines such issues as the maximum age of commercial pilots. This same agency regulates airspace and determines the safety of aircraft. The FAA stepped in recently when an air traffic controller's child was permitted to direct air traffic at New York's JFK Airport for a short time, suspending the controller and his supervisor.

On the state level, if a researcher wants to know what the local school system's responsibility is with respect to special education, you can find it addressed in the Alabama Administrative Code, in the regulations of the Alabama Department of Education, with a chapter dealing with "Special Education Services."¹ If you wanted to find out an Alabama nursing home's responsibilities to Medicaid recipients, you would find them in the Alabama Medicaid Agency's long term care regulations beginning at chapter 560-x-10

of the Alabama Administrative Code.

Where can you find the state administrative codes? Beeson Law Library has the print version of the Alabama Administrative Code on shelf 102. Both Westlaw and LexisNexis both have databases for all of the 50 state administrative codes—Alabama is included in both of them. On Westlaw, click "regulations" from the Westlaw homepage; you will then be presented a list of state territorial jurisdictions, as well as the Code of Federal Regulations, to search from. You may choose one or more of these jurisdictions to search.

With respect to LexisNexis, after going to Lexis Advance home screen, under content type tab, click "Administrative Codes & Regs"; you will then be presented with a similar list of federal and state jurisdictions to narrow your administrative search focus. Additionally, you can search administrative codes by topic in LexisNexis.

When searching using either Westlaw or LexisNexis, it is vitally important to check that the administrative regulations that you are searching for are up-to-date. As of the date of this writing, LexisNexis's version of the Alabama Administrative Code is current through March 31, 2018,

¹See Ala. Admin. Code.
290-8-9 (2011).

according to a sampling of code sections throughout the set. The scope notes for Westlaw indicate that its version is up-to-date as of July 31, 2018. *Therefore, it is critical to look at the database's descriptor information for latest update before relying upon that database's search results.*

If you have any questions about researching federal or state administrative law, please see a reference librarian at Beeson Law Library.

Recent Acquisitions

(Listed below are a few new books on Constitutional Law and Civil Rights. The main collection of treatises on this subject are located on the Second Floor, beginning in the KF4000 section.)

Edds, Margaret. **WE FACE THE DAWN : OLIVER HILL, SPOTTSWOOD ROBINSON, AND THE LEGAL TEAM THAT DISMANTLED JIM CROW.** KF4155/.E33/2018.

Charney, John. **THE ILLUSION OF THE FREE PRESS.** K3255/.C43/2018.

THE GREATEST AND THE GRANDEST ACT : THE CIVIL RIGHTS ACT OF 1866

FROM RECONSTRUCTION TO TODAY. KF4558/14th/- .G74/2018.

Moon, Richard. **PUTTING FAITH IN HATE : WHEN RELIGION IS THE SOURCE OR TARGET OF HATE SPEECH.** K5210/.M66/2018.

Turner, James P. **SELMA AND THE LIUZZO MURDER TRIALS : THE FIRST MODERN CIVIL RIGHTS CONVICTIONS .** KF224/.K7/T87/2018.



Using Study Aids in Law School

By Ed Craig,
Reference Librarian
elcraig@samford.edu

Making the transition from undergraduate to law school, particularly with respect to study habits, can be a monumental task. The typical undergraduate text will clearly spell out the concepts to be learned and the issues surrounding them in a

straightforward manner. Law school case books? Not so much. Instead, law school classes assign case decisions to read where students are required to glean the law and the reasoning from court decisions applied in a particular fact situation and be able to apply the lessons learned to other fact situations presented in class and on the final exam. Students want resources that will provide a clear narrative of the law of these case decisions, in a meaningful summary. They also want self-test resources that will help them evaluate their understanding of legal principles to be learned.

Study aids are a common topic of conversation among law students, whether they are entering freshmen or are in their final year of instruction. The category of legal materials referred to as “study aids” covers a wide variety of publishers and formats. There are the formal narrative aids that read similarly to a non-law school text book, explaining in-depth the law of a particular topic—perfect example of this would be *West's Hornbook* series. This series many would describe as a scholarly read rather than an easy read. There are other formal narratives that are more brief, but still not so attractive to those looking for an understanding via a quick read—examples of this would be the *Concise Hornbook*

series and *LexisNexis Understanding* series. There are less formal narratives that provide an explanation of the law in outline format; in such an outline, you will see prominent cases cited (and sometimes explained in depth) as well as situational examples that further illustrate the point being made. An example of less formal narratives would be the *Emanuel's* series. Another segment of the market includes materials that provide a mixture of explanatory text and examples or questions highlighting the point being made. These materials include the *Examples and Explanations* series, as well as the *Glannon Guide* series. Another series, the *Questions and Answers* series, provides no narrative discussion of the topic at all, but provides extensive multiple choice questions to test your understanding of a topic. Most of these materials can be purchased in either online or print edition from Amazon or your campus bookstore, if you want your own copies to study.

How does a student know what to buy when searching for study aids? Typically, students will want a study aid that will help them better understand the cases and principles of law covered. A narrative discussion of some sort will fill that bill. Also, you may want to buy a study aid with questions in it that will test

your application of the concepts. Has your professor recommended a particular study aid in class or listed it on the syllabus? Have students taking that professor's class previously recommended a particular resource? You also may want to compare the table of contents for a particular study aid to the topics in your class syllabus. Additionally, be on the lookout for study aids that are "keyed" to your specific class case book. Finally, you may want to borrow what is available from the reserve desk at the law library rather than spending the money purchasing these study aids.

If you have any further questions about these resources, please contact one of Beeson Law Library's reference librarians.

Here Are a Few Reminders

by Grace Simms,
Information Technology Librarian
glsimms@samford.edu

If you don't know the lab door code, ask for it at the circulation desk, and please don't share with any non-law students.

We have data projectors, screens, and a camera all available for use for class projects or weddings/rehearsal

dinners. Forgot your power adapter or the puppy chewed it? There is a wide selection to borrow from in my office. iPhone/iPad chargers, as well as an Apple watch charger are also available.

Don't purchase Microsoft Office! Samford offers it for free at: <http://office.com/-getoffice365>.

Also, you don't have to purchase virus protection. Very good options (AVG, Avast, Panda, and Sophos) are all available for free at www.download.com.

Cleaning materials for your laptop are also available in my office.

Broken laptop? Please ask for help before purchasing a new computer. I might be able to repair it for you inexpensively.

Any other questions? Contact Grace Simms (Information Technology Librarian) at glsimms@samford.edu.

Don't miss the November issue of Check It Out!



Director's Brief

By Gregory K. Laughlin,
Law Librarian and
Associate Professor of Law
glaughli@samford.edu

We are off to another great start of the academic year. The law librarians have been pleased to see a significant increase in the number of students utilizing the law library from recent years. One negative from this increased use has been complaints about noise. Yet, my observation has been that most students appreciate the freedom to work with each other collaboratively and, as a result, I made the decision not to ask for more quiet from those students utilizing the first floor of the law library (the floor on the same level as the entrance and circulation desk).

Students looking for a quiet place to study are directed to do so either on the lower level, which is acoustically isolated from the other floors, on the second or third floors (which do experience noise from the lower level, but not to the extent as those on the first level), in the carrels on the north side first level (which do experience noise from the adjacent areas, but are somewhat insulated by the book shelves between them and the tables), or in study rooms, which may be checked out for limited time periods.

When the law library enters its period of restricted access leading up to and during final examinations, the noise level will be closely monitored and more restrictions may be imposed if

necessary. We will respond to student concerns in this regard. In general, however, I have concluded that being a little more lax this year has made the law library a more inviting place to work than under my past practice of restricting noise.

I will also repeat a concern that I expressed in the last Directors' Brief. I have noted several students leaving valuables, including computers, smartphones, and purses, unattended in the law library. Fortunately, to my knowledge, no one has had anything stolen. I feel compelled, however, to caution against this practice. Several years ago, patrons of the law library did experience a rash of thefts. Years of no such incidents appear to have made some patrons overly lax about protecting their property. The law library and law school cannot be responsible if items are stolen and while we have security cameras throughout the facility, there is no guarantee that we would be able to recover expeditiously, or even at all, stolen valuables. In that regard, I would also recommend frequent backup of valuable work on your computers and storage of such backups either in the cloud or on physical media in a safe and secure place where it can be easily retrieved if necessary.

I will be posting in the coming weeks the schedule for restricted access as we approach finals. Continued success in your fall semester.

Don't forget ... time reverts to standard time at 2 a.m. on Sunday, November 4. Turn your clocks BACK one hour!



As exams approach, please be mindful that fellow students need your cooperation in providing a quiet environment to study.



One more issue of **CHECK IT OUT** will be published this semester. If you have any ideas or suggestions as to ways we can improve, contact **Becky Hutto** via e-mail at rmhutto@samford.edu.