

PROFESSIONAL LEGAL RESEARCH

This quick reference guide will help you understand the administrative process and how to use Westlaw resources to retrieve state regulations as well as regulations from the *Code of Federal Regulations* (CFR).

What Is a Regulation

State and federal administrative agencies create specialized and technical rules and regulations that govern activities in specific areas, such as labor relations and environmental protection. This agency-made law, promulgated to implement and enforce state statutes and the general statutes enacted by Congress, is primary law on a par with case law and statutes.

Where Do I Find Regulations?

FEDERAL REGULATIONS IN PRINT

Federal regulations are published by the federal government in two official publications, the *Federal Register* and the CFR.

- The *Federal Register* has been issued every business day since 1936. It contains information such as proposals for new regulations, temporary rules and regulations, agency orders and opinions, and calendars of meetings. Final regulations are published chronologically.
- Adopted regulations are arranged by subject in the CFR. The entire CFR is recompiled annually—new regulations are added, changes to existing regulations are incorporated, and regulations that have been withdrawn are deleted. The CFR is organized by title, with each title covering a broad subject area, e.g., Banks and Banking or Labor.

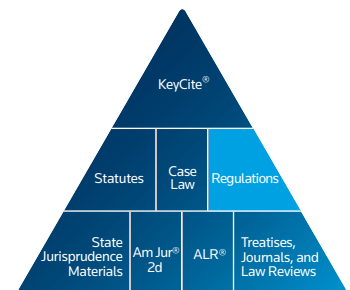
STATE REGULATIONS IN PRINT

The availability of state administrative publications varies from state to state. Many states publish administrative codes similar to the *Federal Register* and the CFR. Some states publish only selected agency decisions.

Category:

Research Fundamentals

For research assistance 24 hours a day, seven days a week, call the West Reference Attorneys at 1-800-850-WEST (1-800-850-9378) or click **Help** on Westlaw® for a live help session.



The Westlaw Research Pyramid

Using the Westlaw Research Pyramid

Regulations are primary law, similar to statutes in the research pyramid.

Regulations on Westlaw are linked to governing statutes. Federal regulations are annotated to help you find the interpreting case law.

REGULATIONS ON WESTLAW

Documents from the *Federal Register* are available in the Federal Register 1936–Current database (FR-ALL). All 50 titles in the current CFR are available in the Code of Federal Regulations database (CFR).

Administrative codes from 44 states are available in the Multistate Administrative Codes–Academic Accounts database (ADC-ACAD). Administrative codes from individual states are found in the XX-ADC databases, where XX is a state’s two-letter postal abbreviation. For example, the administrative code for California is found in the CA-ADC database.

Retrieving Regulations in Print

Because regulations issued by executive agencies are legally binding and affect virtually everyone, you will want to include regulations in your research. To look for federal regulations in print, use one of the following methods:

- Use the *Federal Register* indexes, primarily organized by agency: a daily index containing a table of contents, monthly and quarterly indexes, and an annual index.
- Use the CFR volume called the *CFR Index and Finding Aids*, which is revised once a year. This index is primarily an agency index rather than a subject index. However, you can use the useful Parallel Table of Authorities and Rules in the *CFR Index and Finding Aids* volume. This table helps you identify CFR citations when you have a *United States Code* (USC) citation.
- Use the *United States Code Annotated*® (USCA®) when you are working with a federal statute. The USCA includes citations to the CFR.

To retrieve state regulations in print, you may need to contact the state agency directly for its regulations and administrative decisions.

Retrieving Regulations on Westlaw

There are several methods you can use to retrieve a regulation on Westlaw. The method you choose depends on what you know about the regulation.

RETRIEVING A REGULATION BY CITATION

If you know the citation of a regulation, e.g., 37 C.F.R. § 1.16, type the citation in the *Find by citation* text box in the left frame of the tabbed Law School page and click **Go**.

If you are not sure of the citation format for a particular state’s administrative code, type **xx adc** (where xx is a state’s two-letter postal abbreviation). For example, type **ca adc** in the *Find by citation* text box and click **Go**. A fill-in-the-blank template with the correct citation format is displayed.

USING THE SEARCH PAGE

To search for federal regulations, access the CFR database. The CFR Search page (Figure 1) provides links to the CFR table of contents and the RegulationsPlus® Index.

To search for state regulations from a specific state, access the state’s administrative code database (XX-ADC, where XX is a state’s two-letter postal abbreviation). The Search page provides a link to the table of contents for the administrative code.

You can also begin your research at a Search page by typing a Terms and Connectors or Natural Language search in the *Search* text box and clicking **Search Westlaw**.



Figure 1. CFR Search page

USING THE TABLE OF CONTENTS SERVICE

The Table of Contents service allows you to browse the table of contents for a set of regulations, view a regulation in the context of the sections surrounding it, and quickly retrieve related sections. Browse the table of contents by clicking the plus (+) and minus (–) symbols or by selecting the check box next to a title, chapter, part, or subpart and clicking **Expand Selection(s)** at the bottom of the page. To retrieve a specific section, click its hypertext link.

USING THE REGULATIONSPLUS INDEX

Use this alphabetical index (Figure 2) to retrieve federal regulations on a specific topic. Click the hypertext links and the plus and minus symbols until you see a section that interests you. To view the full text of the section, click its citation. You can also search the index for specific terms by using the Search feature.

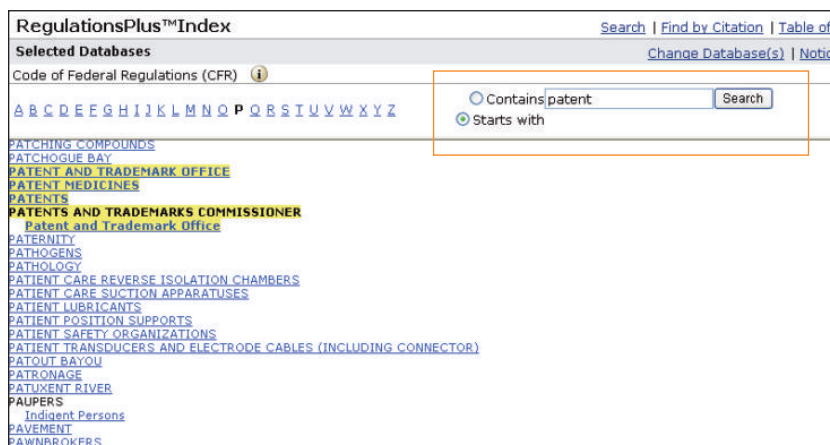


Figure 2. RegulationsPlus Index

Browsing Consecutive Sections

When you are viewing a regulation, click **Previous Section** or **Next Section** at the top of the document to view consecutive sections even if they were not retrieved by your search or Find request. For example, if you are viewing 29 C.F.R. § 825.112, click **Previous Section** to view section 825.111 or click **Next Section** to view section 825.113.

To return to the regulation you originally retrieved, click **Original Results** at the top of the Links tab or the Result List tab.

KeyCite® Information for Regulations



A red flag indicates that the regulation has been amended by a recent rule, repealed, superseded, or held unconstitutional or preempted in whole or in part (available for federal regulations only).



A yellow flag indicates that a proposed rule affecting the regulation is available, that the regulation has been reinstated, corrected, or confirmed; that the regulation was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the regulation received negative treatment from a court (available for federal regulations only).



A green C indicates that the regulation has citing references.

HISTORY OF A FEDERAL REGULATION

KeyCite history of a federal regulation (Figure 3) includes citations to cases affecting the validity of the regulation; *Federal Register* documents affecting the regulation, including final and proposed rules; and statutory authority for the regulation.

The screenshot shows the Westlaw interface for 29 CFR § 825.110. The top navigation bar includes 'Result List', 'Links for 29 CFR § 825.110', and a search box. The main content area is titled 'FOR EDUCATIONAL USE ONLY' and '29 C.F.R. § 825.110 Eligible employee. Effective: January 16, 2009'. Below this, it states 'Unconstitutional or Preempted' and 'Prior Version Held Invalid'. A list of cases is provided, each with a citation and a KeyCite icon: a red flag for Erdman v. Nationwide Ins. Co., a yellow flag for Kesler v. Barris, Sott, Denn & Driker, PLLC, a green C for Massengill v. Anderson County Bd. of Educ., and a blue H for Knapp v. America West Airlines. The sidebar on the left contains various navigation links such as 'Unconstitutional or Preempted', 'History', 'Citing References', 'Full-Text Document', and 'RegulationsPlus™'.

Figure 3. History of a federal regulation

For assistance using Westlaw, call 1-800-850-WEST (1-800-850-9378).

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