

## OUR QUESTION—YOUR ANSWERS

*This is a column of reader-prepared answers offered in response to a specific question posed by Perspectives. Readers are invited not only to submit “answers” but also to submit “questions” they would like to see addressed in future issues.*

## OUR QUESTION

We asked law librarians and legal research teachers to identify difficult subject areas of the law and difficult research tools to teach. Administrative law, and more specifically the combination of the *Federal Register* and *Code of Federal Regulations*, was the overwhelming winner. Recalling the recent “mini teach-in” one of us did for two junior staffers on this very subject, we agreed. As a follow-up, we asked readers to submit tips or lesson plans for training lawyers, law students, and clerks in regulatory research.

## YOUR ANSWERS

**Federal and State Regulatory Research**

Administrative law is the body of law created by administrative agencies in the form of rules, regulations, procedures, orders, and decisions. Researchers are challenged by the contrast in features that are available in regulatory publications. Official government publications such as the *Federal Register* and *Code of Federal Regulations* (CFR) provide minimal indexing and limited readers aids. Leah Chanin, librarian at the Allen Mercer McDaniel Law Library at Howard University in Washington, D.C., notes that “the indexes or lack thereof in CFR and *Federal Register* cause many problems” whether in locating or updating federal regulations. Librarians in academic, firm, county, state, and court settings have developed a variety of checklists and research guides to teach researchers how to update the CFR. Ruth Balkin, of Balkin Library & Information Services in Rochester, N.Y., responded to her clients’ needs by creating “a pathfinder, describing and illustrating every step to take in updating the CFR via the *Federal Register*.” A recent *Perspectives* “Teachable Moment” column focused on updating in print and online; see *How Do You Update the Code of Federal Regulations?* by Lydia Potthoff, 5 *Perspectives: Teaching Legal Res. and Writing* 28–29 (1996).

Commercial publications such as subject-specific looseleaf services provide extensive indexing and a multitude of research aids. These services tend to cover highly regulated areas of law such as tax, labor, securities, and bankruptcy and integrate by topic or code section the relevant statutes, regulations, court cases, administrative adjudications, proposed legislation, and pending regulations. While the complexity of these services may initially overwhelm the novice researcher, the depth and breadth of this “one-stop shopping” approach is ultimately favored for regulatory research.

Michael Chiorazzi, director of the University of Arizona College of Law Library in Tucson, has a novel strategy for teaching regulatory research. “I start the administrative law section of my advanced legal research class with a showing of a 50-minute video, ‘The Regulators,’ hosted by E.G. Marshall. While somewhat dated, it gives a great look at the importance of federal regulations and how they are created. The video focuses on EPA [Environmental Protection Agency] efforts to create clean-air regulations to limit pollution in the national parks. I’ve used it for years; student reaction remains positive; and it is a nice break from lecture or hands-on research classes.”

Mitch Fontenot, of the University of Colorado Law Library in Boulder, provided a research protocol for state administrative research. When Mitch is helping a patron with a regulatory question, he prefaces his assistance with the adage that “state regulations run the gamut of average to worse.” He notes that state regulatory research has some unique challenges—particularly in the area of researching the development of specific regulations. Mitch recommends a multipronged approach:

1. Examine the table of contents and subject index of the regulations themselves.
2. Check your respective state government Web site to see if the regulations and state registers are included. Check for accuracy and currentness, noting relevant disclaimers.
3. Call the agency involved directly and hope for a competent person on the other end. If not, call back again and try someone else.
4. Check LexisNexis or Westlaw® with the same proviso as in #2 above.

5. Check BNA's *Directory of State Administrative Codes and Registers*. Although this title is out of print, the directory layout provides a useful framework.
6. Check William H. Manz's *Guide to State Legislative and Administrative Materials*, 2000 ed. This is an excellent resource that gives useful context to state-specific research.
7. Consult a subject-oriented looseleaf, CD-ROM, or Web site that reproduces the regulations on a particular topic such as BNA's Environment & Safety Library for state environment regulations.

### Other Difficult Areas to Teach—Runners-Up

#### 1. How Laws Are Passed

Dave Rogers, of Sidley Austin Brown & Wood in Chicago, Ill., told us that his overall concern is lawyers who don't know how laws are passed. He thinks that *U.S. Code Congressional and Administrative News*<sup>®</sup> (USCCAN) is a great initial tool and that its editorial enhancements help a lot. Unfortunately, in an era in which younger attorneys expect to be able to type 20 characters and have instant answers, their kind of online research does not translate well when trying to discern a provision of the law passed in 1968 with the Civil Rights Act. Schoolhouse Rock's "I'm Just a Bill" goes a long distance, but attempts are not successful to get a person to understand that when the House bill is passed in lieu of the Senate bill, the place to start is the House and Conference reports. Results are glazed-over eyes, not comprehension. When there is impending panic because a client will be calling within the hour [for an answer], this just isn't a teachable moment for the law librarian.

#### 2. BNA's *Labor Relations Reporter*

Cindy Beck Weller, of Cooper, White & Cooper LLP in San Francisco, Calif., told us that she has the hardest time teaching new labor associates all the nuances to this title. "BNA has a video, which is old [and] does an OK job, but it takes quite a bit of time to get folks comfortable with the print version." Shannon Wilson, of Ogletree, Deakins, Nash, Smoak and Stewart, P.C., in Greenville, S.C., said, "I have the most

difficulty teaching the BNA *Labor Relations Reporter* because there are so many components and so many places to check to be thorough. Our hardbounds are shelved close—but not right next to the looseleaf part of the set. Many researchers do not even realize they are related and only get to the hardbound through a cite from a case or law review. Associates rarely have the time and patience for training when the question comes up. They just want a quick answer so they can get back to the partner/client."

#### 3. *Miller's Standard Insurance Policies Annotated*

Nanna K. Frye, librarian at the California Court of Appeal in San Diego, told us that this is a difficult resource to teach attorneys how to use. She finds the physical setup to be difficult, as it is housed in binders that don't stay open to a particular page. The print is also extremely small. As most of us are occasional users, it is not easy to figure out how to find the appropriate policy and how to Shepardize<sup>®</sup> a policy's clause.

Our thanks to everyone who responded to the questions we posed.

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