



# **Find It Free and Fast on the Net: Strategies for Legal Research on the Web**

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# I. How to Search Like a Pro



# What is the Difference Between a Search and a Directory?

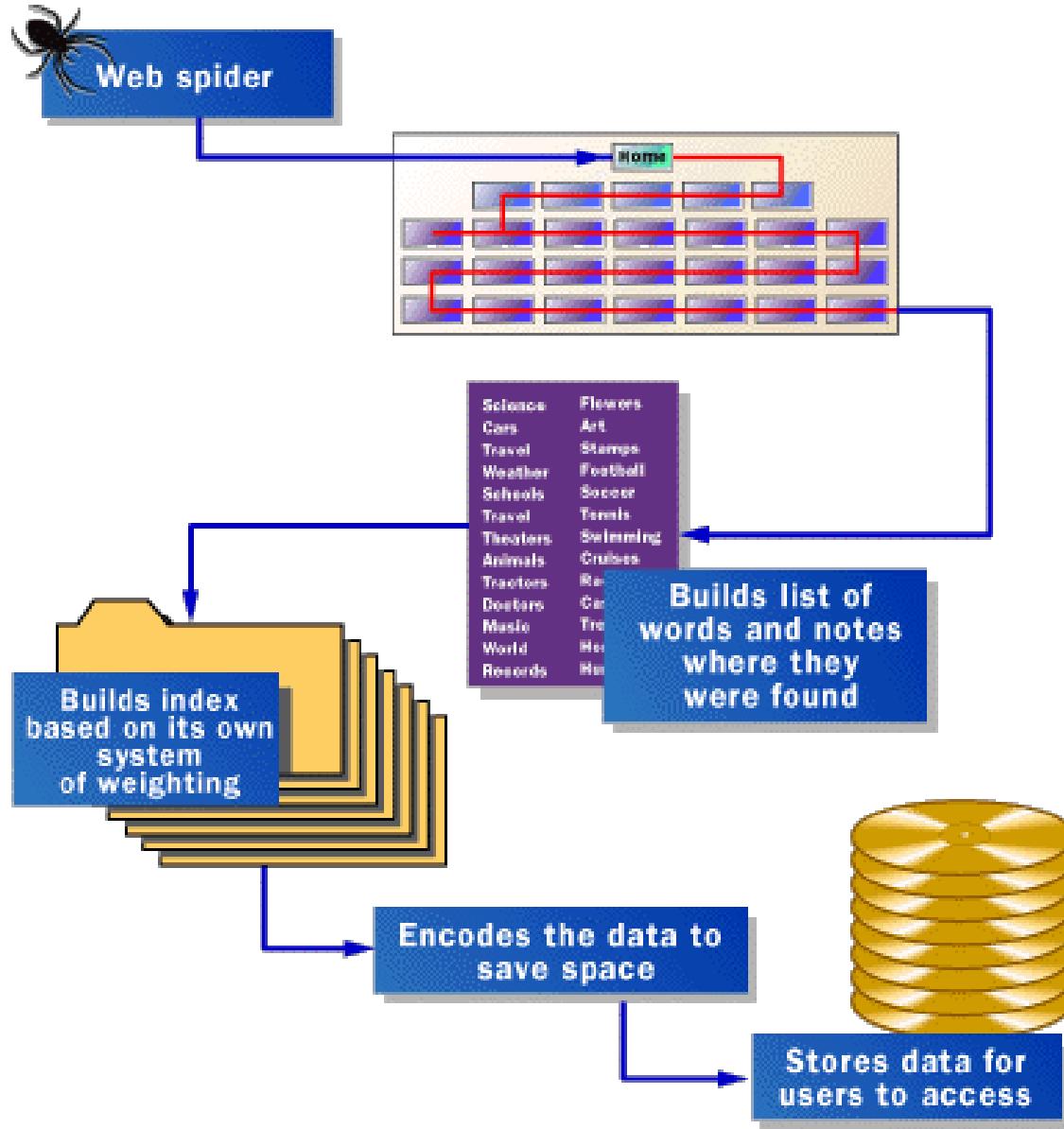
- ▶ According to Yahoo! Help – *See manual*
- ▶ Additional clarification provided by DirectoryOne.com
  - Some search engines and directories include both types of indexes, and are known as "hybrids". Some examples of search engines are Google, Gigablast, and Alltheweb. These search engines use programs (known as robots), with the following functions:
    - 1. To find web pages.
    - 2. To scan the contents of a web page.
    - 3. Return its findings to the search engine's databases.
  - The best known directories are [Yahoo](#), [Business.com](#), [Dmoz.org](#), and [Looksmart](#).
- ▶ Levitt and Davis provide additional information about portals and directories versus search engines as it relates to legal research – *See manual*

# How Do Search Engines Really Work?

- ▶ Franklin provides a nice description of how Internet search engines work.
- ▶ Internet search engines are special sites on the Web that are designed to help people find information stored on other sites.
- ▶ There are differences in the ways various search engines work, but they all perform three basic tasks:
  - They search the Internet -- or select pieces of the Internet -- based on important words.
  - They keep an index of the words they find, and where they find them.
  - They allow users to look for words or combinations of words found in that index.

# How Do Search Engines Really Work?

- ▶ Early search engines held an index of a few hundred thousand pages and documents, and received maybe one or two thousand inquiries each day.
- ▶ Today, a top search engine will index hundreds of millions of pages, and respond to tens of millions of queries per day.
- ▶ "Spiders" take a Web page's content and create key search words that enable online users to find pages they're looking for.
- ▶ When a spider is building its lists, the process is called **Web crawling**.



# Learn Boolean Logic

- ▶ Franklin describes the various options for creating search strategies using Boolean logic:
  - Searching through an index involves a user building a **query** and submitting it through the search engine.
  - The query can be quite simple, a single word at minimum.
  - Building a more complex query requires the use of **Boolean operators** that allow you to refine and extend the terms of the search.

# Learn Boolean Logic

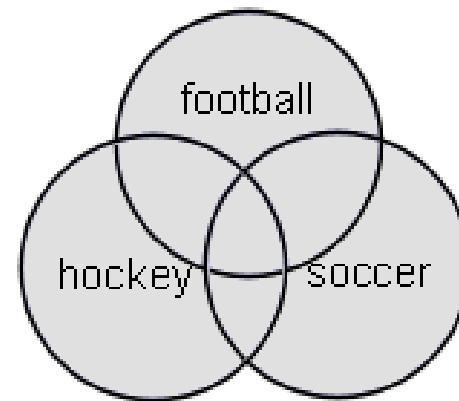
- ▶ The Boolean operators most often seen are:
  - **AND** – All the terms joined by "AND" must appear in the pages or documents. Some search engines substitute the operator "+" for the word AND.
  - **OR** – At least one of the terms joined by "OR" must appear in the pages or documents.
  - **NOT** – The term or terms following "NOT" must not appear in the pages or documents. Some search engines substitute the operator "-" for the word NOT.
  - **FOLLOWED BY** – One of the terms must be directly followed by the other.
  - **NEAR** – One of the terms must be within a specified number of words of the other.
  - **Quotation Marks** – The words between the quotation marks are treated as a phrase, and that phrase must be found within the document or file.

# Learn Boolean Logic

- ▶ Some databases and search engines may substitute symbols and numbers for words:
  - Proximity connectors
  - Wildcards can be indicated by a question mark (?) to replace one character before, within or after a search term and the asterisk symbol (\*) to replace one or more characters before, within or after a search term.
  - Parentheses should be used when creating complex searches.
  - Many databases and search engines will use field code or tags that let you restrict your search to just author, title, etc.
- ▶ Whatever search engine or database you are using, you will want to become familiar with the particular words, abbreviations and symbols it uses so that you can effectively increase the relevance of your search retrieval.

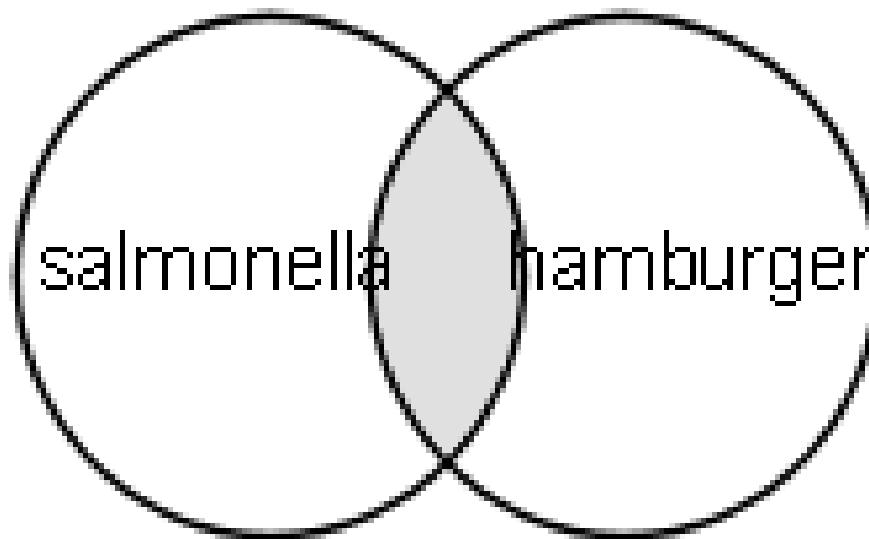
# Boolean Operator OR

- ▶ Used to retrieve a set in which each citation contains *at least one* of the search terms.
- ▶ Use OR when you want to pull together articles on similar topics.
- ▶ Example: *football OR hockey OR soccer*



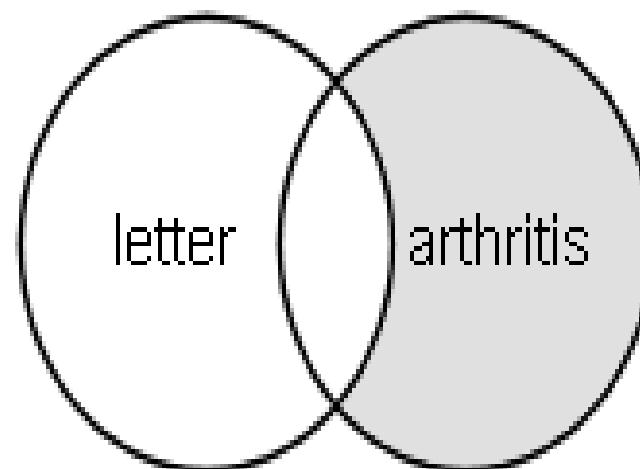
# Boolean Operator AND

- ▶ Used to retrieve a set in which each citation contains *all* search terms.
- ▶ Example: *salmonella AND hamburger*



# Boolean Operator NOT

- ▶ Retrieves a set from which citations to articles containing specified search terms following the NOT operator are eliminated.
- ▶ Example: *arthritis NOT letter*
- ▶ HINT: Use NOT with care – you do not want to inadvertently remove items that might be useful.



# Which Search Engines Are the Best?

- ▶ Gil provides an interesting article on the best search engines of 2015.
- ▶ As he states, “[m]ost people don't want three dozen search engines, especially people who are not trained internet users. Most people want a single search engine that delivers three key features:
  - Relevant results (results you are actually interested in)
  - Uncluttered, easy to read interface
  - Helpful options to broaden or tighten a search
- ▶ With this criteria, several Reader Favorite Search Engines come to mind.
- ▶ These 11 search sites should meet 99% of the searching needs of a regular everyday user.”

# Which Search Engines Are the Best?

- ▶ Duck Duck Go Search
- ▶ Google Scholar Search
- ▶ Ask.com Search
- ▶ Bing Search
- ▶ Mahalo ‘Learn Anything’ Search
- ▶ Dogpile Search
- ▶ Yippy Search
- ▶ Webopedia Search
- ▶ Yahoo! Search (and More)
- ▶ The Internet Archive Search
- ▶ Google Search

# Recommendation

- ▶ The best advice may be to try a number of different search engines to determine which you like the most and then to practice searching with them so that you are comfortable with the subtle nuances of each and proficient with the functionality and special features.

# Search Engines That Think: The Future of Searching

- ▶ On the other hand, there are newer types of search strategies being developed to more accurately capture what the user is searching for.
- ▶ Franklin reports on two opportunities that show promise in the future:
  - Concept-based searching.
  - Natural-language queries.

# Search Engines That Think: The Future of Searching

- ▶ Massive amounts of information are now being generated in digital form in a wide variety of formats and file sizes.
- ▶ The era of “big data” is clearly upon us. And that is where we will turn to technology to help solve the problem.
- ▶ Data mining, algorithms, tags, etc. are all being developed and tested, by entrepreneurs and vendors as well as by faculty researchers in my own school. (See Mathew Palakal, Ph.D., <http://soic.iupui.edu/people/mathew-palakal/>, accessed 10/02/15)
- ▶ Some articles about big data in the context of law are listed in your seminar materials.

# Mathew Palakal, Ph.D. – Our School’s Executive Associate Dean



A portrait photograph of Mathew Palakal, Ph.D., a man with dark hair and a mustache, wearing glasses, a white shirt, and a patterned tie, standing in front of a window with horizontal blinds.

**Research Interests**

**Biomedical Text Mining:** The biomedical literature databases continue to grow rapidly with vital information that is important for conducting sound biomedical research. BioMap is an attempt to create a scalable knowledgebase of biological relationships extracted from vast amount of biomedical literature data. The development of BioMap system addresses several innovative research issues related to knowledge discovery from literature documents and real-time, interactive access of this knowledge. Specific problems that are being investigated are: discovering *explicit*, *implicit* and *directional* relationships among biological entities from abstracts and full text documents; discovering both explicit and implicit protein-protein interactions and computationally validating these interactions; and, obtaining novel pathways associated with specific diseases in question. Protein-protein, gene-protein, disease-drug interactions are examples of biological associations that are automatically discovered from large number of literature documents. BioMap can discover interactions in user specified biomedical problem domains such as inflammatory diseases, regenerative biology, cancer, etc., and provide a user-centric view of the knowledge that are discovered.

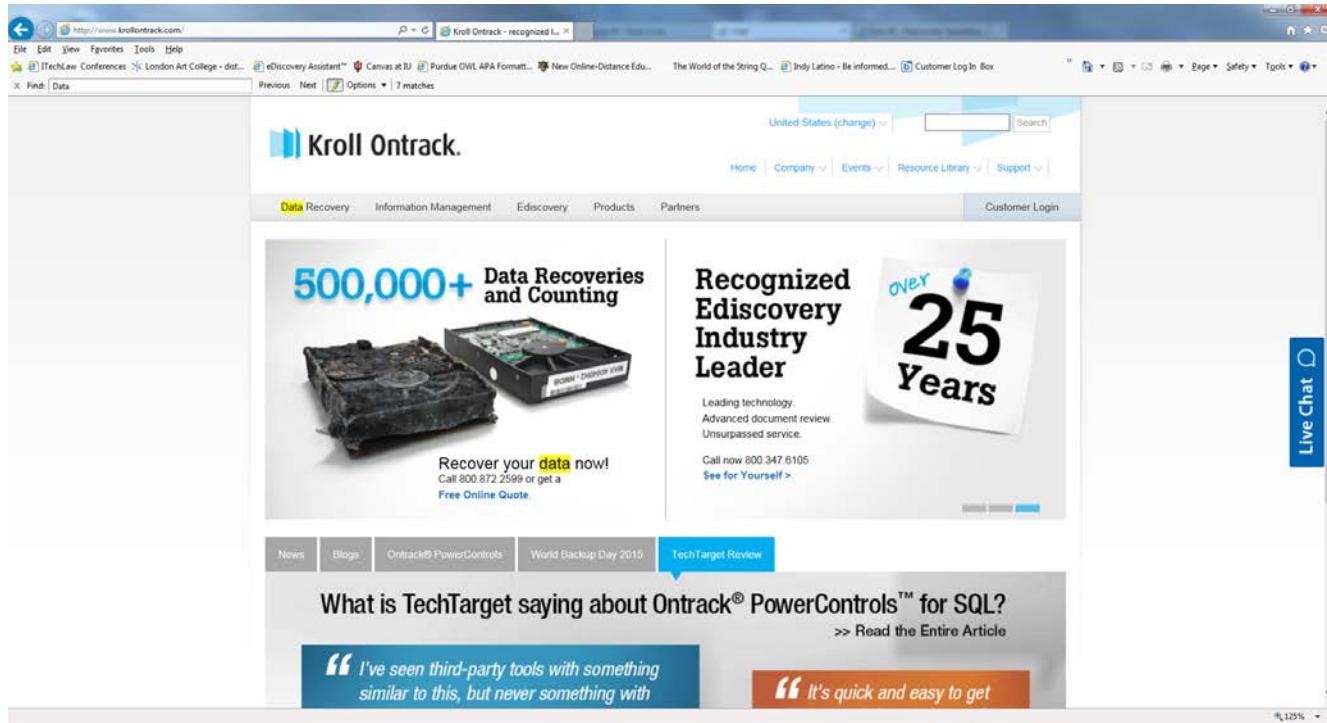
**Intelligent Information Management Systems:** There is a critical need for innovative information management and knowledge discovery tools to sift through vast volumes of heterogeneous data from various information sources. This project looks into developing Intelligent Software Systems that can integrate information resources and extract embedded knowledge from these information sources.

**Related News**

- October 8, 2013  
[Dr. Davide Bolchini Receives Google Faculty Research Award](#)

# The Power of the “Find” Function to Scan Web Pages Quickly

- ▶ The Find command [CTRL] + [F] can be a powerful tool because it enables you to search for information within a specific website.
- ▶ The process is very easy.
- ▶ Once you have located a website that you believe may have the information you want, simple use the pull-down menu under Edit and select Find on this page.
- ▶ You will be provided with a search box to type your keywords.



On this website, you can see that the word I searched for, “Data,” is highlighted in yellow. This can be a quick way to scan large amounts of information. It is a great device for finding that “needle in a haystack”. Fortunately, most websites now provide their own search boxes (typically at the top right of the screen), which is even more convenient, and it will search the entire website, rather than just one page at a time.

The screenshot shows a web browser window with the URL <http://www.krollontrack.com/search/?q=forensics>. The page title is "Site Search". The search bar contains "search" and the word "forensics". The results page displays 448 items, with the first few listed below:

- Legal Articles: Computer Forensics – Not As Seen on TV**  
<http://www.krollontrack.com/resource-library/legal-articles/imf/computer-forensics-not-as-seen-on-tv/>  
While the scenes are certainly evocative, they are a caricature of what modern computer **forensics** entails. As the television detectives are busy creating dramatic ...
- FEATURE ARTICLE: Tablet Forensics – A Look at the Apple iPad**  
<http://www.krollontrack.com/resource-library/legal-articles/imf/tablet-forensics-a-look-at-the-apple-ipad/>  
FEATURE ARTICLE: Tablet **Forensics** – A Look at the Apple iPad®. More than a phone, but not quite a computer, the revolutionary Apple iPad® has set the ...
- Cracking the Computer Forensics Mystery**  
<https://www.krollontrack.com/publications/utahbarjournal.pdf>  
Cracking the Computer **Forensics** Mystery by Christopher Wall and Jason Paroff<sup>1</sup>. Only a few short years ago, the term "computer **forensics**" was a mystery to ...
- Capturing the Cloud – Computer Forensics and Cloud Computing**  
<http://www.krollontrack.com/resource-library/legal-articles/imf/capturing-the-cloud%E2%80%93computer-forensics-and-cloud-computing/>

A blue "Live Chat" button is visible on the right side of the page.

If I search “forensics” on Kroll Ontrack, here is what I locate.

The equivalent of a Find command is also available in other software. Rather than print and review an entire PDF document, you can use the Find feature on the top left side of the screen. For example, if I have a question about whether a lawyer can benefit from a client's literary rights, I will open the PDF version of the Indiana Rules of Professional Conduct. I merely use the pull-down menu under Edit, select Find and then fill out the text box at the top of the screen

http://www.in.gov/judiciary/rules/prof\_conduct/prof\_conduct.pdf

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# Indiana Rules of Court Rules of Professional Conduct

*Including Amendments made through April 30th, 2015*

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http://www.in.gov/judiciary/rules/prof\_conduct/prof\_conduct.pdf

courts.IN.gov: Disciplinary Co... Indiana Rules of Professional C... in.gov

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(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

(c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.

(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

- (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and
- (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

- (1) the client gives informed consent;

I can then see all instances of the keyword “literary” within the document and move seamlessly to each of them by clicking on Next or Previous.

**A Few Observations on Copyright and Art.pdf - Adobe Reader**

**File Edit View Window Help**

**Open** **Find** **Tools** **Fill & Sign** **Comment**

**Opinion** **By Alfred Steiner**

## A Few Observations on Copyright and Art

was recently talking with an acquaintance, who happens to be a copyright scholar, about a cease and desist letter that an artist had received from a publisher. The publisher objected to a comic book with new metal sculptures painted by the artist.

I asked if that you took the copyright owner's claims seriously, any collage incorporating copyrighted material would be prima facie copyright infringement, even a collage made of pictures from a copy of *The New York Times*. My acquaintance agreed. It was a perfectly reasonable claim. My jaw dropped. How could it be that whenever people include a single shred of an authorized copy in a unique collage, they subject themselves to claims for copyright infringement that could result in \$150,000 in statutory damages and millions of dollars in plaintiff's attorney's fees? This means that the legal defense of "fair use" can't work if no machine can do it.

To address this issue, a reasonable general rule might be:

*Anyone should be able to use preexisting material to make anything, so long as he or she makes only one copy and is not engaging in blatant piracy.*

Or, to translate that into copyright-speak:

*Reproducing and preparing derivative works based upon a copyrighted work for the purpose of creating, advertising, publicly displaying, or publicly performing a unique and unauthorized derivative work, provided that the original author or owner would buy the unique work (or pay to see it displayed or performed) instead of buying an authorized copy of the corresponding copyrighted work or an unauthorized derivative work based upon such work (prior to seeing it displayed or performed), assuming there is a well-established market for such derivative works (e.g., a wide adaptation of a novel).*

Despite the possibility of such nightmare scenarios, most attorneys I talk with seem to believe that copyright laws just as it should be in the context of the Art World.<sup>1</sup> I happen to disagree. In several important ways, copyright fails to function properly in the art world, leading to bad art, bad law, and unintended economic incentives. I hope the following observations will bring those failures to light and suggest how courts and lawyers could tweak their analyses, within the established framework of copyright, to reach more reasonable results.

### Fair Use

**Art Is Different: The 16-Foot Balloon Dog in the Room**

Despite the fact that courts faced with the question have yet to acknowledge it, art is different. When a copyright owner alleges that artwork infringes, the question that courts must answer is whether the artist has violated the copyright owner's exclusive rights by creating a unique<sup>2</sup> work. The court need not consider whether the artist can create unauthorized copies of the work, as it must in other copyright cases. Nevertheless, courts treat cases involving four copies<sup>3</sup> the same as cases involving

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millions of copies,<sup>4</sup> mechanically applying the four statutory fair use factors without even nodding to this crucial distinction. But it defies credibility to say that Jeff Koons' use of an *Rugby* sculpture to create a unique sculpture is equivalent in terms of commerciality and market substitution<sup>5</sup> to Luther Campbell's use of Roy Orbison's "Oh, Pretty Woman" to make millions of phonorecords.<sup>6</sup> Copyright is designed to deal with mass production.<sup>7</sup> It works well in the context of music, movies, books, and software, where works normally sell millions of copies. But it fails miserably now, copyright having lost its grip on art, which is not generally mass produced.

To address this issue, a reasonable general rule might be:

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Or, to translate that into copyright-speak:

*Reproducing and preparing derivative works based upon a copyrighted work for the purpose of creating, advertising, publicly displaying, or publicly performing a unique and unauthorized derivative work, provided that the original author or owner would buy the unique work (or pay to see it displayed or performed) instead of buying an authorized copy of the corresponding copyrighted work or an unauthorized derivative work based upon such work (prior to seeing it displayed or performed), assuming there is a well-established market for such derivative works (e.g., a wide adaptation of a novel).*

If courts were to embrace a safe harbor for unique works,<sup>8</sup> it would allow artists (and anyone else) to use existing copyrighted works to produce unique works without risk of financial ruin and without substantially affecting any plausible market for copyrighted works.

This proposal will not please everyone, of course. Copyright owners and their lawyers may dismiss my proposal as overbroad. Artists, on the other hand, may believe that my proposal does not go far enough in protecting artistic freedom. But my purpose in making the proposal is to offer a solution that resolves much, not all, of the tension between copyright and art. Like the Supreme Court, I do not believe it is possible to create a bright-line rule for all situations.<sup>9</sup>

### Artists Appropriated by Other Artists Should Be Content With Attribution

One special case worth drawing attention to is where artists appropriate the work of other artists to create unique works. Take Jonathan Monk, for example, who has made shiny stainless steel sculptures of Mylar balloon rabbits in various stages of deflation.<sup>10</sup> These sculptures are based on Koons's famous<sup>11</sup> stainless steel sculpture of a Mylar balloon rabbit.<sup>12</sup>

For the most part, Monk's sculptures have been based on a copyrighted original, and assuming for the sake of argument that Koons owns the copyright in his *Rugby* sculpture,<sup>13</sup> how should we think about Monk's appropriation of Koons's work from a copyright perspective? Because Monk's work sells for less than Koons's work, and because Monk's work is not copyrighted, whose deflation is just a sign of their inferior quality? That's right. I would like to request that Koons has no reason to be aggrieved with Monk, but in fact benefits from Monk's work. This is because people who would consider buying a Monk *Deflated Soccer Ball* will almost certainly realize (or be told) that they are getting a much better deal. And if they buy the sculpture, it is not because they want a Koons sculpture, but, at least in part, because they understand the art-historical progression suggested by the Monk sculpture. This art-historical progression is precisely the reason that Koons benefits from Monk's work. Influence on later artists is one of the most important objective measures of an artist's historical importance. If Koons's influence on Monk is reflected in their work, the more historically relevant the earlier artist becomes. So, in this example, Koons loses no sales and his reputation is further cemented into the pantheon of art history.

Accordingly, the unique work fair use safe harbor should apply to the scenario where artists appropriate material from other artists, at least where attribution is clear.<sup>14</sup>

Feedback: *Artists Have a Moral Obligation Not to Obtain Licenses*

A few years ago, a friend of mine was hired by an art maga-

materials in the course of making something. If artists working in this manner had to seek permission every time they used copyrighted material, their output would grind to a halt. It would be up to the copyright owner to determine to whom that is possible, it may not be easy to track them. Moreover, the process of obtaining a license can take weeks, months, or even longer, and the copyright owner may simply refuse a license or demand an exorbitant fee, especially if the copyright owner finds the proposed use unacceptable.<sup>15</sup> Of course, one could argue that the artist can freely appropriate in their studios, safe from the prying eyes of copyright owners, and that copyright issues only need to be addressed when the work is to be shown or sold. But artists working in that manner would have a cloud on everything they produce that uses copyrighted material, and an artist might end up with no way to show or sell if copyright owners cannot be identified or reached, seek an exorbitant license fee, or refuse to grant a license.

The bottom line is that the negligible effect on authors' incentives to produce new work posed by unique works incorporating earlier copyrighted material is almost always far outweighed by the high transaction costs associated with obtaining licenses.<sup>16</sup> But even where licenses are readily available, the feedback problem described below still weighs against obtaining one.

Other versions of PDF readers may use a binoculars symbol on the left-hand side or the document or a pull-down menu at the top.

# Managing Bookmarks

- ▶ There is no need to continually re-invent the wheel when conducting legal research or competitive intelligence on the Internet.
- ▶ One of the best tools available is the “bookmarks” or Favorites (Microsoft Explorer) feature of website browsers.
- ▶ If you find a website that is useful, simply add it to your list.
- ▶ You can organize bookmarks into a variety of categories or folders, which is particularly helpful when your list contains more websites than you can easily remember.

# Managing Bookmarks

- ▶ As time goes on, you may notice that you have accumulated a long list of bookmarks or Favorites.
  - It is useful to periodically weed through and delete bookmarks that you are no longer using.
  - It is also a good idea to periodically go through your list and make sure all of the websites are still in operation.
  - Delete those that are no longer active or update your list when the URLs change.
  - Re-alphabetizing your list is also a good habit to get into.
  - You can also place your most-used bookmarks onto a Favorites bar. Another strategy is to have two separate lists.
  - The top list can be for websites that you will use again and again.
  - The bottom list can be for websites that you are only using for a short-term project that can be deleted later.
  - You can also organize your bookmarks into folders.

# Managing Bookmarks

- ▶ To keep my list of Favorites at a manageable size, I try to find very comprehensive websites that are likely to have links to other sites I might be most interested in.
- ▶ For example, if I can get to chapters of an organization through its national headquarters website, I will add the national headquarters website to my Favorites.
- ▶ I periodically do an intensive review of all of my favorites and eliminate those where I no longer have need of or interest in the information or where the URL is no longer valid.

# Effectively Using RSS Feeds

- ▶ RSS stands for Really Simple Syndication. According to the USA.gov website, RSS is an easy way to keep up with news and information that's important to you. By subscribing to an RSS feed, you can have content delivered directly to you without receiving an e-mail.
- ▶ As defined by Cornick, RSS is a group of formats that are used to publish and distribute news feeds, blogs, and podcasts. RSS allows users to “push” news, blogs, updates, and other information to RSS readers and web pages. Users can subscribe to RSS feeds and access the updated information as soon as it comes in.
- ▶ Free RSS readers are widely available on the Internet.

# Effectively Using RSS Feeds

- ▶ See the following websites for information, free RSS readers and reviews:
  - Heinz Tschabitscher, *Top 8 Free Windows RSS Feed Readers / News Aggregators*, About Technology, [http://email.about.com/od/rssreaderswin/tp/windows\\_free.htm](http://email.about.com/od/rssreaderswin/tp/windows_free.htm), accessed 10/06/15.
  - RSS Reader, <http://www.rssreader.com/>, accessed 10/06/15.
  - [http://www.dmoz.org/Computers/Software/Internet/Clients/Web/Feed\\_Readers/](http://www.dmoz.org/Computers/Software/Internet/Clients/Web/Feed_Readers/), accessed 10/06/15.

# Some Helpful RSS Feeds Covering Legal Topics Include:

- ▶ Automobile recalls listed by the National Highway Traffic Safety Administration – <http://auto-recalls.justia.com>, accessed 10/06/15.
- ▶ RSS Mojo – <http://www.rethinkip.com/rssmojo/> (intellectual property law) – accessed 10/06/15.
- ▶ U.S. government provides dozens of RSS feeds through its many agencies. For example, the U.S. Department of Housing and Urban Development (HUD) provides a links to number of RSS feeds at <http://portal.hud.gov/hudportal/HUD?src=/rss>, accessed 10/06/15.
- ▶ Through the Legal Information Institute (LII) at Cornell University, <http://www.law.cornell.edu/nyctap/subscribe.html>, accessed 10/06/15.
  - Daily decisions:  
[http://www.law.cornell.edu/nyctap/rss/nyctap\\_today.rss](http://www.law.cornell.edu/nyctap/rss/nyctap_today.rss)
  - Recent decisions:  
[http://www.law.cornell.edu/nyctap/rss/nyctap\\_recent.rss](http://www.law.cornell.edu/nyctap/rss/nyctap_recent.rss)

# More RSS Feeds

- Legislative developments: <http://www.govtrack.us/>, accessed 10/06/15.
- Law journal articles: <http://law.wlu.edu/library/feeds/index.asp>, accessed 10/06/15.
- CIO (IT related information: <http://www.cio.com/feeds>, accessed 10/06/15.
- U.S Copyright Office: <http://www.loc.gov/rss/copyright/rss.xml>, accessed 10/06/15.

# Effectively Using Blogs

- ▶ As defined by Cornick, '[a] blog (short for weblog) is a website with information contained in "posts" that are arranged in reverse chronological order. Blog postings resemble diary or journal entries and may contain links to other websites or articles.'
- ▶ There are a number of search engines for blogs. For example:
  - BlogSearchEngine: <http://www.blogsearchengine.org/>, accessed 10/06/15.
  - IceRocket blogs: <http://blogs.icerocket.com/?&q>, accessed 10/06/15.
  - LiveJournal Seek: <http://www.ljseek.com/>, accessed 10/06/15.

# There Are Also Blogs for Law, Sometimes Referred to as Blawgs

- ▶ An index of blawgs is available through Justia's BlawgSearch. (<http://blawgsearch.justia.com/blogs>, accessed 10/06/15)
- ▶ Another source for blawgs is through the ABA Journal's Blawg Directory. (<http://www.abajournal.com/blawgs>, accessed 10/06/15)
- ▶ In addition, you can try the following websites:
  - beSpacific: <http://www.bespacific.com>, accessed 10/06/15.
  - Nolo's Blog: <http://www.nolo.com/law-blogs>, accessed 10/06/15.
  - Blogs offered by various agencies within the federal government, such as the Federal Trade Commission (FTC): <https://www.ftc.gov/news-events/blogs>, accessed 10/06/15.

# Blawgs

- ▶ See also the ABA's Blawg 100, the annual ranking of that year's top legal blawgs:
- ▶ The 2014 ABA Journal Blawg 100,  
<http://www.abajournal.com/blawg100>, accessed 10/06/15, and also the Hall of Fame,  
[http://www.abajournal.com/magazine/article/2013\\_blawg\\_100\\_hall\\_of\\_fame](http://www.abajournal.com/magazine/article/2013_blawg_100_hall_of_fame), accessed 10/06/15.
- ▶ The *ABA Journal* just published its 9<sup>th</sup> Annual Blog 100 for 2015 in the December 2015 issue.
- ▶ One blawg that is always at the top of the list is myShingle.com, by Carolyn Elefant, who is also an excellent speaker. (<http://myshingle.com/>, accessed 10/06/15).

# Effectively Using Podcasts

- ▶ According to Wikipedia, “[a] A **podcast** is a form of digital media that consists of an episodic series of audio or digital radio, subscribed to and downloaded through web syndication or streamed online to a computer or mobile device. The word is portmanteau of "pod" and "broadcast.”
- ▶ As noted by Cornick, “[m]usic, lectures, blogs, and other recordings can be made available as podcasts and can also be pushed to users using an RSS format.”
- ▶ Podcasting is very popular in educational settings, especially with the increased use of mobile devices.
- ▶ I record and upload a weekly podcast for all of my courses at the School of Informatics and Computing, which students really enjoy and which is a nice complement to text-based information.

# Law-Related Podcasts

- Allpodcasts.com: <http://www.allpodcasts.com>, accessed 10/06/15.
- Podcast Directory:  
<http://www.podcastdirectory.com/podcasts.html>, accessed 10/06/15.
- Podcasts from the American Bar Association through many of its sections, for example:  
[http://www.americanbar.org/portals/solo\\_home/cle/podcasts.html](http://www.americanbar.org/portals/solo_home/cle/podcasts.html) (for solo practitioners), accessed 10/06/15.
- LegalTalkNetwork:  
[http://www.legaltalknetwork.com/modules.php?name=News&new\\_topic=15](http://www.legaltalknetwork.com/modules.php?name=News&new_topic=15), accessed 10/06/15.
- Government podcasts:  
<http://freegovinfo.info/node/174>, accessed 10/06/15.

# More Law-Related Podcasts

- Nolo podcasts: <http://www.nolocast.com/>, accessed 10/06/15.
- U.S. Supreme Court: <http://www.oyez.org/cases/2014>, accessed 10/06/15.
- Open Culture – Podcasts from Top American Law Schools: [http://www.oculture.com/2007/03/podcasts\\_from\\_t.html](http://www.oculture.com/2007/03/podcasts_from_t.html), accessed 10/06/15.
- Legal Talk Network:  
<http://legaltalknetwork.com/podcasts/>, accessed 10/06/15.

# Other Information Sources

- ▶ Of course, there are additional opportunities to follow trends and capture up-to-the-minute information and events through Twitter and other social media sites.
- ▶ Also, many people may prefer to watch a video rather than read or listen to information.
- ▶ Thus, YouTube can be an excellent source of information.
- ▶ YouTube may be especially useful for training, for example, if you are trying to learn a new piece of software.
  - In one of my legal informatics courses, we teach SmartDraw software for use in courtroom presentations.
  - YouTube has many tutorials available on how to use this software.

https://www.youtube.com/results?search\_query=smartdraw+software

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by Electrical Industry Network 2 years ago • 15,049 views  
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by smartdraw 1 year ago • 16,698 views  
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# Other Information Sources

- ▶ One other source of information, although not necessarily legal information, is the Library of Congress.
- ▶ For example, its Digital Collections can be an excellent place to find old maps, photographs, presidential papers, etc. (<https://www.loc.gov/collections/>, accessed 10/06/15).

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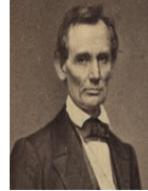
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[Aaron Copland Collection](#)  
The first release of the online collection contains approximately 1,000 items.



[Abdul Hamid II Collection](#)  
This collection contains 1,819 photographs in 51 large-format albums.



[Abraham Lincoln Papers at the Library of Congress](#)  
Items in the collection date from 1833 through 1900.



[African American Perspectives: Pamphlets from the Daniel A. P. Murray Collection, 1818-1907](#)  
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[African American Photographs Assembled for 1900 Paris Exposition](#)  
The Paris Exposition of 1900

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# But What About the Validity of What You Find on the Internet?

- ▶ Pete Brown. Six Easy Ways to Tell If that Viral Story is a Hoax. *The Conversation*, Sept. 18, 2015.
- ▶ Reverse image search
- ▶ YouTube DataViewer
- ▶ Jeffrey's Exit Viewer
- ▶ FotoForensics
- ▶ WolframAlpha
- ▶ Online Maps

## **II. FINDING FREE LEGAL RESEARCH SITES AND FREE CASE LAW**



# The Sheer Volume of Information on the Web Can Be Overwhelming

- ▶ According to Roper, “searching the Internet and finding the exact information you are looking for is many times not easy due to the breadth and depth of information on the web. By some accounts, there are more than 9,000,000 different web sites and more than 1,000,000,000 web pages on the Internet.”
- ▶ Since this quote was from the 2008 edition of this book, we can only imagine the challenges for finding quality, relevant information have increased significantly, especially with the proliferation of social media and other forms of digital content, such as Twitter, YouTube videos, podcasts, blogs and blawgs, Pinterest, Instagram, Facebook and LinkedIn, to name but a few.

# Effective Searching on the Web

- ▶ At that time, Roper noted that “some search engines are better at finding particular kinds of information than others. Which search engine you use should depend on the particular information you are looking for.”

# Roper's Classification of Search Engines

- ▶ Individual search engines, such as Google
- ▶ Specialty search engines, such as FindLaw
- ▶ Metasearch engines, such as Metacrawler or Dogpile
- ▶ Subject directories, such as Yahoo
- ▶ Library gateways, such as the Lilly Law Library at the McKinney School of Law,  
<http://mckinneylaw.iu.edu/library/research/frequently-used.html>, accessed 10/06/15) or the Internet Public Library – ipl2 (<http://www.ipl.org/>, accessed 10/06/15)
- ▶ Subject-specific databases, such as PubMed for health and medical information  
(<http://www.ncbi.nlm.nih.gov/pubmed>, accessed 10/06/15) or any of the databases offered through INSPIRE. (<http://www.in.gov/library/inspire/faq.html>, accessed 10/06/15)

# Levitt and Davis

- ▶ Justia: <http://www.justia.com>, accessed 10/06/15.
- ▶ FindLaw: [www.findlaw.com](http://www.findlaw.com), accessed 10/06/15.
- ▶ Law.com – <http://www.law.com>, 10/06/15.
- ▶ HR.org (formerly Hieros Gamos) <http://hg.org>, accessed 10/06/15.
- ▶ LLRX.com: <http://www.llrx.com>, accessed 10/06/15.
- ▶ Nolo Press: <http://www.nolo.com>, accessed 10/06/15.
- ▶ Zimmerman's Research Guide:  
<http://law.lexisnexis.com/infopro/zimmermans>, 10/06/15.

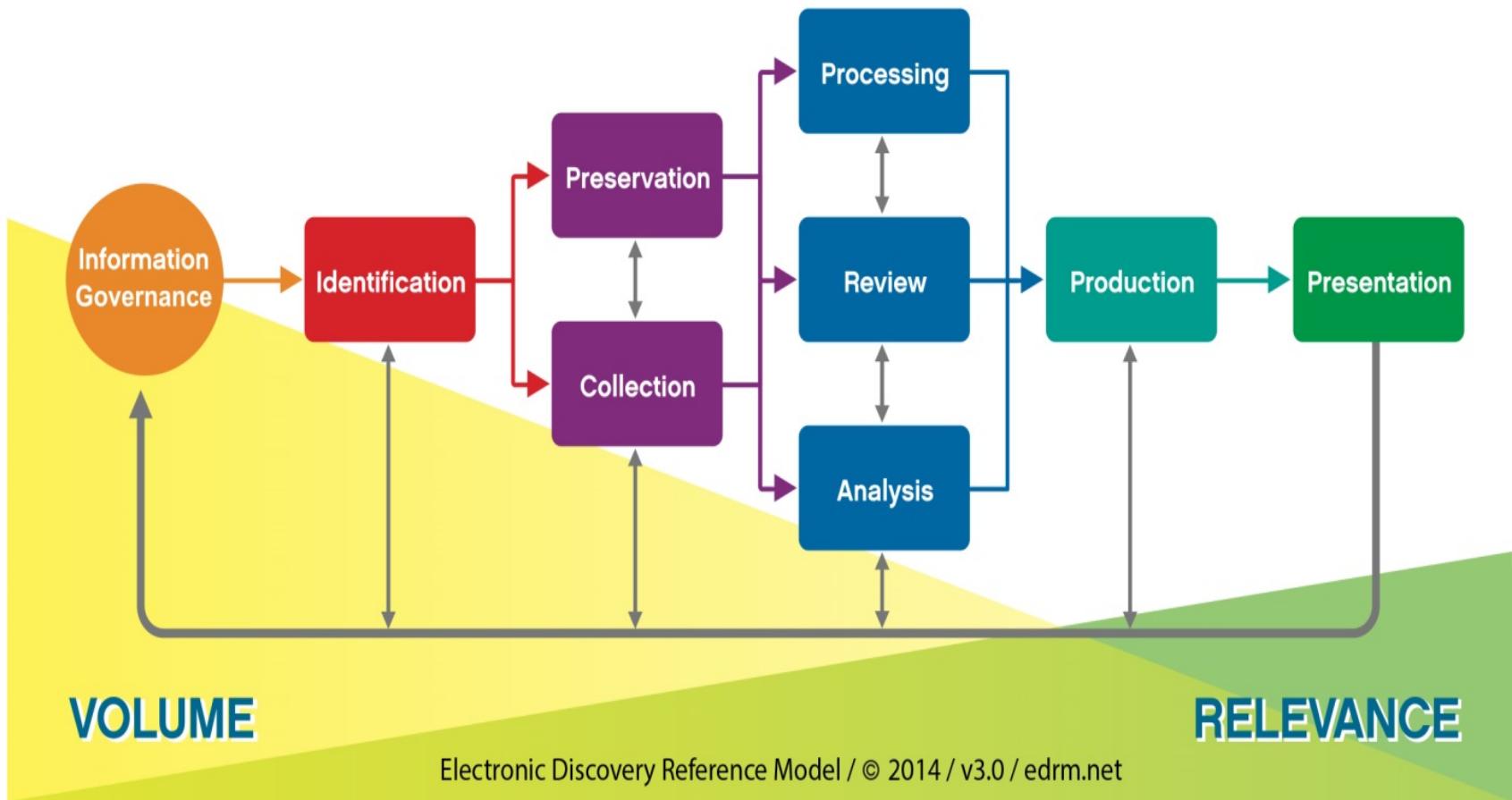
# Additional Options

- ▶ Legal Information Institute: <https://www.law.cornell.edu/>, accessed 10/06/15.
- ▶ Washburn University's WashLaw: [www.washlaw.edu](http://www.washlaw.edu), accessed 10/06/15.
- ▶ CataLaw: [www.catalaw.com](http://www.catalaw.com), accessed 10/06/15.
- ▶ Public Legal – Internet Legal Research Group: [www.ilrg.com](http://www.ilrg.com), accessed 10/06/15.
- ▶ WWW Virtual Library: <http://vlib.org/admin/AboutVL>, accessed 10/06/15.
- ▶ Virtual Chase: <http://virtualchase.justia.com/legal-research>, accessed 10/06/15.
- ▶ All Law: <http://www.alllaw.com>, accessed 10/06/15.
- ▶ Law & Policy Institutions Guide: <http://www.lpig.org/>, accessed 10/06/15.
- ▶ TheLaw.net: <http://www.thelaw.net>, accessed 10/06/15.

# Electronic Discovery

- ▶ Many of my research projects for presentations and publications involve electronic discovery.
- ▶ Whenever I have a question regarding electronic discovery, the first place I start is a review of the Electronic Discovery Reference Model (EDRM) and the information provided on the EDRM website. (EDRM, <http://www.edrm.net/>, accessed 10/06/15)
- ▶ By visualizing the steps in handling a piece of electronically-stored information (ESI) from the left-hand side of the model (which starts with proper information governance) to the presentation of the ESI in court, the EDRM also reminds me of the potential for ethical breaches at each step

# Electronic Discovery Reference Model



# K&L Gates

- ▶ Another excellent resource for cases, statutes, guidelines and other materials for electronic discovery is the K&L Gates Electronic Discovery Law website.  
(<http://www.ediscoverylaw.com/>, accessed 10/06/15)
- ▶ The website contains a very helpful database of over 2000 cases that is searchable by keyword as well as having a number of pre-determined case attributes.  
(<http://www.ediscoverylaw.com/e-discovery-case-database/>, accessed 10/06/15)
- ▶ Many of the cases have very short summaries that include the case citation, the nature of the case, the electronic data involved, the electronic discovery issue and searchable attributes.
- ▶ A number of the cases have more robust summaries that also may have links to additional materials.
- ▶ You can also subscribe to the free Blog Update.

The screenshot shows a web browser window displaying the homepage of the K&L GATES Electronic Discovery Law website. The URL in the address bar is <http://www.ediscoverylaw.com/>. The page features a large banner image of server racks with blue lights. Overlaid on the banner is the text "Electronic Discovery Law" and a subtitle "Legal issues, news and best practices relating to the discovery of electronically stored information." Below the banner, a main article is displayed with the title "IN CRIMINAL CASE, FAILURE TO PRESERVE RESULTS IN EXCLUSION OF ALL TEXT MESSAGES, POSSIBLE ADVERSE INFERENCE". The article is dated Nov. 10, 2015, and discusses a case where a defendant sought sanctions for the government's failure to preserve text messages. To the left of the main content is a vertical sidebar with numbered links from 1 to 10. On the right side, there are search and subscribe forms, and two "BLAWG 100" awards.

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# Electronic Discovery Law

Legal issues, news and best practices relating to the discovery of electronically stored information.

## IN CRIMINAL CASE, FAILURE TO PRESERVE RESULTS IN EXCLUSION OF ALL TEXT MESSAGES, POSSIBLE ADVERSE INFERENCE

**United States v. Vaughn, No. 14-23 (JLL), 2015 WL 6948577 (D.N.J., Nov. 10, 2015)**

In this criminal case, a *pro se* defendant sought sanctions, including dismissal of the indictment, for the Government's failure to preserve text messages relevant to its investigation. Upon examination of the facts, including the Government's acknowledged failure to preserve certain text messages and constantly changing explanations surrounding that failure as well as the "different level of diligence" applied to different text messages (care was taken to preserve certain messages, but not others), the court determined sanctions were warranted. Accordingly, the court ordered that the Government would be precluded from using any text messages in its case-in-chief and reserved judgment until trial regarding the propriety of

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# E-DISCOVERY CASE DATABASE

Search nearly 3000 cases collected from state and federal courts involving electronic discovery issues by keyword, or by any combination of 36 different case attributes, including on-site inspection, format of production, allegations of spoliation, or involving data that is "not reasonably accessible," etc.

[CLICK HERE](#) to access the database, free of charge.

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**Please select one or more of the following case attributes and/or enter keyword search terms below:**

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Procedure or Format       FRCP 26(b)(5)(B)  
or FRE 502

FRCP 37(e) Safe Harbor       FRCP 26(b)(2)(C)  
Limitations       Local Court Rule, Form  
or Guideline

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**Context**

TRO or Preliminary  
Injunction       Motion for Preservation  
Order       Early Conference or  
Discovery Plan

Motion to Compel       Motion for Protective  
Order       Third-Party Discovery

Motion for Sanctions

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**Particular Issues**

Data Preservation       Mirror Images       Cost Shifting

Records Retention Policy       On-Site Inspection       Spoliation

Backup Media Recycling       Keyword Searches       Court-Appointed Expert

Backup Tapes       Format of Production       Privilege or Work Product

Deleted Data Recovery       Metadata       Lack of Cooperation or  
Inaccurate Representations

Admissibility       Adequacy of Search/Identification  
or Collection (added 03/13)       Computer Assisted Review

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<b>Case Citation:</b>	Bass v. Miss Porter's School, 2009 WL 3724968 (D. Conn. Oct. 27, 2009)
<b>Nature of Case:</b>	Claims arising from alleged bullying and harassment of private school student
<b>Electronic Data Involved:</b>	Facebook
<b>E-Discovery Issue:</b>	Upon in camera review of all documents produced to plaintiff by Facebook pursuant to subpoena, and in response to plaintiff's objection to producing all such documents on the grounds that many were irrelevant and immaterial, court found "no meaningful distinction" between the pages produced and the pages withheld and stated that "Facebook usage depicts a snapshot of the user's relationship and state of mind at the time of the content's posting" and that "relevance is more in the eye of the beholder" such that production should not be limited to plaintiff's determination of what may be "reasonably calculated to lead to the discovery of admissible evidence" and ordered the production of all documents produced by Facebook to defendants, rather than the smaller subset previously provided
<b>Case Summary:</b>	Not Available
<b>Attributes:</b>	Motion to Compel; Third Party Discovery
<b>Case Citation:</b>	Crispin v. Christian Audigier, Inc., 717 F.Supp.2d 965 (C.D. Cal. 2010)
<b>Nature of Case:</b>	Breach of contract, copyright infringement, breach of covenant of good faith and fair dealing
<b>Electronic Data Involved:</b>	Messages from social networking sites
<b>E-Discovery Issue:</b>	Upon holding that the social networking sites at issue (Facebook, MySpace, Media Temple) were subject to the Stored Communications Act, court quashed subpoenas seeking private messages but, as to subpoenas seeking messages posted to plaintiff's Facebook wall and MySpace comments, remanded for further investigation of plaintiff's privacy settings as to those messages because the Stored Communications Act is not applicable to information readily available to the general public
<b>Case Summary:</b>	Available
<b>Attributes:</b>	Third Party Discovery
<b>Case Citation:</b>	Fawcett v. Altieri, ---N.Y.S.2d---, 2013 WL 150247 (N.Y. Sup. Ct. Jan. 11, 2013)
<b>Nature of Case:</b>	Personal injury
<b>Electronic Data Involved:</b>	Social network content (Facebook, MySpace, Friendster, Flickr, etc.)
<b>E-Discovery Issue:</b>	Court acknowledged the discoverability of social media content but reasoned that "[i]n order to obtain a closed or private social media account by a court order for the subscriber to execute an authorization for their release, the adversary must show with some credible facts that the adversary subscriber has posted information or

http://www.ediscoverylaw.com/2010/06/pursuant-to-stored-communications-act-court-quashes-subpoena-for-private-messages-remands-further-consideration-facebook-wall-and-myspace-comments/

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## PURSUANT TO STORED COMMUNICATIONS ACT, COURT QUASHES SUBPOENA FOR PRIVATE MESSAGES, REMANDS FOR FURTHER CONSIDERATION OF FACEBOOK WALL AND MYSPACE COMMENTS

**Crispin v. Christian Audigier, Inc., 717 F. Supp. 2d 965 (C.D. Cal. 2010)**

Defendant subpoenaed several social networking sites seeking disclosure of plaintiff's subscriber information and communications relevant to the underlying dispute. Plaintiff sought to quash the subpoenas arguing that such disclosure would violate the Stored Communications Act ("SCA"). The magistrate judge denied plaintiff's motion to quash upon finding the SCA was inapplicable. Plaintiff moved for reconsideration of the order.

Granting reconsideration, the district court judge found the SCA was applicable to the social networking websites at issue (Facebook, MySpace, Media Temple) and quashed the subpoenas to the extent they sought private messages. However, the court recognized a distinction between strictly private messages and those posted more openly, such as on plaintiff's Facebook wall or MySpace comments.\* Specifically, the court noted the inapplicability of the SCA to information that is readily available to the general public. Thus, a review of plaintiff's privacy settings was necessary to determine the extent of access allowed to his Facebook wall and MySpace comments (although the court recognized that the record implied that access was restricted). Accordingly, the district court vacated

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**E-Discovery Rules**

FRCP 26(b)(2)(B)  
"Not Reasonably Accessible"

FRCP 37(e) Safe Harbor (prior to Dec. 1, 2015)

FRCP 26(b)(1) Scope in General (effective Dec. 1, 2015)

FRCP 26(c) Protective Orders

FRCP 34(b)  
Procedure or Format

FRCP 26(b)(2)(C)  
Limitations

FRCP 37(e) Preservation (effective Dec. 1, 2015)

FRCP 26(b)(5)(B)  
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Local Court Rule, Form or Guideline

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**Context**

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Admissibility

Taxable Costs

Mirror Images

On-Site Inspection

Keyword Searches

Format of Production

Metadata

Adequacy of Search/Identification or Collection (added 03/13)

Proportionality

Cost Shifting

Spoliation

Court-Appointed Expert

Privilege or Work Product

Lack of Cooperation or Inaccurate Representations

Computer Assisted Review

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<b>Case Citation:</b>	Truesell v. Thomas No. 5:13-cv-552-Oc-10PRL, 2015 WL 2022991 (M.D. Fla. Apr. 30, 2015)
<b>Nature of Case:</b>	Privacy Rights
<b>Electronic Data Involved:</b>	Database
<b>E-Discovery Issue:</b>	Court denied Motion to Compel Production of Electronically Stored Data where plaintiff said that 1500 printed pages of defendant's database usage history were inadequate under FRCP 34(e)(ii) because they were not easily searchable. Plaintiff sought to compel production of the electronic version of the data to include metadata, but the court said that the printed information was not as cumbersome as the plaintiff suggested because only a limited time period contained within the pages was relevant; the data did not originate from the defendant, so the defendant did not have the ability to manipulate the data to provide it only for the limited time period; and the plaintiff was unable to identify any information contained in the electronic version of the data that was not also contained in the printed pages.
<b>Case Summary:</b>	Not Available
<b>Attributes:</b>	Motion to Compel; Format of Production; Metadata
<b>Case Citation:</b>	Advantor Sys. Corp. v. DRS Technical Servs., Inc., No. 6:14-cv-533-Orl-31DAB, 2015 WL 403308 (M.D. Fla. Jan. 28, 2015)
<b>Nature of Case:</b>	Employment
<b>Electronic Data Involved:</b>	Hard Drive
<b>E-Discovery Issue:</b>	The Magistrate Judge denied Advantor's motion for sanctions against DRS for intentional bad faith spoliation of evidence, finding that sanctions were not warranted because there was no showing that the destroyed evidence was critical to litigate the case issues. DRS had a duty to preserve the contents of a laptop that was used by an employee who was hired away from Advantor and subsequently fired by DRS after receiving notice from Advantor that litigation was reasonably anticipated. Despite having a duty to preserve the contents of the laptop, DRS reformatted the laptop and erased files that were potentially proprietary to Advantor and in violation of their Non-disclosure Agreement. However, Advantor failed to show that the files contained relevant information critical to the case or that DRS was aware the files were on the laptop. Despite the unexplained reformatting of the laptop, sanctions were not granted.
<b>Case Summary:</b>	Not Available
<b>Attributes:</b>	Motion for Sanctions; Data Preservation; Spoliation
<b>Case Citation:</b>	Am. Fed. Of Musicians of the U.S. and Canada v. Skodam Films, LLC, NO. 3:15-mc-122-M-BN, 2015 WL 7771078 (N.D. Tex. Dec. 3, 2015)
<b>Nature of Case:</b>	Breach of contract

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## TODAY IS THE DAY! AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE EFFECTIVE DEC. 1, 2015

*The wait is over. Amendments to the Federal Rules of Civil Procedure are effective today.*

The 2015 amendments to the Federal Rules of Civil Procedure are significant and will have a direct impact on the day to day practice of law, particularly discovery. If you've been putting off your review of the amendments, the time for action is now! Take a few minutes (or a few hours) to review these important amendments and/or attend one of K&L Gates' two live events to learn more! (Live events are also available via webinar.)

[CLICK HERE](#) for an overview of the rules amendments package.

To register for K&L Gates' complimentary CLE, "Federal Rule Changes Affect e-Discovery – Are You Ready This Time?" follow the links below:

- [CLICK HERE](#) to attend LIVE! in Seattle: Dec. 1, 2015, 1:30 PM -5:30 (with post-program reception)

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http://www.ediscoverylaw.com/local-rules-forms-and-guidelines-of-united-states-district-courts-addressing-e-discovery-issues

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# Local Rules, Forms and Guidelines of United States District Courts Addressing E-Discovery Issues

Many United States District Courts now require compliance with special local rules, forms or guidelines addressing the discovery of electronically stored information.

Below is a collection of those local rules, forms and guidelines, with links to the relevant materials. Please note also that many individual judges and magistrate judges have created their own forms or have crafted their own preferred protocols for e-discovery. These are generally available on the website of the individual judge or magistrate judge and care should be taken to ensure you are aware of any such forms or guidelines in any court you may appear in.

#### District of Alaska

##### Local Rules (Civil)

Local Form 26(f): Scheduling and Planning Conference Report

Local Rule 16.1 Pre-Trial Procedures (requiring use of Local Form 26(f) or one substantially similar)

#### Eastern and Western Districts of Arkansas

Local Rule 26.1 Outline for Fed. R. Civ. P. 26(f) Report

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# Kroll Ontrack

- ▶ A second excellent resource for materials on electronic discovery is the Kroll Ontrack.  
(<http://www.krollontrack.com/>, accessed 10/06/15)
- ▶ This website includes blogs on electronic discovery and data recovery, white papers, case studies and industry news.
- ▶ It also offers a searchable database of electronic discovery cases that complements what is provided by K&L Gates and is searchable by keyword as well as by e-discovery-related topics and jurisdiction.  
(<http://www.ediscovery.com/pulse/case-law/>, accessed 10/06/15)
- ▶ I find it comforting when both of these databases provide summaries of the same case, but also they may cover different cases, which broadens my collection of cases.

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### Court Denies In Camera Review in Light of "Unsupported Suspicions"

Armouth Int'l, Inc. v. Dollar General Corp., 2015 WL 6696367 (M.D. Tenn. Nov. 2, 2015)

Keywords: Privilege, Production

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Search via keyword social media

### Court Rejects Privilege Request for Private Social Networking Site Communications

*McMillen v. Hummingbird Speedway, Inc.*, No. 113-2010 CD (C.P. Jefferson Sept. 9, 2010).

Keywords: Facebook, MySpace, social media, privilege

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### Court Finds Company Acted Appropriately in Blocking Facebook Following Employee Complaint

*Amira-Jabbar v. Travel Servs. Inc.*, 726 F.Supp.2d 77 (D. Puerto Rico July 28, 2010).

Keywords: Facebook, summary judgment, firewall, social media

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### Court Denies Discovery of Listserv and Social Media in Post Trial Fee Dispute

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# Case Law

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Court Rejects Privilege Request for Private Social Networking Site Communications

Pennsylvania

*McMillen v. Hummingbird Speedway, Inc., No. 113-2010 CD (C.P. Jefferson Sept. 9, 2010).* In this personal injury litigation, the defendants sought production of the user names, log-in names and passwords granting access to the plaintiff's Facebook and MySpace accounts. Having found comments on the public portions of the plaintiff's social media sites indicated the plaintiff exaggerated his injuries, the defendants argued that private portions might similarly contain impeaching content. Objecting, the plaintiff contended that communications shared among private friends on social network sites are confidential and thus protected against disclosure. Equating the plaintiff's argument with a request for a new "social network site privilege," the court expressed concern that recognizing such a privilege would contravene the purpose and policy of Pennsylvania's broad discovery rules. Thus, finding no reasonable expectation of confidentiality given the clear language contained on both sites regarding the possibility of disclosure, no subjective or objective relational need for privilege outside of attorney-client communications and a failure to outweigh the interests of justice, the court ordered the plaintiff to preserve existing information and provide his Facebook and MySpace user names and passwords to the defendants' counsel.

Keywords: Facebook, MySpace, social media, privilege

Back

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# Another Excellent Resource

- ▶ In addition to Kroll Ontrack and K&L Gates for electronic discovery mentioned above, I also recommend the website for Sensei Enterprises, Inc.
- ▶ Two of my favorite authors are Sharon Nelson and John Simek, who have been on the cutting edge of security, digital forensics, electronic discovery and legal technology for many years through their company, Sensei Enterprises, Inc., <http://www.senseient.com/>, accessed 10/06/15).
- ▶ I use their materials extensively in several of the courses I teach at the School of Informatics and Computing (Indiana University).
- ▶ One suggestion is that all paralegals and lawyers register for their free article distribution service.

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## ABOUT SENSEI

Sensei Enterprises, Inc. is a nationally-known digital forensics, information technology and information security woman-owned small business, founded in 1997 by Sharon Nelson, a practicing attorney and John Simek, vice president. Sensei provides information technology to hundreds of businesses locally in the DC Metro area. Sensei provides digital forensics and information security services nationwide.

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E-MAIL ENCRYPTION

December 9, 2015

*Excerpt:* The most used method of electronically communicating today is via e-mail. Some may argue that text messaging is the number one method and that may be true for the younger generation, but businesses are generally communicating with some sort of e-mail service. The issue that we need to tackle is whether our electronic communications are secure (or need to be) and how to securely communicate when needed.

Read the entire article here.

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December 1, 2015

*Excerpt:* Lawyers like the idea of connecting with others on a resume driven site and many lawyers who were

# Intellectual Property Law

- ▶ Depending on the area of law you practice in – or have research questions about – there are excellent websites with free databases available.
- ▶ For example, the U.S. Patent and Trademark Office provides a wonderful website with information about how to apply for patents and trademarks, manuals and guides, law and policy, and other helpful material, including information for the general public and for kids. From this website, you can also search the patent database and the trademark database.
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The Patent Trial and Appeal Board's duties include review of adverse decisions, review of appeals of reexaminations, derivation proceedings, inter partes and post-grant reviews, and rendering decisions on interferences.

<http://www.uspto.gov/trademarks-application-process/search-trademark-database>

# Search Trademark Database

Although not required prior to filing an application, you are encouraged to search the USPTO's trademark database to see if any mark has already been registered or applied for that is similar to your mark **and** used on related products or for related services. If your search yields a mark that you think might conflict with your mark, you should then check status to see if the application or registration is still "live," since any "dead" mark cannot be used to block a new application.

A complete search is one that will uncover all similar marks, not just those that are identical. In this regard, searching for trademark availability is not the same as searching to register a domain name. A domain name search may focus on exact or "dead on" hits, with no consideration given to similar names or use with related products and services. Basically, a domain address is either available or it is not. The trademark process, on the other hand, is more complex. As part of the overall examination process, the USPTO will search its database to determine whether registration must be refused because a similar mark is already registered for related products or services (i.e., even identical marks may co-exist if used on goods or services not considered to be related in any way). Please note that the USPTO does **not** offer advisory opinions on the availability of a mark prior to filing of an actual application.

For more information about conducting a clearance search, please watch the news broadcast-style video titled "Searching" (video #3 in the [Trademark Information Network \(TMIN\) series](#)).

Depending on what trademark material you are looking for, there are a number of different areas to perform a search:

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## Trademark Electronic Search System (TESS)

Use [Trademark Electronic Search System \(TESS\)](#) to conduct a free online search of the USPTO database. TESS provides access to text and images of registered marks, and marks in pending and abandoned applications. The USPTO cannot provide guidance as to how you should search, beyond the HELP provided within the TESS site.

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## Design Search Code

If your mark includes a design element, you must search using a design code. The USPTO assigns all marks containing design figurative elements a 6-digit numerical code(s) for searching purposes. A design code search is also conducted using [TESS](#).

For assistance in searching with a design code, access the [Design Search Code Manual](#). This manual indexes the categories, divisions, and sections that make up these codes. For example, a five-pointed star would be

<http://tmsearch.uspto.gov/bin/gate.exe?f=tess&state=48053zy1d1.1>

Trademark Electronic Search System (TESS)

Welcome to the Trademark Electronic Search System (TESS). This search engine allows you to search the USPTO's database of registered trademarks and prior pending applications to find marks that may prevent registration due to a **likelihood of confusion** refusal.

**WARNING:** Before conducting your search, you must understand the following: (1) what the database includes; (2) how to construct a complete search; and (3) how to interpret the search results. Click **TESS TIPS** for detailed information on these and other important search topics.

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- ▶ **Basic Word Mark Search (New User)**  
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- ▶ **Word and/or Design Mark Search (Free Form)**  
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The screenshot shows a web browser window with the URL <http://www.uspto.gov/patents-application-process/search-patents>. The page is titled "Search for Patents | USPTO". The main content area features the USPTO logo and navigation links for Patents, Trademarks, IP Policy, and Learning and Resources. A sidebar on the left provides links to various patent application and search resources. The right side includes a search bar, quick links, and sharing/printing options.

Helpful 351

## Search for Patents

New to Patent Searching? See this important information about searching for patents:

[How to Conduct a Preliminary U.S. Patent Search: A Step by Step Strategy - Web Based Tutorial \(38 minutes\)](#)

- [The Seven Step Strategy](#) - Outlines a suggested procedure for patent searching
- [A detailed handout](#) of the Seven Step Strategy with examples and screen shots.

Patents may be searched using the following resources:

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### USPTO Patent Full-Text and Image Database (PatFT)

Inventors are encouraged to search the USPTO's patent database to see if a patent has already been filed or granted that is similar to your patent. Patents may be searched in the USPTO Patent Full-Text and Image Database (PatFT). The USPTO houses full text for patents issued from 1976 to the present and PDF images for all patents from 1790 to the present.

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Additional Information

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http://appft.uspto.gov/netahtml/PTO/search-bool.html US Published Application F... X

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US PATENT & TRADEMARK OFFICE  
PATENT APPLICATION FULL TEXT AND IMAGE DATABASE

Data current through December 10, 2015.

Query [\[Help\]](#)

Term 1:  in Field 1: All Fields   
AND

Term 2:  in Field 2: All Fields

Select years [\[Help\]](#) 2001-present

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The screenshot shows the official website of the United States Copyright Office, a department of the Library of Congress. The page features a dark blue header with the "Copyright.gov" logo and the text "UNITED STATES COPYRIGHT OFFICE, a department of the Library of Congress". A "225" anniversary logo is visible on the right. The main menu includes links for "ABOUT US", "NEWS", "LAW AND POLICY", "PUBLICATIONS", and "CONTACT US". A search bar at the top right contains the placeholder text "Search Copyright.gov". The background of the main content area is light blue.

#### HOW DO I...?



THIRD EDITION  
**Compendium of  
U.S. Copyright Office Practices**

**Code of Federal Regulations**  
TITLE 37, CHAPTER II

**Copyright Law of the United States**  
AND RELATED LAWS CONTAINED IN  
TITLE 17 OF THE UNITED STATES CODE

**Fair Use Index**  
CASES AND INFORMATION

#### Tutorials

eCO Tutorial (Standard) (Single)

Copyright Search

Catalog of Copyright Entries

Frequently Asked Questions

Why should I register my work?

More FAQs

Más preguntas frecuentes

#### Other Services

Mandatory Deposit

Notice of Restored Copyrights

Request a Search Estimate

DMCA Agents Directory

Vessel Registrations

http://copyright.gov/records/index.html

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Page Safety Tools

# Copyright.gov

UNITED STATES COPYRIGHT OFFICE  
a department of the Library of Congress

225 U.S. COPYRIGHT LAW 1790-2015

ABOUT US NEWS LAW AND POLICY PUBLICATIONS CONTACT US

Search Copyright.gov

Home Search Records

## Search Records

Copyright Search Records



**Pre-1978 Records**

Copyright registrations and renewals covering the period 1870 through 1977 are accessible through a physical card catalog housed in the Copyright Office and also through a virtual set of volumes titled the "Catalog of Copyright Entries" (CCEs), which cover 1891 to 1977.

**Post-1978 Records**

The Copyright Office is an office of public record for copyright registrations and related documentation. Copyright registrations for all works dating from January 1, 1978, to the present, as well as renewals and recorded documents, are accessible through the Copyright Office online records catalog.

**Digitization Project**

The Copyright Office is an office of public record for copyright registrations and related documentation. Prior to 1978, copyright records were created in analog form, and housed in the Copyright Office. Once the "Digitization and Public Access Project is complete, it will provide web-access to all pre-1978 U.S. Copyright Office records.

Search Tutorials Notices of Restored Copyrights Online Service Providers Request a Search Estimate Vessel Registrations

### Frequently Asked Questions

How is a copyright different from a patent or a trademark?

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http://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?DB=local&PAGE=First

WebVoyage

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**Copyright**  
 United States Copyright Office

Help Search History Titles Start Over

## Public Catalog

Copyright Catalog (1978 to present)

**Basic Search** [Other Search Options](#)

**Search for:**

**Search by:** [Title \(omit initial article A, An, The, El, La, Das etc.\)](#) [Name \(Crichton Michael; Walt Disney Company\)](#)

Scroll down for **Search Hints**

[Keyword](#)  
[Registration Number \(for VAU 598-675 type vau000598675\)](#)  
[Document Number \(for V2606 P87 type v2606p087\)](#)  
[Command Keyword](#)

25 records per page

### Search Hints

- Works registered prior to 1978 may be found only in the [Copyright Public Records Reading Room](#).
- Can't find what you're looking for? Try our "Other Search Options".
- Search terms are not case sensitive.
- Search limits can be used with all "Search by:" options.

Search Type	Hint
<a href="#">Title</a>	- Omit initial articles (A, An, The, El, La, Das): <b>King and I</b> - Type the entire title, or the first few words of the title, starting with the first word
<a href="#">Name</a>	- For personal names, type last name first name: <b>Hillerman Tony</b> - For corporate names, type in order: <b>Sony Music Entertainment; Walt Disney Company</b>  For Claimant names, go to <b>Other Search Options</b> and select "Name: Claimant (KLCN)" from the <b>Search by</b> box. For personal names, type first name last name: James Michener. For corporate names, type in order: Metro Goldwyn Mayer  For Document names, go to <b>Other Search Options</b> and select either "Docs: Party1 Statement (K291)" or "Docs: Party2 (K292)", or "Docs Party1/2 (KPTY)" from the <b>Search by</b> box. For personal names, type first name last name: Stephen King. For corporate names, type in order: Warner Brother Pictures

# Other Sources of Information

- ▶ Another outstanding source of information can also be found on the websites of professional organizations devoted to specific areas of the law.
  - American Intellectual Property Law Association (AIPLA)
  - International Legal Technology Association (ILTA)
  - Organization of Legal Professionals (OLP)

# Legal Dictionaries

- ▶ Legal Dictionary: <http://www.legal-dictionary.org>, accessed 10/06/15.
- ▶ Law.com Dictionary: <http://dictionary.law.com>, accessed 10/06/15.
- ▶ FindLaw Legal Dictionary:  
<http://dictionary.lp.findlaw.com>, accessed 10/06/15.
- ▶ The Law Dictionary (Black's Law Dictionary):  
<http://thelawdictionary.org/>, accessed 10/06/15.
- ▶ Nolo's Free Dictionary of Law Terms and Legal Definitions: <http://www.nolo.com/dictionary>, accessed 10/06/15.

# Legal Dictionaries – Mobile Devices

- ▶ In terms of legal dictionaries, there is probably an “app” for that so that content can be accessed on mobile devices. For example,
  - Black’s Law Dictionary: for Android  
<http://thelawdictionary.org/blacks-law-dictionary-android-app/> and the iPhone  
<http://thelawdictionary.org/blacks-law-dictionary-iphone-app/>, both accessed 10/06/15.

# Finding and Using Free Full-Text Case Law Sites

- ▶ There are many web sites that provide access to the full-text of case law as well as other helpful information about state and federal courts.
- ▶ Levitt and Davis provide the following list:
  - Google Scholar: <http://scholar.google.com/>

http://scholar.google.com/ Google Scholar

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Google Scholar

Articles (include patents) Case law

Federal courts Indiana courts Select courts...

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http://scholar.google.com/scholar\_courts?hl=en&as\_sdt=0,15 Google Scholar - Select Co... X

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Web Images More...

Scholar Done Cancel

Select courts

**State courts** Select all Clear all      **Federal courts** Select all Clear all

<input type="checkbox"/> Alabama	<input type="checkbox"/> Missouri	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> 7th Circuit
<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> Court of Claims	<input type="checkbox"/> Court of Appeals
<input type="checkbox"/> Court of Civil Appeals	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Court of Customs and Patent Appeals	<input type="checkbox"/> CD Illinois
<input type="checkbox"/> Court of Criminal Appeals	<input type="checkbox"/> Montana	<input type="checkbox"/> Court of Int'l. Trade	<input type="checkbox"/> ND Illinois
<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Customs Court	<input type="checkbox"/> SD Illinois
<input type="checkbox"/> Alaska	<input type="checkbox"/> Nebraska	<input type="checkbox"/> Tax Court	<input type="checkbox"/> ND Indiana
<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> Board of Tax Appeals	<input type="checkbox"/> SD Indiana
<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> 1st Circuit	<input type="checkbox"/> ED Wisconsin
<input type="checkbox"/> Arizona	<input type="checkbox"/> Nevada	<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> WD Wisconsin
<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> D. Maine	<input type="checkbox"/> Bankruptcy Courts
<input type="checkbox"/> Supreme Court	<input type="checkbox"/> New Hampshire	<input type="checkbox"/> D. Massachusetts	<input type="checkbox"/> 8th Circuit
<input type="checkbox"/> Arkansas	<input type="checkbox"/> New Jersey	<input type="checkbox"/> D. New Hampshire	<input type="checkbox"/> Court of Appeals
<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> Appellate Div.	<input type="checkbox"/> D. Puerto Rico	<input type="checkbox"/> Minnesota
<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> D. Rhode Island	<input type="checkbox"/> D. Nebraska
<input type="checkbox"/> California	<input type="checkbox"/> New Mexico	<input type="checkbox"/> Bankruptcy Courts	<input type="checkbox"/> D. North Dakota
<input type="checkbox"/> Appellate Div.	<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> Bankruptcy Appellate Panel	<input type="checkbox"/> D. South Dakota
<input type="checkbox"/> Court of Appeal	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> 2nd Circuit	<input type="checkbox"/> ED Arkansas
<input type="checkbox"/> Supreme Court	<input type="checkbox"/> New York	<input type="checkbox"/> Court of Appeals	<input type="checkbox"/> WD Arkansas
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<input type="checkbox"/> Delaware	<input type="checkbox"/> North Dakota	<input type="checkbox"/> WD New York	<input type="checkbox"/> 9th Circuit
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<input type="checkbox"/> Superior Court	<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Bankruptcy Appellate Panel	<input type="checkbox"/> D. Alaska
<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Ohio	<input type="checkbox"/> 3rd Circuit	<input type="checkbox"/> D. Arizona
<input type="checkbox"/> Dist. of Columbia		<input type="checkbox"/> Court of Appeals	

# From Levitt and Davis

- ▶ FindLaw: <http://lp.findlaw.com/#caserearch>, accessed 10/06/15.
- ▶ The Public Library of Law: <http://www.plol.org>, accessed 10/06/15.
- ▶ The Free Law Reporter 2011--):  
<http://www.freelawreporter.org>, accessed 10/06/15.
- ▶ FindACase Network (free from VersusLaw):  
<http://findacase.com>, accessed 10/06/15.
- ▶ Justia's U.S. Supreme Court Center: <http://supreme.justia.com>, accessed 10/06/15 and links to cases from other courts:  
<http://law.justia.com/cases/>, accessed 10/06/15.
- ▶ Oyez (for free U.S. Supreme Court resources):  
<http://www.oyez.org>, accessed 10/06/15.
- ▶ Casetext (a “crowdsourced” source for legal research and commentary): <https://casetext.com>, accessed 10/06/15.
- ▶ Supreme Court of the United States:  
<http://www.supremecourt.gov>, accessed 10/06/15.

# Other Websites

- ▶ Other websites that are useful when doing legal research are:
  - Administrative Offices of the U.S. Courts: <http://www.uscourts.gov>, accessed 10/06/15.
  - Seventh Circuit: <http://www.ca7.uscourts.gov/>, accessed 10/06/15.
  - National Center for State Courts: <http://www.ncsc.org/>, accessed 10/06/15.
  - United States Federal & State Courts, Internet Legal Research Group: <http://www.ilrg.com/caselaw>, accessed 10/06/15.
  - American Law Sources On-line (U.S., Canada, Mexico): <http://www.lawsource.com/also>, accessed 10/06/15.
  - Legal Dockets On-line: <http://www.legaldockets.com>, accessed 10/06/15.

# Other Websites

- LLRX Court Rules, Forms and Dockets:  
<http://www.llrx.com/courtrules>, accessed 10/06/15.
- SunEthics.com: <http://sunethics.com>, accessed 10/06/15.
- Southern District of Indiana:  
<http://www.insd.uscourts.gov>, accessed 10/06/15.
- Northern District of Indiana:  
<http://www.innd.uscourts.gov/>, accessed 10/06/15.
- Indiana Courts: <http://www.in.gov/judiciary/>, accessed 10/06/15.
- *See also* the long lists of starting points for legal research on as Exhibits 9–4 and 9–6 in Matthew S. Cornick, *Using Computers in the Law Office*, 7<sup>th</sup> ed. Boston, MA: Cengage Learning, 2015.

# State Court Records – Indiana

- ▶ In terms of Indiana, more of the state court case records are available online, depending on when the county and its courts begin using the new electronic filing system called the Odyssey Case Management System.  
(<https://mycase.in.gov/default.aspx>,  
accessed 10/06/15).
- ▶ For a list of the courts that use Odyssey and how far back their records go, see  
<http://www.in.gov/judiciary/4234.htm>.

Indiana Courts – Case Search

Skip to Main Content Logout My Account Help

Case Records

Select a location

All Odyssey Courts-Case Search

Criminal & Citation Case Records  
Civil, Family & Probate Case Records

This is the public access site for Odyssey Case Management System for Indiana Courts and Clerks.

- [Which courts use Odyssey and mycase.in.gov?](#)
- [Get information about bulk data requests](#)
- On the search screen, you'll be asked to read and enter characters on a CAPTCHA image. If you have trouble reading it, click the speaker button to the right of the image to hear the code read aloud or click the refresh button to display a different image.

State of Indiana Website | Indiana State Courts | Policies and Disclosure

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http://www.in.gov/judiciary/4234.htm courts.IN.gov: Which court... X

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Which courts use Odyssey and mycase.in.gov?

Case information available at <https://mycase.in.gov> comes only from courts that use the state's Odyssey case management system. Following is a list of the courts/counties that use Odyssey and the dates they began using the system. Also included are courts scheduled to begin using Odyssey in the near future, abolished courts with archived cases still in Odyssey, and courts with renumbered identifiers. See Administrative Rule 8 for more about Indiana's uniform case numbering system.

**Appellate Courts**

Court Identifier	Courts/County	Go Live Date
See A.R. 8.1	Indiana Supreme Court	5/1/2015
See A.R. 8.1	Indiana Court of Appeals	5/1/2015
See A.R. 8.1	Indiana Tax Court	12/1/2014

**Trial Courts**

Court Identifier	Courts/County	Go Live Date
Starke County	Scheduled for 2016	
Delaware County	Scheduled for 2016	
Tippecanoe County	Scheduled for 2016	
Bartholomew County	Scheduled for 2016	
Crawford County	Scheduled for 2016	
Perry County	Scheduled for 2016	
02C01	Allen Circuit Court	9/7/2010
02D01	Allen Superior Court 1	1/18/2011
02D02	Allen Superior Court 2	1/18/2011
02D03	Allen Superior Court 3	1/18/2011
02D04	Allen Superior Court 4	9/7/2010
02D05	Allen Superior Court 5	9/7/2010
02D06	Allen Superior Court 6	9/7/2010
02D07	Allen Superior Court 7	11/26/2012
02D08	Allen Superior Court 8	11/26/2012
02D09	Allen Superior Court 9	1/18/2011
02H01	Allen/New Haven City Court	6/15/2009

# Casemaker

- ▶ Another importance resource for legal research, including cases, is Indiana State Bar Association's Casemaker system, which is free to ISBA members:  
<http://www.inbar.org/>, accessed 10/06/15.
- ▶ Casemaker has become even more useful with its expanded features, including CaseCheck+, CiteCheck and Casemaker Digest.

# Learn About the Free (Poor Man's) “Shepards”

- ▶ Shepardizing is an important step in legal research. According to the LexisNexis website,
    - The Shepard's Citations Service provides a comprehensive case citation and treatment history to verify the validity of case law, statutes, agency opinions, and other legal documents. **Only case law is covered in LexisNexis Academic.**
    - Shepardizing™ is the practice of using the Shepard's Citations Service to validate a citation.
    - When you Shepardize® a case, LexisNexis provides a report showing every opinion where that case has been referenced, all treatments of the case, and, most importantly, whether or not the case is "good law."
    - If the case has been overruled, it is considered "bad law" and may no longer be cited as a legal precedent.
- (<http://www.lexisnexis.com/communities/academic/w/wiki/105.shepard-s-citations.aspx>, accessed 10/06/15)

# Poor Man's “Shepards”

- ▶ However, Shepardizing requires either consulting bound volumes or an online service through LEXIS for a fee.
- ▶ It can be a tedious and expensive process.
- ▶ *See also* Westlaw’s KeyCite feature.

# Definition of the Poor Man's "Shepards"

- ▶ Back in 2006, Hilyerd commented that “in some circles an even lower cost alternative is mentioned for checking to see if a particular opinion is still part of the law of a jurisdiction.
- ▶ This method is known as the ‘poor man's Shepard's.’
- ▶ It consists of using free case law databases such as LexisOne to determine if the courts in a jurisdiction are still relying on a particular opinion in their newer opinions.
- ▶ This is done by using the name of the opinion the researcher wishes to check as a search term in the database and seeing if new opinions can be located.
- ▶ While this method is available, it is very sloppy research and should only be used if no access is available to other methods.”

# A Hybrid Strategy to Save Costs Without Sacrificing Retrieval

- ▶ Rather than relying totally on a poor man's approach, a hybrid strategy may be in order.
- ▶ Use the Internet and free case law databases as a first step.
- ▶ If more recent cases or materials are located, utilize the Shepard's service, either online (through LexisNexis or using Westlaw's KeyCite) or through the printed volumes.
- ▶ This will save costs and time without sacrificing the unique information and peace of mind that Shepardizing or using Westlaw's KeyCite feature can provide.
- ▶ Levitt and Davis devote Chapter 18 to several free alternatives to using either LexisNexis or Westlaw.
- ▶ Among these options are Google Scholar and FindLaw as well as a party name or case number as a keyword search.
- ▶ In terms of my electronic discovery research, this is often the first thing I try after I have located a case summary through either the K&L Gates or Kroll Ontrack case database.

# Casemaker

- ▶ Members of the Indiana State Bar Association have free access to Casemaker.
- ▶ When the most recent contract for Casemaker was negotiated, the ISBA was able to add a number of premium features at no additional cost to members.
- ▶ Per the Casemaker marketing flyer, these features include:
  - CaseCheck+: a negative citator system that lets you know instantly if the case you are reading is still good law.
  - CaseCheck+ returns treatments instantly as you search. It allows you to link to negative treatments and quickly review the citation history for both state and federal cases.

# Casemaker

- CiteCheck: If you upload a brief or pleading, within 90 seconds Casemaker will provide a report stating whether your case citations continue to be good law.
- Casemaker Digest: A daily summary of appellate decisions for all state and all federal circuits, categorized by subject.
- Casemaker Digest will email or send you an RSS feed of the latest cases in your selected jurisdictions and subject areas of interest.
- ▶ To learn more about Casemaker and the tools available to you as an ISBA member, please contact the ISBA at (317) 639-5465.

http://www.inbar.org/ Indiana State Bar Association

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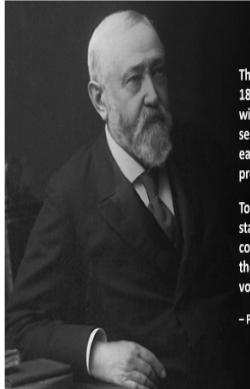
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The Indiana State Bar Association was founded on June 23, 1896, in the hall of the Indiana House of Representatives with more than 100 lawyers present. Benjamin Harrison served as the Association's first president. Three years earlier he had concluded his service as the nation's 23rd president.

Today, the ISBA is the largest legal organization in the state. With more than 12,000 members, the Association continues to serve and advocate on behalf of its members, their clients and Indiana's citizenry as the independent voice of the state's legal profession.

- Photo by Benjamin Harrison Presidential Site

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**MEMBER LOGIN**

To sign in to the new website, you will simply use your ISBA membership number as your username and "inbar1996" as your password. **Please note:** The first time you sign in at [www.inbar.org](http://www.inbar.org), you will automatically be directed to a page titled "My Preferences," where you can manage notification settings and preferences for your member account. **For now, you can simply click "Save My Settings."**

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Attorney General Opinions

Case Law

Code and Acts

Constitution

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Ethics Curbstone | Res Gestae

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Court Rules

Ethics Curbstone | Res Gestae

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# Favorite Research Strategies

- ▶ These are some of the research strategies I have developed over the years to keep my process as streamlined, organized and effective as possible.
- ▶ Perhaps one or more of these suggestions will be helpful for you as you think about how to make your legal research project as quick and comprehensive as necessary while keeping it free – or as close to free – as possible.
- ▶ See pages in seminar manual.

# INSPIRE

- ▶ One of the best bargains in Indiana is the INSPIRE system at <http://www.inspire.net> (accessed 10/06/15).
- ▶ This collection of databases is a cooperative project of libraries throughout Indiana and its funding is provided by the Indiana General Assembly.
- ▶ INSPIRE databases are free to all Indiana citizens and they can be accessed from any library as well as from home or office.
- ▶ It is easy to register for a username and password. INSPIRE provides access to over two dozen databases that contain the full-text of journals, newspapers and magazines.
- ▶ In addition to material for students of all ages, there are several databases that offer access to scholarly and peer-reviewed materials on a number of topics.
- ▶ Training materials and user support are available.
- ▶ Through INSPIRE, you can search multiple databases at the same time and it will eliminate duplicates.

# INSPIRE

- ▶ You can also request that you retrieve only material in full-text. You can also tailor your search by time period, peer-reviewed, publication type, audience level, language and a host of other specifications.
- ▶ You can also combine keywords and search phrases and confine your search only to author names, titles or subject headings.
- ▶ With INSPIRE, your search can be general or very specific.
- ▶ By having your search retrieve only material that is in full-text, you can have immediate access to resources without having to go to the library or use interlibrary loan.
- ▶ You can choose to print the abstracts to materials – this may be all of the information you need for your research or the abstracts will at least be a clue as to whether you really want the full-text of the material.
- ▶ You can also examine the subject headings of material you retrieve and use these to further refine your search.

# Difficulties with Internet Research

- ▶ There are several reasons why your Internet research may be failing you.
  - There is the sheer size of the Internet – the number of websites is in the millions and continues to grow daily.
  - There is no quality control.
  - Anyone can create a website, blog, etc.
  - Regardless of improvements made, the existing search engines are not as powerful, user-friendly or sophisticated as databases you might be familiar with, such as LexisNexis, WESTLAW or MEDLINE.
  - Websites are not indexed like databases and library catalogs; there is no helpful list of subject headings that you can use to add precision and control to your search.
  - You may have used only one search engine.

# Difficulties with Internet Research

- You may not have taken full advantage of some of the advanced search features that can help you narrow your search and tailor your retrieval to just what you need.
- The sheer amount of information to digest may be too much; it is wearying to face the prospect of wading through hundreds of documents or websites.
- You may not be delving beyond websites themselves into some of the free services, such as databases, that are available and that do have the necessary indicia of quality, authority, ease of use and special search features and capabilities.

# Here Are Some of My Own Research Strategies:

- ▶ For quick information or background, I try to find one or two good sites on the Internet.
- ▶ If there is a professional association, government agency, nonprofit organization or support group devoted to that topic, I will start with its website.
- ▶ For quick information or background material, I will also try to find a good, short textbook on the topic through either the libraries on the IUPUI campus or the Indianapolis Public Library, Fishers Public Library.
- ▶ If I need information on patents or trademarks, I use the website for the U.S. Patent and Trademark Office, which includes databases, forms, basic information, FAQs, manuals and legislative information.
- ▶ Reading the Help or Search Guides for the search engine or database you want to use can be especially helpful, since each may have its own search commands and conventions.

# More Research Strategies

- ▶ If I need copyright information, I turn to the U.S. Copyright Office website.
- ▶ For searches on legal topics, I use both LexisNexis (available through the IUPUI University Library) and Casemaker (free to members of the Indiana State Bar Association).
- ▶ For searches about medicine and health, I visit websites for professional organizations, support groups and government agencies. I also rely heavily on MEDLINE (available through INSPIRE), CINAHL and related health care databases.
- ▶ For other topics, I turn to INSPIRE in addition to some simple searches on the Internet.
- ▶ If I cannot find books locally, I will search either the Library of Congress catalog or OCLC's WorldCat (available through INSPIRE or through IUPUI University Library's website).
- ▶ If I have time, I will order the material through interlibrary loan.
- ▶ I also look at WorldCat to see what has been published around the world and what publications are forthcoming.

# More Research Strategies

- ▶ If I want journal articles, I turn to the appropriate databases in the field: MEDLINE for health, LexisNexis and/or Casemaker for law, ERIC for education.
- ▶ Fortunately, Indiana citizens can access the INSPIRE suite of databases free of charge.
- ▶ Using INSPIRE, you can search in multiple databases at the same time and the system eliminates duplicate records. I use Advanced search options whenever possible so that I can combine keywords, author names and words in the title and limit my search by time period, language, type of publication, etc.
- ▶ If I am short on time, I select the full-text option when searching. In fact, I do this routinely.
- ▶ If there is no full-text available, I print the abstract. You can get a lot of good information from an abstract – perhaps this will be enough. Reading an abstract will also help you decide whether you need to obtain a copy of the entire article.

# More Research Strategies

- ▶ I limit by time period as much as possible, especially for fast-changing topics like technology. Often, for law or technology topics, I might limit the search to only the past two years.
- ▶ In order to reduce retrieval, I often ask for only scholarly or peer-reviewed articles. This cuts out the “newsy” stuff and letters to the editor, commentary, etc.
- ▶ Some databases contain lots of different kinds of material. ERIC is a good example. This database is composed of journal articles and ERIC documents, which may have to either be in your library’s collection or ordered through ERIC. So I always limit my search to just journal articles. Many databases let you be even more specific about the kind of material you want to retrieve – CDs, videos, musical scores, etc. In many cases, you can also specify audience level, geographic location, etc.

# More Research Strategies

- ▶ I pay special attention to the “fields” in databases and catalogs and try to limit my search accordingly.
- ▶ Searching phrases – put terms in “quotation marks”.
- ▶ To get more specific, I restrict my search to subject headings and descriptors when available.
- ▶ To get even more specific, I restrict my search to just the title field – this can really narrow retrieval.
- ▶ In summary, the more specific I can make my search query, the more likely it is that my search will be both more precise and provide more relevant materials.
- ▶ I make sure I have the complete citation for everything I find.

# More Research Strategies

- ▶ I keep a file folder (either paper or online, depending on the project) with everything in it, such as printouts, search strategies, etc.
- ▶ When I start working on a research project, I make a folder and then when I see things in journals, online, etc., I tear them out or make a copy and just put these in the folder. Later I am surprised by how much I have accumulated already, so that I'm already well on my way towards my research.
- ▶ I look at the references of any articles, books or website material that I retrieve – and then try to obtain those materials if they look helpful.
- ▶ I look for a good review article.
- ▶ If a website has a section for Links or Other Resources, I review it
- ▶ I use a building blocks strategy, starting broadly, then adding increasingly narrower concepts.

# More Research Strategies

- ▶ I use Boolean operators AND and OR. I avoid NOT as a Boolean operator because I don't want to risk eliminating something that may be useful.
- ▶ I look for websites with good design that are easy to use. With so many great websites available, it is usually not necessary to struggle with a website that is not well-designed and usable.
- ▶ If I still can't find what I am looking for, I take a break, contact a colleague or contact an expert in the field – it is so easy with email and LinkedIn. Most people are happy to help and are flattered to be asked.
- ▶ Contact a librarian – that is what they are there for – and many have special subject expertise.
- ▶ Often, NOT finding something can be good news, particularly if you are hoping that your project is something new and unique or presents a view or treatment of a topic that has not been expressed before.

# Public Library Access Card – Excellent Investment!

- ▶ An excellent service called a PLAC card is offered for public libraries throughout Indiana.
- ▶ This is especially helpful if you would like access/borrowing privileges for the Indianapolis Public Library (if you live outside of Marion County), which has an outstanding collection that is recognized nationally.
- ▶ A PLAC (Public Library Access Card) card costs \$65.00 a year, but allows you to use all of the public libraries in Indiana.
- ▶ To obtain a PLAC card, go to your local public library (in the city/town/county you reside in). Request a PLAC card and pay the \$65.00. You should get a paper card; be sure that you keep your receipt.
- ▶ Then visit the public library you are interested in. They will create a borrower's card for you for that library, which should be valid for one year.



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# Any Questions?

Thank you for attending today's seminar!  
Happy holidays!