

Improving Information-Seeking Behaviors and Knowledge Bases for  
Thesis Students in the Applied Behavior Analysis Graduate Program and  
Students in the Rehabilitation and Mental Health Counseling Graduate Program

**Video 11: Searching law and legislation: Understanding statutes, laws, and codes**

Over the past 50 years there have been substantial changes in mental health legislation. Mental health legislation is no longer a simple matter. It requires reading and understanding, not only the basic legal statutes, but also their interpretation by legal professionals and researchers.

It is critical to understand how law and legal information is organized. Just as you have to learn more specialized vocabulary as you advance through a graduate program, so must you learn a new vocabulary to work effectively with legal resources.

Statutory law is the statutes and codes enacted by legislative bodies, such as Congress or a state legislature. Statutory law is codified under titles describing the areas of action to which they pertain. These titles then are grouped together in codes. The entire body of codified statute is referred to as a "code," such as the United States Code or the Florida Statutes.

Regulatory law is regulations established by governmental agencies based on statutes. It is codified in administrative codes, which address the procedural aspects of the law, that is, which agency or entity will carry out the programs created by a legislative body. These documents also create the guidelines for compliance with and enforcement of the mandated laws.

In the United States, constitutional law relates to the study, practice, interpretation and administration of laws set forth by our Constitution. Cases involving U. S. constitutional law are heard by the U. S. Supreme Court. The Court then writes opinions or judgments based on their interpretation of the law.

Case law is the reported decisions of selected appellate and other courts which make new interpretations of the law. Case law creates precedents, such as *Olmstead v. L.C.*, which enabled

persons with mental illnesses to be treated in the least restrictive alternative settings that met their needs.

A legislative history refers to the progress of a bill through the legislative process and to the documents that are created during that process. It would include legislative documents, such as bills, adopted and defeated amendments, and conference committee reports. It also would include committee testimony, records, debates, and actions as well as floor debates and actions. Legislative histories provide researchers an understanding of why Congress or a state legislature enacted a particular law and aid in the interpretation of a law.

A law review is a scholarly journal focusing on legal issues, normally published by a law school, student law review organization, or through a bar association. Law review articles are written by law professors, legal practitioners, judges, and law students. Law review articles provide an outlet for legal experts to discuss the direction the law should take in certain areas and to provide concise background research on the law.

Searching in the legal databases isn't easy. The world of law and how it is organized is unlike anything you may be accustomed to use in academia. This video is not designed to make you expert, but to make you aware of the legal resources available through the USF Libraries and to provide some basic search tips on searching for case law and articles in law reviews and journals.

The first step is to identify what resources are available. We will concentrate on the major resources available at the USF Libraries. To see more about free web-based materials, check out the Mental Health Law page on the USF Libraries Subject Guides.

**LexisNexis** and **Westlaw Campus Research** are the two major resources for legal information in the USF Libraries. Both carry federal and state cases, *Shepard's® Citations*, federal and state codes, tax law, and international legislation.

***American Jurisprudence 2d (Am Jur 2d)*** is an encyclopedia of summary and analysis of American state and federal law. In addition to its use as a citation finder, it also includes analysis of the intent of the courts in construing the law and the legislative intent in enacting and amending law.

**American Law Reports (ALR)** provides a continually updated series of articles (or annotations) on legal topics discussed in key cases. Written in a narrative style, the articles provide objective analysis of different sides of an issue.

**LegalTrac** indexes over 875 major law reviews, legal newspapers, bar association journals, and international legal journals. It also contains related articles from over 1,000 additional business and general interest titles. In addition to searches by name and subject, LegalTrac is searchable by specific document types, such as case note, case overview, law overview, and legislation.

**Index to Legal Periodicals Full Text** cites articles from legal periodicals, indexes law books, and provides full-text to law reviews and bar association journals. It is a good resource for recent court decisions and new legislation. You can also search on court cases, statutes, and statute jurisdiction. For example, limiting by court case and *Olmstead v. L.C.* resulted in 20 articles that focused on legal issues.

From the behavioral health and health side, there is **PubMed** and **MedLine**. Search using MeSH terms "Legislation by Topic" or "Legal Cases [Publication Type]".

There is a 'legislation & jurisprudence' subheading that can be used in concert with topical areas, such as Public Health -- legislation & jurisprudence, or you can also choose to limit a topic by 'Legal Cases in Type of Article'

**PsycINFO** has the subject headings 'Laws,' 'Disability Laws,' 'Legislative processes', and 'Government Policy Making' to help narrow your search.

**Humanities & Social Sciences Index Retrospective** and **Academic Search Premier** are more interdisciplinary but include law as a content area.

Searching *Lexis-Nexis* and *Westlaw*

When searching for case law, you might start with a case, such as *Olmstead v. L.C.* Case law searching is relatively straightforward. You can search by title of case in both LexisNexis and Westlaw. On the Westlaw Campus Research page, there is a Shortcuts column. This is a quick way to find a document by citation or by title. Using the example of *Olmstead v. L.C.*, a search by title retrieves 8 documents, which you can then use with the KeyCite feature to learn more about the case.

[Example Citation:

[L.C. by Zimring v. Olmstead](#), CIVIL ACTION 1:95-cv-1210-MHS, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, 1997 U.S. Dist. LEXIS 3540, March 25, 1997, Decided , March 26, 1997, FILED]

Once you pull up the case, there are different features to use in each database.

In LexisNexis, there is a highlighted case summary with core terms, which are like subject headings in other databases. The red ball with the white X in it indicates there was negative analysis. When you click on it, a new page opens with the Shepard's summary of citing sources across all the areas of LexisNexis, including law reviews and periodicals.

Lexis also has an added value item called Headnotes (indicated by HN#). Headnotes show the key legal points of a case. Each Headnote is written by a LexisNexis® legal editor, drawing directly from the language of the court. Within each Headnote is a link to the citation referenced by the legal editor regarding the case.

In Westlaw, the KeyCite feature tells you whether the law you are researching has been changed and has been interpreted over time. If you are reviewing case law, KeyCite includes the direct history of the case, including the appeals process, prior and subsequent history, and any negative indirect history. If you are reviewing statutes, KeyCite lists the cases affecting the validity of a statute and legislation that has affected or may affect the statute.

### **Tips on Searching Law Reviews And Legal Journals**

Law reviews, available in LexisNexis and Westlaw, are important guides to finding significant legal cases addressing treatment of persons with mental illness. Let's use the constitutional law case of *Plessy v. Ferguson* as a sample search.

**In LexisNexis**, start with a **Title search**.

First select the tab Legal.

In the search box, type in the title:

(plessy w/2 ferguson )

In the Source box select 'US Law Reviews and Journals, Combined'

14 articles are retrieved.

Wait!, you ask. What is with the 'w/2'?

Using w/2 limits the relationship of Plessy to Ferguson to be within 2 words of each other.

Now for a **Text search**.

In the search box type:

text (plessy w/2 ferguson w/5 benchmark or landmark or groundbreaking or ground breaking)

In this case, 45 articles are retrieved.

In a text search, which looks at all the words in the text of the article, the point is to retrieve articles that discuss salient aspects of the case. Using benchmark, landmark, groundbreaking or ground breaking allows you to capture those articles in which the case is discussed, not just cited. Restricting the search range to within five words of Plessy v. Ferguson helps to ensure that those terms will be describing the case, not something else.

If we just did:

text ( plessy w/2 ferguson)

more than 3,000 results where the phrase 'Plessy w/2 ferguson' would be retrieved. This is because the text search includes bibliographic references. If you tried to continue with the search, the maximum number of articles that LexisNexis will allow you to retrieve is 1,000, which means you may miss salient articles.

**In Westlaw Campus Research**, the principles are the same for finding articles in law reviews and journals. For advanced users, Campus Research also allows you to enter field restrictions and your own Westlaw connectors.

To run a search for *Olmstead v. L.C.* in the title, use the advanced search box, and type in ti(Olmstead w/2 L.C.)

and select 'All Journals and Law Reviews.'

Adding terms, such as landmark and groundbreaking mentioned earlier, helps to reduce the search.

Another option is to type in "*Olmstead v. L.C.*" in quotes, and then after the results are displayed, use the 'Search in results' feature to further refine your search with additional terms.

The table of contents service allows you to browse the table of contents of a publication, view a document in the context of the surrounding text, and retrieve related sections. This feature is available for *American Jurisprudence 2d*, the *United States Code Annotated*, and the *Code of Federal Regulations*.

Tracking and following legislation through legal and academic databases can be very confusing. For more training on how to effectively search for law and legislation, please contact us at [FMHILibrary@usf.edu](mailto:FMHILibrary@usf.edu) to schedule an appointment.

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