INTERNET LEGAL RESEARCH

6 CLE Hours including
1 Ethics Hour

Sponsored By: Institute of Continuing Legal Education
Who are we?

**SOLACE** is a program of the State Bar of Georgia designed to assist those in the legal community who have experienced some significant, potentially life-changing event in their lives. SOLACE is voluntary, simple and straightforward. SOLACE does not solicit monetary contributions but accepts assistance or donations in kind.

How does SOLACE work?

If you or someone in the legal community is in need of help, simply email SOLACE@gabar.org. Those emails are then reviewed by the SOLACE Committee. If the need fits within the parameters of the program, an email with the pertinent information is sent to members of the State Bar.

What needs are addressed?

Needs addressed by the SOLACE program can range from unique medical conditions requiring specialized referrals to a fire loss requiring help with clothing, food or housing. Some other examples of assistance include gift cards, food, meals, a rare blood type donation, assistance with transportation in a medical crisis or building a wheelchair ramp at a residence.

Contact SOLACE@gabar.org for help.
A solo practitioner’s quadriplegic wife needed rehabilitation, and members of the Bar helped navigate discussions with their insurance company to obtain the rehabilitation she required.

A Louisiana lawyer was in need of a CPAP machine, but didn’t have insurance or the means to purchase one. Multiple members offered to help.

A Bar member was dealing with a serious illness and in the midst of brain surgery, her mortgage company scheduled a foreclosure on her home. Several members of the Bar were able to negotiate with the mortgage company and avoided the pending foreclosure.

Working with the South Carolina Bar, a former paralegal’s son was flown from Cyprus to Atlanta (and then to South Carolina) for cancer treatment. Members of the Georgia and South Carolina bars worked together to get Gabriel and his family home from their long-term mission work.

The purpose of the SOLACE program is to allow the legal community to provide help in meaningful and compassionate ways to judges, lawyers, court personnel, paralegals, legal secretaries and their families who experience loss of life or other catastrophic illness, sickness or injury.

TESTIMONIALS

In each of the Georgia SOLACE requests made to date, Bar members have graciously stepped up and used their resources to help find solutions for those in need.

Contact SOLACE@gabar.org for help.
Dear ICLE Seminar Attendee,

Thank you for attending this seminar. We are grateful to the Chairperson(s) for organizing this program. Also, we would like to thank the volunteer speakers. Without the untiring dedication and efforts of the Chairperson(s) and speakers, this seminar would not have been possible. Their names are listed on the AGENDA page(s) of this book, and their contributions to the success of this seminar are immeasurable.

We would be remiss if we did not extend a special thanks to each of you who are attending this seminar and for whom the program was planned. All of us at ICLE hope your attendance will be beneficial as well as enjoyable. We think that these program materials will provide a great initial resource and reference for you.

If you discover any substantial errors within this volume, please do not hesitate to inform us. Should you have a different legal interpretation/opinion from the speaker’s, the appropriate way to address this is by contacting him/her directly.

Your comments and suggestions are always welcome.

Sincerely,

Your ICLE Staff

Jeffrey R. Davis  
Executive Director, State Bar of Georgia

Tangela S. King  
Director, ICLE

Rebecca A. Hall  
Associate Director, ICLE
AGENDA

PRESIDING: Sharon Bradley, Program Chair; Special Collections Librarian, University of Georgia School of Law, Athens

7:45 REGISTRATION AND CONTINENTAL BREAKFAST (All attendees must check in upon arrival. A removable jacket or sweater is recommended.)

8:30 SESSION 1 – RULE 1.1 DUTY OF COMPETENCY AND INTERNET RESEARCH
Sharon Bradley

9:30 SESSION 2 – ADVANCED INTERNET RESEARCH TECHNIQUES
Stephen Wolfson, Research and Copyright Services Librarian, University of Georgia School of Law, Athens

10:30 BREAK

10:45 SESSION 3 – FEDERAL LAW RESEARCH USING GOVINFO.GOV
Patrick Parsons, Research Instructional Services Librarian, Georgia State University College of Law, Atlanta

11:45 LUNCH (Included in registration fee.)

12:30 SESSION 4 – ELECTRONIC PUBLICATION OF THE LAW: COPYRIGHT AND CONTRACT TERMS OF USE
Leslie Street, Director of the Law Library and Associate Professor of Law, Mercer University School of Law, Macon

1:30 BREAK

1:45 SESSION 5 – GEORGIA AND STATE RESEARCH RESOURCES
Pamela C. Brannon, Coordinator of Faculty Services, Georgia State University College of Law, Atlanta

2:45 SESSION 6 – PUBLIC RECORDS SEARCHING
Margaret Butler, Associate Director for Public Services, Georgia State University College of Law, Atlanta

3:45 ADJOURN
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SESSION 1 – RULE 1.1 DUTY OF COMPETENCY AND INTERNET RESEARCH
Sharon Bradley
Rule 1.1 Duty of Competency and Internet Research

“Benefits and risks associated with relevant technology”

Sharon Bradley
Feb. 2019
Rule 1.1 Duty of Competency and Internet Research

Sharon Bradley
University of Georgia School of Law
Athens, GA

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Disclaimer: All statements reflect my opinions and do not reflect any opinions of The University of Georgia School of Law or The Georgia Bar Association.
What Has Changed?

Basically the world has changed and technology is the primary driver. The legal industry has changed and yet many lawyers still brag about their lack of technology skills. These skills are not advanced programming and software design. I am talking about the competent use of basic office applications.

Service providers like RocketLawyer and LegalZoom prepare wills, contracts and articles of incorporation. It’s estimated that these providers are now at least an $8 billion industry. People that used to hire local attorneys are now using these services. Potential clients are also using online service to find and evaluate lawyers. The days of non-transparency are dead. Lawyers must be knowledgeable about these services and how they use technology to deliver services.

What is Technology Competency?

Technology competence is broad, it is more than data security and e-discovery. It does not mean knowing how to code. Nor does it mean knowing everything about all technology. It is knowing about the technology which is or could relate to what you do for a living. It means knowing what technology is out there that could help your clients and help you be better at performing your job. It means knowing what this technology can and cannot do.

Basically competency requires a baseline understanding of, and reasonable proficiency in, the technology at hand. Of course, specific proficiencies and competencies will vary between lawyers and practice areas. It also means we should be as inquisitive and knowledgeable about technology as we are the substantive law.

You may have help in meeting your duty of competence. But you may not delegate all technology duties to others in the firm. This would be an abdication of your responsibility to understand technology.

When discussing technology competency it is important to distinguish the various types of software that we find in most law offices.

1. Industry-specific tools like case management and predictive coding software rarely appear outside the legal field.
2. Standard business software
   a. Microsoft Office applications,
   b. Adobe Acrobat
   c. Operating systems - Microsoft Windows, Apple macOS
3. Legal research systems – Bloomberg Law, Lexis Advance, Westlaw Edge

Why is This So Important?

Because the model rules themselves are changing as well as the interpretations of the rules. There is a reason the first rule is that of competency and expecting technological competency is just an update of the existing duty. Our ethical duties now require us to do more than maintain subject expertise and protect client confidences. A lawyer must be competent in all matters reasonably necessary for the representation.

I would not even attempt to count the number of articles discussing the ethical duties of a lawyer regarding technology since 2012 when the ABA amended Comment 8 to Model Rule 1.1.
I will touch on duties found in Rule 1.1 (competence), Rule 1.5 (ethical billing), Rule 1.6 (confidentiality), and Rules 5.1 and 5.3 (supervisory responsibilities).

The interconnectedness of the ethics rules suggests we must shift our thinking about the role of technology in delivering legal services. Technology is the mechanism to improve efficiency and provide better client service. Incompetent use of technology when doing legal work is incompetence. Incompetent work means unreasonable fees.

**Rule 1.1 Competence**

A lawyer’s fundamental duty has always been to provide competent representation to the client. Lawyers used to think of competency as their substantive knowledge of a certain area of law combined with the experience and ability to adequately represent a client in a particular matter. But times have change and so has the view of what it means to be competent.

Model Rule 1.1 provides: “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Comment 8 to Model Rule 1.1 provides: “[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all [CLE] requirements to which the lawyer is subject.”

The technology update does not change the duty to maintain competence under Model Rule 1.1, it merely clarifies that maintaining technological competence is now part of meeting that duty. A practitioner can no longer proudly claim their Luddite status and still claim to ethically serve their clients’ interest. The amendment to Comment 8 should be viewed as a sort of codification of changes to the practice of law. Changes that have already occurred but are now being explicitly acknowledged by the rule.

Whatever the nature of your practice or the size of your firm, everyone around you is using technology, your clients, your opponents, courts, judges, agencies, and corporations. Everyone with whom you interact in service to your client. All of those people expect a level of competency in the efficient creation of documents, the secure exchange of information, and the appropriate use of courthouse and courtroom technology.

**Rule 1.6: Confidentiality of Information**

Increasingly law firms are targets of hacks and data breaches. Two of the country’s largest firms Cravath (2016) and DLA Piper (2017) admitted to suffering serious cyberattacks. While mid-size and large firms are most likely to be the target of an attack, every lawyer should understand the potential risks and what mechanisms they or their firm can put in place.¹ They need to adopt best practices for all attorneys and staff including periodic review of procedures and continuing training.

Clients are demanding protection of their digital information. According to the 2016 ABA Tech Survey, 31% of responding lawyers said their clients have imposed security requirements.

¹ View the ABA Technology Survey Reports linked in the research guide.
Research guide with links to documents and resources: libguides.law.uga.edu/cle2019

In the larger firms that percentage increases to 63%. Clients expect us to know about how to protect their secrets including:

- Understanding firewalls and firm wide protection
- Knowing about scams and ransom ware
- Recognizing and avoiding phishing and spear phishing attacks
- Knowing how encryption, strong passwords, and password managers work

**Rule 1.5: Fees**

There is a connection between shunning technology or using it efficiently and unethical billing. Under Model Rule 1.5, a lawyer may not collect an unreasonable fee. In every office the right person should be performing the work, using the right tools and technology, and no person should spend an unreasonable amount of time on the task.

It is not unwarranted to conclude that a fee is unreasonable if the lawyer performing the work deliberately did not use the available technology to perform basic tasks. This is particularly true if a lawyer does not use the technology but instead manually performs the task, thus spending several times longer to perform it. The corresponding bill would not be reasonable under the circumstances. Choosing to do a task manually is no different than padding bills.

An example: Lawyer A described instances when he sent Word documents to other lawyers for review. Those lawyers would print the documents, manually annotate the printouts, scan the documents to digital format and return them, instead of using Track Changes. Someone in the Lawyer A’s office had to manually retype all the changes. The client is then billed for this inefficiency.

It can be argued that failure to become technologically competent means that lawyers are knowingly wasting client’s time and money. If true, the billable time spent manually performing easily-automated basic tasks or fruitlessly fiddling with MS Word may be an unearned fee to which the lawyer is not entitled. It’s already clear that clients are not willing to pay for this time, but this could be more than a billing write-off—it may constitute an ethical violation.

Efficient use of technology tools can also allow smaller firms to approach a more level playing field. You may be able to do things it used to take an army of associates and paralegals to do. Being at least somewhat familiar with and aware of technology also prevents you from being at the mercy of vendors who rattle off some technical jargon you don’t understand and then present you with a hefty bill.

Writers and bloggers continue to argue that technology helps us practice law, to spend more time representing our clients and solving their problems. And much less time reviewing and proofreading routine documents and reading email.

When Comment 8 was revised to explicitly state that technology is part of the duty of competence, it necessarily affected Comment 5 to Model Rule 1.1. Comment 5 should now be read to mean that technology is also part of the “methods and procedures” and “adequate preparation” necessary to competently provide legal services. Under Comment 5, lawyers must use the technology methods and procedures that meet the standards of competent practitioners. Today no competent lawyer would rely solely upon a typewriter to draft a contract, brief, or memo. Typewriters are no longer part of “methods and procedures” used by competent lawyers.
• Research guide with links to documents and resources: libguides.law.uga.edu/cle2019

So using your computer and the programs as a glorified typewriter, without using the advanced features, is arguably unlikely to meet the standards.

Where Do We Start?

We start with what we have, with the software everyone uses. What technology do you use in your practice? No state has published a list of technology programs that lawyers must learn or skills that lawyers must possess. But if there were such a list, it would include:

• Case management software
• Document management software
• Billing software
• Email
• PDF system with redacting capabilities,
• Office productivity suite, particularly word-processing

The majority of law offices use MS Office Suite with MS Word. Use of the program by lawyers has been a particular target for writers and bloggers. They have been eager to describe the abysmal word processing skills of lawyers. Many lawyers lack real competence in MS Word but do not recognize it.² Document preparation, drafting, and polishing consumes a significant amount of every lawyer’s time regardless of practice area so they are probably wasting the most time in this area.

Have you encountered lawyers who:

• Manually number paragraphs or add line numbers.
• Do not know how to use templates or are unaware that they exist.
• Struggle against formatting, consistently re-doing work rather than re-setting or automating formatting.
• Retype information because they do not know how to cut-and-paste with or without the original formatting.
• Ignore Bluebook rules and preferences for section and paragraph symbols because they do not know where to find them or how to insert them.
• Manually create the Table of Contents and Table of Authorities, and re-do it manually every time the document changes.
• Do not know how to track changes, accept changes, turn the feature off, or eliminate its metadata.
• Do not know how to make and delete comments, and instead include typing in the body of the document for comments that can be missed, lost, or forgotten.
• Fail to use headings to make a document navigable and accessible,

Are you able to honestly assess how well you know how to use the program? There are assessment services such as the Legal Technology Assessment by Procertas and diagnostics by Legal Technology Core Competencies Certification Coalition (LTC4).³ You can test your knowledge and then develop a training plan to fill any gaps.

² I will specifically refer to MS Word because it is the most popular word processing program but most of the conclusions apply to any program.
³ Links in the research guide
Many tech tools are available to improve your efficiency and ensure that you are not overbilling your clients for your written work. Take a look at PerfectIt with American Legal Style from Intelligent Editing. The program helps with proofreading, legal-specific typos, Bluebook formatting, and enforcing the leading legal writing style guides. Best Authority from Levit & James helps build a table of authorities. These are the kinds of tasks that are repetitive and ripe for error and more efficiently performed by the software. There are also browser add-ins or drafting aids built into Lexis and Westlaw.

As lawyers, we do sophisticated work and create complex documents, such as briefs, motions, contracts, exhibits, and e-filings. Superficial and merely passable use of MS Word is insufficient. You must possess a baseline level of competence. Your word processor is integral to practice and must be learned.

Lawyers perform the following tasks again and again, every day. These are basic MS Word skills that every person at your law firm should possess, and, if possible, should be delegated to a lower-level employee. Yet, some level of competence at each of these tasks is necessary—even for partners—because partners are now typing and creating their own documents. Lawyers who are not delegating must develop technology competence by building their skills.

- Fix footers
- Insert hyperlinks
- Apply and modify styles
- Insert and update cross-references
- Insert page breaks
- Insert non-breaking spaces
- Clean document properties
- Create comparison document (i.e., a redline)
- Automatically number paragraphs or add line numbers
- Insert section and paragraph symbols
- Create and update a table of contents and table of authorities
- Insert and delete comments
- Use headings to make a document navigable and accessible

These skills are all necessary for using MS Word effectively in legal practice. But in addition to skills, it is important to be aware that more is possible. Even if you are not going to become an advanced user, you should know that additional functions are available in MS Word, such as macros for repetitive tasks; creation of form documents; availability of a Quick Parts Gallery for reusable content; and customizable styles and templates. The key is to know when you should start looking for a solution. Look for improvements in areas where you are wasting the most time or experiencing the most frustration.

A couple of other observations by Casey Flaherty of Procertas. He is frustrated at how few people can use Word styles. “Styles are the foundation of any complex document, which is what lawyers put together and work in.”4 He also noted a lack of Microsoft Excel expertise

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4 Building NewLaw podcast
among attorneys. It can be great for financial modelling or a budget for a client but it is not great for the text heavy things lawyers do.

**Rule 5.1: Responsibilities of a Partner or Supervisory Lawyer**

This rule arguably imposes on any supervisor the duty to evaluate and insist upon appropriate technology skills for new lawyers or interns. Information provided by Procertas indicates that only about one-third of law students tested could perform the basic tasks listed above on their first attempt.

To get some idea how well future lawyers are being educated on technology you can review the Law School Innovation Index. A project of The Center for Legal Services Innovation at Michigan State University College of Law, the index has a goal of measuring how well law schools are preparing students to deliver legal services in the 21st Century. The project began with the premise that law schools must teach students about legal-service delivery innovation and technology. Daniel W. Linna, Jr., director of the center, believes that law schools should be teaching future lawyers about the business of law, process management, how to use data, and how to be entrepreneurial.

Every office must create policies, provide training, and ensure ethical compliance, including meeting the duty of technology competence, for everyone in the office.

**Who Has to Be Competent?**

What if anything can be delegated? Is it possible to gain competency for the firm as a whole through delegation and/or supervision? Under Model Rule 1.1, a lawyer who is not competent to undertake representation may delegate the duties after developing a reasonable level of technological awareness to supervise and delegate the matter.

Delegation imposes its own responsibilities and challenges. It means sharing authority and responsibility with an employee or a third party and adequately supervising them. The person delegating must have enough knowledge and ability to give direction, ask questions, ensure ethical compliance, and determine whether the work was done properly. The delegating lawyer must still have some understanding of the technology. Blindly assigning someone else to “do the technology thing” could be an abdication of the responsibility to understand technology.

**How Do We Continue to Develop?**

There are no easy answers to the question how do lawyers get and remain technologically competent. Florida became the first, currently the only, state to mandate technology training. Florida requires that lawyers complete three hours of CLE every three years in approved technology programs. As of the writing of this paper 35 states have adopted the change to Comment 8 of Rule 1.1 and no doubt other states will be joining Florida in requiring technology training as part of their CLE requirements.

Comment 8 requires us to “keep abreast of changes,” which implies something more active than simply learning the programs that we currently use. Is there a duty to discover new technology that will make us more efficient? Arguably there is.

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5 SC16-574 In Re: Amendments to Rules Regulating The Florida Bar 4-1.1 and 6-10.3 (Sept. 29, 2016); requirement effective Jan. 1, 2017.
• Research guide with links to documents and resources: libguides.law.uga.edu/cle2019

The path to competency requires proper training for firms of all sizes. Regardless of whether you will choose to perform the work yourself or whether you will delegate it, training is key to appropriately staffing a matter and managing a project. All work performed for clients should be done by the right person with the right skills, at the right rates, for the task. Any investment in technology, hardware or software, must have a complementary investment in training, initial and continuing.

There are suggestions in the research guide, with links, for introductory training programs, task-specific learning opportunities, and in-depth training and certification programs.

**Conclusion**

Learning to use your technology tools, such as MS Word, is as necessary for meeting your duty of competence as is learning substantive law—they’re part of the same duty of competence. And no ethics opinions have yet found that one duty of competence is greater than the other.

You don’t need to be a tech wizard. Start with honest assessments of current skills. Then use that to decide whether to delegate or take matters on personally. The example of MS Word shows there is more to the software than most of us realize. However, it also shows there is more to gain from training. Reducing time wasted and time written off is good for you and your client.

View Model Rule 1.1 as elastic. It is expanding as legal technology solutions expand. The ever-changing shape of this rule makes clear that a lawyer cannot simply learn technology today and never again update their skills or knowledge. There is a continuing duty to learn about technology.

Before concluding I want to mention one area of technology that you should learn more about right now. That’s artificial intelligence (AI). It is the technology that will alter the legal landscape, particularly for young lawyers. As email changed the way we do business every day, AI will become ubiquitous. It will be the indispensable assistant to practically every lawyer. Learning about and embracing AI will free up lawyers to spend more time thinking, advising, and helping their clients. The research guide has a couple of suggested articles/sites for you to learn more.

The real goal of adopting any technology is to keep lawyers doing value-added work, thinking and advising, to spend as much of their time doing the work that only they can do.
Sharon Bradley

Sharon Bradley joined the University of Georgia School of Law in November 2003 and became the Special Collections Librarian in January 2006.

Bradley is responsible for the special collections which include the Rare Book Room, the school archives, the faculty publications collection and the portrait collection. She is a member of the Library Leadership Team, which sets goals and policies for the library, and is part of the Reference Team, which develops programs and services to assist patrons with legal reference resources. Bradley teaches Legal Research as part of the 1L curriculum. She oversees the library's disaster planning efforts and serves on the school’s Emergency Preparedness Team.

She came to UGA after serving as the reference librarian for technology education at the Thomas M. Cooley Law School in Lansing, MI. She has both taught and practiced law, previously serving as an adjunct professor at Wayne State University, assistant public defender with Florida's Second Judicial Circuit and attorney in private practice. Bradley is still a member of the Florida Bar Association.

After receiving her bachelor's degree in criminal justice from Valdosta State College, Bradley worked as a missile maintenance officer in the U.S. Air Force. She then earned her Juris Doctor from the University of Montana, where she served as an editor of the Montana Law Review. While practicing law, she earned her Master of Library Science from Florida State University. She is active in the American Association of Law Libraries (AALL), the Southeastern Chapter of AALL and the Legal Information Preservation Alliance.

Bradley is very involved with historic preservation efforts in Athens-Clarke County. She has served on the Athens-Clarke County Historic Preservation Commission (2008-2016), is currently a member of the ACC Hearings Board and SPLOST Citizens Oversight Committee, and is chair of the Athens-Clarke Heritage Foundation Preservation Awards.
SESSION 2 – ADVANCED INTERNET RESEARCH TECHNIQUES

Stephen Wolfson, Research and Copyright Services Librarian, University of Georgia School of Law, Athens
Power Up!: Tips and Tricks to Becoming a Google Power User

Stephen M. Wolfson
Research and Copyright Services Librarian
University of Georgia School of Law
Law Library

Everyday, users run approximately 3.5 billion searches on Google -- 40,000 searches a second -- for a total of 1.2 trillion searches each year.¹ Those numbers are so staggering that it is almost impossible to wrap your head around how important Google is to daily information discovery. Yet, despite Google’s near ubiquity -- indeed, because of it -- Google has a bad reputation among information professionals for encouraging poor research habits. Even so, in the hands of a master, Google can find much more than cat pictures² and movie times³, and can be an extremely powerful tool for legal research.

In this paper, I will discuss three keys to unlocking Google’s potential for legal research. First, I will identify some of the weaknesses you need to remember when using Google for legal research. Once you know Google’s weaknesses, you can begin to take advantage of its strengths. Next, I will discuss a number of advanced search tools that can make your research more tailored and directed. While Google defaults to a keyword, full-text search, this does not always lead to the best results, and you can use its advanced tools to target your research better. Finally, I will review several specialized Google databases that are particularly useful for legal research. Google offers more than google.com, and these alternatives can help you find more relevant results. In the end, you will be well on your way to becoming a Google Power User.

1. Know Why You Are Using Google

Though Google is a powerful tool for legal research when you know how to use it most effectively, the first key to becoming a Google Power User is to understand two of Google’s weaknesses: 1. Not everything is on Google, even if it sometimes seems like it is.

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² Cats and the Internet, Wikipedia.org, [https://en.m.wikipedia.org/wiki/Cats_and_the_Internet](https://en.m.wikipedia.org/wiki/Cats_and_the_Internet)
³ Marziah Karch, Movie Showtimes with Google, Lifewire, December 16, 2018, [https://www.lifewire.com/movie-showtimes-google-1616497](https://www.lifewire.com/movie-showtimes-google-1616497)
Google is so effective at finding what you need, even with a simple search, that it can give the false impression that if something is not on Google, it is not available anywhere. Because there is so much information available through Google, but it is not designed for legal research specifically, you can often get many off-topic results (noise) mixed in with on-point results (signal), with little help at separating right from wrong. Knowing how to filter out the noise and home in on the signal is essential to making the most out Google. Ultimately, only after understanding what Google can’t do, can you truly leverage what it can do. I will address both weaknesses in turn.

1.1. Lots but not everything

People often think of Google as a gateway to all the information in the world -- or at least all the information on the World Wide Web. And certainly it is true that you frequently can find what you are looking for with a simple keyword search. Unfortunately, however, this can leave the impression that if something is not on the first page of Google, it is not anywhere online. The truth, however, is that the search engine only provides access to a small percentage of what is online -- somewhere around 4-5%. So, even though Google can offer an incredible amount of information, it is not nearly everything.

This begs the question, what about the other 95%? Much like how most of the known universe is composed of matter that we cannot see -- so-called dark matter and dark

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4 History of the Web, World Wide Web Foundation, https://webfoundation.org/about/vision/history-of-the-web/. People often use the terms “internet” and “world wide web” interchangeably, but they are not quite synonyms. The Internet refers to a network of networked computers. The web, on the other hand, is how most of us access this network. “So another way to think about it is to say the Internet is composed of the machines, hardware and data; and the World Wide Web is what brings this technology to life.” Jessika Toothman, What’s the Difference Between the Internet and the World Wide Web, How Stuff Works, https://computer.howstuffworks.com/internet/basics/internet-versus-world-wide-web1.htm


energy\(^7\) -- most of the World Wide Web is similarly “invisible” to Google. We call this the “deep web.”

Though its name sounds mysterious, most of the “deep web” is rather mundane. The term merely refers to web pages that are not indexed by common search engines.\(^8\) As such, you can’t find the information they hold through something like Google. Nevertheless, you probably interact with deep web websites regularly. This includes commercial databases like Westlaw, Lexis, EBSCO, and ProQuest, library catalogs, private networks, etc.\(^9\)

At least part of what is on websites like these is proprietary information, or at least information that a website wants to have some control over. This is why you are unlikely to find case/statute annotations, headnotes, or library books through Google; the owners of this kind of information often want to control it in one way or another.

Meanwhile, the “dark web” is one part of the deep web, and it is just as ominous as it sounds.\(^10\) These pages are not only not on Google, but you also cannot access them using regular web surfing methods. Instead, you need to use special tools that anonymize their users and allow access to these encrypted networks. Mostly commonly, these tools are Tor browsers.\(^11\) The dark web is probably most famous today for being the home of nefarious black markets like the Silk Road.\(^12\)

Warning: Do not surf the dark web unless you know what you are doing. While there are legitimate reasons to use the dark web, and while not all users on the dark web

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8 Part of how Google and other search engines work is that the search for new pages -- crawling -- and then they analyze the content on those pages -- indexing -- so searchers can find them. https://support.google.com/webmasters/answer/70897?hl=en. Webpage creators can prevent Google from indexing their sites by including specific code that does this. https://support.google.com/webmasters/answer/93710?hl=en
11 J.M. Porup, What is the Tor Browser? How it Works and How it can Help you Protect Your Identity Online (July 12, 2018), https://www.csoonline.com/article/3287653/privacy/what-is-the-tor-browser-how-it-works-and-how-it-ca n-help-you-protect-your-identity-online.html
have malicious intent, the likelihood of coming across dangerous information, files that can corrupt your computer, and/or users who want to steal your personal information is much greater than when searching the surface web.

The important lesson here is this: Before you begin your research, you must understand Google cannot find a vast amount of information that is out there. The trick is to try to anticipate what you can and cannot get through Google and then think about where on the deep web you may be able to find an elusive piece of information.

1.2. Finding the signal in the noise

Google’s second weakness may seem obvious, but it is equally easily forgotten: Google is so powerful, so flexible, and gives access to so much information, that it is easy to for your signal to be lost in the noise.

Even though Google may only index a small percentage of the surface web, this is still represents an immense amount of information. In 2013, Google estimated that it indexed 30 trillion individual webpages. Today that number is probably over ten times greater. Moreover, because Google is free, and because its algorithms are so strong, you can often find relevant results from very broad, unrefined searches. For this reason, basic Google searches can be especially useful in the beginning parts of your research, when you are trying to understand an issue and/or collecting background information. However, for the same reason, these searches are not as useful for finding very specific information. Almost any search on google will return numerous -- often millions -- of results, but you are at the whim of Google’s relevance algorithms to decide what is “correct.”

One way to improve your results from any electronic search tool -- Google included -- is to understand how it works, and then construct your searches to use it in the most effective manner. This can be difficult, however, with Google, because the exact operation

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of its algorithms is a closely held trade secret.\textsuperscript{16} Still, we have some clues about how it works that we can use to improve our research.

Google describes its algorithms as a five step process.\textsuperscript{17} First is “analyzing your words.” Here, the search engine tries to guess what you are looking for, based on common terms, related words, categories, what is trending, what you have searched for before, and different spellings (including interpreting your spelling mistakes). Second is “matching your search.” At this point, Google looks for relevant web pages through a complex analysis that is much more in-depth than simply considering whether your search terms appear multiple times on a page. It tries to make sense of what a page is \textit{about}, not just what it says. The third step is “ranking useful pages.” \textit{PageRank}\textsuperscript{18} is probably what Google searches are most famous for. Here, Google ranks the quality/authority/correctness of each website based on many different factors, including how regularly the content is updated, how many pages link to it, popularity of the page, and others. Fourth is “considering the text.” Here, Google looks at your location, past search history, and search settings to further tailor your results. So, for example, if you search for “movie times,” Google will give you movie times for local theatres, and not theatres in France. This is because Google assumes you do not want that other information. Finally, “returning the best results.” Here, Google puts everything together and tries to give you the best results.

Ultimately, Google is a treasure trove of information, but it does not necessarily differentiate between the gold and the pyrite. You can find cases, statutes, patents, trademarks, legislative history, some public records, news, current awareness, general background information, quickly and often very effectively. But these things can often be lost among untrustworthy information and false positive results. If you do not target your research, you \textit{may} find what you are looking for, but your research will be inefficient, you almost certainly will not find all Google has to offer. The remainder of this paper will discuss ways to home in on the signal of your legal research.

\begin{footnotesize}

\textsuperscript{17} \textit{How Search Algorithms Work}, Google, https://www.google.com/search/howsearchworks/algorithms/

\end{footnotesize}
2. More than meets the eye

After considering what Google can/cannot do for you, the second key to becoming a Google Power User is to unlock its potential for legal research by using advanced search techniques, operators, and search tools. When you go to google.com, you are presented with a search box and two options -- “Search” and “I’m feeling lucky” -- without any indication for what those options things mean. Yet even though it is not immediately apparent, Google is more than just keywords and luck, and there are many tools that allow you to leverage the true power of Google.

2.1 Google Advanced Search

Simply stated, to use Google to its full potential, you need to use its advanced search options. These options provide you with many ways to tailor your search, giving you much more control over your results.

Not long ago, google.com had a link immediately to the right of the search box where you could access its advanced search features.19 That has since been removed, but there are two other ways to find Google’s advanced search. First, you can directly navigate straight to the page by going to https://www.google.com/advanced_search/. Second, if you click on the “settings” tab below the search box after you run an initial search on google.com, you can go to “Advanced search” from there. Both methods will get you to the same place.

Once on the advanced search screen, you will see a number of different search boxes and pull down menus that allow you to target and narrow your searches in different ways. Please note two things, here: 1. You are not limited to using just one of these options, and you can combine them in almost anyway you want. Once you become familiar with these tools, you can create extremely robust and complex searches. 2. Most of these tools have corresponding operators that you can use in the google.com search box. Below, I will describe each tool below an illustrate how you can combine them and use them on google.com.20

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19 *See, e.g.*, https://web.archive.org/web/20150101040436/http://www.google.com/. This is a capture of google.com from January 1, 2015. Note that immediately to the right of the search box is a link for “advanced search.”

20 This is not a complete list. For a comprehensive list of Google’s Search Operators, see Joshua Hardwick, *Google Search Operators: The Complete List*, ahrefs blog (May 22, 2018),
All of these words

This search box is a basic google.com search. It looks for websites that contain all of your search terms, as if there was an "and" between them.

This exact word or phrase

This search box works like putting quotation marks around your search terms. As such, it searches for exactly what you enter, including any spelling errors or words like "the" that Google might otherwise ignore.

Examples: “colour”; “realise”; “the Rock”

Any of these words

Google will assume an "or" between the terms you enter in this box. Thus, it will return a broader range of results than an "and" search. This can be useful when trying to find something that may go by multiple terms or where you want to include two different types of terms in your search results.

To use this on google.com, "or" must be capitalized (OR). Additionally, you can use the pipe (|) symbol for the same effect.

Examples: “committee report” OR testimony; verdict | settlement

None of these words

When you enter terms in this search box, Google will exclude web pages that include those terms from your results. This operator can be difficult to use, but once you understand it, it can be very powerful. It is probably most useful in situations when you run a few searches, and notice you keep getting some results that are unrelated to what you are looking for but are related to each other. You can use this to remove those unrelated results.

You can exclude terms in a google.com search by using the minus/hyphen symbol (-) before the term you do not want in your results.

For example, if you wanted to research the economic theory of value but did not want information on the moral concept of values, you might run a search for:

**Example:** “value theory” | “theory of value” -ethics -moral

**Numbers ranging from**

Google can search for a range of numbers by entering two search terms in this field. You can do this in a basic google search by separating two numbers by a double period (..)

**Example:** house committee report 2014..2018

**Language**

This pull down menu limits your search results to just webpages in a particular language.

**Region**

This pull down menu limits your search results to web pages from a certain country.

**Last update**

This pulldown menu limits your results to web pages that were last updated in the past 24 hours, in the past week, in the past month, or in the past year. Since Google tends to prefer pages that were recently updated, this can increase the time range of your search.

**Site or domain**

The site or domain field instructs google to return only results from a particular web page or domain. By focusing on an individual website, this essentially turns Google into a custom search tool for that website, and is often much more powerful than the website's own search tool. You can add this to a basic search by entering “site:” followed by the webpage or domain without a space. So this search -- “house report” site:.gov -- will look at
web pages that end in .gov for the exact phrase “house report.” Similarly this search -- testimony | report site:house.gov -- will search the House of Representatives webpage for the terms “testimony” OR report.

This tool is especially powerful when searching for legislative history documents or information from agency websites.

**Examples**: site:copyright.gov “orphan works”; site:.org climate change; site:scotusblog.com kelo.

**Terms appearing**

This pull down menu allows you to specify where on a webpage your search terms should appear. Your options are: “anywhere in the page,” “in the title of the page,” “in the text of the page,” “in the URL of the page,” and “in the links to the page.

The operators that let you do these searches on google. Com are: “inurl:”, “intitle:”, and “intext:”.

**Example**: intitle:”America invents act”

**SafeSearch**

This field can remove web pages that contain explicit material from your search results.

**File type**

This pull down menu can limit your search to particular document types, including .doc, .pdf, .xlsx, among others. This is especially useful when looking for official documents, reports, and the like that are usually issued as PDFs, like legislative history documents.

You can use this on google.com with the operator “filetype:”.

**Examples**: “Orphan works” filetype:pdf.; food cost filetype:.xlsx

**Usage rights**
This pull down menu can help you find items that have been tagged with certain usage rights licenses. You can use this when trying to find rights free images and/or music for presentations/creative projects.

2.2. Combining operators

As aforementioned, you are not limited to using one, or even a few of these operators in a single search. Instead, you can include many, tailoring your search as is necessary. This works especially well when using Google to find legislative and/or regulatory documents. Since things like testimony and official reports usually in PDF format, you can use the filetype operator to focus solely on this document type. Further, you can use the site: operator to narrow down to just one or a range of government cites. So, if I was interested in a report on climate change and national security from the House of Representatives I might search for:

**Example:** site:house.gov filetype:pdf report and “climate change” and national security

2.3. Additional search operators

In addition to the search options on its advanced search screen, Google also recognizes a number of other operators to modify your searches. I will describe several below.

**AROUND (x)**

Researchers familiar with tools like Westlaw Edge and Lexis Advance should recognize this tool. This operator searches for terms as they appear within a specified number of words of each other. For example, if you want to search for copyright infringement information, but you are not sure whether an author would write “copyright infringement” or “infringement of copyright” or some other construction, you could search for:

**Example:** copyright AROUND(5) infringement
Related:

This operator will search for web pages that are similar to another webpage.

**Example**: related:uspto.gov.

Cache:

This operator will return a webpage from what it was the last time Google crawled the page and tell you when Google took that last snapshot. This can be useful when you visit a webpage once, and then the next time you go there, some information has changed. With this, you can try to use this to see what it was earlier in time.\(^{21}\)

**Example**: cache:law.uga.edu

Define:

You can use Google as a dictionary with this operator.

**Example**: Define:negligence

3. **Google is more than google.com**

The third step to becoming a Google Power User is to realize that Google is more than just google.com. Google offers a number of specialized databases that can help you find particular types of information. Here, I will review several of the databases that are relevant to legal research.

**Google Scholar (scholar.google.com)**

Google Scholar is the most significant alt-Goole database for legal research. As its name suggests, this is a tool for researching scholarly articles across all kinds of disciplines. It can provide access to numerous scholarly articles, papers, books, theses, and dissertations from a variety of locations. Most of the results you will find here are links to

\(^{21}\) Note that this it will only give you a snapshot of the last time google visited the site. It will not go to different points in time. If you need to do that, you should try the Wayback Machine, [https://archive.org/web/](https://archive.org/web/)
abstracts and citations, but they also can help you locate the articles elsewhere.  
Unfortunately, however, because this database does not differentiate between disciplines, you can often find results unrelated to your research. Google Scholar has an advanced search function that you can access by clicking on the three hash marks on the top left of the screen, but it is not as robust as the one on google.com. Accordingly, it benefits you to construct smart searches when using Google Scholar, to try to minimize the noise.

One great tool Google Scholar offers is its “cited by” feature. After you run a search and find a relevant article, you will see a link that says “cited by” below the article. If you click on this, Google Scholar will take you to a list of articles/books that have cited the first article. From here, you will see a tickbox that says “search within citing articles” if you click on this and run another search, Google Scholar will look through just those articles that cited the first article for your new search terms. Since it is likely that articles which cite an article that is on point for you are also on point, you can use this to target especially relevant articles.

In addition to scholarly articles, Google Scholar also offers an extensive database of federal and state cases. Note, however, that you will not find these if you simply go to scholar.google.com and start searching. To look up case law, you must first select the “case law” button that is below the search box. After that, you can select specific jurisdictions/courts, including federal bankruptcy courts, tax courts, and the court of international trade. Additionally, you will see “cited by” and “how cited” links below each case you find. These work similar to other citators, by looking for other cases that cite to the first case.

The greatest benefit of using Google scholar for case research is that it is free, quick, and easy to use. However, you must once again remember Google’s weaknesses: Google Scholar does not necessarily have everything, and it is easy for the signal to get lost in the noise. Consider, for example, the “cited by” and “how cited” functions on Google Scholar’s case law database. These are good and useful tools, but they are not sufficient substitutes for

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22 An increasingly large number of law journals are putting their current issues and archives online for free. If you find a citation to an article, and you cannot find it through Google Scholar, you may be able to find it on the journal’s website.
Shepards/Keycite. In using them, you can get a general idea for where a case was cited and whether it is still good law, but you cannot be certain of its currency. You must remember this when using Google Scholar.

**Google Books (https://books.google.com/)**

Google Books is a database of all kinds of books from a variety of sources. Much of this information comes from large academic libraries that participate in the Google Books Library Project.  

When you run a search on Google Books, you will look across the full text of the many books in this database. If a book is not in the public domain, you will only be able to see snippets from the book that relate to your search in your results. However, if a book is in the public domain, you will be able to access the entire thing.

Like google.com and Google Scholar, Google Books has an advanced search function that you can access by clicking on the Gear Icon on the search screen. From here, you can use several fields to narrow your search, including by: title, author, publisher, and subject.

**Google Dataset Search (https://toolbox.google.com/datasetsearch)**

Google dataset search is a relatively new offering from Google. It is a database of published datasets on the web. It also presents usage rights information on the webpage as well as occasionally links to articles that have been published based on these data.

This database can be extremely valuable when trying to find empirical research on a topic. For example, you can find research on how often the Supreme Court overturns cases from the various Courts of Appeals “US Supreme Court” in this database.

**Google Patents (patents.google.com)**

Google Patents is an excellent search tool for conducting patent research. With “over 120 million patent publications from 100+ patent offices around the world, as well as many more technical documents and books indexed in Google Scholar and Google Books, and

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documents from the Prior Art Archive,” Google Patents is fast, easy to use, and extremely
good at find relevant patents.

Once again, Google Patents has an advanced search feature that you can find at
patents.google.com/advanced, and like before, this provides you with many ways you can
target your research. Additionally, you can tailor and narrow your search after running an
initial search by selecting from numerous options on the left of the screen, including:
inventor, assignee, status, type, and priority date. After you find and open a relevant
patent/application, you can also find links to “find prior art” or to find “similar” documents.
Both of these options are very good at helping your find relevant prior art. You can also use
Google Patent to find relevant non-patent literature.

Conclusion

Bonus Key: Take a class!

This paper should set you on the way to becoming a Google Power User, and with
some practice, you will begin seeing improvements in your results after implementing
some of the advice in this paper.

However, if you want to get even better at using Google, consider taking a class.
Google offers courses on “Power Searching” and “Advanced Power Searching” that can
further strengthen your skills. Indeed, many of the strategies these courses teach work well
for any kind of electronic research. You can take these classes from home at your own pace
by going to www.powersearchingwithgoogle.com/ and following the links provided.

Ultimately, the most important step you can take to becoming a Google Power User
-- and a better researcher in general -- is to be smart. Think about what you are looking for
and where you can find it, and take some time to construct a search that uses tools other
than simple keywords. Employing just a few of the tips and tricks presented here can
dramatically improve your results and your research efficiency. Good Luck!
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SESSION 3 – FEDERAL LAW RESEARCH USING GOVINFO.GOV

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Finding Federal Information Using Govinfo.gov

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INTRODUCTION

Govinfo.gov is the new repository page for the GPO or Government publishing office. Govinfo contains over 1 million government publications and exists as the main conduit of US government information. This paper will describe Govinfo, the GPO, and how to use these sources to find federal government information. The later sections, including the ones on searching and browsing, will be a more nuts and bolts approach to the Govinfo system.

As you begin looking for federal government information, it is important to remember a few things. First, these pages will likely change in appearance. If the screen captures below do not match the page, the availability and breadth of information will likely remain the same. Second, there is a considerable amount of overlap in government publications. Appendix A provided with this paper will address this overlap, and provide alternate sources. While the GPO versions are typically the official publication, some other sites like Federalregister.gov, Regulations.gov, and Congress.gov offer more recently updated material as some Govinfo sources are released following the print publication schedule. A good example of this lag is the CFR. The GPO publishes the CFR on Govinfo on the same schedule as the Print CFR, which comes out quarterly. CFR versions on both Regulations.gov and ecfr.gov are updated within a few days of the promulgation of new regulations.

HISTORY & BACKGROUND

Govinfo is the third manifestation of the GPO’s publication website. In December 2018, FDsys, the previous version, was taken offline and replaced by Govinfo as third GPO electronic information website in the last 25 years. In June 1994, the Government Printing Office launched GPO Access, which was replaced by FDsys (Federal Digital System) in January 2009. Now, almost ten years later, it’s time for the GPO, who has subsequently changed its name from the Government Printing to the Government Publishing Office, to transition once again to Govinfo. Govinfo touted numerous improvements over FDsys including mobile-friendly design, RSS notification feeds, easily browsable collections, and a new modern design1.

Govinfo is designed to provide free access to over 1,000,000 government publications. The GPO describes Govinfo’s mission as threefold, including

1. Public access – by combining modern searching with extensive metadata Govinfo allows users to access a vast universe of US federal government publications
2. Content management – the GPO ensures the integrity and authenticity of government publications by securing the content throughout its lifecycle

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3. Digital preservation – the GPO, through Govinfo, runs a “compliant preservation repository” ensuring the preservation of historical digital content despite “technical failure, aging of hardware, or technological change.”

As stated above, Govinfo currently offers access to over 1 Million government publications. Govinfo’s most popular publications include:

4. United States Code, including Supplements
5. Code of Federal Regulations
6. Federal Register
7. Congressional Record
8. Statutes at Large
9. Congressional Bills
10. Budget of the United States
11. Compilations of Presidential Documents
12. Congressional Committee Materials
13. Federal Agency Publications

NAVIGATION AND USE

Unlike Fdsys whose organization relied upon a long list of hyperlinks, Govinfo has a much more modern look and feel. The landing page, and in turn the navigation of the entire collection, is centered around a large navigation box with the access options discussed below. The front page also provides

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2 Id.
some quick links to recent federal publications, as well as GPO’s featured publications. Govinfo offers two main navigational options – browse and search. Again, these features are easily accessed on the front page of Govinfo and are discussed in greater detail below. Each provides a new, streamlined approach to accessing government documents.

**Browsing**

In legal research and information science, browsing typically means being able to click directly to intended publications and sections therein. Government info provides similar functionality. If you know what you are looking for, or where something should be located, or have any piece of identifying information, Govinfo allows you two browse for it using one of four ways. There is some overlap over these options, and often you can find the same piece of information in multiple ways.

**A-Z Browsing**

If you know the collection or publication you are searching for, you can simply use the A-Z browse function. For example, if you want to find the Federal Register to update a regulation you found on a third party site, all you need to do is go to the F’s and select federal register. Agency documents can be found in the same way. If you want to find all of the documents related to President Gerald Ford, or Treasury Department Publications, all you need to do is navigate to the “F” or “T” Sections, and the A-Z guide will quickly link you to these collections. One important thing to remember is that, unlike some pay legal research databases, you cannot browse to certain collections and then perform a search from inside the collection. Instead, you have to use use the Advanced search and perform a search by collection, and then narrow your results.
Category

You can also navigate Govinfo by category. These categories are broader than the entries in the A-Z resource list. Generally, this method of browsing is most useful if you are trying to understand the coverage of Govinfo of certain areas. For instance one of the areas, Directories, provides easy links to the available directories as well as the information that Govinfo contains not just the congressional directory, but also the Congressional Pictorial Directory and the United States Government Manual.

Date

Browse by date is also available in Govinfo. The date page gives you the option of searching for documents in reverse chronological order, for example, the past 24 hours or the past 180 days. You can also select individual dates or date ranges. Once you select the date range, you can either continue to filter results using the left-hand filters or enter search words into the automatically populated search string. For instance, if you wanted publications before January 24, 2019, that included the word cattle, you could add the search terms AND cattle to the search string below. This search functionality is different than the previous two options, which do not allow searching once you begin to browse.

Note that this kind of browsing only returns results with top-level information. For instance, it will produce volumes of the Federal Register, but not individual sections. To find individual sections, either select the appropriate volume and browse to the correct page or section, or perform a search.
Committee

Continuing, you can also browse documents by their issuing committee. If you know what committee produced your intended document, or you want to see what is available or produced from each committee, this is a good strategy. Information included in the individual committee entries can include hearings, committee prints, legislative materials, and other committee documents. The information available through Govinfo varies by committee.
Author

Browsing by author allows you to find material by a list of institutional authors. Note that this list does not include personal authors. For instance, if you would like to see what publications the Commission on Terrorism produces, that link is provided on the browse by author tab.

Searching

Govinfo has new powerful and easy to use search capabilities. Similar to browsing, the three main searching options are available at the center of the Govinfo landing page.

Basic Searching

Basic Searching is available on the Govinfo landing page, as well as by selecting the orange “search” box option provided on all other pages. This method of searching searches both the full text and metadata of available documents. Metadata typically indicates particularly useful information to identify and categorize documents. Publishers will indicate specific information about a document or collection and include it in pre-provided, typically unseen fields. In Govinfo, these fields include:

- Title
- collection
- publication
- congress
- president

Later in this guide, we will see how Govinfo allows us to search specific metadata fields.

Historical Results

Govinfo search can produce both current and historical results. The coverage for each collection is provided either on the Browse A-Z or the individual collection’s help page.

Basic searching will default to the current versions of government publications. For instance, if you want to see if any statutes or regulations define “public interest law” and perform that phrase search, the system will first look for statutes and regulations currently in force. However, if the search produces zero results, the system will automatically check the “view historical results” box, and give you historical versions of the US Code and CFR. If you start seeing historical results, look to see if this box is
checked. Note that in the second example, the view historical results box is checked and the first result from the C.F.R. is from 2012. On the other hand, if you are searching for something that might include both current and historical results, you must check the box if you would like to view historical documents.

**Boolean Connectors and Search Operators**

Both basic and advanced searching support the use of Boolean connectors and search operators. These allow users to perform more powerful, sophisticated searches by doing things like requiring results include two or more of the same words, a certain phrase, or different variations of the same word\(^4\). In Govinfo, spaces between searched words act as an implied AND, thereby requiring both words on either side of the space. See Appendix B for a complete list of operators supported by Govinfo. Govinfo suggests using parenthesis to separate different expressions in your searching. For instance, if you wanted to find documents that referenced either president Carter or Reagan, that included the phrase “Berlin wall” your phrase would be: (Carter OR Reagan) AND “Berlin Wall.” Please note that than e AND operator is not necessary, but included for clarity.

**Metadata Field Searching**

Finally, Govinfo allows for metadata field searching. In the creation and digitization of their collections, the GPO adds metadata or meta tags to their documents. These allow easier searching and identification of electronic documents. It also allows users to search specific fields for specific pieces of

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information. Some of the most common examples of these fields are Title, Published Date, Congress Member, and Congress Number. For example, if you would like to start a search with all the documents ever authored by Representative John Lewis, all you would need to do is enter member:Lewis. If you find that there are too many present and former Members with the last name Lewis, Govinfo allows you to sort by an associated person using the left-hand menu. See Appendix C for the full list of metadata fields.

![Search Bar with member:Lewis Entered](image)

**Advanced Searching**

Govinfo also provides advanced searching as an option. While the functionality is the same, advanced searching provides more prompts and fields than its basic counterpart. These include front-end date options like date range, date after and date between. It also allows selection of collection, as well as up to 5 additional fields for searching. Note that this functionality is similar to the meta field searching in the basic search. However, advanced search populates search phrases for you instead of requiring each user to know the intricacies of Govinfo field searching.
Citation Searching

Finally, Govinfo allows you to retrieve documents by citation. The system will provide a prompt which requires the user to pick a collection, for example, the Code of Federal Regulations. It will then ask the user to enter any additional information needed to retrieve the document. If you have a citation, this is a fast and easy way to pull a document.

**TIPS, TRICKS, NAVIGATIONAL APPROACHES**

Govinfo is first and foremost built to be a repository for government publications. Because of this, some functions can be more unwieldy than a modern research database. Below are several suggestions to make navigation easier.

1. If possible, browse. The a-z list works well. If you know the title or publication you are looking for; browsing is the best feature.
2. Be wary of searching. Through testing, we have found some irregularities with the full-text searching feature. If you choose to search, searching for topics instead of specific language is probably easiest and most accurate.
3. After searching and selecting an entry, make sure to use the “Document in Context” Tab. It provides related documents as well as a table of contents for some documents.
4. List of Sections Affected from the CFR is now available through the A-Z list. You can also update a regulation searching for that regulation and limiting to the last year. Any amendments will show up in your search results.
5. Use alternative Government publication pages. At it’s heart, Govinfo is a repository designed to hold information. This means that sometimes it can still be challenging as a purely research tool. The interfaces for pages like Federalregister.gov, Congress.gov, or Regulations.gov are more modern and typically easier to use.
Content Details
159 Cong. Rec. H4608 - STUDENT

Action Details
- Download
  - Text
  - PDF
- MOLS
- PREMIS
- ZIP
- Other Actions
  - Browse the Congressional Record
  - Where
  - Help
  - CGIP Record
  - Share

Summary

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<th>PDF</th>
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<td>PDF</td>
</tr>
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<td>Extensions of Remarks Section</td>
<td>PDF</td>
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View Entire Section

<table>
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<th>PDF</th>
<th>TEXT</th>
<th>DETAILS</th>
<th>SHARE</th>
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</thead>
<tbody>
<tr>
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# Appendix A – Alternative Sources of Federal Information

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<td><a href="https://www.congress.gov/">https://www.congress.gov/</a></td>
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Appendix B – Govinfo Boolean Connectors & Search Operators

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<tr>
<td>AND</td>
<td>Publication must have both terms</td>
<td>Carter AND Reagan</td>
</tr>
<tr>
<td>OR</td>
<td>Publication can have either term</td>
<td>Carter or Reagan</td>
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<td>(Parenthesis)</td>
<td>Groups concepts</td>
<td>(Carter AND Reagan) OR (Nixon and Ford) publication must have either Carter and Reagan or Nixon and Ford present in text</td>
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<tr>
<td>“Quotations”</td>
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<td>Before/#</td>
<td>Proximity connector before</td>
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<tr>
<td>After/#</td>
<td>Proximity Connector After</td>
<td>Jimmy after/4 Carter Must have Jimmy within 4 words of the end of carter</td>
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<tr>
<td>ADJ</td>
<td>Adjacent connector</td>
<td>Jimmy Adj Carter Jimmy Must be next to Carter</td>
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<tr>
<td>Space</td>
<td>Implied and</td>
<td>Jimmy Carter Must have Jimmy AND Carter</td>
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<tr>
<td>*</td>
<td>truncator</td>
<td>Nation* = Nation, National, Nationalistic, Nationalism, etc.</td>
</tr>
<tr>
<td>?</td>
<td>Wildcard</td>
<td>Organi?ation = organization or organisation</td>
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<tr>
<td>+</td>
<td>Number of hits (relevancy)</td>
<td>+Jimmy Carter Will return results that have Jimmy and Carter, so long as Jimmy occurs more times than carter</td>
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5 Id.
### Appendix C – Govinfo Metadata Fields

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6 Id.
Patrick Parsons - Bio

Patrick Parsons is the research instructional services librarian at Georgia State University's College of Law. In his position, he provides reference services to the Georgia State Law as well as the Atlanta Legal community and general public. Specifically, Parsons's work at Georgia State focuses on research instruction, student outreach and student services.
SESSION 4 – ELECTRONIC PUBLICATION OF THE LAW: COPYRIGHT AND CONTRACT TERMS OF USE

Leslie Street, Director of the Law Library and Associate Professor of Law, Mercer University School of Law, Macon
Electrical Publication of the Law:
Copyright and Contract (Terms of Use)

Leslie Street
Director of the Law Library, Associate Professor of Law
Mercer University School of Law
Macon, Georgia

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Electronic Publication of State Laws............................................................................................................ 3
Primary Legal Sources and Copyright ........................................................................................................ 3
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Conclusion .................................................................................................................................................. 9
Appendix A: Fifty State Survey of Law Online (Adapted from forthcoming publication by Leslie Street and David Hansen)................................................................................................................... 10
Introduction

The Internet has profoundly changed the way most Americans receive information. Access to the law is no exception to this. An increasing volume of law moving to online-only publication, changing the way lawyers research and the way citizens access the laws that govern them. In theory, moving law online seemingly opens up access to legal information. In recent years, a number of interest groups have highlighted the need to increase the access that citizens have to legal information electronically. New free databases of law spring up all of the time. However, moving access online, in many cases, may diminish access to the law, as official publishers of legal information may seek to restrict access and usage to preserve their revenue streams from selling access to the law.

Unlike the federal government, which officially publishes law and legal information through its Government Publishing Office (GPO), the fifty states, the District of Columbia, and US territories all have unique schemes for publishing primary law. Many states, like Georgia, are dependent on commercial publishers to publish their laws.¹ As federal laws have migrated online, the GPO has published them on a centralized website, making them easier for lawyers and members of the public to locate and view as official, authenticated documents. In contrast, for states, there is no such uniformity in the online publication of state laws. For many states, commercial publishers maintain and publish their laws online as well. The effect that this has on public access to the law is profound.

¹ See Appendix attached for a breakdown of publication of the three major primary law sources in each of the fifty states.
Electronic Publication of State Laws

For the majority of the years that American law has been published, official versions of the law were published in print only. Seekers of legal information needed to purchase books themselves or visit libraries where laws may be available to them to use free of charge. In the centuries when the law was published in print only, commercial legal publishers frequently contracted with the states to publish official versions of their laws (for example, Michie’s became a well-known publisher of state codes, while state cases where frequently published in the West National Reporter System). Near the end of the twentieth century, many legal publisher began to consolidate at the same time that the Internet began to change the delivery of information in America’s homes, schools, and workplaces.

According to a fifty state survey myself and my colleague, David Hansen, recently complied, official versions of state law are more often than not published through a contract with a private publisher. Furthermore, an increasing number of states are choosing to publish some part of their primary law online only, without accompanying print publication. This is particularly true with regard to the publication of state regulations, where one is least likely to find print publications.

Primary Legal Sources and Copyright

The U.S. Supreme Court has ruled repeatedly that court opinions are not subject to copyright. Since then, lower courts have applied the same basic rule to the law to state that

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2 For a more complete discussion on this, see forthcoming article from Dave Hansen and Leslie Street, *Who Owns the Law? Why we Must Restore Public Ownership of Legal Publishing*, which will be published in the Journal of Intellectual Property Law in 2019.
3 See Appendix A
4 *Wheaton v. Peters*, 33 U.S. 591, 593 (1834)(ruling that no reporter could copyright the written opinions delivered by the court); *Banks v. Manchester*, 128 U.S. 244, 253 (1888) (holding that state court opinions similarly could not be copyrighted).
statutes, local codes, and other legal texts are not subject to copyright. The Copyright Office has refused to register copyright in texts involving “government edicts”, including “legislative enactments, judicial decisions, administrative rulings, public ordinances, or similar types of official legal materials.” Nonetheless, legal publishers and states have persisted in attempting to claim copyright over the law.

The issue most recently was addressed by the Eleventh Circuit in a case involving the Official Code of Georgia Annotated, published officially by LexisNexis. The Georgia Code Revision Commission brought suit against Public.Resources.Org, an organization that advocates for open access to law and government information, for breach of copyright alleging that the organization’s publication of its full annotated code infringed the state’s copyright in the work. The court concluded that “the People are the authors of the annotations” and as such, “the annotations are inherently public domain material and therefore uncopyrightable.” The court reasoned that precedent established that there can be no copyright when the work “was created by an agent of the People in the direct exercise of sovereign authority.” Thus, the factors the court evaluated were whether the annotations were “so sufficiently law-like as to implicate the core policy interests undergirding Banks.” The court concluded that the annotations at the heart of the OCGA “are so enmeshed with Georgia’s law as to be inextricable. The annotations are themselves law-like insofar as we examine who made them, how they were made, and the role they play in the legislative and jurisprudential spheres of Georgia’s public life.”

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6 U.S. Copyright Office, Compendium III § 313.6(c)(2) (2017).
8 Id. at 1233.
9 Id. at 1242.
10 Id. at 1242
11 Id at 1243
In reaching this conclusion, the court highlighted the role that the Georgia General Assembly takes in the creation of the OCGA, because in spite of the fact that the annotations are initially prepared by Lexis, the Code Revision Commission, an arm of the General Assembly, exerts authoritative influence over their creation and adoption. The Code Revision Commission directs Lexis what must be included in the annotations and provides specific instructions, and the Commission gives its final assent to the annotations. The court made clear that it echoed the view of the Georgia Supreme Court that the Commission’s work is “legislative” in nature and worked as an agent of the Georgia General Assembly.12

The court went on to explain that even though the annotations did not carry the force of law, the annotations are “law-like” because they are “authoritative” concerning the meaning of Georgia statutes.13 This portion of the ruling could have ramifications beyond the OCGA, as one considers other types of publications that may similarly have authority concerning the meaning of statutes.14 Although the ruling in Code Revision Commission, appears to be pretty factually specific to the unique relationship between Lexis, the Code Revision Commission, and the Georgia General Assembly, it is possible that this case will have ramifications beyond the state of Georgia for other states publication schemes.

Finally, it is important to know that the Code Revision Commission has applied for cert to the U.S. Supreme Court, and the Court has not yet reached a decision on its application. Thus, there may still be more to come on this case. Additionally, with other states and their designated publishers still maintaining some copyright ownership for a variety of laws and legal information published online15, this issue is one likely to re-emerge in other states and in other contexts.

12 Id. at 1244-45.
13 Id. at 1248.
14 For example, in some states committees of judges draft jury instructions which explain the law. Could these also be excluded from copyright under the court’s reasoning?
15 See Appendix
Other Potential Claims by Electronic Legal Publishers Against Users: Contract and Computer Fraud and Abuse Act

In spite of the repeated assertions of the courts that primary law cannot be copyrighted, online-only law may pose additional challenges for public access because of the intersection of state contract law and online terms of use. In fact, the case involving the OCGA stands in direct contrast to the still pending case involving publication of the Georgia Administrative Code. In 2014, the Secretary of State’s office ceased publishing the Georgia Administrative Code in print. They entered into a contract with the publisher, Lawriter LLC to provide online access to the Georgia Administrative Code. According to the terms of the contract, Georgia would pay Lawriter $20,000 per year to provide online access to the Georgia administrative code. Lawriter began offering online access to the Rules and Regulations of the State of Georgia, subject to users affirmatively consenting to the “Terms and Conditions of Agreement for Access to Rules and Regulations of the State of Georgia Website.”

Additional information on the website makes it clear that users cannot Copy/Print from the website unless they are users from “state agencies and other entitled entities.” “Otherwise these functions and the monthly bulletins are available by subscribing on the Casemaker Libra website.” Thus, ordinary users cannot copy or print from the website unless they pay for subscriptions. Subscriptions are costly - $1,950 per year for a single user to subscribe to all departments for a one year period. Prior versions of the Rules and Regulations are also only available on the website by subscription (there is no free access to even view prior versions of the administrative code). Furthermore Lawriter maintains that “All documents downloaded in .pdf format from the Rules and Regulations of the State of Georgia on this site are considered the official version.” Thus, there is no free access to the “official” version of the Rules and Regulations. Users must pay to subscribe to Lawriter in order to be assured the rules are official.
Interestingly, although neither the Georgia Secretary of State’s office nor Lawriter maintains any overt copyright notice, the language of copyright “rights” is still pervasive on the website. The Secretary of State’s website maintains, “Lawriter (makers of Casemaker Libra) is the designated publisher of the Georgia Rules and Regulations and Monthly Bulletins and granted sole rights to the distribution of this data.”

In contrast to the case involving the Georgia Statutes, in this case, Lawriter rests its argument on the issue that users of their website affirmatively consent to using material only as allowed by the express Terms of Use on their website. The lawsuit seeking declaratory relief brought by Fastcase has been dismissed by the Northern District of Georgia on two separate occasions based on jurisdictional arguments. However, the second dismissal was overturned in the Eleventh Circuit in December 2018, returning the case back to the trial court. Lawriter has again filed a motion to dismiss in the trial court, this time based on an argument that Fastcase has failed to join the State of Georgia as a necessary party. Thus, the case has not proceeded on the merits at this time.

What is clear from prior 11th Circuit authority, is that Fastcase faces an uphill climb with regard to their argument that the Copyright Act preempts contract rights under state law. In *Utopia Provider Systems, Inc. v. Pro-Med Clinical Systems, L.L.C.*, held that even though the “blank forms” in question were not copyrightable, a licensee still could be held liable for state law claims related to a breach of contract and that such claims were not preempted by federal copyright law. 596 F.3d 1313 (2010). Citing the Seventh Circuit, the Eleventh Circuit stated, “claims involving two-party contracts are not preempted because contracts do not create exclusive rights, but rather affect only their parties.” *ProCD, Inc. v. Zeidenberg*, 86 F.3d 1447, 1454-55 (7th Cir. 1996).
Because historically, laws were officially published in print, not online, seekers of legal information did not have to worry about Terms of Use or other Terms and Conditions governing their usage of the official law. However, now that an increasing number of states are publishing laws online subject to terms of use, this could be a greater issue in the future for other states who publish law officially online.

What is clear is that terms of use like those currently posted on the Rules and Regulations of the State of Georgia website restricts the ability of users to all uses of the law that their tax dollars pay to produce. For example, printing and copying features are disabled. Libraries or other users cannot download and preserve rules. Furthermore, access to prior versions of the rules are restricted to those who pay for subscription access. Controlling the access to the website with Terms and Conditions, as Lawriter currently does, affects Georgia’s citizens ability to access and use the law.

Additionally, once states can control access to law online through online terms and conditions to which a user must consent, this opens the door to the possibility of prosecution or suit against users of legal information through the mechanisms available in the Computer Fraud and Abuse Act. In particular, U.S. Circuits are still divided over what conduct is actionable under the CFAA with regard to “exceeding authorized access.” According to some circuits, even if one accesses a website lawfully, if one uses the information obtained there what is allowable under the Terms and Conditions posted on that website, then this could constitute “exceeding authorized access” for purposes of a CFAA violation. The Eleventh Circuit in U.S.
v. Rodriguez held that an employee had violated the CFAA when he accessed databases that he was authorized to use as an employee, but did so for non-business reasons, even though he never used the personal information he accessed to defraud anyone or gain financially. The court held, “Rodriguez exceeded his authorized access and violated the Act when he obtained personal information for a nonbusiness reason.” Could seekers of legal information be liable for exceeding the terms of their access to websites posting official primary law in the future? Certainly, the Eleventh Circuit’s reading of the CFAA opens the door to everyday internet users facing civil and/or criminal liability when they violate terms of use to which they affirmatively consent.

**Conclusion**

Lawyers know that in a democracy, citizens must have robust access to the law to understand their rights and responsibilities under the law. As primary law publication continues to migrate to electronic online platforms, these questions of access and ownership will continue to emerge.

differently. (In the 11th circuit, they cited to United States v. Rodriguez, 628 F.3d 1258 (11th. Cir. 2010 as an opinion that they did not follow, stating “These courts looked only at the culpable behavior of the defendants before them, and failed to consider the effect on millions of ordinary citizens caused by the statute’s unitary definition of ‘exceeds authorized access.’”) 19 628 F.3d. 1258 (2010). 20 Id. at 1263.
### Official Publications of State Laws: Copyright Status and Terms of Use (compiled with status current to August 2018)

Leslie Streeti & David Hanseni

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<thead>
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Electronic: California Legislature

Print: Thomson Reuters (West); Deering’s published by Lexis
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\(^{lxiv}\) Legislative Reference Bureau

"For an official” copy of any administrative rule, contact the Secretary of State’s Index Department for a certified copy of the document filed with the Secretary of State.

\(^{lxv}\) "Official Reports” links online are official.

\(^{lxvi}\) Unstated

\(^{lxvii}\) Electronic
Opinions:
Indiana Appellate Decisions-
Supreme Court; Print Indiana Reports

IA Statutes: Iowa Code
No Print and Electronic (in the PDF format) No No

IA Regulations: Iowa Administrative Code
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the Secretary of State’s office are the official statutes of Missouri. ^cxvi

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- Print: New Hampshire Reports

**New Jersey Supreme Court Opinions:**
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- Print: New Jersey Reports, Atlantic Reporter

**New Jersey Statutes:**
- Electronic: New Jersey General and Permanent Statutes
- Print: LexisNexis

**New Jersey Regulations:**
- Electronic: Rutgers Law Library
- Print: Thomson Reuters (West)

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**i** Director of the Law Library and Associate Professor of Law, Mercer University School of Law  
**ii** Associate University Librarian for Research and Scholarly Communications, Duke University  
**iii** See Alabama, STATE ONLINE LEGAL INFORMATION, AMERICAN ASSOCIATION OF LAW LIBRARIES,  
https://community.aallnet.org/digitalaccesstolegalinformationcommittee/stateonlinelegalinformation/alabama  
(last visited Aug. 2, 2018).  
**iv** See ALABAMA ADMINISTRATIVE CODE webpage http://www.alabamaadministrativecode.state.al.us/alabama.html (last visited Aug. 2, 2018) stating “This is not the Official Alabama Administrative Code. The Official Alabama Administrative Code is available in hardcopy form from the Legislative Services Agency Administrative Procedures Division.”  
**v** See “Disclaimer for Slip Opinions,” SUPREME COURT DECISIONS AND OPINIONS, ALABAMA JUDICIAL SYSTEM,  
**vi** See Notice, ALASKA STATUTES, ALASKA STATE LEGISLATURE, http://www.legis.state.ak.us/basis/folio.asp (last visited Aug. 2, 2018) stating “For the official version of the Alaska Statutes, please refer to the printed version of the Alaska Statutes.”


xxii Only published opinions are available in the CALIFORNIA OFFICIAL REPORTS PUBLIC ACCESS WEB SITE, https://advance.lexis.com/container?config=014DJAAzMgJkMTZjMi03MDVlLTQ5MWQtOTUyYi01Y2YyYjBjN1lzZmUKAFBvZENhdGFsb2dd3XfL66WtUcULK93oxtRU&crdid=8621d645-2660-4679-b078-ce2d05fa2e1e (last visited Aug. 2, 2018).


xxv COLO. REV. STAT. §24-71.5 (2018).
xxvi See popup titled “Colorado Statutes Annotated – Free Public Access”, LexisNexis, https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzkTytKxMS04YmJhNjBINWUwYzYKAFBvZENhdGFsb2e4CaP4cak6laXLCWvyBO9&crid=25962599-288a-4c03-b6cf-e78f749fb465&prid=d5acebc7-ba32-4250-bd92-0e1e3be4ec87 (last visited Aug. 3, 2018).


xxviii See “Welcome to the Colorado Legal Resources Public Access Web site,” LexisNexis, https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzkTytKxMS04YmJhNjBINWUwYzYKAFBvZENhdGFsb2e4CaP4cak6laXLCWvyBO9&crid=25962599-288a-4c03-b6cf-e78f749fb465&prid=d5acebc7-ba32-4250-bd92-0e1e3be4ec87 (last visited Aug. 3, 2018) stating in part “Any person, agency, or political subdivision seeking to publish, reprint, or distribute the Colorado Revised Statutes by using the statutory database containing the official text of the statutes as prepared by the General Assembly should contact the Office of Legislative Legal Services for further information.”

xxix COLO REV. STAT. §24-71.5-104 (2018).


xxxv See “Advance Release Opinions”, STATE OF CONNECTICUT JUDICIAL BRANCH, “https://www.jud.ct.gov/external/supapp/aro.htm (last visited Aug. 3, 2018) stating “In the event of discrepancies between the electronic version of an opinion and the print version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest print version is to be considered authoritative.”

xxxvi CON. GEN. STAT. § 51-216a(f) The COLP can “cause official legal publications to be copyrighted in the name of the Secretary of the State for the benefit of the people of the state.”

xxxvii DEL. CODE ANN.


xl “Please note: These electronic orders may contain computer-generated errors or other deviations from the official printed versions. In case of discrepancies, between the print and electronic versions of orders, the print version controls.” Opinions and Orders, Delaware Courts, https://www.courts.delaware.gov/opinions/ (last visited Aug. 3, 2018).

xli Copyright notice on the website. See id.

xlii D.C. CODE §2-651.01 et. seq. (2008).

xliii See Copyright notice on DISTRICT OF COLUMBIA OFFICIAL CODE, https://advance.lexis.com/container?config=014FJABmNTMyNmZlNy00N2U5LTRmNDktYml0YS1jMzczNjKncwZWUKAFBvZENhdGFsb2dWzW4MDtB3pBcSj7lPd0T&crid=78f8281b-7fd2-4392-98dd-62077bfb3395&prid=6f3c041e-3d41-4344-877a-eb95750a18a6 (last visited Aug. 3, 2018).

xliv User most affirmatively consent to Terms & Conditions to enter the Code of District of Columbia website. See https://advance.lexis.com/container?config=014FJABmNTMyNmZlNy00N2U5LTRmNDktYml0YS1jMzczNjKncwZWUKAFBvZENhdGFsb2dWzW4MDtB3pBcSj7lPd0T&crid=78f8281b-7fd2-4392-98dd-62077bfb3395&prid=6f3c041e-3d41-4344-877a-eb95750a18a6 (last visited Aug. 3, 2018).

xlv “Through its website, DCReps, ODAI maintains a paperless based system that includes the online official publication of the District of Columbia Register, a free online search engine for the District of Columbia Register,


See Copyright notice on Florida Administrative Code & Florida Administrative Register, Florida Department of State, https://www.flrules.org/ (last visited Aug. 3, 2018); “Copyright and Privacy Policy” unavailable.

These opinions are also subject to formal revision before publication in the Southern Reporter, 3rd Series.” Note, Florida Supreme Court 2018 Opinions, Florida Supreme Court, http://www.floridasupremecourt.org/decisions/opinions.shtml (last visited Aug. 3, 2018).

See FLA. STAT. §120.55 (2018)

See Copyright notice on Florida Administrative Code & Florida Administrative Register, Florida Department of State, https://www.flrules.org/ (last visited Aug. 3, 2018); “Copyright and Privacy Policy” unavailable.


See IOWA Ct. R. 21.22(4).

See Note, “To access the Kansas Statutes Annotated which have been authenticated in accordance with the law, see the current printed bound volumes of the Kansas Statutes Annotated and the current printed volumes of the Cumulative Supplement to the Kansas Statutes Annotated as published by the Office of Revisor of Statutes,” 2017 STATUTE, KANSAS LEGISLATURE, http://www.kslegislature.org/li/b2017_18/statute/ (last visited, July 30, 2018).


See Kansas, supra note _.


Id.

See Kansas, supra note _.


“Placing these files on the Internet does not alter or relinquish any copyright or proprietary interest or entitlement of the Commonwealth of Kentucky relating to this information.” See General Information, KENTUCKY REVISED STATUTES, http://www.lrc.ky.gov/Statrev/general%20info.htm (last visited July 30, 2018).

See General Information, KENTUCKY REVISED STATUTES, http://www.lrc.ky.gov/Statrev/general%20info.htm (last visited July 30, 2018) stating “Under KRS 61.874, it is unlawful to use any records available on this site for a commercial purpose without agreement with the Legislative Research Commission.”

“The administrative regulations provided at this World Wide Web site are an unofficial posting of the Kentucky Administrative Regulations as maintained in the official internal administrative regulations of the Kentucky Legislative Research Commission. Pursuant to KRS 13A.050(1), the Kentucky Administrative Regulations Service shall constitute the official state publication of administrative regulations.” KENTUCKY ADMINISTRATIVE REGULATIONS, KENTUCKY LEGISLATURE, http://www.lrc.state.ky.us/kar/frntpage.htm (last visited July 30, 2018).

“Pursuant to KRS 61.874, it is unlawful to use any records available on this site for a commercial purpose without agreement with the Legislative Research Commission.” Id.


Id.

See “Citation of Louisiana Appellate Decisions, Rules of Louisiana Supreme Court, Part G. Section 8” https://www.lasc.org/rules/supreme.asp (last visited, July 30, 2018).


“All copyrights and other rights to statutory text are reserved by the state of Maine.” Disclaimer, MAINE STATE LEGISLATURE INFORMATION http://legislature.maine.gov/ros/LawsOfMaine/#Info (last visited, July 30, 2018).


Maryland Uniform Legal Materials Act,


“Only the bound volumes of the Maryland Reports and the Maryland Appellate Reports contain the final, official texts of the reported opinions of the Maryland Court of Appeals and the Maryland Court of Special Appeals filed on or before June 30, 2018. Reported opinions filed on or after July 1, 2018 appear on this website are the official and authentic versions of the text of Appellate Court opinions/orders, pursuant to the Maryland Uniform Electronic Legal Materials Act.” See Note, MARYLAND APPELLATE COURT OPINIONS, https://mdcourts.gov/opinions/opinions (last visited, July 30, 2018).

“This is NOT the official version of the General Laws of Massachusetts. While reasonable efforts have been made to ensure the accuracy of the data provided, do not rely on this information without first checking the Official Edition of the General Laws of Massachusetts.” Notice, GENERAL LAWS, 19” GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS, https://malegislature.gov/Laws/GeneralLaws (last visited July 30, 2018).


See Terms and Conditions that popup and require affirmative consent when accessing the Massachusetts Reports at https://advance.lexis.com/container?config=0152JAAzMjQ0NTBmO50S5ZmRhLTQ4NmQtOTk0NC11MmQ1Mzd0YmZIN2UKAFBvZENhdG5b2dFqubrO2osfY9M5ag4F39&crid=54af3f5d-7f68-4af8-8b09d4493c050b4&prid=824c9428-a098-4e9b-b169-6ecf1ad0aae4 (last visited, July 30, 2018).

“The information obtained from this site is not intended to replace official versions of that information and is subject to revision.” MICHIGAN COMPILED LAWS, MICHIGAN LEGISLATURE, http://www.legislature.mi.gov/(S(eqrjxlsulyektjgjlsjfiwzr))/mileg.aspx?page=chapterindex (last visited July 30, 2018).


MINN. STAT. §3E.01 (2018).
MINN. STAT. §3E.05 (2018).
MINN. STAT. §3C.12 (2018).
MINN. STAT. §3E.04 (2018).
MINN. STAT. §3C.12 (2018).

Minnesota, STATE ONLINE LEGAL INFORMATION, AMERICAN ASSOCIATION OF LAW LIBRARIES,
https://community.aallnet.org/digitalaccesstolegalinformationcommittee/stateonlinelegalinformation/minnesota
(last visited July 30, 2018).

See Terms & Conditions https://www.lexisnexis.com/en-us/terms/general/default.page (last visited July 30,
2018) and MISS. CODE. ANN. §1-1-9 (2018) stating, “[c]opyrights of the Mississippi Code of 1972 and the notes,
annotations, and indexes thereof shall be taken by and in the name of the publishers of the compilation who shall
thereafter promptly assign the same to the State of Mississippi and be owned by it.”

See Terms & Conditions https://www.lexisnexis.com/en-us/terms/general/default.page (last visited July 30,
2018).

“The Mississippi Secretary of State’s Office is the official registrar for the rules of all state agencies and the
publisher of the Mississippi Administrative Code. This service allows you to conduct a search in the Mississippi
Administrative Code of all effective rules of state agencies, boards and commissions.” ADMINISTRATIVE CODE SEARCH,
http://www.sos.ms.gov/adminsearch/default.aspx (last visited July 30, 2018). See also MISS. CODE. ANN. §25-43-
2.101(5) (2018) stating “The Mississippi Administrative Code is an electronic publication and is published on the
Mississippi Secretary of State’s website.”


“The statutes posted on this website are uncertified and unofficial.” MISSOURI REVISOR OF STATUTES,


“To obtain a certified copy of the Code of State Regulations or Missouri Register, contact Office of Secretary of
State, Administrative Rules Division.” See Obtain Certified Copies, MISSOURI SECRETARY OF STATE

“Disclaimer: The Internet version of the Montana Code Annotated is provided as a research tool to users of the
Code. In case of inconsistencies resulting from omissions or other errors, the printed version will prevail.” Help,

30, 2018) stating, “This site cannot legally be cited as an official or authoritative source.”

“PLEASE NOTE: This database is not the official archive of Supreme Court documents, and the State Law Library
is not the official publisher of these documents. This database is not complete. There may be Supreme Court cases
that meet your criteria that do not appear in this database. Use at your own risk.” Help, MONTANA SUPREME COURT

See Disclaimer, NEBRASKA STATE LEGISLATURE https://nebraskalegislature.gov/contact/disclaimer.php (last visited
July 30, 2018).


See Disclaimer, RULES AND REGULATIONS, NEBRASKA SECRETARY OF STATE http://www.sos.ne.gov/rules-and-
regs/regsearch/disclaim.html (last visited July 30, 2018).


See Nevada, STATE ONLINE LEGAL INFORMATION, AMERICAN ASSOCIATION FOR LAW LIBRARIES,
https://community.aallnet.org/digitalaccesstolegalinformationcommittee/stateonlinelegalinformation/nevada
(last visited July 30, 2018) stating “NRS 721.100.1(a) states, “If the official publisher publishes legal material only
in an electronic record, the official publisher shall: (a) Designate the electronic record as official.” This applies to the
Constitution, Statutes of Nevada, Nevada Revised Statutes, and Nevada Administrative Code. However, to date no
legal material has been published only in an electronic record and therefore none have been designated official.
This follows for authentication, online preservation, and permanent public access; once an electronic record has
been designated official, the official publisher “shall” then authenticate, preserve and then make permanently available to the public.”

cx See id.
cxi See id.
cxii See id.
cxiii In case of discrepancies between the preliminary print and the final version in the bound volumes of the Nevada Reports, the bound version controls.” NEVADA REPORTS, SUPREME COURT OF NEVADA, https://nvcourts.gov/Supreme/Decisions/Nevada_Reports/ (last visited July 30, 2018).
cxi Users must click to consent to a popup Terms and Conditions page before they access the website https://advance.lexis.com/container?config=00JAA5OTY5MTdjZi1lMzYxLTQxNTEtOWFkNi0xMmU5ZTViODQ2M2MKAfBvZENhdGFsb2lobFSEAfGv2ZlKqMT9DIHRf&crid=8b6d934c-c212-46a1-bf65-512d8fb3735d&prid=4482c918-8997-4ac7-8bea-e1803fd420fe (last visited July 31, 2018).
cxiii But see Note, NEW JERSEY COURTS SEARCH PAGE, RUTGERS LAW LIBRARY http://njlaw.rutgers.edu/collections/courts/search.php (last visited July 31, 2018) stating “NOTE: Many Supreme Court opinions have a detailed syllabus attached to the top of the text, with a warning that the syllabus is not "official". The official opinion, however, is there below the syllabus. Just scroll down.”
cxiv NMOneSource.com is a subscription database available for a fee. See pricing at http://www.nmcompcomm.us/nmonesourcecom.htm (last visited July 31, 2018).
cxv See N.M. STAT. ANN. §12-1-7 (2018) stating that all print and electronic copies produced by the New MexicoCompilation Commission shall be recognized as official.
cxvi Copyright claimed by State of New Mexico on the NMOneSource website http://admin.nmonesource.com/ (last visited July 31, 2018).
cxvii Id.
cxviii “The Supreme Court of New Mexico designated the authenticated PDF opinion with digital signature as the official court opinion for the New Mexico state appellate courts effective for opinions released for publication on or after March 1, 2012. The official court opinions in digital format and in print volumes are collectively known as the New Mexico Appellate Reports.” See NEW MEXICO APPPELATE OPINIONS, NMOneSource.com, http://www.nmcompcomm.us/nmcases/NMAR.aspx (last visited July 31, 2018).
cxix See Copyright claimed, supra note __.
cxx “The information contained in the on-line version of the NYCRR is not the official version of the NYCRR. No representation is made as to its accuracy, nor may it be read into evidence in New York State courts. To ensure accuracy and for evidentiary purposes, reference should be made to the official NYCRR which is available from Thomson Reuters.” New York Codes, Rules, and Regulations https://govt.westlaw.com/nyccrr/Index?transitionType=Default&contextData=(sc.Default) (last visited July 31, 2018).
cxxi Copyrighted portions do exist for print, but the online, free version has no claim to copyright. See NEW YORK OFFICIAL REPORTS SERVICE https://govt.westlaw.com/nyofficial/Index?__IrTS=20160509195127876 (last visited July 31, 2018).
(OAC) is the only official compilation of agency rules and executive orders for the State of Oklahoma. The OAC was first published in 1996. A full edition is published every five years, and cumulative supplements are published annually between the full edition publications.”

clixi Okla. Stat. §12 App. 1 Rule 1.200(a)(1) (2018) stating “Effective January 1, 2014 the Oklahoma Supreme Court will become the official publisher of decisions of the Oklahoma Supreme Court and the Oklahoma Court of Civil Appeals. The Oklahoma State Courts Network at www.oscn.net shall be the repository of official versions of the published decisions of the Oklahoma Supreme Court and the Oklahoma Court of Civil Appeals. Such decisions will become official upon the placement of the respective court’s official seal at the beginning of the published decision.”

clixvii See Policies, Oregon Judicial Department, https://www.courts.oregon.gov/Pages/policies.aspx (last visited July 31, 2018) stating “The information here is not an official court record or Judicial Department record or publication. We provide it as is. While we change and update the information on this site regularly, we make no warranties as to its accuracy, legality, reliability, timeliness, or content. We are not responsible or liable for errors, omissions, or inaccurate information. Users are responsible to check the information that they use to determine whether it is accurate, current, and complete.”

clixv See Note, State of Rhode Island General Laws, State of Rhode Island General Assembly, http://webserver.rilin.state.ri.us/Statutes/ (last visited July 31, 2018) stating “This information is provisional. For matters affecting legal rights, please refer to the printed version of the appropriate official publication.”
clixix See Website Use Policy, Rhode Island Judiciary, https://www.courts.ri.gov/PDF/WebsiteUsePolicy.pdf (last visited July 31, 2018).
clix See Disclaimer, South Carolina Code of Laws, South Carolina Legislature, https://www.scstatehouse.gov/code/statmast.php (last visited July 31, 2018) stating “The 1976 Code of Laws on this website will be updated online periodically; however, the official version of the 1976 Code of Laws remains the print version which will continue to be updated on a yearly basis before the start of each legislative session.”

See S.D. CODIFIED LAWS §2-16-12 (2018) which is silent on the issue of print or electronic publication but which states “Upon the publication under the supervision of the South Dakota Code Commission, of any revised volume of, or supplement to, the code enacted by § 2-16-13, such revision or supplement shall be in force as prima facie evidence of the laws contained therein, and may be cited as SDCL or as the code or South Dakota Codified Laws.”

See S.D. CODIFIED LAWS §2-16-8 (2018) stating “The South Dakota Code Commission shall provide the material authorized for publication by § 2-16-6 will be copyrighted by the State of South Dakota, in the name of the State of South Dakota. The commission may contract with printers, publishers, and computer retrieval companies for use of the state’s copyright.” However, S.D. CODIFIED LAWS §2-16-17 implies print because the “Official” copy shall be kept in the Office of the Secretary of State.


TENN. CODE ANN. §1-1-111(b)(2018) stating “The text of the statutes, codes and code supplements (but not the annotations, footnotes and other editorial matter) appearing in the printed copies of the compilation, containing a copy of the commission’s certificate of approval, shall constitute prima facie evidence of the statutory law of this state and be received, recognized, referred to and used in all courts, agencies, departments, offices and proceedings in the state as the official compilation of the statutory law, and may be cited as Tennessee Code Annotated or by the abbreviation “T.C.A.””


Terms and Conditions popup upon trying to access the free Tennessee Code Unannotated, which require a user to agree before access to the website is granted. See https://advance.lexis.com/container?config=014CJAA52GVhZjA3NS02MmMzLTRIZWtOGjNC00YzQ1MmZiNzcyYWYKAFbZENhGFsb2e92YpNUjTRaIWFyMz9u8&crid=60932486-9d81-4956-9edd-261e324e645f&prido=f135e28c-eb1c-4101-90c5-3e4fbb32a2b8 (last visited Aug. 1, 2018).

TENN. CODE ANN. §4-5-220(b)(2018) stating that as of July 1, 2016, the publication on the secretary of state’s website “shall be deemed the official compilation of the effective rules of each agency.”

See Tenn. Supreme Court Rule 4(A)(1)(2018) stating “As used in this Rule, “publication” means publication in the official reporter (Southwestern Reporter 3d).”


See FAQs, https://statutes.capitol.texas.gov/FAQ.aspx (last visited Aug 1. 2018) which states that the official text of state statutes are not subject to a copyright claim, but “West Group may have a copyright interest in the organization and arrangement of the constitution and the statutes unofficially compiled in Vernon’s Texas Civil Statutes.”

See “Welcome to the Texas Administrative Code”, TEXAS SECRETARY OF STATE https://www.sos.texas.gov/tac/index.shtml (last visited Aug. 1, 2018) stating “In response to this increased demand, HB 2304 was passed by the Texas Legislature in 1995. HB 2304 allows the Secretary of State to make the TAC available through our web site and to charge for value-added services available through the web site.”


See UTAH CODE §63G-3-701 (2018) which is silent on the issue of format (print or electronic) but the office does not publish the Administrative Code in print. See About Us, UTAH OFFICE OF ADMINISTRATIVE RULES, https://rules.utah.gov/about/ (last visited Aug. 1, 2018).


See Id.
See Virginia, supra note __.
See Virginia, supra note __.
WASH. REV. CODE §1.70 (2018).
The official version of the RCW is published by the Statute Law Committee and the Code Reviser.
See WASH. REV. CODE §34.05.210(b) (2018) stating “The statute law committee, in its discretion may publish the official copy of the Washington Administrative Code in a digital format on the code revisor or legislative web site.” Section (d) states “The code revisor shall provide a limited number of free paper copies of the Washington Administrative Code to libraries or institutions on request for access and archival purposes.”
See Notes, WASHINGTON STATE JUDICIAL OPINIONS PUBLIC ACCESS WEBSITE, https://advance.lexis.com/container?config=001ABiZDFhYmU0My03MTRiLTQ1OTYtOGFjYi02Yjg0MWYzZTYzNGMKAFBuZENhdGgFbZ9AmKsL25rOJ32peBAiA56&crid=844a4b1c-aaa4-43d7-a6f0-f8678a076a (last visited, Aug. 1, 2018) stating “All opinion text on this website should be identical to the printed advance sheets and bound volumes of the Washington Reports. To the extent of any conflict, the text of the official Washington Reports controls.”
“There is no charge to search, retrieve or save documents from this website, and there is no copyright on opinion text. The site, however, is for personal, not commercial, use.” See Id.
See Note on WEST VIRGINIA CODE, WEST VIRGINIA LEGISLATURE, http://www.wvlegislature.gov/WVCODE/Code.cfm (last visited Aug. 1, 2018) stating “The West Virginia Code Online is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative.”
“The electronic updated Wisconsin Statutes are published under s. 35.18 (1) (b), stats., are certified under s. 35.18 (2) (b), stats., and are prima facie evidence that they are the Wisconsin Statutes “as they purport to be” under s. 889.01, stats.” WISCONSIN STATUTES TABLE OF CONTENTS, WISCONSIN STATE LEGISLATURE, http://docs.legis.wisconsin.gov/statutes/prefaces/toc (last visited, Aug. 1, 2018).
“The Wisconsin Administrative Code is an electronic-only publication produced by the Legislative Reference Bureau (LRB) under s. 35.93, Stats. This Internet site is the exclusive source of the current Wisconsin Administrative Code as compiled by the LRB in accordance with s. 35.93, Stats.” See “Published under s.3593, Wis. Stats., WISCONSIN STATE LEGISLATURE, http://docs.legis.wisconsin.gov/code/admin_code/published (last visited Aug. 1, 2018).
See Legal Disclaimer, WISCONSIN COURT SYSTEM, https://www.wicourts.gov/disclaimer.htm (last visited Aug. 1, 2018) stating “However, users should not cite this information as an official or authoritative source and are advised to independently verify all information. The Wisconsin Court System disclaims responsibility for any inaccuracies.”

Lexis claims the print is official.


To access the free statutes, users must affirmatively consent to Lexis’s Terms and Conditions, see https://advance.lexis.com/container?config=00JAAzZmQ5YjBjOC1hNDdjLTQxNGMtYmExZT0wYzZlYWlxDmM5YzcKAFBvZENhdGFs2cHAzmyS2H3XVa9c97KcS&crid=c7b12fa0-e9fa-43b1-94c2-e2ed0a474dc&prid=62aa3c18-73e2-4880-8a84-4143f188d096 (last visited Aug. 1, 2018).

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Curriculum Vita

Leslie Street is the director of Mercer Law School’s Furman Smith Law Library and associate professor. Street previously served as clinical assistant professor of law and assistant director for public services at the University of North Carolina’s Kathrine R. Everett Law Library. She earned her BA, *Magna Cum Laude*, and her JD, *Cum Laude*, from Brigham Young University. She then worked as an Assistant Corporation Counsel for the New York City Law Department in the Bronx Family Court. She next worked as an associate at a firm located in Tacoma, Washington, representing clients in immigration and family law matters. She worked as a volunteer for the Southern Sudanese Community of Washington, providing pro bono immigration assistance for members. In 2008, Leslie obtained her Masters of Library and Information Science from the University of Washington, with a Certificate in Law Librarianship. She then worked as a reference librarian at Georgetown University Law Library before coming to Carolina. Leslie is licensed to practice in New York and Washington.
SESSION 5 – GEORGIA AND STATE RESEARCH RESOURCES
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GEORGIA AND STATE RESEARCH RESOURCES

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General Resources
Below are several resources that can be helpful when you are trying to get started in researching state materials, whether in Georgia or in another state.

National Association Websites

There are several national organizations geared toward different types of state government officials or bodies. These organizations generally do a good bit of research on the work of the states in a particular area, and place the results of that research on the Internet. In addition to providing links to state resources in their purview, these associations can be particularly useful if you want to find another state’s law to compare/contrast with Georgia’s, or to investigate how other states address a particular issue.

National Association of Secretaries of State
http://www.nass.org

As the major professional association for Secretaries of State, NASS conducts surveys of state laws and practices in areas such as elections, administrative rules publication, voter registration, management of business registration, and notaries public.

NASS Administrative Codes and Registers Section
http://www.administrative-rules.org/administrative-rules

The NASS Administrative Codes and Registers Section gathers and distributes information on the publication of administrative rules and codes. As a part of this, the Administrative Codes and Registers Section maintains a site providing links to each state’s administrative law. For each state, the site links to the administrative register, administrative code, and any manual on rule writing or filing provided by the Secretary of State.

National Conference of State Legislatures

The National Conference of State Legislatures provides a variety of resources designed to assist state legislatures. Among these resources are a number of reports and surveys on state laws covering a number of topics, such as child support and medical malpractice. The NCSL also maintains a number of databases tracking new proposed and passed legislation on specified subjects. These materials are available under the “Research” link on the homepage.

National Center for State Courts
http://www.ncsc.org
The National Center for State Courts is the premier source for information on the functioning of state courts across the nation. Topics studied include courtroom technology, the selection and function of juries, how courts handle complex litigation, and specialized courts. The NCSC also makes it easy to compare courts of different states on a number of measures, such as caseload, language access, and civil appellate procedures.

**Law Library Research Guides**

Virtually every law library with a website will have some sort of research guide on that website; it’s what we do. If you are beginning research on a particular state’s law, the best approach is to look for a research guide on that state’s law from a law library in that state. Why focus on a law library in that state? Because the law librarians in that particular state know that state law better than librarians in another state would. We all generally know how to do research in different states, but in general we’re best at doing research in our state.

**Search: [state] law research guide**

For many purposes the best course of action is to go to your internet search engine of choice and type in a basic search such as “Georgia law research guide.” Be sure to check the sources for your results and choose the guides from law libraries in the state which you are researching, as these are more likely to be complete and detailed.

**Law Library of Congress Guide to Law Online**


The Law Library of Congress has put together a series of research guides on the legal research resources in every state and territory. These research guides primarily consist of links to official state government websites and a collection of general guides to the law of each state. Usefully, each guide links to the websites of law libraries in the state, from which it is easy to locate more discrete information.

**Georgetown Law Library Research Guides**

[http://guides.ll.georgetown.edu/home](http://guides.ll.georgetown.edu/home)

Similar to the Law Library of Congress, the Georgetown Law Library has a collection of basic research guides for every state. Each guide includes links to both paid services (Westlaw, Bloomberg, LexisNexis, HeinOnline, and LLMC), government websites, and direct links to research guides from law libraries in that state.
Other Sites

Google Books
https://books.google.com

Internet Archive
https://www.archive.org

Due to their goal to include as much content as possible, Google Books and the Internet Archive contain a large number of historical legal materials, primarily published prior to 1924. Examples include historic state statutes, legislative journals, agency and government reports, and case law.

OpenStates
https://openstates.org

OpenStates provides a one-stop source for information on current legislation in every state legislature. Information on pending legislation is collected directly from the state legislatures, updated daily, and available in a consistent, easy-to-use format. Although it is easy to navigate, there is no search functionality built into the site.

CourtListener
https://www.courtlistener.com/

Provided by the Free Law Project, CourtListener currently contains the searchable text of over 3.5 million precedential opinions from state and federal courts across the country. Although CourtListener does not claim to have every opinion available in paid services such as Lexis and Westlaw, it is quickly approaching relatively comprehensive coverage. Coverage of Georgia courts goes back to 1841.

Georgia Constitutional Resources

Georgia Secretary of State

The Georgia Secretary of State’s website contains the current iteration of the Georgia Constitution, including amendments.

Georgialnfo
https://georgialnfo.galileo.usg.edu/topics/government/articles/constitutions
GeorgiaInfo contains copies of all Georgia Constitutions, from the 1732 colonial charter to the 1983 Constitution. Each Constitution is presented as ratified, without subsequent amendments, making further research necessary if you wish to locate the Constitution in force as of a particular date. Although the GeorgiaInfo website is still available, it is no longer being updated or maintained.

Georgia Official and Statistical Register
http://statregister.galileo.usg.edu/statregister/

Published from 1923 to 1990, the Official and Statistical Register in the 1980s included the full text of the current Constitution. Although prior editions did not contain the entire Constitution, the text of Constitutional amendments put up for vote and results of the election on those amendments were routinely included.

Georgia Government Publications
http://dlg.galileo.usg.edu/cgi/ggpd?dbs=ggpd&ini=ggpd.ini&userid=public&query=Authors:%22Georgia.+Constitution.%22

Among the numerous resources in Georgia Government Publications, the database includes a number of Georgia Constitutions from 1942 to 2009. Not every year is represented; however, the Constitutions in the database generally incorporate any amendments prior to their publication.

State of Georgia Select Committee on Constitutional Revision, 1977-1981
http://dlg.galileo.usg.edu/cgi/ggpd?dbs=ggpd&ini=ggpd.ini&userid=public&query=Authors:%22Georgia.+Select+Committee+on+Constitutional+Revision.%22

An invaluable source of legislative history in the drafting of the current Constitution, this set presents the full, verbatim transcripts of meetings where the members of the Committee debated revisions to the Georgia Constitution. In addition to the transcripts, material available to the Committee at the sessions is included, such as committee reports, draft versions with strikethroughs, and cross-reference tables showing proposed changes.

Georgia Legislative Materials

Codes

Current Code of Georgia (free access)
https://www.lexisnexis.com/hottopics/gacode

The current text of the Georgia Code is made available to the public for free through an agreement between the State of Georgia and the publisher, LexisNexis. Because it is published
by LexisNexis, this version of the Georgia Code allows for advanced terms and connectors searching. The online, freely available version does not contain any annotations, but does include the history line.

**Historic Georgia Digests and Codes**
https://digitalcommons.law.uga.edu/ga_code
https://archive.org/details/ugalaw

The University of Georgia Law Library has digitized each of the digests, compilations, and codifications of Georgia’s laws from the original 1799 Watkins Digest to the 1933 Code. In addition to making these historical codes available through the UGA Law Library website, the codes are available from the Internet Archive. The Internet Archive versions can be browsed and searched easily without downloading the full volume.

**Session Laws**

**Georgia Legislative Documents, 1799-1999**
http://www.galileo.usg.edu/express?link=zgl

Georgia Legislative Documents provides access to the full text of the Georgia session laws from 1799 to 1999. Despite the search indicating the presence of laws from 1755, the earliest session laws are from 1799. The laws are presented in HTML format; however, there is clear delineation of page changes. Several useful search functions are available, including a year/page search, which allows users to quickly locate a law from a citation to the *Georgia Laws*.

**Georgia Government Publications, 2000-present**
http://dlg.galileo.usg.edu/cgi/ggpd?query=ca:%20(ga%20l407)

Georgia Government Publications has picked up where Georgia Legislative Documents left off, posting the full PDF of each edition of *Georgia Laws* published from 2000 to the present. The online search capability leaves something to be desired, as it does not allow for a year/page search or searching within an individual volume; however, each volume can be downloaded and searched offline as well.

**Legislative History and Bill Tracking**

**Georgia Legislature**
The Georgia Legislature’s website provides a wealth of information about the legislative process for recent years. Most information is available by selecting the “Advanced Search” option or by navigating to the websites for the House of Representatives and the State Senate. The “Advanced Search” provides access to legislation back to 1996, and offers functionality such as searching by O.C.G.A. title affected. The majority of the legislative history information is available on the House and Senate sites, which contain video broadcasts of the legislative session and committee meetings, as well as committee reports, agendas, minutes, and documents.

**Georgia State University Law Review Peach Sheets**
https://readingroom.law.gsu.edu/gsulr

Published since 1985 and written by members of the Georgia State University Law Review, the Peach Sheets provide legislative history information for legislation considered by the Georgia General Assembly. The coverage of legislation is selective, and includes significant legislation that did not ultimately become Georgia law, either because it failed to pass or because of a gubernatorial veto. Legislative histories are compiled from sources available from the Legislature, tracking of news articles, and interviews with legislators and interested parties. Notation is made of changes from prior law, amendments to the legislation as it made its way through the General Assembly, and relevant history or precipitating events. The Georgia State University Law Review website contains the full text of all published Peach Sheets, as well as the option to perform a search only within the Peach Sheets.

**Georgia House Journals**
http://dlg.galileo.usg.edu/cgi/ggpd?query=ca:%20(ga%20l404)

**Georgia Senate Journals**
http://dlg.galileo.usg.edu/cgi/ggpd?query=ca:%20(ga%20l402)

Along with a wealth of other information, the Digital Library of Georgia has digitized the entire history of the Georgia House and Senate Journals and posted them online in Georgia Government Publications. As a source of legislative history, the House and Senate Journals are of limited use, as no details of floor speeches are included. However, the House and Senate Journals do contain information on committee substitutes, the dates that bills were discussed, and voting records.

**AJC Legislative Navigator**
https://legislativenavigator.myajc.com

The Atlanta Journal-Constitution’s Legislative Navigator provides a variety of ways to view information about the current legislative session. Information is available on members, including a “batting average,” sponsored legislation, recent votes, and demographic
information on their district. Bill information includes a list of actions, links to versions, records of votes, and a forecast of each bill’s likelihood of passage.

**Georgia Lobby**
https://galobby.com

Designed with lobbyists in mind, Georgia Lobby is a subscription-based service providing monitoring and updating for a variety of activities at the Georgia Capitol. Subscribers can receive updates on bills, committee activities, and agency activities, such as public meetings. Subscription prices range from $500 to $1700, billed annually.

**Georgia Administrative Materials**

*Regulations*

**Rules and Regulations of the State of Georgia**
http://rules.sos.ga.gov/

The Secretary of State’s office makes the full text of the current Georgia regulations available for free online through an agreement with the publisher, Lawriter, LLC. Each rule contains a citation to legislative authority as well as a history line including effective dates and notations of amendments.

**Georgia Agency Websites**
https://georgia.gov/agency-list

In addition to the website provided by the Secretary of State, many Georgia agencies post or link to their rules and regulations. On an agency site, look for a link to “Laws and Rules,” which may be either on the home page or on an “About Us” page. In addition to current regulations, several agencies, such as the Environmental Protection Division and the Department of Labor, post notices of potential rules amendments and public meetings.

*Executive Orders*

**Georgia Governor’s Website, 2019 - present**

The Governor’s website is generally the best source for the latest executive orders, as it is updated as each executive order is issued. However, the Governor’s website generally refreshes when a new Governor takes office, and orders issued by the previous administration are often removed.
Georgia Government Publications, 1983 – Present
http://dlg.galileo.usg.edu/cgi/ggpd?dbs=ggpd&ini=ggpd.ini&userid=public&action=results&rset=007&crumbs=%5BExecutive+Order%5D

In addition to the Governor’s website, Georgia Government Publications contains a collection of executive orders. This collection spans administrations, from 1983 to the present, and thus provides a readily available source of historical executive orders. There can be a slight delay in posting articles to the database, however, so those looking for the most recent executive orders are advised to first check the Governor’s website.

Attorney General Opinions

Attorney General’s Website, 1992 – present
https://law.georgia.gov/opinions

The website of the state Attorney General contains both official and unofficial opinions from 1992 to the present. These opinions are searchable by opinion number and keyword. In addition to the text of the opinions, the Attorney General site includes a list of opinions rendered obsolete or modified by subsequent legislation or judicial action.

http://dlg.galileo.usg.edu/cgi/ggpd?query=ca:%20(ga%20l310)

Included in Georgia Government Publications are scanned PDFs of the bound volumes of the state Attorney General opinions, including tables and indices. Coverage becomes more spotty for early years; however, there are opinions available as far back as 1882. From 1882 to the 1920s, opinions were published as a part of the Attorney General’s report.

Administrative Decisions & Materials

Administrative Law Report
http://www.administrativelawreport.com

Launched in 2013, the Administrative Law Report provides access to decisions of and information about the Office of State Administrative Hearings. Each decision is accompanied by a short summary, and is categorized by both topic and the administrative law judge hearing the case. Although the decisions are not themselves searchable, the summaries can be searched. The Administrative Law Report also contains the annual reports of the Office of Administrative Hearings.
Georgia State Board of Education Decisions

The Georgia Board of Education posts its decisions in appeals from local school board cases on its website; the archive of decisions goes back to the 1970s. Decisions are searchable by keyword, appellant, or appellee. Decisions are available in PDF format.

Georgia State Board of Worker’s Compensation Published Awards
https://sbwc.georgia.gov/published-awards

The Board of Worker’s Compensation makes available on its site published appellate decisions from 2009 to the present and trial decisions from 2011 to the present. Names of parties are redacted, so searching by judge, issue, county, or date is suggested.

Georgia Department of Revenue Rules & Policies
https://dor.georgia.gov/rules-policies

The Georgia Department of Revenue Rules & Policies page includes among the resources a number of letter rulings on specific tax situations. Access to the letter rulings is available by selecting the appropriate topic, then the “Letter Rulings” link. The letter rulings are searchable once located within a topic; however, they are redacted, so searching by party is not advised.

Judicial Materials

Georgia Judicial Gateway
http://georgiacourts.gov/

Presented by the Judicial Council of Georgia, the Georgia Judicial Gateway is a portal linking to judicial resources throughout the state. Included in the portal are links to the state appellate courts, uniform rules, the Administrative Office of the Courts, the judicial directory, and direct links to efilng in county State and Superior courts. Through the Administrative Office of the Courts, you can locate the Councils of Judges for the State, Superior, Magistrate, Probate, and Municipal courts.

Prosecuting Attorneys’ Council CaseLaw Update
https://pacga.org/caselaw-updates/

Produced on a weekly basis, the CaseLaw Update provides detailed commentary on new decisions of interest to those practicing criminal law. The case summaries range from two paragraphs to over a page; however, due to the frequency of publication, each issue only consists of a few pages, making it an easy way to stay up-to-date on the latest in criminal law.
Municipal Ordinances

Municode
https://library.municode.com/

Municode is the country’s largest publisher of municipal and county codes; it is also the publisher adopted by most Georgia counties and cities. Searching across all codes is available with a MuniPRO subscription, currently $495.

American Legal Publishing
http://www.amlegal.com/code-library/

American Legal Publishing provides publishing services for municipalities and counties across the country, most notably in North Carolina, Ohio, Illinois, and Indiana. Although not listed on their website, American Legal Publishing publishes the code of Harlem, Georgia. Searching across all codes (including Harlem) is available from the “View All State Codes” link.

General Code
https://www.generalcode.com/resources/ecode360-library/

eCode360 is the online library of codes published by General Code, LLC. General Code primarily publishes codes in New England, the Mid-Atlantic, and the Midwest. There does not appear to be an option to search across all codes.

Code Publishing Company
https://www.codebook.com/listing/

Code Publishing Company primarily publishes municipal and county codes from the Western United States, with a few codes available in other states, such as Pennsylvania. Code Publishing Company also publishes several codes from tribal governments and special districts. Each code must be searched separately.

Sterling Codifiers
https://www.sterlingcodifiers.com/#codes

Most codes from Sterling Codifiers are from municipalities and counties west of the Mississippi. Unlike many other sites, Sterling Codifiers allows searching across all codes from a single state.

Franklin Legal Publishing
http://www.franklinlegal.net/search-codes
Franklin Legal Publishing provides full-text searching of online codes in over 300 municipalities in Texas. Searching across codes is not available.

**Quality Code Publishing**

[http://www.qcode.us/codes.html](http://www.qcode.us/codes.html)

Quality Code Publishing primarily publishes municipal codes in California, although a few municipalities in other western states are also represented. In addition to the municipal codes, some specialized plans and codes, such as development codes, are available. Each code must be searched separately.
Pam Brannon is the Coordinator of Faculty Services at the Georgia State University College of Law Library. She received her undergraduate and law degrees from the University of Georgia and her Masters of Science in Information and Library Science from the Pratt Institute. Prior to her time at GSU, she worked at the New York Public Library and at the UGA libraries. At GSU, Pam is responsible for the library’s work with the College of Law faculty, including assisting with faculty research on a wide variety of subjects. In addition to her work with faculty, Pam provides reference assistance and teaches a section of Research Methods in Law, a required first year law school class.
SESSION 6 – PUBLIC RECORDS SEARCHING
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Public Record Searching
Margaret (Meg) Butler
Georgia State University College of Law Library
Atlanta, Georgia

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1 PRELIMINARY CONCERNS

Public record searching is an important skill for attorneys to possess. In addition to using public record search results to identify or evaluate potential clients, attorneys commonly may conduct public record searching to assist in preparing for litigation or resolution of a client’s legal issue. Investigation may also be done to learn more about witnesses or jurors. Keep in mind that the term “factual research” is often used to describe public record searching.¹ The research portion of this presentation focuses on public records in the strictest definition—government maintained records regarding people and transactions. However, there are other sources of publicly available information, such as social media, and I will touch at points on issues related to that information as well.

When contemplating public records searching, there are several preliminary concerns that should be addressed. Ethical questions, governing law regarding privacy, and efficiency should be considered before conducting any searches.

1.1 Ethical Concerns

Of course, as attorneys we all are careful to follow the ethical requirements applicable in their jurisdictions. Speaking generally, attorneys are under an obligation to refrain from dishonest conduct, fraud, deceit, or misrepresentation. ABA Model Rules of Professional Conduct Rule 8.4(c). Put another way, attorneys are expected to be truthful in dealings with others, including making no knowing “false statements of material law or fact.”² Also, ABA Model Rule 1.2 bars a lawyer from knowingly counseling or assisting a client in committing a crime or fraud.³ Remember also that any investigator searching on behalf of an attorney should also stay within legal boundaries.⁴ Under Mode Rule 5.3, a lawyer is accountable for the conduct of nonlawyers they employ or retain.⁵

With these considerations in mind, following are a list of potential issues and related recommendations.

¹ https://guides.library.harvard.edu/law/public_records
⁴ “The long and short of it is that attorneys will need to have a documented conversation with their investigators to ensure that ethical and legal boundaries will not be transgressed,” Hoofnagle said. ABA/BNA Lawyers’ Manual on Professional Conduct, Current Reports™ October 18, 2006 When Using Investigators, Lawyers Must Set Boundaries of Permissible Conduct, page 7.
⁵ October 18, 2006 When Using Investigators, Lawyers Must Set Boundaries of Permissible Conduct, page 8, citing to Model Rule 5.3(b).
1. Pretexting happens when a person pretends to be another person in order to gain access to information. This may be a violation of law, a de facto ethical violation. Even if it does not violate the law, it may be an ethical violation. A noteworthy of a pretexting scandal is the Hewlett-Packard Company scandal in which pretexting was part of an internal corporate investigation. House Hearing on the Hewlett-Packard Pretexting Scandal, House Committee on Energy and Commerce : Subcommittee on Oversight an Investigations Holds a Hearing on the Hewlett-Packard Pretexting Scandal, Sept. 28, 2006, available at http://www.washingtonpost.com/wp-srv/business/documents/HP_hearing09282006.html.

2. Electronic social media presents a number of possible issues. Information gathered by ‘friending’ somebody may violate rules regarding communication with represented parties. Further, research using electronic social media tools including sources such as LinkedIn may inadvertently disclose information. Klinefelter, Anne, “When to Research is to Reveal: The Growing Threat to Attorney and Client Confidentiality from Online Tracking,” 16 Va. J.L. & Tech. 1 (2011). When searching, it is advisable to be certain that one is completely logged out of one’s own electronic social media accounts, to make sure that the information viewed is actually publicly available.

   Another issue associated with electronic social media is the risk of not searching, and therefore failing to zealously represent one’s client or to demonstrate required levels of technological competency. A “duty to Google” has been suggested, at least in contexts involving locating parties. Browning, John G., “Facebook, Twitter, and LinkedIn—Oh My! The ABA Ethics 20/20 Commission and Evolving Ethical Issues in the Use of Social Media,” 40 N. Ky. L. Rev. 255, 261 (2013).

3. Laws limit access to some information. There are laws that specifically limit how information may be used. These include the federal Drivers Privacy Protection Act, 18 U.S.C. 2721, the Gramm-Leach Bliley Act, 15 U.S.C. 6801 to 6809, the Telephone Records and Privacy Protection Act, 18 U.S.C. 1039, etc.

4. Asking or paying a friend or source with access to information that would not otherwise be public is likely an ethical problem. If the friend or source is prohibited by law from accessing the information without a legitimate work reason, the person may be violating the law in accessing and sharing the data.

5. Investigators actions may subject attorneys to liability. An investigator or paralegal must follow the same practices as an attorney doing the research. In other words, if the attorney should not pretext, neither should the paralegal or investigator. The attorney is responsible for the actions of the others, and they all must “observe legal constraints on intrusion of privacy.” American Law Institute, Restatement (Third) of the Law Governing Lawyers, Comment b to Section 106 (2000).

1.2 Algorithmic Search Control

When you search the web, you are relying upon the algorithms of the search provider (Google, Bing, DuckDuckGo, etc.) that runs behind the scenes. Those search providers invest heavily in generating effective algorithms, it is true. But those algorithms also reflect the biases and expectations of the

Because web search engines have different algorithms, it is beneficial to search using more than one platform. This is akin to the advice to check both Lexis and Westlaw, assuming cost is not an issue. Check Bing and Google, if you are looking for information and you want a more complete report.

In some search systems, you may be able to use an “advanced” search that gives the researcher a little more control over the search that is run. In others, the user has no idea of how the search is operating, what is being reviewed, etc. When possible explore a site’s search instructions/help guidance. It will improve the efficacy and results of searching.

1.3 DATABASE COST

When searching for public records, it is worthwhile to evaluate the cost of searching on your own as compared with paying a service to run the search. Sometimes it is more efficient to pay a search provider for a report on an individual.

2 Search Construction Review

2.1 GOAL ORIENTED

Search is most effective when the researcher has an idea of what is needed or wanted. By being goal oriented, the researcher is able to make choices that improve the efficiency of the search. A property record search is not the most efficient way to gather information about business’s role in food borne illness outbreaks.

2.2 UNDERSTAND THE SEARCH OPTIONS/FUNCTIONS

When you are searching for public records, you are hopefully able to search a database that is maintained by a government agency. The database behind the scenes is that allows the user to ask for items that include particular information, such as searching for all items that include a person’s name.

If you do not understand how the search systems work, however, you will be frustrated in your search. Government databases do not always include clear instructions or explanation of how they work. For example, the DeKalb Property Tax Assessor database indicates that you can search by “Partial Owner Name (e.g. last name)”. However, the database appears to index (treat as a search term) only the first owner’s name—not the name of a co-owner. In other words, searching for the co-owner (second listed name) will not retrieve any results under that name. The tricky thing for researchers is that the instructions for the search do not provide that information.
Some databases require particular information in order to function properly. To that end, it may be necessary to start in one place to get a piece of information necessary to search effectively in another. Remember that public records research may require a series of steps in different databases to get to the end information goal.
The DeKalb County Board of Health Environmental Health Inspection Scores site, for example, provides “How To Use This Site” information that makes it easier to understand and use the search tool and results.

2.3 Track Yourself

To maximize research efficiency, keep track of the searches you try and the relevant results. If you have the address of a property and a person’s name, the DeKalb County Property Information database issues can be resolved by searching by address.

Tracking your research will also help you avoid duplication in case you are interrupted.

3 Public Record Sources
3.1 LIFE AND DEATH

Following is a list of official sources for vital records. Remember that newspapers, particularly local newspapers, may also include birth, death, and wedding announcements.

3.1.1 Birth records
Birth certificates are available to applicants who have “a direct and tangible interest, primary immediate family members, or legal representatives of the family.” Georgia Department of Public Health, “Birth Records,” https://dph.georgia.gov/birth-records. There is an application form and a fee. Records from prior to January 1919 may be available instead at county Vital Records offices.

3.1.2 Death records
These are available for deaths occurring in Georgia from January 1919 to present from the Vital Records. There is an application form and a fee. For earlier death records, some may available through County Vital Records Offices. Also, the Georgia Archives has available Georgia Death Certificates from 1919 through 1927. There are select certificates available from 1914-1918 as well. Georgia Archives “Georgia Death Certificates” http://vault.georgiaarchives.org/cdm/landingpage/collection/gadeaths.

3.1.3 Marriage records
Marriage certificates (certified copies) are available to the public through the State Office of Vital Records if the marriage was recorded from June 1952 to August 1996. Records of marriages before or after that range of time are available from the county Probate Court where the license was issued. There is an application form and a fee. “Marriage Records” https://dph.georgia.gov/marriage-records.

3.1.4 Divorce Records
The state Office of Vital Records can provide divorce verifications for the time from June 1952 to August 1996. Prior to that range of time, verifications must be sought from the Clerk of the Superior Court in the county granting the divorce. There is an application form and a fee. “Divorce Records” https://dph.georgia.gov/divorce-records-0

3.2 BUSINESS RECORDS

The Georgia Corporations Division of the Secretary of State Office is a source for a variety of business records in Georgia.

3.2.1 Business Search (https://ecorp.sos.ga.gov/BusinessSearch)
Allows a researcher to search by business name, agent name, officer name, or control number. The information searched is based on the entity’s information on file with the Secretary of State. If you follow the links available from the business search, you can identify the filing information (date, time, type of filing, effective date, etc.). TIF files (picture images) of underlying filings are available. Available filings may include certificates of filing, certificates of amendment, and annual registration documents.

3.2.2 Trademark and Service Mark Database
This database contains trademarks that are registered in Georgia, which means that it will not include any federal, foreign, or common law trademarks.
3.2.3 Restaurant, Pool, and Hotel Inspections
The Georgia Department of Public Health “Environmental Health Inspections,” https://dph.georgia.gov/environmental-health-inspections, site is the jumping off point for searching. A list of counties that post their own searchable results is available, as well as a link to a search page for all the rest of Georgia.

3.2.4 UCC Index
The Uniform Commercial Code (UCC) filings are lien notices representing security agreements between the parties. The Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA) maintains a searchable index for Georgia UCC filings. http://search.gsccca.org/UCC_Search/search.asp?searchtype=Article9 A helpful explanation of how the search works is available on their site (http://search.gsccca.org/UCC_Search/files/UCC_Search_Logic.pdf).

3.2.5 Licensing and Permits
Licensing information is available from a variety of sources. For some professions, such as attorneys, licensing information is available through the professional board or organization. However, the Secretary of State supervises the Professional Licensing Boards Division, which provides administrative support to 41 licensing boards. Information regarding those licenses from those 41 boards is available through the Secretary of State’s Licensing site, http://sos.ga.gov/index.php/licensing. To verify one individual, select the licensure search option. Information available will indicate whether the individual’s registration is active or lapsed, provide contact information, etc. If the individual has been subject to public orders by the licensing board, those may also be available.

3.2.6 Residential and General Contractors
Contractor information may be searched at the Georgia Board of Residential and General Contractor, http://sos.ga.gov/index.php/licensing/plb/46, which is hosted by the Secretary of State. A check of the licensing information will include license status, dates of issuance and expiration, as well as any public orders related to the licensee.

3.2.7 EDGAR
Though not a Georgia resource, EDGAR (Electronic Data Gathering Analysis and Retrieval) is a resource for Securities Exchange Commission filings.

3.3 Real Property
3.3.1 Liens
The Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA) maintains a searchable system for property liens (real or personal, other than UCC transactions) in Georgia. You can search the Georgia Consolidated Lien Index to locate liens that are filed in all counties since 1/1/2004. The underlying documents are filed in individual counties and indexed. Search options include name or county book and page. Filters include date range, party type, lien instrument type, etc. Images of the documents are available to view and print. Also included are state revenue department pending liens, though this information is not uniformly available for all counties. https://www.gsccca.org/learn/search-
systems/lien-index. To search the database, a user must create an account, although the database may be accessed freely at any Georgia Superior Court Clerk’s office.

3.3.2 Real Property Searching
Reliable information for real property may be obtained using Google maps for street view or satellite view of a location. Also, information and sometimes photos may be available through sales websites such as Realtor.com, Zillow.com, or Redfin.com.

3.3.3 Plat Index
Maintained by the Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA), the plat index system helps users locate copies of subdivision plats, lots, surrounding lots, plat covenants or restrictions, right of way easements, condominium building and grounds architectural plans, etc. The service may be accessed remotely and searched by name or county book and page. Index data includes the plat caption name, location of the property, and the book and page where the map is filed. Images of plat pages are available for printing. https://www.gsccca.org/learn/search-systems/plat-index

3.3.4 Carbon Registry Index
A not-for-profit program that is managed jointly by the Georgia Forestry Commission and the Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA), the index contains carbon sequestration registrations from all counties and is searchable by county, participant name, and date. Can also be searched here: http://www.gacarbon.org/search.aspx. Registration is voluntary.

3.3.5 Building Permits
Permits are issued by counties. Each county has its own system of record availability, and the search functionality varies from county to county. Some counties, such as DeKalb, publish monthly lists of Planning and Sustainability Permits issued, though permit applicant may login online to see status. Others, such as Cobb, require users to create an ID to search a database of permit applications or schedule an inspection.

To locate permits, find the county office issuing permits and investigate the individual county website. Keep in mind that there are 159 counties in Georgia, some of which may also have municipal permit issuing authorities.

3.4 Property Tax Records
The Department of Revenue provides a list and links to the Georgia counties that maintain property records online and allow for payment and searching of those records. https://dor.georgia.gov/property-records-online

It may be worth checking both the Assessor’s office and the Tax Commissioner’s office for property records. The information contained on each site may be duplicative, but the Assessor will likely include a link to recent tax notices.
3.5 CRIMINAL RECORDS

3.5.1 Georgia Inmate Search
There is no cost to search the Georgia Inmate Search (offender) database, but there is a prominent disclaimer agreement requiring acknowledgement that information obtained online should be verified through the Inmate Records and Information office through written correspondence. Georgia Department of Corrections, “GDC Internet Services Disclaimer Agreement,” http://www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffQryForm.jsp.

3.5.2 Pardon or Parole Search
To search for information regarding a parole, check with the State Board of Pardons and Paroles, “Parole Search,” https://papapps.pap.state.ga.us/paroleesearch/search/searchPage. The search will function if you use a partial name, and it includes additional fields if you have more information. Results include photos, physical description, parole duration, and contact information for the parole office.

3.5.3 Georgia Sex Offender Registry
Maintained by the Georgia Bureau of Investigation, https://gbi.georgia.gov/georgia-sex-offender-registry, users must agree to Conditions of Use prior to searching. The search options include searching by name, by address, and distance from an address. Results include offender photographs.

3.5.4 VINELink
An online service provides updates to individuals who register to receive information about offenders. The service is available in a few Georgia counties including Cherokee, Clarke, Cobb, DeKalb, Forsyth, Fulton, and Gwinnett. Vine, “Georgia Vine,” https://vinelink.com/#/home/site/11059.

3.6 ELECTION RECORDS
Voter History Files are available from the Secretary of State, though for some specific elections the county or municipality conducting the election is the better source. Elections Division, “Voter History Files,” http://elections.sos.ga.gov/Elections/voterhistory.do. A separate request must be made for Voter Registration List and Files in order to associate voting records with particular voters. Voter registration lists include name, residential address, race, gender, registration date, and last voting date.

3.7 STATE OF GEORGIA INFORMATION

3.7.1 Team Georgia Directory
Described as an index of Georgia’s state leadership, the directory is organized by office or unit and includes employee names, titles, phone numbers, and email addresses. The website and street address is also available for each office or unit. http://directory.doas.ga.gov/. The site also offers an employee name search. A person working for a unit that is not included, such as the University System of Georgia, will not appear in the directory. Those individuals must be searched elsewhere.
3.7.2 Open Georgia
This resource by the State of Georgia provides information regarding the State’s spending. The salaries and travel reimbursements page will provide information about income, while other reports include records of state organization spending, budget records, and evaluations of state programs.

3.7.3 Georgia.gov
Directory information, including contact information, phone numbers, addresses, web sites, etc., is available for state agencies, cities, and counties. Further, there is historical information and information about elected officials.

3.7.4 Court Dockets
Dockets are an incredibly useful source of information. In addition to the obvious—who is representing who, in what court, on what matter types, and how the matter is proceeding—dockets may provide additional assistance. Dockets can be a source of address information. Dockets can provide access to information about experts and other matters in which they have testified. Dockets may also provide researchers with access to a variety of sample motions, affidavits, etc.

Georgia Superior Court dockets vary greatly in terms of their online usability. Some counties have very minimal search functionality and none of the underlying documents/filings are available online. Other counties offer more options in terms of document availability online. If you want to review a case file in person, be sure to check whether the file is available onsite, or if it has been moved to off-site storage due to its age.

3.7.5 Agency Decisions
Decisions of agencies of the State of Georgia may be available online through the agency website. For example, appeals of decisions made by local school boards are heard by the State Board of Education, and they are available online. Georgia Department of Education, “State Board Decisions,” http://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/Pages/PEABoardDecisions.aspx.

3.7.6 Georgia Tax Tribunal
With jurisdiction over matters involving final assessments and executions of the Georgia Department of Revenue, the Georgia Tax Tribunal has opinions from January 2013 to August 2017 available on its site. https://gataxtribunal.georgia.gov/documents/decisions

3.7.7 Open Record Requests
Records that are not otherwise available may be requested from Georgia agencies by filing an Open Records request. The Attorney General provides a form and information about filing requests. Office of Attorney General Chris Carr, “How to Make an Open Records Request,” https://law.georgia.gov/how-make-open-records-request.

3.8 Historic Information
Sometimes researchers are looking for old information, in print or online.
3.8.1 Legal Newspapers
The legal newspaper of record may be searched for old notices, such as required notice for a father of an adoption, though this may involve consulting microfilm or microfiche.

3.8.2 The Way-Back-Machine
The web is constantly changing. Archive.org contains prior versions of websites. If you want to see what a website looked like five years ago, it is easy to go back in time and view the prior version. Not all sub-pages of a site may be included, but it is worth checking.

3.8.3 Google Cache Pages
Sometimes a website has updated recently, and information available has changed, or perhaps the page is just temporarily unavailable. A Google search for the page will offer the option of reviewing the cached version of the page, a snapshot of the page the last time that Google’s web crawlers visited the site.

4 Annotated Bibliography
The articles identified below raise interesting questions related to public records, fact research, and ethical responsibilities of attorneys conducting factual and public records research.


Attorney Barber advocates that state governments have a duty to prevent unnecessary disclosure of confidential personal information. Barber describes the types of personal information gathered, stored, and disclosed by government entities. Further, he raises questions regarding the role of and right to privacy in the digital age.


Following the issuance of the ABA Ethics 20/20 Commission report, Attorney Browning considers social media products including Facebook, LinkedIn, and Twitter and how their use relates to the Rules of Professional Responsibility. Browning’s analysis includes examples of rule changes and scenarios or case studies from around the United States. Particular attention is paid to the duty of competent representation, confidentiality, client development, and use of technology.

Carlson briefly introduces Voltaire, a IBM Watson powered service that can provide information about prospective jurors. Voltaire CEO Basit Musttafa arrived at the idea of using technology to assist in the repetitive and menial tasks associated with jury selection. The Voltaire software uses analysis based on deep psycholinguistic and behavioral analysis in determining predictions for prospective juror votes.


Attorney Cicchini analyzes ABA Model Rule 1.9 regarding the use and revelation of information relating to representation. Under Rule 1.9, all information related to representation is protected from revelation, even information that neither came from the client nor was about the client, such as public statements in court, pleadings, etc. Extensively considering Model Rules 1.9 and 1.6, as well as other sources, Cicchini calls for reform of Rule 1.9 to better define what is generally known when publicly available and consider client expectations and the legal profession’s legitimate interests in revelation.

Jennifer A. Conta, How to Manage the Investigative Function in Evaluating Expert Witnesses, Orange County Law., May 2010, at 10 and following.

Investigation of expert witnesses may be valuable in litigating an issue requiring expert testimony. Investigation may direct an attorney’s preparation in cross-examination question, and investigation must comply with the duties of competency and supervision. Basic online searching can identify expert names and addresses, ensuring that all appropriate jurisdictions are researched. Steps may include verifying credentials, identifying publications, and reviewing social media and business networking tools.


Attorney Cook provides suggestions of sources of digital information that will fulfill attorney needs. Examples include a party’s own website as a party admission or for other secondary information; the secretary of state’s records of incorporation; property filings; professional license records; alcohol beverage control; state board of equalization; public utility commissions; government regulators, such as in copyright or trademark; and courts. Though this article is written using California-specific examples, the suggestions remain relevant.


The rationale that one has no reasonable expectation of privacy in a public setting such as a street comes under fire from Cuador. She notes that facial recognition software relies not only on plainly visible information but also on data points created through image analysis. The author questions whether privacy rights are implicated on the basis of the biometric data that is collected and concludes with recommendations requiring express consent for facial-recognition technology.

Fairchild’s comment describes the evolution of the law regarding access to public records, focusing on North Carolina. He raises concerns about the ways in which public records laws, including freedom of information laws, are or can be used to harass, intimidate, and spy on state actors. Recognizing the need to balance access to records with intellectual freedom for public universities, Fairchild calls for the creation of specific statutory exemptions from freedom of information laws including for student information, professor communications and research, and legal clinics.


Preparation for a deposition is critical, according to Friedman. Among the resources recommended in preparation are database and internet searches. These can help locate depositions taken by prior experts or witnesses. Other recommended search sources include publicdata.com, a subscription service that provides very cheap searches, hoover.com for the basic free company information, freeedgar.com for free SEC filings, and others.


In this comment, Ibarra recognizes the complications arising from ethical obligations, such as the duty of competency, which may be construed as requiring attorneys to engage in social media searching regarding potential jurors to competently complete voir dire. Based on examples from other states, Ibarra advocates that, should the Texas State Bar interpret ethical rules as requiring attorneys to search social media, additional guidance delineating expectations should be included to assure that attorneys are able to perform effectively. Practice tips offered include using search engines and proper search operators, setting up alerts to monitor searches, log out of personal profiles when searching to avoid inadvertent ex parte communications, and browse anonymously.


Klinefelter describes the loss of confidentiality that may arise from commercial tracking of online research. Best practices to prevent tracking, such as mastering privacy settings on web browsers or using encrypted tools for legal research, are suggested. Klinefelter further calls for legislation that would protect online privacy.
This review of *The Cybersleuth Guide to the Internet: Conducting Effective Investigative and Legal Research on the Web* suggests that the title, though almost immediately out of date, provides useful tips for searching for information available through searchable databases on the internet. This information is invisible, until a researcher identifies and searches the database. Reviewer Lewis notes the authors encourage searchers to add the word “database” to a Google search to identify searchable databases that may contain the sought information.


The authors, supported in part by the National Science Foundation, conducted a study of 992 respondents to evaluate whether information type, source, and context affect determinations of whether access and use of data is appropriate, whether age and gender affect those determinations, and whether the difficulty of accessing public records affects those determinations. The authors advocate for a “reexamination of policies surrounding public records and open data initiatives” based on their research. The study is important as popular opinion may inform the legal concept of legitimate or reasonable privacy expectations.


In this comment, Mesenbourg describes briefly the history of voir dire and the increasing use of social media searching as a voir dire tool. After noting that there is little appellate guidance regarding the use of social media searching in voir dire, Mesenbourg suggests new formulaic rules to assure compliance. The proposed rules would restrict jurors from accessing mobile electronic devices during the trial and allow lawyers to conduct Internet research into prospective jurors’ social media profiles.


Plesko notes that attorneys must be careful to assure that their private investigators’ actions do not cause the attorney to violate the Model Rules of Professional conduct. Rules potentially implicated by an investigator’s actions include Model Rules 4.1 (no knowing false statements of material law or fact), 5.3 (attorney shall supervise and is responsible for employees), and 8.4 (prohibiting an attorney from inducing another to violate the Rules). Plesko describes investigative techniques including surveillance videos, pretexting, social media use, and GPS tracking, concluding that they may cause problems under the Model Rules. Plesko suggests solutions for attorneys including due diligence in hiring investigators, setting “rules of engagement” that set limitations on investigator action, and having zero tolerance for investigator bad actions.

Author Rostow posits the privacy harm of “relational control” arising “when individuals acquire the private data of those in their social or professional networks,” leading to harms not currently recognized in privacy scholarship (673). The note describes the frequency and ease of data transactions as well as the gaps in existing commercial privacy law.


Personally identifying information, including Social Security numbers or other information that may become available through internet data mining, is collected, stored, and transferred electronically. The authors advocate for stronger laws to protect individuals’ personal identifying information, addressing in particular laws governing data breaches and identity theft. They offer a federal model law that addresses privacy policies of companies, including drafting suggestions and recommended practices to both protect from data breaches and penalties for noncompliance.


Focusing on the role of attorney in real estate transactions, including the requirement that the attorney complete due diligence checks, librarian Stevens focuses on Michigan and federal laws that have affected due diligence processes. For example Agency and Compliance Hple the Sarbanes-Oxley Act has increased the disclosures available that should/could be checked. Mentioned are the Environmental Protection Agency Enforcement and Compliance History Online (ECHO) database for environmental issues. Also mentioned are EDGAR for corporate disclosures, NETR Online for identifying the county in which a city is located, and other resources specific for Michigan.
Margaret (Meg) Butler
Professional Profile

Meg Butler is the Associate Director for Public Services at the Georgia State University College of Law Library. She received her undergraduate and law degrees from the University of Oregon and her M.L.S. from Queens College and M.Ed. from Brooklyn College. Meg provides reference assistance and teaches a section of Research Methods in Law, a required first year law school class. She also teaches legal research to the students in the foreign-trained lawyer program at GSU. Meg is active in professional organization, serving in a variety of leadership roles.
Appendix
# ICLE BOARD

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GEORGIA MANDATORY CLE FACT SHEET

Every “active” attorney in Georgia must attend 12 “approved” CLE hours of instruction annually, with one of the CLE hours being in the area of legal ethics and one of the CLE hours being in the area of professionalism. Furthermore, any attorney who appears as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case in 1990 or in any subsequent calendar year, must complete for such year a minimum of three hours of continuing legal education activity in the area of trial practice. These trial practice hours are included in, and not in addition to, the 12 hour requirement. ICLE is an “accredited” provider of “approved” CLE instruction.

Excess creditable CLE hours (i.e., over 12) earned in one CY may be carried over into the next succeeding CY. Excess ethics and professionalism credits may be carried over for two years. Excess trial practice hours may be carried over for one year.

A portion of your ICLE name tag is your ATTENDANCE CONFIRMATION which indicates the program name, date, amount paid, CLE hours (including ethics, professionalism and trial practice, if any) and should be retained for your personal CLE and tax records. DO NOT SEND THIS CARD TO THE COMMISSION!

ICLE will electronically transmit computerized CLE attendance records directly into the Official State Bar Membership computer records for recording on the attendee’s Bar record. Attendees at ICLE programs need do nothing more as their attendance will be recorded in their Bar record.

Should you need CLE credit in a state other than Georgia, please inquire as to the procedure at the registration desk. ICLE does not guarantee credit in any state other than Georgia.

If you have any questions concerning attendance credit at ICLE seminars, please call: 678-529-6688