RUNNING A PREEMPTION CHECK

This information is also available at http://wcl.american.libguides.com/preemption

Preemption checking is the process for determining whether there is any pertinent legal or specialized literature on your topic that has been already been previously published by someone else.

STEP 1: BOOKS AND BOOK CHAPTERS

Look for books on your subject in LEAGLE (http://leagle.wcl.american.edu) or Encore (http://encore.wcl.american.edu), the Pence Law Library catalogs, and on WorldCat, an online database containing most books published in the U.S. and Europe. Use both to find a book or book chapter that may have been published about your topic. Search these databases using both keyword searches and subject searches to locate books that might address your topic. Both are available on the library website at http://library.wcl.american.edu on the Search Tools page.

STEP 2: LAW PERIODICALS

Look for journal articles on your subject. DO NOT ONLY RELY ONLY ON journals and law reviews on Westlaw or Lexis. These databases cover only a fraction of the law reviews, newsletters, legal newsletters and bar journals published in the U.S. Use these indexes to law journals instead:

LEGALTRAC
This index covers nearly 1500 U.S. legal publications. It covers databases and publications beyond LexisAdvance and WestlawNext. Use keyword and subject searches for the best results. Available on the library’s Frequently Used Resources page: http://wcl.american.libguides.com/resources.

CURRENT INDEX TO LEGAL PERIODICALS (CILP)
This online publication is made available through the auspices of the University of Washington Law Library, and contains citations to very recent journal articles indexed by topic. It is published weekly and is available on the the library’s Frequently Used Resources page: http://wcl.american.libguides.com/resources.

INDEX TO FOREIGN LEGAL PERIODICALS
Check this Index, available through HeinOnline, for articles from many European countries, Canada and for international-themed journals published in the U.S. Available on the library’s Frequently Used Resources page: http://wcl.american.libguides.com/resources.

HEINONLINE
Full text of over 2,400 law journals and periodicals, usually from the first volume, but not usually current. Full text searching not effective. Available on the library’s Frequently Used Resources page: http://wcl.american.libguides.com/resources.

GOOGLE SCHOLAR, HTTP://SCHOLAR.GOOGLE.COM
Access to many working papers and e-journals; link to other articles that cite an article you have already found. Use the Advanced Search feature for best results.

SOCIAL SCIENCE RESEARCH NETWORK, HTTP://WWW.SSRN.COM/
Contains working papers and forthcoming articles. Search abstracts of papers, and download in PDF format.

BEPRESS LEGAL REPOSITORY, HTTP://LAW.BEPRESS.COM/REPOSITORY/
Contains scholarly works which have been posted before publication. Most papers are available in full text.

LEGAL SCHOLARSHIP BLOG, HTTP://LEGALSCHOLARSHIPBLOG.COM/
This blog features law-related Calls for Papers, Conferences, and Workshops as well as general legal scholarship resources.

NON-LEGAL RESOURCES

JSTOR, Project Muse, Ingenta Connect and EBSCO Academic Search Premier and many other je-journals are available through the University Library Website at http://subjectguides.library.american.edu and are best used for searching for non-law or “law and ” topics. Coverage varies.
STEP 3: CURRENT AWARENESS AND TOPICAL SOURCES

NEWSPAPERS

JURIST
Jurist is a web-based legal news and real-time legal research service run by part-time law student reporters, editors and Web developers led by law professor Bernard Hibbitts at the University of Pittsburgh School of Law. http://jurist.law.pitt.edu/

BNA DATABASES
BNA Databases These publications cover many subjects by topic and are current and authoritative. Access via the Pence Law Library database list: http://wcl.american.libguides.com/az.php (pull the dropdown under All Vendors/Providers and select BloombergBNA).

BLOGS & OTHER RESOURCES
Justia BlawgSearch Front end access to over 1000 legally related blogs by lawyers, judges, legal researchers and librarians. This is a good way to find blog posts that follow particular cases or agency developments. http://blawgsearch.justia.com/

SCOTUSBlog Covers the Court with commentary, news and transcripts of arguments. http://www.scotusblog.com/wp/

Supreme Court Preview ABA website and publication covering all aspects of Supreme Court cases. Includes many merit briefs. http://www.americanbar.org/publications/preview_home.html

Other Pence Law Library databases are accessible at http://library.wcl.american.edu/resources/topics.cfm

BEGINNING YOUR RESEARCH

Get organized! Create a research log, whether in paper, on a spreadsheet or in a word-processing document. You will need to keep track of the sources you consult and use for your paper in order to provide complete citations and full bibliographic information of every source you cite or use generally. Be thorough!

Source Gathering. If you need a source that is not available at the Pence Law Library, you can obtain it through interlibrary loan. Be sure to leave enough time to obtain your source through ILL – it may take as long as 2 weeks to get your material. Additional information on interlibrary loan is posted at http://wcl.american.libguides.com/circulation/ILL

UPDATE YOUR RESEARCH! Always be sure to use the most current information available. Use Shepard’s and Keycite to insure that the cases you use are still good law, and consult the most recent version of applicable statutes and regulations to determine if they are still in force and have not been amended.

CONCLUDING YOUR RESEARCH

Ask yourself the following:

• Did you answer the question you originally started with?

• Have you checked and updated all the sources you used and cited?

• Are you seeing the same sources every time you attempt to do further research?

If you do you are probably finished, especially if your deadline is approaching.

More questions? Still looking for a source? Consult an expert reference librarian. Come to the Reference Desk in the library or email us at reference@wcl.american.edu. If it takes longer than 10 minutes to find something you are better off asking the experts – your librarians!

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