

**Effective Research Strategies:
Conducting 50-State Legal Research**
Cheryl Nyberg, 206/685-4924, cnyberg@uw.edu

This handout provides information about many sources mentioned in the presentation and additional sources that you may find useful.

Subject Compilations of State Laws

This annual bibliography series identifies and describes more than 23,000 law review articles, books, court opinions and briefs, government documents, LexisNexis and Westlaw files, looseleaf services, and websites that contain 50-state law surveys.

The citations are arranged by subject (e.g., Abortion, Bullies and Bullying, Commercial Law, Data Security Breaches, etc.) and include complete descriptions of each source and the nature of the 50-state law survey contained in it. Browse from or search hundreds of subjects.

The set currently consists of 28 volumes and is available as a searchable database on HeinOnline, <http://heinonline.org/HeinDocs/SubjectCompilations.pdf>, a commercial legal research service.

SCSL is the single best place to begin your research for a 50-state law survey on any topic. I also invite you to call or email me if you are looking for a newer survey or for a survey on a topic that is not included in the series. I find and annotate surveys throughout the year, leading up the production of the next annual volume. I am happy to consult my database of newly published and discovered surveys upon request.

Lexis & Westlaw

Both vendors offer 50-state law survey databases:

- Lexis > 50 State Surveys, Legislation & Regulations
- Westlaw > 50 State Statutory Surveys (SURVEYS)

The survey formats are different: Lexis uses Excel spreadsheets and Westlaw provides PDF tables comparing key issues and lists of legal authorities with section headings. Both formats contain live links to the text of statutory sections.

Both services address many of the same topics, although each service contains subjects not covered by its competitor. Many surveys concentrate on business organizations, civil procedure, criminal law, environmental law, finance and banking, health law, insurance, labor and employment, property and real estate, securities, taxation, and utilities. Westlaw currently offers about 600 state law surveys; Lexis about 400. The surveys are generally updated once a year.

Both the Lexis and Westlaw databases are searchable; both also offer tables of contents to allow users to "drill down" to specific topics. The Lexis surveys include statutes and regulations

(as well as occasional references to constitutions and court rules). Westlaw includes a separate collection of 50 State Regulatory Surveys (REG-SURVEYS).

Other Commercial Databases

Bloomberg BNA

The Bureau of National Affairs (BNA) has been a major publisher of topical looseleaf services for many years. Now the company (a division of Bloomberg) has a stand-alone web product and its content is mostly duplicated on Bloomberg BNA. Several collections feature 50-state surveys. For example the Labor & Employment Law Resource Center contains 50-state law information under these categories:

- Disabilities Law > State Sources: full text state laws and a 50-state chart on medical marijuana
- Discrimination Law > Fair Employment Sources (State): full text state laws; chart comparing fair employment practices laws protected classes (age, disability, gender identity, marital status, national origin, race, religion, sex, sexual orientation); and equal employment provisions regarding civil unions, domestic partnerships, and same-sex marriage
- Individual Employment Rights > State Sources: table of plant closing laws and a chart on a private sector employer's right to sue an employee for use or distribution of drugs in the workplace
- Wages, Hours & Leave > State Comparison Charts: family leave, holidays, minimum wages, notice requirements, recordkeeping, and statutes of limitations

CCH IntelliConnect, an online service of Wolters Kluwer

Contains online content from numerous Commerce Clearing House looseleaf services and selected publications from Aspen Publishers. "Smart Charts" provide state-by-state statutory comparisons on topics such as:

- advertising
- consumer credit
- franchising
- gift certificates
- products liability
- sales and use tax
- securities (blue sky)
- torts
- unfair trade practices

Books

Use Google Books and/or Google Scholar to search for state law surveys using "ann. rev. code stat." and a word or phrase describing the subject of interest. Search OCLC WorldCat (www.worldcat.org) or the Library of Congress catalog (catalog.loc.gov) for "state laws" and your subject. Catalog records for recent books often include tables of contents with chapter and appendix headings.

Several publishers produce a number of works with 50-state law surveys on a wide variety of topics. Most of these publications will show up on a catalog search, or you can visit the publisher's website for more information.

American Bar Association

Sample titles: *ABA Sales & Use Tax Deskbook*; *The Design-Build Deskbook*; *The Franchise Deskbook*; *State Antitrust Practice & Statutes (Fourth)*.

Bureau of National Affairs

Sample titles: *Covenants Not to Compete: A State-by-State Survey*; *Trade Secrets: A State-by-State Survey*; *Wrongful Termination: A State-by-State Survey*.

National Consumer Law Center

Sample titles: *Consumer Banking and Payments Law*; *Consumer Warranty Law*; *The Cost of Credit*; *Credit Discrimination*; *Fair Credit Reporting*; *Fair Debt Collection*.

Nolo

Sample titles: *Employer's Legal Handbook*; *Every Dog's Legal Guide: A Must-Have Book for Your Owner*; *Every Landlord's Legal Guide*; *The Foreclosure Survival Guide*; *Legal Guide for Starting & Running a Small Business*; *Neighbor Law: Fences, Trees, Boundaries & Noise*.

Wolters Kluwer / Aspen Publishers

Sample titles: *Business Torts: A Fifty-State Guide*; *Mandated Benefits*; *Proving and Defending Damage Claims: A Fifty-State Guide*; *State by State Guide to Construction Contracts and Claims*; *State by State Guide to Managed Care Law*.

Agencies & Associations

Associations and government agencies are tried-and-true 50-state survey producers. The following entities are among the most prolific for the subjects indicated.

Multiple
Subjects

National Conference of State Legislatures

<http://www.ncsl.org/>

If the subject is generating interest among legislators across the country, it is likely that NCSL staffers are tracking it and posting information on the website.

American Bar Association

<http://www.americanbar.org/aba.html>

The Commission on Domestic Violence, the Commission on Law and Aging, and the Section of Family Law are among the ABA's reliable 50-state sources. Search the ABA site for "state law charts."

Connecticut Office of Legislative Research

<http://www.cga.ct.gov/olr/SearchDocs.asp>

Produces many reports on a wide variety of topics in response to legislators'

requests. Recent examples that include state law surveys address disclosure of information about domestic violence safe houses, false claims that a dog is a service animal, and landscaper licensing.

Nolo

<http://www.nolo.com/>

A well-known publisher of many "law for the layperson" books, Nolo produces almost 50 state law surveys on topics such as adverse possession, bankruptcy exemptions, labor law, landlord-tenant issues, and personal injury statutes of limitations on its website.

U.S. Supreme Court

Briefs filed by parties and "friends of the court" (amicus) often contain 50-state surveys that pertain to cases before the Court. Recent examples include child abuse reporting (Ohio v. Clark), false campaign statements (Susan B. Anthony List v. Driehaus), religious freedom (Holt v. Hobbs), same-sex marriage (Hollingsworth v. Perry, United States v. Windsor), and short-barreled shotguns (Johnson v. United States). Briefs are generally available at the American Bar Association's Preview of United States Supreme Court Cases site, http://www.americanbar.org/publications/preview_home.html, and SCOTUSblog, <http://www.scotusblog.com/>.

Abortion &
Reproductive
Rights

Guttmacher Institute

<http://www.guttmacher.org/statecenter/spibs/index.html>

The State Policies in Brief series covers abortion, adolescents, contraception, pregnancy, sexually-transmitted diseases and AIDS, and services and financing. These guides are regularly updated.

NARAL/Pro-Choice America

<http://www.prochoiceamerica.org/government-and-you/who-decides/Who-Decides-The-Status-of-Women's-Reproductive-Rights-in-the-United-States> is updated annually.

Aged

National Center on Elder Abuse

<http://www.ncea.aoa.gov/Library/Policy/Law/State/index.aspx>

Links to surveys on adult protective services and various types of elder abuse.

Agriculture &
Farming

National Agricultural Law Center

<http://nationalaglawcenter.org/state-compilations/>

Includes 50-state surveys on agricultural liens, agri-tourism, animal cruelty, biofuels, climate change, fences, recreational use, and the right to farm.

Animals & Pets

Animal Legal & Historical Center

<http://www.animallaw.info/>

Features a searchable database of statutes and cases covering a wide range of animal law issues, including assistance animals, cruelty to animals, dangerous dogs, equine activity and liability, and hunter harassment.

Child Abuse & Welfare	<p>Child Welfare Information Gateway https://www.childwelfare.gov/topics/systemwide/laws-policies/state/ The "State Statutes Search" leads to surveys on adoption, child abuse, child welfare, domestic violence, and related issues.</p> <p>National Center for Prosecution of Child Abuse http://www.ndaa.org/ncpca_state_statutes.html Affiliated with the National District Attorneys Association, this site has full-text surveys on child abandonment, abuse, endangerment, neglect, pornography, and sexual abuse and related topics.</p>
Criminal Law	<p>National Criminal Justice Reference Service http://www.ncjrs.gov/index.html NCJRS abstracts and indexes US Justice Department and other publications. Use the A-Z Topics page to narrow the search to a specific topic of interest.</p>
Domestic Violence & Sexual Assault	<p>Aequitas, the Prosecutor's Resource on Violence Against Women http://www.aequitasresource.org/library.cfm#Statutory Offers more than 20 statutory compilations and caselaw summaries on aspects of domestic violence, prostitution, and rape and sexual assault. Available upon request.</p>
Education	<p>Education Commission of the States http://www.ecs.org/html/educationIssues/ECSSStateNotes.asp "ECS Publications by Topic: and "Online Databases" offer a wide variety of school law-related surveys covering subjects such as at-risk students, charter schools, civil education, diversity, NCLB, postsecondary education, and private schools.</p>
Elections & Voting	<p>National Association of Secretaries of State http://www.nass.org/reports/surveys-a-reports/ Links to recent state law surveys on absentee ballots, electioneering boundaries, and poll watchers.</p>
Firearms	<p>National Rifle Association, Institute for Legislative Action http://www.nraila.org/gun-laws/state-laws.aspx The "State Gun Laws" covers constitutional and statutory provisions on the purchase, possession, and carrying of firearms.</p>
Gay Men & Lesbians	<p>Lambda Legal http://www.lambdalegal.org/states-regions/ "In Your State" covers adoption, bullying, employment discrimination, and same-sex marriage.</p> <p>Human Rights Campaign http://www.hrc.org/resources/entry/maps-of-state-laws-policies Maps display laws affecting and protecting the LGBT community.</p>

Labor & Employment	<p>US Department of Labor, Wage and Hour Division http://www.dol.gov/whd/state/state.htm The "State Labor Laws" page has surveys on child labor, minimum wage, payday requirements, and rest periods. The Employment and Training Administration offers the annual <i>Comparison of State Unemployment Laws</i>, http://www.workforcesecurity.doleta.gov/unemploy/statelaws.asp.</p>
News Media	<p>Reporters Committee for Freedom of the Press http://www.rcfp.org/browse-legal-resources/guides Lists numerous surveys that have been published in <i>News Media and the Law</i>, the latest editions of which are found on the website. Subjects include access to electronic and other public records, to juvenile court proceedings, and to other public places; electronic surveillance; open records and meetings; and reporters' shield laws.</p>
Traffic & Transportation	<p>Governors Highway Safety Association http://www.ghsa.org/html/stateinfo/laws/index.html "Highway Safety Law Charts" deal with aggressive driving, cell phones and texting, drunk driving, graduated driver licensing, seat belts, speed limits, and related issues.</p> <p>Insurance Institute for Highway Safety http://www.iihs.org/iihs/topics#statelaws Includes summaries of state laws on topics such as automated enforcement, cell phone restrictions, helmet use, drunk driving, and speed limits.</p> <p>US National Highway Traffic Safety Administration http://www.nhtsa.gov/Driving+Safety Browse topics under the "Driving Safety" section for surveys on seat belts, speed limits, and other subjects.</p>

Identifying Associations

What if you are unfamiliar with the leading organization that deals with the subject matter of your research? Consider using one of the following sources:

- *Encyclopedia of Associations*
- American Society of Association Executives, Gateway to Associations Directory, <http://www.asaecenter.org/Community/Directories/AssociationSearch.cfm?navItemNumber=16581>
- InfoPlease, U.S. Societies & Associations, <http://www.infoplease.com/ipa/A0004878.html>
- Council of State Governments, Affiliate Organizations, <http://csg.org/about/affiliates.aspx>

Once you identify a relevant organization, visit its website and look for navigation links to advocacy, government relations, laws or legal, or publications. These areas are most likely to contain or mention state law surveys. You might also use the site search feature.

Web Search Engines

Search Google, Bing, Yippy, USA.gov, etc. I have been successful with searches that include the following phrases:

- 50-state survey
- states have laws on
- state law survey

To find online 50-state law surveys that include statutory citations use:

stat. ann. rev. code

or variations of that expression in your search. Changing the order of these abbreviations frequently retrieves different results. "Stat." is often processed by search engines as "state" so consider omitting it. Add words or phrases that capture the subject which you are researching to the abbreviations combination. Include the current year to increase the likelihood that the compilations you find are relatively recent.

Final Thoughts

- Not every topic has been the subject of a 50-state survey. This principle is often true with areas of the law that are well-established and not frequently revised.
- Even an older survey can be useful, especially if it contains statutory citations. Both Lexis and Westlaw offer tools that link to the current text of statutory provisions cited in a word-processed document.
- If you create (or discover) a 50-state survey, I'd welcome your email identifying it for possible inclusion in the next volume of *Subject Compilations of State Laws*.