
§ 11.3**Legal Periodicals***Law Reviews and Law Journals*

There is no way a researcher can search each of the hundreds of legal periodicals individually. Even if the researcher had the time and energy, only a few periodicals have indexes. The researcher must rely on two major indexes to legal periodicals, or they must use the periodicals provided on the *Westlaw* or *Lexis* websites.

QUICKVIEW § 11.3 – LEGAL PERIODICALS

Westlaw

1. In the main window, click on *Secondary Sources*, then click on *Law Reviews and Journals*
2. At the top of the database page that opens, type your query in the *Search Query Text Box* and click the *Search Button*
3. Narrow your search as needed by selecting a jurisdiction filter or using *Search within results*
4. Review the *Article*
5. Use the *Footnote References* to locate additional authority

Lexis

1. Click on the *Law Reviews & Journals* link on the *Lexis* home page
2. Enter your search query and click the *Search* button
3. Narrow the results, if necessary
4. Select an *Article* from the list of search results
5. Review relevant *Articles*, noting primary sources in the footnotes

Law Library

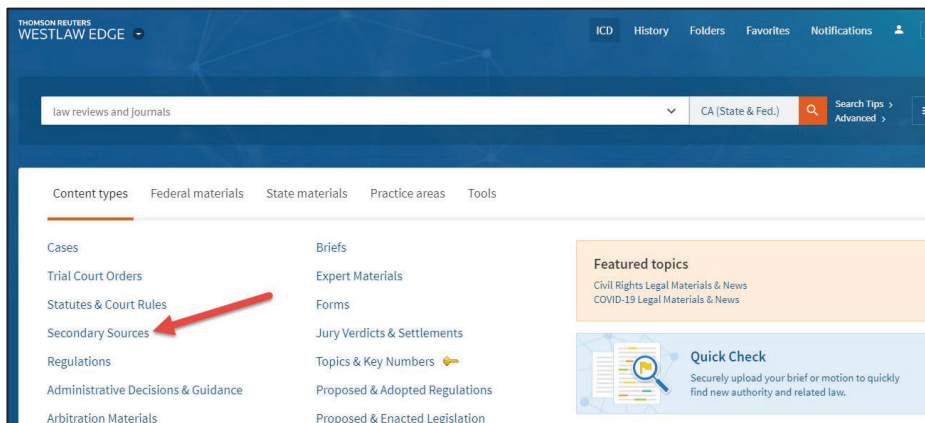
1. Locate the *Index to Legal Periodicals* or the *Current Law Index*, and determine the years which you wish to research
2. If researching an author or title of an article, use the *Title/Author* volume
3. If researching a topic of law, use the *Subject Matter* volume
4. In the main volume, locate any relevant articles and collect what appear to be relevant citations
5. Locate the legal periodical corresponding to the citations you located

ASSIGNMENT § 11.3(A) | LEGAL PERIODICALS USING WESTLAW

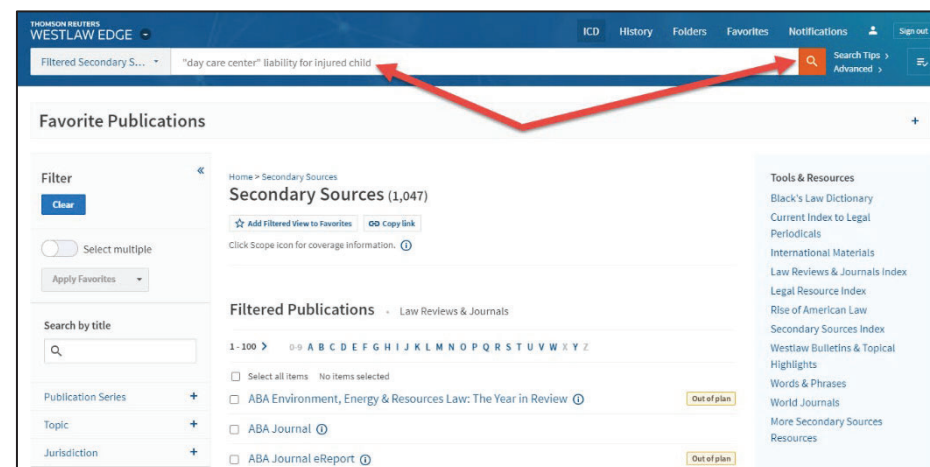
Periodicals, such as law reviews and law journals, are almost always secondary authority, the exception being, arguably, periodicals that include primary authority, such as *United States Law Week*.

1. *Locate the databases for periodicals*

In the main window, click on *Secondary Sources*, then click on *Law Reviews and Journals* link, or a type the name of a specific periodical, such as *Texas Law Review*, in the search bar.

2. *Pick a database or enter your query.*

Either enter your search query and click the *Search Button*, or select one of the several hundred periodicals listed.



- Narrow your search by selecting a jurisdiction in the Results Page
In the left *Narrow* column you can select a specific jurisdiction to focus the results of your search.

The screenshot shows the Westlaw Edge search results page for the query 'voter intimidation'. The page is titled 'Secondary Sources - Law Reviews & Journals (10,000)'. On the left, there is a 'Filters' sidebar with options for 'Content type: Secondary Sources - Law Reviews & Journals (10,000)', 'Select multiple filters', and 'Search within results'. Below these are expandable sections for 'Jurisdiction', 'Date', 'Publication Type', 'Publication Name', 'Author', 'Previously Viewed', 'Documents in Folders', and 'Annotated Documents'. The main results area shows three items:

- TRUE THREATS: VOTER INTIMIDATION AND THE CONSTITUTION**
Harbinger - December 22, 2015 - 40 Harbinger 101
I. Introduction. 101 II. Congressional Power. 102 III. The First Amendment. 104 IV. Conclusion. 109
...Voter intimidation may sometimes involve violence, but not always--as in the example of threats of criminal prosecution for voter fraud...
...The second difficulty in applying the true threats doctrine to voter intimidation is whether it covers speech that is not intended to intimidate...
- STUDENT NOTE: THE PERNICIOUS PROBLEM OF PLATFORM-ENABLED VOTER INTIMIDATION**
Georgetown Law Technology Review - Spring, 2020 - 4 Geo. L. Tech. Rev. 463
L1-2Table of Contents I. Introduction. 463 II. The Collision of Voter Intimidation and Internet Platforms. 465 III. The Limited Landscape of Voter Intimidation Laws Prior to 1965. 472 IV. Section 11(b) of the Voting Rights Act & Platform-Based Voter Intimidation. 475 A. Section 11(b)'s Statutory Reach to Platform-Enabled Voter Intimidation. 476 B....
...if the search of voting records intimidated bilingual voters, such intimidation would satisfy only one part of a two-pronged test for violations of [Section 11(b)]: the voters and organizations were intimidated, but the officials did not intend to intimidate....
...PILF's publication closely mirrored the practice of voter caging--a voter intimidation tactic that involves "sending mail to addresses on the voter rolls, compiling a list of the mail that is returned undelivered, and using that list to purge or challenge voters' registrations on the grounds that the voters on the list do not legally reside at their registered addresses..."
- CURTAILING VOTER INTIMIDATION BY EMPLOYERS AFTER CITIZENS UNITED**
Stetson Law Review - Spring 2014 - 43 Stetson L. Rev. 595
I hope you make it very clear to your employees what you believe is in the best interest of your enterprise and therefore their job and their future in the upcoming elections [. . .]Nothing illegal about you talking to your employees about what you believe is best for the business, because I think that will figure into their election decision,...

- Review any articles of interest
Your search query terms will be highlighted.

The screenshot shows the full text view of the article 'TRUE THREATS: VOTER INTIMIDATION AND THE CONSTITUTION' by Daniel P. Tokaji. The article title and search terms 'VOTER INTIMIDATION' are highlighted in yellow. The table of contents is as follows:

- I. INTRODUCTION 101
- II. CONGRESSIONAL POWER 102
- III. THE FIRST AMENDMENT 104
- IV. CONCLUSION 109

The 'I. INTRODUCTION' section begins with the following text:

Voter intimidation is a recurrent problem that, like so many other aspects of our election system, provokes sharply polarized reactions along party lines. Of particular current interest are the activities of Tea Party-affiliated groups like True the Vote that ostensibly seek to promote electoral integrity but, in the eyes of critics, threaten to intimidate racial minorities, students, and other Democratic-leaning voters. There is a long history of voter intimidation in the United States, as well as federal efforts to stop it. Congress enacted the Enforcement Acts of 1870 and 1871 in response to the Ku Klux Klan's often violent intimidation of African American voters. Despite these laws, voter intimidation played an important role in the mass disenfranchisement of racial minorities through much of the United States, starting in the nineteenth century and continuing through most of the twentieth century.

5. *Pay particular attention to the Footnotes*

The footnotes will be packed with references to primary authority and rock-solid secondary authority. The author knows the article will be read by colleagues and professors, or fellow students, so there will be an effort to back up every point with authority. If you locate a relevant article, the author of that article has done your research work for you.

The screenshot shows a Westlaw document page for the article "TRUE THREATS: VOTER INTIMIDATION AND THE CONSTITUTION" by Daniel P. Tokaji. The page displays a list of footnotes, with a red arrow pointing to the "Footnotes" section header. The footnotes include references to secondary sources like Charles W. Ebersold and primary sources such as 52 U.S.C. § 10307(b), 135 S. Ct. 2001 (2015), and 109 U.S. 3 (1883).

CHECKLIST – LEGAL PERIODICALS USING WESTLAW

- In the *Search Query Text Box*, type the name or type of periodical, such as *law reviews and journals*, or *Duke Law Review*, and select one of the recommendations that appears
- At the top of the database page that opens, type your query in the *Search Query Text Box* and click the *Search Button*
- Narrow your search* as needed by selecting a jurisdiction or using the *Search within results* features
- Review the *Article*
- Use the *Footnote References* to locate additional authority

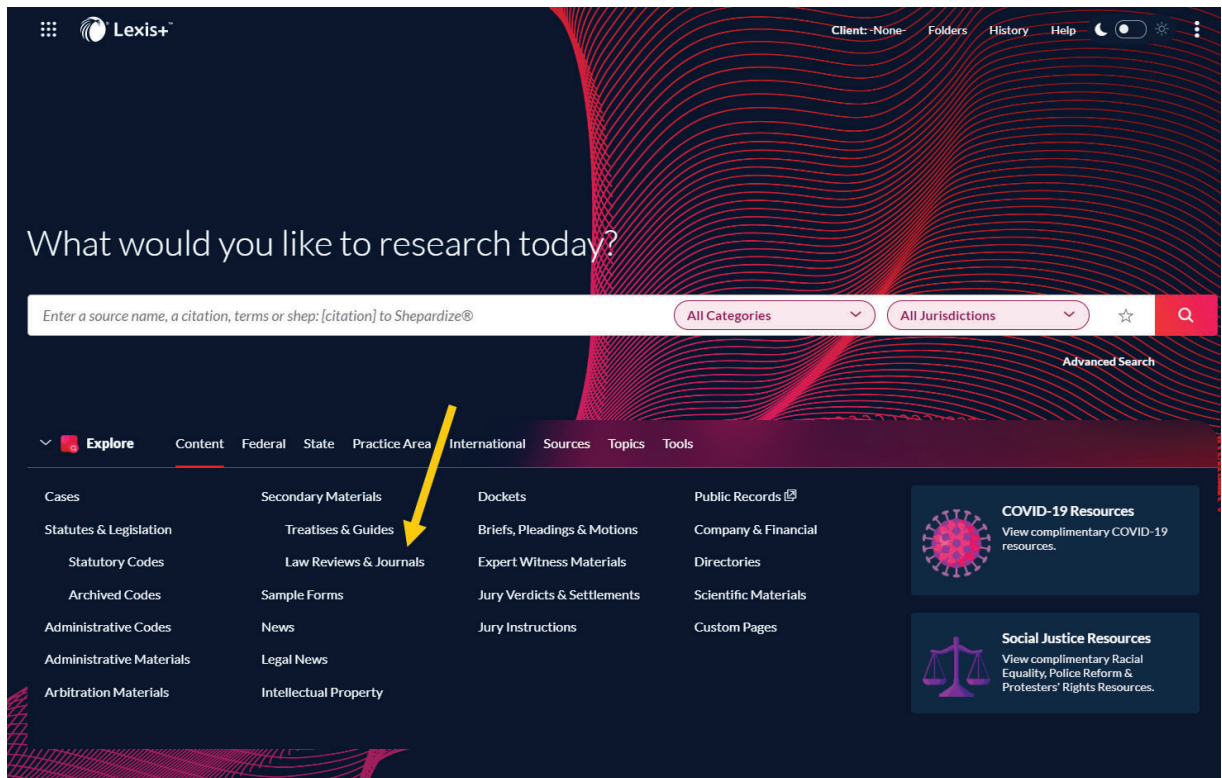
REVIEW QUESTIONS – LEGAL PERIODICALS USING WESTLAW

1. Detail how you located a *Legal Periodicals* database.
2. What search query did you use?
3. When you saw the *Results Page*, were you satisfied with the outcome of your search query, or did you need to modify it?
4. When you viewed an *Article*, did you focus your search further using the *Narrow* column on the left side of the page?
5. Was the *Article* you researched relevant?
6. Were you led to any relevant primary authority in the *footnotes*?
7. Did you have a document *delivered*? If so, how? (Print? Email? Download?)

ASSIGNMENT § 11.3(B) | LEGAL PERIODICALS USING LEXIS

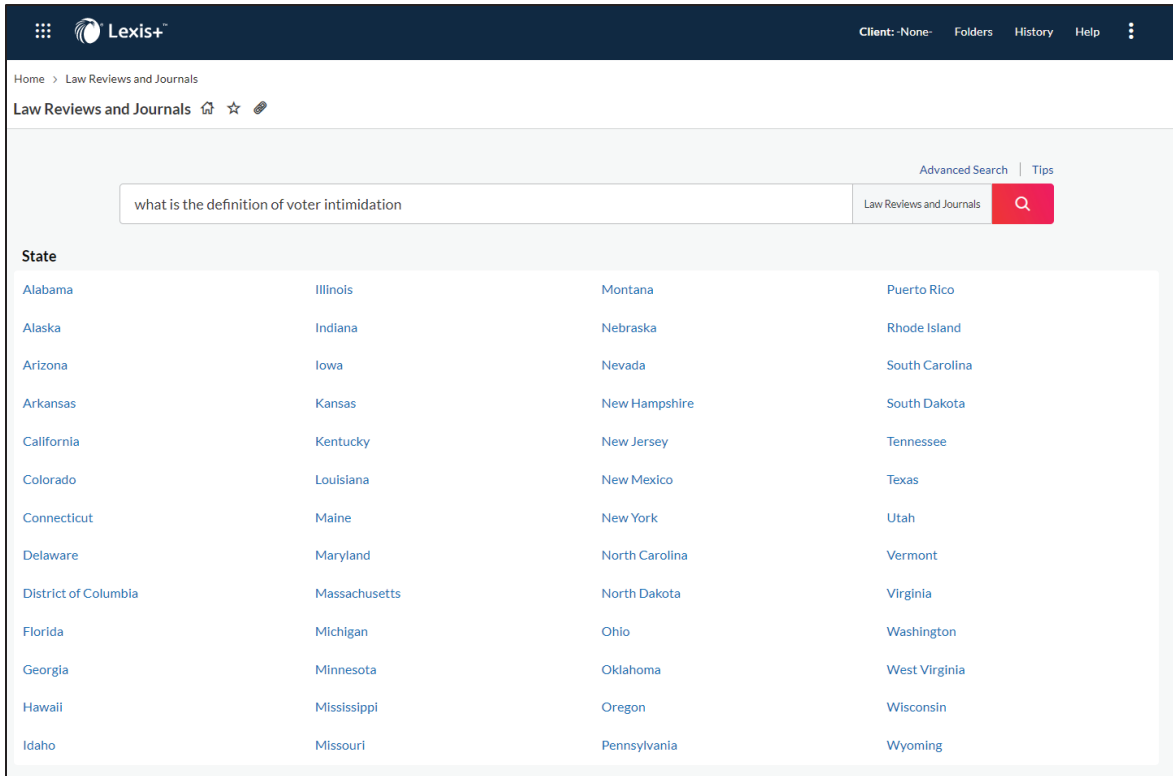
1. *Select your Filter (Database)*

On the *Lexis* home page, select *Law Reviews & Journals* under *Secondary Materials* in the *Explore Content* Box.



2. *Enter your search query*

You can enter your search query to search all periodicals in the database, or you can select a specific state or practice area in which to search, followed by entering your search query.



- In the Results Page, click on the title link to view a relevant article
You are also able to further focus the scope of the search results by using the tools in the left column, including *Search Within Results*, *Category*, and *Jurisdiction*.

The screenshot shows the Lexis+ search results page. The search query is "what is the definition of voter intimidation". The left sidebar contains filters for Category, Jurisdiction, Timeline, Sources, Practice Area & Topics, Attorney, Law Firm, Most Cited, Keyword, Judge, and Publisher. The main results area shows two articles. The first article is titled "ARTICLE: VOTERS STRIKE BACK: LITIGATING AGAINST MODERN VOTER INTIMIDATION" and is from the New York University Review of Law & Social Change. The second article is titled "ARTICLE: WHERE THE WILD THINGS ARE: THE POLLING PLACE, VOTER INTIMIDATION, AND THE FIRST AMENDMENT" and is from the University of Louisville Law Review. Both articles have a progress bar indicating the location of the text and footnote.

- Select a relevant Article
Review the article to determine its relevance.

The screenshot shows the full article page. The article title is "ARTICLE: VOTERS STRIKE BACK: LITIGATING AGAINST MODERN VOTER INTIMIDATION, 39 N.Y.U. Rev. L. & Soc. Change 173". The reporter is "39 N.Y.U. Rev. L. & Soc. Change 173". The length is 10307 words. The author is "BEN CADY and TOM GLAZER". The article includes a "Copy Citation" button and a "2015" date. The "Reporter" section provides details about the author's affiliation and the article's content. The "Highlight" section is currently set to "ABSTRACT".

5. *Locate additional authority by using footnote links*
If a section is relevant, use the links in the body of the article that lead to the *footnotes*. The footnotes refer to authority, usually primary.

Footnotes

1V 152 CONG. REC. S7949 (daily ed. July 20, 2006) (statement of Sen. Feinstein).

2V SOC. SCI. DATA ANALYSIS NETWORK, TRENDS IN **VOTER** TURNOUT 2 (2012).

3V See Hope Yeh, *In a First, Black **Voter** Turnout Rate Passed Whites*, ASSOCIATED PRESS (Apr. 26, 2013), <http://bigstory.ap.org/article/first-black-voter-turnout-rate-passes-whites>.

4V See Paul Taylor & Mark Hugo Lopez, *Six Take-Aways from the Census Bureau's Voting Report*, PEW RES. CTR. (May 8, 2013), <http://www.pewresearch.org/2013/05/08/six-take-aways-from-the-census-bureau-s-voting-report/> ("Non-whites were 26.3% of all **voters** in the 2012 election, a record high share. But they compose an even higher share of all U.S. adults age 18 and older—33.9%. By 2020 this share will rise to 37.2%, and by 2060 it will be 54.8%, according to Census Bureau projections. If the racial voting patterns from the 2012 election persist, the electoral playing field for future Republican presidential candidates will become increasingly difficult. (GOP candidate Mitt Romney received just 17% of the non-white vote.)").

5V [Shelby Cnty. v. Holder, 133 S. Ct. 2612 \(2013\).](#)

6V *From Selma to Shelby County: Working Together to Restore the Protections of the Voting Rights Act: Hearing Before the S. Comm. on the Judiciary, 113th Cong. 1 (2013)* (testimony of Wendy R. Weiser, Director, Democracy Program, Brennan Center for Justice).

7V See [Shelby, 133 S. Ct. at 2624.](#)

8V [52 U.S.C.A. § 10303\(a\)\(1\)\(A\)](#) (West 2014).

9V See [Shelby, 133 S. Ct. at 2631.](#)

10V See *After Ruling, States Rush to Enact Voting Laws*, N.Y. TIMES, July 5, 2013, at A9 (describing efforts among southern states to enact new **voter** identification laws after the Shelby decision). See also *Everything That's Happened Since Supreme Court Ruled on Voting Rights Act*, PROPUBLICA (Nov. 4, 2014), <http://www.propublica.org/article/voting-rights-by-state-map> (tracking post-Shelby changes in voting laws in pre-clearance and non-preclearance states).

CHECKLIST – LEGAL PERIODICALS USING LEXIS

- Click on the *Law Reviews & Journals* link on the *Lexis* home page
- Enter your search query and click the *Search* button
- Narrow the results, if necessary
- Select an *Article* from the list of search results
- Review relevant *Articles*, noting primary sources in the footnotes

REVIEW QUESTIONS – LEGAL PERIODICALS USING LEXIS

1. Detail how you located a *Legal Periodicals* database.
2. What search query did you use?
3. When you saw the *Results Page*, were you satisfied with the outcome of your search query, or did you need to modify it?
4. Was the *Article* you researched relevant?
5. Were you led to any relevant primary authority in the *footnotes*?

ASSIGNMENT § 11.3(D) | LEGAL PERIODICALS USING THE LAW LIBRARY (OPTIONAL)

1. *Use either the Index to Legal Periodicals or Current Law Index*

Both the *Index to Legal Periodicals* and the *Current Law Index* are accessed using the same steps. Thus, we will demonstrate the *Current Law Index* here, but keep in mind that the same steps apply to the *Index to Legal Periodicals*.

The *Current Law Index* (CLI) is very easy to use, but the researcher must be thorough. When beginning research in CLI, you must have the following:

- ✓ The name of the author, the title of a specific article, or the general subject matter
- ✓ A specific year or period of years in which the researcher wants to check for periodicals

The researcher will sometimes have either an author or title of an article that needs to be researched. It is more common, however, for the researcher to have only a topic or general subject: for instance, articles written by an expert witness who is expected to testify.

2. *Locate the volumes covering the desired year*

CLI volumes are arranged by year. The researcher must choose what year to search within. Each year will have two volumes. One for the *Author or Title* of the articles, and one for the *Subject Matter* being researched.

3. *If the researcher has the name of the author or the title of an article, research in the Author/Title volume*

On the spine of the book, underneath the year of the volume, select the Author/Title volume. Within that volume, the researcher may look up titles of articles or specific authors.

4. *If the researcher has no name or title, research the Subject Matter volume*

A more traditional method of researching is by subject matter. Use the standard process of researching terms relevant to your client's case.

5. *Write down any citations to periodicals that CLI provides*

CLI does not actually contain articles. It leads the researcher to publications, such as law reviews and law journals, that publish the articles. The biggest obstacle for the researcher is that no law library contains all law reviews, journals, or other periodicals. There is no more frustrating feeling than finding a citation to what appears to be a great article, then discovering your library does not subscribe to that periodical.

If this happens, you do have a couple of options. First, if the publication is a law review, contact the law school, or see if their law review is published on their website. The *Harvard Law Review*, for example, publishes all its editions online at no cost in the form of PDF downloads (harvardlawreview.org).

If that does not work, phone a large public law library (such as your state's Supreme Court Law Library) and ask if they have the publication. If they do, ask if they will fax you a copy of the article. (You will be amazed how helpful law librarians can be if treated with respect and courtesy.)

CHECKLIST – LEGAL PERIODICALS USING THE LAW LIBRARY

- Determine the year to be searched
- Choose either the *Author/Title* or *Subject Matter* volume for that year
- If the researcher locates a desired article, take note of its citation
- Try to find the periodical, and look up the citation

REVIEW QUESTION – LEGAL PERIODICALS USING THE LAW LIBRARY

Your attorney remembers reading an article on the subject of sexual harassment by an author named Jenero or Generro, or something like that. He thinks it was between 1995 and 1998. Can you find such an article? Was the *Article* you researched relevant to that issue?