

§ 11.4

Regulatory Research*For Your Reference, Just in Case*

Only a fraction of paralegals engage in regulatory research. Thus, this section is not required or tested (unless otherwise instructed) but is provided as a reference in case it is needed by the paralegal at some point in his or her career.

The *Code of Federal Regulations* (C.F.R.) and the *Federal Register* (F.R.) are the federal government's mechanisms to provide the public with publications containing the rules and regulations issued by federal agencies and the President. Each serves a different purpose.

- The *Federal Register* is a record of the day-to-day activities of federal agencies
- The *Code of Federal Regulations* is an annual compilation of the rules and regulations passed by those agencies.

Please note that the *Office of Federal Regulations*, which publishes both the *Federal Register* and C.F.R., makes no distinction between the term *regulation* or *rule*.

THE FEDERAL REGISTER

The *Federal Register* is the working account of the activities of federal agencies. Thus, the publication is chronological in nature. The daily record of each agency is usually published within 10 to 14 days after the date of the record. (In other words, the record of federal agency activity on June 1 will usually be published by between June 11 and June 15.) This publication consists of hundreds of white, softbound booklets. Each volume of the *Federal Register* is usually divided into three sections. (The section is indicated at the top right of each page.) The sections are:

Rules and Regulations

These are the final rules and regulations approved by agencies. The final print version of these documents are first published here. In addition to the actual regulation, a summary of the rule is provided along with supplementary information providing relevant background information of the new law. After publication here, the regulation is printed in the next annual set of the *Code of Federal Regulations*.

Notices

This is where agency comments, meeting times and dates, selected agendas, and selected comments that agency members want placed on the record are provided.

Proposed Rules

The *Federal Register* publishes proposed regulations, along with commentary about the purpose and background of those proposed rules.

On rare occasions, one of the above sections becomes too large and may be published as a separate booklet. In addition, additional sections are sometimes added when the subject matter does not fit neatly into one of the above sections, such as *Presidential Proclamations* or *executive orders*. These additional sections are usually simply titled "Part 2" and will follow the three standard sections mentioned above.

How to Cite to the Federal Register

The *Federal Register* is cited by volume number, publication, page number, and date. For example:

56 F.R. 38489 (June 28, 1995)

The citation is not underlined or italicized. You may have noticed the rather large page number. The number is high because every year the first set of *Federal Registers* starts numbering over at page 1, and continues numbering consecutively in subsequent volumes. Thus, if issue 1 ends on page 500, the first page of issue 2 will be 501.

THE CODE OF FEDERAL REGULATIONS

The *Code of Federal Regulations* (C.F.R.) is a collection of the final rules and regulations approved by federal agencies. Unlike the *Federal Register*, no introductions or explanations are provided, only the rule itself.

These soft bound sets of books are arranged in similar fashion to the *United States Code* (U.S.C.). The U.S.C. is broken into 50 titles, as is the C.F.R. The C.F.R. attempts to correlate agency regulations with relevant subject matter covered by a corresponding title from the U.S.C. For example, if the *Environmental Protection Agency* passed a regulation requiring that all cars start using Ethanol as fuel, that rule would be published in the following manner:

1. The **proposed rule** is printed in the *Federal Register*
2. **Agency meetings** are documented in the *Federal Register*
3. The final rule, with supplementary information about the rule, is **published in the *Federal Register***
4. The final rule is **published in the C.F.R.** Since the part of the federal statutes relating to the *Environmental Protection Agency* is "U.S.C. Title 40," the final rule will be published in Title 40 of the C.F.R.

The subject matter of the rule does not always match perfectly with the subject matter of the federal code title, but using this system at least provides some organizational structure to the publication process.

The C.F.R. is published annually, sort of. Actually, the C.F.R. is divided into sections and each section is revised in a different quarter of the year. Titles 1-16 are revised on January 1 of each year. Titles 17-27 are revised on April 1 of each year. Titles 28-41 are revised on July 1 of each year, and Titles 42-50 are revised on October 1 of each year. These softbound volumes are colored, with each year starting a new hue.

How to Cite to the C.F.R.

The C.F.R. is cited by title, publication, section number (or part number), and publication date. For example:

67 C.F.R. § 84 (1998) – *Bluebook version*

or

67 CFR pt. 84 (1998) – *Most commonly used version*

The citation is not underlined or italicized. When the government cites the C.F.R., its publications omit the periods (Example: CFR).

QUICKVIEW § 11.4 – FEDERAL REGULATIONS

Westlaw

1. In the *Search Query Box*, type *cfr* and select the *Code of Federal Regulations (CFR)* database
2. Type your search query in the *Search Query Text Box* at the top, and click the *Search* button
3. In the *Results Page*, select any relevant regulations to review

Lexis

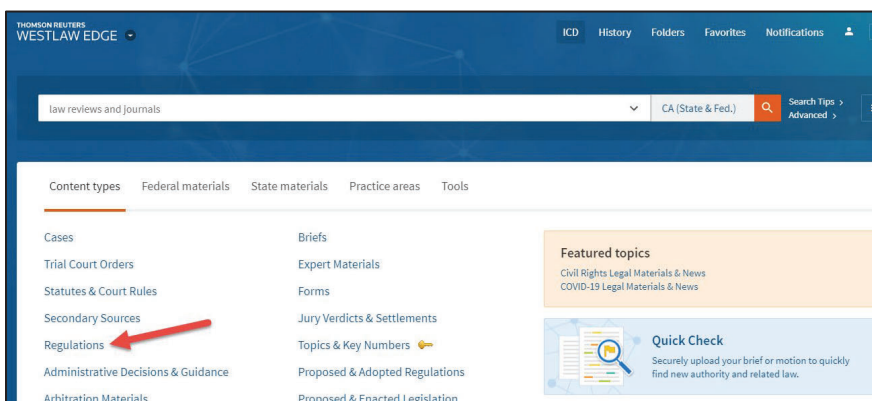
1. In the *Search Query Box*, type *cfr* and add it as a *Filter*
2. Enter your query in the same *Search Query Box* and click *Search*
3. In the *Results Page*, select any relevant regulations to review

Law Library

1. In the *Federal Register Index*, locate the section covering the relevant federal agency, (such as the *Federal Aviation Administration*)
2. The index will provide a cite, such as: FR 68330
3. Look up the page in that same year's *Federal Register*, such as: 68330

ASSIGNMENT § 11.4(A) | CODE OF FEDERAL REGULATIONS USING WESTLAW (OPTIONAL)

1. *Locate the Regulations database*
On the home page of *Westlaw*, click on *Regulations* in the main window, then click on *Code of Federal Regulations*.



2. Enter your search query

Type your search query in the *Search Query Text Box* at the top, and click the *Search* button

THOMSON REUTERS
WESTLAW EDGE

Code of Federal Regu... "day care center" liability for injured child

Back to Code of Federal Regulations (CFR)

Code of Federal Regulations (CFR) (8)

1 - 8 Sort: Relevance

Select multiple filters

Select all items - No items selected

1. **APPENDIX C TO PART 36—GUIDANCE ON ADA REGULATION ON NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES ORIGINALLY PUBLISHED ON JULY 26, 1991.**
28 C.F.R. Pt. 36, App. C - Effective: March 15, 2011 - Code of Federal Regulations

Code of Federal Regulations
Title 28. Judicial Administration
Chapter I. Department of Justice
Part 36. Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

...operator of a public accommodation, the committee reports suggest that **liability** may be allocated. Section 36.201(b) of that section of the proposed rule attempted to allocate **liability** in the regulation itself. Paragraph (b)(2) of that section made a specific allocation of **liability** for the obligation to take readily achievable measures to remove...

...construction" for the statutory language; because it did not address **liability** on the part of architects, contractors, developers, tenants, owners, and other entities; and because it limited the **liability** of entities responsible for commercial facilities. In response, the Department...

2. **§ 1210.4 Test protocol.**
16 C.F.R. § 1210.4 - Code of Federal Regulations

3. Select a regulation to view

In the *Results Page*, select any relevant regulations to review. You can also quickly focus your search using the tools in the *Narrow* column on the left side of the screen, such as *Search Within Results* or *Jurisdiction*.

THOMSON REUTERS
WESTLAW EDGE

Code of Federal Regu... "day care center" liability for injured child

Back to Code of Federal Regulations (CFR)

Code of Federal Regulations (CFR) (8)

1 - 8 Sort: Relevance

Select multiple filters

Select all items - No items selected

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2. **§ 1210.4 Test protocol.**
16 C.F.R. § 1210.4 - Code of Federal Regulations

CHECKLIST – FEDERAL REGULATIONS USING WESTLAW (OPTIONAL)

- Type CFR in the *Search Query Box* and select *CFR* from the drop-down list to enter the database
- Enter your *search query*
- Review the *Results Page* to quickly determine applicability and select any regulations you want to review

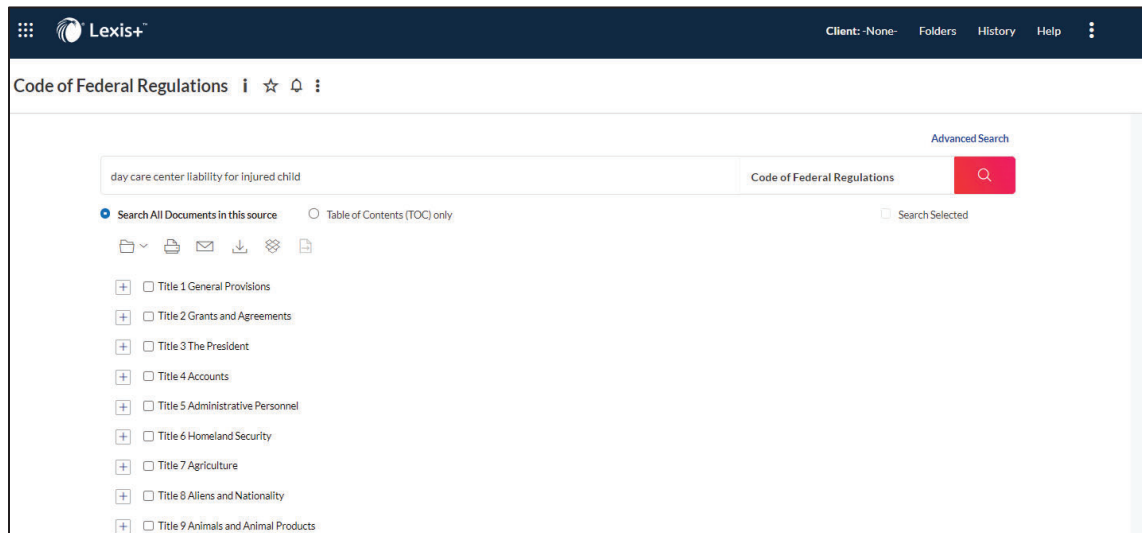
ASSIGNMENT § 11.4(B) | CODE OF FEDERAL REGULATIONS USING LEXIS (OPTIONAL)1. *Locate the CFR database*

In the *Search Query Text Box*, type *CFR* and click the link to the *CFR-Code of Federal Regulations* database.

The screenshot displays a search interface with the query "code of federal regulations" entered in the search box. A yellow arrow points to the search box. Below the search box, a dropdown menu shows search results under three categories: Sources, Legal Phrases, and Suggested Questions. The "Sources" category includes "CFR - Code of Federal Regulations" and "Code of Federal Regulations - Index". The "Legal Phrases" category includes "code of federal regulations", "code of federal regulations index", "code of federal regulations annotated", "code of federal regulations table of contents", and "code of federal regulations fair labor standards act". The "Suggested Questions" category includes "What is the definition of code of federal regulations?". The interface also features a navigation menu with options like "Archived Codes", "Sample Forms", "Jury Verdicts & Settlements", "Administrative Codes", "News", "Jury Instructions", "Administrative Materials", "Legal News", "Arbitration Materials", and "Intellectual Property". On the right side, there are sections for "Public Records", "Company & Financial", "Directories", "Scientific Materials", and "Custom Pages". Additionally, there are "COVID-19 Resources" and "Social Justice Resources" sections.

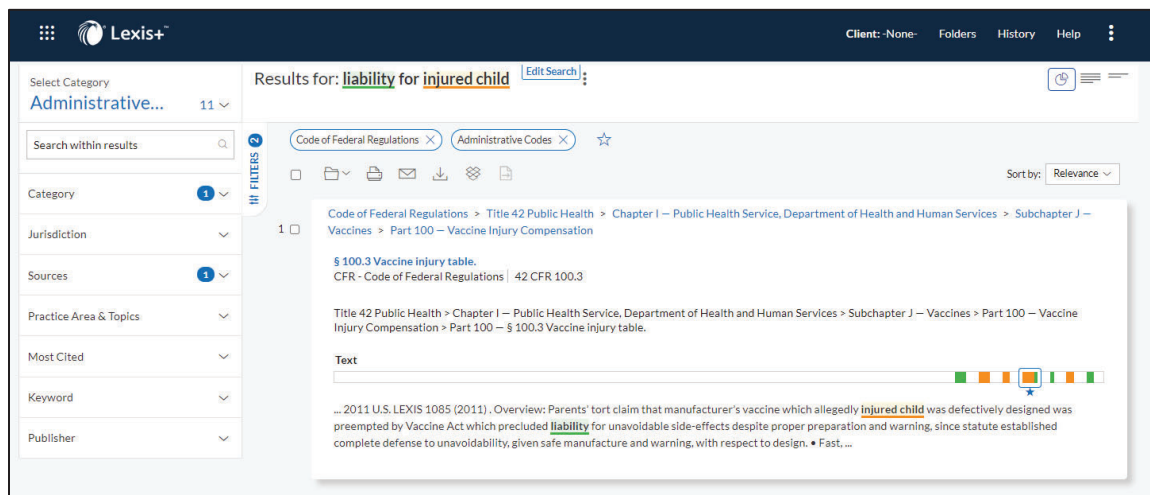
2. *Enter your search query*

Enter a query in the text box and click the search button.



3. *Select a regulation to view*

In the *Results Page*, select any relevant regulations to review by clicking on the title link. You can also focus your search by using the filters in the left column, including *Search Within Results*, *Jurisdiction*, and *Categories*.



CHECKLIST – FEDERAL REGULATIONS USING LEXIS (OPTIONAL)

- Type CFR in the *Search Query Box* to set that filter
- Enter your *search query*
- Review the *Results Page* and select any relevant regulations by clicking the title.

ASSIGNMENT § 11.4(C) | CODE OF FEDERAL REGULATIONS USING LAW LIBRARY (OPTIONAL)**The Federal Register**

The *Federal Register* has always been accompanied by an annual *Federal Register Index*. The *Index* is organized by agency. Under the agency heading you may find three groups of listings: Rules and regulations, proposed rules, and notices. (*Take note of these.*)

For example, if you are researching in the *Federal Register Index* for changes in a rule involving air traffic controllers, the following steps would be taken:

1. *Begin in the index*
In the *Federal Register Index*, locate the section covering the agency you are researching (such as the *Federal Aviation Administration*)
2. *Use the page number provided by the index to access the Register*
If a relevant rule is applicable, the index will provide a cite, such as: FR 68330 (FR is the government abbreviation for the *Federal Register*.)
3. *Go to the main pamphlets (thin softbound volumes)*
The researcher would now look up page 68330 in that same year's *Federal Register*. It is that simple.

The Code of Federal Regulations

The C.F.R. publishes a single annual volume called the *C.F.R. Index and Finding Aid*. There is also a *Parallel Table of Authorities and Rules* which allows you to look-up C.F.R. sections by code title number. Another way to find the section of the C.F.R. you are looking for is to use the *United States Code Annotated* (U.S.C.A) and the *United States Code Service* (U.S.C.S.). Both list citations to the C.F.R. in the annotations after each code section. Therefore, if you are already working with a federal law, the easiest way to locate the regulations that will implement the law is to use one of the annotated codes.

A very helpful research tool for the C.F.R. is the *List of CFR Sections Affected* (LSA), found at the end of the sets of C.F.R.'s. The LSA is organized by C.F.R. title and contains page references to the annual *Federal Register* volumes that publish changes, or proposed changes, to final rules in the C.F.R. Thus, if the rule you are tracking is in Title 22 of the C.F.R., you would check the section covering Title 22 in the annually published LSA for references to proposed or actual changes to the regulation. The LSA helps researchers track newly proposed or established regulations. For example, if you are a bankruptcy paralegal, periodically checking the LSA for Title 44 (relevant to the topic of bankruptcy) will keep you apprised of the most current final and proposed amendments, revocations, or newly established regulations.

One limitation to the LSA is that while it details changes or provisions for final rules, it does not provide such information for proposed rules. However, for proposed rules and IRS rules, LSA informs the researcher that the rule may in some way have been affected and provides a citation to the *Federal Register* but does not tell the researcher how the rule has been affected. In these cases, the researcher must look up the rule, or proposed rule, in the referenced *Federal Register* for him or herself.

In addition, the *General Printing Office* (GPO) has created the *Electronic Code of Federal Regulations* service, or *e-CFR*. Just Google: *e-cfr gpo* (Much easier than typing in the long link we could provide here.) All of the major online commercial resources provide search access to the C.F.R., including *Lexis*, *Westlaw*, *itislaw.com*, *VersusLaw*, and others. These services are not free, but usually provide more sophisticated search mechanisms than sites provided by the government.

1. *Begin in the index*

The C.F.R. publishes a single annual volume called the *C.F.R. Index and Finding Aid*. Look up your topic as you would in any index.

2. *Access the main volumes*

The index will provide a Title and Section number for the main volumes of the C.F.R.

CHECKLIST – FEDERAL REGULATIONS USING THE LAW LIBRARY (OPTIONAL)

- Research the *C.F.R. Index and Finding Aid*.
- Go to the *main volume* using the *Title and Section Number* provided by the index
- Review the regulation to determine applicability