

Technology

Regulation Shortcut

Re-route Pa. Code Searches to the Internet For Quicker, More Efficient Legal Research

By MATTHEW E. MCGOVERN

Recently, a woman came into the Villanova Law Library looking for an old version of a Pennsylvania regulation from 2005. She was litigating a case involving a number of alleged nursing facility deficiencies, some of which occurred before the Medicaid regulations were amended in 2006.

Like most users of the Pa. Code, this attorney was interested in the regulations as they existed at a certain point in time. For most users, the time of interest is now. But in many cases, an attorney must locate an older version of a regulation for a case dealing with actions that occurred before the effective date of the current regulation. To obtain previous versions of the code, rather than show her the route to the bound volumes, I instead walked her to a computer terminal to find what she needed.

In the future, she will know that a database containing old versions of the Pa. Code is only a few keystrokes away. If you find yourself in a similar situation, knowing how to find the old regulations — many of which are online — will save you time and trouble.

Pennsylvania administrative agencies issue regulations arranged by subject matter and published as a multivolume looseleaf set called the Pennsylvania Code (Pa. Code). The Pa. Code is updated by monthly installments. The current version is available in many large public and university libraries; law school, law firm and county law libraries; and online. The Pennsylvania Legislative Reference Bureau

(LRB) Web site — pancode.com — allows users to browse and search the current version of the Pa. Code for free. Commercial database providers Lexis and Westlaw also provide electronic versions of the Pa. Code. The LRB also publishes bound volumes of the pages of the Pa. Code along with the publication of the looseleaf pages, so the old versions of the regulations remain in the bound volumes.

How to verify whether a regulation is current (by searching for recent amendments where they are regularly published in the *Pennsylvania Bulletin*) has been described in multiple sources. Less often described are the options for finding older versions of regulations that are no longer in the looseleaf Pa. Code.

FINDING OLD REGULATIONS: 1996 TO DATE

Free Electronic Resources: The Pennsylvania Bulletin Online

The majority of Pennsylvania attorneys do not have easy access to a library containing the bound volumes of Pa. Code pages. Unfortunately, the LRB has not made these documents electronically available and has no plans to do so. However, the LRB has made copies of the *Pennsylvania Bulletin* electronically available dating back to 1996 at pabulletin.com. Just as it can be used to find recent changes to a regulation, both the *Pennsylvania Bulletin* and *Pennsylvania Bul-*

letin Online can be used to find the text of a particular amendment, or the original text of a regulation before amendment.

To find the older version of a regulation, start with the current regulation (online or hard copy) and examine the Source Note that appears at the end of the regulation's text. See the example below of a safe drinking water regulation. The Source Note indicates when the regulation was originally adopted and the date of each subsequent amendment. You can then use this information to search the online *Pennsylvania Bulletin* for the amended versions without having to physically search through the looseleaf volumes. Each Source Note also includes a serial number (in parentheses). This serial number indicates where in the bound volumes to find the text of the regulation as it existed before the most recent amendment.

Fee-Based Electronic Resources: LEXIS & WESTLAW

Lexis and Westlaw provide electronic versions of the Pa. Code. Both systems note, however, that any discrepancy between the electronic databases and the printed Pa. Code will be resolved in favor of the printed Pa. Code. Thus, these commercial databases may be used for research purposes, but regulations found there should be compared to the official version printed in the Pa. Code or the *Pennsylvania Bulletin*.

Lexis maintains electronic databases with older versions of the Pa. Code for each of the last four years. Each of these versions includes the regulations promulgated and amended as of the end of the year indicat-

| | | |
|--|---------------------|--------------|
| Ch. 109 | SAFE DRINKING WATER | 25 § 109.301 |
| The Department by October 1, 2004. Public water suppliers serving less than 500 persons shall submit the disinfection profiling data and the benchmark to the Department by April 1, 2005, in a format acceptable to the Department. | | |
| Source | | |
| The provisions of this § 109.204 adopted July 20, 2001, effective July 21, 2001, 31 Pa.B. 3938; amended June 18, 2004, effective June 19, 2004, 34 Pa.B. 3130. Immediately preceding text appears at serial page (303174). | | |

ed. However, the database directory path to these historical versions of the Pa. Code is not obvious. You can find them by starting at the main menu of legal research options and following this path: click on "States Legal — U.S.," then click on "Pennsylvania." Click on "Find Statutes, Regulations, Administrative Materials & Court Rules," then "Statutes & Regulations," then "Administrative Code Archive," and finally choose the Pa. Code year you are seeking.

Westlaw maintains electronic databases with older versions of the Pa. Code for each of the last six years. Each of these historical versions of the Pa. Code includes the regulations promulgated and amended as of the end of that year. To find these historical versions of the Pa. Code, start at the main menu of legal research options and follow this path: click on the Directory tab at the top of the screen, select "U.S. State Materials" and choose "Pennsylvania." Then, under "Administrative & Executive Materials," choose the Pa. Code year you are seeking.

Many county law libraries subscribe to Lexis or Westlaw and provide their patrons with free onsite access via one or more computers. However, the older Pa. Code databases are not included in all subscription packages. Lexis also features the *Pennsylvania Bulletin* dating back to October 1, 1994, and Westlaw offers the *Bulletin* back to January 5, 2002.

Printed Resources: Bound Volumes

Only a small number of libraries have copies of the bound volumes of Pa. Code pages published by the LRB. The LRB is required to distribute copies of the bound volumes to any law school library in Pennsylvania that requests a copy, and to the following: The State Law Library; The Allegheny County Law Library; The Jenkins Law Library; The Pennsylvania Historical and Museum Commission's Archives; The Commonwealth Court Library.

For anyone with easy access to one of these libraries, a law school library, or the LRB itself, finding the printed version of an out-of-date Pennsylvania regulation is a straightforward process.

In the drinking-water regulation example, the serial number in parentheses indicates that the text of the regulation prior to the amendment on June 18, 2004, is found at page 303174 of the bound volumes. The bound volumes, and the pages within each volume, are numbered sequentially. The range of sequential pages included in each volume is printed on the spine. As the

Source Note here indicates, this regulation was amended only once, on June 18, 2004, since its original adoption. If it had been amended more than once, the old version of the regulation, found at page 303174, would have its own Source Note including a serial page number for the preceding version of the regulation.

This example also indicates that the original version of the regulation was adopted on July 20, 2001. The text of the regulation, as adopted, was published on July 21, 2001, in Volume 31, page 3938 of the *Pennsylvania Bulletin*.

FINDING REGULATIONS: PRE-1996

An attorney seeking the old version of a regulation that predates Lexis and Westlaw coverage can use the *Pennsylvania Bulletin* Online as long as the regulation was adopted in 1996 or later. In the unlikely event that someone is seeking an old version of a regulation as it existed before 1996, the options are few.

First, if the Source Note indicates that it has not been amended since its adoption, there is no older version to find. Second, any Pennsylvania regulation adopted on or after July 4, 1970 can be found in the printed issues of the *Pennsylvania Bulletin*, which began publication on that date. Several college, university and law school libraries hold copies of the *Pennsylvania Bulletin* prior to 1996. Regulations promulgated before 1970, predating the *Pennsylvania Bulletin*, can be requested from the promulgating agencies.

However, Pennsylvania administrative agencies have a history of unhelpful responses to these requests, according to Erwin C. Surrency's "Research in Pennsylvania Law." More recently, such requests have routinely been referred to the LRB, which charges \$.75 per page to copy old regulations from its incomplete collection of regulations predating the *Pennsylvania Bulletin*.

Traditional library collections and newer electronic databases are a powerful combination of research tools. As the options grow, however, efficient research depends on knowing which resource to use. With the tools available online and in print at select law libraries, locating prior versions of agency regulations can be faster than you would have imagined — and you may not even have to leave your desk. ■

Matthew McGovern is reference librarian at Villanova University School of Law. His e-mail address is mcgovern@law.villanova.edu.

Tech BRIEFS

New Leadership Videos

The Philadelphia Bar Association's Leadership Video Series continues to grow since its launch in 2007. The newest additions



feature talks with Philadelphia's new Police Commissioner Charles Ramsay and City Councilwoman Maria Quinones-Sanchez. Hear what local leaders and newsmak-

ers have to say about what shaped their lives and careers, and what they see for the future of Philadelphia in these short, sharp features. View the videos at philadelphiabar.org, or download and view them on a video iPod or similar device.

American Bar Foundation

The American Bar Foundation, a national research institute for the empirical study of law, has launched a re-vamped Web site



to serve as a consolidated resource for scholars, findings and publications of the Foundation. After a year of development, the site went live in May with a new flexible

infrastructure that better serves the needs of members, faculty and the public. Find the American Bar Foundation online at americanbarfoundation.org.

BlackBerry Use Increases

The number of lawyers who use smartphones or BlackBerrys to do legal research is on the rise from last year. Respondents to the 2008 ABA Legal Technology Survey Report reported that 42 percent use their PDA to conduct legal research while away from the office, an increase from 31 percent in the 2007 report. Use of laptops for



remote legal research also increased from 77 percent to 85 percent since last year. This year's survey revealed that the most-used PDA feature by respondents was telephone and real-time e-mail functions. Locations for PDA use

varied among respondents: 87 percent reported using them at home, 77 percent said they use them in transit, 72 percent reported using them in hotels and 70 percent said they use them in airports. All locations saw an increase over the results from the 2007 survey.

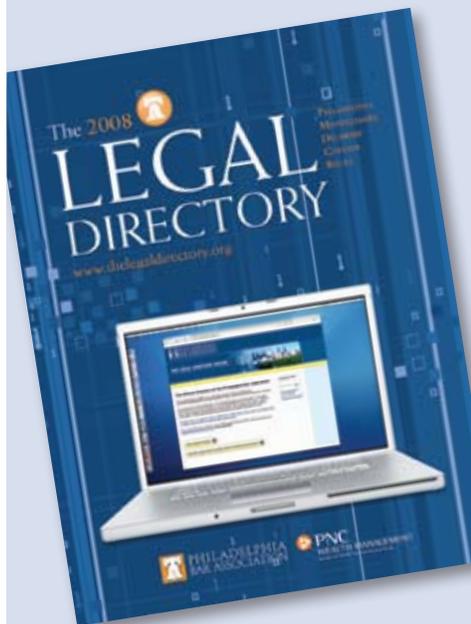


Waking up on the wrong side of the bed? Not with one of these stimulating **iPod docking alarm clock** and their amazing sound delivery. The **Logitech Pure-Fi Dream™** and **Chestnut Hill Sound GEORGE™** are sound systems for your nightstand, featuring multiple alarm features and remote controls. Wake up to your favorite playlist or radio station, set multiple alarms — and volume settings for each — for different days, and charge your iPod all at once. Find that get-up-and-go track, and get up and go!

| Specifications | ▶ Logitech Pure-Fi Dream™ | ▶ Chestnut Hill George™ |
|-------------------------|------------------------------|--|
| Dimensions | 5.9 x 9 x 15.2 in. | 14.2 x 9 x 5 in. |
| Speakers | 2 | 5 |
| Audio controls | Treble; bass | Treble/bass |
| Radio | AM/FM | Bandless AM/FM |
| Station presets | 18 | 24 self-labeling |
| Remote functions | Backlit; preset playlists | FM radio, wireless music/photo sharing, video |
| Display | Motion-sensing LCD | High-resolution backlit graphic display |
| Inputs | iPod dock; audio in-line | Aux in; USB; antenna |
| Tweeters | 3/4-inch high-def soft-dome | 1-inch domed |
| Woofers | 3-inch high-power long throw | 4-inch down-firing driver |
| Warranty | 2 year | 1 year |
| Colors | Black | 2 panel options; black, blue, red grille options |
| List price | \$199.99 | \$499.99 |

THE LEGAL DIRECTORY 2009 UPDATE IS UNDER WAY!

WATCH YOUR MAILBOX FOR UPDATE INFORMATION!



We need your help to make sure The Legal Directory has the most accurate and complete information.

Please be sure to fill out your update forms when they arrive over the next few weeks. Save time by completing the update process online.

More than 25,000 lawyers, legal support staff, court and government officials use The Legal Directory and have access to your listing.

Make sure your listing stands out with cost-effective, visibility-enhancing upgrades!

PRINT UPGRADES

- **Additional Areas of Concentration** \$45
 - > Extra AOC in your listing.
 - > Your name listed under each AOC in the AOC Index.
 - > All index entries in bold.
 - > Firm name (if applicable) and office phone number included in each index listing.
- **Bold Listing in Master Index** \$45
 - > Index entry, including attorney name and page number, in bold.
 - > Firm name (if applicable) and office phone number included.

ONLINE UPGRADES

- **Link to Web Site** \$95
- **Bold Listing** \$45
- **Expanded Listing** \$45
 - > Accessible by clicking profile icon next to listing.
 - > Includes education, bar admissions, honors & awards, memberships and outside activities for attorneys and "About the Firm" description, year established, firm size and representative clients for firms.



PHILADELPHIA
BAR ASSOCIATION

A limited number of copies of The Legal Directory 2008
ARE STILL AVAILABLE!

Call 443-909-7843 to order.

The Legal Directory 2009 will be available April 1, 2009.

QUESTIONS?

Please contact us at 443-909-7843 or legaldirectory@mediatwo.com.

The Legal Directory • c/o Media Two • 1014 West 36th Street • Baltimore, MD 21211