Legal Research: Using Law Review Articles for a Case Study

If you are briefing a case, a law review article might give you additional information about the case in relation to its general legal subject. A law review (or law journal) is a scholarly journal on legal topics, often published by a law school or professional legal association. The articles are written by legal experts. “Notes” and “Comments” are often written by law students who are members of the law review staff. If the case you are researching is mentioned in an article, it may be explained or discussed in an easy-to-understand writing style.

Start your research in the database LexisNexis Academic. Only use Internet Explorer 9 or more recent versions of IE.

On the Cornette Library home page http://www.wtamu.edu/library/go to All Databases.

Choose LexisNexis Academic.
Click on **Search By Content Type**.

Click on **Law Reviews**.
Enter the citation of the case, such as 125 S. Ct. 2655.

Sort the results by **Relevance**.

Browse the list of articles.
Look for article titles that mention the name of the case you are researching. If that is not an option, look for article titles that are strongly relevant to the topic of law in the case.

You will probably find relevant information in the **Background** section of the article.
However, the name of your case may also be spotlighted in a separate section of an article:

III. Kelo v. City of New London: A Broad Public Use Standard


The redevelopment plan aimed to reverse the long economic decline of the city, which a C sought to improve the city's unemployment rate, which was twice the state's average in 1st facilities, a museum, residential housing, and a marina.[^40] The NLDC planned these new of the same area.[^41] Referring to the potential benefits, Justice Stevens noted that "In additi revitalization of downtown New London,' the plan was also designed to make the City mor park."[^42]

To construct the new downtown area in New London, the NLDC had to acquire 115 private NLDC easily purchased most of the homes in the area but met resistance from Susette Kel

TIP: Type the name of the first party of your case in **Search within results.** Example: type in Kelo for the Case *Kelo v. City of New London.*

By using the Search with results for “kelo”, that word will then be highlighted in red in any article that you read. This is useful for cases that are not landmark cases and may only be mention once or twice in an article.

Introduction

Government often leases premises from landowners. A voluntarily negotiated lease[^2] is the Article, leasing is a cost-effective way to fulfill a short-term need for space. It is logical that to fulfill their needs for premises as they grapple with budgetary shortfalls.[^4]

[^885] If the government determines that it needs to lease a particular site but cannot sit is an area with potential for both good and abuse. Guidance from case law is scant, and lites becomes the source of widespread problems. In this way, government can create leasehold domain. This Article joins my earlier works to provide guidance and fill in the gaps.[^7] It ex that *Kelo*-type takings - takings in which government uses its power of eminent domain fo - should not be allowed, regardless of whether *Kelo* itself remains good law.

I. Background
Sometimes a case you are researching may not be mentioned in a law review article. This is more likely when you are researching a state-level case (instead of a U.S. Supreme Court case). You might find a state-level case discussed in a “Bar” publication. Members in a state bar association are generally comprised of attorneys who practice law in that state. Bar publications are usually legal newsletters or magazines. They are reputable, but not scholarly like law reviews.

For example, the South Carolina Lawyer is published by the South Carolina Bar.

**I. Background: Eminent Domain, *Kelo*, and *Kelo*-Inspired Reform Legislation**

The Takings Clause of the Fifth Amendment to the United States Constitution, "'Nor shall private property be taken for public use without just compensation" [n29] The constitutions of the states generally contain a similar provision. "Physical takings are typically accomplished through condemnation proceedings, or through eminent domain or the taking of property for public use. The Takings Clause itself neither empowers nor bars government from taking private property with the government "takes" "private property." [n23] Government can do so only when such taking is for a public purpose and with just compensation.

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South Carolina Lawyer

May, 2011

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**LENGTH:** 3679 words

**ARTICLE: NOTICE AND STATUTE OF LIMITATIONS ISSUES IN REPETITIVE TRAUMA CASES**

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**TEXT:**

[*35] Almost 10 years ago, the S.C. Supreme Court issued its opinion in *Pee v. AVM*, confirming that injuries caused by repetitive work activ Compensation Act (the Act). 352 S.C. 167, 573 S.E.2d 785 (2002). As a result, a receptionist who develops carpal tunnel syndrome caused by compensation as a construction worker who is injured in a fall on the job.

The advent of the repetitive trauma claim caused considerable confusion regarding the notice and statute of limitations requirements set forth in the Act. Section 16-3-470 of the Act, entitled "Notice of Injury," requires that the employee give written notice of the injury to the employer within 10 days of the injury. The statute of limitations for filing a lawsuit is 2 years from the date the employee knew or should have known that the employee was injured by an industrial injury.

Lawyers carrying the injured worker are now calling on the appellate courts to clarify and resolve disputes with regard to the 2007 amendments. The main issue is whether the notice and statute of limitations provisions impact repetitive trauma claims. This article will trace the development of the rules applicable to repetitive trauma claims in the context of interpretation of the 2007 amendments.