

# Identifying Antitrust and Trade Regulation Resources

By Jan Bissett

The Lexis-Westlaw duopoly, Amazon.com's print-on-demand, open access in scholarly legal publishing, the recent announcement of an advertising agreement between two major search engines—all of these remind us that we, as consumers of legal research products and services, are directly affected by competition in and regulation of the publishing industry. Antitrust is the theme of this month's issue. And this month's column will take a look at how to identify both Michigan and federal research sources using print and electronic materials, fee and free.

How do you begin to identify research sources in an area such as antitrust and trade regulation, which is often associated with discrete topics such as healthcare, sports law, or employment contracts? The temptation to enter terms into your favorite search engine may be your first inclination. But think about the information you want and where it may be found. The Federal Trade Commission<sup>1</sup> and U.S. Department of Justice, Antitrust Division<sup>2</sup> websites may come immediately to mind as sources to consult. Primary materials such as statutes, case law, and regulatory information are available via the commercial databases, Lexis<sup>3</sup> and Westlaw,<sup>4</sup> as well as the legal portals Findlaw,<sup>5</sup> the Legal Information Institute,<sup>6</sup> and LexisONE.<sup>7</sup> Secondary sources and practice materials are also available from the commercial databases, although these are usually limited to their own publications or those licensed from other legal publishers. The legal publishers, BNA and CCH, both produce recognized antitrust and related materials. BNA's *Antitrust & Trade Regulation Report*<sup>8</sup> and the State-by-State Survey titles (*Covenants Not to Compete*; *Trade Secrets*)<sup>9</sup> are well known

to practitioners. The CCH antitrust and trade regulation materials, available from its Business and Finance<sup>10</sup> network, include *Trade Regulation Reports*, *RICO Business Disputes Guide*, *Advertising Law*, *State Unfair Trade Practices Law*, and the *Business Franchises Guide* materials.

Think carefully about what you want to achieve with your research strategy: Are you trying to familiarize yourself with the practice area? Determine current thinking or popular issues? Even if you're starting out with a specific reference to a statute or case, your initial steps will most likely involve using secondary source material to get an overview of the basic legal principles. But you can't use them if you don't know what they are. If you don't have a knowledgeable colleague or librarian to consult, try using research guides, pathfinders, or bibliographic sources to help you locate useful materials. Zimmerman's Research Guide<sup>11</sup> and The Virtual Chase<sup>12</sup> offer website suggestions in their Antitrust Law entries. Give in to the temptation of your favorite search engine<sup>13</sup> to identify law school guides and pathfinders that include materials on antitrust and trade regulation. Although these materials reflect their institution's resources, they can lead you to recognized sources, such as treatises, law re-

views, and websites. The *Legal Information Buyer's Guide and Reference Manual*<sup>14</sup> is an invaluable source for identifying subject area sources, including antitrust law, while offering practical advice and cost-saving tips. Use the Michigan Electronic Library (MeL)<sup>15</sup> databases to access LegalTrac, a legal periodicals index covering law reviews, legal newspapers, bar association journals, and business and general-interest publications. Use Worldcat to determine if a library in your area has a particular title of interest to you. These databases are available free to Michigan residents.

Bar associations provide another source of practice materials. The American Bar Association's Section of Antitrust Law<sup>16</sup> publications include the *Annual Review of Antitrust Developments* and titles on premerger notification, competition, and model jury instructions. The section also publishes the *Antitrust Magazine*, *The Antitrust Source*, and the *Antitrust Law Journal*. An Antitrust Compliance Bibliography (2005) is also available at the section's website.<sup>17</sup> Archived issues of the *Antitrust Law Journal* and other ABA journals are available from HeinOnline,<sup>18</sup> an image-based legal database. HeinOnline also provides access to archived issues of law reviews and American Law Institute publications such as the *Restatement*

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of the Law: *Unfair Competition, the Practical Lawyer, Practical Litigator* issues, and the *ALI-ABA Business Law Course Materials Journal*. Legislative history material and legal classics addressing antitrust are also a part of the HeinOnline service. Use the Social Science Research Network<sup>19</sup> (or one of its sister networks) to identify and obtain law review articles and white papers.

Materials that keep you current may be just a click away. You have the ability to create e-mail alerts if you subscribe to the electronic publications from BNA or CCH. You can also take advantage of this feature from bar association mailings, as well as saving searches on Lexis, Westlaw, and Google to be run and delivered at designated times. The *Antitrust & Competition Policy Blog*<sup>20</sup> may provide posts of interest. Use Technorati<sup>21</sup> or another search engine to identify blogs that may be useful. General financial or industry news sites, such as the *Wall Street Journal*<sup>22</sup> or *Financial Times*,<sup>23</sup> can provide insights to potential mergers and acquisitions or economic news that may be of assistance. If you're doing company, financial, or economic fact finding, see Sabrina Pacifici's *Competitive Intelligence—A Selective Resource Guide*,<sup>24</sup> which outlines selected financial blogs, search engines, news alerts, and RSS feeds of business and company-related news and information.

If you're looking for Michigan-specific sources, you may want to examine offerings from the State Bar or the Institute of Continuing Legal Education (ICLE). The State Bar Antitrust, Franchising & Trade Regulation Section<sup>25</sup> offers links of interest and selected newsletter issues on its website. The *Michigan Business Law Journal*<sup>26</sup> contains articles on related topics, including antitrust and noncompetition agreements. ICLE treatises such as the *Michigan Antitrust Digest*,<sup>27</sup> *Michigan Business Torts*,<sup>28</sup> and the *Michigan Law of Damages and Other Remedies*<sup>29</sup> address antitrust and noncompetition topics. Annual seminars such as the Health Law Institute, Business Law Institute, and Intellectual Property Law Summer Institute may yield materials of interest. You can search these books and seminar materials electronically with a subscription to the ICLE Partnership.<sup>30</sup>

Identifying materials in antitrust or any unfamiliar practice area involves research and evaluation. Using bibliographic or research guides can help you determine the recognized sources and their quality. Primary legal materials such as statutes, case law, and regulatory decisions and rules are readily available at little or no cost. Secondary materials offering explanatory material, commentary, annotations, and practice tips are likely to be fee-based, whether in print or electronic format. Web-based blogs and newsletters have increased the number of current offerings while also increasing the need for close examination and evaluation. ■

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## FOOTNOTES

1. Federal Trade Commission, Bureau of Competition <<http://www.ftc.gov/bc/index.shtml>> [accessed August 11, 2008]. All websites cited in this article were accessed August 11, 2008.
2. U.S. Department of Justice, Antitrust Division <<http://www.usdoj.gov/atr/>>.
3. LexisNexis <<http://www.lexis.com/>>.
4. Westlaw <<http://www.westlaw.com/>>.
5. FindLaw <<http://lp.findlaw.com/>>.
6. Legal Information Institute <<http://www.law.cornell.edu/>>.
7. LexisONE <<http://www.lexisone.com/>>.
8. BNA Antitrust & Trade Regulation Report <<http://www.bna.com/products/corplaw/atr.htm>>.
9. BNA Books <<http://www.bnabooks.com/>>.
10. Wolters Kluwer Law & Business, CCH legal information <<http://business.cch.com/>>.
11. LexisNexis, Zimmerman's Research Guide <<http://www.lexisnexis.com/infopro/zimmerman/dis.aspx?z=1178>>.
12. The Virtual Chase, Antitrust Law <<http://www.virtualchase.com/topics/antitrust.shtml>>. (Please note the recent announcement that this site may close.)
13. E.g., antitrust "research guide" "law school" in Google, <<http://www.google.com>>.
14. Rhode Island Law Press, *Legal Information Buyer's Guide and Reference Manual* <<http://www.rilawpress.com/>>.
15. Michigan eLibrary <<http://www.mel.org/SPT-BrowseResourcesNewMeL.php>>.
16. American Bar Association, Antitrust Law <<http://www.abanet.org/antitrust/>>.
17. American Bar Association, Antitrust Compliance Bibliography <<http://www.abanet.org/antitrust/at-committees/at-compliance/pdf/compliance-bibliography.pdf>>.
18. HeinOnline <<http://heinonline.org/>>.
19. Social Science Research Network <<http://www.ssrn.com/>>.
20. Antitrust & Competition Policy Blog <[http://lawprofessors.typepad.com/antitrustprof\\_blog/](http://lawprofessors.typepad.com/antitrustprof_blog/)>.
21. Technorati, Front Page <<http://technorati.com/>>.
22. Wall Street Journal Online <<http://online.wsj.com/public/us>>.
23. Financial Times <<http://www.ft.com/home/us>>.
24. LLRX, *Competitive Intelligence—A Selective Resource Guide* <<http://www.llrx.com/features/ciguide.htm>>.
25. State Bar of Michigan, Antitrust, Franchising & Trade Regulation Section <<http://www.michbar.org/antitrust/>>.
26. *Michigan Business Law Journal*, Index of articles <<http://www.michbar.org/business/BJ/Spring2007/index.pdf>>.
27. ICLE, *Michigan Antitrust Digest* <[http://www.icle.org/store/book.cfm?PRODUCT\\_CODE=2001551120](http://www.icle.org/store/book.cfm?PRODUCT_CODE=2001551120)>.
28. ICLE, *Michigan Business Torts* <[http://www.icle.org/store/book.cfm?PRODUCT\\_CODE=200355640](http://www.icle.org/store/book.cfm?PRODUCT_CODE=200355640)>.
29. ICLE, *Michigan Law on Damages and Other Remedies* <[http://www.icle.org/store/book.cfm?PRODUCT\\_CODE=2002552310](http://www.icle.org/store/book.cfm?PRODUCT_CODE=2002552310)>.
30. ICLE Partnership <<http://www.icle.org/store/partnership.htm>>.