Updating regulations on Databases

When you pull up a federal regulation on Westlaw, it may be a few days out of date. Luckily, Westlaw provides one of the easiest methods of updating regulations. When you look at a regulation on Westlaw, look for a KeyCite red or yellow flag. A red flag may indicate a new regulation, amendments to the old regulation, new legislation impacting the regulation, or case law declaring the regulation invalid. A yellow flag indicates proposed (but not final) new regulations, amendments, or legislation.

It is important to note that KeyCite is not as good at indicating proposed changes to a regulation as it is at indicating final changes, so if you need to find all proposed changes to a regulation, you may want to consult FDSys or Regulations.gov (covered in sections 4a and 4c of this tutorial) or the agency’s web site.

To pull up the regulation we are updating, we’ll type the citation in the WestlawNext search box. When you are looking at the regulation, notice there is no KeyCite flag at the top of the screen. This regulation has not been replaced or amended by regulatory action, declared unconstitutional, or abrogated by act of Congress since the last time Westlaw’s CFR database was updated. If we click the Currentness link, we’ll see when Westlaw’s CFR database was last updated.

Near the bottom of the section, Westlaw tells us how current the CFR database is. As of July 14, 2014, it was current through the July 10 issue of the Federal Register.

If there were a final rule notice or proposed regulation that affected our section, we would probably see a red flag with the phrase “Adopted Regulation” or a yellow flag with “Proposed Regulation” near the top of the regulation text, like this:

When you look at a federal regulation on Lexis, it also may be out of date and you will always need to update it. Regulations can be Shepardized, but this will only provide you with a list of documents such as cases or law review articles that have cited the regulations. Shepardizing a regulation will not tell you whether the regulation has recently been amended or revoked.

When you pull up a regulation on Lexis, you should look at the currency information at the top, then run a search in the Federal Register for any discussion of the regulation after that date. Still using 16 CFR Part 304.1, we will use the Federal Register on Lexis Advance.

To search the Federal Register, you will need to Browse Sources, then search for the Federal Register by title. You can then Add it to your search, then search for “16 CFR” w/2 304!. You can then narrow your search by adding the term “numismatic” in the “Search Within Results” box.

Unfortunately, since Lexis does not give you date information on the results page, you then have to review all of the results to find what is current. Rather than updating on Lexis, you can also mix and match by doing your updating on FDSys, as discussed in Section 4a of this tutorial.

When you look at a federal regulation on Bloomberg Law, it is likely that it will be very up-to-date, but make sure to check the Currency information located in the column to the right of the regulation itself. If the date of the last update is prior to the current date, you can update the regulation by running a search in the Federal Register on Bloomberg Law. Once you have selected the Federal Register database, you can search for “16 cfr” w/2 304! and restrict the date search to the appropriate period, which is the day after the regulation was updated in the CFR to today’s date. You will receive one result – the notice of review and request for public comment that we saw in section 4a of the tutorial.