The Internet Evolution

Savvy Search Strategies for Paralegals

Michelle Rigual
Albuquerque, New Mexico
July 31, 2007
Today’s Agenda

- Understanding Search Tools for More Effective Queries
- How to Find What Your Search Engine Can’t – The Invisible Web
- Practical Search Tips and Techniques
- Conducting Legal Research
- Finding People – Building a “Profile”
- Locating Companies – Due Diligence and Background Information
Understanding Search Tools for More Effective Queries

- How do Search Engines Really Work?
  - Comparing Search Engines and Directories
  - Indexing – Spiders and Web Crawlers
  - How “Relevant” Information is Retrieved
  - Using Meta-Crawlers to Achieve More Comprehensive Searches

- Mastering the Rules of Boolean Searching and Advanced Search Functions
- How Ranking, Metadata, and Search Engine Optimization Affect Your Searches
- Using Keywords Creatively
- Maximizing Browser Power – The “Find” Function and Managing Bookmarks
What Are Search Engines?

- Huge databases of web page files automatically assembled by machine.

- The best means invented (so far) for finding info on the web.

Examples:
- Google
- Live Search
- Ask.com
- Jeteye
- Blinkx
- Rollyo
What Are Subject Directories?

- Created and maintained by human editors who review and select sites for inclusion

- Annotations

- Smaller than search engine databases (typically index only home page or top level pages)
When to Use a Search Engine

To find:

- unique keywords, phrases, quotes, and info buried in the full-text of web pages
- a wide range of responses to specific queries, use a search engine
Search Engine Pros & Cons

- **Pros:**
  - Access to a large portion of the publicly available pages on the Web
  - So far, the best means devised

- **Cons:**
  - High likelihood of thousands of responses to simple search requests.
  - Many irrelevant hits.
News results for korean hostages

Taliban still holds S Korean hostages, demands prisoners swap
KABUL, July 24 (Xinhua) - Taliban fighters did not kill 23 South Korean hostages after the deadline once again expired on Tuesday, but demanded the ... news.xinhuanet.com/english/2007-07/25/content_6425542.htm - 24k - Jul 28, 2007 - Cached - Similar pages

FOXNews.com - Taliban Offers Exchange for South Korean Hostages As ...
Taliban offers exchange for South Korean Hostages as fate of German captives disputed. A purported Taliban spokesman says the hard-line militia wants to ... www.foxnews.com/story/0,2933,290269,00.html - 51k - Cached - Similar pages

Taliban Threaten to Kill 18 Korean Hostages - New York Times
Taliban gunmen boarded a bus and abducted 18 South Koreans who were apparently volunteers for a Christian church group. www.nytimes.com/...asia/21afghan.html?n=Top%2FReference%2FTimes%20Topics%2FOrganizations%2FT%2FTaliban%20 - Similar pages

Taliban Says it Killed Two Germans, Threatens 23 South Korean ...
www.wsj.com/article/SB118503692504674157.html?mod=home_whats_news_us - Similar pages

ABC News: Deadline Extended for 23 Korean Hostages
Taliban Extends Deadline for 23 South Korean Hostages Held in Southern Afghanistan. Relatives of South Koreans kidnapped in Afghanistan cry during a news ... www.abcnews.go.com/International/wireStory?id=3402667 - Similar pages
When to Use a Directory

- For browsing and general searches.
- To see what kind of information is available, browse through the subject categories.
- For information on popular topics, organizations, commercial sites and products.
Directory Pros & Cons

- **Pros:**
  - Capability of delivering a higher quality of content
  - Provide fewer out of context results

- **Cons:**
  - More dead links
  - Slower search process
Directories in Action

- Open Directory – www.dmoz.org
- Look Smart - www.search.looksmart.com
- Yahoo! – www.yahoo.com

Searching for:
- Korean hostages
- Weight Loss
Search: **korean hostages**
No **Open Directory Project** results found

Try your search on:

- Altavista
- Lycos
- A9
- MSN
- AOL
- Teoma
- Clusty
- Wisenut
- Gigablast
- Yahoo
- Google


Top: Health: Weight Loss (379)

- Articles (33)
- Clinics and Services (37)
- Eating Disorders@ (327)
- Fasting and Cleansing@ (63)
- Low Fat Cooking@ (71)
- Obesity@ (62)
- Online Shopping@ (305)
- Personal Pages (138)
- Support Groups (88)
- Surgery@ (127)

See also:

- Health: Alternative: Herbs: Materia Medica: Hoodia Gordonii (6)
- Health: Fitness (1,146)
- Health: Nutrition (599)
- Home: Cooking: Special Diets (248)

This category in other languages:

- Chinese Simplified (8) Chinese (7) Czech (16)
- Danish (31) Dutch (16) Hungarian (9)
- Japanese (28) Russian (8) Swedish (12)

- Advanced Body Mass Index Calculator - Calculates your body mass index and shows statistics to compare your body to others of the same height, sex and age. Handles pediatric and older adult ages.
- Am I Fat? - Find out if you are overweight and what can be done about it. Includes an overview of obesity, weight tables, calorie requirements, and a forum.
- Analyzing Weight Loss - Analyzing different methods including fads, natural diets and exercise.
- BBC Online Health - Fighting Fat - Details on how to keep to a healthy weight, eat well and reduce your risk of heart disease, diabetes and other health problems.
- Calculate your Body Mass Index - National Institute of Health (NIH) page uses height and weight (english or metric) to determine amount of body fat.
- Calculate Your Body Fat Percentage - Indian health website offers information on weight and weight loss.
Distinctions are Blurring

- The line between subject directories and search engines is blurring.

- Most directories have partnered with search engines while search engines are acquiring subject directories or creating their own.
If you're browsing and trying to determine what's available in your subject area start with a subject directory.

If you're looking for a specific piece of information go to a major search engine.
Understanding Search Tools for More Effective Queries

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Indexing – Spiders and Web Crawlers

- **Spiders** crawl from link to link
  - Sites with no links to other pages may be missed
  - May submit URLs for crawling
Indexing – Spiders and Web Crawlers

- Site is **indexed**

  - Index contains every web page the spider finds.
  
  - If a web page changes, the index is updated.
  
  - Pages are not available to searchers until spidered AND indexed.
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How “Relevant” Info is Retrieved

- Each search engine has unique software
  - Sifts through the pages recorded in the index
  - Finds matches to a search
  - Ranks the matches by relevance.

- Remember, not up to the minute!!
Dead Search Engines

These search engines used to offer their own database or unique search features. They have all abandoned their position in search, although they still may have some kind of search functionality. The linked reviews reflect how these search engines used to work.

- **AlltheWeb** [Switched to Yahoo! database in March 2004]
- **AltaVista** [Switched to Yahoo! database in March 2004]
- **Deja.com** [Defunct Usenet search, bought by Google and became Google Groups]
- **Direct Hit** [Defunct, redirecting to Teoma]
- **Excite** [Defunct as a separate database, now uses an InfoSpace meta search]
- **Excite News** (NewsTracker) [Defunct]
- **Flipper** [Hidden Web databases from Quigo, defunct by Fall 2003]
- **Go** [Defunct as a separate database, took over Infoseek, switched to Overture, then to Google]
- **Go (Infoseek) News** [Defunct]
- **Infoseek** [Defunct as a separate database, bought by Disney for Go, then abandoned in favor of Overture]
- **HotBot** [Dropped Inktomi database in early 2005, now only a multi-search of Google and Ask Jeeves]
- **InvisibleWeb.com** [a hidden Web directory, defunct by 2003]
- **iWon** [Old Inktomi version defunct. Now uses Google "sponsored" ads and Web and image databases]
- **Lycos** [Switched to Yahoo!/Inktomi database in April 2004 and Ask Jeeves in 2005.]
- **Magellan** [Dead, redirects to WebCrawler]
- **MessageKing** [Defunct Web forum search engine as of Fall 2003]
- **MSN Search** [predecessor of Live Search]
- **NBCi (formerly Snap)** [Defunct, now uses metasearch engine Dogpile]
- **NBCi Live Directory (formerly Snap)** [Defunct directory]
- **Northern Light** [Defunct as a Web search engine as of 2002.]
- **Northern Light Current News** [Dead. Updates ceased as of Feb. 28, 2003.]
- **Openfind** [Under "reconstruction" as of 2003]
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Using Meta-Crawlers to Achieve More Comprehensive Searches

- Searches several search engines at the same time
- Results are gathered and grouped
- Each features different search engines and method of reporting results.
Examples of Meta-Crawlers

- www.mamma.com
- www.search.com
- www.dogpile.com
Mamma.com is a "smart" metasearch engine — every time you type in a query Mamma simultaneously searches a variety of engines, directories, and deep content sites, properly formats the words and syntax for each, compiles their results in a virtual database, eliminates duplicates, and displays them in a uniform manner according to relevance. It's like using multiple search engines, all at the same time.

Created in 1996 as a master's thesis, Mamma.com helped to introduce metasearch to the Internet as one of the first of its kind. Due to its quality results, and the benefits of metasearch, Mamma grew rapidly through word of mouth, and quickly became an established search engine on the Internet. Mamma.com's ability to gather the best search results available from top search sources and to provide useful tools to its users has resulted in its receiving multiple Honourable Mentions in the Best Metasearch category in the annual SearchEngineWatch Awards.

Every time you type in a query at a metasearch engine, they search a series of other search and content sites at the same time, compile their results, and display them either by source or by integrating them in a uniform manner, eliminating duplicates, and resoring them according to relevance. It's like using multiple search engines, all at the same time.
Search.com searches Google, Ask.com, LookSmart and dozens of other leading search engines to bring you the best results. Search.com metasearch search engine - The only search you need.
All the best search engines piled into one.

Google | Yahoo! | Ask | Live Search

"Highest in Customer Satisfaction Among Internet Users With Primary Search Engines/Functions"

Favorite Fetches:
- Breaking News
- Weigh Down
- Iraq Pullout
- Potter Boycott
- MySpace
- Sports Scandals
- Joke of the Day
- SearchSpy
- Maps
- Weather
- Horoscope
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Boolean Searching

- Use connectors to add precision and relevance to search in ANY DATABASE.
  - **AND**: limits number of hits
  - **OR**: expands number of hits (to allow for idiosyncracies)
  - **NOT**: increases precision
Boolean Searching

- AND
  - truth
  - truth AND justice
  - truth AND justice AND ethics AND congress
Boolean Searching

- OR

  - college

  - college OR university

  - college OR university OR campus
Boolean Searching

- NOT
  - rico
  - rico NOT puerto
  - rico NOT act
Boolean Searching

- Nesting: increases precision by combining several search statements
  - (hybrid OR electric) AND (Toyota OR Honda)
  - Saturn
    - AND (car or automobile)
    - NOT (planet OR space)
Boolean Searching

- Proximity: limits number of hits
  - truth
  - truth AND justice
  - truth NEAR justice
Boolean Searching

- Field Searching: limits your hits and increases precision by searching only the relevant portion of a database.
  - Drop down menus
  - Tabs
  - Check boxes
### Tips

This form’s source selections are:

- **Supreme Court Decisions**: Full text opinions of all Supreme Court cases since 1790. In addition, all dispositions of cases that were appealed to the Supreme Court are included.
- **Supreme Court Briefs**: Working papers of the actual parties to the litigation as well as other interested parties, which are filed with the Supreme Court before the case is argued.
- **Supreme Court Previews**: Offers advance analysis by legal experts of the issues, facts and significance of each case being argued before the Supreme Court.
- **Court of Appeals**: All case law from the U.S. Circuit Courts. Appellate courts have authority over lower courts in a geographical area or jurisdiction. They review claimed errors of law, but will not review factual determinations made by the lower courts.
- **District Courts**: All case law from U.S. District Courts for all 50 States from 1789 to current, the District of Columbia, the District Court for Puerto Rico, the District Court for the Virgin Islands, the District Court for Guam, and the District Court for the Mariana Islands.
- **Court of International Trade**: Case law from the U.S. Court of International Trade. This court supersedes the former Customs Court and has expanded jurisdiction over custom matters.
- **Bankruptcy Courts**: Case law from October 1979 through March 1999.
- **Tax Courts**: Case law from the U.S. Tax Court from 1942 to current, U.S. Tax Court Memorandum from 1942 to current and the former Board of Tax Appeals from 1924 to 1941.
- **Court of Veteran Appeals**: Case law from December 1989 through April 1999. The Court, created in 1988, hears appeals from decisions of the Board of Veterans Appeals.
- **Customs Courts**: Case law from the U.S. Customs Court, from June 1962 through October 1980.
- **Commodity Court**: Cases from July 1811 through November 1813. This Court no longer exists.
Advanced Search Functions

- Look for “advanced” searching options.
- Allows you to use Boolean logic and field searching.
### Find results
- with all of the words
- with the exact phrase
- with at least one of the words
- without the words

### Language
- Return pages written in
- any language

### File Format
- Only return results of the file format
- any format

### Date
- Return web pages first seen in the
- anytime

### Numeric Range
- Return web pages containing numbers between
- and

### Occurrences
- Return results where my terms occur
- anywhere in the page

### Domain
- Only return results from the site or domain
- e.g. google.com, .org More info

### Usage Rights
- Return results that are
- not filtered by license More info

### SafeSearch
- No filtering
- Filter using SafeSearch More info

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### Page-Specific Search
- Similar
  - Find pages similar to the page
  - e.g. www.google.com/help.html

- Links
  - Find pages that link to the page

### Topic-Specific Searches
- [Google Book Search](https://books.google.com) - Search the full text of books
- [New! Google Code Search](https://code.google.com) - Search public source code
- [Google Scholar](https://scholar.google.com) - Search scholarly papers
- [Google News archive search](https://news.google.com) - Search historical news
12/12/06
Notice Concerning Ex Parte Status of Information Submitted to the Commercial Mobile Service Alert Advisory Committee. Public Notice: Word | Acrobat

12/12/06
FCC Chairman and Commissioners Statements From Public Hearing on Media Ownership in Nashville, TN.
Martin Statement: Word | Acrobat
Copps Statement: Word | Acrobat
Adelstein Statement: Word | Acrobat

12/11/06
Statement of Commissioner McDowell Regarding Nashville Media Ownership Field Hearing. Word | Acrobat

12/12/06
FCC Announces Renewal of Diversity Committee's Charter, Appointment of Members to the Re-Chartered Committee; and Scheduling of December 21, 2006 Committee Meeting. Public Notice: Word | Acrobat

12/11/06

12/8/06
Memorandum from FCC General Counsel Sam Feder to Commissioner Robert McDowell on participation of Commissioner McDowell in the Commission's decision on the AT&T/BellSouth merger proceeding. Memorandum: Acrobat

12/8/06
Chairman Martin Statement on Decision of General Counsel in AT&T/BellSouth Merger Proceeding.
**Search Scope:** The FCC Search Engine searches throughout the FCC's web site, including the Electronic Document Management System (EDOCS), but does not collect information from the FCC's other databases and electronic filing systems such as the Electronic Comment Filing System (ECFS). Information is collected from web pages and many types of documents including Word, WordPerfect, Acrobat, Excel, and ASCII Text, and is constantly updated.
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Additional Search Options

Enter keywords and select the field where you want the words to be found. Combine your search criteria using the connectors provided.

Search for:
Entry Required

Full Text

Full Text
Plaintiff
Defendant
Judges
Opinion By
Opinion Text
Dissenting Opinion By
Concurring Opinion By
Citation
Counsel
Headnotes

Date:
- Previous six months
- From: \(\_
\) To: \(\_
\)

Court: Supreme Court Cases

Source List

Search Clear Form

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- **Customs Courts**: Case law from the U.S. Customs Court, from June 1962 through October 1980.
- **Commerce Courts**: Cases from July 1911 through November 1913. This Court no longer exists.
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Search Engine Optimization

- The process web developers use to increase the volume and quality of traffic from search engines to their web site.

- The higher a site "ranks," the more searchers will visit.
Search engine optimization - Wikipedia, the free encyclopedia
Search engine optimization (SEO) is the process of improving the volume and quality of traffic to a web site from search engines via "natural" ("organic" or ...
en.wikipedia.org/wiki/Search_engine_optimization - 85k - Cached - Similar pages

Search Engine Optimization, Google Optimization - SEO Chat
Search Engine Optimization, Google Optimization - SEO Chat

Search Engine Optimization (SEO) Marketing Firm & Placement Company
Search engine optimization (SEO) marketing services & placement with guaranteed results, since 1998. Submit your website URL to 40 major search ...
www.submitexpress.com/ - 33k - Cached - Similar pages

bruceclay.com - Search Engine Optimization - SEO Training, Tools ...
Search Engine Optimization, ranking, placement, and submission tutorial. Free step-by-step SEO tools and advice. SEO training and services offered. ...
www.brucelcay.com/web_rank.htm - 87k - Cached - Similar pages

Search Engine Optimization Inc. - SEO Inc.
SEO Inc offers Turn-Key solutions for your search engine optimization and PPC marketing initiatives. Services include Search Engine Optimization, ...
www.seoinc.com/ - 28k - Jul 29, 2007 - Cached - Similar pages

Search Engine Optimization and Search Engine Marketing
Search engine optimization, Web site submission and Search engine marketing by 1-Hit internet marketing.
www.1-hit.com/ - 14k - Cached - Similar pages

Inteliteur™ Search Engine Optimization and Internet Marketing ...
Inteliteur™ a professional search engine optimization and internet marketing company. Offers internet marketing solutions, search engine optimization ...
Search Engine Optimization

- Indexing data, matching it to your search and ranking the matches are the heart of each search engine.

- Important factors:
  - number of times a term matches
  - where on page it appears
  - who links to it
  - how often it is accessed
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Using Keywords

- Imagine the ideal “hit”.

- General search construction tips:
  - Be specific: Hurricane Hugo
  - Think about words you'd expect to find: anorexia bulimia eating disorder
  - Use multiple words: interaction vitamins drugs
  - Use nouns: fiesta dinnerware plates cups
  - Important terms first: hybrid electric gas vehicles
Using Keywords

- General search construction tips:
  - Make phrases: "search engine tutorial"
  - Avoid common words unless part of a phrase: "bottled water"
  - To cut down on response time, search engines ignore small and common words
    - a, about, an, and, are, as, at, be, by, from, how, I, in, is, it, of, on, or, that, the, this, to, we, what, when, where, which, with, etc.
State Case Law: California

Keyword and Additional Terms search the full text of cases. Only cases that match all the criteria you enter will be found.

Search terms: slip and fall
  e.g. professional negligence

Narrow search with additional terms:
  e.g. accountant OR CPA

Court: California All Courts

Date:
  ○ Previous six months
  ○ From: To: 

Search Clear Form

Tips

This form's source selections are:

- **All Courts**: Court decisions from all court levels
- **High Courts**: Court decisions from the state's highest court, usually the state Supreme Court
- **Appellate Courts**: Decisions from state court of appeal

Note: Cases are returned hierarchically by court -- in most states, the supreme court, followed by the appellate court. Consequently, if you're looking for information from an appellate court, you may want to check toward the end of the list of documents retrieved.

Please review the Finding Information section of the help pages to learn how to build a successful search. You will learn more about state case reporters, how to read a citation, and footnotes and star pagination. Using Help, you will also learn how you can use connectors (AND, OR, etc.) and wildcards (* and !) to help express your search.

Keyword
You do not need to enclose phrases within quotation marks.
Example: professional negligence

Additional Terms
You can limit your search by specifying additional words or phrases that must appear in the document before it will be retrieved.
<table>
<thead>
<tr>
<th>Document List</th>
<th>Expanded List</th>
<th>KWIC</th>
<th>Full</th>
</tr>
</thead>
</table>


8. **People v. Rugg**, C047245, COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT, 2005 Cal. App. Unpub. LEXIS 10630, November 21, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

9. **In re Hodge**, B180414, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION THREE, 2005 Cal. App. Unpub. LEXIS 10408, November 14, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.
People v. Schmeck

S015008

SUPREME COURT OF CALIFORNIA


August 25, 2005, Filed

NOTICE: As modified Oct. 12, 2005.

SUBSEQUENT HISTORY: Time for Granting or Denying Rehearing Extended People v. Schmeck (Mark L.), 2005 Cal. LEXIS 11199 (Cal., Sept. 26, 2005)
Modified by People v. Schmeck, 2005 Cal. LEXIS 11169 (Cal., Oct. 12, 2005)
Modified and rehearing denied by People v. Schmeck, 2005 Cal. LEXIS 11739 (Cal., Oct. 12, 2005)

OPINION: ... [*249] [***404] [***5] William Duffy that defendant had a plan to make money, in which he would "pretend [to] buy a motor home out of a newspaper and he would put the gun to the owner's head and insist [***6] that the owner sign over the pink slip to him or he would blow him away." On May 27, defendant told an acquaintance, John Maartense, he was going to obtain a motor home. When Maartense inquired how defendant would purchase a motor home without having a job, ...


Later on May 30, Weber made efforts to determine whether defendant was the legitimate owner of the motor home. Weber subsequently met with ... [*254] [***408] [***18] asked defendant how he could telephone from the jail without calling collect, defendant said he used a satellite or calling card number. [*255]

Raymond Ruiz, a product manager at Pacific Bell, testified that starting in the fall of 1985 through the summer of 1986, the company received complaints from long distance carriers concerning telephone calls that were being made from a number of penal institutions such as Santa Rita Jail, and were being billed to the carrier. ...
State Case Law: California

Keyword and Additional Terms search the full text of cases. Only cases that match all the criteria you enter will be found.

Search terms: "slip and fall"
  e.g. professional negligence

Narrow search with additional terms:
  e.g. accountant OR CPA

Court: California All Courts  Source List

Date:
  Previous six months
  From:  To:  Examples

Search  Clear Form

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**Keyword**
You do not need to enclose phrases within quotation marks.

**Example**: professional negligence

2. Nakachi v. Voller, B175810, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION SEVEN, 2005 Cal. App. Unpub. LEXIS 11429, December 12, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(B), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.


4. Frank E. Maddocks, Inc. v. University Med. Products/USA, B172559, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION EIGHT, 2005 Cal. App. Unpub. LEXIS 7546, August 22, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.


6. Mckenna v. City of Redding, C045062, COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT, 2005 Cal. App. Unpub. LEXIS 6998, August 9, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

7. Winter v. Santa Monica Family Ymca, B176118, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION THREE, 2005 Cal. App. Unpub. LEXIS 6446, July 25, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

8. Lindsay Dist. Hosps. v. Workers' Compensation Appeals Bd. & Bobbie Fuller, F047651, COURT OF APPEAL OF CALIFORNIA, FIFTH APPELLATE DISTRICT, 2005 Cal. App. Unpub. LEXIS 6397, July 21, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.
Aral v. Earthlink, Inc.
B177146

COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR

2005 Cal. App. LEXIS 1847

November 29, 2005, Filed

OPINION: ...[*26] Florida-based cruise line. Once they paid their fare, they received tickets from the cruise line containing fine print limiting litigation to Florida courts. While in international waters, the wife suffered a \textbf{slip and fall} injury. The Supreme Court \textquote{d[id not address the question [of] whether [plaintiffs] had sufficient notice of the forum clause before entering the contract for passage\textquote{ because plaintiffs \textquote{essentially have conceded that they had notice of the forum-selection provision.\textquote{ (Id. at p. 590 ...
State Case Law: California

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**Keyword**

You do not need to enclose phrases within quotation marks.

Example: **professional negligence**

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3. Quintanilla v. Dunkelman, B171799, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FIVE, 133 Cal. App. 4th 95; 34 Cal. Rptr. 3d 557; 2005 Cal. App. LEXIS 1581; 2005 Cal. Daily Op. Service 8846; 2005 Daily Journal DAR 12038, September 12, 2005, Filed, CERTIFIED FOR PARTIAL PUBLICATION **Pursuant to California Rules of Court, rules 976(b) and 976.1, this opinion is certified for publication with the exception of parts II thru XIV of the discussion. The Publication Status of this Document has been Changed by the Court from Unpublished to Partially Published October 6, 2005.


8. KAIROS SCI, INC. v. FISH & RICHARDSON P.C., A107085 & A107486, COURT OF APPEAL OF CALIFORNIA, FIRST APPELLATE DISTRICT, DIVISION TWO, 2005 Cal. App. Unpub. LEXIS 11356, December 9, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

9. GOINGS & GOINGS, INC. v. U.S. RISK, INC., G03408, COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION THREE, 2005 Cal. App. Unpub. LEXIS 11395, December 8, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.
In re Koven

No. B184017 (Arising out of B159344), No. B184018 (Arising out of B168013)

COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION SIX

2005 Cal. App. LEXIS 1818

November 22, 2005, Filed

SUMMARY:
CALIFORNIA OFFICIAL REPORTS SUMMARY
[...*1] Contempt proceedings were initiated in the Court of Appeal against an attorney. The proceedings arose from two petitions for rehearing filed by the attorney on behalf of her client in a legal malpractice action. The court issued two orders requiring the attorney to show cause why she should not be adjudged guilty of contempt and punished for impugning the appellate court’s integrity. (Superior Court of Ventura County, Nos. B184017 and ...

OPINION: ... [*2] rehearing. We refer Koven to the State Bar for investigation and, if appropriate, the imposition of disciplinary sanctions. (Bus. & Prof. Code, § 6086.7.)

Factual and Procedural Background


On Bashkin’s behalf, Koven filed ...

... [*13] a depository of the public trust.’

6. 'Far from viewing the evidence in the light most favorable to [Bashkin], this Court spent two pages of its Opinion trashing [Bashkin] as the “patient-from-hell”[n1] who allegedly ordered his doctor to alter his medical records. .... How convenient for this Court to concoct a trumped-up review of this issue that fits so snugly into its own predetermined perception of this litigant!’

7. 'THIS COURT MISREPRESENTED THE EVIDENCE IN ORDER TO ...
State Case Law: California

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Keyword
You do not need to enclose phrases within quotation marks.
Example: professional negligence
1. HAGSTROM v. REGENTS OF THE UNIV. OF CALIFORNIA, B176153, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION EIGHT, 2005 Cal. App. Unpub. LEXIS 9792, October 26, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

2. PAGARIGAN v. AETNA U.S. HEALTHCARE OF CALIFORNIA, INC., B167722, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION SEVEN, 2005 Cal. App. Unpub. LEXIS 9666, October 25, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

3. LOWGREN v. INMAN, B164713, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION SEVEN, 2005 Cal. App. Unpub. LEXIS 9266, October 12, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

4. SHAW v. SCHULNER, B179190, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION ONE, 2005 Cal. App. Unpub. LEXIS 7671, August 25, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

5. ALAJITI v. SCPIE INDEM. CO., B177145, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR, 2005 Cal. App. Unpub. LEXIS 7540, August 22, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

6. GONZALES v. NASSER-MOADDEFI, B176152, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FIVE, 2005 Cal. App. Unpub. LEXIS 7398, August 17, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

7. Field v. Ph, D043154, COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION ONE, 2005 Cal. App. Unpub. LEXIS 6358, July 20, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

8. GARAMENDI v. MISSION INS. CO., B176663, COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR, 2005 Cal. App. Unpub. LEXIS 5858, July 5, 2005, Filed, NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(b). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.
HAGSTROM v. REGENTS OF THE UNIV. OF CALIFORNIA

B176153

COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION EIGHT

2005 Cal. App. Unpub. LEXIS 9782

October 26, 2005, Filed

NOTICE: [*1] NOT TO BE PUBLISHED IN OFFICIAL REPORTS. CALIFORNIA RULES OF COURT, RULE 977(a), PROHIBIT COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY RULE 977(B). THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF RULE 977.

DISPOSITION: Reversed.

OPINION: [*1] A defendant to a medical malpractice action filed a motion for summary judgment supported only by the declaration of the doctor accused of committing the malpractice. The plaintiffs filed an untimely opposition containing no evidence. After rejecting a request for a continuance to conduct additional discovery, the trial court granted summary judgment in favor of the hospital.

This ...
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AETNA HEALTH INC., fka AETNA U. S. HEALTHCARE INC. et al. v. DAVILA

certiorari to the united states court of appeals for the fifth circuit

No. 02-1845. Argued March 23, 2004--Decided June 21, 2004*

Respondents brought separate Texas state-court suits, alleging that petitioners, their health maintenance organizations (HMOs), had refused to cover certain medical services in violation of an HMO's duty "to exercise ordinary care" under the Texas Health Care Liability Act (THCLA), and that those referrals "proximately caused" respondents' injuries. Petitioners removed the cases to federal courts, claiming that the actions fit within the scope of, and were thus completely pre-empted by, §502 of the Employee Retirement Income Security Act of 1974 (ERISA). The District Courts agreed, declined to remand the cases to state court, and dismissed the complaints with prejudice after respondents refused to amend them to bring explicit ERISA claims. Consolidating these and other cases, the Fifth Circuit reversed. It found that respondents' claims did not fall under ERISA §502(a)(2), which allows suit against a plan fiduciary for breaches of fiduciary duty to the plan, because petitioners were being sued for mixed eligibility and treatment decisions that were not fiduciary in nature, see Pegram v. Herdrich, 530 U. S. 211; and did not fall within the scope of §502(a)(1)(B), which provides a cause of action for the recovery of wrongfully denied benefits, because THCLA did not duplicate that cause of action, see Rush Prudential HMO, Inc. v. Moran, 536 U. S. 355.

Counsel of Record

For Petitioners Aetna Health Inc., et al.:

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Gibson, Dunn & Crutcher LLP
Washington, DC

For Respondent Davila:

George Parker Young
Fort Worth, TX
AETNA HEALTH INC., fka AETNA U. S. HEALTHCARE INC. *et al.* v. DAVILA

certiorari to the united states court of appeals for the fifth circuit

No. 02-1845. Argued March 23, 2004--Decided June 21, 2004*

Respondents brought separate Texas state-court suits, alleging that petitioners, their health maintenance organizations (HMOs), had refused to cover certain medical services in violation of an HMO's duty "to exercise ordinary care" under the Texas Health Care Liability Act (THCLA), and that those refusals "proximately caused" respondents' injuries. Petitioners removed the cases to federal courts, claiming that the actions fit within the scope of, and were thus completely pre-empted by, §502 of the Employee Retirement Income Security Act of 1974 (ERISA). The District Courts agreed, declined to remand the cases to state court, and dismissed the complaints with prejudice after respondents refused to amend them to bring explicit ERISA claims. Consolidating these and other cases, the Fifth Circuit reversed. It found that respondents' claims

**Counsel of Record**

**For Petitioners Aetna Health Inc., et al.:**

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Washington, DC

**For Respondent Davila:**

George Parker Young
Fort Worth, TX
Respondents brought separate Texas state law claims and, as petitioners, their health maintenance organization policy to cover certain medical services in violation of the Employee Retirement Income Security Act of 1974. The District Courts agreed, declined to remand the cases to state court, and dismissed the complaints with prejudice after respondents refused to amend them to bring explicit ERISA claims. Consolidating these and other cases, the Fifth Circuit reversed. It found that respondents' claims did not fall under ERISA §502(a)(2), which allows suit against a plan fiduciary for breaches of fiduciary duty to the plan, because petitioners were being sued for mixed eligibility and treatment decisions that were not fiduciary in nature, see Pegram v. Herdrich, 530 U. S. 211; and did not fall within the scope of §502(a)(1)(B), which provides a cause of action for the recovery of wrongfully denied benefits, because THCLA did not duplicate that cause of action, see Rush Prudential HMO, Inc. v. Moran, 536 U. S. 355.
therefore could have brought §502(a)(1)(B) claims to recover the allegedly wrongly denied benefits. Both respondents allege violations of the THCLA's duty of ordinary care, which they claim is entirely independent of any ERISA duty or the employee benefits plans at issue. However, respondents' claims do not arise independently of ERISA or the plan terms. If a managed care entity correctly concluded that, under the relevant plan's terms, a particular treatment was not covered, the plan's failure to cover the requested treatment would be the proximate cause of any injury arising from the denial. More significantly, the THCLA provides that a managed care entity is not subject to THCLA liability if it denies coverage for a treatment not covered by the plan it administers. Pp. 7-12.

(c) The Fifth Circuit's reasons for reaching its contrary conclusion are all erroneous. First, it found significant that respondents asserted tort, rather than contract, claims and that they were not seeking reimbursement for benefits denied. However, distinguishing between pre-empted and non-pre-empted claims based on the particular label affixed to them would allow parties to evade ERISA's pre-emptive scope simply by relabeling contract claims as claims for tortious breach of contracts. And the fact that a state cause of action attempts to authorize remedies beyond those that ERISA §502(a) authorizes does not put it outside that provision's scope. See, e.g., Pilot Life Ins. Co. v. Dedeaux, 481 U. S. 41, 43. Second, the Fifth Circuit's decision is not external to respondents' rights under the ERISA. Nor would it be consistent with the mechanism. See, e.g., Pilot Life Ins. Co. v. Dedeaux, 481 U. S. 41, 43. Second, the Fifth Circuit's decision is not external to respondents' rights under the ERISA. Nor would it be consistent with the

(d) Also unavailing is respondents' argument that the THCLA is a law regulating insurance that is saved from pre-emption by ERISA §514(b)(2)(A). This Court's understanding of §514(b)(2)(A) is informed by the overpowering federal policy embodied in ERISA §502(a), which is intended to create an exclusive federal remedy, Pilot Life, 481 U. S., at 52. Allowing respondents to proceed with their state-law suits would "pose an obstacle" to that objective. Ibid. Pp. 14-16.

(e) Pegram's holding that an HMO is not intended to be treated as a fiduciary to the extent that it makes mixed eligibility decisions acting through its physicians is not implicated here because petitioners' coverage decisions are pure eligibility decisions. A benefit determination under ERISA is part and parcel of the ordinary fiduciary responsibilities connected to the administration of a plan. That it is infused with medical judgments does not alter this result. Pegram itself recognized this principle, see 530 U. S., at 231-232. And ERISA and its implementing regulations confirm this interpretation. Here, petitioners are neither respondents' treating physicians nor those physicians' employees. Pp. 16-19.

307 F. 3d 298, reversed and remanded.
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- **Examples:** Browser bookmarks, Delicious (http://del.icio.us), Furl (http://www.furl.net).

- **Concept:** Saving and sorting webpages.

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- Invisible web - what you cannot retrieve ("see") in the search results and other links contained in these types of tools.
Find ‘Invisible’ Documents

- Static pages
  - reside on servers
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Publisher: London : Cavendish, 2001

Location: KD 660 B5 2001 v.1

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In the Spotlight...

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**From the staff pick list:**

**Ant City**
Depicts ants as social creatures living in complex societies. Shows ways they control their environment. Ken Smith sez: This is probably the most genuinely entertaining of all the John Kieran's ...

**Reptilian Agenda - Fatal Fang EP [hi002]**
Israel's Nimrod Tsabari (as Reptilian Agenda) makes his HI debut with the half-hour, continuously mixed Fatal Fang EP. Taking a step back from in-your-face dance music, hi002 is a release centered aro...
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A

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Commission on Affordable Housing and Health Facility Needs for Seniors in the

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- Summary, August 2001 (Adobe Acrobat Format) or (HTML)
- Volume I: Report and Recommendations of the National Bioethics Advisory Commission, August 2001 - Full Report (Adobe Acrobat Format) or (HTML)
- Volume II: Commissioned Papers, August 2001 (Adobe Acrobat Format) or (HTML)

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Ethical and Policy Issues in International Research: Clinical Trials in Developing Countries

- Press Release, April 30, 2001 (Word Format or Adobe Acrobat Format)
- Volume I: Report and Recommendations of the National Bioethics Advisory Commission
Ethical Issues in Human Stem Cell Research, September 1999

- Executive Summary
- Volume I: Report and Recommendations of the National Bioethics Advisory Commission (Adobe Acrobat® format, 1.75 mb)
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- Statement By the President, dated September 13, 1999
- Volume III: Religious Perspectives (Adobe Acrobat® format, 1.25 mb)

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Research Involving Persons with Mental Disorders That May Affect Decisionmaking Capacity, December 1998

- Final Report (HTML)
- Volume II: Commissioned Papers (Adobe Acrobat® format, 700 kb)

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1996 - 1997 Annual Report
Refine results for hantavirus:
Treatment  Tests/diagnosis  For patients  From medical authorities
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National Center for Infectious Diseases: All About Hantavirus
General information, technical resources for healthcare providers, contacts, case reports and maps, teaching resources, and news.
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- Conducting Legal Research
- Finding People – Building a “Profile”
- Locating Companies – Due Diligence and Background Information