

To determine whether federal law protects the medical center or a volunteer from negligence claims, begin by accessing the index to *United States Code Annotated*, the version of the federal code available in Westlaw. From the home page, choose the option to search United States Code Annotated (USCA). You can do this by following the link to “Statutes & Court Rules” under the “All Content” tab or by clicking on the “Federal Materials” tab. Once you access the USCA, look on the right margin for the list of “Tools & Resources.” Click on the link to “United States Code Annotated Index” in the “Tools & Resources” list.

Once you have accessed the USCA statutes index, you will see an alphabetical list of index topics. Locate the index entry for “Volunteers” and subtopic “Privileges and Immunities.” (Hint: Open the entry for Volunteers to see the subtopics listed under it.)

The index refers you to a section, followed by the notation “et seq.” This means that the section referenced and following sections may be relevant to your research. Click on the link to the section referenced to view the section, and answer the questions below.

1. This is the first section of an act with multiple sections. Review the section you retrieved and the Historical and Statutory Notes under the History tab’s Editor’s and Revisor’s Notes. What is the name of the section, and what is the short title of the act of which it is a part?
(Hint: The short title appears in the Editor’s and Revisor’s Notes.)
2. Go back to the Document tab for this section. This section does not answer your research question. To view an outline of the rest of the sections in the act, click on the “Table of Contents” link. Provide the first and last section numbers of the act as listed in the table of contents.
3. Review the sections of the act, and answer the questions that follow:
 - a. Is Mr. Whitehead a “volunteer” under the act? Provide the number of the section you used to answer this question. Be sure to explain your answer.
 - b. Is Mr. Whitehead protected from liability for gross negligence under the act? Provide the number of the section you used to answer this question. Be sure to explain your answer.
 - c. Is the medical center protected from liability for negligence under the act? Provide the number of the section you used to answer this question. Be sure to explain your answer.

B. Updating Statutory Research with KeyCite

Once you retrieve a section of a statute, you can use KeyCite to check it. The KeyCite entry will contain information on the history or status of the section, as well as the most complete listing of sources that have cited the section.

View the same section of the act you retrieved for the prior question (Question A3c), and answer the questions below.

1. Review the annotations accompanying the statute. Are any cases summarized in the annotations? If so, how many? (Hint: Use the Notes of Decisions tab. Note that a case may be summarized more than once in the annotations. Be sure to count the total number of cases summarized (not the number of individual summary paragraphs) to answer this question.)

2. Although the Notes of Decisions can contain summaries of cases that cite a statute, not all are listed there. A citator will list all citing cases. To view cases citing the section, click on the “Citing References” link. How many citing cases appear in the KeyCite entry?

C. Word Searching

In Westlaw, you can conduct a word search with or without selecting a database for your search. Because your search will retrieve many types of authority (statutes, cases, secondary sources, etc.), you can retrieve multiple forms of authority in a single search. If you are not sure what type of authority will help you answer a research question, or when you know you need multiple types of authority, a global search can be effective. But having all results in a single search may make it difficult to focus on the most relevant or most authoritative sources. You must evaluate the results carefully to make sure you locate and use the best authority available to resolve your research issue.

Continue your research into Ms. Murillo’s claims by using a word search to determine whether state law applies to your research situation. Specifically, you need to determine whether state charitable immunity law protects the medical center from liability for Ms. Murillo’s claim.

Locate the global search box. Use the jurisdiction selection box next to the search box to limit the jurisdiction to New Jersey. (Hint: Check the box for New Jersey and uncheck all other boxes.)

Enter the following search in the global search box, and execute the search:

charitable immunity

Review the search results. Notice that it retrieves thousands of documents organized by document type. Review the statutory results, and locate a statute that provides immunity from liability for negligence to nonprofit entities such as hospitals.

1. Provide the number of the section and the name of the annotated code.
2. Briefly describe what the section provides.
3. To claim charitable immunity, the medical center must qualify as a charitable institution. You need to find out whether this is a question for the court, or for the jury. The statutory language of the section you located for Questions 1 and 2, above, does not answer this question. Therefore, you must look for case law applying the statute to see if this question has been addressed.

Review the Notes of Decisions accompanying the section. Is the determination of an entity’s charitable status a question for the court or the jury? Provide the name and citation of a case that supports your answer. (Hint: The case summaries are organized by subject. Look for a subject heading that pertains to questions of law, or for the court. Click on the subject heading to go directly to case summaries under that heading.)

III. Lexis

In this part of the exercise, you will continue your research by using Lexis to research Florida state statutes to answer the following research question:

A patient received an organ transplant at a branch of the medical center located in Florida. The patient required a blood transfusion during the procedure. Although the transplant was successful, the patient developed a rare form of hepatitis from the blood transfusion and is seriously ill. Instead of bringing a tort claim, the patient has filed a breach of contract claim against the medical center. The patient alleges that the provision of blood constituted a contract for the sale of goods and that the medical center's use of tainted blood violated an implied warranty in the contract. You need to research Florida state law to determine whether any statutory provisions address the exclusion or modification of implied warranties to blood provided for transfusions.

A. Word Searching

For this part of the exercise, you need to research Florida state statutes. Use the drop-down menu on the right side of the red search box to limit the Jurisdiction to Florida and the Category to Statutes and Legislation.

Enter the search below:

blood and implied warranty

1. Review the search results. Provide the section number of the code section that seems most applicable to your research situation. (Hint: Identify a section in the Florida code, not a bill.)
2. Retrieve the section you listed in your answer to Question 1, above. Briefly summarize the relevant language from the statute.
3. Review the annotations accompanying the section. Scroll down until you find LexisNexis Notes and Case Notes. What must the plaintiff allege to maintain an action for breach of an implied warranty based on transfusion of tainted blood? Provide the name and citation of a case that supports your answer. (Hint: The case summaries are organized by subject. Look for a subject heading that pertains to blood and organ donations. Click on the blue downward arrow next to the subject heading to go directly to case summaries under that heading.)
4. The section you viewed is one section in a chapter comprised of multiple sections. To view an outline of sections in the chapter, scroll to the top of the document and click on the Table of Contents tab on the left side of the screen. Browse the table of contents to locate two additional sections in this chapter of the code, one that addresses the implied warranty of merchantability and one that addresses the implied warranty of fitness for a particular purpose. Provide the numbers of the sections in the annotated code.

B. Shepardizing Statutes

You can check a statutory citation with Shepard's to locate information about the status of the statute and citations to sources that have cited the statute. Return to the statute you found for Question A1, above. Close the Table of Contents and click on the "*Shepardize* this document" link in the right margin.

Review the Shepard's entry, and provide the name and citation of a case decided by the Florida Supreme Court that cites the statute.

IV. Bloomberg Law

In this part of the exercise, you will continue your research by using Bloomberg Law to research federal statutes to answer the following research question:

Additional blood tests on the patient who developed hepatitis revealed high levels of lead. The patient has lived for several years in an older home built in 1950 where lead-based paint might have been used. However, when the home was purchased the seller did not indicate lead-based paint was present. Is there a federal law that addresses lead-based paint in homes?

For this part of the exercise, you need to research federal statutes. From the Bloomberg Law home page, click on Select Sources (Select Sources by Content Type), and under U.S. Legislative, select U.S. Code.

In the “Keywords” search box enter the search below:

lead-based paint

- A. Review the search results. Skim the Results to find the chapter dealing with Residential Lead-Based Paint Hazard Reduction. (Hint: Click “View All” to see the entire list.) Which chapter covers that topic?
- B. Open the chapter you listed in your answer to Question A., above. Review the sections within the subchapters to see which one addresses the disclosure of information concerning lead when residential property is transferred. (Hint: Click the gray plus-sign next to a subchapter to view the individual sections within that subchapter.) Cite the section of the United States Code that covers that disclosure.
- C. Review the statutory disclosure provision you found in Question B. A lead warning statement is required if a residential dwelling being transferred was built prior to what year? What are the five penalties for violating this section of the law?
- D. Open the Smart Code tab for the statutory section in Question C. How many cases have cited that section of the statute? Review the filtering options under the Smart Code Criteria for that section. From the Torts topic cases, provide the case name and citation of a 2015 case from the Eastern District of New York (E.D.N.Y.).

V. Statutory Research on the Internet

The federal code and most state codes are available in unannotated form on the Internet. Depending on the source you use, you may be able to browse the code’s table of contents, execute a key word search, or search for acts by popular name.

For this exercise, you are continuing your research into organ donation in your role as general counsel for a major medical center and must research the following situation:

The medical center’s doctors have a patient (Patient A) who needs a kidney transplant. The patient’s cousin (Donor A) is willing to donate a kidney but is not a biological match. The doctors’ colleagues at a New York hospital have another patient (Patient B) who also needs a

kidney transplant. Patient B's spouse (Donor B) is willing to donate a kidney but is not a biological match. As luck would have it, however, Donor B is a biological match to Patient A and could donate a kidney to Patient A, while Donor A is a biological match to Patient B and could donate a kidney to Patient B. The donors are willing to donate to their biological matches so that both patients can receive the transplants they need. The doctors know, however, that it is illegal to sell or trade organs for compensation, and they are not sure whether this proposed arrangement is legal. You need to locate state and federal law regarding organ sales to see whether this type of paired donation is permissible.

A. State Statutory Research

For purposes of this exercise, assume that the procedures, if they are legal, would take place at the New York hospital, so you need to research New York law. You can locate New York statutes on the Internet in a variety of ways. One way is through Cornell Law School's Legal Information Institute website:

www.law.cornell.edu

From the home page, use the drop-down menu from "Get the Law" to access "Law by Jurisdiction" and then "State Law." From the "State Law" page, follow the link to "Listing by jurisdiction," and select New York. On the page listing New York Legal Materials, follow the link for "New York Statutes," which takes you to the New York State Legislature site. Using the drop-down menu at the top of the page, select "Laws," and select "Laws of New York." This will bring up a search screen. You can execute a word search in the box above the listing of subjects covered in the consolidated laws. Execute the following search:

human organ

1. Provide the subject name and section number of the provision that prohibits the sale of human organs.
2. Review the section. Does it specifically authorize or prohibit the type of paired donation the medical center's doctors want to perform? Be sure to explain your answer.

B. Federal Statutory Research

Having reviewed state law, you now need to research federal law to see if paired organ donation violates prohibitions on organ purchases. To research this issue, access the U.S. House of Representatives' website containing the United States Code:

<http://uscode.house.gov>

Choose the option to search the U.S. Code, and enter the following terms in the box for Search Word(s):

human organ donation purchase

1. Review the search results. Provide the title and section number of the U.S.C. that is most relevant to your research.
2. Is the type of paired donation the center's doctors would like to perform permissible under the statute? Be sure to explain your answer.
3. After the text of the statute, you will find historical notes about the statute, including notes about some amendments to the statute. Congress has amended the statute. How was the statute amended in 2007?