Getting Selected for Publication—Preemption checking is the most important part of the publication process. A thorough preemption check assures the “Originality” of an article or note. The more original an article is, the more likely it will be selected for publication.

STEP 1: How to Conduct a Preemption Check by Topic

A good preemption check always starts with your topic. Searching by topic rather than terms is easier in the early stages of preemption checking. This is because you may not have all the “terms of art” necessary to run a comprehensive term search.

Preemption Checking by Topic
- From the Search tab click by Topic or Headnote in the bar beneath.
- Select your Topic using:
  Option 1: Find a Legal Topic
  Find a Topic through a terms search (e.g., type minimum contacts and click the Find button to get all the topics related to minimum contacts).
  Option 2: Explore Legal Topics
  Find a Topic by drilling down through all the categories (e.g., Civil Procedure > Jurisdiction > Personal Jurisdiction & In Rem Actions > In Personam Actions > Minimum Contacts).
- Select your Topic then your Jurisdiction in the search form.
- After selecting a relevant source or sources you can simply click the Search button to get the most relevant articles on your topic.

STEP 2: How to Conduct a Preemption Check with Terms

After conducting the preliminary topical search you should have learned all the “terms of art” necessary to complete a comprehensive word search on your topic.

Preemption Checking in Law Reviews
- From the Search tab click by Source in the bar beneath.
- Click Law Reviews & Journals under the Secondary Legal link.
- Select U.S. & Canadian Law Reviews, Combined as your source.
- Type Cyberlaw or your own terms in the box to the right.
  You can use the FOCUS™ Terms bar to narrow your search results to a more specific issue.

Preemption Checking in Legal News
- From the Search tab click by Source in the bar beneath.
- Click the News & Business tab.
- Click Legal News Publications under Combined Sources.
  Use the HLEAD segment to search the Headline and Lead Paragraph only to find the most relevant legal news articles.

Originality
STEP 3:
What to do if Your Topic is Preempted

If you find an article preempting your topic check to see if it is still valid before you discard the topic. You can use the Shepard's® Citations Service to see if an article and the authority cited by it is still valid.

Checking the Authoritative Value of an Article
Shepardizing® a law review article provides a report detailing how many times it has been cited in other articles.

- Click the Shepard's® tab at the top of the LexisNexis® Research System.
- Type 115 Harv. L. Rev. 1988 or your own citation and click Check.

In the Shepard's Report there are several articles citing it suggesting this is an authoritative article.

Checking the Validity of Authority Cited by an Article
Shepard's Table of Authorities provides a report on the validity of the authority cited by a law review article.

- Click the Shepard's® tab at the top of the LexisNexis® Research System.
- Type 115 Harv. L. Rev. 1988 or your own citation and click Check.
- Click the TOA link at the top of the Shepard's Report.

The Table of Authorities Report lists all the authority cited by this article with Shepard's Signal™ Indicators attached for quick viewing.

STEP 4:
Keeping Your Topic Current

Preemption checking requires you to make sure your topic is not preempted throughout the entire writing process not just the research stage. You can use Alerts to automatically track topics, issues and cases for preemption.

Search Alerts: Track issues through term searches.
- Run a Search on any issue in any source.
- Click the Save As Alert link at the top of the search results.
- Fill out the Alert form:
  1. Name—name for the Alert.
  2. Frequency—how often the Alert will update you.
  3. Delivery—where your update will be delivered.
  4. Notification—do you want notification of your update?
- Click the Save button then confirm your Alert settings.

You can retrieve and edit your Alert by clicking the Alerts tab at the top of the LexisNexis Research System.

Shepard's Alert®: Track cases, statutes and law reviews for changes and citations.
- Shepardize® 390 U.S. 629 or your own citation.
- Click the Save as a Shepard's Alert® link at the top of the report.
- Fill out the Shepard's Alert form:
  1. Name—the name for the Alert.
  2. Monitor—the type of analysis the Alert should look for.
  3. Delivery—where the Alert is sent.
  4. Run—the frequency the Alert is run.
- Click the Continue button then confirm your Alert settings.

You can retrieve and edit your Shepard's Alert by clicking the Alerts Tab at the top of the LexisNexis Research System.

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