Winning Research Skills
Winning Research Skills

2008–2009
Acknowledgements

West is grateful for contributions to this manual by the following distinguished legal research professionals.

**Nancy Johnson** has been director of the Law Library at Georgia State University College of Law in Atlanta since 1986. Previously, she served as a reference librarian at Georgia State University College of Law Library, the University of Illinois Law Library, and the University of Chicago Law Library. She teaches courses in legal research, and is the co-author of *Georgia Legal Research* and *Legal Research Exercises* and the author of *Sources of Compiled Legislative Histories*. Johnson received her bachelor's degree from Marycrest College, master's degree in library science from the University of Illinois, and law degree from Georgia State University College of Law.

**Bob Berring** is Walter Perry Johnson Professor of Law at the University of California, Berkeley School of Law, Boalt Hall. Until 2005 he also served as library director. From 2003 through 2005 he was interim dean at Boalt Hall. Previously, he held positions at the University of Washington Law Library, the Harvard Law Library, the University of Texas Law Library, and the University of Illinois Law Library. Berring has also served as president of the American Association of Law Libraries. Besides pioneering a course on advanced legal research, he teaches contracts and Chinese law. Berring has a bachelor's degree from Harvard University and a master's degree in library science and a law degree from the University of California at Berkeley.

**Tom Woxland** is currently retired. Most recently, he was legal information officer for the Labour Law Information Branch of the International Labour Office. Previously, he served as director of the law library at Northern Illinois University College of Law, where he taught legal research courses. Prior to that he was assistant director for public services at the University of Minnesota Law Library. He has published several articles on research topics and on the history of legal publishing. He is also the co-author of instructional software used nationally for computer-assisted legal research training. Woxland has a bachelor's degree from St. Olaf College and a master’s degree in library science and a law degree from the University of Minnesota.
# Contents

## Introduction
- Using This Guide ................................................................. 1

## Chapter 1
### A Short History of Legal Research ............................................. 3
- The Development of Legal Publishing ......................................... 3
- Computer-Assisted Legal Research ............................................ 3
- The Integrated Law Library ....................................................... 4
- Helpful Tips About Legal Publishing .......................................... 4
  - Government and Commercial Publishers .................................. 4
  - Publishing Philosophies .......................................................... 4
  - Chronological and Subject Arrangement .................................. 5
- Forms of Publication ............................................................... 5

## Chapter 2
### Fundamentals of Case Law ....................................................... 7
- Publication of Cases ................................................................... 7
- Slip Opinions .............................................................................. 7
- Advance Sheets ........................................................................... 8
- Bound Reporter Volumes ............................................................ 8
  - Official and Unofficial Reporters ............................................ 9
- Unreported Opinions .................................................................. 10
- Organization of Cases ............................................................... 10
- Federal Courts ........................................................................... 11
- U.S. Supreme Court ................................................................... 11
- Lower Federal Courts ................................................................. 12
  - Jurisdiction of Courts of Appeals ............................................ 12
  - Jurisdiction of District Courts ................................................ 12
- Special Courts ............................................................................ 13
- State Courts ............................................................................... 13
- West’s National Reporter System .............................................. 13
- Case Citation .............................................................................. 15
  - A Westlaw Citation .................................................................. 16
  - Parallel Citations ...................................................................... 16
- Rules for Citations ................................................................. 16
- Parts of a Case ............................................................................. 18
  - Case Name or Title .................................................................. 19
  - Docket Number ........................................................................ 19
  - Date ......................................................................................... 19
  - Synopsis .................................................................................. 19
  - Judge ....................................................................................... 20
Chapter 5
Fundamentals of Secondary Sources

American Law Reports .......................................................... 49
Accessing ALR ................................................................. 50
Updating Your Research in ALR ........................................ 50
Legal Encyclopedias ............................................................ 51
Corpus Juris Secundum ....................................................... 51
American Jurisprudence 2d ................................................ 51
State Legal Encyclopedias ................................................... 51
Restatements ..................................................................... 52
Treatises, Hornbooks, and Nutshells ................................ 52
Legal Dictionaries ............................................................... 52
Law Reviews ...................................................................... 53
Practice Manuals and Formbooks ...................................... 53
Conclusion .......................................................................... 53

Chapter 6
Getting Started on Westlaw .................................................. 55
The lawschool.westlaw.com Home Page .......................... 55
Signing On to Westlaw ......................................................... 55
Registering Your Westlaw Password ................................ 55
Using West OnePass ........................................................... 56
Signing Off from Westlaw .................................................... 56
System Requirements .......................................................... 56
Tabbed Pages ..................................................................... 57
Customizing Your Research Environment ......................... 57
Personalizing Tabbed Pages ............................................... 58
Adding and Removing Shortcut Options ........................... 58
Adding and Removing Search or Resources Options .......... 58
Sharing a Tabbed Page with Others via E-Mail .................. 58
Sending a Tabbed Page ........................................................ 58
Receiving a Tabbed Page ....................................................... 59
Choosing Your Research Preferences ................................ 59
List of Preferences .............................................................. 60
Using the Research Trail ....................................................... 61
Viewing a Research Trail ...................................................... 62
Viewing the Current Trail .................................................... 62
Viewing a Previous Trail ...................................................... 62
Adding Notes ...................................................................... 62
Delivering a Research Trail ............................................... 63
E-Mailing a Trail ................................................................ 63
Downloading a Trail ............................................................. 63
Chapter 7
Retrieving a Document on Westlaw by Citation or Title - - - - - - - - - - - - - - - - - - - - - - - - 65
Using the Find Service .................................................. 65
Using Find at the Tabbed Law School Page ................................ 65
Using Find at the Tabbed Westlaw Page ................................ 65
Accessing Find from any Westlaw Page ........................................ 65
Selecting a Country of Publication for Find ...................................... 66
Using Find Citation Templates ............................................. 66
Using the Publications List .................................................. 67
Tips for Using Find ..................................................... 68
Find Examples ........................................................... 68
Using the Citation Field .................................................. 69
Using Terms from the Title of a Document .................................. 70
Using Find a Case by Party Name ......................................... 70
Using Search by Party Name .............................................. 71
Using the Title Field ...................................................... 72
Tips for Restricting Your Search to the Title Field ......................... 72

Chapter 8
Basics of Westlaw Searching ............................................. 73
Five Basic Steps ....................................................... 73
Step 1: Define Your Issue .................................................. 73
Using Print Resources Including West Digests ................................ 73
Step 2: Choose a Database .................................................. 73
Using the Find a Database Wizard ......................................... 74
Using the Westlaw Directory ................................................ 74
Browsing the Westlaw Directory ............................................ 75
Searching the Westlaw Directory ............................................ 75
Accessing a Database from the Westlaw Directory ....................... 75
Accessing Multiple Databases ............................................. 75
Using the Recent Databases Feature ...................................... 76
Using the Favorite Databases Feature ..................................... 76
Saving Favorite Databases .................................................. 76
Organizing Favorite Databases ............................................. 76
Accessing a Database When You Are Unsure of the Database Name or Identifier ........ 76
Viewing Information About a Database in Scope ......................... 77
Searching the Westlaw Database List (IDEN) ............................... 77
Step 3: Select a Westlaw Search Method ..................................... 78
Natural Language ....................................................... 78
Terms and Connectors .................................................... 78
Determining Which Search Method to Use ................................ 78
Step 4: Enter Your Description or Query .................................... 79
Searching with Natural Language .......................................... 79
Creating Phrases ........................................................ 80
Chapter 9

Browsing Documents on Westlaw

Your Search Result Display ........................................... 95
Customizing the Result List ........................................... 96
Page View .................................................. 96
Browsing Tools .................................................. 97
Result List Tab .................................................. 97
Links Tab .................................................. 97
Outline Link .................................................. 98
Graphical Statutes .................................................. 98
Browsing Modes .................................................. 100
Browsing by Search Term ........................................... 100
Browsing by Best Portion ........................................... 100
Browsing by Document ........................................... 100
Browsing by Document Part ........................................... 100
Locating a Particular Term or Terms ........................................... 100
Viewing Consecutive Documents ........................................... 101
Viewing Star Paging Information ........................................... 102
Moving to a Print Page Reference in a Document ........................................... 103
Restricting Your Display by Field ........................................... 103
Winning Research Skills

Chapter 10
Searching Case Law Databases on Westlaw

Chapter 11
Searching Legislative and Regulatory Databases on Westlaw
Using an Index to Retrieve Statutes and Regulations ............................ 137
Using the Popular Name Table to Retrieve Statutes .............................. 138
Retrieving Prior Versions of Statutes or Regulations ............................. 138
Other Westlaw Resources for Legislative and Regulatory Information .......... 139
  Legislative Service Databases .................................................. 139
  Legislative Tracking and Bill Text Databases .................................. 139
  Archival Legislative Databases .................................................. 140
  Legislative History Databases ................................................... 140
  U.S. Code Congressional and Administrative News Database ................. 140
  Regulation Tracking Databases .................................................. 141
  Archival Regulations Databases ............................................... 141
  Court Rules Databases ......................................................... 141
  Treaties Databases .............................................................. 141
  Westlaw 50 State Surveys ....................................................... 141

Chapter 12
Citation Research on Westlaw ....................................................... 143
  KeyCite ................................................................. 143
    KeyCite Is Comprehensive ................................................. 144
    KeyCite Is Current ...................................................... 144
    KeyCite Is Accurate .................................................... 144
    KeyCite Is Easy to Use .................................................. 144
  Accessing KeyCite .......................................................... 145
  KeyCite Status Flags ......................................................... 146
  KeyCite Information for a Case ............................................. 146
    History of the Case ..................................................... 146
    Customizing the History You View ..................................... 147
    Displaying Direct History in Graphical View ............................ 147
  Citing References to a Case ................................................ 148
    KeyCite Depth of Treatment Stars ....................................... 149
  Restricting Citing References to a Case .................................. 150
    Limit by Headnote ..................................................... 150
    Limit by Locate Term .................................................. 151
    Limit by Jurisdiction ................................................... 154
    Limit by Date .......................................................... 154
    Limit by Document Type ............................................... 155
    Limit by Depth of Treatment ........................................... 156
  KeyCite Notes ............................................................... 157
  KeyCite Information for a Statute ......................................... 159
    History of a Statute ................................................... 159
    Citing References to a Statute ....................................... 160
    Restricting Citing References to a Statute ............................. 161
      Limit by Notes of Decisions ......................................... 161
      Limit by Locate ...................................................... 163
      Limit by Jurisdiction ................................................ 165
      Limit by Date ........................................................ 165
      Limit by Document Type .............................................. 166
  KeyCite Alert ............................................................... 167
<table>
<thead>
<tr>
<th>Chapter 13</th>
<th>Secondary Sources, News, and Nonlegal Materials on Westlaw</th>
<th>177</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary Sources</td>
<td></td>
<td>177</td>
</tr>
<tr>
<td>Law Reviews</td>
<td></td>
<td>178</td>
</tr>
<tr>
<td>Texts and Treatises</td>
<td></td>
<td>178</td>
</tr>
<tr>
<td><em>American Law Reports</em></td>
<td></td>
<td>178</td>
</tr>
<tr>
<td><em>American Jurisprudence 2d</em></td>
<td></td>
<td>179</td>
</tr>
<tr>
<td>Restatements</td>
<td></td>
<td>179</td>
</tr>
<tr>
<td><em>Uniform Laws Annotated</em></td>
<td></td>
<td>180</td>
</tr>
<tr>
<td><em>Black’s Law Dictionary</em></td>
<td></td>
<td>180</td>
</tr>
<tr>
<td>Forms and Practice Materials</td>
<td></td>
<td>180</td>
</tr>
<tr>
<td>Forms</td>
<td></td>
<td>181</td>
</tr>
<tr>
<td>Practice Materials</td>
<td></td>
<td>181</td>
</tr>
<tr>
<td>Directories and Reference Materials</td>
<td></td>
<td>181</td>
</tr>
<tr>
<td>West Legal Directory Databases</td>
<td></td>
<td>182</td>
</tr>
<tr>
<td>50-State Legislative Directory</td>
<td></td>
<td>182</td>
</tr>
<tr>
<td><em>International Professional Directory</em></td>
<td></td>
<td>182</td>
</tr>
<tr>
<td>News and Other Nonlegal Information</td>
<td></td>
<td>182</td>
</tr>
<tr>
<td>The Tabbed Business and News Page</td>
<td></td>
<td>184</td>
</tr>
<tr>
<td>All News and All News Plus Wires</td>
<td></td>
<td>185</td>
</tr>
<tr>
<td>Newspapers</td>
<td></td>
<td>185</td>
</tr>
<tr>
<td>Magazines</td>
<td></td>
<td>186</td>
</tr>
<tr>
<td>Radio and Television Program Transcripts</td>
<td></td>
<td>186</td>
</tr>
<tr>
<td>Scholarly and Technical Information</td>
<td></td>
<td>186</td>
</tr>
<tr>
<td>WestClip</td>
<td></td>
<td>187</td>
</tr>
<tr>
<td>Conclusion</td>
<td></td>
<td>188</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 14</th>
<th>Delivering Documents on Westlaw</th>
<th>189</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing the Document You Are Viewing</td>
<td></td>
<td>189</td>
</tr>
<tr>
<td>Delivering Other Documents in Your Result</td>
<td></td>
<td>189</td>
</tr>
<tr>
<td>Selecting Default Delivery Settings</td>
<td></td>
<td>191</td>
</tr>
<tr>
<td>Using the Print/Delivery Manager</td>
<td></td>
<td>192</td>
</tr>
<tr>
<td>Printing an Entry in the Print/Delivery Manager</td>
<td></td>
<td>193</td>
</tr>
<tr>
<td>Deleting an Entry from the Print/Delivery Manager</td>
<td></td>
<td>193</td>
</tr>
</tbody>
</table>
Introduction

This is a guide for first-year law students and others interested in learning how to find the law. Our goal is to provide information that you can use as part of your law school courses. We'll introduce you to a wide variety of research materials and methods, and especially to the products of West, a leading and comprehensive publisher of legal and business information.

The first part of the guide (Chapters 1 through 5) discusses how the law is organized and published. This information will help you understand how to use different types of research tools.

The second part of the guide (Chapters 6 through 15) offers detailed, step-by-step instructions in using Westlaw, the computer-assisted research service from West.

We believe that learning methods of legal investigation and analysis is more important than memorizing rules of law. Even very successful students may know little law at the end of their first year. Successful students—and successful attorneys—know how to find the law.

Using This Guide

The following information will help you use this guide:

- To enhance readability, Westlaw program items such as buttons, check boxes, and menu options that you press, click, select, or choose, as well as examples of Terms and Connectors queries and Natural Language descriptions, appear in bold type.

- Westlaw database identifiers—the abbreviations you use to access databases on Westlaw—are given in parentheses following the database names, e.g., the All U.S. Supreme Court Cases database (SCT).

- Abbreviations for print publications are given in parentheses following the publication names, e.g., United States Reports (U.S.).

Because of the evolving nature of Internet technology, there may be recent changes to the Westlaw interface and functionality that are not reflected in this documentation.
Chapter 1

A Short History of Legal Research

Our short history of legal research begins with the earliest days of the American republic. Finding the law was pretty simple for the small group of lawyers who practiced 200 years ago. Almost all the information they needed was contained in the American edition of Blackstone’s *Commentaries on the Laws of England*—the great multivolume, comprehensive law text of the 18th century. With Blackstone, a desk, and an inkwell, you were a lawyer.

The Development of Legal Publishing

By the end of the 19th century, even the most erudite attorney could know only a fraction of the law. Responding to the need for a way to manage the growing body of legal information, large legal publishing companies developed. Many of today’s legal publishers, such as West, began their work during this period.

Between 1875 and 1900, legal publishers introduced the types of law books you’ll find in the library today, such as regional reporters, case law digests, and citators. They also developed updating and supplementing tools such as pocket parts, advance sheets, and looseleaf services.

During the second half of the 20th century, publishers turned to technology as the body of cases, statutes, and regulations grew. One of the first solutions, for example, was to use microfiche for mass storage. A filing cabinet of fiche could replace a whole library of books. This technology, however, never really took hold. It was difficult to use and offered little in the way of enhanced value.

Computer-Assisted Legal Research

Much legal research now takes place online, where information and services are linked and available anytime, from virtually any location, with the click of a mouse or the touch of a button.

Computer-assisted legal research systems such as Westlaw were introduced in the 1970s and gained wide acceptance in the 1980s. Westlaw databases contain millions of documents, and nearly every word in these documents is a possible search term and indexing term.

Westlaw was built using a search method called *Boolean logic*. This method of finding information is based on the theories of George Boole, a 19th-century mathematician. Boolean logic involves choosing key words or *terms* and specifying the relationship the terms have to each other by placing *connectors* between terms.
In 1992, West introduced the Natural Language search method. This search method allows you to enter a description of a legal issue in plain English (or at least in English as plain as one can use when describing a legal issue). Using sophisticated techniques of statistical analysis, this method evaluates the concepts in the description and retrieves the documents that most closely match those concepts.

Today, Westlaw is an interactive work space that offers you a continuously expanding array of primary and secondary sources, exclusive editorial enhancements, and powerful research tools.

**The Integrated Law Library**

The modern law library is an integrated collection of traditional research materials and new information technologies that can be used together.

Using legal encyclopedias, dictionaries, hornbooks, treatises, and restatements in print, for example, is often an effective way to become familiar with background information and terminology that may be associated with a legal issue or concept. The understanding you glean from these sources can help you search Westlaw to retrieve relevant documents.

West digests, which contain summaries of case law organized by topic, are another excellent place to begin your research. In addition to the topic listing, you can use the *Descriptive-Word Index* or the *Table of Cases* volumes as a point of entry to information in the digests.

West editorial enhancements such as case synopses and headnotes, topics and key numbers, and statute annotations enable you to move quickly and easily between West print resources and Westlaw.

**Helpful Tips About Legal Publishing**

The following tips will help you understand the specialized world of legal publishing.

**Government and Commercial Publishers**

The federal government and state governments often publish the text of the primary sources of their law. They publish decisions handed down by their appellate courts, statutes enacted by their legislatures, and regulations promulgated by their administrative agencies. All of these materials are in the public domain. Commercial publishers such as West may publish the same information. West has been designated the “official publisher” of the law in many jurisdictions.

Commercial publications are often more helpful than government publications for two reasons. First, commercial publications are usually more current. Second, commercial publishers enhance the information that is in the public domain, adding editorial features and making it easy to use. For example, the *United States Code* (published by the federal government) contains the text of the federal statutes; the *United States Code Annotated* (published by West) also provides summaries of judicial cases that have construed or explained those statutes as well as references to other interpretive sources.

**Publishing Philosophies**

It may seem odd to think of legal publishers as having philosophies, but it’s true. For example, West editorial enhancements create a common foundation across its books and electronic products. West also adds value to information by organizing, cross-referencing, and indexing it;
checking the accuracy of citations; verifying the information about judges and attorneys of record that is supplied by the court; and more.

**Chronological and Subject Arrangement**

Most primary law, whether judicial, legislative, or administrative, is initially published in a chronologically arranged series appropriate to a particular jurisdiction. But to facilitate your research, publishers analyze the law and organize information by subject as well as chronologically. Case digests, for example, are subject arrangements of the legal issues discussed in cases. Statutory and administrative codes are also arranged topically.

**Forms of Publication**

Finally, the forms of legal publication are common across different jurisdictions. Federal legislation is published chronologically as session laws and then compiled topically in a statutory code. Federal regulations appear in a chronological register and then in a topical administrative code. Federal cases are published in reporters and subsequently indexed in digests. The same is true—more or less—for each of the 50 state jurisdictions. Therefore, once you’ve learned how to use the research tools for one jurisdiction, you’re well on your way to learning them all.
Chapter 2

Fundamentals of Case Law

The ability to find and understand cases is fundamental to legal study and the practice of law. After reading this chapter, you should be able to

- understand the system of reporting federal and state case law
- recognize and use the information in a case citation
- identify the various parts of a case law document
- find cases in case law digests
- use West topics and key numbers to expand or focus your case law research
- understand the importance of checking the current status of legal authority

Remember that the opinions you encounter in your law school casebooks are heavily edited. You can learn a great deal more about a case by reading the full text of the opinion, along with any concurring and dissenting opinions that may be available. Try it!

Publication of Cases

We’ll begin by explaining how cases are issued and published. A judicial decision is first issued by the court as a *slip opinion*; slip opinions are gathered into softbound *advance sheets*; hardbound *case reporter* volumes contain a large number of decisions arranged in the same sequence as they were published in the advance sheets. Each of these forms of publication is discussed below.

Slip Opinions

The first appearance of most published judicial decisions is the official slip opinion issued by the court itself. Slip opinions contain the full text of the court’s decision, along with concurring or dissenting opinions, and may provide an official syllabus or summary. Slip opinions are traditionally published in pamphlets. Some courts may make their slip opinions available online. Most law libraries do not collect slip opinion pamphlets other than those from the U.S. Supreme Court.

Slip opinions are available on Westlaw as soon as they are received by West. For example, decisions of the U.S. Supreme Court are available in the All U.S. Supreme Court Cases database (SCT) within 30 minutes of the time the decision is filed by the court. Decisions from other courts are online within different time periods, depending on the court.
Chapter 2

After a slip opinion is made available on Westlaw, the manuscript is subsequently scrutinized by West staff, who check citations, add parallel citations, and add exclusive West editorial enhancements such as headnotes and West topics and key numbers.

Advance Sheets
Next, court opinions are gathered into softbound advance sheets (Figure 2.1), the first form of print publication that is widely distributed. You'll find advance sheets in most law libraries. Advance sheets are arranged chronologically and typically provide subject indexes and alphabetical lists of the cases included. Be aware that the text of opinions in advance sheets is still considered preliminary and is subject to revision by the court prior to publication in the bound volume. Advance sheets are published for all West reporters. The frequency of publication varies by court and jurisdiction.

Figure 2.1: Advance sheet

Bound Reporter Volumes
At the final stage of the publication process, a hardbound case reporter volume (Figure 2.2) is issued. The hardbound volumes contain a large number of decisions arranged in the same sequence as they were published in the advance sheets. The volumes are numbered in a consecutive series. Some reporters have begun third or fourth series, each starting at volume one again. A new series does not replace the previous series, but continues it with a new numbering sequence for convenience and ease of use.
In a case citation, the title of the reporter is abbreviated. All of the reporters have standard abbreviations. For example, F. Supp. 2d and F.3d are abbreviations for the *Federal Supplement, Second Series*, and the *Federal Reporter, Third Series*, respectively. You will memorize these abbreviations pretty quickly in law school, whether you want to or not.

You can easily decipher a citation abbreviation by checking the last pages of *Black’s Law Dictionary*, *The Bluebook: A Uniform System of Citation*, or the *ALWD Citation Manual*. For example, a typical F.3d citation, such as 155 F.3d 521 (5th Cir. 1998), includes the following components:

<table>
<thead>
<tr>
<th>volume</th>
<th>reporter</th>
<th>page</th>
<th>court</th>
<th>year</th>
</tr>
</thead>
<tbody>
<tr>
<td>155</td>
<td>F.3d</td>
<td>521</td>
<td>5th Cir.</td>
<td>1998</td>
</tr>
</tbody>
</table>

**Official and Unofficial Reporters**

There is a distinction in case reporting between official and unofficial reporters.

Official reporters are simply those reporters that are designated as such by a statute or a court order. For example, reporters published by West are designated the official reporters of many states. Other states publish reporters themselves.

The text of an opinion as it is published in an unofficial reporter is the same as the text of the opinion as it is published in the official reporter. However, there are a few reasons why you should know whether you are using an official reporter or an unofficial reporter.

- **When an official reporter citation is available for a case, it must be included when you cite that case to a court.** It is customary to add the unofficial reporter citation in a *parallel citation.*
Winning Research Skills

Chapter 2

- Where the official reporter is published by a government agency and an unofficial reporter is published by a commercial publisher such as West, the unofficial reporter may be more current. For a very recent case, therefore, an unofficial citation may be the only one available.

- Students and attorneys often prefer to use a West reporter even when it is not the official reporter because West editorial enhancements (e.g., case synopses, headnotes, and topic and key number indexing) enable them to work more efficiently.

Unreported Opinions

You may be surprised to learn that the great majority of federal and state judicial opinions are not reported at all. Sometimes an opinion is not reported because the court deems it redundant of previous decisions; other opinions are not reported because they are determined to lack precedential value. Court rules in each jurisdiction indicate when reporting of an opinion is necessary or desirable, and the rules vary among jurisdictions. Nearly all the decisions of courts of last resort within the state and federal system are reported in full.

Most state trial-level cases are not reported. In fact, most trial court actions do not produce a written opinion at all. Trial transcripts and documents filed with the clerk of court make up a record of the action. These materials may be available as public records, but they are rarely published.

A very high percentage of federal district court opinions are not reported. In fact, not all federal appellate cases are reported. The trend has been to report fewer opinions on a percentage basis. Because the absolute number of cases being decided continues to rise, however, a large number of opinions are reported.

Many opinions not designated for inclusion in the reporters are nevertheless available online and in print sources, such as West’s Federal Appendix. There has been much debate in legal circles as to whether unreported opinions can serve as precedent; that is, whether they can be cited as authority. Some jurisdictions permitted citation of unreported opinions, while other permitted citation only in limited circumstances or prohibited it entirely. In April 2006, the U.S. Supreme Court adopted Federal Rule of Appellate Procedure 32.1, which provides that unpublished federal judicial opinions, orders, judgments, or other written dispositions issued on or after January 1, 2007, may be cited in the federal courts. The courts are free to decide the precedential weight of the unpublished decisions, but they may not prohibit their citation.

Even when they have no or limited precedential authority, unreported opinions can help you understand an issue and determine judicial thinking. If you are going before Judge Smith in a products liability case, for example, it may be valuable to know what Judge Smith has done before in similar cases. It may also be useful to know what parties have been involved in prior litigation and what arguments were considered. In law school and in practice, unreported cases have many uses.

Organization of Cases

Cases reported by West are organized by court, jurisdiction, or geographic proximity. The arrangement of cases is determined by West attorney-editors. For example, in a regional reporter (a reporter that includes decisions from the courts of a particular region composed of several states) cases from a particular state are grouped together. The arrangement of a state’s cases in a
reporter may also be based on the hierarchy of courts within the state. Internal editorial
guidelines at West also influence the arrangement.

On Westlaw, cases are organized into databases. Electronic information storage allows for great
flexibility in the arrangement of materials. A database of electronically stored information can
be organized in many alternative ways, making it easier for you to focus or expand your
research and retrieve relevant information in the most efficient manner. Steps to follow when
you search case law databases on Westlaw are described in Chapter 10.

**Federal Courts**

Next we discuss how cases are organized within the different levels of the federal court system.

**U.S. Supreme Court**

At the apex of the federal judicial pyramid is the Supreme Court of the United States. Almost all
of its business consists of reviewing the judgments of lower courts. These may be the decisions of
lower federal courts (the federal circuit courts of appeals and the federal district courts) or
judgments of state courts of last resort that deal with questions of federal law.

If a federal question arises in state litigation, that question must be pursued on appeal up
through the state court system before the case is eligible for review by the U.S. Supreme Court.
Generally, the Supreme Court hears only cases that have already been appealed through a state’s
appellate courts or to one of the 13 federal circuit courts of appeals.

The Supreme Court could not possibly hear all of the cases that come before it. It disposes of
most appeals summarily by denying petitions for a *writ of certiorari*. This is a device used by the
Court in choosing the cases it wishes to hear during a session.

The *United States Reports* (U.S.) is the official reporter for the Supreme Court. It is published by
the U.S. Government Printing Office. Decisions of the U.S. Supreme Court also are published in
unofficial reporters, such as the *Supreme Court Reporter* (S. Ct.) published by West. Although
*The Bluebook* and the *ALWD Citation Manual* require only the official citation to the *United
States Reports*, most citations include at least one parallel source, as in the following example:

<table>
<thead>
<tr>
<th>official government reporter</th>
<th>West reporter</th>
</tr>
</thead>
</table>

Because many law firm libraries and court libraries have only one publisher’s bound reporter set
available, parallel citations are a big help to researchers.

Another source for U.S. Supreme Court decisions is *United States Law Week* (U.S.L.W.),
published on a weekly basis by BNA. It is issued in two volumes: one contains all of the Supreme
Court decisions as well as other actions taken by the Court; the other has abstracts of what the
publisher considers to be important lower federal and state court opinions. *United States Law
Week* is the place to look for the full text of recent Supreme Court decisions in print.
On Westlaw, the All U.S. Supreme Court Cases database (SCT) contains Supreme Court decisions from the inception of the Court in 1790.

**Lower Federal Courts**

Below the Supreme Court in the federal system are 13 federal courts of appeals and numerous federal district courts. A map of the federal judicial circuits is shown in Figure 2.3.

![Figure 2.3: Federal judicial circuits](image)

**Jurisdiction of Courts of Appeals**

The jurisdiction of the federal courts of appeals (often referred to as circuit courts) consists of appeals from decisions of district courts, together with appeals from decisions of federal administrative agencies (e.g., the Federal Communications Commission).

Since 1880, the decisions of the federal courts of appeals have been published in West’s *Federal Reporter* series. West also published a collection of earlier cases in a set called *Federal Cases*. On Westlaw, decisions of the courts of appeals, from inception, are in the U.S. Courts of Appeals Cases databases (CTA and CTA-OLD). You can also search databases containing documents from individual courts of appeals. For example, the CTA8 and CTA8-OLD databases contain documents from the U.S. Court of Appeals for the Eighth Circuit.

**Jurisdiction of District Courts**

The jurisdiction of the district courts is the most complex part of federal jurisdiction. A case will be tried in a district court if it “arises under” federal law for purposes of federal trial court jurisdiction. Federal district courts also have jurisdiction over civil cases involving parties from different states; these are known as *diversity cases*. The criminal jurisdiction of the district courts includes all prosecutions for federal crimes.

Since 1932, the decisions of the federal district courts have been published in West’s *Federal Supplement* series of reporters. On Westlaw, decisions of district courts can be found in the U.S. District Courts Cases databases (DCT, which contains decisions issued from 1945 to present, and DCT-OLD, which contains district court decisions prior to 1945). District court decisions are also available in databases organized by circuit, e.g., the U.S. District Court Cases for Sixth Circuit States database (DCT6) and the U.S. District Court Cases for Sixth Circuit States–Before
1945 database (DCT6-OLD). In addition, district court decisions are available in databases organized by state, e.g., the U.S. District Court Cases for Colorado database (DCTCO) and the U.S. District Court Cases for Colorado–Before 1945 database (DCTCO-OLD).


Special Courts
A few special federal courts, such as the Tax Court, publish their own decisions. West publishes the Bankruptcy Reporter, which includes cases from the federal bankruptcy courts plus district court bankruptcy cases not reported in the Federal Supplement. It also publishes reporters compiling federal and state decisions in subject areas, such as the Education Law Reporter. The decisions included in these reporters also are available on Westlaw.

State Courts
It is difficult to generalize about the structure of state courts. Each state has a different structure, which may be either a two- or three-tiered hierarchy of courts.

West’s National Reporter System
West’s National Reporter System is a set of reporters that divides the 50 states and the District of Columbia into seven national regions: Atlantic, North Eastern, North Western, Pacific, South Eastern, South Western, and Southern (Figure 2.4).

![Figure 2.4: West’s National Reporter System](image)

The National Reporter System covers the opinions of state courts of last resort and intermediate appellate courts (in states that have such courts). Federal reporters published by West are also part of the National Reporter System.
Systematic editorial treatment makes it easy for you to use West reporters to identify relevant cases from any jurisdiction. The reporters in the National Reporter System contain several other special features. For example, the advance sheets include a number of tables that are subsequently published in the bound volumes.

The table that you will use most frequently is the Table of Cases Reported (Figure 2.5).

If you are looking for a very recent case, you can search either Westlaw or the advance sheets. Note that the Table of Cases Reported in the advance sheets is cumulative for each volume. That means you only have to check the table in the most recent advance sheet for that volume.

You should familiarize yourself with the special tables included in the advance sheets. You may need to find a listing of all judges sitting on a particular court or a listing of cases that cite the American Bar Association’s Standards for Criminal Justice. These tables can be found in the first few pages of each reporter following the Table of Cases Reported.

Cases from the regional reporters are available on Westlaw in regional reporter databases. Decisions of every state are also online in state-specific databases.
Case Citation

If someone hands you the legal citation of a case, you have the information you need to find the case. The citation of a case published in a reporter consists of the name of the case, the volume of the reporter, the name of the reporter, the page number in the reporter on which the case begins, and the year the case was decided.

<table>
<thead>
<tr>
<th>case name</th>
<th>volume</th>
<th>official reporter</th>
<th>page</th>
<th>volume</th>
<th>West reporter</th>
<th>page</th>
<th>year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fulmore v.</td>
<td>252</td>
<td>Ga. App.</td>
<td>884</td>
<td>557</td>
<td>S.E.2d</td>
<td>64</td>
<td>2001</td>
</tr>
<tr>
<td>CSX Transp., Inc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The court that issued the decision may be obvious from the abbreviation in the reporter, or the citation may include a notation for the court deciding the case. When an opinion is cited for a particular paragraph or sentence, the citation may include the number of the page on which that material appears:

<table>
<thead>
<tr>
<th>volume and reporter</th>
<th>page on which case begins</th>
<th>page on which referenced material appears</th>
</tr>
</thead>
<tbody>
<tr>
<td>557 S.E.2d</td>
<td>64</td>
<td>74</td>
</tr>
</tbody>
</table>

When you know the citation of a case and want to retrieve the text of the opinion online, you can use the Find service on Westlaw. Using Find enables you to retrieve a document without accessing a database. For more information about using Find, refer to Chapter 7.
A Westlaw Citation

If an opinion is not published in a reporter (e.g., an unreported opinion or a very recent opinion), the citation will consist of a Westlaw citation. Each Westlaw citation consists of four parts: the year of the decision, the letters WL (identifying Westlaw as the place the document is located), a unique document number, and the jurisdiction in which the case was decided. You can use the Find service to retrieve a document when you have its Westlaw citation.

<table>
<thead>
<tr>
<th>year of the decision</th>
<th>located on Westlaw</th>
<th>unique document number</th>
<th>jurisdiction of decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>WL</td>
<td>172968</td>
<td>S.D.N.Y.</td>
</tr>
</tbody>
</table>

Parallel Citations

As we noted earlier, you will often find a string of citations after the case name. A citation to the same case published in a different reporter is called a parallel citation. Parallel citations are different citations to the same case, not to different stages of a case.

There are several ways to find a parallel citation if you know only one citation:

■ West's reporters and Westlaw provide the official citation if it is available, along with citations to other reporters.

■ You can easily find parallel citations by using the KeyCite citation research service on Westlaw. KeyCite is discussed in detail in Chapter 12.

■ If you know the name of the case, check the Table of Cases in the digest that covers the jurisdiction where your case was decided, and you will find all of the parallel citations. (Digests are discussed later in this chapter.)

■ When you have an official citation to a reporter that is not a West reporter, and you want to identify the parallel citation to the West reporter, use the National Reporter Blue Book.

Rules for Citations

All of the rules for writing and deciphering legal citations are compiled in two primary sources—The Bluebook: A Uniform System of Citation and the ALWD Citation Manual. Although much of their content is similar, these publications do differ in a certain respects. You should become familiar with both resources. A sample page from The Bluebook is shown in Figure 2.6.
**CASES**

Citation of a U.S. Supreme Court case:

```
"v." for "versus"
reporter volume no.  
first page of case specific page referred to
first party second party reporter abbreviation (U.S. Reports)
```


**Figure 2.6: Page from The Bluebook: A Uniform System of Citation**
Chapter 2

Parts of a Case

Understanding the structure of a case will help you study cases more effectively. We will discuss some of the parts of a case printed in a reporter and displayed on Westlaw. Figure 2.7 identifies parts of a case as printed in a West reporter.

Federal Tort Claims Act suit was brought by civil rights demonstrator and his wife seeking to recover damages for injuries sustained while they were on a “freedom ride.” The District Court, Emshin, J., held that: (1) husband was not entitled to recover damages for brain injuries which occurred four months after he was beaten where evidence of causal connection between the injuries and the beating was insufficient; (2) both husband and wife were entitled to recover damages for deprivation of their rights to equal protection and to travel freely interstate since the Government was found to be negligent per se in failing to prevent racially motivated conspiracy from depriving them of their rights; and (3) husband was entitled to $15,000 for physical pain and suffering and $20,000 for emotional injury and deprivation of constitutional rights and wife was entitled to recover $15,000 for emotional injury and deprivation of her rights. Judgment accordingly.

In Federal Tort Claims Act suit for negligence in protecting civil rights demonstrator during “freedom ride,” demonstrator was not entitled to damages for brain injuries sustained when he underwent appendectomy four months after the beating where insufficient evidence of causal relationship between the beating and the brain injuries was presented. 28 U.S.C.A. § 1346, 2671 et seq.


Parts of a Case

Understanding the structure of a case will help you study cases more effectively. We will discuss some of the parts of a case printed in a reporter and displayed on Westlaw. Figure 2.7 identifies parts of a case as printed in a West reporter.

Figure 2.7: Parts of a case in a West reporter
Case Name or Title
The name, or title, of a case (also referred to as its style or caption) includes the names of the parties. Most cases are named for the parties involved (usually two) to indicate who is suing whom, e.g., Bergman v. United States. Some cases may have only one name with a Latin phrase attached (e.g., In re Seiferth). In a criminal case, since the state brings the action, the first party will often be the state itself (e.g., State v. Birditt).

When a case begins in the trial court, the first name is the plaintiff, or the party bringing the suit, and the name after the v. is the defendant. On appeal, the name of the petitioner or appellant will be listed first; the name of the respondent or appellee will be listed second. Therefore, if the defendant in the trial court brings an appeal, his or her name will be listed first in the appellate case.

When you read a case in a print reporter or on Westlaw, you will often find several plaintiffs, defendants, or cross-complainants. Correct citation form requires that only the first-named plaintiff and the first-named defendant be listed.

The case name that appears at the top of each page in the reporters is not in correct citation format and should not be followed as an example of Bluebook or ALWD Citation Manual format. For example, the following appears at the top of the page for the case at 441 F.2d 1061:

Local 13, Int. Longshoremens & W.U. v. Pacific Mar. Ass’n

The correct Bluebook format for the case name would be

Local 13, Int’l Longshoremen’s & Warehousemen’s Union v. Pac. Mar. Ass’n

The correct ALWD Citation Manual format for the case name would be


Docket Number
When a case is filed with the court clerk, it is assigned a docket number (or action number) that remains with the case and is used to keep track of documents filed in the course of the litigation. Docket number format varies across state and federal jurisdictions. Typically, a docket number includes numbers indicating the year that the case was filed.

Date
A case in a reporter or on Westlaw will include the exact month, day, and year that it was decided.

Synopsis
Attorney-editors at West write a synopsis or brief description of each case published by West. Most synopses contain the following information:

- the facts of the case
- the name and holding of the lower court judge
- the holding of the court
- the name of the judge writing the opinion
Chapter 2

If you have many cases to read, you can quickly scan the synopses to weed out the irrelevant cases, but be advised that the synopsis is not part of the opinion. It is a helpful editorial enhancement prepared by the publisher. Sometimes the court itself provides a synopsis. In that case, you may see two synopses when you look at the document in a West reporter or on Westlaw—one synopsis from West and one from the court.

Judge
The name of the judge who wrote the opinion is listed both in the synopsis or syllabus of a case and on a separate line preceding the opinion. When more than one judge hears a case, the names of judges who subscribe to an opinion (whether it is the opinion of the court, a concurring opinion, or a dissenting opinion) are also provided. On Westlaw, the Westlaw Profiler feature provides you with a direct link between a case law document you are viewing and a biographical profile (where available) of the judge in the case.

Headnotes, Topics, and Key Numbers
Court decisions typically contain at least one legal issue. An issue is the question raised when the facts of the case intersect with the rules of law. West attorney-editors identify the legal issues in cases and discuss each issue in a headnote. Each headnote is usually one sentence. In reporters and on Westlaw, headnotes appear between the synopsis and the opinion. A headnote in a reporter begins with a number in boldface type followed by a topic name and key number. A headnote on Westlaw contains additional information showing the full classification hierarchy from the West Key Number System.

Headnotes are numbered so you can use them as you would a table of contents to the case. Numbers corresponding to the headnote numbers appear inside brackets within the text of the opinion. The bracketed number indicates the portion of text summarized by a particular headnote. On Westlaw, you can jump from a headnote to the corresponding portion of the opinion by clicking a hypertext link.

Immediately following the headnote number is the broad legal topic under which a West attorney-editor has classified that particular headnote. Topics are the main headnote classification. You can look in a West digest volume for the topic that you need or search cases on Westlaw by topic.

After the topic in a West reporter, a key number is given. On Westlaw, the full classification hierarchy appears between the topic and the key number. The key number represents a specific aspect or subsection of a topic. For example, under topic 226, Joint Tenancy, key number 6 covers survivorship. West attorney-editors classify a headnote under all the applicable topics and key numbers. The complete topic and key number outline is available on Westlaw in the West Key Number Digest, which is discussed in Chapter 10.

Headnotes from cases are grouped in books called digests, where they are arranged by topics and key numbers. Once you find a relevant topic and key number, you can continue with the digests or search for the topic and key number on Westlaw (as explained in Chapter 10). The lines of text in the digest are actually the headnotes themselves.

Writing headnotes is an art, not a science. Two attorney-editors may each see different sets of legal issues in the same case. As in the debate as to whether Gene Kelly or Fred Astaire was the
greater dancer, there is no correct answer. You should always bring your own judgment to bear on the issues presented in a case.

Attorneys
Immediately preceding the text of the opinion you will find the names of the attorneys of record, along with the name of the firm with which the attorney is associated and the city where the attorney works. On Westlaw, the Westlaw Profiler feature allows you to click the name of an attorney in a document you are viewing to access biographical information about the attorney (where available).

Opinion
The actual text of the decision in a case is called the opinion. An opinion is a court’s written explanation of why it did what it did. The structure of an opinion generally includes a description of the nature of the case, a statement of the issues presented, the facts, the errors assigned, and a dispositional section.

When the case is heard by a panel of judges, you may find other opinions after the majority’s statement. A dissenting opinion is written by a single judge or a minority of judges who disagree with the result. There may also be concurring opinions when a judge or judges agree with the result of the main opinion but not with the reasoning. In complex cases, a judge may concur in part and dissent in part. Especially in U.S. Supreme Court cases, sorting out all the separate opinions can be difficult. But because of the doctrine of precedent, it is important to do so.

You may also encounter a few other kinds of opinions, such as per curiam opinions and memorandum decisions. A per curiam opinion is an opinion written anonymously that includes the reasoning of the entire court. Such opinions are generally short and are weak precedent. Memorandum decisions report routine decisions.

In any opinion, portions of the text do not resolve the issues in dispute. Judicial opinions sometimes contain jokes, diatribes, poetry, moralizing exhortations, or inspirational musings. Everything that does not significantly contribute to the resolution of a particular legal issue before the court is dicta. You will find that dicta, though not binding precedent, may be persuasive. That is, dicta may still be helpful to your case. It can give you insight into the thinking and intent of the court and the court’s views on issues that may arise in the future. Dicta can also be entertaining.

The last paragraph in a majority opinion is the mandate of the court. It states, often in a single sentence, what action the court is taking. For example, the court may indicate that the decision of the lower court is affirmed, reversed, remanded, modified, or dismissed.
Using Case Digests

Digests contain abstracts of cases organized by subject. Digests are particularly useful for identifying cases when you are researching a legal issue (such as when a bailment is created) or concept (such as promissory estoppel). Every digest includes headnotes and a subject arrangement that organizes the legal issues summarized in the headnotes.

The digests we will discuss are published by West. Although other companies also publish digests, West has the largest system—the only one that covers all jurisdictions. You will often obtain the best results by using digests in conjunction with Westlaw, but let’s examine how to use a digest alone to find the information you need.

The digest contains a comprehensive list of legal topics. Each legal topic is subdivided into issues, and each issue is assigned a digest classification number called a key number. Listed under each key number are headnotes from reported cases addressing the issue. Remember that West attorney-editors create headnotes by isolating and summarizing every issue of law that appears in the opinion and assigning topics and key numbers to each headnote. Each headnote is assigned at least one key number, and some headnotes are assigned several.

Understanding the relationship between the headnotes and the digests is crucial to using the digests. The paragraphs in the digests are basically the headnote paragraphs from the cases in the reporters, rearranged according to subject. Headnotes from different cases that discuss the same point of law appear together in a digest, and the same headnote may appear in two or more places in the digest.

Understanding the West Key Number System

West organizes its digests according to the West Key Number System. In this system, the entire body of law is broken down into general topics (e.g., Animals). Each topic is further divided into points of law (e.g., persons liable for injuries). A key number (e.g., 54) is assigned to each point of law.

Animals 54

You must use both parts, the topic and the key number, in order to use the digests.

In a digest, the paragraphs under a key number are arranged by jurisdiction. The paragraphs under each jurisdiction are arranged by date of decision, in reverse chronological order.

The beauty of the West Key Number System is that the key number assigned to a point of law is uniform throughout all of West’s digests. As a result, when you find a relevant case in the Washington Digest, for example, you can look under the same key number in the Pacific Digest and find other relevant cases. Keep in mind, however, that a particular regional or state digest may not list any cases under a particular topic and key number because no cases have been classified under that topic and key number in that jurisdiction.
Choosing a Digest That Meets Your Needs
West publishes several digests, each designed to fill specific needs.

<table>
<thead>
<tr>
<th>West’s digests</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>All states except Delaware, Nevada, and Utah. For Delaware, use the Atlantic Digest. For Nevada and Utah, use the Pacific Digest.</td>
</tr>
<tr>
<td>Regional</td>
<td>Four current regional digests: Atlantic Digest, North Western Digest, Pacific Digest, South Eastern Digest. Use the state digests for states not covered in the regional digests.</td>
</tr>
</tbody>
</table>
| Federal (lower federal courts and the Supreme Court) | Federal Digest, all cases prior to 1939  
Modern Federal Practice Digest, 1939–1961  
Federal Practice Digest 2d, 1961–1975  
Federal Practice Digest 3d, 1975–1988  
Federal Practice Digest 4th, 1984–present |
| Supreme Court                   | United States Supreme Court Digest, 1754–present                        |
| American Digest System (all cases, both federal and state) | Century Digest, 1658–1896  
First–Eleventh Decennial Digests, 1897–2004  
General Digest 11th, 2004–present |

Logically, you would retrieve federal cases (including Supreme Court cases) from one of the various federal digests, and you would use the United States Supreme Court Digest to retrieve only Supreme Court cases. If you want all cases from all jurisdictions, use the American Digest System, which consists of the Century Digest, the Decennial Digest, and the General Digest. This system has enormous scope: it includes all reported American cases, state and federal, from 1658 to the present. To make this digest manageable, West has divided it into five- or 10-year periods. West updates the Decennial Digest with a series of bound volumes known as the General Digest (11th Series); a volume is published approximately every month. When you are using a digest and you see the statement “For other cases, see the Decennial Digest and Westlaw,” you should follow this instruction.

If you are researching state law, you should select a state digest since it will provide you with the quickest way to determine case law in one state. A regional digest would be useful when you need cases from neighboring jurisdictions. A good rule of thumb is to always use the smallest possible digest.

Now that you have the correct digest for your jurisdiction, you need to learn how to use it.

Starting with One Good Case
If you are lucky enough to know one relevant case, you can easily expand your research by using the West Key Number System and West digests. From your case, determine the relevant topic and key numbers and then look in a digest to find cases that have headnotes classified under those topic and key numbers.
Using the Descriptive-Word Index

If you do not have one good case by which to find other cases, your gateway into the digest can be the *Descriptive-Word Index* (DWI). The DWI is a long list of everyday words, legal terms, and phrases. Under these DWI terms, you can find relevant topics and key numbers.

Before you use the DWI, analyze your fact situation thoroughly in order to generate sufficient words to look up in the DWI. You cannot use the DWI effectively if you do not fully understand your fact situation, because you may overlook important terms.

For example, suppose that your client is the parent of a child who was injured by an unleashed pit bull in a Washington state municipality. The client wants you to file a claim against the owner of the dog and the local humane society, which was contractually responsible for enforcing the leash laws. You can determine potential DWI terms by breaking the problem down into elements common to every case, such as the following:

<table>
<thead>
<tr>
<th>Common elements</th>
<th>Elements of this problem</th>
</tr>
</thead>
<tbody>
<tr>
<td>the parties involved</td>
<td>the owner of the pit bull, the child, and the humane society</td>
</tr>
<tr>
<td>the facts</td>
<td>the event took place in the city, a child was injured, and an unleashed dog was involved</td>
</tr>
<tr>
<td>the legal theory forming the basis of the action</td>
<td>the owner of the pit bull was negligent in allowing the dog to run loose, and the humane society was negligent in failing to apprehend the loose dog</td>
</tr>
<tr>
<td>the defense</td>
<td>the humane society claims that it had no knowledge of the dog running loose</td>
</tr>
<tr>
<td>the relief sought</td>
<td>compensation for personal injuries</td>
</tr>
</tbody>
</table>

Beginning with the DWI in the *Washington Digest*, you might look under the term *pit bulls*. You will find that *pit bulls* is not listed. This term is too restrictive, so you must think of alternative terms. You should broaden your search term to *animals*. When you look in the DWI under *Animals*, you will find the subtopic *Injuries—Running at large*. This entry will lead you to *Animals* key numbers 52–55 (Figure 2.8). The next step is to pull the *Washington Digest* volume containing *Animals* off the shelf and turn to key numbers 52–55 (Figure 2.9).
### Fundamentals of Case Law

**ANIMALS**

References are to Digest Topics and Key Numbers

**ANIMALS—Cont'd**

**EVIDENCE,**  
Damage for loss or injury, Damag  
de 176(2)  
Ownership, Anim  
de 10, 10  
Personal injuries caused by animals, Anim  
de 785(5)  
Trespassing animals, damages caused by,  
Anim  
de 100(5)  
Value or market price, Evid  
de 113(22)  

**EXECUTION,**  
Trespassing animals, actions for injuries  
carried by, Anim  
de 100(7)  

**EXEMPTION** from legal process, Exemp  
de 43, 44  

**FEED,** administration. See heading  
ADULTERATION, generally:  

**FENCES,** see heading FENCES,  
ANIMALS.  

**FINDINGS,**  
Personal injuries caused by animals, actions  
for, Anim  
de 14(9)  
FINES, See subheading PENALITIES, under the  
same heading.  

**FRIGHTENING of animals,**  
Automobiling, Anim  
de 177  
Jury questions, Mun Corp  
de 822(30)  
Obstruction frightening animals, Mun Corp  
de 781, 821(10)  

Proximate cause,  
Injuries, Mun Corp  
de 800(4)  

**HEED** dietetics, Anim  
de 50(1), 5  

**HIGHWAYS,** use of,  
Generally, High  
de 165-186  
Automobile accidents, See heading  
AUTOMOBILE ACCIDENTS,  
ANIMALS.  

**HIRE** and use, Anim  
de 27  

**HORSES,** see heading HORSES, generally.  

**ILLEGAL** traffic in, Agric  
de 15  

**IMPORTS,** see heading IMPORTS, generally.  

**IMPounding,** see heading IMPOUNDING, generally.  

**INCREASE,**  
Cattle marketage, Chai Mitg  
de 13  

**INDICTMENT or information for offenses related to,**  
Duiparity, Ind & Inf  
de 126(25)  

**INDICTMENT or information for offenses related to—Cont'd**

Language of statute, use of, Ind & Inf  
de 116(23)  

**INFECTIOUS diseases,** Anim  
de 28-37  

**INJURIES** by or to animals,  

Generally, Anim  
de 26, 66-68  
Balled animals, Anim  
de 28(1), 2  
Foung causing injuries, Fences  
de 25  
Hire and use, Anim  
de 27  

Operation of mines, quarries, or wells,  
Mines  
de 119  

Owners' liabilities,  
Due process, Const Law  
de 259.1  

**Railroads** injuring animals, See heading  
RAILROADS generally.  

**Running at large,** Anim  
de 52-55  

| Statutory regulations, Anim  
de 79  
| Stray animals, Anim  
de 52, 60  
| Trespassing animals, Anim  
de 54  
| Urban railroad injuring animals, Urb R R  
de 23  

**INSPECTION** officers, Inspect  
de 1  

**INSTRUCTIONS** to jury,  
Animals at large, injuries by, Anim  
de 55  

Other animals, injuries to, Anim  
de 85  

Personal injuries, Anim  
de 14(7)  

Trespassing animals, damages by, Anim  
de 100(3)  

**INSURANCE** requirement, Anim  
de 4  

**JUDGMENT,**  
Trespassing animals, actions for injuries  
carried by, Anim  
de 190(3)  

**KEEPING** and use,  
Generally, Anim  
de 21-26  

Due process, Const Law  
de 283  

Equal protection, Const Law  
de 237  

Municipal regulations, Mun Corp  
de 604, 613(5)  

**KILLING,**  

Generally, Anim  
de 43-45  

Animals running at large, Anim  
de 52  

Trespassing animals, Anim  
de 96  

Vicious animals, Anim  
de 72, 84  

LABORATORY animals,  

Treatment of, Anim  
de 4  

LANDLORDS,  

Liability of, Anim  
de 72  

---

**Figure 2.8:** Washington Digest Descriptive-Word Index entry
Chapter 2

Winning Research Skills

Using the Topic Method

If you analyze your legal problem in terms of a subject area, such as animals, you can go directly to the volume of the digest that includes the topic Animals. Next you would read through the summary of contents or the analysis that appears at the beginning of the text of each topic (Figure 2.10) until you find the appropriate entry.
The topic approach is most appropriate for experienced researchers who are familiar with the legal topics that are presented in a problem. As a beginning researcher, you may not select the best topics and key numbers because you are not familiar enough yet with all of the subject area possibilities.
Chapter 2

Using the Table of Cases
If you know the name of the case you want to read, the Table of Cases is easy to use and will lead you to the correct reporter and page number. Every digest has its own Table of Cases. When you also know the jurisdiction of the case you want to read, use the Table of Cases volumes at the end of the digest for that jurisdiction. If you do not know the jurisdiction, but do know the approximate year, use the Table of Cases in the American Digest System, which consists of the Decennial Digest and the General Digest.

In addition to providing you with the correct citation information for the case, the Table of Cases also lists key numbers under which that case has been classified. From the entry in the Table of Cases, you can go to the digest and find related cases under the appropriate topic and key number.

If the case you are looking for was decided during the previous year, you may find the citation in the pocket parts to the Table of Cases in the digests, or you may have to check the Table of Cases Reported in the advance sheets to the reporter in which you expect the case to be published.

Using the Defendant-Plaintiff Table
When you know only the defendant's name in a case, check the Defendant-Plaintiff Table in the state and federal digests. The regional digests do not contain Defendant-Plaintiff Tables.
Star Paging

You should be aware of a feature known as Star Paging, which indicates the places where pages begin in the print publications.

For example, suppose you need to cite the exact page of an official reporter (e.g., *United States Reports*), even though you are using an unofficial reporter (e.g., *Supreme Court Reporter*). In the printed *Supreme Court Reporter*, an upside down “T” symbol appears in the text at the point where the page break occurs in the *United States Reports*, and the number of the page in the official reporter is shown alongside the “T” (Figure 2.11).

Figure 2.11: Star Paging references in the *Supreme Court Reporter*
Case Citation Research

As you evaluate the usefulness of a case for your purposes, you will need to understand the history of that case and how it has been treated by subsequent cases. Citator services help you with these essential tasks. You can perform citation research using print resources (e.g., Shepard’s Citations) or online services. KeyCite, the online citation research service available exclusively on Westlaw, is discussed in detail in Chapter 12.

Three Reasons to Use a Citator Service

Reason #1: Because Good Law Can Go Bad

Nothing would be more damaging to your client’s interests—or your moot court brief—than resting your arguments on bad law. The first reason to use a citator service is to avoid such a mistake.

Though the law is conservative, it does change—sometimes more quickly than you might expect. In the history of American jurisprudence, thousands of cases have been reversed or overruled by subsequent adjudications. These “bad cases” remain in the law books and databases, but you may not want to rely on them to support a legal argument.

For example, you can find the 1942 Supreme Court case of Betts v. Brady in the reporters for U.S. Supreme Court cases. Betts holds that the Sixth Amendment does not apply to the states and that there is no absolute right to counsel in a state criminal trial. Nothing in those reporters says “Please note that this case has been overruled and is no longer good law.” If you stopped your research after you read the opinion, you would believe that the Sixth Amendment did not require a state to provide an attorney for an indigent defendant charged with a crime. However, if you take the next step in the research process by checking the current status of Betts v. Brady, you will learn that the case was overruled in 1963 by Gideon v. Wainwright.

Reason #2: Because an Opinion Is Subject to Interpretation

The second reason to use a citator service is to determine how a case has been treated by other cases. Aside from the question of being good law or bad law for a particular purpose, the holding of a case may be strengthened or weakened by the interpretation subsequently given it by the same court or other courts. It may be, for example, that another court that subsequently confronted a situation similar to the one in your case chose to construe the holding of your case narrowly. Although your case remains good law, such subsequent interpretations may make it less persuasive. The precedential value of a case greatly depends on the treatment it receives in later opinions that cite it.

Reason #3: Because You Need More Cases

A third reason to use a citator service is because it will help you expand your research. Because cases tend to cite the seminal or leading cases in a particular area of law, if you find a leading case and check it in a citator, you are likely to discover other cases.
Conclusion

You should now feel familiar with cases. They are not much like the document fragments you encounter in your law school casebooks. In their fully reported form, case law documents are presented with editorial enhancements and other useful information. We discussed how digests are put together and how to use them, and we introduced you to the West topic and key number system, which provides access points to the legal issues discussed in cases. You should understand now that checking the status of legal authority is an important habit to begin while you are in law school.

The fundamentals of researching statutory law are discussed in the next chapter.
Chapter 3

Fundamentals of Statutory Law

As a first-year law student, you spend a great deal of time researching case law. In practice, however, many attorneys use statutes and regulations as often as they use cases. If you learn how to research these materials while you are in school, you’ll be on top of your game later on.

In this chapter, we’ll focus on print sources of federal legislative materials. The next chapter discusses administrative materials. For information on using Westlaw to research legislation and regulations, refer to Chapter 11.

Federal Legislation

The Legislative Process

A federal statute begins as a bill introduced (or sponsored) in Congress by a representative or a senator. A bill is assigned a unique number indicating the bill’s origin (in the House of Representatives or in the Senate) and the order in which it was introduced during the congressional session. For example, an amendment to the Truth in Lending Act passed in 1980 began life as H.R. 4986, which means that it came from the House of Representatives (H.R.) and was the 4,986th bill introduced in the House during that Congress.

After a bill is introduced, it is sent to a House or Senate committee. Most bills sink from sight in committee. Some are sent to the floor for a vote. Many bills pass in the House but not in the Senate, and vice versa.

Sometimes both the House and Senate pass a bill, but in different versions; when this happens, a conference committee with members from each body is appointed to work out a compromise bill that can be passed by the House and by the Senate.

The final version of a bill passed by both congressional bodies is sent to the president, who can do one of several things: sign the bill into law; take no action on the bill while Congress is in session, thereby allowing the bill to become law without a presidential signature; take no action on the bill after Congress adjourns, thereby performing a pocket veto; or veto the bill and send it back to Congress, where the House and Senate can try to override by mustering a two-thirds majority in each chamber.

The following table summarizes steps in the federal lawmaking process.
Winning Research Skills

Chapter 3

### Legislative History

Tracking amendments to related bills through each stage of the legislative process can be tricky, particularly when a controversial or high-profile issue generates many bills and amendments. Because each step in the legislative process can be repeated, the path from bill to law can take confusing twists and turns. Professionally compiled legislative history is available, especially for very significant legislative acts.

Westlaw offers databases containing legislative history information, including databases that provide comprehensive history compiled by the law firm Arnold & Porter. For example, you can retrieve legislative history for the Americans with Disabilities Act of 1990 in the Arnold & Porter Legislative History: Americans with Disabilities Act of 1990 database (ADA-LH).

<table>
<thead>
<tr>
<th>A bill is</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduced</td>
<td>A bill is introduced in the House or Senate. Statements about the bill are entered in the Congressional Record.</td>
</tr>
<tr>
<td>Referred to committee</td>
<td>The bill is referred to a committee. The bill is considered by a subcommittee or the full committee. Hearings are held on the bill, including testimony by witnesses.</td>
</tr>
<tr>
<td>Reported out of committee</td>
<td>When a bill is reported out of committee to the floor of the House or Senate, the committee may write a report recommending action on the bill, or it may send the bill to the full House or Senate without any recommendation.</td>
</tr>
<tr>
<td>Acted upon by full House or Senate</td>
<td>During consideration by the full House or Senate, the bill is debated, amendments are offered, and a vote is taken.</td>
</tr>
<tr>
<td>Engrossed</td>
<td>When the bill is passed by one chamber, it is engrossed. The engrossed bill is introduced in the other chamber, and the legislative process is repeated.</td>
</tr>
<tr>
<td>Referred to conference committee</td>
<td>When the House and Senate pass different versions of the bill, a House-Senate conference committee will try to report a compromise bill back to the House and Senate for a vote in each chamber.</td>
</tr>
<tr>
<td>Enrolled</td>
<td>When a bill is passed by both chambers, it is enrolled.</td>
</tr>
<tr>
<td>Sent to the president</td>
<td>The president may sign the bill into law; allow the bill to become law without the president’s signature by taking no action while Congress is in session; take no action on the bill after Congress adjourns (pocket veto); or veto the bill, thereby sending it back to Congress where the veto may be overridden.</td>
</tr>
</tbody>
</table>

---

A bill is described as:

- **Introduced**: A bill is introduced in the House or Senate. Statements about the bill are entered in the Congressional Record.
- **Referred to committee**: The bill is referred to a committee. The bill is considered by a subcommittee or the full committee. Hearings are held on the bill, including testimony by witnesses.
- **Reported out of committee**: When a bill is reported out of committee to the floor of the House or Senate, the committee may write a report recommending action on the bill, or it may send the bill to the full House or Senate without any recommendation.
- **Acted upon by full House or Senate**: During consideration by the full House or Senate, the bill is debated, amendments are offered, and a vote is taken.
- **Engrossed**: When the bill is passed by one chamber, it is engrossed. The engrossed bill is introduced in the other chamber, and the legislative process is repeated.
- **Referred to conference committee**: When the House and Senate pass different versions of the bill, a House-Senate conference committee will try to report a compromise bill back to the House and Senate for a vote in each chamber.
- **Enrolled**: When a bill is passed by both chambers, it is enrolled.
- **Sent to the president**: The president may sign the bill into law; allow the bill to become law without the president’s signature by taking no action while Congress is in session; take no action on the bill after Congress adjourns (pocket veto); or veto the bill, thereby sending it back to Congress where the veto may be overridden.
Legislative history for the North American Free Trade Agreement Implementation Act is available in the Arnold & Porter Legislative History: North American Free Trade Agreement Implementation Act database (NAFTA-LH). Check the Westlaw Directory for a complete list of legislative history databases.

**Public Laws**
A law, also called a *statute* or an *act*, is identified by a public law number, which is composed of the number of the Congress that enacted it, followed by a number that reflects the order in which the bill was enacted; for example, Pub. L. No. 101–12 refers to the 12th law enacted by the 101st Congress.

**Slip Laws**
As soon as they are enacted, federal laws are published in pamphlet form as *slip laws*. Slip law documents include valuable information in their headings and margin notes. From them, you can learn when the law was approved, the number of the bill that was enacted into law, and the short title or popular name of the law.

A reference to the *United States Code* (USC) in the slip law document tells you where the provision will be codified. A citation to *United States Statutes at Large*, the official federal session law publication, tells you the number of the permanent bound volume containing the law and the page on which it begins. At the end of the slip law, you will find references to House and Senate reports as well as citations to congressional debates. These legislative history references will tell you where you can find congressional materials that may help you determine legislative intent.

Although slip laws sound useful, you will not find them in many libraries. On Westlaw, you can access the United States Public Laws database (US-PL) and retrieve laws from the current congressional session.

**Session Laws**
At the end of each session of Congress, the slip laws for that session are compiled and published in numerical order in bound volumes. These laws are referred to as *session laws*. Session laws include preambles and other information that may be evidence of legislative intent.

Session laws are useful when you are looking for the original version of an act as it existed prior to its codification by subject in the USC or before amendment, or when you require the language of a particular amendment.

You will also use session laws when you need to find law that has been repealed and deleted from the current code. For example, assume that your client has been charged with committing a federal crime, based on conduct that occurred several years ago. Assume further that the law applying to that conduct has changed since the conduct occurred. You will have to look for the law that applied at the time of the conduct.

You can locate federal session laws in these print sources:
- *United States Statutes at Large* (Stat.), the official session law publication produced by the U.S. Government Printing Office. It is found in every law library, but—as is frequently true of government publications—it is slow to arrive, lagging years behind the end of the session covered.
Chapter 3

- *U.S. Code Congressional and Administrative News* (USCCAN) published by West. USCCAN includes selected legislative history material. It lists citations for House, Senate, and conference committee reports and reprints the report or reports that West attorney-editors determine to be the most closely related to the public law. To determine the meaning of a statute, you may need to refer to these congressional committee reports. USCCAN does not reprint all the congressional materials (such as hearings and debates), but the legislative history table does list citations to the bills, reports, and debates in the *Congressional Record*. USCCAN is updated monthly in separate softbound pamphlets that are subsequently published in bound volumes. To obtain the most current laws, check the latest pamphlets. USCCAN is available on Westlaw in the U.S. Code Congressional and Administrative News database (USCCAN).

A word of caution: You cannot safely use a session law version of an act to determine present law after that act has been codified, since the original (session) law may have been subsequently repealed or amended. You will find the present text of a law in a *code*, as explained in the next section.

**Federal Code**

Laws are classified—that is, codified—by subject or topic in volumes called *codes*. These codes group the laws by subject and show all subsequent amendments. You will use an *annotated code* (discussed later in this section) when you want to locate statutes with all of their amendments and deletions, along with notes of decisions applying the statute.

To locate laws efficiently, you need a basic understanding of how the codes are organized. Federal laws are collected and organized by subject matter into *50 titles*. There is no magic to the number 50. The federal government decided on 50 topics in the 1920s and has retained the same arrangement ever since, even though a few of the topics have never been used. Each title of the federal code is further divided into subdivisions called *chapters* and *sections*.

For example, federal laws pertaining to age discrimination in employment are classified under title 29, which is the title designated for laws concerning labor; chapter 14, Age Discrimination in Employment; and section 623, Prohibition of age discrimination. The citation to the code reads 29 U.S.C. § 623—you omit the chapter number in the citation and retain the section number.

Recall that in addition to placing similar laws together under topics, codes also incorporate amendments and indicate repeals. Since some laws apply to more than one subject, you may have to check more than one place in the code. Codes can be built around any subject arrangement; some state codes use lots of topics, others use only a few.

**Print Sources of the Federal Code**

The federal code is found in these publications:
- *United States Code* (USC), the official code for federal laws
- *United States Code Service* (USCS), published by LexisNexis
- *United States Code Annotated* (USCA), published by West
For statutory research, you will probably want to use an annotated code, which contains the same text and title and section numbers as the official USC, and also provides notes of cases that have construed the statutes and references to regulations and secondary sources. An annotated code includes cross-references to related sections within the code and refers you to the research tools provided by its publisher.

**United States Code**
The USC is published by the U.S. Government Printing Office. The set is recompiled every six years, using the same 50 subject categories or titles. Congress has deemed the USC to be prima facie evidence of the law. While the USC has the advantage of being official, the unofficial USCA is a more helpful research tool.

The USC and the USCA each contain the text of the law. However, the USC does not give citations to cases that have interpreted the statutes. Moreover, the USC may not be as current as you need. It is reissued every six years, with cumulative annual supplements between the new editions. In reality, the annual cumulative supplements do not appear in the library until eight months to two years have passed. Therefore, if you rely only on the USC, you will miss current laws, amendments, and deletions.

Note that both *The Bluebook* and the *ALWD Citation Manual* recommend citing the official code when possible.

**United States Code Annotated**
The USCA is an excellent example of the West publishing philosophy. West believes in providing as much information as possible and giving researchers tools that help them use that information efficiently and effectively. The USCA fills more than 200 volumes and provides researchers with citations to cases and a wide variety of other references. Because the statutory text is editorially enhanced with notes and references to other research materials, the USCA is easy to use and an entry to a system of statutory research.

Directly following the text of the statute in the USCA, you find the history of the statute. It indicates, in parentheses, when the law was originally passed and when it was amended or repealed. It provides citations to the origin of the text in the *Statutes at Large* as well as references to amendments. The historical notes also provide detailed information regarding specific textual changes. All this information can be extremely helpful when a law has gone through several revisions.

The USCA provides cross-references to related and qualifying laws. Other references indicate where corresponding legislative history can be located in USCCAN. In addition, you will find citations to the *Code of Federal Regulations* (CFR), which is the official regulatory code.

The Library References section provides applicable West topics and key numbers and citations to *Corpus Juris Secundum* (CJS), a West legal encyclopedia. West’s topics and key numbers give you access points into the West digests. The USCA also contains references to other relevant materials published by West, such as *West’s Federal Forms*.

The USCA is known for its abundance of annotations of court and administrative decisions. Annotations are one-sentence summaries, written by West attorney-editors, that indicate how courts or administrative bodies have interpreted a law. The case citation appears at the end of
Chapter 3

Winning Research Skills

each annotation. (The USCA database on Westlaw includes hypertext links to many annotated references.)

You will occasionally see an annotation to an attorney general opinion. Although these opinions are only persuasive, they can be useful. Some statutes have been interpreted by the courts so many times that West provides an index to the annotations. Some statutes may not have been the subject of litigation and, therefore, will not have any annotations.

**Finding a Statute in the USCA**

Here are some tips that will help you use the USCA in print:

- When you need a specific statute but know only the subject of the law, you will need to use the multivolume *General Index*. It is important to consider alternative terms when using the index. The index includes many cross-references that can lead you to the correct section.

- If you know the popular name of an act or its acronym, such as the Freedom of Information Act (FOIA), you can check the Popular Name Table located at the end of the *General Index*. The popular name of an act is the name by which it is commonly known. Sometimes, an act is commonly known by the name of its author. For example, the Sarbanes-Oxley Act of 2002 is named after its authors in the Congress.

- If you approach the USCA with either the public law number or the *Statutes at Large* citation, you can check the volume labeled *Tables* at the end of the set. These tables translate the public law number and the *Statutes at Large* citation (broken down into the law’s component section numbers) into the corresponding USCA citation.

**Updating the USCA**

The constant possibility of change in legislation means that you must always check a law for recent changes. Look at the publication date (copyright date on the back of the title page) of the hardbound volume of the USCA to determine whether a law needs updating.

These publications can help you check for changes in legislation:

- **Pocket Parts**
  To check for amendments, deletions, and new annotations that have appeared since the bound volume was published, refer to the supplementary pamphlets inserted in the back of each volume; these are called *pocket parts* because they fit into pockets in the cover of each volume. The pocket parts are arranged by the same section numbers as the bound volume. Always check the pocket part!

- **USCA Statutory Supplements**
  Because pocket parts to the USCA appear only once a year, there are times when a new law or amendment is not yet included. To fill this gap, the USCA issues bimonthly noncumulative pamphlets that contain the newest laws and amendments arranged in USCA classification form. All the new annotations also appear in these pamphlets. Usually, two additional pamphlets will be issued as needed. These are the USCA statutory supplements containing all amendments to the code through the last law of the session signed by the president. These two pamphlets are not arranged in USCA classification form, but are in public law form. Late in any given year, you will have to check the main USCA volume, the pocket part, and each of the year’s pamphlets. Many people forget to check the pamphlets. Don’t be one of them!
When we discussed the West publication USCCAN, we noted that the bound volumes were supplemented on a monthly basis. You can also use these monthly supplements to USCCAN to update the code. The laws in USCCAN are arranged in chronological order as they were passed by Congress.

**State Legislation**

Much of our discussion of the forms of publication of federal legislation also applies to the publication of state legislation. Most states publish their statutes initially in a slip law format. Many states publish slip laws in the form of *advance sheets*, which are softbound supplements to a code. All states publish bound session laws. Most states publish a bound official code, and at least one annotated code is published for every state. Court rules and constitutions, along with the laws, are usually included in state codes. State codifications may be called *codes, revisions, compilations, or consolidations*, and their format and numbering systems vary from state to state.

Westlaw offers multistate and individual jurisdiction databases containing statutes and other legislative materials. For example, the State Statutes–Annotated database (ST-ANN-ALL) provides statutes from all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, plus annotations. Statutes for individual jurisdictions are found in databases with the identifier XX-ST-ANN, where XX is a jurisdiction’s two-letter postal abbreviation.

The Multistate Legislative Service database (LEGIS-ALL) provides documents passed by the legislatures of all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, along with selected documents proposing legislation by initiative or proposition. Information from individual jurisdictions is found in databases with the identifier XX-LEGIS, where XX is a jurisdiction’s two-letter postal abbreviation.

**Federal and State Constitutions**

The Constitution of the United States is the foundation of our government and legal system. Because the Constitution is an expression of organizational structure, guiding principles, and fundamental rights and responsibilities, most of the rules of what is commonly called *constitutional law* have been articulated by the courts. The U.S. Supreme Court is the final authority on issues of constitutional law.

Staying current with amendments to the U.S. Constitution is not a problem, but locating cases that have applied a particular constitutional provision can be a trial.

You can locate the Constitution in the USC and in separate volumes of the USCA. Using the annotated code may be the easiest way for you to find citations to cases interpreting the Constitution. The USCA provides extensive coverage by including annotations to federal and state decisions regarding each article or amendment to the Constitution.

The *United States Supreme Court Digest* and the federal court case law digests will also help you locate cases involving issues of constitutional law. Most constitutional provisions have been interpreted so frequently, however, that you will need help synthesizing the information. Fortunately, you can turn to secondary sources such as legal treatises, encyclopedias, and periodicals.
State constitutions contain provisions that parallel most of the fundamental rights guaranteed by the U.S. Constitution. There is an interrelationship between a state’s constitution and the U.S. Constitution. In some areas of the law, such as an individual’s right to privacy, the protection offered by a state constitution may exceed what has been held to be available under the U.S. Constitution. State constitutions can usually be found in the printed state codes. On Westlaw, the constitutions for most states are available in the state statutes databases.

**Court Rules**

Court rules guide the operation of courts. Court rules typically cover such matters as forum selection, commencing an action, pleadings, discovery, jury selection, the trial, and the judgment. The various federal court rules may be found in a variety of practitioners’ manuals, rules services, and formbooks.

Among the most accessible sources of court rules are the USCA special volumes accompanying title 28, Judiciary and Judicial Procedure, and title 18, Crimes and Criminal Procedure, which contain the federal court rules, including the Federal Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, and Evidence.

On Westlaw, the Federal Rules database (US-RULES) contains rules from the USCA. State court rules are found in databases with the identifier XX-RULES, where XX is a state’s two-letter postal abbreviation, e.g., FL-RULES.

**Conclusion**

This chapter explained how to find federal laws as they are passed by Congress and organized into the federal code. We discussed several legislative document publication formats, each of which is suited to a different purpose. We also touched on state legislative materials, constitutions, and court rules. Although you may not need to perform much legislative research during your first year of law school, the information in this chapter will come in handy in upper-level courses and as you begin to practice.
Chapter 4

Fundamentals of Administrative Law

To provide detailed guidance regarding the implementation and enforcement of legislation, the U.S. Congress and state legislatures delegate some of their power to administrative agencies. For example, consider the Federal Aviation Administration (FAA). Congress wants to establish laws governing air travel, but realizes that it does not have the time or technical expertise to promulgate specific rules and administer the law. Hence, Congress delegates authority to the FAA, while retaining oversight responsibility and budgetary power over the agency.

Agencies such as the FAA are part of the executive branch of government and are responsible for promulgating and enforcing regulations derived from statutes. Regulations issued by executive agencies are legally binding and affect virtually everyone. Administrative agencies also conduct hearings and issue orders, licenses, and advisory opinions. These functions are called quasi-judicial because the agencies act like courts.

If you take a law school course in administrative law, you will learn about the procedures through which the agencies exercise their power and the checks that other branches of government have on the executive branch.

In this chapter, we will give you a brief look at administrative materials. We will examine the materials of federal agencies, their rules, and their power to adjudicate disputes. The president’s lawmaking actions will also be noted. State materials are discussed briefly at the end of the chapter. Information about performing research using the administrative law resources available on Westlaw is provided in Chapter 11.

Official Publications of Federal Regulations

The U.S. Government Printing Office issues two official publications that contain federal administrative regulations: the daily Federal Register and the annual Code of Federal Regulations. You need to understand both publications, as well as how they relate to each other.

Federal Register

The Federal Register (Fed. Reg.) has been published daily since 1936. The largest section of the Federal Register is the notice section, which contains information such as proposals of new regulations, calls for public comment, agency orders and opinions, notices of personnel changes...
within agencies, and calendars of meetings. Final regulations are published chronologically. The *Federal Register* also publishes some documents issued by the office of the president, such as presidential proclamations and executive orders.

The *Federal Register* may fill as many as 50,000 pages a year. Because it occupies a huge amount of shelf space—despite the small size of its typography—you will easily be able to locate it in the law library. If you plan on pursuing a career in a heavily regulated practice area, you'll do well to familiarize yourself with using the *Federal Register* while you are a student.


**Code of Federal Regulations**

Adopted regulations are first published chronologically in the *Federal Register* and subsequently arranged by subject in the *Code of Federal Regulations* (CFR). Proposed regulations do not appear in the CFR. The entire CFR is recompiled annually—new regulations are added, changes to existing regulations are incorporated, and regulations that have been withdrawn are deleted.

The CFR is organized by title. Each title represents a broad subject. Therefore, when you need to find federal regulations by subject, look to the CFR.

Each title of the CFR is divided into chapters; each chapter is devoted to the regulations of a particular agency. The chapters are further divided into parts, consisting of a set of regulations pertaining to a particular topic or agency function. Parts are divided into sections (the basic unit of the CFR), and if further breakdown is necessary, into paragraphs.

Two sets of notes provide administrative history information for a regulation (Figure 4.1).

- The authority note prefaces each part of the CFR. The authority note indicates the statutory authority under which the regulations are proposed or issued. Remember that regulations are adopted to implement legislation.
- A source note, which lists the volume, page, and date of the *Federal Register* in which the regulation was published, follows the authority note.

The CFR is published each year in four installments as follows:

- Title 1 through Title 16—through January 1
- Title 17 through Title 27—through April 1
- Title 28 through Title 41—through July 1
- Title 42 through Title 50—through October 1

Because of these staggered dates, you must be careful to check the softbound cover of each title to determine the date of revision.

All 50 titles constituting the current CFR are available on Westlaw in the Code of Federal Regulations database (CFR).
Figure 4.1: Authority and source notes in the CFR
Chapter 4

Using Print Sources to Find Federal Regulations

There are several print publications that will help you identify regulations that are relevant to you.

Indexes to the Federal Register and the CFR

- The Federal Register has several indexes, primarily organized by agency: a daily index containing a table of contents, monthly and quarterly indexes, and an annual index.

- The CFR includes a volume called the CFR Index and Finding Aids, which is revised once a year. This index is primarily an agency index rather than a subject index. However, you can look to the useful Parallel Table of Authorities and Rules in the CFR Index and Finding Aids volume. This table (Figure 4.2) helps you identify CFR citations when you have a United States Code (USC) citation.

Figure 4.2: Parallel Table of Authorities and Rules
Annotated Codes
If you are working with a federal statute, the easiest way to identify regulations is to use the *United States Code Annotated* (USCA), which includes citations to the CFR. For example, federal law on warranties can be located in 15 U.S.C.A. § 2301. The references in this section of the USCA point you to 16 C.F.R. § 700.1 and 42 C.F.R. § 1001.952 (Figure 4.3).
Using Print Sources to Update the CFR

Using print sources to update the CFR is a mechanical process. Follow the instructions below.

1. Look up your section in the most recent CFR paperback volume. Note the date of revision on the front cover.

2. Consult the most recent monthly List of CFR Sections Affected (LSA) pamphlet to see if your CFR section is listed. The LSA directs you to changes in the CFR that were published in the Federal Register. Entries for rules are arranged numerically by CFR title, chapter, part, section, and paragraph. If there has been a change, the LSA will refer you to the pages in the Federal Register on which the change is published. There will also be a descriptive word or phrase indicating whether the change was an addition, revision, or removal. Make certain the coverage of the LSA pamphlet begins the day after the date of revision on the paperback CFR volume, and note the month printed prominently on the front of the LSA.

3. Consult the last issue of the Federal Register for each complete month since the month on the cover of the LSA pamphlet. Check the CFR Parts Affected During [month] table near the back of the issue. This table cumulates throughout the month, so you only need to check the last issue for each month.

4. Consult the most recent issue of the Federal Register available and check the CFR Parts Affected During [month] table near the back. Note the date of the issue.

5. Finally, remember to check to see if the regulation is still valid. Using the KeyCite citation research service on Westlaw, check for cases that have cited the regulation and determine how the regulation has been treated.

Administrative Decisions

In addition to promulgating regulations, agencies also issue orders and adjudicate disputes. Agencies report their decisions just as courts do. The official reports of federal administrative agencies are published by the U.S. Government Printing Office.

Administrative decisions and other official documents issued by many federal and state agencies can be located in various looseleaf services, so named because they are published in binders with removable pages. A looseleaf service is kept current with new pages. There are two common formats for looseleaf services. The newsletter format adds new pages at the end of each unit. A different format replaces pages that are out-of-date in addition to adding new information. The information in many looseleaf services is now available online as well.

The Federal Administrative Materials All database (FADMIN-ALL) contains all federal agency documents currently available on Westlaw. Coverage varies by agency and document type.

Presidential Documents

The president can direct agency action by issuing executive orders. The president can also issue proclamations that may be either ceremonial or substantive. Both types of actions have the effect of law.

The Federal Register contains presidential documents including proclamations and executive orders as well as other documents that the president orders to be published, such as
determinations, letters, memoranda, and reorganization plans. All executive orders and proclamations published in the Federal Register are compiled annually in title 3 of the CFR and in West’s U.S. Code Congressional and Administrative News. Presidential documents are included in the Presidential Documents (PRES), USCCAN, CFR, and FR databases on Westlaw.

State Administrative Law Materials
Administrative powers comparable to those of federal agencies are vested in state agencies, based upon the power of the states to regulate their internal commerce. Typical state agencies include state public service commissions, environmental protection agencies, and labor relations boards.

Many states have administrative codes similar in format to the CFR and administrative registers similar to the Federal Register. However, state administrative materials are frequently more difficult to obtain than federal materials. Often the agency itself is a good source for its regulations and administrative decisions. You might obtain materials directly from the agency that are not commercially published.

Westlaw offers a range of state administrative materials, including administrative codes for all 50 states and the District of Columbia; coverage varies by jurisdiction. For a complete, current list of Westlaw databases in this area, refer to the Westlaw Directory.

Conclusion
If researching administrative law seems intimidating, that is probably because the area is unfamiliar. As you become more experienced with the materials described in this chapter, you will find that they are very useful and relatively easy to use. Keep in mind that online services such as Westlaw often provide the most accessible, comprehensive, and current information about administrative law.
You will often find it helpful to begin your research by using secondary sources of legal information. These sources include a wide variety of publications, such as treatises, restatements, legal encyclopedias, legal periodicals, dictionaries, practice materials, and formbooks. Although secondary sources are sometimes referred to as secondary authority, it is important to note that secondary authority is not the law and is not binding on the courts.

Different secondary sources serve different purposes. Law reviews, for example, are a forum for scholarly analysis and include many citations to relevant sources. Legal encyclopedias provide overviews of legal theories and doctrines organized by subject. Hornbooks provide concise summaries of legal principles, and bar association journals tend to focus on issues of current interest to their membership and the legal profession generally.

In this chapter, we’ll introduce you to some of the secondary sources that you are most likely to encounter in law school and describe how to use them in print. Many of the publications discussed below are also available on Westlaw. For information about researching secondary sources on Westlaw, refer to Chapter 13.

**American Law Reports**

*American Law Reports* (ALR), published by West, is often an ideal starting place for your research. ALR is known for its annotations, each of which is a research brief summarizing case law relevant to a specific legal point. Articles provide an objective analysis of different sides of an issue. Because cited cases are listed by jurisdiction, you can quickly identify authority that is relevant to you. Research references also guide you to related material in formbooks published by West. Many annotations include suggested queries that will help you search Westlaw for related information on a topic.

ALR does not attempt to cover every possible legal topic. Generally speaking, topics covered in ALR are those the editorial staff believes to be of widespread interest to attorneys.

ALR includes several series, as shown in the following table. In general, if you are dealing with a federal problem, you will use ALR Federal First or Second series. If your issue is one arising primarily under state statutes or state case law, you will use the ALR Third, Fourth, Fifth, or Sixth series.
Annotations in ALR are revised as the law develops. For example, the annotations in the First and Second series of ALR were written before 1965, and many of them have been superseded by annotations in subsequent series.

**Accessing ALR**

You can access ALR by using the multivolume print *Index to Annotations*, which provides subject access to all of the ALR series (except ALR1st). When you look up an annotation in an ALR volume, you will find features such as

- an outline of topics for the annotation
- analysis of cases and statutes, where the holdings of cases are summarized and the weight of authority is noted along with the direction of trends
- a word index of topics for the annotation
- a table of jurisdictions represented
- references to treatment of the issue in other publications such as texts and treatises, practice aids, digests, and law review articles. (As a supplement to ALR4th and as part of the annotations of ALR5th and ALR6th, these references have been expanded to include citations to West topics and key numbers and sample electronic searches.)

**Updating Your Research in ALR**

To update your research in ALR using print publications, consult the Annotation History Table, located in the *Index to Annotations*. This table will tell you whether an annotation has been superseded. Always check the Annotation History Table when you are performing research using ALR—you do not want to spend your time on an outdated annotation.

When you have identified a relevant annotation, check for updates to the cases that it cites. Refer to the following table:
The full text of annotations included in the ALR First, Second, Third, Fourth, Fifth, and Sixth series and the ALR Federal First and Second series, and the Index to Annotations covering these series, are available on Westlaw in the American Law Reports database (ALR).

**Legal Encyclopedias**

Legal encyclopedias are very helpful as a source of background information, as well as citations to primary law and other sources. Legal encyclopedias are similar in concept and organization to general encyclopedias, offering summaries and descriptions of alphabetically ordered topics. They are updated by pocket parts and replacement volumes. Subject-matter indexes make access to the multivolume sets easy. You’ll do well to turn to an encyclopedia when you begin a research project in an unfamiliar area of the law.

West publishes two national legal encyclopedias, *Corpus Juris Secundum* (CJS) and *American Jurisprudence 2d* (Am Jur 2d), each of which is widely cited and quoted.

**Corpus Juris Secundum**

CJS provides a contemporary statement of American state and federal law as derived from reported cases and legislation. General rules of law are summarized in “black letter” headings and expanded upon in the text. The articles also include discussion of limitations and exceptions to legal rules, where appropriate. Citations to cases include references to West topic and key numbers, making it easy for you to expand or focus your research on specific legal issues. The volumes are updated annually with pocket parts. The Corpus Juris Secundum database (CJS) on Westlaw offers the full text of the encyclopedia.

**American Jurisprudence 2d**

Am Jur 2d provides summaries of the broad principles of all fields of American state and federal law. The articles include citations to supporting cases, cross-references to related annotations, forms, and suggestions for trial techniques and other practice-oriented information. A ring-bound volume, the *New Topic Service*, updates the set with articles covering new and rapidly evolving areas of the law. The full text of Am Jur 2d is included in the American Jurisprudence 2d database (AMJUR) on Westlaw.

**State Legal Encyclopedias**

Many states have an encyclopedia that organizes and discusses points of law applicable in that particular jurisdiction. State encyclopedias provide a great way to identify useful references to state cases, statutes, and formbooks. West publishes several state encyclopedias that provide
references to West topics and key numbers, making it easy to access information in the state
digests.

Restatements
Restatements are written by distinguished scholars under the auspices of the American Law
Institute (ALI). They cover 12 fields of law, several of which are typically encountered in first-
year law school courses (e.g., contracts, torts, and property). The objective of the restatements is
to define what the law is on a particular subject. Each section begins with a boldface statement
of principles, followed by comments intended to explain the statement. Although the
restatements are widely respected and frequently cited, restatements in some fields have been
criticized for stating what the law ought to be rather than what it is.

Your law school courses may have already introduced you to restatements. Pertinent excerpts
from restatements are often included in casebooks or reprinted as supplements to your
casebooks.

The complete text of all available restatements of the law, various tentative drafts and proposed
final drafts of the restatements, and tentative draft-related documents from the ALI Reporter are
included in the Restatements of the Law database on Westlaw (REST).

Treatises, Hornbooks, and Nutshells
Treatises are books that describe an area of law, such as contracts, estate planning, or federal
practice and procedure. Many treatises provide historical analysis, summaries of legal doctrines
and developments, and statements of the current law. Other treatises are designed to be
pragmatic guides to practice in a difficult or rapidly changing field. A treatise may consist of a
single volume or multiple volumes.

West publishes a series of treatises called the Hornbook Series. A single-volume treatise that
provides a concise description of the law on a specific subject may be referred to as a hornbook.
The term hornbook law is often used to refer to points of law that are well settled by the courts.

West publishes a series of paperback books called the Nutshell Series. Each book is devoted to a
single legal subject. Nutshells present topics in a simplified format; they are an excellent
introduction to a subject.

Legal Dictionaries
The legal field has its jargon, and the need for a law dictionary is constant. Probably several
legal dictionaries are available in your library. The most prominent are Black’s Law Dictionary
and Words and Phrases, both published by West.

Black’s Law Dictionary, first published in 1891, has been revised in the current, eighth edition.
It provides more than 43,000 definitions, including 17,000 definitions not included in the
previous edition, as well as a new appendix containing legal abbreviations. Prominent legal
historians and scholars have examined every entry for accuracy and stylistic clarity. You’ll
appreciate the easy-to-use pronunciation guide, which will help you repeat with aplomb the
Latin phrases and archaic terminology that spice older judicial opinions.
The complete contents of *Black’s Law Dictionary*, Eighth Edition, including terms and their definitions, groupings of related terms and their definitions, and an appendix providing translations of legal maxims, is contained in the Westlaw database BLACKS.

*Words and Phrases* is an expanded multivolume dictionary. It contains hundreds of thousands of judicially defined terms, arranged alphabetically. It can be used to locate cases that have defined a particular term.

**Law Reviews**

Law reviews provide comprehensive analysis by scholars and legal professionals of developments and issues in the law. You’ll find that the footnotes in law review articles are a treasure trove of citations to relevant sources. Law review articles are themselves cited extensively. Law reviews also generally include a “Notes and Comments” section, which contains articles written by students.

The field of law is unusual—and perhaps unique—in that some of the field’s most prestigious journals of scholarship and research are edited by students. Every law school has at least one law review. Many of these will be collected by your law school library.

On Westlaw, materials from law reviews, continuing legal education (CLE) course handbooks, and bar journals are available in the Journals and Law Reviews database (JLR).

**Practice Manuals and Formbooks**

Practice guides and sample forms can be very helpful in your law school courses and in your work as a summer associate or clerk. A wide variety of pragmatic materials are available for state and federal practice. These materials typically provide a general summary of the law (case law, legislation, and regulations) and public policy, along with practice tips, examples, and forms. In heavily regulated areas, practice guides will often include detailed descriptions of the relevant regulatory authority and programs, along with guidance on compliance. Most practice materials are organized in an outline format.

**Conclusion**

Secondary sources are a valuable point of access to a broad, deep, and diverse range of legal information. Use them to familiarize yourself with complex or unfamiliar areas of the law and jump-start your research into primary sources.
Chapter 6

Getting Started on Westlaw

Westlaw is an interactive library and work space in which a continually expanding array of primary and secondary sources, exclusive editorial enhancements, and powerful research tools are linked and instantly available. This chapter describes how to sign on to Westlaw from the lawschool.westlaw.com home page and explains some basic Westlaw functions.

The lawschool.westlaw.com Home Page

From the lawschool.westlaw.com home page, you can
- sign on to Westlaw.
- access Westlaw help and tutorials.
- link to a wide variety of resources of particular interest to law students, such as information about events and Westlaw training opportunities at your school; The West Education Network (TWEN); and study aids.

Signing On to Westlaw

To sign on to Westlaw from the lawschool.westlaw.com home page, click Westlaw Research at the top of the page. Type your Westlaw password or your personalized username and password in the appropriate text boxes and click Sign On. The tabbed Law School page is displayed (Figure 6.1).

Registering Your Westlaw Password

As a law student, you must register your Westlaw password within six weeks after the first time you sign on to Westlaw. An easy-to-use template takes you through the registration process. To register
your Westlaw password, click **Register your password here** at the bottom of the sign-on page and follow the instructions.

**Figure 6.1: Tabbed Law School page**

### Using West OnePass

When you register your Westlaw password, you will be prompted to use West OnePass to create your own easy-to-remember username and password. With West OnePass, you can use a single username and password to access information and services from many West Web sites, including lawschool.westlaw.com, westlaw.com, west.thomson.com (the West home page), and westlegalcenter.com (West LegalEdcenter brings local and national continuing legal education programs right to your desktop). West OnePass offers the same security as your Westlaw password.

### Signing Off from Westlaw

You should sign off from Westlaw before exiting your browser. Click the **Sign Off** button, which is available at the top of every Westlaw page. A message is displayed indicating the time you spent searching on Westlaw or the number of transactions you performed. Click **Sign back on** to sign on to Westlaw again.

### System Requirements

The system requirements for using Westlaw are:

- Windows Vista, XP, or 2000; or Mac OS 8.5 or later
- Microsoft Internet Explorer 6.0 or later, Netscape 7.0 or later, Firefox 1.0, Safari 1.1 or later
Cookies enabled
JavaScript enabled
800 x 600 or higher screen resolution (1024 x 768 or higher screen resolution recommended)
Frames fully supported and pop-ups allowed

Tabbed Pages
Tabbed pages in Westlaw are organizational tools that help you focus your research and save time. The tabbed Law School, Westlaw, and Business and News pages are starting places for your research. Each tabbed page provides shortcut links to common research tasks. Many tabbed pages offer a Search section, which enables you to enter search terms, select a database, and run your search from a single page, or a Resources section, which contains links to a variety of databases.

Several tabbed pages are designed specifically for law students with particular interests, such as the tabbed Law Review, Summer Associate, and Moot Court pages.

Other tabbed pages can be a convenient starting place for your research
- in a particular practice area (e.g., criminal, environmental, intellectual property, or products liability law).
- in a particular U.S. jurisdiction (e.g., an individual state or a federal circuit).
- focusing on materials from the European Union, the United Kingdom, Canada, or other jurisdictions outside the United States.

Customizing Your Research Environment
You can customize your research environment by selecting other tabbed pages, each of which you can use as a starting point for your research. Each page you select is represented by a tab on the toolbar.

To select a tabbed page, follow these steps:
1. Click Add/Remove Tabs at the top of any page. A list of available tabbed pages is displayed. To preview a page, click the page name.
2. Select the check box next to the name of each page that you want to have available when you sign on to Westlaw.
3. Click Next. A list of the tabbed pages you’ve chosen is displayed.
4. Select the tabbed page that you want to be your default page (the page that is displayed when you access Westlaw).
5. Click Save.

You can repeat these steps any time during your research to add or remove tabbed pages.
Chapter 6

Personalizing Tabbed Pages
Most tabbed pages (with the exception of the Westlaw page and a few others) can be personalized by adding or removing options in the right or left frame, based on the research tasks you frequently perform.

The tabbed pages that you personalize are listed in the *Personalized* section of the Manage Tabs page. To change the name of a personalized page, click *Properties* next to its entry in the list. To delete a personalized page, click *Delete*.

Adding and Removing Shortcut Options
Shortcuts provide the fastest ways to retrieve and check documents on Westlaw. To personalize the shortcuts in the left frame of your tabbed custom pages, complete these steps:

1. Click *Edit* in the *Shortcuts* section. The Edit: Shortcuts page is displayed from which you can add and remove options.

2. To add an option, select its check box; to remove an option, clear its check box. To see what choices are available for a specific option, click its hypertext link (e.g., *Find by citation*). A second Edit page is displayed from which you can also add and remove options. If you make any changes at this page, click *Save* to save your changes and return to the Edit: Shortcuts page.

3. When you are finished making your selections at the Edit: Shortcuts page, click *Save*. The *Shortcuts* section now includes your selections.

To return a tabbed custom page to its original settings, click *Restore Default Settings*.

Adding and Removing Search or Resources Options
Search and Resources options include the databases you can access and features you can use to help you search these databases. To personalize the search options in the right frame of your tabbed custom pages, complete these steps:

1. Click *Edit* in the *Resources* section or in the *Search* section. An Edit page is displayed from which you can add and remove options.

2. To add an option, select its check box; to remove an option, clear its check box. To see what choices are available for a specific option, click its hypertext link. A second Edit page is displayed from which you can also add and remove options. Click *Save* to save your changes and return to the first Edit page.

3. When you are finished making your selections at the first Edit page, click *Save*.

To return a tabbed custom page to its original settings, click *Restore Default Settings*.

Sharing a Tabbed Page with Others via E-Mail
Tabbed pages, including those you have personalized, can be shared with others via e-mail. As law students, you may find this feature useful in study groups or in your work with the moot court or law review.

Sending a Tabbed Page
To send a tabbed page via e-mail, follow these steps:

1. Click *Add/Remove Tabs* at the top of any page. The Manage Tabs page is displayed.
2. Click *Send a tab to other Westlaw users*. 

Winning Research Skills
3. Select the check box next to each page you want to send and click **Next**.
4. Type the address information requested and click **Send** to e-mail the selected pages to one or more colleagues.

**Receiving a Tabbed Page**
To add the tabbed pages sent to you via e-mail to your Westlaw interface, open the e-mail message and click **Save All Tabs**, or click **Save Tab** next to each page that you want to add. Clicking a link in the e-mail message opens your browser and displays the Westlaw sign-on page (or the Save Tabs page if you are already signed on to Westlaw). Click **Preview Tab** to view the tabbed page without saving it. The links in the e-mail message expire after two years.
To decline all tabbed pages that are sent to you, close or delete the e-mail message.

**Choosing Your Research Preferences**
The Preferences pages allow you to customize many aspects of your research session, such as settings for document display, result list display, search method, document delivery, and display of KeyCite information. To access the Preferences pages, click **Preferences** at the top of any page. The location and pricing preferences are displayed in the right frame (Figure 6.2).

For other preferences, click the Westlaw feature or service in the left frame. Use the drop-down lists, buttons, and check boxes to customize Westlaw for your research needs, then click **Save Changes**. Note that some changes take effect the next time you sign on to Westlaw or use a particular Westlaw feature or service.
Chapter 6

**List of Preferences**
The following list shows some of the Westlaw settings that can be customized at the Preferences pages:

- **Location and Pricing**
  - Select time zone.
  - Select date format (American or British style).
  - Select Find jurisdiction (specifies the publication country for documents retrieved by citation, including KeyCite documents).
  - Select pricing methods for printing documents and searching on Westlaw (not applicable to law students).

- **Change Client ID**
  - Assign new client identifier to current research session.

- **Document Display**
  - Select Welcome to Westlaw page.
  - Select Westlaw Directory view (directory listings displayed in Web view or tree view).
  - Select page view (split screen or full screen).
  - Display Westlaw Directory at sign-on.
  - Display referenced documents in the Link Viewer.
  - Display the result list after search is run.
  - Display prompts during query formulation and browsing.
  - When using assistive technology, read text for each document in the result list.
  - Display or print Star Paging numbers in documents.
  - Display Star Paging breaks in documents.
  - Automatically display images in search results online.

- **Result List Display**
  - Display or hide search terms in result list.
  - Choose number of words to display before and after Terms and Connectors search terms in the result list.
  - Choose number of citations to display in the result list.
  - Choose sort order for documents retrieved by Terms and Connectors searches in NewsRoom databases.
  - Choose sort order for documents in Docket result list.
  - Choose sort order for documents in Medical Litigator result list.

- **Search**
  - Select a default search method.
  - Set number of Natural Language documents to be retrieved.
  - Select ranking of documents in Terms and Connectors search result.
  - Allow Terms and Connectors searches to be interrupted.
• Receive warning that Terms and Connectors search may retrieve large result.
• Edit More Like This and More Like Selected Text searches.
• Identify duplicate documents.
• Display Smart Tools.

■ Print and Download
• Include highlighted search terms, images, hypertext links, cover page, duplicate documents, index terms, KeyCite flags, and list of briefs or motions in your results.
• Include KeyCite full history, direct history (graphical view), and citing references in your results.
• Select time of delivery of your results.
• Specify settings for your delivery destinations.

■ KeyCite
• Display parallel citations, West headnote numbers, and official reports headnote numbers for citing references.
• Display KeyCite Notes icon in text of documents.

■ Alerts
• Choose order of Alert Center services.
• Specify maximum number of lines and documents per WestClip, Docket Alert, and Agency Tracking results.
• Specify format of WestClip, Docket Alert, Docket Track, and Agency Tracking results.
• Specify destination for WestClip, KeyCite Alert, Docket Alert, Docket Track, Profiler Alert, and Agency Tracking results.
• Specify type of history to be retrieved in KeyCite Alert results.
• Specify frequency with which document is checked in KeyCite Alert.
• Include citing references in KeyCite Alert results.
• Include full text of new documents in KeyCite Alert and Profiler Alert results.
• Retrieve notification of no KeyCite Alert or Profiler Alert results.

■ Trail
• Specify e-mail information, including address, subject line, and delivery format.
• Include research trail notes in e-mail messages.
• Automatically delete or e-mail research trail at sign-off.

Using the Research Trail
The Research Trail feature makes it easy to keep track of your Westlaw research and return to research tasks you completed previously.

A new research trail is automatically created each time you access Westlaw and automatically saved when you end your research session. Each research trail associated with your password is available for 14 days after it is saved. You can click an item in a research trail to return to that information.
You can download a research trail or send it to a colleague via e-mail. Hypertext links allow you to jump from the research trail to a document or search result on Westlaw.

**Viewing a Research Trail**

**Viewing the Current Trail**

To view the research trail for the current Westlaw session, click *Research Trail* at the top of any page. Information about the tasks you’ve completed during the current session is displayed, including the citations of documents you retrieved and the Westlaw databases and services you used (Figure 6.3).

**Viewing a Previous Trail**

To view all research trails associated with your Westlaw password from the last 14 days, click *List of All Research Trails* at the Research Trail page. If you do not return to a research trail within 14 days, it is removed from the list. To save a research trail for an additional 14 days, click *Reset*.

**Adding Notes**

The Notes feature enables you to create notes about a particular task or research session. You can use these notes as a personal record or share your notes with others.

To add a note, follow these steps:

1. While viewing a research trail, click *Add Note* for the research event to which you want to add a note.
2. Type your note in the *Text* box and click *Add Note* to return to the Research Trail page. To view the note, click *View Note* in the *Notes* column.
Delivering a Research Trail
You can e-mail a research trail to one or more addresses or download it as an HTML (Hypertext Markup Language) file, then view it in your browser or word processor.

E-Mailing a Trail
To e-mail a research trail, complete these steps:
1. Do one of the following:
   • To e-mail the current research trail, click Current Research Trail, if necessary, at the Research Trail page. Then click E-Mail Trail.
   • To e-mail a previous research trail, click List of All Research Trails at the Research Trail page. Click the name of a research trail to open it, then click E-Mail Trail.
2. Type one or more e-mail addresses, separated by semicolons, in the E-mail address(es) text box.
3. If you want, type the subject of the e-mail in the Subject text box. This text will be displayed in the subject line of the e-mail message.
4. Type a message to accompany the research trail in the Notes text box. This text will be displayed in the body of the e-mail message.
5. Select or clear the Attach Trail Summary Notes check box to include or exclude trail notes from the research trail.
6. From the Delivery Format drop-down list, select the format in which you want the research trail to be displayed in the e-mail message.
7. Click Send.

Downloading a Trail
You can download a research trail as an HTML file. When you view the trail in a browser or word processor, you can click the hypertext links in the trail to jump to a document or search result on Westlaw.

To download a research trail, complete these steps:
1. Do one of the following:
   • To download the current research trail, click Current Research Trail, if necessary, at the Research Trail page. Then click Download Trail.
   • To download a previous research trail, click List of All Research Trails at the Research Trail page. Click the name of a research trail to open it, then click Download Trail.
2. Select or clear the Attach Trail Summary Notes check box to include or exclude trail notes from the downloaded trail.
3. Click Download. A message instructing you to use your browser’s Save As feature is displayed. Click OK. The trail is displayed in a new browser window.
4. In the new browser window, choose Save As from the File menu to download the trail.
5. Choose the location for the file, and type a file name with an HTML file extension for your downloaded trail, e.g., torts.htm.
6. Click Save.
Chapter 6

Starting a New Research Trail

To start a new research trail during a Westlaw session, follow these steps:
1. At the Research Trail page, click New Research Trail.
2. If you want to change the research identifier associated with the trail, type a new identifier in the Change Client ID to text box. An identifier may consist of any character, except a semicolon, up to a maximum of 32 characters.
3. Type a name for the trail in the Enter new Trail Name text box. If you don’t type a name, the current date and time will be used to name the trail.

List of All Research Trails

To view a list of all research trails associated with your Westlaw password (or the username and password you created) from the last 14 days, click List of All Research Trails. From the list (Figure 6.4), you can rename or delete a trail, reset the date of expiration, and add trail notes.

![Figure 6.4: List of research trails](image)
Retrieving a Document on Westlaw by Citation or Title

There are several ways to quickly and easily retrieve a specific document on Westlaw. You can
  ■ use the Find service when you know the citation of the document,
  ■ access a database and restrict your search to the citation field, or
  ■ search using terms from the title of a document.

Using the Find Service
The Find service is available for many types of documents, including case law, statutes, regulations, administrative decisions, articles from publications such as law reviews and treatises, specialized materials (e.g., Occupational Safety and Health Administration inspection and enforcement reports), and materials published in foreign countries. You do not need to access a database to use Find.

Using Find at the Tabbed Law School Page
At the tabbed Law School page, type your citation in the Find by citation text box in the Shortcuts section of the page and click Go. To print the document immediately after it is retrieved, select the and Print check box.

Using Find at the Tabbed Westlaw Page
At the tabbed Westlaw page, type your citation in the Find this document by citation text box and click Go. To print the document immediately after it is retrieved, select the and Print check box.

Accessing Find from any Westlaw Page
You can click Find&Print at the top of any Westlaw page. The Find a Document page is displayed (Figure 7.1). Type your citation in the Find this document by citation text box in the left frame and click Go.
Winning Research Skills

Chapter 7

Selecting a Country of Publication for Find

The United States is the default country of publication for Find requests. When you want to use Find to retrieve information published in a country other than the United States (for example, an article from a legal journal published in the United Kingdom), you must specify the country of publication.

To specify a country for a particular Find request or a series of Find requests, select the appropriate country from the Publication Country drop-down list in the left frame of the Find a Document page.

You can change your default country of publication for Find requests by using Preferences. (For information on using Preferences, refer to Chapter 6.)

Using Find Citation Templates

Templates are available to assist you in entering a Find request. These templates are especially useful when you are not sure of the correct citation format.

Find citation templates for materials frequently used by law students are available from the tabbed Law School page. Click Find using a template in the Shortcuts section of the page.

A wide variety of Find citation templates (e.g., for federal and state case law, the U.S. Constitution and state constitutions, federal and state statutes, session laws, court rules and orders, and many other materials, including documents published in foreign countries) is available from the Find a Document page. Type the publication abbreviation in the Find this document by citation text box and click Go. A Find template is displayed. You can also access a Find template by typing a publication abbreviation in the Find by citation text box at the tabbed Law School page.
Using the Publications List

The publications list is a complete list of publications and abbreviations that can be used with Find.

To find a publication and its correct abbreviation, follow these steps:

1. At the Find a Document page, click **Publications List** in the left frame. The publications list is displayed (Figure 7.2).

2. Use the arrows at the top of the list to browse it, or use the Search feature to search the list for specific words or phrases. For example, to search for publications whose titles contain the phrase *NBC News*, select **Contains** and type “nbc news” in the text box. Then click **Search**. The first publication title containing the phrase *NBC News* is displayed at the top of the list. Click **Search** to display the next publication whose title contains that phrase.

![Figure 7.2: Publications list](image)

3. When you have identified a publication that you want to use in a Find request, click the publication name or abbreviation. A Find template is displayed with the selected publication abbreviation automatically entered.

Note: Abbreviations for law reviews and legal journals appear toward the end of the list. To go directly to this part of the list, select **Starts with**, type “law review” in the text box, and click **Search**.
Chapter 7

Tips for Using Find
Refer to this table for tips that will help you use Find effectively.

<table>
<thead>
<tr>
<th>Situation</th>
<th>Tip</th>
</tr>
</thead>
<tbody>
<tr>
<td>You want to use Find with a Westlaw citation.</td>
<td>Every case on Westlaw has a Westlaw citation. Each Westlaw citation has four parts: the year of the decision, the abbreviation WL (identifying Westlaw as the place the document is located), a unique document number, and the jurisdiction in which the case was decided. For example, to retrieve the unreported case that has the Westlaw citation 1995 WL 567369 (S.D.N.Y.), type 1995 wl 567369.</td>
</tr>
<tr>
<td>You enter a citation using a page number that is not the starting page of the document.</td>
<td>You will still retrieve the document. For example, if you want to retrieve Friends of Boundary Waters Wilderness v. Dombeck, 164 F.3d 1115, but type 164 f3d 1121, Westlaw will display the portion of the document where page 1121 begins. To view the first page of the document, use the scroll bar.</td>
</tr>
<tr>
<td>You enter a citation or docket number that is not unique.</td>
<td>If you enter a citation or docket number that is not unique, Westlaw lists all documents to which the citation or docket number refers. For example, if you type 65 fr 59717, the citations list shows three documents with this citation. Click the number next to the title of the document you want to view.</td>
</tr>
<tr>
<td>You want to retrieve the annotated version of a statutory document.</td>
<td>When you retrieve a statute using Find, you retrieve the annotated document, where available.</td>
</tr>
</tbody>
</table>

Find Examples

<table>
<thead>
<tr>
<th>Document type</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case law</td>
<td>121 sct 1711&lt;br&gt;dn 93-5026(cta2)</td>
</tr>
<tr>
<td>United States Code Annotated</td>
<td>16 usca 668</td>
</tr>
<tr>
<td>U.S. public law</td>
<td>us pl 108-9</td>
</tr>
<tr>
<td>Code of Federal Regulations</td>
<td>21 cfr 165.110</td>
</tr>
<tr>
<td>Federal Register</td>
<td>60 fr 57076</td>
</tr>
<tr>
<td>State statute</td>
<td>mi st s 445.1725&lt;br&gt;nh st s 507-b:11&lt;br&gt;ny gen bus s 398-c</td>
</tr>
<tr>
<td>Law review article</td>
<td>26 clmila 101</td>
</tr>
</tbody>
</table>

You can view additional information about using Find, including more U.S. and international citation examples, in the online Help Center. Click Find Tips in the left frame of the Find a Document page.
Using the Citation Field

Certain documents—such as historical statutes and regulations—cannot be retrieved using Find. When you have a citation to such a document, access the appropriate database and retrieve the document by restricting your search to the citation field (ci). The citation field is the part of a document containing citations for that document. When you restrict your search to the citation field, you specify that only that part of a document is searched.

Use this format to restrict your search to the citation field: ci followed by the term or terms in parentheses. Do not include the publication abbreviation. When your citation consists of two or more numbers, the components of a citation field search are as follows:

<table>
<thead>
<tr>
<th>the field to which you are restricting your search</th>
<th>title number</th>
<th>connector</th>
<th>section number</th>
</tr>
</thead>
<tbody>
<tr>
<td>ci</td>
<td>(26)</td>
<td>+5</td>
<td>1201</td>
</tr>
</tbody>
</table>

Suppose you want to retrieve the 1993 version of a section of the United States Code Annotated, e.g., 26 U.S.C.A. § 1201. Access the United States Code Annotated 1993 database (USCA93). At the database Search page, click the Terms and Connectors tab if that search method is not already selected. Then type ci(26 +5 1201) in the Search text box and click Search Westlaw. Compare the following examples of the citation field search format:

<table>
<thead>
<tr>
<th>Example</th>
<th>Analysis</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>ci(26 +5 1201)</td>
<td>Correct</td>
<td>This example shows the preferred format; it retrieves documents in which the number 26 precedes the number 1201 by five terms or fewer in the citation field.</td>
</tr>
<tr>
<td>ci(“26 u.s.c.a. 1201”)</td>
<td>Inefficient</td>
<td>This example retrieves the document; however, it is not the preferred format because it requires you to know the correct publication abbreviation.</td>
</tr>
<tr>
<td>ci(26 u.s.c.a. 1201)</td>
<td>Incorrect</td>
<td>Westlaw reads any space that is not within quotation marks as or; this query would search the citation field for 26 or u.s.c.a. or 1201.</td>
</tr>
</tbody>
</table>
Chapter 7

Additional examples are shown below.

<table>
<thead>
<tr>
<th>If you want to retrieve</th>
<th>Access this database</th>
<th>Then type</th>
</tr>
</thead>
</table>

Using Terms from the Title of a Document

In cases, the title of a document consists of the names of the parties; in law reviews and other periodicals, the title of a document is the name of the article.

To retrieve a case law document when you know one or more of the parties’ names, you can
- access the tabbed Law School page and use Find a Case by Party Name.
- access the Find a Document page and use Find a Case by Party Name.
- access a database and use Search by Party Name.
- access a database and restrict your search to the title field (ti) using the Terms and Connectors search method.

To retrieve a document other than a case law document, such as a news article or an article in a law review, access the appropriate database and use a title field search.

Using Find a Case by Party Name

To retrieve a case when you know one or more party names, access the tabbed Law School page or the Find a Document page and follow these steps:
1. Click Find a Case by Party Name in the Shortcuts section of the tabbed Law School page or in the left frame of the Find a Document page.
2. In the right frame, type one or more parties’ names in the appropriate text boxes in the Find a Case by Party Name template (Figure 7.3).
3. Select the jurisdiction in which the case was heard. (If you do not know the jurisdiction, select All U.S. Federal and State Cases.)
4. Click Go.
Using Search by Party Name

To search for a case by using one or more of the parties’ names, access a database and follow these steps:
1. At the database Search page, click Search by Party Name.
2. In the Search by Party Name template (Figure 7.4), type one or more parties’ names in the appropriate text boxes.
3. Click Search Westlaw.
Using the Title Field
The title field (ti) is useful when you are searching for case law documents and other types of documents such as articles from law reviews and other periodicals.

Follow these steps:
1. Access the appropriate database. The Search page is displayed.
2. Click the Terms and Connectors tab if it is not already selected.
3. Type your query, restricted to the title field, in the Search text box. The format used to restrict a search to the title field is similar to that used to restrict a search to the citation field: ti followed by your search terms in parentheses.
4. Click Search Westlaw.

For example, to retrieve the Stanford Law Review article “Standing Upright: The Moral and Legal Standing of Humans and Other Apes,” access the Stanford Law Review database (STNLR). At the Search page, click the Terms and Connectors tab, if necessary. Then type ti(moral & ape) in the Search text box and click Search Westlaw.

Tips for Restricting Your Search to the Title Field

<table>
<thead>
<tr>
<th>Situation</th>
<th>Tip</th>
</tr>
</thead>
<tbody>
<tr>
<td>The title contains common terms.</td>
<td>Avoid using common terms (e.g., appellee, appellant, defendant, plaintiff, co., corp., inc., and limited). Include in your title field search the most distinctive terms available. For example, to retrieve the U.S. Court of Appeals for the Ninth Circuit decision in A&amp;M Records, Inc. v. Napster, Inc., use this search in the U.S. Court of Appeals for the Ninth Circuit Cases database (CTA9): ti(a&amp;m &amp; napster). Note that the v. from the case title is replaced with the AND connector (&amp;).</td>
</tr>
<tr>
<td>Both parties in a case have the same name.</td>
<td>Use the paragraph connector (+p). For example, to search in the Florida Family Law Cases database (FLFL-CS) for a case entitled Anson v. Anson, type ti(anson +p anson).</td>
</tr>
<tr>
<td>You are searching for a phrase within a title.</td>
<td>Place quotation marks around the phrase in your search. Westlaw will retrieve only those documents that contain the terms in the same order as they appear inside the quotation marks. If you do not include quotation marks, Westlaw will read each space between the terms as or. For example, to retrieve the U.S. Supreme Court case New York Times Co., Inc. v. Tasini, access the All U.S. Supreme Court Cases database (SCT) and type the following query: ti(&quot;new york times&quot; &amp; tasini)</td>
</tr>
</tbody>
</table>
Chapter 8

Basics of Westlaw Searching

Five Basic Steps
There are five basic steps to follow when you are performing research on Westlaw:
1. Define your issue and select key terms.
2. Choose a database.
3. Select a Westlaw search method, i.e., Natural Language or Terms and Connectors.
4. Enter your description or query.
5. Review your result; if necessary, edit your search.

Step 1: Define Your Issue
Your Westlaw research will be most productive if you have a clear definition of your issue before you sign on. Define your issue by identifying and describing the concepts and facts that distinguish it. State your issue in one or two sentences, as you would in a brief or memorandum, e.g.,

Are streets and sidewalks running through and around a residential neighborhood a public forum?

Using Print Resources Including West Digests
Before you sign on to Westlaw, familiarize yourself with background information about your issue and identify appropriate terminology by using print resources such as legal encyclopedias (e.g., Corpus Juris Secundum and American Jurisprudence 2d), legal dictionaries (e.g., Black’s Law Dictionary), hornbooks, treatises, and restatements.

Because West editorial enhancements such as topics, key numbers, and headnotes are common to many West-published legal materials, you can move quickly and easily between West print resources and Westlaw. This capability enables you to perform efficient and cost-effective research using a variety of tools.

Step 2: Choose a Database
First, decide what type of information you want to retrieve. For example, you may want to search databases for
- primary law (e.g., case law, statutes, administrative decisions, and regulations).
Chapter 8

- secondary legal authority (e.g., information from legal encyclopedias, treatises, restatements, journals, and law reviews).
- news and business information.
- legal forms and practice guides.
- international materials.

Then consider which database on Westlaw contains the information you want. It is usually a good practice to choose the database that is most specific to the information you want. For example, if you want rulings issued by the U.S. Supreme Court, search in the All U.S. Supreme Court Cases database (SCT) rather than the All Federal Cases database (ALLFEDS). Choosing databases appropriate to your needs will help you use Westlaw in the most efficient manner.

Using the Find a Database Wizard
The Find a Database wizard (Figure 8.1) will walk you through the process of selecting a database that meets your research needs. When finished, the wizard displays the Search page for a specific database or the section of the Westlaw Directory that contains databases relevant to your search. The Find a Database wizard is available from the tabbed Westlaw page, the Westlaw Directory page, or the Find a Document page.

Using the Westlaw Directory
The Westlaw Directory (Figure 8.2) lists all databases on Westlaw, including news and business sources. To view the Westlaw Directory, click Directory at the top of any page. Directory information is displayed in a familiar Web layout.

Click New Databases in the left frame to display databases that have been added to Westlaw in the past 30 days. Click All Databases to display all Westlaw databases, including new databases.
Basics of Westlaw Searching

To view the directory in an outline format, click Change Directory Layout. At the Document Display Preferences page, select Tree View from the Westlaw Directory drop-down list and click Save Changes.

Browsing the Westlaw Directory

To browse the Westlaw Directory, click the link for the heading or subheading you want to view.

Searching the Westlaw Directory

To search the Westlaw Directory, type a word or phrase in the Search the Westlaw Directory text box and click Search. A list of databases is displayed.

Accessing a Database from the Westlaw Directory

You can access a database from the Westlaw Directory by doing one of the following:

- Click a database name in the right frame.
- Type a database identifier in the Search for a database text box in the left frame and click Go.
- Choose a database from the Recent Databases drop-down list in the left frame.
- Choose a database from the Favorite Databases drop-down list in the left frame.

Accessing Multiple Databases

Multiple-database searching is available for most databases on Westlaw. Your search result is displayed in one combined list, ranked first by document type and then by date or publication order.

To access up to 10 databases simultaneously, type the database identifiers separated by commas or semicolons in the Search for a database text box and click Go. The Search for a database text box...
box is available from the tabbed Law School page, other tabbed pages, or the Westlaw Directory page. You can also select multiple databases in the Search section of most tabbed pages.

**Using the Recent Databases Feature**

The Recent Databases feature maintains a list of the 20 databases you have most recently accessed. (Multiple databases accessed simultaneously are treated as one database.) Choose a database from the Recent Databases drop-down list. The Search page for that database is displayed. The Recent Databases list is available from the tabbed Law School page, other tabbed pages, or the Westlaw Directory page.

**Using the Favorite Databases Feature**

The Favorite Databases feature lets you save an unlimited number of databases and groups of databases that you search frequently. (Multiple databases saved as a group are treated as one database.) Choose a database from the Favorite Databases drop-down list. The Search page for that database is displayed. Favorite Databases can be accessed from the tabbed Law School page, other tabbed pages, or the Westlaw Directory page.

**Saving Favorite Databases**

To save a favorite database or a group of databases, follow these steps:

1. Choose Add to Favorites from the Favorite Databases drop-down list. The Add to Favorite Databases List page is displayed.
2. Type a name for the entry in the Entry Name text box.
3. Type up to 10 identifiers separated by commas or semicolons for the databases you want to save as one entry in the Database(s) text box.
4. Click Add Favorite. The entry name for the databases you added is displayed in the Favorite Databases list.

**Organizing Favorite Databases**

To rename or delete a favorite database, choose Organize Favorites from the Favorite Databases drop-down list. The Organize Favorites page is displayed, at which you can rename or delete favorite database entries.

You can also add a database or group of databases to your list of favorite databases at the Organize Favorites page. Follow these steps:

1. In the Entry Name text box, type a name to help you identify the databases in the future.
2. Type the identifiers of the databases you want to save in the Database(s) text box.
3. Click Add Favorite. The entry name is displayed in the list at the Organize Favorites page.

**Accessing a Database When You Are Unsure of the Database Name or Identifier**

When you are unsure of the full name of a database, you can type part of the name in the Search for a database text box and click Go. For example, to access the Berkeley La Raza Law Journal database, you might type berkeley. Westlaw displays a list of databases whose names or descriptions include the term berkeley (Figure 8.3). Select the check box next to Berkeley La Raza Law Journal (BERKLARLJ) and click OK, or click Berkeley La Raza Law Journal.
The *Search for a database* text box is available from the tabbed Law School page, other tabbed pages, or the Westlaw Directory page.

**Viewing Information About a Database in Scope**

Scope is a Westlaw feature that provides detailed information about a database or service, including search tips. Hypertext links at the Scope page make it easy to identify the information of interest to you.

There are several ways to access Scope:

- At the Westlaw Directory page, click the *Scope* icon (shown circled in Figure 8.3) alongside the name of a database in the right frame. Alternatively, type a database identifier in the *Search for a database* text box and click the *Scope* icon next to the text box.

- At the top of a database Search page, click the *Scope* icon alongside the database name or identifier. When you access multiple databases simultaneously, a list of the identifiers for the individual databases you are accessing is displayed. Click the *Scope* icon alongside the identifier of the database for which you want to view detailed information.

**Searching the Westlaw Database List (IDEN)**

The Westlaw Database List (IDEN) contains documents naming all the databases and services available on Westlaw. You can search IDEN to find the databases most relevant to your research.

To use IDEN, follow these steps:

1. Type *iden* in the *Search for a database* text box and click *Go*. The Search page is displayed.

2. Natural Language is the default search method in IDEN. Type a description of the information you need, such as *municipal law*, in the *Search* text box.
Chapter 8

3. Click **Search Westlaw**. A list of the databases most closely matching the concepts in your description is displayed (Figure 8.4). Click the number in front of a database identifier in the list to display a description of the database in the right frame. Click the database identifier in the description to display the Search page for that database.

![Figure 8.4: Search result in IDEN](image)

**Step 3: Select a Westlaw Search Method**

Westlaw offers two search methods—Natural Language and Terms and Connectors.

**Natural Language**

The Natural Language search method allows you to use plain English to retrieve relevant documents. Enter a description of your issue and Westlaw will display the documents that best match the concepts in your description. Westlaw identifies legal phrases in your description (such as *quantum meruit*, *adverse possession*, and *state of mind*), removes common terms (such as *is* and *for*), and generates variations of terms (such as *defamed*, *defaming*, and *defamation* for *defame*). Natural Language searching is available in most Westlaw databases.

**Terms and Connectors**

When you search Westlaw using the Terms and Connectors search method, you enter a query consisting of key terms from your issue and connectors specifying the relationship between those terms. Terms and Connectors searching is available in all Westlaw databases.

**Determining Which Search Method to Use**

The search method that is best for your needs is determined by several factors, including the type of information you are looking for, your knowledge of the research issue, and your expertise in performing research on Westlaw. The following chart can help you determine which search method to use:
Step 4: Enter Your Description or Query

When you access a database, the Search page is displayed with your default search method selected. To select a different search method for a particular search, click the appropriate tab. (For information on using Preferences to change your default search method, refer to Chapter 6.)

### Searching with Natural Language

To search for documents using Natural Language, follow these steps:

1. Formulate a description of your issue, using terms that describe its main concepts.
2. Access a database or multiple databases. The Search page is displayed (Figure 8.5).
3. At the Search page, click the **Natural Language** tab if it is not already selected.
4. Type a description of your issue in the **Search** text box and click **Search Westlaw**.

<table>
<thead>
<tr>
<th>Use Natural Language when you are</th>
<th>Use Terms and Connectors when you are</th>
</tr>
</thead>
<tbody>
<tr>
<td>searching for broad concepts.</td>
<td>searching for particular terms.</td>
</tr>
<tr>
<td>searching databases containing large numbers of documents and you want to retrieve a small number of documents to review.</td>
<td>searching for a particular document.</td>
</tr>
<tr>
<td>a new or infrequent Westlaw user or unfamiliar with Boolean logic (Terms and Connectors).</td>
<td>searching for all documents containing specific information, such as all opinions written by a particular judge or all articles published in the <em>New York Times</em> that mention a specific company.</td>
</tr>
<tr>
<td>not retrieving the information you are looking for by using a Terms and Connectors search.</td>
<td>searching a database for which Natural Language is not available.</td>
</tr>
</tbody>
</table>

---

Figure 8.5: Case law database Search page showing the Natural Language search method
Creating Phrases
The Natural Language search method on Westlaw uses an editorially created phrase list to automatically recognize certain phrases in your description and put them inside quotation marks. You can also create phrases by manually enclosing terms in quotation marks. For example, if you would like to include the phrase *mere continuation theory* in your description, type “*mere continuation theory*”.

Adding Related Concepts
To add a related concept to your description, you can
- add your own terms.
- add terms suggested by the Westlaw thesaurus.

To add your own related terms to your Natural Language description, type them in your description immediately following the concept to which they relate and enclose them in parentheses, e.g., type

```
  tree branch (limb) crossing property line (border boundary)
```

To use the Westlaw thesaurus to add related concepts to your description, follow these steps:
1. Type your description, e.g., *tree branch crossing property line*, in the *Search* text box and click *Thesaurus*. The Thesaurus page is displayed (Figure 8.6).
2. From the *Terms in Search* list, select a term for which you want to see related terms.
3. To add a term to your description, select the term in the *Related Terms* list and click the *Add* button. You can select more than one related term by pressing the *Ctrl* or *Shift* key as you select each term. The terms are placed in parentheses and added to your description immediately following the terms to which they relate in the *Current Search* box. To remove a term from your description, select it in the *Related Terms* list and click the *Remove* button.
4. When you finish using the thesaurus, click OK to return to the Search page.
5. Click *Search Westlaw* to run your search.
Requiring and Excluding Concepts
You can specify concepts that must or must not appear in documents in your result by completing the following steps:
1. Type your Natural Language description in the Search text box.
2. To specify one or more terms or phrases in your description that must appear in every document in your result, click Require/Exclude Terms. Under Require Terms, select the check box for the term or terms you require and specify the number of times the term must appear.
3. To omit documents from your result that contain specific terms or phrases, type the terms or phrases in the Exclude Terms text box.
4. When you finish requiring and excluding terms, click OK.
5. At the Search page, click Search Westlaw.

Restricting Your Search
You can easily refine your Natural Language description by adding field restrictions to your search. In a case law database, for example, you can add court, attorney, and judge field restrictions.

To use field restrictions in your search, follow these steps:
1. Type your Natural Language description in the Search text box.
2. At the bottom of the Search page, type your terms in the Court, Attorney, or Judge text boxes.
3. When you are finished adding restrictions, click Search Westlaw.
4. To remove field restrictions, delete the terms in the appropriate text boxes.

Searching with Terms and Connectors
To search for documents using Terms and Connectors, follow these steps:
1. Decide which terms and connectors you want to use. Consider adding alternative terms and restrictions to your query.

2. Access a database or multiple databases. The Search page is displayed (Figure 8.7).

3. At the Search page, click the **Terms and Connectors** tab if it is not already selected.

4. Type your Terms and Connectors query in the **Search** text box and click **Search Westlaw**.

**Choosing Search Terms**

Choose terms significant to your issue. Suppose, for example, that your issue concerns whether supervision of students by a school is a discretionary function exception to the Tort Claims Act. The terms *supervision, student, discretionary,* and *Tort Claims Act* are key parts of the issue, so these terms (along with variations and alternatives) should be included in your query, as in the following sample query:

```
supervis! /p student pupil /p discretion! & "tort claims act"
```

**Phrases**

To search for a phrase, place the phrase in quotation marks. Westlaw will retrieve documents that contain the search terms in the same order as they appear in the quotation marks. For example, to use the phrase *yellow dog contract* in a search, type

```
“yellow dog contract”
```

Phrase searching is most effectively used with the Terms and Connectors search method when the phrase is not likely to appear in alternative ways. For example, you might not want to use the phrase “blood alcohol level” in your query because some documents could express that idea as the *level of alcohol in the defendant’s blood*. 
Common Terms
Some terms, such as *be* or *with*, are too common to be searched as single terms on Westlaw. If you enter such a term, Westlaw will display the term and the message *Your request contains term(s) too common to be searched*. If you receive this message, edit your query and leave out the common terms.

Common terms can be included in your query when they appear as either the first or last term in a phrase or term of art that is either hyphenated or enclosed in quotation marks. (The only term that cannot be processed in this way is the term *the*.) For example, if you type *at-will*, Westlaw will process your request and retrieve documents that include this phrase.

If a common term is embedded within a phrase or hyphenated term, the common term will serve as a placeholder only and will not be searched. Therefore, the phrase “*judgment with prejudice*” will retrieve documents in which phrases such as *judgment without prejudice* and *judgment would prejudice* appear.

Alternative Terms
After selecting the main terms for your query, consider adding alternative terms. For example, if you are searching for *attorney*, you might also want to search for *counsel* and *lawyer*.

You should consider both synonyms and antonyms as alternative terms. If you are searching for *good faith*, you might also want to search for *bad faith*. If you are searching for *admissible*, you might also include *inadmissible*.

As with Natural Language searching, you can use the Westlaw thesaurus to add alternative terms to your Terms and Connectors query. After you type your query in the text box, click *Thesaurus*.

Variations of Word Forms
When choosing search terms, consider the various forms they might take. When you search for the term *liable*, for example, you may also want to search for *liability*. If you do not search for all variations, you may miss relevant documents.

While Westlaw retrieves many word forms automatically, you can also retrieve other word forms by using special symbols.

Refer to the following tables for information about variations of word forms.

### Plurals
<table>
<thead>
<tr>
<th>Term</th>
<th>Retrieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>computer</td>
<td>computer&lt;br&gt;computers</td>
</tr>
<tr>
<td>woman</td>
<td>woman&lt;br&gt;women</td>
</tr>
<tr>
<td>memorandum</td>
<td>memorandum&lt;br&gt;memorandums&lt;br&gt;memoranda</td>
</tr>
<tr>
<td>books</td>
<td>books&lt;br&gt;but not book</td>
</tr>
</tbody>
</table>
### Possessives

If you enter the nonpossessive form of a search term, Westlaw automatically retrieves the singular and plural nonpossessive and possessive forms as well. If you enter a possessive form, only the possessive form is retrieved.

<table>
<thead>
<tr>
<th>Term</th>
<th>Retrieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>customer</td>
<td>customer</td>
</tr>
<tr>
<td></td>
<td>customers</td>
</tr>
<tr>
<td></td>
<td>customer’s</td>
</tr>
<tr>
<td></td>
<td>customers’</td>
</tr>
<tr>
<td>customer’s</td>
<td>customer’s</td>
</tr>
<tr>
<td></td>
<td>but not customer, customers, or customers’</td>
</tr>
</tbody>
</table>

### Compound Terms

A compound term may appear in various ways in documents; it may be hyphenated, or it may appear as one word or two words. To retrieve all forms of a compound term, use its hyphenated form. If you do not include hyphens, you will not retrieve all variant forms.

<table>
<thead>
<tr>
<th>Term</th>
<th>Retrieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>good-will</td>
<td>good-will</td>
</tr>
<tr>
<td></td>
<td>good will</td>
</tr>
<tr>
<td></td>
<td>goodwill</td>
</tr>
<tr>
<td>&quot;good will&quot;</td>
<td>good will</td>
</tr>
<tr>
<td></td>
<td>good-will</td>
</tr>
<tr>
<td></td>
<td>goodwill</td>
</tr>
</tbody>
</table>

### Abbreviations

Like compound terms, an abbreviation may appear in various ways in documents; it may or may not include periods or spaces between letters. To retrieve all variations of an abbreviation, enter the term with periods and without spaces. Also, it is a good practice to include the words or phrase from which the abbreviation is derived in your query. For example, “environmental protection agency” is an alternative search term for e.p.a.

<table>
<thead>
<tr>
<th>Term</th>
<th>Retrieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>c.p.a.</td>
<td>E. P. A.</td>
</tr>
<tr>
<td></td>
<td>E P A</td>
</tr>
<tr>
<td></td>
<td>E.P.A.</td>
</tr>
<tr>
<td></td>
<td>EPA</td>
</tr>
</tbody>
</table>
Choosing Connectors

In addition to choosing terms for your query, you must also choose connectors to specify relationships between your search terms. Click a connector in the Add Connectors or Expanders list at the bottom of a database Search page to add the connector to your query.

To view a list of connectors and brief explanations of their function in a search, click Help next to Add Connectors or Expanders at the bottom of the Search page.
Refer to the following chart when using the Terms and Connectors search method.

<table>
<thead>
<tr>
<th>Connector</th>
<th>Westlaw retrieves documents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AND</strong></td>
<td>&amp;</td>
</tr>
<tr>
<td><strong>OR</strong></td>
<td>a space</td>
</tr>
<tr>
<td>Grammatical Connectors</td>
<td></td>
</tr>
<tr>
<td>/p</td>
<td>containing search terms in the same paragraph: warrant! /p habit!</td>
</tr>
<tr>
<td>+p</td>
<td>in which the first search term precedes the second search term within the same paragraph: ti(burke +p burke)</td>
</tr>
<tr>
<td>/s</td>
<td>containing search terms in the same sentence: danger! /s defect!</td>
</tr>
<tr>
<td>+s</td>
<td>in which the first search term precedes the second search term within the same sentence: capital +s gain</td>
</tr>
<tr>
<td>Numerical Connectors</td>
<td></td>
</tr>
<tr>
<td>/n (where n is a number from 1 to 255)</td>
<td>containing search terms within n terms of each other: issue /5 fact</td>
</tr>
<tr>
<td>+n (where n is a number from 1 to 255)</td>
<td>in which the first search term precedes the second search term by n terms: 20 +5 1080</td>
</tr>
<tr>
<td>Phrase</td>
<td>“ ”</td>
</tr>
<tr>
<td>BUT NOT</td>
<td>%</td>
</tr>
</tbody>
</table>

**AND Connector**

Use the AND connector (&) to retrieve documents containing two or more search terms anywhere in the document. For example, the query

```
seat-belt & mitigat!
```

requires that all forms of the compound term seat-belt and any word with the root mitigat appear in the document. Keep in mind that when you use the AND connector, one term may appear on the first page of a document and the other may appear on the last. For this reason, you will often find it desirable to use more restrictive connectors.
OR Connector
Use the OR connector, represented by a space, to search for alternative terms. For example, the query

attorney lawyer counsel

retrieves any document containing at least one of these terms.

Same Paragraph Connectors (/p, +p)
The same paragraph connectors require search terms to appear in the same paragraph in a document. If you are not sure which connector to use, try /p first. For example, the query

pit-bull bull-terrier /p attack!

retrieves documents in which forms of the terms pit-bull or bull-terrier appear in the same paragraph with any word with the root attack. You can use a +p connector to specify the order in which search terms should appear in a paragraph. The +p connector requires the first term to precede the second term within the same paragraph.

Same Sentence Connectors (/s, +s)
The same sentence connectors require search terms to appear in the same sentence in a document. The query

design! /s defect!

retrieves documents in which any words with the roots design and defect appear in the same sentence. For example, documents containing the following phrases would be retrieved:

... liability for a defectively designed product ...
... resulting from alleged design and manufacturing defects ...
... the defendant negligently designed the defective safety latch ...

You can use a +s connector to specify the order in which search terms should appear in a sentence. The +s requires that the first term precede the second term within the same sentence.

Numerical Connectors
Numerical connectors require search terms to appear within a specified number of terms of each other. A numerical connector may be any number from 1 to 255. For example, the query

attorney /5 fee

retrieves documents in which attorney appears within five terms or fewer of fee, as in the phrase

... caused the bank to incur attorney and trustee fees and expenses ...

To specify term order with numerical connectors, use the +n connector (where n is a number); the +n connector requires that the first term precede the second term by no more than the specified number of terms. For example, the query

hillary +3 clinton

retrieves documents in which hillary precedes clinton by three terms or fewer, as in a reference to

Hillary Rodham Clinton
Chapter 8

The +n connector is especially useful when you are restricting your search to the citation field or searching for documents referring to a particular citation. For example, the query

\[ 20 +5 1080 \]

retrieves documents in which 20 precedes 1080 by five terms or fewer, as in a reference to

\[ 20 \text{ U.S.C.A.} \ § 1080 \]

**BUT NOT Connector (%)**

You can exclude documents that contain certain terms by using the BUT NOT connector (%). Westlaw excludes everything that follows the BUT NOT connector in your search. For example, to retrieve cases mentioning *multiple chemical sensitivity* while excluding cases with headnotes classified under West digest topic 413 (Workers’ Compensation), you could use this query:

\[ \text{“multiple chemical sensitivity”} % \text{ to(413)} \]

**Order of Westlaw Processing**

Westlaw processes the connectors in your query in the following order:

- “”, space (or), +n, /n, +s, /s, +p, /p, &,&%

The order in which connectors are processed affects what a query will retrieve. For example, suppose you want to retrieve cases containing the term *frisk* or the phrase *search and seizure*.

The query

\[ \text{frisk! search! /3 seiz!} \]

will not retrieve all the desired documents because the OR relationship between *frisk!* and *search!* is processed first. This query requires that either *frisk!* or *search!* appear within three terms of *seiz!*; in other words, this query instructs Westlaw to search for these two alternative sets: documents with *frisk! /3 seiz!* or documents with *search! /3 seiz!*.

To have Westlaw search for *search! /3 seiz!* first, you must change the order in which the connectors are processed.

**Using Parentheses to Change the Order of Processing**

You can use parentheses to change the order in which Westlaw processes the connectors in your query. When you place terms and connectors within parentheses, those connectors are processed first. For example, when parentheses are used in the query

\[ \text{frisk! (search! /3 seiz!)} \]

*search! /3 seiz!* is processed first. This query instructs Westlaw to search for these two alternative sets: documents with *frisk!* or documents with *search! /3 seiz!*.

Changing the order of processing is also useful when you want to search for two citations as alternatives. For example, if you are searching for cases that cite either 15 U.S.C.A. § 1311 or 42 U.S.C.A. § 1985, you could enter the query

\[ (15 +5 1311) (42 +5 1985) \]
Restricting Your Search by Field

You can use field restrictions to search for terms in specific parts of a document. The format for typing a field-restricted search is the same for all fields: the field abbreviation is immediately followed by key terms enclosed in parentheses. The field-restricted portion of a query is connected to the rest of the query with the AND connector (&).

To add a field restriction to your query, select a field from the *Fields* drop-down list at a database Search page, shown circled in Figure 8.8. The abbreviation for this field will be added to the *Search* text box. Type the terms you want included in the field restriction in the parentheses following the abbreviation.

![Figure 8.8: Fields drop-down list using the Terms and Connectors search method](image)

You can use field restrictions in multiple-database searches. However, you will not retrieve documents from databases that do not contain the field you are searching, even if your search terms appear in documents in that database. To determine whether a field is available for a database, check Scope for that database or the *Fields* drop-down list. In multiple-database searches, the *Fields* drop-down list shows fields available for each database.

For more information on using fields in case law documents, refer to Chapter 10. For more information on using fields in legislative documents, refer to Chapter 11.

Restricting Your Search by Date

You can restrict your search by document date or the date a document was added to Westlaw. Remember that a date restriction must be connected to your other search terms using the AND connector (&).

By Document Date

To restrict your search to documents decided or issued on, before, or after a certain date, or between a range of dates, add a date restriction (da) to your Terms and Connectors query or Natural Language description.
Chapter 8

There are several ways to add a date restriction to your Terms and Connectors search.

- To restrict your search to documents issued during a certain time period ending with the date of your current Westlaw research session, select a date restriction from the Dates drop-down list at the Search page, (e.g., Last 30 days or Year to date). The restriction is automatically included in your query.

- You can also type da followed by a date or date range in parentheses in the text box at the Search page.

The year in a date restriction must be entered as a four-digit year, e.g., 2008. Many date restriction formats are acceptable:

- da(3-1-2008)
- da(before 2008)
- da(bef 3/1/2008)
- da(aft jan 1, 2008)
- da(aft 1975 and bef 2008)

When you want to add a date restriction to your Natural Language search, select a date restriction from the Dates drop-down list.

When you have accessed a tabbed page with a Search section, you can use the Dates drop-down list to add a date restriction to either your Terms and Connectors search or your Natural Language search.

By Date Added to Westlaw
An added-date restriction (ad) allows you to update the result of a Terms and Connectors search you previously ran on Westlaw. For example, suppose you ran a search on February 1, 2008. In March, you want to see whether the same search retrieves any new cases. To do this, enter the same search with an added-date restriction using January 31, 2008, the date one day prior to the day you most recently ran the search.

To include an added-date restriction in your Terms and Connectors query, type ad followed by the date in parentheses, e.g., ad(aft 1/31/2008), in the Search text box. Be sure to connect your date restriction to the rest of your Terms and Connectors query with the AND connector (\&). The added-date restriction is not available when you are using the Natural Language search method.

Step 5: Review Your Result
Westlaw provides several tools that will help you quickly and easily review the information you have retrieved. Refer to Chapter 9 for detailed information on how to move within and among documents on Westlaw.
Document Ranking

Natural Language

When you search using the Natural Language search method, the documents in your search result will be ranked according to their statistical relevance. The document that has the greatest likelihood of matching the concepts in your description is displayed first. You will retrieve a maximum of 100 documents with a Natural Language search.

Terms and Connectors

When you search using the Terms and Connectors search method, the documents you retrieve are ranked by age or publication, depending on the type of information you are searching.

In age ranking, documents are presented in reverse chronological order (i.e., the most recent document is displayed first). This is the default ranking order in most databases, but it is not available in statutory or regulatory databases.

When you search in the All Federal Cases database (ALLFEDS) or a federal topical case law database using age ranking, cases are ordered first by court and then by age. U.S. Supreme Court cases are displayed first, followed by cases from the courts of appeals, the district courts, and the specialized courts (e.g., the bankruptcy courts).

In publication ranking, documents are presented in the order in which they were published. This ranking order is not available in all databases. It is the standard ranking order in directory databases as well as statutory and regulatory databases such as the United States Code Annotated database (USCA) and the Code of Federal Regulations database (CFR).

Modifying Your Search

The result list lists the citations of documents retrieved by your search (Figure 8.9). The result list enables you to view your search terms in the context of surrounding terms.

Figure 8.9: Result list
To return to the Search page, at which you can modify your Terms and Connectors query or Natural Language description or run it in a different database, click **Edit Search** at the top of the result list or in the left frame of a displayed document. (For more information about browsing your search result, refer to Chapter 9.)

To automatically run the same search in a different database, or edit the search in a different database, click **Change Database(s)** at the top of the Search page. You can add or change databases by typing the identifiers of the databases you want to search in the *Add or Delete databases(s)* text box (Figure 8.10). The *Recent Databases* and *Favorite Databases* drop-down lists are also available. To automatically run the search in the new database, click **Run Search**. To edit your search before running it in the new database, click **Edit Search in New Database(s)**.

You can also use the text boxes at the top of the result list to modify your search or run it in a different database. Make changes to your search in the *Edit Search* text box or type a new database identifier in the *Database* text box. Then click **Search**.

Figure 8.10: Changing the database in which you run your search
This chapter discusses different ways to move within and among the documents you retrieve on Westlaw.

Refer to the following chart as you browse your search results.

<table>
<thead>
<tr>
<th>If you want to view</th>
<th>Do this</th>
</tr>
</thead>
<tbody>
<tr>
<td>a specific document in your search result</td>
<td>While viewing the result list, click the document’s title or retrieval number. Or select <strong>Go to Specific List Item</strong> from the <strong>Result Options</strong> drop-down list at the bottom of the result list and click <strong>Go</strong>; type the document’s retrieval number in the text box and click <strong>Go</strong>; and then click its title or retrieval number.</td>
</tr>
<tr>
<td>the next or previous occurrence of your search terms</td>
<td>Click the <strong>Term</strong> arrows at the bottom of the displayed document.</td>
</tr>
<tr>
<td>the part of each document in your Natural Language search result that most closely matches your description</td>
<td>Click the <strong>Best</strong> arrows at the bottom of the displayed document.</td>
</tr>
<tr>
<td>a term or terms not necessarily included in your search</td>
<td>While viewing the result list, click <strong>Locate in Result</strong> at the top of the page. At the Locate Search Terms page, type the terms you want to locate (formulated as a Terms and Connectors query) in the <strong>Locate</strong> text box and click <strong>Locate</strong>. To edit or cancel your Locate request, click <strong>Edit Locate</strong> or <strong>Cancel Locate</strong> at the top of the result list.</td>
</tr>
<tr>
<td></td>
<td>While viewing a document, click <strong>Locate in Result</strong> in the left frame. At the Locate Search Terms page, type the terms you want to locate (formulated as a Terms and Connectors query) in the <strong>Locate</strong> text box and click <strong>Locate</strong>. Click the <strong>Term</strong> arrows to move between the pages containing your Locate terms. To edit or cancel your Locate request, click <strong>Edit Locate</strong> or <strong>Cancel Locate</strong> in the left frame.</td>
</tr>
<tr>
<td>If you want to view</td>
<td>Do this</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------</td>
</tr>
<tr>
<td>consecutive documents in statutory, regulatory, and treatise databases, even if they were not retrieved by your search or Find request (e.g., sequential statutes or regulations)</td>
<td>Click Previous Section or Next Section in the document header. To return to the document you were originally viewing, click Original Results in the left frame.</td>
</tr>
<tr>
<td>only the information included in particular document fields (field browsing is not available for documents retrieved using multiple-database searching)</td>
<td>Select Limit by Fields from the Tools drop-down list at the bottom of the right frame and click Go. A list of the fields in the database is displayed. Select the check boxes next to the fields you want to view and click OK. To view the full text of documents again, select Cancel Fields Limit from the Tools drop-down list and click Go.</td>
</tr>
<tr>
<td>the place in a document where a page from a specific print publication begins</td>
<td>Select Goto Star Page from the Tools drop-down list at the bottom of the right frame and click Go. Type the print publication page number in the Go to Star Page text box and click Go.</td>
</tr>
<tr>
<td>information relating to your document</td>
<td>In split-page view, click the links on the Links tab to view related information. In full-page view, click Links for... at the top of the page and then click the links.</td>
</tr>
<tr>
<td>information in the right frame across the full width of the page</td>
<td>Click the Full-Page View icon at the top of the right frame.</td>
</tr>
<tr>
<td>the full text of a cited document</td>
<td>Click the hypertext link for the cited document to view its full text in the Link Viewer. To return to the source document, click Cancel.</td>
</tr>
</tbody>
</table>
Your Search Result Display

When you retrieve your Westlaw search result, the result list is displayed. The result list contains the citations of the documents in the result (Figure 9.1). The result list helps you identify relevant documents because each item in the list includes a portion of document text.

When you use the Terms and Connectors search method, each document in the result list is accompanied by a portion of document text showing the first three instances of your search terms displayed in the context of the 20 words that precede and follow those terms. When you use the Natural Language search method, the best portion of each document (i.e., the portion that most closely matches the concepts in your description) is displayed.

When appropriate, KeyCite status flags are displayed in the result list—click a flag to view KeyCite information for the document.

If you are searching databases containing case law, statutes, regulations, or analytical materials, ResultsPlus information may be displayed alongside the result list. ResultsPlus automatically provides references to additional sources of information on Westlaw—such as American Law Reports annotations and West topic and key numbers—that may be relevant to your research.

For more information about ResultsPlus, refer to Chapter 10.

To view the full text of a document you have retrieved, click its title or retrieval number in the result list.
Customizing the Result List

To customize the result list, complete the following steps:

1. Click **Preferences** at the top of any page.
2. Click **Result List Display** in the left frame.
3. If you want to show only a list of citations without a portion of text from each document in the list, select **Hide search terms in result list**.
4. If you want the result list to include a portion of text from each document in the list (this is the default setting), select **Show search terms in result list**. Then, for your Terms and Connectors search results, use the drop-down lists in the right frame to select
   - the number of words that should be displayed before and after your search terms
   - the number of occurrences of your search terms that should be displayed
5. If desired, change the number of citations that are displayed in the result list or on the Result List tab by using the **Display up to ... citations at a time** drop-down list.
6. Click **Save Changes**.

Page View

Most of the information you retrieve on Westlaw can be displayed in split-page view or full-page view. In split-page view (Figure 9.2), the text of a document is displayed in the right frame, and context-sensitive information tabs are displayed in the left frame. While in split-page view, click the **Full-Page View** icon in the right frame (shown circled in Figure 9.2) to display the information in full-page view.
Full-page view (Figure 9.3) presents information across the full width of the page, enhancing its readability. While in full-page view, click the Split-Page View icon (shown circled in Figure 9.3) to switch to split-page view.

**Browsing Tools**

Westlaw provides several tools that will help you quickly and easily review the information you retrieve.

**Result List Tab**

The Result List tab shows the total number of documents you have retrieved and a list of their citations. Citation information for the document displayed in the right frame is highlighted in yellow (or another color that you select). When appropriate, KeyCite status flags are displayed in the result list—click a flag to view KeyCite information for the document.

To display the full text of a document, click the document’s title or retrieval number. You can also select Go to Specific List Item from the Result Options drop-down list and click Go, then type the retrieval number of the document in the text box and click Go.

**Links Tab**

The Links tab allows you to view information related to the document that is displayed in the right frame. The Links tab is context-sensitive, which means that the links available for a search result are determined by the type of documents you retrieve.

For example, when a case law document is displayed in the right frame, the Links tab allows you to view
- the KeyCite result for the case
Chapter 9

- petitions, briefs, and other court filings related to the case
- ResultsPlus information specific to the case
- the table of authorities for the case
- the West topic and key numbers assigned to the headnotes in the case

When a statute is displayed in the right frame, the Links tab allows you to view
- the KeyCite result for the statute
- a graphical display of changes to the statute over time
- the table of contents for the statute
- prior versions of the statute
- ResultsPlus information specific to the statute
- cases, administrative materials, and secondary sources that cite the statute
- cross-references to other statutes
- legislative history
- West topics and key numbers

When a regulation is displayed in the right frame, the Links tab allows you to view
- the KeyCite result for the regulation
- the table of contents for the regulation
- the RegulationsPlus Index (federal regulations only)
- prior versions of the regulation (federal regulations only)
- cases, administrative materials, and secondary sources that cite the regulation
- cross-references to other regulations and statutes (federal regulations and selected state regulations)
- ResultsPlus information specific to the regulation

Outline Link
Click the Outline link on the Links tab to move quickly to various portions of a document, such as concurring and dissenting opinions in a U.S. Supreme Court case or notes of decisions in an annotated statute. The Outline link is especially useful when you are browsing long documents.

Graphical Statutes
Graphical Statutes helps you track changes to a statute by displaying those changes in an easy-to-read graphical view. Graphical Statutes provides links to
- enacting and amending public laws
- relevant legislative history materials, e.g., bill drafts, reports, journals, and Congressional Record documents
- cases that negatively affect the statute
- prior versions of the statute
- legislation that has been enacted but not yet codified
future text of the statute not yet in effect

To display a statute in graphical view, click **Graphical Statutes** on the Links tab (Figure 9.4). The timeline at the top of the graphical view shows the effective dates for each version of the statute (Figure 9.5).
Browsing Modes
Westlaw offers several ways of browsing retrieved documents. The browsing modes available depend on the search method you use to retrieve information and the type of documents you retrieve.

**Browsing by Search Term**
In a Terms and Connectors or a Natural Language search result, you can quickly review the documents you retrieve by browsing the portions containing your search terms. When a document from your result is displayed, your search terms are highlighted in yellow. Click the Term arrows at the bottom of the page to view the portions of each document that contain your search terms.

**Browsing by Best Portion**
In a Natural Language search result, the “best” portion of each document—the portion most closely matching the concepts in your description—is shown in red. Click the Best arrows at the bottom of the page to move through your retrieved documents by best portion. Browsing by best portion is not available while a Locate request is in effect.

**Browsing by Document**
To move from the displayed document to the next or previous document in your search result, click the Doc arrows at the bottom of the page.

You can also use the result list to move among documents in your search result. While browsing a document in full-page view, click Result List at the top of the page. While browsing a document in split-page view, click the Result List tab. When the result list is displayed, click the title or retrieval number of a document to view its full text.

**Browsing by Document Part**
Long documents are divided into parts to make browsing more efficient. Click Next Part or Previous Part at the top or bottom of the page to move to the next or previous part of the document, respectively. Click First Part to return to the beginning of the document.

**Locating a Particular Term or Terms**
The Locate feature allows you to search the documents in your result for a particular term or terms, whether or not the terms appeared in your Natural Language description or your Terms and Connectors query.
To use Locate, complete these steps:
1. While viewing a document in your search result, click **Locate in Result** in the left frame (or while viewing the result list, click **Locate in Result** at the top of the page). The Locate Search Terms page is displayed (Figure 9.6).

![Figure 9.6: Locate Search Terms page](image)

2. Type your Locate request in the **Locate** text box. Formulate your Locate request as you would a Terms and Connectors query—you can use connectors, field restrictions, the root expander, and the universal character.

3. Click **Locate**. Your Locate terms, rather than your original search terms, are highlighted in document text. Your result list is automatically restricted to those documents in your search result that contain your Locate terms; to return to the complete list of the documents you retrieved, select **Show Full List** from the **Result Options** drop-down list at the bottom of the result list or at the top of the Result List tab and click **Go**. Documents containing your Locate terms are marked with a blue arrow in the result list.

To browse the full text of a displayed document for your Locate terms, click the **Term** arrows at the bottom of the page. To edit or cancel your Locate request, click **Edit Locate** or **Cancel Locate** in the left frame while viewing a document or at the top of the page while viewing the result list. You can also edit your Locate request in the **Edit Locate** text box at the top of the result list.

**Viewing Consecutive Documents**
In certain databases, such as those containing statutes, regulations, and treatises, you can view consecutive documents even if they were not retrieved by your search or Find request.

To view consecutive documents, click **Previous Section** or **Next Section** in the document header. To return to the document you were originally viewing, click **Original Results** at the top of the left frame.
Chapter 9

Viewing Star Paging Information

Star Paging is a Westlaw feature that enables you to display print page references for the text you are viewing online. This enables you to cite the print publication without looking up the reference. Star Paging also allows you to move directly to a print page reference within a document.

Star Paging is available for many publications, including the following:

- West’s National Reporter System reporters
- United States Reports
- State reporters
- Federal Register
- All law reviews
- United States Statutes at Large
- Congressional Record

When you are viewing a document on Westlaw, Star Paging references are displayed in a color different from that of the surrounding document text and are preceded by one or more asterisks, which enable you to determine the publication to which a particular page number belongs. For example, if you retrieve *Regents of the University of California v. Bakke*, 438 U.S. 265, 98 S.Ct. 2733 (1978), page references from both the *Supreme Court Reporter* (published by West) and the *United States Reports* (published by the federal government) are displayed online, as shown in Figure 9.7.

![Figure 9.7: Star Paging references in document text](image-url)
Moving to a Print Page Reference in a Document
To view the place in a Westlaw document where a specific print page begins, select Goto Star Page from the Tools drop-down list at the bottom of the page and click Go. A page is displayed showing citation information for the document you are viewing. Type your print page reference in the Go to Star Page text box and click Go.

Restricting Your Display by Field
You can restrict the display of retrieved documents by field, so that you view only selected portions of documents in your search result. While viewing a document, select Limit by Fields from the Tools drop-down list at the bottom of the page and click Go. A list of the fields in the database is displayed (Figure 9.8). Use the check boxes to select the field or fields you want to display and click OK at the bottom of the page.

To return to the full text of your retrieved documents, select Cancel Fields Limit from the Tools drop-down list and click Go.

Restricting the display of retrieved documents by field is not available for documents retrieved with multiple-database searching.

Previewing Cited References in the Link Viewer
Hypertext links within your retrieved documents allow you to jump from a citation in the document you are viewing to the full text of the cited document. Simply click the hypertext link for a cited reference (shown circled in Figure 9.9), and the full text of the document is displayed in the Link Viewer (Figure 9.10).
On Westlaw, you typically retrieve the West version of a case or statute when you click its hypertext link. For example, if you select a reference to a United States Code Annotated (USCA), United States Code Service (USCS), or United States Code (USC) section, you retrieve the current section of the USCA. (The USCA is published by West, the USCS is published by LexisNexis, and the USC is published by the federal government.)
When you select a citing reference to an internal page of the cited document, you go to that page. For example, if you click a hypertext link for *United States v. Weiner*, 479 F.2d 923, 926 (2d Cir. 1973), you go to page 926 (the internal page referenced in the citing document), not page 923 (the first page of the case).

### Viewing Images Within Documents

Many Westlaw databases contain images that may be viewed online, downloaded, or delivered to a destination such as a printer (Figure 9.11). Images available on Westlaw include black and white photographs, maps, graphs, flow charts, and drawings. Images are often found in documents from databases containing patent and trademark information, case law, treatises, and the *Federal Register*.

If you want to view images within documents as you browse search results on Westlaw, you must first select that option—it is not automatically selected as a standard default.

To have images displayed within documents when they are available, follow these steps:

1. Click Preferences at the top of any page. The Location and Pricing Preferences page is displayed.
2. Click Document Display in the left frame.
3. Select theAutomatically display images inline within document text check box in the right frame.
4. When you finish selecting your options, click Save Changes.

![Figure 9.11: Image in a case displayed on Westlaw](image-url)
Chapter 9

Using Westlaw Profiler

Available exclusively on Westlaw, Westlaw Profiler provides a direct link between a document you are viewing on Westlaw (such as a case, a jury verdict, a settlement summary, or an article) and profiles of attorneys, judges, and expert witnesses who appeared in the case or authored the article. The profiles include links to cases, jury trials, and settlements in which an attorney, judge, or expert witness has participated; articles the individual has written; and other information.

To access the profile of an attorney, judge, or expert witness from a document you are viewing, click the name of the individual in the document text. (When a profile is available for an individual, that person’s name is underlined and displayed in a color different from that of the surrounding text, as shown in Figure 9.12.) The individual’s profile is displayed (Figure 9.13).

You can also search for the profile of an attorney, judge, or expert witness from many tabbed custom pages. Type a person’s name (e.g., peter wright) in the Profiler–Attorney or Judge or the Profiler–Expert text box in the left frame, select a state from the drop-down list (optional), and click Go. A result list is displayed. To view the profile for an individual, click the retrieval number next to that person’s name in the list.

Figure 9.12: Link to profile of an attorney
Viewing Profiler References

To view a list of cases, jury trials, and settlements in which the individual has participated, a list of articles he or she has written, and other information (Figure 9.14), click Profiler References on the Links tab in the left frame or click one of the links under Profiler References. To view the text of a document in the Link Viewer, click its retrieval number.

Figure 9.13: Profile of an attorney

Figure 9.14: Profiler references
Chapter 9

Viewing Litigation History Reports

The Litigation History Reports feature helps you evaluate the litigation experience of attorneys and judges. Reports are presented in a table format consisting of topical analysis sections with a year-by-year breakdown of data in key analysis categories, such as the number and types of litigated cases, the names of parties and judges participating in the cases, and industry-specific information relating to the companies that are parties to the litigation. You can view a Litigation History Report for an individual by clicking **Litigation History Reports** in the left frame of an attorney or judge profile.

![Figure 9.15: Litigation History Report](image-url)
Searching Case Law Databases on Westlaw

When you search full-text case law databases on Westlaw, the documents you retrieve include the complete and accurate text of a court's decision, order, or ruling, along with many exclusive West editorial enhancements that help you identify relevant case law documents and evaluate their significance. This chapter describes how you can use West editorial enhancements to your advantage as you search Westlaw.

**Westlaw Document Fields**

Almost all documents on Westlaw are composed of several parts called *fields*. In a case law document, for example, the title, the name of the judge, the names of the attorneys, and the opinion are each a separate field. Certain document fields contain West editorial enhancements. For example,

- the *synopsis* field (sy) provides a case summary, including procedural history and the holding of the case
- the *topic* field (to) contains hierarchical key number classification information
- the *headnote* field (he) contains summaries of each point of law in a case
- the *digest* field (di) is a combination of the headnote and topic fields

Westlaw document fields can help you research case law documents more effectively in several ways:

**Retrieve Relevant Cases**

When you are researching a legal issue, the cases you retrieve are more likely to be relevant when you restrict your search to the concise summaries contained in the synopsis and digest fields. You can also retrieve cases dealing with specific legal issues by using West topic and key number searches.

**Retrieve Cases That Others May Miss**

The synopsis, digest, topic, and headnote fields often contain terms that do not appear in the judicial opinion. For example, a judge writing an opinion in a case involving a disputed residential lease may refer to the parties as *lessor* and *lessee* rather than *landlord* and *tenant*. West attorney-editors may classify the case under the West digest topic Landlord and Tenant, or they may use the terms...
Chapter 10

landlord and tenant in the case synopsis or headnotes. Without such editorial enhancements, you could miss relevant cases if your search terms differ from those used by the court.

Quickly Review Your Results
By browsing the fields containing the information that interests you, you can quickly evaluate the usefulness of the document and determine whether you want to spend more time reviewing it.

Identifying Fields in Case Law Documents
A sample document on the next page illustrates several fields in a case on Westlaw. The table that follows the sample document provides brief descriptions of case law document fields.
Searching Case Law Databases on Westlaw

Winning Research Skills 111

Citation (ci)
252 F.3d 316, 52 ERC 1818, 31 Envtl. L. Rep. 20,753

Prelim (pr)
United States Court of Appeals, Fourth Circuit.

Title (ti)
WASTE MANAGEMENT HOLDINGS, INCORPORATED; Hale Intermodal Marine Company; Weanack Land Linite Partners; Charles City County.

v.
James S. GILMORE, III, in his official capacity as Governor of the Commonwealth of Virginia; John Paul Woodley, Jr., in his official capacity as Secretary of Natural Resources...

Docket-number (dn)
No. 00-1185

Prelim (pr)

Synopsis (sy)
Landfill operators and transporters of municipal solid waste (MSW) commenced §1983 action against Virginia state officials, seeking declaratory ad injunctive relief, challenging five Virginia statutory provisions on the transportation and disposal of MSW under, inter alia, the dormant Commerce Clause and the Supremacy Clause. The United States District Court for the Easter District of Virginia, James R. Spencer, J., 87 F.Supp.2d 536, held that the provisions violated the Commerce Clause and that two of them also violated the Supremacy Clause. Plaintiffs appealed. The Court of Appeals, Hamilton, Senior Circuit Judge, held...

West Headnotes

Under the "market participant doctrine," a state acting in its proprietary capacity as a purchaser or seller may favor its own citizens over others, but if there is no direct state involvement in the market, the strictures of the dormant Commerce Clause apply with full force. U.S.C.A. Const. Art. 1, §8, cl. 3.

West Codenotes
Held Unconstitutional
Va Code 1950, § 10.1-1408.1, subd. Q
Va Code 1950, § 10.1-1408.3
Va Code 1950, § 10.1-1454.3, subsd. A,D

Words-phrases (wp)

KeyCite Notes
Cm. 83 Commerce
Cm. 83II Application to Particular Subjects and Methods of Regulation
Cm. 83II(B) Conduct of Business in General
Cm. 83K60 Manufacture and Sale of Goods
Cm. 83K60(1) k. In General. Most Cited Cases

Attorney (at)

Before WIDENER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

OPINION

HAMILTON, Senior Circuit Judge:

In March and April 1999, the Commonwealth of Virginia's (Virginia) General Assembly, its legislative body, enacted and the Governor of Virginia signed into law five statutory provisions, which, collectively, cap the amount of municipal solid waste (MSW) that may be accepted by landfills...

...Finally, we vacate the district court's entry of judgment against Governor Gilmore and remand with instructions that the district court dismiss him as a party in this action. AFFIRMED IN PART, VACATED IN PART, AND REMANDED.

WIDENER, Circuit Judge, concurring:

I concur in all of the opinion of the court except Part IV.A, and I concur in the result that Part IV.A obtains...

Citation (ci)
252 F.3d 316, 52 ERC 1818, 31 Envtl. L. Rep. 20,753
### Field abbreviation  | Field name  | Definition
---|---|---
ci | citation | unique references for citing to a specific case

ti | title | formal name of a case and complete description of all adverse parties

sy | synopsis | summary of the case, including the background and holding, prepared by the publisher; also includes summary prepared by the court, if available

bg | background | summary of the nature of the case and party designations

hg | holding | summary of the major holdings in the case

to | topic | West editorial classifications, including the numbers and names of West digest topics and key number information

he | headnote | editorial descriptions of legal rules and principles discussed in the case

di | digest | combined topic and headnote fields

co | court | abbreviation for the court of decision

at | attorney | names of counsel

ju | judge | name of the judge writing the lead opinion

op | opinions | text of all opinions and names of the judges

ft | full-text | all information except publisher’s synopsis and the digest field

wp | words-phrases | legal terms and phrases defined within headnotes; based on West’s *Words and Phrases* publication

pa | panel | judges participating in the case (when provided by the court)

pr | prelim | docket number, date information, and full court name plus information in the panel field

le | lead | text of the lead opinion, including majority and plurality opinions and opinions by equally divided courts

con | concurring | text of concurring opinions or opinions that concur in part and dissent in part and names of the judges who wrote them

dis | dissenting | text of dissenting opinions or opinions that concur in part and dissent in part and names of the judges who wrote them

dn | docket-number | docket number assigned to the case

no | notes | West’s or other publisher’s editorial notes

im | image | images available for offline printing

wcn | West-codenotes | list of statutes whose validity was affected by the case
Restricting Your Search by Field

When you run a full-text search on Westlaw, all the fields in a document are searched automatically. Alternatively, you can restrict your search to one or more fields. Adding a field restriction can enhance the productivity of your research session.

There are several ways to add field restrictions to your search. At a database Search page, select the Terms and Connectors search method (if necessary). Then do one of the following:

- Select a field from the Fields drop-down list. The abbreviation for this field will be added to the Search text box. Type the terms you want included in the field restriction in the parentheses following the abbreviation.
- Type a field abbreviation in the Search text box. Type the terms you want included in the field restriction immediately following the abbreviation, enclosing them in parentheses. Connect the field restriction to the rest of your search with the AND connector (&).

Note that when you search a database using the Natural Language search method, only some fields are available for field-restricted searching. These fields are displayed at the bottom of the database Search page. To add a field restriction to your Natural Language search, type the terms you want included in the field restriction in the text box following the field name.

A few of the case law document field restrictions are discussed in more detail below.

Synopsis Field

The synopsis field (sy) contains a summary of the case prepared by West attorney-editors. The synopsis is a single paragraph—sometimes a very long paragraph. A synopsis may include the following information:

- a review of the facts presented
- the holding of the lower court
- the full name of the lower court judge
- the holding of the appellate court
- the last name of the judge who authored the lead opinion
- the last names of the judges who concurred or dissented

If the court writes an official summary of the case, it will be included in the synopsis field.

A number of specific tasks can be accomplished by restricting your search to the synopsis field, such as retrieving cases in which a particular judge has been reversed or affirmed on appeal. For example, to retrieve cases in which Chief Circuit Judge Richard A. Posner, sitting by designation, was reversed on appeal, use the following Terms and Connectors query in the U.S. Court of Appeals for the Seventh Circuit Cases database (CTA7):

\[ \text{sy(posner /2 richard & reversed)} \]
One of the cases in the result is shown in Figure 10.1. Note the search terms highlighted in the synopsis field.

**Figure 10.1: Result of a search restricted to the synopsis field**

**Topic Field**

Each legal issue in a case published in West’s National Reporter System is identified, summarized in a headnote, and assigned a West topic and key number. West attorney-editors classify the headnotes under as many topics and key numbers as apply. West topic and key numbers help you focus your research and enable you to easily move between Westlaw and other West legal publications such as digests and reporters.

When searching on Westlaw, you can retrieve cases containing headnotes classified under a specific West digest topic by using a topic field (to) restriction. For instance, the field restriction to(317) will retrieve cases with headnotes classified under topic 317, Public Lands. You can also search for several topics at once. For example, to retrieve cases with headnotes that are classified under topic 124, Descent and Distribution, or topic 409, Wills, use this field restriction:

```
to(124 409)
```

The topic field also contains the topic name; hierarchical classification information; the key number; the text of the key line for each key number; and the key number to which the headnote was formerly classified, if its classification has changed. Consequently, you can include terms that describe your issue in a topic field search.

For example, suppose you want to retrieve federal cases involving student residency in a state as a factor in the tuition or fees charged by a college or university. You could access the Federal Education–Cases database (FED-CS) and type a query using topic 81, Colleges and Universities, and search terms pertaining to your issue, such as
One of the cases in the result is shown in Figure 10.2. Note the search terms highlighted in the topic field.

A list of West digest topics and their numerical equivalents is available on Westlaw in the West Key Number Digest (Custom Digest), which contains the complete topic and key number outline used by West attorney-editors to classify headnotes. To access the West Key Number Digest, click Key Numbers at the top of any page and then click West Key Number Digest Outline under Browse Key Numbers, or click Custom Digest at the top of the Search page in a case law database. (You can also find a list of West digest topics and their numerical equivalents in Appendix A.)

**Headnote Field**

As mentioned above, West attorney-editors analyze the legal issues in a case and summarize each issue in a headnote. Each headnote is usually one sentence, though it is sometimes referred to as a headnote paragraph. Because the headnotes are succinct expressions of the legal issues raised by the interaction of the facts in a case and the rules of law, you can efficiently search for key terms in the headnote field (he).

For example, you could access the All U.S. Supreme Court Cases database (SCT) and type a query like the following:

\[ \text{he(right free! /5 travel)} \]
One of the cases in the result is shown in Figure 10.3. Note the search terms highlighted in the headnote field.

![Figure 10.3: Result of a search restricted to the headnote field](image-url)
When you view a headnote on Westlaw, you also see the complete hierarchy of concepts used to classify that headnote to a specific key number in the topic field preceding the headnote. In addition, each headnote in a case is numbered. You can use these numbers as an index to the case. Simply click a headnote number (shown circled in Figure 10.3) to view the corresponding portion of the opinion in the right frame (Figure 10.4).

**Digest Field**

The digest field (di) contains the information in the topic field plus the text of all headnotes in a case. The digest field for a case may contain several digest paragraphs. Restricting your search to the digest field can help you avoid retrieving cases containing irrelevant occurrences of your search terms when your query contains frequently used terms (such as employment) or words that have multiple meanings (such as state and will). The language used by West attorney-editors in the digest field may help you retrieve relevant cases you might otherwise miss, as when your search request does not contain the particular terms used by the court in its opinion or when a judge uses words or phrases in atypical ways.

Because the digest field and the synopsis field contain editorial summaries of the issues in a case, searching both fields at the same time can be very effective.

For example, if you want to retrieve federal and state cases from courts in the Fifth Circuit involving retaliation against a whistle-blower and summary judgment, you could access the Fifth Circuit Federal and State Cases database (CTA5-ALL) and type the following Terms and Connectors query, restricting your search to the synopsis and digest fields:

```
sy,di(whistle-blow! /p retaliat! /p “summary judgment”)``
Chapter 10

One of the cases in the result is shown in Figures 10.5 and 10.6. Note the search terms highlighted in the synopsis (Figure 10.5) and digest (Figure 10.6) fields.

Figure 10.5: Result of a search restricted to the synopsis and digest fields

Figure 10.6: Result of a search restricted to the synopsis and digest fields

Judge Field
On Westlaw, you can use the judge field (ju) to search for opinions authored by a particular judge. To search for cases in which a particular judge wrote a concurring opinion or a dissenting opinion, use the concurring field (con) or the dissenting field (dis), respectively.

**Attorney Field**

When you are looking for cases in which a particular individual was attorney of record, use the attorney field (at). For example, to search for federal cases in which David Iglesias represented a party, access the All Federal Cases database (ALLFEDS) and type a search such as

```
at(iglesias /3 david)
```

One of the cases in the result is shown in Figure 10.7. Note the search terms highlighted in the attorney field.

![Figure 10.7: Result of a search restricted to the attorney field](image)

You can also search for the names of law firms or law offices in the attorney field.

**Court Field**

You can use the court field (co) to restrict your Westlaw search to cases issued by a particular court or courts. For example, to restrict your search to cases issued by the highest courts of all states, access the All State Cases database (ALLSTATES) and add `co(high)` to your query.

Connect the court field restriction to your Terms and Connectors query with the AND connector (&).

For federal court information, refer to Appendix B. For state court information, refer to Appendix C.
Searching by West Topic and Key Number

When you have identified a topic and key number associated with the legal issue or concept you are researching, you can run a search on Westlaw using that topic and key number to quickly retrieve cases involving the same legal issue or concept.

A topic and key number search does not require a field-restricted format; that is, you do not need to include a field name or abbreviation as part of your search request. The following is an example of a topic and key number search:

115k101

This search retrieves cases with headnotes classified under topic 115, Damages, and key number 101, Expenses. Of course, you can use a topic and key number search in conjunction with other search terms, as in the following search:

115k101 /p medical

This search retrieves cases with headnotes classified under topic 115, Damages, and key number 101, Expenses, that discuss medical expenses.

As the law evolves, new key numbers are added and existing key numbers are modified. If you begin your Westlaw research using a reclassified or obsolete key number, the cases you retrieve include a Formerly line indicating that the headnote has been reclassified.

Because the material classified under the old key number may have been reclassified to more than one new key number, you should browse your result to determine whether other relevant key numbers exist, or access the West Key Number Digest (Custom Digest) to search for additional relevant key numbers.

Using the West Key Number Digest (Custom Digest)

The West Key Number Digest, also called the Custom Digest, contains the complete topic and key number outline used by West attorney-editors to classify headnotes. The West Key Number Digest helps you identify topic and key numbers related to your issue and retrieve cases with headnotes classified under those topic and key numbers. All headnotes classified under a specific topic and key number are contained in a single document.
To use the West Key Number Digest, follow these steps:

1. Click **Key Numbers** at the top of any page, and then click **West Key Number Digest Outline** under **Browse Key Numbers**. Alternatively, click **Custom Digest** at a case law database Search page. The West Key Number Digest is displayed (Figure 10.8).

![Figure 10.8: West Key Number Digest](image)

2. Click the plus (+) and minus (–) symbols to browse the topic and key number outline.
Chapter 10

3. Select the check box next to each topic or key number you want to include in your search (you can select up to 10), then click Search selected at the bottom of the page. The Custom Digest search page is displayed (Figure 10.9). The topic and key numbers you selected are listed in the Your digest selection(s) box.

![Figure 10.9: Custom Digest search page](image)

4. If you want, you can tailor your search in several ways:
   - Change the order in which the cases in your result are listed. (The default order is reverse chronological order.)
   - Include or exclude references from secondary sources, including *American Law Reports* (ALR) annotations and law review articles.
   - Select the jurisdiction from which you want to retrieve headnotes. (Your home jurisdiction is the default jurisdiction.)
   - Type additional search terms in the Add search terms and/or connectors text box.
   - Select a date restriction from the Date Restriction drop-down list.
5. Click Search. The retrieved headnotes are displayed in the right frame (Figure 10.10).

6. Scan the headnotes. When you find a headnote that interests you, click the case citation to view the full text of the case in the Link Viewer. You can also click the KeyCite status flag, if available, to view the KeyCite result for the case. (For more information about KeyCite, refer to Chapter 12.

**The Result List Tab**

The Result List tab in the left frame of the Custom Digest search result page provides a list of all the topic and key numbers included in your search. On the Result List tab, you can

- click a topic and key number in the list to view the headnotes classified under it and a list of related references (where available) in the right frame
- click **Edit Search** to modify your Custom Digest search

**Using the Most Cited Cases Feature**

When you find a relevant topic and key number in a case you are viewing on Westlaw, you can use the Most Cited Cases feature to retrieve a list of other cases containing headnotes classified under that topic and key number. The cases will be listed in order of citation frequency, with the case cited most often listed first.
To retrieve a Most Cited Cases list, follow these steps:
1. From a displayed case, click Most Cited Cases in a headnote classification hierarchy (Figure 10.11).
The Custom Digest search page is displayed with Most Cited Cases selected as the default order (Figure 10.12).
2. At the Custom Digest search page, you can
   ■ select a different jurisdiction (your home jurisdiction is the default jurisdiction)
   ■ exclude articles from ALR, law reviews, and other secondary sources
   ■ restrict your result by date
   ■ add search terms
   ■ change the order in which the cases in your result will be listed (the default order is to list the cases in order of citation frequency, beginning with the most frequently cited case).

3. After you make your selections, click Search. You will retrieve a single document that lists all cases in the selected jurisdiction containing headnotes classified under your topic and key number (Figure 10.13). If you did not change the default order, the case most frequently cited for the point of law represented by the topic and key number is listed first.

![Figure 10.13: Most Cited Cases list](image)
Chapter 10

Searching for Topic and Key Numbers

In addition to browsing the topic and key number outline for relevant topic and key numbers, you can also search for them using the Search for Key Numbers feature.

To use the Search for Key Numbers feature, complete these steps:
1. Click Key Numbers at the top of any page. A page is displayed that contains the Search for Key Numbers text box.

   2. Type your terms, e.g., family and medical leave, in the text box.
   3. If desired, you can change the jurisdiction from which you retrieve case headnotes. Click Change Jurisdiction, then select the check boxes next to up to three jurisdictions and click Done.
   4. Click Search. A list of topic and key numbers is displayed.
   5. Click a topic and key number to view the list of case headnotes classified under that topic and key number.

Using KeySearch

KeySearch is a research tool that helps you find cases and secondary sources within a specific area of the law. KeySearch guides you through the selection of terms from a classification system based on the West Key Number System and then uses the key numbers and their underlying concepts to run a query, which was created by a West attorney-editor, for you. To access
KeySearch, click **Key Numbers** at the top of any page. Then click **KeySearch** under **Browse Key Numbers**. A list of topics along with selected subtopics is displayed (Figure 10.14).

![KeySearch list of topics](image)

**Figure 10.15: KeySearch list of topics**

### Selecting a West Topic

After you access KeySearch, you can browse the list of topics and subtopics in the right frame by clicking the **Browse** icons ( ). You can also scan the list of topics and subtopics for specific terms by typing the terms in the text box in the left frame and clicking **Go**. (Note: You can use any Westlaw connector between terms except for the /p connector, which is not recognized by KeySearch.)
To select a topic or subtopic for which KeySearch will supply a query, click the Search icon ( ) next to a subtopic or click the Search all of... link at the top of a page. The KeySearch search page is displayed (Figure 10.15).

![Figure 10.16: KeySearch search page](image)

### Searching for Documents

After you select a topic or subtopic, choose the source containing the type of documents you want to retrieve and, if desired, type search terms in the Add search terms text box. KeySearch automatically supplies a query for you based on the topic or subtopics you selected and the source you selected.

- To view the query that KeySearch has supplied (shown circled in Figure 10.15), click View/Edit Full Query. If you want, you can modify the query in the Add search terms text box.
- To view information about the topic and key numbers used in the query, click Show/Hide Key Number information about this query.
- Click Search to run the KeySearch query.
Chapter 11

Searching Legislative and Regulatory Databases on Westlaw

Law students spend most of their time studying cases, but many practicing attorneys use legislative and regulatory materials more often than case law. If you learn how to research statutes and regulations while you are a law student, you will have an advantage when you begin your legal career.

This chapter explains how you can use Westlaw to research a wide variety of federal and state legislative and regulatory databases. Westlaw also offers municipal materials from selected U.S. cities and an expanding array of statutory and regulatory materials from the European Union, the United Kingdom, Canada, and other countries.

Retrieving a Statute or Regulation When You Know Its Citation

Retrieving Current Materials
When you want to retrieve a current statute or regulation and you know its citation, use the Find service. Remember that when you retrieve a statute using Find, you retrieve the annotated document, where available. For more information on using Find, refer to Chapter 7.

Retrieving Historical Materials
When you want to retrieve an historical statute or regulation and you know its citation, access the appropriate database and search in the citation field. For example, if you want to retrieve the 1990 version of 20 U.S.C.A. § 1136, access the United States Code Annotated 1990 database (USCA90) and type the following Terms and Connectors query:

\[ \text{ci}(20 +5 1136) \]

The +5 instructs Westlaw to retrieve documents in which 20 precedes 1136 by five terms or fewer.

Tips for Searching Legislative and Regulatory Materials Databases

- Most Westlaw databases containing legislative and regulatory materials can be searched using either the Terms and Connectors or the Natural Language search method. For a complete, current list of Westlaw databases, refer to the Westlaw Directory.
Because statutory and regulatory information changes frequently, make it a habit to check Scope to view current coverage information for a database, along with search tips and explanations of related materials and fields available for the database.

When you retrieve a statute on Westlaw, check the Current through line at the end of the document. Click Currentness, if available, in the prelim field to jump to this information or scroll to the end of the document.

KeyCite—the citation research service on Westlaw—can help you make sure that your statute or regulation is current. A red or yellow KeyCite status flag in the header of a displayed document or alongside an item in a list of citations indicates that KeyCite information is available that should be investigated. (For more information on using KeyCite, refer to Chapter 12).

**West Annotated Statutes**

Annotations to statutory text are created by West attorney-editors and provide information that can help you understand and apply the statute. For example, choose an annotated database when you

- want to view detailed information regarding textual changes in a statute
- want to browse summaries of cases and administrative decisions construing a statute
- are looking for a term or phrase that may not be used in the statutory text itself, e.g., lemon law

When you are searching for specific language in statutory text only, choose an unannotated database.

**Federal Statutes**

Annotated federal statutes are available on Westlaw in the United States Code Annotated database (USCA). USCA contains the text of federal statutes as published in the official United States Code, along with

- notes of cases and attorney general decisions
- references to regulations and secondary sources
- historical information regarding the enactment, amendment, revision, and repeal of statutory sections
- cross-references to other sections within the Code

The unannotated United States Code is available on Westlaw in the United States Code database (USC).
State Statutes
The text of statutes of all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands can also be searched on Westlaw in either annotated or unannotated databases. You can search all jurisdictions at once in the State Statutes–Annotated database (ST-ANN-ALL) or the State Statutes–Unannotated database (STAT-ALL), or you can search an individual jurisdiction in the Individual State Statutes–Annotated database (XX-ST-ANN) or the Individual State Statutes–Unannotated database (XX-ST), where XX is a state’s two-letter postal abbreviation, e.g., MA for Massachusetts.

Identifying Fields in Statutory Documents
The sample document on the next page illustrates several fields in a statute on Westlaw. A table following the sample document provides brief descriptions of statute document fields.
Chapter 11

132

Winning Research Skills

Citation


West's Annotated California Codes Currentness
Family Code (Refs & Annos)
Division 3. Marriage (Refs & Annos)
Part 4. Confidential Marriage (Refs & Annos)
Chapter 1. General Provisions (Refs & Annos)

§ 501. Issuance of license

Except as provided in Section 502, a confidential marriage license shall be issued by the county clerk upon the personal appearance together of the parties to be married and their payment of the fees required by Sections 26840.1 and 26840.8 of the Government Code and any fee imposed pursuant to the authorization of Section 26840.3 of the Government Code.

CREDIT(S)


LAW REVISION COMMISSION COMMENT

Enactment (Revised Comment)
Section 501 continues the second sentence of former Civil Code Section 4213(a) without substantive change. [23 Cal.L.Rev.Comm. Reports 1 (1993)]

HISTORICAL AND STATUTORY NOTES

2004 Main Volume
Civ.C. former § 4213, added by Stats.1969, c. 1608, § 8, amended by Stats.1971, c. 1244, § 1; Stats.1973, c. 142, § 11; Stats.1977, c. 585, § 1; Stats.1980, c. 676, § 59...

CROSS REFERENCES
Certificate of registry, preparation and filing, see Family Code § 359.
County defined for purposes of this Code, see Family Code § 67.
License, Necessity, see Family Code §§ 300, 350...

LIBRARY REFERENCES
2004 Main Volume
Marriage ☑ 25(2), 25(4), 25(2)
Westlaw Topic No. 253 ...

RESEARCH REFERENCES
Encyclopedias
Cal. Jur. 3d Family Law § 60, Issuance of Confidential Marriage License; Duration, ...

NOTES OF DECISIONS
In general 1
1. In general
Marriage license must be obtained by parties except in special situations dealt with by statute and there must be a solemnization. Argonaut Ins. Co. v. Industrial Acc. Commission (App. 5 Dist. 1962) 23 Cal. Rptr. 1, 204 Cal.App.2d 805, Marriage ☑ 12, 1

Citation


Current with urgency legislation through Ch. 6 of 2008 Reg.Sess. and Ch. 6 of 2007-2008 Third Ex.Sess., and Props. 98 and 99
Restricting Your Search by Field

When you run a full-text search on Westlaw, all the fields in a document are searched automatically. Alternatively, you can restrict your search to one or more fields. Adding a field restriction can enhance the productivity of your research session.

There are several ways to add field restrictions to your search. At a database Search page, select the Terms and Connectors search method (if necessary). Then do one of the following:

- Select a field from the Fields drop-down list. The abbreviation for this field will be added to the Search text box. Type the terms you want included in the field restriction in the parentheses following the abbreviation.
- Type a field abbreviation in the Search text box. Type the terms you want included in the field restriction immediately following the abbreviation, enclosing them in parentheses. Connect the field restriction to the rest of your search with the AND connector (&).

A few of the most commonly used document fields in statutes and regulations databases are discussed in more detail below.

**Prelim Field**

The prelim field (pr) contains the title, subtitle, chapter, and subchapter headings of each section. Restricting your search to the prelim field is useful when you are beginning your research because doing so helps you retrieve documents on a specific subject.
For example, to retrieve documents on hazardous waste in the New Mexico Statutes Annotated–West’s database (NM-ST-ANN), you could restrict your Terms and Connectors query to the prelim field as follows:

\[ \text{pr(hazard! /p waste)} \]

**Caption Field**
The caption field (ca) contains the section number followed by a few terms that describe the contents of the section. Restricting your search to the caption field can help you refine your search when used in combination with a prelim field restriction.

Returning to the sample search for New Mexico statutes regarding hazardous waste, you could modify the search to include a caption field restriction that would help you identify sections containing statutory definitions of important terms:

\[ \text{pr,ca(hazard! /p waste & defin!)} \]

**Viewing Consecutive Statutes and Regulations**
To view consecutive documents even if they were not retrieved by your search or Find request (e.g., to view 26 U.S.C.A. § 402 even though your search retrieved only 26 U.S.C.A. § 401), click Previous Section or Next Section in the document header. To return to your search result or the document you retrieved with Find, click Original Results at the top of the left frame.

**Using the Table of Contents Service**
The Table of Contents service allows you to browse the table of contents for a publication, view a document in the context of the sections surrounding it, and quickly retrieve related sections. The Table of Contents service contains the tables of contents for frequently used publications such as United States Code Annotated (USCA), Code of Federal Regulations, Uniform Laws Annotated, Corpus Juris Secundum, and American Jurisprudence 2d, as well as state statutes and constitutions, court rules, administrative codes, municipal codes, and other materials.

**Accessing the Table of Contents Service**
There are several ways to access the Table of Contents service.

- You can access the Table of Contents service from the Shortcuts section of many tabbed pages, including your tabbed state page. Select a publication from the Tables of Contents drop-down list and click Go.
Click **Site Map** at the top any page, then click **Table of Contents** under **Browse Westlaw**. The Table of Contents page is displayed (Figure 11.1). Type a publication abbreviation, e.g., `usca`, in the text box and click **Go**. Alternatively, browse the list by clicking the plus (+) and minus (−) symbols. To view the table of contents for a publication in the list, e.g., *United States Code Annotated*, click its hypertext link.

![Figure 11.1: Table of Contents page](image)

Access a database for which the Table of Contents service is available and click **Table of Contents** at the top of the Search page.

From a displayed document in split-page view, click **Table of Contents** on the Links tab in the left frame. The portion of the table of contents referencing the document is displayed in the right frame. In full-page view, click **Links for...**, then click **Table of Contents**. The portion of the table of contents referencing the document is displayed across the full width of the page.

**Browsing and Searching Table of Contents Information for a Publication**

To browse the table of contents for a publication, click the plus and minus symbols. To retrieve a specific section, click its hypertext link. The section is displayed in the Link Viewer.

You can retrieve more than one section of a publication, or whole titles, chapters, or subchapters. You can also retrieve only those sections that contain specific terms.
Chapter 11

Follow these steps:
1. While viewing the table of contents for a publication, select the check box in front of the titles, chapters, subchapters, or sections you want to retrieve.
2. Click Search at the bottom of the page. A list of the sections you selected is displayed, similar to that shown in Figure 11.2.

![Figure 11.2: Table of Contents search page](image)

3. If you want to retrieve only those sections that contain specific terms, type the terms in the Add search terms and connectors text box. Use connectors to specify the relationship between terms, as you would with a Terms and Connectors query.
4. If you want to retrieve the versions of the sections that were effective on a specific date, type the date in the Search sections effective on text box or click the Calendar icon to select the date.
5. Click Search to display your result.
Using an Index to Retrieve Statutes and Regulations

You can use an alphabetical index in statutes databases and the Code of Federal Regulations database (CFR) to retrieve sections on a specific topic. You can access the index directly from a database Search page: Click Statutes Index at the top of the Search page in a statutes database or RegulationsPlus Index at the top of the Search page in the CFR database. Browse the index (Figure 11.3) using the hypertext links and the plus and minus symbols, or search for specific terms in the index using the Search feature. To retrieve the full text of a section, click its citation (Figure 11.4).
Using the Popular Name Table to Retrieve Statutes

When you know the popular name of an act, you can use the Popular Name Table to retrieve all statutes sections under which the act is codified. The Popular Name Table is available for both state statutes and the USCA. To use the USCA Popular Name Table, follow these steps:

1. Access the USCA database and click **Pop. Name Table** at the top of the Search page.

2. Browse the alphabetical list in the right frame (Figure 11.5), or click **Locate in Result** in the left frame to search for the name of the act.

3. Click the name of the act to see all USCA sections under which it is codified.

Click a USCA citation to view the full text of the section.

Retrieving Prior Versions of Statutes or Regulations

When you are searching the USCA database, the CFR database, or the annotated statutes databases for California (CA-ST-ANN), Florida (FL-ST-ANN), Illinois (IL-ST-ANN), Massachusetts (MA-ST-ANN), New Jersey (NJ-ST-ANN), New York (NY-ST-ANN), Pennsylvania (PA-ST-ANN), or Texas (TX-ST-ANN), you can search for the version of a statute or regulation that was effective on a specific date. After accessing one of these databases, follow these steps:

1. Type a Terms and Connectors search or a Natural Language search in the **Search** text box at the Search page (Figure 11.6).

2. Type a date in the **Search sections effective on** text box, or click the **Calendar** icon and select a date from the calendar.

3. Click **Search Westlaw**.
A list of sections that were effective on the date you selected is displayed.

![Figure 11.6: Statutes Search page](image)

**Other Westlaw Resources for Legislative and Regulatory Information**

Westlaw offers broad and deep coverage of federal and state legislative and regulatory materials, as well as international and foreign materials. Some of these materials are discussed below. A discussion of all the legislative and regulatory resources on Westlaw is beyond the scope of this publication—refer to the Westlaw Directory for a complete, current list of databases and check Scope for detailed coverage and currentness information for a database.

**Legislative Service Databases**

Legislative service databases contain laws passed in the current legislative session or in recent sessions.

For example, the United States Public Laws database (US-PL) contains public laws passed by the U.S. Congress during the current term.

Session laws passed by the legislative bodies of the states and laws proposed by initiative or proposition can be found in the Multistate Legislative Service database (LEGIS-ALL) or the Individual State Legislative Service databases (XX-LEGIS, where XX is a state’s two-letter postal abbreviation).

**Legislative Tracking and Bill Text Databases**

Legislative tracking databases offer legislative calendars and summaries and status information regarding currently pending bills or bills from recent sessions, as well as the full text of bills.

For example, the Bill Tracking–Federal–Summaries and Status database (US-BILLTRK) provides information concerning current federal legislation.

The Bill Tracking–All States–Summaries and Status database (ST-BILLTRK) provides information on current legislation from all 50 states and the District of Columbia, and the
Individual State Bill Tracking databases (XX-BILLTRK, where XX is a state’s two-letter postal abbreviation) provide information on current legislation from an individual state.

**Archival Legislative Databases**

Historical legislative information available on Westlaw includes information regarding bills that were never enacted and laws that have been repealed.

For example, summaries and status information for bills that were considered during past state and federal legislative sessions are available in the Bill Track Archives database (BILLTRK-OLD). The United States Public Laws 1973–2006 database (US-PL-OLD) contains federal public laws passed in prior terms.

Annotated federal statutes are available in historical United States Code Annotated databases (USCAYY, where YY is the last two digits of a year) starting with 1990, e.g., United States Code Annotated 2002 (USCA02).

**Legislative History Databases**

The Legislative History–U.S. Code, 1948 to Present database (LH) contains congressional committee reports. The Congressional Record database (CR) contains the text of congressional debates as reported in the *Congressional Record*.

Comprehensive legislative histories for U.S. public laws compiled by the U.S. Government Accountability Office are available in the U.S. GAO Federal Legislative Histories database (FED-LH). It includes the text of the laws, bills and resolutions, committee reports, *Congressional Record* documents, and transcripts of hearings. Currently, the database provides legislative history for laws enacted between 1979 and 1995 (coverage will eventually extend back to 1915).

For some especially significant and wide-ranging legislative acts, Westlaw offers databases that provide comprehensive legislative history compiled by the law firm Arnold & Porter for a particular act. For example, legislative history for the USA Patriot Act is available in the USA Patriot Act of 2001 Legislative History database (PATRIOT-LH).

Legislative history is also available for more than 35 states and the District of Columbia in the Individual State Legislative History databases (XX-LH, where XX is a state’s two-letter postal abbreviation). Available information, which varies by state, includes bill analyses and status information, committee reports, legislative journals, transcripts of legislative proceedings, records of legislators’ votes, and governors’ messages.

**U.S. Code Congressional and Administrative News Database**

The U.S. Code Congressional and Administrative News database (USCCAN) includes documents from the *U.S. Code Congressional and Administrative News*, such as the text of U.S. public laws; legislative history reports; and the text of presidential proclamations, executive orders, and presidential messages and signing statements.
**Regulation Tracking Databases**

The Regulation Tracking–Federal database (US-REGTRK) contains summaries and status information concerning proposed and recently adopted federal regulations.

The Regulation Tracking–All States database (ST-REGTRK) and the Individual State Regulation Tracking databases (XX-REGTRK, where XX is a state's two-letter postal abbreviation) contain summaries and status information concerning proposed and recently adopted regulations for all 50 states and the District of Columbia.

**Archival Regulations Databases**

Federal regulations are available in historical Code of Federal Regulations databases (CFRYY, where YY is the last two digits of a year) starting with 1984, e.g., Code of Federal Regulations (2003 Version) (CFR03).

**Court Rules Databases**

The Federal Rules database (US-RULES) contains rules from the USCA.

State court rules are available in Individual State Court Rules databases (XX-RULES, where XX is a state's two-letter postal abbreviation).

**Treaties Databases**

The U.S. Treaties and Other International Agreements database (USTREATIES) provides the full text of international and American Indian treaties to which the U.S. government is a party. U.S. treaties are also available in the United States Treaties in Force database (USTIF), which contains the full text of the current edition of *United States Treaties in Force* published by the U.S. Department of State.

The European Union Treaties database (EU-TREATIES) contains the text of treaties between member states of the European Union, including the treaties establishing the European Coal and Steel Community, the European Economic Community, and the European Atomic Energy Community; accession documents that enlarged the European communities; treaties of amendment such as the Single European Act; and the Treaty of the European Union (Maastricht Treaty).

**Westlaw 50 State Surveys**

The 50 State Surveys database (SURVEYS) contains topical surveys of state laws along with references to the applicable state statutes so you can easily determine how legislation on a given topic varies among states.

The 50 State Regulatory Survey database (REG-SURVEYS) contains topical surveys of state regulations along with references to the full text of the applicable regulations.
Chapter 12

Citation Research on Westlaw

Finding the law is only the beginning of legal research; citation research helps you check the status of the law, expand your research, and update your work. This chapter describes Westlaw services and search techniques that will help you quickly and easily perform citation research that is comprehensive, current, and accurate.

<table>
<thead>
<tr>
<th>Westlaw service or search technique</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>KeyCite</td>
<td>KeyCite helps you quickly determine whether a case, statute, administrative decision, or regulation is good law and retrieve citing references.</td>
</tr>
<tr>
<td>KeyCite Alert</td>
<td>KeyCite Alert lets you set up entries to automatically monitor the status of cases, statutes, administrative decisions, and regulations and sends you updates when their KeyCite information changes.</td>
</tr>
<tr>
<td>Table of Authorities</td>
<td>The Table of Authorities service lists the cases cited by a case and shows whether those cases have significant negative history.</td>
</tr>
<tr>
<td>WestCheck.com</td>
<td>WestCheck.com is West’s citation research application on the Web that enables you to verify citations in a word-processing document, such as a brief, or in a list of citations.</td>
</tr>
<tr>
<td>WestCiteLink</td>
<td>WestCiteLink creates hypertext links from legal citations in your documents to the full text of the cited documents on Westlaw.</td>
</tr>
</tbody>
</table>

**KeyCite**

KeyCite is the citation research service available exclusively on Westlaw. KeyCite can assist you with every step of the research process. KeyCite provides information such as the following:

- direct appellate history of a case or administrative decision
- negative citing references for a case or administrative decision
- citations to cases, administrative materials, secondary sources, and briefs and other court documents on Westlaw that have cited a case, statute, administrative decision, regulation, *American Law Reports* (ALR) annotation, law review article, or patent
- complete integration with the West Key Number System so that you can track legal issues discussed in a case
Chapter 12

- citations to session laws or rules amending or repealing a statute or regulation
- citations to proposed legislation affecting a statute
- patent status, litigation, prior art, and assignments

**KeyCite Is Comprehensive**
KeyCite covers every case in West’s National Reporter System as well as more than 1 million unpublished cases.

KeyCite information is also available for federal statutes and regulations, statutes from all 50 states and regulations from selected states, administrative decisions of selected state and federal agencies, ALR annotations, law review articles, and U.S. patents.

KeyCite also provides citing references from *American Jurisprudence 2d* (Am Jur 2d) and legal texts such as *Couch on Insurance*, Mertens’ *Law of Federal Income Taxation*, *Norton Bankruptcy Law and Practice 3d*, publications of The Rutter Group, Witkin’s California treatises, and Wright and Miller’s *Federal Practice and Procedure*.

**KeyCite Is Current**
Direct history of the case, which traces a case through the appellate process and includes both prior and subsequent history, is added to KeyCite within one to four hours of receipt of the opinion at West. Citing cases are added to KeyCite as soon as they are added to Westlaw.

History of the statute, which lists citations to proposed bills and session laws and describes legislative changes affecting a section, is added to KeyCite as soon as the source documents are added to Westlaw.

**KeyCite Is Accurate**
All information added to KeyCite undergoes rigorous editorial analysis by West legal staff.

**KeyCite Is Easy to Use**
The ability to display the direct history of a case in graphical view and unique graphical elements such as status flags, depth of treatment stars, and quotation marks enable you to quickly identify and evaluate information in KeyCite.
### Accessing KeyCite

To help you work efficiently, there are several ways to quickly access information in KeyCite.

<table>
<thead>
<tr>
<th>Point of access for KeyCite information</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Many tabbed pages, including the Law School page and the Westlaw page</td>
<td>Type a citation in the <strong>KeyCite this citation</strong> text box in the left frame and click <strong>Go</strong>.</td>
</tr>
</tbody>
</table>
| A KeyCite status flag | A KeyCite status flag indicates that information for a document is available in KeyCite. A KeyCite status flag is displayed, when appropriate,  
  - in the header of a document  
  - in the KeyCite section of the Links tab  
  - next to a document’s citation in a list of retrieved documents  
  - in a KeyCite, a Table of Authorities, a Custom Digest, and a Most Cited Cases result  
  Click the flag to display the KeyCite information. |
| Any Westlaw page | Click **KeyCite** at the top of any page to display the KeyCite page (Figure 12.1). Then type a citation in the **KeyCite this citation** text box and click **Go**. |

---

**Figure 12.1: KeyCite page**
Chapter 12

**KeyCite Status Flags**

A KeyCite status flag (a red or yellow flag, a blue H, or a green C) indicates that information for a document is available in KeyCite.

The following table will help you understand how the KeyCite status flags are used in documents.

<table>
<thead>
<tr>
<th>KeyCite status flags</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>![Red Flag]</td>
<td>A <strong>red flag</strong> indicates that the case or administrative decision is no longer good law for at least one of the points of law it contains or that the statute or regulation has been amended by a recent session law or rule, repealed, superseded, or held unconstitutional or preempted in whole or in part.</td>
</tr>
<tr>
<td>![Yellow Flag]</td>
<td>A <strong>yellow flag</strong> indicates that the case or administrative decision has some negative history but hasn’t been reversed or overruled; that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available (statutes merely referenced, i.e., mentioned, are not marked with a yellow flag); that a proposed rule affecting the regulation is available; that the regulation has been reinstated, corrected, or confirmed; that the statute or regulation was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute or regulation received negative judicial treatment.</td>
</tr>
<tr>
<td>![Blue H]</td>
<td>A <strong>blue H</strong> indicates that the case or administrative decision has some history.</td>
</tr>
<tr>
<td>![Green C]</td>
<td>A <strong>green C</strong> indicates that the case or administrative decision has citing references but no direct history or negative citing references. A green C indicates that the statute or regulation has citing references.</td>
</tr>
</tbody>
</table>

**KeyCite Information for a Case**

**History of the Case**

Case history is divided into the following categories:

<table>
<thead>
<tr>
<th>KeyCite case history category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct History</td>
<td>traces your case through the appellate process and includes both prior and subsequent history</td>
</tr>
<tr>
<td>Negative Citing References</td>
<td>lists cases outside the direct appellate line that may have a negative impact on the precedential value of your case</td>
</tr>
<tr>
<td>Related References</td>
<td>lists cases that involve the same parties and facts as your case, whether or not the legal issues are the same</td>
</tr>
</tbody>
</table>

Case history also includes links to related court documents, such as briefs, petitions, motions, and transcripts of oral arguments.
Figure 12.2 shows an example of case history information.

![KeyCite history of the case](image)

**Customizing the History You View**

When you are viewing the full KeyCite history result, you can show only negative history by clicking the arrow immediately following *Limit KeyCite History Display* at the bottom of the page and choosing *Show Negative Treatment Only* from the menu that is displayed. You can also choose *Exclude Court Documents* from the menu to exclude court documents from the KeyCite history result. To return to the full history, click *Cancel Limits* at the bottom of the page.

**Displaying Direct History in Graphical View**

While viewing a case or its KeyCite history result in text view (Figure 12.2), you can click *Direct History (Graphical View)* on the Links tab to display the direct history of the case in an easy-to-read graphical view (Figure 12.3). The case you are checking in KeyCite is clearly marked, and arrows clarify the route of the case through the courts. Both prior and subsequent history of the case is displayed, with each court decision referenced in a box at the appropriate trial or appellate level. The boxes include links to the full text of the decisions, as well as to related court...
documents, such as briefs, petitions, and motions. After checking the direct history in graphical view, click **Full History (Text)** at the top of the page to return to the full history.

![Figure 12.3: Direct history in graphical view](image)

**Citing References to a Case**

To view a list of cases, administrative materials, secondary sources, and briefs and other court documents that cite your case, click **Citing References** on the **Links** tab in split-page view or **KeyCite Citing References** at the bottom of the KeyCite history result in full-page view.

The first portion of the KeyCite citing references result (Figure 12.4) lists all negative citing cases, followed by a list of other cases, administrative materials, secondary sources, and briefs and other court documents citing your case. Citing cases are categorized by the depth of treatment they give your case; citing cases that discuss your case in depth are listed before cases...
that only briefly mention your case. Quotation marks indicate that the citing case directly quotes your case.

Figure 12.4: KeyCite citing references to the case

**KeyCite Depth of Treatment Stars**

KeyCite depth of treatment stars indicate the extent to which a citing case discusses the cited case.

<table>
<thead>
<tr>
<th>KeyCite depth of treatment stars</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>★★★★★</td>
<td>Examined</td>
</tr>
<tr>
<td>★★★★</td>
<td>Discussed</td>
</tr>
<tr>
<td>★★★</td>
<td>Cited</td>
</tr>
<tr>
<td>★</td>
<td>Mentioned</td>
</tr>
</tbody>
</table>
Chapter 12

Restricting Citing References to a Case
Several features help you restrict a list of citing references to those references that are important to you. You can limit your KeyCite result by
- headnote
- Locate term
- jurisdiction
- date
- document type
- depth of treatment

To restrict the list of citing references, follow these steps:
1. Click **Limit KeyCite Display** at the bottom of the page (shown circled in Figure 12.4). The KeyCite Limits page is displayed.
2. Use the check boxes, text boxes, and drop-down lists in the right frame to define your restrictions. Click the arrows in the left frame to move from one restriction to another.
3. Click **Apply** to display the KeyCite result with the restrictions you specify.

To modify your restrictions, click **Edit Limits** at the bottom of the KeyCite citing references result. To cancel your restrictions and display all citing references, click **Cancel Limits** at the bottom of the KeyCite citing references result.

Limit by Headnote
Every legal issue in a case published by West is identified and summarized in a headnote. Each headnote is classified under one or more topic and key numbers in the West Key Number System. Each topic and key number represents a particular point of law.

To restrict the list of citing references to those discussing points of law dealt with in specific headnotes, click the **Headnotes** arrow in the left frame of the KeyCite Limits page. A list of the topics and key numbers under which the headnotes from the cited case are classified is displayed.
in the right frame (Figure 12.5), followed by the full text of those headnotes. Select one or more check boxes preceding the topics and key numbers, then click Apply.

![Figure 12.5: KeyCite Limits–Headnotes page](image)

**Limit by Locate Term**

KeyCite Locate enables you to search the text of citing references and limit your KeyCite result to those documents that contain specific terms. KeyCite Locate is available for KeyCite results that contain fewer than 2,000 citing references.
Chapter 12

To access KeyCite Locate, click the **Locate** arrow in the left frame of the KeyCite Limits page (Figure 12.6).

![Figure 12.6: KeyCite Limits–Locate page](image)

After accessing KeyCite Locate, follow these steps:

1. Type your Locate terms in the **Locate** text box as you would a Terms and Connectors query.
2. If you want the Locate terms to appear in the same paragraph as the cited reference, select the check box below the **Locate** text box.
3. Click **Apply** to search the text of citing references for your Locate terms.
Your list of citing references is limited to documents that contain your Locate terms (Figure 12.7).

To view the full text of a citing document in the Link Viewer, click the number preceding its citation. Your Locate terms are highlighted in the text of the citing documents (Figure 12.8).
Limit by Jurisdiction
To limit citing cases by jurisdiction, follow these steps:
1. Click the Jurisdiction arrow in the left frame of the KeyCite Limits page. A list of jurisdictions that have issued cases citing your case is displayed in the right frame (Figure 12.9). The number in parentheses following a jurisdiction shows the number of cases from that jurisdiction that cite your case.
2. Select the check boxes for the jurisdictions from which you want to retrieve citing references.
3. Click Apply in the left frame.

Limit by Date
You can restrict citing references to documents
- issued during a specific time period
- issued before or after a given date
- added to Westlaw during a specific time period or after a given date

Click the Date arrow in the left frame of the KeyCite Limits page. A number of drop-down lists and text boxes are displayed in the right frame (Figure 12.10).

To restrict the citing references by the decision date or publication date, select Date of Document in the right frame; then select a restriction from the drop-down list or enter your date restriction in the After or Before text boxes.
To restrict the citing references by the date they were added to Westlaw, select **Date added after**, then select a restriction from the drop-down list or enter your date restriction in the **Specific** text box.

When you finish making your selections, click **Apply** in the left frame.

![Figure 12.10: KeyCite Limits–Date page](image)

**Limit by Document Type**

From the KeyCite Limits page, you can

- restrict citing references to cases from a jurisdiction’s highest court, other courts, or both
- include or exclude citations to ALR annotations, law review articles, Andrews litigation reporters, and other secondary sources
- include or exclude citations to administrative decisions and the **Federal Register**
- include or exclude citations to court documents, such as appellate briefs, trial filings, and jury instructions
- restrict citing references to documents from a specific publication

Click the **Document Type** arrow in the left frame of the Key Cite Limits page. A list of document types is displayed in the right frame, as shown in Figure 12.11. The number following a document type shows how many documents of that type cite your case.

Clear the check boxes next to the document types that you don’t want included in your list of citing references. To restrict the citing references to a specific publication, type the publication
abbreviation in the Publication text box. When you finish selecting your restrictions, click Apply in the left frame.

Limit by Depth of Treatment
You can restrict citing cases to one or more depth of treatment categories. Click the Depth of Treatment arrow in the left frame of the KeyCite Limits page. The depth of treatment categories are displayed in the right frame (Figure 12.12). Clear the check boxes next to the treatment categories that you don’t want included in your list of citing references, then click Apply in the left frame.
KeyCite Notes

When you identify a relevant headnote in a case, use KeyCite Notes to retrieve a list of citing references that discuss legal issues similar to the one summarized in that headnote.

From a displayed case (Figure 12.13), follow these steps:
1. Click KeyCite Notes in a headnote classification hierarchy in the case, or click the KeyCite Notes icon alongside a headnote number in a headnote classification hierarchy or in the text of the opinion.
2. A list of the types of citing references available in KeyCite is displayed (Figure 12.14). Each type of citing reference is followed by a number that indicates how many documents of that type discuss the legal issue summarized in the headnote. Click the plus (+) and minus (–) symbols to browse the list.

Figure 12.14: KeyCite Notes list of the available types of citing references

3. Select the check boxes next to the types of citing references you want to view.
4. When you finish making your selections, click Go. The citing references you selected are displayed in the right frame (Figure 12.15).

**KeyCite Information for a Statute**

**History of a Statute**

Statute history lists cases affecting the validity of a statute (if the case was added to Westlaw after January 15, 2001) plus legislative materials related to the statute. These materials are divided into the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Updating Documents</td>
<td>lists citations to recent session laws that have amended or repealed the section</td>
</tr>
<tr>
<td>Proposed Legislation</td>
<td>lists citations to proposed bills that reference the section</td>
</tr>
<tr>
<td>Bill Drafts</td>
<td>lists all drafts of bills proposed before the section was enacted into law</td>
</tr>
<tr>
<td>Reports and Related Materials</td>
<td>list reports, journals, <em>Congressional Record</em> documents, presidential or executive messages, and testimony relevant to the section; also lists records of votes on New York statutes</td>
</tr>
<tr>
<td>Credits</td>
<td>lists in chronological order citations to session laws that have enacted, amended, or renumbered the section</td>
</tr>
<tr>
<td>Historical and Statutory Notes</td>
<td>describes the legislative changes affecting the section</td>
</tr>
</tbody>
</table>

---

*Figure 12.15: KeyCite Notes information*
Chapter 12

Figure 12.16 shows an example of statute history information.

Citing References to a Statute

To view a list of documents that cite the statute, click Citing References on the Links tab in split-page view or KeyCite Citing References at the bottom of the KeyCite history result in full-page view. Figure 12.17 shows citing references to the statute.
Documents citing the statute are listed in the following order:

- cases that have affected the validity of the section
- cases from *United States Code Annotated* and state statute notes of decisions
- cases on Westlaw that do not appear in notes of decisions
- administrative decisions
- administrative registers
- secondary sources
- court documents such as petitions and briefs
- statutes and court rules
- administrative codes

If the citing references result is large, it may be divided into parts.

**Restricting Citing References to a Statute**

Several features help you identify citing references that are important to you. You can limit your KeyCite result by

- notes of decisions
- Locate term
- jurisdiction
- date
- document type

To restrict the list of citing references, follow these steps:

1. Click **Limit KeyCite Display** at the bottom of the page (shown circled in Figure 12.17). The KeyCite Limits page is displayed.
2. Use the check boxes, text boxes, and drop-down lists in the right frame to define your restrictions.
   - Click the arrows in the left frame to move from one restriction to another.
3. Click **Apply** to display the KeyCite result with the restrictions you specify.

To modify your restrictions, click **Edit Limits** at the bottom of the KeyCite citing references result. To cancel your restrictions and display all citing references, click **Cancel Limits** at the bottom of the KeyCite citing references result.

**Limit by Notes of Decisions**

Notes of decisions summarize points of law from court decisions and attorney general opinions that have construed your statute. Notes of decisions are indexed by topic.

To restrict the list of citing cases to those cited in notes of decisions indexed under a specific topic, click the **Notes of Decisions** arrow in the left frame of the KeyCite Limits page. The topics
under which the notes of decisions are indexed are displayed in the right frame (Figure 12.18). Select one or more check boxes preceding the topics, then click Apply.

To view the text of the notes of decisions, click the View Notes of Decisions Text arrow. The notes of decisions are displayed across the full width of the page (Figure 12.19). You can easily browse the notes of decisions by using the hypertext links in the index at the top of the page.
**Limit by Locate**

KeyCite Locate enables you to search the text of citing references and limit your KeyCite result to those documents that contain specific terms.

To access KeyCite Locate, click the Locate arrow in the left frame of the KeyCite Limits page (Figure 12.20).

![Figure 12.20: KeyCite Limits–Locate page](image)

After accessing KeyCite Locate, follow these steps:

1. Type your Locate terms in the Locate text box as you would a Terms and Connectors query.
2. If you want the Locate terms to appear in the same paragraph as the cited reference, select the check box below the Locate text box.
3. Click Apply to search the text of citing references for your Locate terms.
Chapter 12

Your list of citing references is limited to documents that contain your Locate terms (Figure 12.21).

To view the full text of a document in the Link Viewer, click the number preceding the citation. Your Locate terms are highlighted in the text of the citing reference (Figure 12.22).
Limit by Jurisdiction

To limit citing cases by jurisdiction, follow these steps:

1. Click the Jurisdiction arrow at the KeyCite Limits page. A list of jurisdictions that have issued cases citing your statute is displayed in the right frame, as shown in Figure 12.23. The number following a jurisdiction shows the number of cases from that jurisdiction that cite your statute.

2. Select the check boxes for the jurisdictions from which you want to retrieve citing references.

3. Click Apply in the left frame.

Limit by Date

You can restrict citing references to documents

- issued during a specific time period
- issued before or after a given date
- added to Westlaw during a specific time period or after a given date

Click the Date arrow in the left frame of the KeyCite Limits page. A number of drop-down lists and text boxes are displayed in the right frame (Figure 12.24).

To restrict the citing references by the decision date or publication date, select Date of Document in the right frame; then select a restriction from the drop-down list or enter your date restriction in the After or Before text boxes.
Chapter 12

To restrict the citing references by the date they were added to Westlaw, select **Date added after**, then select a restriction from the drop-down list or enter your date restriction in the **Specific** text box.

When you finish making your selections, click **Apply** in the left frame.

![Figure 12.24: KeyCite Limits–Date page](image)

**Limit by Document Type**

From the KeyCite Limits page, you can

- restrict citing references to cases from a jurisdiction’s highest court, other courts, or both
- include or exclude citations to ALR annotations, law review articles, Andrews litigation reporters, and other secondary sources
- include or exclude citations to statutes, administrative decisions, administrative codes, and the **Federal Register**
- include or exclude citations to court documents, such as appellate briefs, trial pleadings, and jury instructions
- restrict citing references to documents from a specific publication

Click the **Document Type** arrow in the left frame of the KeyCite Limits page. A list of document types is displayed in the right frame, as shown in Figure 12.25. The number following a document type shows how many documents of that type cite your statute.

Clear the check boxes next to the document types that you do not want included in your list of citing references. To restrict the citing references to a specific publication, type the publication
abbreviation in the Publication text box. When you finish selecting your restrictions, click Apply in the left frame.

KeyCite Alert

KeyCite Alert automatically monitors the status of cases, statutes, and administrative materials and sends you updates when their KeyCite information changes. When you create a KeyCite Alert entry, you specify settings such as

- the type of history you want to retrieve, e.g., full history, negative treatment only, or no history.
- ways to limit citing references.
- how frequently your citation should be checked, e.g., weekly, biweekly, or monthly.
- the date on which you want KeyCite Alert to begin monitoring your citation. If you want, you can also specify an end date for your entry.
- a destination for delivery of your result. If you choose delivery via e-mail, you can specify multiple e-mail addresses. You can also save your result on Westlaw for 30 days and access it in the Print/Delivery Manager.
- whether you want to retrieve the full text of new documents.
Chapter 12

Creating a KeyCite Alert Entry
There are several ways to quickly and easily create a KeyCite Alert entry.

■ From a KeyCite result or from a displayed document, click Monitor with KeyCite Alert on the Links tab in the left frame in split-page view or at the bottom of the page in full-page view. The KeyCite Alert wizard is displayed with the citation of the document automatically entered for you. Follow the step-by-step instructions to create your entry.

■ From any Westlaw page, click Alert Center in the upper-right corner of the page, then do one of the following:
  ■ Click Wizard in the KeyCite Alert section, then follow the step-by-step instructions to create your entry.
  ■ Click Create in the KeyCite Alert section, then type the citation you want to monitor in the text box and click Go. The KeyCite Alert: Create Entry page (Figure 12.26) is displayed. Select the type of history you want to monitor and specify whether you want to include citing references in the result. Click Edit next to Delivery Settings to change the delivery settings listed on the right side of the page. When you finish specifying your settings, click Save.
Restricting Citing References to Your KeyCite Alert Entry
To restrict the citing references for your KeyCite Alert entry, click Limit Citing Refs at the KeyCite Alert: Create Entry page. The restrictions available vary depending on the type of document you are monitoring. After selecting your restrictions, click Apply in the left frame to return to the KeyCite Alert: Create Entry page.

Modifying or Deleting a KeyCite Alert Entry
To modify or delete a KeyCite Alert entry, use the Alert Center Directory (Figure 12.27). To access the directory, click Alert Center in the upper-right corner of the page. Then click the arrow in the KeyCite Alert section to view your most recent entries, or click View All to view all your entries. Your entries are listed in the order you created them and remain in the directory until you delete them. To modify an entry, click its name. To remove an entry, select the check box next to that entry, then click Delete.

Figure 12.26: KeyCite Alert: Create Entry page

Figure 12.27: Alert Center Directory
Table of Authorities

The Table of Authorities service lists the cases cited by a case. The Table of Authorities is also available for ALR annotations, law review articles, and selected administrative decisions.

The Table of Authorities is a useful tool for finding hidden weaknesses in a case because it shows whether the cases on which your case relies have significant negative history. The Table of Authorities result allows you to determine at a glance which cited cases merit investigation.

- Cited cases with negative history are marked with a red or yellow flag.
- Depth of treatment stars indicate the extent to which the citing case discusses each cited case.
- Quotation marks indicate when the citing case directly quotes a cited case.

A Table of Authorities result also includes page numbers identifying the print page location of the first reference to each of the cases cited by your case.

Retrieving Table of Authorities Information

To access the Table of Authorities, do one of the following:

- Click Site Map at the top of any page, then click Table of Authorities under Citator (KeyCite).
- The Table of Authorities page is displayed (Figure 12.28). Type a citation in the Enter citation text box and click Go.

![Figure 12.28: Table of Authorities page](image-url)
From a displayed case in split-page view, click **Table of Authorities** on the Links tab in the left frame. The table of authorities is displayed in the right frame, similar to that shown in Figure 12.29. In full-page view, click **Links for ...** at the top of the page, then click **Table of Authorities**. The table of authorities is displayed across the full width of the page.

To view the full text of a cited case in the Link Viewer, click the number preceding the citation in the Table of Authorities list.

To view the portion of your case containing the cited reference, click the page number (shown circled in Figure 12.29) after the citation in the Table of Authorities list. The portion of your
case containing the cited reference, which is highlighted for easy identification, is displayed in the right frame (Figure 12.30).

![Figure 12.30: Cited reference highlighted in the right frame](image)

### Checking Citations in Your Word-Processing Document

**WestCheck.com**

WestCheck.com is West’s citation research application on the Web that automatically extracts citations from a legal document or allows you to manually enter a citations list; verifies that the citations are accurate; and checks the citations in KeyCite, giving you a concise report that can be printed or downloaded. Additionally, you can use WestCheck.com to create a table of authorities for cases cited in your document or to retrieve the full text of cases, statutes, regulations, administrative decisions, or law review articles.

To use WestCheck.com, follow these basic steps:

1. Create a citations list.
2. Check your citations.
3. View, print, or save your result.

#### Creating a Citations List

You can create a citations list in WestCheck.com (Figure 12.31) using one of the following methods:

- Extract citations from a document by typing the name of the file in the text box below Extract citation(s) from a document, or click Browse to locate the file.
- Type one or more citations, separated by a semicolon or hard return, in the text box below Enter individual citation(s) ...

172  

*Winning Research Skills*
Copy text from a legal document, preferably a table of authorities, and paste it in the text box below *Enter individual citation(s)* ...

After you have selected the file or entered the citations, click Next.

Checking Your Citations List

You can use WestCheck.com to check the citations on Westlaw in the KeyCite, Find, and Table of Authorities services (Figure 12.32). To check the citations, complete the following steps:

1. If you want to check individual citations, select the check box next to each citation under the service in which you want to check the citation. If you want to check the entire citations list in the same service or services, select the check box next to the heading (e.g., KeyCite). If you do not want to check statute citations, click *Deselect statute check boxes*.

2. Select KeyCite options.
   - For cases, select a KeyCite option from the *For Cases* drop-down list: KeyCite Negative History Only, KeyCite Negative History with Citing Refs (References), KeyCite History without Citing Refs, or KeyCite History with Citing Refs.
   - For statutes, select a KeyCite option from the *For Statutes* drop-down list: KeyCite History Only, KeyCite History with Citing Refs, KeyCite History with Annos (Annotations), or KeyCite History with Citing Refs and Annos.
   - Select the *Include court documents* check box to include court documents (e.g., briefs) in your KeyCite results.

3. Select a report option.
   - Select *Online report display* to view an online report.
   - Select *Offline report delivery* to deliver a report to an e-mail address. Select *E-mail* from the drop-down list and type the e-mail address in the text box.

4. Type your Westlaw password and client identifier in the appropriate text boxes.

5. Click *Go* to check your citations on Westlaw and receive your report.
Winning Research Skills

Viewing, Printing, or Saving an Online Report

An online report is displayed in a separate browser window and includes a navigational index, summary report and detail report sections, KeyCite status flags, depth of treatment stars, and KeyCite quotation marks (Figure 12.33). To print or save an online report, use your browser functions.
WestCiteLink
WestCiteLink is the West software application that automatically finds all legal citations in your word-processing document or HTML file and links them to the full-text versions of the cited references on Westlaw.

Additionally, when you use WestCiteLink you can
- create a table of authorities in your document, along with page numbers for each reference. You can also include internal links from each document listed in the table of authorities to its reference in your document.
- verify your research without leaving your document by checking your citations in KeyCite.
- insert links in your document to Westlaw searches, KeyCite results, or specific documents on Westlaw that you might want to retrieve again.

You can download WestCiteLink software free of charge. Go to lawschool.westlaw.com and click Adv. Westlaw Features at the top of the page.
Secondary Sources, News, and Nonlegal Materials on Westlaw

The materials discussed in preceding chapters have been primary legal sources, i.e., case law, legislative materials, and administrative law. In this chapter, we’ll introduce you to other important and useful research sources that are available on Westlaw, such as legal periodicals, encyclopedias, restatements, treatises, forms books and other practice guides, legal dictionaries, news, and business and financial information. Because good lawyers become expert at gleaning the information they need from a variety of sources, you’ll do well to develop these skills while you are in law school.

Secondary Sources

Legal research materials that are primarily explanatory or descriptive in nature are commonly referred to as secondary sources. Consulting secondary sources will frequently be an important component of your legal research, for several reasons:

- Secondary sources such as legal encyclopedias provide summaries of legal principles and overviews of legal theories and doctrines, which can be especially helpful when you are researching unfamiliar areas of law.
- Secondary sources such as articles in law reviews and professional journals often provide extensive, nuanced discussion of complex, unusual, or emerging topics.
- Because many secondary sources contain numerous citations to primary law, they can help you identify leading cases and statutes.
- Periodicals with a relatively short publication cycle, such as bar association publications, professional journals, newsletters, and legal newspapers, can help you follow developments in the law and the legal profession.
- Secondary sources such as practice guides and forms books are often excellent resources for tools such as forms templates, sample letters, suggested questions for a deposition or cross-examination, model jury instructions, and concise explanations of rules of procedure, burdens of proof, or elements of a crime.

A few of the most frequently used Westlaw databases containing information from secondary sources are described in this chapter. For a complete, current list of the many legal text and periodical resources available on Westlaw, refer to the Westlaw Directory.
Law Reviews
Most U.S. law schools publish at least one law review, which generally contains lengthy articles and footnotes by legal scholars or practitioners on a variety of legal topics. Many schools also publish specialized journals that focus on practice areas or fields of emerging law.

On Westlaw, you can access full-text documents from hundreds of law reviews, along with continuing legal education (CLE) course materials and bar journals, in the Journals and Law Reviews database (JLR). Westlaw also offers an individual database for each law review or journal it carries, with selected coverage for most periodicals beginning with the 1980s. Beginning with volumes dated 1994, all academic law review and journal databases contain full coverage of articles, comments, and case notes for which authors provide copyright releases.

- When you want to retrieve a law review article and you have its citation, use the Find service. (For more information about using Find, refer to Chapter 7.)
- When you want to retrieve an article using its title, access a database and restrict your search to the title field (ti). For example, to retrieve an article titled “National Security, Liberty, and the D.C. Circuit,” access the JLR database and type the following Terms and Connectors query:
  \[ \text{ti}(\text{liberty} \land \text{security} \land \text{d.c.}) \]
- When you want to retrieve articles written by a particular author, access a database and restrict your search to the author field (au). For example, if you want to retrieve articles written by Laurence H. Tribe, access the JLR database and type the following Terms and Connectors query:
  \[ \text{au}(\text{laurence} \land 3 \land \text{tribe}) \]

Texts and Treatises
Westlaw contains the full text of many texts and treatises frequently consulted by law students. These resources are available in individual databases and in the Texts and Treatises database (TEXTS), which contains most of the texts and treatises available on Westlaw.

American Law Reports
American Law Reports, published by West, includes extensive annotations that provide detailed analysis of the development and judicial treatment of a point of law. The American Law Reports database (ALR) is an excellent place to begin your research on almost any legal issue.

You can search the ALR database using either the Terms and Connectors or the Natural Language search method. Your search result is displayed as a list of annotations. To view the full text of an annotation along with the Links tab, which provides links to related information, click its title in the list.
An example of an ALR annotation is shown in Figure 13.1.

From the Links tab, you can
- check the history of an ALR annotation in KeyCite by clicking **History**. An annotation will be marked with a red flag if it has been superseded, or a yellow flag if it has been superseded in part, and will contain a hypertext link to the later annotation.
- retrieve a list of citing references by clicking **Citing References**.
- view **ResultsPlus** information specific to the annotation.
- view a list of cases cited in an annotation by clicking **Table of Authorities**.

**American Jurisprudence 2d**
The American Jurisprudence 2d database (AMJUR) contains the full text of *American Jurisprudence 2d* (Am Jur 2d), a multivolume legal encyclopedia of state and federal law that is published by West. Am Jur 2d contains more than 400 separate titles on a broad range of topics. Each title is updated annually. You can gather background information, determine the applicable primary law, and find leads to other secondary materials, such as forms and practice guides.

**Restatements**
Restatements of the law are written by scholars under the auspices of the American Law Institute. Each restatement, covering one of 13 fields of law, describes the law in a particular field and provides explanatory comments. The Restatements of the Law database (REST) contains the complete text of all available restatements, various tentative drafts of the restatements, various proposed final drafts, and draft-related documents published in *The ALI Reporter*. 
Uniform Laws Annotated
One of the major aspects of the law reform movement in the United States has been a drive for the enactment of uniform laws by the states. The National Conference of Commissioners on Uniform State Laws meets annually to draft, promulgate, and promote uniform laws, which the states can then adopt, modify, or reject. West publishes Uniform Laws Annotated, which includes the complete set of all uniform laws that have been adopted by at least one state, notes of decisions from adopting states, and references to law review commentaries. On Westlaw, the Uniform Laws Annotated database (ULA) contains documents from Uniform Laws Annotated.

Black’s Law Dictionary
Legal dictionaries can help you define terms and understand the sometimes arcane language of the law and the legal profession. A dictionary entry may also refer you to leading cases and suggest synonyms or antonyms that you can use in your Westlaw search requests. Black’s Law Dictionary, Eighth Edition, is available on Westlaw in the Black’s Law Dictionary, Eighth Edition database (BLACKS). You can also quickly and easily access information from BLACKS from the Shortcuts section of the tabbed Law School page. Type your search terms (formulated as you would a Terms and Connectors query) in the Define using Black’s Law Dictionary text box and click Go. A document from a search result for the query “clean hands” is shown in Figure 13.2.

Forms and Practice Materials
Sample forms and practice guides, which incorporate the experience of others, legal precedents, and statutory requirements, can be very helpful in your procedure and litigation courses and in your work as a summer associate or clerk.
Secondary Sources, News, and Nonlegal Materials on Westlaw

Forms
The Forms–All database (FORMS-ALL) includes national and state-specific databases on Westlaw containing forms—legal and business forms, transaction forms, litigation forms, pleading and practice forms, and statutory forms. FORMS-ALL offers forms from publications such as American Jurisprudence Legal Forms 2d, West’s Federal Forms, West’s Legal Forms, West’s California Code Forms with Practice Commentaries, and West’s McKinney’s Forms. When you access FORMS-ALL, an easy-to-use search template is displayed (Figure 13.3). You can also search the database using either the Terms and Connectors or Natural Language search method.

![Search template for the FORMS-ALL database](image)

Practice Materials
The All PLI Course Handbooks and Treatises database (PLI-ALL) contains selected articles from CLE course materials and the full text of treatises published by the Practising Law Institute (PLI). CLE materials include the Commercial Law and Practice Course Handbook Series, Litigation and Administrative Practice: Litigation Course Handbook Series, and other topical handbooks. Treatises cover topics such as antitrust, international, intellectual property, and tax law.

The Jury Instructions Combined database (JI-ALL) provides all state and federal civil and criminal jury instructions currently available on Westlaw. JI-ALL also includes the text of Federal Jury Practice and Instructions.

Directories and Reference Materials
Westlaw offers an extensive collection of directories and reference materials. For a complete, current list of databases containing directory and other reference information, browse the Directories, Reference portion of the Westlaw Directory.
Chapter 13

West Legal Directory Databases
The West Legal Directory databases are searchable directories containing information on private, corporate, and government offices and attorneys; courts; and judges. For example, the

- West Legal Directory database (WLD) contains more than 1 million profiles of law firms and branch offices and biographical records of attorneys in any of the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Canada, and Europe.

- West Legal Directory–International database (WLD-INT) contains profiles of law firms and branch offices and biographical records of attorneys who practice international law or who are located outside the United States. The database includes records of attorneys and organizations in any of the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Canada, and Europe.

- Profiler–Profiles of Attorneys and Judges database (PROFILER-WLD) contains profiles of judges and attorneys that include links to documents such as the full text of state and federal cases from 1990 forward, trial filings, summaries of settlements and jury verdicts, briefs, other directories, and law review and journal articles.

- Profiler–Profiles of Expert Witnesses database (PROFILER-EW) contains profiles of expert witnesses from across the United States that include links to documents such as summaries of settlements and jury verdicts; other expert witness directories; and law review and bar journal articles, CLE materials, and abstracts of articles from the Selected MEDLINE Abstracts database (SELECTMEDLINE) that they have authored or that mention them.

50-State Legislative Directory
The 50-State Legislative Directory database (LEGIS-DIR) is a comprehensive directory of members and committees of state legislatures and Congress. Key executive branch officials are also included. Member information includes name, addresses and phone numbers, biographical abstract, district, year elected, and party affiliation. Committee information includes the membership, leadership, and partisan composition of every standing committee in each state legislature and Congress.

International Professional Directory
The International Professional Directory database (IP-PROFDIR) contains a list of international intellectual property law firms arranged alphabetically by country.

News and Other Nonlegal Information
News and information databases on Westlaw can help you retrieve information on persons, companies, products, markets, technologies, government, politics, cultural and social issues, and other areas of inquiry.

If you are like most students, you won’t need a class assignment to begin exploring news and information databases on Westlaw. You’ll quickly discover them on your own—particularly the full-text newspapers, magazines, and television and radio program transcripts. You can keep up with the latest news from the New York Times (in NYT); compare the perspectives of the Weekly Standard and the Progressive (in WKLYSTAND and PRGSVE, respectively); and read about celebrities in People magazine (in PPLEMAG).
Most students have no problem finding the entertaining information. Our goal is to help you incorporate nonlegal materials into your class work. For example, you may want to research nonlegal materials in situations like the following:

- **When Relevant Case Law Is Scarce**

  You may be surprised by how often you are unable to find a case exactly on point. That’s because a published opinion rarely accompanies the resolution of a legal dispute. Most often, parties settle out of court, submit to alternative dispute resolution, or simply drop their suit. Even if they go to trial, a written opinion may be unnecessary, as when a jury resolves a factual dispute. If a written opinion is issued at the trial level, it is usually just filed in the courthouse and not published. News reports about unpublished decisions and out-of-court settlements may help you spot a trend or develop arguments.

- **When You Are Developing a Public Policy Argument**

  When you construct a legal argument in law school, you are expected to base it on the facts of the controversy and relevant legal precedent. However, there is also a long tradition of public policy argument in American law.

  Public policy arguments are frequently based on *legislative facts*. Named after the information-gathering a legislative body typically performs when considering legislation, the term also refers to information deemed to be within common knowledge.

  For example, a party urging a court to adopt a strict liability standard may offer evidence that strict liability leads to efficient resource allocation. The opposing party may offer evidence that strict liability would render its industry uncompetitive. At other times a party may wish to debate whether custody modifications cause children psychological trauma, whether spraying aerial herbicide creates health risks, or whether the death penalty deters crime. None of these arguments arises from the specific acts of parties from which a dispute arose. Instead, they are generalizations designed to focus the court’s attention on the broader context and impact of its ruling.

  When you think legislative facts might help you bolster an argument, consider the fact-finding capabilities of Westlaw. Newspaper databases, for example, are excellent sources for viewpoints on a wide variety of issues. Newspapers have long played an important role as a public forum and are a good source for gauging public opinion.
When You Are Investigating Areas of Emerging Law

Believe it or not, spheres of human activity that the government does not regulate still exist. However, legal professionals often advise clients on how to proceed within these areas. Keep in mind that your role as an attorney will involve more than simply finding the law and reporting back to your client. Clients will rely on you for advice in predicting how a court or lawmaking body will react to a new enterprise they are contemplating.

For example, how would you advise a client who is planning to start a business developing a high-yield biofuel crop using genetically engineered plants? What issues might arise if the genetically engineered plants “escape” your client’s field or if intensive cultivation strains an underground aquifer? Lawyers must sometimes be futurists, alert to both risks and opportunities.

The Tabbed Business and News Page

The tabbed Business and News page (Figure 13.4) includes the Shortcuts section that provides links to additional research tools, the Resources section that enables you to easily identify and access databases containing relevant information, and the ALLNEWS Search section in which you can quickly enter a Terms and Connectors or Natural Language search and run it in the All News database (ALLNEWS), which contains thousands of publications from NewsRoom.
Secondary Sources, News, and Nonlegal Materials on Westlaw

Other task-oriented tabbed pages that focus on news and business information will help you identify relevant research sources and perform important research tasks in particular areas of inquiry. Tabbed business information and news pages include the Company Information, General News, Global News, People Information, and Industry Information pages. Links to these pages are available in the Shortcuts section of the Business and News page.

You can search most business information and news databases on Westlaw using either the Terms and Connectors or the Natural Language search method. Remember to check Scope for coverage and currentness information for a database.

Not all business information and news databases on Westlaw are available when you use your law school Westlaw password. With that in mind, we’ll introduce you to a few of the resources that may be especially helpful during your first year of law school.

All News and All News Plus Wires
The ALLNEWS database contains newspapers, magazines, journals, newsletters, government press releases, and transcripts of television and radio shows and congressional testimony. The All News Plus Wires database (ALLNEWSPPLUS) contains everything in ALLNEWS, plus newswires. Because these databases offer so much material, Natural Language searching is a good way to keep your search results manageable. For example, to begin researching the issues surrounding the liability of internet service providers for copyright infringement, you could type a description such as the following:

liability of internet service provider (i.s.p.) for copyright infringement

Reviewing the articles you retrieve can give you a sense of where law and policy are headed so you can alert your client. They may also remind you of existing law or policies that are relevant to your client’s activities. Uncovering litigation or legislation in the news may lead you back to primary law databases and help you locate relevant authority.

Newspapers
Hundreds of newspapers from around the world are available on Westlaw, in full-text and abstract form, along with information from newswires and news services. The Major Newspapers database (NPMJ) offers full-text coverage of some of the most widely circulated daily U.S. newspapers, including the New York Times, USA Today, the Boston Globe, and the San Francisco Chronicle. The Newspapers database (NP) is even broader, containing documents from hundreds of daily full-coverage newspapers from the United States and other countries.

Broad newspaper databases have their drawbacks, however. Repetition of the same information in different sources can slow you down. Many of the newspapers can be accessed in their own database. For example, you can access the New York Times in NYT, USA Today in USATD, the Boston Globe in BOSTONG, and the San Francisco Chronicle in SFCHR. Individual newspaper databases are convenient for locating articles and features from a specific publication.

If you want to restrict your search to a specific geographic region, consider a database containing newspapers from an individual state, such as California Papers (CANP) and Florida Papers (FLNP). There are also regional newspaper databases for different areas of the world, such as the European and CIS Newspapers database (EURONP), the Far East Newspapers database (FARNP), and the Canada Papers database (CANADANP).
Magazines
Searching magazines is a good way to find timely articles with extensive discussion and references to other sources.

To search an assortment of the nation’s top news and business magazines, including *Business Week, Forbes, Fortune*, and *U.S. News and World Report*, access the Major Magazines database (MAGSMJ). Because it allows you to focus on just a few of the best-known publications, it is a good place to research issues that have been widely discussed in the media.

The Magazines, Journals, and Newsletters database (MAGSPLUS) contains hundreds of news and business periodicals, press releases from U.S. government agencies, and a wide variety of niche publications that can be a gold mine of facts on a diverse range of topics.

Magazines that cover politics and current affairs can help bolster a public policy argument. To find out the pundits’ views on your issue, consider searching periodicals such as *The National Review* (in NATREVIEW), *Harper’s Magazine* (in HMAGAZINE), and *Foreign Affairs* (in FORGNAFF).

And keep in mind that when you are in practice, it will be crucial to be familiar with what other attorneys who practice in an area read, as well as with what your clients read. Specialized publications such as *Telecom Policy Report* (in TELECOMPOLRPT), *Implement and Tractor* (in IMPTRAC), and *Tea and Coffee Trade Journal* (in TEACFTJ) may not be best sellers, but they could be a must-read for you.

Radio and Television Program Transcripts
Radio and television program transcripts frequently contain extensive discussion of matters that may be directly related to the legal issues you are confronting. News and information databases on Westlaw make it easier than ever to use such transcripts to track the viewpoints of major governmental and political figures, business leaders, researchers, and policy wonks by enabling you to search every word of a transcript online.

You may have to overcome an aversion to citing authority that is not in print. But just think of all the investigative reports you’ve seen on programs such as *60 Minutes* (in CBS60MINSPCL) and the important interviews and conversations that have aired on shows such as *Face the Nation* (in CBSFACENATNSDY).

Scholarly and Technical Information
Scholarly and technical information databases are helpful not only when you need to gather support for your argument, but also when you want to check claims made by others. Citing a study in support of an argument is a time-honored practice. To help you locate scholarly studies, Westlaw offers databases such as SciSearch: Science Citation Index Expanded (SCISEARCH-EXP), which contains bibliographic information, author abstracts, and cited references from articles found in 3,800 of the world's leading scholarly science and technical journals covering more than 100 disciplines.

In addition, news and information databases on Westlaw include a wide variety of scholarly and technical databases that have a topical focus in practice areas such as environmental law, communications, health and medicine, intellectual property, and science and computer technologies.
WestClip

WestClip makes it easy for you to stay up-to-date on developments in law, politics, and business. WestClip is a clipping service that enables you to create entries based on Terms and Connectors queries that can be set up to run automatically or saved and run at a later date. You can also select a date when you want your WestClip entry to expire. You will receive only the newest documents because WestClip automatically updates the added-date restriction each time the search is run. You can have your results delivered to your e-mail address, or you can choose to be notified when results are available.

To access WestClip and display the WestClip: Create Entry page (Figure 13.5), do one of the following:

- Click Alert Center in the upper-right corner of any page, and then click Create in the WestClip section.
- Click WestClip in the Shortcuts section of the tabbed Business and News page, and then click Create Entry.
- After running a Terms and Connectors search, click Add Search to WestClip at the top of the result list, or select Add Search to WestClip from the Result Options drop-down list on the Result List tab and click Go.

![Figure 13.5: WestClip: Create Entry page]

At the WestClip: Create Entry page, provide the following information:

- Type a name for the entry (maximum of 10 characters) in the Name of clip text box.
- Specify a client identifier for the entry in the Client ID textbox. A client identifier can consist of any character (except a semicolon) up to a maximum of 32 characters.
- Specify a database in which you want your search to be run by typing the database identifier in the Database(s) text box. (For help with selecting a database, click Find a Database.) If you accessed WestClip from a search result, the database identifier is entered for you.
Chapter 13

- Type a Terms and Connectors query in the Query text box. (For a list of connectors and field restrictions to use in your query, click Full Search Editor.) If you accessed WestClip from a search result, the query is entered for you.

- To modify delivery settings for an entry, including how often the entry should be run, the destination to which your WestClip results should be sent, the document format for your results (e.g., all pages, all term mode pages, first pages, or a list of all citations), the identification of duplicate documents, the maximum number of documents or lines you want included in your result, and the ranking order of the documents in your result, click Edit. At the WestClip: Edit Delivery Settings page, you can also add notes to your WestClip entry and specify an end date for your entry.

You can view, run, modify, or delete an existing WestClip entry in the Alert Center Directory (Figure 13.6). To access the directory, click Alert Center in the upper-right corner of any page. Then click the arrow in the WestClip section to view your most recent entries, or click View All to view all your entries.

To view or edit an entry, click its name. To run a WestClip entry, click Run following that entry. To remove an entry, select the check box next to that entry, then click Delete.

Figure 13.6: Alert Center Directory

Conclusion

If you rely solely on traditional law-finding tools to prepare a legal argument, you are overlooking a wide range of useful sources. Beyond the pages of official case reporters and legislative enactments lies a vast array of information that can add power and eloquence to your side of the debate.
Chapter 14

Delivering Documents on Westlaw

Westlaw has the following features to help you print, e-mail, download, or save your documents:

- Delivery icons in the upper-right corner of your search results make it easy to select a delivery method.
- Quick Print lets you print the document or result list you are viewing in less time. See “Printing the Document You Are Viewing” below for more information.
- Check boxes in your search and KeyCite results let you print selected documents.
- The Print/Delivery Manager lets you save delivery requests for up to 30 days. You can also reprint documents and get additional copies of documents without having to re-create your search.

Printing the Document You Are Viewing

Using Internet Explorer 5.5 or later, you can print a Westlaw document on your attached printer with just two clicks of your mouse. Some types of documents, such as court opinions, can be printed in an easy-to-read, dual-column format. Word-processing software or additional software plug-ins are not required.

When you want to print the document you are viewing, click Quick Print in the upper-right corner of the page. When the Windows Print dialog box is displayed, click Print or Send Request to send the document to your attached printer.

Delivering Other Documents in Your Result

To deliver documents, follow these steps:

1. If desired, select the check box next to each document in a result list you want to deliver.
2. Click a delivery icon in the upper-right corner of a retrieved document or result list (Figure 14.1).

- Click Print to print documents in your result.
- Click Email to send the documents in your result to one or more e-mail addresses. Documents can be delivered in the body of the e-mail message or as attachments.
- Click Download to save documents on your computer.
- Click Save to save documents in the Print/Delivery Manager for up to 30 days.
Chapter 14

- Click Manage to access the Print/Delivery Manager.

![Figure 14.1: Delivery icons in a search result](image)

3. A dialog box is displayed. Specify whether you want to deliver the current document, specific documents, or the result list. If you select **Current Document**, you can also specify whether you want to include KeyCite history and citing references (Figure 14.2).

4. In the **Page Options** section, specify which document pages you want to deliver (e.g., full text of documents, first pages only).

5. Click **Settings** at the top of the dialog box to display a Settings dialog box for the delivery destination you selected. In the **Content Options** section, specify whether you want to include features such as KeyCite flags, highlighted search terms, and images in your delivered documents. In the **Format** section, specify the format of your delivered documents, such as font size and number of columns. Click **Done** when you finish selecting your settings.

6. Click **Print**, **Send**, or **Save** depending on the delivery destination you selected.

![Figure 14.2: Print dialog box](image)
Selecting Default Delivery Settings

The Print and Download Preferences page allows you to select default settings for the Attached Printer, E-Mail, and Download delivery destinations. You can override these defaults when you deliver documents by selecting new settings. To select your default delivery settings, follow these steps:

1. Click Preferences in the upper-right corner of any page. The Location and Pricing Preferences page is displayed.

2. Click Print and Download in the left frame. The Print and Download Preferences page is displayed (Figure 14.3).

3. Under Content Options, select the check box next to each option you want to include in your delivered documents (e.g., highlighted search terms, images, hypertext links to Westlaw, and KeyCite flags).
Chapter 14

4. Under KeyCite Content Options, select the check box next to each type of KeyCite information you want to include in your delivered documents.

5. Select a delivery time.

6. Under each delivery destination (e.g., Attached Printer), specify your delivery settings using the appropriate text boxes and drop-down lists.

7. Click Save Changes to save your default delivery settings.

**Using the Print/Delivery Manager**

The Print/Delivery Manager stores pending, failed, and delivered requests so you can easily reprint your documents. All requests that were delivered in the last 48 hours are shown in the Delivered Requests section of the Print/Delivery Manager. Saved and failed requests are shown in the Saved on Westlaw section of the Print/Delivery Manager.

To view your requests, click Manage in the upper-right corner of a result page. Alternatively, click Site Map at the top of any page and then click Print/Delivery Manager under Manage your account preferences or Tools. The Print/Delivery Manager page is displayed (Figure 14.4). If necessary, click Saved on Westlaw to view saved and failed requests.

![Figure 14.4: Print/Delivery Manager](image-url)
Each entry in the Print/Delivery Manager shows the

- status of the request
- database or service in which the request originated
- description, query, or citation used to retrieve the result
- approximate number of lines requested (rounded up to an increment of 5)
- number of documents requested
- destination to which you sent your request (Delivered Requests only)
- number of images included in the request (Saved on Westlaw only)
- date and time the request was created
- number of days until the request expires (Saved on Westlaw only)

**Printing an Entry in the Print/Delivery Manager**

To print an entry in the Print/Delivery Manager, follow these steps:

1. Click **Delivered Requests** or **Saved on Westlaw**, if necessary.
2. Select the check box in the **Status** column next to each entry you want to deliver. You can deliver up to 10 entries.
3. Select the destination for your request by clicking the appropriate button, e.g., **Email**. In the displayed dialog box, enter the appropriate information, e.g., an e-mail address.
4. Click **Send**, **Print**, or **Save** depending on the delivery destination you selected.

**Deleting an Entry from the Print/Delivery Manager**

To delete an entry, select the check box next to the entry in the **Status** column. Then click **Delete**.
Chapter 15

The Research Process—Conclusion

This guide has introduced you to the array of legal research materials available in the law library and on Westlaw. These materials will become meaningful to you as you begin to use them during your first year of law school. We’ve attempted to provide you with descriptions and explanations that can make your first year more successful. Remember to look at legal research materials functionally, and be mindful that there are often several alternative means to achieve a research goal.

In conclusion, this chapter presents a few of our ideas on research methodology—that is, how to go about attacking a research problem. We propose the following five-step model:

**Step 1: Decide Where to Begin**

A large portion of your first year of law school will be devoted to sifting through facts and law, learning to separate what is important from what is incidental. This is a necessary first step in any research problem. We urge you to carry this procedure one step further. After you identify the issues, ask yourself what the ideal answer would be. In other words, be as specific as you can about what you are looking for.

When you begin your research journey, it’s helpful to identify what you expect or hope to find at your journey’s end. Are you looking for a statute? A case? An administrative rule or regulation? Updated citations? Analysis of a new or expanding area of law? Facts with which to bolster a policy argument? There are many different types of information that you can pursue and many different paths you might take.

**Step 2: Plan How to Proceed**

The successful researcher understands which tool is most appropriate for the task at hand. If what you really need is background information, for example, you’ll do well to begin with an encyclopedia like *Corpus Juris Secundum* or *American Jurisprudence 2d*. If you need to understand a landmark case, review the hornbook explanation or the headnotes written by West attorney-editors before you read the opinion itself.

Follow the golden rule of research—find out where the work has already been done for you! Leverage the wisdom of legal publishers, legal scholars, and your own colleagues and professors as much as you can. At the same time, do not lose sight of the distinction between a primary source (i.e., the law) and a secondary source (i.e., an interpretation of the law).
Step 3: Budget Your Time

Once you are in practice, you will find that questions and answers come with price tags. It is just as bad to do $5,000 worth of research on a $50 problem as it is to do $50 worth of research on a $5,000 problem.

As a student, you have the luxury of time in which to rethink, revisit, and revise your work again and again. And that is time well-spent if you learn from your mistakes. Once you are in practice, however, mistakes can be very costly. You will be up against a hard edge of billable hours in a private firm, an overwhelming caseload in a public interest practice, or a stack of files in a government agency. You will have to allocate your research time appropriately. Start doing this now. Consider how much time you have to invest in each part of the research process, and evaluate the potential risks and returns of your investments. Setting incremental goals for yourself will make the whole process easier.

If you define your question as we recommend in Step 1 and pick the quick entry places as we suggest in Step 2, then you can devise a time budget in Step 3. Doing so will allow you to be an efficient, effective researcher. The law student surrounded by piles of case reporters and statutory volumes working away late into the night in the law library may have no concept of what to do with the problem or how much time should be spent on it.

The creative part of legal research is not locating materials, but reading and synthesizing them. That is why legal writing is such an important part of your first year. Remember, though, that you can’t begin the creative work until you have assembled your materials. Allocating time appropriately is part of that process.

Step 4: Know When to Stop

One step in the research process that law schools often fail to teach is how to judge when you are finished. As a student and as a lawyer, you will have to make judgments about when you can successfully conclude your research. We suggest the following stop rules for your consideration:

The Loop Rule
This is the simplest rule for a first-year student to apply. When you start to see the same information over and over again—the same cases, the same statutes, the same administrative agency rulings or regulations, the same types of citations—you should realize that you probably are done. When you reach the point in your research where you are not seeing anything new, you are in a loop.

The Diminishing Returns Rule
This rule suggests that when you are investing more in your research than you are getting in return, you should stop. The classic example of diminishing returns is the student in the library at 10:30 p.m. on Friday night who continues to read cases that seem to be less and less useful. An experienced researcher can sense when less is coming back than is being put in. (The experienced researcher also knows that there is rarely a perfect case!) You will become more confident in your research abilities as you develop a better understanding of the relationship between the information that different resources provide and the amount of time you should expend on them.
The Zen Rule
This is an aspirational rule, one for you to strive toward. When you have gained experience working in one area of the law, you will know when you are done with a particular research project. After a while you will become so familiar with the legal architecture of your practice area—both the common law implications of what is going on and the rules of the lawmakers and law interpreters in your particular specialty—that you will be an expert resource.

This is why we urge you to seek out a mentor for your research, both while you are in school and as you begin to practice. Instead of concentrating on competition, learn to ask for help. There is no shame in being a novice. Eventually you will become a master, one who can foster collegiality within the profession by helping someone else in turn.

Step 5: Stay in the Game and Have Fun!
Remember that the race went to the tortoise, not the hare. The result of consistent, determined effort is success. It is easy to get lost in the first-year experience, easy to be baffled and frustrated by the arcana and the jargon. But think back to the research skills that you mastered in high school and college and to all the intelligence and hard work that got you into law school. You will find that the approach to legal research is not so different or so much more difficult.

When you see how the parts of the legal research process fit together, you will have discovered winning research skills.
## Appendix A

### West Digest Topics and Their Numerical Designations

The current complete list of West topics and corresponding topic numbers is provided below.

<table>
<thead>
<tr>
<th>Topic Title</th>
<th>Topic Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandoned and Lost Property</td>
<td>1</td>
</tr>
<tr>
<td>Abatement and Revival</td>
<td>2</td>
</tr>
<tr>
<td>Abortion and Birth Control</td>
<td>4</td>
</tr>
<tr>
<td>Absentees</td>
<td>5</td>
</tr>
<tr>
<td>Abstracts of Title</td>
<td>6</td>
</tr>
<tr>
<td>Accession</td>
<td>7</td>
</tr>
<tr>
<td>Accord and Satisfaction</td>
<td>8</td>
</tr>
<tr>
<td>Account</td>
<td>9</td>
</tr>
<tr>
<td>Account, Action on</td>
<td>10</td>
</tr>
<tr>
<td>Account Stated</td>
<td>11</td>
</tr>
<tr>
<td>Accountants</td>
<td>11A</td>
</tr>
<tr>
<td>Acknowledgment</td>
<td>12</td>
</tr>
<tr>
<td>Action</td>
<td>13</td>
</tr>
<tr>
<td>Action on the Case</td>
<td>14</td>
</tr>
<tr>
<td>Adjoining Landowners</td>
<td>15</td>
</tr>
<tr>
<td>Administrative Law and Procedure</td>
<td>15A</td>
</tr>
<tr>
<td>Admiralty</td>
<td>16</td>
</tr>
<tr>
<td>Adoption</td>
<td>17</td>
</tr>
<tr>
<td>Adulteration</td>
<td>18</td>
</tr>
<tr>
<td>Adultery</td>
<td>19</td>
</tr>
<tr>
<td>Adverse Possession</td>
<td>20</td>
</tr>
<tr>
<td>Affidavits</td>
<td>21</td>
</tr>
<tr>
<td>Agriculture</td>
<td>23</td>
</tr>
<tr>
<td>Aliens, Immigration, and Citizenship</td>
<td>24</td>
</tr>
<tr>
<td>Alteration of Instruments</td>
<td>25</td>
</tr>
<tr>
<td>Alternative Dispute Resolution</td>
<td>25T</td>
</tr>
<tr>
<td>Ambassadors and Consults</td>
<td>26</td>
</tr>
<tr>
<td>Amicus Curiae</td>
<td>27</td>
</tr>
<tr>
<td>Animals</td>
<td>28</td>
</tr>
<tr>
<td>Annuities</td>
<td>29</td>
</tr>
<tr>
<td>Antitrust and Trade Regulation</td>
<td>29T</td>
</tr>
<tr>
<td>Appeal and Error</td>
<td>30</td>
</tr>
<tr>
<td>Appearance</td>
<td>31</td>
</tr>
<tr>
<td>Armed Services</td>
<td>34</td>
</tr>
<tr>
<td>Arrest</td>
<td>35</td>
</tr>
<tr>
<td>Arson</td>
<td>36</td>
</tr>
<tr>
<td>Assault and Battery</td>
<td>37</td>
</tr>
<tr>
<td>Assignments</td>
<td>38</td>
</tr>
<tr>
<td>Assistance, Writ of Associations</td>
<td>40</td>
</tr>
<tr>
<td>Associations</td>
<td>41</td>
</tr>
<tr>
<td>Assumpsit, Action of Asylums and Assisted Living Facilities</td>
<td>42</td>
</tr>
<tr>
<td>Attachment</td>
<td>44</td>
</tr>
<tr>
<td>Attorney and Client</td>
<td>45</td>
</tr>
<tr>
<td>Attorney General</td>
<td>46</td>
</tr>
<tr>
<td>Auctions and Auctioneers</td>
<td>47</td>
</tr>
<tr>
<td>Audita Querela</td>
<td>48</td>
</tr>
<tr>
<td>Automobiles</td>
<td>48A</td>
</tr>
<tr>
<td>Aviation</td>
<td>48B</td>
</tr>
<tr>
<td>Bail</td>
<td>49</td>
</tr>
<tr>
<td>Bailment</td>
<td>50</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>51</td>
</tr>
<tr>
<td>Banks and Banking</td>
<td>52</td>
</tr>
<tr>
<td>Beneficial Associations</td>
<td>54</td>
</tr>
<tr>
<td>Bigamy</td>
<td>55</td>
</tr>
<tr>
<td>Bills and Notes</td>
<td>56</td>
</tr>
<tr>
<td>Bonds</td>
<td>58</td>
</tr>
<tr>
<td>Boundaries</td>
<td>59</td>
</tr>
<tr>
<td>Bounties</td>
<td>60</td>
</tr>
<tr>
<td>Break of Marriage Promise</td>
<td>61</td>
</tr>
<tr>
<td>Break of the Peace</td>
<td>62</td>
</tr>
<tr>
<td>Bribery</td>
<td>63</td>
</tr>
<tr>
<td>Bridges</td>
<td>64</td>
</tr>
<tr>
<td>Brokers</td>
<td>65</td>
</tr>
<tr>
<td>Building and Loan Associations</td>
<td>66</td>
</tr>
<tr>
<td>Burglary</td>
<td>67</td>
</tr>
<tr>
<td>Canals</td>
<td>68</td>
</tr>
<tr>
<td>Cancellation of Instruments</td>
<td>69</td>
</tr>
<tr>
<td>Carriers</td>
<td>70</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>71</td>
</tr>
<tr>
<td>Census</td>
<td>72</td>
</tr>
<tr>
<td>Certiorari</td>
<td>73</td>
</tr>
<tr>
<td>Champerty and Maintenance</td>
<td>74</td>
</tr>
<tr>
<td>Charities</td>
<td>75</td>
</tr>
<tr>
<td>Chattel Mortgages</td>
<td>76</td>
</tr>
<tr>
<td>Chemical Dependents</td>
<td>76A</td>
</tr>
<tr>
<td>Child Custody</td>
<td>76D</td>
</tr>
<tr>
<td>Child Support</td>
<td>76E</td>
</tr>
<tr>
<td>Children Out-of-Wedlock</td>
<td>76H</td>
</tr>
</tbody>
</table>
Appendix A

78 Civil Rights
79 Clerks of Courts
80 Clubs
81 Colleges and Universities
82 Collision
83 Commerce
83H Commodity Futures Trading Regulation
84 Common Lands
85 Common Law
88 Compounding Offenses
89 Compromise and Settlement
89A Condominium
90 Confusion of Goods
91 Conspiracy
92 Constitutional Law
92B Consumer Credit
93 Contempt
96 Contribution
96H Controlled Substances
97 Conversion
98 Convicts
99 Copyrights and Intellectual Property
100 Coroners
101 Corporations
102 Costs
103 Counterfeiting
104 Counties
105 Court Commissioners
106 Courts
107 Covenant, Action of
108 Covenants
108A Credit Reporting Agencies
110 Criminal Law
111 Crops
113 Customs and Usages
114 Customs Duties
115 Damages
116 Dead Bodies
117 Death
117G Debt, Action of
117T Debtor and Creditor
118A Declaratory Judgment
119 Dedication
120 Deeds
122A Deposits and Escrows
123 Deposits in Court
124 Descent and Distribution
125 Detectives
126 Detinue
129 Disorderly Conduct
130 Disorderly House
131 District and Prosecuting Attorneys
132 District of Columbia
133 Disturbance of Public Assemblage
134 Divorce
135 Domicile
135H Double Jeopardy
136 Dower and Curtesy
137 Drains
141 Easements
142 Ejectment
143 Election of Remedies
144 Elections
145 Electricity
146 Embezzlement
148 Eminent Domain
149 Entry, Writ of
149E Environmental Law
150 Equity
151 Escape
152 Escheat
154 Estates in Property
156 Estoppel
157 Evidence
158 Exceptions, Bill of
159 Exchange of Property
160 Exchanges
161 Execution
162 Executors and Administrators
163 Exemptions
164 Explosives
165 Extortion and Threats
166 Extradition and Detainers
167 Factors
168 False Imprisonment
169 False Personation
170 False Pretenses
170A Federal Civil Procedure
170B Federal Courts
171 Fences
172 Ferries
174 Fines
175 Fires
176 Fish
177 Fixtures
178 Food
179 Forcible Entry and Detainer
180 Forfeitures
181 Forgery
183 Franchises
184 Fraud
185 Frauds, Statute of
186 Fraudulent Conveyances
187 Game
188 Gaming
189 Garnishment
190 Gas
191 Gifts
192 Good Will
193 Grand Jury
195 Guaranty
196 Guardian and Ward
197 Habeas Corpus
198 Hawkers and Peddlers
198H Health
200 Highways
201 Holidays
202 Homestead
203 Homicide
205 Husband and Wife
205H Implied and Constructive Contracts
206 Improvements
207 Incest
208 Indemnity
209 Indians
210 Indictment and Information
211 Infants
212 Injunction

Winning Research Skills
West Digest Topics and Their Numerical Designations

<table>
<thead>
<tr>
<th>213</th>
<th>Innkeepers</th>
<th>259</th>
<th>Militia</th>
<th>310</th>
<th>Prisons</th>
</tr>
</thead>
<tbody>
<tr>
<td>216</td>
<td>Inspection</td>
<td>260</td>
<td>Mines and Minerals</td>
<td>311</td>
<td>Private Roads</td>
</tr>
<tr>
<td>217</td>
<td>Insurance</td>
<td>265</td>
<td>Monopolies</td>
<td>313</td>
<td>Process</td>
</tr>
<tr>
<td>218</td>
<td>Insurrection and Sedition</td>
<td>266</td>
<td>Mortgages</td>
<td>313A</td>
<td>Products Liability</td>
</tr>
<tr>
<td>219</td>
<td>Interest</td>
<td>267</td>
<td>Motions</td>
<td>314</td>
<td>Prohibition</td>
</tr>
<tr>
<td>220</td>
<td>Internal Revenue</td>
<td>268</td>
<td>Municipal Corporations</td>
<td>315</td>
<td>Property</td>
</tr>
<tr>
<td>221</td>
<td>International Law</td>
<td>269</td>
<td>Names</td>
<td>315H</td>
<td>Prostitution</td>
</tr>
<tr>
<td>222</td>
<td>Interpleader</td>
<td>270</td>
<td>Navigable Waters</td>
<td>315T</td>
<td>Public Amusement and Entertainment</td>
</tr>
<tr>
<td>223</td>
<td>Intoxicating Liquors</td>
<td>271</td>
<td>Ne Exeat</td>
<td>316A</td>
<td>Public Contracts</td>
</tr>
<tr>
<td>224</td>
<td>Joint Adventures</td>
<td>272</td>
<td>Negligence</td>
<td>317</td>
<td>Public Lands</td>
</tr>
<tr>
<td>225</td>
<td>Joint-Stock Companies and Business Trusts</td>
<td>273</td>
<td>Neutrality Laws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>226</td>
<td>Joint Tenancy</td>
<td>274</td>
<td>Newspapers</td>
<td>317A</td>
<td>Public Utilities</td>
</tr>
<tr>
<td>227</td>
<td>Judges</td>
<td>275</td>
<td>New Trial</td>
<td>318</td>
<td>Quieting Title</td>
</tr>
<tr>
<td>228</td>
<td>Judgment</td>
<td>276</td>
<td>Notaries</td>
<td>319</td>
<td>Quo Warrant</td>
</tr>
<tr>
<td>229</td>
<td>Judicial Sales</td>
<td>277</td>
<td>Notice</td>
<td>319H</td>
<td>Racketeer Influenced and Corrupt Organizations</td>
</tr>
<tr>
<td>230</td>
<td>Jury</td>
<td>278</td>
<td>Novation</td>
<td>320</td>
<td>Railroads</td>
</tr>
<tr>
<td>231</td>
<td>Justices of the Peace</td>
<td>279</td>
<td>Nuisance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>231E</td>
<td>Kidnapping</td>
<td>280</td>
<td>Oath</td>
<td>321</td>
<td>Rape</td>
</tr>
<tr>
<td>231H</td>
<td>Labor and Employment</td>
<td>281</td>
<td>Obscenity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>233</td>
<td>Landlord and Tenant</td>
<td>282</td>
<td>Obstructing Justice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>234</td>
<td>Larceny</td>
<td>283</td>
<td>Officers and Public Employees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>235</td>
<td>Levees and Flood Control</td>
<td>284</td>
<td>Pardon and Parole</td>
<td></td>
<td></td>
</tr>
<tr>
<td>236</td>
<td>Lewdness</td>
<td>285</td>
<td>Parent and Child</td>
<td></td>
<td></td>
</tr>
<tr>
<td>237</td>
<td>Libel and Slander</td>
<td>286</td>
<td>Parliamentary Law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>238</td>
<td>Licenses</td>
<td>287</td>
<td>Parties</td>
<td>322</td>
<td>Real Actions</td>
</tr>
<tr>
<td>239</td>
<td>Liens</td>
<td>288</td>
<td>Partition</td>
<td>323</td>
<td>Receivers</td>
</tr>
<tr>
<td>240</td>
<td>Life Estates</td>
<td>289</td>
<td>Partnership</td>
<td>324</td>
<td>Receiving Stolen Goods</td>
</tr>
<tr>
<td>241</td>
<td>Limitation of Actions</td>
<td>290</td>
<td>Party Walls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>241E</td>
<td>Limited Liability Companies</td>
<td>291</td>
<td>Patents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>242</td>
<td>Lis Pendens</td>
<td>292</td>
<td>Paupers</td>
<td>325</td>
<td>Recognizances</td>
</tr>
<tr>
<td>245</td>
<td>Logs and Logging</td>
<td>293</td>
<td>Payment</td>
<td>326</td>
<td>Records</td>
</tr>
<tr>
<td>246</td>
<td>Lost Instruments</td>
<td>295</td>
<td>Penalties</td>
<td>327</td>
<td>Reference</td>
</tr>
<tr>
<td>247</td>
<td>Lotteries</td>
<td>296</td>
<td>Pensions</td>
<td>328</td>
<td>Reformacion of Instruments</td>
</tr>
<tr>
<td>248</td>
<td>Malicious Mischief</td>
<td>297</td>
<td>Perjury</td>
<td>330</td>
<td>Registers of Deeds</td>
</tr>
<tr>
<td>249</td>
<td>Malicious Prosecution</td>
<td>298</td>
<td>Perpetuities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>250</td>
<td>Mandamus</td>
<td>300</td>
<td>Pilots</td>
<td>331</td>
<td>Release</td>
</tr>
<tr>
<td>251</td>
<td>Manufactures</td>
<td>302</td>
<td>Pleading</td>
<td>332</td>
<td>Religious Societies</td>
</tr>
<tr>
<td>252</td>
<td>Maritime Liens</td>
<td>303</td>
<td>Pledges</td>
<td>333</td>
<td>Remainders</td>
</tr>
<tr>
<td>253</td>
<td>Marriage</td>
<td>305</td>
<td>Possessory Warrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>256</td>
<td>Mayhem</td>
<td>306</td>
<td>Postal Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>257</td>
<td>Mechanics’ Liens</td>
<td>307</td>
<td>Powers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>257A</td>
<td>Mental Health</td>
<td>307A</td>
<td>Pretrial Procedure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>258A</td>
<td>Military Justice</td>
<td>308</td>
<td>Principal and Agent</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>309</td>
<td>Principal and Surety</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>310</td>
<td>Prisons</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>311</td>
<td>Private Roads</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>313</td>
<td>Process</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>313A</td>
<td>Products Liability</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>314</td>
<td>Prohibition</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>315</td>
<td>Property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>315H</td>
<td>Prostitution</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>315T</td>
<td>Public Amusement and Entertainment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>316A</td>
<td>Public Contracts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>317</td>
<td>Public Lands</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>317A</td>
<td>Public Utilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>318</td>
<td>Quieting Title</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>319</td>
<td>Quo Warrant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>319H</td>
<td>Racketeer Influenced and Corrupt Organizations</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>320</td>
<td>Railroads</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>321</td>
<td>Rape</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>322</td>
<td>Real Actions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>323</td>
<td>Receivers</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>324</td>
<td>Receiving Stolen Goods</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>325</td>
<td>Recognizances</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>326</td>
<td>Records</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>327</td>
<td>Reference</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>328</td>
<td>Reformacion of Instruments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>330</td>
<td>Registers of Deeds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>331</td>
<td>Release</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>332</td>
<td>Religious Societies</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>333</td>
<td>Remainders</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>334</td>
<td>Removal of Cases</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>335</td>
<td>Replevin</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>336</td>
<td>Reports</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>337</td>
<td>Rescue</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>338</td>
<td>Reversions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>339</td>
<td>Review</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>340</td>
<td>Rewards</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>341</td>
<td>Riot</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>342</td>
<td>Robbery</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>343</td>
<td>Sales</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>344</td>
<td>Salvage</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>345</td>
<td>Schools</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>346</td>
<td>Scire Facias</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>347</td>
<td>Seals</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>348</td>
<td>Seamen</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>349</td>
<td>Searches and Seizures</td>
</tr>
</tbody>
</table>
Appendix A

349A Secured Transactions
349B Securities Regulation
350 Seduction
350H Sentencing and Punishment
351 Sequestration
352 Set-Off and Counterclaim
353 Sheriffs and Constables
354 Shipping
355 Signatures
356 Slaves
356A Social Security and Public Welfare
357 Sodomy
358 Specific Performance
359 Spendthrifts
360 States
361 Statutes
362 Steam
363 Stipulations
365 Submission of Controversy
366 Subrogation
367 Subscriptions
368 Suicide
369 Sunday
370 Supersedeas
371 Taxation
372 Telecommunications
373 Tenancy in Common
374 Tender
375 Territories
378 Time
379 Torts
380 Towage
381 Towns
382T Trademarks
384 Treason
385 Treaties
386 Trespass
387 Trespass to Try Title
388 Trial
389 Trover and Conversion
390 Trusts
391 Turnpikes and Toll Roads
392 Undertakings
392T Unemployment Compensation
393 United States
394 United States Magistrates
395 United States Marshals
396 Unlawful Assembly
396A Urban Railroads
398 Usury
399 Vagrancy
400 Vendor and Purchaser
401 Venue
402 War and National Emergency
403 Warehousemen
404 Waste
405 Waters and Water Courses
406 Weapons
407 Weights and Measures
408 Wharves
409 Wills
410 Witnesses
411 Woods and Forests
413 Workers’ Compensation
414 Zoning and Planning
450 Merit Systems Protection
Appendix B

Federal Courts of Appeals Information

This table provides information that will help you search the U.S. Courts of Appeals Cases database (CTA) and individual federal court of appeals databases on Westlaw.

To retrieve courts of appeals cases from a particular circuit, access the database for that circuit and type your search.

To retrieve cases from more than one circuit, but not all circuits, access the CTA database and add a court field (co) restriction to your search. For example, to retrieve cases from the Second, Tenth, and Federal circuits, type co(second tenth cafed).

<table>
<thead>
<tr>
<th>Individual Westlaw Database</th>
<th>Court Abbreviation to Use When Searching the CTA Database</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CTA1</td>
<td>first</td>
<td>The First Circuit covering Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island</td>
</tr>
<tr>
<td>CTA2</td>
<td>second</td>
<td>The Second Circuit covering Connecticut, New York, and Vermont</td>
</tr>
<tr>
<td>CTA3</td>
<td>third</td>
<td>The Third Circuit covering Delaware, New Jersey, Pennsylvania, and the Virgin Islands</td>
</tr>
<tr>
<td>CTA4</td>
<td>fourth</td>
<td>The Fourth Circuit covering Maryland, North Carolina, South Carolina, Virginia, and West Virginia</td>
</tr>
<tr>
<td>CTA5</td>
<td>fifth</td>
<td>The Fifth Circuit covering Louisiana, Mississippi, Texas, and the former Canal Zone judicial district</td>
</tr>
<tr>
<td>CTA6</td>
<td>sixth</td>
<td>The Sixth Circuit covering Kentucky, Michigan, Ohio, and Tennessee</td>
</tr>
<tr>
<td>CTA7</td>
<td>seventh</td>
<td>The Seventh Circuit covering Illinois, Indiana, and Wisconsin</td>
</tr>
</tbody>
</table>
### Individual Westlaw Database: Court Abbreviation to Use When Searching the CTA Database

<table>
<thead>
<tr>
<th>Individual Westlaw Database</th>
<th>Court Abbreviation to Use When Searching the CTA Database</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CTA8</td>
<td>eighth</td>
<td>The Eighth Circuit covering Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota</td>
</tr>
<tr>
<td>CTA9</td>
<td>ninth</td>
<td>The Ninth Circuit covering Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, the Northern Mariana Islands, Oregon, and Washington</td>
</tr>
<tr>
<td>CTA10</td>
<td>tenth</td>
<td>The Tenth Circuit covering Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming</td>
</tr>
<tr>
<td>CTA11</td>
<td>eleventh</td>
<td>The Eleventh Circuit covering Alabama, Florida, and Georgia</td>
</tr>
<tr>
<td>CTADC</td>
<td>cadc</td>
<td>The District of Columbia Circuit</td>
</tr>
<tr>
<td>CTAF</td>
<td>cafed</td>
<td>The Federal Circuit</td>
</tr>
</tbody>
</table>
Appendix C

State Courts Information

This table provides information that will help you search state case law on Westlaw and identify the federal circuit to which a state belongs.

The identifier for an individual state case law database consists of the state’s two-letter postal abbreviation plus the suffix -CS (e.g., NY-CS).

To retrieve cases from more than one state, but not all states, access a multistate state case law database such as ALLSTATES and add a court field (co) restriction to your search. For example, to retrieve state court cases from California, Texas, Florida, and New York, type co(ca tx fl ny).

Identifiers for databases containing state cases published in West’s regional case reporters consist of the regional reporter abbreviations (e.g., PAC).

<table>
<thead>
<tr>
<th>State</th>
<th>Postal Abbreviation</th>
<th>Regional Reporter</th>
<th>Federal Circuit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>AL</td>
<td>SO</td>
<td>11th</td>
</tr>
<tr>
<td>Alaska</td>
<td>AK</td>
<td>PAC</td>
<td>9th</td>
</tr>
<tr>
<td>Arizona</td>
<td>AZ</td>
<td>PAC</td>
<td>9th</td>
</tr>
<tr>
<td>Arkansas</td>
<td>AR</td>
<td>SW</td>
<td>8th</td>
</tr>
<tr>
<td>California</td>
<td>CA</td>
<td>PAC</td>
<td>9th</td>
</tr>
<tr>
<td>Colorado</td>
<td>CO</td>
<td>PAC</td>
<td>10th</td>
</tr>
<tr>
<td>Connecticut</td>
<td>CT</td>
<td>ATL</td>
<td>2nd</td>
</tr>
<tr>
<td>Delaware</td>
<td>DE</td>
<td>ATL</td>
<td>3rd</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>DC</td>
<td>ATL</td>
<td>D.C.</td>
</tr>
<tr>
<td>Florida</td>
<td>FL</td>
<td>SO</td>
<td>11th</td>
</tr>
<tr>
<td>Georgia</td>
<td>GA</td>
<td>SE</td>
<td>11th</td>
</tr>
<tr>
<td>Hawaii</td>
<td>HI</td>
<td>PAC</td>
<td>9th</td>
</tr>
<tr>
<td>Idaho</td>
<td>ID</td>
<td>PAC</td>
<td>9th</td>
</tr>
<tr>
<td>Illinois</td>
<td>IL</td>
<td>NE</td>
<td>7th</td>
</tr>
<tr>
<td>Indiana</td>
<td>IN</td>
<td>NE</td>
<td>7th</td>
</tr>
<tr>
<td>Iowa</td>
<td>IA</td>
<td>NW</td>
<td>8th</td>
</tr>
<tr>
<td>Kansas</td>
<td>KS</td>
<td>PAC</td>
<td>10th</td>
</tr>
<tr>
<td>Kentucky</td>
<td>KY</td>
<td>SW</td>
<td>6th</td>
</tr>
<tr>
<td>Louisiana</td>
<td>LA</td>
<td>SO</td>
<td>5th</td>
</tr>
<tr>
<td>State</td>
<td>Postal Abbreviation</td>
<td>Regional Reporter</td>
<td>Federal Circuit</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Maine ME</td>
<td>ATL</td>
<td>1st</td>
<td></td>
</tr>
<tr>
<td>Maryland MD</td>
<td>ATL</td>
<td>4th</td>
<td></td>
</tr>
<tr>
<td>Massachusetts MA</td>
<td>NE</td>
<td>1st</td>
<td></td>
</tr>
<tr>
<td>Michigan MI</td>
<td>NW</td>
<td>6th</td>
<td></td>
</tr>
<tr>
<td>Minnesota MN</td>
<td>NW</td>
<td>8th</td>
<td></td>
</tr>
<tr>
<td>Mississippi MS</td>
<td>SO</td>
<td>5th</td>
<td></td>
</tr>
<tr>
<td>Missouri MO</td>
<td>SW</td>
<td>8th</td>
<td></td>
</tr>
<tr>
<td>Montana MT</td>
<td>PAC</td>
<td>9th</td>
<td></td>
</tr>
<tr>
<td>Nebraska NE</td>
<td>NW</td>
<td>8th</td>
<td></td>
</tr>
<tr>
<td>Nevada NV</td>
<td>PAC</td>
<td>9th</td>
<td></td>
</tr>
<tr>
<td>New Hampshire NH</td>
<td>ATL</td>
<td>1st</td>
<td></td>
</tr>
<tr>
<td>New Jersey NJ</td>
<td>ATL</td>
<td>3rd</td>
<td></td>
</tr>
<tr>
<td>New Mexico NM</td>
<td>PAC</td>
<td>10th</td>
<td></td>
</tr>
<tr>
<td>New York NY</td>
<td>NE</td>
<td>2nd</td>
<td></td>
</tr>
<tr>
<td>North Carolina NC</td>
<td>SE</td>
<td>4th</td>
<td></td>
</tr>
<tr>
<td>North Dakota ND</td>
<td>NW</td>
<td>8th</td>
<td></td>
</tr>
<tr>
<td>Ohio OH</td>
<td>NE</td>
<td>6th</td>
<td></td>
</tr>
<tr>
<td>Oklahoma OK</td>
<td>PAC</td>
<td>10th</td>
<td></td>
</tr>
<tr>
<td>Oregon OR</td>
<td>PAC</td>
<td>9th</td>
<td></td>
</tr>
<tr>
<td>Pennsylvania PA</td>
<td>ATL</td>
<td>3rd</td>
<td></td>
</tr>
<tr>
<td>Rhode Island RI</td>
<td>ATL</td>
<td>1st</td>
<td></td>
</tr>
<tr>
<td>South Carolina SC</td>
<td>SE</td>
<td>4th</td>
<td></td>
</tr>
<tr>
<td>South Dakota SD</td>
<td>NW</td>
<td>8th</td>
<td></td>
</tr>
<tr>
<td>Tennessee TN</td>
<td>SW</td>
<td>6th</td>
<td></td>
</tr>
<tr>
<td>Texas TX</td>
<td>SW</td>
<td>5th</td>
<td></td>
</tr>
<tr>
<td>Utah UT</td>
<td>PAC</td>
<td>10th</td>
<td></td>
</tr>
<tr>
<td>Vermont VT</td>
<td>ATL</td>
<td>2nd</td>
<td></td>
</tr>
<tr>
<td>Virginia VA</td>
<td>SE</td>
<td>4th</td>
<td></td>
</tr>
<tr>
<td>Washington WA</td>
<td>PAC</td>
<td>9th</td>
<td></td>
</tr>
<tr>
<td>West Virginia WV</td>
<td>SE</td>
<td>4th</td>
<td></td>
</tr>
<tr>
<td>Wisconsin WI</td>
<td>NW</td>
<td>7th</td>
<td></td>
</tr>
<tr>
<td>Wyoming WY</td>
<td>PAC</td>
<td>10th</td>
<td></td>
</tr>
</tbody>
</table>
Index

-A-
abbreviations 84
accessing Westlaw 55
acronyms 84
added-date restriction 90
See also date restriction
adding notes to research trail 62
administrative codes
  fields 131–133
  50 State Regulatory Surveys database
    (REG-SURVEYS) 141
index 137
KeyCite 159–167
regulation tracking databases 141
retrieving by citation 129
retrieving prior versions 129, 138–139
search tips 129
state materials 47
  table of contents 134–136
  viewing consecutive regulations 134
See also Code of Federal Regulations
administrative decisions 46
advance sheets 8, 39
alerts preferences 61
All News database (ALLNEWS) 184, 185
All News Plus Wires database (ALLNEWSPLUS) 185
alternative terms 83
ALWD Citation Manual 9, 16
American Digest System 23, 28
American Jurisprudence 2d 51, 73
  on Westlaw 51, 179
American Law Institute 52, 179
American Law Reports (ALR)
  about 49–51
  accessing 50
  on Westlaw 51, 178–179
  updating 50
ampersand (&). See AND connector
AND connector (&) 86
annotated statutes 130
annotations field 133
antonyms 83
archival legislative databases 140
archival regulations databases 141
asterisk (*). See universal character
attorney field 112, 119
attorneys, information about 182

-B-
background field 112
Bankruptcy Reporter 13
Best arrows 93, 100
Best portion 100
bill tracking on Westlaw 139–140
Black’s Law Dictionary 9, 52, 53, 73
  on Westlaw 53, 180
blue H 146
Bluebook, The 9, 16, 19
Boolean connectors. See connectors
Boston Globe 185
browsing
  by best portion 93, 100
  by document 93, 94, 97, 100
  by document part 100
  by search term 100
  customizing the result list 96
  Doc arrows 100
  full-page view 94, 96
  images 105
  limit display by field 103
  Link Viewer 103–105
  Links tab 97–98
  Locate terms in result 93, 100–101
  Outline link 98
  result list 95–96
  Result List tab 97
  split-page view 96
  Star Paging 94, 102
  table of contents 135–136
  Term arrows 93, 100
  viewing consecutive documents 94, 101
  viewing specific documents 93, 97
Business and News page 184–185
BUT NOT connector (%) 88

-C-
caption field 133, 134
case history 146–147
case law fields. See fields

case name 18, 19
See also title field
cases
advance sheets 8
citations 9, 15–17
digests 22–28
fields 109–119
KeyCite 146–159
KeySearch 126–128
Most Cited Cases 123–125
organization 10
parallel citations 16
parts of 18–21
reporters 8
slip opinions 7
Table of Authorities 170–172
topic and key number search 120
unpublished opinions 10
unreported opinions 10
West Key Number Digest (Custom Digest) 120–125
West Key Number System 22–27
Westlaw citation 16
Century Digest 23
changing databases 92
checking citations in a word-processing document 172–174
choosing a search method 78–79
choosing connectors 85–88
choosing preferences 59–61
choosing search terms 82–85
circuits, federal 12
citation field
cases 112
statutes 69, 133
citations
about 9
ALWD Citation Manual 9, 16
Bluebook, The 9, 16, 19
format 15–17, 69–70
parallel 16
templates 66
Westlaw citation 16
citators
about 30
See also KeyCite
citing references to a case 148–159
citing references to a statute 160–167
client ID. See preferences
Code of Federal Regulations about 42
authority note 42
CFR Index and Finding Aids 44
in United States Code Annotated 45
on Westlaw 42, 137–139, 141
Parallel Table of Authorities and Rules 44
source note 42
updating 46
common terms 83
compound terms 84
concurring field 112
Congressional Record
on Westlaw 140
Star Paging 102
connectors
AND (&) 86
BUT NOT (%) 88
choosing 85
grammatical (/p, +p, /s, +s) 87
numerical (/n) 87
OR (space) 87
order of processing 88
same paragraph (/p) 87
same sentence (/s) 87
consecutive documents, viewing 94, 101, 134
constitutions
federal 39–40
state 39–40
continuing legal education (CLE) course materials 178
Corpus Juris Secundum 51, 73
on Westlaw 51
court field 112, 119
court rules 40, 141
coverage. See Scope
credit field 133
current research trail 62
Custom Digest. See West Key Number Digest
customizing tabbed pages 57–58

D

databases
about 11
accessing 74
changing 92
choosing 76
Favorite Databases 76
Find a Database wizard 74
IDEN database 77
identifier 1
multiple database searching 75
Recent Databases 76
Scope 77
selecting 73
Westlaw Directory 74–75
date restriction 89–90
See also added-date restriction
Decennial Digest 23, 28
Defendant-Plaintiff Table 28
delivering documents 189–193
current document 189
downloading 189–190
e-mailing 189–190
Print/Delivery Manager 192–193
printing 189–190
Quick Print 189
resending print requests 192–193
result list 189–190
saving on Westlaw 189, 192
selected documents 189–190
selecting default settings 61, 191–192
depth of treatment stars 149, 156
description, Natural Language
adding related concepts 80
editing 91
entering 79
excluding concepts 81
formulating 73
phrase searching 80
restricting 81
thesaurus 80
See also Natural Language search method 79
Descriptive-Word Index 24
dictionaries, legal 52, 180
digest field 109, 112, 117–118
digests
about 22
American Digest System 23
Century Digest 23
choosing 23
Decennial Digest 23
Defendant-Plaintiff Table 28
Descriptive-Word Index 24
federal 23
General Digest 23
regional 23
state 23
Table of Cases 28
topical 26
United States Supreme Court Digest 23
direct history (graphical view) 147–148
directories and reference materials 181
display order 60
displaying page numbers 29
dissenting field 112
Doc arrows 100
docket-number field 112
document display preferences 60
document limit 60
document part 100
document ranking 91
downloading a research trail 63
downloading documents. See delivering documents
dual-column printing 61

—E—
editing a Natural Language description 91
editing a Terms and Connectors query 91
e-mailing a research trail 63
e-mailing documents. See delivering documents
encyclopedias, legal 49, 51, 179
entering a Natural Language description 79
entering a password. See password
entering a Terms and Connectors query 81
exclamation point(!). See root expander
excluding concepts 81

—F—
Favorite Databases 76
Federal Cases 12
federal circuits map 12
federal code. See United States Code, United States
Code Annotated, United States Code Service
federal courts
courts of appeals 12
district courts 12
special courts 13
U.S. Supreme Court 11
federal digests 23
federal legislation 33–39
Federal Register
about 41
index 44
on Westlaw 42
Star Paging 102
updating 46
Federal Reporter 12
Federal Rules database (US-RULES) 141
Federal Rules Decisions 13
federal statutes. See United States Code, United States Code Annotated, United States Code Service
Federal Supplement 12
fields
about 89, 109
cases
attorney 111, 112, 119
background 112
citation 111, 112
concurring 111, 112
court 112, 119
digest 109, 112, 117–118
dissenting 111, 112
docket-number 111, 112
full-text 112
headnote 109, 111, 112, 115–117
holding 112
image 112
judge 111, 112, 118
lead 111, 112
notes 112
opinions 111, 112
panel 111, 112
prelim 111, 112
synopsis 109, 111, 112, 113–114
title 70, 72, 111, 112
topic 109, 111, 112, 114–115
West-codenotes 111, 112
words-phrases 111, 112
restricting a search
for cases 89, 113
for statutes or regulations 133
statutes
annotations 132, 133
caption 132, 133, 134
citation 69, 132, 133
credit 132, 133
historical-notes 132, 133
prelim 132, 133–134
references 132, 133
substantive-doc 132, 133
text 132, 133
words-phrases 132, 133
50-State Legislative Directory database (LEGIS-DIR) 182
50 State Regulatory Surveys database (REG-SURVEYS) 141
50 State Surveys database (SURVEYS) 141
find
about 65
accessing 65
citation templates 66
elements 68
Find&Print 65
party name 70
publication country 66
publications list 67
tabled Law School page 65
tabled Westlaw page 65
tips 68
wizard 74
Foreign Affairs database (FORGNAFF) 186
forms 53, 180
framing a legal issue 73
full-page view 94, 96
full-text field 112
–G–
General Digest 23, 28
Graphical Statutes 98–99
green C 146
–H–
headnote field 109, 112, 115–117
headnotes
about 20
headnote field 111, 112, 115–117
West Key Number Digest (Custom Digest) 120–125
historical-notes field 133
historical versions of statutes or regulations 98–99, 129, 138–139
history of a case 146–148
history of a statute 159–160
holding field 112
Hornbook Series 52
hyphen. See compound terms
–I–
IDEN database 77
image field 112
images 105
index
Code of Federal Regulations 44
Federal Register 44

Winning Research Skills
statutes and regulations indexes on Westlaw
  137
United States Code Annotated 38
International Professional Directory database
  (IP-PROFDIR) 182
issue, framing 73

–J–
Journals and Law Reviews database (JLR) 178
judge field 112, 118
Jury Instructions Combined database (JI-ALL) 181

–K–
key number digests 22
Key Number System. See West Key Number System
key numbers
  about 20
searching for 126
See also West Key Key Number System
KeyCite
  about 143–144
accessing 145
  cases
citing references 148–159
  customizing history display 147
depth of treatment stars 149
direct history 146–148
direct history in graphical view 147–148
KeyCite Notes 157–159
negative citing references 146
related references 146
restricting citing references by
date 154–155
depth of treatment 156
document type 155–156
headnote 150–151, 157–159
jurisdiction 154
Locate term 151–153
coverage 144
currentness 144
preferences 61
status flags 146
statutes
  citing references 160–167
history 159–160
restricting citing references by
date 165–166
document type 166–167
jurisdiction 165
Locate term 163–164
notes of decisions 161–162
KeyCite Alert
  about 167
  creating an entry 168–169
  modifying or deleting an entry 169
  restricting citing references 169
KeyCite Notes 157–159
KeySearch 126–128

–L–
law reviews 53, 178
lawschool.westlaw.com 55
lead field 112
legal dictionaries 52, 180
legal encyclopedias 49, 51, 179
legislative history
  about 34
archival legislative databases 140
databases 140
Graphical Statutes 98–99
KeyCite for statutes 159–160
Legislative History–U.S. Code, 1948 to Present
database (LH) 140
prior versions of statutes 98–99, 129, 138–139
regulation tracking databases 141
U.S. Code Congressional and Administrative
News 36
U.S. Code Congressional and Administrative
News database (USCCAN) 140
U.S. GAO Federal Legislative Histories
database (FED-LH) 140
USA Patriot Act of 2001 Legislative History
database (PATRIOT-LH) 140
legislative process 33–39, 139
legislative service databases 139
legislative tracking and bill text databases 139
limit display by field 94, 103
limit KeyCite display. See KeyCite, restricting citing
references by
Link Viewer 103–105
Links tab 97–98
litigation history reports 108
Locate terms in result 93, 100–101
location preferences. See preferences

–M–
magazine databases 186
Magazines, Journals, and Newsletters database
  (MAGSPLUS) 186
Major Magazines database (MAGSMJ) 186
Major Newspapers database (NPMJ) 185
maps
of federal circuits 12
of West’s National Reporter System 13
modifying a search 91
Most Cited Cases 123–125
multiple database searching 75
multistate Legislative Service database (LEGIS-ALL) 139

N
National Conference of Commissioners on Uniform State Laws 180
National Reporter System. See West’s National Reporter System
Natural Language search method
about 4
adding related concepts 80
description 79
document ranking 91
excluding concepts 81
field restrictions 81
modifying search 91
phrase searching 80
quotation marks 80
requiring concepts 80, 81
thesaurus 80
negative citing references 146
New York Times database (NYT) 185
news databases 182–184
newspaper databases 182–184, 185
next section 94, 101, 134
notes field 112
numerical connector (/n) 87
Nutshell Series 52

O
official reporters 9
Offline Print Directory. See Print/Delivery Manager
opinions field 112
options. See preferences
OR connector (space) 87
order of processing connectors 88
Outline link 98

P
page numbers, internal. See Star Paging
page numbers, publication. See Star Paging
page view 96–97
panel field 112
parallel citations 16
parentheses, changing order of processing with 88
party name
find 70
search by 71
password
creating 56
entering 55
registering 55–56
Westlaw 55
percent symbol (%).
See BUT NOT connector
period, searching with. See acronyms
personalizing tabbed pages 58
phrase searching
Natural Language 80
Terms and Connectors 82
plurals 83
Popular Name Table 138
possessives 84
practice guides 53, 180
Practising Law Institute on Westlaw 181
preferences
about 59
client ID 60
delivery settings 61, 191–192
Docket Alert settings 61
document display 60
images 105
KeyCite Alert settings 61
KeyCite settings 61
location 60
pricing 60
print and download settings 61, 191–192
Profiler Alert settings 61
research trail settings 61
result list display 60, 96
search settings 60
WestClip Alert settings 61
prelim field 133
cases 112
statutes 133–134
presidential documents 46
previewing cited references in the Link Viewer 103
previous research trail 62
previous section 94, 101, 134
pricing preferences. See preferences
print page references. See Star Paging
Print/Delivery Manager 192–193
printing documents. See delivering documents
prior versions of statutes and regulations 98–99, 129, 138–139
Profiler. See Westlaw Profiler
proposed legislation 98–99, 139
public laws 35
publication country 66
publication page numbers. See Star Paging
publications list 67

–Q–
query formulation. See Terms and Connectors
search method
Quick Print 189
quotation marks
KeyCite 149
Natural Language 80
Terms and Connectors 82

–R–
radio and television program transcripts 186
ranking documents 91
Recent Databases 76
red flag 146
references field 133
regional digests 23
registering a password. See password
regulation tracking databases 141
regulations. See administrative codes
RegulationsPlus index 137
related references 146
reporters
about 8
official 9
unofficial 9
requiring concepts 81
research preferences. See preferences
research process 195–197
research trail
about 61
adding notes 62
delivering 63
downloading 63
e-mailing 63
preferences 61
starting 64
viewing 62
resources options 58
Restatements of the law 52
on Westlaw 52, 179
restricting citing references to a case. See KeyCite
restricting citing references to a statute. See KeyCite
restricting display by field 94, 103
restricting search
by added-date 90
by document date 89
by field
for cases 113
for statutes or regulations 133
Natural Language description 81
Terms and Connectors query 89
result list
preferences 60, 96
viewing 95–96
ResultsPlus list 97–98
root expander (!) 85
rules for citation forms 16
rules, court. See court rules

–S–
same paragraph connector (/p) 87
same sentence connector (/s) 87
saving documents on Westlaw. See delivering
documents
saving research. See research trail
scholarly and technical information 186
Scope 77
search method
choosing 78–79
See also Natural Language search method,
Terms and Connectors search method
search preferences. See preferences
secondary sources 49–53, 177–181
session laws 35
signing off from Westlaw 56
signing on to Westlaw 55
slip laws 35, 39
slip opinions 7–8
Star Paging 29, 94, 102–103
state courts 13
state digests 23
state legislative directory 182

Winning Research Skills 213
state reporters 102
state statutes on Westlaw 131
statutes
bill tracking 139
court rules 141
federal databases 130
fields 131–134
50 State Surveys database (SURVEYS) 141
Graphical Statutes 98–99
index 137
KeyCite 159–167
legislative process 33
legislative service databases 139
legislative tracking and bill text databases 139
Popular Name Table 138
public laws 35
retrieving by citation 129
retrieving prior versions 98–99, 129, 138–139
session laws 35
slip laws 35
state databases 39, 131
table of contents 134–136
United States Code Annotated 130
viewing consecutive statutes 134
See also legislative history
substantive-doc field 133
Supreme Court Reporter 11, 29
synonyms 83
synopsis field 109, 112, 113–114

-T-
tabbed pages
about 57
Business and News 184–185
customizing 57
personalizing 58
receiving 59
resources options 58
search options 58
sending 58
shortcut options 58
Table of Authorities 170–172
Table of Cases 28
Table of Cases Reported 14
Table of Contents service
accessing 134–135
browsing 135–136
Term arrows 93, 100
Terms and Connectors search method
abbreviations 84
about 3
added-date restriction 90
alternative terms 83
antonyms 83
choosing search terms 82
common terms 83
compound terms 84
connectors 85–88
date restriction 89–90
document ranking 91
field restrictions 89
modifying search 91
order of processing connectors 88
phrase searching 82
plurals 83
possessives 84
quotation marks 82
root expander (!) 85
synonyms 83
universal character (*) 85
text field 133
Texts and Treatises database (TEXTS) 178
thesaurus 80, 83
title field 70, 72, 112
topic and key number search 120
topic field 109, 112, 114–115
See also West digest topics
transcripts of radio and television programs 186
treatises databases 141
treatises 52, 178–179

-U-
U.S. Code Congressional and Administrative News
36, 47
on Westlaw 140
U.S. Supreme Court 11
Uniform Laws Annotated 180
United States Code 36, 37
United States Code Annotated
about 36, 37, 130
Code of Federal Regulations in 45
index 38
on Westlaw 134–139
pocket parts 38
Popular Name Table 38, 138
statutory supplements 38
tables 38
United States Code Service 36
updating 38
United States courts of appeals 12
United States district courts 12
United States Public Laws database (US-PL) 139
(US-PL-OLD) 140
United States Reports 11, 29, 102
United States Statutes at Large 35, 102
United States Supreme Court Digest 23, 39
United States Treaties in Force database (USTIF) 141
universal character (*) 85
unofficial reporters 9
unpublished opinions 10
unreported opinions 10

–W–
West annotated statutes 130
West-codenotes field 112
West digest topics
about 20, 26
topic and key numbers 120–125
topic field 109, 112, 114–115
See also West Key Number Digest (Custom
Digest)
West Education Network, The (TWEN) 55
West Key Number Digest (Custom Digest) 120–125
West Key Number System 20, 22–28
See also West Key Number Digest (Custom
Digest)
West Legal Directory databases 182
West OnePass 56
WestCheck.com
about 172
checking a citations list 173–174
creating a citations list 172–173
viewing or saving a result 174
WestCiteLink 175
WestClip
about 187
accessing 187
creating an entry 187–188
Westlaw
about 3, 55
password 55
signing off from 56
signing on to 55
system requirements 56–57
Westlaw citation 16
Westlaw Directory
accessing a database from 75
browsing 75
searching 75
viewing all databases 74
viewing new databases 74
Westlaw password. See password
Westlaw Profiler 106–108, 182
West’s Federal Appendix 10
West’s National Reporter System 13–14, 102
words-phrases field
cases 112
statutes 133

–Y–
year. See added-date restriction, date restriction
yellow flag 146