

## PROFESSIONAL LEGAL RESEARCH

Computer-assisted legal research opens the door to an ever-expanding online library with which you will become familiar once you look beyond your casebooks and hornbooks. The Westlaw legal research service is comprehensive, easy to use, and up-to-date. It will help you perform accurate and effective legal research.

On Westlaw, you can quickly search many sources at once and retrieve up-to-date information that might be difficult to find using books. You can also retrieve information that is not yet available in print. For example, U.S. Supreme Court opinions are available on Westlaw within 30 minutes of their release. Perhaps most important of all, Westlaw integrates the most essential research tools from West and provides you with easy, online access.

Although no single research technique is right for every situation, you might start with the Westlaw Research Pyramid and the following Westlaw research tips.

### Westlaw Research Pyramid

① Gather background information from secondary sources to understand your issue and to find leads to significant primary law. Recent law review articles and texts like *American Law Reports* (ALR®) and *American Jurisprudence 2d* (Am Jur® 2d) are a good place to start.

West topic and key numbers also help you to focus your research and retrieve relevant primary law. Each legal issue in a case published by West is identified, summarized, and assigned a topic and key number by West attorney-editors.

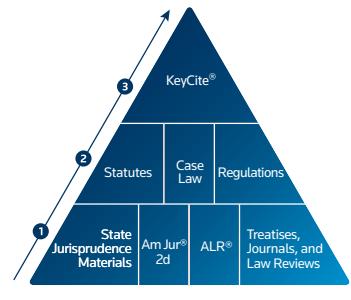
② Use Westlaw to gather primary sources, the building blocks of legal research. Westlaw provides a current, comprehensive collection of primary authority, such as cases, statutes, regulations, and administrative decisions.

③ Update your research with KeyCite®, West's citation research service. Check each case or statute you intend to rely on in KeyCite before continuing your research.

**Category:**

Research Fundamentals

For research assistance 24 hours a day, seven days a week, call the West Reference Attorneys at 1-800-850-WEST (1-800-850-9378) or click **Help** on Westlaw® for a live help session.



## Starting Your Research

Law review articles can serve as an introduction to a new topic, a source of terminology you can use to formulate a search, and a tool to lead you to pertinent primary authority, such as cases and statutes.

Use the American Law Reports database (ALR) to find a thorough discussion of case law relating to a particular legal issue. Attorneys who write ALR annotations have already analyzed the available American cases on the issue and have prepared a detailed discussion of the legal principles deduced from the cases. The American Jurisprudence 2d database (AMJUR) contains the full text of Am Jur 2d, a comprehensive encyclopedia of state and federal law on more than 400 topics.

If you find a useful case, use the topic and key numbers in the case to find other cases on point. You can also use the online West Key Number Digest to search for key numbers on a particular topic.

## Starting a Westlaw Session

Follow these steps to access Westlaw:

1. Access [lawschool.westlaw.com](http://lawschool.westlaw.com).
2. At the lawschool.westlaw.com home page, click **Westlaw Research** at the top of the page. In the *Sign On* section, type your Westlaw password in the *Westlaw Password* text box. Alternatively, type your personalized username and password in the *Username* and *Password* text boxes.
3. Click **Sign On**.

A message is displayed if you have not registered your Westlaw password. Click **Register Password** and follow the online instructions.

## Using the Tabbed Law School Page

When you sign on to Westlaw, the tabbed Law School page is displayed (Figure 1).

The left frame contains useful shortcuts to common research tasks. You can also access law school resources. The right frame contains a Search section followed by database groups. You can customize this section to increase your Westlaw efficiency.

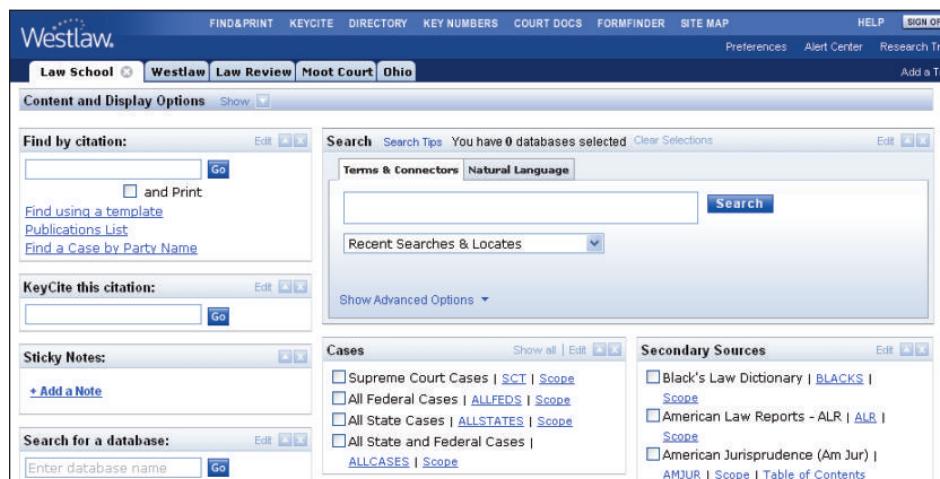


Figure 1. Tabbed Law School page

## Retrieving a Document by Citation

To retrieve a specific document by citation, use a shortcut in the left frame.

- When you know the document's citation, type it in the *Find by citation* text box and click **Go**.
- If you are unsure of the correct citation format for a federal case, statute, or regulation, click **Find using a template** to display easy-to-use, fill-in-the-blank Find templates.

## Retrieving a Case by Party Name

To retrieve a case when you know one or more parties' names, click **Find a Case by Party Name** in the left frame. The Find a Case by Party Name search template is displayed in the right frame. Type one or both parties' names in the text boxes, select the jurisdiction in which the case was heard or the reporter in which it was published, and click **Go**.

**Note** You can also search by party name If you are at a case law database Search page. Click **Search by Party Name** at the top of the page, then type one or both parties' names in the text boxes and click **Search Westlaw**.

## Accessing a Database

The easiest way to access a database is to use the right frame of the Law School page. Simply click a database identifier to display the Search page for that database.

To view a list of all the databases on Westlaw, click **Directory** at the top of any page. The Westlaw Directory is displayed (Figure 2). Browse the databases in the right frame by clicking the links, or use the *Search the Westlaw Directory* text box at the top of the page to search for a specific database. Click a database name to access the Search page for that database.



Figure 2: Westlaw Directory

## Searching for Documents

Westlaw provides two search methods, Natural Language and Terms and Connectors, so you can search the way that is most effective for you. When you access a database, the Search page is displayed. Select a search method by clicking the **Terms and Connectors** or **Natural Language** tab. Then type your search in the *Search* text box and click **Search Westlaw**.

## Searching with Natural Language

The Natural Language search method allows you to use plain English to retrieve relevant documents. Type a description of your issue using terms that describe its main concepts, e.g., **retaliatory discharge for age discrimination claim**. Westlaw identifies legal phrases in your description (such as *quantum meruit* and *adverse possession*), removes common terms (such as *is* and *for*), and generates variations of terms (such as *defamed*, *defaming*, and *defamation* for *defame*).

## Searching with Terms and Connectors

The Terms and Connectors search method allows you to run a more precise search. Type key terms from your issue, using connectors to specify the relationship between those terms, e.g., **“americans with disabilities act” a.d.a. /p protect! /s class group**. For help in creating a Terms and Connectors query, see the information below.

### USING CONNECTORS

In Terms and Connectors searching, you must place connectors between your terms. Connectors specify the relationship that must exist between terms in your retrieved documents.

Connector	Type	To retrieve documents that contain	Example
AND	&	both search terms	narcotics & warrant
OR	a space	either search term or both terms	car automobile
Grammatical Connectors	/p /s +s	search terms in the same paragraph search terms in the same sentence the first term preceding the second in the same sentence	hearsay /p utterance design /s defect attorney +s fee
Numerical Connectors	/n +n	search terms within <i>n</i> terms of each other (where <i>n</i> is a number from 1 to 255) the first term preceding the second by <i>n</i> terms (where <i>n</i> is a number from 1 to 255)	personal /3 jurisdiction john +2 roberts
Phrase	“ ”	search terms appearing in the same order as in the quotation marks	“attractive nuisance”
Connector	Type	To exclude documents that contain	Example
BUT NOT	%	the terms following the percent symbol	r.i.c.o. % “puerto rico”

### USING VARIATIONS OF WORD FORMS IN YOUR TERMS AND CONNECTORS SEARCH

To search for	Type	Westlaw retrieves documents that contain
compound words such as <i>whistleblower</i>	whistle-blower	<i>whistle</i> <i>blower</i> , <i>whistle-blower</i> , <i>whistleblower</i>
abbreviations such as <i>EPA</i>	e.p.a.	<i>E.P.A.</i> , <i>E. P. A.</i> , <i>EPA</i> , <i>E P A</i>
words with variant endings such as <i>object</i>	object!	<i>object</i> , <i>objected</i> , <i>objection</i> , <i>objecting</i>
words with variable characters such as <i>jury</i> and <i>withdraw</i>	jur** withdr*w	<i>jury</i> , <i>juror</i> (but not <i>jurisdiction</i> ) <i>withdraw</i> , <i>withdrew</i>

## Restricting Your Search by Field

Almost all documents on Westlaw are composed of several parts called *fields*. Each field contains a specific type of information. For example, in case law documents the names of the parties, the name of the judge, and the names of the attorneys are each considered a separate field. Other fields, including the synopsis, topic, headnote, and digest fields, contain exclusive West editorial enhancements (Figure 3). The synopsis field (sy) contains a summary of the case prepared by West attorney-editors; the digest field (di) contains the headnotes and topic and key numbers in the case.

Rather than searching entire documents, you can restrict your search to one or more fields. For example, you can restrict your search to the synopsis and digest fields, e.g., `sy,di(avoid! /p bankruptcy)`. Because the synopsis and digest fields contain editorial summaries of the issues in a case, you will retrieve only cases in which your search terms are significant.

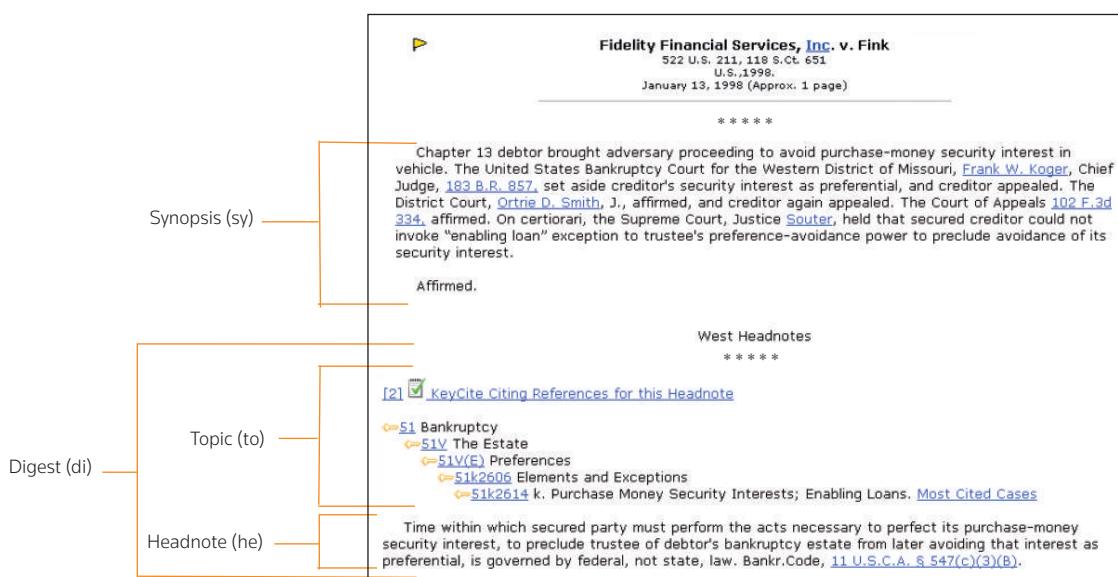


Figure 3. Useful fields in a case

## Viewing the Search Result

The citations of documents retrieved by your search are displayed in the result list, along with your search terms and the surrounding text for each document in a Terms and Connectors search result or the best portion of each document in a Natural Language search result.

- To display the full text of a document, click its title or citation in the result list.
- When you search a case law, statutes, regulations, or analytical database, Westlaw creates a ResultsPlus® list containing related content on the right side of the result list. To view the full text of a document in the ResultsPlus list, click its title.
- To revise your search or to run it in a different database, click **Edit Search** at the top of the result list.

## Browsing Your Documents

Westlaw provides several methods for quickly reviewing the documents in your search result (outlined in Figure 4).

### USING NAVIGATION TOOLS

- Search terms are highlighted so you can quickly scan your documents. Click the **Term** arrows to view the next or previous occurrence of the search terms in your search result.
- In a Natural Language search result, click the **Best** arrows to view the portion of each document most closely matching the concepts in your description.
- Click the **Doc** arrows to display the next or previous document in your search result.
- Use the **Tools** drop-down list at the bottom of the right frame to go to a specific page of a print publication, restrict your document display to specific fields, or copy document text along with its citation. The options vary depending on the type of document you are viewing.
- Click **Full Screen List** in the left frame to return to the result list in full-page view, or click the **Full-Page View** icon in the right frame to display the document across the entire page.

### LOCATING SPECIFIC TERMS

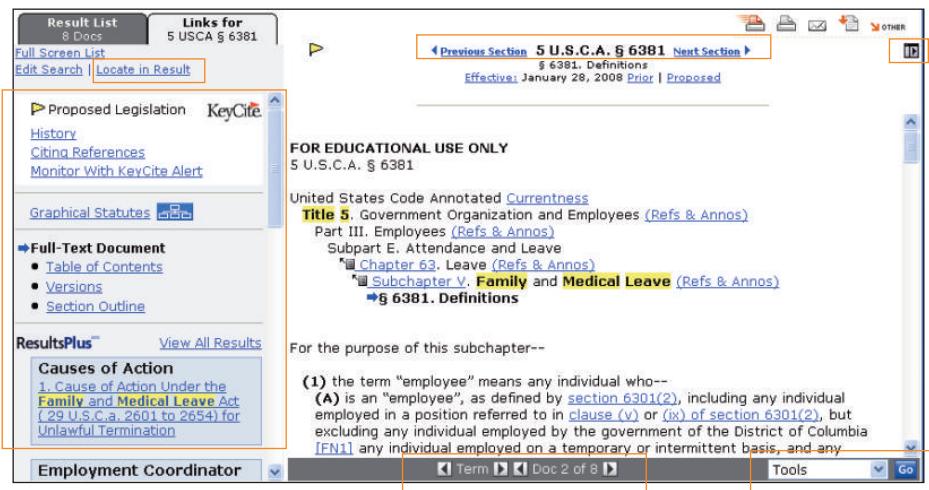
Click **Locate in Result** at the top of the result list or the left frame to search the documents in the result for particular terms, whether or not the terms appear in your original search. If you retrieve a large number of documents in your search result, you can use Locate to narrow your result.

### USING THE LINKS TAB TO ACCESS RELATED INFORMATION

The Links tab displays links to related information, e.g., the KeyCite result and ResultsPlus sources, for a displayed document.

### VIEWING CONSECUTIVE SECTIONS

Click **Next Section** or **Previous Section**, when available, at the top of a document to view consecutive documents even if they were not retrieved by your search or Find request. To return to the document you originally retrieved, click **Original Results** at the top of the Links tab or Result List tab.



Result List 8 Docs Links for 5 USCA § 6381

Full Screen List Edit Search Locate in Result

Proposed Legislation KeyCite History Citing References Monitor With KeyCite Alert

Graphical Statutes

Full-Text Document

- Table of Contents
- Versions
- Section Outline

ResultsPlus™ View All Results

Causes of Action

1. Cause of Action Under the Family and Medical Leave Act (29 U.S.C.a. 2601 to 2654) for Unlawful Termination

FOR EDUCATIONAL USE ONLY  
5 U.S.C.A. § 6381

United States Code Annotated Currentness

**Title 5. Government Organization and Employees (Refs & Annos)**

Part III. Employees (Refs & Annos)

Subpart E. Attendance and Leave

- Chapter 63. Leave (Refs & Annos)
- Subchapter V. Family and Medical Leave (Refs & Annos)
- § 6381. Definitions

For the purpose of this subchapter--

(1) the term "employee" means any individual who--

(A) is an "employee", as defined by section 6301(2), including any individual employed in a position referred to in clause (v) or (ix) of section 6301(2), but excluding any individual employed by the government of the District of Columbia [FN1] any individual employed on a temporary or intermittent basis, and any

Employment Coordinator

◀ Term ▶ Doc 2 of 8 ▶ Tools ▶ Go

Figure 4. United States Code Annotated® section

## Copying and Pasting Text with the Citation

The Copy with Reference feature automatically inserts the correct citation and page number when you copy and paste text from a case, statute, regulation, treatise, or law review article into a brief or other legal document. To use Copy with Reference, select the text you want to copy, choose **Copy with Ref** from the **Tools** drop-down list at the bottom of the right frame, and click **Go**. When the Copy with Reference dialog box is displayed, containing the text you selected and the citation for the document containing the text, click **Copy**. Paste the copied text, which includes the citation, into your document.

## Checking Citations in KeyCite

Use KeyCite to determine whether a case, statute, administrative decision, or regulation is good law and to retrieve citing references. Click **KeyCite** at the top of any page for a detailed explanation of the KeyCite status flags and depth of treatment stars. You can also download a free copy of *How to Check Citations* by accessing [west.thomson.com/westlaw/guides](http://west.thomson.com/westlaw/guides) and clicking **Law School**.

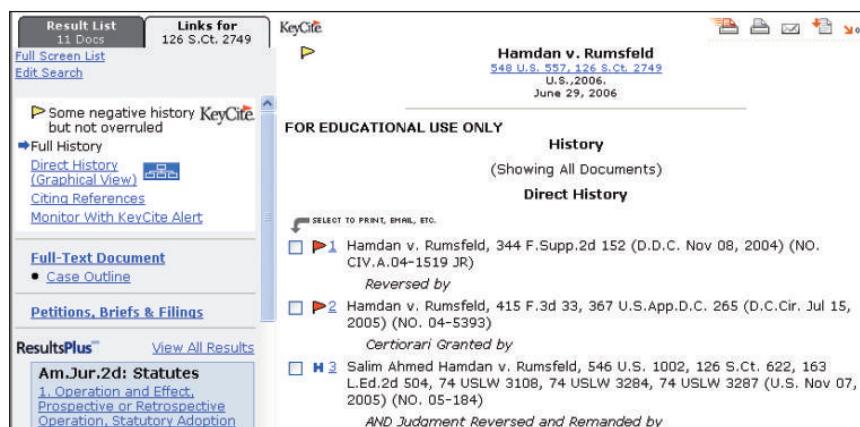
### KEYCITE FOR CASES

#### KeyCite status flags

-  A red flag warns that the case is no longer good law for at least one of the points of law it contains.
-  A yellow flag warns that the case has some negative history but has not been reversed or overruled.
-  A blue H indicates that the case has some history.
-  A green C indicates that the case has citing references but no direct history or negative citing references.

#### History of a case

To view the full history of a displayed case, **Full History** on the Links tab. The case history is displayed in the right frame (Figure 5). KeyCite case history includes direct history, negative citing references, and related references. To view the direct history of the case in an easy-to-read graphical view, click **Direct History (Graphical View)**.



The screenshot shows the Westlaw KeyCite interface for the case **Hamdan v. Rumsfeld**. The sidebar on the left includes links for 'Result List', 'Links for 126 S.Ct. 2749', 'Full Screen List', 'Edit Search', and 'Am.Jur.2d: Statutes'. The main content area displays the case details: **Hamdan v. Rumsfeld**, 548 U.S. 557, 126 S.Ct. 2749, U.S., 2006, June 29, 2006. A 'FOR EDUCATIONAL USE ONLY' notice is present. The 'History' section shows the following timeline:

- 1 Hamdan v. Rumsfeld, 344 F.Supp.2d 152 (D.D.C. Nov 08, 2004) (NO. CIV.A.04-1519 JR)  
Reversed by
- 2 Hamdan v. Rumsfeld, 415 F.3d 33, 367 U.S.App.D.C. 265 (D.C.Cir. Jul 15, 2005) (NO. 04-5393)  
Certiorari Granted by
- 3 Salim Ahmed Hamdan v. Rumsfeld, 546 U.S. 1002, 126 S.Ct. 622, 163 L.Ed.2d 504, 74 USLW 3108, 74 USLW 3284, 74 USLW 3287 (U.S. Nov 07, 2005) (NO. 05-184)  
AND Judgment Reversed and Remanded by

Figure 5. History of a case

## KEYCITE FOR STATUTES

### KeyCite status flags



A red flag indicates that the statute has been amended by a recent session law, repealed, superseded, or held unconstitutional or preempted in whole or in part.



A yellow flag indicates 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 the statute was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute received negative treatment from a court.



A green C indicates that the statute has citing references.

### History of a statute

Click **History** on the Links tab to view the full history of a displayed statute in the right frame. Statute history includes citations to cases affecting the validity of the statute, recent session laws that amend or repeal the section, proposed legislation, bill drafts, reports and related materials, credits, and historical and statutory notes.

## Printing Documents

To print, e-mail, download, or save your documents on Westlaw, click a delivery icon in the upper-right corner of a retrieved document or result list. Click the **Quick Print** icon to print the document or result list you are viewing on an attached printer. To use another delivery method, follow these steps:

1. Click the **Print**, **Email**, or **Download** icon, or click **Other** and choose **Save on Westlaw** from the menu that is displayed.
2. A dialog box is displayed.
  - Specify the documents and pages you want to deliver. If you are delivering a statute, you can select **Statutory Text Only** to deliver the statute without annotations.
  - Click **Settings** at the top of the dialog box to specify whether you want to include features such as KeyCite flags and highlighted search terms. Click **Done** when you are finished making your selections.
3. Click **Print**, **Send**, or **Save** depending on the delivery destination you selected.

## Returning to a Result or Research Session

Use the Research Trail feature to keep track of your research and return to previous work. Each research trail associated with your password is available for 14 days after it is saved. Click **Research Trail** at the top of any page to view the citations of documents you retrieved and the Westlaw databases and services you used during your current research session. Click a link under *Research Event* to return to a previous result. To view all research trails associated with your Westlaw password from the past 14 days, click **List of All Research Trails**. To e-mail the current research trail, click **E-Mail Trail**.

For assistance using Westlaw, call 1-800-850-WEST (1-800-850-9378).

For free reference materials, visit [west.thomson.com/westlaw/guides](http://west.thomson.com/westlaw/guides).



THOMSON REUTERS™

© 2009 Thomson Reuters Published 6/09 L-349840

The trademarks used herein are the trademarks of their respective owners.  
West trademarks are owned by West Publishing Corporation.