

PROFESSIONAL LEGAL RESEARCH

Your law school education focuses on case law, the written opinions of appellate courts. With thousands of new decisions being published every year, how are you supposed to find the one case on point? The case-finding tools on Westlaw give you a variety of methods for finding relevant cases. This quick reference guide will help you understand how to approach your online research by introducing you to West's® National Reporter System®, legal encyclopedias and *American Law Reports*, and comprehensive key number digests that classify cases to topics and key numbers from the West Key Number System®.

What Is a Case?

When lawyers and law professors refer to cases, they typically mean the written opinions of appellate court judges. Although American law includes cases, statutes, administrative decisions, and other documents, most of your law school education will involve studying court decisions.

Opinions from appellate courts can be crucial to understanding a given legal issue because such opinions are binding on lower courts deciding similar issues in the future. Appellate court opinions are usually published in print and online. A case on Westlaw is shown below.

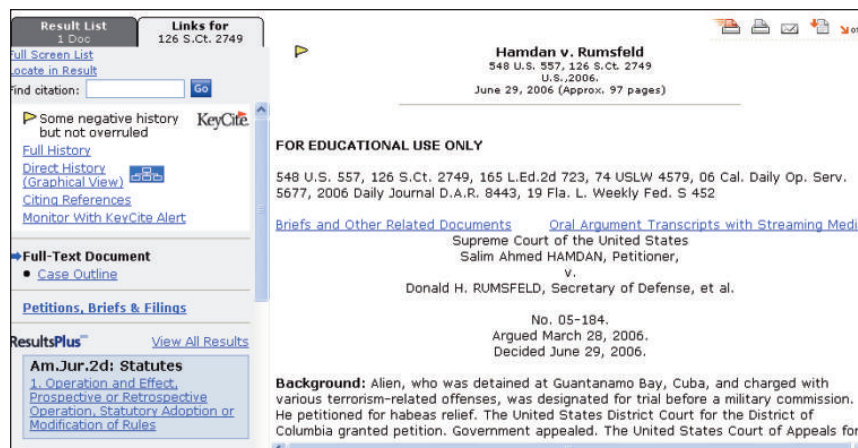
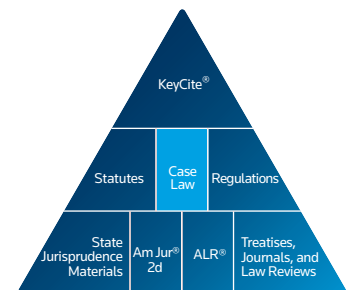


Figure 1. Case on Westlaw

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.



The Westlaw Research Pyramid

Using the Westlaw Research Pyramid

Your 1L studies will focus on case law.

On Westlaw, you can retrieve relevant cases with a keyword search or with West topic and key numbers found in a key number digest.

Where Do I Find Cases?

NATIONAL REPORTER SYSTEM

Published cases can be found in the print volumes of West's National Reporter System. This system consists of three main subdivisions:



- state court reporters, divided into seven regional reporter series, e.g., *North Western Reporter*®
- federal court reporters—*Federal Supplement*® (primarily U.S. district courts), *Federal Reporter*® (U.S. courts of appeals), and *Supreme Court Reporter*® (U.S. Supreme Court)
- special federal court reporters, e.g., *Bankruptcy Reporter*®, *Federal Rules Decisions*®

Figure 2. West Reporters

ON WESTLAW

All cases published in West reporters (as well as many unpublished cases) can be retrieved on Westlaw. Cases appear on Westlaw within hours or days of their release by the courts. Use the tabbed Law School page and the online Westlaw Directory to find appropriate databases and their identifiers. A case in a West reporter is shown on the last page of this guide.

A published case retrieved on Westlaw includes all editorial enhancements, such as the synopsis and headnotes, that appear with the opinion in a print reporter. In addition, Westlaw provides the page numbers used in the print reporter, as well as the precise location of the page breaks.

Which Cases Should I Read?

Unless you are already familiar with the area of law that pertains to your issue, you will need background information before you start searching for cases. The following secondary sources are ideal for familiarizing yourself with a topic.

LEGAL ENCYCLOPEDIAS

You might start with a multivolume legal encyclopedia such as *American Jurisprudence 2d* (Am Jur® 2d) or *Corpus Juris Secundum*® (CJS®). These publications cover the entire body of American law. They also cite a large number of published cases supporting a given point of law, and they are updated annually.

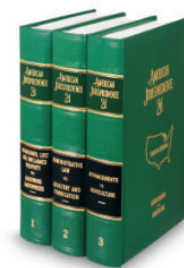


Figure 3. American Jurisprudence 2d

ANNOTATED LAW REPORTS

American Law Reports (ALR®) contains attorney-written annotations that cite, summarize, and analyze the case law on a particular legal issue or fact situation. These annotations contain many citations to cases and secondary materials. ALR is updated annually with supplementary inserts.



Figure 4. *American Law Reports*

Using Key Number Digests to Find Cases

Key number digests are compilations of headnotes created by West attorney-editors. The headnotes are classified to West topics and key numbers from the West Key Number System. They are then printed in a digest, which is a comprehensive collection of headnotes.

If you have a relevant topic or key number, or you know what legal terms and concepts courts have used when discussing your issue, you can conduct a comprehensive search in West's key number digests for published opinions discussing points of law touching on your issue.

In addition, you will find West topic and key numbers in West's annotated statutes, CJS, and other West publications.

I FOUND A GOOD CASE. HOW DO I FIND SIMILAR CASES?

Sometimes you will be fortunate enough to find a case on point early in your research. Write down the relevant topics and key numbers from the case and find them in the digest and pocket parts. With the West Key Number System, you can retrieve cases whether you start with a case or with a key number. You can also easily search Westlaw case law databases with those topics and key numbers.

Finding Cases on Westlaw

There are several methods for retrieving a case on Westlaw. The method you choose depends on what you know about the case or the legal issue you are researching.

RETRIEVING A CASE BY CITATION

If you know the citation of a relevant case (typically consisting of the volume and page numbers and the publication abbreviation, e.g., **911 P.2d 376**), type the citation in the *Find by citation* text box in the left frame of the Law School page and click **Go**.

RETRIEVING A CASE BY PARTY NAME

If you know one or more of the parties' names, click **Find a Case by Party Name** in the left frame of the Law School page. Type one or both of the parties' names in the appropriate text boxes, select the jurisdiction in which the case was heard or the reporter in which it was published, and click **Go**.

RETRIEVING A CASE BY ISSUE

There are several ways to find cases on a particular issue. For example, you can look for relevant topics and key numbers by using the West Key Number Digest, which contains a comprehensive list of topics and key numbers. You can also use the West Key Number Digest to search for cases containing one or more specific topics or key numbers. Alternatively, you can search databases using the Terms and Connectors or Natural Language search method.

Parallel citation	376 Wash. 911 PACIFIC REPORTER, 2d SERIES
Title	128 Wash.2d 575 Adelema G. ABAD; et al., Respondents, v. The Honorable Salvatore COZZA; et al., Petitioners. No. 62987-1.
Court	Supreme Court of Washington, En Banc.
Date of decision	Feb. 15, 1996.
Authoring judge	Petitions for deferred prosecution of defendants charged with driving under influence of alcohol (DUI) were denied by the Spokane County District Court. Defendants applied for writs of certiorari, and the Spokane County Superior Court, Kathleen O'Connor, J., affirmed decision of District Court. The Court of Appeals, Division Three, granted discretionary review, and reversed, 77 Wash.App. 762, 893 P.2d 695. State was granted review. The Supreme Court, Talmadge, J., held that: (1) legislative revision of deferred prosecution statute and abbreviated structure of postrevocation trial required person petitioning for deferred prosecution to agree to waive right to raise other defenses, introduce other evidence, question or call witnesses, and to have jury trial, and (2) local court rule and form requiring petitioners for deferred prosecution to stipulate to accuracy and admissibility of police reports and to waive certain enumerated rights including right to jury required petitioners to do nothing more than what was required by statute, and did not diminish petitioners' substantive rights.
Synopsis	Reversed and remanded to Superior Court. Alexander, J., dissented with opinion in which Johnson, J., concurred.
West topic and key number	1. Criminal Law Ⓒ632.5 Deferred prosecution is form of sentencing; mere label "deferred prosecution" obscures characteristics of process, which is fundamentally a sentencing alternative of preconviction probation, to be added to traditional choices of imprisonment, fine, and
Headnote	postconviction probation. West's RCWA 10.05.010 et seq. 2. Criminal Law Ⓒ632.5 Deferred prosecution is not tantamount to guilty plea. 3. Criminal Law Ⓒ632.5 Granting of deferred prosecution is governed by statute. West's RCWA 10.05.010 et seq. 4. Criminal Law Ⓒ632.5 Because deferred prosecution is creature of statute, District Court's authority with regard to imposition of conditions of deferred prosecution must be measured by statutory law. West's RCWA 10.05.010 et seq. 5. Criminal Law Ⓒ632.5 Statutory provision that court will not accept petition for deferred prosecution from person who sincerely believes that he is innocent of charges or that he does not in fact suffer from alcoholism, drug addiction or mental problems does not make deferred prosecution available to innocent person needing treatment or guilty person not needing treatment; deferred prosecution is confined to persons who are culpable and in need of treatment, and persons who are innocent or not in need of treatment could not allege under oath that wrongful conduct charged took place and was caused by problem alleged, as required by wrongful prosecution statute. West's RCWA 10.05.020(1, 2). 6. Criminal Law Ⓒ632.5 Jury Ⓒ29(6) Requirements of deferred prosecution statute that petitioner for deferred prosecution must be advised of rights as accused and must acknowledge them in writing, and that court must specifically find that petitioner's statement of wrongful conduct and acknowledgement of rights is made knowingly and voluntarily, are consistent with waiver of right to jury trial; waiver of jury trial must not be implied, but must be affirmative, voluntary, knowing, intelligent and on record. West's RCWA 10.05.020(2, 3).

Figure 5. Case in West reporter

For assistance using Westlaw, call 1-800-850-WEST (1-800-850-9378).
For free reference materials, visit west.thomson.com/westlaw/guides.