

# Introduction to Online Legal Research

## Introduction

Online legal research enables you to expand your research beyond your casebooks and hornbooks. Using WestlawNext, which is comprehensive, easy to use, and up-to-date, enables you to perform accurate and effective online legal research.

Your legal research will include searching primary law and secondary sources and checking citations in KeyCite®. Primary law refers to cases, statutes, regulations, and administrative decisions, which are created by courts, legislative bodies, and agencies.

Secondary sources include legal encyclopedias, and treatises, and legal periodicals such as law reviews. Although they are not binding like judicial opinions and statutes, they can provide well-reasoned statements of the law. If you are unfamiliar with an issue, secondary sources are a good place to start your research.

KeyCite is West's powerful citation research service. As you do your research, check each document you intend to rely on in KeyCite to determine whether it is good law.

WestlawNext is available on the Web at [next.westlaw.com](http://next.westlaw.com).

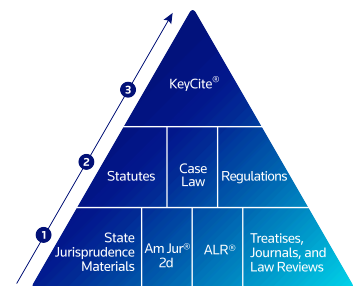
**Category:**  
Research Fundamentals

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).

## Primary Law: Cases

Your law school education focuses primarily on case law, the written opinions of appellate courts. 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.

WestlawNext contains all cases published in West reporters (as well as many unpublished cases). The published cases includes all West editorial enhancements, such as the synopsis and headnotes. (See Figure 1 for an example of a case on WestlawNext.)



The Westlaw Research Pyramid

powered by WestSearch™

WestlawNext™

Enter search terms, citations, databases, U.S. Supreme Court SEARCH advanced Anne's Research (4)

Hamdan v. Rumsfeld  
Supreme Court of the United States | June 29, 2006 | 548 U.S. 557 | 126 S.Ct. 2749

Document Filings (113) Negative Treatment (9) History (10) Citing References (2,056) Powered by KeyCite

Part: 1 2

Superseded by Statute as Stated in Rasul v. Myers, D.C.Cir., January 11, 2008

Original Image of 548 U.S. 557 (PDF)

126 S.Ct. 2749  
Supreme Court of the United States

Salim Ahmed HAMDAN, Petitioner,  
v.  
Donald H. RUMSFELD, Secretary of Defense, et al.

No. 05-184. | Argued March 28, 2006. | Decided June 29, 2006.

Synopsis

RELATED TOPICS

Retroactivity  
Time of Effective Date of New Statute

Habeas Corpus  
Review De Novo  
Court of Appeals Reviews De Novo  
District Court Grant of Habeas Relief

Figure 1. Case

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### Retrieving Cases

- **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 text box at the top of the page and click **Search**.
- **Retrieving a Case by Party Name:** If you know one or more of the parties' names, type the names, e.g., *rumsfeld v. hamdan*, in the text box at the top of the page; change the jurisdiction if necessary; and click **Search**.
- **Searching for cases:** Search for cases by clicking **Cases** on the All Content tab in the *Browse* section of the home page. The Cases page is displayed. A corresponding tabbed *Cases* text box is displayed at the top of the page. Type your search, e.g., **minimum contacts to establish jurisdiction**, in this text box, change the jurisdiction if necessary, and click **Search**.

### Using West Topic and Key Numbers

Each legal issue in a case published by West is identified, summarized in a headnote, and assigned a topic and key number in the West Key Number System®. If you are fortunate enough to find a case on point early in your research, you can use the topic and key numbers in this case to search for other cases on the same topic.

You can also start your research with the West Key Number Digest, which contains the complete topic and key number outline used by West attorney-editors to classify headnotes. To access the West Key Number System, click the **Tools** tab in the *Browse* section of the home page, then click **West Key Number System**.

### Primary Law: Statutes

The word *statute* refers to a law passed by a state legislature or the U.S. Congress that commands, prohibits, or declares something. It is sometimes called *legislation*. Statutory law is central to many legal issues.

WestlawNext contains the *United States Code Annotated*® (USCA®) and annotated statutes from all 50 states and the District of Columbia as well as session laws, proposed bills, and legislative history. (See Figure 2 for an example of a statute on WestlawNext.)

### Retrieving Statutes

- **Retrieving a Statute by Citation:** If you know the citation of a statute (typically consisting of the title number, the abbreviated name of the code, and the section number), type the citation, e.g., **29 usca 2614** or **cal civ code 56.21**, in the text box at the top of the page and click **Search**.
- **Searching for Statutes:** Search for statutes by clicking **Statutes and Court Rules** on the All Content tab in the *Browse* section of the home page. The Statutes and Court Rules page is displayed. A corresponding tabbed *Statutes and Court Rules* text box is displayed at the top of the page. Type your search, e.g., **driving under the influence of alcohol**, in this text box, change the jurisdiction if necessary, and click **Search**.
- **Using the Table of Contents Service:** The Table of Contents service allows you to browse the table of contents for a set of statutes, view a document in the context of the sections surrounding it, and quickly retrieve related sections. To access the Table of Contents service, click **United States Code Annotated (USCA)** or a state's name at the Statutes and Court Rules page.

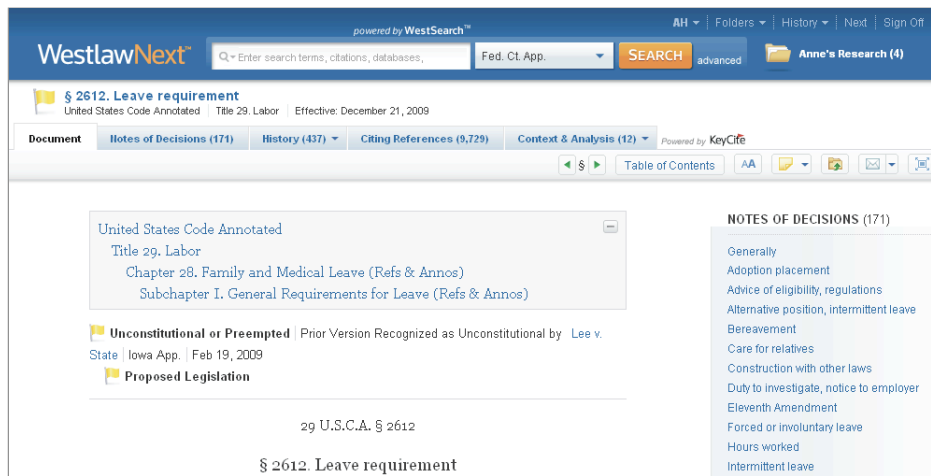


Figure 2. Statute

## Secondary Sources

Secondary legal sources include legal encyclopedias, treatises, and legal periodicals such as law reviews. Secondary sources are a good starting point for research in an unfamiliar area. In addition, they are sometimes persuasive authority. Because they often reference significant citations, they can help you find citations to important case law and statutory authority.

WestlawNext provides an extensive body of secondary sources. You will probably want to start your research with one of the following:

- *Corpus Juris Secundum*<sup>®</sup> (CJS<sup>®</sup>) and *American Jurisprudence 2d* (Am Jur<sup>®</sup> 2d), which are legal encyclopedias with easy-to-read explanations of legal principles derived from cases and statutes.
- *American Law Reports* (ALR<sup>®</sup>) annotations, which contain encyclopedic essays (annotations) on particular legal topics discussed in key cases (Figure 3).
- Law reviews, which are scholarly journals published by most accredited law schools; they contain thorough discussions of current issues and trends in the law.

To find secondary sources on WestlawNext, click **Secondary Sources** on the All Content tab in the *Browse* section of the home page. The Secondary Sources page is displayed. Click **American Law Reports (ALR)** to search ALR. To browse the table of contents for Am Jur 2d or CJS, click **Texts and Treatises**, then click **American Jurisprudence 2d** or **Corpus Juris Secundum**.

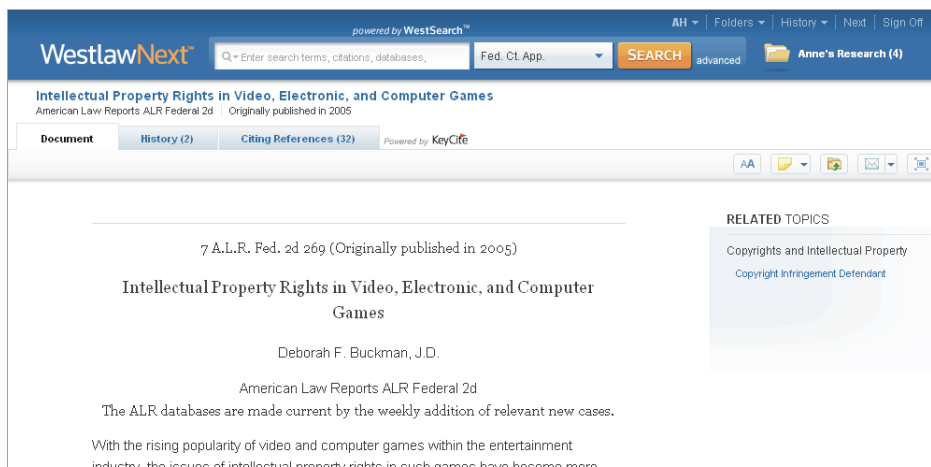


Figure 3. ALR annotation

**Note** When you run a search from the home page, you search all of the core legal content on WestlawNext by default (unless you select specific content to search), which includes secondary sources. At the result page, click **Secondary Sources** in the left column to view secondary sources related to your search.

## Checking Citations in KeyCite

The legal standing or authority of a case can change over time. A decision may be reversed on appeal or overturned years later by a decision of the same court. Other courts may criticize the reasoning of a decision or limit its holding to a specific set of facts. In any event, you need to know if the case you are citing as precedent is good law.

Use KeyCite, West's powerful citation research service, to determine whether a case, statute, regulation, or administrative decision is good law. You can also use KeyCite to retrieve citing references to the document, including cases, administrative materials, secondary sources, and briefs and other court documents.

### Accessing KeyCite

There are several ways to access KeyCite information:

- While viewing a document with a KeyCite flag, click the flag.
- While viewing any document, click one of the following tabs at the top of the page: **Negative Treatment**, **History**, or **Citing References**.
- Type **kc** or **keycite** followed by a citation, e.g., **kc 126 sct 2749** or **keycite 126 sct 2749**, in the text box at the top of the page and click **Search**.

### KeyCite Status Flags for Cases



A red flag indicates that the case is no longer good law for at least one of the points of law it contains.



A yellow flag indicates that the case has some negative history but has not been reversed or overruled.

### KeyCite Status Flags for Statutes



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; 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.

For assistance using WestlawNext, 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).

