

Symposium: Back to the Future of Legal Research

Chicago-Kent College of Law

May 18, 2007

Teaching Research “Backwards”: Providing Context for Legal Research

Jill Hayford & Alison Julien, Associate Professors of Legal Writing

Marquette University Law School

Marquette University Law School abandoned its stand-alone legal research course in favor of an integrated legal writing and research course in fall 2001.¹ All first-year students are now required to take two semesters of Legal Analysis, Writing, & Research.

When we structured our sections of the integrated courses,² we recognized that first-year students often struggle with understanding research skills, particularly in their first semester. We believe that at least part of the reason for that struggle is that the students lack context; they are unfamiliar with both the nature of legal issues and the “language of the law.” Accordingly, when we designed our sections of the integrated course, we tried to structure them in a way that would provide that “context” for learning.

To provide that context, we base our first-semester research assignments on two “closed-universe” writing assignments. The first problem is based on case law, and the second focuses on statutory law. Each sequence consists of a writing component and a related research component. We begin, however, not with the research, but with the closed-universe writing assignment. Students analyze the issue based on the authorities given to them; then, they write an interoffice memo. After they complete that memo, we begin research training. As the basis for that training, we use that same writing problem, but we set it in a new jurisdiction.

Each research assignment focuses on finding, reading, and updating the type of authorities that were part of the writing problem. We ask students to find, read, and update authorities using both print and electronic resources; their ultimate task is to write a short analysis comparing the law of the two jurisdictions. Because students are familiar with the nature of the issue and the “language of the law” from having written a memo on the issue, they are better able to understand the research task.

In the spring, we require students to write two trial court briefs. They research the issues independently for both briefs, but we provide some guidance in the form of a research report. By spring, students are familiar with the general “find, read, update” process, they have a basic understanding of the research tools, and they are more familiar with the “language of the law.” Accordingly, they are better able to implement the research process when asked to find authorities for their two trial brief assignments.

¹ All students are still required to complete Advanced Legal Research during the second or third year of law school.

² Marquette now has six full-time legal writing professors, though when we first structured the integrated course, we had only three: Alison, Jill, and Kathleen McManus. Each professor is free to structure his or her sections of the course; Alison and Jill have structured their sections using the approach described in this presentation since fall 2001.

MEMORANDUM

To: Junior Associate
From: Senior Partner
Re: Carol and Dean McElroy; file number 006124
Date: Fall 2006

As you know, we represent Dean McElroy in an action against Coach Chuck Brewer for intentional infliction of emotional distress arising out of an incident at baseball practice.

Dean McElroy, who is seventeen years old, has always wanted to be a professional baseball player. For three years he was a member of a very prestigious traveling baseball team, the Georgia Chiefs. Evidently, many of the team's former players have been drafted to play in the major leagues. Dean recently quit the team, however, after he had an altercation with his coach. Dean's mother reports that he has suffered a "major blow to his self-esteem" because "he lived to play on that team and play in the majors."

Both McElroy and Brewer have been deposed. Copies of the complaint, answer, and transcripts of their depositions are attached.

After Coach Brewer's deposition, his attorney, Zoe Tucker, called me and asked whether we would consider settling the case. I'm not sure whether settlement would be in Dean's best interests, but before I decide what to recommend to him, I'd like to know more about the tort of intentional infliction of emotional distress.

I already know that the elements of intentional infliction of emotional distress are: (1) that the conduct was intentional or reckless; (2) that the conduct was extreme and outrageous; (3) that there was a causal connection between the wrongful conduct and the emotional distress; and (4) that the emotional distress was severe. I would like you to write a memo addressing only the second issue: whether the coach's conduct was "extreme and outrageous." I am familiar with the law concerning the other elements, but a thorough analysis of whether Coach Brewer's conduct was extreme and outrageous will help me ascertain just how strong our negotiating position may be. I will rely on the analysis in your memo in my settlement meeting with Attorney Tucker, so it is particularly important that you think through the issues in depth.

I have already done the research for the memo, and you should rely on the following authorities when drafting the memo:

Anderson v. Chatham, 379 S.E.2d 793 (Ga. Ct. App. 1989).

Gordon v. Frost, 388 S.E.2d 362 (Ga. App. 1989).

Williams v. Voljavec, 415 S.E.2d 31 (Ga. Ct. App. 1992).

Ashman v. Marshall's of MA, Inc., 535 S.E.2d 265 (Ga. Ct. App. 2000).

Jarrard v. UPS, Inc., 529 S.E.2d 144 (Ga. Ct. App. 2000).

Miraliakbari v. Pennicooke, 561 S.E.2d 483 (Ga. Ct. App. 2002).

Restatement (Second) of Torts § 46 (1965).

I will need a rough draft of the Discussion section of your memo on my desk by 5:00 p.m. on **Tuesday**, September 12, and I will need a final version of your memo by October 2, 2006. (The final version of the memo is due by 10:30 a.m. for students in section 3 and by 2:30 p.m. for students in section 7).

**Research Exercise #1: Researching Primary Authority –
Finding, Reading and Updating Case Law
Professor Julien
Fall 2006**

Research Exercise #1 introduces you to legal research by teaching you how to find and update cases using print and electronic resources. For purposes of the exercise, assume that you have been asked to research the same problem that you were working on for your first memorandum (whether Dean McElroy has a claim for intentional infliction of emotional distress (also known as the tort of outrage)), but in a new jurisdiction. Assume instead that your case arises in **Arkansas**.

Although I do not expect *perfect* citation form in the exercise, I would like you to make a good faith effort to provide your case citations in Bluebook form. Remember that the Bluebook directs you to cite to the relevant regional reporter if the case is printed in a regional reporter.

Work with a partner to complete this exercise. You and your partner will turn in one completed exercise with both partners' names (not pseudonyms) on it.

Please turn in a typed version of this exercise. Do not delete the questions when you complete the exercise; simply type your answers in bold following the relevant questions. You may, however, delete this instruction page before turning in the assignment if you wish.

You must submit a hard copy of the exercise in class on **Wednesday, October 11**.

I. Finding Cases When You Have the Case Citation or Case Name

Sometimes when you begin a research assignment, you will already have the citation or name of a case that might apply to your client's issue. For example, the assigning attorney might know of a relevant case, or you might remember one from your law school courses. This part of the exercise shows you how to find a case when you have that citation or case name. But first, you need some background information about print and electronic sources for finding cases.

A. Know Which Law Matters and Where You Can Find that Law

Though there are a number of legal publishers and commercial databases, this year we will focus on two of the biggest legal publishers, West Publishing and LexisNexis (the legal division of Reed Elsevier). For this exercise, you will use print and electronic sources published by West and electronic sources published by LexisNexis.

Commercial databases like Westlaw and Lexis charge individuals for research. Although you will not incur any individual charges for using those databases while you are in law school, you should develop efficient research habits now, so that

when you are in practice you will know how to use commercial databases in the most cost-effective manner. Cost-effective searching requires careful thinking about sources and search strategies.

Cases are published in books called “case reporters.” West publishes seven regional reporters in its National Reporter System: Pacific, North Western, South Western, North Eastern, Southern, South Eastern, and Atlantic. Each of those regional reporters contains cases decided by courts of multiple states. Many state courts also publish their opinions in state-specific reporters.

Reporters are available both in print form and online. You can find electronic versions of reported cases on court websites and on various commercial databases. Although West Publishing publishes the regional reporters, the cases published in those West reporters appear online on both Westlaw and Lexis.

You can find out where a particular jurisdiction publishes its opinions using Table T.1 in the Bluebook. Table T.1 provides information about the structure of the court system in each jurisdiction, and it tells readers which reporters publish the decisions of each court.

Using the Bluebook, indicate the structure of the courts in your new jurisdiction of **Arkansas**, and name the case reporters in which the opinions of each of those courts are still published. Case reporters that are still published are indicated by the initial year of publication and the word “date” (for example 1879-date); if, instead of the word “date,” the Bluebook gives an ending year, you can assume that opinions of that court are no longer published in that reporter. If the court name or reporter is not found in the Bluebook, indicate that absence in the chart. So, for example, Table T.1 provides us with the following information about Wisconsin courts:

Chart of Wisconsin Courts (Table 1)

Court Level	Court Name	Case Reporter
Final Appellate Court	Wisconsin Supreme Court	Wisconsin Reports and North Western Reporter
Intermediate Appellate Court	Wisconsin Court of Appeals	Wisconsin Reports and North Western Reporter
Trial Court	Not found in Bluebook	Not found in Bluebook

Now chart the courts of your new jurisdiction of **Arkansas**:

Court Level	Court Name	Case Reporter
Final Appellate Court		
Intermediate Appellate Court		
Trial Court		

B. Finding the Law

1. When You Have the Case Citation.

As stated above, cases are published in “reporters,” and reporters are available in print and online. If you have a citation to a case, that citation will include an abbreviation signifying which set of reporters contains your case. That abbreviation will also signify the *series* of the reporter. Once a certain number of volumes have been published, the numbering system begins again with a new series. So, for example, the abbreviation N.W.2d refers to the North Western Reporter, *second* series. The abbreviation N.W. refers to the North Western Reporter, first series. In addition to giving you information about the reporter, the citation will also tell you in which specific volume of the reporter you will find the case, and on which page the case begins.

Assume that you know the citation but not the name of an Arkansas case that is key to addressing the client’s issue: **19 S.W.3d 585**. Use this citation to answer the questions in a, b, and c below:

a. Locating the Case in the Print Version of a Case Reporter

Locate the relevant case reporter in the MULS library. Using the above citation, locate your case in the reporter. What is the name of the case?

b. Locating the Case on Lexis

- (1) Using the above citation, locate your case on Lexis. Name the Lexis function that you used to find the case.
- (2) Retrieve the document, print only the first page of that opinion, mark that page as “Exhibit A,” and attach it to this completed exercise.

c. Locating the Case on Westlaw

- (1) Using the above citation, locate your case on Westlaw. Name the Westlaw function that you used to find the case.
- (2) Retrieve the document, print only the first page of that opinion, mark that page as “Exhibit B,” and attach it to this completed research exercise.

2. When You Have the Case Name.

Assume that you know the name but not the citation of an Arkansas case that is key to resolving the client’s situation: *Croom v. Younts*. Use this case name to answer the questions in a, b, and c below:

a. Locating the Case in a Case Reporter

In addition to publishing reporters, West publishes “digests,” which are indexes to the reporters. The cases are not arranged by title or topic in the reporters, so you need some means of searching the reporters. The digests provide you with the means to search for cases in the reporters.

A digest allows you to search the reporters by case name or by topic. In this part of the exercise, you will use the digest to locate information by using the **case name volume** to search for the parties’ names. In a later section of the exercise, you will use the digest to search by topic.

The first step is to choose the correct digest. Although West publishes seven regional reporters, it publishes “regional digests” for only four of those regional reporters—the Atlantic Digest, the

South Eastern Digest, the North Western Digest, and the Pacific Digest. The Marquette Law Library carries updated materials for these four regional digests but, to avoid duplication of materials, it does not carry updated state digests for states found within those regions. Accordingly, if your jurisdiction is a state within the Atlantic, South Eastern, North Western or Pacific region, you can use only the regional digests when researching in the Marquette Law Library.

West does not publish a digest for the North Eastern, Southern or South Western reporters; it publishes only state digests for states within those regions. The Marquette Law Library carries updated state materials for all of these states. Thus, if your jurisdiction is a state within the North Eastern, Southern or South Western region, you can use only the state digest.

- (1) Choose the digest that you will use to continue this exercise and note it here.

- (2) Find the case name volume of the digest on the shelf. Locate *Croom v. Younts* in the case name volume. The case name table gives you the citation for the case. What is the citation?

b. Locating the Case on Lexis.

- (1) Locate *Croom v. Younts* on Lexis using the case name. Note below the computer function on Lexis that you used.

- (2) Retrieve the document, print only the first page of the opinion, mark that page as “Exhibit C,” and attach it to this completed research exercise.

c. Locating the Case on Westlaw.

- (1) Locate *Croom v. Younts* on Westlaw using the case name. Note below the computer function on Westlaw that you used.
- (2) Retrieve the document, print only the first page of the opinion, mark that page as “Exhibit D,” and attach it to this completed research exercise.

II. Finding Cases When You Do Not Have a Case Citation or Case Name

Finding a case is easy when you are given the citation or case name; when you do not have that information, finding a relevant case is a bit harder. In this instance, you have two basic options to find relevant cases: topical (or concept) searching and term searching. You can do topical searching using print or online resources. Term searching is done primarily online.

Topical searching and term searching are useful at different points in your research. Topical searching is a good way to start researching an issue; searching legal topics will often get you to the relevant case law more quickly than term searching, and topical searching should help you to understand the “big picture” as you begin your research. After you understand the “big picture,” term searching is an excellent way to find cases with similar facts. This exercise will walk you through both methods of searching.

To get started with your research, you first need to identify the legal question that you have been asked to research and generate some search terms to help you find relevant authority. Remember that you are working with the McElroy/Brewer problem, set in your new jurisdiction of Arkansas.

A. Identifying the Legal Question.

Identify the issue that your research must address. (Look at the assigning memo for the McElroy/Brewer problem.)

B. Developing Search Terms.

Develop a list of potential search terms by answering the questions below. Remember to expand the terms you identify, using synonyms and varying levels of abstraction. At this point in your research, you want to err on the side of being *over*-inclusive rather than under-inclusive, so be creative here!

1. Describe the parties according to their relationships to each other (for example, husband-wife, employer-employee).
2. Name the places involved in the client's situation.
3. Name the things involved in the client's situation.
4. List the potential claims.
5. List the potential defenses.
6. Name the relief the complaining party desires.

C. Finding the Relevant Law in Your Jurisdiction – Topical Searching

In this section of the exercise, you will learn how to do topical searching using three sources: (1) the print West Digests, (2) Westlaw, and (3) Lexis.

You will begin this section of the exercise by learning how to do topical searching using the West Digests. West attorney-editors index every published decision in the United States under the West “topic and key number” system. That system currently consists of more than 400 topics, and those topics are further subdivided into more than 100,000 points of law.

The topic and key number system appears in print form in the West digests. The same topics and key numbers that appear in the print digests also appear and are searchable online on Westlaw. So, once you identify a potentially relevant West topic and key number, you can find other cases with that same West topic and key number using either the print West digests or Westlaw.

You should also know that the West digest system is identical for each state and for the federal system. Accordingly, after you identify a potentially relevant topic and key number in one jurisdiction (such as Georgia), you can use that same topic and key number in a new jurisdiction (such as Arkansas) to find cases similar to your original case in that new jurisdiction.

Lexis does not have a national system of print digests similar to the West system, though it does publish digests for some individual states. And Lexis does index cases online by topic. The Lexis online digest system is called “Search Advisor.” When you use Search Advisor, you select the legal topic and the jurisdiction within which you would like to research the topic, and the search engine will search the headnotes and retrieve relevant cases.

1. Topical Searching Using the West Digest System in Print

Using the West digest system is a three-step process: (a) find topic and key numbers relevant to the issue that you are researching; (b) assemble all parts of the digests, to ensure that your research is up-to-date; and (c) read the “annotations” (descriptions of cases) in each volume of the digests.

a. Finding Topic and Key Numbers

Three features of the digest can help you find cases using the topic and key number system: (1) the Descriptive Word Index (“DWI”); (2) the outline at the beginning of the digest topic; and (3) headnotes in related cases.

(1) Though the case names volume of the digest is an index to the reporters, The DWI is an index to the digests. To use the DWI, take the search terms you developed in question II.B. and search for them in the DWI. List the potentially relevant digest topics and key numbers here. (Remember that the DWI may describe an area of law a bit differently from what one would expect, and your goal is to be comprehensive so that you don’t miss a relevant case, so you want to be comprehensive in your list.)

(2) Next, use the digest’s topic outlines to access the digest system. Skim the outline of the topic at the beginning of the

topic section that pertains to your research. Which additional potentially relevant digest topics and key numbers do you find? List any “new” key numbers that appear to be relevant here.

- (3) Third, use headnotes to access the digest system. Case headnotes serve a number of functions. They summarize the law of the case, and they structure the text, locating specific information within the opinion for the reader. Headnotes also form a part of the digest system, linking the law of one case to similar cases within the system. Review the research file (the Georgia cases) you used for the McElroy/Brewer writing assignment. Focus on the headnotes of each case. (Remember that Lexis does not use the same topic and key number system as West, so you will need to view the West version of the cases.) What potentially relevant digest topics and key numbers do you see in that research file? List these topics and key numbers here.

b. Assembling All Parts of the Print Digest

West does not publish a new hard bound copy of the digest each time that a new case is decided; that, of course, would be prohibitively expensive. It does, however, print updates from time to time. Accordingly, a digest may consist of a number of different texts: the hard bound copy of the digest; the annual pocket part supplement that is slipped inside the back cover of the hard bound volume; a supplementary pamphlet that completes the pocket part (when available); and the “mini-digest” published in the case reporters (a.k.a., “advance sheets”) that relate to the digest. The precise number and mix of texts you review in any one search will change with time, because that mix is tied directly to the publisher’s publication schedule. Competent lawyers ensure that they have read all parts of the digest, so that they have the most up-to-date cases.

So, your first task is to assemble the components of the digest based on the chronology of the publisher’s publication dates. To ensure

that you have read all parts of the digest you are using, focus on the publication dates of any pocket part or supplementing pamphlet. Note also the case reporter information on the “closing” table on the back of the title page of any pocket part or pamphlet.

With this information in mind, assemble a written record for a digest search using the following topic and key number in Arkansas: **Damages 50.10.**

- (1) Hard bound volumes of the digest dated _____ with closing table located on back of the volume’s title page noting that the bound volume closes with volume number _____ of the South Western Reporter, Third Series.
- (2) Pocket part for the digest date _____ with the closing table located on the back of the pocket part’s title page noting that the pocket part closes with volume number _____ of the South Western Reporter, Third Series.
- (3) Pocket parts are sometimes further updated with supplementary pamphlets. If there is more than one pamphlet, you will need to consult each of them to ensure that your research is complete. If there is at least one supplementary pamphlet for your digest, complete this sentence: Supplementary Pamphlet [or Pamphlets] dated _____ with closing table noting that the supplement closes with volume number _____ of the South Western Reporter, Third Series.
- (4) Check the library shelves that contain the South Western Reporter, Third Series. The shelf may contain case reporters with volume numbers higher than the highest number that you specified in question (2) or (3). In other words, additional volumes of the reporter may have been published since the date of the pocket part or supplementary pamphlets. Additional volumes may be hard-bound or in paperback, so you will need to check for both. If the shelf contains additional volumes of the reporter, you will need to check the “mini-digest” located at the back of each hard-bound volume and at the front of each paperback volume to ensure that your research is current. If you needed to check a “mini-digest” in one or more volumes, note the volume number of the most recent reporter here: Volume _____.

c. Reading the Annotations.

Now, in each part that you assembled for question (b) above, find the topics and key numbers that you identified in question (a) above. Review the annotations (annotations are descriptions of cases). List three cases that seem to be most on point here and briefly describe why you think these cases might be particularly relevant to resolving the McElroy/Brewer issue in your new jurisdiction of **Arkansas**.

2. **Topical Searching Using the Digest System on Westlaw**

You can search topically on Westlaw in two main ways, depending on whether you have started your research with a relevant case. If you have a relevant case, you can use it to identify relevant topics and key numbers.

a. **When You Have a Case — Create a Custom Digest**

After you have identified a potentially relevant topic and key number in a case using a West-published digest or a case published on Westlaw, you can find other cases with that West topic and key number using Westlaw.

For example, log on to Westlaw and retrieve a copy of Jarrard v. UPS Inc., 529 S.E.2d 144 (Ga. Ct. App. 2000). Look at headnote 1. Click on the topic and key number “115k57.21” that appears in headnote 1. The next screen should be entitled “Custom Digest.”

- (1) Follow the instructions that appear on your screen, identifying “Arkansas” in the field “Your default state jurisdiction.is:[State].” Click the “Search” button at the bottom of the screen. Note below the citations of four cases that appear in your “Custom Digest” on Westlaw.

- (2) You can also browse the key numbers surrounding your original key number and then expand the key numbers that you search in your custom digest. (This process is similar to browsing the topic outlines that you viewed when you

looked at the print digests.) To expand key numbers, return to the “Custom Digest” screen by clicking on the back button on your browser. At the top of the screen, next to the words “Custom Digest,” you should see “West Key Number Digest.” Click on that link, and Westlaw should take you to the entire list of West topics and key numbers, similar to the print topic outlines. You can now scroll up and down the list, looking for other keys that might be relevant to your research. Remove the check mark from topic and key number 57.21, “Elements in general,” and instead select topic and key number 57.24, “Humiliation, insults, and indignities.” Click “search selected” at the bottom of the screen. Then choose Arkansas state cases, and click search. Note below the citations of four cases that appear in your “Custom Digest.”

- (3) Note below some of the dangers of doing a search using only the topics and key numbers on Westlaw.

b. When You Do Not Have a Case—Use KeySearch

KeySearch is a tool that helps you find cases within a specific area of the law when you are not starting with a relevant topic and key number. KeySearch guides you through the selection of terms from a classification system that is based on the West topic and key number system, and then KeySearch uses the key numbers and their underlying concepts to run a query for you that was created by a West attorney-editor.

- (1) To begin a search in KeySearch, click on the KeySearch link near the top of the screen. After you enter KeySearch, you have two options. You can enter a topic into the search box on the left side of the screen to search the list of topics and subtopics for specific terms, or you can scroll through the list of topics on the right-hand side of the screen and click on the ones that appear relevant to your issue. Type “intentional infliction of emotional distress” (without the quotation marks) in the search box in the gray area on the left side of the screen, and click “go.” Scroll through your

results on the right side of the screen. Which, if any, appear relevant to your client's issue?

- (2) Click on "Intentional Conduct" in the topic string entitled Torts/Personal Injury > Emotional Distress > Intentional Conduct. Under "Choose a source," use the pull-down menu under "Cases with West Headnotes" to select state cases from **Arkansas**, and check the box next to your selected jurisdiction. In the "Add Search Terms" box below, enter "outrageous conduct." (If you now click "View/Edit Full Query" at the bottom-left side of the screen, you can see the query that Westlaw automatically generated based on your search terms.) Click "search." Review your results, and provide the names of up to five cases that appear to be relevant to your client's issue.

- (3) Note below some of the dangers of doing a search using only KeySearch.

3. Topical Searches on Lexis

As on Westlaw, you can search topically on Lexis in two main ways, depending on whether you have started your research with a relevant case. If you have a relevant case, you can use it to identify relevant headnotes.

a. When You Have a Case—Use "More Like this Headnote"

The More Like This Headnote feature takes the language of a headnote and finds those cases in your selected jurisdiction that have headnotes that closely match the language or meaning of the original one. The results will display in order of closest match

(however, sorting options are available under the Digest View (top left) of the result screen).

- (1) On Lexis, retrieve Jarrard v. UPS, Inc., 529 S.E.2d 144 (Ga. Ct. App. 2000). Scroll down to headnote 3. At the end of that headnote, you should see a link entitled “more like this headnote.” Click on that link, select the appropriate entry for Arkansas state court cases, and click “search.” List three cases that seem relevant to your client’s case. (If fewer than three relevant cases appear, list all that appear.)

- (2) Note below some of the dangers of doing a search using only “More Like this Headnote.”

b. When You Do Not Have a Case—Use the Search Advisor

Search Advisor is a tool that helps you find cases within a specific area of the law when you are not starting with a relevant case. One simple way to use this Search Advisor function is to click on the Search Advisor tab (under the Research System tab), enter a general description of your topic in the “Find a Legal Topic” box, and then select one of the searches that appears.

- (1) Go to the Search Advisor page by clicking on the tab, enter “outrageous conduct” (without the quotation marks) in the “Look for a Legal Topic” box, and click on the “Find” button. Print out the page that appears and attach it to this exercise as “Exhibit E.”

- (2) Select the link in the results list that seems most relevant, and click on it. In “Step 1,” select the appropriate entry for Arkansas state tort cases, and then in “Step 2,” choose the option that finds all relevant headnotes and additional cases. Below, list the citations of five cases that seem most

relevant. (If fewer than five cases appear, list all that appear.)

- (3) Note below some of the dangers of doing a search using only Search Advisor.

D. Finding the Relevant Law in Your Jurisdiction – Term Searching

After you have found some relevant cases using topical searches, and you feel like you understand the “big picture,” you may find that your research has not turned up any cases with facts analogous to your client’s. Term searching is very helpful to find cases with analogous facts.

Both Lexis and Westlaw permit you to conduct full-text searches using either “natural language” or “terms and connectors.” (Terms and connectors searches are also known as “Boolean searches.”) Natural language searches give the search engine more control over the relationships between words once you provide the terms. Terms and connectors searches utilize Boolean logic and allow you to exercise more control; in those searches, you specify both the terms for which the computer should look and the relationships that must exist between those terms.

1. Natural Language Searches

The Natural Language search method allows you to use plain English to retrieve relevant documents. Enter a description of your issue, and Westlaw or Lexis will display the documents that best match the concepts in your description. Natural Language works best when you need to research general or conceptual issues, when you don’t know much about an issue except for a few basic terms, when you are a new researcher and are unfamiliar with Boolean logic (terms and connectors), or when you are researching a complex issue and can't construct an effective search using terms and connectors.

a. Natural Language Searches on LexisNexis

- (1) Go to the “Search” screen and choose a database containing opinions published by the **Arkansas** state courts. Provide the name of the database you have selected.

- (2) Now, click on the database. When you get to the search screen, make sure you click on “natural language” at the top of the search screen. Conduct some natural language searches. Use the search terms you identified in question II.B. as well as any additional search terms you may have found while doing this exercise. Remember that when conducting a natural language search, you can use plain English when formulating that search. Conduct at least three searches and describe them below, providing the actual search terms you used. After the description of each search, list the citations of any cases (maximum of three) you found with that search that seem to be relevant.

(a) Search: _____

Cases found: _____

(b) Search: _____

Cases found: _____

(c) Search: _____

Cases found: _____

b. **Natural Language Searches on Westlaw**

- (1) Select a database containing state court decisions from **Arkansas**. You can do this two ways: (a) by using the “Find a Database Wizard,” found on the left-hand side of the Welcome screen, or (b) by choosing “Directory” at the top of the Welcome screen, selecting “U.S. State Materials,” then selecting “Other U.S. States,” then “Arkansas,” then “Cases,” and finally “State Courts.” Though the second method may seem like more work, beware that the first method—Find a Database Wizard—gives you less control over the databases that you search, as Westlaw editors select them for you. Below, provide the name of the database you have selected.

- (2) Now, click on the database and conduct some natural language searches. Use the search terms you identified in question II.B. as well as any additional search terms you may have found while doing this exercise. Conduct at least three searches and describe them below, providing the actual search terms you used. After the description of each search, list the citations of any cases (maximum of three) you found with that search that seem to be relevant.

(a) Search: _____

Cases found: _____

(b) Search: _____

Cases found: _____

(c) Search: _____

Cases found: _____

2. Terms and Connectors

“Terms and Connectors” searches require you to use Boolean logic when constructing the search. When you search using the Terms and Connectors method, you enter a query consisting of key terms from your issue, and you separate those terms with “connectors” that specify the relationships between the terms. As noted above, Terms and Connectors searches give you much more control over your search than the other search methods.

a. Terms and Connectors in Lexis Databases

In Lexis, one simple way to conduct a terms and connectors search is to select a database using the same procedures as you did for natural language searching. However, after you have selected a database, click on the “Terms and Connectors” button instead of “Natural Language.” Now conduct some terms and connectors searches. Use the search terms you identified in question II.B. as well as any additional search terms you may have found while doing this exercise. Conduct at least three searches and describe them below, providing the actual terms and connectors you used. After the description of each search, list the citations of any cases (maximum of three) you found with that search that seem to be relevant.

(a) Search: _____

Cases found: _____

(b) Search: _____

Cases found: _____

(c) Search: _____

Cases found: _____

b. Terms and Connectors in Westlaw Databases

Terms and connectors searching is similar on Westlaw, and again you can follow the same procedure that you used to conduct a natural language search on Westlaw. After you have selected a database and you enter the “Search” screen, choose the “terms and connectors” search tab instead of the “natural language” search tab. Now, conduct some terms and connectors searches. Use the search terms you identified in question II.B. as well as any additional search terms you may have found while doing this exercise. Conduct at least three searches and describe them below, providing the actual terms and connectors you used. After the description of each search, list the citations of any cases (maximum of three) you found with that search that seem to be relevant.

(a) Search: _____

 Cases found: _____

(b) Search: _____

 Cases found: _____

(c) Search: _____

 Cases found: _____

III. Reading the Law. After you have found cases that look to be relevant to your client’s issue, you need to read the cases to ensure that they are! Browse the cases identified in your search thus far. Select three cases that appear to be most relevant to your issue, read the text of those cases, and briefly explain how they are relevant.

IV. Updating the Law with Citators.

Citators verify the status of the authority of a case by indicating both the history and the treatment of a case. After you select cases that you might want to use to analyze your client’s issue, you need to verify that the cases are still “good law” (in other words, that they have not been reversed or overruled). Moreover, you can judge how persuasive a case is by how later courts have treated the case; for example, later courts might negatively treat a case by criticizing it, or they might positively treat a case by following it.

Citators can also be used for research; they can lead you to other cases that are potentially relevant to your issue. They do so by giving you the citations of additional cases that have cited to your case. You can then read those additional cases.

Citators are available both in print and electronically, though we will focus only on electronic versions in this exercise, as increasingly fewer lawyers opt for the print over the electronic version.

A. Shepard's on Lexis. Historically, Shepard's in print was the citatory most used by practitioners before electronic citators were available. Shepard's citator information is now available on Lexis. Enter the following case name into Shepard's on Lexis, selecting the "Shepard's for Research" option, and answer the questions that follow: **19 S.W.3d 585**

1. In which other reporters, in addition to the reporter noted above, is the case published? Provide the citation.
2. Look at the Shepard's "Unrestricted Summary" for the case. Check to see whether there is any subsequent appellate history; subsequent appellate history will tell you, for example, whether the case has been appealed, reversed, overruled, or affirmed. Is there any subsequent appellate history for the case that you are updating?
3. Does Shepard's identify any cases that contain "Cautionary Analyses" of the case that you are updating?
4. Using Shepard's "Citing Decisions," you can view cites to cases that have cited to the case that you are updating. Using the "FOCUS – Restrict By" function, restrict the display to state court cases within **Arkansas** that cite **19 S.W.3d 585** in reference to the relevant point of law in Headnote 5. Print out that display, attach it to your completed research exercise, and mark it as "Exhibit F." On the copy you attach, highlight or circle the three cases you would read first. Briefly explain your reasoning here.
5. You can also use Shepard's report to identify relevant secondary sources. Return to the full report by clicking on "unrestricted" and list here one secondary source identified by Shepard's.

B. KeyCite on Westlaw — Enter the same citation (**19 S.W.3d 585**) into KeyCite on Westlaw and answer the questions below.

1. Using KeyCite Full History and Direct History-Graphical View, look at the direct history of the case. Is the case still “good law”?
2. Using the KeyCite Citing References link, you can view cites to cases that have cited to the case that you are updating. Using the “Limit KeyCite Display” function, you can restrict that display in several ways; restrict the display to state court cases within **Arkansas**. Print out that display, attach it to your completed research exercise, and mark it as “Exhibit G.” On the copy you attach, highlight or circle the three cases you would read first. Briefly explain your reasoning here.
3. Using the KeyCite Citing References link, you can view cites to cases that appear to discuss the propositions of concern to you. Either return to the full report by clicking “cancel limits” or click “edit limits.” Using the “Limit KeyCite Display” function, restrict the display to cases with one of the topic and key numbers you identified in question II.C.1 or 2. Print out that display, attach it to your completed research exercise, and mark it as “Exhibit H.” On the copy you attach, highlight or circle the three cases you would read first. Briefly explain your reasoning here.
4. Return to the Full Report and list here one secondary source (using the same format KeyCite uses rather than Bluebook format) identified by KeyCite.

V. **Analysis of the Law.** Attach your responses to the following questions to this completed exercise:

- A. Write a paragraph or two (no more) that states and explains when conduct is outrageous in **Arkansas**.

- B. Briefly compare the law you have just stated and explained to the Georgia rule on the same issue. Note only the critical similarities and differences.

- C. State whether you would have predicted a different outcome for your client's case in the last writing problem if it had been set in **Arkansas**. Briefly explain.

INTEROFFICE MEMORANDUM

TO: ASSISTANT DISTRICT ATTORNEY
FROM: DISTRICT ATTORNEY
SUBJECT: OPERATING BICYCLE UNDER THE INFLUENCE
DATE: OCTOBER 9, 2006

Please write an interoffice memo predicting whether we are likely to obtain a conviction of Thomas W. Wares under New Jersey Statutes Annotated section 39:4-50(a). We have not yet decided whether to arrest and charge him with the offense, and your prediction will weigh heavily in that decision. The facts of the case are as follows.

Wares is a 28-year-old part-time college student. He also works part-time as a bartender. He has one prior conviction for operating a motor vehicle while intoxicated; less than one year ago, he drove his car into the side of his neighbor's house while under the influence of alcohol. As a result of that accident, his driver's license was suspended for one year. He now rides his bicycle to and from school and work. Wares also has an earlier arrest for disorderly conduct, arising out of a fight at a local bar, but that charge was later dropped.

On Wednesday, September 6, 2006, after finishing work at approximately 3 a.m., Wares joined several friends at a friend's home for an all-night, after-bar party. An account of the party is detailed in the statement of Mark Clemons, the party's host, which is attached.

Wares left the party on his bicycle. Several neighbors witnessed the first few blocks of his trek. According to those witnesses, he traveled erratically, zigzagging right and left rather than following a straight line, and fell off the bike several times. He also was traveling on the wrong side of the road, into as opposed to with traffic. (I have not attached witness statements from these neighbors, as we are in the process of obtaining the written statements, but you can assume that the witnesses will attest to these facts.)

At approximately 6:50 a.m., about one-half mile from the party scene, Wares swung his bike in front of a car driven by Ellen Hauswirth. Mrs. Hauswirth was driving her two children to school. According to the account of Mrs. Rosalita Terry, a witness to the accident (her statement is attached), when Mr. Wares swung his bike into traffic, Mrs. Hauswirth swerved to the left to miss him, causing her to drive her car into incoming traffic. The right side of her car collided with another car, severely injuring Mrs. Hauswirth and her two children. In fact, one child remains hospitalized for her injuries, and it is unclear whether she will ever fully recover. The driver of the other car suffered minor injuries. Wares was not injured.

A witness called 911, and Officer Scott D. Hust, who has been with the department for a little under one year, responded to the call. His report is attached. He will testify that, in his opinion, Mr. Wares was "under the influence," though I am concerned whether the facts in the officer's report will be sufficient to support that testimony. He did not conduct

a breathalyzer exam or any field sobriety tests. I did ask him why, and he said that he “did not think” to do so.

Please review only the authorities listed below and let me know whether you believe that we can obtain a conviction. I want you to limit your analysis to the following two issues: (1) is a bicycle a “motor vehicle” for purposes of the statute; and (2) are we likely to persuade a jury that Mr. Wares was “under the influence” of alcohol?

Authorities:

N.J. Stat. Ann. § 39:1-1

N.J. Stat. Ann. § 39:4-14.1

N.J. Stat. Ann. § 39:4-50(a)

State v. Teban, 190 N.J. Super. 348, 463 A.2d 403 (Law Div. 1982)

State v. Johnson, 203 N.J. Super. 436, 497 A.2d 242 (Law. Div. 1983)

State v. Machuzak, 227 N.J. Super. 279, 546 A.2d 1099 (Law. Div. 1988)

Newark Firemen’s Mutual Benevolent Association Local No. 4 v. City of Newark, 90 N.J. 44, 447 A.2d 130 (1982)(relating to statutory interpretation)

State v. Cryan, 363 N.J. Super. 442, 833 A.2d 640 (App. Div. 2003)

State v. Morris, 262 N.J. Super. 413, 621 A.2d 74 (App. Div. 1993)

State v. Tamburro, 68 N.J. 414, 346 A.2d 401 (1975)

State v. Guerrido, 60 N.J. Super. 505, 159 A.2d 448 (App. Div. 1960)

17 N.J. Prac. § 31.23 (2d. ed. 2005)(available through Westlaw)

Annotation, Operation of Bicycle as Within Drunk Driving Statute, 73 A.L.R.4th 1139

[Spring 2007 note: add new Zamboni case]

Research Exercise #2: Researching Primary Authority—Finding & Updating Statutes

Legal Writing & Research 1

Professor Hayford

Fall 2006

This exercise introduces you to statutory law research by teaching you how to find statutes and related case law, and how to update statutes. After completing this exercise, I expect that you will have learned the following skills: (1) how to find a relevant statute in print, on Lexis, and on Westlaw; (2) how to update a statute, (3) how to find cases that cite a particular statute; and (4) how to print a statute using Lexis and Westlaw. I also expect that you will learn to look at a statute in context by consulting the overall statutory scheme and by looking for cross-references, and that you will begin to become familiar with the different features provided by different publishers.

For purposes of the exercise, assume that you are again working on the Thomas Wares case. However, assume that you are working in a new jurisdiction: **Illinois**. Also assume that the District Attorney wants you to research **only** the following: Is a bicyclist covered by the state's drunken-driving statutes?

I expect Bluebook form for citations to cases and citations to statutes. For all citations, assume that this research exercise is a practitioner's document, similar to a memo. I do not expect Bluebook form for any authority that we have not yet fully discussed in class, such as secondary sources. However, I do expect you to give me enough information from which I can identify the source.

Work with a partner to complete this exercise, and please turn in one completed exercise with both partners' pseudonyms on it. (Use the same pseudonym that you will use for the final version of Memo 2.)

I will upload a copy of this exercise to TWEN; please turn in either a **legible** handwritten or a typed version of this exercise. Do not delete the questions when you complete the exercise; simply type your answers in bold following the relevant questions.

You must submit a hard copy of the exercise. This exercise is due when I commence class on Wednesday, November 29. Note that the due date differs from the date that appears in the Syllabus. I extended the due date to give you additional time to complete the assignment; however, if you want to submit it before then, to get it "out of the way," feel free to drop it off with my administrative assistant, Cath Pfeffer, in Room 209.

I. Finding Statutes.

Statutes are often times called “codes” when they have been compiled and published. Most states have designated “official” codes, which are typically published by a governmental entity, and “unofficial” codes, which are published by a commercial publisher. When you cite to a code, the Bluebook typically requires you to use the official code; however, unofficial codes are often valuable for research because they add editorial enhancements, which you will examine later in this exercise.

Statutes and codes are available both in print form and online. You can find electronic versions on government websites and on various commercial databases.

A. **Identifying Statutory Compilations.** You can find out the statutory compilations for a particular jurisdiction by using Table T.1 in the Bluebook. Using that table, indicate below the statutory compilations for Illinois.

B. **Finding the Print Version of a Statute.** In the library, find the print version of one of the codes that you identified in question A above. (The law library generally carries the "unofficial," annotated code, not the "official," unannotated version.) Print versions of statutes typically have a subject index, similar to the descriptive word index that you used to find cases in the digests as part of the first research exercise. The subject index is often the final or near-final volume of the code. To use the subject index, you will need to generate search terms and then use those terms to find statutes that might apply to your issue.

1. **Generating search terms.** Develop a list of potential search terms by answering the questions below. Remember to expand the terms you identify, using synonyms and varying levels of abstraction. (For more information on expanding terms, see Sloan at 23-25.) As in Research Exercise 1, at this point in your research, you want to err on the side of being over-inclusive rather than under-inclusive, so be creative here!
 - a. Name the issue that your research must address.
 - b. Name the parties in a potential court case involving your issue, and describe them according to their relationships to each other (for example, husband-wife, employer-employee).
 - c. Name the places involved in your case.
 - d. Name the things and concepts involved in your case.

- e. List the potential criminal charges.
 - f. List the potential defenses, if any.
 - g. Name the relief that your client (in this case, the State) might desire if it charges Mr. Wares.
2. **Locating and Reading a Statute.** Using the search terms that you generated, you need to scan the subject index of your code. Remember that you are looking first for the general statute dealing with driving a vehicle under the influence of alcohol (the “drunken-driving statute”).
- a. From the index, note below the section number of any statute that might apply.
 - b. Now locate the main volume of the code. Find and read the section that indicates whether drunken driving is a crime in Illinois. Quote below the parts of that statute that are relevant to your case (in other words, you need not include the entire statute).
 - c. Remember that courts interpret statutes. You can find cases in which courts have interpreted a statute by using the “annotations.” “Annotations” are short descriptions of cases that are usually found *after* the text of the statute; they have been added by the publisher as an editorial enhancement. In West publications, annotations are often called “Notes of Decisions.”

Some statutes have no or very few annotations, while others (the most-litigated statutes) have annotations that go on for pages and pages. When a statute does have many annotations, often the publisher will provide a mini-subject index before the annotations, to help you to narrow your search to just the most relevant annotations.

Because drunken-driving cases frequently are litigated, the Illinois drunken-driving statute has many annotations. Locate those annotations and the mini-subject index that precedes it. Though no subject may be directly on point, when you research an issue, remember that you generally want to be exhaustive, so that you locate any potentially relevant cases. Accordingly, you will want to choose one or two subjects that seem to be the most on point and then scan the annotations under those subjects.

Choose one subject from the mini-subject index that precedes the annotations, and check the annotations for that subject. Select one annotation. In the space below, note the citation to the case in that annotation and explain briefly why that case is or is not relevant to your issue. (Don’t be too worried if you find

no particularly relevant annotations; in a later step, you will be looking at the definitions section of the code, and relevant annotations may be indexed there.

3. **Checking Your Statute for Amendments.** Statutes are sometimes amended. To find any amendments, you will need first to check the pocket part and then to check for any soft-covered supplements.
 - a. Consult the pocket part to see whether the drunken-driving statute has been amended since the date of the bound volume.
 - i. Has the statute been amended since the date of the bound volume? **Yes/No** (underline one). If yes, describe the amendment.
 - ii. Also check the pocket part to see whether there are additional relevant annotations since the bound volume was published. Are there additional annotations? **Yes/No** (underline one). If yes, list one below.
 - b. Check for a soft-covered supplement, which updates the information in the pocket part. You can usually find these supplements near the end of the entire set of annotated statutes. Consult the soft-covered supplement to see whether the drunken-driving statute has been amended since the date of the pocket part.
 - i. Has the statute been amended since the date of the pocket part? **Yes/No** (underline one). If yes, describe the amendment.
 - ii. Also check the supplement to see whether there are additional relevant annotations since the pocket part was published. Are there additional annotations? **Yes/No** (underline one). If yes, list one below.
4. **Putting Your Statute into Context.** Putting your statute into the context of the larger statutory scheme often helps you to understand its effect and to find other relevant statutes.

Many state codes are organized by topic, with related statutes grouped into “articles,” “titles,” “chapters,” or “sections.” Each state is different, but in many states, codes are first grouped into articles or titles, then subdivided into chapters, then further subdivided into sections. Becoming familiar with the larger group of statutes of which your particular statute is a part may help you to better understand your statute. It may also lead you to other relevant statutes, such as definitions sections.

Return to the drunken-driving statute. Check to see whether the statute is part of a larger grouping, and review the statutes that immediately precede and follow it.

- a. In the space below, describe how your statute fits into the larger statutory scheme. In your description, include the name and number of any article, title, or chapter of which your statute is a part.
- b. Within that same larger group of statutes, look for other statutes that are relevant to your issue, such as a definition section for terms used in your statute. Remember that to find a definition, you start by looking within the same statute; however, you often need to expand your search to the same chapter of statutes, the same title of statutes, or the same statutory code as a whole.

Above, you were looking for the drunken-driving statute. That statute includes the term “vehicle,” so you will need to look for a definition of that term. Note below the section number for the statute that defines the term “vehicle.”

- c. Review the annotations for the definitions section and list one authority that appears to be the most relevant.
 - d. Check the pocket part for the volume of the code that contains the definitions section. If the text of the definition for “vehicle” has changed, note that change below. Also check for additional relevant annotations that appear in the pocket part; if any are relevant, note them below.
 - e. Check the soft-covered supplement for the volume of the code that contains the definitions section. If the text of the definition for “vehicle” has changed, note that change below. Also check for additional relevant annotations that appear in the supplement; if any are relevant, note them below.
5. **Checking Cross-References.** The answer to a question involving statutory law often will not be found in a single section of the code. Sections often refer to other sections. When you research a statutory law question, you will need to examine those “cross-references” to ensure that you understand how your statute fits with other statutes. If the definitions section for the drunken-driving statute cross-references another statute, in the space below, note the section number of that other statute.

C. Finding the Electronic Version of a Statute.

1. Finding the Electronic Version When You Know the Citation.

a. Using Westlaw.

- i. Indicate which Westlaw function you use to retrieve a statute when you know the citation.
- ii. Using Westlaw, retrieve the drunken-driving statute. Does Westlaw have the same version of the code that you used in print? If not, list the name of the code found on Westlaw.
- iii. Compare the features of the Westlaw version to the print version of your statute. Are they the same? If not, describe the differences.
- iv. The “Table of Contents” feature in Westlaw allows you to browse through an outline of the code. You can use this feature to review how your statute fits into the overall statutory scheme, much like you did with the print version of the code.

Return to the drunken-driving statute in Westlaw and, using Table of Contents, indicate below how your statute fits into the overall statutory scheme by listing any article, title, or chapter of which your statute is a part.

- v. Annotated statutes may span hundreds of pages. Explain how you print only the text of the statute itself from Westlaw.

b. Using Lexis.

- i. Indicate which Lexis function you use to retrieve a statute when you know the citation.
- ii. Using Lexis, retrieve the drunken-driving statute. Does Lexis have the same version of the code that you used in print? If not, list the name of the code found on Lexis.
- iii. Compare the features of the Lexis version to the print version of your statute. Are they the same? If not, describe the differences.

- iv. Like Westlaw, Lexis offers a “Table of Contents” feature that allows you to scroll through an outline of the code. Using Table of Contents in Lexis, indicate below how the drunken-driving statute fits into the overall statutory scheme by listing the name and number of the first and last sections that appear in the very same article, title, or chapter as your statute.
- v. Explain how you print only the text of the statute itself using Lexis

2. **Finding the Electronic Version Using Term Searching.**

In Research Exercise 1, you learned that one way to find relevant cases electronically is by formulating a search query and searching relevant computer databases. You also learned that one way to formulate a query is with “terms and connectors.” You can use terms and connectors searching to find not just cases but also statutes (and other authorities) as well. Remember that terms and connectors searches utilize Boolean logic; in those searches, you specify both the terms for which the computer should look and the relationships that must exist between those terms.

a. **Terms and Connectors in Lexis Databases**

In Lexis, one simple way to conduct a terms and connectors search is to click on the “Search” tab and the “Sources” sub-tab, drill down through the folders that appear until you reach the appropriate database, and then enter your search terms and connectors into the search box that opens once you have clicked on your database.

Once you have gotten to the “Sources” sub-tab of the “Search” tab page of Lexis, drill down through the “States Legal – US” and subsequent folders until you find a database that collects the state statutes for your jurisdiction. More than one database may include the state statutes, and in practice you would need to decide whether you wanted your search to include the other sources included in the database or whether you wanted to limit your search only to the statutes. For purposes of this exercise, you can choose any database that includes the statutes.

- (1) Provide the name of the database you have selected.

- (2) Click on the database. Now, construct some terms and connectors searches. Again, you are looking for the drunken-driving statute. For terms, use the search terms you identified in question I.B.1 as well as any additional search terms you may have found while doing this exercise. For connectors, consider carefully the relationship that your terms must have to each other. Often, you can find the most relevant results by choosing a connector that reflects where, in relationship to each other, the terms must appear. For example, while “and” simply means that the terms can appear *anywhere* within the same document, “/p,” “/s,” and “/n” mean that the terms must be within a certain distance of each other.

Experiment with different terms and connectors searches. In the space below, provide the actual terms and connectors you used. After the description of each search, list the citations of any documents (maximum of three) you found with that search that seem to be relevant.

- (a) Search: _____
Documents found: _____

- (b) Search: _____
Documents found: _____

- (c) Search: _____
Documents found: _____

- (3) Remember that when searching a computer database, the computer looks for your search inquiry in any part of the documents that are in that database. Sometimes, you will want to narrow your results by specifying where in the document those terms must be located. Lexis divides documents into “segments” and allows you to search only those segments. Segment searching helps you to retrieve

only those documents with relevant information in a specified segment of the document.

For example, in a database that contains statutes, the documents typically include not only the text of the statute but also, among other things, annotations. Sometimes, though, you are looking only for the statute itself; in that case, you will be interested in retrieving documents that contain your search terms only if those search terms appear as part of the text of the statute, not in an annotation. In this case, you can use segment searching to limit your results to just the text of statutes, not the annotations.

Return to the “Search” screen and again choose the database that contains Illinois statutes. When you get to the “Enter Search Terms” screen, you can choose a segment by clicking on “+Restrict Search Using Segments,” which appears on the bottom of the screen. If you don’t see the “+Restrict Search Using Segments,” click on “Advanced” below the red button labeled “Search.” When the Advanced Search screen is displayed, you may need to scroll down the page to find the “Restrict by Segments” box. Choose the “RULE” segment and add restricting language. When you use that segment, you will be asking Lexis to retrieve only those documents that contain your restricting language as part of the “rule.”

Compare searching with segments to searching without them; pick one search that you ran in question (2) above and run it again, adding a segment search limitation. In the space below, briefly compare your results from this search to the results of the one above.

b. Terms and Connectors in Westlaw Databases

You will recall from the first research exercise that terms and connectors searching on Westlaw is similar to that on Lexis. One simple way to conduct a terms and connectors search on Westlaw is to click on “Directory” on the Welcome page and then drill down through the links and folders that appear until you reach the appropriate database. On Westlaw, once you are in a database, a search box will open that permits you to search.

Go to the Directory page in Westlaw, click on the “US State Materials” link and then look for a database that contains the statutes for your jurisdiction. Again, you may have a choice of databases. Generally, Westlaw allows you to choose between an “unannotated” version, which contains just the statutes, and an “annotated” version, which contains not only the statutes but also sources that cite to the statutes. Generally, if you are looking just for the statute, you will want to choose the unannotated version, so that your results are more manageable. You can always later take a look at the annotated version, when you are ready to see how courts and secondary sources have interpreted the statute. For this exercise, choose the unannotated version to answer the following questions.

- (1) Provide the name of the database you have selected.

- (2) Click on the database. Now, construct some terms and connectors searches to find the drunken-driving statute. Again, for terms, use the search terms you identified in question I.B.1 as well as any additional search terms you may have found while doing this exercise. For connectors, again consider carefully the relationship that your terms must have to each other.

Experiment with different terms and connectors searches. In the space below, provide the actual terms and connectors you used. After the description of each search, list the citations of any documents (maximum of three) you found with that search that seem to be relevant.

(a) Search: _____
Documents found: _____

(b) Search: _____
Documents found: _____

(c) Search: _____
Documents found: _____

-
- (3) While Lexis divides documents into “segments,” Westlaw divides them into “fields” and allows you to search only those fields. Field searching helps you to retrieve only those documents with relevant information in a specified field of the document.

For example, if you are looking for a drunken-driving statute, you may want to start your search by looking for statutes that have the word “alcohol” or “liquor” in the *title* of the statute, as opposed to anywhere in the text of the statute. As with segment searching, you can limit your search to only one field—the title—which on Westlaw is called the “caption.”

Again, find the database that contains Illinois unannotated statutes and return to the “Search” screen. On Westlaw, you can choose a field by double-clicking on an item in the “Fields” dropdown menu, which appears below the search box on the bottom of the “Search” screen. After you choose a field, you insert (inside of the parentheses) the word that you want to appear in the field.

Compare searching with fields to searching without them; pick one of the searches that you ran in question (2) above and run it again, limiting the field to the title of statutes. In the space below, briefly compare your results from this search to the results of the one above.

- II. **Updating a Statute.** In addition to checking any pocket part or supplement to the print version of a code, it is a good idea to update statutes with the KeyCite service in Westlaw or the Shepard’s service in Lexis. Also, when you find a statute electronically, it is a good idea to update the statute with KeyCite or Shepard’s.

A. Using KeyCite on Westlaw.

1. Use KeyCite to update the drunken-driving statute that you identified in question I.B.2 above. Is the statute still “good law,” or has it been repealed?
2. Using KeyCite, determine when the statute was most recently amended and note that date below.
3. Using KeyCite, you can view cites to cases that have cited to the statute. Explain where in KeyCite you find those citations.
4. If KeyCite identifies any secondary sources in the citing references, list a relevant secondary source identified by KeyCite here (you can use the same format KeyCite uses rather than Bluebook format).

B. Using Shepard’s on Lexis.

1. Use Shepard’s to update the drunken-driving statute that you identified in question I.B.2 above. Enter the citation into Shepard’s and review the “Legislative History” provided by Shepard’s. Is the statute good law, or does Shepard’s indicate that it has been repealed?
2. Using Shepard’s, determine when the statute was most recently amended, and note that date below.
3. Using Shepard’s Citing Decisions, you can view cites to cases that have cited to the statute. Explain how you do so.
4. If Shepard’s identifies any secondary sources in the citing references, list a relevant secondary source identified by Shepard’s here (you can use the same format Shepard’s uses rather than Bluebook format).

III. **Analysis of the Law.** Attach your responses to the following questions to this completed exercise.

A. **Explain the Law and Predict an Outcome.** Write a paragraph or two (no more) that explains whether you believe that an Illinois court would hold that a bicyclist is covered by the drunken-driving statute.

B. **Compare to New Jersey.** Briefly compare the law you have just described above to New Jersey law on the same subject. Note only the critical similarities and differences.