

*San Francisco Daily Journal, 1/17/02, p. 12.
Posted with permission of the Daily Journal.
This file cannot be downloaded from this page.*

Westlaw, LexisNexis and Beyond

By Maryanne Gerber J.D.

The Basics

Even though many of the same resources used in traditional legal research are available online, the way we use them and the order in which we choose to examine them may be different. With so many options to choose from, where should you begin? How should you formulate online queries and design your research strategy? Here are a few thoughts to help you improve your online proficiency.

Put your plan on paper (use your computer and toggle between your research and word processing or take up a pen and legal pad). Take notes as you work, and at the end of every online Westlaw or LexisNexis session, print out the research history using the *TRAIL* on Westlaw or *HISTORY* on LexisNexis. Note that you can return and use the Westlaw *TRAIL* for several weeks to recreate your searches.

Use the free Web resources for background information. After you have a basic understanding of your issue, log onto LexisNexis or Westlaw to access their extensive and comprehensive databases. The value of these two systems is in the vast indexing of the words in the documents, the editorial work of their attorney-editors coupled with very powerful internal search engines.

Web Sites

If you are dealing with an issue that concerns a federal or state agency, the first thing you should do is go to the agency's web site. A wealth of free information will be posted there. In fact, some information that you might have requested via the telephone in the past may ONLY be available on the Web.

The Federal Register, The Code of Federal Regulations and the U.S. Code are free on the Internet. It is easy to find links to these and other legal resources through the legal portal, FindLaw (www.findlaw.com).

Also, check FindLaw (see above) under Legal Subjects for links to articles and documents related to your topic. There are helpful practice topic sections on Cornell's Legal Information Institute site (www.law.cornell.edu), Hieros Gamos (www.hg.org) and Washburn's site (www.washlaw.edu). These materials are free.

Advice About Using the Internet for Legal Research

Two sites to consult:

LLRX (www.llrx.com) is co-edited and co-published by Sabrina I. Pacifici and Cindy Chick. This site bills itself as a free legal Webzine and provides timely articles about new web sites. It includes wonderful research guides as well.

The Virtual Chase (www.virtualchase.com), managed by Genie Tyburski, contains articles about legal web sites and research on the Internet.

Westlaw and LexisNexis

Start with a natural language search in a secondary source database such as ALR, AMJUR, Witkin, Rutter Group or combined journals and law reviews. On both LexisNexis and Westlaw, the results will be ordered with the most relevant documents first, so it is good practice to check the dates of the documents retrieved. The discussions in these articles should help you gain a general understanding of the matter and suggest other words associated with your issue that should be incorporated into your search language. You may need to run several searches as you strive to refine your query.

Occasionally, a natural language search does not retrieve appropriate results, and you must carefully craft a good terms/connectors search. Start with a broad search and gradually add terms to tighten it up. Very knowledgeable reference attorneys for both Westlaw and LexisNexis are available online and via telephone to help you formulate your query.

It is easy to find a great deal of information very quickly in the secondary sources that you use. While you may be inclined to jump immediately to the cited statutes, cases and regulations that you find discussed (and hypertext linked) in these sources, it will probably be worthwhile at this point to read one or two articles carefully and list the cases, statutes and regulations that you intend to check. This will help you keep track of the references you have found and need to read.

Next, run your natural language or terms/connectors search in the appropriate caselaw and statutory databases. Statutes are generally written with a smaller vocabulary than might be found in a discussion in a court opinion. Always choose the annotated version of a statutory database, because the Annotations or Notes of Decisions that summarize the cases that interpret the statutes will give you additional chances to find your terms. Make note of any other cases, statutes or regulations that you want to read.

After reading the opinions and statutes, make use of KeyCite (Westlaw) or Shepards (LexisNexis) to check the validity of the case(s), update the statute(s) and expand your research. If it is appropriate, run your search(es) in a database containing state and/or federal regulations. You may also want to check a legal news database to look for articles relating to your issue.

How will you know when you are finished with your research? You are creating a circle where the secondary sources lead you to cases and statutes, the statutes cite relevant cases, and caselaw discusses the applicable statutes and regulations. When the same cases, statutes and regulations appear in all the sources, you are closing the circle on the core group of documents. Read, analyze, refine and write.

Maryanne Gerber J.D. teaches eSearch – Advanced Legal Research Online and Law Practice Technology at Golden Gate University School of Law where she is the Electronic Services Librarian. She also presents "Boot Camp for Teachers of Electronic Research" – a professional development course for the American Association of Law Librarians. mgerber@ggu.edu

Copyright 2002 by Daily Journal. Reprinted with permission.