Intro to Research & Research Systems

George Mason University
Law Library
Fall 2014
Today’s Lecture

- Review:
  - Primary and secondary authority
  - Mandatory and persuasive authority

- Generate search terms

- Natural Language v. Terms & Connectors

- Introduction to using Lexis and Westlaw
## Interaction of Source & Authority

<table>
<thead>
<tr>
<th></th>
<th>Mandatory Authority</th>
<th>Persuasive Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Sources</strong></td>
<td>Within the jurisdiction from a higher court</td>
<td>Outside the jurisdiction</td>
</tr>
<tr>
<td>(constitutions, statutes,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>court decisions, regulations)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Secondary Sources</strong></td>
<td>Never</td>
<td>Yes, but persuasiveness varies</td>
</tr>
<tr>
<td>(anything that is not primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>authority, usually</td>
<td></td>
<td></td>
</tr>
<tr>
<td>commentary)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Beginning Your Research...
Two Preliminary Research Steps

- Define the **scope** of your project.
  - Work product you are being asked for
  - Relevant jurisdiction
  - Type of information needed

- Do some **background reading**.
  - Overview from secondary source or Internet
  - **Generate search terms**
    - You will need this list of words to look up in an index or table of contents, or to search full text.
Generating Search Terms

- Identify and analyze the facts
  - Who, what, where, when, how
    - E.g., TARP Method:
      - Thing or subject matter
      - Cause of Action or ground of defense
      - Relief sought
      - Parties involved
  - Think of synonyms

- Determine the legal issues to be researched
  - Classify problem into general subject area (e.g., torts, contracts, etc.)
  - Begin to narrow the question
Researching Effectively on Westlaw & Lexis ...
The algorithm is in charge

- The researcher enters terms and **the system** supplies an **algorithm** to find relevant information

- Like Google

- WestlawNext variation = Plain Language
Terms & Connectors

- You are in charge!
  - The researcher defines the precise terms and relationships

- Retrieves information based on relationships among words in a document
  - Find a document with the words **dog** and **cat**
  - Find a document with either the words **dog** or **cat**
<table>
<thead>
<tr>
<th>Connector</th>
<th>Purpose</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>AND</td>
<td>retrieves documents with all the words</td>
<td>nuisance <strong>and</strong> dog <strong>and</strong> bark</td>
</tr>
<tr>
<td>OR</td>
<td>retrieves documents with any one of the words</td>
<td>dog <strong>or</strong> cat</td>
</tr>
<tr>
<td>“x y z”</td>
<td>searches for the exact phrase</td>
<td>“res ipsa loquitur”</td>
</tr>
<tr>
<td>/N</td>
<td>within a certain number of words of each other</td>
<td>Ruth /3 Ginsburg</td>
</tr>
<tr>
<td>/P</td>
<td>words are in the same paragraph</td>
<td>dog /p nuisance</td>
</tr>
<tr>
<td>/S</td>
<td>words are in the same sentence</td>
<td>dog /s leash</td>
</tr>
<tr>
<td>!/*/?</td>
<td>stands in for one or many characters</td>
<td>Determin! (for determine, determined, determining)</td>
</tr>
<tr>
<td>ATLEAST x</td>
<td>requires a word to appear a certain number of times</td>
<td>ATLEAST25 (copyright)</td>
</tr>
</tbody>
</table>
Pre-search Filters

- Like Amazon.com and other commercial websites

- Legal pre-search filters:
  - Jurisdiction
  - Type of resource
  - Topic
  - Etc.
Post-search Filters

- Like Amazon.com and other commercial websites
- Legal post search filters:
  - Document type
    - Cases, statutes, etc.
  - Jurisdiction
  - Court
  - Date
  - “Search within”
Set WestlawNext Preferences
Set Lexis Advance Preferences

[Diagram showing Lexis Advance user interface with numbered areas:
1. Search bar
2. Narrow by options
3. Start in]

[Additional text: Use the search bar to enter terms, sources, a citation, or Shepardize to narrow your search. Explore the Narrow by options to refine your search criteria. Start your search from a specific category or jurisdiction for more relevant results.]
In-class example using Westlaw and Lexis

- **Case law** search based on **keywords**.

- **Problem:** Client is mad because neighbor’s tree lost a huge limb, which fell on client’s property causing major damage to storage shed.

- Your client lives in **Ohio**.
CALI Lessons

- Legal Research 101: Tools of the Trade
- Introduction to Search Logic and Strategies