Chapter 2:
The Foundations
of Legal Research

Chapter Outline:

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§ 2.1   THE THEORY OF LEGAL RESEARCH

The following are just a few examples of common legal reference materials found in almost every law library:

- ☐ annotations
- ☐ legal treatises
- ☐ form books
- ☐ legal encyclopedias
- ☐ litigation aids
- ☐ digests
- ☐ legal periodicals
- ☐ legal dictionaries

These are just a fraction of the research materials available in a law library. They serve different purposes.

- *Some comment extensively on areas of law.*
- *Some educate.*
- *Some assist in strategies.*
- *Some assist in research.*
- *Some cover almost all areas of law.*
- *Some cover only a single topic.*
- *Some contain selected primary authority.*
- *Some contain only secondary authority.*
- *Some contain only non-authority.*

Whatever their purpose, almost all law library legal materials are accessed by the same research system. For our purposes, we will call this system the *Unified Theory of Research*. This system is very simple, as the following outline illustrates:

Index *to* **Main Volume** *to* **Relevant Authority**

The researcher should almost always begin in the **index**. The index will lead to the **main volumes** of that set of books. The main volumes will lead to **relevant (additional) authority**, such as a case or statute.

The equivalent system for online legal research becomes:

Search Query *to* **Results Page** *to* **Relevant Authority**

The researcher would enter a **search query** (question), the online system would provide a **results page**, which in turn provides links to **relevant authority**.

The power of this system is in its simplicity. In both cases there are three steps with the ultimate result being relevant authority. If you accept this as a foundation and remember it, your journey to learning legal research will be much more enjoyable.

§ 2.2   THE BIG QUESTION: LAW LIBRARY OR ONLINE?

A common question for new researchers is, "Why should I use the law library if I can just use *Westlaw* or *Lexis*?" Another question often heard is, "When do I research online and when do I research in the law library?" These are good questions that each have evolving answers.

Why should I use the law library if I can just use *Westlaw* or *Lexis*?
For two-hundred years, the only way to conduct legal research was in some form of library. Now, however, online legal research services have been established that provide additional options. While other online services are proliferating, *Westlaw* and *Lexis* have dominated the online legal research landscape.

So, with online services now available from any computer with an Internet connection, shouldn't the researcher simply opt for those online services? The answer, unfortunately, is not so clear-cut.

> *Traditional law library research is established, but is now contingent.*
> Law libraries have had literally hundreds of years to establish collections and research systems that have not only made the law available to attorneys, they have made the law more accessible to the public as well. Historically, law libraries have been a very democratic part of the legal process. Despite the fact that law libraries cost multiple millions of dollars to establish and maintain, almost every county in the United States has a law library that is open to the public. When law school libraries, which often allow some form of public access, are added to this mix, individuals in the United States have had almost unrestricted access to the laws of the land, and other research tools as well.
>
> Sadly, this access is now contingent on the ability of law libraries to maintain collections and acquire new materials. The books are not cheap. Some standard sets of books can cost as much as $600 per volume. Most collections require yearly subscription expenditures to maintain and update. Thus, as attorneys have transitioned more and more to the use of online research services, law libraries have sought to save funds by not ordering new materials, cancelling subscriptions to already purchased collections, and even removing some materials from the shelves. After all, most libraries are government-funded, and those that aren't are often part of private universities. Libraries of all sorts have been an easy target for cost-cutting measures, including law libraries.

<div align="center">

THE LAW LIBRARY

</div>

Strengths	Weaknesses
✔ Large collections	✔ Libraries select varying collections
✔ Free public access	✔ Limited to business or school hours
✔ Browsing capabilities	✔ Some subscriptions cancelled
✔ Materials from all publishers	✔ Travel to library required

Online research is empowering, but also oddly limiting.
The sales pitch is enticing. "Imagine having hundreds of thousands of books, virtually every law in the country, and hundreds of treatises and form books available to you with just a few clicks of the mouse." The promise of online research has not only been convenience, but comprehensive access to the law to empower the researcher.

How, then, can online research be in any way limiting? Although at first glance online research appears to be a no-lose proposition, there are a few limiting factors of which the paralegal should be aware.

Cost
Online legal research is not free. Subscriptions to *Westlaw* and *Lexis* can cost from hundreds of dollars per month (for local jurisdiction databases only) to thousands of dollars per month, depending on the specific subscription plan.

Subscriptions are not unlimited
Every firm negotiates its subscription with the online service. The basic package would include the databases from that state (cases, statutes, regulations, etc.), and a few secondary sources, such as legal dictionaries and encyclopedias. After that, if the law firm wants additional state or federal databases, or valued form books, treatises, and other popular material, extra fees apply.

Limited materials
Online services excel at providing access to all laws from virtually every jurisdiction. However, online research has become about more than just finding law. Since *Westlaw* and *Lexis* (and others) now provide access to basically the same laws, enticing litigation support tools (such as form books, treatises, law reviews, and annotations) have become the new battleground for online research services. The problem is that while there are a few materials that are *cross-platform* (available on both *Westlaw* and *Lexis*), most are only offered on one or the other. If your law firm has a subscription to *Westlaw* and you want to access *Benders Discovery Forms*, you are out of luck. That set is only available on *Lexis*. Likewise, if you love using *Am. Jur. Proof of Facts* but your law firm subscribes to *Lexis*, you will be frustrated to learn that those books are now only available on *Westlaw*.

Paralegal Access
Not every firm gives every paralegal access to their online research system.

The ability of the client to pay
Even if the attorney has a subscription, the client ultimately pays for the research session in two ways. First, the time of the attorney or paralegal to conduct the research, and second, the bill from *Westlaw* or *Lexis*. There may be times when a paralegal wants to research an issue but the client does not have resources to pay for online research.

To be sure, online research is a powerful tool. Law firms today need the immediacy and convenience of online research, as well as the powerful search engines that drive a more efficient research experience.

ONLINE RESEARCH SERVICES	
Strengths	**Weaknesses**
✔ Access to all laws	✔ High cost of online services
✔ Powerful search engines	✔ Not all materials are available online
✔ Convenience	✔ Can't "browse" in the traditional sense
✔ Immediate updates to laws	✔ Not all paralegals given access

When do I research online and when do I research in the law library?
The best paralegals will learn to utilize *both* online tools and traditional law library resources in order to become a well-rounded legal researcher. To be an efficient researcher, the paralegal needs to identify when online research is appropriate as opposed to traditional law library research.

The paralegal should:

Research Online (*Westlaw* or *Lexis*) if:

- *you need a case, statute, or regulation to answer a research issue*

- *you have a citation to a law and need to get a quick copy*

- *you are looking for a form that the law firm does not have*

- *you need to validate a case, statute, or other law*

Research in the Law Library if:

- *your firm does not provide you with access to online services*

- *you are not sure that your client can afford online research*

- *the online service does not have the form book or treatise you need*

- *you have easy access to the law library and need to look up several results from your online research, or quickly access a known case or statute*

Which do I use? *Westlaw* or *Westlaw Next*? *Lexis* or *Lexis Advance*?
This manual assumes that you have typical access to the most common database subscriptions in an online research environment, whether that law firm subscription is to *Westlaw Next (www.next.westlaw.com)* or to *Lexis Advance (www.advance.lexis.com)*. In addition, you are provided with an online download providing instructions for the classic versions of those research systems: *Westlaw Classic (www.westlaw.com)* and *Lexis Classic (www.lexis.com)*. You will need to decide for yourself which version of each service works best for you.

What you will learn in this manual: ***The ABC's of Legal Research***
In this manual, students will be taught how to research primarily using online research sources (*Westlaw & Lexis*), utilizing the traditional law library as a supplement or safety-net. For every research tool discussed, students will first be provided with a *QuickView* comparison of how that tool is accessed in *Westlaw*, *Lexis*, and the law library. This will be followed by a detailed explanation of how to utilize that tool within each research source, thus, *The ABC's of Legal Research*:

a. *Researching the material in* **Westlaw Next**
   Students will be provided with step-by-step instructions for accessing the tool on *Westlaw Next (the newest version of research by Westlaw)*, followed by a hands-on assignment and checklist.

b. *Researching the material in* **Lexis Advance**
   Students will be provided with step-by-step instructions for accessing the tool on *Lexis (the newest version of research by Lexis)*, followed by a hands-on assignment and checklist.

c. *Researching the material in the* **Law Library**
   The law library training will be minimal for those tasks better completed using online research sources. For litigation support tools that are not always provided for in both *Westlaw* and *Lexis*, or that are better researched using law books, more extensive training is included. Step-by-step training, checklists, and exercises will be provided.

Most of the assignments related to research will use the student's assigned client as a basis for the research. Keep in mind as you look for relevant authority on behalf of your client, however, that the real goal at this point is to familiarize yourself with these three powerful research devices: *Westlaw*, *Lexis*, and the *Law Library*. Locating relevant authority is secondary at this point.

Evolving Online Layouts
In order to make the learning process for online legal research sites as efficient as possible, this manual includes screen shots from *Westlaw* and *Lexis* that are up-to-date at the time of publication. Please be aware that the on-screen interface of an online Web site, such as *Westlaw* (*Next or Classic*) or *Lexis (Advance or Classic)*, can be changed much more easily and frequently than a traditional book. Thus, if the site looks a bit different than the screen shots provided in this manual do not be worried. The basic structure and function will be the same. Just go with the flow.

Which Assignments are Required?
It is strongly recommended that you complete all of the assignments for the services to which you have access. Ask your instructor which assignments you are to complete and check one of the boxes below.

☐ *Westlaw (or Westlaw Next)*, *Lexis (or Lexis Advance)*, **and the Law Library**
If your program offers access to *Westlaw*, *Lexis*, and the law library, complete all 3 assignments for each research tool being taught.

☐ *Westlaw (or Westlaw Next)* or *Lexis (or Lexis Advance)* **and the Law Library**
If your program offers access to the law library and only one of the online research tools (*Westlaw* or *Lexis*), complete the law library assignment as well as the single online assignment for each research tool being taught.

☐ *Westlaw (or Westlaw Next)* or *Lexis (or Lexis Advance)* **Only**
If your program offers access to one or both online services (*Westlaw* and/or *Lexis*) but does not stress the law library experience, you are only required to complete the online research assignments for each research tool being taught. However, it is recommended that you complete the law library assignments on your own time to make you a better-rounded researcher.

* * * Important Note about Westlaw and Lexis Instructions * * *
From this point forward when this textbook mentions *Westlaw* or *Lexis* those references refer to *Westlaw Next* and *Lexis Advance*.

Before using the law library, *Westlaw*, or *Lexis*, a couple of foundational skills must be addressed. Specifically, the skill of index research (for law library materials) and search query formulation (for online legal research).

§ 2.3   CARTWHEELING: WORD ASSOCIATION

A researcher is often at the mercy of the quality of the index or online search engine being used since, unfortunately, some indexes and search engines are better than others. One method of overcoming these obstacles is called *cartwheeling*. This is a word association method of locating places in an index (or for developing a search query for online research) where a topic might be "hidden." In other words, is there an alternate term or phrase that an editor used to place the searched-for material? (If you are researching "red," perhaps the editor placed that word as a subtopic under the topic of "color.")

To begin a search in court rules, for example, write out (or concentrate on) the research question. Look for any key words or terms. Read the following question:

>   *According to court rules, must the summons inform the defendant of the time he has to file an answer?*

Some key terms would be:

summons	*time*	*answer*

The person who created the index, however, might refer to one of the terms under a different subject. For instance, while we may call the pleading which initiates a suit a complaint, some states might call it a motion for judgment or a petition. It may be helpful to draft alternatives.

summons	time	answer
citation	*response*	*defense*

In addition, look for alternative areas under which key terms might be covered. For instance, many indexes refer to discovery under the term 'discovery,' but some deal with it under the broad heading of "pretrial procedures." This further broadens the key term list.

summons	time	answer
citation	response	defense
return of service	*deadline*	*pleadings*

By broadening the number of terms, we have dramatically increased the chances of finding on-point material.

On-point

When researching, the object is to find material relevant to the issue being researched. This is often referred to as locating "on-point" authority, or authority that is "on all fours."

Exercise § 2.3 | Cartwheeling

You are researching the following topics. *Cartwheel* them below to better access an index or Web site.

interrogatories

slip and fall

conflict of interest

husband-wife privilege

hospital

summary judgment

fatal car accident

drug overdose

plea bargain

§ 2.4 ACCESSING LAW BOOKS: THE INDEX

When researching in the law library, the general rule is to start in the broadest index for any set of materials (with a couple of exceptions that will be addressed later). It is helpful to understand that indexes use a *hierarchical system*. This means that the index starts with a topic, then a subtopic, then a sub-subtopic, and so on. In this system, the sub-subtopic relates to the subtopic, which in turn relates to the topic.

Index Signals

Beginning researchers are often confused by signals, which are just guides to lead the researcher to the appropriate point within the index. They act like sign posts. The most common signals are:

infra or *ante*
Look for your topic below, within the same heading.

supra
Look for your topic above, within the same heading.

this index
Look for the referenced topic as a general, broad topic within the same set of indexes.

Example § 2.4 | Hierarchical Index

Topic

Subtopic

Sub-subtopic

Sub-sub-subtopics

The last entry under this example would read:

Witn § 365 deals with the *validity of a privilege* as to *coconspirators* who are a *husband and wife* dealing with the topic of *privileges and communications*

Privileges and Communications, con't.
Habeas Corpus **Const L § 327**
Wills and Estates **Estates § 84**
Husband and Wife **Witn § 359**
Coconspirators
Accomplice **Witn § 524**
Validity of privilege as to **Witn § 365**
Spouse as victim **Witn § 296**
Waiver **Witn § 274**
Wills **See Habeas Corpus, supra**
Institutions
Medical Staff **Phys & S § 165**
Relatives, communication
with children **Hosp § 48**
Spouse **See Marriage, this index**
International Law **Int L § 294**

The topic and section abbreviations in an index, such as in the above example of **Witn § 365**, always lead the researcher to the main volumes of the publication being researched. Also, every set of indexes has an *Abbreviation Table*, usually in the front of the book. Refer to that table if you are unsure of any abbreviation.

§ 2.5   ACCESSING ONLINE SITES: THE SEARCH QUERY

A query is an inquiry or question. You select words and phrases that are unique to your research problem to formulate a query. The query asks the online service to determine whether any case or statute has contained the same unique words and phrases. If so, there is a good chance the case you find is relevant to your research problem.

When using online research sites, there are options in the type of search query being conducted. The *Natural Language* search is similar to what *Google* or *Yahoo*! uses on a standard Web site. We will concentrate on the *Natural Language* type of search here. The *Terms & Connectors* search is a more specific search and will be discussed in later chapters. (*Lexis* also provides an *Easy Search* option, but that is for very simple one or two word searches.)

The Natural Language Search Query

A. *Determine the key terms for your research project (Cartwheel)*
   For example, suppose you were to research a matter involving liability when a child is injured on a swing at a day care center. The key terms would be:

   liable   daycare center   premises   injured   child

B. *Arrange the terms in "sentence order"*
   Place the terms in the order you might envision them appearing in a sentence. This is not required, but in some cases it may provide better results. The above words might make up the sentence "Is a daycare center liable when a child is injured on the premises?" Our list would be restructured as such:

   daycare center   liable   child   injured   premises

C. *Are there any multi-word phrases?*
   The first term in the above query is *daycare center*. If that phrase
   is entered as-is, the Web site will search for the term daycare or
   the word center instead of both of them together. To avoid this
   problem, simply place the phrase in quotation marks. This tells
   the site to search for the complete phrase instead of the
   individual words.

   "daycare center"   liable   child   injured   premises

   If you prefer to enter the entire sentence as is (*Is a daycare
   center liable when a child is injured on the premises?*), you may
   do so. *Westlaw* and *Lexis* attempt to eliminate common words
   such as *and*, *the*, and *or*. However, the more words in your query,
   the greater the likelihood of irrelevant search results being
   delivered. Also, having a search query prepared prior to going
   online will limit the cost of using *Westlaw* or *Lexis* and should
   result in a more productive search.

Now that I have a query, what do I do with it?
Once the query is ready, you will login to the online research site
and select a *database*.

For online research sites, a database is the equivalent of a collection
of books in a law library. If you were researching a book called
American Jurisprudence in the law library, you would look for that
book on the shelves and start your research in the index of that
book. The equivalent in researching online is to look for the
American Jurisprudence database in the Web site, then enter your
search query in the text box. **The search query is the online
research equivalent of an index.**

§ 2.6   PUBLISHERS: A GAME OF MUSICAL CHAIRS

There are two major research systems, each created over a century ago:

> *West Publishing Company*
> *West*, the largest publisher of legal materials, is renowned for its *Key Number System*, a remarkably user-friendly system that allows the researcher to expand his or her research by cross-referencing multiple digests. *West's* research system is designed to give the researcher efficient access to the law.

> *Lawyers Cooperative Publishing Company*
> *Lawyers Cooperative* created the *Total Client-Service Library* (TCSL) research system. Unlike *West's* system, which was primarily designed to lead the researcher to the law, the TCSL focused on litigation practice aids to help the attorney win the case. To accomplish this, the TCSL leads the researcher to additional materials, usually published by *Lawyers Cooperative*. However, both *Westlaw* and *Lexis* now crossover those boundaries, each providing access to the law and litigation aids.

In the late 1990s, *West Publishing* reorganized as *WestGroup*, retaining *West Publishing* as a subsidiary and purchasing *Lawyers Cooperative Publishing Company* as a separate subsidiary. In the early 21st century, *WestGroup* was acquired by *Thomson Publishing Company*, which was in turn later purchased by *Reuters*. Believe it or not, the above is the simple version of the story. As a paralegal, you do not need to memorize all of the above. The reason it is being discussed here is two-fold.

First, in order to train the researcher in the two major legal research systems, this manual will generally refer to the original publishers (*West* and *Lawyer's Cooperative*). Second, as publishers change, so do the materials offered within the online research websites. A few years ago, for example, *American Law Reports* was offered on *Lexis* only, then both *Westlaw* and *Lexis*, then *Westlaw* only, and then both *Westlaw* and *Lexis* again. Of course, there are other publishers such as *Bender's*, *Commerce Clearing House* (CCH), and *Bureau of National Affairs* (BNA), among others. These publishers come to licensing agreements with *Westlaw* and *Lexis* to carry their books. Those agreements are also subject to change.

Thus, if any material that is covered in this book is not available on one website or the other, don't panic. It is just part of the ongoing competition between *Westlaw* and *Lexis*.

§ 2.7   LAYOUTS | GOING ON A SCAVENGER HUNT

It's time to get started with legal research. As with other assignments, there are three elements to the Scavenger Hunt. One for *Westlaw*, one for *Lexis*, and one for the law library. Unlike later Assignments, you will not have to do any research for the Scavenger Hunt. At this point you are just looking around. No pressure! If your program offers access to *Westlaw* and/or *Lexis*, you will need to obtain your *Usernames* and *Passwords* from your program administrator.

Assignment § 2.7(a) | *Westlaw Next* Scavenger Hunt

1. *Sign On*
    Go to www.next.westlaw.com. (Make sure you log into *Westlaw Next* and not *Westlaw Classic*.) Type in your *OnePass* Username, and your *OnePass* Password. The Client ID page is where you would provide information regarding the client on whose behalf you are working so that your firm can know how much to bill. For this class, you can enter your client's last name and client number (or any other information you want). Click the *Continue* button.

2. *Browse Shortcuts*
    In the main window titled *Browse* you will find shortcuts to collections of databases grouped under multiple tabs: **All Content**, **Federal Materials**, **State Materials**, **Practice Areas**, and **Tools**.

    All Content
    The most commonly used databases. Try: *Secondary Sources*.

    Federal Materials
    Click on this tab if your research involves a federal issue, then select your federal jurisdiction.

    State Materials
    Click on this tab if your research involves a state issue, then select your federal jurisdiction.

    Practice Areas
    Collections of databases arranged by practice type, such as Bankruptcy or Criminal Law.

    Tools
    Links to resources, many for a fee, offered by Westlaw.

Filters = Databases

In the classic version of *Westlaw*, **Tabs** are the major organizational feature. However, in *Westlaw Next*, the overriding structural feature is the **Filter**.

When a researcher selects a filter or filters, any search is limited to the databases associated with those filters. So before you enter your search query, you need to select which filter, in other words, database, in which you want the search to be conducted.

A filter can be related to a publication (i.e. a legal encyclopedia such as American Jurisprudence, 2d), a jurisdiction (such as a state or a federal circuit), or even a general area of law (such as construction law).

3. *Selecting a Filter*
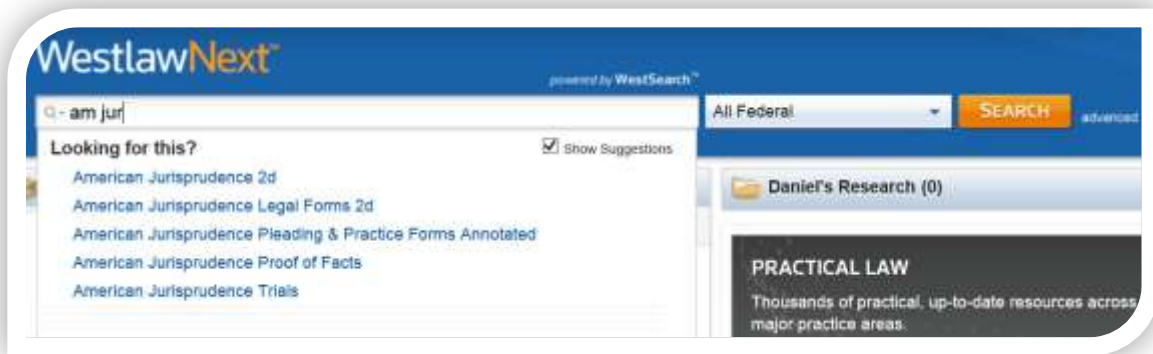
To select a filter follow these steps:

a. In the main search bar at the top, type *am jur*
b. When the box makes recommendations underneath the search box, select *American Jurisprudence 2d.* (Be sure to click that suggestion. If you simply type in "American Jurisprudence 2d" *Westlaw Next* will search in Federal databases for those words.) You will now be taken to the *Am. Jur. 2d* index page. (Notice that your search filter has been updated to *American Jurisprudence 2d*.)
c. Again using the top search bar, type in a search query, such as *"day care center" liability injured child*
d. *Westlaw Next* will now search for those terms using the *American Jurisprudence 2d* filter (database)
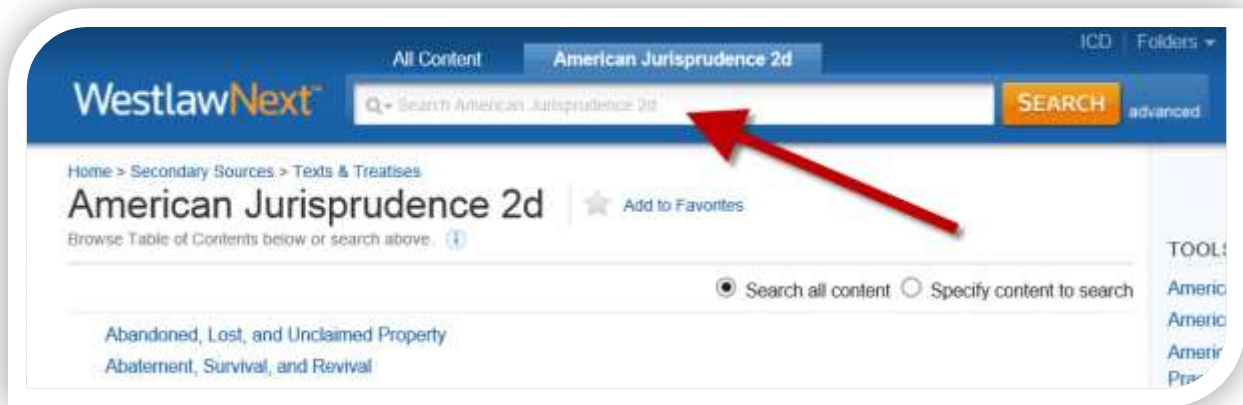
Note: Even though there are Table of Contents links provided in the main window, you do not have to select these. Simply enter your search query in the search box at the top.

4. *Search Queries*
After selecting a filter you will use the same text box at the top of the page to enter your search query. For now you can type anything you want. Such as: *free speech rights and limits of student newspaper to publish*. It can be anything, but try to think of a legal issue that interests you.

5. *Document Delivery*
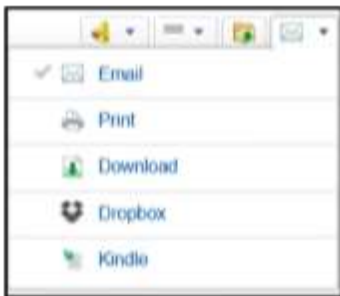
When you are viewing a document you want to obtain, select the Document Delivery drop down menu (envelope icon) and select an option. Your options are *Email*, *Print*, *Download*, *Dropbox*, and *Kindle*. Note that although these options are free for you under your student subscription, there would normally be a fee for every delivery.

Assignment § 2.7(b) | *Lexis Advance* Scavenger Hunt

1. *Sign On*
Go to www.advance.lexis.com. Enter your ID and Password, then click the *Sign In* button.

2. *Navigation*
Lexis Advance has streamlined navigation to the extreme, so much so that it will take a bit of getting used to. Instead of clicking one link after another until arriving at a desired page, the researcher will use the system's **intelligent search query box** and **filter selection** to locate relevant authority.
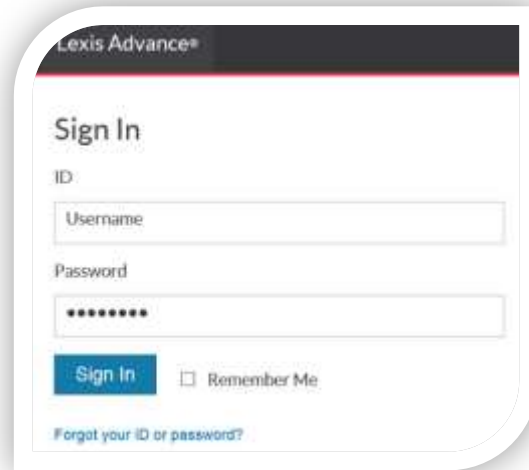
Intelligent Search Query Box

The *Search Query Box* is where the researcher typically types words and phrases relevant to the research being conducted after locating a desired database (such as a publication, state court system, or other source).

Lexis Advance has taken that Search Query Box and added the ability to, in a single place, select the database, make recommendations for databases and searches, and then send the desired search query to be filtered through the selected databases. Just as with *Westlaw Next*, *Lexis Advance* now uses filters to focus the scope of research being conducted.

As we will see, this takes a bit of getting used to. But the following bedrock truisms regarding *Lexis Advance* may help:

a. **Filters** = Databases
b. Always select your filter (database) **first**
c. Always enter your search query **second**

One more note: In *Lexis Advance* there is almost always more than one way to do something. Eventually every researcher needs to figure out what works best for her or him.

Setting a Filter

To start, the researcher needs to tell the system where to search. For example, do you want to research within a specific book, such as American Jurisprudence, 2d? Do you want to search for cases in your state? Or maybe statutes? Or perhaps the research is related to a federal question. That is why the researcher must first select a database by setting one or more filters through which the research will be conducted.

There are two ways to find and set filters.

1. *Use the Search Query Box Intelligent Assistance*
   If you know the name of a book in which you want to research, or the state in which you want to locate authority, simply start typing the name of the publication, state, or court. In the example below, the researcher typed in the initials "cfr" and the system intelligently anticipated several possible filters, including the desired *Code of Federal Regulations* in the "Add Source as Filter" section. The researcher then clicks on the selection they prefer.
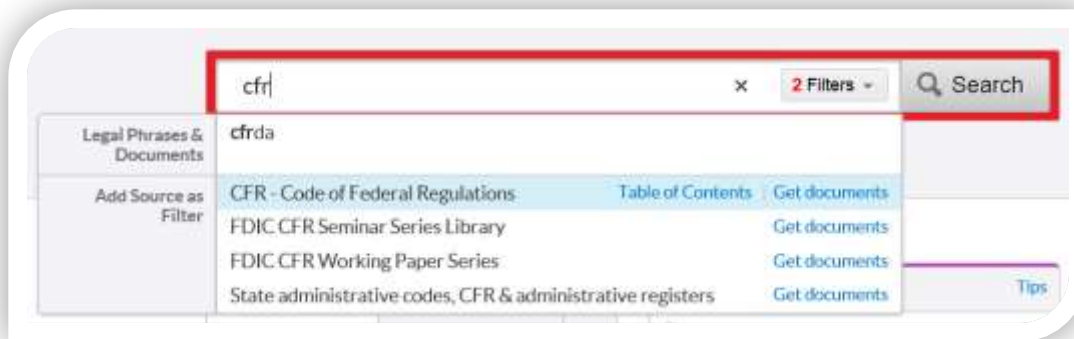
2. ...or *Use the Filter Database Page*
   At the far right of the *Search Query Box* is a dropdown menu that opens up the Filter Database Page. This page includes several options on the left that open up different collections of filters (which, again, are databases). The options you will use most commonly are *Jurisdiction*, *Category*, and *Practice Area & Topic*.
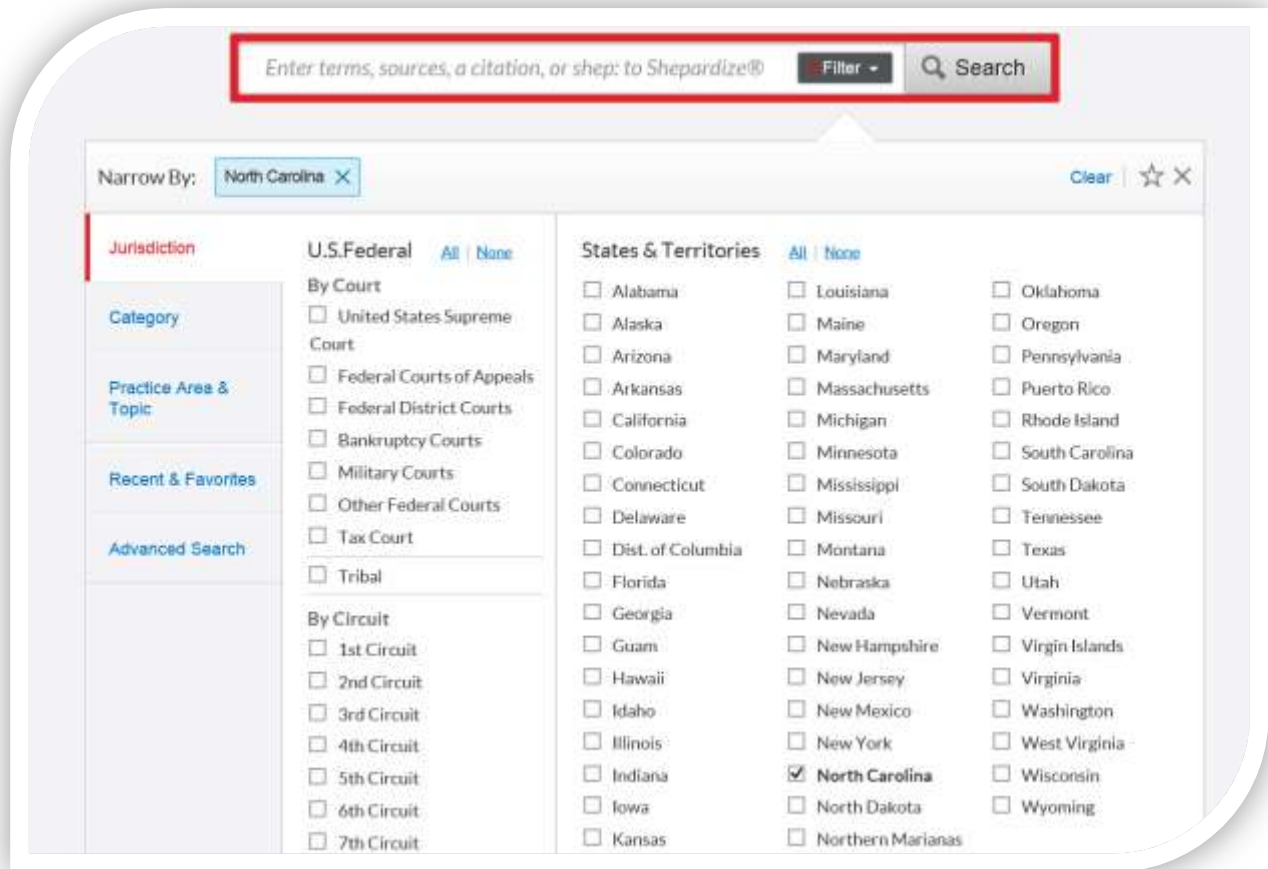
Jurisdiction
If you want to research within the jurisdiction of a specific court (or courts), this is where you will make that selection.

Category
This option provides choices of broad types of documents, such as Secondary Sources, or Forms, to mention just a couple.

Practice Area & Topic
If you are a bankruptcy paralegal, it might sometimes be helpful to research within bankruptcy-related material. However, this is research that should be done in addition to, and not instead of, the above research sources.

You must select at least filter before conducting research. After at least one filter has been selected you will be ready to enter your search query.

3. *Enter Your Search Query*
After you have set at least one filter (using the *Search Query Assistance* or the Filters Database Page) you will use the same Search Query text box to type your query. Such as:

"day care center" liability injured child

Notice that the drop down menu at the right of the text box now shows how many filters have been selected. After typing your search query, click **Search**.

4. *The Results Page*
The results page will provide "hits" from your search query. Review the summaries of those hits provided on this page and if any look promising, click on the title of the article, which is also a link, to review the full document.

5. *Document Delivery*

When you are viewing a document you want to obtain, simply click on one of the icons at the top of the window. They represent, in order, *Add to Folder* (to collect documents for specific clients or research topics), *Print*, *Download*, *Email*, and *Printer Friendly View*. The last icon allows the page to be displayed in a layout more conductive to printing, removing many of the website toolbars and unnecessary graphics.

Assignment § 2.7(c) | *Law Library* Scavenger Hunt

The Scavenger Hunt in the law library is designed to help you learn the layout of the collections. Every library is different, so it may take a bit of hunting to find the materials. At this stage, all you have to do is locate the following publications:

AMERICAN JURISPRUDENCE, 2d (National Legal Encyclopedia)

☐ index

☐ main volumes

☐ supplement (pocket part found in the back of most volumes)

CORPUS JURIS SECUNDUM (National Legal Encyclopedia)

☐ index

☐ main volumes

☐ supplement (pocket part found in the back of most volumes)

AMERICAN LAW REPORTS (Annotated Reporter, or Annotation)

☐ index

☐ main volumes

☐ supplement (pocket part found in the back of most volumes)

REPORTERS (Your Regional Reporter)

☐ advance sheet for reporters (a series of softbound booklets containing new cases, usually found at the end of a series of reporters)

☐ any case within a reporter

☐ a headnote found at the beginning of any case

YOUR STATE STATUTES (Enacted Law)

☐ index

☐ main volumes

☐ supplement (pocket part found in the back of most volumes of statutes)

WORDS & PHRASES (Multi-volume Legal Dictionary)

☐ main volumes

☐ supplement (pocket part found in the back of most volumes)

§ 2.8   INTERACTIVE STUDY | AMERICAN JURISPRUDENCE, 2d

American Jurisprudence, 2d is published by *Lawyers Cooperative Publishing Company*, and is part of its *Total Client-Service Library*. *American Jurisprudence, 2d* is a national legal encyclopedia. Legal encyclopedias provide at least a little information about almost every area of law. Encyclopedias have two basic goals:

- *To educate the researcher about a topic.*
- *To lead the researcher to primary authority.*

Am. Jur. 2d (as *American Jurisprudence, 2d* is commonly abbreviated) educates the researcher by commenting upon an area of law. Within the commentary are footnote reference numbers (example: [13]). These references lead the researcher to the case and statute citations provided in the footnotes at the bottom of the page, thus guiding him or her to primary authority. *Am. Jur. 2d* discusses the law and may be quoted, but it is not the law. Therefore, *Am. Jur. 2d* is secondary authority.
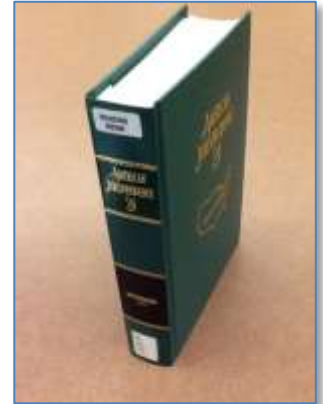
QuickView § 2.2 | American Jurisprudence, 2d

Westlaw Next
1. Locate the main *Search Bar* at the top of the page
2. Type *am jur* and click the recommended search of American Jurisprudence, 2d
3. In the American Jurisprudence, 2d page that opens, enter your *search query* in the main *Search Bar* at top
4. Select an article from the list of *search results*
5. Review several articles and have relevant items delivered by printing or email

Lexis Advance
1. In the *Search Query Box* at top, type: American Jurisprudence
2. Click on the *American Jurisprudence 2d* option below to set that filter
3. Enter your client's search query in the same text box at top and select *Search*
4. Review the Results Page and review any relevant articles by clicking on the title
5. If any relevant articles are found, have them delivered by printing or email and save

Law Library
1. Locate the set of *indexes* at the end of the set and research key terms
2. The index leads to the *main volume* using topics and section numbers
3. Look for footnote references that will lead to *relevant authority*
4. Always check the *pocket part (supplement)*
5. When applicable, utilize the *Volume Index* or the *New Topic Service*

Assignment § 2.8(a) | Am. Jur. 2d on *Westlaw Next*

At the time of this publication, both *Lexis* and *Westlaw* provide online access to *American Jurisprudence, 2d*.

1. *Select the Filter*
    i. In the main search bar at the top, type *am jur*
    ii. When the box makes recommendations underneath the search box, select *American Jurisprudence 2d.* (Be sure to click that suggestion. If you simply type in "American Jurisprudence 2d" *Westlaw Next* will search in Federal databases for those words.) You will now be taken to the *Am. Jur. 2d* index page. (Notice that your search filter has been updated to *American Jurisprudence 2d*.)

2. *Search within the desired filter*
    i. Again using the top search bar, type in a search query relevant to your client's case
    ii. *Westlaw Next* will now search for those terms using the *American Jurisprudence 2d* filter (database)

3. *Review the Results Page*
    The page that appears is the Results page. Keep in mind that at this point, the Results Page, the researcher is first and foremost trying to determine whether the search was productive, resulting in relevant articles or other authority. If not, tweak your search query in the main Search Bar at the top of the page.

    The Results Page has three main elements:

    - **The Main Window** (in the center of the page)
      This is where the "hits" appear from your search

    - **The Narrow Filters Window** (on the far left)
      You can further focus your search results by selecting specific narrowing filters (although this will likely not apply when researching secondary authority since you have already narrowed your filters)

    - **The Related Documents Window**
      Links to other articles that are not within your search results. A great tool, but be careful not to get taken off track of your primary search by these additional authorities. Review these after you have checked out the results in the Main Window.

Each "hit" in the main window consists of the title (which is also a link to that "hit"), followed by a short section of the "hit," with terms from your search query highlighted.

By quickly browsing the portion of the document, along with the

highlighted terms, the researcher may quickly determine whether or not that "hit" is worth reviewing in further detail.

Notice that in the **Narrow** window at left you have other options.

First, you are able to *Search within results*, which means you can conduct another search for more specific terms, this time limiting the search to the documents you have already found.

You can also further filter the results by checking one or more boxes next to the filters listed. Give it a try a couple of times to see how it works.

4. *Select relevant articles from the Results page*
   The researcher can either

   - Open each "hit" and review the article more thoroughly online,
     or
   - By using the portion of the article provided, simply click the check box to the left of each title and have those articles delivered via email, download, or other means.

The second option is strongly recommended. As a student you are not paying for the time you spend in the site, but in a law firm every minute costs money, eating up the firm's allotted minutes allowed for in its Westlaw subscription. To read each article online is expensive and wasteful.

It is thus recommended that you quickly scan the articles, checking off the ones that appear most promising.

5. *Review the Articles*
   The article page can be confusing at first glance. However, there are three primary navigation aids that, once recognized, make the page less intimidating. The main goals in using *Am. Jur. 2d* are to educate the researcher regarding a specific area of law and to locate primary authority. These navigation tools assist in those efforts. They are:

   - *The Article Window*
   - *Links to footnotes*
   - *Links to additional authority*

- *The Article Window*
  The Article Window, at the left of the screen, provides the articles

that contain the most likely relevant "hits" from the search query. As mentioned previously, the title is also a link to the full article, and it is followed by a brief excerpt from the article, with search terms highlighted, so the researcher may quickly ascertain whether that article is worth reviewing in full. If so, click the check box. Later you will have all checked articles delivered via email or download.

- *Links to Footnotes*
  Within the article you will see references to footnotes. If you hover over the footnote link, the footnote will appear over the text. Or, if you click on a footnote reference number, you will be taken to the actual footnote at the bottom of that page.

- *Links to Additional Authority*
  Once you have been led to a footnote, you will likely find citations (that are also active links) to additional authority, such as cases, statutes, regulations, or even other secondary sources such as treatises or form books.

No More Supplements
It should be noted that in Westlaw Next the supplement that would normally appear at the bottom of the page (in Westlaw Classic) is gone. The reason is that Westlaw has chosen to make things cleaner by simply replacing, augmenting, or modifying the original text in the article instead of supplementing it. This, indeed, makes your job much easier because you can be assured that the document you are reviewing is the most up to date version of that article.

Delivery of Relevant Documents: The Delivery Icon
For this exercise you are simply getting used to the layout of the website. When you conduct actual research, you should either copy the citations of articles and primary authority (referred to within those articles), or you should check them for "delivery."

The Delivery Icon looks like an envelope. When you click on it a drop down menu will appear with several options for delivery of your documents. (Remember, in a real job it costs money no matter what form of delivery is used, so practice being frugal about your choices for delivery.)

Checklist § 2.8(a) | Researching Am. Jur. 2d on *Westlaw Next*

☐ Locate the *Search Bar* at the top of the page

☐ Enter *am jur* and then select American Jurisprudence, 2d from the recommendations that pop up

☐ In the *Search Bar* at the top of the American Jurisprudence, 2d page, type your search query

☐ In *Results Page*, modify the query, or search within results, as needed

☐ Within the *Article Page*, try using the footnote references, and the footnotes themselves, to find primary authority

☐ Read an article that appears relevant

☐ Be sure to copy citations to, or deliver, relevant primary authority

Tasks & Questions § 2.8(a) | Am. Jur. 2d on *Westlaw Next*

1. Detail how you located the *American Jurisprudence 2d* filter.
2. What search query did you use?
3. When you saw the *Results Page*, were you satisfied with the outcome of your search query, or did you need to modify it?
4. Were you led to any relevant primary authority either in the *Article* or in the *Footnotes*? If yes, make note of those authorities.
5. Did you have a document *delivered*? If so, in what manner? (Print? Email? Download?)

Assignment § 2.8(b) | Am. Jur. 2d on *Lexis Advance*

Do not be surprised at the similarities between *Westlaw* and *Lexis*. It is a part of the evolution of online services that great ideas by one site are mimicked by the other. Following is the *Lexis* guide to *Am. Jur. 2d*.

1. Select a Filter

If you know the name of a book in which you want to research, or the state in which you want to locate authority, simply start typing the name of the publication, state, or court. In this case, type in the words American Jurisprudence. You will be provided with options below the text box. From those options, select American Jurisprudence, 2d.

2. Enter Your Search Query

After you have set at least one filter you will use the same Search Query Text Box to type your query. Such as:

"day care center" liability injured child

(Make sure to use a query relevant to your client's case.) Notice that the drop down menu at the right of the text box now shows how many filters have been selected. After typing your search query, click **Search**.
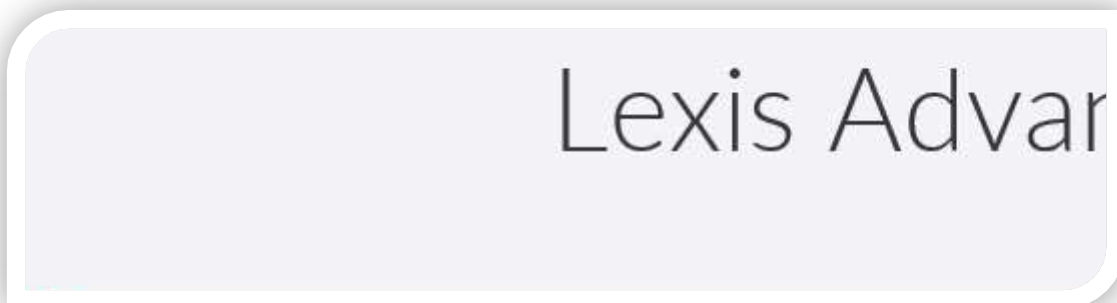
3.   Select relevant articles from the Results Page

The *Results Page* provides summaries of articles that matched terms from your search query. As you survey the summaries, you can click on the titles of the documents that appear to be relevant to review the articles in their entirety.
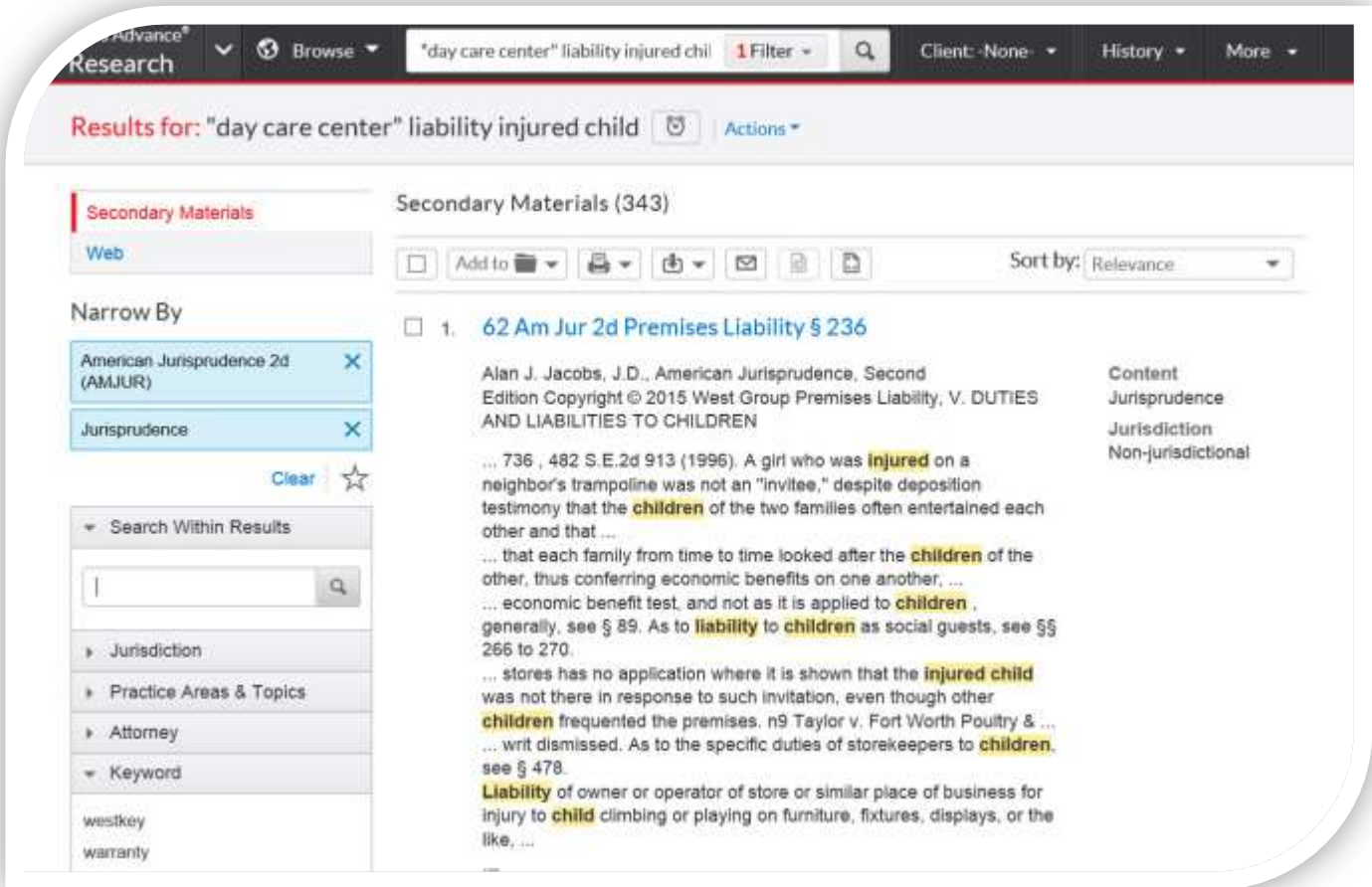
The *Narrow By* Window

Notice that the left side of the page includes a section called Narrow By. This is similar to the Westlaw Next Narrow tool. It allows the researcher to do the following:

▪ *Search Within Results*

   If the researcher is satisfied with the results, but would like to focus the search more specifically, type a new word or phrase in the *Search Within Result* box on the left. For example, in the above result, perhaps the researcher would like to see if the term "common-law marriage" appeared in any of the 100 resulting articles. Just type the desired term or phrase in the text box to further focus the search.

▪ *Further Filter Within Results*
This window will also identify further filters, such as jurisdictions, courts, even attorney names, by clicking on one of the categories. That category (such as Jurisdiction) will expand and provide the ability to check boxes to further refine your filters.

Notice that all of your active filters are listed at the top of the *Narrow By* window. A researcher can quickly remove individual filters by clicking on the X to the right of each filter listed.

4. Review the articles
The article from *Am Jur. 2d* is intended to inform, or educate, the researcher as to the subject matter. Each concept is based upon authority, usually primary. The following features are provided in *Lexis Advance* in its version of *Am. Jur. 2d articles*:

- *The Article*
- *Footnotes*
- *References*
- *Document Delivery Options*
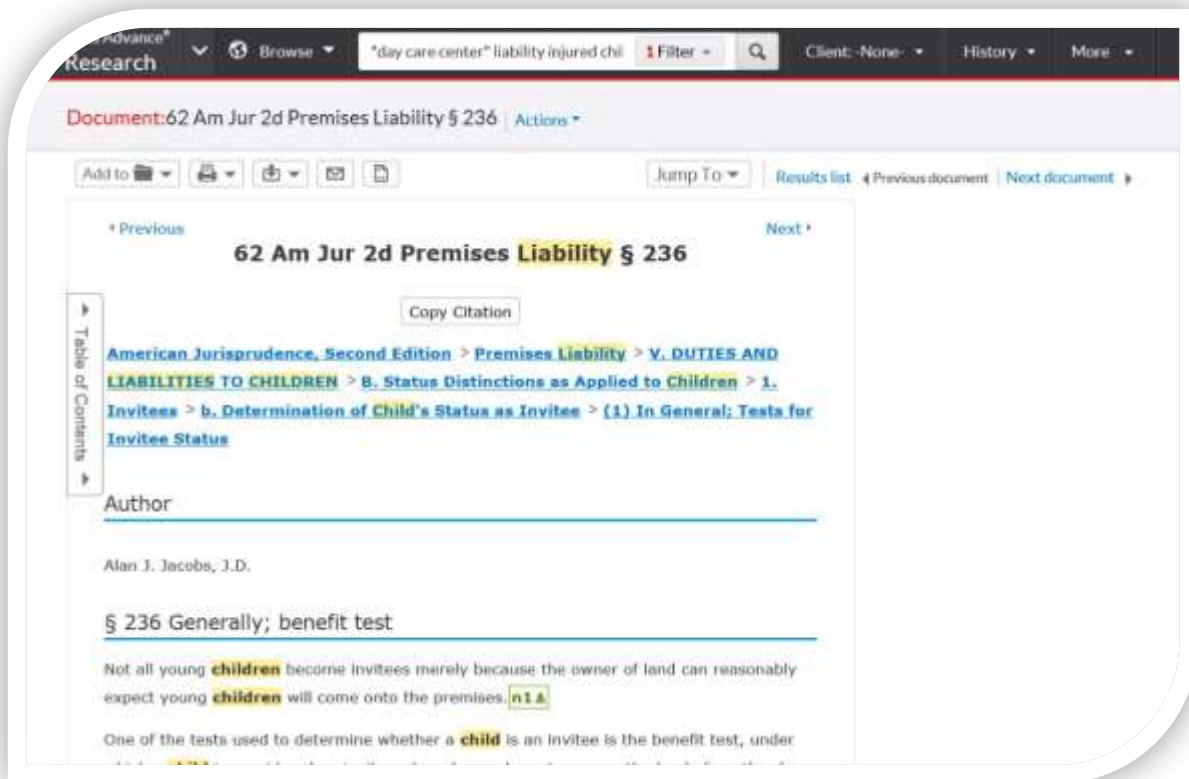
- *The Article*

    Articles in encyclopedias are fairly broad, intending to provide a general understanding of the current legal thinking as to the subject matter involved. After each important concept presented (usually every sentence or partial sentence), a raised (superior) number is provided in the form of a link. The link leads to footnote references further down the page.

- *Footnotes*

    The footnotes in *Am. Jur. 2d*, whether online or in the books, lead the researcher to authority, usually the law. In *Lexis Advance*, the citations in the footnotes are links that open the authority in a new window. If any of these authorities appear to be relevant to your project, take note of them, or have the document delivered (*see below*).

- *Reference*

    In the early 2000's, *Am. Jur*. was purchased by *West Publishing* (part of *Thomson Reuters* at the time of this publication). *West* has incorporated its own research system into *Am. Jur. 2d*. Even though it is a competitor of *West*, *Lexis* provides the *Am. Jur. 2d* references to that research system, the *Key Number System*, along with other materials that may be of help to the researcher. (The *Key Number System* will be covered later in this manual.)

- *Document Delivery Options*

    The document currently on the screen can be delivered in multiple methods. It can be printed, emailed, downloaded, or faxed. Keep in mind that delivery of the document in any form may cost money (but not with your student subscription) depending on the law firm's subscription plan. Develop good habits now by only downloading necessary documents.

**Checklist § 2.8(b) |** Researching Am. Jur. 2d on *Lexis Advance*

☐ Type "American Jurisprudence" in the *Search Query Box* at the top of the page

☐ Select American Jurisprudence 2d when it comes up as an option below the text box

☐ Enter your search query in the *Search Query Box*

☐ In *Results* page, modify the query, or search within results, as needed

☐ Within the *Results Page*, review several of the article portions provided

☐ Read any *article* that appears relevant

☐ Click on relevant *Footnote Links* (FN) to obtain primary authority

☐ Be sure to copy cites to, or download, relevant primary authority

Tasks & Questions § 2.8(b) | Am. Jur. 2d on *Lexis Advance*

1. Detail how you located the *American Jurisprudence 2d* database.

2. What search query did you use?

3. When you saw the *Results Page*, were you satisfied with the outcome of your search query, or did you need to modify it?

4. Did the section of the *Article* you researched have a *Reference* section? If so, did it lead you to any other authority?

5. Were you led to any relevant primary authority either in the *Article* or in the *Footnotes*? If yes, make note of those authorities.

6. Did you have a document *delivered*? If so, in what manner? (Print? Email? Download?)

Assignment § 2.8(c) | Am. Jur. 2d in the *Law Library*

When researching in the library, the general rule is to *always begin in the index*. This holds true for *American Jurisprudence, 2d*.
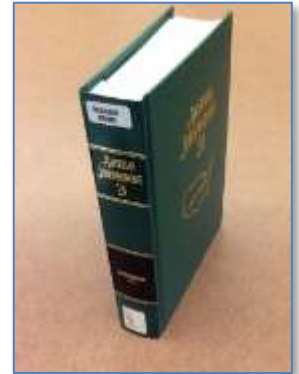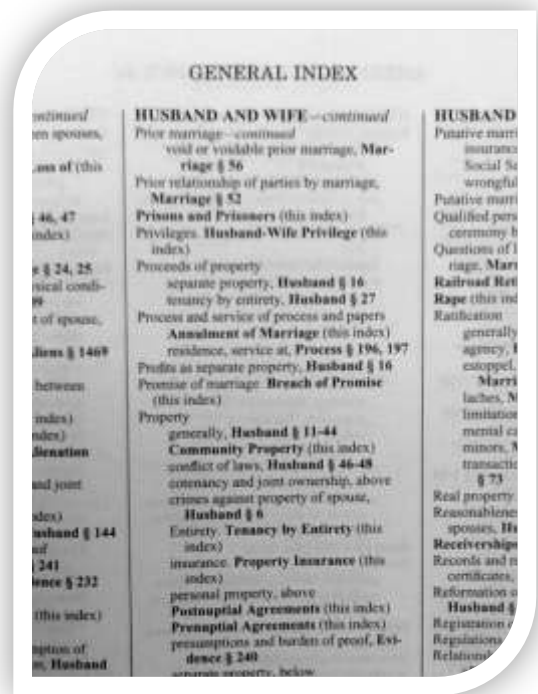
1. **Locate the General Index and Research Key Terms**

    The *Am. Jur. 2d General Index*, usually found at the end of the main volumes, is excellent. It is a multi-volume, softbound index. Since legal encyclopedias are arranged topically, the index will lead us not to a volume and page number, but to a topic and section number. (For instance, *Depo § 273* in the General Index would tell the researcher to find the main *Am. Jur. 2d* volume covering the topic of *Depositions* and turn to *Section 273*). If the researcher doesn't understand a specific abbreviation, he or she should look at the beginning of a main volume of *Am. Jur. 2d*. for an abbreviation table. Many law books, including *Am. Jur. 2d*, have such tables.

    The researcher should also observe whether there is a small volume *General Index Update*. This is how the *General Index* is supplemented with more recent information, since softbound volumes usually don't have pocket parts. This update usually comes out midyear. The softbound indexes themselves are typically replaced annually.

Tasks & Questions § 2.8(c) | Part 1

1. How many volumes make up the *Am. Jur. 2d* General Index?
2. Is your research topic covered in the index?
3. The *Am. Jur. 2d* index leads to which of the following?
a. volume number, series, page number
b. a topic and section number
c. a topic and key number
4. Does the index have a supplement?
5. If yes, where is it?
6. Is your topic covered in the supplement?
7. List any cites to the *Am. Jur. 2d* main volumes the index provides.

2. *Locate the Relevant Main Volume and Look for Footnote References*

After obtaining a topic and section number from the General Index, the researcher must find the main volume covering the topic. Then the specific section number is found. After the section number, *Am. Jur. 2d* will provide a bold-faced short statement of the subject matter for that section number, followed by commentary of the subject matter. If any passage in the commentary is relevant, the researcher can refer to the footnote that corresponds to the raised number (footnote reference) in the commentary.

Tasks and Questions § 2.8(c) | Part 2

1. What is the subject matter under your topic and section number? (There should be a short, bold-face statement.)

2. Does the discussion provide any footnote references?

3. What kind of research assistance do the footnotes provide?

4. Provide at least one case or statute from the footnotes.
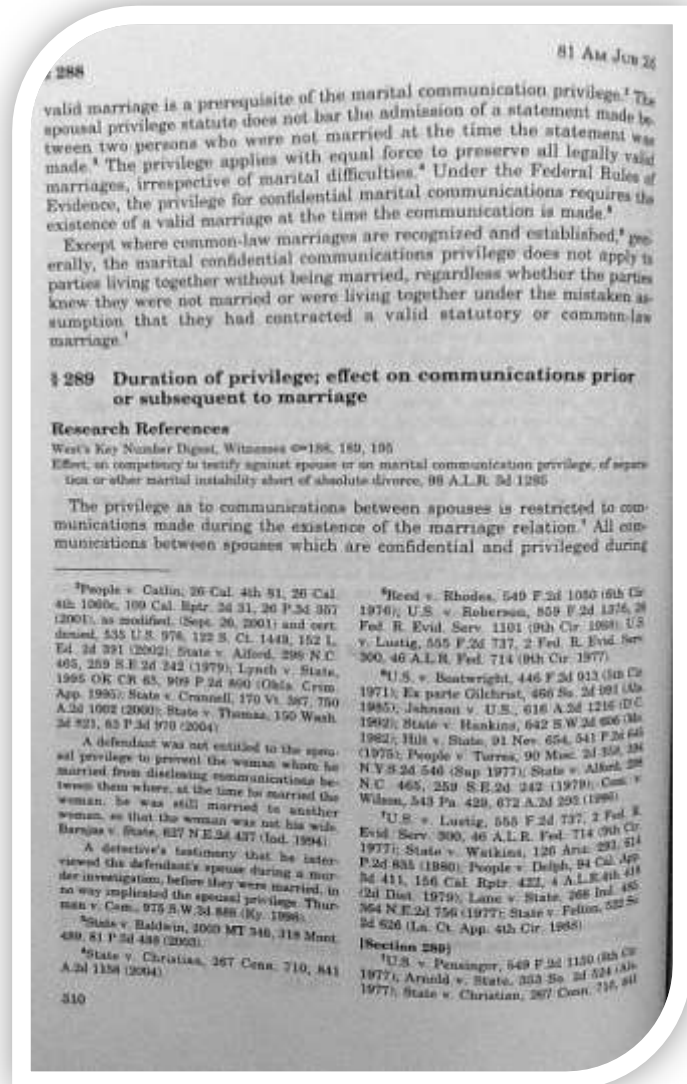
3. *Check the Supplement in the Back of the Volume*
   Each volume of *Am. Jur. 2d* is updated annually with a supplement in the back, often called a *pocket part*. Supplements update the material within the hardbound volume.

   The purpose of *Am. Jur. 2d* is to lead the researcher to primary authority, such as a case or statute. However, before locating the primary authority cited in *Am. Jur. 2d*, we must make sure that the material is up-to-date. In the pocket part, the researcher should locate the same topic and section number that he or she researched in the main volume. Thus, if *Witnesses* §§ 52, 67, and 127 were researched in the main volume, *Witnesses* §§ 52, 67, and 127 should also be researched in the pocket part. If a pocket part becomes too thick, the publisher may update volumes by using a separate softbound supplement.

Tasks and Questions § 2.8(c) | Part 3

   1. How does *Am. Jur. 2d* update material in the main volume?

   2. Where does the researcher look in the supplement?

      ☐ under the Table of Contents
      ☐ corresponding topic and section numbers
      ☐ only corresponding section numbers

   3. Was there additional material for your research topic in the supplement? If yes, what kind of material?

4. *When applicable or necessary, utilize these additional features*
   New Topic Service - As new legal topics arise within the justice system (such as *Computers and the Internet*), it is not practical to withdraw all existing encyclopedias to insert the recently identified subject matter. Thus, when a new topic is created by the publisher for inclusion in any new encyclopedias ordered, the existing sets already on shelves are supplied with a post-binder volume called the *New Topic Service*. The new material, now included in new sets, is provided here in its entirety.

   Title or Volume Index – In addition to the *General Index*, each volume contains an index for that volume only. It is called the *Title Index*, often referred to as the *Volume Index*. However, it only leads the researcher to material within that single volume.
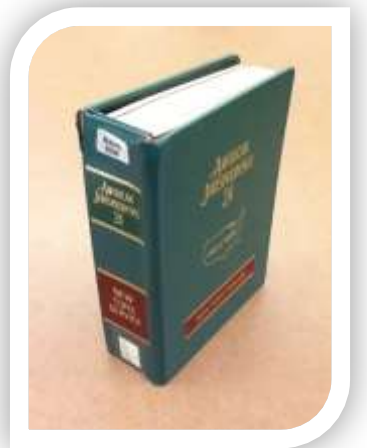
Checklist § 2.8(c) | Researching Am. Jur. 2d in the *Law Library*

☐ Locate the *General Index* at the end of the *Main Volumes*

☐ Research your terms within the *General Index*

☐ Write down references to *Topic and Section Numbers* (you need both)

☐ Find the *Main Volume* corresponding with the *Topic & Section Number*

☐ Find the *Topic* within that volume

☐ Find the *Section Number* within that topic

☐ Read the *article*

☐ Take note of any relevant *Footnotes* leading to primary authority

☐ Write down the cites to any relevant authority in the Footnotes

☐ Look up that authority

☐ If needed, check the *Volume Index* for additional references within that volume

☐ If the research topic is a new area of law, check the *New Topic Service*

§ 2.9   INTERACTIVE STUDY | CORPUS JURIS SECUNDUM

Corpus Juris Secundum is a national legal encyclopedia published by *West Publishing Company* (a part of *Thomson Reuters* at this printing). Legal encyclopedias provide at least a little information about almost every area of law. Encyclopedias have two basic goals:

- *To educate the researcher about a topic.*
- *To lead the researcher to primary authority.*

C.J.S. (as *Corpus Juris Secundum* is commonly abbreviated) educates the researcher by commenting upon an area of law. Within the commentary are footnote reference numbers (example: [13]). These references lead the researcher to the cases and statutes provided in the footnotes at the bottom of the page, thus guiding him or her to primary authority. *C.J.S.* discusses the law and may be quoted, but it is not the law. Therefore, *C.J.S.* is **secondary authority**.

As you conduct this Assignment using the online resources, you will notice that the methods for accessing *C.J.S.* mirror those for accessing *Am. Jur. 2d*. That is, of course, by design. As you become familiar with the online legal research environment, researching in any database will simply be a matter of slight adjustment.

QuickView § 2.9 | Corpus Juris Secundum

Westlaw Next
1. Locate the main *Search Bar* at the top of the page
2. Type *cjs* and click the recommended search of Corpus Juris Secundum
3. In the Corpus Juris Secundum page that opens, enter your *search query* in the main *Search Bar* at top
4. Select an article from the list of *search results*
5. Review the articles and have any relevant documents delivered by printing or email

Lexis Advance
C.J.S. is not available on *Lexis*

Law Library
1. Locate the set of *indexes* at the end of the set and research key terms
2. The index leads to the *main volume* using topics and section numbers
3. Look for *footnote references* that will lead to additional authority
4. Always check the *pocket part (supplement)*
5. When applicable, utilize the *Volume Index*

Assignment § 2.9(a) | C.J.S. on *Westlaw Next*

At the time of the printing of this publication, only *Westlaw Next* provides online access to *Corpus Juris Secundum*.

1. *Select the Filter*
    i. In the main search bar at the top, type: *cjs*
    ii. When the box makes recommendations underneath the search box, select *Corpus Juris Secundum.* (Be sure to click that suggestion. If you simply type in "cjs" *Westlaw Next* will search in Federal databases for those words.) You will now be taken to the *C.J.S.* index page. (Notice that your search filter has been updated to *Corpus Juris Secundum*.)

2. *Search within the desired filter*
    i. Again using the top search bar, type in a search query relevant to your client's case
    ii. *Westlaw Next* will now search for those terms using the *Corpus Juris Secundum* filter (database)

3. *Review the Results Page*
    The page that appears is the Results page. Keep in mind that at this point, the Results Page, the researcher is first and foremost trying to determine whether the search was productive, resulting in relevant articles or other authority. If not, tweak your search query in the main Search Bar at the top of the page.

    The Results Page has three main elements:

    - **The Main Window** (in the center of the page)
      This is where the "hits" appear from your search

    - **The Narrow Filters Window** (on the far left)
      You can further focus your search results by selecting specific narrowing filters (although this will likely not apply when researching secondary authority since you have already narrowed your filters)

    - **The Related Documents Window**
      Links to other articles that are not within your search results. A great tool, but be careful not to get taken off track of your primary search by these additional authorities. Review these after you have checked out the results in the Main Window.

Each "hit" in the main window consists of the title (which is also a link to that "hit"), followed by a short section of the "hit," with terms from your search query highlighted.

By quickly browsing the portion of the document, along with the highlighted terms, the researcher may quickly determine whether or not that "hit" is worth reviewing in further detail.

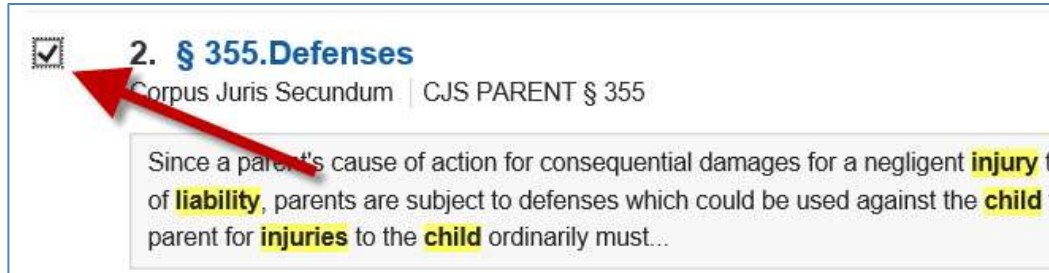Notice that in the **Narrow** window at left you have other options.

First, you are able to *Search within results*, which means you can conduct another search for more specific terms, this time limiting the search to the documents you have already found.

You can also further filter the results by checking one or more boxes next to the filters listed. Give it a try a couple of times to see how it works.

4. *Select relevant articles from the Results page*
   The researcher can either

   - Open each "hit" and review the article more thoroughly online,
       or
   - By using the portion of the article provided, simply click the check box to the left of each title and have those articles delivered via email, download, or other means.

The second option is strongly recommended. As a student you are not paying for the time you spend in the site, but in a law firm every minute costs money, eating up the firm's allotted minutes allowed for in its Westlaw subscription. To read each article online is expensive and wasteful.
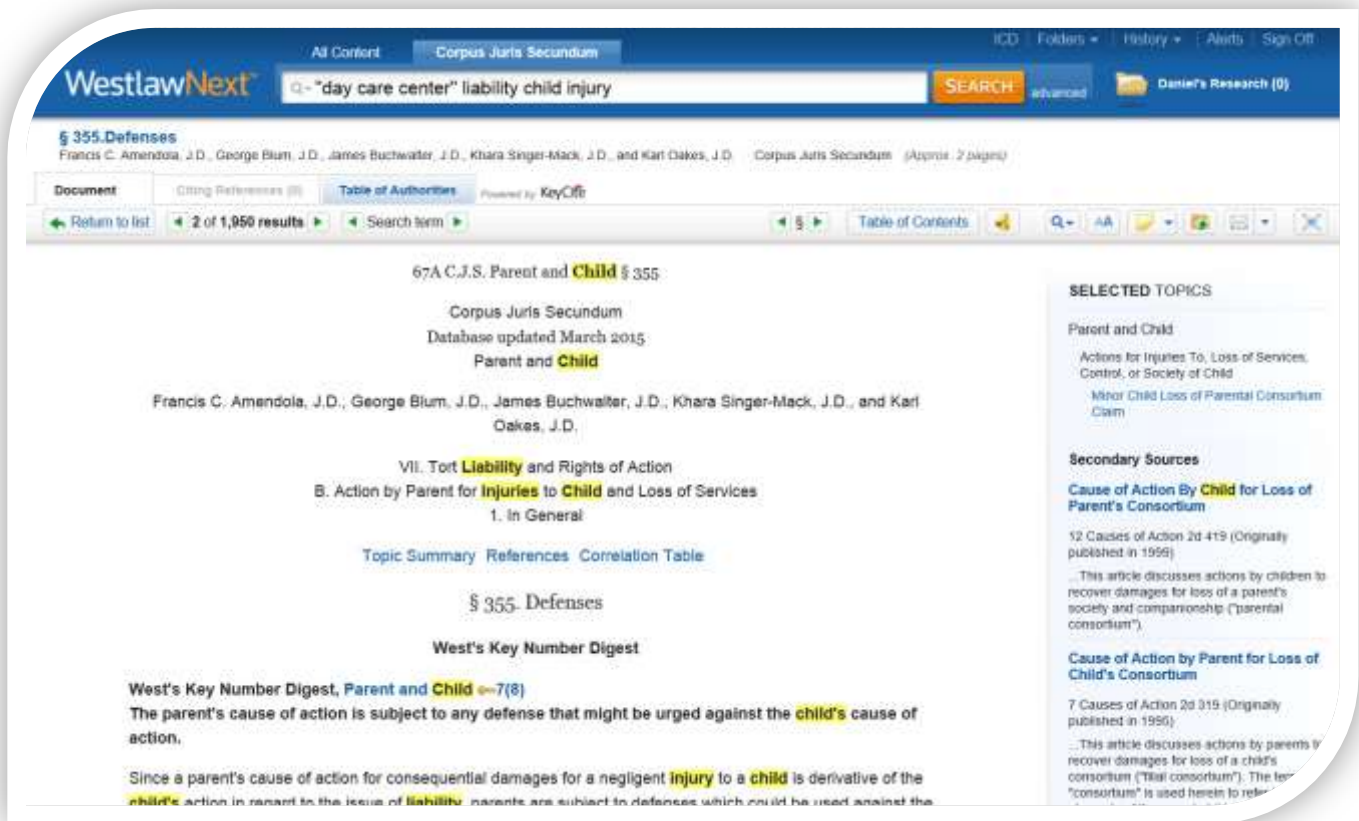
It is thus recommended that you quickly scan the articles, checking off the ones that appear most promising.

5. *Review the Articles*
   The article page can be confusing at first glance. However, there are three primary navigation aids that, once recognized, make the page less intimidating. The main goals in using *C.J.S.* are to educate the researcher regarding a specific area of law and to locate primary authority. These navigation tools assist in those efforts. They are:
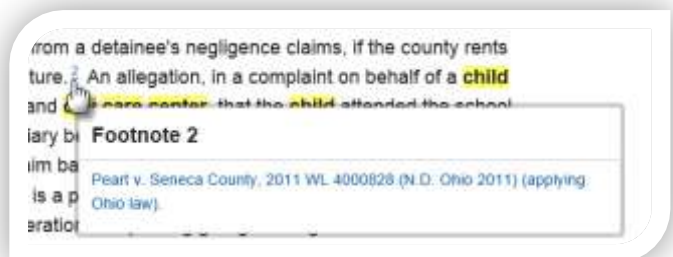
   - *The Article Window*
   - *Links to footnotes*
   - *Links to additional authority*

- *The Article Window*
  The Article Window, at the left of the page, provides the articles

that contain the most likely relevant "hits" from the search query. As mentioned previously, the title is also a link to the full article, and it is followed by a brief excerpt from the article, with search terms highlighted, so the researcher may quickly ascertain whether that article is worth reviewing in full. If so, click the check box. Later you will have all checked articles delivered via email or download.

- *Links to Footnotes*
  Within the article you will see references to footnotes. If you hover over the footnote link, the footnote will appear over the text. Or, if you click on a footnote reference number, you will be taken to the actual footnote at the bottom of that page.
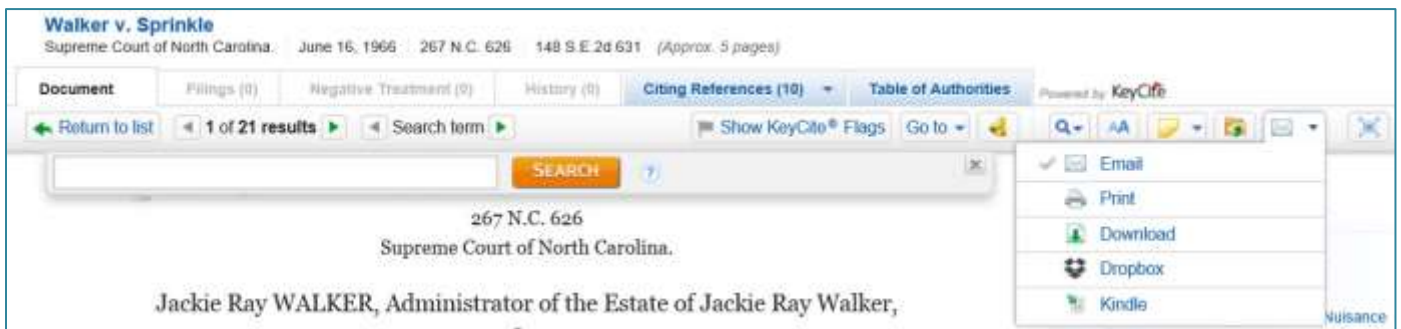
- *Links to Additional Authority*
  Once you have been led to a footnote, you will likely find citations (that are also active links) to additional authority, such as cases, statutes, regulations, or even other secondary sources such as treatises or form books.

No More Supplements

It should be noted that in Westlaw Next the supplement that would normally appear at the bottom of the page (in Westlaw Classic) is gone. The reason is that Westlaw has chosen to make things cleaner by simply replacing, augmenting, or modifying the original text in the article instead of supplementing it. This, indeed, makes your job much easier because you can be assured that the document you are reviewing is the most up to date version of that article.

Delivery of Relevant Documents: The Delivery Icon

For this exercise you are simply getting used to the layout of the website. When you conduct actual research, you should either copy the citations of articles and primary authority (referred to within those articles), or you should check them for "delivery."

The Delivery Icon looks like an envelope. When you click on it a drop down menu will appear with several options for delivery of your documents. (Remember, in a real job it costs money no matter what form of delivery is used, so practice being frugal about your choices for delivery.)

Checklist § 2.9(a) | Researching C.J.S. on *Westlaw Next*

☐ Locate the *Search Bar* at the top of the page

☐ Type *cjs* and then select *Corpus Juris Secundum* from the recommendations that pop up

☐ In the *Search Bar* at the top of the *Corpus Juris Secundum* page, type your search query

☐ In *Results Page*, modify the query, or search within results, as needed

☐ Within the *Article Page*, try using the footnote references, and the footnotes themselves, to find primary authority

☐ Read an article that appears relevant

☐ Be sure to copy citations to, or deliver, relevant primary authority

Tasks & Questions § 2.8(a) | Corpus Juris Secundum on *Westlaw Next*

1. Detail how you located the *Corpus Juris Secundum* filter.
2. What search query did you use?
3. When you saw the *Results Page*, were you satisfied with the outcome of your search query, or did you need to modify it?
4. Were you led to any relevant primary authority either in the *Article* or in the *Footnotes*? If yes, make note of those authorities.
5. Did you have a document *delivered*? If so, in what manner? (Print? Email? Download?)
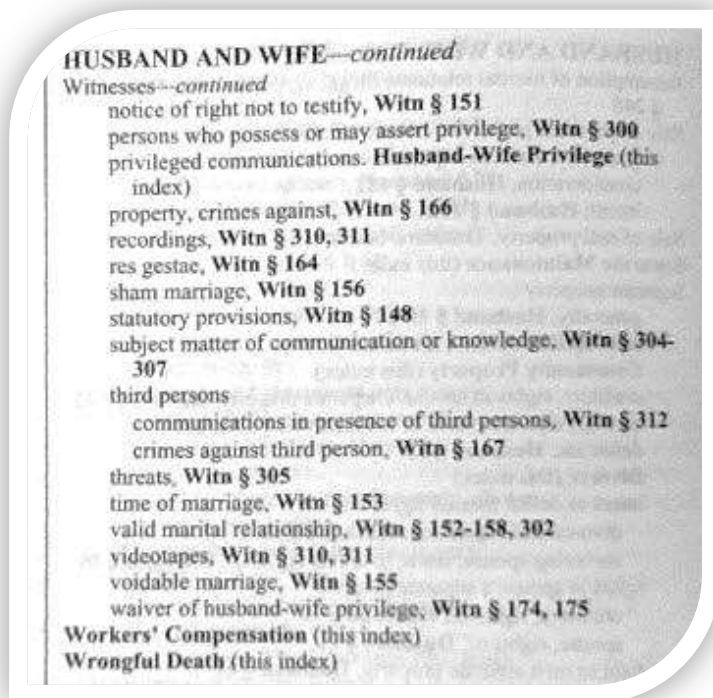
Assignment § 2.9(c) | C.J.S. in the Law Library

As with other encyclopedias, when researching in the library, the general rule is to *always begin in the index*. This holds true for *Corpus Juris Secundum*.

1. *Locate the General Index and Research Key Terms*

    The *C.J.S. General Index*, usually found at the end of the main volumes, is excellent. It is a multi-volume, softbound index. Since legal encyclopedias are arranged topically, the index will lead us not to a volume and page number, but to a topic and section number. (For instance, *Depo § 273* in the *General Index* would tell the researcher to find the main *C.J.S.* volume covering the topic of *Depositions* and turn to *Section 273*). If the researcher doesn't understand a specific abbreviation, he or she should look at the beginning of a main volume of *C.J.S.*. for an abbreviation table. Many law books, including *C.J.S.*, have such tables.

    The researcher should also observe whether there is a small volume *General Index Update*. This is how the *General Index* is supplemented with more recent information, since softbound volumes usually don't have pocket parts. This update usually comes out midyear. The softbound indexes themselves are typically replaced annually.

HUSBAND AND WIFE—*continued*

Witnesses—*continued*

- notice of right not to testify, **Witn § 151**
- persons who possess or may assert privilege, **Witn § 300**
- privileged communications. **Husband-Wife Privilege** (this index)
- property, crimes against, **Witn § 166**
- recordings, **Witn § 310, 311**
- res gestae, **Witn § 164**
- sham marriage, **Witn § 156**
- statutory provisions, **Witn § 148**
- subject matter of communication or knowledge, **Witn § 304-307**
- third persons
    - communications in presence of third persons, **Witn § 312**
    - crimes against third person, **Witn § 167**
- threats, **Witn § 305**
- time of marriage, **Witn § 153**
- valid marital relationship, **Witn § 152-158, 302**
- videotapes, **Witn § 310, 311**
- voidable marriage, **Witn § 155**
- waiver of husband-wife privilege, **Witn § 174, 175**

Workers' Compensation (this index)

Wrongful Death (this index)

Tasks & Questions § 2.9(c) | Part 1

1. How many volumes make up the *C.J.S. General Index*?
2. Is your research topic covered in the index?
3. The *C.J.S.* index leads to which of the following?
    a. volume number, series, page number
    b. a topic and section number
    c. a topic and key number
4. Does the index have a supplement?
5. If yes, where is it?
6. Is your topic covered in the supplement?
7. List any cites to the *C.J.S.* main volumes the index provides.

2. *Locate the Relevant Main Volume and Look for Footnote References*

After obtaining a topic and section number from the *General Index,* the researcher must find the main volume covering the topic. Then the specific section number is found. After the section number, *C.J.S.* will provide a bold-face short statement of the subject matter for that section number, followed by commentary of the subject matter. If any passage in the commentary is relevant, the researcher can refer to the footnote that corresponds to the raised number (footnote reference) in the commentary.
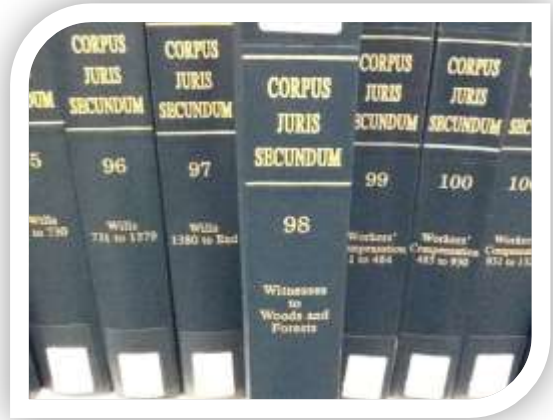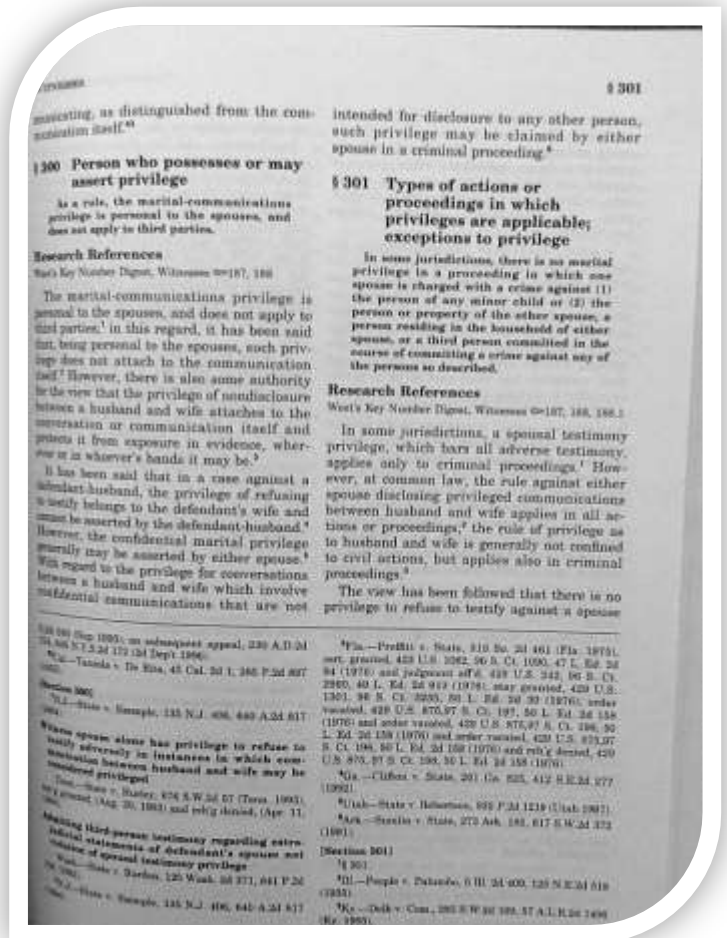

Tasks and Questions § 2.9(c) | Part 2

1. What is the subject matter under your topic and section number? (There should be a short bold-face statement.)

2. Does the discussion provide any footnote references?

3. What kind of research assistance do the footnotes provide?

4. Provide at least one case or statute from the footnotes.

3. *Check the Supplement in the Back of the Volume*
   Each volume of *C.J.S.* is updated annually with a supplement in the back, often called a *pocket part*. Supplements update the material within the hardbound volume.

The purpose of *C.J.S.* is to lead the researcher to primary authority, such as a case or statute. However, before locating the primary authority cited in *C.J.S.*, we must make sure that the material is up-to-date. The researcher should locate the same topic and section number within the pocket part as he or she researched in the main volume. Thus, if *Witnesses* §§ 52, 67, and 127 were researched in the main volume, *Witnesses* §§ 52, 67, and 127 should also be researched in the pocket part. The researcher should also be aware that if a pocket part becomes too thick, the publisher may update volumes by using a separate softbound supplement.

Tasks and Questions § 2.9(c) | Part 3

1. How does *C.J.S.* update material in the main volume?

2. Where does the researcher look in the supplement?

   a. under the Table of Contents
   b. corresponding topic and section numbers
   c. only corresponding section numbers

3. Was there additional material for your research topic in the supplement? If yes, what kind of material?

Checklist § 2.9(c) | Researching C.J.S. in the Law Library

☐ Locate the *General Index* at the end of the *Main Volumes*
☐ Research your terms within the *General Index*
☐ Write down references to *Topic and Section Numbers* (you need both)
☐ Find the *Main Volume* corresponding with the *Topic & Section Number*
☐ Find the *Topic* within that volume
☐ Find the *Section Number* within that topic
☐ Read the article
☐ Take note of any relevant *Footnotes* leading to primary authority
☐ Write down the cites to any relevant authority in the *Footnotes*

§ 2.10 INTERACTIVE STUDY | AMERICAN LAW REPORTS

A.L.R. publishes selected cases, those that are particularly important or interesting, but is most valued for the annotations of those cases.

American Law Reports (A.L.R.) is an annotated report. An annotation is a discussion or commentary. A.L.R. publishes selected cases of unique or important matters. We can still find the case in its original reporter (such as the Pacific Reporter). Only in A.L.R., though, will we find detailed annotations. Although A.L.R. contains *selected* primary authority (cases), A.L.R. is valued mostly for its annotations. Since annotations are secondary authority, we consider A.L.R. secondary authority. There are multiple series of A.L.R. A standard set of A.L.R. will include:

- ALR: 1919 through 1948
- ALR 2d: 1948 through 1965
- ALR 3d: 1965 through 1980
- ALR 4th: 1980 through 1992
- ALR 5th: 1992 through 2004
- ALR 6th: 2004 -
- ALR Fed: 1969 through 2005
- ALR Fed 2d: 2005 -
- ALR International: 2010 –

Updates depend on the series being updated
The first two series have separate sets (*Bluebook of Supplemental Decisions* and *Later Case Service*, respectively), while all other sets update the volumes using pocket parts.

Date ranges
The materials in A.L.R. (1st), obviously are much older than the cases in A.L.R. 4th or A.L.R. 5th. However, you will never have to memorize any of the dates mentioned. Just note two things: A new series of A.L.R. does *not* replace a previous set. It just continues it. The more recent the series, the more relevant the authority within it is likely to be.

Content
A.L.R. (1st), A.L.R. 2d, and A.L.R. 3d contain both state and federal cases. A.L.R. 4th, 5th, and 6th contain only state cases. After A.L.R. 3d, federal cases are reported and annotated in A.L.R. Federal and A.L.R. Federal 2d. A.L.R. International, the newest set, annotates treaties, articles, and cases involving laws between the United States and other nations.

QuickView § 2.10 | American Law Reports

Westlaw Next
1. Locate the main *Search Bar* at the top of the page
2. Type *alr* and click the recommended search of *American Law Reports*
3. In the *American Law Reports* page that opens, enter your *search query* in the main *Search Bar* at top
4. Select an article from the list of *search results*
5. Review several articles and have any relevant documents delivered by printing or email

Lexis Advance
1. In the *Search Query Box* at top, type alr, or *American Law Reports*
2. Click on the *American Law Reports* option below to set that filter
3. After deleting your previous "alr" entry in the text box at the top, enter your client's search query in the same text box and click *Search*
4. Review the Results Page and review any relevant articles by clicking on the title
5. If any relevant articles are found, have them delivered by printing or email and save

Law Library
1. Locate the set of indexes at the end of the set and research key terms
2. The index leads to the main volume using topics and section numbers
3. Look for footnote references that will lead to additional authority
4. Always check the pocket part (supplement)
5. When applicable, utilize the *Volume Index* or the *New Topic Service*

At the time of the printing of this publication, both *Westlaw* and *Lexis* provide online access to *American Law Reports*. It is assumed that you have completed the previous *Westlaw* assignments for *Am. Jur. 2d* and *C.J.S.*

1. *Select the Filter*

    i. In the main search bar at the top, type *alr*

    ii. When the box makes recommendations underneath the search box, select *American Law Reports.* (Be sure to click that suggestion. If you simply type in "*American Law Reports*" *Westlaw Next* will search in Federal databases for those words.) You will now be taken to the *American Law Reports* index page. (Notice that your search filter has been updated to *American Law Reports.)*

2. *Search within the desired filter*

    i. Again using the top search bar, type in a search query relevant to your client's case

    ii. *Westlaw Next* will now search for those terms using the *American Law Reports* filter (database)

3. *Review the Results Page*
    The page that appears is the Results page. Keep in mind that at this point, the Results Page, the researcher is first and foremost trying to determine whether the search was productive, resulting in relevant articles or other authority. If not, tweak your search query in the main Search Bar at the top of the page.

The Results Page has two main elements:

*   **The Main Window** (in the center of the page)
    This is where the "hits" appear from your search

*   **The Narrow Filters Window** (on the far left)
    You can further focus your search results by selecting specific narrowing filters (although this will likely not apply when researching secondary authority since you have already narrowed your filters)

Each "hit" in the main window consists of the title (which is also a link to that "hit"), followed by a short section of the "hit," with terms from your search query highlighted.

By quickly browsing the portion of the document, along with the highlighted terms, the researcher may quickly determine whether or not that "hit" is worth reviewing in further detail. Notice that in the **Narrow** window at left you have other options. First, you are able to *Search within results*, which means you can conduct another search for more specific terms, this time limiting the search to the documents you have already found. You can also further filter the results by checking one or more boxes next to the filters listed. Give it a try a couple of times to see how it works.

4. *Review the Articles*
    The researcher can either:

- Open each "hit" and review the article more thoroughly online,

    Or . . .

- By using the portion of the article provided, simply click the check box to the left of each title and have those articles delivered via email, download, or other means.

The second option is strongly recommended. As a student you are not paying for the time you spend in the site, but in a law firm every minute costs money, eating up the firm's allotted minutes allowed for in its Westlaw subscription. To read each article online is expensive and wasteful. It is thus recommended that you quickly scan the articles, checking off the ones that appear most promising.

The article page itself can be confusing at first glance. However, there are three primary navigation aids that, once recognized, make the page less intimidating. The main goals in using *A.L.R.* are to educate the researcher regarding a specific area of law and to locate primary authority. These navigation tools assist in those efforts. They are:

- *The Article Outline*
- *Index (to that article)*
- *Table of Cases, Laws, and Rules*
- *Research References*

- *The Article Outline*

The Article Outline is a great tool for navigating within an article, detailing each section and subsection. By using the Article Outline (and its associated links) the researcher can be quickly taken to the desired portion of the article.

ARTICLE OUTLINE

§ 1[a] Introduction—Scope
§ 1[b] Introduction—Related matters
§ 2 Summary and comment
§ 3[a] Primary negligence—where applicability of res ipsa loquitur doctrine was at issue—Doctrine applicable
§ 3[b] Primary negligence—where applicability of res ipsa loquitur doctrine was at issue—Doctrine not applicable
§ 4[a] Where applicability of res ipsa loquitur doctrine was not at issue—Negligence established or supportable
§ 4[b] Where applicability of res ipsa loquitur doctrine was not at issue—Negligence not established
§ 5 Proximate cause
§ 6 Contributory negligence
Research References

- *Index*

Most articles over about 10 pages in length (in the hardcover book form) will likely have its own index. This is an often overlooked tool that provides much greater depth than the Article Outline, which is more like a Table of Contents for the article.

- *Table of Cases, Laws, and Statutes*

There is a section following the Article that will collect all authorities mentioned within that article, sorting them by type (Secondary, Statutes, Cases) and even by Jurisdiction (specific states and specific Federal Circuits). The best way to use this is, once an article has been deemed to be relevant, check the Table of Cases and Statutes to see if there is any authority from your jurisdiction.

- *Research References*

This is a fantastic tool. It does your research for you. The Research Reference section will provide relevant West Key Digest Numbers, other relevant A.L.R. articles, and even references to other research materials. In other words, once you locate a relevant article in A.L.R., your research is almost done. It does the work.

RESEARCH REFERENCES

West's Key Number Digest
West's Key Number Digest, Asylums ⌐—7
West's Key Number Digest, Asylums ⌐—8
West's Key Number Digest, Negligence ⌐—32(4)
West's Key Number Digest, Religious Societies ⌐—30
West's Key Number Digest, Religious Societies ⌐—31(5)
West's Key Number Digest, Schools ⌐—5

A.L.R. Library
Index to Annotations, **Child** Care
Index to Annotations, Negligence
Index to Annotations, Nursery Schools
Index to Annotations, Premises **Liability**
Index to Annotations, Private and Parochial Schools
Index to Annotations, Teachers and Instructors
Liability of Public or Private Schools or Institutions of Higher Learning, or Personnel Thereof, in Connection with Suicide of Student, 100 A.L.R.6th 863

Note about Supplements (Cumulative Supplements) in A.L.R. Online
Unlike in some other publications hosted online, A.L.R. does have online supplements. These supplements update and augment the original material in the volume. Since individual sections of an article may be updated, the supplements are usually found at the bottom of the section of the article being viewed.

Note that the first time a section of an article is update it is called a

> ...ever, the court emphasized that the petition did not allege any act or occurrence that was the responsibility of the corporation and that was relied on as the basis for an inference of the corporation's negligence. Although res ipsa excuses a plaintiff from proof of the exact cause of the injury-producing occurrence, said the court, it does not avoid the necessity of allegation and proof of an occurrence from which the inference of negligence is to arise.
>
> **CUMULATIVE SUPPLEMENT**
>
> **Cases:**
>
> Res ipsa loquitur doctrine did not apply in case involving 4-year-old child who broke his femur while under supervision of church day-care center where injury resulted from child's fall while running; 4-year-olds can fall without anyone being negligent, no expert testimony was offered to effect that injury could not have been caused by mere fall, and no facts were presented to show how defendant's level of supervision could possibly have caused or prevented child's fall. Ward v Mount Calvary Lutheran Church (1994, App) 178 Ariz 350, 873 P2d 688, 162 Ariz Adv Rep 53.
>
> **[Top of Section]**
>
> **[END OF SUPPLEMENT]**
>
> **§ 4[a] Where applicability of res ipsa loquitur doctrine was not at issue—Negligence established or supportable**

Supplement. Thereafter, it will be referred to as a *Cumulative Supplement*, meaning it has accumulated supplemental material from the current date as well as previous updates.

Also, it can be a bit confusing to identify when a supplement starts and when it ends. Look for "SUPPLEMENT" or "CUMULATIVE SUPPLEMENT" for the start, and a bracketed [END OF SUPPLEMENT] at its conclusion. Remember, an article may have many supplements, one for every individual section of the article.

5. *Delivery of Documents*

Once you have identified that an article or document is relevant, and you want to have access to it later, and probably offline, you have the standard choices:

- *Email*
- *Print*
- *Download*
- *Dropbox*
- *Kindle*
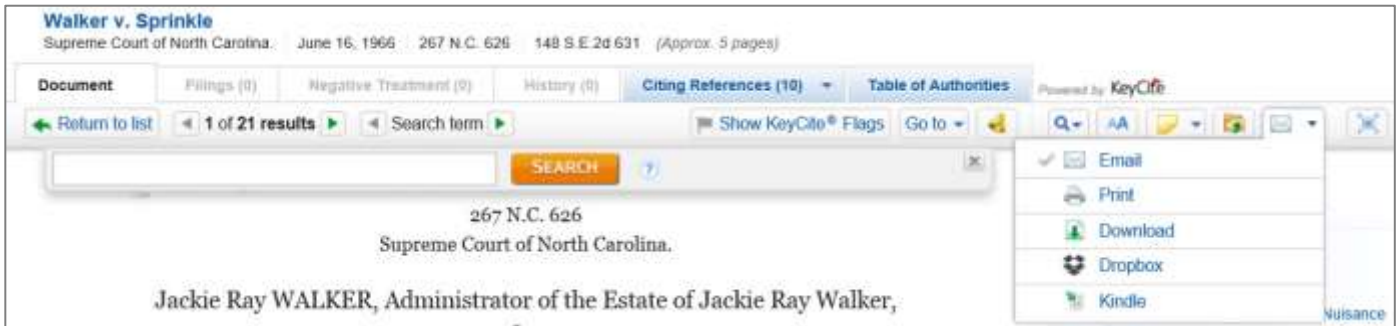
The Delivery Icon looks like an envelope. When you click on it a drop down menu will appear with several options for delivery of your documents. (Remember, in a real job it costs money no matter what form of delivery is used, so practice being frugal about your choices for delivery.)

Checklist § 2.10(a) | Researching A.L.R. on *Westlaw Next*

☐ In the *Search Query Box* at the top of the page, type: *alr*

☐ Select *American Law Reports* from the recommended list of filters

☐ In the *Search Query Box*, type in your client's search query

☐ Review the partial articles provided in the *Results Page* and select a relevant article by clicking on the title link

☐ Use the *Article Outline* to locate the most relevant parts of the article

☐ Click on relevant *Footnote Links* (FN) to obtain primary authority

☐ Review any *Cumulative Supplement* sections for updates

☐ Be sure to copy cites to, or download, relevant primary authority

1. What page appeared after you typed *alr* and selected *American Law Reports*?

2. What search query did you use?

3. Were you satisfied with your search query, or did you need to modify it?

4. When you reviewed the *Results Page*, did you use the *Narrow* options at left to further focus your search by selecting additional filters?

5. After locating the *Article Outline,* did there appear to be relevant material? If so, what section of the *Article* appeared relevant for your case?

6. Did your *Annotation* have an *Index*?

7. Did the section of the *Article* you researched have a *Cumulative Supplement* section? If so did it affect your research?

8. Were you led to any relevant primary authority either in the *Article* or in the *Footnotes*? If yes, make note of those authorities.

Assignment § 2.10(b) | American Law Reports on *Lexis Advance*

At the time of the printing of this publication, both *Westlaw* and *Lexis* provide online access to *American Law Reports*. It is assumed that you have completed previous *Lexis* assignments for *Am. Jur. 2d* and *C.J.S.* to minimize duplication of instruction where possible.

1. *Select your Filter(s)*
   In the *Search Query Box* at top, type alr, or *American Law Reports*. After the recommendations appear below the text box, click on the *American Law Reports* option to set that filter.
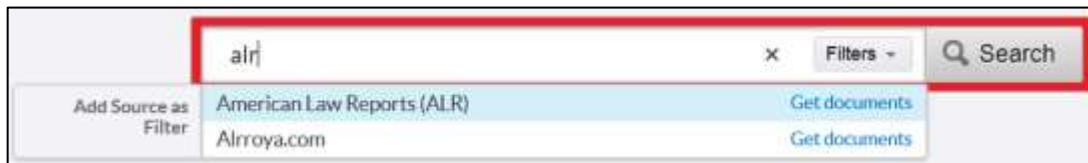
   Remember, it is possible to set multiple filters during your research. For example, you could also select a filter for your jurisdiction, such as your state, so that results from A.L.R. that included authority from your state would be featured in the Results Page. For now, use only the *American Law Reports* filter.

2. *Enter your Search Query*
   Prior to entering your search query, you will need to delete previous "alr" entry in the text box at the top. After you have erased that, enter your client's search query in the same text box and click *Search*.

3. *Review the Results Page*
   If any articles from A.L.R. contain the words and phrases contained in your search query, fragments of those articles will be displayed on the Results Page.

   Using the portions of the articles that have been displayed, along with the highlighted terms in the articles that match your query, you will be able to quickly identify possibly relevant articles. The title of the article is also a link to the full document.
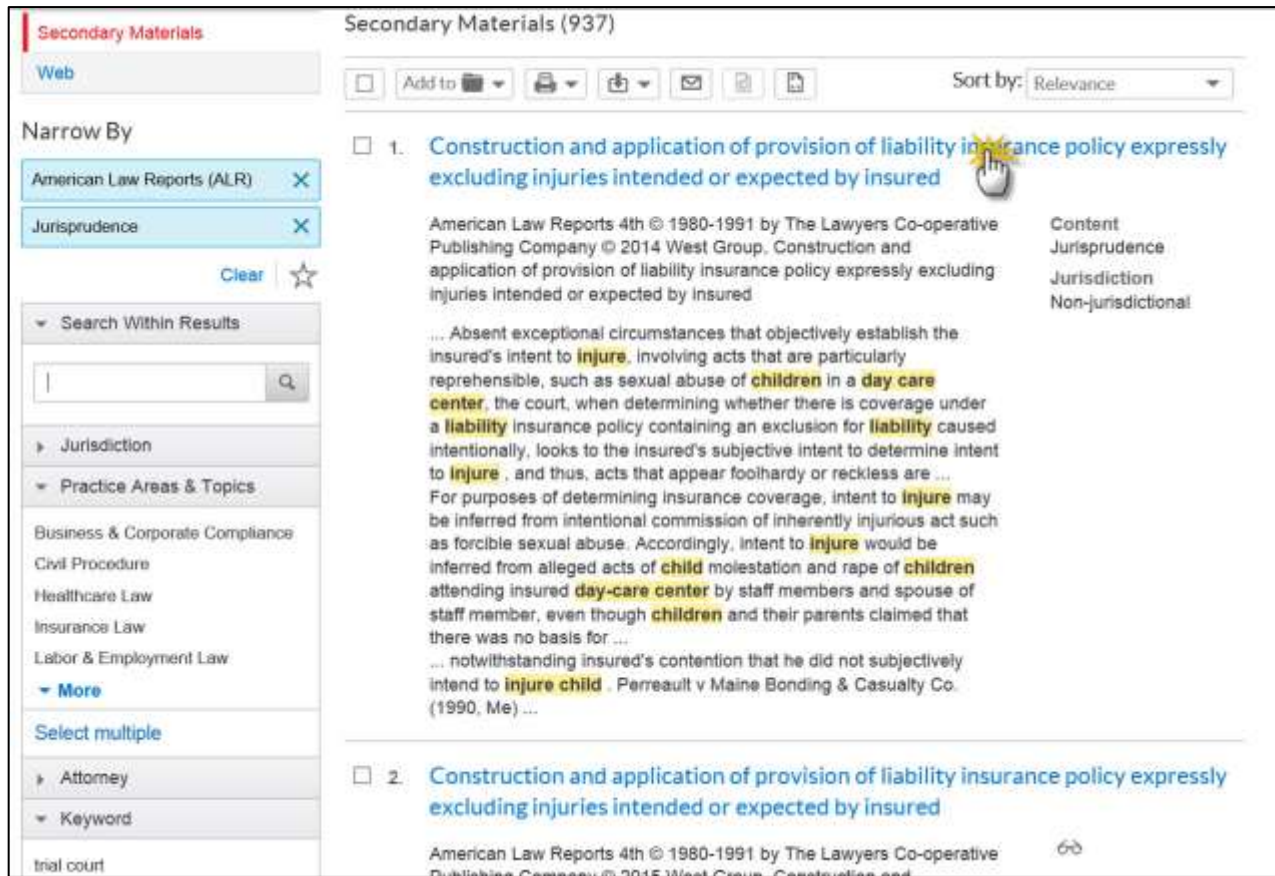
If there are simply too many results and you wish to focus your search further, the two best ways are to add filters or to search within the current search results. Both are accomplished using the Narrows Window at the left of the screen.

- **Add Filters to Current Results**

  In the Narrows Window you will see several categories and menus. Each of these, when clicked on, add filters to the existing search. For instance, in the example below there are several areas of practice listed, including Insurance Law, Healthcare Law, and more. You can further filter the results to include one of those areas.
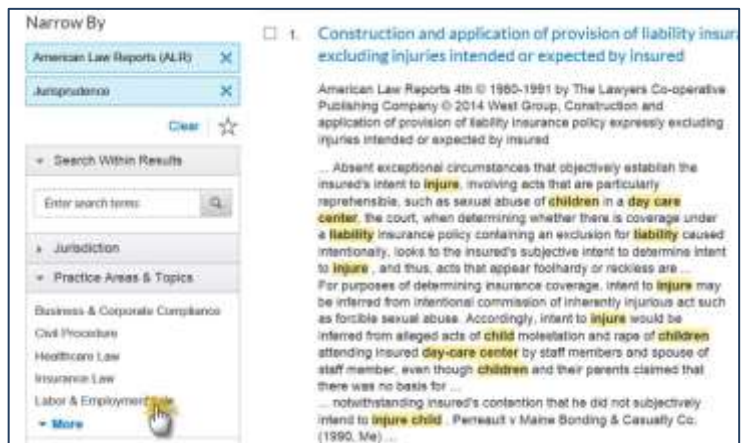
Once you add one of the filters, the results are refreshed and the new filter has been added at the top of the Narrows Window. Note that you may even be given additional subtopics (which are even more filters) to select from once a topic filter has been added.


- **Search Within the Current Results**

  In the Narrows Window you also find the *Search Within Results* text box. Use this tool to add search terms that will further focus the results.

4. *Review Relevant Articles*

The articles within A.L.R. are different from most other research books. A.L.R. attempts to not only explain the law and refer to other authorities, including law. It also provides tools to expand your research by referring to additional research sources, and it provides tools to narrow your research by allowing the researcher to search for authority within his or her jurisdiction. Perhaps most impressively, A.L.R. refers to authorities on both sides of a legal issue. Do you need to find authority that supports liability of a child care provider for injuries suffered by a child? No problem. Do you need to find authority that does not support authority of a child care provider for injuries suffered by a child? Again, no problem. A.L.R. does both.

To most efficiently utilize the online A.L.R. article, the publication provides the following tools, all of which are linked to at the top of the article:

- **Article Outline**
- **Index of Terms**
- **Table of Jurisdictions Represented**
- **Table of References**
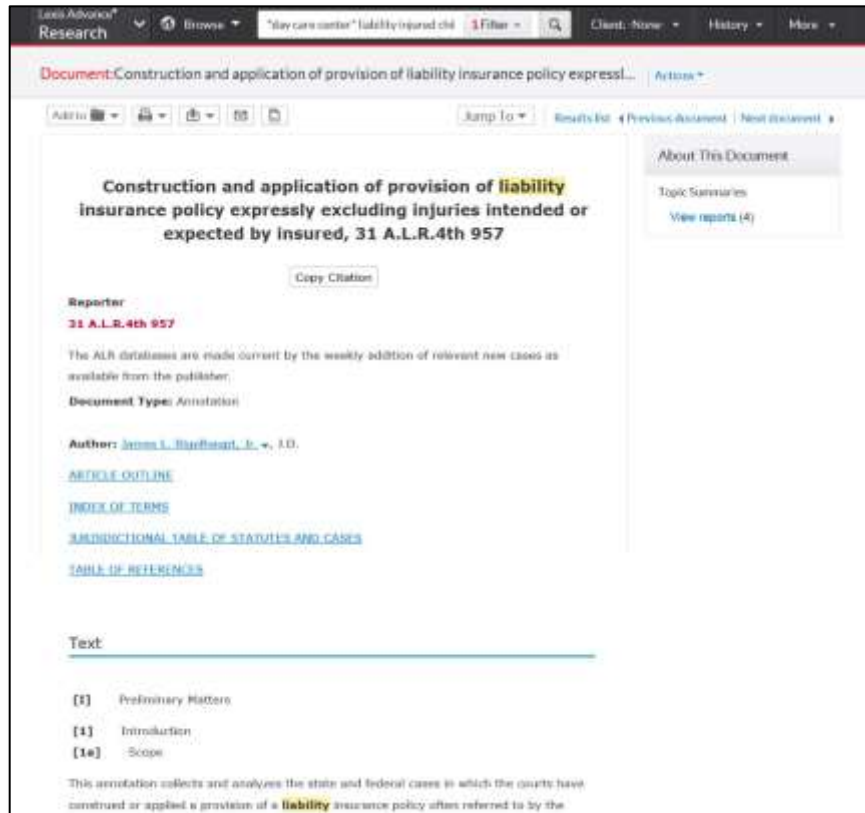
- **Article Outline**
  The Article Outline acts like a table of contents for the article. Quickly identify and locate a relevant issue within the article by clicking on the small blue down arrow at the right of the desired topic.
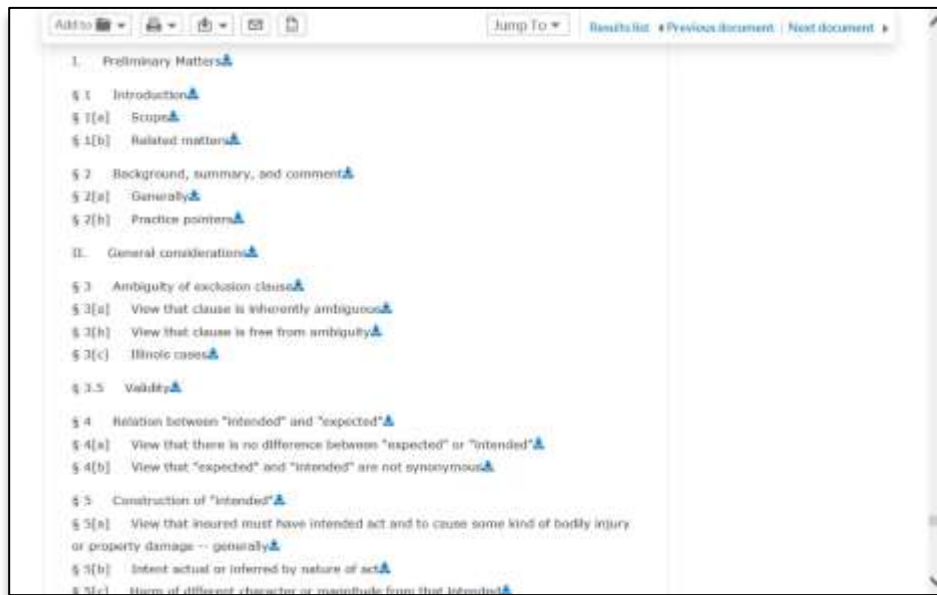
- **Index of Terms**
  Does your client's issue involve something really specific, such as animals? Or insurance issues? Or whatever? The article Index is very specific and thorough, much more so than the average index. Use this tool to become more efficient. Or just to browse if you are out of ideas.
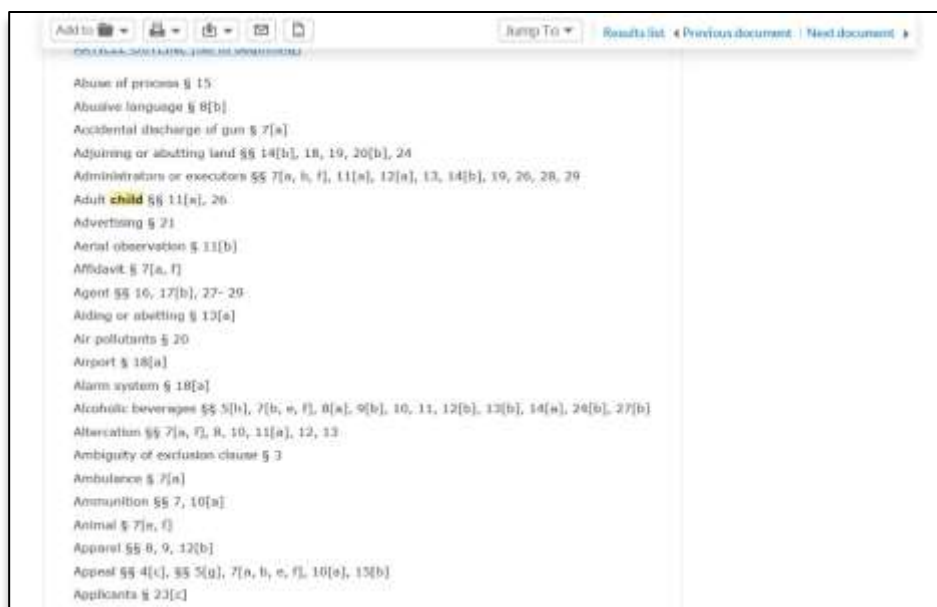
- **Table of Jurisdictions Represented**
  If you find a relevant article, that's great. But what would be even greater is if you could also locate authority (cases, statutes, etc.) from your jurisdiction that dealt with the same issues. The Table of Jurisdictions Represented does just that.

- **Table of References**
  All of the authorities referred to in the article are collected and arranged according to type in the Table of References.

5. *Locate Additional Authority*
   Always remember that secondary authority, such as A.L.R., has two purposes. To educate the reader about areas of law and to lead to primary authority (law). While the A.L.R. may refer to all kinds of authority, such as secondary and even non-authority (such as digests), the authority a researcher most wants to be led to is primary authority. The law. Statutes, court opinions, regulations, or any other form of law.

   A.L.R. utilizes two devices within its publication to lead the researcher to this additional authority.

   Footnotes. First, footnote references within the article (annotation) lead the researcher to other research sources, most importantly primary authority. Click on the green footnote reference if to review authorities that deal with the same or similar issues. The footnotes themselves are collected together at the end of the article.
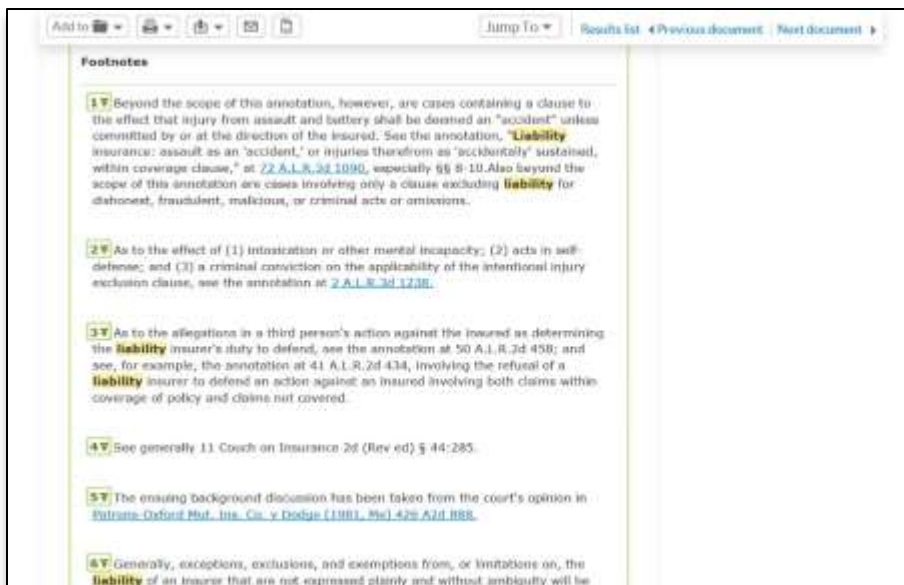
Supplements. Second, in the hard copy publications found in the law library, the hard bound volumes are updated by cumulative supplements placed in the back of each volume. Those supplements provide updates to the annotation, if there are any, and any new references to authority that came out since the article was originally published.

In the online version of A.L.R., the Cumulative Supplement (now sometimes called Cumulative Cases) is found following each section of the annotation. In other words, instead of collecting all the supplemented information at the end of the article, A.L.R. updates each individual section of the article making it much easier for the researcher to make sure the information is up-to-date.
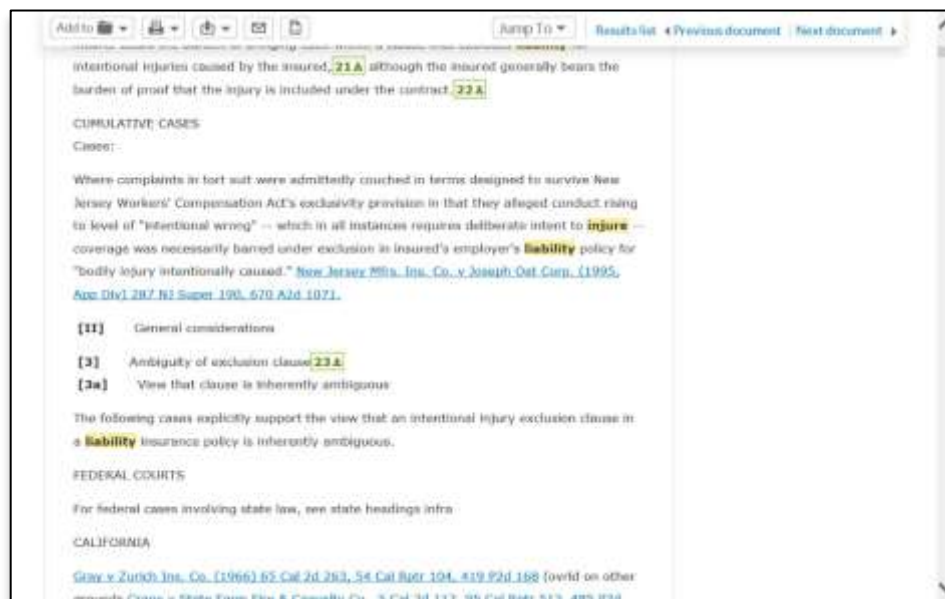
6. If any relevant articles are found, have them delivered by printing or email and save

   - Click the *Search* tab
   - Click the link to *Secondary Legal*
   - Click the *Jurisprudences, ALR, & Encyclopedias* link in right column
   - Click the *American Law Reports (ALR)* link.

Checklist § 2.10(b) | Researching American Law Reports on *Lexis Advance*

☐ In the *Search Query Text Box*, type: *alr*

☐ Select the *American Law Reports* filter

☐ Enter your search query in the same *Search Query Text Box*

☐ In the *Results Page*, modify the query, or *search within results*, as needed

☐ Using the *Article Outline*, read the relevant parts of the article

☐ Use the *Index* to focus your research as needed

☐ Review the *Jurisdictional Table* and *Cumulative Cases* sections for primary authority and updates

☐ Be sure to copy cites to, or download, relevant primary authority

Tasks & Questions § 2.10(b) | American Law Reports on *Lexis Advance*

1. What method did you use to locate the database?

2. What search query did you use?

3. Were you satisfied with your search query, or did you need to modify it?

4. Locate the *Article Outline*. Does there appear to be relevant material? If so, what section of the *Article* was relevant?

5. Did your *Annotation* have an *Index*?

6. Did the section of the *Article* you researched have a *Cumulative Cases* section at its end? If so did it affect your research?

7. Were you led to any relevant primary authority either in the *Article* or in the *Footnotes*? If yes, make note of those authorities.

When researching in the library, the general rule is to *always begin in the index*. This is the case for *American Law Reports*.
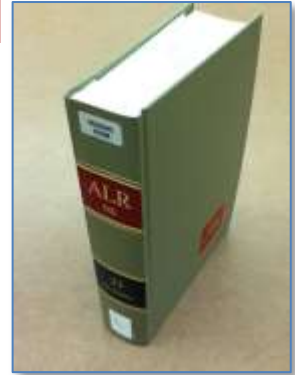
### *1.* **Locate the General Index and Research Key Terms**

Always begin your research in the broadest index. When researching in some libraries you might find several indexes for A.L.R.: orange, red, black, green. Many of these indexes are specific to an individual series, or they are abbreviated desktop indexes. Some are antiquated and should not be used. The broadest A.L.R. index is called simply A.L.R. Index.

This multi-volume index has the same khaki green cover as the main volumes and is usually found at the end of the most recent set of A.L.R.s. The index will lead you to annotations within A.L.R. 2d, A.L.R. 3d, A.L.R. 4th, A.L.R. 5th, A.L.R. 6th, A.L.R. Federal, A.L.R. Federal 2d, and even the newest set, A.L.R. International. The goal of the index is to lead the researcher to the main volumes.

Each index will have a supplement in the back of the book, often referred to as a pocket part. This supplement should be researched since it updates and adds to materials within the main volume. Since A.L.R. is arranged chronologically, not topically, the researcher is led to a specific volume, series, and page number. For example: 14 A.L.R. 4th 481.

Tasks & Questions § 2.10(c) | Part 1

1. How many volumes make up the *A.L.R.* General Index?

2. Is your research topic covered in the index?

3. The *A.L.R.* index leads to which of the following?

> a. volume number, series, page number
> b. a topic and section number
> c. a topic and key number

4. Does the index have a supplement?

5. If yes, where is it?

6. Is your topic covered in the supplement?

7. List any cites to the *A.L.R.* main volumes the index provides.
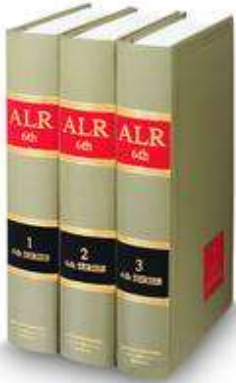
2. *Locate the Relevant Main Volume and Locate the Annotation*
The *Index* leads the researcher to the annotation within the main volumes. The publisher provides several tools to help the researcher use the annotation. These include:

- *Total Client-Service Library*
- *Table of Contents*
- *Annotation Index*
- *Table of Jurisdictions Represented*

Total Client-Service Library
Lawyers Cooperative provides a list of books, sometimes contained within a box, to help the researcher broaden the scope of his research. This tool is called the *Total Client-Service Library*. This list contains references to other books by *Lawyers Cooperative Publishing Company* that deal with the same topic. Included among the books that may be listed are: *Am. Jur. 2d, Federal Procedural Forms*, *Am. Jur. Pleading and Practice Forms*, *Proof of Facts,* and many others. You can use these resources to further research the same topic.
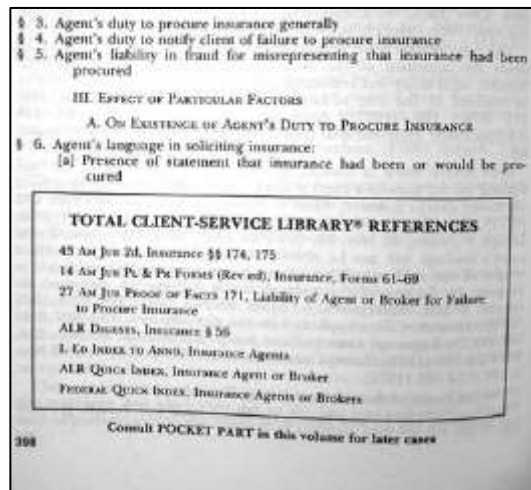
Table of Contents
The *Table of Contents* breaks down the annotation into its various points. One of the most helpful aspects of A.L.R. is that it will discuss multiple sides of a legal argument, providing contrary authority. For instance, A.L.R. may provide instances where courts have held that a husband who forces his wife to have sex has committed a sexual assault, as well as authority which holds the contrary view. The *Table of Contents* leads the researcher to a specific point in the annotation (For instance: §4b). This means that the researcher should refer to Section 4b within that specific annotation.

Annotation Index
Many, but not all, annotations feature an index at the beginning of the annotation which helps researchers access relevant section numbers within.

Table of Jurisdictions Represented
A.L.R. provides a collection of authorities, mostly primary, from multiple jurisdictions.

Tasks & Questions § 2.10(c) | Part 2

    a. In which series of A.L.R. are you working?

    b. Did the index lead you to the annotation, or the case upon which the annotation is based?

    c. Is the case printed before or after the annotation?

    d. Provide at least two additional research sources from the *Total Client-Service Library* (TCSL).

    e. Does the annotation have a table of contents?

    f. Does your annotation have an index?

    g. Locate the *Table of Jurisdictions Represented*. Which of the following states has authority cited within the annotation?

        a. Nevada
        b. California
        c. New York
        d. Colorado

3. **Always check the pocket parts (supplements)**
Supplements update the material within the main volume. But the first two series are updated differently from the others. The purpose of A.L.R. is to lead the researcher to primary authority. However, before locating primary authority A.L.R. has cited, make sure the material is up-to-date.

In A.L.R. 3d, A.L.R. 4th, A.L.R. 5th, A.L.R. 6th, both sets of A.L.R. Federal, and A.L.R. International, the researcher can find updates by turning to the pocket part in the back of the volume. These pamphlets are usually labeled Supplement. Within the supplement, the researcher turns to the same page number that was being researched in the main volume. For instance, if the cite in the main volume the researcher was looking up was 83 A.L.R. 4th 685, the researcher should find the corresponding cite in the supplement (83 A.L.R. 4th 685-727). The researcher will be able to see if any recent cases have altered or updated the material. In fact, A.L.R. will lead to specific section numbers.

A.L.R. (first series) and A.L.R. 2d are supplemented by hardbound series rather than pocket parts. The *A.L.R. Blue Book of Supplemental Decisions* acts as a hardbound supplement to A.L.R. (first series). The *A.L.R. Blue Book* itself has pocket parts. (That's right! Even the supplement has a supplement!)

A.L.R. 2d has no pocket parts. It is updated with a hardbound supplement titled the *A.L.R. 2d Later Case Service*.

Tasks & Questions § 2.10(c) | Part 3

1. Was your annotation updated in the main volume pocket part?

2. Locate the *A.L.R. Blue Book of Supplemental Decisions*.

3. Locate *A.L.R. 2d Later Case Service*

Checklist § 2.10(c) | Researching American Law Reports in the *Law Library*

☐ Locate the *A.L.R. Index* at the back of the most recent series

☐ *Search* for your research terms

☐ Take note of any citations (*Volume, Series, and Page Number*) that the index provides

☐ Go to the appropriate *series*, locate the volume, and turn to the *page*

☐ Research within the *Annotation*

☐ Review the *Table of Jurisdictions* and *Research References* for additional authority

☐ Be sure to check the *supplement (pocket part)*, referring to the same volume and page number as in the main volume itself

CHAPTER 2 WRAP-UP

WHAT YOU SHOULD KNOW...
After reading this chapter you should know the following:

- ☐ How to use an index
- ☐ How to create a search query
- ☐ How to navigate within *Westlaw*
- ☐ How to navigate within *Lexis*
- ☐ How to research using *Am. Jur. 2d*
- ☐ How to research using *C.J.S.*
- ☐ How to research using *A.L.R.*

ASSIGNMENTS
For this chapter you will be required to complete the following (unless otherwise instructed):

☐ **Assignment § 2.7**   Due Date: /   /
- **(a)** *Scavenger hunt using Westlaw Next*
- **(b)** *Scavenger hunt using Lexis Advance*
- **(c)** *Scavenger hunt using the Law Library*

☐ **Assignment § 2.8**   Due Date: /   /
- **(a)** *Researching Am. Jur. 2d using Westlaw Next*
- **(b)** *Researching Am. Jur. 2d using Lexis Advance*
- **(c)** *Researching Am. Jur. 2d using the Law Library*

☐ **Assignment § 2.9**   Due Date: /   /
- **(a)** *Researching C.J.S. using Westlaw Next*
- **(b)** *Researching C.J.S. using Lexis Advance*
- **(c)** *Researching C.J.S. using the Law Library*

☐ **Assignment § 2.10**   Due Date: /   /
- **(a)** *Researching A.L.R. using Westlaw Next*
- **(b)** *Researching A.L.R. using Lexis Advance*
- **(c)** *Researching A.L.R. using the Law Library*