

# Chapter 10: Authority: Additional Search Techniques

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## Chapter Outline:

- ✓ § 10.1 Alternatives to *Westlaw* & *Lexis*
- ✓ § 10.2 Terms & Connectors Search Queries

### § 10.1 ALTERNATIVES TO WESTLAW & LEXIS

*Westlaw* and *Lexis* dominate the field of online legal research, and they have for the past three decades. However, there are alternative sites that have improved to the point that they have become effective alternatives for many small law firms and individual users.

These new sites, in some ways, do not really compare to the vast databases included in *Westlaw* and *Lexis*. While most of the primary authority can be found in the newer, less expensive sites, the secondary sources, litigation aids, forms, and bonus features found in *Westlaw* and *Lexis* are simply not available, or are available in fractional amounts. Just as important, the search engines that power the researcher's queries are not nearly as robust in the newer research sites.

However, even with these limitations, these new sites may offer a real alternative to the well-rounded researcher. When combining the primary sources available in these sites with law library resources available at no cost to the researcher, (especially form books, treatises, and secondary authorities such as A.L.R.), an attorney or paralegal has a fairly comprehensive and affordable research option.

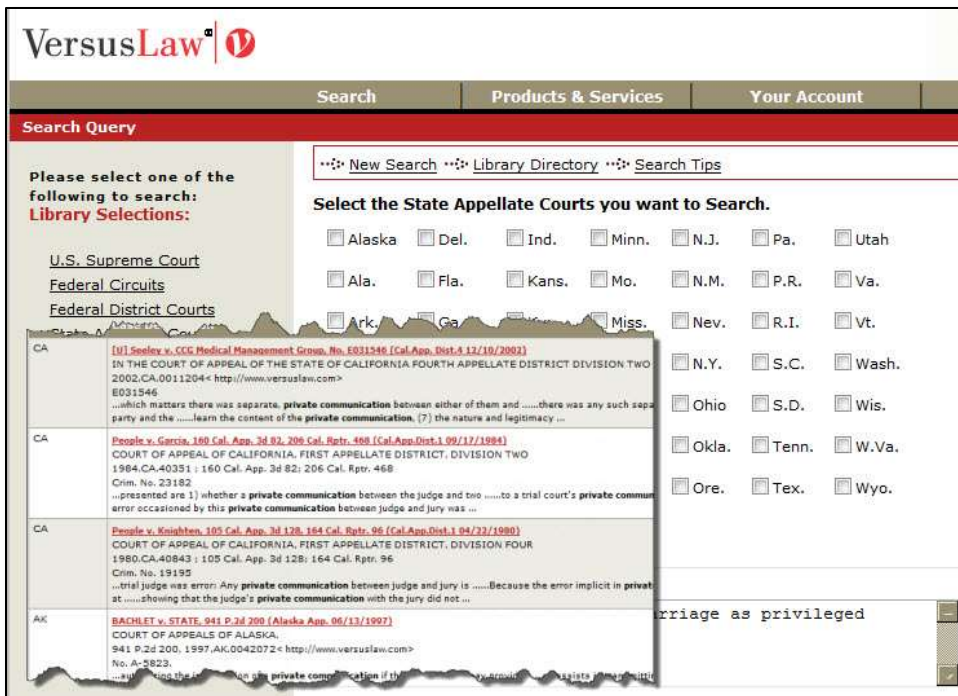
**A Cautionary Tale: FindLaw.com**

FindLaw.com was a fledgling legal resource site in the late 1990s. It was the first site to actually concern the big players in online legal research, offering an ever-growing collection of primary authority at no charge to the public, as well as a few other services (such as the email service *justicemail.com*). Sadly, it was a bit too successful. In 2001, FindLaw.com was acquired by WestGroup. Despite assurances that FindLaw.com would only get better as a result of the takeover, within 18 months the primary sources were removed, *justicemail.com* stopped enrolling new users, and the site turned into a basic front page for fee-based West products. Free online access to the law took a major hit.

Hopefully, the new sites offering legal research at more affordable prices will not suffer the same fate. Even better, perhaps the U.S. Justice Department will once again take its role as protector of consumer rights more seriously and prevent what are, to any objective observer, obvious monopolistic trade practices.

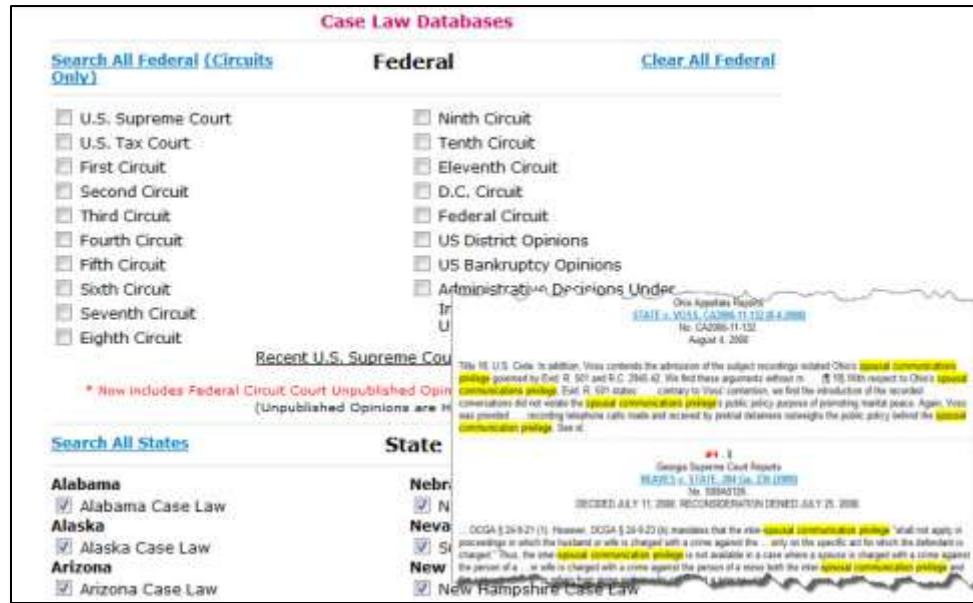
*VersusLaw.com*

The most cost-affordable site, but only contains primary authority. With that in mind, combining the primary sources with law library materials presents a cost-effective option to smaller law firms and individuals.



*Loislaw.com*

Research with a monthly or yearly subscription fee, or use the site for as little as a day or week at a time. Contains most primary authority from all 50 states and the federal government, and some subscriptions include access to form databases, although only a fraction of those available in the major sites.



*National Law Library (itislaw.com)*

As with the other cost-efficient sites, the *National Law Library* includes most primary authority from state and federal courts. The NLL uses a *Boolean-based* search engine to increase query result reliability.



## § 10.2 TERMS & CONNECTORS SEARCH QUERIES

Up to this point you have researched using the *Natural Language* in both *Westlaw Next* and *Lexis Advance*. The other option for query formulation is the *Terms and Connectors* query. It is a bit more complex, but many find that it results in more accurate query results.

*Terms and Connectors* searches rely on *proximity locators*. This is a way to tell the research system how close terms or phrases should be to each other. In other words, if I am researching the term *attorney* and *malpractice*, how close do I want those words to appear?

*Westlaw Next* and *Lexis Advance* differ slightly in the form of proximity locators, but they serve the same functions.

### Assignment § 10.2(a) | Terms & Connectors Search Queries in *Westlaw*

For *Terms and Connectors* searching, use connectors to specify the relationships that must exist between the terms in your retrieved documents. You can also use the *root expander* and the *universal character* to ensure that your search retrieves different forms of your search terms.

For this discussion, assume your key terms and alternative terms are the following:

liable	day care center	injury	child
responsible	preschool	harmed	juvenile
	child care center	hurt	minor

A *Natural Language* search would be simple enough. Using the *Terms and Connectors* option, though, provides a more specific and detailed search opportunity. However, prior to adding connectors, we must prepare the above search terms by using *expanders* and other special treatments.

#### **Expanders** (Also referred to as *Extenders*)

Notice the first key term, *liable*. As written, the computer will search for *liable*, but will not search for *liability*. To solve this problem, we can use the **root expander** to find different forms of the same word.

In this case, we cut the word to the point where *liable* and *liability* are identical (similar to the root). We then place the "!" (exclamation mark) after that root: *liab!*. Now, *Westlaw* will search for both versions.

The "\*" (asterisk) is called a **universal character expander**. This expander stands in for any letter in the middle or at the end of a word. For example, *hand!* would find *hand, handicraft, handyman*, etc. If you were looking only for *hand, handle* or *handled*, you could use *hand\*\*\**, limiting the search to the root *hand* and three more letters.

The "\*" may also be used within a word as a place holder to look for alternatives. For instance, *dr\*nk* will look for *drink, drank*, and *drunk*. *dr\*nk!* would find *drink, drank, drunk, drinking, drinker*, and *drunkest*.

### Plurals

*Westlaw* automatically searches for plural and singular options of query terms. To turn this feature off, place the # symbol before that term: *#damage*. Now *Westlaw* will search for *damage*, but not *damages*. One other problem is that *Westlaw* does not search for all irregular plurals. For instance, if *thief* is a search term, *Westlaw* will not search for *thieves*. Thus, to be safe, account for any irregular plurals.

### Multi-word Phrases

Also notice that if you have any multi-word phrases such as *day care center*. As written, the computer would find the phrase:

*The woman shot the man in the **center** of his abdomen and apparently did not **care** that it was the **day** before their anniversary.*

To avoid such unwanted results, place the desired phrase in quotation marks. Our list now looks like this:

liab!	"day care center"	injur!	child
responsib!	preschool	harm**	children
	"child care center"	hurt	juvenile
			minor

Now the researcher must determine in what proximity the words should appear in relationship to each other. The proximity locators, called *connectors* by *Westlaw*, must be placed between the groups of words.

Notice the first column. The researcher is looking for *liab!* or *responsib!* In *Westlaw*, a space is read by the search engine as the word "or." Thus, "liab! responsib!" is read as "liab! or responsib!" to *Westlaw*.

We first group all of our terms together with their alternatives:

liab! responsib!

"day care center" preschool "child care center"

injur! harm hurt

child children juvenile minor

Now we determine how those groupings should relate to each other. Do we want the first group to appear within the same sentence? The same paragraph? Anywhere in the same opinion? To accomplish this, use the following *connectors*:

/s = same sentence

/p = same paragraph

& = and (two separate terms appear anywhere in the opinion)

= or (space bar)

Placing the connectors between the groups of terms results in:

liab! responsib!

/p

"day care center" preschool "child care center"

&

injur! harm hurt

/s

child children juvenile minor

### The **But Not** Tool

The *But Not* tool allows the researcher to eliminate a term from the search. Assume in the above search that the researcher did not want to search the term *baby*. Simply use the % symbol prior to the term: %*baby*

We now have a completed *Terms and Connectors* query. When typed into the search query text box in *Westlaw*, it would look like this:

liab! responsib! /p "day care center" "preschool" "child care center"

& injur! harm\*\* hurt /s child children juvenile minor %baby

### **Exercise § 10.2** | Terms & Connectors Search Query in *Westlaw*

Using your client's fact pattern, try modifying your previous *Natural Language* query into a *Terms & Connectors* query. Determine whether the results are more helpful, less helpful, or roughly the same.

**Assignment § 10.2(b)** | Terms & Connectors Search Queries in *Lexis*

Again, this process is very similar for *Westlaw* and *Lexis*. For *Terms and Connectors* searching, use connectors to specify the relationships that must exist between the terms in your retrieved documents. The basic difference is that *Lexis* uses additional connectors, even trying to make them more user friendly by providing automatic query modification in the text box.

For this discussion, assume your key terms and alternative terms are the following:

liable	day care center	injury	child
responsible	preschool	harmed	juvenile
	child care center	hurt	minor

A *Natural Language* search, as you have been using up to this point, would be simple enough. Using the *Terms and Connectors* option, though, provides a more specific and detailed search opportunity. Prior to adding connectors, we must prepare the above search terms by using *expanders* and other special treatments.

**Expanders** (Also referred to as *Extenders*)

Notice the first key term, *liable*. As written, the computer will search for *liable*, but will not search for *liability*. To solve this problem, we can use the **Wildcard Character** to find different forms of the same word.

The "\*" (asterisk) is called a **Wildcard Character**. This expander stands in for any letter in the middle or at the end of a word (but in *Lexis*, not as the first letter of the word). For example, *hand!* would find *hand*, *handicraft*, *handyman*, etc. If you were looking only for *hand*, *handle* or *handled*, you could use *hand\*\*\**, limiting the search to the root *hand* and three more letters.

The "\*" may also be used within a word as a place holder to look for alternatives. For instance, *dr\*nk* will look for *drink*, *drank*, and *drunk*. *dr\*nk\*\*\** would find *drink*, *drank*, *drunk*, *drinking*, *drinker*, and *drunkest*.

**Plurals**

*Lexis* automatically searches for plural and singular options of query terms, with a couple of exceptions. *Lexis* will not locate plurals that are considered irregular, such as *children*. Thus, we must tell the system to look for *child* or *children*.

### Multi-word Phrases

Also notice if you have any multi-word phrases such as *day care center*. As written, the computer would find the phrase:

*The woman shot the man in the **center** of his abdomen and apparently did not **care** that it was the **day** before their anniversary.*

To avoid such unwanted results, place the desired phrase in quotation marks. Our list now looks like this:

liab*****	"day care center"	injur***	child
responsib*****	preschool	harm**	children
	"child care center"	hurt	juvenile minor

Now the researcher must determine in what proximity the words should appear in relationship to each other. The proximity locators, called *connectors* by *Lexis*, must be placed between the groups of words.

Notice the first column. The researcher is looking for liab\*\*\*\*\* or responsib\*\*\*\*\*. In *Lexis*, a space is historically read by the search engine as the word "or," but there seems to have been a change in this structure. For best results, place the word OR between alternate terms.

Grouping all of the similar terms together, place the word OR between:

liab\*\*\*\*\* OR responsib\*\*\*\*\*

"day care center" OR preschool OR "child care center"

injur\*\*\*\* OR harm\*\* OR hurt

child OR children OR juvenile OR minor

Now we determine how those groupings should relate to each other. Do we want the first group to appear within the same sentence, or paragraph, or just within the same opinion? To accomplish this, use *Lexis* connectors:

/10 = within 10 words of each other (or any other number)

/s = same sentence

/p = same paragraph

AND = and (two separate terms appear anywhere in the opinion)

OR = or



Placing the connectors between the groups of terms results in:

```
liab***** OR responsib*****  
/30  
"day care center" OR preschool OR "child care center"  
AND  
injur**** OR harm** OR hurt  
/10  
child OR children OR juvenile OR minor
```

### The *And Not* Tool

The *And Not* tool allows the researcher to eliminate a term from the search. Assume in the above search that the researcher did not want to search the term *baby*. Simply use *AND NOT* prior to the term: *AND NOT baby*

We now have a completed *Terms and Connectors* query. When typed into the search query text box in *Lexis*, it would look like this:

```
liab***** OR responsib***** /30 "day care center" OR "child care  
center" OR preschool AND injur**** OR harm** OR hurt /10 child  
OR children OR juvenile AND NOT baby
```

### Exercise § 10.2(a) | Terms & Connectors Search Query in *Lexis*

Using your client's fact pattern, try modifying your previous *Natural Language* query into a *Terms & Connectors* query. Determine whether the results are more helpful, less helpful, or roughly the same.

## CHAPTER 10 WRAP-UP

### WHAT YOU SHOULD KNOW...

After reading this chapter you should know the following:

- That other online research sites besides *Westlaw* and *Lexis* exist
- The limitations of those other online research sites
- How to create a *Terms & Connectors* search query in *Westlaw*
- How to create a *Terms & Connectors* search query in *Lexis*

### ASSIGNMENTS

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

**Assignment § 10.2(a)** Due Date:    /    /

*Practice Terms & Connectors search query using Westlaw*

**Assignment § 10.2(b)** Due Date:    /    /

*Practice Terms & Connectors search query using Lexis*