**Introduction to Lexis and Westlaw - Professor Mika’s Legal Research Class**

You will learn how to do the following in both Lexis and Classic Westlaw:

* Pull up a case
* Add Tabs
* Choose a database in which to search
* Decide whether to use terms and connectors or natural language searching
* Run a natural language search
* Run a terms and connectors search
* Search within a Search
* Navigating through results
* Field searching (briefly)
* Cutting and pasting with citation
* Shepards and Keycite (very briefly)
* Use History/Research Trail to see your past searches

Handout: http://www.law.csuohio.edu/lawlibrary/ehandout/mika/wexis1

**LEXIS**

1. **Get a Document**: [Cohen v. Five Brooks Stable](https://www.law.csuohio.edu/sites/default/files/coursematerials/kmika/cohen_v_five_brooks_stable.rtf),159 Cal.App.4th 1476 (2008)

Use Get a Document tab at top or Quick Tools box

Note that you can also search by party name, or get a statute or other document by citation.

Try searching for [Saenz v. Whitewater Voyages, Inc.](https://www.law.csuohio.edu/sites/default/files/coursematerials/kmika/saenz_v_whitewater_voyages_inc.rtf), by party name.

How many results do you get? \_\_2\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Find the database** California State Cases Combined

Use the menu of sources and drill down

OR

Use find a source

1. **Add the Ohio tab** (Add Edit tabs button in upper left)
2. When to use natural language and when to use terms and connectors (see handout).
3. **Natural language search** –

Whether a release relieves the owner of a recreational facility from his own negligence?

Note that CA State Cases appears under Recently Used Sources in the top left.

100 results ranked by relevance.

Cohen case is What number result?\_\_\_4th\_\_\_\_\_\_\_\_

1. **Terms and Connectors** –

First, come up with key terms and synonyms.

Lexis assumes a phrase if you type words next to each other, eg. If type: contributory negligence, the system reads the phrase “contributory negligence”.

Terms Synonyms

|  |  |
| --- | --- |
| release | waiver |
| Recreational  | Sports, athletic, race (particular sport or activity)  |
| negligence |  |

Terms of art such as negligence often do not need a synonym.

Then, use connectors and root expanders (see handout for list of connectors ,or they are listed on the Lexis search screen)

Waiv! or release! /p negligen! and sport or recreation! or athletic

The system searches for both plural and singular of words, eg. Sport also searches for sports

Results are ordered by court level (highest or supreme court cases first), then by date. 344 hits.

Cohen is case number 44 - why is it number 44, when it appears earlier in the results for the natural language search?\_\_Terms and connectors lists Supreme Court cases first, then appellate cases in chronological order. Cohen is an appellate case from 2008.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. To narrow down the results – type additional terms into the **Focus** box, top left – or make terms closer or delete terms

If we are specifically interested in whether the release is clear and unambiguous enough to relieve the defendant from negligence

Clear or unambiguous! Or ambig! /s release! /s negligen! and sport or recreation! or athletic

*Write this on the board and show how deleted terms, added terms, and made closer together*

How many cases do you get? \_\_\_\_\_77\_\_\_

1. Open up the first case and **navigate** from search term to search term and case to case.

Go back to the cite view. Also look at KWIC view.

Narrow even more - Clear or unambiguous! Or ambig! **/5** release! /s negligen! and sport or recreation! or athletic

Note that Lexis will not let you mix /5 with /s, so try:

Clear or unambiguous! Or ambig! **/5** release! **/20** negligen! and sport or recreation! or athletic

 How many cases do you get? \_\_\_\_\_\_\_55\_\_\_\_\_\_\_\_\_\_\_\_\_

Note that once you get to number 19, the cases are unreported and in California, can not be cited.

1. To narrow down even more, use **segments**.

Click on Advanced (next to the blue GO button)

Court(second)

To get just second district cases.

How many results do you get? \_\_\_\_\_\_\_19\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Why would I want to limit by court?*

Segments (Fields) are listed underneath the search box when you start a seach.

HEADNOTES, CORE-TERMS also good ways to limit

1. **Copy with Reference**:

Open up the first case, highlight any paragraph, click Copy with Cite at the top
2. Click on **Shepardize** to see if the case is still good law and to find more cases and secondary sources for further research.
3. Click on **History** (top left) to see your past searches.

**Westlaw:**

1. **Find by Citation** : [Coates v. Newhall Land & Farming, Inc.](https://www.law.csuohio.edu/sites/default/files/coursematerials/kmika/coates_v_newhall_land_and_farming_inc.rtf),191 Cal.App.3d 1 (1987)

Find by Citation Box

Note that you can also search by party name, or pull up a statute or other document by citation

1. **Find the database** California State Cases Combined –

Click on Directory >U.S. State Materials>Other U.S. States>California>Cases>California Cases

Can also add California tab, but it will NOT show all the databases, it is just a convenience.

Can also search for a database.

Can also look at recent databases used

1. **Add the Ohio tab** (Add a Tab link in upper left)
2. **Natural language search** –

Whether a release relieves the owner of a recreational facility from his own negligence?

100 results ranked by relevance.

Cohen case appears where in the results? \_\_\_\_first\_\_\_\_\_\_\_\_\_\_\_

1. **Terms and Connectors** –

To designate a phrase in Westlaw, you must use quotes, unlike Lexis. If type: contributory negligence, the system reads contributory OR negligence.

Waiv! or release! /p negligen! and sport or recreation! or athletic

Results ordered by date, but can change preferences to do a relevancy ranking. (compare Lexis, ordered by court level then date)

318 hits. Compare Lexis – 344 hits. Why would Lexis and Westlaw have different results? \_They contain some different unreported cases. The headnotes are different in each.

Where does the Cohen case appear in the results? \_\_\_\_\_\_48\_\_

1. **To narrow down the results** –

Click on **Locate** in Result link (top middle, next to the search button)

Pull up your old search by going to Recent searches and selecting from the pulldown menu

Type additional terms– or make terms closer or delete terms

If we are specifically interested in whether the release is clear and unambiguous enough to relieve the defendant from negligence

Clear or unambiguous! Or ambig! /s release! /s negligen! and sport or recreation! or athletic

How many hits did you get? \_\_64\_\_\_\_\_\_\_\_\_\_\_

1. Open up the first case and **navigate** from search term to search term and case to case.

(Lexis listed the unreported cases last, but Westlaw did not . Can limit to just published cases by adding to your Locate butnot unpublished.)

Click on Full Screen List to go back to the list of cases.

1. To narrow down even more, use **fields**.

Co(second)

To get just second district cases.

The fields are listed underneath the search box in Locate and in the original search screen.

Sy,di are often good field searches

1. **Copy with Reference**:

Open up the first case, highlight any paragraph, click on Tools pull down menu in the bottom right. Select Copy with Reference. Click go.
2. **Keycite**: Go back to the beginning and pull up [Saenz v. Whitewater Voyages, Inc.](https://www.law.csuohio.edu/sites/default/files/coursematerials/kmika/saenz_v_whitewater_voyages_inc.rtf),  226 Cal. App. 3d 758 (1991). Click on Full History to see prior and subsequent history.

Click on Citing References to find more cases and secondary sources for further research. Is there any negative treatment? \_yes\_\_\_\_\_\_\_-

1. Click on **Research Trail** (top left) to see your past searches.

**If time, try searching this issue:**

What constitutes recklessness such that the operator of a recreational facility is liable to patrons, despite the patron signing a release absolving them from liability for negligence?

*What database would we use?*

California cases combined

*What can I use for a natural language search?*

What constitutes recklessness or gross negligence such that the operator of a recreational facility is liable to patrons, despite the patron signing a release absolving them from liability for negligence?

*Lexis: Do the Saenz case, Cohen case or Coates case appear in the results?* Coates and Cohen yes, Saenz no. *Why?*

Westlaw: *Do the Saenz case, Cohen case or Coates case appear in the results?* Cohen yes, Saenz and Coates, no. *Why?*

*Terms and connectors search:*

|  |  |
| --- | --- |
| recklessness |  |
| Gross negligence |  |
| release | waiver |
| negligence |  |
| Recreational facility | Sports, athletic, race (particular sport or activity) |

Reckless! Or “gross negligen!” and Waiv! or release! /p negligen! and sport or recreation! or athletic

Lexis – 100 hits –

*Does it pull up* *Saenz case, Cohen case or Coates case? Compare to Natural Language.*  Yes it does, because provided alternative terms in the terms and connectors search.

*What are some ways to limit the search to get less results?*

Make terms closer together
Eliminate terms - waiver
Add terms - skiing
Use Field searches – court, headnotes, coreterms

Westlaw – 90 hits

Pulls up all 3 cases – Saenz, Cohen, Coates

*What are some ways to limit the search to get less results?*

Make terms closer together
Eliminate terms - waiver
Add terms - skiing
Use Field searches – co; sy,di