**Introduction to Electronic Secondary Sources**

Exercises

Professor Bouvier’s Legal Writing Class

October 2011

The handout covering the concepts we will talk about today is at: <https://www.law.csuohio.edu/lawlibrary/ehandout/secondary>

**Lexis**

1. **Add the Ohio tab** (Add Edit tabs button in upper left)
2. From the Ohio Tab, find two **Ohio** secondary sources that may have a discussion about trespass. What are the names of the books?

One way to find a secondary source is to browse the directory of sources

[Ohio](https://www.lexis.com/research/sel?_m=cf08e765ea6c65b8f01078e62b74aa8d&_cat=3002487&_chgTab=3002487&_fmtstr=FULL&docnum=17&_startdoc=11&wchp=dGLzVzk-zSkAA&_md5=f28ee90e8ab0dee83e403537e52e061b) **>** [Search Analysis & CLE Materials](https://www.lexis.com/research/sel/interm?_m=cf08e765ea6c65b8f01078e62b74aa8d&_cat=3005903&_chgTab=3002487&_fmtstr=FULL&docnum=17&_startdoc=11&wchp=dGLzVzk-zSkAA&_md5=ae83e4a15e73bf9bf46647b05512a718) **>** [Real Estate](https://www.lexis.com/research/sel/interm?_m=cf08e765ea6c65b8f01078e62b74aa8d&_cat=3009800&_chgTab=3002487&_fmtstr=FULL&docnum=17&_startdoc=11&wchp=dGLzVzk-zSkAA&_md5=6485bec617a3fcb2f2c8a95ac3f2ee49) **>** **Ohio Real Property Law and Practice and Ohio Jurisprudence**

1. If I wanted to search both of these at databases at once, how would I do it?

Put a check box by the sources and select Combine Sources

1. Using the **Table of Contents** in Ohio Jurisprudence, find a section dealing with whether punitive damages can be recovered in an action for trespass? What is title of the Ojur article and relevant section number?

Trespass>Actions and Remedies>Action for Damages>In General> Section 23 Punitive Damages

1. In the section you pull up in 4, notice that there are links to primary sources – statutes and cases, and secondary sources, including Digest key numbers.

Write down a reference to a relevant key number \_\_\_\_\_\_\_(topic) key number \_\_\_\_\_\_.

West's Key Number Digest, Trespass [westkey]20, 20(3), 22, 23, 27, 30, 31, 35, 41, 44 to 47, 56, 57, 64 to 69

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1. Using the **Find a Source** tab, find a book called Anderson’s Ohio Civil Practice.

Do a **terms and connectors** search to find information on defenses in a defamation case. What sections numbers are relevant?

Search – defam! And defense

Hit 4 is defenses to libel, Hit 5 is defenses to slander

Sections 49.05 and 49.08

At this point, refer to the handout, where it discusses **terms and connectors**.

Show that the terms and connectors are listed when you click on ADVANCED just underneath the search box.

1. Using the **Bread Crumb Trail** at the top of the section, back out to the relevant chapter.

Looking at the table of contents, What are some sections which discuss the distinction between libel per se and libel per quod?

49.02, 49.03

1. Go back to the very beginning by clicking on the word Lexis in the top left. Find Ohio Jurisprudence by going to the **Recently Used Sources** box in the top right.

Do a **Natural Language Search** for : What duty does a landowner owe to children who are trespassing?

You get 100 results ranked by relevance.

Do you see a relevant hit in the first 10 hits? What is the title of the article and section number?

Premises Liability Section 21. Hit number 2.

1. **Lexis Headnotes and “Digest”** - Say we want to find a Lexis headnote that talks about attractive nuisance. How do you do it?

Go back to the very beginning by clicking on the word Lexis in the top left.

Go to **Search by Topic or Headnote** box on the right side of the screen.

Select the topic TORTS and hit go.

Type in “Attractive Nuisance”

Or could drill down like so:

Premises Liability>General Premises Liability>Duties of Care>Duty on Premises>Trespassers>Child Trespassers

Click on Child Trespassers

From there, you can search cases with that headnote, or pull up all the cases with that headnote.

1. Using **HISTORY** in the upper right hand corner, go back to the section you found for damages in defamation actions.

We learned 3 ways of finding a secondary source (database) in Lexis and 3 ways of finding a section on point. Refer to the handout.

On Westlaw, the same methods exist, it is just a slightly different set up.

**WESTLAW**

1. **Add the Ohio tab** (Add a Tab link in upper left). Notice that the Ohio tab lists certain sources, and you can click on one or several boxes and do a search right there. There are even links to the table of contents for sources that have one. (show TOC)
2. I can **search all Ohio secondary sources at once** by searching Ohio Texts, Periodicals and Legal Forms. I can search most of the books for Ohio at once by selecting Ojur and Baldwin’s Ohio Practice Library.

Run a search for “attractive nuisance” in Ojur and Baldwin’s Ohio Practice Library.

IMPORTANT: NOTE THAT IN WESTLAW PHRASES MUST BE IN QUOTES. In Lexis, you can use quotes, but it is not required.

What other treatise besides Ohio Jurisprudence appears in the results?

What section of this treatise discusses swimming pools as attractive nuisances?

Baldwin’s Ohio Practice, Ohio Tort Law 21:216

A quick way to find this section is by using **LOCATE IN RESULT and put in swimming pool.**

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1. Say I want to start my search in Baldwin’s Ohio Practice, Ohio Tort Law – it is not listed in the Ohio Tab. One method is to use the **DIRECTORY** link at the top.

Directory Location: [All Databases](http://web2.westlaw.com/directory/content.aspx?dirtab=ALLDBS&utid=1&vr=2.0&mt=Ohio&dirhome=True&rp=%2fdirectory%2fdefault.wl&sv=Split&fn=_top&rs=WLW11.07) > [U.S. State Materials](http://web2.westlaw.com/directory/content.aspx?diraction=JumpTree&dirtab=ALLDBS&utid=1&vr=2.0&mt=Ohio&rp=%2fdirectory%2fdefault.wl&sv=Split&itemkey=WDIR00000000000000000000000000047&fn=_top&rs=WLW11.07) > [Ohio](http://web2.westlaw.com/directory/content.aspx?diraction=JumpTree&dirtab=ALLDBS&utid=1&vr=2.0&mt=Ohio&rp=%2fdirectory%2fdefault.wl&sv=Split&itemkey=WDIR00000000000000000000000000407&fn=_top&rs=WLW11.07) > Forms, Treatises, CLEs & Other Practice Material

Can search within the list or scan it.

1. Another way is to use the **Search for a Database box** (in the left hand column). Simply type: Ohio Tort.
2. From Baldwins Ohio Practice - Tort Law (OHPRAC-TORT), note that clicking on Help – next to - Adding Terms or Connectors at the bottom will show your terms and connectors.

Run the search:

Defamation and employ! And “common interest”

How many results do you get?

 9

1. Go back to the beginning by clicking on Westlaw in the top left. In the left hand column, you will see **Recent Databases pulldown menu.** Click on OHJUR, BOHPL to search both of these sources at once.

Do a natural language search for :

When can a newspaper be liable for defamation of a candidate for public office?

Which hit answers the question:

HIT 1 – Ohjur Defamation, section 41.

1. **West Digest:** At the very top of the screen, click Key Numbers. You can:

Search for a key number with search terms OR click on the outline and browse for a Key Number.

 For example, find a key number concerning libel and slander and whether words imputing a crime can be defamatory. What is the key number?

Libel and slander key no 7

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**WESTLAWNEXT:**

1. Run the same natural language search on WestlawNext, selecting Ohio and related federal as the jurisdiction.

When can a newspaper be liable for defamation of a candidate for public office?

Click on Secondary Sources

Note that on the side, you can specify Ohio, or a particular type of secondary source, such as ALR, law reviews or text and treatises.

You can also search within results by keyword.

1. If you want to select a particular secondary source when you start the search, use the Browse Widget.

For example, find the Baldwins Ohio Practice - Tort Law book:

Click on State Materials>Ohio>All Secondary Sources>Baldwin’s Ohio Practice Series>Tort Law

1. For some secondary sources, if you type the name of the publication into the search box at the beginning, for example, Ohio Jurisprudence, you can select that source.
2. To use the digest, click on Tools, then pick West Key Number system.  You can search in the search box on top or browse the categories.

**FINDING LAW REVIEW ARTICLES**

1. **Lexis and Westlaw** both contain databases of law review articles They even contain indexes which can help you zero in on law review on point, because they are searching only title, subject and a short description, not the full text. . (show on Lexis and Westlaw where you can find them).

Lexis and Westlaw only contain/index articles from the **late 1970s on**.

1. **Older articles, as well as new**, can be found on **HeinOnline.** There is a link to the library home page to Heinonline.

Try running a search of the Law Journal Library for TITLE:Trespass AND Ohio.

What is the date of the article retrieved?

 1942

Click on the article title to view the article. Note that it is a pdf copy of the book, unlike Lexis and Westlaw.

1. Even better, if you do a search on **Google Scholar** it links to articles on **HeinOnline**. Try it for:

"attractive nuisance" +ohio

When off campus, you will need to use the proxied link from the library home page to get access and can not directly link to HeinOnline. However, if an Olink is present, that may allow direct linking. Make sure your Google Scholar Preferences are set to allow library links.

**CCH and BNA**

Besides Lexis and Westlaw, there are specialty databases which focus on a particular practice areas and contain primary and secondary sources useful to those practice areas. CCH and BNA are examples of these specialty databases. They can be accessed from the library’s Law Databases page. These databases include excellent expert analysis and practical answers to legal questions.

CCH is strong in labor and employment law, securities, corporations and partnership law, corporate governance and health care. BNA is strong in labor and employment law, corporations and corporate governance, environmental law, health law and intellectual property.Both are strong in tax law, but our library subscribes to the BNA tax materials only, not the CCH.

Try running a search in CCH for:

 defamation and employment and "job reference"