Research Assistant Training: Case Law Research

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What we will cover

• Effective search strategies
• Searching by topic
• Dockets
• New tools on Westlaw Precision
Questions to ask before you start

• Which jurisdictions do you want me to focus on?

• Do you want all published cases or unpublished as well?

• Do you want a list of cases or do you want the actual cases?
Effective Search Strategies
Tips for broadening your search

• Include **synonyms**
  - Use tobacco and cigar in addition to cigarette
  - Use Westlaw’s Thesaurus or Lexis’ “Suggest terms”

• Use truncators to capture all forms of a word
  - Root expander = !
    - Litigat! = litigate, litigating, litigation

• Use the wild card (*) to find a word you’re not sure how to spell
  - Marb*ry = Marbury, Marbary, Marbery
  - Wom*n = woman, women
Tips for narrowing your search

• Narrow your search by choosing less inclusive terms
  - Instead of “bird”, use “parrot” or “macaw”

• Take advantage of advanced search prompts to narrow your search
  - To search for ERA and not era: allcaps (era)
  - To search for “damage” and not “damages”: Westlaw: #damage; Lexis: singular (damage)

• add narrower proximity connectors such as /p, /s, /5.
Field and segment searching

Cases
Advanced Search Fields

125 S.Ct. 2655
Supreme Court of the United States

Susette KELO, et al., Petitioners,
v.
CITY OF NEW LONDON, CONNECTICUT, et al.


Synopsis
Background: Owners of condemned property challenged city’s exercise of eminent domain power on grounds takings were not for public use. The Superior Court, Judicial District of New London, Corradino, J., granted partial relief for owners, and cross-appeals were taken. The Supreme Court, Norcott, J., 268 Conn. 1, 843 A.2d 500, upheld takings. Certiorari was granted.

Holding: The Supreme Court, Justice Stevens, held that city’s exercise of eminent domain power in furtherance of economic development plan satisfied constitutional “public use” requirement.

Affirmed.

Justice Kennedy concurred and filed opinion.

Justice O’Connor dissented and filed opinion in which Chief Justice Rehnquist and Justices Scalia and Thomas joined.
Searching by Topic
Westlaw Headnotes

• West headnotes utilize the topic and key number system which identifies and indexes legal concepts so you can find cases stating or applying a legal concept, even if those terms don’t appear in the text of the opinion. Essentially, the topic and key number system functions as an index to all published cases.

• First identify a headnote you are interested in, then click on the topic and key number combination associated with that headnote.
Affirmed in part, reversed in part, and remanded.

**Procedural Posture(s):** On Appeal; Motion to Dismiss; Motion to Dismiss for Failure to State a Claim.
Lexis Headnotes

• West topic and key numbers are specific to Westlaw however you can use the headnotes in cases on Lexis to find similar cases on that point of law.

• Note that Westlaw and Lexis headnotes are not identical.

• Jurisdiction is not automatically applied to your results in Lexis.
Proving the existence of monopoly power through indirect evidence requires a definition of the relevant market. The scope of the market is a question of fact as to which the plaintiff bears the burden of proof. Competing products are in the same market if they are readily substitutable for one another; a market’s outer boundaries are determined by the reasonable interchangeability of use between a product and its substitute, or by their cross-elasticity of demand. Failure to define the proposed relevant market in these terms may result in dismissal of the complaint.

Because market share and barriers to entry are merely surrogates for determining the existence of monopoly power, direct proof of monopoly power does not require a definition of the relevant market.
Dockets & Case-Tracking
Dockets & Case-Tracking

• Court filings: briefs & petitions, complaint, answer, motions, etc.

• Status of the case: check the docket

• Places to look: Bloomberg Law, Westlaw & Lexis, court websites
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Other Sources for Court Filings

• Court websites
• Contact Court Clerk’s office
• Contact counsel
A note on new tools in Westlaw Precision
Additional filters

Cases (181)

1. United States v. Christie
   United States Court of Appeals, Ninth Circuit. · June 14, 2016 · 825 F.3d 1048 · 2016 WL 3255072

   Headnote
   Government had compelling interest in preventing marijuana allegedly used for religious purposes from being diverted to non-religious, recreational users, for purpose of defendants' RFRA challenge to their convictions under the Controlled Substances Act, especially in light of specific evidence that distribution methods used by defendants' ministry created realistic possibility that marijuana intended for ministry members would be distributed to outsiders and possibly...
Red and white striped flag