

Legal Research Refresher

Legal Research Center Video Series

Liz Parker

Learning Outcomes

1. Remember the basic steps of the legal research plan.
2. Recognize the components of a terms and connectors search.
3. Recall how to use a citator to validate primary authority and to conduct further research.

Basic Research Steps

1. Obtain preliminary information about the issue.
2. Plan the steps in your research.
 - A. An initial issue statement
 - B. A list of possible search terms
 - C. An outline of your search strategy

C. Outline of search strategy

- i. Locate and read secondary authority
 - a. Locate specific titles by name or subject and use indexes and tables of contents to find relevant sections.
 - b. Conduct natural language keyword search(es) to find relevant sections
 - c. Collect citations to primary authority.
 - d. Update: check publication date or consult pocket part.

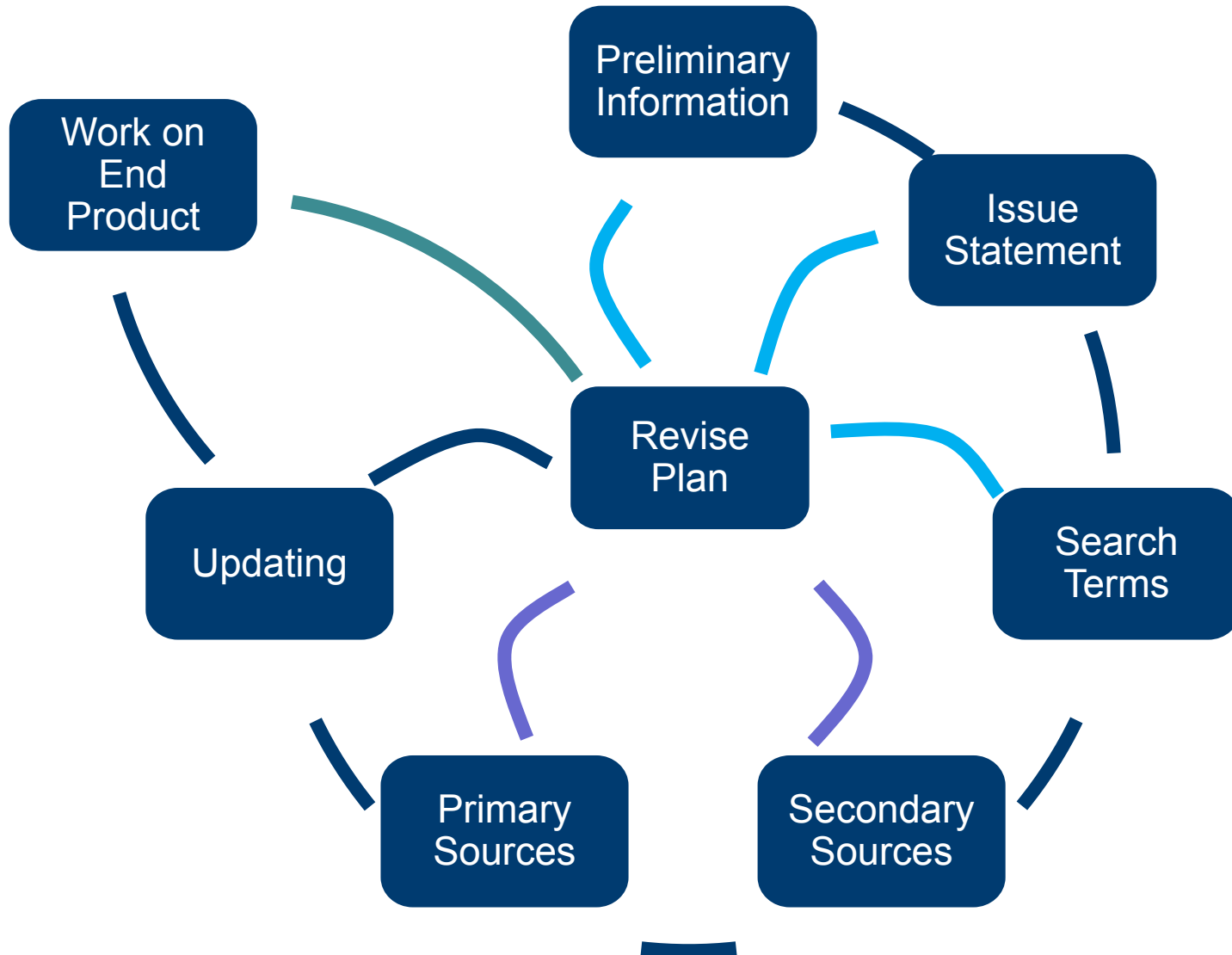
C. Outline of search strategy (cont.)

- ii. Locate and read primary authority
 - a. Locate relevant statutory sections and review annotations.
 - b. Examine cases cited in secondary authority and statutory annotations.
 - c. Use West's topic & key numbers and Lexis' topics & subtopics to locate similar cases.
 - d. Perform natural language and advanced keyword searches.
 - e. Use citators (Shepard's and KeyCite) for 2 purposes:
 - 1. Make sure all your primary authority is still good law.
 - 2. Locate further relevant cases that have cited to a statute or case you've already found.

Basic Research Steps (cont.)

3. Execute your research plan effectively.
4. Assess the information you find and update to ensure it is current.
5. Revise your research plan as necessary and repeat steps as needed.

Research is Cyclical



When to Use Gen AI Tools in Legal Research

- There's no "right time," just wrong ways.
 - Use a tool appropriate for the task.
 - Critically evaluate all AI-generated content.
 - Follow all relevant laws, rules, and instructions.
- Gen AI tools are very good at helping overcome inertia in the research process.
 - Don't know how to start.
 - Don't know where to look.
 - Don't know how to connect everything.

New Westlaw Gen AI tool

- Westlaw CoCounsel Legal
 - Includes “Deep Research” mode

CoCounsel Legal: Sample Prompt

 Liz Parker • Jan 6, 2:26 PM

A retail company based in California experiences a data breach exposing customer information but delays notifying customers for several months. What potential legal claims and regulatory issues could arise, and how have courts treated similar delays?

Agent Time: ~10 min • CA, All Federal

 Westlaw • Jan 6, 2:29 PM

▼ Research steps

- ✔ Researching California Civil Code Section 1798.82 and related provisions of the California Consumer Privacy Act regarding mandatory data breach notification timelines and requirements for businesses
 - California Civil Code Section 1798.82 requires disclosure "in the most expedient time possible and without unreasonable delay" but provides no specific timeline. Several months could constitute unreasonable delay.
- ✔ Identifying potential civil claims under California law including negligence, breach of fiduciary duty, and violations of unfair competition law arising from delayed data breach notifications
 - Found multiple civil claims: negligence (duty to timely notify, causation issues), UCL

CoCounsel Legal: Sample Output

Westlaw AI Deep Research

+ Start new research

LP Liz Parker • Jan 6, 2:26 PM

A retail company based in California experiences a data breach exposing customer information but delays notifying customers for several months. What potential legal claims and regulatory issues could arise, and how have courts treated similar delays?

Agent Time: ~10 min • CA, All Federal

Westlaw • Jan 6, 2:34 PM

A retail company based in California experiences a data breach exposing...

Research contents

Summary

California Data Breach Notification Requirements

Civil Claims Under California Law

- Negligence Claims
- Unfair Competition Law Violations
- Breach of Contract Claims

Federal Regulatory Authority

- FTC Enforcement Under Section 5

Arguments and Rebuttals

A retail company based in California experiences a data breach exposing customer information but delays notifying customers for several months. What potential legal claims and regulatory issues could arise, and how have courts treated similar delays?

Research report Enhance Sources (33)

Summary

A California retail company that delays notifying customers of a data breach for several months faces significant potential legal claims and regulatory issues under both California and federal law. The company could face civil lawsuits for negligence, breach of contract, and violations of California's Unfair Competition Law, as well as regulatory enforcement by the California Attorney General and potentially the Federal Trade Commission. California Civil Code Section 1798.82 requires disclosure "in the most expedient time possible and without unreasonable delay" [CA CIVIL § 1798.82](#). The key legal hurdle for plaintiffs is demonstrating "incremental harm" specifically caused by the delay in notification, rather than harm from the breach itself [In re Ambray Genetics Data Breach Litigation, 567 F.Supp.3d 1130 \(2021\)](#).

California Data Breach Notification Requirements

California Civil Code Section 1798.82 establishes the foundational obligation for data breach notifications. The statute requires any person or business conducting business in California that owns or licenses computerized data including personal information to "disclose a breach of the security of the system following discovery or notification of the breach in the security of the data to a resident of California" [CA CIVIL § 1798.82](#). Critically, the statute mandates that disclosure "shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement" or measures necessary to determine the breach scope and restore system integrity [CA CIVIL § 1798.82](#).

The statute provides limited exceptions that do not constitute unreasonable delay: delays consistent with legitimate law enforcement needs and time necessary for breach investigation and system restoration [CA CIVIL § 1798.82](#). Notification may be delayed if law enforcement determines that notification will impede a criminal investigation, but must be made promptly after law enforcement determines it will not compromise the investigation [CA CIVIL § 1798.82](#).

Companies required to notify more than 500 California residents must also submit a sample copy of the notification to the California Attorney General, excluding personally identifiable information [CA](#)

Advanced Searching

Natural Language Searches

- Similar to Google Searches
 - Enter a search in plain English
- Default search method in both Lexis and Westlaw
- Common words like “is” and “for” may be ignored
- Variations of terms you’ve entered may be automatically included (“defamed” → “defamation”)
- Key concepts in the phrase may be automatically identified, such as legal terms of art

Advanced / Terms & Connectors / Boolean Searches

- More control and precision can produce more relevant results
- Increased efficiency can reduce research time

Note: You cannot mix natural language and terms & connectors search phrases.

Basic Connectors

AND

- Retrieves documents with all terms
 - divorce AND insurance
- Lacks precision
- Use conservatively

Basic Connectors

OR

- Retrieves documents with any term
- Variations
 - liable OR liability
- Synonyms
 - car OR automobile OR vehicle

- Note: In a terms and connectors search on Westlaw a space is an implied OR connector, e.g.
 - e.g. car automobile vehicle is interpreted as
 - car OR automobile OR vehicle

Proximity Connectors

/n

- Within # of words
- oral /5 contract

/s

- Within the same sentence
- execution /s will

/p

- Within the same paragraph
- administration /p coach

Word variations

Root expander: !

- Substitutes for letters at the end of a root of your choosing
- Use truncation instead of all variations:
 - contract! = contract, contracts, contracted, contracting, contractual
- Proceed carefully: is constit! a good way to truncate “constitution”?
- Note: Lexis allows a terminal * as equivalent to !

Exact Phrase

Exact phrase: “”

You can search for an exact phrase by enclosing it in quotation marks: **“like this”**

- Useful for specific terms of art, Latin phrases, etc.
 - “double jeopardy,” “mens rea”
- Not useful for phrases that could be expressed multiple ways.
 - “blood alcohol level” could be expressed differently as the *level of alcohol in the defendant’s blood*.
- Enclosing a single word in quotes does nothing
 - collateral /s “damage” still retrieves damages.

Ensure relevance

When you do not want a term to appear

- Westlaw: BUT NOT (%)
- Lexis: AND NOT
- Exclude documents with the terms that follow it
- Add to the end of the search phrase:
- rico % puerto

ATLEASTn(term)

- Retrieves documents with the term at least n times
- ATLEAST5(gravity)

Using parentheses

(terms AND connectors) /p “exact phrase”

- Forces search to be processed in the order you want
- Parentheses are always processed first
- Group terms together by concept—helps organize your search

(due /3 process) /20 (fourteenth /2 amendment)

- Set 1 = due /3 process
- Set 2 = fourteenth /2 amendment
- Set 3 = Set 1 results /20 Set 2 results







Citators



What Citators Can Tell You



- The **direct appellate history** of a case
- **Negative treatment** of a case and what point of law is being treated negatively
- **Positive or neutral treatment** of a case
 - Cases that further support your point of law and useful secondary sources
- Cases citing a **statute** and whether the statute is still good law

KeyCite Signals & Analysis Phrases: Cases

Signal	Analysis phrases
 <p>The document is no longer good law for at least of the points it contains</p>	<p>Judgment Vacated by; Overturned Due to Legislative Action; Unpublished/noncitable</p>
 <p>The case is no longer good for at least one identified point of law.</p>	<p>Overruled by; Abrogated by; Disapproved of by</p>
 <p>The document has some negative treatment but has not been reversed or overruled.</p>	<p>Distinguished by; Declined to extend; Disagreement recognized by</p>
 <p>Overruling Risk; the document may no longer be good on at least one point of law because it relies on another overruled decision</p>	
 <p>(no flag) The document has only positive treatment</p>	<p>Examined by; Discussed by; Cited by; Mentioned by</p>
 <p>The case has been appealed to the US Court of Appeals or the US Supreme Court</p>	








<https://answers.legalprof.thomsonreuters.com/wlp/citecheckingwlp/how-to-check-your-ci-wlp>

KeyCite Signals & Analysis Phrases: Statutes

Signal	Analysis phrases
 <p>The statute or court rule has been amended, repealed, superseded, or held unconstitutional or preempted in whole or in part.</p>	Unconstitutional; superseded, preempted; amended; repealed.
 <p>The statute or court rule has been affected by one of the following:</p> <ul style="list-style-type: none">• Renumbered or transferred• Limited or changed by an uncodified session law, proposed legislation• Limited on constitutional or preemption grounds• Had its validity called into question• A prior version received negative treatment from a court.	Renumbered; transferred; limited by; prior version preempted by; negative treatment reconsidered by; prior version's validity called into doubt by; proposed legislation.

<https://answers.legalprof.thomsonreuters.com/wlp/citecheckingwlp/how-to-check-your-ci-wlp>

Shepard's Signals & Analysis Phrases

Signal		Analysis phrases
	Positive treatment indicated	Followed by
	Warning: Negative treatment is indicated	Overruled by; Abrogated by; Superseded by
	Warning: Negative treatment is indicated for statute	Unconstitutional by; Void or invalid by
	Questioned: Validity questioned by citing references	Questioned by
	Caution: Possible negative treatment indicated	Criticized by; Distinguished by
	Neutral: Citing reference with analysis	Explained by; Cited in dissenting opinion; Interpreted or construed by
	Cited by: Citation information available	Cited by

LRC Reference Desk

Monday 9:00-6:00, Tues-Fri 9:00-5:00

Email: lrcrefer@san Diego.edu

Phone: (619) 260-4612

Chat: sandiego.edu/law/library

Other videos in this series are available on [the LWR Research Trainings page](#) of the LRC's website.