

Chapter 9

ONLINE SEARCH TECHNIQUES

Exercise 9.1

Online Search Techniques

Learning Outcomes

After completing this exercise, you should be able to

1. Explain how differences in database coverage affect search results.
2. Explain how to limit and refine search results.
3. Demonstrate appropriate use of Boolean search techniques in Westlaw, Lexis, and Bloomberg Law.

Instructions

1. An answer sheet is provided at the end of the questions for your convenience while you are working on the exercise. After you finish your research, you must submit your answers in type-written form. Do not retype the questions. The answer sheet should contain only the answers to the questions.
2. If you spend more than five minutes trying to find the answer to any individual question, use the troubleshooting hints in the General Instructions for this Workbook. If you are still unable to find the answer, stop and seek assistance.

There are no separate problem sets for this exercise.

THE ASSIGNMENT

The purpose of this exercise is to illustrate how online search results differ depending on the scope of the database you select and the Boolean (terms and connectors) search options you use.

To illustrate the effects of the search options, some of the searches in this exercise will retrieve very large numbers of documents, while others will retrieve very few. Remember, however, that a search is neither effective nor ineffective based solely on the number of documents it retrieves. If many authorities are relevant to your research, you want to retrieve all the relevant documents. If few authorities are relevant, you want to be able to target those few authorities. The purpose of this exercise is simply to show you how various search options will affect your search results. In each research project you do, you will have to decide which approaches are most likely to retrieve the information you need.

The first step in online searching is selecting an online service in which to search. For this exercise, you will use Westlaw, Lexis, and Bloomberg Law. The questions that follow direct you to execute a variety of searches.

I. Westlaw

A. Selecting a Database or Jurisdiction

If you decide to research in Westlaw, you may select a database in which to execute a search. The database you select defines the content through which Westlaw will look for your search terms. The scope of your research project will determine the appropriate database(s) in which to search.

In Westlaw you can designate a database (including a jurisdiction) for your search by selecting from the “Browse” box. You can also designate a jurisdiction in the jurisdiction box next to the universal search box. Finally, you can designate a jurisdiction *after* you execute your search by using the “Narrow” filters on the left side of the search results screen.

For the questions below, assume that you need to research state case law concerning crimes associated with illegal drug use among students at school.

1. Select the jurisdiction for “All States.” (Hint: Be sure to de-select any federal jurisdiction.) Execute this search:

student and school and drug and illegal

How many cases does the search retrieve?

2. Now change the jurisdiction to “California,” and execute the same search. How many cases does this search retrieve?

If you were researching the law of all 50 states, “All States” might be an appropriate jurisdiction for your search. If you were researching only California state law, however, “California” would be a better choice, because it would limit the search results to authority from California state courts.

3. Assume that you decided to change the scope of your search to include cases from the California state courts and federal cases from the Ninth Circuit. From the jurisdiction menu, select “California” and “9th Circuit.” Execute the same search as above. How many cases does the search retrieve? (Note that this search will also automatically retrieve relevant U.S. Supreme Court cases and federal district court cases within the Ninth Circuit.)

4. Now assume that you want to search only California state cases, cases from the United States Court of Appeals for the Ninth Circuit, and all federal district court cases from California. Click the View for Cases on the left side of the search results screen. Use the “Narrow” filters to designate your jurisdictions to include all California state cases, all Ninth Circuit cases, and all cases from the federal district courts in California. (Hint: Be sure to select all the federal district courts in California.) How many cases does the search retrieve?

B. Constructing and Executing a Search—Boolean Search Techniques

After you select a database, the next steps are constructing and executing a search. Westlaw allows you to search with or without Boolean search commands. Effective use of Boolean search commands can improve your search results. The following questions illustrate the use of connectors and search phrases.

1. Connectors

The connectors you use to connect search terms can greatly affect the search results.

For questions a and b, below, assume that you need to continue your research into crimes associated with illegal drug use among students at school. Now, however, you are researching all federal law.

- a. From the jurisdiction menu, select “All Federal.” (Hint: Be sure to uncheck California in the jurisdiction menu.) Type this phrase into the search box, and execute the search:

student and school and drug and illegal

How many cases does the search retrieve?

- b. Now change the connectors from “and” to “/p” (meaning “within the same paragraph”). (Hint: You can also use the “Advanced Search” option and type this phrase into the box designated for “All of these terms.”) Execute this search:

student /p school /p drug /p illegal

How many cases does the revised search retrieve?

The more restrictive the connectors, the fewer documents the search retrieves. The broader the connectors, the more documents the search retrieves. “And” is the broadest connector.

2. Search phrases

Another way to alter your search results is to group terms together in search phrases.

The notion of a bona fide residence may arise in cases involving qualifications for municipal employment, voting, taxing, licensing, and other areas. Assume that you are researching bona fide residences in Illinois and want to research Illinois cases.

- a. Designate “Illinois” as your jurisdiction. (Hint: Be sure to uncheck All Federal in the jurisdiction menu.) Type this phrase into the search box and execute the search:

bona fide residence

How many cases does the search retrieve?

- b. Click on “Advanced” next to the search box to access the “Advanced Search” page. Type that same phrase into the box designated for “This exact phrase,” and execute the search. How many documents does the revised search retrieve?

To search for a particular phrase in Westlaw, use the Advanced Search box designated for “This exact phrase.” Do not use the boxes designated for “Any of these terms” or “All of these terms” because the results will include irrelevant cases.

C. Limiting and Refining Search Results

You can limit and refine your search by using the “Document Fields” in the Advanced search option or the “Narrow” filters on the left side of the case results screen.

1. A “document field” is an individual component of a document, such as its citation or title. When you use a field restriction, the search is run only within the specified component of the document.

Assume you need to research federal court cases within the Seventh Circuit in which the State of Illinois is a party. Designate “7th Circuit” in the jurisdiction box next to the search box. (Hint: Be sure to uncheck Illinois in the jurisdiction menu.)

Click on “Advanced” next to the search box to access the “Advanced Search” page. Delete the search terms from the prior search. Type “Illinois” into the “Name/Title” box under “Document Fields.” Execute the search. How many cases does the search retrieve?

Note that this search retrieves every case in which the term “Illinois” appears in the case name. Although this will retrieve decisions in which the State of Illinois is a party, it retrieves many other decisions, too.

2. Now refine your search to find cases involving quid pro quo (literally “this for that”) in employment discrimination. Click on “Advanced” to gain access to the advanced search options. Type “quid pro quo” into the box designated for “This exact phrase.” (Hint: Be sure that “Illinois” still appears in the “Name/Title” box.) Execute the search. How many cases does the revised search retrieve?
3. Refine your search further by using the “Narrow” filters on the left side of the search results screen. (Hint: Be sure to designate “Cases” as your “View.”) Select the United States Court of Appeals for the Seventh Circuit as your Jurisdiction, and select the practice area “Employment & Labor.” How many cases does your revised search retrieve?

4. Click on the “View” for “Secondary Sources.” Provide the title and citation of a law review article from 1995 that has “sexual harassment” in the title. (Hint: Filter by “Law Reviews & Journals” and date.)

Note that you may narrow your case search using other filtering criteria, including date, reported status, judge, attorney, law firm, Key Number, party, and docket number. These options appear under “Narrow” on the left side of the search results screen.

II. Lexis

A. Selecting a Database or Jurisdiction

Just as you can select a database or jurisdiction for your search in Westlaw, you can select a database or jurisdiction for your search in Lexis. You can select a database or jurisdiction using the drop-down menu to the right of the red search box. The “Explore Content” box also allows you make those selections. You can also select a database or jurisdiction using the browse options above the red search box. Finally, you can select a database or jurisdiction *after* you execute your search by using the “Narrow By” options on the left side of the search results.

Assume that you are researching adverse possession.

1. Using the drop-down menu to the right of the red search box, limit your initial search to the United States Supreme Court. Enter the following search in the red search box:

adverse possession

Execute the search, and click on the “Cases” sub-tab. How many cases does this search retrieve?

2. Now change the jurisdiction filter to “Virginia” and execute the new search. (Hint: Be sure to remove the United States Supreme Court filter.) How many cases does this new search retrieve?
3. Assume that you wish to research only Virginia Supreme Court cases. Using the “Narrow By” options on the left side of the search results screen, find the “Court” options. Click on the link for the Virginia Supreme Court. How many cases does this new search retrieve?
4. Assume that you decide to expand the scope of your search to include federal cases. In the drop-down menu next to the search box, modify the jurisdiction by checking the box to “Include related Federal content.” Execute the new search. How many cases does this new search retrieve?
5. To find related secondary sources, click the sub-tab “Secondary Materials.” Provide the title and citation of a 2012 law review article from the *Virginia Journal of Social Policy and the Law*.

B. Constructing and Executing a Search—Boolean Search Techniques

Like Westlaw, Lexis allows you to search with or without Boolean search commands.

1. Connectors

Just as you can use connectors in Westlaw to refine your search, you can use connectors in Lexis to refine your search.

- a. Clear the search box. (Hint: Be sure that your jurisdiction is set to “Virginia” and “related Federal content.”) Type this phrase into the search box, and execute the search:

adverse /s possession

How many cases does the search retrieve?

- b. Now replace the “/s” with “/2” so that the new search phrase reads as follows:

adverse /2 possession

How many cases does this search retrieve?

The connector “/s” tells Lexis to search for any document in which the word “adverse” appears in the same sentence as the word “possession.” As a result, your search results may include documents that have nothing to do with adverse possession (because the words are used in an entirely different context, even if in the same sentence). In contrast, the connector “/2” tells Lexis to search for any document in which the word “adverse” appears within two words of the word “possession.” These results are more likely to include documents that use the phrase “adverse possession.”

Lexis allows you to use other connectors to refine your search. These are displayed by selecting “Advanced Search.”

2. Search Phrases

In Lexis you can also refine your search using Boolean commands by selecting “Advanced Search.”

- a. Return to the home page. Set your jurisdiction to “Virginia” and “Include related Federal content.” Click on “Advanced Search.” Type the phrase below in the “This exact phrase” box and click “Add.” (Note that the phrase appears in quotation marks in the red search box.)

adverse possession

Execute the search. How many cases does the search retrieve?

- b. Now assume that you wish to eliminate results that involve adverse possession of housing. In the top search box you can add a restriction to do so. Following “adverse possession” add: and not hous! The search phrase in that box should now read:

“adverse possession” and not hous!

Execute the search. How many cases does the search retrieve?

The extender “!” tells Lexis to search for any word that starts with “hous,” including “house,” “houses,” and “housing.” Lexis has other extenders, which are listed under “Use Connectors” in the “Advanced Search” tab. Note that this search may eliminate more results than you wish, because a document may use the words “house,” “houses,” or “housing” even if the document does not involve adverse possession of housing. The same results can be achieved by entering this search in the top search box: “adverse possession” and not hous!

C. Limiting and Refining Search Results

You can limit and refine your search results in Lexis using the content category, jurisdiction, and practice-area menus in the “Explore Content” box, “Browse” drop-down, and red search box drop-down filters. You can also use the “Narrow By” options on the left side of the search results screen.

1. From the home page under “Explore Content” select “Briefs, Pleadings and Motions.” Click on “Federal” and then “U.S. Supreme Court Briefs.” Enter the following search phrase in the red search box:

“adverse possession” and not hous!

Provide the name of any United States Supreme Court case from 2007 in which a party filed a brief using the phrase “adverse possession,” but not the words “house,” “houses,” or “housing” (as required by your search parameters).

2. Use the drop-down filter in the search box and check “Virginia” and “Include related Federal content.” (Lexis will ask you to confirm that you want to replace the existing filter for U.S. Sup. Ct. Briefs; click “Continue.”) Using the same search phrase from C.1, above, execute the search. After selecting “Cases” on the left side of the search results screen, use the “Narrow By” options below that and go to “Timeline.” Designate dates from January 1, 2000, to December 31, 2010, and click “OK.” How many cases does this search retrieve?

III. Bloomberg Law

A. Selecting a Database or Jurisdiction

Just as you can select a database or jurisdiction for your search in Westlaw and Lexis, you can select a database or jurisdiction for your search in Bloomberg Law. From the “Select Sources” drop-down menu you can drill down to the database you want to search. You also can choose “Browse All Content” to select a database. Finally, you can select a database or jurisdiction *after* you execute your search by using the “Filters” on the left side of the search results screen.

For the questions below, assume that you need to research state case law concerning comparative negligence.

1. Select “Illinois” as your jurisdiction. (Hint: From the “Select Sources” drop-down menu you can drill down to U.S. Courts, Court Opinions, State Court Opinions. Click on “Illinois” to make that your database.) Enter this phrase in quotes in the “Keywords” search box:

“comparative negligence”

How many cases does this search retrieve?

2. Now assume you only want to look at Illinois Supreme Court cases on the issue. Look under “Filter Your Results” on the left and check the box for Illinois Supreme Court. How many cases are given?
3. Assume that you want to see if there are any cases from the United States Court of Appeals for the Seventh Circuit on the issue. Change the jurisdiction to “Seventh Circuit Court of Appeals,” and run the same search. (Hint: Click “Edit Search” and drill down to U.S. Courts, Court Opinions, Federal Court Opinions, U.S. Circuit Court of Appeals, and then click on Seventh Circuit Court of Appeals. Be sure that Illinois is no longer selected by unchecking that box.) How many cases does this search retrieve?

B. Constructing and Executing a Search—Boolean Search Techniques

Like Westlaw and Lexis, Bloomberg Law allows you to search with or without Boolean search commands.

1. Connectors

Just as you can use connectors in Westlaw and Lexis to refine your search, you can do so in Bloomberg Law.

- a. Select “Illinois” as your jurisdiction. (Hint: Be sure to remove Seventh Circuit as a source.) Click open the “Search Help” under “Keywords” and click “More” to review the complete list of search operators. Which search proximity connectors enable you to retrieve results with search terms within the same sentence?
- b. Type this phrase in the “Keywords” box and run the search:

comparative /s negligence

How many cases does the search retrieve?

- c. Now assume that you also wish to find cases that mention “comparative fault” as well as “comparative negligence.” Add the words “or fault” to your search phrase in the “Keywords” box so it reads:

comparative /s negligence or fault

Execute the search. How many Illinois Supreme Court cases does the search retrieve?

2. Search phrases

Another way to alter your search results is to group terms together in search phrases. To retrieve the exact phrase in Bloomberg Law use quotation marks to surround the phrase.

Although some jurisdictions use the comparative negligence or comparative fault doctrine, others apply the contributory negligence doctrine. Assume that you are researching contributory negligence in Maryland and want to find cases that also mention “assumption of the risk.”

- a. Select “Maryland” as your jurisdiction. Type the following into the “Keywords” search box and execute the search:

“contributory negligence” and “assumption of the risk”

How many cases does the search retrieve?

- b. After reviewing your search results it occurs to you that a court might have used the phrases “contributorily negligent” and “assumed the risk.” Type the following into the Keyword search box and execute the search:

contributor! /2 negligenc! and assum! /s risk

How many cases does the search retrieve?

The multiple character wildcard/expander “!” tells Bloomberg Law to search for any word that starts with the root given. For example, “assum!” retrieves “assume,” “assumed,” and “assumption.” The “/2” connector requires that the words “contributor!” and “negligen!” be within two words of each other.

C. Limiting and Refining Search Results

You can refine your search results in Bloomberg Law using the “Edit Search” tab above the results or the tools on the left side of the search results screen. From the “Narrow by Date” pull-down you can restrict your results by date. In the “Filter” box you can limit case results by court, topic, or judge.

1. Assume you now want to find federal district court cases from Maryland using the same search phrase from B.2.b, above. Select the “District of Maryland” as your jurisdiction. (Hint: Drill down to U.S. Courts, Court Opinions, Federal Court Opinions, U.S. District Courts, and then click on District of Maryland.) Execute the search. How many cases are given?
2. Now assume you need to find a case involving products liability from those you have retrieved in C.1, above. Use “Filter” and check the box next to “Products Liability.” Provide the name and citation to a case involving a truck rental company listed under the topic “Products Liability.”

