

Exercise 5.2

Researching Statutes and Secondary Sources with Citators

Learning Outcome

After completing this exercise, you should be able to access and interpret Shepard's, KeyCite, and Bloomberg's Case Analysis entries for statutes and secondary sources.

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, submit your answers in typewritten form on a separate answer sheet. Do not retype the questions. Your answer sheet should contain only the answers to the questions.
2. If you spend more than 15 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

Exercise 5.1 shows you how to use Shepard's, KeyCite, and Bloomberg Law in conjunction with case research. This exercise illustrates how to use Shepard's, KeyCite, and Bloomberg Law in conjunction with research on other forms of primary and secondary authority.

I. Shepard's in Lexis

You can use Shepard's to update your research on a statute and to retrieve authority that cites the statute. (You can also use KeyCite and Bloomberg Law to update your research on a statute and retrieve citing sources. Each of these services contains slightly different features and information.) Shepard's provides current information about amendments and other legislative actions affecting the statute's status, as well as citations to cases and other sources citing the statute.

Retrieve the following federal statute in Lexis and answer the questions that follow:

42 USCS § 3604

- A. Briefly, in a sentence, explain what the statute prohibits.
- B. Shepard's tells you if there is any pending legislation that might affect this statute. Look for an upside-down yellow triangle with an exclamation point, accompanied by the phrase "Pending Legislation," on the upper-right side of the page. Is there any pending legislation that might affect this statute? If so, provide the citation to the most recent bill, as it appears in Shepard's.

- C. Shepardize the statute by clicking the “Shepardize this document” link in the right margin. The Supreme Court ruled on this statute in 2015. What is the name of the Supreme Court case?
- D. Select the option for “Other Citing Sources” in the left margin. Narrow your search results to “Court Documents.” The statute is cited in several briefs filed in September 2015 in a case before the U.S. Supreme Court. What is the name of that case?

II. KeyCite in Westlaw

You can use KeyCite in Westlaw to retrieve authorities that cite to secondary authorities. (You can use Shepard’s for this purpose, too.) This is useful to locate additional secondary authorities relevant to your research, or to determine whether a particular secondary authority is persuasive to courts in your jurisdiction.

- A. Enter the following citation to a law review article in the universal search box in Westlaw:

63 Am. U. L. Rev. 357

- 1. Provide the author, title, and year of the article.
- 2. Select the tab for “Citing References.” Provide the name of a U.S. Supreme Court case that cites this article.
- B. Enter the following citation in the universal search box in Westlaw to locate the provision of the *Restatement (Second) of Agency* addressing “When Master is Liable for Torts of His Servants”:

rest 2d agency s 219

- 1. Briefly, in a sentence, what does this section provide?
- 2. Provide the name and official citation to a 2003 U.S. Supreme Court case that cites this section. (Hint: Provide the official citation to United States Reports (U.S.).)
- 3. Briefly, in a sentence, what does this case hold?
- C. KeyCite is available for A.L.R. Annotations. Retrieve the following A.L.R. Annotation from its citation and answer the questions below:

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- 1. What is the title of the Annotation?
- 2. View the Citing References. Provide the name of a 2008 case from Indiana that cites the Annotation.

III. Citations in Bloomberg Law

You can use Bloomberg Law to retrieve authorities that cite to a statute by using the “Smart Code” function. (You can use Shepard’s in Lexis and KeyCite in Westlaw for this purpose, too.) Retrieve the following federal statute in Bloomberg Law, and answer the questions that follow:

42 U.S.C. § 3605

- A. Briefly, in a sentence, explain what the statute prohibits.
- B. Click the “SMART CODE” button in the menu on the right side of the statute, and click on “Launch Smart Code.” Using the filters in the menu on the left side of the results, provide the name and citation of a 2000 case from the United States Court of Appeals for the Seventh Circuit on the Topic of “Damages and Remedies.”

