

## INTERNATIONAL PERSPECTIVES

# Researching U.S. Federal Law: a Primer

**Abstract:** This article is designed for law librarians based outside the United States. The paper, written by Marcia Zubrow, provides basic information about the United States legal system and its sources. This background foundation to the article is important in understanding how to effectively use the two major U.S. databases, Lexis and Westlaw. The author describes the contents of the two databases within the context of the background information. Search techniques, including advance searching strategies, are described.

**Keywords:** legal sources; legal research; federal law; United States

## INTRODUCTION

We, law librarians, are often asked legal reference questions that strike fear in our hearts and brains, especially when the question involves researching the law of a foreign jurisdiction. This primer is designed to provide guidance when a law librarian is asked to research a question on federal law in the United States.<sup>1</sup> Many law librarians outside of the United States have access to one or both of the major U.S. legal databases, Lexis and Westlaw. In order to effectively utilize these databases, it is important to have a basic understanding of the U.S. legal system, legal sources, and the databases. This paper will provide both that basic understanding and, in more detail, how to search the databases.

Part One provides a short review of the structure of the United States government and legal system, Part Two describes in more detail legal sources of law. Part Three offers guidance on the method of researching using the two major legal databases, Lexis and Westlaw. Also, a more detailed description of the databases' content is included in Part Three.

## PART ONE: UNITED STATES GOVERNMENT AND LEGAL SYSTEM

### Brief overview of the United States government and legal system

The United States of America [hereinafter will be referred to as either the United States or U.S.] consists of the federal government, as well as the fifty states, the territories, and Native American Tribal governments. Signed in 1787, the U.S. Constitution established the structure for both the federal and state governments. The federal government is divided into three branches, sometimes called the three 'arms of the law':

- Legislative branch<sup>2</sup> consisting of the U.S. Congress with two bodies, the House of Representatives and the Senate.

- Executive branch<sup>3</sup> including the U.S. President and the federal executive agencies, eg. Department of State, Environmental Protection Agency, and Internal Revenue Service.
- Judicial branch<sup>4</sup> including, in descending hierarchical order:
  - The U.S. Supreme Court is the highest court, or 'court of last resort' and is located in Washington, D.C.
  - The U.S. Courts of Appeals are the first level of the appellate process. They are divided into thirteen circuits, or subdivisions. There are eleven numbered circuits based on geographical regions of the country, and two named, the District of Columbia Circuit and the Federal Circuit.
  - The U.S. District Courts are the trial courts (also known as courts of original jurisdiction.) Each state has at least one District Court but the larger states will have more than one to accommodate the needs of their larger populations. The total number is 94.

Each of the fifty states follows a similar pattern as the federal government with its own three branches of government: legislative, executive, and judicial. Although this article focuses on federal legal research, it is important to understand the existence of the parallel state systems. Many areas of law are primarily reserved for the states, eg. family, criminal and education law.

### Research concepts, terminology and guidance:

**Common law** - originating in medieval England, the common law tradition was 'an oral tradition derived from general customs, principles, and rules ... and was eventually reflected in the reports of the decisions of the courts.'<sup>5</sup> Common law was '...gathered from the written

Table 1: Federal Courts and Mandatory Authority Illustrated.

<i>Level of Court</i>	<i>Mandatory or Persuasive</i>	<i>Name of Court</i>	<i>Court reporter title and abbreviations</i>
Trial Court (also called court of original jurisdiction): District Court	Decisions → Mandatory for:	U.S. District Court, Western District of New York	Federal Supplement Federal Supplement 2d Federal Supplement 3d (F.Supp.; F.Supp. 2d; F.Supp. 3d)
Appealed to: ↓			
Intermediate Appeals Court: U.S. Court of Appeals	Decisions → Mandatory for:	U.S. Court of Appeals, Second Circuit and U.S. District Courts within 2d Circuit	Federal Reporter Federal Reporter 2d Federal Reporter 3d (F.; F. 2d; F. 3d)
Appealed to: ↓			
Highest Court: U.S. Supreme Court	Decisions → Mandatory for:	US Supreme Court, U.S. Court of Appeals - all thirteen circuit courts, and U.S. District Courts – all 94 District Courts	U.S. Reports (U.S.) Supreme Court Reporter (S.Ct) U.S. Supreme Court Reports, Lawyers Edition & U.S. Supreme Court Reports, Lawyers Edition 2d (LEd.; LEd. 2d)

reports of judicial decisions... as opposed to law found in legislative enactments or statute law.<sup>6</sup> The early English colonists to America followed the common law, as stated in an 1807 case decided by the Massachusetts Supreme Judicial Court, 'Our ancestors, when they came into this new world, claimed the common law as their birthright, and brought it with them, except such parts as were judged inapplicable to their new state and condition.'<sup>7</sup>

**Doctrine of precedent:** The doctrine of precedent (also known by the Latin phrase, *stare decisis* meaning 'let the decision stand'), continues to be utilized by judges today basing their decisions on earlier cases dealing with similar legal issues. In order to ascertain which cases from which courts must be followed, it is necessary to know the hierarchy of the court structure.

**Mandatory v persuasive authority:** Generally, the authority that must be followed is mandatory or, if it may be used to persuade only, it is persuasive authority. Based on the jurisdiction of the legal issue/dispute, an authority, such as a statute, a regulation, and a case, can be either a mandatory or persuasive authority. For instance, when considering a federal issue, federal statutes and regulations are mandatory. Litigating a case in your local federal district court (trial court or court of original jurisdiction), cases from the U.S. Supreme Court are mandatory as are cases from your 'home' U.S. Court of Appeals circuit and 'home' district court. As an example, Table 1 illustrates a case originating in the U.S. District Court Western District of New York and cases from which courts are mandatory as it moves up the hierarchy of the court structure. Titles of the case reporters for each level of the courts are included in the chart with their citation format. For a federal issue, state statutes,

regulations, and cases would be persuasive authority. When considering a state issue, the 'home' state statutes, regulations, and cases (dependent on the state's court structure) would be mandatory while other states' statutes, regulations and cases would be persuasive authority.

## PART TWO: UNITED STATES LEGAL LITERATURE

### Brief overview of legal literature

Legal literature is divided into three major categories:

- **Primary sources:** '...the official pronouncements of the governmental lawmakers: the court decisions, legislation, and regulations...'<sup>8</sup>  
Titles of federal examples: *U.S. Code*, *Code of Federal Regulations*, and *United States Reports*.
- **Secondary sources:** '...works which are not themselves law, but which discuss or analyze legal doctrine.'<sup>9</sup> Common examples are encyclopedias, dictionaries, treatises, monographs, law review and law journal articles. Also included are loose-leaf services/current alert services. Secondary sources are always considered persuasive authorities.  
Titles of federal examples: *American Jurisprudence 2d* (an encyclopedia), *Black's Law Dictionary*, and *Age Discrimination by Howard C Eglit* (a treatise).
- **Finding aids and citators** – Indexes that help to locate primary or secondary sources, eg. case indexes often called digests and indexes to journal articles. Citators provide a way to verify the current status of a

statute, regulation, or case and to find citations to statutes, regulations or cases.<sup>10</sup> These citator features are important steps in the research process. Also, it is important to mention *The Bluebook: A Uniform System of Citation*, the well-known source containing both the rules of legal citation and citation formats for federal and state primary and some secondary sources.<sup>11</sup>

There is more on finding aids and citators in part three of this paper. (see Part Three: Brief overview; Finding aids - Citators)

Finding aids: title of federal example: *West's Federal Practice Digest*

Citators: names of the two citators: Shepard's on Lexis and KeyCite on Westlaw.

## Other pertinent information about U.S. legal publications

### Official v unofficial publications

*Official publications* are published by the federal government printing office, presently called the United States Government Publishing Office. Many federal primary sources are official publications. Examples are:

- *United States Code*, the subject compilation of the current federal law
- *Code of Federal Regulations*, the subject compilation of current federal administrative regulations
- *United States Reports*, the reporter for U.S. Supreme Court cases

At times, commercial publishers are awarded contracts to publish official publications.

*Unofficial publications* are published by commercial publishers, using the official text of the primary source document and adding added-value information. The added-value information are often called annotations. Two federal examples are:

- *United States Code Annotated*, published by West (Thomson Reuters) which includes the complete text of the *U.S. Code*, citations to suggested appropriate secondary sources to read and summaries of relevant cases
- *West's Supreme Court Reporter*, also published by West, which includes the complete text of U. S. Supreme Court decisions as well as headnotes drawn from points of law in the case and links to *West's Federal Practice Digest*, their case finding tool.

### Unannotated and annotated publications

*Unannotated publications*, often are official publications, include the text of the document without extra added-value information (examples – *United States Code* and *United States Reports*).

*Annotated publications* are normally published by commercial publishers with added-value information and a faster publication schedule. (examples – *United*

*States Code Annotated*, *United States Code Service*, *Supreme Court Reporter* and *United States Supreme Court Reports, Lawyers' Edition*).

Generally, because of rapid, more timely publication schedules and the added-value information, legal researchers in the United States use the unofficial and annotated versions of the United States Code and the case reporters. See [Table 2](#) on page 166 for publication information on U.S. primary sources, in print and in databases.

## PART THREE: DOING FEDERAL LEGAL RESEARCH WITH LEXIS AND WESTLAW

### Brief overview of Lexis and Westlaw databases

Lexis and Westlaw are full-text legal databases; both include federal and state primary and secondary legal sources as well as finding aids, citators and general and legal news.<sup>12</sup> In many respects, the two databases are very similar to each other in content, search protocols, and strategies.<sup>13</sup> The documents in each database consist of fields (Westlaw) and segments (Lexis) which allow for targeted searching. This paper focuses on federal research but similar sources and search techniques are available for state legal research using both Lexis and Westlaw.<sup>14</sup> The following three sections provide information on what you can expect to find in Lexis and Westlaw, depending on the type of source. Beware of spelling variations between UK and US English.

### Primary sources

Turning to specific federal primary sources, each of the databases includes annotated versions of the United States Code (the subject arrangement of current U.S. laws), the Code of Federal Regulations (the subject arrangement of current U.S. administrative regulations), and reports of cases from each of three levels of the federal courts, eg. the U.S. District Courts, the U.S. Courts of Appeals, and U.S. Supreme Court. (See [Table 2](#), Federal Primary Sources, on page 166.)

### Secondary sources

Each database has treatises and monographs that provide discussion and analysis of historical background, current statutes, regulations, and cases on a single subject area. For example, employment law treatises are on Lexis and Westlaw. Legal encyclopedias, survey-like, introductory sources, are available in both Lexis and Westlaw. In most instances, the titles included are unique to each database because they are published by the individual database. Also, law reviews are included in the secondary sources category; both Lexis and Westlaw include many of them, primarily starting with the volumes published in the 1980s and 1990s to the present.<sup>15</sup>

Table 2: Federal Primary Sources.

<i>Title and Citation:</i>	<i>Government Body Issuing:</i>	<i>Type of Source:</i>	<i>Official or Commercial:</i>	<i>Unannotated or Annotated:</i>	<i>Chronological or Topical:</i>	<i>Database</i>
<b>Statutes</b>						
<i>U.S. Statutes at Large</i> (Stat.)	U.S. Congress	All laws passed from first Congress, 1789+	Official	Unannotated	Chronological	Lexis 1789+ Westlaw 1789+
<i>U.S. Code</i> (U.S.C.)	U.S. Congress	Current Statutes	Official	Unannotated	Topical	HeinOnline*
<i>U.S. Code Annotated</i> (U.S.C.A.)	U.S. Congress	Current Statutes	Commercial	Annotated	Topical	Westlaw 1990+
<i>U.S. Code Service</i> (U.S.C.S.)	U.S. Congress	Current Statutes	Commercial	Annotated	Topical	Lexis 1992+
<b>Regulations</b>						
<i>Federal Register</i> (F.R.)	Federal agencies	Proposed and finalized regulations, etc.	Official	Unannotated	Chronological and agency name	Lexis 1936+ Westlaw 1936+
<i>Code of Federal Regulations</i> (CFR)	Federal agencies	Current Regulations	Official	Print unannotated; Annotated on Lexis & Westlaw	Topical	Lexis 1981+ Westlaw 1984+
<b>Cases</b>						
<i>Federal Supplement</i> (F. Supp.; F. Supp. 2d; F. Supp.3d)	U.S. District Court cases	Cases	Commercial	Annotated with headnotes and digest or index topics	Chronological	Westlaw Lexis Note: each database includes its own headnotes and digest or index topics.
<i>Federal Reporter</i> (F.; F.2d; F.3d)	U.S. Courts of Appeals	Cases	Commercial	Annotated with headnotes and digest or index topics	Chronological	Westlaw Lexis Note: each database includes its own headnotes and digest or index topics
<i>U.S. Reports</i> (U.S.)	U.S. Supreme Court	Cases	Official	Unannotated with court syllabus	Chronological	HeinOnline*
<i>Supreme Court Reporter</i> (S. Ct.)	U.S. Supreme Court	Cases	Commercial	Annotated with headnotes and digest topics	Chronological	Westlaw
<i>U.S. Supreme Court Reports, Lawyers' Edition</i> (L. Ed.; L. Ed. 2d)	U.S. Supreme Court	Cases	Commercial	Annotated with headnotes and index topics	Chronological	Lexis

\*Subscription required

## Finding aids:

**Indexes:** Journal indexes have been available to U.S. legal researchers for decades and one for over a century. The two major indexes, *Index to Legal Periodicals and Books* (ILPB) and Legaltrac are both available in print and online by subscription.<sup>16</sup> Legaltrac, under the title, *Legal Resource Index*, was included in the Westlaw (UK) database but, as of 1 September 2020, it will no longer be available.

**Digests on Westlaw:** Many law librarians are familiar with the use of case digests to locate caselaw by subject. In United States legal literature, the American Digest System is by far the best known and the oldest, continuously available digest. Dating from the late 1800 and indexing cases by subject from 1658 to the present, it was developed by the West Publishing Company and is now published by Thomson Reuters. Still currently available in print, the American Digest System is an exclusive feature of Westlaw.<sup>17</sup>

The American Digest System indexes both federal and state cases. Using a standardized indexing system across the entire American Digest System, the researcher is able to use the same indexing topic and subtopic to search for cases in every U.S. jurisdiction.<sup>18</sup> The digest is arranged alphabetically by topic and, within each topic, by a subtopic hierarchy appropriate to the broad topic. Each of the subtopics is assigned a number, called a key number, because a symbolic key, licensed by Thomson Reuters, is displayed preceding it. Before a new case is added to Westlaw or published in a print volume, it is classified under its appropriate digest topic(s) and key numbers and headnotes are created, highlighting the important points of law from the case. The headnotes, digest topics, and key numbers appear at the beginning of the case prior to the text of the court's opinion. Proceeding the headnotes and digest topics, the synopsis/summary and holding of the case are included. Found on the advance search screen for federal cases, the following exemplary case screenshot with the fields marked illustrates these features. (See Figure, page 168.)

**Digests on Lexis:** Lexis created its own indexing system of caselaw as well as headnotes and case summaries in the early 2000s.<sup>19</sup> Although the Lexis system cannot use key numbers, it does employ a hierarchical structure of main/broad topics with subtopics. The case summaries, holdings, indexing topics, and headnotes appear before the text of the court's opinion.<sup>20</sup>

**Using Digests on Lexis and Westlaw – Brief description:** In Westlaw, normally, the researcher performs a keyword search in one of the databases and identifies an appropriate case or cases. The case will have headnotes and a link to its digest's main topics and subtopics. By clicking on

that link, the database will do a search for the topic and subtopic within the same jurisdiction of the original search to identify other cases under the chosen topic and subtopic. Unfortunately, in the UK interface for Lexis, headnotes and the indexing system are available to view but it is not possible to employ the indexing system to search for additional cases under the same topic.

**Citators:** As stated in part two of this paper, citators have two main functions. The first is to verify the current status of a federal or state statute, regulation, or case. The second function is to find citations to the statute, regulation or case. These citator features are important steps in the research process. Shepard's, with a very long history in legal literature, began in 1875 as a print publication and evolved into its present online interface.<sup>21</sup> For some years in the early 2000, it was available on both Lexis and Westlaw. By that time, Lexis had purchased Shepard's and Westlaw's contract was cancelled.<sup>22</sup> However, Westlaw had already developed its own citator, first named Auto-Cite and now called KeyCite. Although new features have been added, both Shepard's and KeyCite have maintained the same primary functions of verifying the validity of a specific primary source document and locating citations to that same primary source document. The citing references can include cases, secondary sources, and administrative documents. On both Lexis and Westlaw, there is an additional feature of colored signals indicating whether the validity of a case has been affected by a more recent case. When either Shepardizing or KeyCiting, there is a way to filter the results by the depth of treatment/discussion of the original citation in the citing source.

At this point in time within the United States, each database includes a citator; Lexis includes Shepard's and Westlaw, KeyCite. They are both integrated into their database in two ways. Firstly, the most commonly used method, is a link displayed when viewing a specific statute or regulation section or case citation. Secondly, using the initial search box, the citator is directly queried with the name of the citator combined with a citation to a statute, regulation, or case. For example:

**Lexis format:** shep: [statute, regulation, or case citation]

**Westlaw format:** keycite: [statute, regulation or case citation].

Unfortunately, the UK interface of Lexis that I have been using does not include Shepard's.

Overall, it is important to understand that both Lexis and Westlaw have integrated all of these research sources, ie. primary, secondary, finding aids and citators, in an extremely useful, interactive manner.

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

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

Docket Number → No. 04-108. Argued Feb. 22, 2005. Decided June 23, 2005. Rehearing Denied Aug. 22, 2005. See 545 U.S. 1158, 126 S.Ct. 24.

**Synopsis**  
Background: Owners of condemned property challenged city's exercise of eminent domain power on ground 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.

**West Headnotes (7)**

★ Digest  
★ Topic  
1 Eminent Domain ← Topic  
Sovereign may not use its eminent domain power to take property of one private party for sole purpose of transferring it to another private party, even if first party is paid just compensation. U.S.C.A. Const.Amend. 5  
Cases that cite this headnote

148 Eminent Domain  
148I Nature, Extent, and Delegation of Power  
148k60 Taking for Private Use  
148k61 In General

Panel  
STEVENS, J., delivered the opinion of the Court, in which KENNEDY, SOUTER, GINSBURG, and BREYER, JJ., joined. KENNEDY, J., filed a concurring opinion, post, p. 2669. O'CONNOR, J., filed a dissenting opinion, in which REHNQUIST, C. J., and SCALIA and THOMAS, JJ., joined, post, p. 2671. THOMAS, J., filed a dissenting opinion, post, p. 2677.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF CONNECTICUT

Attorneys and Law Firms  
Institute for Justice, William H. Mellor, Scott G. Bullock, Counsel of Record, Dana Berliner, Steven Simpson, Washington, DC, Sawyer Law Firm, LLC, Scott W. Sawyer, New London, CT, Counsel for Petitioners.  
Attorney Wesley W. Horton, Counsel of Record, Daniel J. Krisch, Horton, Shields & Knox, P.C., Hartford, CT, Thomas J. Londregan, Jeffrey T. Londregan, Conway & Londregan, P.C., New London, CT, Edward B. O'Connell, David P. Condon, Waller, Smith & Palmer, P.C., New London, CT, Counsel for the Respondents.

Opinion  
Justice STEVENS delivered the opinion of the Court. ← Judge  
\*472 In 2000, the city of New London approved a development plan that, in the words of the Supreme Court of Connecticut, was "projected to create in excess of 1,000 jobs, to increase tax and other revenues, and to revitalize an economically distressed city, including its downtown and waterfront areas." 268 Conn. 1, 5, 843 A.2d 500, 507 (2004). In assembling the land needed for this project, the city's development agent has purchased property from willing sellers and proposes to use the square of land

Figure 1: Westlaw – Advanced Search Screen: Exemplary Case with Fields Marked.

## Commencing a research project on Lexis and Westlaw

When starting a research project, your initial jumping off point is dependent on what you know already. In other words, do you have a citation to a specific primary source, eg. a statute, regulation, or case? Also, how well do you know the area of law you are researching?

Depending on your response to these two questions, we will examine the methodology for starting your research on Lexis and Westlaw.<sup>23</sup>

The research issue we will be following for the duration of this paper is the federal law on age discrimination in employment context. The first step in each of the databases is to find the link to the United States portion of the database.

In Lexis, starting from the Lexis Library landing page and using the top task bar, click on the ‘Sources’ link. Once on the Sources page, click on ‘International Content’ in the upper left-hand part of the screen which brings you to the portion of Lexis calls ‘Lexis Library International.’ The search bar will say ‘All’ (searching all international content). Click on the down arrow next to ‘All’, select what type of United States content you want to search and that content will appear instead of the word, ‘All’. Then do your search. Most likely, you will need to use the filters in the left-hand frame.

To get to the US content in Westlaw, from their landing page, browse down to ‘Browse by Topic’ and the link to the Westlaw US is under ‘More resources.’ As of 31 August 2020, you will be searching what is called ‘Westlaw Classic’. Use the search bar to input a search.<sup>24</sup>

**Starting with a citation of a specific statute, regulation or case:** To start, type your citation in the initial search box. An extremely common way to begin researching, it will result in retrieving the text of the desired primary source document and a great deal of added-value information. The text of statute and regulation are annotated with references to cases litigating the statute or regulation as well as secondary sources explaining the statute or regulation. A case citation will link to the case as well as includes its headnotes and digest/index topical links. In addition, all three primary sources link to one of the citators, depending on which database you are using. In other words, just by knowing an appropriate primary source citation, the researcher retrieves an extremely useful ‘package’ of research materials. See Table 3 for detailed information.

### Previous knowledge of the area of law

In many instances, the researcher will not have the advantage of either knowledge of the area of law or a specific

primary source citation. However, Lexis and Westlaw include various secondary sources to help in these circumstances. Particularly helpful are legal encyclopedias, treatises, practice sources, and law review articles. There are two ways to search for these secondary sources; first by doing a search in the initial search box for a specific legal topic, such as age discrimination in employment and filter by secondary sources. Using the second way, the user would view the secondary sources listed under the specific practice areas, eg. employment and labour. These secondary sources are full text and, once identified, it is possible to either search directly in the source or browse through it using its table of contents. The text of secondary sources provides understanding of the area of law, appropriate terminology/terms of art within the chosen area of law, and names, citations, and often direct links to the pertinent primary sources (statutes, regulations and cases).

Please note that the databases include only those treatises, encyclopedias and practice sources that they publish, with a few exceptions.<sup>25</sup> Many law reviews and journals are included in both Lexis and Westlaw but some have exclusive licensing with one of the databases.

### Keyword searching on Lexis and Westlaw

Keyword searching is another well-known and respected method of searching the legal databases. Generally, there are two ways to perform keyword searching: using plain language or using Boolean terms and connectors searches. Although we will discuss each of these search types, Boolean searching will be described in greater depth.

**Plain language searching:** Similar to a standard Google search, plain language searching allows for searching for one, two, or more appropriate words. The databases

Table 3: Primary Sources with added-value features indicated.

Document:	Historical notes		Case notes		Secondary source citations		Shepard's Links		KeyCite Links		Headnotes and Digest or Topical Indexing	
	L	W	L	W	L	W	L	W	L	W	L	W
<b>Databases:</b> <b>Lexis and Westlaw</b>												
Statute	x	x	x	x	x	x	x			x		
<b>Example:</b> 29 U.S.C. §623												
Regulation	x	x	x	x	x	x	x			x		
<b>Example:</b> 29 CFR 1626.4												
Case							x			x	x	x
<b>Example:</b> 553 U.S. 474												

Some of the Document Fields Specific to Case Searching:

Figure 2: Federal Cases: Advanced Search with Exemplary Case, Connectors and Expanders, and Field Searching.

search throughout its entire database using its patented algorithm search techniques to return the search results. Normally the results are quite large; then the user filters depending on whether a primary or secondary source is desired.

**Boolean terms and connectors searching:**

Boolean terms and connectors searching, heretofore, Boolean searching, can be performed on both Lexis and Westlaw. Although many readers will have experience with using Boolean searching, a quick summary may be useful. The researcher utilizes known terminology combined with standardized connectors and wildcard symbols to create a search statement. For example,

Age! /s discriminat!

This example is looking for documents where the two words, age and discrimination are in the same sentence, [/s means within the same sentence] in any order and the root words of 'age' or 'discriminat' can have any ending, such as aged, discriminate, discriminating, discriminated, or discrimination. Using this

technique is called truncating a search word. Boolean searching is a very powerful tool, allowing for a great deal of flexibility in the search statement. Within one search statement, it is possible to combine several synonyms or alternative terms and two or more general concepts together within the same sentence, paragraph or designated number of words. Also, date delineators can be added. To view the Westlaw connectors, see Figure 2 (above).

**Field or segment searching: enhanced Boolean terms and connectors searching:**

Each document in Lexis and Westlaw is divided into logical subdivisions related to the type of source it is, ie. statute, regulation, case or secondary source. The divisions are called fields on Westlaw and segments on Lexis. In Westlaw, starting from the screen with all the categories of materials included in the database, choose which category you want to search statutes, regulations, cases, or secondary sources. Then select the Advanced search screen and, in a template the names of the fields or segments are



Table 4: Westlaw Field and Lexis Segment Search Examples.

Database	Type of Source	Field Name	Example	Explanation: What is being searched?
Westlaw	Statute	Text	Text (age!/s discriminat!)	Search within the text of the statute, not within references to secondary sources or notes of decisions
	Regulation	Caption	Ca (age/s discriminat!/s employ!)	Search within CFR section number and heading
	Case	Synopsis/digest	Sy,di (age!/s discriminat!)	Search within the synopsis, digest, and headnotes of cases
	Secondary Source	Title	Ti (age/s discriminat!/s employ!)	Search within the titles of secondary sources, eg. treatises or law review articles
Lexis	Statute	Text	Text (age w/s discriminat! w/s employ!)	Search within the text of the statute not within references to secondary sources or casenotes
	Regulation	Heading	Heading{age w/s discriminat! w/s employ!)	Search within the CFR table of contents and section numbers with section title
	Case	Summary and Headnotes	Summary (age w/s discriminat! w/s employ!) and headnotes (age w/s discriminat! w/s employ!)	Search within both the summary and headnotes of cases.
	Secondary Source - Treatises	Title	Title (age w/s discriminat! w/s employ!)	Search within chapter titles of legal treatises

displayed for the category of materials you selected. To construct a search, use your desired field/segment on the template to type your search or use the name of its field/segment at the beginning of the search string and enclose the keywords within parentheses; multiple keywords are often used within parentheses and are combined using the standardized Boolean connectors. On the UK Lexis interface, for the cases search option, it is possible to include segment searches for judges and dates only. There is no option for segment searching for the other types of sources. On the Advanced screen in the U.S. version for Lexis and the UK and U.S. versions of Westlaw, a list of the Boolean connectors and an exemplary document are displayed clearly marking the different fields or segments.

An example of this type of search is shown for each database and for each type of source, primary and secondary, in Table 4. Targeted searches of fields on Westlaw or segments on Lexis are very powerful and efficient ways to find appropriate research documents.

**Viewing the results and next research steps:** For each of the primary sources, below is a description of what is retrieved and how to utilize some of the added value information in Westlaw. Because the Lexis interface utilized in the UK lacks many of the Lexis features available

in the US, I will not describe Lexis searches for these searches below. Please note that in Lexis, you can search with specific citations and do keyword searching. Then, you will need to use the left-hand filters.

**Statutes: 29 U.S.C. § 623 [Explanation of the citation: Title 29 (Labor Department) of the United States Code, section 623 (Prohibition of age discrimination)]**

**Step One:** In the top search bar, type in 29US623. Note that the citation does not include the section symbol, punctuation, or leave spaces within the citation nor is it necessary to choose a content type or a jurisdiction. The statutory section retrieved is from the unofficial version of the *United States Code Annotated*. The researcher is able to read the full text of the statute and utilize all of the features of the annotated code. These features are links to appropriate secondary sources (treatises, encyclopedias, law review articles, form books), citators and most importantly notes of decisions litigated under this section. (See Figure 3.)

**Step Two:** Focusing on the Notes of Decisions feature, the link leads to summaries of selective cases litigated under the statutory section and arranged in a numbered outline of topics directly relevant to the section. Depending on the statutory section, there can be a few

The screenshot displays the Westlaw Edge interface for 29 U.S.C. § 623. At the top, a red box highlights the citation and title: "§ 623. Prohibition of age discrimination". Below this, another red box highlights the statute's text, including subsections (a) through (c). A third red box highlights the "CREDIT(S)" section, which lists the original enactment and subsequent amendments. A fourth red box highlights the "Notes of Decisions (2924)" link. Red circles and arrows point from these boxes to descriptive labels: "Statute Citation and Title; KeyCite", "Statute Number, Title and Text", "Statutory History – original enactment and amendments", and "Notes of Decisions with Topical Outline".

Figure 3: 29 U.S.C. 623 Statute Partial Text with Credits, Notes of Decision and KeyCite Highlighted Westlaw Edge.

topics or hundreds. For our example, 29 U.S.C. §623, there are 380 topics organizing and summarizing nearly 3000 cases. In addition to a summary, each case includes the name of the case, its case citation, and an appropriate digest topic and key number. Looking at the outline of topics, cases under the topic number 41, 'Unlawful practices, generally' were viewed and a U.S. Supreme Court case was selected to view in full-text, *Gomez-Perez v Potter* 553 U.S. 474 (2008). (See Figure 4.) More details on this case is in the section on searching cases below.

**Step Three:** In addition to looking at the notes of decisions and the secondary sources listed for this

statutory section, use the three (and possibly more) tabs for the citator; KeyCite found directly under the citation and name for the statute at the top of the screen. The first tab, History, includes historical notes on the statute. The second tab, Citing References, provides citing references to the statute in cases, administrative decisions, secondary sources and court documents. Context & Analysis, the third tab, lists the selective secondary sources that are included as added value information for this statutory section in the print edition of the *United States Code Annotated* and may duplicate some of the secondary sources under the Citing References tab. (See Figure 5.)

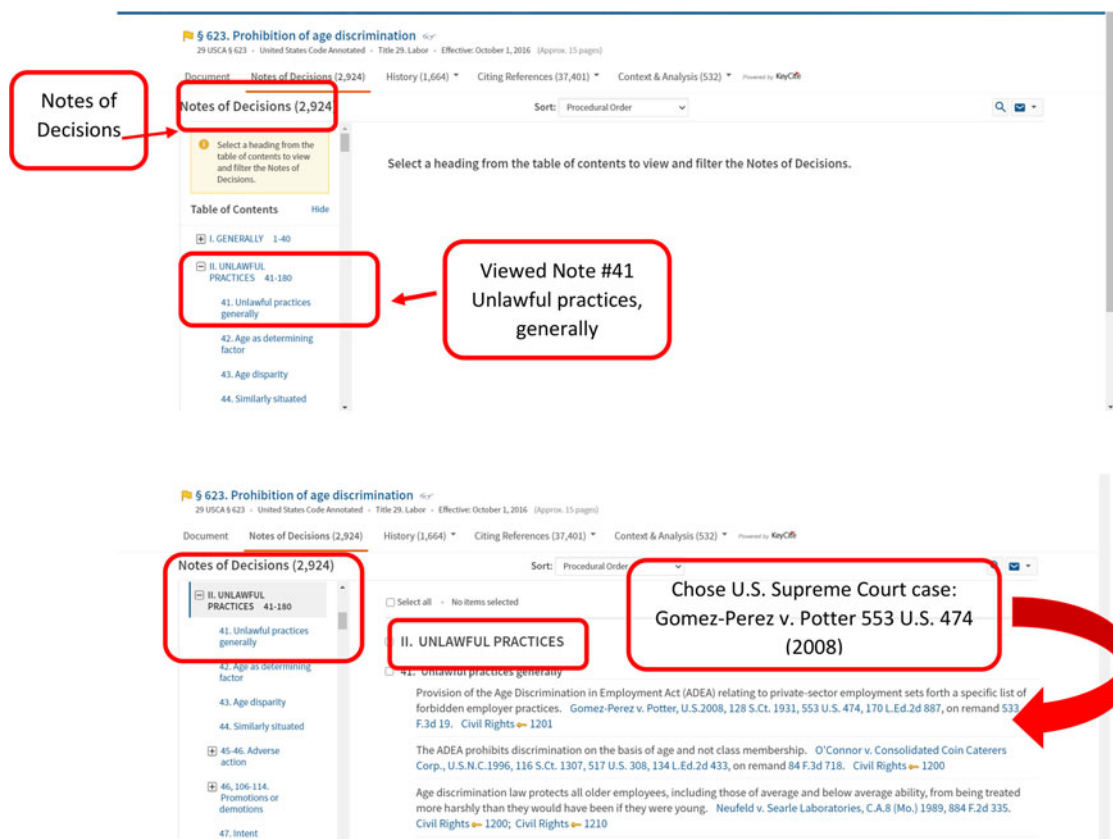


Figure 4: 29 U.S.C. 623 Westlaw Edge: Notes of Decisions.

**Regulations: 29 C.F.R. § 1626.4 [Explanation of the citation: Title 29 (Labor Department) of the Code of Federal Regulations, section 1626.4 (Information concerning alleged violations of the Act)]** The steps for a regulation are very similar to a statute and will be briefly described. The document retrieved includes the text of the regulation and added value information. Note: There is no printed *annotated* edition of the Code of Federal Regulations; both Lexis and Westlaw created its own online annotated version.

**Step One:** Type the citation in the top search bar, without spaces, punctuation, or section number, 29cfr1626.4. The CFR section is retrieved and the researcher can read it and link to the Notes of Decisions.

**Step Two:** Link to the Notes of Decisions to view the numbered outline of topics included that are directly relevant to this section of the Code of Federal Regulations. There are seven topics that organize and summarize fifteen cases litigated under this specific regulation. I looked at the topic, limitation of actions and chose a case from the 11th circuit of the U. S. Court of Appeals to view, *U.S.E.E.O.C. v. Tire Kingdom, Inc* 80 F.3d 449 (1996). (See Figure 6.)

**Step Three:** Using the KeyCite information found directly under the regulation at the top of the screen, the user is able to utilize the three tabs - History, Citing References, and Context & Analysis to view citing cases,

secondary sources, and other appropriate citations to complete the appropriate research concerning this specific regulation. (See Figure 7.)

**Cases: 553 U.S. 474 [Explanation of the citation: Volume 553 of the United States Reports (U.S. Supreme Court), page 474; name of case: Gomez-Perez v. Potter]** Briefly, this is a case about a plaintiff, Myrna Gomez-Perez, who alleged that she had been retaliated against for filing an age discrimination complaint. It is the case identified in the description of searching and viewing statutes above.

**Step One:** Type the case citation in the top search bar, without spaces or punctuation, 553US474. This citation is for the official version of US Supreme Court decisions, the *United States Reports*. Note, the version that is retrieved is from the *Supreme Court Reporter*, the unofficial version of US Supreme Court decisions. It is published by Thomson Reuters, formerly West Publishing Company, and includes added-value information, such as headnotes written by West with links to the West's Digest system. As in the official edition, the complete text of the court's opinions, the majority and, if any, concurring, and dissenting opinions, are available for the researcher to read. On the top of the screen which displays the *Supreme Court Reporter* version of the case, there is a link to a pdf of the printed version of the case. (See Figure 8.)

**§ 623. Prohibition of age discrimination**  
 29 USCA § 623 - United States Code Annotated - Title 29, Labor - Effective: October 1, 2016 (Approx. 15 pages)

Document Notes of Decisions (2,924) History (1,664) **Citing References (37,412)** Context & Analysis (532) Powered by KeyCite

KeyCite: Citing References (12,757) 1-20 > Sort By: Date: Newest First

Content types: Cases (12,757), Trial Court Orders (33), Statutes & Court Rules (7), Regulations (12), Administrative Decisions & Guidance (602), Secondary Sources (9,721), Appellate Court Documents (4,578), Trial Court Documents (9,652)

Title	Date	NOD Topics	Type
1. FRANKLIN INOJOSA, Plaintiff, v. BOARD OF TRUSTEES OF THE CITY COLLEGES OF CHICAGO, COMMUNITY COLLEGE DISTRICT 508, a municipal corporation, Defendant. 2020 WL 5530118, *2, N.D.Ill., ( NO. 20 C 1114) Before the Court is Defendant's Board of Trustees of the City Colleges of Chicago, Community College District 508's ("CCC") Motion to Dismiss Franklin Inojosa's ("Inojosa")... ...2 (Count I); (2) race/color discrimination prohibited by Title VII, (Count II); (3) age discrimination prohibited by the Age Discrimination in Employment Act ("ADEA"), <b>29 U.S.C. § 623(a)(1)</b> (Count III); (4) discrimination prohibited by Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq (Count...)	Sep. 15, 2020	--	Case
2. Deneve v. DSLD Homes Gulf Coast, LLC 2020 WL 5521371, *7, S.D.Ala., ( NO. 1:18-CV-487-JB-B)	Sep. 14, 2020	--	Case

**29 USC 623 KeyCite: Cases filtered for U.S. Supreme Court Cases**

**§ 623. Prohibition of age discrimination**  
 29 USCA § 623 - United States Code Annotated - Title 29, Labor - Effective: October 1, 2016 (Approx. 15 pages)

Document Notes of Decisions (2,924) History (1,664) **Citing References (37,412)** Context & Analysis (532) Powered by KeyCite

KeyCite: Citing References (36) 1-20 > Sort By: Date: Newest First

Select multiple Apply

Search within results

Jurisdiction: Federal, Supreme Court (36)

Date, Referenced in Notes of Decisions, Directly Cited

Title	Date	NOD Topics	Type
3. <i>Burrage v. U.S.</i> 134 S.Ct. 881, 889+, 571 U.S. 204, 213+, 187 L.Ed.2d 715, 715+, 82 USLW 4076, 4076+, 122 Fair Empl.Prac.Cas. (BNA) 237, 237+, 14 Cal. Daily Op. Serv. 856, 856+, 2014 Daily Journal D.A.R. 1030, 1030+, 24 Fla. L. Weekly Fed. S 531, 531+, U.S., ( NO. 12-7515) CRIMINAL JUSTICE - Drugs. "But-for" causation was required to support conviction under "death results" penalty enhancement provision. ...discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age." <b>29 U.S.C. § 623(a)(1)</b> (emphasis added). Relying on dictionary definitions of "[t]he words 'because of' "—which resemble the definition of "results from" recited above...	Jan. 27, 2014	--	Case
4. <i>University of Texas Southwestern Medical Center v. Nassar</i> 133 S.Ct. 2517, 2520+, 570 U.S. 338, 339+, 186 L.Ed.2d 503, 503+, 81 USLW 4514, 4514+, 118 Fair Empl.Prac.Cas. (BNA) 1504, 1504+, 97 Empl. Prac. Dec. P 44,851, 44851+, 293 Ed. Law Rep. 644, 644+, 13 Cal. Daily Op. Serv. 6494, 6494+, 24 Fla. L. Weekly Fed. S 366, 366+, U.S., ( NO. 12-484) LABOR AND EMPLOYMENT - Discrimination. Title VII retaliation claims must be proved according to traditional principles of but-for causation.	June 24, 2013	--	Case

**29 USC 623 KeyCite: Secondary Sources Filtered for Law Review Articles**

**§ 623. Prohibition of age discrimination**  
 29 USCA § 623 - United States Code Annotated - Title 29, Labor - Effective: October 1, 2016 (Approx. 15 pages)

Document Notes of Decisions (2,924) History (1,664) **Citing References (37,412)** Context & Analysis (532) Powered by KeyCite

KeyCite: Citing References (2,020) 1-20 > Sort By: Date: Newest First

Content types: Cases (12,757), Trial Court Orders (33), Statutes & Court Rules (7), Regulations (12), Administrative Decisions & Guidance (602), Secondary Sources (9,721), ALR (88), Law Reviews (2,020), Westlaw Journals (14)

Title	Date	NOD Topics	Type
1. "OVER-THE-HILL" YET STILL FIGHTING UPHILL BATTLES TO FIND JOBS: THE PLIGHT OF OLDER JOB APPLICANTS UNDER THE ADEA 52 Conn. L. Rev. 505, 536+ This Note discusses the unresolved issue of whether the Age Discrimination in Employment Act (ADEA) protects older job applicants from disparate impact discrimination, arguing that... ...Cmty. Affairs v. Inclusive Cmty., Project, Inc., 135 S. Ct. 2507, 2514-15 (2015) [FN32][teamsters, 431 U.S. at 335-36 n.15][FN33]See <b>29 U.S.C. § 623 (2012)</b> (covering disparate treatment as a violation of the ADEA); McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973) (establishing a...	2020	--	Law Review
2. REEFER ACCESS: DISPENSARIES AS "PLACES OF PUBLIC ACCOMMODATION" UNDER TITLE III OF THE ADA 108 Geo. L.J. 1331, 1362	2020	--	Law Review

Figure 5: 29 USC 623 KeyCite: Cases.

**Step Two-A:** Read the case and note which numbered headnotes highlight issues of interest to your research. (See Figure 8.)

[Example: [Headnote #6] Digest topic: Civil Rights  
 Key number: 1201 (Practices prohibited or required in general, elements)]

The headnotes indicate the West digest topic and key number (subtopic) under which this case is included in West's Digest system as well as text on the point of law found in the opinion. By clicking on the bracketed number of the headnote, the researcher is taken to that place in the opinion. Click back on the bracketed number

**Regulation Citation, Title, and KeyCite**

Regulation Text: 29 CFR 1626.4

**Notes of Decisions**

Notes of Decisions (15)

1. In general

★ Equal Employment Opportunity Commission's (EEOC's) role in combating age discrimination is not dependent on filing of age discrimination charge, but rather agency may receive information concerning alleged ADEA violations from any source, and it has independent authority to investigate age discrimination. Age Discrimination in Employment Act of 1967, § 2 et seq., as amended, 29 U.S.C.A. § 621 et seq. Gilmer v. Interstate/Johnson Lane Corp., 1991, 111 S.Ct. 1647, 500 U.S. 20, 114 L.Ed.2d 26. Civil Rights — 1506

Equal Employment Opportunity Commission (EEOC) had authority to investigate employee's age discrimination claim, although employee's claim was not filed within 180-day filing period. Age Discrimination in Employment Act of 1967, § 7(d), 29 U.S.C.A. § 626(d). E.E.O.C. v. American & Efrid Mills, Inc., 1992, 964 F.2d 300. Civil Rights — 1506

Equal Employment Opportunity Commission (EEOC) has statutory authority to investigate age discrimination claims and bring actions independent of statutory authority of individual employees to bring claims. Age Discrimination in Employment Act of 1967, § 7(d), 29 U.S.C.A. § 626(d). E.E.O.C. v. American & Efrid Mills, Inc., 1992, 964 F.2d 300. Civil Rights — 1506; Civil Rights — 1522

Figure 6: 29 CFR sec. 1626.4 (Regulation in Westlaw Edge).

**KeyCite: Case Citation**

★ 1. E.E.O.C. v. Texas Roadhouse, Inc. Nov. 17, 2014

2014 WL 7448524, \*3, D.Mass., (NO. CVA 11-11732-DJC)

The court accepts and adopts the Report and Recommendation. The Equal Employment Opportunity Commission (hereinafter "EEOC" or "plaintiff") has filed Plaintiff's Motion for Summary...

...that "[t]he Commission may, on its own initiative, conduct investigations of employers, employment agencies and labor organizations, in accordance with the powers vested in it 29 CFR § 1626.4 (emphasis added). Without addressing the merits of the EEOC's motion for summary judgment as to whether an investigation is reviewable, the...

★ 2. Equal Employment Opportunity Commission v. Bok Financial Corporation Dec. 06, 2013

2013 WL 12058062, \*4, D.N.M., (NO. CIV 11-1132 RB/LFG)

**29 CFR 1626.4 Regulation KeyCite: Secondary Sources**

**KeyCite: Secondary Sources**

★ 1. Emp. Discrim. Coord. Analysis of Federal Law's 78:11, § 78:11. Confidentiality procedures

Emp. Discrim. Coord. Analysis of Federal Law

Unlike Title VII, the ADEA has no statutory prohibition against the disclosure of information gathered by the EEOC. Therefore, access to such information is controlled by the...

...the EEOC from disclosing an employer's confidential information without adhering to the notice and other requirements of the agency's regulations implementing the FOIA (21 29 C.F.R. § 1626.4-2 Westlaw Cases Report, L.L.C. v. E.E.O.C., 103 Fair Empl. Prac. Cas. (BNA) 1025, 2008 WL 2549912 (D.C. Cir. 2008)(Westlaw...

★ 2. HRS Fair Employment Practices § 12:58, § 12:58. Confidentiality 2020

Unlike Title VII, the ADEA does not expressly prohibit disclosure of information

Figure 7: 29 CFR 1626.4 Regulation KeyCite: Cases and Secondary Sources (Westlaw Edge).

Headnotes 1-5 Not Displayed

Headnote 6:

Figure 8: Westlaw Edge United States Supreme Court Decision: Gomez-Perez v Potter 553 U.S. 474 (2008).

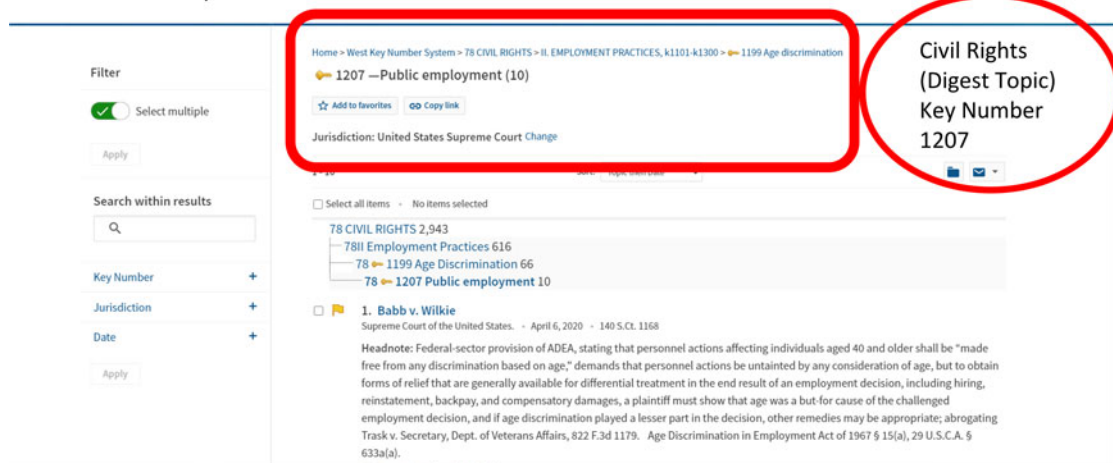
in the text of the opinion to return to the headnotes at the beginning of the case.

**Step Two-B:** To find additional cases digested under the same topic and key number, click on the key number. Displayed are the results of a search performed using the same topic and key number in the same jurisdiction as the original case. In this instance, because the case viewed is a U.S. Supreme Court decision, the jurisdiction will be Supreme Court. However, if cases are desired from a different jurisdiction, at the top of the screen,

click on 'change' after the name of the jurisdiction to choose another, such as U.S. Courts of Appeals. The results of this search will be displayed with all the Courts of Appeals cases digested (indexed) under the same topic and key number. (See Figure 9.) To return to the Gomez-Perez v Potter case, click on the History option on the top task bar to view earlier searches and click on the case name.

**Step Three:** KeyCite this case, using the links found directly under the name of the case and its citations at the top of the screen. There are five KeyCite tabs for cases, all

Jurisdiction: U.S. Supreme Court



Changed Jurisdiction to U.S. Courts of Appeals, Second Circuit

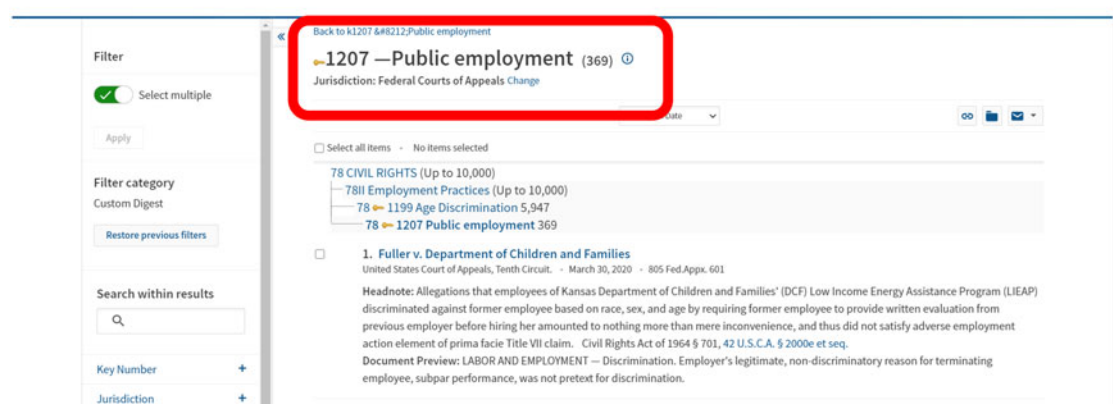


Figure 9: Digest Search for Civil Rights (Digest Topic) & Key Number 1207 (Public Employment).

are very useful. They are history, negative treatment, citing references, filings, and table of authorities.

**History tab** provides the direct history of the Gomez-Perez case, meaning the court and actions taken by those courts that heard the case. The information is displayed in two formats, graphically by level of the court and in a list form. Included are the cases that directly affect the validity of the Gomez-Perez case by court action, ie. reversing, overruling, vacating or/and remanding the decision.

**Negative Treatment tab** provides cases that negatively cite Gomez-Perez v Potter by distinguishing from or declining to extend the citing case to agree with the Gomez-Perez case. At times, this is called indirect negative treatment. Note: this does not include cases that directly affect the validity of the Gomez-Perez case by court action found under the history tab.

**Citing References tab** provides all court citations, administrative agency decisions, secondary sources, trial and appellate court documents for other cases.

**Filings tab** provides a list and links to court documents filed in the Gomez-Perez case.

**Table of Authorities tab** provides a list of cases cited by the U.S. Supreme Court in the Gomez-Perez case and the present validity of each case. When perusing this list of cases, it is easy to ascertain whether the cases used as authorities in your case are still valid and assess their current weight and importance. (See Figure 10.)

**SUMMARY**

This paper was designed to offer a basic introduction to researching federal law of the United States in the two well-known databases, Lexis and Westlaw. Both databases were created in the US, to search US law and then expanded into other Anglo-American jurisdictions.

Because each Anglo-American jurisdiction has both similar and unique legal systems and sources, the paper includes background on the US legal system and sources. Descriptions are included of the contents of each database and how to search in each one. Due to the Lexis interface that is available in the United Kingdom, I was able to provide more detailed

553 U.S. 474 KeyCite: Cases and Secondary Sources Westlaw Edge

553 U.S. 474 KeyCite: All Cases

The screenshot shows the KeyCite interface for the case *Gomez-Perez v. Potter*. The header indicates the case is from the Supreme Court of the United States, dated May 27, 2008, with citations 553 U.S. 474, 128 S.Ct. 1931, and 170 L.Ed.2d 887. The 'Citing References' tab is active, showing a total of 296 references. The left sidebar lists content types such as Cases (296), Trial Court Orders (1), Administrative Decisions & Guidance (20), Secondary Sources (499), Appellate Court Documents (351), Trial Court Documents (214), and All Results (1,381). The main table lists citing references, with the first entry being *University of Texas Southwestern Medical Center v. Nassar* (June 24, 2013), which is marked with a red star. The snippet for this case discusses labor and employment discrimination and Title VII retaliation claims.

553 U.S. 474 KeyCite Cases Filtered by U.S. Supreme Court and 2<sup>nd</sup> Circuit Cases

This screenshot shows the same KeyCite interface for *Gomez-Perez v. Potter*, but with filters applied to show only 9 citing references. The 'Citing References' count has decreased from 296 to 9. The left sidebar shows the 'Cases' count updated to 9. The main table now only displays two entries: *University of Texas Southwestern Medical Center v. Nassar* (June 24, 2013) and *Babb v. Wilkie* (Apr. 06, 2020), both marked with red stars. The snippet for *Babb v. Wilkie* is partially visible.

553 U.S. 575 KeyCite: Secondary Sources

This screenshot shows the KeyCite interface for *Gomez-Perez v. Potter* with filters applied to show 126 citing references, primarily secondary sources. The 'Citing References' count is 126. The left sidebar shows 'Law Reviews' with 126 references, marked with a red star. The main table lists secondary sources, with the first entry being 'GETTING DOWN TO BUSINESS: EARLY OBSERVATIONS ON THE ROBERTS COURT'S BUSINESS CASES' (2008), marked with a red star. The snippet discusses the Rehnquist Court's approach to business cases and mentions *Gomez-Perez v. Potter*.

Figure 10: Keycite 553 U.S. 474: Cases and Secondary Sources.

information for searching in Westlaw, using more of their search features.

I provided both basic and some advanced techniques for searching each of the databases. Needless to say, it

would be impossible to provide all search strategies; I focused on the most unique and useful ones for using the databases effectively. I hope that readers will find the article is helpful when using Lexis and Westlaw.



## Footnotes

- <sup>1</sup> The idea for this paper grew out of one-on-one research sessions I taught in the Faculty of Law at Cambridge University with PhD students who were doing research in some aspect of United States law for their dissertations. David Wills, the Director of the Squire Law Library at Cambridge, suggested that the readers of Legal Information Management would benefit from the information on researching U.S. law. I would like to acknowledge David Wills' suggestion for and support of this paper. In addition, I want to acknowledge and thank my colleagues, Beth Adelman, Nina Cascio, Joe Gerken and Brian Detweiler at the Charles B Sears Law Library for their encouragement, assistance and support while I wrote this paper and Anne Marie Swartz, Instructional Support Specialist at the Charles B Sears Law Library, for her technical assistance. This paper is dedicated to Ezra B W Zubrow, SUNY Distinguished Service Professor and Professor of Anthropology, Emeritus, University at Buffalo. Also, I humbly dedicate this paper to the memory of Ruth Bader Ginsburg, U.S. Supreme Court Justice and ferocious defender of equal rights for all.
- <sup>2</sup> U.S. Constitution art. I.
- <sup>3</sup> U.S. Constitution art. II.
- <sup>4</sup> U.S. Constitution art. III.
- <sup>5</sup> Steven M Barkin, Barbara A Bintliff, and Mary Whisner, *Fundamentals of Legal Research* (10th edn. Foundation Press 2015) 2-3.
- <sup>6</sup> John R Orth, 'Common Law' in Kermit L. Hall (edn.), *Oxford Companion to American Law* (OUP 2002) 125-130. Other brief definitions of common law are found in Black's Law Dictionary (11<sup>th</sup> edn, Thomson Reuters 2019) 345-346 (also on Westlaw) and *Garner's Dictionary of Legal Usage* (3<sup>rd</sup> edn. OUP 2011) 179-180. For a longer discussion, see Calvin Woodard, 'Common Law and Common-Law Legal Systems' in Robert J Janosik, (ed) 2 *Encyclopedia of the American Judicial System* (Charles Scribner's Sons 1987) 500-516.
- <sup>7</sup> *Mass. v. Knowlton*, 2 Mass. 530, at 534 (1807). See also George E Beers, 'Real Property,' pp. 48-53 and Leonard M Daggett, 'Wills,' pp.169-170 in Members of the Faculty of the Yale Law School. *Two Centuries' Growth of American Law 1701-1901* (New York, Scribner 1901); Part One, The Beginnings: American Law in the Colonial Period by Lawrence M Friedman, *A History of American Law* (7th edn, OUP 2019) 1-6.
- <sup>8</sup> Kent C Olson, Aaron S Kirschenfeld and Ingrid Mattson, *Principles of Legal Research* (3d. edn. West Academic Publishing 2020) 11.
- <sup>9</sup> *Id.*, 11.
- <sup>10</sup> Somewhat similar to the Noter-Up process used in some UK publications.
- <sup>11</sup> Commonly known as *The Bluebook*, it is compiled and published by the members of law review editors at four U.S. Law Schools: Columbia, Harvard, University of Pennsylvania, and Yale. Published in print and electronically, the current edition is the 21<sup>st</sup>, published in 2020. Another citation guide is *ALWD Guide to Legal Citation*, 6<sup>th</sup> ed., 2017, by the Association of Legal Writing Directors and Coleen M Barger.
- <sup>12</sup> Barkan (n 5) 527-532 (The Westlaw and LexisNexis Services).
- <sup>13</sup> Many readers may know that both Lexis and Westlaw utilize different interfaces in the U.S. and the U.K. For this paper, I used the U.K. interfaces available through the Squire Law Library. The Westlaw screenshots were created using Westlaw Edge.
- <sup>14</sup> Olson (n 8) 135-146 (State Statutes); 241-248 (State Administrative Materials); 301-309 (State Courts and Territorial and Tribal Courts).
- <sup>15</sup> HeinOnline, another subscription database, has the extremely useful *Law Library Journal*. It is a more extensive database for law reviews and law journals and includes more journal titles as well as access to the complete journal from its first volume through its most recent one. A relatively small number of the journals require an embargo for the most recent volume(s).
- <sup>16</sup> Presently, there are two subscription legal journal indices in the United States. *Index to Legal Periodicals and Books* (ILPB), is published in print from 1908 to the present; online from 1980. Note, the title changed in 1994 from *Index to Legal Periodicals* (ILP) to its present title, ILPB. The companion database, ILP Retrospective, includes indexing for articles from 1908 to 1981. *Legaltrac* began publishing in 1980 in print as *Current Law Index*. The last print volume was published in 2016. *Legaltrac*, the title of the online subscription database, includes indexing from 1980 to the present.
- <sup>17</sup> Michael O Eshleman, 'A History of the Digests' (2018) 110 *Law Libr. J.* 235.
- <sup>18</sup> Barkan (n 5) 90-92 (West's Key Number Digests). See also Olson (n 8) 311-333 (Online Case Research and West Key-Number Digests).
- <sup>19</sup> An early reference by Robert Berring described Lexis building a '... new search system...called Search Master is meant to counter [Westlaw's] Topics and Key Numbers'. Robert C Berring, 'Legal Information and the Search for Cognitive Authority' (2000) *Calif. L. Rev* 1673, 1706.
- <sup>20</sup> Olson (n 8) 322-325 (Lexis case indexing and segments).
- <sup>21</sup> Patti Ogden, 'Mastering the Lawless Science of Our Law: A Story of Legal Citation Indexes' (1993) 85 *Law Lib. J.* 1, 27.
- <sup>22</sup> Laura Dabney, 'Citators: Past, Present, and Future' (2008) 27 *Legal Reference Services Quarterly* 165, 183.
- <sup>23</sup> Both Lexis and Westlaw include online guides on how to search their databases, eg. Westlaw has 'Quick Tips for getting started,' <<http://answers.legalprof.thomsonreuters.com/wl-getting-started/wl-qrg-quick-tips-fo>> accessed 31 August 2020; Lexis has the 'Guide to Using International Content' <https://www.lexisnexis.co.uk/pdf/help-and-support/lexis-library/lexislibrary-international-content-user-guide-aug-2019.pdf> accessed 31 August 2020.
- <sup>24</sup> Per communication David Wills, Director of the Squire Law Library, the new Westlaw Edge interface will be implemented in the near future but it was not in use while I was writing this paper. The Westlaw screenshots were created using Westlaw Edge.

<sup>25</sup> *American Jurisprudence 2d*, *American Law Reports*, and *American Law Reports Federal* are published by Westlaw and are licensed to Lexis for inclusion in its database.

Both the author and the editor of the journal are grateful to be able to include screenshots from Westlaw in the above article to help illustrate ways of conducting U.S. legal research.

## Biography

**Marcia Singal Zubrow** is the Information Services Coordinator at the Charles S Sears Law Library, University at Buffalo, Buffalo, NY USA. Her career has paralleled the growth and development of the Lexis and Westlaw databases. She was the editor and compiler of *Pimsleur's Checklists of Basic American Legal Publications* (Fred B Rothman Co, and William S. Hein Co) from 1979–2001.

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# Current Awareness

Compiled by Katherine Read and Heather Memess at the Institute of Advanced Legal Studies

This *Current Awareness* column, and previous *Current Awareness* columns, are fully searchable in the caLIM database (Current Awareness for Legal Information Managers). The caLIM database is available on the Institute of Advanced Legal Studies website at: <http://ials.sas.ac.uk/library/caware/caware.htm>

The 'Cardiff Index to Legal Abbreviations' is available at <http://www.legalabbrevs.cardiff.ac.uk/>

## BREXIT

Sylvia de Mars, *EU Law in the UK* (Oxford University Press 2020)

## COPYRIGHT

Joanne Elizabeth Gray, *Google Rules: The History and Future of Copyright Under the Influence of Google* (Oxford University Press 2020)

Stavroula Karapapa, *Defences to Copyright Infringement: Creativity, Innovation and Freedom on the Internet* (Oxford University Press 2020)

## EUROPEAN UNION

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