

LEXIS.COM BASICS

Research Steps

Paralegals are often called upon to assist with retrieving documents and conducting legal research to help with case analysis, discovery, and fact-finding. This is one of the most significant tasks paralegals perform for attorneys. This section will introduce you to retrieving documents using the basic tools of Lexis.com.

Conduct Background Research

Make the best use of your online research time by first performing background research to help define your issue. Suggested resources include legal treatises, periodicals, digests, newspapers, and encyclopedias. These secondary sources will help you see the big picture, and can point you to other sources that may be useful in your continuing research. As you conduct your background research, you'll become more familiar with the concepts and terms relevant to your legal issue. Narrowing your issue in this way allows your online research session to be more productive.

State Your Issue

Before you sign on to Lexis.com, clearly define your legal issue by isolating the specific facts and concepts that distinguish your case at hand. State your issue in one or two sentences. For example,

- Must a manufacturer disclose the side effects of a drug?
- Does the Fourth Amendment allow a police officer to search a car that's been stopped for speeding, without other suspicion?

Select a Source

Decide what kinds of documents you want to retrieve and where to search for them on Lexis.com. You can start with primary sources (such as case law and statutes) and select a jurisdiction, or look in secondary sources, such as legal treatises and law journal articles.

Lexis.com databases are listed online at <http://support.lexisnexis.com/default.asp>. Click on the **Source Locator** for the LexisNexis Directory of Online Services.

Select a Search Method

Lexis.com offers two different search methods. Your knowledge of the research issue, your expertise in performing research, and the type of research will determine which method is best suited to your needs.

Natural language is a good place to start if you have a broad or conceptual research issue and you need to learn more about the facts, concepts, phrases, and other information regarding your issue. Natural language can be especially effective if you have a complex legal issue, and you're unsure of what words to use.

Use *terms and connectors* if you've clearly defined your research issue and have isolated the specific facts and concepts that distinguish your case at hand. You can also run the search first using terms and connectors, then run it again using natural language to narrow the results. When in private practice, be sure to be aware of how you're billed, however. If you're billed per search, you may not want to run the same search twice. Check with your supervising attorney.

Use a terms and connectors search when you want to establish specific relationships between your search words, or when you want comprehensive information about a topic, issue, company, or person. You can also use a terms and connectors search when you want to see where every search word or its alternative appears in each document. As you gain experience in developing search requests, you'll develop some intuition about the best search method to use.

In computer jargon, a *hit* is a match with search criteria.

Browse Documents

After you've retrieved a set of documents, you can browse through your documents in the *Cite*, *KWIC*, *Full*, or *Custom* formats. Click on **Show Hits** or **Hide Hits** to show or hide your *search terms* (the words you searched for) as they appear in the text. You can narrow your research results using the *FOCUS* feature. Look at the signals to the left of each entry to determine the *precedential status* of the cases. A green diamond indicates the case has been upheld; a yellow triangle indicates it may have been overturned, and a blue circle indicates it's been cited neutrally. You can also edit your original search to narrow the results.

Shepardize Your Research Results

As a legal researcher, you'll need to determine whether the case you want to rely upon is still *good law*. Shepardizing a case will answer this question. You can also use Shepard's to find relevant authorities and secondary sources that may support your legal arguments.

Search Methods

Terms and connectors. Terms and connectors (also known as *Boolean search logic*) specify and define the relationships between your search words. Here's an example of a search using terms and connectors:

auto! **or** car **or** vehicle **w/10** accident **and**
California **or** CA

Read the boxed item explaining terms and connectors, and then see if you can figure out what this string is searching for.

Terms and Connectors

Use connectors to establish logical relationships between words and concepts in a Boolean search request. (Boolean logic and root expanders were discussed in the *Law Office Computing* study unit.) The Lexis.com system doesn't look for the connectors themselves in documents—just for the actual search words. Multiple connectors can be used in one search request.

OR Links synonyms, alternative forms of expression, acronyms, antonyms, and so on. For example:

- doctor **OR** physician—finds either *doctor* or *physician*
- mouse **OR** rat **OR** rodent—finds either *mouse* or *rat* or *rodent*
- environmental protection agency **OR** epa—finds either *Environmental Protection Agency* or *EPA*
- regulat! **OR** deregulat!—finds variations on either *regulate* or *deregulate*, such as *regulation*, *deregulation*, *regulated*, etc.

w/n Links search words and phrases to create concepts. The letter *n* stands for a number from 1 to 255. *w/n* doesn't specify a word order. However, no matter how large the value of *n*, *w/n* won't connect words that are in different segments of a document. For example:

- john **w/3** doe—finds *john* within up to three words of *doe*; use to link first and last names, allowing for middle names and initials, as well as the last name preceding the first name (Doe, John; John E. Doe; John Paul Jones Doe).
- market **w/5** share—finds *market* within up to five words of *share*; links two words that may appear side by side or separated by up to five words. This search finds *market share*, *share of the market*, or *share of the European market*, for example.
- spray **w/25** injur! **OR** explod!—finds *spray* within up to 25 words of *injure* or *explode*.
- *But, Jones* **w/25** accident *won't* give any results if **Jones** appears only in the heading and **accident** appears only in the body.

/p Looks for documents with search words in the same paragraph. Use the **/p** connector when you want your search words to have a general relationship to each other. For example:

- rule 11 **/p** sanction—finds *rule 11* within the same paragraph as *sanction*.
- take over **OR** takeover **/p** poison pill—finds *take over* or *takeover* in the same paragraph as *poison pill*.

/s Looks for documents with search words in the same sentence. Use the **/s** connector when you want a close relationship between words without specifying an exact proximity. For example:

- sanction **/s** frivolous—finds *sanction* within the same sentence as *frivolous*
- circumstances **/s** mitigat!—finds *circumstances* within the same sentence as *mitigate*, *mitigation*, *mitigated*, etc.

(Continued)

Terms and Connectors—Continued

AND Links words or phrases that must both appear *anywhere* in the same document, no matter how close or far apart. For example:

- bank **AND** deregulate—finds *bank* and *deregulate* anywhere in the same document.
- stock **OR** share **w/10** redeem! **OR** redemption **AND** takeover **OR** take over **OR** merg!—finds either the word *stock* or *share* within up to 10 words of *redeem*, *redeeming*, or *redemption*, and the words *takeover*, *take over*, or a variant of *merge* must appear somewhere in the document.

PRE/n Requires both words to appear in the document in the same segment, *and* the first word must precede the second word by *n* words. Use when a different word order would change the meaning. Note that there shouldn't be any space between the **PRE** and the **/n**.

- cable **PRE/2** television **OR** tv **OR** t.v.—finds *cable television* or *cable tv* but not *television cables*

NOT/n The first search word is required to appear in the document. The second word may also appear; however, it can *not* be within *n* words of the first word. There must be at least one example of the first word, with the second word not within *n* words. Note that there shouldn't be any space between the **NOT** and the **/n**.

- rico **NOT w/5** puerto—finds *rico*; however, *rico* can't appear closer than five words to *puerto*; thus, it excludes *Puerto Rico*.

AND NOT Excludes any words that follow the connector.

- trust **AND NOT** charitable trust—finds the word *trust*, but the phrase *charitable trust* can't appear anywhere in the document.

CAUTION: Use the **AND NOT** connector carefully. It eliminates any words that follow it and, consequently, changes the impact of other connectors.

Priority. Connectors operate in the following order of priority:

1. **OR**
2. **w/n, PRE/n, NOT/n**
3. **/s**
4. **/p**
5. **AND**
6. **AND NOT**

(Continued)

Terms and Connectors—Continued

Connector order. If you use two or more of the same connector, they operate left to right. If the “number” connectors have different numbers, the smallest number is operated on first. **/p** and **/s** can’t be combined with a proximity connector, e.g., **w/n**. For example:

bankrupt! w/25 discharg! AND student OR college OR education w/5 loan

1. Because **OR** has the highest priority, it operates first and creates a unit of *student OR college OR education*
2. **w/5**, the smaller of the **w/n** connectors, ties together the word *loan* and the previously formed unit of *student OR college OR education*
3. **w/25** operates next and creates a unit of *bankrupt! w/25 discharg!*
4. **AND**, with the lowest priority, operates last and links the units formed in 2 and 3 above.

Segments. The terms-and-connectors method is also recommended when you want to restrict your search to a specific segment, or part, of a document. *Segments* are sections or divisions within documents. For example, you might want to search for all opinions written by a particular judge; all cases involving a particular party or attorney; or all cases decided on, before, or after a certain date. This is called *segment searching*. Different types of documents have different segments. For example, case law won’t have the same segments as public records. You can restrict your search for case law to headnotes, history, or judges, for example. Public records have different segments, such as names, docket numbers, and street addresses. Useful segments for cases include “Summary,” “Judges,” “Opinionby,” “Name,” and “Court.” (The “Name” segment for cases contains the party names.) Useful ones for statutes include “Unanno,” “Text,” “Heading,” and “Section.” Unanno and Text both exclude all the casenotes and so forth, and just search the statutory text itself.

Segment searching is a useful tool. It will retrieve a narrower, more tailored set of documents. Lexis.com offers a voluminous amount of data, and a vague or broad search may retrieve a lengthy set of documents that you’ll have to wade through to find the specific information or document you need. Segment searching will save time for you, and money for the client.

Headnotes come at the beginning of a case, and are written by legal editors to highlight the holdings in the case. They aren’t written by the court, and thus aren’t officially part of the case. They’re useful for research in quickly finding relevant law, but they can’t be cited to or relied on for argument.

To restrict your search using a segment:

1. Go to your desired source.
2. Below the search terms text box are two drop-down menus that allow you to restrict your search by segment or by date.
3. Select a segment from the drop-down list in the **Restrict by Segment** section.
4. Enter your segment-related search terms in the text box next to the segment drop-down list.
5. Click **Add**, and your segment search will appear in the search dialog box.

You can also do a segment search by typing the segment in the **Enter Search Terms** text box, with the terms in parentheses. For example, to search for a biography, go to Reference, and click the **Biographies** link. In the Enter Search Terms dialog box, enter the name of the individual like this: “name (f lee bailey).” If you simply enter “f lee bailey,” you’ll retrieve an alphabetical list of all the people whose biographies mention F. Lee Bailey. Using the **name ()** limiter will eliminate all these references.

You can also limit your search by using the **Restrict by Date** limiter. You can either choose a time period using the drop-down list, or you can search between specified dates using the **From** and **To** text boxes.

Natural language. Natural language is a search method that allows you to enter a description of your research issue in plain English. It’s not necessary to use connectors such *AND*, *OR*, and *w/n*. Some researchers use the natural language method when they’re unsure of where to start their research or when they’re researching broader conceptual issues rather than specific legal issues, such as

- What rights do prisoners have during a strip search process?
- Are borrowers required to pay a fee to the lender to obtain a mortgage loan payoff figure?

You can also use the phrases and words in any order.

For example:

- prisoners strip search
- mortgage loan borrowers payoff figure

Easy Search. Lexis also offers an Easy Search feature that allows you to run a quick search. Easy Search is a pure text search, without any limiters or other tools for refining the search. This search also doesn't understand Boolean operators. Easy Search is optimized for short search queries (two or three terms).

With any of these search techniques, if you click **Show Hits** at the top of the page, your search results are displayed for you in the expanded cite view with your search terms highlighted in context for quick viewing. Clicking **Hide Hits** will show only the case headings and citations. In both views, you can click the case name to retrieve the full case.

Searching Words and Concepts

Words are the basic units of a search. A *word* is a single character or group of characters, alphabetical or numeric, with a space on either side.

- *McPherson*—one searchable word
- §1988—one searchable word
- § 1988—two searchable words

Hyphenated words. A hyphen is treated as a space, so a hyphenated word is seen as two words.

- *pretrial*—one word
- *pre-trial*—two words
- *pre trial*—two words

Plurals and possessives. Use any form of a noun—singular, plural, or possessive. The Lexis.com system automatically picks up the other forms for you as long as the noun is a regular plural.

- *writ*—finds writ, writs, writ's, or writs'
- *city*—finds city, cities, city's, or cities'

However, if you use a noun with an irregular plural ending, such as *child* or *ox*, you won't automatically get the plurals and plural possessives. Use universal characters to get all forms of the words.

Universal characters. The asterisk (*) and the exclamation mark (!) are referred to as *universal characters*. Use them to substitute for letters in words. These characters can be used *only* with the terms-and-connectors search method.

Use the asterisk (*) to replace a letter or letters in a word. You can use more than one asterisk in a word. You can use it anywhere in a word except as the first letter.

- *bernst**n*—finds the *ei* or the *ie* spelling of the name
- *wom*n*—finds both the singular and plural forms of the word
- *bank****—finds any word beginning with *bank* and which has no more than three letters after the *k*; will pick up *banker* and *banking*, but won't pick up *bankrupt* or *bankruptcy*

Use the exclamation point (!) to replace an infinite number of letters following a word root. You can use only one in a word, and it must be at the end of the word root.

- *litigat!*—finds variations on the word *litigate* (*litigator*, *litigated*, *litigation*, *litigating*)
- *acquir!*—finds variations of the word *acquire* (*acquired*, *acquiring*, *acquisition*)
- *child!*—finds variations of the word *child* (*child*, *children*, *childish*)

Special symbols. Many keyboards don't have the § (section) symbol commonly used in citations to statutes. If your keyboard doesn't have this symbol, you can substitute the @ in its place. For example, to search for citations to Section 305, enter @ 305 or @305.

Equivalents. The Lexis.com service automatically searches for some words and abbreviations that are equivalent to each other. If you use one in a search request, Lexis.com will search for all equivalents. For example, *cal* will automatically find *Cal*, *Calif*, and *California*.

Noise words. Certain common words can't be searched in most of Lexis.com. They're called *noise words*. The list of noise words is too extensive to give here, but think of words that are used repeatedly in most writing—*the*, *and*, *of*, *his*, *my*, *when*, *is*, *are*, and so on. When in doubt, omit the questionable word and use the **w/n** connector instead.

Date restrictions. You may include date restrictions in a terms-and-connectors or a natural-language search request along with your search terms. This is optional. Date restrictions add specificity to your search request, and will retrieve a more narrow set of documents. The default setting is **No**

Date Restrictions. *Note:* If you're searching for a case within the last 100 years, you can abbreviate the year to two digits (change 6/1999 to 6/99 or 12/2010 to 12/10). But if you're searching for a case more than 100 years ago, you must use four digits (1900, 1897, etc.).

There are several different types of date restrictions:

1. Select a range and then type in your dates in the **From** and **To** fields. For example:
 - **From** 12/01/99 **To** 10/12/09
2. Select a date from the drop-down list in the search dialog box. For example, **Previous Week**, **Previous Month**, **Previous 6 Months**, **Previous Year**.
3. Type one of the following date parameters in the text box along with your search terms. *Note:* This only works using the terms-and-connectors search method.
 - *date = 2010* specifies documents dated within 2010 (including cases either filed in 2009 and decided in 2010, or filed in 2010 and decided in 2011). You must use the four digits in the year.
 - *date aft 12/15/05* specifies documents dated after December 15, 2005 up to the present day

- *date bef 8/20/06* specifies documents dated before August 20, 2006
- *date aft 11/05 and date bef 2/06* specifies documents dated between December 1, 2005 and January 31, 2006

Punctuation and search requests. Words that are normally capitalized don't have to be capitalized, and it's not necessary to enter punctuation such as periods when typing in your search request. However, you must enter spaces (as you normally would) between words and sections. For example, instead of typing "12 U.S.C. 1455," enter "12 usc 1455."

Now, go to your online supplement and review the rest of the material on the basics of LexisNexis.



Self-Check 1

At the end of each section of *Computer-Assisted Legal Research*, you'll be asked to check your understanding of what you've just read by completing a "Self-Check" consisting of online exercises. Completing these practical exercises will help you review what you've learned so far. Please sign on to Lexis.com and complete the *Self-Check 1* online exercises now.

1. Find the source "U.S. Supreme Court Briefs."
2. Use the natural language search method and run the following search in the **U.S. Supreme Court Briefs** source: "What rights do prisoners have during a strip search process?"
3. View your research results in three document-viewing formats.
4. What universal character would you use to find variations of the word *minimum*?
5. Use the terms and connectors search method and run a search for minimum due process for prisoners or convicts in the **U.S. Supreme Court Briefs** source. Restrict the search to retrieve documents for the previous year.
6. Use the Transactional Advisor and run the search "strip search of prisoner."
7. Retrieve the following case: 807 F. Supp. 1090.
8. Retrieve the following case: *Filmtec Corp. v. Hydranautics*.
9. Retrieve the following case: Docket Number C-91-0088, United States District Court of California.
10. Download the case in Exercise 9 in the full, dual-column print format.
11. Next, print the case in Exercise 9 using your browser.
12. Review the list of the last sources you recently searched.
13. Sign off Lexis.com.

Compare your research techniques with those on page 25.
