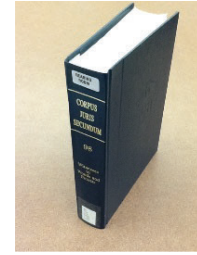


§ 2.9

Corpus Juris Secundum*Legal Encyclopedia – Interactive Study*

Corpus Juris Secundum is a national legal encyclopedia published by *West Publishing Company* (a part of *Thomson Reuters* at this printing). Legal encyclopedias provide at least a little information about almost every area of law. Encyclopedias have two basic goals:

- To educate the researcher about a topic.
- To lead the researcher to primary authority.

C.J.S. (as *Corpus Juris Secundum* is commonly abbreviated) educates the researcher by commenting upon an area of law. Within the commentary are footnote reference numbers (example: ¹³). These references lead the researcher to the cases and statutes provided in the footnotes at the bottom of the page, thus guiding him or her to primary authority. *C.J.S.* discusses the law and may be quoted, but it is not the law. Therefore, *C.J.S.* is **secondary authority**. As you conduct this Assignment using the online resources, you will notice that the methods for accessing *C.J.S.* mirror those for accessing *Am. Jur. 2d*. That is, of course, by design. As you become familiar with the online legal research environment, researching in any database will simply be a matter of slight adjustment.

QUICKVIEW – CORPUS JURIS SECUNDUM**Westlaw**

1. Locate the main *Search Bar* at the top of the home page
2. Type *CJS*, click *Secondary Sources*, select link for *Corpus Juris Secundum*
3. Enter your *search query* in the main *Search Bar* at the top
4. Select an article from the list of *search results*
5. Review the articles and have any relevant documents delivered by printing or email

Lexis

C.J.S. is not available on *Lexis*

Law Library

1. Locate the set of *indexes* at the end of the set, then research key terms
2. The index leads to the *main volume* using topics and section numbers
3. Look for *footnote references* that will lead to additional authority
4. Always check the *pocket part (supplement)*
5. When applicable, utilize the *Volume Index*

ASSIGNMENT § 2.9(a) | CORPUS JURIS SECUNDUM USING WESTLAW

At the time of the printing of this publication, only *Westlaw* provides online access to *Corpus Juris Secundum*.

1. *Select the Filter (Database)*

- a. In the main search bar at the top, type: *CJS*
- b. When the box makes recommendations underneath the search box, select *Corpus Juris Secundum*.

(Be sure to click that suggestion in the drop-down. If you simply type "CJS" and click the search button, Westlaw will search in Federal databases for the term "CJS" instead of opening the database resulting in a long list of cases where "CJS" has been cited.)

After selecting *Corpus Juris Secundum* from the drop-down list, you will be taken to the *C.J.S.* index page. (Notice that your search filter has been updated to *Corpus Juris Secundum*.)

2. *Search within the desired filter*

- a. Using the top search bar, type in a search query relevant to your client's case
- b. *Westlaw* will now search for those terms using the *Corpus Juris Secundum* filter (database)

3. *Review the Results Page*

The page that appears is the *Results* page. Keep in mind that at this point the researcher is first and foremost trying to determine whether the search was productive, resulting in relevant articles or other authority. If the results do not appear relevant to your research topic, tweak your search query in the main Search Bar at the top of the page.

The Results Page has two main elements:

- **The Main Window** (on the right side of the page)
This is where the "hits" appear from your search
- **The Filters Window** (on the far left)
You can further focus your search results by selecting specific narrowing filters (although this will likely not apply when researching secondary authority since you have already narrowed your filters)

Each "hit" in the main window consists of the title (which is also a link to that "hit"), followed by a short preview of the "hit," with terms from your search query highlighted.

THOMSON REUTERS
WESTLAW EDGE

Corpus Juris Secundum "day care center" liability for child injury

Filters

Content type: Corpus Juris Secundum (1,951)

Select multiple filters

Search within results

Jurisdiction +

Date +

Publication Type +

Publication Name +

Author +

Previously Viewed +

Documents in Folders +

Annotated Documents +

Corpus Juris Secundum (1,951)

1 - 100

Sort: Relevance

Select all items - No items selected

1. § 1377. Intentional or criminal acts as exclusions under liability insurance policy

Corpus Juris Secundum - CJS INSURANCE § 1377

A liability insurance company is not liable for injuries due to intentional or criminal acts that have been excluded from the insurance policy, regardless of whether the intentional acts were done for the purpose of causing harm. A company is also not liable where an act comes within an exclusion for injury or damage that is either expected or...

...Participation in abuse of children A day care center staff member's participation in or act of facilitation of abuse by others of children in the care of a day care center would constitute an "intended" injury...

...A liability insurance company is not liable for injuries due to intentional[1] or criminal[2] acts that have been excluded from the insurance policy, regardless of whether the intentional acts were done for the purpose of causing harm, [...]

2. § 355. Defenses

Corpus Juris Secundum - CJS PARENT § 355

Since a parent's cause of action for consequential damages for a negligent injury to a child is derivative of the child's action in regard to the issue of liability, parents are subject to defenses which could be used against the child to refute liability. However, matters of defense in actions by a parent for injuries to the child ordinarily must...

...Since a parent's cause of action for consequential damages for a negligent injury to a child is derivative of the child's action in regard to the issue of liability, parents are subject to defenses which could be used against the child to refute liability. [...]

...[1] However, matters of defense in actions by a parent for injuries to the child ordinarily must be confined to such matters as go to the existence of a cause of

By quickly browsing the preview of the document, along with the highlighted terms, the researcher may quickly determine whether or not that "hit" is worth reviewing in further detail.

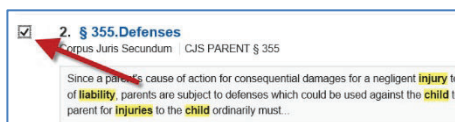
Notice that in the **Filters** window at left you have other options. First, you are able to *Search within results*, which means you can conduct another search for more specific terms, this time limiting the search to the documents you have already found. You can also further filter the results by checking one or more boxes next to the filters listed. Give it a try a couple of times to see how it works.

4. *Select relevant articles from the Results page*

The researcher can either

- Open each "hit" and review the article more thoroughly online, or
- By using the portion of the article provided, simply click the check box to the left of each title and have those articles delivered via email, download, or other means.

The second option is strongly recommended. As a student you are not paying for the time you spend in the site, but in a law firm every minute costs money, eating up the firm's allotted minutes allowed for in its *Westlaw* subscription. To read each article online is expensive and wasteful.



It is recommended that you quickly scan the articles, checking off the ones that appear most promising.

5. Review the Articles

The article page can be confusing at first glance. However, there are three primary navigation aids that, once recognized, make the page less intimidating. The main goals in using *C.J.S.* are to educate the researcher regarding a specific area of law and to locate primary authority. These navigation tools assist in those efforts. They are:

- *The Article Window*
- *Links to Footnotes*
- *Links to Additional Authority*

The screenshot shows the Westlaw Edge interface for the article § 402. Premises liability of owner for criminal acts of third parties. The page features a navigation pane on the left with a tree view of the hierarchy: Negligence > VI. Premises Liability > A. Persons Liable > 2. Owners of Property > b. Acts or Omissions of Third Persons, in General. The main content area displays the title § 402. Premises liability of owner for criminal acts of third parties, with the word 'liability' highlighted in yellow. Below the title is a 'West's Key Number Digest' section listing 'West's Key Number Digest, Negligence' with key numbers 1019, 1024, 1078, and 1161. The text of the article begins with 'A person may have a legal duty to protect another from the criminal acts of a third party when the person controls the premises where the criminal acts occur and when a crime on the property is foreseeable, or when the owner has a special relationship with an invitee.' A 'Back to top' button is visible at the bottom right of the article text.

- *The Article Window*
The Article Window, at the left of the page, provides the articles that contain the most likely relevant “hits” from the search query. As mentioned previously, the title is also a link to the full article, and it is followed by a brief excerpt from the article, with search terms highlighted, so the researcher may quickly ascertain whether that article is worth reviewing in full. If so, click the check box. Later you will have all checked articles delivered via email or download.
- *Links to Footnotes*
Within the article you will see references to footnotes. If you hover over the footnote link, the footnote will appear over the text. Or, if you click on a footnote reference number, you will be taken to the actual footnote at the bottom of that page.
- *Links to Additional Authority*
Once you have been led to a footnote, you will likely find citations (that are also active links) to additional authority, such as cases, statutes, regulations, or even other secondary sources such as treatises or form books.

The screenshot shows a footnote in the Westlaw Edge interface. The footnote text reads: "Footnote 2 Pearl v. Seneca County, 2011 WL 4000828 (N.D. Ohio 2011) (applying Ohio law)." The footnote is highlighted with a blue box, and a red arrow points to the footnote number "2".


No More Supplements

It should be noted that in *Westlaw* the supplement that previously appeared at the bottom of the page in *Westlaw* has been removed. *Westlaw* has chosen to make things cleaner by simply replacing, augmenting, or modifying the original text in the article instead of supplementing it. This, indeed, makes your job easier because you can be assured that the document you are reviewing is the most up to date version of that article.

Delivery of Relevant Documents: The Delivery Icon

For this exercise you are simply getting used to the layout of the website. When you conduct actual research, you should either copy the citations of articles and primary authority (referred to within those articles), or you should check them for “delivery.”



The Delivery Icon is a down arrow  on the top right tool bar. When you click it a drop-down menu will appear with several options for delivery of your documents. (In a real job it costs money no matter what form of delivery is used. Practice being frugal about deliveries.)

CHECKLIST – CORPUS JURIS SECUNDUM USING WESTLAW

- Locate the *Search Bar* at the top of the page
- Type *CJS* and then select *Corpus Juris Secundum* from the recommendations that pop up
- In the *Search Bar* at the top of the *Corpus Juris Secundum* database page, type your query
- In the *Results Page*, modify the query, or search within the results, as needed
- Within the *Article Page*, try using the footnote references, and the footnotes themselves, to find primary authority
- Read an article that appears relevant
- Be sure to copy citations to, or deliver, relevant primary authority

REVIEW QUESTIONS 2.9(A) – CORPUS JURIS SECUNDUM USING WESTLAW

1. Detail how you located the *Corpus Juris Secundum* filter.
2. What search query did you use?
3. When you saw the *Results Page*, were you satisfied with the outcome of your search query, or did you need to modify it?
4. Were you led to any relevant primary authority either in the *Article* or in the *Footnotes*? If yes, make note of those authorities.
5. Did you have a document *delivered*? If so, in what manner? (Print? Email? Download?)

ASSIGNMENT § 2.9(B) | CORPUS JURIS SECUNDUM ON LEXIS

At the time of publication of this textbook Corpus Juris Secundum is not published on Lexis and thus this assignment is not required.

ASSIGNMENT § 2.9(C) | CORPUS JURIS SECUNDUM IN THE LAW LIBRARY (OPTIONAL)

As with other encyclopedias, when researching in the library, the general rule is to *always begin in the index*. This holds true for *Corpus Juris Secundum*.

1. *Locate the General Index, then research key terms*

The *C.J.S. General Index*, usually found at the end of the main volumes, is excellent. It is a multi-volume, softbound index. Since legal encyclopedias are arranged topically, the index will lead us not to a volume and page number, but to a topic and section number. (For instance, *Depo § 273* in the *General Index* would tell the researcher to find the main *C.J.S.* volume covering the topic of *Depositions* and turn to *Section 273*). If the researcher doesn't understand a specific abbreviation, he or she should look at the beginning of a main volume of *C.J.S.* for an abbreviation table. Many law books, including *C.J.S.*, have such tables.

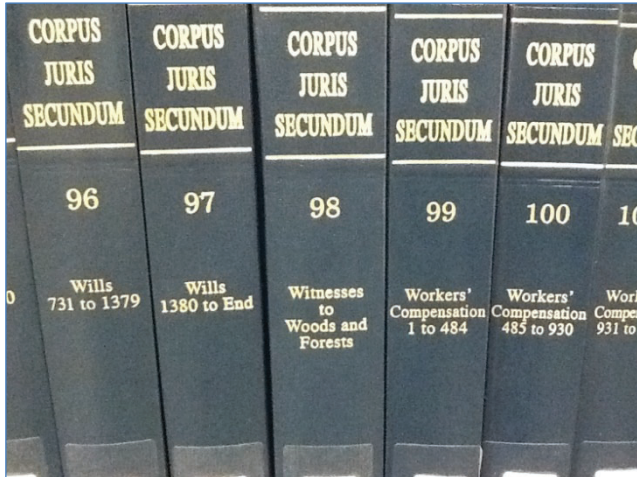
The researcher should also observe whether there is a small volume *General Index Update*. This is how the *General Index* is supplemented with more recent information, since softbound volumes usually do not have pocket parts. This update usually comes out midyear. The softbound indexes themselves are typically replaced annually.

ASSIGNMENT QUESTIONS – PART 1

1. How many volumes make up the *C.J.S. General Index*?
2. Is your research topic covered in the index?
3. The *C.J.S.* index leads to which of the following?
 - a. volume number, series, page number
 - b. a topic and section number
 - c. a topic and key number
4. Does the index have a supplement?
5. If yes, where is it?
6. Is your topic covered in the supplement?
7. List any cites to the *C.J.S.* main volumes the index provides.

HUSBAND AND WIFE—continued
 Witnesses—continued
 notice of right not to testify, Witrn § 151
 persons who possess or may assert privilege, Witrn § 300
 privileged communications. Husband-Wife Privilege (this index)
 property, crimes against, Witrn § 166
 recordings, Witrn § 310, 311
 res gestae, Witrn § 164
 sham marriage, Witrn § 156
 statutory provisions, Witrn § 148
 subject matter of communication or knowledge, Witrn § 304-307
 third persons
 communications in presence of third persons, Witrn § 312
 crimes against third person, Witrn § 167
 threats, Witrn § 305
 time of marriage, Witrn § 153
 valid marital relationship, Witrn § 152-158, 302
 videotapes, Witrn § 310, 311
 voidable marriage, Witrn § 155
 waiver of husband-wife privilege, Witrn § 174, 175
Workers' Compensation (this index)

2. Locate the Relevant Main Volume and Look for Footnote References

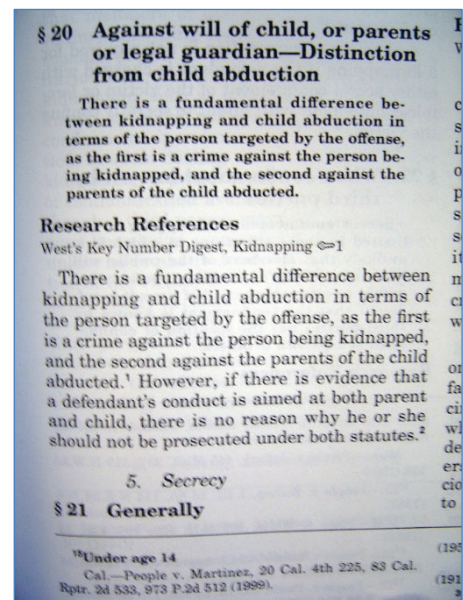


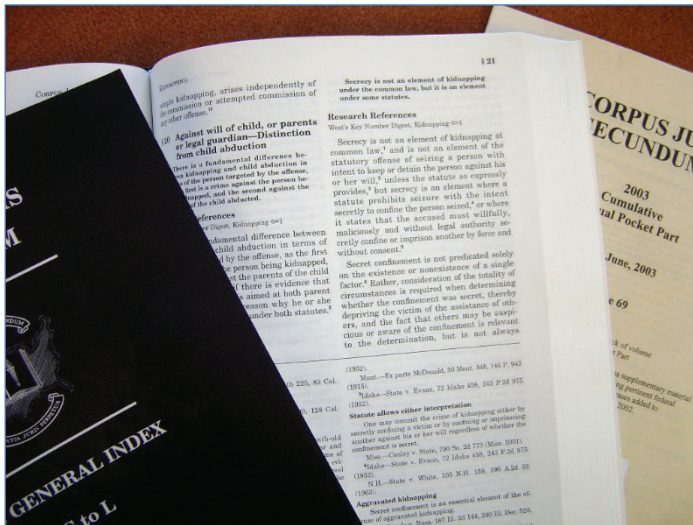
After obtaining a topic and section number from the *General Index*, the researcher must find the main volume covering the topic.

Then the specific section number is found. After the section number, *C.J.S.* will provide a bold-face short statement of the subject matter for that section number, followed by commentary of the subject matter. If any passage in the commentary is relevant, the researcher can refer to the footnote that corresponds to the raised number (footnote reference) in the commentary.

ASSIGNMENT QUESTIONS – PART 2

1. What is the subject matter under your topic and section number? (There should be a short bold-face statement.)
2. Does the discussion provide any footnote references?
3. What kind of research assistance do the footnotes provide?
4. Provide at least one case or statute from the footnotes.





Index, Main Volume, and Supplement in C.J.S.

3. Check the Supplement in the Back of the Volume

Each volume of *C.J.S.* is updated annually with a supplement in the back, often called a *pocket part*. Supplements update the material within the hardbound volume.

The purpose of *C.J.S.* is to lead the researcher to primary authority, such as a case or statute. However, before locating the primary authority cited in *C.J.S.*, we must make sure that the material is up to date. The researcher should locate the same topic and section number within the pocket part as he or she researched in the main volume. Thus, if *Witnesses* §§ 52, 67, and 127 were researched in the main volume, *Witnesses* §§ 52, 67, and 127 should also be researched in the pocket part. The researcher should also be aware that if a pocket part becomes too thick, the publisher may update volumes by using a separate softbound supplement.

ASSIGNMENT QUESTIONS – PART 3

1. How does *C.J.S.* update material in the main volume?
2. Where does the researcher look in the supplement?
 - a. under the Table of Contents
 - b. corresponding topic and section numbers
 - c. only corresponding section numbers
3. Was there additional material for your research topic in the supplement? If yes, what kind of material?

CHECKLIST – CORPUS JURIS SECUNDUM IN THE LAW LIBRARY

- Locate the *General Index* at the end of the *Main Volumes*
- Research your terms within the *General Index*
- Write down references to *Topic and Section Numbers* (you need both)
- Find the *Main Volume* corresponding with the *Topic & Section Number*
- Find the *Topic* within that volume
- Find the *Section Number* within that topic
- Read the article
- Take note of any relevant *Footnotes* leading to primary authority
- Write down the cites to any relevant authority referenced in the *Footnotes*