

III 🕐 Lexis+	-			Run New Search 🍳	Client: -None-	Folders	History	Help	:
Select Category		Results	for: day care center liability for injured child 🥒 🗘 🗄				C	=	- "Å
Cases	799 🗸								
Search within results	۵	FILTERS					Sort by	: Relevan	nce $\sim$
Court	~	=	O Malazzida Affaikular Cau Cilibar						
Timeline	~	10	United States District Court for the Northern District of Illinois May 31,	, 2011 2011 U.S. Dist. LEX	IS 61625				
Published Status	~		a <b>child</b> being transported in a station wagon operated by a <b>day-care</b>	center was injured when a	a passenger door o	opened and	she fell from	the	
Sources	~		adequate supervision of the children, and its failure to operate and ma At the time of the occurrence, a policy issued to the day-care center	y-care center, aneging in the intain the station wagon excluded "bodily injury aris	ing out of the owne	ership, main	tenance, op	eration for	٥ſ
Practice Area & Topics	^			n operated by a day-care o	enter was injured	when a pas	senger door	opened	
+ 🗆 Education Law			and she reaction the moving venicle. Id. at 47. The parents of the injury	ed child sued the day-care	center, alleging i	in two counts	s ulat		
+ 🗆 Family Law									-
n 🖵 Insurance Law									
Attorney	$\sim$	2 🗆	🔺 United States Fidelity & Guaranty Co. v. State Farm Mut. Auto. Ins. C	Co.					
Large Flags			Appellate Court of Illinois, First District, Third Division   Jan 21, 1987   1	152 III. App. 3d 46					
Law Firm	~		OVERVIEW: Although injury due to day care center employee's operation	n of car was excluded from ir	sureds' coverage, v	verdict also f	ound that fa	ilure to	
Most Cited	$\sim$		adequately supervise was a proximate cause of injuries. Insurer's policy the	heretore covered child's inju	ry.	also			
Keyword	~	J	supervise was a proximate cause of injuries. Insurer's policy therefore its owner. The injured child attended the day care center. She fell out	e covered <mark>child</mark> 's injury. The t of a car the employee was	e insurer issued a p driving	policy to the	day care ce	enter and	i.
Judge	~		settled the case. The jury returned a general verdict against the day o	<mark>care center</mark> , the owner, an	d the employee. Th	he insurer so	ought declar	atory relie	ef,
Publisher	~		trial court's declaratory judgment declaring the insurer's policy issued sustained by the injured child which declared an insurance policy issued by the insurer to defendan	to the <mark>day care center</mark> and	the owner provide	ed coverage	for the injur	ies ed by	

## § 8.3

## **Researching Case Law**

Interactive Study

Case law is one of the most powerful forms of authority because it applies law (other cases, statutes, regulations, etc.) to an actual set of facts. In addition, within the case the paralegal will find references to other authority that can expand the research effort.

*Reports* and *reporters* are the major publications that contain case law. As a general (but not universal) rule, *reports* are official publications (published by the government), and *reporters* are unofficial publications (published by a private company, usually *West Publishing*).

When researching for cases in reports or reporters in the law library, it is not as simple as going straight to that set of books. This is because reports and reporters do not have indexes. Instead, *West Publishing* has created corresponding books called *Digests*. *Digests* have two critical attributes:

- Digests collect case headnotes in topical order
- Digests act as an index to cases

With the advent of online research, the need for digests has greatly diminished. While most law library

publications have corresponding versions on *Westlaw* and *Lexis*, digests do not. After all, digests act as in index to reporters, but the search query takes the place of an index, or a digest.

**CHAPTER 8** 

### **Key Number System**

*West Publishing* has also created an organizational structure called the *Key Number System*. When *West* publishes a court opinion in a reporter, it adds research tools, such as headnotes. Each headnote is assigned at least one relevant key topic and key number. The headnote is then published both in the opinion and in its corresponding digest volumes. For instance, a case in the *Pacific Reporter* from Hawaii deals with the topic of lack of consideration within contracts. *West Publishing* will assign that specific topic the *Key Number* of *Contracts 49(3)*. The headnote will then be published in the *Hawaii Digest* and the *Pacific Digest* under the topic of *Contracts, Key Number 49(3)*, along with all the other headnotes from cases dealing with lack of consideration. Thus, once a *Key Number* (which includes a topic and a number) relevant to your research project is identified, this system allows the researcher to quickly expand or focus his or her search. If, as in the above example, the case originally found was from Hawaii, the researcher can use the same *Key Number* [*Contracts Key Number 49(3)*] to research within a local digest, such as the *New York Digest, Texas Digest, Southern Digest*, or any other *Digest* published by *West. Westlaw* also allows the researcher to use *Key Numbers* for online research.

### Westlaw

- 1. Select your *filter*, or enter your state abbreviation and "-CS" (Example: TX-CS)
- 2. Click on the desired link in the box that appears beneath the text box
- 3. Type your Search Query into the text box and click *Search*
- 4. In the *Results Page*, select any case title links that appear relevant
- 5. If a relevant case has been found, review the *KeyCite* bar to validate the case (making sure there is no negative treatment or history)
- 6. Download, email, or print any relevant cases

### Lexis

- 1. Click the *Categories button* at the right of the *Search Query Text Box*, then select the *Cases* option.
- 2. Click the Jurisdictions drop-down menu and select any state or federal jurisdictions
- 3. Enter your Search Query and press Search
- 4. In the *Results Page*, view any relevant cases by clicking on the title
- 5. Refer to the *Shepard's* box to the right of the caption to validate
- 6. If any relevant cases are found, have them delivered by printing, download, or email

### Law Library

- 1. Determine the *reporter* or *jurisdiction* in which you want to search
- 2. Locate the corresponding Digest, i.e., the S.E. Digest for S.E. Reporter
- 3. Research in the Digest *index*, which provides *Key Topics & Numbers*
- 4. Using the Key Topic and Number, access the Main Volumes
- 5. In Main Volume, read the headnotes which provide citations to cases

## **CHAPTER 8**

### ASSIGNMENT 8.3(A) | RESEARCHING CASE LAW USING WESTLAW

If the paralegal is researching in the law library searching specifically for case law, the choice is fairly straight forward. Start in a local set of *West Digests* (which acts as an index to the reporters). Alternately, when researching on *Westlaw*, the research method depends on whether a paralegal is starting from scratch, or whether the researcher is already in possession of a relevant *Key Number*. For this discussion, we will start from scratch. Later we will use the *Key Number System* to focus our research.

### 1. Select your Filters

If you know the name or cite of a case, type it in the *Search Query Text Box* and click *Search*. Otherwise, select one or more filters, or enter a short-cut, as described below, in the search box. To locate a specific state database, in the *Search Query Text Box* type the two-letter postal code, followed by a hyphen and the letters *cs*.

	ICD H	listory	Folders	Favorites	Notifications	-	
co-cs		~	CA (Sta	te & Fed.)	Q Search Ti Advanced	os > >	
Suggestions	Search Suggestions						
Cases	Cases argued by Rusznak, <mark>Cs</mark> aba Cases argued by <mark>Cs</mark> ervenyak, Frank Stephan Jr						
Statutes & Court Rules	Cases argued by Csuka, Jonathan D						
Regulations	Cases with the Key Number for sentencing and punishment/ the death penalty/ factors affectin imposition in general/ sentence or disposition of <mark>co</mark> -participant or codefendant	ng					
Secondary Sources Other	Cases with the Key Number for <mark>co</mark> ntracts/ <mark>co</mark> nstruction and operation/ <mark>co</mark> nditions/ concurrent conditions		11.04				
	Content Pages		ials & New	ws s			
	Colorado Federal Cases						
	Colorado State & Federal Cases		Ouick C	heck			
	Colorado State Cases		Securely u find new a	pload your bri authority and r	ief or motion to qu elated law.	uickly	

Click on the desired recommendation that appears below the box.

§ 8.3	8.3(a) Example 1   State Case Law Databases							
	ak-cs	ca-cs	CO-CS	dc-cs				
	fl-cs	il-cs	nc-cs	md-cs				
	nv-cs	ny-cs	pa-cs	tx-cs				
	tn-cs	va-cs	wa-cs	WV-CS				

For federal courts, the system is just as simple. Use the initials cir (or cta) and the number of the desired circuit. The search results will include both trial court and appellate court cases from within that circuit.

§ 8.3(a) Example	2   Case	Law Databa	ses from	Federa	I Circuits			
cir1	cir2	cir3	cir4	or	cta1	cta2	cta3	cta4
cir5	cir6	cir7	cir8		cta5	cta6	cta7	cta8
cir9	cir10	cir11	cirdc		cta9	cta10	cta11	ctadc

**CHAPTER 8** 

There are also four catch-all databases that search for all federal cases, all U.S. Supreme Court cases, all federal circuit cases, or all state cases.

§ 8.3(a) Example 3	B   Broad Case Law Databases
allstates	Cases from all U.S. states
allfeds	All federal cases, including District, Circuit, & Supreme
cta	Cases from all U.S. Circuits

U.S. Supreme Court cases sct

To reiterate, try entering your state database, and click Search.

The more traditional option is to simply click the Filters menu at the top right and select any jurisdictions that are relevant to your client's case.

STLAW EDGE	Clear all						itions 🚢 Sign
	All States					All Federal	
Enter terms, citat	<ul> <li>Alabama</li> <li>Alaska</li> <li>Arizona</li> <li>Arkansas</li> <li>California</li> </ul>	<ul> <li>Illinois</li> <li>Indiana</li> <li>Iowa</li> <li>Kansas</li> <li>Kentucky</li> </ul>	<ul> <li>Montana</li> <li>Nebraska</li> <li>Nevada</li> <li>New Hampshire</li> <li>New Jersev</li> </ul>	Rhode Island     South Carolina     South Dakota     Tennessee     Texas	Tribal Guam Puerto Rico Virgin Islands Northern	By Court United States Supreme Court Federal Courts of Appeals Federal District Courts	arch Tips > vanced > =>
Content types	Colorado Connecticut Delaware D.C. Florida	Louisiana Maine Maryland Massachusetts Michigan	New Mexico New York North Carolina North Dakota Ohio	Utah Vermont Virginia Washington West Virginia	Mariana Islands	Bernicupes Courts Tase Court By Circuit Statistics Statistics By Circuit Statistics Sta	
Cases	Georgia Hawaii Idaho	Minnesota Mississippi Missouri	<ul> <li>Oklahoma</li> <li>Oregon</li> <li>Pennsylvania</li> </ul>	<ul> <li>Wisconsin</li> <li>Wyoming</li> </ul>		2nd Circuit     9th Circuit     3rd Circuit     10th Circuit     th Circuit	
Trial Court Orde	Include relation	ated federal 🕐				Sth Circuit     Sth Circuit     Sth Circuit     Sth Circuit     Sth Circuit     Sth Circuit	
Statutes & Court						Tth Circuit	

After selecting any desired jurisdictions, click Save. Your search will now focus on only those jurisdictions that have been chosen as filters. (Remember, a filter is a database.)

### Enter your search query

After you have set your filter, enter your search query and click Search

THOMSON REUTERS WESTLAW EDGE	•	/			ICD	History	Folders	Favorites	Notifications	+	Sign out
"day care center"	liability for injured child					(	CA (Sta	te & Fed.)	Q Search Tips Advr nced		₹,
Content types	Federal materials	State materials	Practice areas	Tools							
Cases		Briefs				1					

### Select a case from the search results

The *Results Page* will present cases by what *Westlaw* assumes to be most relevant. You will need to check the summaries following the title link to determine for yourself which results are most worthy of your attention.

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All content	"day care cente	r" liabili	ity for injured ch	ild			✓ CA (State &	Fed.) Q	Search Tips > Advanced >	₹,
Content types	Filters	<	Cases (:	22)						
Overview	15	1	1-22 🏓		Sort: Relevance Y			<b>*</b> -	• GD 💼	± •
Cases	22		Select all ite	ems • No items selected	dt				↓ Related d	locuments
Trial Court Ord	ers 33		01- 1	United States Court of Appeals,	Ninth Circuit July 13, 1989 - 90	2 F.2d 1375 - 1990 W	/L 59603			
Statutes & Cou	rt Rules 45	L		Day care center and its ow	vner brought civil rights action for i	money damages aga	inst officials of the Arizo	na Department of	Health Service	es and
Secondary Sou	rces 188			District Court for the Distri	ict of Arizona, Richard M. Bilby,	en accions in summe	any suspending ung ou	e center o neense	. me omteu	otates
Regulations	50			<ul> <li>Show synopsis</li> </ul>						
Public Records	9,195			State officials who summari affording <mark>day care center</mark> to n	ily closed <mark>day care center</mark> as result notice and opportunity to respond,	of allegations of sex were not entitled to	ual molestation, physic qualified immunity fro	al abuse, and over n resulting civil rig	crowding, with ghts action for	nout denying
Administrative	10,000			day	annan IV IV IV	-		10040		and a second sec

Note that the terms from your search query are highlighted. You can either click on the title to the case, which is also a link, and be taken to the beginning of the case, or you can click on one of your highlighted terms to be taken to the point within that case where the term is located.

### Review relevant cases

Click on the title link to view any relevant cases. To validate a case (meaning to make sure the case is still good law), observe the *KeyCite Bar* toward the top of the window. If there are any Negative Treatments or Histories you should probably not rely on that case to support your client. Also, any *red flags* are indications that a case is likely not considered good authority. (See below.)

### Read any relevant cases, or select for delivery

For this exercise, scan several cases and read those that appear relevant. You can have any relevant cases "delivered" by download, email, or print. Simply check the box to the left of the case title, then use the Delivery drop down menu to choose how you want to obtain the document. (Remember, it is free now, but every delivery costs if you are working for a law firm with a subscription.)

WESTLAW EDGE	9	12			ICD	History	Folders	Favorites	Notific	ations 4	L Sig	n out
All content "day c	are center" lia	bility for injured cl	ild				~ c	A (State & Fed.)	٩	Search Tip Advanced		
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Set default		1-22	Sort	Relevance V					1	- 00		
Overview	15									Email		-
Cases	22		Chall/heard Inc. v. Brandt							Print		
Trial Court Orders	33		United States Court of Appeals, Ninth Circuit.	July 13, 1989 - 902	F.2d 1375	- 1990 WL	59603			Downloa	d	
Statutes & Court Rules	45		Day care center and its owner brought civ	il rights action for m	oney dan	ages again	st officials o	of the Arizona De	par	Dropbox		
Secondary Sources	188		the Arizona Department of Economic Sect District Court for the District of Arizona, Ri	irity based upon thei chard M. Bilby,	r actions	in summar	ily suspend	ng <mark>day care</mark> cent	(er's	Kindle		
Regulations	50		<ul> <li>Show synopsis</li> </ul>						-			

**CHAPTER 8** 

A researcher can quickly expand his or her search by using relevant headnote references. If you determine that a case is relevant, review the headnote references that appear after the caption of the case. If you identify any particularly relevant headnotes, click on the *Cases that cite this headnote* link. *Westlaw* will list other cases that rely on that same legal logic. So, if the case you have located in the *Results Page* is relevant, but not from your jurisdiction, using the headnote references may help you locate additional cases from your own jurisdiction that deal with the same or similar subject matter.

THOMSON REUTERS WESTLAW EDGE	tent "day c	are center" liability for injured child	~	CA (State & Fed.)	Q Search 1 Advance	Tips > ☴ >	¢ Sign out
← ← Chalkboard, Inc. v. United States Court of Appea Document Filings (0)	<b>Brandt</b> s, Ninth Circuit. • J Negative Treatn	July 13, 1989 - 902 F.2d 1375 (Approx. 18 pages) ment (5) History (3) Citing References (218)	▼ Table of Authorities	Powered by KeyCife			Related documents Fullscreen
1 of 22 results >	Original term	s 🔻 🔪 🥒		Q, Pa	ige Go 🏴 i	* • •	1 * in ± *
Synopsis West Headnotes Attorneys and Law Firms (+) Opinion All Citations Footnotes	-	<ul> <li>Infants         <ul> <li>Authority of Arizona Department of Health Scenter was governed by statute specifically a general provision of the Arizona Administrati suspension, annulment, or withdrawal of any summary-closure provision enacted years each officials when state adopted more recent and both routine and expedited methods of susp did not permit summary action by Departmenta-86-886.01, 41-1064, subd. C.</li> <li>2 Cases that cite this headnote</li> <li>Cases that cite headnote</li> </ul> </li> </ul>	ervices to seek closure of licer iddressing <b>day care centers</b> , r ive Procedure Act relating to r y license; contention that gen irtier remained at disposal of i d specific statutory scheme pr ending license of <b>day care ce</b> int officials could not be accep ate 4	nsed day care 2 rather than by 2 revocation, 2 leral purpose 2 Department 2 roviding for (// nter and which pted. A.R.S. §§ 2 2 2	111           111	Infants Child Care License, Registratio Certification; Inspe Renewal and revoce Infants Child Care Authority, duties, a iabilities of super- agency; immunity	in, and iction ation nd ising

After your first couple of searches as a student, begin developing time-conscious habits even during this course by:

- 1. Preparing a query prior to signing in
- 2. In the Results Page, select cases that appear to be relevant using the check box
- 3. Don't read entire cases online
- 4. Have selected cases delivered
- 5. Get in and out of Westlaw very quickly

### CHECKLIST | RESEARCHING CASE LAW USING WESTLAW

Select your *filter*, or enter your state abbreviation and "-cs"

(Example: tx-cs)

Enter your search query

In the Results Page, modify the query, or "Search within results" as needed

Select cases from list of search results to review

Refer to the KeyCite Bar to make sure the authority is still valid

Expand or focus your research by using the Key Number References

To save the client money, have relevant cases *delivered* (print, email, or download) or locate those cases in the law library, if possible, instead of reading online

## **CHAPTER 8**

### **REVIEW QUESTIONS § 8.3(A)** | RESEARCHING CASE LAW USING WESTLAW

- 1. What method did you use to locate the database?
- 2. What search query did you use?
- 3. Were you satisfied with your search query, or did you need to modify your query?
- 4. List at least 3 case citations from the *Results Page* that appear relevant to your research.
- 5. Were you able to locate any relevant *Key Numbers*? If yes, list those *Numbers* (including their *Topics*) below. Then try to research using just those Key Numbers by pasting them one at a time in the *Search Query Box*.

### ASSIGNMENT 8.3(B) | RESEARCHING CASE LAW USING LEXIS

Open *Lexis* within your browser (*lexis.com*) and follow along with the steps provided below but using your client's case as the basis for your legal research.

In *Lexis* (currently called *Lexis*+), case law research begins by selecting *filters*.

1. Select your Category Filter

Using the Category drop down tool, select Cases.

Legal Research	What would	d you like to r	esea	arch today?	1	
	day care center liability f	or an injured child		Cases	^ 1 Jurisdiction	✓ ☆ Q
Practical		$\uparrow$		All Categories	News	ced Search
	Narrow by: Texas X			Cases Statutes and Legislation	Legal News Dockets	Clear 🕁
Litigation				Practice Notes and Articles Annotated Templates and Checklists	Jury Verdicts and Settlements Jury Instructions	
Analytics	✓ Sector Content	tent Federal State Practic	ce Area	Secondary Materials	Expert Witness Materials	
	Cases	Secondary Materials	Dockets	Administrative Materials Briefs, Pleadings and Motions	Company and Financial Directories	
Brief Analysis	Statutes & Legislation	Treatises & Guides	Briefs, P	Administrative Codes and Regulations	Scientific	9 Resources imentary
	Statutory Codes	Law Reviews & Journals	Expert V	Sample Forms	Intellectual Property	resources.
	Archived Codes	Sample Forms	Jury Verd	licts & Settlements Scientific Mate	erials	



2. Select your Jurisdiction Filter

Using the *Jurisdiction* drop down menu select your state or federal jurisdiction. (The setting of these filters can be done in any order and can be adjusted at any time.)

- 3. *Enter your search query* Type your search query in the text box and click the *Search* button:
- 4. Select cases to view from the Results Page

### **Options for how to view the Results**



*Lexis* provides options for viewing the resulting cases that have been found. These options may be found at the top right of the Results window.

#### Full View

Provides the case title, citation, an overview, and typically a few paragraphs from the most relevant part of the case. This is probably the most popular view and is certainly the most traditional.



## **CHAPTER 8**

### Graphical View

This relatively new form of viewing results offers a graphic interface for identifying the parts of an opinion (or other authority) that deals with the issues you have researched. It even color coordinates the terms from your search so you can identify specific aspects of your query which have been deemed relevant to the result.



#### Title View

Provides the case title and citation for all results. Click on the title to read.





### Ravel View

A graphical timeline view of how the opinion relates to other authorities.

Category	Results for: day care center liability for an injure	ed child 🥒 🗘 🕻	® = - (
Texas X) Clear 났			Ra
How to use: Click a citation bubble to:	see its connections. Hover for a quick view.	Sort by: Court	
STATE			State Farm Gen. Ins. Co. v. White       Court of Appeals of Texas, Third District, Austin   Nov 06, 1997   955 S.W.2d 474
			OVERVIEW: Insurers had duty to defend insureds who failed to report sexual abuse of children because insured's omission did not constitute intentional conduct under substantial certainty test that would trigger intentional injury exclusion of the policies.
			This appeal arises out of circumstances involving the sexual abuse of <b>children</b> at a <b>day care center</b> . Plaintiffs, and intervenors in this case, Sean and Sandra Nash,
			numerous derendants, including appelieds, on benait of themselves and their minor c <sup>h</sup> ulfdren, for the sexual abuse of their children which occurred at the day care center operated by Daniel Bruno Keller and his wife, Francis Elayne Keller
•			Petition alleges that Daniel Keller physically and sexually abused the Nash <b>children</b> , as well as other <b>children</b> attending the <b>day care center</b> , while the <b>children</b> were in the <b>center's care</b> and custody. Such abuse occurred on a cenular basis throughout the Nash
	•		children's attendance at the facility between March 25 and August 28, 1991. The petition further alleges that the children were taken from the day care center 's premises to other nearby locations where Daniel Keller
1990 1995	2000 2005 2010	2015 2020	abused them her long-time friend and confident, about Daniel

Once a case has been identified that appears to be relevant, click on the title link to that case. While there are exceptions, you will likely stay away from cases with a red warning icon. As we will see, those cases are at least partially invalid.

III 🕐 Lexis+	Run New Search Q Client: - None-Folders History Help 🚦								
Select Category Cases 799 ~	Results for: day care center liability for injured child 🖉 🌲 🕐 🗐 🥌 🦑	5.0							
Search within results Q	Sortby: Relevance ~								
Court ~	1 O Andrade v. Ellefson	Ľ							
Timeline ~	Court of Appeals of Minnesota   Oct 22, 1985   375 N.W.2d 828	Court of Appeals of Minnesota   Oct 22, 1985   375 N.W.2d 828							
Published Status $\sim$	OVEXVIEW: A county being suit for negigent inspection and licensing or a day care nome was not a state employee immune from liability under the Minnesota State Tort Claims Act. The county owed a special duty of care to the parents of injured children.								
Sources ~		be issued, the county has represented that no person in the day care household has any of the proscribed characteristics. The plaintiffs may have							
Practice Area & Topics 🛛 🗸 🗸	that representation and refrained from performing their own inspection of the day care center or their own investigation of the persons running the center . Likewise, parents rely on other licensing prerequisites and thus often the county had actual knowledge of the dongerus conditions of the day care center. The statutes and regulations also seem to have been designed								
Attorney 🗸	to protect day care children as a class. In spite of this summary ludgment should have on roli the county increase the risk of harm to the children. Under the second prong of the Cracraft								
Law Firm 🗸	a pre-licensing inspection of Ms. Ellefson in 1980 when she began day care again. At this time Ansleigh was not interviewed and no police								
Most Cited 🗸	2 🔄 🔺 United States Fidelity & Guaranty Co. v. State Farm Mut. Auto. Ins. Co.	1							
Keyword ~	Appellate Court of Illinois, First District, Third Division   Jan 21, 1987   152 Ill, App. 3d 46								
Judge 🗸 🗸	OVERVIEW: Although injury due to day care center employee's operation of car was excluded from insureds' coverage, verdict also found that failure to adequately supervise was a proximate cause of injuries. Insurer's policy therefore covered child's injury.								
Publisher 🗸 🗸	Although injury due to day care center employee's operation of car was excluded from insureds' coverage, verdict also supervise was a proximate cause of injuries. Insurer's policy therefore covered child's injury. The insurer issued a policy to the day care center and its owner. The injured child altended the day care center. She fell out of a car the employee was driving								

5. Read the opinion and validate the case

*Lexis* provides the full court opinion. If the case looks relevant you will want to read the entire opinion. That should not be done online, since your attorney will be charged for the time you spend reading the case. (We will discuss document delivery below.) Refer to the *Shepard's box* at right to determine whether the case is valid.

III 🕡 Lexis+		R	un New Search 🍳	Client: -None-	Folders	History	Help	:
● Andrade v. Ellefson, 375 N.W.2d 828 Actions ~						FULL	KWIC	м   КЛ ИЧ   ИЧ
□ · □ · Goto · Page Page # ^ ·	All terms 350 V Se	arch Document 🔍				< 16 0	f 799 R	esults List >
SUM Headnotes Opinion		Dissent	Multicolor		oout	Not	es	
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Andrade v. Ell	lefson, 375 N.W.2	d 828		Re     View	ason for She the top citing	pard's Signal' reference	™?	
		٦		Su conta	bsequent ap	pellate histo analysis	ry	
增 Copy Citation	Request Law School Case Brief			Citin	g Decisions	(4)		
Court of	Appeals of Minnesota			<b>Q</b> Q	uestioned (1	.)		
0	ctober 22, 1985			U C Othe	ited By (3) r Citing Sou	rces (1)		
,	No. C4-85-554			ତ si	nepardize®	document		
Reporter				Abo	ut This Do	cument		
375 N.W.2d 828 *   1985 Minn. App. LEXIS 4743 **				Rep	orter Images	3		
				375	N.W.2d 828			
John Andrade, individually and as parent and natu	ural guardian for Joseph J. Andrade	, and Dennis W. Aasen,		Sour	ce Informat	ion		
individually and as parent and natural guardian fo	r Jerrett J. Aasen, Appellants, v. Eli:	zabeth Ellefson, et al.,		MN 198	Appeals Cou 3	irt Cases froi	m	
Respondents, county of Alloka, Respondent								

In the "FULL" view of the case you are reviewing, *Lexis* also provides a graphical interface at the top of the opinion. This color-coded bar visually demonstrates where in the case your search terms are mentioned and even color-codes each term. Just slide your cursor over the bar to identify each mentioned term. The researcher can also click on any point in the bar to go directly to that part of the opinion.

● Andrade v. Ellefson, 375 N.W.2d 828 Actions ~		
□ × 🕒 🗹 🕹 🛞 Goto × Page Page # ∧ ∨	All terms 350 V 🔨 Search Do	ocument Q
SUM Headnotes Opinion		Dissent . Multicolor
=+=====================================	Oninion	
Andrado y Ell	ofcon 3 <sup>- children</sup>	
l Copy Citation	Request Law S	

6. *Have any relevant cases "delivered" Lexis* provides several options for delivery of relevant cases, including printing, downloading, and emailing.



## **CHAPTER 8**

### **CHECKLIST** | RESEARCHING CASE LAW USING *LEXIS*

Select the desired *filters for your search* Click the title of any relevant *cases* to view the full opinion Read the headnotes to quickly determine whether a case is worth *delivering* Check the *Shepard's* box to determine whether the case is still valid To save the client money, have relevant cases *delivered* (print, email, or download) or locate those cases in the law library instead of reading online

### **REVIEW QUESTIONS § 8.3(B)** | RESEARCHING CASE LAW USING LEXIS

- 1. What method did you use to select a filter (database)?
- 2. What search query did you use?
- 3. Were you satisfied with your search query, or did you need to modify your query?
- 4. List at least 3 case citations from the *Results Page* that appear relevant to your research.
- 5. Were you able to locate any relevant *Key Numbers*? (Note: This is a trick question!)

#### ASSIGNMENT § 3.8(C) | RESEARCHING CASE LAW IN THE LAW LIBRARY (OPTIONAL)



There are many secondary sources that can eventually lead to case law. Am. Jur. 2d, A.L.R., Restatements of the Law, and C.J.S. are excellent research sources that will lead to case law, among other authorities. However, the most direct method of finding case law in a law library is by the use of West Digests. The following paragraphs were first presented in Chapter 7 discussing the Key Number System. They are presented again here as review, and in the context of using digests.

Digests serve two major functions:

- Digests collect headnotes in topical order
- Digests act as an index to case law

Digests are arranged topically. When *West* publishes a court opinion in a reporter, it adds several research tools, such as headnotes. Each headnote is assigned an appropriate key topic and key number. That headnote is then published with the opinion, and in its appropriate digest volumes. For instance, a case in the Pacific Reporter from Hawaii deals with the topic of lack of consideration within contracts. *West Publishing* will assign that topic the *Key Number* of *Contracts 49(3)*. The headnote will then be published in the *Hawaii Digest* and the *Pacific Digest* under the topic of *Contracts Key Number* 49(3), along with all the other headnotes from cases dealing with lack of consideration.

There are dozens of digests: state digests, regional digests, topical digests (i.e. *Bankruptcy Digest*), the *Decennial Digests*, the *General Digest*, the *Federal Digest*, etc. For this assignment, use the regional digest from your region. For example, if you are in the *Pacific Region*, use the *Pacific Digest*. (For some reason, there is no *West Digest* for the Northwest or Southeast regions. If you are in one of these regions, try using your state digest.) Since digests act as indexes to case law, and indexes would never be quoted, digests are non-authority.

### 1. Begin your research in the index

After selecting a set of digests, go to the index. In *West Digests*, the index is called the *Descriptive Word Index*. It is a hardbound, multi-volume set. As with all indexes, its job is to refer the researcher to relevant material within the main volumes. After cartwheeling your topic, look up all the terms in the index. Do not stop when you locate one term and find *Key Numbers*. Look under all possible subject matter in the index. Also check the *pocket part (cumulative supplement)* in the back of each index volume used. Take note of all relevant *Key Numbers* provided by the index.

### **ASSIGNMENT QUESTIONS – PART 1**

Using the *Descriptive Word Index* to a state or regional digest, (such as the *California Digest* or *Pacific Digest*) answer these questions. Do not use the *General Digest* or the *Decennial Digest* at this point. (Note: In whatever digest you begin, make sure you are using the most recent set of that digest.)

- 1. How many volumes make up the Descriptive Word Index?
- 2. Is your research topic covered in the index?
- 3. The digest index leads to which of the following?

volume number, series, page number topic and section number topic and key number

4. Does the index have a supplement? If yes, where is it located?

- **CHAPTER 8**
- 5. If there is an index supplement, is your topic covered?
- 6. Provide any cites to the digest's main volumes the index may have provided (such as *Negligence Key Number 35*).
- 2. Go to the Main Volume corresponding with the topic provided



The index leads the researcher to the main digest volumes, which are arranged by topic. After obtaining a *Key Topic and Number* from the *Descriptive Word Index*, the researcher must find the volume that covers the topic, followed by the specific *Key Number*. The researcher should find the section of the material which collects and arranges headnotes.

*Note:* Do not get bogged down in the *Scope of Topics* at the beginning of each topic. This acts as a table of contents for that topic. The *Scope of Topics* section can help expand research later, but the index does not lead you here. Instead, turn to the pages coving the specific *Key Number*.

If there are any cases relevant to the topic, West will provide short

paragraph summaries of those cases with the case citations. These paragraphs are basically reprinted headnotes. Note that *West's Digests* do not discuss or annotate law, and since the reprinted headnotes would never be quoted, digests are non-authority.

### **ASSIGNMENT QUESTIONS – PART 2**

Locate the main volume containing your topic and *Key Number*, then answer these questions.

- 1. What is the subject matter under your topic and key number? (There should be a short, boldface sentence.)
- 2. Does the digest provide footnotes?
- 3. Provide at least one citation to a case:

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3. Always check the pocket part (cumulative supplement)

Supplements update the material within the main volume.



Digests supplement their main volumes primarily through the use of pocket parts. Some pocket parts are cumulative. This means that at least one, and possibly several, previous supplements have been replaced by this new supplement. All the material contained in the previous supplement is combined within this most recent update. In *West's Digests*, the researcher should research the corresponding *Key Topics and Numbers* in the pocket part for each *Key Topic and Number* researched in the

main volume. Even if nothing relevant was found in the main volume, the researcher may be able to find relevant material in the supplement.

### **ASSIGNMENT QUESTIONS – PART 3**

Locate the supplements needed to answer these questions.

- 1. How is your digest volume updated?
  - pocket part hardbound supplement softbound supplement
- 2. Is there any relevant information in the supplement for your research assignment?
- 4. Expanding your research: Accessing additional West Digests

With a Key Topic and Number, a researcher can access any West Digest.

West's Digests are popular because researchers can locate an identified Key Topic and Number in any of the digests published by West in order to expand their research.

For example, if the researcher finds a case exactly on point or a *Key Topic and Number* exactly on-point, he or she can take those topics and numbers to a state digest (such as the *Virginia Digest*, *West Virginia Digest*, or the *Hawaii Digest*) or regional digests (such as the *Pacific Digest*). This is the most valuable aspect of the *Key Number System*.

### **ASSIGNMENT QUESTIONS – PART 4**

Using a Key Topic and Number found earlier in the index, answer these questions.

- 1. In which digest have you been researching up to this point? (i.e., Pacific Digest? Texas Digest? Federal Practice Digest? etc.)
- 2. Write one of the Key Topics and Numbers you found.
- 3. Find another digest, different from the one listed above. Which digest did you choose?
- 4. Continue your research in this digest. Do you have to use the index for this digest?
- 5. Why, or why not?
- 5. Decennial Digests and General Digests

The *Decennial Digest* is a ten-year collection of state and federal, appellate, supreme and, in some cases, selected trial court material. Because of the veritable explosion in the number of cases, *West* now divides *Decennials* into *Part 1* and *Part 2* for the most recent editions. The parts are published in five-year intervals, beginning with the *9th Decennial Digest*. One can access the *Decennial Digest* as one would access any digest: By using the descriptive word index or a *Key Topic and Number* obtained in some other digest. Some researchers begin their research in the index of the most recent *Decennial* because it is so very thorough.

*Decennial Digests* have no pocket parts. The *Decennial Digest* has a separate set of books, the *General Digest*, which updates the most recent set.

### **ASSIGNMENT QUESTIONS – PART 5**

Locate the Decennial Digests and answer these questions.

- Which Decennial Digest did you pick? (i.e., Eighth Decennial; Ninth Decennial, Part 1; etc.)
- 2. Continue your research in this digest. Do you have to use the index for this digest?
- 3. Do the main volumes have pocket parts?
- 4. How many volumes make up the Descriptive Word Index in the Decennial Digest?

## **CHAPTER 8**

6. Federal Case Law Research in the Law Library



There are several publications that contain federal case law. If you work for an attorney who practices in federal court, having foundational knowledge of these books and what they contain will make you a more valuable employee.

#### **United States Supreme Court Cases**

There are three publications that publish all U.S. Supreme Court Cases, one official and two unofficial.

- U.S. Supreme Court Reports (Official)
- Supreme Court Reporters (*West Publishing*)
- U.S. Supreme Court Reports, Lawyer's Edition (*Lawyer's Cooperative*)

The researcher will typically use one of the unofficial publications (or both) when looking up U.S. Supreme Court cases in the law library. This is because the unofficial publications not only publish the full court opinion, they also provide other research tools, such as headnotes, the *Total Client-Service Library*, and the *Key Number System*. However, when citing such cases, all three publications may need to be cited. Remember when citing cases the official is cited first, followed by the two unofficials (usually U.S., S. Ct., then L. Ed. 2d).

To get a feel for each of the publications, choose one of the following citations and look the case up in the official, as well as each parallel (unofficial) cite. (You are only required to look up one of the following cases in the three books, but for practice you may want to do more.)

- 1. 425 U.S. 435, 96 S. Ct. 1619, 48 L. Ed. 2d 71
- 2. 495 U.S. 385, 110 S. Ct. 1964, 109 L. Ed. 2d 384
- 3. 487 U.S. 285, 108 S. Ct. 2389, 101 L. Ed. 2d 261
- 4. 445 U.S. 552, 100 S. Ct. 1358, 63 L. Ed. 2d 622
- 5. 465 U.S. 770, 104 S. Ct. 1473, 79 L. Ed. 2d 790

- 6. 431 U.S. 195, 97 S. Ct. 1774, 52 L. Ed. 2d 250
- 7. 434 U.S. 308, 98 S. Ct. 584, 54 L. Ed. 2d 563
- 8. 436 U.S. 412, 98 S. Ct. 1893, 56 L. Ed. 2d 417
- 9. 440 U.S. 147, 99 S. Ct. 970, 59 L. Ed. 2d 210
- 10. 442 U.S. 560, 99 S. Ct. 2479, 61 L. Ed. 2d 82

Open each publication up to the case, and for comparison purposes consider the following commentary as you review the books.

### Using the Unofficial Publications

When researching U.S. Supreme Court cases, the researcher commonly uses one of the unofficial publications. The official publication contains only the opinion with limited notes, but the unofficial publications contain research tools, such as headnotes and *Key Numbers*.

### Star Pagination

The unofficial publications (S. Ct. and L. Ed. 2d) employ a system called star pagination to inform the researcher of which page the case would be found in the official publication (U.S. Reports). Can you find star pagination notations in the unofficial publications? They are usually set apart by the use of asterisks, or brackets. (If you can't find one, ask the instructor to point it out.)

### Headnotes, Annotations, and Briefs

Headnotes are short paragraphs at the beginning of a case that refer to portions of the case. Both unofficial publications of U.S. Supreme Court cases contain headnotes. Some editions of the official *U.S. Reports* include them, as well.

### Annotations are commentaries or discussions of a case

The United States Supreme Court Reports, Lawyer's Edition includes annotations of selected cases. These annotations are contained in the back of each volume. The annotations are updated by means of pocket parts in L. Ed. 2d.

L. Ed. 2d. provides another unique tool for the researcher. Many cases are supplemented in the back of each volume with a summary of the attorney's argument at trial (referred to as briefs). This is very valuable, providing the strategy argued before the court.

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#### **United States Circuit Court of Appeals Cases**

The *Federal Reporter* (first, second and third series) contains U.S. Circuit Courts of Appeals cases. Not all federal appellate court opinions are published. The court designates which opinions will be published.

*Note*: One of the more recently published law books - the *Federal Appendix* - prints cases that have not been designated by the court for publication. It is somewhat controversial as a source of authority and most likely should be cited only as a last resort.

Choose one of the following citations in the *Federal Reporter* to locate in the law library.

1.	203 F.2d 430	6.	905 F.2d 471
2.	256 F.3d 516	7.	342 F.2d 255
3.	153 F.2d 615	8.	156 F.3d 581
4.	134 F.2d 217	9.	87 F.3d 431
5.	31 F.2d 325	10.	567 F.2d 225

### **United States District Court Cases**

The *Federal Supplement*, first and second series, contains the published cases from U.S. District Courts. Only cases designated by the court are published.

Choose one of the following citations in the *Federal Supplement* to locate in the law library.



- 2. 609 F. Supp. 733
- 3. 460 F. Supp. 573
- 4. 528 F. Supp. 664
- 5. 723 F. Supp. 107

6. 1 F. Supp. 2d 103

- 7. 51 F. Supp. 2d 597
- 8. 77 F. Supp. 2d 1014
- 9. 519 F. Supp. 2d 1029
- 10. 18 F. Supp. 2d 182





### **ASSIGNMENT QUESTIONS – PART 6**

The following questions are regarding federal case law.

- 1. Which of the three publications reporting U.S. Supreme Court decisions refer to the *Key Number System*?
- 2. Which of the three publications reporting U.S. Supreme Court decisions include annotations and pocket parts updating those annotations?
- 3. Do the *Federal Reporter* and the *Federal Supplement* use the *Key Number System*?

### CHECKLIST | RESEARCHING CASE LAW USING THE LAW LIBRARY

Determine the *reporter* or *jurisdiction* in which you want to search Locate the corresponding *Digest*, i.e., the *Atlantic Digest* for the *Atlantic Reporter* Research in the *Digest Index*, which will provide a *Key Topic & Number* Using the *Key Topic and Number*, access the Main Volumes In the Main Volumes, read the *headnotes* Make note of any *citations* that follow relevant headnotes Retrieve the *cases* from their reporters and read to determine relevance Expand or focus your research by using the *Key Numbers* to access additional digests To focus your research more specifically, use your state digest To broaden your research (if you cannot find enough authority), use the *Regional Digest*, or the *Decennial Digest* (beginning with the most recent set)