Legal Research 2

Search Terms and Strategies

Wei Luo

Three Branches of Government

Executive Legislative Judicial

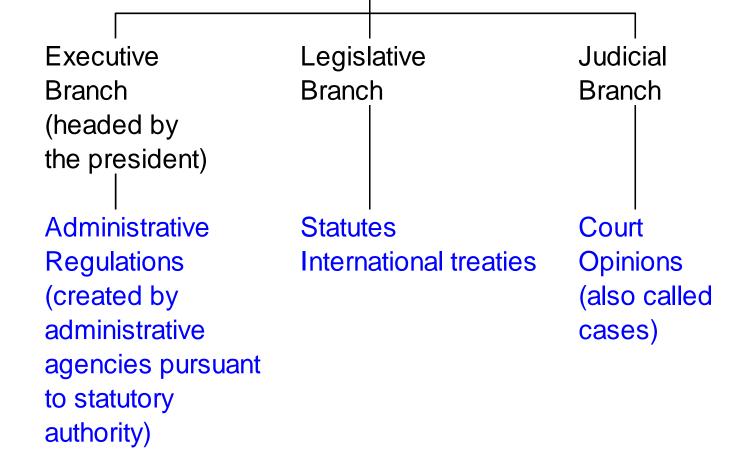






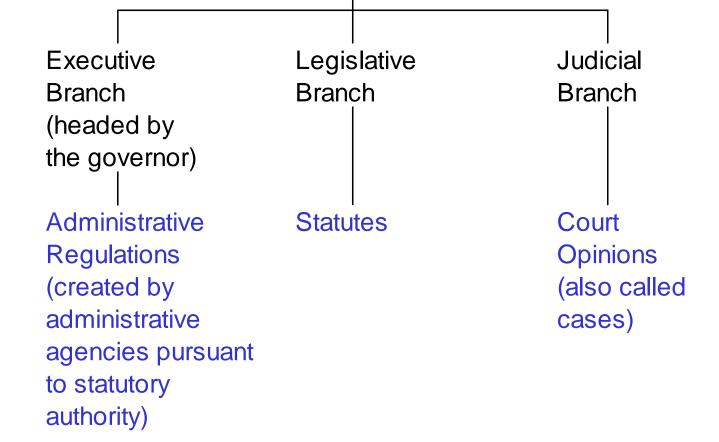
Branches of Government and Legal Rules

FEDERAL GOVERNMENT



Branches of Government and Legal Rules (continued)

STATE GOVERNMENTS



Primary vs. Secondary Authority (Review)

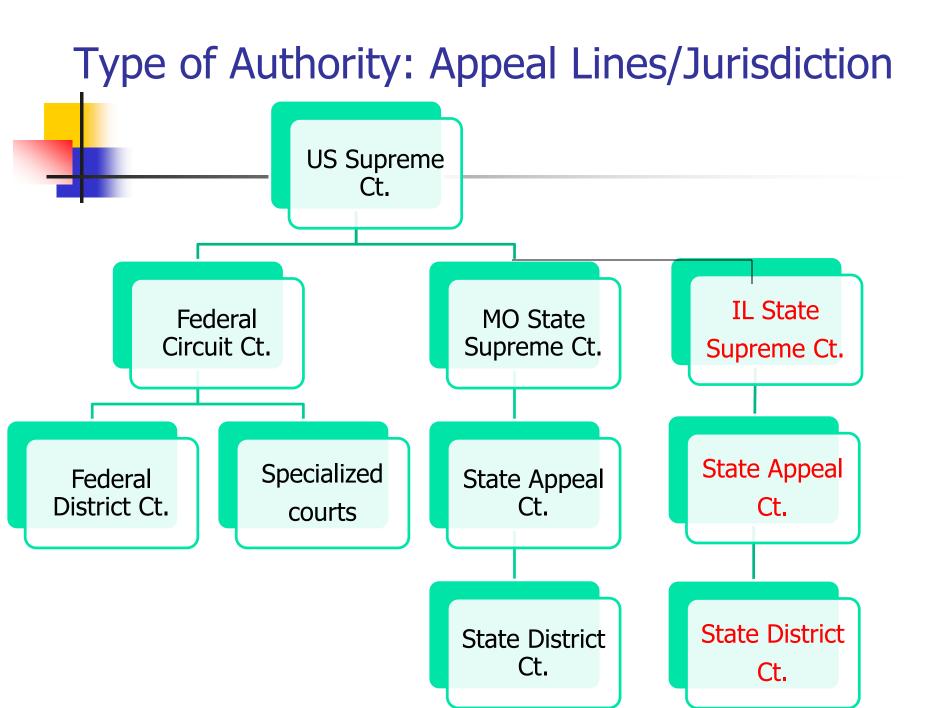
- The laws
 - Constitution
 - Statutes
 - Cases including dissenting opinions
 - Administrative Regulations
 - International Treaties

- About the laws
 - Law textbooks
 - Practicing guides
 - Hornbooks
 - Treatises
 - Law reviews
 - Etc.

Types of Authority

Mandatory/Binding vs. Persuasive Authority

 courts obligated to follow (within the same jurisdiction or same appeal line) vs. courts may follow if they are persuaded to do so



TYPE OF AUTHORITY	MANDATORY	PERSUASIVE
Primary (constitutions, statutes, court decisions, regulations)	Within the jurisdiction	Outside the jurisdiction
Secondary (anything that is not primary authority; usually commentary on the law)	Never	Always

Generating Search Terms/Key Words

- Based on Categories of Information: 5W
 - Who: parties
 - Where: places
 - What: things
 - When: day, evening, time
 - Why: potential claims & defenses
- Determine:
 - Issue Statement
 - Legal Relief

Expanding the Initial Search

- Increasing breadth with synonyms and related terms:
 - Motel Hotel Inn
 - Lottery Sweepstake Gamble
- Increasing depth with levels of abstraction:
 - parrot bird animal
 - Lottery Gamble Illegal Contract

Expanding the Initial Search

- Increasing breadth with synonyms and related terms:
 - Motel Hotel Inn
 - Lottery Sweepstake Gamble
- Increasing depth with levels of abstraction:
 - seagull bird animal
 - ∎ 猎狗- 狗- 动物
 - Lottery Gamble Illegal Contract(彩票
 赌博 非法合同)

Who, where, What, When, Why Classroom Exercise

You represent the family of Mike Roy. Mr. Roy was injured in an auto accident while driving home from work one evening in Austin, Texas. Mr. Roy suffered serious injuries during the accident, including brain injuries. He sued the driver of the other vehicle, alleging that the driver was negligent in driving through a red light. Mr. Roy recovered a fair judgment as a result of his personal injury accident. One year later, he died as a result of complications stemming from his brain injury. His family would like to pursue a wrongful death action against the driver of the car that caused Mr. Roy's injuries. What effect will Mr. Roy's previous lawsuit and judgment have on his family's possible wrongful death claim?

Generating Search Terms/Key Words

- Based on Categories of Information: 5W
 - Who: parties
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 - Legal Relief
 - Issue Statement

Classroom Exercise: Answers 1

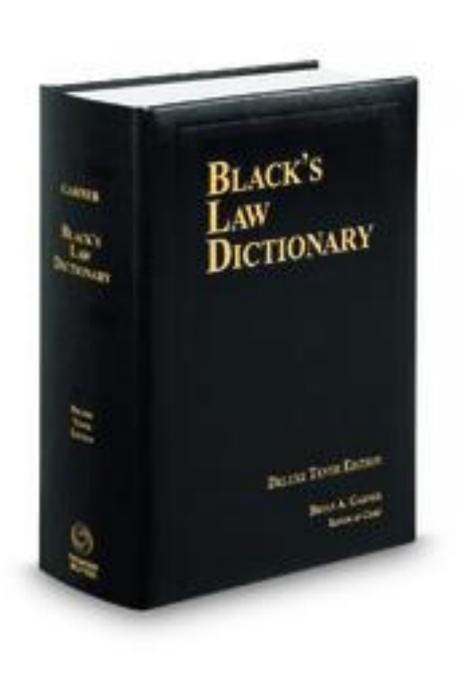
- Who: victim, decedent, deceased, surviving family, heirs, estate of deceased; tortfeasor, driver, motorist
- Where: Texas, Austin, accident on highway
- What: auto accident, negligent driving, serious brain injury, death, previous lawsuit and judgment, previous recovery of damages
- When: auto accident after work in evening, recovery for damages following accident, wrongful death suit at death of victim one year after previous judgment
- Why: previous recovery because of negligent conduct, recovery and judgment because of personal injury, death from complications of injury

Classroom Exercise: Answers 2

- Issue: May the surviving family members pursue a wrongful death action against a tortfeasor when the victim dies from complications one year after the accident, if the victim previously had obtained a fair judgment for his injuries from the tortfeasor?
- Relief: money (damages for wrongful death)

Sources to generate search terms

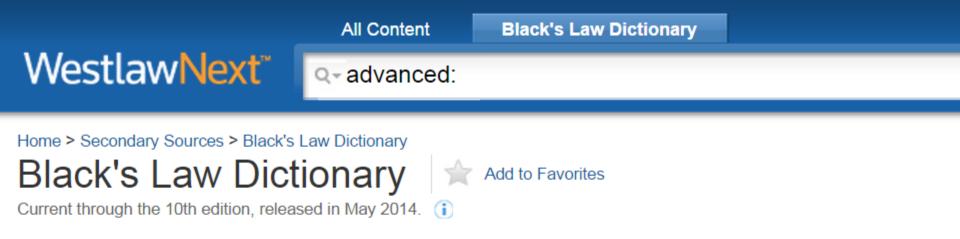
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 Dictionary, 10th ed
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Use at least one field to create a Boolean Terms & Connectors query.

Document Fields (Boolean Terms & Connectors Only)

Dictionary term

Definition text

Exclude Documents With These Terms

Excluded terms





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<mark>、</mark>司法時業工業



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• U• V• W• X• Y• Z

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	a aver et tener	擁有並持有
	a bon droit	具有充分的理由;公正地;合理地;恰當地
	a caelo usque ad centrum	
	a cancellando	源自取消









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ABUSE

ABSCOND, verb absent oneself, avoid, boit, decamp, delitescere, depart, desert, disappear, dodge, elude, emigrate, escape, eschew, evade, expatriate oneself, flee, hide, latere, leave, levant, make off, occultari, remove, run, run away, steal away, take flight, withdraw, withdraw clandestinely

ASSOCIATED CONCEPTS: abscond on bail, absconding debtor, attachment, fugitive, quasi in rem jurisdiction

ABSENCE (Nonattendance), noun abandonment, absentia, abstention, avoidance, defection, desertion, nonappearance, nonpresence, removal, truancy, withdrawal ASSOCIATED CONCEPTS: absence from the state, absent creditors, absent debtor, absent defendant, absent from a jurisdiction, leave of action

FOREIGN PHRASES: Absentem accipere debemus eum qui non est eo loci in quo petitur. We must consider absent he who is not in that place in which he is sought.

ABSENCE (Omission), **noun** deficiency, deprivation, disappearance, hiatus, inadequacy, lack, need, negation, nonbeing, nonexistence, shortage, unavailability, void, want

ASSOCIATED CONCEPTS: absence of counsel, absence of fraud, absence of funds, absence of heirs, absence of issue, absence of negligence, absence of notice, absence of wrongdoing

ABSENT, adjective absorbed, abstracted, astray, away, bare, bemused, blank, deficient, devoid, elsewhere, farunequaled, unexcelled, unrivaled, unsurpassed, untainted, untarnished

ABSOLUTION, noun acquittal, amnesty, clearance, deliverance, discharge, dismissal, dismissal of an accusation, exculpation, exoneration, forgiveness, forgiveness of sins, grace, liberation, pardon, purgation, release, release from punishment, remission, reprieve, vindication

ABSOLVE, verb absolvere, acquit, adjudge innocent, clear, discharge, exculpate, excuse, exonerate, find not guilty, forgive, free, let off, *liberare*, liberate, pardon, prove innocent, prove not guilty, *purgare*, purge, release from imputation, remit, reprieve, set free, vindicate ASSOCIATED CONCEPTS: absolve of blame

ABSOLVED, adjective acquitted, adjudged blameless, clear, cleared, discharged, exculpated, excused, exempt, exonerated, forgiven, found not guilty, free, immune, innocent, let off, liberated, pardoned, proven innocent, reprieved, set free, vindicated

ABSTAIN, verb avoid, be loath, be neutral, by-pass, cease, decline, defer, desist, discontinue, dispense with, do without, eschew, forebear, forgo, hold back, keep away, keep off, let alone, not use, not vote, refrain voluntarily from, refuse, restrain oneself, shirk, shun, spare, stand aside, take no sides, turn aside from, waive, withhold

ABSTENTION, noun abstainment, abstemiousness, abstinence, abstinence from action, avoidance, elusion, es-

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Word term and Phrase

- single-word term (with or without root expander or universal character,): work, work*, work**, work***, work!
- several-word phrase: "non-working hour", "summary judgment"

Boolean Connectors: or, and, but not, /s, /p, /n

- X or Y: either x or y in the document
- X and Y: both x and y must appear anywhere in the document
- X but not Y: x must be in the document but not y
- X /p Y: both of x and y must appear in the same paragraph
- X /s Y: both of x and y must appear in the same sentence
- X /n Y: both of x and y must appear within a number of words of each other

Searching for Words via Computer: Boolean and Connector Search

- multiple terms for the same concept: worker or laborer, cigarette or tobacco or smoke
- Both in a document: (worker or laborer) and (cigarette or tobacco or smoke)
- exclusion of non-pertinent usage: smok!
 But not marijuana

(worker or laborer) and (cigarette or tobacco or smoke) But not marijuana

- multiple-concept search employing connectors: /s, /p, /n,
- (worker or laborer) /5 (cigarette or tobacco or smoke) But not marijuana

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E News and Insight from REUTERS



Zimmer expert survives Daubert challenge in NexGen bellwether trial

A federal judge in Illinois has denied a bid to disqualify an expert witness due to testify on behalf of Zimmer Inc in a bellwether trial over allegations that the company's NexGen Flex knee

Advanced Search

Use at least one field to create a Boolean Terms & Connectors query.

Find documents that have						
All of these terms	"wrongful death action" /5	Term frequency				
Any of these terms	e.g., physician surgeon (searched as physician OR surgeon)	Term frequency				
This exact phrase	e.g., medical malpractice (searched as "medical malpractice")	Term frequency				
"Exclude documents" requires at least one additional field.						
These terms						

Date	All	*
	All	
Citation	Last 6 months	
	Last 12 months	
Name / Title	Last 3 years	
	All Dates Before	
	All Dates After	
	Specific Date	

Document Fields (Boolean Terms & Connectors Only)

• •	
Connectors a	nd Expanders
&	AND
/s	In same sentence
or	OR
+s	Preceding within sentence
/p	In same paragraph
	Phrase
+p	Preceding within paragraph
%	But not
/n	Within n terms of
!	Root expander
+n	Preceding within n terms of
*	Universal character
#	Prefix to turn off plurals and
	equivalents

Online Catalog Searching

- Key Words Search:
 - immigration law
 - WTO and Intellectual and Property
- The Law Library Catalog

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作者: Arey, Angela C	Crossman, 年份:	2014			Judicial process. [显示更多]
出版: Wolters Kluwe	er Law & Business, 评级:	***			<u>编小范围 >></u>



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主要款目	•He, Juan, 1984-
题名	•The WTO and infanct industry promotion in developing countries : perspectives on the Chinese large
	civil aircraft industry / Juan He.
出版发行	Abingdon, Oxon [UK] ; New York : Routledge, 2015
载体形态	xxxiv, 269 pages ; 24 cm.
书目附注	Includes bibliographical references and index.
格式化内容附	Contents: Infant industry promotion in the WTO context Infant industry promotion and the WTO in
	historical perspective Infant industry promotion and the government role in the WTO GATT 1994 : no
	retreat to import-substituting industrialization SCM : graduation from ostensible export subsidization
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Author: Cass, Deborah Z.; Williams, Brett Publication: Cambridge, UK ; New York : Cambridge University Press, 2003

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The WTO and sustainable development

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Legal Periodicals

- Use legal periodicals for
 - background information.
 - citations to primary authority.
 - in-depth analysis of a narrow topic.
 - information on a conflict in the law or an undeveloped area of the law.

Locating Periodical Articles: Electronic Resources

- Locate citations to periodical articles electronically with LegalTrac or Index to Legal Periodicals
 - Where to find these two databases?
 - Search by subject or key-word to obtain a list of citations.
- Locate full text legal articles in Heinonline, LEXIS, and Westlaw by searching in the databases for individual publications or combined secondary sources.
- Selected periodicals may be available on the Internet

Indexes v. Full Text Databases

- LegalTrac and Index to Legal Periodicals have indexed more law journals than the law journals covered in any of the full text law journal/review databases.
- Use LegalTrac or Index to Legal Periodicals to exhaust all the possible law journals.

Legal Periodical Index: Searching

Keyword search: intellectual property wto

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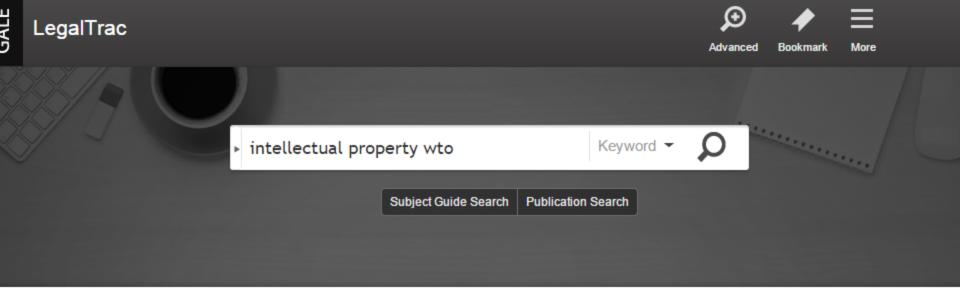
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Classroom Exercise

 Please use Westlaw, Lexis, or Heinonline to find an article about United States export control law written by Wei Luo



- Reading: Chapter 2 Background & Analysis
- Homework: Assignment 1, searching term exercise

Questions?

