



INTRODUCTION TO LEXIS AND WESTLAW SEARCHES

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PURPOSE:

This Pathfinder is designed to assist the user with basic search techniques on Lexis and Westlaw. Lexis and Westlaw are computer-assisted legal researching tools designed to provide fulltext access to cases, statutes, rules and regulations, periodicals, and other secondary legal source materials. Both services work best with accurate, on-point search terms to retrieve the necessary documents for your legal research.

OUTLINE:

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- A. Terms & Connectors Searches
- B. Natural Language/Freestyle Searches

II. HYPOTHETICAL LEXIS/WESTLAW SEARCH

III. POLICY ON USING LEXIS/WESTLAW

BASIC SEARCH TECHNIQUES

A. Terms & Connectors Searches

- *Search Terms*
 - Begin by selecting terms to be searched. Consider the legal issue you are researching and choose appropriate terms.
 - After brainstorming, use a legal dictionary or thesaurus to find more terms or fine-tune the terms you have selected, e.g., use *Ballentine's Legal Dictionary and Thesaurus* **Reference KF 156 .L9**
 - Also, Westlaw and Lexis each have an online thesaurus service available.
- *Connectors*
 - Between the search terms are connectors.
 - These include **AND**, **OR**, **NOT**, or proximity connectors such as **/p**, (terms in the same paragraph), **/s**, (terms in the same sentence) or **w/3** (terms on each side of the connector must be within three words of each other. For example: **John w/3 Kennedy** for John F. Kennedy).

- *Use Several Search Terms*
 - Lexis and Westlaw do not think. The computer will only do what you tell it to do.
 - Where several search terms are used to say the same thing, you can use them all with the **OR** connector. For example: employment OR job OR work.
- *Root Expanders (!)*
 - Some terms consist of a root and an ending. For example, if you were researching in the area of employment, you may want to search for references to employment, employee, employer, etc.
 - To search for all of these terms, use an exclamation point after the root For example: Employ!
- *Universal Character (*)*
 - Some terms may have different acceptable spellings, you may be unsure of the exact spelling, or you may wish to retrieve variations of the same word.
 - To retrieve references to such a term, use the asterisk (*) in place of the questioned letter. For example: advice or advise would be: advi*e
- *Phrases and Proper Names*
 - Some terms, such as proper names and phrases, need to be searched exactly as they are.
 - These terms should be placed in quotes. For example: “John F. Kennedy, Jr.” will only retrieve references to John F. Kennedy, Jr. and not John Kennedy, John Kennedy, Jr., or J. Fitzgerald Kennedy.

B. Natural Language/Freestyle Searches

- Both Westlaw and Lexis allow Natural Language or Freestyle Searching.
- This method allows you to use common speech patterns in order to phrase a search.
- The system will choose the terms it “thinks” are relevant by eliminating words such as “the”, “of”, or “whether”. This is useful when you are having trouble formulating a search using the traditional logic of terms and connectors.
- **Note:** Natural language/freestyle searches are not as fine-tuned as terms and connectors searches, therefore you may end up with many irrelevant search hits.

HYPOTHETICAL LEXIS/WESTLAW SEARCH

Jane Doe, your client, holds the patent on Post-It Notes. She comes to you for help because XYZ Corporation is marketing Yellow Stickies, a product that is strikingly similar to her own. She is concerned that XYZ Corporation is infringing on her patent rights and she wants to stop them.

- To select search terms, determine the key issue(s) in your problem. Start by asking questions such as:
 - What exactly happened?
 - Is there a cause of action?
 - Is there a defense?

- What will the remedy be?
- Who are the parties involved?
- After you answer those questions, come up with alternate words that can be used to describe each issue.
 - Use a legal dictionary or thesaurus to come up with the synonyms.
 - In this hypothetical, there is possible patent infringement. You need to know what rights a patent holder has, and what remedies are available when a patent is infringed upon.
 - The chart below is an example of how this would work:

Ask Yourself:	<i>What happened?</i>	<i>Is there a cause of action? defenses?</i>	<i>Is it possible to get remedies?</i>	<i>Who are the parties involved?</i>
Synonyms:	Substantial similarity product	Patent infringement Intellectual property Patent protection	Injunction Money damages	Third party infringement Infringing party Patent holder

- **TIP:** Consider using infringe!, protect!, etc. to broaden the search, or string the terms together with connectors.
 - Example Terms & Connectors Search: (Patent w/2 Holder OR Owner) OR (Patent AND Infringe!)
 - Example Natural Language/Freestyle Search: Whether a substantially similar product constitutes patent infringement.
 - It takes practice but eventually you will be able to separate out the important terms and fine-tune your searches.

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