



# KEY POINTS

A LEGAL RESEARCH NEWSLETTER FOR  
FEDERAL GOVERNMENT FROM WEST

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## Just Give Me the Tough Ones

*“The desirability of being a federal  
judge is inversely proportionate  
to the number of routine cases  
brought to federal court.”*

— Judge Alvin Rubin

## TERM FREQUENCY: ANOTHER WAY TO PAN FOR GOLD

**Search for documents that mention an important term a minimum number of times.**

Suppose you need documents from the WG&L Combined Tax Treatises database (WGL-TAXT) that discuss in detail the tax treatment of employee fringe benefits. If you were to run a Terms and Connectors search such as **employee /p “fringe benefit”**, you would retrieve a whopping 170-plus documents, many of which mention the terms only in passing. If you were to restrict your search to the title field, you would miss the many documents that don’t contain the terms *employee* and *fringe benefit* in their titles.

Is there a sensible way to focus your search?

Try the Term Frequency feature, which is available for Terms and Connectors queries in news databases and approximately 4,700 case law and secondary source databases. This feature allows you to retrieve only those documents that mention one or more terms a minimum number of times.

To use this feature, type your query in the *Search* text box at the database Search page, then click **Term Frequency**. A list of your search terms is displayed. Use the *Set Frequency* drop-down lists to designate the number of times you want one or more terms to be mentioned in any retrieved document (e.g., require the phrase *fringe benefit* to appear at least five times in any document you retrieve). Click **OK** to return to the Search page. Then click **Search Westlaw** to run the search.

| Your Query   |                              |
|--|------------------------------|
| EMPLOYEE /P "FRINGE BENEFIT"   |                              |
| Require Terms  |                              |
| Check the terms that must be included in your retrieved documents., then set the frequency for each item checked.                                    |                              |
| Require  | Set Frequency                |
| <input type="checkbox"/> EMPLOYEE  | must appear at least 1 times |
| <input checked="" type="checkbox"/> "FRINGE BENEFIT..."  | must appear at least 1 times |
| <input type="button" value="OK"/> <input type="button" value="Cancel"/>  |                              |
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List of search terms



## WEST KEY NUMBER SEARCHING: A PAINLESS FIRST STEP

When you have the right key number, case law retrieval is a breeze—the key number is a pipeline to every reported case in the country that discusses the point of law similarly classified.

But how do you winnow through the 100,000 available topic and key numbers and pick the right one? An easy way is to use the Search for Key Numbers feature. Type a short description of your issue and click **Search**. Key numbers—each with a link to a jurisdiction-specific Custom Digest result—are provided for you.

No winnowing necessary.

The Search for Key Numbers feature instantly identifies the topic and key numbers assigned to a legal issue and retrieves on-point cases via the West Key Number Digest. To access this feature, click **Key Numbers** at the top of any Westlaw page or on the site map. A page is displayed that contains the *Search for Key Numbers* text box, as well as links to the West Key Number Digest and to KeySearch®.

Type a short description of your issue, e.g., **liability for incorrect information in credit report**, in the text box and click **Search**. After you click **Search**, a list of topic and key numbers is displayed. Click a topic and key number to view the headnotes classified under that topic and key number. Or select the check boxes next to one or more topic and key numbers and click **Search Selected** to view the headnotes under those topic and key numbers.

### Don't go home empty-handed!

But what if no cases containing that key number exist in your jurisdiction? No problem.

Your result contains topic and key numbers from headnotes in cases in your jurisdiction plus as many as 10 additional topic and key numbers from headnotes in cases in other jurisdictions, listed under *Additional Results from All Jurisdictions*. As with the topic and key numbers from headnotes in cases in your jurisdiction,

Westlaw

FIND & PRINT KEYCITE DIRECTORY KEY NUMBERS SITE MAP

COURT DOCS FORMFINDER PEOPLE MAP EXPERT CENTER

Westlaw 1st Circuit Arbitration

### Search for Key Numbers

Enter terms e.g., *landlord duty of care to trespassers*

liability for incorrect information in credit report **Search**

Jurisdiction selected: **Massachusetts State & Federal**  
Change Jurisdiction ▾

#### Browse Key Numbers

**West Key Number Digest Outline**  
Browse through the 400+ topics of the West American Digest System.

**KeySearch**  
KeySearch, powered by the West Key Number System, identifies relevant Key Numbers and their underlying cases. KeySearch can retrieve reported cases as well as documents that don't contain Key Numbers, such as law review articles.

What is a Key Number? [Show ▾](#)

Search for Key Numbers text box



you can click one of the additional topic and key numbers to retrieve a list of headnotes and links to the full-text opinions. In addition, your result now contains a ResultsPlus® list that includes references to *American Law Reports* (ALR®), *American Jurisprudence 2d*, and other analytical materials.

*Bottom line:* You can use this feature to retrieve relevant case law that might persuade a court—even in the absence of binding precedent.

## Unclear which words to type?

Even if the perfect words don't occur to you the first time out, the Search for Key Numbers feature can help. Related terms, e.g., *erroneous*, are displayed beneath the text box. To add related terms to your description, click one or more terms or click **Select All**. A subsequent search with the related terms may retrieve additional topic and key numbers that are relevant.

If you have any questions or need assistance, call the West Reference Attorneys at 1-800-REF-ATTY (1-800-733-2889).

The screenshot shows the Westlaw search interface. At the top, there are navigation links like 'FIND & PRINT', 'KEYCITE', 'DIRECTORY', 'KEY NUMBERS', and 'SITE MAP'. Below that, a search bar contains the text 'liability for incorrect information in credit report' with a 'Search' button. To the right of the search bar, there are several related terms: 'OBLIGATION', 'LEGAL RESPONSIBILITY', 'STRICT LIABILITY', 'PREMISES LIABILITY', 'ERRONEOUS WRITING', 'INACCURATE KNOWLEDGE', 'CONTENT DATA', 'NEWS STATEMENT', 'RECORD STUDY'. Below the search bar, there are filters for 'Jurisdiction selected: Massachusetts State & Federal' and 'Change Jurisdiction'. The main content area is divided into two columns. The left column lists various key numbers and their descriptions, such as '108AK1 CREDIT REPORTING AGENCIES > Credit bureaus and credit reports in general'. The right column is titled 'ResultsPlus™' and lists several analytical materials: 'ALR 1. Liability of Bank to Other Than Party Whose Financial Condition is Misrepresented for Erroneous Credit Information Furnished by Bank to Its Directors, Officers or Employees', 'ALR 2. What Constitutes "Consumer Reporting Agency" Within Meaning of 15 U.S.C.A. 1681a(f)', 'Causes of Action 3. Cause of Action for Credit Reporting Agency's Reporting Inaccurate or Incomplete Credit Information', 'ALR 4. Requirement of 607(B) of Fair Credit Reporting Act (15 U.S.C.A. 1681e(b)) That Credit Bureaus Follow "Reasonable Procedures to Assure Maximum Possible Accuracy"', and 'Am.Jur. Proof of Facts 5. Liability for Supplying False Information to Credit Reporting Agency'.

### Search for Key Numbers result

The screenshot shows the Westlaw search results page. At the top, there are navigation links like 'FIND & PRINT', 'KEYCITE', 'DIRECTORY', 'KEY NUMBERS', and 'SITE MAP'. Below that, there are tabs for 'Westlaw', '1st Circuit', and 'Arbitration'. The main content area is divided into several sections. On the left, there is a 'Result List' with '1 Doc' and 'Links for 108AK1'. Below that, there are links for 'Full Screen List', 'Edit Search', and 'Locate in Result'. The main content area is titled 'Custom Digest 108AK1 55 Headnotes'. Below that, there is a 'ResultsPlus™' section with 'View All Results' and a list of analytical materials: 'ALR 1. Requirement of 607(B) of Fair Credit Reporting Act (15 U.S.C.A. 1681e(B)) That Credit Bureaus Follow "Reasonable Procedures to Assure Maximum Possible Accuracy"', 'Am.Jur. Proof of Facts 2. Liability for Supplying False Information to Credit Reporting Agency', and 'Am.Jur. Trials 3. Liability for Mishandled Computer Information'. Below that, there is a 'View All Results' link and a 'List of ResultsPlus Publications' link. The main content area is titled 'Headnotes' and contains a list of case citations: 'Chiang v. Verizon New England Inc., 595 F.3d 26 108A CREDIT REPORTING AGENCIES', '108A k1 k. Credit bureaus and credit reports in general. C.A.1,Mass.,2010. The purpose of the Fair Credit Reporting Act (FCRA) is to ensure fair and accurate credit reporting, promote efficiency in the banking system, and protect consumer privacy. Fair Credit Reporting Act, §§ 617(a)(1), 621, 15 U.S.C.A. §§ 1681 o(a)(1), 1681s.', and 'Chiang v. MBNA, 634 F.Supp.2d 164 D.Mass.,2009. The Fair Credit Reporting Act (FCRA) places distinct obligations on three types of entities: ?(1) consumer credit reporting agencies (CRAs); ?(2) users of consumer reports; ?and (3) furnishers of information to consumer reporting agencies. Fair Credit Reporting Act, § 602 et seq., 15 U.S.C.A. § 1681 et seq.'.

### Headnotes from West Key Number Digest



## Advanced SEARCH TIP

### Locate: A Higher Degree of Precision

You might think of the Locate feature on Westlaw as a tool for jumping from document to document in a result list.

But Locate is more than that. You can also use Locate to apply the exactness of Terms and Connectors searching to a Natural Language search.

For example, suppose you have a legal issue that is best suited to a Natural Language search (e.g., the most descriptive terms happen to be very common words). However, as you browse your results, you realize what you really need are documents involving a specific factual or legal concept, e.g., directed verdict.

Solution:

Click **Locate in Result** at the top of the result page or in the left frame of a document. The Locate Search Terms page is displayed. Type a Terms and Connectors query such as **direct! /5 verdict** in the *Locate* text box and click **Locate**.