



KEY POINTS

A LEGAL RESEARCH NEWSLETTER FOR STATE AND LOCAL 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,

The screenshot shows the Westlaw website interface. At the top, there are navigation links: FIND & PRINT, KEYCITE, DIRECTORY, KEY NUMBERS, SITE MAP, COURT DOCS, FORMFINDER, PEOPLE MAP, and EXPERT CENTER. Below these are tabs for 'Westlaw', '1st Circuit', and 'Arbitration'. The main content area is titled 'Search for Key Numbers' and includes a search box with the text 'liability for incorrect information in credit report' and a 'Search' button. Below the search box, it says 'Jurisdiction selected: Massachusetts State & Federal' with a 'Change Jurisdiction' dropdown. Further down, there are links for 'Browse Key Numbers', 'West Key Number Digest Outline', 'KeySearch', and 'What is a Key Number?'.

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'. The search bar contains the text 'Liability for incorrect information in credit report'. Below the search bar, there are several related terms: 'OBLIGATION', 'LEGAL RESPONSIBILITY', 'STRICT LIABILITY', 'ERRONEOUS WRITING', 'INACCURATE KNOWLEDGE', 'CONTENT DATA NEWS STATEMENT RECORD STUDY'. The 'Jurisdiction selected' is 'Massachusetts State & Federal'. On the right side, there is a 'ResultsPlus' section with links to 'View All Results'. Below this, there are several ALR and Am.Jur. publications listed, such as '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'.

Search for Key Numbers result

The screenshot shows the Westlaw search results page. The search term is '108AK1'. The page displays a 'Custom Digest' for '108AK1' with '55 Headnotes'. The 'Headnotes' section contains several entries, including 'Chiang v. Verizon New England Inc., 595 F.3d 26' and 'Chiang v. MBNA, 634 F.Supp.2d 164'. The 'ResultsPlus' section on the left lists ALR and Am.Jur. publications related to the search, such as '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"'.

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**.