



2019 Annual Conference

Lake Placid, New York

Lexis-Nexis | Diving Deeper in Legal
Research Potential: Advanced Online Legal
Research Concepts

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Presented by:
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1.0 MCLE Prof. Practice
1.0 CJE

This program has been approved for credit in New York State
for all attorneys including those who are
Newly Admitted (less than 24 months) and administered by
the Onondaga County Bar Association.



Diving Deeper into Legal Research Potential:

Advanced Online Legal Research Concepts

(90 minutes of instruction)

Course Description

American business man and former CEO of Microsoft Steve Ballmer once stated, "The number one benefit of information technology is that it empowers people to do what they want to do. It lets people be creative. It lets people be productive. It lets people learn things they didn't think they could learn before, and so in a sense it is all about potential." The goal of this course today is to harnessing the potential as attorneys to learn things about online legal research you didn't think you could learn before. This course is going to be a deeper dive into online legal research. According to the model rules of professional conduct, attorneys need to maintain competency, and a component of maintaining competency is to keep abreast of the benefits and risks of relevant technology. By the end of this course you all will be made aware of advanced online legal research methods to harness your potential as a researcher and to maintain a standard of competency in the legal profession.

Learning Objectives

After completing this course, you will be able to:

- Discover how online legal research can assist you in search methodology
- Leverage provided connections, common terms, and formatting of content.
- Obtain visual representations of the validity of cases and statutes.
- Learn how online legal research platforms provide organization methods, delivery methods, and recovery methods so you can better maintain your research.
- Gather information by practice area, topic, jurisdiction or publisher.
- Realize alternative and advanced ways to begin research with statutes.
- Acquire archived materials in multiple ways.
- Find connections between results of separate searches.



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Agenda

- I. Introduction (5 minutes)
 - a. Read Quote
 - b. Model Rules 1.1 comment 8
 - c. Presenter Biography

- II. Scenario 1: Harnessing Segment and Terms and Connectors Searching (10 minutes)
 - a. Imagine you are searching for constructive possession cases in a particular jurisdiction, and you would like to begin with a more precise search method. You want to maximize efficiency and be as particular as you can, but you're not very comfortable using terms and connectors searching. How can you do this using an online legal research platform?
 - b. Advanced Searching fields
 - i. Many online legal research platforms have options that assist researchers build the best possible search for their particular needs.
 1. Can provide helpful tips for search and assist in generating searches.
 - a. Example: must have terms are constructive possession crack cocaine; may have terms illegal firearm, exclude terms not guilty.
 - c. Segment Searching
 - i. Segment searching is a method of searching a specific segment of a document. This is to be used when you are wanting to find a specific party or piece of information involved in the makeup of a case.
 - a. Example: party – Larry Nassar
 2. Some other possible segments of a case include:
 - a. Judge
 - b. Attorney
 - c. Date
 - d. Citation
 - e. Headnote
 - f. Written By
 - g. Opinion By

- III. Scenario 2: Leveraging provided connections, common terms, and formatting of content (15 minutes)
 - a. Imagine you have found a case regarding constructive possession and a large portion of the legal issues mentioned and language in the case is content you want to use for a legal argument. You want to see if other cases have cited to specific passages or see if there are similar passages within other cases. Let's see how we can accomplish these tasks using online legal research technology.



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- b. Online legal research can help researchers leverage specific passages and legal issues in cases:
 - i. Headnotes
 - 1. Headnotes are summaries or language of decided cases prefixed to the case reports, setting out the principles behind the decisions and an outline of the facts.
 - 2. Some platforms provide editorialized Headnotes and some provide a mirror image of the opinion's language..
 - 3. Many platforms provide methods for researchers to find similar headnotes or find other cases that have cited to these exact passages.
 - a. Example: State v. Robinson, 400 S.W.3d 529 (Tenn. 2013).
 - b. Case validation reports and headnotes
 - i. Often case validation services or reports will have a headnotes filter option as well.
 - ii. How to make connections with passages from a case that are not categorized as headnotes.
 - 1. Researchers might find language in case that is not labeled a headnote, however it can be used as a major component of their legal argument. Online legal research technology often provides tools so researchers can also find cases that cite to those passages.
 - a. These tools list cases that cite to the opinion on a particular issue—as well as cases your opinion has cited to on that issue—so you can understand how the issue has evolved over time in a very efficient way.
 - b. Example:
 - i. State v. Robinson 400 S.W.3d 529 (Tenn. 2013).
 - 1. We find it instructive to examine the case law of other jurisdictions that have considered whether [**14] a defendant's contact with a residence where drugs are discovered is sufficient to find constructive possession. In United States v. Scofield, the Eighth Circuit determined that the defendant was a frequent visitor to the co-defendant's residence, where the drugs were discovered, and the defendant had been present during previous drug transactions. Scofield, 433 F.3d 580, 586 (8th Cir. 2006).
 - iii. Locating related materials to the document important to you on an online legal research platform.



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1. Many online legal research platforms provide cross referencing content to a document important to the researcher. These features can link you to other cases, statutes, secondary sources, administrative materials, case related materials, news articles and more categories of content that reference a document you are viewing.
 2. Many times these cross referencing tools are located within the exact document being viewed.
 3. This provides a more efficient method for gathering relevant and related content for legal issues as opposed to a researcher going to the search bar and running individual searches for each category of content they want to see.
 - a. Example: State v. Robinson 400 S.W.3d 529 (Tenn. 2013).
- IV. Scenario 3: Visual Aids in Case and Statute Validation (5 minutes).
- a. Imagine you are looking to see if a particular case is valid law, however you're seeing multiple types of case validation signals that are overwhelming. Online legal research platforms can inform you of the most recent treatment and jurisdictionally specific treatment in a visual representation. This functionality can allow you to better analyze the analysis provided by the courts.
 - i. Jurisdiction and Date analysis
 1. Visual aids showing how specific courts have analyzed a case or statute and how a case or statute has been treated by date and assist researchers in finding cases within case validation reports that are the most important review.
 2. Example: State v. Robinson 400 S.W.3d 529 (Tenn. 2013).
- V. Scenario 4: Maintaining, Organizing, Delivering, and Recovery of Research (20 minutes)
- a. For many researchers, it is common to conduct research on a particular file or case in more than just one sitting. Cases evolve and more issues can arise as they go on. Imagine you have a constructive possession case you have researched for your legal argument. For the same case you later realize you need to argue against a motion to suppress proffered by the defense. You want to keep both of these research topics organized by this particular case name. You also want to have print copies of this. This is a high profile case that others in your office are assisting you with and many hands are touching this research. Online legal research platforms have many features that assist researchers and teams of attorneys and staff in organizing, maintaining, delivering and recovering their research. Organizing and Maintaining Research
 - i. Many platforms offer folders or cloud services so researchers can save and store their research on the online legal research platforms itself.



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- ii. The benefits of using these organization methods are mobility of stored research, backup copies of stored research, and fluidity of the store research.
 - 1. Folders are typically available at all times on online research platforms.
 - 2. You will often have the ability to create subfolders, edit these at any time, create notes about the folders, and share them instantly.
 - b. Delivery of Research
 - i. Platforms also provide simple ways for researchers to obtain hard copies and electronic of research they find. Most all legal research platforms have printing functions that allow you to choose specific content and formatting options for hard copies of your documents.
 - ii. The ability to download or share research with other cloud storage platforms is also widely available on legal research platforms.
 - c. Recovery of Research
 - i. Platforms also provide ways for researchers to go back and view their past searches, documents they clicked into, and any other content they viewed but they failed to save or maintain.
 - 1. History tools
 - a. List a researcher's last few searches and any documents viewed.
 - b. How far back you can locate your history can depend on the particular platform you use.
 - c. May have different viewing options for analyzing history.
- VI. Scenario 5: Researching by Topic, Source, or Practice Area. (15 minutes)
 - a. Imagine you are assigned a habeas corpus case. This is an extremely detailed and complex matter that you have not handled before and you're not exactly sure what search terms to begin with or the relevant statutes. Most online legal research platforms provide researchers with the ability to research in a broader fashion by looking up legal topics, specific publishers and practice areas.
 - b. Browse by Source
 - i. If researchers have a particular publisher or author they have had success with, they have the ability to search for all of the publications by those entities.
 - 1. Example: American Bar Association
 - ii. Browse by Topic
 - 1. Browsing by topic is a very popular method of searching across many legal research platforms.
 - a. Example: Criminal Law & Procedure
 - b. Example: Search for a topic: Habeas Corpus
 - iii. Browse by Jurisdiction or Practice Area



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1. As mentioned earlier, jurisdiction or practice area specific pages that are concentrated and comprehensive one stop shops are often available on legal research platforms .
 - a. Example:
 - i. Tennessee
 - ii. Criminal Law Practice Center
- VII. Scenario 6: Statutory Research as a Starting Point. (20 minutes)
- a. Imagine again we were transferred a constructive possession case involving crack cocaine that was seized from a co-defendant's house. Imagine you don't have a lot of time to spend on research due to your other cases and you really want to focus on cases where the relevant statutes are cited. Researches have the ability to begin their research within a statute and utilize the related content located within statutes to have a more efficient research experience. There are typically three main categories of features within statutes on any legal research platform that can provide links to related content.
 - i. Statute validation reports
 1. Statute validation reports are reports that tell researchers if the statute they are reading is still valid. These will also typically alert researchers if new legislation impacting the statute has been introduced, or if the statute has been amended or repealed,.
 - a. Example: T.C.A. § 39-17-417
 - b. Locate content referenced in whatever validation report you use.
 - ii. Notes to Decisions or Case Notes
 1. Notes to Decisions or Case Notes are cases that are chosen by editors an online legal research platform. On most platforms, these notes are organized by legal topic, then they provide a summary of a court's holding and a link to the case on the same research platform.
 2. Because these are editorially chosen, every research platform's notes are a little bit different.
 3. example:
 - a. T.C.A. § 39-17-417
 - iii. Links to related content
 1. Many online legal research platforms provide links to content that cross reference the statutes pertinent to their cases or legal issues. Similarly to what we discussed in cases, these features can link you to cases, other statutes, secondary sources, administrative materials, case related materials, news articles and more categories of content that reference the statute you are viewing.



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2. Many times these cross referencing tools are located within the exact statute being viewed.
3. This provides a more efficient method for gathering relevant and related content for legal issues as opposed to a researcher going to the search bar and running individual searches for each category of content they want to see.

VIII. Conclusion (5 minutes)

- a. Go over learning objectives and examples we discussed today.
- b. Legal Research platforms truly provide researchers and attorneys a vast amount of potential. These platforms provide advanced research features that can bring about targeted, narrowed, and comprehensive content, leading to efficient and thorough work product. I hope you can now go forth and harness more potential from your respective legal research platforms.