

Tips for Optimizing Your Online Legal Research

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General research tip:

Keep a brief handwritten research log.

Write down the topics you research and the types of resources you're using, especially if you're switching between print and online databases. That way, you'll have a clear research outline to help you identify any gaps in your research plan.



Start with secondary sources.

After you've spoken with your client and reviewed the case or matter file, where should you start your legal research?

Start with the relevant practice guides to narrow and focus your thoughts, and to streamline all the research that follows.

Frame the issues.

- Gain background knowledge needed to research efficiently
- Identify corner cases or additional issues you haven't yet considered

Identify key cases & statutes.

- Immediately identify key cases and statutes
- Check subsequent history of those cases for most recent updates

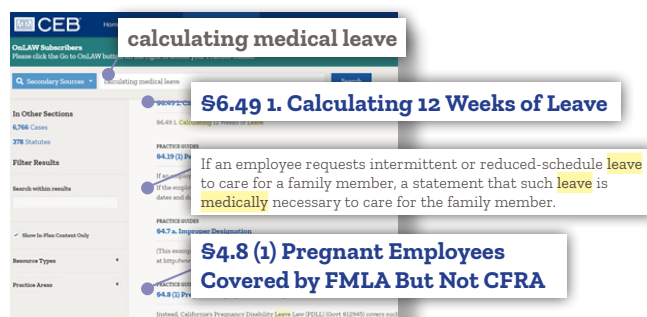
Find useful terms of art.

- Identify additional search terms to help refine and expand your research



Example: Business Attorney's Client Requests Employment Law Advice

A business attorney who spends most of her time drafting contracts and negotiating licensing agreements for her clients is increasingly getting questions from her clients about employment issues related to employee leave laws.



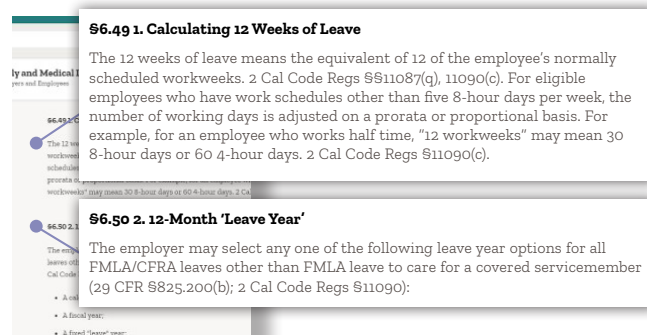
She is asked a question about medical leave calculation. A simple search for “calculating medical leave” in her CEB secondary source database allows her to frame issues without even clicking into any search results.

Just this page of results gives a wealth of information, such as:

- An employer needs to think about the length of leave and how to properly calculate leave
- Useful alternate search terms (“intermittent” or “reduced schedule” leave)
- The attorney can also quickly see what cases and statutes are most applicable (“California’s Pregnancy Disability Leave Law,” “FMLA,” “CFRA”)

Right away, the results focus the attorney in on what the law is and what issues she needs to be covering to answer her client’s questions.

If she clicks into one of the search results, she can do even more issue-spotting.



In a very short time, she gets valuable information about the case and what to discuss with her client, such as:

- How to calculate the proper amount of medical leave
- An employer may select between different leave options and how they calculate a 12-month leave year
- The employer selection must be consistent and uniform
- There are notice requirements the employer must follow

In 5-10 minutes, our hypothetical business lawyer identifies the key issues she needs to discuss with her client. If she started by researching cases or statutes instead of secondary sources, it would have taken her much longer to understand employee leave laws and intermittent leave issues.



CRAFT EFFECTIVE SEARCH TERMS

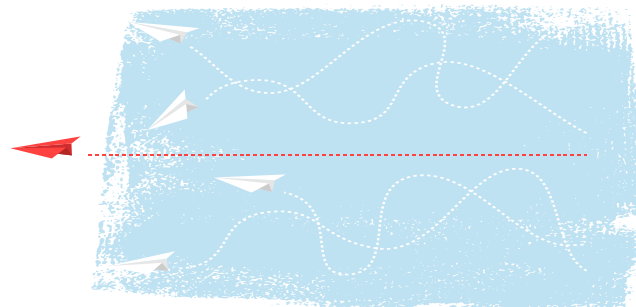
Thanks to Google, most people use natural language searches. As a result, legal databases have gotten much better at natural language search. Many organizations, including CEB, have invested significantly in making sure natural language search recognizes legal terms and concepts and returns highly relevant search results quickly and accurately.

What makes an effective search term?

- Use the key terms and phrases from your secondary sources research
- Familiarize yourself with how your research tool reacts to both natural language & Boolean terms and connectors—try different phrasing and see what you get
- Natural language is at least as effective as Boolean
 - People tend to make more mistakes when using Boolean terms and connectors
 - Natural language searches usually mean longer search terms, which gives the search engine more information and more context clues with which to return more relevant results

Two notes on natural language searches:

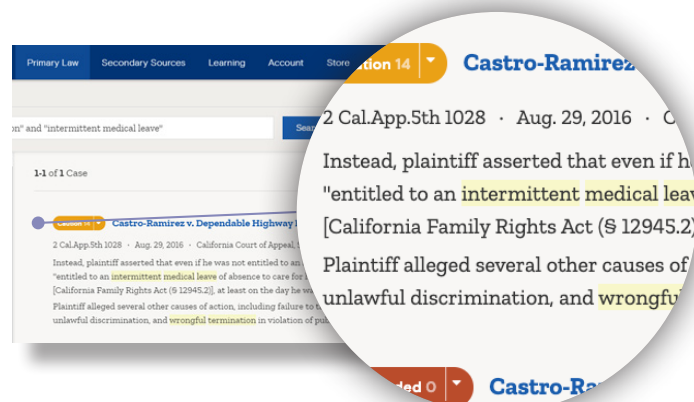
- Feel free to leave out connectors such as “and” or “or,” unless they are part of the term of art (e.g. “search and seizure”).
- Use quotation marks only if you want that exact phrasing in your search results. Using them can eliminate some relevant results.



Example: Boolean vs. Natural Language Searches in Primary Sources

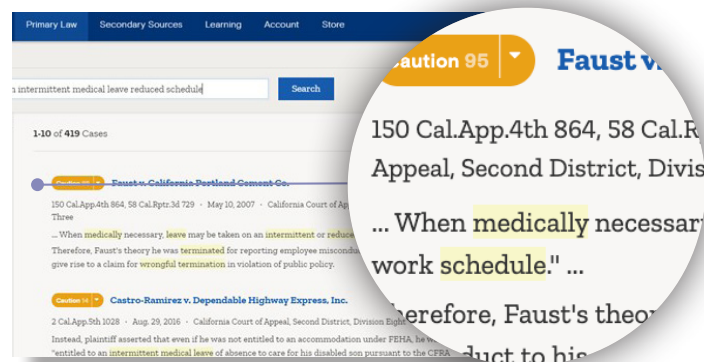
Boolean Search

A search of published California appellate cases using “wrongful termination” and “intermittent medical leave” returns just one result.



Natural Language Search

A search using “wrongful termination intermittent medical leave reduced schedule” returns not only the case that the Boolean search returns, *Castro-Ramirez*, but also a wealth of other cases that are on point.



Don't be discouraged by getting a high number of search results. What's really important is that the first handful of pages are highly relevant, and that you're not missing something on point.

Use filters to narrow your primary search results.

- Many lawyers ignore available filters
- Intensive work has happened behind the scenes to appropriately tag content
- Filters will narrow your results and save you time

Example: Using Flags and Filters to Help Your Research

In this example, the orange flag might make you think this case is problematic.



But if you click on the orange caution flag on *Faust v. California Portland Cement Co.*, you can quickly see that the case has been factually distinguished. Depending on how similar the facts of your case are to either *Faust* or *Moore*, *Faust* may still be usable in your research.

Use available filters to save time and narrow your focus. Filter your cases by Published Cases, Court, Cause of Action, Procedural Posture, Disposition, and more. You will have a higher degree of confidence that these filtered cases are the ones that are most similar to yours.

PRIMARY LAW: UNDERSTANDING CASE LAW CITATORS

What is a citator?

A citator is a tool that uses color coded flags or other visual indicators to show whether a case is still good law, or whether it has some negative history that makes it problematic to rely on.

Understand the gaps & limitations.

- Not all citators are created equal
- Computer v. human review

The best results come from the most accurate and nuanced citators. These use a combination of high-quality computer algorithm plus human review, where a lawyer with subject-matter expertise reviews the case and makes sure that the citations are accurate.

Understand the flags.

- Visual indicators are different in every system
- A red flag doesn't mean you can't use it

If the red flag is for a different issue than what you're citing the case for, you may still be able to use it, and you probably should if it's directly on point.



HOW TO USE FREE V. PAID RESOURCES

We all use free resources; they have their place. But don't get yourself into trouble, or waste your time, by over-relying on resources that don't get you what you need. Understand the gaps and limitations of free resources such as legal blogs, industry publications, or news articles.

Understand new developments.

- Consulting free resources can be great for unanswered or unresolved legal questions
- You can use them to augment traditional legal research

Get the client's perspective.

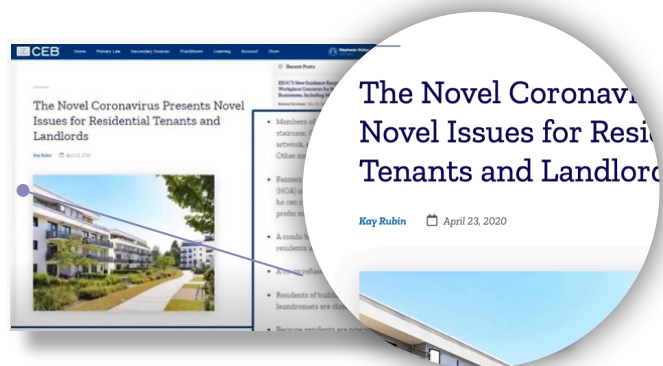
- News articles can give you the business or human perspective of legal issues
- Blogs and articles help you identify the core concerns of your clients, not just other lawyers in your area



How to research niche topics where you lack resources.

Example: using blogs to issue spot.

When new situations in the world or in the legal landscape arise, consulting free current awareness articles, news, and blogs can help you spot potential issues and serve your clients. Even though no one may yet have answers, you can't address the issues if you don't even know they exist. This CEB current awareness article is a good example.



CEB's Research Tools

Check out all of CEB's research resources at ceb.com. From free primary law search and current awareness articles, to authoritative secondary sources and a powerful citator, you can get what you need to do legal research in California from CEB, California's most trusted authority.

Contact us for a free trial of our professional plans at ceb.com.



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