

Legal Research Bootcamp 2013

Cost Effective Research: Fee Based Sources

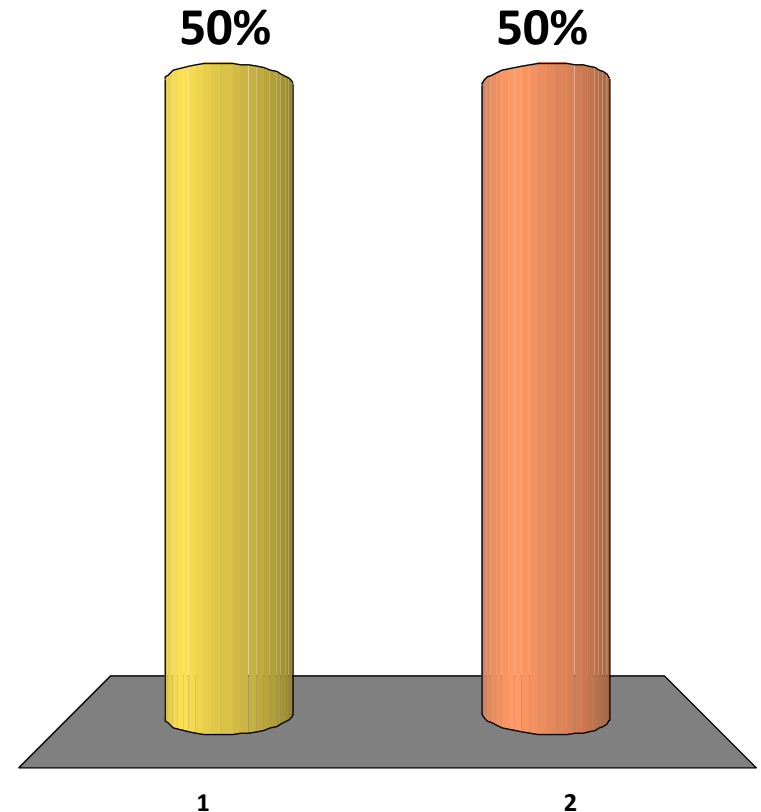
**Cost
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Professor D.M. Spears
spearsd2@nku.edu

True or False?

Since the client is billed for legal research, the costs incurred are basically inconsequential.

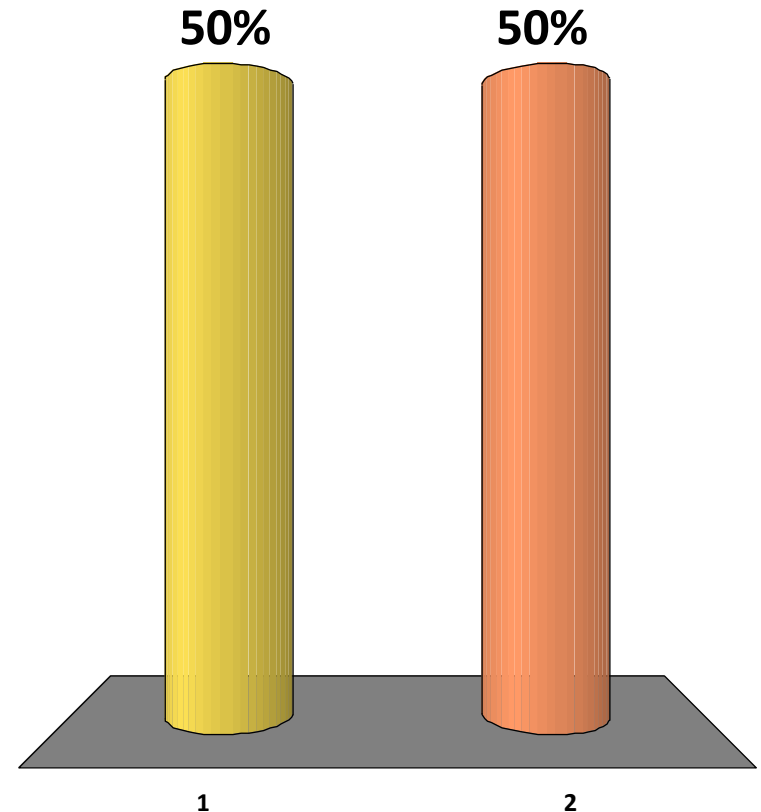
1. True
2. False



True or False?

If my employer has a flat-rate contract with Lexis or Westlaw, it doesn't matter how much I use it.

1. True
2. False



How do you know when to use fee-based instead of free sources?

1. names
2. unique terms
3. combined terms/concepts
4. narrow legal topics
5. specific fact patterns
6. new topics
7. verification

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Wexis:

3 Fee Structures

1. Flat Rate
2. Transactional Pricing
3. Hourly Pricing

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Remember the 8-Minute Rule!

Hourly Pricing Is Best:

- to retrieve a list of documents for later review
- to research an issue from many angles
- to run multiple searches in a database
- to retrieve many documents by citation

Transactional Pricing is Best:

- to read retrieved documents online
- to retrieve many documents after making one search
- if performing multiple tasks with other software

So now you know your
employer's pricing plan....

What else do you need to know?

- available print resources
- databases covered in the firm's subscription plan
- employer's cost-recovery plan
- available less-expensive alternatives

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Other Limitations to Consider...



&



- your deadline(s)
- your client
- idiosyncrasies of assigning attorney

When in doubt...

...ask about money for research....

...ask about time for research....

Outline Your Project Goals ... on Paper!



- precise question to answer/research
- expected answer?
- client facts: when? where? who? what?
- state or federal issue...or both?
- given starting point?
- familiar area of law? background research needed?
- statutory, regulatory, common law, or combo?

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Plan Your Strategy Before You Logon



- print sources v. online sources
- free Internet sources?
- which fee-based source?
- proper search terminology
- databases to search within Wexis?
 - Jurisdiction
 - Subject matter
 - Type of Resource
 - Name of the Resource

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Using Wexis Efficiently

- Targeted searches can help you streamline your research:
 - Get a Document/Find
 - Get & Print/Find & Print
 - Focus/Locate
 - History/Research Trail
 - Segment/Field Searching
- Printing for less \$

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Find & Print

Westlaw

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COURT DOCS FORMFINDER PEOPLE MAP EXPERT CENTER COURT WIRE

Law School Federal Government Research Process Indiana Ohio Federal Kentucky

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Get & Print

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Full Text | Shepardize

LexisNexis® Get & Print

New Session | Session History

Define Your Job ?

Session: Client:

1. Enter Your Citations
(Separate citations by a hard return or semicolon.)

[Citation Formats...](#)

2. Select Report Services

Retrieve Citations as

Show Annotations for Statutes

Shepardize® these Citations

Shepard's® Report Format:

Shepard's® Restrictions:

Show Shepard's® Summary

3. Select Delivery Method

LexisNexis® Printer

Additional Delivery Methods

- Deliver to Browser
- Attached Printer *
- Download *

Email as Attachment

To: (Up to 3 recipients)

Save as Default Address

Subject:

Brief Note:

[Advanced Options...](#)

Locate

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Westlaw. FIND & PRINT KEYCITE DIRECTORY KEY NUMBERS SITE MAP
COURT DOCS FORMFINDER PEOPLE MAP EXPERT CENTER COURT WIRE

Law School x Federal Government Research Process Indiana Ohio Federal Kentucky

Edit Search: fourth amendment "exigent circumstances" "pat-doi" Database: sct SEARCH **Locate in Result**

Results: 10000 Documents Add Search to WestClip Print&Email

Add Related Terms: "plain sight" "search warrant" suppress "expectation of privacy" bar concealment "reasonable cause" "4th Amendment" "articulable suspicion" unreasonable writ summons "traffic stop" "investigative stop" detain [Select All]

SELECT TO PRINT, EMAIL, ETC.

H 1. Kentucky v. King,
--- S.Ct. ---, 2011 WL 1832821, U.S.Ky., May 16, 2011 (NO. 09-1272)

...moot by dismissal of charges against defendant, and (2) **warrantless** entry to prevent the destruction of evidence is allowed where...

...police do not create the exigency through actual or threatened **Fourth Amendment** violation; abrogating U.S. v. Mowatt , 513 F.3d 395, U.S...

...reversed his conviction, defendant's case was not moot, as would **warrant** United States Supreme Court's dismissing government's petition for certiorari as...

...and the sentence entered by the trial court. [2] 349 **Searches** and **Seizures** 349I In General 349k 23 k. **Fourth Amendment** and Reasonableness in General. 349 **Searches** and **Seizures** 349II **Warrants** 349k 113 Probable or Reasonable Cause 349k 113 1 k. In General. 349 **Searches** and **Seizures** 349II **Warrants** 349k 123 Form and Contents of **Warrant**; Signature 349k 123 1 k. In General. The text of the **Fourth Amendment** expressly imposes two requirements: (1) all **searches** and **seizures** must be reasonable, and (2) a **warrant** may not be issued unless **probable cause** is properly established and the scope of the authorized search...

...is set out with particularity. U.S.C.A. Const.Amend. 4 [3] 349 **Searches** and **Seizures** 349I In General 349k 24 k. Necessity of and Preference for **Warrant**, and Exceptions in General. Although the text of the **Fourth Amendment** does not specify when a search **warrant** must be obtained, a **warrant** must generally be secured. U.S.C.A. Const.Amend. 4 [4] 349 **Searches** and **Seizures** 349I In General 349k 25 Persons, Places and Things Protected.....

H 2. CIGNA Corp. v. Amara,
--- S.Ct. ---, 2011 WL 1832824, U.S., May 16, 2011 (NO. 09-804)

Narrow

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WestlawNext™ powered by WestSearch™

Q- Telephone Consumer Practices Act All State & Federal

NARROW:

Apply Filters Cancel

Search within results

Q-

Jurisdiction

Federal 2,303

State 1,113

Commonwealth Puerto Rico Supreme Ct. 1

Territory Guam Supreme Ct. 1

Date

All

Reported Status

Reported 1,825

Unreported 1,593

Topic

Criminal 518

Civil 2,738

Judge Select

Attorney Select

Law Firm Select

Key Number Select

Party Select

2. Charvat v. Farmers Ins. Columbus, Inc.
Court of Appeals of Ohio, Tenth District, Franklin County. | August 26, 2008 | 178 Ohio App.3d 118 | 897 F.2d 118

ENERGY AND UTILITIES - Telecommunications. Insurance company could not be liable under Telephone Consumer Protection Act (TCPA) for insurance sales telemarketing calls.

...Insurance agency could not be liable for damages under Telephone Consumer Protection Act of 1991 (TCPA) as a result of telemarketers' alleged failure to state, at the beginning of each of their calls, that the purpose of the call was to make a sale, as required by section of administrative code or practice to solicit a sale without revealing at the time the supplier initially contacts the consumer...

...The Telephone Consumer Protection Act of 1991 (TCPA) or Consumer Sales Practices Act (CSPA) (CSPA) requires a telemarketer receiving a calling list that contains names and numbers of those who have indicated their desire not to be contacted to edit the script to be followed by the telemarketers. Telephone Consumer Protection Act of 1991, § 3 R.C. § 1345.01 et seq....

...Insurance agent, who was sole shareholder of insurance agency whose employees made telemarketing calls, and thus could not be personally liable for alleged violations of Telephone Consumer Protection Act (TCPA) or Consumer Sales Practices Act (CSPA) resulting from the calls; although agent was responsible for supervising the course of his work as an employee, and agent did not make any of the phone calls. Telephone Consumer Protection Act of 1991, § 3(a), 47 U.S.C.A. § 227....

...Congress passed the Telephone Consumer Protection Act of 1991 (TCPA) in response to the burgeoning problem of telemarketing solicitations to market goods and services in the United States, and the concomitant frustration of the American consumer. Telephone Consumer Protection Act of 1991, § 3(a), 47 U.S.C.A. § 227....

3. Charvat v. GVN Michigan, Inc.
United States Court of Appeals, Sixth Circuit. | April 09, 2009 | 561 F.3d 623 | 2009 WL 937246 | 08-3282

ENERGY AND UTILITIES - Telecommunications. Telemarketing call recipient did not satisfy jurisdictional requirements for Telephone Consumer Protection Act suit.

...Background: Call recipient sued telemarketer, asserting 186 claims based on 10 telephone calls allegedly made by telemarketer in violation of Telephone Consumer Protection Act (TCPA), Ohio Consumer Sales Practices Act (CSPA), and various other Ohio laws.

... After GVN and its agents placed ten telemarketing calls to Charvat's residence, Charvat filed a complaint against GVN based on alleged violations of the federal Telephone Consumer Protection Act (TCPA), the Ohio Consumer Sales Practices Act ("CSPA"), Ohio Rev.Code §§ 1345.01-1345.13, and various other Ohio regulations....

...[9] The Telephone Consumer Protection Act instructs the Federal Communications Commission ("FCC") to "concerning the need to protect residential telephone subscribers' privacy rights to avoid receiving telephone calls that are unwanted or harassing." ...

Focus

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The screenshot shows the Lexis search interface. At the top, the Lexis logo is on the left, and navigation links like 'Switch Client', 'Preferences', 'Help', and 'LiveSupport' are on the right. Below the logo is a search bar with a dropdown menu showing 'DCUS™ Terms'. To the right of the search bar, it says 'Search Within Original Results (1 - 52)' and has a 'GO' button. Below the search bar, there are options for 'View: Cite | KWIC | Full | Custom' and '1 - 50 of 52' with a 'Save As Alert | Hide Hits' link. The search results are listed under the source 'Legal > Cases - U.S. > Federal & State Cases, Combined'. The terms searched are 'fourth amendment "exigent circumstances"'. There are two results shown, each with an 'OVERVIEW' and 'CORE TERMS' section.

Lexis® Switch Client | Preferences | Help | LiveSupport

Search ▾ Get a Document ▾ Shepard's® ▾ More ▾ History | Alerts

DCUS™ Terms Search Within Original Results (1 - 52) Advanced... View Tutorial

View: Cite | KWIC | Full | Custom 1 - 50 of 52
[Save As Alert](#) | [Hide Hits](#)

Source: [Legal > Cases - U.S. > Federal & State Cases, Combined](#)

Terms: **fourth amendment "exigent circumstances"** ([Edit Search](#) | [Suggest Terms for My Search](#))

Select for FOCUS™ or Delivery

- 1.** [United States v. Washington](#), No. 08-3317, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 09a0257p.06; 573 F.3d 279; 2009 U.S. App. LEXIS 16073; 2009 FED App. 0257P (6th Cir.), June 12, 2009, Argued, July 22, 2009, Decided, July 22, 2009, Filed

OVERVIEW: Evidence obtained in a warrantless search was properly suppressed because defendant had an expectation of privacy in his uncle's apartment, and police investigation of his alleged criminal trespass did not constitute an exigency under the Fourth Amendment as it was a minor offense that did not pose a threat of violence or injury to the community.

CORE TERMS: apartment, landlord, expectation of privacy, exigency, tenant's, lease, guest's, ongoing, rent, warrantless search ...

- 2.** [Hunsberger v. Wood](#), No. 08-1782, UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, 570 F.3d 546; 2009 U.S. App. LEXIS 13925, May 15, 2009, Argued, June 29, 2009, Decided, Rehearing denied by, Rehearing, en banc, denied by Hunsberger v. Wood, 583 F.3d 219, 2009 U.S. App. LEXIS 20453 (4th Cir., 2009)US Supreme Court certiorari denied by Hunsberger v. Wood, 176 L. Ed. 2d 113, 2010 U.S. LEXIS 1416 (U.S., 2010)On remand at, Judgment entered by, Claim dismissed by Hunsberger v. Wood, 2010 U.S. Dist. LEXIS 26784 (W.D. Va., Mar. 22, 2010)

OVERVIEW: Officer's warrantless entry into a house was reasonable under the Fourth Amendment exigent circumstances doctrine because the objective circumstances suggested that the house was being vandalized and that a missing teenage girl was in the house and in need of assistance; thus, officer was entitled to qualified immunity in homeowners' § 1983 action.

CORE TERMS: door, emergency, garage, floor, caretaking, qualified immunity, basement, girl, front, stepdaughter ...

Narrow by

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Search All Browse Topics Browse Sources

Lexis Advance™ Telephone Consumer Practices Act Search Search Tips

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Telephone Consu... Terms & Conditions

Cases Web

4,719,456 for Telephone Consumer Practices Act Options Sort by Relevance

Narrow by...

Search within results

Jurisdiction

U.S. Federal	1,839,320
New York	298,416
California	223,938
Texas	181,647
Ohio	151,217
More	Select multiple

Court

Federal (1,792,054)	
9th Circuit	242,127
2nd Circuit	218,862
6th Circuit	159,742
3rd Circuit	159,639
7th Circuit	154,344
More	Select multiple
State (2,851,188)	
New York	287,284
California	223,894

Document Title Jurisdiction Court Date

- Federal Power Com. v. Hope Natural Gas Co., 320 U.S. 591**
... enterprises having corresponding risks. That return, moreover, should be sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital. See Missouri ex rel. Southwestern Bell Tel. Co. v. Public Service Commission, 262 U.S. 276, 291 (Mr. Justice Brandeis concurring). The conditions under which more or less might be allowed are not important here. Nor is it important to this case to determine the various ...
- In re National Credit Mgmt. Group, L.L.C., 21 F. Supp. 2d 424**
... the vehicle used by NCMG to sell the Program. The **practices** engaged in by NCMG did not provide a **consumer** with "information with respect to [his or her] profile." See, e.g., Transcript attached to Second Gross Cert. at p. 5, lines 23-25. The promised "personal credit analysis" likely mislead **consumers acting** reasonably under the circumstances. This misrepresentation is material because it is likely many **consumers** would not have telephoned the toll-free **telephone** number, ...
- Ting v. AT&T, 182 F. Supp. 2d 902**
... sought declaratory and injunctive relief, alleging that the legal services provisions of the **consumer** services agreement (CSA) violated California's **Consumer Legal Remedies Act** and California's Unfair **Practices Act**. The **telephone** company contended that this case presented only one issue governed by California Law - whether a valid contract was formed when the **telephone** company mailed the CSA to the class and its members continued to use the **telephone** company's service. Specifically, the ...
- Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co., 20 Cal. 4th 163**
... specific **practices**. Rather, it defines "unfair competition" to include any unlawful, unfair or fraudulent business **act** or **practice** (Bus. & Prof. Code, § 17200). Its coverage is sweeping,

Practice Makes Perfect....

- Practice, Practice, Practice
 - Tutorials (Westlaw e-Learning)
 - Vendor Trainings
- When stuck...step back
 - Think outside the Box
- Never rely on only one source
- Use Help Services

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When using Lexis or Westlaw is not an option...

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Casemaker

- Divided into Federal and State Libraries
- Search terminology is different – use the Help section to learn search techniques
- CaseCheck+
- CasemakerDigest – summary of recent decisions

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Type your search here

All States

SEARCH

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[West Virginia](#)

Remember...

- Exhaust free/cheap resources first!
- CALR Searching
 - Plan search before going online
 - Choose the smallest database
 - Use segment/field searching
 - Use shortcuts
 - Get a document; Find feature
 - Find & Print

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The background of the slide is a dense, overlapping pattern of crumpled white paper. The word "QUESTIONS" is printed in a black, sans-serif font on each piece of paper, oriented in various directions. The overall effect is a textured, chaotic background that emphasizes the theme of inquiry.

Professor D.M. Spears
spearsd2@nku.edu