

# LEX-LOCI

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*"Our greatest glory is not in never falling, but in rising every time we fall."*

Confucius



Northern  
Kentucky  
Bar  
Association

# FOLLOW THE MONEY! WHAT ARE YOU SPENDING ON RESEARCH SOURCES?

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## Part III: Teaching Old Resources to do New Tricks<sup>1</sup>

Everyone is trying to stretch dollars. Why not try to stretch your research resources too? You've already paid for them so why not try to double your money and get even more use out of these old standards? The tips below will help you get these resources to work even harder for you!

### 1. Black's Law Dictionary

This dictionary isn't just for definitions anymore! Black's Law Dictionary also includes references to West's Key Number System. Before beginning your research online, try looking up terms in Black's. Most entries will include relevant key numbers associated with the defined term at the end of the definition. Since each key number represents a specific legal concept, you will be able to use the key numbers listed to narrow down your search. In addition to locating case law, searching by key number will also retrieve American Jurisprudence, Restatement and law reviews articles on your topic.

*Facts:* Your client was in a head on collision with a garbage truck. Working with the garbage company's insurance agent she orally agreed to release her claims against the garbage company in exchange for a cash settlement. Your client now wants to return the money and proceed with her lawsuit.

*Research Strategy:* Researching common terms like agreement, contract, and settlement can be tricky using online case law databases. Before jumping online, try using Black's to look up your essential search terms. For example the definition for contract will point you to the more specific term, parol contract. The key numbers provided at the end of the definition for parol contracts are: Contracts key numbers 31 and 238(2).

To use Key Numbers, select the link at the top of the Westlaw screen. Then use the West Key Number Digest Outline to select your topics and jurisdiction. Using

the search screen you may also refine your search by adding additional search terms or date restrictions. In this case searching for Contracts key numbers 31 and 238(2) in Kentucky retrieved 7 cases, including *Waddle v. Galen of Kentucky, Inc.*, 131 S.W. 3d 361 (Ky. App. 2004), which found that a similar oral agreement between a patient and a doctor's insurance carrier was a valid and enforceable release.

### 2. The Bluebook

Working in Northern Kentucky often means crossing the river for legal work, but who can afford to keep complete collections of both Ohio and Kentucky laws on hand? Trying to use Lawriter to search the Ohio Revised Code (ORC) or the Kentucky's Legislature's page to search the Kentucky Revised Statutes (KRS) can be cumbersome and time consuming. Instead, try finding the laws you're looking for on the Internet with the help of the Bluebook citation format.

*Facts:* Your client smokes and has been told by his employer that unless he quits smoking he will not receive a raise. The employer is tired of paying more to provide insurance coverage to smokers and plans to offset the increased insurance payments by reducing raises awarded to smokers. Your client is sure that this is not a legally acceptable employment practice and has come to you for advice.

*Research Strategy:* To search for any applicable KRS provisions use Google and search: "Ky. Rev. Stat. Ann. smoking employment". The first entry retrieved will be a link to KY REV. STAT. ANN. § 344.040, Discrimination by Employers, from the Kentucky Legislature's page. This provision specifically states that it is unlawful to discriminate against smokers "as long as the person complies with any workplace policy concerning smoking." In addition to locating the actual statutory provision, this search also retrieved other websites where the statute was mentioned or discussed, providing additional valuable research

on the topic including case law references and American Lung Association materials.

### 3. Page's Ohio Revised Code (ORC)

Need to do research in multiple states but don't have the money for West or Lexis 50 state surveys? Try using Page's ORC Comparative Legislation feature, which can be found at the end of some statutory entries.

*Facts:* Your client needs to know Ohio, Kentucky and Indiana law on how many directors are needed for a trade organization.

*Research Strategy:* Start with Page's ORC. ORC §1725.01 Officers of Commercial Organization, states that you must have at least 5 directors and under the Comparative Legislation table it provides the following references:

CA – Cal Corp Code § 31220

IN – Burns Ind. Code Ann. § 23-2-1-2

KY – KRS § 273.161 et seq

MI – MCLS § 454.1

NY – NY CLS N-PCI § 1410

With just one search of the ORC you have quickly found the relevant statutory provisions for all three states and a few more to spare!

### 4. West's Kentucky Practice Series

Finding primary law, commentary, and



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forms on a particular Kentucky legal issue is often frustrating and time consuming. It's sometimes difficult to find commentary that includes citations to relevant cases, statutes, regulations, etc. Instead of spending time and money on Westlaw or Lexis, why not try using the West's Kentucky Practice Series where you can find all that information and more? Kentucky Practice entries include commentary on the legal issue, forms, citations to Kentucky and federal cases, statutes, and regulations, or citations to other secondary sources. Each Kentucky Practice Series has an index, table of contents, table of cases, and table of laws and rules. Some volumes even include helpful forms for Kentucky.

**Facts:** Your client needs to know about the Kentucky law on how parental misconduct is handled in child custody cases. You know that the relevant Kentucky statute for how parental misconduct is handled is Ky. Rev. Stat. §403.270(2).

**Research Strategy:** Turn to the Table of Laws and Rules at the end of the volume and look up section 403.270(2). You will find citations to multiple sections of Kentucky Practice: Domestic Relations Law that provide all the commentary and citations to Kentucky cases, statutes, and regulations in one place. This strategy will save you time and money!

**Conclusion: Follow the Money!**

Now that you know the basics, can control costs, and can use old resources for new tricks, you should have a better understanding of how to research cost effectively. Remember to check print sources and free online sources before moving to computer assisted legal research systems. And don't forget that some of the best parts of 'your' collection can be found at your local law library.

<sup>1</sup> Shannon Kemen, J.D., M.S.L.S., is a Reference Librarian at the University of Cincinnati Marx Law Library and Emily Janoski-Haehlen, J.D., M.S.L.S., is the Assistant Director for Research & Online Services at Northern Kentucky University Salmon P. Chase College of Law. E-mail: kemen@ucmail.uc.edu and janoskie@nku.edu

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