

# LEX LOCI

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*"If we had no winter,  
the spring would not be  
so pleasant; if we did not  
sometimes taste of adversity,  
prosperity would not be so  
welcome."*

Anne Bradstreet



Northern  
Kentucky  
Bar  
Association

# LOW COST ALTERNATIVES FOR LEGAL RESEARCH: USING CASEMAKER AND LOISLAW

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Are you tired of paying too much for legal research on Westlaw or Lexis? There are a few low cost or no cost alternatives for legal research that you might not have considered. This article series will examine how to effectively use Casemaker and Loislaw to cut down on legal research costs and provide tips for using the two systems.

## Casemaker

Casemaker 2.2 is available, at no additional cost, through your membership with the Kentucky Bar Association. Casemaker's mission is to provide users with the highest level of primary legal research and knowledge discovery. Casemaker is an easy to use, cost effective research tool for finding primary sources such as cases, statutes, and regulations.

### **Scope of Coverage:**

Casemaker provides access to federal and state cases, statutes, session laws, regulations, court rules, constitutions, and other primary materials based on the specific jurisdiction. For federal research, Casemaker provides access to public laws, United States Code, federal court opinions (including Supreme, Circuit, District, Bankruptcy courts, Federal Rules Decisions and more), Code of Federal Regulations, Federal Court Rules, and the current U.S. Constitution. Each state has a dedicated page called a "Library" that lists the specific resources available. The Kentucky Library provides access to the following resources [currency can be determined by clicking on the "currency" link within the library]:

- Kentucky Acts (current only)
- Administrative Regulations (current only)
- Attorney General Opinions (1992 - present)
- Cases (1886 - present)
- Constitution (current only)
- Court Rules (including Sixth Circuit Local Rules)
- Statutes (current only)
- Workers Compensation Decisions (1992 - present)

### **Conducting a Search:**

Casemaker's search interface is easy to use once users have a handle on the different search terminology. The search terminology differs from traditional Westlaw or Lexis terms and connectors. The search technique requires use of search connectors like commas, parentheses, tildes, asterisks, and spacing to indicate AND, OR, NOT, phrases, etc. At the bottom of every search interface screen, there is a "Search Tips" box that will help you create searches. There is also an array of fielded search options. These let users search by attorney name, opinion author, panel members, docket number, court, case name, and citation. Thesaurus searching is also available, which broadens a search term to include synonyms.

When you log on to Casemaker, you will be taken to your state's library page. From there, you can select the library within your state to search. You can also opt to perform a MultiBook Search across all of your state's libraries at once. You can also combine the case law libraries to search across multiple jurisdictions. For instance, if you want to search for case law from all the state libraries, start at the state library home page and choose the MultiState Case Law Search, and then select the states you want to search.

### **Display of Search Results:**

Casemaker displays search results by date. This means the most relevant case could be anywhere on the list. In the state libraries, users can reset this to sort by relevance which makes it easier to examine results. The results list does, however, include each opinion's most relevant paragraph and a relevance ranking shown as a percentage to make it easier to review results.

Viewing the results in Casemaker takes some getting used to because the search results are not shown when you click on a result to view it. Therefore you have to backtrack to return to the results list. There is, however, an easy way to navigate back to your results. The hi-

erarchy of your search is displayed at the top of the screen, so you might see a string saying "Kentucky : Case Law : Search : Results." To return to the list of results, click the word "results." One really nice feature in the results is that Casemaker highlights search terms within a document and lets you jump to the next hit of a term.

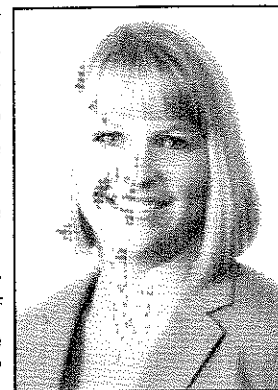
Casemaker also allows users to export cases to Word, PDF, WordPerfect, or HTML format. There is also a function that allows the emailing of documents.

### **Authority Check:**

Casemaker has created its own citator function called CaseCheck. After locating a case, you are provided with the full text of all cases that discuss the case in question. You can click on the individual case links and Casemaker jumps to the exact location where the case in question is cited by the subsequent case. This feature allows you to quickly determine if the subsequent case affects the original case being researched.

## Loislaw

Loislaw offers access to primary law just like Casemaker, but also provides access to public records, treatises, and legal forms. Loislaw is a low cost alternative to using Lexis and Westlaw and can be accessed by paying one low, all inclusive flat rate. Loislaw has a few more sophisticated functions than Casemaker and offers the user more content as well. The nice thing about Loislaw is that there are no hidden charges for hyperlinking, downloading or printing. Free training and technical support is available 24 hours a day, seven days a week. You can start a free trial at <http://www.loislaw.com> or visit the Chase Law Library for free on campus access.



### Scope of Coverage:

Loislaw provides access to federal and state case law, statutes, regulations, court rules, session laws, constitutions, treatises, legal forms, and public records. Coverage varies by source and jurisdiction. Loislaw also includes access to some well known secondary resources, i.e., Wigmore on Evidence, Bromberg & Ribstein on Partnerships, litigation practice sources, and resources in some topic areas like intellectual property and business. Here is a sampling of available primary resources on Loislaw:

- U.S. Supreme Court Cases (1754 - )
- Federal Appellate Level Cases (1920 - )
- State Case Law - varied coverage (each state may be searched individually for its coverage on the website without a membership)
  - \* Appellate Level - as early as 1980
  - \* Supreme Court Level - as early as 1930 -
- Some Unpublished Cases
- United States Code, Public Laws, Constitution
- State Statutes and Acts - varied coverage (each state may be searched individually for its coverage)
- Code of Federal Regulations - current edition only
- Federal Register (1999 - )
- State Regulations - varied coverage (each state may be searched individually for its coverage)
- Court Rules - current Federal, Local, and State rules available

### Conducting a Search:

Loislaw is a great place to start your research and is especially useful for case law research. You will still have to verify your cases using KeyCite or Shepards, but searching for case law on Loislaw will save you and your clients lots of money. When you log on to Loislaw, you must first choose a database or multiple databases to search. The search interface allows you to run a full text key-

word search and provides the ability to limit your search by fields including case name, docket number, lower court, attorneys, justice of majority or dissenting opinion, and text of majority or dissenting opinion. There is also a thesaurus function, using a tilde (~), similar to the one offered by Casemaker. You can also find primary information by citation using the Find by Citation function or SelectCite. If you experience difficulty formulating your search, Loislaw provides extensive FAQs that include search strategies and troubleshooting.

### Display of Search Results:

After you run a search, Loislaw provides you with a Results List. At the top of the results lists there is a record of the total number of documents found. The method of sorting results appears at right and varies depending on your search. Typically, case law is sorted by decision date and multiple database searches are sorted by frequency of key terms. Each result contains a heading and summary for the major point(s) of law in the document.

Loislaw displays a maximum of 25 search results on one screen, including excerpts or summaries. If summaries are hidden, Loislaw displays 100 results. You can save your search criteria by clicking "Save Search" in the results list. Loislaw has also created LawWatch, an automated research tool, which notifies you whenever Loislaw indexes new documents satisfying certain predetermined (and user-configured) search criteria. There is also a feature very similar to Focus and Locate on Westlaw and Lexis called "Search Within a Search." This tool allows you to hone a given set of results without reentering the previous search criteria. The resulting search will narrow your existing set of results based on the new search criteria.

### Authority Check:

Loislaw has created its own citator called GlobalCite. It is available whenever you retrieve the full text of a case, statute, act, or regulation. GlobalCite lists all of the indexed documents that

cite the current document being viewed. It also marks the text of citing documents with two special formatting attributes to facilitate browsing. The citation of the original document is highlighted with a yellow background in all documents retrieved and case treatment terms are marked by blue font. This feature will help you interpret cases you find using GlobalCite.

### Pricing:

Loislaw does not require a subscription, but does require you to pay for access by the day, week, month or year. One day access costs \$45.99, one week access costs \$85.99, one month access costs \$161.00, and one year access costs \$140/month or \$1512 paid in full in one lump sum. If you are looking for a "free" service for finding primary resources, then turn to Casemaker. If you want more sophisticated searching and a few more research functions, then try accessing Loislaw either by daily, weekly, or monthly subscription or by trying it out at the Chase Law Library.



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