From Backpack to Briefcase:
Tips for Effective Online Legal Research

By Cathy Underwood, J.D.

My star student, Brittanie, burst through the door. “Ms. Underwood, I now have access to my firm’s online legal research tool. I was really excited at first; I do not have to worry about using those books anymore—it is all automatic now! But every time I try a search, I either get hundreds of hits, or no hits at all. I need help!”

I smiled. Brittanie, like so many other beginning researchers, thought that electronic tools would do the work for her. The reality is, you have to put just as much thought into electronic legal research as you do traditional legal research—maybe more. The results you get out of the computer are only as good as the information you put in.

I responded: “Let’s review a bit, shall we? Remember the steps for effective online legal research? Let’s talk about them, and how they are similar to or different from traditional legal research.”

1. Identify the issue. Remember, paralegals do not do research just for the fun of it. You have a real client with a real problem, and you are trying to find the primary law that addresses that problem. Just as in traditional legal research, you cannot begin your work until you understand what the problem is. Here is our sample problem: Our client was involved in an accident. It was the other person’s fault, but she was not wearing a seatbelt. Here is our issue: Can the fact that a person was not wearing a seatbelt be admitted into evidence in a civil case?

2. Identify the key terms. What are the most important words in your issue? (In our sample issue, the most important words are “seatbelt,” “admitted,” and “evidence.”) We asked this same question in traditional legal research; however, there we were thinking, “how would the publisher of this set of books index this topic?” Online legal research is different; it is a key word search, not an index search (think Google). With online legal research, we are thinking, “how would a judge writing an appellate court opinion have used this term?” or “how would the legislature have used these terms in a statute?”

3. Formulate the search. How do we take those key terms and turn them into a good query? This actually requires us to think about two things: variations on the words, and then how we want the words to relate to each other.

a. Variations on the words. Take the word “admitted.” How would a judge writing an appellate court opinion use this word? “The evidence was properly admitted.” “The admissibility of the evidence is not in question.” “The decision to admit the evidence was not objected to.” “The evidence was admissible.” In our search, we want to account for all of these variations. To do that, we use wildcards. All electronic legal research tools use wildcards; just make sure you are using the correct wildcards for the tool you are using. For instance, Fastcase only uses one wildcard, the asterisk, which is a root expander. (Our state bar association just made the switch to Fastcase, so I will use that one in our example.) Instead of typing in the search—admitted or admissibility or admit or admissible—I could simply type in admi*. When this search goes out to the database, it returns documents that contain words that start with admi, and have any number of characters after.

What about “seatbelt”? Is that one word or two? I have seen it both ways: seatbelt or seat belt. A judge writing an opinion might use either. We will use Boolean connectors to deal with that one (see below).

Another form of variation on words that you need to think about are synonyms. For instance, if “lawyer” is one of your search terms, you also need to search for “attorney.” You can use Boolean connectors to deal with that as well.
b. **Boolean connectors.** Now let’s think about how we want the words to relate to each other. Do we just want all three words in the document, anywhere? “Admit” may be in the first paragraph, and “seatbelt” in the 67th paragraph. Sometimes that is what you want; more likely it is not. Boolean connectors allow us to specify exactly how we want the words to relate to each other.

Here are the Boolean connectors in Fastcase:*

| AND | Example: Copyright AND preemption Returns documents that contain both words, anywhere in the document; this is the default connector, so if you do not specify a connector, AND is assumed |
| OR | Example: Landlord OR lessor An even broader search; returns documents that contain either one of the words |
| w/# | Example: Capital w/3 punishment This is the proximity connector, and is a much tighter search; it allows you to tell the computer exactly how close you want the words to be; replace the # with a number of your choosing—3, 20, 50, etc. |
| “ ” | Example: “Felony Murder” Use quotes to tell the computer to treat the terms as a phrase |
| NOT | Example: “Chemical waste” NOT management This is a restriction on your search; never use NOT at the beginning of your query; rather, after you have formulated your query, use NOT to restrict it |
| () | Example: Assignment and (Security OR pledge) Use parenthesis to tell the computer what operations to do first |

Using these connectors, here is our query: (seatbelt or “seat belt”) and (evidence w/20 admi*)

4. **Run the search.** First, think about which libraries (or databases) you need to search. Are you looking for state or federal law? Case law or statutes? Choose the appropriate library, type your search into the box, and hit send.

When we send our search out to Fastcase, here’s what happens:

First, it finds all documents that contain either the word “seatbelt” or the phrase “seat belt.”

Second, it finds all documents that contain the word “evidence” within two words of some version of the word “admissible” (any word that starts with admi, and has any number of characters after that); they can be in either order.

Next, it returns to you documents that fit both criteria (because we used the “and” connector to join the two phrases).

5. **Analyze the results.** If you get no results, your search may be too narrow, and you may need to make it broader. For instance, if you are using the proximity connector, use a bigger number (20 as opposed to 3). On the other hand, if you get hundreds of hits, that result is almost as useless, and you may need to narrow your search. Keep tweaking your search until you get good results. Once you get a results list that is workable, the next step is reading. Most online legal research tools, including Fastcase, will show you the relevant paragraph right in your search results list, and allow you to jump from one search term to the next once you have opened the document. You can quickly skim through the cases to see if they are relevant to the issue you are researching. Once you find the relevant case law, print it out or download it to your computer and read the whole case. Then, remember to use a citator to determine if your case is still good law.

Brittanie looked a little overwhelmed. “Gee, I thought I would just have to push a couple of buttons and the computer would magically give me all the relevant case law. I see now that I have to put a lot of thought into it.”

“It does sound like a lot of work, doesn’t it? Just remember to take it one step at a time, and work your plan. Also, the more you do it, the easier it gets: Practice makes perfect!”

*Note: Once you master the concept of using Boolean connectors, you can use them in any online legal research tool. However, remember to check the Help feature to determine the connectors for the online legal research tool you are using. For instance, Fastcase uses the asterisk as a root expander; in Lexis, the root expander is an exclamation point.

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