FINDING LEGAL CASES: USING WestlawNext TO FIND CASE LAW

Off Campus Library Services
Where do I go to find cases?

- Start at the OCLS homepage, www2.indwes.edu/ocls
- Under ARTICLE DATABASES, click on BUSINESS
  - Click on *WestlawNext*
  - Login**
    - Login using your portal credentials
  OR
    - Login using your last name and library access number

**You may need to do some initial set up for your browser to recognize the Westlaw interface. Contact OCLS for a help sheet for setting up your browsers.
What is a case citation?

- A legal reference for a legal authority.
- Follows a standardized format so that anyone can find them.
- Exists for cases, statutes and secondary legal resources.

A handy explanation of the abbreviations for the various courts is available in the References at the end of this PPT.
How to interpret the citation numbers & letters:

- Cases are published in Reporters and include:
  - Names of parties involved
  - Volume number of the reporter containing the full text of the case.
  - The abbreviated name of that case reporter.
  - The page number where the case begins and the year of the case decision
  - Sometimes, the court deciding the case.
Interpreting an actual case citation:

17 F.3d 1
- 17th volume of the Federal Reporter (F.)
- 3rd series
- Page 1
- The case name is: Sean Collins v. Peter Martella

Let’s look for it in Westlaw...
Have a citation for a case?

WestlawNext does not require proper formatting of the citation to retrieve the case. Punctuation and letter case can be omitted.
Here is the complete case name and caption, done in the style used by lawyers.

Collins v. Martella
United States Court of Appeals, First Circuit. February 22, 1994

17 F.3d 1
United States Court of Appeals,
First Circuit.

Sean COLLINS, Plaintiff, Appellant,

v.

Peter MARTELLA, et al., Defendants, Appellees.


Swimmer who was injured when he dove off dock on private beach into shallow water brought action against owners and managers of private beach. Owners and managers moved for summary judgment claiming protection of New Hampshire recreational use laws. The United States District Court for the District of New Hampshire, Ronald B. Burdick, held, granting judgment for owners and managers.
Federal Court is the default search. Up to 3 courts or state courts can be selected on the dropdown.
Have a specific case name and also know the court?

Select all federal, any state(s) or one specific court

The parties involved and a state court were searched.
Click on Cases (left side). The results for this case include the final ruling and an appeal to the Supreme Court of Indiana.
Note, **KeyCite** at the top of each citation

- **No flag** – good law, so far.
- **Yellow flags** – Case has *some* negative history but has not been reversed or overruled.
- **Red flags** – Case is no longer good law on at least one of the points it contains.
Here is your case!

The Related Documents on the right hand side give background information from secondary sources.

Note: cases are added regularly to Westlaw so the number results can change.
Maybe you only have a subject?
No court and no citation or parties involved.

WestlawNext™

fifth amendment

All Federal

SEARCH
Click on Overview

Kastigar v. U.S.
Supreme Court of the United States | May 22, 1972 | 406 U.S. 441 | 92 S.Ct. 1653

Petitioners were ordered to appear before a grand jury and to answer questions under oath, to answer questions, after asserting their privilege against compulsory self-incrimination, that the District of Columbia adjuded petitioners to be in civil contempt and...

...Reconsideration of the rule that the Fifth Amendment privilege does not protect a witness from giving testimony that could be used to convict him in another jurisdiction was made necessary by the case of United States v. Hayman, 382 U.S. 276, 86 S.Ct. 474, 15 L.Ed.2d 336 (1964), in which the Court held the Fifth Amendment protects the Fourteenth Amendment...

...I cannot believe the Fifth Amendment permits that result....

Fisher v. U.S.
Supreme Court of the United States | April 21, 1976 | 425 U.S. 391 | 96 S.Ct. 1569
On the home screen you can use the TOPICS menu from the home screen.

From any screen within Westlaw, you can easily return to the home screen by clicking on WestlawNext logo.
TOPICS menu suggests many categories

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Enter a topic or case name

Enter a search for a particular case related to that topic or view all.
Here are the cases on your topic. To read a case, click on the case name.

### 10 most recent documents

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<td>134 S.Ct. 2874 (Mem)</td>
<td>2014 WL 956286</td>
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<td>Supreme Court of the United States</td>
<td>June 26, 2014</td>
<td>134 S.Ct. 2550</td>
<td>2014 WL 2832090</td>
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**N.L.R.B. v. Noel Canning**

Labor AND EMPLOYMENT - Labor Relations Boards. President’s recess appointments to NLRB during three-day interval betwe...
When I have a case, how do I know which part is the “case”?

Caption and case summary
The summary or synopsis is not part of the “case”—it is written by editors at Westlaw. It’s similar to the abstract of a journal article. You do not quote from it.

Swimmer who was injured when he dove off dock on private beach into shallow water of private beach. Owners and managers moved for summary judgment claiming protection of New Hampshire recreational use laws. The United States District Court for the District of New Hampshire, Paul J. Barbadoro, J., granted summary judgment for owners and managers. Swimmer appealed. The Court of Appeals held that recreational use statutes applied to limit liabilities of owners and managers.

Affirmed.
West Headnotes are written by editors at Westlaw. They help you see quickly the points of law in the case and are useful in finding similar cases.
The attorneys, law firm(s), judges for this case.

*2 Jeffrey N. Roy with whom Ravech, Roy & Kaplan, P.C., Boston, MA, Arthur O. Gormley, III and Gormley, Mayer & Gormley, P.C., Nashua, NH, were on brief for appellant.

Stephen H. Roberts with whom Thomas G. Ferrini, Ouellette, Hallisey, Dibble & Tanguay, Dover, NH, Robert C. Dewhirst, Devine, Millimet & Branch, Christine Friedman and Bouchard & Mallory, P.A., Manchester, NH, were on brief for appellees.

Before TORRUELLA, Circuit Judge, ALDRICH, Senior Circuit Judge, and CYR, Circuit Judge.
Opinion is the case!

PER CURIAM.

The judgment of the district court is affirmed. The court, essentially, adopts the language of the district court's order dated August 11, 1993, reproduced herein.

ORDER

Like most other states, New Hampshire has “recreational use” laws limiting the common law liability of certain owners and occupants who make their property available for recreational use by others. In the present case, Sean Collins has sued the owners and managers of a private beach to recover for injuries suffered when he dove into shallow water from a dock installed at the beach. Several of the defendants have moved for summary judgment claiming the protection of the recreational use laws. The success of these motions depends upon: (i) whether the recreational use statutes are inapplicable because the beach was developed land that was not open to the general public; (ii) whether any of the defendants willfully disregarded a dangerous condition that resulted in Collins’ injuries; and (iii) whether either “consideration” or a “charge” was paid for access to the beach.

For the reasons that follow, I hold that the recreational use laws are applicable here. Accordingly, I grant defendants’ motions for summary judgment.

I. FACTS

On August 5, 1989, Collins was invited by his cousin to swim at the Cobbett's Pond Park beach. The injuries giving rise to this action occurred when Collins dove from a dock at the beach into shallow water and broke his neck.

Title to the beach is held by the Cobbett's Pond Community Trust (“Trust”). The beneficiaries of the Trust are the residents of Cobbett's Pond Park, all of whom also have a deeded right of access to the beach. Defendants William Donovan, William Benkoski, and Oliver
At the top of the case, tabs give quick reference:

- **Document**
  - Is the case and its included information.

- **Filings**:
  - State and other court history.
  - Some of these are not part of the IWU subscription.

- **Negative Treatment**:
  - View negative direct history and negative citing references for a case.
History

- View the history of a statute, which can include
  - Changes to the statute.
  - Prior versions of the statute.
  - Drafts of bills introduced before a section was enacted in law.
  - Cases affecting the statute.
  - Any legislative changes.
  - Legislative history materials.

Citing References

- View of a list of cases, administrative materials and secondary resources that cite to this case

Table of Authorities

- View Listing of the cases relied upon as authority for this case
Print, email, and view your history.

- History records this current session of Westlaw and the searches done so it is easy to get back to an earlier result.
- Print, email, download to a computer or to a Kindle device.
The official APA reference for Collins v. Martella:


• The Publication Manual of the American Psychological Association (6th Ed.) uses the BlueBook (official citation format for lawyers).
• It looks very different from other APA formatting.
• If you do not have this book use the APA 6e Guide or call OCLS.
WestlawNext searches federal and state code, statutes, regulations, administrative decisions and public laws.
Secondary Sources

- **American Law Review**
  - Reviews the complete body of state and federal law.

- **American Jurisprudence 2d**
  - Comprehensive encyclopedia of state and federal law.

- State law reviews, journals, etc.

- Topics, law reviews, journals, specific to that topic.
News

- Access Hoover’s Company Profiles
- SEC Filings
- All kinds of news sources, e.g.
  - Reuters
  - Blogs, newspapers, magazines, transcripts, wires
  - U. S. news and international news sources
  - News by topics

Secondary Sources
Briefs
Proposed & Enacted Legislation
Proposed & Adopted Regulations
Helps for further understanding of Westlaw Next:

- Call or email Off Campus Library Services
  - 800.521.1848,
  - [http://www.indwes.edu/ocls/oclsform.html](http://www.indwes.edu/ocls/oclsform.html)

- Thomson Reuter (publisher of Westlaw) has a lot of helps for using Westlaw.
  - [http://tinyurl.com/WestlawIntro](http://tinyurl.com/WestlawIntro)

- Thomson Reuter Blog for searching tips:
  - [http://tinyurl.com/oo2df93](http://tinyurl.com/oo2df93)

- In depth PowerPoint done at another university: [http://tinyurl.com/m5m6a3m](http://tinyurl.com/m5m6a3m)
References


