

Advanced Legal Research Assignment 1

Due in Class on Wednesday, February 20th

- Put your exam number (not your name or student ID) in the upper RH corner.
- Use 12 point Times typeface, with 1" top and bottom margins and 1.5" left and right margins.
- Answer all three parts. Put your exact word count at the end of each question. You must stay within the word limits or you will lose.
- Print out and staple Parts I, II and III separately.
- Print out one file copy with Part I, Part II and Part III stapled together.
- You may work with others in the class but you must write your own answers to each question.

Part I: Case Finding (Michael)

You work for the San Francisco City Attorney's office and have been gripped by accounts of a tiger attack at the Zoo, where two visitors were badly injured when one of the big cats escaped its enclosure and mauled them. No lawsuits have been filed, but everyone at the office is sure that the Zoo and the City will at least face claims by the survivors for their injuries. Your supervisor emails you a newspaper article saying the director of the Zoo claims that Zoo employees found signs the two mauling survivors were throwing things at the tigers before the attack. The survivors' attorney is already publicly complaining about defamation and threatening to sue anyone who accuses his clients of taunting the tigers. The City would be interested in finding out more (especially if there were any witnesses who saw any taunting) but your boss says she's concerned about the defamation problem. She seems to remember something about a litigation privilege as a defense to defamation claims, and would like to see some case law about this issue. Would that defense be available for the City if the City said anything about the taunting allegations at this point?

While there may be statutory law you can ignore this except as it is discussed in the cases.

A. Terms & Connectors and Natural Language Using Westlaw OR Lexis

Choose a case database that includes California cases. Construct both Terms & Connectors and Natural Language searches. Briefly, summarize your results giving a few examples of searches and cases, thinking about the issues of precision and recall. Briefly, compare your Terms & Connector results to your Natural Language results and discuss the possible reasons for the differences.

(400 words maximum)

B. Other Case Finding Tools

Try to find cases using some of the other various case-finding features on Lexis AND Westlaw such as:

Westlaw: Topic/Key Numbers; KeySearch; ResultsPlus; KeyCite

Lexis: Headnotes; More Like This; Search by Topic or Headnote; Shepards

Which of the case-finding tools or combination of tools worked better for you and why? You can discuss the number and apparent relevance of cases you found, ease of use, clarity of information presented, reliability, etc. Be sure to describe your research steps and to make comparisons between the various tools.

(500 words maximum)

(60 points for Part I)

Part II: (Bob)

Examine both the Lexis and Westlaw versions of the 2005 Supreme Court decision in *Kelo v. City of New London*. Now find the decision in two other locations. How are the versions different? Would any one of the versions that you found be more useful than the others? Do they provide entry into research universes that you would use? Think of yourself as a movie reviewer, which would you recommend and which would you advise us to pass on.

(500 words: 30 points for Part II)

Part III: California Case Publication and Citators (Kathleen)

A. Your boss, Crosley Shelvador, wants to cite to *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 153 Cal App 4th 238 in a brief he's preparing. He asks you to check the current authority of the case and also to tell him the publication history. Be sure to mention the relevant Rules of Court and explain (in your own words) the effect of these rules on whether *Vineyard* can be cited. Use both Lexis/Shepard's and Westlaw/Keycite and note differences. Which helped you understand the authority of the case better and why?

B. Your colleague Amanda Bonner wants to read *People v. Cora Lee Thomas*, 156 Cal App 4th 988. She knows the case has fairly recently been superseded by grant of review, so it's not citeable, but she is distressed not to be able to read the entire case when she goes to Lexis or Westlaw. Briefly, explain to her what has happened to this case and what Rules of Court apply and also find the full text of the case. Be sure and explain how you found it.

C. In 1976 the California Supreme Court decided *Tarasoff v. Regents of the University of California*, 17 Cal 3d 425. This case has been heavily cited by other courts, and in secondary sources such as law reviews and treatises. Shepardize and Keycite this case and try out the various features that each offers for limiting, sorting and organizing your results. Pretend you are rating the two systems for Consumer Reports and briefly describe the pluses and minuses of each. Which would you rate higher and why?

(500 words: 30 points for Part III)