

## Assignment 1

### Searching for Case Law Online

The following scenario should be used to answer Question 1 below. Our client's daughter died from carbon monoxide poisoning while visiting a friend who had sublet a lake cabin for two weeks from a party who rented the cabin for the summer. The carbon monoxide came from a defective heater. The original tenant and sublessee have no assets but the owner of the cabin has assets and insurance. The cabin is located and all persons involved reside in a state called Northland. There is no controlling law on this issue in Northland. You have been asked to locate any cases from any jurisdiction that are factually identical to this scenario.

I want to discuss both Lexis and Westlaw without making everyone use both, so **if your last name begins with A through L, please answer question 1 below using Lexis; if your last name begins with M through Z, please answer using Westlaw. For question 2, please switch to the other service.** Feel free to run the searches in both databases if you wish.

1. Develop the legal issue. Write two versions of the issue: one broad and the other narrow.

A. Run the searches; how many cases did each one retrieve?

B. Explain what you did with the results of each search to identify the relevant cases

C. How many cases are relevant? Please list the relevant cases.

2. For each scenario listed below, write a search you think is best designed to find the relevant information. For each, indicate the database, the terms and connectors you would use, and all steps you took to formulate the query. **Remember to switch to Lexis if you used Westlaw to answer the previous question; switch to Westlaw if you used Lexis to answer the previous questions.**

A. Find the case where Justice Rehnquist wrote the opinion that decided whether Title VII applies to employment practices of United States employers who employ U.S. citizens abroad.

B. You are practicing law in Washington state and need to research whether a criminal defense counsel's misunderstanding of a statute constitutes ineffective assistance of counsel. You have read State v. Aho, 975 P.2d 512 (Wash. 1999) and want to know whether any later Washington state cases discuss this issue.

1. Assuming you have no access to Lexis or Westlaw or any other online database, what is your best strategy for locating the information you want. Please be specific.

2. Assume you have access to and have retrieved State v. Aho in the database I have asked you to use for this question. Which course of action would you recommend now for answering these questions online? Please be specific.

3. You are asked to locate all cases discussing legal issues related to identity theft. Which terms and connectors search below would work best on Westlaw?

- A. identity theft
- B. theft +s identity
- C. Theft /s identity
- D. theft steal stol\*\* /3 identity
- E. "identity theft"

4. You are writing a brief to be filed with the United States Court of Appeals for the 7<sup>th</sup> Circuit. Judge Ripple will be on the panel. Your client is alleging age and sex discrimination. You have been told that this action involves two statutes: 42 U.S.C.A. § 2000e, known as the Civil Rights act of 1964, and 29 U.S.C.A. § 62, known as the Age Discrimination in Employment Act of 1967. The common law may, in addition to the statutes, provide a basis for the action.

You are asked to locate relevant cases, authored by Judge Ripple, using Westlaw. What are the different options for locating relevant cases? For the search option, please write an appropriate search. Which cases are relevant?

5. Assume the search you wrote above retrieved 1100 cases; what is your next step? Assume you are doing this research using a standard, transaction based, Lexis contract.

6. Using Citators Effectively

Problem: An Illinois state criminal statute passed in the early twentieth century made it unlawful for a person to exhibit signs that suggested that persons of a certain race, creed, color or religion were depraved, criminals, unchaste, or lacked virtue. This type of law is frequently referred to as a "group libel law." The defendant was charged with and convicted of violating this statute; he appealed his conviction to the Illinois Supreme Court, claiming the statute violated his right of free speech under the First Amendment to the Constitution of the United States. In 1951, the Supreme Court of Illinois upheld the defendant's conviction in People v. Beauharnais, 97 N.E.2d 343. The court decided the statute did not violate the First Amendment because speech designed to breed hatred against persons of a specific race is not protected by the U.S. Constitution.

Assume you represent the State of Illinois in defense of a statute similar to the one involved in Beauharnais. You are preparing your brief to be filed with the Illinois Court of Appeals and must determine whether the rule on this subject in Beauharnais is still good law. **Answer the following question using only Shepard's or KeyCite and the materials referenced in the citators.**

Would you as an attorney cite the Illinois Supreme Court decision in Beauharnais as good law on this issue for the Illinois Court of Appeals? Explain your answer. (Be sure to discuss which authorities are mandatory and which are persuasive in your answer.)