TOPIC SELECTION

Your topic should make a claim, be novel, non-obvious, useful, sound and be seen by the reader to be novel, non-obvious, useful and sound.”

Eugene Volokh –
Academic Legal Writing, 3rd Edition

TIP: As you select your topic, create a Folder for each possible topic that interests you. You may want to create Subfolders to house your documents by type (e.g., cases, statutes). Then, as you go through the various steps below to find your topic, save all documents you find along the way to your new folders and subfolders. This tip will save you time later when you need to quickly retrieve what you have already found. Once you have selected your topic, delete the other topic folders that you no longer need.

I. Browse Cases to find opinions discussing recent topics that interest you.
   a. From the WestlawNext home page, Browse All Content
   b. Click on Cases
   c. Select federal cases by court or circuit, state cases by state, cases by U.S. territory or cases by topic of law to see cases you’re interested in researching. You can see the 10 most recent documents from that court listed on your screen….or run your own search within the cases database search box above if you already generally know what you want to write about or . . .
   d. Type “da(after 2012)” in the search box to see results for 2013 only.
   e. NARROW your list: add terms in the Search Within Results box to tailor your result list, then click Apply Filters.

II. Review Legislative Materials to see recently enacted or pending legislation that can form the basis for your topic.
   a. From the WestlawNext home page, click on Proposed and Enacted Legislation.
   b. Select Federal or a state, whichever option interests you. Then select enacted laws (public session laws) or pending bills.
   c. Click on Advanced (next to the Search button) and restrict either by date (e.g., All dates after 01-01-2013) or with terms that interest you.
   d. Once your result list is displayed, be sure your settings are set to show the most detail as possible so you can easily read what the bills/laws are about.
   e. NARROW: add terms in the Search Within Results box to tailor your result list, then click Apply Filters.

III. Research Administrative Materials to see proposed or recently adopted regulations that can form the basis for your topic.
   a. From the WestlawNext home page, click on Proposed and Adopted Regulations.
   b. Select Federal Register or a state, whichever option interests you.
   c. Click on Advanced (next to the Search button) and restrict either by date (e.g., All dates after 01-01-2013) or with terms that interest you.
   d. Once your result list is displayed, be sure your settings are set to show the most detail as possible so you can easily read what the regulations are about.
   e. NARROW: add terms in the Search Within Results box to tailor your result list, then click Apply Filters.
IV. Analyze Executive Material to see recent topics the President deems as relevant.
   a. From the WestlawNext home page, type “Presidential Documents” in the search box.
   b. Click on Advanced (next to the Search button) and restrict either by date (e.g., All dates after 01-01-2013) or with terms that interest you.
   c. Once your result list is displayed, be sure your settings are set to show the most detail as possible so you can easily read what the regulations are about.

V. Browse Topics if you already know the area of law you want to write about.
   a. From the WestlawNext home page, type “Presidential Documents” in the search box.
   b. Select the topic that you’re interested in researching (25 areas to choose from)
   c. Click on the Cases link to see the 10 most recent documents for that topic . . . or run your own search within this topic.
   d. Type “da(aft 2012)” in the search box to see results for 2013 only.

VI. Look at Westlaw Journals (formerly Andrews Litigation Newsletters) if you already know the area of law you want to write about.
   a. From the WestlawNext home page, type “Westlaw Journals” in the search box to see all available Westlaw Journals.
   b. Click on the journal link that is of interest to you (over 35 to choose from) to see the 10 most recent documents or run a search through the entire newsletter.
   c. Type “da(after 2012)” in the search box to see results for 2013 only.

VII. Run a Split Circuit Search/Matter of First Impression Search to see topics that are unsettled in the law and therefore possibly worthy to write about.
   a. Browse Federal Materials or State Materials (choose your state).
   b. For federal cases, click on All Federal Cases or the Circuit you want; for state cases, check the Cases box, and then run this search . . .
   c. Terms & Connectors Search: issue question matter /s “first impression” novel split & da(aft 7/2012)
   d. NARROW: Search within Results to run a search within your search results

VIII. Research Law Journals and Law Reviews to find legal issues that exist but have not yet been written about.
   a. From the WestlawNext home page, enter “beyond /s scope /s article & da(aft 2012)” in the search box.
   b. Select Secondary Sources from left column.
   c. NARROW: check box next to Law Reviews and Journals and click on Apply Filters to see a list of law journal articles that mention a legal issue but also state that the issue is not discussed in the article, as it is beyond the scope of the article. This search technique gives you legal issues that exist, but may not already be pre-empted (or at least they are not pre-empted by this law review article).
   d. NARROW: add search terms to limit the list to the area of law that interests you.

IX. Read Legal Newspapers and Newsletters to find current, newsworthy legal topics, generally.
   a. From the WestlawNext home page type Legal Newspapers and Newsletters in the search box.
   b. Click on the desired legal newspaper/newsletter by title or topic to see the 10 most recent documents or run a search through all legal newspapers/newsletters.
   c. Type “da(after 2012)” in the search box to see results for 2013 only.

X. Look at News to see current, newsworthy legal topics.
   a. From Browse home page, click on News
   b. Select news sources from the U.S., international sources, by type of news source, by topic or by industry to see the 10 most recent documents from that news source. Of course, you can always create your own search within the selected news source.
   c. Type “da(after 2012)” in the search box to see results for 2013 only.

XI. Read Blogs to find new/current/interesting legal issues emerging in the law.
   a. From the WestlawNext home page, enter “Blogs on Demand” in the search box.
   b. View the 10 most recent blog entries or . . .
   c. Run a Terms & Connectors search:: “supreme court” & “federal circuit”
   d. This search will retrieve all articles that have Supreme Court and Federal Circuit mentioned in the blog.
   e. Or run a more general topic natural language search.
   f. Or type “da(after 2012)” in the search box to see results for 2013 only.
XII. Research 50 State Surveys to retrieve the most recent legislation or regulation for a topic in any jurisdiction.
   a. Browse All Content and select Secondary Sources
   b. Click on 50 State Surveys
   c. Select a Survey that interests you for any jurisdiction.

Hidden Gems: More Great Starting Points for Topic Selection

I. Use U.S. Supreme Court Materials on Westlaw to find how the Court ruled on important legal issues.
   a. Use Westlaw Bulletin – Supreme Court (WLB-SCT) to find recent U.S. Supreme Court cases, rules, orders and other Court activity
   b. 2009-10 ALR United States Supreme Court Review, an overview of the most notable opinions from each of the Court’s terms can be found at: 56 A.L.R. 6th 679.

II. Browse newsworthy cases via Findlaw.com – an easy way to find newsworthy, recent topics.
   b. Get archived, newsworthy case summaries by court, by company or by topic.

III. Review http://newsandinsight.thomsonreuters.com/Legal/, our News and Insight newsletter that covers newsworthy legal issues relating to bankruptcy, securities, and cases in California and New York.

IV. Review Practitioners Insights allows you to get the most up-to-date, authoritative content in their area on a daily basis from leading providers including Westlaw, Reuters Legal, CQ Roll Call and Wolters Kluwer for the following subjects and Jurisdictions:
   a. Antitrust
   b. Bankruptcy
   c. Energy & Environment
   d. Employment
   e. Finance & Banking
   f. Health Law
   g. Intellectual Property
   h. Products Liability
   i. Securities
   j. National
   k. New York

For assistance using WestlawNext, call the West Reference Attorneys at 1-800-850-WEST (1-800-9378).

For free materials, visit lawschool.westlaw.com.

© 2011 Thomson Reuters L-369191B/6-11