Harvesting Relevant Cases on Lexis and Westlaw: Comparing Results

By Mary Whisner

Mary Whisner is a Reference Librarian at the Marian Gould Gallagher Law Library at the University of Washington School of Law in Seattle.

LexisNexis and Westlaw are both very powerful research systems. Their coverage has a lot of overlap -- they both have state and federal cases, statutes, and regulations, they both have lots of law reviews, and so on. And their features are generally comparable -- you can search with connectors or with natural language, you can check the status of cases with a citator (KeyCite or Shepard’s), and so on.

Focusing on the similarities and parallels, I’ve sometimes underplayed the differences, telling students it’s largely a “Coke-Pepsi” or “Ford-Chevy” thing.

But there are some differences, and it’s worth conducting a taste test or taking a look under the hood (depending on whether you favor the soda or the car metaphor). Susan Mart, Faculty Services Librarian and Adjunct Professor of Law at UC Hastings College of Law, investigates two parallel techniques for finding cases once you know one relevant case:

- searching for more cases like a given headnote, and
- using a citator to find later cases discussing the point of law in a headnote.

From these samples, Mart draws the lesson that researchers who need to be thorough should use both systems and conduct multiple searches. Don’t assume that following a headnote from one case in one system will yield all the relevant cases. Use many seed cases. And use more tools -- for instance, A.L.R. annotations and law review articles, not just headnote searches or citator scans.

Years ago one of our account managers used to say in training sessions, “One search is not research.” This study underscores the wisdom of that saying. No one search -- in either system -- does it all for you.