

WESTLAW EMPLOYMENT LAW PRACTITIONER RESEARCH GUIDE

OCTOBER 2009



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About This Guide

In this guide, the graphics and step-by-step instructions are based on accessing Westlaw via the Internet. Because of the evolving nature of Internet technology, there may be recent changes to the Westlaw interface and functionality that are not reflected in this documentation.

Information in this guide is current through October 1, 2009.

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West

610 Opperman Drive

Eagan, MN 55123-1396

Printed in the United States of America

Contents

1 INTRODUCTION	1
Welcome to Westlaw Employment Law Practitioner	1
Selecting the Tabbed Employment Practitioner Page	1
Employment Practitioner Page Overview	2
2 EVALUATION	3
Evaluating Potential Clients	3
Determining Potential Recovery	4
Monitoring Current Developments	5
3 INVESTIGATION	6
Investigating Facts and Parties	6
Identifying Issues	8
4 CASE PREPARATION/LITIGATION	10
Conducting Discovery	10
Finding Court Rules	11
Researching Primary Law	12
5 CONSULTATION/TRANSACTIONS	13
Developing Programs and Policies	13

1 Introduction

Welcome to Westlaw Employment Law Practitioner

Westlaw Employment Practitioner is a legal research resource designed specifically for employment law practitioners. Efficient online access to comprehensive, current, and accurate information is an indispensable competitive advantage in the practice of employment law. Westlaw Employment Practitioner provides access to a comprehensive online library of relevant materials.

This reference guide will assist you in using these materials as you perform research tasks such as the following:

- evaluating clients and their claims, including potential recovery or exposure
- investigating facts, parties, and issues
- researching the law, including the most recent developments
- preparing a case for trial
- litigating a case
- devising programs and policies for your clients

Selecting the Tabbed Employment Practitioner Page

When you access Westlaw, you can select a tabbed page that is customized for employment law practice. The tabbed Employment Practitioner page places resources and search options within easy reach to help you quickly access the materials you need. To add the Employment Practitioner page, follow these steps:

1. Click **Add a Tab** at the top of any page. At the next page, click **Add Westlaw Tabs** to display a list of available tabbed pages.
2. Select the check box next to *Employment Practitioner* under *Topical* and then click **Add to My Tab Set**.
3. A list of the pages you've selected is displayed under *In Tab Display*. One page is designated as your default page (the page that is displayed when you sign on to Westlaw). Click **Set as Default** next to *Employment Practitioner* to set this page as your default.
4. To display the Employment Practitioner page, click its tab (Figure 1).

The Employment Practitioner page allows you to add materials for up to three jurisdictions. To add materials for a specific jurisdiction, click **Edit** in the left or right frame.

Employment Practitioner Page Overview

The left frame provides quick access to common research tasks. The right frame allows you to easily access resources in the following areas:

- Cases, Statutes, and Regulations
- State Statutes–50 State Surveys
- Employment Litigation
- Employment Practices, Policies, and Procedures
- Administrative Decisions and Guidance
- Compensation and Benefits
- Information on People and Companies
- Latest Developments
- Forms, Checklists, and Clauses

The screenshot shows the Westlaw Employment Practitioner page. The top navigation bar includes links for FIND&PRINT, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, FORMFINDER, SITE MAP, HELP, and SIGN OFF. The page is organized into several sections:

- Shortcuts:** Includes links for Andrews Litigation Reporters, Current Awareness, Search, Find by citation, Search for a database, Case Evaluator, Profiler - Expert, Westlaw Research Aids, Profiler - Attorney or Judge, and Employment Acts, Regs & Guides.
- Resources:** Includes links for Prove Your Case, Cases, Statutes & Regulations, State Statutes - 50 State Surveys, Browse & Search Key Employment Topics, and Employment Litigation.
- Administrative Decisions & Guidance:** Includes links for Federal Agencies and State Agencies.
- Compensation & Benefits:** Includes links for Practice Guides.
- Information on People & Companies:** Includes links for PeopleMap, People, People Finder - Name Tracker, and Companies.
- Latest Developments:** Includes links for Employment Alert, Employment Law Update, Employment Practices Update, State Employment Newsletters, Disability Law Compliance Report, Termination of Employment Bulletin, West's Employment Case Highlights, Quinlan Human Resources Multibase, and Employment Analytical & Law Reviews.
- Forms, Checklists & Clauses:** Includes links for Benefits and All Employment Law Topics.

Figure 1. Employment Practitioner page

2 Evaluation

Performing a thorough evaluation of a prospective client, the merits of a claim, or a potential recovery is important to the successful practice of employment law. Westlaw Employment Practitioner provides a variety of resources to help you with these tasks.

Evaluating Potential Clients

The Employment Practitioner page provides links to useful resources for investigating potential clients. For example, you can search public records containing adverse filings such as lawsuit, lien, and bankruptcy filings. To retrieve information on a particular person, complete these steps:

1. Click **People** under *Information on People and Companies* in the right frame.
2. Under *Select Database(s)*, click **Adverse Filings Combined** to display a search template (Figure 2).

The screenshot shows a search interface for 'Adverse Filings Combined'. At the top, it says 'Search' and 'Selected Databases: ADVERSE - Combined (ADVERSE-ALL)'. There are tabs for 'Terms and Connectors' and 'Template'. A 'Search Westlaw' button is visible. The 'Name' section has a text box containing 'jane sample-document' and examples below it: 'Example: jane doe', 'Example: jane & doe', 'Example: jane /3 doe', and 'Example: widget sales'. The 'Record Type' section has a 'Record Type:' label and several checkboxes: 'All Record Types' (checked), 'UCC Records', 'UCC-NYC Filings', 'Lawsuits', 'Liens and Judgment Records', 'Bankruptcy Filings', and 'Unlawful Detainers'. The 'State Selection' section has a 'State Selection' label and a 'All Available Jurisdictions' checkbox (checked). Below this are checkboxes for various states: AL, DE, IN, MA, NV, OH, TN, WI, AK, DC, IA, MI, NH, OK, TX, WY, AZ, FL, KS, MN, NJ, OR, UT, AR, GA, KY, MS, NM, PA, VT, CA, HI, LA, MO, NY, RI, VA, CO, ID, ME, MT, NC, SC, WA, CT, IL, MD, NE, ND, SD, WV. A 'Search Westlaw' button is at the bottom left.

Figure 2. Adverse Filings–Combined search template

3. Type an individual's name in the *Name* text box, e.g., **jane sample-document**. You can also choose a record type and jurisdiction by selecting the appropriate check boxes.
4. Click **Search Westlaw**.

Determining Potential Recovery

You can easily determine the worth of a case or investigate your client's potential exposure by using the jury verdicts, settlement summaries, and arbitration materials at the Employment Practitioner page. To search for jury verdicts, complete the following steps:

1. Click **Case Evaluation** under *Employment Litigation* to display a Search page (Figure 3).



Figure 3. Case Evaluation Search page

2. Click the **Natural Language** tab, then type a Natural Language description such as **retaliatory discharge for age discrimination claim** in the *Search* text box.
3. Choose a database by selecting its check box, e.g., **Employment Jury Verdicts, Settlements, and Arbitrations**.
4. Click **Search Westlaw**. To view a document in the result list, click its title (Figure 4).

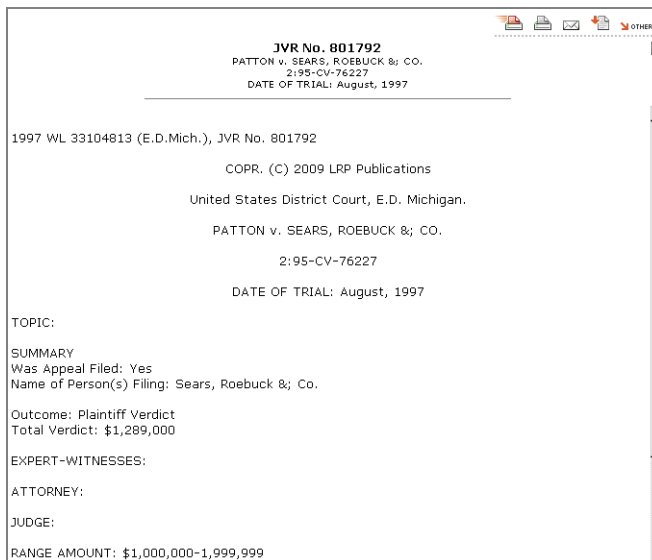


Figure 4. Document in search result

Monitoring Current Developments

Staying up-to-date on current developments in employment law is a time-consuming but necessary task. The Employment Practitioner page provides links to such useful resources as newsletters, law reviews, and other news sources.

CURRENT AWARENESS

Andrews litigation reporters provide information on recent employment-related lawsuits. To retrieve recent articles on employment issues, click **Employment** under *Andrews Litigation Reporters* in the left frame.

LATEST DEVELOPMENTS

Click the following links under *Latest Developments* in the right frame to retrieve recent articles from employment-related periodicals:

Employment Alert

Contains practical advice on how to reduce liability risks when dealing with employees, explanations of benefits, and human resources trends.

Employment Law Update

Covers court decisions, legislation, and regulations affecting employment discrimination.

Employment Practices Update

Covers the practical implementation of equal employment opportunity laws in the workplace.

State Employment Newsletters

Provides coverage of statewide employment issues.

Disability Law Compliance Report

Analyzes cases and agency decisions that affect compliance with the Americans with Disabilities Act of 1990 and related laws.

Termination of Employment Bulletin

Provides a full array of protective strategies to block employee lawsuits before they start.

West's Employment Case Highlights

Provides summaries of employment law decisions added to Westlaw in the last two weeks.

Quinlan Human Resources Multibase

Contains practical and effective advice on issues related to human resources.

Employment Analytical and Law Reviews

Allows you to search for documents relating to employment law from multiple publications, including treatises, law reviews, and journals.

3 Investigation

Investigating Facts and Parties

In order to accurately advise your clients, you need timely and relevant information. The resources at the Employment Practitioner page help you investigate facts and parties related to your employment issues.

CORPORATE RECORDS

Use Westlaw to investigate corporations, partnerships, and limited partnerships. To find information on a particular company, complete these steps:

1. Click **Companies** under *Information on People and Companies*. The Companies Search page is displayed (Figure 5).

The screenshot shows the 'Search' interface for 'Information on People & Companies'. The search term 'spring /2 decks' is entered in the search box. Below the search box, there is a section titled 'Select Database(s)' with a list of databases. The 'Corp Records & Business Registrations' database is selected with a checked checkbox. Other databases listed include Bankruptcy Filings Combined, Lawsuits Filings Combined, Liens and Judgments Combined, UCC Filings Combined, Fictitious Business Names Combined, Business Finder Combined, Business Tracker Combined, and Litigation Prep Records Combined. A note states: 'This database can only be searched singularly and not in combination with other databases on this list.' A 'Search Westlaw' button is located at the bottom of the page.

Figure 5. Companies Search page

2. In the *Search* text box, type a company name, e.g., **spring /2 decks**.
3. Choose a database by selecting its check box, e.g., **Corporate Records and Business Registrations**.

4. Click **Search Westlaw**. To view a document in the result list, click its number (Figure 6).

CORPORATE RECORDS & BUSINESS REGISTRATIONS

34429763189

Corporate Records & Business Registrations

<p>Source Information</p> <p>This Record Last Updated: 05/13/2008</p> <p>Database Last Updated: 09/16/2009</p> <p>Update Frequency: MONTHLY</p> <p>Current Date: 09/16/2009</p> <p>Source: AS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE</p>	<p>Principal Information</p> <p>Name: RANDY R SPRING</p> <p>Title: CHIEF EXECUTIVE OFFICER</p> <p>Address: 12620 EDINBOROUGH CIRC APPLE VALLEY, MN 55124</p>
<p>Company Information</p> <p>Name: SPRING DECKS & REMODELING, INC.</p> <p>Address: 12620 EDINBOROUGH CIRC APPLE VALLEY, MN 55124</p> <p>D&B DUNS: 01-698-8715</p>	<p>Stock Information</p> <p>Stock:</p> <p>Authorized Shares: 10,000</p> <p>Par Value: \$0.00</p> <p>The preceding public record data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.</p> <p>The public record items reported above may have been paid, terminated, vacated or released prior to today's date</p>
<p>Filing Information</p> <p>Identification Number: DCX 10N-870</p>	<p>Order Documents</p> <p>Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387) to order copies of documents related to this or other matters. Additional charges apply.</p>

Figure 6. Corporate record in search result

PEOPLE RECORDS

You can search for information on people in records from a variety of sources. For example, you can locate parties and witnesses and verify addresses and Social Security numbers. Required search terms vary by database, as does the type of information contained in a particular record.

ASSET INFORMATION

Asset Locator databases enable you to find real property, motor vehicle, stock, aircraft, and watercraft ownership or registrant records with a single search.

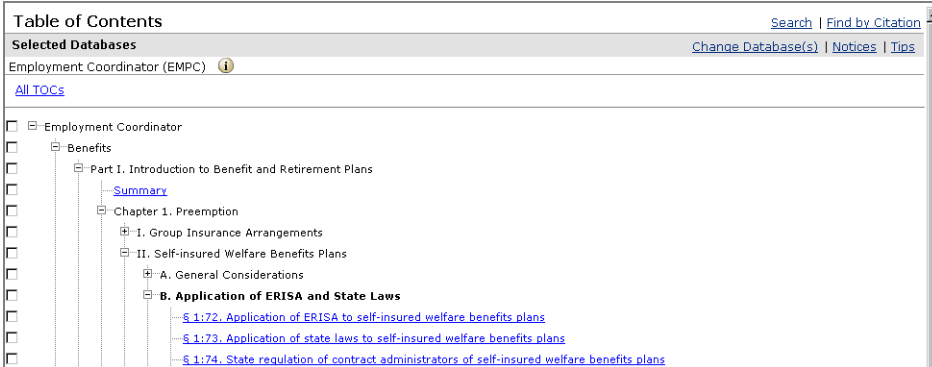
Identifying Issues

Analytical resources are useful for researching new areas of law and for finding expert guidance in particular subjects. You can access a variety of practice guides and treatises at the Employment Practitioner page.

PRACTICE GUIDES

An easy way to find information in a practice guide is by using its table of contents. For example, *Employment Coordinator* is a 17-volume publication that provides authoritative information for employment practice in the areas of benefits, compensation, labor relations, personnel administration, and workplace safety. To use the table of contents for this resource, complete these steps:

1. Click **Employment Coordinator** under *Employment Practices, Policies, and Procedures* to display the table of contents (Figure 7).



The screenshot displays a web-based table of contents for the 'Employment Coordinator (EMPC)' database. At the top, there are navigation links for 'Search', 'Find by Citation', 'Change Database(s)', 'Notices', and 'Tips'. Below the title, there is a link for 'All TOCs'. The main content is a hierarchical tree structure with expandable/collapsible symbols (plus and minus signs) next to each level. The structure is as follows:

- Employment Coordinator
 - Benefits
 - Part I. Introduction to Benefit and Retirement Plans
 - Summary
 - Chapter 1. Preemption
 - I. Group Insurance Arrangements
 - II. Self-insured Welfare Benefits Plans
 - A. General Considerations
 - B. Application of ERISA and State Laws**
 - [§ 1:72. Application of ERISA to self-insured welfare benefits plans](#)
 - [§ 1:73. Application of state laws to self-insured welfare benefits plans](#)
 - [§ 1:74. State regulation of contract administrators of self-insured welfare benefits plans](#)

Figure 7. *Employment Coordinator* table of contents

2. Browse the table of contents by clicking the plus (+) and minus (-) symbols.
3. When you find a relevant document, click its link to view the document in the Link Viewer.

- Click **Maximize** in the Link Viewer to view the document in the right frame (Figure 8). Click **Previous Section** or **Next Section** at the top of the document to view the sections that immediately precede or follow it. To return to the publication's table of contents, click **Table of Contents** in the left frame.

The screenshot displays a web-based document viewer. On the left, a sidebar contains navigation links: 'Full Screen List', 'Locate in Result', and 'Full-Text Document' (with a sub-link for 'Table of Contents'). The main content area shows the document title 'EMPC BENEFIT § 1:72' and a table of contents with sections like 'Benefits', 'Part I. Introduction to Benefit and Retirement Plans', and 'II. Self-insured Welfare Benefits Plans'. A specific section, '§ 1:72. Application of ERISA to self-insured welfare benefits plans', is highlighted, followed by an 'OBSERVATION' paragraph.

Figure 8. Document retrieved using table of contents

4 Case Preparation/Litigation

Conducting Discovery

Discovery is one of the cornerstones of a successful case. The Employment Practitioner page provides several tools to help you conduct successful discovery. To find information on depositions and interrogatories, complete these steps:

1. Click **Discovery** under *Employment Litigation* to display a Search page (Figure 9).

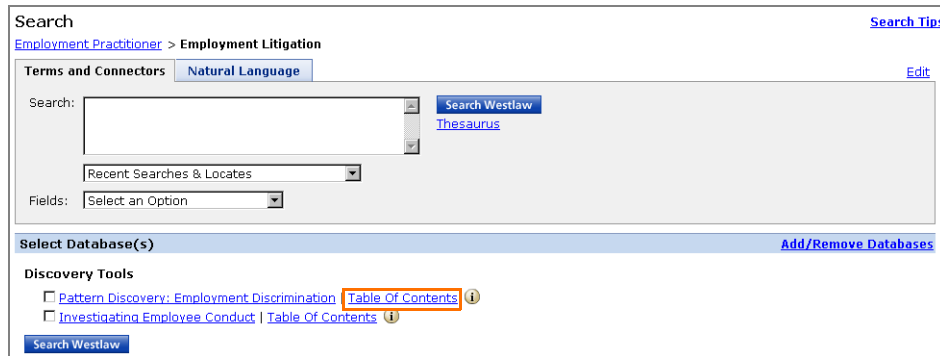


Figure 9. Discovery Search page

2. Under *Select Database(s)*, click **Table of Contents** next to *Pattern Discovery: Employment Discrimination* to display the table of contents for the database.
3. Browse the table of contents by clicking the plus (+) and minus (-) symbols.

Finding Court Rules

Identifying proper procedures can be a time-consuming process. The Employment Practitioner page links you to resources that can shorten these tasks. To retrieve court rules, complete these steps:

1. Click a state-specific link for court rules, e.g., **Illinois Court Rules**, under *Employment Litigation* to display a Search page (Figure 10).

Search [Find by Citation](#) | [Table of Contents](#)
Selected Databases [Change Database\(s\)](#) | [Notices](#) | [Tips](#)
Illinois Court Rules (IL-RULES) ⓘ

Terms and Connectors [Natural Language](#)

Search: pr,ca (^summary judgment*) [Search Westlaw](#)
[Thesaurus](#)

Recent Searches & Locates

Fields: Select an Option

[Add Connectors or Expanders](#) [Help](#)

Figure 10. Illinois Court Rules Search page

2. Type a Terms and Connectors query such as **pr,ca** (“summary judgment”) in the *Search* text box.
3. Click **Search Westlaw**.

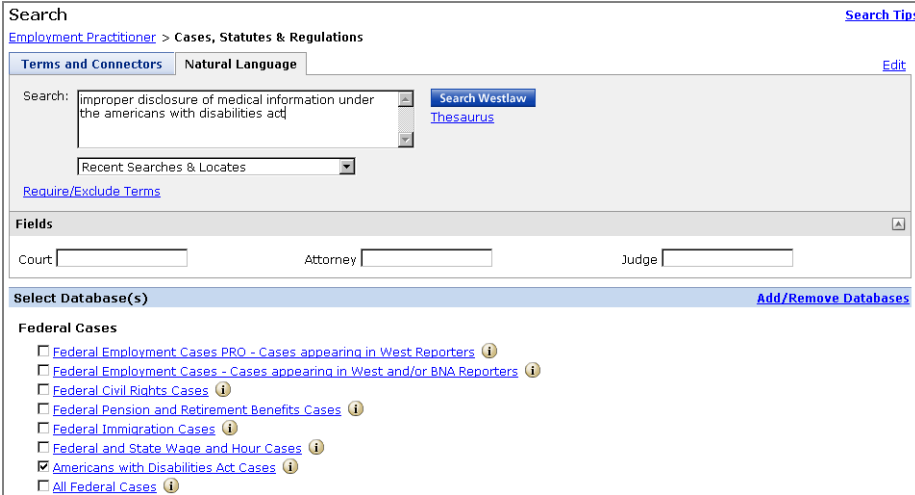
Researching Primary Law

At the Employment Practitioner page, you can retrieve relevant case law, statutes, and administrative decisions addressing key issues in employment law.

EMPLOYMENT LAW CASES

The Employment Practitioner page helps you narrow the scope of your research by providing easy access to employment law cases. To search for federal cases relevant to a particular topic complete these steps:

1. Click **Federal Cases, Statutes, and Regulations** under *Cases, Statutes, and Regulations* to display a Search page (Figure 11).



The screenshot shows the Westlaw search interface for the Employment Practitioner page. The page title is "Search" with a "Search Tips" link. The breadcrumb trail is "Employment Practitioner > Cases, Statutes & Regulations". There are two tabs: "Terms and Connectors" and "Natural Language", with "Natural Language" selected. An "Edit" link is visible. The search box contains the text "improper disclosure of medical information under the americans with disabilities act". To the right of the search box are buttons for "Search Westlaw" and "Thesaurus". Below the search box is a "Recent Searches & Locates" dropdown menu and a "Require/Exclude Terms" link. The "Fields" section has input boxes for "Court", "Attorney", and "Judge". The "Select Database(s)" section has a link "Add/Remove Databases". Under "Federal Cases", there is a list of checkboxes with labels and information icons: "Federal Employment Cases PRO - Cases appearing in West Reporters", "Federal Employment Cases - Cases appearing in West and/or BNA Reporters", "Federal Civil Rights Cases", "Federal Pension and Retirement Benefits Cases", "Federal Immigration Cases", "Federal and State Wage and Hour Cases", "Americans with Disabilities Act Cases" (checked), and "All Federal Cases".

Figure 11. Cases, Statutes, and Regulations Search page

2. Click the **Natural Language** tab, then type a Natural Language description such as **improper disclosure of medical information under the americans with disabilities act** in the *Search* text box.
3. Choose a database by selecting its check box, e.g., **Americans with Disabilities Act Cases**.
4. Click **Search Westlaw**.

5 Consultation/Transactions

Developing Programs and Policies

Westlaw Employment Practitioner helps you ensure that you have investigated and evaluated all legal and practical implications so you can give your clients advice that is in step with the current law.

FORMS AND CHECKLISTS

You can easily develop programs and solutions tailored to your client's needs using forms and checklists. For example, to find sample language for a noncompetition clause in an employment agreement, complete these steps:

1. Click **All Employment Law Topics** in the *Forms, Checklists, and Clauses* section to display a search template (Figure 12). You can retrieve state-specific forms when available.

Employment Law Forms - National (EMPLFORM-ALL) ⓘ

Terms and Connectors Natural Language Template

Search Westlaw

Enter Search Terms:

noncompetition

[Connectors/Expanders](#)

Limit by Topic:

Occupational Safety
Discrimination
Immigration
Hiring and Employment - Policies and Practices
Other Employment - Related Claims
Alternative Dispute Resolution

Document Type:

Forms Checklist Clause

Jurisdiction Selection:

All Available Jurisdictions

California Illinois New Jersey Pennsylvania
 Florida Massachusetts New York Texas
 Georgia Michigan Ohio General (non-state specific)

Search Westlaw

You may enter terms and connectors to help refine your search. Click the Connectors/Expanders link for more information.

To narrow your search, select a subtopic. To select multiple subtopics, hold down the "ctrl" key and click on selections. To run broadest search possible, select "All Topics".

Figure 12. Employment Law Forms–National search template

2. Type **noncompetition** in the *Enter Search Terms* text box.
3. Choose **Hiring and Employment–Policies and Practices** from the *Limit by Topic* list box.
4. Under *Document Type*, clear the **Forms** and **Checklist** check boxes.
5. Click **Search Westlaw**.
6. Select a document from the result list by clicking its link.
7. Click the **Term** arrow to view the clause. You can then print or deliver the form using the print or delivery icons at the top of the document or copy and paste it into a word-processing document.

MODEL DOCUMENTS

The Employment Practitioner page also provides you with employment agreements, contracts, and other documents that have been filed with the Securities and Exchange Commission. For example, to retrieve documents that refer to termination for good reason, complete the following steps:

1. Click **Model Documents: Employment** under *Forms, Checklists, and Clauses* to display a search template (Figure 13).

Search

Selected Databases [Change Database\(s\)](#) | [Tips](#)

Model Documents: Employment (MODELDOC-EMPL) ⓘ

Terms and Connectors Natural Language Template

Free Text Search: [Connectors/Expanders](#)

Document Title:

Clause Title: e.g. Severability, "Tax Consequences"

Defined Terms: e.g. Consideration, "Exchange Ratio", Fair Market Value"

Governing Law: Delaware, "New York"

Attorney or Law Firm:

Company Name:

All Document Types

Assignment Incentive Non-Competition

Compensation Indemnification & Insurance Retirement

Confidentiality Loans Termination

Figure 13. Model Documents: Employment search template

2. Type "good reason" in the *Clause Title* text box.
3. Choose a document type and jurisdiction by selecting the appropriate check boxes.
4. Click **Search Westlaw**.

