



**WestlawNext<sup>®</sup>**  
Getting Started Guide

# Customer Service

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## **WestlawNext Technical and Search Assistance (available 24 hours a day)**

If you have general or technical questions about WestlawNext, call Customer Technical Support at 1-800-WESTLAW (1-800-937-8529) or send an email message to [West.WLNextTech@ThomsonReuters.com](mailto:West.WLNextTech@ThomsonReuters.com).

If you have search questions about WestlawNext, call the Reference Attorneys at 1-800-REF-ATTY (1-800-733-2889) or email [West.WestlawNextResearch@ThomsonReuters.com](mailto:West.WestlawNextResearch@ThomsonReuters.com).

## **Billing and Account Assistance**

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## **Reference Materials**

For free reference materials, go to [legalsolutions.thomsonreuters.com/guides](http://legalsolutions.thomsonreuters.com/guides). WestlawNext also contains online Help.

Information in this guide is current through August 2013.

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## Signing On to WestlawNext

Complete these steps to access WestlawNext:

- 1 Go to [www.Next.Westlaw.com](http://www.Next.Westlaw.com).
- 2 Type your username and password in the **OnePass Username** and **OnePass Password** boxes.
  - Select the **Remember my username** check box if you want your username automatically entered each time you sign on to WestlawNext.
  - Select the **Remember my password** check box if you want your password automatically entered each time you sign on to WestlawNext.
- 3 Click **Sign On**. The Welcome page is displayed (see page 2).

The screenshot shows the WestlawNext login interface. At the top left, the WestlawNext logo is displayed. Below it, there are two input fields: 'Username' and 'Password'. Below the password field are two checkboxes: 'Remember my username' and 'Remember my password'. A blue 'SIGN ON' button is located at the bottom left. To the right of the login fields, there are four links: 'Forgot my username or password', 'Activate my Registration Key', 'Update my OnePass account', and 'Check to see if I have a OnePass Account'. Below these links is the text 'Need Help?' followed by the phone number '1-800-WESTLAW (1-800-937-8529)'. At the bottom of the page, there is customer support information and the Thomson Reuters logo.

Customer Support: 1-800-WESTLAW (1-800-937-8529)  
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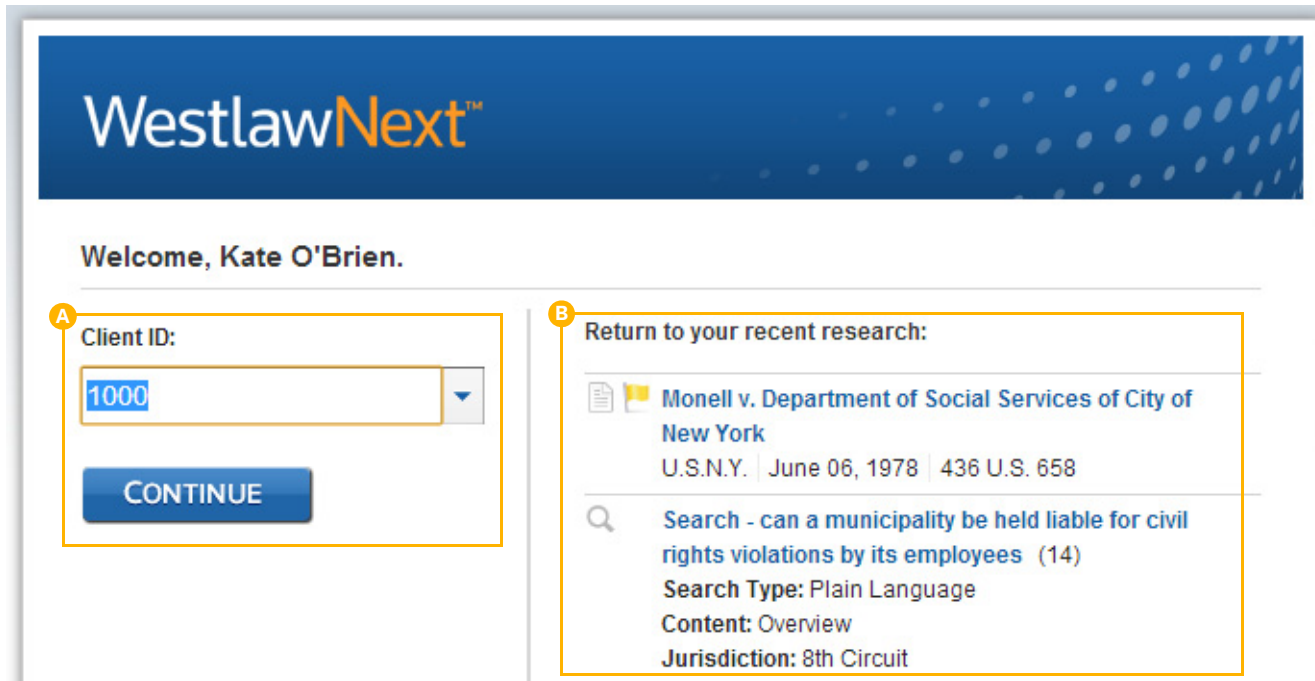
THOMSON REUTERS

## Select Client ID

After you sign on, create or assign a Client ID for your research session.

- A Type a client identifier in the **Client ID** text box or click a client identifier in the list, then click **Continue**.
- B Click a link under Return to Your Recent Research to return to a previous session.

The WestlawNext home page is displayed (see page 3).



The screenshot displays the WestlawNext interface. At the top, the WestlawNext logo is visible. Below the logo, a welcome message reads "Welcome, Kate O'Brien." The main content area is divided into two sections. The left section, labeled 'A', contains a "Client ID:" label, a text input field with "1000" entered, and a blue "CONTINUE" button. The right section, labeled 'B', is titled "Return to your recent research:" and lists a recent search result for "Monell v. Department of Social Services of City of New York" with details on citation, date, and search parameters.

**WestlawNext™**

Welcome, Kate O'Brien.

**A** Client ID:  
1000  
CONTINUE

**B** Return to your recent research:

Monell v. Department of Social Services of City of New York  
U.S.N.Y. | June 06, 1978 | 436 U.S. 658

Search - can a municipality be held liable for civil rights violations by its employees (14)  
Search Type: Plain Language  
Content: Overview  
Jurisdiction: 8th Circuit

## WestlawNext Home Page Overview

Whenever you start a WestlawNext research session, you start your research from the WestlawNext home page. At the home page, you can retrieve a document by citation or a case by party name or search for documents using the search box at the top of the page. (For more information, see "Perform All Research Tasks from the Global Search Box" on page 4). You can also browse content using the links in the Browse section. (For more information, see "Browsing Content: Cases" on page 9 and "Browsing Content: Statutes" on page 10.)

### A Search Box

Type your issue in simple descriptive words or Terms and Connectors. Or type a citation. WestSearch recognizes your search format.

### B Jurisdiction Selector

Choose up to 3 jurisdictions before running a search.

### C Client ID

Allows you to track the time you spend on research projects.

### D Folders

Access recently used folders from a list or click the link to view and organize all of your folders.

### E History

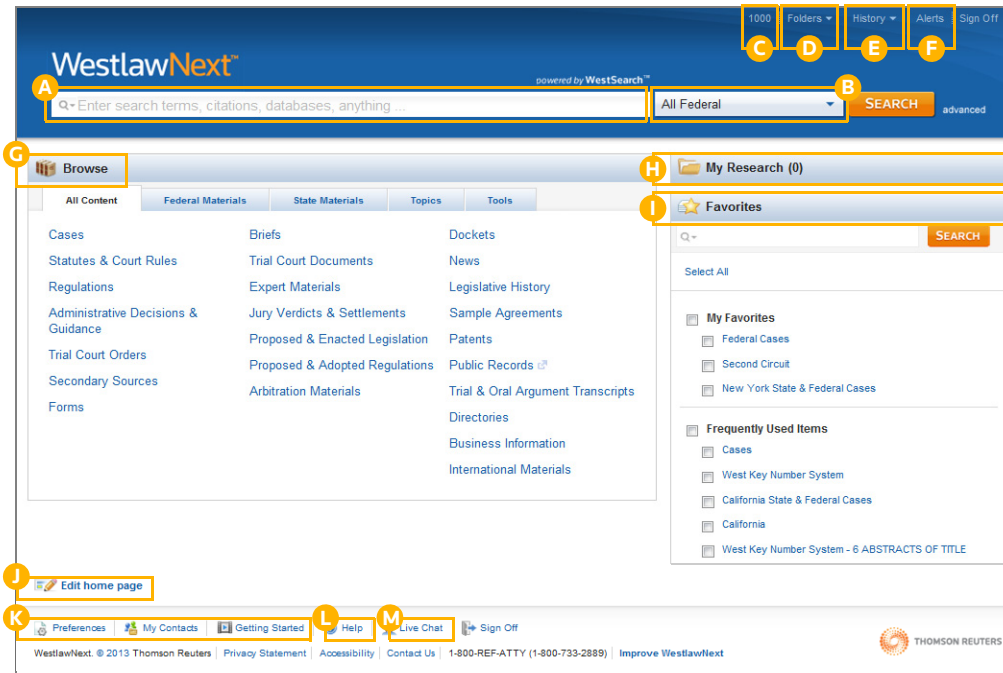
Access recent documents and searches from the list or click the link to access your research history for up to a year.

### F Alerts

Stay up-to-date on news, legal developments, and the status of your cases.

### G Browse

Navigate to content from thousands of databases before searching.



### H Project Folder

Add documents and snippets of text to your project folder from almost any page.

### I Favorites

Add content pages to your Favorites for easy access from the home page.

### J Edit Home Page

Choose to show or hide select home page features.

### K Preferences, My Contacts, Getting Started

- Set preferences for searching, delivery, citations, and more.
- Create groups with My Contacts.
- Watch the Getting Started video.

### L Help

Access video tutorials and documentation in the Help Center.

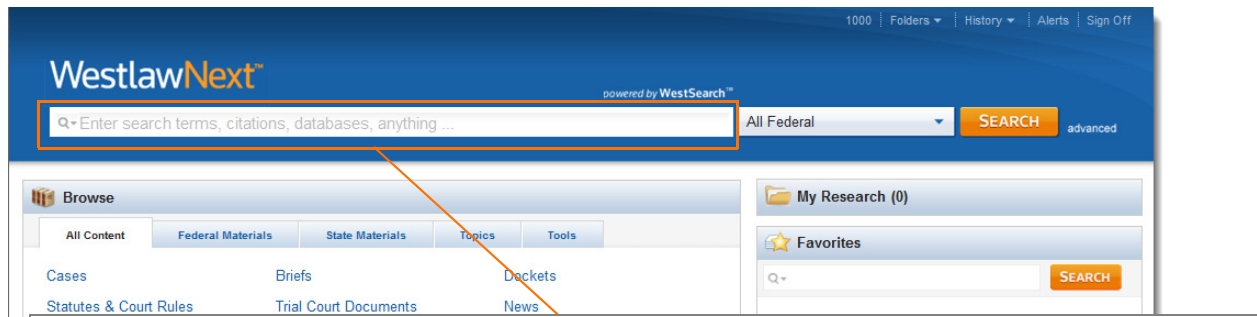
### M Live Chat

Get live research help.

## Perform All Research Tasks from the Global Search Box

Use the search box at the top of every page to run different types of searches from a single location. For example, to retrieve documents by citation, type the citation, e.g., **127 sct 2162**, in the search box and click **Search**. To retrieve multiple documents by citation, type the citations, separated by semicolons, in the search box and click **Search**.

To retrieve a case by party name, type one or more parties' names, e.g., **citizens united v. federal election commission**, in the search box, change the jurisdiction if necessary, and click **Search**.



WestSearch Search Types	Examples
Find by Citation	562fs263
Find Multiple Citations	562fs263; 97 sct 569; 42 u.s.c.1983
Find by Party Name	citizens united v. federal election commission
KeyCite <sup>1</sup>	keycite 93 sct 1817 or kc: 93 sct 1817
Publication or Database	mn-st (Looking for this? will suggest Minnesota Statutes and Court Rules)
Boolean Terms and Connectors <sup>2</sup>	dedicate /s "private road" "public road"
Descriptive Terms	can a municipality be held liable for civil rights violations by its employees

<sup>1</sup> For more information, see "Checking Citations in KeyCite" on page 17.

<sup>2</sup> For more information, see "Searching Using Boolean Terms and Connectors" on page 7.

### TIP

You can run all these types of searches in the search box.



## Researching a Legal Issue

When you run a search, you search all of the core legal content on WestlawNext by default. Core content comprises cases, statutes and court rules; regulations; administrative decisions and guidance; trial court orders; secondary sources; forms; briefs; trial court documents; expert materials; jury verdicts and settlements; proposed and enacted legislation; proposed and adopted regulations; and arbitration materials. You can search by simply typing descriptive terms that describe your legal issue or by using Boolean Terms and Connectors. (For further information, see "Searching Using Boolean Terms and Connectors" on page 7.)

## Searching Using WestSearch, the WestlawNext Search Engine

WestSearch, a search engine designed for law, helps you deliver the best results quickly. Simply type the legal issue you are researching into the search box at the top of the page.

### A WestSearch

A search engine designed for law, WestSearch incorporates 125 years of proprietary analysis of the law, and tools like key numbers, KeyCite, headnotes, notes of decisions, and exclusive secondary sources, to deliver relevant documents that use phrasing differently from your query.

### B Sorting the Result List

By default, results are ranked by relevance and include on-point documents even if they do not reference the specific terms used in your search.

You can also sort your result list by

- date
- most cited
- most used

The screenshot shows the WestlawNext search interface. At the top, there is a search bar with the query "can a municipality be held liable for civil rights" and a "SEARCH" button. Below the search bar, the results are displayed under the heading "Cases (139)". The results are sorted by "Relevance". The first result is "1. Monell v. Department of Social Services of City of New York" and the second is "2. City of Canton, Ohio v. Harris". A "TIP" callout box points to a magnifying glass icon in the search bar, with text: "Click the magnifying glass icon in the search box to access up to 20 of your most recent searches." The search results list includes "1. Monell v. Department of Social Services of City of New York" and "2. City of Canton, Ohio v. Harris".


## West Key Number System

The West Key Number System is the most comprehensive and widely-used indexing system for case law materials. The West Key Number System is a proprietary component of the WestSearch legal search engine, which sets WestlawNext apart. Our attorney-editors create headnotes, which are classified to topics and key numbers from the West Key Number System. If you have a relevant topic or key number, or you know what legal terms and concepts courts have used when discussing your issue, you can conduct a comprehensive search in the West Key Number System for published opinions discussing points of law touching on your issue.

### Access the West Key Number System

- 1 In the Browse section, click the Tools tab.
- 2 At the Tools page, click West Key Number System.

### West Key Number System Page

- 3 Browse for relevant topics and key numbers.
- 4 Use the search box on the right to search headings.
- 5 Click a topic to view its details. Then click a topic heading to view results relevant to your selected jurisdiction.
- 6 Click the Information icon  to see a description of included subjects.

#### TIP

Document headnotes also provide easy access to key number-specific results, relevant to the document's jurisdiction.



The screenshot shows the WestlawNext interface. The top navigation bar includes 'Browse' and 'Tools' tabs. The 'Tools' tab is selected, and the 'West Key Number System' link is highlighted. The main content area displays a list of topics and key numbers. A pop-up window titled '6' shows details for 'ABSTRACTS OF TITLE', including 'SUBJECTS INCLUDED' and 'SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS'.

Key Number	Topic	Key Number	Topic	Key Number	Topic
1	ABANDONED AND LOST PROPERTY	135H	DOUBLE JEOPARDY	285	PARENT AND CHILD
2	ABATEMENT AND REVIVAL	136	DOWER AND CURTESY	286	PARLIAMENTARY LAW
4	ABORTION AND BIRTH CONTROL	141	EASEMENTS	287	PARTIES
5	ABSENTEES	142	EJECTMENT	288	PARTITION
6	ABSTRACTS OF TITLE	143	ELECTION OF REMEDIES	289	PARTNERSHIP
7	ACCESSION				
8	ACCORD AND SATISFACTION				
9	ACCOUNT				

**6**

**SUBJECTS INCLUDED**

- ✓ Brief statements of the history of the title to real property, and summaries of the conveyances or other instruments, and facts affecting the title to such property or subjecting it to incumbrances, liens or other liabilities, which are usually prepared to show the titles of vendors, mortgagors, etc.
- ✓ Nature, requisites and incidents of such abstracts
- ✓ Liabilities of those preparing or furnishing abstracts

**SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS**

- ✗ Insurance of titles, see INSURANCE
- ✗ Rights and liabilities, in respect of such abstracts of parties to—

Close

## Searching Using Boolean Terms and Connectors

WestlawNext allows you to search using Boolean Terms and Connectors. When you search using Boolean Terms and Connectors, you enter a query consisting of key terms from your issue and connectors specifying the relationship between those terms. For example, you can require that your terms appear in the same sentence or the same paragraph.

### Automatic Detection

Whenever you type a query that contains a field restriction, proximity connector, or expander (+, %, !), WestlawNext automatically processes your search as a Boolean Terms and Connectors query.

### Some Connectors and Expanders

(For a complete list, see page 8.)

/s in same sentence

/p in same paragraph

/n within *n* terms of

### Examples:

- hazard! /s waste /s dispos!
- burden +s proof prov!
- past /p consideration
- wrongful! /5 terminat!

The screenshot shows the WestlawNext interface. At the top, the search bar contains the query: `adv: dedicate /s "private road" "public road"`. The jurisdiction is set to Missouri. The search results are displayed as a list of cases, with the first three cases highlighted in yellow. The first case is **Bateman v. Platte County**, Supreme Court of Missouri, En Banc, April 03, 2012, 363 S.W.3d 39. The second case is **Stonebrook Estates, LLC v. Greene County**, Missouri Court of Appeals, Southern District, Division Two, December 10, 2008, 275 S.W.3d 353. The third case is **Tinnes v. Brand**, Missouri Court of Appeals, Southern District, Division One, February 19, 2008, 248 S.W.3d 113. The search results also include a sidebar with navigation options and a list of related documents.

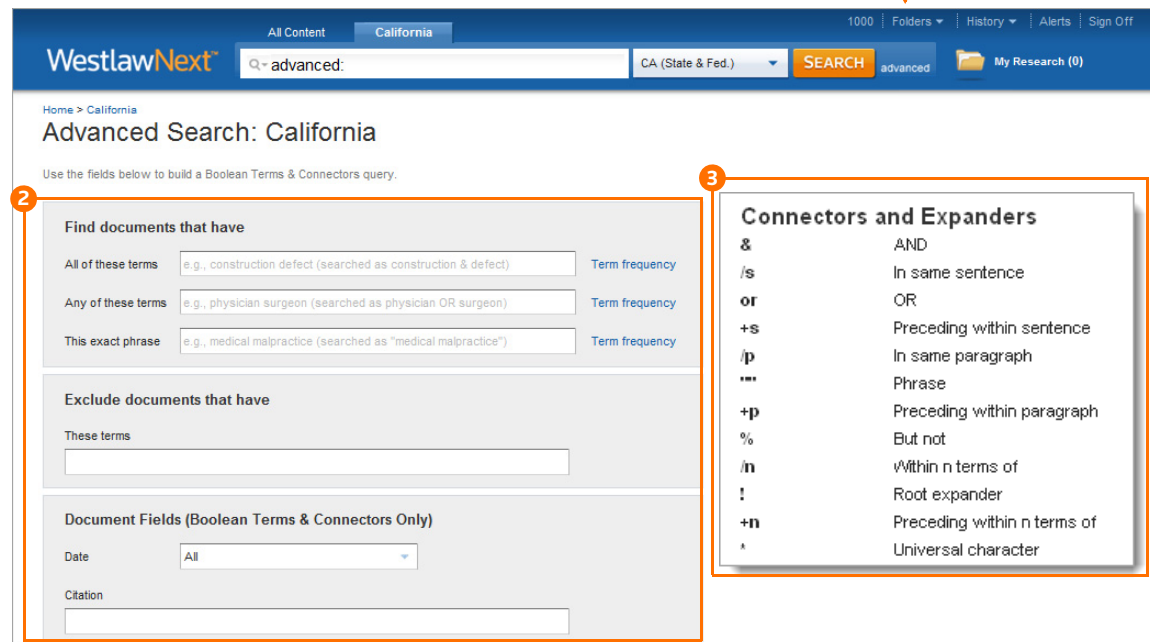
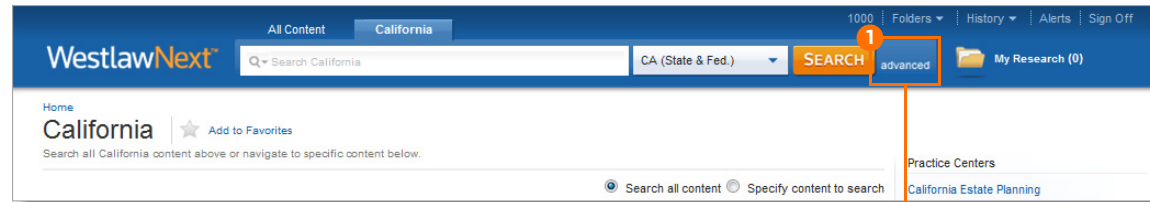
### TIP

- For the best results, use the jurisdiction selector or browse to the content you want to search before entering your query.
- When used without other connectors or fields, quotation marks, ampersands (&), and spaces (OR) are considered part of a descriptive terms search. Use Advanced Search if you want to search only for a specific phrase or use the AND or OR connectors without other connectors, expanders, or document fields. (For more information, see "Advanced Search" on page 8.)

## Advanced Search

Advanced search templates help you quickly build precise queries, making it easy to search for specific content within a jurisdiction or specific information within document fields.

- 1 Accessing Advanced Search**  
Click **advanced** next to the Search button to display the Advanced Search page.
- 2 Content-Specific Fields**  
The fields available in a template are specific to the content or document type you are viewing when you click **advanced**.
- 3 Boolean Connectors and Expanders**  
Use to create your Terms and Connectors query.



TIP

WestlawNext™

Return to the home page by clicking the WestlawNext logo at the top of any page.

## Browsing Content: Cases

There are several ways you can retrieve cases in WestlawNext. Start from the Browse section, click the **All Content** tab, then click **Cases** to display the Cases page.

When you click a link for a specific court, such as **U.S. Supreme Court**, a list of the 10 most recent cases from that court is displayed. A corresponding tabbed search box is displayed at the top of the page. You can search all cases from the court by typing a search in the search box and clicking **Search**.

### 1 Browse by:

- Content Type
- Federal Materials
- State Materials

### 2 Navigate Further

Browse until you reach the content you would like to search.

### 3 Search Box

Type your search terms at the top of the page.

The image consists of three overlapping screenshots of the WestlawNext website interface, illustrating the steps to reach a specific court's cases page. The top screenshot shows the 'Browse' section with the 'All Content' tab selected and the 'Cases' link highlighted. The middle screenshot shows the 'Cases' page with the 'U.S. Supreme Court' link highlighted. The bottom screenshot shows the 'U.S. Supreme Court Cases' page with the search box highlighted. Red circles and arrows indicate the sequence of steps: 1. Click 'All Content' in the Browse section. 2. Click 'Cases' in the left sidebar. 3. Click 'U.S. Supreme Court' in the 'Federal Cases by Court' section. The search box in the bottom screenshot contains the text 'Search U.S. Supreme Court Cases'.

### TIP

Click the **star** icon (★) next to content to add the pages to your Favorites for quick access from the home page.

## Browsing Content: Statutes

WestlawNext provides several ways to retrieve statutes. Starting from the Browse section:

- Click the **All Content** tab, then click **Statutes and Court Rules** to display the Statutes and Court Rules page. Click **United States Code Annotated (USCA)** to display the table of contents for the *United States Code Annotated* (USCA), or click a state name to display the table of contents for that state's statutes and court rules.
- Click the **Federal Materials** tab, then click **United States Code Annotated (USCA)** to display the USCA table of contents.
- Click the **State Materials** tab to view a list of states. Click a state name, then click the link to that state's statutes under Statutes and Court Rules. The table of contents is displayed.

To browse a table of contents, click the links. To run a search, type your search in the corresponding tabbed search box at the top of the page and click **Search**. While viewing the text of a statute section, you can click the arrows next to the section symbol ( ◀ § ▶ ) on the document toolbar to view the next and previous sections. To return to the table of contents, click **Table of Contents** on the document toolbar.

- A Table of Contents**  
Click a link for statutes and court rules to display a table of contents.
- B Select Content**  
Search all content from a page or specify content to search.

The screenshot shows the WestlawNext interface. At the top, there are navigation tabs for 'All Content' and 'California'. A search bar is present with the text 'Search California' and a dropdown menu set to 'CA (State & Fed.)'. Below the search bar, there are links for 'Home', 'California', and 'Add to Favorites'. The main content area is divided into 'Cases' and 'Statutes & Court Rules'. Under 'Cases', there are links for 'All California State & Federal Cases', 'All California State Cases', 'California Supreme Court', and 'California Courts of Appeal'. Under 'Statutes & Court Rules', there are links for 'California Statutes & Court Rules', 'California Code of Civil Procedure', and 'California Rules of Court'. A yellow box highlights the 'California Statutes & Court Rules' link, with an arrow pointing to a larger, detailed view of the table of contents. This detailed view shows a list of content items with checkboxes, including 'Constitution of the State of California 1879', 'Constitution of 1849 the State of California with Amendments (Superseded by Constitution of 1879)', 'Organic Acts', 'Business and Professions Code', 'Civil Code', 'Code of Civil Procedure', 'California Rules of Court', 'California Supreme Court', and 'California Courts of Appeal'. A search bar is also present in this detailed view, with radio buttons for 'Search all content' and 'Specify content to search'.



# Search Result

## Overview Page

After running a descriptive terms or Boolean Terms and Connectors search, the search result Overview page is displayed, which lists the documents most relevant to your legal issue organized by content types.

- A Choose a Content Type**  
Click a content category in the left column to display the result page for that content.
- B Relevant Results by Content Type**  
The top results from each content type are included in the Overview.
- C Setting the Default Landing Page**  
You can set the default landing page for all of your searches. Click **Set Default** and click a content type in the list.

The screenshot shows the WestlawNext interface. At the top, the search query is "can a municipality be held liable for" in the 8th Circuit. The page title is "Overview (14)". On the left, a "VIEW:" section lists content types with their respective counts:




Content Type	Count
Overview	14
Cases	140
Statutes	47
Regulations	50
Administrative Decisions & Guidance	10,000
Trial Court Orders	20
Secondary Sources	345
Forms	5
Briefs	152
Trial Court Documents	139
Expert Materials	1,592
Jury Verdicts & Settlements	869
Proposed & Enacted Legislation	628
Proposed & Adopted Regulations	1,359
Arbitration Materials	0
All Results	15,346

The main content area shows a list of results under the "Cases" tab. The first result is "Monell v. Department of Social Services of City of New York" (Supreme Court of the United States, June 06, 1978, 436 U.S. 658). The snippet reads: "Female employees of the Department of Social Services and the Board of Education challenged the policies of those bodies in... A municipality cannot be held liable for violation of civil rights solely because employees can be held liable under the Civil Rights Act of 1871 on a respondeat superior theory. In particular, we conclude that a municipality cannot be held liable solely because a municipality cannot be held liable under § 1983 on a respondeat superior theory." The second result is "City of Canton, Ohio v. Harris" (Supreme Court of the United States, February 28, 1989, 489 U.S. 378). The snippet reads: "Detainee brought civil rights action against city, alleging violation of her right to receive adequate training. The Court found that the language of § 1983, and rejection of the 'Sherman Amendment'..."

On the right side, there is a "Set Default" dropdown menu with the following options: Overview (selected), Cases, Statutes, Regulations, Administrative Decisions & Guidance, Trial Court Orders, Secondary Sources, Forms, Briefs, Trial Court Documents, Expert Materials, Jury Verdicts & Settlements, Proposed & Enacted Legislation, Proposed & Adopted Regulations, and Arbitration Awards.

## Content Type: Cases

From the Overview page, if you click **Cases** you will see that WestlawNext provides tools to help you further refine your search.

- A Return to Home Page**  
Return to the home page by clicking the **WestlawNext** logo.
- B Search Box**  
Type a new search at the top of any page.
- C Project Folder**  
Save or access your documents at any time.
- D Content List**  
Navigate to other content types.
- E Sort By**  
Relevance, Date (reverse chronological), Most Cited, Most Used
- F View Detail**  
Choose the level of detail you want to display for each result.
- G Save Documents to a Folder**  
Keep documents for later use.
- H Deliver**  
Email, print, or download the document. You can also send it to an Amazon Kindle.
- I Related Documents**
  - Secondary Sources
  - Briefs
  - Pleadings, Motions, and Memoranda
- J KeyCite Flag**  
Alerts you to when a point of law in a document has been negatively discussed (🟡) or is no longer good law (🔴).
- K Document Title**  
Quickly scan the document title, court, date, and citation.
- L Research Icons**  
Indicate previous document activity:
  -  Note Added
  -  Previously Viewed in the last 30 days
  -  Saved to Folder
- M Editorial Summary**  
Case specific summaries provided by our attorney-editors.
- N Search Terms in Context**  
Your search terms are highlighted in yellow.
- O Snippets**  
Clicking a document snippet in a result list takes you directly to that section in the document.
- P Narrow with Filters**
  - Date
  - Reported/Unreported
  - Jurisdiction
  - and more.....
- Q Search within Results**  
Enter Boolean Terms and Connectors to search within your result list. See page 8 for a list of connectors and expanders.



**WestlawNext** powered by WestSearch™

CLIENT | Folders | History | Alerts | Sign Off

Q- can a municipality be held liable for civil rights violations by its 8th Circuit SEARCH advanced My Research (0)

**Cases (140)**

VIEW: 1-20 Sort by: Relevance

Select all items No items selected

**1. Monell v. Department of Social Services of City of New York**  
 Supreme Court of the United States | June 06, 1978 | 436 U.S. 658

Female **employees** of the Department of Social Services and the Board of Education of the City of New York brought an action challenging the policies of those bodies in...

...A **municipality** cannot be **held liable** for **violation** of **civil rights** solely because **employee** is a tort-feasor; a **municipality** cannot be **held liable** under the **Civil Rights** Act of 1871 on a respondeat superior theory. 42 U.S.C.A. § 1983....

... In particular, we conclude that a **municipality** cannot be **held liable** solely because it employs a tortfeasor-or, in other words, a **municipality** cannot be **held liable** under § 1983 on a respondeat superior theory....

**2. City of Canton, Ohio v. Harris**  
 Supreme Court of the United States | February 28, 1989 | 489 U.S. 378

Detainee brought **civil rights** action against city, alleging **violation** of her **right** to receive necessary medical attention while in police custody. The United States District Court for the...

...Under certain circumstances, **municipality** can be **held liable** in **civil rights** action under § 1983 for constitutional **violations** resulting from its failure to train **municipal employees**. 42 U.S.C.A. § 1983....

... The Court found that the language of § 1983, and rejection of the "Sherman Amendment" by the 42d Congress, were both strong indicators that the framers of the **Civil Rights** Act of 1871 did not intend that **municipal** governments be **held** vicariously **liable** for the constitutional torts of their **employees**....

**3. Board of County Com'rs of Bryan County, Okl. v. Brown**  
 Supreme Court of the United States | April 28, 1997 | 520 U.S. 397

**CIVIL RIGHTS - Municipalities.** Isolated failure of sheriff to adequately screen deputy did not show deliberate indifference to **rights** of arrestee on whom deputy used excessive force.

... Claims such as the present, which do not involve an allegation that the **municipal** action itself **violated** federal law or directed or authorized the deprivation of federal **rights**, require application of rigorous culpability and causation standards in order to ensure that the **municipality** is not **held liable** solely for its **employees'** actions....

**RELATED DOCUMENTS**

**Secondary Sources**

**CONFLICT IN COLOMBIA: HOW CAN REBEL FORCES, PARAMILITARY GROUPS, DRUG TRAFFICKERS, AND GOVERNMENT FORCES BE HELD LIABLE FOR HUMAN RIGHTS VIOLATIONS IN A COUNTRY WHERE IMPUNITY REIGNS SUPREME?**

25 Nova L. Rev. 525  
 Winter, 2001  
 Nova Law Review

...The report explains, for example, how summary execution qualifies as both a human **rights violation** and a **violation** of international humanitarian law, in that "summary execution of a peasant farmer for alleged cooperation with the guerrilla, which constitutes a **violation** of the **right** to life under human **rights** law, will also involve a **violation** of the protections provided to civilians under international humanitarian law, since the death was related to the armed conflict."...

**Liability of supervisory officials and governmental entities for having failed to adequately train, supervise, or control individual peace officers who violate plaintiff's civil rights under 42 U.S.C.A. § 1983**

**VIEW:**

- Overview 14
- Cases 140**
- Statutes 47
- Regulations 50
- Administrative Decisions & Guidance 10,000
- Trial Court Orders 20
- Secondary Sources 345
- Forms 5
- Briefs 152
- Trial Court Documents 139
- Expert Materials 1,592
- Jury Verdicts & Settlements 869
- Proposed & Enacted Legislation 628
- Proposed & Adopted Regulations 1,359
- Arbitration Materials 0
- All Results 15,346

**NARROW:**

Select Multiple Filters

Search within results

Jurisdiction

- Federal 140

# Document Page

## Overview

Once you view a case or any other document, you will find many features to help you with your research.

- A Document Title**  
Quickly scan the title, court, date, and citations.
- B Tabs Powered by KeyCite**  
Access additional content related to the document.  
**Cases**
  - Filings
  - Negative Treatment
  - History
  - Citing References  
**Statutes**
  - Notes of Decision
  - History
  - Citing References
  - Context and Analysis
- C Return to List**  
Click this button to get back to your search result.
- D Previous and Next**  
Move through documents in your search result.
- E Browse by Search Term**  
View the portions of each document that contain your search terms.
- F Go to**  
Jump to specific sections of the document.
  - West Headnotes
  - Attorneys and Law Firms
  - Opinion
  - Parallel Citations
  - Page #
- G Create KeyCite Alert Entry**  
Create a KeyCite Alert entry for this document.
- H Search Document Text**  
Search text in this document.
- I Display Options**  
Adjust the document font styles, sizes, and margins.
- J Add Document Note**  
Add a note to the top of the document or hide notes you added previously.
- K Save to Folder**  
Save the document to a folder.
- L Deliver**  
Email, print, or download the document. You can also send it to an Amazon Kindle.
- M Full Screen Mode**  
Expands the document view for easier reading.

WestlawNext powered by WestSearch™ CLIENT | Folders | History | Alerts | Sign Off

Q can a municipality be held liable for civil rights violations by its 8th Circuit SEARCH advanced My Research (0)

**A** Monell v. Department of Social Services of City of New York  
 Supreme Court of the United States | June 6, 1978 | 436 U.S. 658 | 98 S.Ct. 2018 (Approx. 44 pages)

Document **B** Filings (11) Negative Treatment (127) History (4) Citing References (80,437) Powered by KeyCite

**C** Return to list **D** 1 of 140 results **E** Search term

**F** Go to **G** **H** **I** **J** **K** **L** **M**

**D** Not Followed on State Law Grounds Robinson v. Solano County, 9th Cir.(Cal.), July 12, 2000

Original Image of 98 S.Ct. 2018 (PDF)

98 S.Ct. 2018  
 Supreme Court of the United States

Jane MONELL et al., Petitioners,  
 v.  
 DEPARTMENT OF SOCIAL SERVICES OF the CITY OF NEW YORK et al.

No. 75-1914. | Argued Nov. 2, 1977. | Decided June 6, 1978.

Female **employees** of the Department of Social Services and the Board of Education of the City of New York brought an action challenging the policies of those bodies in requiring pregnant **employees** to take unpaid leaves of absence before those leaves were required for medical reasons. The United States District Court for the Southern District of New York, 394 F.Supp. 853, found the practice unconstitutional but denied claims for back pay. The Court of Appeals, 532 F.2d 259, affirmed and certiorari was granted. The Supreme Court, Mr. Justice Brennan, held that: (1) local government units were "persons" for purposes of § 1983, the **Civil Rights** Act of 1871; (2) local governments could not be **held liable** under a theory of respondeat superior but rather could be **held liable** only when the constitutional deprivation arises from a governmental custom; (3) the Tenth Amendment did not impose any impediment to liability; (4) the Eleventh Amendment did not preclude imposition of liability except with respect to local government units which are part of the state for Eleventh Amendment purposes; (5) local government officials sued in their official capacity are "persons" under § 1983 in those cases in which local government is suable in its own name, and (6) the deprivation complained of in the instant case arose out of official policy.

Reversed.

Mr. Justice Powell filed a concurring opinion.

**RELATED TOPICS**

- Civil Rights
  - Federal Remedies
    - Official Policy or Custom of the Municipal Entity
- Federal Remedies
  - Official Capacity Under Civil Rights Action




**NOTE** Some features of document pages are content specific.

## Workflow Tools

The workflow tools found on all document pages are designed to make continuing your research easier. If you do not have the time to complete your research in one session, the workflow tools will help you pick up right where you left off. Research icons indicate whether you have already seen or saved this document. Related topics suggest additional areas to investigate. Plus you can highlight text and add notes to the document.

### A Research Icons

Indicate previous document activity:

-  Previously Viewed in the last 30 days
-  Saved to Folder
-  Note Added

### B Related Topics

Continue your research by exploring topics related to the document you are viewing.

### C Selected Text Menu

When you select text in a document, WestlawNext provides the following features:

- **Save to**  
Allows you to save selected text to your project folder as a snippet. Clicking the snippet within the folder will return you to that place in the document.
- **Add a Note**  
Allows you to add a note anywhere in the document.
- **Highlight**  
Allows you to highlight text for later reference.
- **Copy with Reference**  
Allows you to insert the correct citation and page number when you paste the copied text into another document.



The screenshot displays the WestlawNext interface for a document titled "Monell v. Department of Social Services of City of New York". The document is from the Supreme Court of the United States, dated June 6, 1978, with citation 436 U.S. 658 and 98 S.Ct. 2018. The interface includes a search bar, navigation tabs (Document, Filings (11), Negative Treatment (127), History (4), Citing References (80,437)), and a "Go to" dropdown. A "Selected Text Menu" is open over a highlighted snippet, offering options: "Save to My Research", "Add a Note", "Highlight", and "Copy with Reference (Standard)". A "RELATED TOPICS" sidebar on the right lists "Civil Rights" and "Federal Remedies" with sub-topics like "Official Policy or Custom of the Municipal Entity" and "Official Capacity Under Civil Rights Action".

### TIP



When you use the Copy with Reference feature, you can choose from several citation formats, including Standard and ALWD.

## Checking Citations in KeyCite



Use KeyCite, our accurate, up-to-the-minute citation service, to verify whether a case, statute, administrative decision, or regulation is good law and to retrieve citing references that support your legal argument.

### A KeyCite Status Flags

#### Checking Cases in KeyCite

-  A red flag warns that the case is no longer good law for at least one of the points of law it contains.
-  A yellow flag warns that the case has some negative history but has not been reversed or overruled.

#### Checking Statutes in KeyCite

-  A red flag indicates that the statute has been amended by a recent session law, repealed, superseded, or held unconstitutional or preempted in whole or in part.
-  A yellow flag indicates that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available; that the statute was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute received negative treatment from a court.

### B Negative Treatment

When applicable, a description and a link for the most negative treatment is available at the top of the document.



The screenshot shows the WestlawNext interface for the case *McDonnell Douglas Corp. v. Green*. The document title is highlighted with a yellow box labeled 'A'. Below the title, a yellow box labeled 'B' highlights the KeyCite status: "Superseded by Statute as Stated in *Dare v. Wal-Mart Stores, Inc.*, D.Minn., June 13, 2003". The document content shows the case citation "93 S.Ct. 1817" and the parties "McDONNELL DOUGLAS CORPORATION, Petitioner, v. Percy GREEN." The interface includes a search bar, navigation tabs, and a "RELATED TOPICS" sidebar.

### TIP

#### Accessing KeyCite

Type one of the following with a citation in the search box:

- keycite
- keycite:
- kc
- kc:

Example:



The screenshot shows a search box with the text "keycite 93 sct 1817" entered. The dropdown menu is set to "NY (State & Fed.)" and the "SEARCH" button is visible.



## Viewing Citing References to a Case

KeyCite provides a list of cases, administrative materials, secondary sources, briefs, and other court documents that cite your case and ensures you are citing good law.

**A Access Citing References**  
To view documents that cite your case, click the Citing References tab.

**B Sort**  
To change the order in which the citing references are displayed, click an option in the Sort By list on the toolbar.

**C Filter**  
To narrow the list of citing references, you can

- type terms in the **Search within results** box in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under **Narrow** in the left column, such as **Jurisdiction** or **Headnote Topics**.

**D KeyCite Depth of Treatment Bars**  
KeyCite depth of treatment bars indicate the extent to which a citing case, administrative decision, or brief discusses the cited case.

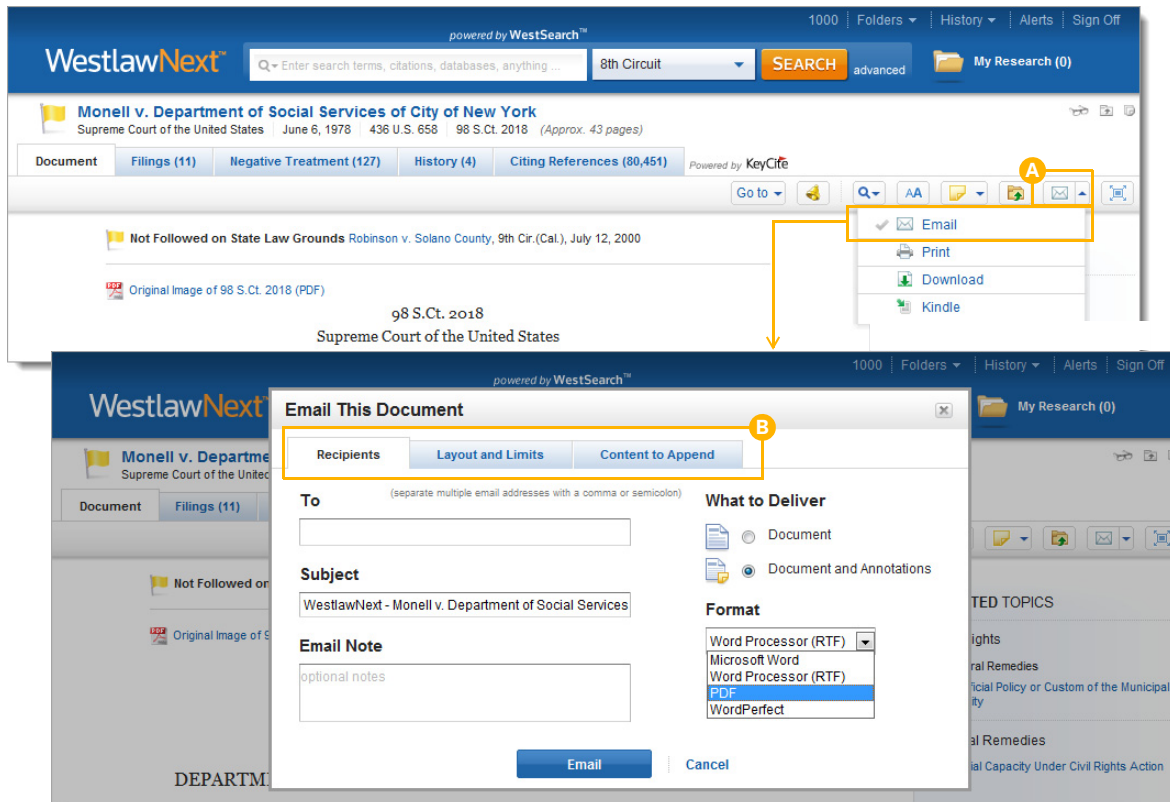
The screenshot shows the WestlawNext interface for the case *Monell v. Department of Social Services of City of New York*. The 'Citing References' tab is selected, showing 80,445 results. The results are sorted by 'Depth: Highest First'. The table lists three items:

Treatment	Title	Date	Type	Depth	Headnote(s)
Disagreement Recognized by <b>NEGATIVE</b>	<b>1. Brown v. City and County of San Francisco</b> 2011 WL 5025138, *1+, N.D.Cal. Pursuant to 42 U.S.C. § 1983 and California state law, Plaintiffs Earl Brown, Sr. and Helen Brown—individually and as the personal representatives of the estate of their son,...	Oct. 20, 2011	Case	██████	—
Disagreement Recognized by <b>NEGATIVE</b>	<b>2. Choate v. County of Orange</b> 103 Cal.Rptr.2d 339, 343+, Cal App. 4 Dist. CIVIL RIGHTS - Attorney Fees. Deputies were not entitled to attorney fees in civil rights case brought by street fight instigators.	Dec. 18, 2000	Case	██████	4 5 6 S.Ct.
Declined to	<b>3. Watson v. Methacton School Dist.</b>	May 14, 2007	Case	██████	4 6

- ██████ **Examined** The citing case, administrative decision, or brief contains an extended discussion of the cited case, usually more than a printed page of text.
- ██████ **Discussed** The citing case, administrative decision, or brief contains a substantial discussion of the cited case, usually more than a paragraph but less than a printed page.
- ██████ **Cited** The citing case, administrative decision, or brief contains some discussion of the cited case, usually less than a paragraph.
- ██████ **Mentioned** The citing case, administrative decision, or brief contains a brief reference to the cited case, usually in a string citation.

## Document Delivery

If you decide that you need a copy of a document, WestlawNext offers multiple options for document delivery. Documents, snippets, and result lists can be emailed, printed, or downloaded from nearly every page in WestlawNext. Documents can also be sent directly to your Amazon Kindle, exported to Case Notebook, or saved to a project folder. (For more information, see “Project Folder” on page 20.)



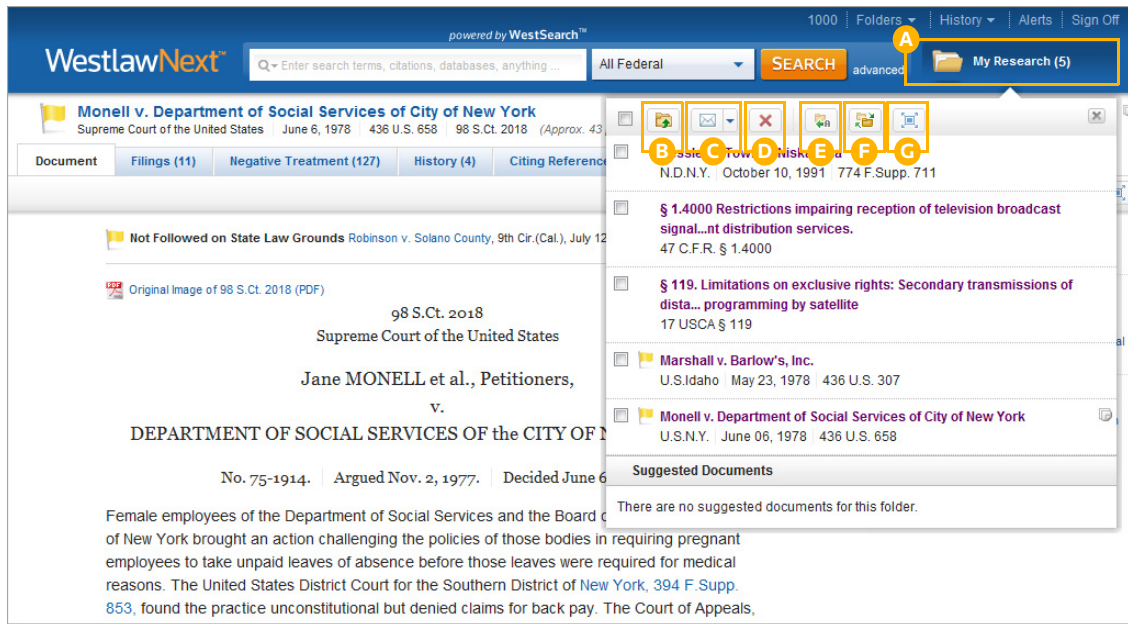
**A Delivery Icon**  
The last delivery method you used is displayed. The default method is email.

**B Delivery Options**  
Deliver full text documents, with or without notes and highlighting, or lists from a result page. Click a tab to modify the format of your delivered document. Options vary based on the documents you want to deliver and the delivery method you select.

**TIP**  
To set a default delivery format and other delivery options, click **Preferences** at the bottom of any page, then click the **Delivery** tab. (For further information, see “Preferences” on page 24.)

## Project Folder

Saving your documents to a project folder helps you organize your research and makes it easy to return to prior research.



- A Project Folder**  
You can access your project folder from any page.
- B Copy, Move**  
Move or copy documents and snippets from your project folder to other folders.
- C Deliver**  
Email, print, download, or send documents and snippets to your Amazon Kindle directly from the project folder.
- D Delete**  
Delete documents and snippets from your project folder.
- E Rename**  
Change the name of your project folder at any time.
- F Change Folder**  
Quickly change your project folder to another folder.
- G Expand**  
View the full contents of your project folder within the Folders page.

### TIP

When starting your research, create a new project folder. Place documents and snippets in the folder as you go. When finished, select the items you want, then email, print, or download them all at once. You can also export the entire folder to your computer.



## Folder Overview

Documents that you add to your folders are saved on WestlawNext for as long as you choose. Click **Folders** at the top of any page to display the Folders page.

- A My Folders**  
Create, manage, and navigate your folders.
- B New**  
You can create as many folders as you need.
- C Options**  
Copy, move, rename, delete, export, send to Amazon Kindle, and share your folders.
- D Share Folder**  
Share entire folders with others at your organization.
- E Copy or Move**  
Copy or move contents of the folder.
- F Deliver**  
Email, print, download, or send to Kindle.

The screenshot shows the WestlawNext interface. At the top, there is a search bar and navigation tabs for 'Folders' and 'History'. Below the search bar, there is a message: 'Hourly charges are suspended while on this page.' The main content area is titled 'My Research' and shows a table of documents. The table has columns for 'Title', 'Content', and 'Date Added'. The documents listed are:

Title	Content	Date Added
Kessler v. Town of Niskayuna N.D.N.Y. October 10, 1991 774 F.Supp. 711	Cases	05/03/2013
Marshall v. Barlow's, Inc. U.S.Idaho May 23, 1978 436 U.S. 307	Cases	05/03/2013
Monell v. Department of Social Services of City of New York U.S.N.Y. June 06, 1978 436 U.S. 658	Cases	05/03/2013
§ 1.4000 Restrictions impairing reception of television broadcast signal...nt distribution services. 47 C.F.R. § 1.4000	Regulations	05/03/2013
§ 119. Limitations on exclusive rights:	Statutes	05/03/2013

On the left side of the interface, there is a 'MY FOLDERS' section with a 'New' button and an 'Options' dropdown. Below that is a 'NARROW:' section with a 'Search within results' input field and a 'Select Multiple Filters' button. At the bottom left, there is a 'Type' section with checkboxes for 'Document' (5), 'Cases' (3), 'Statutes' (1), and 'Regulations' (1). At the bottom right, there is a 'Deliver' section with icons for 'Print', 'Email', 'Download', and 'Send to Kindle'.

- G Delete**  
Deleting items moves them to the Trash. Items are not completely deleted until you empty the Trash.
- H Narrow**  
Sort and filter your folders to find what you are looking for quickly and easily.
- I Search within Results**  
Search for documents and snippets within your folders.
- J Add a Description**  
Point to a document in your folder, then click the pencil icon to add a description to the document.
- K Current KeyCite Information**  
Documents that you save to folders are automatically updated by WestlawNext and, therefore, always reflect current law.

### TIP

You can access a document or snippet of text in a folder at no charge for an entire year after the first time it is viewed in the folder.

## History

Return to previous research quickly and easily with History. Your research history on WestlawNext is automatically saved for one year, including all document views and searches.

### A Recent Documents and Recent Searches

Access your most recently viewed documents and your most recent searches by pointing to **History**.

### B Complete History

Click **History** at the top of any page to view your complete history from the past 12 months.

### C Search within Results

Search within your history or use filters to find specific documents.

### D Current KeyCite Information

Documents in History are automatically updated by WestlawNext and, therefore, always reflect current law.

The screenshot shows the WestlawNext interface with the History panel open. Callout A points to the 'History' dropdown menu in the top right. Callout B points to the 'History' link in the top left of the History panel. Callout C points to the 'Search within results' search box and the 'Select Multiple Filters' button. Callout D points to the 'Event' column in the History table, which shows 'Document View' for several entries.

Event	Document View	Date	Client ID
Document View	reception of television broadcast signal...nt distribution services. 47 C.F.R. § 1.4000	05/03/2013 8:06 AM	1000
Document View	§ 119. Limitations on exclusive rights: Secondary transmissions of dista... programming by satellite 17 USCA § 119	05/03/2013 8:05 AM	1000
Document View	Marshall v. Barlow's, Inc. U.S.Idaho May 23, 1978 436 U.S. 307		

### TIP

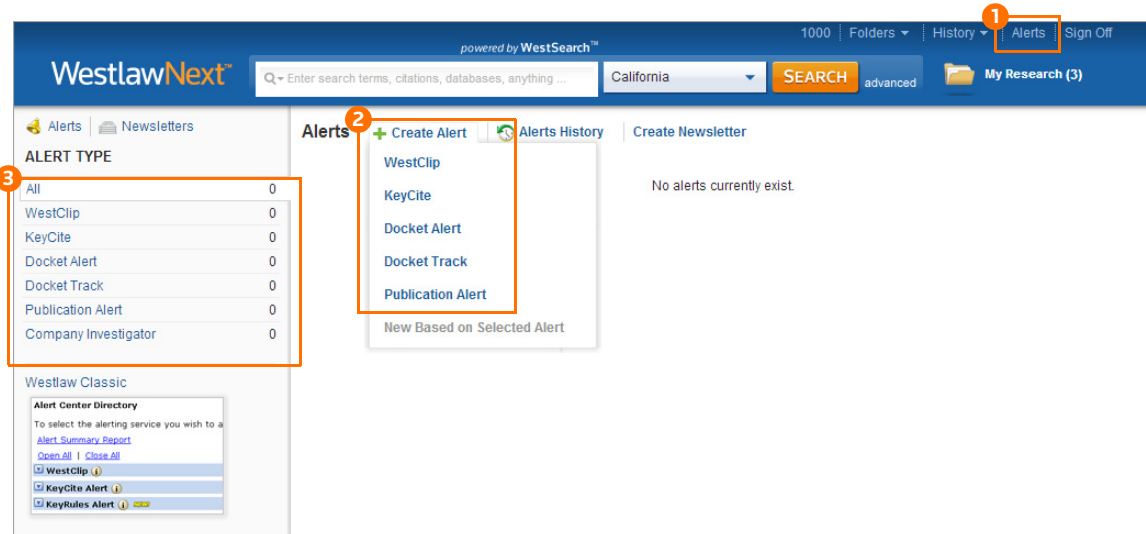
Clicking **History** is the quickest way to pick up where you left off during your previous WestlawNext session.

# Alerts

Alerts help you keep current on recent developments. For example,

- a KeyCite alert automatically monitors the status of cases, statutes, and administrative materials and sends you updates when their KeyCite information changes.
- WestClip runs your searches on a regular basis so you can stay up-to-date on news and legal developments.

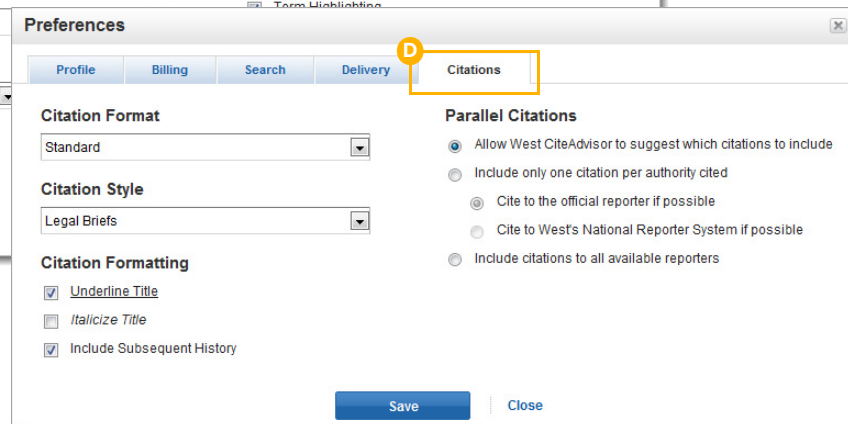
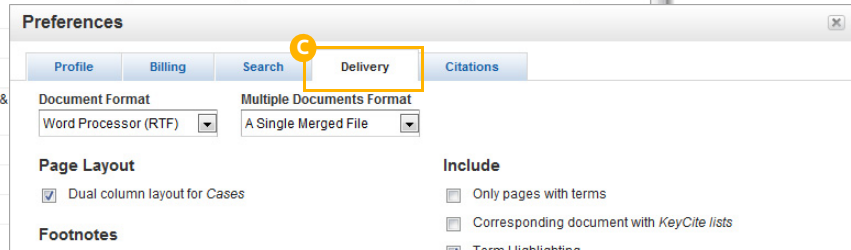
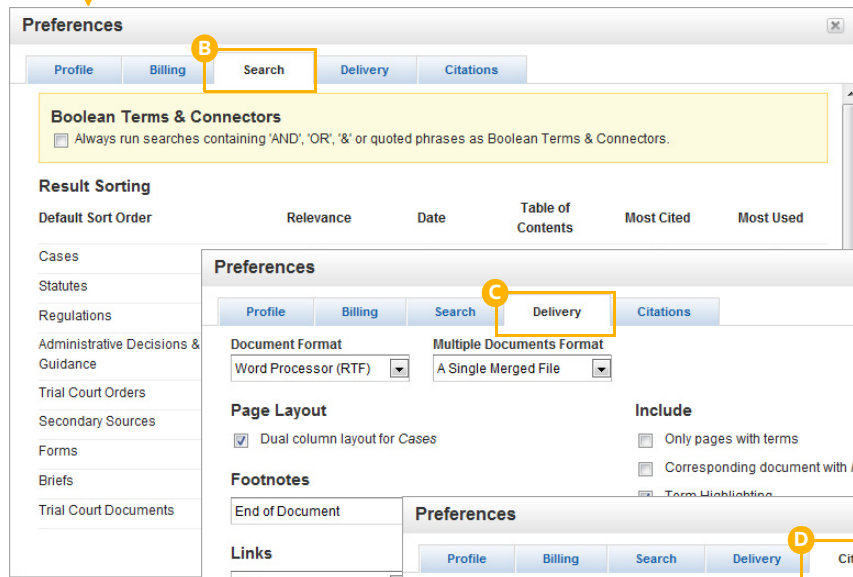
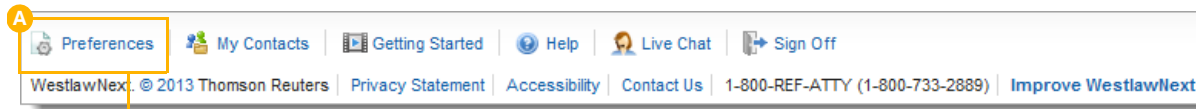
- 1 Accessing the Alerts Page**  
Click **Alerts** at the top of any page to display the Alerts page.
- 2 Creating an Alert**  
Click **Create Alert**, then click the type of alert you want to create on the menu.
- 3 Viewing Your Alerts**  
Click an alert type to view your alerts.



**TIP** For assistance creating alerts, you can contact the reference attorneys at 1-800-850-9378 or West.WestlawNextResearch@ThomsonReuters.com.

# Preferences

You can customize many aspects of your WestlawNext research session using the Preferences page.



## A Accessing Preferences

To access the Preference page, click **Preferences** at the bottom of any page.

## B Search Preferences

Set the default sort order of your search result by content type.

## C Delivery Preferences

Set the default document format, file type, layout, and included content for the documents you email, print, download, or send to Amazon Kindle.

## D Citations Preferences

- Set the default citation format and style for use in the Copy with Reference feature. Choose from 14 available citation formats.
- Choose how you would like to include parallel citations.

# Help and Technical Support

If you have questions about using WestlawNext, or experience any technical issues, please contact us for help.

The screenshot shows the WestlawNext Help Center interface. At the top, a navigation bar contains links for Preferences, My Contacts, Getting Started, Help (highlighted with callout A), Live Chat, and Sign Off. Below this is a footer with copyright information and links for Privacy Statement, Accessibility, Contact Us, and a phone number. The main content area is titled 'WestlawNext Help Center' and includes a status message: 'All charges are suspended while in the Help Center.' The primary section is 'Get to Know WestlawNext', which features a 'GETTING STARTED' card with a 'DOWNLOAD PDF' button (16 MB, PDF format) and a 'WestlawNext Getting Started' document icon. Below this are two columns of content: 'Documentation' (callout E) with a thumbnail of a search guide and a description of help guides; and 'Video Tutorials' (callout F) with a video player thumbnail and a description of step-by-step video guides. To the right of these columns are three callout boxes: 'Research Help (Reference Attorneys)' (callout B) with contact information for 1-800-REF-ATTY; 'Technical Support' (callout C) with contact information for 1-800-WESTLAW; and 'Customer Service' (callout D) with contact information for 1-800-328-4880.

**A Accessing Help**  
Click **Help** at the bottom of any WestlawNext page to display the Help Center page.

**B Reference Attorneys**  
You can call a reference attorney at 1-800-REF-ATTY (1-800-733-2889) or email [West.WestlawNextResearch@ThomsonReuters.com](mailto:West.WestlawNextResearch@ThomsonReuters.com).

**C Technical Support**  
Call 1-800-937-8529 or email [West.WestlawNextCustServ@ThomsonReuters.com](mailto:West.WestlawNextCustServ@ThomsonReuters.com).

**D Customer Service**  
Call 1-800-320-4000 or email [West.WestlawNextCustServ@ThomsonReuters.com](mailto:West.WestlawNextCustServ@ThomsonReuters.com).

**E Documentation**  
View and print user guides.

**F Video Tutorials**  
Watch short video demos and tutorials.

## Use a Current Browser to Optimize Your Research Experience

To get the fastest, most reliable performance with WestlawNext, make sure your computer meets the system requirements and that you are using an updated browser.

### System Requirements

#### All Users

- Adobe Acrobat Reader 9.0 and Adobe Flash 10.0 or later installed
- 1024 x 768 screen resolution (or higher) recommended
- JavaScript and cookies enabled

#### Windows Users

- Microsoft Windows XP, Vista, or Windows 7 running:
  - Internet Explorer 8 or later recommended (Internet Explorer 7 supported with limited functionality)
  - Firefox current version or Extended Support Release version
  - Google Chrome current version

#### Mac Users

- OS 10.5 or later running:
  - Safari 5.0 or later
  - Firefox current version or Extended Support Release version
  - Google Chrome current version

**Note** WestlawNext may not be compatible with all browsers. To benefit from all features and functionality, please use one of the browsers listed above.

## Using the WestlawNext iPad App

WestlawNext is available as an iPad app and is free for existing WestlawNext users. The app allows you to perform a wide range of tasks, including finding, viewing, and emailing documents, and organizing your research into folders. You can also use the offline capability of the app to view and save documents. The app is automatically synchronized with the WestlawNext website and WestlawNext Mobile, so research started on one device can easily be accessed and continued on another. Simply download the WestlawNext app from the Apple iTunes store.









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