



WestlawNext[®]

Getting Started Guide

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Signing On to WestlawNext

Complete these steps to access WestlawNext:

- 1 Go to 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 is a blue header with the 'WestlawNext' logo. Below the header, on the left, is a login form. A yellow box labeled '2' encompasses the 'Username' and 'Password' input fields, along with the 'Remember my username' and 'Remember my password' checkboxes. Below this box, a blue button labeled 'SIGN ON' is highlighted with a yellow box labeled '3'. To the right of the login form, 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 a footer with customer support information, copyright notice, and links to 'Privacy Statement' and 'Accessibility'. The Thomson Reuters logo is also present in the bottom right corner.

WestlawNext™

2 Username

Password

☐ Remember my username

☐ Remember my password

3 SIGN ON

Forgot my username or password

Activate my Registration Key

Update my OnePass account

Check to see if I have a OnePass Account

Need Help?

1-800-WESTLAW (1-800-937-8529)

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

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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 shows the WestlawNext home page. At the top is a blue banner with the "WestlawNext™" logo. Below the banner, the text "Welcome, Kate O'Brien." is displayed. The page is divided into two main sections. The left section, labeled with a yellow circle 'A', is titled "Client ID:" and contains a text box with "1000" and a dropdown arrow, and a blue "CONTINUE" button below it. The right section, labeled with a yellow circle 'B', is titled "Return to your recent research:" and contains a list of recent research items. The first item is "Monell v. Department of Social Services of City of New York" with details "U.S.N.Y. | June 06, 1978 | 436 U.S. 658". The second item is a search result "Search - can a municipality be held liable for civil rights violations by its employees (14)" with details "Search Type: Plain Language", "Content: Overview", and "Jurisdiction: 8th Circuit".

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

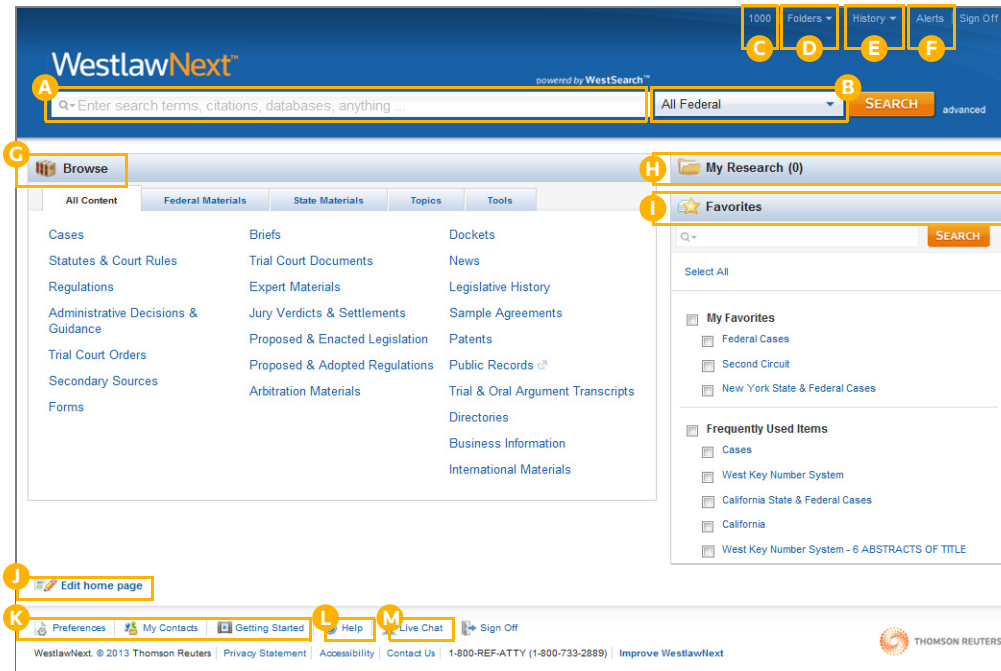
Access recent documents and searches from the list or click the link to access your research history for up to a year.

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.

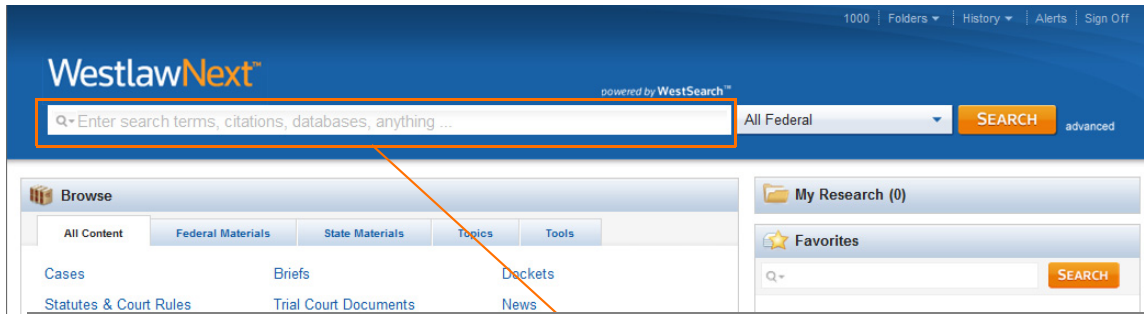
M Live Chat

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 ¹	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 ²	dedicate /s "private road" "public road"
Descriptive Terms	can a municipality be held liable for civil rights violations by its employees

¹ For more information, see "Checking Citations in KeyCite" on page 17.

² 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 displays the WestlawNext search results page. At the top, a search bar contains the query "can a municipality be held liable for civil rights". To the right of the search bar are filters for "8th Circuit" and a "SEARCH" button. Below the search bar, the results are sorted by "Relevance". The first result is "1. Monell v. Department of Social Services of City of New York", which is a Supreme Court case from June 06, 1978, 436 U.S. 658. The second result is "2. City of Canton, Ohio v. Harris", a Supreme Court case from February 28, 1989, 489 U.S. 378. On the left side, there is a "VIEW:" section with a list of document types and their counts: Overview (14), Cases (139), Statutes (47), Regulations (50), Administrative Decisions & Guidance (10,000), Trial Court Orders (25), Secondary Sources (340), Forms (5), Briefs (152), Trial Court Documents (138), Expert Materials (1,592), Jury Verdicts & Settlements (869), Proposed & Enacted Legislation (627), Proposed & Adopted Regulations (1,359), Arbitration Materials (0), and All Results (15,343). Below this is a "NARROW:" section with a "Select Multiple Filters" button. On the right side, there is a "RELATED DOCUMENTS" section with a "Secondary Sources" subsection. A "TIP" box in the bottom right corner states: "Click the magnifying glass icon in the search box to access up to 20 of your most recent searches." The search bar in the tip box shows the query "can a municipality be held liable" and a list of recent searches: "can a municipality be held liable for civil rights violations by its employees", "Brown v Board", "562fs263; 97 sct 569; 42 u.s.c.1983", "dedicate /s "private road" "public road"

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 top screenshot shows the WestlawNext interface with the 'Tools' tab selected in the 'Browse' section. The 'West Key Number System' link is highlighted. The bottom screenshot shows the 'West Key Number System' page with a list of topics and key numbers. A 'Title Search' box is visible on the right, and a 'SUBJECTS INCLUDED' pop-up window is shown at the bottom.

West Key Number System

Search all content | Specify content to search

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
ABSENTEES	142 EJECTMENT	288 PARTITION
5 ABSTRACTS OF TITLE ⓘ	143 ELECTION OF REMEDIES	289 PARTNERSHIP
7 ACCESSION	144 ELECTIONS	290 PARTIALS
8 ACCORD AND SATISFACTION		
9 ACCOUNT		

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 search 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 under the heading "Cases (29)". The first result is "1. Bateman v. Platte County", a Supreme Court of Missouri case from April 03, 2012. The second result is "2. Stonebrook Estates, LLC v. Greene County", a Missouri Court of Appeals case from December 10, 2008. The third result is "3. Tinnes v. Brand", a Missouri Court of Appeals case from February 19, 2008. The interface also includes a sidebar with navigation options like Overview, Cases, Statutes, Regulations, and a "RELATED DOCUMENTS" section on the right.

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

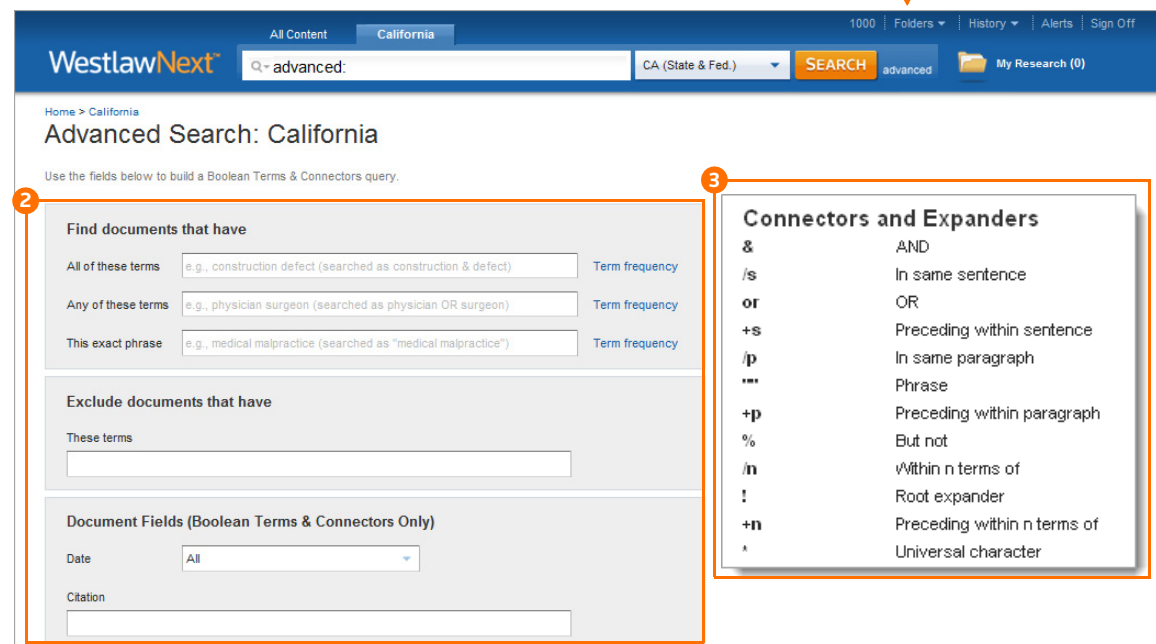
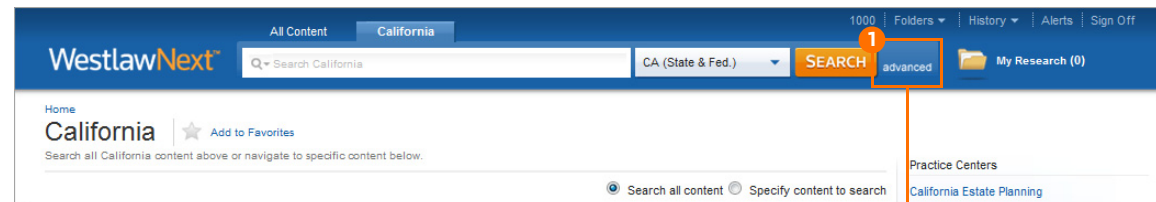
Click **advanced** next to the Search button to display the Advanced Search page.

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:

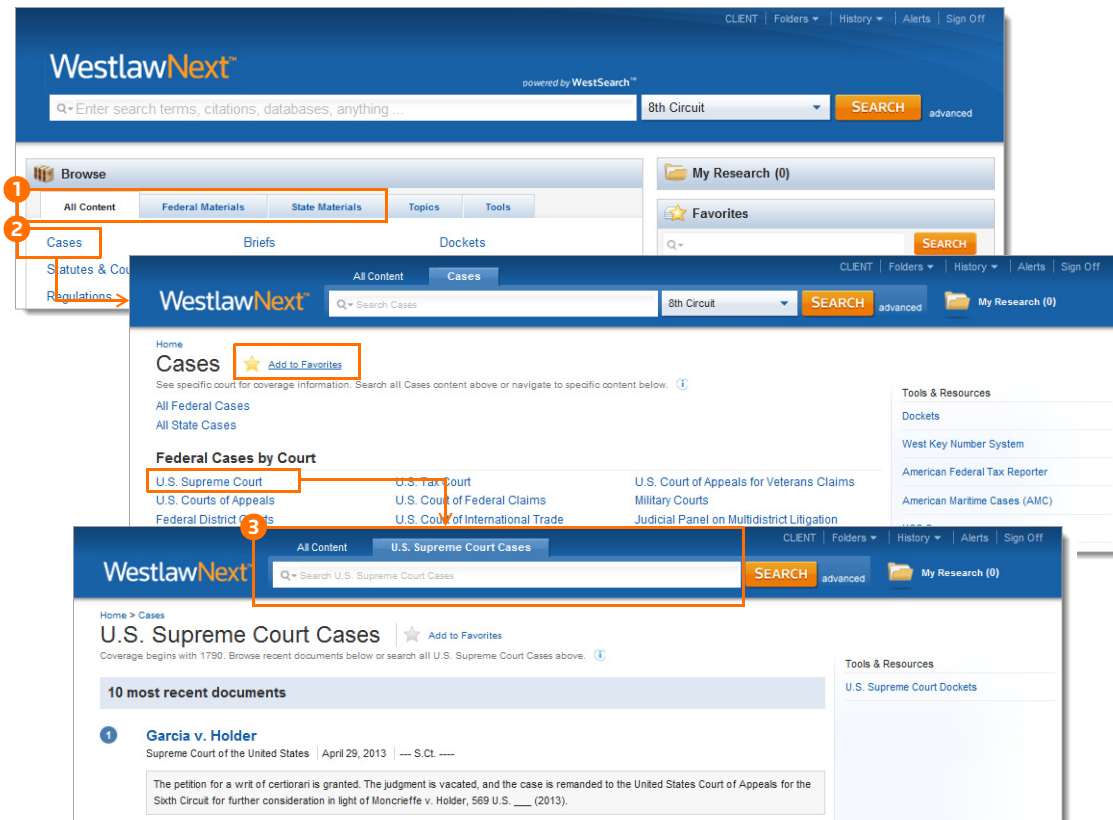
- Content Type
- Federal Materials
- State Materials

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.



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 displays the WestlawNext interface for California. The top navigation bar includes 'All Content' and 'California' tabs. The main content area is titled 'California' and features a search bar. A sidebar on the right lists 'Practice Centers' such as 'California Estate Planning', 'California Family Law', and 'California Real Property'. The main content area is divided into 'Cases' and 'Statutes & Court Rules' sections. The 'Statutes & Court Rules' section is highlighted with a yellow box and labeled 'A'. Below it, a list of statutes is shown, 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, labeled 'B', with options to 'Search all content' or '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.

WestlawNext powered by WestSearch™

CLIENT | Folders | History | Alerts | Sign Off

Q: can a municipality be held liable for 8th Circuit SEARCH advanced My Research (0)

VIEW: Overview (14)

A 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

B Cases View all 140

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 challenged the policies of those bodies in...

...A **municipality** cannot be **held liable** for **violation** of **civil rights** solely because **em** be **held liable** under the **Civil Rights** Act of 1871 on a respondeat superior theory. 4

... In particular, we conclude that a **municipality** cannot be **held liable** solely becau a **municipality** cannot be **held liable** under § 1983 on a respondeat superior theory

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 rec police custody. The United States District Court for the...

...Under certain circumstances, **municipality** can be **held liable** in **civil rights** action 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 Am

C Set Default

Select the content to display first:

- ✓ Overview
- 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
- 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.

- | | |
|---|---|
| <p>A Return to Home Page
Return to the home page by clicking the WestlawNext logo.</p> <p>B Search Box
Type a new search at the top of any page.</p> <p>C Project Folder
Save or access your documents at any time.</p> <p>D Content List
Navigate to other content types.</p> <p>E Sort By
Relevance, Date (reverse chronological), Most Cited, Most Used</p> <p>F View Detail
Choose the level of detail you want to display for each result.</p> <p>G Save Documents to a Folder
Keep documents for later use.</p> <p>H Deliver
Email, print, or download the document. You can also send it to an Amazon Kindle.</p> <p>I Related Documents</p> <ul style="list-style-type: none">• Secondary Sources• Briefs• Pleadings, Motions, and Memoranda <p>J KeyCite Flag
Alerts you to when a point of law in a document has been negatively discussed (🟡) or is no longer good law (🔴), or when the case has been appealed to the U.S. Courts of Appeals or the U.S. Supreme Court (🔵) (excluding appeals originating from agencies).</p> | <p>K Document Title
Quickly scan the document title, court, date, and citation.</p> <p>L Research Icons
Indicate previous document activity:</p> <ul style="list-style-type: none"> Note Added Previously Viewed in the last 30 days Saved to Folder <p>M Editorial Summary
Case specific summaries provided by our attorney-editors.</p> <p>N Search Terms in Context
Your search terms are highlighted in yellow.</p> <p>O Snippets
Clicking a document snippet in a result list takes you directly to that section in the document.</p> <p>P Narrow with Filters</p> <ul style="list-style-type: none">• Date• Reported/Unreported• Jurisdiction• and more..... <p>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.</p> |
|---|---|

WestlawNext™

Q- can a municipality be held liable for civil rights violations by its

8th Circuit

SEARCH advanced

My Research (0)

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

Q-

Jurisdiction

Federal 140

Cases (140)

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

Search Result 13

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 **E** 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



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.



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.
-  A blue-striped flag indicates that the case has been appealed to the U.S. Courts of Appeals or the U.S. Supreme Court (excluding appeals originating from agencies).

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.



TIP

Accessing KeyCite

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

- keycite
- keycite:
- kc
- kc:

Example:

NY (State & Fed.) SEARCH

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

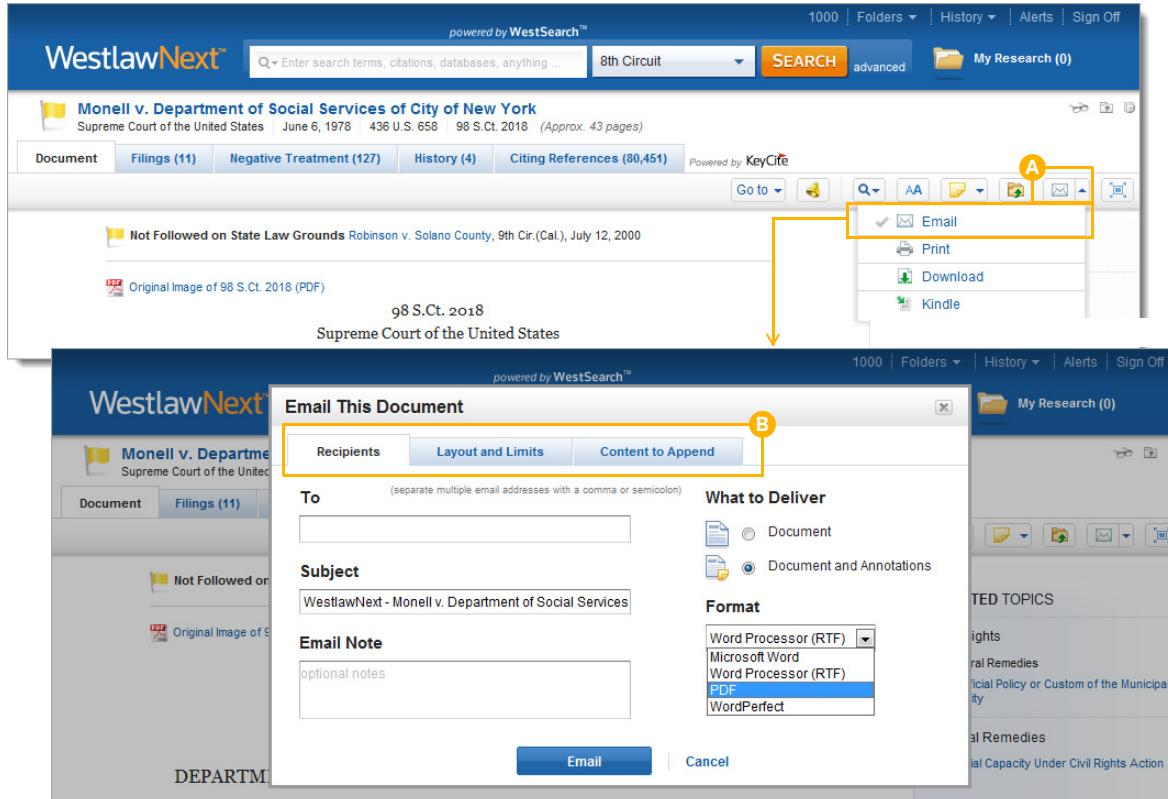
KeyCite depth of treatment bars indicate the extent to which a citing case, administrative decision, or brief discusses the cited case.

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, displaying a list of citing references. The interface includes a search bar, navigation tabs (Document, Filings, Negative Treatment, History, Citing References), and a list of citing references. The **Citing References** tab is selected, showing a list of cases with columns for Treatment, Title, Date, Type, Depth, and Headnote(s). The **Depth** column shows green bars indicating the extent of discussion. The **Narrow** section on the left allows filtering by Jurisdiction (Federal, State) and Search within results.

■■■■■	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.

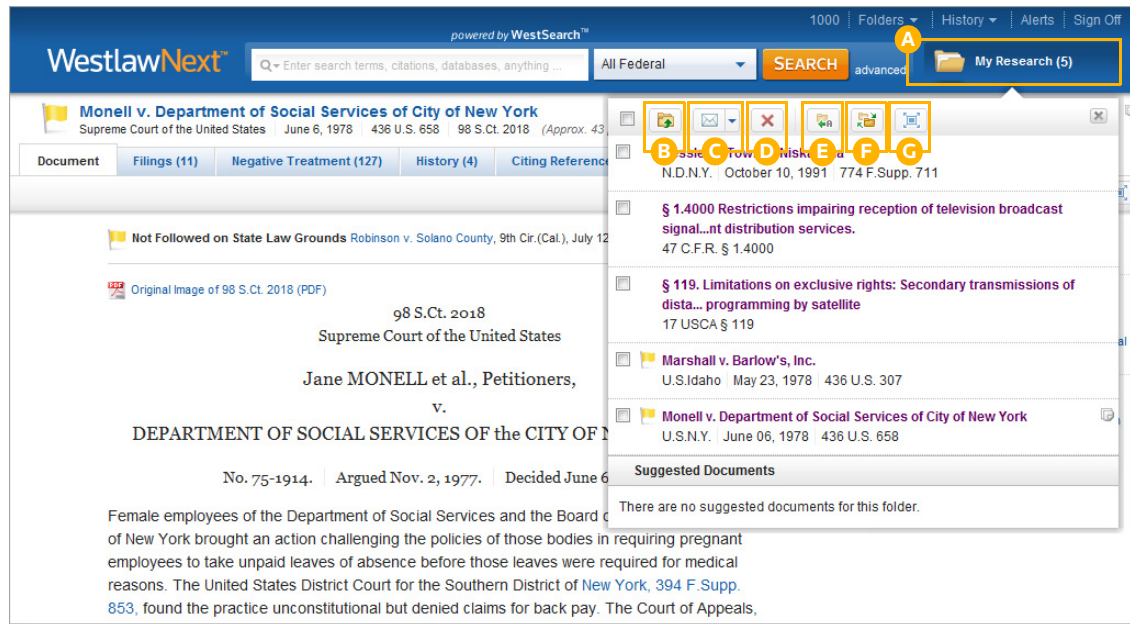
B Delivery Options
Deliver full text documents, with or without notes and highlighting, or lists from a result page. Click a tab to modify the format of your delivered document. Options vary based on the documents you want to deliver and the delivery method you select.

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.

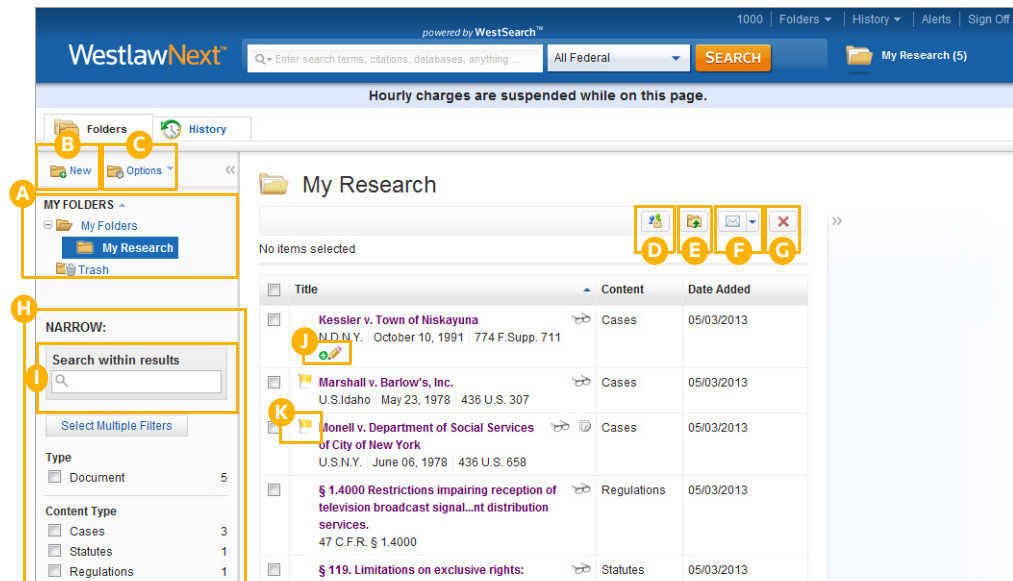
TIP

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.



- 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 page open. Callout A points to the 'History' link in the top navigation bar. Callout B points to the 'History' tab in the left sidebar. Callout C points to the 'Search within results' search box and the 'Select Multiple Filters' button. Callout D points to the 'Current KeyCite Information' section, which displays a table of recent documents and searches.

Document	Search
Monell v. Department of Social Services of City of New York U.S.N.Y. June 06, 1978 436 U.S. 658	can a municipality be held liable for civil rights violations by its employees (140) Search Type: Plain Language Content: Cases Jurisdiction: 8th Circuit
Kessler v. Town of Niskayuna N.D.N.Y. October 10, 1991 774 F.Supp. 711	adv. dedicate is "private road" "public road" (29) Search Type: Boolean T&C Content: Cases Jurisdiction: Missouri
§ 1.4000 Restrictions impairing reception of television broadcast signal...nt distribution services. 47 C.F.R. § 1.4000	advanced: Maneval (3) Search Type: Boolean T&C Content: Administrative Decisions & Guidance Jurisdiction: Minnesota
§ 119. Limitations on exclusive rights: Secondary transmissions of dista... programming by satellite 17 USCA § 119	fifth degree sexual misconduct (14) Search Type: Plain Language Content: Overview Jurisdiction: Minnesota
Marshall v. Barlow's, Inc. U.S.Idaho May 23, 1978 436 U.S. 307	Manavel, fifth degree sexual misconduct (29) Search T Content: Cases Jurisdiction: Minnesota

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

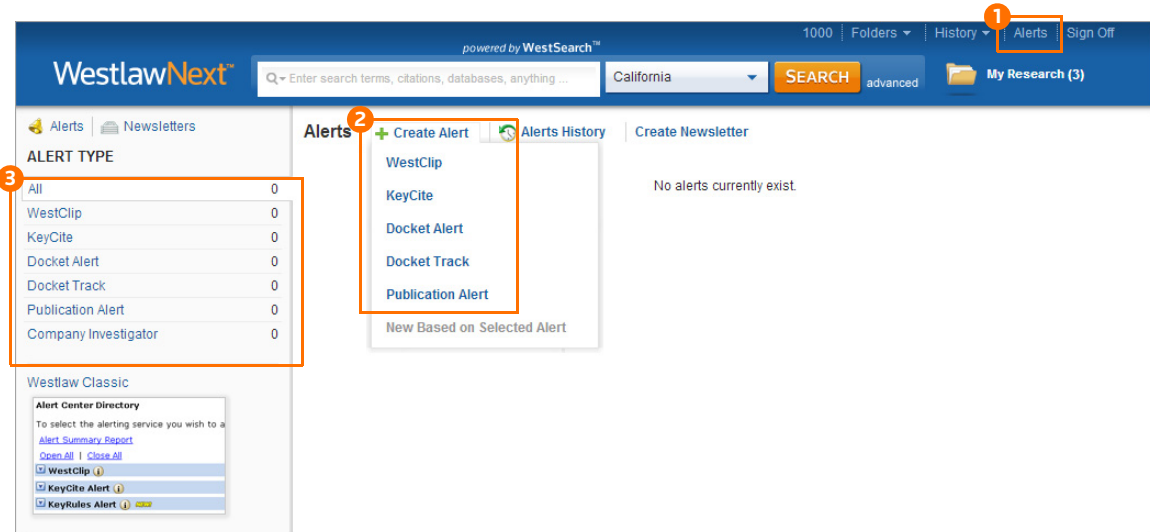
Click **Alerts** at the top of any page to display the Alerts page.

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.

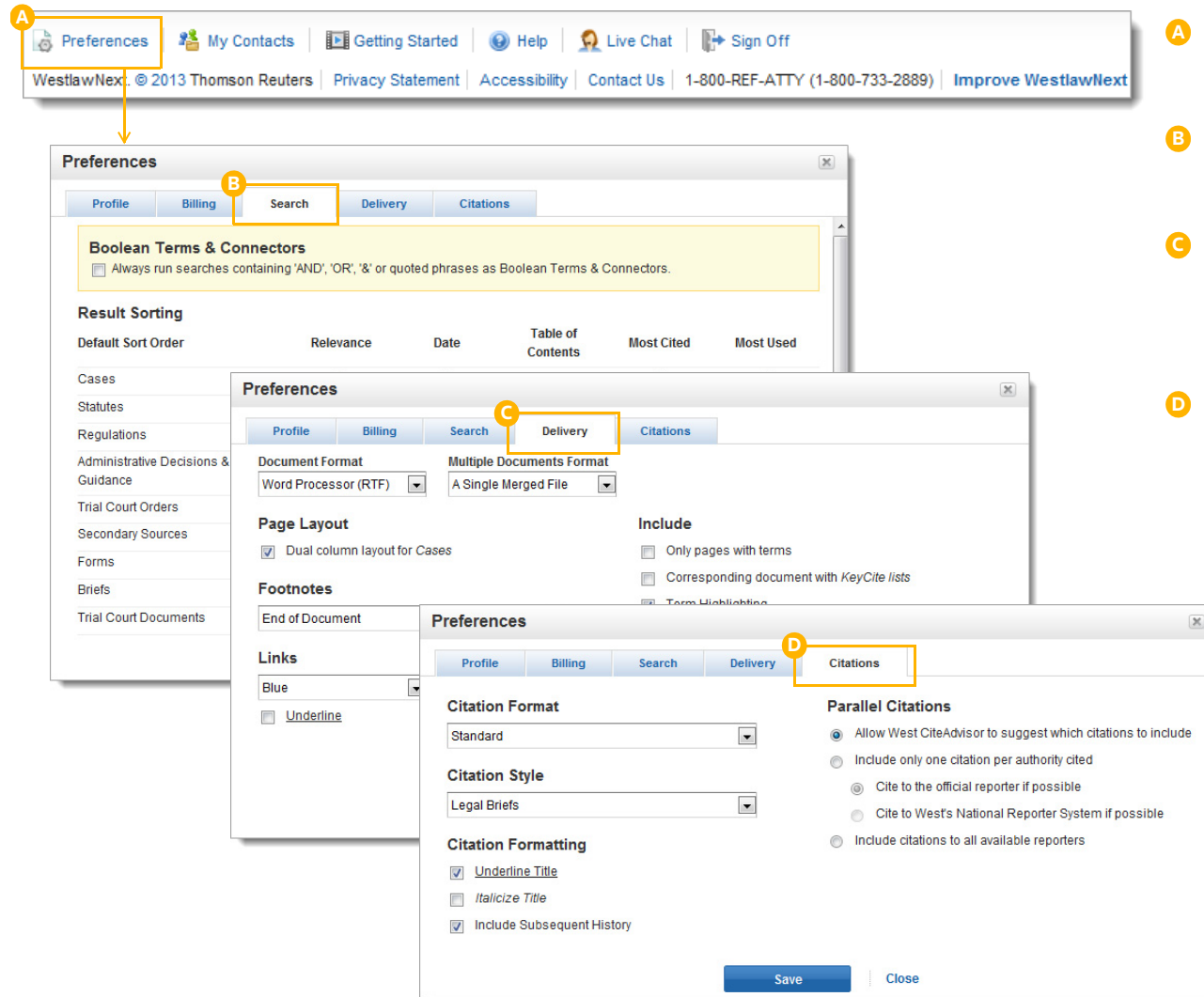


TIP

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.



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 is a navigation bar with links: Preferences, My Contacts, Getting Started, Help (highlighted with a yellow box and callout A), Live Chat, and Sign Off. Below the navigation bar is a footer with copyright information and links: Privacy Statement, Accessibility, Contact Us, 1-800-REF-ATTY (1-800-733-2889), and Improve WestlawNext. The main content area has a blue header with 'WestlawNext Help Center' and a status message: 'All charges are suspended while in the Help Center.' Below this is a section titled 'Get to Know WestlawNext' with a 'GETTING STARTED' sub-section. This section includes a 'DOWNLOAD PDF' button (16 MB, PDF format) and a 'WestlawNext' logo. To the right of this section are three callout boxes: B (Research Help), C (Technical Support), and D (Customer Service). Below the 'GETTING STARTED' section are two more callout boxes: E (Documentation) and F (Video Tutorials).

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.

C **Technical Support**
Call 1-800-937-8529 or email West.WestlawNextCustServ@ThomsonReuters.com.

D **Customer Service**
Call 1-800-320-4000 or email 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.



Published 8/2013. L-385781.

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