

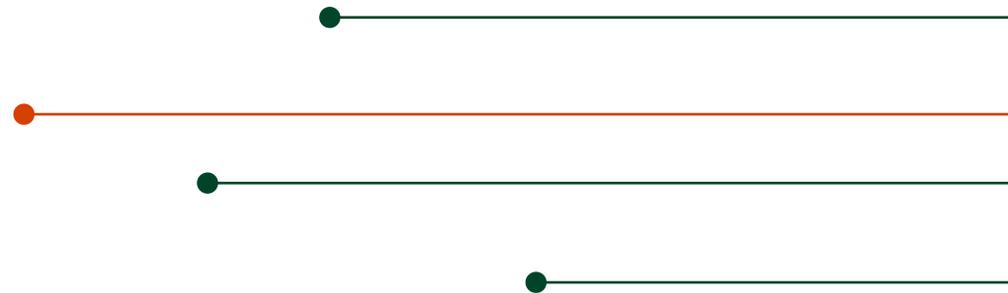
# Westlaw Precision with CoCounsel



## The fastest, most precise way to research

Feel confident your research is accurate and complete while finishing your work faster than ever before using Westlaw Precision™ with CoCounsel. Get a jumpstart on your research with generative AI, find cases faster with more precise search technology, and know you are relying on good law with expanded KeyCite® functionality.

[tr.com/westlaw-precision](https://tr.com/westlaw-precision)



# AI-Assisted Research

Jumpstart your research with faster answers to your legal questions.

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ABC-1234 History Folders My links Community Notifications CoCounsel Sign out

AI-Assisted Research How the AI works Tips for best results Jurisdiction: CA, TX (St. & Fed.) + New research

Is a recorded phone call between a person in Texas and a person in California admissible in a civil case when both parties did not consent to the recording?

AI The admissibility of a recorded phone call in a civil case, where the call took place between a person in Texas and a person in California and both parties did not consent to the recording, can be complex due to differing laws in the two states.

Texas law allows for the recording of a telephone call if one party consents to the recording, while California law requires the consent of all parties to a telephone call to legally record it [1].

However, the interpretation of these laws can be nuanced. For instance, in the case of Taylor v. State, a recorded phone call was admitted as evidence even though one party did not consent, as the other party had given prior consent [2]. But this case was a criminal proceeding, not a civil one. Similarly, in Becker v. Computer Sciences Corp., the court noted that while Texas does not provide a remedy for secretly recording telephone conversations where only one party consents, Texas does recognize a cause of action for invasion of privacy [3].

On the other hand, California law, as seen in the case of Kearney v. Salomon Smith Barney, Inc., applies the requirement of consent from all parties to record calls even when calls are between different states. The court ruled that the application of California privacy law requiring both parties' consent to the recording of a telephone conversation did not exceed constitutional limits imposed by the federal due process clause [4].

Moreover, consent to record can sometimes be implied. In the Moledina v. Marriott International, Inc. case, it was decided that if the caller continues the call after being informed that it is being recorded, that can be interpreted as consent. Similarly, in Rojas v. HSBC Card Services Inc., it was tacitly acknowledged that a party's consent to recording can be implied after adequate notice [5].

However, in the case of Kight v. CashCall, Inc., it was suggested that California consumers are accustomed to being informed at the outset of a telephone call whenever a business entity intends to record the call. In the absence of such advisement, a California consumer would reasonably anticipate that the call is not being recorded [6].

So, the admissibility of the phone call could depend on whether the court decides to apply Texas or California law. Given the Kearney v. Salomon Smith Barney, Inc. case, where California law was applied even though the other party was in a different state, there is a possibility that a court might decide to apply California law and, therefore, rule the phone call inadmissible. The ultimate decision would depend on the specific circumstances of the case and the discretion of the court.

Was this response helpful? Yes No

+ Start new research

Ask a follow-up question about this response Jurisdiction: CA, TX (St. & Fed.)

Ask a follow-up question...

AI-Assisted Research provides relevant answers to research questions with links to trusted Westlaw authority, so you can make more well-informed decisions and complete the remainder of your research with increased efficiency.

## Faster, better research

- Cut down time spent sifting through search results and having to read and summarize results yourself. The AI does that for you.
- Easily access supporting authority for verification and follow-up research
- Ask a question as if you are talking to a colleague and get a synthesized summary grounded in Westlaw's trusted content
- Refine and hone your results in a conversational manner
- Feel more confident that you are taking your research in the right direction

## How it works

Start by asking a question in everyday language and AI-Assisted Research searches Westlaw's proven, reliable content. AI-Assisted Research will then return a summarized overview with detailed insights from your top results, along with a list of key cases, statutes, and regulations. AI-Assisted Research will also return relevant results from administrative decisions and guidance, Practical Law™ sources (for Practical Law Dynamic subscribers only), and additional secondary sources.

# Claims Explorer

Find the strongest claims for your matter and avoid missing those that are relevant to your case.

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WESTLAW PRECISION

ABC-1234 History Folders My links Notifications CoCounsel ?

Claims Explorer [How the AI works](#) [Tips for best results](#) Jurisdiction: All Federal + New claims search

u Plaintiff went to a car dealership to take out a loan and buy a car. Plaintiff filled out a loan application and the dealership conducted a credit check on him. The credit check falsely stated that he was on the U.S. Treasury's prohibited person's list and the dealership refused to lend to him. The credit check company refused to provide him with information about his credit check, refused to fix his report, and failed to ensure the ongoing accuracy of his report.

Jul 1, 2024 02:21 PM

AI Federal 13

Filter by: All (13) Supported (9) Additional facts needed (4)

§ 552a. Records maintained on individuals

§ 552a. Records maintained on individuals

§ 552a. Records maintained on individuals Additional facts needed

The cause of action under consideration is a violation of the Privacy Act, 5 U.S.C.A. § 552a(b), which prohibits federal agencies from disclosing any record maintained on an individual without the individual's prior written consent or an authorized purpose. The fact pattern indicates that the credit check company disclosed a record (the credit report) that falsely stated the plaintiff was on the U.S. Treasury's prohibited person's list. However, it is not clear from the fact pattern whether the credit check company is a federal agency as defined under the Privacy Act. If the credit check company is a federal agency, then there may be a viable claim under the Privacy Act. If it is not, then the Privacy Act would not apply. Therefore, additional facts are needed to determine whether the credit check company is a federal agency.

§ 1631. Disclosure requirements

§ 1631. Disclosure requirements

§ 1631. Disclosure requirements Additional facts needed

## Simplify your claims research

- Feel confident that you haven't missed a claim that could force you to amend your complaint, fight successive motions to dismiss, or potentially lose the claim entirely
- Spend less time sifting through results trying to find statutory, common law, and constitutional claims based on your facts
- Better serve your clients with the ability to advise on potential liability if a lawsuit is brought
- Find the strongest claims even if you aren't sure which facts are important or if a client may have left something out – Claims Explorer will recommend relevant claims even if additional facts are needed

## How it works

Claims Explorer on Westlaw Precision with CoCounsel uses generative AI to help you simplify your claims research. Simply enter the facts of your case and Claims Explorer will generate a list of relevant claims for you to consider. Each claim includes an explanation to help you quickly understand why it was surfaced and whether it is worth researching further.

# Precision Research

Precision Research makes it possible for you to search, filter, browse, and find similar cases with unparalleled speed and accuracy.

The screenshot displays the Westlaw Precision interface. At the top, there's a navigation bar with 'THOMSON REUTERS WESTLAW PRECISION' and user options like 'ABC-1234', 'History', 'Folders', 'My links', 'Notifications', 'CoCounsel', and 'Sign out'. A search bar contains '9th Circuit'. Below the search bar, a 'Filters' sidebar on the left allows filtering by 'Content type: Cases (31)', 'Search within results' (Documents, Material facts), and 'Precision filters' (Legal issue & outcome, Fact pattern, Cause of action, Motion type & outcome, Governing law, Industry type, Party type, Area of law, Jurisdiction, Date, Reported Status). The main area shows search results based on 2 selected Precision attributes: 'Legal issue: Personal Jurisdiction > Purposeful Availment or Direction > Found' and 'Fact pattern: Party Contacts with Forum > Online Activities Directed at Forum'. A list of cases is shown, with the first case highlighted: '1. Mavrix Photo, Inc. v. Brand Technologies, Inc.' (United States Court of Appeals, Ninth Circuit, August 08, 2011). The case details include a synopsis question: 'Did act cause harm party knew would likely be suffered in forum, as required under purposeful direction analysis, to support specific jurisdiction? Yes'. Below this, the 'Legal issue' is 'Personal Jurisdiction > Purposeful Availment or Direction'. The 'Material Facts' section lists: 'Ohio corporation's reposting of photos interfered with celebrity photo agency's exclusive ownership of photos and destroyed their market value' and 'It was foreseeable this economic loss would be inflicted in California because significant number of Californians would have bought publications in order to see photos'. The 'Causes of Action' is 'Copyright Violation > General Infringement' and the 'Motion Type' is 'Motion to Dismiss for Lack of Personal Jurisdiction > Granted, Reversed'.

## Speed meets precision

Zero in on the most on-point cases for your issue with **Precision Filters**, which allow you to drill down to cases that have a particular legal issue, fact pattern, cause of action, motion type, governing law, industry type, party type, and/or area of law.

Spend less time reading through cases that are not relevant to your matter by scanning the **Browse Box**, which gives you the ability to quickly view the legal issue, outcome, material facts, causes of action, and motion type for a case directly from the search results.

Feel more confident that you haven't missed an important case due to a query that doesn't include a certain word or phrase knowing that Precision Research accounts for **variation in language**.

Once an on-point case has been found, you can use **More Like This** to help find additional cases that are similar in precisely the ways that matter — similarity indicators show how well each case matches various attributes.

## How it works

Precision Research is built on our long history of editorial excellence. Hundreds of highly trained attorney editors, guided by expert practitioners, have reviewed over a hundred thousand published cases and tagged legal issues, fact patterns, causes of action, motion outcomes, and more. Coverage for published decisions for each topic goes back to 2010, plus older leading cases. And topics will continue to be expanded and added over time.

# KeyCite Cited With

Quickly find connections between cases and feel more confident that your research is accurate and complete.

The screenshot displays the Westlaw Precision interface. The main header shows the current case: **Adidas America, Inc. v. Cougar Sport, Inc.**, United States District Court, D. Oregon, March 14, 2016, 169 F.Supp.3d 1079 (Approx. 31 pages). Below the header, there are navigation tabs: Document, Filings (7), Negative Treatment (0), History (0), Citing References (136), and Cited With (70). The 'Cited With' tab is active, showing a list of cases cited by the current case. On the left, there are filters for 'Citing proximity' with options for 'String cite' and 'Same paragraph'. The main content area shows a list of cases, with the first one, **Schwarzenegger v. Fred Martin Motor Co.**, expanded to show its citation proximity to the current case. The expanded view shows that this case is cited in the same paragraph as the current case, specifically in the context of discussing jurisdiction and the burden of proof.

KeyCite Cited With allows you to view cases that are frequently cited together, even if neither cites the other, making it easier to find connections between cases and identify changes in how the law has developed. The Cited With tab displays a list of cases that are cited most frequently with the case you are viewing.

## Find connections quickly

- Quickly find connections between cases that would traditionally be difficult to uncover
- Locate additional relevant authority for the issue you are researching
- Find regularly cited law for a specific rule or issue
- Find the kinds of connections that are most helpful using a citation proximity filter

# KeyCite Overruled in Part

Understand which parts of a case have been overruled and navigate directly to the language in the case discussing the point of law that has been overruled.

The screenshot displays the Westlaw Precision interface for the case *AFT Michigan v. Project Veritas*. The document is from the United States District Court, E.D. Michigan, Southern Division, dated June 14, 2019, 397 F.Supp.3d 981 (Approx. 24 pages). The interface includes a navigation bar with search options and a sidebar with document sections. A KeyCite callout is visible, indicating that the case has been overruled in part by *Fisher v. Perron*. The callout text reads: "Declined to Follow by *Fisher v. Perron* 6th Cir.(Mich.) • Mar. 23, 2022 • 30 F.4th 289. Fisher asserts that AFT Michigan 'overruled' Sullivan 'for purposes of federal law.' This argument misunderstands both how precedent operates within the federal courts and how federal courts are meant to ascertain the proper interpretation of state law." The main text of the document discusses the Michigan appellate court's construction of the statute's prohibition against eavesdropping, which was found to be overruled in part by the Michigan Supreme Court.

With KeyCite Overruled in Part, you can easily identify the specific part of a case that has been invalidated so that other valid points of law aren't overlooked. Look for a red-striped flag to indicate that a case has been overruled in part, and jump directly to the impacted text in the case to view the relevant language from the overruling case.

## Trust you're relying on good law

- Quickly and easily tell when a case has been overruled only on grounds that don't impact the authority of the points of law you care most about
- Save time by avoiding the need to manually review each case to determine whether the authority related to your issue is still valid law

# Outline Builder

Drag and drop citations and text snippets into a customizable outline while you research in Westlaw Precision with CoCounsel.

Outline Builder allows you to efficiently build, edit, and review outlines without ever needing to leave Westlaw Precision. Use Outline Builder while researching in a case, then drag and drop important text or citations directly into your outline.

of subject matter jurisdiction.

1 At that stage, NewGen, Safe Cig, and the district court all agreed that NewGen failed to properly plead diversity jurisdiction in the original complaint—with respect to a limited liability company, the citizenship of all of the members must be pled. See *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). The question was how to proceed next. In response to the *Rule 60(b)* motion, the district court ordered additional briefing on diversity jurisdiction. NewGen submitted a declaration with respect to the citizenship of the parties and reasserted that the parties were diverse, while Safe Cig protested that the citizenship of the parties was “uncertain.” Armed with the additional briefing, the district court concluded that while NewGen had not adequately pled subject matter jurisdiction in its original complaint, NewGen could amend the complaint to cure the defective allegations. The court found the record supported the allegations: it established that “none of the members of Safe Cig were domiciliaries of Wisconsin when the case was filed,” and thus, “[b]ecause NewGen and Safe Cig were not citizens of the same state when the case was filed, the Court had jurisdiction over this matter.” The district court also held that because Safe Cig had not denied NewGen’s factual allegations of diversity, NewGen had no affirmative obligation to prove diversity with affidavits, although it did submit a declaration; and that NewGen “could have met [Safe Cig’s] facial challenge simply by amending the jurisdictional allegations in the Complaint.” The district court thus denied the *Rule 60(b)* motion on

Back Chime Solar - Motion to Dismiss

Numbering Rearrange

I. Diversity Jurisdiction Not Established

with respect to a limited liability company, the citizenship of all of the members must be pled. See *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

NewGen, LLC v. Safe Cig, LLC, 840 F.3d 606, 611 (9th Cir. 2016)

A. The Court cannot determine whether BF Investor or its members are citizens of a different foreign country

Plaintiff did not plead the citizenship of any of its members. The court ordered additional briefing on this finding if citizenship not established.

Cheng v. Boeing Co., 708 F.2d 1406 (9th Cir. 1983)

Nike, Inc. v. Comercial Iberica de Exclusivas Deportivas, S.A., 20 F.3d 1194 (9th Cir. 1994)

Guan v. Bi, No. 13-CV-05537-WHO, 2014 WL 953757 (N.D. Cal. Mar. 6, 2014)

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## Experience true integration

- Build your outline directly within Westlaw Precision with CoCounsel and avoid having to switch between your research session and Microsoft® Word
- Submit your research outline directly to Quick Check to find highly relevant authority and ensure you haven’t missed anything important
- Minimize disruption to your research workflow

## Keep List/Hide Details

Save potentially useful documents and hide documents you don't want to inadvertently re-review. Both Keep and Hide persists across multiple searches in your same session to make your research even more efficient.

- Save significant time by eliminating the accidental re-review of irrelevant documents
- Easily navigate back to important documents by utilizing the Keep List
- Research more efficiently by using Keep/Hide capability in multiple searches across the same research session

## Best Headnote

Quickly determine which cases within your results are relevant to the legal issue you are researching with Best Headnote, which displays highly responsive headnotes or Browse Boxes for cases in your search result list.

- Analyze whether your search is returning expected results
- Spend less time reading cases that aren't on-point for your issue
- Efficiently scan a result list for authority relevant to your issue

# Westlaw: the standard for legal research

The power of Westlaw® exists for one reason: to help legal professionals conduct more efficient and accurate research. With Westlaw, customers can access trusted content and editorial enhancements that can help them work smarter, more efficiently, and with total confidence.

Westlaw Precision with CoCounsel is the latest innovation in Westlaw's long legacy of transforming legal research technology. Designed with your research challenges in mind, Westlaw Precision with CoCounsel includes all the content and editorial enhancements you know and trust, generative AI, plus the most precise way to research.

## Advanced tools included in Westlaw Precision with CoCounsel

**Quick Check:** upload a document to Quick Check and receive a comprehensive report detailing not only the validity of the cited authority, but also recommendations for additional relevant authority and an analysis of quotations.

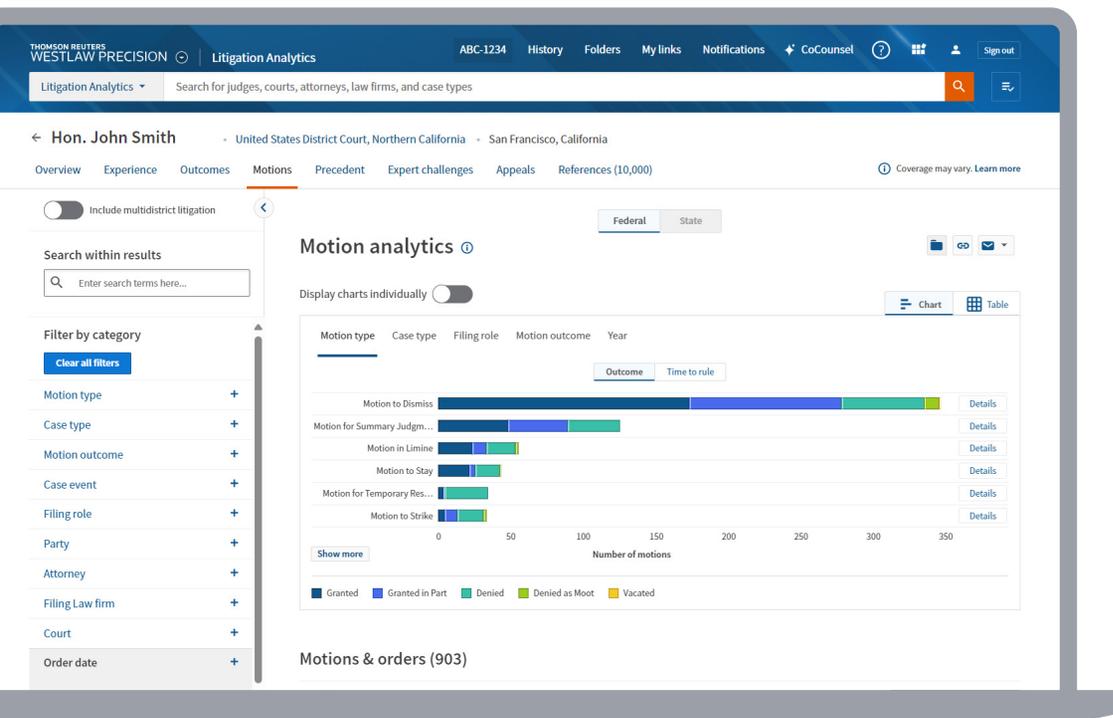
**Litigation Analytics:** build the strongest case strategy and manage client expectations with insights on judges, courts, damages, attorneys, law firms, and case types.

**WestSearch® Plus:** get superior predictive research suggestions as you start to type your query in the global search bar. Related suggestions appear to help you find authoritative answers in less time.

**KeyCite Overruling Risk:** know when a point of law in your case has been implicitly undermined based on its reliance on an overruled or otherwise invalid prior decision.

**Statutes Compare and Regulations Compare:** easily identify the most recent changes to a statute or regulation — or compare any two versions.

**Jurisdictional Surveys:** quickly retrieve a customized and relevant compilation of laws across all U.S. jurisdictions on virtually any topic.



## Content, editorial enhancements, and more

- **Primary Law:** Westlaw offers a comprehensive collection of state and federal caselaw, statutes, regulations, court rules, and administrative materials.
- **Secondary sources:** get up to speed in new areas of the law or revisit familiar ones with the largest selection of leading national analytical titles.
- **Litigation materials:** access the most comprehensive online collection of litigation materials including pleadings, motions, and memoranda for all 50 states, state and federal appellate briefs, trial court orders, expert testimony, and much more.
- **Key Number System:** the most comprehensive classification system of U.S. law — use it to quickly find other cases that address your exact point of law in any jurisdiction.
- **Headnotes:** concise summaries of the points of law discussed in a case, making it easier to review the key issues of an opinion.
- **KeyCite:** use KeyCite to instantly verify whether a case, statute, regulation, or administrative decision is still good law.
- **Annotations and indexes:** our comprehensive collection of state and federal annotated statutes and the industry's most comprehensive annotated CFR make the law easier to find and interpret.

The screenshot displays the Westlaw Precision interface. At the top, there is a navigation bar with 'THOMSON REUTERS WESTLAW PRECISION' and 'Quick Check'. Below this, there are tabs for 'Recommendations', 'Warnings for cited authority', 'Quotation analysis', and 'Table of authorities'. The main content area shows a search result for 'Cases (7)'. A prominent blue banner reads 'I. No Article III Case Or Controversy Exists.' Below this, a case is listed: '1. TransUnion LLC v. Ramirez', Supreme Court of the United States, June 25, 2021, 594 U.S. 413, 141 S.Ct. 2190. The case details include 'Motion type: Judgment', 'Trial level outcome: Motion denied', and 'Highest level outcome: Reversed appellate court's decision'. A key feature is the 'Outcome' section, which states: 'Risk of future harm to consumers as a result of misleading alerts in their credit files, which had not been disseminated to third-party businesses, did not supply basis for Article III standing to seek retrospective damages'. The interface also includes a sidebar with filters for 'Recommendation type' (Cases: 7, Briefs & Memoranda: 4, Secondary Sources: 4, All recommendations: 15) and 'Recommendation tag' (Frequently cited: 3, High court: 2, Last 2 years: 1). The bottom of the interface shows 'Jurisdiction' and 'Date' filters.

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