The Internet as a Legal Research Tool

PLL
Voice of the private law librarian
Introduction

To use the Internet, or not to use the Internet – as a legal research tool, that is the question. Although the Internet is gaining momentum at an amazing speed in the age of Information Explosion, when it comes to legal research, specialized commercial databases along with print materials are still the primary resources of choice to date. Nevertheless, the increasing power of the Internet is undeniable. And if used properly, it efficiently and cost effectively supplements research.

To help decision makers as well as law librarians take advantage of various free and low-cost Internet resources, this AALL Resource Guide uncovers the mysteries of using the Internet as a legal research tool - the advantages and disadvantages, issues and concerns of using the Internet for legal research, essential criteria for evaluating Internet resources, and various ways to conduct legal research on the Internet. The guide also describes some of the active roles that law librarians can play to enhance legal research experience on the Internet for legal and support staff of law firms. A sample of helpful websites is included in the Appendix for your convenience, the full version is available at http://pllresourceguides.wordpress.com/guides/legal-research-on-the-web-bibliography

Our goal is to separate the myth from the reality - to highlight the positive opportunities, important considerations, and the potential negatives of using the Internet for legal research. We hope this insight from experts who routinely use the Internet will help managers and their legal researchers make the most effective use of their library staff and information resources.

―Take a book, remove the cover, remove the title page, remove the table of contents, remove the index, cut the binding from the spine, fling the loose pages that remain so they scatter about the room. Now find the information you need from the book. This is the Internet‖

Michael Gorman
The One Person Library
v. 15, No. 2 (6/98) p.5
In the past, primary legal research sources including cases, statutes and regulations were only in legal books found in law libraries or on fee-based services such as Lexis (http://www.lexis.com) and Westlaw (http://www.westlaw.com). More recently low-cost services such as Loislaw (http://www.loislaw.com), FastCase (http://www.fastcase.com), Casemaker (http://www.casemaker.com) and others have offered access to legal information. However, with the development of the Internet during the past several years, most primary legal research materials now can be located for free to supplement fee-based services and library collections.²

A good starting point for primary legal research on the Internet can be found using Legal Portals, Directories and Meta Sites. These are sites devoted to legal subject matters either in general or on specific topics such as Patent/IP, Anti-Trust, or Litigation among many others. Legal Portals, Directories and Meta Sites are similar in structure to traditional general Internet Directories such as Yahoo’s Directory (http://dir.yahoo.com), but are devoted solely to legal information. Some Portals, Directories and Meta Sites are sponsored by the “big two” legal online services - Lexis has LexisWeb (http://www.lexisweb.com) and Thomson West has FindLaw (http://www.findlaw.com). LexisWeb and FindLaw link to their sister sites Lexis and Westlaw and offer selected a la carte credit card pricing.

When relying on information on the Internet from any source, it is crucial to review with a skeptical eye and check a few things to verify that the information is authoritative and reliable. Look for an “about us” link to find out who is sponsoring or providing the information - is it a law firm, academic institution, legal publisher, library or government entity? Also, look for the most recent update to the site. Good sites have that information at the bottom or top of the page showing the date the last time content was updated. For more details on judging if a website is authoritative or reliable, see Justia Virtual Chase’s information quality page at: http://virtualchase.justia.com/other-resources/information-quality

<table>
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<tr>
<th>Advantages</th>
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<td>Increased access to resources</td>
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<td>Low-cost or no-cost access</td>
<td>Imprecise and inconsistent search tools which may take more time than using fee-based resources</td>
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<tr>
<td>Competitive information on other Firms</td>
<td>Sifting through and analyzing vast law firm news, publications and blogs takes time</td>
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<tr>
<td>Real time information via social media³</td>
<td>“Noise” and ability to stay on top of real time developments and deliver to attorneys in a time efficient manner</td>
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The amount of information available on the Internet is staggering. This section aims to provide effective tools to facilitate evaluation of Internet legal resources.

Evaluating a website’s usefulness and reliability can be difficult to ascertain. The following ten “C” words (Content, Credibility, Critical Thinking, Copyright, Citations, Currency and Continuity, Censorship, Connectivity, Comparability, and Context) can help users determine the usefulness of a website.

- **Content**
  The content of a resource must be reflective. If there is a constitutional change, the resource must promptly reflect that change; if a law has been amended, any discussion on the web must reflect the law as amended, otherwise, the Internet resource is not qualified for inclusion or citation in legal research.

- **Credibility**
  Authorship, research specialization and achievement, institutional and professional affiliation, medium of communication (e.g., professional journal) and publishers are all useful criteria to evaluate credibility.

- **Critical Thinking**
  Questions to ask include: Is it a reviewed article? Is it a law review journal? And does the author exhibit critical assessment of a resource?

- **Copyright**
  Copyrighted work means that an individual or an institution could claim ownership, responsibility and liability for the resource. It also means that the resource may not be a public domain publication, and therefore users may have to comply with the Principle of Fair Use.

- **Citations**
  Resources with citations would ideally be more serious-minded than social or journalistic ones. Researchers should therefore accord higher preference to resources with citations.

- **Currency and Continuity**
  One of the worrisome issues surrounding many web resources is their high mortality rate. Websites appear and disappear with the resources they contain. The twin quality of currency and continuity becomes stet what the astute legal researchers must look for. For instance, an electronically published law report must not only be current but also be continuous for it to be a dependable source for consultation.

- **Censorship**
  It is important to examine whether a resource is censored. Most censored resources reflect the unenviable attributes of misinformation, half-truths, or political, judicial or religious prejudice.

- **Connectivity**
  A researcher needs resources that can be connected to individual or institutional sources. Does the resource link to other sources?

**Comparability**
How does a particular information resource compare with others? How do the legal facts or positions contained in the resource compare with facts or positions in other jurisdictions?

**Context**
Legal resources on the Internet must be evaluated in the light of their geopolitical, legal, intellectual and historical contexts. This is vital to ensure that the resource relates to the appropriate context.

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**IPL2: Information You Can Trust**

The IPL2: Information You Can Trust ("IPL2") is an organization created by the merger of the Librarians’ Internet Index (LII) and the Internet Public Library (IPL). The mission of the organization is to “provide a well-organized point of access for reliable, trustworthy, librarian-selected websites” both for a national and worldwide audience. The website provides a list of selected websites from a variety of topics, sources, and audience. The IPL2 website does the homework for you by evaluating websites through their selection process which includes five key criteria (listed below). These criteria are useful to understand the selection process of IPL2, and additionally these same criteria can be individually employed when conducting research using other online resources.

**IPL2 Website Selection Criteria**

- **Availability**
  A key issue is whether the information is freely available. LII does not include sites that are fee-based or sell a product unless the site also offers important informational content for free.

- **Credibility**
  The site should contribute current and accurate information on a specific topic. The site author(s) should be qualified to present the content provided.

- **Authorship**
  Contents should be competently written, with few, if any, grammatical or spelling errors.

- **External Links**
  For all sites, links should lead to appropriate content. For directories - sites that primarily provide links to other sites - a strong majority of the links should be functional.

- **Legality**
  The author should be legally entitled to present the content within Copyright and Fair Use Guidelines.

**IPL2 Additional Evaluation Criteria**

- **Authority**
  - Can an author be identified, and is contact information available?
  - What is the author’s reputation and qualifications on the subject?
  - How important is the authority for this site?
  - Does the author provide sources for information?
Scope and Audience
- Why does the site exist?
  What is its purpose - to instruct, inform, amuse, or persuade?
- Is its purpose clearly stated, easily inferred, does there appear to be a hidden agenda or ulterior motive to the presentation of the content?
- Who are the audience for this site? Is the site appropriate for the intended audience?
- How does the site compare with others on the same subject?

Content
- How thoroughly does the site cover its content areas? For example, a site describing dachshund breeds should list all known breeds.
- If the site provides opinion, rather than facts, are these opinions clearly identifiable as such?
- Does the point of view help balance the LII collection?
- Does the site provide illustrations you would expect to find? For example, a resource describing knot-tying would be expected to have illustrations of knots in various stages of execution.

Design
- Is the site well-organized and easy to navigate?
- Does the site display well with all features of popular browsers (e.g., Firefox, Explorer, Chrome, Safari) functioning properly?
- Is the site complex or simple in design? Is the level of complexity appropriate for its audience?
- Is it searchable or browsable? Is the search box or browsing hierarchy easy to find? Does the user have to read instructions to search or browse successfully?
- Is the site consistently available? If you visit it during a reasonable period of time, can you always easily retrieve the right information? If not, does it offer an explanation?
- Is the site visually appealing, particularly for its target audience?

Function
- Do key features work? Do search engines function?
- How fast does the site load? If it is bandwidth-intensive, is this justified by special features, such as high “teen appeal” or elaborately detailed scientific images?
- Does the site display error messages frequently?
- If the site includes video and audio files, is it clear what plug-ins are required to make them work? Can you easily play the files?
- Are there pop-up ads? How frequently do they appear? What kind of content do these ads provide? Is this content appropriate for http://www.lii.org?
- Does the site require registration for you to access information or use features? Why does the site require registration? How much information is available anonymously? How much personal information is required to register?

Shelf Life
- Is the site established for a temporary event or activity?
- Is the site a “personal” page (often indicated with a tilde before the directory name)?
- Is it a student or class project?
Online Government Resource Authentication

Organizations have developed guidelines for legal researchers to determine the authenticity of government resources on the Internet. The AALL Electronic Legal Information Access and Citation Committee has developed a valuable resource entitled State-by-State Report on Authentication of Online Legal Resources (http://www.aallnet.org/Documents/Government-Relations/authen_rprt/authenfinalreport.pdf) which provides national perspectives and insights into the trustworthiness of state-level primary legal resources on the web. The Uniform Law Commission (http://www.uniformlaws.org) approved the Uniform Electronic Legal Material Act (see news release at http://www.nccusl.org/NewsDetail.aspx?title=Uniform%20Electronic%20Legal%20Material%20Act%20Approved) on July 12, 2011, which establishes an outcomes-based, technology-neutral framework for the authentication, preservation, and accessibility of official state electronic legal materials. As this is an ongoing matter, please refer to the most recent developments via American Association of Law Libraries (http://www.aallnet.org) and the Uniform Law Commission (http://www.uniformlaws.org).

How to Conduct Legal Research on the Internet

Search Engines

Savvy online researchers know that search engines vary in how they select results for inclusion in search sets - the underlying technology and ranking of results. With the advent of Search Engine Optimization (SEO) and the role of online marketing search engines, results are impacted by things other than content algorithm matches. Online marketers now “game” engines into returning results that are customized to rank higher in particular search engines’ algorithms, and/or use “paid” or “sponsored” links, with the page owner paying advertising dollars to get their site ranked higher.

General search engines can be helpful when getting started or determining the scope of a particular question. Specialized directories such as Zimmermans and Cornell LII (see Appendix) can provide further context to specific legal search results.

Search engines like Google, Yahoo and Bing can be powerful tools. It is good practice to not rely on only one general search engine. Sites, such as Search Engine Watch (http://www.searchenginewatch.com), provide details on the performance and functionality of search engines. General search engines, like Google, also have powerful advanced search features that can be very helpful in narrowing large search results, especially in the area of government information. Look for “advanced search” on your favorite engine to get more power from your search. Search Engine Showdown (http://www.searchengineshowdown.com), another search engine analytical site similar to Search Engine Watch, also offers a chart comparing features of the major engines.

Maintaining Efficiency

An old librarian adage is, “you can have something quick, cheap and accurate, but you can only pick two out of three.” Therefore, choosing the top two most important factors will help you decide between conducting an open web search and using specialized commercial databases.

When to Use the Internet? Use the Web to find:

- Government information: especially forms, statistics or legislative materials (see Appendix for directory sites).
- International information such as treaties or international agreements (see Appendix for directory sites).
- Popular culture(s) for speeches, trivia questions, sports scores. Be sure to ascertain reliability.
- Geographic and mapping information, an area of increasing information on the Internet. Several sites take geographic data and “mash” it up with other statistical or government information to make rich content sets.
- General directory information on individuals - with the advent of sites like LinkedIn you can uncover a lot of information about professionals worldwide.

When NOT to Use the Internet?

- Do not use the Internet for legal research when your broad initial search retrieves too many hits from the open web. Commercial services like Lexis and Westlaw allow more search control by utilizing segments in your search strategy to narrow the number of retrieved hits.
As the Internet grows, vast amounts of quality materials are made available online daily all over the world. For the untrained legal and support staff of law firms, it is quite challenging to locate authentic, current and accurate information online in a timely fashion without getting lost navigating the often overwhelmingly chaotic Internet maze.

Law firm librarians play important roles in helping their firms and staff members locate, manage and use Internet resources efficiently and cost effectively. Law librarians understand not only the needs of their firms and their clients, but also the specific types of information available online as well as offline to meet those unique needs. Law librarians help firms grow and strengthen their client services by taking advantage of the rich information online. For instance, law librarians:

- lead the firm in creating the best and most comprehensive combination of knowledge and information resources, including capturing and preserving reliable free and low-cost Internet resources, that accommodates the firm’s budget and user needs.
- maintain the firm’s Intranet, further enabling cost-effective online legal research.
- promote free and low-cost online resources and research techniques, whenever feasible, to help attorneys and staff improve research efficiency and cost effectiveness.
- manage electronic subscriptions which now generally account for a larger annual spending than books and newsletters.
- educate users and conduct training sessions on online research skills.
- provide tailored content for individual users or groups to facilitate intelligent filtering of the abundance of available information online.
- provide guidance on the usefulness and reliability of legal resources.
- guide attorneys and staff in finding information from the Internet efficiently by:
  - helping users define their specific Internet research needs
  - assisting users to choose appropriate online resources
  - advising users on specific Internet research techniques
  - helping users evaluate and review the information located online
- perform online research using Internet resources.
- handle complicated legal reference requests and in-depth research.
- compile information obtained from multiple sources into a single cohesive document.

- conduct non-legal research, including but not limited to:
  - conflicts checking
  - business development
  - competitive intelligence
  - marketing
- design websites and create databases to help manage information effectively.
- perform customized online research for legal blogs, newsletters, firm Intranet and website.
- compile RSS feeds to track competitors, clients, regulatory developments, and market trends.
- monitor emerging technologies which affect how information is consumed by attorneys, and lead the firm to adapt to changing trends of online research.
- write customized online legal research guides and brochures to meet specific firm needs.
- utilize cost-saving tools and resources which are unavailable to attorneys and are best utilized by a librarian with specialized training.
- share information among colleagues and peers on related topics for professional development.

“Law firms that understand the best use of both commercial services and the Internet will have a clear advantage over firms that understand and use only one or the other.”

Jerry Lawson, author
The Complete Internet Handbook for Lawyers
Conclusion

Understanding when to use the Internet to supplement legal research requires experience and expertise. Obtaining relevant, authoritative, accurate, and up-to-date legal information on the Internet calls for critical evaluation. Conducting efficient legal research online takes ongoing understanding of the ever-changing nature of the Web and the continued evolution of search engines.

Law librarians understand both the benefits and limitations of conducting legal research on the Internet. They can add additional value to their organizations by evaluating, maintaining and promoting the efficient use of free and low-cost quality legal information online. As the trend increases towards electronic resources, law librarians’ roles will continue to become increasingly more significant in developing strategies for efficient and cost effective online legal research.

Appendix

Legal Portals, Directories and Meta Sites: Academic, Association & Librarian Sponsored Online Resources

Legal Information Institute at Cornell Law School (www.law.cornell.edu)
LII is a non-profit institute operated by Cornell Law School and started in 1992 with a mission to carry out applied research on the use of digital information technology in the distribution of legal information, the delivery of legal education, and the practice of law. LII is best known for its clearinghouse of statutes from most states, searchable US Code and US Supreme Court opinions. Most content on LII can be found by searching from its home page or clicking on the left hand navigation bar to link to its content organized by jurisdiction and topic.

USA.gov OR FirstGov (www.usa.gov)
Originally launched as FirstGov, a name change in January 2007 lead to the creation of USA.gov. This resource is described as the US Government’s official information portal and strives to provide all government information linked in one place.

LexisNexis sponsors and hosts this annotated legal subject guide created by Andrew Zimmerman, a law librarian. This is an excellent and authoritative subject guide which is keyword searchable.

FindLaw Case Law (www.findlaw.com/casecode)
FindLaw offers full-text searching in Federal and California State jurisdictions. Other state cases are searchable by case title and docket number only. FindLaw also archives summaries of opinions issued since September, 2000 by the U.S. Supreme Court, all thirteen Federal Circuit Courts, the California Supreme Court and Court of Appeal, the Texas Supreme Court and Criminal Court of Appeal, and the New York Court of Appeals; these case summaries are also searchable at http://caselaw.lp.findlaw.com/casesummary/index.html.

Public Library of Law/Fastcase (http://www.plol.org/Pages/Search.aspx)
A newer player on the scene, PLol was launched in 2008 with mostly free content. PLol also offers fee based subscriptions for enhanced searching. Free registration is required and primary law materials are included.

Google Scholar (http://scholar.google.com)
This search engine employs the Google algorithm to find relevant scholarly articles using keyword searches. Google Scholar searches both full text articles and abstracts that are available for free online, so users should be aware that not all results will lead to full articles.

As part of the Social Science Research Network (SSRN) (http://www.ssrn.com), LSN was developed and maintained by legal scholars. LSN has a decent archive of legal scholarly articles, available either free or for a fee, depending on the source of contribution. Authors can share their articles with the world free, publishers and other institutions charge users a low fee for downloads of their listed articles. The vast majority of downloads of papers from the SSRN elibrary are free.

Owing to space limitation, here is a condensed version of helpful sites. The full Appendix with a long list of helpful online resources is available at: http://pllresourceguides.wordpress.com/guides/
Federal Statutes, Bills and Legislative History

The US federal government has a vast array of legislative content if you know where to look. The depth and breadth of content can be overwhelming, so it is helpful to start with a good entry site like the Law Librarians’ Society of DC Legislative Sourcebook (http://www.llsdc.org/sourcebook), or Cornell Law School LII (http://www.law.cornell.edu) that has a useful site for searching the US Code and Code of Federal Regulations or the GPO Access’ Legislative Branch Resource (http://www.gpoaccess.gov/legislative.html). Cornell Law School LII (http://www.law.cornell.edu) is helpful in locating useful databases for tracking the legislative process and learning more about it.

The GPO also offers free email alerting service for notification of new public and private laws. While GPO Access has a wealth of legislative content, the Thomas site of the Library of Congress is the go-to place for legislative searching with detailed information about bills, their legislative history and a link to the US code (http://thomas.loc.gov). Thomas provides the US Public Laws from the current Congress back through the 93rd Congress (1973-1974).

Statutes and Public/Private Laws

The print version of the US Code is the only official version and is published by the Office of the Law Revision Counsel of the House of Representatives every six years. This official version is supplemented on a regular basis. The Office of Law Revision Counsel offers a free online version of the US Code (http://uscode.house.gov/search/criteria.shtml). It is also available from the GPO (http://www.gpoaccess.gov/uscode/index.html).

Further, Cornell’s Law School LII site (http://www.law.cornell.edu/uscode/) offers a searchable version.

Legislation & Legislative History

Legislative History at the federal level is compiled from bills, Congressional hearings, committee reports and the Congressional Record. Bills can be found on the main site at Thomas referenced above. Congressional hearings from 1995-96 (104th Congress) to the current Congress can be found at http://www.gopaccess.gov/chearings/index.html. Committee reports for the same period can be found at http://www.gpoaccess.gov/serialset/reports/index.html, and committee prints can be found at http://www.gpoaccess.gov/cprints/index.html.


States Statutes, Bills and Legislative History

State Law 50 States (http://www.law.cornell.edu/states/listing.html)
Cornell’s Legal Information Institute provides links to all 50 states’ laws, legislations and regulations where available. Click on the topic area of interest to view the applicable uniform laws and the jurisdictions that have adopted them.

Local Codes & Ordinances

City and County Codes List Nationwide from Seattle Public Library (http://www.spl.org/default.asp?page=collection_municodes)
This page provides links to city and county codes available for unrestricted searching on the Internet.

Federal Regulations and Agencies

A facsimile of the print version. Search or browse the CFR by title and section.
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For more information, visit the Private Law Libraries Special Interest Section web site
http://www.aallnet.org/sis/pllsis/