

ND Law Library Guide

Summer Research Hints

(Research Department Pub. 11 Rev. 5/00)

While optimum legal research skills alone will not guarantee you a job offer, they are necessary for much of what you will do this summer. Efficient research and clear writing showcase your legal skills. Knowing that you are a good researcher gives you confidence, and your aura of competence leads to a job offer. This guide reviews three areas: General Hints, LEXIS and WESTLAW in the Law Firm Environment and Introduction to Legal Research on the Internet.

PART I GENERAL HINTS

The following tips are divided into three time frames:

- A. before you leave here,
- B. when you first get to the firm, and
- C. while you work on your assignments there.

These tips do not come with guarantees, so if you need further help, feel free to call. [Dwight (219) 631-5993, Patti (219) 631-5664, Lucy (219) 631-5996, Warren (219) 631-4436.]

A. BEFORE YOU GET TO THE FIRM

Before you leave here refresh yourself in the following eight areas:

- ! your state's court and legislative structure
- ! LEXIS and WESTLAW
- ! CD-ROM
- ! the special substantive area in which you will work
- ! finding the most recent law
- ! citation form
- ! important material not covered in the basic legal research class
- ! and what to take with you.

1. YOUR STATE

Prepare for your summer research tasks by learning about the state in which you will be working.

- a. Find a state research guide for your state: see Appendix B of *Finding the Law* (reserve KF 240 .B45 1999). We have several guides on reference, KFA - KFW.

- b. See the *State Legislative Sourcebook* (reference KF 1 .S72 2000) for phone numbers, information about your state's legislative process, and bill status and tracking services (current legislative history sources).
- c. Look at *Directory of State Court Clerks and County Courthouses* (reference KF 8700 .A19 D574 2000 or *BNA's Directory of State & Federal Courts, Judges and Clerks* (reference KF 8700 .A19 B53 1999) for a chart showing your state's court structure. This will help you determine authoritativeness of materials you use this summer. (Table 1 of the Bluebook also will help.)
- d. Look at your state's court rules (located in the East Reading Room or available online) to determine the precedential value of your state's intermediate level appeals court.
- e. Check Table 1 of the Bluebook to determine if either or both an administrative compilation and a register exists.
- f. Look at your state's bar journal for current awareness. Does it print recent ethics opinions? Case summaries? New supreme court rules? (If you are a third year, about to take the bar exam, bear in mind that recent cases frequently form the basis of bar exam questions.)

2. LEXIS and WESTLAW

Try to determine whether you will have access to WESTLAW, LEXIS or both. In addition, determine which pricing plan(s) your firm uses.

- a. Be sure you have mastered the fundamentals for whichever system you use. Take advantage of training opportunities before you leave here.
- b. Know how the pricing system works. (See Part II on use of LEXIS and WESTLAW in the Law Firm Environment.
- c. Take any LEXIS or WESTLAW handouts with you. The company-provided summer associate materials are especially useful. Shortly after graduation weekend the companies limit access via your school ID. LEXIS will provide access to career-related files only. During June and July WESTLAW will limit you to 2 hours per month for educational or career searching use. Your firm will give you IDs for your summer work.
- d. For LEXIS and WESTLAW cost saving tips, see Part II below.

3. CD-ROM

Try to determine which CD-ROM products your firm uses.

- a. Recall the cost effective advantages of using CD-ROMs:
 - ! there is no per search or online cost . . . just as with the books, you only expend attorney time;
 - ! you have the special searching capabilities associated with computers;
 - ! you can download material directly into your working document;
 - ! remember though, you still must update your CD-ROM.
- b. Once you know which CD-ROM products your firm has, take time to stop by the ND library CD-ROM workstation to familiarize yourself with searching techniques. Even if we do not have the exact titles your firm uses, we have products from the major CD-ROM publishers. Use them to discover the search techniques used by your firm's products.
For example:
 - ! Most West products use Premise software; try the *West CD Tutorial* or one of the West Indiana CD-ROM products;
 - ! LEXIS Publishing, Matthew Bender and many others use FOLIO software; try any of the Matthew Bender *Authority* CD-ROMs;
 - ! Shepard's also uses its own search engine; try *Shepard's Indiana Citations*.
 - ! CCH has a search engine similar to the CCH Online system. It is very easy to use; try the *CCH Standard Federal Tax Reporter* CD-ROM.
- c. For help with any CD-ROM see one of the research librarians.

4. SPECIALIZED RESEARCH

If you know the substantive area in which you will be working, familiarize yourself with specialized sources.

- a. Before you go, look over an appropriate looseleaf set, especially the "How To Use" section and the "current" volume. (See ND Law Library Guide Pub. 3, Administrative Law Research or the Introduction to Looseleafs handout outside Beth Klein's office.)
- b. Although some research is specialized, you need not feel ill at ease simply because you have not had the substantive class yet. See *Specialized Legal Research* (reference and reserve KF 240 .S64 1987) for extensive chapters on researching single substantive areas such as Securities Regulation, Environmental Law, Uniform Commercial Code, Federal Income Taxation, etc. (The chapter on Federal Labor and Employment Law was prepared by Professor Fick.)

- c. In addition, occasionally law reviews publish special research guides. See for example, Mark A. Sargent and Melanie G. Senter, *Research in Securities Regulation Revisited*, 79 L. Libr. J. 255 (1987); Gail Levin Richmond, *Research Tools for Federal Taxation*, 2 Leg. Ref. Serv. Q. 11 (Winter 1981); Lucy Salsbury Payne, *Uncovering the First Amendment: A Research Guide to the Religion Clauses*, 4 Notre Dame J. L. Ethics & Pub. Pol'y 825 (1990). To find special guides use the periodical indexes. For example, in hard copy, use the substantive law heading, and then look under the subheading, bibliography. Online, in LEXIS using the LAWREV library with the LGLIND file or in WESTLAW using the LRI database, you can run a search similar to the following:

LEXIS: tax! AND pathfinder OR research guide OR bibliography
AND NOT includes bibliography

WESTLAW: tax! AND pathfinder OR "research guide" OR bibliography
BUT NOT "includes bibliography"

In addition, on reserve you will find *Research Guides* (KF 240 R48 1994, 1995, 1997 & 1998), projects from past years' Advanced Legal Research class. On Stack 1 you will find other guides (KF 241).

- d. Glance at *West's Legal Desk Reference* (reserve KF 387 .W49 1991) for applicable sources and research tips for the particular substantive area in which you will work. For example, determine whether an encyclopedic multivolume treatise for your substantive area exists.

5. MOST RECENT LAW

Be sure you know how to find the most recent law in the various sources, as that is usually what you will be looking for.

- a. MOST ANNOTATED CODES (some are in looseleaf form):

_____ bound volume

_____ pocket part

_____ supplementary pamphlet(s) (Look in each one.)

_____ legislative service (Use the cumulative updating table in the latest issue. If you use a CD-ROM or online code search, you will still need to update in the legislative service, either in paper or online.)

_____ Shepardize the statute in *Shepard's U.S. Citations* Statutes volume or, in the appropriate state Shepard's set.

b. CASES - Use the method appropriate to your search strategy:

i. CASES FROM ANNOTATED CODES

- _____ bound volume
- _____ pocket part
- _____ supplementary pamphlet(s) (Look in each one.)
- _____ Cumulated Table of Statutes Construed in appropriate West Advance Sheets
- _____ Check validity of cases with a citator

ii. CASES FROM DIGESTS

- _____ bound volume
- _____ pocket part
- _____ supplementary pamphlet(s) (Look in each one.)
- _____ Closing Table in last pamphlet or pocket part to see which reporter and advance sheet volumes' digest pages to check
- _____ Check validity of cases with a citator

iii. CASES FROM LEXIS and WESTLAW

- _____ Check validity of cases with a citator

iv. CASES FROM CD-ROM

- _____ Click out to WESTLAW or LEXIS, if authorized, to search the gap between the coverage on the CD-ROM disc and the date of your search. (If you do not have access to either system, check any advance sheets or other paper supplements more recent than what is marked on the CD-ROM.)
- _____ Check validity of cases with a citator

v. CASES FROM ALR (LEXIS contains ALR 2d, 3d, 4th, 5th & Fed. The supplementation is online. WESTLAW does not carry ALR 2d, but it has 3d - 5th and Fed.):

- (a) ALR 3d, 4th, 5th & Fed.
 - _____ pocket part
 - _____ Annotation History Table
 - _____ Check validity of cases with a citator.

- (b) ALR 2d
 - _____ Later Case Service
 - _____ Later Case Service pocket part
 - _____ Annotation History Table
 - _____ Check validity of cases with a citator

- (c) ALR
 - _____ consecutive volumes of Blue Book of Supplemental Decisions
 - _____ Annotation History Table (Beware -- more than half of this series has been superseded.)
 - _____ Check validity of cases with a citator

- c. CITATORS - Use the method appropriate to your search strategy:
 - _____ Shepardize in paper looking in all supplements including supplemental bound volumes
 - _____ Shepardize in CD-ROM, updating online if permitted
 - _____ Shepardize on LEXIS or KeyCite on WESTLAW (Both are updated daily.)

- d. COURT RULES (See below A-7-c.)
 - _____ Compiled Volume
 - _____ Court's administrative orders, found in advance sheets, legal newspapers, bar journals, commercially published looseleaves, LEXIS, WESTLAW, or by calling clerk
 - _____ Use Shepard's or KeyCite to find cases construing your rule

- e. FEDERAL REGULATIONS:
 - _____ CFR volume
 - _____ Most recent issue of monthly CFR List of Sections Affected (LSA) pamphlet
 - _____ Federal Register - last daily issue of each month's cumulative list of sections affected for months subsequent to date on LSA
 - _____ Use Shepard's or KeyCite to find cases construing your rule

- f. LOOSELEAFS

Most looseleaves are interfiled, which means new individual pages replace superseded information. Frequently publishers identify material by paragraph number rather than page number. These looseleaves usually have a separate "current" volume, so you have at least a double look up. Always check the "How to Use Section" and look for a date on the pages.

Some looseleaves consist of little booklets which do not cumulate. Using online searching as an index method can be especially useful for these.

Some looseleaf treatises and codes update by multicolored pages filed at the front of the volume.

6. CITATION

To be credible, *you must cite properly*. Even if your state does not follow the Bluebook, your knowledge of basic Bluebook forms will enable you to adapt to whatever style you must follow. Your state court rules will indicate the basic form you should follow. If you are still having trouble with citation form you should consider examining Alan L. Dworsky, *User's Guide to the Bluebook* (1996) (reserve KF 245 .D853 1996).

7. WHAT WE DID NOT COVER IN CLASS

As you may recall, the first semester research class is only a basic one. This summer you may need to consult other important materials, such as administrative law, court rules, form books, pattern jury instructions and legislative history. You may want to check into these new things before you leave.

- a. If you missed the Research Department's small group sessions on Statutes, Legislative History, Administrative Law, Digests, Shepard's and Looseleaf Services, pick up the handouts from outside Beth Klein's office, or contact a research librarian to set up another time.
- b. Stop by the information kiosk near the LINK terminals to obtain research handouts you may need. For example, use the **Administrative Law** guide and try a run through the CFR, updating through the *Federal Register*, at least once before you leave for the summer, or test your skill on **Legislative History Research**. (Ask a research librarian to check over your procedure, if you wish.)
- c. One of the recommended books for the first year, *Finding the Law* (reserve KF 240 .B45 1999), has a table on pp. 276-77 listing published and online locations for various sets of **federal court rules**. Most state annotated codes include **state court rules**, even if the rules are not promulgated by legislative acts. West produces an annual soft-cover volume for most states; in our library the court rules volume is usually shelved with the state code. Often new rules or changes appear in West reporter advance sheets, state bar journals or the local legal newspaper. In addition, both LEXIS and WESTLAW contain court rules. High courts may issue **orders** which affect court rules. They are often printed in the court rules volume. They also are available on LEXIS and WESTLAW and in periodicals such as bar journals or legal newspapers. Update court rules by looking at court orders.
- d. Before you leave, take time to examine a looseleaf you are likely to use. (Ask a research librarian to check over your procedure, if you wish.)

- e. Look at a state form book, such as the multivolume *Indiana Forms of Pleading and Practice* (reserve, KFI 3530 .A65 T45). These sets are particularly useful if you are working for a litigator. Form books are a useful starting point for research memos since they often set out the elements of an action with citations to authority.
- f. You should also look at a set of pattern jury instructions so you will have an idea of how they can help you, e.g., *Federal Jury Practice and Instructions* (reserve, KF 8984 .D4 2000).
- g. Finally, we barely touched on use of the Internet for Legal Research, but you may have the opportunity to use it this summer. See Part III below for an introduction.

8. THINGS TO TAKE

- a. Take your textbook and relevant handouts from research class.
- b. Take your Bluebook; even if your state has a slightly different citation book, Table 1 will prove helpful.
- c. LEXIS and WESTLAW directories, student research materials and other handouts

B. WHEN YOU FIRST GET TO THE FIRM

- 1. Determine the firm "philosophy" toward LEXIS and WESTLAW; do not assume that the rules of the game are the same as they were last year even at the same firm. Your assigning attorney may suggest you go online or she may want you to discuss online options first. You may want to work with your librarian or your vendor rep. Vendor reps often come to the firm on a regular basis and offer training and free usage. Determine what days the rep comes to your firm. When time permits, save online projects to do during free time.
- 2. Look over the firm library on your own. During the library "tour, orientation or instruction" module, note especially the following:
 - a. Try to determine which sets are specific to your state.
 - b. Listen for anything unique to your state such as state sources of legislative histories.
 - c. What secondary sources are available? Treatises at your firm will be much more

practice oriented that what we have here.

- d. Do they have an Online Public Access Catalog (like our LINK)?
 - e. What reference books might help you? (See ND Law Library Guide Pub. 4, **Dwight's Dirty Dozen.**)
 - f. See below on "care and feeding" of your librarian, if you are lucky enough to have one.
 - g. Look for available CD-ROM products, and learn to use them for cost effectiveness.
3. Consider asking your mentor about state citation style, i.e., how does it differ from the Bluebook, and how do they want you to accommodate?
 4. Use your LEXIS and WESTLAW firm reps for additional training and especially for help with searching for your summer projects.

C. WHILE YOU ARE THERE WORKING ON PROJECTS

1. When considering time constraints keep in mind the "big picture." The purpose of legal research is to solve practical problems. Remember research is only a part of the solving process. Start writing well in advance of when your project is due in case more research is required. Follow the general rule that at least 25% of your project time should be in the writing phase. Place greatest emphasis on accuracy and analysis in the final researched and written product. Be mindful of deadlines!
2. Some of your projects will involve writing motions, not just research memos. Also, different partners may like different writing or memo styles. Be alert to what different assignors like, and be flexible.
3. Keep track of the date you run a particular search or shepardize an authority, so that if you are called off and then back to the project, you can easily determine where you left off without retracing your steps. Get the complete cite for anything you use. It saves retracing steps if you have to go back for a second look.
4. When you receive assignments try to determine whether the partner wants only that aspect solved by you and what type of authority she expects to find, e.g., if nothing from your state exists, which state is preferred? If she is asking for legislative history, what does she expect of you, something from USCCAN, or a full blown study? Be sure you know what kind of answer is required, when it is due and any

cost parameters, such as limits on LEXIS and WESTLAW use. Do not be afraid to go back to the attorney to ask thoughtful questions after you have done initial research if you need something clarified.

5. Gather your facts as completely as possible before you begin. Although you may need to find other facts as you go along, the more defined your issue is at the outset, the more accurate and efficient you will be.
6. Be creative in generating terms for index headings; think about synonyms and parallel concepts.
7. Adjust your search strategy to what is available at your firm library, e.g., you will have a better selection of practice treatises but a smaller selection of law reviews.
 - a. Helpful starting points:
 - i. A prior work product from your firm.
 - ii. Tables in any source.
 - iii. State issues:
 - ! State encyclopedia.
 - ! State form books, especially practice manuals which usually set out elements of a cause of action with citations to state law.
 - ! State treatises for a particular subject.
 - ! Remember, some state looseleaf services exist!
 - ! Annotated code.
 - ! Also, ALR & general encyclopedias.
 - ! Martindale-Hubbell digest volumes for cites to law of other states or even other countries.
 - iv. Federal issues:
 - ! ALR for ALR Fed.
 - ! Subject-specific treatises such as Wright & Miller on civil procedure.
 - ! Looseleaf services (e.g., tax, Labor, ERISA etc. They cite to, as well as include commentary, statutes, administrative regulations and digests of cases.)
 - b. Use CD-ROM over LEXIS or WESTLAW unless:
 - ! your firm pays a flat rate for an online system,
 - ! or you are an online power searcher, *and* you are sure you can beat the cost of your attorney time.
 - c. Use LEXIS and WESTLAW customer service regularly. Call to ask a research attorney for help testing the efficacy of your proposed search. (LEXIS @

1-800-543-6862; WESTLAW @ 1-800-REF-ATTY).

- d. Do not forget about non-legal databases available to you for factual information, for example.
 - e. Recognize that other computer systems exist. For example, LegiSlate covers federal legislation. Your firm librarian can help you with these systems. Even if you are an experienced Internet user, check with your librarian about connect costs before you connect up.
8. Helpful hard copy sources you should not overlook:
- a. West topic and keys, available in a case you already have: move to another jurisdiction, or look for more on the same topic, either in a digest, or using a key number search on WESTLAW, e.g., 45k109 /p research
 - b. Shepard's or KeyCite as a research tool; it is not just for updating. For example, use it to see how lower courts have interpreted a high court ruling; use the headnote numbers not just the analysis codes.
9. Do not forget "people" as a valuable research source:
- a. Does your firm have a "brief bank" of work products on file?
 - b. Is there a person in the firm who can answer your question? Try to get information from your assigning attorney when you first get your project, but do not be afraid to go to the assigning attorney for further clarification.
 - c. Use the telephone: call associations or government agencies who may have the answer to your question.
10. Care and feeding of your firm librarian:
- a. Do not expect your librarian to do your research for you.
 - b. Ask questions, but avoid asking a "panic" question. Stop and think before you ask, but do not be afraid to ask. (This is a little different from our perspective; much of what we do involves an instructional aspect; most firm librarians bill out time and have assignments to research as well as administrative activities to perform. On the other hand, you are foolish to stumble around when someone is available to help you.) For example, before asking a question that might require use of the card catalog, use it first. The same goes for the "How to Use" section of a looseleaf. You might say, "I've read the 'How to Use' section of such and such. This is what I've done so far, however, I've never used the set before,

and I just wanted to be sure I wasn't missing anything"

11. Cautionary notes:

- a. Often you will not find a case on point. Remember that if the research assignments were easy, partners and associates would have done them before the summer associates arrived.
- b. Never hesitate to talk with the assignor prior to completion of the project.
- c. Know when to stop. (See your notes from the strategy session given in Legal Research class, i.e., you keep seeing the same sources, new approaches bring diminishing returns, etc.) Be aware of the research time you expend. Use a research strategy and do not simply jump from source to source. Use what you find or do not find to revise your strategy. If necessary, ask your librarian for help with your strategy. Talk with your assignor.

Part II LEXIS AND WESTLAW IN THE LAW FIRM ENVIRONMENT

LEXIS and WESTLAW can help you, but you need to understand the limitations and the price structures in order to use the systems efficiently. Consider the systems as simply two tools among many. Remember to get a feel for your firm's philosophy toward using online research before you run up bills. This also may be true regarding specific attorneys. **If your firm has CD-ROM products, use them. Although the search engine differs slightly from LEXIS or WESTLAW, there is no online or per search charge!**

A. THREE PRICING SCHEMES

Basically, LEXIS and WESTLAW offer three pricing schemes, transactional, hourly or negotiated billing. Each billing method gives rise to different search techniques. Firms will probably have transactional and/or hourly billing available OR negotiated billing. Descriptions of each method follow.

Transactional Billing

Transactional billing allows you to stay online to read and follow up on cases. Each search you run incurs a charge based on the size of the file or database. In addition, you incur a lower charge to GET or FIND a document and an even lower charge to Shepardize or KeyCite a citation. With transactional pricing you can browse through your search results all day because you incur no connect charges. You can easily cut and paste information right into your work product.

Follow these guidelines with transactional billing:

- A useless search with a typographical error costs as much as a successful search, so PROOFREAD before you transmit.
- Choose the smallest file, and consider the advantage of using a topical file.
- If you need to run several similar searches in several jurisdictions, choose a group file.
- Run a broad search, then run free FOCUS or LOCATE searches within your results.

Hourly Billing

Hourly billing encourages your use of books in conjunction with the searching advantages of computers. Run a search or searches in a small amount of time, usually seven minutes or less, then download or print off the cites and use the books to read and analyze the law. You are charged with each passing minute you are online.

Follow these guidelines with hourly billing:

- Do not idle while online. Have a written plan, with expected results and potential query edits; get on and off quickly. If you are having difficulty, sign off.
- Choose the smallest file, because it will take the computer less time to sort through less documents.
- Use field or segment searching and date restriction whenever possible.
- Use the LINK features to move quickly throughout the systems.
- Avoid expensive databases which contain ALL in the identifier, as they cost nearly twice as much per minute than regular hourly billing.

Negotiated Billing

Both systems have negotiated pricing, usually a flat rate fee. You will find it most often in very large firms and a variation of it in very small firms. In the small firms, the plan allows attorneys unlimited searching in selected databases. Outside that predefined area, attorneys are billed under either transactional or hourly billing. As you can see, if your firm has a negotiated plan, they probably expect you to do a significant amount of computer searching. Get in the habit of cutting and pasting information right into your work product. However, you need to be aware of the following guidelines.

- Make sure you know which system has the negotiated plan. Are there portions of the system that are not included in the negotiated plan? Are the citators included? Is printing included?
- How will your client be billed for your computer time?
- Remember that inefficient use of the system under this negotiated deal will cost the firm much more the next time the contract comes up for negotiation.

B. WHEN TO GO ONLINE

1. When deciding if it is more economical to go online, keep in mind your time pressure, your billing costs, each system's pricing scheme, your facility with the books or CD-ROM versus your facility online, and what is available to you either in your library, at a nearby library or via your librarian's mutual borrowing privilege. Occasionally, online fills in for lack of an index, for example, for local legal newspapers.

2. *Know* what your other options are; do not go online unless you need to. Occasionally time is a factor and you are forced to use online research. However, if it is an emergency, it should be because someone assigns it to you on short notice, *not* because of your poor planning. Balance your workload. **The only reason to use LEXIS or WESTLAW in the firm is to benefit the client by saving time and/or money.**

C. OTHER PRE-ONLINE TIPS

1. Use appropriate "print" sources before you go online. Check secondary sources for background to narrow your search. Find an appropriate West topic and key. This allows you to anticipate problems and think out alternatives and possible modifications.
2. Use the hardcopy LEXIS and WESTLAW directories to determine the most appropriate file or database. Use WESTLAW's SCOPE from the online "Choose Database" Directory or the "circled i" markers in the LEXIS online "Source Directory" to determine useful fields, search tips and to determine coverage.
3. Choose the smallest file that will get you the information you seek unless you are using transactional pricing and you need to run several searches for many states; in the latter case use a group file.
4. Remember the principles of authority. Do you want state or federal authority? Does your partner only want highest court authority, or does she want anything? Be sure you know what the partner wants before you go online. Be mindful of your pricing method as you fashion your search strategy. Ineffective searching, even on flat rate billing costs attorney time.
5. Use the reference help lines, LEXIS @ 1-800-543-6862 or WESTLAW @ 1-800-REF-ATTY, to get help before you go online if you are unsure about the search you have designed.
6. Take whatever additional training your firm offers you. Use the **vendor reps** to help you with your research queries. In larger firms your rep may be at the firm weekly, with offers of instruction, free online time and free searches -- **TAKE ADVANTAGE OF THE OPPORTUNITY!!!**
7. Once you decide to go online, **plan your search on paper before going online and proofread your search before transmitting it.** Anticipate problems and have alternatives already written out. Check your equipment to make sure you have paper and ink. **When possible, use GET or FIND rather than running a search.**

D. ONLINE CITATORS

Online citators are very efficient. Some firms also use CheckCite or WestCheck, the automatic citators. The coverage between the systems differs.

LEXIS

LEXIS updates Shepard's daily. The cost is \$3.75 per citation and \$7.00 to look at a case in full (under transactional pricing. Under hourly pricing, these systems cost about \$5.00/minute.).

WESTLAW

WESTLAW contains KeyCite, also updated daily. WESTLAW also has Table of Authorities which breaks out a list of cases relied on in a particular case. Each of these costs \$3.75 per citation and \$7.00 to look at a case in full.

PART III INTRODUCTION TO LEGAL RESEARCH ON THE INTERNET

More and more government sources are available through the Internet. If you already use the World Wide Web, you may want to look at legal sources. If you have no Internet experience, do not worry about this section, but make it a point to become acquainted sometime before you finish law school. Although using the Internet for legal research requires several precautions, you can identify and use a number of sources to obtain a wide variety of information at relatively low cost. This section provides a few tips.

Using the Internet for Legal Research

To effectively use the Internet, you must first understand its limitations. First, at this point it is not a substitute for LEXIS or WESTLAW. Each site differs in access, coverage, currency, indexing, display, downloading formats, etc., i.e., there is no standard organization method. There is not even a comprehensive directory. Although several indexes and search engines exist for finding online resources, the good news is their existence, the bad news is that unlike LEXIS and WESTLAW, where a single search protocol works pretty much throughout the system, there is no standard search method. Each search engine on the Internet differs both in methodology and in what Web pages the engine will search, so it can be difficult for novice users to navigate through the formidable amount of information. Hits are not relevance ranked, and when they are, the relevance is still suspect. Moreover, no customer service exists to help you. Much of the information is duplicated, but it is not always clear what is the best source to rely on. The Internet lacks many older documents, and where older documents exist, there are no comprehensive archives. Much material is dumped onto the Internet, but seldom updated. The currency of coverage varies; some sites are updated regularly, others seldom, still others are regular except for “crunch time.” Furthermore, it is unstable; what is here today may be gone tomorrow. Since there is no uniform editorial or quality control, always question the authoritativeness unless you know the reputation of the publisher. Since many information providers “have an ax to grind,” you must be aware of bias.

In addition to concerns about how to and what you find via the Internet, there are potential technical problems. Over usage during certain times creates connectivity problems. Popular sites may be busy making it difficult for you to “get in.”

Other technical problems result in printouts without footnotes, or incomplete information. Finally, security issues exist, in that when you use a browser, you actually capture pages into your system’s cache. On a public workstation there exists the possibility that a subsequent user can trace some of your work. Moreover, in a large organization with a direct connection and a Web site, a firewall is needed for security.

Deciding when to use the Internet for Research (Initial Analysis)

At this point, despite the hordes of legal materials available through the Internet, you will probably continue to rely heavily on LEXIS and WESTLAW. So when you begin your problem, analyze the strengths and weaknesses of the Internet, your knowledge and skill, the problem itself and weigh the

costs.

There are several potential advantages. Using the Internet is an inexpensive way to suddenly expand your library in a way you probably never dreamed possible. It is vast, yet cheap. It is very cost effective for certain types of information, e.g., downloadable government documents in tabular form. Indeed, it may be the only source for some material.

To use the Internet wisely, think about these things. The Internet is a good source when you already know of a site that contains the type of document you seek. (See below on creating a “cybrary” using “bookmarks” at your own workstation.) Once you determine which government, well respected law school site, or other proven sites exist you have less concern about reliability. Generally, the Internet is not a good source for historic documents or legal research sources prior to the 1990s unless you know of specific sites that hold such documents.

The Internet can be a good source for certain esoteric items which otherwise take a very long time to come out, treaties, for example, foreign law. It can be a good source for public information which you can identify. Furthermore, it is a good source of federal government information, but you must verify what you find. If you have time, you may be able to find what you seek. It is a good source when you want basic information fast, i.e., looking up a person’s whereabouts, finding a spot on a map, checking the weather. It is a good source when “close” is good enough.

Setting up your Research Strategy

As always, analyze your factual and legal issues to determine what you seek, and what type of source you expect to find it in. Once you know what you need, determine whether the Internet is the right tool. Consider, is coverage likely? Are you looking for fact oriented, administrative agency or foreign law, all of which are likely to get good results? What is your time frame v. your facility in using the Internet? What are your cost constraints? Consider other low cost alternatives. Will you be looking for "free" materials only? At this point you should probably avoid accessing the fee-based materials unless you receive training at your firm.

Another factor in your initial analysis is, how precise, accurate and up to date must your answer be? You will also have to decide whether to turn your browser to text only to speed up your access. Consider that graphics take longer, but may be required on certain pages.

If you decide to use the Internet, start with **known authority** if possible. For example, you may know the document and have the URL, or you know a site which contains the document.

If you are unsuccessful with known authority, try the **topic approach** with a good online starting point. Go to a meta-index like FindLaw or Hieros Gamos (see the list of suggested sources below) and look at the subtopics and burrow down.

If you have no luck with the topic approach, run a keyword search. Run a search using LawCrawler or a series of searches using the general Search Engines, such as Google or Alta-Vista.

Use boolean searches with search restrictors whenever possible. Use other advanced techniques such as, truncation, quotation marks, the adjust or sort display feature and your browser's Find option to locate within a page you are displaying.

There are many reasons why you may not get "hits." When typing in URLs be sure you do so exactly. If you are running a search on a site, make sure the site contains the type of information you seek. If you are running a search engine use the onscreen searching tips to use the correct connectors, capitalize initial letters, or limit your search to available restrictors. Keep a file describing the characteristics of the various search engines you use.

To efficiently use the information you find, consider your output. Will you print or download? If download, do you need the entire document, or will a simple copy and paste do? If you want to save the file, choose **save as**; name your file; for format choose text or plain text.

Use your browser's electronic bookmark feature for sites you find useful.

A major question in using the Internet is how to cite what you find on the Internet. Both the American Bar Association and the Association of American Libraries recommend vendor neutral citation. Bluebook Rule 10.3.1 and individual state or federal court rules tell how to cite cases. The Bluebook method is to use case name followed by the year in which the case was decided, court abbreviation, followed by the sequential number of the case (for that year) followed by a pinpoint cite to the paragraph to which you are referring. For example, Smith v. Jones, 1998 N.D. 5, ¶ 25. As you can imagine, West, whose regional cite are often preferred by the Bluebook, has vigorously opposed neutral citation.

To this point the Bluebook pretty much discourages citing to Internet sources because of the transient nature of many sites. However, Bluebook Rule 17.3.3 provides this format: provide the name of the author (if any), followed by the title of top-level heading of the material you want to cite using either underlining or italics. In regular type place a parenthetical with either the actual date of publication or the most recent modification date of the Web page or the date you accessed the site if the site does not indicate the modification date. Then cite the URL encased in < >. For example, *Montana Supreme Court Adopts Medium-Neutral Citation Format* (visited Feb. 3, 1998) < <http://www.aallnet.org/press/press980106b.html>>.

Because of the "open range" nature of the Internet, when you find legal information you must evaluate what you find. Does it come from an authoritative source? Who posted the material? Is a bias reflected? Is it from an official government source? Does what you found comport with what you know about trends in that area? Is the Web page from which you found the information kept current? When was the cite last updated? Try to verify the information in hard copy.

Developing your own Cybrary

As with paper sources, the known authority approach is the best method of using the Internet. Assemble your own cybrary with bookmarks linking you to the sites your practice most likely requires. If you use a public workstation it is more difficult to “Bookmark” your favorite sites.

To find applicable sources, start with the suggestions in this section and “surf.” You can also refer to newsletters and articles that evaluate sites and assemble sites by topics; several are listed in the appendices to this section.

Every lawyer should have a bookmark for <http://www.findlaw.com/> to access **FindLaw**. It provides myriad links arranged by topic or type of authority or even jurisdiction. It also provides access to LawCrawler, a search engine for legal information.

Include in your Bookmark file other comprehensive legal lists to use the topic approach. (Legal Indexes). The comprehensive sites contain breakouts by type of authority within jurisdictions and by topics. You should use those and compare the possibilities, since much is duplicated on the Web. When you discover one site that you prefer over a comparable one, bookmark your preferred site. Eventually, you will have your own personal cybrary at your fingertips. You can look for sites related to your jurisdiction. To do so, look for specific practice information from bar association and Continuing Legal Education sites, for codes and legislation tracking, administrative materials, cases including pending ones, court rules, particularly on filing electronically.

Although the cybrary approach is a good one, you must expose yourself to other new indexes and sites as they continue to evolve, for what was great yesterday, may be comparatively stagnant today.

APPENDIX - SUGGESTED SITES

There are a tremendous number of Web sites containing law related materials. Sites are maintained by law schools, law firms, bar associations, legal publishers as well as by individuals. There are several hard copy sources with lists of sites, so here are just a few.

Starting Points

<http://www.findlaw.com/>

FindLaw is probably the most comprehensive and one of the best organized legal sites.

<http://www.hg.org/>

Hieros Gamos is a comprehensive legal site that contains much legal information that cannot be found elsewhere on the Net. It has 12 directories, 200 practice areas, 400 discussion groups, business guides, & seminars, as well as categories for news, library, employment, law study, meetings, journals & government.

Several *law schools* maintain excellent sites that are also good starting points:

<http://www.law.cornell.edu/>

The **Legal Information Institute** at Cornell Law School contains many links including those to the US code, Supreme Court Decisions and a topical index. It is probably the most linked-to law site for full text documents.

<http://www.washlaw.edu/>

The Washburn Law School site includes **REFLAW**, <http://www.washlaw.edu/reflaw/reflaw.html> an excellent source of law links and **ForInt-Law** <http://www.washlaw.edu/forint/forintmain.html> containing several International Law resources.

<http://www.law.indiana.edu/law/v-lib/>

The World Wide Web Virtual Library via the Indiana University School of Law - Bloomington has a **Law Library** page with a searchable index. You search for a word and your result will provide you a link to a relevant site. It is very thorough and includes Legal Information by Organization Type, Legal Information by Topic and Search Tools and Other Comprehensive Sites.

Search Engines

<http://www.lawcrawler.com/>

FindLaw provides **LawCrawler**, a search engine that looks at only legal sites.

<http://www.google.com/>

Google is a general search engine that provides fast and high quality search results.

Forms & Jury Instructions

From FindLaw you can link to several sites with forms. For example:

<http://www.lectlaw.com/form.html>

The '**Lectric Law Library**' includes a "forms room" with many legal forms.

<http://www.ca5.uscourts.gov/documents.htm>

U.S. Court of Appeals, 5th Circuit's Federal Jury Instructions and other full text documents.

Legal Ethics Sites

<http://www.legalethics.com/index.law>

Legalethics.com comprises links to legal ethics resources available on the world wide Web, including links to online ethics rules and opinions, state-by-state bar and disciplinary resources. It also provides the full text of selected articles on ethical issues related to attorneys' use of the Internet.

Listservs

<http://www.lib.uchicago.edu/~llou/lawlists/info.html>

A legal mailing list can be a great resource for anyone who wants to interact with others on the Net. The best list of legal mailing lists on the Internet is "**Law Lists**," by Lyonette Louis-Jacques of the University of Chicago Law School." Search Law Lists for a topic that interests you. Subscribe and you will receive e-mail messages generate by others interested in your topic. **Beware**, some lists are open to anyone and can generate much irrelevant mail.

listserv@lii.law.cornell.edu

This is the e-mail address for a list which provides you the syllabi of U.S. Supreme Court opinions as they come down. Send a message without your signature file; the message should read subscribe liibulletin yourname

Searching Newsgroups

<http://www.deja.com>

Search newsgroups.

Legislation

<http://uscode.house.gov/>

Searchable **U.S. Code from the Office of the Law Revision Counsel.**

<http://www.access.gpo.gov/congress/cong013.html>

Searchable **U.S. Code made accessible by the Government Printing Office.**

<http://thomas.loc.gov/>

Great source for current federal legislative tracking from the **Library of Congress.**

Municipal Codes

<http://www.spl.org/govpubs/municode.html>

Collection of **Municipal Codes Online** with links to codes by location or publisher.

Federal Agencies

<http://www.infoctr.edu/fwl>

Fed Web Locator is the most complete listing of Federal World Wide Web sites on the Internet.

<http://www.access.gpo.gov/nara/cfr/index.html>

Search or browse the **Code of Federal Regulations**.

Cases

This is one of the most frustrating areas of the Web, especially for lawyers spoiled by the comprehensive judicial treatment on LEXIS and WESTLAW. Most federal courts (all circuit ones) and many state courts now have an Internet presence, sponsored by various entities. Except for the U. S. Supreme Court, most of the judicial opinions available are only from the last few years.

<http://www.ilrg.com/caselaw/>

Internet Legal Resource Guide's judicial page is nicely laid out with dates of coverage indicated for each circuit and links to sites.

Directory of Attorneys

<http://www.lawoffice.com/>

Searchable **West's Legal Directory**.

<http://www.martindale.com/marhub>

Searchable **Martindale-Hubbell Directory**.

Organizations

<http://www.abanet.org/>

The **ABA** has a strong presence.

Hot Legal News

<http://www.courtstv.com/>

Court TV has an excellent Web site.

Reference

<http://www.iTools.com/research-it>

Research-It!, an excellent starting point for reference work.

<http://ipl.org/ref>

Internet Public Library Reference Center, a service of the University of Michigan School of Information.

Statistics

<http://www.fedstats.gov>

Contains official federal statistics with Internet's link and search capabilities including an A-Z index, keyword capabilities, links, agencies heading, programs heading, and regional statistics.

News

<http://www.nandotimes.com/>

Nando Times is one of the best Internet News Publications; it consists of news and information continuously updated.

People Finders

<http://www.whowhere.lycos.com/>

Who Where? Allows you to search a name to obtain an address.

<http://www.people.yahoo.com>

Four11, the white pages for e-mail addresses.

Directory of Physicians

<http://www.ama-assn.org/aps/amahg.htm>

AMA Physician Select,
Locate a doctor by name, specialty, location, etc.

Maps

<http://www.maps.excite.com>

city.net has interactive capabilities that allow you to type in an address and receive a map on which you can zoom in and out.

<http://www.mapblast.com>

MapBlast! to get a detailed map.

http://www.lib.utexas.edu/Libs/PCL/Map_collection/

A **Map Collection** from the University of Texas (including lots of CIA maps and other government documents that have been scanned as images).

Weather

<http://www.cnn.com/WEATHER/>

CNN Weather, find out the weather including four day forecast..

<http://www.wunderground.com/>

You can check the weather on the **Weather Underground** link and get fast results.

Business

<http://www.secapl.com/cgi-bin/qs>

The **Security APL Stock Price Quote Server** allows you to type in a ticker symbol, such as "aapl" to obtain a stock quote.

<http://www.wsrn.com>

Wall Street Research Net.

Zip Codes

http://www.usps.gov/ncsc/lookups/lookup_zip%2B4.html

Zip Code Look-up of the U.S. Postal Service allows you to get a standardized address.

Novelty

<http://oyez.nwu.edu/cases>

Oyez Oyez Oyez is the page where actual recordings of the oral arguments made in landmark Supreme Court cases are uploaded. To hear these arguments you must download the real audio player plug in; a link to the software is on the page.