Legal Research Tools: In Search of the Best Format

Robin C. Schard
Marquette University Law School

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In what format should a legal reference resource invest? Such sources as traditional paper, floppy disk, CD-ROM, DVD, and on-line services all offer varying degrees of ease of use, cost, finding aids, mechanical requirements, and updating. This column discusses alternatives and provides guidance as which one is best to select for your specific needs.

By Robin C. Schard

As if we do not have enough choices to make among legal publications, it seems as though publishers offer additional formats for each new publication. Sources are now available in traditional paper, floppy disk (5¼-inch disks replaced by 3½-inch disks ages ago), CD-ROM, DVD (which basically hold more data than CD-ROM), on-line (such as LEXIS and Westlaw), the Internet, or more precisely the World Wide Web, and who knows what tomorrow will bring? Of course, newer is not necessarily better. The main reason for offering a variety of formats is to enhance research features. Therefore, the central question in selecting one format over another is whether the format makes research more effective and/or efficient.

Robin C. Schard is Head of Reference at Marquette University Law Library. Shortly she will move to University of Miami Law School.

General Considerations

The first step, before concentrating on format, is to decide if the source itself provides valuable, reliable information. The simple purpose of a research tool is to provide answers, so the researcher needs to assess the information included in a prospective tool. The author(s) should be respected in the field, and the publisher should also be reliable. It will be fairly easy to recognize the publisher, since there are so few involved in legal publishing, but if the purchaser is not familiar with the subject, one way to check up on the author is to see what other publications have been written by the same person. In addition to the reliability of author and publisher, the purchaser needs to evaluate where else the information might be available—in what other sources can the same or similar information be accessed? Other issues normally considered before purchasing new tools, such as ease of use and cost, will be discussed below.

It would not be wise to buy a car without a test drive, and the same holds true for new publica-

tions. The best way to evaluate a new product is to use it before paying for it. Many publishers have a 30-day return policy for paper sources that gives the user time to experiment with a new product. Other arrangements can be made for newer technology. For example, publishers can produce sample CD-ROMs or provide temporary passwords for Web-accessible products. Publishers are also offering the computer-based formats at reduced rates to purchasers of the equivalent paper format in order to get legal researchers interested in the newer technology. If test periods are not available, another way to find out about a product is to rely on someone else's judgment. This can be accomplished either by contacting another firm that already has access to the format or by reading reviews of the source. More information will allow for a more informed decision concerning the product.

Contrary to popular belief, books are still a viable way to do research. There are even some benefits to using books over the newer formats. For example, books are not susceptible to computer crashes or blackouts (assuming there is some light available). They will also not be affected by any year 2000 (Y2K) catastrophes, and they are relatively easy to use. Books have been developing as research tools for hundreds of years. They already have most of the bugs worked out. The paper format is still going to be a valuable tool for some time.

On the other hand, the newer formats also have many benefits. For instance, more than one researcher can use the same computer-based tool at the same time, depending on the mechanics discussed below. Other than reading over the shoulder, this is not possible with books. Another benefit to computer-based formats is the ability to use the resource from different locations, such as from attorneys' individual offices rather than just from a library. Additionally, rather than relying on a table of contents or index, computer-based formats allow the researcher to search the full text of a source.

What Are the Research Features/Finding Aids?

How a researcher actually finds relevant information in a source is really a key issue in deciding what format to buy. Each format has its own finding aids, or tools that help locate information within the source. If the purchaser views the source before buying it, the evaluation can be more meaningful. The best way to judge the format is to do searches for specific information or develop a hypothetical fact pattern and do the research. Researching one fact pattern is a great way to compare the finding aids of different formats. How well these finding aids work determines the effectiveness of the source. Most researchers are familiar with the finding aids in printed sources: table of contents and index. The disadvantage to these printed research features is that the researcher must rely on the indexer's vocabulary and assignment of topics. Moreover, tables of contents and indexes are not all of the same quality. Some

publishers make these finding aids too vague or too short to help the researcher. Printed sources also may have other finding aids, such as tables of cases or statutes. One advantage to printed research features is that they are simple to use. This is perhaps only a convenience of age since printed materials and their finding aids have been around for so long. Another benefit to the printed format is the ability to browse through more than one section. The researcher can easily look around the section suggested by the finding aid. This allows the researcher to put the information in context and to see how different aspects of the law work together—much the same as a person would browse the shelves in the library to find related books. Publishers of computer-based tools have long ignored this method of research.

Publishers have disregarded browsing because computer-based formats have so many other possible research features. For example, the full text of the computer-based formats can be searched. The researcher no longer relies on the indexer's terminology. Full-text searching is not new to legal researchers. They have been searching this way on LEXIS and Westlaw for decades. Researchers are also familiar with the disadvantages of full-text searching, such as unrecalled information or huge results lists. Full-text searches are only as good as the researcher's ability to craft the search and the power of the tool's search software. LEXIS and Westlaw allow the searcher not only to search the full text of

the documents but also to use fields or segments to limit terms or phrases to particular parts of the text, such as the author or title or citation. LEXIS and Westlaw also use logic connectors, such as "and," "or," and "but not." Most other computer-based formats have only a portion of these search capabilities, and some have none at all. Many CD-ROM formats, for instance, allow only the most basic searching of terms or simple phrases. On the other hand, if the research features of a particular format are too complicated, the user may not find the required information or may waste time trying to locate the information.

Besides full-text searching, computer-based formats have adopted some of the research features of the printed format. Some have indexes or, at least, subject listings, and some sources have added a table of contents or its equivalent. The research features in computer-based formats, however, vary widely, so the researcher really needs to experiment with the particular source in order to evaluate it accurately.

No matter what the finding aids, the general ease of use will determine if a particular format is an efficient way to search for information. If the research features are incomplete or too complex, finding the needed information will take longer. Indeed, the vital information may never be found at all. There is no reason to have a particular format that does not provide answers or does not do so relatively simply.

What Are the Mechanical Requirements?

Each format brings its own set of mechanical challenges. Even the old-fashioned book has mechanical aspects. For example, due to the time-sensitive nature of legal information, many publishers use a looseleaf format for publication, which allows individual pages to be replaced as updates are needed. If the book is a looseleaf set, a filer will have to make sure that the updating pages are inserted correctly. Anyone who has tried using a looseleaf set that has been incorrectly filed can attest to the importance of having this done correctly. Besides issues with updating, however, the paper format has very few mechanical considerations.

Computer-based formats, on the other hand, present many mechanical concerns. The initial consideration for CD-ROM and similar formats is whether the software is compatible with the computer system already in place. Although seemingly basic, purchasers often overlook this issue, but this problem has eased as systems become more uniform. The next consideration is how the CD-ROM will be used within the system. There are several possibilities. First, the CD-ROM can be loaded as needed, yet this requires reloading the source every time, as well as keeping track of who has the CD-ROM when the next researcher wishes to use it. Another option is to load the research tool on a stand-alone computer. The stand-alone solution provides a guaranteed access point and allows for easy

updating. Placing the information on a stand-alone computer, however, restricts use to one person and one access point. Finally, the CD-ROM also may be made part of the network, allowing any computer that has access to the network to have access to the tool. Networking the source gives users access from many different points, and, depending on the agreement and software, many users can have simultaneous access. The mechanics of using CD-ROM formats become even more complicated if the tool includes more than one CD-ROM. Even if the tool starts as one CD-ROM, updates may mean adding CD-ROMs rather than merely replacing the existing one. Multiple CD-ROMs obligate the user to exchange CD-ROMs in the midst of research. One way to circumvent this problem is to use a CD-ROM tower that allows the CD-ROMs to be seamlessly switched without further intervention by the user. Unfortunately, towers only hold a limited number of CD-ROMs, so the number of CD-ROMs included in a particular legal research tool and the number of other CD-ROM sets already using the tower must be considered before a new product is purchased.

Internet-based legal research tools also present their own mechanical issues. As with networked CD-ROMs, Internet-based sources allow for access from any computer and allow for more than one simultaneous user. The overwhelming concern with using Internet formats, however, is speed and consisten-

cy of access to the information. Before contemplating Internet formats, the organization needs a reliable Internet provider (IP), but the firm's own connection to the Internet is only part of the equation. The Internet trail includes many connections along the way back to the publisher's server. Any breakdown between the publisher's server and the user's desktop completely bars the ability to locate information. Even the most reliable of connections cannot guarantee the speed of the Internet. As more people use the Internet and as larger files pass over the Internet, the traffic becomes slower. The wait for information being sent via the Internet can be very aggravating. Unfortunately, the frustration level due to the breakdowns or slowdowns in communication must be considered, particularly if the researcher is relying on more and more Internet-based legal research tools. Another concern with Internet tools is that the publisher can gather information on the researcher. For example, some information can be extracted from the researcher's computer when connecting to the source, and the publisher can track when and how the user is doing research.

The purchaser needs to weigh the mechanical aspects of all formats before purchasing new tools. One way to decide which is the most effective format is to consider the limitations of existing systems. Although a format may seem to be the most efficient, the tool will be useless if the mechanical requirements are beyond the current system.

How Is Each Format Updated?

Because legal information is so time-sensitive, the prospective source must be as current as possible. In this regard, newer technology, such as the Internet, has an edge. While paper and CD-ROM-based resources need to be mass-produced and shipped, Internet resources can be updated constantly from one central computer. Just because online tools can be easily updated, however, does not mean that they will be. Regardless of the format, the purchaser needs to know that the source will be updated regularly and reliably.

The purchaser also needs to know how the information will be updated. Paper formats are normally updated with new pages for looseleaf sets, pocket parts for hardbound volumes, or other supplements. As previously mentioned, Internet systems can be updated from a central computer, so the user need take no additional action to update the source. The question is more important for CD-ROMs. The purchaser will want to know if the updated CD-ROM will be comprehensive, completely replacing the previous one, or if additional CD-ROMs will just be added. Additional CD-ROMs may greatly impact the mechanical considerations discussed above and make the CD-ROM format less desirable. How the source is updated may be just as important as when it will be updated.

How Much Does It Cost?

Each format has its own pricing scheme or schemes. Just as with airline tickets, no two people seem to pay the same price. Generally speaking, the printed format is a one time purchase of the information. The purchaser owns the book and the publisher has no rights to it. The researcher can also subscribe to an updating service for a specific period of time. Unfortunately, the subscription sometimes costs as much as a new book or set of books, so the buyer must evaluate the importance of the current information when deciding to subscribe. Internet-based sources are usually priced by the number of simultaneous users or by the number of IP addresses (connections to the Internet) the organization has. The purchaser buys access to the information for a specific period of time. The CD-ROM format is priced either like the printed format, with a one-time, outright purchase of the CD-ROM, or like the Internet format, with the user buying a subscription to the information on a CD-ROM and being able to update in the future for a period of time. Price of the CD-ROM format may also vary by the number of simultaneous users.

The key to pricing for computer-based formats is to read the agreement carefully. The purchaser can relinquish a lot of control over the source when switching to computer formats. For example, if the buyer is only purchasing a subscription to either a CD-ROM or a Web source, access to that tool is completely cut off when the subscription ends. CD-ROMs can be programmed with a termination date, and passwords for Internet sources expire. The researcher, however, does not necessarily surrender any con-

trol when purchasing computer-based formats. If the CD-ROM purchase functions like a printed format purchase, the user always has access to the information (assuming no Y2K problem). For instance, when purchasing the *Statutes at Large* on CD-ROM, the buyer gets CD-ROMs containing information about previous sessions' acts. The buyer always has access to that information, yet she can also subscribe to an updating service, receiving new CD-ROMs as they are produced. No matter what format, the buyer must know what he is paying for before deciding on a specific format.

In addition to the actual cost of the format, there are also other underlying considerations. One cost to ponder in evaluating a tool is time. The first evaluation of time involves the time in doing the research itself. This relates back to which format is actually the easiest and most efficient to use. Another use of time is in updating the resource. Internet updates do not require any of a user's time; CD-ROM updates may use time in loading updates onto a particular computer or network; updates of the paper format may require the most time, depending on how

the set is updated (looseleaf or pocket part, etc.). One final time consideration is training. Normally, training is not necessary for new paper research tools, yet it may be required for new computer-based formats so that they are used proficiently. Users may not be familiar with these resources, and finding aids are not usually standard among them. Time is a very valuable resource, so the time involved in maintaining and learning formats must be carefully considered.

Space is an another cost to consider when selecting the proper format. A large part of office space, and consequently expense, has been used for the paper library, not to mention additional renovations necessary to make floors strong enough to support library stacks. The cost of the paper library expands beyond the cost of the book. While computers take up only a fraction of the space books do, it is still important to consider what space will be needed for additional computer equipment and where that equipment will be placed. Desktop space and area reserved for systems is quickly depleted. The cost of space also varies among formats.

Finally, there is a myriad of other things to consider. For example, the individual preferences and biases of the users must be confronted when deciding which format to choose. Additionally, publishers are influencing the decision by offering new products only in computer-based formats. For instance, the *CCH Health Care Fraud and Abuse Guide* is only being offered in CD-ROM or Internet subscription. No print equivalent of this source was ever offered. The way people work now may also affect the choice of format. As more people work from places other than the traditional office, such as telecommuting or working from laptops on-the-go, the desire to use computer-based formats may increase. As the Greek philosopher Heraclitus said centuries ago, "nothing endures but change," and the publication of legal research tools is no different. The most important rule in selecting the best format is to keep an open mind, and do not be swayed by exciting bells and whistles. The bottom line is really to find the required information effectively and efficiently, not to look good doing so.