

§ 2.2

Law Library or Law Online?

Options

A question commonly asked by beginning researchers is, “Why should I use the law library if I can just use *Westlaw* or *Lexis*?” Another question often heard is, “When do I research online and when do I research in the law library?” These are good questions, especially if the law library is out-of-reach to the researcher because of closures or other limitations. But these closures and limitations will not last forever, hopefully, and the questions are still worth considering.

Why should I use the law library if I can just use *Westlaw* or *Lexis*?

For two-hundred years, the only way to conduct legal research was in some form of library. Now, however, online legal research services have been established that provide additional options. While other online services are proliferating, *Westlaw* and *Lexis* have dominated the online legal research landscape.

So, with online services now available from any computer with an Internet connection, shouldn't the researcher simply opt for those online services and forego the law library completely? The answer is not so clear-cut.

The pandemic which began in 2019 made online research the only option for most researchers. This was not really a problem since most law firms had already transitioned to online research. But it did take away an option for researchers, at least temporarily. The assumption is that at some point law libraries will be easily accessible again, and you will be better served if you take advantage of some of the options a library provides that online research does not.

Traditional law library research is established but is now contingent.

Law libraries have had literally hundreds of years to establish collections and create research systems that have not only made the law available to attorneys, they have also made the law more accessible to the public. Historically, law libraries have been a very democratic part of the legal process. Even though law libraries cost multiple millions of dollars to establish and maintain, almost every county in the United States has a law library that is open to the public. When law school libraries, which often allow some form of public access, are added to this mix, individuals in the United States have had almost unrestricted access to the laws of the land, and other research tools as well. This is an important means of access to the public.

Sadly, this access is now contingent on the ability of law libraries to maintain collections and acquire new materials. The books are not cheap. Some standard sets of books can cost as much as \$600 per volume. Most collections require yearly subscription expenditures to maintain and update. Thus, as attorneys have transitioned more and more to the use of online research services, law libraries have sought to save funds by not ordering new materials, cancelling

subscriptions to already purchased collections, and even removing some materials from the shelves. After all, most libraries are government-funded, and those that aren't are often part of private universities. Libraries of all sorts have been an easy target for cost-cutting measures, including law libraries.

THE LAW LIBRARY

Strengths	Weaknesses
<ul style="list-style-type: none"> • <i>Large collections</i> • <i>Free public access</i> • <i>Browsing capabilities</i> • <i>Material from all publishers</i> 	<ul style="list-style-type: none"> • <i>Libraries select varying collections</i> • <i>Limited to business or school hours</i> • <i>Some subscriptions cancelled</i> • <i>Libraries may limit access</i>

Online research is empowering, but also oddly limiting.

The sales pitch is enticing. "Imagine having hundreds of thousands of books, virtually every law in the country, and hundreds of treatises and form books available to you with just a few clicks of the mouse." The promise of online research has not only been convenience, but comprehensive access to the law to empower the researcher.

How, then, can online research be in any way limiting? Although at first glance online research appears to be a no-lose proposition, there are a few limiting factors of which the paralegal should be aware.

Cost

Online legal research is not free. Subscriptions to *Westlaw* and *Lexis* can cost from hundreds of dollars per month (for local jurisdiction databases only) to thousands of dollars per month, depending on the specific subscription plan.

Subscriptions are not unlimited

Every firm negotiates its subscription with the online service. The basic package would include the databases from that state (cases, statutes, regulations, etc.), and a few secondary sources, such as legal dictionaries and encyclopedias. After that, if the law firm wants additional state or federal databases, or valued form books, treatises, and other popular material, extra fees apply.

Limited materials

Online services excel at providing access to all laws from virtually every jurisdiction. However, online research has become about more than just finding law. Since *Westlaw* and *Lexis* (and others) now provide access to basically the same laws, enticing litigation support tools (such as form books, treatises, law reviews, and annotations) have become the new battleground for online research services. The problem is that while there are a few materials that are *cross-platform* (available on both *Westlaw* and *Lexis*), most are only offered on one or the other. If your law firm has a subscription to *Westlaw* and you want to access *Benders Discovery Forms*, you are out of luck. That set is only available on *Lexis*.

Likewise, if you love using *Am. Jur. Proof of Facts* but your law firm subscribes to *Lexis*, you will be frustrated to learn that those books are now only available on *Westlaw*.

Paralegal Access

Not every firm gives every paralegal access to their online research system.

The ability of the client to pay

Even if the attorney has a subscription, the client ultimately pays for the research session in two ways. First, the time of the attorney or paralegal to conduct the research, and second, the bill from *Westlaw* or *Lexis*. There may be times when a paralegal wants to research an issue, but the client does not have resources to pay for online research.

ONLINE RESEARCH SERVICES

Strengths	Weaknesses
<ul style="list-style-type: none"> • Access to all laws • Powerful search engines • Convenience • Immediate updates to laws 	<ul style="list-style-type: none"> • High cost of online services • Not all materials are available online • Can't "browse" in the traditional sense • Not all paralegals given access

To be sure, online research is a powerful tool. Law firms today need the immediacy and convenience of online research, as well as the powerful search engines that drive a more efficient research experience.

As a working paralegal, when will I research online and when in the law library?

The best paralegals will learn to utilize *both* online tools and traditional law library resources in order to become a well-rounded legal researcher. To be an efficient researcher, the paralegal needs to identify when online research is appropriate as opposed to traditional law library research. The paralegal should:

Research **Online** (*Westlaw* or *Lexis*) if:

- you need a case, statute, or regulation to answer a research issue
- you have a citation to a law and need to get a quick copy
- you are looking for a form that the law firm does not have
- you need to validate a case, statute, or other law

Research in the **Law Library** if it is safely available to you, and if:

- your firm does not provide you with access to online services
- you are not sure that your client can afford online research
- the online service does not have the form book or treatise you need
- you have easy access to the law library and need to look up several results from your online research, or quickly access a known case or statute

THE ABC'S OF LEGAL RESEARCH

A System of Teaching Legal Research

In this textbook, students will be taught how to research primarily using online research sources (*Westlaw* & *Lexis*), utilizing the traditional law library as a supplement or safety-net. For every research tool discussed, students will first be provided with a *QuickView* comparison of how that tool is accessed in *Westlaw*, *Lexis*, and the law library. This will be followed by a detailed explanation of how to utilize that tool within each research source, thus, *The ABC's of Legal Research*:

A. Researching in *Westlaw*

Students will be provided with step-by-step instructions for accessing the publication on *Westlaw* followed by a hands-on assignment and checklist.

B. Researching in *Lexis*

Students will be provided with step-by-step instructions for accessing the publication on *Lexis* followed by a hands-on assignment and checklist.

C. Researching in the *Law Library* (typically optional)

The law library training will be minimal for those tasks better completed using online research sources. For litigation support tools that are not always provided for in both *Westlaw* and *Lexis*, or that are better researched using law books, more extensive training is included as a reference. Step-by-step training, checklists, and exercises are provided for those law library publications.

Most of the assignments related to research will use the student's assigned client as a basis for the research. Keep in mind as you look for relevant authority on behalf of your client that the goal at this point is to become familiar with three powerful research devices: *Westlaw*, *Lexis*, and the *Law Library*.

Locating relevant authority is of secondary importance at this point. Get to know the research systems and become familiar with the publications.

WHAT ASSIGNMENTS ARE REQUIRED FOR MY CLASS?

It is strongly recommended that you complete all the assignments for the services to which you have access, such as *Westlaw* and *Lexis*, as well as the *Law Library*, if possible. Ask your instructor what assignments you are to complete, then check one of the boxes below.

Option 1: *Westlaw*, *Lexis*, and the *Law Library*

If your program offers access to *Westlaw*, *Lexis*, and the law library, complete all 3 assignments for each research tool being taught if possible. However, the law library assignments will most likely be optional.

- Option 2: *Westlaw* or *Lexis* and the Law Library**
If your program offers access to the law library and only one of the online research tools (*Westlaw* or *Lexis*), complete the law library assignment as well as the single online assignment for each research tool being taught.

- Option 3a: *Westlaw* Only**
or
- Option 3b: *Lexis* Only**
If your program offers access to one or both online services (*Westlaw* and/or *Lexis*) but does not stress the law library experience, you are only required to complete the online research assignments for each research tool being taught. However, it is recommended that you complete the law library assignments on your own time to make you a better-rounded researcher.

While students are encouraged to take best advantage of this educational opportunity by completing all assignments and tasks, even if not required, ask your instructor to clarify what is and is not expected for your program.

EVOLVING LAYOUTS IN ONLINE RESEARCH:

WESTLAW CLASSIC AND LEXIS+

In order to make the learning process for online legal research sites as efficient as possible, this textbook includes screen shots from *Westlaw* and *Lexis* that are up to date at the time of publication. Please be aware that the on-screen interface of an online website, such as *Westlaw* or *Lexis*, can be changed much more easily and frequently than a traditional book. Thus, if the site looks a bit different than the screen shots provided in this textbook, do not be worried. The basic structure and function will be the same. Just go with the flow.

Also, not only the looks of a website can change. The actual title of the service can be modified without warning. In the past few years, for example, you might find yourself researching on *Lexis* only to one day find that it has now been renamed *Lexis Advance*, and not long after that it has again been renamed to *Lexis+*. The same issue has occurred on *Westlaw*, which has also been designated *Westlaw Classic*, *WestlawNext*, and, recently, *Westlaw Edge*.

But fear not. This textbook, and the accompanying website, will apply no matter what the site is currently called. This textbook, and most lawyers and paralegals, simply refer to these online research sites as "*Westlaw*" and "*Lexis*." But for the record, at the time of this publication they are formally titled *Westlaw Edge* and *Lexis+*.