

CHAPTER 10

AUTHORITY: NON-TRADITIONAL RESEARCH

Chapter Outline

VOLUME 2, CHAPTER 10

- § 10.1 Alternatives to *Westlaw* and *Lexis*
- § 10.2 *Google* and *Google Scholar*
- § 10.3 *Wikipedia?* *YouTube?* Really?

Chapter 10 Introduction

ONLINE RESEARCH – FOR FREE!

Two things all lawyers and paralegals agree on:

- *Westlaw* and *Lexis* are **powerful** legal research tools
- *Westlaw* and *Lexis* are **expensive** legal research tools

Let's discuss some ways to get free research time using *Westlaw* or *Lexis*.

CHAPTER 10 ASSIGNMENTS

There are no assignments for this chapter.



If You Are Employed by a Law Firm

There are a couple of ways you might be able to access the subscription online research sites for free. First, when you join the firm ask if you can get *Westlaw* or *Lexis* training. Every law firm will have a representative that they deal with. Those representatives can give free access for up to 30 days to new employees of the firm who may conduct research. Second, while you are working for the law firm inquire with your *Westlaw* or *Lexis* representative about free training events. These now usually occur online. It is a great way gain access to free online research.

If You Are Not Employed by a Law Firm

The great way to “sneak” in a bit of free *Westlaw* or *Lexis* time is the old-fashioned way: the law library. Just about every law library has a computer dedicated to *Westlaw* and *Lexis*. Sometimes they have multiple computers. And the research is free. It is offered to provide the public with access to legal materials. After all, the law belongs to all of us. And guess what? You are a member of the public even if you work for a law firm, so you have a right to access that material as well. But do not abuse it. Try to go during slow times for the library. If there is a time limit, respect it. Do not abuse this free service.

IN THIS CHAPTER . . .

**ONLINE RESEARCH
ALTERNATIVES**

GOOGLE SCHOLAR

**WIKIPEDIA &
YOUTUBE**

§ 10.1

Alternatives to *Westlaw* and *Lexis**An Expanding Research Universe***WHEN PRICE IS A CONSIDERATION**

Westlaw and *Lexis* dominate the field of online legal research, and they have for the past three decades. However, until recently there were multiple alternative sites that had become effective alternatives for many small law firms and individual users.

Two of the three major players in the “free legal research” universe have now been co-opted by a new player in the game: *Fastcase*. *Findlaw*, the original free research website, was purchased over a decade ago by *Westlaw*. But there is still one free site that is consistently improving, and that is *Google Scholar*.

The formerly available free sites (*Findlaw*, *VersusLaw*, and the *National Law Library*), in many ways, did not compare to the vast databases included in *Westlaw* and *Lexis*. While most of the primary authority could be found in the free sites, the secondary sources, litigation aids, forms, and bonus features found in *Westlaw* and *Lexis* were simply not available. Just as important, the search engines that powered the researcher’s queries were not nearly as robust in the paid sites.

Thus, as alternatives to *Westlaw* and *Lexis*, we will be concentrating on one free site (*Google Scholar*) and on one discount paid site (*Fastcase*). When combining the primary sources available in these sites with law library resources available at no cost to the researcher, (especially form books, treatises, and secondary authorities such as A.L.R.), an attorney or paralegal ends up with comprehensive, and certainly affordable, research options.

In this section we will introduce *Fastcase*.

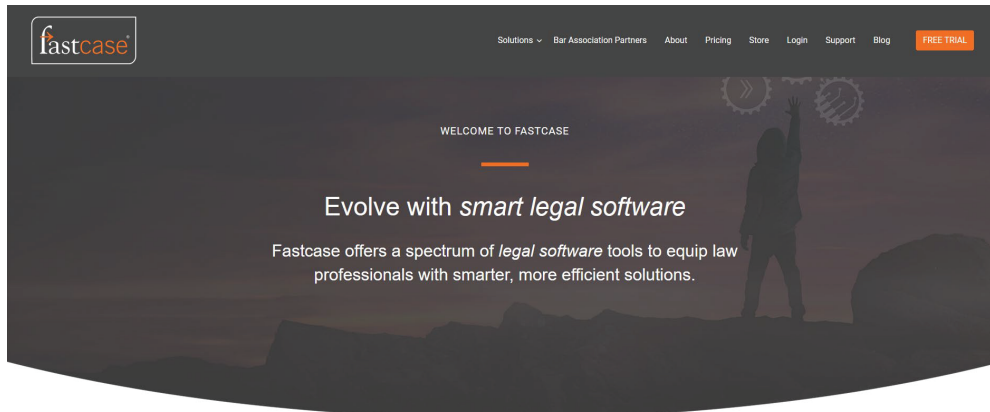
A CAUTIONARY TALE**findlaw.com**

findlaw.com was a fledgling legal resource site in the late 1990s. It was the first site to actually concern the big players in online legal research, offering an ever-growing collection of primary authority at no charge to the public, as well as a few other services (such as the email service *justicemail.com*). Sadly, it was a bit too successful.

In 2001, *findlaw.com* was acquired by *WestGroup*. Despite assurances that *findlaw.com* would only get better as a result of the takeover, within 18 months the primary sources, such as cases and statutes, were removed, *justicemail.com* stopped enrolling new users, and the site turned into a basic front page for fee-based *West* products. Free online legal research took a big hit.

Hopefully, the new sites offering legal research at more affordable prices will not suffer the same fate. Even better, perhaps the U.S. Justice Department will once again take its role as protector of consumer rights more seriously and prevent what are, to any objective observer, obvious monopolistic trade practices.

FASTCASE



Fastcase (fastcase.com) is the most recent player in online legal research. It realized there was a need for affordable online legal research, but that to eventually compete with *Westlaw* and *Lexis* (for small-sized firms and solo-practitioners), it needed to do two things:

1. **Get rid of the competition for affordable research**
To accomplish this, *Fastcase* purchased *VersusLaw*, the *National Law Library*, and other free research sites, then shut them down.
2. **Offer a more affordable option than the very expensive sites**
The cost of *Fastcase* is a fraction of the cost of *Westlaw* or *Lexis*.

Because *Fastcase* has a revenue stream through its low-cost subscription, it likely has the ability to grow both its litigation support and secondary source offerings. That is good news.

Although the major formbooks, encyclopedias, annotations, periodicals, and other secondary sources are locked in the either *Westlaw* or *Lexis*, and thus will not be available on *Fastcase*, the researcher can still access those tools in the law library. For free!

The combination of *Fastcase* and the law library exceeds the material available in either *Westlaw* or *Lexis* individually. Because while about half of the secondary sources are offered on *Westlaw*, and about half are offered only on *Lexis*, *all of them* are offered in the law library.