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Recommended Citation

Mike Martinez, Jr. and Katy Stein, Cost Effective Legal Research, San Antonio Lawyer November-December 9 (2011).

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Cost Effective Legal Research

By Mike Martinez and Katy Stein



The practice of law is constantly evolving to keep up with technology. The methods of legal research and writing must follow this trend. As the methods evolve, so does the cost of litigation. Whether the firm bills the clients directly or places the cost within the overhead, effective legal research can help reduce litigation costs. This article discusses free and low-cost legal research resources that can help reduce the cost of litigation. A lawyer using such resources must appreciate not only the advantages of such resources, but also the disadvantages.

I. Free Federal Materials Online

This section discusses some of the free resources for obtaining federal materials online and identifies the advantages and disadvantages of using those resources.

A. Supreme Court of the United States

Sources for opinions. You can find the full opinions of the Supreme Court of the United States at no cost at the Court's official site: www.supremecourt.gov. This website is one of the few places containing the Court's full opinions in electronic format. The PDF opinions range from the 1991 term through the 2010 term. You can locate opinions by using the date issued or by searching a keyword.

Cornell University School of Law maintains a website that contains Supreme Court decisions: www.law.cornell.edu/supct/supremes.htm. The school's Legal Information Institute maintains historic decisions as well as decisions from 1992 to present. The formats of the decisions range from PDF to HTML. You can search for the Court's decisions by case name, topic, and author.

Chicago-Kent College of Law maintains a website at: www.oyez.org. This site contains Supreme Court decisions in either PDF or HTML format. Included opinions range from 1793 to the present. This site has an audio component that allows you to listen to an opinion's associated oral argument. You can search opinions by Justice, issue, and term.

Advantages and disadvantages. The advantage of these free resources is instant access to the Supreme Court's decisions. The Court's official cite is the most authoritative resource. For citation purposes, PDF is preferred to the HTML version. The disadvantage of these resources is coverage. Not all decisions are reported. Also, because most of the reports reference the United States Reports, opinions do not include cross reference points or value-added material.

B. U.S. Circuit Courts of Appeal

Sources for opinions. You can find the full opinions of the federal circuit courts using Justia at <http://law.justia.com/cases/federal/appellate-courts/>. Covered decisions range from 1952 to 2011. You can search opinions by case series (F.2d and F.3d, although the F.2d is not entirely complete and begins at volume 178), circuit, and year. Depending on the year, opinions may either be in HTML format or PDF. Within the HTML format, there are hyperlinks to any opinions mentioned in the text of the decision and included on the site.

Advantages and disadvantages. Justia covers the gambit of legal information from case law to legal blogs. As a portal website, it provides free, easy access for numerous legal authorities. However, coverage is a disadvantage; for example, circuit court opinions go back only to the 1950s.

C. U.S. District Courts

Sources for opinions. You can also find federal district court

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cases using Justia. Find opinions by going to <http://law.justia.com/cases/federal/district-courts/>. You can search by state or coverage year. Opinion formats are either in PDF or in HTML.

Advantages and disadvantages. Although the site identifies coverage as from 2002 to 2010, actual coverage depends on the district. For example, searching for opinions from the Western District of Texas reveals only the years 2008 to 2010. The list of opinions from this period is in no way expansive and may not include all opinions from a given year.

D. Other Federal Materials

Sources for current and past federal legislation. You can find free legislative materials from Thomas at <http://thomas.loc.gov/>. The Library of Congress maintains this site. Thomas provides full text of bills and resolutions beginning with the 101st Congress through the current session. The site provides a detailed list of occurrences in Congress as well as happenings currently on the floor. You

can search Thomas for the Congressional Record dating back to the 101st Congress. Committee Reports date back to the 104th Congress. You can search Presidential Nominations back to the 100th Congress.

You can also find federal materials at the Government Printing Office's website: www.gpo.gov/fdsys. Some of the features of the site are: the *Code of Federal Regulation*, Congressional Bills, the *Congressional Record*, the *Federal Register* and the *United States Code*. You can retrieve materials by basic search, advanced search, and by citation. The site displays the materials in PDF, XML, or text formats. Coverage generally goes back to 1994.

Advantages and disadvantages. The advantage of these sites is the federal government maintains them. Both the Library of Congress and the Government Printing Office update their sites and provide official materials which facilitates citation. The primary disadvantage of these sites is coverage. Coverage may limit how far back you can research. Also, updates sometimes take longer than anticipated.

II. Free State Materials Online

The next section discusses some of the free resources for obtaining Texas state materials online and identifies the advantages and disadvantages of those resources.

A. Texas Court Opinions

Supreme Court and Court of Criminal Appeals. The official source for decisions of Supreme Court of Texas and the Court of Criminal Appeals is www.courts.state.tx.us. To access opinions, you need one of the following: case number, filing date, style of the case, or court of appeals number. With one of those pieces of information, you can access a case file in electronic format. The access provides information about a particular case and essentially opens the case file. The website includes other information, ranging from the electronic briefs to audio files of oral argument. Other important items include the disposition of the case in chronological order from the trial court to the Supreme Court. This website allows you to for search for opinions by court of appeals, the Court of Criminal Appeals, and the Texas Supreme Court. Most electronic

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You're thinking:

My estate is too small to worry about,
Everything goes to my spouse, so I don't need an estate plan,
I'll worry about it when I'm older

We're thinking:

Well crafted estate plans helps minimize estate taxes,
Transferring your estate according to your wishes,
Solutions to your estate planning concerns



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information is in PDF format.

You can also find Texas cases at the non-official site from Justia at <http://law.justia.com/cases/texas/>. Coverage for the Supreme Court of Texas includes 1988 to January 2011. The site does not include opinions for the Court of Criminal Appeals. Coverage for the courts of appeals varies. For example, opinions from the Fourth Court of Appeals range from 1985 to February 2011. The file format for the opinions varies from HTML to PDF.

Advantages and disadvantages. The advantage of the official site is the full access to the case file. The case file includes various documents in chronological order. The primary main downside is that in order to find information, you need an access point such as the case number, filing date, or style of the case. The disadvantage of Justia is that not all cases have full text. The only benefit from this limitation is that from the information provided, you obtain an access point to navigate the official site (meaning you have party names, a cause number or some other means to commence

a search). Also, Justia provides disclaimers about the accuracy of the information.

B. Texas Legislative Materials

Texas Legislature Online. The Texas legislature provides a wealth of information online at: www.capitol.state.tx.us/Home.aspx. Information dates back to the 71st Regular Session. The site allows searching in several ways. Initially, you can search by word/phrase or bill number. Information gained from this type of search provides the bills from their introduction to being signed by the governor. Legislative information (bills) is provided in PDF format and Microsoft Word. Additional searches include text searches, proposed amendments, sections affected, and legislative archives. The site is very helpful if you need to compile a legislative history. The site also provides for RSS feeds and alerts for tracking pending legislation. The site includes "frequently asked questions" that can help you understand the process. The maintainer of the site works closely with the Texas Legislative Reference Library.

Texas Legislative Reference Library. The Texas Legislative Reference Library

provides research assistance and reference help to legislators and other staff. The library's website provides online materials at: www.lrl.state.tx.us. Key features include: the legislative archive system, bill-chapter cross-reference, an index to sections affected, and legislative intent guides. This website is very useful in compiling a legislative history and determining legislative intent because it provides a checklist of necessary materials and links to pertinent information.

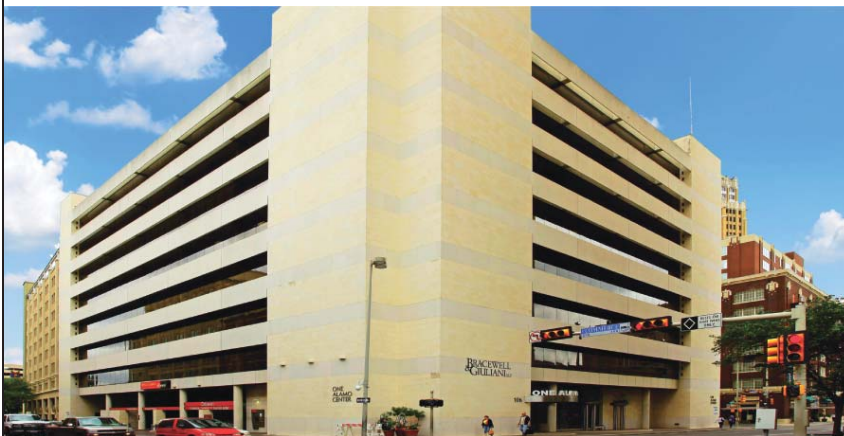
Advantages and disadvantages. The advantage of these sites is that the sites provide guidance in an area many lawyers dread — legislative history. The seamless interaction between the Texas Legislature's website and the Library's website allows you to: (1) track legislation from first introduction to signing into law, and (2) trace bill history and legislative intent.

C. Texas Administrative Materials

Texas Secretary of State. The Texas Secretary of State's website — www.sos.state.tx.us/texreg/howto.shtml — contains the *Texas Administrative Code* and the *Texas Register*. The site includes a guide

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on how to use the *Texas Register* database, a searchable *Texas Administrative Code*, a guide on using the *Texas Administrative Code* database, and archived Texas Registers in both HTML and PDF formats.

Advantages and disadvantages. The advantage of using the site is that you can access the *Texas Administrative Code*, *Texas Register*, and the archives in two different formats. Another advantage is that a tech savvy individual can subscribe to an RSS feed and receive notice when new issues are posted on the website. The disadvantage is that the site includes a disclaimer about the accuracy of posted information.

III. Low Cost Research Alternatives

In recent years, the market for lower-cost legal research alternatives has become more competitive. Westlaw offers packages for solo practitioners and small firms, but there are other even more cost-conscious options. But these options have drawbacks. If you choose a less costly electronic provider, you must consider reliability, permanence, and search capabilities. This section evaluates the advantages and disadvantages of various computer-assisted legal research services and provides tips for bundling these tools for maximum efficiency and effectiveness.

A. Casemaker 2.2

Features. As a benefit to its active members, the State Bar of Texas provides Casemaker 2.2, accessible at <http://TexasBarCle.com>. Generally, Casemaker provides access to Texas state cases beginning in 1886, federal circuit courts opinions beginning in 1879, and federal district court cases beginning 1932. For other states, the site includes appellate decisions beginning at least as early as 1950, and much earlier for Casemaker member states. Casemaker also includes: all state and federal codes; municipal codes for major Texas cities; federal administrative decisions, including Board of Immigration appeals decisions (1996-present); and selected legal forms.

To search Casemaker, enter citations for each "book" (e.g. state statute) in the Casemaker "library;" a Casemaker book is similar to Westlaw database. In the alternative, you can use Boolean connectors (including proximity connectors), natural language searching, field searching, phrases, and date restrictions. Casemaker includes a basic citator called CASEcheck. For users wanting even more features can add a package called CasemakerPRO.

Casemaker is beta-testing a new prod-

uct called Casemaker Elite. This product follows the lead of WestlawNext and others toward a more "Google-like" interface with a universal search box. Casemaker Elite will allow users to search across all libraries of primary law, and then narrow results, while creating a "breadcrumb trail" of your search. This exciting new update may prove to be a game changer for the cost-conscious Texas researcher. You can try the new interface at casemakerelite.com.

Costs. Casemaker is a free benefit for members of the State Bar and may be used without limit. Adding CasemakerPRO provides three additional features for \$39.95 per month. The additional features are: (1) CaseCheck+, a full citator that indicates negative treatment; (2) Brief Analysis, to check citations in uploaded briefs; and (3) CaseAlert, which will deliver recent decisions by RSS feed or email.

Advantages and disadvantages. Casemaker's greatest advantage is the cost; it is free for Texas Bar members. Another advantage is that Casemaker provides the same primary law content as low-cost legal research providers. The major drawbacks are the lack of secondary sources (except for some legal forms) and the power of the citator. The basic CiteCheck is not nearly as powerful as KeyCite or Shepard's, but with the introduction the low-cost CaseCheck+ makes this site a viable alternative to other low-cost providers.

B. WestlawPRO

Features. As a major legal research provider, Westlaw has endeavored to provide a low-cost alternative to solo and small-firm practitioners with WestlawPRO (predictable research online). WestlawPRO provides the user with a base product for the user's jurisdiction, with optional add-ons at an additional cost. For Texas, the base package provides users with unlimited use of state materials with KeyCite. At a low additional cost, practitioners may add federal district court, federal circuit court, and U.S. Supreme Court decisions, the *U.S. Code Annotated*, and KeyCite. In addition, users can add-on popular secondary sources like *American Jurisprudence 2d* and *American Law Reports*. Another great add-on for Texas attorneys is ProDoc software. ProDoc allows quick and easy legal document drafting. You can find more information about these packages at <http://west.thomson.com/westlaw/default.aspx>.

Costs. All Westlaw subscription rates are negotiable. Prospective customers should discuss specific prices with a Westlaw sales



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representative, as prices may have changed. For a single attorney using the basic Texas materials with KeyCite, packages begin at around \$232/month. Adding federal materials and KeyCite increases the price by about \$73/month, for a total of \$305/month per attorney. Use of other libraries outside the subscriber's plan are available, but at an additional cost per use. Use of the ProDoc software for the Texas General Practice library runs as low as \$156/month for a solo attorney.

Advantages and disadvantages. The main advantage of WestlawPRO is the familiar Westlaw interface and search options, as well as the use of Westlaw's extremely reliable citator — KeyCite. Users can tailor their subscription to individual practice, instead of paying for unwanted or unused databases. As disadvantages, the costs of using out-of-plan materials can be high. Also, Westlaw requires users to purchase their own password; users cannot share passwords no matter how little a single user may use Westlaw.

C. LexisONE

Features. As the other major legal research provider, LexisNexis provided options for small firms and solo practitioners for years, but recently curtailed its offerings. In April 2011, LexisNexis discontinued its previous credit-card option, as well as its Research Value Packages for small law firms and solo practitioners. LexisNexis provides LexisONE for attorneys with only sporadic need for legal research at <http://law.lexisnexis.com/webcenters/lexisone/>. That service provides free case law: all U.S. Supreme Court cases and the last ten years of other state and federal courts.

Costs. With the discontinuation of LexisNexis by credit card and the Research Value Packages, light users can now only access cases from the past ten years, at no charge.

Advantages and disadvantages. LexisNexis's decision to eliminate its Research Value Packages greatly diminished its utility for cost-conscious attorneys. LexisNexis remains a low-cost option for case law, but not for comprehensive research.

D. VersusLaw

Features. VersusLaw, at www.versuslaw.com, is currently the lowest-cost comprehensive legal research system. A subscription to VersusLaw costs as little as \$13.95/month for its standard plan. The standard plan includes decisions of the U.S. Supreme Court beginning in 1886, federal circuit courts beginning in 1930, and current decisions of selected federal district courts, and Texas appellate court

decisions beginning in 1950. VersusLaw offers keyword and Boolean searching, though it is fairly simplistic. VersusLaw has a citator tool, called V. Cite, which provides a link of citing cases within the database, but does not indicate whether a case remains good law.

Costs. The standard plan, with the resources described above, is \$13.95/month per attorney or \$167.40/year. The premium plan, at \$24.95/month adds additional earlier federal district court decisions. The Professional Plan, at \$39.95/month includes the premium plan features, as well as the *U.S. Code*, *Code of Federal Regulations*, and federal specialty practice court cases.

Advantages and disadvantages. Although low cost, VersusLaw lacks a dependable citator and only links to publicly available versions of the Texas statutes from the Texas Legislature Online. To use this resource, you need a KeyCite or Shepard's subscription. Attorneys using the premium plan have access to Board of Immigration Appeals decisions and other specialized courts.

E. Google Scholar

Features. Located at <http://scholar.google.com>, Google Scholar not only allows users to search for scholarly articles, but case law and legal journal articles as well. Google Scholar includes state appellate court decisions from 1950 to present and federal district and circuit court cases from 1932 to the present. It offers the option of limiting your search by jurisdiction and uses the familiar Google search interface.

Search strategy. The best use of Google Scholar is to find a particular case. You can search for a case by the style of the case or citation. If you find the case you are looking for, you can use the "cited by" feature to find related cases or articles. This technique is useful, but it is not as comprehensive as a citator. Because Google Scholar is not subject to the same editorial control as other legal research vendors, a keyword search may be unsuccessful. For that reason, Google Scholar is not a good substitute for another computer-assisted legal research subscription.

Advantages and disadvantages. The chief advantage of Google Scholar is its cost: free. Additionally, it provides users with quick access to the full-text of cases and some law journal articles without any sign-in or subscription. The disadvantages are: not all cases are available; there is no keyword searching; and there is no citator to verify the validity of the law. Google Scholar is best used for very preliminary or surface research.

IV. Conclusion

Using free or low-cost legal research can help reduce the cost of litigation. Reducing the cost of litigation, in turn, makes your service more affordable and hopefully more appealing to prospective clients. But cutting costs can reduce effectiveness if you choose the wrong services or the wrong mix of services, or use a resource for an inappropriate purpose.

When considering purchasing a subscription to a legal research database, first consider your search habits. For example, do you use a single jurisdiction more than any other? Do you need access to lots of secondary sources? Do you have access to a good citator outside free or low-cost plans? Are you willing to pay a one-time fee to access specialized material? Do you prefer to use a single vendor for all of your research? To save money, you may consider bundling Casemaker with a KeyCite or Shepard's subscription, and using specialized databases on a per-use basis.

Next, monitor your research habits to determine what will work best for you to meet your needs. To conduct competent, efficient research, you must have access to a quality citator service. Using KeyCite or Shepard's will provide reliable treatment descriptions, a benefit which may be well-worth the additional cost.

Third, when beginning research on a new topic, look for a research guide created by a law library or other institution before you run expensive searches. Use free tools like Casemaker, LexisONE, and Google Scholar to locate cases when possible, and use more of your research budget for citators and secondary sources. Finally, use the multitude of resources at your local law library, where you can now often scan documents into PDF at no charge, and use online citators and secondary sources at no cost to you.

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