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Introduction: Proceedings of the Special Committee on Electronic Data Retrieval

F. Reed Dickerson

Indiana University School of Law

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proceedings . . .

PROCEEDINGS OF THE SPECIAL COMMITTEE
ELECTRONIC DATA RETRIEVAL
AUGUST 7, 1962, SAN FRANCISCO
Panel Discussion of "Electronics and the Law"

*Introduction by Professor F. Reed Dickerson
Indiana University School of Law*

Although it is a happy rule of thumb that introductions should be shorter than the talks they precede, I would like to take several minutes to point the direction in which we will try to move today and to clarify several fundamental points that might otherwise be a source of confusion.

The first thing to remember is that the general field of electronics is, in the words of a popular song, a many splendored thing. Of its many potential uses in the law, let me mention only three:

(1) The biggest and of most immediate interest to lawyers, and a use for which a number of systems are already operational, is storage and retrieval.

(2) Also of great interest are mathematical calculations that lawyers perform continually and often with great difficulty in view of the many individual factors they have to take into account. A specific example is the use of computers to handle the mathematical aspects of estate planning.

(3) A third use is to assist in predicting or guiding judicial behavior.

The first two of these will be considered in this panel discussion.

The second thing to remember is that modern technology does not confront the lawyer with the dilemma of having to choose between the traditional methods, on the one hand, and taking up with elaborate devices, on the other. One of the purposes of this session is to show that there are available today systems that represent a solid advance over traditional systems without using electronic computers or even elaborate mechanical equipment. This should comfort those who are apprehensive lest they be inveigled into adopting devices that are more elaborate than their substantive legal needs require.

This playing down of the intricacies and mysteries of complicated electronic hardware suggests still a third point. The lawyer should not allow himself to become preoccupied with the dazzling allurements of technology beyond a fairly specific knowledge of the capabilities and limitations of the available equipment. It also seems fair to

say that the technicians are readier for the law than the lawyers are for the machines. If so, the problems that stand between us and a full realization of the potentialities of modern technology to help in solving legal problems are primarily legal, rather than technical.

This brings us to the subject to be discussed by our first two speakers in the general field of storage and retrieval. Although "storage and retrieval" has for some people become almost a single word, storage is not the great problem in the law that retrieval is. This is certainly true of statutes and case law, which are widely accessible. The far greater problem is to sort out and find the multitude of documents that we already have. And so our main emphasis will be on the retrieval of documents.

In retrieval, the central problem is that of indexing. Without adequate indexing even an elaborate electronic retrieval system is almost useless. We begin with two discussions of the indexing problem.

INDEXING - ACHILLES HEEL OF LEGAL RESEARCH?

Charles K. Cobb, Jr.

Research Associate in Law

International Program in Taxation, Harvard University

In drawing up the program for this symposium, Professor Dickerson very kindly assigned me a title which gives me considerable latitude in the choice of subject matter. I shall take full advantage of this latitude. My basic position will be that although indexing has an important place to fill in legal research, it would be a mistake to think that we could get by for very long relying on indexes alone, or on any system or method which functions as an index functions. If indexing should prove to be an "Achilles heel," therefore, it would be so only because of our failure to recognize its inherent limitations.

After making several indexes to law books, I became convinced that the process of indexing was an extremely tedious and largely mechanical task, and I set about drawing up a set of instructions which I thought would enable me to transfer the unpleasant burden to the authors of the books, or perhaps to persons hired for the purpose. Unfortunately, none of the persons whom I persuaded to accept a copy of the instructions with the exception of one who had already indexed a good many law books, ever did produce a competent index.

Since I have been writing books to be indexed by others, it has occurred to me that these instructions did not take sufficient account of the difference between indexing a book and indexing an unorganized collection of documents. It is difficult to explain what is involved in indexing a book unless one understands that effect of the structure of