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PRACTICUM

ELECTRONIC LEGAL RESEARCH, ACCESS TO THE LAW, AND CITATION FORM FOR CASE LAW: COMPARISON, CONTRASTS, AND SUGGESTIONS FOR ARKANSAS PRACTITIONERS*

Lynn Foster**

What's the difference between LEXIS and WESTLAW? What are NEXIS and DIALOG? What is a CD ROM? How are online research and CD ROM research different? Both West and Lawyers' Co-op sell CDs containing Arkansas law: which one is best for you? The United States Code is available from the U.S. government, Lawyers' Co-op, and West: which version should you purchase?

Legal research has never been simple, but prior to the advent of computers at least it was relatively static and unchanging. Legal practitioners could find federal and Arkansas law in the codes and the case reports. The West Publishing Company's National Reporter System contained all published appellate cases from all United States jurisdictions, and the West digest system indexed them all. Shepard's citators enabled researchers to update any of these published cases and find any cases that had cited them. A small number of publishers (West, Lawyers' Co-op, Michie, Matthew Bender, Callaghan, Commerce Clearing House, Prentice-Hall, Bureau of National Affairs, and a few others) dominated the marketplace, but West was pre-eminent, largely because of its reporters and digests. The books that attorneys used changed little from year to year. The type of information available was not perfect,¹ but it was stable.

* This practicum is based on a CLE presentation given on October 15, 1993, at the UALR School of Law. I wish to thank Professor Robert Berring at the University of California at Berkeley School of Law and Professor Rita Reusch at the University of Utah School of Law for their helpful criticisms of the draft of this article.

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1. Pre-computer legal research had its limitations. First, administrative law was inadequately published. Even after it began to be available at the federal level, it remained difficult to obtain at the state level. In Arkansas, publication of administrative law has actually *regressed*. See Claudia Driver, *The Arkansas Register: Worth Doing Right? The Case for Codification of Arkansas Regulatory Law, 1992 ARK. L. NOTES 99* (containing a discussion of the abysmal state of administrative law publication in Arkansas). Secondly, the digests, while powerful research tools, still had their drawbacks. Some categories of information, such as judges' and attorneys' names, were not indexed in digests. Therefore, questions like "what were all of Judge X's majority opinions?" simply could not be answered without tedious hours

Today the legal information marketplace has grown from the corner store to a gigantic shopping mall in which the products and vendors change daily.² In addition to the publishers mentioned above, Mead Data Corporation is now a major vendor by virtue of LEXIS. West, in turn, sells LEXIS's chief competitor, WESTLAW. These two services each contain four decades of Arkansas cases—as well as cases and statutes from all states—and more than a century of federal cases. Both of these services possess the capability of free text searching, a powerful rival to the West topic and key numbering system. Online information is also beginning to be available at low cost from federal and state courts and legislatures.

Legal researchers can also search Arkansas law on two compact disc (CD) products: CaseBase, sold by Lawyers' Co-op, and West Arkansas Law on CD ROM (hereinafter the West CD). Kyle Parker, the Arkansas attorney who invented CaseBase, is currently producing a new CD ROM product, LOIS, for five states.³ Many other legal publishers have introduced CD or online versions of their products in addition to the print versions. The new legal information marketplace is extremely volatile, changing even as this article is being written.⁴

One of the limitations on the use of electronic products by attorneys, particularly the use of case law, has been copyright. The purpose of this article is threefold: to acquaint you, the Arkansas attorney, with LEXIS, WESTLAW, CaseBase, and the West CD in terms of coverage, capabilities, and pricing; to discuss the copyright problem with access to case law; and to suggest a solution to this problem.

of research poring over each case in the reporters. The most serious problem, however, particularly at the federal level, was probably the explosion of case law.

2. For example, in the past several years, Thomson Professional Publishing Company has purchased Clark Boardman Callaghan, Lawyers' Co-op, Prentice-Hall, Research Institute of America, and Warren, Gorham and Lamont. Mead Corporation's announcement on May 17, 1994, that it is seeking to sell LEXIS/NEXIS is exemplary of the volatility of the legal information market. Raju Narisetti, *Mead, Hurt by Rivals, Seeks to Sell Unit Offering Lexis/Nexis On-Line Services*, WALL ST. J., May 17, 1994, at A3.

3. The states are Colorado, Louisiana, Nebraska, New Hampshire, and Wisconsin, with more planned for later this year. Mr. Parker declined to comment when I asked him if he plans to introduce a LOIS product for Arkansas. On the off-chance that such a product will appear in the foreseeable future, I have reviewed LOIS for Colorado in this article.

4. For an interesting philosophical discussion of how computers are changing legal research, see Robert C. Berring, *Collapse of the Structure of the Legal Research Universe: The Imperative of Digital Information*, 69 WASH. L. REV. 9 (1994).

I. COVERAGE, CAPABILITIES AND COST

Today, legal information is available in two electronic forms: online and on CD ROM. "Online" means that the data is stored remotely (in the case of LEXIS and WESTLAW, in Ohio and Minnesota respectively), and to access⁵ it you need a computer, a modem, and a telephone line. "CD ROM" stands for compact disc-read only memory. The data is stored on the compact disc, which is inserted in a "CD ROM drive" connected to your computer. To read a CD product you need software (sometimes called a "platform"), usually sold with the CD. For example, all West CD products use Premise software. When using the West Arkansas CD, you will not only need to know WESTLAW search commands, but also the Premise commands. Software names to remember are "Premise" (used by West CDs), "Folio" (used by most Lawyers' Co-op CDs), "KAWare" (used by CaseBase) and "PITA" (used by Kyle Parker's new product, LOIS).

What are the advantages of online legal research as opposed to CD ROM research, and vice versa? First, online databases can hold a tremendous amount of information. The material available in LEXIS or WESTLAW would take up several floors of the UALR/Pulaski County Law Library. Second, online databases can also update you up to the minute. Was a case that cited yours put into LEXIS or WESTLAW this morning? A LexCite or QuickCite search will retrieve it. Previously, it took months for new precedent to reach lawyers. Now, in some jurisdictions, it is available within hours.

On the other hand, because of their massive size, online databases are not easy to use. Both LEXIS and WESTLAW are accompanied by lengthy database lists and user guides. They each offer three or four ways to update cases, all of which are different. They are each capable of specialized types of searches, which infrequent users tend to forget. These drawbacks are made worse by the second disadvantage of using online databases: cost. Online databases are not inexpensive. This, in turn, has a chilling effect on research. Many attorneys are interested in online research, but do not need it very often, and they are discouraged by the cost. Their infrequent need probably means that they will not be particularly effective users. On the other hand, if you purchase CDs, you

5. Throughout this article I will use "access" as a verb as well as a noun and "data" as a singular noun. I hope this does not discourage purists from further reading.

do not need any particular expertise, and you are not paying for expensive online time, but your research will not be as up to date.

LEXIS and WESTLAW are the largest and best-known of the online legal research services. LEXIS was introduced in 1973, with WESTLAW following in 1975.⁶ They contain both primary and secondary authority. LEXIS and WESTLAW are far more similar than they are different. Table 1 in the Appendix displays generally what is available on the two services both at the federal and state levels. The most basic difference in coverage is that WESTLAW displays the copyrighted West case enhancements: synopses, topics, key numbers, and headnotes.⁷ These features make possible digest searching online and are not available on LEXIS. LEXIS, alternatively, offers the full text of the *American Law Reports* beginning with the second series to the present.

Turning to Arkansas sources, Table 2 in the Appendix lists the scope of coverage of Arkansas materials available on all four services. Once again, the coverage of LEXIS and WESTLAW is more similar than it is different. Both online services contain attorney general opinions, legal periodicals, selected regulations, Shepard's, and other updating services. It should also be noted that even though LEXIS and WESTLAW both give the impression that they contain complete collections of Arkansas regulations, they do not.⁸ Also, West purports

6. An interesting history of LEXIS and WESTLAW, written by someone who was there, is William G. Harrington, *A Brief History of Computer-Assisted Legal Research*, 77 L. LIBR. J. 543 (1984-85).

7. The West inclusion of synopses and the West search programming make for what I consider to be one of the most winning features of West electronic products: when your search has retrieved documents, you advance through them by automatically jumping to the first screen of each new case and briefly scanning the synopsis. This feature enables you to very quickly determine the subject of each of your cases. In my opinion, LEXIS is inferior in this regard.

8. On LEXIS, Arkansas rules and regulations may be searched in the ARK library and ARRGR file. On WESTLAW, they may be found in the AR-REGTRK database. These databases are virtually identical. They are both creations of Information for Public Affairs. Both databases claim to be "updated daily." A search conducted in February 1994 retrieved only 68 documents from the WESTLAW database, and 69 from LEXIS. Approximately 30 were dated November 1993. The others had dates ranging from 1989 to 1991. This database is grossly incomplete, and only the briefest summaries of the regulations are displayed, similar to what is published in the *Arkansas Register*. LEXIS does offer a much more useful database, ARTXRG, which contains regulations and policy statements issued by the Revenue Division of the Department of Finance and Administration. ARTXRG contains the full text of each document, and it includes documents going back to November 1977. In February 1994, there were 228 documents in this database. WESTLAW contains orders, directives, and bulletins from the Arkansas Department of Insurance in AR-INSUR, full text decisions of the Arkansas Public Service

to offer Arkansas court rules in a separate database from statutes, but in fact it does not. This is confusing to searchers, particularly in the case of the rules of evidence, of which Arkansas has two versions.⁹

Of the CD ROM services, CaseBase has more complete coverage. CaseBase has remained virtually unchanged since it was released by Fort Smith attorney Kyle Parker in 1990.¹⁰ It contains the most Arkansas case law of any electronic product, dating back to 1925 rather than 1944. CaseBase also contains the Arkansas code, unannotated; Arkansas court rules; and Arkansas judicial ethics opinions. It runs on KAWare2 software, not on Folio as do other Lawyers' Co-op products (one possible future development might be CaseBase switching to Folio, or offering a Folio version—this would allow you to “jump” to law on other Lawyers' Co-op CDs, if you owned them). CaseBase is updated quarterly, and is quite user friendly—I have seen law students and pro se patrons sit down at the law library terminal and figure out how to use it without assistance.

The West CD ROM is the newest product on the scene, having been introduced in 1993. It has the most limited coverage of the

Commission in AR-PUR, decisions of the Workers' Compensation Commission, and abstracts of corporate information filed with the Arkansas Secretary of State in PH-ARCORP.

9. I wish to thank Professor Ken Gould of the UALR School of Law for alerting me to this problem. The Arkansas Supreme Court version is called the Arkansas Rules of Evidence and is published in the Court Rules volume of the *Arkansas Code Annotated*. The legislative version can be found at ARK. CODE ANN. § 16-41-101 (Michie 1987 & Supp. 1993). WESTLAW lists the AR-RULES database. The typical user would think that this database contains the text of Arkansas Court Rules, roughly the contents of the court rules volume of the *Arkansas Code Annotated*, but that is not so—the SCOPE note for AR-RULES is actually the scope note for AR-STAT-ANN, or the Arkansas code, annotated. Coverage includes the full text of the Arkansas Code of 1987, updated through 1993, with case annotations current through 304 Ark. and 33 Ark. App. and 850 S.W.2d. The full text of the court rules are also included but they are only current through 1991. (Why has West not updated them?) Unless researchers read the scope note before they run their searches, they could conceivably retrieve both code sections and court rules as search results. This could possibly be hazardous when searching for the Arkansas Rules of Evidence, which are found not only in the Court Rules volume of the code (this version is the one actually used in court), but also in a slightly differing form in the code itself (this version, although faithfully amended by the legislature, is not used in court). There is some online information to this extent, but it is quite possible to miss this information. See Morton Gitelman & John J. Watkins, *No Requiem for Ricarte: Separation of Powers, the Rules of Evidence, and the Rules of Procedure*, 1991 ARK. L. NOTES 27, for the story of how this state of affairs came to be.

10. See Kyle D. Parker, *CaseBase: A Long Time in the Making*, ARK. LAW., April 1990, at 18. CaseBase has since been purchased by Lawyers' Co-op.

four services, containing only the *South Western* version of Arkansas cases, beginning in 1944, and no statutory law. West plans to add the Arkansas code before this article is published, in March of 1994. It, too, is updated quarterly. Personally, I do not think Premise is as user friendly as is KAWare. On the other hand, if you are already familiar with LEXIS or WESTLAW searching, you will probably find Premise and the WESTLAW search protocols easier and more powerful than KAWare. If Mr. Parker releases a LOIS product for Arkansas in the future, it will more than likely cover even more than CaseBase currently does.

One important feature of the online services is their coverage of non-legal data. NEXIS on LEXIS and DIALOG on WESTLAW contain great quantities of non-legal information—information that you could not find in a law library, indeed, possibly not in a library at all. For example, using the ASSETS library from NEXIS you can locate real property records filed in county courthouses for several states, including California, Illinois, New York, and Texas. Using the DISCLOSURE database on DIALOG, you can retrieve the full text of the information that publicly held companies are required to file with the Securities Exchange Commission. The information available on NEXIS and DIALOG would also fill several floors of the UALR/Pulaski County Law Library. In some cases it must be searched using different protocols, and in some cases it is priced differently. To discuss it thoroughly would require another article. Suffice it to mention here that the non-legal aspects of the online databases contain business information, medical information, certain types of public records, and news information. If you investigate the online services, make sure you inquire as to the coverage and capabilities of NEXIS or DIALOG.

II. CAPABILITIES OF CALR

How can you search these products? Again, similarities overshadow differences. All allow you to employ Boolean searching, field searching, and special commands. In addition, LEXIS and WESTLAW offer “natural language” searching. West products also offer digest searching online. Finally, online services offer an important advantage over book and CD ROM research because their extremely current information allows researchers to update case law to within days of its issuance. Table 3 in the Appendix sets out the general capabilities of the five systems.

A. Boolean Searching

Boolean searching is derived from Boolean algebra, a type of mathematics named after its inventor, George Boole, and used by

computers. Boolean searching of law originated with the advent of LEXIS. You must specify the exact form of the words to be searched, and the words' exact mathematical relationship to each other. The relationship is indicated by a Boolean connector. For instance, entering the search **LAMAR +2 PETTUS** in the Arkansas (AR) database on WESTLAW or the West CD will search Arkansas case law for cases containing the word **LAMAR** within two words of and preceding the word **PETTUS**.¹¹ In this search, "+2" was the connector. **LAMAR W/2 PETTUS** on LEXIS will search for the word **LAMAR** within two words of **PETTUS**: the w/2 connector allows either word to come first.¹² The Boolean connectors for LEXIS and WESTLAW are quite similar; in fact, WESTLAW has been programmed to accept many LEXIS connectors. WESTLAW and the West CD recognize eight connectors;¹³ LEXIS, eight somewhat different connectors;¹⁴ and CaseBase and LOIS, four connectors each.¹⁵

It is often difficult for novice researchers to appreciate the literal nature of Boolean searching. The computer looks only for what you request. For example, Dent Gitchel's name is misspelled in the WESTLAW version of *Sullivan v. City of Little Rock*, an unpublished Arkansas Supreme Court case.¹⁶ Running the search **AT (DENT +2 GITCHEL)** retrieves six cases, but not the *Sullivan* case. If you misspell the name yourself and run the search **AT (DENT +2 GITCHELL)**, you will find only the *Sullivan* case and not the other six.¹⁷

However, Boolean searching is not quite as inflexible as it seems on first impression. For example, LEXIS, WESTLAW, and the West CD offer "universal characters:" the asterisk (*) and the exclamation mark (!). The asterisk substitutes for any letter. For example, **WOM*N** will retrieve either **WOMAN** or **WOMEN**. The exclamation mark substitutes for up to 256 letters in any combination. For example,

11. **LAMAR PRE/2 PETTUS** on LEXIS in ARK;CASES achieves the same result.

12. The corresponding search on WESTLAW is **LAMAR /2 PETTUS**. On CaseBase, it would be **LAMAR NEAR PETTUS WITHIN 2**, and on LOIS, **LAMAR NEAR 2 PETTUS**.

13. (**OR** (a space), **/S** (within the same sentence), **/P** (within the same paragraph), **/N** (within a certain number of words), **+S** (preceding and within the same sentence), **+N** (preceding and within a certain number of words), **&**, and **%** (not).

14. **OR**, **W/N** (within a certain number of words), **PRE/N** (preceding and within a certain number of words), **W/SEG** (within the same field), **AND**, **NOT W/N**, **NOT W/SEG**, and **AND NOT**.

15. **OR**, **NEAR**, **AND**, and **NOT**.

16. 260 Ark. N-217 (1976).

17. The search **AT(DENT +2 GITCHEL!)** will retrieve all cases involving Dent Gitchel.

CONVEY! will retrieve **CONVEY**, **CONVEYOR**, **CONVEYED**, **CONVEYS**, **CONVEYANCE**, etc. Typing in a singular word on either **LEXIS**, **WESTLAW**, or the **West CD** will automatically retrieve the plural and possessive forms as well. **CaseBase** and **LOIS** are more limited in this regard. They contain no *-like character. Instead of “!”, you would use “?” for a root extender. **CaseBase** and **LOIS** do not make automatic plurals. Searches on **CaseBase** are also quite restricted in length—they are limited to 64 characters, and the same Boolean connector must be used throughout—but they are saved as “sets” by the computer. A legal researcher may combine sets with Boolean connectors (**AND** or **OR**) to produce more complex sets. For example, to find all insurance opinions written by Judge Newbern, you would first search the **MAJORITY OPINION JUSTICE** field for the term **NEWBERN**, retrieving 574 documents. Next, you would search the **CASE TOPICS (OFFICIAL HEADNOTES)** field for **INSURANCE**, retrieving 2,049 documents. You would then combine the two sets with the **AND** connector, producing a total of 30 cases dealing with insurance wherein Judge Newbern had written the majority opinion. Approximately the same search on the **West CD** could be accomplished in one step, by entering **JU (NEWBERN) & DI (INSURANCE)**.

LOIS's search software is a definite improvement over **CaseBase** because it allows for different connectors in the same search. It still offers the **CaseBase** feature of set combination, but it also offers a **Synonyms** feature that lets you automatically search synonyms if they have been programmed into the built-in thesaurus. (**WESTLAW** contains this feature as well—it is called **Thesaurus**.) The **Replay** feature on **LOIS** is convenient because it allows you to save a search, its results, and a record of when you last ran it. Whenever your disc is updated, it reruns your search on the new disc. This means that your sets never become unusable. In addition, **LOIS** screens take full advantage of color monitors and mice, although a mouse is not necessary.

It is also possible to perform a “search within a search” on four of the services, using **FOCUS** on **LEXIS**, **LOCATE** on **WESTLAW**, **Scan** on the **West CD**, and **Change Search Sets** on **CaseBase**. This capability allows you to look for terms within documents already retrieved from a search.

B. Natural Word Searching

WESTLAW introduced natural word searching (**WIN**) in 1992; **LEXIS** has just released its “associative retrieval” search engine, **FREESTYLE**, as this article is being written. Natural word searching is an attempt to overcome the limitations of Boolean searching and

to render LEXIS and WESTLAW more user-friendly. Natural word searching allows you to simply type in the issue: **WHETHER TERMINATING AN EMPLOYEE FOR REPORTING A VIOLATION OF STATE LAW CONSTITUTES WRONGFUL DISMISSAL**. Alternatively, if you are not grammatically inclined: **TERMINATING EMPLOYEE REPORTING VIOLATION STATE LAW CONSTITUTES WRONGFUL DISMISSAL**.

The first thing to note about the WESTLAW and LEXIS versions is they do not work in the same way. WIN searches match the terms in the search against an "inference network" of terms developed by WEST, ranking them in importance. FREESTYLE uses frequency, not a subjectively-developed network such as West's, to rank the terms in importance.¹⁸ The second thing to note about natural language searching is that you will almost certainly find different cases with it than you will with Boolean searching.¹⁹ Natural word searching cannot be a substitute for Boolean searching, although some may consider it a substitute. Natural word searching will not automatically retrieve the landmark case, if one exists, in the area being searched.²⁰ As one might expect, neither CaseBase, LOIS, nor the West CD allow searchers to use natural language searches.

C. Field Searching

All of the services offer "field searching," that is, the ability to search specified words or numbers in particular fields. Field searching enables researchers to, for example, retrieve all cases involving a particular attorney, such as, **AT(HOWARD + 2 EISENBERG)** on WESTLAW,²¹ or judge, **OPINIONBY (FOGLEMEN)** on LEXIS.²² The inclusion of the West synopses (SY), topics (TO), and headnotes (HE) as fields on WESTLAW and the West CD (including the digest (DI) field combining TO and HE)

18. This is an extremely simplified description of both the search process and how searching works. I have not yet used FREESTYLE, but I have used WIN a number of times and am mostly unimpressed. I am indebted to Richard Leiter for the explanation. See Richard A. Leiter, *FREESTYLE by LEXIS: A Significant Development*, LEGAL INFO. ALERT, Feb. 1994, at 1, 2-3.

19. In fact, Leiter and Eric Welsh ran searches in two different subject areas and compared print results with WESTLAW and LEXIS Boolean, WIN and FREESTYLE. Interestingly enough, print won hands down. Boolean came in a distant second and natural language third as far as relevant cases went. *Id.* at 4-7.

20. For a comparison between WESTLAW natural word and Boolean searching, see Sheilla E. Désert, *WESTLAW is Natural v. Boolean Searching: A Performance Study*, 85 L. LIBR. J. 713 (1993). Désert recommends that searchers use WIN only in conjunction with Boolean searching and not by itself.

21. The corresponding search on LEXIS would be **COUNSEL(HOWARD PRE/ 2 EISENBERG)**.

22. The equivalent search on WESTLAW would be **JU(FOGLEMEN)**.

lends itself to extremely effective searching. For example, you can combine a synopsis and digest search and thus search only those parts of a West reporter opinion. The search **SCENT SMELL! ODOR /S MARI*UANA /P "WARRANTLESS SEARCH"** on ALLSTATES will retrieve 75 cases where these terms are located anywhere in the synopses, headnotes, decisions, etc. The same search limiting the terms to the West-written parts of the case—**SY,DI(SCENT SMELL! ODOR /S MARI*UANA /P "WARRANTLESS SEARCH")**—retrieves only 35 cases. There will be more irrelevant cases in the first search than in the second.

In theory, the capability to search both free text and indexed (West digest) terms should make WESTLAW and the West CD the best of the electronic services in terms of search quality. LEXIS does not contain synopses or West headnotes, although otherwise its fields, called segments, roughly correspond with WESTLAW's. CaseBase and LOIS require you to specify a field before typing the search. CaseBase offers the official Arkansas headnotes as a field, among others. LOIS offers multiple field searching in the same search, another improvement over CaseBase.

D. Hypertext Searching

CaseBase was the first of the four services to offer hypertext searching. On CaseBase, if you are reading a case or statute and see a word or code section that you want to search in the database at large, you can highlight the word or section and select the Search command, and CaseBase will search for the word in all fields in all documents. The results of the search will be displayed as a new set. LOIS also offers this capability, but for multiple words as well.

Hypertext searching works somewhat differently on LEXIS and WESTLAW. On LEXIS, a number in front of a citation within the text of a document signifies the hypertext connection. The searcher types an equal sign and the number and is automatically transported to the full text of the cited document. This feature is known as LINK. On WESTLAW, the ability to use hypertext is called JUMP and is indicated by a triangle in front of the citation. West has been adding commands preceded by jump markers to many screens to make WESTLAW more of a menu-driven system. On both LEXIS and WESTLAW, searchers can easily return to where they were before using hypertext.

Hypertext is one area where online researchers have traditionally had an advantage over CD ROM researchers. If you are reading an Arkansas case that cites a Missouri case, until now, you could not jump to a different disc; however, Lawyers' Co-op and West

are presently introducing CDs that do so. Even if your drive only holds one disc, you can remove it and insert the appropriate Missouri disc, and you will automatically go to the new case. Eventually, LOIS will also have this capability. Currently, the West CD offers the Select Reference feature which allows you to jump to another document on your disc.

E. West Digest Searching

In 1966, when the Ohio Bar Association first decided what features to provide on LEXIS, one feature requested was "non-indexed" searching.²³ "Non-indexed," or "free text" searching, means the ability to search for any word in the giant concordance that makes up an online database. You simply type your term or terms: WARRANT, GUN, TRUNK, etc. This type of searching is, of course, the exact opposite of West digest searching, which uses a highly structured, hierarchical outline system of indexing. LEXIS has continued to stay non-indexed.

Early on, however, West decided to make digest searching available electronically, in addition to non-indexed searching. For example, researchers can search the topic and key number Damages 135 (concerning inadequate and excessive damages—expenses) online by entering **115K135**. This will retrieve all cases in the particular database that are digested under that topic and key number. One of the great advantages of WESTLAW and the West CD is the ability to combine both non-indexed and indexed searching in the same search. A particularly effective search is to combine a digest search with a free word element, for example, **115K135 /P PSYCHIATR!**. This will retrieve cases digested under Damages 135 but that also have the words "psychiatric," "psychiatrist," or "psychiatry" anywhere in the headnotes. Again, this ability to combine the West digesting information with the power of free text searching makes for an extremely powerful searching tool.

F. Updating

Updating case law can be accomplished by four types of services: Shepard's (available on both LEXIS and WESTLAW—LEXIS contains case Shepard's only, and WESTLAW is slowly adding statutory Shepard's as well); Shepard's Preview (available on

23. Harrington, *supra* note 6, at 545-46.

WESTLAW only); case verification services (Auto-Cite on LEXIS and Insta-Cite on WESTLAW); and use of the computer itself as a citator (Lexcite on LEXIS and QuickCite on WESTLAW, and special searches on CaseBase, LOIS, and the West CD). How do these differ?

Shepard's is the most complete, though not the most up-to-date, of the services. It gives you case history (the appellate chain of your case) and case treatment (all cases and selected secondary authority that have cited your case). Amazingly, Shepard's online is no more current than Shepard's in book form (four to six months out of date), no doubt due to some kind of restrictive licensing agreement. Hopefully, this limitation will disappear in the near future. Shepard's online contains the same restrictions as to the scope of citing entries as are found in the printed Shepard's. For example, if you Shepardize the Ark. citation of a case, you will retrieve citing law review articles (among other things), but if you Shepardize the S.W. citation of the same case, you will find no law review articles but will retrieve citing cases from other states. It makes no sense to preserve this distinction online.

Shepard's Preview is offered only on WESTLAW. It is only four to six weeks out of date, begins where Shepard's leaves off, and extends Shepard's coverage up through the reporter advance sheets. Shepard's Preview lists recent case treatment and history, but it does not include Shepard's abbreviations. This could confuse the hurried researcher who thinks that he or she has merely found inconsequential citing cases, when in reality, one of them is overruling. As a practical matter, I would urge you to read any case you found in Shepard's Preview.

The case verification services are designed to quickly tell you whether a case is "still good law." They are current to within one to five days, depending on the jurisdiction. I would use Insta-Cite or Auto-Cite to quickly check through the cases cited in a brief just before submitting it to a court, in order to spot any last minute changes in validity. Another good use for these services is to get to the "bottom line" on a case if the Shepard's entry is voluminous. They give you all case history, both prior and subsequent, and any negative treatment (to use Shepard's terminology, any overruling, questioning, criticizing, or distinguishing cases). However, they do not use Shepard's terminology, by and large, and this can be confusing to the researcher as well. For example, West's Insta-Cite calls case treatment "indirect history."

Finally, the computer citators Lexcite and QuickCite actually take your case name and citation and construct a search out of it, running it in the database of your choice. You can restrict the search

so that it simply updates Shepard's, or you can expand it so that it duplicates Shepard's citing cases. These services produce the full text of the cases that have cited yours. You must read them yourself to see how they have treated your case. Lexcite and QuickCite are so current that they will retrieve any case that has been added to the database, whether it is a slip opinion or not.

Is it possible to update a case on the CD ROM services? Yes and no. Of course, the nature of Boolean searching makes it possible to retrieve any cases in a particular database that have cited your case. On CaseBase, **356 NEAR 42 WITHIN 2** will retrieve any case on the CaseBase disc which has cited 356 Ark. 42. This will give you a complete list of citing cases as current as the disc itself. On LOIS for Colorado, a similar search would be **173 COLO. 1**, for cases citing 173 Colo. 1. Alternatively, you could simply mark the citation in an opinion you were reading and use hypertext to achieve the same result. On the West CD, a similar search would be **356 +S 42**. However, to truly update, you need a modem to tie you into some online database. West offers subscribers to the West CD a special WESTLAW contract whereby you only commit to ten minutes of WESTLAW use per month. Perhaps in the near future CaseBase will offer similar access to LEXIS.

III. COST: ONLINE SERVICES

When making the important decision of which online service to choose, you must compare prices. Since the contents of LEXIS and WESTLAW are so similar, in the end, given your research needs, your decision may simply hinge on cost. Unfortunately, this is not an easy comparison. Both West and Mead offer a multitude of different pricing plans, some geared to large firms and others to small firms. A summary of pricing plans for both is included in Table 4 in the Appendix. A few general remarks can be made about cost. There are three basic ways to charge for online services: flat rate (users pay a fixed rate each year, no matter how much or how little they use the service); per-minute (users pay per minute of use); and transactional (users pay fixed charges per search, per citation Shepardized, etc.). West plans are basically per-minute plans. Mead, however, offers a wide range of plans, from per-minute to transactional, to zero-connect. Within the last year or so, Mead has even begun to offer flat rate "MVP" (Maximum Value Pricing) to Arkansas attorneys. You can choose limited LEXIS libraries of Arkansas and federal law and simply pay a flat monthly rate, no matter how much or how little you use the service. West plans to introduce flat rate pricing in the near future. One commentator

suggests that if you already have LEXIS or WESTLAW, you should review your pricing plan every few years.²⁴ I echo that advice. In the last few years, both LEXIS and WESTLAW have greatly diversified their pricing plans. It may be possible to make your computer use much more cost effective by switching to a contract better suited to your needs.

The opinion of many attorneys with whom I have spoken is that online charges are unreasonably high, and this intimidates them when they want to run a search. Attorneys who seldom need online research feel uneasy when they prepare to run a LEXIS or WESTLAW search and know that the clock is ticking. This is particularly true in the small firm, where there are no teams of paralegals or law clerks to do all of the research. One strategy you can use to conserve the amount of time spent online is to call customer service and ask for assistance in formulating searches.²⁵

IV. Cost: CD ROM

CDs are highly cost-effective if they are used often. Since there is no online charge, you are not "penalized" for using them and can practice all you want. CaseBase retails for \$2,995, and it costs \$550 per year for quarterly updates. The West CD sells for \$1,450, and it costs only \$360 per year for quarterly updates (including advance sheets). Both companies offer special rates for site licenses; check with your sales representative.

V. OTHER SOURCES OF ONLINE INFORMATION

Even if you are only moderately computer literate, you can access online legal information more cheaply from sources besides WESTLAW and LEXIS, although none are as comprehensive. Timeline Publishing Company, based in Seattle, offers an inexpensive, up-and-coming, commercial online service, Lawyers' Legal Research Online (LLRO). It contains the full text of United States Supreme Court cases, United States Court of Appeals cases, and cases from twenty-two states (coming soon—more states and Shepard's). LLRO costs only \$750 per year (not counting long distance calls, which

24. Cary Griffiths, *Five Good Reasons Why On-Line Services Will Not Vanish*, MICH. LAW. WKLY., May 10, 1993, at 25.

25. Several attorneys have related to me a similar experience. They call West Customer Service to obtain help in constructing a search. West not only constructs the search, but also runs it for the attorney. The West employee then tells the attorney how many cases the search retrieves (but not the case names or citations) and then, on his or her own time, the attorney re-runs the search.

Timeline estimates to average \$30 per month, depending on your long distance carrier)—a real bargain. Timeline has contacted the Arkansas appellate courts about acquiring their opinions.²⁶

Some units of state and federal governments offer “electronic bulletin boards,” enabling users with computers and modems to call and download or print information. The federal courts offer several sources of online case law via electronic bulletin boards. United States Supreme Court cases are available in the Hermes database. For the cost of the call, you can download United States Supreme Court opinions into WordPerfect format. United States Court of Appeals cases are available online from each circuit on the day they are issued, via the EDOS service. The court dockets can be accessed through the PACER system. District court information is also available, on a more limited basis.²⁷

As yet, Arkansas has not put any law online other than through LEXIS and WESTLAW. A growing number of the states offer electronic bulletin board access to their recent appellate opinions,²⁸ and some states have added legislative materials. Hopefully, Arkansas will soon follow suit.

One low-cost source of information is the Internet. The Internet is a mega-network (the precursor of the so-called “information superhighway”) connecting individuals, schools, government agencies, and businesses world-wide. In the near future, we will see an explosion of information sources on the Internet and a proliferation of users, as more people take advantage of what it offers.

26. Telephone conversation with Joe Acton, President of Timeline Publishing Co. (Feb. 7, 1994).

27. Appellate Court Electronic Services (ACES), also known as Electronic Dissemination of Opinions System (EDOS) is an electronic bulletin board for the rapid dissemination of appellate court information and decisions. Attorneys can view and download slip opinions, oral argument calendars, court rules, notices and reports, and press releases. The Eighth Circuit offers opinions from the last ninety days. Public Access to Court Electronic Records (PACER) allows attorneys to retrieve case information and court dockets. For information about Eighth Circuit EDOS, call the clerk's office at 314-539-3609. To access EDOS, dial 314-539-3576 or 78 with your modem. You need not pre-register because the only charge for EDOS is the long distance telephone call itself. When EDOS asks you for a password, simply type in bbs. To access Eighth Circuit PACER, you must pre-register by calling 314-539-3652. PACER is available for the Eastern District of Arkansas. Call 800-676-6856 to register. Only the civil docket is available at this time, and there is an access fee of \$1.00 per minute of connect time. PACER is available for the Western District of Arkansas as well. You may call 501-783-6833 to register. Only the civil docket is available at this time, and the only charge is the telephone call.

28. For a list of state court electronic bulletin boards, dial the National Center for State Courts bulletin board at 804-253-2526 with your computer and modem.

VI. OTHER SOURCES OF CD ROM INFORMATION

Federal law is rapidly becoming available on CD ROM. West Publishing Company has long sold CDs in subject areas such as bankruptcy, civil procedure, government contracts, and taxation. Recently it released a Federal Library on CD ROM, containing the *United States Code Annotated*, the *Supreme Court Reporter*, the *Federal Reporter* (all series), *Federal Supplement*, and *Federal Rules Decisions*, all on discs totalling approximately twenty-five in number. Federal appellate cases are available on disc from several other publishers as well. The United States government sells a compact disc of the *United States Code* for a mere \$30 (unfortunately it is only updated on an annual basis). Lawyers' Co-op recently introduced compact discs containing the *United States Code Service*, the *Code of Federal Regulations*, and *American Law Reports*.²⁹ Watch for the ability to "jump" from one document to another, even if it is on another disc.³⁰ Some of these discs already have that capability.

VII. CASE LAW AND COPYRIGHT

The advent of electronic legal research systems and the conventions of citing the law have raised a copyright issue which is increasing in importance—whether a publisher can copyright pages of a case reporter. Section 105 of the 1976 Copyright Act puts "work[s] of the United States Government" in the public domain.³¹ This would, of course, cover the text of all federal law. Prior to 1976, common law placed both federal and state judicial reports in the public domain.³² But where exactly do the borders of copyright protection begin? Certainly West may not copyright the text of judicial opinions, but, just as certainly, it may copyright its own synopses, topics, key numbers, and headnotes. But what about page numbers of reporters, or the way in which cases are arranged within a reporter?

"Correct" citation form, as mandated by *The Bluebook*³³ and many courts, requires parallel citations to dual print versions of the same case when the citation is to a decision of a court of that state.³⁴ For example, *The Bluebook* requires using parallel citations

29. The best source for information about what CDs are available is ARLENE L. EIS, *DIRECTORY OF LAW-RELATED CD-ROMS* (1993 ed.), available from Info-sources Publishing, 140 Norma Rd., Teaneck, N.J. 07666, (201) 836-7072.

30. See discussion *supra* part II.D.

31. 17 U.S.C. § 105 (1988).

32. The four landmark cases in this area are *Banks Law Publishing Co. v. Lawyers' Co-operative Publishing Co.*, 169 F. 386 (2d Cir. 1909) (per curiam), *appeal dismissed per stipulation*, 223 U.S. 738 (1911); *Callaghan v. Myers*, 128 U.S. 617 (1888); *Banks v. Manchester*, 128 U.S. 244 (1888); *Wheaton v. Peters*, 33 U.S. (8 Pet.) 591 (1834).

33. *THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION* (15th ed. 1991).

34. *Id.* at 14-15.

to both the *Arkansas Reports* and the *South Western Reporter* when citing an Arkansas Supreme Court case in a brief to the Arkansas Supreme Court.³⁵ Furthermore, citing a case correctly requires listing the first page of the case and any other printed page within the case to which you are referring.³⁶ Citing both *Arkansas Reports* and the *Southwestern Reporter* involves the tedious process of looking up the internal paging of the case cited in both reporters. Thus, attorneys must use a citation form for case law that is dependent upon the pages in a book. This has slowed the use of electronic research products.

From its early days, LEXIS contained the initial page numbers of official state reporter and West reporter decisions, but it did not include any internal paging. In 1985, Mead announced its intention to provide "star paging" to federal court cases in LEXIS. This would make using LEXIS much more convenient for attorneys, as they would no longer have to take the extra step of obtaining a printed book (most likely printed by West) to quote from or paraphrase the case in a brief. West sued Mead in the District Court of Minnesota, alleging a violation of copyright law and moving for a preliminary injunction barring Mead's use of its page numbers, and the district court granted the injunction.³⁷ Mead appealed, and the Eighth Circuit Court of Appeals affirmed.³⁸ The court stressed that its opinion was only tentative, since no trial on the merits had yet taken place.³⁹ Nonetheless, the court held that West page numbers were an important part of the West "case arrangements," which in turn were "original works," and thus protected by copyright.⁴⁰ After a trial, but before a decision, Mead and West entered into a confidential settlement with the district court's approval.⁴¹

Professors L. Ray Patterson and Craig Joyce, criticizing the result reached in *West Publishing*, argued that:

if *no* action is taken, either in the courts or in Congress, to undo the damage done by *West Publishing*, West will have succeeded in converting a commercial monopoly, based on an old technology increasingly less desired by the profession, into a legal

34. *Id.* at 14-15.

35. *Id.* at 171.

36. *Id.* at 34-35. Such citations are called "jump" or "pinpoint" citations.

37. In its opinion, the court took judicial notice of "West's success in its field." *West Publishing Co. v. Mead Data Cent., Inc.*, 616 F. Supp. 1571, 1575 (D. Minn. 1985).

38. *West Publishing Co. v. Mead Data Cent., Inc.*, 799 F.2d 1219 (8th Cir. 1986), *cert. denied*, 479 U.S. 1070 (1987).

39. *Id.* at 1229.

40. *Id.* at 1227.

41. Order No. 4-85-931 (D. Minn. July 21, 1988).

monopoly inhibiting marketplace developments based on the technology of the future—all premised on the fiction that, by citing users to the page and section numbers in West's books, competitors have purloined valuable property which is the product of West's 'original authorship.'⁴²

The United States Supreme Court has since adversely affected the precedential value of *West Publishing* by holding that telephone directory "white pages" are not entitled to copyright.⁴³ The Court stated that the original compiler, Rural, could not claim originality in its arrangement of the directory entries.

This arrangement may, technically speaking, owe its origin to Rural; no one disputes that Rural undertook the task of alphabetizing the names itself. But there is nothing remotely creative about arranging names alphabetically in a white pages directory. It is an age-old practice, firmly rooted in tradition and so commonplace that it has come to be expected as a matter of course. . . . It is not only unoriginal, it is practically inevitable. This time-honored tradition does not possess the minimal creative spark required by the Copyright Act and the Constitution.⁴⁴

One cannot help but wonder what the Court would say about the West Publishing Company's page numbers and case arrangements, rooted as they are in tradition and inevitability.

In 1992, Representative Barney Frank (D.-Mass.) introduced H.R. 4426.⁴⁵ The bill would have amended section 105 of the Copyright Act to exclude copyright protection for names, numbers, citations, volumes, or page numbers of state or federal statutes, regulations, or judicial opinions. The House of Representatives debated the bill extensively in hearings, but it never left committee.⁴⁶ The latest chapter in this controversy began on February 1, 1994, when Matthew Bender sued West in federal district court asking for a declaratory judgment that West cannot claim copyright over its page numbers.⁴⁷

42. L. Ray Patterson & Craig Joyce, *Monopolizing the Law: The Scope of Copyright Protection for Law Reports and Statutory Compilations*, 36 UCLA L. REV. 719, 813 n.305 (1989). These two authors have long written in the area of copyright, and this article is a very complete, compellingly argued discussion of the law in this area.

43. *Feist Publications, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991).

44. *Id.* at 363.

45. H.R. 4426, 102d Cong., 2d Sess. (1992).

46. See *Exclusion of Copyright Protection for Certain Legal Compilations: Hearings on H.R. 4426 Before the Subcomm. on Intellectual Property and Judicial Administration of the House Comm. on the Judiciary*, 102d Cong., 2d Sess. (1992). The Superintendent of Documents number is Y4.J89/1:02/105.

47. *Matthew Bender & Co. v. West Publishing Co.*, No. 94-CIV-0589 (S.D.N.Y. filed Feb. 1, 1994).

The battle over the copyright of page numbers does not address the real issue: how we cite cases when we are no longer using books to obtain the cases. The current form of case citation is an anachronism and should be changed. Consider the form in which statutes are published. Each paragraph is numbered in some way, making reference to pages unnecessary. When citing 42 U.S.C. § 1983, you need not list parallel citations to the *United States Code Annotated* or the *United States Code Service*, because they all use the same numbering system, and the citations are the same. Why could cases not be numbered in the same way?

What would this numbering system look like? There is a finite number of possibilities. Numbering can either be based on some sort of pagination (official, West, or slip opinion), computer screen, paragraph, or line.⁴⁸ Paragraph seems to be the best alternative, because none of the other sources are uniform in different publishers' versions of a decision. As each opinion was issued, the court would number each paragraph. Headnotes written by the court would not be numbered, since they are not part of the opinion and may not be cited or quoted. The numbering would not be unmanageably high, and quotations can easily be found within paragraphs.

Print reporters are not dead yet. How would publishers arrange the cases in print reporters? Instead of a volume, the year could be cited instead. Courts would number their cases as they issued the decisions. Decisions issued on the same day could be arranged in docket number order.⁴⁹ Docket numbers could be included in the citation. Thus, the spine of a typical volume of the Arkansas Reports might be labeled 1993 Ark. 1-105, Jan.-Mar. Following are the ways citations would appear:

Smith v. Jones, 1994 Ark. Ct. App. 3 (93-123);
Green v. Brown, 1994 Ark. 5 (93-1047).

If citing to something specific in a case, citations would look like this:

Doe v. Johnson, 1994 E.D. Ark. 57, ¶ 4 (LR-C-93-221);
Johnson v. Doe, 1994 8th Cir. 206, ¶¶ 51-52 (92-115).

You could be using a West reporter, an official Arkansas reporter, CaseBase, a West CD, LEXIS, WESTLAW, or some other data-

48. LLRO uses numbered 72-character lines, for example.

49. Kyle Parker uses this case numbering system on the LOIS CD for Colorado. Telephone conversation with Kyle Parker (Feb. 15, 1994).

base—you would only have to find and cite your case in one source. Your readers could find what was cited in whatever source they had. Shepard's would list the new numbers and bind its volumes by court rather than by reporter, but otherwise it would function as it always has functioned.

Have any jurisdictions considered changing the citation form of their own cases? Yes. In 1992, the Judicial Conference of the United States considered changing the citation form of federal courts of appeals' opinions. The new citation form would have only been used until a West reporter citation became available.⁵⁰ The Judicial Conference rejected the proposal.⁵¹

In the summer of 1993, the Judicial Electronic Document Interchange (JEDI) Committee of the Science and Technology Section of the American Bar Association drafted a proposed resolution on "Content-Related, Vendor-Neutral Citation Conventions." The proposed resolution does not advocate one particular form of citation, but rather urges the courts and law review staffs to "confer, perhaps utilizing the good offices of the A.B.A. . . ."⁵² The JEDI resolution raises an important issue regarding the new citation form. It should be determined by the bench and bar, not by vendors. The new citation form should not be biased for or against any vendor, in order to keep the marketplace open and encourage competition.

On December 17, 1993, the Louisiana Supreme Court issued an order adopting a "public domain" form for citing Louisiana appellate opinions.⁵³ In January of 1994, the Sixth Circuit adopted, on an experimental basis, the form that the Judicial Conference had

50. The numbering system would have looked like this: *Ostegaard v. De Marco*, 1990 FED App. 0322P (5th Cir.). Eric L. Brown, *Inexpensive Computer Research Plan Death Blow by Judicial Conference of the United States*, N.Y.S. B.J., Feb. 1993, at 57, 58. See also 56 Fed. Reg. 38457 (1991) for the original proposal by the Library Program Subcommittee of the Judicial Conference Committee on Automation and Technology. The subcommittee considered numbering paragraphs, but decided that "they change the appearance of the opinion and therefore are not desirable. Also, paragraph numbering would require extra work in chambers or the clerk's office to add the numbers." I respectfully argue that the amount of extra work is minimal considering the benefits that would result to attorneys and judges were paragraph numbering to be used.

51. Brown, *supra* note 50. Mr. Brown's article recounts the events leading up to the citation reform proposal, and possible reasons for its rejection by the Judicial Conference.

52. ABA Proposed Res., "Content-Related, Vendor-Neutral Citation Conventions," at 2 (1993).

53. Typical Louisiana citations will be:

Smith v. Jones, 93-2345 (La. 7-15-94); 650 So. 2d 500 or

Smith v. Jones, 93-2334 (La. App. 1 Cir. 7/15/94); 660 So. 2d 400.

Order of the Supreme Court of Louisiana, Dec. 17, 1993.

rejected. On the LOIS Colorado CD, released in 1994, the Colorado Supreme Court authorized the numbering of individual paragraphs of each opinion.

VIII. A GLIMPSE INTO THE FUTURE

You will subscribe to CD ROMs of the law you use most often: cases, federal regulations, etc. Your CD ROM search software will look much like Windows and allow you to download or print in any font. Some software will even allow you to issue commands orally, without the need to type. Your CD ROM subscriptions will entitle you to access some kind of online database to update your CD searches. You will subscribe to either WESTLAW or LEXIS, and you may contact a nearby large library for the occasional document that you need but cannot access via your computer and modem. A uniform, non-page-dependent citation form will be in effect for all jurisdictions, so that whatever version of the law or secondary authority you are using can be cited without having to refer to any other source. Services will exist, offered by vendors such as Barclay's, that search all of the new case law for you and send it to you via E-mail.⁵⁴

IX. CONCLUSION

How do you get from here to there? Ultimately, what you purchase should be rationally related to your research needs. Because attorneys' needs vary, I cannot offer blanket recommendations, but only general observations. For the sources of law used every day, CD ROM is probably the best electronic medium because of its low cost compared to online sources and its enhanced ability to search as compared to print. If you like West's products and do a lot of digest searching, you will probably want to purchase the West CD ROM and sign a contract for minimal WESTLAW use. If you concentrate on Arkansas law and almost never need federal law at all, you can probably get by with a CD ROM product. When you are comparing services, use a research problem for which you have already found the answer and compare each service's response. If you have a need for business, medical, or topical information, be sure to compare what Mead and West can offer you in these areas. If you do subscribe to WESTLAW or LEXIS, review your pricing plans periodically. If you are hesitant about your search skills, call customer service for assistance. If you do not have online research

54. West, of course, is ideally situated to offer services of this type. It not only possesses the full text of the cases but also its copyrighted indexing information.

capability, you might want to investigate it as an alternative every few years. Finally, I predict that in the future the price of CD ROMs will drop somewhat as more vendors enter this market and more products become available.

Research products today offer more capabilities than ever before. This is a time of complexity and frustration, but the opportunities to vastly improve your research capability and to choose from wide varieties of pricing plans are just around the corner.

TABLE 1
GENERAL COVERAGE OF LEXIS AND WESTLAW

	LEXIS	WESTLAW
Federal Courts	S. Ct. 1790-present Ct. of Appeals 1789-present Dist. Cts. 1789-present All federal special courts	S. Ct. 1891-present Ct. of Appeals 1891-present Dist. Cts. 1789-present All federal special courts
U. S. Supreme Court briefs	1979-present	1990-present
Federal Statutes	U.S.C.S. Public Laws from 1988-present	U.S.C. U.S.C.A. Public Laws from 1989-present
Federal Bill Tracking	Yes	Yes
Full Text of Federal Bills	1993-present	1993-present
CFR/Federal Register	C.F.R., 1981-present Fed. Reg., 1980-present	C.F.R., 1984-present Fed. Reg., 1980-present
Administrative Decisions	From most agencies; dates vary	From most agencies; dates vary
State Courts	All states, beginning date varies from state to state, ranges from 1800s to 1950s	All states, beginning date varies from state to state, ranges from 1800s to 1950s
State Statutes	All states, annotated for most	All states, annotated and unannotated for each
Ability to Search Federal/State Case Law at the Same Time	Yes, in the MEGA Library—can search everything Or 8MEGA—8th Circuit federal & states	CTA8-ALL—8th Circuit federal & states AR-CS-ALL—8th Circuit & Arkansas
Legal Periodicals	70 law reviews, full text, from early 1980s	Selective coverage of hundreds of legal periodicals
Treatises	Few if any	Clark Boardman, New York PLJ treatises
Looseleaf Services	Some BNA and RIA looseleaf services	Some BNA and CCH looseleaf services
American Law Reports	A.L.R.2d-present	No
West Topics, Key Numbers & Synopses	No	Yes
Restatements	Yes	Yes
Uniform Laws	No	Yes
Attorney Directories	Martindale-Hubbell (MAR-HUB)	West's Legal Directory; other specialized directories
Subject Databases (antitrust, insurance, family law, etc.)	Yes	Yes
Jury Verdict Information—Awards, Settlements	Yes	Yes

TABLE 2
 ARKANSAS COVERAGE OF LEXIS, WESTLAW, WEST CD ROM AND CASEBASE

Arkansas Coverage	LEXIS	WESTLAW	West CD ROM	CaseBase
Ark. S. Ct.	1944-present	1944-present	1944-present	1925-present
Ark. Ct. App.	1979-present	1979-present	1979-present	1979-present
Unpublished appellate decisions	Yes	Yes	No	No
Headnotes	Official headnotes	West headnotes, topics & key numbers	West headnotes, topics & key numbers	Official headnotes
Ark. Court Rules	No	Yes-confusing	No (coming soon?)	Yes
Att'y Gen. Opinions	1977-present	1977-present	No	No
Ark. Code Ann.	Yes	Yes	No	No
Ark. Code Unannotated	No	Yes	Yes	Yes
Session Laws	1989-present	1991-present	No	No
Ark. Bill Tracking	Yes	Yes	No	No
Ark. Regulations	No, despite what they say	No, despite what they say	No	No
Ark. Dept. of Finance Regs.	1977-present	No	No	No
Ark. Workers' Comp. Decisions	No	1982-present	No	No
Ark. Ins. Dept. Regs.	No	1967-present	No	No
Ark. Public Serv. Comm'n Decisions	No	1977-present	No	No
U. Ark. at Little Rock L.J.	No	Yes, selected articles beginning with 1983	No	No
Ark. L. Rev.	1993-present	Yes, selected articles beginning with 1983	No	No
Ark. L. Notes	No	No	No	No
Ark. Law.	No	No	No	No
Arkansas Shepard's-Cases Only	Yes	Yes	No	No
Southwestern Shepard's	Yes	Yes	No	No
Arkansas Business	Yes	Yes	No	No
Corp. Filings w/Secy of State	No	Yes; PH-ARCORP	No	No

TABLE 3
CAPABILITIES OF LEXIS, WESTLAW, WEST CD, CASEBASE AND LOIS

Capabilities	LEXIS	WESTLAW	WEST CD	CASEBASE	LOIS for Colorado
General free-text searching	Yes	Yes	Yes	Yes	Yes
"Natural word" searching	Yes	Yes	No	No	No
Search for a case by name	NAME (SMITH AND JONES)	TI(SMITH & JONES)	TI(SMITH & JONES)	Table of Contents	Yes
Search for a case or statute by citation	LEXSEE, LEXSTAT	FIND	FIND	Yes	Yes
Star paging (to pinpoint cites)	Yes for federal	Yes for cases	Yes for SW and Ark	Yes for Ark	n/a
Jumps to full text of case or statute cited within your case	Yes, LINK	Yes, JUMP	Yes, J	No	Yes
Search within a search	FOCUS	LOCATE	SCAN	Change Search Sets	No
Add something onto the end of your search, free	MODIFY	No	n/a	n/a	n/a
Search West synopses, topics, key numbers and headnotes	No	Yes	Yes	No	No
Search official Ark. headnotes	No	No	No	Yes	Searches official Colorado headnotes
Shepardize cases	Yes	Yes	No	No	No
Shepardize statutes	No	Yes, some federal & state (no Ark.)	No	No	No
Updates case to w/in several days	Auto-Cite	Insta-Cite	No	No	No
Use computer as citator (updates to w/in same day)	LexCite	QuickCite	Yes, but only to w/in last several months	Yes, but only to w/in last several months	Yes, but only to w/in last several months
Insert notes in text	No	No	No (but has notebook feature)	Yes	No (but has notebook feature)
Download to ASCII or Word Perfect	Yes	Yes	Yes	Yes	Yes
Runs search automatically, saves results	ECLIPSE	PDQ	Saves searches	Saves searches	Saves searches, reruns
Updates citations in a brief on disk, online	CHECKCITE software	WESTCHECK software	No	No	No
Lists research projects and time spent for billing purposes	Yes	Yes	Yes	No	Yes

TABLE 4
 COST COMPARISON: WESTLAW AND LEXIS
 April 21, 1994

WARNING: LEXIS and WESTLAW pricing changes frequently, and this comparison should not be relied upon as definitive. Double check with your representative.

	WESTLAW Law Library terminal	WESTLAW New Subscriber	WESTLAW New Subscriber & CD ROM Purchaser	LEXIS group membership Arkansas MVP	LEXIS group membership Full MVP	LEXIS group membership Hourly Uncommitted	LEXIS group membership Transactional	LEXIS group membership Zero Contact
Subscription rate	0	125	5	160	210	25	25	25
Monthly minimum	0	9.75	40	0	0	0	0	0
Online charge	.80/min	.80/min	.85/min	0	0	1.00/min	.75/min	0
Additional database online charge	3.58/min	3.25/min	4.00/min	0	0	3.17/min	0	0
Pricing/ downloading offline	not available	.02/line	.02/line	.02/line	unlimited	.02/line	.02/line	.02/line
Two Arkansas case law searches, 10 minutes	43.80	40.50	48.50	0	0	41.70	53.50	60
Two federal caselaw searches, 10 minutes	76.02	69.75	74.50	not included	not included	41.70	95.50	102
Finding text of 3 cases, and updating them, 5 minutes	21.90	20.25	24.25	not included	not included	20.85	30	26.25
TOTAL of last 3 rows	141.72	130.50	147.25	n/a	n/a	104.25	160.25	188.25

This chart is a simplification of some of the pricing plans available. Both West and Mead offer additional plans not shown here. These examples assume a baud rate of more than 1200. You should also know that WESTLAW charges between 1.65 and 1.9 times more for the use of ALLFILES. The federal search here is run in ALLFEDS. Printing and downloading from special files may cost more.