If You Can't Beat 'Em, Train 'Em: How Lawyers Conduct Legal Research

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If librarians only had a nickel for every time they heard "isn't everything available on the internet?" they would all be able to retire to their own private islands. However, we know that is not the case and even if all information anyone ever needed were available on the internet, users would still face obstacles in finding the exact answer they require using online sources. This is where the librarian's expertise in searching and retrieving information can be used to assist users with online legal research.

Law librarians know that lawyers are using the internet for research. They also know that frequently research requests start with "I was looking for this on the internet and could not find it, can you help?". The 2004-2005 American Bar Association Legal Technology Survey Report, conducted by the Legal Technology Resource Center, points to increased use of online sources for research by attorneys, and also reports that attorneys respond positively to training from in-house employees. Training employees on how to use better search techniques establishes the librarian as a partner in successful information retrieval.

In this article we will examine when attorneys are conducting online research, what sources they are accessing electronically, how training can boost search results and, finally, provide suggestions for managing the output generated by online legal research. In order to highlight firms that would be more likely to employ library staff, the statistics quoted in this article are from the 2004-2005 American Bar Association Legal Technology Survey Report Online Research volume, for attorneys in offices with 50 or more attorneys.

The survey shows attorneys have an almost universal comfort in using the internet with 95% of them indicating that they read news and current events online. Just as large, at 96%, is the number of attorneys conducting any type of research online. When attorneys were surveyed about who performs legal research on a regular basis, though, the numbers drop with only 57% reporting that they personally conduct legal research. However, they are regularly utilizing the skills of other attorneys (71%) or firm librarians (35%) to assist with research tasks. Firm law clerks and summer associates provide research assistance 53% of the time. Associates are often working on projects for partners, and an inefficient online search strategy means wasted time. Attorneys do not personally need to be conducting the primary research to benefit from successful online research since they may be waiting for information from others in order to complete work on a case.

Attorneys use both fee-based and free resources for online research. The survey asked which format attorneys use more often when conducting research on jury verdicts, federal case law, federal legislation, general news, legal news, corporate research, law reviews, legal citators, legal forms, legal treatises, public records, experts, judges, lawyers and state legislation and state case law. In almost every format type surveyed, attorneys are using online resources, fee-based and free combined, more than any other source. Print is still used 22% of the time for state legislation and statutes, 22% of the time for state case law. The only instance of print being the majority is with treatises and secondary legal sources. The print version is used 56% of the time for secondary sources, which may reflect that these publications have not been made available in an electronic format or that the electronic version is not user-friendly. Fee-based resources are used by 84% of the respondents with free

resources used by 77%. For the legal profession, the high use of a fee-based source could be attributed to the fee-based resource's authority and recognized brand name within the legal marketplace. To highlight this point, 49% use Westlaw and 47% use Lexis for fee-based legal research.

Knowing that attorneys are using online resources does not provide insight into the results they are achieving. How satisfied are they with their search techniques and have they been trained on fee-based programs in order to efficiently search with those resources? We can all relate to the familiar scenario of a patron contacting the firm librarian and announcing that they have been working on a search and have not found anything. What resource were they using? If they were using a fee-based resource, such as Westlaw or Lexis, the librarian wants to make sure the search was not duplicated, resulting in using the same resource twice for one request. The challenge becomes attempting to determine which results are on point and answer the original question. An online search may seem to be expensive when looking at the final dollar cost, but the expense does not equal ineffective. Browsing on a free site which covers the researched topic may also lead to more options for research so browsing can be a viable search technique. Even when attorneys know that research from the library has helped them with a case or a client, they often do not relay this information back to the librarian so return on investment is difficult to determine with dollars. Perception plays a large part in what resources are used as well. If an attorney feels that they are adept at using a fee-based resource this could be the motivation for them turning to it first when looking for information.

In firms where there is a librarian available for research requests, there is an opportunity for training the attorneys to complete better searches. The survey shows that attorneys are doing research, for themselves or others, using online resources. Are the vendors providing assistance to help attorneys learn how to use the fee-based sources? As mentioned previously, Lexis and Westlaw are the most frequently used fee-based resources for online legal research. The survey also shows that attorneys are using fee-based sources to access jury verdicts, federal case law, law reviews, state case law and legislation. Since the legal community uses a recognized citation system and the legal vendors use this shorthand, then attorneys could be shown how to quickly retrieve cases and decisions. Some online sources may not be known by the legal community so that could also steer people to fee-based resources which would be acknowledged by their peers. This may change as company and personal information becomes more accessible through free sites run by federal or state agencies and the source's authority becomes easier to establish.

The training for legal research becomes tricky when it's for a more general topic such as competitive intelligence or industry trends. Lawyers are no different from the rest of the population by selecting Google as the search engine they use most often. If users are employing a Google-type search technique of entering in keywords and hoping that something sticks, they may not get to the results they want. A general keyword search using a fee-based resource does not take advantage of indexing or search strings available from that source. Too many results can be overwhelming, while too few can be frustrating. The 2004-2005 Legal Technology Survey Report found that 82% regularly perform research at the office and 43% conduct research at home. Even though laptops are more available, 62% never conduct research while in transit or traveling. Since attorneys are working in a stable environment, where they could have a dedicated workspace, finding aids such as flowcharts or tip sheets, could be provided to them to assist them in making decisions about online research. The type of search could be chosen, matched with the best resource and then with suggestions on how to use that specific system. When starting a research project, 38% of the attorneys indicate that they begin with a fee-based service, more than any other type of resource. Training and education would help determine if this first step toward using a fee-based source is the best choice.

Training is available for attorneys at most firms in a variety of formats. Live classes offered by vendors are available at 71% of the firms, live classes from other organizations are used in 43% of firms, live classes from in-house staff account for 89%, computer based training totals 78% and tutorials are utilized 60%. Attorneys overwhelmingly chose live training classes conducted by in-house staff as the most effective method for training at 62% answering affirmatively. Comfort levels with staff could make in-house training more effective as well as being able to tailor the training to the firm and its goals and available technologies. Knowing the audience provides an advantage when promoting training events. Efficiency and cost effectiveness can be stressed as benefits. The library staff will also be aware of different skill levels and can tailor training to the individual's needs and goals. Knowing that attorneys need education and training creates opportunities for the librarians. As resources move to electronic formats, the library will become the information resource center and will assist users in navigating the new information sources. Again, not all technology is created equal and being
familiar with one type of resource does not necessarily translate to all electronic resources. Also, new products, or upgrades to existing products, will continue to evolve in the marketplace and the library staff will become the power users who can then train and instruct the attorneys.

When attorneys are not being trained directly, technology can be used to assist them in increasing the quality of their online research. If the library already has a spot on the firm's intranet, an online research tip of the week could be included using real examples such as client names or current issues. Most of the attorneys, 47%, do use the firm portal to access legal research materials. The portal works to organize research sources. Examples could also be presented, using a blog as a vehicle for publication, showing how a Google search is used to find company information, since the reality is that people are turning to the popular search engine as a reference tool. Rather than sending mass emails which can easily be ignored, a portal page could include RSS feeds from popular news sources for the attorneys to review along with news from the library. RSS feeds are customized news headlines that are updated when new content is added by the source pushing the information. Respondents indicated that at least once a week, 23% are using e-mail case alert services and 25% are receiving online advance sheet services for online legal research. These response rates show that if it's legal information they want, pushing the information to them using an electronic method is effective. Combining what they are currently using, with new information in an easy to update format, can mimic research sources they are familiar with already. Again, if the users are not responding to assistance being sent out via email, then an RSS feed or a library weblog could be a better way of highlighting the library's services.

As the survey shows, almost all attorneys utilize online research. Training and information will go a long way in promoting the library as a resource center and also in assisting users with research. The challenge in the future will be managing the results of that research. How will attorneys be retaining the information they find online? This is another area where librarians can utilize existing technologies to assist the user group. Helping the attorneys set up folders for bookmarks to track online sources, or using online collaboration tools to share research information, will go a long way in managing the information they find on the internet. Training sessions to show attorneys recognized, or helpful, research sites will help them better formulate search strategies. Understanding that users will need to manage the research they find on the web, companies have begun to create products to address this need. WatchThatPage will track changes to content of specific websites which can be helpful for competitive research. Net Snippets and eSnips are two services designed to capture web content and assist the user in organizing online research. The company 37signals currently offers four distinct products for online collaboration and organizing electronic content. The trend of attorneys feeling empowered to conduct their own research using online sources will continue, and the librarian has the opportunity to customize and organize the information for better results and recall.

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