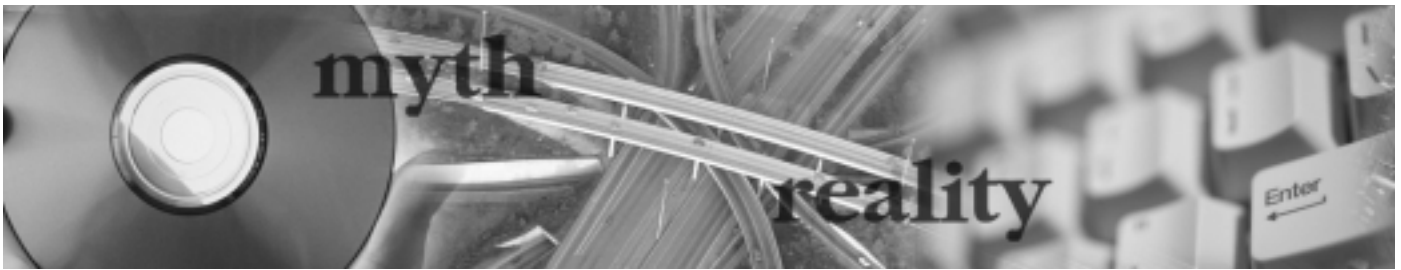


Internet Reality Check

by Hazel L. Johnson



Use of the Internet by the legal profession continues to increase. You can't pick up a legal publication without finding some mention of the Web. But what's the real story? Can the Internet replace Westlaw and LEXIS? What about your firm's entire library of books and CD-ROMs? Even the law school and public libraries? To a law librarian, it's like *déjà vu* all over again. These are the same questions we heard with the advent of LEXIS and Westlaw. They are the same questions we answered when CD-ROMs began proliferating. And the answer is still no. Paraphrasing my colleague Burgess Allison, author of the *Technology Update* column in the *ABA Law Practice Management* magazine, the Net is an important tool in the lawyer's toolbox. But it doesn't replace the toolbox.

Reality Check: The Internet Generally

One author describes the Internet as a combination of three spheres: information, exchange, and entertainment.¹ The task of the individual seeking information from the Internet is to filter through the exchange and entertainment spheres to locate the information sphere and then apply some sort of quality control to what is found.

There's really no avoiding the Internet for the legal profession. One court opinion already states that attorneys have a responsibility to check the Internet for information [*Whirlpool Financial Corp. v. GN Holdings, Inc.*, 67 F.3d 605 (7th Cir. 1995)]. Legal publishers are joining the migration to the Internet. Westlaw (<http://www.westgroup.com>) and LEXIS (<http://www.lexis.com>) are available via the Internet. Some information that was previously only available on CD-ROM is now available via the Internet (e.g. LOIS's law collections). Other legal publishers are extensively using the Internet to distribute newsletters formerly sent in paper or by fax (e.g. BNA's *Daily Tax Report*).

But what are the realities of legal research on the Internet? And what can a researcher do to cope with those realities? Among the lingering problems with the Internet as a research tool are limitations on coverage, instability of sites, lack of comprehensiveness, and lack of standards.

Comprehensiveness of data will always be a challenge in the electronic world. Even Westlaw and LEXIS have limitations on

their data. Researchers may recall that both services were very slow to expand their Virginia case law databases retroactively. Except for these case law databases, anything older than 1980 is difficult to find in electronic format, as many researchers discover when searching the Virginia law review databases, for example. It costs bundles of money to convert periodicals, reports, regulations, etc. into electronic format. For a commercial entity there has to be a market for the data. Additionally, there are some copyright issues that have not yet been defined completely in the electronic era. I suspect we will probably never see the day when print is totally unnecessary.

Keeping a site current and viable takes a lot of work. Often, an individual, company or agency will launch a site that shows great promise, but a shortage of time, personnel or funding may limit the entity's ability to maintain the site. The Web site then has only limited value. For example, a site that features the 1994 version of the U.S. Code might be of use in determining the appropriate code sections needed, but could you rely on a six year old version of the U.S. Code?

One of the challenges for the individual using the Internet for research is sites that collect selected materials or only what the site creator feels are relevant documents. This is really no different from publishers that print only selected cases, but the mystique of the Internet seems to be that everything is available there. It's not. But everything's not available on Westlaw or LEXIS either. Both services provide only selected Virginia Circuit Court opinions, for example, and different ones at that.

The ease and relatively low costs of establishing a presence on the Web have led to a number of fraudulent sites. One must be just as vigilant in evaluating the resources of the Web as one would be any other resources, perhaps even more vigilant due to the "anyone can do it" aspects of Web publishing. An evaluation system, developed by the Southern California Online Users Group, known as SCOUG, consists of ten categories to use in evaluating Internet resources²: Consistency, Coverage and Scope, Timeliness, Accuracy/Error rate, Accessibility/Ease of Use, Integration, Output, Documentation, Customer Support and Training, Value to Cost. It's the responsibility of the Web searcher to apply those criteria to the used sites. The Access to Legal Information Committee of the American Association of Law Libraries (<http://www.aallnet.org/committee/infotek/aelicweb/index.html>)

uses these criteria to evaluate state Web sites that provide legal and government information. The Committee offers suggestions on ways that individuals can perform their own evaluations of Web sites.

Reality Check: Internet Myths

Several myths concerning the use of the Internet as a research tool have developed because of the escalation in the amount of information available on the Internet. One of the most widely disseminated myths is: **“All information resides on the Internet. The difficulty exists in finding it.”** Anyone who has spent much time trying to locate a specific tidbit of information on the Net knows that this is obviously false. You will not yet find Virginia’s Eastern District Rules on the Internet yet, for example. They are simply not there. But we set some parameters about the types of materials that are frequently available on the Net. Information generated by a governmental body is one category of information that is readily available. Federal and state governments are embracing the Internet as a delivery mechanism for information. Some do it better than others, but the efforts are increasing.

The Internet is an excellent source of very current information or very historical information. Unfortunately, there is a wide gap between those two groups of data. You can find the Magna Carta or a current Virginia statute, but you won’t find the Virginia Register for 1997. If the information you seek is a hot topic in the news or of interest to an advocacy group or trade association, the Internet is a very good source. The work of the South African Truth Commission, the Pinochet decision in Britain’s House of Lords, the status of Y2K and Microsoft litigation all appeared quickly on the Internet.

If what you seek is factual (names, addresses, phone numbers), involves public opinion or relates to technology, medicine, or other popular topics, the Internet is a very good resource. The reality is that the Internet doesn’t replace all your other resources yet even though there is a wealth of valuable material in cyberspace.

A second and very popular Internet myth is **“You do not have to pay for any information you find on the Internet.”** Again, a frequent researcher who uses Internet sources learns very quickly that the traditional philosophy of sharing information at no cost that guided the Internet in its early days has disappeared somewhat with the 1991 opening of the Web to commercial entities. Yes, *Virginia Lawyers Weekly* and the *Richmond Times-Dispatch* maintain Web sites with selected free information but they still want to be paid for certain other information. A very good discussion and time line of the growth of the use of the Internet by commercial entities can be found at PBS Net time line (<http://www.pbs.org/internet/timeline>). With very few exceptions, the materials that remain free on the Internet can act as only a supplement for traditional research sources. The movement by commercial publishers to use the Internet as a delivery system means that there are now costs and fees associated with the use of the Internet.

“It is possible to conduct in-depth case law research on the Internet.” This myth requires some definition as to what consti-

tutes in-depth research. Having LEXIS (<http://www.lexis.com>) and Westlaw (<http://www.westgroup.com>) available through the Internet makes this a reality for firms having a subscription to one or both of those services. If you are seeking less expensive or even free case law databases, the answers become more complicated. For the most part, other sites provide only sporadic collections. If you are seeking only U.S. Supreme Court opinions, Findlaw’s site (<http://www.findlaw.com/casecode/supreme.html>) is quite comprehensive. All of the Federal Courts of Appeals and many states are making their current decisions available, but the development of comprehensive databases that include older case law is not a goal. Emory University’s Web site (<http://www.law.emory.edu/4circuit/>), for example, includes Virginia’s Fourth Circuit cases only from 1995 forward. Decisions of the Federal District Courts remain the most problematic. Nowhere on the Internet today will you find the opinions of Virginia’s Eastern and Western District Courts. With some geographical limitations, LOIS’s (<http://www.pita.com/>) collections of case law are nearly comprehensive.³ The state case law collections of Versuslaw (<http://www.versuslaw.com>) are also quite complete, but the decisions of only two federal district court are included.⁴ The most recent entry into the field of low cost legal research options on the Internet is the National Law Library (<http://www.itislaw.com/contlist.htm>), but as yet, its options are extremely limited.⁵ You will not yet find Virginia cases, statutes or materials from Virginia’s Federal Courts at this site. Your choice of resource will depend on the jurisdiction(s) in which you do research most often. A drastic example is the case law for Rhode Island. Westlaw’s coverage begins in 1885, Versuslaw in 1950, LEXIS’s in 1965, but LOIS’s collection begins in 1828. If your research needs were primarily for Rhode Island case law, your best choice would be LOIS. Virginia researchers, however, have a broader range of coverage: Westlaw from 1887, Versuslaw from 1930, LEXIS from 1730 and LOIS from 1931.

The proliferation of personal information on the Internet and the need of law firms to obtain that information has led to another myth: **“It is possible to obtain an individual’s personal information on the Internet, including home address, phone number, social security number and credit history.”** All portions of that statement are true.

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The National Credit Information Network (<http://www.wdia.com>) allows access to individual credit history. The site purports to be in compliance with the requirements of the Fair Credit Reporting Act and requires that the requesting entity be a business, but there is no indication that any follow-up is done to ensure that the data retrieved is not misused. There are many sites on the Internet that provide more or less accurate factual information on individuals. The People Chase II outline on the Virtual Chase Web site, (http://www.virtualchase.com/people_chase.shtml) provides an excellent annotated overview of the best sites. Among the commercial sites offering personal information are KnowX (<http://www.knowx.com>) and CDB Infotek (<http://www.cdb.com/public/>). Both are reasonably inexpensive.

Expanding the Internet Reality

The records in the KnowX database were the same as those in Westlaw's public records databases until recently when West divested itself of the Information America Company. These records include real property data, liens and judgments, bankruptcy and asset records. The material is available on a pay-as-you-go basis and can be billed to your credit card. CDB purports to include 1600 databases and 4 billion records. It requires a subscription and assesses a monthly subscription fee on top of the cost of retrieving the data. Among its records are motor vehicle and credit bureau headers, both of which are also available from LEXIS. A researcher must be very careful to check the inclusiveness of the records prior to searching.

A more specific myth is that **"An EDGAR site is an EDGAR site is an EDGAR site—they're all pretty much the same."** That one is definitely not true. Even among the free sites, there are numerous variations in the fields that are available for searching, the type of search engine that is used on the site and the documents that are available. 10K Wizard (<http://www.10kwizard.com>) is the only free site that allows full content searching. The SEC EDGAR site (<http://www.sec.gov>) is a plain vanilla WAIS search in the header information only, which can lead to some pretty bizarre results. The SEC currently is revamping the search engine, so we can hope for better times. FreeEdgar (<http://www.freeedgar.com>) provides a very nice search interface with company descriptions as well as the filings and has recently debuted a beta version of RTF printing. Finally, a reasonably priced fee-based site is LIVEDGAR, which offers extensive search capabilities and impressive download options. The reality of EDGAR on the Internet is that you may have to use two sites, one to locate the materials you need and a second to obtain a print or downloaded copy.

"Labor and demographic data is readily available on the Internet." Absolutely. Access to statistics is easier than ever. A few of the better sites include FedStats (<http://www.fedstats.gov/>), a product of the Federal government that includes a compilation of links to a variety of federal agencies and includes both an agency and topical index and a very powerful search engine. Another fine source is Statistical Resources on the Web (<http://www.lib.umich.edu/libhome/Documents.center/stats.html>). Based at the University of Michigan, this site has a very helpful topical organization with very extensive annotations and includes many sources of state statistical sources in addition to federal sources. Virginia's Weldon Cooper Center for Public Service at the University of Virginia maintains a site (<http://www.virginia.edu/coopercenter/vastat/>) dedicated to Virginia statistics. The Government Information Sharing Project (<http://govinfo.kerr.orst.edu/>) at the University of Oregon provides access not only to statistical Web sites, but also to many of the governmentally produced statistical CD-ROM publications.

As Internet researchers discover daily, there is an amazing amount of material on the Internet, but one must approach it with a healthy dose of skepticism. Web sites are far too easy to create for us to blindly trust without asking serious questions. One should keep in mind that what appears on a Web site is what the creator feels is important. Unfortunately, that is often not what a researcher needs. Decisions on what remains available on the Net are not necessarily being made by someone who has a stake in the data. They may be made by someone simply trying to conserve space on a server.

The Internet offers too much valuable information for you to fail to exploit it. Following are a few suggestions on techniques to overcome some of the limitations of research on the Internet.

1. At the very beginning of an Internet research session, think about the print sources you would use. If the information you seek might be available from a government agency, go directly to the agency's site. If you can decide what print source is relevant, use a focused search engine like LawCrawler (<http://www.lawcrawler.com>) rather than one of the mega search engines like Altavista (<http://www.altavista.com>)
2. Exploit all the strengths of a particular search engine. Use truncation, field searching, etc.
3. Use the appropriate search engine for the type of information you need. Yahoo (<http://www.yahoo.com>) or Google (<http://www.google.com>) for the best sites on a specific topic or a specific URL
4. Use sites that offer detailed query options when looking for a specific piece of information. Northern Light (<http://www.northernlight.com>), HotBot (<http://www.hotbot.com>) or Altavista (<http://www.altavista.com>)
5. Use the Internets (<http://www.internets.com>) Web site to locate databases that search engines spiders can't find.
6. For needles in the haystack, use a meta search engine. Metacrawler (<http://www.metacrawler.com>), SavvySearch (<http://www.savvysearch.com>) Dogpile (<http://www.dogpile.com>) or SurfWax (<http://www.surfWax.com>)
7. Use Altavista to search a site that has no internal search engine. The search format is: search term
host://www.whatever.com

The Internet is a very valuable tool in the researcher's tool box and grows more valuable everyday, but using its resources effectively requires the same kind of evaluation and thought that using any other resource requires. ☺

Author's note: The presentation from which this article is drawn was first presented during the 1999 ABA Techshow in Chicago, IL March 19, 1999 with co-presenter Genie Tyburski of Ballard Spahr Andrews & Ingersoll, LLP in Philadelphia. An earlier version of this article appeared on the Law Library Resource Exchange Web site (<http://www.llrx.com>) in April 1999.

ENDNOTES:

- 1 David Siegel, [The Balkanization of the Web](http://www.dsiegel.com/balkanization/intro.html), <http://www.dsiegel.com/balkanization/intro.html>

- 2 T. R. Halvorsen, Searcher Responsibility for Quality in the Web World, Searcher, October 1998, at 12, [<http://www.infotoday.com/searcher/oct98/halvorson.htm> (citing Reva Basch, Measuring the Quality of the Data: Report on the Fourth Annual SCOUG Retreat, Database Searcher, October 1990, at 18)
- 3 As of December 5, 1999, LOIS database included case law from 45 states and the District of Columbia. See the LOIS Web site: <http://www.pita.com/info/start.htm>
- 4 As of December 5, 1999, the Versuslaw database included cases from al 50 states; the13 federal courts of appeal and two federal district courts. See the Versuslaw Web site: http://www.versuslaw.com/V/court_coverage.asp
- 5 National Law Library currently has Arkansas, Connecticut, Delaware, Louisiana, New Jersey, New Mexico, Oklahoma, New York and Texas case law, plus Texas and New York statutes, Federal Second, Fifth and Eleventh Circuit Courts of Appeals cases, and opinions of the United States Supreme Court quoting press release issued by National Law Library 12/2/1999. See <http://www.itislaw.com/contlist.htm>



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