

# Something for Nothing? Free Virginia Caselaw on the Web

by Marie Hamm

One glance at the pricing structures of Westlaw, LexisNexis and other electronic legal research databases leaves no doubt that information—particularly legal information—is a valuable commodity. For practitioners who can ante up, the answer to even the most complex legal question is often only a well-crafted search away. For those who cannot afford access to such resources, the task of locating relevant cases on the Web can be like finding the proverbial needle in a haystack. This article will briefly discuss a number of Web sites offering free access to full-text Virginia opinions and offer practical tips for cost-conscious researchers who want to take advantage of the wealth of information on the Web without compromising the integrity of their research.

## Sources of Free Virginia Opinions

### Legal Portals

- **FindLaw** (<http://www.findlaw.com>)

When FindLaw was acquired by West Group in January 2001, loyal users feared that the character and content of the Internet's most highly-trafficked free legal portal<sup>1</sup> would be significantly altered. Such fears apparently were unfounded. If anything, becoming a part of West Group's family of products, has allowed for more rapid expansion of the site's free content.

FindLaw's Virginia materials include decisions of Virginia's Supreme Court and court of appeals (both published and unpublished) rendered since January 1995. Researchers can look for cases by title or docket number and browse by court, year or month. Full-

text searches are not available for state materials. The site also provides a link to opinions posted on the Web site of the office of the attorney general.

FindLaw's library of federal caselaw is extensive. Supreme Court decisions from 1893 to present are browsable by year or *U.S. Reports* volume number, and are searchable by citation, case name and full text. Coverage for the United States Courts of Appeals, including the Fourth Circuit, generally dates back to 1995. Cases are searchable by party name, docket number or full text. Searches may be limited by date.

- **LexisOne** (<http://www.lexisone.com>)

In August 2002, LexisNexis introduced a new and improved version of LexisOne.com, a free legal portal that is rather immodestly billed as "The Resource for Small Law Firms." While the sight of the words "Lexis" and "free" in the same sentence may elicit howls of laughter, rest assured that there is a catch. The site requires registration to view case content, and attempts to hook the user into paid Lexis products are not thinly veiled.

Still, the amount of free caselaw on the site is impressive. LexisOne offers free access to U.S. Supreme Court cases from 1790 forward and to cases decided after January 1, 1997, by each of the United States Courts of Appeals and the Bankruptcy Appellate Panel. As a general rule, state cases decided after January 1, 1997, are available, including opinions of the Virginia Supreme Court, court of appeals (both published and unpublished) and circuit courts. Of particular interest to Virginia attorneys is the inclusion of Virginia circuit court



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opinions. This is the only site currently offering free access to these opinions.

The search capabilities of LexisOne truly set the product apart. Researchers can use the same tools available in paid Lexis products to formulate LexisOne searches. This includes the use of terms and connectors, truncation, wildcards and segment searching. A variety of date restriction options are available, and searches can be limited by party, judge or counsel. For state caselaw queries, researchers can limit a search to one state or search all jurisdictions simultaneously. Searches yield a hyper-linked list of results in reverse chronological order. To view the full text of a case, first-time users must register, and returning users must enter a username and password.

Cases are displayed in plain text, without any of the usual Lexis bells and whistles. Options for paid access to the enhanced version of the case (\$9), Lexis.com searching (\$9/search), and Shepard's (\$4.25/citation) are offered on a bar on the left side of the page. Clicking on the "Comparison" links to a trio of charts detailing the differences in coverage and features in the paid product versus the free service.

- **Virginia Lawyers Weekly** (<http://www.valawyersweekly.com>)

When it comes to keeping abreast of breaking legal news in Virginia, there is no better place to start than [valawyersweekly.com](http://www.valawyersweekly.com). Though one must be a subscriber to take full advantage of the resources offered, the site includes a good deal of free content, including a summary of "the week's most important decisions," access to a limited number of full-text articles and a searchable database of Virginia opinions. Caselaw coverage is as follows: Virginia Supreme Court (since January 1998); Virginia court of appeals (both published and unpublished, since February 1997). New opinions are usually posted within a day of their release.

### Government Sites

Virginia Opinions and Resources

- **Virginia's Judicial System** (<http://www.courts.state.va.us>)

Every Virginia attorney should be familiar with the Virginia judicial system Web site. Maintained by the office of the executive secretary of the Supreme Court of Virginia, the site compiles information about and links to resources for the Virginia Supreme Court, court of appeals, circuit courts, general district courts and juvenile and domestic relations district courts. Information available varies by court, but sites often offer free resources, including docket and calendar information, court specific forms and local rules.

The site's searchable database of opinions includes cases of Virginia's Supreme Court and court of appeals (both published and unpublished) decided since May 1995. Opinions are available in both text and word-processed formats.<sup>2</sup> Also included are the Judicial Ethics Advisory Committee opinions and a link to a database of searchable Virginia Workers' Compensation Commission opinions.

- **Opinions of the Attorney General of Virginia** (<http://www.oag.state.va.us>) (click on "Official Opinions")

The Web site for the office of the attorney general provides the full text of opinions rendered since January 1996.

Federal Opinions

- **U.S. Court of Appeals for the Fourth Circuit** (<http://www.ca4.uscourts.gov>) (click on "Opinions")

The Fourth Circuit's Web site offers access to opinions issued since January 1, 1996. Opinions can be located by case number or short title. The database also allows for full-text command based,

menu assisted or "plain English" query searches.

Other Federal Courts in Virginia

Neither FindLaw nor LexisOne include the opinions of the U.S. District Courts. Access to the full text of a federal trial court opinion is thus limited to paid services unless the decision is posted on the individual court's Web site. At present, the only lower federal courts that offer free full-text opinions are the U.S. District Court for the Western District of Virginia and the U.S. Bankruptcy Court for the Eastern District of Virginia.

- **U.S. Bankruptcy Court, Eastern District of Virginia** (<http://www.vaeb.uscourts.gov>) (Click on "Judges' Opinions")

Electronic information about docket transactions is available back to 1990. Because the individual judges decide whether to post the full text of opinions, there is some degree of variation in dates of coverage. A full-text keyword search function is available. Searches may also be limited to opinions rendered by a specific judge.

- **U.S. District Court, Western District of Virginia** (<http://www.vawd.uscourts.gov/opinion.asp>)

The Western District of Virginia's Opinion Retrieval System provides full text searching for selected opinions issued since November 2000.

## Practical Tips

Even with a list of the most relevant free Internet sources of Virginia law firmly in hand, the question of where to begin remains. What's a legal researcher to do? It depends. If you need a particular case decided in the Virginia Supreme Court or court of appeals, pulling the case from Virginia's judicial system provides a word-processed version of the case, complete with footnotes. That is as close to an offi-

cial version as you will get without paying a visit to the clerk's office. The same is true for the opinions that are available on other court Web sites.<sup>3</sup>

If, however, you are starting a search from scratch, it is with no small degree of trepidation that I cast aside my longstanding policy of brand neutrality and suggest that you consider beginning your research at LexisOne.com. The reason is simple. LexisOne's powerful search options are unrivaled in the realm of free legal resources. The site essentially allows you to execute Lexis.com searches at no cost. The only drawback is that, with the exception of the Supreme Court database, your search will be limited to cases decided after January 1, 1997. In a best-case scenario, you might find a recent case that is exactly on point. If so, Shepard's is only a few clicks and \$4.25 away. Even if you do not find a key case, you will have narrowed and refined your search.

Regardless of which site you choose, always take a few moments to determine

the limitations of the database. Give particular attention to the dates of coverage and try to determine how often the site is updated. Familiarize yourself with the available search options. Most sites offer tips on constructing effective searches.

My daddy always told me that nothing in life is free. While I have found that to be true in almost every other instance, with a solid research plan and a thorough understanding of the limits of free resources, a savvy Virginia legal researcher just might be able to get something for nothing. ☺

#### Endnotes

- 1 See Press Release, *FindLaw Enhances Position as Most Popular Legal Web Site: Legal Portal Surpasses 50 Million Monthly Page Views, Continues Strong Growth* (July 17, 2002), available at <http://company.findlaw.com/pr/2002/071702.pageviews.html>.
- 2 Opinions rendered since February 27, 1998 are in Microsoft Word format. Prior opinions are in WordPerfect format. Note that the word-processed versions contain footnotes.
- 3 Opinions available on court Web sites are generally in .pdf format.



**Marie Summerlin Hamm** is an assistant research services librarian at Regent University School of Law. She holds an M.L.S. from Syracuse University and a J.D. from Regent University School of Law, where she has served as an adjunct professor of legal research and writing.