

Evolving Research

Habits, Skills, and Technology

By Jan Bissett and Margi Heinen



Old habits die hard, and patterns we develop in performing legal research can be particularly resistant to change.

Yet all around us legal information sources are morphing, disappearing, and being born. Many of these sources may directly affect the way we research. Let's take a look at some of these materials that have appeared or been altered recently for practitioners in Michigan.

How do you research? Are you using born digital sources? Seeking alternatives to Lexis and Westlaw? What's your approach to BNA materials now accessible only via Bloomberg Law? Or the Wolters Kluwer née CCH transition from Intelliconnect to the Cheetah platform? Costs, accessibility, resource reliability, functionality, and researchers' preferences are all considerations when evaluating legal information needs. With primary law materials readily available, what's the advantage to subscribing to traditional legal information vendors? Do you really need it all, or will just a slice do?

Secondary sources hold sway over many legal researchers. If you have a fondness for using a particular resource to assist with your practice—perhaps *McQuillin Law of Municipal Corporations*,¹ a publication from Thomson Reuters—a Lexis subscription may not return your affections. Do you subscribe to both Lexis and Westlaw to access specific practitioner treatises? The strengths of the traditional online providers—proprietary indexing across publications, editorial reliability, and secondary sources from a particular publishing house—are often its weakness: with so many choices, it's difficult to limit availability to desired sources or pay the costs associated with the full complement of those choices.

If your choices are not dictated by the need for a particular treatise or secondary

source, consider the following. Casemaker, an alternative to Westlaw and Lexis, was initially offered to Michigan attorneys in 2001 as an incentive to join the Ohio Bar Association.² It is now a member service of the State Bar of Michigan.³ Casemaker provides case-law, statutes, and the constitutions of the 50 states. Offerings are individualized by state, so Michigan attorneys can also access court rules, the state's administrative code, attorney general opinions, and jury instructions. While Casemaker may not have the familiar look and feel of the online vendors you used in law school, the offerings continue to grow and the current interface, search history, and folder go a long way toward increasing the functionality researchers expect. In addition, Casemaker just announced a partnership with vLex to provide access to international legal materials.⁴

Want the benefits of analytics and artificial intelligence? The Casemaker/vLex partnership will include a trial of Vincent—vLex's intelligent legal research assistant that analyzes documents simultaneously in English and Spanish. Vincent can locate foreign laws on a topic and display the text of those laws in both English and the native language.⁵ Or explore CARA AI via Casemaker.⁶ And take a look at their new partnership with SCOTUSblog enabling access to “primary legal content.”⁷

Or consider Fastcase. Self-identifying as the “smarter alternative for legal research,” the service announced in March 2019 that it has recently partnered with the American Bar Association and TransUnion and also enhanced its Docket Alarm feature.⁸ Fastcase is responding to subscribers' requests by making access available to selected ABA section publications as well as TransUnion's “specialized risk data.”⁹

Westlaw and Lexis are introducing AI and analytic products as well. Westlaw Edge was announced in 2018 and claims to offer comparison features, litigation analytics, and AI to quickly get answers to specific questions.¹⁰ Lexis acquired Ravel Law and has been integrating some of its features since 2017. The 2018 release of Lexis Context takes Ravel analytics to its broader and deeper content and provides a deep dive into the documents of judges and experts.¹¹

Additional databases are available to you from your public library and the Library of Michigan. Public library offerings will vary by location and subscription. The Library of Michigan's MeL¹² offers e-resources to Michigan residents providing full-text articles, ebooks, and reference materials. Of interest and potential use in practice are the business and reference databases and the two legal databases, Legal Information Reference Center and Legal Source,¹³ both

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new to MeL as of last October. The Legal Information Reference Center offers state-specific legal forms and consumer-based legal information covering business law, financial planning, family law, property, and real-estate issues.¹⁴ More than 300 full-text publications, many from NOLO, are available in this database. Legal Source¹⁵ offers indexing of more than 2,200 law periodicals with over 1,200 full-text publications with an emphasis on scholarly law journals.

Beyond local and state resources, how might you familiarize yourself with online legal research offerings? Many libraries offer online research guides detailing sources, search tips, and research strategies. Searching “free and low-cost legal research” or “alternatives to Lexis and Westlaw” via your favorite search engine yields many research guides providing descriptions of these alternatives. But Lexis and Westlaw are popular for a reason: comprehensive coverage, including citators, and convenience. The aggregation of many sources in one place with a single search may continue to appeal when saving time is important.

As legal information content and formats evolve, so do our research habits. Subscribers expect continuous improvement to commercial research platforms as well as responses to concerns about content, access, and costs. As practitioners, the pressure is on to be aware of advances while somehow maintaining the efficiencies gained from years of using the same sources and techniques.

Thirty-six states¹⁶ have adopted the ABA Model Rule Comment 8 to Rule 1.1: “To maintain the requisite knowledge and skill a lawyer should keep abreast of changes in the law and its practice *including the benefits and risks associated with relevant technology...*” (emphasis added).¹⁷ The relevant technology certainly applies to electronic discovery and challenges to confidentiality in the use of technology. But technological changes in legal research are also a part of the practice of law. Michigan is not yet one of the 36 states, but we can see that changing in the future. It may be time to watch for CLE programs on legal research tools, update your understanding of Casemaker, spend a few minutes with a Lexis or Westlaw trainer for a refresher, or

add a blog like Dewey B Specific (<https://www.deweybstrategic.com/>) or Lawsites (<https://www.lawsitesblog.com/>) to your weekly reading. ■

Jan Bissett is the reference and faculty liaison services librarian with Wayne State University's Arthur Neef Law Library.

Margi Heinen is the research specialist for Sherman and Howard LLC in Denver, Colorado.

ENDNOTES

1. McQuillin, *Municipal Corporations* (3d ed) <<https://store.legal.thomsonreuters.com/law-products/Treatises/McQuillin-Municipal-Corporations-3d/p/100027731>>. All websites cited in this article were accessed April 2, 2019.
2. OSBA *wooing Michigan for Casemaker*, Columbus Business First (December 3, 2001) <<https://www.bizjournals.com/columbus/stories/2001/12/03/daily5.html>> [<https://perma.cc/2NHC-SEVV>].
3. SBM, *Casemaker—FREE Legal Research* <<https://www.michbar.org/programs/Casemaker>>.
4. O'Grady, *Casemaker Announces Access to Vincent the vlex AI Tool: Free Trial and Special Pricing*, Dewey B Strategic (March 12, 2019) <<https://www.deweybstrategic.com/2019/03/casemaker-announces-access-to-vincent-the-vlex-ai-tool-free-trial-and-special-pricing.html>> [<https://perma.cc/D4CA-6GQE>].
5. O'Grady, *Can vlex Crack U.S. Market With Vincent AI Research Assistant, a Foreign Law Research Platform and SaaS Tools?*, Dewey B Strategic (October 30, 2018) <<https://www.deweybstrategic.com/category/vlex>> [<https://perma.cc/JKQ3-KKAZ>].
6. Haight, *Casetext with Cara AI: Keyword-Free Legal Research*, Hunter's Query (March 12, 2019) <<http://huntersquery.byu.edu/casetext-with-cara-ai-keyword-free-legal-research/>> [<https://perma.cc/ETD3-YWDA>].
7. Goldstein, *SCOTUSblog is partnering with Casetext*, SCOTUSblog (February 28, 2019) <<https://www.scotusblog.com/2019/02/scotusblog-is-partnering-with-casetext/>> [<https://perma.cc/YV2S-3CUT>].
8. *Fastcase Offers Leading Section Titles from the ABA*, fastcase (March 12, 2019) <<https://www.fastcase.com/blog/fastcase-adds-leading-section-titles-from-the-aba/>> [<https://perma.cc/3H4D-SBYZ>]; *Fastcase to Offer TransUnion's Investigative and Due Diligence Services*, fastcase (March 7, 2019) <<https://www.fastcase.com/blog/fastcase-to-offer-transunions-investigative-and-due-diligence-services/>> [<https://perma.cc/S8GJ-QGK8>]; and *Docket Alarm Enhances Litigation Hub with Deadline Display*, fastcase (March 14, 2019) <<https://www.fastcase.com/blog/docket-alarm-enhances-litigation-hub-with-deadline-display/>> [<https://perma.cc/7YBW-BFRR>].
9. *Fastcase to Offer TransUnion's Investigative and Due Diligence Services*.
10. Ambrogio, *Move Over Westlaw—Meet the Next-Generation Westlaw Edge, with Advanced AI and Analytics*, LawSites (July 12, 2018) <<https://www.lawsitesblog.com/2018/07/move-westlaw-meet-next-generation-westlaw-edge-advanced-ai-analytics.html>> [<https://perma.cc/34UG-5Q4Q>].
11. Ambrogio, *'Context', Launching Today from LexisNexis, Applies Unique Analytics to Judges and Expert Witnesses*, LawSites (November 29, 2018) <<https://www.lawsitesblog.com/2018/11/context-launching-today-lexisnexis-applies-unique-analytics-judges-expert-witnesses.html>> [<https://perma.cc/HWV5-UJLU>].
12. Michigan eLibrary (MeL), Library of Michigan <<https://mel.org/welcome>>.
13. Michigan eLibrary (MeL), eResources: Legal <<https://mel.org/az.php?s=153982>>.
14. Michigan eLibrary (MeL), Legal Information Reference Center <<https://widgets.ebscohost.com/prod/customerspecific/mel/auth.php?database=ebscoprofile-lic>>.
15. Michigan eLibrary (MeL), Legal Source <<https://widgets.ebscohost.com/prod/customerspecific/mel/auth.php?database=ebsco-lgs>>.
16. Ambrogio, *Tech Competence*, LawSites <<https://www.lawsitesblog.com/tech-competence>>.
17. ABA, *Model Rules of Professional Conduct, Rule 1.1 Competence—Comment* (August 16, 2018) <https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1/> [<https://perma.cc/B8SJ-GLGG>].



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