



## TIME TO GET MORE BANG FOR YOUR LEGAL RESEARCH BUCK UNBUNDLING ONLINE LEGAL INFORMATION RETRIEVAL SERVICES

Ten years ago, few in the legal community were familiar with the term “unbundling of legal services”, or limited scope representation. Those that were familiar with the concept spent a great deal of their time convincing state and local bars that this type of client representation could be advantageous for both the public and the courts. Today, unbundled legal services are part of our lexicon. Yet at the same time, lawyers are slow to adapt a similar concept to their own law practices when it comes to online legal information retrieval services.

The reason many attorneys have been slow to adapt is that they have been schooled that *only* Westlaw and Lexis provide reliable subscription services. This belief is reinforced by these behemoths as they slug it out in competition for subscribers as the fear of maybe missing something, or worse, finding something that is unknowingly outdated, gnaws.

It doesn't have to be this way. There are several upstarts which are providing services that deserve a second look. And, when used on an as needed basis, or in combination with other services, the cost of legal research can be greatly reduced.

I admit that until recently I was guilty of the same group think when it comes to Westlaw and Lexis. As someone whose practice consists solely of legal (and taxation) research and writing for other attorneys (and tax professionals), I want to know that no document has been missed. I believed in my heart-of-hearts that only a subscription to Westlaw or Lexis would provide me access to all those documents that I absolutely needed to review. I was wrong.

Several months ago, before my subscription to Lexis was to about to run its course, I decided to do some comparison shopping. I was not unhappy with Lexis. In fact, I prefer it to Westlaw, which is really just a personal preference. But, Lexis is expensive. Westlaw is even more expensive. The bottom line is that both are superior products, and if cost is not a factor, I would recommend either one.

The four that I compared were **Fastcase**, **Loislaw**, **VersusLaw** and **LexisOne**. I did not compare Casemaker because that service is only offered through some state bars. As a result, if your state bar does not offer Casemaker, it is not available to you.

The criteria included first and foremost whether I could pull all the relevant cases and statutes to a specific fact pattern, and whether a particular service would be cost effective, especially if used in combination with another service. All comparisons were in one jurisdiction, Texas, and all comparisons were related to a fact pattern I am very familiar. That fact pattern was whether a suspended corporation had standing to defend a lawsuit because of its status.



Two other services that deserve a passing mention are **Bloomberg Law**, or Blaw, and **Google Advance Scholar Search**. They were not part of my comparison shopping since Blaw, by its own admission is not ready for prime time, and Google Advanced Scholar Search is free.

Frankly, Blaw was a turnoff for me as it is too exclusive. Its website is quite flashy, yet there is very little information on its website other than the opportunity to signup for a trial offer. In order to receive the trial offer, you must provide your name, telephone number, address, etc. Then, a sales representative will contact you. The sales representative will want to know what area of the law you practice, what volume of business you do, and a bevy of other questions that have more to do with obtaining a home mortgage than a free trial for its service. It is my understanding that the target consumer of Blaw's services are securities lawyers and the service starts at about \$450 per month.

At the opposite end of the spectrum is the free Google Advanced Scholar Search. Not really a legal information retrieval service, but does provide some case law. For statutes, you must use the regular Google search option which will link you over to the individual states or Federal government.

Google Advanced Scholar Search could be useful in the following scenario: Suppose you used one of the other services on a pay-as-you-go basis, i.e., a twenty-four hour period, and your time had run out. You know your research is spot on, you have notes from all the cases you read, and downloaded all the cases you thought you needed. Now, you are putting together your document and you remember language in a case you do not have. To pull that case from Westlaw will cost \$35, or from Loislaw or LexisOne you will have to pay for another twenty-four hour period. (More on pay-as-you-go, below.) Google Advanced Scholar Search is not only free, but it is quicker as you simply jump online and pull it without logging in and making another payment.

**Fastcase.** Many attorneys, myself included, get Fastcase for free through their state or local bars. It is also offered for free through Philadelphia's **Jenkins Law Library** and the **National Association of Consumer Bankruptcy Attorneys**. Often times these free services may require an add-on if you want service outside of your jurisdiction.

For those that do not receive Fastcase for free through their state or local bar association, the service is a very affordable \$65 per month, for all 50 states and Federal case law, or \$95 per month with the addition of Federal District Courts and Federal Bankruptcy Courts. A twenty-four hour free trial is also available.

Some of the positive features of Fastcase include:

- Search terms enabled me to pull numerous cases
- Pagination was comparable to Lexis and Westlaw making citations go smoothly
- The service offers slip opinions
- The service offers both case law and statutes
- Cases print in the dual column standard Lexis and Westlaw users are accustomed
- Its Authority Check feature, while not a substitute for Shepard's, identifies later cited cases which is useful for conducting more research
- Fastcase now has an app for the iPad and iPhone

Some of the drawbacks of Fastcase include:

- Sometimes it ignores connectors in search terms. For example, when conducting a search “suspended AND corporation”, it gave me what I wanted, then proceeded to give me any case with the word “corporation”
- While the hyperlinking to cases within a case is very good, there is very little hyperlinking to statutes. This means that to flip to a certain statute you must copy the citation, go to a new search and paste in that statute’s citation in order to pull the statute.
- Statutes are not annotated
- Since Shepard’s is owned by Lexis, you must find another way to Shepardize. Lexis does offer Shepard’s on a per case basis at \$15 per case. That can get expensive. A workaround is purchasing from Lexis a twenty-four hour subscription for approximately \$43. During this time period you can Shepardize an infinite amount of cases.

**Loislaw.** To me, Loislaw is to Fastcase what Westlaw is Lexis. It often boils down to personal preferences.

Some of the positive features of Loislaw are:

- Search terms provided almost the same exact cases as Fastcase
- Pagination was as good as Fastcase (and Westlaw and Lexis)
- The service offers slip opinions
- Its Global Cite feature is perhaps more thorough than Fastcase’s Authority Check since Global Cite works for statutes as well as cases
- Hyperlinking is provided for statutes within cases making looking up statutes far easier than Fastcase
- A subscription to Loislaw can be purchased for a day, month or year and starts at around \$40 per day, depending on the jurisdiction. This is a very affordable option for those that do not conduct legal research everyday.
- Loislaw is owned by Wolters Kluwer which publishes several treatise series. If you are interested in an annual package you could negotiate a very good deal. I was able to look at the bankruptcy materials and they were excellent.

Some of the drawbacks to Loislaw are:

- Again, no Shepard’s, so you must do the same workaround as with Fastcase
- Again, the statutes are not annotated
- The printed cases look slipshod which is a big drawback to me as I sometimes attach cases to a document “for the court’s convenience” when I think it is an especially strong case for my side.

**VersusLaw.** I would not be a fan of VersusLaw except for the fact that it includes in its professional subscription plan several databases including tribal courts and several Federal practice courts. Of particular interest to me are the Revenue Rulings issued from the Internal Revenue Service since I do conduct a lot of research in the area of taxation.

VersusLaw's professional subscription plan is a very affordable \$40 per month. Nonetheless, while the case law search is good and will let you find what you need, the pagination is simply nonexistent which makes citing to a particular page within a case impossible. Moreover, there is no hyperlinking within the cases to other cases or statutes. In my opinion, when it comes to the garden variety legal search outside a specialty area such as tribal law or tax law, this service will get you up to speed for a particular area of the law, but it cannot be used effectively for writing legal documents.

**LexisOne.** Lexis offers subscriptions to its many libraries on a daily, weekly or monthly basis. The advantage to this is that you will have all the bells and whistles that Lexis has to offer without having to sign a contract. It can be expensive, though, and the bells and whistles are not always necessary.

For example, if I am conducting research for a protective order so that jurors cannot be deposed by opposing counsel after rendering a verdict in a personal injury lawsuit, I am not interested in law review articles or administrative hearings decisions. Rather than pay \$135 per day for a LexisOne nationwide subscription of cases and statutes with all of the fillers offered by Lexis, I would chose Loislaw at \$40 per day and then pay Lexis for a twenty-four hour subscription to Shepardize.

Lastly, it is important to understand what your needs are. Some lawyers are not ready to let go of a full service online legal information retrieval subscription and can afford to pay the piper. If this is you, you should know that sales reps have to meet quotas. The best time to negotiate with either Westlaw or Lexis is toward the end of each quarter, the end of the year is even better.

If you are the kind of attorney that does not mind doing a little Internet surfing, and are comfortable going from one data base to another, you should consider unbundling your subscriptions services. When you think about it, that is what you are doing when you hire on Lexis or Westlaw anyway, you are just doing it within one company's website.

As a member of Jenkins Law Library, I get Fastcase for free PLUS twenty minutes per twenty-four hour period of Lexis, also free. That twenty minutes is just enough time to Shepardize all the cases I have pulled for the day and sometimes poke around to find new ones. I also am not shy about using VersusLaw for some of my tax research, and LexisOne and Loislaw on a pay-as-you-go daily basis. By unbundling the services that I use, I have been able to decrease my online subscription costs which was \$740 per month at one time to an average of \$80 per month simply by assessing my needs.

This supplement sheet is written by Corinne A. Tampas, Esq., who is solely responsible for its content. It is written for informational purposes only and shall not be construed as the giving of legal advice, nor shall it be the basis for forming an attorney-client relationship.

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