

A STUDY ON COMPUTER ASSISTED LEGAL RESEARCH: AN INESCAPABLE TREND

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Abstract:-

“Research: The Distance between an Idea and Realization”

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This paper focuses on A Study On Computer Assisted Legal Research: An Inescapable Trend. Traditionally, legal research was accomplished manually using a law library, books, periodicals, indexes, and digests. When conducting manual research, manual indexes are used that have been typically written by attorneys, librarians, or experts in indexing. The researcher here is striving to put forward a view that for legal researchers inexperienced in a particular area of the law, manual research provides features that give them insight into doctrine, concepts, and analysis but with the change in time Computer-Assisted Legal Research offers some advantages over Manual legal research. Computer Assisted Legal Research is the technology that allows lawyers, judges, academicians and students to bypass the traditional law library and locate statutes, court cases, and other legal references in minutes using a personal computer, research software or the internet, and an online connection. This paper is emphasizing on the emerging use of technology for legal research purpose as well.

Keywords: *legal research, technology, computer assisted legal research, manual research, traditional mode of research.*

I. Introduction:-

This paper edifies that Technology that allows lawyers and judges to bypass the traditional law library and locate statutes, court cases, and other legal references in minutes using a personal computer, research software or the Internet, and an online connection is known as Computer Assisted Legal Research. This trend is gradually becoming inescapable and growing in demand with no limitation on boundaries. The two largest computer-assisted legal research (CALR) services are Westlaw, offered by Thomson Corporation's Eagan, Minnesota-based West unit, and

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Lexis, offered by Reed Elsevier's Dayton, Ohio-based LexisNexis unit. Both services provide on-line access to the fundamental tools of the legal profession—court opinions, federal and state statutes, federal regulations, administrative law cases, and other law-related materials. Their extensive databases are updated frequently, providing attorneys with the most up-to-the-minute developments in U.S. law. CALR systems contain thousands of databases. In addition to primary source materials, they offer access to business and economic journals, national newspapers, law reviews, federal tax abstracts, and financial data and materials. Specialized databases for narrower topics such as taxes, Securities, labor, insurance, and Bankruptcy are also available. When CALR was first developed in the 1970s, it borrowed Boolean search techniques from the field of computer programming. A Boolean search looks for a particular term or group of terms in a specific relationship to one another. CALR Boolean searches can include limits with respect to time: for example, court opinions are always dated, so an attorney can use a Boolean search to look for cases released in a given year or in a range of years. CALR service providers have also created plain language search systems. Under the plain language approach, an attorney simply types in a search in the form of a question. Further, Legal Research is the study of relationship between the world of the law and the world that the law purports to govern. The systematic investigation of problems and of matters concerned with law such as Codes, Acts, Constitutions etc., is legal research. But when research comes out to be Computer-Assisted Legal Research or Computer-Based Legal Research it adds feather to the cap of the researcher as it is that mode of legal research that uses databases of court opinions, statutes, court documents, and secondary material. The computerized searches are that they are faster, generally more accurate, and easier to do.

Importance:-

An exploration of the concept of “Computer Assisted Legal Research” is doctrinal in approach. Technical aid to conduct research is the need of the hour. Involvement of various advanced electronic devices like Computer with internet connectivity is very much required to conduct any mode of research including Legal Research. To create niche in the field of law and for the advanced establishment of legal system Legal Research with the help of Computer blended with the technology is a mandatory step to be taken into consideration.

Conceptual Study of the Legal Research:-

Legal research is “the process of identifying and retrieving information necessary to support legal decision-making”. In its broadest sense, legal research includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation. The processes of legal research vary according to the country and the legal system involved. However, legal research generally involves tasks such as: finding primary source of law, or primary authority, in a given jurisdiction (cases, statutes, regulations, etc.); searching secondary authority (for example, law reviews, legal dictionaries, legal treatise, and legal encyclopedias such as American Jurisprudence and Corpus Juris Secundum), for background information about a legal topic; and searching non-legal sources for investigative or supporting information. Legal research is performed by anyone with a need for legal information, including lawyers, law librarians, and paralegals. Sources of legal information range from printed books, to free legal research websites (open sources) and information portals to fee database vendors.

Concept of the Computer Assisted Legal Research:-

Computer-assisted legal research (CALR) or computer-based legal research is a mode of legal research that uses databases of court opinions, statutes, court documents, and secondary material. Electronic databases make large bodies of case law easily available. Databases also have additional benefits, such as Boolean searches, evaluating case authority, organizing cases by topic, and providing links to cited material. Databases are available through paid subscription or for free.

Elaborative Approach towards Computer Assisted Legal Research:-

Computer Assisted Legal Research started in the early 1960's. It is because of exponential growth in volume of published information. Computerized Information Management has become a necessity and efforts were being made by Library & Information Specialists for application of information technology to record, store, process & retrieve the information so that the relevant information may be retrieved for users. The Computer Assisted Legal Research is also one manifestation of information management technology.

Information explosion resulted in exponential growth of published information almost in every academic field. The huge volume of published literature has created problems in the information handling for the Librarians and it is because of this reason Librarians were compelled to use computers for information handling. Use of computers for information handling resulted in many Information Technology Products, such as, "Bibliographic" and "Textual" databases on CD-ROM. CD-ROM technology has revolutionized the field of information handling and the huge databases on CD-ROM became available to the Libraries for subscription resulting in a boon to the user community.

"Internet" has furthered the revolution in the field of information management." Information retrieval through computerized databases resulted in speedy retrieval of information and made the research on specific topics much easier than that of manual research through the printed resources. But the basic research techniques through the conventional sources of information and the electronic sources of information are remains the same.

Style of searching in Computer Assisted Legal Research:-

This paper further here elaborates the method of searching style in following ways:

- a. Source Searching – prefiltering method;
- b. Select a source, jurisdiction or database (Westlaw Next, Lexis Advanced, Bloomberg Law). This includes search using the Table of Contents or Index, Search using Boolean logic, Filter by date, Filter by subject;
- c. Sourcing All Content (WestlawNext, LexisAdvanced) – postfiltering method involves Two step-Search/Filters:

Step one: Search across all sources using words, concepts, terms of art, statutory cite, case cite, your home phone number and

Step two: Refine/Filter.

In the vast majority of instances, filters are based on what is referred to as fields or segments. Documents are divided into segments called fields. The types of fields will depend upon the type of document. Have any of you ever searched using a field? Ever looked for a book by its title? What types of fields would your casebook be divided into: Author, Title, Publisher, Copyright date, Subject;

d. Boola Boola which involves Boolean logic. Your searches will be more efficient and more effective. Go to GoogleScholar. Limit your search to cases (Is this a 'Source Search' or a 'Content Search' – Hint: you just choose a database). Enter the terms run more eat less. I retrieved 5,510 results. Look through the results to find the case using the phrase: run more eat less (just kidding, DON'T DO THIS). Run the search again using the Boolean operative for a phrase: "run more eat less." You should have retrieved one case: Gorran v. Atkins Nutritionals, Inc. which was the more efficient, effective search.

e. Citable- .pdf (portable document format). The goal is to have authority that you can present to the court which allows the court to find in your clients favor. A document in the pdf format can be cited to the court.

f. Search Engines- Can you construct a sophisticated search? The simplest method of searching is to pile search term upon search term until you find relevant documents. A more sophisticated search allows you search for a phrase, define the relationship between terms or search only one segment of a document. Can you search across databases? State Supreme Courts put their opinions on a website maintained by the court. But what if you wish to search all the opinions of all the State Supreme Courts on a particular subject. Unless someone has a 'database' consisting of all State Supreme Court cases (Bloomberg Law, Lexis Advance or WestlawNext) then you would have to visit the website for every state's Supreme Court.

g. Advance Search- Most Site will present you with two options, a single search box where most people pile on the terms and advance search option which allows you to use a more sophisticated search. The advance option will allow you to utilize fields.

Efforts in India related to Computer Assisted Legal Research:-

As early in the year 1988, "the Law commission of India felt the necessity of computerization in Library & Information Centres in the Courts due to the explosion of legal literature and recommended that "Computerization of Library is a high priority necessity. The Court's time is wasted in collecting judgments bearing on the same subject. A push button system should be available to make handy all judgments on the subjects."

Chief Justice's conference held in 1991 took a decision to request National Informatics Centre(NIC) to take up the project of computerization of Supreme Court and High Courts & inter connect them through NIC-NET. Since then National Informatics Centre (NIC) a nationwide satellite based computer communication Network, is looking after the computerization of various activities in the Supreme Court and the High Courts. The two information systems namely COURTNIC & JUDIS had been conceptualized by the NIC. COURTNIC is now renamed as "Case Status".

Right to Information Act, 2005 enacted by the Parliament has also brought out a silent revolution in Computer Assisted Legal Research as Sec 4 of the Act makes it mandatory for every Governmental Authority to make available the information produced in the respective Governmental Department on their website for the access and use of the general public. This has resulted in availability of Acts, Statutes, Bills, Rules, Regulations, Bylaws, Statutory Notifications, Consultation Papers, Committee & Commission Reports, various orders of the different Governmental Departments and Parliament Debates on the Governmental website of the different departments, which otherwise was difficult to procure. This has also facilitated the Computer Assisted Legal Research because such documents are frequently needed by the legal fraternity.

Computer Organized Legal Research:-

Legal reference materials are both well-organized and highly interconnected. Computerized data bases and research techniques are available to help researchers in finding primary and secondary legal authorities. Computerized legal research does not replace traditional research, although it can supplement manual techniques. Computerized legal research is conducted much differently from manual research, and patrons generally must undergo special training. Computerized legal research can have several advantages over manual research. One advantage is time efficiency i.e. a great deal of material can be examined in a relatively short time. A second advantage is the rapid availability of documents. For example, the full text of Supreme Court decisions is available within 24 hours of a decision on website, whereas days often pass before printed copies can be acquired. Finally computerized data bases offer greater accessibility than traditional reference materials because they use many different ways to identify information- such as judges' names, the dates of case decisions, and the use of key words and phrases – that may not be available in other legal indexes.

Information Retrieval through Computerized Databases:-

Information retrieval involves many steps such as Query Formulation, Query Analysis, Formulation of Search Strategy and Search through the database. After interaction with the user, query should be formulated for effective information retrieval.

Need for vocabulary control:-

Vocabulary control is one of the most important aspect in information retrieval. "Homonyms" in information retrieval create problems in effective retrieval. If a concept can be denoted by more than one term or phrase, one standard term should be opted as an "Indexing Term" or "Descriptor" so that all available information on that particular aspect may be retrieved otherwise the information will be scattered under different homonyms and different search results will occur.

Evaluation of major legal databases in India:-

Presently there are four important legal databases in the country, namely, SCC Online, Manupatra, West Law India, Lexis India. All these databases are being used frequently by the legal fraternity in the country. They differ in format and coverage. An attempt is being made in this study to evaluate the performance of these legal

databases. Evaluation of Information Retrieval System essentially means measuring the performance of the system, success or failure; in terms of its retrieval efficiency i.e. ease of approach, speed and accuracy.

Merits of Computer Assisted Legal Research:-

The advantages of the computerized searches are that they are faster, generally more accurate, and easier to do. They also are much cheaper than buying and maintaining a library and the information is available in a much more timely fashion as opposed to having to wait for a case to be printed. To a certain extent they are also more portable, because you can download a huge number of cases to a laptop or memory stick and carry them with you, rather than having to print reams of paper, which brings us to another point they are more environmentally friendly. Finally, by using cut and paste techniques they cut down on the amount of time required to prepare briefs and motions. Common advantages of CALR are as follows: When there are unique terms which may get confused to the legal researcher; When there is the unique fact situation; Question can be narrowly drawn; Emerging area of the law; Paper sources can't easily perform the function you want (e.g. multi-state search); For that information which is not "published" in paper; Time is a consideration (would a 5 minute online search take 3 hours manually?); Cite checking and verifying.

Demerits of Computer Assisted Legal Research:-

The real disadvantage is that people who only learn on the computer have no idea how to research using the books, and a certain amount of the intuitive nature of research is lost since you are following link after link, with little thought to how the cases actually interact. Further, although they are getting more scared, some places still don't have access to online libraries. The books are also not dependent on internet access or electricity, so if you have a thunderstorm or the lines are messed up and you need fast research you are stuck unless you have the books.

Moreover, all the research they may need to acquire it at their very fingertips but the risk in procuring the services of such free websites is that of less-organized, and information left without adequate examination. Therefore, when reviewing such sites, a paralegal must do so with complete care as is possible. There are both risks and rewards to going the route of computer-assisted legal research as is existent in any technological endeavor.

Today no one would dispute that CALR is an important and permanent part of legal research, but commentators continue to debate CALR's influence on legal research, people, and legal institutions. They still disagree on whether CALR is a panacea or a mixed blessing, and whether its effects on the legal community are underestimated or exaggerated.

II. Conclusion:-

Therefore, through this papers conclusion which can be extracted is that the Computer Assisted Legal Research and Computerized document retrieval system are now a commercial reality; they enable attorneys and other researchers to research quickly through large collection of judicial decisions and statutes for those containing words pertinent to their inquiries. While these system can free the researcher from unnecessary constraint of formal

indexing, they leave him enslaved to a different master-words usage in the document through which he is searching. With these new systems, the retrievability of a document is determined by its word content and that in turn is determined by the vocabulary and stylistic habits of the document's author. Thus, judges and the document author unwittingly serve as the indexers of these systems. The motivation for the development of these systems has come primarily from researchers who are dissatisfied with the conventional case laws searching tools such as digest and annotation. Computerized retrieval systems do represent relatively good, albeit expensive, alternatives to such conventional tools. Likewise Electronic Libraries will also continue to expand and there will be cheaper ways of using them but it is also true that print publication will not disappear. Electronic publication may be the principal way for the law profession to obtain information but the print publications are not going to lose their relevance. So far as the future of Libraries and Librarians are concerned, it becomes more important with the increasing use of electronic resources. There are the use of same research in online and manually also it is often best to use both online and manual research together in the legal research and legal education as well.

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