

A QUICK GUIDE TO CHOOSING AN ONLINE LEGAL RESEARCH SERVICE

By Geoff W. Hetley

Earlier this year our Westlaw contract came up for renewal. We had a WestlawPRO plan that provided research for Kansas and Missouri and included bankruptcy coverage. It takes a significant investment of time to find a research package to fit a need and budget. We compared the coverage and prices of the other online services, Loislaw and Lexis, and sought out the advice of the Johnson County law librarians. We discovered all three online services have different characteristics. They have different prices, a la carte packages and search abilities. When our search was finished, John Pickett, the head of the Johnson County law library suggested we share our results. If you can take the time to compare, you can find an online service you are comfortable using while at the same time also likely to save some money. What follows is a list of items you may want to consider.

Compare the cost and content of each service. All of the services are constantly running promotions and tweaking their product offerings. They start out with a basic plan with a flat rate, with additional cost for accessing a specific library or a la carte menu. Various discounts are offered for bundled services and for longer term contracts. All three have moderately priced packages for small firms and have libraries specific to areas of the law. **Also consider the number of people who will be accessing the service. Lexis and Loislaw do not charge for additional users, while there is an additional fee with Westlaw.** Each of the services has representatives that can provide more detail. Generally these representatives are aware of their competitor's products and the discounts that are available. Also, after signing up with a service, all three have customer service representatives that are accessible from an 800 number to help you figure

out how to use the service or to help with a search.

Loislaw, <http://www.loislawschool.com/>, claims it provides "Easy-to-Use, Affordable Legal Research." It has the least expensive options. For approximately \$100.00 a month, it provides case law, court rules and statutes for Kansas and Missouri (even less if you only want access Kansas research). This plan does not provide access to bar or law journals or to bankruptcy decisions. For access to bankruptcy court decisions you will need to add a federal law collection. In our situation it added an additional \$60.00, putting it in the price range of the other online services.

Westlaw, <http://west.thomson.com/store/default.asp>, provides access to proprietary libraries and resources that are unavailable with Loislaw or Lexis. For example, you can link directly to ALR, American Jurisprudence and Restatements of the Law. These references pop up at the same time as your search results, and can be accessed for a fee if you do not have that particular plan. Of course, you can always make a note of the citation and research it later when at the law library. Another Westlaw difference is the statute annotations. This is one of the biggest differences in the services. Westlaw online statute annotations have the same tables of contents, notes of

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decisions, historical and statutory notes, cross references and library references as in the hardbound editions. This enhancement is not available with the other services.

Westlaw also has an extensive a la carte selection, such as Westlaw Litigator or **Westlaw Practitioner**. These can be added on for an additional fee, and they provide access to forms and checklists geared toward a specific area of the law.

What Lexis, <http://www.lexis.com/>, offers is significantly more services with its flat rate plan. With the Missouri Enhanced and Kansas Enhanced Flat-Rate Library there is access to state law journals and law reviews. There is also access to administrative materials and state legislative materials, none of which were included in our WestlawPRO rate plan. Another distinction is access to public records materials: UCC filings, bankruptcy filings and judgment and lien filings. If you are currently accessing public records using another fee-based service, this could add up to considerable savings. Lexis is also the only service to offer Shepard's Citations Service, and access to state newspapers. Similar to the others, Lexis also offers specialized libraries, including access to Kansas Bar Association publications, such as the Kansas Corporation Law & Practice, Fourth Edition. Lexis also developed and incorporates into its cases its own head note system similar to that of the Westlaw.

Take a test drive. It is useful to compare how each service researches, and if you are comfortable with the layout of the screen. This is especially true if you are familiar with one service and are seeking to make a change. If you have an actual research project, it would maximize the ability to see if you are compatible with the service. Westlaw uses KeySearch and has its familiar key and numbering system. Since this is proprietary, the others do not, but instead have their own equivalent system. Loislaw has what it refers to as Information Advantage. It permits a broader search without having to use quotations or the connectors "and", "or", "not".

There are several avenues available for testing these services. All of them will provide a temporary password for use in a free trial lasting about a week or so. You can also check out the Johnson County Law Library, which has both Westlaw and Lexis. Our law library staff is a good resource. They are familiar with these services and the representatives that sell them.

If you do decide to examine the searching capabilities, you further separate the abilities of the services. When you compare, I recommend using the same search terms. In our instance, I had the service representative in the office and compared their service with Westlaw side by side, using a simple search, such as "relief from stay" for the 10th Circuit and then examined the searches. The results were not similar. With this method I discovered Loislaw, without a federal package, will not pick up bankruptcy court decisions. There are also recent decisions available on Westlaw and Lexis that do not immediately appear on Loislaw. It was explained that eventually the advance sheets

appear, and that they are working on getting faster online access.

Discuss the terms and length of the service contract. Loislaw does not require that you commit to a certain length of time. Instead, they bill either monthly or yearly through an automatic withdrawal from a checking account or credit card. While the others do not require a direct payment, they do require a minimum commitment. Usually it is one year up to a maximum of three years.

The benefit to a long term contract is that the price is locked in. For example, beginning February 1st of this year, Westlaw indicated it would have an average annual increase of six percent. The downside is that your office or firm needs may change, people move on or you no longer handle a particular area of the law. You also may not feel comfortable with the search engine, and want to change services. Finally, you could potentially be locked out of taking advantage of other promotions being offered by a competing service. The particular online service representative can discuss the ramifications of changing in the middle of the contract.

To conclude, during the interval between the writing and publishing of this article, some of the reported information may have changed. The reader is encouraged to explore all options thoroughly. ♦

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