

5-8-2003

Using the Internet for Legal Research: What's There? When is it More Useful than Traditional Resources? Is it Reliable? How do you Cite It?

Maureen Cahill

University of Georgia School of Law Library, mcahill@uga.edu

Repository Citation

Cahill, Maureen, "Using the Internet for Legal Research: What's There? When is it More Useful than Traditional Resources? Is it Reliable? How do you Cite It?" (2003). *Presentations*. Paper 27.

<http://digitalcommons.law.uga.edu/speeches/27>

This Article is brought to you for free and open access by the Alexander Campbell King Law Library at Digital Commons @ Georgia Law. It has been accepted for inclusion in Presentations by an authorized administrator of Digital Commons @ Georgia Law. For more information, please contact tstriepe@uga.edu.

Using the Internet for Legal Research

What's There? When is it More Useful than

Traditional Resources? Is it Reliable?

How do you Cite It?

Maureen A. Cahill J.D., M.L.I.S.
Reference/Collection Management Librarian

The University of Georgia
School of Law
Law Library
(<http://www.law.uga.edu/library/>)
Athens, Georgia

A. What's There?

No matter how many times you hear someone say it, it is not true that “everything is on the Web”. Nonetheless, there is plenty of essential and reliable information out there. Supreme Court decisions, recent government reports, census data, statistics generated within the last decade, basic public company data (including financials), directory information, news, current codes and administrative regulations, and federal legislative history from the last five years are definitely available on the Web. In many instances, forms, pleadings, and briefs, scholarly articles, and proposed legislation can also be accessed.

Understanding who is offering information on the Web, and why they are making the offer, is an enormous help in both remembering what is on the Web and making efficient use of it. The federal government is leading the way (though somewhat haphazardly) in providing Web access to information it generates. This is largely due to the mistaken notion in the Congress that publishing on the Web is free; and this notion also bears prime responsibility for the haphazard nature of federal government Web offerings. However, the philosophy that government information should be widely accessible is also driving federal Web initiatives; and many of them are of outstanding quality. GPO Access and FirstGov are first rate starting points to reach most Web sites maintained by the federal government and its agencies. Many state and local governments are also moving toward extensive Web publishing. Most states offer current codes, recent state appellate court decisions, administrative regulations, and attorney general opinions on the Web. Publicly traded companies offer a surprising amount of information about themselves online, to attract investors and recruit

employees. Investment firms and other corporate analysts have built elaborate Web sites featuring business news and basic company reports, to generate good will and market their other services. Most news sources now have online versions of their publications, funded either solely through advertising or in part through subscription. Universities, professional organizations, and interest groups also publish widely on the Web, both to generate good will and to further their public missions.

B. When is Web Material Actually More Useful than Traditional Resources?

There is no reason to search anywhere but the Web for recent census and statistical information generated by the federal government. The same is certainly true for reports, regulations, and procedures generated by federal agencies. In fact, any time you are confronted with an issue involving a federal agency it makes sense to begin research at the agency's Web site. There you will find all the federal statutes administered or interpreted by the agency, all of the regulations which the agency has promulgated, and many of the agency's procedures. The advanced search capacity of Google makes searching these sites very easy. You can limit a Google search to a specific site like the SEC pages by using the following syntax: `site:sec.gov "search terms"`. By doing this you gain both the ease of formulating a Google search and the wonderful ranking system with which Google provides results.

C. Assessing Web Site Quality and Reliability

The Internet sites we discuss in this seminar are sponsored by a variety of entities -- governments, universities, foundations, law firms, individuals, interest groups, commercial firms, and more. We make every effort to screen for accuracy the sites we demonstrate to you, and to let you know the limits of their coverage or the slant of their viewpoint. Still, we must all keep in mind that many of these sites offer unofficial versions of resources, and selected or abridged content. Some have the resources to maintain the currency of their pages, others do not.

When you use a search engine, a newspaper article, or a friend's recommendation to find sites offering information you need, you must be the screener. Never forget that anyone can publish anything online. Becoming a web author costs very little, and requires almost nothing in terms of expertise. Firms exist that sell space on web servers to anyone who can pay the fee. There is no Internet editor who checks and corrects the accuracy of most content published on the web. There is no organized system of peer review for sites in most disciplines. Consequently, you must assume responsibility for verifying the quality and currency of information you obtain on the Internet.

We give this seminar because there is an enormous volume of valuable material available on the web. Reputable businesses, associations, government agencies, universities, and experts publish web material daily. Some of this information is available only online. At the same time, groups and individuals with little knowledge, no judgment, and/or suspect motives are also making great masses of misinformation, mistakes, lies, and treachery equally available. When you use web resources, you have to be the judge of what you are viewing.

Internet sites also vary greatly in their quality of graphic design and organization. Many are not easily searched. Others require sophisticated and expensive software or hardware for full or efficient use. When deciding whether or not to bookmark and return to any visited site, you should consider the site's searchability, design, organization, and the software/hardware requirements for viewing the site in addition to the value of the information offered.

There are a number of questions to pose about any site you think you might want to use as a source of information. First, who is the sponsor of the site? Is it an entity with the resources and expertise to offer accurate, up to date, and complete information? Does it have a reputation for neutrality or even-handedness, or does it at least represent a point of view that you can identify and make necessary adjustments for? Second, what information is the site offering? What are the sources of the information? How is it presented? If currency of the information is vital, how and when is the site updated?

Many of the answers to these questions can be found at the site's documentation. First of all, is there documentation? Look under links with titles like "More about us", or "About this site". Go to the home page of the site sponsor if documentation is not evident on the page you enter the site. If the site does not provide any documentation that tells you the identity of the sponsor and author, the source of the data published at the site, and other vital information, you simply cannot make a reasonable judgment about the value of the information posted on the site.

What does the documentation tell you about the site's sponsors and authors? Who are they? What are their credentials and backgrounds? Is the sponsor an advocacy group? If so, do they clearly state their mission and point of view? Is the sponsor a government entity, a university, a legal institution, a private vendor, or an individual? If so, do you

recognize the name of the publisher or author? If not, does the publisher offer verifiable evidence of its competency? Are there citations to other published works, a corporate profile, or information about editorial standards? If you have never heard of the author, does she supply an autobiography or curriculum vita containing verifiable evidence of her authority on the subject?

Does the site documentation include some sort of guarantee of content authenticity? Is there a stated criteria for inclusion of information? Is the source of data disclosed? Is the scope and timeliness of the data clearly spelled out? If you are familiar with print sources that supply related or similar information, ask yourself how the Internet site compares with those sources. Try to determine if the content of the Internet site is as reliable as its printed counterpart. Check for errors or omissions in the documents. Look for misspellings and grammatical errors. Visit links provided to see if they are current. If you revisit a site, try to remember to check the stability of the information provided. Try to ascertain the method by which data is transferred from its original source to the site. Finally, and most important, verify all information on which you choose to rely.

One particular value of all online information sources is that they can be continuously updated much easier than print or CD-ROM sources. However, just because such updating is possible does not mean that it is done. When you visit a site, look to ascertain the source's creation and revision dates. Very often each individual page of a site will have a creation/revision date beneath titles or at the bottom of the page. If the site has been revised, see if you can determine what has been modified. Try to determine if the resources are maintained and how often they are updated. Many sites provide a currency declaration which details updating schedules or at least articulates the

site manager's commitment to ongoing maintenance and stability. Always record the date on which you review information from an Internet source. This is important to include when citing to Internet resources because of their transitory nature.

Be aware that many sites provide only "selected" data. Look for statements that give clues of this. In addition, review a site carefully for an indication of the dates it claims to cover. Once again, if you are familiar with print sources for the same information, it is a good idea to compare the coverage of an Internet site with that of the print source.

When you visit an Internet site that is new to you be conscious of the fact that sites differ greatly in reliability and completeness. Use these questions and your critical judgment to ensure that the site contains information worth using.

C. How to cite electronic sources

Many states and the ABA have touted and adopted a "universal citation" system which seeks to be uniform regardless of the medium in which the resource is published and vendor-neutral. The case citation standard requires four data elements: year, authority or court, case number and paragraph number. The ABA has recommended that courts assign decision and paragraph numbers at the time that decisions are made available to the public.

The general form for case citation in this universal system is year of decision, court, case number, paragraph number. *For example:* 1996 5Cir 15, 18, in which 1996 is the year of the decision; 5Cir refers to the United States Court of Appeals for the 5th Circuit; 15 indicates that this citation is to the 15th decision released by the court

during 1996; and the pinpoint citation is to paragraph 18 within the decision. An ABA report recommends that courts encourage parallel citation to the primary printed case reports until electronic publications of case reports become generally available. Further, the report urges courts to require counsel who use authority not available in printed reports to provide printed copies of that authority to the court and opposing counsel.

The new *Blue Book* clearly reflects the impact of this movement.

When citing a decision available in public domain format (also referred to as a medium neutral format), . . . , provide the case name, the year of decision, the state's two character postal code, the . . . court abbreviation (unless the court is the state's highest court), the sequential number of the decision, and, if the decision is unpublished, a capital "U" after the sequential number of the decision. When referencing specific material within the decision, a pinpoint citation should be made to the paragraph number at which the material appears. If available, a parallel citation to the appropriate regional reporter must be provided.

The following examples are representative of the recommended public domain citation format:

Beck v. Beck, 1999 ME 110, 6, 733 A. 2d 981, 983.

Jones v. Fisher, 1998 OK Civ. App. 120 U.

**Rule 10.3.3 Public Domain Format
A Uniform System of Citation (17th ed. 2000)**

The impact of the increasing availability of online (especially Web) resources is further reflected by the new rule 18.2: "The Internet". In this rule, the editors of the *Blue Book* go so far as to recommend that parallel citation to an available Web resource be given even when the traditional print source is actually used. The form of the parallel citation is *available at* (URL). The basic elements of Internet citation, according to the

Blue Book, are (1) information about the authority being cited; (2) if necessary, an explanation of what source actually was used by the author; (3) the provider responsible for the Internet site, if not apparent from the Uniform Resource Locator (URL); (4) the URL; and (5) a date parenthetical.

If a traditional print source is used but a Web resource is offered as a parallel citation use “available at (URL)”. If only the Web resource is accessed, but there is a traditional print source as well, cite to both with no explanation. If the material may be found only on the Web, use the explanatory phrase “at” before the URL. The *Blue Book* offers these among other examples:

H.R. 66, 106th Cong. (1999), *available at* <http://thomas.loc.gov/bss/d106/d106laws.html>.

J.T. Westermeier, *Ethical Issues for Lawyers on the Internet and World Wide Web*, 6 *Rich. J.L. & Tech.* 5, (1999), *at* <http://www.richmond.edu/jolt/v6i1/westermeier.html>.