RESEARCHING ON SOLID GROUND IN A CHANGING TECHNOLOGICAL LANDSCAPE

Linda S. Maslow[*]

> *--Plus ça change, plus c'est la même chose.*

Throughout my thirty years as a professional law librarian, I have been immersed in the impacts of technological change on legal research. My early encounters with electronic legal research before becoming a librarian are quaint recollections—my law firm's one Lexis terminal, a behemoth console squirreled away in a tiny electrical closet where searchers, wedged in the closet's doorway, gave literal expression to being at the threshold of computerized research, or mind-boggling speculation that someday each lawyer, at least at the most prosperous firms, might have a Lexis or Westlaw terminal at her very own desk. And yet, the promise of the future was apparent even to my relatively unimaginative self. When I moved from attorney to library school student, I was surprised to find that electronic databases in many disciplines were merely bibliographic with, if lucky, brief annotations. Wasn't fully searchable full text the point?

The law, a discipline rooted in texts, entered the world of computerized legal research with full-text tools. And can we imagine our lives without them now? Electronic research tools are no longer marginalized (hidden in closets) nor an occasional extravagance (one dumb terminal that everyone shared). And we are awash in fully searchable, full text content. I do not claim any skills at prognostication. But, whatever the future holds for technology in legal research, law students will benefit from learning certain timeless and fundamental skills.

1. *The importance of what lies beneath*

Electronic research offers many advantages but it does not diminish the necessity that all lawyers understand the structure

---

underlying the resources they use. By "structure," I intend both that of the resource itself and that which defines how the resource resides within its electronic source. Lawyers must be well-versed in how the basic resources of law, especially the primary sources, are put together, relate to each other and relate to the legal process. Their structural relationships and publication patterns reflect the very core of our legal system.

In addition, an understanding of the structure of a document and of a set of records within a database allows researchers to search with greater control, precision, and confidence in their results. It is easy for both types of structure to dissolve in electronic renditions of primary and secondary sources. The newest versions of Westlaw and Lexis, WestlawNext and Lexis Advance, respond to modern users' expectations for a simple interface but that exacerbates the murkiness of structure, especially for searchers who lack a solid foundation in the materials or the databases themselves. My advice does not stem only from an "eat your spinach, it's good for you" philosophy (although it is), but also from a practical concern—if lawyers do not understand how the sources they use fit into the literature of the law and how these sources fit into the electronic resource, they may be less prepared to see how their results fit together, what the next steps of their research should be, what they might be missing, and how to use all of the strands in cogent legal arguments.

2. *The essential skill of critical evaluation*
Now that students, scholars, researchers, and lawyers find so much information on the Internet, the need for critical evaluation of their sources is paramount. Traditionally, a law book comes bound with serious formality from established publishers; signs of the trustworthiness of the scholarship and editorial process are inherent in the object in hand. These resources like all resources, even the most formal and conventional, require critical evaluation before relying on their content. But what reliable clues do the bits and bytes of the Internet provide for authentication, verification, trustworthiness? Legal research educators must address the critical evaluation skills required in the Internet age.

3.   *The value of multi-disciplinary research skills*

The practice of law has always required some degree of multi-discipline facility. Since the law touches on every aspect of human endeavor, a broad, liberal arts education serves any law student well, and lawyers have always needed to understand subjects far outside of the content of their law school classes in order to represent their clients. And, from the advent of the "Brandeis brief" to modern empirical analysis techniques and "big data," the variety of new subject matter that the lawyer can introduce to her arguments keeps growing. The ability to find, navigate, evaluate, and understand the scholarship of multiple disciplines is more important to the lawyer than ever before. It is more readily available, more frequently cited, and more often taught in law schools. Students should emerge from law school with the basic skills to find and authenticate information in any field or discipline.

To develop this foundation, the best training in "legal research" would encompass a broader skill set. Call it, perhaps, "research skills and methods for the lawyer" and provide a solid grounding in all of the traditional and modern legal research techniques but also branch out into the literature of other disciplines and the challenging breadth of the Internet. The scope of this under-taking demands not just formal training from a course or two but also that its themes underlie the entirety of a law school education and of lifelong learning beyond the classroom.   With these tools, the lawyer will have the sophistication and wherewithal to skillfully traverse an ever changing technological landscape throughout her career.