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# Teaching Cost-Effective Research Skills: Tips for Effective and Efficient Legal Research

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# TEACHING COST-EFFECTIVE RESEARCH SKILLS

Tips for effective and efficient legal research.

BY REBECCA A. MATTSON AND  
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Being a cost-effective researcher is not necessarily just about the legal research resources available where an attorney practices. Budgetary concerns are prevalent across all legal markets, from solos and public interest to large law firms. As the legal field struggles with clients who want greater efficiencies from their attorneys and alternative fee arrangements, many of which state that attorneys will not bill clients for legal research database fees, it is becoming more important than ever to teach law students and attorneys how to use alternative resources effectively and efficiently.

## Cost Creates Barriers to Accessing Legal Information

Legal research resources are no exception to the influx of products and services being offered to attorneys due to changing market conditions and technologies. Because of the demand for more efficiency in the legal market, better technologies that offer a greater cost savings for clients—including flat-fee, low-cost, and free legal research databases—can now be leveraged to make attorneys better researchers. The number of resources available for legal research can cause confusion for law students and attorneys alike.

How can law students and attorneys make sense of the volume of resources available to them in order to make the most economical and effective choice for their practice? This task can prove overwhelming or near impossible to an attorney faced with several resources that seemingly do the same thing. This, in addition to soaring costs that clients are increasingly unwilling to pay, can lead to an overreliance on Google and demonstrates a lack of understanding of how to best utilize research tools.

Westlaw, Lexis Advance, and Bloomberg Law are heavily marketed to law students, yet not all law students

will work in legal organizations that subscribe to these resources. Those that do may be required to justify use of these resources when flat-fee, low-cost, or free resources are available. The shift to use more varied legal research tools, in addition to the volume of tools available, requires that legal educators commit to teaching cost-effective research using a variety of resources. This becomes especially necessary as more and more legal employers are looking to hire law students and new attorneys with practical experience—including experience in legal research—who require less time and money to train. In this highly competitive job market, it is imperative to perform legal research effectively and efficiently.

## Removing the Barriers

Most attorneys, regardless of their levels of experience and whether or not they work in an organization with legal research database subscriptions, have a high level of dependency on Westlaw and Lexis Advance. After having relied on these resources so heavily in law school, attorneys have a hard time transitioning to alternative sources. Further, in organizations that do subscribe to Westlaw and/or Lexis Advance, attorneys can have a difficult time seeing the benefits of using other resources even when those resources, whether free or fee-based, are better suited for their research needs.

The biggest challenge, at both the law school and practice levels, is convincing students and attorneys that just because they can use Westlaw or Lexis Advance doesn't mean that they should. For example, it can be extremely difficult to communicate to an attorney that a federal brief can be easily pulled from PACER at a much lower cost when they see a link to Westlaw or Lexis Advance right in front of them on their computer screen. It is even harder to get a new attorney to realize the value of using a secondary source in print over browsing for it on Westlaw or Lexis Advance as their hourly charges accrue.



## FREE INTERNET RESOURCES

There are many places aside from Google to find free law resources. Coverage will vary by jurisdiction. Here are some government websites to try:

- Supreme Court of the United States website ([bit.ly/MA16SCOTUS](http://bit.ly/MA16SCOTUS))
- Circuit or District Court websites
- U.S. Government Publishing Office Federal Digital System (FDsys) ([bit.ly/MA16GPO](http://bit.ly/MA16GPO))
- Congress.gov ([bit.ly/MA16Congress](http://bit.ly/MA16Congress))
- U.S. House of Representatives ([bit.ly/MA16HOR](http://bit.ly/MA16HOR))
- U.S. Government Publishing Office Electronic Code of Federal Regulations (E-CFR) ([bit.ly/MA16ECFR](http://bit.ly/MA16ECFR))
- Regulations.gov ([bit.ly/MA16Regs](http://bit.ly/MA16Regs))

Other credible free resources can be found at:

- Cornell University Law School's Legal Information Institute ([bit.ly/MA16Cornell](http://bit.ly/MA16Cornell))
- Justia ([bit.ly/MA16Justia](http://bit.ly/MA16Justia))
- FindLaw ([bit.ly/MA16FindLaw](http://bit.ly/MA16FindLaw))
- National Conference of State Legislatures ([bit.ly/MA16NCSL](http://bit.ly/MA16NCSL))

While scare tactics may work (showing an attorney that they just incurred a \$100-plus charge for clicking on one document is certainly a powerful deterrent), they do not help make better researchers. In fact, they may encourage attorneys to spend more time using Google or free, non-credible resources that may decrease efficiency at best and contain false information at worst. Instead, law librarians and other legal information professionals should focus on teaching law students and attorneys how and when to use flat-fee, low-cost, and free resources in order to be the most cost-effective and efficient researchers. Ideally, to maximize impact, teaching the value that cost-effective research can have on a lawyer's career begins in law school.

### Why the First Year Matters

Legal research, in general, tends to be undervalued in the law school curriculum. Often, first-year students are introduced to basic concepts sprinkled throughout Legal Research and Writing. Most first-year law students enter law school with poorly developed research skills, having had little to no experience with legal research. In this sense, first-year students are like a blank slate. It is important to teach cost-effective research skills at the same time that students are developing general legal research skills. Becoming familiar with the tools available will ensure that both research skills become habits at the same time.

### Case Study

At Penn State Law, a first-year legal research course taught by law library faculty—Legal Research Tools and Strategies—was introduced for the fall 2015 semester to teach such skills. The course was designed to integrate cost-effective research strategies throughout the semester.

The first part of teaching cost-effective research required some lecture and discussion in the classroom. Tips, tricks, and resources were introduced throughout the semester (see above). Each graded assignment was built on



## COST-EFFECTIVE ALTERNATIVE RESEARCH RESOURCES

- 1 PRINT RESOURCES** Library print collections have secondary source background research for free.
- 2 GOOGLE/GOOGLE SCHOLAR** Searching Google properly can yield a surprising amount of valuable information. Sources should be checked for bias and credibility; limit domains searched to .gov and .edu to obtain more reliable information. Use Google Scholar for case law research, as well as law review articles; use Google Patents for patents research. Learn more at [bit.ly/MA16GoogleScholar](http://bit.ly/MA16GoogleScholar) and [bit.ly/MA16GooglePatents](http://bit.ly/MA16GooglePatents).
- 3 FASTCASE** This comprehensive legal research database of statutes, case law, and regulations is available through many states' bar associations. Learn more at [bit.ly/MA16Fastcase](http://bit.ly/MA16Fastcase).
- 4 CASEMAKER** Similar to Fastcase, Casemaker provides case law, statutes, and regulations, and is available through some states' bar associations. Learn more at [bit.ly/MA16Casemaker](http://bit.ly/MA16Casemaker).
- 5 RAVEL LAW** A case law "visualization" platform, Ravel Law offers a free basic plan to search and read cases. The advanced plan also includes case analytics and client matter tracking. Learn more at [bit.ly/MA16RavelLaw](http://bit.ly/MA16RavelLaw).
- 6 CASETEXT** Relatively new, this free legal research platform was founded in 2013 in response to the cost of legal information. Casetext provides cases, statutes, and regulations that have been enhanced through legal analysis contributions made by members of the legal community. Learn more at [bit.ly/MA16Casetext](http://bit.ly/MA16Casetext).

the one prior, and soon the students were required to keep track of not only their searches, but also their time spent researching. For the final assignment, a fee structure was imposed that required students to bill the client for the amount of time spent researching and the cost of using the major commercial databases.

In the final project, students were not penalized for high research costs. The goal was to make the students aware that they bill for time and database usage. As a result, students charged anything from a few hundred dollars to thousands of dollars. Some students deliberately tried to keep the costs down by using free and low-cost

resources. Others were mindful of the searches they ran and the amount of time they spent while using “billable” resources. Unfortunately, some students missed the point—using mostly free internet resources instead of the appropriate commercial databases—keeping costs extremely low at the expense of reliable research.

In the course, students learned some cost-effective strategies and generally understood that they will be working within budgets at summer jobs and in practice. Due to first-year students’ lack of legal research knowledge, it is often not until their first internship that they realize the true value of what they have learned. Although instruction of cost-effective research in the first year is critical, it is equally crucial to follow up during the second and third year to really hone these skills and instill their value, after they have more context. The extent to which students will carry the learning into the workforce is difficult to gauge.

### Research Readiness: Tips and Resources

When choosing alternative resources, there are two main factors that come into play that are less important when dealing with a larger, well-known legal publisher or vendor—namely reliability and content. A lot of what you are paying for with Westlaw, Lexis Advance, and Bloomberg Law is the reliability of knowing that the information is true, correct, and credible, and that the content is kept up to date. Since law students and many new attorneys are used to relying on the internet as a primary source of information, they may not be as equipped to judge the reliability of a resource, nor are they always aware to check whether or not a resource is up to date. Therefore, in addition to teaching law students the steps they should follow to conduct cost-effective research, it is important to educate them on how to determine if a resource is credible and current as well.

Whether you are teaching law students, training new attorneys, or helping the public, here are some tips

and resources to pass along to help guide cost-effective research.

### Research Tips

**1. Understand the question.** All too often, law students and new associates misunderstand the question being asked. It is essential to understand what work product is required, the scope of the project, and the types of resources to look for: statutes, cases, etc.

**2. Understand the budget.** It is important for attorneys to understand how much is billable back to the client and whether there is a cap on that amount. To that end, attorneys must also understand the charges for searches or document retrieval in commercial databases such as Westlaw or Lexis Advance.

**3. Assess available resources.** It is important for all researchers, students, attorneys, and *pro se* litigants to know that the number and type of resources available will guide the direction of research. See page 33 for a list of cost-effective alternative resources.

**4. Make a plan.** Researchers should begin with preliminary research information such as jurisdiction, relevant facts, background information needed, and sources to search. Assessing progress throughout the research process will indicate if the plan is sound or if changes to terms or approach are warranted.

**5. Know when to stop.** Researchers seeing the same results over and over again after following a comprehensive plan should feel confident in their results or seek the guidance of their closest law librarian.

### Playing It Smart

In addition to teaching students to use their resources wisely, it is important to make sure that they know that a large part of cost-effectiveness is being an efficient researcher, not just choosing the least expensive or free resource. This could mean choosing a flat-fee resource that still comes with a cost or it could mean choosing to use Westlaw

and/or Lexis Advance when the cost to pay-as-you-go is less than spending the additional time to use a low-cost or free resource that requires the attorney to bill for additional time.

Teaching students, newer attorneys, and public patrons the most efficient and cost-effective way to retrieve the results they are seeking will likely continue to be part of law librarians’ jobs for many years to come. When it comes to teaching law students, it is crucial to start teaching these skills in their first year, and to continue training and education throughout their time in law school. This can be accomplished through formal coursework or informal workshops. By taking the initiative to teach law students these skills, librarians help create more well-rounded legal researchers who will begin their careers prepared to research efficiently and effectively. ■



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