INFORMATION SOURCES IN LEGAL RESEARCH

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In 1990, the Alberta Legal Information Technology Assessment Project[1] sent a survey to all lawyers on the Law Society of Alberta's mailing list. We asked them to tell us about their use of information sources and information technology in their practices. Over 20% of the profession responded to our survey, an excellent response rate. The survey instrument was based on that used by Professor Vale in his 1987 study of Ontario lawyers, which he very kindly shared with us. The following is Professor Vale's summary of our data.[2]

En 1990, dans le cadre d'un projet d'évaluation de la technologie de documentation juridique, nous avons envoyé un questionnaire à tous les avocats figurant sur la liste de distribution de la Law Society of Alberta. Nous leur avons demandé de décrire comment ils utilisent les sources d'information et la technologie informatique dans leurs pratiques. Plus de 20 % d'entre eux ont répondu, ce qui constitue un excellent taux. L'instrument d'enquête s'inspirait de celui que le professeur Vale avait utilisé en 1987 (et qu'il nous a gracieusement communiqué) dans l'étude qu'il avait consacrée aux avocats ontariens. Le professeur Vale présente ici le sommaire de nos données.

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[2] Kate Welsh, Director of Research, ALITA.

I. GENERAL RESEARCH PATTERNS

Lawyers in Alberta reported spending about the same amount of time doing legal research in 1990 as in 1972. *Operation Compulex*[3] reported that lawyers spent approximately 10% of their time performing legal research. In the current study, Alberta lawyers reported spending 12% of their work time, on average, doing legal research.

In the following sections, survey results are presented covering general patterns of research among lawyers. The purpose of research, resources available to support research, the amount of research and use of specific print and online sources of information are covered. As well, lawyers' evaluations of legal information sources they use are presented.

II. PURPOSE OF RESEARCH

Respondents were asked to rate the importance of specific reasons for doing research. Each reason was rated on a five-point scale from "almost never important" (1) as a reason for research to "almost always important" (5).

For most lawyers, research is focused around problem-solving related to their work. Of all the reasons listed, the most important reason for doing research was to solve a particular problem (see Table 1). Considered above average in importance were to get the most timely information and to "keep up-to-date." Below average in importance for Alberta lawyers were gaining exhaustive access to a particular topic and to browse information sources. The least important reason was to get historical information.

Table 1
Reasons for Doing Legal Research
(N = 1107)

Rank Order	Reason	Mean Score (Scale of 1-5)
1.	To solve a particular problem	4.62
2.	To get the most timely information	4.00
3.	To gain current awareness and to keep up-to-date	3.30
4.	To gain exhaustive access to a particular topic	3.18
5.	To get supplemental information	3.00
6.	To browse information sources for new things I may have missed or not thought of	2.70

[3] Department of Justice. 1972.

Rank Order	Reason	Mean Score (Scale of 1-5)
7.	To get historical information	2.02

III. RESOURCES FOR RESEARCH

Access is a necessary, but not sufficient, factor enabling individuals to use resource material. Respondents were asked whether they had access to (a) a library and (b) online databases at their place of work. Because proximity of sources has been shown to influence use, respondents were asked to indicate the proximity of these two research resources to their own office. The availability of human resources to assist in research work also was explored.

A. HUMAN RESOURCES

For the vast majority of lawyers, research remains an activity that the individual lawyer performs. Three out of every four respondents reported doing research themselves all of the time or frequently (Table 2), while only 6.2% reported that they seldom or never do research themselves.

In addition to performing research, a lawyer may also employ human resources to do research activities. Less than one percent of the lawyers in Alberta always had an assistant perform research functions. Almost another two in ten frequently employed an assistant to perform research. On the other hand, half of all the lawyers in the province seldom or never hired an assistant to perform research duties (Table 2).

Table 2
Human Resources for Legal Research[4]
(N = 1107)

	Perform Self %	Others Perform %
Always	27.5	.8
Frequently	48.6	20.4
Sometimes	17.8	26.0
Seldom	5.7	29.8
Never	.5	22.9

[4] Percentages in this and other tables may not sum to 100.0% due to rounding.

B. LIBRARY

A standard feature of a law office is its library. Because print is the traditional medium for legal information, almost all lawyers find it necessary to maintain a collection of law books in their office. About 89% of the lawyers in Alberta have access to a library in their place of work (Table 3). For 70% of the lawyers, the library is either in their own office or on the same floor.

When rating the quality of their library, 26% of the respondents rated their libraries as excellent. Another 60% said their libraries were "adequate" or "usually adequate." However, almost fifteen percent felt their libraries were inadequate.

C. ONLINE ACCESS

Unlike access to print sources, only 53.3% of the lawyers in Alberta had access to online databases at their law office in 1990 (Table 3). Most lawyers who did have access to online databases had to access them in another room. Only 5.7% had access to electronic information sources in their own office.

Table 3
Access to Library and Online Resources
(N = 1044)

	Library %	Online %
No	11.3	46.7
Yes		
In personal office	6.6	5.7
In secretary's office	1.2	3.0
Another room, same floor	54.3	22.0
Different floor, 1 above/1 below	17.6	14.5
More than one floor away	4.7	4.0
Not specified	4.0	3.4

D. USE OF OTHER ELECTRONIC INFORMATION TECHNOLOGY

In an effort to assess the diffusion of other electronic information technology in the law office and the resource environment in the law office, respondents were asked about the availability and use of computerized accounting, billing, calendar control, word processing, electronic in-house retrieval systems and electronic mail (Table 4).

By far, the technology with the greatest use in the law office environment was word processing equipment (92.7%). Only six percent of lawyers in the province did not have access to this technology. Of the other technologies mentioned, only computerized accounting was used by more than half the lawyers in the province.

Table 4
Use of Information Technology
(N = 1049)

Technology	Use %	Do Not Use %	Not Available %
Word Processing	92.7	1.3	5.9
Computerized Accounting	61.6	9.9	28.5
Automatic Document Preparation	49.1	14.3	36.6
Computerized Billing	47.7	16.8	35.5
Electronic In-house Retrieval System (precedential material)	40.8	14.5	44.7
Client Database	34.8	19.3	45.9
Computer Litigation Support	25.3	24.9	49.8
File Management	25.0	14.3	36.6
Conflict of Interest Determination	23.9	22.1	54.1
Computer Limitations Diary	23.9	25.3	50.8
Electronic Mail	21.5	20.7	57.8
Computerized Calendar Control	17.8	30.0	52.3
Personal Information Manager	11.8	10.2	77.9
Electronic Conferencing	11.6	25.9	62.5

IV. AMOUNT OF RESEARCH

Numerous questions in the survey focused on the amount and frequency of doing legal research. We purposely did not define the term "legal research." Thus, answers reflect the respondents' own perceptions of what constitutes legal research.

Almost half the lawyers in Alberta (47%) said they did a 'moderate' amount of research. Just over ten percent of the lawyers said they did 'very little' or no research in their work, while another 19% considered they did a 'large amount' of legal research.

When asked specifically how many hours a week they spend doing legal research, the average was 5.2 hours per week. Ten percent of the sample reported spending less than one hour a week doing legal research, while almost twenty percent reported spending more than 10 hours per week in research activities.

Respondents were also asked to indicate what percentage of work time this research represented. On average, Alberta lawyers spent 12% of their work time doing research.

V. USE OF PRINT INFORMATION SOURCES

A. USE OF SPECIFIC SOURCES

Print information sources remain the dominant medium through which lawyers get information. Not surprisingly, eight of every ten lawyers in Alberta use print sources of information at least a few times every week.

The print information sources used by the greatest percentage of Alberta lawyers are legal textbooks, followed by *Alberta Law Reports*, *Alberta Reports*, *Statutes of Canada*, *Dominion Law Reports*, and the *Statutes of Alberta*. Table 5 presents typical print information sources used.

B. EVALUATION OF PRINT SOURCES

Alberta lawyers rate the print sources available to them as "average" to ""good." On each of the fourteen attributes, the mean score was between 3 (average) and 4 (good) for the sample.

Relatively, the strongest characteristics of print sources are their usefulness, readability, and accessibility. Lawyers felt that the weakest characteristics of the print sources were the cost, their efficiency and their ease of use.

Table 6 presents lawyers' evaluation of print information sources they use in their practice of law.

Table 5
Use of Specific Print Information Sources
(N = 1115)

	Do Not Use %	Less Than 1 Hour %	1-3 Hours %	4 or More Hours %
Statutes of Canada	30.2	60.5	6.5	2.7
Supreme Court Reports	38.3	53.1	7.2	1.5
Statutes of Alberta	37.2	43.4	37.1	12.3
Alberta Law Reports	20.3	48.1	23.1	8.5
Alberta Reports	25.6	47.4	20.0	7.1
Dominion Law Reports	36.6	46.5	12.1	4.7
Western Weekly Reports	22.0	52.0	18.7	6.3
Other Regional	77.0	16.8	4.1	2.1
Business Law Reports	72.6	24.5	2.2	.7
Canadian Bankruptcy Report	77.2	19.6	2.2	1.0
Canadian Criminal Cases	73.1	15.3	7.1	4.5
Canadian Rights Report	83.2	13.8	1.9	1.1
Criminal Reports	78.5	14.2	4.8	2.6
Reports of Family Law	74.6	18.6	5.0	1.8
Other Topical	80.2	10.9	5.0	3.8
Alberta Decisions	41.2	46.6	9.2	2.9
All Canada Weekly Summary	60.8	33.8	4.0	1.4
Canadian Abridgement	45.0	39.6	9.8	5.6
Canadian Current Law	59.6	32.8	5.4	2.3
Canadian Charter of Rights Annotated	82.2	15.1	2.0	.7
Dominion Report Service	80.6	17.2	1.4	.8
LESA Research Guide	77.2	19.1	2.4	1.3

	Do Not Use %	Less Than 1 Hour %	1-3 Hours %	4 or More Hours %
English Law Reports	68.3	28.6	2.2	.9
U.S. Law Reports	85.6	13.1	.7	.7
Legal Textbooks	19.2	48.3	22.2	10.4
Law Journals	46.5	43.3	7.4	2.7
Other Legal Information	88.3	7.3	2.6	1.9
Other Non-legal	35.8	42.3	13.9	8.0

Table 6
Evaluation of Print Sources of Legal Information
(N = 1115)

Rank	Very Poor %	Poor %	Average %	Good %	Excellent %
1. Useful	.1	1.0	22.2	61.6	15.1
2. Accurate	0.0	3.1	28.7	56.8	11.4
3. Readable	.3	3.1	25.7	56.8	11.4
4. Accessible	1.1	6.1	23.5	54.1	15.1
5. Reliable	.4	3.9	33.4	51.1	11.2
6. Relevant	.5	4.8	36.4	49.9	8.5
7. Detail	.1	6.2	36.3	47.7	9.7
8. Amount of Information	.5	4.4	39.7	46.4	9.0
9. Convenient	1.6	11.4	36.7	41.1	9.3
10. Organization	1.6	9.7	40.5	40.2	8.0
11. Timely	1.4	10.8	39.8	41.2	6.8
12. Easy to Locate Information	1.9	15.2	44.9	32.8	5.2
13. Efficient	2.4	15.6	44.6	32.0	5.4

Rank	Very Poor %	Poor %	Average %	Good %	Excellent %
14. Cost	5.8	16.5	45.3	25.1	7.3

VI. USE OF ONLINE INFORMATION SOURCES

One of the major purposes of the present study was to ascertain the extent to which lawyers were using online information sources in their legal research. In this section, the results of the survey for the use of online databases, the use of specific online information sources and an evaluation of online information sources are discussed. In addition, for those lawyers who did not use online information sources, the reasons for not using online databases were examined. Perhaps the most revealing result is that 52.9% thought they would *never* use online information sources. This figure may represent a ceiling for the potential adoption of online technology.

A. FREQUENCY OF ONLINE USE

While about half of the lawyers in Alberta had access to online databases in 1990, only 16% used these information sources at least once a week. When compared to use of print sources, online sources were used irregularly and infrequently for the vast majority of lawyers in the province.

Table 7 compares online use with print use among Alberta lawyers. While 43% of the lawyers in Alberta used print information sources every day, less than one percent of these lawyers used online databases every day. And while over 90% of Alberta lawyers used print information sources at least once a week, only 16% of Alberta lawyers used online information sources at least once a week. It is clear that print information sources remain the dominant medium through which Alberta lawyers seek legal information.

Table 7
Online Use Compared to Print Use
(N = 1115)

Frequency of Use	Print %	On-line %
Every day	43.0	0.0
A few times a week	37.8	9.4
Once a week	11.1	6.8
Once or twice a month	6.7	15.3

Frequency of Use	Print %	On-line %
Less than once a month	1.2	22.5
Never	.3	46.3

B. ONLINE SOURCES USED

As with print sources, respondents were asked to indicate which specific sources of information they used when online. The online source most used by lawyers in Alberta was QL Systems and the databases on QL. Table 8 reports the use of online sources by respondents.

Table 8
Use of Specific Online Information Sources
(Users Only, N = 554)

	Do Not Use	Less Than 15 Mins	15-30 Mins	30 or More Mins
CAN/LAW	79.6	15.5	.5	0.0
All Canada Weekly Summaries	85.9	12.8	1.3	0.0
Canadian Criminal Cases	93.3	6.3	.4	0.0
Can. Labour Arbitration Summary	95.1	4.3	.5	0.0
Canadian Patent Reporter	93.5	5.8	.2	.6
Dominion Law Reports	77.3	58.8	2.9	1.1
Labour Arbitration Cases	95.1	4.3	.5	0.0
Weekly Criminal Bulletin	93.1	5.8	1.1	0.0
Western Legal Publications	87.7	10.8	.9	.6
CT Online	93.0	4.3	2.0	.8
DIALOG	95.0	4.3	.4	0.0
DYNIS	98.4	1.4	.2	0.0
FP Online	96.6	2.9	.5	0.0
INFO GLOBE	94.6	4.5	.9	0.0

	Do Not Use	Less Than 15 Mins	15-30 Mins	30 or More Mins
News and Business Databases	92.4	6.0	1.4	.2
Index to Can. Legal Databases	96.9	2.5	.5	0.0
INSIGHT	97.7	1.6	.5	.2
LEXIS	94.4	5.1	.4	.2
NEXIS	98.0	1.4	.4	.2
News$ource	98.4	1.1	.4	.2
QL SYSTEMS	52.5	26.7	10.3	10.5
Alberta Case Locator	53.2	34.7	7.9	4.1
Can. Judgments	52.3	33.4	8.5	5.7
Dominion Reports Serv.	58.5	31.0	6.1	4.3
Dominion Tax Cases	87.5	9.9	1.3	1.3
Federal Court Reports	80.9	16.6	1.8	.7
National Reporter	54.9	31.0	8.7	5.4
Ontario Reports	74.7	19.9	4.2	1.3
Statute and Regulations	76.0	21.1	2.0	.9
Western Weekly Reports	58.3	32.7	6.0	3.0
Vutext	98.4	1.4	.2	0.0
WESTLAW	91.7	7.4	.4	.6
Other Online - Legal	98.4	.9	.2	.5
Other Online - Non-legal	95.1	3.1	.5	1.3

C. EVALUATION OF ONLINE SOURCES

Among the fourteen attributes which respondents evaluated, online sources were rated the highest for their timeliness, usefulness and accuracy. Like print sources, online databases received their lowest rating for their cost and ease of use (Table 9).

Table 9
Evaluation of Online Sources of Legal Information
(N = 554)

Rank	Very Poor %	Poor %	Average %	Good %	Excellent %
1. Timely	.5	2.5	16.6	46.1	34.3
2. Useful	.5	6.9	30.0	46.6	7.3
3. Accessible	1.4	14.9	29.3	39.1	15.3
4. Accurate	2.4	7.8	41.9	37.2	10.8
5. Convenient	2.1	16.0	33.3	34.5	85.9
6. Efficient	2.1	16.3	31.9	37.2	12.6
7. Relevant Information	3.5	12.9	37.9	34.6	11.1
8. Amount of Information	2.8	12.2	42.4	33.3	9.4
9. Detail	1.6	14.3	43.1	30.9	10.1
10. Reliable	3.7	13.9	38.3	33.7	10.4
11. Readable	2.8	17.2	42.4	28.7	8.9
12. Organization	3.2	18.5	40.6	29.8	7.9
13. Easy to Locate Information	7.4	24.8	38.2	22.7	6.9
14. Cost	13.1	26.9	35.7	18.8	5.5

D. EFFECT OF ONLINE USAGE ON WORK PERFORMANCE

Lawyers who used online databases believed that the use of online databases increased their awareness of available information and decreased the amount of time it takes them to find information. A majority of these lawyers believed the use of online databases had no effect on the quantity of work done, their decision-making ability, or the quality of their work (Table 10).

Table 10
Effects of Online Use on Work Performance
(Users Only, N = 255)

	Significantly Decreased %	Decreased %	No Effect %	Increased %	Significantly Increased %
Quality of your work	0.0	1.2	48.0	45.1	5.7
Awareness of available information	0.0	1.4	36.9	51.3	10.3
Decision-making ability	0.2	1.4	63.6	31.5	3.3
Work confidence	0.2	2.2	49.3	42.2	6.1
Quantity of work done	.4	3.7	69.3	23.2	3.5
Time taken to find information	6.5	36.3	33.3	17.9	6.0

E. WHY MORE LAWYERS ARE NOT USING ONLINE SOURCES

As discussed earlier, about half of the lawyers in Alberta had access to online databases in their place of work. This result, after more than ten years of availability, would lead one to believe that online databases are useful to only a limited number of lawyers. We asked respondents why they did not use online databases. The reasons most often cited are summarized in Table 11.

Forty percent cited cost as the main reason for not using the medium. Lack of availability was the second-ranked reason for not using online sources.

Table 11
Reasons for Not Using Online Databases
(N = 500)

Rank	Reason	Percent
1	Not available	40.3
2	Expensive, Cost, Not cost efficient	39.6
3	No computer	34.6
4	Do not require	18.0
5	Too hard to use	17.0
6	No confidence in results	15.2

Rank	Reason	Percent
7	Someone else does online research	13.4
8	Not applicable to practice	10.4
9	Other	16.8

VII. INTEREST IN NEW LEGAL TECHNOLOGIES AND SERVICES

Respondents were asked to rank seven types of technologies which could be introduced into the judicial system or legal practice. They were asked "for which do you see the greatest need?" The greatest interest was expressed toward an online statute database and electronic filing of judgments. The lowest interest was shown for a sentencing database.

Table 12
Preference for New Legal Technology/Services
(N = 1115)

Rank	Item	Mean (Scale of 1-5)
1.	Online statute database	3.277
2.	Electronic filing of documents	3.282
3.	Electronic distribution of judgments	3.620
4.	Online quantum	3.865
5.	Computer-aided transcription of evidence	4.053
6.	Online trial scheduling and case tracking	4.120
7.	Sentencing database	4.977

VIII. CONCLUSION

These results give us a description of the practice of legal research in 1990. They suggest that legal research remains a selected activity and is focused on solving specific problems. While most lawyers do a moderate amount of research, one in ten does very little or no research and about one in five does a lot of research. On average, lawyers in Alberta spend about five hours a week doing legal research.

Print information sources remain the dominant form of information used by lawyers and their quality is considered "average" to "good."

Online databases are used primarily to update research done with traditional print media and are used regularly by only five percent of the lawyers in Alberta. Forty-six percent of the lawyers do not have access to online information technology.

In terms of other information technology in the law office, only word processing and computerized accounting are used by a majority of lawyers. Less than half the lawyers in the province use electronic in-house retrieval systems, electronic mail and computerized billing.