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Litigators Who Untangle the Web Will Find Scores of Valuable Sites

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JOURNAL TODAY

Lawyer's Bookshelf Judith P. Vladeck reviews *Employment Litigation in New York*, a guide edited by Kenneth W. Taber. **2**

Thomas R. Newman and Steven J. Ahmady, Jr., in their Appellate Practice column, review several state court decisions in the wake of *BMW of North America Inc. v. Gore*. While noting that it is still too early to gauge accurately the impact of *BMW*, the authors point out that several state Supreme Courts have reinstated large punitive damage awards that had been reduced based upon *BMW* analysis. **3**

Neal R. Stoll and Shepard Goldstein, in their Antitrust and Trade Practices column, touch on topics discussed at the American Bar Association Section of Antitrust Law's 45th annual spring meeting, including revised guidelines regarding the treatment of efficiencies in mergers under review by the federal government, issued by the Federal Trade Commission and the Antitrust Division of the Department of Justice. **3**

Verdicts and Settlements **4**

Legal Research By Julius J. Marke **5**

Law Office Technology By Gerald Lebouvis and Ian M. Singer. **5**

Calendar of Events.....	2	Court Notes.....	10
Classified.....	8	Decisions.....	25
Court Calendars.....	10	Letters to the Editor.....	2

Litigators Who Untangle the Web Will Find Scores of Valuable Sites

MANY a cost-conscious litigator cannot distinguish Charlotte's Web from the World Wide Web. This article untangles the Web by explaining how to use the Internet easily, effectively and inexpensively.

The Internet is an information database comprising protocol components. One is FTP, or "File Transfer Protocol." FTP enables users to transfer and retrieve programs or files between computers on the Internet. Files are downloaded — saved to a local computer — faster through FTP than from a Gopher or Web site.

Another component is Telnet, which lets users access a computer networked on the Internet at a remote site. Once logged onto the remote computer, a user can search that computer's system and software. Most libraries and universities offer Telnet access from their Web sites.

Gopher is a text-only, non-graphical (no pictures) Internet software front-end (an interface screen). Gopher allows users to find and retrieve documents or files on the Internet. With the advent of the Web, Gopher is

not used as regularly as before. Still, many Gopher sites accessible over the Internet contain valuable information.

The Web, the Internet's largest and most popular component, is a hypertext (linkable), graphical interface. The Web has dramatically increased awareness of and accessibility to Internet information. "Surfing the Net" means linking between Web sites through HTML, hypertext markup language.

LAW OFFICE TECHNOLOGY

BY GERALD LEOVITS
AND IAN M. SINGER

Users need to download browser software to navigate the Web. Two popular browsers are Netscape Navigator (<http://www.netscape.com>) and Microsoft Explorer (<http://www.microsoft.com>).

Using the Internet begins with accessing it. Either establish a dial-up account through an ISP (Internet Service Provider) or connect via an OSP (Online Service Provider). An ISP, such as AT&T or MCI, accesses the Internet only. Find an ISP by logging

onto <http://thelist.iworld.com/>. OSPs like America Online, CompuServe or Prodigy access the Internet and proprietary content unavailable to nonsubscribers.

Regardless which option you choose, you should pay no more than \$20 a month for unlimited access, not including local calls to get on the Internet and charges incurred at fee-based sites.

Attorneys can also opt for "turn-key" solutions. These include Internet access, E-mail and a browser for a flat monthly fee. Counsel Connect (<http://www.counselconnect.com>) and Brief Exchange Legal Network (<http://www.briefxchg.com>) are two such turnkeys. Both provide added-value on line services like access to proprietary discussion groups, so lawyers can communicate with one another in cyberspace, and links to law sites. Counsel Connect and Brief Exchange assist attorneys who prefer fast, up-to-date one-stop shopping.

Once access is established, the next step is to find information. Search engines include Alta Vista (<http://www.altavista.digital.com>), Excite (<http://www.excite.com>), Lycos (<http://www.lycos.com>) and Yahoo (<http://www.yahoo.com>). These free sites are excellent places to start researching facts about a client's case. Attorneys need not be experts, since search engine Web sites explain how to search. Entering queries as one does on Westlaw or Lexis works well on most engines, and using "bookmarks" to file and retrieve good sites reduces time spent on future projects.

Specific Information

For locating specific information, there are four comprehensive, and free, sites: Hieros Gamos (<http://www.hm.org>), FindLaw (<http://www.findlaw.com>), Catalaw (<http://www.catalaw.com>) and Law Journal Extra! (<http://www.ljx.com>).

Hieros Gamos provides practice group (criminal law, family law, etc.) information. It claims to be "the largest and only comprehensive legal site with over 15,000 original pages and more than 30,000 links." (Visited May 8, 1997.) This site also "contains information on more than 6,000 legal organizations and every government in the world."

FindLaw and Catalaw are legal-resource Web directories with internal search engines to simplify a search. Researchers rely on these sites mostly to locate links to other sites.

The Law Journal Extra! site is a good source of free information.

Continued on page 6, column 4

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ILLUSTRATION BY TOM LYNN

MANAGEMENT & TECHNOLOGY

Scores of Valuable Web Sites

Continued from page 5, column 3

Continuous Use

Through this site — <http://www.jlx.com/litigation> — litigators can retrieve recent court opinions and memos.

The House of Representatives Internet Law Library (<http://law.house.gov>) is an example of a Web site legal-resource content provider. Primary authority such as the Code of Federal Regulations (<http://law.house.gov/cfr.htm>) is available here for free. The Library of Congress site (<http://thomas.loc.gov>) has federal legislative information, with links to other resources. Most government agencies maintain free sites that contain legal information. The Securities and Exchange Commission's Web site (<http://www.sec.gov>), for example, offers recent SEC documents and access to EDGAR, the on-line filing system for publicly traded companies.

There is an enormous amount of free New York State information. The New York State Assembly Web site (<http://www.assembly.state.ny.us>) provides New York legislation. Through the Unified Court System site (<http://nyslgi.gen.ny.us/oca/>), attorneys have access to court rules, reference materials and the court library. Law schools, universities and libraries are leading and free Internet legal-resource providers. New York University (<http://www.nyu.edu/law/library>), Cornell (<http://law.cornell.edu>), Emory (<http://www.law.emory.edu>) and Villanova (<http://law.vill.edu>) law school Web sites offer many resources, from the U.S. Code and Rules, to federal and state decisions, to most state statutes. The New York Public Library (<http://www.nypl.org>) is on the Web and accessible through Telnet as well.

Web research is useful throughout a litigation. Assume that mediation or arbitration is called for. Rather than use a search engine, an attorney can visit Hieros Gamos and click on the "mediators" link to obtain a directory of ADR providers. Each listing gives the organization's name, address, phone and fax numbers and a contact. The directory also offers additional sources, such as links to other relevant Web sites and Telnet access to on-line commercial services like Lexis and Westlaw.

The Web is useful during the motion phase too. One site, The 'Lectric Law Library (<http://www.lectlaw.com/forma.htm>), provides forms covering the entire litigation process, from complaint through notice of appeal. Forms to download or print directly off this Web site elucidate what motions to file and how to draft them. In addition to the free sites listed above, fee-based sites are viable alternatives to the expensive Lexis and Westlaw databases. Versus Law (<http://www.versuslaw.com>) bills itself as "unyielding in [its] resolve to make primary legal sources available to those who need it... not just those who can afford it." (Visited May 9, 1997.)

Another fee-based site, LOIS (<http://www.pita.com>), the Law Office Information Systems, is "an electronic publisher of comprehensive state and federal law libraries on CD-ROM and the Internet." (Visited May 9, 1997.) Like Versus Law, LOIS offers flexible pricing options. Both services are far more expensive than Counsel Connect and Brief Exchange because the former are massive law libraries that compete with Westlaw and Lexis. Lexis-Nexis (<http://www.lexis-nexis.com>) also has a fee-based site com-

parable to its traditional on-line database. The most valuable aspect of fee-based sites is that they offer vast legal resources, including paginated citations.

The evolution of Web-based legal databases like Versus Law and LOIS proves that attorneys can no longer ignore the Internet. Litigators should realize that using Internet-based databases to conduct legal research is an accepted, growing practice. Familiarity with the Internet turns a lawyer into a lawyer's lawyer. There now is a way to cite to the Internet. See *The Bluebook: A Uniform System of Citation* Rule 17.3.3 (16th ed. 1996). The New York Law Journal site, for example, is (<http://www.nyjl.com>).

As the case moves to trial, the Internet remains indispensable. Many free, and fee-based Web sites aid in finding experts and consultants. Lawinfo.com (<http://www.lawinfo.com>) is a free legal-resource directory. Experts and consultants are listed by category and expertise, and links to their Web sites are accessible. The LERN Expert Witness Web Pages Search (<http://www.witness.net/expert-search/>) is another helpful and free searching-device service.

A good fee-based expert-witness database site is IDEX (<http://www.idex.com>), "a national network consisting of over 2,000 insurance companies, defense oriented law firms, corporations and government entities." (Visited May 9, 1997.) IDEX's site also sells electronic trial transcripts.

One free site listing jury consultants is Cyberjury (<http://www.cyberjury.com>). According to this site, "Cyberjury panels decide real cases. Cyberjury decisions are then used by the attorneys in the case to decide whether they should drop the case, try the case, or settle the case (and if so, for how much). In some instances, all of the parties in a case have agreed to be bound by the decision of Cyberjury." (Visited May 8, 1997.)

Several hard-copy publications, like *Legal online: Guiding Lawyers Along the Information Superhighway*, teach how to use the Internet and suggest which sites to visit. *The Internet Newsletter: Legal & Business Aspects*, from Leader Publications, is an excellent source for attorneys.

E-Mail

Although this article has focused mainly on the Web, E-mail is arguably the most valuable component of the Internet. E-mail saves time and money. If the recipient of intended correspondence has E-mail, the attorney can transmit a document instantaneously. Security is an issue, as is protecting confidentiality. Even so, E-mail is transforming how attorneys interact with clients, adversaries and the courts.

Recent laws demonstrate the federal courts' commitment to Internet technology. One change, effective December 1, 1996, amends Fed. R. Civ. P. 5(e) to allow E-mail filing if approved by local rules. Only a few districts have tried electronic filing. But the experience may lead to further changes in the federal rules.

All litigators should regard the Internet as an enormous, simple and inexpensive resource. If billing is an issue, software products such as Equitrac (<http://www.equitrac.com>) let attorneys track their time. Litigators who establish an Internet connection will quickly discover how to use the Net for nearly every aspect of their next case.