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Testing the Limits of WestlawNext

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Testing the Limits of WestlawNext

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Law students in Advanced Legal Research courses at two law schools completed a series of exercises designed to explore several discrete aspects of WestlawNext. Professor Peoples reports the results of this study concerning the impact of WestlawNext’s pricing model, user interface, and search algorithm on research results. The article concludes with suggestions for improvement to WestlawNext and a call for librarians to become more involved in training students to use WestlawNext.

KEYWORDS computer assisted legal research, databases, research habits of law students, Westlaw

INTRODUCTION

It is hard to imagine a computer-assisted legal research (CALR) product that has caused as much of a stir as WestlawNext. The product reportedly took five years to develop at a cost of more than $1 billion.¹ WestlawNext has been adopted by more than 35,000 organizations, and most law schools have provided their students with access to WestlawNext.² Thomson Reuters, Westlaw’s parent company, has indicated that it eventually plans to phase out classic Westlaw and only offer the WestlawNext platform.

WestlawNext is a dramatic departure from the classic Westlaw. Researchers are no longer required to choose a specific database or use terms and connectors search logic. Instead, researchers simply enter the text of a query into a simple Google-style search box. WestlawNext is more than simply a new interface to existing Westlaw content. WestlawNext is “powered” by an advanced search algorithm called WestSearch. WestSearch examines

¹ The author thanks Ron Wheeler for his help and collaboration on this project. Any errors or omissions in this article are the author’s sole responsibility. This article is dedicated to Emma and Amelia.

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all searches run by all nonacademic WestlawNext users. The most popular searches and search results are given preference in the algorithm and appear higher in search results.

The launch of WestlawNext was preceded by an impressive public relations and marketing campaign. To build up excitement about the product at the grassroots level, well-known legal bloggers were invited to West headquarters in Eagan, Minn., for a sneak peak of what WestlawNext had to offer. Lawyers, librarians, and others interested in CALR earnestly read the blog posts about WestlawNext. Most of the reports were glowing accounts of how WestlawNext would transform legal research. Several bloggers raised some important concerns about WestlawNext including the downplaying of secondary sources and weakening students’ understanding of the sources of law.3

A more thorough analysis of WestlawNext came one year after the product’s launch in an article titled, “Does WestlawNext Really Change Everything? The Implications of WestlawNext on Legal Research,” by Professor Ronald E. Wheeler.4 In the article, Wheeler explores the impact of WestlawNext’s search algorithm, source selection, and pricing on the research process. The article concludes with a call for more study and research.

This article answers Professor Wheeler’s call for additional research into the potential impact of WestlawNext on the research process. Students in two Advanced Legal Research courses were the subjects in a study designed to examine several discrete aspects of WestlawNext. During the Fall 2011 semester, fifteen students enrolled in the Advanced Legal Research course at Oklahoma City University School of Law (hereinafter “OCU”) and five students enrolled in Advanced Legal Research at the University of San Francisco School of Law (hereinafter “USF”) participated in the study.5

Students received in-class training on WestlawNext before participating in the study. The training included navigating the WestlawNext interface, choosing a database, basic and advanced search techniques, using terms and connectors, working with search results, and cost-saving strategies.6 Students participated in the study by completing research exercises using both classic Westlaw and WestlawNext. Students were given seven days to complete the exercises. They were permitted to contact their professor for assistance with the exercises but were not allowed to seek assistance from other students in the class.

Students’ performance on the exercises is discussed in the following sections of this article. “Finding Esoteric Content Using WestlawNext” explores the question of whether WestlawNext’s search algorithm hides esoteric content. “WestlawNext Hinders Students’ Understanding of the Sources of Legal Information” considers the impact of not requiring a researcher to select a specific database in WestlawNext at the outset of the research process. “The Pricing Structure of WestlawNext Has a Chilling Effect on the Comprehensiveness of Research” examines the chilling effect of WestlawNext’s pricing...
structure on the thoroughness and completeness of legal research. “WestlawNext and the Current Generation of Law Students, A Perfect Storm” demonstrates how WestlawNext contributes to overconfidence in CALR search results. The article concludes with a discussion of WestlawNext’s potential impact on the future development of the law. Suggestions for improvements to WestlawNext are offered along with specific steps librarians can take to improve their patrons’ abilities to use WestlawNext.

FINDING ESOTERIC CONTENT USING WESTLAWNEXT

In developing WestlawNext, Thomson Reuters created a sophisticated search engine called WestSearch. Thomson Reuters will not divulge every detail of how WestSearch works, but the company has explained how it functions in general terms. The algorithms behind WestSearch rely on West’s “editorial enhancements, things like the Key Number System, KeyCite, Headnotes, Statutes Notes of Decisions, and the language correlations we have in our proprietary indices.”

Borrowing from the practices of Google and other search engines, the algorithms are influenced by customer usage patterns. The usage patterns are derived from watching what WestlawNext users do with search results. WestSearch takes actions like “‘print,’ ‘save,’ ‘folder,’ and ‘view’ that a searcher performs and logs that information for future reference.” These actions are used to shape future search results. Items are ranked higher or lower in WestlawNext search results depending on how frequently they are printed, saved, viewed, or placed in a folder.

Relying on customer usage patterns to shape search results should make it easier for WestlawNext users to find items that the majority of other WestlawNext users have found. But it is not clear whether customer usage patterns make it harder to find less popular items in the WestlawNext database. In his recent article, Ronald E. Wheeler questioned what affect customer usage patterns may have on finding esoteric content. Wheeler raises this concern in the context of academic researchers who are often searching for items that are not popular or have not been viewed or printed by other WestlawNext users. “WestlawNext’s search algorithm may rank seldom-viewed documents lower than frequently viewed documents, which may require the user to scroll down significantly to locate such items. Perhaps these esoteric items will not display at all.”

Clearly, this concern is valid given legal academics’ proclivity to research and write about new and innovative topics. But academics are not the only WestlawNext researchers who should be concerned about the potential for esoteric content to be hard to find or invisible in WestlawNext. Practitioners sometimes research obscure legal issues, trace the development of a doctrine over time, or craft arguments about an arcane legal issue and should be concerned about their ability to discover this information on WestlawNext.
A few months after the publication of Wheeler’s article, Mike Dahn, senior vice president for marketing and new initiative development at Thomson Reuters, responded directly to Wheeler’s claims that WestlawNext could make less popular information more difficult to find in an interview posted on a blog. Dahn explained that when developing WestSearch, their team of “PhD scientists . . . painstakingly analyzed thousands of results through many iterations” and specifically accounted for rare terms. To deal with “some remaining issues regarding [finding] current documents and the snowball effects of popularity,” they “reduced the weight of the customer usage in algorithms, and . . . increased the threshold for when the usage patterns would be considered.” Dahn also declined to reveal “special accommodations for date and other factors.” This explanation is plausible but does not provide any concrete examples of the “remaining issues” that his team worked to troubleshoot. Essentially, Dahn asks WestlawNext users to take his word for it that the problems have been fixed.

An exercise was developed to explore whether WestlawNext makes esoteric legal content that is relevant to practitioners more difficult to locate. The exercise is based on an article appearing in a newsletter published by a prominent Oklahoma City personal injury law firm. The article explains the historical development of the tort of intentional infliction of emotional distress (IIED) in Oklahoma through a discussion of several important Oklahoma Supreme Court cases dating from 1924 to 1986. The author of the article is a seasoned practitioner who has confined her practice to research and writing for more than twenty-five years. She confirmed that the historical development of IIED was a real-life research question she faced in recent litigation.

Students completed the following exercise:

In the 1970s, the Oklahoma Supreme Court took steps toward recognizing the tort of Intentional Infliction of Emotional Distress. You are researching the early development of this tort in Oklahoma law. A suggested search is ‘intentional infliction’ ‘emotional distress.’ This search is suggested because some courts may have discussed the tort without calling it by the complete name.

Students were instructed to run a terms and connectors search in the Classic Westlaw database of Oklahoma state case law. They were asked to list the total number of cases retrieved, the total number of cases from the 1970s, and citations to cases from the 1970s. Next, students were asked to run the same search in the Oklahoma state case law database on WestlawNext and to list their results as they did with the classic Westlaw results. Finally, students were instructed to read the synopsis of any cases from the 1970s that appeared in their classic Westlaw results but not in their WestlawNext
results and to explain how any missing cases changed their understanding of the development of the tort of IIED in 1970s Oklahoma law.

All students found 239 Oklahoma IIED cases using a terms and connectors search in classic Westlaw and found 9 cases from the 1970s. Thirteen students found 139 total Oklahoma IIED cases using WestlawNext and 5 cases from the 1970s.\textsuperscript{17}

A total of four 1970s IIED cases were missing from the students’ WestlawNext search results but were found in their classic Westlaw search results.\textsuperscript{18} The most significant case missing from the WestlawNext search results is \textit{Dean v. Chapman}.\textsuperscript{19} This was the first case to recognize the separate tort cause of action for IIED in Oklahoma, and it quotes extensively from the relevant provisions of the \textit{Restatement of Torts (Second)}.\textsuperscript{20} In \textit{Dean}, the court acknowledged that a separate cause of action for IIED could be brought where “the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious, and utterly intolerable in a civilized community.”\textsuperscript{21}

Students commented that the 1970s IIED cases they located using classic Westlaw but missed with WestlawNext were important to their understanding of the development of the concept in Oklahoma law. Students specifically discussed several of the cases. One student responded that:

these cases helped me understand what a plaintiff must state in her petition in order to have a cause of action. Plaintiff must state sufficient facts to constitute willful wrong of such character that mental suffering was recognized as a natural and proximate result of such wrong. None of the WestlawNext cases gave me this.

Another student replied “the Vernon case touches on the topic and in that case the evidence supported the finding that the claimant did not suffer an injury. \textit{Dean} helped with the understanding of the cause of action of mental anguish and provided a clean statement of the rule.”

Some students characterized the impact of the missing cases on their understanding in more general terms:

The missing cases seemed to say it was harder to get favorable judgment in IIED cases and seemed to show the burden on the plaintiff was high.

The missing cases presented a variety of fact patterns that didn’t amount to a cause of action. Thus, a WestlawNext researcher would miss many of the law’s limitations.

Another student responded, “The cases omitted from the WestlawNext results seem to have a more comprehensive explanation of what IIED is.
They also did a better job of explaining what the claim will have to have to succeed.”

A basic explanation of why the important 1970s IIED cases were missing from the WestlawNext search results could be because quotation marks are not recognized by default in the WestlawNext basic search field. A suggested search given to students was “‘intentional infliction’ ‘emotional distress.’” In a terms and connectors search in classic Westlaw, the quotes will be recognized and a phrase search will be triggered. Researchers using WestlawNext must take additional steps to force WestlawNext to recognize quotation marks entered in the basic search field. The four missing 1970s cases are retrieved in WestlawNext if an advanced search is used. But apparently none of the students performed an advanced search despite receiving training on how to do so. The failure of the students to perform advanced searches in WestlawNext can be explained by the confusing claims made by Westlaw about WestlawNext’s ability to recognize Boolean search commands. These confusing claims are explored in more detail in the next section.

The 1970s IIED cases that students found with classic Westlaw searches but missed when using WestlawNext are important cases in the development of the tort in Oklahoma law. Putting aside the simple explanation that the cases did not appear because WestlawNext did not recognize quotation marks in the basic search field, the search engine behind WestlawNext should have picked up these important cases and included them in the search results. Another possible explanation of why the cases did not appear is that the missing cases were from the 1970s and may not have been viewed, printed, or saved to a folder as frequently as more recent cases. The absence of these important cases from the students’ WestlawNext search results lends some credence to the claims that esoteric or less popular documents do not appear in WestlawNext search results. However, without access to WestlawNext’s proprietary search algorithms or server logs, these claims will likely never be substantiated.

The Basic WestlawNext Search Field Should Recognize All Terms and Connectors Commands

Users have complained about WestlawNext’s inability to recognize quotation marks in the basic search field for more than one year since the product’s release. Confusion still exists among users over which Boolean search commands work in the basic search field of WestlawNext. A call to WestlawNext technical support elicited the response that “sometimes the quotes work in the basic search field, other times they don’t.” Another common complaint is that the frequently used connector “&” is not recognized in the basic search field of WestlawNext.
Confusion over how basic Boolean search commands are recognized in WestlawNext is understandable given the inconsistent statements appearing in Thomson Reuters’s marketing materials and training documents. In several full-color glossy brochures, users are instructed: “In a simple search box, just enter your query in simple descriptive words, Terms and Connectors, or even a citation. WestSearch automatically recognizes your search format.” Performing a terms and connectors search in the basic search field of WestlawNext is not as simple as the marketing materials make it sound. A more complete explanation of the steps required to force WestlawNext to recognize certain terms and connectors in the basic search field is found in the WestlawNext Quick Guide for Academic Professionals:

A search is processed as a Terms and Connectors search if it includes a grammatical, numerical, or BUT NOT connector; a root expander or universal character; or a field restriction. However, a search is processed as a descriptive terms search if it includes only AND or OR connectors or phrases in quotation marks, e.g., “fraudulent transfer” & contract. To process it as a Terms and Connectors search, include a grammatical, numerical, or BUT NOT connector, e.g., fraudulent +1 transfer & contract; a root expander or universal character; or a field restriction. Or use the advanced search page.

The following question was developed to explore students’ understanding of how terms and connectors work in WestlawNext searches. Students were informed in a training session prior to completing the exercises that WestlawNext does not recognize quotations and the “&” commands by default in the basic search field. The additional steps needed to make these commands work were explained to the students. After receiving this training, students completed the following exercise:

Let's say you've been asked to research the question, ‘When must a manufacturer disclose the side effects of a drug?’ A typical terms and connectors search you might run to locate cases discussing this issue is: manufacturer & disclose & drug & ‘side effects’

(a) Select the databases of Oklahoma cases and all federal cases in the search box at the top of the page in WestlawNext. Run the terms and connectors search listed above. How many cases did your search return?

(b) In classic Westlaw, run the identical terms and connectors search in the databases OK-CS; ALLFEDS. How many cases did your search return?

(c) If your searches on WestlawNext and classic Westlaw returned a different number of results can you explain the difference?

The majority of students found 124 cases using WestlawNext and 484 cases using classic Westlaw. Eight students attributed the basic difference
in the number of cases retrieved to the fact that WestlawNext does not recognize terms and connectors in the same way that classic Westlaw does. Several answers revealed that students were not satisfied with the basic explanation and had thought more deeply about why the results were drastically different. One student replied, “I thought that WestlawNext could retrieve more results because you told us that the main search bar does not recognize the ‘&’ symbol. I don’t know, this is strange.” Another student admitted she could not explain the difference in the number of cases retrieved and had “originally guessed that I would have more results with WestlawNext because it uses natural language searching as well. I was wrong.” One student speculated that “WestlawNext uses different searching methods based on expert usage and relevancy of topics returned. Therefore the WestlawNext algorithm seemed to have a narrowing or restricting effect on the documents returned.”

The students’ experiences retrieving fewer cases with WestlawNext than with classic Westlaw are in line with a previous experiment conducted by Ronald E. Wheeler. Wheeler ran identical searches in WestlawNext and classic Westlaw in identical case law databases for the terms: abortion trimester constitutional. He reported finding more than 2.5 times more cases using classic Westlaw than when using WestlawNext. 29

Despite repeated requests from users for WestlawNext to recognize all basic terms and connectors commands in the basic search field, Thomson Reuters has not taken action. 30 An obvious warning or explanation could easily be added near the basic search field on WestlawNext. At the very least, users should be notified if they enter a terms and connectors command in the basic WestlawNext search field that is not recognized. A warning could be returned with search results similar to the “Did you mean . . . ” notification that appears when the Westlaw spell check feature is triggered. In light of the marketing claims that WestlawNext recognizes terms and connectors commands in the basic search field, many WestlawNext users may be unaware that some commands are ignored.

Mike Dahn of Thomson Reuters recently addressed concerns about WestlawNext in a series of blog posts. According to Dahn, users should not expect to see the basic WestlawNext search field recognize a phrase search (quotations) because doing so “would interfere with helping researchers get to relevant documents that use alternate phrases that have the same meaning—a significant benefit of WestSearch.” 31 Dahn mentioned that his team has considered and ultimately rejected the idea of modifying the WestlawNext interface to allow users to enter terms and connectors and natural language searches like they do in classic Westlaw. Dahn hinted that in the future, WestlawNext may offer users the ability to set terms and connectors as the default search for WestlawNext. 32
WESTLAWNEXT HINDERS STUDENTS’ UNDERSTANDING OF THE SOURCES OF LEGAL INFORMATION

One of the most fundamental differences between classic Westlaw and WestlawNext is the ability to search WestlawNext without first selecting a database. Selecting a specific database or combination of databases is the first step users take when using classic Westlaw. In contrast, WestlawNext users begin searching without selecting any database. WestlawNext does allow users to limit their searches by jurisdiction or by broad swaths of material types.

Thomson Reuters recently commissioned a “study” to compare classic Westlaw and WestlawNext. One of the key findings of this study was that “research performed using WestlawNext produced accurate results in approximately 64% less time overall than it took to complete the same research assignment using standard Westlaw.” One participant is quoted as observing the advantage of WestlawNext “in the ease of selecting jurisdictions and then source types (as opposed to having to deal with databases).” The claim that WestlawNext returns more relevant results in less time by not forcing users to track down the right database is repeatedly made in marketing materials for WestlawNext.

Abandoning the selection of a source at the beginning of the research process is a radical departure from the traditional methodology of legal research. This change is cast in a positive light in Thomson Reuters’ promotional materials but has been viewed less favorably by critics of WestlawNext. Wheeler sees several potential problems in not requiring researchers to select a source prior to searching. These problems include ignorance of important jurisdictional issues, the inability to tailor searches to particular types of content, inefficiency in time spent pouring through irrelevant results, and ultimately a lack of knowledge of the overall structure of the law.

The leading current and historical texts on legal research unanimously agree that source selection is a fundamental and important step in the legal research process. Wheeler is not alone in his critique of WestlawNext on this point. Commentators have expressed concern over the weakening of younger researchers’ search strategies “as they lose any understanding of the sources that compose the legal canon.” Another early reviewer of WestlawNext concluded that WestlawNext users “must have a strong understanding of the types of sources WestSearch encompasses in order to effectively manage their results.”

The following exercise was designed to evaluate the impact of not requiring a researcher to select a specific database in WestlawNext at the outset of the research process:
Your law firm has accepted a nursing home negligence case. The jurisdiction is Oklahoma. One of the issues in the case is whether the nursing home followed proper recordkeeping requirements and procedures for its residents. You have been tasked with locating the applicable Oklahoma law on nursing home recordkeeping. Using WestlawNext, locate the applicable Oklahoma law on nursing home recordkeeping requirements and procedures.

Follow-up questions asked students to provide a citation to the applicable law, state the form of the law (case law, statute, or administrative regulation), explain how they located the applicable law, and describe any difficulties they encountered in locating the law.

In Oklahoma, nursing home recordkeeping requirements and procedures for resident records are governed by administrative regulations promulgated by the Oklahoma State Department of Health. A search in WestlawNext for Oklahoma nursing home resident records returns approximately 7,300 results. Case law applying the requirements, the relevant administrative regulations, and the statute enabling the State Health Department to enact the administrative regulations were all located within the 7,300 results returned by WestlawNext.

Overall, students performed poorly on this question. Only three students correctly identified the form of the law, an administrative regulation found in the Oklahoma Administrative Code. No student correctly identified the specific administrative regulations covering resident clinical records and incident reports.

The results provide some evidence to support the contention that not requiring a researcher to select a database has a detrimental impact on that researcher’s knowledge of the underlying sources of law. The three students who correctly identified the Oklahoma Administrative Code as the correct form of the law indicated that they performed advanced searches and limited their search to the Oklahoma Administrative Code. One of the three students said, “WestlawNext was not intuitive and was hard to navigate... I had to resort to the table of contents to make sense (of the search results).”

The majority of the students incorrectly identified the form of the law. These students indicated that they either did not limit their searches in any way or only limited their searches to Oklahoma law. The results clearly indicate that students who limited their searches as much as possible on WestlawNext were more likely to correctly identify the form of the applicable law compared with students who performed wide-open Google-style searches across all databases. Students who did not limit their searches and instead drank from the fire hose of the 7,300 results returned by WestlawNext performed poorly in answering the question.

Although the question clearly instructs the students to locate the applicable Oklahoma law, two students incorrectly listed federal regulations...
as the applicable law. Wheeler warned of this as a potential “disastrous” consequence of researchers throwing search terms into WestlawNext without thinking of jurisdictional questions. The students who incorrectly listed the federal regulations as the applicable law indicated that they did not limit their searches in any way. Had they limited their searches to the correct jurisdiction, they would not have committed such glaring errors.

**THE PRICING STRUCTURE OF WESTLAWNEXT HAS A CHILLING EFFECT ON THE COMPREHENSIVENESS OF RESEARCH**

WestlawNext purportedly took five years to develop at a cost of more than $1 billion. The pricing structure of WestlawNext reveals that Thomson Reuters is seeking to recoup the substantial development costs directly from users. The company released a brochure titled “WestlawNext Pricing Guide for Commercial Plans” in February of 2010. This guide is the only publicly available source of information that exists about WestlawNext pricing.

According to the WestlawNext pricing guide, each individual search costs $60. This $60 charge applies on top of any existing underlying Westlaw subscription charges. Researchers are charged additional fees beyond the $60-per-search fee if they click on any documents that appear in their search results. These fees range from $13 for viewing a single federal case, $25 for viewing a single federal statute, $46 for viewing a single secondary source, to as high as $250 for viewing a Fifty-State Survey.

Following the release of the pricing guide, a Westlaw account representative has confirmed that WestlawNext packages have been developed for solo and small firms ranging in price from $120 to $1,500 per month. Anecdotal evidence suggests that Thomson Reuters is open to price negotiations for WestlawNext. The results of these negotiations are a closely guarded secret as customers are required to not disclose the specific subscription terms of their access to WestlawNext.

The pricing structure of WestlawNext could have a chilling effect on the thoroughness and completeness of research conducted using WestlawNext. By charging users additional fees each time they click on a document to read it, WestlawNext discourages researchers from freely opening and reading documents returned in search results. Perusing the documents retrieved from a search of an online database “is one of the leading ways that attorneys and other researchers gather information.” One law firm librarian explained that at her firm, “it isn’t unusual for an attorney to scan 40 or 50 cases at a time to get the total picture.” According to this law firm librarian, “the WestlawNext pricing structure penalizes this kind of exhaustive research by charging for each result viewed, while the Westlaw classic model supports it.”
Students completed the following exercise designed to explore whether the pricing structure of WestlawNext had any effect on the comprehensiveness or completeness of research:

In a case that your firm is litigating in federal court, it has become necessary to raise an issue of foreign law. You are handling research on the case and have been assigned to locate the following materials on raising issues of foreign law:

1. Any relevant Federal Rule of Civil Procedure
2. Three recent relevant federal cases
3. An explanation of any relevant Federal Rule of Civil Procedure in an authoritative treatise on federal civil procedure

The client has a limited research budget and has instructed you to try and spend no more than $100 on actual research costs on this issue (not including your time).

Students first completed this research using WestlawNext. They tracked their research costs using a spreadsheet. Students were told that each WestlawNext search cost $60.55. Each state or federal case viewed cost an additional $13, each federal statute viewed cost an additional $25, and each secondary source viewed cost an additional $46. Students were next instructed to answer the same questions using classic Westlaw and were told that their firm was under a flat-fee classic Westlaw plan. Under the flat-fee plan, searches of case law and statutes did not incur additional charges. Searching secondary sources would cost $86 for Wright and Miller’s Federal Practice and Procedure and $100 for other secondary sources. No additional charges would be incurred for viewing secondary sources. Finally, students were asked if the pricing structure of WestlawNext or Classic Westlaw impacted their research, and if so, how.

All but one student located the correct answers using WestlawNext. The amount students’ spent using WestlawNext ranged from $73 to $375. The average amount spent was $145. The majority of students reported that the pricing structure of WestlawNext curtailed the scope of their research. One student reported feeling “pressure to have pinpoint search terms and only view documents that would for sure be helpful. WestlawNext pricing seems that it would make the researcher stop his search quicker and be satisfied more easily with results due to the cost which could impact the result for the client.”

Another student “was worried about the cost, I almost felt less effective and ended up spending more than I even worried I would. Because every single click or search cost, I felt trapped once I started down a certain path.” Another student admitted that he was not so “click happy” in WestlawNext
and did not view any documents because doing so would have exceeded the client’s budget.

Only one student responded that the pricing structure of WestlawNext did not affect her research. This student added, “I didn’t click on any treatises or cases, I just got the citations.” Her response begs the question of whether the student had any confidence in the results being correct, comprehensive, or complete. This type of research is sloppy at best and at worst could amount to malpractice. It would be reckless for lawyers to decide to cite to authority after scanning the few lines of text that appear in a WestlawNext search result.

The majority of students reported that the pricing structure of classic Westlaw did not have an impact on their research. All students were able to correctly answer the questions using classic Westlaw. The amount spent ranged from $0 to $100 and averaged $65. Students said they felt “a lot less pressure”; “I researched as I pleased”; and “It was a lot more relaxed.” One student reported feeling the same limitations in classic Westlaw as she felt in WestlawNext. Another student found the classic Westlaw interface to be very confusing and more time-consuming than WestlawNext.

The students’ narrative responses demonstrate that the pricing structure of WestlawNext had a chilling effect on the completeness and thoroughness of their research. The pricing structure of WestlawNext does not encourage clicking and browsing through results. It encourages researchers to run fewer searches, to open fewer documents, and to make snap decisions about the relevance of a source after viewing only a citation or brief preview of the source.

Mike Dahn of Thomson Reuters responded to claims that the pricing structure of WestlawNext could have a chilling effect on the comprehensiveness or completeness of searches conducted using WestlawNext. Dahn responded specifically to claims made in Wheeler’s article where the WestlawNext Pricing Guide for Commercial Plans was discussed. He admitted that “it’s certainly possible that this pricing discourages some browsing.” But Dahn went on to qualify his answer saying that the pricing model only applies to a “minority of our customers.” Unfortunately, researchers and consumers have no way to test the veracity of Dahn’s statement that the pricing guide model applies to only a minority of WestlawNext customers. The pricing guide is the only publicly available pricing information for WestlawNext. The status quo will continue unless and until Thomson Reuters releases more details on the pricing of WestlawNext or lifts the draconian confidentiality clauses prohibiting disclosure of the prices law firms are able to negotiate for access to WestlawNext.

Dahn has offered two additional responses to the claims that WestlawNext chills the completeness of research. The first is that a search in WestlawNext searches across all databases, not just databases included in a
researcher’s individual plan. Researchers are not charged extra for searching across all databases. Additional charges are only incurred for documents viewed. Thomson Reuters calls this concept “one search box with one search price.” Dahn commented that “you will pay for what you find to be valuable, not for what you hope will prove valuable.” Admittedly, it is helpful to search across multiple sources at once. But researchers cannot know if a source will be “valuable” simply by viewing the source’s citation and a few sentences of text displayed in their search results. The most relevant and carefully tailored list of search results is useless to researchers who are too afraid to open them because of the exorbitant bill they will receive.

Dahn’s second response is that WestlawNext does not chill research because it shows a larger document preview than classic Westlaw does. According to Dahn, customers can “browse previews of content outside of their subscription plan all day long without incurring additional charges. This not only encourages browsing, but it tends to reduce out-of-plan costs.” Obviously, Dahn defines browsing as reviewing document previews and not entire documents. Most researchers would define browsing as skimming through the entire text of documents retrieved from a search.

The students’ narrative comments reveal that many of them were not content with simply viewing the citations and previews of documents displayed in WestlawNext. The students felt that their research was constrained by the extra charges they would incur to view the entire document. The one student who reported that the pricing structure did not impact her research admitted to not having reviewed the full text of the documents retrieved and reviewing only the citations to those documents. Citing a source of law after only viewing its citation or a few sentences of text is a reckless and dangerous way to conduct legal research.

Today’s law students routinely use search engines to locate legal and nonlegal information. Search engines like Google encourage clicking through multiple links to discover the most relevant results. Most law students are not aware of WestlawNext’s pricing structure and quickly become accustomed to clicking on results at will. Marketing materials and vendor training encourage students to apply this “Google-style” searching to legal research using WestlawNext. If students continue to use WestlawNext in this manner once employed, they are likely to run up a massive bill using WestlawNext. This scenario could prove to be very profitable for Thomson Reuters.

LexisNexis, Westlaw’s biggest competitor, recently released Lexis Advance. Lexis Advance shares many characteristics with WestlawNext including a single “Google-style” search box and the de-emphasis of source selection. The pricing model for Lexis Advance for solos is radically different from WestlawNext’s pricing. Lexis Advance solo practitioners pay a single monthly flat fee of $175 with no additional charges incurred per search or per document viewed. This pricing structure does not penalize
researchers for browsing through and clicking on documents retrieved in search results. Lexis Advance’s pricing structure should not have a chilling effect on research and could give the product a competitive advantage over WestlawNext.

WESTLAWNEXT AND THE CURRENT GENERATION OF LAW STUDENTS, A PERFECT STORM

The current cohort of law students are known as the “Millennium” generation. Born between 1982 and 2000, they grew up using computers and are comfortable with technology. In their minds they are efficient at multitasking and are technologically savvy but can also be impatient and expect instant gratification. Members of this generation were “born into an information-overload culture [that] has instilled in many students a sort of passive approach to information.” Research has discovered that these students arrive at law school unprepared to conduct legal research and unaware that they will need to take steps to learn how to excel at legal research. Unfortunately, some students graduate without having acquired the requisite legal research skills that legal employers expect.

Google is the search engine of choice for 78 percent of law students. Some students use Google to conduct legal research. Google can also be faulted for instilling the belief that all legal research questions can be easily answered by typing a simple query into a search box. This “Google approach” has been criticized for oversimplifying the research process and for producing researchers who can find information but who do not know what to do with the information that has been located.

It is no accident that WestlawNext has been dubbed “Google for Lawyers.” In developing WestlawNext, Thomson Reuters learned that “many users expect to find their best material in the first three to five results and often will not look beyond that set of results.” WestSearch, the search technology powering WestlawNext, was deliberately designed “to align with this style of research.” Marketing materials promoted WestlawNext as a simple and easy-to-use interface that excels at finding the needle in a haystack. In one marketing video, the chief technology officer of Thomson Reuters explains, “One page from one jurisdiction may be exactly what that attorney is looking for that allows them to win the case. And, if they can’t find it, you haven’t done your job.” Advertising for WestlawNext does not mention the complexities of legal research, the importance of understanding the sources of legal information, or the need for context when interpreting search results. It is easy to understand why WestlawNext is attractive to Millennials given their research proclivities and the marketing campaign surrounding the release of WestlawNext.
WestlawNext Contributes to False Confidence

False confidence in CALR is not a new phenomenon. Decades’ worth of studies have demonstrated that researchers using electronic sources often stop searching too soon and quickly develop unfounded confidence in their abilities.76 In 2005, I reported the results of my research on students’ abilities to use the print and electronic digest systems.77 In that study, I found that students exhibited a high degree of confidence in their ability to conduct terms and connectors searches but performed poorly in exercises testing their abilities in terms and connectors searching.

Recent survey results show that overconfidence in CALR shows no signs of abating and may actually be getting worse. A recent survey of law school Millennials revealed that 71 percent rated their research skills as “good, very good, or excellent when compared to their peers, even though a large percentage of those responding were unclear about the mechanics of the research process.”78 Critics worry that the Googlesque feel of WestlawNext “will only reinforce unwarranted notions of comfort and competence.”79

Students’ responses to the subjective questions accompanying the exercises demonstrate that WestlawNext contributes to a false sense of overconfidence in research results. The final question students were asked after searching for the applicable Oklahoma law on nursing home recordkeeping was, “Did you have any difficulty in locating the law? If so, explain.”

Seven students expressed a high degree of confidence in their ability to locate the applicable Oklahoma law on nursing home recordkeeping. Interestingly, six out of the seven students who expressed a high level of confidence in their search results did not come anywhere close to identifying the correct answer to the question. They cited a statute as the source of law for nursing home recordkeeping in Oklahoma. The correct source is found in an administrative regulation. Their narrative comments exude false confidence: “I wrote down the first thing that popped up,” or “No [I did not have difficulty locating the answer], I routinely conduct online legal research so I used the same method in WestlawNext.” These answers are not surprising given the marketing campaign surrounding WestlawNext, which claimed that WestlawNext “allows legal researchers to accomplish research fast but without any loss of confidence.”80

WESTLAWNEXT AND THE FUTURE DEVELOPMENT OF THE LAW

WestlawNext is a relatively new product and has only been in use for more than one year. It represents a groundbreaking development in the world of legal information despite its limitations. The product’s numerous innovations have sent competitors scrambling to catch up. LexisNexis, Westlaw’s biggest competitor, recently launched Lexis Advance, which offers users a search...
experience similar to WestlawNext in many respects. The legal information market will undoubtedly see many more products similar to WestlawNext in the coming years.

Turning over control of significant details of the research process to unknown algorithms will likely have an impact on the future development of the law. Scholars have been exploring the impact of electronic legal information systems on legal research and the law since the advent of CALR in the 1970s.\textsuperscript{81} Turning over more steps of the research process to machines “makes the human who is doing the search one level further removed from the process.”\textsuperscript{82}

The most obvious potential impact of WestlawNext on the development of the law is making esoteric or less searched-for information invisible. The invisibility of early Oklahoma IIED cases in students’ WestlawNext search results is a prime example of the potential dangers looming ahead. Esoteric or infrequently searched-for bits of legal information are often very important to lawyers. When advocating for their clients, lawyers often argue for new or innovative applications of existing law. This work often occurs in the grey areas and fringes of existing law. Support for novel and innovative theories can sometimes be found in arcane doctrines and infrequently utilized cases or statutes. Lawyers must first be able to find this arcane information before advancing novel theories on behalf of clients. As Barbara Bintliff eloquently put it, “Urging a change in the law’s application, pushing the envelope, is difficult when you haven’t even found the envelope.”\textsuperscript{83} Finding “the edge of the envelope” may become more difficult or impossible if esoteric or infrequently searched-for information is hidden by a search engine. According to one seasoned appellate lawyer, “Many times, the old, old cases—when judges wrote lengthy opinions—have some nuggets. I would hate to think I’m not getting every case on a particular subject. I can narrow down my research, but I don’t want Westlaw doing it for me!”\textsuperscript{84}

Students’ performance on the Oklahoma IIED question demonstrates that WestlawNext has the potential to exclude some important documents from its list of search results when compared with classic Westlaw. This phenomenon should be examined more closely. If WestlawNext routinely excludes important but arcane or esoteric documents from its search results, it could make lawyers’ work more difficult. Many legal academics spend considerable time researching the arcane and esoteric and should similarly be concerned with this phenomenon.\textsuperscript{85} The development, expansion, and improvement of the law could be stifled if arcane or esoteric legal documents are not easily discoverable.

The pricing structure of WestlawNext has the potential to impact the quality of legal advice that lawyers provide to their clients. The students’ comments demonstrated that the high cost of running searches combined with the additional charges imposed for viewing complete documents has a chilling effect on the completeness and thoroughness of legal research.
performed using WestlawNext. Rendering legal advice based on reading a short preview of documents that appear in a WestlawNext search result could have disastrous consequences for clients and could amount to legal malpractice. Lawyers who use WestlawNext must develop cost-efficient research strategies to avoid the chilling effects of WestlawNext’s pricing structure.

THE LEARNED INTERMEDIARIES OF LEGAL INFORMATION

WestlawNext is a remarkable product that has changed the game of legal research in many respects. It is not without shortcomings as demonstrated by the experiences of the students described above. Thomson Reuters could take several immediate steps to improve WestlawNext. Including complete scope note information for all sources in WestlawNext would improve the search experience by giving researchers more accurate information about what they are searching. Allowing the most popular terms and connectors commands, “&,” “OR,” and quotation marks, to work in the basic search field would help researchers who may mistakenly believe these commands are recognized when in fact they are not. If these basic commands cannot be made to work in the basic search field, a warning should be given before or after a researcher runs a search using them. Tweaking search algorithms to ensure that esoteric or less popular legal information is not hidden from search results would help lawyers and academics researching obscure or arcane legal doctrines. Giving researchers more control over source selection could improve search results and contribute to a better understanding of legal sources. Finally, reducing the cost of WestlawNext would curb the chilling effect caused by the current pricing structure and would help make research results more complete and comprehensive.

Some of these ideas have been suggested to Thomson Reuters in recent months. Mike Dahn responded to many of them in a series of detailed blog posts explaining the development, design, and operation of WestlawNext. In his concluding remarks, Dahn advised others who might be writing articles critical of WestlawNext or other CALR products:

We build commercial products to solve real-world problems for our customers. These customers often behave in a way that is different than what they were taught in school. Critics often urge us to design solutions for the way customers should think and behave, rather than for the way they actually do think and behave. Purely academic notions are interesting to us, but they’re a secondary consideration.

Dahn makes a legitimate point. Thomson Reuters is in the business of providing relevant search results. Legal education is not their primary concern, although they devote considerable time and effort to marketing
their products to law students. Regardless of whether Thomson Reuters is willing or able to make improvements to WestlawNext, librarians have a vital role to play in educating their patrons about the strengths and weaknesses of WestlawNext. Academic librarians are in a unique position to head off some of the potentially negative implications that WestlawNext may have on the future development of the law.

Librarians are the “learned intermediaries of legal information” and “enjoy a unique position of trust and confidence with our patrons.” Librarians’ allegiance is to our patrons, while vendors are ultimately concerned with selling products. Librarians must be involved in training our patrons to use WestlawNext and other CALR databases to counteract many of the problems demonstrated in this article.

Training provided by librarians should emphasize overarching concepts as well as the detailed minutia of searching specific CALR databases like WestlawNext. Any CALR training conducted by librarians should focus on the tendency of CALR to create a sense of false confidence in search results. This false confidence can be exacerbated by vendor-conducted training, which routinely consists “of a series of carefully scripted exercises where everyone finds the right answer with relative ease.” Students should be told that CALR creates a false sense of confidence in search results and should complete exercises demonstrating this phenomenon. Librarians may wish to couch their explanation of this phenomenon in terms of a lawyer’s most fundamental obligation under the first Model Rule of Professional Conduct, competence.

In my own experience, I have found students to be very receptive to learning that they may be unjustifiably confident in their research abilities and eager to learn how to improve upon their weaknesses.

Not requiring users to select a specific database before beginning a search on WestlawNext is an integral part of the product’s design and operation. Thomson Reuters is not likely to change this component of WestlawNext. As demonstrated above, not requiring researchers to select a database before searching has a negative impact on students’ abilities to understand the structure of legal information. Librarians have a role to play in compensating for this aspect of WestlawNext. The sources and hierarchy of the law are fundamental concepts that must be mastered by all law students. Different search strategies are often employed depending on the type of source a researcher is using. It is more efficient to access some sources—statutes, for example—in print, while other sources, like cases, are best accessed using an electronic database. Vendors should not shoulder the burden of educating law students about sources of law and techniques for searching them. Librarians and legal writing instructors are best suited to convey these concepts to students.

Any training provided by librarians on the use of WestlawNext should be comprehensive and should include the use of CALR products by other vendors and print resources. Westlaw representatives have been actively
downplaying the use of classic Westlaw since the release of WestlawNext in law schools. Legal Research and Writing professors have complained that classic Westlaw has received only minimal coverage in training provided by Westlaw representatives. What training has been provided has been cursory and has focused mostly on why students should abandon classic Westlaw and only use WestlawNext.

Focusing on WestlawNext to the exclusion of classic Westlaw certainly benefits Thomson Reuters because of the premium price charged for using WestlawNext. Students who only receive instruction on WestlawNext in law school might become “addicted” to it and never learn to use classic Westlaw. One year after the release of WestlawNext, Thomson Reuters reported that more than 15,000 customers had upgraded to WestlawNext, including 52 percent of Am Law 100 firms. Some have questioned how many law firms are actually adding WestlawNext to their subscriptions. Librarians should continue training students to use classic Westlaw because many students may not have access to WestlawNext at their places of employment after graduation.

Comprehensive CALR training by librarians should focus on the strengths and weaknesses of WestlawNext. Training should also introduce students to the variety of smaller upstart CALR vendors that are developing a strong hold in the CALR market. Fastcase and Casemaker have successfully integrated their products into many jurisdictions by making deals with state bar associations, which in turn provide access to all bar members at little or no extra charge beyond each member’s annual dues. Many graduates are likely to find themselves practicing in firms that rely solely on Fastcase or Casemaker for CALR and may not have access to classic Westlaw or WestlawNext.

No librarian-provided training on WestlawNext would be complete without a discussion of cost-conscious searching. As demonstrated above, WestlawNext can have a chilling effect on the completeness and thoroughness of legal research because of its high cost. Westlaw representatives mention several cost-saving tips during training sessions, and cost-saving tips are available from the Thomson Reuters Web site. Students will only receive a complete picture of all cost-saving strategies in a training session conducted by a librarian. WestlawNext’s advanced algorithms are quite good at quickly retrieving legal information matching a particular fact pattern. However, there is no reason to pay the WestlawNext premium when performing routine tasks like pulling up documents by citation or KeyCiting sources. When researching a specific substantive area of the law, the best strategy might be to start by consulting a leading treatise that may not be published by Thomson Reuters and is not available on WestlawNext. Statutory research projects are often easier to start by consulting a paper index instead of performing a full-text search on an online database. A growing number of primary and secondary sources are now available online for free thanks to
the growth of the free-access-to-law movement. These represent just a few examples of when the most cost-conscious use of WestlawNext is the use of another resource. It is not in the interest of Westlaw representatives to explain these strategies to students. But librarians should.

CONCLUSION

The release of WestlawNext marked a significant milestone in the development of CALR products. Some features of WestlawNext are an improvement over classic Westlaw. But as with any newly released product, there are areas for improvement. The search engine behind WestlawNext appears to hide less popular or esoteric content when compared with classic Westlaw. WestlawNext is an expensive product, and its pricing structure can have a chilling effect on the completeness of research.

Librarians have a significant role to play in educating law students in using WestlawNext. Training must emphasize the importance of source selection because sources are downplayed in WestlawNext. Students must be taught to guard against the false overconfidence in search results that WestlawNext creates. Librarians must continue to advocate for improvements in WestlawNext and for transparent pricing information. More research should be done regarding the tendency of WestlawNext to hide esoteric content and to chill complete and thorough legal research through its pricing structure. Librarians’ efforts in these areas can have a long-term positive impact on the future development of the law.

NOTES

5. Because of the small sample size used in this experiment, no claim is made of statistical significance.
6. OCU students received instruction from the author. USF students received instruction from a Westlaw representative on WestlawNext. Professor Ron Wheeler teaches the Advanced Legal Research course at USF. Professor Wheeler confirmed that the description of the WestlawNext training OCU students received was an accurate description of the training his students received. E-mail from Ronald E. Wheeler, Dir. Dorraine Zief L. Lib. and Assoc. Prof., to Lee Peoples, Dir. L. Lib. and Prof. (Your Exercises, Nov. 14, 2011, 1:44 p.m. CST) (copy on file with Author).


9. Id.


11. Id. at 366.


13. Id.

14. Id.


16. E-mail from Lynn Mares, Attorney, to Lee Peoples, Dir. L. Lib. and Prof. (Oct. 7, 2011, 11:09 a.m. CST) (copy on file with author).

17. One student reported finding 851 IIED cases using WestlawNext. Another student reported finding only 14 IIED cases using WestlawNext. One student did not complete this question.


22. See Wheeler, supra n. 2, at 367–368 (reporting that a potentially less popular article appeared further down in the results list on WestlawNext than in classic Westlaw). The absence of several important Oklahoma Supreme Court 1970s IIED cases provides even stronger evidence of WestlawNext hiding esoteric content than Wheeler’s findings.


27. Quick Guide for Academic Professionals, WestlawNext Terms and Connectors Searching 3 (2010). Another method of forcing WestlawNext to recognize quotations in the basic search field is to include the term “adv:” as the first command in the basic search field.

28. OCU students completed the exercises approximately two months before USF students. New cases were likely added to the classic Westlaw and WestlawNext databases between the time the OCU students completed the exercises and the USF students completed them. This explains the different number of cases retrieved by students from the different schools. The numbers of cases found by OCU students are as follows: Using WestlawNext, nine students located 124 cases, one student located 88 cases, and one student located 15 cases; using classic Westlaw, eight students located 484 cases, and three students located 5 cases. The numbers of cases found by USF students are as follows: Using WestlawNext, two students found 134 cases, and three students found 33 cases; using classic Westlaw, one student found 331 cases, one student found 499 cases, two students found 498 cases, and one student found 499 cases.


30. See comments posted in response to Wilson, supra n. 10.


32. Id.

funded by the company that created, markets, and sells the product should be viewed with some skepticism. See Florence T. Bourgeois, Srinivas Murthy & Kenneth D. Mandl, *Outcome Reporting among Drug Trials Registered in ClinicalTrials.gov*, 153 Annals Internal Med. 158–166 (Aug. 3, 2010) (reporting that studies funded by drug makers of their own products are more likely to be positive compared with government-funded studies of the same product).

34. **Online Research Product Comparison Study, supra** n. 31, at 8.
35. *Id.* at 4.
36. **Legal Research Goes Human, supra** n. 24. One of Thomson Reuter’s most eye-catching WestlawNext brochures features a close-up of a bespectacled well-dressed man pictured next to the phrase “Legal Research Goes Human” as if to imply there is something unhuman about selecting a database. The script of one online video tutorial reads, “Now you don’t have to choose a database, finding what you need is easy.” Available at http://west.thomson.com/westlawnext/seeit/default.aspx/promcode=623046F91719&promtype=Cobalt (last visited Feb. 27, 2012).
37. One Mississippi lawyer commented on his blog, “Excuse me? What kind of idiot does this assume I am? ‘Gee, I wonder what database should I use to research this question of Mississippi state law. I’m so confused. And that other federal law question. What does ‘Fifth Circuit’ mean? These database names are so hard.” Tom Freelander, *In Which I Maintain My Curmudgeonliness over WestlawNext*, NMissCommentor (Mar. 17, 2011), available at http://nmisacommentor.com/law/in-which-i-maintain-my-curmudgeonliness-over-westlawnext See also Szymczak, *supra* n. 21.
43. The two most relevant regulations are found at Okla. Admin. Code § 310:675-7-10.1 (2011) Resident Clinical Records and § 310:675-7-12.1 Incident Reports. Both regulations are returned using the search described above.
45. *Id.*
48. According to Westlaw Representative Trevor Covington, no firm actually pays the $60 flat fee listed in the *WestlawNext Pricing Guide for Commercial Plans*. The $60 flat fee is listed in the pricing guide so that law firms can pass this cost on to their clients. Telephone conversation with Trevor Covington, Academic Account Manager (Feb. 1, 2012), and librarians’ update on WestlawNext at Oklahoma City University (Mar. 22, 2012). This practice clearly violates the American Bar Association’s Model Rule of Professional Conduct 1.5 requiring lawyers to seek reimbursement for research costs by charging clients “an amount that reasonably reflects the cost incurred by the lawyer.”
51. Szymczak, *supra* n. 45, at 152 (reporting “one customer with a $285 dollar per month plan was quoted an additional $100 monthly for WestlawNext, a 35% increase. What he negotiated, however, was a plan for $334 per month which included three additional databases, a 17% increase.”).
52. *Id.*
55. Prices for WestlawNext searches and document views were obtained from the *WestlawNext Pricing Guide for Commercial Plans*, *supra* n. 47. Prices listed in the *WestlawNext Pricing Guide for Commercial Plans* were used because they are the only publicly available source of pricing information.
for WestlawNext. Prices for classic Westlaw were obtained from Academic Account Manager Trevor Covington. E-mail from Trevor Covington, Academic Account Manager, to Lee Peoples (Aug. 4, 2011, 11:34 a.m. CST) (copy on file with author).

56. Wilson, supra n. 5.
57. Id.
58. Id.
60. Id.
61. Wilson, supra n. 5.
62. LexisNexis will soon release the details of Lexis Advance pricing for larger law firms.
65. Id.
66. Kinzer, supra n. 38, at 3.
67. Id.
71. Gallacher, supra n. 67, at 192.
73. Dunn, supra n. 39, at 4.
74. Id.
75. Greg Lambert, There’s One Page, in One Jurisdiction, That Will Win Your Case—Go Find It or Lose!, 3 Geeks and a Law Blog (Aug. 2, 2011), available at http://www.geeklawblog.com/2011/08/theres-one-page-in-one-jurisdiction.html; see also David L. Armond & Shawn G. Nevers, The Practitioners’ Council: Connecting Legal Research Instruction and Current Legal Research Practice, 103 L. Lib. J. 575, 593 (2011) (this type of research is reminiscent of a story reported in this article by Shawn Nevers: “In a brief, opposing counsel had quoted a Utah case that stated that a Missouri court held similarly to opposing counsel’s position. Upon analyzing the case himself, our attorney discovered that the very next line of the case read something to the effect of ‘we disagree completely with the Missouri court.’ Opposing counsel had missed it completely.”).
77. Id.
78. Gallacher, supra n. 67, at 189; see also Kinzer, supra n. 38, at 5.
81. Peoples, supra n. 74, at 662–663.
84. Mares, supra n. 14.
85. This concept as it applies to academic legal researchers is explored in more detail in Wheeler, supra n. 2, at 366.
86. Complete scope note information is not currently available for all sources in WestlawNext.
87. Wheeler, supra n. 2, and Hodnicki supra, n. 52.
88. Wilson, supra n. 29; Wilson, supra n. 10; and Wilson, supra n. 5.
89. Wilson, supra n. 5.
90. Peoples, supra n. 74, at 677.
92. Peoples, supra n. 74, at 677.
94. Interview with Karen Eby, Leg. Research and Writing Prof., OCU School of Law, Oklahoma City, Okla. (Oct. 5, 2011).
95. Id.