Now You See It, Now You Don't: Addressing the Issue of Websites which are "Lost in Space"

Patricia A Broussard
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Preface

“Scholarly citations in cyberspace are like atoms in various states of decay.”

While finishing the final edits of my most recent law journal article, I was met, on more than one occasion with those four little dreadful words; “website no longer available.” In the time span of eleven months, from completing the article to performing the final edits, the world had shifted. Those websites were like Keyser Soze, “poof and just like that – gone.” After a major panic-attack, I realized that others who rely upon information from websites for their writings were faced with the same problem as I. Having recovered from that shock, I decided that there should be some rules and guidelines for dealing with those ever-elusive websites that have been cited as authority in scholarly writings. That experience is the inspiration for this article.

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2 Keyser Soze was a character of mythical proportions in the movie, The Usual Suspects. Keyser was, “like the devil himself.” He was everywhere and no where all at once. http://www.imdb.com/title/tt0114814/
Introduction

The availability and accessibility\textsuperscript{3} of technology, coupled with the trend of Americans to become more computer savvy,\textsuperscript{4} has spawned a dependency on the Internet that can be best described as a phenomenon. We have come to rely on information from the Internet to supply us with information that affects our lives from the cradle\textsuperscript{5} to the grave.\textsuperscript{6} If there is an “urban legend” that has arrived at your desktop via email, you can attest to its veracity, before sending it on by checking “Hoaxbusters”.\textsuperscript{7} If you need to order Christmas gifts for your extended family of forty, but are low on cash, Overstock.com\textsuperscript{8} can solve your problem. If the faucet leaks and you are confident that this is a job that you can handle alone, with a few detailed instructions from the “Do It Yourself Network”\textsuperscript{9}, do you log on? If the chicken parmesan recipe flopped, you may be able to salvage it with a little help from The Food Network.\textsuperscript{10} Likewise, if you do not know what it is that you do not know, you can always Ask Jeeves\textsuperscript{11} There are websites

\textsuperscript{3} According to the Pew Internet & American Life Project Surveys, March 2000 –December 2007, approximately 79\% of U.S. adults had been on line for work, school, or home use. http://www.pewinternet.org/trends/Internet_Adoption_3.18.08.pdf
\textsuperscript{4} “Census statistics reflected…U.S. residents were more likely to use a computer than ever before.” CNN.com http://www.cnn.com/2001/US/03/30/census.snapshot/
\textsuperscript{5} See: Cradles http://www.drspock.com/article/0,1510,6137,00.html
\textsuperscript{6} See: Graves http://www.findagrave.com/
\textsuperscript{7} As it turns out, kidneys were for sale, http://hoaxbusters.ciac.org/ also See: Dirty Pretty Things http://www.imdb.com/title/tt0301199/
\textsuperscript{8} Great prices and free delivery on many items, http://www.overstock.com
\textsuperscript{9} The Do It Yourself Network: Home improvement, craft ideas, gardening, autos & woodworking projects, http://www.diynet.com/
\textsuperscript{10} Healthy recipe collection, http://www.foodtv.com/
\textsuperscript{11} You can actually ask a question and get an answer, sort of, http://www.ask.com/
to meet every need of our daily lives, and all indications are that Americans are using
them at record numbers.¹²

Moreover, American’s dependency on information from the Internet transcends
the mundane problems associated with “faux” wall painting gone array, but also extends
to the very heart and soul of who we are as Americans. Political websites,¹³ political
blogs,¹⁴ campaign fundraising, and political commentaries¹⁵ have become the
mainstays of the Internet. We have come to rely upon the Internet to form opinions on
who and what to vote for and why. Political campaigns for elections have raised millions
doors for candidates via the Internet.¹⁶ And while many such websites are legitimate
news sources¹⁷, many are also “Joe Blow”¹⁸ pages which allow individuals to share their
views of politics with the world,¹⁹ but are probably not reliable for research purposes.

Because there is wide-spread use of the Internet in our daily lives, can academia,
and more importantly the crowned jewel of academia, scholarship, be far behind in
relying more fully upon the Internet websites to support the theories and data supplied
therein? We already take advantage of some aspects of the Internet by Googling²⁰

¹² Internet penetration rate in North America in December 2007 was 71.1%., Internet World Stats, http://www.internetworldstats.com/stats2.htm
¹⁶ The Atlantic.com reports that Barack Obama’s presidential primary bid has been “The Amazing Money
¹⁷ For, “all the news that’s fit to print.” See http://www.nytimes.com/; also, See http://www.msnbc.msn.com/ for all
the news that’s fit to watch –again, and again, and again.
²⁰ Using the search engine Google to find information. http://www.google.com/
perspective colleagues to get a “fuller” picture of their accomplishments. In addition, many scholars generally include in their articles a footnote or two which include pertinent information from websites, but generally speaking, that information can be found in another medium, usually considered more reliable. The website address is viewed as more of a back up for the “real cite.” One question that comes to mind is how many websites can a scholar cite in one article before her tenure is revoked? Moreover, since Internet websites now have a place in scholarship, how does one prevent an article from going up in smoke because of shifting websites?

This article is not about online law reviews, wherein a scholar publishes for a reputable and established organization, nor is about self-publishing online. Most journals and periodicals are available online and publishing companies are starting to make their presence felt. Hein Online and Find Law are acceptable mediums for scholarly articles because they are just that, mediums. They are not the sources for the articles published on their websites, but rather the hosts of presumably thoroughly researched articles.

I acknowledge that this article, which proposes to outline some general standards for the use of multiple websites, does not take into account research and

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21 “some achieve greatness and some have greatness thrust upon them,” Two Paths to Tenure, Both in and Out quoting William Shakespeare (1600), http://www.aap.lsu.edu/TenurePaths-HR.pdf
23 Professor Hibbitts states, “In the age of cyberspace, law professors can finally escape the straitjacket of law reviews by publishing their own scholarship directly on the World Wide Web. http://www.law.pitt.edu/hibbitts/lw_p4.htm
24 For fully image based legal research see: Heinonline.org
25 Legal guide providing cases, codes, forms, articles, etc. http://www.Findlaw.com
scholarship that would, for example, involve the carbon dating of the Shroud of Turin,\textsuperscript{26} or articles in which the data is original and thus generated by the scholar. But rather, it asks the question, should the average law professor, who works mightily to churn out a large journal article every two years or so,\textsuperscript{27} be penalized for relying heavily on Internet citations provided full and accurate credit is given to all sources? I believe that in order to attempt to answer this question, it is important to first examine the roots of scholarship in academia and revisit its original purpose and secondly, to discuss the rise of technology and its impact on the academy. This article will eventually\textsuperscript{28} set out some guidelines for the use the Internet in scholarly articles in order to avoid having a mightily toiled-over, URL- laden article used as bird cage liner.\textsuperscript{29}

\textbf{Part I}

The History of Scholarship in the Legal Academy

\textsuperscript{26} The Shroud of Turin,
The Shroud of Turin is a centuries old linen cloth that bears the image of a crucified man. A man that millions believe to be Jesus of Nazareth. Is it really the cloth that wrapped his crucified body, or is it simply a medieval forgery, a hoax perpetrated by some clever artist? Modern science has completed hundreds of thousands of hours of detailed study and intense research on the Shroud. http://www.shroud.com/

\textsuperscript{27} Mary Whisner and Ann Hemmens have provided an excellent guide titled, Writing for & Publishing in Law Reviews, http://lib.law.washington.edu/ref/lawrev.html

\textsuperscript{28} See: “You Talk Too Much; Oh Boy You Never Shut Up!” Workplace Prof Blog. Although the blog addresses the issue of talking too much in interviews, it could also apply to scholarship. http://lawprofessors.typepad.com/laborprof_blog/2006/05/you_talk_too_mu.html

\textsuperscript{29} Cage Liners, the Good, The Bad, and the Ugly, Carol Highfill, http://birdsnways.com/wisdom/ww12eiii.htm
A. A Brief Overview

The unacknowledged grandfather of scholarship has to be T’sai Lun, the inventor of paper. Lun is credited with having done so in approximately 105 AD. Without this invention, both law and scholarship would be all talk and no reading rather like rap music without the bling. Then, in 650 AD, the Chinese invented paper money. Not to be outdone, eight hundred years later, Gutenberg invented the printing press. With that, the stars were aligned and notwithstanding the thirteen hundred year interval between the invention of paper and the moveable printing press, the stage was set for legal scholarship. “Some historians speculate that paper was a key element in global

30 Author unknown.

31 Paper as we know it today comes from another source - China. Excavations of tombs of the former Han Dynasty (207BC-9AD) have revealed silk cloth bearing the texts of Lao Tzu - the father of Taoism (born in 604BC). In 105 AD, Han Emperor Ho-Ti’s chief eunuch T’sai Lun experimented with a wide variety of materials and refined the process of macerating the fibre of plants until each filament was completely separate. All About Paper, http://www.hqpapaermaker.com/paper-history/

32 Id.

33 Jamaican slang that has been adopted by some African American rappers and inserted into popular culture. The term "Bling Bling" refers to the imaginary "sound" that is produced from light reflected by a diamond. http://www.urbandictionary.com/define.php?term=bling. In this instance, it is meant to mean, “a little dull.”

34 And, of course, money is crucial to creating scholarship, The Chinese Make Light Payment: The Invention of Paper Money. http://www.louisenthal.com/portal/page?_pageid=151,100990&_dad=portal&_schema=PORTAL

cultural advancement.”

If this is true, then scholarship certainly has its place in this advancement.

More propitiously, in the late nineteenth century, a paper making process was developed which allowed large quantities of paper to be manufactured at one time. This phenomenon coupled with a premonition that the Socratic Method would be a large success and that the casebook method would replace the apprentice tradition of legal education, inspired two Harvard students, Herman Aspen and Fred West-Thomson to conceive the idea of law reviews. The idea of these law reviews was to help distinguish Harvard Law School from other law schools. In addition, they would strengthen Harvard’s ties to the local bar. Moreover, it would give professors, who regularly exceeded the time which had been allocated for their respective interpretation of the relevant material, additional opportunities to insure that students received the full depth and breadth of their wisdom. Having convinced the faculty that a law review was a worthwhile endeavor, on April 15, 1887 the first issue of the Harvard Law Review was published.

Not surprisingly, in 1891, the editors of the Yale Law Journal launched their new journal. The editors spoke these words at the journal’s launching:

36 See: Wikipedia, http://en.wikipedia.org/wiki/Papermaking This footnote exemplifies that exact problem that this article addresses. Why should anyone believe a footnote from Wikipedia? It is basically a cyberspace community bulletin board on which individuals can post on subjects that they may have very little information on.
37 Supra note 30
38 Not really, but you get the point.
40 No, not Cheers, but the practicing bar.
41 Supra note 28.
...the graduates of the Yale Law School...have lacked the spirit de corps, which is necessary for effective unity. The formation of the Alumni Association was a step in the right direction. The Law Journal is intended to be another. It provides a common means of communication between graduates and students, and its success should be a mark of vitality of the school.\textsuperscript{43}

School-sponsored law journals spread\textsuperscript{44} across the country; for they, too, were privy to large supplies of paper.\textsuperscript{45} Law journals became a method for law schools to distinguish themselves from each other. They also provided a forum for faculty to contribute to the discourse of the era. In addition, and probably most importantly, law journal articles were used to educate, elucidate, encourage, and enhance\textsuperscript{46} the bench.

Notwithstanding the increased popularity of law journals,\textsuperscript{47} there have been periods over the last century where academicians, as well as practitioners, have

\textsuperscript{43} Translated: You sent money to that alumni association when you could have sent it to the new law journal; you will regret that someday!
\textsuperscript{44} Actually there were seven in 1900. Bernard Hibbitts, The Critical Tradition, http://www.law.pitt.edu/hibbitts/lw_p2.htm
\textsuperscript{45} Especially in Minnesota were there a great abundance of trees, causing the Minnesota Law review to release its first law review issue in 1917. http://www.law.pitt.edu/hibbitts/lw_p1.htm. See also 3M.
\textsuperscript{46} A wonderful example of assonance. See Assonance, http://dictionary.reference.com/browse/assonance
\textsuperscript{47} Bernard Hibbitts writes, …making law school graduates more attractive to law firms by virtue of the formers’ experience on school sponsored law journals offered a way to strengthen the connection between law schools and the bar. Not only could a student-edited law review provide the bar with a pool of specially trained recruits, but assuming it were staffed by the law students with the highest grades – it could also provide a convenient criterion by which hiring attorneys could identify the best and the brightest law graduates. Last Writes? Re-assessing the Law Review in the Age of Cyberspace. http://www.law.pitt.edu/hibbitts/lw_p1.htm
questioned their raison d'être. From 1905 to 1940, journals faced criticism. Critics were overwhelmed by the number of books and said that, “restraint, re-orientation, and specialization were ... in order.”

There was also a concern that these journals were not peer-reviewed reviews, but rather, student controlled. Even today, there is a bit of controversy over student-run journals. Law journals with student editors, many of whom are still in their early twenties, have the power to decide the fate of an ascending untenured faculty member.

In addition, “classical” legal thought came under attack by the rise of legal realism. Critics maintained that “law reviews had... confined themselves to the concerns of courts and lawyers without reference to the social context of legal problems.”

The next attack against law journals occurred in the late 1950s, early 1960s. This time, the criticism was against the elitism of the law journal boards. Judge Stanley Fuld found it, “a pity that many more students cannot share in [the law review], and that some rotating system has not been devised to allow for a broader participation in review
work. Changes were made to the format of journals and different methods of student participation were devised, but for the most part, the law journal “system” remained the same.

B. Publish or Perish

Thus far the focus of the rise of law journals has been on the needs of the students and of their benefits to law schools, but it at this juncture that it is important to mention the folks who are at the center of the universe….of academia, law professors, without whom, all is naught. The invention of the law review article provided a forum for law professors to showcase their intellectual acumen and to participate in the creation of new and innovative legal theories. In addition it gave them various opportunities to ruminate on topics which were banned from traditional family gatherings. “Scholars” could rest assured that even if grandma could not appreciate their discourses on the intersection of faith, hope, and charity in a bi-nuclear, anti-establishment genre, other scholars could.

Since one of the unspoken reasons for establishing law journals was status, it soon became apparent that it would become necessary for law professors to continue writing law journal articles to maintain their hierarchical positions in the law arena. Thus,

56 Id.
57 No, this is not the name of a rock band. "Publish or perish refers to the pressure to publish work constantly in order to further or sustain one's career in academia. The competition for tenure-track faculty positions in academia puts increasing pressure on scholars to publish new work frequently. http://en.wikipedia.org/wiki/Publish_or_perish
at some point in time, writing law journal articles became mandatory and central to retention and the grant of tenure. Thus, the phrase “publish or perish” became the mantra of the civilized world. Catchy little phrases sprung up to impress upon those who desired to enter the academy the importance of scholarship.\textsuperscript{59} Phrases such as “scholarship is the coin of the realm” and “maybe your talents could be best utilized elsewhere” became oft used in the academy.

To complicate matters even more, most law schools created “secondary” journals (plural) that needed to be filled. Dreading the thought that one of these new journals would go without articles, causing them to collapse and fold, most law schools instituted mandatory minimums articles for untenured faculty to publish before even being considered for tenure.\textsuperscript{60}

C. The Ascent to the Throne of the Royal Footnote

At some point in time, the footnote quietly ascended to its rightful place on the throne of scholarship. Articles started to be judge by the number of footnotes. If T’sai Lun is the grandfather of scholarship, then, Joe Bluebook, the inventor of id. and supra is a member of the royal court; for without him one-hundred footnotes are really only

\textsuperscript{59} Writing for a law journal and the subsequent article is called scholarship, not to be confused with receiving a scholarship to law school wherein your fees are paid and you can concentrate on studying and Googling your professors to see how many articles he or she has churned out. Thus, reassuring oneself, that if this “scholarship” stuff is any indication of the professor’s abilities, law school will be a piece of cake.

fifty. The elevation of the footnote to its place as royalty has added pressure to scholars to not only produce scholarship on a regular basis, but to actually perform research and prove to colleagues and friends alike how well researched the article is and well-versed one is in her choice of topic. This feat requires a large number of footnotes. Id and supra are helpful, but they don’t have the power to adequately demonstrate the underlying genius of the scholar. It was only a matter of time before technology rose to the occasion and provided scholars with the tools they needed to display their talents and to cite billions and billions of footnotes.

Part II

The Rise of Technology

A. The Personal Computer

There are things we know that we know. There are known unknowns. That is to say there are things that we now know we don’t know. But there are also unknown unknowns. There are things we don’t know we don’t know. So when we do the best we can and we pull all this information together, and we then say well that’s basically what we see as the situation, that is really only the known knowns and the known unknowns. And each year, we discover a few more of those unknown unknowns.61

Although the First World War required human computers, 62 Jeremy Meyers, in his article entitled, A short History of the Computer,63 writes that World War II spawned a

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need for greater computer capacity and thus, led to the development of a high speed electronic computer to do the job. This machine, the Electric Numerical Integrator and Calculator (aka the 1millionth generator abacus) was the precursor to the modern day personal computer.

The subsequent development of the magnetic core memory and the Transistor-Circuit Element led to new models of digital computers. Original computers were single purposed, but subsequent advances enabled computers to perform a large range of tasks. One of the major problems with this invention and subsequent model of computer was that it was huge, as in city blocks huge, and very expensive. Technological advances in the 1960s and 1970s allowed computers to shrink in size and become more affordable for the average consumer. These advances in the availability of using the computer as a ‘better” typewriter allowed scholars to produce works with more facility. Eventually, Apple Computer and Radio Shack introduced the personal computer which allowed scholarship to be produced at record numbers.

And then, Al Gore invented the Internet.

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63 Jeremy Meyers, A short History of the Computer, File://D:\Jeremy\html\softlord.com%202.1\comp\TMP992869671.htm
64 Id.
65 Id.
66 Id.
67 Id.
68 Id.
69 Actually, Gore did not really claim to have invented the Internet. It appears that he was trying to say that he took some credit in promoting technology and making it available to the masses. See transcript of Wolf Blitzer/ CC interview with Vice-president Gore. CNN.com, http://www.cnn.com/ALLPOLITICS/stories/1999/03/09/president.2000/transcript.gore/
B. The Birth of the Internet

The Internet has revolutionized the computer and communications world like nothing before. The invention of the telegraph, telephone, radio, and computer set the stage for this unprecedented integration of capabilities. The Internet is at once a world-wide broadcasting capability, a mechanism for information dissemination, and a medium for collaboration and interaction between individuals and their computers without regard for geographic location.⁶⁹

The Internet has allowed information to be available in electronic form and literally at the fingertips of users throughout cyberspace. This has allowed for the expansion of information to the extent that it has led to new sources of information not found in hard-copy. An example of this is Wikipedia⁷⁰ and other such sites which have been created especially for the Internet. In other words, in addition to finding books and articles that exists in the “physical” world, as opposed to cyberspace, there is now information created especially for the Internet medium. That information, and its reliability is the source of potential problems for scholars who desire to use the Internet to prove (or at the very least support) the thesis therein.

Thus, the question posed at the start of this article is repeated. How much reliance on electronic forms of information is too much? And more importantly are there universal parameters that should guide scholars in citing to Internet sources?

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⁷⁰ See: http://www.Wikipedia.com, but remember it’s unreliable since your eight year old can alter the information on this site.
Peter Roberts said it best, “The Internet is a sea of information, subject to the ebb and flow of various forces, creating an ever-shifting shoreline.” It is that shifting shoreline that scholars must negotiate in order to create scholarship that will stand the test of time.

Part III

Solutions, Suggestions, and Recommendations

So how does one go about solving the problem of vanishing websites? Or if one solution is not possible, how should the problem be minimized to insure integrity of the research and scholarly credibility? Below are suggestions aimed at keeping scholars sane while maximizing the use of this wonderful tool, the Internet.

A. Establish a Hierarchy of Websites

Just as there is a hierarchy of authority in the law generally, there should be a hierarchy of websites that scholars should be able to rely upon. Like primary and secondary authority, there could be categories of “dependable” and “sort-of dependable websites.” For starters, any website that has a physical building attendant to its existence, an archive, and a “dot-gov” extension would fall into the category of

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“dependable,” and thus, would qualify as “dependable” authority. This moniker would not be used to substantiate the theory espoused in an article or in the website, but, rather, to “prove” that the information was actually available on the website (for example, one could recommend “whitehouse.gov,” but definitely not “whitehouse.com”).

Secondly, there are many reliable organizations that exist solely in cyberspace, but are nonetheless, well-established and dependable. Certainly, for example, many on-line publications, which exists only in that medium, that have achieved recognition and are deemed reliable. Establishing a list of reliable websites for scholars would go a long way in assisting in the disappearing website problem because it would steer writers in the right direction, similar to a Craig’s List.

Likewise, only websites which are reputable and well-known should be utilized. This is more difficult than it appears. When you need a site for a quote or a definition, it is very easy to “Google” it and use the first website that provides you with the information which you seek. However, the danger is this approach is that there could be a thirteen-year old whiz kid with time on her hands and a website that you inadvertently landed on who is now your source for the meaning of what are the indicia for determining what qualifies a country as a “developing nation.”

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72 And that the scholar did not make up the material or the website.
73 For example: Slate.com, Media Matter.com, Salon.com Something.
74 Id.
75 “Craigslist is a central network of online communities, featuring free classified advertisements…” See: http://www.craigslist.com
Robert Harris has a checklist for evaluating the reliability of Internet research which he identifies by the acronym CARS.\(^{77}\) He states that it is important to perform a pre-evaluation to determine what you are looking for, “Do you want facts, opinions (authoritative or just anyone’s), reasoned arguments, statistics, narratives, eyewitness reports, or descriptions?”\(^{78}\) He posits that this first step will assist one in assessing the validity of a website, and this validation may provide some assurance that the website will still exist the day after tomorrow.

Notwithstanding the fact that determining the reliability of a site this is sometimes a difficult task, there are some clear indications of whether a website is reputable. Websites such as Save the Northwest Tree Octopus\(^{79}\) and Free Online Pregnancy Test\(^{80}\) are clearly fake sites (right?) and would not lure a scholar by their fine graphics and compelling “facts” into citing statistics from them. A certain modicum of common sense and judgment must be employed in deciding if a website is legitimate.\(^{81}\)

Lastly, the most reliable websites are probably those you pay to view, or at the very least those you have to fill out online registration to access them. The rationale behind

\(^{77}\) Robert Harris, Evaluating Internet Research Sources, http://virtualsalt.com/evalu8it.htm. Harris writes that there are four general factors to look for to determine if a site is reliable. His acronym is CARS and it stands for Credibility, Accuracy, Reasonableness and Support. He states that with respect to credibility, one should ask, what about this source makes it believable or not? How does this source know this information? And, why should I believe this source over another? Likewise, in terms of accuracy, he warns that one must make sure that the information is up to date and that the information is the full story and not a one-sided version of the truth. He says, “the test for reasonableness involves examining the information for fairness, objectivity, moderateness, and consistency.” While the factor of support deals with the source and with corroboration.

\(^{78}\) Id.

\(^{79}\) See: Save the Northwest Tree Octopus http://zapatopi.net/treeoctopus/

\(^{80}\) See: The Online pregnancy test. http://www.thepregnancytester.com/

\(^{81}\) If neither of these traits is available for use at the time that the article is being drafted, there are actual websites that make your search easier for you by “outing” false sites. See: http://www.philb.com/fakesites.htm. In addition the author acknowledges that common sense is not as common as it use to be.
this conclusion that payment insures reliability is that one should be able to rely on the information supplied on a website that she has paid value to use, or what’s the point. In addition, implicit in the act of charging for information is the understanding that the information is valuable, reliable, and not for viewing by the general uninformed public (of course this does not include paying $25 per month for a twenty-four hour feed into the Big Brother house to see if Mattie has hooked up with George).\textsuperscript{82} One can assume that since the website desires to continue collecting revenues for its use, then it will continue to exist on the Internet.\textsuperscript{83} Likewise, if one has to register and select a password to visit a site, some reliability should be assumed.

\textbf{B. Whenever Possible, Use a Source That Exists in an Alternate Medium.}

Many materials on the Internet also exist in other media. In those instances using the Internet is a matter of convenience since the writer knows that book entitled, The Color Purple\textsuperscript{84} which he wishes to cite, can also be found in other media. It could be the actual book, a book on tape, and in some instances even a movie. If the website hosting the novel vanishes, the novel itself still exists. Thus, it works to the advantage of the scholar to use websites that present materials that can be found in other media.

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\textsuperscript{82} Contestants vie to out “smart” each other and win $500,000 by humiliating themselves in an isolated house for 12 weeks with 12 strangers. See Big Brother, http://www.cbs.com/primetime/bigbrother8/
\textsuperscript{83} Caveat: Who has not been implored by the once wealthy, now widowed, Nigerian to send his bank account number to her so that she can safely send her deceased husband’s millions to the United States for safe-keeping. And since you have been so kind, she will “give” you a 10% cut. She even supplies a website for the bank that she will be wiring the funds from. See: http://www.nbc6.net/news/9531508/detail.html
\textsuperscript{84} Alice Walker, The Color Purple, http://www.cbs.com/primetime/bigbrother8/
\end{flushright}
Here again, all is not lost, because the Internet can be used to discover if the material exist in another media, thereby, freeing the scholar to use the Internet website for convenience, but with the knowledge that the material can be found elsewhere. When one discovers that the website with the Nelson Mandela quote, which added such a nice ring to his article, has ceased to exist, he can rest assured that if, need be, it can be found and substantiated.\textsuperscript{85}

When the Internet is used in this manner it is a supplement to the actual material and not a substitute for the actual documents. It will probably take more time to perform research to determine in what other media the source can be found, but it still has value in the convenience factor of working in one’s pajamas.

C. Use Websites that Have Supports and Archives

When using the Internet there are key factors that offer support and tend to guarantee that even if the website disappears, the material can be located in a fairly simple manner.

First, does the material on the website have a named author(s)? If so, does the author have a title?\textsuperscript{86} Does the author have an email address and a telephone number, or does she provide some manner that she can be contacted? If there is no single author, is there an entity that operates as a formal organization? Does that

\textsuperscript{85} Of course, this may require getting dressed and actually leaving the house, but it is comforting nonetheless.

\textsuperscript{86} This is also tricky, because some titles are more credible than others; for example, professor or doctor may inspire more confidence than “the Dark Prince.”
organization have a “contact us” spot on the website? All of the above supports indicate that the website may remain viable for some period of time, and in the event that it does not, one still has the ability to contact the author or the organization to determine where the posted material can be found.

In addition, the existence of an archive on a website is a good indication that the material can be found on a long-term basis. Most on-line publications have archives; for example one can search the Washington Post for back issues for several years. Many times one has to pay to access the archives of certain publications, which gives me an opportunity to reiterate the point made in sub-section B: you get what you pay for. Here again, more often than not, many websites will not have archives and the decision to cite the website is a roll of the dice.\footnote{An archive usually indicates that there will be a hard copy of microfilm.}

\section*{D. Always Make and Save a Hard Copy of the Materials}

This solution may not appear to be very helpful, but it does have some value. Although the website may have vanished, if one has kept a hard copy of the information, one will at least remember her train of thought and what the object of the footnote was. This makes it a bit easier to resubmit the query into Google Scholar\footnote{See: Google Scholar} and find a comparable site that hopefully has a longer shelf life than the one which is now

\footnote{Casino Gambling Web is the best online gaming site offering visitors updated information related to all aspects of the gambling industry. http://www.casinogamblingweb.com/}
deceased. This will require a great deal of paper and printer ink, but will be well worth the investment to keep a long-term file of all websites used.

E. Shake a Hand, Make a Friend

One obvious solution to verifying websites is to talk with colleagues who write in the same or a similar area of the law. Many times websites are used to fill in background or historical information. If someone you know has published an article using specific websites, they may be able to vouch for their longevity. In addition, law librarians are an excellent source for finding reliable websites. These same librarians could possibly also find the original material for the writer, if asked.

F. Cite More Than One Website

If the material can be found on more than one website, it may be wise to do the equivalent of a parallel cite. In the event that one of them vanishes, there remains a 50% chance that the other will remain.

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90 Howard University Law School librarians presented a paper titled, 60 Websites in 60 Minutes which has proven to be an excellent resource for websites for federal and state governments, court systems, libraries, etc. HUSL, Faculty Colloquium, September 9, 2004.
91 There is also a 50% chance that both of them will vanish.
G. Re-Source the Article

In the final analysis, if you have followed all of the suggestions herein and the various websites that you have used still have vanished from the planet, you must re-source the footnotes and hope that the new websites will last at least until the article is printed, or tenure has been granted, whichever comes first.

IV.

How many Website Cites are too Many?

Assuming that the writer is dealing with fixed, reliable websites, how many website footnotes are too many? That is a matter of personal judgment. If the article is well-researched and fully analyzed the number of websites may not be an issue. This author suggest that the context of the article be considered and the availability of other sources. Certainly a law professor who is serving time for embezzlement in a prison that does not have a law library, but does have a fully loaded computer room can be forgiven an excess of footnotes that utilize Internet websites.

It is the belief of this author that the upcoming trend will be that scholars will increase their use of websites in the future. The lure and ease of the Internet is such that one can be more productive. Again, this assertion does not take certain types of research

93 See: Scooter Libby, et al
into consideration. There is certain and particular information that cannot be adequately explored and explained in a website.\textsuperscript{94}

V.

Conclusion

It is important to note that the study of law can be impacted by various forces. Just as the United States Supreme Court impacts the shape of the law, the lowly www.something can impact the delivery of the analysis of the law. Scholars must remain creative, open to new venues, and willing to ride the bull in order to produce great scholarship. One must also maintain her sense of humor.\textsuperscript{95} Lastly, it is the author’s sincerest hope that the footnotes in this article will not vanish into thin air before it is widely disseminated and read by all.

\textsuperscript{94} See: http://www.jokes.net/lawprofessor.htm.