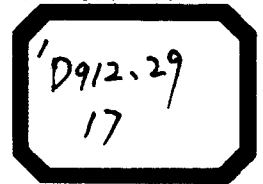# Online Legal Research

A Guide to Accompany

2002
Business Law and
Legal Environment Texts

by

Roger LeRoy Miller
Gaylord A. Jentz
Frank B. Cross

Guide prepared by

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Online Legal Research

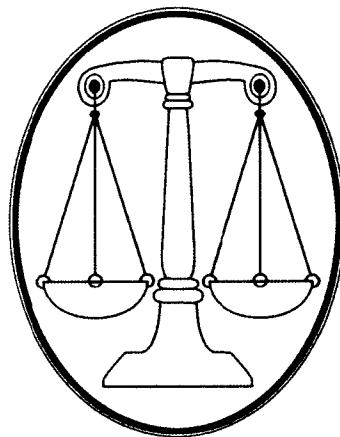A Guide to Accompany

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THOMSON LEARNING

ONLINE LEGAL RESEARCH GUIDE, 2002 EDITION
A GUIDE TO ACCOMPANY 2002 BUSINESS LAW AND LEGAL ENVIRONMENT TEXTS BY ROGER LEROY MILLER, GAYLORD A. JENTZ, AND FRANK B. CROSS

Preface

As you will discover when you read the 2002 editions of the business law and legal environment texts written by Roger LeRoy Miller, Gaylord A. Jentz, and Frank B. Cross, the law changes relatively slowly. The same used to be said about how to find the law, or, otherwise stated, about how to do legal research. As we begin the twenty-first century, nothing could be further from the truth, for those looking for information about the legal environment of business have a whole new world of research resources, literally at their fingertips. The amount of new resources coming online is changing every day and so, too, is the speed at which such legal resources can be accessed.

In this booklet that we have prepared to accompany all of the 2002 editions of the texts by Roger LeRoy Miller, Gaylord Jentz, and Frank B. Cross, we provide you with much basic information about how to find almost anything related to law on the Internet. You will notice in your text that whenever possible, we provide a Web address for court cases. Nevertheless, there are many other aspects of the law that you can obtain on the Internet. We hope that this book will help you feel comfortable moving around the Web as you seek out useful legal information.

Remember that you should always be accessing the specific Web site for your text, which is given in the preface of each text written by Roger LeRoy Miller, Gaylord A. Jentz, and Frank B. Cross.

There you will find online quizzes for each chapter in your text. You will also find Internet exercises that are referred to at the end of each chapter in you text. Finally, you can easily link to our general business law and legal environment Web site (**www.westbuslaw.com**) where you will find new cases for each business law and legal environment subject, access to WestDoc—a service that provides further case updates—as well as numerous other helpful data for your studies in business law and the legal environment.

We end this preface with a warning: Things change quickly on the Web! As of the printing of this booklet, all Web addresses were working.

R. L. M.
E. W. H.

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INTRODUCTION

In this booklet to accompany all of the 2002 editions of the business law and legal environment texts written by Roger LeRoy Miller, Gaylord A. Jentz, and Frank B. Cross, we will tell you how to think like an online researcher, how to do online research better and faster, and take you to some of the best resources currently available on the Internet. We will define and discuss service providers, browsers, search engines, and other terms that relate to aspects of engaging in research online.

By the time you read this booklet, some of what we say will have changed—the resources on the Internet will have improved, some resources will have been removed, and some will have been added. The general approach to conducting research online will not have changed, however. The first steps will always be to know the object of your research, to determine whether the Internet is the right tool for your project, and to narrow the focus of your search to find exactly the information that you need. If you can master these steps, you will be able to conduct research on the Internet no matter how much it changes.

INTERNET TOOLS

User-friendly software, color monitors and printers, and faster processors have combined with other technological advances to open the Internet to anyone with little computer knowledge. With a few points and clicks, you can get onto, and maneuver around the Internet.

UNIFORM RESOURCE LOCATORS

A uniform resource locator (URL) is an Internet "address." You might think of a URL as an electronic citation. Nearly every resource on the Internet is identified by a URL.

The basic format of a URL is "service://directorypath/filename." For example, **http://westbuslaw.com** is the URL for the West Legal Resources Web site, a resource center for legal environment of business instructors and students using West textbooks. This URL indicates that you use the "http" service to reach the directory path (or here, host computer) **http://westbuslaw.com**. This site provides access to instructor resources, new textbook and learning material releases, and an online catalog and bookstore.

"http" is an abbreviation for **hypertext transfer protocol**. When something on the Internet is a site on the World Wide Web, the first part of its address is "http." Hypertext is a database system by which disparate objects (text, graphics, and so on) can be linked to each other. With hypertext, you can move from one object to another even though their forms are different (for example, text and graphics have different forms). Protocol is the system of formats and rules that enable two computers to communicate. (Because "http://" is part of the URL of every site on the Web, we have omitted it from the rest of the URLs included in this chapter.)

"www" is an abbreviation for World Wide Web. The **World Wide Web**, or simply the Web, is a hypertext-based service through which data are made available on the Internet.

To enter a URL into a browser, usually it is not necessary to type in http and www. The browser will enter these terms automatically. This saves time.

FILE TRANSFER PROTOCOL

File transfer protocol (ftp) is a very basic interface that connects one computer to another to copy files. The files may contain text, graphics, or software. Ftp is the tool with which a computer (called a client) copies the files onto itself or from itself onto the host computer. A host computer set up to receive ftp requests is called a server.

To find files that are available from ftp servers, researchers use an online index called Archie. This index can be found at several Web sites, including ArchiePlex (**www.lerc.nasa.gov/archieplex/**).

WORLD WIDE WEB

The World Wide Web (the Web) is a data service on the Internet. The Web is accessed through a browser (discussed later). The browser's basic user interface is

hypertext, which means that communications between computers on the Web are primarily through links and menus (lists of commands).

When most people think of the Internet, they think of the Web. The Web consists primarily of documents, which are referred to as Web pages (sometimes **home pages**) or Web sites. These pages or sites usually contain links in boldface, underlined, or colored text. By selecting or clicking on a link, a user can be transported to other pages or sites, or run other software. From the Web, text, graphics, and software can be downloaded (or selected portions can be cut and pasted into a word processing document on your computer).

For example, the Legal Information Institute at Cornell Law School has one of the best law-related sites on the Internet (see **www.law.cornell.edu/**). By clicking on the links, you can find, for instance, the U.S. Constitution, the U.S. Code, or selected court cases, including the most recent United States Supreme Court decisions, as well as some of the Court's historic decisions.

COMMUNICATION

E-mail facilitates instantaneous communication and provides a convenient way to save and track correspondence. Discussion groups (explained in more detail later in this chapter) provide a forum for discussing legal and professional issues, including legal resources on the Internet.

PUBLIC RELATIONS

Law firms use the Internet for public relations by setting up home pages on the Web. A home page advertises the firm, providing, among other things, information about the firm's practice. Sometimes, a firm will publish through its home page articles on selected legal topics, providing a resource for research.

LEGAL RESEARCH

Legal research is a search for material that indicates how a judge will resolve a certain issue. This is because, in our legal system, judges determine what the law is and how it is applied.

Traditionally, legal research involved using the material available in a law library or conducting a search through a commercial, fee-based computerized database such as Westlaw® (see the discussion of Westlaw® later in this chapter). With the Internet, a third option has emerged. You can undertake legal research online.

What can be found on the Internet includes the following primary sources of law.

- The United States Constitution, U.S. treaties, the Declaration of Independence, and other selected important historical documents.
- United States Supreme Court decisions.
- Decisions issued by the U.S. Courts of Appeals over at least the last two or three years.
- The entire U.S. Code (all federal statutes) see the U.S. House of Representatives Office of the Law Revision Counsel at **uscode.house.gov**.
- The entire Code of Federal Regulations (all federal administrative agency rules). For example, the National Archives and Records Administration at **www.access.gpo.gov/nara/cfr** includes the Code of Federal Regulations.
- Materials focused on specific areas of the law such as intellectual property.
- Sources related to each state's law vary in the depth of their coverage. There is a list of state resources indexed at **wwwsecure.law .cornell.edu/states/listing.html**.
- Foreign law, which can be hard to find in many law libraries, can be found at such sites as the European Union Internet Resources site at **www.lib.berkeley.edu/GSSI/eu.html**.

What is available online in terms of secondary sources of law (comments or explanations by experts on particular topics) also varies. Traditional secondary sources, such as the legal encyclopedias and legal treatises familiar to paralegals and lawyers in their print versions, are generally not available. Other sources are online, however, to help a researcher focus his or her research (see, for example, the resources provided by Nolo Press at **www.nolo.com/**). Many law firms provide background material at their sites (see, for example, the list of publications offered by Hale and Dorr, L.L.P., a Boston law firm, at **www.haledorr.com/ publications.html**).

FACT-BASED RESEARCH

The Internet is very good for peripheral research of all kinds. At this time, the great value of the Internet to all researchers is in the wealth of nonlegal information available. This includes, among other things, library catalogs, phone books, public records, company Web sites, and databases of nonlegal government information. For example, some government agencies plan to put all of their files online, making them instantly available to anyone who needs the information that they contain. (An excellent starting point for federal agency information is the Government Printing Office's GPO Access site at **www.access.gpo.gov**.)

ACCESSING AND NAVIGATING THE INTERNET

The Internet can be compared to an enormous library. Knowing how to get into the library—how to gain access to the information you need—is one of most important parts of any research, and this is true of using the Internet. To get into a library, you need to know where it is and you need to go through the door. To get onto the Internet, you also need to find it and to go there—with a computer and an online service or an Internet service provider.

Once you have access to the information, the next important step is to find your way through the vast number of resources to the right information. In a library, this is done with the help of a card catalog (or the library's computerized catalog). On the Internet, this is done with the help of browsers, guides, directories, and search engines.

GATEWAYS TO THE INTERNET

There are three basic gateways, or methods of access, to the Internet. These methods differ in their cost and their ease of use. The most expensive method is to set up your own gateway, which a large law firm or business organization with money might do. This requires registering a domain name with a registrar accredited by the Internet Corporation for Assigned Names and Numbers (ICANN) (see **www.icann.org**), paying a registration fee, and operating a computer workstation with software connected to a special high-speed phone line. Other techniques are to gain access through commercial online services and Internet service providers.

COMMERCIAL ONLINE SERVICES

Some small businesses and many individuals access the Internet through **commercial online services,** such as America Online (**www.aol.com**). There are also online services, such as Counsel Connect (**www.counsel.net**), designed for legal professionals. Each of these services has its advantages and disadvantages.

The chief advantages of commercial online services in general are that they are designed to be easy to use and to direct you to resources that are likely to meet your needs. The chief disadvantage is that the volume of users often surpasses the ability of a service's equipment to deliver data quickly (or sometimes to deliver it

at all) and to provide other support that the service may advertise. Some services may also inhibit or prevent your viewing particular sites otherwise available on the Web.

INTERNET SERVICE PROVIDERS (ISPS)

An **Internet service provider (ISP)** is a service that provides dedicated access to the Internet. There are thousands of ISPs, which are usually the least expensive options for gaining access to the Internet. Most ISPs serve local regions, but there are national ISPs including Microsoft's MSN (**www.msn.com**) and Earthlink (**www.earthlink.com**). A list of thousands of ISPs, organized by area code and country, is available at **thelist.internet.com**. High-speed service is now available in some regions, ranging from fast ISDN access, to even faster DSL and cable systems.

NAVIGATING THE INTERNET

As stated earlier, the Internet is similar to an enormous library, but there is a key difference—the Internet has no centralized, comprehensive card catalog. In place of a card catalog, a researcher uses browsers, guides, directories, and search engines.

BROWSERS

A browser is software that allows a computer to roam the Web. Some commercial online services build browsers into their service. The most popular browsers, however, are Microsoft Explorer (**www.microsoft.com/ie/**) and Netscape Navigator (**www.netscape.com/computing/download/index.html**). These browsers can be used with any Internet service, including DSL and cable.

Improvements and other changes in browser interfaces and capabilities are so rapid and ongoing that almost any discussion of specific features would be outdated before it was published. Although each browser (and each version of each browser) has its own features, all browsers perform the same basic functions. These functions include the ability to set up automatic links (referred to as "Favorites" in Explorer and "Bookmarks" in Netscape) to Internet sites, to access those links easily, and to travel back and forth from resource to resource on the Web. Browsers also make it possible to copy text from Web sites and paste it into a word processing program such as Microsoft Word. With a browser, you can download images, software, and documents to your hard drive. Finally, with a

browser you can also search only the document that appears in your window. This last feature is most helpful when the document is long and your time is short.

GUIDES AND DIRECTORIES

The lack of a single, comprehensive catalog to what's available on the Internet has led to hundreds of attempts to survey and map the Web. Lists of Web sites categorized by subject are organized into guides and directories, which can be accessed at Web sites online. These sites provide menus of topics that are usually subdivided into narrower subtopics, which themselves may be subdivided, until a list of URLs is reached. If you are uncertain of which menu to use, directories allow you to run a search of the directory site. Popular examples of online directories include Yahoo (**www.yahoo.com**) and, for legal professionals, FindLaw (**www.findlaw.com**).

SEARCH ENGINES

Next to browsers, the most important tools for conducting research on the Web are the search engines. Search engines include:

- Google (**www.google.com**)
- Raging (**www.raging.com**)
- AltaVista (**altavista.com**)
- Profusion (**www.profusion.com**)
- Excite (**www.excite.com**)
- Lycos Network (**www.hotbot.lycos.com**)
- Infoseek (**www.infoseek.go.com**)
- Ask Jeeves (**www.askjeeves.com**)

A search engine scans the Web and indexes the contents of pages into a database. In contrast with directories, which people compile, a computer generates the results with a search engine. This means that the limits on those results are the researcher's ability to phrase a query within the constraints of the search engine's capabilities.

There are search engines that will search only specific categories of resources. For example, FindLaw, Inc., provides a tool at **www.findlaw.com** that searches only legal resources on the Web. The FindLaw tool can be further limited to search specified databases such as federal government sites.

Search engines vary in the size and scope of searches, in the flexibility of possible queries, and in the presentation of results. For legal research, however, even the best search engine cannot match the results of a search conducted with the internal search engine of a commercial fee-based database such as Lexis® (**www.lexis.com**) or (Westlaw® (**www.westlaw.com**). For example, all search engines have the capability to use connectors, such as "and," "or," and "not." For

most search engines, this is the limit of their sophistication. More precise queries can be formulated with Westlaw®, especially for a researcher proficient in its use.

Another difficulty with Web search engines is the quality of the results. In response to a search query, a search engine often lists irrelevant sources. Some of the best search engines will categorize results by, for example, the type of Web site (commercial, educational, personal, and so on) (see, for instance, Northern Light at **www.nlsearch.com**). This can be helpful, but it does not eliminate sites that are irrelevant. Sometimes, these can be eliminated only when a researcher goes to the sites and scrolls through them. Ordinarily, however, the first few hits are likely to be the most useful, and a researcher with experience can often avoid others that are inappropriate.

To get the best result, a researcher must know the features of each search engine and how to focus queries to take advantage of those features most effectively. A capable researcher will also keep abreast of changes to the search engines. Each engine includes tips at its site for searching with it. Also, with practice comes proficiency.

There are two basic kinds of searches: keyword and concept. A keyword search generates Web sources that use the exact terms that the researcher types. A concept search adds sources that use related words. In general, it can be said that the best results are obtained in a search for Web pages that contain very specific terms.

META SEARCH ENGINES

Meta search engines run searches on more than one search engine simultaneously. They are the best tools for searching the most Web space possible. (It should be noted that nothing searches the entire Web, however.) Meta search engines include Copernic (**www.copernic.com**, which requires a free downloadable program), All the Web, All the Time (www.bos2.alltheweb.com), Mamma (**www.Mamma.com**), Metacrawler (**www.metacrawler.com**), and All In One Search (**www.AllOneSearch.com**).

CONDUCTING ONLINE RESEARCH

Considering the variety of information online, it is almost certain that you will find something related to any research you undertake. The ease and speed with which this research can be done is the unique aspect of the Internet.

PLAN AHEAD: ANALYZE THE FACTS AND IDENTIFY THE ISSUES

With research, the key to obtaining successful results is knowing where to start. Knowing where to start requires a knowledge of the research sources available and of the tools that can be used to access those sources. To be most efficient, plan your research steps before going online.

The first step is to know what it is you are seeking. To avoid wasting time, state your objectives clearly and be sure that you understand the goals. To narrow the scope of your research, you may need to know the reason for the research or how the results will be used.

The second step is to determine which sources are most likely to lead you to the desired results. One way to gain a sense of where you want to look is to use a guide book (see, for example, the most recent edition of *The Internet For Dummies*, which is written by John R. Levine and published by IDG Books Worldwide, Inc.). A good guide can point you in the direction of the right Web sites to visit to begin your research, to narrow its focus, or to find exactly what you need. Once these steps are taken, the research can begin.

With any source, you need to balance its utility and convenience against its credibility.

ONLINE RESEARCH STRATEGY

On the Internet, a researcher uses traditional and innovative approaches to research. For example, the use of a search engine is usually the first step in online research. It may be the last resort, however, if posting to a newsgroup (an online bulletin board service) would get a more reliable response from a primary source with less effort on your part than other methods. (Newsgroups are discussed in more detail later.)

STARTING POINTS

Sometimes, a research session begins with one of the online directories or guides discussed earlier in this chapter. For example, if the object of your search is to find a law firm that practices in a specialized area of the law, you could start with Yahoo's "Government" menu (**www.yahoo.com/Government**). This is broken into submenus including one titled "Law," which is further broken down into submenus that include "Firms." Law firm home pages are organized alphabetically and accessible from this submenu. This submenu also includes a list of legal specialty areas through which the pages can be accessed.

A search engine or a meta search engine may be used to compile your own list of Web sites that contain certain key words. A search engine tailored to zero in on specific topical sites may be more useful than either a general search engine or

a meta search engine, depending on your research goals. (Search engines geared specifically to legal resources are discussed later.) Keep in mind the limitations of search engines, however. Your search may locate many irrelevant sources and may not spot every site that you would find helpful. Also, different search engines will yield different results. For this reason, it is best to conduct a search by accessing more than one search engine.

From the preliminary results of a general search, you can click on the links to visit the sites and determine which are useful. Many sites include their own links to other sources that you may find helpful. Some Web sites attempt to collect links to all online resources about particular topics. These include directories, which were discussed earlier, as well as other sites such as The Federal Web Locator (**www.infoctr.edu/fwl/**), which provides links to federal offices and agencies. For more experienced researchers, there is Hieros Gamos (**www.hg.org/hgfr.html**), which is an extensive guide to legal information that is available online. Some sites are more eclectic in what they offer (see, for example, the 'Lectric Law Library at **www.lectlaw.com**).

CREATIVE SEARCHING

Information can be collected easily via the Internet. The only limit to what is collected and how it is analyzed is the ability of the researcher. What distinguishes a good researcher from an average researcher is the ability to get hard-to-find or obscure data from hard-to-reach sources that are especially reliable. Backing up a secondary source with hard-to-find primary data is qualitative, comprehensive research.

For example, the Web can be a good source for obtaining background information on people. Imagine that a lawyer is scheduled to question a certain witness. Background information could be useful during the questioning. The witness's past can be investigated on the Web in several ways. A general search can be made to uncover any data that concern the witness. Newsgroups (discussed later in this chapter) can be searched to discover whether the person has said anything in these groups that relates to his or her testimony. Other ways to find people and information about them is discussed later in this chapter.

Interpreting the data in clever ways is another attribute that distinguishes good researchers. Assume that, for example, one of your competitors advertises employment opportunities for engineers with certain skills. To an intelligent researcher, this may indicate a new direction for the competitor's research and development, or a new product line. A competitor's Web links could give you insight to the competitor's operations or indicate a new market for your products. To discover sites that link to your competitor's home page, you could use a feature

such as the Advanced Search tool at the Altavista search engine site (**www.altavista.com/**). In that tool, as a search term use **link:<your competitor's home page address>**.

DISCOVERING WHAT RESOURCES ARE AVAILABLE

Despite your best intentions and attempts to pinpoint your research, you may have to approach a project without a clear objective as to what it is that you need to find. Your initial research goal may be to discover the extent of resources available online, with your ultimate goal being to obtain more precise results.

Similar to the popular guides and directories such as Excite (**www.excite.com**), there are less familiar Web pages that contain links to important resources in particular topic areas. These pages often include directory-style menus and search utilities. For example, legal resource search engines, such as CataLaw (see **www.catalaw.com**), are directed to find sites related to legal topics. Remember that these sources often change, and may even disappear, and that new ones can develop overnight.

Many libraries provide access to their catalogs online so that you can determine the availability of particular resources offline (see, for example, the cataloging available on the Web site of the New York Public Library at **catnyp.nypl.org/**). You can search these catalogs over the Internet in the same way that you would search them in the library. This can save the time that a futile trip to the library might cost. You can search the catalogs of your local libraries and those of libraries that are more distant. This allows a researcher to find source material at a distant library that might be delivered to a closer library where the researcher could more conveniently review it.

Another way to find what resources are available is to begin with a listserv list or a newsgroup. These can also be used to update your research.

A **listserv list** (or mailing list) is a list of e-mail addresses of persons who are interested in a particular topic. By placing their names on the list, they agree to receive e-mail from others about the topic. A message sent to the list's address is automatically sent to everyone on the list. Anyone on the list can respond to whoever sent the message. As a researcher, you might post a message that asks for suggestions as to online resources for your research. You can also add your name to the list to receive the mass e-mailings. In some cases, you may be able to browse an archive of messages to see if another researcher has previously called attention to a resource that matches your search. Listserv lists (see **tile.net/listserv**) provide more anonymity than newsgroups.

A **newsgroup** (also known as a **usenet group**) is a forum that resembles a community bulletin board. A newsgroup can be selected by topic. A researcher

can post a question or problem (for example, "Does anyone know a good source for what I want to know?") and check back hours or days later for others' responses. A researcher might also browse the newsgroup's archive, although messages are typically stored only for limited periods of time. There are thousands of newsgroups (a few hundred focus on law-related topics). Newsgroup directories can be skimmed at such sites as Liszt (**www.liszt.com/news/**). Newsgroups can be searched with specialized search engines such as Newsville at **www.newsville.com/news/groups/**.

BROWSING THE LINKS

Traveling around on the Internet to see what data are available is known as "surfing the 'Net." Clicking on links within a site to open other Web pages is called "browsing the links." As you browse through the links that could be potentially useful for your research, two problems will become apparent. First, there is a need to keep track of the Web sites you visit. Second, the speed at which your computer browses can sometimes be slow.

A browser "Favorite" (Explorer) or "Bookmark" (Netscape) is an electronic substitute for keeping a book on your desk. With one of these tools, you can create an automatic link to any point on the Web and return to it at any time. For example, you might want to create a Favorite or Bookmark to the site at which you begin your research: a directory, a search engine, or one of the sites that have many links that relate to what you need.

Slow speed can be more of a problem. It may be the result of something, such as an outmoded browser, that you can correct. It is not always so easily overcome, however. It can result from bad phone lines, your service provider's problems, the limits of equipment (yours or someone else's), quirks in the weather, and so on.

Before going online, you may want to take steps to avoid some of the causes of slow speed. For example, to avoid the difficulty of accessing a popular site during its busiest times, you might go online early in the morning or late in the day. You should be aware that if traffic is heavy at a particular site, there could be a mirror site with the same data. A site will note on its home page if a **mirror site** is available. You might also avoid downloading or uploading large files at a site's busy times. It may be possible to increase your speed by selecting the text-only option when you browse. This may be particularly helpful when you use a low-performance computer or modem to access a site that has rich graphics. With some sites, this may not be an option, however, because the graphics may be necessary to navigate the sites.