



Westlaw versus Lexis: The debate rages on

Rising costs and a weak economy may influence the outcome of the libraries' choice of search engines.

BY TAMI KAMIN-MEYER

As the expression goes, one person *can* make a difference.

Earlier this year, when J. Paul Lomio and Erika V. Wayne were co-teaching Advanced Legal Research to second- and third-year students at Stanford Law School, a third-year student earnestly asked whether she would be at a disadvantage in the job market since she was only learning Westlaw but not Lexis.

Her inquiry led the director and deputy director of Stanford University's Robert Crown Law Library to wonder the same thing themselves. What if a law firm that used Lexis exclusively was considering hiring a Stanford Law grad? Would the otherwise well-qualified young lawyer lose out on that opportunity since they were adept at one legal search engine but not another?

The librarians' curiosity propelled them to create an 11-question survey, which they posted on www.zoomerang.com, about which legal search engines law libraries owned or favored. They asked their fellow law librarians to participate in the survey by using group Listservs. The survey was opened April 25 and closed on May 5, 2008. During that brief window, the survey was visited 953 times. Of that number, 723 people completed the questionnaire while another 122 respondents completed part of it.

With respondents overwhelmingly favoring one legal search engine over the other, does that mean the end is near for one? If not, what *does* it mean?

The envelope, please. . .

When asked if their law library could subscribe either to Westlaw or LexisNexis, 70 percent of respondents choose Westlaw.

Lomio says the survey results astonished him because he always perceived the two search engines as "interchangeable. I was surprised to find a strong preference for Westlaw."

Wayne was equally surprised.

What didn't shock her was that an overwhelming majority of federal court, government library and state court staff who completed the survey favored Westlaw over Lexis. "There is a strong relationship between the courts and Westlaw," she says.

Further preference for Westlaw over Lexis can be observed at the Stanford Law School. The law school's library survey from May 2008 showed that law students had a clear preference.

From the law school's population of approximately 550 students, 180 responded to the survey in nearly equal numbers among first, second and third year students. Respondents indicated their preference for Westlaw over all other search engines, and Lexis did not even place second. That honor went to Google. Lexis came in third.

Comments from the legal community

Despite what the Stanford survey suggests, other legal professionals have their own opinions. What do the experts

in legal research prefer? Richard W. Schulke, legal reference librarian for the San Francisco Law Library for over 17 years, says he personally favors Westlaw over other search engines. The reason? "It features

more California-specific materials. It's also easier for laypeople to use than Lexis."

The San Francisco Law Library is unusual in at least two ways. First, it is open to the public, and Schulke estimates that 30 percent of its patrons are *pro se* litigants. Second, the law library does not charge anyone for unlimited use of its services, including Westlaw and Lexis. (Copies, however, cost 20 cents a page.)

One of the San Francisco Law Library's frequent users is solo practitioner, John Brown. The San Francisco litigator says that he conducts approximately 75 percent of his legal research online, and about half of that is conducted at the San Francisco Law Library.

"I use Westlaw exclusively," says Brown. He did note that he once liked Lexis better, but today he finds that West-



Schulke



law's format easier to navigate. He also subscribes to Westlaw at his office.

At least one recent graduate of Stanford Law School uses Westlaw when he conducts legal research for the firm where he works because "that's what's provided to me." However, as a law student, Mark Baller says he favored Lexis because its "Shepardizing feature is far superior to the KeyCite function" available on Westlaw.



Baller

Baller also says he never consults Web sites featuring free law-related content because his employer pays for Westlaw. However, if he ever opens his own law practice, he "might" surf those sites.



Daw

Michael Daw, director of the Golden Gate University Law Library, says he doesn't favor one legal database over the other. Daw first learned how to use Lexis in 1993, when it was still a DOS program. "It was the first thing people used back then," he says.

Rather than maintaining an exclusive preference for one database over another, Daw lets the material he's seeking control whether he uses Lexis or Westlaw. "Each company has its own strong points," he says.

For example, he labels Matthew Bender's introductory material "excellent,"

but it is only available on Lexis. Rutter Group materials (including the "bible" for litigators: Weil and Brown's Civil Procedure Before Trial) is excellent, but it is only offered online through Westlaw.

Daw cautions legal researchers to be wary of Web sites offering legal information at no cost. "Free sites are a great place to start, but before I'd use that information in a legal brief, I'd double check [that] the information is accurate," he advises.

Daw's warning is not limited only to the FindLaws or GetLegals of the world. According to a March 2007 report issued by the American Association of Law Libraries (AALL), no state's online primary legal resources are authenticated or afford ready authentication by standard methods.

In its State-by-State Report on Authentication of Online Legal Resources, the AALL report states that "none of California's online legal resources is official. But several of those resources have some official characteristics." Moreover, the report indicated that "California is not addressing the authentication of online legal resources."

What it all means

With the U.S. economy tanking and the costs of legal research engines rising, how will the results of the Lomio/Wayne survey impact California law libraries? Will they cancel one service over another?

Shulke confirms that Lexis is the most expensive legal search engine of-

fered by the SF law library, followed by Westlaw and HeinOnline. Still, while his facility has no current plans of canceling either Lexis or Westlaw, "you never know," he says.

Despite the costs, the Golden Gate Law Library has also not considered ridding itself of Lexis or Westlaw. However, says Daw, a Listserv he recently read included a thread on just that topic, meaning people are discussing it.

"We like both, and I don't want to rely on just one," says Daw.

Lomio says the rising costs of legal search engines might one day force Stanford Law School to make some changes in those offerings. "Our Lexis bill went up by about six percent, not as bad as some legal publishers. But our budget is not increasing by six percent, so at some point, something will have to give," he says.

Lomio says the school paid \$34,980 for access to Lexis from September, 2008 to August, 2009, an increase of about \$1,980 from the prior year.

Moreover, he says, the school's faculty has been requesting additional databases, both law-related and secular, "so we can't keep paying for only Lexis and Westlaw."

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