

## The Joy of Paper and Ink

Everyone loves online research, but attorneys should not ignore print resources.



A Special Report  
Librarians and  
Information Management



BY ANNE V. ELLIS

*"I'm more certain than ever the truth is out there."  
Agent Fox Mulder, "The X-Files"*

The truth is out there. The question is, where?

In this electronic age it's natural to sometimes assume that all answers are now at our fingertips via a keyboard. To many new attorneys and researchers, a walk down the hall to the law library to research secondary sources can seem inefficient and even quaint.

A 2005 Thomson West survey of law librarians found that many new researchers lack knowledge and experience in using print resources and understanding how to integrate them with online research. Studies also show a decrease in the diversity of sources being cited by law review articles and attorney-written briefs.

Today it's not uncommon to find associates and recent graduates who are skilled at finding case law online but lack the skills to conduct in-depth research to determine if the cited case or statute is the most applicable or relevant to a given matter.

By not fully using print research, researchers are missing out on a wealth of valuable resources. Print research in particular allows researchers to conduct in-depth research via secondary sources. Though online research is excellent for yielding specific facts or cases, print volumes can provide broad overviews and a more thorough and deeper understanding of an area of law. Footnotes, annotations, and indexes in treatises and legal encyclopedias are easily tracked while a researcher reads print volumes, revealing research threads and nuances of law that may not be readily apparent at first glance.

Teaching attorneys how to become power print researchers can often simply be a matter of sitting down with them to teach them the advantages, breadth, subtleties, and best uses of print-based research.

In response to requests from researchers and librarians, Thomson West has been analyzing the training needs of new researchers. In our experience, new researchers often need to

start from square one when it comes to understanding print resources and how to use them effectively. We never assume that the differences among a legal encyclopedia, reporter, digest, and treatise are understood.

West Integrated Legal Research, for example, uses a combination of presentations, discussion, and hands-on exercises to help law librarians increase understanding among attorneys and researchers about ways to combine print and online resources effectively. Such integrated research training can increase comfort levels with print relatively quickly, making users better, more well-rounded researchers.

"It's important practitioners learn the importance of secondary sources before they become experts in their area," says Tracy Bridgman, West librarian relations manager and former head of faculty services at Georgetown University Law Center. "Instead of sitting down at the 'black box' [for online research] and hoping you get the answer you need, I like to show how secondary sources can help you actually find the right answers. The online services can then be used more efficiently to confirm your answers and provide greater depth."

The temptation to dive headfirst into a full-text online search can be hard to resist, and it can yield a wealth of information. Often lacking, however, is the proper context and direction to ensure the mass of information is highly relevant to the matter at hand. Worse, it can often lead researchers astray, directing them to cases that have subsequently been overruled, are steeped in controversy, or simply aren't applicable.

"By starting their research online," notes Bridgman, "the tendency is to find the first good answer and then stop. Secondary sources can form a more complete overview and lead to an answer that's more on point. Consulting the right treatise or encyclopedia entry provides a road map that can lead to other primary and secondary sources that will yield the most relevant answers."

### BEST OF BOTH WORLDS

Of course, the goal is not to wrest researchers away from all

online research. Print and online resources complement each other, and together provide the complete set of tools for effective research. In particular, the secondary sources accessible through print make subsequent online research more efficient, which in turn is more cost-effective for firms and clients alike.

"We always told our attorneys to go to a secondary source first, even if it's just consulting a legal encyclopedia or using an index to find an article," says Cindy Carlson, West librarian relations manager and former electronic resources librarian at Fried, Frank, Harris, Shriver & Jacobson. "Sometimes people said, 'Well, why should I consult an index when I can just do a full-text search?' Even a single index can lead to a highly relevant citation with footnotes and annotations, which opens a universe of materials that are tightly knit and highly relevant.

"When they finally do their online search, they'll be much more effective and efficient researchers," she continues. "They'll better understand the law and its history. And, most importantly, they'll begin their search equipped with a well-thought-out vocabulary of relevant terms, rather than shooting from the hip with the vocabulary that came straight off the top of their heads."

### SCENARIO-BASED TRAINING

Real-life scenarios can be helpful in training people how to effectively use print resources. Here's one example that has proved effective in our training programs:

A client has been selling some real estate and has more to sell. But she thinks of it as more of a hobby, although the sales happen more than occasionally. She would like to treat the sales as capital gains but isn't sure whether she might be taxed as if she were in the real estate business.

Research, therefore, will focus on general tax rules governing real estate transactions, the requirements and the tax results of real property exchanges, and the question of whether the client is a real estate "dealer" requiring special tax treatment.

By turning to the index of *Mertens Law of Federal Income Taxation*, a widely cited tax treatise that covers federal income tax law in a detailed and understandable way, a researcher quickly finds the general rules for real estate sales discussed in Chapter 22A. Each *Mertens* chapter has an overview section,

providing a chapter summary, some quick background, and references to the sections of the chapter where the subjects are treated in more detail.

With this background the researcher finds citations for *Tax Aspects of Real Estate Investments*, which provides expert analysis on complex issues. The index leads to a discussion on "Dealers and Dealer Property," which addresses the key question: Is the client in the business of selling real estate? The section covers the disposition of property and the determinants of "dealer status."

The print-research findings show that the ultimate question is whether the property has been held primarily for sale to a customer in the ordinary course of business. The researcher can now turn to Westlaw, where a search using those terms leads to 47 cases that are on point. An online citation service, such as KeyCite, can then verify whether a given case is good law.

### A WINNING COMBINATION

Online research services are constantly adding new information and functionality that produce more thorough and accurate results. But print research remains a fundamental cornerstone of effective research. It provides a breadth of fundamental legal knowledge and perspective that is unique.

Bridgman often used to bring law school students into Georgetown's vast law library to make this point. She would explain how online research services, as wide-reaching as they are, encompass only about 4 percent of the information held within the library's 1 million volumes.

"I would ask them, 'If you were writing a brief, would you rather use 100 percent of your available resources or 4 percent?'" Bridgman says. "'Wouldn't you like to back up your thoughts with the most relevant and authoritative experts possible to bolster your arguments?' I'd see the light come on over their heads, and they'd come away with a whole new perspective on how to conduct research."

Integrated training can help attorneys and researchers see the light about the value of combining the best of print and online research.

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