

## Electronic Resources or Print Resources: Some Observations on Where to Search

*Teachable Moments for Students ... is designed to provide information that can be used for quick and accessible answers to the basic questions that are frequently asked of librarians and those involved in teaching legal research and writing. These questions present a “teachable moment,” a brief window of opportunity when—because he or she has a specific need to know right now—the student or lawyer asking the question may actually remember the answer you provide. The material presented in this column is not meant to be an in-depth review of the topic, but rather a summary of the main points that everyone should know. It is a companion to the Teachable Moments for Teachers column that gives teachers an opportunity to describe a special moment of epiphany that changed their approach to presenting a particular topic to their students. Readers are invited to submit their own “teachable moments for students” to the editor of the column: Barbara Bintliff, University of Colorado Law Library, Campus Box 402, Boulder, CO 80309, phone: (303) 492-1233, fax: (303) 492-2707.*

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A perplexing aspect of legal research is the multiplicity of sources in electronic and print formats. Having so much information in several formats, sometimes duplicative, often makes understanding already complicated legal resources more difficult. Decisions that should be straightforward can become complex.

One such decision is fundamental to every research project: where to look for the information needed. Most people do not consider how book and computer research differ and they use the resources interchangeably, or use one format exclusively. It is understandable that a researcher would

assume there is no difference between looking for information in electronic sources and using print. Many information resource vendors and even some research instructors send the message that virtually all research can be done using print resources exclusively or electronic resources exclusively. Since the same information often appears in both print and online, either format ought logically to yield the same results.

However, searching in the “optimum” format saves time and money, and increases efficiency. Electronic and print resources differ significantly in their search protocols, each mode having both strengths and limitations. Experienced researchers develop an almost intuitive sense of which format to use in a given situation, and consult both print and electronic resources in the course of a research project.

### Differences

Many researchers believe that electronic resources are superior to print for retrieving “known” items. That is, computer searching allows for efficient retrieval of discrete information for which there is a clear identifier or that can be described with specificity. Examples include pending legislation; telephone numbers, addresses, and other directory information; or reports from interest groups or government entities. If the correct title or a unique numerical identifier is available, or if the needed information can be described with exactness by keywords, retrieval via an electronic source is fast and effective.

Most search engines and interfaces are designed primarily for word-based searches. Most databases offer “full-text” searching, allowing entire documents to be scanned for the requested words. Documents meeting the search request can be quickly pinpointed. If a case or article is needed that has as its topic, for example, bankruptcy proceedings for dog trainers, electronic searches should quickly

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retrieve the requested information. In addition, limiting or narrowing large quantities of research to those that feature specific facts or important words in a specified relationship (such as within the same paragraph or within five words of each other, or corresponding to a given date) is a tremendous strength of electronic research. Most subscription databases offer some form of Boolean searching for this purpose, and most other subscription resources and Internet sources offer “advanced” searching with some of these capabilities.

Breaking news, recent updates to legal documents, and emerging trends are much easier to find electronically. Database content can be added to (or taken away from) instantly, allowing for rapid—and invisible—modification or updating. Print indexes and sources will always be slower, whether by a day or several months. By the time a print source is available the trend may have come and gone or the filing deadline passed, and the needed information will not have been found.

On the other hand, researchers turn to print for broad, conceptual research, or background information. Print resources have hierarchical indexes and tables of contents that place words and concepts in an overall, intellectual context. This allows for quick, almost unconscious, expansion and narrowing of searches to locate applicable information. Terms of art, important concepts, and related topics are readily located in print indexes, with their controlled vocabularies and syndetic structures. With books you can better expand and narrow searches; computers often leave the user with not enough feedback on whether a search retrieved the information sought and no guidance on how to proceed.

Flipping back and forth between sections and consulting several sources at once is much easier with print sources. While some online resources, especially subscription research databases, are beginning to incorporate indexes and tables of contents in their services, their manipulation remains difficult. Statutory research in particular is more effective in print resources. Print resources will remain better for certain purposes until more effective electronic multitasking is possible and

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Print sources can be changed or updated only by reprinting, supplementation, or errata inserts. Modifications to print sources are almost always visible, which is one reason many courts and law journals still consider the print version the official source. On a more esoteric level, using print resources makes for a more deliberate research process, incorporating reflection and reassessment. Computers emphasize “one-click” information retrieval. There is often a sense of urgency in searching electronic resources, whether it is because time is money or because of the speedy results. Databases, unlike print resources, are not conducive to browsing.

### Some Preliminary Guidelines for Choosing Specific Formats

Search interfaces and database contents change rapidly and vary tremendously, both for the “free” Internet and subscription databases. Print resources also differ in structure and features. Thus, the following considerations are *guidelines*, not hard-and-fast rules. These guidelines do, however, apply to both legal and general research. With that caution, here are some basic guidelines on choosing formats.

#### Search electronically when:

1. The research allows use of a **unique or unusual word or phrase**. For example, electronic resources are excellent at finding documents that include the proper name of an individual or corporate body (examples of proper names include Justice Antonin Scalia, Bill Gates, Arnold & Porter, the American Cancer Society), a specific product (Beano or aluminum foil), or a geographic location (Schenectady, New York); Latin maxims (*res ipsa loquitur*); unusual items or facts (Chilean flamingoes or moon launches); terms of art (Newtonian physics); exact quotations or phrases (“the truly fearless think of themselves as normal” or “divine intervention”); or any other unique words or word combinations.
2. The research involves **new developments or emerging trends** (nanotechnology, P2P file sharing). This includes citation-checking in KeyCite® or Shepard’s®, updating, or verifying information.

3. The **most recent information or news available** will almost always be electronic (current weather reports or stock prices, the Thomson CEO’s speech from this morning, a verdict handed down today).

4. The research should result in a **specific answer** (size in square kilometers of the city of São Paulo, Brazil, or the phone number for the White House switchboard).

5. **Information needs to be manipulated** in a way that is extremely difficult using print resources. For example, it would take hundreds of hours to locate all of Justice William O. Douglas’ dissenting opinions in print sources, but just a single search online in the right database provides this list. Searching by field or segment, or using date, word order, or proximity limits, is especially effective with electronic resources.

6. A **specific citation** is available for a case, statute, regulation, report, or other identifiable document. The text of the 2004 House of Representative’s Report 108-796 (the conference report for the Intelligence Reform and Terrorism Prevention Act) is readily available electronically in a number of databases and on the Web using its citation (H.R. 108-796).

7. Following preliminary research, you have a very **sophisticated search query** that combines facts and concepts.

#### Search with print resources when:

1. The issue is described using **common or ambiguous** terms (court, judgment, plaintiff). These words are “stop words” in some legal databases (or the “common words” of other electronic resources). Their use electronically could retrieve thousands of documents. Print indexes or tables of contents provide context and hierarchy that allow for a more precise understanding of the word’s use, and thus more efficient searching. Many sophisticated researchers prefer print sources to research **procedural issues** for this reason: many of the most important terms for both civil and criminal procedure (jurisdiction, plaintiff, pleading) are too generic for electronic searches.

Likewise, if many synonyms are needed to express a key fact (child, infant, minor, boy, girl, toddler, teenager, etc.), then the broader coverage of print resources is preferable because the likelihood of missing a key document due to omission of a single synonym is virtually eliminated.

2. The research involves **concepts or theories** (burden of proof, mistake, negligence). Print resources are generally arranged by concept or theory, making their context easier to understand. Tables of contents and indexes also demonstrate the framework of the concept, and suggest ways to narrow searches, whether through more specific terminology or by alternative terms.

3. Research for factually similar scenarios has been unsuccessful, and the search has broadened to include a quest for **analogous authority**. The specificity of electronic searching does not lend itself to finding broader, less focused, information useful as an analogy. The more inclusive coverage of print resources, however, can suggest similar fact situations or related theories.

4. Unfamiliarity with the topic requires an **overview or background information, or a review**, before research in any source will be effective.

Of course, it doesn’t matter what format is selected if the resource does not cover the subject or date span needed. Many information resources are similarly named, as illustrated by the *Pacific Reporter*<sup>®</sup>, now with a first, second, and third series, or the *Supreme Court Review* and the *Supreme Court Reporter*<sup>®</sup>. Researchers must always understand the scope of the resource being used.

And while print offers complexity and context and electronics offer specificity and speed, nothing can replace 10 to 15 minutes spent on developing a research strategy. Thinking about the problem, identifying important facts, words, and concepts, and separating a large research project into smaller segments will lead naturally to the selection of optimum formats.

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