



Quidlibet Battles High Cost of Legal Research

Law firms searching for new ways to provide quality, reduce costs

By: Nina Cunningham Ph. D.

An article on *Open Sourcing* the law and discussing access to legal research tools, appeared in the June 30th issue of *Forbes* Magazine. It has caused quite a stir in the legal community and, after so many years of silence on the subject, it certainly should cause a stir. While not all resources are justifiably *open sourced*, certainly free access to public information is part of the meaning.

I have been helping law firms battle the high costs of electronic research services for more than 20 years. Our efforts include leveraging technology, eliminating duplication, renegotiating contracts, etc.

It is clear that this new stir and the inquiries posed reflect a combined awareness of low-cost and high-quality sources of legal information and an unprecedented interest in cost reduction on the part of law firms.

Awareness comes in the wake of mounting costs and creative new pricing models from the primary commercial database competitors, affectionately nicknamed *Wexis*. While the resource producers seek growth and profit, as do all companies, neither the costs nor the pricing models make sense with what we know about computers and information today. We know growth has been led by acquisition of other publishers and database producers.

At the same time, law firms and their clients are much more sophisticated and cost-conscious, finding or creating *Wexis* alternatives. There are web-based tools and services that help control client costs. Regardless of how acceptable the convention of charging for line items has become, lawyers face resistance from their clients for this type of billing for legal research and often cannot collect.

The information industry has changed a great deal in the past two years. The attitude of law firms has shifted from fear of challenging the high costs of resource giants to recognizing that alternatives are available. Lawyers need not be held hostage by the benefits of one-stop shopping when customer satisfaction pays the bills.

I began a consulting practice after first creating a legal research brokerage service. This was almost thirty years ago. I was in a good position to learn how to use Lexis which, at the time, was the big innovator. With the advent of electronic publishing, West began to compete. In the early days they were considerably behind, publishing their proprietary headnotes before publishing full-text judicial opinions.

As a person in charge of negotiating research arrangements at many different firms, I quickly became aware of innovative pricing strategies. For most of this decade, I have been serving law firms as they struggle to understand their intricate contracts and pricing arrangements. While an argument for free resources has existed for some time, aggregators and developers argue they should be paid for their creativity, much as happens in the entertainment industry. But in legal research there is choice, and the very same resources are available in multiple forms and formats, many of which are free of charge.

Old publishing houses with unique publications no longer make a difference. Michie, Callahan, Clark-Boardman, and Prentice-Hall have all been taken over by Lexis or Westlaw. Today, however, pricing is what matters. And it is no longer clever or classy to buy up small private services to avoid competition. Lawyers themselves are raising the red flag.

Lawyers use Google as well or better than the average searcher, and many lawyers who work solo are on constant search for affordable resources. Westlaw still tries to justify its pricing, and their leaders continue to press profitable pricing models down to their sales organization. But customers are doing less to capitulate. They have become hostile to customization; customization just opens doors for Westlaw to introduce novel pricing. In some instances, they extract information from the law firms, only to charge them to feed it back in database format. While they should be paid for their services, law firms now are finding their voices and resisting the outrageous.

I am one of those building access to free resources, much as the lawyers have who started *FastCase*, discussed in *Forbes*. Their firm, Covington & Burling, was among the early firms to manage their legal research costs and they were forward looking in the efforts to reduce and control operating costs. Watch my website at www.quidlibet.com for more information on legal research cost reduction, propriety notes, and access to free resources from KeyCounsel.

In the meantime, take note of a primary cost reduction technique for your firm or library: *Get rid of Law Books*. And here are the reasons why:

- While many lawyers love the feel of the real thing, sources of law now duplicate the online services and because of manual updates are far less reliable;
- Many law books that line shelves and provide the important backdrop in TV commercials and movies with lawyers are filled with legal opinions handed down from federal and state courts which are free and in the public domain;
- Cases are compiled on a chronological basis and finding a case requires a legal citation. This means it requires other resources or online access;
- Print compilations of cases range in the \$100 a volume level. Recognizing the litigiousness of our great people, the number of volumes produced a year has increased enormously;
- Maintenance of law books require manual labor;
- Books require a great deal of shelf space, taking up valuable firm square footage;
- Costly staffing to maintain books is a misuse of the expertise of trained law librarians;
- A book off the shelf is not available to another user, and frequently cannot be found;
- Most law books require subscription services to updates to remain current;
- No client value is served by creating catalogue records;

- In some areas, failure to file new additions means a hopelessly out-dated product that may create a malpractice issue.

As an excellent source of a wide variety of resources, take a look at <http://www.law.cornell.edu/>.
Before exiting the site, don't forget to click on *Donate*.

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