

Topic – why competent lawyers should research on the web?

(This is a published article available on Ipleader's)

1. Introduction

Legal research is integral to the study as well as practise of law. Before digitalisation of legal resources, it was a strenuous task to find relevant material from the plethora of books, journals, statutes, judgements and other sources of information. But, now due to the readily available online sources of information to research from, the very nature of legal research has evolved. Researching on the web is faster, more efficient and accurate.

The importance of being well- versed with how to use the web to one's own advantage has never been felt more. The legal profession is rapidly evolving in today's digital age and web-based legal research is becoming the norm. The internet has become a primary platform for research as lawyers are making shifts from print to digital sources. This switch is lucrative as it offers to enhance competence, efficiency, speed and accuracy of legal research. The article delves into findings from surveys and studies to provide compelling evidence why lawyer's need to embrace web research. A proactive approach to integrating web-based research into legal education and practice is advocated by exploring benefits, downside and transformative potential of using technology in the legal field. With data indicating the increasing popularity of online research among legal professionals, it is essential for lawyers to leverage digital resources to add value to their organisations, provide competent representation, and adapt to technological advancements.

2. Reasons to use web for legal research

The saying that "Research on the internet is no longer a luxury; it is a necessity" proves true in this 21st century. But before legal research professors and law school librarians completely abandon the effort to get students to learn how to research offline, we will actually determine whether the print primary sources, secondary sources, and finding tools on which many of us had been primarily trained were truly becoming an endangered species.

The Internet is increasingly becoming a primary platform for conducting legal research. Findings from a variety of studies and surveys point towards the same as well. So, There are

various compelling reasons for lawyers to make a switch to start doing legal research on the web.

2.1 Convenience and efficiency

Web-based legal research is extremely helpful as it's very easy and convenient. It has decreased the need to go through hundreds of journals, newspapers or printed copies of recent judgements, statutes and regulations. Lawyers can now easily just type a relevant keyword in an online search engine to produce multiple findings to support a specific legal issue or decision. This expedites the research process and efficiency of legal research, making it easy for lawyers to amass a wealth of relevant information quickly without breaking a sweat. Surveys conducted by ABA show that the majority of lawyers use the internet for legal research whether it's paid or free sources online. The results of the survey showed that 42 percent lawyers start research with search engines like google, while 34 percent start with paid online resources and Only a small minority of 37% said they still regularly use print materials for legal research. Seven percent said they never use print materials during research.

2.2 Enhanced Reliability

Legal resources online have an edge over their printed counterparts as they are more readily edited and can be trusted to cite the most recent authority on a topic. Nowadays even amendments and changes in law are quickly made available online. Such prompt updates make Online legal research a faster and more convenient way for lawyers to ensure that a case has not been reversed or overruled. Thus, minimising the risk of relying on outdated or overruled facts. Moreover, there have been increased instances of government entities and courts posting information directly on the web because of the low cost of digital publication. This in turn has raised the expectation for competence in research. In such an environment, a lawyer must use some form of web-based research to make sure that the primary sources that he cites are up to date and have not been overruled.

2.3 Addition of web-based legal research in the college curriculum

Increasingly, even the curriculum at law schools have included as part of the course, tutorials and classes on how to do online legal research through platforms like SCC, Westlaw, lexis, manupatra etc. Law schools around the globe have recognised the dire need for young law students to be proficient in web-based research. This change in college curriculum reflects how

the world around us has changed and how the need to make students tech-savvy is felt by law schools producing young professionals to meet demands of the legal profession.

2.4 Economics of law publishing

Another reason why lawyers need to learn how to effectively use the web for legal research is due to the high cost of acquiring printed legal sources. This is coupled with cheaper access to digital publications, which is leading to a paradigm shift in the way lawyer's perform legal research. This shift can be seen in the way Government and official platforms publicise information as well to strictly online based to reduce cost, as, Making and distributing printed versions of official legal sources is more expensive as compared to publishing the material online. People are likely to continue replacing printed official versions with online versions. So, if a lawyer decides to abstain from using internet for research, he will likely miss key sources that a judge expects to see cited and will fall below the standard for competence.

2.5 Access to broad range of documents

Another advantage is the broad range of documents that are available on the internet which are not easily available in print. Such obscure documents include policy statements, forms, studies, reports, and smaller information collections. Law libraries do not necessarily carry these documents in print within their collections. They rely on the Internet as the major source of access for these materials. These documents have the potential to add strength to a lawyer's case if used correctly.

2.6 Citing non-legal sources

There has been a substantial increase in instances where a wide variety of non-legal sources like dictionaries, news articles, and academic journals in a variety of disciplines are being cited in cases. So, a competent lawyer must be up to date with both legal and non-legal sources and a lawyer is more likely able to come across such non-legal sources online through a relevant internet search than in real life through a printed copy.

2.7 Competence and ethical duties

A lawyer has some ethical duties to fulfil and should have a basic level of competence to handle a case. The model rules of professional conduct guidelines issued by the ABA emphasise that lawyers have to be competent and possess knowledge about technology to effectively represent

their client. The ‘duty to google’ has become increasingly more important as there is certain information that is so readily available on the internet that there is expectation that it must be discovered and examined. Many states in the US have included in their rules that “lawyer’s must stay abreast with relevant technologies” as it helps them improve their practice. In the future we may see the Bar council of India imposing such requirements on lawyers as well.

2.8 Increases chances of competing with Big-law firm

A small law firm or solo practitioners can benefit from using web-based legal research as these digital platforms help to fasten, time consuming and laborious tasks. Big law firms often have an advantage because of their extensive number of paralegals, associates, partners and clerks working for them. But, small law firms and solo practitioners can easily compete with them by harnessing technology. As technology enables lawyers to accomplish more with fewer resources which helps them thrive in their law practice.

2.9 It’s important to stay relevant

Being able to use technology in everyday practice is essential for lawyers as the legal landscape is changing rapidly especially with the rise in AI technology. The need for lawyer’s to be able to utilise AI in their practise is essential to remain relevant. GPT-3 for example can assist lawyers in legal research by doing a quick scan of data and providing relevant information on a given topic. It can even help in generating contracts and briefs, along with providing suggestions on legal principles and precedents.

3. Conclusion

It’s difficult to articulate a fixed standard for legal research as the nature of law and legal research is very dynamic. But, from the above discussion we can safely conclude that legal research on the internet will continue to hold importance for lawyers. There is a dire need for lawyers to become efficient with doing legal research online as it has many potential benefits like ensuring that the information that you cite is recent. Also, there are plethora of legal and non-legal sources which are available for free on the internet, that a lawyer can make use of to increase the strength of their case. So any lawyer hoping to avoid public ridicule should at least review the online resources.

The researcher must also be aware that doing research on the web also has its pitfalls because not all the material that is published online is fact-checked and accurate. The reliability of the

material can vary depending upon where you access the material from. But, this can easily be avoided by sticking to reputed online sources to gather information. A safe option will always be to opt for paid services as the information provided on such platforms are thoroughly checked and reviewed to make sure it's accurate and updated.

In conclusion, integration of web- based legal research is pertinent for lawyer's striving for accuracy, reliability and fast access to important information. The findings from surveys conducted by ABA and other resources also agree that web-based research is the predominant way by which lawyer's conduct research. As the legal profession continues to embrace technological advancements, it is imperative for lawyers to acknowledge the power of web-based research and proactively incorporate it into their practice and education.

References-

- 1) <https://restthecase.com/knowledge-bank/tips/go-to-legal-websites-for-research-in-india>
- 2) <https://www.abajournal.com/web/article/How-can-lawyers-become-more-competent-in-technology>
- 3) <https://connect.translaw.org/blogs/roberto-huie1/2020/10/21/how-has-technology-changed-the-legal-profession>
- 4) <https://legal.thomsonreuters.com/blog/the-evolution-of-legal-research/>
- 5) <https://pllresourceguides.files.wordpress.com/2011/07/internet-pll-guide-v1-2.pdf>
- 6) <https://www.abalegalprofile.com/technology.php#anchor2>
- 7) <https://www.lexisnexis.co.uk/blog/future-of-law/legal-research-can-lawyers-afford-to-use-free-resources>
- 8) file:///C:/Users/Bhavya%20Songara/Desktop/Article/08_preparing_students_for_a_rapidly_changing_research_environment_greenberg_.pdf
- 9) <https://www.techlawcrossroads.com/2018/01/technological-competence-lawyers-six-practical-reasons/>

- 10) *file:///C:/Users/Bhavya%20Songara/Desktop/Article/Competitive_Legal_Professionals_use_of_Technology.pdf*
- 11) *<https://www.lexisnexis.com/community/insights/legal/b/thought-leadership/posts/the-future-of-online-legal-research>*
- 12) *<https://onward.justia.com/states-now-require-tech-competence-lawyers-mean/>*
- 13) *<https://clp.law.harvard.edu/knowledge-hub/magazine/issues/generative-ai-in-the-legal-profession/the-implications-of-chatgpt-for-legal-services-and-society/>*
- 14) *<https://timesofindia.indiatimes.com/education/news/transforming-legal-education-by-embracing-tech-innovations-in-the-global-era/articleshow/101448870.cms>*
- 15) *https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3208&context=faculty_scholarship*
- 16) *<http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/vision-statement-2011-13/>*