

Casemaker Unique Among Legal Research Providers

By Greg Lambert

Westlaw Product at a Google Scholar Price

Most solo and small-firm lawyers would love to find a legal research product that has the content of a Westlaw or LexisNexis for the price of Google Scholar. Of course, this is a dream that will probably never come true, as premium legal research providers demand a premium price for their services. Usually when you compare the categories of content, editorial process, citator service, and secondary resources, most products earn the label of “you get what you pay for.” The high-end providers such as Westlaw, LexisNexis, or the new Bloomberg Law all have excellent coverage in all four categories but with a high-end price. Could there be a low-cost legal research provider that gives subscribers excellent content along with value-added services? We’ll take a look at four low-cost providers—Loislaw, Casemaker, Fastcase, and Google Scholar—and determine which gives you the most value for the price.

Loislaw is a mid-cost provider. One might think Loislaw would have leveraged its relationship with its parent company, Wolters Kluwer, to produce a product that rivals the

high-cost providers. When you actually do the comparison, however, Loislaw tends to resemble the lower-cost providers like Casemaker and Fastcase. With Loislaw, you’re paying a higher price for a product that doesn’t deliver much on the value-added side.

Fastcase is a low-cost provider. Certain bar associations provide free access, or it can be purchased by solo attorneys for around \$995 a year. Fastcase is also available through national third-party providers like Trial Smith and Law.net and is part of the database made free through Public Law Library. Fastcase has good content coverage, but offers very little when it comes to editorial process, citator service, and secondary resources. Therefore, Fastcase falls in the low-cost/low-value category.

Google Scholar is a no-cost provider of basic primary caselaw material. Scholar offers no statutory material, which is critical to the practice of law. It does, however, index secondary sources through its arrangement with third-party vendors like Hein-Online. Accessing these secondary resources, however, requires paid subscriptions to the other vendors. Even if you add the benefits of indexing secondary sources, Google Scholar still falls into the low-cost/low-value category.

Casemaker is a low-cost provider available as a free service to the members of 28 state bar associations. Casemaker has very good content coverage of primary caselaw

and statutes and includes additional services such as editorial staff review, a legal digest service, access to secondary resources like CLE and bar publications, plus the biggest value-added service of a true citator service that all practicing attorneys need. Casemaker, then, falls into the low-cost/mid-to-high-value category.

Content—Primary Law Coverage

Attorneys rely on caselaw and statutes as their primary resources when practicing law. The better the coverage is in the jurisdiction they practice, the better they can research and practice within that jurisdiction. All of the low-cost providers start with a core set of federal cases that cover most or all of the United States Supreme Court cases and a significant collection of federal circuit and district court decisions.

For state cases, most low-cost provider collections start with a standard set of cases from 1950 to present. When looking at how the different providers cover pre-1950 state caselaw, it becomes apparent that Casemaker provides better historical coverage than Fastcase or even Loislaw.

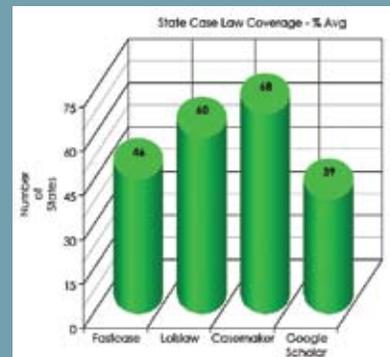
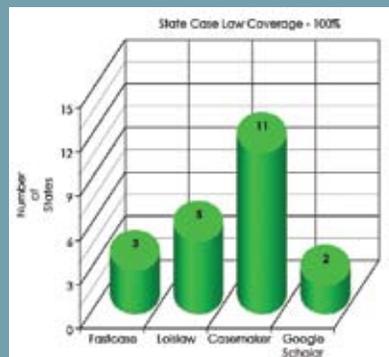
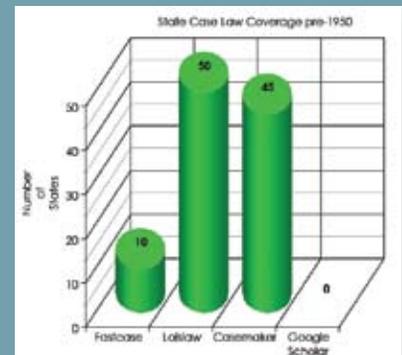
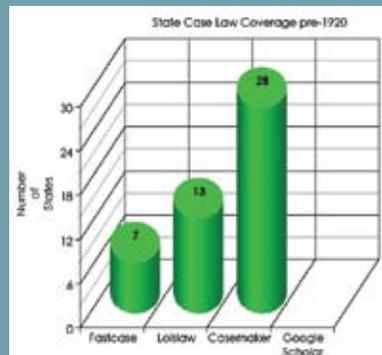
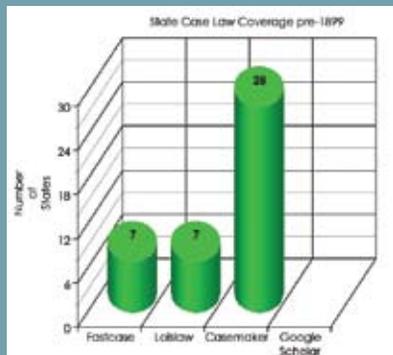
In all categories but one, Casemaker had more coverage than Fastcase, Loislaw, or Google Scholar. Loislaw had five more states with pre-1950 coverage than Casemaker, but the further back you go the better Casemaker starts to look—it had more than twice

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—JoAnn Hathaway and Diane Ebersole,
Practice Management Advisors

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Content Coverage for Legal Research Providers



as many pre-1920 states as Loislaw (28 versus 13), four times as many states with pre-1899 coverage as Loislaw (28 versus 7), and more than twice as many states with complete caselaw coverage (11 versus 5). Fastcase and Google Scholar ran a distant third and fourth place, respectively, with Fastcase having only 10 states with pre-1950 coverage and Google Scholar having zero. The overall percentage of caselaw coverage for all states and the District of Columbia also went to Casemaker (68 percent).

Red Flags on Content Quality

A few services raised red-flag issues regarding caselaw coverage that should be addressed. Google Scholar will not disclose the source for its cases or how it will update the caselaw. A random sampling indicates that Google Scholar may be as much as a month behind in posting new cases. Fastcase's database does not always use the correct National Reporter Citation (A3d, P3d,

etc.). In a recent review of Fastcase's citations, tens of thousands of cases in its database were missing the proper citation. This not only causes problems with pulling a case by citation but also with cross-referencing a case based on that citation, so complete citation checking cannot occur. No such issue was found in either the Loislaw or Casemaker databases.

Content—Statutory Coverage

Unlike caselaw, statutes are much more dynamic in nature. Maintaining a database of federal and state statutes takes a great deal of effort and dedication. Because of this complexity, Google Scholar has decided not to host any statutes. Fastcase hosts the United States Code, statutes for 43 states and the District of Columbia, and a number of state session laws. Fastcase also links seven states to the official state site. Both Casemaker and Loislaw host the United States Code and all 50 states plus the District of

Columbia. In addition to statutory coverage, Casemaker and Loislaw also cover the United States public laws, the Code of Federal Regulations, state session laws, attorney general opinions, administrative codes, jury instructions, and more. Casemaker also allows you to view upcoming statutes awaiting their effective dates.

Editorial Process

There are a few things that you don't expect to find with low-cost legal research providers. Of the providers reviewed here, only Casemaker has a staff of legal editors who review, edit, and produce digests as a value-added product. Former editors from Michie Publishing have brought their talents to Casemaker and are proving that top-quality legal editors are not limited to high-cost providers. In fact, Casemaker's editorial staff is breaking a number of stereotypes regarding the types of services that low-cost legal research services can provide to customers.

The new CasemakerDigest provides a summary of recent decisions based on area of law, court, or judge. Casemaker editors write the summaries, categorize them by topic, and make the summaries available through the online service, e-mail, or RSS feed. Currently, CasemakerDigest covers 36 state court decisions plus federal court decisions. The service is free through some state bars, but even if you had to pay \$3.99 a month for your state and federal digest or \$5.99 for the full product (all states and all federal circuits), it's something you cannot get from any other low-cost provider. In addition to the CasemakerDigest product, the editors at Casemaker work on updating state and federal statutes, including adding historical information as statutes are updated and providing links to the public acts in United States and state codes.

Citator Service

There have been inventive methods to create an automated legal citator service by creating lists of cases that cite the case you are viewing. Loislaw, Fastcase, Casemaker, and even Google Scholar use this type of automated citator service. The idea behind these types of automated services is that researchers can determine on their own which cases are still "good law" and which are "bad law." In reality, lawyers and legal researchers still want a premium citator service whose trained lawyers and editors compile this information for them and inform them immediately if the case they are look-

ing at is still "good law." Automated citator services simply do not measure up to the type of service that a Shepard's or KeyCite product offer.

A true citator service like Shepard's or KeyCite has always seemed too much of a challenge for low-cost legal research pro-

Casemaker proves that you don't have to be a high-cost legal research provider to develop a quality product.

viders to replicate. Casemaker is the only low-cost legal research provider offering a viable alternative to Shepard's and KeyCite. When Casemaker launched its CaseCheck+ premium citator service, it broke the myth that only high-cost legal research providers could provide a service to identify the current status of a case. The fact that CaseCheck+ is available at 99 cents a citation, \$4.95 for 24-hour unlimited use, and \$19.95 a month for unlimited use also breaks the myth that a subscription to a true premium citator service is outside the means of many solo and small-firm attorneys. CaseCheck+

is managed by the former Michie Publication editors who handle the CasemakerDigest product, and the editors have the final say in whether a case is labeled as having any negative treatment.

The reason many attorneys do not want to use low-cost legal research services is the lack of a true citator service. With the launch of CaseCheck+ and the staff of high-quality editors overseeing the process, Casemaker is ready to step in and fill that void.

Conclusion

The common arguments attorneys use to explain why they don't use low-cost legal research tools are that there is not enough coverage in the jurisdictions in which they practice, they are unsure of the accuracy of the information, and that there is not a true citator service that will let them know whether the case is good law. The only product we found that stands up to these arguments is Casemaker.

With Casemaker, you get the largest overall caselaw, statute, and primary law coverage for state and federal sources. In addition, Casemaker has top-notch legal editors who review new content, add editorial comments and historical information, create digests, and, most importantly, provide a true citator service that all legal researchers need. Casemaker proves that you don't have to be a high-cost legal research provider to develop a quality product. Attorneys with access to Casemaker through their state bar associations should take advantage of this resource and determine if it could replace the high-cost resources they currently use. ■



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