

Using Google for Legal Research

By Ruth S. Stevens

Although it is far from replacing fee-based legal research services, Google has gained a foothold in the legal market as a viable alternative for conducting research. According to the *American Bar Association 2013 Legal Technology Report*, 37 percent of attorneys start legal research with general search engines, almost equal to the percentage of those who begin with fee-based services like Lexis and Westlaw.¹ The report further notes that Google is the free website attorneys use most often for legal research.²

Google's popularity as a vehicle for legal research is somewhat surprising given the wide array of full-featured, fee-based legal research services. However, as more high-quality resources become available for free on the web, Google, with its advanced search capabilities, becomes a useful and cost-effective tool for conducting legal research. An attorney using Google as a search engine can jump-start a legal research project by tapping into free content available on law firm, court, government, and other websites. In addition, with Google's Advanced Search feature, searches can be refined to home in on specific information. Google can be especially effective for locating state law resources, which may not be readily available on general legal websites such as <http://www.findlaw.com> and <http://www.law.cornell.edu>. Additionally, Google Scholar allows researchers to directly search for relevant caselaw.

A look at a hypothetical project illustrates the different ways in which Google can lead to valuable legal research resources. Assume that a client raises questions about a landlord's potential liability for criminal acts by third parties and whether the landlord has an affirmative duty to protect tenants from such acts. A simple Google search of "duty

to provide security at Michigan apartment complex" quickly leads to several law firm websites with articles giving an overview of caselaw on this issue.³ Among them is an article discussing the 2013 Michigan Supreme Court decision in *Bailey v Schaaf*,⁴ an important case addressing the scope of a landlord's duty to protect tenants from the actions of third parties.⁵ While clearly it is not advisable to indiscriminately rely on information posted on the Internet, web-based articles often are written by attorneys who can be easily identified as experts in their fields. At a minimum, articles written by attorneys and posted on the web can serve as sources of background information and citations that can be pursued in more depth by the legal researcher.

The quality and availability of free resources on the web appears to be increasing as law firms reach out to potential clients through their websites. The Google search described in the preceding paragraph also leads to an article posted on Mondaq, a content aggregator website that provides both free and subscription content. The article, written by a Michigan attorney, provides an additional analysis of *Bailey v Schaff* and cites other controlling Michigan Supreme Court authority.⁶ The same Google search leads to a law firm website with a general overview of premises liability law complete

with citations to caselaw, ALR annotations, and other secondary sources that are part of the firm's e-library, which includes articles covering other commonly researched legal topics.⁷

Law firm websites are not the only helpful sources that can be uncovered with a Google search. It is often possible to use Google to locate valuable information on industry or association websites. The Google search previously described also leads to an article on the website of an insurance company, Cambridge Property & Casualty, which analyzes the general issue of customer security using a Q&A format.⁸ The article cites leading Michigan cases and provides a starting point for additional research in this area. For areas of law that are extensively researched by advocacy groups, it is possible to find comprehensive legal primers that are available for free. For example, the National Housing Law Project has a web page with a complete guide to sources relating to accommodation of tenants with disabilities, including cites to caselaw, statutes, and HUD regulations.⁹

With the background knowledge gleaned from an initial Google search, a researcher can use other Google features to locate additional resources. The Advanced Search feature is accessed by clicking on the wheel-shaped icon on the upper right of the results

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page of a Google search. This feature allows users to restrict searches by date and by including or excluding specific terms. It can also be used to search within a website known to have relevant legal content. For example, briefs filed in cases heard by the Michigan Supreme Court are available on the court's website at <http://www.courts.mi.gov>. An advanced search for *Bailey v Schaaf* within the website leads to a page¹⁰ with links to video recordings of oral arguments in the case as well as briefs filed by the parties. The briefs are a potential gold mine of case citations, while oral arguments might be useful for an attorney preparing to argue a case. An advanced search of this type can lead to sources that will not be found by using a site's own search function.

Lastly, Google Scholar contains a database of caselaw. It is possible to run a search in databases of federal and state cases from the Google Scholar home page, with the option to restrict results to a particular court or jurisdiction. This option appears when a user clicks on the word "Cases" below the Google Scholar search box. Case formatting is similar to the format of slip opinions (no headnotes are included), but Google does provide full citations for each case together with a system similar to star paging, which allows readers to track page numbers from the official reporter. Google Scholar also offers a basic citator tool, which allows the user to generate a list of cases that have cited the case being displayed. *Bailey v Schaaf* does not appear until the third page of Google Scholar results for the search "duty to provide security at Michigan apartment complex." However, Google Scholar also offers the option of sorting results by date, which brings *Bailey* close to the top of the search results.

While Google does not completely replace other legal research tools, when used in a targeted way it can lead to state law secondary resources which, in some cases, rival any found in fee-based services. It excels as a source for current information on issues of concern to Michigan legal practitioners. It is a good starting point for legal research and is especially effective when used in combination with free and fee-based primary law sources. Researchers using Google or Google Scholar can easily switch between these tools and other available free and fee-based sources, taking advantage of the best features of each one—a highly effective approach to conducting legal research. ■



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ENDNOTES

1. Levitt & Rosch, *Finding the right case: Online legal research in 2013* <http://www.americanbar.org/publications/techreport/2013/finding_the_right_case_online_legal_research_in_2013.html>. All websites cited in this article were accessed June 24, 2014.
2. *Id.*

3. This example was chosen to illustrate the quality of results that can be obtained even with a very general plain-language search.
4. *Bailey v Schaaf*, 494 Mich 595; 835 NW2d 413 (2013).
5. See *id.*; Broaddus, *Just Call the Cops: Michigan Supreme Court holds that landlords have a duty to respond to known criminal activity* (August 2, 2013) <http://www.secrestwardle.com/upload/publications/boundaries%20_080213.pdf>.
6. See Mitchell, *Michigan Supreme Court Decision Imposes New Duty on Landlords* <<http://www.mondaq.com/unitedstates/x/272220/landlord+tenant+leases/MICHIGAN+SUPREME+COURT+DECISION+IMPOSES+NEW+DUTY+ON+Landlords>>.
7. See Radel II, *The Law of Premises Liability—An Overview* <<http://www.butlerpappas.com/1411>>.
8. See Cambridge Property & Casualty, *Customer Security* <<http://cambridgeunderwriters.com/customer-security/>>.
9. See National Housing Law Project, *Resource Center: Reasonable Accommodation for People with Disabilities* <<http://nhlp.org/resourcecenter?tid=63>>.
10. <<http://courts.mi.gov/Courts/MichiganSupremeCourt/oral-arguments/2012-2013-arguments/Pages/144055.aspx>>.



MONEY JUDGMENT INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals on January and July of each year, from when the complaint was filed, and is compounded annually.

For a complaint filed after December 31, 1986, the rate as of January 1, 2014 is 2.452 percent. This rate includes the statutory 1 percent.

But a different rule applies for a complaint filed after June 30, 2002 that is based on a written instrument with its own specified interest rate. The rate is the lesser of:

- (1) 13 percent a year, compounded annually; or
- (2) the specified rate, if it is fixed—or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see <http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/interest.pdf>.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.