

Almost-Perfect Online Primary Authority for Michigan

By Randy Foreman

The focus of this issue of the *Michigan Bar Journal* is the authentication, accuracy, and preservation of online resources. So it is perhaps ironic that the State Bar Libraries, Legal Research, and Legal Publications Committee's monthly column discusses how to find those *very* online resources. But the fact that these resources have disclaimers concerning their accuracy and reliability is not reason enough to stop using them. You just need to be aware that almost none of the information available online is guaranteed to be "official," accurate, and tamper-proof.

Let's set aside those concerns for now and explore the "non-authenticated" primary resources that are available online. Maybe soon, these online resources will be guaranteed to be as trustworthy as their printed versions.

Good Michigan Caselaw with Limited Searching Ability

Caselaw from the Michigan Courts Website

Most of us know one or two good sites for accessing cases and statutes without going to Westlaw or Lexis. But I bet there are some powerful sites that many of you are not aware of.

Let's start first with the obvious. The Michigan Courts website offers access to caselaw from 2000 and has a link to older cases (which I will discuss shortly). Oddly enough, the easiest way to get to the site—unless you have already managed to find and bookmark it—is to go to Google and search "Michigan Court Opinions." The first entry in the search results should be the one you want. Alternatively, if you are fond of typing long URLs, visit <http://coa.courts.mi.gov/resources/opinions.htm>. From here, you can search published opinions from

2001, but if you are an experienced Westlaw, Lexis, or Loislaw searcher, you will quickly realize that you have limited ability to control the proximity of the search terms.

Of course there are the AND and OR connectors, plus the single-character wildcard (the question mark) and the end-of-word wildcard (the asterisk (*)), which performs the same function as the exclamation mark in Westlaw and Lexis). However, the refined proximity connectors in Westlaw, Lexis, and Loislaw—the same-sentence connector (/S), same-paragraph connector (/P), and within-number connector (e.g., /7)—are all unavailable. Instead, you are restricted to using the NEAR connector, which is admittedly better than an AND connector, but only slightly.

Caselaw from the State Bar and ICLE

Courtesy of the State Bar of Michigan and the Institute of Continuing Legal Education (ICLE) but available only to State Bar members, Michigan Law Online is considered by many to be the premier source of free Michigan caselaw. The website, <http://www.icle.org/help/mllo.htm>, has Court of Appeals cases going back to 1965 and Supreme Court cases going back to 1942. Unfortunately, it lacks wildcards and proximity connectors.

Good Caselaw with Full Terms-and-Connectors Searching

Free Lexis—LexisOne

But good news: you can have full-blown Westlaw/Lexis/Loislaw-quality terms-and-connectors searching for free! At LexisOne, <http://www.lexisone.com>, Lexis provides free access to 10 years' worth of state and federal law for the entire country. And best of all, you get the same /S, /P, and /number proximity connectors that you get when subscribing to the major vendors.

You do have to register, and hyperlinks to other cases and statutes don't work. But if you want to do quality terms-and-connectors searching, which would cost hundreds of dollars a year elsewhere, then LexisOne is perfect. Unfortunately, your search terms are not highlighted, but you can always use the Windows control-F search function to find your search terms in the results.

Free Westlaw—from Michigan Courts

The Michigan Courts website offers comprehensive Westlaw terms-and-connectors searching for Michigan Court of Appeals cases between 1977 and 2000 and Michigan Supreme Court cases from 1942 to 2000.

To access it, visit the Michigan Court Opinions website at <http://coa.courts.mi.gov/resources/opinions.htm>. Halfway down the page, look for the hyperlink that says "Click Here," which indicates it will take you to "Thomson West's Michigan Official Reports search page." The "official" designation is somewhat misleading, as the cases lack much of the content found in the official Michigan Reports and Michigan Appeals Reports, such as the official synopsis and headnotes (the official Michigan reporter headnotes, by the way, are not the same as Westlaw reporter headnotes).

The "Click Here" link takes you to <http://government.westlaw.com/miofficial/historical>. From that page, select the "Text Search" option and select whether you want to search Court of Appeals or Supreme Court cases. Somewhat concealed is the fact that you can now run a complete terms-and-connectors search (clicking "help" reveals this to you). If you want to test it, try running the following search to find sex-discrimination cases involving firemen or police:

(sex! OR gender) /7 discrim! /44 (firem*n or police!)

The test search results include approximately six Court of Appeals cases from 2000 and earlier. Running the same search in LexisOne displays another 13 cases (with some overlap, since Lexis has Michigan cases from 1998 to 2009, whereas the “official” archives are from 2000 and before).

Cheap Caselaw

While the free sources previously mentioned are useful, you may prefer the convenience of a fee-based service. In addition to Lexis and Westlaw, there are some alternatives. Probably the oldest competitor is Loislaw, which provides full terms-and-connectors searching, including a quality proximity connector, which is much better than the NEAR connector provided at the Michigan Courts website. Loislaw uses the slash number connector, but does not have a same-sentence (/S) or same-paragraph (/P) connector. As with Westlaw and Lexis, you can use any number between 1 and 255.

For alternatives to Westlaw, Lexis, and Loislaw, try searching Google for FastCase, National Law Library, VersusLaw, and CaseClerk (and there are probably others).

So how “cheap” are the competitors? Good question. While the major players tend to be discreet about revealing cost information, newer competitors often include a price range on their websites.

Non-Authenticated Statutes, Regulations, and Court Rules

While Google is your friend, government website designers may not be. To find the Michigan Administrative Code, for example, you can search for “Michigan Administrative Code” in Google or type the “user-friendly” URL, http://www.michigan.gov/dleg/0,1607,7-154-10576_35738_5698---,00.html.

The most recent editions of the *Michigan Register* are available in PDF format, and older editions are available as well. These PDFs appear to be identical to the official paper versions and may well be the only online Michigan primary source documents that can make that claim.

For court rules, use Google and search “Michigan Court Rules.” The first result should be the one you want. Note the dis-

claimer of accuracy and authority at the bottom of the page.

Looking for current Michigan legislation? Use Google and search “Michigan Legislature” or “Michigan Bill Tracking.” Note again the disclaimers at the bottoms of the pages. The legislature’s site allows the use of wildcards and also uses the NEAR type of proximity connector.

While not considered primary source documents, Michigan attorney general opinions can be found by searching Google for “Michigan attorney general opinions.”

You can also use Google to find Michigan court forms. In fact, if you are looking for a specific court form, it is generally easier to search for it using Google. For example, to find the summons and complaint, search “MC01 Michigan.” For a notice of hearing, search “MC326 Michigan.” Including “Michigan” in your search phrase almost guarantees that the desired court form will be at the top of the Google results list.

Conclusion

While the resources discussed in this article may save you some time and money, keep in mind that probably only the *Michigan Register* is certain to be current, accurate, and tamper-proof. ■



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