

Legal Research: Is There an App for That?

By Ruth S. Stevens

Mobile computing devices are no longer a novelty for practicing attorneys. They are almost a necessity. Attorneys' heavy reliance on mobile computing devices is evident from the results of the 2011 American Bar Association (ABA) Legal Technology Survey,¹ which show that overall smartphone use rose from 77 percent in 2010 to 89 percent in 2011.² In addition, 15 percent of survey respondents reported using tablet computers for work while outside of the office.³ Attorneys in larger firms reported even higher use of mobile devices. It is likely that the 2012 ABA Legal Technology Survey will show a continuation of this trend.

How has the increased use of mobile devices affected the way in which attorneys conduct legal research? The difficulty of trying to read a case or statute on a small smartphone screen is evident, yet it can be easily outweighed by the benefit of being able to access key legal authority from anywhere at any time. With tablet computers, attorneys have another, more readable option for bringing their electronic law libraries with them to court or as they travel. Although the legal market for smartphones is segmented among various competitors including BlackBerry, Apple, and manufacturers of Android devices, Apple dominates the market for tablet computers in the legal arena, with 89 percent of attorneys who use tablet computers reporting that they use an iPad.⁴

Research on the Go: What Are the Options?

The two major players in the legal research field, Westlaw and Lexis, both offer smartphone and tablet apps for legal research. Fastcase, a lower-cost alternative to Westlaw and Lexis, has also been a leader among Westlaw and Lexis competitors in

the development of mobile computing apps. Fastcase, like Casemaker, is offered at no cost to members of some state bar associations and is also available through a direct subscription.⁵

While smartphone and tablet users always have the option of accessing their legal research service of choice through the Internet, apps developed specifically for tablets and smartphones can make research sessions faster and more productive. Thomson Reuters offers WestlawNext Mobile, a suite of apps that can be used on a variety of smartphones including those operating on the iOS, Android, Windows Phone, and BlackBerry platforms. This array of apps provides options for the substantial number of attorneys who do not use iPhones as well as those who do.⁶ The WestlawNext offerings also include an iPad app and a mobile-optimized site for Kindle Fire users. Lexis has been slower than Westlaw to introduce apps for mobile devices, but now offers Lexis Advance tablet and mobile phone apps for both the iPhone and iPad.

Fastcase also offers iPhone and iPad apps. Although it does not have the extensive databases available on Westlaw and Lexis, attorneys find Fastcase valuable for quick access to cases and statutes. Interestingly, Fastcase was named as a useful smartphone app more frequently than Westlaw or Lexis by respondents to the 2011 ABA Technology

Survey,⁷ perhaps because it is offered free to attorneys in participating bar associations. It was also selected along with WestlawNext and Lexis Advance for inclusion in the "60 Apps in 60 Minutes" presentation at the 2012 ABA Legal Technology Show.⁸

Vendors continue to add functionality to their smartphone apps. While early releases operated as standalone programs, WestlawNext, Lexis Advance, and Fastcase now offer options for syncing their mobile apps with users' office accounts so they can seamlessly access research started on a laptop or desktop. Attorneys signing in to one of these mobile computing applications will be able to view customized folders and research stored on their regular WestlawNext, Lexis Advance, or Fastcase accounts.

The apps previously described allow users to complete an array of legal research tasks, but there are also specialized mobile apps that provide an interface for accessing legal research materials such as court rules, court dockets, and secondary materials. The "Apps for Legal Research & News" guide at UCLA School of Law's Hugh & Hazel Darling Law Library provides an excellent overview of apps that might supplement a full-fledged legal research service such as WestlawNext or Lexis Advance.⁹ Some of the notable apps listed include HeinOnline (law review and journals), IntelliConnect Mobile (for subscribers to Wolters Kluwer content, such as Aspen

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treatises), and OpenRegs (free access to federal regulations).

Attorney Jeff Richardson, who writes the iPhone.JD blog, has posted reviews of WestlawNext and Lexis apps for the iPhone and iPad and is an enthusiastic supporter of using mobile devices for legal research.¹⁰ Richardson notes the versatility of a tablet computer for legal research while in a courtroom. There is no case to act as a barrier between the attorney and the judge, and the tablet can easily be carried to a podium so an attorney has quick access to the text of a court rule or opinion. Richardson also suggests that a tablet computer can be used in the office as a second monitor, allowing an attorney to do legal research while drafting a document on a desktop or laptop.¹¹

The Future of Mobile Research

Although smartphones have limitations and are unlikely to replace laptop or desktop computers for doing legal research, law schools are starting to recognize their importance to the practice of law and are incorporating smartphones into their instruction. For example, students in the legal research class at Rutgers University School of Law do mobile research exercises during class. Instructor Eric Gilson notes that “smartphones appear particularly well suited for snippet research for short periods of time, such as quick keyword searches and citation searching...”¹²

WestlawNext and Lexis Advance are unlikely to remain the only options for mobile legal research. Bloomberg Law is quickly breaking into the legal market as an alternative to Westlaw and Lexis. A 2010 survey of law firm librarians showed that 15 percent of their firms had Bloomberg Law subscriptions even though Bloomberg Law had entered the legal research market less than a year earlier.¹³ Bloomberg Law, which was named an American Association of Law Librarians product of the year for 2012, recently acquired the content of the Bureau of National Affairs (BNA), a collection that is highly valued by corporate and transactional attorneys.¹⁴ The Bloomberg parent company offers a range of mobile apps for its other products, so it is likely that mobile apps for Bloomberg Law will appear in the near future.

As legal research continues to evolve, the question is no longer print sources or electronic sources, but how and where attorneys will conduct their legal research. The tools for using mobile computing devices for legal research are in place; attorneys have access to apps provided by the major vendors of legal materials and apps developed to serve niche markets within the legal field. The ease and accessibility of mobile legal research can only be expected to grow and, with it, the need for attorneys to be informed users of the applications available for legal research on mobile computing devices. ■



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FOOTNOTES

1. The 2011 ABA Legal Technology Survey was administered to ABA members between January and May 2011. For more information about the survey, visit http://www.americanbar.org/groups/departments_offices/legal_technology_resources/publications.html. All websites cited in this article were accessed April 28, 2012.

2. Black, *A look at lawyers' use of technology in 2011*, The Daily Record (October 3, 2011), available at <http://nylawblog.typepad.com/files/black-10.3.11.pdf>.
3. *Id.*
4. *Id.*
5. Fastcase is offered at no charge to bar members in 18 states, while 27 states offer free Casemaker access to bar members. Justiss, *A survey of electronic research alternatives to LexisNexis and Westlaw in law firms*, 103 Law Lib J 71, 76 (2011), available at <http://www.aallnet.org/main-menu/Publications/llj/LJ-Archives/Vol-103/2011-01/2011-04.pdf>.
6. Highlights from the 2011 ABA Legal Technology Survey show that 46 percent of survey respondents used a BlackBerry for mobile computing, followed by 35 percent who used Apple products and 17 percent who used products based on the Android operating system. In small firms, however, use of the iPhone predominates. See <http://www.illinoislegaladvocate.org/calendarUploads/10%20Highlights%20from%202011%20ABA%20Survey.pdf>.
7. iPhone J.D., *2011 ABA technology survey suggests that approximately 3,000,000 U.S. lawyers use an iPhone and approximately 130,000 use an iPad* (July 11, 2011) http://www.iphonejd.com/iphone_id/2011/07/aba-technology-survey-reveals-increase-in-smartphone-use.html.
8. See *TabletLegal, 60 Apps in 60 Minutes 2012: ABA TechShow* (April 3, 2012) <http://tabletlegal.com/category/apps/>.
9. <http://libguides.law.ucla.edu/content.php?pid=112286&sid=845584>.
10. See iPhone J.D., *Review: WestlawNext—Legal research on the iPad* (December 2, 2011) http://www.iphonejd.com/iphone_id/2011/11/review-westlawnext-ipad.html.
11. *Id.*
12. Gilson, *Injecting mobile legal research skills into the curriculum*, 19 Perspectives: Teaching Legal Res & Writing 126 (2011), available at <http://west.thomson.com/pdf/perspec/2011-winter/2011-winter-2.pdf>.
13. Justiss, n 5 *supra*.
14. Dewey B Strategic, *Welcome to MORE on Bloomberg Law: BNA debuts on the Blaw platform* (April 3, 2012) <http://deweybstrategic.blogspot.com/2012/04/welcome-to-more-on-bloomberg-law-bna.html>.