

Chapter 6 - Computer Concepts and Legal Applications

On-line and CD-ROM - Legal and Factual information Databases

Introduction

Robert Berring, Professor of Law at University of California, Berkeley School of Law, has recognized a changing legal and factual research paradigm:

"I believe that we are in the middle of a shift, a generational change really, in the way people use information. On one side of the divide are people who primarily use books as their source of information and who view printed information as the only valid form of information.

On the other side are people who see information as divorced from its format. Be it on a page, on a terminal or in some other electric form, information is information. This shift is especially important in the field of law because law is so centered on its research process."



Professor Berring believes the paradigm shift is occurring because of overload. He states, "There is simply too much stuff. One hundred and twenty thousand cases entering into our system every year, two million sections of statutes enacted throughout the country ? there is simply too large an amount available for any individual to intelligently sort through."

Traditionally, lawyers have used books, books, and more books to research the "law". This time consuming task of locating materials in musty, dusty libraries was oftentimes considered a badge of honor, especially when you were able to locate the "case". The major paradigm shift in legal research occurred approximately 20 years ago with the introduction of the "on-line" legal research databases. These subscription on-line services, such as Westlaw, Lexis and LOIS can locate a list of cases from anywhere in the country in seconds. What use to take hours and days

has now been reduced to seconds.

Lawyers in all areas of their practice need information and more information. Concise and relevant information can assist you in all phases of the legal process. From drafting a contract pre-lawsuit analysis, drafting pleadings, filing briefs/motions, discovery, trial and post trial, research information is needed.

Below are examples of questions that could be answered using free or fee based on-line sources and CD-ROM disks that are currently available:

Product Liability

- Get the financial profile of a manufacturer and/or parent company named in your product liability suit.
- Search the literature to locate any discussions of a product in question regarding warnings or performance concerns.
- Acquire documentation of the standards and specifications for a type of product to determine if the manufacturer was in compliance.

Medical Malpractice

- Determine if a failed surgical procedure performed on a client was appropriate for his condition.
- Learn the long-term psychological ramifications for a client who has been paralyzed or permanently injured.
- Obtain documentation regarding the side effects of drugs prescribed for your client.

- Search medical literature to determine if a course of treatment or level of care were outside of established norms.
- What are the latest medical articles on lung cancer?

