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Googling the Law: Apprising Students of the Benefits and Flaws of Google as a Legal Research Tool

By Alena Wolotira

Alena Wolotira is a Reference Librarian at the University of Washington School of Law in Seattle, Wash.

We all use Google¹ in our daily lives to quickly find answers to our simple questions. With a Google search, it takes mere seconds to find, for example, the schedule for the bus home, the definition of an arcane word, or a recipe for hollandaise sauce. It seems, however, somehow unrefined to use the free Internet for the purposes of legal research and even more indecorous to instruct law students to use Google in completing their research assignments. Don't we have sharper and more specialized tools for performing legal research than the blunt object that is Google? Of course we do: the resources that we have traditionally used for legal research continue to serve our purposes well and allow the well-trained researcher to locate primary and secondary legal materials quickly and effectively. On the other hand, law students are likely to start the process of legal research with Google because it is what they know, it is fast and easy, and it sometimes does yield usable results.

Legal research and writing professors might, therefore, consider their students' likely propensity for using Google when teaching basic legal research. While Google has some serious limitations for performing organized and thorough legal research, it is a legitimate and useful tool that can easily be discussed and explored in legal research classes. In this article, I identify some useful features of Google in performing basic legal research, as well as some weaknesses that I think law students should

appreciate before they depend on it entirely for their research tasks. By explaining the pros and cons of using Google (and the free Internet in general) in performing legal research, we can create more informed and savvy researchers who will use the free legal information on the Internet to their best advantage and who are not quite as dependent as they might have been on expensive commercial databases.

Legal Resources Available Through Google

Quite a lot of legal materials, both primary and secondary, can be found using Google. In October 2004, Google launched Google Scholar, a free service allowing users to search for scholarly literature.² In late 2009, Google Scholar made legal cases available for free.³ Currently, Google Scholar users choose to search either "Articles" or "Legal Documents." The Articles database searches "peer-reviewed papers, theses, preprints, abstracts, and technical reports from all disciplines of research," including some scholarly legal material, such as some of the content of HeinOnline, and some articles on LexisNexis®.⁴ Google Scholar's case law is available by selecting the "Legal Documents" option under the search box. This database contains published state appellate and

² *Our History in Depth*, Google, <http://www.google.com/about/company/history>, last visited Aug. 20, 2012.

³ Anurag Acharya, *Finding the laws that govern us*, Google Blog (Nov. 17, 2009), <http://googleblog.blogspot.com>.

⁴ Google does not provide information about which research databases and what content from those databases it includes in its searches, and it states vaguely that "We index research articles and abstracts from most major academic publishers and repositories worldwide, including both free and subscription sources." See *Content Coverage*, Google Scholar, <http://scholar.google.com/intl/en/scholar/help.html>, last visited Aug. 20, 2012.

¹ Unless otherwise qualified, "Google" is synonymous in this article with any free Internet search engine, such as Yahoo, Bing, or Ask.

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supreme court cases since 1950; federal district, appellate, tax, and bankruptcy cases since 1923; and U.S. Supreme Court decisions since 1791.⁵

Students can enrich their Google Scholar searches by adding their library’s catalog to the sources that they search in the “Articles” database.⁶ This feature allows students to search and access electronic law library resources with very little effort by allowing them to add up to five libraries’ holdings to the databases that Google Scholar searches. This means that so long as the student adds a library’s catalog using the Library Links feature and the student’s IP address is properly authenticated, the results of a Google Scholar search will link directly to full-text articles within commercial databases like HeinOnline and JSTOR. An added bonus is that Google Scholar will locate pertinent interdisciplinary articles published in nonlegal sources. One caveat is that Google Scholar does not necessarily allow students to search every document within each of these databases,⁷ so it might be useful to run a follow-up search within the originating database. Regardless, Google Scholar is still a useful resource for, at the very least, finding descriptive information about and citations to conventional and nonconventional legal scholarship.

In addition to the cases and scholarly resources of Google Scholar, the regular Google search box can, of course, lead students to any number of useful websites, such as the Government Printing Office’s FDsys, Cornell’s Legal Information Institute, state and federal agency Web pages, and other free sites that contain reliable legal

information. Using Google for legal research is definitely a different experience from working with traditional print resources or commercial electronic databases. With Google, there is no reliable way for students to know exactly what they will find and how much extraneous content they will have to sift through before they find it. This is why students need to be informed of what Google does well and what it still does not accomplish adequately enough to compete with resources that legal researchers have traditionally used.

Google Strength: Background Information

One of the most common ways that we all use Google is to find information about a topic that we know nothing about. Websites like Wikipedia and Google Answers are quite useful in giving us basic background information about a topic from which we can then dig deeper and investigate using more authoritative resources. There is no reason why Google cannot perform this same function for legal research. An article on Wikipedia or Nolo that comes up after a Google search can be plenty informative for initial investigative research. Articles like these also give a bit of context as the student continues with the research process and can even suggest more authoritative sources to consult, such as when a Wikipedia article discussing a statute also links to the full text of this statute. So long as students are taught to recognize the types of resources that are authoritative and those that are not, they should be able to use Google for preliminary background research on an unknown topic without having to go to the library or wade through treatises, encyclopedias, and dictionaries on a commercial legal database.

Google Weakness: Limited Ability to Weed Out Nonlegal Materials

Although Google Scholar allows users to search specifically for court cases, it does not have a similar function for other sources of legal information such as legislative and administrative documents, news stories, blog posts, dictionaries, or international legal resources. It also does not allow users to limit their articles searches to solely legal

⁵ *Which Court Opinions Do You Include?* Google Scholar, <http://www.scholar.google.com/intl/en/scholar/help.html>, last visited Aug. 20, 2012.

⁶ To enable this feature, click on the “Scholar Settings” gear icon in the top right corner of the main Google Scholar page, selecting “Library Links” on the left side of the Scholar Settings page, and searching for the name of your library. *Google Scholar Library Links*, Google Scholar, <http://scholar.google.com/intl/en/scholar/librarylinks.html>, last visited Aug. 20, 2012.

⁷ See, e.g., Marcie Baranich, *HeinOnline or Google Scholar? Why You Should Start Your Research in HeinOnline First*, HeinOnline Blog (Nov. 24, 2009), <http://heinonline.blogspot.com/2009/11/heinonline-or-google-scholar-why-you.html> (explaining that, as of late 2009, Google Scholar indexed only about half of the content on HeinOnline).

resources. Regular Google is, of course, even less filtered than Google Scholar for legal research.

Unlike using a law library's or commercial publisher's resources and websites, where there is some control over quality and authoritativeness, there is no limitation on the type of information students will encounter when performing a regular Google search. For example, a search on WestlawNext® for "the right to bear arms" retrieves primary materials discussing the Second Amendment.⁸ The same search on Google finds predictably varying results, including a Wikipedia article about the constitutional right,⁹ a website from 1995 discussing the historical right in Europe to display one's coat of arms,¹⁰ and an image of a man with the arms of a bear wearing a shirt and tie.¹¹

While some of the results returned from a regular Google search can be amusing, sorting through results from the entire Internet can also be time-consuming and exasperating—and students infrequently make it to the second page of results, regardless of the value of resources listed there.¹² Commercial databases, on the other hand, allow students to limit their searches not just to legal-only materials but also to specific types of legal materials without having to sift and sort through irrelevant garbage.

Google Strength: Finding Related Terms

Google automatically searches for related terms, avoiding some of the frustration of searching in unfamiliar areas. It was my experience that legal

research professors purposely crafted fact patterns that excluded the actual legal term that described the area of law that was the subject of the fact pattern. This approach made some sense because it reminded students that clients are never going to speak "legalese." For example, one fact pattern I can remember asked us to determine the liability of a bar that over-served alcoholic beverages to a patron who later ran over a pedestrian with his car. By wading through a print index for a good twenty minutes, from "bar liability," to "over-serve," to "drunk," to "intoxicated," etc., I finally discovered that the types of statutes that would hold the bar liable are called "dram-shop acts."

Google does away with the need for this kind of research. Internet searching already accounts for related terms, so a simple Google search for "Is a bar liable for car accidents" yields as its first result a website for a "Utah Dram Shop Liability Attorney: Bar Liability for Car Accident."¹³ My professor's clever ball hiding was disposed of with a ten-second Internet search. While WestlawNext's and Lexis Advanced's "googlized" search boxes attempt to provide for the same simplicity as Google, they do not yet match it in the areas of speed and ease of use. Google does not require students to take the time to sign in, and a Google query leads to much simpler explanations than a commercial publisher's more reliable but much denser materials.

Google Weakness: No Guarantee of Currency

Unlike the materials put out by the major legal publishers, Google has no control over whether the information that it locates for its users is current. First, Google Scholar does not guarantee that its cases are up to date or accurate.¹⁴ Unlike

“Google automatically searches for related terms, avoiding some of the frustration of searching in unfamiliar areas.”

⁸ Search performed on WestlawNext for <right to bear arms>, WestlawNext, <http://www.west.thomson.com/westlawnext> (enter the phrase into the search box without quotation marks).

⁹ *Right to Bear Arms*, Wikipedia, http://en.wikipedia.org/wiki/Right_to_bear_arms (last visited Aug. 30, 2011).

¹⁰ Francois Velde, *Right to Bear Arms*, Heraldica, <http://www.heraldica.org/topics/right.htm> (last visited Aug. 30, 2011).

¹¹ *Do you have a right to bear arms?* SodaHead (June 15, 2010), <http://www.sodahead.com/living/do-you-have-a-right-to-bear-arms/question-1063269/> (posted by Jeff).

¹² Bernard J. Jansen & Amanda Spink, *How Are We Searching the World Wide Web? A Comparison of Nine Search Engine Transactions*, 42 INFO. PROCESSING & MGMT. 248, 257 (2006) (showing the results of a study conducted in 2002, in which 73% of subjects viewed only the first page of search results).

¹³ Christopher Gerald, *Utah Dram Shop Liability Attorneys*, <http://www.christophergerald.com/practice-areas/motor-vehicle-accidents/dram-shop-liability/> (last visited Aug. 30, 2011).

¹⁴ “Legal opinions in Google Scholar are provided for informational purposes only and should not be relied on as a substitute for legal advice from a licensed lawyer. Google does not warrant that the information is complete or accurate.” *Which Court Opinions Do You Include?* Google Scholar, <http://www.scholar.google.com/intl/en/scholar/help.html>, last visited Aug. 20, 2012.

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commercial databases and court websites, Google Scholar does not give information about when its case content was last updated.

Google Scholar has made inroads in connecting related cases together. Google Scholar has a rudimentary ability to check currency with the “How this document has been cited” feature, listing a number of cases that cited the original case along with snippets of language from the citing cases.¹⁵ It also recently improved its “Cited by” tool. Students can now see a list of cases citing the original case, sorted by the extent to which they discuss the original case (represented by one to three blue bars), similar to KeyCite’s Star Treatment. The utility of these features is limited, however, because there is neither evaluation of the status of the legal precedents set out within the decision (as with Shepard’s® or KeyCite®) nor a tool for looking at the procedural history of any particular case. In addition, even if a student decided to read the later cases that Google points to in an effort to determine whether the case is still good law, these citations would not cover cases that had been overturned by nonjudicial means.

In addition to the fact that there is not a reliable and consistent way to update every court opinion on Google Scholar, there is likewise no guarantee that the other sources of primary law found by using Google are current or even have the force of law. Those of us who use the Internet regularly are likely not surprised by this fact—there seems to be a general understanding that you get what you pay for—but students must be alerted to the possible disastrous consequences of not checking the currency, accuracy, and authenticity of a source found on the Internet.

Therefore, commercial databases (and print resources for that matter) still prevail in assisting students to locate related and controlling materials. Students using Google need to be made aware that, at the very least, they must check the validity of the sources found on

the free Internet by using a commercial case verification system like KeyCite or Shepard’s.

Google Strength: Searches Easily Find Research Guides

By far the category of finding tools that is most useful for free Internet legal research is the legal research guide. Whether the student is looking to find the law across many jurisdictions on a particular subject or would like general information about the sources of primary law in a particular state, law librarians around the country have done an excellent job of creating, posting, indexing, and tagging legal research guides about many areas of legal research. These guides are often the first result when typing in the subject area or jurisdiction about which the student is researching. Guides from your home institution can be the most useful for finding electronic resources because they will be able to link a student to restricted and licensed content. In addition, guides prepared by other people can also be very helpful, especially if the guide was written about the law of the jurisdiction in which a student is researching, as a way of introducing new resources or different ways to use resources of which the student was already aware. As an added plus, these guides often also link to other research guides.

Google Weakness: No Consistent Annotations

Commercial databases hold a significant advantage over the free sites giving access to court opinions because commercial databases have the money to enhance their content and make it more accessible. Unlike cases in LexisNexis and Westlaw, cases found for free using Google do not contain editor-generated explanations and citations to related materials.

The “How this document has been cited” feature on Google Scholar is certainly useful, but its utility does not begin to approach that of headnotes on the commercial sites. Furthermore, cases in Google Scholar contain links only to other cases that are also included in the Google Scholar database; students will not be able to link to other types of sources from within the text of the opinion like they can when using a commercially edited case.

¹⁵ Both the “How this document has been cited” and the “Cited by” features can be found by clicking on the “How cited” link in the top left corner of every case on Google Scholar.

Conclusion

Summary of Google's Strengths

- Finding basic background information about legal concepts and topics
- Finding related terms
- Locating online legal research guides

Summary of Google's Weaknesses

- Results are either limited to cases and articles (Google Scholar) or not limited at all (Google)
- There is no guarantee of currency
- Google lacks consistent annotations

Google is a great tool for inexpensive or free Internet research. Without being a sophisticated searcher, students can find case law, statutes, legal dictionaries, scholarly articles, research guides, and

much more. With information about the useful aspects of Google for legal research, students can make informed decisions as to which portions of their research can be properly accomplished using Google. As of now, however, Google should not be the only stop for a legal researcher. The difficulty of ensuring that the sources retrieved by Google are current, the inability to limit results to only those that are legitimate legal sources, and the possibility that a Google search will not find all existing pertinent resources make it risky to use Google as a sole means for conducting research. Google has made major progress in the field of legal research over the last few years, but students must still be aware of Google's flaws in order to properly use it for this purpose.

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