

Searching on LexisNexis® vs. Google™: A Comparison of Legal Research on the Web

Overview

The seemingly unlimited range of information available on the Internet has been a huge benefit to the legal profession, providing tremendous efficiency gains and improvements in the productivity of attorneys. However, if legal professionals don't understand what can and can't be reliably searched on the open Web through Google™ searches—versus the use of a traditional online legal research provider such as LexisNexis®—the results can be disastrous.

Rise of Open Web Research

The explosion of legal research on the open Web has been driven by the simple fact that a substantial amount of raw primary legal content is now available for free on the Internet.

Searching on the open Web is easy and consistently successful because Google and other search engines allow you to search several sources simultaneously, making the open Web a simple place to start in order to get a quick take on an issue.

Recently, Google took the next step when it released free case law on Google Scholar™. Google Scholar answers some weaknesses of previous open Web searching, such as the users' ability to search for and see cases from federal and state district, appellate and supreme courts. Opinions are indexed from several publicly available sources, including a collection hosted by Google Scholar, Public.Resource.Org, the Cornell Legal Information Institute and Justia. The site also provides links to related cases as well as linking to cases discussed in other opinions and law journals.

However, it's important to keep these exciting developments in the proper context. Open Web searching was never intended to serve as the platform for authoritative legal research, but rather as a good place to start. Indeed, Google

CEO Eric Schmidt has described the quality of content on the Internet as a "sewer out there" and the head engineer of the Google Scholar project, Anurag Acharya, has said that Google is in the business of making information available, not making it easy to find the specific piece you need.

Clearly, Google Scholar is a good tool that was developed for the common person to learn something about the law—but many legal professionals have expressed their concerns that the availability of this kind of information may raise some interesting questions. For example, will clients believe that they can do their own legal research via Google Scholar and no longer want to pay their outside counsel to do this work? Will their open Web searching confirm a pervasive belief that they shouldn't have to pay for legal research if they can get it for free on Google? How do attorneys ensure that their clients understand the limitations of open Web searching and the tremendous added value that attorneys bring to the process? In other words, is this newly available data really all that thorough, accurate or ultimately cost-effective for clients?

The answers to these questions are found by comparing online legal research services, such as LexisNexis®, with open Web search engines, such as Google.

LexisNexis vs. Google for Legal Research

Most law firms preach three crucial themes to their lawyers or other professional staff members who have been asked to conduct legal research for a client matter:

- (1) Be thorough—cover all bases so you don't miss any relevant information;
- (2) Be accurate—make sure your findings will stand up to scrutiny when reviewed by a partner, client or judge; and
- (3) Be cost-effective—with both your time and online research costs.

Thorough

There's a common misperception that everything is free on the Web, but actually most estimates indicate that approximately only 30% of what you find on the Web is free. The bulk of the content sits behind passwords and proprietary, paid sources. In fact, Google, Yahoo!® and other search engines actually only index 3 – 5% of open Web content. For example, 70% of the content you'll find on the LexisNexis services isn't on the Web, free or otherwise.

This is crucial for legal researchers to understand—Google searches produce results that are not nearly thorough enough for most client matters. Consider these comparisons:

- LexisNexis offers 1.8 million summarized cases from the past 20 years; Google offers zero.
- LexisNexis has the largest collection of Verdicts & Settlements available. Google Scholar offers none.
- LexisNexis searches more than 22,000 sources of news information; nearly 5 times more than Google.

With LexisNexis, lawyers can be confident they have trusted and timely resources—25 billion public records and coverage of more than 43 million public and private companies. In addition, the analytical content provided by LexisNexis is written by credentialed, recognized experts and is continually updated to reflect changes in the law. There are no legal treatises or analytical materials available through Google Scholar.

Accurate

Open Web sites indexed by Google typically deliver large amounts of raw, unfiltered data from the courts that researchers must take it upon themselves to review and scrutinize. Some low-cost legal research services may go one step further and offer citation services, but invariably those citators are fairly weak and often miss cases that have been overturned (i.e., no longer “good law”).

LexisNexis provides expertise when producing analytical content. The LexisNexis staff consists of 97% attorney-editors, ensuring that trained legal professionals are reviewing case decisions. LexisNexis is also more current, posting cases within 24 – 48 hours of receiving the decision (by

contrast, Google Scholar won't reveal how often they update their collection).

But perhaps most significantly, LexisNexis is the exclusive provider of the *Shepard's*® Citations Service. *Shepard's* is the leading legal citation service in the industry and no other online service—whether it's another legal research service or an open Web search engine—can replicate the trusted accuracy that comes with the famous *Shepard's* Signal™ indicators providing immediate information about the precedential value of the case.

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Cost-Efficient

It's tempting to view "costs" exclusively through the lens of out-of-pocket expenses, but the more significant net cost to a client is always the professional fees they pay to their outside counsel. Therefore, it's important to consider the extent to which research tools provide the necessary factual information for attorneys to review legal research findings in an efficient manner.

The fact is that the mountains of information available to online researchers today coincides with rising client expectations that their outside counsel will find it all—while keeping costs down. Attorneys can secure a large pile of raw information for free on the open Web, but what about the time it takes for them to investigate the accuracy of the data and really analyze what it means?

LexisNexis provides expert editorial enhancements to case law that help researchers get to the right cases faster. For example, analytical content from LexisNexis such as Collier, Chisum, Nimmer, Moore, Appleman and Matthew Bender®, all give researchers a fast start. If additional insight would be helpful, LexisNexis "Attorney Support" legal professionals provide their expertise to customers 24/7. Special searching options allow researchers to find more on-point content in less time and convenient links to content from related briefs, court documents and treatises.

None of these resources and searching tools are available to researchers conducting open Web searches on Google. Google searches will often produce a mountain of information, but no tools for attorneys to help them find what they need faster and more efficiently.

Case Studies: The Risks are Real

Northwest Biotherapeutics: Lack of Coverage

Northwest Biotherapeutics placed its stock on the London Stock Exchange on June 22, 2007. In the days that followed, allegations were made that some major shareholders sold undisclosed shares. On July 9, there were reports that the company had obtained marketing approval for one of their products from Swiss authorities. On July 15, the company announced a reverse stock split. The next day, Northwest rejected reports of a green light for a brain cancer vaccine and also reported that shareholders did not in fact sell undisclosed shares.

If you were an attorney subsequently conducting research into this quick flurry of events, what would you have found by doing identical searches on LexisNexis and Google regarding Northwest Biotherapeutics during this period? It turns out that LexisNexis would have produced 281 articles for review; a Google search would have produced zero articles.

IBM: Lack of Filtering Tools

But a lack of adequate coverage isn't the only scenario under which law firms have discovered serious risks by relying on Google searches of the open Web. Consider the problem when researching IBM media visibility with Google. A search for "IBM" on a recent given day produced more than 25,000 news articles, but extending

the search to the prior week actually reduced the results by more than 100 articles and extending the search to the prior month only expanded the result set by roughly 150 articles.

This is clearly inaccurate, but it's simply because Google lacks advanced filtering tools to zero in on the precise kinds of articles that are needed by the researcher.

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By contrast, LexisNexis allows searchers in the same example to choose “articles about IBM” rather than random references to IBM within an irrelevant article. This is why a Google search would return an article about Walmart’s use of IBM software, for instance, which is clearly not the kind of result a legal researcher would be seeking. With LexisNexis filtering tools and Boolean search features, this potentially inaccurate research assignment becomes a simple, fast and accurate project.

Pfizer: Lack of Sources

Finally, consider the case study of the merger of Pfizer and Wyeth Pharmaceuticals. In October 2009, there was a lot of newsworthy information regarding the closing of this \$60 billion dollar merger, which was top of mind for many attorneys throughout the country—not only those representing the principals, but to other pharmaceutical companies and their outside counsel as well. You would expect to find hundreds of news articles on the merger, regardless of where you choose to begin your search.

However, it turns out that LexisNexis retrieved 613 articles regarding the Pfizer/Wyeth merger from September 15 to October 15, 2009, while Google produced only 179 articles. Google often produces limited results from trade publications, many of which don’t make their proprietary content available for free on the open Web. This is crucial because trade publications frequently provide an insider’s view on the industry and tend to go into much more detailed reporting than general news organizations. In the

Pfizer/Wyeth case study, legal researchers who might have relied on an open Web search through Google would be left to imagine how much valuable information might have been contained in those 434 additional articles.

In Summary

LexisNexis realizes there is clearly an economic value to using the Internet for some types of legal research assignments, so the company has worked hard to retain those economic benefits for law firms and their clients

while improving the quality of the results you receive from free sources on the open Web.

For example, Lexis® Web—a guided gateway to the open Web for legal professionals—includes more than 200,000 free sites that have been **fully validated** by LexisNexis attorney-editors as being legally relevant. In addition, the LexisNexis practice area Web communities provide an open forum for legal professionals to share expertise and best practices, and are a great training ground for new associates. And of course, *lexisONE*® has been offering free, unenhanced case law (similar to Google Scholar) to legal professionals for more than six years.

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In the end, it’s important for attorneys to take notice that a reliance on Google and other open Web sites is insufficient when it comes to the reliable and authoritative results an attorney needs to provide. The risks to the clients—and even an attorney’s reputation—are too real and the potential consequences too great.