Chapter 9
Free and Low-Cost Legal Research Resources

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I.   Some Helpful Background on Using the Internet (Free Resources) for Legal Research

A.   Introduction

One of the first principles of legal research is that legal information is a commodity. Legal professionals rely heavily on commercial services like LexisNexis and Westlaw for their research. The advantages of these services are obvious: breadth of information, quality of editorial enhancements, speed, and ease of use. But these services can be very expensive. Today law firms absorb most of these costs as overhead. That wasn't the case twenty years ago. Thus, it has become incumbent upon attorneys—even those in firms with ample research budget—to practice cost-effective legal research.

The good news for both legal professionals and for laypersons who need to perform legal research is that over the course of the past twenty years access to free and low-cost legal research resources has expanded greatly. The internet has become an essential tool for the cost-effective legal researcher. But using free and low-cost sources for legal research presents its own set of difficulties. As a researcher, you will need to know when *and how* to use the internet as a legal research tool. That's why this chapter is important. In this chapter, we will explore how and when to use the internet for legal research and how to use the internet as part of a cost-effective legal research strategy.

B.   Using Free and Low-Cost Resources as Part of an Overall Legal Research Strategy

One of the first questions a researcher should ask you when pursuing a legal research task is this: Where exactly am I in the search process? Generally speaking, there are two different types of legal searches: the "learning" search and the "homing-in" search. One performs a "learning search" when little is known about a topic. A learning search starts with background materials that may provide basic answers like: 'What is the jurisdiction?', 'Is there a statute on point?', or 'Are there important cases that I can use as starting points for further research?'. These questions might be answered by blog posts, legal articles or even by freely available encyclopedias like Wikipedia. This preliminary analysis provides both background information on the legal topic and (hopefully) clues for more in depth searching. Only once a researcher reaches the point that she or he understands the general concepts in the area related to the research question, and how they apply to specific facts, will he or she be able to home in on an answer to a particular legal question.

The dichotomy between a learning search and a homing-in search is what I call the 80/20 rule of legal research. Until a researcher becomes an expert in any particular area, she will spend a significant percentage of time just becoming familiar with sources and understanding the general concepts in an area of law. This is the 80%. And, it's one of the important points here: *free*

resources, like those available via a basic internet search, can often serve as an excellent starting point for legal research if you are just "learning" or looking for background information without too much concern for accuracy or timeliness. One can use various resources available for free to gather definitions, recent cases, or legal news and articles. In fact, the internet is often used best when it is used to execute a broad search in pursuit of one or two starting points instead of combing through a list of mediocre results looking for an (immediate) "answer."

One strong caveat is necessary here: it is generally not sufficient for a legal researcher to rely solely on free and low-cost legal resources. Legal research must be accurate, thorough, and up to date. That's the last 20%. The great value of commercial services is that they include editorial enhancements like citators that alert a researcher when a case that looks authoritative has in fact been overturned or when a statute has been recently amended. Another reason to be wary of Google and other free resources as an ending point for your legal research is that internet searching and freely available sources via the internet are fraught with their own difficulties. This chapter will provide links to and basic descriptions of many of the best free and low-cost legal research resources that one should be aware of. But, before we get there, let's take a step back and talk about some of the limitations on relying on internet search and freely available websites for legal research.

C.   Some Often-Overlooked Limitations to Using the Internet for Legal Research

So, you have decided that you are going to use the internet for legal research. One thing to be aware of is what you might *not* find and why you might not find it. One of the keys to understanding legal research sources is to understand their weaknesses as well as their strengths. Many beginning searchers understand the internet's strengths—speed, size, ease of search. Yes, there is an almost incalculable amount of information available on the internet. That would seem to be a promising starting point. However, one statistic that has remained fairly constant is that internet search engines like Google only access about 20% of that information. There are many reasons for that and some techniques for getting around that limitation. Here are the basic reasons why internet search engines miss important information that is, otherwise, freely available:

1.   Information in Databases or Catalogs

One of the limitations of general-purpose search engines like Google is that they cannot extract information from inside databases or catalogs. If a user needs to perform some type of operation to access information like filling out a form or making a specific request, internet search engines will not display those results. For example, Google search results will not include case results of cases that reside inside a court's freely-available database of cases—of which there are many—because a search engine will not be able to fill out the search form.

2.   Marketing Walls

Similarly, there is a wealth of freely available information that search engines can't access because the information lies behind some sort of informational wall, like a registration form. Information providers often require that those seeking information from a website "register" or provide some sort of contact information in order to access information

because they can then sell that information to advertisers or marketers. Remember, legal information is a commodity.

3.   Pre-Internet (World Wide Web) Information

Internet search results often lack "older" information. There are two parts to the problem with older information: first, as a general rule, few websites contain information that predates the existence of the World Wide Web, about 1995. That's a very general blanket statement. One exception to this is basic government information. The federal government and many state governments have made a concerted effort to push information online because it is cheaper to deal with and, in theory, more accessible. The second part of this problem is that many websites have a limited capacity to store information and make it available. So, it's very often the case that a website that has helpful information like current articles will only have that information for a limited period say, for example, the last two years. After that, the information disappears. There are a handful of websites dedicated to preserving and archiving internet content. One such tool is the Wayback Machine via the Internet Archive. If one is looking for content that has been removed from a website, one can use the Wayback Machine to look at an archived version of the website.

4.   Poorly Organized Websites

Very often, even if information exists on a website and is freely available, the website itself is so poorly organized or poorly maintained that search engines simply can't index that information. Think of folders within folders within folders. In these cases, the information is for all intents and purposes invisible. This phenomenon is particularly true of not-for-profit organization websites and government agencies. There are techniques for combatting this issue and they will be discussed in the section below on "Using Advanced Search Features."

5.   Paid Links and Search Engine Optimization

One final limitation worth noting here is the effect of paid links and optimized search results. As a matter of fact, very few people read past the first page of search results. This very poor research habit has spawned an entire industry that is devoted to ensuring that search results ("hits") appear on the first page; anything after that is, for all intents and purposes, invisible. By way of background, when you review a list of hits from a search engine, they are ranked based on "relevance." Relevance is determined by factors such as how many times the words appear in a document, how close they are to each other and how close to the front of the document they are. SEO (search engine optimization) professionals make money by optimizing the relevancy ranking for a client. Likewise, many companies pay for placement so that when certain terms are searched, that company's website appears first, or higher up on the list than it would have appeared based solely on relevancy rankings. The net effect of search optimization and paid links is that it tends to push search results from academic, not-for-profit and government websites down the list. This phenomenon leads to a simple rule: *if you are using the internet for legal research (or anything else important), don't stop after the first page of results.*

D.   Assessing Website Credibility, Currency, and Authenticity

Probably the single most important consideration in determining whether to use information gathered from a free website is the credibility of the information contained. We've all heard stories about reporters who got duped by relying on information on the Web that turned out to be false. The truth of the matter is that anyone can post information on the internet. But there is no guarantee that that information is accurate or up to date. So, when a researcher locates information on the internet it is always important to consider these questions when deciding whether to rely on free online information:

1. Authority – Who wrote this?
2. Objectivity – Does that person (or organization) have a bias on this subject?
3. Accuracy – Does this information fit with what I already know of the subject?
4. Coverage – What is the scope of the information given here?
5. Timeliness – When was this written and when was it last updated?

For more complete information on each factor, see "Evaluating and Rating Websites and Other Information Resources," by Diane Murley of the SIU Law Library.

II.   Using General-Purpose Search Engines for Legal Research

So, you've decided to go ahead and search the internet for legal information. Chances are, if you are like most people, you will rely on an *all-purpose* search engine for this task. Examples of all-purpose or general-purpose search engines include Google, Yahoo, and Bing. There are the ones most people are familiar with. There is also a myriad of specialized search engines that help people search for specific things like plane fares or images; we're not discussing those. What we will discuss, however, are the ins and outs of all-purpose search engines, how to best utilize them, and tips for overcoming their deficiencies.

A.   Background on Using General Purpose Search Engines

By way of more intermittent background, a search engine is a program that uses spiders or crawlers to locate internet files or web pages and index them. When you search a search engine, you are in fact matching your keywords up against the index that the search engine has created. You are not searching the live internet. As mentioned above in previous intermittent background, results are generally ranked by relevance which is determined by factors such as how many times your terms appear, how close they are to each other, and whether or not they appear in heavily weighted areas like the title. Every search engine has different ranking systems so different search engines will produce different results.

As you might imagine, Google is (at least as of spring 2020) far and away the top search engines in terms of traffic, Bing was next, Yahoo was third, and Ask.com was fourth. For what it's worth, Google offers a six-unit class on searching Google. Knowing the difference between using Google for basic searching and advanced searching is like knowing the difference between using Microsoft Word for typing as opposed to using Word as a document creation and management tool. Today, general-purpose search engines are morphing toward being devices for newsfeeds and shopping tools. The latest craze in search engine design is to personalize search

results. Personalized search results are based more on a searcher's history and the likelihood that a searcher will be interested in certain ads or products and not in others. This trend is particularly confounding to legal researchers because it means that two searchers, sitting next to each other, executing the same search, can arrive at radically different results based on how the search engine has tracked each of them.

B.   Using Search Engines Effectively: Advanced Features and Alternatives

Using a general-purpose search engine for legal research often yields information overload. One technique already mentioned for limiting information overload is to just look at the first page of results. This technique is not particularly effective when searching for legal information because results from academic and government websites often get pushed off the first page. In this section we'll discuss a handful of useful techniques to focus one's search in order to overcome some of the problems inherent in using the internet for legal research.

1.   Using Advanced Search Features

Sometimes you'd like to focus or restrict your search results. By way of example, there are a number of ways you can restrict your search using Google Advanced. See the useful book "Google for Lawyers" for additional details on using Google effectively as a research tool. Each general-purpose search engine offers its own advanced search features, so what follows are just examples of ways that you can use Google's advanced search features.

As noted, not-for-profit and government websites are notoriously hard to search. One technique for overcoming that problem is to use the advanced search feature to search for information *within* a website. So, for example, if I were looking for a document that I knew was produced by the Securities and Exchange Commission and I couldn't locate it using a general purpose search engine, I might try entering the site information for the SEC (sec.gov) in the site or domain field on Google Advanced Search and then search specifically within that website. This two-step technique—locate website then locate information within the website—is a very handy technique for overcoming the problem of good information being buried in bad websites. Google used to have a subject-specific search engine called Uncle Sam that allowed a researcher to search just for government information. Today, one can replicate Uncle Sam by simply entering the domain ".gov" in the Advanced Search domain field and then executing an appropriate word search.

Another way to use this technique is to use the internet as a secondary source or to locate secondary sources. So, for example, if my boss gives me a bankruptcy project and I have never researched bankruptcy law, it would be helpful to find a bankruptcy law research guide as a starting point. One way to do this is to use the keyword fields and phrase fields to search for bankruptcy law research guides, but then restrict domain to ".edu" so you just get the ones that law librarians have put together.

Finally, the advanced search feature in Google is one of the best ways to use the internet to locate background information. For example, if you were looking for background information on the Patent Reform Act of 2011, you could enter the words "patent reform act 2011" and then below in the "one or more of these words" field enter "background or

summary or overview." This search will retrieve hits that provide a background, overview, or summary of the Act, a handy dandy starting point.

2. Using Meta-Search Engines

A searcher should also be aware that searching different search engines yields different search results, and sometimes wildly different results. *Thus, one of the techniques a researcher can use for thoroughness is to employ multiple search engines and look at the first page or two of each.* Another technique that can employ is to use a metasearch engine like Dogpile. A metasearch engine is a search engine that searches another search engine. The point of a metasearch engine is this: why just search one of many search engines when you can search them all at the same time and have the results filtered for you? Metasearch engines are particularly helpful, or at least reassuring, for "needle in the haystack" type searches—those searches when one isn't seeing any relevant hits but wants to be certain that no stone is being left unturned.

Just as there are a myriad of general-purpose search engines, so too there are a number of metasearch engines. Dogpile allows one to search Google, Yahoo, Bing, and Ask.com simultaneously. It then parses the results and removes the duplicates. Another example of a meta search engine is Yippy. This metasearch engine sorts results into folders based on keywords and phrases. Clustering can help one organize and sift through voluminous results rather than just reviewing on a page-by-page basis.

III. Free Websites Dedicated to Law and Legal Research

There are too many free legal websites to mention them all here. What follows is a snapshot of the types and categories of free websites that are available and a little bit about the important information that each contains. When it comes to legal research, simply using an internet search engine is not enough. For example, if one seeks state legislative information, one might do well to visit that state's legislature's website. The user is reminded that not all websites are created equal. Some are easier to use than others. Some are more difficult to navigate simply by virtue of the amount and the complexity of the legal information contained therein. Again, one is reminded that Google offers a six-week course on using Google. It may be as easy as it looks, but that's only the surface.

A. Legal Portals

The following websites are legal "portals." A portal is a website that serves as a starting point to other destinations or activities on the Web. In short, it's a website that collects and organizes other websites. Legal portals are a great starting point for legal research because they bring together so much related legal information. There are a multitude of different legal portals, both academic and commercial. If you happen to find a legal portal that you like, stick with it. Here, we'll mention only a few of the more popular legal portals; there are many more.

1.   **Justia**

Justia is one of the best and most popular free legal research sites on the web. Justia's mission is to "advance the availability of legal resources for the benefit of society." It provides internet users with free case law, codes, regulations, legal articles, and legal blog and Twitter databases, as well as additional community resources. One of the advantages of Justia's legal portal is its clean interface. Justia offers a researcher the ability to search by practice area or legal topic, by type of law, or by jurisdiction.

2.   **Public Library of Law (PLoL)**

PLoL bills itself as "the world's largest online database of free law." It is sponsored by Fastcase, an internet legal research provider that will be discussed in the section on "tier-two" legal research services, ante. PLoL provides free access to all U.S. Supreme Court cases, federal circuit court cases back to 1950, the United States Code, and Code of Federal Regulations. In addition, PLoL provides state court cases back to 1997 as well as access to the statutes, court rules, and constitutions from all 50 states.

3.   **Cornell Legal Information Institute (LII)**

Cornell Legal Information Institute is an academic legal portal. Because it's an academic site it tends to focus more on research materials and less on practice materials like experts, consultants, and legal forms. Like most portals, it has a well-organized homepage and an excellent current legal news section. In addition, it has probably the best collection of federal codes and a dictionary/encyclopedia of law called Wex. This is often a great starting point for learning about an unfamiliar subject.

B.   **Federal Government Websites**

Since the inception of the World Wide Web in the early 1990s, the federal government has endeavored to move as much "printed" material as possible to the Web and limit the cost of actually printing. One can find a valuable website for nearly every organ of federal and state government—courts, agencies, etc. What follows are representative websites with brief descriptions of the kind of legal information that make them worth knowing about. There are additional useful federal websites listed in Chapter 12: Recommended Publishers & Resources.

1.   **Govinfo.gov**

Govinfo.gov is the newest iteration of the federal government's information portal and replaces FDsys. It provides free public access to hundreds of thousands of official publications from all three branches of government including bills and statutes, congressional committee materials, presidential, and regulatory materials. Think of it as one-stop shopping for federal

government information.

2.   **Congress.gov**

Congress.gov is the official website for U.S. federal legislative information. Its scope of data collections and system functionality have continued to expand since its predecessor website, THOMAS, was launched in January 1995. Congress.gov provides information on current and past federal legislation, records of debates on the floors of Congress, and information on members of congress and congressional committees. Congress.gov is a great example of a website where those responsible for the content have made a concerted effort to add information that pre-dates the World Wide Web. It's an important site because those doing federal research can use Congress.gov, for example, to track the status of a bill for free. One can also do the better part of a federal legislative history for free. There's much more there worth exploring.

3.   **U.S. Code Search**

This site allows a researcher to search and browse the U.S. Code as well as retrieve sections by citation. It's not perfect, but it's a vast improvement over its predecessor. Be careful, though; there is a disclaimer that says, "While every effort has been made to ensure that the Code on the website is accurate, those using it for legal research should verify their results against the printed version of the United States Code available through the Government Printing Office." One can update a code section by looking at the classification table for the ensuing years and update using Congress.gov. Is this an acceptable alternative to commercial publications of the code? It depends on one's purpose.

4.   **Electronic Code of Federal Regulations (eCFR)**

Very few offices have an up-to-date print set of the Code of Federal Regulations (CFR). Fortunately, the federal government provides a pretty reliable online version through eCFR. One advantage of the eCFR is that one can easily update a section by checking against the Federal Register. Be careful, though; as it notes, this site is not an official source.

5.   **Federal Judiciary Homepage**

The U.S. Courts Federal Judiciary Homepage is an important page to know about because it provides a gateway to all federal court websites. What might a researcher find on a court's website? A researcher will find important information like opinions, dockets, information on court calls, and local rules and forms. Anyone who is involved in litigation should review the information on a court and judge's website to make sure that all court procedures are followed.

6.   Seventh Circuit Court of Appeals

The Seventh Circuit is a stickler on filing briefs. If you look at the website, you'll see a whole array of links to guides intended to assist litigants in preparing winning briefs. This *free* information does not exist elsewhere.

7.   PACER

PACER is the Public Access to Court Electronic Records website of the U.S. government. It provides 24/7 access to a listing of all parties and participants in a federal lawsuit including judges and attorneys, a compilation of all case information like the cause of action, nature of the suit, dollar demand, and docket information. In addition, it provides images of many pleadings and briefs that can be retrieved and printed. PACER is not free, but it only costs ten cents per page to print and a document is capped at three dollars per document. If a researcher does not exceed thirty dollars for a quarter, the charges are dropped. Seventy-five percent of users never incur a charge. One can use PACER to track similar cases or to retrieve and review briefs. It's a great tool to know about.

C.   Illinois Websites

The availability of "primary" legal information like cases and statutes varies widely from state to state. According to a state-by-state study done by the AALL Access to Electronic Information Committee, "The vast majority of state online primary legal resources are not sufficiently trustworthy." There is presently an effort under foot to require states to provide authentic, credible information. The name of the proposed law is the Uniform Electronic Legal Material Act. It was first proposed in 2012. As of 2020, twenty states and the District of Columbia have signed on. What follows are a few important Illinois websites; there are many more that are beyond the scope of this chapter. There are additional useful Illinois websites listed in Chapter 12: Recommended Publishers & Resources.

1. **Illinois General Assembly**

   The Illinois General Assembly (ILGA) website is a must-have for Illinois practitioners. It's the only place you will find the Illinois Administrative Code for free online and there is no longer an official print version. This site is where you need to go to perform an Illinois legislative history. And, it's where you MAY go to find a free version of the Illinois Compiled Statutes. But be aware that the statutes (code) available via the ILGA website are not official and there is a large disclaimer noting that fact. This is very typical of primary legislative and administrative materials online. A researcher is hopefully okay to read and understand a law from the website, but if one were presenting an argument before a judge based on a statute or section of Code, one would do well to verify and update using a commercial source.

2. **Illinois Courts: Opinions**

   The Illinois Courts website provides a host of important information sources for Illinois practitioners. As of July 1, 2011, there is no longer an official print version of Illinois cases. The official version resides here. In addition, the citation format for these cases has changed. See the amended Supreme Court Rule 6. This site provides a wealth of state court information including court rules, and beginning recently, jury instructions. There is a search function, but the cases only go back to 1996 and the search engine is very rudimentary.

IV.   Fee-Based (But Free to Use) Resources

A "tier-two" legal research product is one whose breadth and capabilities lie somewhere between full service commercial research systems like LexisNexis and Westlaw and the hit-or-miss world of free internet legal research. These 'low-cost' resources are included here because many county law libraries, academic law libraries open to the public, and even local public libraries provide access to these databases.

A.   Caselaw Databases

These sites provide access to caselaw information across the country but do not have the editorial enhancements that one might find using LexisNexis or Westlaw. There are several different competing products. The two most prominent are Casemaker and Fastcase. In fact, according to a 2017 legal research survey, Fastcase was almost tied with LexisNexis and Westlaw in terms of popularity. One reason for this is that many state bar associations provide free access to Fastcase as a member benefit. Here are a few things to remember about tier-two products in comparison to their fully priced competitors.

1. **Coverage**

   a) Cases: generally speaking, tier-two products do not have complete coverage of cases. For example, Fastcase provides state cases back to 1950 and federal cases back to 1924.

   b) Statutes: As far as statutes go, Fastcase links to state legislative websites which saves the researcher the time of locating these websites, but free state websites often lack the indicia of credibility needed to be trustworthy, so this is not the best place to do statutory research.

2. **Ease of Use**

One of the main advantages of the tier-two systems is ease of use. Anyone familiar with Lexis and Westlaw ought to be able to use the interfaces without an issue. The learning curve is not steep and since there are no search charges, mistakes like misspelling do not have major consequences.

3. **Caveats**

The two main downsides of using tier-two systems are first, as noted before, coverage is not complete. Second, these systems lack the editorial enhancements like headnotes and citators that are part and parcel of Lexis and Westlaw.

B. **Articles and Historical Information (HeinOnline)**

HeinOnline is worth mentioning here because although it is a subscription service, it is often a free service provided to patrons in public and academic law libraries. HeinOnline began as a PDF archive of law journal articles. Since then, it has grown into hundreds of separate collections of documents including historical copies of statutes, cases, and agency materials. If you're looking for something legal that's older, think about HeinOnline.

C. **Other Business and Scholarship Databases (Local Libraries)**

A great place to start is a great place to end and that is your local public library. Do you need scholarly articles from JSTOR or HeinOnline? Do you need company information from a database like Mergent or Morningstar? The best place is to start is your local public library. Even the smallest community has access to a library, and that library is probably part of a consortium of libraries that purchases access to important (fee-based) databases and provides free access to library card holders. One can access most of these from home.