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Apples or Oranges? Ford or GM? Lexis or Westlaw? Negotiating With Your Legal Online Service Provider

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An increasingly mysterious area of the law is what mid-size to large law firms are paying their legal online service providers. The conventional wisdom says most mid-size to large law firms are on some type of flat rate agreement. Both Lexis-Nexis and Westlaw have been forthcoming with special packages for sole and small firm practitioners. For many of these smaller firms the Internet and a modem has provided immediate connectivity to databases heretofore inaccessible. No more problematic software installations, compatibility issues, or technology glitches. Both Lexis-Nexis and Westlaw [hereinafter-major legal online service providers] offer "flat rate" agreements to sole practitioners and larger Firms based on their size. The uncertainty arises when your firm is 80+ attorneys and up (mid-size to larger). In today's legal lexicon a "flat rate" contract means the subscriber incurs no transactional costs from the service. A contract is negotiated and payment is usually dispersed evenly over twelve months. Discussion of contract specifics and amounts is *verboten* per the major legal online service providers.

Content. Is there really any major difference between the major online service providers other than the Key Number issue? Certainly Key Numbers are an excellent research tool. But are Key Numbers worth purchasing one service over another? West Group now offers "KeyCite" as an alternative to Shepard's in determining the treatment given your case in different courts. The merits of KeyCite are beyond the scope of this piece. For further reading on Shepard's v. Keycite see Fred R. Shapiro's April 1998 article in *Legal Information Alert* which compares both and declares KeyCite the winner. Still, can Key Numbers and KeyCite divert loyal Lexis-Nexis users? Can Lexis new "core terms" divert loyal Westlaw users? Are all these new value added features muddying the legal research waters? Many of the larger firms subscribe to both major legal online service providers, hence the only real issue becomes cost and how it's to be allocated.

Cost. Again, cost discussions, both formal and informal, is *verboten* per the major legal online service providers. Don't expect much help from your peers regarding price, although, local and national meetings present opportunities to exchange information on the Internet, content, and mission. At this point the mid-size to large firms are really at the mercy of the major legal online service providers. They will bombard you with statistics about what you would have paid if you had chosen the standard Plan A as opposed to their suggested Plan B. What's a law librarian to do? At least sole practitioners and small firms have advertised rates to benchmark, mid-size to large firms have only what they paid last year to go by. One suggestion here is to contract for as much content as you can from the provider. Get the most for your dollar. It may save you from purchasing those duplicate copies down the road.

Internet. Internet content is still suspect, although at mid-size to large Firms connectivity is improving dramatically as Firms purchase "T-1" or "T-2" lines. However, the multiplicity of available platforms creates serious training issues. As the demand for the major legal online

service providers by the mid-size to large Firms is pretty much "inelastic," most law librarians will need to be familiar with a variety of platforms. Through the Internet, several new legal service providers have popped-up, however, much like a big brother, the major legal online service providers cast a watchful eye. At this time it's difficult to say how much of an impact, if any, the Internet will have on larger legal organizations. It certainly is impacting the smaller ones.

Mission. Ultimately, you need to determine where you're headed with your legal online services. What is the Firm's plan for recouping online costs? Are you going to try and replace much of your print collection or supplement the existing collection with the provider's version? How do your attorneys feel about electronic v. print legal research? Obviously, most of the larger legal organizations are using some combination of both. A wise decision. As any investment advisor will tell you - "diversify."

Overall, much of the decision in choosing a major legal online service provider is made for you. Switching providers is difficult, the tendency is to stick with what you have been using. Even when a Firm subscribes to both most attorneys are using one service over the other. Without the ability to compare prices, and the difficulty in implementing a new provider, make your current provider the odds on favorite.

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