BOOK REVIEW

Surendra Dayal, e-law research, Butterworths, Sydney, 2000 [ISBN 0 409 316482, 244 pages]

In its 1999 Research Report on "Profile of the Solicitors of New South Wales", the Law Society of New South Wales stated:

> The profession has vigorously adopted the internet over the last 4 years. In 1996/97, the profession was asked to indicate whether it had access to the internet. At that time, only 36% had access. In 1999/2000 this proportion had risen to over 86% with higher take up rates for those working in the government and corporate sector.

In another 1999 Report, Technology and the Law, the Law Reform Commission of Victoria observed:

> Legal research has been transformed over the last few years with increasing amounts of legal information being made available on the Internet and publishers providing information on the CD-Rom. …Lawyers today have access to virtual libraries of statutes, caselaw and other legal material. Sophisticated research tools like Lexis and Westlaw bring together legal information from all over the world that can be accessed at any time and from anywhere by the practitioner.

These statements foreshadow a real demand for books on electronic legal research. If lawyers are to take advantage of virtual libraries, they have to know how to use them. One such book that has become available is Surendra Dayal's new book, *e-law research.* The Preface states:

> It will help you to get past the stage of How do I do anything with this software? so you can start thinking more along the lines of What can this software do for me?

The key word in the above quotation is "software". E-research and software are words that cannot be kept apart. Without access to the appropriate software e-research becomes impossible.

The Introduction in Chapter 1 claims that the book is detailed and practical and written for "lawyers and students who are unfamiliar with the plethora of legal research software now available". Written from the Australian perspective it bears the subtitle, *your guide to electronic legal research* and it evolved from an earlier title that last appeared in 1998, *LDL Online.* Although the principles of good research methods have remained the same, the update is to keep pace with the depth and breadth of developments in research tools that have occurred during the past few years. The book has two related titles, *Laying Down the Law* by Morris, Cook, Creyke, Geddes and Halloway (4th edition, North Ryde, Butterworths, 1996, 4th edition) and *Effective Legal Research* by Nemes and Coss (North Ryde, Butterworths, 1998). The former is an old faithful, usually appearing in the reading lists of introductory law subjects, while the latter is a more recent publication that is not restricted to electronic or online legal research. These titles rely on *e-law research* to take further the discussion on legal research into the electronic realm.

As we traipse into a new millennium that is founded on information technology, books such as this will become more sought after as online research becomes the norm. Now, universities and libraries have 'turned virtual', affording 24-hour access to their catalogues and databases on matters ranging from community information to topical issues. Customised teaching programs are available on the Internet and tutors use it to interact with their students, including computer programs such as Platform Web and Top Class. They use email even to teach and mentor their students.

The book aims to cover all the major computer-based legal information retrieval packages considered "mainstream". They comprise Adobe Acrobat, AustLII, Internet Explorer, Lexis-Nexis, Netscape Navigator/Comunicator, and ScalePlus; electronic search engines that are familiar to many but which

they would normally use in a sub-optimal sense only. The book has two great resources: the Appendices on Prompt Sheets and useful Internet locations in Australia and overseas; and it names Yahoo as one of the most extensive indexes to resources on the Internet.

Chapter 2 lists the virtues and benefits of electronic legal information in the Introduction including the ability to create hypertext links between related pieces of information, flexible access options, the speed with which vast sources of information may be searched, speedy update of information, and ease of printing and copying. This must be a godsend to the taxation lawyer in Australia where it is perceived that taxation laws change by the day. However, for practical reasons, the book establishes parameters on what assistance it can or cannot provide, which belies the real and potential power of computers and e-technology.

This chapter discusses the use of search engines for electronic materials, their updating and location. Examples are the commencement, amendment and reprint of legislation, and the location of case citations and case law (including a case's subsequent history), words and phrases, statutes on a subject basis, and their use in subsequent cases. However, the book does not deal with computing tasks in depth if they not related directly to e-law research such as the basics of running an Apple Macintosh or an IBM Personal Computer (PC) in conjunction with set-up and configuration options.

Thus, the book covers the practical tasks of how to find the law but deliberately and legitimately falls short of advice on the technical aspects of setting up a computer or its configurations. The main aim is the location of primary and secondary legal materials such as cases, legislation, articles and books that are embedded in tools such as the World Wide Web, Lexis and DiskRom products. Other tools dealt with are the hybrid research tools that condense or refer to the primary resources (for example, Butterworths' Halsbury's Laws of Australia and LBC Information Services' Laws of Australia) and databases (for example, Butterworths' Criminal Law Library and LBC's Taxation Law). Not long into the book and after being

confronted by several named products along the way, cynical readers may conclude, with justification, that they are being subjected to an advertising campaign for that merchandise.

Chapter 2 is a particularly useful chapter on Computer Searching covering topics on legal databases, free book searching and information, general approach to free book searching, and standard hypertext and book manipulation. Practical hints start to appear here. For example, after describing Boolean searching in Section 2.2.2, the chapter provides a handy list of words that cannot be searched and includes punctuations in this category (at 13-14). Since Boolean searching can be difficult, it refers to another search method that relies on natural language searching but notes that the latter is not as precise as the former (at 17).

Another hint relates to the problem of free book searching. The author states (at 19):

> One of the most common mistakes made by researchers is to assume that the results listed on the screen after a search represents all of the relevant information required. Never assume this. …In the electronic context, you become the indexer when you use an electronic retrieval package.

Hypertext has practical significance for the researcher. It is a powerful method of searching huge information sources, the result of the database provider having collated any number of functions such as tables of contents, indexes and cross-linking of databases. The existence of links, references or hotwords for cross-referencing purposes can be particularly invaluable as it allows the researcher "to jump directly from one piece of information to related information, without having to go through a table of contents or index" (at 22).

However, it is not explained here that if a user accidentally clicks on a hypertext site while working in another program, such as a Web Browser, the site will be called up automatically and appear on the computer screen. This becomes time-consuming and frustrating when the user has to log out of this site before resuming the original task. On the whole, the

problem is a small price to pay because hypertext is a quite amazing convenience and more proficient users would know how to react and click on the "Stop" icon located on the tool bar at any time to stop the function.

Chapter 3 focuses on the World Wide Web and provides guidance on the use of Net search engines, search operators and domain name addresses. It deals with the methods for locating sites, especially legal sites. However, the author identifies a problem when using search engines commenting that there is no common standard for indexing materials on the Web. To overcome the problem, he suggests the following (at 47):

> Our recommendation is to learn at least two engines and learn them well. Read the help section and learn to construct sophisticated searches (so you don't return 475,000 hits) using the commands supported by the engine. Always run the same search across the two different engines.

At first, the reader may wonder why an entire chapter on email is devoted to a book on e-law research (Chapter 4). The same may be said of other discussions, including Adobe 4.0 and Acrobat PDF on document formatting in Chapter 3. These kinds of specific applications in the legal domain seem to take the content of the book away from its title and juxtapose with it. In hindsight, Chapter 4 is rather informative and reminds the reader that materials on the Internet may be found in secondary sources. It refers to the more sophisticated functions or commands such as listserv and majordomo and other sources such as email lists, discussion groups and news lists. An example of an email list is "the l.i.n.k." which has a free subscription base. These functions are multi faceted and enable the archives of a discussion list to be viewed for the retrieval of files, withdrawal from a subscription list, or temporary disconnection of a mailbox.

As an alternative form of communication, email is as secure as the traditional forms of information communication and delivery, such as telephone, fax, post and courier. If electronic encryption systems are used, email is potentially the most secure form of communication. If there are concerns about

privacy and security, Chapter 4 advocates the use of encryption programs, such as Pretty Good Privacy or PGP. Another on the market is CryptDLL, a simple and fast way of encrypting files.

In theory, ironclad electronic communication is possible. Whether this may be so in practice (outside of government jurisdictions) is unresolved. Some say that it is not so much unresolved as unheard of. Although it is possible to obtain unbreakable encryption programs, in truth, what is more readily available is the information on how to write the encryption program, not the program itself. In practice, the method may be "cracked" if sufficient effort and determination exist. To control the negative side of email, including junk mail, it may be possible for an Internet service provider to restrict incoming email with reference to a list of correspondents and filters may be used to prevent browsing for dangerous or offensive material. Further, tamper-proof databases may be installed such as Cyber Snoop to ensure the security of such efforts.

Chapters 5-9 deal with what is the substantive crux of e-law research, concentrating on the main content providers. The providers are allocated a chapter each and are identified as Butterworths, Lexis-Nexis, LBC Information Services, SCALEplus, and AustLII (including Foundation Law). The chapters share a number of common Section headings including Getting Started, Finding Case Law, Finding Legislation, and Working with the Materials. The instructions are reasonably easy to follow, especially if the reader has elementary skills and knowledge. If they don't exist then trying to understand the technical language employed in the book may be akin to reading a book in a foreign language.

On the other hand, it is without doubt that for the generation that has taken to a mouse like a duck to water, the book is useful and user-friendly. For the others, as stated above, one cannot escape the fact that computers have developed their own cyberspace language and unless one comprehends the fundamentals surrounding this technology, navigating the book and its exercises can be somewhat strenuous. In parts, it is rather like reading basic trigonometry that has been written for someone who has failed arithmetic. However, generally

speaking, this observation should not detract from the benefits of the book especially when the relevant software is readily available, as stated above. Computers and technology have advanced with such supersonic speed that we have not gone past the tip of the iceberg yet. As the author admits in the Preface, "[t]here are no final solutions to the digital age, and just about everything is a work in progress." In this respect the book and its predecessor, *LDL Online,* have kept pace with the evolutionary process.

The time has come when all lawyers and law students have to learn how to research on the internet and take advantage of this new technology. The 1999 Report on Technology and the Law by the Law Reform Commission of Victoria has quoted Professor R Susskind as saying:

> The genie is out of the bottle; it is time now for lawyers to plan their future on the assumption that IT is here to stay and most will not be able to avoid its impact.

The novice e-law researcher may as well start with this book.

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