

CLIRS CORNER

CLIRS AUSTRALIA

In the first quarter of 1985 Australian lawyers will at last have access to an Australian Legal Information Retrieval System. Similar systems have been available in both the United States and the United Kingdom for several years, however, until now, Australian lawyers have had limited opportunity to access computerised legal material. There are no Australian full text legal databases which are currently publicly available.

The central question being asked by all interested lawyers now is "what will CLIRS provide?" Given that CLIRS has had the benefit of observing the experiences of the Americans and the British, it will be able to provide many of the services previously neglected by these systems. A significant part of the initial database will comprise legislation and case law from New South Wales and Victoria. Access will be provided to a wide range of Commonwealth materials and coverage will be expanded quickly to include similar material from the other States, thereby providing a truly national system.

CLIRS is committed to the early inclusion of a number of secondary databases. Studies have clearly indicated that lawyers refer far more frequently to secondary matter than the primary sources. Preparation of primary and secondary material is now under way. CLIRS is planning for the launch of the pilot scheme which will commence in September/October 1984 and representatives of all potential user groups will be included in the pilot scheme in order that the system may be tested and tuned prior to full public release in early 1985. The most important legislation and the most recent cases will be available on-line in time for the pilot scheme. As the system grows, more legislation and cases will be added regularly. CLIRS will be guided by the users who will be encouraged to indicate their needs and preferences either personally or through the mechanism of the State Advisory Committees which have been appointed to provide guidance with respect to the range and extent of database content.

In conjunction with the above, CLIRS will also provide the following facilities:

1. Citators are planned to alert users to further cases and articles which consider both the cases and the legislation included in the system. Users will be able to trace the legislative history of important acts and refer to commentaries both of a general and a specialist nature, drawn from a variety of monograph and journal-type sources.
2. Digests, indices and encyclopaedic references will provide speedy access to information for those who either do not have the time or the expertise to conduct thorough searches of all relevant libraries on the system. These also enable users to verify that all relevant references have been retrieved from a search of the case law in databases and provide a guide to articles discussing the case(s) retrieved.

3. Practice notes and forms and precedents will guide those venturing into unfamiliar areas.

4. Specialist libraries will include a range of materials dealing with particular topics in depth, thus enabling users to direct their searches to specific areas of the law. Advice from experts will assist CLIRS to develop these libraries so that they fully reflect the needs of specialist practitioners.

5. Direct access will be available to a range of overseas databases permitting users to widen their searches and draw on a rich field of information from other common law countries.

6. The system will also provide access to the Government information sources most frequently consulted by users including company records, land titles information and probate indices. Rulings of semi-Government bodies, statutory authorities and professional organisations will be included.

7. Electronic mail facilities will be available to enable users to communicate with each other and with government departments.

8. A wide range of directories covering the legal profession, government, accountants, etc. will be loaded onto the system which will be particularly useful as an adjunct to the electronic mail facilities.

9. A bulletin board service will alert users to forthcoming conferences and will provide a medium for the exchange of information on books and equipment for sale, positions vacant etc.

10. A news file will enable users to access court data and court diary information and will provide brief digests of developments in the law and news of proposed legislation to enable users to keep up to date. The news file will also be accessible through Videotex terminals and perhaps soon by modified television receivers.

11. Apart from utilising the printing facilities of office terminals, it will be possible to obtain hard copies of any material on the database either by ordering off-line prints through CLIRS or by electronic mail orders to the suppliers themselves. Organisations providing indexing services through CLIRS will be encouraged to provide backup document delivery services in response to electronic mail orders. Inter-library loan transactions will be facilitated and government printers and commercial publishers are invited to mount their stocklists to attract electronic orders.

CLIRS Australia is now developing an effective training program with centres being established initially in Melbourne and Sydney. CLIRS has been actively encouraging and assisting law schools to develop facilities to ensure that students are also provided with in-house training.

CLIRS marks the beginning of a new era in information

technology in Australia. Many years of research and planning are behind its establishment and this research will proceed to ensure that the system reflects developments in current technology. Additional services will be offered as the user group grows and the secondary material content of the database will continue to evolve to compliment the primary material which will remain the core of the system.

Clearly it will not be possible for CLIRS to be "all things to all people" from the day it first becomes available to the public, however, with the regular input of suggestions for users and feedback from any problems experienced, it has the potential to be the best Legal Information Retrieval System in the world in terms of its practical value to the practitioner.

For further information please contact:

Jonathan Shulman in Sydney (02) 233 1955, or
David Wilken in Melbourne (03) 520 5333

CLIRS Australia Pty Limited
Level 39, MLC Centre
Martin Place
SYDNEY NSW 2000

DX 1278.

* David Lewis Database Manager
CLIRS, Secretary NSWSC

CLIRS, A CANADIAN STUDY

During 1981 the Canadian Law Information Council (CLIC) commissioned Michael Iosipestu and John Yogis to compare computer aided legal research with traditional research.

The key phrase is "computer aided". The idea of a CLIRS is not to use a computer exclusively, but to use it to maximise the effectiveness of available printed materials.

The study was carried out using the Quiclaw Data Base, marketed by QL Systems. Development began on the Quiclaw Data Base in 1968 at Queens University in Ontario. The software used by Quiclaw is very similar to that used by Westlaw in the U.S.

The method employed in the study was to have a problem researched by two people using different methods. One method involved the use of Quiclaw and the other did not. In all, 10 problems were researched in this way and the results tabulated, both in terms of total time taken and the effectiveness of the research (i.e. the number of relevant cases missed and the number of relevant cases examined).

The problems themselves covered a wide range of topics - from finding cases similar to a narrow set of facts to assessing the likely quantum of damages or preparing a summary of an insurance agent's duty to an injured person.

The aim of the use of the CLIRS was as a guide to where to look. Computer time is too expensive, in general, to actually read a case at the terminal. Using the data retrieval system a researcher can find cases and determine their relevance at least to some extent. A researcher would usually go to the traditional printed copy, using the reference elicited with the aid of the computer, to do the actual research.

The findings of the study are quite startling and perhaps somewhat too good to be believed. The time saved by using the computer varied from 40% to 92.5% with the average being 72.3%. The greatest saving of time was in the case of a client who wished to use the defence of a health reason for refusing a breathalyser. The researcher, using CLIRS, was able to retrieve cases very quickly where a reasonable excuse had been argued in relation to breathalysers and then scan them for cases of primary relevance.

In this example the computer found all the most useful cases (other than cases not included in the Quiclaw Data Base such as English cases) and an answer was given after 1-1/2 hours research, as opposed to 18 hours of research using traditional methods.

The least impressive result for the CLIRS was 40% but this still represents a large number of hours saved: 15 hours were used instead of 25 hours. Of the 15 hours spent only 3 were actually used scanning cases on the computer, the rest were spent checking the references etc. in the normal way. Thus 3 hours on the computer saved 10 hours of research time, so even taking into account the substantial computer charges (around \$1 per minute for Quiclaw) there is a substantial saving in cost to the client.

Relevant Cases

An important issue is, of course, the effectiveness of the automated method of research. Over the 10 problems there were a total of 154 cases turned up by at least one researcher which were found to be useful. Of these 143 (92.8%) were found by the manual method and 122 (79.2%) by automated research. The 13.6% difference is certainly a black mark for the computer aided research but it is not a fatal flaw. A more comprehensive combined search may have been able to narrow the gap and as researchers become more adept at using the computer tools and more cases are added to data bases the difference will surely be in the other direction.

In conclusion, it seems that properly conducted computer aided searches can lead to significant savings in both time and money. It is, however, something that is likely to require more rather than less skill from the researchers. It is particularly important that a lawyer know the limitations of the data base(s) he is searching and be prepared to fill in the gaps as well as do the follow up work.

* James FitzSimons
7 March, 1984.