

# The Big Match – Lexis v Westlaw

**Paul Norman**

Reference and Online Services Librarian, Institute of Advanced Legal Studies

## ***Introduction***

Lexis and Westlaw are the biggest names in subscription legal database provision, and have been settled here in the UK long enough to be the subject of a little comparative critical examination. I hope to provide this in what follows, with the caveat that my experience is of academic subscriptions, which may vary in content from commercial ones. I do have the advantage of access to the respective American academic versions, so that some comparisons can be made in that direction.

## ***Background***

Lexis (strictly now Lexis-Nexis) and Westlaw have been the two main rival legal database providers in the USA since the mid 1970s. Their American content is broadly similar for primary materials, and cannot be discussed in detail in this article. It must be said though, that one might use either one in its current UK version and not even be aware that U.S. or other foreign material is available.

Lexis was launched in the UK in 1980, Westlaw only in 2000, under the title of Westlaw UK. Lexis therefore has a head start in the provision of UK law. Its advertised start date for reported British cases has been 1945 since launch, and unreported transcripts begin with the 1980 launch date. Westlaw has obtained rights to transcripts beginning with 1999. Recently both services have added complete runs of both *The Law Reports* from 1865, and *Lloyd's Law Reports* from 1919.

Each system is now owned by a multinational corporation, Lexis by Reed-Elsevier (who own Butterworths) and Westlaw by Thomson (who own Sweet & Maxwell). This increasingly shows in the range of materials offered by the two systems, partly as a result of withdrawal of rights to each other's data.

## ***Look and feel***

For those of us who have used Lexis since its UK launch, the product we see today is a long way from the text-based versions we "grew up" with. Even Westlaw required installation of its own *Westmate* software from a CD and would look old-fashioned now. At the present time both systems are fully Windows-based, but perhaps in some respects not fully WEB-based. An example is the use of folders and files in the directory display, rather than a web page with a small number of hyperlinks. Westlaw has started to introduce this with its option for "WEB view" or "Tree view", but the Lexis Source Directory remains only in Windows-style tree view. In the transition period from text-based to Windows-based, there were anomalies in some Lexis documents which invited the user to use dot commands or choose from a table by entering "=5" which could not be done in the Windows interface. Luckily these seem to be a thing of the past.

For some unexplained reason, Lexis does not display a link to its Source Directory, either on the Academic Quickfind or the Professional front page. Tantalisingly, the ageing user guides show that it used to be there in the previous version. The directory is now only accessible under the Power Search option. One begins to speculate about their trying to hold down usage of off-centre resources, which I am sure cannot be true.

Both Lexis and Westlaw allow users with personal I/Ds to customise their "home page" on the system, as well as specify some query and display options. These facilities are more limited for Athens users (most students), and at least on Westlaw are changeable but volatile when access is by IP address recognition (for example IALS). By volatile I mean that the settings do not persist when the session is terminated.

### ***Lexis***

The main advantage of Preferences on Lexis Professional is to be able to set the default search template to a legal rather than a news database. There is still no immediately apparent access to non-UK, non-EU materials, and academic users found this so unhelpful that a customised Academic

Quickfind page was designed. At present (March 2004) the two front screens differ in two respects, firstly the list of Quick Search options and secondly the layout of the search template.

Professional offers legal quick searches (i.e. template-based searches) only for UK legislation, UK journals, EU cases and EU legislation. Academic Quickfind offers two more UK options: Halsbury's Review and the Times Law Reports, plus USA cases and journals, but does NOT include EU materials. (So students don't refer to EU law?)

Looking at the UK Cases template, on the Professional page there is an option to search for Statutes cited (by title and section). This is absent from the Academic page. Perversely, Academic has gentle hints at Boolean which are absent from Professional.. There is a pair of Terms search boxes, linked by a default AND connector. This can be changed via a dropdown list to any one of

OR  
Same Paragraph  
Same Sentence  
within 5 words of

Boolean operators without the need to remember secret code!

Similarly, the option to Find terms "anywhere" can be changed via another dropdown list to "catchwords" – a simplified "segment" (field) search which could be expanded to include the other main segments such as Judge or Court. On the Professional page the only Search terms box is the forbidding empty box which expects Boolean expertise. Are all practitioners proficient at Boolean searching? I suppose the reality is that in large law firms, novices are discouraged from using these databases because of the expense.

It is still hard to see why a viable compromise could not be reached to amalgamate these two screens.

Looking at the American (law school) version of the Lexis front page, there are four tabs at the top:

Search | Search Advisor | Get a Document | Shepards

Search Advisor is a subject-heading scheme similar to Westlaw's Keysearch system (discussed below under United States materials); Get a Document means "find by citation", otherwise known as Lexsee, and Shepards is the American citator system, also discussed under United States materials.

Clicking on Search, we get a Legal source directory displayed under a new row of tabs, which might be for example:

Legal | News & Business | Public Records | Find Source

This allows a one-click move to other recognisable areas of the system. In fact it is remarkably similar to the customisable tabs on Westlaw described below, as other *legal* subject area tabs (copyright, criminal, family – about 50 groups) can be added as desired. But at least, unlike Lexis Professional, there is an identifiable Legal front page, not a hybrid of news and company and legal resources.

#### *Westlaw*

The Westlaw UK front screen is similar in layout to the Lexis Professional one, but instead of the default template being one of the several "Quick Search" ones, it has an even more brief and simple template with three options

Case by name / citation / term(s)  
Legislation by title / section  
*Legal Journals Index* by term(s)

Apparently this is not simple enough for some inexperienced users (perhaps more used to a search engine's single box), who enter searches in the wrong box. Perhaps either the ultra-simple front template should disappear, or each of the three options should have a single box. I understand that the interface is due for a major revision in the summer of 2005, and await it with interest.

The Quick Search options (templates) are reached via a dropdown list rather than a visible list as in Lexis. The options include the three already seen (using a template with more boxes), but there are others e.g. European Union which unfortunately do not appear on the opening screen.

Westlaw has a much more developed selection than Lexis Professional of personalised front pages under the “Customise” option (known as *MyWestlaw* in the U.S.). Westlaw UK itself currently includes Practice Area front screens for eight areas: Civil Procedure, Corporate Business, Crime, Human Rights, UK Intellectual Property, Landlord & Tenant, Scots Law and Scots Crime. When any of these are selected, a corresponding tab appears on the navigation bar at the top of the screen. Thereafter, clicking on that tab brings up a subject-specific welcome screen. However, clicking on Customise displays a list of resources which fills a page and a half if printed out. This includes both jurisdictional and subject materials. Among useful jurisdictional ones are the (U.S.) Law School page, and Canada’s *Law Source* from Carswell. Subject areas include for example International Arbitration. These are very clearly laid out and afford quick access to many resources. One advantage of all this for Westlaw is that they can market focused parts of the database as a separate product, for example Westlaw Landlord & Tenant, Westlaw Scots Crime, etc.

I should mention that the Navigation Bar has two permanent tabs: **Westlaw UK** itself and a **Current Awareness** tab. Under the latter is an extensive collection of references to sources in all legal subjects over the last 90 days, which can be browsed either by type of resource (including cases, bills, press releases, newspaper & journal articles etc.) or by area of law. This is more comprehensive than the Halsbury’s Review database on the Lexis Academic Quickfind page. Lexis has the Legal Updater service with similar functions, but this is subject to an additional subscription charge.

## **Content**

The content of these databases is affected by several factors. There are copyright and licensing issues in respect of material obtained from third parties, which may themselves be further complicated by differing arrangements in various jurisdictions. Added to this, there are materials available to commercial but not academic users.

Both Lexis and Westlaw provide UK statutes and statutory instruments as currently in force, with annotations providing information about coming into effect, amendment etc. Over the years, Lexis has had periods of poor performance in loading new data (sometimes weeks if not months in arrears), and it is currently admitted that *Legislation Direct* (in the separate *Butterworths Direct* group of online services) is usually more up to date than Lexis. Westlaw has a new feature providing access to historic versions of legislation going back to 1992. Using the Legislative Locator it is possible to jump from the version currently in force to previous versions. The historic collections are also searchable as files (*UK Statutes Historic*, *UK Statutory Instruments Historic*, and finally *UK Law in Force Historic* which combines the two)

Currently the two systems use their own published series of law reports. Sweet & Maxwell series like the *Criminal Appeal Reports* formerly available on Lexis have been withdrawn, and the corresponding cases have had to be collected from other sources. However, Lexis continues to provide cases from a wide range of series of reports back to 1945.

Lexis has a much larger collection of unreported cases, having obtained access to the shorthand writers’ files since 1980. Westlaw began loading transcripts in 1999. For a long period there was no editorial enhancement to the UK transcripts on Lexis; there is now a searchable Catchwords segment in each document, but not as yet extensive headnotes of the kind added by Lexis to American case law because Westlaw editorial matter was not available.

For older UK cases, both services have the *Law Reports* complete (1865- ) and *Lloyd’s Law Reports* (1919- ) On Lexis, the main source for pre-1945 cases is the *All England Law Reports* (1935- ). The addition of the *All England Law Reports Reprint* set, which after all is a Butterworths publication, would improve the “back file” coverage considerably.

On Westlaw, most of the early non- *Law Reports* cases imported from Current Law into the Case Locator have no hyperlinked entry in the “Where reported” list, and are consequently not on the database. This includes cases in the *Weekly Law Reports* (volume 1). These were also very publicly withdrawn from Lexis within the past year, and are now only available electronically via Context’s

*Justis* products. Some Sweet and Maxwell titles partially fill the gap: *Criminal Appeal Reports* 1967- , *Fleet Street Reports* 1966- and *Reports of Patent Cases* 1977-

Legislation relating to Scotland is handled differently between the two systems. Lexis, basing its statutes originally on *Halsbury's Statutes of England and Wales*, excludes pre-devolution legislation relating to Scotland, whereas Westlaw's *Legislation in Force* database includes Westminster statutes relating to Scotland. Both of course include legislation of the devolved legislatures, though neither has separate files for Welsh legislation. In each it is subsumed under "Statutory Instruments of England and Wales"

As to cases, Lexis has the *Session Cases* from 1950 to 1993 (W. Green, a Thomson company, took over publication in 1995). The other two published series (from the Law Society of Scotland) *Scottish Criminal Case Reports* and *Scottish Civil Law Reports* are each available from the beginning down to 1993. All House of Lords and Court of Session unreported cases are available from the mid 1980s.

Westlaw appears to rely solely on the *Scots Law Times* as a source of Scottish decisions; there is no mention of Scotland in the content guide for the *Transcripts* file.

Lexis has a single file for reported and unreported Northern Ireland cases, which includes the *Northern Ireland Law Reports* from 1945, and unreported cases from 1984. A similar file for Irish (Republic) cases includes the *Irish Reports* from 1950 and unreported cases from 1985. Neither system has Northern Ireland legislation; in fact Westlaw UK appears to have left Northern Ireland alone. However, Northern Ireland statutes are freely available on the HMSO website, and unlike the rest of the legislative materials there, they are consolidated down to 2002.

There is a completely separate *Westlaw.ie* service for the Irish Republic, which relies on *Irish Current Law Statutes* 1984- (Sweet & Maxwell) for its legislative database. Case law does not include the *Irish Reports*, only *Irish Law Reports Monthly* and *Employment Law Reports*, both from Round Hall Press, another Thomson subsidiary.

Both Lexis and Westlaw provide a version of the CELEX database of EU legislation and case law. A detailed analysis of content would take up too much space here. Briefly, both systems use the standard CELEX groupings: Treaties, Legislation, Preparatory Acts, Cases, National Implementation, Parliamentary Questions, OJC documents and EFTA documents. Lexis appears to obtain data directly from CELEX, whereas Westlaw says its database is "as compiled by Ellis Publications". This includes enhancements such as PDF versions of Official Journal documents since 1998. There are also variations in start date. For example Lexis has full text Parliamentary Questions from 1996, Westlaw from 1992.

Once again, corporate rivalry is reflected in respective coverage of Commonwealth materials. Both services obtain transcripts of decisions as they do in the UK. Canadian *reported* cases on Lexis come from Butterworths Canada, Canada Law Book Co. and Maritime Law Book Co. This includes the front-rank series *Dominion Law Reports* (DLR), but not most of the provincial series and subject series which are published by Carswell (in the Thomson camp). There is no Canadian legislation available on Lexis. Australian reported cases on Lexis are from Butterworths, and so include the *Australian Law Reports*, and *Australian Corporations and Securities Reports* but not the Australian counterpart of DLR: the *Commonwealth Law Reports*. Again, Lexis has no Australian legislation. Other parts of the Commonwealth where Butterworths have a long history are also represented – South Africa (mainly statutes), Malaysia (Malayan Law Journal) Singapore (statutes and cases) and Hong Kong (Ordinances and cases)

The easiest way to view Commonwealth (effectively Canadian and Australian) materials on Westlaw is to choose the relevant front page via "Customise" – *Westlaw Australia* under that heading, or *Law Source* under the WestlaweCARSWELL (Canada) heading.

Westlaw can offer federal and provincial legislation (including regulations) for Canada, but only federal legislation for Australia. Canadian reports include Carswell's provincial and federal/regional series (e.g. the *Western Weekly Reports* complete) and several subject series. Two publications important to Canadian legal research are also now available. The first of these is the *Canadian Abridgment* – a Canadian equivalent of *The Digest* containing case summaries, although other parts of the set such as

the case and legislation citators are not included. As well as being available as a searchable file, relevant parts of this database can be accessed from any case being viewed, via a tab marked "Abr. Digests". The second resource is a combined version of the two sections of the *Canadian Encyclopaedic Digest*, which is a "Halsbury's Laws" for Ontario and the Western Provinces. These tools provide a "controlled vocabulary" approach to Canadian resources, although regrettably there does not appear to be a table of contents for these publications.

### *United States materials*

Although I do not intend to venture deeply into this territory, there is one major issue to mention. Users of Lexis Professional, while allowed access to American legal resources, do not have the benefit of the "added value" features. It is fairly well known that West are the publishers of the vast majority of U.S. decisions, and that they will not allow Lexis to use their headnotes (syllabi) or keyword indexing system. This problem has only recently (2000) been circumvented by Lexis, by the introduction of its own Case Summaries (headnotes) and Core Terms (catchwords). All new cases since then have this feature, and a retrospective program is under way, starting with cases referred to in other Lexis-owned publications, but will take a long time to complete. These headnotes are visible in Professional as they have been added as segments to the original documents.

The worst problem however, is the absence on the Professional interface of the Shepards citator system. This is more inexplicable since the service is now owned by Reed-Elsevier. As delivered on lexis.com, the service is very similar to Westlaw's Keycite. Coloured signals (similar to the Westlaw flags) at the top of a case indicate whether citing cases give negative or positive treatment, and the flag itself is a hyperlink to a very clearly laid out analysis of later treatment (far clearer than the printed Shepards volumes!) Interestingly, Keycite itself was devised because Shepards would not permit Westlaw to use its product.

Another feature present in lexis.com but absent from Professional is hyperlinking. It is not possible to jump to related legislation or case law. The user consequently has no straightforward means of noting up a retrieved case. Viewing a document using lexis.com is like moving from darkness into light!

Westlaw provides almost all of its enhancements to U.S. cases on the Westlaw UK platform. I say almost, since although we can have Keycite (Westlaw's rival to Shepards citator / noter-up system), we cannot at the moment use **Keysearch**. This is a structured natural language subject index to cases, with broad headings on the front page leading to ever more specific terms. (Imagine those structured contents pages which appear at the beginning of each subject division in *The Digest* placed into a navigable file). One might expect that the Law School tab would show KeyCite and KeySearch on its navigation bar, which indeed it does when using an American based ID. Sadly however the navigation bar remains firmly rooted in the UK, with Welcome | Find by Citation | Directory | All Tables of Contents as the only options.

Lexis.com now has a similar feature called Search Advisor, which is related to its indexing and headnote system for American cases.

Perhaps because Lexis-Nexis maintains separate *Butterworths Direct* services, with separate subscriptions and a different interface, there are no British encyclopaedias or treatises on the Lexis Professional platform. Westlaw UK by contrast provides some standard works via its Practice Area tabs. These include Copinger, Kerly and Terrell under *UK Intellectual Property*, Palmer's Company Law under *Corporate Business* and Woodfall under *Landlord & Tenant*. An advantage of having an academic account, at least for the time being, is that all of these services are accessible via the Customise link.

## **Access to non-legal materials**

These comments come from the academic perspective. Lexis currently provides academic users with quite generous access to UK newspaper files, which compares very favourably with the old regime when Lexis and Nexis were sold as distinct services with different price structures. When using the Source Directory, only files available to the user are displayed. By contrast Westlaw appears to display all databases in its directory, but if you attempt to access an excluded file, it posts a warning message saying effectively "your subscription does not allow access to this database". The DIALOG databases are the main group in this category.

## Searching

Both systems offer a “quick search” option, providing search forms (templates) for the most frequently used UK databases. Confusingly, Lexis has variant search forms on the Academic Quickfind and the Professional pages. The Professional UK Cases form has a box for Legislation Cited; Quickfind does not. The Quickfind search form has dropdown lists which allow a choice of the usual Boolean operators AND, OR and NOT, plus a fixed “within 5 words of” proximity connector. Professional does not have this option. So we have confusion between the academic / commercial user distinction and the novice / expert user distinction: “Students don’t need to find cases citing statutes” (possibly true) and “All users of Professional are comfortable with Boolean searching” (doubtful).

It is useful and time saving to be able to find a document by its citation. Westlaw offers this via the “Find by citation” link on the navigation bar. There is a choice of seven jurisdictions including UK EU and USA. The system is reasonably forgiving to variations in punctuation, but prompts for the correct style when necessary. The most serious trap for the unwary is citations for UK journals. These are based, not on the familiar lawyer’s style (volume, acronym, page) but on the style used by *Legal Journals Index*. Perhaps because of the original software used to build this database, the style in LJI is E.I.P.R. 2003, 25(2), 98-102, and Find by Citation will only work if this is followed precisely, including volume *and issue number*, which of course no-one will have noted.

Unlike lexis.com, with its “Get a Document” tab on the front screen, the UK Lexis interface offers citation as an option only on its respective search forms. Strangely, this seems to perform differently in Quickfind and Professional. In Quickfind, entering the date without brackets fails to find an All England citation; using (incorrect) round brackets succeeds; using (correct) square brackets also fails. In Professional, using any kind of brackets seems to fail. Perhaps the advice in the Guide notes should say “you *should* omit punctuation” rather than “you *may*...”, or better still the system should be able to accommodate variant punctuation, as Westlaw seems able to do.

Given that there is no standard form of citation for legal periodicals, it is hazardous in both systems to use a citation search for articles. A search for 26 Em. L.J. in the U.S. area of Westlaw fails because the abbreviation used is Emory L.J. But this is not the fault of Westlaw. Once again, lexis.com is friendlier than its UK versions. Click on the Get a Document tab and there is immediate access to the source directory and indication of what the citation form is for each source.

In both Lexis and Westlaw, using directories to reach a file leads to a single empty search box into which the user must enter his terms. The option of natural language searches continues to be offered by Westlaw as an alternative to Boolean (called “terms and connectors”), but is no longer available on Lexis Professional.

All advice from helpdesks and trainers is against relying solely on natural language searching, as the user is not in control of how a search is performed. But natural language might be a more appropriate strategy for the inexperienced user. Of course the quality of the results depends on the quality of the search engine working behind the scenes. For most of its UK existence Lexis has not had a UK-based thesaurus and one had to treat results found using a US-based one with caution. Perhaps this is why for the present we cannot have natural language searches on Lexis.

A Lexis Source Directory search box has a mysterious **Add indexing** button against it which opens the “Smartindexing” system, effectively a thesaurus from which it is possible to choose terms which are then inserted for you into the search window. Unfortunately none of the UK legal databases supports this feature, and the system fails to interpret the input correctly. Choosing for example “sexual harassment” from the list, this is automatically posted as a segment search – “and terms(sexual harassment)”. But there is no corresponding segment in the UK cases files, so the actual search is “*and terms and sexual harassment*” which is nonsense. To add to the confusion, when you look at a record in the newspaper files, the so-called “Terms” segment is instead designated “Subject”. This is an example of the problems created by making one template serve for disparate resources (essentially Lexis v. Nexis)

Both systems use the familiar logical operators AND, OR, and NOT, as well as the proximity connectors such as w/n = within n words of, w/s = in same sentence and w/p = in same paragraph (Westlaw does not require the w). Root expanders are also identical: the exclamation mark for any number of characters at the end of a word, and asterisk for a single character either internally or

finally. Lexis has unique special operators such as “atleast” (multiple occurrences of a term in the document) and forced singular / plural or caps / allcaps / nocaps searches.

## **Results display**

Because all Lexis results appear in the main frame, the user has to choose from a list of display options. Two are “hit list” formats: a straightforward cite **List** where the title is hyperlinked to the full text, and an **Expanded List** which also displays, in single-line entries, the occurrences of the user’s search terms. This is quite a useful feature as it shows quite clearly the documents containing a large number of occurrences, in contrast to those where the term appears only once. The other three options display documents one at a time. The **KWIC** (key word in context) format shows a succession of two- or three-line windows of text containing the user’s search terms. This makes it possible even more clearly to scan for and eliminate irrelevant documents. The **Full** format displays the complete text of each document. The **Segments** format allows the user to specify which parts of a document (i.e. fields in the record) to display. I confess that I have hardly ever used this option.

As I mentioned briefly under United States, the complete absence of hyperlinking in any Lexis Professional databases gives Lexis a distinct disadvantage against Westlaw which is full of them.

Westlaw places its hit list in the left frame, and the full text of the document in the main frame, thus covering “List” and “Full” in one display. There is no Expanded List or KWIC facility, search terms being located by using forward and backward arrows to jump to the next occurrence in the full-text display.

In earlier versions of Lexis, it was possible to modify a search in several stages (levels) by adding more terms. This is replaced by the FOCUS feature which again allows the user to add more terms, but not to return to intermediate levels of refinement. Perhaps confusingly, FOCUS has been renamed “Search within results” in Lexis Professional. The Westlaw equivalent is LOCATE.

## **Added value**

This may be an appropriate point to discuss the enhancements brought by the two systems to the data they provide. Westlaw has the great advantage of access to the Sweet & Maxwell *Current Law* index digest system, so that an already sophisticated apparatus of summaries and cross-referencing could be combined with the Windows / internet hyperlinking feature to produce a very powerful research tool. Some students are perplexed, when searching for cases from the Westlaw front screen, that the result is not “the case itself”, but this is crucial for a practitioner who needs to check the status of the case, and helpful to all those other students who say “can’t I just see a summary of the case?”

If one were to criticise the Westlaw manifestation of *Current Law*, it might be on two counts. Firstly, the unfamiliar American terminology used in the Case Locators is slightly irritating; “direct history” to mean “what happened to the case itself” e.g. reversed on appeal, and “indirect history” for other cases which consider your case. At least Lexis uses *history* (case itself) and *treatment* (by later cases) Secondly, it is a pity that the red warning flag against a case which has been reversed does not appear in the hit list, and so is not seen until one looks at the case summary. A greater development of the flagging system (which appears to have been applied in other Commonwealth databases) would be welcome as a graphic enhancement of what is currently a text-based system.

Lexis Professional cannot provide anything comparable to Westlaw’s Case Locator. However, exploring the contents list for the Butterworths Direct service, we find an item called *CaseSearch*. This is a database with details of English and selected Irish, Scottish, Commonwealth and European cases, providing procedural history, annotations, keywords and summaries for each case. There is a system of coloured signals or “traffic lights” applied to cases after 1875 – both to the history (what happened to the case itself) and treatment (what later cases said). For example, green for *affirming*, red for *reversing*, green for *applied*, *approved*, *followed* etc., yellow for *distinguished* etc. and red for *overruled* or *disapproved*. (This is what the fully developed flagging system on Westlaw looks like). So is this *The Digest* online? Apparently not: the description on the website says “we are enriching our data on an ongoing basis”, and I have been told that “summaries may be obtained from other sources”. But if this were offered as part of the Lexis service it would be a strong rival to Westlaw’s indexing apparatus.

Doing a sample search for *Hedley Byrne v Heller*, Lexis finds the case itself and, by ticking the box marked "All mentions", all other cases which refer to it. However, this is a simple Boolean search for *hedley byrne w/s* (meaning "in the same sentence as") *heller* and produces nearly 600 unsorted hits. To discover the treatment of Hedley Byrne by later cases requires some ingenuity. Possibilities are to search for the case name in the same sentence as the words "distinguished", "followed", "applied" etc. but this does not work since other cases may be referred to in the same sentence (Hedley referred to, Smith distinguished...) One might Focus on atleast n (Hedley) i.e. find cases where the word Hedley occurs at least n times (ten brings the hit list down to about 25) but this is tedious work.

Do the same search on Westlaw and we first reach the Case Locator document, where the list of referring cases is divided into: distinguished (10) applied (39) followed (11) considered (59) explained (2) and referred to (3), each of which is hyperlinked. Presumably the discrepancy between 500 and 120 is explained by other mentions being "obiter". Incidentally for completeness, a Westlaw search equivalent to the Lexis Boolean one produced 373 hits rather than 593. Given a sabbatical I might discover the reason for that discrepancy.

Both Lexis and Westlaw provide content and scope information behind an ⓘ icon against each file. Some of the Westlaw UK case file notes are larger than necessary as they contain long lists of abbreviations for nominate reports. Why are they there? Westlaw's help with connectors and field restrictions is slightly more visible than that on Lexis, which is behind the "Need help?" button.

## **Saving**

There is little to say on this subject. Lexis and Westlaw both permit printing, downloading and emailing (faxing too on Lexis) of documents, or a selection of documents from the hit list; Lexis is perhaps more helpful in that the separate delivery methods are set out at the head of the hit list, whereas Westlaw lumps everything together under a PRINT button. Perhaps "save" would be a more appropriate description? The default double-column print format is appropriate for U.S. cases, since that is the way they appear in printed sources. but it looks a bit odd applied to UK cases and other documents. Both systems present legislation section by section, and it has not been possible to download an entire statute or SI. Westlaw have recently announced that in future this will be possible. I suspect that it is mainly students who want this; presumably a practitioner is more often concerned with specific parts or sections of an Act.

At IALS we had problems for a while with students wanting delivery by email failing to put their own email address in the relevant box, and material being sent in error to the previous user. As this has not occurred for some months I assume that the problem has been solved in some way.

## **Documentation**

Lexis has a detailed and thorough 77-page training manual for Lexis Professional, as well as a four page "Quick Card". These can be downloaded from the [lawcampus.butterworth.com](http://lawcampus.butterworth.com) website. Unfortunately neither has been updated since the new Professional interface was introduced in the summer of 2003 so that the layout of the sample screens does not correspond to the current version. At least there is now a specifically *legal* Quick Card, replacing the one headed "Comprehensive International News, Business and Company Data". But that too is based on the old interface.

There is a substantial amount of free current awareness information on the lawcampus website (<http://www.lexisnexis.co.uk/lawcampus/>). The site is not specifically related to online products: we all have to get used to the notion that Lexis-Nexis is the name of a publisher and not just of a database! The site is divided into focus areas for Students, Lecturers, Librarians and Booksellers. Students have access to a Case and a Legislation Update with summaries of recent documents. There are hyperlinks from these to either Lexis Professional or Butterworths Direct as appropriate, though not through to the document itself. There is also access to PDF files of the User Guides and Quick Cards for both Lexis Professional and the Butterworths Direct services. It is a pity that this information cannot be referenced on Lexis Professional itself. It might be a reason for retaining and developing the Academic Quickfind front end.

Westlaw provides a similarly substantial 60-page Training Session Guide, as well a general User Guide, a specific Student Quick Guide, quick guides for case law and legislation, and a small number

of broad subjects. Again these are downloadable in PDF format from the website. As with Lexis, they cannot be accessed from the service itself.

## **Customer support**

Taking first the telephone support services, there is no doubt that staff at both services are as helpful as they can be. The unfortunate situation with Lexis is that there is rarely a person answering who is familiar with the academic menu or interface, and one is often advised to contact an academic representative. As most of the problems I have had were related to the functioning of the Academic Quick Find front-end, this is frustrating to say the least.

A new development from Lexis is the Student Associate scheme. Piloted in early 2002 and fully introduced for the 2003-2004 academic year, this provides training for a designated student from each university in both Lexis and Butterworths Direct services. Associates then hold weekly or twice-weekly clinics to help their fellow students with using the databases. This is of course nothing new to American law schools, where there are often company employees on hand at dedicated desks as well as student associates. But it is a development to be welcomed. At the time of writing there were 24 UK institutions having an Associate. Westlaw has recently announced a similar scheme.

Understandably of course, if the interface undergoes radical redesign, as did Lexis Professional in September 2003, a detailed, heavily illustrated manual will be obsolete at a stroke. However, even the web PDF files of the Lexis Quick guides are still (November 2003) based on the old interface.

## **Conclusion**

So can we safely ditch Lexis and rely on Westlaw, or *vice versa*? From the financial point of view, it is “regrettably” no, but from the point of view of healthy competition perhaps we should say “luckily” no. Because Lexis and Butterworths Direct are separately packaged, Lexis does not compete with Westlaw on even ground. But both services tend to hide away their non-UK materials, to the extent that we have students saying “what a pity we can’t get U.S. materials on Westlaw UK” Lexis benefits from a longer history of operation in the UK and consequently has a larger case archive than Westlaw, but it suffers from the absence of a sophisticated indexing system. Westlaw can offer good indexing (which might be improved with more flagging), hyperlinking, and an easily accessible current awareness service. But it is not going to obtain access to Butterworths’ *All England Law Reports* (or indeed the *All ER Reprint*, based mainly on the *Law Times Reports*, which was bought by Butterworths in 1947) so will find it difficult to build up an historical archive. Now that we have free services like BAILII, and their (admittedly not comprehensive) archive builds up over time, it will be the added value provided by the “big two” which makes them attractive. I have not discussed the comparative merits of Boolean searching and “assisted” searching, but unless “LexLaw” give up the idea that their systems are for the lawyer in his office, and aim their products exclusively at the “power searcher” (chiefly ourselves), then the more expert editorial enhancements the better.