

**“Teaching Dollars and Sense”
Incorporating Cost-Effective Research
Techniques in the First-Year LWR Course**

Back to the Future of Legal Research

Chicago-Kent College of Law

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Time Sheet Exercise
Legal Writing & Research 2
Spring 2007
Professor Julien

During this assignment sequence, the oral research report is optional, not mandatory. If you choose to present an oral research report, you will do so during the week of March 19 or during the week of March 26. Regardless of whether you choose to present an oral research report, however, you will submit this time sheet exercise, a draft version of your brief, and a final version of your brief. You will submit the draft on Monday, April 2 and the time sheet on Wednesday, April 4. You will submit the final version of the brief on Wednesday, April 25.

To complete the time sheet exercise, download a copy of the time sheet from TWEN and fill it in as you do your research. The “date” and “client” columns should be self-explanatory. Under the third column, insert a “P,” “L,” or “W” to tell me whether you were conducting your research in print, on Lexis, or on Westlaw. You may use “I” if you were doing general (free) Internet research, “R&A” to indicate that you were reading and analyzing materials, and “D” to indicate that you were drafting. Under “description,” describe generally what you did during that research session. (See the example in this handout for some sample entries.) You will attach your “research trail” (Westlaw) and “history” (Lexis) to provide specific information about your online research sessions.

Under “time,” you will track your time to the tenth of an hour. You will bill your time in six-minute increments, rounding up to the nearest tenth of an hour. For example, if you spent fifteen minutes using the Descriptive Word Index, you would bill .3. If you spent ninety minutes looking for cases using the digest, you would bill 1.5.

When you complete your preliminary research, calculate the total number of hours you spent on research and drafting; include sub-totals for the number of hours you spent doing print research, the number of hours you spent doing fee-based electronic research (research on Lexis or Westlaw), the number of hours you spent doing (free) internet research, the number of hours you spent reading and analyzing authorities, and the number of hours you spent drafting. Then calculate the cost of your billable transactions on Westlaw and Lexis (which you will be able to do using your “research trail” and “history”), the cost of your billable hours, and the total cost of the project. On April 2, you will submit your draft electronically via the assignment drop box on TWEN. You will submit a **hard copy** of this time sheet exercise at the beginning of class on April 4.

This time sheet assignment will receive a grade of “pass” if you complete it and “fail” if you do not. I **cannot emphasize strongly enough** how important it is that you research all issues thoroughly, regardless of whether you think your research “costs too much.” This assignment is to educate you and me as to your research process and strategies and to help you think about how to become a more efficient researcher. As stated above, you will earn a grade of “pass” simply by completing the assignment.

Neither your grade on this project nor your grade on the draft will be affected by the total cost of this project. Your grade on the draft, as well as your grade on the final brief, will, however, take into account whether you relied on appropriate authority and used that authority effectively. Thus, it is very important that you do thorough research; *do not* let the cost of that research have a chilling effect on the process.

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Date	Client	Print (P), Lexis (L), Westlaw (W), Read & Analyze (R&A), Internet (I), Draft (D)	Description	Time

Bill to the tenth of the hour. (Round up to the nearest tenth.)

1. Total number of hours _____
- a. Sub-total – number of hours spent doing print research _____
 - b. Sub-total – number of hours spent doing electronic research _____
(Lexis or Westlaw)
 - c. Sub-total – number of hours spent doing (free) internet research _____
 - d. Sub-total – number of hours spent reading and analyzing _____
 - e. Sub-total – number of hours spent drafting _____

2. Total cost of transactions outside flat-fee pricing structure (Use your History & Trail to calculate this number.) _____
3. Total cost of attorney time (total number of hours x \$100 per hour) _____
4. Total cost of research project (total cost of transactions outside flat-fee pricing structure + total cost of attorney time) _____

**Time Sheet Assignment – Sample
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Spring 2007**

Date	Client	Print (P), Lexis (L), or Westlaw (W)	Description	Time
3/7/06	Smith	P	Used the index to the ALR to find relevant annotations about “close relationship” for purposes of negligent infliction of emotional distress	.8
		W	Used Westlaw to print the ALR annotations that I found.	.2
		P	Researched the relationship element of bystander NIED in CJS	.6
3/9/06	Smith	P	Used the Pacific Digest to locate relevant topics and key numbers relating to the relationship element of NIED; prepared a preliminary list of cases.	.8
		L	Ran a natural language search in the Arizona state cases database to find cases about the “close relationship” element.	.3

Compiling the Totals

When you finish your time sheet, compile the following figures:

1. Total number of hours
 - a. Sub-total – number of hours spent doing print research
 - b. Sub-total – number of hours spent doing electronic research (Lexis or Westlaw)
 - c. Sub-total – number of hours spent doing (free) internet research
 - d. Sub-total – number of hours spent reading and analyzing
 - e. Sub-total – number of hours spent drafting
2. Total cost of transactions outside flat-fee pricing structure (Use your History & Trail to calculate this number.)

3. Total cost of attorney time (total number of hours x \$100 per hour)
4. Total cost of research project (total cost of transactions outside flat-fee pricing structure + total cost of attorney time)

Time Sheet Exercise – Pricing Information
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Spring 2007
Professor Julien

For purposes of this assignment, assume that you work in a mid-size law firm with a flat-fee pricing structure. Assume that you have access to both Lexis and Westlaw, that you have unlimited free access to certain databases, and that if you decide to run a search in a database outside those in your flat-fee pricing plan, you will be billed per transaction.

Remember that in addition to any “hard costs” associated with electronic research, your firm will also bill your client for your time. Assume that your firm bills your time at a rate of \$100 per hour.

Databases Within Flat-Fee Pricing Structure

	Lexis	Westlaw
Statutes and Legislative Materials	<ul style="list-style-type: none"> • WI– Wisconsin Statutes, Constitution, Court Rules, ALS, Combined • WI – LexisNexis Wisconsin Annotated Statutes • WI- Wisconsin Administrative Code • USCS – United States Code Service: Code, Const, Rules, Conventions & Public Laws • United States Code Service – Titles 1 through 50 • USCS – Federal Rules Annotated • USCS – Public Laws • WI – Wisconsin State & Federal Court Rules • WI – Wisconsin Advance Legislative Service 	<ul style="list-style-type: none"> • Wisconsin Statutes Annotated • Wisconsin Statutes Unannotated • Wisconsin Statutes General Index • Wisconsin Legislative Service • Wisconsin Historical Legislative Service • Wisconsin Court Rules • Wisconsin Rules Update Orders • Wisconsin Administrative Code • United States Code Annotated • United States Public Laws • Legislative History U.S. Code • United States Rules • United States Orders • Code of Federal Regulations

	<ul style="list-style-type: none"> • WI Bill Tracking and Full-Text Bills 	
Cases	<ul style="list-style-type: none"> • WI Federal & State Cases, Combined • WI State Cases, Combined • WI Cases, Administrative Decisions, and Attorney General Opinions, Combined 	<ul style="list-style-type: none"> • Wisconsin State & Federal Courts • 7th Circuit Federal & State Cases • U.S. Court of Appeals for the 7th Circuit – Reported & Unreported Cases • U.S. Court of Appeals for the 7th Circuit Headnotes • Wisconsin Cases • Wisconsin Headnotes • Wisconsin Attorney General Opinions
Secondary Sources / Practice Materials	<ul style="list-style-type: none"> • Wisconsin Law Reviews, Combined 	<ul style="list-style-type: none"> • Wisconsin Journals & Law Reviews • Marquette Intellectual Property Law Review • Marquette Law Review • Wisconsin Law Review • Wisconsin Lawyer
Other Services	<ul style="list-style-type: none"> • For all documents within the flat-fee databases listed above, the following services are also included within our subscription: <ul style="list-style-type: none"> ○ Get a Document ○ Shepard's ○ Return to search in History the same day 	<ul style="list-style-type: none"> • For all documents within the flat-fee databases listed above, the following services are also included within our subscription: <ul style="list-style-type: none"> ○ Find ○ Keycite ○ Limit Keycite ○ Return to search in Research

	<ul style="list-style-type: none"> ○ Focus ○ Book ○ Browse 	<ul style="list-style-type: none"> Trail the same day ○ Locate ○ Docs in Sequence ○ KeySearch ○ Digest
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Pricing for Databases and Services Outside of Flat-Fee Pricing Structure¹

Database / Service (Westlaw Databases listed first, Lexis Databases follow)	Price
All Federal & State Cases/ Federal & State Cases Combined	\$125
All State Cases / State Court Cases, Combined	\$100
All Federal Cases / Federal Court Cases, Combined	\$100
Statutes Annotated – All States/ State Codes, Constitutions, Court Rules & ALS, Combined	\$100
ALR	\$ 75
CJS / Am. Jur.	\$ 50
Journals & Law Reviews Combined / U.S. Law Reviews & Journals, Combined	\$100
Texts & Periodicals, Combined / Law Reviews, CLE, Legal Journals & Periodicals Combined	\$125
Major Secondary Publications / ALR & Am. Jur. Combined	\$100
Matthew Bender Treatises (Lexis only) (Nimmer on Copyright, for example)	\$ 16 (TOC search) \$ 16 (link to section) \$168 (full-text search) Book browsing and expanding/viewing TOC are free
Find/Get a Document <i>or</i> hyperlink to a document outside the flat-fee subscription	\$ 5
Link to “Results Plus” document outside the flat-fee subscription (Westlaw Only)	\$ 50 per link
Docs In Sequence for documents outside the flat-fee subscription (Westlaw only)	\$ 5 per document
Shepards/Keycite for a document outside the flat-fee subscription	\$ 5
Print a Document	\$ 10

¹ All pricing information is based on approximate prices for both Lexis and Westlaw Research Systems.

Print Page	\$ 1.50 per page
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I included the most commonly used databases in the table above. If you run searches in databases that are not listed here, please post a message on TWEN indicating the name of the provider (Lexis or Westlaw) and the database, and I will provide the pricing information for that database.

BIBLIOGRAPHY

Joan L. Axelroth, *The Paperless Society? Law Libraries Move into the 21st Century*, 56 Or. St. B. Bull. 9 (June 1996).

Carol M. Bast & Ransford C. Pyle, *Legal Research in the Computer Age: A Paradigm Shift?*, 93 Law Libr. J. 285 (2001).

Barbara Bintliff, *From Creativity to Computerese: Thinking Like a Lawyer in the Computer Age*, 88 Law Libr. J. 338 (1996).

David Byrne, *Summer Associates Keep it Fast and Cheap*, N.Y. Law J. Magazine, June 1, 2004, at 36.

Eileen B. Cohen, *Teaching Legal Research to a Diverse Student Body*, 85 Law Libr. J. 583 (1993).

Richard A. Danner, *Contemporary and Future Directions in American Legal Research: Responding to the Threat of the Available*, 31 Int'l J. Legal Info. 179 (2003).

Diana R. Donahoe, *Bridging the Digital Divide Between Law Professor and Law Student*, 5 Va. J.L. & Tech 13 (2000).

Richard Dooling, *Listen Up Old Fogies: Tech is Here to Stay*, Nat'l L.J., April 28, 1997, at A 22.

Suzanne Ehrenberg, *Legal Writing Unplugged: Evaluating the Role of Computer Technology in Legal Writing Pedagogy*, 4 Legal Writing 1 (1998).

Ian Gallacher, *Forty-Two: The Hitchhiker's Guide to Teaching Legal Research to the Google Generation*, 39 Akron L. Rev. 151 (2006).

Richard Haigh, *What Shall I Wear to the Computer Revolution? Some Thoughts in Electronic Researching in Law*, 89 Law Libr. J. 245 (1997).

Frank Houdek, *Our Question – Your Answers*, 1 Persp. 49 (1993).

Paul E. Howard & Renee Y. Rastorfer, *Do We Still Need Books? A Selected Annotated Bibliography*, 97 Law Libr. J. 257 (2005).

Ethan Katsh, *Law in a Digital World: Computer Networks and Cyberspace*, 38 Vill. L. Rev. 403 (1993).

Thomas Keefe, *Teaching Legal Research from the Inside Out*, 97 Law Libr. J. 117 (2005).

Thomas Keefe, *What are "Books" and Why Do We Need Them?*, 92 Ill. B.J. 598 (2004).

Rogelio Lasso, *From the Paper Chase to the Digital Chase: Technology and the Challenge of Teaching 21st Century Law Students*, 43 Santa Clara L. Rev. 1 (2002).

Patrick Meyer, *Think Before you Type: Observations of an Online Researcher*, 13 Persp. 19 (2004).

Lee F. Peoples, *The Death of the Digest and the Pitfalls of Electronic Research: What is the Modern Legal Researcher to Do?*, 97 Law Libr. J. 661 (2005).

Theodore A. Potter, *A New Twist on an Old Plot: Legal Research is a Strategy, Not a Format*, 92 Law Libr. J. 287 (2000).

Bret A. Rappaport, *Time for the Wooden Shoe: Legal Research in the Computer Age*, 13 Chi. B. Ass'n Rec. 50 (1999).

Bruce Schulte, *Online Legal Research: Clients Demand a Cost-Effective Approach*, 17 GP Solo 56 (2000).

Michelle M. Wu, *Why Print and Electronic Resources Are Essential to the Academic Law Library*, 97 Law Libr. J. 233 (2005).