



# LEGAL AUTHORITY CREATED EQUAL

PRINT, ONLINE AND EBOOKS



## CITING TO AUTHORITATIVE SOURCES AS MEDIA OPTIONS EXPAND

There's no question about it ... sound authority is fundamental to your work. And today you can access that authority using many types of media. Both law students and professionals now conduct research in books, as well as online tools and eBooks—from study guides and statutes to deskbooks, treatises and more. But how can you be sure the media you use is authoritative enough to cite in court documents?

Viewpoints vary. At one end of the spectrum, some courts have even accepted sources like Wikipedia, at least for explanatory background information.<sup>1</sup> Even so, some individuals and groups still prefer that documents cite to printed materials. At the same time, many lawyers have been citing online sources provided by trusted legal publishers, and many courts accept documents with those citations. In recent years, legal eBooks have been gaining popularity based on their convenience, portability and reduced library space requirements.

With that in mind, should you be concerned about possible content discrepancies between different media with the same title? For example, are eBooks as authoritative as online and print versions of the same title? Knowing the answer can help you research and draft documents with confidence.

## WHY CONSIDER eBooks?

Several years ago, not many people were considering whether eBooks were authoritative. That's because few people were reading them and even fewer were using them for legal research. But take a look at these documented developments:

**Outside the legal market, eBooks have become a common way for readers to consume content.** In line with that development, the global eBook market recently became the fastest growing submarket in the worldwide book publishing industry. The share of global eBook market was approximately 12.6 percent of the global book publishing market in 2014 and is expected to increase to 27.8 percent by 2019.<sup>2</sup>

**eBooks have been gaining momentum in legal publishing.** Currently, many legal eBooks appear as court rules volumes and deskbooks, which many attorneys need and which may replace discrete print volumes.<sup>3</sup> LexisNexis has gone beyond this to support full libraries. In fact, multi-volume works are the highest circulating among LexisNexis® Digital Library customers.

**Many users now prefer online, electronic and eBook content distribution channels.** This is true for judicial opinions, statutes, regulations, journal articles and government reports of many kinds.<sup>4</sup>

**Legal style standards are in transition.** While some legal style guides still prefer that attorneys cite to print publications when possible, other guidance has made room for more citation to online and eBook sources.<sup>5</sup>

**Citation is changing as a practical matter.** Attorneys are citing authoritative sources accessed through a variety of media. "Today, it is far less likely than it was only a few years ago that the person writing a legal document and that document's readers will be working from exactly the same source in the same format," says Peter W. Martin in *Introduction to Basic Legal Citation*.<sup>6</sup> "This shift makes it important that, wherever possible, a citation furnish sufficient information about the cited material to enable a

reader to pursue the reference without regard to format or immediate source.” Martin adds, “With the most frequently cited materials—cases, constitutions, statutes, regulations, and recent journal articles—this is typically not a challenge since most legal information distributors, whether commercial, public or nonprofit, endeavor to furnish all the data necessary for source- and medium-independent citation.”

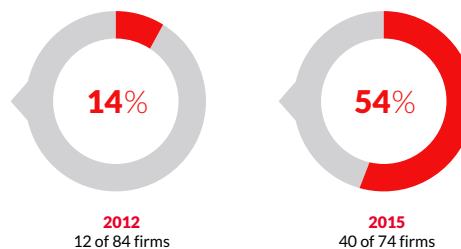
### LEGAL eBooks ARE ON THE RISE

Shrinking library budgets and increased space constraints have prompted many libraries to shift to acquisitions in eBook format. The following trends are noted in “The Current State of E-Books in U.S. Law Libraries: A Survey,” by Wilhelmina Randtke and Stacy Fowler, published in *Law Library Journal*, Vol. 108:3 (2016 – 18):<sup>7</sup>

- Some libraries have discontinued print in favor of electronic media to provide easier access, to more easily ingest materials into a collection, to save physical space and to meet regulatory requirements, such as accreditation standards that require libraries to keep a resource
- Annotation tools, collaboration tools and the ability to search across many treatises at once have already emerged as new traits of eBooks

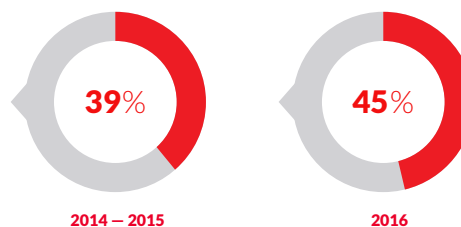
In recent years, in response to economic pressures and technology advancements, some law firms have been combining subscriptions and publications in their online catalogs: books, loose-leafs, journals and electronic resources, including newsletters, databases and eBooks.<sup>8</sup> However, this can reduce service levels due to varying characteristics of different media types.

Meanwhile, law firm survey results from June 2012 and June 2015 show a significant increase in firms’ purchasing eBooks:



Data from “Strategic Integration of E-books and Digital Content in Law Libraries.”<sup>9</sup>

As purchases increase, so does usage. Research bears that out:



Source: 2016 ABA Legal Technology Survey: respondents reporting personally accessing or using an eBook with legal-related subject matter.

Since more and more attorneys are using eBooks for research and drafting preparation, this article considers the authoritativeness of eBook content to help practitioners make sound decisions.

### LEXISNEXIS eBook MILESTONES

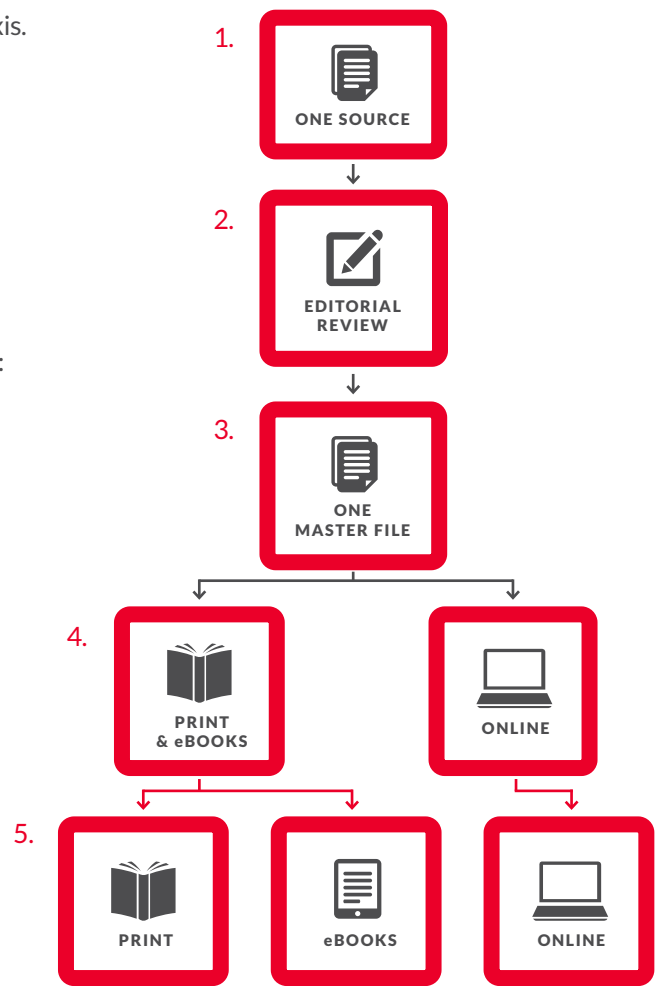
LexisNexis has been publishing eBooks for several years and offering them as part of LexisNexis® Digital Library since 2012. This initiative has been making rapid progress.

- In 2012 LexisNexis and OverDrive®, the digital library solutions provider chosen by 40,000+ libraries, schools and colleges worldwide, joined forces to provide a library management solution called LexisNexis Digital Library.
- 50,000+ eBook users who subscribe to LexisNexis Digital Library now include 31 of The Am Law 200® and 34 of the 205 accredited law schools. Included are The New York Unified Court System, MA SJC and Trial Courts, five states’ law libraries and Boston University, as well as federal agencies and corporations.
- LexisNexis Digital Library and eBook customer subscriptions have increased more than 225% since 2012.

## STARTING FROM THE SAME SOURCE FILE

How are legal eBooks created? Publisher approaches vary, but it may help you to know that LexisNexis makes many of its individual titles available in three forms: printed books and supplements; online sources; and eBooks. Here's the way original source text turns into convenient materials for LexisNexis customers.

1. Author/publisher/source organization submits text to LexisNexis.
2. LexisNexis attorney-editors and content experts review, annotate, fact-check and quality check content. In cases where LexisNexis is the official publisher of a state's code, LexisNexis editorial staff works closely with legal professionals in those state governments.
3. After repeated review and revision, including a careful proofreading process, a single, approved master text file moves to the LexisNexis operations teams for production and delivery: Print and eBook move into the publishing workflow and online has a separate set of steps.
4. Each operations team has a clear text migration process and quality control regimen to prevent errors and ensure a reliable, user-friendly product. For example, an eBook quality control checklist includes steps related to accuracy, completeness, formatting, legibility, integration, linking and more. After initial publishing production steps, the eBook process splits off from the print publishing process.
5. Each medium is released.
  - Titles are typically available in eBooks before print
  - If supplements to the material are needed later, LexisNexis produces print supplements in between print cycles and updates online and eBook information right away



The flow chart above depicts the overall publishing process for printed books, online content and eBooks, which varies only after the content is approved and sent forward to flow into its final form.

*“All the quality controls and rounds of proof that go into creating an official print product manifest themselves in the eBook. It’s just a different medium in which to view the material.”*

— RICK GRANT, DIRECTOR, CONTENT DEVELOPMENT, STATUTES, LEXISNEXIS EDITORIAL

*“The same master file is used for all media. So each eBook and online document goes through the same editorial and operations process as the print book.*

*The only difference is in medium-specific usability enhancements.”*

ELINOR REINHARDT, SENIOR DIRECTOR, ANALYTICAL OPERATIONS, LEXISNEXIS EDITORIAL

## CREATED EQUAL ... THEN ADAPTED FOR EACH READING STYLE

The editorial enhancements discussed on page 2 can provide significant value, and they are applied to the master file before formatting for different media. For example, LexisNexis publishes official code for 18 states, as well as statutes for other states. “We see the expertise we bring to statutes as a real strength,” says Rick Grant, director, content development. “All of that work by attorney-editors and other content experts is exactly what feeds the eBook. All the quality controls and rounds of proof that go into creating an official print product manifest themselves in the eBook. It’s just a different media in which to view the material.”

“Our print, online and eBooks have identical content,” notes Elinor Reinhardt, LexisNexis senior director, editorial analytical operations. “The same master file is used for all media. So each eBook and online document goes through the same editorial and operations process as the print book. The only difference is in medium-specific usability enhancements.”

For example, eBook-specific usability enhancements include annotating and highlighting that stays with you, even after you check a book back in, and won’t appear for other readers. Check out a title again and your notes and highlights are still there.

Among the eBook types most frequently used by LexisNexis customers are study aids (for academic libraries), as well as deskbooks and practice guides that attorneys may need on the way to court or in court. LexisNexis Digital Library and eBooks enable customers to easily access resources via a mobile device.

Frequently accessed eBook titles include treatises like *Moore’s Federal Practice*<sup>®</sup>, *Collier on Bankruptcy*<sup>®</sup>, *Nimmer on Copyright*<sup>®</sup> and *Nichols on Eminent Domain*<sup>®</sup>, as well as guidance publications like *AnswerGuide*<sup>™</sup>.

## ASK THE RIGHT QUESTIONS

If you are unsure of the publication processes used by the publisher you are considering, you can gain insight by asking questions such as these:

- Is the content of your online and eBook publications from the same source and as comprehensive as your print content?
- If so, what processes ensure that the content is equally authoritative?
- What steps do you take to update your publications in various media?
- How can I be sure an eBook with a certain date has the same content as a print publication plus any supplements released as of the same date?
- Can I easily find and cite the same publication title, chapter number, section and subsection using any available media?
- What data is provided about your eBooks for citation purposes?

## PROCEED WITH INSIGHT AND CONFIDENCE

The strength of your legal writing depends on your skill and the sources you cite. Knowing your publisher produces authoritative content that’s “created equal” for each media frees you to focus on the law.

You gain certain advantages with eBooks compared to print. For example, you can bring an enormous state code volume—or a multi-volume treatise set—on your tablet as you travel to court or fly to another location. With insight and confidence, you can make the most of eBooks as you build legal strategy and serve your clients from anywhere.

## ABOUT LEXISNEXIS LEGAL & PROFESSIONAL

**LexisNexis Legal & Professional (lexisnexis.com)** is a leading global provider of content and technology solutions that enable professionals in legal, corporate, tax, government, academic and non-profit organizations to make informed decisions and achieve better business outcomes. As a digital pioneer, the company was the first to bring legal and business information online with its Lexis® and Nexis® services. Today, LexisNexis Legal & Professional harnesses leading-edge technology and world-class content to help professionals work in faster, easier and more effective ways. Through close collaboration with its customers, the company ensures organizations can leverage its solutions to reduce risk, improve productivity, increase profitability and grow their business. LexisNexis Legal & Professional, which serves customers in more than 175 countries with 10,000 employees worldwide, is part of RELX Group plc, a world-leading provider of information solutions for professional customers across industries.

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## REFERENCES

- <sup>1</sup>“Commentary: Wikipedia’s influence, convenience spills over into courts,” Liisa R. Speaker, *Michigan Lawyers Weekly*, April 7, 2008.
- <sup>2</sup> [ReportsnReports; Global e-book market 2015 – 2019](#), cited in “Cost of Print and Digital Books: A Comparative Study” (2016) 42 *EJALIB* 4 445-452.
- <sup>3</sup>“Department: Libraries and Legal Research: Here’s That Court Rule, Your Honor—On My Kindle (Nook, iPhone, iPad),” by Jan Bissett and Margi Heinen, *Michigan Bar Journal*, May 2012.

- <sup>4</sup> *Introduction to Basic Legal Citation*, § 2-100. [How to Cite Electronic Sources](#), by Peter W. Martin, Legal Information Institute, Cornell University Law School, 2016.
- <sup>5</sup> While legal writers should check local court rules, eBook citation styles are available from a variety of sources including the *ALWD Guide to Legal Citation* (Redbook), as well as non-legal style guides published by the Modern Language Association (MLA) and American Psychological Association (APA). Several U.S. Jurisdictions have officially adopted ALWD.
- <sup>6</sup> *Introduction to Basic Legal Citation*, § 2-100. [How to Cite Electronic Sources](#), by Peter W. Martin, Legal Information Institute, Cornell University Law School, 2016.
- <sup>7</sup> “[The Current State of E-Books in U.S. Law Libraries: A Survey](#),” Wilhelmina Randtke and Stacy Fowler, *Law Library Journal*, Vol. 108:3 [2016 – 18].
- <sup>8</sup> *Members’ Briefing, AALL Spectrum*, Bess Reynolds, legal information consultant/formerly technical services manager at Debevoise & Plimpton LLP, New York, April 2014.
- <sup>9</sup> “Strategic Integration of E-books and Digital Content in Law Libraries,” Bess Reynolds, legal information consultant/formerly electronic resources manager, Debevoise & Plimpton LLP, AALL Annual Conference, June 20, 2015.
- <sup>10</sup> *2016 Legal Technology Survey Report*, published by the American Bar Association based on a 216-question survey of the legal profession from January through May 2016 on the use of technology in the legal profession.

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