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# Researching in an Imperfect World

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## **Researching in an Imperfect World\***

Mary Whisner\*\*

*Responding to a request for assistance in using Legal Resource Index leads the author to ponder how the imperfections in the reference tools we use on a daily basis lead to the inescapable conclusion that intelligent, informed compromise is an inherent part of research.*

The political science professor came to the reference office and asked for help in using *Legal Resource Index* on one of our catalog terminals. His research assistant had given him a memo citing an article—Roberta K. Flowers, *Does it Cost Too Much? A “Difference” Look at J.E.B. v. Alabama* (1995)—and he needed a more complete citation so he could read the article.

As we walked to the workstation, the professor told me that he had already searched *LRI*, but he seemed a bit confused. Confident of my searching skills, I coached him at the terminal. First, we searched for Roberta Flowers as an author. We found two articles, from 1996 and 1998; neither matched the title the research assistant had given him. I speculated that the piece might have been a student note not indexed by author, so I showed the professor how to search by case name. There were dozens of articles about *J.E.B. v. Alabama*, but none caught the professor’s eye. Was he sure that this was a law review article? Could the research assistant have found an article from some other periodical? The professor considered that but still thought that the article should be in a law review. I took him to another terminal where he could use LEXIS-NEXIS Academic UNIVERse. The database of law review articles did not include the article itself, but searching for “flowers w/5 cost too much” quickly located articles that cited: Roberta K. Flowers, *Does It Cost Too Much? A ‘Difference’ Look at J.E.B. v. Alabama*, 64 *FORDHAM L. REV.* 491 (1995). The professor went off to the stacks to find the volume and I was left pondering the nature of research and reference.

Introspection revealed a strong streak of skepticism and distrust despite my sunny demeanor. I used words, tone of voice, and body language to convey to the professor an aura of helpfulness and warmth, but all the while I doubted every-

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thing. Had he really tried searching *LRI* already? Or did he confuse our catalog with a periodical index? If he had searched *LRI*, had he misspelled the author's name or made some other simple mistake? He *said* his research assistant was a very bright student and always did good work, but could we trust the information she gave him? Why should we, since she had neglected to give him the essential information of volume, publication, and page?

I have a similar relationship with the tools I use. *Legal Resource Index* is one of my favorites: I use it happily and I routinely recommend it to patrons. But still I harbor doubts. Does the database include the articles I need? Does it cover the journals I want? Does it include a highly relevant article but with a typo in the title? Did the editors assign the same subject heading that I would have?

This time, some of my suspicions were borne out and some were not. The professor seems to have searched *LRI* correctly, and his research assistant did give him the correct author, title, and date. But I was right to suspect that *LRI* might not solve our problem and to try another source.<sup>1</sup>

Part of gaining competence as a reference librarian is becoming familiar with what research tools can do. Each of us develops an internal checklist of what tools to use for which research tasks. To find a law review article from the 1990s, search *Legal Resource Index*. To find a Washington State case from the 1950s, use the Table of Cases in *West's Washington Practice Digest 2d* or *Shepard's Washington Case Name Citator*. To get an overview of an unfamiliar area of law, use a legal encyclopedia or a hornbook. To find a *New York Times* article from last week, search news;nyt on LEXIS-NEXIS. And so on.

A complementary aspect of reference sophistication is learning how tools fail. Our tools fail in many ways, and the longer we work with them the more aware we should be of their imperfections. In this case, *Legal Resource Index* (in the version we were using) did not include a particular article in a mainstream law review. I was not surprised; I had noticed omissions before.<sup>2</sup> We have all come across typos in indexes, cross-references that lead nowhere, and pocket parts that are mislabeled so they end up in the wrong volume. We know that every electronic tool could have errors. Data is corrupted or keyed in wrong or the crucial document we need never was loaded in the first place. And what Internet user has not seen an error message about an invalid link?

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1. At the time of this incident, we used *Legal Resource Index* on our catalog terminals via a locally mounted tape from IAC. Since then we also have access to the Web-based *LegalTrac* counterpart. As it happens, the Web-based version does include the article we were not able to find in the other version. It is also in both the Westlaw and LEXIS-NEXIS versions of *Legal Resource Index*. A discrepancy among versions of the database has been documented before. See Suzanne M. Leary, *Hazards in Searching in the Legal Resource Index*, TRENDS L. LIB. MGMT. & TECH., Nov. 1991, at 1.
  2. This is not meant to be an indictment of *Legal Resource Index*. This incident happened to involve the failure of that tool, but my point is that all tools may fail, not that *Legal Resource Index* is especially failure-prone.

We develop techniques to compensate for the possible failures of fallible tools. In this case, an article that could not be found in *Legal Resource Index* was found by searching for law review articles that cited it. (I might have also had the patron try our print copy of *Index to Legal Periodicals & Books*.) If a patron cannot locate a statute using the index to *United States Code Annotated*, we often suggest trying the index to *United States Code Service*. If someone is not able to locate relevant cases using a digest, we suggest a legal encyclopedia. And so on. One beauty of legal research is the redundancy that is built into the system.

Along the way we—and all researchers—make judgments about how much doubt we want to apply. If the professor had just asked me to help him find a list of articles by Roberta K. Flowers, I would have been content with the results of the first *LRI* search (the one that found two articles, but not the 1995 article). If he had not had a reason to believe that she had written something else, we both probably would have been happy to stop there. Only if he had said, “Is this index comprehensive? Is there another tool to use to be thorough?” would I have bothered to think of other ways to find articles by Flowers. Likewise, if the professor had asked for articles about *J.E.B. v. Alabama*, we would have been happy with the articles listed in *LRI*, blissfully unaware that Roberta Flowers’s article was missing. And, for most researchers, most of the time, that would be fine. Most researchers would have time to read only a few of the articles about the case and would not need to have a comprehensive list. If Flowers’s article was significant in the field, later articles probably would cite it and the researchers would come across it that way. (But if other authors could not find it because it was omitted from the index, then how would they know about it?)

Compromise is part of our research lives. Even though we know that any given index or tool could have a typo or omit some key bit of information, we often march ahead, satisfied that what we have been able to find with the tool is good enough for our purposes. We know that the index we use is imperfect, but for most projects we rely on it and do not use backup systems. We could, but we do not. We know that the pocket parts to the digest we are using are four months old, but we do not go online or check the advance sheets. We know how, but we do not. Perhaps we do not have the time, the client does not have the money, or it is just not the sort of project where we feel the need to be that thorough.

Marketers for *Shepard’s* advise: “Shepardize. Or compromise.” It is a fine little slogan: it rhymes, it has a nice rhythm. What bothers me about it is that it makes “compromise” sound like a bad word. Throughout our research lives we are compromising! Being a good reference librarian includes knowing the tools, knowing how they can go wrong, knowing how to compensate for their failures, and making reasonable judgments about when to stop researching despite the risk that the tool we used did not give us perfect information. Intelligent, informed compromise is an inherent part of research in this imperfect world.

