

TRIAL PRACTICE

ADVANCED LITIGATION SUPPORT: COMPUTERIZED INFORMATION SOURCES FOR TRIAL ATTORNEYS AND THEIR EXPERTS

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Winning litigation turns on accurate information. Having the right information at the right time can often be the difference between winning or losing. A few examples:

An attorney representing a plaintiff injured in a beauty salon by an unknown hair dye needs to know the relative market share of the hair care products involved in the suit. Where is such information available? Can it be found quickly?

In a product liability action, a client's hand was mangled by a taco machine. Plaintiff's counsel needs evidence to support the argument that a warning sign should have been placed near the machine's feeder unit. Is such a warning required by any governmental entity? What industry standards exist?

Is a client's tinnitus job-related? What are the usual causes of ringing of the ears? Were the noise levels at the client's job site responsible? Who are the experts in the field?

Pressured by severe time restraints an attorney, in a few minutes, through the use of an Information service, can start to get answers to these questions and within two weeks can receive detailed reports with answers.

The information these attorneys needed to build their cases would have taken months to obtain just a few years ago — if it could have been obtained at all. With the advent of computer technology and growth of the information industry, thousands of sources of information from around the world are now available to the attorney who knows how to find them.

EASIER ACCESS

While the sources of information are not new, the use of computer technology has made them far more accessible to today's attorney.

For example, the National Technical Information Service has been establishing reports from government-fund-



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ed research for decades on such diverse topics as environmental control, the slipperiness of shoemaking materials, and health planning. Yet tracking down specific information for many years was a long and frustrating task. Now a computerized index to these reports often makes this information available in minutes to the experienced researcher.

These new sources now are more readily available to attorneys due to the development of the information industry. While some companies in the industry specialize in collecting specific types of information, others are experts at finding and packaging it.

Legislex Associates is an example of a company that collects specific information. It monitors bills in all 50 states as they make their way through the legislative process. The bills are indexed and categorized to allow an attorney to follow legislation affecting his clients' businesses, as well as the areas of law in which he has specialized. The information is available by subscription to the Legislex database, which is accessible through various computer terminals an attorney can buy or lease.

On the Federal level, the Congressional Information Service specializes in collecting economic, social and de-

mographic information generated by the Federal Government, as well as private organizations, universities, and state governments. What had once been a mountain of valuable, but generally unusable, data was transformed by the company's use of computers into what many attorneys consider one of their best sources of factual data. It is now easy for an attorney to find reports on the effects of energy availability on the future of the construction industry, the true costs of clean air and water, and the earning gap between men and women. The service has literally put the experts at every attorney's fingertips.

LOCATION EXPERTS

Esoteric subjects which require expert assistance often defy definition due to the difficulty in locating qualified experts. Here is one way an information specialist can be invaluable. An in-depth computerized literature search can produce a list of authors in virtually any field.

INFORMATION BROKERS

Several years ago, it became apparent that too much of a good thing might be overwhelming, especially for "information oriented" attorneys. It was hard enough for the attorney to keep up with his area of expertise, let alone the areas he became involved in on a project or case basis. Fortunately, exceptionally well-qualified information brokers are now available to find and package all types of information tailored to an attorney's specific needs.

These experts, often called information "retailers" or "brokers", are of two types. The first have mastered the art of locating all types of information quickly through the use of computers, personal contacts and traditional research methods. The second type specializes in locating information in specific fields such as biology,

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patents or medicine. Either type may focus on servicing a particular market section, be it business, the legal profession, or government.

The Information Store in San Francisco, for example, is a general information broker which focuses on servicing the California legal community. The firm has access to more than 200 computer databases. Its staff understands the kind of information lawyers need to build strong factual cases. In addition, the Information Store has the only publicly accessible WESTLAW terminal in San Francisco, allowing it to assist lawyers with legal research as well.

California Legislative Intent in Sacramento is an example of a specialized information broker. The firm concentrated on collecting the legislative histories of bills in California. Since many California cases turn on the meaning of a word or phrase of a statute, attorneys often need to know the intent of the legislature in passing the law in dispute. California Legislative Intent can supply the attorney with reports generated by the law-making process which will help him determine what the members of the legislature envisioned when they passed the statute.

Other examples of general information brokers include Washington Researchers in Washington, D.C., and Find/SVP in New York City. Other information experts who specialize in a particular field include Federal Document Retrievals in Washington, D.C., the Environment Information Center in New York City, Biological Information Service in Riverside, California, and the Research Group in Charlottesville, Virginia.

Recent Case Update

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age - Bad Faith Procedure, C.C.P. 437c, Pub. U.C. 209, 3602, 3510, 3631, 3632

Sandler v. Casale 125 Cal.App.3d 707, 178 Cal.Rptr. 265 (4th Dist., Div. 1), **Declaratory Relief Granted to Clarify Arbitration Award**

So. Cal. Pipe Trades Council v. Merritt 126 Cal.App.3d 530, ___ Cal.Rptr. ___ (2d Dist., Div. 5), **Arbitration Award - Parties Bound**, C.C.P. 412.30

Sprecher v. The Adamson Cos. 30 Cal.3d 358, 178 Cal.Rptr. 783, **Landowner's Duty to Alter Dangerous**

CHAPTER ACTIVITIES

FRESNO TRIAL LAWYERS ASSOCIATION

The Fresno Trial Lawyers Association, under new President **Rodney C. Haron**, has announced plans to revitalize the Fresno chapter by starting a membership drive that will double the current membership. In addition, the first program for the year was conducted March 24, 1982 featuring **Edward R. Mosley, M.D., J.D.** who discussed soft tissue injuries and disability evaluation. In addition to the new president, the following persons have been elected as Officers and to the Board of Directors: First Vice President — **Judith L. Lund**; Second

Vice President — **Dennis A. Neudek**; Treasurer — **Herbert I. Levy**; Secretary — **Glen T. Bashore**; Board of Directors — **G. June Register, Charles R. Perry, Eugene Biglow, Roger T. Nuttall, Edward C. Valdez, Paul A. Eisler, Richard P. Berman, Joyce Gibson, and Michael E. Brown.**

Board member **Edward C. Valdez** has been appointed Education Chair for 1982 and is planning many new and innovative programs for this chapter. ■

SANTA CLARA COUNTY TRIAL LAWYERS ASSOCIATION

The Santa Clara County Trial Lawyers Association chapter of CTLA has announced the following list of Officers and Board members for 1982: President — **Richard P. Caputo**; President-Elect — **Robert von Raesfeld**; Vice President — **Fernando V. Hernandez**; Secretary — **Charles H.**

Kavalaris; Treasurer — **Stanley F. Leal**; Board members — **Robert A. Catalano, Stanley F. Leal, Patrick R. McMahon, David E. Malnick, William G. Priest, Jr., Vincent R. Ruocco, Richard D. Caparella, Joseph P. DiCuicchio, and Leonard B. Sprinkles.** ■

A COMPETITIVE EDGE

To date, primarily the larger law firms have been using information brokers. Sole practitioners and smaller firms should recognize that utilizing the resources made available through these experts can help them gain a competitive edge. In *Smith v. Lewis* (1975) 13 Cal.3d 349, 118 C.R. 621, 530 P.2d 589, the Supreme Court held that "an attorney assumes an obligation to undertake reasonable research in an effort to ascertain rel-

evant legal principles and to make an informed decision as to a course of conduct based on an intelligent assessment of the problem." The same can be said for the factual research which underlies and supports legal analysis.

In today's practice, the smart attorney must learn to utilize all information resources available. The competitive edge gained in the process makes it one of the best investments his or her client will ever make. ■

Conditions

State Farm Mut. Auto Ins. v. Lee 125 Cal.App.3d 865, 178 Cal.Rptr. 432 (3d Dist.), **Insurance Coverage Family Exclusion Clause - Cross-complaint for Indemnity**

Vahey v. Sacia 126 Cal.App.3d 171, 178 Cal.Rptr. 559 (1st Dist., Div. 3), **Proximate Causation - Burden of Proof - Comparative Negligence**, BAJI 3.80, 14.64, 14.63

Wilkinson v. Hicks 126 Cal.App.3d 515, 179 Cal.Rptr. 5 (2d Dist., Div. 5), **No Strict Liability with Used Goods**

Wilson v. Interlake Steel Co. S.F. 24365; Hearing Granted Nov. 27, 1981, Case Below: 124 Adv. Cal.

App.3d 57 (3d Dist.), **Will Noise Waves Support Action for Trespass?**

Zavala v. Regents 125 Cal.App.3d 646, 178 Cal.Rptr. 185 (2d Dist., Div. 4), **Comparative Negligence - Willful Misconduct** ■

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