

Online legal indexes: An abstract likeness or a true portrait?

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Introduction

Traditionally we have relied on indexes to provide the key to access to high quality scholarly information. In 1999 Margaret McAleese asked “will legal journal indexes survive?”¹ Nine years later we may well ask the same question. We still have a vast array of legal journals that we can subscribe to, circulate, photocopy, bind or discard (if that is our inclination) and we still need a key to discovering what is contained in those journals. But what has changed is that we also have many other platforms for delivering the same or similar content – AustLII, HeinOnline, the publisher platforms and other options. Some of these new platforms have taken over some of the functionality that indexes used to offer to the extent that they are considered to be resource discovery tools in their own right. The picture that we have today is a more complex one with new players (including Google and Google Scholar), significantly more online content, new methods of searching, and new expectations and assumptions about what will be delivered.

Overview of indexes

In order to effectively evaluate the legal indexes which are available, we’ve chosen a two-pronged approach. Firstly, we look at the broad types of indexes offered, and secondly we will take a closer look at the actual vendors and the specific databases they produce.

Three approaches

Looking specifically at the legal index landscape in Australia, it is possible to define three online models which have developed in response to the need to provide access to information in journals.

The first approach involved transferring the traditional print indexes to the online environment. In Australia, this process was facilitated by Informit. Small database producers were able to work with a third party (RMIT) to distribute their databases initially via CD-ROM technology, and later via the internet with a standard search interface. Examples of products using this approach are the Attorney General’s Information Service (AGIS) and the Australian Public Affairs Information Service (APAIS) in Australia, and Index to Legal Periodicals (ILP) produced by Wilson, and LegalTrac produced by Gale in the international market. More recently in the Australian market, CaseBase has appeared on the scene. While CaseBase was built for a different purpose, as a case citator, it does claim to provide indexing for a large

¹McAleese, Margaret, ‘Australian law journals – How good are the indexes?’ (Paper presented at the 8th Asia-Pacific Specials, Health and Law Librarians Conference, Hobart, 22-26 August 1999 <<http://conferences.alia.org.au/shllc1999/papers/mcaleese.html>> viewed at 10 November 2008.

number of journals, and this collection of journal articles is searchable in its own right.

The second approach we have called the 'hybrid model', and it involves indexing plus full text. The full text/searchable article 'hangs' off the index record, with the option of searching the indexing or the entire document. Both ILP and LegalTrac have gone down this path, and AGIS has recently added this feature.

The third approach involves putting the full text online with minimal indexing or no indexing at all. A number of publishers have used this approach, as it enables them to put their titles online, with the added bonus of creating a searchable database – LawBook Online, LexisNexis Au, Lexis.com, Westlaw, AustLII and HeinOnline fall into this group.

There are obviously advantages and disadvantages in each approach. Can the three approaches continue to co-exist, or is one approach better than the others? Has the index format passed its 'use by' date, or is there a continued need for the creation of summary records which describe/summarise the content? If the underlying metadata is minimal, is there any point to the exercise? Can building a fancy 'front end' make a difference if the index is made up of short, perhaps inadequate records? How does AGIS compare with international legal indexes such as LegalTrac and ILP?

Index

Advantages

The main advantage of the index approach is the comprehensive coverage – the idea of a 'one stop shop'. Indexes tend to cover a large number of journals compared with the full-text platforms.

Secondly, indexes tend to cover a range of years whereas publisher platforms may only put the last few years full-text online.

Thirdly journals can be selectively indexed. One of the trends in recent years is for 'legal' articles to appear in a broader range of journals. For example, an article on the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* appeared recently in a UK journal, the *Oxford University Commonwealth Law Journal* which is selectively indexed in AGIS. So the index can capture more than the full-text platform.

Fourthly, another advantage of the index is the controlled vocabulary. Indexers consult a thesaurus when assigning subject headings so, in theory, all the articles on a topic are brought together. Find one article on point, and you should be able to take advantage of the subject headings assigned to that article to find related material.

And finally, the transition to 'full text' can be made easily. Those journal publishers that came on board could do so seamlessly, as access to the full-text hangs off the index record. Both AGIS and ILP have been rebranded as 'full text/plus text'.

Disadvantages

Much depends on the whim of the indexer – the human component. In those journals that are selectively indexed, the indexer makes the decision about whether an article is worth including or not.

The often unseen quality control processes such as consistent spelling can make a difference to the functionality of the index. Is it the *Protection of **Moveable** Cultural Heritage Act 1986* (Cth) or the *Protection of **Movable** Cultural Heritage Act 1986* (Cth)?

The length of the abstract can also affect the success of the search. Some abstracts are lengthy, while others are very short. The indexer must decide which cases and/or statutes mentioned in the article merit inclusion in the record, as well as determining how many subject headings are assigned. Again it is the decision of the indexer as to how this is handled.

Another potential problem is the delay in getting the index records online. If an index is working properly there should be a minimal delay between publication of the journal and the record appearing in the index. We will return to this point again later.

Hybrid model

LegalTrac and ILP have evolved from index to what can best be described as hybrid systems. While not forgetting their origins as indexes, these products have started to add searchable full text. You can, at the beginning, choose to search just the indexing or search the full-text/entire document. Coincidentally, at the time this paper was being prepared, AGIS added this full text search capability and with this development AGIS has effectively moved from being an index to being a hybrid system.

Advantages

There is more text to search, so it should increase the chance of getting a result. However, this only works for those journals which are genuinely provided in full-text.

Secondly, the search can be manipulated to get the desired results. The search can begin with narrow terms (searching the index record), but expanded to go broader if the results are insufficient. Or, conversely the search can start broad and go narrow if results are too high.

Disadvantages

The main disadvantage is that only a relatively small percentage of journals have truly come online via the indexing platforms. One way to demonstrate this problem is to look at a sample of 42 Australian legal journals in order to determine if they are available in full text, via the indexing platforms. We identified a set of 42 key Australian titles on the basis that they were indexed in three indexes (AGIS, LegalTrac and ILP).

As Figure 1 illustrates, despite claiming to provide full text, most of the platforms don't cover all of the key journals.

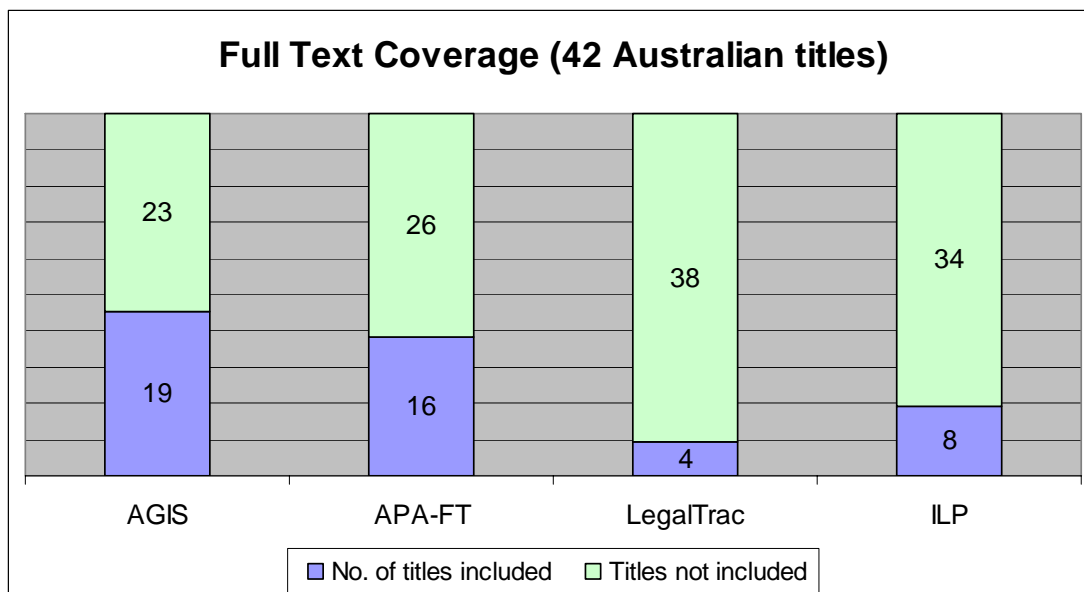


Figure 1: Full text coverage of key Australian titles

Appendix 1 shows a tabulated listing of the results. While two journals are full text on five platforms, there were 20 titles which were not available in full text via any of these five platforms. Most of these 20 titles are ones published by LawBook/Thomson and LexisNexis. Interestingly, some university law reviews (*Law in Context*, *University of Western Australia Law Review*) and the *Law Institute Journal* also are not available via any of the five platforms.

From a user perspective, this indicates that ‘plus text’ or ‘full text’ is largely a misnomer in the context of full-text delivery via an indexing platform.

Full text

The third approach is the full text collections of journals, with only minimal indexing. Rather than evolving from print products, these products have largely involved putting a front end or search interface onto a collection of journals. Mostly these collections have been by organised by publisher (Oxford, Cambridge, LexisNexis/Butterworths, LawBook/Thomson, Westlaw) but HeinOnline is perhaps the best example of this type of product, and one that is not publisher based.

Advantages

The entire text of each article can be searched and every word becomes an access point. For example, it is possible to search for papers which cite a known/useful source. As Table 1 shows, Lexis.com and HeinOnline gave the best results when searching for a cited reference.

Index/Database	No. of results (incl. source paper)
ILP	6
LegalTrac	4
Lexis.com (US and Canadian Law Reviews)	11

Table 1: Cited reference search: Robertson, John A. Reproductive Technology in Germany and the United States: An Essay in Comparative Law and Bioethics, (2004) 43 *Columbia Journal of Transnational Law* 189.

The second advantage of this approach is that there is no ‘middle man’ or third party indexing the article making decisions about entry points. In other words, what you see is what you get.

And most significantly, our users love full text collections and gravitate to full-text collections in preference to all other options. They have come to rely on instant gratification.

Disadvantages

The main disadvantage is that there is sometimes simply too much information. This model has the potential to find articles with the desired terms, yet which have nothing to do with the required topic.

Coverage

In the next section of this paper we want to look at the issue of coverage. How often do Australian legal journals get indexed? Is there much overlap in the indexes? Are all the indexes covering the same journals? To attempt to make some sense of the breadth of coverage we counted the Australian titles comprehensively indexed in these five indexes. We attempted to exclude titles that were not currently being indexed.

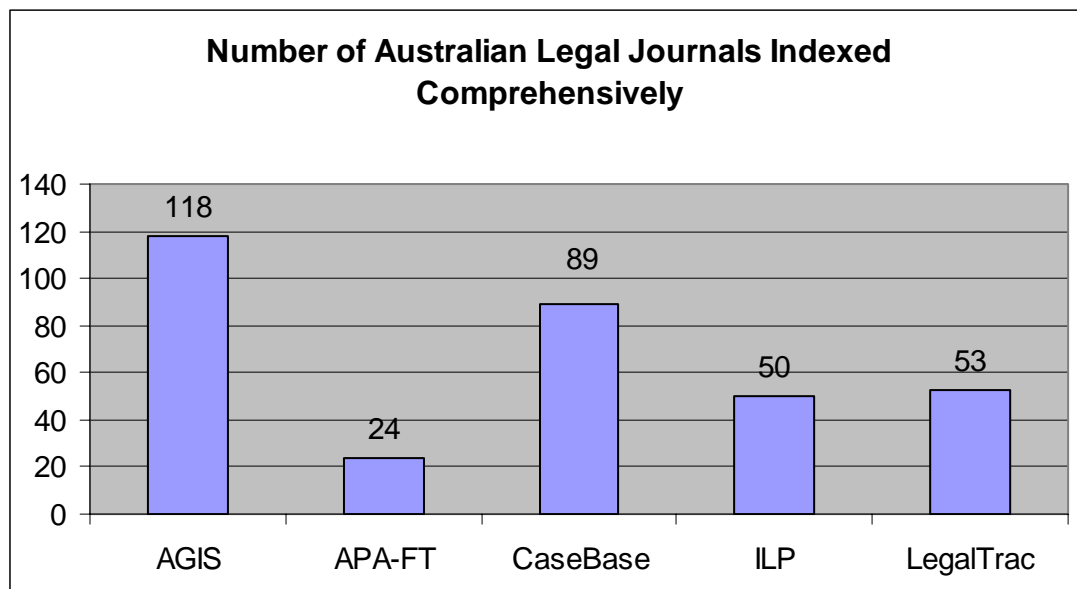


Figure 2: Number of Australian Legal Journals Indexed Comprehensively

As Figure 2 illustrates, AGIS covers the largest number of Australian journals, with 118 titles covered. This figure does however need to be used with a degree of caution. AGIS scans many more than this number of journals and selectively indexes content

from a much larger range, so this number considerably under represents the AGIS coverage. AGIS is 'up front' about the titles it comprehensively indexes, and the titles that are selectively indexed.

Coming second in terms of number of titles covered is CaseBase with 89 current Australian titles. Unlike AGIS, it was difficult to get an accurate count for comparative purposes as CaseBase appears to cover many more journals than it actually does. For example, the online document listing scope/coverage had many inaccuracies when the claimed coverage was matched against the actual coverage. CaseBase claimed to index the *Australian Dispute Resolution Journal*, but the most recent issues indexed were from 1998, and again it claimed to index the *ADR Bulletin*, but the most recent issues indexed are 2003/2004. In addition, CaseBase claimed to index *Biotechnology Law and Policy Reporter*, *Freedom of Information Review*, *Franchising Law and Policy Review* and *Telemedia*, all of which ceased publication at least four years ago. While there is nothing improper about listing titles which have ceased publication, it would be useful if the online documentation was amended to reflect that these titles are no longer current, or no longer currently indexed.² Both *Media and Arts Law Review* and *Employment Law Bulletin* are selectively indexed by AGIS (so not counted there) but are counted in the CaseBase count. Comparison is made difficult if you're not comparing apples with apples.

It is interesting to look at the titles which are unique to CaseBase. There are a small number of titles which fall into this category. *Arbitrator and Mediator*, *Australian Corporate Lawyer*, *Australian Civil Liability*, *Journal of Equity* and a number of newsletters published by LexisNexis – *Civil Procedure News NSW*, *Criminal Law News (NSW)*, *Criminal Law News Queensland*, *Criminal Law News Victoria* – are titles unique to CaseBase.

Conversely, if we look at titles that are indexed in AGIS but are not indexed in CaseBase, the following are examples fall into in this category. *Admin Review*, *Australian Feminist Law Journal*, *Australian Insolvency Journal*, *Australian International Law Journal*, *Australian Journal of Asian Law*, *Australian Product Liability Reporter*, *Australian Yearbook of International Law* – to name a few. One of the main points of difference is coverage of the university law reviews – AGIS covers many more than CaseBase, including *Canberra Law Review*, *Deakin Law Review*, *E Law (Murdoch University Electronic Journal of Law)*, *Flinders Journal of Law Reform*, *Law in Context*, *Macquarie Law Journal*, *Southern Cross University Law Review* and *University of Western Sydney Law Review*

Currency

Increasingly relevant at a time when journals are published online is the issue of currency of indexing. If we are to rely on indexes rather than searching the full text platforms then we need to be assured the delays/gaps are small. How quickly after the publication of a journal is the content of these journals made available via the indexes?

² It should be noted that the online documentation for CaseBase has been updated since this paper was presented, and the anomalies referred to here have been corrected.

As at September 1, this was the situation for the *Australian Law Journal* (see Figure 3). The September issues was available online, but the indexing for the Australian indexes (AGIS, APAIS and CaseBase) was only current to the May issue.

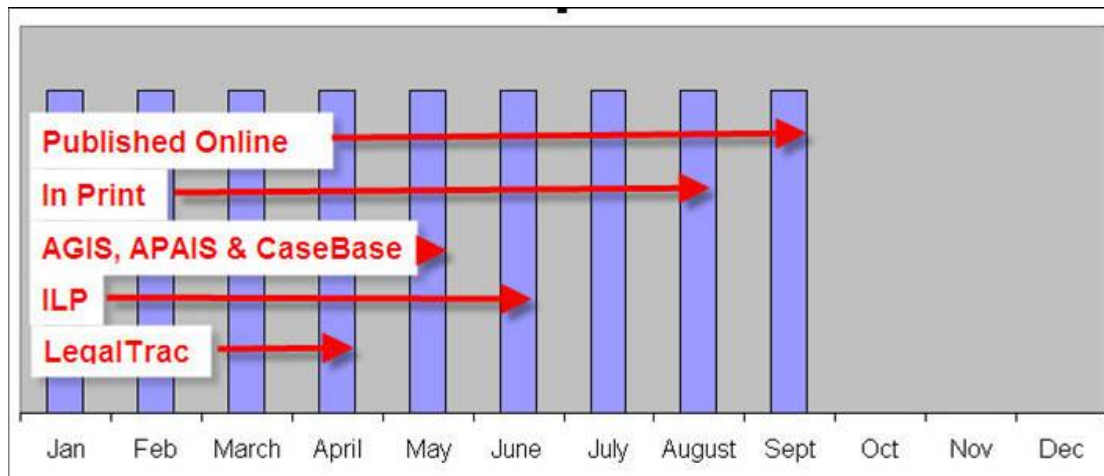


Figure 3: Currency of indexing for the *Australian Law Journal*

Rather than solely rely on a sample of two journals, the 42 titles used previously were checked and the latest issue indexed was recorded. The winners were ILP and LegalTrac. They both performed well, and were consistently more current than AGIS.

What model for our Australian journals?

Despite globalisation, we clearly still need AGIS – no international index will pay attention to our legal journals the way AGIS has.

While there is some overlap in coverage with the international indexes, AGIS does two things well. Firstly, it appears to scan a large range of titles for content and the list of journals selectively indexed is a long list. Secondly, it provides comprehensive indexing for a large number of titles – none of the others even come close to matching the number of titles covered by AGIS.

Room for Improvement

In conclusion it is useful to briefly look at some areas where there are discrepancies. Those of us who use databases regularly, and who witness our clients using databases, may become aware of things that are ‘not quite right’. We can feed that experience back to the database producers, and that may result in changes/enhancements. Our experience has been that the people who produce the databases are usually happy to take on board suggestions for enhancements, and will certainly respond promptly when attention is drawn to specific errors.

In relation to AGIS, we ask why does the name of the database get such little prominence on the search screen and the word ‘Informat’ figure so prominently? Surely the branding should draw attention to the database, not the vendor/platform.

Furthermore, why is the most useful legal database called AGIS (Attorney-Generals Information Service)? The title on its own is meaningless. It is interesting to note that LawBook/Thomson have rebranded AGIS as the Australian Legal Journals Index, which is a much more logical and descriptive title.

In relation to CaseBase, why do they persist with the use of abbreviations, instead of spelling out the full name of the journals indexed? CaseBase uses the abbreviation ILB for not one but two different journals – *Australian Insurance Law Bulletin* and *Indigenous Law Bulletin*. It would be far easier to expand the names of all the journals, as is the standard practice in AGIS, ILP and LegalTrac. Again, a battle yet to be won!

When will AGIS allow users to save searches and create alerts? This is standard functionality for many indexing platforms, including ILP and LegalTrac.

Conclusion

In the title of our paper we ask “Are online legal indexes an abstract likeness or a true portrait?” Do they successfully capture the legal literature, or are they a bit hit and miss? We conclude that indexes are crucial to our being able to do our job well, and they have come a long way, but they continue to have limitations. They are all selective in various ways: the journals they decide to include/exclude, the promptness with which they get the index records online etc. The results of our testing show a tendency towards the ‘abstract likeness’ end of the spectrum.

With the ever-expanding array of free web services, and the ubiquitous Google, the publishers of indexes must be savvy, and make their product meet all the criteria required by the 21st century legal professional. When monetary resources are scarce (as they usually are), those resources must go towards whatever index is the best quality, and represents the best value for money. Legal publishers should be put ‘on notice’ that their market share is not stable. Users need to be able to have faith that the product they have bought will deliver exactly what it claims. It’s up to us to remind the database vendors what we expect, and to make our users aware that none of the databases are perfect yet!

Appendix A: Full Text Availability for 42 Australian Legal Journals

JOURNAL TITLE	AGIS	APA-FT	LegalTrac	ILP
Adelaide Law Review	✓	✓	—	—
Alternative Law Journal	✓	✓	—	✓
Australian and New Zealand Journal of Criminology	—	—	✓	—
Australian Bar Review	—	—	—	—
Australian Business Law Review	—	—	—	—
Australian Feminist Law Journal	✓	✓	—	—
Australian International Law Journal	✓	✓	—	—
Australian Journal of Corporate Law	—	—	—	—
Australian Journal of Family Law	—	—	—	—
Australian Law Journal	—	—	—	—
Australian Property Law Journal	—	—	—	—
Australian Tax Review	✓	—	—	—
Australian Yearbook of International Law	—	—	—	—
Bond Law Review	✓	✓	—	—
Company & Securities Law Journal	—	—	—	—
Competition and Consumer Law Journal	—	—	—	—
Criminal Law Journal	—	—	—	—
Deakin Law Review	✓	✓	—	✓
Environmental & Planning Law Journal	—	—	—	—
Federal Law Review	✓	—	—	✓
Griffith Law Review	✓	✓	—	—
Insolvency Law Journal	—	—	—	—
James Cook University Law Review	✓	✓	—	✓
Journal of Contract Law	—	—	—	—
Journal of Judicial Administration	—	—	—	—
Journal of Law and Medicine	—	—	—	—
Law in Context	—	—	—	—
Law Institute Journal	—	—	—	—
Macquarie Law Journal	✓	—	—	✓
Melbourne Journal of International Law	✓	—	✓	—
Melbourne University Law Review	✓	✓	✓	✓
Monash University Law Review	—	✓	—	—
Public Law Review	—	—	—	—
Queensland Uni of Tech. Law and Justice Jnl	—	✓	—	—
Revenue Law Journal	✓	✓	—	—
Sydney Law Review	✓	✓	—	—
Torts Law Journal	—	—	—	—
University of New South Wales Law Journal	✓	✓	—	✓
University of Notre Dame Australia Law Review	✓	—	—	—
University of Queensland Law Journal	✓	✓	✓	✓
University of Tasmania Law Review	✓	✓	—	—
University of Western Australia Law Review	—	—	—	—

TOTALS

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