Paper and stone: How technology has not changed the retrieval of legal information, yet

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Abstract

Lawyers and legal professionals depend on their subjective legal knowledge as well as on external legal sources. This has been the case for centuries. With the dawn of technology easier methods to retrieve legal information appeared, facilitating the search for relevant material in the growing amount of statutes, cases, preparatory works and literature.

Despite several research projects on information retrieval since the beginning of the 1960s the search process of a lawyer has not changed significantly. The question remains whether or not and how it will change in the future. Legal texts are based on abstract and technical language. This means that the retrieval has to be done with both everyday and legal terms. The choice of these search words has not been a large focus in academic research yet. Rather it has been on technical retrieval methods behind the different legal databases and search techniques and how the system interprets different search queries and not so much how to increase the awareness of lawyers in their search technique.

This has led to the development of highly sophisticated systems in legal databases. However, this development is not always reflected in the user behaviour. More and more is happening technology-wise behind the scenes, which is not visible for the user, however. This means there is a lack of awareness.

The lack of trust that existed in the beginning of the digitalisation of legal material has reversed, which means an immense trust in relevance ranking and in search results.

This does not mean that the algorithms of legal databases should not be trusted. But the lawyer should be aware of what is going on behind the curtains, as it is she or he who in the end is responsible for finding relevant legal material to support her or his decision.

In addition to including methods of retrieval in the legal education, systems should make the techniques used more visible and thereby allowing the legal user to adjust her or his search method or at least be more critical when searching. An effective search process requires the evaluation of retrieved documents and an adequate adaptation of the continuing search.