

Is your legal research evolving with these unprecedented times?

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Legal research and case preparation ordinarily consume a large part of the legal practitioner's day and energy, because - as complicated and time-consuming as the process can be - there is no more effective way to strengthen an argument in court than with sound case and precedent referencing. The most basic step in legal research is to find the leading case governing the issues in question and then to begin building your argument around this.



But in the new world presented by Covid-19, harnessing all that legal technology has to offer has become even more important for streamlining legal research and ensuring sustainability and survival.

Numerous studies and surveys have shown that lawyers view the increasing importance of legal technology as the top trend likely to impact their organisations and that technology is needed to manage the increased volume and complexity of information at this time.

While legal professionals still spend many unbillable hours sifting through conventional law reports and texts, and searching for relevant cases and precedents, Covid-19 has seen a growing breed of tech-savvy practitioners turning to technology powered solutions to overcome many of the restrictions of social distancing and remote working.

Mellony Ramalho, Sales and Marketing Director at LexisNexis South Africa, offers the following tips to aid your legal research processes:

1. Avoid some of the pitfalls and risks of manual research by harnessing legal technology to save time, costs and resources, while increasing billable hours.

“By inputting a few keywords and parameters into a legal tech search engine, professionals can have access to a world of knowledge, curated to their specific case requirements, with relevant and key precedents and awards easily accessible,

making them adaptable in this challenging market,” says Ramalho.

2. Look for solutions that make it easier to keep you on top of constant changes in the law and are up-to-date with prevailing legislation, case law and even legal theory.

Says Ramalho, “One of the biggest challenges associated with manual research is the risk of unintentionally referencing outdated information, or a researcher missing a vital piece of information or misinterpreting a judgment, thereby significantly hurting the case.”

Laws and precedents change rapidly because cases can be appealed against or overruled, but the result of an appealed case may not immediately be updated in conventional law reports, indices and online law report products. In addition, other courts may have treated the judgements differently and having this information to hand in advance assists you to avoid jeopardising your case with a weakened argument.

“To build a winning case, it’s vital to have all of the pertinent and latest information affecting cases referenced with you in court,” says Ramalho.

Any technology solution should therefore help to facilitate quicker assessment of the precedential value of reported judgments and should work to reduce the risk of misinterpretation by lessening the need to evaluate cases yourself. Ideally, the case history should quickly show how a particular case has been utilised by other courts, whether the case was subject to review or appeal, what the result was, subsequent appeals and where the case fits in the appeal hierarchy.

3. Make sure that the source you’re accessing is known for providing accurate, authoritative law that you can rely on for supporting your case and arguments.

While internet search engines and other free resources may seem appealing, when it comes to authoritative research content that will hold up in court, it’s best to partner with a respected legal technology partner.

Lawyers need access to national, provincial and municipal legislation with a complete collection of Acts, regulations, bills, by-laws, subordinate legislation and gazettes.

4. Invest in yourself during these challenging times and take advantage of remote learning opportunities to boost your legal research.

The [Practical Legal Research Skills eLearning course](#), for example, provides guidelines and practical assessments around developing a research methodology using all available resources within limited timelines. While this course is specifically aimed at practitioners and their needs in the everyday running of a legal practice, it is also suitable for anyone interested in improving their legal research skills – including law students and Candidate Attorneys.

5. Look for next-gen features that intelligently interpret your searches.

Legal technology firms like LexisNexis are exploring how to build machine understanding and natural language processes into search functions, so that solutions can more intelligently interpret searches and return recommended documents, or pages based on current research activity and search patterns. Another focus area is the incorporation of prediction technology that will enable users to predict the outcome and cost of a case.

With advanced legal technology, easy searches can be done by case details (ranging from a delivering judge’s name to the date of the judgment), legislation, regulations, rules or subjects, complete with a predictive type-ahead feature. This gives the ability to efficiently locate cases that deal with a specific section in an Act, rule or regulation and enables users to easily find similar cases for reference through a quick search.

With time of the essence in legal research and Covid-19 only accelerating the need for effective digital tools, making the most of support resources and evolving legal technology can ensure you’re not left behind in this unprecedented and

uncertain time.

Need to embrace legal tech but have no idea where to start? Looking for a leading partner with a history of supporting the legal industry with market firsts? Look no further, click [here](#).

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