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## Cases of Note-The DOJ

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# New Feature — Cases of Note — The DOJ

Column Editor: **Anne F. Jennings** (Sinkler & Boyd)

*In this space in future issues of ATG, we will try to keep you informed about court cases of interest to all of us in the information chain. We begin this column, this time, with a look not at a case, but at an investigation. — KS*

It's the investigation that has law librarians across the country glued to their computer screens, running to grab the newspapers as soon as they arrive, and logging onto the Internet a little too frequently to read their mail. What investigation, you ask? No, not the O.J. case — the DOJ case! Initially, word trickled in slowly, teasingly — there was talk that **Janet Reno** and the **Department of Justice** were finally going to launch an investigation of **CALR (Computer-Assisted Legal Research)**, and its domination in the industry by **Westlaw** and **Lexis**. This was an issue that many law librarians and smaller research concerns have, for years, been trying to bring to the forefront. Suddenly, it appeared that something was happening when **TAP-INFO** released a statement on the Net that West was, indeed, the subject of an antitrust probe. Although West promptly posted a denial that they alone were targeted, they admitted that the **DOJ** was conducting an informal, preliminary investigation of the entire **CALR** industry. This, of course, prompted more electronic discussion as to what was really going on. The story was eventually picked up by the mainstream media, including the **Wall Street Journal** (10/3/94, p.B5) and **The New York Times**.

So far, the investigation is apparently focusing on anticompetitive practices in the marketplace. At issue is the West citation system to which they hold the copyrights. West actively protects their control over the pagination of reported cases, severely hindering smaller legal research providers from entering the market. At one time, all state and appellate case law was published and reported by the individual states and were considered the "official" reports. During this time, West Publishing Company was also

producing unofficial reports. Eventually, because the local publications were late and generally of poor quality, the faster, more accurate reporting service provided by West became dominant and many of the states discontinued their appellate publishing efforts. While West could not copyright the judicial decisions, they were able to copyright their pagination and key numbering system.

**Attorney General Reno** is said to be investigating the possibility of establishing a "public domain" citation system, long advocated by law librarians, together with ways of improving public access to legal information that is currently too expensive for individual users.

To make matters even more interesting, **Mead Corp.** initially denied **Lexis** was a subject of the probe. A spokeswoman later advised she "misspoke" and



confirmed that they had been contacted by the **DOJ** (**WSJ**, 10/4/94). The ink was barely dry when it was announced that **Lexis/Nexis** had been purchased from **Mead** by **Reed/Elsevier** for \$1.5 billion, outbidding **Thomson** and **Times Mirror**. These days, who has time for O.J.? Those of us in the legal arena can hardly wait for the latest scoop in the legal publishing industry. As far as we are concerned, the only thing missing is a high speed chase down the L.A. freeway. Stay tuned! ☛

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