

## The "out the box" legal research: in search of new trends

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**Abstract:** "Out-of-the-box" research strategies are inquiries where the interaction between information professionals and clients demand sharing data as well as applying interdisciplinarity, and whose solutions lie beyond the information available on structured databases. As methods were used literature review and an exploratory study made by data sampling with many specialized professionals, mainly from São Paulo city, the largest services market in Latin America. The identified strategies and resources are presented and analyzed, according to the points of view found in the literature, and to the authors' experience. The "out of the box" research strategies tend to become a new competence required for the information professionals in legal area.

**Keywords:** "Out-of-the-box" research. Legal information. Legal research. Information sources. Information professional.

### 1. Introduction

The etymological meaning of library is itself inappropriate for today's librarian duties. Moving "out of the box", from traditional libraries walls and from the rectangular search forms is necessary. It begins by choosing an interdisciplinary new behavior that leads to an evolving dialogue between librarians and information clients. "Out of the box" legal research means an approach effort to bring many different knowledge areas near, in order to work together.

Some level of complexity is faced due to the use of several interrelated concepts in legal research, related to legal information and documentation, information sources and information needs.

"Out of the box" researches assumed to be that required by any of the different information needs levels (visceral need, conscious need, formalized need and compromised need according to Taylor, 1968 apud Souto, 2010) that demand non traditional sources of information, strategies, parameters and development

forms, and on which the interaction between information professionals and clients require shared duties, interdisciplinarity and whose solutions lie beyond the information available on structured databases.

The process starts when an information need generates a query. The research requires the use of traditional and non-traditional sources, by means of non-conventional strategies. Traditional sources are considered those similar to the printed ones (books, periodicals, etc.) under printed or digital formats, as well as those normally used through digital media (public and private databases, and legal sites). Non-traditional sources are related to experts, Executive, Legislative and Judicial Branches of Government institutions, other public institutions, legal blogs, legal documentation and information groups, social media, discussions lists, lawyer's offices, notary's offices, book stores and publishing houses, etc. Many of such sources may be found listed in Passos and Barros (2009, pp.112-153), and some others have been used and considered as non-traditional under the focus of this study. From the results, there have been identified general difficulties and trends.

## **2. Research methodology**

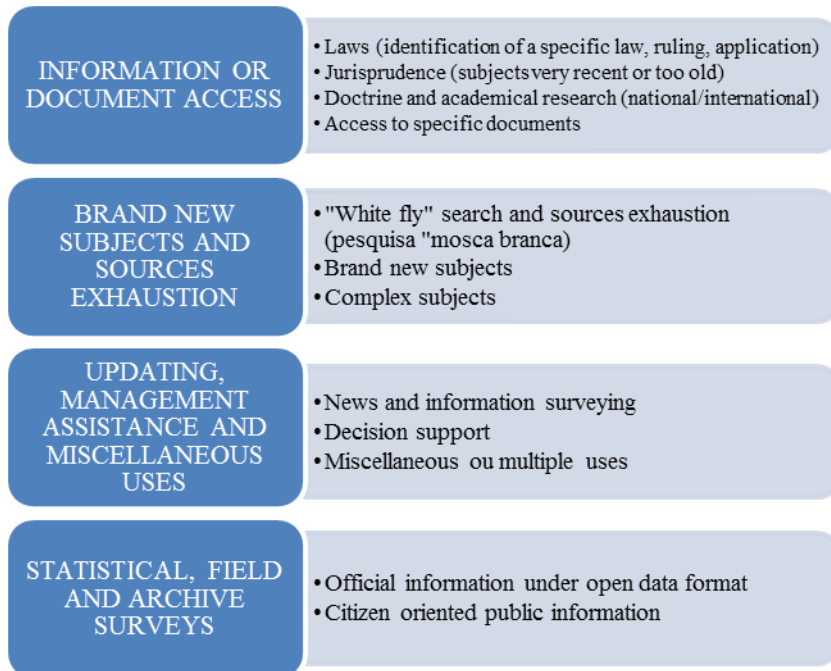
Along with the literature review, an exploratory study has been conducted, in order to evaluate how “out of the box” research is set up in information professionals, university teachers and legal area professionals everyday work as researchers. The study used a 10 open questions questionnaire. The invitation has been sent by email messages to members of São Paulo Law Information and Documentation Group - GIDJ/SP (<http://www.gidjsp.com.br>), to the members of Infolegis List – United Law Librarians, as well as to lawyers, legal analysts, librarians and legal areas, librarianship and university professors, who work mainly at São Paulo, the major services market in Latin America. The sample was formed by 74 professionals representing their related working areas (52,7% librarians, 16,2% professors, 12,2% lawyers, 18,9% others). The academic background shows the high level of the sample, for 70% being *Latu Sensu* post graduated and 11% double graduated specialists on Librarianship and Law Area.

## **3. “Out of the box” research demands**

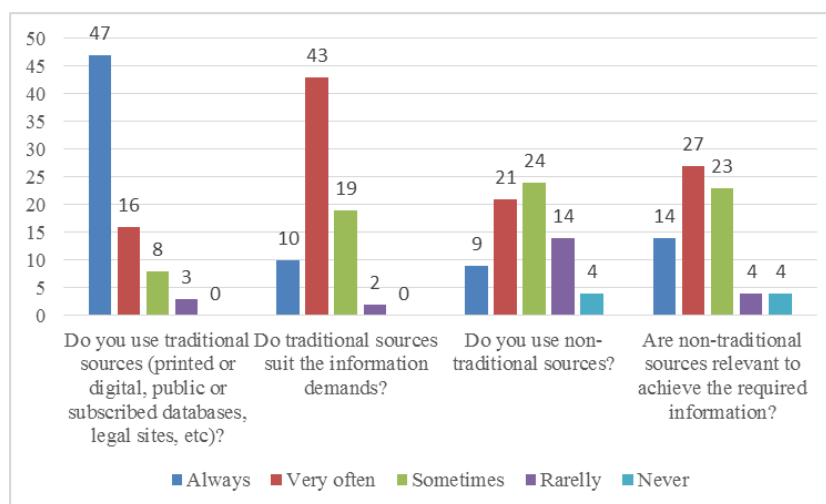
“Out of the box” legal research demands come from several information needs, which has been organized into four groups: (1) information or document access; (2) brand new subjects and information sources exhaustion; (3) updating, management and diverse uses; and (4) other demands. The first two groups are directly related to research on traditional legal sources.

Traditional and non-traditional information sources were identified considering the survey answers. Picture 2 shows, at first glance, the significant use of traditional sources on information search, leading to the importance of using them. Nevertheless, it shows the use of non-traditional sources and its importance on fulfilling the information demands. The picture suggests how different sources combine to work properly.

**Picture 1 – Types of “out of the box” research demands**

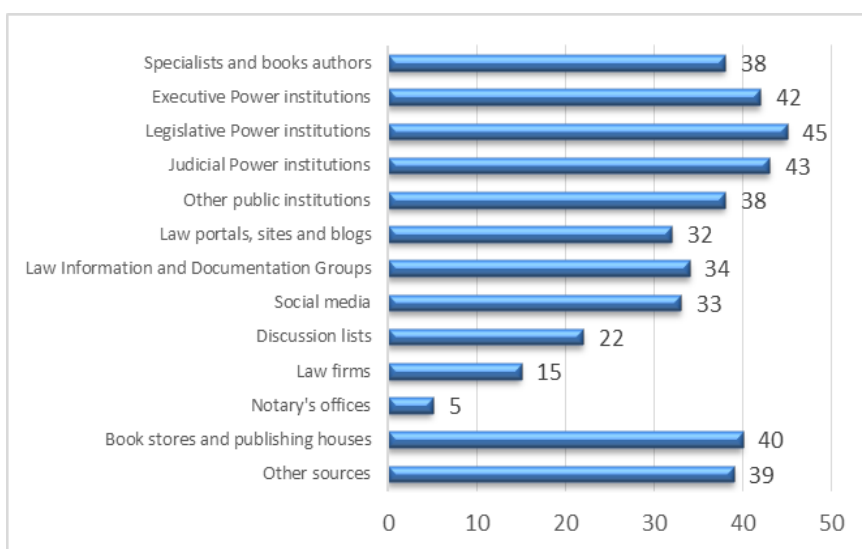


**Picture 2 – Traditional and non-traditional sources use**



Many different points of view were offered by the study participants about non-traditional sources, and these were used to build a SWOT analysis board. Fast and easy access mainly explain the non-traditional sources *Strength* as well as its complementary and auxiliary character on identifying traditional sources suggests its *Opportunities*. On behalf of its *Weakness* and *Threats*, the main points found out were their dispersion and the impossibility to consider them formal scientific or legal sources as is regularly set up for doctrine, laws and jurisprudence.

**Picture 3 – Types of information sources used**



Therefore, the participants were asked about non-traditional sources and the answers analysis has shown that there is a constant link with the traditional ones. Picture 3 shows that public institutions are the most used sources, accessed through their sites and databases.

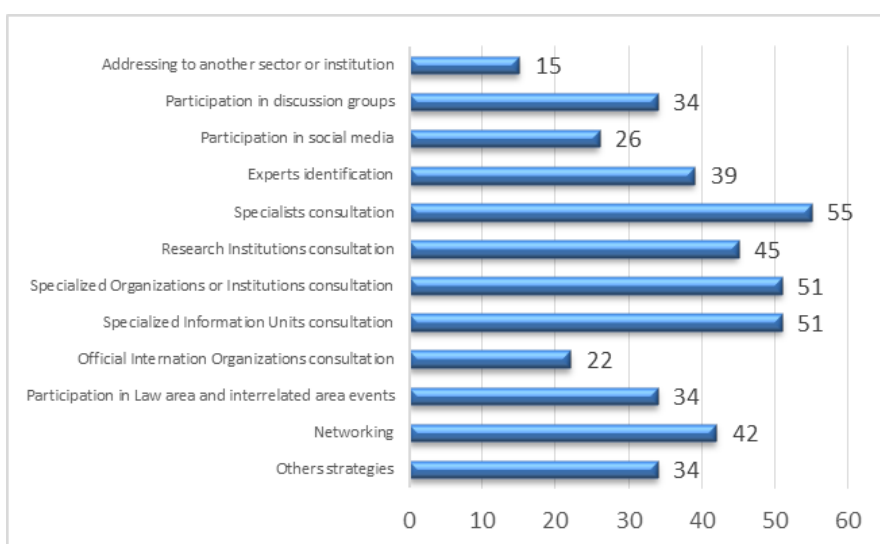
Important highlights are: (a) specialists and book authors, studied through their works, not by personal contact; (b) other public institutions, accessed through university sites and libraries; (c) other sources, which libraries and databases were intensively cited.

A trend to combine or use more than one strategy was observed (Picture 4). The same strong relationship with the traditional sources was found in relation to the strategies: as “other strategies”, there were many citations on legislative, jurisprudential, and bibliographic researches.

Other important strategies identified by this study include: (1) bibliographic research (periodicals, repositories, etc.); (2) researches on free or subscribed databases; (3) reading newspapers and magazines or contacting their editorial

staff; (4) alert services; (5) use of information sources selection; (6) proceeding a research internally inside the institution before using external sources; (7) subscribed services from publishing houses; (8) field research; (9) blog building. Find more detailed data in Napoleone, Camargo and Santos (2016).

**Picture 4 – Research strategies adopted**



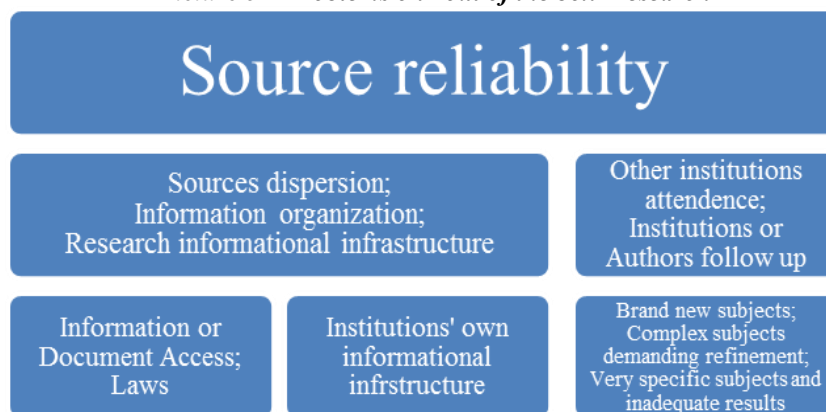
#### **4. Problems detected and trends achieved**

The risk of lack on source reliability is the greatest problem mentioned (Picture 5). The dispersion of sources associated with the need for organizing information under a minimum research infrastructure is another point. Ineffective personal attendance in other institutions, when in search of information, is cited by the participants, along with two other points previously mentioned: having difficulty on accessing the information or the document required, as long as facing recent, complex or very specific research subjects.

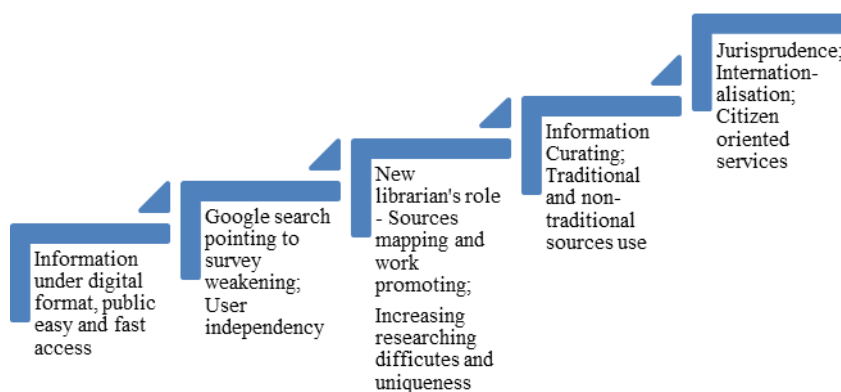
In respect to "out of the box" information trends and demands, preferences converge to handling information under digital format, on public, fast and easy access. In this regard, the users addiction for research sources like Google and other search engines were observed, what points to weaker results due to the intensive use of the first matches found. Consequently, librarians will find out a brand new working area in the field of reliable sources surveying to lead to better results over increasingly more specific and difficult targets demanded by information clients. Truly, selecting new sources of information was always part of librarian duties, particularly over printed format sources. From now on Information Curating, specially under digital environment, raises a major trend and a necessary upgrade for these professionals. The growing use of

jurisprudence, research internationalization and the framing on services to citizens are perceived in this context in Picture 6.

**Picture 5 – Problems on “out of the box” research**



**Picture 6 – Research trends**



## 5. Conclusions

Law area growing demand of new ways for producing and publishing information, under both qualitative and quantitative points of view, is an undeniable fact. A previous conclusion about information sources is that there is no substitution of traditional by non-traditional ones. They tend to work together producing complementary results. There is also a space that is shared for both of them: due to information dispersion, some non-conventional sources facilitate to publish good quality content.

Another point concerns the information source life cycle: non-traditional ones may evolve to a traditional or more conventional form. Web portals like Conjur – Consultor Jurídico (<http://www.conjur.com.br>), or JusNavegandi (<https://jus.com.br>), as well as social media like YouTube show such tendency.

Innovative information managing and recording become new general trends and challenges for the information professionals and researches in general. Some convergence on information sources mapping and on their contents inter-relationship were found out in different works, moments and professional groups. Librarians have been building selected information sources/resources guides for specific publics and objectives: *Doing legal research in Brazil* (Passos, 2008), *User's Manual (Manual do Usuário)* (São Paulo University, 2008), *Law Research Information Sources* (Passos & Barros, 2009), *Law Libraries Guide for Rio (Guia de bibliotecas jurídicas Rio)* (Professionals on Law Information and Documentation Group of Rio de Janeiro, 2015), and many others. More recently, a new initiative under the point of view of a lawyer and professor was released: *Success on practising law (Sucesso na arte de advogar)* (Kfourri, 2015).

Another convergence refers to Selective Dissemination of Information, referred to a traditional librarian work that should be revisited by information professionals (Query n. 74, question 8), and as distinctive information access service (Query n. 57, question 6). The service mentioned was discussed by Beffa, Moraes and Napoleone (2008).

Passos and Barros (2009) and Silva (2005), under the same focus, emphasize the performance of law librarians on the use and organization of the great volume of legal information produced and available through the Internet. They present the American Association of Law Libraries – AALL law librarians requirements: “must be efficient on searching information under any support; clever judges about the many information sources advantages and disadvantages; able to organize information in a way it can be socialized and used regardless of its support; specialists on the use of legal or non-legal sources” (Passos & Barros, 2009, p.106, Silva, 2005, p.25).

Content Curation should be applied as expansion of the set of information sources mapping and selection duties, long performed by information professionals, now under virtual environment and requiring interdisciplinarity, cooperation and sharing abilities.

The "out of the box" legal research may easily rise from the context of collective intelligence. According to Bembem & Costa (2013), collective intelligence, a notion proposed by Pierre Lévy, consider all knowledge available for all individuals through cyberspace, indistinctly. Concerning collective intelligence praxis, Lévy's actual focus is its representation and organization under virtual environments (pp.142, 150).

The information assembled in this study has acknowledged collective intelligence in this area, available from many sources under diverse formats, often using cooperation and sharing.

From another point of view, it should be import to take into account the social capital (Jovanovich, 2015, p.49-52) present within law librarians, expressed through their methods of searching and disseminating information, by means of social media, discussion lists and networking.

This study does not end up the subject: a deeper analysis, in search for other convergences as well as linking other essays, is worthwhile. This process allows breaking existing Kantian walls and creating new information ways to serve new demands, precisely what is meant to achieve through an "out of the box" research.

### References

- Beffa, M. L., Moraes, M. I. & Napoleone, L. M. (2008). O IUSDATA: banco de dados de artigos de periódicos do Serviço de Biblioteca e Documentação da Faculdade de Direito da USP. *Anais Eletrônicos do Seminário Nacional de Documentação e Informação Jurídica*, Brasília, DF, 2007. Belo Horizonte: Forum.
- Bembem, A. H. C. & Costa, P. L. V. A. (2013). Inteligência coletiva: um olhar sobre a produção de Pierre Lévy. *Perspectivas em Ciência da Informação*, 18(4), 139-151. Retrieved from: <http://www.scielo.br/pdf/pci/v18n4/10.pdf>
- Fonseca, E. N. (2007). *Introdução à biblioteconomia*. (2a.ed.). Brasília, DF: Briquet de Lemos.
- Grupo de Profissionais em Informação e Documentação Jurídica do Rio de Janeiro [GIDI/RJ]. (2015). *Guia de bibliotecas jurídicas Rio*. (2ª.ed.). Rio de Janeiro.
- Jovanovich, E. M. S. (2015). *O capital social e o compartilhamento da informação jurídica: um estudo na mídia social Facebook*. Dissertação de Mestrado, Universidade Estadual de Londrina, Londrina, PR. Retrieved from: <http://www.bibliotecadigital.uel.br/document/?code=vtls000204111>
- Kfourir, Jr., A. (2015). *Sucesso na arte de advogar: dicas e reflexões*. São Paulo: Saraiva.
- Napoleone, L. M., Camargo, E. C. & Santos, E. V. (2016). A pesquisa jurídica "fora da caixa": em busca de novas de novas tendências. *Anais do Colóquio Luso-Brasileiro de Direito e Informação, Porto, Portugal*, 4. Retrieved from: <https://www.joomag.com/magazine/direito-e-informa%C3%A7%C3%A3o-na-sociedade-em-rede-atas-direito-e-informa%C3%A7%C3%A3o-na-sociedade-em-rede-atas/0242499001470686892>
- Passos, E. & Barros, L. V. (2009). *Fontes de informação para pesquisa em Direito*. Brasília: Briquet de Lemos.
- Passos, E. (2008). *Doing legal research in Brazil*. Retrieved from: <http://www.nyulawglobal.org/globalex/Brazil.html>
- Silva, F. C. C. (2005). *Bibliotecários especialistas: guia de responsabilidades e recursos informacionais*. Brasília, DF: Thesaurus.
- Souto, L. F. (2010). *Informação seletiva, mediação e tecnologia: a evolução dos serviços de disseminação seletiva da informação*. Rio de Janeiro: Interciência.
- Universidade de São Paulo, Faculdade de Direito, Serviço de Biblioteca e Documentação. (2008). *Manual de Orientação ao Usuário*. São Paulo.