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## Bar Bytes: Fastcase as a Supplement to Westlaw

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# BAR BYTES

## Fastcase as a Supplement to Westlaw

By Eve Ross



In these strange new times, lawyers in firms of all sizes are seeking ways to reduce costs while remaining effective advocates. While many small firm lawyers in South Carolina rely heavily on Fastcase free legal research through the South Carolina Bar, larger firms with Westlaw subscriptions can also benefit. As a librarian, I am privileged to use Fastcase, Westlaw, Lexis, Casetext, ROSS Intelligence, Bloomberg Law, and other research platforms. Part of my job is to assess strengths and weaknesses of each platform, so I can better help anyone who contacts the law library with their research.

Since Fastcase is provided free to all South Carolina Bar members, there are some good reasons to use it even if you are satisfied with Westlaw. Here are five examples:

### 1. No-stone-urned searches.

Most lawyers who are unsure about a research result will get a second opinion from a colleague or a librarian. After all, two heads are better than one.

By the same token, two platforms are better than one. We can't see the proprietary algorithms each platform uses to interpret search terms and generate a list of relevant results. But we know these algorithms differ.

When you need to doublecheck Westlaw search results, try running the same search on Fastcase to see if anything different pops up. Fast-

case also lets you customize your Relevance Algorithm to ensure the results you're seeking rise to the top.

**2. Cost-effectiveness.** Lawyers must balance the requirement to perform competent research against the pressure to minimize both the cost of the resource and the cost of their time. Current trends favor flat-rate Westlaw contracts and treating research costs as overhead rather than passing them on to clients. Still, depending on how a firm allocates research costs internally, cost concerns continue to incentivize self-imposed limitations on Westlaw usage.

*Searching.* If your preferred Westlaw search strategies are hemmed-in by cost concerns, unlimited Fastcase use can be a boon. For example, you can run as many searches as you want in Fastcase—wide-net searches, highly specific searches, searches within searches—it doesn't matter. Searches are free, which removes the worry about costs and saves time by letting you focus on resolving the issue you're researching. After trying out as many search queries as you want in Fastcase, you can always doublecheck a search in Westlaw.

*Analyzing Results.* Westlaw lets you read a case excerpt before you decide whether to click the link to read the full text of that case and possibly incur a charge. Each case has to be in a different tab or window than your results list, compli-

cating your workflow and leading to duplicate charges if you click on the same case twice.

By contrast, Fastcase lets you freely view the full text of as many cases as you want, not just excerpts, and you can open each case side-by-side with your search results—in the same tab. Especially for a lengthy list of possibly-helpful results, the speed of the back-and-forth between your results list and the full text of the cases can save significant research time.

**3. Cloud linking.** If you're citing case law for someone who doesn't have Westlaw, try Fastcase's cloud linking feature. Drag and drop a blog post or white paper written for a general audience into Fastcase's cloud linking drop box, and links to the full text of the cited cases will be added automatically. Anyone can click the links and read the cases for free online.

Suppose your co-counsel uses Lexis or Casemaker, or that users of your firm's brief bank want to limit their Westlaw usage. Cloud-link your shared research using Fastcase. Then, links to the cited cases will work for all lawyers with whom you share research, without their needing to log in anywhere or incur charges.

**4. Additional jurisdictions.** It can make financial sense to limit a Westlaw contract to South Carolina law or Fourth Circuit law if that's

where your practice is focused. However, sometimes persuasive authority from other jurisdictions is needed.

Free resources (like Google Scholar, Findlaw, or Justia) will usually retrieve the full text of a case. However, those resources don't let you check whether the case is good law, and they don't make it easy to find other relevant cases from that jurisdiction.

If you pull up a case in Fastcase instead, Authority Check will alert you to cases that cite it, positively or negatively. If you run a search, the Interactive Timeline points out additional relevant and frequently cited cases from that jurisdiction. You can retrieve those other cases on Fastcase for free, while avoiding charges for going outside your Westlaw contract.

**5. Beyond the basics.** Upgrades from standard Westlaw packages cost extra, and the same is true of add-ons from Fastcase and its partners. Particularly for lawyers who rarely need premium research products, it is worth evaluating Fastcase partner options to assess resource quality and potential savings for occasional use of secondary sources, public records searching, case tracking alerts, and more.

My hope is that SC Bar members—whether or not they use Westlaw—will get their membership fees' worth from Fastcase. For more help doing so, the Fastcase support number is 866-773-2782, option 2, available Monday-Friday 8 a.m. to 9 p.m.

By the way, the University of South Carolina Law Library can also act as a supplement to Westlaw. For example, we regularly fill email requests for PDFs of law journal articles that do not appear on Westlaw. A lawyer must provide the citation and agree to a \$5 handling fee. See <https://guides.law.sc.edu/remoteservicesbenchbar>.

*Eve Ross is a reference librarian at the University of South Carolina School of Law. She serves on the SC Bar Technology Committee.*



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