

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

Anchorage, Alaska

August 10, 2005

1:35 p.m.

MEMBERS PRESENT

Representative Lesil McGuire, Chair

Representative Tom Anderson

Representative Nancy Dahlstrom

MEMBERS ABSENT

Representative John Coghill

Representative Pete Kott

Representative Les Gara

Representative Max Gruenberg

COMMITTEE CALENDAR

OVERVIEW(S): WESTLAW

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

PAUL RICHARDS, Lobbyist

for Thomson West

Juneau, Alaska

POSITION STATEMENT: During the overview of Westlaw, provided introductory and closing comments.

ALLAN MILLOY, Manager

Western Regional Sales

Rocky Mountain Region

Thomson West

Vancouver, Washington

POSITION STATEMENT: Assisted in presenting the overview of Westlaw.

RICHARD "RICK" BROWN, Director

Codes Content Center

West

Thomson West

Eagan, Minnesota

POSITION STATEMENT: Assisted in presenting the overview of Westlaw.

JOSEPH J. KUBES, Director

Government Relations and Contracts

West

Thomson West

Eagan, Minnesota

POSITION STATEMENT: Assisted in presenting the overview of Westlaw.

HEATHER NOBREGA, Staff

to Representative Norman Rokeberg

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Asked a question during the overview of Westlaw.

CRAIG JOHNSON, Staff

to Representative Lesil McGuire

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Asked a question during the overview of Westlaw.

ACTION NARRATIVE

CHAIR LESIL MCGUIRE called the House Judiciary Standing Committee meeting to order at [1:35:05 PM](#). Representatives McGuire, Anderson, and Dahlstrom were present at the call to order.

OVERVIEW(S)

WESTLAW

CHAIR MCGUIRE announced that the only order of business would be the overview regarding Westlaw.

PAUL RICHARDS, Lobbyist for Thomson West, after introducing himself and Allan Milloy, relayed that [Thomson West] has a 130-year history of publishing.

ALLAN MILLOY, Manager, Western Regional Sales, Rocky Mountain Region, Thomson West, spoke. [His initial comments were indiscernible due to lack of proximity to a microphone.] He relayed that [Thomson West] is one of the divisions of Thomson, and that Thomson is one of the leaders [in providing] global information in the fields of legal and regulatory information; tax, accounting, financial information; and scientific and healthcare information. [Thomson West] provides "must-have" information, and supports over 20 million users around the world, he remarked, and went on to detail some company revenue figures and numbers of employees.

MR. MILLOY mentioned West and Westlaw, and said that [West] publishes cases, statutes, and code, and "all of the secondary information that help attorneys do a better job for their clients." For Alaska, [West] publishes the Alaska Reporter and the Alaska Digest. He indicated that the intent of the overview is to discuss the possibility of publishing state statutes, since the contract for doing so is coming up for review this year. Mr. Milloy referred to Joseph Kubes and Richard "Rick" Brown.

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RICHARD "RICK" BROWN, Director, Codes Content Center, West, Thomson West, spoke. [Some of his presentation was indiscernible due to lack of proximity to a microphone.] He relayed that he would be speaking specifically about West, referenced a PowerPoint presentation, and described what various pages of the PowerPoint presentation pertained to. He outlined the physical location of West and the company's buildings, provided historical background on West, and spoke of the merger of the companies that now make up the parent company. He said that West has always been known for its case law and statutes.

AN UNKNOWN SPEAKER remarked on the size of the facility, that no subcontracting is necessary, and that all of the company's functions can be done in-house, under one roof.

SEVERAL UNKNOWN SPEAKERS, in response to a question, commented on the size and number of Westlaw's databases, on the number of references attorneys employed by West, on the customer and technical support services offered by the company, on how interconnected the functions of the company are, and how devoted the company is to producing a quality product.

[Some further comments were indiscernible due to background noises.]

AN UNKNOWN SPEAKER referenced the PowerPoint presentation and said, "This is the way our statutes look online now, and ... we've spent a lot of time, a lot of energy, and a lot of money presenting our statutory material in a more user-friendly way."

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AN UNKNOWN SPEAKER remarked that attorney staff read every single reported Alaska Court of Appeals case and every single Alaska Supreme Court case so that the cases can be included in the Alaska Reporter. The cases are also being looked at to see whether they "construe any statute"; if any do, then the statute editor is notified. He added: "We're the only publisher that is going through the cases [at] that level of detail, and that gives us the unique ability to ... [ensure] that there's no case, that is germane, that is missed and not referenced in a statute set."

[Some further comments by an unknown speaker were indiscernible due to background noises.]

AN UNKNOWN SPEAKER said that West has developed a research system that one can use to find the points of law being sought; he referred to this as the "Key Number System," and characterized it as unique in the publishing world and as "the" standard.

[Some further comments were indiscernible due to background noises and several people speaking at once.]

AN UNKNOWN SPEAKER characterized the aforementioned system as very, very concise, and relayed that there are 90,000 different key numbers and 410 topics available.

AN UNKNOWN SPEAKER said the aforementioned helps people make better decisions faster, because "once you find your point of law, then you drill into that, and then you can see all of the relevant case law or statutes that deal with that point of law in any jurisdiction in the land."

REPRESENTATIVE DAHLSTROM, referring to a portion of the PowerPoint presentation, asked whether West has developed territories based on certain areas having similar statutes.

AN UNKNOWN SPEAKER indicated that it had not done so, but relayed that "these particular publications are entirely case law." He posited that the distinctions between the different publications are merely the result of historical accident.

AN UNKNOWN SPEAKER posited that the volume of cases in any given state might have had some influence in creating the distinctions.

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MR. BROWN, referring to a portion of the PowerPoint presentation, said it is a map illustrating "our own proprietary annotated statutes product." He remarked that West now has "41 of them" and has added 14 new annotated codes in the last eight to nine years. He said that in doing so, West has leveraged its history as a case law publisher, and has used all of its resources to create a new annotated statutory product that really looks and feels different. He referenced what he called the "central head notes database," and said that over all the years, West attorneys have written 25 million head notes.

MR. BROWN went on to say:

What we want to talk about is what our statutory products could look like and how that's different. These are all editorial enhancements that are included in every West statute product. United States Supreme Court reference: these are references to Supreme Court cases that took place outside of the jurisdiction. We have uniform laws, commentary that we reference. We reference law review commentaries. And that next line - (indisc.) a lot of those lawyers co-op (ph) products that are now part of our family. United States Code - we reference the administrative code in each jurisdiction; it is also important information to link people to, whether you're working online or in print. Historical notes describing the legislative history, the cross-references to other statutory material within the same statutory set.

And these two at the top are really the two that we feel are most important to a West product: the notes of decisions - and those are where we use those head notes, these are the case law summaries that we use to provide interpretations for what that statute means - and then the index. ... We've done a lot of market

research and we found that ... somewhere in the range of 90 to 95 percent [of] people say that those top two bullets are the things that really matter the most - these things are really essential. And the index is something we spent a lot of money on doing; the notes of decisions we spent a lot of money on. ... I want [Joseph Kubes] to show you, now, what this looks like online and how it can work for us online. ...

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JOSEPH J. KUBES, Director, Government Relations and Contracts, West, Thomson West, said that if West were ever chosen to publish Alaska's statutes, it would look to integrate all of the aforementioned sources and references into that publication so that it could be a more efficient and effective resource. Using as an example for a search the term "good faith," he said that very few statute publications have on their face everything one needs in order to understand the meaning behind a particular term, and that the references that West incorporates into its publications can be used as secondary resources for that purpose - to garner a better understanding of a particular term as it is being used in statute. Relaying that Westlaw has annotated statutes for all 50 states plus the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the Virgin Islands, he then guided the committee through an online search via Westlaw.

CHAIR MCGUIRE surmised, then, that although Westlaw does not yet publish Alaska's statutes, Westlaw customers can still view references them.

MR. KUBES concurred, adding that although Westlaw actually has more editorial enhancements available, because it is not yet publishing Alaska's statutes, those enhancements have not yet been integrated.

CHAIR MCGUIRE asked Mr. Kubes to send the committee a copy of a statute book published by West.

MR. BROWN agreed to send the committee a volume of statute published by West and a volume of statute published by Lexus Law Publishers ("Lexus"), both from the same jurisdiction, for comparison purposes. He mentioned that in the states for which West does not publish statutes, West provides information via Lexus under a licensing agreement.

MR. KUBES relayed that what he is showing the committee is West's publication of North Carolina annotated statute and all reported North Carolina cases that interpret or reference [a particular statute], and described the specific aspects of what the committee was viewing and how a person could go about researching a particular topic.

MR. BROWN referred to the "key number", and said that by using it, one can collect every head note that has ever been assigned to that key number; for a state like Alaska, this feature would be helpful in researching precedent outside of the state. He mentioned that this feature was so popular that [Westlaw] retrofitted every code to include that feature.

AN UNIDENTIFIED SPEAKER referred to a "graphical user interface," and said that with this feature, users can see - via a flow chart of sorts - the path of a particular case; users can see whether a case is still good law and how other cases have treated it.

AN UNIDENTIFIED SPEAKER, after describing for the committee what it was looking at, said that the aforementioned feature becomes very handy in researching seminal federal cases such as Miranda v. Arizona.

REPRESENTATIVE ANDERSON characterized Westlaw's product as more centralized.

AN UNIDENTIFIED SPEAKER referred to a feature he called "results plus," and said that this runs a query in secondary sources and details how a case has been applied in other treatises.

CHAIR MCGUIRE characterized the Westlaw features as great, particularly from the viewpoint of a lawmaker; being able to quickly and easily research how other states treat certain issues or what constitutional issues have been raised by the passage of certain laws would be very helpful.

MR. KUBES relayed that Westlaw can also show what a particular law looked like in the past and which provisions have since been added or deleted.

HEATHER NOBREGA, Staff to Representative Norman Rokeberg, Alaska State Legislature, asked how many years that feature could go back.

SEVERAL UNIDENTIFIED SPEAKERS indicated that it could back to the late 1980s.

AN UNIDENTIFIED SPEAKER referred to another feature that would "point up" any cases that have been decided within the last 60 days that affect a particular statute.

CHAIR McGUIRE posited that it would be nice to be able to see how a law one introduces ultimately gets interpreted.

AN UNIDENTIFIED SPEAKER, in response to a comment, relayed that West's research and development budget is approximately a quarter of a billion dollars every year.

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AN UNIDENTIFIED SPEAKER mentioned that Legislative Legal and Research Services has access to Westlaw.

CHAIR McGUIRE opined that any contract entered into ought to allow for the direct use of the online product by legislators via passwords.

AN UNIDENTIFIED SPEAKER, in response to a question, reiterated that Legislative Legal and Research Services has access to Westlaw, and said that the Alaska State Legislature already purchases a number of state statutes and other treatises, in print, from West. He added: We've been working with the libraries across the country to say, "Hey, if you'll agree to keep these books online, we'll save the ... library 50 percent of the ongoing upkeep and [at] the same time we'll also ... give you unlimited use of Westlaw."

CHAIR McGUIRE relayed, however, that it is nice to be able to access written statute books and recorders, particularly during a meeting.

AN UNIDENTIFIED SPEAKER said that the legislature could keep the printed materials, but cut the cost of updating those books while also giving legislators unlimited access to Westlaw; this could result in a savings of \$15,000 a year.

REPRESENTATIVE ANDERSON opined that every legislator should have access to a web-based service like Westlaw as well as access to one source of printed materials.

AN UNIDENTIFIED SPEAKER relayed that Westlaw can also cite other court documents such as the collection of briefs filed with certain courts regarding a particular topic, and made suggestions for how such information might be used.

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MR. RICHARDS relayed that in arranging for this overview, the speakers had hoped to provide information about their company's product to [the legislature].

CRAIG JOHNSON, Staff to Representative Lesil McGuire, Alaska State Legislature, asked how far back would a Westlaw product go with regard to Alaska statutes.

SEVERAL UNIDENTIFIED SPEAKERS relayed that West has the ability to go back a number of years, perhaps as far back as 1994.

MR. MILLOY concurred that the goal of the overview was to share with the committee what types of information the legislature would have access to from West, and that West wants to make itself available to the legislature. He said that West does business with the state courts and municipalities, and suggested that the committee research what other companies can offer in the way of a similar product.

CHAIR MCGUIRE asked whether attorney general's opinions would be accessible via Westlaw.

AN UNIDENTIFIED SPEAKER said they would be.

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:32 p.m.