

OREGON STATE BAR

Board of Governors

Meeting Date: April 19, 2024
From: Linda Kruschke, Legal Publications Manager
Kateri Walsh, Director of Communications
Re: Online Legal Research Library Contract

Action Recommended

Recommend the Board of Governors authorize staff to give Fastcase notice of nonrenewal and contract with Decisis for the Bar's legal research member benefit **if** staff determine it is feasible to implement a change with all requirements before the end of the current contract term.

Background

In 2002, the House of Delegates approved a fee increase to pay for the development, implementation, and maintenance of the Casemaker online legal research library as a member benefit. In 2009, the BOG approved a switch from Casemaker to Fastcase for this benefit. Since 2009, the OSB has extended the contract with Fastcase twice, and the contract has automatically renewed on an annual basis since 2018. The current one-year renewal expires on September 24, 2024, unless notice of intent to not renew is given by June 25, 2024.

In April, 2023, Fastcase merged with vLex, an international legal research company. At some point in 2024 (exact date to be determined), the Fastcase member benefit will be moving to the vLex platform. OSB staff expect to receive a trial login prior to the relaunch of vLex Fastcase.

A decline in usage, anecdotal member feedback, and the recent Fastcase merger with vLex prompted OSB staff to begin exploring an alternative to Fastcase to provide a legal research tool to our members. Decisis, a sister company of LexisNexis, provides such an alternative. The BarBooks™ online library currently includes hyperlinks to cases in the Fastcase database. The Decisis representative has indicated they can offer the same linking functionality, but OSB staff need to confirm both the capability and the timeframe before proceeding.

Options

- Authorize staff to give Fastcase notice of nonrenewal and contract with Decisis for the Bar's legal research member benefit **if** staff determine it is feasible to implement a change with all requirements before the end of the current contract term.
- Authorize staff to negotiate a one-year contract with vLex Fastcase to allow for further focus group testing of Fastcase on the vLex platform versus Decisis.

Discussion

Relevance to Mission of the Bar

Providing a high-quality legal research library serves the mission of the Bar by improving the quality of legal services and cultivating lawyer competence. The library is most heavily used by, sole, small firm, and rural members who may not have access to costly legal research libraries.

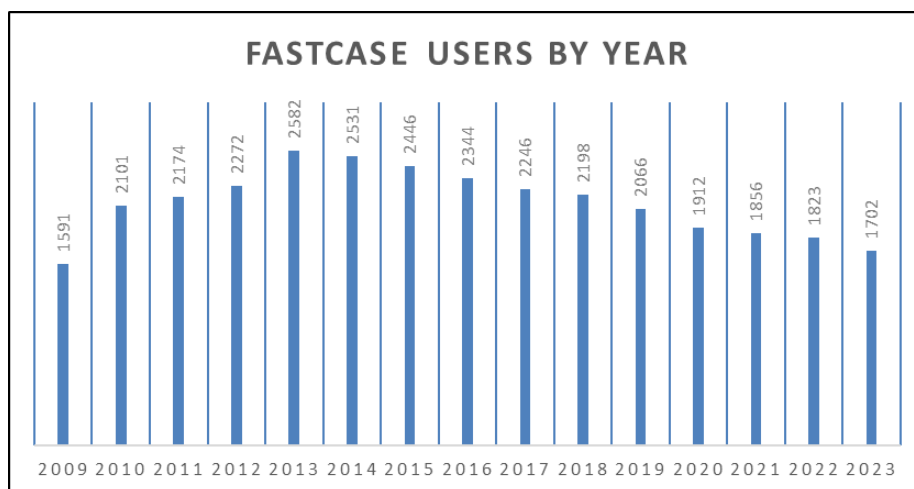
Focus Group and Other Feedback

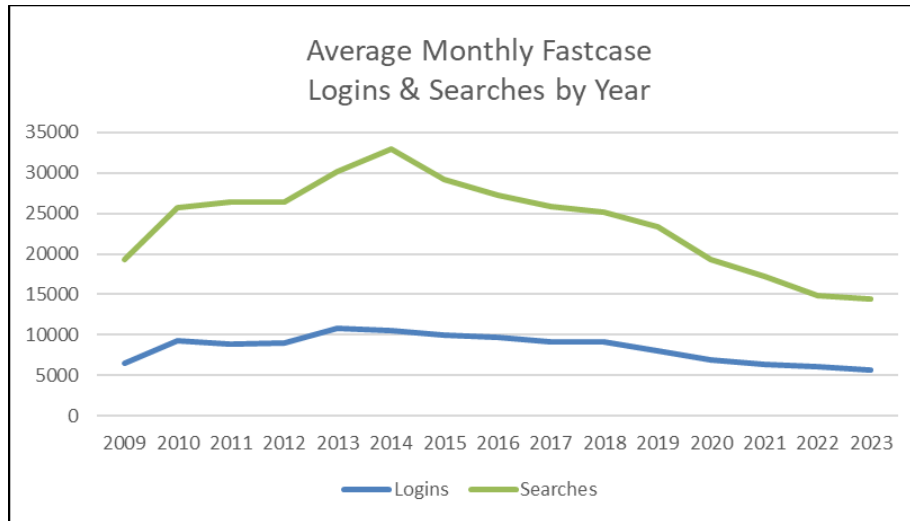
Based on focus group feedback from OSB members and discussions with other bar associations who have switched from Fastcase, Decisis offers a superior platform.

Nine active Bar members responded to an invitation to participate in a focus group to evaluate whether Decisis or Fastcase is the better legal research tool. Email feedback from one of the focus group members sums up the general consensus of the group: "I have found Decisis very user-friendly, pleasant to use, and frankly, way better than Fastcase in every way so far." Feedback during the focus group debrief meeting was overwhelmingly in favor of the Bar switching to Decisis.

Seven state bar associations have switched from Fastcase to Decisis in the last two years. In addition, five county or local bar associations offer Decisis to their members. Legal Publications Manager Linda Kruschke spoke to staff in charge of the transition project for the five state bars that were launched in November 2023. The feedback was overwhelmingly positive. One person said usage rates had increased with Decisis and that members were very happy with it. All said the transition from Fastcase to Decisis went smoothly and Decisis customer support has been fantastic. All five indicated that Decisis was willing and able to add state-specific materials, including administrative orders, that were not initially part of the database.

In recent years, we have received anecdotal feedback regarding issues with Fastcase. As with our focus group, many members are using other means to complete their legal research because of the unreliability of Fastcase. Declining Fastcase usage supports this anecdotal feedback. In 2013, at its peak usage, 17% of the active membership used Fastcase. In 2023, that number had declined to 11% of the active membership.





Comparison of Platforms

The Decisis platform includes at least seven features and functions that Fastcase does not. However, the administrative orders included in Fastcase are not currently part of Decisis, though Decisis has added state-specific resources for other states and OSB can negotiate additional administrative resources. Currently, BarBooks links to Fastcase. The feasibility and timing of adding linking from BarBooks to Decisis is under investigation. More information should be available at the time of the P&G Committee meeting.

On April 9, vLex Fastcase provided staff with a temporary log in to the new platform. Staff completed an initial analysis of the platform, but some questions remain unanswered.

This comparison chart is based on a review of all three platforms by OSB staff as well as input from the focus group on Decisis and Fastcase 7.0. This chart shows where the platforms differ. A more detailed chart is attached to this memo as Exhibit A.

Feature / Function	Fastcase 7.0	Fastcase on vLex	Decisis
Subsequent history for case law	No	Yes, but not consistently and sometimes inaccurately	Yes, but not 100% consistent
Citorator included	Yes, CertReport, less reliable	Yes, but not consistently and sometimes inaccurately	Yes, InterCite, based on Shepards
Internal linking to state and federal statutes and rules	No	Links exist, but don't go to the statute	Yes
Hyperlinks of cases with pinpoint cites	Linked, but with error message	Yes, to top of cited case	Yes, to pinpoint place in cited case
Easy to navigate	No, according to focus group users	Okay, improvement over Fastcase 7.0	Yes, according to focus group users
Archived code versions easily accessible	No, must navigate to individual year	No, must navigate to individual year	Yes, pop-up list while viewing current statute

Feature / Function	Fastcase 7.0	Fastcase on vLex	Decisis
Hyperlinks to Oregon Session Laws from statutory history	No	No, but some included in "Related documents" sidebar	Yes, direct hyperlink in history section of statute
State trial court orders	Yes, for additional fee to user	Yes, for additional fee to user	Yes, to be added by May 2024
Oregon Administrative Orders	Yes, not all current	Yes, same as Fastcase 7.0	To be negotiated – other states added state specific resources
Search function	Yes, but less reliable		Yes, reliable
Ability to email documents	Yes, in body of email plus link to public version online	No, only link to document and must be logged in to access	Yes, PDF or MSWord Doc
Linking from BarBooks to database	Yes, to case law	Maybe, with vLex MS Word add-in, but many cases not linked	No, but cost and time to implement being estimated
Pricing	\$99,000 per year	\$99,000 first year, 3% increase. One-year initial term with multi-year (5 years?) renewal.	\$97,000 to \$127,000 (depending on cost of linking from BarBooks), with annual increase. 3-year initial term.

Financial Considerations

The \$99,000 annual subscription fee for Fastcase has remained \$99,000 since the contract was signed in 2009, despite a contract provision for annual increases. Representative for vLex Fastcase has verbally proposed a one-year contract with a fee of \$99,000 the first year, followed by a multi-year renewal and 3% annual increases.

The annual subscription fee for Decisis would be between \$97,000 and \$129,000. Where in this range the actual subscription price will fall depends on the cost of creating hyperlinks to Decisis from the BarBooks™ online library. Based on initial technical conversations, the Decisis representative believes the cost will be at the lower end of the range. In addition, the Decisis representative has offered to waive fees for any months in which Decisis and Fastcase contract terms overlap.