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QUEBEC AFTER TEN YEARS OF REVOLUTION IN LEGAL DOCUMENTATION—A SUMMARY OF SURVEY RESULTS*

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I. INTRODUCTION

The 1970's brought profound changes to the legal documentation available to Quebec lawyers. During this period, Quebec prided itself on being at the forefront of research on new methods of bringing legal information to lawyers. A microfiche library (Minibiblex) was published and substantial funds were committed to computer projects. At the University of Laval, experiments conducted in the area of statutory law (Modul/Deploi) resulted in the system which the Editeur Officiel of Quebec now employs to ensure the publication and permanent updating of the statutes of the province. The University of Montreal concentrated on case law and came up with the Datum system, which found its way to practitioners through SEDOJ[1] and subsequently, SOQULJ.[2] These developments may culminate in the creation of an integrated retrieval system giving practitioners direct access to legal documentation (legislation, regulations, and case law) and public records (court calendars as well as corporate name, land title, and civil status registers).

After ten years of this quiet revolution, it would be good to stand back, see what has really been accomplished, and determine where we should go from here. This article will try to focus on what the computer and the microfiche have done for the Quebec lawyer. It must be clear from the outset, however, that this view is incom-

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* This article is based on parts of a larger report submitted to SOQULJ under the title "*La documentation juridique au début des années 80—Les résultats d'un sondage*."

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1. SEDOJ is an acronym for "Service de documentation juridique". *See* text accompanying *infra* notes 14-15.

2. SOQULJ is an acronym for the company, "SEDOJ-new style," which was created in 1974 by the Canadian government.

plete. While the computer has set off a wave of innovation, it is no longer the center of the revolution in Quebec.[3] In trying to jump from prehistoric methods to the wired world, lawyers in Quebec have discovered the importance of intermediary steps: improvement of their traditional tools and partial automation of these methods.

The survey on which the tables in this article are based was conducted by means of a questionnaire which was distributed from late 1978 to early 1979 by the Centre de sondage of the University of Montreal.[4] Of the 1,500 questionnaires which were sent out, 746 were returned. This relatively low number of returns, in spite of several recalls, must be attributed to the length and complexity of the questionnaire. Hopefully, the set of respondents was not unduly biased towards those who delight in research. Whatever the explanation, it is clear that if future surveys are to generate a reasonable response and maintain lawyers' goodwill towards this form of information gathering, some of the depth of future questionnaires will have to be sacrificed in order to obtain a better response.

This article compares the results of this most recent survey with earlier ones which were conducted in the early 1970's. The changes which occurred during that period should stand out clearly. A short summary of the main findings of these earlier studies is also presented. In addition, a general picture of the profession and its research habits, which is based on the 1979 survey results, is presented. More specific topics, such as the products of SOQUIJ, in particular those involving computer and microfiche, are discussed.

II. THE SURVEYS OF THE EARLY 1970's

Two surveys which were conducted in the early 1970's revealed lawyers' research habits at that time and attempted to compare a computer and microfiche methods with improved traditional methods. The first survey, known as Operation Compulex, covered all Canadian lawyers. The second, which was conducted in 1970 and published in 1973 by J. Boucher and E. MacKaay, was restricted to Quebec.[5]

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3. *See* Mackaay, *User Preferences, Experiments and the Question of the Initiative in Automated Law Retrieval in Canada*, 4 INFORMATICA E DIRITTO 1 (1978) and, slightly modified, 8 R.D.O.S. 97 (1977).

4. Methodological details are omitted here. They are given in a report to SOQUIJ by D. Granger of the Centre de sondage of the University of Montreal. In all, 258 lawyers, 268 notaries, 72 judges, 35 law professors and 113 students at the Bar school have replied. The answers were weighted to give an image of the profession as a whole.

5. Operation Compulex—Information Needs of the Practicing Lawyer, Depart-

Operation Compulex grouped the dissatisfaction with legal documentation into three categories: problems inherent in the system, problems due to content deficiencies, and problems caused by the time lag in publication. The first category involves problems of duplication and of indexing. This problem did not present itself in Quebec at that time. The indexing problems which were found to exist included lack of uniformity, arbitrariness in the choice of descriptor terms, entries which did not correspond to concepts used in practice, and a lack of cross-references as well as basic entries.

With respect to content deficiencies, Compulex stressed the difficulty of finding regulations. Case law reporters were unsatisfactory because some judgments were unreported. Legal text books were said to be more like cookbooks than treatises of law. Moreover, because these texts were not comprehensive, lawyers were forced to consult foreign sources. The Compulex Report further revealed the weaknesses of libraries in the smaller localities.

Publication of law material was often delayed. Publication of primary sources (statutes, regulations, cases) were delayed as much as secondary sources, the search tools which give access to primary sources. The problem of delay appeared to be more serious for secondary sources, however, than for primary sources.

Compulex described the various ways practitioners cope with these problems. They specialize. They delegate research to specialists within the office or consult experts outside. They delegate research to students, and they build their own research tools, such as indices on their personal files and annotations of codes or acts.

Compulex explored three kinds of solutions to these problems: improvement of traditional tools, micromedia, and computer technology. Micromedia, in particular the microfiche, had the advantage of low cost and small space. It did not solve the retrieval problem, however. Furthermore, practitioners complained that micromedia were hard on the eyes and difficult to photocopy. In addition, it was difficult to work with several texts at the same time for purposes of comparison. The present survey shows that those problems have not been alleviated.

Compulex saw a role for computers, mostly in the area of the drafting, printing, and updating of statutes. With regard to research, the investment required for computerized retrieval systems could not be justified in light of the cost of this research tool as compared to more traditional research methods and the uneven quality of the

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ment of Justice, Ottawa (1972) (in English and French). Parts of the Compulex Report were reproduced in 2 RUT. J. COMPUTERS & L. 28 (1972). Boucher & Mackaay, *Les Habitudes de recherche des juristes québécois*, 33 REVUE DU BARREAU 216 (1973).

results such systems produced. It should be noted in this context that the practitioner spends, on the average, no more than twenty percent of his time on research. Of this amount, no more than thirty percent goes to retrieving references, i.e., research in the narrow sense in which computers may assist the lawyer. On a working day of ten hours, research in this sense amounts to no more than 36 minutes. Even if computers allowed the lawyer to save half of this time—a rather optimistic assumption given the limited coverage of materials in current data banks—the time saved would hardly be more than a quarter of an hour a day.

If, in spite of these observations, computer research were to be pursued further, the Compulex Report recommended that systems be presented to lawyers through a service center, rather than through direct access by terminal. SOQUIJ experimented with this formula, and it will be interesting to note how this recommendation fares in the eyes of the practitioners in the late 1970's.

The second survey, the Boucher-Mackaay study, attempted to identify groups of lawyers with distinctly different research habits and problems. The clearest difference in research habits and problems was found to exist between lawyers and notaries. Lawyer research was found to focus more on case law. The source of case law at this time was primarily Datum. Lawyers were better equipped to do research than notaries. They had better libraries and could delegate research to colleagues or students more frequently. Further differences were found between law offices. Large offices were better equipped to conduct research than small offices, and offices in cities were better equipped than those in the rural localities. Accordingly, the survey predicted that the most eager clients for a Datum service center would be found among smaller offices in outlying regions. Larger offices would be more interested in in-house terminals, once these were available. Of all groups, lawyers were found to have more interest in automated research than notaries.

III. THE 1979 SURVEY

A. A General Profile of the Profession

The 1970 survey pointed to important differences in research habits among various groups within the profession. It is interesting to reevaluate these differences in the late seventies.

The legal profession, according to the 1979 survey, consisted of the following groups: private practice, 68%; government lawyers, 14.5%; company lawyers, 9.5%; judges, 6%; and law professors, 2.5%. Within the total group of lawyers, the *avocats*, lawyer advocates in

the narrow sense, should be distinguished from notaries. The proportion of these two groups was found to have shifted slightly in favor of lawyer advocates since the earlier survey. In 1970 there were two and a half times as many lawyers as notaries. By 1979 the number had grown to three times as many. Lawyers average 8.9 years of experience, while notaries have 10.7 years of experience on the average. In 1970, these figures were 7.8 years and 9.7 years respectively.

Table I

Average Number of Partners in Private Law Offices

Profession / Region (city size)	Lawyers	Notaries	Lawyers and Notaries
Less than 30,000 inhabitants	3.1	2.3	2.6
30,000 to 80,000 inhabitants	3.9	2.7	3.4
80,000 to 500,000 inhabitants	6.2	4.6	5.8
more than 500,000 inhabitants (Montreal)	10.4	4.0	9.5

Lawyers and notaries differed in many other respects. Lawyers in private practice worked in offices with an average of eight partners, while notaries generally worked in offices of three. Only 26% of all lawyers practiced in towns with fewer than 80,000 inhabitants, whereas 64 percent of all notaries did.[6] Fifty-three percent of all lawyers saw themselves as generalists; 87% of notaries did. Needless to say, because there were important differences between these groups with respect to areas of specialization, it is clear that they should be considered distinct groups in any master plan for legal documentation.

With regard to regional differences, in 1979, as in 1970, the larger cities were found to have larger offices. The average number of lawyers in private offices was higher, however, than the number of nota-

6. The distribution of practitioners by office size and region is found in Table XIII.

Table II

Distribution of Practitioners According to Size of Law Office
(Vertical Percentage)

Profession / Size of Office (Number of Partners)	Lawyers* (1979)	Notaries (1979)	Lawyers and Notaries (1979)	Lawyers and Notaries** (1970)
Solo	12.2%	28.6%	17.5%	23.8%
2 to 4	40.8%	64.9%	48.5%	41.6%
5 to 9	8.4%	3.4%	13.6%	16.2%
10 to 19	17.7%	2.6%	12.9%	9.9%
More than 20	10.9%	0.5%	7.5%	8.5%
	100%	100%	100%	100%

* The report "Les avocats du Québec - étude socio-économique," based on a survey in 1967 gives the following figures (Table XXXII, at 139):

Solo	: 23%
2 to 4	: 36%
5 to 9	: 20%
10 to 19	: 14%
More than 20	: 7%

** Unpublished data from the 1970 survey.

ries.[7] Law office size was related to specialization. Specialists worked in offices with an average of twelve partners, whereas generalists worked in offices of 4.6 partners. The difference was more pronounced among lawyers than among notaries.

It is interesting to note that the distribution of small, medium and large size offices was found to have changed relatively little between the time of the 1970 and 1979 surveys. There appeared to be no widespread trend in Quebec toward concentration of law practice. In 1970, approximately 65% of all practitioners worked in small offices of up to four partners. This was still true in 1979. Medium sized offices of five to nine partners, however, lost some ground. While 16% of the profession worked in medium sized offices in 1970, only 13.5% did in 1979. The displacement benefited larger offices of ten or more partners. The number of practitioners working in larger offices was found to increase from 18.4% to 20.4%. This last category was virtually the exclusive domain of lawyers. Only 6.5%

7. See Table I.

Table III

Specialization According to Office Size and Type of Practice (Proportion Considering Themselves Specialists)

Profession / Type of practice/ size of office	Lawyers	Notaries
Federal government	92.9%	*
Provincial government	86.2%	37.5%
Company lawyer	57.1%	14.3%
Private practice - Solo	17.6%	6.0%
- 2 to 4 partners	13.3%	8.7%
- 5 to 9 partners	33.3%	11.1%
- 10 to 19 partners	52.0%	*
- More than 20 partners	75.0%	*
Together (1979)	47.0%	13.3%
Together (1970)	31.3%	4.1%

* Insufficient number of observations

of all notaries, as opposed to 47% of all lawyers, worked in offices with more than four partners.

Specialization progressed from 1970 to 1979. Only 31% of lawyers saw themselves as specialists in 1970 while almost half (47%) did in 1979. The trend also existed among notaries, but on a more modest scale: from 4.1% to 13.3%. Table III shows specialization according to type of practice. Clearly the process was most advanced among government lawyers. In private practice, specialization increased with the size of the office.

Specialization was one response to documentation problems. With the trend just outlined, one would perhaps expect that differences in research practices among various groups within the profession would have been exacerbated. This Article will now look to

whether this actually has happened and whether the documentation revolution has offset this trend.

Table IV

Minimal Amount at Stake for a Case to Justify Two Hours of Research by Profession and Years of Practice

Profession / Years of practice	Lawyers	Notaries	Lawyers and Notaries
Less than 2 years	$ 950	$1,487	$1,143
2 to 5 years	$1,673	$1,844	$1,712
6 to 10 years	$1,830	$2,985	$2,028
10 to 19 years	$2,485	$2,833	$2,546
More than 20 years	$3,417	$3,679	$3,519
Average	$2,033	$2,478	$2,106

B. RESEARCH

1. Quantity and Difficulty of Research

Compulex found that practitioners throughout Canada conducted research in 20% of their cases.[8] In the 1979 survey, the figure for all lawyers taken together was 25%, 26.5% for lawyers, and 14.4% for notaries. More research was done in large cities and in large offices than elsewhere. This finding can be explained by differences in specialization. Specialists were found to do substantially more research than generalists.

The survey attempted to find out if research was related to the amount at stake in the case. Answers to the question regarding the minimal amount a case must represent to justify two hours of research differed most according to years of experience and type of practice (lawyer/notary).[9]

What sources of information were consulted most frequently by lawyers and notaries conducting legal research? Tables V and VI

8. *See supra* note 5.
9. *See* Table IV.

Table V

Proportion of Cases Requiring Research in Different Sources of Legal Information in 1970 and 1979 by Profession

Source \ Profession	Lawyers			Notaries			Lawyers and Notaries
	1970	1979	Difference*	1970	1979	Difference	1979
Statutes	25%	36%	+ 11%	13%	33%	+ 20%	35%
Regulations	18%	30%	+ 12%	10%	22%	+ 12%	29%
Case law	29%	49%	+ 20%	9%	22%	+ 13%	44%
Doctrine	23%	31%	+ 8%	16%	32%	+ 17%	32%
Forms	**	24%		**	50%		31%

* *See* note 7 and accompanying text.
** Not available.

give comparative figures between 1970 and 1979. Little weight should be attached to the absolute differences between the years selected for comparison, as these differences appear to be due to the different wording of the questionnaires.[10] What is important is the strong increase in research on case law by lawyers. The 1970 survey revealed not only that cases were the most frequently consulted source of legal information, but also that lawyers would consult a greater number of cases if access were made easier.[11] The improvements brought about by SOQUIJ to the publication of cases and research into case law had clearly borne fruit.

This impression was reinforced when practitioners were asked how they would rank the four sources of legal information on ease of access. For lawyers as well as notaries, regulations were found to be the least accessible source, and cases were the most accessible.[12]

A final important question relating to the research itself was whether practitioners were satisfied with existing search tools. Lawyers were less satisfied than notaries.[13] In general, across regions,

10. The 1970 questionnaire gave a choice between the following possibilities: less than 10% of all cases, 10% to 25% of cases, 25% to 50% of cases, and more than 50% of cases. The 1979 questionnaire used different categories: less than 25%, 25% to 49%, 50% to 74%, and 75% to 100% of all cases.

11. *See* Boucher & Mackaay, *supra* note 5, at 228.

12. *See* Table VII.

13. Forty-seven percent of lawyers were satisfied with existing research tools while 70% of notaries were satisfied.

Table VI

Proportion of Cases Requiring Research in Different Sources in 1970 and 1979
by Type of Practice
(All Practitioners Together)

Source / Type of practice	Statutes			Regulations			Case law			Doctrine			Forms
	1970	1979		1970	1979		1970	1979		1970	1979		1979
Federal government	49%	36%	+13%	39%	31%	− 8%	34%	32%	− 2%	19%	21%	+ 2%	15%
Provincial government	39%	39%	—	26%	24%	− 2%	24%	37%	+13%	19%	23%	+ 4%	15%
Companies	30%	44%	+14%	25%	36%	+11%	20%	40%	+20%	20%	28%	+ 8%	25%
Solo practice	15%	26%	+11%	12%	19%	+ 7%	17%	44%	+27%	19%	29%	+10%	44%
2 to 4 partners	15%	31%	+16%	11%	23%	+12%	21%	40%	+19%	19%	32%	+13%	39%
5 to 9 partners	22%	33%	+11%	15%	32%	+17%	31%	58%	+27%	20%	37%	+17%	30%
10 to 19 partners	28%	40%	+12%	18%	34%	+16%	32%	57%	+25%	21%	51%	+30%	37%
More than 20 partners	35%	42%	+ 7%	21%	32%	+11%	32%	46%	+14%	22%	31%	+ 9%	19%

Table VII

Proportion of Respondents Considering the Source in Question the Least Accessible by Profession (Vertical Percentages)

Source \ Profession	Lawyers	Notaries	Lawyers and Notaries
Statutes	8%	18%	9%
Regulations	74%	56%	72%
Case law	7%	12%	8%
Doctrine	11%	14%	11%
Total	100%	100%	100%

types of practice, and specialization, the more research a lawyer did, the more likely the lawyer was to be dissatisfied with existing search tools. With case law, the dissatisfaction focuses on the absence of synthesis, the lack of a consolidated search tool or an encyclopedia or encyclopedic digest. At the time of the questionnaire, the set of annual compilations, the *Annuaires*, which have been published since 1955, were the most frequently used tool to research

Table VIII

Hours Spent on Research per Week According to Profession

Profession \ Year of survey	1970 (hours)	1979 (hours)
Judges	12.7	10.0
Lawyers	6.3	6.7
Notaries	4.7	4.1
Law professors	*	17.8
All	*	6.4

* Not available

case law. It is interesting to see to what extent survey respondents felt that an integrated computer retrieval system could fill this role.

2. The Researcher

Nearly all practitioners do some research. Those who can delegate all research are rare. Most practitioners do some research themselves and delegate the rest.

Table VIII shows that the amount of research a practitioner conducted per week did not change significantly since 1970. Lawyers spent about 6.7 hours on the average per week on research, and notaries spent approximately 4.1 hours per week.[14] The absence of significant change, in the face of substantial modifications in the publication of primary sources and search tools, suggested that the amount of search time was dictated more by practical constraints such as office hours than by the need for research per se.

Table IX

Hours Spent on Research per Week According to Type of Practice (All Practitioners Together)

Year of survey / Type of practice	1970 (hours)	1979 (hours)
Federal government	8.2	11.2
Provincial government	8.4	5.7
Companies	5.8	6.6
Solo practitioners	5.5	3.7
2 to 4 partners	5.5	4.6
5 to 9 partners	6.3	8.3
10 to 19 partners	6.6	7.1
More than 20 partners	6.6	8.5

14. Operation Compulex estimates research time at about 20% of total working hours.

The relative difference in the amount of research conducted by the different types of practice seems to have persisted from 1970 to 1979.[15] Large offices did more research than small ones. Government lawyers were found to research the most of all the groups. More personal research was done in the larger cities than in smaller towns and villages.

Table X

Proportion of Practitioners Who Delegate Research to Younger Colleagues, Clerks, or Students According to Type of Practice
(All Practitioners Together)

Delegation / Type of practice	Delegate to a Younger Colleague	Delegate to Law Clerk or Student
Federal government	17%	34%
Provincial government	13%	18%
Companies	21%	40%
Solo practitioner	-	3%
2 to 4 partners	23%	19%
5 to 9 partners	71%	68%
10 to 19 partners	66%	75%
More than 20 partners	73%	85%

Table X shows the extent to which research is delegated in the different types of practice. In 1979, as in 1970, large offices were better equipped with research tools than small ones. Lawyers in the larger cities had greater access to research materials than lawyers in smaller towns.

3. The Research Library

The vast majority of practitioners were found to conduct their research in their personal or office libraries. Very few practitioners, and only those in the smallest offices, were found to rely on a col-

15. *See* Table IX.

league's library. Public law libraries in law schools, courthouses, and those maintained by the Bar were more frequently consulted by practitioners in the smallest offices. Public law libraries were used only to supplement personal libraries.

The resources personal or office libraries contained will not be discussed here. In general, however, lawyers have more extensive libraries than notaries, and within each group, larger offices had more extensive libraries than smaller ones. Libraries in larger cities were more extensive than those in smaller centers. This observation can not be attributed entirely to the difference in the size of law offices. All in all, the pattern observed in 1970 did not seem to have changed much by 1979.

Table XI

Proportion of Practitioners Who Own a Minibiblex by Profession and Region

Region \ Profession	Lawyers	Notaries
Towns of less than 30,000 inhabitants	28%	6%
Towns of 30,000 to 80,000 inhabitants	22%	11%
Towns of 80,000 to 500,000 inhabitants	26%	10%
Montreal	22%	9%

Table XI suggests that Minibiblex offset these differences at least in part. The marketing efforts for Minibiblex appear to have been successful in this regard. It is disappointing, however, to observe that 31% of all lawyers and 63% of all notaries stated that they had not heard of this microfiche library.

IV. A CLOSER EXAMINATION OF THE EFFECT OF MICROMEDIA AND COMPUTERS

A. MINIBIBLEX

Minibiblex serves as a complementary library in situations where practitioners cannot afford to have a complete collection of

16. Note that 61% of those who had a Minibiblex were satisfied with it and that only 22% of current owners would not buy it again if they had the choice.

the corresponding volumes. Minibiblex may reduce disparities between large and small law offices and between large and small cities. The survey showed that those purchasing Minibiblex placed it in their ordinary library. This finding tends to reinforce the role of the microfiche as supplementary documentation.

Twenty-two percent of all lawyers and 9% of all notaries stated that their offices had a Minibiblex. This means that only a few hundred sets were sold to private practices. Why were sales so disappointing?[16] The reasons given by those who did not buy the collection were that they did not need it, that it was too expensive or that they did not like it. The need factor may be changed by adding new collections to Minibiblex. Fifteen percent of current owners as well as those dissatisfied with its current content strongly recommended the addition of new collections.

The cost argument is difficult to understand if one considers that at the time of the survey, the fiches sold at a third or even a quarter of what the bound volumes would have cost. Therefore, practitioners simply were not prepared to lay out the required sum to document themselves properly. Professional associations, therefore, have a responsibility to set appropriate standards of professional ethics in this matter.

The last argument, and the least important of the three for our respondents, is well known outside the legal profession. Librarians regularly denounce the strain of reading on a viewer and regret the absence of easy-to-use, modestly priced, photostatting facilities. Evidently, there is insufficient commercial interest to solve these problems. Perhaps the trade shows displaying office equipment should be watched closely.

B. The Impact of the Computer

It may be useful to recall briefly the history of the use of computers in case law in Quebec. The field was developed initially as a research project, known as the Datum system, at the University of Montreal. The system was operational by the end of 1971, but it was felt that in projects of a relatively applied nature such as this, field experience was essential. Accordingly, SEDOJ (Service de documentation juridique) was established to run the service. A few tests showed that the initial sytem was not sufficiently easy enough to use to be offered to practitioners in the form of in-house terminals. A service center was then set up where clients could phone or write

their problem to a lawyer-researcher and expect an answer several hours or days later.

During demonstrations of the system at Bar conferences and elsewhere, the Datum group discovered that practitioners were greatly interested in computer compilations of case law on selected topics. These were soon marketed under the name *Service dossiers*. Various refinements were introduced, such as grouping cases by subtopic and adding an index, but the basic formula remained the same. SEDOJ had considerable financial success with this system.

In 1974, a substantial change took place in the documentation scene in Quebec. The Bar ended its responsibility for the publication of the law reports, and the University of Montreal ended its commitment to Datum as a research project. The government took over and merged the two activities into "SEDOJ-new style," later to become the Crown corporation, SOQUIJ.

While controlling the better part of the case law publication and retrieval process in Quebec, SEDOJ introduced developments on all fronts at once. Computer projects, micromedia, and improvements of traditional instruments competed with each other. Among the new services of a more traditional nature were the *Jurisprudence Express*, a weekly current awareness service for new cases and the *Répertoire de droit*, a loose leaf compilation of scholarly writing, statutes, regulations, cases, and forms. This last project was undertaken jointly with the Chambre des notaries. These two innovations competed substantially with the computer projects and made clear the features the computer had to develop in order to sell itself to practitioners.

How did the various services fare? If practitioners were asked which search tools they found useful, the computer tools, such as the *Service dossiers* and the service center, ranked *behind* the improved traditional research tools in use in Quebec, but ahead of similar research tools those published in English, rather than in French, supposedly for the benefit of all Canadian practitioners.[17]

The question of why services produced in Quebec systematically outperformed those coming from other provinces is left aside here. What remains is that the two computer products were lowest on the totem pole of search tools in Quebec and are well outperformed by the *Jurisprudence Express*, the current awareness service. The reasons for the poor performance of the computer services must be examined more closely.

The *Service dossiers* are unknown to 62% of the lawyers and 91% of the notaries who participated in the survey. Given the enor-

17. *See* Table XII.

mous publicity which these research tools had been given, the response could only mean that most practitioners did not think the *Service* worthwhile enough to justify the cost. Among those who had tried the *Service*, however, satisfaction was very high, whether it was with the choice of themes, the presentation, or the content. Generally speaking, lawyers were more satisfied than notaries. No systematic variation appeared according to size of office, years of practice or region.

Those who knew of the *Service dossiers* and were not satisfied with them gave the following reasons: the most relevant cases should appear first (65%); cases were not sufficiently relevant (48%); case summaries were not sufficiently clear (42%); and not all civil law collections were covered (41%). With respect to the quality of the summaries, it should be noted that many of the summaries date from before 1974 when SEDOJ took over responsibility for them.

Fifty-seven percent of the lawyers who bought dossiers stated that they used them outside of the case for which they initially purchased them. Encouraging though this figure may be, it is obvious that the *Service dossiers* could not aspire to the status of "capital good" of a traditional index. This restricted the market for them, given their relatively high price. Comments written on the questionnaires suggested that more thought ought to go into the preparation of the dossiers.

A different way in which the attractiveness of the dossiers could be increased would be by adding other sources of law. By discounting those who said they did not know about the dossiers, 31% of all lawyers were in favor of this idea. By adding the information that the dossiers—new style—would cost between $50.00 and $100.00, this figure dropped to 27%. This possibility would seem to be worth exploring commercially.

The consultation service, the Datum service center, appeared to be the least attractive of all research options for Quebec case law. The reasons given by lawyers who had never consulted Datum are not very revealing. Some found it useless; some had not thought of it or did not delegate research. More interesting are the reasons for dissatisfaction given by those who had used the service. The paramount source of dissatisfaction (75%) was that cases given by the center were not sufficiently relevant. Only far below, in second place (12%), did the argument that the price was too high appear. Prices between $50.00 and $125.00, therefore, did not in themselves discourage most clients.

Table XII

Research of Case Law—Proportion of Respondents Who Consider the Research Tool Useful or Very Useful by Profession (Decreasing Order in the Last Column)

Tool \ Profession	Lawyers	Notaries	Together
1. Doctrine	81%	80%	82%
2. Annuaire	87%	46%	81%
3. Jurisprudence Express	76%	56%	73%
4. Analytical index of Reports	78%	43%	73%
5. Annotated Codes	65%	75%	68%
6. Table of statutes and codes in Annuaire	67%	38%	63%
7. Personal card file	59%	45%	58%
8. Index Gagnon	58%	30%	56%
9. CCH-type work	59%	46%	55%
10. Service dossiers	53%	35%	49%
11. Datum	46%	33%	43%
12. Canadian Abridgment	43%	7%	38%
13. Répertoire Marcel Guy	23%	27%	25%
14. Statutes Judicially Considered (Canadian Abridgment)	27%	4%	24%
15. Canadian Statute Citator	18%	1%	16%
16. Halsbury's Laws of England	16%	2%	15%
17. Canadian Current Law	13%	2%	12%
18. Canadian Weekly Law Sheet	11%	2%	10%

The irrelevance of many of the cases that a service center retrieves for its clients ("noise") is a well known problem in Europe and the United States.[18] The problem stems from the fact that the consultant cannot, without disproportionately raising the cost of the service, become fully aware of the client's problem. Furthermore, retrieval systems are based on word matching and reflect only imperfectly the legal concepts which the lawyer has in his head.

One could, of course, set up a system based on legal concepts. The drawback, however, is that one must master the controlled vocabulary to use the system effectively, and must trust that the initial document analysis has been done with sufficient reliability. If one of these conditions is not met, the researcher would not find what he was looking for. The noise problem is displaced by that of silence. There appears to be as yet no consensus on how these two design principles should be blended, if at all.

On a practical level, experience with in-house terminals showed that the noise problem appeared to disturb practitioners less when they themselves were faced with the material on a computer screen. The survey showed that our respondents preferred both a classical encyclopedia-type tool and an in-house terminal linked to a retrieval system to the service center. This observation would tend to support those who hold that a service center can only be an intermediate, essentially temporary formula on the way to direct access by users.

When did lawyers consult the service center? Twenty-five percent of those lawyers who used the service center stated that they lacked the time to do the research themselves; twenty-one percent stated that no other tool existed which was equally fast and comprehensive for the collections it covered; fifteen percent stated that they had neither the time nor sufficient documentation themselves, and fourteen percent stated that they had done research, but had not found anything. The first argument held good for all delegation of research. The other three were specific to computer services and should be focused on in further developments: speed of research, size of the document collection which can be covered with a single tool, and the different light which computer searching may cast on a problem which has already been traditionally researched.

18. *See, e.g.*, Fabien, *Computerized Legal Research in Canada*, Canadian Law Information Council (June 1979); J. BING & T. HARVOLD, LEGAL DECISIONS AND INFORMATION SYSTEMS (1977); Mackaay, *Designing DATUM II: Why not and how?* 6 DATENVERARBEITUNG IM RECHT 47 (1977).

Table XIII

Practitioners by Office Size and Region
(Vertical Percentages)

Profession and Office Size / Region	Lawyers					Notaries		
	Solo	2 to 4 Partners	5 to 9 Partners	10 to 19 Partners	More than 20 Partners	Solo	2 to 4 Partners	More than 20 Partners*
Towns of less than 80,000 inhabitants	50.0%	41.7%	15.3%	8.0%	—	76.0%	71.6%	33.8%
Cities of 80,000 to 500,000 inhabitants	16.7%	11.7%	15.4%	16.0%	—	6.1%	7.9%	55.6%
Montreal	33.3%	46.7%	69.2%	76.0%	100%	18.2%	20.5%	11.1%
	100%	100%	100%	100%		100%	100%	100%

* There are few notarial offices with more than ten partners.

We believe that the poor evaluation of the service center in this survey does not entail a wholesale condemnation of computer law retrieval. On the contrary, given the proper emphasis, the system would be perceived as a complement and partial alternative to improved traditional tools. The system should give direct access by terminal. It should update its bank as quickly as the corresponding traditional instruments if not quicker. It should provide access to all sources of law at once, and it should be easy to use for those who cannot spend much time learning how to use it, even though in most law offices research is delegated to people more familiar with such a system. It would be surprising if there were not a substantial market for such a service in Quebec, now that the ground has been prepared by the Datum experience.

V. CONCLUSION

The results of the 1979 survey confirmed our earlier, intuitive impression that the computer and the micromedia which set off the revolution in legal documentation are no longer at the center of that revolution. Be that as it may, the overall effect of SOQUIJ has been to alleviate the documentation problem in smaller offices and outlying areas, where it appeared to be the most needed at the beginning of the 1970's. It is true that differences persist among offices of different size and that lawyers do no more personal research than in 1970. The same resources, however, now seem to achieve more satisfactory research results, at least in the field of case law.

SOQUIJ closed its consultation service in the summer of 1979. The cost of each consultation substantially exceeded the price which clients were prepared to pay for such a service, given the quality they perceived. The decision made good commercial sense. Yet one is left with the uncomfortable feeling that the advance Quebec made in automated law retrieval in the early 70's has been lost and that the expectations generated by Datum have been left suspended in the air. It is discomforting to think that the computer in Quebec could be, and has been, no more than a ploy to unleash forces of traditional innovation.

Perhaps the source of the problem was the fact that in the mid-seventies a new system should have been ready to replace Datum, whose basic structure dated from the sixties. The University of Montreal had been in the process of developing Datum II, a system which embodied several substantially new principles in document retrieval for lawyers. Perhaps the development began too late or had taken too long. Perhaps the commercial climate in Quebec at the time was not favorable for the launching of a new direct access

retrieval system. Whatever the reason, the step from research to commercial implementation was not made, and the momentum now appears to have been lost. The survey, however, leads to the belief that practitioners are willing to adopt such a product on a commercially viable scale. The lesson to be drawn from this episode is perhaps that in the computer retrieval field, research must go on while present systems are being marketed. There should be a clear division of roles between organizations operating in the market and those doing research, but the link between them should be carefully maintained.