6-17-1991

Computers are Changing the Law, Claims Book by UD Law Professor

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DAYTON, Ohio -- Computers are doing more than changing the practice of law. They are actually changing the law itself, according to Precedent Inflation, a new book by a University of Dayton law professor to be published in September by Transaction Publishers.

Under the common law--a system inherited from England--previous court decisions serve as precedents in solving legal disputes. For years, these decisions were printed and bound by the West Publishing Co. Since there were too many cases to be put into books, the courts decided which ones they would provide West, and only these cases served as precedent.

Not too many years ago, a Dayton-based computer service--LEXIS--joined West in the business, and both companies are now putting court decisions on-line in computer databases. Because computers can store so much information, previously unpublished court decisions are now being made available to lawyers.

"We're in a murky area right now, but previously unpublished cases are being used as precedent," says Susan Brenner. "I think it will change the law. And I think that's good, because every case that's been decided by a court is part of the law."
To determine the impact of putting unpublished decisions online, Brenner did a computer search of her own. She discovered that, as of last summer, only about half of the decisions of U.S. District Courts on several issues had been published, "which means there are twice as many decisions out there as there used to be," says Brenner.

"The law in these unpublished cases may or may not be significantly different, but it will be interesting to see how they were decided, what the posture was on those cases and what they tell us about what the law is doing in that area--none of which we know. We can't. We don't know how many cases are out there."

For media interviews, contact Susan Brenner at (513) 229-2929 or Jim Feuer, director of media relations, at (513) 229-3241.