

EXPLORING MARKETING'S LEGAL ENVIRONMENT VIA COMPUTER ASSISTED LEGAL RESEARCH

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INTRODUCTION

Marketing's "legal environment" is a term referring to a rather vague concept that almost everyone recognizes. Most marketing activities are influenced by legal developments and trends; hence, textbook authors are increasingly formulating materials about legal guidelines. For example, in *Marketing by Pride and Ferrell (1991)*, numerous references to the legal environment appear in the Subject Index, and 11 of the 23 chapters contain discussions of legal topics. *Ingram and LaForge (1989)* provide 40+ index references to the law and discussions in six of 16 chapters.

Marketing instructors should improve their own backgrounds regarding the legal climate so they can better discuss these topics with students. The focus of this paper is, therefore, to assist educators in this task by reviewing how to use electronic legal databases.

ORGANIZATION OF LEGAL DATABASES

The Lexis (1985) database is examined here, although competitive systems could be utilized (e.g., Westlaw 1985). Both databases contain the texts of published judicial decisions for both federal and state courts at all levels (trial and appellate). Access is also available to several specialized reference encyclopedias, most of the major legal journals, the Congressional Record, federal and state laws and regulations, plus other specialized materials.

Lexis is organized into four levels: libraries, files, documents, and segments (going from broadest to narrowest in scope). A library contains all materials in a particular research area and is subdivided into several files, which contain several documents (composed of various segments). Information retrieval using Lexis is similar to the processes utilized to search for material with any typical database found in university libraries. The appropriate search phrases must be formulated in order to find relevant information. Search phrases which are too general will produce too many documents to examine, while restrictive phrases will result in the omission of important documents.

With Lexis, the researcher can streamline the process by

knowing in advance the library and files in which relevant information is likely to appear. For example, if the topic involves federal law, the Genfed library would be the starting point, not the States library. If the topic relates to improper salesperson behavior within the state of Michigan, the Michigan (MICH) library, containing both federal and state cases tried in Michigan, would be the focal point.

Thus, Lexis involves two primary decision areas: the choice of search phrase(s) and the selection of libraries and files in which to search. Lexis is quite user friendly in terms of formulating search phrases. Key words (1 to 20 characters) can be combined in various ways, according to rules governing the use of character and connector terms.

UTILIZING LEXIS RESEARCH PROJECTS

Lexis can be used to prepare classroom materials in two ways: to develop statistics to describe the significance of legal issues and to locate examples of the impact of law on marketing behavior.

The examples and data can be brought to class to bolster lecture material. Students can be assigned the task of searching Lexis armed with the appropriate search phrases, and at other times they can be required to develop the search phrases themselves before querying Lexis. Generally, it is desirable to supply the search phrases because students usually lack familiarity with legal terminology, making it difficult for them to determine which search phrases would be useful.

Another approach is to provide alternative search phrases which will yield different numbers of located documents. Students should then be asked to describe the outcomes are different, perhaps even determining which search phrase is "most useful." Such an exercise forces students to think through the nature of the problem being researched, generally resulting in their understanding the problem in greater depth.

Lexis is by no means limited to marketing problems.

An instructor with a labor relations class can easily develop assignments based on employment discrimination cases. Lexis contains an enormous tax-related case section, providing many opportunities for accountants or attorneys to select materials. Naturally business law professors would (and probably already have) find Lexis very helpful.

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