German Law and Legal Information from a Law Firm Perspective

Abstract: In this article Margarethe Sannino shares some information on how legal research works in an international law firm with several offices. The focus is on German law and legal materials. A short introduction to German law is followed by an outline of German research resources in general and then, further on, there are two parts describing specific approaches to research from Margarethe's daily work; research on company/corporate law requests as well as research on legislative acts.

Keywords: legal research; information sources; law firm; law firm libraries; Germany

INTRODUCTION

Naturally, legal research activity in a law firm is influenced and directed by requests linked to the daily work of lawyers. This article aims to describe the various options for legal research into German law that are available to information professionals working in law firms when supporting their professional law colleagues.

German law (national, european, international law) and legal advice

German Law is based on a dual structure of *Bundesrecht* and *Landesrecht*. Legislation can be issued by federal, and/or, regional government. Additionally there is the deep interaction between German and European Union legislation. This European legislation might have a direct influence in Germany in the form of Regulations. Another form, Directives, need to be passed into local laws; and these need to pass the legislative process through the *Bundestag,* and allow a certain range of more detailed regulation to better fit the national requirements of the country.

Considering research from this point of view, I noticed that, during recent years, research has become challenging in terms of searching for the correct legislative *corpus* and sometimes for the responsible institution. The German legal system is also really extensive in terms of how many regulatory acts are issued during each month!

A researcher must always be aware of the fact that the result of his/her searching must be comprehensive, accurate and correct in order for a lawyer to provide the necessary first class legal advice in any particular case and with respect to any topic. This has to consist of a complete search of all up-to-date sources of information specific to the research. A deeper view on this topic is provided below.

Legal information: main resources

a) Legal information

First of all, we might want to define legal information itself.

As primary information there are laws, regulations, international treaties as well as court decisions; those are usually published in official media issued by a legislative, executive, judiciary or international institutions. In terms of secondary information we might wish to define this as descriptive, explanatory or interpreting texts, issued by commentators usually published in books, journals and other (print or online) media. A third level of information is that produced by a practice of law; the most known example is an excerpt from the commercial register (for companies), issued by an official executive organ. As a last category there are private documents, such as contracts or annual reports. These documents are issued by private persons or institutions.

b) Resources

A greater part of the above named materials are to be found in print form; from a very simple one, such as an excerpt from the commercial register or a print version of a certain law, to a more edited version in a commentary or handbook.

Prior to the internet age, it was (public) libraries that primarily hosted print materials. Those materials were classified and arranged according to certain criteria, so to allow easier research. Also, publishers and bookstores offered catalogues and bibliographies, which were laid out in print form as well.

Nowadays there are still (public) libraries doing this kind of job. On the other hand we experience a diversity of services, which allow a researcher to find materials in any form and from anywhere. Databases, institutions and even law firms act as information providers. The trend is basically

to offer internet-based solutions, which allow new ways of publication and business transactions. A monopoly of print materials and representative libraries is no longer a fixed point in any researcher's world. Still, online services are not the only tools for research; print materials must supplement many result lists.

In order to get a clearer picture of resources for German legal research, I will start with the most general services and then move to the most specific ones. Current research options obviously include the World Wide Web (its most well known portal is arguably Google.com), (public) libraries and their catalogues and commercial databases. Additionally, there are bookstores and their portals. And lastly there are internal resources of law firms (such as literature collections, binders, customised collections).

Google.com & Co.

Using Google is the most common way of beginning with a search strategy. As a powerful search engine, it leads to results somewhere in cyberspace; sometimes to a 'near' match, othertimes to a correct, 'accurate' match! Being a commercial enterprise, Google places certain results at the front or promotes several other results. Finding an accurate result can prove difficult even for the experienced researcher. A skilled researcher would tend to prefer to use Google Advanced Search (http://www.google.com/advanced_search), Google Scholar (http://scholar.google.de/schhp) and Google Books (http://books.google.com/bkshp?hl=en&tab=wp) in order to get the best results. Nevertheless, Scholar and Books do not provide a background check to the result. For example, it will not determine if a certain library has a license to use a certain book; a user must always double check with the library concerned. However, Google Books brings published printed materials to the internet, and, in so doing, is making great progress towards a global digital library. Many copyright questions have not yet been solved; therefore whilst it is useful to find bibliographical data for a book, or a footnote, beyond that it is not an all-around solution for book searches.

Arguably the most valuable tool is Google Alerts (http://www.google.com/alerts). This service is very useful in order to screen the whole internet, particularly for news as a lot of newspapers have begun to have an online editorial staff, who post immediately. An alert can be easily set up for a certain topic, which can be customised with several options.

Google is a very helpful tool for starting research, providing the researcher is aware of the limitations it has. As a free resource it is, quite naturally, very attractive for any user and of course it is budget-saving for any firm!

Other internet search engines, such as Yahoo, Bing or Lycos are not so popular in Europe; so they will not be mentioned in this article.

(Public) Libraries

Libraries have long had an image as dusty, out-of-date institutions simply hosting books in a print form. The contrary is true: in fact; (public) libraries have changed to service-oriented institutions serving universities, scientific and other research institutions. Since libraries have merged with data centres, they are able to offer a variety of modern solutions. In Germany libraries have a particular structure. Every university's department has its own library (*Institutsbibliothek*), accompanied by a central university library (*zentrale Universitätsbibliothek*). More than one *Universitätsbibliothek* is organised into a network of libraries (*Verbundsbibliotheken*).

Also Courts, regional Parliaments and special institutions, such as Max-Planck-Institutes, have their own libraries. Special libraries are also to be found in law firms, lawyers' associations and larger unions. The German National Library (*Deutsche Nationalbibliothek*, Frankfurt and Leipzig) has been entrusted with collecting and archiving German and German-language publications since 1913, including legal publications.

In terms of using libraries, nowadays a book's information is accessible through OPACs (online public access catalogues). The highest-performance OPAC in Germany is called KVK (*Karlsruher Virtueller Katalog*) offering a meta-search throughout 500 million media in worldwide catalogues.

Other specialised OPACs are the journals' database ZDB (*Zeitschriftendatenbank*), screening more than 1.6 million titles in all languages held by libraries in Germany and Austria; and EZB (*Elektronische Zeitschriftendatenbank*), a search engine for online available journals with information on licenses.

c) Commercial Databases (German and Foreign Providers)

For legal education there are two essential databases that are widely used: Beck-online and Juris.

Juris was born as a legal information system of the Ministry of Interiors. In 1986 it became private and started doing business. Due to the fact that Juris built the documentation centres at the Federal Constitutional Court and at the higher Federal Courts of Justice, it became the leading provider of case law in Germany. Another highly useful feature is its evaluation of about 600 journals (at least as abstract) as well as regulations and administrative provisions. Juris also became a publisher while offering its own commentaries in print version and adding content from other major legal publishers (eg. Otto Schmidt Verlag and Bundesanzeiger).

Beck-online is a database owned by the major German publisher C. H. Beck and offers many publication forms for legal work and legal studies, as well as several of its own journals and books. Beck-online co-operates with some other publishers too.

It is also important to name **Jurion** (formerly known as Lexis Nexis Recht), which also offers a starter

package, that can be enriched by buying additional modules customised to certain legal fields.

Searching within the databases mentioned above is quite similar to the other, more general services. They filter down huge lists of results and have a simple and an advanced search which allows usage of customised searching fields (for example case number or citation). All result lists show a short abstract and highlight the searched words.

The main material which might be found in a legal database is the primary information named above, i.e. court decisions, laws and regulations. Additionally you may buy licenses to use secondary information in the form of commentaries, handbooks and journals. This last content varies depending on the database, since every database is closely linked to a certain publisher. Until now there has been only a very poor cross-usage of materials between databases, meaning that if you want to use a certain commentary you have to use a particular database.

German commercial databases do not contain all, or nearly all, the legal materials available. It is necessary to subscribe to at least the two major databases (ie. Juris and Beck-online) and supplement their content with print content.

English-language databases also play an important role in a global law firm. Due to the international dimension of legal advice, it is appropriate to use foreign materials. The challenge for an information services department is how to obtain and use those materials in a cost effective way. Mostly worldwide contracts for databases allow usage in Europe and appropriate support and training is offered by the vendors. Due to various licensing models, it is necessary to be aware of the specific conditions of usage for a particular law firm office.

Westlaw and **Hein Online** are the most well known legal databases; **Lexis Nexis** is also an important other legal database for business and company information. Licensing models for these databases are different from those offered in Europe. Usually a law firm would choose a flat rate charge, which would give all of the relevant content.

A main difference between German and foreign databases lies in the fact that German databases are more closely linked to a certain publisher and will only offer some products making the choice difficult since there are so many licensing models. The US and UK providers usually try to incorporate as many sources as possible without owning the product. This is a scenario which is desirable for legal research in Germany, but unfortunately it is yet to be realised.

Other information providers

A specific project must be named here which was started as a virtual legal library *Virtuelle Fachbibliothek Recht*-aiming to offer a portal that can cross-search all legal information without depending on if it is linked to a particular publisher or not. This project is also available for other fields, not just for legal research.

Bookstores themselves are trying to become providers of complete solutions, meaning a joint offer of database content and print material in the form of e-books. Here too, publishers tend to complicate their offers to users, since they do not give practicable solutions; for example, with regard to e-book licenses for more than one user. We will have to wait some years in order to see significant changes in publishers' practices.

Internal Resources

Internal resources, used in law firms, are tools such as a literature collection on a certain topic, or a law material binder, or a collection of links on an intranet page. All of these materials are researched and put together in a customised way, usually by an information manager. The need for such tools is variable and its demand depends mostly on the way of working with its customers, ie. the lawyers. A lot of time is spent updating these materials and several steps have to be done manually. Monitoring work can usually be achieved electronically using a database alert or information from a blog and an RSS-feed. Several helpful tools are available, including software which helps monitor internet pages (for example, Website Watcher, see also http://aignes.com/). Microsoft Word allows the linking of contents into a document, so that a document can be used as a table of contents, and there is no need to save documents on a desktop anymore.

Most Law Firms also have a Knowledge Management system, which allows the discovery of documents already produced by a lawyer colleague. Some of them might be utilised in other cases; while some others will just be filed and kept available. Responsibility for filing, but above all for finding those documents, can be the role of the Information Services Department, but in other cases there will a Knowledge Manager dealing with this activity.

Information Network

With so much material and information available, the expertise of colleagues, both internally (within a firm) and externally, are essential.

a) Internal network

The firm's internal network is what I personally call the "Global Team". This refers to my colleagues in all offices within the law firm, which have a library and information services team. These are great teams, working together to achieve the best and most effective solutions. As examples we have worked on overviews about costs for references and in relation to certain countries where information systems are not so well organised. By working together, we have avoided spending money twice on a piece of research. Knowing that one can rely on such skilled and experienced colleagues, transmits a good feeling and self-confidence within a firm.

b) External networks

In addition, I am a member of the Frankfurt OPL (One-Person-Library) Network, whose members work for the

major law firms, financial institutions, auditors, banks and several smaller offices and institutions, as well as public libraries. Every large city, with a high concentration of financial institutions and law firms, has an OPL. The group organises monthly meetings and have a continuing education programme, whose speakers are colleagues. The Network also has an annual meeting, where major decisions are discussed, which affect the whole group. However, our number one rule is that our employer takes priority to everything requested. This means, that any help requested by others is subordinate to our daily work.

GERMAN LEGAL RESOURCES FOR CORPORATE AND COMPANY LAW

Usually company research involves more than one resource depending on how detailed the research has to be. There are several official and commercial information pools that must be checked. Choosing the most efficient way of research requires a detailed knowledge of the kind of information that is needed. Official information is usually provided by an authority and a company profile can be downloaded from a company's homepage (eg. an annual report) or through commercial databases.

Main resources

a) Official resources
Since 2007 the Commercial Register holds all information submitted electronically. Information can be checked at: www.handelsregister.de and personalised access allows the downloading of a single copy, for which costs are invoiced. Any citizen within the EU and beyond is allowed to view all firms registered in Germany in this way. The portal is available in German, English and French.

In the same year, the federal government started operating a web service, named Unternehmensregister, which includes the following information pools; a commercial register, e-*Bundesanzeiger*, and other company-related announcements. All company-related information that a company must submit can be found here; for example, annual reports, certain announcements linked on a company's form, capital markets and insolvency announcements. There is no need to register for this service, however it is necessary in order to submit an annual report.

b) Commercial databases
Not all relevant information, such as a company's structure or a company's officers or CEO, will show up within official information results. Also a company would not want to display any details relating to an insolvency. In Germany the most relevant services are Creditreform and Bundesanzeiger.

Creditreform is an association, which has a very good regional coverage. Their reports are quite detailed and, in order to create these reports several resources are screened. Originally created to grant solvency checks

it has now advanced to be a highly useful, complete and up-to-date report on German companies. Creditreform runs a database called **Firmenwissen**, which also allows the user to research profiles of other European countries. Here it is also worth mentioning a project run by the EU, **European-Justice**, which was designed to give information about each EU country on justice topics (https://e-justice.europa.eu/). For research purposes it is useful in order to find out which registers are available online or must be contacted directly.

Bundesanzeiger is the official publishing organ for laws and is a publisher for announcements of public offices. It also was the mandatory publishing instance for all commercial registers as well as annual report announcements. Nowadays it has become a multilayered provider, particularly after the launch of the e-*Bundesanzeiger*, which replaces the former Part A and Part B in print form. It is also a publishing house, a co-operator of the federal government on *Unternehmensregister* and a database itself. Since 2006 it has been fully privately owned by a publisher. According to the law every company has to submit its annual report with the *Bundesanzeiger*.

Advanced Tools and Internal resources

a) Commercial
Additionally there is **Genios** (a co-operation between the two largest overregional newspapers *Handelsblatt* and *Frankfurter Allgemeine Zeitung*), an online service hosting several databases (the international Press, Literature, D&B, Coface, Bürgel, Creditreform and Datamonitor). This service allows for well-structured and focused research on company information such as the register numbers and insolvency procedure numbers, which otherwise is not easy to find. It is a most valuable tool and has an Alert Service, which may be delivered to several persons and can be changed and updated anytime.

b) Internal
In terms of company research there is potential for gathering information before someone asks for it. Naturally this type of service is not always strictly necessary, but it does spare some time when a question arises. Additionally, different requestors may have alternative focuses and this is why it is necessary to offer a customised package for everyone. The information can be made available in a form other than online. Documents relating to the general assemblies of stock corporations (such as invitation, results and topics) according to the *Wertpapierübernahmegesetz* para. 14 (its official resource is the Financial Authority *BaFin*) are the most common collections requested.

GERMAN LEGAL RESOURCES FOR LEGISLATIVE PROCESSES

Research on legislative materials, if there is a major change in a law, maybe relevant for a particular case. Due

to European directives, some laws are to be created after having been passed through the European Legislative organs. Since a legislative procedure takes time, it is mandatory to observe it and update the lawyers with any information about the stage that the legislation has reached. If the procedure begins in Europe, then the time taken might be even longer.

Main resources

a) Official resources

Laws are the foundation of legal advice; they describe which requirements must be met in order to act in a compliant way. It is essential for companies to comply with the law and be up-to-date with discussions in Parliament in case there is an impact on its business.

There is the Official Gazette (*Bundesgesetzblatt*), the publisher of the laws and there is the *Bundesanzeiger*, the publisher of regulations, issued by the Federal Ministry of Interiors. The *Bundesanzeiger* has been completely switched to an electronic platform in 2012, replacing the print version. Every Federal Land has its own Official Gazette.

Beside the official text of the law, the background to the law can also be significant. These materials can be described as law documentation (*Gesetzesdokumentation*). These documents are available through the parliamentary documentation services (*Dokumentations- und Informationssystem für Parlamentarische Vorgänge – DIP*). All materials since 1949 are available online now (http://dipbt.bundestag.de/dip21.web/; http://pdok.bundestag.de/). These services are quite different and an advanced search is only possible starting with the year 2006. For previous years the search options are quite simple, but no less effective. Additional information on the procedure might be needed before finding the right document but nevertheless it is real progress since before 2013, there was only one source for parliament materials prior to 2006; and you had to place an order with the Bundesanzeiger publisher. Now this service is free.

b) Commercial Databases and other free services

The commercial databases Juris and Beck-online offer a base package containing all applicable law, regulations and administrative acts. Each paragraph will be shown in its actual version with the option to be able to check an earlier version. Database providers still do not have a good solution for offering a consolidated version of a law in a timely manner after there has been a change. Often lawyers need those comparisons as soon as possible so they can work with the new text of the law.

Another effective tool is to monitor internet pages of certain university institutes, which are specialised in different fields of law (for example, Professor Möllers with his database on capital markets, see: http://www.kapitalmarktrecht-im-internet.eu/). This page contains an accurate list of legislative procedures, which is updated regularly.

Finally, there is literature contained in journals. While commentaries and monographs need longer for its content to be published, a journal article can be released sooner. Usually while the parliament is working on a law, academics and practitioners will discuss certain aspects, such as which paragraphs have to be changed or which consequences may have an impact on legal practice. This kind of discussion is held through articles in journals and may have some influence even on parliamentary work. Also the fact that drafts of laws are circulated between certain parties, who have a very good practical knowledge of the subject, helps to keep a profitable discussion alive.

Advanced Tools and internal resources

RSS Feeds and Blogs can be integrated within an intranet environment and are helpful in monitoring actual procedures and/or discussions on relevant topics. The value of such services is currency. In terms of content there are differences and it is necessary to review its content more closely before using it for some information purposes.

In terms of monitoring an additional tool that helps to keep a certain group updated on developments is a newsletter. You can prepare a newsletter as soon as news is available on the net. The source for that news varies from a newspaper article to a specific newsletter of an association. The need to prepare a customised (internal) newsletter lies in the fact that other services and information will not be shown up in the external newsletter.

Because of its official character and its good informative content, a special newsletter is the Parliament's *hib* (*Heute im Bundestag*). This newsletter is produced and sent once or twice a day, depending on the activity of Parliament. There is a short description of the activity as well as hyperlinked document numbers leading to the Parliaments database *DIP*. In *DIP*, every legislative procedure has been summarised within a "table of content", which shows the main activity. This is also the results list you may get while researching within the *DIP* (after 2006). Since last year, the documentation services of the Federal Parliament have added a permanent link, which allows a view of the page containing the TOC. This means that a certain manual control is still necessary, but once the page is opened, up-to-date information can be retrieved.

Since legislative procedures in Germany cannot be monitored automatically, this tool can create a very effective way of getting up-to-date information.

Final Statement

Legal Research in Germany is quite intensive due to the fact that there is still a very fragmented system of both publishing and online databases, with different offers and licensing models. However, many tools have improved and allow for easier and more efficient methods of research. Books and other printed materials have not yet disappeared; on the contrary, they will remain as the publishers often have yet to find user-friendly solutions.

Biography

Margarethe Sannino went to Law School in Mainz (Germany) and started working for Shearman & Sterling LLP in 2002 as a legal assistant for the Capital Markets and International Arbitration Department. She has been Head of Library and Information Services at Shearman & Sterling LLP's Frankfurt Office since 2005 as well as being responsible for Compliance Administration since 2013.

Between Book and Database: Meeting Information Needs in a Law Firm's Library

Abstract: Faced with a fragmentation of publishers' portfolios in Germany, the librarian Martina Kuth was interviewed about the challenges to grant a user-oriented library collection in a large commercial law firm like CMS Hasche Sigle.
Keywords: law firm libraries; collection development; Germany

INTRODUCTION

At CMS there are 2,800 legal and tax advisers in 56 offices. This size means they have the most extensive footprint in Europe of any firm. CMS Hasche Sigle Partnerschaftsgesellschaft mbB is a strong commercial law firm and part of the international CMS organisation. In Germany, the core market of more than 600 lawyers, tax advisors and notaries, advise clients ranging from mid-sized companies to major groups on all aspects of national and international commercial law. With CMS Cameron McKenna LLP CMS has a strong representative in the United Kingdom.

Martina Kuth is the Coordinator of Library and Information Services at CMS Hasche Sigle. Besides the international CMS-offices in Russia, China and Turkey, CMS Hasche Sigle runs 8 offices in Germany and one in Bruxelles (Belgium). Each is equipped with a printed library collection and with access to the dominant German legal databases Juris and beck-online as well as to various specialist databases. Apart from coordinating responsibilities Martina also manages the local library in the office at Frankfurt am Main. This library offers around 22,000 media located in 200 square meters.

In 2013 Martina was interviewed by Angelika Beyreuther and Erwin König of the Fachbuchjournal, a journal published by Dinges & Frick in Wiesbaden. They talked about how the library can contribute to best meet information needs in a large law firm. After the interview was published[1] it was met with a certain resonance in librarians' and publishers' circles. Due to that, an abridged version was published in Schweitzer Forum, a journal of the book-seller Schweitzer Fachinformationen, in the same year.[2] Martina translated the interview in full-length for LIM and added some updates indicated by square brackets.[3]

THE INTERVIEW

Angelika Beyreuther, Erwin König: You are the library manager in the Frankfurt am Main office of CMS Hasche Sigle, where about 80 of 600 lawyers are situated. The working title for this interview is: How does the ideal information supply in such a large commercial law firm work? Off we go:

Martina Kuth: The information supply of a large company is provided by various divisions and colleagues – the library as an internal service unit is part of it. In our conversation, I would like to focus on the library's input to

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