

A NEW LEGAL SOURCE FOR COURTS — WIKIPEDIA?

Recently a new and unique "legal" source has been popping up in litigation. As you may know, Wikipedia is a collaborative online encyclopedia and according to a January 29, 2007, Article from The New York Times, "more than 100 judicial rulings have relied on Wikipedia, beginning in 2004, including 13 from Circuit Court of Appeals, one step below the Supreme court". The Wall Street Journal also published an article on this topic in April 2012. The WSJ article stated the Seventh Circuit (which includes Indiana, Illinois and Wisconsin) has cited Wikipedia thirty-six times. The article adds these citations are often used to define secondary issues and judges have been reluctant to cite the webpage for guidance on dispositive or significant issues. Critics point out the main problem with Wikipedia is that it is a free encyclopedia which allows anyone to anonymously edit the material. Thus, it appears the main fear of citing information gained through this source is the lack of regulation and an "author's" ability to make "edits" in favor of the individual's position and then cite to it as a legal source.

An example is the following is taken directly from Wikipedia's website: "Wikipedia is written collaboratively by largely anonymous Internet volunteers who write without pay. Anyone with Internet access can write and make changes to Wikipedia articles (except in certain cases where editing is restricted to prevent disruption or vandalism). Users can contribute anonymously, under a pseudonym, or with their real identity, if they choose."

That being said, attorneys, jurors and judges are turning to a multitude of non-traditional legal sources to support their arguments or to complete research on a topic of litigation. Attorneys should be mindful of the multitude of "legal" resources in an ever changing world of litigation and the technology used to support it.

Should you have any questions, please contact your regular Hall Render attorney.