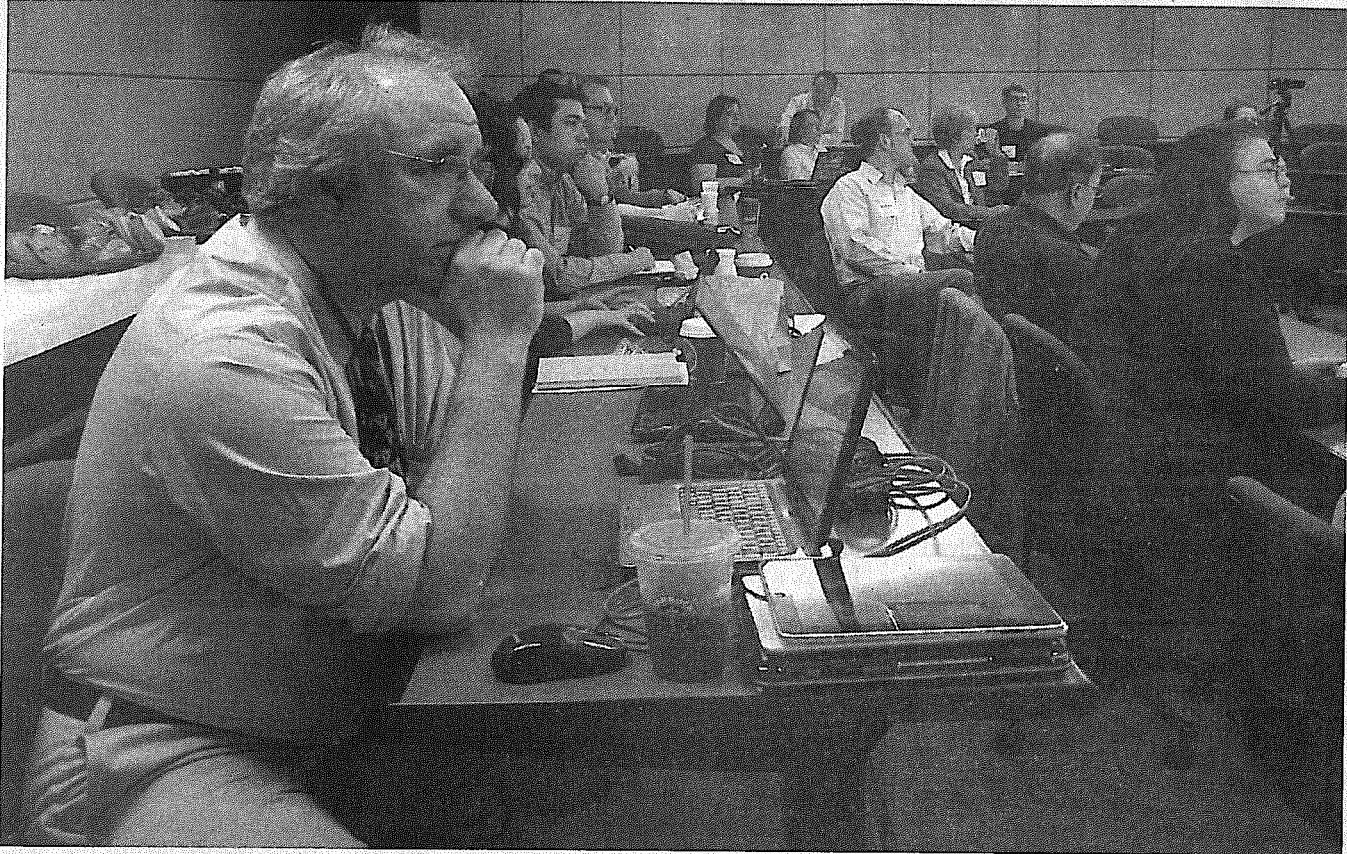


Workshops discuss access to free legal documents



Paul McGrath

John Mayer, executive director of the Center for Computer-Assisted Legal Instruction (CALI), attended a workshop last week at Chicago-Kent College of Law. The event was spearheaded by Carl Malamud, the founder of PublicResource.org. Mayer is launching a project where he'll pay professors \$20,000 to write casebooks; then CALI will turn around and publish the books under a creative commons license, making them essentially free.

By Allison Petty

Special to the Law Bulletin

Hate paying for access to legal documents? You're not alone.

Chicago joined a national conversation about open access to U.S. law with a workshop at Chicago-Kent College of Law last week. The workshop was one in a series spearheaded by Carl Malamud, the founder of PublicResource.org.

Malamud is campaigning for a concept he calls LawGov: a central place on the Internet where court decisions, judges' briefs, state laws and statutes, and other legal documents would be free and Google-accessible.

"I think there's a tremendous appetite out there to change the way things are

happening," he said.

Taxpayers supply the salaries of those who write the documents, Malamud said. But in many cases, they must pay for private services such as LexisNexis or Westlaw to gain access to judges' briefs and opinions. Even the government-run Public Access to Court Electronic Records (PACER) system charges 8 cents a page.

Malamud said it costs between \$10 million and \$50 million to buy enough case law to get into solo practice. The prohibitive costs have kept public defenders from representing their clients to the best of their abilities, he said.

The expense also hurts law students. Malamud said he surveyed 66 law schools, and 63 would not allow students to use the

PACER system to study legal documents because it costs so much.

The problem is not just the cost of the documents, but also their authentication, said Keith Ann Stiverson, director of the library at Chicago-Kent College of Law.

"We want to be sure they're authentic copies, they're official copies, and that's a big deal in the law because you're always citing your authority. You can't just look at Wikipedia," said Stiverson, who has been a law librarian for more than 20 years.

Stiverson is not alone in her concern. According to a report from the American Association of Law Libraries, none of Illinois' online legal documents can be

LawGov — page 24

LawGov

Continued from page 2

considered "official copies."

The State-by-State Report on Authentication of Online Legal Resources, released in 2007, examined the status of state administrative codes and statutes, as well as state high and intermediate appellate court opinions.

In Illinois, the report concluded that although many of the state's laws and rules are available online, they are considered "unofficial" copies. The Illinois General Assembly, for example, provides online statutes and public acts. However, disclaimers assert that those provided should not be considered the "official" version.

One sponsor of the workshop was the Center for Computer Assisted Legal Instruction (CALI) at Chicago-Kent. Its executive director, John Mayer, is launching his own project to improve accessibility of the law.

It's called eLangdell, after Christopher Columbus Langdell, the Harvard professor who is credited with introducing the case-study method in American law schools. Mayer wants to "pioneer the digital casebook" by offering law professors around the country \$500 per chapter to write their own.

CALI would then publish the work for digital reading devices such as the iPad or Kindle. It would do so under a creative commons license, making the casebooks essentially free, Mayer said.

In other words, he said, CALI would pay professors up-front for their work rather than creating a situation in which the author would earn royalties

for each "sale."

"It's not that we're against people making money. It's that right now people need the openness of the educational material in order to accomplish educational goals," Mayer said.

Chicago-Kent professor Ronald W. Staudt, who is director of the Center for Access to Justice & Technology, challenged the workshop's participants to think about what would happen if they achieved their goal.

"Even if all cases and statutory material and regulations are easily provided ... there's this huge education job still left. It's just too difficult and complex for most people to be able to understand these documents," Staudt said.

He said making primary legal documents available could open the door for the development of more software or tools to help lawyers. Such innovations could be manufactured more cheaply because the base material would be available for free, Staudt said.

For those who missed the Chicago-Kent workshop, two others are scheduled before Malamud compiles his final report, which he plans to submit to lawmakers in Washington this summer. Those events are set for June 15 at the Center for American Progress in Washington, D.C., and June 18 at Harvard Law School.

For more information about Law.gov, visit resource.org/law.gov.

For more information about eLangdell, visit www.cali.org/elangdell.

E-mail: apetty@lbpc.com