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## THE GLOBAL DEVELOPMENT OF FREE ACCESS TO LEGAL INFORMATION

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### Abstract

Since the mid-1990s the Internet's World-Wide-Web has provided the necessary technical platform to enable free access to computerised legal information. Prior to the web there were many online legal information systems, and numerous legal information products distributed on CD-ROM, but there was no significant provision of free access to legal information anywhere in the world. Both government and private sector online legal publishers charged for access. The web provided the key element required for free public access – a low cost distribution mechanism. For publishers it was close to a 'no cost' distribution mechanism if they were not required to pay for outgoing bandwidth. The ease of use of graphical browsers from around 1994, and the web's use of hypertext as its principal access mechanism (at that time) meant that the web provided a simple and relatively consistent means by which legal information could be both provided and accessed, an attractive alternative to the proprietary, expensive and training-intensive search engines on which commercial online services largely relied. The development of free access Internet law services was based on these factors.<sup>2</sup>

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<sup>2</sup> G. Greenleaf 'Jon Bing and the history of computerised legal research – some missing links' in O. Torvund and L. Bygrave (eds.) *Et tilbakeblikk på fremtiden* ('Looking back at the future') 61-75, (Oslo: Institutt for Rettsinformatikk 2004)

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## 1 Legal Information Institutes

In many countries the first attempts to exploit the advantages of the web for providing legal information came from the academic sector rather than government, and did so with an explicit ideology of free access provision.<sup>3</sup> Within a few years of the formation of first legal information institute in 1992 the first group of such organisations became known collectively as 'legal information institutes' or 'LIIs'. Those expressions became synonymous with free access to legal information, though in fact they have a narrower meaning.

Two distinguishing characteristics of the 'LIIs' (in my usage) are that (i) they publish legal information from more than one source (not just 'their own' information), for free access via the Internet, and (ii) they collaborate with each other through membership of the 'Free Access to Law Movement'. Most but not all share three other characteristics. They collaborate through data sharing networks or portals, and also technical networks for back-up security purposes. Most are independent of government, though this is diminishing as a distinguishing feature. The majority use one of two open source search engines:<sup>4</sup> the Sino search engine<sup>5</sup> developed by AustLII (previously shared with other LIIs, and open source since 2006), and the Lucene search engine<sup>6</sup> utilised by LexUM in the development of various LIIs.

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<sup>3</sup> For a summation of these ideals, see D. Poulin, 'Open access to law in developing countries' *First Monday* vol. 9, no 12, 6 December 2004; an early statement is G. Greenleaf, A. Mowbray, G. King and P. van Dijk, 'Public access to law via internet: the Australasian Legal Information Institute', *Journal of Law & Information Science*, 1995, Vol 6, Issue 1.

<sup>4</sup> D. Poulin, A. Mowbray and P. Lemyre 'Free access to law and open source software' in *Handbook of Research on Open Source Software* (Hershey and New York: Information Science Reference 2007)

<sup>5</sup> Aust:II, *Sino Free Text Search Engine* AustLII Web Page <http://www.austlii.edu.au/techlib/software/sino/> (visited 15 April 2009)

<sup>6</sup> 'Apache Lucene – Overview' <http://lucene.apache.org/java/docs/> (visited 15 April 2009)

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'Legal information institute' (or 'LII'), as used here, therefore refers to a sub-set of the providers of free access to law, namely those from across the world who have decided to collaborate both politically and technically. Taken together, the LIIs are the most coordinated, and among the largest, providers of free access to legal information, but they are far from alone in providing free access to legal information. This chapter is not about 'free access to law' per se, but focuses on a particular grouping of providers of free access to legal information, while discussing the more general context of 'free access to law' in which they operate.

As at April 2009 there are 30 members of the Free Access to Law Movement, listed in Appendix 1. Most are discussed at least briefly in this Chapter, but more detailed descriptions of all are available elsewhere.<sup>7</sup>

## 2 The earliest LIIs

Three LIIs played key roles in early developments: the Legal Information Institute (Cornell), AustLII, and LexUM. They each developed from research projects on various aspects of legal automation going back to the 1980s, and were ready to capitalise on the world-wide-web's sudden emergence into public prominence around 1994.

The *Legal Information Institute*<sup>8</sup> was started at Cornell University Law School in 1992, and developed by 1994 a number of databases primarily of US federal law (particularly the US Code and US Supreme Court decisions). 'The LII', as it became known, was the first significant source of free access to law on the Internet, and demonstrated that a free access service could provide both high quality document presentation, and very high rates of access. It also assisted the development of one of the first other LIIs, the

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<sup>7</sup> G. Greenleaf 'Part II: A-Z of legal information institutes' in 'Legal Information Institutes and the Free Access to Law Movement', *GlobalLex* 2008 <http://www.nyulawglobal.org/globalex/> (visited 15 April 2009)

<sup>8</sup> <http://topics.law.cornell.edu/wex> (visited 15 April 2009)

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Zambian Legal Information Institute (ZamLII)<sup>9</sup> in 1996. US federal law is still the main focus of the LII (Cornell), with its State coverage being limited to New York State. It has instead concentrated on various innovative projects: 'Libraries' of commentary on legal ethics and social security; Wex,<sup>10</sup> a collaboratively built, free access legal dictionary and encyclopedia<sup>11</sup> (perhaps the first attempts by a LII to use wiki technology to develop and present content); and a research project concerning electronic rulemaking.<sup>12</sup>

The *Australasian Legal Information Institute* (AustLII) was started by two Law Schools in Sydney, Australia, in 1995,<sup>13</sup> based on work as the 'DataLex Project' going back a further decade.<sup>14</sup> It borrowed the 'LII' suffix from Cornell, as others have done since. By 1999 it had developed databases from all nine Australian jurisdictions covering key providers of case law, legislation, treaties and some other content. AustLII's initial significance was that it was the first attempt worldwide to build a comprehensive national free access legal information system rivalingrivaling that of commercial publishers. AustLII currently provides over 250 databases of Australian law<sup>15</sup> including: consolidated legislation from all 9 jurisdictions; annual legislation and bills from some; Point-in-Time legislation from three States;<sup>16</sup> decisions from over 120 Courts and Tribunals (a third of which are not otherwise available online); all

<sup>9</sup> <http://www.zamlii.ac.zm/> (visited 15 April 2009)

<sup>10</sup> <http://topics.law.cornell.edu/wex> (visited 15 April 2009)

<sup>11</sup> [http://www.law.cornell.edu/wex/index.php/Main\\_Page](http://www.law.cornell.edu/wex/index.php/Main_Page) (visited 15 April 2009); Wex is developed in part from the LII (Cornell)'s previous 'Law About ...' series.

<sup>12</sup> <http://ceri.law.cornell.edu/> (visited 15 April 2009)

<sup>13</sup> <http://www.austlii.edu.au/> (visited 15 April 2009); University of Technology, Sydney (UTS) and University of New South Wales (UNSW)

<sup>14</sup> G. Greenleaf, A. Mowbray and P. van Dijk, 'Representing and using legal knowledge in integrated decision support systems - DataLex WorkStations', *Artificial Intelligence and Law*, (1995) vol 3, nos 1-2, pp 97-124; and see AustLII AustLII Publications with links to over 50 publications since 1992 including DataLex Project publications.

<sup>15</sup> <http://www.austlii.edu.au/databases.html> (visited 15 April 2009)

<sup>16</sup> <http://portsea.austlii.edu.au/pit/> (visited 15 April 2009); New South Wales, Queensland and South Australia

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Australian Treaties since 1900;<sup>17</sup> law reform reports from all jurisdictions;<sup>18</sup> and over 40 law journals in full text.<sup>19</sup> It is starting to develop subject-oriented 'libraries'.<sup>20</sup>

LexUM<sup>21</sup> at the University of Montreal commenced in 1993, with a Law Gopher server (then via the Public Law Research Center), and created the first Canadian legal site and the first legal site available in French, as well as carrying out many research and consultancy projects.<sup>22</sup> During the 1990s it built various Canadian law sites including the Judgments of the Supreme Court of Canada.<sup>23</sup> In 2000 LexUM built the Canadian Legal Information Institute<sup>24</sup> (CanLII), which quickly became a very large national LII comprehensively covering Canada's federal system, matching AustLII in size and usage.<sup>25</sup> LexUM initially used the Sino search engine, then adopted the open-source Lucene search engine and other development tools. CanLII's databases now include decisions of Canadian superior courts and a broad range of administrative tribunals (more than 120 databases), with historical scope<sup>26</sup> typically back to around 2000 but sometimes considerably earlier (to 1985 for Supreme Court decisions). It also publishes historical and up-to-date versions of legislation from all but one of the 14 Canadian jurisdictions. It has a bilingual (English-French)

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<sup>17</sup> <http://www.austlii.edu.au/au/other/dfat/> (visited 15 April 2009)

<sup>18</sup> <http://www.austlii.edu.au/au/special/lawreform/> (visited 15 April 2009)

<sup>19</sup> <http://www.austlii.edu.au/au/journals/> (visited 15 April 2009)

<sup>20</sup> For example, the Taxation Law Library  
<http://www.austlii.edu.au/au/special/tax/>

<sup>21</sup> [http://www.lexum.umontreal.ca/index\\_fr.php?lang=en](http://www.lexum.umontreal.ca/index_fr.php?lang=en) (visited 15 April 2009)

<sup>22</sup> See <http://www.lexum.umontreal.ca/publication.epl?lang=en> for extensive LexUM publications.

<sup>23</sup> <http://scc.lexum.umontreal.ca/en/index.html>; for others see

<http://www.lexum.umontreal.ca/partners.epl?lang=en>

<sup>24</sup> <http://www.canlii.org/> (visited 15 April 2009)

<sup>25</sup> D. Poulin 'CanLII – How the Bar and Academia can make free access to the Law a reality', *Proc. 3<sup>rd</sup> Law via the Internet 2001*, University of Technology, Sydney, Australia, 2001; Poulin D, Salvat B and Pelletier F, 'La diffusion du droit canadien sur Internet', 102 R. du N. 189, 2000.

<sup>26</sup> <http://www.canlii.org/en/databases.html> (visited 15 April 2009)

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user interface. CanLII innovations include the Reflex<sup>27</sup> citator which provides for each decision on CanLII a 'RefLex record' listing related decisions, 'noteups' (decisions citing the decision), and legislation and decisions cited.

### 3 The LII movement expands, 2000-

From 2000 AustLII started to use its search engine (Sino<sup>28</sup>) and other software to assist organisations in other countries, initially limited to those with academic roots, to establish LIIs with similar functionality. AustLII helped to establish between 2000-04 servers and databases for five LIIs (BAILII,<sup>29</sup> PaCLII,<sup>30</sup> HKLII,<sup>31</sup> SAFLII<sup>32</sup> and NZLII<sup>33</sup>). It operated the servers from Sydney for a period on behalf of its local partners, with progressive local take-over of operations. All use AustLII's Sino search engine. Responsibility for obtaining and developing legal data was usually undertaken by the local partner from the outset.

The British & Irish Legal Information Institute<sup>34</sup> (BAILII), formed in 2000, is based at the Institute of Advanced Legal Studies, London and operated by the BAILII Trust. BAILII includes almost 80 databases<sup>35</sup> covering 6 jurisdictions (United Kingdom, England and Wales, Scotland, Northern Ireland, Ireland and some European court decisions), including case law, legislation and law reform reports from all the jurisdictions it covers. Back capture of cases and law reform documents through its Open Law Project<sup>36</sup> gives it considerable historical depth.

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<sup>27</sup> <http://www.canlii.org/en/info/reflex.html> (visited 15 April 2009)

<sup>28</sup> <http://www.austlii.edu.au/techlib/software/sino/> (visited 15 April 2009)

<sup>29</sup> <http://www.bailii.org/> (visited 15 April 2009)

<sup>30</sup> <http://www.paclii.org/> (visited 15 April 2009)

<sup>31</sup> <http://www.hklii.org/> (visited 15 April 2009)

<sup>32</sup> <http://www.saflii.org/> (visited 15 April 2009)

<sup>33</sup> <http://www.nzlii.org/> (visited 15 April 2009)

<sup>34</sup> <http://www.bailii.org/> (visited 15 April 2009)

<sup>35</sup> <http://www.bailii.org/databases.html> (visited 15 April 2009)

<sup>36</sup> <http://www.bailii.org/openlaw/introduction.html> (visited 15 April 2009)

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The Pacific Islands Legal Information Institute<sup>37</sup> (PacLII), is operated by the University of the South Pacific (USP) School of Law, located in Vanuatu. PacLII was re-developed with AustLII in 2001, from substantial content provided by the School of Law's site from 1997. PacLII provides databases of the laws of twenty island countries and territories of the Pacific. It is the principal source of case law and legislation for many of these countries, is the most substantial free access to law facility in developing countries, and was the earliest regional system.<sup>38</sup>

The Hong Kong Legal Information Institute<sup>39</sup> (HKLII) has been operated since 2002 by the University of Hong Kong with 12 databases of the law of the Hong Kong Special Administrative Region (SAR).<sup>40</sup> It is a bilingual system and has developed its own search engine for the Chinese content.<sup>41</sup> An innovation is its joint operation of the Community Legal Information Centre<sup>42</sup> (CLIC), a bilingual community legal information web site with extensive links to HKLII. Either HKLII or LawPhil in the Philippines were the first LII in Asia.

The Southern African Legal Information Institute<sup>43</sup> (SAFLII) publishes over 50 databases of superior court judgments from 16 English-speaking and Portuguese-speaking counties in Southern

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<sup>37</sup> <http://www.pacii.org/> (visited 15 April 2009)

<sup>38</sup> See Hamilton L 'A presentation on PacLII' (PPT's) *8<sup>th</sup> Law via Internet Conference*, Montreal, 2007; Blake R 'Islands in Time: The Pacific Islands Legal Information Institute (PacLII)' *Proc. 4<sup>th</sup> Law via Internet Conference*, Montreal, 2002

<sup>39</sup> <http://www.hklii.org/> (visited 15 April 2009)

<sup>40</sup> Greenleaf G, Chung P, Mowbray A, Chow, K P, and Pun K H 'The Hong Kong Legal Information Institute (HKLII): Its role in free access to global law via the Internet' (2002) Vol 32 Pt 2 *Hong Kong Law Journal* 401-427 Sweet and Maxwell Asia (available via SSRN)

<sup>41</sup> Pun K H, Ip G, Chong C F, Chan V, Chow K P, Hui L, Tsang W W, Chan H W 'Processing Legal Documents in the Chinese-Speaking World: the Experience of HKLII' *Proc 3<sup>rd</sup> Law via Internet Conference*, AustLII 2003; Pun K H, Chan E, Chow K P, Chong C F, Ma J, Hui L, Tsang W W, Chan H W, 'Cross-referencing for bilingual electronic legal documents in HKLII', *6<sup>th</sup> Law via Internet Conference*, Paris, 2004

<sup>42</sup> <http://www.hkcllc.org/en/> (visited 15 April 2009)

<sup>43</sup> <http://www.saflii.org/> (visited 15 April 2009)

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and Eastern Africa, and four regional tribunals. It is endorsed by the Southern African Judges Commission. It is moving beyond case law to legislation and law reform. It was established in 2003 by the University of the Witwatersrand (Wits) Faculty of Law (which had pioneered the Internet provision of South African law during the 1990s)<sup>44</sup> and AustLII, but only covered South African law. In 2006 its operations were transferred to the South African Constitutional Court Trust, who gave it a regional orientation and significant resources, and AustLII provided technical assistance. Since then it has rapidly become a landmark in the transparency of Africa's legal systems, playing a major role in the whole continent.<sup>45</sup>

The New Zealand Legal Information Institute<sup>46</sup> (NZLII), based at University of Otago's Faculty of Law since 2004, now has 30 databases covering almost all significant New Zealand Courts and Tribunals, bilateral treaties, law reform reports, and four law journals. It involved many years' effort to obtain content for free access.<sup>47</sup> The final element, legislation, was added in 2008, making its coverage near-comprehensive of current law. In addition, CyLaw<sup>48</sup> in Cyprus was established in 2002 by a local lawyer using AustLII's Sino search engine and contains all judgments issued by the Supreme Court of Cyprus since 1997 (in Greek) and other databases, but has been independently operated from inception.

All of the systems AustLII has assisted are now operated with independent local control and resources, and this is the major reason for their success. AustLII's aim of assisting partners to

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<sup>44</sup> J. Montgomery 'Free access to primary legal documents in Southern Africa' 15(1) *Organisation of SA Law Libraries (OSALL) Newsletter*, Nov 2004 (available via OSALL Archive)

<sup>45</sup> K. Anderson 'The Southern African Legal Information Institute (SAFLII) - Achievements & Challenges' [PPT] *8<sup>th</sup> Law via Internet Conference*, Montreal, 2007

<sup>46</sup> <http://www.nzlii.org/> (visited 15 April 2009)

<sup>47</sup> D. Buckingham 'What's in a name?: New Zealand and the growth of free on-line legal information' [2005] *CompLRes* 2  
<http://www.worldlii.org/au/other/CompLRes/toc-B.html>; *7<sup>th</sup> Law via Internet Conference*, Vila, Vanuatu

<sup>48</sup> <http://www.cylaw.org/> (visited 15 April 2009)

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achieve full local take-over as quickly as possible has been effective, with only the server of NZLII (the most recently-formed) still being operated by AustLII.

Having established CanLII, LexUM used the tools it had developed to create, with local partners, Droit Francophone (2003), JuriBurkina (2003) and JuriNiger (2007). Droit Francophone is discussed later. JuriBurkina<sup>49</sup> is the judicial information center of Burkina Faso, launched in 2004 and operated by the Burkina Faso Bar Association with LexUM's assistance. It provides over 1,000 decisions to 2007 from eight of the country's courts and tribunals.<sup>50</sup> JuriNiger<sup>51</sup> provides nearly 2000 decisions of five courts to 2007. It is developed by LexUM in conjunction with the Ordre des avocats du Niger, and operated from the LexUM servers.

#### 4 Cooperation and the Free Access to Law Movement

The Free Access to Law Movement (FALM), established in 2002, is a loose affiliation of 26 legal information institutes as of 2009. The group of LIIs associated with the LII (Cornell), LexUM and AustLII made the initial attempts to establish collaboration and organisation to further free access to law globally, but FALM has become a broader grouping since then.

The 'Law via Internet' Conferences<sup>52</sup> have been the principal means by which this cooperation was established. The first was hosted by AustLII in 1997, as were the 2<sup>nd</sup> (1999), 3<sup>rd</sup> (2001) and 5<sup>th</sup> (2003). LexUM/CanLII hosted the 4<sup>th</sup> (2002), French organisations (as FrLII<sup>53</sup>) hosted the 6<sup>th</sup> (2004), PacLII the 7<sup>th</sup>

<sup>49</sup> <http://www.juriburkina.org/juriburkina/> (visited 15 April 2009)

<sup>50</sup> C. Apikul 'Making legal information freely available – JuriBurkina, Burkina Faso', *International Open Source Network Case Study*, 2006

<sup>51</sup> <http://juriniger.lexum.umontreal.ca/juriniger/> (visited 15 April 2009)

<sup>52</sup> <http://www.austlii.edu.au/austlii/conference/> (visited 15 April 2009)

<sup>53</sup> <http://www.frlii.org/> (visited 15 April 2009)

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(2006), LexUM/CanLII the 8<sup>th</sup> (2007) and the Istituto di Teoria e Tecniche dell'Informazione Giuridica (IT\*IG) in Florence the 9<sup>th</sup> (2008). SAFLII will host the 10<sup>th</sup> Conference in 2009. Many of the conference papers are available online<sup>54</sup> and comprise a considerable resource on legal information systems.

The Free Access to Law Movement (FALM) meets annually during the Conference, and operates by email between Conferences. The first sustained attempt to build some form of international network took place at Cornell in July 2000,<sup>55</sup> involving participants from the US, Canada, Australia, the UK and South Africa. The expression 'WorldLII' was first used there to describe a collaborative LII portal. The FALM was then formed at the 2002 Conference in Montreal, and adopted the *Declaration on Free Access to Law*<sup>56</sup> (see Appendix for text). The Declaration has had some amendments since then. Membership is by invitation, with members nominating new candidates, and consensus required. The membership criteria are not fixed but involve adherence to, and support of, the Declaration and activities similar to (but not necessarily identical with) a LII. At the 2007 meeting initial steps were taken to turn the 'Movement' into a more formally constituted 'Association' (FALA), but these have not yet proceeded further.

The membership of FALM has expanded beyond the initial members discussed above, and the four portals discussed below, to include other national LIIs from Argentina, France, Ireland, Italy, Germany, Mexico, The Philippines, Spain and Thailand. The 26 members are listed in Appendix 1.

The principal aim of the FALM, re-affirmed at its 2007 meeting, is the provision of assistance by its members to organisations who

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<sup>54</sup> They are variously in an AustLII database (1997, 1999, 2001, 2003, 2005) <http://www.austlii.edu.au/au/other/ComPLRes/>, on the FrLII website (2004) <http://www.frlii.org/>, or on LexUM (2002, 2008)

<sup>55</sup> LII Workshop on Emerging Global Public Legal Information Standards hosted by the LII (Cornell)

<sup>56</sup> <http://www.worldlii.org/worldlii/declaration/>, also called the 'Montreal Declaration'

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wish to provide free access to law in countries where that has not yet occurred. This has been successful, as outlined above. It also provides mutual support to organisations already providing free access to law who wish to join the FALM. The Declaration recognises 'the primary role of local initiatives in free access publishing of their own national legal information'. A second aim stated in the Declaration is that 'All legal information institutes are encouraged to participate in regional or global free access to law networks.' As the Declaration puts it, the aim is 'To cooperate in order to achieve these goals and, in particular, to assist organisations in developing countries to achieve these goals, recognising the reciprocal advantages that all obtain from access to each other's law.' The main activities of the FALM, in light of these aims, have been sharing of software, technical expertise and experience on policy questions such as privacy issues.

## 5 Development of LII networks 2002-

The Declaration encourages LIIs to 'participate in regional or global free access to law networks.' Before 2002 there were some national and regional LIIs, but no multi-LII networks. BAILII and PacLII were multi-country regional systems from inception (and SAFLII became one), but did not involve material from other LIIs.

The World Legal Information Institute<sup>57</sup> (WorldLII), launched in 2002, was the first multi-LII site, initially providing search accesses to the databases from AustLII, BAILII, PacLII, HKLII and CanLII, and from South Africa (before SAFLII was formed). The Free Access to Law Movement adopted it as their joint portal in 2002.<sup>58</sup> It has three main aspects: as a portal making multiple LIIs simultaneously searchable; its own databases; and its catalog and web search. WorldLII is organized primarily by country, providing

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<sup>57</sup> <http://www.worldlii.org/> (visited 15 April 2009)

<sup>58</sup> Poulin op cit

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from the page for each country in the world as many complementary legal research facilities (databases, catalog, and web-search facilities) as possible.

WorldLII's networking of multiple LIIs makes it the largest free access legal research facility on the Internet because it makes simultaneously searchable the databases provided by the other collaborating LIIs. By 2009 this comprises nearly 800 databases from over 100 countries in all continents. Databases from the LIIs that cooperate most closely with AustLII are the principal source of the databases searchable via WorldLII, mainly because the use of a common search engine (AustLII's Sino) makes technical cooperation easier to achieve. The databases from 40 countries of the Global Legal Information Network (GLIN) (discussed below) are another significant searchable component. WorldLII also includes over 700,000 US Circuit Court of Appeals cases republished from public US sources, and access to the US Code provided by the LII (Cornell). Databases from Droit Francophone are not at present available (see below), and the continuing availability of CanLII's databases is unresolved. WorldLII's own databases are primarily 22 databases of decisions of international Courts and Tribunals in the International Courts and Tribunal Library<sup>59</sup> (the largest such searchable collection available via the Internet), and some databases in the Privacy Law Library.<sup>60</sup> A new element of WorldLII in 2009 is the creation of 'virtual databases' for each country in the world, drawing on the law journal articles, treaties, international court decisions and other globally-relevant content available through WorldLII to create country-specific databases.

The WorldLII Catalog<sup>61</sup> is the largest law-specific catalog on the Internet, with links to over 15,000 law-related websites concerning

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<sup>59</sup> <http://www.worldlii.org/int/cases/> (visited 15 April 2009) See discussion at G. Greenleaf, P. Chung and A. Mowbray 'Responding to the fragmentation of international law – WorldLII's International Courts & Tribunals Project' *Canadian Law Library Review*, 2005, Vol. 30 (1), 13- 21.

<sup>60</sup> <http://www.worldlii.org/int/special/privacy/> (visited 15 April 2009)

<sup>61</sup> <http://www.worldlii.org/catalog/270.html> (visited 15 April 2009)

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every country, most international institutions, and a subject index. It is one of the few global law catalogs still being maintained (though only minimally at present) in the face of the popularity of search engines. It is biased toward English-language content. The web search facility uses AustLII's web spider to make searchable the full texts of as many sites as possible in the Catalog,<sup>62</sup> but its scope and interface is at present inferior to commercial search engines. WorldLII (and CommonLII and AsianLII discussed below) also provide a 'Law on Google' facility for each country, which translates a search in WorldLII's Sino syntax into an effective search over Google, limited to material from the country concerned and limited to legal content. This facility may be generalized to other search engines in future.

WorldLII is not yet a global legal information service. It provides a primarily English language interface, and its databases are primarily in English, but with some content in other languages. The collaborating LIIs that provide its databases are drawn mainly from the Pacific, Asia, Australasia, Africa, the USA and South America. Apart from the UK and Ireland, its European coverage is as yet slight.

LawCite, a free access global citator for cases and other legal materials<sup>63</sup> is the most recent development related to WorldLII. It is based largely on collaboration between the same group of LIIs, using citator software developed by AustLII which uses heuristics to recognise references to over 15,000 Law Report and journal series. It was released for public access in December 2008, and now provides citation records for almost three million cases and some journal articles. The records are updated daily.

The *Global Legal Information Network* (GLIN),<sup>64</sup> operated by the US Library of Congress since at least 2001,<sup>65</sup> is a database primarily of

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<sup>62</sup> G. Greenleaf, P. Chung and A. Mowbray 'Emerging global networks for free access to law: WorldLII's strategies 2002-2005' (2007) 4:4 *SCRIPT-ed* 319

<sup>63</sup> <http://www.worldlii.org/LawCite/> (visited 15 April 2009)

<sup>64</sup> <http://www.glin.gov/search.action> (visited 15 April 2009)

<sup>65</sup> D. Prescott 'The UN and the Global Legal Information Network', (2005) 4 *UN Chronicle Online Edition*

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official texts of legislation, but also including treaties and, for some countries, judicial decisions and other complementary legal sources. They are contributed by governmental agencies and international organizations, which provide to GLIN the full texts of their published documents to the database in their original languages. GLIN's member countries are predominantly from Latin America but include quite a few other countries (e.g. Romania, South Korea and Spain). Each document is accompanied by a summary in English and, in many cases in additional languages, plus subject terms selected from the multilingual index to GLIN, prepared by Library of Congress Staff. Over 150,000 items have been contributed. All summaries are available to the public, and public access to full texts is also available for 25 of the 40 jurisdictions covered by GLIN. Searching is the only access mechanism, but allows results to be sorted by relevance, by date or by jurisdiction. The translations of summaries of legislation in English and other languages are probably the main value of GLIN, at least to an English-speaking audience. In 2007 the GLIN databases of abstracts were added to WorldLII's search scope (and a facility to browse by country or year was added), and GLIN became a FALM member. This gave WorldLII a South and Central American dimension previously lacking, as well as additional legislative databases from other countries in Asia, the Middle-East and Europe.

A linguistic focus to the creation of a multi-country LII was taken in 2003 by LexUM's development of Droit Francophone,<sup>66</sup> the French language legal portal of the Organisation internationale de la francophonie<sup>67</sup> (OIF). It is 'multi-LII' because it includes JuriBurkina content. Its databases of over 4000 texts include legislation from 21 countries from across the whole francophonie, and case law from 10. A Web-based interface allows for the

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<http://www.un.org/Pubs/chronicle/2005/issue4/0405p57.html> (visited 15 April 2009)

<sup>66</sup> <http://droit.francophonie.org/> (visited 15 April 2009)

<sup>67</sup> <http://www.francophonie.org/> (visited 15 April 2009)

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remote decentralized management of its content by representatives from each of the national structure in charge of access to law, who meet annually sponsored by OIF.<sup>68</sup> It is now being reorganized by OIF.<sup>69</sup> Droit Francophone also provides a catalog of more than 4000 legal websites concerning law of the francophonie that are evaluated and commented, and a Web search engine indexing those websites.

In 2005 AustLII developed the Commonwealth Legal Information Institute (CommonLII)<sup>70</sup> covering Commonwealth and Common Law countries. It was in some respects an English-language response to LexUM ('droit Anglophone' is its nickname). CommonLII relies principally upon the content of existing LIIs (AustLII, BAILII, CyLaw, CanLII,<sup>71</sup> PacLII, HKLII, NZLII, SAFLII and ZamLII), but also added over 50 databases from 20 additional countries, which do not yet have their own LIIs (mainly in South Asia and the Caribbean). The South Asian databases provide nearly 200,000 cases. Part of CommonLII's purpose is to encourage new LII development in these countries and regions. A major addition in 2008 was the 125,000 cases from the English Reports 1220-1873,<sup>72</sup> the basis of the common law world-wide. CommonLII is supported by a range of Commonwealth institutions,<sup>73</sup> including the Commonwealth Law Ministers Meeting, the Commonwealth Secretariat Legal and Constitutional

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<sup>68</sup> P. Lemyre 'Droit francophone : de catalogue à portail', 6<sup>th</sup> Law via Internet Conference, Paris, 2004, on FrLII website [http://www.frlii.org/article.php?id\\_article=168](http://www.frlii.org/article.php?id_article=168) (not accessible 15 April 2009); Lemyre P, Coulibaly B and Viens F 'Free access to law in the French-speaking world: A renewed strategy', 2004 *UTS Law Review* 5

<sup>69</sup> As at 15 April 2009 the site is not accessible, and a notice on the site states 'Dear Internet, The International Organization of la Francophonie is doing maintenance work on its portal Droit Francophone. For this reason, the site will be unavailable during this period of work, but our teams are working for a rapid return to normal operation. We thank in advance for your understanding and your loyalty' (Translation from French by Google).

<sup>70</sup> <http://www.commonlii.org/> (visited 15 April 2009)

<sup>71</sup> Not available at the time of writing due to technical issues.

<sup>72</sup> <http://www.commonlii.org/int/cases/EngR/>

<sup>73</sup> <http://www.commonlii.org/commonlii/sponsors/> (visited 15 April 2009)

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Division, the Institute of Advanced Legal Studies,<sup>74</sup> Financial support for CommonLII has been primarily from Australian sources to date, but the Commonwealth Secretariat is now funding a Commonwealth-wide Criminal Law Library on CommonLII, using virtual database techniques.

The Asian Legal Information Institute (AsianLII)<sup>75</sup> developed by AustLII in 2006, drew on CommonLII's content (for 8 Asian Commonwealth countries), PacLII (for Papua New Guinea) and HKLII (for Hong Kong), and is therefore a multi-LII network. However, most of its content comprises databases from 18 additional Asian countries which do not yet have local LIIs. AsianLII provides over 200 databases<sup>76</sup> from 27 of these 28 countries in ASEAN, Myanmar excepted (Afghanistan to Japan; Mongolia to Timor-Leste). It also includes databases from regional organisations such as APEC, the Asian Development Bank (ADB) and the International Development Law Organisation (IDLO). A principal aim of AsianLII, and the reason it has AusAID funding in relation to ten developing countries, is to assist development of new local LIIs, some of which are likely to emerge from AsianLII's 'Country Supporting Institutions'<sup>77</sup> in these countries. AsianLII is supported by many of the regional law organisations<sup>78</sup> (including LAWASIA, the Inter-Pacific Bar Association, APEC,

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<sup>74</sup> Greenleaf G, Mowbray A and Chung P 'Building a commons for the common law – The Commonwealth Legal Information Institute (CommonLII) after two years progress' *Proc. Meeting of Senior Officials of Commonwealth Law Ministries*, Marlborough House, London, October 2007 at [http://www2.austlii.edu.au/~graham/publications/2007/CommonLII\\_SOM.pdf](http://www2.austlii.edu.au/~graham/publications/2007/CommonLII_SOM.pdf); Greenleaf G, Chung P and Mowbray A 'A new home online for Commonwealth law: A proposal for a CommonLII' 2004 (2) *The Journal of Information, Law and Technology* (JILT) at [http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2004\\_2/greenleafmowbrayandchung/](http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2004_2/greenleafmowbrayandchung/)

<sup>75</sup> <http://www.asianlii.org/> (visited 15 April 2009)

<sup>76</sup> <http://www.asianlii.org/databases.html> (visited 15 April 2009)

<sup>77</sup> [http://www.asianlii.org/asianlii/sponsors/#country\\_supporting\\_institutions](http://www.asianlii.org/asianlii/sponsors/#country_supporting_institutions) (visited 15 April 2009)

<sup>78</sup> <http://www.asianlii.org/asianlii/sponsors/#rsi> (visited 15 April 2009)

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ADB and IDLO),<sup>79</sup> with funding from Australian sources including AusAID.

The development of CommonLII and AsianLII also significantly expanded the content searchable via WorldLII. Cooperation between the thirteen LIIs and FALM members that collaborate in the provision of WorldLII<sup>80</sup> has resulted in their joint provision of nearly 900 databases from over 100 countries, searchable from one location. WorldLII is best seen as the largest portal to this collaborative network, but only one of a number of such portals – regional, linguistic/political, translation-based, and potentially from other perspectives.

The number of databases provided by all of the LIIs of the Free Access to Law Movement has been growing rapidly ever since 2002. While the databases from many of the countries are quite small, they are very substantial from others. From Canada, Australia, Hong Kong, India, Papua New Guinea, the Philippines, Indonesia, South Africa, Ireland, the UK, New Zealand and many Pacific Island countries, what the LIIs offer is very substantial and includes content not available from commercial legal publishers. Furthermore, WordLII, as the global portal of the LIIs, compares well with its two commercial counterparts (the international portals of LexisNexis and Westlaw) in terms of scope of countries covered, though not necessarily in depth for individual countries.

The LII networks provided through WorldLII, CommonLII and AsianLII utilise a replication / synchronisation model.<sup>81</sup> A copy of

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<sup>79</sup> G. Greenleaf, P. Chung and A. Mowbray 'Challenges in improving access to Asian laws: the Asian Legal Information Institute (Asian LII)' [2007] UNSWLRS 42 (on bepress), in *Proceedings of the 4th Asian Law Institute Conference*, Jakarta, May 2007 at <http://law.bepress.com/unswwps/flrps/art42/> (visited 15 April 2009); G. Greenleaf 'Free access to Japanese and Asian law – The launch of AsianLII in Japan' [2007] UNSWLRS 60 (on bepress), presentation at the *Launch of the Asian Legal Information Institute in Japan*, 4 August 2007, Meiji University, Kanda, Tokyo, at <http://law.bepress.com/unswwps/flrps/art60/> (visited 15 April 2009).

<sup>80</sup> AustLII, BAILII, CyLaw, CanLII, GLIN, LawPhil, LII (Cornell), PaCLII, HKLII, NZLII, Thai Law Reform Commission, SAFLII and ZamLII.

<sup>81</sup> A. Mowbray, G. Greenleaf, P. Chung and A. Austin 'Improving stability and performance of an international network of free access legal information systems',

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all LII data is held in Sydney by AustLII, replicated daily using rsync.<sup>82</sup> Searches over the locally stored concordances at AustLII producing rapid search results, and users are then returned to the databases on the originating LII when they choose to access a particular search result. The PacLII mirror at AustLII is the one seen by users outside the Pacific, due to slow access speeds to the Vanuatu server. Some LII content is also mirrored at other LIIs in the network. An issue currently under discussion is that CanLII prefers a federated search model (with searches sent to cooperating systems) rather than a replication/synchronization model, but AustLII considers that federated search cannot be operated with fast enough access speeds or useful relevance ranking.

## 6 Beyond the LIIs: How global is the Free Access to Law Movement?

The membership of the Free Access to Law Movement has to date been drawn primarily from LIIs based in academic institutions. However, recent members have included GLIN (US Library of Congress), SAFLII (now based at the South African Constitutional Court, and operated by its Trust), the Kenya Law Reports (a semi-government body) and the Thai Law Reform Commission. The key condition for government-based members in the Declaration (as amended in 2007) is that they 'Do not impede others from obtaining public legal information from its sources and publishing it'. In other words, a government body cannot be a member if it provides free access to law in a way that monopolises the publication of that information or supports such monopoly publication. The key test is whether republication of government information is allowed. Freedom to republish official sources is at

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*Journal of Information Law & Technology* (JILT), 2007; or more briefly G Greenleaf, A Mowbray and P Chung 'Networking LIIs: how free access to law fits together' *Internet Newsletter for Lawyers*, March/April 2007

<sup>82</sup> <http://samba.anu.edu.au/rsync/> (visited 15 April 2009)

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the heart of the Free Access to Law Movement, and essential for the operation of LIIs.

Examples of multi-sourced free access government-provided national legal information systems include Legifrance<sup>83</sup> (France), FINLEX<sup>84</sup> (Finland), Jersey Legal Information Board<sup>85</sup> (Jersey), InfoLeg<sup>86</sup> (Argentina), Albanian Official Publications Centre<sup>87</sup> (Albania) and BelgiumLex<sup>88</sup> (Belgian government portal). Perhaps the most outstanding example, EUR-Lex,<sup>89</sup> comes from a regional organisation, the European Union. The few examples in Asia include LawNet Sri Lanka<sup>90</sup> and Mongolia's Legal Unified Information System.<sup>91</sup> None of them are yet members of the FALM, nor have they yet been invited to join. It is not certain that all could do so, as their positions on the question of not impeding republication of government information may vary, and some may also have difficulty in becoming members of a non-government organisation. Nevertheless, it is clear that there is far more free access to law than is provided by the current members of the Free Access to Law Movement.

As at the end of 2008, the Free Access to Law Movement only includes a minority of the organisations who are potentially its members, and whose involvement could make it more significant both politically and technically. The most obvious field for expansion of membership is in those government providers of free access to law from multiple sources who also meet the republication criteria, as discussed above. Other possible non-government members, not yet invited to join, may come from University-based free access providers of primary materials (for

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<sup>83</sup> <http://www.legifrance.gouv.fr/> (visited 15 April 2009)

<sup>84</sup> <http://www.finlex.fi/en/> (visited 15 April 2009)

<sup>85</sup> <http://www.jerseylaw.je/Home/WhatsNew/default.aspx> (visited 15 April 2009)

<sup>86</sup> <http://infoleg.mecon.gov.ar/> (visited 15 April 2009)

<sup>87</sup> <http://www.legjislacionishqiptar.gov.al/> (not available 15 April 2009)

<sup>88</sup> <http://www.belgiumlex.be/V2/belgiumlex/website/en/> (visited 15 April 2009)

<sup>89</sup> <http://eur-lex.europa.eu/> (visited 15 April 2009)

<sup>90</sup> <http://www.lawnet.lk/> (visited 15 April 2009)

<sup>91</sup> <http://www.legalinfo.mn/pages/1/page72.php?vmenuclick=72> (visited 15 April 2009)

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example AltLaw<sup>92</sup> (Columbia University and the University of Colorado law schools), from some repositories of legal scholarship (for example, bePress Legal Repository<sup>93</sup>), and from developers of new collaborative forms of legal scholarship such as Wikipedia (which has extensive law content<sup>94</sup>) or (if it develops) JurisPedia.<sup>95</sup> FALM membership is slowly expanding, and in 2008 its new members were Juridicas<sup>96</sup> (UNAM, Autonomous University of Mexico), the Thai Law Reform Commission, IIjusticia (Argentina), Droit.org (France), Jersey Legal Information Board, Ugandan Legal Information Institute (ULII) and the Institute of Law and Technology (Autonomous University of Barcelona, Spain).

The geographical scope of FALM membership is nevertheless as yet far more limited than the spread of free access to law as an idea and a reality, being concentrated on the Anglophone and Commonwealth countries, the francophonie, and parts of Asia. While Africa is well-covered (from both the anglophone and francophone directions), Latin America, the Middle East, most of Europe and the states of the USA are not yet involved. This is a challenge for a movement which is potentially global, but also indicates that the Free Access to Law Movement and the development of LIIs may yet be far from reaching its maximum impact. One future direction for the LII networks, and the Free Access to Law Movement, is to provide a global alternative to the expanding global reach of the current legal publishing duopoly. In helping to provide and sustain better access to law in many countries, the FALM can encourage organisations in those countries to join in a global project that supports economic progress, the rule of law and democracy.

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<sup>92</sup> <http://www.altlaw.org/> (visited 15 April 2009)

<sup>93</sup> <http://law.bepress.com/repository/> (visited 15 April 2009)

<sup>94</sup> <http://en.wikipedia.org/wiki/Law> (visited 15 April 2009)

<sup>95</sup> <http://www.jurispedia.org/> (visited 15 April 2009)

<sup>96</sup> <http://www.juridicas.unam.mx/infjur/leg/> (visited 15 April 2009)

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## 7 Policy tensions in free access to law

There are some disagreements between those who advocate free access to law about what is the best strategy for long-term success. Most FALM members would be likely to reject Jon Bing's argument in favour of state-run legal information services that only provide a limited amount of free access.<sup>97</sup> I have described it as a 'statist model' and likely to fail because it is based around monopolies over legal information.<sup>98</sup> Tom Bruce of the LII (Cornell) has also been pessimistic about the long-term role of LIIs in providing free access to law, arguing for a radically decentralised model where the courts and legislatures will publish everything themselves, for free, and according to standards.<sup>99</sup> This argument fails to show that third party republication is doomed, or unnecessary, only that publication at source is good.<sup>100</sup> As yet, the future of LIIs may not be certain, but has not been disproved either.

Another difference of opinion, although not as well articulated, is over the value to the diffusion of free access to law of creating regional or linguistic multi-country LIIs where they may not be direct local participation from all of the countries covered, or at least not initially. Must all initiatives be 'bottom up' to be valuable, or can 'top down' initiatives sometimes result in engaging local participation, with the eventual result of decentralization and new LIIs? Or might this stultify local initiatives? AustLII's approach, particularly with AsianLII, has been an explicitly 'top down' approach (it included databases from 27 of 28 countries and

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<sup>97</sup> J. Bing 'The policies of legal information services: A perspective of three decades' in L. Bygrave (ed), *Yulex 2003*, (Oslo: Institutt for rettsinformatik / Norwegian Research Centre for Computers and Law 2003), pp 37–55.

<sup>98</sup> Greenleaf, 2004 op cit

<sup>99</sup> T. Bruce 'Tears shed over Peer Gynt's onion: Some thoughts on the constitution of public legal information providers', 2000 (2) *The Journal of Information, Law and Technology* (JILT); *BILETA Conference*, 2000; T. Bruce 'Public legal information: Focus and future', 2000 (1) *Journal of Information, Law and Technology* (JILT)

<sup>100</sup> Greenleaf G 'Full free access to law: Global policy aspects' (PPTs) *6<sup>th</sup> Law via Internet Conference*, Paris, November 2004

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territories from inception), but with an equally explicit goal of engaging 'bottom up' local LII development. Both approaches are agreed on the value of maximum decentralisation to local LIIs: it is a question of how many ways you can get there.

Different preferences in models of LII networking, between a replication / synchronisation model and a federated search model, have previously been discussed.

## 8 Citations and standards

Although it has not been a matter of the formal development of a standard, there is widespread common usage of the same type of 'LII citation' of the format '[<year of publication>] <designator> <sequential number>'. The 'designator' is an abbreviation for name of the court or tribunal (either designated by it, or applied by the LII with its agreement<sup>101</sup>), and the sequential number is that of the decisions available for publication from the court for that year. So '[1998] HCA 1' was the first decision of the High Court of Australia for 1998 released for publication (and in fact the first decision published using this system). This method of neutral citations for decisions published on LIIs is used by AustLII, BAILII, PaCLII, SAFLII, and NZLII, and for the case databases originating on CommonLII, AsianLII and WorldLII. In Australian, English, Singaporean Courts, and New Zealand's Supreme Court, this method of citation has been adopted officially by the courts, and the expression 'Court-designated citations' is probably best used to describe these citations (see also references to 'neutral citation' in Wikipedia 'case citations'<sup>102</sup>). These LIIs have also unilaterally applied these citations to the decisions they publish, as publishers usually do, and in some cases have retro-fitted them to collections of old cases (in which case the 'year' is

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<sup>101</sup> For an AustLII example, see <http://www.austlii.edu.au/techlib/standards/designators.html> (visited 15 April 2009)

<sup>102</sup> [http://en.wikipedia.org/wiki/Case\\_citation](http://en.wikipedia.org/wiki/Case_citation) (visited 15 April 2009)

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the year in which a court made a decision). CanLII has developed its own slightly different system of neutral citations.<sup>103</sup>

There has been some pooling of parallel citation tables so as to facilitate development of automated hypertext linking between LIIs, but this has not advanced far. Individual LIIs have made considerable progress in enhancing their own data through development of systems to recognise and automate parallel citations, such as CanLII's RefLex.<sup>104</sup>

## 9 Funding free access to law

The main constraining factor of the non-government LIIs is funding: free to use, but not free to build. Every LII looks after the funding of its own system. The models on which LIIs are funded vary a great deal. AustLII has a 'multi-contributor' model, with nearly 200 institutional contributors, plus individual contributors (mainly lawyers). BAILII is similar in having multiple contributors, though fewer. The LII (Cornell) annually solicits funds from the public. Most LIIs have had a considerable deal of academic funding and academic institutional support (including HKLII, PacLII, AustLII, LawPhil and BAILII). CanLII is funded primarily by the Canadian legal profession: every Canadian lawyer provides over C\$20 per year via their professional associations. Other LIIs have not been able to replicate this.

International aid and development agencies have made significant contributions to the development costs of PacLII, SAFLII, Droit Francophone, AsianLII and WorldLII. Strategic alliances with some legal publishers have helped AustLII. A small LII like CyLaw is a personal project. NZLII still lives on 'the smell of an oily rag' (a NZ expression) and help from other LIIs, while it searches for longer-term funds, as does CommonLII. Kenya Law Reports is trying to move from a model combining government funding with

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<sup>103</sup> <http://www.canlii.org/en/info/canliicite.html> (visited 15 April 2009)

<sup>104</sup> <http://www.canlii.org/en/info/reflex.html> (visited 15 April 2009)

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subscription income to one which does without subscriptions for its online resources.

There is no single source likely to fund global free access to law long-term, but that doesn't mean it can't be done. It has been done with ever-widening scope for over a decade. There is not one formula, but as with many other aspects of open content, there are many non-business models by which numerous stakeholders can be engaged.

There are as yet few government-based FALM members, but government-based 'LIIs' face different funding challenges. GLIN is unusual in having obtained sustained government funding. While there are many individual courts and legislatures who publish their own output for free access (often from their own budgets), there are relatively few governments who fund multi-sourced free access national legal information systems (the usage of 'LII' in this article), and they are mainly from Europe and some in Latin America (examples are given above). In many developing countries, there are no funds available for development of online legislation or case law unless it is provided by international aid agencies such as the World Bank, Asian Development Bank, CIDA or AusAID. In recent years the World Bank has funded major free access systems in Sri Lanka and Mongolia (mentioned above). The sustainability of these free access facilities, particularly in terms of updating data, often becomes problematic once the initial aid funding ceases. Where this happens, engagement with the FALM members, and the assistance they can provide, may be valuable. In the past, aid and development agencies have often invested considerable funds into national legal information systems, without requiring that free-access systems be developed, and sometimes requiring to the contrary that they adopt 'pay for use' models in the hope they will become self-funding. The FALM and its members need to help convince aid and development agencies that free access models can be more sustainable, and socially beneficial, in developing countries than closed 'pay for use' models.

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## 10 Internet search engines, 'open content' and LIIs

The policy of LIIs stated in the Declaration concerning republication of government information does not mean that a LII must declare its content to be 'open content' (available for re-use by anyone), but only that it must not hinder others from obtaining the data from its official sources and republishing it. In some countries where doctrines of Crown Copyright still apply (for example, Australia), a LII is not at liberty to permit users to reproduce its data for all purposes. LawPhil is the only LII to provide all its data via a Creative Commons licence at this point. CanLII has quite liberal Terms of Use<sup>105</sup> for re-use of data on the CanLII site, possible because of Canada's Reproduction of Federal Law Order.<sup>106</sup> For some LIIs, the question of re-use is further complicated by privacy and strategic issues. Each LII has different views about the need to protect its own databases, often for privacy reasons with case law<sup>107</sup> (this varies between jurisdictions), but more generally to avoid its often-considerable investment of public monies in collecting data from disparate sources and adding value to it.

The search engines, and networks, of the LIIs still matter in a post-Google world. General Internet search engines such as Google do not provide what the LII networks (or individual LIIs) provide. One reason is that many LIIs use the Robots Exclusion Standard<sup>108</sup> (see also The Web Robots Pages<sup>109</sup>) to exclude spiders/robots from at least their case law (variously on privacy policy grounds, as required by data sources, and as required by privacy laws). They include CanLII, BAILII, AustLII, NZLII, HKLII and the networked LIIs. SAFLII allows web spider access

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<sup>105</sup> <http://www.canlii.org/en/info/faq.html#5.2> (visited 15 April 2009)

<sup>106</sup> <http://www.canlii.org/en/ca/laws/regu/si-97-5/latest/si-97-5.html> (visited 15 April 2009)

<sup>107</sup> Frédéric Pelletier 'L'accès aux jugements / Access to Judgments' [PPT] *8<sup>th</sup> Law via Internet Conference*, Montreal, 2007

<sup>108</sup> <http://en.wikipedia.org/wiki/Robots.txt> (visited 15 April 2009)

<sup>109</sup> <http://www.robotstxt.org/> (visited 15 April 2009)

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to some cases, and LawPhil provides 'open content' under a Creative Commons licence. Some LIIs exclude robots from all data (on strategic and technical grounds). See the robots.txt file at the root of any LII,<sup>110</sup> plus its privacy policy, for individual LII details. Networking LIIs can also add many forms of organisation of the data shared between LIIs that general search engines don't yet provide, such as restricting the scope of searches to legislation from many jurisdictions. The long-term relationship between search engines and LIIs is still developing, with unresolved questions such as the effect of search engines on the sustainability of LII value-adding to raw legal data, from which search engines profit. At this point, 'free access' does not necessarily mean 'free to be found through any search engine'.

### **Appendix 1: Members of the Free Access to Law Movement**

**AsianLII** – Asian Legal Information Institute  
**AustLII** – Australasian Legal Information Institute  
**BAILII** – British and Irish Legal Information Institute  
**CanLII** – Canadian Legal Information Institute  
**Cardiff Index to Legal Abbreviations**, UK  
**CommonLII** – Commonwealth Legal Information Institute  
**CyLaw**, Cyprus  
**Droit francophone**  
**Droit.org**, France  
**GLIN** – Global Legal Information Network  
**HKLII** – Hong Kong Legal Information Institute  
**IRLII** – Irish Legal Information Initiative  
**Instituto de Investigaciones Jurídicas** UNAM (IIJ-UNAM), Mexico  
**Institute of Law and Technology**, Autonomous University of Barcelona, Spain

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<sup>110</sup> <http://www.austlii.edu.au/robots.txt> (visited 15 April 2009)

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**Ii**justicia, Argentina

**IT**TIG – Institute of Legal Information Theory and Techniques, Italy

**Jersey** Legal Information Board

**Juri**Burkina, Burkina Faso

**Juri**Niger, Niger

**Juristisches Internetprojekt Saarbrücken**, Germany

**Kenya**Law – Kenya Law Reports

**Law**Phil, Philippine

**LII** Legal Information Institute (Cornell Law School), USA

**Lex**UM – Law Faculty - University of Montreal, Canada

**NZ**LII – New Zealand Legal Information Institute

**Office of the Council of State**, Thailand

**Pac**LII – Pacific Islands Legal Information Institute

**SA**FLII – Southern African Legal Information Institute

**UL**II – Ugandan Legal Information Institute

**World**LII – World Legal Information Institute

## Appendix 2: Declaration on Free Access to Law

Legal information institutes of the world, meeting in Montreal, declare that:

- Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximising access to this information promotes justice and the rule of law;
- Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge;
- Organisations such as legal information institutes have the right to publish public legal information and the government bodies that create or control that information should provide access to it so that it can be published by other parties.

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Public legal information means legal information produced by public bodies that have a duty to produce law and make it public. It includes primary sources of law, such as legislation, case law and treaties, as well as various secondary (interpretative) public sources, such as reports on preparatory work and law reform, and resulting from boards of inquiry. It also includes legal documents created as a result of public funding.

Publicly funded secondary (interpretative) legal materials should be accessible for free but permission to republish is not always appropriate or possible. In particular free access to legal scholarship may be provided by legal scholarship repositories, legal information institutes or other means.

Legal information institutes:

- Publish via the internet public legal information originating from more than one public body;
- Provide free and anonymous public access to that information;
- Do not impede others from obtaining public legal information from its sources and publishing it; and
- Support the objectives set out in this Declaration.

All legal information institutes are encouraged to participate in regional or global free access to law networks.

Therefore, the legal information institutes agree:

- To promote and support free access to public legal information throughout the world, principally via the Internet;
- To recognise the primary role of local initiatives in free access publishing of their own national legal information;
- To cooperate in order to achieve these goals and, in particular, to assist organisations in developing countries to achieve these goals, recognising the reciprocal advantages that all obtain from access to each other's law;

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- To help each other and to support, within their means, other organisations that share these goals with respect to:
  1. Promotion, to governments and other organisations, of public policy conducive to the accessibility of public legal information;
  2. Technical assistance, advice and training;
  3. Development of open technical standards;
  4. Academic exchange of research results.
- To meet at least annually, and to invite other organisations who are legal information institutes to subscribe to this declaration and join those meetings, according to procedures to be established by the parties to this Declaration;
- To provide to the end users of public legal information clear information concerning any conditions of re-use of that information, where this is feasible.

*This declaration was made by legal information institutes meeting in Montreal in 2002, as amended at meetings in Sydney (2003), Paris (2004) and Montreal (2007).*