

Free Access to Law - Is It Here to Stay? Research Publications of Interest for Anybody who Believes In The Rule of Law

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- Free Access to Law - Is it Here to Stay?, [Local Researcher's Methodology Guide](#) (2010).
- Free Access to Law - Is it Here to Stay?, [Environmental Scan Report](#) (2010).
- Free Access to Law - Is it Here to Stay?, [Good Practices Handbook](#) (2011).

“What is a Legal Information Institute when the transcripts of judgments are refused for publication – even by the courts themselves – by the company contracted to provide the transcription service on some very shady grounds of copyright?” That is one of the questions lingering in the wake of a very ambitious recent Free Access to Law project.¹

The mission of the Legal Information Institutes (LIIs) is to maximize free access to public legal information such as legislation and case law from as many countries and international institutions as possible. To that end they produced the publications linked above. The “Local Researcher’s Methodology Guide” explains the reasons for the “Free Access to Law – Is It Here to Stay?” project in detail, and then provides instructions for researchers, including an “environmental scan matrix” and associative questionnaires.

The “Environmental Scan” is the first component of the “Free Access to Law – Is it Here to Stay?” global study on the sustainability of Free Access to Law initiatives. This report looks at the situation for the free open distribution of legal information in Kenya, Uganda, Hong Kong, India, Indonesia, Philippines, and Canada. The collected information includes a brief overview of each legal system, the legal environment (with a focus on copyright law, privacy, and secrecy based restrictions), legal education, the legal research environment (both online and off) and situates it in the context of each national economy.

The “Good Practices Handbook” adds depth and clarity to the instructions set out in the “Local Researchers Methodology Guide.” All three reflect the output of an undertaking that [Mariya Badeva-Bright describes](#) as an effort to “link two central concepts – the concept of success of a free access to law project and the concept of sustainability”. The objective is that by making law freely available, a legal information institute (LII) produces outcomes that benefit its target audience, thereby creating incentives among the target audience or other stakeholders to sustain the LII’s ongoing operations and development.”

The written portions of this project reflect an extensive and very thoughtful effort to map out ways that people can work toward consistent archiving and dissemination of legal information so that citizens have access to their own laws. As Kerry Anderson has noted [In a VOXPOULII blog post](#), Free Access to Law matters the most to the poorest and most unstable communities:

Zimbabwe has not been able to publish its Law Reports since 2003 owing to the devastating collapse of infrastructure resulting from the political situation. Swaziland last published Law Reports in the 1980s. Many other countries have out-of-date Law Reports with no resources to continue the Law Reporting function. Others have written more eloquently than I on the

necessity of having contextual law, particularly in common law jurisdictions. The point is singular and self-evident: how can the laws of a country be known if the laws of the country are not available?

Some of the project's lessons are that "digitization of print materials and/or manual capturing of metadata ... cannot be deemed a successful strategy in the long run – it is simply uneconomical to continue to do so past a certain stage. Engaging stakeholders in education of use of technology or development of IT solutions to support workflows for delivering of judgments or passing legislation may be a way of dealing with issues of digitizing and automating delivering of law to the public. Standards of preparation of legal material ... adopted by all originators of legal information in a particular jurisdiction, will ease its dissemination and re-use."² In other words, dead trees are not nearly as helpful as electrons, even in very poor countries, in providing access to law. Part of me wants to resist this conclusion even though I concede that it is undoubtedly correct. Paper publications may be traditional, resilient, and fairly copyright-restriction-defying once they are published but they add a cumbersome step to any knowledge-distribution chain. And as we learn from these publications, money for Free Access to Law initiatives is scarce.

It may be, as Eve Gray [concluded](#) that "[t]he most promising and sustainable future looks to be in small and innovative digital companies using open source publishing models, offering free content as well as value-added services for sale." But librarians are a hardy and relentless people, and if there is a way to bring a Legal Information Institute to every corner of the globe, these are the people who will figure it out.

1. See Kerry Anderson, [What is a Legal Information Institute](#).
2. Mariya Badeva-Bright, [Is Free Access to Law here to stay?](#).

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