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Case study 2: United Kingdom

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Document Authors

Chris Marsden

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Participant List

	Short Name	**Organisation Name**	**Country**
1	UVA	Universiteit van Amsterdam	NL
2	SUSS	University of Sussex	GB
3	LSE	London School of Economics and Political Science	GB
4	ALP	Alpenite srl	IT
5	SUAS	Fachhochschule Salzburg GmbH	AT
6	BYW	BY WASS GmbH	AT

Executive Summary

The second case study is a case study of the United Kingdom's provision of free access to law, in terms of cases, legislation, regulatory instruments and academic-expert analysis. Note that as it is produced at Months 9-12 of the project, it is contingent in its first full draft, and will be continually revised. The analysis explains how and whether the environment (institutions, policies and the legal community) is finally developing in which open access models such as openlaws.eu can take root and flourish. The key functionalities of the existing legal publishing system are summarized and described.

This activity involves a review of the existing information systems and legal databases already in use and will produce a specification of the requirements of the system on the basis of the analysis of social, legal and market requirements. The case studies represent the key socio-economic and legal aspects of the services and illustrate the main functionalities, structure and operation of the proposed services. The findings are informed by key informant interviews and form a working assumption. The interviews are supported by the literature review, and the insights of workshops (including the Society for Computers and Law workshop of May 2014, and London workshop of January 2015, as well as the Open Data Institute seminar of March 2015) following which the version was edited.

In conclusion, it may be argued that UK legal data is generally open to reuse and access with the exception of case law restrictions – where a virtuous open data circle has been hampered by legacies of closed and restrictively licensed underfunded systems belonging to legal educational charities BAILII and Incorporated Council of Law Reporters (ICLR). Reforms to case law release would enable the UK to be seen as a ‘best of breed’ open legal data example.

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1 Introduction

The second case study is a case study of the United Kingdom's provision of free access to law, in terms of cases, legislation, regulatory instruments and academic-expert analysis. Note that as it is produced at Months 9-12 of the project, it is contingent in its first full draft, and will be continually revised. The analysis explains how and whether the environment (institutions, policies and the legal community) is finally developing in which open access models such as openlaws.eu can take root and flourish. The key functionalities of the existing legal publishing system are summarized and described.

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The breadth of stakeholders interviewed is broad and includes experts from: academia, Non-Departmental Public Bodies (NDPB), trading funds, private entrepreneurs, corporations, standards bodies, non-governmental organizations and government policy officials with both domestic and international responsibilities.

Note that the case studies rely on a Soft Systems Methodology (SSM) framework in order to identify the key components of the problem and provide the key specifications for the system that is to be built, while the third activity will rely on a combination of desk research, in-depth interviews, and focus groups. Rich multimedia flowcharts and other illustrative material will be used in further drafts in order to describe the problem in the context of an SSM approach and to facilitate discussion between the user and the development communities.

Note that the publication of draft case studies and a draft of the final comparative report are accompanied by dissemination and feedback mechanisms both on- (e.g. via posting on open access websites, promotion via social media and comment promotion via referral to the WS1 Wiki) and offline (via workshops and conferences in-country, at EU and international levels) to create a close expert panel which will provide a constructive critique for future iterations of the reports, with a final version published in M24 at the conclusion of the project.

2 CAMPO Framework

First, we provide an explanation of the method which we will use to investigate the field. Previous studies of government data – notably law – have demonstrated the need for an interdisciplinary methodology such as SSM. The graphic below shows the potential layers of resistance to wider use of government data such as law.

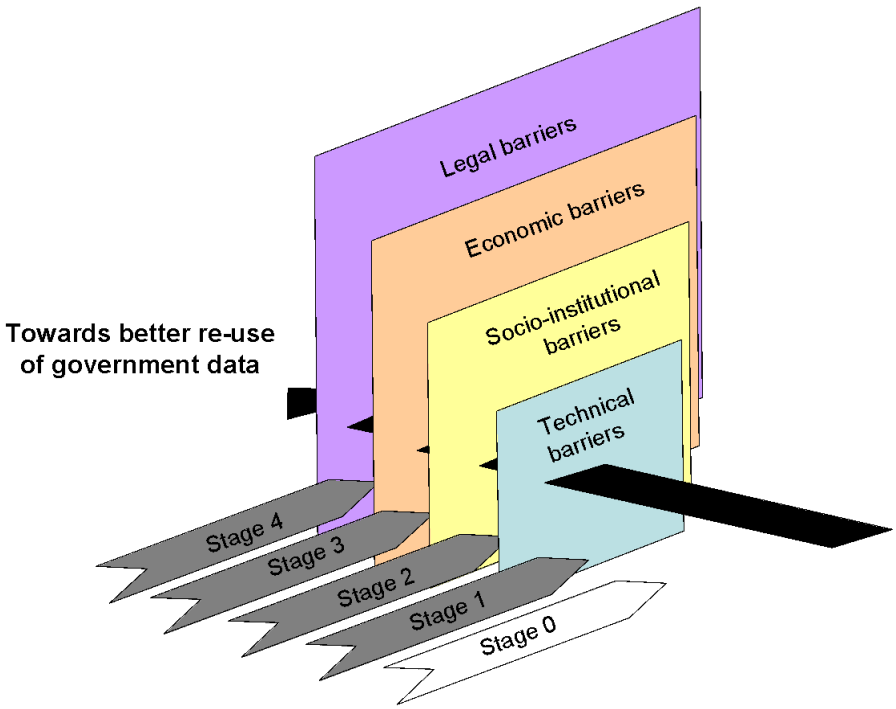


Figure: Conceptual visualisation of barriers and stages towards better re-use of government data (Marsden et al 2006: 15)

This suggests the need for a framework that examines technical, bureaucratic ('socio-institutional'), economic and legal barriers to wider access to law[1]. An

[1] Marsden et al (2006) suggest a series of 'steps' or stages towards solving these problems:

1. Technical barriers. While complex, these barriers are relatively straightforward to address, and many existing initiatives are developing answers in (often forbiddingly) technical terms for non-specialists.

2. Socio-institutional barriers. These hurdles are more difficult, because the stakeholders argue from different premises when they communicate at all. The keys to success here are trust and communication, leading to a willingness to share suitable data, to expend effort in combining them and to clarify risks, ownership, discretion and standing.

3. Economic barriers. Once trust and communication have been established among public-sector stakeholders, it is possible to engage with the market in order to address the economic hurdles and ensure adequate finance, suitable contractual arrangements and engagement with demand. The latter is not simply a matter of marketing, because the innovation surrounding federated data lies as much in how they are used as in how they are put together. The inherent complexity of economic barriers reflects not just the range of stakeholders but, especially for Public Private Partnerships (PPPs), the potential incompatibility of their remit and objectives, which makes 'efficient contracting' difficult.

4. Legal barriers are slow to reform, depending on the solution of other barriers. Contractual issues and Intellectual Property Rights (IPRs) play an important part.

approach which focuses only on law, market, technology or bureaucracy would fail to provide a holistic explanation of successes and failures of national approaches explored in case studies.

The framework used in this case study and proposed for further studies is CAMPO – context, actors, methods, practices, outcomes. Within each category, an interdisciplinary approach is taken. It has been designed and deployed in the European Internet Science project notably Moranda and Pavan[2], and is based on a straightforward descriptive framework appropriate for examination of a discrete environment such as legal information.

Table 1: CAMPO framework

CAMPO	Description	Added value
Context	Initial part of the case study outlines the overall context in which the community emerges/operates - type of legal informatics technology	Systematic catalogue of cases/actors/issues
Actors	What type of community is observed (primary groups, market actors, user groups etc.)	
Methods	Investigation method: Details of procedures to map the case study and the techniques used to perform analysis (research design details + actual methods)	Catalogue of methodological approaches to investigate different communities
Practices	Dynamics of interaction: Illustration of dynamics observed in each case study	Detailed insights on interplay
Outcomes	Summary of integration at EC level	Conclusions, limits of analysis for member states

Table 2: CAMPO framework applied to access to UK law

CAMPO	Description
Context	Programme of observation and interaction with legal community and developers.
Actors	Office of Public Sector Information (OPSI);Legislation.gov.uk unit Her Majesty's Courts and Tribunals Service (HMCTS) Ministry of Justice Multinational legal publishers (member state based – e.g. Reed Elsevier) British and Irish Legal Information Institute (BAILII) Incorporated Council of Law Reporters (ICLR) Commentary provided by London affiliates of international law firms + law academics based in national universities
Methods	Significant methodology challenges to researching this 'community', if European law can be said to have created a single community, as opposed to enabling several communities at national level with European coordination or at least input.

[2] See Marsden, C., Pavan E. et al (2013) Deliverable 6.1: Overview of user needs analysis, plus draft catalogue of design responses to needs analysis, Internet Science Consortium at http://www.internet-science.eu/biblio/reports

	Relatively little academic empirical study of European legal informatics, until recently. Ethical implications similar problems as national legal communities.
Practices	Research conclusions must be provisional and transient.
Outcomes	Further research needed to solve methodology problems for exploring environment.

3 Context

[3]
..

The UK legal information space consists of:

- legislation, case law, commentary.

We can break down the former into:

- Acts of Parliament, Stautory Instruments, Regulations, European implementing instruments
- other instruments such as Orders in Council (of the Privy Council) published in the Official Gazette,
- 'soft law' such as Impact Assessments.

Most of these are available via legislation.gov.uk though note from the survey responses that legislation in preparation and during the interaction between institutions has been criticized by users. This also brings into the legislative access environment the various regulators. The various websites of all these organisations need evaluation for ease of access, though all offer free access to materials at point of use. Note also the role of the executive agencies, such as Ofcom and the Competition and Markets Authority, the ministries such as the Department for Business with particular executive responsibility.

The dissemination of legal information containing personal data must be done in accordance with data protection standards. This is mostly relevant for court decisions which typically contain personal data (of litigating parties, officials, etc.) Although the 2003 PSI Directive on the Re-Use of Public Sector Information (as revised in 2013) is directed at Member States and not EU institutions, its objectives and norms are mirrored in Commission Decision 2011/833/EU. [4] No equivalent instrument exists

[3] By comparison, the UK Office of Public Sector Information has only 16 staff devoted to the legislation.gov.uk website.

[4] Commission Decision of 12 December 2011 on the reuse of Commission documents, *OJ L 330, 14.12.2011, p. 39–42; which replaced a 2006 Decision on same.* The 2003 PSI Directive was based on a 2001 Communication, and Proposal of 2002 after public consultation. It was a basic enabling instrument: "strategic legislation not technical legislation." Its problems included: [1] Subsidiarity and proportionality of the instrument in light of its necessary legal basis in the internal market provision of art. 95 TEC (now 114 TFEU); [2] respecting intellectual property rights in public sector information, also in light of international obligations; [3] the dependence on national freedom of information and other public access regimes; [4] state companies / UK Trading Funds which profited from reselling PSI. The three countries which led PSI were Netherlands/Sweden/Finland and the European Parliament. The 2013 revision makes two major policy reforms: the step towards 'free, or marginal cost' as default principle as well as an *obligation* for Member States to allow re-use of public sector information that is public under national access regimes. Under the Berne Convention on the protection of literary and artistic works (BC), official texts such as laws and court decisions may be exempt from copyright; the Directive refers explicitly to the BC. The principle of 'maximum marginal cost' generally makes it difficult to make legislation an exception to being free. Note that the consolidated version has unconsolidated 2003 Recitals so the recitals that argue for the revisions are not included in the consolidated text! A LAPSI conference

for Parliament documents, which are subject to Crown Copyright.

The range of institutions involved in the creation and development of European law is mirrored at national level in the United Kingdom (England & Wales)[5] case studies. Note that the national implementation of European law is a significant element of the legislative task of national governments, and we examine that implementation in the UK via the European Communities Act 1972.

The UK is not an original member of the European Community, but a 1974 expansion member with drafting language status (United Kingdom).

Case law encompasses the High Court of Justice, Courts of Criminal and Civil Appeal and Supreme Court, as well as specialist courts and tribunals. One should also note the decisions of the Uk High Court and commercial arbitration cases heard in London have a very significant influence over international trade law due to the historic position of London as an arbiter of international disputes over for instance trade in goods, Admiralty (marine) and insurance law. Commercial databases such as that of Reed-Elsevier are the main databases used.

Commentary on UK law is in three parts:

1. commentary on legislation in process,
2. commentary on legislation, and
3. commentary on implementations of European legislation.

While there is overlap between the three, for the purposes of this case national commentary on European law implementation in the UK is considered in this case study.

presentation pointed out that this makes for incompatibility.

[5] There are separate legal systems for Scotland and Northern Ireland whose complexities are outwith the scope of this access study. England and Wales is a unitary legal system in existence for 700 years which accounts for 90% of the population of the United Kingdom.

4 Actors

The legislative access environment includes the Parliament, Ministers and Privy Council, as well as executive agencies. The various websites of all these organisations need evaluation for ease of access, though all offer free access to materials at point of use. The volume of this material can be partially estimated through examining services provided by Legislation.gov.uk.

Further actors include commentators – both law professors/researchers and commercial law firms providing insights into European law, as well as specialist barristers‘ chambers (practices). Note that this includes US law firms active in Europe, notably those with London and even pan-European networks but with particular focus on UK litigation and/or plobbying. The rise of these firms is covered in detail in this England & Wales case study but note that there are strong concentrations in London particularly in tax, regulatory and commercial law. These law firms offer a very extensive library of free briefing papers available online. UK specialist law journals have burgeoned recently and many offer green open access, as well as free online access to many articles. Note in particular that almost all specialist law journals date to the period since 1945, which leaves less (though still significant) institutional legacy of subscription-only access on behalf of editors – even if publishers are largely the same as those at national level.

Note that many commentaries are accessible via the US-based repository Social Science Research Network[6]. Commercial publishers such as Sweet & Maxwell and Reed-Elsevier also hold a very large library of articles, increasingly a minority are made freely available on limited terms.

[6] http://papers.ssrn.com/sol3/results.cfm?RequestTimeout=50000000

5 Methods

Note that the absolute majority of the global legal information market is in the US market alone (Reed-Elsevier 2012 estmates $10billion of a total $18billion global market). The US market has been explored in depth in Shea (2011), contrasted with Berring (1995), Cook (2001). The market is fast developing and recent developments in digital database design and sharing are explored in Sheridan (2014), Read and Griffiths (2013), Vallbé and Casellas (2013), contrasted wirth Widdinson (2002).

Legislation

Legislation is an area in which the UK has a good and improving record on opening access to law. Openlaws advisor and head of the legislation.gov.uk project John Sheridan is close to achieving an up-to-date statute database by the end of 2015, accessible in various open data formats[7]. The UK leads the world in its 'Open Data score' for legislation[8], which is important to the Ministry of Justice and Cabinet Office in ensuring a virtuous circle of investment in the small legislation.gov.uk team. While there is room for improvement in metadata standards (such as the European Legislation Identifier or ELI), the legal database is now open to large, small and charitable organisations to 'mash up and remix'. This parallels the work of the European Union's Office of Official Publications, and the two are combining to work on an E-Law Working Party database which will in a pilot try to show the member states which have transposed European law into their domestic systems (against the opposition of those who have not…!) It is always worth adding that while UK and EU systems are 'best of breed', there is never enough granularity in XML to please everyone.

Methodology for open access in the UK legal environment is significantly simplified by the widespread use of open access databases such as BAILII and Legislation.gov.uk in the past decade, as explored in the following ‚Practices' section.

[7] See Magna Carta (1297) Chapter 9, Clause XXIX on habeus corpus http://www.legislation.gov.uk/aep/Edw1cc1929/25/9/section/XXIX contents et seq.
[8] http://index.okfn.org/place/united-kingdom/legislation/

6 Practices

Legislation.gov.uk receives 500,000,000 page views a year, but is not the largest Internet law source in Europe. Its French equivalent also includes case law and receives 20% more page views: http://www.legifrance.gouv.fr/. The reason for LegiFrance's popularity apparently is that it integrates legislation and case law, a task until now beyond the UK system.

Legislation is in general not subject to copyright and can be freely reused – though there are exceptions such as the United Kingdom. Australia reformed its copyright for legislation very recently, permitting reuse and the creation of the AustLII database[9]. Comparative studies of European legislation show widely divergent practices in publication[10], as do studies of common-law (Anglo-American) legal systems[11]. In addition to national and European legislation, there is a growing body of subsidiary legislation, from that devolved to nations and regions (for instance the nation of Scotland), as well as a body of secondary or enabling legislation/regulation that is in many countries much larger than primary (i.e. fully deliberated) legislation.

In the UK, there are 3300 Statutory Instruments per year, a substantial rise since the 1980s. All instruments since 1987 are available in a much-used public database, legislation.gov.uk[12].

Diagram: Acts of UK Parliament and Statutory Instruments, Source Joint Committee[13]

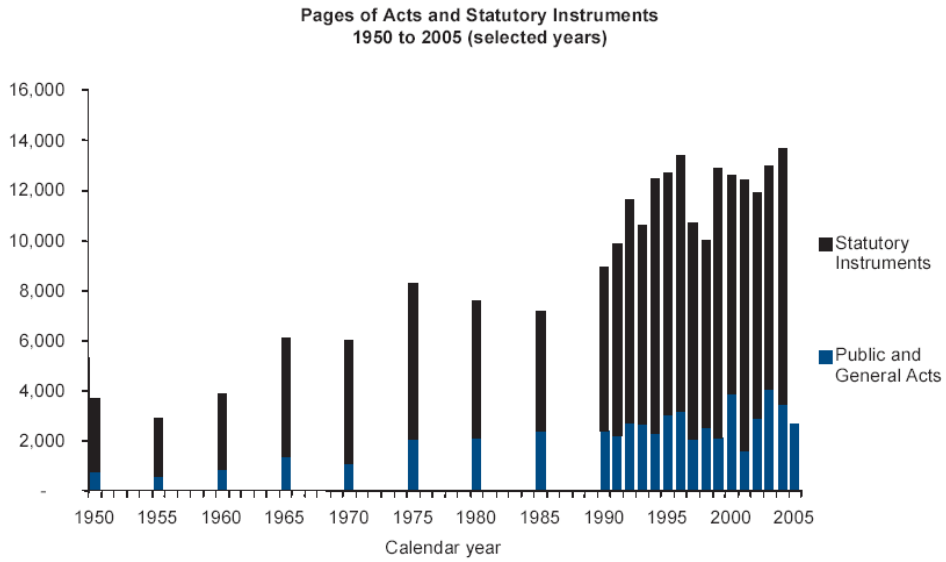
[9] Rubacki Michael (2013) Free access online legislation in a federation: Achievements of Australian Governments and issues remaining, Presented at the AustLII Research Seminar, 7 May 2013, Australasian Legal Information Institute (AustLII), Sydney, reproduced in 2 Journal of Open Access to Law 1 (2014) at http://ojs.law.cornell.edu/index.php/joal/article/view/9

[10] See Donelan, E. (2009) "European Approaches to Improve Access to and Managing the Stock of Legislation" Statute Law Review. 30(3), 147

[11] Cox, N. (2006) "Copyright in Statutes, Regulations, and Judicial Decisions in Common Law Jurisdictions: Public Ownership or Commercial Enterprise?" Statute Law Review. 27(3), 185

[12] See http://www.legislation.gov.uk/uksi

[13] See Joint Committee on Statutory Instruments (2005/6) Report, at http://www.publications.parliament.uk/pa/jt200506/jtselect/jtstatin/230/23001.gif



Database rights and updating procedures vary widely across member states, and the statutory databases may not be up to date at any one time given the restrained resources available to national records offices. As a result commercial offerings may be more reliable indicators of current legislation as updated, such as *Halsbury's Laws of England*, published since 1929 and now owned by Lexis-Nexis[14].

The format and clarity of legislation is an important element in its presentation to the legal community and public. If legislation is presented in proprietary formats or in a manner which prevents effective linking (for instance with insufficient XML mark-up to individual sections), that can significantly compromise its usability.

Case Law Reporting

Case reports are provided by both the Incorporated Council of Law Reporting (ICLR) which receives the hard copy of each case reported, and the British and Irish Legal Information Institute (BAILII) which receives the electronic copy (though in practice there is often little difference). Both are legal charities committed to educating lawyers via the supply of case reports. Brooke explains succinctly that the "iniquitous Treasury-driven policy of 'full cost recovery' in the civil and family courts, which is not heard of in any other common-law country, has impelled them to spend as little as they can in connection with the publication of judgments, through the system of devolving responsibility to profit-making contractors."[15] Thus law reporting has been a private selective business, rather than a matter of provision of one of the most important of public goods: knowledge of the laws.

Lord Neuberger concluded the first annual BAILII lecture by quoting Lord Lindley, who stated in 1885 that the law reports "are so valuable, not only to legal practitioners but to all persons who care for English Law as a scientific study or who take an interest in its development and improvement, that every member of the Profession

[14] See Hetherington, Simon (2007) *Halsbury's Laws of England: centenary essays*, LexisNexis Butterworths.
[15] Quoted in Holmes, Nick (2011) "Judgment Day for BAILII" interview with Sir Henry Brooke, Computers and Law, published 26 October at http://www.scl.org/site.aspx?i=ed22972

ought to the best of his ability to assist in supporting and perfecting them"[16]. This was only two decades after the founding of the Incorporated Council of Law Reporting (http://www.iclr.co.uk/) to replace the nominate reports provided by far from disinterested or necessarily well-trained junior barristers. In the case of the Canadian law reports, that commitment has been durable and sustained, with the Federation of Law Societies of Canada backing the Canadian Legal Information Institute (CanLII) over the entire period since 1998, for a cost of less than £20 per annum per law society member[17].

By contrast, in the UK BAILII has struggled for financial support despite the provision of electronic law reports with a real funding crisis occurring in 2011[18]. ICLR also faces an uncertain future, given the breadth of coverage needed and the financial crisis affecting large parts of the profession given the government's austerity-imposed cuts[19]. The technology is so inspiring and the financial prospects for charitable provision of legal information so straitened that it may be the best of times and worst of times for case law reporting. McGrath for ICLR states that: "in more and more cases litigants are having to represent themselves, and this means that, whether we move towards a more inquisitorial process or continue to use an adversarial approach, there will be fewer and fewer cases sufficiently well argued on both sides to warrant treating the court's decision as binding new law."[20]

Former head of the National Archives, Natalie Ceeney CBE is the new head of HM Courts and Tribunals Service from 5 January[21], which augurs well together with LCJ Thomas' IT reforms to producing a potential for a case law database to be provided in open data format. The combination and recombination of case law with legislation has been possible for many years via the various commercial databases available, notably using the services of Lexis-Nexis and WestLaw.

Legal Commentary

If the outlook for access to legislation is relatively rosy, and that for case law uncertain in the extreme, then commentary offers a mixed picture. Open access journals such as this (for members, academics and students, and in certain cases to anyone), blogs, the magnificent pioneer Outlaw.com, law firms' own sites, are now proliferating faster than most of us can keep up. Even the venerable subscription law journals increasingly offer open access on some terms, as part of a 'freemium' offer to tempt readers – and authors. The problem is not insufficient information, even for specialists, but insufficient indexing. A generic search engine cannot provide a

[16] Neuberger, Lord (2012) First annual BAILII Lecture: "No Judgment - No Justice" 20 November 2012 at http://www.bailii.org/bailii/lecture/01.html, citing Lindley N. (1885) The History of the Law Reports 1 LQR 137, 149

[17] Lachance, Colin (2011) "$34 Well Spent", Slaw Guest Blog July 28th 2011 at http://www.slaw.ca/2011/07/28/colin-lachance-34-well-spent/

[18] Holmes, Nick (2011) supra n.5

[19] McGrath, Paul (2014) "The future of law reporting", Internet Newsletter for Lawyers, July/August http://www.infolaw.co.uk/newsletter/ at pp.1-3.

[20] McGrath, Paul (2014) "The end of the road for the Common Law?" ICLR Blog Posted on 30th Apr 2014 in Law Reporting at http://www.iclr.co.uk/end-road-common-law/

[21] See http://www.civilserviceworld.com/articles/news/natalie-ceeney-appointed-chief-executive-hm-courts-tribunals-service

tailored answer. The solutions in the recent past such as syndication, Twitter and 'blawgs of blawgs' have been all but overwhelmed. What might work is a platform that offers the chance to self-publish for lawyers to their legal community. For that, one needs a legal community, not a LinkedIn group, however well motivated.

What is that community? Social networking provides a powerful mechanism for sharing legal information and analysis. Lawyers were some of the critical early users of social media innovations such as the coffee house in the 17th Century, as discussed by Standage[22]. McKinsey Global Institute has indicated that 'knowledge workers' (which obviously includes lawyers) can increase productivity by 20-25% using social media[23]. By contrast, many US law firms continue to have only a single AOL.com email address for all communication and actively discourage the use of social media by their lawyers. This is in response to both fears of proprietary knowledge being shared, client confidentiality and Luddism – the fear that new technologies can disintermediate their low level work, as SCL President Susskind has discussed extensively in his work[24].

While lawyers use horizontal (all-industry) professional social network LinkedIn in large numbers, the few vertical (lawyer-only) sites – such as DiverseLawyers and FoxWordy – have not reached critical mass[25]. Note that LinkedIn is much more widespread amongst English-speaking audiences. On 1st November 2014, 'legal' produced 5,001,668 people results on LinkedIn, the first time over 5,000,000 people were so classified. Attorneys produced 806,133 results, with US total of 682,719. 345,515 people used the word 'lawyer' to describe themselves on LinkedIn:

There were 148,000 'solicitors', with 88,000 in the UK. 'Notary' produced 223,000 results. There were over 12,000 LinkedIn groups using the word 'legal' (60% were moderated closed professional groups) and 17,000 using 'law'. There were 35,000 members of the group 'Law Society Gazette' intended for practising lawyers in the UK and 623 groups containing the words 'American Bar Association' or 'ABA' with a combined membership (including duplicate-triplicates) of over 1,000,000[26]. The European Lawyer Group has 18,000 members, the Corporate Lawyer Network 90,000 members, Accountant-Lawyer Alliance (ALA) 50,676 members. Lawyers are socialising enormously via LinkedIn but not lawyer-only social networking websites[27]

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[22] Standage, Tom (2014) *Social Networking in the 1600s*, New York Times 23 June, at http://www.nytimes.com/2013/06/23/opinion/sunday/social-networking-in-the-1600s.html

[23] Chui, Michael with James Manyika, Jacques Bughin, Richard Dobbs, Charles Roxburgh, Hugo Sarrazin, Geoffrey Sands and Magdalena Westergren (July 2012) "The social economy: Unlocking value and productivity through social technologies", Report: McKinsey Global Institute, at http://www.mckinsey.com/insights/high_tech_telecoms_internet/the_social_economy

[24] See variously Susskind, R. (OUP, 1987) Expert Systems in Law, Susskind, R. (OUP, 1996) The Future of Law; Susskind, R. (OUP, 2000) Transforming the Law, Susskind, R. (OUP, 2008) The End of Lawyers? Rethinking the Nature of Legal Services, Susskind, R. (2013) supra n.37, all Oxford University Press.

[25] There were (in 2012) 770,000 individuals claiming to be lawyers on LinkedIn, making it the fifth largest professional group on the network. See Your American Bar Association (2012) "LinkedIn: How to grow, nurture your network and obtain results", at http://www.americanbar.org/newsletter/publications/youraba/201205article01.html

[26] Excluding the American Bankers Association (with 56,000 members) of course.

[27] Barrett Paul M. (2014) "A New Social Network Entices Lawyers With Anonymity", Bloomberg Business Week Technology, 6 October at http://www.businessweek.com/articles/2014-10-06/do-lawyers-need-an-anonymous-social-network-this-startup-thinks-so

. Note there are also over 1,000,000 people with ‘police’ in their job title and 1,300 ‘law enforcement’ groups with well over 100,000 members. These professionals almost certainly also work within legal fields broadly drawn.

The community is fragmented, partly because busy lawyers multi-task – a LinkedIn profile enables contact with clients as well as fellow professionals. Dual use also proliferates in some of the databases described earlier – BAILII has about 60% non-lawyer use. The enormous number of law students means that many free legal resources are accessed by students as well as litigants, lawyers and academic researchers.

Openlaws conducted a web-based survey in May-June 2014, which produced over 200 responses[28]. Web survey responses to legal databases provided the following critiques:

- “
- ”

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[28]For raw anonymized analytics, see https://docs.google.com/forms/d/1MVdScU8Unm0sdNBXsTgMM2A36TPvnlduMsjdIWo4DLE/viewanalytics

7 Outcomes

The 2014 SCL Annual Lecture was given by LCJ Thomas[29], who explained that the Treasury was minded to provide the money for the judiciary to finally use a common modern document handling and casework system. One of the many advantages of this is that every judgment can then in theory use the same metadata and be stored in the same format, ready for release to the public as open data[30]. This intriguing possibility gives a sense of the potential for opening access to law – and the extraordinary delays that mean this remains a pipe dream in the UK in 2015.

Stronger legal information institutes, more government commitment to publishing state and case law databases in open formats, greater willingness by commercial publishers to experiment, and more law firms investing in open publishing of expert commentary, all lead to greater open access to law. What is still needed is to bring these together with a social layer, to create a community which sees collaboration as more than simply checking LinkedIn every month. The value of open access is in creating a better educated legal community and general public. It is not clear how much value that will unlock, but as we start from near zero it is hardly surprising that the prospect is enticing. The 'Big data for law' project led by John Sheridan's team at the National Archives, funded by the Arts and Humanities Research Council and supported by the major commercial publishers and ICLR's resources[31], can begin to unlock some of the potential for us to use open access to law to create exciting insights and discoveries.

[29] Thomas of Cwmgiedd, Right Honourable Lord Chief Justice (2014) IT for the Courts: Creating a Digital Future, 20 May 2014, Clyde & Co, SCL Annual Lecture http://www.judiciary.gov.uk/announcements/it-for-the-courts-creating-a-digital-future/

[30] Radboud Winkels, Alexander Boer, Bart Vredebregt and Alexander van Someren (2015) Towards a Legal Recommender System, DOI: 10.3233/978-1-61499-468-8-169 Conference: 27th International Conference on Legal knowledge and information systems (JURIX 2014), Krakow, Poland, explaining "ongoing research [is] aimed at a legal recommender system where users of a legislative portal receive suggestions of other relevant sources of law, given a focus document. We describe how we make references in case law to legislation explicit and machine readable, and how we use this information to adapt the suggestions of other relevant sources of law. We also describe an experiment in categorizing the references in case law, both by human experts and unsupervised machine learning."

[31] Sheridan, John (2014) "Big Data for Law", Internet Newsletter for Lawyers, March 2014 at http://www.infolaw.co.uk/newsletter/2014/03/big-data-for-law/

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