SOQUIJ. The Quebec Legal Information Society

Ejan Mackaay


1. Objectives

For some time a concerted effort has been going on in Quebec on the part of the provincial government, the Judiciary, the Universities, the Bar and the Chamber of Notaries as well as the publishers to improve the flow of legal information to lawyers. It has become plain to all that this question can no longer be left solely to uncoordinated efforts of particular groups.

The constitution of Soquij, acronym for « Société québécoise d’information juridique », which encompasses what used to be SEDOJ (Service de documentation juridique), confirms the desire of the profession to invest in the quality of its sources of information. The Law by which Soquij is instituted (L.Q. 1975, chapter 12 which came into force on the first of April 1976) states that « the objects of the company shall be to promote research and development in the field of legal information and the processing of legal data, in order to improve the quality of such information and to make it more accessible to the general public » (section 19).

It is therefore incumbent upon the new body to develop an all encompassing legal information policy for Quebec. But its role is not limited to planning; it is also expected resolutely to partake in the implementation of that policy through its own activity as much as by the example it sets for others in the field.

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2. Organization and Financing

The mandate given to Soquïj concerns the community at large. Yet it affects the legal profession in particular. The membership of the Board of Governors reflects the desire of the legislator to have it represent all the various groups that compose the profession. Thus there are:

a) four representatives of the government, two for the Ministry of Justice, two for the Ministry of Communications (Office of the Official Publisher of Quebec);

b) two representatives of the Bench;

c) two representatives of the Law Faculties;

d) three representatives of the Bar;

e) one representative of the Chamber of Notaries.

This composition ensures that none of the groups represented has by itself a majority in the Council.

The legislator has granted to Soquïj a large degree of autonomy from the government. Representatives of the government are a minority on the Council. The Society must of course have its budget approved by the Minister of Justice; yet it does not need external authorization to contract with outside organizations provided that such transactions result in a net profit. It can, moreover, keep and reinvest any profits realized during the course of a year up to a limit specified by Order in Council. External approval is not necessary either for Soquïj to cooperate or contract with the private sector or with organizations outside Quebec. Annually the Society submits to the Minister of Justice a report of its activities, which he in turn must table before the National Assembly.

The autonomy enshrined in the constitutive Law ensures that the executive branch of government does not exert a direct influence on the flow of legal information. Moreover, Soquïj itself does not have a monopoly on the dissemination of legal information in Quebec: State intervention here has not been an excuse for crushing private enterprise. In fact, as will be seen later on, various forms of fruitful cooperation exist between Soquïj and the private sector. The autonomy of Soquïj from the government also enables it to have a more flexible administration than is generally found in government organizations. This flexibility is reflected in the enthusiasm and quality of its team.

The budget for 1976-1977 is around three quarters of one million dollars. Of this sum three quarters come from contracts with the provincial government for publication and research services. The remainder is provided by contracts with administrative agencies, revenues from research for private clients including the Chamber of Notaries and royalties of the Mini-biblïx. At present the maximum yearly profit which can be reinvested in the organization has been set at $ 50,000.
3. Activities

At the present time, Soquij has three spheres of activity: publication of jurisprudence by the Bureau der arrêtistes, the creation of a microfiche law library, the Mini-biblex, and the DATUM legal research service.

3.1. Publication of jurisprudence

Since 1892, the Bar of Quebec has published two law reports series recording decisions rendered by the Superior Court and the Court of Appeal of Quebec. From the beginning, all members of the Bar and all judges have received these publications, which ensured a general dissemination of the essential case law. Besides these two series there was room for two specialized reports published by private publishers in the province.

The considerable increase over the last few years in the number of decisions rendered by the two forementioned courts and the establishment of other courts with equal productiveness in terms of case law made it more and more difficult for the Bar to assure adequate dissemination of case law with the means at its disposal. Furthermore, as a result of technological development, economies could be expected to arise out of a merger of the publication of legal decisions and the operation of an automatic retrieval system on the same documents.

In consideration of these factors, the Bar and the government agreed on February 18, 1974, to transfer the responsibility for the reports to the public sector and to increase the number of courts whose decisions would be published, as well as the number of decisions for each jurisdiction. Every lawyer would continue to receive a copy of the Reports. In consideration of this service the Bar would pay the government a sum equivalent to around $30 per year for everyone of its members. Publication of the Quebec Law Reports is henceforth a joint responsibility of Soquij, as far as the preparation of the contents is concerned, and the Official Publisher of Quebec, for the printing and distribution aspects.

Since accessibility to jurisprudence had been assured, a major revision of the contents of the Reports was undertaken. The selection of cases was made more systematic. Henceforth cases are selected from among all decisions rendered in the province, copy of which is sent to Soquij by the clerks of all courts in the province.

The selection of cases to be published is also wider. Areas of law which hitherto had received scant attention because of the peculiar ways in which cases were obtained are now fully covered. The « classical » fields are given a substantially increased number of cases. In all the 1976 publications will contain 300 decisions of the Court of Appeal, 550 of
the Superior Court and 200 of the Provincial Court, the Sessions of the Peace and the Social Welfare Court.

To absorb this increased volume of cases the number of pages of the Reports has been increased and is now over twice what it was during the last year when the Reports were published by the Bar, not to mention that the number of words on each page has also virtually doubled since that time. Nevertheless these increases would still not suffice to publish the full text of all cases considered of interest. For that reason a certain number of cases, in particular the very long ones, appear in summarized form in the Reports. Contrary to previous practice however, the full text of any condensed decision is easily available, in hardcopy on special order from the Official Publisher at minimal rates or on microfiche in the Mini-biblex collection to be discussed later.

Soquij has also made a special effort to ensure the timeliness of its publications. The objective is that any case worthy of publication should appear within six months from the moment it was received. Also a study is now under way on the advisibility of a pre-publication current awareness service which provides less structured, but very quick information to lawyers on cases which have been selected for publication.

These measures no doubt effectively respond to the complaint of lack of information. However, increasing the information flow without improving the means of finding one’s way through it amounts to the other extreme which is equally paralysing. A complementary effort is therefore necessary to improve research tools. In every issue of the Reports there is now a summary description of contents indicating the fields of law in which the cases fall. The indices have been improved considerably: they are cumulative for the current year; there are now tables of the names of the parties, of the codes and statutes cited and of cases cited as well as an analytical index; the vocabulary of the latter has been broadened and the terminology used to designate legal concepts standardized.

Still with a view to improving research tools, special attention has been given to the quality of the scope note and summary of the cases. This condensed version of the case serves two purposes. The first is to allow the reader to trace the main line of argumentation in the case and thereby to judge unequivocally whether the case is of interest to him. It also serves to provide the entries under which the case can be found in the analytical index or in the computerized retrieval system which will be dealt with shortly. Theoretical knowledge which we acquired through exchanges with the IRETIJ of the University of Montpellier and practical experience of the weaknesses of existing summaries which were found while using the computerized retrieval system have led Soquij to develop new methods which guarantee both standardization and quality of the abstracts to be prepared from now on.
Efforts to improve research tools have also included the « Annuaire de jurisprudence ». The Annuaire is like an analytical index covering all sources of law normally used during research and containing references to all documents (cases, journal articles, e.a.) which have appeared during the past year. In the absence of a consolidated digest or Répertoire, the last of which, the Lévêque, appeared in 1956, this is the main research tool of Quebec lawyers. It has been revised with respect to sources covered, depth of indexing, terminology used in the entries and cross-referencing. In preparing the Annuaire, Soquij is acquiring the experience needed to undertake the huge task of compiling a new Répertoire for the period since 1955, which is being considered more and more seriously.

Soquij’s reputation through its primary publications has led various administrative bodies to seek its collaboration in order to publish their own decisions. These agencies now include the Professions Office, the Social Affairs Commission and the Rental Commission. Agreements with other agencies and departments are now being negotiated and it would be fair to expect a general movement to improve accessibility of administrative decisions. One should also mention Soquij’s collaboration with the Chamber of Notaries first in editing its Continuing Education Courses, since 1977 also in the constitution of an 18-volume Répertoire de droit.

3.2. The Mini-biblex – legal library on microfiches.

Access to documents is an essential element of the work for the future. Nevertheless, a large amount of legal material which has already been published is no longer available on the market or only at prohibitive prices. Not surprisingly, it is found that a number of lawyers do not have all the basic documents.

To improve this situation the Bar, in 1968, took the initiative to launch its Mini-biblex project with the objective of creating a veritable basic legal library on microfiches. At the present time, this collection covers the jurisprudence contained in the Reports of the Supreme Court of Canada, the Exchequer Court and the Federal Court, the Quebec Court of Appeal and Superior Court, the Revue Légale and the Quebec Practice Reports. It also includes the Quebec Statutes since their last revision in 1964, as well as the Orders and Regulations in their 1972 administrative compilation. So far the only law journals included are the Revue du Notariat and the Quebec Bar Review. As far as commentaries are concerned Mignault’s Traité de droit civil and the volumes collectively known as the « Trudel collection » have been added this year.

An international agreement with a group of French publishers, the GEBIN group, enables Soquij to publish key works of French doctrine, whose interest was shown by the great number of references made to them by judges in their decisions. Planiol and Ripert has been added in 1976.
The Mini-biblex collection now contains over half a million pages. The
collection may be bought for less than a third of what the printed
volumes would cost, if they are still available, while interesting royalties
are provided to the copyright holders. Mini-biblex is marketed by Bell &
Howell.

So far around, 500 lawyers have bought all or part of the collection and
the Ministry of Justice is now considering the possibility of installing
it in all court houses throughout the province and the legal departments
of the various Ministries. Considering the great number of new law
offices set up every year it is not exagerated to forecast that within the
next two years at least ten percent of the Quebec lawyers will have a
Mini-biblex collection.

As a further extension of the collection, it is hoped that legislation of
the federal government and of the other province may be added as well as
jurisprudence published in English Canada. On the technical side, the
viewers may now be considered to be of sufficient quality to allow one
to read for several hours without undue fatigue for the eyes. However,
as most clients like to work on photocopies from fiches when they have
to study a document in depth, the technical problem now becomes to
develop a microfiche adaptor on the standard copiers which most lawyers
already have.

3.3. The DATUM research service

Access to information of which we have been emphasizing the importance
is not limited to the availability of texts. One still needs the tools to
search them. This issue was already mentioned in relation to improvements
to the indexes of the reports and it was precisely the low quality of
these instruments previously which motivated researchers at the University
of Montreal to launch Project DATUM in 1968 with the aim of exploring
the possible contribution of the computer to this problem.

The aim of this project was not only to develop a system of retrieval
and a bank of relevant cases but also to offer its product to the legal
profession on an experimental basis. Thus, at the end of 1971, DATUM
opened to the legal world a computerized case retrieval service covering
the Supreme Court of Canada, the Court of Appeal and the Superior
Court of Quebec of the last 25 years. To this original bank the Practise
Reports have been added and in the course of the current year, the
Revue Légale will also be included. Talks are now under way with the
Official Publisher to provide access to legislation and Orders and Regu-
lations after the upcoming revision.

The advantage of the system is to permit to the researcher to retrieve
interesting cases without necessarily having to restrict himself to the
vocabulary of the head notes but by using any term or expression written by the author of the decision himself. An instrument so different from the traditional research tools could only be perceived by the profession with great reservation. It was therefore necessary to have a very special marketing strategy and staying power to survive the long warming-up period during which the profession would gradually accept this product.

In contrast to the American ventures and to the approach of Q/L Systems Ltd in English Canada, we decided to present to the public, not terminals which they themselves would have to learn to use but rather, at least initially, a consultation service where the client has the advantage of obtaining the best than can be achieved with the computer while leaving to the lawyer in the service the task of communicating with the machine.

A second idea contributed strongly to propagate the potential of this method: the «Service-dossiers». This consists of compilations of the jurisprudence on precise themes, produced by computer and carefully revised by a lawyer. At present there are around 70 of these «dossiers» on subjects as varied as the quantum of damages awarded for bodily injury, or as alimentary pension in family law, the concept of balance of inconvenience in matters of injunction, doctor and hospital liability. This service has received an enthusiastic welcome from the profession. Dossiers can now be found in all the libraries of the judges and the law faculties in Quebec as well as in a substantial and growing number of private law offices.

DATUM was designed as an experiment to explore the possible contribution of computerized retrieval to the world of lawyers. Over the past five years, two thirds of the legal profession in Quebec have used DATUM at one or several occasions. The service centre concept has thus generated a degree of public exposure well exceeding that obtained so far by similar ventures in English Canada and the United States.

This concept has the further advantage of leading to intensive use of the system by a small group of consultants. Their combined experience has been translated into precise ideas for the design of the new retrieval system DATUM II, which is now being tested intensively and should be opened to the public in 1977. The use of the new system, which is interactive, is sufficiently easy for a user with little experience to work with it comfortably. In adopting such a design Soquij recognizes that direct access by unsers to the retrieval system is vital for the future of computerized research, even if a service centre remains available for those who prefer an intermediary.

A second fundamental concept underlying DATUM II is that the data bank must be dynamic in the sense that the experience of outside users and consultants should be captured during actual use and serve continually.
to modify the contents of the bank in semi-automatic fashion in order
that the quality of search results gradually improve.

The planning group within Soquij has also tried to define the long term
role of the computer in relation to traditional research tools. It is recog-
nized that for a long time to come the computer will only be a sup-
plementary research device which does not supplant current indices. The
features which tend to put computerized research ahead of traditional
means and which should be stressed in designing new systems are the
following. First the computer allows one through a single access to search
a much larger bank than could be covered by a traditional tool without
becoming unduly cumbersome to handle. This bank can be kept up to
date continually. Then there is the very short time it takes to have access
to this information and the great variety of keys through which it may
be retrieved. Finally it may be expected that during the coming decade
the cost of maintaining and consulting traditional research tools will over-
take that of using a computerized retrieval system for comparable quality.
These are the reasons for the considerable effort Soquij is putting into the
development of computerized retrieval systems.

3.4. Toward integrated documentation services

The operation of the DATUM service illustrates the usefulness of in-
tegrating the three forementioned areas of activity within a single orga-
nization. Printing the documents prepared by the Bureau des arrêtistes
through photocomposition provides DATUM at no additional expense
with the tapes to update its data bank. This procedure also ensures that
the tapes are available before the actual printing process starts which
means that DATUM can be up to date, or even ahead of the published
volumes.

It has already been mentioned that the scope note and the case summary
prepared by the arrêtistes are useful to DATUM both in providing some
of the keys through which the cases can be retrieved and for the purpose
of screening retrieved references. The quality of scope notes and summaries
is therefore vital to effective retrieval. Regular exchanges between DATUM
consultants and arrêtistes now allow the latter group to measure their
standards against the concrete needs of a group of privileged users and
the former to ensure the quality of their tools of trade.

A retrieval system would be incomplete if it did not allow its users to
have quick access to the full text of documents whose references have
been retrieved. Even where the user can have the text displayed on a
CRT screen during the search process — which may entail additional cost —
he may want photostats of passages which interest him in the form in
which they are printed. This facility can easily be provided by giving
references to the microfiches along with the case citations. One may even go a step further and envisage a system whereby the computer directs a device which directly selects and displays to the user the microfiches corresponding to the retrieved cases.

4. Conclusion

The Quebec experience in rationalizing legal information handling, though prompted by the previous deplorable state of primary sources and research instruments, constitutes a unique development in Canada which deserves to be followed elsewhere.

A vigorous profession invests in its future. It does so by consolidating and digesting its knowledge. And by entrusting this work to the best of its talents.