

LexUM, Free Access to Law and International Standards

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Plan

- The context of access to law in Canada
- LexUM presentation
 - Team, expertise, operation and partners
 - Canadian projects
 - International projects
- The Free Access to Law Movement
- The need for international standards
- Potential cooperation with LexUM?

The context of access to law in Canada

- Canada is a federation
 - 1 federal parliaments
 - 10 provincial parliaments
 - 3 territory assemblies
- Constitutional competences
 - Federal : defense, international affairs, telecommunication, ...
 - Provincial : health, education, private law, ...

The context of access to law in Canada

- Bijuralism
 - Civil law (Quebec)
 - Civil Code of Quebec
 - No rule of precedents – statutes should be interpreted according to case law and literature
 - Common law (all other jurisdictions)
 - Legal solutions not specified in statutes can be found in case law
 - Precedents have binding effects

The context of access to law in Canada

- Unified court system
 - Supreme Court of Canada
 - 13 Courts of Appeal
 - About 40 Courts of general jurisdiction
- Other jurisdictional bodies
 - Federal Courts (Fed. Court, Fed Court of Appeal, Tax Court, ...)
 - Administrative tribunals (Competition Tribunal, human rights tribunals, ...)

The context of access to law in Canada

- Before the Internet (...-1993)
 - Paper-based reports was the major source of law
 - Electronic access was monopolized by proprietary databases of commercial publishers (from 1970 to 1993)
 - Only legal professionals had effective access

The context of access to law in Canada

- The Eve of the Internet (1993-2000)
 - Jurisdictions started to publish online their own databases of statutes / case law (CSC, 1993)
 - Legal information was publicly accessible, but scattered on numerous websites
 - Public access was initiated, but not effective

The context of access to law in Canada

- The CanLII era (2000-...)
 - LexUM and the Federation of Legal Professionals of Canada partnership to create a unified national website
 - Publication of 13 out of 14 legislative database, about 80 Courts and tribunals databases
 - Public access is extended and made effective

LexUM Team

- Legal Technologies Team, Faculty of Law, University of Montreal
- Created in 1993
- Today
 - Regroup about 20 research professionals (60% computer scientists, 40% jurists)
 - From 10 to 15 students in computer science and law
- <http://www.lexum.umontreal.ca> <link>

LexUM Expertise

- Covers various aspects of the application of information technologies to law
 - Developing technologies for free access to law
 - Designing judiciary information management systems
 - Conceiving technical and documentary standards for the legal community
 - Assisting international development with the use of legal information technologies
 - Developing strategies for mastering technologies in the legal domain

LexUM Operation

- Initiatives include:
 - Provision of services to legal institutions and international organizations
 - Participation in academic research grants
 - Consultation activities
 - Traditional scientific activities (publication, participation in conferences, ...)
- No core funding, it must be obtained on a project by project basis

LexUM Partners

- Courts
 - Supreme Court of Canada, Federal Court of Canada, Courts of Nova-Scotia, ...
- Governmental organizations
 - Department of Justice of Canada, Canadian Judicial Council, International Development Research Center, ...
- Legal professionals
 - Federation of Law Societies of Canada, Quebec Bar, ...

LexUM Partners

- Universities
 - University of Technology, Sydney, & University of New South Wales, Université de Nancy, Université de Berne, ...
- International organizations
 - Organisation internationale de la francophonie, World Bank, United Nations Program for Development, ...

Canadian Projects

- Supreme Court of Canada rulings
 - Online publication of all the judgments since 1985
 - <http://www.lexum.umontreal.ca/csc-scc/en/> <link>
- Consolidated statutes and regulations of Canada
 - Official online version for the Department of Justice of Canada
 - <http://laws.justice.gc.ca> <link>

Canadian Projects

- CanLII
 - 13 legislative databases with historical versions & 80 courts databases (300 000 judgments)
 - <http://www.canlii.org> <link>
- Nova Scotia Courts database
 - Allows judges and court personnel to manage documents related to provincial court decisions via an Intranet
 - <http://decisions.courts.ns.ca> <link>

Canadian Projects

- Canadian Citation Committee
 - Support standardization efforts undertaken by the Canadian Judicial Council
 - Examples
 - Neutral Citation for Case Law
 - Canadian Guide to the Uniform Preparation of Judgments
 - Model Privacy Policy for Electronic Access to Courts Records
 - <http://www.lexum.umontreal.ca/ccc-ccr/> <link>

International Projects

- Droit francophone
 - Provides access to the laws of the Francophonie's member countries
 - <http://droit.francophonie.org> <link>
- JuriBurkina
 - Online publication of Burkina Faso case law
 - <http://www.juriburkina.org> <link>

International Projects

- Human Rights Compilation
 - Provide management and indexation capabilities to OHCHR over United Nation reports on Human Rights
- Feasibility Study for a Telecommunication Decisions Database
 - Drafting the strategy for the setup of a multilingual database of telecom regulators' decisions for the World Bank and ITU

The Free Access to Law Movement

- Initiated by academic teams publishing public legal information online
 - Legal Information Institutes
- Informal network of institutions
- Sharing similar goals and philosophy
 - Free Access to Law Declaration
 - [http://www.lexum.umontreal.ca/declaration_mtl.epl?](http://www.lexum.umontreal.ca/declaration_mtl.epl?<link>)
<link>

The Free Access to Law Movement

- Common basic strategies
 - Electronic publication instead of paper
 - Publication of raw material, few added value
 - Automation of processes with information technologies
 - Usage of free and open source software

The Free Access to Law Movement

- Criteria related to “Free”
 - Gratis (free beer)
 - No restriction on the reuse of information (freedom)
- Criteria related to “Access”
 - Availability
 - Reliability
 - Usability

The Free Access to Law Movement

- Participating Institutions are

- AustLII (Australia)
- BaiLII (United Kingdom)
- CanLII (Canada)
- CommonLII (Commonwealth)
- CyLaw (Cyprus)
- Droit francophone (Francophonie)
- HKLII (Hong Kong)
- JuriBurkina (Burkina Faso)
- LII (United States)
- NZLII (New Zealand)
- PacLII (Pacific Islands)
- SafLII (South Africa)
- WorldLII (Collaborative effort)

The Free Access to Law Movement

- Traditional initiatives
 - Bilateral cooperation (LexUM – JuriBurkina)
 - Annual Law via the Internet Conference
 - Collaborative projects to improve global access to legal information (WorldLII, Droit francophone)

The Free Access to Law Movement

- Ongoing evolution
 - Redefinition of the FAL concept
 - Extending the scope to non-LII institutions
 - Increasing formalism for membership
 - Development of a common image
 - Logo
 - Website

The Free Access to Law Movement

- 7th Law via the Internet Conference, Port Vila, Vanuatu
 - ITTIG was proposed as a new member
 - No objection

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The need for international standards

- A growing number of Institutions are getting involved in FAL
- Project managers are looking for models / policies / software
- More and more interest for Free / Open source software and standards

The need for international standards

- FAL member organizations
 - Use various technologies
 - Do not share any technical standard
 - Contribute to complementary projects (commonwealth vs francophonie)
- Collaborative projects
 - Use specific solutions for each contributor
 - Technology upgrades are dependant on each contributor technology

The need for international standards

- Standards would be useful to
 - Develop new tools integrating content from various international databases
 - Provide advanced search features for collaborative projects
 - Cross-citation resolution

Potential cooperation with LexUM?

- ITTIG
 - Experience with standards development (URN, DTD)
 - Experience with distributed projects (NIR)
 - Experience with the management of legislation and legal literature
- LexUM
 - Large software development capabilities
 - Experience in the developing world
 - Experience with the management of legislation and case law

Potential cooperation with LexUM?

- Project proposal : Development of a common DTD and working prototype for a Free Access to Law syndication portal
- Objectives
 - Initiate the drafting of a common data scheme for FAL member organizations
 - Provide a proof of concept for an efficient integration of international legal databases

Potential cooperation with LexUM?

- Components
 - Low level DTD for legislation / case law / legal literature
 - Generation of a national XML file or mapping of existing one
 - Webpage integrating CanLII, Droit francophone and Norme in Rete databases, with advanced search and decentralized access

Potential cooperation with LexUM?

- Upon involvement of other FAL member organizations
 - Could provide a one stop multilingual access point to online legal information from all over the world
 - Provide international comparative research functionalities

Potential cooperation with ITTIG?

- Other potential projects
 - LexUM-ITTIG common international / european development projects?
 - Hosting of the 9th ou 10th Law via the Internet Conference in Firenze?

Thank you

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