EXPLORING THE ACCESS MECHANISM FOR LEGAL RESOURCES IN DIGITAL ENVIRONMENT

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Abstract

The role played by law library is discussed with the importance of open access. The benefits gained by the students, faculty, scholars and management of the organization has been given emphasize with the resources made available by the law libraries. The way resources are generated for legal studies and research has been discussed and the problems, which may be encountered due to the continuous update of the rules, legislation, change in jurisdiction, the agency (the creator), the indexes, the databases and others. Different types of resources available worldwide through World Legal Information Institute and the collaboration among different countries for sharing their legal information and the secondary sources, which play a significant role for helping the researchers, is outlined. Information communication technology (ICT) and the internet has made changes in digital technology for accessing the resources from anywhere, anytime and by anyone with freely available legal research resources and full text journals are discussed. Digital repositories are being created by some of the organizations and the access issues to and usage of information from the legal databases like LexisNexis, Westlaw and HeinOnline are discussed. The web technology leading to the social networking sites, where people are able to share their ideas, exchange views, comments on some ones views and criticize using web blogs, aggregator news and the RSS technology from the publishers are discussed in detail. Some of the barriers for accessing the legal information are given with the open access models, which are being contemplated more. It has been concluded that library professionals should be familiar with the current research trend in the field, in order to make access to the resources to their users.

The law . . .should surely be accessible at all times and to everyone.

Franz Kafka

Introduction

Libraries are directly providing integrated services and tools to create, capture, store, share, manage, manipulate and analyze diverse data collections and resources. Law libraries do have within their grasp the possibility of access to much more extensive collections than any one of them currently holds, with greater ease than is now provided by interlibrary loan or consortium efforts. They play a key role in advocacy for eResearch, particularly in relation to open

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access to research outputs and open scholarship. Notions of equality of access to legal services, equality before the law regardless of race, ethnicity, gender or disability, affordability, efficiency, understandability, and effectiveness, are important concepts in legal studies. The definition of open access is in reference to scientific and scholarly research as: free availability on the public internet, permitting any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself (Budapest Open Access Initiative, 2002). Michael Carroll of the Villanova Law School discussed the linkages between the movement for open access to research and scholarly literature in the sciences and other disciplines, and the movement for free access to law, which has focused on cases, statutes, and other materials issued by bodies with law-making authority. Arguing for the importance of open access to legal scholarship as well as to the documents produced by courts, legislatures and other authorities, Carroll writes: "Access to law matters. . . . access to legal scholarship matters too." (Michael, 2006) . He notes not only the benefits that will accrue to legal scholars who make their work accessible on the public internet, but the improvements in scholarly communication that will result:

- maximizing the impact of individual scholarship

- reaching audiences without access to commercial databases

- improving interdisciplinary dialogue

- improving international impact and dialogue

This article deals with the law library, types of resources and their generation for the use of lawyers, students, faculty and other scholars who are doing legal research, e-resources in digital environment, digital repositories, access issues and use of social networking sites for using / discussing the topics of interest in law and legal related matters.

Law Library

The law library is to assist the students, faculty, scholars and management of the organization. The different types of information needs are for regular classes, assignment preparation, moot court, dissertation / report preparation, teaching, administrators, policy makers, research and legal awareness programs. It tries to provide the different types of resources from primary, secondary and tertiary sources, human resources, organizations as resource, draft constitution, supreme court reports, Indian law reports, assembly debates, Codes, acts of parliament, manuals, rules framed by judiciary, digest, e-journals, databases, and others. Many law librarians are experts in international law and legal research, as

well as its primary sources, its literature, its finding tools, and approaches to research. The concept of "international law librarianship", however, encompasses something more than a field of study in which a group of experts practice their profession.

Resources Generation

Law is the entire body of principles, precedents, rules, regulations, and procedures intended to assure order and justice in a civilized society. It includes constitutions, legislation, decisions–federal, state, and local, civil and criminal (ALIA Report, 2011). For example, the primary sources of Anglo-American law are created and produced by the judicial, legislative, and administrative branches of government at the federal, state, or local government levels. Much of legal and regulatory information consists of those recorded rules that society will enforce and the procedures that can implement them. Representing the interests and information needs of all citizens, these courts, administrative offices, and legislative bodies produce legal information to meet the mission of the governmental institution. Because of the specialized nature, organizational systems, and language of legal and government information, it is more difficult to use than other sources of information. The use of resources is problematic for:

1. Legal and government information is constantly growing as cases are continuously being decided and pieces of legislation, rules, or regulations are being passed or revised.

2. The majority of legal and government information is created, released, and published by courts, the legislatures, and departments or agencies. In order to access this information, researchers must know the correct jurisdiction or agency (the creator) that produced the needed information.

3. Users must consider sets of resources rather than individual volumes, as is characteristic of traditional information tools. To find out the specific legal information, a user must know the set of volumes where the law is published.

4. Legal and government information is published as either "official" or "unofficial" publications. The government publishes or contracts with a commercial publisher to publish the "official" documents. Its statute or court authority officially sanctions publication. "Unofficial" publications are published by private publishers or companies not legislatively endorsed to publish the government information. The "unofficial" publications duplicate the documents in the "official." These private publishers are faster than the government publishers and provide critical research tools as added value to their versions of the cases.

5. Traditional catalogs, indexes, databases, and other finding aids are used in libraries to identify legal and government information resources.

6. Bibliographic citations used to find information resources are different for legal and government publications than for other subject disciplines and are unique for each type of resource.

Types Of Resources

Content providers for law resources include the Central government, state governments, law schools, private law firms, and private corporations. This information has expanded from a minimal amount of federal government and court information to a highly visible online presence for each state and federal government branch, legislature, department, and/or agency. New resources are added to the Web every day. This availability to government information does truly make the law more accessible to everyone. The World Legal Information Institute (WorldLII) (d) is a free, independent and non-profit global legal research facility developed collaboratively by the following Legal Information Institutes and other organisations.

- Australasian Legal Information Institute (AustLII)

- British and Irish Legal Information Institute (BAILII)

- Canadian Legal Information Institute (CanLII)

- Hong Kong Legal Information Institute (HKLII)

- Legal Information Institute (Cornell) (LII (Cornell))

- Pacific Islands Legal Information Institute (PacLII)

- Wits University School of Law (Wits Law School)

WorldLII provides a single search facility for databases located on the following Legal Information Institutes: AustLII; BAILII; CanLII; HKLII; LII (Cornell); and PacLII. WorldLII also includes as part of this searchable collection its own databases not found on other LIIs. These include databases of decisions of international Courts and Tribunals, databases from a number of Asian countries, and databases from South Africa (provided by Wits Law School). Over 270 databases from 48 jurisdictions in 20 countries are included in the initial release of WorldLII. Databases of case-law, legislation, treaties, law reform reports, law journals, and other materials are included. The WorldLII Catalog provides links to over 15,000 law-related web sites in every country in the world. WorldLII's Websearch makes searchable the full text of as many of these sites as WorldLII's web-spider can reach.

In the online legal research era, access may be circumscribed by commercial legal publishers through use of technology and may depend on the nature of the user and type of use desired. Price discrimination is one way in which commercial legal publishers can segment access to their databases. In the digital era, different users may also have different levels of access to legal information. The ways in which commercial legal publishers use differential pricing and

access in the digital era is evident in their activities in the law school market. Lexis and Westlaw charge heavily discounted fees to law schools for use of their services. In contrast to the law school market, the fees charged by Lexis and Westlaw for commercial users such as law firms can be quite high, with government pricing falling somewhere between the law firm and law school levels.

Legal And Government Reference Sources

Secondary sources play significant role and are very helpful to researchers in identifying and explaining the law. Legal and regulatory reference tools include citation manuals, dictionaries, encyclopedias, directories, legal periodicals, and news services. The Harvard *Bluebook* is the most used citation manual to properly format legal materials. The Introduction to Basic Legal Citation from the LII written by Peter W. Martin is based on the 17th edition of *The Bluebook: A Uniform System of Citation*, known as the The Harvard *Bluebook* or the *Bluebook. (c)* The citation primer has an easily searchable table of contents with hyperlinks to material on Cornell's LII Web site. The Boston College Law Library guide for citations, Reading Legal Citations, provides explanatory information for formatting citations. (Lawson, 2003) (a)

Digital Environment

Digital technology has evolved new platforms and delineated new frontiers for legal research with immense potentials for developing countries. The seamlessness of the legal information sources, and the global context of the legal resources are so fundamental that new strategies are needed to fully exploit the boundless opportunities and possibilities presented by digital systems in general and the internet in particular. Since the dawn of the Internet age, the quantity of legal and government information being published and made accessible through online delivery has increased tremendously each year, as it is available from a number of sources on the Internet. Information technology of the 21st century has revolutionized the way much of this information is disseminated by the judiciary, legislature, and administrative agencies and the way that all citizens and information users may access it. Users no longer need specialized resources or have to wait for weeks or even months to access many legal and government information resources. Federal, state, and local government departments and agencies are committing to electronic dissemination of the primary sources of law, which include case decisions, legislation, laws, reports, rules, and regulations, via the Internet to disseminate this information to the public.

Secondary sources of the law are also digitally published on the Internet. These resources include directories of legal professionals and experts, encyclopedias, dictionaries, legal forms, treatises, citation manuals, legal newspapers, and law reviews or journals. Law schools, courts, government agencies, and law firms also produce, in-house, a variety of legal information resources, special reports, opinion letters, articles, guidebooks, or legal

memoranda available through the Internet. Electronically published reports or studies by law school students, faculty, libraries, attorneys, or other participants in the legal process provide valuable information on the Internet. The two most significant databases of legal and regulatory information are the subscriber systems of Lexis and Westlaw. There are many freely accessible Web sites where legal and regulatory information can be found. Although there has been a significant increase in the amount of legal information accessible on the Internet, there are limitations on the scope and coverage of this information on Web sites. From the freely available full text databases (b), there are 133 law journal articles are available for use.

Legal Research Resources On The Internet

Web-aided legal research resources include:

- Online library catalogue and home pages of libraries and universities
- Online databases
- Online magazines and journals
- Online texts
- Web pages and hyperlinks
- Discussion groups and lists
- Usenet groups
- Virtual libraries

The legal research of the future will be highly IT-driven, internet-facilitated and professionally demanding. The legal researcher of the future must be IT competent, internet literate and professionally conversant with the evolving electronic information environment. (Omekwu, 2005).

Digital Repositories

The collections of published materials (usually, scholarly articles and research papers) that are placed online for free, open-access download—are a fairly recent development in the field of information management, but they have quickly made a major impact on just how scholarly and professional communications can take place (Koulikov, 2009). Some of these repositories, such as Social Science Research Network (SSRN) and SelectedWorks, are inherently multi-disciplinary, focused on individual authors, and operated by third party organizations. Another type includes the institutional repositories being established by many academic institutions to disseminate the work of their faculty. (Yvonne, 2005). Access to legal information of all types is essential for lawyers and other legal professionals, and also for citizens whose lives are affected by legislation, presidential court decisions, and administrative rulings and regulations. To be understood and applied, however, legal authorities need to be explained and interpreted, as well as easily accessible. Both the texts of legal

authorities and commentary on them must also be preserved for future users. The issues involved in access and preservation of electronic legal information are closely intertwined, but they are not new. As Harvard University Librarian Robert Darnton puts it, "Information has never been stable." (Darnton, 2009). But they have changed in an age when much valuable information will never be formally published in print.

Access Issues

Access to and usage of information has been one of the essential developments in this century. Means of access to legal information refers to the ways; means or methods used to access or acquire the right legal information from the available sources. In recent years, the primary audiences for law journal articles—legal academics and the legal profession—have enjoyed increased and improved electronic access to both current and older legal scholarship through the primary legal databases, LexisNexis and Westlaw, and the extensive collections offered by HeinOnline, JSTOR, and other aggregators of journal content. For those in the academy, this access is funded by libraries and comes without direct individual cost. In addition, new law journal articles are increasingly freely available prior to formal publication via electronic working paper series, such as those supported by the SSRN and bepress (which for most users are also usually library-funded services and appear to be free to law faculty). As a result, electronic access has become the preferred means for locating legal scholarship at the same time as law libraries are facing increased pressures on their budgets and their parent institutions are looking to library facilities to provide space for expanding programs. Both factors have placed under stress the library's traditional role as purchaser and preserver of print law journals. Should print versions of journals available electronically be purchased and preserved by libraries if print is already no longer the primary means for accessing their contents? Can we rely on digital files for long-term access and preservation of legal scholarship? (Danner and others, 2011).The format in which a journal is digitally published matters. Both archiving and presentation formats are inadequately addressed by the customary solution in use today, the Portable Document Format (PDF). PDF reliably recreates and fulfills a key function in the redistribution of published text, but it fails to fully exploit the promise of digital media. (Joe Hodnicki, 2010)

Legal and government information search engines provide a second method of accessing the specific subject or topic information that is being researched. These legal search engines are more accurate and provide better precision when searching for resources or documents than is available using general information indexes or search engines such as Yahoo or Google. Meta-indexes and search engines provide comprehensive coverage of legal and government information on the Internet and allow users to search specific Internet resources related to the law, government, or regulatory information. There are currently over 100 legal indexes or search engines that provide

databases of resources in exclusively legal and government information domains rather than the entire Internet.

Social Networking Activities

The library community is moving towards digital technologies to provide the public with easy, reliable, and permanent access to authentic government information by using Internet technology. The most exciting innovation in the legal information world over the past five years is the application of Web log technology to this field. The *Merriam Webster's Dictionary* defines blog as a Web site that contains an online personal journal with reflections, comments, and hyperlinks. They are Web sites that use the form of a chronologically ordered online journal (Lawson, 2003). A Web log author–or "blogger"–can publish and maintain an ongoing, informative dialogue with an unlimited number of readers. Blogs filter information and archive it in an enduring chronological manner. These Web logs, blawgs, or personal Web pages created by attorneys, judges, law school professors, librarians, and publishers contain a myriad of content from personal opinion, articles, commentary, legal news, and current interest updates to reviews of legal Web sites. On some sites, bloggers almost act as journalists for the legal field. For example, *beSpacific*, maintained by Sabrina I. Pacifici, a DC area law librarian and publisher of Law Library Resource Xchange, spotlights news, resources, and information technology related issues.

For people wanting to receive continuously current legal research and government information, they can subscribe to receive a news aggregator. A news aggregator tracks the information an individual is interested in and organizes the information on a personal Web news page. The aggregators use RSS technology, which stands for "rich site summary" or "Really Simple Syndication." RSS provides a format for organizing online information sources and the content of news-like sites, including Web logs, news services, and Web sites that make their content available in RSS. The aggregator software and services collect those syndicated feeds and present them to end users in a variety of ways. For example, the U.S. Department of State, Bureau of Public Affairs provides RSS feeds for top stories from the State Department home page–daily press briefings, press releases, and remarks by the Secretary of State. With RSS technology, desired information is served directly to researchers customized according to their interests in feeds of topic-specific news headlines. (Sally, 2008).

Web 2.0 in legal scholarship is becoming almost commonplace, as if it had always been there. After all, even librarians who bemoan law students' faithful citing to Wikipedia as the coup de grace of "good" research must admit they've gone there once or twice themselves and recognize it for the amazing way it has organized massive amounts of information. Web 2.0 has even invaded some law firms, with wikis on intranets as a knowledge management tool and blogs written by attorneys as marketing tools. Students will see these technologies in practice. Therefore, it seems natural that they should receive exposure to such technologies as part of their law school experience (Lewis, 2002).

Barriers

General barriers relating to the ability to access legal information and advice services which were identified include:

- technological barriers, particularly for telephone and web based services

- a lack of awareness of where to obtain legal information and assistance

- a lack of appropriately communicated legal information

- the high cost of legal services

- a lack of interest by some legal practitioners in older clients

- potential conflict of interests when legal practitioners for older people are arranged by family members.

- difficulties in accessing legal aid, including restrictive eligibility tests

- lack of availability of legal aid for civil disputes

- lack of specialized legal services for older people, particularly in rural, regional and remote areas

- lack of resources in community legal centres to tailor their services to the needs of older people. (Ellison and others, 2004)

Conclusion

Providing access to the public is a public service, but there does not appear to be a general public access right. The case law seems to sug-gest that, rather than deciding public access policies based solely on considerations of the public or private nature of their universities, the amount of public funding received, or their library's depository status, librarians can consider the individual characteristics of their own universities—the university's mission, their patrons' needs, their financial circumstances, and the place they see for their academic library in the larger community. To work effectively with faculty, law librarians must do more than become familiar with a professor's current research interests. To be creative in finding new ways to support faculty research, they need also to be knowledgeable about how scholars work, to understand the cultural differences between librarians and the creators of scholarship, and how the Internet has impacted relationships between the two groups (Lewis, 2002). The number of legal and government information resources that are published or made available on the Internet is continuing to grow at a phenomenal rate. Open access models are now being contemplated more generally as a potential way to address persistent and recurring issues of access to legal information. The development of open access means of accessing legal scholarship and other legal information may provide an increasingly important counterweight in the current environment of greater industry concentration. Commercial publishers have historically served an important and useful function as intermediaries in the

development of the legal information industry. From an access perspective, the current degree of industry concentration in the long run is likely to be a negative factor for a significant portion of users, particularly noncommercial users not located at law schools. (Arewa, 2006). In the legal information environment of the twenty-first century, the communities served by law libraries and law librarians have expanded to encompass all those with needs for accurate legal information and the ability to understand how it affects them.

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Web Resources

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(d) http://www.worldlii.org/

(e) http://www.soros.org/openaccess/