Design Requirements of a CD-ROM Based Reference System
Capable of Replacing Print Materials in a Field of Law

Peter W. Martin
Edward Cornell Professor of Law
Cornell Law School, Cornell University

1. Introduction

Much of the research and writing on computer-based legal
information systems pays little heed to the characteristics,
structure, and performance of existing print-based systems. The
implication, no doubt often unintended, is that print is a
separate and largely irrelevant universe.(1) Problems are
discussed as though they sprang fresh from the effort to move
information to electronic media, costs (such as the cost of
adding editorial matter or indexing to stored legal documents)
are dismissed as prohibitive even as print publishers continue to
incur them on a routine basis, and the work patterns and format
expectations of today's professionals, which are based on print
materials, receive very little attention.

This paper, based on a project being carried out with
support from the National Center for Automated Information
Retrieval, Mead Data Central, and an IBM equipment grant through
Cornell University, focuses on a pair of questions that deal with
the relationship of print and computer-based materials:
(1) What elements of functionality (measured against
available print materials) must a computer-based legal
information system offer in order to be competitive with print?
(2) What are the more important challenges raised by moving
from print to this new medium?

The approach, here, is unabashedly applied. Excellent basic
research on text retrieval systems and legal expert systems has
been and continues to be done -- work that illuminates
fundamental questions of approach or technique without offering a
tool of current utility to legal professionals. Without
detracting from the value of such work, this paper suggests there
are important lessons to be learned from what established print-
based information systems enable the lawyer or judge to do. For
a computer-based system to be competitive it must do as much.
Any gains it purports to offer will be measured against these
established information resources.

2. Replacing Print-Based Materials

2.1 The Technology Predicate

     Several developments in computer technology make it possible
to contemplate creation of computer-based legal information
systems that might supplant rather than merely supplement print-
based materials in some areas of law. These developments include
the improvement of display technology to the point that it is
finally reasonable to think of reading from a computer screen as
being competitive with reading from a printed page, even over
extended periods of time. Printer technology has progressed so
that the printing of selected material on demand can be fast,
quiet, affordable, and of very high quality. Optical systems of
data storage (currently CD-ROM) have brought immense capacity to
the individual workstation, again at affordable cost. This
capacity is so great that virtually all print-based information
in some fields of law can be stored on a single CD-ROM disk (or
at most a small handful). Operating environments that have
achieved widespread acceptance permit manipulation of information
and movement around an application to be accomplished by such
intuitive and straightforward means that they become comparable
to page turning and print index use. These same environments
furnish simple techniques for transporting information across
applications -- so that a passage from statute, regulation, or
judicial opinion can be blocked and copied into a set of notes
or, ultimately, into a memorandum or brief or opinion an attorney
or judge is writing.

     A goal these several developments place within reach is
creation of a computer-based legal information system offering
access to the complete set of legal materials on a significant
cluster of legal questions. In a field of law sufficiently
coherent and autonomous it is now possible to contemplate
building an electronic reference system that contains a full
professional library for dealing with most questions the lawyer,
public official, or judge must face, as well as clear direction
into on-line and print materials on issues falling outside its
scope.

2.2 The Principal Components and Functional Elements of the
Typical Print-Based System in the U.S.

     To be a realistic alternative to print, such a computer-
based system must incorporate the full text of all available
legal documents within its scope -- statutes, regulations adopted
by administrative agencies, judicial and administrative opinions,
and other less formal agency guidance. In addition, it must
offer the range of functions provided in print by editorial
additions to the legal documents (headnotes, annotations) and
indexing, as well as by treatises, citators, and other forms of
"secondary" legal literature. In pulling together and cross-referencing
all legal materials relevant to a particular field, a
computer-based system of this sort will most closely resemble the

print systems, commonly called "services," published in the
United States by such private firms as Commerce Clearing House,
Prentice Hall, and the Bureau of National Affairs. It must allow
the user to move from an expert's exposition of the law
(comparable to that furnished by a treatise, specialty service,
law review article or essay accompanying an annotated law report) to the
supporting or described statute, regulation, and principal
decisions. Conversely, it must allow the user to begin with a
legal document (statute, regulation, or decision) and move to
other relevant material in ways made possible in print by an
annotated statute or headnote or index. Finally, it must provide
a means of checking to see whether subsequent legal events (such
as a legislative enactment or judicial decision) have altered the
effect that a particular legal document had when it first took
effect.

3. Selected Challenges Posed by the New Medium

3.1 Setting Boundaries for the System

     A reference work that aims at complete coverage of a
particular law domain lays high stakes on the boundary
definition, for that boundary, potentially, represents a major
work discontinuity for the user. This poses a challenge at both
the conceptual and implementation level. Clarity as to what
topics, statutory provisions, and judicial decisions lie within
the domain is critically important to author and user. But even
with sharply delineated scope, creating a full system using
previous print and electronic sources entails major investment in
finding and including all legal materials lying within it. The
author, editor, or publisher of a printed book (whether treatise
or set of law reports) need not address the issue of boundaries
(what the work will include and what it will not) with such
rigor. Concededly, any author or publisher will seek a close
congruence between the scope of a work and the anticipated needs
of users or readers, but the creator of a printed volume destined
for a professional library can and will always take comfort in
the other volumes that will reside on the same shelf. Indeed,
print authors rely on other materials and cross reference to
them. Despite those references, the author of a print treatise,
need never address the question: Have I identified all the legal
source material that someone using this book will need? It is
simply not the author's undertaking, nor the reader's
expectation, that a treatise identify every case in
point. Nearly all law books are designed to be used together
with other law books. They do not need to and do not attempt to
stand alone.

     A vertical computer-based reference work of the sort
envisioned here, however, gains much of its advantage by
holdingÜf   ÜŒout promise of completeness (or near completeness) and
autonomy.
That demands dramatically heightened attention to audience and
function. For whom, exactly, is the work is designed? What

legal questions must it cover, in what settings? In some fields
of law, practice conventions and existing print materials already
reflect a clear definition of scope. In others, particularly
those having no print service attempting comprehensive coverage
even by way of case listing or indexing, this must be developed.
Few fields of law have print sources that implement a definition
of scope with the thoroughness and rigor required for selection
and maintenance of a full CD-ROM reference.

3.2 Achieving the Proper Balance Between Selectivity and
Completeness

     All things equal, most U.S. lawyers would choose a reference
system offering complete coverage of a field over one with, say,
only 60 percent of the decided cases even if that 60 percent
represents an expert's list of the most "important" decisions.
Completeness is the great allure of the on-line systems, LEXIS
and Westlaw. At the same time that lawyers crave completeness,
they rely on companion systems (treatises, journal articles,
annotations and other secondary sources) to identify the more
important cases or statutes. In designing a complete reference
system for a domain, the challenge is to superimpose selectivity
on completeness. The devices that are easiest to implement are
those that simply reflect the judicial structure or explicit
characterization of a decision -- separating decisions of a
higher court from those of a lower, separating decisions that the
court has indicated as being of limited application (such as the
"unpublished" decisions of the U.S. Court of Appeals, 6th
Circuit) from the rest. But print materials commonly offer more,
namely, identification of those judicial opinions that offer an
especially useful entry point to a field or set of issues or that
are landmarks in the more substantive sense that they resolve
doubt, reverse prior law, or lay down a new approach to be
followed in the future.

     In the United States, complete coverage of any field of
federal law raises an issue about "unpublished" district court
decisions. Only a fraction of federal district court opinions on
legal questions are published in the principal print sources, the
Federal Supplement and Federal Rules Decisions reports of the
West Publishing Company. Effectively, the decision on whether to
make an opinion available in those reports is made by the judge.
Some judges submit a high percentage of their opinions; others,
very few. Most specialist services in federal law fields
(drawing on attorneys for the parties as the principal
information source) include summaries or, in some cases, even
full text access to significant numbers of "unpublished" district
court decisions. The two on-line databases, LEXIS and Westlaw,
include substantial numbers of such decisions. In a given
field,Üf   ÜŒthe universe of unpublished decisions accessible through
the
important print services, through LEXIS, and through Westlaw will
be significantly different, each one from the others.

3.3 Dealing with Time (Or More Exactly the Modifying Effects of
Later Legal Events on Prior Ones)

Printed legal materials display their age. They are dated
and distributed. Years later, readers must form sound judgments
about their continued effectiveness. The consequences of
subsequent legal events are reflected in certain special tools --
citators and supplements -- and are reported in new editions of
treatises or new codifications. In most fields, the literature
of law is cumulative; rarely does law change in a way that allows
a library or user to dispose of "obsolete" primary materials.
That is not to say that obsolescence is not a real phenomenon,
but rather that it occurs in so many different ways, shades, or
degrees that simplistic treatment in a legal reference or full-
text database is hazardous. Consider the following examples of
"obsolete" primary legal materials:

The "obsolete" judicial opinions that focus on a
statutory provision that has since been altered or
eliminated. Can they be safely disregarded? Sometimes
those decisions represent an approach that may readily
apply, by analogy, to another section of the statute.

The "obsolete" lower court decisions that reflect
approaches or a views of the law that are, in varying
degrees, inconsistent with subsequent decisions in different
cases by some higher court.

Opinions that use obsolete terminology. Often there is
a period when a new issue is being litigated during which
courts grapple for appropriate and consistent terminology.
Ultimately, they settle a shorthand phrase (the "Harris
test" or the "treating physician rule") not to be found in
many prior decisions reflecting variations on or specific
applications of the same rule.

Transition phenomena beyond the period of transition.
A full collection of legal materials in field based on a
statute that is amended from time to time will inevitably
include numerous decisions dealing primarily with problems
of transition from one rule to another. Such decisions
address the important question, what matters are governed by
the old provision, what matters by the new; but they have
passing importance. Even so, they may have enduring value
on the generic questions of transition.

Most print treatises deal with these "obsolescence" or
temporal problems by describing the current law, with
occasionalÜf   ÜŒhistorical preambles or digressions. The latter will
generally
be referenced to the "obsolete" statutory provisions and
decisions in illustrative, not complete, fashion. Print indices
index contemporaneously and then let the user make judgments
about datedness using other tools. On-line collections leave the

user in much the same situation. The challenge for a complete
reference using this new medium is to provide a complete
collection of materials, old and new, with effective guidance on
the current value and topical relevance of the old.

3.4 Format and Structure

     An electronic collection of legal materials, stored at the
workstation on CD-ROM or other similar dense medium, can offer
cross-referencing possibilities only crudely suggested by such
print devices as footnotes and cross-references with which
lawyers are familiar, but in numbers and at speeds that can
radically alter the research process. Alongside, it can offer
the capacity for database searches of the type currently
available on-line. The artful challenge is to design a structure
that takes advantage of the enormously greater reference
capability of this medium -- its hypertext capability -- without
breaking with established professional research patterns or
citation conventions. For acceptance and effective use by the
present generation of legal professionals, print metaphors must
be used in handling both input and output. In fields, without
sophisticated print systems, the absence of such metaphors allows
greater freedom, but also creates far greater problems for those
who would assemble "useful" and "used" collections of material:

     Before CD-ROM and hypertext can truly fit, a few
database design problems have to be resolved.... [What are
needed are] "conventions that work." These conventions
should support the hypertext paradigm of augmenting human
thinking, while including some of the familiar information-
organization techniques found in existing print media....
Building structure into CD-ROM hypertext databases is very
important. It's analogous to the production value added to
printed works by editors, designers, and publishers.... CD-
ROM has already won a position as an archival system for
existing data. To go further, opening new markets and
competing with other media, databases and retrieval systems
must be specifically crafted for CD-ROM and the new
audiences it can reach. (2)

3.5 User Interaction

     Taking advantage of a state of the art "point and click" or
icon-based user interface, a CD-ROM legal reference can and
should be as intuitive as page-turning and index using. It
should also take advantage of user familiarity with full-text on-
line legal information systems search techniques while
reducingÜf   ÜŒthe need for knowing and entering command sets.
Capture and
transfer of information from the reference to user notes and
writing should be similarly intuitive, drawing on the best of
current applications in other fields for models.

3.6 Beyond Print Substitution

Moving to and around a full universe of important texts is the critical baseline for any computer-based reference work that would compete with print. But the computer offers more. An exciting creative challenge lies in harnessing the database management, computational, and graphic manipulation and display capabilities to provide functions that print cannot. By definition, it is here that a computer-based information system can most clearly demonstrate superiority over print materials. With a sophisticated user interface, much of this capability can be presented to the user in print-like form. The system may perform calculations specified by law on figures entered by the user and display both the steps and legal basis for them, but to the untutored user it can appear that the system is simply completing a form he or she has begun.

3.7 Need for On-Line Connection

Given law's seemlessness, no domain of law in the U.S. is so autonomous that it permits of a totally complete reference. Inevitably, tradeoffs between the goal of comprehensiveness and the costs of including infrequently needed materials will lead to certain statutes, regulations, and decisions being left off. In the unusual case requiring reference to those materials, the user will have to go outside to other electronic resources or to print. Moreover, any reference that is distributed to the user's on CD-ROM or similar form will require provision for bringing research up-to-date during the interval between distributions. For these reasons, a bridge between a such a workstation-based reference and one of the on-line legal information systems seems an attractive, if not necessary, element. To the extent possible, this calls for minimizing the difference between access and presentation of information residing on local storage media and that accessed on-line.

4. Conclusion

Today, CD-ROM collections of legal materials are a present reality, not a speculative possibility, in the United States. But the phenomenon is in its infancy. The first materials to be distributed in this medium have, understandably, been print equivalents such as the Code of Federal Regulations or Federal Register, with search software added.(3) Given effective software, even such materials offer functionality not available in print and may, for some, supplant the print alternative. But CD-ROM has far greater potential. It has the capacity to replaceÜf   ÜŒprint materials, almost entirely, in some fields of law.(4) But
before it can do so, the challenges which authors, editors, and publishers of print materials have addressed, largely through complementary efforts, will have to be dealt with in novel yet familiar seeming ways. Print models may not always translate readily to this new medium, but without close attention to the conventions, functionality, and limitations of established print-

based materials, creators of computer-based systems are not
likely to gain wide use of them.

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(1) There are important exceptions. See, e.g., Bing, Jon (1987),
"Designing Text Retrieval Systems for 'Conceptual Searching,'"
Proceedings of the First International Conference on Artificial
Intelligence and Law, 43-51.

(2) Oren, Tim (1988), "The CD-ROM Connection," Byte, Dec. 1988,
315-320.

(3) Optext CFR/FR, distributed by VLS Inc., of Toledo, Ohio.

(4) A major step in this direction is represented by the CD-ROM
Libraries released by the West Publishing Company in late 1988.
The first two "libraries" contain collections of primary and
secondary materials in the fields of bankruptcy and federal civil
practice -- all materials previously distributed by West in
print.

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

February 8, 1989

Professor Brent Fisse
The University of Sydney
Faculty of Law
173-175 Phillip Street
Sydney 2000
Australia

Dear Professor Fisse:

       In response to your December letter, let me describe my CD-ROM
project, setting it against other related developments in the U.S.

       Two kinds of law material are being put on CD-ROM here. Some new
entrants in the legal information business are putting out public domain
legal texts in this new format, competing with print and our on-line
systems of LEXIS and Westlaw. For example, VLS, Inc. of Toledo, Ohio is
publishing the Code of Federal Regulations and the Federal Register on
CD-ROM. Quantum Access of Houston, Texas distributes a disk with
opinions of the state attorney general and decisions under the state's
open records act. The other approach, which is that being followed by
the established online and print publishers (Mead and West) as well as
some others, is to assemble a full specialist library, complete with
secondary, author produced material as well as public domain legal
documents. West has just released the first two of a stream of such CD-
ROM products which essentially move to CD their print publications in
specialist fields and also establish an integrated and very friendly on-
line connection with the Westlaw database. West's first offerings are in
the fields of bankruptcy (1 disk) and federal civil practice (2 disks).

       My own project, undertaken with Mead Data as data provider and
publisher, is of the second type. Its energizing conviction is that this
new medium will show its true power and potential only as materials are
prepared, as treatise-like material is written, especially for it. The
porting of print materials to CD-ROM is a step, but only a small first
step, in my judgment. I am, this year, at work on writing, organizing,
and assembling a full legal research tool in the field of Social Security
law. One disk should hold my treatise, the relevant portions of the U.S.
Code, all agency regulations and rulings, and the 7,000 to 8,000 federal
court decisions on Social Security benefit questions.

       I have mapped out in detail the full set of functions I want at a
user's disposal. What subset of those I want, I shall have to settle for
remains to be seen. The software platform represented by the West CD-

ROMs will probably see wider use in this country; they and their joint venturer, Wang, are licensing it to other publishers.

I know of no CD-ROM projects aiming at legal education, but am sure that both West and Mead will extend their practitioner products to law schools on very attractive terms -- just as they have done with their on-line systems and with the same motive, namely, getting the next generation of lawyers hooked.

Sincerely,

Peter W. Martin

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9999999†99heir on-line systems and with the same motive, namely, getting
the next generation of lawyers hooked.

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Revised Structure...............................1/27/89
The Concept is of Layers. This is designed to avoid repetitious
statement of general material (need to file an application and what that
means, insured status and what is means) and to allow user
differentiation. A user going for a known topic can head straight for
Volume 3. Detailed topics will always allow moves upstream, to
summaries, and overviews. Summaries and Overviews will have rich cross
reference. Employment to wages to quarters of coverage. The overview
section will allow the novice user to determine the best entry point.
Overview and summary sections will have no authority except for
illustrative authority. That means that at minimum most summaries will
have a matching detailed topic providing references to statute,
regulation, and decisions -- the exceptions, like insured status, will be
topics that are straightforward aggregates of subtopics which themselves
will furnish the needed authority references. Because of the structure
in this heirarchy, the topic sequences particularly in Volumes 1 and 2
can be quite flat; one simply chooses an entry point and then follows
references. Volume 3 will have so many entries that heirarchy and
sequencing become much more important.

        Rests on analysis of purpose of author text: namely, to set the
framework, point to key documents, express critical judgment about vague,
ambigious, conflicting, or erroneous legal material, and furnish
illustrative detail and cases.

        Moves from Summary to Summary should be limited to listed
references and back to list of Summaries (or Overview when that is the
immediate access route)... Insured Status would give one moves to fully
insured, currently insured, etc. and through them to

Volume 1 -- Overviews
Scope of Treatise and Database
Benefit Types
Old Age or Retirement Benefits
Disability Benefits
Disability Determination
Benefits Based on Family Relationship
Basic Elements of Coverage -- Covered Work and Insured Status
The Steps in Presenting or Appealing a Benefit Claim
Benefit Calculation
Sources of Social Security Law

Volume 2 -- Topic Summaries
Covered Employment
      Wages
Covered Self-Employment
      Self-employment income
Age and Eligibility for Benefits
Disability
Determination of Family Relationship
Timing of the Family Relationship
Account Holder's Insured Status
      Fully Insured Status
      Current Insured Status

I. Overviews
Paragraph Numbers   000,000 to 099,999
Each paragraph (with number, head, and (possibly) subhead) has its place
in line. This material is linear and hierarchical, making use of
exploding detail capability of Guide. Paragraphs include cross
references to other paragraphs on this level and references to topic
summaries (level 2). Conceivably some will include references to statute
and regulation or in the case of constitutional issue discussion, court
decisions.

II. Topic and Rule Summaries
Paragraph Numbers   100,000 to 199,999
Each paragraph has, at minimum, a reference back to an overview paragraph
and references to several detailed paragraphs. The latter may be listed,
mapped, or both. Paragraphs, where appropriate, include references to
statute and regulation or illustrative or key cases; but no decisions
will be indexed against these paragraphs. A rule summary is used anytime
a rule takes the form of A if x, y, and z and any of the terms involve
complexity. For example, rule summaries will be used to summarize the
eligibility requirements for each type of benefit.

III. Detailed Coverage
Paragraph Numbers   200,000 to 999,999
Each paragraph number has, at minimum, a reference back to one or more
summary paragraphs (level 2). Its references to other detailed
paragraphs may be by list or by map. It is to this level that cases are
indexed.

INVENTORY OF WORK TO BE DONE -- WRITING, EDITING, DATABASE ASSEMBLING AND ENHANCING

I. Material Still to Be Acquired in Electronic Form
     Social Security Rulings
     POMS Index
     Medical Reference(s)
     Unpublished decisions (especially those cited in database cases)

II. Material That Exists in Electronic Form That I Need Downloaded to Me for Working Collection and Editorial Enhancement
     [Note the issue of unpublished Ct. Appeals decisions: They need to be identified in online collection. Should those cited in CD database cases be put on the disk?]

III. Treatise
     Paragraphs Written
     Linked to Statute, Regulation, POMS, Rulings, and "Principal Cases"
     Maps, Summaries, Overviews, Glossary, and Indices Prepared

IV. Decisions

     Proofread
     Paginated against F. Supp. F.2d and F.R.D.
     Problem of furnishing jumpcites on CD solved
     Major statutory watersheds identified
     Tentative ten year test: if the case is on a reasonably active point (reasonable frequency of litigation), e.g., most disability decisions and is more than twelve years old, and it has not been cited in the past ten years, it receives an archives label. [May wish to distinguish among Sup. Ct. (surely), Court of Appeals (maybe), and District Court.]
     Indexed against treatise paragraph numbers, at least the recent and important ones
     Add other indicators -- outcome, procedural posture, state law applied
V. Statute

     Complete editorial work that allows cross referencing within statute
     Index against treatise paragraph numbers (may simply be the reciprocal of treatise index)

VI. Regulations

     Prepare full references as in statute.
     Index against treatise paragraph numbers (may simply be the reciprocal of treatise index)

VII. Rulings
     Rely on the index, provided with the Rulings, but also reference to treatise sections and to citing cases(?)

VIII. POMS -- Prepare database version of index

IX. History

      Statute
      Regulations (e.g., the grid)
      Constitutional law

Peter W. Martin

INVENTORY OF WORK TO BE DONE -- WRITING, EDITING, DATABASE ASSEMBLING AND
ENHANCING (Prepared April 24, 1989 and up-dated July 12, 1989)

I. Material Still to Be Acquired in Electronic Form
      Social Security Rulings [MDC is working on acquisition]
      *POMS Index [being compiled under my supervision, completion -- end
of August]
      Medical Reference(s) [MDC is working on acquisition]
      Unpublished decisions (especially those cited in database cases)
[MDC has identified and begun to acquire in significant number]
      *Statistical information on ALJ reversal rates and success rates in
federal court [Have requested former from Senior Citizens Law Center and
latter from Office of Hearings and Appeals, SSA]

II. Material That Exists in Electronic Form That I Need Downloaded to Me
for Working Collection and Editorial Enhancement
      Balance of December list [still incomplete July 12, 1989]
      Supplemental list that currently numbers over 1,200
      [Note the issue of unpublished Ct. Appeals decisions and District
Court decisions that the judge has labeled "not for publication": They
need to be identified in online collection. Should those cited in CD
database cases be put on the disk? I think not.]
      Put in place system for downloading on weekly basis of the 30 or so
Social Security cases identified through review of Eclipse searches.

III. Treatise
      *Paragraphs written
      *Linked to Statute, Regulation, POMS, Rulings, and "Principal
Cases"
      *Maps, Summaries, Overviews, Glossary, and Indices Prepared
      *Entire work reviewed by copy editor and authority checked by
student assistants

IV. Decisions

      Proofread
      Paginated against F. Supp. F.2d and F.R.D.
      Problem of furnishing jumpcites on CD solved
      *Major statutory watersheds identified and decisions coded in
relation to them and other more generic measures of current weight
      [Tentative ten year test: if the case is on a reasonably active
point (reasonable frequency of litigation), e.g., most disability
decisions and is more than twelve years old, and it has not been cited in
the past ten years, it receives an archives label.] [May wish to
distinguish among Sup. Ct. (surely), Court of Appeals (maybe), and
District Court.] This coding of precedential weight or activity will
determine the granularity of indexing and stacking of search results; it
will not determine contents of disk.
      *Indexed against treatise paragraph numbers, at least the recent
and important ones

*Add other indicators -- outcome, procedural posture, state law
applied, prior and subsequent history

V. Statute

        *Complete editorial work that allows cross referencing within
statute
        *Index against treatise paragraph numbers (may simply be the
reciprocal of treatise index)
        *Key in tabular material not contained in on-line version.

VI. Regulations

        *Prepare full references as in statute.
        *Index against treatise paragraph numbers (may simply be the
reciprocal of treatise index)
        *Key in tabular material not contained in on-line version.

VII. Rulings
        *Rely on the index, provided with the Rulings, but also reference
to treatise sections and to citing cases(?)

VIII. POMS
        *Prepare database version of index

IX. History

        *Statute
        *Regulations (e.g., the grid)
        *Constitutional law decisions

===
* On all these items responsibility lies with me.

This outline of tasks omits any mention of the preparation of links and
indices from coded text. My assumption is that we (MDC and I) will have
a heavily automated linking system so that furnishing fully and
consistently coded text files and exercising editorial control over the
output will be all that will be required of me. By contrast, building
the current prototype required a very high level of manual involvement by
me, using Guide.

Schedule

Assuming that I have a full working collection of decisions by the end of
July (December list, plus supplemental list), I should have achieved the
following by the end of August:
        *POMS index
        *Statute and regulations, essentially complete, as of July 1989
        *A definitive decision list, with thumbprints, of cases to go on
CD-ROM, maintained in a database capable of delivering a list as needed
by MDC for proofreading and pagination
        *A major portion of the Martin editorial enhancements of those
decisions -- short form citation, topical links to treatise,

precendential weight, prior and subsequent history taken from Autocite, outcome, procedural posture, state law applied (if any). This information is maintained in the same database noted in the prior paragraph so that the final version of decision will combine the MDC proofread decision with Martin value added material -- the thumbprint furnishing the link. [If the proofread decisions will be given new thumbprints we need to give serious attention to how that impacts on our process.]

      *Historical material on statute, regulations, and constitutional changes.

      *Statistical information

The months from August through December will be devoted to completion of the treatise and its links to and from all the other material. As soon as the complete decision set is in place that work can resume. My current aim is to have a full working draft by the end of September.

Peter W. Martin

INVENTORY OF WORK TO BE DONE -- WRITING, EDITING, DATABASE ASSEMBLING AND
ENHANCING (Prepared April 24, 1989 and up-dated July 12, 1989 and updated
again -- November 30, 1989)

I. Material Still to Be Acquired in Electronic Form
     Social Security Rulings [MDC is working on acquisition]
     *POMS Index [being compiled under my supervision, currently near
completion -- done, end of December]
     Medical Reference(s) [MDC is working on acquisition]
     Unpublished decisions (especially those cited in database cases)
[MDC has identified and acquired in significant number]
     *Statistical information on ALJ reversal rates and success rates in
federal court [Have requested former from Senior Citizens Law Center and
latter from Office of Hearings and Appeals, SSA]

II. Material That Exists in Electronic Form That I Need Downloaded to Me
for Working Collection and Editorial Enhancement
     Balance of December list [still incomplete July 12, 1989]
     Supplemental list that currently numbers over 1,200
     [Note the issue of unpublished Ct. Appeals decisions and District
Court decisions that the judge has labeled "not for publication": They
need to be identified in online collection. Should those cited in CD
database cases be put on the disk? I think not.]
     Put in place system for downloading on weekly basis of the 30 or so
Social Security cases identified through review of Eclipse searches.
>>As of November 30, this work is essentially complete.

III. Treatise
     *Paragraphs written
     *Linked to Statute, Regulation, POMS, Rulings, and "Principal
Cases"
     *Maps, Summaries, Overviews, Glossary, and Indices Prepared
     *Entire work reviewed by copy editor and authority checked by
student assistants

IV. Decisions

     Proofread
     Paginated against F. Supp. F.2d and F.R.D.
     Problem of furnishing jumpcites on CD solved
     *Major statutory watersheds identified and decisions coded in
relation to them and other more generic measures of current weight
     [Tentative ten year test: if the case is on a reasonably active
point (reasonable frequency of litigation), e.g., most disability
decisions and is more than twelve years old, and it has not been cited in
the past ten years, it receives an archives label.] [May wish to
distinguish among Sup. Ct. (surely), Court of Appeals (maybe), and
District Court.] This coding of precedential weight or activity will
determine the granularity of indexing and stacking of search results; it
will not determine contents of disk.

*Indexed against treatise paragraph numbers, at least the recent
and important ones
       *Add other indicators -- outcome, procedural posture, state law
applied, prior and subsequent history

V. Statute

       *Complete editorial work that allows cross referencing within
statute
       *Index against treatise paragraph numbers (may simply be the
reciprocal of treatise index)
       *Key in tabular material not contained in on-line version.

VI. Regulations

       *Prepare full references as in statute.
       *Index against treatise paragraph numbers (may simply be the
reciprocal of treatise index)
       *Key in tabular material not contained in on-line version.

VII. Rulings
       *Rely on the index, provided with the Rulings, but also reference
to treatise sections and to citing cases(?)

VIII. POMS
       *Prepare database version of index

IX. History

       *Statute
       *Regulations (e.g., the grid)
       *Constitutional law decisions

===
* On all these items responsibility lies with me.

This outline of tasks omits any mention of the preparation of links and
indices from coded text. My assumption is that we (MDC and I) will have
a heavily automated linking system so that furnishing fully and
consistently coded text files and exercising editorial control over the
output will be all that will be required of me. By contrast, building
the current prototype required a very high level of manual involvement by
me, using Guide.

Schedule

Assuming that I have a full working collection of decisions by the end of
November 1989 (December list, plus supplemental list), I should have
achieved the following by the end of March:
       *POMS index
       *Statute and regulations, essentially complete, as of March 1990
       *A definitive decision list, with thumbprints, of cases to go on
CD-ROM, maintained in a database capable of delivering a list as needed
by MDC for proofreading and pagination

*Martin editorial enhancements of those decisions -- short form
citation, topical links to treatise, precendential weight, prior and
subsequent history taken from Autocite, outcome, procedural posture,
state law applied (if any). This information is maintained in the same
database noted in the prior paragraph so that the final version of
decision will combine the MDC proofread decision with Martin value added
material -- the thumbprint furnishing the link. [If the proofread
decisions will be given new thumbprints we need to give serious attention
to how that impacts on our process.]
     *Historical material on statute, regulations, and constitutional
changes.
     *Statistical information

January 19, 1989

Ms. Sue Alexander
Mead Data Central

Dear Sue:

     Having built a sound retrospective listing of Social Security
decisions, I have turned my attention to the task of database
maintenance. Attached are the products of considerable labor. For the
past two weeks, I have been running experimental LEXIS searches and
comparing the results with segments of my database. I have, finally,
achieved a set of three searches that offer an acceptably high degree
of assurance of catching any federal decision within the scope of my
treatise and database without, on the other hand, generating a mountain
of garbage to comb through. Yesterday, January 18, 1989, I ran these
searches against the federal court decisions in the LEXIS online database
(date >1987). That breaks the universe of decisions with which I must
deal into three sets: those decisions listed in the compilation I sent
you in December, those not on that list but identified through
yesterday's update searches, and decisions added to LEXIS after
yesterday. For the latter group, I have established weekly Eclipse
searches, having discovered that the new password you have given me gives
me access to Eclipse. I have set up three searches run separately
(they are, as you can see, intended to be mutually exclusive) rather than
a single cumulative search, since the three strategies differ
substantially in yield. In scanning the products of search number 1, I
know that I am dealing with better than 90% true positives; with number
3, the precision drops to below 50%. If your search experts have
questions or proposed improvements, I will, of course, be delighted
to benefit from their expertise. But my aim is to insert my
own expertise between the search and final selections for the database.
Therefore, so long as the number of decisions generated is manageable, I
am prepared to suffer false positives in order to increase my assurance
that no proper candidates for the database are excluded. Run against
1988, these searches produce roughly 1,000 hits. I judge that volume to
be manageable on an ongoing basis (roughly 20 decisions per week to
review and categorize).

     As yet, I don't have any experience with how the fruits of such
update searches are delivered. Once I have full text on the decisions I
identified in November, I shall need a way to add the full text versions
of the additions I select fromÜj   Ü
the Eclipse searches. I'll let you know if I see any issues or problems
with that aspect of database maintenance.

     In hopes that this side of the project is now fairly well in place,
I am turning my attention back to working on treatise text.

                              Sincerely,

                              Peter W. Martin

Edward Cornell Professor of Law

Searches Designed to Keep the Martin Social Security
Database Up©to©Date.....................................Jan. 18, 1989

Search Number 1:

Ì
 Ì("SOCIAL SECURITY" OR NAME (SECRETARY PRE/7 HEALTH)) Þ FÞ
AND ((20 W/4 (404! OR @404!)) OR 416(H) OR @416(H) OR
Ì
 Ì(LISTING PRE/2 IMPAIRMEN¬TS) OR "TRANSFER¬RABLE SKILLS" OR "MEDICAL-
¬VOCATION¬AL" OR "SUBSTANT¬IAL GAINFUL" OR (IMPAIRM¬ENT W/6 (PHYSICAL OR
MENTAL)) OR "SEDENTARY WORK" OR "TITLE II")Þ FÞ
AND NOT NUMBER("FULL-TEXT PUBLICATION" OR UNPUBLISHED)

Search Number 2:

Ì
 Ì("SOCIAL SECURITY" OR NAME (SECRETARY PRE/7 HEALTH)) Þ FÞ
AND (205(G)OR @205(G) OR 405(G) OR @405(G) OR 205(H) OR @205(H)
Ì
 ÌOR 405(H) OR @405(H) OR "APPEALS COUNCIL" OR REOPEN OR ALJ OR "CLASS
ACTION" OR EAJA) Þ FÞ
AND (202! OR @202! OR 402! OR @402! OR 223! OR @223! OR 423! OR
Ì
 Ì@423! OR DISAB! OR "WAGE EARNER" OR "SELF-EMPLOYED" OR (QUARTERS PRE/2
COVERAGE) OR "SOCIAL SECURITY ADMINISTRATION" OR SSA) Þ FÞ
AND NOT NUMBER("FULL-TEXT PUBLICATION" OR UNPUBLISHED)
AND NOT ((20 W/4 (404! OR @404!)) OR 416(H) OR @416(H) OR
Ì
 Ì(LISTING PRE/2 IMPAIRMEN¬TS) OR "TRANSFER¬RABLE SKILLS" OR "MEDICAL-
¬VOCATION¬AL" OR "SUBSTANT¬IAL GAINFUL" OR (IMPAIRM¬ENT W/6 (PHYSICAL OR
MENTAL)) OR "SEDENTARY WORK" OR "TITLE II")Þ FÞ
AND NOT ((MEDICARE OR MEDICAID) AND (1395 OR 1396 OR @1395 OR Ì
 Ì@1396)) Þ FÞ

Search Number 3:

      ("SOCIAL SECURITY" OR NAME(SECRETARY PRE/7 HEALTH))
AND (205(G) OR @205(G) OR 405(G) OR @405(G) OR 205(H) OR
Ì
 Ì@205(H) OR 405(H) OR @405(H) OR "APPEALS COUNCIL" OR REOPEN OR ALJ OR
"CLASS ACTION" OR EAJA OR 202! OR @202! OR 402! OR @402! OR 223! OR @223!
OR 423! OR @423! OR DISAB! OR "WAGE EARNER" OR "SELF-EMPLOYED" OR
(QUARTERS PRE/2 COVERAGE) OR "SOCIAL SECURITY ADMINISTRATION" OR SSA OR
(ATTORNEY PRE/2 FEES) OR "TITLE XVI" OR "SUPPLEMENTAL SECURITY" OR SSI)
Þ FÞ

AND NOT NUMBER("FULL-TEXT PUBLICATION" OR UNPUBLISHED) Üj   ÜŒAND NOT
((20 W/4 (404! OR @404!)) OR 416(H) OR @416(H) OR
Ì
 Ì(LISTING PRE/2 IMPAIRMEN¬TS) OR "TRANSFER¬RABLE SKILLS" OR "MEDICAL-
¬VOCATION¬AL" OR "SUBSTANT¬IAL GAINFUL" OR (IMPAIRM¬ENT W/6 (PHYSICAL OR
MENTAL)) OR "SEDENTARY WORK" OR "TITLE II")Þ FÞ

AND NOT ((205(G) OR @205(G) OR 405(G) OR @405(G) OR 205(H)
Ì
 ÌOR @205(H) OR 405(H) OR @405(H) OR "APPEALS COUNCIL" OR REOPEN OR ALJ
OR "CLASS ACTION" OR EAJA) AND (202! OR @202! OR 402! OR @402! OR 223! OR
@223! OR 423! OR @423! OR DISAB! OR "WAGE EARNER" OR "SELF-EMPLOYED"
OR (QUARTERS PRE/2 COVERAGE) OR "SOCIAL SECURITY ADMINISTRATION" OR SSA))
Þ FÞ
AND NOT ((MEDICARE OR MEDICAID) AND (1395 OR 1396 OR @1395 OR Ì
 Ì@1396)) Þ FÞ
AND NOT (ERISA W/SEG (1001 OR @1001))
AND NOT ("BLACK LUNG" AND "BENEFITS REVIEW BOARD")
AND NOT ((AFDC OR ADC) AND (IV-A OR 50! OR @60!))

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

Ms. Susan K. Alexander
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Sue:

    My work has attained a rhythm that is likely to produce fairly
frequent communications on "how should we handle it" topics. For the
most part, these are development questions arising out of the authoring,
database assembly, and linking process, but inevitably they look beyond
to the final product and how it will work. Rather than saving these
items up, my inclination is to fire them off as my ideas are clear. Some
may be easily answered and implemented. Others will need to be shared
with the appropriate others at Mead Data and resolved jointly. Today's
pair of issues has, I think, one of each.

    For my own record keeping, I am going to number these as issue
papers. There are, or will be, so many balls in the air, that I feel a
need to create a log.

    Attached then is Number 1 in what will be a stream of issue papers.

        Sincerely,

        Peter W. Martin

Issue Paper No. 1 -- Social Security Project

I. On-line Collection of Decisions

     In December, I identified some 7,000 - 8,000 decisions for
downloading to electronic media -- a working database for my use on the
project. I have done an update search and put in place a set of Eclipse
searches designed to keep the decision set up-to-date. I understand from
my visits to Dayton that specialty collections of documents have markers
in a field that is not exhibited to users.

     What needs to be done to have such markers placed on the decisions
I have identified as comprising the basic collection? What needs to be
done to have such markers placed on the decisions, out of those retrieved
by my Eclipse searches, which I conclude should be add to the basic
collection?

     Is it possible to have two markers -- one for principal cases,
another for all the rest? An immediate issue hangs on this last
question. I have decided that decisions that the Sixth Circuit does not
recommend for publication should not be included in my CD-ROM collection.
I have, therefore, attempted to exclude them from my case list and from
my Eclipse searches. On the other hand, any comprehensive collection of
Social Security decisions in the LEXIS database would include fair
numbers of them. If two types of Social Security decisions can be kept
distinct, when the CD-ROM version is out, the on-line collection could
have one marker for those decisions on the CD-ROM collection and at least
one other for those Social Security decisions not in the CD-ROM
collection either because of recency or relative unimportance (e.g.,
Sixth Circuit decisions not recommended for publication).

     Once such a system is established, how does the individual
exercising editorial authority over the collection do so. I presume it
is done by sending lists for addition (and occasional lists for removal
from the specialty library, as misfits are uncovered). How is the
editorial cycle fit against the addition of new decisions to the
database. Take my Eclipse searches as an illustration. If they yield 20
decisions a week, 10 to 15 of which I shall want to include in the Social
Security collection, how should I identify that? How long does it take
to have such a wish responded to? Or does the process work in the
reverse? It would work to have all the decisions generated by an Eclipse
search or searches added to the Social Security up-date collection so
long as those that I determined, upon review, to be out of place could be
quickly dropped.

II. Citators

Do Mead Data's licenses for Shepard's and Autocite permit the inclusion of the citator material directly on the compact disk? My current template for a decision has a Shepard's and an Autocite button alongside the buttons that show the standard LEXIS segments. I should like the buttons to allow the user to open a Shepard's list and, of course, have that list be executable. In short, I want the functionality of the online system with these two citator services without having to go online except for a last minute update. The alternative would be to have these services only available online through the CD-ROM product. That, too, could be a point and click operation from the decision in the CD-ROM collection. Since I think there are important gains to minimizing the circumstances that require connecting to the online system from the CD-ROM platform, I favor limiting it to up-date and the unusual need. A small exploration of the matter leads me to expect that the majority of the Shepard's entries for decisions in my database will be to other decisions in my database. The majority, but of course not all. The Shepard's list on disk would have to have the capacity to move online with a Lexsee if the user wants to see a citing decision not on disk. The user should be informed prior to such a move that the decision is not in the disk collection. Many would chose not to make the move to see a non Social Security decision that cites a Social Security decision (which would be the reason for this situation).

In any event, this is a basic structural question we need to face together. I recognize that licensing terms may constrain our options which is why I began the prior paragraph as I did. field that is not exhibited to users.

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

February 1, 1989

Ms. Susan K. Alexander
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Sue:

        In reviewing my notes on our December meeting, I
realize that I owe you and Bruce Rhoades some further
reflections on functionality. I trust you both still have my
functionality paper of July 19, 1988. I'll not repeat its substance
here, but will focus on the current deficiencies of Guide in relation to
elements of functionality I consider top priority. I'll also make a few
comments on Premise. Folio I am still waiting for (You are going to send
me a copy?); I will give you my reaction as soon as I have a chance to
work with it.

        Guide.

        To meet the needs of my product Guide needs a compatible full-text
database search and retrieval engine. Compatibility means both that
Guide documents can be indexed, retrieved and displayed as Guide
documents, and that a search of the database can be presented as a button
so that it appears to the user in no different a fashion than an author
coded reference. In other words, at the end of a portion of treatise
text there will often be both a few author cited cases, coded as
reference buttons, and an author pre-formulated search that can be run
against the current database. To the user there should appear as little
difference as possible in those two types of move. The latter should
permit modification as a option; it will also take longer to execute.
But the default search, the author preformulated search, (very likely
invisible unless the user choses to modify), should be executable by
clicking on a button.

        Next, Guide needs a "save project" capability, with a better system
of mapping and back tracking prior moves.

        A simple but important matter -- Guide should have a visual cue
that tells one what reference point (precisely) one has come to. If
(d)(1) and (d)(2) are next to one another in the same document, both
visible within the space of a single screen of text, a reference move to
one brings up the full screen without any marker telling the user which

of the two is the reference point. It is only when the user back tracks that there is a brief display of the exact reference point.

Finally, Guide should have a means of taking text or other parameters entered by the user within a space in a Guide document passing them to another application and then, in turn, delivering the output of that application. To illustrate, my treatise text has a place where the user will be invited to enter a year of birth. A simple computational module can take that number and calculate the quarters of coverage the individual needs for "fully insured status." The computed number should be delivered back to the following line in the Guide display.

Let me now turn briefly to Premise. I spent some time with the West people at the AALS meeting having them show me the Federal Civil Practice CD. My overall impression is that it has important elements not to forget (e.g., the stamping of all copied material with source citation and copyright notice) but that there are important reasons for Lexis's first law product to have a more sophisticated platform. Since Lexis will shortly have a session manager that runs under Windows, its CD-ROM products should make use of the same graphics interface. The other impression I was left with is how much, with that product at least, West's CD-ROMs are simply a friendly front end for Westlaw. I can't imagine many research sessions with the Civil Practice CD that would not require countless moves to the online database (as best I could tell, the only decisions put on the CD are those already segregated in print in the F.R.D.). My plan is to minimize the need for online use, and to limit it to situations where the user can readily understand the unwisdom of including the material on the disk (update and collateral inquiries). Sometime within the next two months, I should like to spend more time, without West people looking over my shoulder, exercising one or more of their CD-ROM/ Premise products. Do you yet have copies? Ideally, I should like to do my exploring at Mead, with the opportunity to discuss my reactions with your people who have explored what it can do and can't.

Folio I am eager to see. I am especially anxious to try it out as a writing and development tool in connection with the downloaded decisions you are furnishing me. I concluded last week that as a writing tool Guide had too little database capability. My treatise is, with time, becoming less linear, more tiered or structured. The references to and back from statute and regulation and decisions can be imbedded in Guide (my prototype does that) but Guide offers me little or no capability for keeping track of all references to a particular treatise section, on the one hand, or to a particular decision or statute subsection, on the other. I am now writing within a database (Notebook II), but imagine that Folio would be an even better development platform.

Attached is this week's issue paper (No. 2).

Sincerely,

Peter W. Martin

Issue Paper No. 2 -- Social Security Project

III. Text of Statute for Inclusion in Final Product

     The text of the Code of Federal Regulations that I am downloading
from LEXIS and providing editorial enhancements to in the form of
references to my treatise and to the statute and to other sections of the
regulations begins as a public domain document. Consequently, I can begin
to integrate it with my own work without concern. The same is true of
the decisions you will be furnishing me.

     Before I increase my already significant investment in performing
similar editorial work on the portions of title II of 42 U.S.C. that I
have downloaded, I need to know whether the license you have for use of
U.S.C.S. will: (1) permit its use on this CD-ROM product as the source of
the current code, (2) permit its use complete with some or all of the
editorial enhancements available online which include useful historical
material, statutory cross references, and references to A.L.R.
annotations and other secondary literature, and (3) permit its use
together with editorial enhancements I intend to add to integrate it with
my treatise and CD-ROM database. I should like to take the full enhanced
version of the statute, now available online, and work from it. Can I
proceed on the assumption that Mead's current license extends to CD-ROM
use or that Mead can and will negotiate such an extension? If it cuts in
favor of the extension, I would be pleased to include the A.L.R.
annotations themselves that fall squarely within the Social Security area
on the disk or alternatively have the references to all relevant A.L.R.
annotations that accompany the U.S.C.S. sections be executable online.
All of these matters involving the proprietors of U.S.C.S. need some
tentative resolution before I go very far in working with the statute.

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

                                        February 8, 1989

Ms. Susan K. Alexander
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Sue:

     As you know, I tracked down my Eclipse reports in your office. It
would be ideal if they could be printed to disk here. I could log on at
a regular time or do whatever needs to be done to coordinate that,
including setting my machine to log in during the wee hours. If that is
not possible, please have the printed reports sent directly to me here.
I have not seen any reports yet but the numbers reported are comfortably
near my estimates.

     This week's issue paper, attached, has to do with acquisition of
federal district court decisions. I know nothing about the arrangements,
past, present or future. Presumably, it be sensible for me to be
discussing some of these points of how to achieve the desired result with
those who are responsible for acquisition.

                         Sincerely,

                         Peter W. Martin

Issue Paper No. 3 -- Social Security Project

IV. Acquisition of "Unpublished" District Court Decisions --
Retrospectively and In the Future

　　　The list of decisions I submitted in December included roughly one
thousand Federal District Court decisions in LEXIS but not published in
F.Supp. or F.R.D.　Before my final case selection is complete that number
may swell to at least 1,500.　The Eclipse search that is my most precise
when run against 1988 district court decisions on January 19 produced 390
hits.　On that list only 105 showed F.Supp. or F.R.D. cites.　No doubt
additional ones will acquire such cites.　(How long after a case has been
decided and entered in your database, typically, do you get its West
print citation, if it is going to have one?)　Of the 285, ten or so carry
the notation "not for publication" which as I noted before in connection
with Court of Appeals decisions I intend to take at face value in
preparing my CD-ROM case list.　My present view is that any "unpublished"
social security decision in LEXIS not so designated by the court should
be included.

　　　The problem I wish to address here is adding "unpublished" social
security decisions not in LEXIS.　I have discovered that there is
disturbingly low overlap between the LEXIS "unpublisheds" and the WESTLAW
"unpublisheds" and worse yet the social security decisions that appear in
full text or summary in the New Matters reports of the CCH Unemployment
Insurance Reporter.　Citations to the latter source are reasonably
frequent in the field, both in decisions and secondary literature.

　　　My best estimate is that there are one hundred or so social
security decisions reported in the CCH service each year that, at least
as things have worked in the past, do not end up in LEXIS.

　　　If I were to prepare a list of the social security decisions not in
LEXIS but available in WESTLAW or the CCH service (name, date, court --
sorted however you like), how feasible would it be to add those decisions
to LEXIS?　For the sake of discussion let's assume we are talking about
1,000.　Depending on the numbers, I might try to reach back to 1985 or
1980, but would also like to include all earlier decisions I find cited
in the cases already in my database or in other prime sources.　(CCH
represents the principal object of this desire; but, yes, there are
published district court decisions that cite to unpublished decisions
with WESTLAW cites, decisions that currently cannot be found in LEXIS.)

　　　The future poses a separate question.　What arrangements could we
make so that, in the future, all district court decisions reported in the
CCH service are added to LEXIS?

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

February 15, 1989

Ms. Susan K. Alexander
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Sue:

     I spent a very profitable day in New York City yesterday. As guest
of a group that styles itself the expert systems working group I outlined
my project to fifteen or so lawyers interested in large firm computer
applications lying beyond word processing (most were from large firms --
e.g., Simpson, Thacher; Sullivan & Cromwell; Davis, Polk). I did not go
into details but described my project's scope and aim and invited their
ideas on elements of functionality that would be important to such a
product. Several had already reviewed the West CD-ROM products and so
were able to reflect on its limitations. I attach a copy of my quick
notes to myself prepared right after the session. Please forward a copy
to Bruce Rhoades as an addendum to last week's letter on functionality
(which I trust you have already given him) with the cover message that I
would be pleased to flesh out any of the points on which the notes are
too cryptic. I spent the latter part of the day at Rogers and Wells
looking at the work environment the firm plans (someday!) to bring to
each lawyer's desk -- code-named the "Legal Workbench". The package
amounts to a menuing system (batch files, I think), some filters, and
BLUEFISH. Since I had not seen BLUEFISH for several years, this offered
a chance to get reacquainted and also the opportunity to explore one
quite traditional firm's vision of distributed computing with the person
presently responsible for implementation.

     The first batch of Eclipse printouts arrived last Thursday, but
without the fruits of SOCSEC#2 and SOCSEC#3 for the second week (the
reports would be dated February 2). Perhaps, they are coming on with the
next batch, but I mention it in case they are not. I know from the
counts I get on-line that decisions were generated by those searches.

I am negative on licensing either the Social Security Practice Advisory or the underlying Social Security Law and Practice. In my next communication, I'll explain why and identify the kind of third party material that would add substantial value to what I am building either on-line or on CD-ROM or both.

Sincerely,

Peter W. Martin

V. PAGINATION

        An important topic that was never pinned down in our
December meeting is pagination. My discussions with Marian
Parker led me to be concerned about the pace at which page breaks
would be inserted in the genfed library, implementing the West-
Mead settlement. My discussion with you left me nervous about
whether the terms of the settlement permitted inclusion of the
breaks in a CD-ROM product. I trust that you have cleared that
point up by now and hope mightily that the terms of the
settlement permit the inclusion of the West pagination in the
decisions selected for my CD-ROM treatise and database and that
the only problem (a big one) has to do with the pace of the
retrospective conversion of those materials in the LEXIS
database. Can you confirm that the issue is not whether but
when? Can you give me any idea about when or whether it would be
possible to place these particular decisions on a fast track for
page numbers as well as Lexis Citations. Any product that sets
out to supplant print materials in a field, must have the
capacity for citation below the decision level. Any new product
must have the capacity for that citation to be in a traditional
form that references traditional print materials.

        Since a significant number of "unpublished" district court
decisions are part of the collection, I need to know as well
about the projected inclusion of pagination in such material
reaching back, say, to 1980.

VI. LEXIS POLICIES

        From time to time, I find myself stumbling on issues that I
am confident have been addressed, after careful deliberation, for
the LEXIS on-line collection. Since I have no appetite for
reinventing the wheel and have a strong desire for compatibility
with the on-line system, except where deviation is important, I
would be helped by having a copy of whatever documentation there
is on LEXIS policy for treatment of decisions. I am talking
about very pedestrian matters, matters that may strike you as
self-evident. For example, what does LEXIS do with a decision
that a court "withdraws" after it has already been loaded into
the database. Does it leave it in with the notation "withdrawn,"
remove it and leave no trace, or remove it but leave the citation
with some notation and ultimately, perhaps, a forward reference.
No doubt I could piece together the relevant policy and practice
by combing through LEXIS, but that is exactly the kind of reverse
engineering I am asking that you help me to avoid. What does
Mead do when a Court of Appeals first labels a decision "not for
publication" but later decides to "publish it" -- once again I
can think of several ways to handle the change of signals; but am
not sure from casual observation precisely what the LEXIS
practice is. Surely, there is a policy and practice manual that

covers these and other basic points. Can I have a copy, wrapped in whatever additional non-disclosure terms you like?

VII. ADVISORY BOARD

    If I were writing a book, I would, before long, start sharing drafts of sections with friends and colleagues who know the field, soliciting helpful critique. We need to explore the ground rules I would have to follow in attempting such a process with this novel venture. Given the novelty of the form, such helpful critique is especially important -- to me and, I would judge, Mead Data.

Ideas Raised at the Expert System Working Group -- NYC   February
14, 1989

1. Document Assembly

    The product should be capable of generating forms in a
format acceptable to the agency

2. User Value Added

    In a law firm, this may be a multi-user product;
consequently, providing the capability of multiple annotation
with some controls on annotation or at least identification of
annotator would be desirable

    Put an information product like this on the lawyer's desktop
and the user is going to demand ways to make it her own

    User/group will want to be able to do more than add notes to
units (sections of treatise or decisions), will want to be able
to integrate inhouse work product as part of the database, may want
to add articles, ALJ decisions and other material to the database

    User will want to be able to save not just a reference and
not just a search [a capacity that my functionality sheet does
not include but should], but a case set or document set [not sure
of that]

3. Reading

    When a person does law reading, several sources will be open
at once -- one wants the capacity to represent the available
items -- a book shelf say -- and to open readily

    Idea of a laptop display, furnishing a booklike interface
(not a laptop computer, but merely laptop display)

4. Orienting the User

    User needs to be able to take bearings readily at the
outset. Table of contents and skimming of book does that -- need
the functional equivalent or better.

    Once the user gets into the resource there needs to be
effective representation of the search trail and the macro
terrain.

    When the user leaves marks they should be tagged on label
and scroll bar

    Javelin furnishes a representation of where one is in
relation to database that may be a model

5. User Profile

Report format should be flexible

User may want to be able to set a switch and have the book
look differently (e.g., expert and novice see a different table
of contents)

User may want to go beyond footnote in a particular way (all
decisions contra, decisions finding for the claimant, certain
court, certain judge)

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

February 23, 1989

Ms. Susan K. Alexander
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Sue:

    I was pleased to hear from Cynthia that things are moving on the E-mail front so that in near future messages back and forth can move more expeditiously.

    Attached is this week's issue paper. It deals as promised with the question you posed about the Social Security Practice Advisory of Lawyers Coop and other third party material to be included with the treatise on-line or on disk.

                              Sincerely,

                              Peter W. Martin

VIII. Inclusion of Third Party Material Such as The Social Security
Practice Advisory

     The treatise and linked database I am preparing aims to have the
functionality of the current print products like the West treatise and
Social Security Reporting Service, the Matthew Bender Social Security
Practice Guide, the Lawyers Coop Social Security Law and Practice, the
CCH Unemployment Insurance service, and so on. It will describe and map
the field, furnish practice guidance, link the user to the statute,
regulation, and decisions. Any service worth its subscription fee
furnishes a current awareness service -- flagging legislative or
regulatory developments of significance and reporting on important
decisions. The Social Security Practice Advisory does that for the
Lawyers Coop product. I shall be doing that for the online update to my
treatise and database and my updates will link to my treatise not "Soc
Sec LP". These are competitors not complementary material. If this is
not clear, we need to review what it is you think I am preparing.

     There is one class of materials that would be a powerful addition
to the treatise and current LEXIS data that it may be possible to
identify and acquire for on-line or disk use. These would be materials,
ideally functioning as a sophisticated database, that would allow a
lawyer or other representative to move from a client's account of his or
her medical history (symptoms, medication, and scraps of medical lingo)
toward possible categories of mental or physical impairment that make up
the impairment list for disability benefits or establishing disabilities
of lesser severity.

     If you agree, let us address how to proceed. I would suggest that
you canvas the resources at Mead Data and Mitchie. For all I know, Mead
owns or is in serious negotiations for a more general Medical-Legal
reference work that may be adaptable to this specialized area of proof.
(I would expect high use for a quality database of this sort on LEXIS.)
In the meantime, I will consult with a sampling of attorneys who do
Social Security disability claims about what materials they use for this
purpose and what they would find useful. We should consult in within a
month to review the options -- including whomever on Mead's side you wish
in those discussions.

     Knowing what companion resources on medical diagnosis and proof
will be available to users of my treatise will, of course, affect how I
address the medical aspects of disability representation and how I index
the disability cases. As I have explained I do intend a fair amount of
editorial addition or subject matter indexing for decisions and with
disability cases the medical complaints are one clear organizing
principle.

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

March 8, 1989

Ms. Susan K. Alexander
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Sue:

I have been in daily contact this week with Andy Hopkins who tells me he has been put on the downloading project. I am encouraged by his progress.

I enclose for Bruce Rhoades and his group a small collection of my materials that I set up under FOLIO as a way to explore its capabilities. My initial reaction, which I would ask you to pass on through a copy of this letter, is mixed. First, as Bruce noted in December FOLIO may well be ideal as a development tool. I plan to use it instead of ZYindex to work with the decisions now being downloaded. As a platform for the final product, it has what Guide presently lacks (a good full-text search engine) and conversely suffers comparison with Guide in terms of user interface and flexibility of presentation. As you know, I value the capacity to handle graphics which it lacks. I trust that it is possible to loosen its refusal to index any other than an alphanumeric character, but in its current form that forces some unnatural looking division markers (e.g., 42-USCS-409). Despite the documentation amendment promising remapping of section and paragraph symbols, it kept stripping mine out, however, I coded them. I like the flexibility that "view" creation allows, but find myself wishing that it also permitted one to reorder folios [records] and save that ordering as one can do with such database software as Notebook II. Measured against my functionality criteria of last July, I find Folio short on the following counts: IB [Resume capability]; IIA4 [Pre-formulated, Modifiable Queries]; IVB [Computation]; V[Data Types]. But I may be missing some of its features.

I have sent you a copy of my lecture at Chicago-Kent and am sincerely interested in comments or corrections from you or others at MDC. As I told you my three days at Chicago-Kent involved not only the lecture but meetings with students and a faculty workshop. In the latter two, there was considerable discussion of the future of teaching materials. Here is an idea, born during those discussions that I am asking you to forward to the proper party at Mead.

West is very cozy with a large number of law teachers. Many are "West" authors and receive free Westlaw time in that capacity. [As coauthor of a West published Property casebook, I am a "West" author.] But as is the case in other areas, this West advantage links to a constraint, for West's law school print publishing is something it is not eager to undercut. MDC could, I think, reap substantial academic good will, by offering law teachers a teaching materials package. The components could include print to disk of decisions the teacher intends to edit for class use either as a supplement to a casebook or instead of a published casebook and special terms on a modest amount of LEXIS search time in support of class preparation. The package should have high visibility and clear documentation on how to prepare the downloaded decisions for reproduction. It should require a clear notation of the source. It might go so far as to allow "LEXIS authors" to have their edited decisions, with accompanying comments and questions, held in a special library for the use of other law teachers [for a limited period of time, e.g., one year].

        I told you in December that I thought a major piece of the Social Security Rulings had been put on disk. I have finally tracked that false lead down. A report, prepared last December by the librarian of the Supreme Court, listed the rulings as being part of the Library of Congress laser disk experiment. However, Joseph Price, chief of the Library's Science and Technology Division, tells me that while the rulings had been on the original list they were not, in the end, put on disk. I shall proceed to collect the information on that material in print form for data preparation.

                        Sincerely,

                        Peter W. Martin

Issue Paper No. 6....................Social Security Project

IX. Unpublished Court of Appeals Decisions

        I have already brushed against this topic. I had not realized
until recently how many Court of Appeals decisions are unpublished.
Drawing on work of the Federal Judicial Center I sought to determine how
many of those unpublished decisions are acquired by LEXIS. The attached
paper represents my best estimate. Does this coincide with MDC's own
impression of its coverage? Have I missed something?

        The plan I should like to implement involves the following division
of labor between my CD-ROM decision set and the on-line decision set.
For the CD-ROM, I should like to limit Courts of Appeals decisions
decisions to those that are under court rules citable or of precedential
value. But I would like to set up the treatise and disk so that a user
could pursue a point into the on-line collection of unpublished decisions
from the relevant circuit. Does this pose any problems of policy for
LEXIS? As you know, I have limited my case list and Eclipse searches to
published decisions or at least have attempted to do so. The plan I have
just outlined will require eventually that I identify unpublished Social
Security decisions by the Court of Appeals (not a big task, I think).

Ms. Susan Alexander
Mead Data Central

March 17, 1989

Dear Sue:

        Here is the information on the Social Security Rulings I promised
in ▯last week's letter. Please let me know if you need further scope
information   ▯Šor if you foresee
material.

                         Sincerely,

                         Peter W. Martin
                         [Easylink Mailbox 62992597]

===
Issue Paper No. 7...Social
▯ŠSecurity Project

X. Social Security Rulings

        The Social Security rulings form a body of agency "law" lying
between   ▯Šthe formally
Operations   ▯ŠManual Sys
distributed to   ▯Šall depository
text as part of its   Reporting Service adding only a bit
of indexing at the end.   ▯ŠThe rulings,
part of my Social Security CD-ROM   ▯Šand specialty library in
this field. There are two print sources   ▯Š(the agency p
the West prepublication); I know of no electronic   ▯Šsource (so
of March 8).

        The following scope calculations use the West version since it is
the   ▯Šonly complete set of rulings I ha

I. Social Security Rulings -- West's Social Security Reporting Service

A. Rulings 1960-1974

        By my count 425 Rulings printed on 1016 pages. The publisher has
▯Šselected these from a larger set; the 1960 run goes up to 60-27 but has
only   ▯Š81 rulings; the 1961 rulings goes up to 61
by 1974   ▯Šthan all o have improved to 74
publisher's preface   ▯Š[III] explaina
rulings issued during the   ▯Šperiod tha
or rescinded.)
        One ruling (72-27) concerns Medicaid and Medicare and, therefore,
▯Šfalls outside the scope of my project. It may make more sense,
however, to   ▯Šload the whole se
below)."

B. Rulings 1975-1982

This volume holds 269 rulings, printed on 967 pages. It was
Špublished in 1983 and so has a full run of the 1982 rulings (69 out of
82-Š69), while having omitted 15 of the 1975 on grounds of obsolescence,
etc.   aŠMany more of these r
outside the   Šsnamely of ASItreatiesenot involving
disability.

C. Rulings 1983-87

This volume holds 172 rulings, including 28 acquiescence rulings
[a   Šnew breed commen
reports the   Šobsolescence, e

E. Estimate for 1988

Using the average for 1985-1987, I estimate 30 rulings and 100
pages   Šfor 1988.

II. Total

The total count including that 1988 estimate comes to roughly
1,000   Šrulings and
densities in   Šthe copies
is not easy to come   Šup with, l
that we are talking about   Šno more tha
less than .5MB per year (not   Šallowing fe
obsolescence etc.)

III. Overlap

Somewhere between 25% and 30% of the rulings are reports on or
Šresponses to court rulings. Some merely reproduce all or parts of an
Šopinion, add a summary and references to statute and regulation. A
Šsignificant number of the decisions given this circulation within the
agency   Šwhenunpublishedoroa
the ruling   Šrepeats a dec
that treating the   Šruling as a
appropriate. Š

February 16, 1989

Ms. Kathryn M. Downing
Mr. James P. Roemer
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Kathryn and Jim:

     Last week I was visited by David Steinman of McKinsey & Company.
We had a good hour's talk in which I discussed my project in detail,
sketched the vision of the future of legal information systems which
impels me to engage in such an unusual form of scholarship, and provided
candid impressions of the strengths and weakness of Mead Data. I felt
uninhibited in the conversation because Steinman assured me that was
consistent with McKinsey's relationship with Mead Data. In particular,
he invoked your names. I report this to you simply to be sure that I was
not mislead. I am also prompted, at the same time, to raise the related
question of public discussion of my project.

     The press release jointly worked out by Cornell and Mead Data has
put the schedule and scope of the project in the public domain. It was
there already in the sense that I have been talking about my plans for at
least two years. However, as the project progresses the judgment calls
about what to say and what to hold back become more difficult. Then
there are the West products which are out there and stirring up interest.
As I reported in this week's report and issue paper to Sue
Alexander, which she may already have shared with you, I met in New
York Tuesday with a group of lawyers who call themselves the
expert systems working group. That led to a call from a writer
for PCWeek. In ten days or so, I shall give a public lecture in Chicago
on the history of legal information technology which, needless to say,
will lead up to reflections on what I am trying to do and why. April and
May also include public lectures -- May's in the attractive venue of
Bologna. The conviction to which I cling as I decide what to say and
what not to say on such occasions is that more is gained than lost by
being sufficiently clear about what I am doing (and why and how) that the
discussion can generate both interest and useful ideas. There are all
sorts of specifics that ought to stay under wraps: e.g., what
software will you use, what will you do about the Shepardizing function
or page breaks?. Most of the questions posed in my weekly issue papers
are at that level. But what functionality a lawyer would want of such a
product and what information a lawyer would expectÜj   Ü
to find included in it strike me as appropriate topics for
public discussion. I trust you agree, but wanted to raise the point.

I shall share these public reflections of mine with you when and to the extent I get them written down. An abstract for my May talk is attached. Please let me know if you find me opening topics or revealing details that make you uncomfortable. I am so enthusiastic about this venture and so convinced of the future of computer-based legal information systems that there is a slight risk of fervor overcoming judgment.

                              Sincerely,

                              Peter W. Martin
                              Edward Cornell Professor of Law

cc: Susan K. Alexander

Social Security Rulings

West's Social Security Reporting Service

Rulings 1960-1974

By my count 425 Rulings printed on 1016 pages. The publisher has
selected these from a larger set, it appears, for the 1960 run goes up to
60-27 but has only 11 rulings, the 1961 run goes up to 61-68 but has only
29 rulings, by 1974 the ratio has improved to 74-31 and 22 in West. (The
publisher's preface [III] explains that the volume does not include
rulings issued during the period that have been "obsoleted, superseded,
or rescinded.
        One ruling (72-27) concerns Medicaid and Medicare and, therefore,
falls outside the scope of my project. It may make more sense, however,
to load the whole set rather than pick and choose (see below)."

Rulings 1975-1982

This volume holds 269 rulings, printed on 967 pages. It was
published in 1983 and so has a full run of the 1982 rulings (69 out of
82-69), while having omitted 15 of the 1975 on grounds of obsolescence,
etc. Many more of these rulings (as many as 25%) deal with matters
outside the scope of my treatise -- namely, SSI issues not involving
disability.

Estimate of total amount to bring this set up to present.

Taking the average length of a ruling to be 2.8 pages (The more
recent volume's average.) and a year's output to be 50, on average --
1983 through 1988, six years, estimates to be some 300 rulings and 840
pages.

Total

The total count based on that estimate comes to nearly 1,000
rulings and 2823 pages. Given the diversity of fonts and print densities
in the copies I have, a good character count per page figure is not easy
to come up with, but 3.5K is an outside figure. That means that we are
talking about no more than 10MB of material, that grows at rate of .5MB
per year (not allowing for the subtractions produced by obsolescence
etc.)

Overlap

Somewhere between 25% and 30% of the rulings are reports on or
responses to court rulings. Some merely reproduce all or parts of an
opinion, add a summary and references to statute and regulation. A
significant number of the decisions given this circulation within the
agency are unpublished or printed only in the CCH service. Even when the
ruling repeats a decision already in my database, I am persuaded that
treating the ruling as an independent (though linked) document is
appropriate.

MDC Meetings - April 19-21

I. Update from Sue Alexander

Wang has put its share of Premise up for sale. MDC will likely decline,
given the limits of the product and West's interest.

The purchase of Mitchie has led MDC to move its editorial staff to
Mitchie with the exception of those working directly on decisions -
proofing and pagination (Joe Rueth and Pam Wegmann).
Two strong editorial people with law background - Gerry Cahill and Sonny
Reese (sp?) - have decided to stay in Dayton and are looking for a new
spot at MDC. They are interested in this project.

From Kathryn Downing at lunch learned that the prime motivation for the
Mitchie acquisition was to balance West in the statute area. West
licenses some state statutes from Mitchie. The purchase thus gives MDC a
supplier relationship with West, giving it leverage it did not have has a
cash paying customer/competitor. Eventually all editorial work on
statutes will be based at Mitchie. Raised with Kathryn the issue
of editorial review of my manuscript.

II. Bob Glass (Director of Specialties) and Rob O'Dell (Statutes group)

Discussed USCS and other LCP issues

They will meeting with LCP and seek permission for inclusion of title II,
42 USCS on the CD-ROM

The issues I outlined for them were:
     use of code text with LCP editorial material (e.g., 42 U.S.C.S.
402(b))
     my addition of editorial material to the code (spelling out cross
references)
     use of historical and other editorial material that follows each
code section [with the added functionality of my historical database as a
pointer to or overview from device]

Plans for on-line USCS include:
     More frequent updates of sections than annual, moving to a section
by section replacement rather than a full reload.
     Already loading the public laws on-line and adding
editorial material at the beginning of each affected code section
(the status portion) so that user is alerted to potential change before
it is reflected in a changed version of the code section. An Eclipse
search of code sections will catch the addition of a public law reference
to the status field (is it a discrete field?), but it will not highlight
the change; user must identify the change.
Problem with interplay between CD and online:
Shepards and Autocite online give one the full list of citations. Can
restrict by jurisdiction, but not by date or other variable. Therefore,
the more one puts of those citators or their functionality on the CD, the

more redundancy the user will encounter going online. That is the user will see the full list and have to identify those elements that are new.

III. Exploration of West Bankruptcy CDs with Bill Baker

Contents
Cowan's (print treatise)
Forms
Bankruptcy Decisions – packaged by date. Probably collected for this product. [Check to see if there is a parallel print collection.]
Two kinds on online queries ©© update collection (bundled
with subscription) and pursuit of references that are off disk.
Since the collection of bankruptcy decisions is limited to 1979 forward, a reasonable fraction of footnotes in Cowan are references to online (and therefore separately charged).
The online interface is the same as the CD-ROM.
Not clear why system doesn't simply use the time the user
spends reviewing a page of decision to download document to harddisk.
 Instead it continues to work off online data paging forward and back.
Things to avoid or minimize:
     multiple disks. It is an annoyance to switch disks when
one executes a reference, not as bad as going online, but an annoyance.
If one is going to have a second disk, the treatise front end should have complete references on the first disk, with the second being a layer of rarely used (archive) or fairly autonomously used (specialized databases – e.g., medical legal – so that disk switches in the midst of a task are not called for.
     online connections. The first dial up is a major delay
and subsequent reference recalls have sluggish response compared to the disk which means that use of disk must be only for tasks that are clearly recognized as being "special" ©© updates, unpublished decisions, referenced material on domestic relations or federal courts.
     obtrusive copyright notice. Does it really have to block your
vision each time you make the first move into a book (on a project? in a session?)?
Other lessons learned:
     need for context. Easy to get lost. Should be a way to
backtrack short of stepping back, step by step. The latter is especially frustrating with multiple disks because each disk change must be repeated on return even if the ultimate destination is on the first disk. (E.g., if one has ended up on disk A having gone from A to B to A, the return voyage to the starting point in A involves the need to insert disk B and then A again.
     need for good maps with references. The bankruptcy set has a law finder and a volume called "selected bankruptcy decisions". The former is mostly explanatory text. The latter is a compilation of synopses of state decisions, presumably selected by key number. This compilation is preceded by a list of headings which are taken verbatim from key number headings, but they are not references and indeed the system does not respond well to them as search terms (at least that is true of "social security and public welfare")
     point and click. The premise interface is much too dependent on keyboard input.

IV. Kathryn Downing

       Committed to having MDC people proof read all my decisions before
they are put on CD©-Rom. We agreed that it would be best to keep my
value-added material separate from the decisions' text and take the
CD©ROM data from the base data in LEXIS.

       She also indicated it should be easy to "doc pound code"
my decisions. Both she and Sue Alexander did not stumble over my idea of
having a different but related code for Social Security decisions
included on the CD©ROM and Social Security decisions not included.

       MDC has software that will assemble a list of normalized citations
after combing through a decision. That could be run on my decisions,
generating an index that amounts to a citation list.

       Mentioned need to get downloads of the 200-300 decisions identified
since December 1988.

       We discussed the Shepard's and autocite issues and pagination. On
pagination we disucssed the feasibility of drawing jump cites off the
online collection (transparent to the user) by matching the text in
question with the online version. I also introduced the idea of the
paragraph number cite that is available upon request – believing that
that is the media neutral citation unit of the future.

       Information item: Mr. Biddle (?) of the Administrative Office of
the Courts has set up a face-off between MDC and West to automate the
decision production and dissemination of the Federal courts. MDC is now
working with two circuits and West with two. The plan is to pick a
winner in August to set up the system for the full Federal court system
(or full Appellate Court system?)

V. Citators

       Maurice Byrd (x1822)[acting manager of licensor specialties, labor
background] and Chris Perrucci (x1172)[analyst responsible
for the joint venture with LCP] and Joe Moody (x6872)[not met but key
person on relationship with Shepards]

       Concluded after conversation that better to include key elements of
citator functionality as part of editorial matter on disk with the full
named services available only online, but as a button operation
associated with each decision.
       Issue:
       Can I use these services in preparing my editorial links? As a
curtesy MDC will inform LCP and Magraw-Hill, but no one seemed to think
there was any problem such use. The limitation of use of the direct
access to the citator lists to online access means no license problem.
       The problem with the online citators is that they allow no way to
segregate the most recent additions. Shepards is the biggest problems
since additions may occur through the list since it is organized by

court. With Autocite additions occur at the end of the list so at least
a comparison of an earlier with a later autocite list will show up the
additions.

Can I report no references in Autocite or Shepards for
the decisions of which that is the case?

Information:

Autocite (LCP) represents a close working relationship, truly a
joint venture. As of January 1, 1988, Autocite includes Lexis citations.
There are also autocite entries for all decisions with lexis cites, which
includes all "unpublished" district court decisions loaded into LEXIS
since that date, plus those of the prior year that are being added
retrospectively. Autocite also now covers UIR [CCH service]. Chris
promised me material on that coverage. Presumably that means that
decisions reported only in the CCH service (how far back) are included
both as linked decisions and entry decisions in Autocite. Shepard's is
in discussion with MDC over furnishing the tapes for some of the
specialty services (UIR apparently not on the original list; is there
really a print Shepards for UIR?). Will be many a day before Shepards
will include Lexis citations in its citators.

VI. Legal Data Collection

John Hilgeman, outgoing head of the group, is now working in Sue
Alexander's vicinity. His replacement will be Frances Berenson, former
circuit executive of the ninth circuit. At the meeting the three
managers were Lee Sempeles, Linda Dohl, and Pete Wettstein. Linda has
taken on the collection of the district court decisions I gave from CCH
(1360). I promised Linda information on the CCH service, in particular
how it is cited. [Do a LEXIS search looking for CCH in SOCSEC#1 cases.]

List of CCH Social Security Cases (Jan 1980 - June 1988)
271, 191, 170, 124, 63, 99, 85, 92, 46, 60, 69, 90 = 1360.

Received detailed report on the ADDS project. Basic aim totally
consistent with my project is to acquire all identified district
decisions that appear in specialty reporters like CCH.
The procedure would be to have MDC library subscribe to Unemployment
Service.

John says MDC has detailed statistical information on
which opinions appear in print or online. For example, he indicated that
there are something like 240,000 merits dispositions by Federal district
judges in a year with only about 15,000 appearing in LEXIS. He noted
that West prints more Court of Appeals decisions in a year than it prints
district court decisions, yet each represents a district court decision.
He also ventured that some 30% or so of the Federal district have
no decisions published by West within a year.

I need to understand more about Autocite. With tight cooperation
between MDC and LCP it is likely to play an increasingly important role
for MDC. It is presently their source of parallel citations. They are
using it to identify missing cases. They contemplate using it as a
source of short form citation.

LEXIS is highly dependent on judges' good will. Only five clerk's offices furnish district court decisions directly. All the rest come from the judges themselves.

VII. Don Chapman and Andy Hopkins

Lexis record format. The first field ($00:) contains two units. The first is an eight digit number that is the document's number within the database. The second unit is a sixteen character string that is a unique identifier across databases (the thumbprint); this is a hexadecimal number. We agreed I would hold onto this number so that when I had the CD Rom collection built my list of cases could incorporate this number. The last field I can throw away. It consists of two parts. The first piece is the so©called "Doc pound" code. If follows the $89 marker between pound signs #.....#. This marks the document as part of various specialty collections. The second unit is an audit journal: $200. It shows a record of everytime the document is modified. It is changed from the front end; therefore if a document has changed it will not match an earlier version at the beginning of that field.

To see these fields, one need simply type "DOC #" at the point the system asks for choice of report format (KWIK, CITE, FULL, etc).

I promised to send Andy Hopkins a copy of my Eclipse searches. He will use it to download the unreported district court slip opinions.

He will divide up case files in future. I should ask him whether he has found or built a utility to divide the files if he doesn't volunteer that information to assist my completion of the district court decisions.Üj   ÜŒ
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MDC Meetings -- April 19-21

I. Update from Sue Alexander

Wang has put its share of Premise up for sale. MDC will likely
decline, given the limits of the product and West's interest.

The purchase of Mitchie has led MDC to move its editorial staff
to Mitchie with the exception of those working directly on
decisions -- proofing and pagination (Joe Rueth and Pam Wegmann).
Two strong editorial people with law background -- Gerry Cahill
and Sonny Reese (sp?) -- have decided to stay in Dayton and are
looking for a new spot at MDC. They are interested in this
project.

From Kathryn Downing at lunch learned that the prime motivation
for the Mitchie acquisition was to balance West in the statute
area. West licenses some state statutes from Mitchie. The
purchase thus gives MDC a supplier relationship with West, giving
it leverage it did not have as a cash paying
customer/competitor. Eventually all editorial work on statutes
will be based at Mitchie. Raised with Kathryn the issue of
editorial review of my manuscript.

II. Bob Glass (Director of Specialties) and Rob O'Dell (Statutes
group)

Discussed USCS and other LCP issues

They will meeting with LCP and seek permission for inclusion of
title II, 42 USCS on the CD-ROM

The issues I outlined for them were:
     use of code text with LCP editorial material (e.g., 42
U.S.C.S. 402(b))
     my addition of editorial material to the code (spelling out
cross references)
     use of historical and other editorial material that follows
each code section [with the added functionality of my historical
database as a pointer to or overview from device]

Plans for on-line USCS include:
     More frequent updates of sections than annual, moving to a
section by section replacement rather than a full reload.
     Already loading the public laws on-line and adding editorial
material at the beginning of each affected code section (the
status portion) so that user is alerted to potential change
before it is reflected in a changed version of the code section.
An Eclipse search of code sections will catch the addition of a
public law reference to the status field (is it a discrete
field?), but it will not highlight the change; user must identify
the change.

Problem with interplay between CD and online:
Shepards and Autocite online give one the full list of citations.
Can restrict by jurisdiction, but not by date or other variable.
Therefore, the more one puts of those citators or their
functionality on the CD, the more redundancy the user will
encounter going online. That is the user will see the full list
and have to identify those elements that are new.

III. Exploration of West Bankruptcy CDs with Bill Baker

Contents
Cowan's (print treatise)
Forms
Bankruptcy Decisions -- packaged by date. Probably collected for
this product. [Check to see if there is a parallel print
collection.]
Two kinds on online queries -- update collection (bundled with
subscription) and pursuit of references that are off disk. Since
the collection of bankruptcy decisions is limited to 1979
forward, a reasonable fraction of footnotes in Cowan are
references to online (and therefore separately charged).
The online interface is the same as the CD-ROM.
Not clear why system doesn't simply use the time the user spends
reviewing a page of decision to download document to harddisk.
Instead it continues to work off online data paging forward and
back.
Things to avoid or minimize:
     multiple disks. It is an annoyance to switch disks when one
executes a reference, not as bad as going online, but an
annoyance. If one is going to have a second disk, the treatise
front end should have complete references on the first disk, with
the second being a layer of rarely used (archive) or fairly
autonomously used (specialized databases -- e.g., medical legal -
- so that disk switches in the midst of a task are not called
for.
     online connections. The first dial up is a major delay and
subsequent reference recalls have sluggish response compared to
the disk which means that use of disk must be only for tasks that
are clearly recognized as being "special" -- updates, unpublished
decisions, referenced material on domestic relations or federal
courts.
     obtrusive copyright notice. Does it really have to block
your vision each time you make the first move into a book (on a
project? in a session?)?
Other lessons learned:
     need for context. Easy to get lost. Should be a way to
backtrack short of stepping back, step by step. The latter is
especially frustrating with multiple disks because each disk
change must be repeated on return even if the ultimate
destination is on the first disk. (E.g., if one has ended up on
disk A having gone from A to B to A, the return voyage to the
starting point in A involves the need to insert disk B and then A
again.
     need for good maps with references. The bankruptcy set has

a law finder and a volume called "selected bankruptcy decisions".
The former is mostly explanatory text. The latter is a
compilation of synopses of state decisions, presumably selected
by key number. This compilation is preceded by a list of
headings which are taken verbatim from key number headings, but
they are not references and indeed the system does not respond
well to them as search terms (at least that is true of "social
security and public welfare")
        point and click. The premise interface is much too
dependent on keyboard input.

IV. Kathryn Downing

        Committed to having MDC people proof read all my decisions
before they are put on CD-Rom. We agreed that it would be best
to keep my value-added material separate from the decisions' text
and take the CD-ROM data from the base data in LEXIS.

        She also indicated it should be easy to "doc pound code" my
decisions. Both she and Sue Alexander did not stumble over my
idea of having a different but related code for Social Security
decisions included on the CD-ROM and Social Security decisions
not included.

        MDC has software that will assemble a list of normalized
citations after combing through a decision. That could be run on
my decisions, generating an index that amounts to a citation
list.

        Mentioned need to get downloads of the 200-300 decisions
identified since December 1988.

        We discussed the Shepard's and autocite issues and
pagination. On pagination we disucssed the feasibility of
drawing jump cites off the online collection (transparent to the
user) by matching the text in question with the online version.
I also introduced the idea of the paragraph number cite that is
available upon request -- believing that that is the media
neutral citation unit of the future.

        Information item: Mr. Biddle (?) of the Administrative
Office of the Courts has set up a face-off between MDC and West
to automate the decision production and dissemination of the
Federal courts. MDC is now working with two circuits and West
with two. The plan is to pick a winner in August to set up the
system for the full Federal court system (or full Appellate Court
system?)

V. Citators

        Maurice Byrd (x1822)[acting manager of licensor specialties,
labor background] and Chris Perrucci (x1172)[analyst responsible
for the joint venture with LCP] and Joe Moody (x6872)[not met but

key person on relationship with Shepards]

Concluded after conversation that better to include key elements of citator functionality as part of editorial matter on disk with the full named services available only online, but as a button operation associated with each decision.

Issue:

Can I use these services in preparing my editorial links? As a curtesy MDC will inform LCP and Magraw-Hill, but no one seemed to think there was any problem such use. The limitation of use of the direct access to the citator lists to online access means no license problem.

The problem with the online citators is that they allow no way to segregate the most recent additions. Shepards is the biggest problems since additions may occur through the list since it is organized by court. With Autocite additions occur at the end of the list so at least a comparison of an earlier with a later autocite list will show up the additions.

Can I report no references in Autocite or Shepards for the decisions of which that is the case?

Information:

Autocite (LCP) represents a close working relationship, truly a joint venture. As of January 1, 1988, Autocite includes Lexis citations. There are also autocite entries for all decisions with lexis cites, which includes all "unpublished" district court decisions loaded into LEXIS since that date, plus those of the prior year that are being added retrospectively. Autocite also now covers UIR [CCH service]. Chris promised me material on that coverage. Presumably that means that decisions reported only in the CCH service (how far back) are included both as linked decisions and entry decisions in Autocite. Shepard's is in discussion with MDC over furnishing the tapes for some of the specialty services (UIR apparently not on the original list; is there really a print Shepards for UIR?). Will be many a day before Shepards will include Lexis citations in its citators.

VI. Legal Data Collection

John Hilgeman, outgoing head of the group, is now working in Sue Alexander's vicinity. His replacement will be Frances Berenson, former circuit executive of the ninth circuit. At the meeting the three managers were Lee Sempeles, Linda Dohl, and Pete Wettstein. Linda has taken on the collection of the district court decisions I gave from CCH (1360). I promised Linda information on the CCH service, in particular how it is cited. [Do a LEXIS search looking for CCH in SOCSEC#1 cases.]

List of CCH Social Security Cases (Jan 1980 - June 1988) 271, 191, 170, 124, 63, 99, 85, 92, 46, 60, 69, 90 = 1360.

Received detailed report on the ADDS project. Basic aim totally consistent with my project is to acquire all identified district decisions that appear in specialty reporters like CCH. The procedure would be to have MDC library subscribe to

Unemployment Service.

John says MDC has detailed statistical information on which opinions appear in print or online. For example, he indicated that there are something like 240,000 merits dispositions by Federal district judges in a year with only about 15,000 appearing in LEXIS. He noted that West prints more Court of Appeals decisions in a year than it prints district court decisions, yet each represents a district court decision. He also ventured that some 30% or so of the Federal district have no decisions published by West within a year.

I need to understand more about Autocite. With tight cooperation between MDC and LCP it is likely to play an increasingly important role for MDC. It is presently their source of parallel citations. They are using it to identify missing cases. They contemplate using it as a source of short form citation.

LEXIS is highly dependent on judges' good will. Only five clerk's offices furnish district court decisions directly. All the rest come from the judges themselves.

VII. Don Chapman and Andy Hopkins

Lexis record format. The first field ($00:) contains two units. The first is an eight digit number that is the document's number within the database. The second unit is a sixteen character string that is a unique identifier across databases (the thumbprint); this is a hexadecimal number. We agreed I would hold onto this number so that when I had the CD Rom collection built my list of cases could incorporate this number. The last field I can throw away. It consists of two parts. The first piece is the so-called "Doc pound" code. If follows the $89 marker between pound signs #.....#. This marks the document as part of various specialty collections. The second unit is an audit journal: $200. It shows a record of everytime the document is modified. It is changed from the front end; therefore if a document has changed it will not match an earlier version at the beginning of that field.

To see these fields, one need simply type "DOC #" at the point the system asks for choice of report format (KWIK, CITE, FULL, etc).

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He will divide up case files in future. I should ask him whether he has found or built a utility to divide the files if he doesn't volunteer that information to assist my completion of the district court decisions.

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To: Sue Alexander
From: Peter W. Martin


Subject: Next Steps -- Part I
====================================
I shall be out of the country next week at an International Conference
on Expert Systems in Law (University of Bologna), delivering an
expanded version of the paper you have seen.
Before leaving it is my intention to give you a full run down on the
issues addressed over the course of my three days in Dayton, noting in
each case in whose court I believe the ball to be.
This is a first installment.  To assure completeness, I shall move
through
my issue papers in sequence and then deal with any issues that
does not cover at the end.


Issue Paper No. 1


I. On-line Collection of Decisions
I discussed the coding of Social Security decisions with two different
"Doc #" codes in several of my meetings.  I believe I understand the
system.  Here is what I would like to have happen as soon as it can be
fit into MDC's priority.
I would like all of the Social Security decisions not designated by
the deciding court as unpublished or not for publication on my list to
receive one "Doc #" code and all Social Security decisions with such
a designation to be coded with a different "Doc #" code.
Based on what I learned from MDC people, I believe that the simplest
way to accomplish this coding would be to run my first two Eclipse
searches modified in the first instance to include a full exclusion of
decisions designated unpublished and modified in the second instance to
include only such decisions. (Before this would be done I would want to
review the searches again carefully.)
My experience with those searches running under Eclipse is now a full
calendar quarter.  For that period of time, search number one, with a
nearly complete "unpublished" exclusion, has yielded 86.6% and search
number two, 42.11%. [Altogether the searches have produced 354
good decisions in three months.  Search #3 has a yield of 3.4%, but
it suffers from the February bankruptcy load.  Without that 354
bogus decision bulge, its yield would be closer to 10%.]
Coding off those searches rather than off my December decision list
is, to begin, less labor intensive for MDC.  It also provides a check
against the inclusiveness of my list and deals with the exclusion from
my list of unpublished decisions.
If I am wrong about ease for MDC, then the reverse approach would work
handsomely for the published decisions.  Code off my December list plus
the update list I can generate off my "newcases" database whenever the
process begins. (This database holds my Eclipse results.) That would
create a slightly easier review process for me and my team here for
we could check for underinclusion by looking only at decisions that
meet various search parameters that do not have "Doc #" codes.


Doing this sooner rather than later assists my efforts in working on
the decisions.  It also means that any editorial work to be done on
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decisions headed for the CD-ROM can be done at MDC by pulling decisions
with the appropriate DOC# codes.

Whichever way the system is implemented for coding the retrospective
list, it makes sense, I think, to put a coding of new decisions in place
using all three of my searches (with the distinction described above
between those decisions designated published and those designated not
for publication), with the editorial loop that exists in the specialty
libraries that permits additions and deletions of coding upon review.

The ball is in MDC's court on this one. I would like this to happen.
It is feasible. The question, as I understand it, is simply one of
priorities.

II. Citators

My meeting with Maurice Byrd and Chris Perrucci produced a clear
resolution of this issue. Neither Shepards or Autocite will be
available per se on the disk; both will be button operations from
any decision on the disk to the on-line system. But the core
functions of the citators will be more efficiently implemented on
the disk. For example, a court of appeals decision and the prior
district court decision will be linked. A user can search for citing
decisions on disk. The precendential value of decisions will be
indicated in a variety of ways that I have begun to map out and can
implement with student assistants this summer.

Since use of the citators will be on-line this raises no licensing
question. I will use the citators as a research tool in preparing
the decisions. Maurice and Chris said they would notify McGraw-Hill
and LCP of that as a courtesy.

Issue Paper No. 2

III. Text of Statute

Bob Glass and Rob O'Dell said they would discuss licensing issues
with LCP. They understand my needs and priorities. I also told
them I would be pleased to help with the negotiation if they
wished. I am proceeding to work on the USCS text assuming that
it will be the U.S. Code source text for the CD-ROM.

Issue Paper No. 3

IV. Acquisition of U.S. District Court Slip Opinions

In Dayton, I gave Linda Dohl a list of 1360 U.S. District Court decisions
that have been reported by the CCH Unemployment Insurance Reporter since
1980 without F.Supp. or F.R.D. citations. Yesterday, I shipped Blake
Brewer of her staff the CCH transfer binders he requested from the
Cornell Law School library. I have also forwarded to Linda, through you,
the results of searches for citations to slip opinions available in CCH
or Westlaw in Social Security decisions presently on line.

I am pleased with the activity on this front and will send Linda or Blake
any further information I collect.

Systematic future acquisition depends on including the CCH service in the
Autocite compare and adding the service to the MDC library. Ball is in
MDC's court on this one.

Issue Paper No. 4

V. Pagination

Critical!!
I believe I have been clear since last December on the importance of
having
the CD-ROM product capable of delivering the F.Supp. and F.2d jumpcite of
a decision paragraph the user decides to include in his or her notes and
ultimately in a brief or memorandum.
I proposed two techniques for working around the extremely unfortunate
exclusion of CD-ROM from the West settlement license to counsel's office
for consideration. The first is inclusion of a lookup table on the disk
(Each decision would have numbered paragraphs (displayable but not
necessarily always displayed) and the disk would carry a table that
would, when needed, translate the paragraph number into a West page
cite.)
Print analogs to such a system abound but the settlement agreement
may be sufficiently clear on CD-ROM to exclude this approach.
A second approach would require a move to the on-line system for West
pagination (perhaps with such queries stored and accomplished in batch at
the end of a research session).
This is a big problem, one with heavy implications for all future law
CD-ROM products in federal law fields. Because solution depends
totally on the terms of the settlement and technical "work arounds",
all I can do is stress the importance of the matter, discuss
functionality issues and propose approaches. Inescapably, the ball is in
the MDC court.

VII. LEXIS Policies

I have been well educated on past editorial practice and proposed new
guidelines and I know whom to call with future questions.
Resolved.

VIII. Advisory Board

We (you and Kathryn Downing and I) discussed this topic briefly. I
took your response to be favorable.
I will be back to you in a month or so with some more specific ideas
about whom to include and how to use such a board.
============
End of First Installment -- Peter W. Martin, Cornell

To: Sue Alexander
From: Peter W. Martin

Subject: Next Steps -- Part II
==============================
This is a continuation of the memo I sent yesterday, same subject, Part
I.

Issue Paper No. 5
VIII. Inclusion of Medical-Legal References

This is one of the few topics we did not reach last week.
I think it important that the original version of the reference
work include some capability in this area; but also recognize
this as a likely dimension for future development.
I have begun a survey of print resources and will have a definite
recommendation on what to include as a first step by the end of
May. If MDC has people knowledgeable about the electronic
resources linking medical diagnoses and medications to lay and
legal terminology, I should be put in touch with them.

Issue Paper No. 6
IX. Unpublished Court of Appeals Decisions

This topic is covered by implication in the prior discussion of
having separate "Doc #" codes for decisions that are or are to
be included on the CD-ROM and for decisions that are in the
Social Security field but not distributed on the disk. In the
latter group would fall all "unpublished" Court of Appeals
decisions.

Issue Paper No. 7
X. Social Security Rulings

My notes of our discussion of this topic tell me that you are
more comfortable working from the public documents than the
West photoduplicated set. The notes also say that you are
likely to want to borrow the Rulings from the Cornell Law
Library collection, which I offered to send on condition that
you would send them back on a very short turn around. You will
tell me when you want them sent. Issue Paper No. 7 provides
full scope information.

Issue Paper No. 8
XI. Case Data Source and Errors

We achieved full resolution of this cluster of questions, I
think. The decision data being furnished me are a working
collection. The final CD-ROM build will work off the base
records in the on-line system. That means that all modifications
to and editorial enhancements of the on-line records will be
reflected in the disk collection. My value added material will,
at least principally, be material that can, on disk, be additional

fields at the front or end of each decision -- e.g., material
generating short form citation, links to the treatise, prior
and subsequent case history in the form of links to those
decisions, and so on.

Kathryn Downing said that she could commit to having the decisions
headed for the disk proofread and paginated on a priority basis.
The one element of the current process that seems possible only
on a year by year inverse chronological approach is the application
of Lexis cites and Lexis pagination. (Do I have that right?)
Priority application of the proofing process to these decisions
means that I can leave issues of data quality (typos) to
MDC, but the latter piece means that we cannot use Lexis
pagination as the tool for delivering West pagination (see
prior discussion of pagination) even if it were sufficiently
fine grained for that purpose -- which I think it is not. For
those two reasons (lack of Lexis pagination for many of these
decisions and its coarse resolution of them) I turn to paragraph
numbering as the cross referencing device (again, see prior
pagination discussion).

The other process I heard described both last week and in
December is one that combs through a decision and produces
a list of normalized citations. To put the ball in MDC's court
on this one, let me say simply that I should like that done along
with proofing to all decisions headed for inclusion on the
Social Security disk.

========================
Other Issues:

The Downloads.
It is now over four months since I gave MDC my list of decisions.
For reasons we both understand I am still way short of having
a functioning local full-text database of those decisions. The
decisions I have received have required a substantial investment of
effort on this end -- learning what codes could be thrown and what
had value, creating a system for splitting files which contained a
meg or more of decision text in no clear order. I note that simply so
that we are both clear that substantial work still needs to be done
before I have a working tool that I expected (in all innocence) to
have by February. This explains why having "Doc #" codes placed on
Social Security decisions has even greater importance to me now than
when I first raised the issue last December. Finally, it leads me to
a more general point about tools.

Tools.
I am fully aware of how much of this project involves breaking new ground
on both sides. I have developed systems on how to combine print and
online resources to build a good decision set in a field, built macros to
move material captured from online materials (both West and MDC) into a
local database, built a utility that takes a huge downloaded file
furnished

by MDC and splits it into one decision files, displaying the citation so that
the name for the file can carry its citation in sortable and eye-decodable
form (e.g., 253 F.Supp. 540 will be in a file named d253540, with an
extension telling format). I have clear ideas on the hardware and
software tools an author needs for such a project and how they are best
used (talking development tools here as distinguished from ultimate
platform questions -- Guide's Owl which I am long seen as offering important
elements of functionality for a final platform, is inferior to other tools
for preparing the treatise and data). Finally, I have an evolving set of
organizational and formatting blueprints for this set of materials that
have substantial generic elements.
All of this process learning, aided by a range of individuals at MDC, I
am committed by contract to furnish MDC in written form.
My meeting with Dan Davidson, the mention of other potential authors
with whom conversations have begun, Bill Baker's mention to me late in
the week that he had just been charged with preparing a tool kit, all
suggest to me that MDC may finally have decided to move with greater
energy and speed in this area. If so, then waiting for the Martin
disk and his written process description may not be the most efficient
way to share what I have learned about how to do this with others setting
out on similar ventures. I say all this simply to affirm that I take the
prototypical elements of my project at least as seriously as the creation
of a unmatched Social Security reference tool and to express a willingness
to share my methods, tools, recommendations with others -- believing that
I can save others a lot of time and energy and also (not insignificantly)
outline a process that does not require an author who is as much a hacker
as I am. I am eager to assist. You tell me how -- for MDC's sake and
mine it should be done in a way that represents minimal diversion from
completion of this project.

Work Plan.
I am developing a fairly detailed inventory of tasks that need to be
done on my side, in preparing the treatise, working on decisions, statutes,
and regulations and designing linkages and final format. I am also
translating that inventory into types of human resources, here or at MDC,
that will be required to finish the project and get the system in place
to sustain it (e.g., copy editor, student assistants, secretarial support)
and so on. I will be working on both next week while I'm away and
will share them with you upon my return.
===============
Peter W. Martin

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-4619 Fax (607) 255-7193
                        May 12, 1989

Ms. Arlene Graham
Litigation Group -- Operations
Social Security Administration
6401 Security Blvd
Baltimore, Md. 21235

Dear Ms. Graham:

You may recall we met last fall to discuss my project with Mead Data
Central that envisions preparation and distribution of a complete Social
Security database on CD-ROM.

I thought I might bring you up to date on that project and, at the same
time, check with you about any agency developments of which I should take
account.

Work on indentifying and catagorizing the decisions has proceeded well.
I have established a full-text database with the 7,000 to 8,000 publicly
available Social Security decisions (published in print or available in
LEXIS). (We had speculated about the number when I met with you in
November.) I have identified an additional 600 plus decisions available
in the CCH service but not on-line and have begun efforts to secure them
in full text. My database also includes full text of statute and
regulations. It will include the Social Security Rulings and index to
the POMS. All of this material will be linked and indexed through my
accompanying treatise. I have got in place a system that captures all
the newly decided cases as they go on-line in LEXIS.

At the time we spoke, you indicated that an effort to revise the POMS was
underway, but that completion was some distance away. Does completion of
this task still seem distant? How far off -- a year? More than a year?
Will the revised POMS be an on line system?

You described to me an internal litigation tracking system. Is there any
written material on it that you are at liberty to show me? I am trying
to understand the relationship between the huge universe of cases
litigated and the relatively few publicly available district court
decisions.

At some point later in the year, I shall be setting up a small review
group (advisory panel) to run a test version of my system through its
paces and suggest improvements. Would you be able to serve on such a

group? If you cannot, can you point me toward any others in SSA who by virtue of experience and position would be both helpful advisors and uninhibited in giving advice?

Sincerely,

Peter W. Martin

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-4619 Fax (607) 255-7193
                    May 12, 1989

Mr. David Hatfield
Office of Hearings and Appeals
Social Security Administration
3833 N. Fairfax Drive
Arlington, Va. 22203

Dear Mr. Hatfield:

I am presently at work on a Social Security Law database. Mead Data
Central, proprietors of the LEXIS service, are both my source of machine
readable full-text decisions, statutes, regulations, and my ultimate
publisher. The form of publication will be a CD-ROM, which has the
storage capacity to bring all that material to an individual PC.

Because of my desire that this electronic library be as useful to those
within the agency as to those representing or advising claimants, I have
had correspondence with several SSA offices about it. Last fall, at the
suggestion of Joseph Gibbon I met with Ms. Arlene Graham. In the course
of that discussion, Ms. Graham gave me your name in connection with a
reference work called HALEX.

I have begun the task of categorizing and indexing the 8,000 or so
decisions that I have collected in my database and am eager to draw on
the experience of others, particularly those working within the agency.
Can you describe HALEX to me, what it is and who uses it and for what
purposes? Is there some way I can obtain access to it? Is it an
electronic system or a printed index or some combination?

Do you have advice about features that would make a collection of
electronically accessible and searchable material, such as I've
described, particularly useful to those in the Office of Hearings and
Appeals?

I have more questions but will stop here, with the hope that if you are comfortable doing so you might reply by phone so that we can discuss these matters in a more free-ranging fashion than proceeding through an exchange of questions and answers.

Sincerely,

Peter W. Martin

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-4619 Fax (607) 255-7193
                    May 12, 1989

Mr. John C. Hambor
Director, Office of Research and Statistics
Social Security Administration
4301 Connecticut Ave., N.W.
Washington, D.C. 20008

Dear Mr. Hambor:

I am presently at work on a Social Security Law database. Mead Data
Central, proprietors of the LEXIS service, are both my source of machine
readable full-text decisions, statutes, regulations, and my ultimate
publisher. The form of publication will be a CD-ROM, which has the
storage capacity to bring all that material to an individual PC. My aim
is to furnish a full Social Security library with a range of
functionality unmatched by print materials in the field.

I have long been a fan and user of the publications of your office.
Indeed, I shall be using some of the excellent summary material from the
front of the Annual Statistical Supplement to organize the historical
material in my database.

There is one category of statistical information about the Title II
programs that I find missing from the Supplement and Social Security
Bulletin. Perhaps, I have simply overlooked some specialized reports. I
write in hopes that you or someone on your staff can point me toward a
source of annual data on administrative determinations, hearings, appeals
council decisions, and judicial dispositions.

Congressional studies have, from time to time, those times largely being
periods of some perceived crisis, collected and printed the kind of data
I seek. For example, a subcommittee of the House Ways and Means
Committee published a study in 1978 that laid out the disability
adjudication data over a several year period in great detail. Numbers of
claims of each type allowed on initial determination, on reconsideration;
numbers of hearings cases, percentage allowed; court actions filed and
their various dispositions. It followed with state by state data. All
of this was limited to disability claims (disabled worker, disabled
widow/widower, and disabled child) and I should like similar data on all
categories of benefit claims.

Does the Office of Research and Statistics routinely collect information
of this type on the claims adjucation process, within the agency and

beyond in federal court? If not your office, where in SSA would I find
such data?

                Sincerely,

                Peter W. Martin

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-4619 Fax (607) 255-7193
                        May 12, 1989

Director, Office of Information
Social Security Administration
6401 Security Blvd
Baltimore, Md. 21235

Dear Director:

I am presently at work on a Social Security Law database. Mead Data
Central, proprietors of the LEXIS service, are both my source of machine
readable full-text decisions, statutes, regulations, and my ultimate
publisher. The form of publication will be a CD-ROM, which has the
storage capacity to bring all that material to an individual PC. My aim
is to furnish a full Social Security library with a range of
functionality unmatched by print materials in the field.

There is one category of statistical information about the Title II
programs that I have been unable to find in the standard publications of
the agency such as the Annual Statistical Supplement and Social Security
Bulletin. Perhaps, I have simply overlooked some specialized reports. I
write in hopes that you or someone on your staff can point me toward a
source of annual data on administrative determinations, hearings, appeals
council decisions, and judicial dispositions.

Congressional studies have, from time to time, those times largely being
periods of some perceived crisis, collected and printed the kind of data
I seek. For example, a subcommittee of the House Ways and Means
Committee published a study in 1978 that laid out the disability
adjudication data over a several year period in great detail. Numbers of
claims of each type allowed on initial determination, on reconsideration;
numbers of hearings cases, percentage allowed; court actions filed and
their various dispositions. It followed with state by state data. All
of this was limited to disability claims (disabled worker, disabled
widow/widower, and disabled child) and I should like similar data on all
categories of benefit claims.

By what office or offices within SSA is such information on the claims
adjucation process, within the agency and beyond in federal court,
collected? I am confident that such data is collected for policy
analysis and management purposes somewhere. All I need is to be pointed
at the right sources; I am not asking that your office collect any
information for me. If you or your staff have questions about what I am
seeking or the use I will make of this information please feel free to
give me a call.

Sincerely,

Peter W. Martin

MDC Meetings -- July 17 and 18, 1989

I. Search strategy

     Ideas from conversation with Melinda Sales
          *(G) -- the parenthensis is superfluous, but not necessary a
bad idea if it is a reminder -- 405(g) is read by LEXIS as 405 g
          *quotes are superfluous -- "social security" and social
security are the same to LEXIS
          *the statutory extenders I have are of doubtful value and
perhaps of some disservice -- 202! is not necessary to get 202(g) since a
search for 202 will get 202(a), 202(b) etc. and 202! will get 2023
          *numbers particularly should be limited to the opinions [?]
segment since they may pick up on characters in the cite segment
          *some of the search terms should be coupled with equivalents
-- EAJA and E.A.J.A. and access w/3 act; SSA and S.S.A.; ALJ and ?;
Secretary and sec and sec'y; reopen and re-open
     The conversation also reminded me that I need to find out what
field the "unpublished" notation occurs [date?] and screen out those
decisions
     In revising Eclipse searches, what I want to do is put up a revised
search in parallel and then after a week or two of parallel operation,
put the original to bed.

II. Acquisition of Missing Cases

>   See report from Linda Doll on missing cases. I need to send the
case list from CCH on a regular basis.

III. Pagination

     Nancy Nash is firm on the proposition that pagination cannot be
furnished on the CD-ROM and if furnished on-line must be part of LEXIS.
     I explained the two quite different jumpcite issues and explained
my willingness to give up on the decision to decision reference move (on
disk). The user will be taken to the beginning of the referenced
decision, the reference font or format convention will not lead the user
to expect more, and the word search capability will allow the user to
look for key terms within the referenced decision.
     The function on which we cannot relax is the jumpcite as a full
reference for material found on the disk. Here the elements of solution
are the following: the user finds and copies a portion of a decision, it
carries with it a full bluebook cite, and the user is invited to ask for
a jumpcite. Requests for jumpcite are stored in a queue and executed
through an on-line search at the end of a session (or earlier if
requested by the user). The jumpcite acquisition is accomplished by a
string match, copied paragraph against text of full opinion, with the
result furnishing a page reference that is then inserted in the full
citation for the copied paragraph.

IV. Medical Reference Work

Rick Cline and Lisa Allemang will explore the possibility of acquiring the Merck manual. MDC had contemplated a medical reference for lawyer's library, but rejected for 1990. The medical on-line library is not used. The Lange reference work has been archived (not kept up-to-date). The underlying question is whether the needs of my project might not speed up MDC's moving in a direction already contemplated.

V. Batch Document Selection

Chris White explained B.D.S. and we discussed its application to my project's needs. Here is what I learned. Decisions are cumulated in a "hold base" over a 24 hour period. A series of searches run against that hold base at the end of that period, producing specialty library codes -- e.g., $89 #TAX#. The decisions with codes are added to the ACE base, a relatively small companion database that appears to the user, along the main bases, as a single LEXIS. On a monthly basis, roughly, when full, the ACE base is loaded into the main base. It should be possible to search the ACE base on a weekly basis, reviewing the newly coded SS cases and classifying them and providing lists for MDC. One list of cases would be those that do not belong in the speciality library even though they respond to the search and another a list of cases that are needed in full-text. They would be pulled in full text and run through a filter and sent to me. I did not point out in this discussion (but did in a later meeting with Sue Alexander and Bill Baker) that there is a third category of cases to be coded -- unpublished decisions that should be part of an on-line collection, but not on-disk. [What about conclusory district court decisions, cert denieds?]

Chris White also sketched the query facilitator. It has a unix database running in one window, Lexis in another. The user is assisted by the unix-based program in building a search (having, for example, the capability of using names for search elements). A complete search is brought over and run against LEXIS. Search results in DOC# format are retrieved and brought back to the unix environment database. Their they can be analyzed in comparison with the results of other searches. At the moment it does not include a component that tags or untags decisions in the LEXIS database or even yeilds a modified search list. What one wants is a system that allow the user to strike decisions from the view that results from a best possible search and generate a list. Chris believes that is quite doable.

Can I get time (a day?/morning) on a query facilitator?

VI. Work Flow

        In discussion with Sue Alexander and Bill Baker stressed the
critical importance of building the on-line library (which Sonny Reis
will own) from my case list rather than from a search. I do not what to
have to weed all over again. I will be able to produce a list, in
electronic format, with thumbprint for all decisions that should be coded
for the library (because they are destined for the CD-ROM). The
companion unpublished decision library should be the product of a search
-- probably the first of my Eclipse searches. Once coded, the on-line
for CD-ROM headed decisions (or at least those with print benchmark
editions) should be proof read and paginated -- keeping the same
thumbprint.

        Decisions fall into these groups: decisions that have been
published in print (U.S., F.2d, F.Supp., etc.), decisions that are on-
line but not printed and not labeled "not for publication", decisions
that are on-line, not printed except perhaps referenced in a table, and
carry a legend that indicates the court considered it of little
precedential weight.

MEMORANDUM
TO: Sue Alexander
    Bill Baker
    Pat Guiant
From: Peter Martin
Subject: The Decisions -- Relationship of My Working Collection, CD-ROM
Library, On-Line Library

I. Estimated Composition of CD-ROM Case Library

I can furnish more precise figures, but for present purposes think the
following breakdown should serve:

     Decisions that have been published in F. Supp., F.2d, U.S., or
other scattered reporters (.e.g, a few state and bankruptcy
decisions)...................... 7,000
     District court decisions that have not been published in a West
volume but are to be found in LEXIS (pre 1987 designated as slip opinions
and thereafter with LEXIS cites) [the acquisition of decisions reported
in CCH is bringing this population up by a thousand or more]... 2,500

     The rate of addition to the decision population is currently
running around 600 a year -- 10 to 15 a week, not counting the
acquisition of old decisions. The above numbers included projected new
decisions through the end of 1989.

     Assuming that the proofing and pagination exercise will be limited
to the first group of decisions, 7,000 is the number. If recent adds
(1988 or 1989 decisions) have already been done, that trims the number
down.

II. Composition of Companion On-Line Library and Its Creation

     The companion on-line library should have three components:
decisions on the disk, decisions headed for the disk which missed the
last issue, decisions that are within the scope of the disk but which
have been left off because of their limited interest (decisions that have
been designated by the deciding court, typically a court of appeals, as
having limited or no precendential value or which patently have none --
e.g., the one line unpublished decision by a district judge: "Appeal
denied.".

     Unless the first two components are built from thumbprint lists
furnished by me I foresee major confusion and duplication of effort. The
third component I have not been working on. It should be built at first
cut by using an enhanced version of my first Eclipse search, altered to
exclude all decisions of categories that would be included on the disk.

III. Completion of My Working Collection

     To furnish such a thumbprint list (with other identifying
information) as well as to make reasonable progress with decision
classification and treatise writing here I need a working collection that
includes all those decisions on my December list, plus those in my

current up-date list (roughly 1,200). I am at a stage where have some decisions in certain court categories is like having scattered pages from a book. Without a complete collection, various searches must be run repetitively against segments acquired at different times with those segments identified somehow.

I propose having one of the students who works for me, who plans on being home in Dayton beginning August 12, do the work that Andy Hopkins did on prior decisions on:
any decisions not downloaded from the original list (I have still not seen over 200 F. Supp. decisions), and
the full update list that will complete the retrospective collection as of August 12.

From August 12 on, I shall work to have in place a combination of Eclipse and print to disk that will keep my working collection up to date. The volume will be tough to deal with so long as Linda Doll's group is bringing in missing cases but I'll try.

Brian will need instruction and supervision but he is a quick study and can, I believe, get the job done. If need be, he can even oversee the bursting and formatting of the downloaded decisions. He is willing to take this one. Is this approach acceptable to MDC?

Memorandum
To: Bill Baker
From: Peter Martin
Subject: Odds and Ends
===
I. Vacation
As you know I will be away next week, but back on the scene here, Monday,
July 31.

II. Resources
I hope the presentation to Roemer went well today and am eager to hear
about any tangible outcomes.

III. Linda Doll
Will you check with Linda Doll to find out more precisely what she and
her people want from me in relation to decisions reported in the CCH
service.   The lists I brought her in April were copied from the Social
Security New Matters Transfer Binders. On those lists I marked all
district court decisions that did not show an F.Supp. or F.R.D. citation
and whose names did not contraindicate a Social Security case. (Since I
am not undertaking to cover issues of the Social Security tax (FICA and
SECA) which that service does cover I did not mark decisions whose titles
clearly showed them to be in that category.) I can't remember which
transfer binder was the most recent from which I brought a list, January
to June 1988 or July to December 1988. In any event Blake Brewer's
request for binders only extended up through May of 1987 because he said
he had access to the more recent ones.

My questions are pedestrian ones. As of what date should I send lists?
Do I meet her needs if I catch January to June 1989 when it is bound
(momentarily) and do the same every six months theraafter? (Was the last
six months of 1988 included in the batch I brought in April?) Does she
want me to do a mark up like I did before that aims at Social Security
decisions meeting my scope definition or does she wish to look for
missing cases more broadly?

IV. Query Facilitator
This is the third visit in which people have described the query
facilitator to me in glowing terms and indicated how useful it might be.
By now I am persuaded. How do I get to use it? Can I use it long-
distance? Can I book a day or half-day on it in Dayton? How soon? No
matter how swiftly we are able to start the B.D.S. process discussed with
Chris White, I would like the assistance of the query facilitator in fine
tuning my Eclipse searches.

Cornell Law School
Myron Taylor Hall

Memorandum

To: Sue Alexander
      and Bill Baker

From: Peter W. Martin

Subject: How to Get Up-to-Date Versions of the Statute and Regulations on
a CD-ROM released in early April

Date: August 3, 1989

==

I have pursued the issue Bill and I discussed briefly when I was last in
Dayton -- how a release date of April 1 fits against the annual revision
cycle for USCS and the CFR.

Here is what I see in this year's cycle and what I propose to do next
year, subject to whatever cutoff would apply for all material going on
the disk.

I. The Revision Cycle

A. USCS

     The version of USCS (42 U.S.C.A. §401 et seq.) that is currently
online is designated the 1988 version. It does not specify precisely
what its cutoff date in 1988 is, but I presume, after spot comparison,
that it corresponds to the print volumes of 42 U.S.C.S. which also show
the 1988 date. The print volumes now include a supplement that carries
the date May 1989, says it covers up through the end of the second
session of the 100th Congress (Oct-Nov 1988), and was received in our
library in mid-June. The amendments to 42 U.S.C.S. it contains in full
text are those noted by citations on the status line in the on-line
version. One must resort to the U.S.C.S. advance sheets to determine
amendments from this year (1989).

B. CFR

     The version of 20 C.F.R. that is on-line is the edition reflecting
revisions up through April 1, 1988. The print version showing revisions
up through April 1, 1989 is now out. It was received by the Cornell Law
Library in mid-July.

II. Versions to Go on the First Disk

     I have already noted that the versions of both statute and
regulations to go on the disk will be furnished by me but derived from
the online versions. That is true simply because they will include
editorial enhancements that exploit hypertext cross-referencing. The

issue of timeliness adds a new dimension. A disk with the on-line
version of statute and regulations available in March, say, with
editorial enhancements would almost immediately upon release be out-of-
date in relation to print versions of both statute and regulations.

I propose that the first disk include versions of the statute and
regulations, compiled by me, from the on-line versions plus all
subsequent amendments right up to the cutoff. This will produce a disk
that, at time of release, is more up-to-date than either print versions
or on-line versions.

III. Subsequent Disks

Once we get into a pattern of issuing new disks, I suspect we will
want to time at least one new issue per year to come just after the CFR
and USCS revisions have been readied for the on-line system. (When is
that?)

IV. Future Changes in USCS

When I met with the statute people in April (Glass and O'Dell?), I
understood one to say that there was in contemplation a scheme of ongoing
revision to USCS. In other words, rather than putting up a whole new
version of major portions of the code, amendments to individual sections
would be added more frequently through the year. If I got that right and
if it will, in fact, be done in the near future, I'd like to know about
it so that I can reflect on how that bears on our approach to the disk.

Memorandum   Sept. 27, 1989
To: Sue Alexander
    Bill Baker
From: Peter Martin
Subject: Scoping Out the Task of Providing Parallel LEXIS Jumpcites in
the Decisions on the Disk
==

1. The Number of Decisions

        My memorandum to you on the estimated composition of the CD-ROM
decision library puts the number of West published decisions to be
included on the disk at roughly 7,000 and the number of district court
slip opinions (or Lexis Cite only decisions) at 2,500 or so. For
simplicity let's round down to 9,000. The impact of these numbers on
furnishing embedded parallel jumpcites is that all 9,000 documents will
have to be processed, with a citations that match the 7,000 West
published decisions on the disk being furnished parallel LEXIS cites and
all of those citations that include jumpcites raising the special problem
of translating West pages to LEXIS pages.

2. Estimates of Citations Per Decision

        The information I furnished you on jumpcites, which rested on a
sample of 20 recent F.Supp. Social Security decisions, suggests an
average of 31 citations to F.Supp. and F.2d per F.Supp. decision. Of
these 9 would be citations without a jumpcite, 15 would be complete
jumpcites, and 7 would be jumpcites that in context refer back to a prior
more complete citation to the cited decision. (See my pagination memo
for details.)

        At the beginning of the summer, I had one of my assistants perform
a citation check on a sample of 18 F.Supp. decisions and 18 F.2d
decisions to determine what percentage of the decisions cited by Social
Security decisions were themselves Social Security decisions. I reported
on the results briefly during the Davidson, Guiant, Baker visit to Ithaca
in June. In a nutshell those studies suggest that a very high percentage
of Social Security decisions citations are to other Social Security
decisions. (The point I was deriving from this in June was how excellent
a field Social Security was for a disk-based product since it was so
autonomous.) The numbers from those early studies are as follows: in 18
randomly selected F.Supp. decisions there were 114 different cases cited
(In these studies as distinct from the jumpcite study, decisions cited
more than once in a given opinion were counted only once.), in 18
randomly selected F.2d decisions there were 177 cases cited. Ninety
percent of the cases cited in the F.Supp. decisions were to Social
Security decisions (i.e., decisions that will be on the disk)! The
percentage for the F.2d decisions was smaller, but still fifty-five
percent and since the number of citations was significantly higher in the
F.2d decision sample the average number of different cited Social
Security decisions per opinion was about the same -- namely, five.

3. Conclusion

Combining the results of these studies, I conclude that the average Court of Appeals decision will have more citations than the average F.Supp. decision but that most, if not all, of the difference will be accounted for by non-Social Security decisions. The two studies yield somewhat different impressions of the average number of citations per decision, although part of the difference is due to the early studies counting repeated citations to a single case as only one citation. The earlier study, which did not focus on the jumpcite phenomenon, was more careful about the randomness of the sample. Since the number of citations appears to be increasing over time, more recent F.Supp. decisions yield a higher average per decision than earlier F.Supp. decisions in the collection. Fudging these studies together, I guestimate an average of 10 case citations per F.Supp. decision with half of them being repeated references to earlier cited decisions. Of that total, I guestimate 9 of the cited decisions to be Social Security decisions on the disk. Of that figure, I guestimate 6 to be jumpcite citations. Applying these per decision counts to 9,000 decisions, one comes up with 81,000 embedded citations to be converted into parallel LEXIS citations, of which 54,000 involve the conversion of West jumpcites into parallel LEXIS pagination jumpcites.

Cornell Law School
Myron Taylor Hall

Memorandum

To: Bill Baker and Joe Mehley

From: Peter W. Martin

Date: October 17, 1989

==

        Here is the final set of lists of documents for bulk download.
These are lists of those documents in categories requested last December
and not yet received by me.
        The first group are all set up as records with four fields of 80
characters each (Name, Court, Citation, Year) with separate files for
each category of decision:
        * fsuppmis -- 117 district court decisions with F.Supp. cites that
I have not received, from the list requested last December
        * f2dmiss -- 221 court of appeals decisions, not received
        * frdmiss -- 8 district court decisions with Federal Rules
Decisions citations, not received
        The second group, set up the same way, are categories of decisions
for which I received no downloads off the December 1988 list:
        * ctclmiss -- 3 court of claims decision
        * state -- 71 state court decisions
        * distlex -- 5 district court decisions with only Lexis cites
        * bankrmis -- 10 bankruptcy court decisions
        The third group are district court slip opinions. As submitted in
December there were slightly over 1,000 of such decisions on a list
without doc# information. I have spent the last day and a half
reconstructing the list with such information (but excluding slip
opinions on the list sent you last Friday). The good news is that the
reconstructed list, with thumbprint etc., is here set up in five fields
of 80 characters each (Thumbprint et al., Name, Docket No., Court, Date
[I omitted cite and Lexis Cite segments since the cite is "slip opinion"
and there are no Lexis Cites.]) in file "decslip". The bad news is that
the resulting, reconstructed list is longer -- 1322 decisions in all.

```
Meeting at MDC -- Dec. 1
==========================
1. Dates
      Social Security Rulings -- should be up in a database for review on
January 15 and released as part of the labor library on February 17.
      Online Social Security Umbrella library -- April
      Software platform development -- May 1, mirror image of CD-Rom
ready, June 11 the alpha version of the CD-ROM, July 27 the Beta version
and September the final version.
      Data -- End of summer decisions proofed and paginated
      In other words, as things presently line up the software platform
schedule is running ahead of the decision data.
      The combined schedule points toward a November product release
date, with a true beta version (software and data) out in September.
      What is the cut off date for new/revised data -- statutes,
regulations, rulings, and decisions?  Bill and I tentatively set that as
October 15.
      Merck medical manual.  Bill will continue the effort to negotiate
but MDC does not have the capacity to build that database during 1990, so
it is contemplated that it would be added to the product at the next
stage.
2. Formatting of the Social Security Rulings.
      Sonny Reisz showed me his mark up of the Social Security Rulings
and I reacted strongly to its confusing mixture of agency and judicial
decision identifying data.  I urged him to have the number, cite and date
segments hold that information for the document as ruling -- with the
name, cite, court, docket number, and date of judicial decisions
excerpted as rulings set out in one or more other segments.  I indicated
I thought it acceptable to include all that information formatted as the
agency had it printed in the same segment he had holding the agency's
identification of statute and regulation sections.  That is the segment
Sonny has denominated "headnotes". We agreed that it was important that
the key decision identifiers ought to be consistently placed but not put
in a field that would create a hit if someone did a segment search for
the decision.
3. Umbrella On-Line Library
      Sonny reported that he may have to include all of 42 U.S.C. (or
perhaps only all from 301 on) and that he might not be able to include
only those portions of the I.R.C. that relate to Social Security and that
similar constraints would operate with C.F.R. so that it will be all or
nothing with 20 C.F.R. and other titles.  I reviewed with him the range
of possible topics for inclusion -- AFDC, SSI, RR benefits, ERISA,
Medicaid, Medicare, UI.  I pointed out the need for parallel tax
provisions (SECA, FICA, and FUTA), the need for state statutes and
decisions (AFDC, SSI, Medicaid) and the balance between comprehensiveness
and focus that the library should offer at the outset. I also stressed
the non-traditional markets for this information using Barry Strom's
Medicaid manual as an example.
4. Decisions
      According to Bill's records, with the three disks he delivered at
the meeting I should have all the requested decisions -- with the
exception of some 51 that have been requested from Linda Doll's group.
(See Bill's memo to Linda of December 1)  I promised him that I would
```

report back to him before the end of this next week (before Friday, Dec. 8) whether his inventory and mine coincide.

Bill's schedule shows me delivering my definitive list of decisions for segregation in the special database and "scanning" by Gary Pollard's group in preparation for proofing and pagination by January 10. My meeting with Joe M? and Bill over lunch reopened the complexities of keep my records and the two versions of MDC's decision documents (original online and new database) linked. There seems to be serious confusion about whether the new database can use the old thumbprint number as the unique linking identifier (Joe believing that it will automatically acquire a new one as it is loaded). That problem could be got around simply by include an additional field in the new database for the old thumbprint, but Joe also believes that the old document will get a new thumbprint when it is proofed and paginated. That is contrary to what Bill had previously been told when I raised the issue with him earlier this summer. We left it that Bill would double check on the latter point, but that I would include an additional field in my database to hold the Martin Social Security Document number. That number should correspond to the DOS file name (without extension) of the decision which will allow me to link my Notebook II database to my decisions database as well as provide the ultimate insurance that the versions of MDC's documents can be linked and that my value added material can in the end be linked to full-text decisions as proofed and paginated. The way to do this, I believe, is to break down the cases database into subparts -- with newslip, for example, being printed out in ascii and then merging in the filename data with that being matched by thumbprint.

Bill is going to check on what portion of F.Supp. and F.2d decisions (since 1987? or later) have already been proofed and paginated against the West publications so that they can be used by Jon Boring as is. The point is that Boring will want fairly soon some typical material of the several types to try out the parser/linker on and that the software platform alpha in June will want a healthy slug of decision data. I pointed out that the latter should be able to include the slip opinions since they will not be proofed against West (same for the Lexis Cite only District Court opinions).

5. Jumpcite Formatting

In an earlier message I had urged that the default desplay mode show the decision as printed with the linked Lexis jumpcite being accessible through a button click and executable through a second button click. My point was mainly one of visual clutter. Bill stressed the political difficulty that posed at MDC. In our discussion I hit upon a solution that met his political point and has great attraction. The proposal is that an embedded case cite that is executable on disk display something like: Smith v. Heckler,(+) (E.D. Pa. 1987). The "(+)" or equivalent symbol, consistently employed would signify a replacement button with the full set of citations from the printed version plus Lexis Cite reference button popping up when clicked. The great advantage of this approach is that it removes the address of the decision from view so that it does not distract the eye, take up space etc. It also become a signal that the cited decision is available on the disk. (Although once all decisions acquire Lexis cites that might no longer be the case.) The further points I made with Bill were that when copied or printed the citation [and footnote] replacement buttons in the text portion should

automatically open. (It would be too tedious to have to click all items in a string of citations open.)

6. Marketing

I met Patty Wolf, Manager of Market Planning-Technical, LGIS, 513-885-1811, who will be in charge of marketing for the project. We discussed strategy and different markets. I should send her the information on the annual NOSSCR meeting and any other information or leads that come my way.

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-4619 Fax (607) 255-7193
                        December 11, 1989

Mr. William Baker
Mead Data Central
9393 Springboro Pike
Post Office Box 933
Dayton, Ohio 45401

Dear Bill:

    With this letter I enclose a disk with three files for Joe Mehrle.
They contain the lists of files not yet received, formatted as before in
records with fields padded to 80 characters.
    The file MISSSLIP.MDC contains records on 110 missing district
court slip decisions (each record having 5 fields). The files
MISSDIST.MDC and MISSCTAP.MDC contain the records on 260 and 46 district
court decisions (non-slip) and court of appeals decisions, respectively,
(each record having 6 fields -- the additional field in this case being
lexis cite).
    Please pass them on to Joe. He should call me if he has any
problem with this data.
    Regrettably, the missing district (non-slip) and court of appeals
decisions are recent ones (but not so recent as to have been caught by my
Eclipse take off) which makes them especially important.

            Sincerely,

            Peter W. Martin

Cornell Law School
Myron Taylor Hall

Memorandum

To: Tom Bruce

From: Peter W. Martin

Date: July 2, 1989

==

The machine survived the move and so did I.

ZYindex works with the WORM, but it required the following trick. I
built the indices on the 80. So that I didn't have to surrender my
machine to indexing I ran that operation under Windows 386 (which will
not recognize the WORM). I indexed the files on the 80's hard disk which
I told ZYindex was drive D, having assigned D to C before getting
underway. The resulting indices which look for files on drive D, I then
copied to the 50. It will run ZYsearch under Windows 286 with a PIF that
says it needs 448K and Windows 286 recognizes the WORM drive. I am
elated at having conquered the mountain but angered at the fates that
placed it in my path.

As for CD-Rom, its dos extensions do not like DOS 4.0. Consequently, I
get it to work by having a 3.3 boot disk that I feed the A drive when I
want to use the CD-Rom.

Attached is the invoice from ZYlabs.

Cornell Law School
Myron Taylor Hall

Memorandum

To: Tom Bruce

From: Peter W. Martin

Subject: More Storage for Network to Accommodate Martin's Data

Date: August 23, 1989

==

        Following our discussion on this subject I sent Russ a memo. The
equipment portions are quoted below:

"   My proposal that Mead Data furnish cash to support my staff or
equipment needs on the CD-ROM project seem unlikely to yield anything
during 1989. Calendar year 1990 is still an open question. They are
"helping" me instead by assigning an assortment of people on their
payroll in Dayton to the project.

"I. People

....

"II. Machines

"   In addition to the PS2/80 with trimmings in my office I need those
working with me to have access to over 100 megs of full-text decisions,
the index of those decisions (30 to 40 megs) and a relatively small (4
meg) database. This can be accomplished by devoting one of the PS2/50s
secured for my project from the IBM equipment grant to Sara Pugh's use
and by having another of those machines (which total 3) available for the
part-timers. Since the PS2/50s all have WORM drives they are capable of
holding the full-text collection. Their hard disks are not big enough,
however, to hold the whole index at one time. A more functional solution
and one that would meet a second objective, namely, furnishing this
information in a test version to the Legal Aid Clinic, would be to
network my data.

"   Since I would like at least two of the PS2/50s to be in a library
controlled study room for use of the students in my computer applications
seminar (as they were for the Schwab/Eisenberg seminar last spring) I
like the networking approach for the added reason that it makes it easier
to keep time and space on the PS2/50s for the course.

"   I doubt I have any credits to apply to the incremental cost of the
hard disk space necessary to add this material to the network after the
people costs noted above, but if I do you can allocate them to it. On
the other hand, I don't foresee any travel this year that Mead or the ABA

won't pay for so I would be happy to waive the travel/equipment part of
my research budget.

Cornell Law School
Myron Taylor Hall

Memorandum

To: Bill Baker and Joe Mehley

From: Peter W. Martin

Date: October 12, 1989

==

Here are the files identifying 2372 documents that I promised Joe.
(Bill please forward them with this note). I spent most of today going
through the records and deleting clearly redundant records. There remain
a number where all items of information are the same except for the
thumbprint. When a West citation accompanied one record I took that to
be a replacement document and deleted the (apparently) earlier document
with the different thumbprint, but when both were slip opinions I knew no
way to choose and left both in. In most of those case, I assume you will
find only one document, with the other thumbprint being obsolete.

The files are set up as follows:
*the 2121 records for which I have thumbprints are printed out in
seven uniform fields of 80 characters per field (Thumbprint et al., Name,
Docket No., Court, Cite, Lexis Cite, Date). They were sorted by the
first field (secondary sort by Lexis Cite). These are split between MDC-
Transfer 1 and MDC Transfer 2.
*the 251 records for which I don't have thumbprints are printed out
in the same format (first field being empty) in three different files
reflecting the court -- court of appeals, district court, and bankruptcy
court -- sorted by Lexis Cite. These three files are on MDC-Transfer 3.

All of these records relate to decisions identified since last
December. Tomorrow I shall turn my attention to generating similar
records on the cases listed in December that were not downloaded and sent
to me.

Memorandum
To: Sue Alexander
    Bill Baker
    Pat Guiant
    Nancy Nash
From: Peter Martin

Subject: Page Numbers

There are, as we have observed, two functions important to furnish with a
CD-ROM legal reference tool (mine or any other) that pose a problem of
interpretation of the West-MDC settlement. The one I address in this
memo is the reference in one decision on the disk to another decision on
the disk in which the judge refers not simply to the beginning point of
the second decision but some specific part of it. The second issue I
will address in a subsequent memo. (It concerns the means of giving the
user a specific source reference, including internal page number, for a
decision the user has found on the disk and wishes to note, quote, and
perhaps, ultimately, refer to in brief or memorandum.)
===

A. Types of Case References in Judicial Opinions:

Category I. References to an opinion by its starting page and nothing
further:

 A class of several thousand satisfies all requirements of numerosity,
Mader v. Armel, 402 F.2d 158 (6th Cir. 1968), cert. denied, 394 U.S. 930
(1969); 7 Wright & Miller, Federal Practice and Procedure @ 1762.
Plaintiffs have ...
D591A49
See also Simpson v. Schweiker, 691 F.2d 966 (11th Cir. 1982) (once
evidence has been presented which supports finding that given condition
exists, which either qualifies or disqualifies claimant for benefits, it
is presumed, in absence of proof to contrary, that condition has remained
unchanged); Patti v. Schweiker, 669 F.2d 582 (9th Cir. 1982) (initial
determination that claimant was disabled gives rise to presumption at
time of later hearing that claimant still
D591A49

Category II. References to a place or portion of an opinion noted by
starting page of decision and starting (and perhaps ending) page of
relevant part:

...
 there is substantial evidence in the record as a whole to support the
Secretary's findings. 42 U.S.C. @ 405(g) (Supp. V 1981); Dobrowolsky v.
Califano, 606 F.2d 403, 406 (3d Cir.1979). That standard is deferential,
but not meaningless; the court "retains a responsibility to scrutinize
the entire record and to reverse or remand if the Secretary's decision is
not supported by substantial evidence." Smith v. Califano, 637 F.2d 968,
970 (3d Cir.1981). Accord, Baerga v. Richardson, 500 F.2d 309, 313 (3d

Cir.1974), cert. denied, 420 U.S. 931, 95 S.Ct. 1133, 43 L.Ed.2d 403 (1975).
D598784A

Category III. Repeated references to an opinion with some being less than complete citations that include the starting page of particular material:

Other courts have treated the Secretary's argument similarly. See Lopez II, 725 F.2d at 1502. ("If plaintiffs are regarded only as vindicating once again the right that this court has already held in Patti and Finnegan they are entitled to, then the claim is just as collateral to the substantive claim for benefits as was Eldridge's."); Kuehner v. Schweiker, 717 F.2d at 818 ("the plaintiffs in effect charge that the Social Security Administration has for budgetary reasons instructed those responsible for termination adjudications to disregard definitive interpretations of the Act made by the courts.")
D584463

...if successful, to obtain a decree enforceable via contempt proceedings." Kuehner v. Schweiker, 717 F.2d at 824 (Becker, J., concurring). As in Blankenship, "[t]his is not a case where taking jurisdiction would circumvent "an orderly administrative mechanism" or contravene a congressional policy . . ." 587 F.2d at 332 (citation omitted).

D584463

        In 1984, for example, Judge Telesca, in Allen v. Heckler, 588 F. Supp. 1247 (W.D.N.Y. 1984), published his memorandum decision in that case "as a guide to both Social Security recipients and attorneys alike concerning the method of calculation and responsibility for the payment of attorney's fees in Social Security cases." 588 F. Supp. at 1249. He explained that "the actions of the Social Security Administration over the past few years have visited extreme hardship upon a group of people to whom life had already dealt a low blow," id. at 1251, and concluded that "if the Social Security claimant's counsel can establish the statutory prerequisites, the EAJA supplies an attractive alternative for payment of counsel fees in that payment is made directly by the Government and not from the claimant's past due benefits." Id. at 1249. The Bar
D656D22

Category IV. Reference to a recently decided case that cannot furnish a complete F. Supp. or F.2d citation

Smith v. Heckler,   F.2d   (2d Cir. 1975) or
Smith v. Heckler, slip opinion (2d Cir. April 12, 1975) or
Smith v. Heckler,   F.2d   , CCH U.I.R. 11,546 (2d Cir. 1975) ...

B. Statistical Analysis of a Small Sample of Social Security Decisions (District Court Opinions)

Using ZYIndex on my collection of F. Supp. decisions, I searched for decisions with F. Supp. citations and decisions with F.2d citations. I then reviewed ten decisions from the 600 F. Supp. run with F. Supp. citations and ten decisions from the 500 F. Supp. run with F.2d citations. In the first sample I found 70 F. Supp. citations which broke down: 27 in category I above, 25 in category II, and 18 in category III. In the second sample I found 243 F.2d citations which broke down: 65 in category I above, 126 in category II, and 52 in category III. I also looked at the difference between the starting page of a decision and the cited page in category II cites. With the F. Supp. citation sample, the difference averaged 7 pages and 20% of the category II cites had differences of 10 pages or more (up to a high of 38). With the F.2d sample, the average was 5 pages and 13% of the category II cites had differences of 10 pages or more (up to a high of 45).

In this survey I came upon (without searching for) a modest number (10 say) of citations that were incomplete because of the recency of the cited decision -- category IV, above.

C. Observations

We should not forget that the problem of page references in this sense or any other does not apply to decisions of the Supreme Court. The implementation of such references can be implemented totally on disk. That means of course that the implementation of other decision - decision reference moves on disk should be as similar to those possible with Supreme Court opinions as possible.

Within these two samples as within the database as a whole there are citations to non-Social Security decisions. Many of them fall into categories II and III. Not only are citations to off-disk decisions less numerous, but users are less likely to want to follow them. But when users do follow those references they will be coming into the on-line system, often with a jump cite. Ultimately, but not immediately upon release of the CD-ROM, all federal decisions will be paginated so that such references to non-Social Security decisions can be followed on-line

D. Conclusion

It is very important to allow the user to follow a reference in Opinion #1 to the place referenced in Opinion #2. These references are the most common way case to case moves are called by judges in their opinions. Moreover, taking a user to the beginning of a referenced opinion rather than the referenced point leaves the user, on average, a fair distance to go with no easy way to find the spot he or she is looking for. On the other hand enabling the user to follow the moves called by a judge does not require putting in page numbers, showing the user page numbers, but simply in those cases where a citation points to a particular place in another opinion using page numbers, taking the user to that place. I would hope that counsel's office can find that to be consistent with the settlement agreement with West. The page number has simply been the reference invoked in one public domain document to identify a spot in another public domain document -- a reference that we will implement without flagging the referenced page (or any other) in the

target document. With the right tools, it should be possible for the moves to be to a point other than the precise point of West's pagination. For example, a move to the first full paragraph starting on the referenced paged would in most cases be a closer approximation of the citing judge's intent than a move to the exact beginning of the page. Heavy editorial intervention in interpreting these calls would be prohibitive but some measure of judgment over where to place the reference point with software making a first tentative placement could I think be managed. If one also implements citations that lack page references (category IV) and incomplete references (Benson, at 254) that builds the argument that what is going on is not showing pagination but interpreting judicial cross-references.

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12¥1212at such references to non-Social Security decisions can be
followed on-line

D. Conclusion

    It 12120Courier 10cpi121212allow the user to follow a reference in
Opinion #1 to the place referenced in Opinion #2. These references

Memorandum
To:
        Sue Alexander
        Bill Baker
        Pat Guiant
        Nancy Nash
From:
        Peter Martin
Subject:
        Furnishing Users of the CD-ROM a Full Citation of Material They
Found in It
[Again, please forward to Nancy Nash...]
==
This is the second (and functionally quite different) issue of
interpretation -- the second issue having to do with what it means that
MDC can include West pagination in the on-line LEXIS service but not in a
CD-ROM product..

I. The Functional Imperative

        The entire aim of a computer based reference work of this sort is
to substitute for print rather than point to print. That aim is utterly
defeated if the user is obliged to take excerpts and notes drawn from the
CD-ROM to a West book or in a separate transaction using the on-line
system in order to obtain the full source information necessary to refer
to the opinion in brief or memorandum (books are an easier way of
pagination checking if the on-line transaction is not automated).

        The settlement agreement with West poses no problem in achieving
this function with: the statute, the regulations, the treatise, SS
Rulings, Supreme Court decisions, or district court decisions not printed
by West. The latter (which will number over 2,000) pose problems of
their own, but a problem that LEXIS pagination deals with for decisions
from 1987 on. The problem concerns only the 7,000 or so Social Security
decisions on disk that have been published in F.2d, F.Supp., or F.R.D.

II. What the Agreement Clearly Forbids

        I understand from Nancy that the agreement does not allow the
placement of page breaks throughout the relevant decisions or the
inclusion of a lookup table that would relate decision divisions such as
paragraph or LEXIS page to West pages on the disk.

III. The Combination of Decision Texts on CD-ROM with On-Line Decision
Texts to Achieve the Required Function

        The aim is not to show users all the page divisions. The
function we are after is simply the furnishing of page information for
particular portions of public domain text the user has found on the disk,
using a properly licensed source of that information -- the on-line
library. In what way would it violate the agreement to have the user
find a portion of a decision published in F.2d, say, click a button that
indicates the user's desire to have an on-line search for the West page
on which the text in question is to be found. The system then turns to

the on-line system with the indentity of the document, the line number of
the beginning of the text in question or some similar address that is
common to both the CD-ROM and on-line version of the document. The on-
line version of the document is found; the West page number is found on
it and returned to the user.

Numerous variations can be run on this combination of disk and
on-line system. The search on-line for page numbers can be done in
stride as the research moves around selecting excerpts from an array of
decisions or it can be run at the end of a session for all the decision
excerpts selected during it. The on-line collection against which this
search occurs can be part of an undifferentiated library or it can be a
specialty library in LEXIS that complements the CD-ROM disk. The
information delivered to the user can be presented in all kinds of ways.

IV. Conclusion

If the settlement agreement allows MDC to include West pages in
LEXIS, there must be a way consistent with the agreement for the user to
find material on the CD-ROM and then have an automated LEXIS search pull
needed page references. The issue then is not whether but how. How do
we accomplish this so that it is a smooth step for the user -- indeed,
presented to the user in a way that has attractions over use of either
print or online systems (user doesn't have to look for page number, but
it is searched out for the user). What kind of arrangements that meet
these functionality criteria favor the interpretation that the
combination of disk and on-line is consistent with the West-MDC
agreement? What kind of arrangements pose too great a risk of the
contrary interpretation? Not having a copy of the relevant language in
the agreement, all I can do here is turn to those who do for guidance --
guidance that points toward solutions.

Give too broad a reading to the provision in the agreement on this
score and MDC will quite literally cede to West control over CD-ROM and
successor technologies in fields of federal law.

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-2988

                    March 15, 1989

Mr. Peter Moodie
Faculty of Law
Chancellor's Court
University of Birmingham
P.O. Box 363
Birmingham B15 2TT

Dear Mr. Moodie:

     I have been working with Guide for over a year and a half, using it
to create a prototype for a system I am building for ultimate
distribution on CD-ROM. I like the software very much and find that it
is an attractive development environment as well as a suitable platform
for many law applications.

     Unfortunately, the arrangement I have with my publisher does not
allow me to distribute this working model which is the only set of Guide
documents I have. I can described it, however. I have set up treatise-
like material with a deep series of replacement buttons. In
demonstrations, I often refer to this as expoding detail. I also use
replacement buttons to hide the treatise references to decisions,
statutes, and regulations -- employing a text symbol to show their
availability. When the replacement button is opened it reveals those
references as reference buttons. I have found the same "expoding detail"
approach very effective with statutes, regulations, and decisions --
allowing a high level browse for context.

     My project which involves the creation of a full legal reference in
the field of Social Security law fits very nicely within this framework.
The major limitation of Guide as a tool for working with legal material
is its lack of a compatible full-text database engine.

     On the teaching front, I have only used Guide to project an outline
for a presentation which can then be opened up, point by point. I have
not used it to prepare materials for distribution to students although I
can imagine creating very effective CAI exercises with it.

     I hope these few observations are helpful. I should be delighted
to hear about your uses of Guide and look forward to the release of my
CD-ROM in 1990 which will relax the constraints that prevent my
distributing portions of it that I have put under Guide.

Sincerely,

Peter W. Martin

Cornell Law School
Myron Taylor Hall
Cornell University
Ithaca, NY 14853-4901
Peter W. Martin
Edward Cornell Professor of Law
(607) 255-4619 Fax (607) 255-7193
                        August 3, 1989

Professor Harvey P. Dale
New York University
School of Law
40 Washington Square South
New York, NY 10012

Dear Harvey:

Thank you for the article from Byte; I probably would have missed it. In
return, I enclose a nice overview of related CD technologies that appears
in the most recent CIT Newsletter, plus the script of my April lecture
(sans pictures).

Next time you are here I'll have more to show. MDC pressed a CD-ROM of
the prototype material I showed you in May; its response time is very
encouraging. I have also got ZYIndex working with roughly 100 Megs of
decisions in full text on the WORM drive -- a very satisfactory
development tool.

            Sincerely,

            Peter W. Martin

Cornell Law School
Myron Taylor Hall

Memorandum

To: Russell Osgood

From: Peter W. Martin

Subject: Various Support Issues

Date: August 22, 1989

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My proposal that Mead Data furnish cash to support my staff or equipment needs on the CD-ROM project seem unlikely to yield anything during 1989. Calendar year 1990 is still an open question. They are "helping" me instead by assigning an assortment of people on their payroll in Dayton to the project.

I. People

In some fashion or another, I should like to find a way to keep the following human resources on task here: Sarah Pugh (fall of 1989 -- $6,000 plus medical insurance); one law student, David Sturm, working at standard rates, part-time ($2,000 perhaps) ; two undergraduates, one working for credit, the other for cash ($1,500 or so). I also have an option on part-time work by one of my summer staff who, having graduated from ILR, has moved to Madison, Wisc., with fiance.

My credits include a residue of $6,000 or so in my NCAIR grant account after all this summer's bills are paid. We ought to get Rich to confirm the number. I am prepared to give up all secretarial support, or all but a drop, whichever you find a simpler precedent to live with. And, of course, I have whatever the standard allotment of research support will be for 1989-90.

II. Machines

In addition to the PS2/80 with trimmings in my office I need those working with me to have access to over 100 megs of full-text decisions, the index of those decisions (30 to 40 megs) and a relatively small (4 meg) database. This can be accomplished by devoting one of the PS2/50s secured for my project from the IBM equipment grant to Sara Pugh's use and by having another of those machines (which total 3) available for the part-timers. Since the PS2/50s all have WORM drives they are capable of holding the full-text collection. Their hard disks are not big enough, however, to hold the whole index at one time. A more functional solution and one that would meet a second objective, namely, furnishing this information in a test version to the Legal Aid Clinic, would be to network my data.

Since I would like at least two of the PS2/50s to be in a library controlled study room for use of the students in my computer applications seminar (as they were for the Schwab/Eisenberg seminar last spring) I like the networking approach for the added reason that it makes it easier to keep time and space on the PS2/50s for the course.

I doubt I have any credits to apply to the incremental cost of the hard disk space necessary to add this material to the network after the people costs noted above, but if I do you can allocate them to it. On the other hand, I don't foresee any travel this year that Mead or the ABA won't pay for so I would be happy to waive the travel/equipment part of my research budget.

To: Gordon Galloway   Date: Nov. 30
From: Peter Martin

Subject: A Brief Status Report on My CD-ROM Project

I. With support from Cornell in the form of sabbatic leave, Project Ezra
equipment and a workspace in the University's Computing and Communication
Center, a grant from the Center for Automated Information Retrieval and
an agreement for both data access and eventual dissemination with Mead
Data Central, I have begun work on a professional library to be published
on CD-ROM. The domain is Social Security Law -- attractive because of
its size and relative autonomy and my own familiarity with the area.
 Size and autonomy are important, for my ambition is to have a single
disk holding all the legal material (statute, regulation, court
decisions, and more) that any professional will need in over 90 percent
of the cases involving issues of Social Security entitlement.

II. Through the summer and fall, I have worked on establishing the basic
structure for the treatise and companion collection of legal material.
This has included defining the functionality of the ultimate work -- what
sorts of moves a user should be able to make from treatise to statute,
from judicial decision to treatise or statute, and so on. In drawing up
the functionality specifications, I have tried to take account of user
expectations (brought over from print materials), time and effort
required to prepare the data, and the capabilities of available software.

III. I have prepared a full outline of the treatise -- the basic map of
the domain against which statute, regulations, agency rulings and the
five thousand plus federal court decisions in the database will be
indexed. I have written a portion of the treatise dealing with benefits
based on family relationship (widows benefits, benefits for surviving
children, etc.).

IV. The other major task, now well toward completion, is identification
of the universe of federal court decisions that will be included in the
library. (What are the x thousand court decisions, each identified
uniquely, that should be part of this collection?) No definitive and
complete list of Social Security decisions exists. Establishing a list
of decisions for retrieval from Mead Data's LEXIS system and a set of
criteria for capturing all future decisions within this domain, on an
ongoing basis, is no simple task. To begin, it necessitates answering
fundamental questions of scope such as whether the collection will cover
the Social Security taxes or only benefit issues and whether it
will include decisions involving other benefit programs that because of
statutory cross reference require interpretation of the Social Security
Act (e.g., Railroad Retirement Act benefits). Beyond these definitional
issues, lie difficult problems of identification. (Better than 75% of the
court decisions in which the phrase "Social Security" is used do not
concern benefits under title II of 42 U.S.C., while many of those that
do, fail cite the statute in a consistent way.) In wrestling with
this challenge, I have skimmed the 3,100 or so decisions published in the
most comprehensive print service for Social Security practitioners.
Since it was first published in 1983, it only covers the period 1983-88.
Citation information, program, and keywords from those decisions were

entered in an developmental database. Medicare, Medicaid, and AFDC decisions were eliminated as being outside the scope of this project. The remaining core of 2,000 or so decisions has been the foundation on which I have been building. To that core, I have added decisions in the field of family benefits (predating 1983) drawn from the two on-line databases, Westlaw and LEXIS, using both full text and appropriate index field searches. Through these techniques, I have compiled a database of some 540 decisions on family benefit issues that, I am confident, is quite complete. And I am well on my way to doing the same on the other topics that make up the full coverage of the treatise and library. (In the course of this I have had to construct a set of macros that will take lists of citations captured from LEXIS or Westlaw and construct field delimited text files that can be imported into Notebook II.)

V. This process combined with work I have had a team of three law students doing on a subset of the family benefit cases has been pulled into a prototype. It includes reasonable portions of treatise on family benefits, all portions of the statute and regulations on these topics, formatted for hypertext reference, and some 50 federal court decisions on family benefit issues, downloaded in full text from LEXIS, and formatted for hypertext reference. On this working model, I am working out the remaining issues of structure and functionality with the staff at Mead Data and beginning to fill in that structure.

VI. One design challenge of which I have been conscious throughout has to build this set of interconnected materials without dependence on particular application software. While I have been employing one hypertext package for the PC (Guide) and text oriented database (Notebook II), I have been examining others (e.g., KnowledgePro) and making all links sufficiently visible and explicit that shifting to another software environment should be possible without a need for manual relinking.

VII. The opportunity to work, without distraction, in CCC has been a major plus. Necessary equipment and advice on how to use it have been close at hand. The Academic Computing Staff have not been intrusive, but have been very helpful when I have needed information or advice. For the balance of my sabbatic and current project, CCC offers an ideal environment. If I can compensate, during the balance of this year, by sharing elements of my experience with others, I would welcome the exchange. On the other hand, my project will not be ready for full display on CD-ROM for at least another year so any such exchange would have to focus on the tools, design criteria, and process I am using to construct this electronic library.