

MEMORANDUM

TO: Russell Osgood

FROM: Peter Martin

SUBJECT: A Cornell Institute of Legal Information Technologies

DATE: December 26, 1990

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I mentioned this notion to you earlier in the fall and promised an outline. This is my first rough sketch. I'd like to meet with you early in the Spring Term to discuss how to proceed. I'll be here until the AALS and then not again until January 22.

I. Why an Institute?

It may be that "institute" is just a figure of speech. Consider that possibility as you read this. By that I mean that what I propose may not require any formal labeling or entity creation at this stage.

I use the word "institute" because it helps me think about and plan a set of activities -- activities that exceed the reach of one faculty member, secretary, and part-time student assistants. I have also used it with third parties to help them see a role beyond faculty member/ author for university-based work.

I had initially believed that my relationship with Mead Data Central might furnish an outlet for all my interests in the legal information area. Whether or not that belief may have been naive, it no longer comes close to reality. MDC is the publisher of my Social Security treatise and database. I have good informal relationships with people scattered through the organization. But the beast as a whole is without vision or direction, and it is so big and ungainly one can't dance with it without risk of serious bodily harm.

2. Initial Activities of the "Institute"

I have one database in place that needs to be completed and sustained. Completion will take up the balance of 1991. Thereafter, I hope that royalties or consulting compensation from MDC will cover the cost of the part-time effort by a law graduate recruited each year who will handle the up-date work under my direction. But that is a half-day a week plus larger chunks of up to a few days whenever a major Social Security event (amendments, regulation change) occurs. A full (and challenging) portfolio for such post-graduate assistant or clerk would necessarily be premised on additional activities.

The head of Thomson's new electronic publishing division, Kathryn Downing, has promised me a license of any of Thomson's material I would want to incorporate in a legal reference work

(Thomson is not only owner of USCS and ALR, but also publisher of the official reports of New York State courts and one of the two versions of the state statutes). I was ready to play that card this fall if arrangements with MDC had fallen through (as they threatened to), but I have also discussed with Ms. Downing the idea of an "institute" at Cornell developing and distributing a state-of-the-art CD-ROM collection of N.Y. statutes, (regulations?), decisions, and related material in the field of domestic relations, property, criminal law, commercial law, or public benefits. Such a project would allow me to carry through on a number of ideas about structure and format that the on-line Social Security work could not incorporate because of MDC's need for consistency across LEXIS. It would be small, sophisticated, elegant. I would not attempt to be author but rather seek an author or domain consultant among our colleagues and alumni.

A central feature of such a second generation project would be independence from LEXIS and WESTLAW. I contemplate the work being distributed in both LEXIS and WESTLAW versions -- so that subscribers could use the appropriate version as an intelligent front end to their preferred system when seeking very recent decisions or pursuing points beyond the limits of the CD-ROM collection. The command structures of the two systems are so similar that publication in two versions should not be a major challenge.

In addition to such editorial and publication projects, I see three other areas for institute activities. The first has strong potential for supporting the institute financially, at some risk of swallowing a major portion of its energies. The concept is of a "consumer reports" operation positioned between the two major information vendors and their customers. Given the importance and cost of information services purchased by law firms, I find it remarkable that there is no such service. There are a plethora of software/hardware review journals serving the law firm as a segment of the larger market for software, database software, computers, networks, etc.; but LEXIS and WESTLAW continue to dominate the flow of information about their products. The need for rigorous, critical evaluation is obvious. Meeting it effectively from an independent base would, I believe, generate a strong revenue flow. I envision beginning with a monthly newsletter, distributed to subscribers by fax or E-mail. This publication would report critically on the vendors' services, featuring comparative tests run on WESTLAW and LEXIS. Likely topics include time between decision or promulgation and on-line distribution for various types of documents, completeness of selected collections, accuracy (how many typos of what kinds), functionality differences, cost of representative transactions, and so on. I also envision attempting to collect use and market data and user evaluations of key elements of the systems and associated software products. The subscription fee would depend on the number of lawyers in the subscribing organization and carry a license for redistribution to any or all of them.

Consulting and training are likely follow-on areas of activity. The consulting I have in mind relates tightly to cost-effective

use of the two major electronic systems. The training should be high-leverage -- working with those who, within a firm setting, are responsible for the WESTLAW or LEXIS training and use.

III. People, Space, Machines

My initial requirements are modest. I would like to hire a 1991 graduate full-time for a year (minus bar review time). The salary should be high enough to draw interest but need not be as high as judicial clerkships. I would also like to hire three students for the summer with at least one carrying on, part-time, through the year. My draw on Karen Wilson's time and Tom Bruce's staff would, no doubt, increase but by reasonably small increments.

An office for the full-time assistant (like Sara Pugh's) and a room for summer workers (like last summer's) plus my office should be ample space. If I can claim the three project Ezra machines, currently in the teaching lab, and make use of the network at current levels my equipment needs are met.

IV. Financial Terms

The identifiable lumpy cost items are the people listed in III, above -- perhaps, \$40,000 for the year, plus the newsletter direct costs (telephone, fax), and supplies. Let us say \$50,000 in all for the first year.

V. The External Alternative and My Personal Financial Incentives

There are numerous examples of off-shore enterprises launched and run by academics while they hold down "full-time" appointments. If that turns out to be the only way to proceed in the directions sketched here, I'll probably do it, setting up a small organization in rented space nearby (or more likely geographically scattered spaces, united electronically). However, that approach carries personal financial risks and administrative burdens (pay-roll, tax, etc.) that I'd happily forego, along with any dreams of major financial gain from these endeavors. I'd be pleased to have my summers and someday, perhaps, a reduced teaching load paid for from this type of activity. But that can be, I trust, accomplished within a law school framework.