

November 23, 1992

Ms. Ann Brownell Sloane
National Center for Automated Information Research
Suite 1B
165 East 72nd Street
New York, NY 10021

Dear Ms. Sloane:

Please convey to the NCAIR trustees my deep appreciation for the support expressed by their grant authorization on October 2.

I believe I understand the concerns reflected in the questions posed in your letter, dated October 28, which you indicate the trustees would like to have answered before affirming the grant. This letter will attempt to answer all of them, although not quite in the order posed. I shall be pleased to elaborate on any of these points at the upcoming meeting of the Members of the Executive Committee to which you have invited me on December 4.

o What is the Institute?

The Legal Information Institute is part of Cornell Law School, ultimately subject to the control and oversight of its dean, Russell Osgood. He authorized its creation. Tom Bruce and I are co-directors. As part of Cornell Law School (like, say, the Cornell Law Review) the Institute is a non-profit organization; its distribution of educational materials to students (currently at a per unit price of \$15) is not subject to New York State sales tax.

o Who will have ownership of course and address materials, as well as software produced by the project?

It is most accurate, I believe, to conceive of the Institute as some combination of electronic university press and journal. Like traditional presses and journals, we must deal with a variety of third-party rights holders.

Some of our projects will involve public domain material, often joined with proprietary material, and held in digital form by the likes of West, MDC, or Lawyers Coop. Our loose agreement with Lawyers Coop is a model for what I hope will prevail in other cases, a willingness on the part of the data holder to furnish it for our

disk and Internet publication to legal educators. Being a licensee of USCS for these purposes the Institute is not owner and in particular cannot build products or launch marketing efforts that feel too much like competition to the licensor.

Some of our projects will involve copyrighted material. The UCC is an example. The Institute has requested a license to engage in electronic educational publication of the UCC from the UCC Editorial Board. That request is pending. The best case is that we will receive a no-cost license with strings limiting our distribution to free distribution across the Internet and disk-based distribution at educational prices to law students and teachers.

Material prepared with Institute support, the hyper-text conversion and editing of public domain or copyrighted material and the authoring of new material such as the Introduction to Legal Citation will be owned by the Institute. To the extent that disk or other distributions of such materials (or the others) generate reasonable revenues, those revenues represent the Institute's path to self-sufficiency.

Our current software platform for disk distribution is FOLIO views. The Institute is a licensed FOLIO publisher. That allows us to distribute disks including the FOLIO software to law faculty and students at a price that is competitive with print materials; but that price must include a element to cover our royalty obligation to FOLIO (currently \$3.50 per unit).

o What are the Institute's prospects for long-term self-sufficiency?

The Institute faces a multi-year start-up period during which the editorial and authoring costs and other expenses of its publications and related activities will exceed revenues. Assuming both strategic focus and successful marketing within legal education and those sectors of the profession on which the Institute concentrates the Institute should eventually become self-sufficient. Publication revenues are not likely ever to cover the time and effort by all those involved in the work of the Institute. However, because it represents a research outlet for faculty and library staff and a source of teaching materials, I expect Cornell Law School to continue to support Institute activities through its support of those personnel.

o How will people access the Gopher?

Access to the Internet is expanding on all sides. Most legal

academics have access, either directly through their law school or through a university computer, to the Internet in a way that permits interactive sessions with our Gopher server. Increasing numbers of law schools are using the Internet to connect with Westlaw and Lexis. In addition, dial-up access via modem to the Internet is offered by a number of commercial concerns. Network-access providers include PSI, CERFNet, and BARRNet as well as the unix-based bulletin board systems (notably, The World BBS in Boston (world.std.com)). Some standalone law schools and a few practitioners are already obtaining Internet access by such means. Finally, the Institute has experimented with direct dial-up access to our server, with success.

While access through the Internet to the Institute's Gopher server is large and growing, our strategy for the near term will include parallel distribution on disk in order to reach those for whom the Internet is or seems inaccessible.

o What might the relationship be between the Institute, CALI, and Internet resources aimed at the practitioner?

The breakthrough that the Internet allows is the wide distribution of interconnected information resources. The future should hold numerous servers like ours based at law schools in the U.S. and abroad, each organizing the resources of the Internet for its own community (and others) and building, maintaining, and distributing through the Internet its own distinctive information resources. (The law school based journal or press is again an apt analogy, although it dramatically understates the potential for complementary interconnection.) The Intellectual Property materials on the Legal Information Institutes server can be the subject of hypertext references in a set of documents maintained on a different server, along with the relevant Supreme Court decisions which are archived at Case Western Reserve. I presume that CALI's Internet activities will partake of the same distributed character. Internet resources aimed at the practitioner may or may not have barriers associated with a commercial host associated with them, but to the extent possible under our licensing arrangements with data providers, we would hope to have Legal Information Institute resources distributed through and integrated with them as well.

I hope these responses deal with the Trustees' concerns. If this letter leaves any questions unanswered, I trust we can deal with them on December 4. I look forward to that meeting.

Finally, enclosed you will find a copy for NCAIR of the announcement and disk we have just mailed to all AALS law school deans, librarians, and technical people. Please note how

prominently it features the role of NCAIR support.

Sincerely,

Peter W. Martin
Jane M.G. Foster
Professor of Law