

June 15, 1993

Professor Leo J. Raskind
University of Minnesota
Law School
285 Law Center
229 19th Avenue South
Minneapolis, MN 55455

Dear Leo:

I have been far too slow in telling you how much I admire the statement you have written on behalf of our AALS committee. I have been of no assistance but assure you that's not for want of interest. The draft you sent in late April was, in my judgment, right on the money.

There is a category of writing important in our field that the statement does not address. It falls in a grey area and I think it best left unmentioned. I refer to model and uniform acts and restatements as well as codes promulgated by the ABA. In original form they carry a copyright, which the proprietors continue to assert even as states enact and judges embrace these works verbatim. As an electronic publisher I have been cowed into executing a licensing agreement (providing for a larger percentage royalty than West pays) with the Permanent Editorial Board of the UCC even though the code (and official comments) as enacted are presumably public domain. The PEB's principal source of revenue is royalty payments from print publishers and online services distributing the UCC (significantly West). My ABA story is more recent and perhaps incomplete. The head of permissions at the ABA has declined to license my Legal Information Institute to publish the Rules of Professional Conduct on disk and on the Internet. This is not a question of royalty; it is a flat "no" aimed at protecting the visions of revenues from electronic publication that dance in the wee little heads in the publishing unit of the ABA. I am rushing to distribute the Idaho rules which are the ABA's with slight variations, noting the differences and the reason why Idaho gets the spotlight.

If I need counsel, I know where to turn.

Sincerely,

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