

An inventory of LII content that Peter still worries over, perhaps unnecessarily and too often without effect

This inventory should begin by noting all those editorial and site maintenance tasks I once carried that Sara has ably assumed. I no longer worry over: the front page and the spotlight material, the principal Web collections, or the two bulletins. I may on occasion serve as a problem-catcher in these areas but no longer exercise oversight.

At the other extreme are those projects for which I am author/creator as well as editor and site architect and would not expect the LII to sustain. Most obviously those include: (1) the full range of content making up the two distance courses (course sites, readings, audio material together with supporting text and graphics, interactive problems, etc.), (2) the broader collection denominated the Social Security Library, successor to the Thomson CD-ROM, and (3) Basic Legal Citation. How long I shall keep at these several activities in their current or altered configuration is still an open question – one with implications for others. The distance courses in particular impose significant demands on the time and attention of the rest of the enterprise, time and attention not likely to bring returns post-Martin. I strongly suspect this will not be a sector of LII activity once I cease doing them.

Lying in an intermediate zone are those LII publications, most of them done with Views, that I have worked on and not yet got rid of. I will do my best to enumerate them here and describe the challenges involved in their maintenance.

The UCC –

This is an LII exclusive. Because of ALI/Permanent Editorial Board concerns about their royalty income our Web version offers only the text of the code, not the official comments. Our downloadable version (pdf) has both. I assume that in both forms this item has significant value to us, but maintenance is a real hassle. Most years the Commissioners on Uniform State Laws promulgate changes to one or more of the articles. Every few years one of the articles is completely revised, which spills conforming changes over all the others. I have been the monitor of these events.

Entering these changes into our compilation has always been a manual project in which, during recent years, the bulk of the hours have been mine although Rachel has done significant preliminary work in Views. I have managed to move the Views content to an HTML master file for each article from which the downloadable pdf version is generated. Still to be done is the chopping of that master file into a browsable online offering. At present our top-level TOC page <http://www.law.cornell.edu/ucc/> links, article by article, to Views infobases on sitedirector.

What are the maintenance difficulties? Despite all efforts to obtain changes in digital format we continue to get the final, official version from the NCUSL office in Chicago in print. Semi-final versions are available at the Penn site but need to be double-checked against the final. In addition, many of the changes are of the editorial instruction sort -- "delete these words or sentences, add the following..." I often find that with sections where the changes are complex, drawing the text from Westlaw is the easiest approach. We have so much value sunk in the cross links including importantly links from terms of art to their definitions that regenerating the whole thing or even a full article from fresh source has not seemed feasible. And to repeat we have no effective access to an up-to-date and comprehensive digital source. There are serious issues of audience and version as well. When the Commissioners revise an article the take-up by the states is often slow and incomplete. The audience that cares most deeply about having the official UCC, as most recently revised by NCUSL, is an academic one. Lawyers and judges in any state will focus initially on the UCC in the form adopted by its legislature and only turn to the "uniform" version as a means of understanding points on which the two texts diverge.

Federal Procedural Rules (Civil Procedure, Bankruptcy Procedure, Criminal Procedure, and Evidence) -

These are now all in HTML master files, from which a browsable HTML version and pdf version of each are generated. They also need updating. Here is the maintenance drill. Revisions are logged and available at the Administrative Office of the Courts site page: <http://www.uscourts.gov/rules/index.html>

The cycle tends to run like this: (1) In the fall of calendar year 1 the Judicial Conference recommends changes to the Supreme Court. (2) In late winter or spring of calendar year 2 the Supreme Court sends the recommended changes, sometimes with modifications to Congress. (3) By December 1 of calendar year 2, Congress having not acted on the rule changes, they take effect. This process produced a number of rule changes effective Dec. 1, 2003, which I have not yet compiled into our master files and their children. This process has also launched additional changes in the form of recommendations to the Court which will, if all goes to plan, take effect Dec. 1, 2004. And so it goes. The changes are minor most years. The most recent batch to take effect touch: Bankruptcy Rules 1005, 1007, 2002, 2003, 2009, and 2016, and new Rule 7007.1; Civil Rules 23, 51, 53, 54, 71A, and Forms 19, 31, and 32; and Evidence Rule 608(b) .

The American Legal Ethics Library -

This is a large project that faces significant continuity challenges. The editorial leader, law firm goader, persuader, Roger Cramton has no successor on the faculty. He continues in this role for the moment but cannot, with full effectiveness, carry on much longer. Roger has not only recruited the law firms and others who prepare state narratives, he created the topical framework to which all the narratives are written and has subsequently revised it to take account of ABA model rule changes, and he badgers firms to complete and update their narratives.

My job has been to build and update a set of state rules governing lawyer conduct. In recent years Rachel Edwards has done the revision work in Folio Views under my supervision and added several states to the collection. In addition Rachel and I have dealt with all narrative revisions that Roger's efforts have yielded. Like the rule changes this process is a manual one that is more or less onerous depending on how good the firm has been at separating the changes from prior content. Some firms are now quite good at providing a red-lined set of revisions. Others, in effect, leave us to discover the deltas. Rachel knows this collection very well, and assuming she continues to work for the LII the ultimate work on its components should, I think, be left in her hands. But oversight, coordination with Cramton or his successor, and direct communication with the firms should probably not be.

The current state of affairs.

There are narratives for the following states (in quite different states of currency): Arizona, Arkansas, California, Colorado, Connecticut, DC, Florida, Illinois, Louisiana, Maryland, Michigan, NJ, NY, Ohio, Oregon, Pennsylvania, RI, SC, and Texas. For all those states we also have the rules of professional conduct in conformed and linked format. In addition we have an LII version of the lawyer conduct rules for Hawaii, Kentucky, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, ND, SD, Utah, Vermont, Virginia, Washington, and Wisconsin.

The codes have not been updated to reflect changes since summer of 2002, i.e. they were not touched this past summer. Nor, I believe, have the state pages that link to non-LII legal ethics resources on a state-by-state basis. Rachel is currently chewing on a massive set of changes to the Arizona narrative (poorly communicated by the author) and there are some changes to the Ohio narrative (effectively communicated) waiting in the queue.

All this material is still in Folio Views. Its extrication into HTML (together with the chopping of the UCC) is my major LII task for this coming term. As the architect of the library's inter linkages I also confront the task of documentation that will enable a successor to do the maintenance work I have done and supervised.

The directory of legal academia (U.S.) –

I think we are doing this only because it is a descendant of our first LII project. There are now plenty of alternative sources. On the other hand, maintenance should be easy – less than a student worker day per year. A member of the Duke faculty who is a user (Sara Beale) sends me mail anytime she encounters a bad link. But it has been at least a year, I believe, since it had a stem-to-stern review.

Other?

I dare say I have forgotten, overlooked, or misplaced one or more items. I invite the two of you to lob questions and suggested additions at this initial draft.