

**Cornell Law School**  
**Legal Information Institute**

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Ms. Ann Brownell Sloane  
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Research  
Suite 1B - 165 East 72nd Street  
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Dear Ann:

The enclosed proposal for NCAIR support of Cornell's Legal Information Institute during 1998 requests a grant of \$20,000, the fifth during the Institute's five year start-up phase.

From Tim Leixner's letter of October 3 outlining a plan for endowing a successor organization, we infer that this will probably be our last grant proposal submitted to you. For that reason we are taking the occasion to report on the full range of activities that NCAIR support has permitted us to launch and sustain, placing this small grant request in that context.

Concerning the October RFP we should note that its terms effectively precluded a proposal from Cornell. Our institute's success during this exciting and turbulent period of rapid innovation and radically changing roles has been largely attributable to our ability to stay focused on specific experimental ventures that our distinctive institutional resources and audience placed within reach. Like NCAIR we want what we have started to continue. For us that means building on and extending existing services and remaining sensitive to the needs of their associated constituencies. As noted below we are aggressively seeking long-term support of the collection of research, education, publication, and public service activities carried on by the Legal Information Institute. After reflecting on the RFP, we concluded that the Institute's firm commitment to its own mission precluded our undertaking the broader and quite different goals it laid out, with their concomitant financial obligations.

As always Tom Bruce and I stand ready to provide more detail or explanation about anything in this grant request.

Sincerely,

Peter W. Martin

## Cornell's Legal Information Institute NCAIR Proposal -- 1998

### ***Background Summary***

This represents the fifth of a five-year series of grant applications from Cornell Law School's Legal Information Institute (LII) to NCAIR. That series began with an initial 1992 letter to Ron Staudt outlining a five-year program of start-up funding. In the first year, we applied for and received \$100,000 (in two segments) which enabled the launch of our institute. As my April 7, 1992 letter noted:

*Each of the projects [proposed for 1992-93] has independent value but the principal thrust of this proposal concerns the establishment of a center bringing together resources and individuals from the law publishing sector, from legal education, and from the profession. This first year would launch a five-year program designed to bring law faculty (including those teaching in a practice or clinical setting), technical staff, information specialists, and those with relevant experience in other disciplines together around a series of projects and conferences. The self-conscious aim will be to explore the forms of collaboration and the combinations of talent necessary to produce effective materials harnessing this new technology.*

While we hardly envisioned all the forms or directions this exploration would take nor the rate at which Internet use by lawyers and others would explode bringing both users and competitors, our Institute's fundamental aim remains as sketched nearly six years ago. At the time of the Board's authorization of the full \$100,000 in October 1992, it posed several questions about the Institute's organization and prospects for "long-term self-sufficiency" to which our letter of November 23 replied:

*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.*

The potential revenue sources on which "self-sufficiency" might rest have evolved as the "legal information" environment has changed, and at a comparable rate. Our continued success at drawing project-focused revenues provides encouraging evidence that the ambition of "self-sufficiency" is not simply wishful thinking. One prominent example of such a funded project is the "American Legal Ethics Library" which can now be found on the Internet at: <http://www.law.cornell.edu/ethics/> and will, later this month, be released on CD-ROM in a first edition. Involving two of Cornell's leading faculty members, major national law firms, and student editors and researchers this project gives the most ambitious substance to date to the aims we sketched in 1992 and which NCAIR's grants have enabled us to realize. Funding from the William M. Keck Foundation of Los Angeles targeted on professional responsibility programs rather than technology per se is making this particular venture possible -- a sign of how central digital technology and the Net have become during the time NCAIR has supported our work. Another example of project-focused funding is the interest expressed by the U.S. Peace Corps. Our work in assisting the establishment of a Zambian Legal Information Institute (<http://lii.zamnet.zm>) has aroused the agency's enthusiastic support for similar initiatives in southern Africa which we'll be pursuing this summer.

Despite our success in attracting corporate, foundation, and public support for particular activities, we are acutely aware that long-term or sustaining funding, not tied to a particular project, remains critical if the LII is to continue to break new ground. Research on new and more effective uses of computer technology and appropriate institutional arrangements remains at the core of our mission. The law school and university have begun an active program to build an endowment fund to cover non-project-specific infrastructure costs of the sort NCAIR grants supported in decreasing amounts through our start-up period.

The most experimental of the Institute's initiatives have depended on the capacity which NCAIR support has given us to try new combinations of the technology, institutional resources, and our growing user base. Such experiments are, almost by definition, undertaken in the face of considerable uncertainty about user

response or demand. As a consequence, they are launched without a constituency or any assurance that one offering some prospect of sustaining the activity in the long-run will be created.

At last year's NCAIR meeting convened to explore possible strategies for the Center's final grants, one of us spoke candidly of the possibility NCAIR might secure its legacy by distributing contributions toward the endowment of its more successful institutional grantees. We fully understand the reasons why the Board has opted for a different path. Our only request is that the Center's concluding strategy not stand in the way of a grant that completes the start-up process NCAIR began in 1992.

Needless to say, should the NCAIR closeout plan have room in it for a larger grant designed to provide a base level of support for the LII's second five years, we would like the opportunity to submit a second proposal laying out both what that would entail and what such a grant would make possible. Our plans for the next five years are no less ambitious than those we came to you with in 1992. They are, however, accompanied by a track record we didn't then have.

This proposal comes when it does precisely because we did not want this small proposal to be confused with or lost in the proposal review process laid out in the October letter, a process which we are sure has commanded all the Board's attention this winter.

## ***The Proposal***

This year's proposal of \$20,000 is made up of the following constituent elements:

systems coordinator position (1/4)	\$10,000
part-time business coordinator (1/4)	\$ 5,000
student workers (<1/5)	<u>\$ 5,000</u>
	\$20,000

These are all elements that have been part of prior grants, each at a reduced fraction of the overall cost.

### **Systems Coordinator Position**

NCAIR funds have supported our key systems coordinator position. This position continues to be responsible not only for maintenance of the growing array of servers and services, but for the creation of software tools that permit the LII to continue to be a source of research and innovation -- indexes that search across sites and integrate information drawn from other sources, for example. Currently, our systems coordinator is working on the security and backup systems critical to all our Internet services and upgrading both hardware and software to meet the heavy loads on LII's Internet servers. The \$10,000 figure in this proposal, represents less than one-quarter the full cost of this position.

### **Business Coordinator Position**

This new position added with NCAIR support has proved to be invaluable. From handling the \$25 contributions coming in from liibulletin recipients, to making arrangements for CD-ROM production and marketing, to handling licensing and royalty commitments this administrative post has, by removing such matters from the co-directors' burdens, enabled the two of us (Martin and Bruce) to pursue the core activities of the Institute more actively and has allowed us to contemplate ventures with significant additional administrative impact. The \$5,000 figure for this heading also represents less than one-quarter the full cost of this position.

### **Student Workers**

NCAIR support of the student editors allowed us to launch the highly successful liibulletin-ny, to build the LII collection of Supreme Court decisions, and to provide the editorial aids that bring large numbers of users to the LII Web site. \$5,000 represents less than 20% of the LII's annual budget for student researchers, writers and editors.

## Summary Report on NCAIR Grants to the LII

NCAIR grants have provided discrete support for numerous individuals and individual projects. NCAIR has also provided multi-year funding to several important institutional initiatives -- at universities as diverse as Stanford, Villanova, Rutgers, Pace, and Cornell.

As we review the Annotated List of NCAIR Grants and Projects dated August 5, 1997 we are reminded of the critical role that NCAIR's initial and continuing grants have played in the establishment and maturation of the Legal Information Institute. The LII would not be but for that support. The full grant roster also leads us to be proud of our place in NCAIR's history. No doubt some of the other institutional grantees receiving comparable or larger sums can report similar accomplishment. But we are prepared to hold the LII's ratio of long-term impact to NCAIR grant dollar expended up for comparison with any of the rest.

Six years after proposing that NCAIR help establish a new center at Cornell, the Legal Information Institute is a significant force. We are confident that the LII's impact will continue to be felt long after the last NCAIR grant and the retirement of its founders.

The attached article which appeared last July the Cornell Law Forum provides a detailed survey of the Institute's first five years. (In addition to the article on pp. 3-10, we draw your attention to the piece on our project in Zambia by one of its principals, Jeffrey Ryan, pp. 11-15, and the student profiles of Kathryn Becker and Anne Myers, pp. 39, 45.)

The following sections update the Forum article and focus very directly on the related elements of use, impact, and immediate future plans.

### **Audience**

In every category of use the LII's services continue to reach larger numbers. This has forced us to invest in new servers which, by providing faster and more stable performance, have resulted in even greater traffic. During the final days of the Supreme Court's term last June, when the Communications Decency Act decision was handed down, our Web servers experienced a huge spike, recording roughly 1.5 million hits in a week. By the first week in November that level of use had become the norm. Only three months later the weekly figure exceeded 2 million. Our liibulletin reaches over 16,000 subscribers each time the Supreme Court hands down a decision. Many more high schools, colleges, and libraries have ordered the second edition of the LII's Collection of Historic Supreme Court decisions on CD-ROM than bought the first.

### **Recognition**

The most important form of recognition comes in the form of use and testimony from those who depend on various LII services. Many arrive at our Web site following links from one of the myriad other law sites; for nearly all of the others, in some way, depend on ours -- for primary source material like sections of the U.S. Code, the U.C.C. or Federal Rules of Evidence or subject area commentary. The recently released American Legal Ethics Library will, almost certainly, draw links, state by state, in the same fashion from bar sites, course home pages, and law firms. Currently over 35,000 Web pages at other sites link to the LII. The recent law site ratings by the *legal.online* newsletter ranked the LII "Best Law School Site" but more significantly placed it on its short list of top sites in key use categories evaluated without regard to institutional category or commercial/non-commercial status.

Individual LII initiatives and resources have drawn the attention of both print and electronic media. The LII's Internet-based law school course was featured in the December 1997 ABA Journal. A NEXIS search covering the past year retrieves over fifty articles referring to the Institute, in publications ranging from the New York Times and the Des Moines Register, through numerous law-related newsletters and journals, to the Nursing Administration Quarterly.

## **Plans for Future Innovation**

### **1) Bridging the law source gap with interactive navigation tools and editorial content.**

Those who have been trained in the law and legal research learn how to pull together authoritative law materials that emanate from different sources (Supreme Court, Congress, a Federal agency or their state counterparts) and interpret their partial and sometimes conflicting messages. Not surprisingly, this is a process apt to confuse or frustrate the non-specialist with a specific problem at hand. For example, the inexpert citizen with an interest or personal stake in a matter of federal law will very likely find the relationship between relevant portions of the U.S. Code and the Code of Federal Regulations unclear and their relevance to his or her problem uncertain or difficult to understand. For all that these materials are now electronically accessible via the Net they remain intellectually inaccessible to many who would make use of them. This problem is made worse by the fact that each of these resources must be approached through different sites with no uniformity or continuity of interface or editorial treatment. The LII's explanatory topical pages, cross-site searchable indices, and experiments with interface cues all represent efforts to reduce these barriers by means of appropriate use of technology and (most importantly) the application of editorial and pedagogical expertise for which law schools are a rich source. We have begun a series of more ambitious efforts in this direction.

### **2) Taking guidance from users.**

To date nearly all the Institute's services have been offered in generic or "one size fits all" form. Users must find the entry point and subsequent path appropriate to their quest, expertise, and developing understanding. Our view of what works, what doesn't, and for whom rests almost totally on informed hunch, anecdote, and volunteered user feedback. We have begun to design measures that will provide us a much deeper understanding of how our site's information and services are used by different groups and another set that will provide users a far more personalized vantage point from which to approach our available resources.

### **3) Providing "deep background" on selected ongoing law events.**

Our experience with a variety of "current awareness" services, including Web pages and e-mail bulletins, prompted us, this past fall, to experiment with two "LII deep background" projects. One was a set of pages focusing on the legal issues surrounding the Spielberg movie "Amistad" and the other dealt with the insanity defense in light of the then pending Theodore Kaczynski trial. These experiments were overwhelmingly successful, particularly with educators in secondary schools and colleges. We were persuaded that properly selected topical materials of this sort -- where by "properly selected" we mean taking account of such factors as likely degree of sustained public interest, existence of one or more important core legal issues, and available expertise and materials -- can be a powerful means of developing greater public understanding of law. We plan on making this "deep background" series an ongoing feature of the LII Web site.

### **4) Joint ventures with the bar and public bodies.**

Some of our important collections have involved very close working relationships with members of the bar, bar groups, and courts. Until recently, however, all of those relationships have been informal. We are now approaching more explicit and enduring partnerships in at least two instances. Under an umbrella agreement with the New York State Bar Association, the LII is now working with sections of the bar on the creation and maintenance of section web pages. This partnership begun last fall has distinct benefits for both parties and will almost certainly continue through 1999. In addition, as we write, the New York Court of Claims is seeking a final set of administrative approvals which would lead to a long-term relationship with the LII as the builder of a complete system for handling and disseminating the court's opinions and rulings. The Court of Claims is an interesting partner for several reasons. First, it has no existing relationship with a commercial legal publisher. Second, the court itself is geographically distributed into several offices scattered throughout the state, and internal distribution is as much of an issue as external distribution. Third, it is a *tabula rasa* which represents a significant opportunity to build a system from the ground up in a way which facilitates electronic search and electronic distribution. Finally, and perhaps most importantly, electronic dissemination will serve to significantly level a playing field in which lawyers for

state agencies have enjoyed considerable advantages of experience and information over attorneys representing plaintiffs.