

Interim Report to Atlantic Philanthropic Service Co., Inc.

Executive Summary

This interim report from Cornell Law School's Legal Information Institute (LII) covers the first year of a five year period during which the LII's hardware and software needs are being supported by a gift of \$107,500 from donors represented by the Atlantic Philanthropic Service Company Inc. It accounts for expenditures from last June's first payment of \$87,500, reports on the Institute's activities of the past year, and summarizes its plans.

1) Expenditures Made Possible by the First Payment

To date, the LII has spent \$62,543.21 of the first payment. With that sum has acquired a new main server, a new server for the materials it also distributes in disk form, a CD-R drive enabling it to create its own master discs for CD-ROM publication, new personal work stations for all LII principals, Macintosh computers permitting cross-platform publication and preparation of digital video materials, and important software. Most of the replaced machines have been re-deployed to new tasks, giving the gift a second-order effect. In addition, LII has used the round of acquisition to divide labor more efficiently among servers, and to upgrade software and security. Because of these important collateral aims and the need to provide a transition to each new machine that is transparent to users and without risk of major service disruption, the process has been a deliberate one.

2) Key Developments During 1997-98

The explosive growth in use of LII Internet and disk services that prompted the Institute's 1996 proposal continued this past year, underscoring the value and urgency of the funded program of hardware and software acquisition. This March weekly data requests of the LII's servers climbed past 2 million (more than double the volume of the comparable period in 1997), the subscribers to the Institute's e-mail bulletin covering decisions of the Supreme Court reached 18,000, and sales to high schools, colleges, teachers, and students of its CD-ROM collection of historic decisions continued to climb.

The year also brought widespread external recognition of the quality and importance of the LII's services and a clearer relationship between the Institute and law school. The latter, included among other things, a commitment by the dean and law school development office to secure additional funding for the Institute.

3) Immediate Future Plans

The Institute has launched several distinct initiatives that seek to use its experience in connecting non-specialist users with legal materials to create new and more effective tools to assist such users in navigating through legal data in pursuit of relevant material -- tools that combine both editorial and search-engine approaches. It has entered into formal joint ventures with law firms, a bar association, and has assisted a New York State court plan a database designed to serve both internal needs and public dissemination of its decisions. Grant proposals seeking support for various portions of these plans have recently been submitted to the National Center for Automated Information Research, the Markle Foundation, and the National Science Foundation.

Organization and Project Information

- Legal Information Institute of Cornell Law School (LII)
Myron Taylor Hall
Ithaca, NY 14853
- Prof. Peter W. Martin
- Report on the first year of a five-year period

Assessment of Work to Date

The attached article, which appeared last July in the Cornell Law Forum, provides a detailed survey of the Institute's first five years. (In addition to the article on pp. 3-10, I draw your attention to the report on our project in Zambia by one of its principals, Jeffrey Ryen, 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 and impact and the LII's relationship to the law school.

1) Audience

In every category of use the services of the Legal Information Institute (LII) continue to reach larger numbers. This has added urgency to the program of server expansion, replacement, and upgrade outlined in our 1996 proposal to APS. 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 data requests in a week. By the first week in November that level of traffic had become the norm. Only three months later the weekly figure exceeded 2 million. Currently, our liibulletin reaches approximately 18,000 subscribers each time the Supreme Court hands down a decision. Many more high schools, colleges, and libraries have ordered the 1998 edition of the LII's Collection of Historic Supreme Court decisions on CD-ROM than bought the first.

2) Recognition

As use grows so does recognition and then the cycle repeats. The most important form of recognition comes in the form of repeat use, word-of-mouth endorsement to others, 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. In truth, 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 40,000 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.

3) Impact of grant on the quality and reliability of LII services

The greater capacity and reliability provided by the new hardware funded by this gift have enabled the LII to maintain acceptable levels of service for this burgeoning audience. More importantly, they have allowed us to contemplate several major initiatives and to present an ambitious but credible multi-year proposal to the National Science Foundation premised on a capable and stable hardware and software base.

4) Law School's commitment to LII

In March 1998, Dean Russell Osgood announced to the school:

As you all are aware, due to the efforts of Peter Martin and Tom Bruce the Law School has assisted in spawning an exciting entity that has projected us more successfully into the larger world (e.g., lawyers and citizens interested in legal issues) than any other initiative we have ever engaged in. This entity has operated substantially independently of the Law School, both in financial terms and operationally. This is not to say that the Law School has not directly and indirectly supported LII at times, for its has.

I have not discussed this explicitly with Peter and Tom but I think the time has come to recognize institutionally the importance of LII and to discuss the future. First, I am going to relieve Peter of teaching one course for the time being. Second, we are working on finding endowment or other ongoing support for LII. Third, I think that an internal advisory committee composed of faculty and perhaps alums might be helpful to the School and to Peter and Tom.

In fact, the dean's commitment to secure funding for the LII pre-dated that statement by months. In the spring, he funded a post-graduate fellow position at the LII. In the fall, he specifically assigned the school's development office to pursue LII fiscal needs. Subsequently, he initiated discussions about an LII endowment with at least one individual who is both interested in and capable of such a gift. (A visit and further exploration will take place later this month.) This winter, for the first time, the LII was specifically included in the school's budget process.

Future Work

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 (carried out by our post-graduate fellow). 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, 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.

Other Funders

For the current year LII funding has continued essentially in the pattern described in our November 1996 proposal, augmented by the larger and more explicit law school financial commitment noted above. External sources of funding remain: sales of disk-based course materials and our Supreme Court decision collection on CD-ROM, contributions solicited from users once a year, corporate sponsorship and joint studies. Our work on the American Legal Ethics Library, just released this spring, has been funded by a grant from the W.M. Keck Foundation. Our Supreme Court server and related costs have been funded by a grant from the National Center for Automated Information Research. As noted above the New York Bar Association has funded LII topical law pages of interest to sections of the bar.

Currently, we have grant proposals before the National Center for Automated Information Research, the Markle Foundation, and the National Science Foundation. We are about to respond to a request for proposals covering the prototype stage of the New York Court of Claims project outlined above.

Accounting of Recommended Funds and Financial Information

Attached is a full accounting of expenditures to date from the initial grant of \$87,500. Because we are not merely replacing or adding machines but are using this round of acquisition to divide labor more efficiently among servers and to upgrade operating systems, key software (applications), and over-all system security in the process, our pace has been deliberate. To date grant funds have been used to acquire: (a) a new main Web server for the LII (a Sun Ultra Enterprise 2) with the capacity to handle the growing traffic at the site (two 300 mhz processors); (b) a new NT server (Gateway GP6-666) replacing a machine that could not handle the volume of users working with our collection of historic Supreme Court decisions and the other materials we offer in Folio Views, now expanded to include the American Legal Ethics Library; (c) personal workstations for the LII co-directors, systems administrator and post-graduate fellow (4 Gateway G6-233 machines); (d) Macintosh computers (2 Power Macs) to enable cross-platform CD-ROM publication and support multi-media work incorporating video material; (e) a CD-R drive (HP CD-Writer) enabling the creation of both draft and master versions of the LII's CD-ROM publications; and (f) software, most notably, commercial grade search software (Muscat FX Multisite Indexer) that will be used to integrate LII materials on multiple servers and legal materials at other sites.

Most of the replaced machines have been re-deployed. For example, the old NT server has become the LII's firewall. With multiple servers and operating systems and heavy traffic, security has become a major concern. As of this winter, all transactions of certain types initiated from off-premises must past through this new (old) firewall machine. Logging all the traffic on the LII's servers, cumulating and analyzing the information, is a demanding task -- critical for planning, security, and information about use of particular resources. For the time being those functions are being handled by another "hand me down" computer. The former main Web server is slotted to become our Internet listserver. (Our list traffic has doubled in the last year and the current server is crashing with frustrating regularity.)