

## Digital Legal Information:

# Here Today, gone tomorrow

by *Claire M. Germain*

The American Association of Law Libraries and the Law Library of Congress are currently starting a process of identifying the stakeholders considered to be producers, keepers, and consumers of digital legal information, and organizing a National Summit Conference. The Conference will include judges, legislators, regulators, members of the practicing bar, academics, librarians and archivists, court administrators, official printers, public and private publishers, Internet providers, Webmasters, and computer science engineers. Judy Meadows, AALL President, has been talking with various groups to determine interested parties to involve in the Summit and she has appointed a Task Force to Identify Stakeholders. There will be an exploratory program at the AALL Annual Meeting in Anaheim, California, in July 1998. The National Summit Conference will be held in New Orleans in January 1999, just prior to the annual meeting of the Association of American Law Schools.

Digital versions of current decisions, bills, statutes, and regulations issued by federal and state governments are widely available on publicly accessible Web sites. Primary legal information issued by international organizations and foreign governments is also becoming available on the Web. However, there are currently no standards for the production and authentication of digital documents. Moreover, the information is sometimes available only for a short time and then disappears from the site.

Documents are going digital for good reasons, including easy distribution and access over the Internet, as well as hypertext and multimedia capabilities. The process is irreversible politically and economically. However, digital information is characterized by fragility and rapid technological obsolescence. Under good conditions, books printed on acid-free paper—e.g., official state reports and codes—will last for centuries. The lifespan of a CD or disk is estimated at 10 to 30 years, but its lifespan is further limited by the

hardware and software needed to read it. This means that digital information may become obsolete within five years unless it can be migrated to a newer technology. But migration has risks, such as loss or change of information in the translation. Much research needs to be done on solving these technological issues.

Who is going to be responsible for continued and long-term access to official primary legal information? This is especially important in a democracy where free access to government information is supposed to be a right.

No one has yet taken the responsibility to archive digital information for long-term public access. The U.S. Government Printing Office—which has traditionally published on paper the U.S. Supreme Court decisions, *U.S. Code*, *Federal Register*, *Code of Federal Regulations* and much else, and distributed them to the elaborate system of 1400 depository libraries (including most law schools)—has made a commitment to disseminate its

publications in electronic form. But it has not committed to serve as an archive, because this task is not in its mandate.

Over the centuries, libraries have played the role of preserving and making information available to present and future generations of scholars. One proposal to consider would be for libraries to form consortial agreements. Each would become responsible for digital preservation of part of the corpus of official primary legal information, and rely on others for other parts. The scheme would extend access to that information far into the future.

Stay tuned for developments on this important issue! And please send suggestions for the National Summit Conference to the author (cmg13@cornell.edu).

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