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From the template to the electronic warehouse - Current IT issues in Canadian Courts

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Introduction

For some centuries, case law publishing has been the province of commercial publishers. We believe that recent technological progress will upset the traditional arrangement between judicial institutions and these publishers. In fact, new information technologies and the Internet allow, and even command, would we venture to say, tribunals into new endeavours aiming to reaffirm in today's context the judicial transparency so typical of our legal tradition. This new role comes from the renewed importance of information circulation the development of global electronic networks has brought forth. Now more than ever, making the Law readily accessible to the citizenry is totally feasible. No more is it absolutely necessary to have recourse to commercial publishers. We must take stock of this new reality and re-evaluate the ways the Law is made available in our societies. The realization of this new role by our tribunals is an occasion to look at the way they manage information. Our judicial organizations can greatly benefit from the reengineering of their documentary processes. The envisioned novel mode of circulation of judicial information brings forth two other issues which, depending on the way they are resolved, can either contribute to the public nature of judicial information or undermine it. These issues are case law citation standards and the conservation of the electronic patrimony of our tribunals.

The rest of this paper will essentially deal with these four questions. We will thus first briefly introduce the Canadian and Quebec situation in terms of the emergence of new modes of dissemination of the Law on the Internet. We will then outline the general requirements of information management in our tribunals, after which we will summarily review current thinking in Canada in terms of development of a case law citation standard. Finally, we will consider more lengthily the often neglected questions of archival and conservation of the judicial electronic patrimony. Together, the suggested orientations can better insure the strengthening of the public nature of judicial information and ultimately a democratic access to Law.

1. Disseminating the Law in Quebec and Canada in recent years

The mixed nature of Quebec's legal system has contributed to give much importance to jurisprudence, and hence to legal information systems. Our public law is akin to common law, as where our private law comes from the civilist tradition. The considerable importance of the law coming from courts in the common law regime is well known. It is worth mentioning this influence

is also felt in private law, its civilist origin notwithstanding. This explains the specific importance of case law and the overall importance of legal documentation generally in Quebec. As for the rest of Canada, the British origin of its legal regime insures it shares the traits of other common law countries.

Hence, legal databases have gained considerable importance in Quebec and Canada in the last twenty years. It is worth mentioning in that regard the remarkable growth beginning in the 1970's up to now of SOQUIJ and Quicklaw and of their U.S. equivalents, Lexis and West. These commercial electronic publishers have rendered immense services to the legal world. The quality of their material has gained them great esteem in our professions, even at the high price of about 200 \$ an hour.

Then, the Internet suddenly sprouted from academia. As all know, for all its harshness at the time in the early 1990's, the Internet was already a remarkable instrument of information dissemination for academic scientific circles. In 1992, two professors at the Cornell Law School, MM. Tom Bruce and Peter Martin set to use it for free dissemination of law. The idea caught on. In 1993, we of the Centre de recherche en droit public started a similar venture in collaboration with the Supreme Court of Canada. We were to meet with phenomenal success. The number of accesses to the resources we made accessible multiplied twelve fold from 1994 to 1995, and by three again in 1996. They have doubled each year since. The Web site hosting these documents processes one million accesses a month.

Three types of obstacles had to be surmounted for the dissemination of law on the Internet to happen in Quebec and Canada. Some were of a legal nature, some had to do with the turn taken by the legal documentation industry and others with various technical considerations.

On the legal side, the Crown's copyright was at first called upon to stem the free dissemination of the Law on the Internet. This point of view, independently of its legal merit, is fortunately quickly becoming obsolete in Canada. In fact, legalistic arguments are now seldom invoked against dissemination projects.

Difficulties were even greater from the economic angle. Private on-line law publishers had taken up to consider as their own private property the public goods that are legislative texts and case law. Without any hesitation, they thought to possess a clear right to the exclusive commerce of these texts. Free dissemination of this rich patrimony was to them an abusive despoiling of their commercial rights. They attempted to discredit the efforts of academic circles on numerous pretexts : unfair competition using public funds, alleged mediocrity of the service, low quality and trustworthiness of the information available on the Internet and so on. Nevertheless, they soon radically lowered their rates.

Also at the economic level in Canada, professional law circles were slow to grasp the issues related to the dissemination of legal information. The Bar association or its members did little to support projects they had much to gain from economically. The situations in the United States and Australia in this regard seems to have been much different, to the benefit of Cornell's Legal Information Institut (LII) and the Australasian Legal Information Institute (Austlii), which today publish very large legal collections on the Internet.

At the technical level, finally, lack of proper equipment or, when such equipment was available, lack of the right methods of preparation of legal texts have also impaired dissemination efforts in Canada. Canadian and Quebec tribunal have been lagging behind in their appropriation of new information technologies. Nevertheless, common and economic sense prevailing, the free dissemination of Law has made remarkable progress.

Let's briefly review the evolution of Law publishing on the Internet in Canada. Around 1995, a

number of us started worrying about the prevalence of American Law on the Internet and its effects on our national cultural sovereignty. Indeed, there was a clear danger that legal debates in Canada happen more and more in terms of a foreign law, especially in regards to the Law of the new technologies. Our anglophone compatriots felt this pressure in a very real way. So it is that progressively the decisions of the Supreme Court appeared on the Internet, to be followed by the the statutes and regulations of Canada, of British Columbia, of Ontario and more recently by the decisions of the superior courts of British Columbia and of the Federal Court of Canada.

Quebec's linguistic difference provided for a relative security during these developments. The government of Quebec resisted the prospect of freely disseminating its statutes for a longer time than others. However, in recent months, the pressure to do so has increased. Since Ontario's and Canada's statutes were accessible to citizens for free, why not Quebec's? All the more so since we so strongly, and rightly so, want to affirm our cultural specificity. Why then deliberately muffle our Law?

As of recently, Quebec`s statutes have been accessible on the Internet, not satisfactorily but nevertheless. The perspectives for free dissemination of case law on the Internet are looking better than ever. The evolution of these various projects now lead us to consider their more technical dimensions. The first of these we will look at is case law citation.

2. Evolving a neutral citation standard for Canadian case law

In Canada and elsewhere, the method of citing case law is based on paper publications of judicial decisions. Until recently, this approach caused few problems. With the advent of electronic publishing media, however, a number of interested parties such as the American Bar Association (A.B.A.) have begun to look for other means of referring to these decisions. A number of proposals have been made, all of which are extremely simple and neutral both in terms of the medium, whether paper or electronic, and in terms of specific publications of private publishers. The project described in this document is designed to take advantage of the window of opportunity in the Canadian legal community to foster the development of a neutral citation standard for Canadian case law.

The traditional method of citing legal references is based on various printed law reports. Over time these series of reports have acquired great prestige and have to date served the legal community in Canada admirably. A number of observers, however, have noted that the author of a text would prefer to be able to cite a legal reference without having to ensure or assume ahead of time that his or her readers will have access to the same report series. On the reader side, the use of a vendor- or publisher-neutral citation would permit the reader to follow up a specific reference without necessarily having to make use of the same report series as the author. In fact, the ideal solution would make it possible to cite case law in the same way as legislation is cited. When referring to a statute, an author does not take the trouble to define the specific work to which reference is being made but rather will merely refer to the provision of the statute and the reader will consult the work he or she has at hand.

As the electronic media begin to play an increasing role, it is high time to review the traditional approach to citing case law. In fact, it is increasingly the case that a decision will be available from one end of the country to the other on the Internet, for example, several weeks or even several months before it is available in a report series. During this period, lawyers do not have a definitive reference at their disposal. However, as the supply of electronic information products for lawyers grows, the use of these tools to their full potential is restricted by the lack of an official citation method for electronic documents except for a general rather indirect reference to the same document on paper. Since it is generally felt that the importance of electronic media will continue to grow in the years to come, it seems appropriate to develop a citation method without delay that will enable them to grow for the greater benefit of the legal community in this country.

The same situation exists in the United States, although the problem there is possibly even more

acute. In many jurisdictions, in fact, the obligatory citation method involves the use of a specific commercial product. The companies publishing reports that are treated as official references also fees that they have intellectual property rights in the references. It is not surprising that in this context substantial groups that have emerged in the legal profession and elsewhere should feel that it is necessary to break the monopolies that are being created in the field of case law, which would otherwise be in the public domain. The American Bar Association (A.B.A.) established a special committee to examine this issue. This committee submitted its recommendations in favour of a neutral citation method in August of 1996. Today, a number of states in the U.S. have taken a stand in favour of adopting the recommendations of the A.B.A. committee, although a lot of work remains to be done before the A.B.A. proposals can be generally adopted there. In that country, groups that have a vested interest in the current citation method are powerful and pose a major obstacle to the implementation of the Association's proposals.

Similar steps have also been taken in Australia in a context that perhaps more closely resembles our own. The Australasian Legal Information Institute took the initiative of bringing together Australian judges and publishers in order to design a neutral citation method to meet Australia's needs. The work of this committee is still ongoing.

In the Canadian context, the proposed citation method would include four elements besides the style of cause : the year of publication; an identifying code for each court; a serial number; and a paragraph number, the last two assigned by the court. In fact, all these elements could be assigned by the court. Thus, a neutral official reference would be available as soon as a court rendered its decision. The result to be sought can be set out as follows :

Instead of: *R. v. Evans*, [1996] 1 S.C.R. 8

we would use the following reference: *R. v. Evans*, 1996 SCC 3, ¶ 16

or, more succinctly: 1996 SCC 3, ¶ 16

or even, for computer purposes 1996SCC3.

A parallel reference to traditional documentary tools would be kept to ensure that the new citation method is not introduced too hastily, as follows :

R. v. Evans, 1996 SCC 3, ¶ 16; [1996] 1 S.C.R. 18.

Finally, it must be noted in that respect that the prospects for a neutral citation method seem better in Canada and Australia than in the United States. The problems encountered in the United States are also linked to the fact that very powerful commercial interests are affected by the A.B.A. proposal. This is not the case in Canada, where some of the foremost publishers have responded favourably to the proposal, and others consider it desirable but not easily feasible. This nascent support for the development of a neutral citation standard was especially visible at the "Official Version" conference held in Toronto in November 1997 by the Canadian Association of Law Librarians. A definite consensus for such a project emerged there amongst representatives of the judiciary, governments, academia and publishers.

Moreover, in Canada one half of the work has already been done because in 1996 the Canadian Judicial Council adopted a standard for the preparation of judgements that already includes paragraph numbering. This element, which is essential when a specific reference is made to an electronic text, may accordingly be considered to be settled in our country. A number of Canadian courts, with the Supreme Court of Canada leading, already number the paragraphs in their judgements and almost all the other courts under federal jurisdiction plan to do so in the very near

future. However, this task of numbering paragraphs seems to lie at the heart of the reluctance to change of many judicial circles in the U.S.

So, it seems we will see emerging in Canada in the coming years a national case law citation standard. Such a standard is a key element to insure the public nature of case law. But other instruments are also needed. We must indeed consider the broader issue of document management in courts.

3. Document management in the judiciary

Document management of case law may be narrowed down to four basic steps : preparing the documents, managing them within court organizations, and then disseminating and preserving them. We will focus here on the first three.

Document preparation

We must foment a veritable cultural revolution in our courts. Methods must be upgraded to certain levels if the information society is going to work : in that respect, all that's really needed is the introduction and the use of well designed document templates, thus insuring the level of standardization of document collections necessary for efficient document management.

Standardization is essential if we hope to reap the benefits promised by information technologies. In that respect, we must commend the Canadian Judicial Council's proposal of a decision template prepared by Martin Felsky. The key aspect of this new Canadian standard is paragraph numbering. This process insures the independence of judicial texts relative to their various paper editions and opens the way to electronic dissemination. Such a practice however, as usefull as it may be generally, is but one of many changes necessary to the reorganization of the preparation of a court's jurisprudential collection.

The models we're thinking about must allow the tagging of information, with invisible marks within a document, for example. Such templates should also include entry screens allowing controlled input of the information making up document headers, namely the docket number, names of parties, of the judge, date of judgement, and so on. In a similar fashion, authors could index their texts with keywords at the document preparation stage. Such early steps would bring numerous benefits at latter stages of the documentary chain.

Implementing such methodological improvements will take time. Our paper communication culture evolved over some centuries, while our use of electronic means only dates from a few years. It is thus no surprise that we should have to reflect and design new ways of working with this new medium. Magistrates can play an important role in that respect by choosing to use their influence to support the efforts of their technological advisors.

Document management

The key concept of the case law management approach we suggest is the setting up of electronic warehouses of decisions. Such warehouses would have the three following features. Raw non enriched information would be stockpiled there. Access to information would nevertheless be sophisticated enough for these warehouses to serve as basic documentary resources for judges as well as citizens. Control of such facilities must rest with the judiciary world.

The main goal of a case law electronic warehouse is to insure the safekeeping of all decisions produced by a tribunal. The most interesting approach seems to be to systematically add all judgements written without any special processing. Of course, adequate previous preparation off all documents, as we described, is essential for that. It also means that a tribunal doesn't have to take

over editorial processes such as selection, classification or even writing of summaries. What is involved is rather the collection of judges' production to constitute a database adequate for the internal and public dissemination of source documents and for the preservation of such electronic documents.

The second feature of the foreseen warehouse has to do with the management of the information it harbours. This information should be accessible through full text search as well as structured search, the latter made possible by standardization from the use of document templates. Such standardization of documents would enable combining full text search with the more structured approach afforded by conventional databases. An example of such a combined search would be all decisions written by judge Smith dealing with "brown horses" between March and June 1997. Without going into any details of the various technical approaches capable of producing such benefits, we will nevertheless mention the SGML and XML document preparation standards as certainly worthy of consideration. Other, cheaper, approaches might also yield some of the main envisioned benefits.

The third essential feature of these warehouses is that of their integration with the normal management processes of tribunals. It seems to us in that respect that the unconditional impartition to an external concern of the building and management of such an information resource should be avoided. A tribunal or court can very well deal with it using limited technological means. If it nevertheless chooses to impart the task, it should see to retain full ownership of the entrusted documentary fund. Indeed, all too often have we seen Canadian tribunals relinquish without a second thought all rights over their electronic documentary funds. It has now become obvious that a legal patrimony of great importance has been surrendered to third parties and that soon certain tribunals will have to incur the recreation of these electronic corpuses or acquire them back from the electronic editors who have been keeping them.

The first benefit of setting up such electronic case law warehouses will evolve from Intranet functions. Magistrates will finally gain free access to their own production. The consistency of the Law can only benefit from such a novel capability.

Dissemination the Law on the Internet

Once an electronic case law warehouse is set up, nothing is easier than publishing its content on the Internet. Given adequate document preparation, information of a public nature produced in the course of the judiciary activity can easily and without supplemental costs of any significance be disseminated using the technologies of the Internet. The current connecting of Canadian courts to the network will give them access to information resources as well as enable them to publish their own production. Magistrates can play a considerable role in that respect. In Quebec, some magistrates have taken the initiative to publish the corpus of decisions of their tribunal, even if established practice would normally reserve such a prerogative to the Department of Justice proper.

The profession and the Bar also have a role to play. The Bar must draw closer to sources of innovation in universities. Indeed, in all countries, academics have had a central role in reinventing the circulation of legal information. Progress in that regard has been better in the United States and other Anglo-Saxon countries. We believe the closeness of professional organizations and Faculties there to be a reason for this.

Archival and conservation of documentary funds

Case law produced by courts must absolutely be conserved in the public domain. Otherwise this public property will inevitably end up in local or foreign commercial publishers' hands. Each nation must be the keeper of its legal patrimony and electronic files of judiciary decisions are an essential element of this patrimony. We will now look at this question more closely.

4. Conservation of the electronic judicial patrimony

A survey conducted by the Judges Computer Advisory Committee of the Canadian Judicial Council (CJC) in January 1996 revealed that not enough was being done to preserve the Canadian judicial heritage. Of the 24 courts surveyed, only 11 had developed a policy or strategy in this regard.

This is not surprising, since many Canadian courts have only recently become computerized. Not so long ago, keeping paper copies of court decisions seemed an adequate way of meeting any immediate or future needs. Only very recently have electronic documents begun to compete with and in some cases replace paper ones.

This transition to electronic documents has got under way only during the last few years, so it is not too surprising that the first steps to preserve judgements in electronic form are being taken only now. But that is no excuse for dragging our feet about implementing a plan to protect this very special part of our judicial heritage. Concern about the insufficient protection currently afforded electronic documents has begun to be expressed in many quarters. It must be recognized, however, that preserving electronic documents is no simple matter. Merely saving files on diskette or hard disk is a necessary start, but it is not enough. What we need is a strategy that is based on advice from the best experts but that is also practical, given the actual resources and capabilities of judicial institutions.

The conservation of statutory material is not so well guaranteed either. The conservation of statutes and regulations in all their versions is even more complicated. Indeed, judicial opinions are far less often updated (sic) than statutes! Generally speaking, we only need to keep a single copy of a decision and that's enough, but for laws we need all the versions of all sections. The work done recently at the Centre de recherche en droit public shows that many phenomena may occur in the statutes amendment process : sections may move from part to part, they can be renumbered and so on. That task, the conservation of our legislative history, must also be taken care of.

In the following sections we will lay out our recommendations concerning electronic storage media, deal with software and file formats (which become obsolete even faster than storage media), present proposals regarding the structure of archives, which also needs to be standardized, expose considerations particular to the conservation of statutory material and finally go over various other matters that must be dealt with in order to ensure future access to electronic versions of judicial documents.

Physical storage media

The variety of media available for electronic information storage is growing every day. The most common forms are diskettes, hard disks, CD-ROM, and magnetic tape. The diskette as we know it is probably on its way out and will soon go the way of the 5 ¼ inch floppy disk, which has all but disappeared. We can therefore assume that diskettes are not an option for preserving judicial archives. Hard disks will probably be around longer than diskettes. But as a permanent storage medium they are expensive and have too many moving parts to be considered fully reliable. Moreover, ten years from now it may well be impossible to access or to repair the hard disks being sold today. Hence we should also exclude hard disks as well from consideration as a permanent archive medium.

That leaves the two most commonly used media : magnetic tape and optical disk. The variety of cartridges and tape sizes currently on the market for magnetic tapes creates too much uncertainty for us to recommend this medium. In our view, it is preferable to choose a stable medium that already has a large market share, in order to minimize the chances that it will become unavailable any time soon. For our purposes then, even if some believe it cannot really be considered suitable for archiving, we recommend the CD-ROM as the better storage medium for archiving judicial and statutory material. Because of its low cost, ease of use, and popularity, we consider the CD-ROM the

best medium available today for preserving electronic files.

File formats

Many authors state that the software format in which files are stored may pose more of a risk to their long-term preservation than the physical storage medium. File formats seem to become obsolete faster than storage media. This section discusses the various file formats that might be considered for archiving judicial records.

SGML and XML. Archivists are still looking for the ideal storage medium for preserving electronic documents, and they may never find it. But an acceptable file format for this purpose already exists : SGML (Standard Generalized Mark-up Language, ISO 8879). Because SGML is non-proprietary and does not require any particular computer hardware or software for its implementation, it is the most stable file format imaginable. But it does have one drawback : SGML is relatively expensive to implement. At the very least, SGML can be expected to require a larger initial investment than the more common solutions for preparing text for archiving. Fortunately, leaders of the SGML and Web communities have put their heads together and produced for use on the Web what can be called a SGML-lite, XML (Extended Mark-up Language). XML is a subset of SGML retaining most of its truly useful features. Its relative simplicity compared to SGML will mean much simpler and cheaper tools. The best can be hoped for XML, since Microsoft has endorsed it and has integrated it in its new Internet Explorer 4. Many of the deployment costs of SGML may be alleviated by using XML instead. Nevertheless, even though the long-term advantages of SGML/XML are obvious, and they should be used wherever possible, we need to explore and identify the alternatives.

Text format. ASCII files are machine-readable now and are likely to remain so for some time to come. But ASCII code cannot represent all of the accent marks used in Latin languages, so it doesn't make up a proper solution for our purposes. International character set ISO 8859 - 1, commonly known as ISO Latin 1, is quite another matter. The Canadian Judiciary Council's Judges Computer Advisory Committee already recommends its use in the *Standards for the Preparation, Distribution and Citation of Canadian Judgements in Electronic Form*. ISO Latin 1 characters are fully capable of representing Latin languages, but that is still not enough. In addition to a character set, we need some means of formatting the pages to reflect the document's structure. If we simply reproduce the text without any formatting, information is lost. Thus we consider an all text format unacceptable for archival purposes, especially since another solution that allows the document's appearance to be preserved is already available : HTML.

HTML (Hypertext Mark-Up Language). HTML is a mark-up language defined by means of SGML but its large adoption, the vast number of tools available, make it very simple to use. It is HTML that is used to encode the documents posted on the World Wide Web. We consider HTML a promising method of encoding documents for judicial archives, and the popularity of HTML leaves little doubt on this promise. HTML documents, at least in their simplest form, can now be created using functions available directly in the most popular word-processing software.

Because HTML is an open standard, it can be read and displayed by any computer, using a wide variety of software. In fact, HTML files can even be read directly, because the files are still text only, and what is even better, the accented characters in these files are encoded by means of ISO Latin 1 entities. These files can thus be read by any computer software that can display ASCII text. We therefore recommend HTML as a file format for judicial archives, because HTML documents are easy to create, preserve much of the original document's appearance, and have the same universal readability as ordinary ASCII files.

PDF (Acrobat) format. PDF (Portable Document Format) was developed by Adobe Systems, Inc. as a form of electronic "paper" (PDF is sometimes also called Acrobat format, after the software that Adobe supplies for viewing it.). Adobe is the same company that developed the widely used

Postscript page description language used in many printers, and they developed PDF to allow users to, in effect, print their pages on screen. Some experts have definite reservations about PDF. For example, many negative comments greeted a recent proposal by the Administrative Office of the United States Courts to use PDF as the preferred document format for electronic filings. One point mentioned in many of the comments was that PDF is proprietary. Other comments mentioned certain technical limitations on the reuse of text distributed in PDF format. However, no one can deny that PDF has a far greater ability to reproduce the physical appearance of a page than technologies such as HTML, which are designed more for representing the structure of the information itself.

Producing documents in PDF is much like producing them in HTML, which is simple, and can be done with the latest version of popular word processing package. To view a PDF document, you do need the Acrobat Reader software published by Adobe, but Adobe distributes this software free of charge. Recent efforts to develop an open standard for PDF may increase its potential usefulness for legal archives[1]. It should also be noted that several U.S. government bodies have adopted PDF for archiving purposes[2]. In conclusion, because PDF can reproduce the appearance of documents so accurately, and because it is currently moving toward an open standard, we believe that this format can play a role in preserving national judicial and statutory legacies.

Word processor file formats. The native formats of popular word processing packages cannot be considered a reliable means of archiving electronic documents. MacWrite and WordStar are just two examples of word-processing formats that were extremely popular in their time but have literally disappeared scarcely ten years later. However, the documents that we want to preserve are originally produced as word processor files and can therefore be preserved in this form at no additional cost. Hence we feel that we should not discourage the preservation of such files.

Folio and other proprietary formats. Though Folio is extremely useful as a distribution format, and is now largely used by government agencies and legal publishers, we do not consider it a good choice for archiving. Being proprietary, it is too subject to change with the business plans of the company that owns it.

To sum up, we think that a strategy to preserve judicial archives may be build on HTML, PDF and also maybe the native word-processing format in which the document was originally produced. Appropriate software for reading HTML and PDF files must accompany the archived documents. SGML would be better, but the cost of developing an SGML solution is currently out of reach of the majority of courts, except probably the larger and most important.

Standardization and organization of files

Even when preserved in an appropriate file format on an appropriate storage medium, electronic information can be considerably less useful if poor organization and inadequate file naming conventions make it nearly impossible to access. This section, essentially centred around the building of judicial material archive, discusses directory structures for archive volumes, file naming conventions, and other related topics such as the various systems and standards that have been proposed for managing meta-information about documents.

Archive volume directory structures

The directory structure of archive volumes of judicial material should be kept as simple as possible. We think that this goal can be achieved by adopting something like the following very small number of guidelines, which are self-explanatory. Archive volumes should be organized as follows : each volume should be annual (one year = one CD-ROM) ; directories should be created so that all files in the same format (HTML or PDF) are stored in the same directory ; within these directories, sub directories can be created to separate files according to the first differing character of their name.

File naming convention

Previously covered neutral citation proposals can here be of great help. It would indeed be henceforth possible to refer to any decision by a unique name that may also very readily be used for file naming. We could for example name the file containing a decision of the Supreme Court of Canada like this : 1996SCC3.

Metadata

Archivists place great emphasis on including metadata, or information about the archived information, when archiving documents, and rightly so. They consider this metadata essential for the future use of the archived documents. Many proposals have been made for standardizing the contents and encoding of metadata, but the various standards proposed still have to be analysed. One worth mentioning is the Government Information Location Standard (GILS), which was originally developed for cataloguing active government documents but has since been extended to meet the needs of archives as well[3]. Other methods have been proposed over the past few years to use metadata to make it easier to find documents on the Internet. These metadata management methods are much less elaborate than GILS. The Dublin Core is a good example of these types of proposals. [4]

In their simplest form, metadata are similar to the kinds of information typically found in bibliographies. Many models of this kind are available, including the one proposed by the CJC Judges Computer Advisory Committee in its recent standards for the preparation of judgements in electronic form[5]. Any archiving scheme must include a solution to add metadata to the documents, and great benefits may come from a standard way of doing so.

Other issues

Authenticity of information

The proposed archiving system may also include a means of calculating a checksum to guarantee the integrity of the archived documents. If we choose to protect the integrity of the collection that way, the software required to validate this check value should accompany the archived documents. It goes without saying that in our proposed system, the data cannot be altered, because they will be written to CD-ROM. But because the checksum will be available with each record, any user who obtains a copy from the archives will be able to use this value to verify the document's integrity.

Migration of existing archives

Some courts have already begun to archive their judgements in electronic form. These courts should be encouraged to migrate their existing electronic archives to the formats proposed here. As mentioned earlier, archiving word-processing files in their original native format is not a safe enough way of preserving this information.

Required hardware and software and associated costs

For the courts, the hardware and software needed to implement our proposed strategy is not expensive. In terms of hardware, all that is basically needed is a CD-ROM reader with write capability. In terms of software, the proposed system calls for Adobe Distiller to create the PDF files, a word processor that can save documents in HTML format, and a software package for writing to the CD-ROMs.

Proposed responsibilities

Many believe that the best way to preserve electronic documents is for the institutions that produce the information to do the work, since it is they who best understand the information's value. We think it's entirely reasonable, at least for preparing the original versions of the archive volumes. However, for long-term preservation of the documents, we consider a centralized approach more appropriate. We may for instance investigate the appropriateness of adopting a central repository.

Archive maintenance

As time goes on, the archived documents will eventually have to be migrated to new file formats and new physical media. An appropriate procedure for this purpose must be developed. As Erlandsson notes :

There seems to be agreement that the selection of medium and the life-span of that medium is not the most important factor in preserving electronic records over time. Technological obsolescence will sooner or later make any medium useless. Conversion and migration to new media must take place, making the selection of medium secondary, and "copying" will take precedence over physical preservation[6].

Conclusion

While attempting to design and realize modes of circulation of legal information in tune with our time, the relationship between free dissemination and commercial distribution must be clearly drawn. Raw information, official legal information, must be freely accessible. The dissemination of Law possible today must be realized. Tribunals are in that regard entrusted with new responsibilities. They must review and upgrade their methods of preparation and management of documents. We believe it is up to them to insure that citizens do have access to their decisions. They don't have to become publishers. Indeed, the market for value-added law products aimed at professionals does exist and will remain strong. Commercial law publishers will continue to play an immense role in providing the tools necessary to the daily exercise of the legal professions. What the Internet and the new information technologies have changed is that henceforth citizens will be offered free access to the law emanating from our courts.

[1] " Proposed Technical Standards for Electronic Filing in the Federal Courts ", *Administrative Office of the United States Courts*, December 30, 1996. See in particular recommendation G1 and the accompanying comments. .

[2] Ibid.

[3] See in particular the Canadian guidelines on this subject: " The Canadian Government Information Locator Service Guidelines for the Preparation of GILS Records " National Library of Canada, Draft 7, 18 October 1996, http://gils.gc.ca/gils/guide_e.html

[4] For general information about metadata, see " Digital libraires : Metadata Ressources ",] *International Federation of Library Associations*, updated 18 February 1997 ; regarding Dublin Core, see: Lou Burnard, Eric Miller, Liam Quin, and C.M. Sperberg-McQueen, " A Syntax for Dublin Core Metadata : Recommendations from the Second Metadata Workshop ", 19 April 1996 <http://www.nlc-bnc.ca/ifla/documents/libraries/cataloging/metadata/dublin2.htm>

[5] " Standards for the Preparation, Distribution and Citation of Canadian Judgments in Electronic Form ", Judges Computer Advisory Committee of the Canadian Judicial Council, May 1996.

[6] Alf Erlandsson, " Electronic Records Management, Committee on Electronic Records ", International Council on Archives, p. 70