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## Mastering European Law: An Easier Way with Information Technology

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### 1. Introduction

Teaching European law<sup>(1)</sup> has become a very challenging task in Austria. The reasons for this development are well known: Austria applied for membership to the European Communities in 1989, became a member of the European Economic Area (EEA) in 1994 and has been a member of the European Union<sup>(2)</sup> since January 1, 1995 (Stix-Hackl/Schweighofer, 1993).

Before 1989, European law was more or less part of the courses on international law and antitrust law. The main goal was to give an introduction. Then the aim changed rapidly. Overall knowledge was not sufficient any more. Mastering European law emerged as a new goal. It should be noted that European law is not obligatory in the law course.

The teaching problems could be summarised as follows. The autonomous legal order of the Community is quite different from the Austrian legal system. Therefore, it is necessary to address carefully the differences between these legal systems. Furthermore, European law is voluminous and complex and concerns nearly all areas of law.

Traditional ways of teaching did not meet these requirements because teaching hours are limited. Practice hitherto was that the teaching of European law has been focused on an introduction and specific Community policies.

In our project *Use of Legal Information Systems by Students* we followed a different approach. Beginners in European law should extend their basic knowledge to an advanced level by the use of information technology. The students should be able to answer difficult legal questions with the help of the database CELEX. We wanted to explore the potential of legal information systems in order to improve traditional teaching techniques.

### 2. Teaching European Law by the use of information technology

Information technology demands some changes to traditional teaching techniques (Paliwala, 1991; Boyd, 1994; Staudt, 1994). In our course the emphasis was on the subject of knowledge acquisition by use of databases and not on new forms of communication (Staudt 1994; Shiels, 1994). As computer illiteracy has not completely vanished in our law school, an introduction to information technology was necessary at the beginning of the course.

#### 2.1. The goal

The aim of the project was ambitious. We wanted to explore the potential of information technology in teaching of European law. The main question was if the learning load in European law could be reduced by using the database CELEX. A further gain could be the improved ability to answer difficult legal issues.

In detail, we addressed the following problems:

- Necessary degree of basic knowledge in order to solve cases in reasonable time;
- Obstacle of computer illiteracy;
- Recognising legal problems;
- Query formulation;
- Information overload of query result;
- Working out problems.

We gave the students introductory lectures on European Law and information technology, especially information retrieval. Then, training papers with practical legal problems were solved by using the legal information system CELEX.

The project took place in the four winter semesters from 1991 to 1994.

## 2.2. The tool: CELEX

CELEX (Communitatis Europae LEX) is the legal information system of the institutions and other bodies of the European Union (Commission, 1991; Nunn-Price, 1992; Office, 1992; Schweighofer, 1993; Schweighofer, 1992). CELEX has been operational since 1971 and available to the public since 1981. CELEX represents an electronic version of the most important publications on European law: The Official Journal of the European Communities and the European Court Reports. A version of CELEX exists in each official language of the Community. CELEX contains about 135.000 documents in each language version.

The 8 sectors of CELEX cover the following legal information:

Sector 1: Treaties setting up the Communities, amending and accession treaties, the Single European Act, the Treaty of Maastricht

Sector 2: Agreements and other legal acts resulting from the external relations of the Community

Sector 3: Secondary legislation

Sector 4: Supplementary legislation

Sector 5: Preparatory work: Commission proposals, communications, reports, proposals, opinions of the European Parliament, of the Economic and Social Committee and the Court of Auditors

Sector 6: Case-law

Sector 7: National provisions implementing directives

Sector 9: Parliamentary questions

CELEX is well known for its very complex structure. There are 3 document types, about 80 fields and 8 main indices. The structure offers manifold search options for the experienced user: full text, bibliographical data, classification data, subject-matter descriptors, dates and cross-references. The numerical classification codes are also used for the production of the *Directory of Community legislation in force*.

There are two main reasons for the access problem to CELEX. The command language MISTRAL of the host EUROBASES can only be used by an experienced searcher. A convenient access will be offered with the menu-driven interface at the beginning of Spring 1995. Other publishers have already easily useable interfaces. The structure of CELEX is very complex and has to be understood in order to achieve good retrieval results. The reason for the complexity is the special nature of European law that has been very precisely modelled in the database. The learning of the whole CELEX structure is a time-consuming task even for a qualified lawyer.

In our course the students could use three versions of CELEX: The original CELEX from the host EUROBASES of the European Communities, the CELEX JUSTIS CD-ROM from Context in London and the CELEX RIS from the official legal information system of the Austrian Federal Government, the *Rechtsinformationssystem des Bundes (RIS)*. Therefore, the difficult language MISTRAL could have been avoided by use of the menu-driven access to RIS CELEX or the query screen search of CELEX JUSTIS.

## 3. Project details

The course began in the classroom. We gave the students a very short introduction to European law and information technology, especially information retrieval.

We hoped that the students already had a basic knowledge of European law. They should have attended the introductory lecture on European law. In practice, many students appeared to have only modest knowledge. They could also take part in the course if they were willing to learn the law very fast. Therefore, the introduction to European law was a repetition for advanced students and hints for further reading for beginners.

Computer literacy was not required, although appreciated. Whereas in 1991 no knowledge in information technology was quite common, now the students have a basic knowledge that was to be extended in the course. The emphasis of our teaching was on practical training. Theoretical lectures were given after the students had some idea about the questions concerned.

The main part of the course took place in the computer lab. The students had to solve practical legal problems by using the legal information system CELEX. The students were required to learn case-resolving techniques and prepare papers

about the addressed legal questions. The legal problems were taken from important cases of the European Court of Justice. The whole collection of cases represented an introduction to the major questions of European law.

Finally, in the written exam the students had to work out the problems of fictitious cases by using the CELEX database. Alternatively, the students could prepare a paper as homework.

#### **4. Case-solving techniques**

The use of appropriate case-solving techniques was regarded as very important. The students had to work out the legal problems in four working steps:

- Identification of the legal problems
- Formulation of queries for the legal issues
- Analysis of search result
- Working out problems by using relevant cases

##### **4.1. Legal problems**

The students should not search for relevant cases before they are aware of the legal problems of the training papers. If they did not have sufficient knowledge of the questions of Community law addressed, they were required to do some more reading. For that purpose we advised two alternatives. The students could read hand- or casebooks or study relevant cases in the database itself. We advised students on finding good cases for particular problems.

##### **4.2. Search formulations**

The formulation of good queries is more an art than a science. Necessary prerequisites are sufficient knowledge of the relevant law and information retrieval systems. The legal information system CELEX has a quite complex structure with many search options. The challenge is not to confuse the students with the 8 main indices or 80 fields. It is necessary to guide the students in using simple techniques like fulltext search or citations and to enlarge this experience at a latter stage.

This step could be described as a reformulation of the legal problem in the form of queries. The goal was to find the most efficient search formulations for a given legal problem. There are two possibilities for searching: case-based or concept-based search.

Case-based search is a fulltext or descriptor query. The facts of a case are encoded in queries that should lead to similar cases. These techniques are sometimes quite efficient if for example cases on public undertakings are the object of the search. Case-based search is not advisable because of the different legal system to common law, and because judgements of the European Court of Justice should be identified by legal questions and not by their factual background. Everybody knows the legal problem of the free movement of goods arising in the *Cassis de Dijon-Case*([3](#)) but the facts of the case are quite unknown. Therefore, case-based search has been frustrated by blurring the facts of the selected cases.

The first steps of concept-based search are more difficult because the relevant concepts have to be identified. Part of the course was an introduction to important search strategies. The art of transforming relevant concepts into queries has been practised intensively in the course. The emphasis was on searching with citations or classifications, the reason being that these techniques could be learned. So it is quite easy to search for all cases on public undertakings by use of the relevant CELEX document number of article 90 of the Treaty establishing the European Community.

##### **4.3. Analysis of legal materials**

Queries with Boolean logic techniques produce many relevant but also many irrelevant documents. Here the goal of the course was that the students should not only give relevant materials but the most relevant documents. Therefore, the students had to learn to read a document quickly and decide if the document was important for solving the case.

##### **4.4. Working out problems**

With the refined results from their query findings the students had to work out the problems in the fictitious cases. Two methods were used: the students did all the work in the lab and we discussed the legal issues after the working time. On the other hand, the students prepared the paper as homework.

This approach was also followed in the written exams. The students could work out problems in the computer lab or prepare a paper as homework.

The emphasis was put on presenting the law in proper form by using the arguments of the European Court of Justice. The students should not work out good argumentations on unsolved legal questions. Critical remarks on the jurisdiction of the European Court of Justice were highly appreciated.

## **5. Results and special problems**

A few remarks should be given about the curriculum in law in Austria. In the first year, the students mainly follow lectures on the history of law. Techniques in finding the law or in case-solving are taught as part of the various disciplines of law. Therefore, most students in our courses did not have any experience of searching or case-solving. As a consequence, the work load on the students was quite high. Due to a limited number of personal computers in the lab, the number of participants was limited to 20 students. There was some drop-out at the beginning of our course because the programme was too challenging for some students. The remaining students were very committed and worked very hard. They found the work with the databases stimulating for their studies, and the results were very encouraging. The students could find the applicable law that consisted of hidden regulations, directives, decisions or judgements of the European Court of Justice. The difficult legal questions in the fictitious cases were answered successfully by use of the information system CELEX.

The case-solving techniques were also useful in other legal disciplines, even without the use of information technology. It seems that such techniques could be experienced very successfully by use of databases because the whole legal documentation can be easily accessed. At the end of the course, the students were aware of the necessity of good searching or case-solving techniques in view of the difficult information problem in the legal profession.

Furthermore, the improvement in their ability to read the special language of European law was remarkable. The students appreciated the possibility of the very easy access to each document they wanted to read. Therefore, they had much greater experience in reading texts than the other students.

The same method was used in order to improve their capacity to argue legal problems. The students could easily study the techniques in the relevant cases and use convincing arguments for their own argumentation.

### **5.1. Computer literacy and user interface**

As already mentioned, computer illiteracy was quite common at the beginning of this project in 1991. Many students had their first contact with computers. Now most students are at least familiar with a word processor, which facilitates the teaching in information technology. In any case, information technology was no obstacle in using databases. The students acquired the necessary practical knowledge very fast.

CELEX is quite known for its difficult command language MISTRAL. Therefore, the CELEX version of EUROBASES was used only in classroom exercises and exams because it was necessary to give some assistance concerning the retrieval language. The CELEX versions of CELEX JUSTIS or RIS CELEX were used without assistance in the library or on-line from home. The structure of CELEX was a challenge for all students but it helped in understanding the legal system of the Community.

### **5.2. Knowledge and identification of legal problems**

Students with good knowledge in European law did not have great difficulties in identifying the main issues in the training papers. The beginners in European law had to do some basic learning in order to achieve some results. We proposed two methods. Either students could study hand- or casebooks or search for useful cases in the CELEX database. Contrary to our expectations, the latter approach was quite successful. It has to be noted that even a little knowledge of searching in databases enables the more or less uninformed student to look for cases that may help him or her in the iterative learning process. It seemed to be easier to read the cases in order to understand the basic issues of European law than to study handbooks. This method was good if the students had some knowledge that could be extended by reading relevant materials. Eager students achieved good progress because the barrier for knowledge acquisition is not so high as in the case of traditional learning with casebooks. It is easier to understand legal problems, argumentations or rules by reading practical cases of the European Court of Justice or the well-written submissions of the Advocates-General.

### **5.3. Search formulations**

This appeared to be the trickiest part of the use of information technology. Searching is more a question of practice than knowledge. We gave an introduction to searching in CELEX but mainly the students learned by applying these

techniques. Therefore, much of the classroom work was dedicated to this issue.

During this process of trial and error, the following hints for query formulations proved to be quite useful:

**Fulltext search:** The trick was to become familiar with the vocabulary used. For that purpose it was advisable to read already known decisions of the European Court of Justice or acts of secondary legislation in that particular field. A good measure was also to look up the issue in a handbook. If no material was available good results could be achieved by use of subject-matter descriptors (case law) or by use of the numerical classification codes as found in the Directory of Community legislation in force (secondary legislation). Literature provided some help but the different terminology of the acts of secondary legislation or decisions of the European Court of Justice had to be taken into account.

**Cross-reference search:** Here a good knowledge of the various field of the lexicon cross-references of CELEX was very helpful. An easy method to search was with the CELEX document number of the relevant article of primary community law. The search could be refined for secondary legislation based on specific provisions of the founding Treaties or relevant judgements.

**Classification data search (subject-matter descriptors, numerical classification codes):** The only help was to look up the documentation or index of the database. The rest was experience with the various descriptors.

**Bibliographical data search:** Bibliographical data were helpful if some knowledge was already present or in order to organize the query result.

**Date search:** Such queries have a quite difficult syntax and are therefore not so advisable for beginners.

#### **5.4. Analysis of legal materials**

The query result consisted of many documents that were analysed by the students. This information overload could be managed efficiently by students with sufficient knowledge of European law. Otherwise the students had to learn by reading the documents of the query result. The danger here was that the students gave up on these tasks due to the information overload. Keen students having little knowledge in European law learned quite efficiently using this method and also achieved good results.

#### **Written examinations**

The students could prove their knowledge either by a classroom examination or a paper worked on at home. We wanted to see how much time was necessary in order to produce reasonable results.

The students solved fictitious cases with difficult problems also in classroom examination. The main obstacle was the time limit because the reading load was very high.

The fictitious cases for the paper were more sophisticated than the classroom examinations. The achieved results were better because the time limit did not exist. The students invested much time in the preparation of the work and worked through a remarkable number of documents. They argued the problems using the relevant cases of the European Court of Justice. Therefore, it seems that writing papers with the help of databases is a good but time-consuming tool for learning a specific field of Community law.

#### **Potential for improvement of traditional teaching**

The main improvement over traditional teaching lies in the fact that information technology enables students to master much more knowledge than with traditional information techniques (Staudt, 1994). Therefore, the emphasis of teaching should be on basic knowledge and adequate mastering of case-solving techniques. Details could be left to specific case studies. The learning load of students could be reduced. This approach would be in accordance with the demands of the information society. Students should be able to learn very quickly about a new topic by making use of information technology.

The introduction to European law could be streamlined to basic knowledge consisting of the sources of Community law, the law of the institutions and the main principles of the law of the economy. The emphasis should be on the basic concepts but not on details.

The main areas of Community activities should be covered by case studies. Here the students should select specific courses according to their interests. The emphasis would be on the learning of case-solving techniques. The goal should

be that the students know the relevant legal issues and master the applicable law with the help of information technology.

We have seen in our course that case-solving techniques are remembered not forgotten like specific knowledge. Therefore, the ability to master cases may be the same after one year with the help of information technology.

Reading skills should be more given more attention. The students have to be able to read many documents in a short time. These skills could be learned with the help of information technology because the documents are available without any effort. The main obstacle is the poor quality of the monitor but in that case a printout provides help.

Information technology provides an easier access to a document collection of a legal system than traditional means. The students have the possibility to browse through the database in order to read important documents. Such learning techniques are a major help for students who have difficulties in understanding handbooks or commentaries in full detail.

## Conclusions

The aim of the project was to improve the teaching in European law. The learning load should be diminished without detriment to overall mastering of European law. The results of our courses are very stimulating. At the end of the course, the students could find the applicable law as well as the relevant judgements. The students could answer difficult legal questions with the help of the database CELEX. The students improved their reading skills, especially in the special language of European law. They were also able to argue legal problems at a very advanced level.

At present, most teaching of European law in Austria is done by using traditional techniques. Projects such as ours show the potential of the proper use of information technology. Therefore, case-solving techniques making use of information technology have been integrated in most important courses on European law in Austria.

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## Notes

- 1 The term of European law is used to refer to the concepts of law of the European Union, or Community law.
- 2 The terms of European Union and European Community are used synonymously.
- 3 Case 120/78, *Rewe v Bundesmonopolverwaltung fur Branntwein (Re Cassis de Dijon)*, ECR (1979) 649.

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