

**LAW VIA THE INTERNET. 6TH CONFERENCE. PARIS, 3 - 5 NOVEMBER 2004
Program**



Wednesday, November 3, 2004 : Afternoon Special Session

Thursday, November 4th and Friday, November 5th , Plenary Session

Wednesday, November 3, 2004 : Afternoon Special Session - 2 - 6 p.m.

[The Storage of Juridical Data in Electronic Format](#)



26 Cours Albert Ier - Paris 8°

Thursday, November 4th Plenary Session



**ORDRE DES AVOCATS
À LA COUR DE PARIS**

Paris Bar House Auditorium - 2/4 rue de Harlay - PARIS 1er

[Day One: The Creation, Evolution and Dissemination of Law on line](#)

[Day Two: Case Law and Doctrines - regulations of the access on line](#)

Wednesday, November 3, 2004 : Afternoon Special Session - 2 - 6 p.m.

The Storage of Juridical Data in Electronic Format



26 Cours Albert Ier - Paris 8°

Chair: *Ms. Isabelle de Lamberterie*, CNRS Research Director, former President of the ADIJ

Moderator: *Ms. Caroline Wiegandt*, Co-General Director of the National Library of France, President of the ADBS

Speakers :

► *Mr. Stéphane Cottin*, Head of Computer Services and Registrar at the Constitutional Counsel in France : *A Comprehensive List of Juridical Data that Should be Stored and Eternally Accessible on the Internet by Public Powers*

Building this list seems impossible : the needs for the legal professionals and the public are too multiple and complex. However, access and conservation of legal data are an essential issue, just like the definition of the threshold between archives and living legal data.
First, we can try to examine what is already offered, and what is missing, in order then to analyse the market of the juridical data on the Internet.

► *Mr. Fabien Waechter*, Director of Lexbase Documentation, France : *The Storage of Published Legal Products existing only via Electronic Mediums: a Realistic Contractual Commitment?*

► *Ms. Claire Germain*, Edward Cornell Law Librarian and Professor of Law at Cornell Law School, Ithaca, New York -U.S.A. : *The GPO Project aimed at conserving the Entirety of Public American legal data*

The Government Printing Office (GPO <http://www.gpoaccess.gov/>) digitization efforts have the goal to provide permanent public access in electronic form to publications of the United States Federal government, following the American principle that citizens should have free access to government information. By law and tradition, GPO has provided access to official publications regarding the three branches of the Federal government, Congress, the judiciary, and the executive, since 1813. Sample legal publications include bills, congressional reports and hearings, Congressional Record, public and private laws, U.S. Code, Federal Register, Code of Federal Regulations, Supreme Court decisions, federal agency reports and documents.
GPO is currently building a new model for government publishing, based on the new technologies available. It is creating a fully digital database of all known federal government documents, to be used for multiple purposes, such as

producing print on demand documents and disseminating official government documents over the Internet. GPO intends to take the lead in creating digital standards for official documents of the United States government. This includes gathering and producing digital documents in a uniformly structured database, in order to authenticate documents disseminated over the Internet and to preserve the information for permanent public access. It also involves developing database search and retrieval tools, metadata and permanent PURLs (Persistent Uniform Resource Locators), and providing increased training to librarians.

- ▶ *Ms. Véronique Abad*, Associate Editor, CanLII, LexUM, Public Law Research Centre, University of Montreal
- ▶ *Mr. Ivan Mokanov*, Head Editor of CanLII, LexUM, CRDP, University of Montreal, Montreal, Quebec, Canada : *Quality management in the free access to law publishing model: a canadian perspective*

First of all, the juridical context which provides a framework for e-documents management in Canada, and more specifically in Quebec, will be outlined. Within this context, document integrity, authenticity, probative value, and life cycle of a document are essential. Subsequently, these concepts have practical implications at all levels of editorial work at CanLII, including, for example, at the archival level. Although archiving documents is not the main task of an editor of legal content, archival has become a necessity and a fundamental condition to guaranteeing the quality of documents being disseminated. To that end, CanLII's practices will be explained to elaborate on the practical applicability of concepts of law regarding the juridical context of information technologies.

- ▶ Discussion
- ▶ 15:45 p.m. : Break
- ▶ *Ms. Catherine Lupovici*, Director of the Digital Library Department, Services and Networks Division, National Library of France: *The Implementaion of Digital Legal Depositories in France*
- ▶ *Maître Thierry Blanchet*, Conseil Supérieur du Notariat, France : *The Implementation of the Minutier Central of Notaries in France (The Storage of Authentic Digital Acts)*
- ▶ *Mr. Bassem Asseh*, Project Head, National Company of Account Commissioners (CNCC), France : *The Dematerialization of Company Accounts - The Exchange and Storage of the Data Involved*
- ▶ *Mr. Charles du Boullay*, CDC Zantaz General Director, France : *The Dematerialization of Exchange: Which Documents are Involved and What Companies are Affected?*
- ▶ Discussion

Conclusion: *Ms. Caroline Wiegandt*, Co-General Director of the National Library of France, President of the ADBS

Thursday, November 4th Plenary Session



**ORDRE DES AVOCATS
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9 a.m.: Welcome Speech by Sir le *Bâtonnier de Bigault du Granrut*, former Bâtonnier of the Order of Lawyers of the Paris Bar, founder and honorary president of ADIJ

Conference Opening Speech by *Mr. Jean-Marc Sauve*, General Secretary of the Government of France

The president of the Scientific Committee in Sydney, *Mr. Graham Greenleaf*, will then transfer the Conference over to the president of the Scientific Committee in Paris, *Mr. Pascal Petitcollot*

Day One: The Creation, Evolution and Dissemination of Law on line

Chair: *Mr. Guy Braibant*, President of the honorary State Counsel, Vice-president of the High Commission on Codification

9:30 a.m. : **Session 1 : The Creation and Evolution of Law : Towards Assisted Systematic Edition, Automated Codification and Consolidation**

Moderator: Mr. Pascal Petitcollot, ADIJ Vice-President, Headmaster of the Documentation Department of the General Secretary's Office of the French Government, Head Editor of Legifrance

Speakers :

► *Mr. Philippe Belin*, Mission Head, Attaché to the Director of the General Secretariat of the Government of France, France: *The Dematerialization of the Development of Procedures for Texts to be Published at the “Journal Officiel de la République Française”*

► *Ms. Véronique Tauziac and Mr. Jérôme Richard*, Ministry of the Interior Legislative Mission, DGCL, France: *Codification and Consolidation Design Techniques for Computer-Assisted Standardization : The Experience of the General Direction of Local Collectivities*

► *Mr. Tim Arnold-Moore*, RMIT, Australia : *Point in time Publication for Legislation (XML and Legislation)*

Automating consolidation of amendments to legislation in common law and civil jurisdictions

Legislation in common law jurisdictions is characterised by regular structure and frequent amendment. Systems to deliver legislation to the public need to keep these matters in account, particularly providing point-in-time access to the legislation as it was in the past.

Lessons learnt in common law jurisdictions about delivering such collections and automating the drafting and management processes to support this are applied to other common law and civil law jurisdictions.

► *Mr. Hervé Moysan* , Jurisclasseur Publications, Lexis/Nexis, France : *The Consolidation of Codes, Laws and Decrees: Editorial Doctrinal Positions or State Responsibility? (The Aim of the Constitutional Value of Intelligibility and Accessibility to Law)*

► *Mr. Guillaume Blain*, Computer Analyst, LexUM, Public Law Research Centre, University of Montreal, Montreal, Quebec, Canada: *Implementation of a legislative publication system in the CanLII project: solutions, learnings and future perspectives*

11:30 a.m. : Break

11:45 a.m. Session 2: The Dissemination of Law: The Distribution and Convergence of Network Standards

Moderator: Professor Daniel Poulin, Law Professor and Director of LexUM, Public Law Research Centre, University of Montreal, Montreal, Québec, Canada

Speakers :

► *Mr. Fernando Paulino Pereira*, Information Technology President of the European Union Council: *The European Legal Information Network in Europe (LINE) Project*

► *Mr. Aki Hietanen* , Senior Adviser, Head of Information Services, Finlex Project Director, Department of Justice, Finland: *Networking European Legal Sites : Experiences and Challenges*

► *Mrs Pascale BERTELOOT*, Chef de l'unité « Accès au droit », Responsable d'Eur-Lex/Celex, Office des Publications officielles de l'Union Européenne : *Eur-Lex/Celex : a new access to European communautary law*

► *Dr. Uta Kohl*, Lecturer in Law, Department of Law, University of Wales, Aberystwyth, Wales: *Multi-State Liability of Online Actors: how Accessible Must or Should National Law be to Foreign Online Content Providers?*

The paper examines to what extent the legal exposure of online actors to multiple foreign laws creates an obligation on States to make their laws easily accessible to foreigners via the Internet as well as what such 'easy accessibility' actually entails. The paper builds on more general research on the right to accessible law offline as well as online (as for example by Tom McMahon) and examines more specifically the interrelationship between (a) the extent of liability, (b) the profile of the legal subject and (c) the accessibility of the law, from the overall perspective of how to achieve efficient law.

The paper starts from the premise that the Internet has created an environment where transnational trade in the broadest sense is no longer the prerogative of resource-rich multinational companies with large in-house legal departments to advise them on their respective legal position in different jurisdictions.

This coupled with the growing world-wide jurisprudence according to which online content providers are expected to comply with the laws of the places where their sites can be accessed, gives rise to overregulation and consequently non-compliance. This is an undesirable consequence both for the States as well as the online actors. One way to remedy the problem is to make the laws more easily accessible over the Internet. The question is how far must (as a matter of legal obligation) or should (as a matter of policy) States go in this accessibility quest.

1:00 p.m. Buffet Lunch

2:30 p.m. : **Session 2: Continuation and Conclusion**

► *Mr. Rubens Medina*, Law Librarian, Library of Congress - USA: *The Global Legal International Network (GLIN) Project*

► *Mr. Jean-François Bourque*, Main Legal Counsel, Internation Commerce Centre (CCI), OMC-CNUCED: *State Internet Management of Multilateral International Commerce Treaties*

► *Mr. Stéphanana Rakotomanga Andrianarivonasolo*, Director of the National LEGIS Centre (Office of the Prime Minister), Madagascar *Madagascar: A New Strategy in Legislative Dissemination*

► *Mr. Philip Chung and Mr. Andrew Mowbray*, AUSTLII, Australia : *Circulation and Convergence of International Juridical Norms: WorldLII's International Courts and Tribunals Project*

In recent decades there has been a proliferation of international Courts and Tribunals, and divergences in the international law applied by different Courts. This brings with it problems of efficient location of all international decisions on a legal issue.

This paper introduces the work of free access, non-profit Legal Information Institutes (LIIs) across the world in publishing the decisions of global and regional Courts and Tribunals (including those from Europe, South and North America and Africa). The World Legal Information Institute (WorldLII) provides a unique central search facility for these decisions of almost all significant international Courts and Tribunals, now amounting to many thousands of decisions.

Their location on various LIIs demonstrates the effectiveness of the alternately decentralised and centralised nature of the free access to law movement.

► *Mr. Kevin Pun*, Associate Professor, Department of Computer Science and Faculty of Law, University of Hong Kong, China: *Adding Hyperlinks to the English and Chinese documents in HKLII: Problems and Solutions*

HKLII provides the general public on the internet with free legal information relating to Hong Kong, including legislations and judgments.

One of the main advantages of HKLII over some of the commercial legal databases is the provision of hyperlinks between legislations and judgments creating inter and intra cross-referencing among legislations and judgments.

Such cross-referencing is partly achieved by a well organised website structure and a simple naming convention. In the case of legislations, URLs are generated automatically using the legislation number or the acronym of the name of the legislation. In the case of judgments, generation of URLs is more sophisticated as references to judgments may take a variety of forms.

One particular problem for HKLII arises from its bilingual nature, with its databases containing both English and Chinese documents. As such, references to both English and Chinese documents have to be identified before hyperlinks can be added.

Unlike English, there is no delimiter between words in Chinese, which makes it difficult to identify keywords required for indexing Chinese documents.

This paper describes some of the problems we have encountered in adding hyperlinks to the English and Chinese documents in HKLII, and our solutions to these problems.

4:15 p.m. : Break

4 :30 p.m. : **First Round Table: The Juridical Internet: New Means, New Inequalities**

The Free Access to Law via the Internet - A New Guarantee for Democracy within a New Sphere in the Struggle for Influence

Chair: *Professor Denis Mazeaud*, Law Professor, Université Panthéon-Assas (Paris II), Committee Member of the Bicentenary Celebration of the Civil Code, Vice-President of the Henri Capitant Association, France

Moderator : *Mr. Jean-Marc Elsholz*, Knowledge Management Coordinator, European Offices, Shearman & Sterling LLP, France

Participants:

► *Professor Graham Greenleaf*, Law Professor, Co-Director of AustLII, University of New South Wales Faculty of Law, Australia

Title: Full free access to law: Global policy aspects of law's digital commons

The importance and value of free access to both our own national law and to the law of other countries is first outlined. What is the best strategy to achieve this goal on a global basis, particularly in developing countries ?

I outline a strategy which has been advocated by AustLII for a decade, based on governments recognising and facilitating the right of third parties to republish a country's essential legal information: a model of competitive republication. A corollary is that free access government legal web sites are not enough: We need free speech, not just free beer, in relation to legal information.

The strategies advocated by three other theorists (each of whom has wide practical experience) are examined to locate similarities to and differences from those we advocate:

- Prof Jon Bing (NRCCL, Oslo), who advocates what may be regarded as a more 'statist' solution;
- Mr Tom Bruce (LII, Cornell), who advocates a model of distributed self-publication of law by its sources;
- Prof Daniel Poulin (LexUM, Montreal), whose views are closest to our own, but who adds emphasis on decentralisation and open source tools.

These models are compared with three other developments with which they resonate, and which may contribute new elements to the model:

- (i) The Declaration on Free Access to Law adopted since 2002 by the Legal Information Institutes involved in the free access to law movement;
- (ii) The European Directive of 2003 on the re-use of public sector information;
- (iii) The new theories of the public domain, particularly as expressed in the Creative Commons / iCommons movement.

In conclusion, I identify the implications of the approach we advocate for the growing global network of free access to law providers.

► *Mr. Ivan Mokanov*, Head Editor of CanLII, LexUM, CRDP, University of Montreal, Montreal, Quebec, Canada

The evolution of CanLII as a stakeholder on the Canadian legal publishing market

1. The legal information market prior to CanLII's inception.
2. CanLII's first years and their impact on the legal publishing market.
3. The evolution of CanLII and its current and future role as a stakeholder on the legal information market. Main characteristics of the new model's practices:
 - 3A. Extensive reliance on technology
 - 3B. Quality control management

► *Mrs. Liliane Rueff*, Head of Documentation Services, City of Besançon, France

Legal data on line : the case of a local government

I-legal data produced by local governments

Typology (or short definition)

Access

Conservation

II-Legal tools intended for local communities

Officials administrative tools

Products of private editors

Any informations coming from somewhere else

The stakes of setting on line : Some indubitable progresses, but some brakes too...

► *Professor Bénédicte Fauvarque Cosson*, Université Panthéon-Assas (Paris II), Henri Capitant Association, France

6:30 p.m. : End of Day One

8 :00 p.m. : **Dinner at “Sénat”** *separate registration - 80 euros*, Palais du Luxembourg (entrée : 15, ter rue de Vaugirard Paris 6ème -formal attire), with the presence of *Senator Robert Del Picchia*

Friday, November 5th Plenary Session



**ORDRE DES AVOCATS
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Day Two: Case Law and Doctrines - regulations of the access on line

Chair: Mr. Albrecht Berger, Counsel to the Office of Official Publications of the European Union

9:00 a.m. **Session 1: Access to Case Law and its On-Line Dissemination**

Moderator: *Mr. Pierre-Paul Lemyre*, Public Law Research Centre, University of Montreal, Montreal, Quebec, Canada

Speakers:

▶ *Mr. David Lennon*, International Sales Marketing Director, Thomson Legal Europe, U.K. : *Comparing Methods from France/Germany/Great Britain/the United States of Putting Case Law On-Line*

▶ *Professor Dr. Maximilien Herberger*, Professor in Civil Law, Law Theory and Applied Legal Informatics, Director of the Institut Informatique et Droit (IFRI), University of la Sarre, Germany: *A New Way of Releasing Law: The Internet as an Instrument of Justice*

▶ *Mr. Hermann Sorgho*, Editor, JuriBurkina, Burkina Faso : *The JuriBurkina Project : Putting Judicial Decisions from Burkina Faso On-Line*

▶ *Mr. Barry Kwok Hung Lee*, Senior Judiciary Executive, IT Management Unit of the Hong Kong Judiciary Administration, University of Hong Kong - China : *Digital Content*

in Civil Court Proceedings - A Proposed Framework of Regulation with a View to Promoting Access to Justice

The Hong Kong Civil Justice System faces challenges of high costs, delay and complex procedure and these problems pose obstacle to access to justice. Cornerstones for access to justice include lawyers, free dissemination of law and the judiciary. Now, lawyers are not practically accessible to all individuals in the society owing to structural failure of the legal system. Law develops its complexity with the society; nonetheless, dissemination technology of law is not as developed as sufficiently to satisfy demands of the society. The court is in a limbo in which impartiality and fairness to all parties constrain its role to assist unrepresented litigants.

Disruptive legal information technology and emerging Electronic Legal Information (ELI) may arise as the 4th cornerstone in face of the challenges. Electronic Legal Information (ELI) refers to (i) an integrated Electronic Law governing civil procedures and other areas of substantive law, (ii) electronic legal document filings and evidence and (iii) electronic court case status information. ELI is transforming the existing cornerstones to their virtual existences, which take on new capability to face the challenges of high costs, delay and complexity.

To promote access to civil justice, disruptive legal information technology should be adopted and a positive right to access ELI be established. For unrepresented litigants, the use of ELI will put them in a better position to assess if legal assistance should be sought or it would be better to remain unrepresented. Should they choose to be unrepresented, ELI provides ease of reference to law and integrates law from their perspective. For represented litigants, they will have a greater access to information concerning activity of court proceedings and they will be in a better position to push progress with the availability of case status information and electronic court document filings.

Court should not be obstructed by the fair to all prejudice in its efforts to provide ELI for parties to the proceedings. Court should also provide and maintain options of court services for those who have difficulty in using ELI.

To prevent misuse of ELI, court should formulate an access policy. Secure authentication procedures, which will only grant access to authorized users only, and audit procedures, which can trace accountability of misuse, should be established. The ELI (Digital Content) protection technology should be adopted to avoid the risk of intentional or accidental disclosure of information to the non-parties of the proceedings. Access agreement should be used to limit use purposes.

► *Mr. François Harvey*, Computer Analyst, LexUM, CRDP, University of Montreal, Montreal, Quebec, Canada : *Automatisation of the caselaw publication on CanLII: present and future*

10:30 a.m. : Break

11:00 a.m. Session 2: The Protection of Personal Data (Anonymization)

Moderator: *Maître Christiane Feral-Schuhl*, Paris Court of Appeal Lawyer, Salans Law Firm Associate, ADIJ President

Speakers :

► *Mr. Christophe Pallez*, Secrétaire général at the National Commission of Technology and Rights (CNIL), France : *Anonymization of case law public databases, the CNIL recommendations*

► *Mr. Frédéric Pelletier*, Head of Policy Making, LexUM, CRDP, University of Montréal, Montreal, Quebec, Canada : *Case Law Dissemination on the Internet and Identity Protection; The NOME Anonymization Assistant*

In Canada, Internet publication of case law does not require a systematic anonymization of parties named in decisions. However, there are statutory requirements that identities of certain participants in the judicial system be protected. Given the supplementary costs entailed by anonymization, free access to these decisions has become somewhat scarce in Canada. In order to contribute to lowering the costs of anonymization, we are developing a software application designed to automate some of the repetitive chores associated with the anonymization of judgments. The current version of this application, called NOME, is an MS Word macro. NOME allows for automating the replacement of names mentioned in a document by their initials or by any other characters.

- ▶ *Professor Yves Poulet*, Director of the CRID (Law and Technology Research Centre), Law Professor and
- ▶ *Ms. Cécile de Terwangne*, Professor at the Law Faculty, Director of the “Rights and Information Society” Branch of the CRID (Law and Technology Research Centre, Notre-Dame de la Paix University, Namur, Belgium: *European Countries and the European Union: Case Law Dissemination Policies and their Limits Due to Applicable Sensitive Personal Data Rules*

- ▶ *Professor Carlos G. Gregorio*, Law Professor, Researcher at the Research for Justice Institute, Professor at the University of Buenos Aires, Argentina: *The Dissemination of Case Law in South America: The Rules of Heredia*

12:30 p.m. Buffet Lunch

2:30 p.m. *Summary of the November 3rd Half-Day about The Conservation of Juridical Data in Electronic Format* by *Ms. Claire Germain*, Edward Cornell Law Librarian and Professor of Law at Cornell Law School, Ithaca, New York

3:00 p.m. **Second Round Table: The Juridical Internet: New Means, News Inequalities**

On-Line Data and Juridical Services - The Evolution of an e-Business in Law

Chair: Professor Graham Greenleaf, Law Professor, Co-Director of AustLII*, University of New South Wales Faculty of Law, Australia

Moderator: *Professor Xavier Strubel*, Law Professor at the National Telecommunications Institute, Head of the LEDUTIC Research Team, Member of the ADIJ Administrative Council, France

Participants:

- ▶ *Mr. Toni Issa*, President of the Association pour le Développement de l’Informatique Juridique au Liban (ADIL), Lebanon

- ▶ *Maître Enrique J. Batalla*, Batalla Abogados, General Secretary of the Computer Law Association (CLA)

What is free software? Does free software mean free data? Does availability of source code imply a free Internet? These are some of the questions that have lead this paper. A great number of material is provided in order for the reader and attendant to better understand the issue of free software and its implications. Free software is not a technology in itself but a licensing method product. The availability of the source code in human-readable format is the main feature of this licensing method. Nevertheless, the freedom to use and transfer such a code to third parties may be restricted depending of the kind of license involved. Therefore, the formula free software = free data may prove not to be always true.

- ▶ *Mr. David Merkin*, Coordinator of Library Services, Shearman & Sterling LLP; President Law Library Association of Greater New York, USA
- ▶ *Ms. Mélanie Dulong de Rosnay* , Director of the International Creative Commons Project, CERSA, CNRS/Université Panthéon-Assas (Paris II) - France
- ▶ *Ms. Michèle Côme*, Wolters Kluwer Legal, Tax and Regulatory Europe, the Netherlands
- ▶ *Mr. Nick Mole*, Marketing Director, Thomson Legal Europe, U.K.
- ▶ *Mr. Lionel Thoumyre*, Editorial Director web site Juriscom.net, Lecturer in Law, Université de Versailles-Saint Quentin en Yvelines

5:00 p.m. : *The Awarding of the ADIJ Prize by Mrs. Isabelle de Lamberterie and Mr. Xavier Strubel.*

The Paris Declaration by Mr. Jean Gasnault, President of Juriconnexion, Documentation Services Director at Gide Loyrette Nouel Law Firm

Conference Closing: The President of the Scientific Committee of the Sixth International Conference in Paris transfers the Conference over to the President of the Scientific Committee for the Seventh International Conference to be held in Vanuatu

