

Pioneering Legal Research: A peek inside the Legal Information Institute

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Citation to Publisher Schneider, Charlotte D. (2017). Pioneering Legal Research: A peek inside the Legal Information

Version: Institute. *AALL Spectrum* 21(4), 40-

43. <https://www.aallnet.org/mm/Publications/spectrum/archives/Vol-21/MarchApril-2017/Pioneering-Legal-Research.pdf>.

Citation to this Version: Schneider, Charlotte D. (2017). Pioneering Legal Research: A peek inside the Legal Information

Institute. *AALL Spectrum* 21(4), 40-43. Retrieved from [doi:10.7282/T3X350XH](https://doi.org/10.7282/T3X350XH).

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PIONEERING LEGAL RESEARCH



A peek inside the Legal Information Institute.

BY CHARLOTTE D.
SCHNEIDER

In the tower of Myron Taylor Hall (MTH), the home of Cornell University Law School, Legal Information Institute (LII) engineers sit at their computer stations and work on providing access to law and improving the ability to find and understand the law by way of technological innovations. The engineers meet frequently to discuss new ideas for software that might improve the functionality of a particular collection. The LII team solicits feedback from both users and lawmakers regarding how they research and use the LII site: some of this feedback might even come from how a journalist cites the LII

in a news article. Editorial content contributions come from volunteers and experts so that the LII can offer a time- and cost-saving, free alternative to expensive commercial systems for beginning research. The result of this teamwork and networking is what users see as the present-day LII.

The LII is a nonprofit organization that hosts more than 30 million unique visits to its site each year. As of this writing, the LII is staffed by nine full-time employees who fill technical, editorial, fundraising, and administrative roles within the organization. These nine people are responsible for more than 500,000 pages of content, in addition to the

various other responsibilities that complement and inform the work of the LII.

October 2017 will mark 25 years since the LII's debut. As one of the first websites in existence, the LII pioneered publishing law online for free, and has since continued on its mission of making laws available, accessible, and understandable. In doing so, the LII has influenced how government, commercial, and other nonprofit enterprises publish law themselves.

LII: The Early Years

The LII was established in 1992 by co-founders Peter Martin and Tom Bruce, whose initial focus was on publishing supplements

on disk for courses that relied heavily on codes. The LII was the first to do hypertext versions of statutory supplements, enabling researchers to follow pieces of text to other related materials. The hyperlinks allowed students and faculty to more easily navigate between relevant and related statute sections. The primary legal materials included in the course supplements were subsequently published online, providing global access to the U.S. Code, Federal Rules, and a Supreme Court Opinions archive. At the time the LII was established, no one had created a web browser for Microsoft Windows—the computer operating system used by more than 95 percent of lawyers—so the LII created one. Today, the LII's mission remains the same: to publish law online, for free; to create materials that help people understand law; and to explore new technologies that make it easier for people to find the law.

Publishing Law Online: The Early Sources

The features that make the LII's primary law collections innovative and research friendly are the result of 25 years of successful collaborations between the LII's software engineers, government officials, librarians, law faculty, practitioners, and many other legal information professionals. Behind the scenes, the software engineers might take a visitor's simple "wish list" item and make transformative changes that enhance and ease the research process.

United States Code (USC). The LII first published a trial version of Title 17 in 1992 in a then-popular online system called Gopher; the full USC was put on the web in 1994. One of the LII's current engineers, Sylvia Kwakye, was part of the student team that helped to develop the LII's first XML edition of the USC back in 2001. At that time, Kwakye converted government-published HTML of the USC into XML in order to add formatting to the text; and eventually, the GPO began publishing the USC as XML files. Now, Kwakye works with the

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government XML and transforms it into the HTML that visitors see.

Similar online legal resources, like the Office of the Law Revision Counsel's (OLRC) USC, are modeled after the LII. In 2009, the OLRC requested proposals from software developers for a more up-to-date version of the USC for their website. In the request document dated July 10, 2009, Addendum 2 cited the LII's USC for their updating features based on classification tables and linking source credit citations. The updating feature is necessary for researchers who need to know the currency of a statute.

The updating feature takes the form of a yellow box above the text of each section and shows that the text is current through a specific public law number, linking to the public laws of the current Congress from Congress.gov. The LII's USC hyperlinks the "Pub. L." citations to the GPO's archive of Public Laws, and the "Stat." citations to the OLRC's Statutes at Large collection for researchers interested in slip law. This functionality saves researchers the time of having to search for the source document on a separate platform. Each section of statute also has a link to download a PDF of the statute section from the Toolbox located on the right-hand side of the page.

Useful browsing features include a breadcrumb trail for easy backtracking, and section number ranges in Table of Contents listings. The OLRC USC has also adopted this feature; however, unlike the OLRC's expandable-tree format which displays all of the titles and their subsections on a single page, the LII has separate pages for each sub-Table of Contents. Splitting up the

information onto separate pages makes the content easier to consume. The dedicated page allows researchers to bookmark that page for quick reference, while each statute section contains its own dedicated page. Researchers who know the citation of the statute may type the URL directly into the address bar by following the simple URL format (law.cornell.edu/uscode/text/[input title here]/[input section here]/) or do an internet search for the citation, which will lead to the LII site.

Another formatting feature adopted by the OLRC is indented, nested paragraphs. The LII formats each alphanumeric prefix in bold so that it stands out to researchers looking for a specific paragraph. Additional spacing makes paragraphs easier to differentiate on the LII site. Where the OLRC displays all the text of a statute section on a single page, including source credits and amendment notes, the LII organizes this information behind tabs. This organizational scheme allows researchers to more easily focus on a portion of text. Tabs include notes of a section and in some places, regulations authorized by that statute. This allows researchers to easily navigate to all regulations that were issued pursuant to a given statute. On a platform like Westlaw, researchers can find such regulations behind the "Citing References" tab, but then must limit and sort the information. On the LII site, the related regulation parts or sections are listed by Code of Federal Regulations (CFR) title (i.e., by subject area) without the need to filter or sort, thus streamlining research and saving time.

The LII has been working on some other USC projects to help connect the law to materials that help

people understand the law. One such project is the IRS Rulings and Written Determinations, which was suggested by a LII user and tax expert. Many sections of Title 26 of the USC and the Internal Revenue Code (IRC) have a tab for “IRS Rulings.” Behind each tab is a list of written determinations directly from the IRS that cite to that section of the code. The rulings provide insight for understanding the law. The availability of these links will save researchers the time of having to search IRS.gov themselves.

Other USC projects in the works include a bill-tracking feature and a citing opinions feature. Using information from Cato Institute’s Deepbills project, sections of the USC link to pending legislation that affects them. This will help save researchers the extra step of having to go to Congress.gov for updating their legislation research. Kwakye has also been working on developing software that will link federal appellate opinions to sections of the USC. This feature will more quickly connect the law with an interpretation or explanation. (The USC is available at bit.ly/MA17USC.)

Code of Federal Regulations. The LII’s CFR was, and remains, the most innovative collection of Federal Regulations freely available online. The LII’s CFR uses linked data and semantic technologies that return relevant Code sections for keyword searches containing product names. For example, searching for “Tylenol” should return CFR sections related to acetaminophen. This technology connects primary legal information to the things it regulates.

Each section of the CFR has its own page for easy bookmarking and cross-reference hyperlinks within the CFR and to the USC. CFR sections organize information using tabs. One tab shows links to authorizing statutes in the LII’s USC, whereas a given Part or Section of the CFR cites to a provision of the USC as its authority—the information is used to populate the “Authorities (CFR)” tab on the respective USC pages. Researchers can easily navigate between regulations and their

authorizing legislation.

Another tab shows rulemaking dockets for pending amendments to regulations. The rulemaking dockets provide links to relevant issues of the Federal Register (FR) from the Government Publishing Office (GPO) that affect that Part or Section. To save researchers time, the LII extracts the most pertinent information from each FR issue, including the status of the rule, the CFR parts affected, and the summary, which can be seen without having to leave the LII site.

In August 2015, the GPO made their eCFR available in XML format, and the “squee” of excitement from the tower of MTH nearly echoed throughout the valley. This news presented a big opportunity for the LII to add their unique CFR features to the most up-to-date version of the CFR text. The LII’s eCFR features their famous formatting, including indented, nested paragraphs and cross-reference links. The eCFR debuted a definitions feature for terms that are defined elsewhere within the code. Defined terms display a dotted underline. By clicking on one of these terms, a pop-up box appears with the term’s definition, the source citation for that definition, and the scoping language as framed by the cited section. This unique feature enables users to better understand the law. (The eCFR is available at bit.ly/MA17CFR.)

Constitution, Federal Rules, and Women and Justice Caselaw. The LII’s other primary law collections include the Constitution, the Federal Rules, and a specialized Women and Justice Caselaw Collection (this collection is not yet available on the LII’s website, but will be soon). The Constitution’s Bill of Rights Amendments feature includes information boxes that incorporate a plain-language explanation for a better understanding of that text. The explanation comes from the LII’s legal encyclopedia, *Wex*. The LII’s Federal Rules collection of the Federal Rules of Appellate Procedure, Bankruptcy Procedure, Civil Procedure, Criminal Procedure, and Evidence save practitioners from



QUICK LINKS

- Constitution
bit.ly/MA17Constitution
- Federal Rules
bit.ly/MA17Rules

having to carry around cumbersome rulebooks and provides easy access to existing rules. Like the other primary law collections, each rule has its own page for easy bookmarking.

Similarly, the Women and Justice Caselaw Collection is a unique and valuable collection, essential to those who pursue justice for girls and women on a global scale. This collection was formerly maintained by Cornell Law School’s Avon Global Center for Women and Justice, and will continue to grow through the LII’s vast network of volunteers.

Understanding the Law: Editorial Content and Current Awareness Services

The LII’s editorial content and current awareness services are maintained by the Content Development department and the LII’s only lawyer, Craig Newton. Newton is responsible for building relationships with and managing the vast network of content contributors. His practice experience also lends expertise for improving the primary law collections.

Wex. The LII started creating “Law About...” pages in 1994 in order to help people understand the law. In 2004, this collection became known as “Wex,” and has grown to more than 5,000 entries. In September 2010, the LII teamed up with Nolo Press, a respected publisher of legal self-help

guides aimed at everyday problems, to incorporate Nolo's plain-language definitions right into each Wex entry. Entries offer simple definitions and in-depth explanations of legal terms, concepts, and case summaries for notable Supreme Court of the United States (SCOTUS) decisions. Wex entries are cross-referenced and linked to the major primary law collections for efficient researching. Wex also includes some definitions for terms in both Spanish and Chinese. (Wex is available at bit.ly/MA17Wex.)

LII Bulletin. The LII Bulletin is actually two publications. First created in 1996 as a newsletter offering summaries of New York Court of Appeals decisions, the Bulletin was reconceived in 2004 as a service offering analysis of upcoming Supreme Court cases. The LII employs a team of 30 Cornell law students who are responsible for the Previews each term. Of these students, 24 associate editors work in teams of two on assigned cases. Valerie (Val) Kimber, the LII's administrative coordinator, works with Newton and the students, publishing the final Previews online and sending an email blast containing either HTML or text that link subscribers to the full documents.

The oral argument Previews incorporate arguments from both merit and amici briefs, and link to relevant resources from the text. The Previews lay out the facts of the case, the issues to be argued, and potential outcomes of decisions in favor of either party. While the citations for quoted or paraphrased language are cleverly hidden from the HTML display for easier reading, source information is available to users upon request. The Bulletin also notifies subscribers of new Supreme Court decisions. These services are useful for researchers who are following issues before SCOTUS. (This collection, and links for subscribing, are available at bit.ly/MA17Preview.)

Oyez. During the summer of 2016, the LII, along with Justia, assumed operations of Oyez, the online home of U.S. Supreme Court oral argument transcripts and audio files. Oyez is best known for its audio of oral arguments

that are synchronized to searchable transcripts for opinions, beginning with the 1955 term. Oyez also includes case summaries from 1789 that link to full text opinions, audio of select opinion announcements, illustrated decision information, and detailed biographies of past and present Justices. New features coming to the Oyez website include more interoperability between Oyez data and LII collections. The Oyez URL will remain unchanged for the foreseeable future and can be found at bit.ly/MA17Oyez.

Finding the Law: Research Assistance and Technology Reference

Legal research and legal writing go hand-in-hand. Some research questions cannot be answered by simply finding the law, or even from information found elsewhere on the LII site. In order to fill this gap, the LII provides the following resources to assist all site visitors with both research and writing.

■ Introduction to Basic Legal

Citation. Peter W. Martin, author of *Introduction to Basic Legal Citation*, first created this citation guide in 1996, and last updated it in 2016.

This popular collection offers a plain-language explanation of Bluebook and Association of Legal Writing Directors (ALWD) citation provisions. These explanations cover the most important concepts for legal citations, leaving the nuances to the commercial publications. Each explanation is indexed to the appropriate Bluebook and ALWD rule. (This collection is available at bit.ly/MA17Citation.)

■ **RIO ("Read It Online").** RIO is a tool designed to enable more practitioners to comply with the rules of court more easily and affordably. It is a citation search engine that retrieves both free and subscription-based online platforms that contain the document. The platforms include, but are not limited to: LII, Google Scholar, CaseText, Ravel Law, CourtListener, Fastcase, LexisAdvance, and Westlaw. The

results display the URL to that authority from each listed platform. Users can click a link to read the document or simply copy the URL for use in briefs or other writings. (RIO is available at bit.ly/MA17RIO.)

■ **Virtual Reference Desk.** The LII teamed up with academic reference librarians to address speculation about whether site visitors were able to find and understand the law. The Desk is a forum that requires users to register their names and email addresses to be able to post. The forum creates a knowledge bank that can be accessed and searched by anyone. The forum also allows registered users, beyond just lawyers and librarians, to share other resources as well as their own knowledge. The librarians direct patrons to information available from the LII or other interested organizations and government entities. (This service is available at bit.ly/MA17Justia.)

LII: The Future

For most websites, 25 years of operation is an impressive achievement; for a nonprofit publisher of the law, it is even more significant. The LII's reach and influence extends far beyond its website. A May 2008 post on the *LII Announce* blog boasted that "Cornell's Legal Information Institute was the first LII, but since we began operation in 1992 the name has been widely adopted by [28] other projects that also provide free online access to legal information." The LII's dedication to providing and improving free access to legal information has influenced other legal information publishers for the better. ■



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