

DIGITAL PUBLIC LAW LIBRARY OF AMERICA (DPLLA)

DIGITAL PUBLIC LIBRARY OF AMERICA / BETA SPRINT

PROPOSAL: DIGITAL PUBLIC LAW LIBRARY OF AMERICA (DPLLA)

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THE NEED

There is great need for a Digital Public Law Library of America. 80% of the people who are eligible for legal aid assistance cannot obtain access due to too few legal aid attorneys. The number of people who represent themselves is in a steep climb. At the same time, public state/county law libraries are being closed to reduce government costs. Even if we could keep these libraries open, the content of the law itself is disappearing from their shelves. Today, law is primarily available via online digital databases that are powerful, complex and expensive - all factors that make them less accessible to the public. The metaphor is overused, but apt. This is a perfect storm of reduced access to the law for our nation's citizens.

IGNORANTIA JURIS NON EXCUSAT

The law - all law - should be freely and openly available to every citizen of this country. How else can citizens educate themselves, defend themselves and appreciate one of the most profound cornerstones of the United States - that we are a nation of laws and that we

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are not governed by men, but the rule of law where no person is above the law?

THE PROPOSAL

What I am proposing is basically simple. A website that contains **ALL** of the primary law in the United States - all federal, all state, all municipal, all county, parish, city, town, village - everything online and freely accessible. A "Wikipedia of the Law" with an entry for every case, statute, regulation, building code, etc. I am inspired by the words of Daniel Burnham:

"Make no little plans. They have no magic to stir men's blood and probably will not themselves be realized."

This is not a small project and it should not be expected to be realized quickly. It will take time, but there is no better time, I believe, to get started for the reasons I stated in the opening paragraphs.

ARCHITECTURE

The texts of the law would be gathered, verified, authenticated and provided in a closed wiki format along the lines of the design of Wikipedia. Versioning features would allow for updates as the laws are changed, updated or repealed. Nothing would ever be lost. Verification systems that algorithmically compare file contents (e.g. MD5 hash) and would be used initially to insure authenticity, but it is assumed that additional, more robust procedures would be developed to prevent mistakes or tampering.

The primary law would essentially be a fixed substrate upon which a myriad of additional services would be layered. The metaphor I wish to convey is like that of a Geographical Information System (GIS) or a map. The basic map at the lowest level shows the physical terrain - location of mountains, rivers, lakes, oceans. A potentially infinite number of layers can be overlaid on the basic substrate showing roads, cities, borders, restaurants, traffic, weather, etc.

In a similar way, the basic substrate of primary law is overlaid with tools for searching, finding, linking and explaining the law. These layers can be turned on or off at the control of the user depending on their need or desire. The layers can be constructed by algorithm (in the case of search engines), volunteer effort (e.g. commentary) or by commission - i.e. interested groups who desire to increase the knowledge base of a particular aspect of the law.

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Layers can be created by highly vetted, closed communities of effort or opinionated screeds that the user is free to access, assess and use or ignore. Filtering will be de-riguer.

Like any map, some areas will be rich in detail and overlays - like cities - and other areas will be sparse and minimalist in detail - like deserts or unincorporated areas. The map metaphor only goes so far. The actual interface design is important, but will evolve over time.

GOVERNANCE

Things should start with the formation of a Bootstrap Committee - a small number of intensely interested individuals. Desire for progress, measurable milestones of success and willingness to give of their time would be the primary selection criteria. With the submission of this proposal, I am volunteering to be on the Bootstrap Committee. As needs dictate, more detailed methods of governance can be devised - probably along the lines of Special Interest Groups (SIGs) that cover particular areas of law or aspects of the project.

BOOTSTRAPPING

With this proposal, I am committing CALI resources under my control to host and create the website and begin construction of the basic substrate. CALI is not a dis-interested participant. I believe that the DPLLA has enormous educational value both in its realization and in its construction. The DPLLA would have value to scholars, law librarians, students and law faculty as a resource for reference, research and development of educational content. This is in alignment with CALI's mission.

Coincidentally, for the past several months, CALI has been working on a project called the Free Law Reporter (www.freelawreporter.org).

The Free Law Reporter™ (FLR) is an experiment that builds on Public.Resource.Org's Report of Current Opinions (RECOP).

The goal of FLR is to develop a freely available, unencumbered law reporter that is capable of serving as a resource for education, research, and practice. The first step is to use FLR to provide greater access through enhanced and alternate formats of the weekly feeds coming from RECOP.

The weekly feeds provided by RECOP are a new source of court opinions from across the country with each weekly feed containing all slip and final opinions primarily from the appellate courts of the 50 states and the federal government

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released under a Creative Commons Zero License packaged as XML files in a single weekly archive.

In addition to the RECOP materials, the Free Law Reporter is being back-filled with over 800,000 cases from public.resource.org. CALI has developed a basic search engine on top of the database of cases and a “search-to-ebook” publishing capability that allows users to search cases and turn the results of those searches into downloadable epub files that can be read on ereader devices like the Apple iPad, Barnes & Noble Nook and (soon) the Amazon Kindle.

WAITING FOR SUPERMEN AND SUPERWOMEN: LAW LIBRARIANS

The group that I most wish to inspire with this proposal is law librarians. This is a time of great turmoil for law librarianship and soul-searching for the profession. The DPLLA could be a source of inspiration, a rallying point and a great gift from law librarians to society. Ideally, the DPLLA would be an embodiment of the best principles and dedication to service that law librarians demonstrate every day in their interactions with their patrons. With a Wikipedia-like philosophy, the DPLLA would be as good as the law librarians make it. This community would be integral to the success of the DPLLA and ideally would come to own and steward the project. The commercial vendors cannot be entrusted with the responsibility of making the law accessible to the public. They are not motivated by the same principles as those espoused by this project.

MINIMAL STARTUP STAFFING

If I had a budget to hire staff to get this project launched, I would minimally start with three FT staff:

Project Coordinator to coordinate the finding of expertise for enhancements to the architecture, finding and adding content, advocating for the project and improving the inflow of new content by educating judges, courts, counties, states and legislators on the structure of data formats that would make the intake of new content less expensive (in time, cost and effort) and more efficient.

Community Manager to interface with the law librarian community to leverage their expertise, energy and enthusiasm, remove roadblocks to coordination and generate ideas for new layers and projects surround the DPLLA.

(2) Software Developer/System Administrator to develop new tools and capabilities, execute on feature enhancements and do the heavy lifting on code creation and

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maintenance.

I would estimate the cost for salaries, benefits, housing, travel and expenses for this minimal staffing to be \$500,000 per year.

POSSIBLE SOURCES OF FUNDING

I have a number of ideas on possible sources of funding, but none that I am willing to discuss at this early stage. With a project of such wide scope, the environment is rich with potential targets of opportunity - lawyers, law schools, courts, governments, foundations interested in access to justice, etc. It is my hope that publication of this proposal will begin the process of surfacing friends and allies that might lead to backers and patrons.

CONCLUSION

This is a most worthy project and this proposal, rapidly scribbled the night before the DPLA Beta Spring deadline does not do it justice. None-the-less, I was inspired by the spirit of the DPLA announcement and the participation of many friends and colleagues who I know to be sincere in their desire to create a resource that delivers actual and lasting value to a host of audiences - citizens and students - and those seeking to find a path to justice.

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