

Introduction

In theory, we live in the golden age of access to information, including legal information. At the beginning of the twenty-first century, governments, high courts and tribunals, international organizations, non-governmental organizations, legal institutes, universities, and private publishers from all over the world are distributing—often for free—high quality primary and secondary legal materials through multilingual interfaces. Concern with accuracy and reliability is paramount. More and more, the electronic version tends to be the perfect image of the printed document. The electronic official seal or the electronic signature of courts, governments, or private databases—displayed as a sign of authenticity on every page of each electronic document—represent evidence that the digital product obtained through an Internet connection or a CD-ROM is the same document printed by the legal body, agency, organization, or publishing house in reporters, codes, loose-leaf services or other media.

The overwhelmingly positive involvement of legal institutions, organizations, and governments in this new reality strongly suggests that the future of legal research lies primarily in the electronic domain.

However, with my first words above—“in theory”—I hinted at the crucially important fact that, by any global standard, easy access to and utilization of the new information sources remains a distinct privilege. The reasons for this are extremely complex. Psychology, politics, technological development, economics, and cultural values all play a part, interfering with the universal human propensity for law and the inevitable need everywhere for reliable legal resources.

Nonetheless, what I will call the *Cyberlegal Culture* has clearly entered a stage of stability, credibility, and confidence, and is poised for a vast and pervasive growth throughout the legal community worldwide. The need to elucidate it, evaluate it,

learn to use it, and decipher its future is peremptory. That is why I decided to write this book.

Let me describe what I mean by the cyberlegal culture.

Legal databases have gained the respect of legal professionals through revolutionary technicalities and legal publishing expertise.

Servers, software, powerful computers, data encryption, preservation of digital information, copyright issues, watch groups (i.e., legal "listservs" or online discussion groups), and legal associations cooperate on an international scale. Law schools, and especially academic law libraries, have played a major role in creating, developing, and instructing a new dimension of international, comparative, and foreign law research. The online universe has become an instrument in legal teaching and legal research. Building on the online availability of legal documents, law professors and law librarians have shaped a new research methodology with new criteria, needs, and expectations. An extremely powerful impetus is generated by the continuous feedback inherent in the direct connection, more timely than ever in history, between legal professionals and legal bodies. Individuals and institutions communicate with one another without traditional intermediaries. This "live" interaction is one of the most crucial events of our profession, a revolutionary reality that has changed all prior patterns.

Recently, at the 2000 Annual Meeting Program of the Section on International Law of the American Association of Law Schools (<http://www.uky.edu/Law/aals-int/y2k.htm>), a panel on the Internet and public international law discussed the effect of the information revolution on public international law. Speakers addressed the fact that the Internet has changed the nature of international relations among professionals, companies, and governments. Futurist scenarios, such as a breakdown of the system of territorial allocation of government jurisdiction and the hypothetical appearance of Internet-based micro-nations, were taken into consideration.

A new pattern of legal documentation and legal research has been created all over the world. The internationalization of legal research operates across and beyond borders. Virtual

reference transactions implicating many parties are a reality of our lives.

The cyberlegal culture exists in the virtual legal world. Its availability is instantaneous. It is now the territory of legal specialists all over the world, a virtual “place” having legal patterns, traits, and products specific to all jurisdictions and developed through the electronic milieu of the Internet and the World Wide Web (WWW).¹ Cyberlegal culture represents the international and foreign law disciplines’ intellectual activity on the “Web”. New behaviors and communication patterns generated by the online medium, by institutions with a virtual presence, by new forms of electronic publishing and strategies for accessing online legal documents, and by new models of teaching substantive law and education over the Internet express the essence of the cyberlegal culture.

As I write these lines, I experience two contradictory sensations. The first is that, while electronic legal research is enormously developed in the USA, Canada, Australia, and New Zealand, in the rest of the world (even in Western Europe) there are merely singular competencies or small elite groups. The other thought is that legal information professionals like myself must offer assistance and guidance to the legal community at large from our expertise in accessing legal information and acquiring new research skills. We must also critically assess our own strengths and weaknesses as we strive to communicate what we have learned about this new and ever-changing field of knowledge.

The obstacles we must overcome as teachers, trainers, and mentors are many and challenging. They range from technical complications, arising from obsolete standards and protocols, to simple economics that make Internet access, in most of the world, a luxury. Because of these two factors alone, even such superb resources as the European Union databases are frequently inaccessible because of overcrowded access lines. Language differences also present problems; web-based re-

¹ WWW: A system of Internet servers that support specially formatted documents. The documents are formatted in a language called HTML (Hyper Text Markup Language) that supports links to other documents, as well as graphics, audio, and video files. See more at http://webopedia.internet.com/TERM/W/World_Wide_Web.html.

sources in Japan (for instance), a globally significant and technologically advanced jurisdiction, provide no translated materials to speak of. In Russia and former Soviet Union countries generally, proxy servers used to filter data are rejected by many sophisticated databases (such as Lexis), so that the scope of available online information is severely limited. In China, outright censorship of the Internet prevails. Everywhere, moreover, the very idea of teaching online legal research is as yet virtually unknown outside of a few major (or adventurous) institutions.

At this stage, what is most needed is a review of the reliable international and foreign law databases, as well as a guide to strategies used to benefit from these resources. I might add the evaluation criteria for selecting databases, as well as the legal research teaching models for different jurisdictions and different groups, on different levels of comprehension. In this book I will illustrate such a review with my own observations based on exposure to many jurisdictions of the world through my work with the New York University School of Law Global Program, New York University Law School's courses on international and comparative law, and New York University Law Library international projects with USAID and the STARR Foundation (the Legal Information Transfer Network with partners in Australia, South Africa, Belgium, China, Armenia, and England). Further, I will add insights based on my teaching and lectures in Armenia, Hungary, Russia, and Brazil, my participation in the drafting of the ITN project training template, and my online experience with Tsinghua University Law School (China), as well as my work with legal information specialists from many countries of the world as LLRX.com contributing editor for foreign and international law.

I should point out that I will use "Internet" and "WWW" interchangeably. Though "Internet" has a broader sense, and "WWW" evokes the right context in which to speak about databases, both terms are often used to designate the same reality. Internet means email, servers, file transfer protocols (FTP), etc., while WWW is restricted to the hypertext medium. Here, however, I will use both terms, because the common language of information specialists does. I will also use "legal specialist", "legal information specialist", "legal information professional", and "law librarian" to name the same person. The

law librarian of today is an individual with knowledge of law librarianship, information science, and computer science to a degree that is deepening every day.

He or she must be familiar with online catalogs and servers; know how to build home pages and databases and write documents in different formats (html, pdf, etc); manage and/or participate in listservs (online discussion groups); and evaluate databases and search engines for acquisition and respectively implementation.

However, important actors in the cyberlegal culture (international organizations, foreign governments, legal information specialists, etc.) have altered their involvement in response to new patterns, dynamics, and values. They have adapted to the cyberlegal world. This is a resonance issue, with implications on a broader scale than librarianship.

I would like also to add that this book is not intended to give exhaustive coverage to all matters discussed. No one book can replace the many sources mentioned in the text or replace the teacher/instructor.

I hope this book will be of value as a teaching tool, as an orientation tool, and as an inspiration for the legal specialist engaged in the discovery of the world electronic environment.

If the Phoenicians invented the alphabet and brought humanity to the stage of writing; if Gutenberg wrote through a printer and made the printed book the vehicle of civilization, the Information Age has transported us to another sphere, complementary to reality and to the universe of the printed word. This new three-dimensionality allows us to experience a level of complexity and richness of concept never experienced before by humanity. Trying to compare how we live today with whatever humanity has traversed in history, I consider that we experience or live in a kind of Homeric oral world, but at a different level along the spiral of civilization. At the end of the twentieth century, humanity invented a new way of being and expressing itself that, among many other innovations, has radically transformed the legal field. We are engaged in exploring this extraordinary universe as if it were a new continent of our planet. And we are pioneers.