

October 2010

Free @ Your Public Law Library

By Chris Roy

The Connecticut Judicial Branch Law Libraries and the Massachusetts Trial Court Law Libraries have both recently launched web pages that detail what legal resources are not available online for free.¹ These pages were created to remind the general public and the legal community that expensive resources that are purchased or licensed by public libraries are not — and likely never will be — freely available.² The misconception that "almost everything is online now" seems to be more prevalent and has been documented in our library literature.³

Of course, what historically has been published exclusively in print is now also published electronically. Westlaw, LexisNexis, and Wolters Kluwer each offer large collections of online treatises and encyclopedias in addition to their annotated primary materials. Ironically, while the perception grows that everything is free, the cost of accessing these online materials grows with it.

This is not to say that free online access to law has not improved dramatically in the past few years. For example, LexisOne offers ten years of free case law, including both published and unpublished decisions. And Google Scholar's case law offering is impressive. But there are few companies like Google that can afford to devote money and resources to similar endeavors. To think that free offerings like Google's will begin a trend is misguided.

We are, however, seeing better access to primary materials through governments and nonprofits such as Cornell's Legal Information Institute. Federal, state, and local governments are increasingly making their primary law fully available, fully searchable, and fully reusable by third parties. (Note: This brief article is not meant address the use of XML for publishing or the free/open access to law movement.⁴) But there are still large segments of primary law that are not available electronically, including historical statutes, legislative histories, and secondary legal materials published by small legal publishers.

In summary, the two court library web pages provide a simple reminder that public law libraries play an important role in providing access to essential, copyrighted legal materials that will not be freely available online anytime soon.

¹ Connecticut Judicial Branch Law Libraries: Isn't everything online for free?

http://www.jud.ct.gov/lawlib/not_online.htm

Massachusetts Trial Court Law Libraries: Isn't everything online and free?

<http://www.lawlib.state.ma.us/libraries/databases/notonlineandfree.html>

² For a thoughtful critique of the economics of "free," see *Priced to Sell: Is free the future?*

by Malcolm Gladwell, *New Yorker*, July 9, 2009.

http://www.newyorker.com/arts/critics/books/2009/07/06/090706crbo_books_gladwell

³ For example, see the following articles:

101 *Law Libr. J.* 471, 475 (2009). *Define Leader: The Definition and Development of Law Librarians as Leaders*; Mackoff, Barbara L.

12 *AALL Spectrum* 46 (2007-2008). *Will Everything Be Online in 10 Years - What e-Books Will Look Like in 2017*; Sampson, Sara.

⁴ World Legal Information Institute: Declaration on Free Access to Law

http://www.worldlii.org/worldlii/declaration/montreal_en.html

October 2010

* Chris Roy is a law librarian at the Connecticut Judicial Branch Law Library at New Britain. This article appeared in the Southern New England Law Librarians Association October 2010 newsletter, *Obiter Dicta*.