



Open Access To Legal Information

Ann Bartow
Associate Professor of Law
University of South Carolina School of Law, y'all

“Openly Accessible” Via Internet

- Federal statutes and case law, via government web pages, law school sites
- Some state statutes; some state case law
- Law review articles, via BePress, SSRN, faculty web pages
- Mainstream media coverage of legal issues (often wrong, though...)

Less Accessible...

- Some state case law
- Federal agency reports and data
- State agency information
- Annotated federal and state statutes
- Restatements, digests and treatises
- Model codes, other interpretive materials




Print Copies?

- Expensive
- Access to law libraries may be limited
- ILL not typically possible for reference materials
- Photocopy restrictions possible, both normatively and technologically

A Few Works About *Veeck* (5th Cir.)

- Do regulations written by private entities, and adopted by reference by government actors lose their proprietary status by the adoption?
- 5th circuit says they enter the public domain
- Supreme Court denied *cert.* despite circuit splits (apparent conflict with *e.g.* 2d and 9th circuits.)



Copyright Law As Impediment to "Open Access"

- Most important problems are complexity of laws and lack of access to interpretive resources
- "Open access" paradigm of substantially more benefit to lawyers than to others
- Narrative of domination and subordination
- NGO resources directed elsewhere

Future Studies

- ▶ If Veeck decided as First Amendment case, effect on governments?
- ▶ Non-lawyers adopt DIY approach?
- ▶ Smaller disputes handled virtually?
- ▶ Open access court transcripts?

The End!

- Thanks.
