

# It Costs *How Much?*

Developing Student Critical Perspectives through a Discussion of Legal Research Costs.

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# About Me

I'm a Librarian at City University of New York (CUNY) School of Law – Public interest law school.

I introduce first year law students to legal research (2-credit course).

I teach Advanced Legal Research (2-credit course).

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# Why Critical *Legal* Information Literacy?

- Special authority considerations – derived from the state, with enforcement powers.
- Critical perspectives are aligned with social justice – of particular significance in the legal world.
- Understanding the power structures behind legal information gives us agency, self-determination.

# Why Critical *Legal* Information Literacy?

- Created by elected officials, paid for by the people.
- Critical perspective transfers to other areas of education, and future professional work.
- Helps develop advocacy skills.

# Critical *Legal* Information Literacy

- Describes legal information as a social construct.
- Connects legal information to the people and institutions that produce and publish it.
- Engages in reflection about who creates legal information, and who benefits from it.

Critical Legal Information Literacy: Legal Information as a Social Construct – Information Literacy and Social Justice: Radical Professional Praxis.

# Why Focus on Costs?

I'M GLAD YOU ARE TEACHING US HOW TO SAVE MONEY -- BUT CAN YOU TELL US MORE ABOUT THE POWER RELATIONS BEHIND THE SELLING OF "THE LAW?"

# Why Focus on Costs?

- ▣ Cost-effective legal research is important in the workplace.
- ▣ It can be very expensive.
- ▣ The legal information market is shifting.
- ▣ The legal information market is situated in an interesting economic political context that lends itself to discussion.

Why Focus on Costs? Expensive!

A pixelated speech bubble with a thick black outline and a grey drop shadow. The text inside is in a bold, black, pixelated font. The bubble has a tail pointing downwards and to the left.

WAIT, IT COSTS HOW MUCH?!



# Why Focus on Costs? Shifting Legal Information Industry

- The 90s and early 2000s saw several consolidations and mergers resulting in an oligopoly in the legal information industry (Westlaw, Lexis).
- In recent years, "next-gen" tools with the potential to disrupt the industry have emerged.
- These shifts provide a “crack” though which we can more clearly see the structures behind the legal information industry.

# Legal Information is situated in an interesting socio-political context

- Governs society.
- “The ability to know the law, to read the law, is essential to the functioning of our democracy”. Carl Malamud (founder of Public Resource.org)
- Created by governments, paid for by the people.
- Laws not copyrightable, in public domain. (????)
- Legal information’s role in access to justice, social justice.

# Ideas for discussion

- Discussion about costs and expenses is necessary for practical reasons – add a critical dimension to these conversations.
- Take advantage of the shifts in the legal information market – these changes can be a “crack in the wall” that allows students to more clearly see the power structures of legal information.
- Take advantage of legal information’s socio-political context.

# Access to Justice – Free Legal Information?

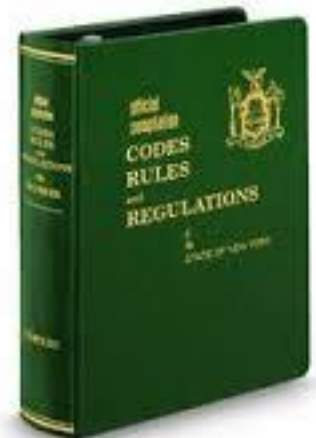
- Takes advantage of socio-political aspect of legal information.
- Does access to justice require free access to legal information? If so, to what extent?
- Who should be responsible for providing free access to legal information? How should it be funded?
- Do government relationships with commercial publishers hinder access to justice?

# Access to Justice – Free Legal Information? – Example: Regulations.

## **New York State Regulations:**

Official New York State Regulations published by Westlaw (print and online).

Unofficial New York State Regulations provided online by New York State.



# “Next-Gen” Legal Information Sources.

- Take advantage of the shift in legal information industry.
  - Traditionally, legal information is often treated as a commodity – how do crowd-sourced tools alter this paradigm?
  - Free or low-cost tools have the potential to disrupt the oligopoly – how does this change our perspective of the industry?

# “Next-Gen” Legal Information Sources – Example: Casetext.

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↑ **FIFA: The Bribery Case with No Bribery Charge**

Ⓞ This was a very exciting week for lawyers who are sports enthusiasts—the Department of Justice indicted fourteen FIFA officials, alleging that they are part of what one could conclude from reading the indictment is a massive, multifaceted, bribery ring. Informal allegations have been made before, and the whispers that FIFA... [continue reading](#)

👤 [H. Lowe](#) on May 29, 2015 • 🗨️ 3 comments • 👍 13 upvotes by [J. Heller](#), [P. Arredondo](#) and 11 others • 🗳️ 797

# Lawsuits about “Who Owns the Law”.

- Takes advantage of socio-political context of law.
  - Lawsuits illuminate power structures – particularly those controlling access.
  - Encourages interrogation of information sources.
  - Encourages discussion about who benefits (and who does not).



# Lawsuits about “Who Owns the Law” – Example: Standards lawsuit.

- Standards created by private organizations (For example: construction standards, educational testing standards, fire safety standards, aviation standards).
- Incorporated into law by reference – but standards organization still retains copyright, standards not available for free.
- ASTM v. Public.Resource.Org

Thank You!!