The HyperLaw Report

ONE BILLION DOLLARS FOR FEDERAL COURT TECHNOLOGY!

But, United District Court Judges keep electronic versions of opinions for themselves in private "Opinions Retrieval System"

ABA Committee to Consider Citation Issues.

On December 8, 1995, the American Bar Association Citations Issues Committee holds its first public hearing. Established at the 1995 Annual Meeting, the Committee follows up on work done in 1994 by a Science and Technology Section subcommittee and in 1995 by a Litigation Section subcommittee, both of which apparently recommended changes in citation systems. These subcommittees had been subject to industry pressure from certain opponents. Whether the new committee is immune from the same pressures has yet to be seen.

The statement of purpose for the committee is inauspicious. Among other things, the statement of purpose accepts the position of opponents to citation reform that different citation systems (i.e., non-uniformity) "would increase the cost of making opinions available, and the cost to lawyers and courts of obtaining and using these opinions." Because of practical problems in achieving uniformity, some feel that presenting the issues in this way may prejudice the direction the Committee will take.

HyperLaw believes that the goal of the committee should be to recom-

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In 1991, the United States Supreme Court started disseminating its opinions electronically. In 1993, all of the thirteen circuits of the United States Courts of Appeals began to release their opinions in electronic form, some 10,000 opinions a year.

But, the ninety-four United States District Courts have dragged their feet with only two of these courts making their opinions available electronically.

The reason provided by court spokespersons for the lack of availability of electronic versions of district court opinions is that the courts do not have the resources to make the opinions available electronically.

Information obtained over the past few months from the Administrative Office of the United States Courts and Congress shows, however, that the federal courts have been flooded with technology dollars over the past few years—as much as a billion dollars. This calls into question the rationale that cost is the barrier to opening up district court electronic information to the public.

Also buried in the 1995 Federal Judiciary Automation Plan (prepared by the Administrative Office and approved by the Judicial Conference) is the description of a semi-secretive program whereby over 100 federal district courts are operating court only databases of opinions, but denying

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U.S. District Court Private Opinions Databases

"The Opinions Retrieval System (ORS) has been offered to all trial courts and is being implemented in approximately 100 courts which have requested it. ORS allows judges and their staffs to make a full-text search of a database that includes local orders, jury instructions and other materials, and published and unpublished opinions of the court."

Long Range Plan for Automation in the Federal Judiciary, Fiscal Year 1995 Update, p. 23.

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access to the public. This program is known as the Opinions Retrieval System (ORS). Although court spokespersons downplay the extent of these systems, a Congressionally mandated report shows the ORS system operating in 100 courts (see sidebar page 1).

When queried by HyperLaw, Administrative Office employees knowledgable about the Opinions Retrieval System were unable or unwilling to identify even one district court in which and ORS system was operating, despite the clear representation to the contrary in the 1995 Judicial Automation Plan. The chair of the Judicial Conference technology committee **United States District Court Judge J. Owen Forrester** of Atlanta, has alluded to the courts searching their own case databases, but, again has been less than forthcoming about the extent of these systems.

In the meantime, all opinions of all federal district court judges are now created in word-processing format, with perhaps a few idiosyncratic exceptions.

The 1995 Federal Judiciary Automation Plan states: "The Judiciary Automation Fund created by Congress in 1990 has been used in part to place PCs in judges' chamber and libraries. Most chambers are now equipped with a PC for each staff member." (p. 23) . . . "There are approximately 30,000 PC's installed in the courts." (p. 45)

What does it take or cost to operate a BBS to disseminate these opinions? Of the several hundred million dollars in technology funds allocated to the federal courts each year are there funds available to disseminate the district court opinions in electronic form?

The United States Court of Appeals for the Second Circuit had this to say:

> "The variable costs of providing electronic public access are predominately the cost of 3 telephone lines which amount to approximately $30 per line per month, for a total of $1,080 per annum. It is believed that this cost is offset by savings to the Court which would otherwise bear the burden of providing the same information free of charge by means of public telephone inquiries to deputy clerks and personal visits to the office of the Clerk of the Court. In addition, costs to the bar and the public, who are geographically dispersed throughout the states of New York, Connecticut, and Vermont, are substantially reduced by the availability of electronic public access to court information.
>
> "The Court concludes that imposition of a fee for electronic access to its public electronic records at a rate in excess of 100 times variable costs would create a serious impediment to the promotion of public access to such information, and would be an unreasonable burden on the Court, the bar, and the public."

Another economical method to disseminate opinions is to use the Internet and the File Transfer Protocol ("FTP") capability, as is being done now by the United States Court of Appeals for the Eleventh Circuit (see FTP page 5).

The evidence is overwhelming that the reason that the federal district courts do not release their electronic versions of opinions has less to do with cost than with other factors.

Some federal district judges no doubt sincerely believe in good faith that electronic dissemination is a complex and costly undertaking. After all, this seems to be the official justification for non-action of the Judicial Conference and the Administrative Office (and West Publishing).

We hope that individual federal district judges will look beyond the official position and investigate why their courts are not releasing the electronic opinions.

OPINION DISSEMINATION: JUDICIAL POLICY DISPUTES

Clearly, many in the courts are operating under different premises as to judiciary obligations to disseminate opinions. Often, conversations with judges and court official just do not go anywhere. Part of the problem is the differences in perspective and in opposing, bu unstated, views on fundamental issues.

We think that it is important to describe some of these underlying policy differences.

Issue 1: What is the obligation of a court to disseminate an opinion?

Many believe that the fundamental role of a court is to decide individual cases and to disseminate the opinion to the public. One reason for this position is that in a common law legal system the public is deemed to have knowledge of the law, including the judge-made law reflected in the precedential opinions of the courts.

Others, including many judges, feel that a court's obligations is limited to making decisions and disseminating the opinions to the litigants in the action before the court. Dissemination thereafter is not considered by those to be a court's responsibility.

Tom Field, President of Tax Analysts, provoked a federal and state judge into saying just this at an AALL panel in Pittsburgh after suggesting that the courts have adopted an insouciant attitude in this regard (Judicial Information Policy, C-2, July, 1995).

Issues 2: If a court has an opinion in paper form and electronic form, is it obligated to make the electronic form available?

Court adjudicative records such as case files and docket sheets are presumptively open to the public. The question then is whether court opinions that are in both paper and electronic form must be made available in electronic form. This issue has been debated in connection with executive branch agencies and FOIA court cases for the past ten years. Many in government think that if they make the paper version available, their job is done.

Others believe that the electronic records should be made available on the same basis as paper records. The trend in FOIA cases as well as in legislation is to treat electronic and paper records the same.

The information industries have been pushing for access to electronic records for years. The 1995 Amendments to the Paperwork Reduction Act put the issue to rest at the executive agency level: the electronic versions must be made available as well. But those amendments did not apply to the courts: we can see no reason why the same policy should not apply to courts. See the sidebar discussing the Connecticut Freedom of Information Act at Page 5.

Issue 3: Is it appropriate for a court to profit by selling court opinions, that is to charge more than the incremental cost of dissemination?

Many in court systems see the sales of opinions to the public as a means to make money. This unfortunate trend is illustrated by the federal appellate courts selling legal opinions at $.75 a minute.

Others believe that the courts should not make a profit from selling the law to a public that is expected to comply with the law, and that in any event government, should not charge greater than the incremental cost of dissemination.

This issue was also fought out in the recent amendments to the Paperwork Reduction Act: and the answer would seem to be NO. The "no-profit" approach is that the courts are being funded to produce the opinions . . . and also funded to place them in electronic form, and that the opinions are positive law. Additionally the opinions cannot be copyrighted, so if one publisher pays for access, others can copy them. Charging for this material creates huge market distortions and actually acts as a disincentive for publishers to collect and disseminate the opinions, especially where the courts make them available free to competitive non-profit publishers such as law schools. See Paperwork Reduction Act, Page 7.

Issue 4: Should courts discourage the dissemination of opinions that they do not wish to have cited . . . the unpublished opinion question?

Some judges wish to limit the dissemination of opinions marked "not for publication". Other judges think everything should be released. Many judges do not wish opinions that they did not identify for publication to be broadly disseminated, notwithstanding that many have access to this information through Lexis and Westlaw. We think this issue lies in part behind the federal district courts' reluctance to release their opinion databases. See Martha Dragich, "*Will the Federal Courts of Appeal Perish if They Publish*," 44 THE AMERICAN UNIVERSITY LAW REVIEW 757 (1995).

NEW EDITION OF THE BLUEBOOK

The Bluebook is under revision and suggestions may be sent to the Harvard Law Review Association, Gannet House, 1511 Massachusetts Avenue, Cambridge, Massachusetts 02138.

Following are excerpts from HyperLaw's comments proposing changes for the Sixteenth Edition presented at an **American Association of Legal Publishers** meeting held on November 9, 1995 at Harvard Law School.

The major policy issue is to reverse the policy new to the Fifteenth Edition that permitted one not to include the official citation—after all, even the West reporters include the official reporter pagination.

This was one issue apparently not thought through by its proponents five years ago, but, again, who could have predicted the Citation Fight.

The complete text of HyperLaw's comments may be found at http://www.hyperlaw.com.

¶2 We believe The Bluebook should help resolve the differences that have resulted as to how paragraph numbers should be identified when a case is cited in the text of a document. For example, South Dakota uses the paragraph symbol (¶), but the AALL Report recommends that the symbol not be used. The Sixteenth Edition should explicitly establish a standard. [See Bluebook Rule 3.4].

¶3 HyperLaw agrees with the South Dakota approach: a paragraph symbol should be used within the citation appearing in text. It is clear and avoids confusion with sequence number citations, page number citations and Westlaw/Lexis '*' pagination. Where the symbol is not available, the abbreviation Para. may be used. Thus, the citation would be 3 S.D. 35, ¶¶3-5, not 3 S.D. 35, 3-5.

¶4 The rule should also discourage, if not prohibit, the use of paragraph numbers as opinion pin point citations where the paragraph number is not inserted by the court or agency issuing the opinion. This will avoid the type of confusion presented now by the existence of two different star (*) numbers used by Westlaw and Lexis. [See Bluebook Rule 3.4]

¶6 A paragraph numbering citation is the only way to provide an immediately available pinpoint citation, for otherwise, page numbering awaits print publication. In the case of unpublished opinions, page numbers are never assigned.

* * *

¶10 HyperLaw believes that the focus should remain on the key elements already provided by Rule 10.8.1, which are the case name, docket number, court, and date. Where a court elects to assign an official sequence number, such number can be added to the key citation information. (A citation system needs to account for situations where a court does not assign an official citation. A system also needs some redundancy and inherent meaning, which argues for the use of a docket number.)

¶11 In order to facilitate vendor neutral citations that are universal, these key elements already identified in rule 10.8.1 (b) should appear in all citations, even citations to opinions appearing in books. Citations to book and database locations should be considered optional secondary citations.

¶12 III. Rule 10.3.1 Parallel Citations — The Fifteenth Edition Gift to the "Relevant Regional Reporter"

The Bluebook should be careful as to undertaking rule changes that provide competitive advantages and allocate monopoly power to one publisher over another.

¶13 The Fifteenth Edition modified 10.3.1 (a) and (b) to eliminate the need in many situations to cite to official reporters. We do not believe that the Bluebook considered the economic and market impact of this change. The change was a blow to the market for official reporters and public domain citations, and a competitive gift to the publisher of the "relevant regional reporter." By restricting the market for public domain sources, competitive pricing and public access suffered.

¶14 The Bluebook should accord preference to the official reporters and citations established by particular courts. The Bluebook should not undermine the efforts of those in the judiciary.

¶15 Rule 10.3.1 should revert to the earlier version—requiring citation to the official reporter as a minimum.

¶16 In addition, Rule 10.3.1 should require citation to the key citation information (docket number, case name, and court), especially where there is no public domain reporter and citation. Among other things, citations to the key citation information would permit location of an opinion on any reasonably well constructed electronic source including on-line databases, the Internet, and CD-ROMs.

* * *

¶17 In no event should the sole citation authorized by the Bluebook be to the products of a sole commercial vendor. Rule 10.3.1 is anti-competitive, increases the costs of legal research, and makes it difficult for researchers not using traditional resources to locate precedent. Moreover, The Bluebook cannot ignore the fact that many courts require that citation be in accordance with The Bluebook.

¶20 A. The use of spaces in the Names of Sources of Information

The Bluebook does provide a consistent rule as to the use of citations within abbreviations identifying the name of reporters and law reviews. Thus, there is a space in F. Supp., but not in U.S. or F.3d. Most state reporters abbreviation use spaces, but regional reporter abbreviations such as N.W.2d do not. On the whole, law reviews abbreviations, such as HARV. L. REV. and HARV. ENVT. L. REV., use spaces.

¶21 In the electronic environment, the use of spaces within a unitary piece of information diminishes the uniqueness and therefore retrievability of the cited information.

¶22 First, in most full-text retrieval systems, each word is separately indexed, so HARV. ENVT. L. REV. is indexed under each of the constituent words. But, in some retrieval engines, single letters such as "L." are considered to be "stop" words and are not indexed at all.

¶23 If one were searching for volume 3 of HARV. L. REV., one could easily retrieve 3 HARV. ENVT. L. REV.

FTP—A Simple Cost-Effective Solution for Court Opinion Disseminating

How can a court most economically and efficiently fulfill its obligations to make electronic versions of opinions available electronically?

Some courts resort to elaborate gold-plated solutions—the Supreme Court's Hermes system comes to mind—with an in-house run BBS providing a host of capabilities, name searching, and more involving complex UNIX systems, modem banks, special phone lines and a lot of other incidental costs.

We suggest the use of the Internet capability known as FTP or "File Transfer Protocol" as the easiest and most economic way to go. A court would ues FTP and an outside Internet provider. A person wishing to obtain the files merely "FTP's" to the computer on the Internet.

For a court or a person seeking an opinion, it is about as easy as opening up Windows File Manager and using the mouse to copy files from one directory to another. In fact, that is exactly how it works—but, one of the directories is on the Internet FTP computer, not on your own.

So, how big a deal would it be for a District Court to copy new files in its Opinion Retrieval System computers to an FTP server on the Internet? We estimate no more than five minutes a day.

GAO Report on Judiciary Automation Fund. Excerpts

"Congress established the Judiciary Automation Fund (the Fund) in 1989 to create a stable, flexible multiyear source of funding to permit the federal judiciary to develop and implement long term plans for the effective expansion, management, and use of automation in the federal courts. "Fund obligations for fiscal years 1990-93 were about $351 million . . . The Fund does not cover the salaries and benefits—about $61.6 million in fiscal year 1994—of about 1,287 automation staff located in these local courts and offices" (Summary).

"The federal judiciary is a highly decentralized organization with a long tradition of local court autonomy. A fundamental automation challenge it faces is providing flexibility for local courts while providing cost-effective national solutions . . .The Judicial Conference of the United States is the policymaking body for the judiciary. The AO recommends IRM policies to the Conference and implements the policies adopted by the Conference. The AO generally cannot require local courts to adopt national standards or IRM standards unless authorized to do so by the Conference, nor does the AO generally have the authority to grant or deny local court requests for exceptions to national requirement. Such exceptions must be approved by the Judicial Conference Committee on Automation and Technology" (p. 2).

Judiciary Automation Fund: Reauthorization Should Be Linked to Better Planning and Reporting, General Accounting Office, June 30, 1994.

Bluebook Rule 3.4. If an authority is organized by sections (§) or paragraphs (¶), cite to these and give a page number only if the specific matter cited could not otherwise be readily located within the section or paragraph.

Excerpts from Connecticut Freedom of Information Act.

Sec. 1-19a. Disclosure of computer - stored records. Acquisition of system, equipment, software to store or retrieve nonexempt public records. (a) Any public agency shall provide, to any person making a request pursuant to this chapter, a copy of any nonexempt data contained in such records, properly identified, **on paper, disk, or any other electronic storage device or medium requested by the person**, if the agency can reasonably make such copy or have such copy made.

* * *

(c) On or after July 1, 1992, before any public agency acquires any computer system, equipment or software to store or retrieve nonexempt public record, **it shall consider whether such proposed system, equipment or software adequately provides for the rights of the public** under this chapter at the least cost possible to the agency and to persons entitled to access to nonexempt public records under this chapter.

Federal Court Facts

- More computers than employees.
- Over 1600 employees dedicated to computer support tasks.
- All court decisions are prepared on word processing systems.
- Over 1 billion dollars funded for technology in last several years.
- Only two of ninety-four federal district courts make opinions available in electronic form.
- Some District Courts operate systems which provide full-text retrieval of that court's opinions—but available for judges only. It even has a name: The Opinions Retrieval Systems.

National Center for State Courts—HyperLaw 1992 Public Access to the Law Policy Article—Too Controversial to Publish?

ELECTRONIC DISSEMINATION OF INFORMATION BY COURTS: PUBLIC POLICY ISSUES

by Alan D. Sugarman

With the reduction in costs of computer technology and the continued implementation of technology in courts, have begun to establish electronic bulletin boards and other electronic methods to disseminate judicial information such as judicial decisions and docketing information.

This article considers some public policy issues raised thereby.

One convenient starting point in evaluating these issues is the policy guidelines recommended by the Information Industry Association (IIA) concerning public information access policies that should:

√ Guarantee the public right of access to public information, regardless of media.

√ Guarantee equal and timely access to public information in all available media.

√ Prohibit government agencies from charging fees for public information that exceed the marginal cost of distribution.

√ Prohibit any person, public or private, from exercising monopoly control over public information.

√ Prohibit government agencies from asserting copyright, or copyright-like control, over public information.

√ Promote a diversity of sources, both public and private, for public information.

√ Guarantee that the public will have an opportunity to participate in government decisions to create, modify, or terminate significant public information activities.

Limitations and restrictions upon the flow of court information violate other fundamental principles. The United States Supreme Court has repeatedly held that the public has a presumptive right of access to court records, based not only upon the tradition of the common law, but on rights of access guaranteed by the First Amendment.

Also, since the judicial information affects rights and obligation of the public, other fundamental rights are involved. In our common law system, citizen rights and obligations are subject to court developed case law; any restrictive practices that may limit the widest access to case law accordingly are constitutionally suspect.

As well, access to docket sheet information is presumptively public: parties to the litigation, at least half of which appear involuntarily, are presumptively deemed to have the right to unqualified access to such information—non-parties to the litigation may be affected as well, for example, to protect rights to intervene.

Thus, public access rights to and dissemination of this core judicial information should not be deemed to be a burden on the courts and should not be considered a potential profit center, but rather part of the core responsibilities of the courts.

For example, the federal courts PACER pilot program is underway to make docket information available via computer bulletin boards. The IIA policies would indicate that charges for the bulletin board should not exceed the marginal cost of distribution. What does this mean?

Initially, these docketing systems were developed for the internal functioning of the courts. The cost of developing and maintaining the computerized systems and in preparing the data included therein are part of the internal administrative and operating costs of the court. This is funded in the 2.4 billion dollar budget for the federal court system.

The incremental costs of installing a personal computer and two or three telephone lines and modems are insubstantial.

Transactions costs for supervising the billing and collection funds and administering and monitoring passwords and usage do not occur on a non-usage based fee system or a free open system.

If clerk time is reduced, arguably the marginal costs are negative. Many conclude that the $1.00 per minute charge that the Administrative Office of the United States Courts suggests for access to the PACER system is grossly excessive.

Other questionable practices followed by some courts relating to electronic dissemination include:

· Exclusive arrangements to provide electronic opinion files only to certain outside publishers, but not to others or to the general public.

· Confidential secret written agreements between courts and publishers and printers relating to the publication and printing of those opinions.

· Removing information such as pagination information, dates, and publicly funded headnotes from publicly available electronic files.

Despite financial pressure, court personnel need to be cognizant that the courts are not in the business of making profits on the sale of information to which the public has a first amendment and other established rights of equal access.

Alan D. Sugarman is President of HyperLaw, Inc., publisher of Federal Appeals on Disc tm CD-ROM. c. 1992-1993.

In 1992, this article was submitted to the National Center for State Courts for publication in its Court Technology Newsletter. Apparently, the article was considered too controversial. First, we were told that it would be published, then we were told that it would be published when a rebuttal was prepared, and then it was dropped.

Why—to many in the courts, these principles are considered heretical—although now, at least for executive agencies, the 1995 Amendments to the Paperwork Reduction Act has implemented some of these concepts into law.

We think the National Center should allocate more research and support resources to court dissemination of opinions and to issues such as programs to paragraph number opinions.

1995 Amendments to Paperwork Reduction Act: Government Not to Profit in Selling Information

The 1995 Amendments for the first time established a legislative mandate that government agencies not sell information at a cost greater than the incremental cost of dissemination. Unfortunately, the Judiciary is not subject to the Act and can continue charging for information at rates ten to one hundred times the incremental costs: 75 cents a minute for Pacer access to opinions, and 50 cents a page for photocopies (across the street from the courthouse, it is as low as 4 cents).

Note: These excerpts were compiled by **James Love**, Taxpayer Assets Project, and posted on the Internet)

Public Law 104-13, 104th Congress

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"3506. Federal agency responsibilities.

"(d) With respect to information dissemination, each agency shall—

"(4) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

Colloquy Between Representative Connie Morella (R.MD) And William Clinger (R-PA) On Pricing Waiver Paperwork Reduction Act 1995 Amendments

[Congressional Record: February 22, 1995 (House)]

[Pages H2010-H2029]

Mrs. MORELLA. Mr. Chairman, . . . I would like to engage in a colloquy about one section of the bill that has been brought to my attention by some of my constituents, section 3506(d)(4). As you know, Mr. Chairman, this section of the bill would permit the Office of Management and Budget to waive the cost of dissemination rule regarding information dissemination to the public. I know that you share my belief that the Federal Government should not be in the business of profiting from its information resources and that the report language in H.R. 830 reflects your convictions in this regard and, further, Mr. Chairman, I know that you are committed to refining the language in this section in the conference committee.

The report language states very clearly that the user fee waiver provision exists in the bill only to provide some flexibility in the event of unforeseen rare instances where there is a compelling need for a user fee, a compelling need, and that compelling need, Mr. Chairman, is to be directly related to the information in question rather than to any fiscal motivation on the part of Federal agencies.

Is that your understanding of the provision, Mr. Chairman?

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, the gentlewoman is absolutely correct.

Mrs. MORELLA. And also, in other words, Mr. Chairman, the committee is in no way authorizing the Office of Management and Budget to routinely permit the levying of broad user fees aimed at earning revenues for the Federal Government and, on the contrary, the committee has specifically stated in its report that the granting of waivers will be rare and that the authorized terms and conditions will narrowly circumscribe any waivers? Is that correct?

Mr. CLINGER. If the gentlewoman will yield further, that is absolutely correct. This is not a fundraising device. This is purely a very rare and probably exceptional kind of situation that might arise where an agency would be entitled to retain some of the funds, but it requires a very difficult procedure to get that approval and would be used in only exceptionally rare circumstances.

Mrs. MORELLA. I appreciate the gentleman stating this for the record, and I know that you are committed to aggressively pursuing the intent of this bill with regard to this section and that the committee will act swiftly to curb any abuses of the provision.

I thank the gentleman very much for this very important clarification.

(ABA Citation Issues Continued from page 1)
mend that courts establish opinion identification citations and pin-point citations that are immediately available, rather than to come up with a uniform citation system. HyperLaw also believes that any specific recommendations should be feasible in complex jurisdictions with large numbers of published and unpublished opinions where there are not currently publication committees or official reporters.

The Chair of the Committee is **J. D. Fleming, Esq.**, from Atlanta, Georgia. According to Mr. Fleming in a letter dated November 30, "budget and time constraints require this meeting to be narrowly focused and will not permit the meeting [of December 8] to be open to the public. Attendance will be by invitation only." In an earlier statement dated November 16, 1995, the Committee stated that in order to be considered for invitation to the December 8, 1995 meeting, one had to submit written comments prior to November 20, 1995. Most people first became aware of the Committee's solicitation for comments as a result of Internet postings by **Eleanor Lewis** of the **American Association of Legal Publishers**.

The Committee further stated that it sent out notices to interested persons in October. The HyperLaw Report has yet to learn of a citation reform advocate who received direct notice from the Committee. One thing for sure—it would be a good idea if the Committee would proactively use the Internet to solicit comments and circulate drafts. Despite the false start, it now appears that the Committee is geared up to address the issues.

Committee members are:

J. D. Fleming, Atlanta, Georgia, Chair.
Robert W. Barger, Immediate Past Chair, ABA Section of Science and Technology (Basking Ridge, New Jersey).
James A. Carbine, Co-chair, Trial Practice Committee, ABA Section on Litigation (Baltimore, Maryland).
Professor Partricia B. Fry, Council Member, ABA Section On Business Law (North Dakota).
Robert E. Hirshon, Chair Elect, ABA Tort and Insurance Practice Section (Portland, Maine).
Judge Thomas S. Williams, Vice Chair, Court Management and Administration Committee (Wisconsin).
Carolyn B. Witherspoon, President, Arkansas Bar Association (Arkansas).

Liason Members are:

Noel J. Augustyn, Administrative Office of the United States Courts.
Judge Danny J. Boggs, United States Court of Appeals for the Sixth Circuit for the Judicial Conference of the United States (Louiville, Kentucky).
Lucian T. Pera, Board of Governors, American Bar Association (Memphis, Tennessee).
Rita T. Reusch, American Association of Law Libraries (Utah).

The Committee's Staff Director is:

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American Bar Association
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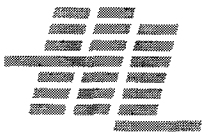
Summary of HyperLaw, Inc. Comments To ABA Citations Issue Committee



For Consideration at the Meeting Of the Committee to be held December 8, 1995.

- The Committee's mission statement contains conclusory statements that should await completion of the committee's work, and, therefore, should be revised.
- The Committee should recommend: an authoritative immediately available citation for court opinions.
- An immediately available citation would be essential, even if there were no proprietary claims to citations.
- The Committee's primary focus should be on information needed to be conveyed by a citation, not on the form of the citation
- Definitions need to be clear and precise.
- A public domain citation is not necessarily a vendor neutral citation.
- Paragraph numbers are the best method to pin-point cite opinions.
- Docket numbers should be included in the opinion identifier citation.
- Court rules should expressly discourage the use of pin-point citations other than the official paragraph number pin point citation, as per Bluebook Rule 3.4.

Hyperlaw's complete comments may be found at http://www.hyperlaw.com