

PART III LOCALIZING LEGAL LITERATURE

CHAPTER 13

LOCALIZING LEGAL LITERATURE: CONCLUSIONS AND FUTURE DIRECTIONS

The Toronto seminar out of which this volume has emerged took place at Osgoode Hall Law School, York University on November 3rd-5th, 1978. It was attended by nineteen people, who between them could claim substantial first-hand experience of the problems of legal literature in over forty jurisdictions. The participants were academic and practising lawyers (including one former judge), law librarians, government lawyers, including two parliamentary draftsmen and two specialist law reporters, a sociologist and a publisher. By far the largest group were law teachers; it is probably fair to say that private practitioners, publishers and information scientists were under-represented.

The main objectives of the seminar were as follows: first, to report on and evaluate the pilot project, especially by discussion of the papers and other material presented at the seminar; secondly, to exchange information and ideas about problems and how they had been tackled in the jurisdictions of which members had first-hand experience; thirdly, to explore how far there was a shared general problem of localizing legal literature and information and fourthly, to consider suggestions for future research and action. Since this was an informal seminar attended by individuals in a personal rather than a representative capacity it was not considered appropriate to make a series of formal recommendations. The purpose of this concluding chapter is to try to draw together some of the general themes which emerged from the seminar and to put forward some suggestions for future activities. Although what follows draws heavily on both the working papers and the notes of the proceedings, the interpretation and the specific suggestions are the responsibility of the editors and do not necessarily represent the views of all those who attended, unless this is specifically indicated. However, it is fair to say that there was general agreement on two points: first, that there is a genuine problem of localization of legal literature and information and that this problem had not received sufficient attention in the past, particularly from governments and the law school community. Secondly, it was unanimously agreed that there should be some co-ordinated follow up to the pilot project. While it was recognized that the main task of confronting problems of localization must be undertaken by local people, it was the general feeling of the meeting that some useful purposes could be served through internationally co-ordinated activities by bodies such as the Commonwealth Legal Education Association and I.C.L.D.

What follows then is an attempt to distill some of the more general lessons of the pilot project and the seminar, with particular emphasis on practical steps which can be taken both locally and internationally. After a brief consideration of the what and why of localization, we consider how a group of local people might set about diagnosing and tackling the problem of improving local provision of information about law in a systematic way. We consider in turn problems of establishing priorities; creating awareness; allocating responsibilities; mobilizing and providing incentives for various kinds of producers; questioning stereotyped assumptions about types of publication; different approaches to publication and the potential significance of new technologies; problems of distribution and finance and ways in which local efforts may be co-ordinated and possibly institutionalized by, for example, a Law Information Council or Information Centre. In the final section we consider possible directions for future research and some suggestions for initiatives at the international level.

STRATEGIES FOR PLANNING AND PUBLISHING

Approaches to Localization

In the papers, and in the discussions, the value of practical attempts to 'localize' was assumed, although it did not go unquestioned. Certain difficulties accompany the attempt to define 'local' in relation to legal literature; it is obviously a more flexible term than 'national' and it could be equally desirable, in different cases, to be very local, for example in creating literature for a people with a separate language in a remote part of Papua New Guinea, or to extend the concept right up to regional level, such as examining the possibility of co-operation in legal literature projects among the island nations of the Pacific. It was not the task of the pilot project to make assumptions about the desirability or extent of localization, as this is a matter best discussed within, or between, jurisdictions, but there are some points which one might expect to take into account in considering why and when it is important to localize.

The 'why' question can be connected with a number of factors; it may be linked to nationalist feelings and to the desire to establish, or maintain a separate legal culture. It follows from the understandable assumption that a legal system, and therefore legal literature, should take account of local conditions, values and cultural traditions. The point was made at the seminar, in connection with the paper on East Africa, that there are dangers in viewing different jurisdictions as having homogeneous needs; the kind of constitution the country adopts, the prevailing ideology, the kind of law it opts for, the extent of foreign influence are going to affect the legal literature it seeks to develop. Linked to these are the political and social goals of the country, which involve questions about the roles of lawyers and the appropriate legal education for those roles. It is also clear, and is illustrated by the papers on Sri Lanka, the Sudan, Papua New Guinea and Ethiopia that localization is related to the issue of language, which is important in the operation of the legal system on the ground and in legal education where students need, at least, to have command of the language in which sources and texts are written. Also in the educational sphere, there is the point that legal situations should be comprehensible to local students in the cases and texts they are reading. Local legal literature is also central to the operation of the legal system in the straightforward sense that if judges are not aware of the details of applicable legislation and decisions they are not going to administer current law, and Michael Gaiger's paper on the Sudan suggests some of the implications of this.

There is no general answer to the question 'when is localization important?'. It is true that to some extent the common law world has a unity and that one can, to a degree, get by with foreign sources, but this is an inherently unsatisfactory position. Equally, it may be foolish to pursue an extreme of cultural isolationism, just as it is foolish to think of law as 'pure' and divorced from society. At the root of the debate over this issue are differences of emphasis on the value of local traditions and culture on the one hand and the use of highly developed legal technology on the other. Professor Paul's paper on Ethiopia draws our attention to the problems attendant on adopting a single, centralized model for localization and suggests alternative viewpoints. Within this balance it is clearly sensible to localize, for example, areas of law affected by local custom, or, within a multi-lingual society those aspects of the legal system, law and administration of justice which directly affect people who know only the local language, or areas in which local economic and social conditions, prevailing ideas or government policies are peculiar to the jurisdiction.

Problems of Establishing Priorities

It we imagine some brave group of people who have decided to tackle the task of planning for legal literature, their first hurdle would be to establish a set of priorities, an issue which can only be confronted in the jurisdiction itself. On a fundamental level this might involve consideration of the current structure of the legal system and the role of legal literature and information within it, and a prime difficulty could be establishing who sets the priorities and whose definition of 'need' they are designed to meet.

The orthodox model assumes that legal literature should provide for the day-to-day needs of private practitioners, the judiciary and all other participants in the legal process, for the learning needs of law students and for the general legal interests of professional lawyers. A caveat should be entered here concerning the obvious dangers in an unthinking approach to planning; for example in some instances there are strong arguments for avoiding a rigid formulation of existing customary law principles and procedures, while the creation of a technical legal literature designed solely for professional users may make understanding of, and access to the legal system more difficult for the general public. Beyond the orthodox model priorities can be defined in relation to the need to inform the non-lawyer specialist or intermediary, and ordinary citizens, and to forward communication between legal scholars both internally and internationally and between lawyers and scholars in other disciplines. In addition to the importance which can be attached to the provision of particular types of work, some qualitative standards can help to define priorities; coverage and comprehensiveness, comprehensibility and accessibility to users, efficiency and utility, up-to-datedness, cost-efficiency and so forth.

A preliminary step in any jurisdiction, we suggest, should be to take a cool, hard look at the existing provision of literature and information, and not only to measure this against the ideal, but, perhaps more significantly, to diagnose those deficiencies which really matter. But here is an immediate difficulty - 'matter' to whom? A problem arises when any thought is given to an overall programme, or a 'national plan', as the interests and priorities of different groups - government, profession, law school - frequently clash; the books the academics want to write are not the books which the profession feel are needed and so forth. The implications of this divergence of views are considerable, as it prevents the full mobilization of resources; the government may

have the money, the law society may have a ready distribution network, the academics may have the expertise and time to write, but these capabilities are rarely pooled. Different perceptions of need may not only complicate planning, but also block initiatives when they are made. In the course of the seminar we heard accounts from at least three jurisdictions of resistance from the judiciary and bar to new arrangements for law reporting, and from as many as six of the low importance given by private practitioners to improving, or even using legal literature.

On the level of implementation, assuming a consensus about aims is reached, the location of available resources - human, technical and financial - involves examining processes and participants in all stages of the creation, distribution and use of legal literature. Who and where are the potential authors, editors, law reporters, compilers of reference works? What means are available to produce the required works? How much does, or could, the government printer undertake? Are local publishers and printers able or interested in publishing legal works and how efficient would this be in terms of cost? Are other facilities available such as government or university reprographic units? Are there publishers, printers and bookshops who could handle distribution?

Lastly, and perhaps most significantly, in view of the influence they are likely to exert, is the question of who pays the bills? How many potential purchasers are there? Do they have the money or inclination to pay for the literature produced? How much does, or could, the government contribute? Are there existing subsidy schemes for legal literature - if so, could they be better used, and if not, could they be established?

All of these factors, and the way they interrelate, can determine feasibility with regard to priorities; for example a good subsidy fund may be established, but this is not very useful unless the authors can be found to write the books. In a sense to talk of constraints is partly to view one's resources from a different standpoint, but apart from these practical considerations some jurisdictions may face problems both in the choice of language(s) to be used and in the lack of translators trained in legal terminology. In many developing countries the rapidity of change and the constant appearance of new legislation may create major problems in respect of legal material; first there is the simple difficulty of keeping up-to-date and, second, legislative change may make nonsense of the production of detailed scholarly works since as soon as they are published they may be rendered virtually obsolescent or only of historical interest - the gestation period of such a work may be longer than its 'useful' published life. Finally one must recognize that in some jurisdictions there may be inhibitions on the freedom of communication and the predominance of a particular political or legal ideology may be inimical to standards of comprehensive coverage or critical evaluation of the law and the legal system. To inject a further note of pessimism in connection with planning, one of the participants noted gloomily 'Even if you have a national plan and build high hopes, if the government changes all the work goes down the drain'.

EXPLORING PRACTICAL INITIATIVES

Creating Awareness

A precondition of action, even in terms of planning, is the recognition that there is indeed a problem, or set of problems, to be solved, and it may be worth at this point examining some of the ways this awareness is reached. It was suggested at the seminar that certain developments (which may overlap) can draw the provision of legal literature into the forum of public debate. Such factors may include changes in official ideology, a surge of nationalist feeling articulated in official policy with regard to law, a programme of law reform, an official language switch-over, the development of a law school or the rejection of foreign aid for a planned programme. On a more detailed level awareness can be provoked, or a start in this direction can be made through the initiative of individuals or particular groups: the example of the editorial in the Hong Kong Law Journal which led to the formation of a working party on law reporting drawing in government and professional bodies; the efforts of Scottish academics in founding the Scottish Universities Law Institute, whose board also includes representatives of different branches of the profession; the efforts of the Law Reform Commission in Papua New Guinea to popularize the discussion of issues relating to law; the work of the S.P.T.L. Working Party in the U.K. which has stimulated activity among publishers as well as academics. It is interesting that when a 'pressure group' is 'institutionalized' as in the case of the Canadian Law Information Council, it can continue to draw more new issues into the debate, while provoking action on those already under consideration: indexing law reporting, the applications of computers, gaps in secondary literature, law for the layman, law in schools and so forth. A prime strategy must be to initiate and support projects which involve detailed discussion and enquiry of the local situation with regard to all aspects of legal literature.

Almost all the papers, and certainly the discussions at the seminar suggested that as soon as a problem was diagnosed, one quickly had to confront the issue of allocation of responsibility. Abdul Paliwala says in the introduction to his paper on Papua New Guinea that 'Documentation is power: the better documented legal system always dominates over the less well documented'. It was, however, argued at several points in the seminar, that power can reside equally in silence. It may well be in the interest of certain groups to resist full documentation and wider publication; for example a government may wish to avoid the public accountability attendant on the reporting of tribunals, or powerful specialists at the Bar may wish to keep their expertise and knowledge of recent cases to themselves in the interest of their practice. The problem posed by such vested interests may have to be confronted at the outset.

There is no doubt that one of the factors which appear to have inhibited the development of local legal literature is the absence of any agreed distribution of responsibility for the production of different classes of material. This is the biggest single factor in producing the ad hoc growth of legal literature as publications are produced in response to market demand or individual interest and not in response to perceived 'need'. Solving this problem obviously involves uniting, to some degree, the diverse interest groups mentioned earlier. One strong recommendation improving current provision may be the simple recognition by all groups concerned with the production and use of legal literature that there is a problem and that the case for improvement should be made at national level. That the provision of legal information deserves a reasonably high priority in allocation of government resources and that there should be a clear allocation of responsibility for these matters within the public sector. That regular, up-to-date and efficient publication of primary sources of law, in particular, together with proper digests and indexes, is an important matter which should be a function of government, with responsibility precisely designated, adequate resources provided and the need for speed and accuracy emphasized to those charged with editing, printing and publication - including in respect of Government Printers' schedules. To minimize difficulties of reprinting copyright, wherever possible, should also rest with government.

It was interesting that there was general agreement that government responsibility should extend to law reporting where reports were considered to be an essential source of law. The idea that law reporting can safely be left to commercial publishers has proved to be incorrect simply on economic grounds, in jurisdictions with very small markets, and the examples of Ghana and Northern Ireland where there are statutorily established law reporting bodies funded by government, suggests that centralized law reporting systems can operate on this basis without executive interference.

It was not suggested that the government should bear the whole responsibility for financing and publishing legal information. Other institutions involved with legal system and legal education can, and indeed should, take some of the burden of financing and implementing programmes in this field. For example the provision of reports could be assigned to the Bar where the local Bar is well developed. This would take the strain off Government departments and printers. Professional and educational bodies are already contributors to a varying extent in different jurisdictions but in terms of strategies it is worth considering whether the current ad hoc and unsystematic patterns are the most effective, or whether more formal arrangements might be more productive.

Motivating Producers of Legal Literature

One helpful perspective at this stage may be given by thinking in terms of different kinds of general strategy - the need to maximize resources by providing incentives for potential producers of legal literature, and, where appropriate, providing training in certain skills.

Primary Sources

If we look at 'producers' in relation to primary sources it is clear that in many jurisdictions there are no professionally trained draftsmen or law reporters and that where they do operate their task is already difficult, their work is behind schedule and they lack sufficient personnel and time to clear the backlog of work, let alone take on substantial extra tasks such as preparing a revised edition of the statutes, compiling collections or restatements of customary law, preparing indexes or extending the coverage of law reports. The session on legislation, led by Barney Young, that on law reporting presented in the light of the Ghana experience by Kofi Tetteh and Greg Kane, with the latter's paper on Law Reporting in the Commonwealth (Commonwealth Secretariat 1975) illustrated vividly some of the constraints which affect these fields.

The workshop held on publishing strategies suggested several points. Firstly that this is one area where international co-operation could be effective, although there was a strong feeling that the aid or support given should be appropriate, for example it would be more useful for a proposed editor of law reports to be sent to a country with similar resources to his own to see how the task is tackled, rather than to a mammoth organization in the U.S. whose manpower, finance and technological support was virtually unlimited. However international co-operative schemes could be supported and extended, such as the proposal put to the meeting of Commonwealth Attorneys General that a post-graduate diploma course in legal drafting and theory be established in the West Indies by the Council of Legal Education. Such regional centres could be used by other jurisdictions which are unable to set up their own courses and perhaps similar ventures could be developed for law reporting. Secondly, in considering the need to find and train people for drafting or law reporting, it was felt that young lawyers were deterred from this kind of work because it affected their future hopes for practice and could be a 'dead-end'. In planning for such publications thought should be given to earning and career possibilities for those involved, and this might involve diversifying their work by incorporating it with other ventures such as a legal aid office or more general legal information centre.

Secondary Literature: The Role of the Law School

It should not be assumed that the personnel involved with the production of primary and secondary literature are necessarily different, but this may be a useful distinction in terms of strategies. For example if we turn to professional lawyers as potential authors of reference and secondary works, while their contribution has been significant in some cases, they tend to lack the time and financial or prestige incentives to devote themselves to generating legal literature. Yet in jurisdictions without a law school they may be the sole resource and it has been suggested that they may be prepared to write if a local law journal exists, or is created, and might be attracted to do so if they felt this enhances their own, or their partnership's reputation.

It has been commonly assumed that the existence of a law school will largely solve the problem of producers, and indeed the papers on Hong Kong, Ethiopia, Sudan and East Africa demonstrate that some law schools have made this assumption themselves, partly prompted by frustration at the lack of material for legal education. However it is clear that having a local law school does not necessarily offer an easy solution, and it may be worth expanding on this theme as it does illustrate the complexity of planning, implementation and motivation.

The theory is that because academic lawyers have more 'leisure' than private practitioners and judges the main burden of performing certain tasks should and will be borne by them. These tasks include editing law reports, editing digests and secondary reference works, writing student textbooks, systematically acting as sympathetic critics of the legal system, participating in law reform, writing works of original scholarship and editing periodicals. Our impression is that there is immense variation in the extent to which local law schools make a contribution to this work, and that practitioners often express disappointment or are critical of the performance of academics in this respect.

A preliminary question is how realistic is it to expect a law school to make such a contribution. There are, in fact a number of reasons why a particular law school may not fulfill its expected role, and these are underlined if one imagines a small, fairly recently established law department in a developing country. First there may be a few full-time academics, and the total amount of 'leisure time' within the institution may be really rather small - it may be understaffed, facing heavy teaching demands, with senior members also carrying administrative burdens within the university. If there are expatriate staff they may have prior commitments not related in any way to the jurisdiction, while local lecturers may be under pressure to complete research degrees. A high turnover of staff may militate against continuity in major projects. Secondly there are few incentives to academics to undertake the tasks listed above; typically, they are unpaid and the individual academic may feel there are other activities which will either be better remunerated or will further his career or will be more intellectually interesting. Not only are such tasks as law reporting, compiling indexes and citators etc. not considered prestigious within the academic world, but they may require skills which the academic would not necessarily possess or, alternatively, the academic may be considered overqualified for the job. In some cases, of course, potential authors may not only be frustrated by lack of reward but actually deterred from writing on certain subjects for fear of repression.

Thirdly, the choice of research topic is generally considered to be part of the individual's academic freedom. There is no traditional connection between individual research priorities and conceptions of national or local professional needs. In addi-

tion most academics like to maintain a fairly close connection between the subjects they teach and their research. Apart from the writing of scholarly or educational works none of the tasks mentioned is a recognized part of the accepted obligations of academics and, when undertaken, are done in the spirit of the 'volunteer' rather than through a sense of duty. Moreover it must be admitted that few academics plan their research time systematically and it is often the case that they become involved in commitments and undertakings on a fairly random basis.

There are other points related to local research: often post-graduate work is done abroad where the facilities are not suitable for researching into the legal problems of the student's own jurisdiction, and some of the research required locally may not, in any case, fit into the format of orthodox qualifications. There is often a tension between local need and international academic prestige, and the desire to reach a wider audience may prompt an author to by-pass both local outlets and local topics. Those interested in pursuing local research may face problems in terms of the accessibility of their data and source materials - there may be no official archives, or incomplete and badly catalogued ones, or the sources they need may be in a different language or languages. This is mentioned in the paper on Hong Kong where the holdings of the Public Record Office are extensive and well-indexed yet the material is chiefly in Chinese (a language which only one person in the law department can read with ease). Empirical researchers may encounter yet further difficulties of access and communication.

If some formal institutional commitment were worked out in liaison with the government and the profession, whereby the law school took direct responsibility for producing certain kinds of legal literature, or committed itself to specific involvement with a centre dealing with legal information some of these problems might be resolved and the contribution of academics might be improved and regularized. This would be helped by the harmonization of the structure of incentives and prestige for local academics with perceived national needs, and by the provision of resources to allow for release from heavy teaching loads, research and secretarial assistance for the accomplishment of the agreed tasks. Possibly there could be specific financial incentives for authors in so far as the work is not part of their formal duties, or post-graduate research could be diverted to local needs by means of special scholarships, providing the requirements of the desired qualifications could be met. In some countries a high preference for scholarships is placed on topics related to national development, but such policies, usually relating to the sciences or social sciences have not often been applied to law. Interestingly, the Isle of Man, which has no law school, encourages local writing by offering an annual prize for the best monograph on local law submitted by those studying for the Bar examinations.

Revising Notions of Types of Publication

At this juncture it might be pointed out that conventional views as to who are the producers of legal literature are worth revising. In some jurisdictions we have found that the secondary works being used by students and professional lawyers do not always emanate from 'academic' writers as usually perceived and the works themselves exist on rather an informal level. One thinks of law reform commission reports, booklets produced by pressure groups and advisory bodies, which may be the only review of the law available in a particular area, works produced with the general public rather than the professional users in mind such as the very comprehensive and successful Legal Resources Book 1977 published by Fitzroy Legal Services in Victoria, Australia, or the duplicated copies of lectures, not only those given at universities, but by local Law Societies and Magistrates Associations.

In the context of motivating producers efforts should be made to see that such coverage is not wasted, both by collecting all informal publications centrally and by persuading the people involved to see their activities as part of the legal literature spectrum, presenting reports in readable formats, putting lectures into some permanent form (even if only duplicated notes) and making their availability known.

This brings one to consider a further general strategy, or approach, which is the need in certain cases to revise one's attitude to what constitutes 'proper' types - and as discussed in the next section - forms of legal literature. This may also be linked to exploiting or making better use of the existing outlets. One can give examples of adjusting preconceptions at all stages of the 'orthodox model'. For example in connection with legislation it is assumed that a continually up-dated index is required, but it has been suggested that for all small jurisdictions subject guides and chronological tables, such as those compiled for the Isle of Man, could be compiled more easily, and would provide an efficient means of ascertaining the position of every act, and could be used by administrators, legal profession and draftsmen. With regard to law reporting, a jurisdiction which cannot afford a sophisticated series of fully edited reports can at least make judgments available to the profession and public by adopting

the device such as the Northern Ireland 'Blue Book' where the printed judgments are simply photocopied with subject matter reference and full introductory notes, staple bound and are sold as quarterly instalments.

If a series of textbooks covering the whole spectrum of the law appears impracticable or unattainable, attention could be paid to short explanatory annotations of recent legislation, a local journal could commission series of articles on cognate aspects which could be re-issued in booklet form, lecture handouts and teaching materials could be bound in a permanent form, local journals can combine topical and academic articles with an information service for the practitioner, on the lines of the Hong Kong Law Journal or Northern Ireland Legal Quarterly. In view of problems of ephemerality where there is rapid legislative change, alternative formats for text books, such as loose-leaf, or part publication may be appropriate, and other expedients can be reviewed. There are real problems, with both intellectual and financial aspects, in balancing the requirements of author and publishers against goals of localization in view of the need to appeal to local markets, to satisfy the customers' particular interests, and to maximize sales. One position, put quite strongly at the conference was 'if you want literature that is responsive to local needs you have to ignore international markets even if it cuts your sales by 50%' - hard words for a journal editor trying to build up subscriptions. This position also implies putting aside considerations of status and, to some extent, compromising on content. As one author put it 'you have to respond to local expectations. You have to create values but you must also relate to the existing situation. You must not write merely what they want, but give something of what they want and then stimulate them further'. This does involve accepting, not only different types of work, but different forms and standards of presentation.

Different Approaches to Publication

Common perceptions of the standard of publication acceptable to users of law books have been formed by the high quality of production of law publishing houses. We are not suggesting that aspirations should be dropped, but it may be that making the literature available is more important than making it beautiful, and that need, plus restrictions on cost, will determine priorities and necessitate economies. It could also be that some jurisdictions see localization of their legal literature as involving local production, particularly if financed by government, and this means adjusting to existing publishing conditions. This can mean radically altering expectations as to the appearance of the work. Publishers trying to publish books that would not be commercially viable in traditional formats often feel they are fighting a double battle against cost and against readers' attitudes. As one U.K. editor said 'A good deal can be achieved by taking a more flexible attitude towards format and appearance, but academics are very conservative. They often suffer from a kind of 'print snobbery' which does not recognize the circulation of, say 500 duplicated copies as 'proper publication', even though that is the most appropriate form for the material'.

In the past many works relating to overseas jurisdictions were published by 'trans-national' specialist legal publishers, based in the U.K. and North America or publishers such as the Australian and New Zealand firms who have produced material on the South Pacific region. This applied to reports such as the African Law Reports, and PNG Law Reports as well as to texts and monographs. The constraints here are several; first these firms have been affected by the inflation of the past decade and have cut back on 'fringe' areas of which overseas publishing is one; they may now be reluctant to accept books which do not have a wide international market unless they receive a subsidy; even then, by the time the works have been exported their price in the original jurisdiction may be high, orders are very slow coming through and so on. In addition it may be felt that publishing overseas inhibits a wholly local development.

For career and prestige reasons local outlets may be by-passed in favour of publishing in international journals or with foreign publishing houses and the desire for international recognition may lead writers to concentrate on topics which are not at all, or not exclusively, of local importance. But there are obviously ways in which the larger publishers can be useful to small jurisdictions; one advantage is their wide distribution network, and if they can be persuaded to accept the priorities of local needs as well as international sales they can help to generate interest in particular aspects of local law. The example given in Abdul Paliwala's paper of the role now being played by the Australian Law Book Company in Papua New Guinea illustrates one line of possibilities. Such publishers may be more helpful with regional series. Where a publisher does begin to express interest in local or regional works it is important to feed that interest by submitting proposals and manuscripts.

It may be, however, that locally oriented material proves unacceptable to international publishers, even with a subsidy. If one moves on to explore other means of publication, which involves examining the local publishing infrastructure, the problems

are usually so familiar to those concerned with legal literature that the mere mention elicits an immediate groan. The government printer should be an immediate and obvious resource, but experience suggests that in many places he is overburdened with small tasks designated 'urgent' which can be even the printing of stationery, and that the printing of acts, or statutory instruments, is put well down the schedule with the result that published legislation is slow to appear. In addition the government printer may lack the sales expertise of a commercial publisher. But it is worth examining ways of alleviating these problems. It has been found that if the printer is on the editorial or management committee of, say, the law reports, he feels more accountable and is prepared to alter schedules. In some places the government printer may produce the material and marketing and distribution is then taken over by the central government library or done on a commission basis by a local publishing house. A further arrangement could be for the government to contract out official legal publications to a local publisher.

Commercial publishers are usually expected to produce most types of work outside the official gazette and different forms of legislation, but local publishers and printers may lack the necessary skills of editing, laying out and printing complicated legal material. They may also be slow, and, if law books are outside their usual work, local printing may prove more costly than printing overseas. Publishers may also face particular problems in some countries with regard to basic materials. Furthermore individual local firms do not have access to a good international distribution mechanism and potential sales are reduced. The producers may have to help the printer by simplifying their format, accepting economical production techniques like IBM composition, or type-written 'direct editions' which can then be reproduced by off-set litho, and which will involve limiting footnotes, providing good copy so that corrections do not have to be made at proof-stage. The author may have to take responsibility for editing the book himself; it may also involve financial arrangements such as risk-sharing with a local publisher, or, if a university, law society or individual is publishing themselves, obtaining long-term credit arrangements with the printer so that less immediate capital is required to launch a publication.

Those who are concerned with producing material quickly and cheaply may feel that it is sensible to 'do-it-themselves' using xerox or offprint facilities in government offices or in universities. These methods have long been used for teaching materials and can be employed for journals, reports, pamphlets and short texts. Although it is easy to overlook the cost of secretarial and clerical time, or the loss of valuable time spent (by people who could be researching and writing) on the actual production of material, and one encounters prejudices against such material on the grounds of presentation, there are many positive advantages in such a strategy, including stimulating writing by providing an accessible outlet, and putting into permanent form some valuable material or analysis that would otherwise be lost. In a very small jurisdiction, such as some of the Pacific Islands, xeroxing or duplicating essential material may be the only sensible way of disseminating information. The subject of institutional production is covered in S.P.T.L. Working Paper No. 3.

At the opposite end of the spectrum some of the new technologies of publishing and information dissemination may offer possibilities for small jurisdictions in the future, although the application of sophisticated computer systems, whether for publications or for information retrieval seems dubious in very small jurisdictions. On a simpler level developments in xerox processes may help small market publications. It is now possible to install a machine on the lines of a superior photocopier which makes a complete copy of book or manuscript, collates and binds it. The technique could also provide one answer to the problem of reprint where a complete run would not be economical. With such a machine reprints could be sent out individually, as the requests came in, without involving the publisher in the capital outlay and high storage costs of a large run. At present the expenditure may be too high for the limited use which one firm would make of this technique - a possible case for international co-operation or government sponsorship?

International micro-publishers may also be of assistance to small jurisdictions in providing printed reprints in small numbers from a master fiche or film, and micro publishing may be increasingly acceptable with the development of print-out machines and hand readers. It may be particularly applicable to reference material, but it could also be used for 'publishing' monographs and specialist works relatively inexpensively as a master-fiche of the typescript can be made and copies produced when required, at very low cost.

At many points in the seminar one became aware of the value of sharing experience of such problems and their possible solutions and one recommendation of the workshop on publishing techniques was that those involved in the production of local literature should describe the mechanisms that bring their ideas into production; and should pool information on very concrete subjects such as costs. Although some costs like paper and labour will vary, it was suggested that a structural model particularly relating to

'success stories' where factors involved in cost for example of producing legislation - people, accommodation, overheads, materials, production could be noted, so that local people could use the appropriate figures and compare different approaches, would be very useful.

Distribution

Another central theme was the problem of distribution. First one must say that a first step in expanding the market can simply be a matter of persuading local lawyers to buy more. One feels that mere exhortations often fall on deaf ears and that in the absence of formal, or systematic informal, pressures such as compulsory subscriptions to law reports it is likely that a high percentage of the potential professional customers for local legal literature will not in fact purchase it. Perhaps strategies could be considered like the incorporation of a subscription to the law reports into the professional practice fee.

Existing formal networks can be used for distribution of local works - the Bar Association or Law Society can stock copies of books, publicize and sell direct to their members thus cutting out warehousing and booksellers' discounts. Whether one is working through commercial publishers or publishing direct from an institution, it is certainly worth selling directly wherever possible - a typical breakdown of the trade price of a book in the U.K. (although it may not be transferable elsewhere) is production 35%, royalties 7 1/2-10%, publicity 7 1/2%, distribution costs and overheads 20%, editorial overheads 15%, publishers profit 12-15%. To reach retail price one must add 30% booksellers' discount. Turning to buyers of books at this point, it is an idea to see if publishers will sell direct to consumers like law departments, law societies and so on rather than through agents, although one does not want the responsibility of putting the valuable local bookseller out of business. It is also worth supporting local second hand bookshops which again can be organized in law schools and by professional bodies.

In most small jurisdictions the potential international market for local legal literature is not adequately exploited, as local publishers, whether government, commercial or institutional do not have access to worldwide marketing networks. A national, regional or international distribution agency for legal publications might go a long way to remedy this. Wider markets can be reached by, for example, extending the coverage of a book or journal to a regional rather than national level. It would also be worth exploring the possibility of an international body such as the CLEA or some other international agency collecting and distributing regular information about new publications, primary and secondary, with details of price, availability, ordering procedures etc. Here again the existing resources, such as the Commonwealth Law Bulletin, and Technical Co-operation (which lists recent statute law) are not fully exploited. In the absence of such arrangements small jurisdictions would, quite straightforwardly, benefit from more information about the marketing scene. It was felt that this was another area where international co-operation could be effective; as a preliminary step a Canadian sub-group of the seminar agreed to compile a short manual on ways of getting publicity on sales in the North American market.

Paying the Bill

Supposing one has designed a list of priorities, selected authors and found a means of publication, the largest question of all still remains - who will pay the cost? The primary constraint assumed throughout is that very few local works will be profitable, or even self-financing, although several will and may, if part of a local publisher's list, help to subsidize others. One may assume that the principal responsibility for providing legal information should lie with government, but even if this is accepted one has to recognize the possible difficulties imposed by competing demands on public expenditure, the complexities of bureaucratic accounting, the threat, real or assumed, of executive interference with the legal system and so forth. It would be natural to assume that the profession and those concerned in education would gladly pay a realistic price for much needed material, but the 'economic price' in some cases would be unacceptably high and we have available statistics which show that the full market potential (in terms of assumed users of a work) is rarely realized in sales.

In such cases carefully administered subsidy schemes can have considerable effect, both in effecting publication through reducing the publisher's risk and in acting as a stimulus to writing and research. The sources can be various: in the Republic of Ireland the Department of Justice allocates a specific sum annually (rarely used) for supporting legal textbooks; in the same jurisdiction the Arthur Cox Foundation raised initial capital by an appeal to professional lawyers and has now aided a number of publications; in Scotland the Scottish Universities Law Institute, in conjunction with

W. Green Ltd., has published twelve substantial volumes on different aspects of local law backed by a guarantee from the Carnegie Foundation. These examples from the British Isles are described in detail in S.P.T.L. Working Paper 4, and can be set against the experience of other countries, for example that of the East African Literature Bureau, which also drew on public funds. Subsidies need not necessarily be formally organized, and at the seminar interesting examples were given of substantial legal works in the West Indies (Guyana and Jamaica) which had been largely financed through the energetic efforts of the authors in obtaining donations from banks and large businesses.

It is possible, (and has recently been tried in Scotland) to impose a levy on all members of the Law Society or Bar Association of a specific sum for the funding of legal literature; and in Canada the various provincial law foundations, which distribute interest on monies deposited on behalf of clients by lawyers to legal aid programmes and libraries, aid legal research often resulting in publication. With regard to academic publications it may be worth repeating a point which was made very sharply in the S.P.T.L. Working Party Final Report, viz. that it no longer makes sense, if it ever did, for bodies funding research to stop short, as a matter of principle, from subsidizing publication of the results. This policy has been based on a belief, which is certainly not tenable in small markets, that commercial publishers could be relied upon to publish all research of real merit. One approach to funding would be for post-graduates and other researchers doing sponsored work on local law, whether they are based at home or abroad to tackle their funding bodies and universities, with a view to eliciting contributions to publication costs. In the West Indies the Institute of Social and Educational Research, and the Council for Legal Education provide an example of the way research papers and books may be supported.

Although subsidies can undoubtedly help it is important to recognize that there are constraints which do not relate solely to the size of the fund. First the very need for a subsidy implies that a work is not likely to be profitable and the loan given unlikely to be paid in full, or, if it is repaid, the money will come in over a long period of time so that one cannot indulge in a large capital outlay at one time. Schemes based on guarantees still mean that capital is needed for the initial production and the guarantee cannot be called upon until some time has elapsed. More complicated problems attend the administration of the subsidy - who will select the works and on what basis will they be chosen? Some schemes, such as those of the East African Literature Bureau have been criticized for their very generosity, in that books have not been stringently reviewed. In a small jurisdiction where there is little room for competing works evaluation of intellectual quality and practical utility is vital as one bad book in an area may pre-empt the publication of a better one; on the other hand, it may be argued a second-rate book on the local legal system is better than none at all. Schemes such as that described in the Sri Lanka paper for translation of legal literature faced particular difficulties. Although fuller information cannot stave off disaster it would seem valuable for details of different models and experience of subsidy schemes to be collected and shared.

Other devices can be explored which make the financing of publishing projects easier, and some of these have already been mentioned, or implied; for example getting good credit terms with printers, or obtaining as many pre-publication orders as possible at a lower price than the published price, so that the printing bill can be paid at least in part at the time of publication. Another suggestion is linking publishing programmes to more profitable ventures; The Hong Kong Law Journal for instance gets quite substantial income from releasing articles as pamphlets and organizing conventions and seminars for the profession and for local businessmen.

A number of factors already covered such as doing without royalties, selling direct rather than through booksellers, expanding the market, using the cheaper means of production and so forth all help to reduce the bill and if not actually paying it, at least make it easier to face. A specific point may be made here with reference to informal institutional publications, such as teaching materials. In the U.K. it was found that while this activity was expanding it was threatened by tighter departmental budgets. In small jurisdictions it would seem necessary to emphasize the importance of financing such work, but where this is impossible one can investigate the possibilities of institutional and private funding, reducing costs and gaining extra income, although as the paper on Canada illustrates money is not a panacea, and legal literature problems exist even in the wealthiest jurisdictions.

Institutionalizing the Effort

Although a good liaison between the various relevant bodies can help to stimulate and systematize the production of legal literature there may be arguments in certain cases for providing an institutional base, however informal. This has the advantage of disentangling such work from, say, the ordinary workload of the Ministry of Justice or

Attorney General's Office, or from the teaching and private research activities of a university department. We cannot suggest a universally transferable model but it may help to illustrate this with a couple of examples, one actual, the other proposed.

The first is the Canadian Law Information Council whose devotion to the cause is seen in the fact that they are publishing this volume. CLIC is a federally chartered non-profit body with representatives from the profession, legal education and federal and central government. It is described in detail in Halevy and Murphy's paper, and although largely dependent on voluntary effort and specially commissioned projects it both researches and initiates activity (newsletters, subsidy schemes, indexes etc.) on legal information for the professional user and the layman, and its influence on lawyers and law publishers is very apparent. Some part of this mixed planning body, pressure group and publisher might be appropriate in other jurisdictions.

The second model was proposed by Professor Twining in a working paper for the Papua New Guinea Law Reform Commission, and was conceived initially in the context of documenting customary law. Identifying a need for co-ordination of the scattered groups involved in the collection, storage and dissemination of information about law the paper suggests the establishment of a small unit which could act as a clearing house, documentation centre and publishing unit, as well as initiating specific projects. Some of the tasks such a unit could undertake are referred to in Abdul Paliwala's paper on Papua New Guinea. This kind of unit might be of value even in very small jurisdictions and its work, and staff, could be varied according to local needs.

Both these suggestions are concerned with single countries although CLIC deals with eleven jurisdictions, some large, some very small with different problems and resources and a similar scheme might be modified on a regional basis. At various points in this paper the need for regional and international co-operation has been stressed and it is worth examining how this might be formalized to some degree. The conference as a whole made a strong recommendation that work should be continued, or initiated, collecting information from as many small jurisdictions as possible, producing advisory works on markets, production, subsidies, identifying resources of aid and information, and actively assisting those who wish to expand local law publishing and information systems.

FUTURE RESEARCH AND ACTION

It is a truism that no academic conference or monograph is complete without recommendations for future research. Like bureaucrats and other animals, research tends to be self-perpetuating. After days of friendly or bitter disagreement, academics can usually be relied on to unite behind the banner that there is still more work for them to do. An unusual feature of the Toronto seminar was that while there appeared to be general agreement that the problems of localizing legal literature and information in small jurisdictions are real enough, there was almost total lack of agreement about what, if anything, was worthy of further systematic study. As a result few specific recommendations for further research emerged from the seminar.

This reaction deserves to be taken seriously. In the first chapter, we reported an attitude which can be expressed in such terms as: "The problem is easily stated and understood, therefore there is nothing to study". It must be apparent from what has gone before that we have ourselves adopted a posture of scepticism about such scepticism. However, it is important to try to tease out the core of truth behind such attitudes, not least because they are widely held by people who have played a leading part in attempts to stimulate the development of local literature in their own jurisdictions.

There are, perhaps, three points on which there is no need for serious disagreement. First, we wholeheartedly accept the proposition that there are many contexts in which practical initiatives need not and should not wait on systematic research. This is particularly the case in respect of orthodox provision. As we acknowledged in the Introduction, if copies of current legislation are unobtainable or there are no educational materials on local law, the first priority is to try to take practical steps to remedy the deficiency with some sense of urgency. Similarly, enough information is already available about such matters as the uses and limitations of new technologies, subsidy schemes and the like, to provide an adequate basis for even quite ambitious schemes for relatively systematic development of local provision.

Secondly, we would also agree that in this sphere practical experience is likely to be at least as illuminating as the findings of even the most rigorously designed and executed research project. This is particularly important in respect of the sobering effect of working in conditions where resources are limited, people are overworked, and numerous other obstacles and constraints prevent the attainment of even quite modest objectives. It is a striking feature of legal information as a field of enquiry that nearly all of the systematic studies undertaken to date have been stimulated by interest

in potential computer applications to law. Such research has thrown some interesting light on lawyers' information habits (see below) and has raised many interesting questions about what precisely lawyers do and how they go about it. Yet most of this body of research is remote from the real problems and experience of people working in small jurisdictions. This is not merely because computers may have a limited role to play in poor or small countries (an assumption that is itself questionable), but more particularly because the great bulk of this research has concentrated almost exclusively on the (often idealized) needs of private practitioners for retrieving information about decided cases and even from the perspective of the orthodox model, tends to make some rather simplistic assumptions about legal information. Similarly, much of the research that has been done by law librarians relates to a world which seems rather remote from the kinds of situation depicted in the papers by Gaiger, Cooray and Paliwala.

A third point, which might bolster scepticism about the value of systematic research in this context, concerns feasibility. One lesson of the pilot project has been that it is relatively easy to build up a fairly reliable overview of the state of orthodox provision in a given jurisdiction, but that it is all too easy to underestimate the difficulties of penetrating much beyond that. It is usually relatively simple to acquire or compile a bibliography of published sources, to collect information about numbers of lawyers, law students and other potential specialist users, to plot the location of law libraries and law offices and to identify the main producers of local literature. Most of this information is known locally or can be gathered quite easily even by an outsider during the course of a brief visit. But as soon as one starts asking about such matters as the reading and purchasing habits of particular classes of users or details of the economics of publication or networks of informal communication among professionals, one finds that the information is not readily accessible and is likely to be very difficult to obtain in a systematic way. As the enquiry broadens out into such matters as communication about law to, and the information needs of, non-specialists or the public at large it becomes more and more elusive and further questions begin to emerge about the appropriateness of "legal literature" or "legal information" as concepts which can meaningfully provide a sensible or fruitful focus of attention. There is something artificial about restricting one's enquiry to the legal information needs and habits of, for example, a community action group or even a local advice centre, without reference to questions about the place of such phenomena in some broader social and political context. Thus as one pushes beyond obvious questions about orthodox provision, one is confronted not only with questions about the feasibility of the enterprise, but also about its significance. As with most research which starts with a narrow focus, it is not at all easy to keep the lid on Pandora's box.

In the present context, the elusiveness of such further lines of enquiry provides some support for the scepticism of those who are concerned to get on with the job. Our personal view is that there are some obvious and worthwhile tasks that can be tackled at once and that it would be foolish to delay action until legal information as a field of study has grown out of its infancy. But we are also convinced that even in respect of immediate action some widely held assumptions about legal literature need to be questioned along lines suggested above. For example, in deciding on priorities it should not be taken for granted that the most pressing need of private practitioners is for a better statute book or more regular orthodox law reports or that the most important users of legal materials are private practitioners or that the printed word is the most efficient way of providing needed information. In some jurisdictions such common sense assumptions may indeed prove to be sensible; in others merely to pause to ask the question before plunging in may suggest other priorities or alternative ways of meeting them.

We hope that, at the very least, some of the contributions to this volume may be of immediate value in suggesting ways of tackling practical problems that confront people working in small jurisdictions. But we also hope that the pilot project will stimulate a variety of types of reflection and study. All that we shall try to do here is to try to identify and differentiate a few rather different lines of enquiry which might be fruitfully pursued at the next stage.

One point which was brought out clearly during discussion is the need to locate more precisely than has been done to date the relationship between research into legal information and other cognate areas. Three specific areas immediately come to mind. Firstly, a fair amount of data is to be found in the literature on the legal profession. It is both scattered and fragmentary, but there is a good deal of material which could be usefully gathered and analyzed in one place. Conversely it is our impression that students of the legal profession might profitably pay more attention to such matters as the book-buying and book-using habits of lawyers, informal networks of communication, and the kinds of information which they in fact need or think they need. Similarly law teachers might do well to look closely at the actual reading habits of their students - they are after all a particular kind of specialist in information.

A second focus of attention, closely related to but broader than the legal profession, is that of "access" - by which is meant the access of individuals in the society to legal expertise, legal services and practical knowledge on how to use the law. This is particularly, but not exclusively, relevant to the third world countries and provides a possible way of looking at legal information within a broader context. Thirdly, the bearing of perspectives and techniques developed within the so-called "information sciences" remains to be explored.

Several specific, but rather different, lines of enquiry concerning legal literature and information were identified in the papers and during the course of the seminar. Some have already been mentioned, such as detailed studies of the information habits and needs of different classes of users, the system of incentives and disincentives affecting the research and writing habits of academics, the legal information requirements of grass roots organizations and community ventures and the elusive topic of communication about law to and from the public at large.

More generally we feel that two dimensions need more emphasis than it was possible to give them during the pilot project: the historical and the theoretical. Hardly any detailed work has been done to date on the historical development of particular bodies of legal literature and their relationship to such matters as the state of the local publishing industry and the organization, workloads, prevailing ideas or self-images of academic and practising lawyers - a subject which is currently being explored by Jenny Uglow in respect of England and Wales.

As regards theoretical work, a start has been made in William Twining's "The Concept of a National Legal Literature", in the collection of hypotheses and provocative propositions and in some of the more general remarks in the papers by Paul, Martin and Paliwala. However, it was suggested at the seminar with some justification that as a preliminary to research it would be important to clarify further the primary underlying concerns (why study legal literature?) and the actual and potential functions of legal literature and legal information (who uses which tools for what purposes?). For example, the purpose of a particular study may be to advance some particular strategy of "legal development" or to show some of the social effects of existing patterns of development or to deal with certain specific pragmatic problems or to further the efficient and orderly administration of an existing legal system or to promote legal scholarship or legal education on some particular model.

Similarly, if legal literature and other vehicles for communicating information about law are to be viewed as tools to serve one or more specific functions, it is important to differentiate between such functions as communicating information to particular audiences, assisting officials in implementing or administering or developing governmental policies, programmes or laws, assisting different types of individuals or groups to use law to protect or advance their own interests, evaluating critically elements in the legal system or training various kinds of participants.*

The questions raised in the preceding paragraphs suggest at least one reason why the seminar did not produce many specific suggestions for research: it was felt that it would be premature to embark on a major research project or programme without first clarifying a number of theoretical issues. This confirms our own opinion that the pilot project has been useful and illuminating in a number of respects, but some theoretical groundwork remains to be done.

There were, of course, other reasons for the lack of consensus about the next stage in research. The diversity of the participants reflected a diversity of concerns and perspectives. Indeed, all three approaches that we described in the Introduction were represented at the seminar: those who were interested in taking immediate practical steps to improve orthodox provision; those who were interested in detailed empirical research into specific areas and those who wished to adopt a broader, and generally more critical, perspective and to set the study of legal information and legal literature in the context of debates about "development", "basic human needs" or "law and economy".

Despite this diversity of views, there was general agreement on the specific point that study of the problems of legal information in multi-lingual societies is a neglected topic which deserves to be given a high priority. It was agreed that this should be drawn to the attention of the sponsoring bodies and of organizations such as UNESCO.

There was also agreement that immediate steps should be taken, initially under the auspices of the Commonwealth Legal Education Association, to follow up the pilot project and the seminar. Apart from making arrangements to publish the proceedings of the seminar, a strong recommendation was passed to the effect that international co-operation should be continued or initiated on a number of fronts, such as collecting information from as many small jurisdictions as possible, producing advisory working papers on

* The preceding two paragraphs are based on notes prepared by James Paul.

markets, production and subsidies, and exploring ways and means of actively assisting those who wish to expand local law publishing and information systems in their own jurisdictions. William Twining, Balfour Halevy and Jenny Uglow undertook to take responsibility for putting forward suggestions for follow up to the Commonwealth Legal Education Association and other bodies. Since then preliminary consideration has been given to a number of specific proposals, including a Commonwealth Law Information Advisory Centre, an international subsidy scheme, regional workshops and an action-research project in the West Indies. At the time of writing these are still only at the stage of preliminary informal discussion.

While such possibilities for international co-operation were considered to be worth exploring, it was the general feeling of the meeting that most work has to be done at the local level, primarily by local people. As has been suggested more than once in the preceding pages, perhaps the key to this lies in conscious recognition of the existence of a problem, clarifying local needs and priorities and keeping in mind the whole range of strategies and techniques which are in fact available for developing a satisfactory system of legal information. Despite the fact that this quite varied group had practical and often dispiriting experience of the difficulties, the seminar ended on a note of optimism, cheered by the action of the delegate of the Isle of Man, who distributed badges symbolizing the advent of the Millenium in 1979.

CONCLUSIONS

Although the main purpose of the seminar was to exchange information and not to make recommendations we felt that it might be useful to close this volume by summarizing some of the main suggestions that emerged from the discussions.

General conclusions

- 1.1 The feeling of all those attending the seminar was that the localization of legal literature in small jurisdictions is an important matter which presents a widespread and urgent problem, which should be the focus of immediate and continuing attention.
- 1.2 Improvement in the provision of legal literature should be the object of concerted action locally on the part of government, legal profession, legal educators and other interested groups.
- 1.3 The matter is one for co-operation between all common law countries.

Suggestions For Individual Jurisdictions

- 2.1 The seminar agreed that a number of devices, listed in 2.2 - 2.15 below, could be usefully considered and adapted to local needs by particular jurisdictions (for a more detailed survey see Ch. 13). The strategies suggested included:
- 2.2 The establishment of a national set of priorities for local legal literature, or a legal literature localization programme.
- 2.3 The clear allocation of responsibility for the production of various kinds of legal literature. A formal recommendation was proposed with regard to the provision of primary sources by the workshop on publishing strategies and economics:

"It is recommended that the responsibility for the publication of primary legal sources, i.e. legislation, primary and subordinate, and law reports, and with these, appropriate finding tools, digests, appendices, etc. rests with the government. Copyright, wherever possible, should also rest with the government, where the responsibility may be delegated."

This was modified in plenary session to a broader recommendation that it is the responsibility of governments to communicate basic legal information to those who need it.

- 2.4 The drawing up of a formal institutional commitment on behalf of a law school, where such a school is a potential major contributor, for the production of certain types of legal literature, worked out in consultation with government and the legal profession, and backed by adequate facilities and resources.
- 2.5 The establishment of working parties to investigate and make practical recommendations on specific current problems; examples include the S.P.T.L. Working Party on Academic Law Publishing (Ch. 3), Papua New Guinea Law Reform Commission Working Paper No. 8 (Ch. 6), Working Party on Hong Kong Law Reports (Ch. 5).
- 2.6 The establishment of information and documentation centres to co-ordinate local literature projects; examples: proposed Papua New Guinea Law Information Centre (Ch. 6), Canadian Law Information Council (Ch. 11).
- 2.7 The establishment of a national subsidy scheme for legal publications; examples: Scottish Universities Law Institute (Ch. 13 ii), East Africa Literature Bureau (Chs. 7,10).
- 2.8 The adoption by central research bodies of grant-award policies designed to link local research with a programme of national priorities for legal study and publications.
- 2.9 The adoption of policies by bodies funding research to include funds or arrangements for the publication of the resulting work.

- 2.10 The creation of incentives for law reporters etc. such as clearly defined career structures, financial reward, possibility of mobility to allied activities such as a legal information service.
- 2.11 The use of low-cost alternatives to conventional publishing where appropriate (xeroxing, duplicating, microfiche), for example the Northern Ireland Blue Book (Ch. 13).
- 2.12 The introduction of levies on the profession to support legal publications, or of compulsory purchase schemes; for example, subscriptions to law reports as part of professional practice fee (Ch. 11).
- 2.13 The utilization of existing networks for cheaper distribution, e.g. the local Law Society (Ch. 13).
- 2.14 The establishment of a national legal archive (where lacking) and provision of adequate catalogues and bibliographic services covering local legal material.
- 2.15 The collection of information, and provision of wider availability of, unpublished 'legal literature', such as research studies, xeroxed case-books etc.

Suggestions for International Aid Agencies

- 3.1 The experience of several jurisdictions (see e.g. Ch. 10) suggests that aid provided from outside has often been misconceived and misdirected, and the following suggestions were made;
- 3.2 Major international agencies such as UNESCO and the commonwealth Foundation should give serious consideration to supporting research projects and localization programmes in relation to local legal literature and information.
- 3.3 Where aid is given its form should be appropriate; for example the proposed editor of law reports in a developing country might be sent for training to a jurisdiction with comparable social conditions and resources rather than to a wealthy organization in a highly developed country.
- 3.4 Aid could sometimes be more usefully diverted to capital grants, for example the provision of an off-set litho press with on-the-job training, or the initial capital for a revolving subsidy fund, than to the provision of temporary specialist advice or research.
- 3.5 Existing schemes of international co-operation (such as training schools for legislative draftsmen) could be extended to cover other skills (reporting, legal archives, etc.) and expanded on a regional basis.

Suggestions For Future Research

- 4.1 Although the research group did not arrive at a consensus on priorities the following points were made.
- 4.2 Research into the problems of legal information in multi-lingual societies should be given a high priority.
- 4.3 Future research into legal literature in small jurisdictions needs to be related to work on access, studies of the legal profession and legal services, and information studies, especially in third world countries.

Possible lines of future research include:

- 4.4 The study of oral communication of legal information, and of informal networks of communication.
- 4.5 The information habits and needs of different classes of users including private practitioners, lawyers in the public service, other public servants, other non-lawyer specialists, law students and providers of information to the general public or special interest groups, e.g. advice centres and community action groups.
- 4.6 The role of legal information in creating and implementing alternative strategies for development in the third world.

4.7 The role of librarians as providers of legal information in small countries.

Follow-up Activities

5.1 The seminar unanimously recommended that the activities started during the pilot project should be continued and that for the time being a small working group should take responsibility for follow-up.

5.2 The following recommendation was passed at the final session: 'This group ... recommends that funds be sought to create a continuing group to act as a clearing house to co-ordinate and communicate the results of the various studies and to facilitate studies suggested at the seminar.'

It was agreed that the following possibilities should be explored:

5.3 The establishment of an international advisory centre and clearing house on legal information.

5.4 A series of specialist regional workshops on aspects of the localization of legal literature.

5.5 The regular provision of information on local legal publishing in established outlets.

5.6 The establishment of an international/commonwealth subsidy scheme.

5.7 The establishment of a commonwealth law monograph series.