ICT and Quality of Legal Information

Harald Hoffmann – Friedrich Lachmayer

Traditional Vertical Concept of Legal Communication

Bottom up:
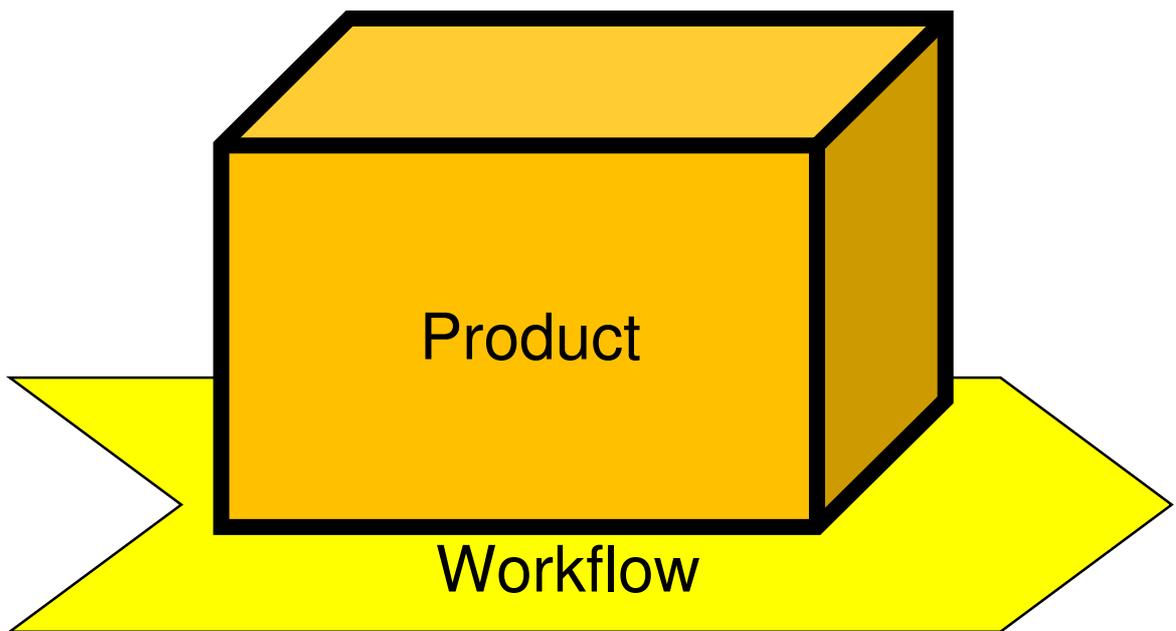Participation
Democracy

**Top down:
Norm
Legal Act
Validity**
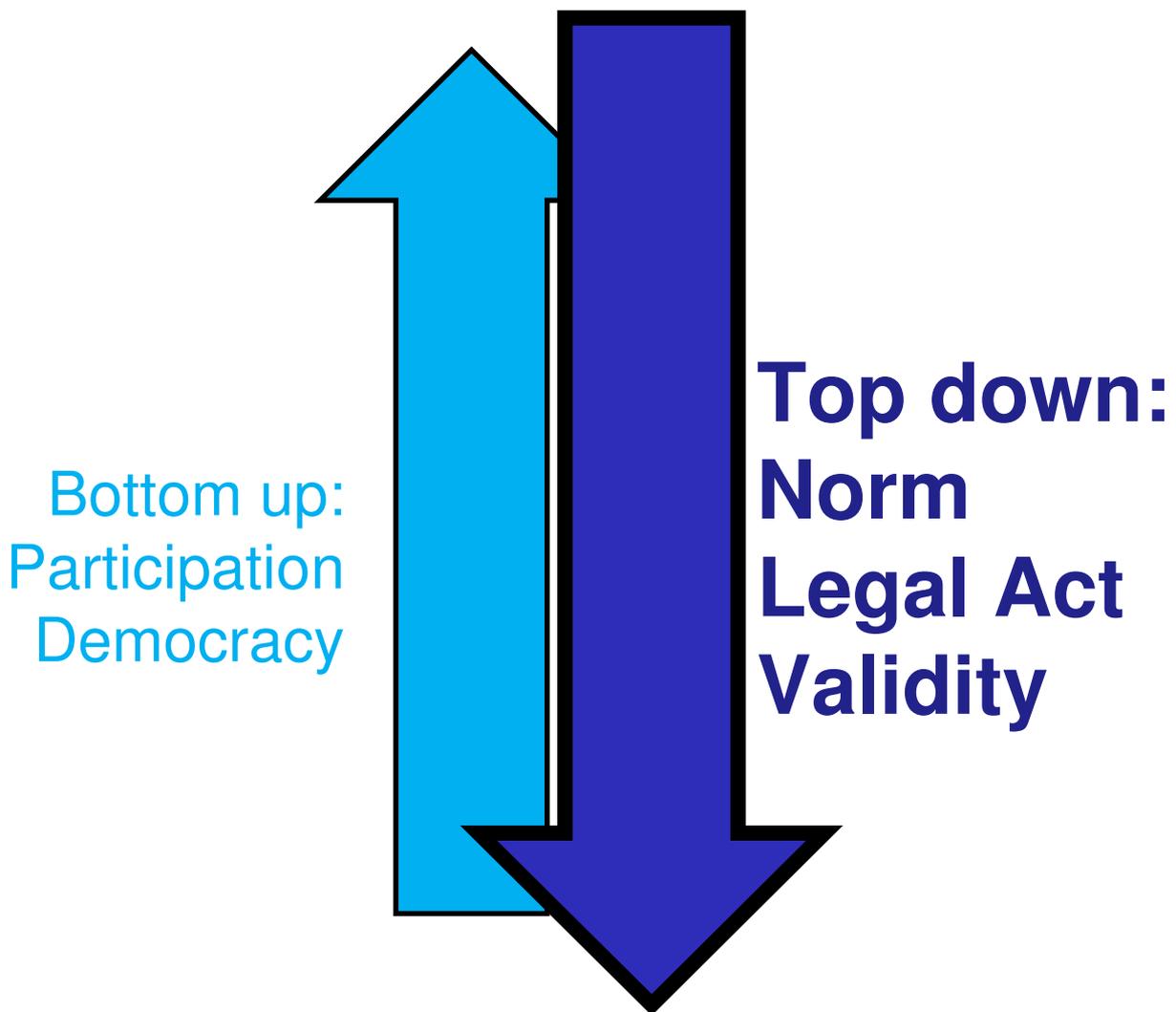
New Horizontal Concept of Legal Workflow

Paradigmatical Change

Horizontal
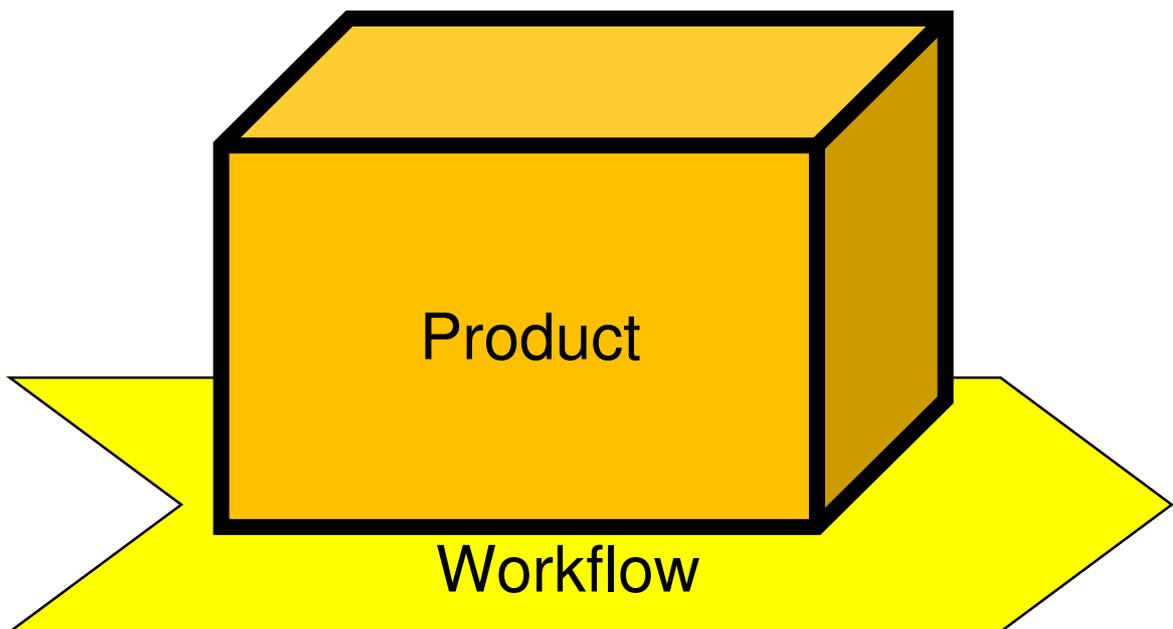Workflow-Concept
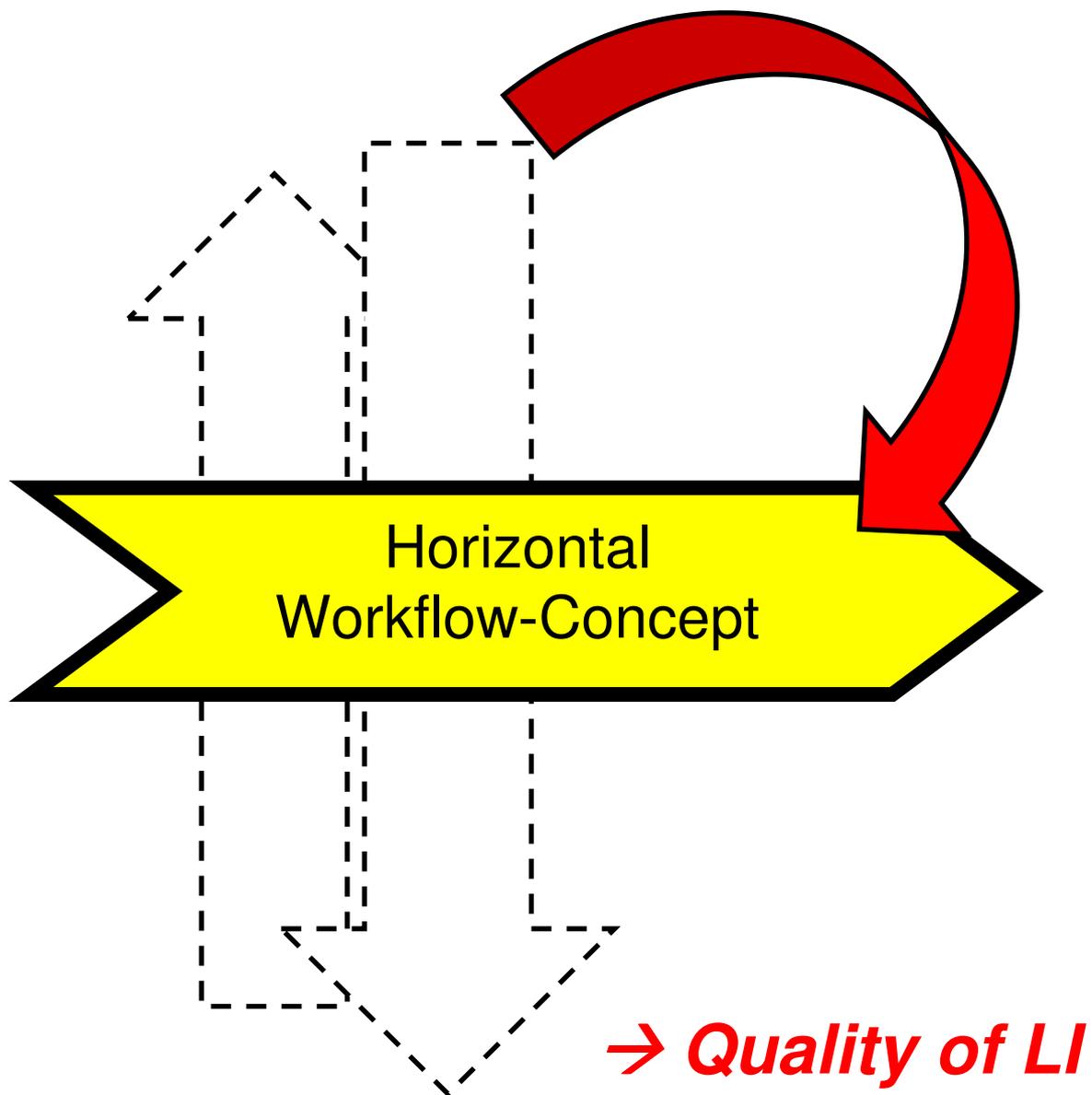
→ *Quality of LI*

Legal Act as an Product

Legal Act as an Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Roland TRAUNMÜLLER, Linz
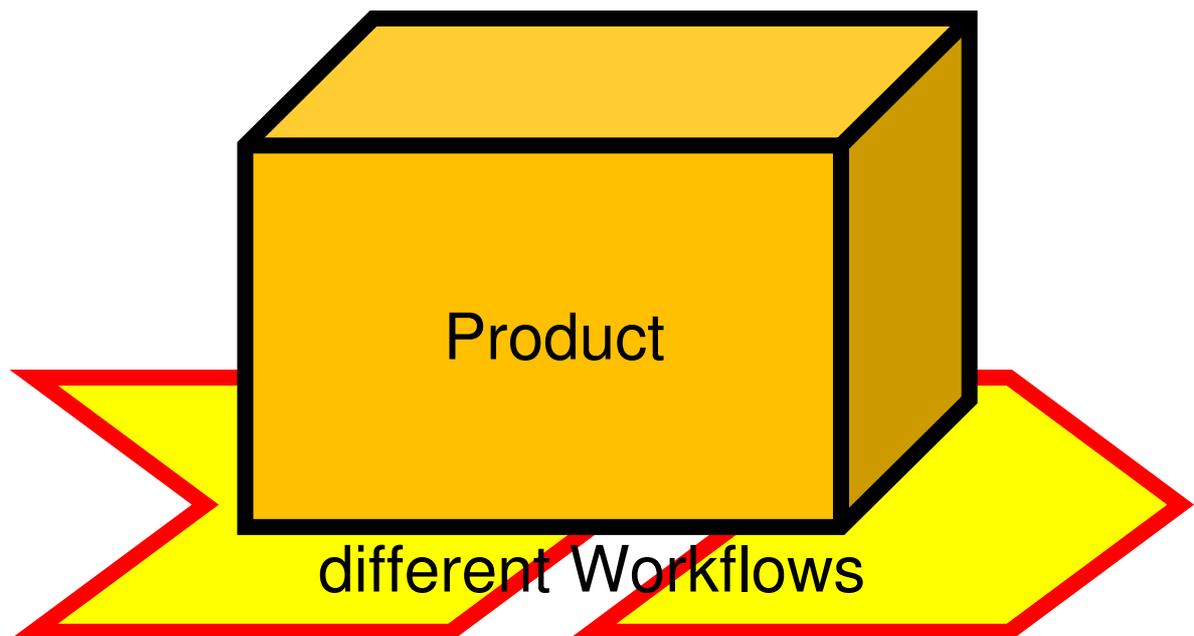*Legal Information Systems: Some Aspects on Quality and Access*

Product

Workflow

→ *Quality of LI*

Legal Act as an Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Thomas GORDON, Germany,
The Legal Knowledge Interchange Format

Nina KOCH, Denmark,
Advantages in Inter-Institutional Cooperation
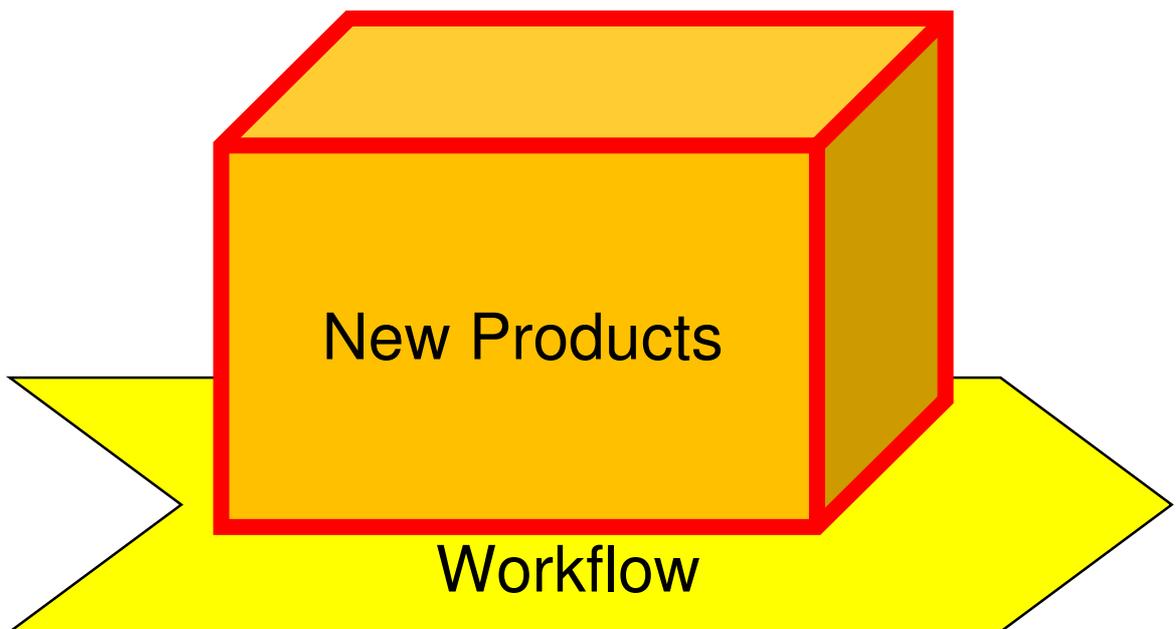
Product

different Workflows

→ **Quality of LI**

Legal Act as an Product
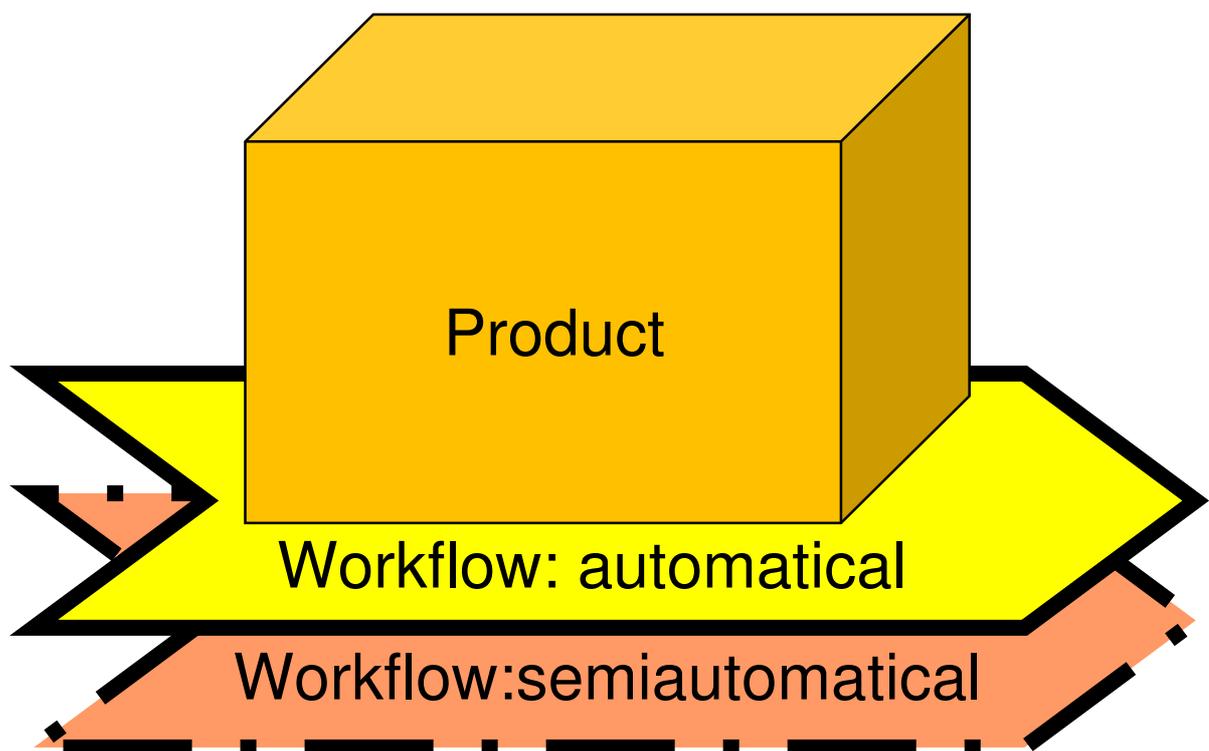
LAW VIA THE INTERNET, Florence, 30th-31st,2008

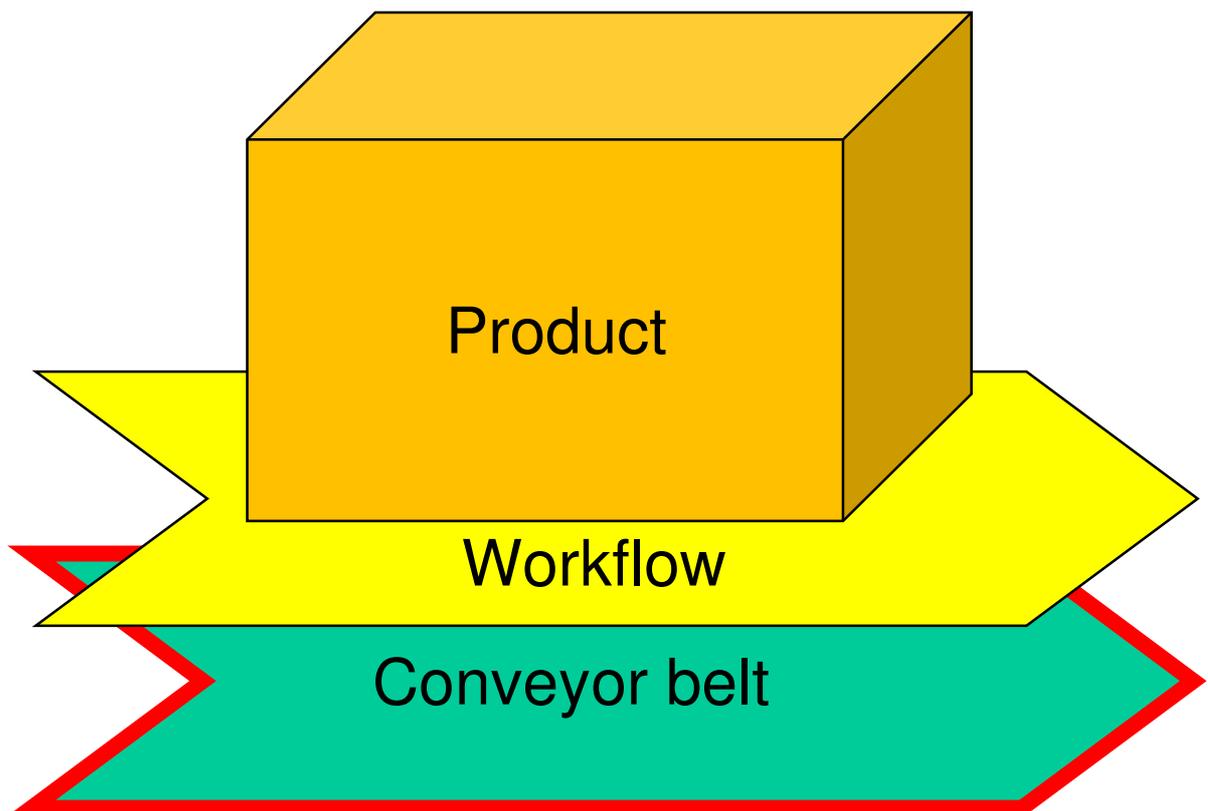*Hughes-Jehan VIBERT, France*
Legal Wikis: In Search of Credibility

New Products

Workflow

→ *Quality of LI*

Production:
Automatical versus
Semiautomatical Workflow

Product

Workflow: automatical

Workflow:semiautomatical

→ *Quality of LI*

Legal Act as an Product
Workflow as a production process

Product

Workflow

Conveyor belt

Legal Act as a Product

Quality

Quality of the production process

Process oriented standards like ISO9000

vision: Process oriented tools for software development

Legal Act as a Product
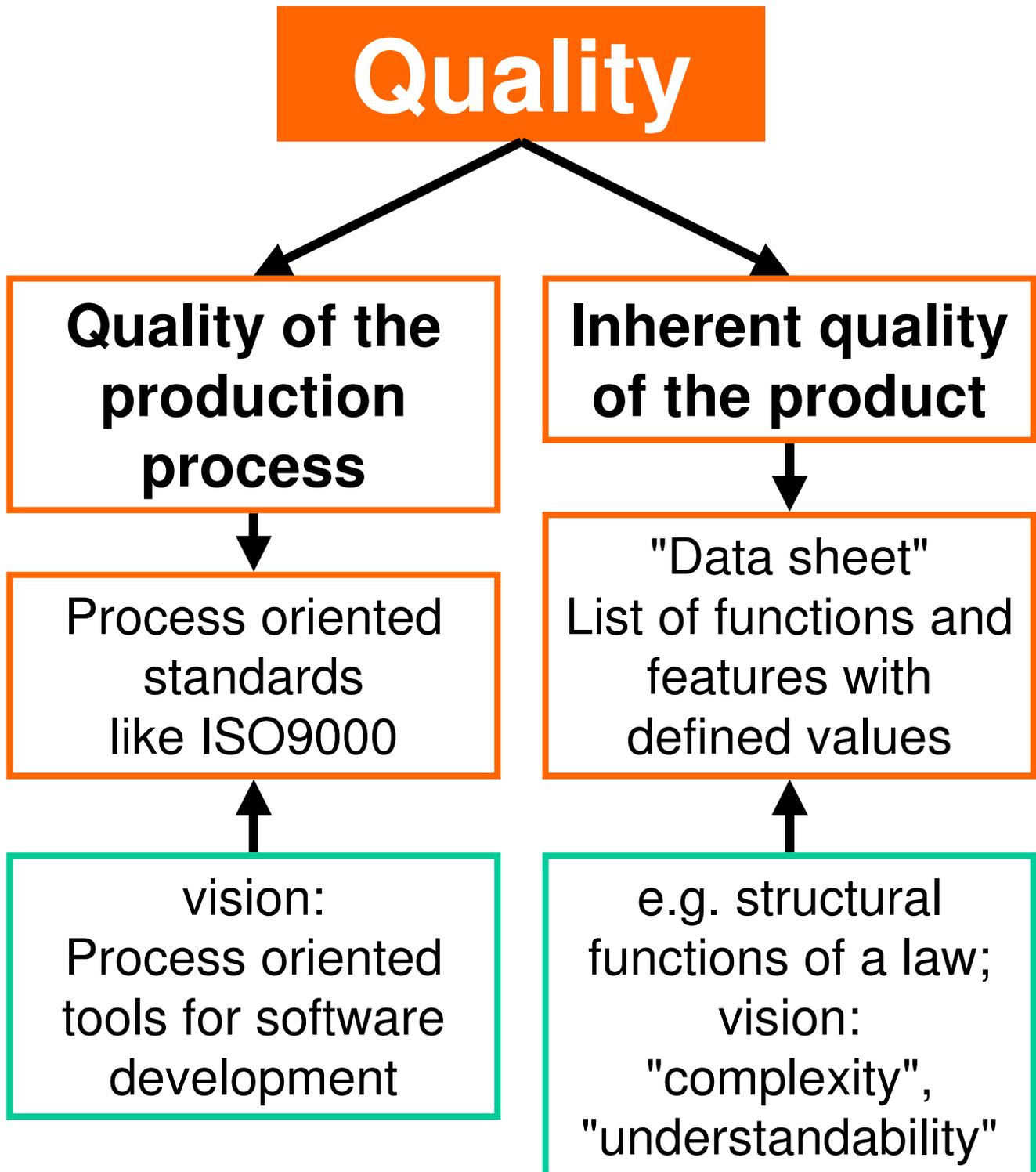
Quality

Quality of the production process

↓

Process oriented standards like ISO9000

↑

vision:
Process oriented tools for software development

Inherent quality of the product

↓

"Data sheet"
List of functions and features with defined values

↑

e.g. structural functions of a law;
vision:
"complexity",
"understandability"

Legal Act as a Product

Quality

Quality of the production process

Inherent quality of the product

Process oriented standards like ISO9000

"Data sheet"
List of functions and features with defined values

vision:
Process oriented tools for software development

e.g. structural functions of a law;
vision:
"complexity", "understandability"

What else?

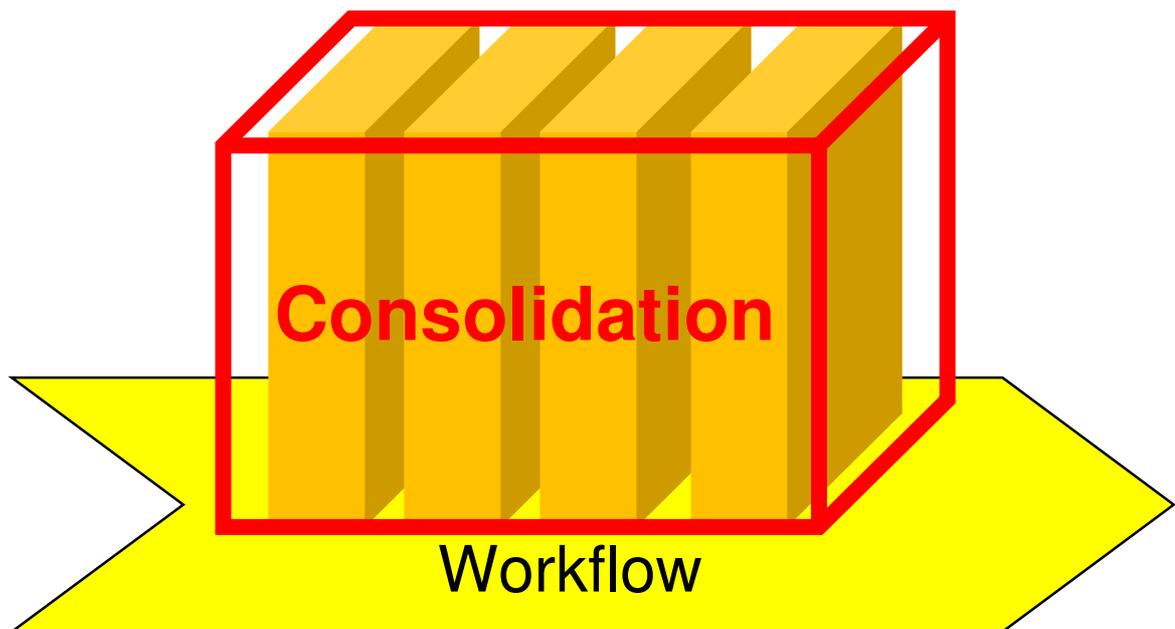# Legal Act as an Product

Consolidation

Workflow
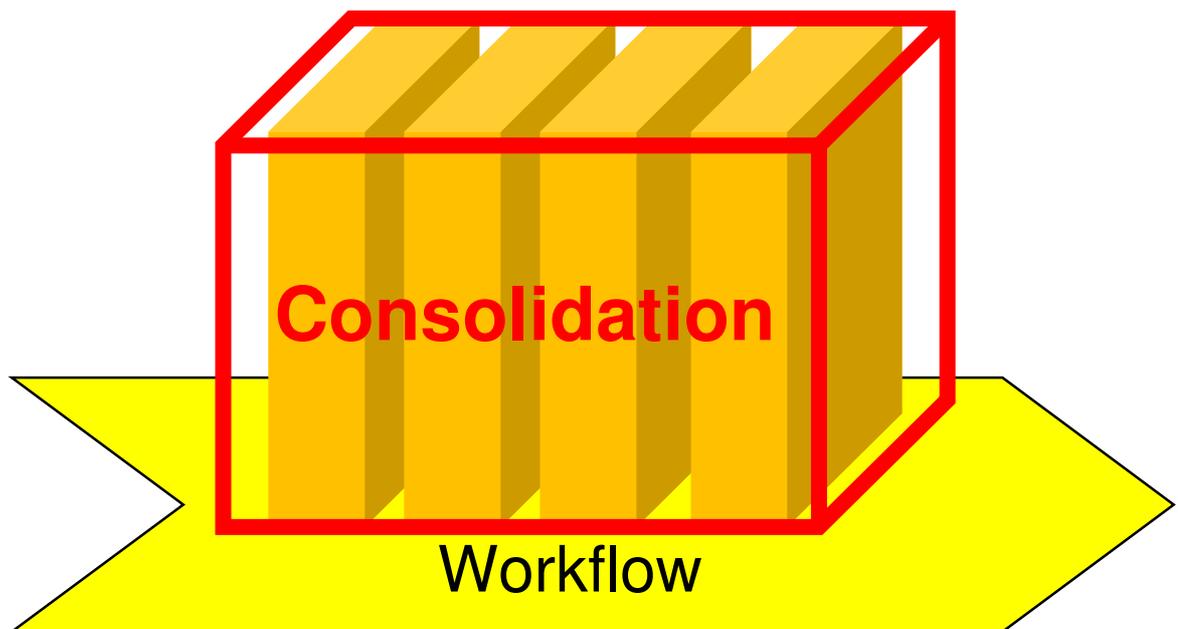
→ *Quality of LI*

Legal Act as an Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Jon BING, Norway
Reconstructing a Vision: May a Consolidated Legal Information System Be Achieved …?

Consolidation

Workflow

→ Quality of LI

Distribution of the Legal Product

Product

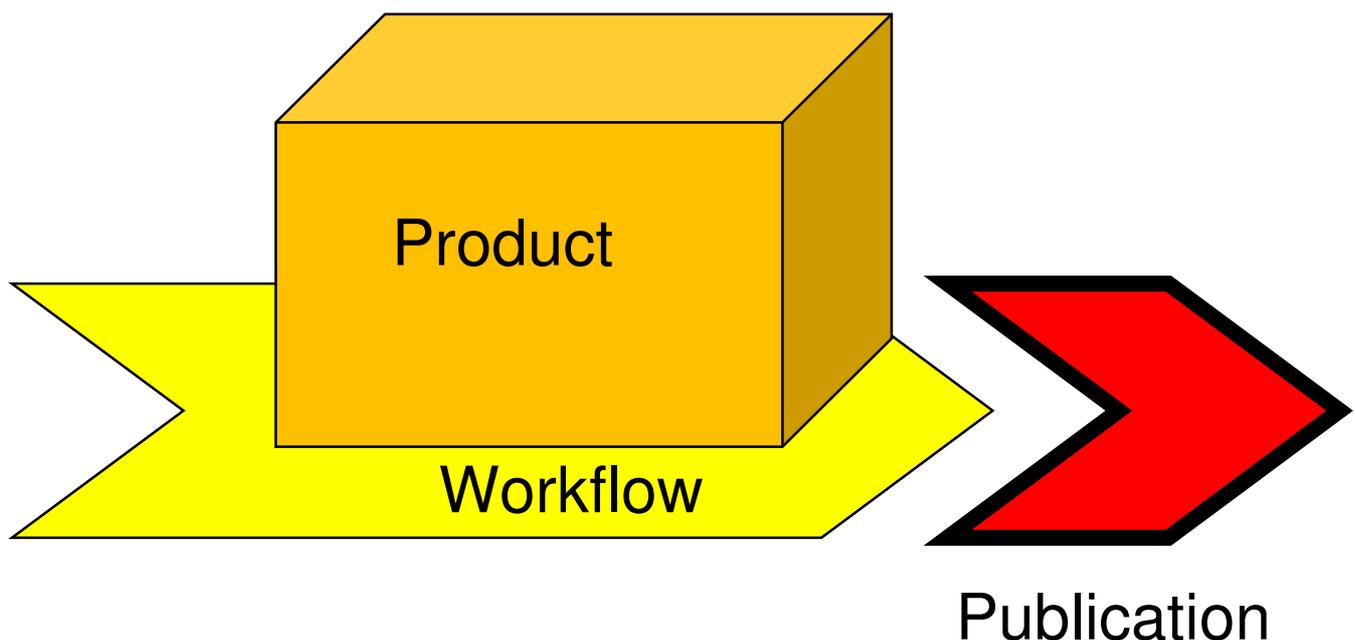Workflow
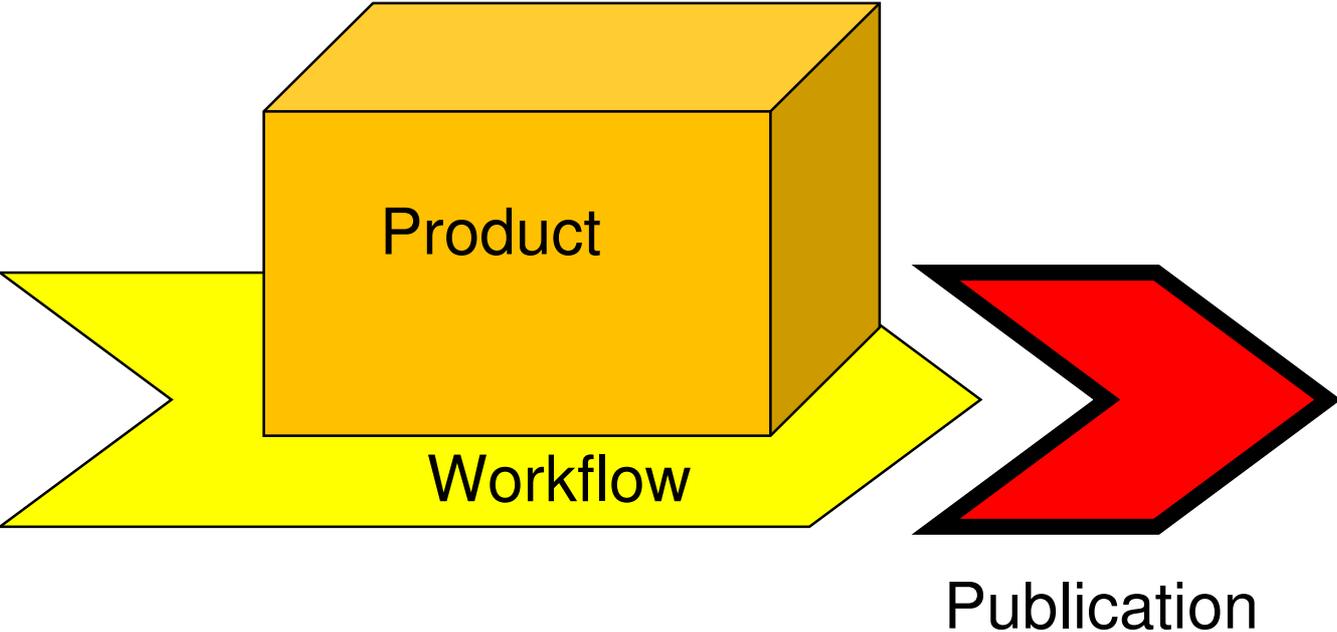
Publication

Distribution of the Legal Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

**Guillaume BLAIN, Karl CHARBONNEAU,
Marc-André MORRISETTE, Montreal
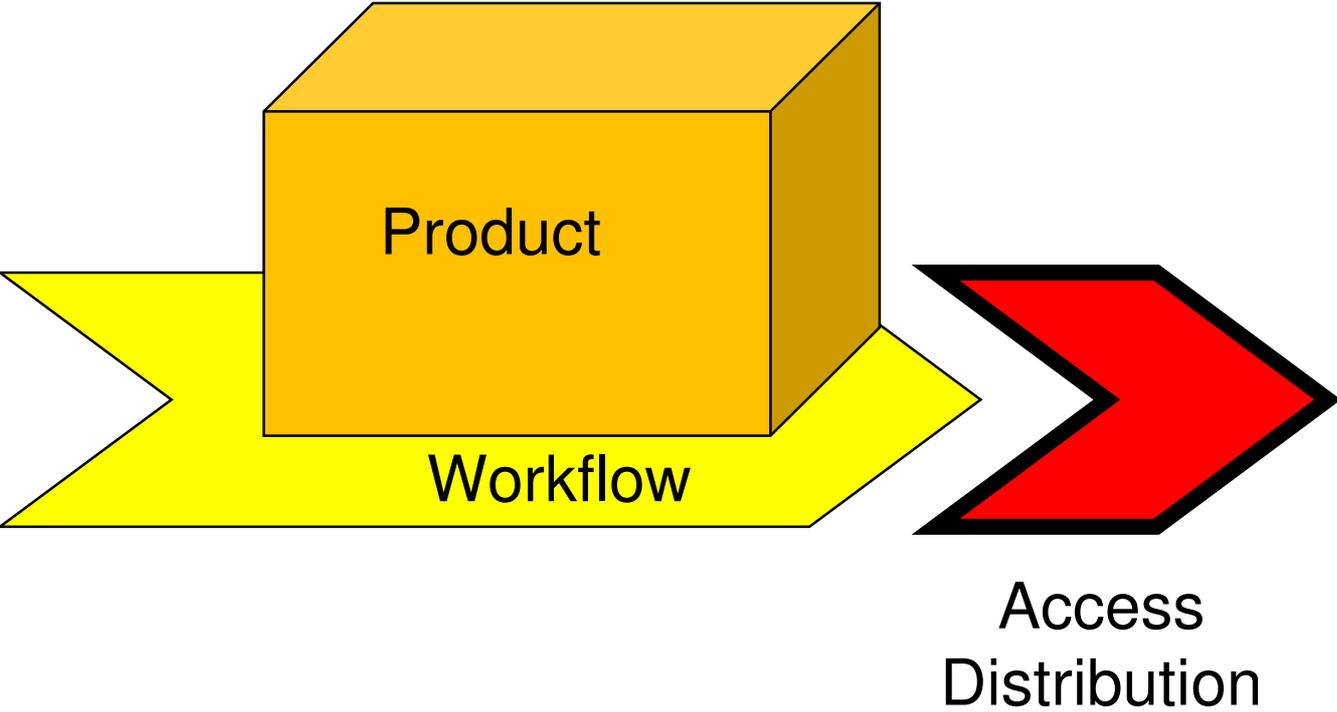SATAL, a Novel (and Cheap) Way of Building a Point-in-time Legislation Publication System**

**Pasquale COSTANZO, Genoa
Theory and Reality of the Official Publication of Legal Acts on Internet**

Product

Workflow

Publication

→ *Quality of LI*

Distribution of the Legal Product

Product

Workflow

Access
Distribution
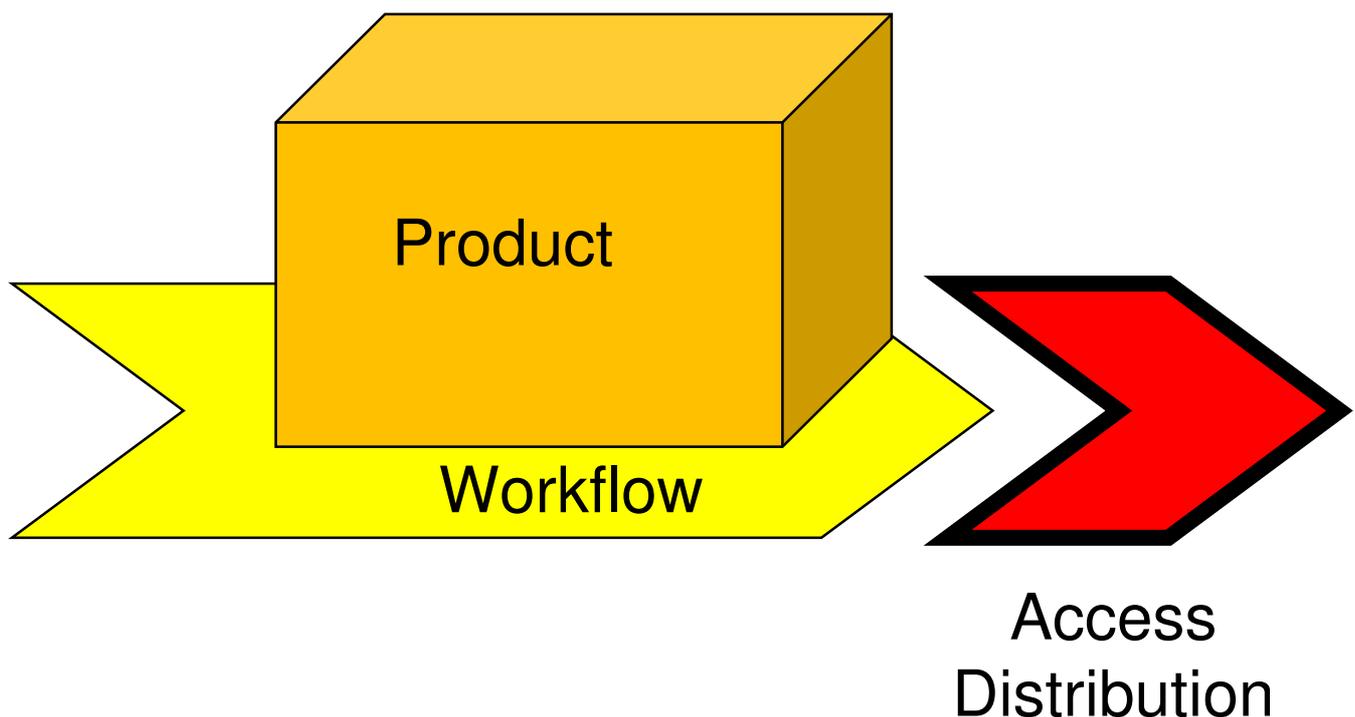
→ *Quality of LI*

Distribution of the Legal Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Albrecht BERGER, Luxembourg
Access to Legislation Online in the EU: From Fee-based to Free Information

Pascale BERTELOOT
Cross-border Access to Law and Access to EU-Law: Possible Common Approaches

Product

Workflow

Access Distribution

Danièle BOURCIER, Paris
Is a Creative Commons a Strategic Solution for the Diffusion of Legal Knowledge?

Distribution of the Legal Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Roberto CASO, Trento
Open Access to Legal Information and Copyright Rules: A Law and Technology Perspective

Stéphane COTTIN, Paris
Free Access to Legal and Legislative Information

Fernando GALINDO AYUDA, Zaragoza
Free Access to the Law in Latinamerica

Product

Workflow

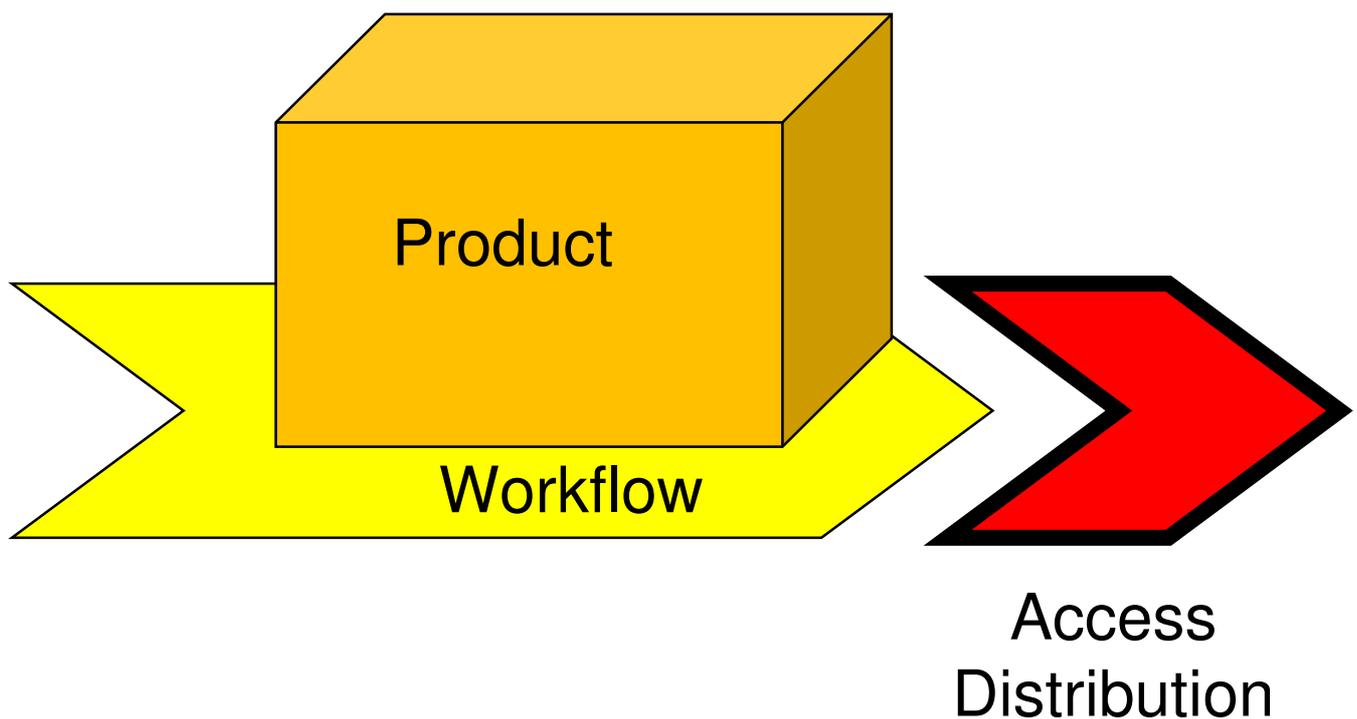Access
Distribution
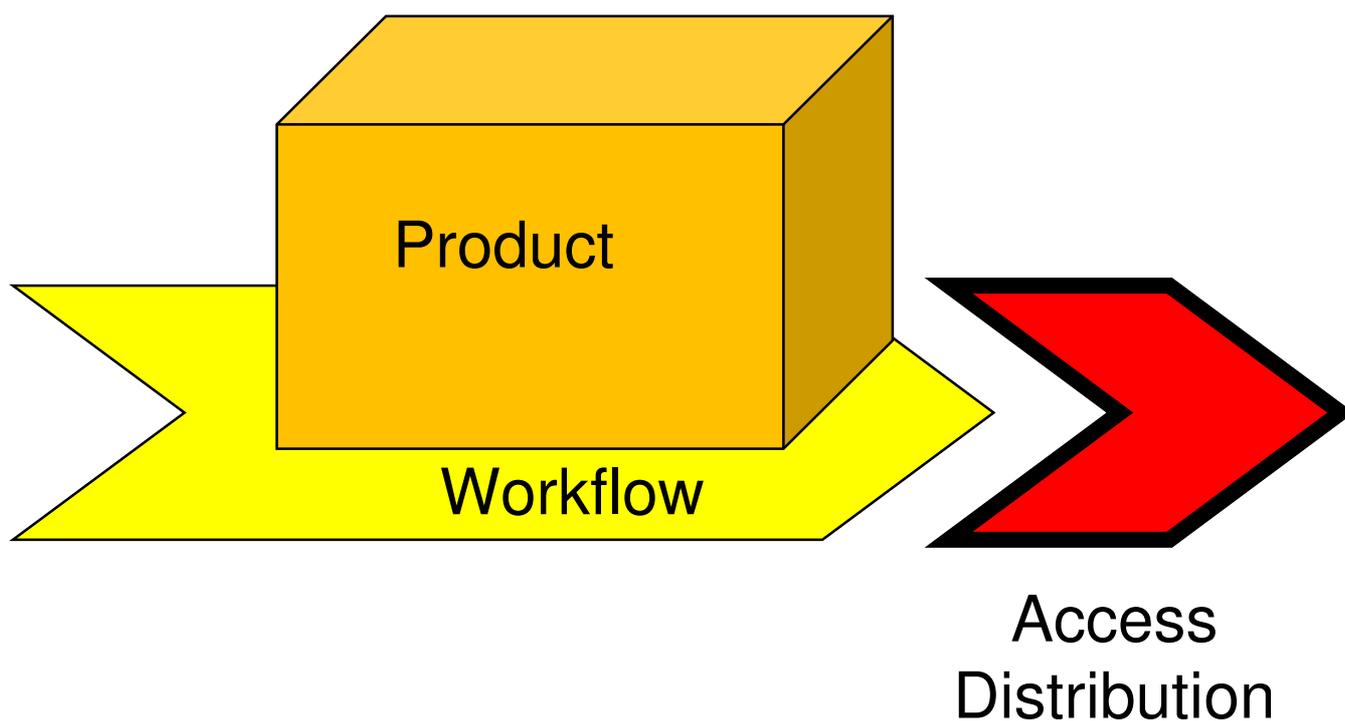
Alessandro GALLO, Italy
Open Access, Digital Preservation and Semantic Web: The New Era of a Multi-disciplinary Global Publisher

Distribution of the Legal Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Graham GREENLEAF, Australia
AustLII's Enterprise Model: Constraints and Opportunities in Funding *Free Access of Law*

Carlos G. GREGORIO, Argentina
Access to Judicial Information *via the Internet in Latin America*

Product

Workflow

Access Distribution

Maximilian HERBERGER, Saarbrücken
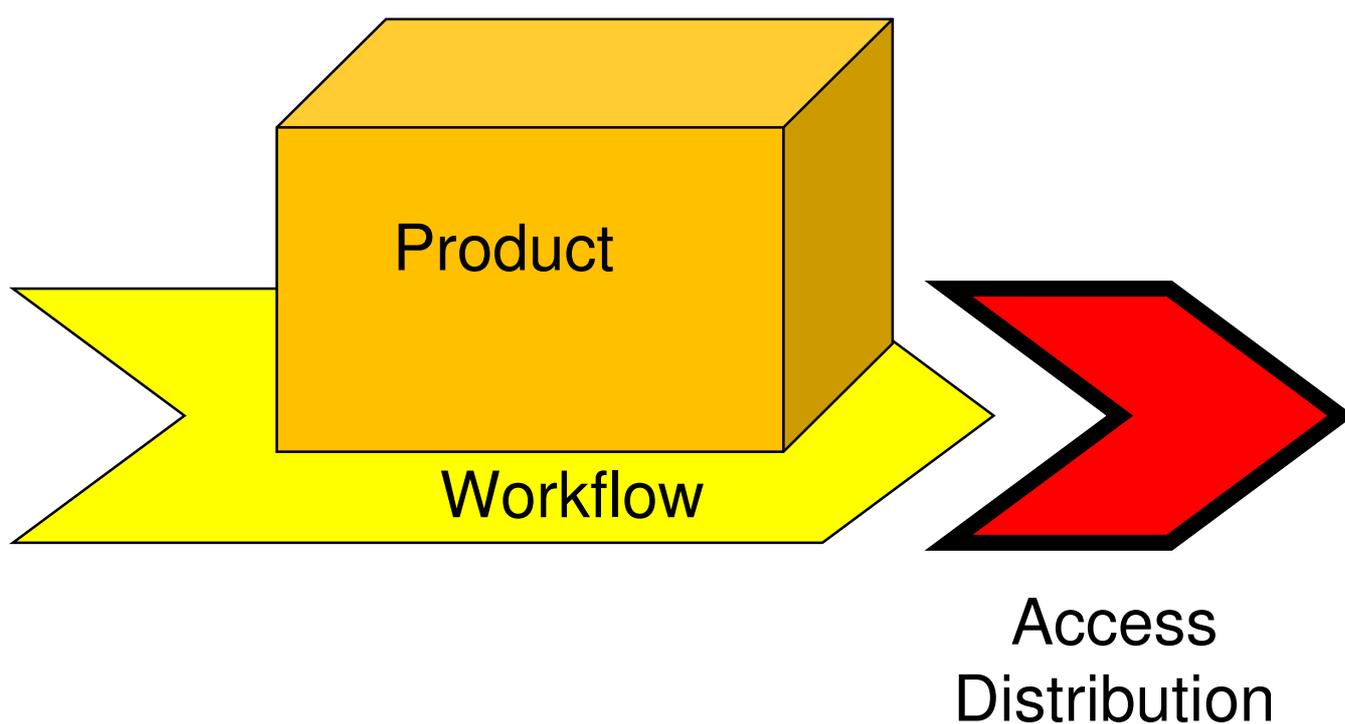*Free Access* *to Law: What Is Still Ahead?*

Distribution of the Legal Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Aki Hietanen, Helsinki
Free Access to Legal Information in Finland

Michel MORET, Bern
Free Access to Legal Information in Switzerland

Product

Workflow

Access Distribution

Ivan MOKANOV, Canada
Logical Framework for the Evaluation of the Outcome to Free Access to Law on Lawyers Competence

Distribution of the Legal Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Roberta NANNUCI, Mario RAGONA, Italy
Towards Free Access to Law: Resaerch Experiences and Prospects

Abdul PALIWALA, Warwik, UK
Free Access to Law in Africa

Product

Workflow

Access
Distribution
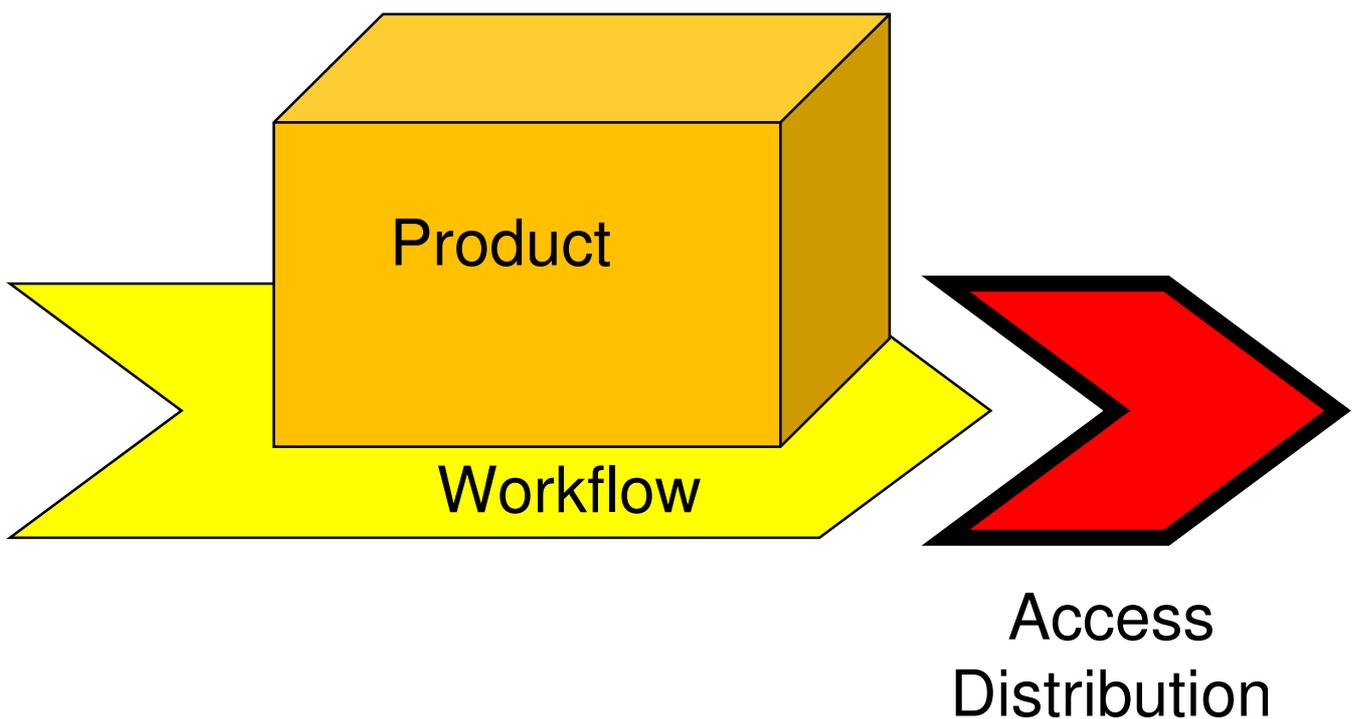
Günthert SCHEFBECK, Vienna
Free Access to Legal and Legislative Information: The Austrian Approach

Distribution of the Legal Product
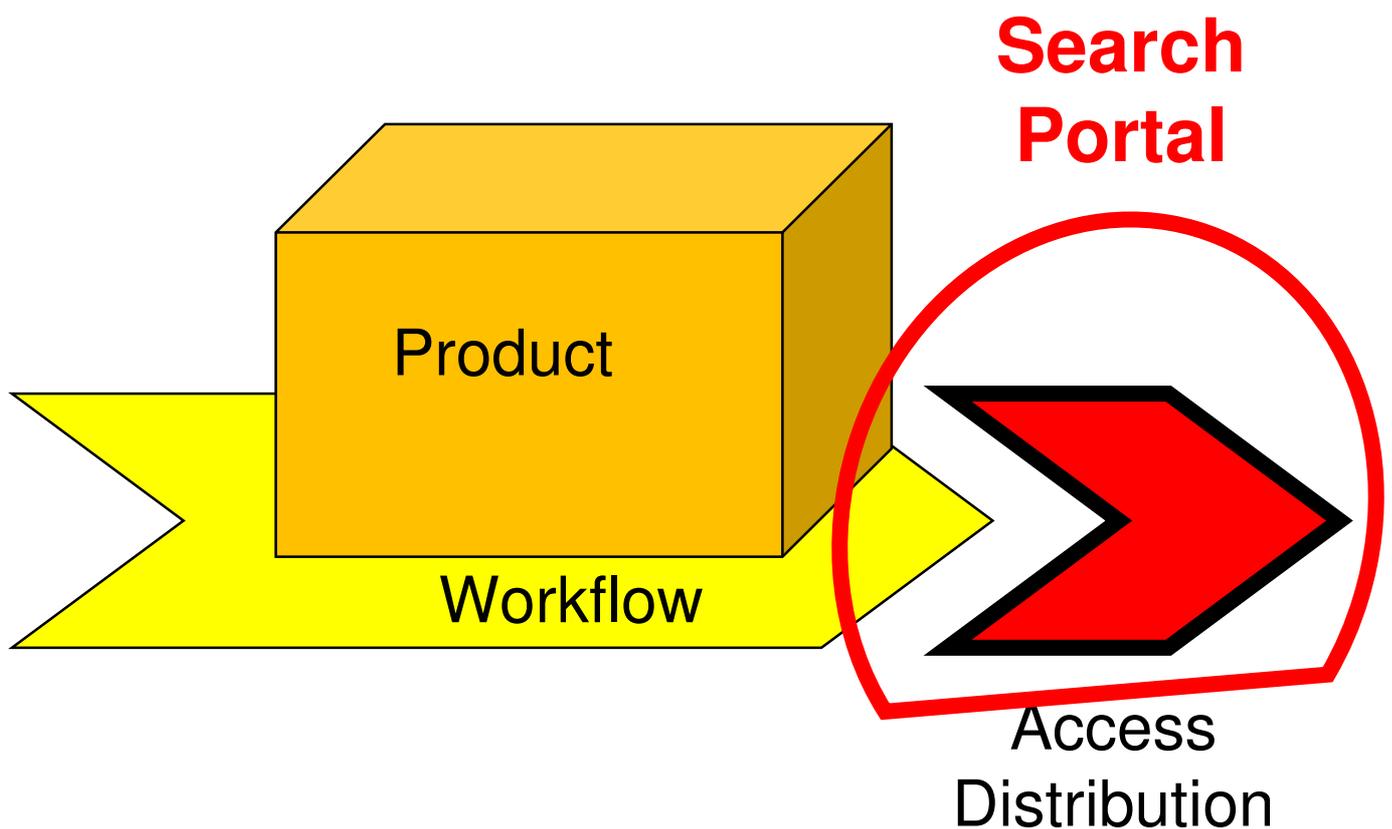
Search Portal

Product

Workflow

Access Distribution

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Thomas R. BRUCE, Cornell Law School
Foundlings on the Cathedral Steps: Public Search,
Domain Enhanced Search, Metadata, and End Users

Usage of the Legal Product

Product

Workflow
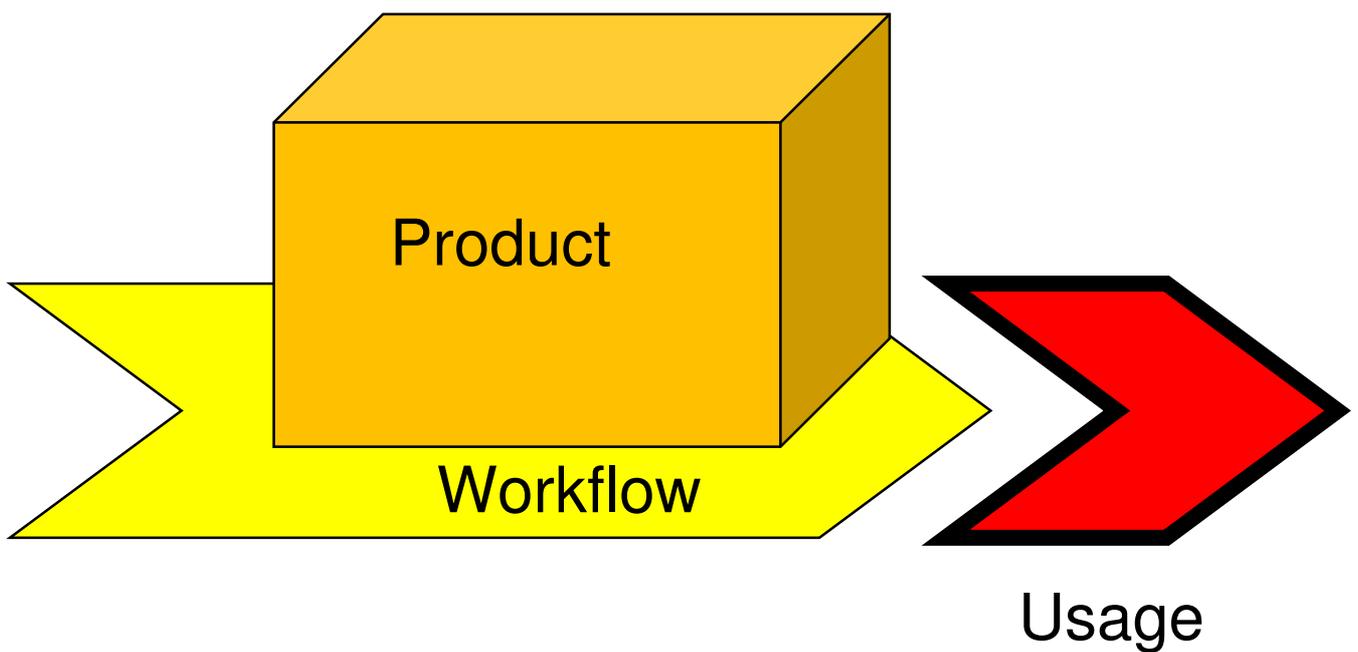
Usage

→ *Quality of LI*

Usage of the Legal Product

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Tom M. Van ENGERS, Amsterdam
Beyond the Internet Hype: How Law Can Be Made Effective?

Fernando VENTURI, Italy
Legal Documents as Core Public Sector Information

Product

Workflow

Usage
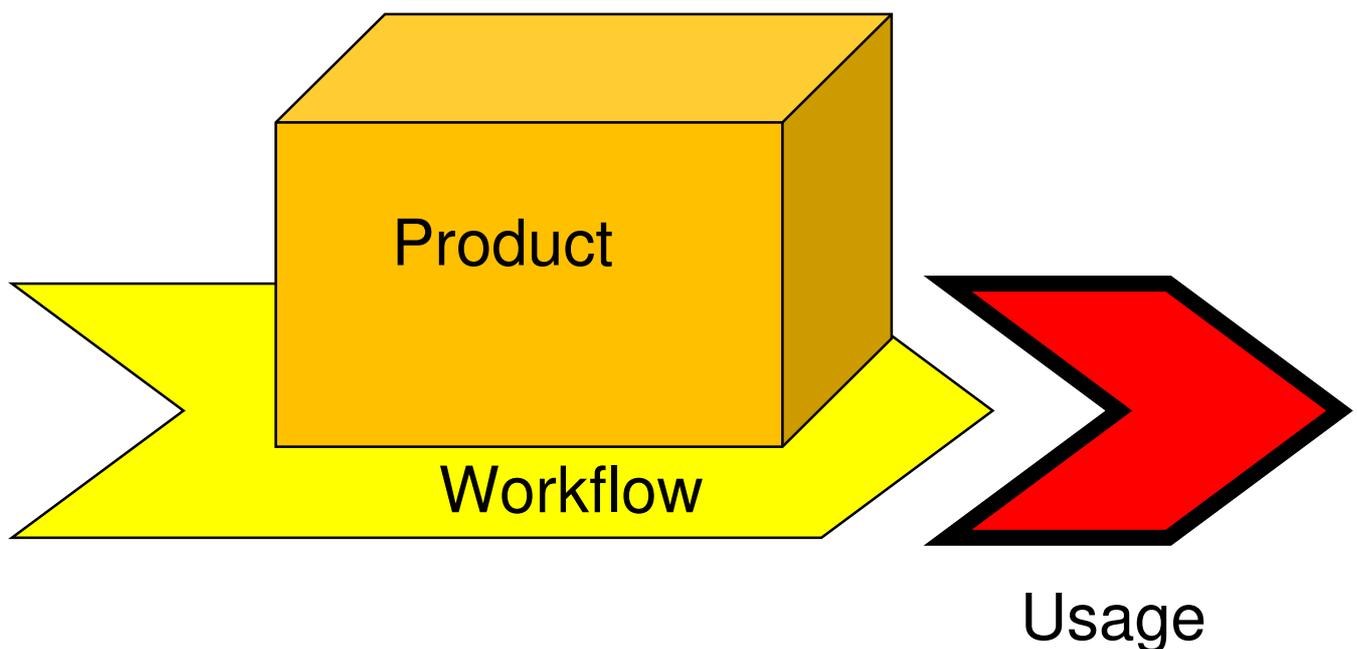
Vincenzo ZENO-ZENCOVICH, Rome
Legal Information As an Essential Aspect of Citizenship

Legal Theory as an Input for Legal Products

Product

Workflow
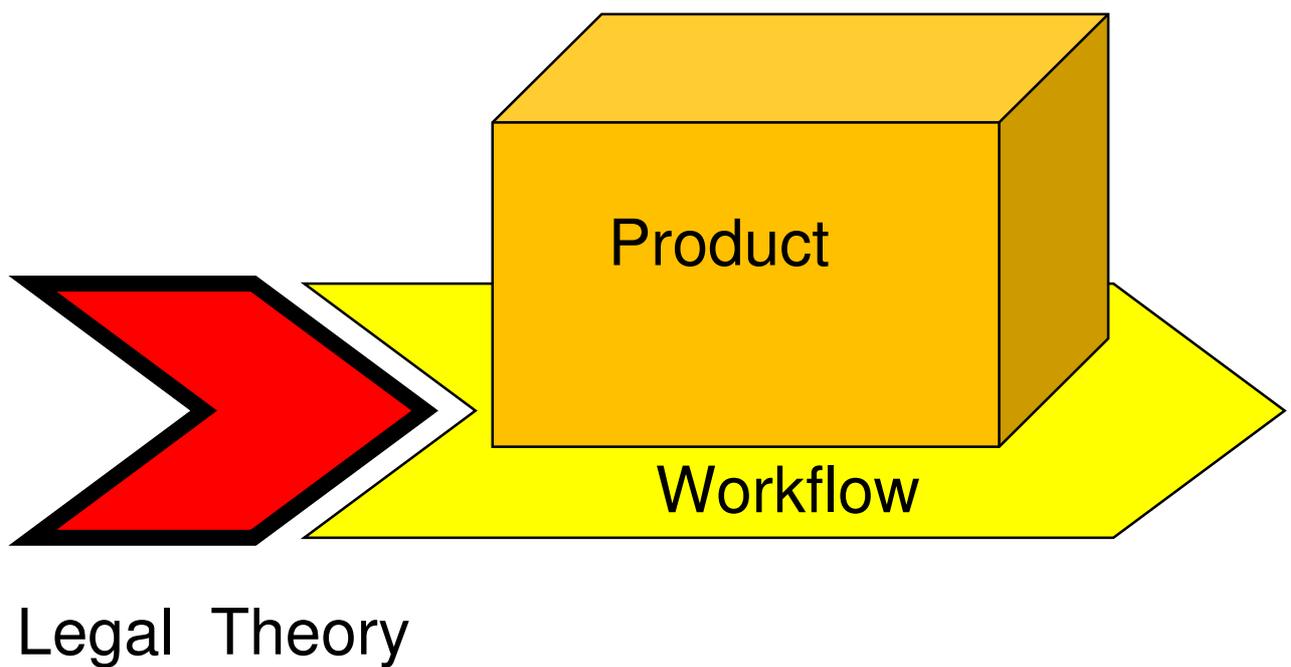
Legal Theory

$\rightarrow$ *Quality of LI*

Legal Theory as an Input for Legal Products

Carlo BIAGIOLI, Enrico FRANCESCONI, Florence

→ *Theory of Legal Provisions*
→ *Theory of Legislation*

Product

Workflow
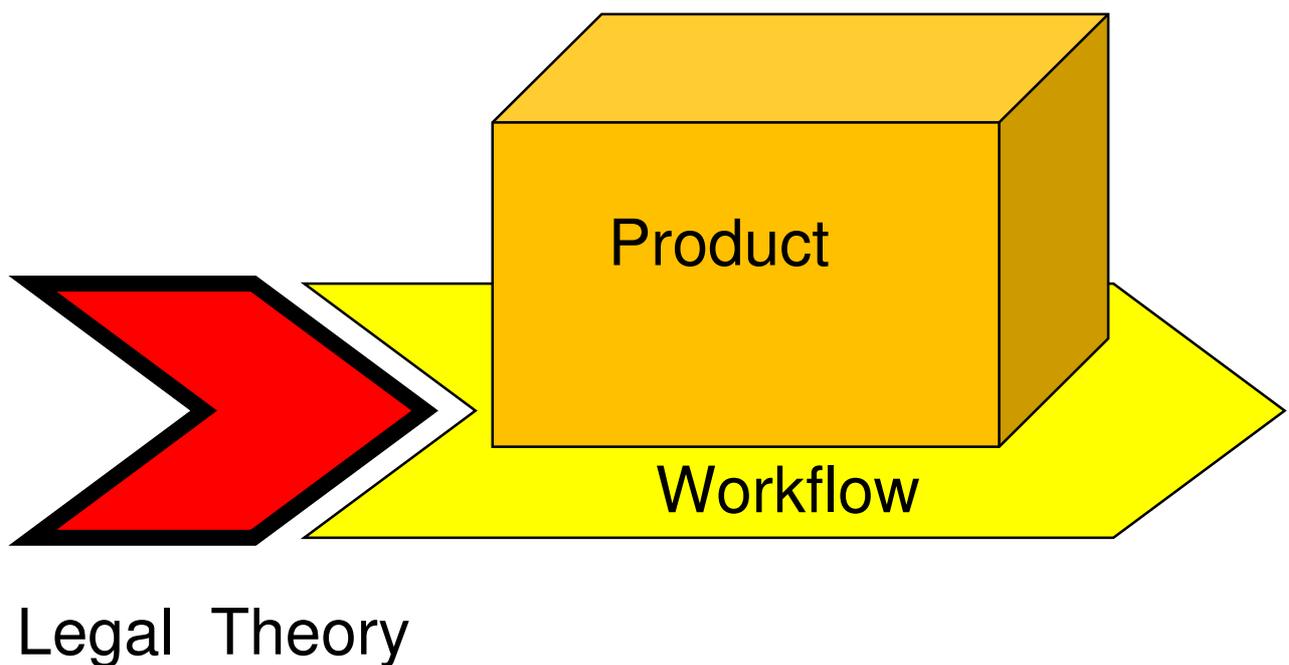
Legal Theory

Giovanni SARTOR, Bologna - Florence
→ *Theory of Legal Norms*

Legal Container – Legal Content

Metadata

Container

Metadata

Content

→ Quality of LI

Legislative Standards

Standard

Element
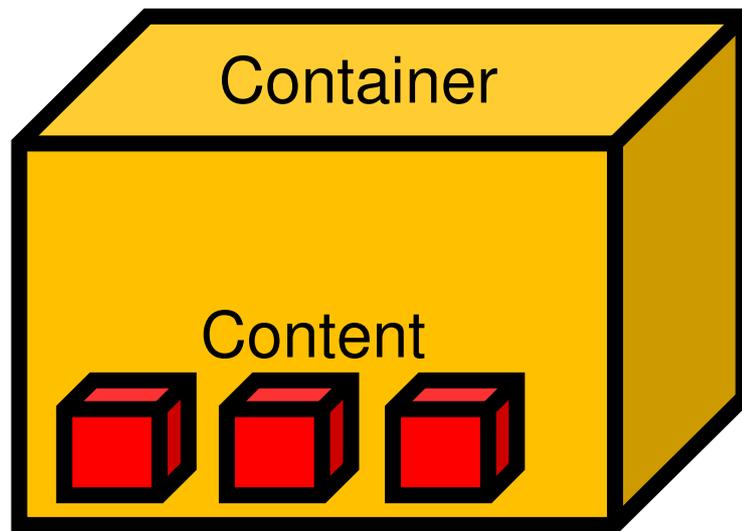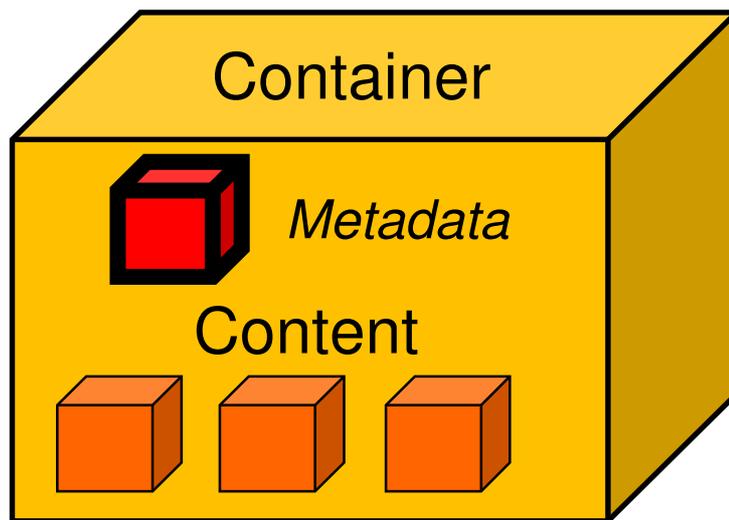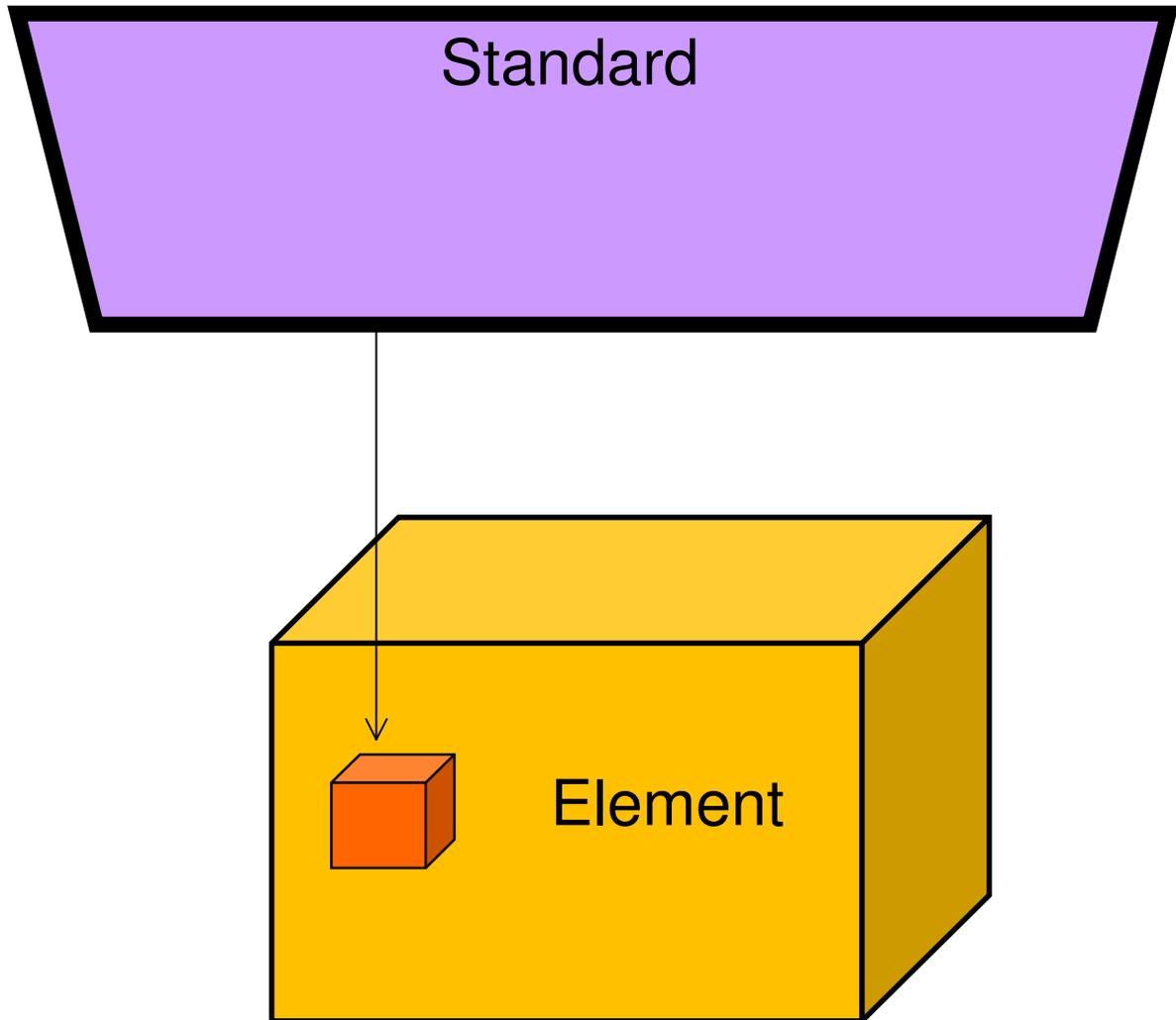
→ *Quality of LI*

Legislative Standards
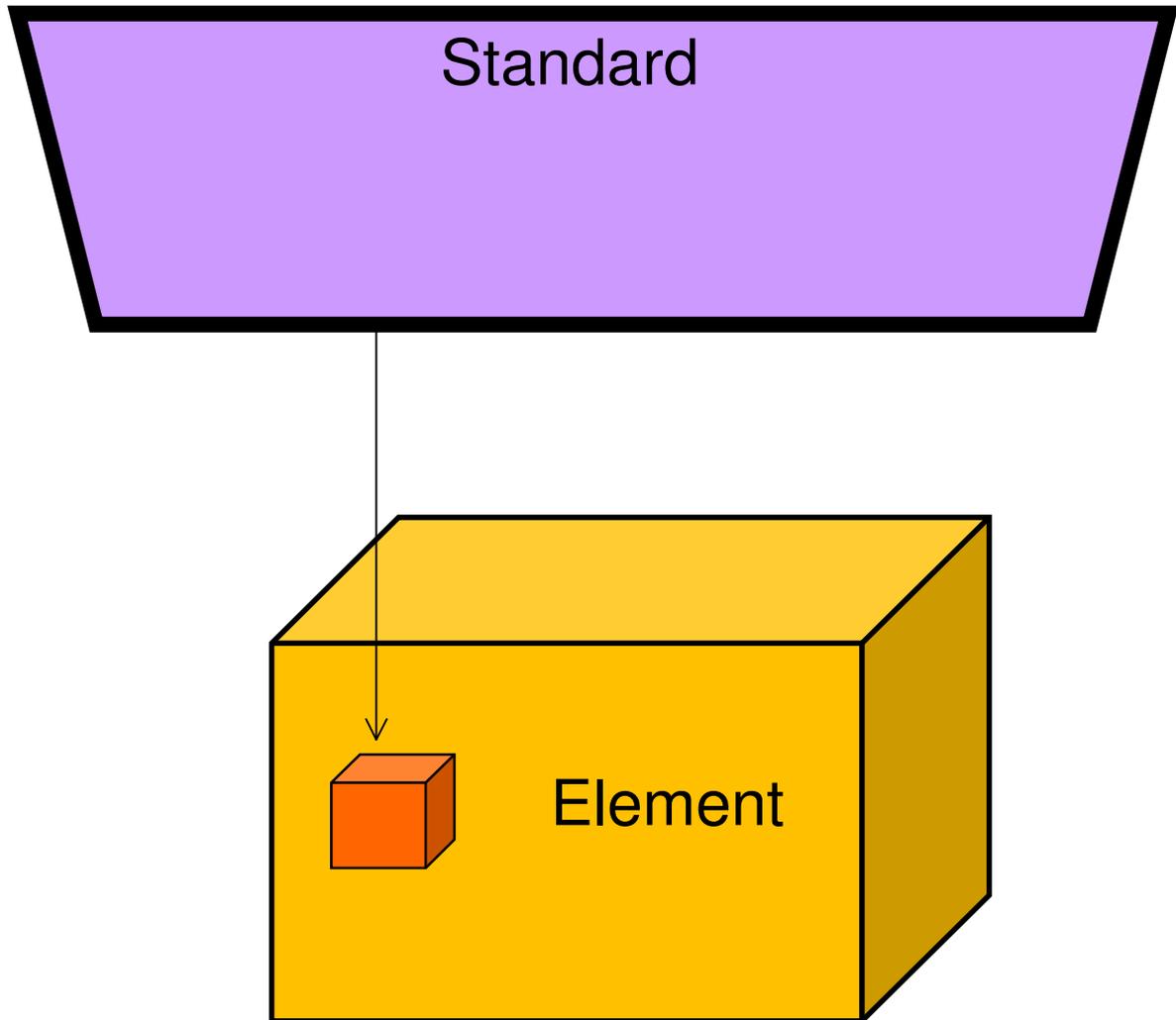
LAW VIA THE INTERNET, Florence, 30th-31st,2008

Pascale BERTELOOT
Cross-border Access to Law and Access to EU-Law:
Possible Common Approaches

Thomas GORDON, Germany,
The Legal Knowledge Interchange Format

Legislative Standards

Standard

Element
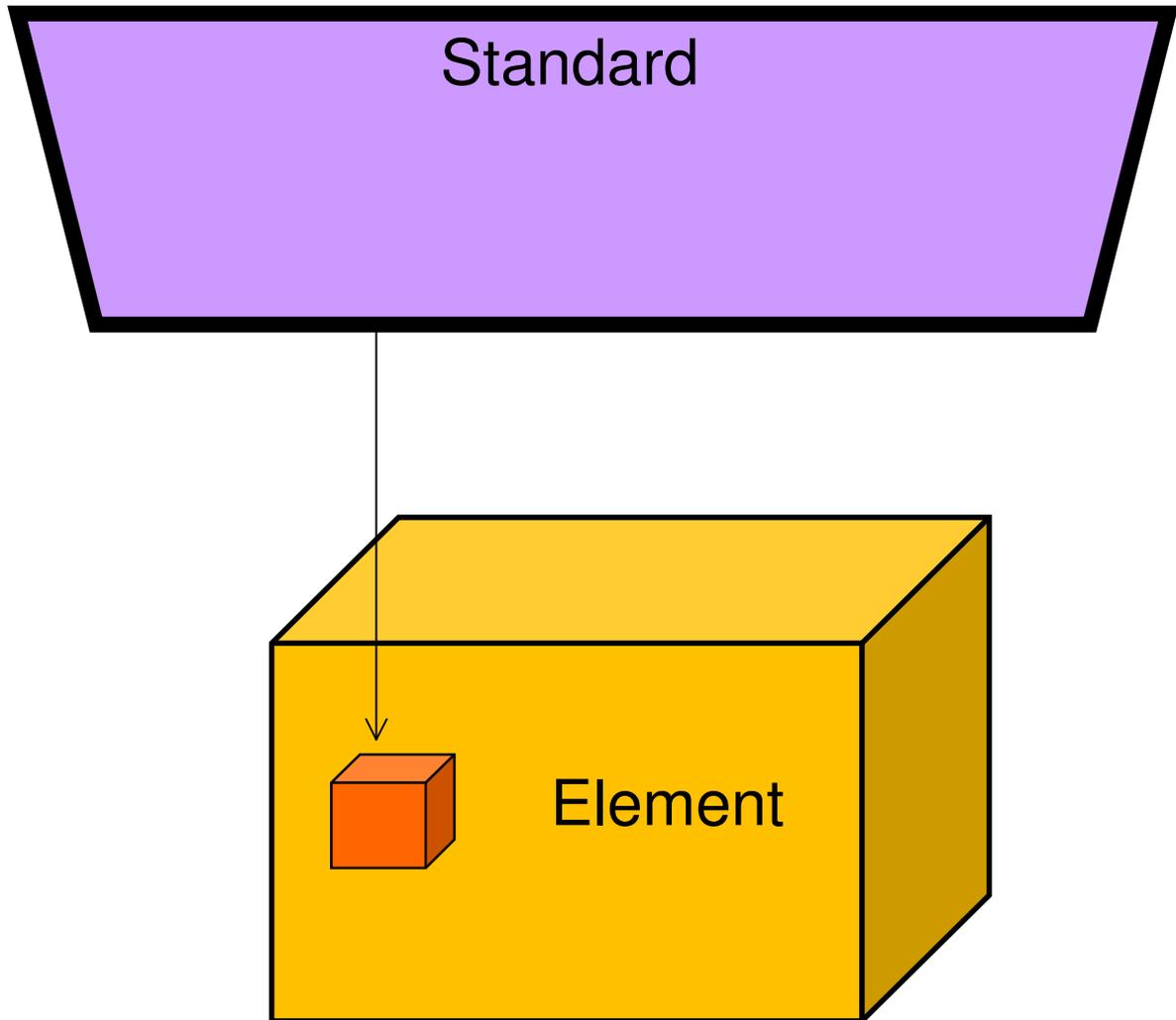
LAW VIA THE INTERNET, Florence, 30th-31st,2008

Caterina LUPO, Italy
Free Access to Legislation in Italy: The Role of
Standards fot the Integration of Information Systems

Hans Van BOSSUYT, Bertel De GROOTE, Belgium
Towards a Standard Structure for the Drafting of
Judgments?

ex ante > ex post

Standard

Workflow
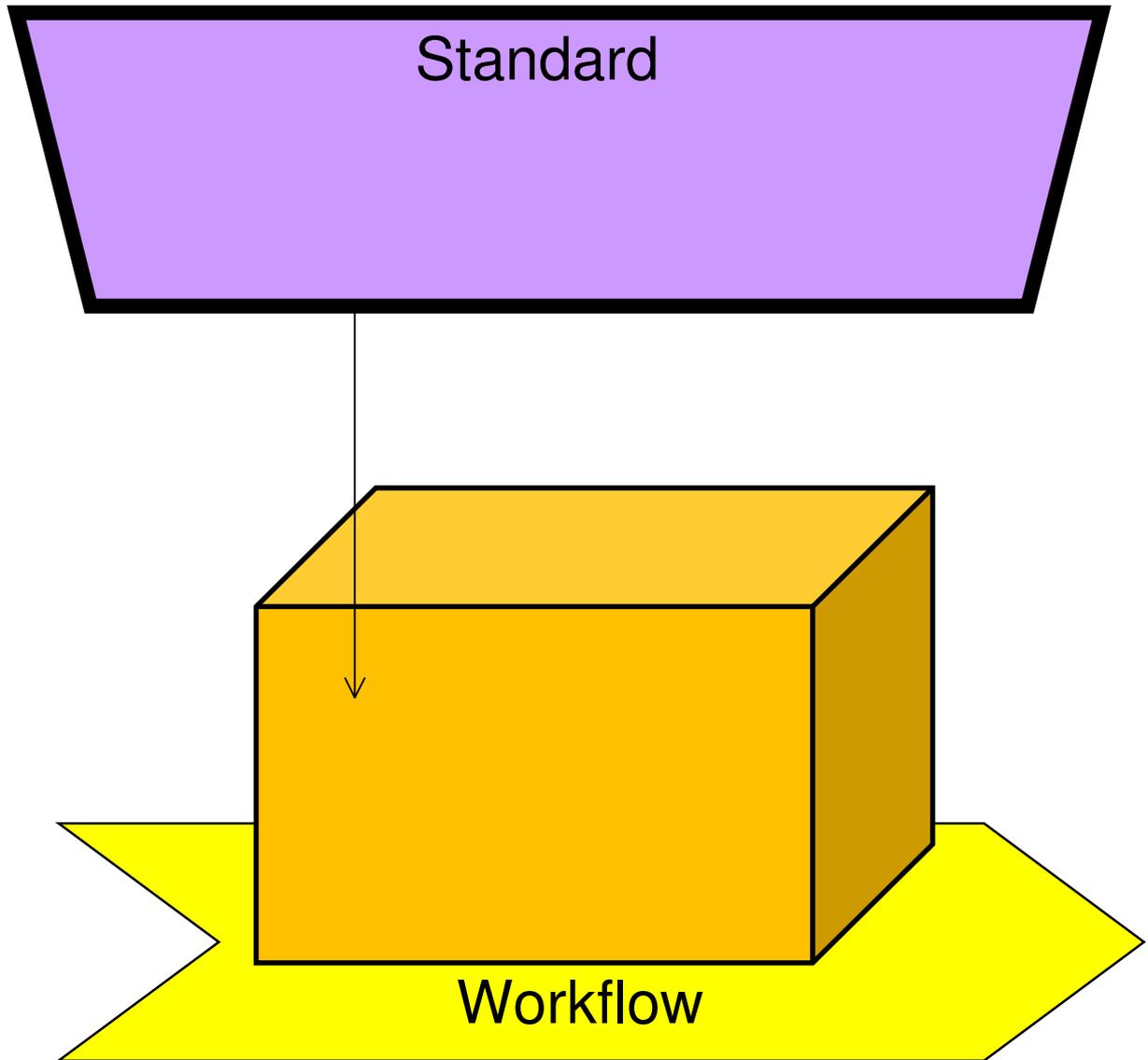
Rationality :ex ante ← ex post
Legists ← Documentalists

→ *Quality of LI*

ex ante > ex post
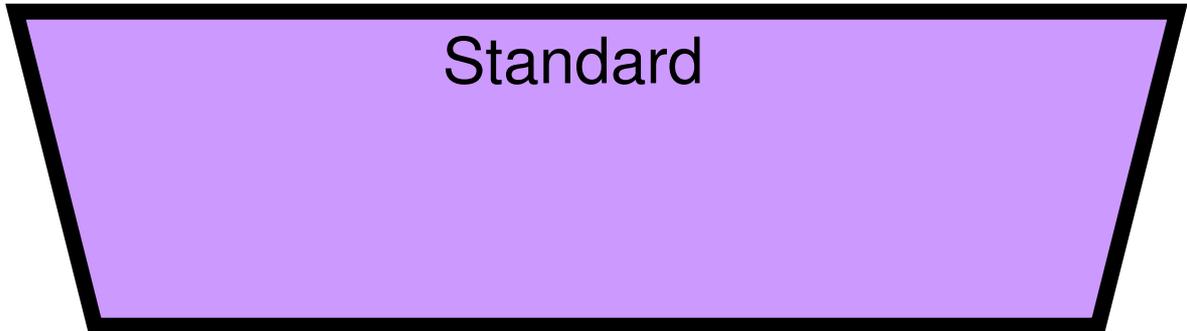
Standard

Workflow
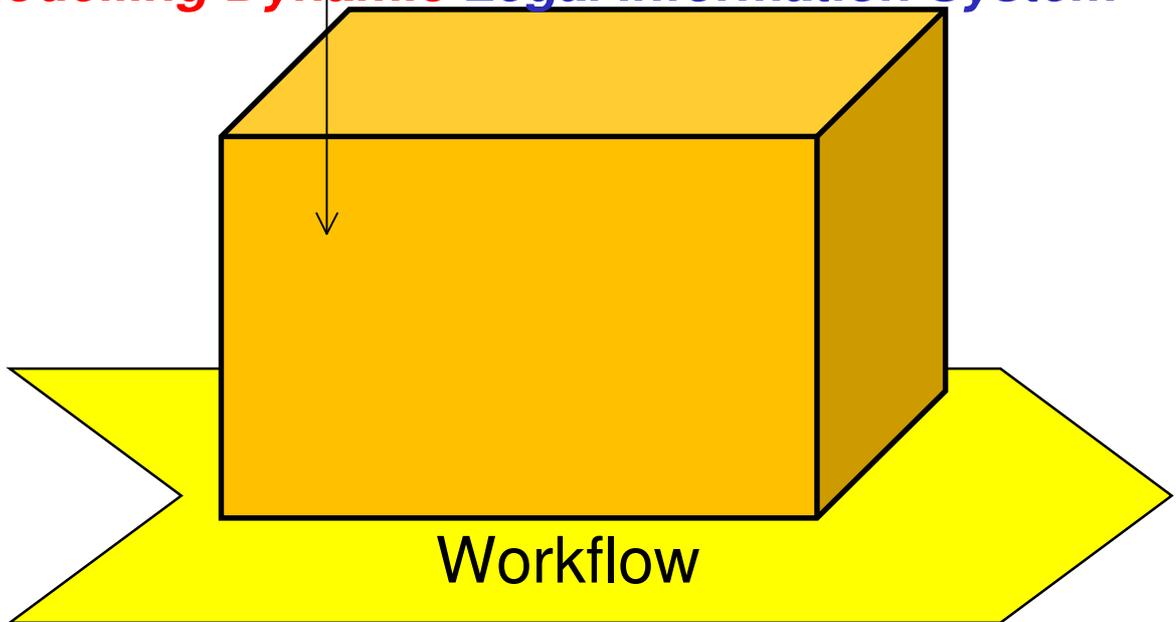
Rationality :ex ante ← ex post
Legists ← Documentalists

Standard: Norm-to-Be

Standard

Norm:To-Be

Element
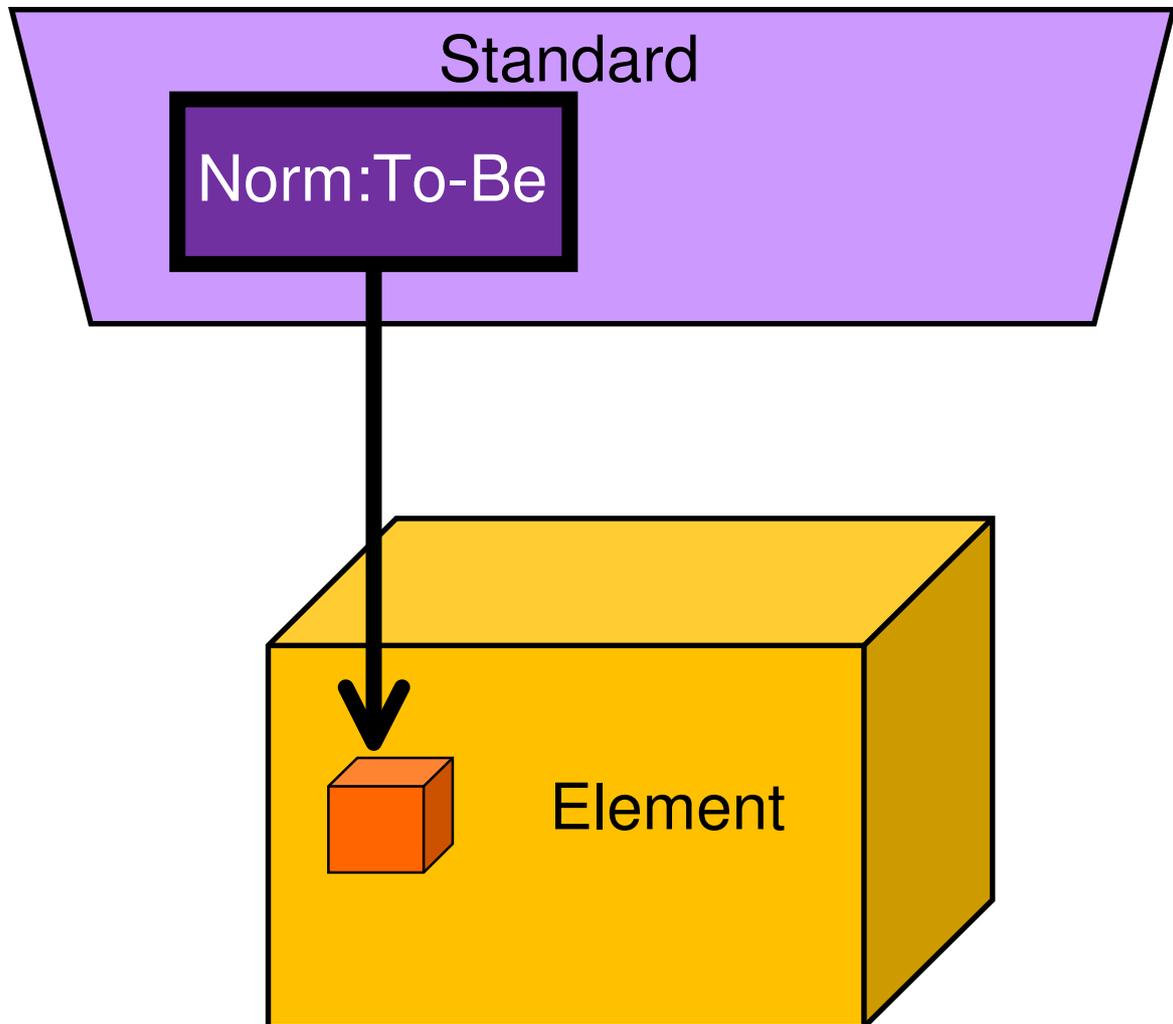
Giovanni SARTOR, Bologna - Florence
→ Theory of Legal Norms

Standards: Qualification

Standard

Norm:To-Be

Qualification
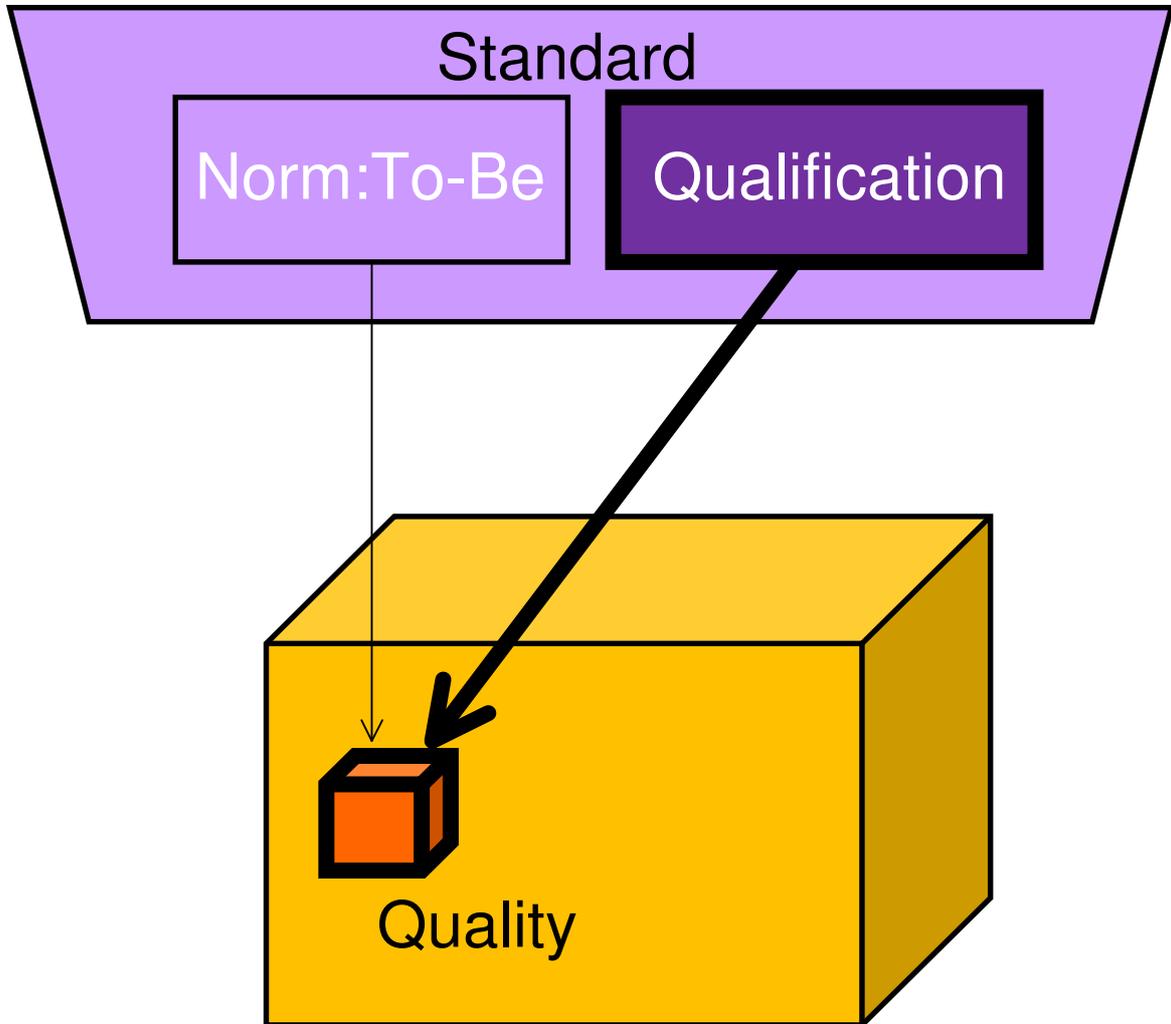
Quality

Giovanni SARTOR, Bologna - Florence
→ Theory of Legal Norms

Functions of Quality
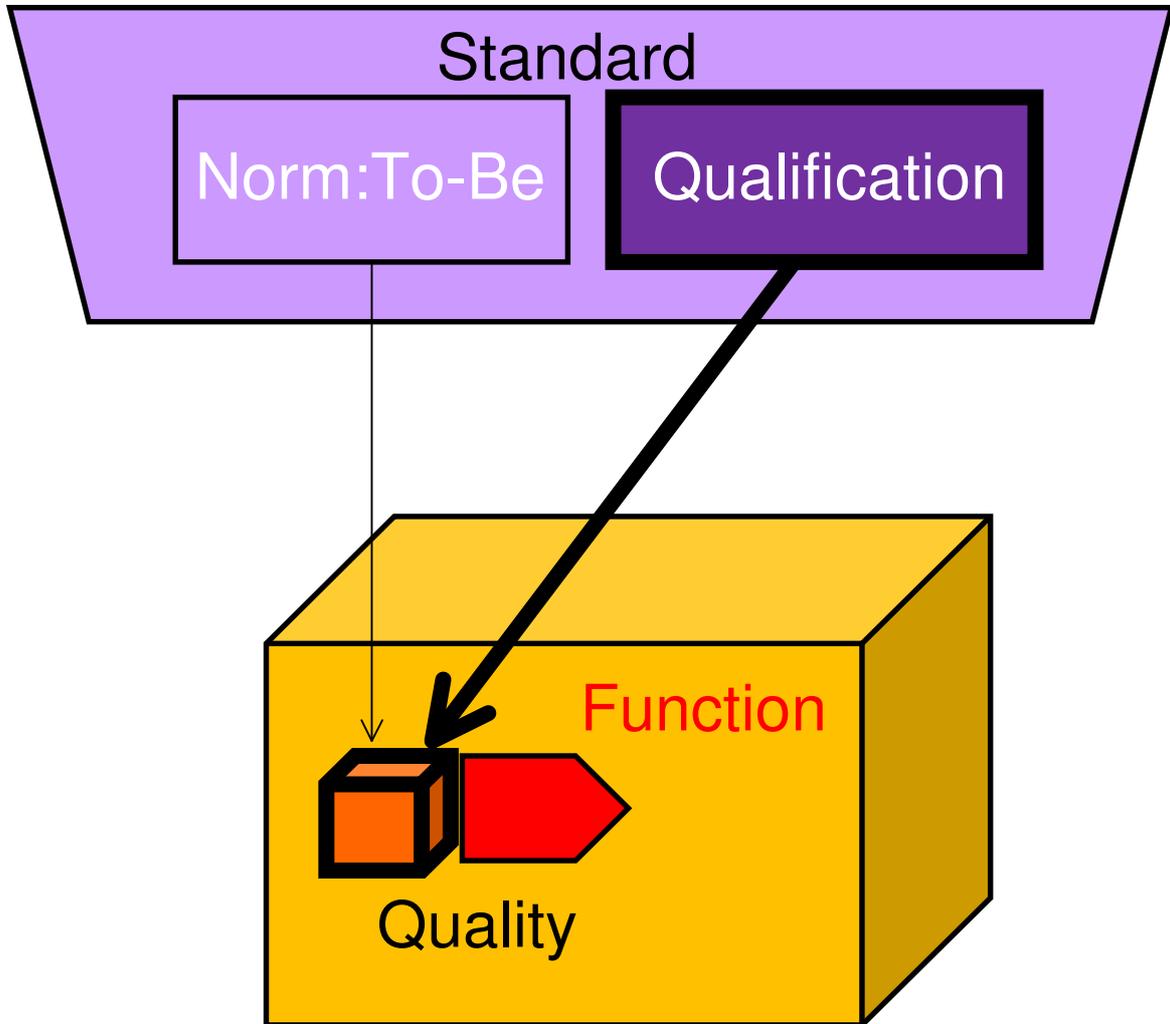
Giovanni SARTOR, Bologna - Florence
→ Theory of Legal Norms

Legal Act as a Product

Qualification

Certification

**Process management system**

❌

Usually no certification of: processes, functions, features

Legal Act as a Product

Qualification

Certification

Process management system

Usually no certification of: processes, functions, features

Metrics

Methodology e.g. Balanced Score Cards (BSC)

Application of (strategic) performance measures

Legal Act as a Product

Qualification

Certification

Metrics

Process management system

**Methodology
e.g. Balanced Score
Cards (BSC)**

❌

Usually no certification of: processes, functions, features

Application of (strategic) performance measures

4 perspectives:
customers - financial - business processes - resources

Formal and Material Structure of Legal Acts

Carlo BIAGIOLI, Enrico FRANCESCONI, Florence

Theory of Legal Provisions
Theory of Legislation

Formal
Structure

Material Structure
Legal Provisions
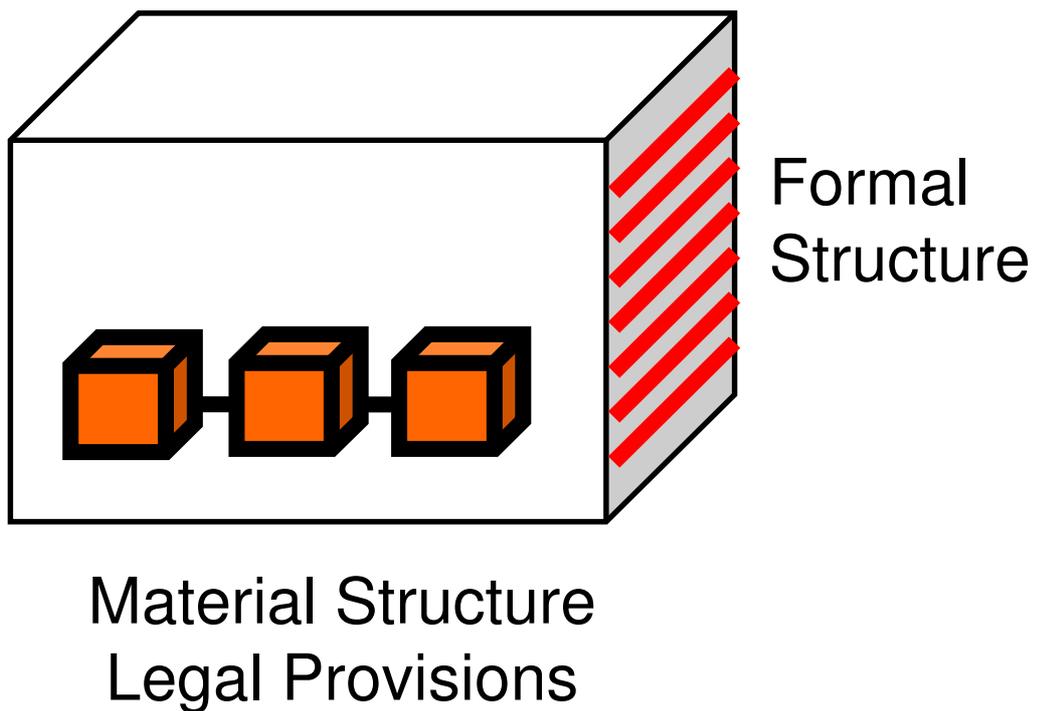
Correlation between Formal and Material Structures

Carlo BIAGIOLI, Enrico FRANCESCONI, Florence

Theory of Legal Provisions
Theory of Legislation

Correlation

Formal
Structure

Material Structure
Legal Provisions
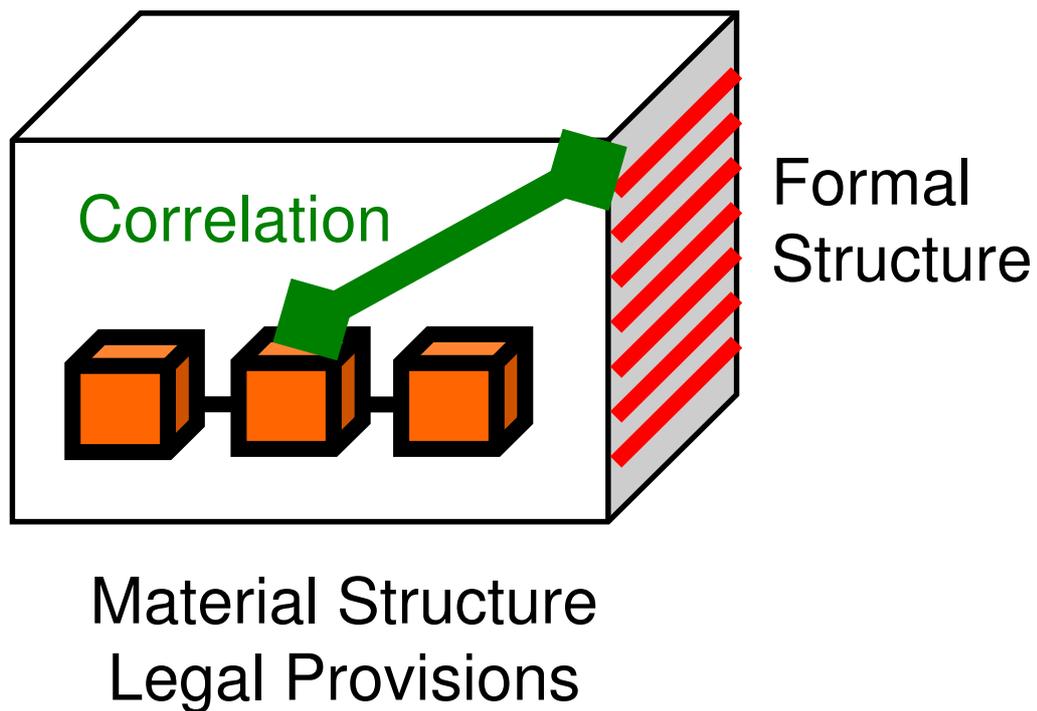
→ *Quality of LI*

Formal Standardisation

RIS

Formal Standards

Norms:To-Be Qualifications

Formal Structure

Material Structure
Legal Provisions
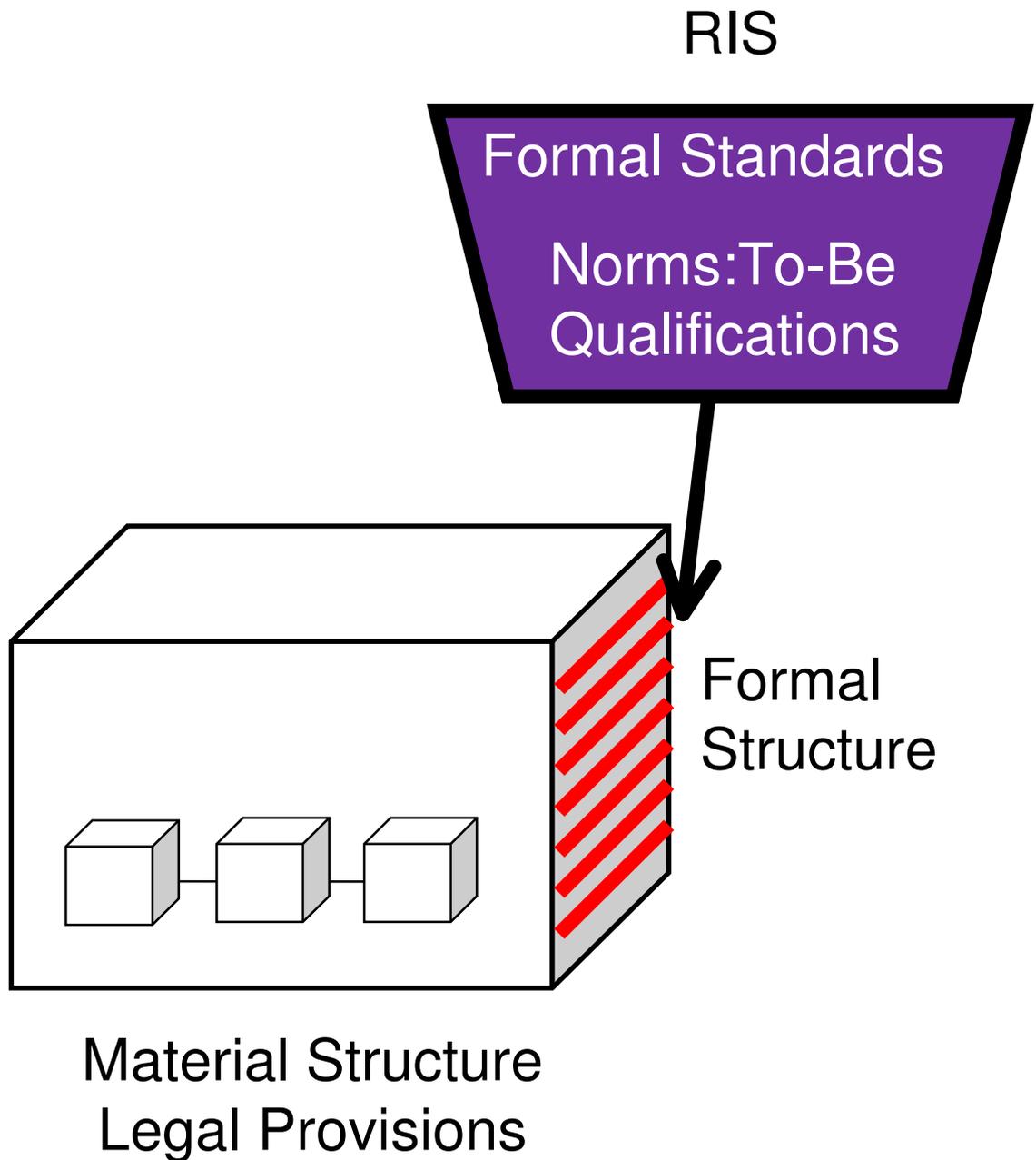
Giovanni SARTOR, Bologna - Florence
Theory of Legal Norms

Semantical Standardisation

Terms, Ontologies
Principles
General Norms
Individual Norms
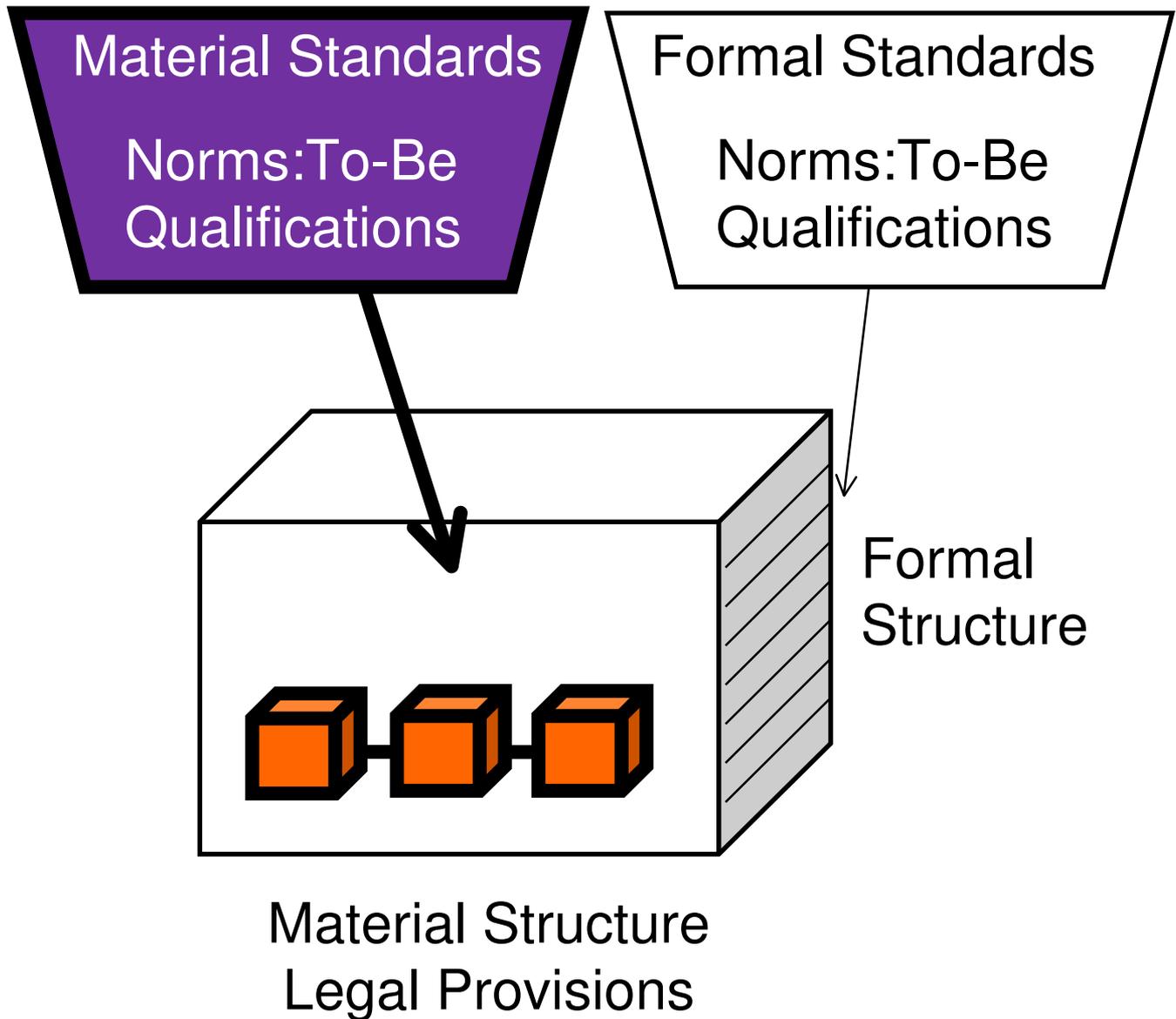
Material Standards

Norms:To-Be
Qualifications

Formal Standards

Norms:To-Be
Qualifications

Formal
Structure

Material Structure
Legal Provisions

Giovanni SARTOR, Bologna - Florence
Theory of Legal Norms

Semantical Standardisation

Material Standards

Norms:To-Be
Qualifications

Formal Standards

Norms:To-Be
Qualifications

Formal
Structure

Material Structure
Legal Provisions
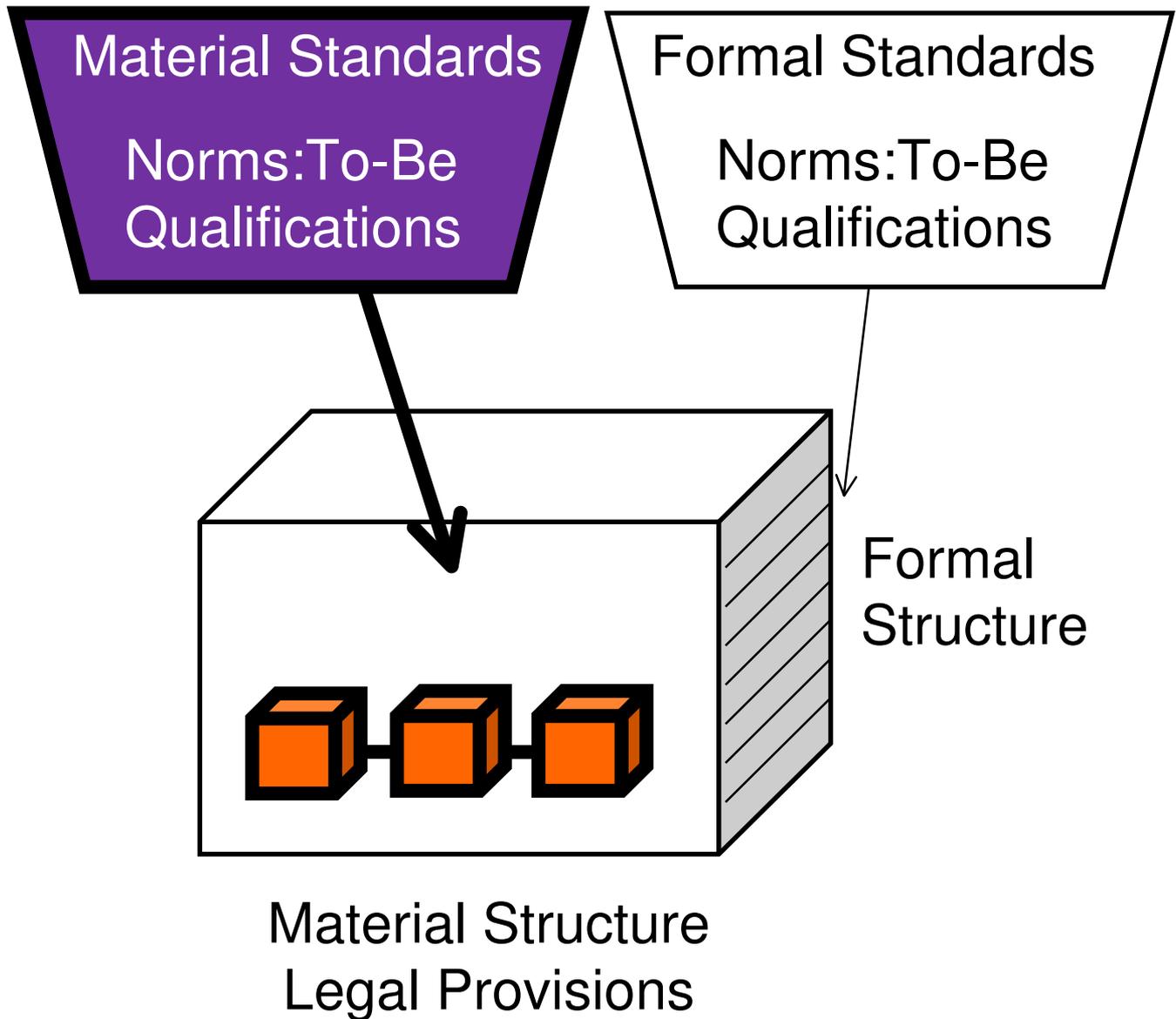
Giovanni SARTOR, Bologna - Florence
Theory of Legal Norms

Towards Explicite Semantics 1
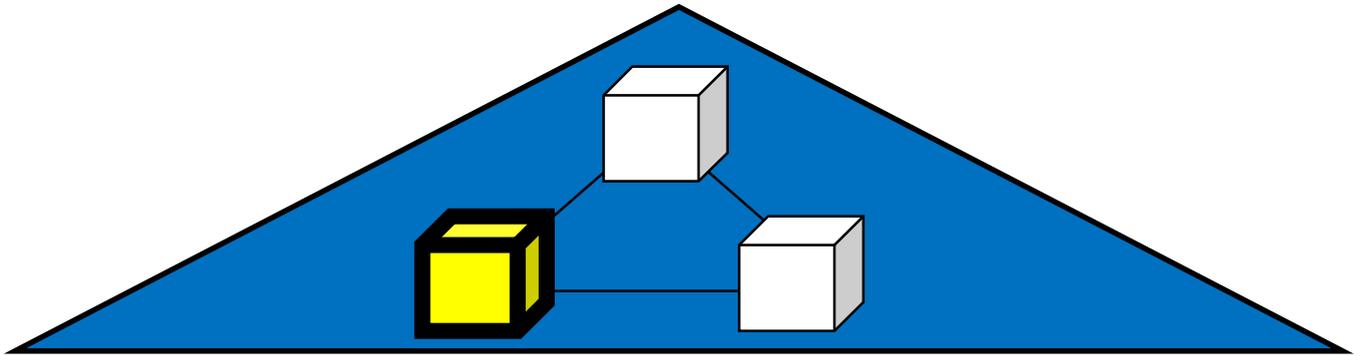
Semantics
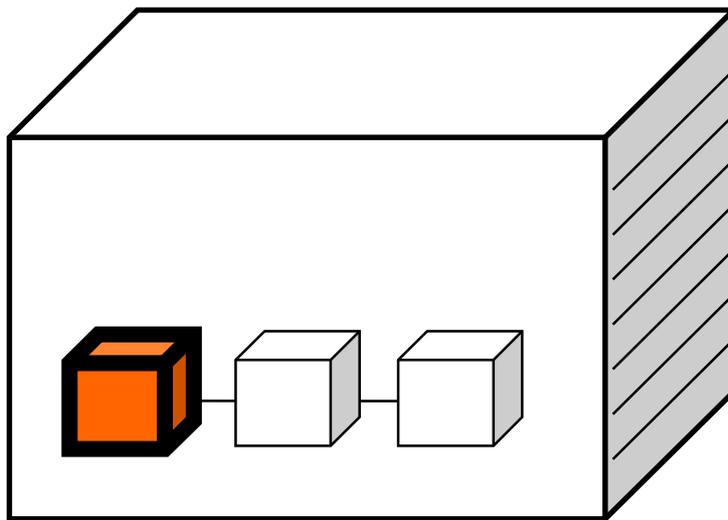
Towards Explicite Semantics 2
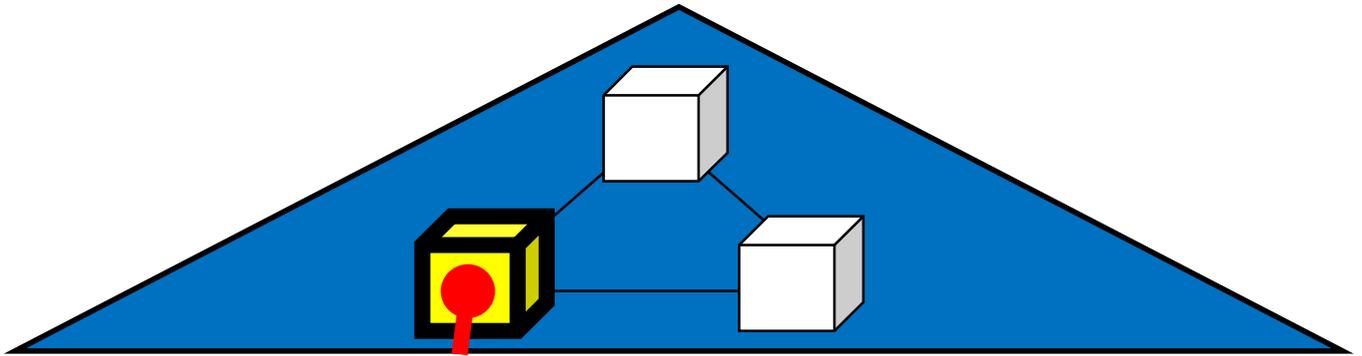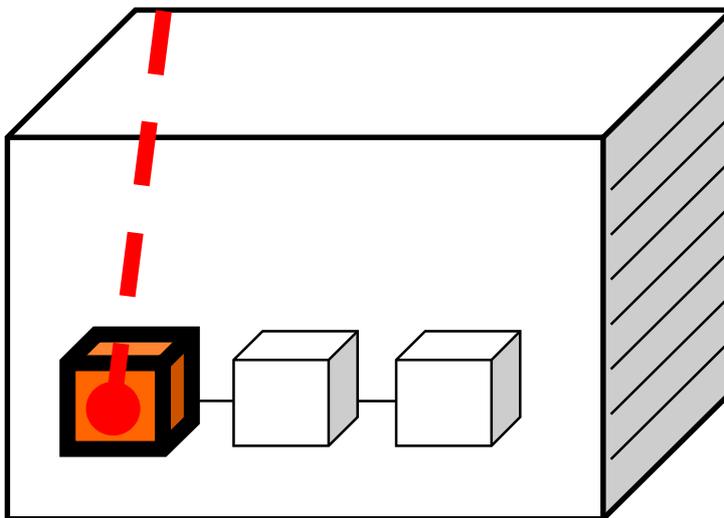
Semantics

Implicite Semantics

Towards Explicite Semantics 2
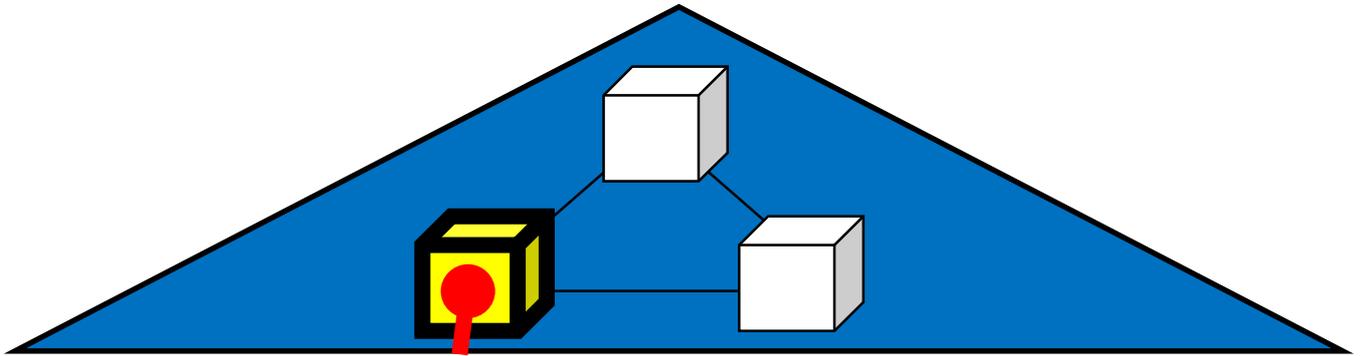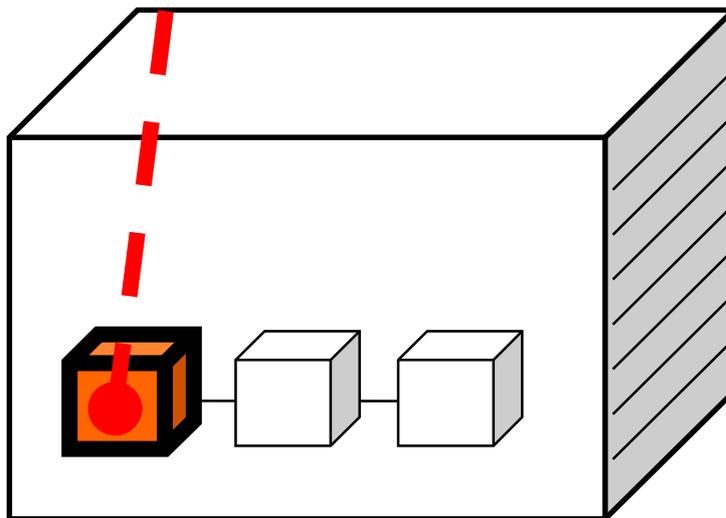
Semantics

Implicite Semantics

Erich Schweighofer
→ Representation of Legal Knowledge

Towards Explicite Semantics 3
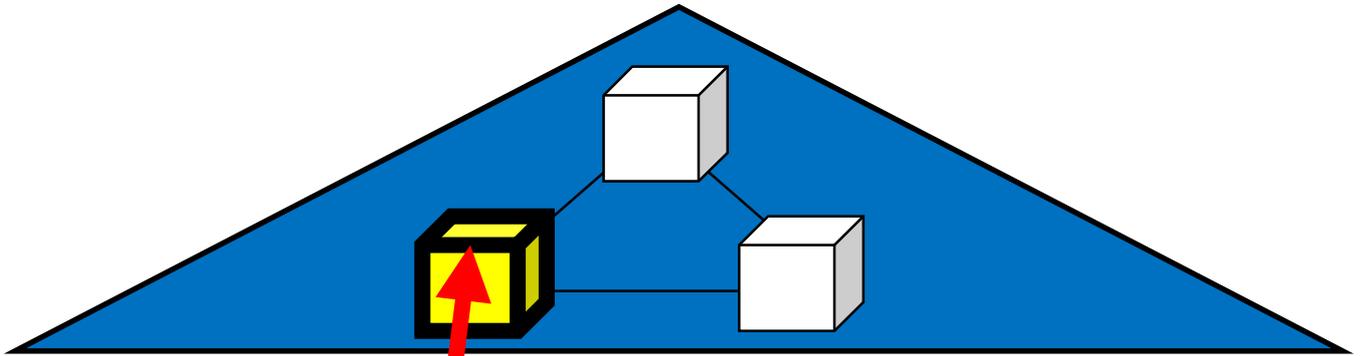
Semantics

Explicite Semantics
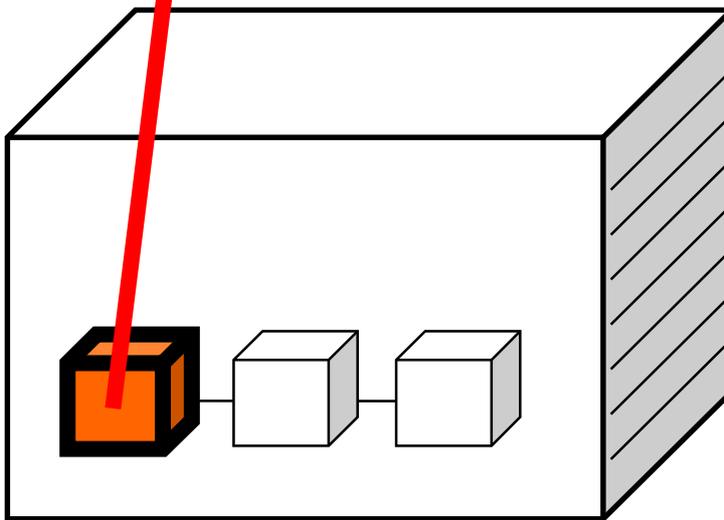
→ *Quality of LI*

Towards Explicite Semantics 3
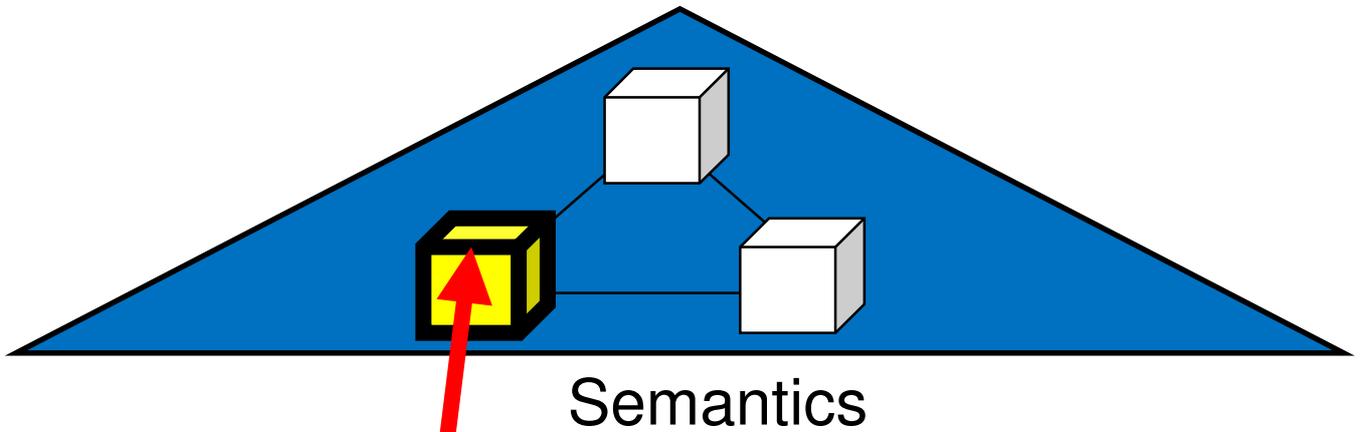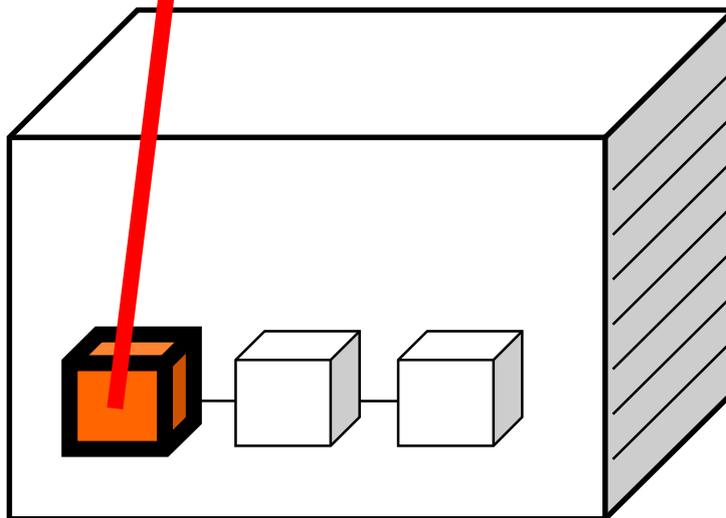
Semantics

Explicite Semantics

Erich Schweighofer
→ Representation of Legal Knowledge

Towards Explicite Semantics 3
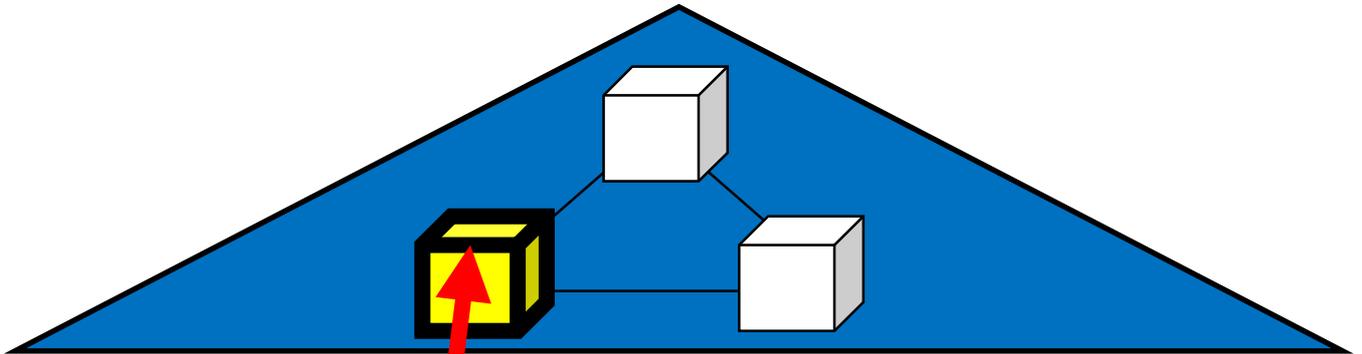
Semantics

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Gianmaria AJANI, Turin:
Introducing the Legal Taxonomy Syllabus (LTS) on EU Consumer Law

Explicite Semantics
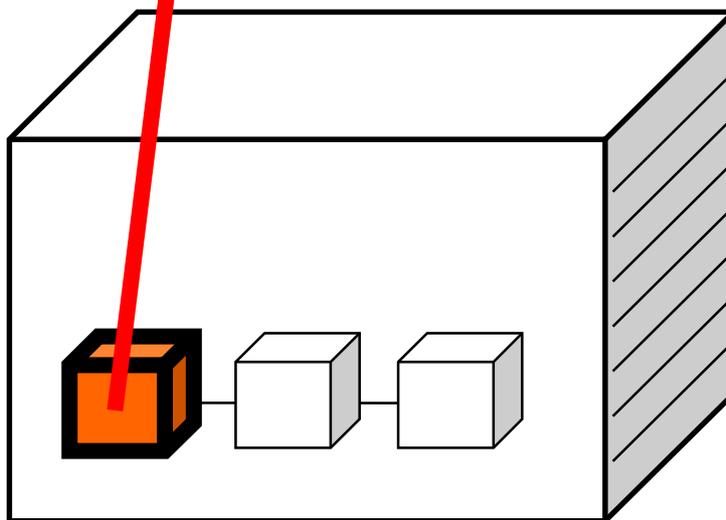
Pompeu CASANOVAS, Barcelona
Justice Through the Internet: Hopes and Challenges of Law and the Semantic Web

Towards Explicite Semantics 4

Explicite Semantics
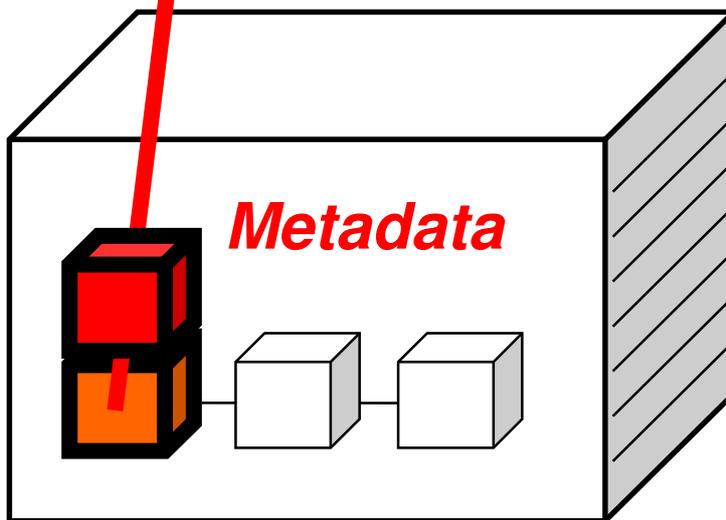
Metadata

→ *Quality of LI*

Towards Explicite Semantics 4

LAW VIA THE INTERNET, Florence, 30th-31st,2008

Thomas R. BRUCE, Cornell Law School
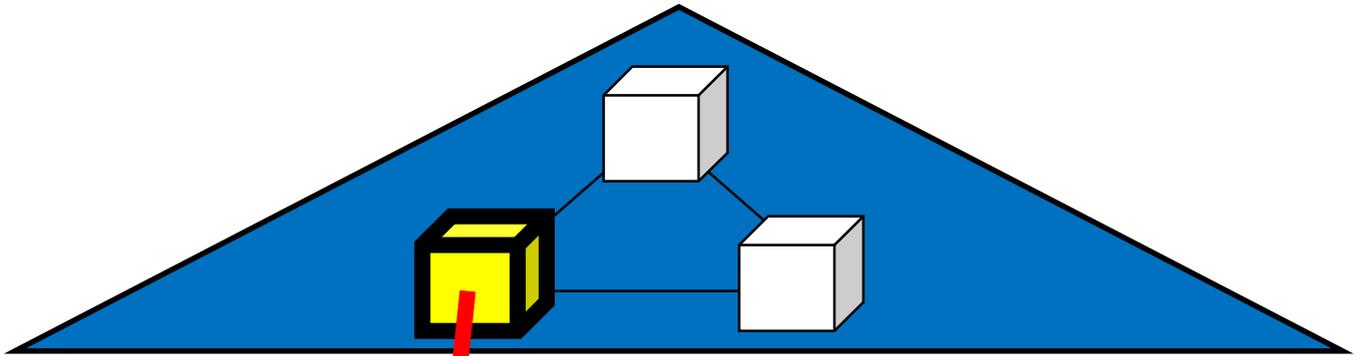**Foundlings on the Cathedral Steps: Public Search, Domain Enhanced Search, Metadata, and End Users**
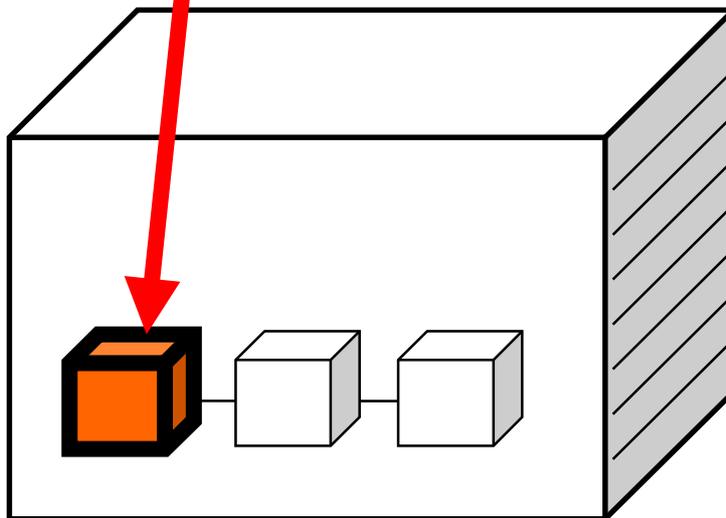
Explicite Semantics

Metadata
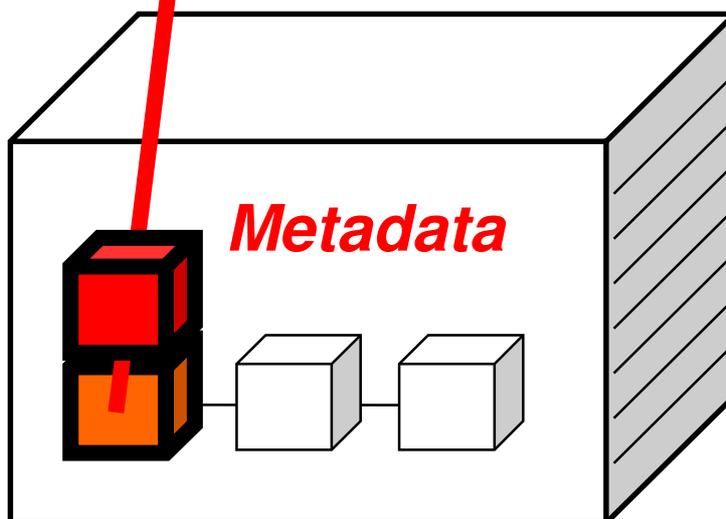
Andrew MOWBRAY, Philip CHUNG, Graham GREENLEAF
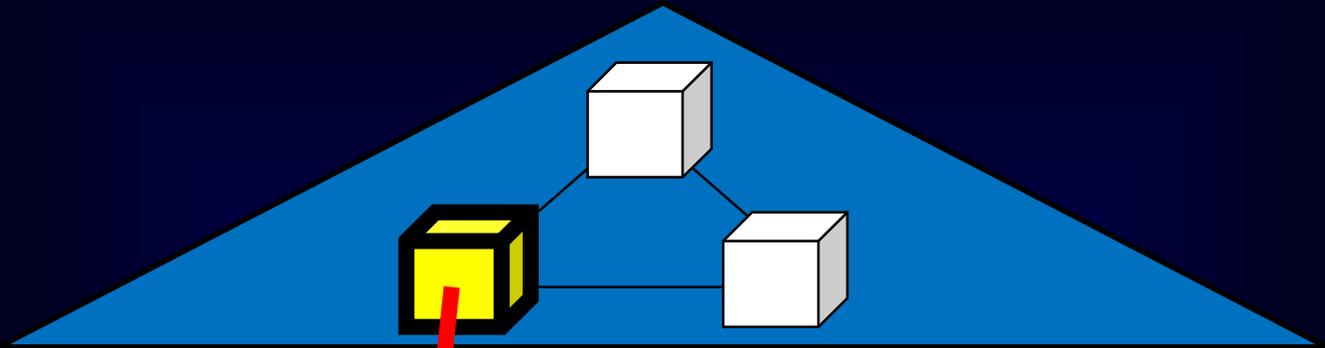**Improvind Case Law: Automated Citators and Virtual Databases**
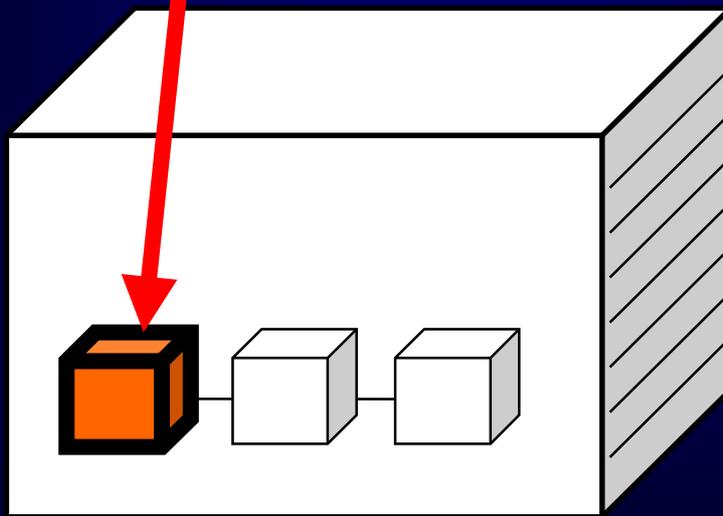
Towards Explicite Semantics 5
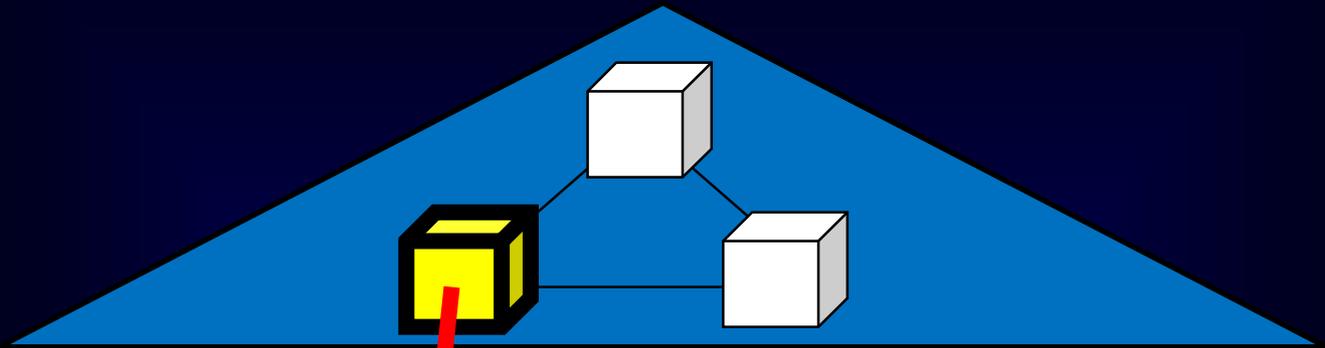

Strong Semantics:
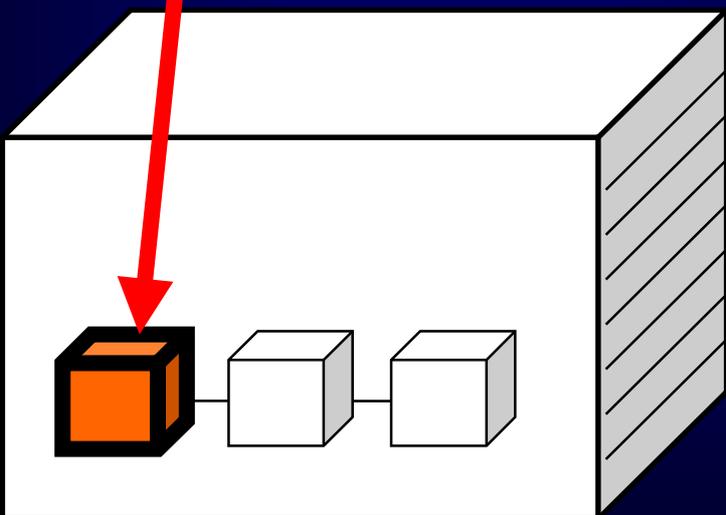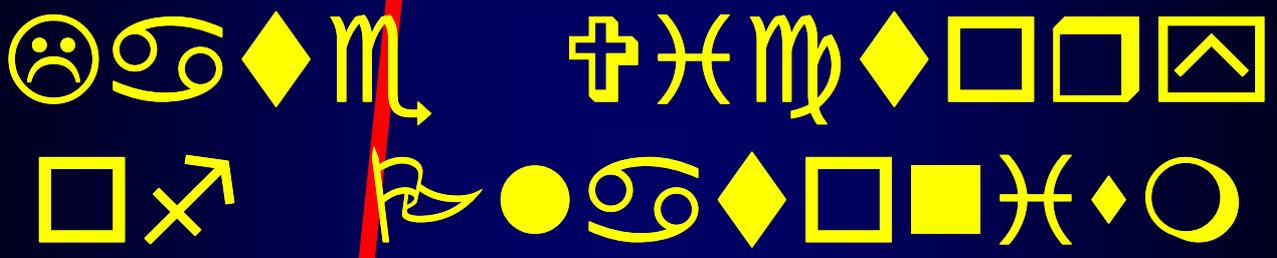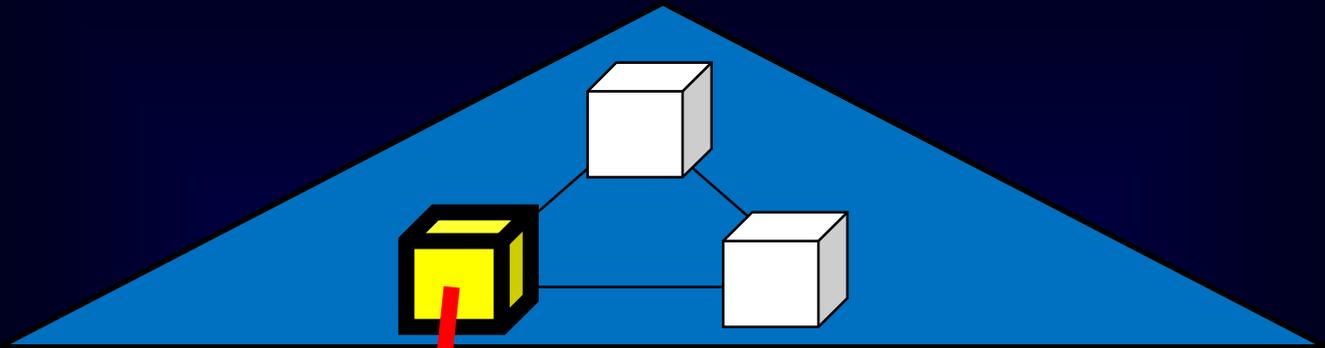*(Platonism, Ontologies)*

→ *Quality of LI*
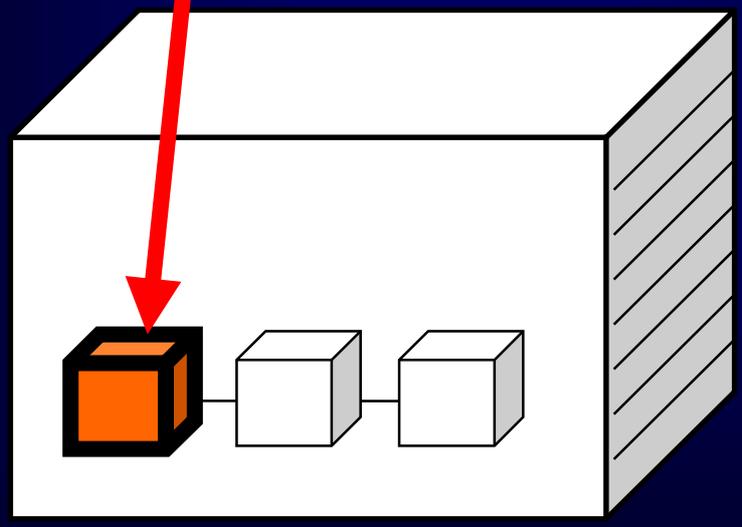
Strong Semantics:
(Platonism, Ontologies)

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Late Victory of Platonism

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