Australasian Legal Information Institute

A joint facility of UTS and UNSW Faculties of Law

Foundations of the Common Law Library – Introduction

The free access *Foundations of the Common Law Library* is a funded research infrastructure project co-ordinated by AustLII, which will build on the CommonLII platform the most comprehensive historical legal resource for the first 800 years of the whole common law world (1215-1914). With the collaboration of ten free access international Legal Information Institutes, and other partners, it will include reported cases from superior courts in all common law jurisdictions, from the earliest decisions in each jurisdiction. Databases of other key materials (treatises, legislation, treaties etc) will also be added. Case law extracted from newspaper prior to formal law reporting will be included where possible. Citations for all documents added will expand greatly the LawCite automated citator's coverage of the history of the whole of the common law world, linking the past and present of the common law.

Australian University partners, CIs, other partners, and project personnel

Eleven Australian Universities have contributed A$595,000 toward the Foundations project, plus the in-kind contribution of the time of fifteen eminent legal historians and technologists as Chief Investigators (CIs). The universities are UNSW (lead institution), UTS, Melbourne, Sydney, UQ, Adelaide, UWA, Tasmania, Griffith, UNE, and La Trobe. Details of the CIs are on the project home page. The Australian Research Council (ARC), through its competitive Linkage Infrastructure Equipment and Facilities (LIEF) Fund has provided a further A$500,000 to the project. The project is funded over 2018-19, and will be completed in 2020. Total project funding is therefore A$1.1M. Details are at <http://classic.austlii.edu.au/austlii/research/2018/lief/>.

Libraries and other organisations within Australia will be requested to provide priority historical case law, legislation and scholarship from Commonwealth jurisdictions to AustLII for digitization (either destructive or non-destructive), or to assist by scanning. Location of content for digitization is one of the principal challenges of the project.

AustLII personnel will manage the project: A/Prof Philip Chung (UNSW), project manager; Prof Graham Greenleaf (UNSW), partner engagement; Prof Andrew Mowbray (UTS), LawCite development; plus inputs from many other AustLII staff.

Partner international organisations

The following free access Legal Information Institute (LIIs) have agreed to collaborate by making their content available to CommonLII via the Library: BAILII (all UK jurisdictions and territories, and Ireland); CanLII (Canada); PacLII (Pacific Island jurisdictions and PNG); NZLII (New Zealand); LII of India (India); HKLII (Hong Kong); SamLII (Samoa); Jersey Law (Jersey); and CyLaw (Cyprus). This collaboration in making historical data collectively available is the basis of the Foundations Library.

Other LIIs, particularly those in Africa, will be invited to become project partners. Other members of the Free Access to Law Movement (FALM) are also project partners for digitisation of Library content, including IALS Digital (Institute of Advanced Legal

Studies, London), and other major libraries thought the common law world. Other digitisation partners will be invited to contribute to this global project of mutual benefit for all those involved in the common law. Databases from numerous other Commonwealth jurisdictions (former and present) will be included on CommonLII.

Library launch, prototype and goals

A Prototype version of the Foundations Library will be available to the public for free access via the Commonwealth Legal Information Institute (CommonLII) from October 2018. AustLII and the international LIIs partnering in the project have built the Prototype to test the technical aspects of inclusion of pre-1915 content from multiple LIIs in one location. It already includes over 200,000 searchable pre-1915 cases, and 23,500 Acts, drawn from over 70 databases from twenty pre-1914 jurisdictions (plus consular courts). Key content in these existing resources includes the English Reports (1220-1873) and UK Acts (1215-1914), two of the sources to which colonial laws refer constantly – major 'foundations'. From October 2018 the Foundations Library will provide a major historical resource for common law research, and will demonstrate the effectiveness of the global cooperation on which it is based.

Following sourcing, scanning and processing of additional content, we estimate that the Library will expand to include at least 400,000 reported cases and 100,000 documents in other categories. The formal launch of the Foundations Library will be in late 2019.

Principal features of the Foundations Library

- The Library is and will remain free access to anyone who wishes to use it. Library-focused or commercial repositories are usually not free access.
- Each case or item of legislation is searchable as individually items, not only as parts of a volume, and appears in result lists and table of contents by name. Searches may be by name of a case or Act, or by any text occurring in the item. This involves, after scanning, separation of items, extraction of metadata for each item, and OCR (optical character recognition) for searching. Few online repositories do this extra processing, but it is the key to the Library's value.
- All content searchable within the Library, including that located on collaborating LIIs, is automatically scanned so as to extract all citations to cases, scholarship, legislation etc, and the results used to expand the LawCite citator <http://lawcite.org>. The resulting citation histories help reveal the complex historical interconnections of the common law.
- CIs and international partners will be able to create 'recovered' databases of historical cases from digitized newspaper reports, with annotation capacity provided by AustLII's 'Communities' technical platform. CIs have already created a database of over a thousand historical cases from 20+ jurisdictions.
- The Library will include a virtual database of journal articles on common law legal history, extracted from over 100,000 articles on AustLII and other LIIs.
- The Library will include a database of key pre-1915 monographs in the history of the common law, plus more recent available accounts of common law history.

Request for assistance

Any organization, Australian or international, wishing to assist development of the Foundations Library by providing content are invited to contact us at fcl@austlii.edu.au. All assistance will be acknowledged and appreciated.

Graham Greenleaf, Philip Chung and Andrew Mowbray, AustLII, 6 August 2018