

Online Access to Legal Information and the Challenge to the Legal Concept of Authority

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CERTIFICATE OF ORIGINAL AUTHORSHIP

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

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Abstract

Law is an authoritative practice. Hard copy texts have been until relatively recently the key repository of rules and commentary relied upon in the practice of law. Every law student quickly learns that any statement of law must be supported by reference to corresponding authority: that is the relevant judicial decision or section of an act. The reference will be by a unique citation identifying the specific materials. Without reference to primary authority, a statement of law has limited weight or credibility. It is because of the profession's traditional reliance on textual authority the law library has been described as the lawyer's equivalent of a scientist's laboratory.

The traditional hard copy law library comprised not only statements of law and commentary but materials which enable the holdings to be navigated, such as indexes, citators and encyclopaedias. These reference materials helped guide a researcher to the most relevant and significant sources.

The hard copy medium of the content also required a particular physical arrangement in a library. The distinctive binding of the respective reports and reference materials, the classification and chronology of materials as well as the placement on shelves reflect and maintain the hierarchy. A legal researcher was trained to be familiar with the topography of a law library.

But what happens when law resources become available online and the topography of the library and the visible and tangible hierarchy of texts becomes hidden? In the nineties there were scholarly predictions that online access to legal materials would impact on the stability of law. This thesis looked back over twenty years to see if these predictions had been borne out. On discovering there had not been a dramatic change the thesis uses the opportunity to examine law from the discipline of information science to clarify how knowledge is shared amongst the legal profession.

