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David Wills
Editor

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FEATURE ARTICLE

A 'Charity' Case in Point

Abstract: This article is written by Rebecca Herle who is the Head of Sales and Marketing at the Incorporated Council of Law Reporting for England & Wales (ICLR). Her article draws on material delivered by two of her colleagues at the ICLR, namely Daniel Hoadley's recent plenary session at the BIALL Conference 2014 called, 'The Curious Case of the Judgment Enhancers' and Paul Magrath's article published by Infolaw.co.uk, entitled 'The Future of Law Reporting'. It also refers in part to Lord Neuberger's speech for the first annual BAILII Lecture (in 2012) entitled 'No Judgment – No Justice', and reflects upon the position of the ICLR in the legal profession today. From the birth of the ICLR in 1865 to the present day the article provides a brief history, and then explores the current day issues, of this charitable publisher in its surrounding legal environment. She also offers a glimpse into what the future might hold.
Keywords: law reports; law reporting; Incorporated Council of Law Reporting for England & Wales

PART 1: WHERE IT ALL BEGAN…

The founding father of the Incorporated Council of Law Reporting (ICLR), or Council of Law Reporting as it was first known, was Lord Justice Lindley. It was his very precise paper that set out a clear view of what was to be the object of a law report and the specific criteria that should be applied for case selection.

It would not be wholly truthful to say that this is where it all began though.

In 1863 an influential barrister called W.T.S. Daniel QC wrote to the then Solicitor General, Sir Roundell Palmer, to inform him of a widespread dissatisfaction with the current system of law reporting. At the time of writing the '*current system*' consisted quite simply of numerous different series of reports, ranging enormously in coverage, quality and reliability and priced according to the independent author/publisher at the time. These various productions, including some by a reporter called Dickens (not the novelist), became known generally as the *Nominate Reports* and most were later reprinted in the *English Reports*. Many of these are still cited and used today.

In his letter, W.T.S. Daniel proposed that there should be an unpaid Council of Law Reporting, who would be responsible for preparing the correct reports and would appoint only suitably (legally) qualified personnel to report and edit these reports. This centralised approach would eliminate the confusion amongst the profession whereby as many as 16 different series (and growing) were available to choose from.

Along with the outline of his proposed new scheme for a Council of Law Reporting, he attached a paper by another influential barrister at the time, namely the aforementioned Nathaniel Lindley. It is Lindley's paper that then went on to set out what we refer to today as 'the Lindley Criteria', thus articulating what should be reported by the Council.

The Lindley Criteria

1. All cases which introduce, or appear to introduce, a new principle or new rule (of law);

Figure 1: Lord Justice Lindley by William Strang 1894.

2. All cases which materially modify an existing principle or rule;
3. All cases which settle, or materially tend to settle, a question upon which the law is doubtful;
4. All cases which for any reason are peculiarly instructive.

These were the cases that should be selected for reporting. Lindley also made it clear that anything outside of these criteria, any cases that passed without discussion or consideration and were therefore valueless as precedents, should *not* be reported. The ICLR adheres to the 'Lindley Criteria' today as rigorously as it has ever done. Amongst others, one of the questions that I set out to answer in this article is, 'Does this selection process still matter?'

The first meeting of the new Council was held on 25th February 1865. The first chairman was Sir Fitzroy Kelly QC (succeeded the following year by the Attorney General, Sir Roundell Palmer), and W.T.S. Daniel QC sat as vice-chairman.

The first series of The Law Reports were published in November of that year and by 1866, one year on, it had over 400 subscribers. In the first incarnation, The Law Reports had 11 divisions in the series; this was due to the myriad divisions of the courts at that time. A decade later, following the Judicature Acts of 1873–1875 and the consequent reorganisation of the courts of law, this was reduced down to just six series.

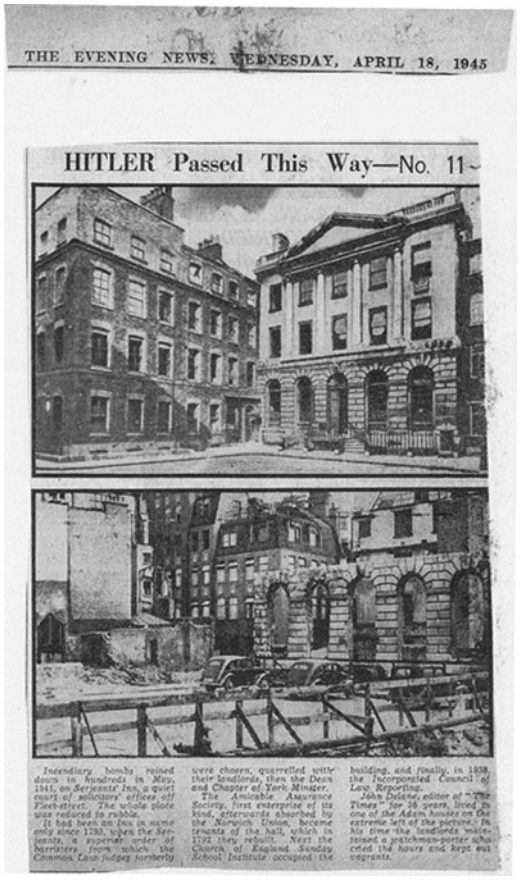
The Seal

In 1867, the Council was incorporated as a company limited by guarantee. The company seal depicts the royal

Figure 2: The Seal.

coat of arms surrounded by those of the founding members: The Law Society; Gray's Inn; Lincoln's Inn; Inner Temple; Middle Temple and the then still extant Serjeants' Inn, which no longer exists.

The seal holds a somewhat sentimental value as it was found amongst the wreckage in the 1941 bombing of Serjeants' Inn (see the newspaper cutting below).


THE EVENING NEWS, WEDNESDAY, APRIL 18, 1945

HITLER Passed This Way—No. 11

Figure 3: News of the Serjeants' Inn.

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The Organisation: when we say 'from the profession for the profession', we mean it quite literally…

As we have already established, the ICLR was set up as a not-for-profit organisation with the primary aim of providing the best quality law reports, using a defined selection process as set out in the Lindley Criteria, and at a moderate price.

The objects are detailed in the Articles of Association as follows:

> *"The preparation and publication, in a convenient form, at a moderate price, and under gratuitous professional control, of Reports of Judicial Decisions of the Superior and Appellate Courts in England…"*

To this end the ICLR does not operate in the same way as its publishing peers. This is apparent in various ways, not least by the arrangement of the personnel in the organisation.

As you can see, when we use the rather cheese-laden phrase 'from the profession, for the profession' we quite literally mean it.

The ICLR sells its product, in a convenient form and at a moderate price; it is this money that funds the running of the organisation and on-going development of content. We do not make a profit or pay a dividend. Our operating budget is our turnover which is currently £5 m per annum. In the last five years we have seen a year on year decline of paper revenues at an average of 10% per year. It was therefore critical that we developed an online platform of our own to mitigate these losses, albeit a decade later than most.

The ICLR is approximately 60 strong in overall staff and 80% of this is editorial or reporting staff – we have

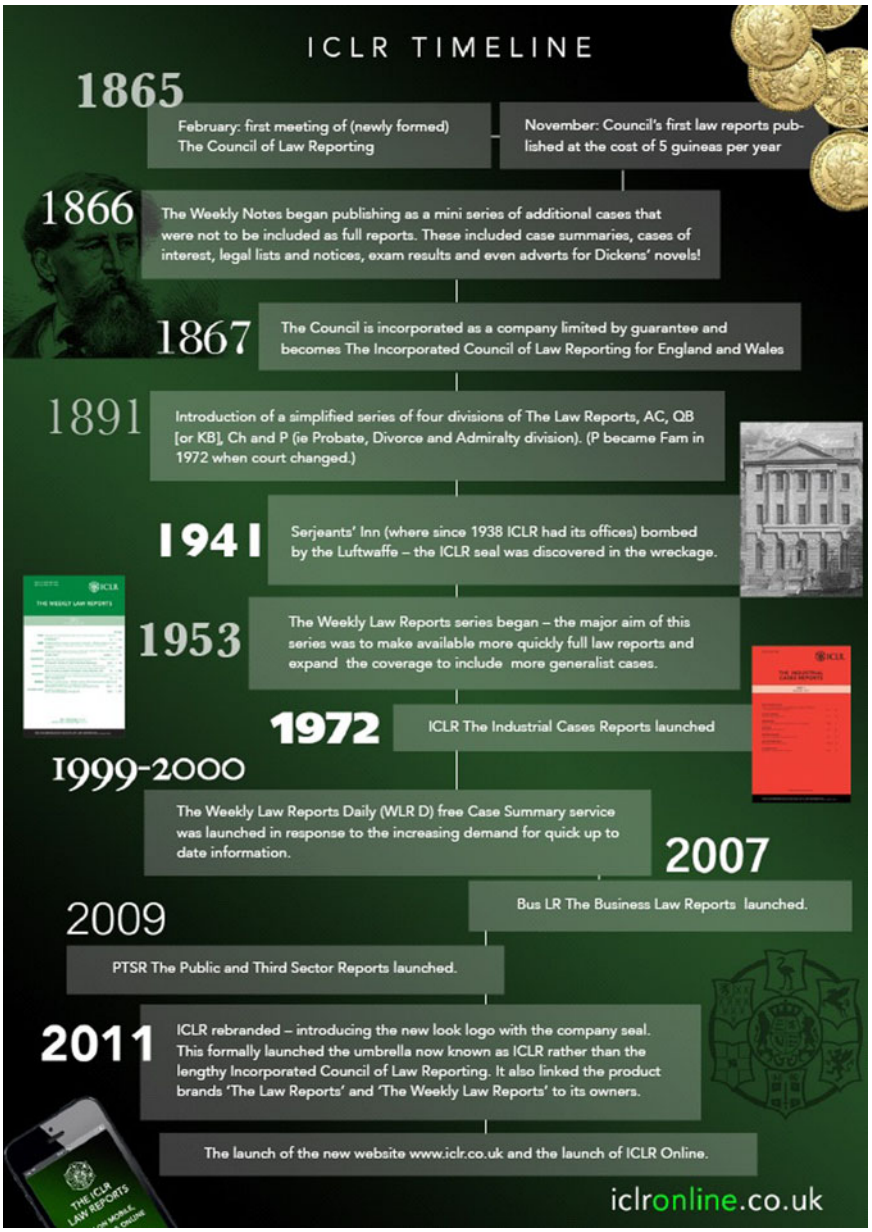

Figure 4: The ICLR timeline.

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the largest court reporting team in the UK with 36 law reporters physically sitting in the high courts at the point of judgment. It is this rather time consuming effort that provides our reports with the edge above the rest.

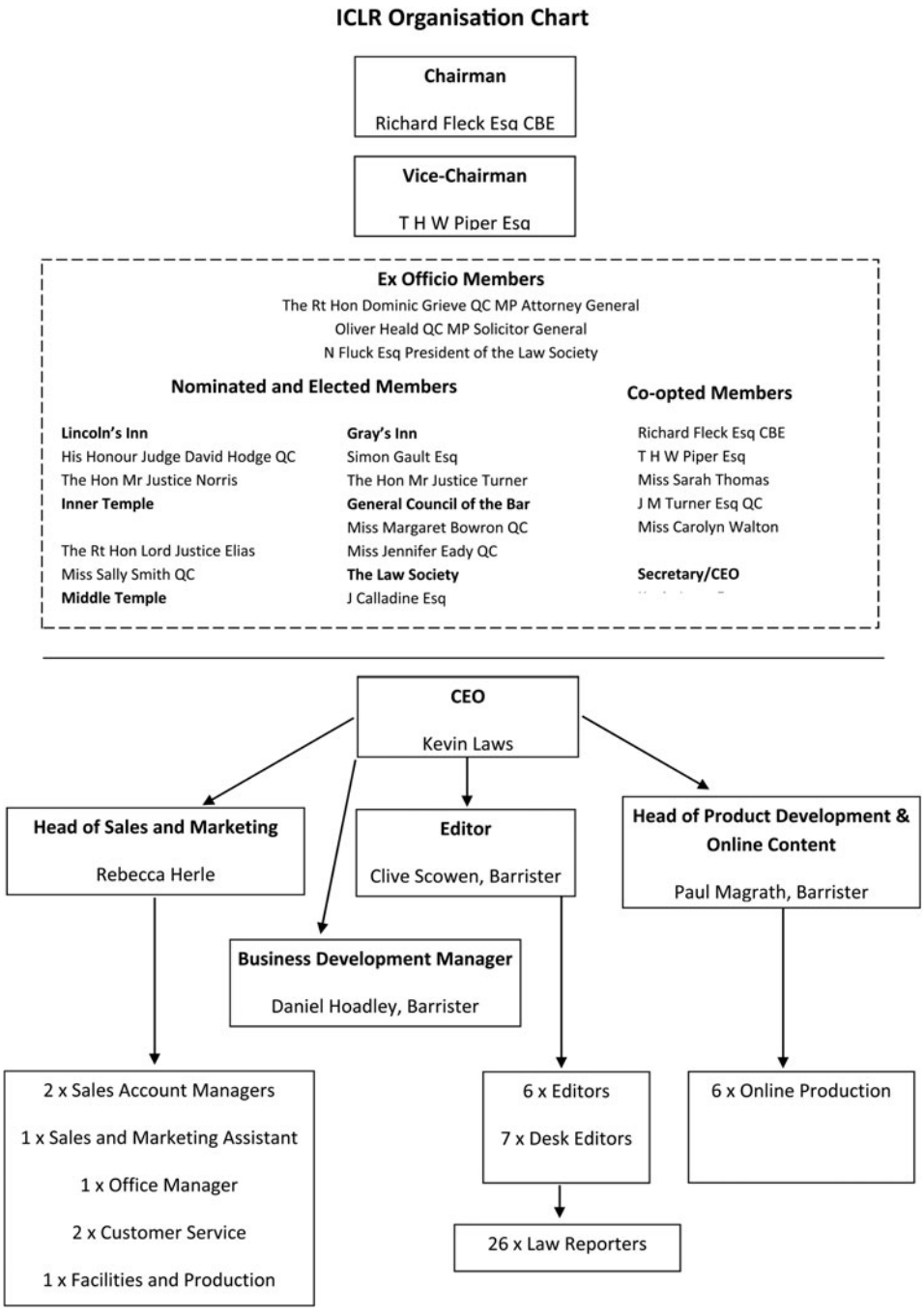
The roles

Council Members

The Council members act as a non-executive board and are made up of a member from each of the founding parties (detailed in our seal) – the Four Inns of Court, the Law Society and the General Council of the Bar plus a handful of co-opted members.

We are guided by this very important body of the legal great and good, to ensure that we remain within our official capacity and fulfil our public benefit duties. There is an annual AGM and quarterly meetings of the 'Executive Committee'; it is rare that everybody can attend the AGM, but all members are copied the minutes of meeting.

We have been labelled a 'cash rich' charity in the past, by the minority I hope, and I often wonder from where this anecdote has blossomed. Perhaps it is the mere weight of judiciary sitting on our non-executive board that misleadingly makes us appear as if we in turn are rich. I am unsure. But I can put this myth to rest; the ICLR is certainly not cash rich. Indeed, in 2012 we had to sell off our warehouse Star Yard, the sale of this



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carried us through the worst of the economic downturn and enabled us to go online.

We are, however, academically privileged to have such a high standard of loyal and qualified legal professionals amongst us; I will cover in more detail later on in this article why this is critical to our role as reporters of the common law.

The ICLR covers the full range of superior courts in England & Wales, from the Employment Appeal Tribunal, to the three divisions of the High Court, up to the Supreme Court. Apart from the European Court of Justice, which we cover from London, our reporters are assigned their own courts, which they cover full time. All of the reporters are lawyers; all having qualified as barristers or solicitors.

Law Reporters

Law reporters are a niche breed of legal journalists; indeed they share some similarities with their Fleet Street contemporaries. If a law reporter's job could be divided three ways, the first third of their role is journalistic in nature.

This is a good opportunity to distinguish between 'court reporters' and 'law reporters', because the terms are often confused. A 'court reporter' is there to report upon what happens in court. We read their coverage in the mainstream press. A 'law reporter', on the other hand, does exactly what it says on the tin; he or she is there to report the law as decided by the courts. The law reporter's first duty is to cover the courts; in its simplest form, this means being physically present in court to listen as the case unfolds. But, unlike our Fleet Street colleagues, we are not in court solely to cover sensational cases, we are there to cover all substantive hearings.

The reporter's first job, once in court, is to quickly identify what the case is about, who are the parties, what are the issues in dispute, what is the legal framework governing the resolution of the dispute. Even before the hearing starts, the reporter will inevitably have spoken to counsel for all of the parties to get a flavour for what is happening. The next job is to get a copy of the papers: the skeleton arguments filed by the parties' advocates, together with procedural documentation such as the claim forms or appeal notices. This information enables the reporter to isolate the terms upon which the claim, appeal or application (whichever it may be) is being advanced.

The second job is to cover the argument – that portion of the proceedings where counsel for the parties make their legal and factual submissions to the court. Here, the reporter will take a close note of the argument orally delivered. A sceptical approach is sometimes taken to the contents of the skeleton arguments filed with the court; it is important we record the argument that counsel actually delivers, often in response to questions and prompting from the bench, rather than that which they planned or may have wished to have given. Here, as well as recording the substantive propositions made in argument, the reporter will record each and every case cited to support those propositions. It is this note of argument that distinguishes The law reports from any other series of English law reports. You may remember our 'Looking for an argument?' campaign – there was an intended double entendre to this!

The final component of the journalistic phase of the reporter's role is probably the most critical – to take a close note of the judgment, if given ex tempore, or to be there to collect a copy of the judgment if it is handed down in written form, as is now more usually the practice, especially in more complex cases.

This concludes the reporter's journalistic function; the next exercise is more academic.

A question that is often asked is: "why do the reporters bother going to court when they can just read a transcript of the judgment?" There are at least three answers to this question, all of which identify the significance of our raison d'etre.

1. If law reporters relied on transcripts, we would miss those judgments given ex tempore and read into the record – a transcript of which will not necessarily ever materialise, even on BAILII (the British and Irish Legal Information Institute – www.bailii.org).
2. If law reporters didn't physically attend court, it would be impossible to accurately reflect the arguments the court heard. We could only rely on whatever summary of argument is set out by the judge in the judgment (if there is one) or rely on the skeleton arguments (if they are available). And besides which, skeleton arguments are not a fool-proof guide to the argument the court actually heard.

Figure 5: The 'Looking for an argument' campaign.

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3. Being physically present for argument and judgment assists the reporter, to a very significant degree, in understanding what the case is about. This first hand knowledge of the case is worth its weight in gold when it comes to summarising the factual matrix of the case and extracting the ratio of the decision.

Whereas the first phase of the reporter's role is journalistic, the second phase is academic. Having collected the judgment in any given case, the reporter's next job is to assess whether that judgment should be reported.

As mentioned at the beginning of this article, selectivity is at the core of ICLR's reporting ethos. Referring back to W.T.S. Daniel and his initial proposal for the Council, one of the problems during the days of the Nominate Reports. was the sheer volume of reports available. Even today, there is a strong feeling among some of the judiciary that too much, rather than too little, is reported.

But, how does a law reporter decide whether a judgment is reportable or not? The answer is through the application of the 'Lindley Criteria' (as explained above); this is what defines the 'reportability' guidelines for reporters.

The law reporter will be keen to weed out those cases that are, for example, decided purely on their facts, or those cases decided upon the application of existing principle, and to reject them for reporting; they have little or no value as authority. The role of the law reporter is a critical one and it is the foundation of the entire business.

On top of their role for ICLR, our law reporters (who are ideally well placed and qualified to do so) have at various times contributed their skill and expertise to external publications such as The Times Law Reports, and a variety of specialist law report series such as the Road Traffic Reports, Criminal Appeal Reports and Local Government Reports, as well as writing case summaries for legal journals such as the Law Society Gazette, Solicitors' Journal and Criminal Law Review.

The ICLR team act with a level of impartiality that is alien to a commercial publisher, by sharing our invaluable reporting team with the other providers. Whilst this may not be extraordinary when using a freelance team, it is rather less usual with fixed employees. We have the same approach with our indexing; alongside all the cases reported in the Consolidated Indexes (also known as The Red Book) and now our online Citator+, we also reference those of other leading suppliers, such as the All England Law Reports, Lloyd's Law Reports and Simon's Tax Cases, as well as the specialist series mentioned above.

Why? Because ICLR has always seen itself as charged with making sure that the material required by users is provided by someone, without feeling that it needs to go head to head with other publishers in every possible area of coverage.

Editorial

Equally significant is the role of the editorial team, led by our chief editor, Clive Scowen, barrister. Each printed series has an individual editor too, and these editors manage the relevant reporting teams alongside a series of desk editors.

Product development

Product development is a fairly new role for ICLR. It came into being when we decided to build our own online platform. Founding Editor of our Business Law Report series, Paul Magrath, barrister, took the helm in 2008 (under the title, Development Editor) and has steered us well. This area of the business deals with the technical development of the content and the online platform. You will note that all of the roles detailed so far are legally qualified. This may seem insignificant, or 'a nice to have', but it is actually critical to the precision and quality of our content. Going back to that old adage again, it is what allows us to proffer the bold statement 'from the profession, for the profession'.

Sales and Marketing

As a marketing professional of some ten years, I have never yet come across an individual who does not secretly think themselves a self-prophesying marketing expert! ICLR is no different.

You often hear the comparison made between barristers and actors – both a thespian breed made for the stage. Similarly you will often find legal professionals getting creative. Hence when I joined the ICLR, the marketing legacy had been led by the previous Secretary role. (For avoidance of doubt the Secretary role is akin to that of a CEO in a commercial business.)

Sales is an entirely new role for the ICLR too; we now have two account managers whom you will see at most events alongside our rather better known Business Development Manager, Daniel Hoadley, barrister. The BDM role falls more in to the product development scope but as with most roles within the ICLR there are many strings (and flex) to Daniel's bow and he often is our key presenter[1] and PR mogul by nature of his legal knowledge and close contact with the profession.

The two latter departments make up the remaining 20% of the business and even here we are littered with legal knowhow. So, to my original point we are not cash rich but certainly academically flourishing.

PART 2: THE STATUS QUO

So where are we now? The legal profession and indeed the English legal system itself, however unwillingly, are seeing some profound changes.

The range and type of information which needs to be published is changing. The ICLR model of a carefully curated selection of momentous precedents – cases which marked out a path of stepping stones in the development of the law – though still valuable, is no longer enough in an age of online aggregation and big data analytics.

Lawyers and students need cases for a variety of reasons, not just to witness a change in law. And, in a Google-driven age, access, storage and retrieval of vast hoards of information is both easy and cheap.

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This obviates the need and to some extent the rationale for only selecting and preserving the most important cases. But is there still merit in the idea of selection, or at any rate some sort of evaluation system for judgments? And how else can a publisher of legal information add value in the digital age? In answering this, I am going to refer to Lord Neuberger's First Annual BAILII Lecture: 'No Judgment – No Justice' in November 2012.[2]

Lord Neuberger begins by identifying the very real need for access to judgments by all:

> "1. *Access to Judgments carries with it access to law and access to justice, for lawyers, judges, academics and litigants, and all others interested in or concerned with any aspect of the law. BAILII, which also gives access to statutes, provides a unique and constitutionally vital service for UK citizens and others, which as the number of self-represented litigants, as litigants-in-person are now known, inevitably increases, will become even more important.*
> 2. *Judgments are the means through which the judges address the litigants and the public at large, and explain their reasons for reaching their conclusions. Judges are required to exercise judgement – and it is clear that without such judgement we would not have a justice system worthy of the name – and they give their individual judgement expression through their judgments. Without judgement there would be no justice. And without judgments there would be no justice, because decisions without reasons are certainly not justice: indeed, they are scarcely decisions at all. It is therefore an absolute necessity that judgments are readily accessible. Such accessibility is part and parcel of what it means for us to ensure that justice is seen to be done, to borrow from Lord Hewart CJ's*[3] *famous phrase.*[4]"

He then goes on to discuss an academic study carried out by Joseph Kimble[5] whereby two versions of a court judgment are sent to a selection of lawyers practising in and around Michigan. One version is the original untouched judgment, the other was a rewritten version by said Kimble.

The objective of this exercise was to identify which version respondents preferred – the untouched rather legalese version or the slightly modified easier-to-digest version. The results were unsurprisingly straightforward – the majority of course preferred the easier-to-digest version.[6] To my mind it's a bit like asking a medical professional if they would rather have the operation with general anaesthetic or without! Simply because the content is inherently for a legally qualified person to read does not mean they enjoy reading difficult prose any more than the lay person. In a recent interview for ICLR, Matthew Ryder QC complained, "The curse of the legal profession is documents that are too long or too difficult to read."

It is also important to note that quite often it is non-lawyers who are reading judgments these days; there is no point allowing access to judgments for all if they are unreadable by most. The object of accessibility is defeated.

Point one in favour of ICLR: 'judgment enhancer' written reports

Lord Neuberger goes on to discuss the two types of law reporting that in his mind are still invaluable today:

> "33. *There are two types of law reporting. On the one hand there is what can be described as judgment-dissemination: providing the public with easy and full access to all judgments. This is what BAILII does and does so very well. And then there is what can be described as judgment-enhancement: classic and scholarly law reporting. This is what is done so well by, pre-eminently, the Incorporated Council of Law Reporting through the traditional reports, that is the Official Reports (the LR), the Weekly Law Reports (the WLR), and LexisNexis Butterworths through the All England Law Reports (the All ER).*"
>
> "34. *Both forms of law reporting, judgment-dissemination and judgment-enhancement, are fundamentally important. Both support the public interest as they help ensure that the administration of justice is carried out in public. They do so because they ensure that judgments, and the points which they decide, are made available to lawyers, academics, law students, and the public. Thereby, both forms of law reporting support the rule of law. Judgments not only pronounce and develop the common law, they also interpret statute law – whether created by Parliament or the EU – and they apply or take account of the rulings of the CJEU in Luxembourg and the ECHR in Strasbourg. Ensuring those judgments are accessible and understandable ensures the law is accessible. In a democratic society committed to the rule of law it is essential that that is the case. The two forms of law reporting carry out this function in different, complementary, ways.*[7]"

His Lordship continued:

> "35. *Scholarly law reporting, judgment enhancement, is of particular importance because of the role it plays in developing the corpus of law. This is especially true of the common law, which is of course judge-made law. The common law develops gradually through precedent, which is contained in judgments, and precedent is refined over time. It changes as society changes; principles are adapted and applied. The common law could not do this without scholarly law reporting. It would not have developed very far if we had not moved beyond the nominate reports – those prepared between the 15th and 19th centuries by named individual barristers – and their, at best, patchy quality. Chief Justice Holt* [in Slater v May (1704) 2 Ld Raym 1071] *referring to the nominate reports once famously warned that:*
>
> *'The mediocre and differing quality of these old law reports risked leaving society with the belief that the quality of judges, and hence justice and the law itself, was mediocre. That would have undermined the development of the common law: how could*

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lawyers and judges have depended on the law if judgments were themselves unreliable? How could the public have ordered their affairs properly if the law was not clear from reported judgments?[8]

36. *The great benefit which the traditional law reports, the Official Law Reports from the 1870s, the WLR from the 1950s and the All ER from the 1930s, have brought is reliability as a result of what the late much lamented Lord Bingham described as, 'scholarship' and 'amazingly high standards of accuracy.'*[9] *Reliability and accuracy is essential. But so is selection. Great care and skill is needed in deciding which cases to report.*[10]"

Point two in favour of ICLR 'judgment enhancers': written reports

For the final point on this I look to (ICLR Account Manager) Kate O'Connell's interview with Matthew Ryder QC (2013). In this interview Kate asks Matthew how he came to join the bar, his views on the English legal system and advice for prospective law graduates.

Matthew talks about the huge amounts of resources now available.

> "The quantity of legal content that's out there in the form of daily reminders is huge. One of the most important skills is being able to navigate the quantity of material, being able to pick out the important points in a case quickly and this is where the ICLR comes in. Finding those resources that can edit that material for you and give you a steer, that's the most important thing about the official law reports – you have years and years of people who understand the most important aspects of the law and can condense it down for you and provide you with the argument as well as a judgment. Alongside all the other resources I still think that The Law Reports is the platinum standard."

Point three in favour of ICLR: 'judgment enhancers' written reports

It is not that I wish to blow the proverbial ICLR trumpet here but I think its important to address the original question (paragraph 8, line 3–4 above), 'Does this selection process still matter? And how else can a publisher of legal information add value in the digital age?'

I think I have sufficiently articulated the answer to 'Does the selection process still matter?' Next we must address how else the ICLR can add value in the digital age.

PART 3: WHAT DOES THE FUTURE HOLD?[11]

In Part Two, I looked at the status quo through the lens of ICLR, but of course ICLR is only part of a much bigger picture, the changing legal landscape.

First, there are the general changes that impact the world that we live in today, such as an ageing population, the growth and risks of technology and worldwide globalisation.

All of these are macro environmental factors that affect all industries and individuals alike. When we zone in a little further to the macro and micro environments for the legal world there are some very real issues abreast.

Funding

There have been, and there continues to be, huge cuts in public spending on the legal system. The Lord Chief Justice, Lord Thomas of Cwmgiedd has spoken recently of a "period of significant retrenchment" of the state.[12] The late 20th century model of a centrally funded legal aid system – something approaching a National Health Service in law – is in retreat. As a result the overall number of practitioners will shrink. The Chairman of the Bar Council, Nicholas Lavender QC, giving his view on the LASPO reforms (shared by many I am sure) said "access to justice and the quality of our justice system are currently under threat on several fronts."[13] Moreover, evidence of the consequences of the government's approach to criminal legal aid can be seen with the threatened collapse of a complex fraud trial, in the recent case of *R v Crawley* [2014] EWCA Crim 1028; [2014] CN 972 (CA), after experienced barristers refused to take on the defence case for the accused due to the MOJ's 30% cut to fees for very high cost cases (VHCC) such as this.[14]

Funding is also an issue for many legal libraries and academic institutions, where budgets continue to be cut year on year, but case law continues to develop and the students proliferate, and so the battle goes on. Likewise, the ICLR is constantly affected by funding – as a self funding charity we do not have the 'big bucks' to invest in our business as compared to a legal power machine such as Westlaw or Lexis. We do not have the resources (or funds to invest in huge resources) to develop our platform and grow our content at the pace that 2014 demands.

We continue to face the growth conundrum. We currently license much of our content to Westlaw and LexisNexis – 'the big two' as they are known in the business – and receive a fee which helps make up for some of the loss of paper revenues. The two commercial providers need our content as a major plank in their legal package services, but equally they must operate on a profit margin basis to make their own value of this asset. For our part, we are ticking the box of making our unique content as widely available as possible - but not quite ticking the box for long term survival! The majority of the market (higher in the UK than internationally) have a subscription to one of the big two providers – invariably they require more than just case law so the one-stop-shop element reigns supreme.

As well as the various funding problems there are the issues of regulation or deregulation, Alternative Business Structures (ABS or 'Tesco Law') and the growth of the professional 'Mckenzie friend' services in the area of Family Law.[15]

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In general, there is little that can be done to mitigate these changes; the one area ICLR does have control is over its pricing, so whilst we may not be 'cash rich' we can ensure that we maintain our vision and values as a charitable operation. One of the virtues of an establishment such as ours is that we have stakeholders not shareholders.

Technology

Another factor affecting the needs of users is, of course, technology. This, too, has been highlighted and indeed promoted by the Lord Chief Justice in a recent lecture to the Society for Computers and Law.[16]

This is not about accessing legal information using IT, or even about the MoJ's programme of installing wifi in all the courts (which is apparently going to take until 2017). It is the (long overdue) next stage of digitising the court process to enable parties to file claims online, lawyers to exchange pleadings and bundles, and advocates to present written arguments (eg by using compound PDFs, as required by the Supreme Court Practice Direction 14 (Electronic Bundles guidance)).[17]

To some degree it is technology that underpins a lot of the other changes; if we didn't have the internet would we have such a thing as Litigants in Person? Possibly, but (a little learning being a dangerous thing) they might have fewer opportunities to misinform themselves with that little learning which is so easily found online. As with all things there are benefits and risks. And perhaps the benefit of having freely accessible information worldwide is a benefit too great to be outweighed.

So how is the ICLR responding?

To accommodate these changes, and make ourselves fit for the future, ICLR has embarked on an ambitious rethink of its entire operations. What was required in 1865 is no longer enough in 2014.The ICLR took a leap of faith in 2011 when we launched our online platform, ICLR Online. This was the first step in what is becoming our long term strategy for survival.

So where is our focus?

Content is King …

… or so the saying goes. This saying has never been more relevant than it is today. There is a proliferation of content and users' needs are all different. The ICLR supports many of the legal market segments: the Bar, solicitors, judiciary, academics, students, law lecturers, librarians and to some degree, the general public.

In 2001, BAILII launched a UK free to air transcript service. As Lord Neuberger refers to them, the 'judgment disseminators', BAILII is a non-selective transcript-gatherer. It is similar to ICLR in that it is a charity which shares our interest in supporting the profession and public benefit. The BAILII model is funded by sponsorship, thus being able to keep its content free. It is a great concept and ICLR works closely with BAILII in linking to cases wherever possible to provide the user with a full report and archives where there is one available. BAILII now gets up to 40,000 hits per day; it has become, for a lot of users, the go-to site for recent judgments, and is linked to by most media commentators and legal bloggers.

As we have seen in Part 2, there is a good argument for both the 'judgment dissemination' and the 'judgment enhancement'. But what else is required?

Coverage

In deciding our way forward we have split cases into three main categories:

Category one – business as usual

ICLR will continue to report the cases that matter and apply 'the full treatment', as it were, by enhancing the official series, The Law Reports, with the 'Note of Argument'. The Law Reports are required by the *Practice Direction (Citation of Authorities)* [2012] 1 WLR 780 to be cited in preference to any other series of reports.

Category two – good solid reports without the fancy bits

We will substantially increase our general case report coverage, using a 'less-frills' approach, with full text reports of those cases which are of interest to practitioners in various areas of specialism, or because they contain points or observations of more general interest.

Category three – the free bit

Then, for all the rest, in front of the pay-wall, ie. for free, we will provide access to a copy of a transcript, plus keywords, all indexed and searchable through our invaluable Citator+ tool. ICLR is looking at other ways in which to provide some content for free, whilst also providing those who pay subscriptions with an even better service. It will do this by further developing its 'freemium/premium' access model.

In short we will create as much of a 'catch all' as we can.

Other enhancements

Citator+

Cases are not decided in isolation; the whole essence of the common law is its net-like interconnectedness. Earlier cases affect, and are affected by, later ones. For anyone researching case law, context is all.

That is the value of Citator+, ICLR's powerful online index, which displays more than a century and a half's worth of editorial information about cases and about the relationship between cases – not just those published by ICLR but also those published by other leading providers.

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Legislation

One of the ways in which ICLR will be expanding and extending the scope of Citator+, is through a joint big data project with the National Archives, who manage the free online Legislation.gov service. This will examine, among other things, the relationship between case law and statutes, and mine the former for links to and from the latter.

Case Comments service

ICLR will also be expanding its links to case commentary from experienced legal bloggers and academic commentators, such as the UK Supreme Court blog and the UK Human Rights blog. We intend this element to grow as we gather more and more people to join.

The one-stop-shop for case law

We talked about the one-stop-shop earlier, having all your legal needs met in one place. ICLR will never be able to do this, and we do not intend to, but we can try to become the one-stop-shop for cases. The advantage of gathering in all the content subscribers might want is obvious for a large commercial publisher with the resources to capture and keep everything. For ICLR, a charity of limited resources but hopefully unlimited resourcefulness, the better solution is to provide a way of accessing content held on a range of different sites, without the need to perform more than one central search.

Thus ICLR plans to develop its search technology to enable users to find content, not only within the various collections on the site, but also those, like BAILII, EurLex and Hudoc, outside it. Most of this will be free content, but held in different places. What will bring it together for the user will be a hub-like unified search.

CONCLUSION

The legal world into which ICLR was born 150 years ago has changed beyond recognition. And the critical role played by ICLR, as the professionally founded and officially recognised provider of The Law Reports, setting a standard by which other series are judged, remains a key part of what it does today.

Yet it is not the whole story. Content is king, as potential subscribers keep telling us, but its value is only truly realised in a service that helps users find the content they need and displays it in the context of other relevant information; and offers tools to enable users to manage and process it. With a balance of skilful selection and comprehensive accessibility, ICLR aims to add value, rather than price, in the digital age.

Looking to the future, the ICLR aims to retain the good solid virtues of its current caseload whilst expanding further to meet the growing needs of the profession and public at no extra cost; a tall order perhaps, but a challenge that we look to embrace.

There are not many certainties in life but that ICLR will continue to support, and grow with, the legal profession is one certainty that can be counted upon.

Footnotes

[1] Hoadley, Daniel. The Curious Case of the Judgment Enhancers' presented at the BIALL Annual Conference 2014. (June 2014) http://www.iclr.co.uk/biall-conference-2014-curious-case-judgment-enhancers/ Accessed July 2014.

[2] http://www.bailii.org/bailii/lecture/01.html Accessed July 2014.

[3] His Lordship was referring to *R v Sussex Justices, Ex parte McCarthy* [1924] 1 KB 256 at 259, "… *it is not merely of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.*"

[4] See (n 1) at paras 1–2

[5] J. Kimble, 'The Straight Skinny on Better Judicial Opinions', (2003) 9 Scribes Journal of Legal Writing 1 at p. 9

[6] *Ibid*, at p. 4

[7] See (n 1) at paras 33–34

[8] *Slater v May* (1704) 2 Ld Raym 1071 at 1072

[9] Lord Bingham cited in 'Law Reporting and the Doctrine of Precedent in Halsbury's Laws of England Centenary Essays 2007' (LexisNexis) (2007) at 71

[10] See (n 1) at paras 35–36

[11] For a general discussion of the future of law reporting see Paul Magrath, 'The Future of Law Reporting', *Internet Newsletter for Lawyers* (July 2014). http://www.infolaw.co.uk/newsletter/2014/07/the-future-of-law-reporting/ (accessed 27th June 2014)

[12] Lord Thomas CJ, 'Reshaping Justice' (3 March 2014) http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Speeches/lcj-speech-reshaping-justice.pdf (accessed 27 June 2014)

[13] Nicholas Lavender QC, 'Update for the Profession from the Chairman of the Bar', (12 March 2014) http://www.barcouncil.org.uk/media-centre/news-and-press-releases/2014/march/update-for-the-profession (accessed 27 June 2014)

[14] See also Owen Bowcott, 'Fraud Trial Legal Aid Ruling Overturned by Appeal Court', *The Guardian* (London, 21 May 2014) <http://www.theguardian.com/law/2014/may/21/fraud-trial-legal-aid-ruling-overturned-appeal-court> (accessed 27 June 2014)

[15] The Law Society, 'Practice Note on Alternative Business Structures', (22 July 2013) http://www.lawsociety.org.uk/advice/practice-notes/alternative-business-structures (accessed 27 June 2014)

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[16] HM Courts & Tribunals Service, Lord Chief Justice speech: 'IT for the Courts – Creating a Digital Future', (29 May 2014) http://www.judiciary.gov.uk/announcements/it-for-the-courts-creating-a-digital-future (accessed 26 June 2014)
[17] United Kingdom Supreme Court, 'Practice Direction 14: Filing Documents in the Registry of the Supreme Court by electronic means', (January 2012) http://supremecourt.uk/docs/practice-direction-14.pdf (accessed 27 June 2014)

Biography

Rebecca Herle is the Head of Sales and Marketing at ICLR, one of the three that make up the senior management team, and responsible for operations. Rebecca has worked in professional publishing since 2001, previously at Wolters Kluwer UK.

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TECHNOLOGIES AND E-RESOURCES

Re-Emerging Technologies: What's Hot and What's Not!

Abstract: Three years ago James Mullan delivered a presentation called "Emerging technologies" and followed this up with an article in Legal Information Management (LIM) called "Making mountains out of molehills: a look at some emerging technologies"[1] Two years further on and the Editor of LIM asked him to re-visit the issues and to write a follow-up article on the subject. As a result this paper looks at the current state of play with those technologies and identifies some of the significant technological developments to have taken place since his original article.
Keywords: information architecture; internet; emerging technology; social networking

INTRODUCTION

The last two years have certainly been interesting both in terms of the technological developments that have taken place and the opportunities for law librarians to take advantage of them. One concept in particular has become a buzzword both within the IT world and within the information community and was the subject of a number of discussions at the recent BIALL conference. However, before we talk about that and the other "new" technologies, I am going to look at some of the technologies that I mentioned in my original article.

GOOGLE PLUS

On the 28 June 2011 Google launched 'Google Plus', a social networking site offering a number of interesting features, which Google hoped would draw users from Facebook. These features included the concept of 'Circles', as a way of managing contacts, and 'Hangouts', a video chat service, which is the major draw of Google Plus; and there is also a great way to manage photographs using Google's own tool, Picasa. Whilst much was written about how Google plus was going to be a "Facebook killer" it has definitely not lived up to this reputation and in fact recent reports have declared Google Plus a "ghost town" much to the annoyance of those individuals who use Google Plus regularly.

Whilst Google Plus still only has a fraction of the users that Facebook does (300 million visitors a month at the last count) it still serves an important purpose. Especially for those individuals who are interested in photography, video chats and "hanging out" with people they don't know who have similar interests. I think there are