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## Book Review: Legal Decisions and Information Systems, 1 Computer L.J. 401 (1978)

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## BOOK REVIEW

# LEGAL DECISIONS AND INFORMATION SYSTEMS

*By Jon Bing and Trygve Harvold*

(Universitetsforlaget, Oslo, 1977, 272 pages; ISBN 82-00-05031-9  
in North America available from:  
Columbia University Press, 136 South Broadway,  
Irving-on-Hudson, New York, N.Y. 10533)

It is difficult to do justice to this book in a single review, particularly in light of its breadth of coverage. Indeed, even though the book was published only slightly over one year ago, it has already received considerable recognition and its authors have been awarded the Norwegian Royal Academic Gold Medal.

The authors are participants in NORIS, a research program at the Norwegian Research Center for Computers and Law. Although the authors' native language is Norwegian, the book is written in English. The book was written with two purposes in mind. First, the authors wished to communicate in English some of the results arrived at through NORIS; second, they wanted to give a general introduction to the field of legal informatics, and especially to the sector of this field which they call "legal information retrieval."

The book is an informative review of the history and state-of-the-art in automated legal information retrieval until the end of 1975, with some mention of developments in 1976.<sup>1</sup> The book is organized in four parts and contains twelve chapters.

The first portion of the volume involves a broad discussion and descriptive model of the legal decision process, including, the legal information retrieval process, the legal interpretation process, and the problems and roles of research within these processes. The au-

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1. The book is actually an updated review of a more exhaustive study by the authors, entitled *Rettskildebruk og informasjonssystemer* (Stencil, Oslo 1973).

thors argue that the justification for automated legal information systems must be found in the possible improvement of legal decisions. The remaining parts of the book show that automated legal information systems can be expected to lead to an improvement in legal decisions.

The second section is an historical survey of automated legal information retrieval projects and systems. It is often difficult to distinguish between the various projects and systems in this field. The authors, however, provide a clear discussion of the evolution of this technology, starting with the very earliest speculation and research in the field. The book then describes the early pioneering work of, *inter alia*, Horty, Lyons, and Hoppenfield, and shows how this early work provided a foundation for the initiation of many later experimental projects, and commercial and private systems. The early development of all major projects and systems is traced and the interesting characteristics and significant differences between them are covered. The book also describes comparative performance tests undertaken and the results achieved by many of these projects.

The second section also contains a highlight of European and North American projects and systems. Interesting characteristics of and problems with each of these projects and systems are discussed. The authors provide a particularly good review of the bi-lingual projects and systems found in Europe, Canada, and Israel (the Responsa Project). The chapter on Europe begins with a review of the forums provided by The Council of Europe and INTERDOC. Following that, the major European projects and systems are concisely, but informatively, discussed country-by-country. The authors' familiarity with English, French, and German enables them to review literature not otherwise available to an English-reading scholar. The chapter on North America follows up the earlier historical survey and describes the major projects and systems in both Canada and the United States. It is noteworthy that in these chapters, many of the sections devoted to a particular project or system were reviewed by a person working on or affiliated with that project or system.<sup>2</sup> The second section concludes with a brief, but informative, description of five of the major automated information retrieval systems commercially available today.

The third part of the book discusses the performance of text retrieval systems in general. It begins with a detailed discussion of each of the components of a text retrieval system. Retrieval performance is then discussed. The authors show that central to a defi-

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2. The name of the individual reviewing the section is set forth in a footnote at the beginning of that section.

nition of performance are both the concept of relevance and the process of retrieval itself. Both factors are discussed and the criteria by which performance should be measured is defined. The problems relating to the concept of relevance and the process of retrieval are also reviewed.

The authors then discuss a variety of search strategy choices that confront the designer and user of a retrieval system. Among the choices available are the selection of data bases, selection of document representation, selection of command language and formulation of queries.

The third section concludes with a look at some of the research that has been done on performance of retrieval systems. The authors discuss eight projects in considerable detail; four oriented toward general retrieval problems, and four oriented specifically toward legal retrieval problems.

The fourth and final part discusses the relationship between legal decisions and information systems. In this part, the authors discuss the justification for improving legal information systems. They show that the use of legal information systems can improve the "quality" of the legal research, and is justified because of the intimate relationship between legal information retrieval, legal decisions, and the "rule of law." The authors define "rule of law" as consisting of five elements: predictability, fair and just process, objectivity in the application of norms and discretion, the principle of equality, and democratic control. They then discuss the foreseeable effect of legal information systems on each of these "rule of law" elements and offer solutions to some of the problems discussed.

The book ends with a brief discussion of the relationship between the frequency of appeals and the efficiency and availability of legal information systems. The authors conclude that as the efficiency and availability of legal information systems increase, the frequency of appeals can be expected to diminish.

This book is well-indexed and contains an international bibliography of 245 citations. It is strongly recommended as a fine introduction to automated legal information systems and as a research and reference tool in this area.<sup>3</sup> The book should be of particular in-

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3. Since this book was written, the Commission of European Economic Communities has commissioned a two-year feasibility study for a multi-lingual, automated legal information system for the Common Market countries. A report on the first phase of that study will be released shortly and should be valuable as a supplement to this book. Also, market pressure in the United States has forced the WESTLAW system, which was launched on a headnote basis, to change to a full-text data base, like that of their major competitor, the LEXIS system. WESTLAW's data base now includes, *inter alia*, the full-text of all state court opinions reported in the National Reporter System from January 1, 1978 forward on an on-going basis; the opinions reported in

terest to attorneys, information scientists and librarians.

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the Supreme Court Reporter since 1932; the opinions reported in the Federal Reporter 2d and the Federal Supplement since 1961; and the opinions reported in the National Reporter System for the State of Minnesota since 1945 and the State of New Jersey since 1948.