

Editorial

Welcome to the autumn 2014 issue of Legal Information Management.

FEATURE ARTICLE

For the second consecutive issue running we begin with a 'Feature Article'. This time the focus is on the Incorporated Council of Law Reporting for England and Wales (ICLR). The piece is written by Rebecca Herle who is Head of Sales and Marketing at the ICLR. Her article is rather timely and follows on, and indeed draws on material, from her colleague Daniel Hoadley who gave a plenary session called, 'The Curious Case of the Judgment Enhancers' at the BIALL Conference 2014 in June. In her article Rebecca takes us from the birth of the ICLR in 1865 to the present before exploring the current day issues confronting this venerable charitable publisher. Moreover, she also offers an insight into the future.

TECHNOLOGIES AND E-RESOURCES

This section of the autumn issue consists of four articles examining different issues relating to technology, e-resources and the law. James Mullan, former President of BIALL, provides an update to his previous article in LIM written in 2012, that related to emerging technologies – on this occasion he re-titles as, 'Re-Emerging Technologies'. Zaki Abbas, Andrew Macfarlane and Professor Ayşe Göker jointly outline their intentions and expectations for their research project on the subject of smartphone technology and its use by university law students across the country. This in-depth study will provide evidence and perceptions in relation to the use of smartphones for legal research and for using library-related applications and will take into account the views of law students but also subject specialist librarians. It is anticipated that a further article will appear in LIM once the study has been completed and the responses to the investigation analysed. Sarah Grassmeyer and Pete Smith take a look at 'open law' and the technology behind it. They provide a short historical overview of the 'access to legal information' issues, address the reasons that full access to legal information remains important and then examine some examples of systems that aim to facilitate such access. They also comment on some of the social and political elements needed to make the technology for open law systems work. Finally in this section, Samuel Wiggins writes on 'Electronic Resources in Commercial Law Firms' and contemplates current and future issues for the legal information sector. His survey of 2011 is used as a point of reflection concerning four key areas that are challenging the profession – relationships between lawyers and librarians, changing budgets, the nature of enquiries, and job roles.

INTERNATIONAL PERSPECTIVES

The International Perspectives section has a piece written by Carole Hinchcliff, Megan Fitzgibbons and Claudia Davies who review free legal information resources for Australia, New Zealand and Papua New Guinea. The article is based on a presentation developed by Carole, and subsequently delivered by Megan and Claudia, at the meeting of the International Federation of Library Association (IFLA) in August 2013.

CURRENT ISSUES

'Current Issues' comprises of articles on three separate surveys. Firstly, Dunstan Speight and Lisa Sabbage report on the findings of their recent CLIG (City Legal Information Group) survey conducted into professional skills. This was a survey that was conducted as a survey of CLIG members as a way of compiling an accurate picture of the nature of law library work that is carried out in city firms. Gerry Power surveyed and updated the FLAG (Foreign Law Guide) database during 2013 and, in the second article of this section, he explains the aims of the project, the methods used and the findings of the work conducted by him and his colleagues. Thirdly, David Gee gives his report on the annual SLS/BIALL Academic Law Library Survey 2012/2013. This ever-expanding survey provides invaluable information relating to the academic library sector.

SPECIAL ARTICLE

In some ways the article published here is an unusual inclusion. It is an article that was originally published in *The Indexer* (The International Journal of Indexing) in 1963. It was written by the late A.R.(Reg) Hewitt. The current editor of *The Indexer*, Maureen MacGlashan, saw fit to re-publish the article, which is entitled 'Legal Indexing', as an edited version, in the March 2014 issue of her journal. As she correctly points out, "Although today's indexers do not have to trouble themselves with the layout of index cards, much of the advice contained in it [the article] is still applicable a half-century later". In order to give the content of this piece a wider audience, and one applicable directly to our own profession, I have chosen to re-print it here in the autumn LIM. I am most grateful to Maureen, and to *The Indexer*, for permitting this inclusion in our journal.

CURRENT AWARENESS

Finally, readers will note the regular Current Awareness section that has been compiled, as usual, by Katherine Read and Laura Griffiths at the Institute of Advanced Legal Studies.

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members of the LIM Editorial Board, in particular the Chair of that committee, Dunstan Speight.

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 I: 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);