Council of Canadian Academic Law Library Directors

Calgary Statement on
Free Access to Legal Information

Calgary, AB
May 14, 2011

Background

On November 7, 2008, the directors of the law libraries of the University of Chicago, Columbia University, Cornell University, Duke University, Georgetown University, Harvard University, New York University, Northwestern University, the University of Pennsylvania, Stanford University, the University of Texas, and Yale University met in Durham, North Carolina, at the Duke Law School. That meeting resulted in the *Durham Statement on Open Access to Legal Scholarship*, which calls for all law schools to stop publishing their journals in print format and to rely instead on electronic publication coupled with a commitment to keep the electronic versions available in stable, open, digital formats.

The *Durham Statement* did not go unnoticed by the directors of Canadian law school libraries. On May 14, 2011, at our annual meeting in the course of the Annual Conference of the Canadian Association of Law Libraries/Association canadienne des bibliothèques de droit (CALL/ACBD) in Calgary, the Council of Canadian Academic Law Library Directors (CCALLD), in acknowledgement and as an endorsement of our American colleagues' groundbreaking move, have approved, adopted and issued the following statement of principles. We issue this statement not only as an indication of our solidarity and shared commitment to the ideal of open access in legal scholarship but also to promote and further support the Canadian ideal of free public access to legal information as embodied in the *Montreal Declaration on Free Access to Law*.

Principles

The Council of Canadian Academic Law Library Directors believes that our universities, as publicly-funded educational institutions, have an obligation to make their scholarship freely available in the public domain. We believe that it will benefit legal education, improve the dissemination of legal scholarship, promote free access to legal information and enhance access to justice if our law schools commit to making the scholarship they publish available in stable, open, digital formats in an institutional or other open-access repository.

We believe that public bodies have a duty to make law public and accessible free-of-charge, and that these objectives are further advanced if our courts, legislatures and government agencies commit to the production of official versions of primary legal materials in stable and open digital formats in freely-accessible digital repositories.

We believe that these same principles are best served when legal publications are prepared using neutral citation standards as the primary standard for citation of legal materials.

In the second decade of the 21st century, there is a growing preference among users of legal information – whether students, faculty, lawyers, librarians or the public – to access legal information in digital formats. Print copies of legal materials are often not as current as their digital counterparts and lack the flexibility and functionality demanded by 21st-century practitioners, students, researchers and scholars. If legal primary materials, scholarship and information are freely and publicly available in stable and official digital formats, legal researchers and many libraries will have the option not to acquire or maintain them in print, along with the not inconsequential economic advantages.

We believe that a move toward digital formats as the preferred and official format for legal materials and scholarship will enhance free public access to legal information and knowledge not only inside the legal academy and in practice, but to scholars in other disciplines and to international audiences, many of whom do not now have access either to law libraries or to commercial databases. These principles are best served when legal information is freely available to the broadest possible audience.

Call to Action

In accordance with the principles outlined above, the Council of Canadian Academic Law Library Directors commits itself to the following actions:

1. We urge every Canadian law school to commit to electronic publication of its journals and to making definitive versions of journals and other scholarship produced at the school available immediately upon publication in stable, open, digital formats. Collaboration with CanLII (the Canadian Legal Information Institute), as the premier resource for free access to legal information in Canada, is desirable.

2. We also urge every Canadian law school to commit to keeping a repository of the scholarship published at the school in a stable, open, digital format. Some law schools may choose to use a shared institutional, regional, national or even international online repository, or to offer their own repositories as places for other law schools to archive the scholarship published at their school.

3. We urge all Canadian courts, legislatures and governments to commit to electronic publication of their primary legal publications by making definitive, "official" versions available immediately upon publication in stable, open, digital formats in a stable, freely-accessible online repository.

4. Repositories should rely upon open standards for the archiving of works, as well as on redundant formats, such as PDF copies. We also urge law schools, law

libraries and other repositories to agree to and use a standard set of metadata to catalog each document to ensure easy online public indexing of legal scholarship.

5. We urge faculty members to reserve their copyrights to ensure that they too can make their own scholarship available in stable, open, digital formats. Canadian law journals should rely upon Creative Commons Canada's iCommons Licence Agreement or similar model publishing agreement as a default and should respect author requests to retain copyrights in their scholarship.

6. Finally, we encourage all Canadian law schools, as well as our courts, legislatures, governments and law publishers, to implement already-approved national standards for neutral citation of judicial and tribunal decisions in all their publications and to expedite the approval of a national standard for the neutral citation of legislative and regulatory publications.

Ce texte est disponible également en français sous le titre: *Déclaration de Calgary sur le libre accès à l'information juridique*.