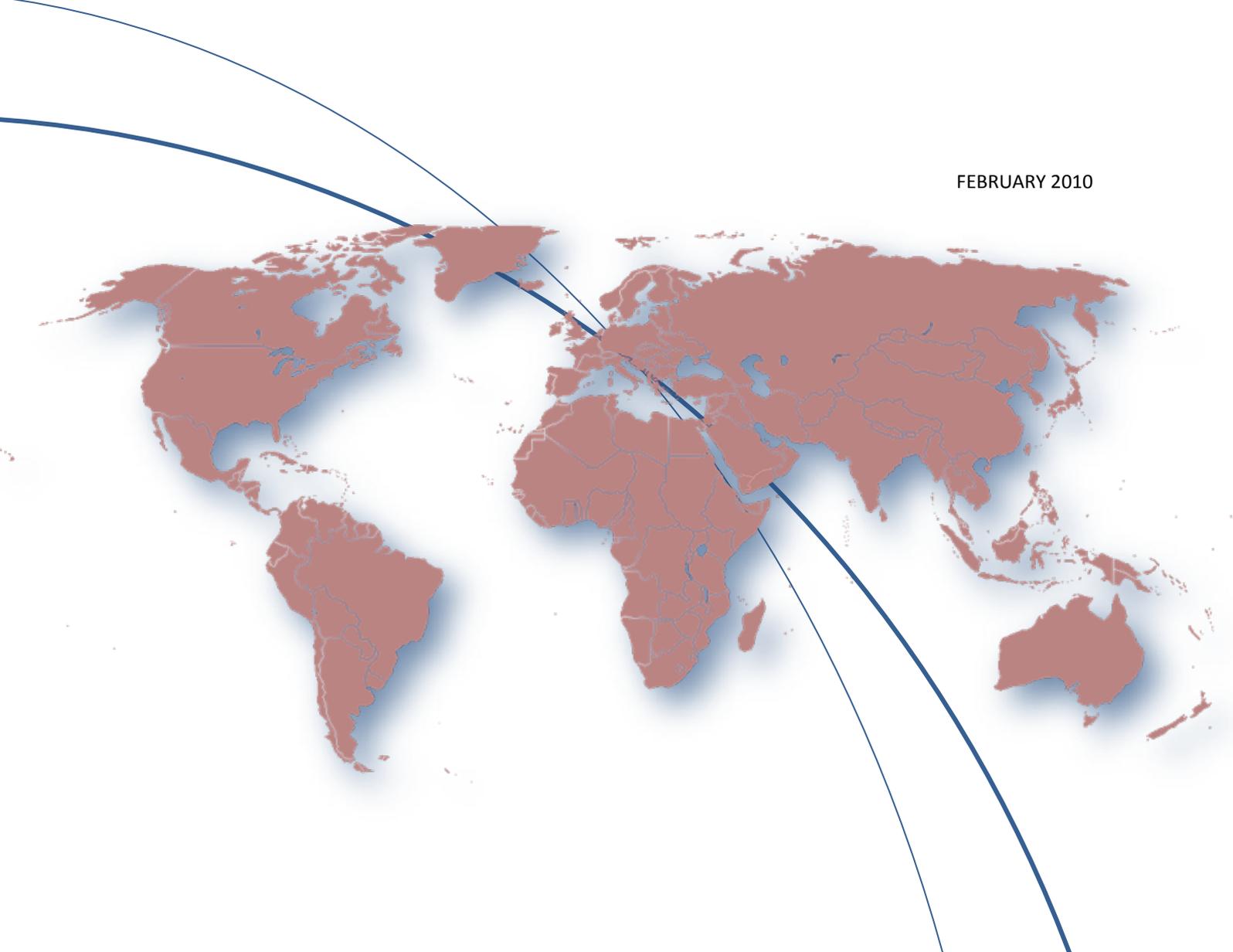


FEBRUARY 2010



# Local Researcher's Methodology Guide

**Free Access to Law**  
*Is it Here to Stay?*

# Local Researcher's Methodology Guide



This Methodology Guide was developed collaboratively by the project members of “Free Access to Law – Is it Here to Stay?” This study was made possible thanks to a grant from the International Development Research Centre as well as support from the Open Society Institute. The “Free Access to Law – Is it Here to Stay?” project is composed of members from Canada’s LexUM, South Africa’s SAFLII and India’s Centre for Internet and Society.





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## 1. OVERVIEW

### 1.1 FREE ACCESS TO LAW MOVEMENT

[1] One of the first recorded free access to law (FAL) initiatives is Cornell's Legal Information Institute (LII), launched in 1992. This LII published online – and still publishes today – legislation, court decisions and other legal documents, available to anyone with Internet access. The LII model of FAL initiatives quickly inspired similar initiatives in Canada (CanLII), Australia (AustLII), and elsewhere around the world. As the number of FAL initiatives grew, so did the need for a venue where FAL practitioners could meet. In 1997, the first *Law Via the Internet Conference* was held in Sydney, Australia. Since then, nine conferences have been held in Europe, North America and Africa. In 2002, the Montreal Declaration on free access to law was signed by eight LII and other FAL initiatives. Today, over 30 initiatives subscribe to the principles of the Montreal Declaration and are formal members of FAL. Indeed, initiatives that aim to deliver access to law at no charge have been carried out by various types of organisations – LIIs, of course, but also governments, the judiciary, academia, law societies, NGOs, and more. The Montreal Declaration outlines the vision and goals of the FAL Movement (FALM) stating, amongst other principles, that "Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximizing access to this information promotes justice and the rule of law." (Montreal, 2002)

[2] Although FAL initiatives have generally been successful in developing their organisations and achieving their objectives, some have faced arduous realities and not all have been able to overcome the challenges met along the way. At the same time, while providing free access to law is unquestionably of paramount importance on theoretical grounds, there is still little understanding of how it actually operates to positively affect society. This study looks at the relationship between the sustainability and the success of FAL initiatives.

### 1.2 INTRODUCTION TO THE “FREE ACCESS TO LAW – IS IT HERE TO STAY?” PROJECT

[3] The overall goal of this study is to respond to a need to study what free access to law initiatives do and how they do it. This will lead to an understanding of the effects FAL initiatives have on society and to an exploration of the factors determining their sustainability. The general hypothesis is that *success* leads to *sustainability*. That is, if the free access to law initiative is successful, it will have greater chances of securing funds and enduring sustainability.

[4] The project will cover the following regions: (1) Southern and Eastern Africa, (2) Western Africa, (3) Asia and the Pacific and (4) Canada. In order to complete a cross-case comparative analysis, countries have been selected to represent multiple legal traditions with FAL initiatives at various stages of development. This approach will lead to the development of a Best Practices Handbook for FAL initiatives.

[5] In order to fully achieve its goals and specific objectives, the study will produce the following outputs:

- Collection of free access to law Case Studies
- Free access to law Best Practices Handbook
- Free access to law Online Library

[6] Because this project aims to study such a wide variety of geographical, cultural, and legal environments, this methodology guide ("the guide") has been put together to provide local researchers with the tools and concepts required to effectively complete their research for the collection of free access to law Case Studies. The Best Practices Handbook and Library will be derived from the case study research. This guide

is based on the African Copyright & Access to Knowledge Methodology Guide. Just as the ACA2K project states, "this Methodology Guide sets out a framework that allows flexibility and encourages creativity by country research teams, but at the same time is clear on expectations and procedures in order to avoid incoherent research outputs and/or results that are not easily compared across countries." (2008, p.6)

### 1.3 VISION, MISSION AND OBJECTIVES

[7] This part of the research consists of a collection of case studies based on four regions of the world (Africa, Asia, North America and the Pacific). The case studies will explore the challenges of the creation and the development of sustainable free access to law initiatives. The analysis will provide insights about which initiatives did well and why. This cross-case comparative analysis will help establish a set of general propositions about what best practices work under various sets of circumstances. The results of the cross-case analysis will constitute the basis for the Best Practices Handbook aimed at strengthening free access to law initiatives' viability and maximizing their benefits.

#### *Vision*

[8] The concept of free access to law is attractive to countries and organisations that are willing to disseminate the law and make it accessible for all. Start-up or fragile organisations willing to freely disseminate the law will have access to a set of best practices and strategies for creating a successful and sustainable free access to law initiative.

#### *Mission*

[9] The study will offer a set of tools that provide guidance on how to deliver access to law free of charge. The study will give information about all the fundamental requirements for conducting free publication of law via the internet. It will also strengthen FALM with an international network of researchers who specialize in design, development, implementation and support of computer-based legal information systems, as well as building expertise in the standards, policy and legal frameworks conducive to efficient dissemination of law using IT.

#### *Objectives*

[10] The overall objective of the project is to respond to a need to study what free access to law initiatives do and how they do it best. The project aims to understand the positive effects they have on society generally and on their target audiences and stakeholders in particular, and to explore the factors determining their sustainability.

#### *Specific Research Objectives are:*

- To develop quantitative and qualitative methods to verify the assumptions regarding the outcomes of free access to law;
- To understand and document factors that have an impact on the sustainability of free access to law initiatives;
- To promote access to knowledge and lessons learned from free access to law initiatives in Africa, Asia, Pacific and North America, and to identify models that could be used by free access to law initiatives to ensure the sustainability of current or future programs;
- To help future free access to law initiatives adopt practices which increase chances of success and sustainability and maximize the benefits these initiatives can bring to their users and society as a whole;

- To inform donor agencies about factors and conditions that can maximize the benefit of aid dispensed to free access to law initiatives.

## 1.4 RESEARCH QUESTIONS AND HYPOTHESIS

[11] The central question of the “Free Access to Law – Is it Here to Stay?” research project is:

### **WHAT DETERMINES THE SUSTAINABILITY OF OPERATIONS OF FREE ACCESS TO LAW INITIATIVES?**

[12] The specific research questions are:

- What external factors impact on free access to law initiatives’ success and/or failure?
- What practices have been adopted by free access to law initiatives that have been successful and by those that have not?
- What outcomes result from FAL initiatives?
- Are those outcomes sufficient to create incentives among free access to law initiatives’ target audiences or stakeholders to sustain free law publishing?

### *Hypothesis*

[13] The general hypothesis is that success, defined in this study as four-fold (internal, outputs, outcomes for users and societal outcomes), works hand-in-hand with sustainability: if the free access to law initiative is successful, it will have greater chances of being sustainable.

## 1.5 STUDY COMPONENTS

[14] The “Free Access to Law – Is it Here to Stay” project involves two components:

- Research
- Dissemination of the research outcomes

[15] The research component will first involve an environmental scan designed to understand the *political, social, economical* and *technological* environments in which the FAL initiatives are operating. The second step will consist of collecting information through interviews and document reviews as to enable the researchers to study and clarify the link between the two central concepts of this study: the *success* of free access to law initiatives and the *sustainability* of those initiatives.

## 2. CONCEPTUAL FRAMEWORK

[16] The conceptual premise of the “Free Access to Law – Is it Here to Stay” research project (“this study”), is that the process of delivering free access to legal information is of paramount importance to the democratic process. Free access to law holdings must be preserved and improved as an invaluable part of the common heritage of humanity.

[17] For the purpose of this study, a free access to law initiative (“initiative” or “FAL initiative”) is defined by the Montreal Declaration's (Montreal 2003) definition of a Legal Information Institute. That is, FAL initiatives: "publish via the internet public legal information originating from more than one public body, provide free and anonymous public access to that information and do not impede others from obtaining public legal information from its sources and publishing it."

[18] For this study, it will not be necessary that the FAL initiative formally subscribe to the Declaration or that it be a member of FALM.

### 2.1 SUCCESS

[19] Most FAL initiatives tend to adopt a common purpose: to benefit society at large by providing free access to legal information. The public's right to know the laws that govern it (and reducing legal insecurity both in economic life and in society in general) is believed to be fulfilled by harnessing the principles of open government and open legal systems. That is achieved by providing widespread access to the law using the technology of the Internet. Benefits may also be somewhat more modest, affecting principally the users of the FAL initiative's resources, such as improved research capacity and access to up-to-date information. Benefiting society may not be an explicit common goal to all FAL initiatives, but providing free access to law is inevitably a universal FAL initiative goal. Success, therefore, can be understood in two ways.

[20] On the one hand, an initiative can be successful internally. The internal success of these initiatives is defined as "the capacity to adopt practices that allow the initiative to produce the promised outputs". Essentially, this is the same as asking *did the initiative do what it set out to do?* This definition presents two components for examination: organisational capacity (*adoption of practices*) and outputs (*providing free access to law online*). While free access to law initiatives share a lot in common in terms of the capacities they develop to conduct the publication of law for free, different, context-dependent practices are developed by each initiative to achieve context-dependent goals. Therefore, the notion of success of a free access to law initiative cannot simply be related to a list of free access to law assumptions, such as the transparency of the legal system. The notion has to be understood and interpreted based on what each free access to law initiative set out to accomplish.

[21] On the other hand, transparency of the legal system, for example, cannot be excluded as a sign of success for an initiative. Success, indeed, can be external. External success relates to "the initiative's capacity to produce positive outcomes". This definition basically translates into the question: *is putting the law online for free resulting in any measurable outcomes?* Again, two components arise through this definition: outcomes for the users of FAL, and societal outcomes derived from the use of FAL. Outcomes for the users, as mentioned above, include improved research capacity or maybe reduced expenditures for legal information products. Societal outcomes derived from the use of FAL can include elimination of legal insecurity, or an open government and legal system.

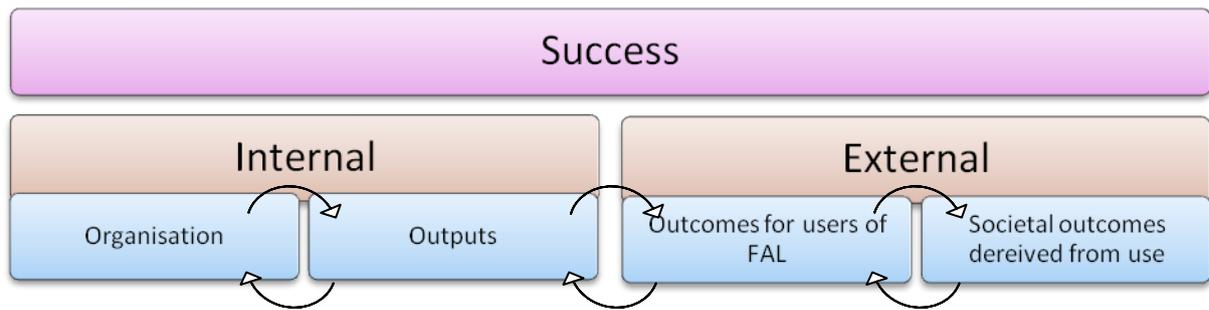


Figure 1 Success components of FAL initiatives

[22] As a FAL initiative matures, it's expected that it will move from (1) organisational success, to (2) successful production of outputs, which leads to (3) outcomes for users and (4) positive societal outcomes as a result. As this process takes place, it is expected that it also changes directions: the outcomes shape the outputs, and influence the processes of the organisation. This is the beginning of sustainability: as an initiative is successful in each of these four components, the chances of sustainability are incrementally improved. It is important to highlight, however, that although internal and external outputs and outcomes are distinct in this conceptual model so that they may be evaluated using distinct research methods, success must truly be understood as a holistic concept. Success components will be investigated separately, but evaluated comprehensively.

## 2.2 SUSTAINABILITY

[23] Figure 2 draws out the components this study considers to be the building blocks of sustainability. This sustainability chain is a tool illustrating a hypothesis. The research will aim to confirm or refute the structure and components of this chain.

[24] In a paper studying the impacts of organisational culture on institutional sustainability of non-governmental organisations working in the field of poverty reduction, David Lewis proposes a three tier definition to sustainability:

*Financial sustainability refers to a project's ability to generate resources from a variety of sources, which will, over time, reduce its dependency on development assistance funds. Organisational sustainability refers to the capacity of organisational arrangements to continue to provide a framework through which benefits to the poor can be delivered over time. Finally, benefit sustainability refers to the continuing availability or otherwise of benefits such as services beyond the life of the project, even if these are provided from other sources such as the state or the private sector. (2003, p.213)*

[25] These components have been adapted to the reality of FAL initiatives and are included under the headings "Reinvestment", "Capacity to Provide Service" and "Production of Outcomes and Outputs", respectively. Michael Edwards (1999) considers that there are primarily two types of factors which impact an NGO's sustainability: external influences (context) and internal influences (organisational choices). Internal influences encompass what Lewis calls organisational sustainability and benefit sustainability. Edwards's "external influences" include financial sustainability, although financial sustainability is very highly dependent on internal influences as well. For this reason, and because social, political and economical factors mostly outside of the FAL initiative's control can also highly influence its sustainability, this study's sustainability chain

has added a separate component for context. Each component of the chain is described in greater detail below.

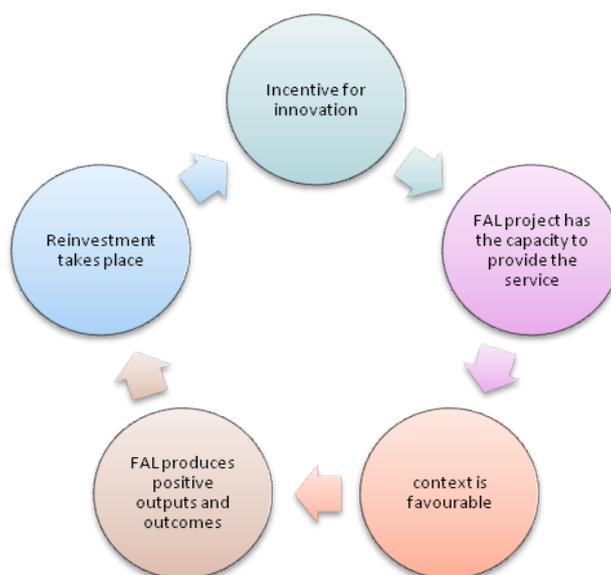


Figure 2 Sustainability Chain

### 2.2.1 INCENTIVE FOR INNOVATION

[26] A free access to law initiative always begins with an incentive for innovation - there is a reason for which the FAL initiative is created, whether it is as a response to a need for easily accessible legal information, or the result of an academic grant made available for a legal informatics project. Although innovation could be included within Lewis's organisational sustainability and Edwards's internal influences, it has been added to the sustainability chain as a separate component to highlight the impact innovation may have at the start of the initiative, and throughout the initiative's lifetime. In a study on the sustainability of digital resources, Maron et al. (2009) stress the importance of including innovation as part of the definition of sustainability: "As new technologies develop and user expectations shift and grow, a resource risks fading slowly into irrelevance if it does not constantly grow and innovate in ways that continue to benefit its constituents." (Maron et al., 2009, p.11) To ensure the quality and pertinence of their service, initiatives must continue to innovate throughout their lifetimes. This conclusion is shared by Danneels (2000) in a paper on organisational sustainability: "Organisations need to continuously renew themselves if they are to survive and prosper in dynamic environments." (p.1095)

[27] This study will look at the original purposes behind the creation of FAL initiatives and how those have affected their capacity to be successful and sustainable: *Are there particular incentives for innovation which increase a FAL's chances of success and sustainability?* It will also look at ways in which the FAL initiatives renew themselves to ensure their relevance.

[28] Success and sustainability of free access to law initiatives rely on, and researchers will be asked to look into:

- Incentive for creation of the FAL initiative;
- Mission and goals of the initiative; and
- Initiative's capacity to innovate.

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### 2.2.2 CAPACITY TO PROVIDE SERVICE

[29] Next, the FAL project must have the capacity to provide the service for which it was created: *is it able to do what it set out to do?* An appropriate organisational structure that can provide capacity for carrying out the project's strategy and objectives is an asset to the initiative. Internal organisational structure will no doubt vary from one FAL project to the next and this study will seek to verify if some structures are more successful and sustainable than others and which organisational structures work best against a particular context. Other factors related to the project's capacity that will be considered in this study include the initiative's access to appropriate skills and technology, which will be intimately linked to the initiative's access to initial and recurring funding.

[30] The success and the sustainability of free access to law initiatives have to be built on, and researchers will be asked to look into:

- Organisation type;
- Organisational practices, both internal and external;
- Access to resources: i.e., expertise, technology and funding; and
- Appropriateness of technological choices for local context (information standards).

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### 2.2.3 FAVOURABLE CONTEXT

[31] As mentioned above, the creation of a free access to law initiative requires a minimum number of conditions to be present. The context in which the free access to law initiatives are created must provide basic conditions including no existing legislation forbidding the publication of legal material, easy access to the Internet, a good Internet connection and even simple conveniences such as availability of electricity. These elements are relative to the local environment, and have significant implications on the success and sustainability of FAL initiatives.

[32] The creation of free access to law initiatives also needs support from political venues and especially from the Department of Justice, the judiciary or other government departments, corresponding to the political entity where legal information is produced. At a basic level, for example, the collection of data required for the initiative will not be possible if the legal information data sources do not collaborate with the initiative. Support is needed from the political head of a department or a court, as well as the individual courts' judges and clerks. If such support cannot be obtained, the initiative must develop strategies to overcome such obstacles. The experience of each free access to law initiative will be detailed in the Case Study Collection.

[33] The success and sustainability of free access to law initiatives will depend on, and researchers will be asked to look into:

- Legal information environments;
- National legal and policy frameworks;
- Relationship of the FAL initiative with data sources; and
- Access to technology / Internet (outside of the organisation's control).

---

### 2.2.4 PRODUCTION OF OUTPUTS AND OUTCOMES

[34] It is expected that if FAL initiatives have the capacity to provide the service, and the context is favourable, the FAL initiatives will produce positive outputs and outcomes. Whereas the "capacity" component

will look at the initiative *ability* to do its job, the “production of outputs and outcomes” will look at the activities undertaken: *is the initiative doing what it set out to do, and beyond?* To be sustainable, a FAL initiative must be providing a service which is useful to someone, somewhere. The usefulness of the FAL initiatives lies in their ability to respond to a need. Identifying a need for free access to legal information may not always be the first step in the creation of a FAL initiative, but the potential for FAL initiatives’ outputs to produce outcomes lies in their ability to respond to a need. For example, if a FAL initiative is only publishing case law on its website, no matter how comprehensive or up-to-date the collection may be, the sustainability of the initiative depends on its usefulness. If users in this case aren’t active users of case law, the outputs (the case law) will not lead to outcomes (for example, more effective research for lawyers) which in turn is expected to put in jeopardy the FAL initiative's sustainability.

[35] If FAL initiatives first produce positive outputs and subsequently produce outcomes that are of use and of value to its users, it is expected that reinvestment will take place; users will want to continue maintaining the useful service and may wish to favour innovation as well. “When a project creates real value for users, its leaders are likely to have at their disposal a richer array of tools when assembling a strategy for leveraging that value to both its direct and indirect beneficiaries.” (Maron et al., 2009, p.12) Reinvestment may come either from the users or the stakeholders acting on behalf of the users, which should stimulate innovation and reinitiate the cycle, leading *de facto* to sustainability.

[36] The success and sustainability of free access to law initiatives will be impacted by, and researchers will be asked to look into:

- Scope and reach of the use of FAL initiative website; and
- Outcomes linked to FAL as reported by users.

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#### 2.2.5 REINVESTMENT

[37] The question of financial resources is crucial for every free access to law initiatives. *Who will support the free access to law initiative activities, and on what level?*

[38] The sustainability chain advances the idea that investment can come from multiple sources and the number of potential sources can be greater when the FAL initiative is successful in producing outputs that lead to positive outcomes. Users can be seen as the primary target for soliciting initiative funding, given that as long as they are benefiting from the service, they have a direct interest in keeping the FAL initiative alive. Users, however, will not always be in a position to sustain the operations of the FAL initiative or may just not be in the best position to sustain the FAL initiative. Hence the study is interested in finding out all the ways in which FAL initiatives have managed to secure funding, as well as the motivation of funders to fund FAL initiatives.

[39] The success and sustainability of a free access to law initiative will be impacted by, and researchers will be asked to look into:

- Stakeholders’ interest in supplying funds;
- Potential sources of funding; and
- Access to adequate funding.

## 2.3 RELATIONSHIP BETWEEN THE CONCEPTS OF SUCCESS AND SUSTAINABILITY

[40] The concepts of success and sustainability maintain a very intimate relationship. As an initiative moves through the components of success, it moves through the sustainability chain. Each component of success mastered is an increased chance of long-term existence for the free access to law initiative. Indeed, all the success components are more or less repeated within the sustainability chain.

[41] Organisational success relates to the initiative's capacity to provide the service, to the environment in which it operates, and to its ability to innovate.

[42] Successful production of outputs is again linked to the initiative's capacity to provide the service and naturally, to the production of positive outputs and outcomes.

[43] Success in the capacity to provide positive outcomes for users clearly is linked to the initiative's production of outputs and outcomes, but also to the reinvestment.

[44] Success in the achievement of positive societal outcomes again is linked to production of positive outputs and outcomes and to reinvestment. This is self-perpetuating, because the FAL initiative is now an actor favorably impacting the context in which it itself operates.

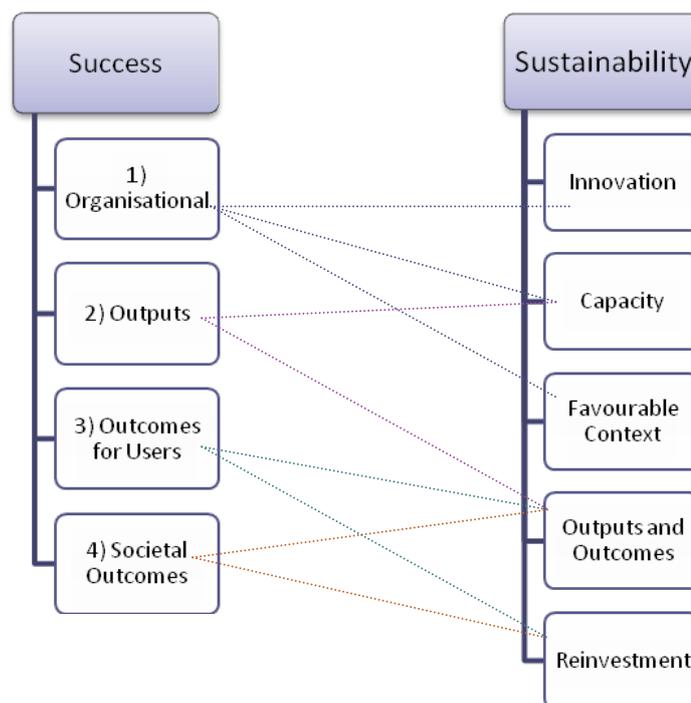


Figure 3 Relationship between success and sustainability

### 3. RESEARCH COMPONENT

[45] The study attempts to collect case study stories in order to document the best practices adopted by free access to law initiatives. To identify why and how initiatives have been successful and sustainable, the researcher's inquiry will be oriented around the stages of development of the free access to law initiatives, as proposed by the University of Tasmania's Project Evaluation Framework (2005). The framework is simple, providing for multiple ways of reaching sustainability, and allowing for the validation or the invalidation of the proposed sustainability chain. Because it structures the inquiry around steps in the development of the FAL initiative rather than around particular indicators or objectives, it is compatible with other methods and tools used in this study and will be compatible with the multiple contexts in which the studied FAL initiatives are operating. The steps are as follows:

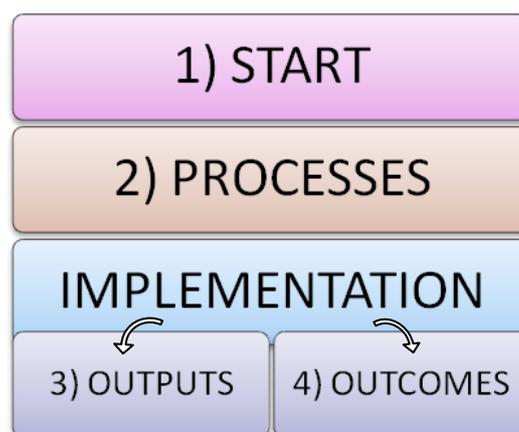


Figure 4 Stages of development

[46] Questions from the environmental scan, document reviews, interviews and web surveys, aim to investigate each one of these four steps, to see when, how and why initiatives succeed and remain sustainable.

#### 3.1 IDENTIFYING THE FAL INITIATIVE

[47] Purposive sampling is used to identify the FAL initiatives to be studied. Purposive sampling is fairly straightforward and consists of selecting participants with "a purpose in mind." (Trochim, 2006) The criteria for selecting the initiatives are defined in the Conceptual Framework section of this study and are repeated here:

*A free access to law initiative must:*

*publish via the internet public legal information originating from more than one public body, provide free and anonymous public access to that information and not impede others from obtaining public legal information from its sources and publishing it (Montreal Declaration, 2002)*

[48] If more than one initiative satisfies these criteria within a studied country, the following criteria are to be used to narrow the initiatives down to one.

[49] The selected free access to law Initiative should:

- Have potential to provide relevant experience to the establishment of a set of best practices;

- Have plans to motivate change in the country, and be prepared to engage in a dialogue, embrace change and share its experience;
- Be representative with respect to the financial model of the free-access-to law initiative - for example, each region should aim to study a mix of government-sponsored, NGO, academic and private FAL initiatives;
- Be potentially replicable in other contexts.

[50] If there is still more than one initiative which corresponds to these criteria, convenience sampling is to be employed in order to select the initiative that will be most accessible for interviews and document sharing.

## 3.2 ENVIRONMENTAL SCAN

[51] After identifying the initiative, each local researcher will complete an environmental scan.

[52] The purpose of the environmental scan is to understand the *political, social, economic and technological* environments in which the FAL initiative is operating. The environmental scan pays particular attention to the factors which have a direct influence on the *goals* and the *direction* of the FAL initiative. The data obtained from the environmental scan should highlight external trends, risk factors and opportunities for the FAL initiative. The environmental scan research is guided by the Environmental Scan Matrix (see Appendix 1). Researchers should feel free to follow leads that may not be explicitly detailed in the Environmental Scan Matrix but are found to have an impact on the goals and directions of the FAL initiative. Researchers should also know that this matrix is to be used as a guideline and if any indicators do not apply or cannot be obtained, researchers need simply indicate why this is the case.

[53] Environmental Scan Task List:

- Obtain data as detailed in the Environmental Scan Matrix;
- Submit the raw data, along with a bibliography of all sources used, to regional coordinators, SAFLII and LexUM;
- Prepare a two-to-four page stand-alone synopsis and submit to regional coordinators, SAFLII and LexUM. The first part should highlight trends, risks and opportunities for the field of online legal research publication in general. The second part should highlight trends which may impact (or already have impacted) the FAL initiative in particular as well as potential external risk factors and opportunities for the FAL initiative at hand. In sum, the researcher is invited, in this synopsis, to look at how the individual indicators listed in the Environmental Scan Matrix work together to impact free access to law;
- Use the results of the environmental scan as a tool for identifying interview subjects;
- In drafting the case study, use the results from the environmental scan in combination with those from the interviews.

## 3.3 DOCUMENT REVIEW

### 3.3.1 INITIATIVE DOCUMENT REVIEW AND COLLECTION OF INITIATIVE WEB STATISTICS

[54] The purpose of the document review is to gather information about the FAL initiative in parallel to the interview findings. The use of the initiative document review and web statistics is double: (1) if possible, the researcher should obtain initiative documentation and web statistics prior to conducting interviews, in order to familiarize him or herself with the initiative and adapt interview questions accordingly; (2) the information

from the web statistics and initiative documentation is used to contextualise interview findings, to identify patterns and themes and create knowledge on free access to law for the case study.

[55] Whereas the Environmental Scan is interested in macro indicators, this portion of the study is focused on the FAL initiative at hand. The document review is guided by the Research Matrix (Appendix 2). This matrix outlines *all* the indicators to be gathered for this study, not just those for this particular research activity. The researcher must look under the “Source of verification” column for indicators that require *initiative documentation* and/or *web statistics*. All the required web statistics are detailed in this matrix. Specific initiative documentation includes, but is not limited to, the initiative’s strategic plan, funding applications and operational plans as well as the initiative’s website, past projects and other archives.

[56] Initiative Document Review and Initiative Web Statistics Task List:

- Obtain information as detailed in the Research Matrix, under the “Source of verification” column, for indicators which require “initiative document review” or “web statistics”;
- Obtain, if possible, this information prior to interviews with initiative team members as to adapt interview questions to the initiative’s realities;
- When possible, the web statistics should be collected once at the beginning of the field research period, and again towards the end of the field research;
- Use the information gathered through the initiative document review and web statistics, in combination with results obtained from the environmental scans and interviews for drafting of case study.

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### 3.3.2 OTHER DOCUMENTS TO REVIEW

[57] Researchers may consult scientific articles and other reputable sources for complimentary and additional information needed to complete the case study. All sources used for the study must be included in the reference list and properly cited (see section 3.6.2).

## 3.4 WRITTEN QUESTIONNAIRE FOR USERS

[58] To gather basic personal data on the users, to gauge the quality of their internet access and the intensity with which they rely on FAL, a written questionnaire is available in Appendix 5 and is to be submitted to all user participants prior to the interviews, along with the letter of information provided in Appendix 7. The results of the written questionnaire will help the researcher adapt interview questions to the particular participant and draw conclusions for the case study analysis. For example, if a subject responds in their written questionnaire that they believe the scope of the collections available on the site is what most needs improvement, rather than asking again the question about what most needs improvement as listed in the interview guide, the researcher could ask about the documents which are not available and what documents the user considers most useful.

## 3.5 INTERVIEWS AND SAMPLING METHODS

[59] The purpose of the interviews is to gather information and knowledge on the components of the sustainability chain with regard to the free-access-to-law initiative being studied. Interviews will gather knowledge on FAL initiative organisational structures and practices, and the outputs and outcomes these initiatives may be having. It is not expected that the interviews will provide data appropriate for statistical analysis. “Rather, the interviews are intended to produce anecdotal yet objective, documented evidence ... to facilitate comparison between and among study countries.” (ACA2K, 2008, p.21)

[60] Due to the vast diversity of contexts in which FAL initiatives are operating, it will be impossible for all interviews to be identical. Researchers will enrich questionnaires with knowledge gained through the environmental scan and document reviews. To ensure that the interviews remain comparable, however, researchers will use the following guidelines, combined with those found in Appendix 5, when selecting interview subjects and conducting interviews.

[61] The interviews focus on six categories of subjects: (1) FAL initiative manager; (2) FAL initiative team members; (3) stakeholders; (4) primary users; (5) secondary users; and (6) nonusers.

[62] This research will employ a combination of purposive sampling, snowball sampling and convenience sampling.

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### 3.5.1 INTERVIEWS WITH INITIATIVE MANAGER AND INITIATIVE TEAM MEMBERS

[63] Interviews with initiative team members aim to find out how the FAL initiative is actually operating on a day-to-day basis and how these activities contribute to the FAL initiative's success and sustainability.

[64] To find out about the FAL initiative's activities, fairly straightforward questions will be asked to initiative team members. These are detailed in the Interview Guide (see appendix 3). Two questionnaires have been prepared: one for the Initiative Manager (IM), and one for FAL initiative team members (ITM). Again, the researcher is reminded to adapt these questionnaires according to the FAL initiative's local conditions.

[65] The questions, in many cases, are quite open, allowing interview subjects to provide all the information they consider to be relevant. At the same time, a list of sub-questions is provided. *If* the interviewee *does not* touch on these sub-questions on their own after the main question is asked, the interviewer should then probe the interviewee for more specific information. The researcher should be attentive to the subject's answers and should not hesitate to probe for information that is not detailed in the sub-question if he or she feels it may contribute to satisfying the overall goals and mission of this study.

[66] Purposive sampling is used for initiative team member identification and selection. The initiative manager (IM) is identified and selected according to the individual's position within the organisational hierarchy, and his or her knowledge about the FAL initiative. The individual selected should be the management staff person most knowledgeable about the FAL initiative's history, processes, outputs and outcomes. It is possible that in smaller organisations, the IM is in a position to respond to both the IM and ITM questionnaires. In larger organisations, ITM interviews should be conducted. FAL initiative team members (ITM) are to be identified and selected according to their expertise and capacity to respond to the interview questions. In a smaller organisation, the IM may be in a position to answer both IM and ITM questions; in a larger organisation, the ITM questions may need to be divided according to staff expertise (technical, editorial, etc.) The initiative manager, in conjunction with initiative documentation, should indicate which staff members are to be interviewed on the separately identified issues. The selected subjects should, as much as possible, be responsible for the function area being researched. To ensure validity, initiative documentation will be consulted.

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### 3.5.2 INTERVIEWS WITH STAKEHOLDERS

[67] The questions for the stakeholders are designed to focus responses on the stakeholders' relationship with the FAL initiative and to evaluate the commitment (financial and other) of the stakeholders to the FAL initiative, as well as the potential for a long-term relationship between the initiative and stakeholders.

[68] Purposive sampling is employed for the identification of stakeholders. Selected stakeholders are defined as individuals, institutions or organisations possessing a legitimate interest in the initiative. Not only do stakeholders have an interest in the initiative successfully delivering intended results and maintaining the viability of the initiative's products and services, they are also engaged in driving the initiative to innovate.

Driving innovation can be accomplished directly or indirectly. It can include a stakeholder actively participating in developing content for the site, or a stakeholder could be referring a very high volume of users to the site through their own site. In this latter case, if this high volume of users consults particular material, in a particular way (through mobile phones, for example) the initiative may be interested in developing mobile applications in order to retain the interest of this audience. Stakeholders influence programs, products, and services. **Although initiative team members correspond to this definition of a stakeholder, for the purpose of this research they will be excluded from the stakeholder category.** Selection of stakeholders should be based on the document review and interviews with initiative team members.

[69] Researchers will interview up to five (5) stakeholders. Interviewees should come from a minimum of two different types of stakeholder category, meaning they are engaged in driving the initiative to innovate in different ways. Stakeholder categories include donors, governments, the media, lawyer associations, and others. Examples of engagement include financial involvement, influencing the selection of content made available online or participating in the promotion and accessibility of the website.

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### 3.5.3 INTERVIEWS WITH PRIMARY AND SECONDARY USERS

[70] As a general rule of thumb, the broad term of users refers to a group of individuals within a given profession. Lawyers, journalists, judges and academics are examples of groups of users. All primary users work in the same field. This is the same for all secondary users. Nonusers will work in the same field as the user who referred them to this study.

[71] Interviews with users aim to find out if the initiative is successful in responding to its users' needs, to look into the outcomes the initiative is having on its users and to look into those it may be having on society at large. The study will conduct semi-structured interviews and collect Most Significant Change stories.

[72] Most Significant Change (MSC) stories are exactly that – stories which are told by the audiences of a particular initiative that reflects what they consider to be the most significant change that occurred in their community within a particular timeframe. MSC stories will be collected to gather stories of change which may not be suitable for a cause and effect or quantitative analysis. As the Most Significant Change Guide states, "... conventional monitoring and evaluation tools may not provide sufficient data to make sense of program impacts and foster learning" (Davies and Dart, 2005, p.10). Because MSC is one tool amongst many others that are used in this study to collect evidence and data, the questions will not ask about any change but focus on change linked to the FAL initiative. This portion of the study is interested in gathering anecdotal evidence of change that users link directly or indirectly to the FAL initiative. The sharing and dissemination of these stories, in the medium to long term, is likely to contribute in itself to the sustainability of FAL initiatives and also provide an opportunity to act as the basis for future research.

[73] Semi-structured interviews will gather knowledge on the usage of the FAL outputs such as the user-friendliness of the service, the usefulness of the available documents, the access to more current material and the reduction of expenditures for legal information products.

[74] Snowball sampling can be considered a form, or a variety of purposive sample. It is a method that "identifies cases of interest from people who know people who know what cases are information-rich" (Creswell, 1998). This type of sampling is to be used in the identification of potential subjects for user interviews, as referred by the IM and ITM. "Although this method would hardly lead to representative samples, there are times when it may be the best method available. Snowball sampling is especially useful when you are trying to reach populations that are inaccessible or hard to find." (Trochim, 2006) Indeed, this technique does lead to certain biases, and Salganick and Heckathorn (2004) point out the biases resulting from the selection of the first people to be included in the sample. This study does not, however, aim to produce data suitable for statistical analysis. Snowball sampling will be useful to gather anecdotal evidence from populations which may otherwise be difficult or impossible to identify – particularly the case of nonusers.

[75] In October 2009, a “free access to law – Is it Here to Stay?” Pilot Study conducted in Kenya revealed that approximately five interviews could be conducted per work day using the questionnaires designed for this study. Criteria that are detailed in this section and summarized in Appendix 5 are to be used to narrow down the subjects to a feasible number in terms of time and budgets – that being between three and five subjects, depending on regional context, over approximately five work days.

[76] Primary-user interview subjects share their insight on the FAL initiative’s successes and challenges. They also share their insight with regards to their perception of the outcomes of the FAL initiative and provide leads to potential non-user interview subjects. Primary users are first defined by the FAL initiative’s documentation. They are the category of users targeted by the initiative in its mission. If the FAL initiative has not clearly defined a mission, the primary users will then be deemed to be the primary users of the FAL initiative website according to the initiative’s web statistics. Web statistics, in this case, refer to domain names. Domain names should identify the location from which users are accessing the site (for example, a major law firm or university), which in turn should lead to the profession of those users (lawyers). Smaller firms or organisations may not have identifiable domain names. This will particularly be the case in countries where Internet penetration is relatively low. If the initiative mission does not identify a primary user and if the IP cannot be traced to users using an IP address locator, or if no statistics are available for the FAL initiative at hand, then the category of primary users is to be that identified by the IM, based on his or her experience. If the mission identifies a target audience and this audience differs considerably from that identified through web statistics, local researchers must refer to their regional coordinator. This particular case is linked to the indicator “capturing the need – identification of target audience,” and the interview guide will have to be adjusted accordingly. More specifically, if this case arises the researcher should inquire with the IM for explanation on the matter: why does the IM believe the primary audience to be one group, whereas web statistics indicate that primary users are another.

[77] The rationale for identifying secondary users is quite similar. Secondary users are first to be identified through initiative documentation (mission, goals, etc). If initiative documentation does not refer to secondary users, or the category of secondary users is too broad to identify interview subjects (in the case of “the general public” for example), the researcher should then identify secondary users through the initiative’s web statistics (the category of users who are the second greatest users of FAL initiative services, based on domain names). And again, if neither initiative documentation nor web statistics identify a clear category of secondary users, the researcher should look to the IM to identify those who are believed to be secondary users. Secondary users, like the primary users, share their insight on the FAL initiative’s successes, challenges and outcomes. They also provide potential leads for nonuser interview subjects. Secondary users are interviewed in addition to primary user interviews in order to gather stories of change from different types of professionals who may use FAL in different ways and, as a result, may have different interpretations of FAL outcomes.

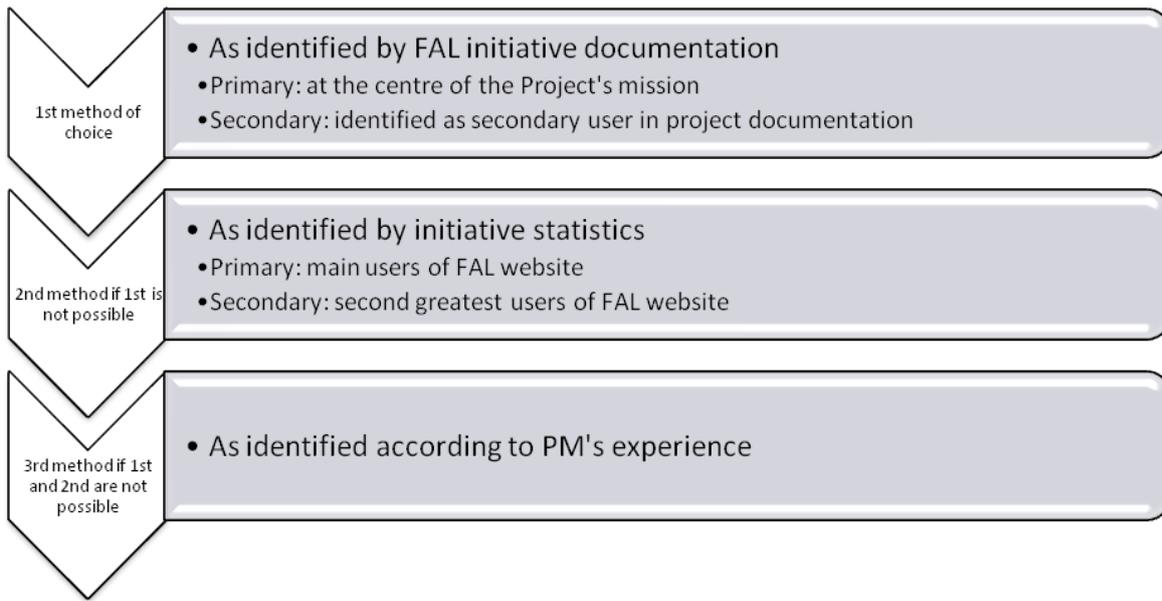


Figure 5 Identifying Users

[78] Once the profession of the primary users and the profession of the secondary users are identified, the researcher should use the following criteria to identify approximately 3 subjects to interview (from each group of users).

[79] The group of primary user subjects and the group of secondary user subjects:

- Must use the FAL project's resources regularly and have the capacity to provide insight on FAL benefits, outcomes and challenges;
- Should be gender representative;
- Must include subjects from both rural and urban settings;
- Should include subjects from variously sized organisations (small/large firms/universities, etc.).

[80] The researcher can inquire with the FAL initiative team members to get references for primary and secondary users that satisfy these criteria. In the unexpected case that available subjects are too numerous, the researcher may resort to convenience sampling and choose subjects according to their accessibility and availability for interviews.

#### 3.5.4 INTERVIEWS WITH NONUSERS

[81] Nonusers, for the purpose of this study, are limited to users who are from the *same profession as primary or secondary users* but who do not use the FAL initiative services. Snowball sampling will lead researchers to nonusers. Primary and secondary users are asked to identify one or two individual from the same profession whose professional research needs are similar to that of the primary or secondary user – but don't, for one reason or another, use the FAL initiative's resources. The purpose of the interview will be to find why that is. If all primary and secondary users provide names of nonusers, this would total a maximum of 20 potential interview subjects. To narrow this number to two nonusers from the primary user category and two nonusers from the secondary user category, purposive sampling is once again employed. Nonusers are selected based on their "deviance" – meaning they are at odds with their coworkers when it comes to FAL usage. They work in the same field as primary and secondary users and so they are also at the centre of the FAL initiative's mission. They are active legal researchers and share a maximum of relevant similarities with FAL primary or secondary users. They are selected to share their valuable insight with regards to user resistance,

lack of interest or lack of knowledge of FAL. Convenience sampling may be used as a last resort if number of potential subjects is still too great.

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### 3.5.5 INTERVIEWS WITH LAWYERS/JUDGES/ACADEMICS/LAW LIBRARIANS

[82] Lastly, as the researcher will observe in Appendix 5, there is a work day provided for interviews with Lawyers/Judges/Academics/Law Librarians. Considering that the fundamental *raison d'être* of all FAL initiatives is to provide free access to legal documents, it will be important to interview those who must conduct legal research in the course of their professional activities. *It is expected that at least 1 of these four professions will be interviewed as a primary or secondary user and nonuser, and so these last 5 interviews may be with only one or two of these four professions.* These interviews aim to make up the difference from the primary and secondary interviews in case these interviews did not represent either lawyers, judges or academics. Individuals for the Lawyers/Judges/Academics/Law Librarians category of interview subjects are identified again through snowball sampling, as referred to the researcher by the initiative team members, primary and secondary users. They are preferably users of FAL, and if not, they are selected based on their capacity to provide information-rich insight into the field of legal research as a nonuser. The researcher should use the appropriate questionnaire from Appendix 5 – user or nonuser questionnaire. The group of selected subjects should be gender representative. Convenience sampling may be used as a last resort if number of potential subjects is still too great.

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### 3.5.6 MOST SIGNIFICANT CHANGE STORIES

[83] Through all the interviews, the researcher will amass numerous stories that individual interview subjects saw to be most significant. The researcher will prepare a summary of these stories organised within the categories of change identified in the Research Matrix (see Appendix 2): changes in legal education, policy and law making, rule of law, efficiency of judiciary and foreign and local investment. It is possible that there will be many stories from one category and none from another, or that the researcher identifies categories of change that aren't accounted for in the matrix. Researchers will then give these stories to the IM and ITM and seek the initiative's staff insight. *How do the IM and ITM interpret these stories? How do these outcomes relate to specific outputs of the initiative?* The initiative team member is ideally positioned to draw the links between the initiative start, processes, outputs and outcomes. This step, by informing the initiative team members of the audiences they are impacting and the outcomes they are stimulating, influences in and of itself the sustainability of the FAL initiative.

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### 3.5.7 LOGISTICAL AND SUBSTANTIVE ISSUES

[84] This section discusses the preparation, planning and procedures for conducting the interviews.

[85] In order to limit the time required by interviewees to participate in this study, and to maximise the researchers' capacity to formulate probing questions and investigate case-specific circumstances, researchers must gain knowledge on the people and initiatives they are investigating prior to the interviews. This includes conducting the environmental scan and document review, obtaining results from the user-written questionnaire. It may also require further readings, in areas such as media coverage of the initiative. Interview questions should be adapted according to these findings while respecting the overall initiative mission and goals and Research Matrix.

[86] Inconvenience to participants should be minimized, but also balanced with other conflicting objectives – in particular, time and budgetary constraints. Researchers may incur expenses as a result of travel to a participant's place of work. Such expenses should be discussed with regional coordinators in advance. When budgets do not permit travel, phone interviews may be conducted.

[87] A document has been prepared for participants (Appendix 7). It informs participants of the goals and purposes of the study and interview. It also discusses confidentiality and consent issues. Participants are informed that consent is given the moment they engage in responding to interview questions. When possible, the document from Appendix 7 should be sent to interviewees prior to the first meeting. Participants are to be assured that they have the right to withdraw from the study at any moment and under no circumstances are researchers to exert pressure of any kind to retain or oblige participation from an individual. Ethical considerations are further detailed in section 3.3.8.

[88] Researchers have the responsibility and obligation to inform themselves of local laws and regulations with respect to confidentiality and pass on any limits to confidentiality to the participant. The ACA2K Methodology Guide (2008) gives the example of disclosure of criminal activity. It is possible that local laws limit confidentiality in such a way that a researcher would have the obligation to disclose to local authorities any information regarding criminal activity. In this case, participants should be warned of the researcher's obligation to do so.

[89] Responses are to be audio recorded and transcribed when possible, and notes taken during the interview are to be transcribed. Participants are to be assured that only members of the research team will have access to responses, and that no private information that identifies the subject will be published.

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### 3.5.8 ETHICAL CONSIDERATIONS

[90] Because researchers are conducting interviews, ethical responsibilities towards human subjects apply.

[91] The first ethical framework guiding this research is that of IDRC. IDRC's ethical norms include the aforementioned informed consent of participants, the right of participants to withdraw from the study at any moment, and the responsibility of the researcher to inform participants of the goals, methodology and potential risks of the study, as well as the confidentiality of the subject's responses. All documents containing information on the subject's identity and confidential information are to be destroyed once the study is completed. For the purpose of this study, all subjects must be of age of majority according to the laws of their country.

[92] With regards to larger ethical considerations pertaining to international social science research, researchers are to follow the United Nations Educational, Scientific and Cultural Organisation's (UNESCO) *Ethical Guidelines for International Comparative Social Science Research* available at: <http://www.unesco.org/most/ethical.htm>

[93] Particular guidelines worth highlighting include:

- Full compliance and respect of researcher with local customs, standards, laws and regulations;
- Making the welfare of informants the highest priority;
- Offering participants access to research results and information on where and how the results can be obtained.

## 3.6 WRITING THE NARRATIVE REPORT

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### 3.6.1 TURNING DATA INTO KNOWLEDGE

*Researcher must submit both their field research notes in their raw form and a narrative report.*

[94] For Creswell, the case study "consists of making a detailed description of the case and its setting."(Creswell, 1998, p.153) This is what researchers will be required to do when drafting their case studies.

[95] Using the Research Matrix indicators (Appendix 2), researchers will aggregate the data into the listed categories. This will allow researchers to visually organize their data and identify patterns within particular categories. For example, a primary user may talk about how they have tried to provide feedback but were never updated on the status of their recommendation. An Initiative Manager may complain about lack of human resources. And a FAL initiative team member may inform that he used to be responsible for a space provided online where users can give feedback but he doesn't have time to run it anymore. The user's response and the ITM's response would fit under "user involvement" and the IM's would fit under "access to resources". Once the data aggregated, the researcher may be in a better position to draw links between responses.

It is highly likely that after the interviews, the researcher will already be in a position to identify recurring themes and patterns without having to aggregate data using the Matrix. For example, a recurring theme in country X may be that of ICT literacy. Users may admit to not being too familiar with ICTs. Nonusers may state their lack of ICT literacy as a primary reason for not using FAL. The initiative manager may state that their pool of potential users is quite small due to this issue. If the research matrix appears to be too general, researchers may choose to develop (all the while following the start-process-outputs-outcomes framework) a more tailored coding frame.

### 3.6.2 STYLE OF WRITING

[96] Researchers are faced with a particular challenge when writing the narrative report: audiences will be multiple, both specialists of law and legal informatics, and the general public. The paper should be encoded appropriately, balancing jargon with definitions, neglecting neither methodology nor examples.

[97] Conclusions must be supported by evidence, and evidence must be supported by references. When referring to documentation, researchers will include APA style references. See <http://library.concordia.ca/help/howto/apa.php> for more information on APA referencing.

[98] As for references to interviews, researchers are reminded that all respondents' identity must be protected. At the same time, to produce a rigorous and accurate paper, researchers will include direct quotes and references to specific responses. To do so, researchers will produce an appendix in which a chart will list the category, profession and gender of each respondent and a code associated to each respondent. For example:

TABLE 1 - PRIMARY USERS: LAWYERS		
Profession	Code	Gender
Criminal Lawyer	LawyerA	Female
Family Lawyer	LawyerB	Female
Government Lawyer	LawyerC	Male
Government Lawyer	LawyerD	Male

The codes will serve as the reference to both direct and embedded quotes. Below are a few examples:

- *When it came to ICT literacy, both women lawyers interviewed, Lawyer A and Lawyer B, felt that this was one of the main reasons why their co-workers did not use JuriBurkina.*
- *When asked about user involvement, Lawyer C stated: "I've asked for particular documents on more than one occasion, and SafLII was able to obtain them in a timely manner. It makes a big difference for my work that I can get in touch with a team of legal research specialists which are located right around the corner from me."*
- *All four interviewed lawyers access CanLII daily.*

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### 3.6.3 STRUCTURE

[99] The case study must include the following sections, as proposed by Creswell (1998):

#### INTRODUCTION TO THE ISSUE

- Contextualisation of the research and the free access to law initiative within the larger free access to law Movement

#### INTRODUCTION TO THE CASE

- Brief description of the FAL initiative's history, its mission, vision and goals, and other indicators listed in the "start" section of the research matrix. (Further detailed description will be possible in the findings portion of the case study.)
- Description of the services the FAL initiative offers today as listed under the "quantity" component of the "outputs" portion of the matrix.
- Factors related to context in which the FAL initiative is operating that may have a heavy influence on the form and function of the FAL initiative.

#### THE RESEARCH STUDY: ISSUE, PURPOSE AND METHOD OF THE STUDY

- Research question and purpose

*Note: The case studies are the preliminary step to the development of the Best Practices Handbook. The case studies provide the knowledge of various FAL experiences, which will be used in a cross-case analysis for the drafting of the Handbook. Only in the Handbook will the study's hypotheses be confirmed or rejected.*

- Explanation of the processes that the researcher undertook to collect the information
- Explanation of the documents reviewed and environmental scan process
- List of the number of interviews conducted over which period of time, in which locations

#### EXTENSIVE DESCRIPTION OF THE CASE AND ITS CONTEXT

The case should include:

- A highly detailed description of the processes, outputs and outcomes of the FAL initiative as listed in the matrix and those which may have not been accounted for in the matrix;
- A concise and logical structure that presents data in an aggregated manor based on the indicators identified in the research matrix;
- Highlighting of patterns and themes. How do all the findings relate to one another? Using their privileged knowledge of the local environment in which they are working, researchers will draw links between context and FAL initiative success and sustainability.

#### KEY ISSUES

- Summary of key issues and themes identified in the previous section ("extensive description" section)

## DISCUSSION

- Leads identified by the researcher for future research
- Are there any related leads that the researcher discovered during the research but could not follow given the goals and circumstances of this particular study?
- Are there any patterns or themes that deserve to be studied in greater detail?

## BIBLIOGRAPHY/REFERENCE LIST

## APPENDIX

- Field research notes in their raw form
- The Case Studies not only report on the success of free access to law initiatives but also hold great potential to act on and influence FAL initiatives' sustainability.

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## APPENDIX 1: ENVIRONMENTAL SCAN MATRIX

A. POLITICAL			
General Area	Types of Information	Source of Verification	Further Information
A1. Legal system	<b>A1.1 Government type</b>	National documentation	Constitutional monarchy, federal parliamentary democracy, constitutional republic, etc.
	<b>A1.2 Legal system tradition</b>		Is the legal system inherited from another country? How has it been modified or adapted to local context if this is the case? Describe the relevance and use of foreign legal material and/or the use of current and past law from the country from whom law was inherited.
	<b>A1.3 Court structure</b>		
	<b>A1.4 Legislative process/structure</b>		
	<b>A1.5 E-Information score</b>	UN E-Government Survey 2008	
	<b>A1.6 Presence of judicial/legislative branches online</b>	Websites of judicial/legislative branches	In terms of online services, website up date and general quality of site. Number of available legal documents is asked under “legal research environment”
A2. Legal policy environment	<b>A2.1 Presence and scope of copyright laws restrictions</b>	<a href="http://a2knetwork.org/watchlist">http://a2knetwork.org/watchlist</a> <a href="http://www.giswatch.org/gisw2009/GISW2009.html">http://www.giswatch.org/gisw2009/GISW2009.html</a> or national documentation	The purpose of these questions is to identify the copyright and other policies/laws which may impact FAL sustainability and to provide researchers with information to adapt questionnaire content to local context
	<b>A2.2 Presence and scope of privacy and secrecy restrictions</b>	National documentation	
	<b>A2.3 Presence and content of any particular government/institutional policies or laws on dissemination of legal information</b>		

B. SOCIAL			
General Area	Types of Information	Source of Verification	Rational/Further Information
B1. Population	<b>B1.1 Population</b>	National documentation	
	<b>B1.2 Official and other prominent languages</b>	National documentation	
	<b>B1.3 Language of documents published by the courts/publishers</b>		
	<b>B1.4 ITU Skills sub-index of the ITU ICT Opportunity index</b>	ITU statistics	The Skills sub-index considers both school enrolment and literacy rate. See Chapter 7, Annex 1 of the 2007 ICT-Opportunity Index
B2. Legal education and profession	<b>B2.1 Number of law schools (University)</b>	National documentation University website Faculty of Law website/ documentation	
	<b>B2.2 Number of judicial or legal training colleges.</b>		
	<b>B2.3 Geographical distribution of law schools</b>		
	<b>B2.4 Size of each law school</b>		
	<b>B2.5 Number of law professors</b>		
	<b>B2.6 Particular specialization of the school (if applicable)</b>		To see if the available FAL initiative content corresponds to the needs of academia
	<b>B2.7 (average) Total number of law graduates per year</b>		
	<b>B2.8 University subscription to online private/commercial legal databases and point-of-access</b>	Law librarian University website	Does the university provide free access to private/commercial databases to its staff and students? Can staff and students access these documents from home?
	<b>B2.9 Structure of the legal profession</b>		Is the profession organised in associations? Is access to the profession restricted? Where do law graduates end up working?

B. SOCIAL			
General Area	Types of Information	Source of Verification	Rational/Further Information
	<b>B2.10 Number of academic legal libraries in country</b>		If possible, data on comprehensiveness of collections and pertinence (up-to-date) information would be valuable as well. This question aims to look at the possible alternatives to FAL and/or potential space for collaboration.
	<b>B2.11 Number, scope and size of legal associations</b>	National documentation	
	<b>B2.12 Average legal practice size</b>	National Bar Association	
	<b>B2.13 Number of jurists/legal professionals</b>	Academic research Law Societies Other professional associations	
	<b>B2.15 % of women lawyers</b>	Academic research UN or other internationally renowned statistic	
	<b>B2.16 % of women judges</b>		
	<b>B2.17 Number of practicing lawyers (advocates and attorneys)</b>		
B3. Legal research environment	<b>B3.1 National providers/sources of online legal information (both free and with fee)</b>	Online research May be supplemented with interviews	For each of these alternatives, look up: -Cost to access the documents (specify if costs vary according to user – ex. Law firm vs individual, etc.) -Number of available documents - Comprehensiveness of collections -The source’s targeted audiences  What resources are lawyers using? (may be supplemented by interviews but is useful to look into at this stage in terms of subscription to paper journals, online journals, etc.)
	<b>B3.2 Regional providers/sources of online legal information (both free and with fee)</b>		
	<b>B3.3 National providers of hardcopy legal information (both free and with fee)</b>		
	<b>B3.4 Other legal information sources available to national users</b>		
	<b>B3.5 Number of national law journals (specify if academic or not)</b>	University websites National law journal websites	Include a distinction of open/non-open/free access law journals
	<b>B3.6 Legal blogs indigenous to the country</b>	Online research May be supplemented by interviews	

<b>B. SOCIAL</b>			
<b>General Area</b>	<b>Types of Information</b>	<b>Source of Verification</b>	<b>Rational/Further Information</b>
	<b>B3.7 Availability of legislation online</b>	National websites	
	<b>B3.8 Availability of case law online</b>	National website	

**C. ECONOMICAL**

General Area	Types of Information	Source of Verification	Rational/ Further Information
C.1. National Economy	<b>C2. GDP (PPP) in US billion</b>	<a href="http://hdrstats.undp.org/en/indicators/151.html">http://hdrstats.undp.org/en/indicators/151.html</a> Click on the Excel file link that provides both GDP and HDI	It may be interesting to obtain economic information more directly tied to the legal profession/legal education/law journalism/etc. in order to gauge the possibility for financial support from these audiences. The researcher is invited to search for such data when and where possible.
	<b>C3. GNI per capita</b>	<a href="http://siteresources.worldbank.org/DATASTATISTICS/Resources/GNIPC.pdf">http://siteresources.worldbank.org/DATASTATISTICS/Resources/GNIPC.pdf</a>	

D. TECHNICAL				
General Area	Types of Information	Source of Verification	Further Information	
D1. Internet	<b>D1.1 Internet users per 1000 inhabitants</b>	Africa: <a href="http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AF-2009-PDF-E.pdf">http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AF-2009-PDF-E.pdf</a>	All indicators in the “Technical” category should be considered in terms of how they apply to the legal profession and academia. Are lawyers generally connected to the net? At what speed? Do they have access to PCs? What % of their expenditure (lawyers, universities, students) is spent on accessing the net? The capacity of the researcher to obtain such answers will be highly dependent on the available national documentation and statistics. The researcher is nevertheless invited to search reports and sources that may touch on any or all these issues and identify trends, risks and opportunities for the FAL initiative.	
	<b>D1.2 Number of fixed broadband Internet subscribers per 1000 inhabitants</b>			
	<b>D1.3 Proportion of households with computer access</b>			Asia and the Pacific: <a href="http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AP-2009-R1-PDF-E.pdf">http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AP-2009-R1-PDF-E.pdf</a>
	<b>D1.4 Proportion of households with Internet access</b>			
	<b>D1.5 Price of Internet access as % of GNI</b>			Americas: <a href="http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AM-2009-E09-PDF-E.pdf">http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AM-2009-E09-PDF-E.pdf</a>
		Also consult: <a href="http://www.giswatch.org/gisw2009/GITMW2009.html">http://www.giswatch.org/gisw2009/GITMW2009.html</a>		
	<b>D1.6 Availability of public access sources (free and paid for)</b>	ITU stats National statistics Other internationally renowned statistics		How accessible is the Internet outside of the household and work?
	<b>D1.7 National/regional efforts to improve ICT infrastructure</b>	National documentation		Does the government have a stated objective to improve infrastructure? Are there agreements in place?
	<b>D1.8 Available connection speeds within the country</b>	ITU stats Speedtest.net (test your connection speed)		
	<b>D1.9 Most commonly used /available connection speed</b>			
<b>D1.10 Geographical spread of connection speed</b>	Are remote areas connected? What is the speed of this connection? Does it vary from urban connection speed?			
D2. Mobile	<b>D2.1 Mobile users per</b>	ITU stats		

D. TECHNICAL			
General Area	Types of Information	Source of Verification	Further Information
	<b>1000 habitants</b>		
	<b>D2.2 Number of mobile cellular subscribers per 1000 habitants</b>		
	<b>D2.3 Mobile Internet subscribers per 1000 inhabitants</b>		How are users accessing the Internet? By phone or with a computer?
	<b>D2.4 Area of the country with mobile coverage</b>		
D3. State of ICT	<b>D3.1 Availability of IT skills</b>	Local Stats	To identify, if existent, shortage in IT skills needed to run the initiative, develop products, define need for engaging in networks etc.
	<b>D3.2 Cost of Technology</b>		To identify, if existent, barriers to use of latest technology – Data on this indicator will no doubt vary from one country to the next. In one country, clear statistics might exist on the cost of technology. If not, the researcher is invited to look into other possible indicators, such as the cost of a particular piece of technology in comparison to that same technology in neighbouring countries
	<b>D3.3 Scope of presence and use of ICT in government</b>	National Documentation	Are law and policy producing bodies actively using ICTs to do their work?
	<b>D3.4 Scope of presence and use of ICT in the judiciary</b>		Information on the implementation of ICT projects in the judicial branch; state of digitization, etc. i.e. Are courts actively using ICT? In what respect do they use ICT?

## APPENDIX 2: RESEARCH MATRIX

1. START				
Component	Indicator	Relevance of indicator	Source of verification	Method and Tools
1.1 Incentive for creation	1.1.1 Reason for building a free access to law initiative	Was there an identified need? A grant? A research project? A political/personal motivation? Why make it <i>Free</i> ?	Initiative Manager/ Stakeholders	Interview with questionnaire
1.2 Legal policy framework at start	1.2.1 Copyright and access to information laws	When the initiative started, was the legal environmental already favorable to such an initiative, or did it change with time?	Country legal documentation Initiative Manager	Environnemental scan Interview with questionnaire
1.3 Legal information environment at start	1.3.1 Systems for legal information sharing	How was legal information distributed before the initiative started? Formally? Informally?	Users Organisational reps	Interview with questionnaire
1.4 Purpose of initiative	1.4.1 Mission, objectives and goals	What is the purpose of this initiative? What did the initiative set out to do (verify later: is it doing what it said it would do?)	Initiative documentation	Document review
1.5 Years in existence	1.5.1 Date of creation	How long has the initiative been operation?	Initiative documentation	Document review
1.6 Access to resources	1.6.1 Original funding	What did the initiative begin with?	Initiative Manager Initiative Team Members	Interview with questionnaire
	1.6.2 Staff and technology	Quantity and quality at start	Initiative Manager Initiative Team Members	Interview with questionnaire

## 2. PROCESS

Component	Indicator	Relevance of indicator	Source of verification	Methods and Tools
2.1 Organisational type and structure	2.1.1 Organisational form	To compare different types of organisations	Initiative documentation - Organisational Chart	Document review
	2.1.2 Organisational type	To establish the ties of the organisation with academia, the government, donors, judiciary, etc. Is this a government agency? A university-based team? An NGO? Is there a board?	Initiative documentation	Document review
	2.1.3 Number of employees	To compare different sized organisations	Initiative documentation	Document review
	2.1.4 Annual budget	How much? Where does it come from? Donors? Users? Does it come from a sustainable source?	Initiative documentation Initiative Team Members Initiative Manager Stakeholders	Document review Interview with questionnaire
2.2 Internal Practices	2.2.1 HR Practices: procedures for hiring, evaluating and firing staff	Where does the staff come from? Are formal procedures in place?	Internal documentation Initiative Team Members	Document review and interview
	2.2.2 Sustainable infrastructure - technology	What type of technology is being used? How are the documents processed? Is this technology that will carry the initiative into the future?	FAL initiative website / Initiative Team Members	Document review
	2.2.3 Internal workflows for handling content	How is content handled? What contributes to effective content handling?	Initiative Team Members	Interview with questionnaire
	2.2.4 Governance: Processes and responsibilities for setting the mission, goals and selecting projects	Who decides and how what should be done? Look into both formal and informal procedures	Initiative Manager Initiative Team Members Initiative documentation	Document review/Interview with questionnaire

## 2. PROCESS

Component	Indicator	Relevance of indicator	Source of verification	Methods and Tools
	2.2.5 Governance: Evaluation and auditing	How do we make sure the initiative is on track? How do we assess effectiveness of management decisions, financial flows and operational activities? To whom is the organisation accountable?	Internal documentation and initiative team members Initiative Manager Stakeholder	Interview with questionnaire
	2.2.6 Projects and their contribution to reaching the goals	What are the organisation's activities? Is it doing what is said it would do?	Initiative Manager Initiative team members	Interview with questionnaire
	2.2.7 Capturing the need – identification of a need for FAL	If the initiative was not primarily created to respond to a pre-identified need among the users of legal information, has it now identified one?	Initiative Manager	Interview with questionnaire
	2.2.8 Capturing the need – identification of a primary audience	Has it identified its primary target audience? Has it set out goals to respond to the primary audience's needs? If no primary audience has been identified, what are the assumptions about the audience?	Initiative Manager	Interview with questionnaire
	2.2.9 Strategy for future	Is there a developed plan for the years to come to work towards/improve sustainability?	Internal documentation	Document review
	2.2.10 Evaluation of service by users (responding and adjusting to the need)	Is there a way for the users to provide feedback? Is this feedback taken into account?	Initiative Team Members Users Stakeholders	Interview with questionnaire

## 2. PROCESS

Component	Indicator	Relevance of indicator	Source of verification	Methods and Tools
2.3 External practices	2.3.1 Capturing the need – user involvement	Is there a strategy to involve the target audience as a stakeholder? Is the user actively involved in the FAL initiative or is his/her use passive?	Initiative Manager Users	Interview with questionnaire
	2.3.2 Communication with external partners	Is there relationship with external partners (donors, government, courts, lawyers, etc)? How is it maintained?	Initiative documentation Initiative Team Members Stakeholders	Document review/Interview with questionnaire
	2.3.3 External accountability	Are there mechanisms in place? Is there a Board? Does the organisation report on the funds to the funders?	Initiative documentation, Initiative Manager	Document review Interview with questionnaire
	2.3.4 Data collection practices	Where does the data come from? Are requests quickly attended to by the data source organisations? Are documents sent in an adequate format?	Initiative Manager and clerks at data source organisation	Interview with questionnaire
	2.2.5 Relationship with data sources	Are there official/informal agreements with data source organisations?	Initiative Manager	Interview with questionnaire
	2.2.6 Keeping with trends and local context	Does the initiative aim to be cutting edge with its technology and services? Is there competition? How does it respond to its competition?	Initiative documentation, Initiative Team Members	Document review Interview with questionnaire
	2.2.7 Legal information environment	Are there alternatives to FAL? Are alternatives expensive? Useful? Well-know? Emerging?	Website of alternatives to FAL Initiative Team Members	Document review Interview with questionnaire

## 2. PROCESS

Component	Indicator	Relevance of indicator	Source of verification	Methods and Tools
2.4 Context	2.4.1 Institutional access to resources	Does the organisation have adequate access to technology to enable dissemination of material? Does the organisation have access to required expertise?	Initiative Manager	Interview with questionnaire
	2.4.2 Users' access to the Internet and technology	Do the users feel they have adequate technology to access material?	Users	Interview w questionnaire/ written questionnaire
	2.4.3 Legal policy framework	Is the legal policy framework favourable to FAL? Are there copyright restrictions? An access to information law?	Initiative Manager Country's legal documentation Media	Environmental scan and interview with questionnaire
	2.4.4 Political involvement toward initiative	Is there a will to engage? Has the government expressed any positions toward the provision of FAL? Are there agreements by parliament or government to distribute legal information?	Initiative Manager Heads of data source organisation Department of justice Media	Document review and interview with questionnaire

### 3. IMPLEMENTATION – OUTPUTS

Component	Indicator	Relevance of indicator	Source of verification	Method and Tools
3.1 Quantity	3.1.1 Number of databases	How many databases are online today? How many were there last year? How many were there at initiative launch?	Initiative stats/ documentation	Document review
	3.1.2 Number of documents available	How many documents are there today? How many were available last year? How many at initiative launch?	Initiative stats/ documentation	Document review
3.2 Quality	3.2.1 Activities' contribution to reaching goals	How closely are the activities linked to the stated initiative goals? How does the number of documents and databases and their quality relate to the outcomes?	Initiative documentation Interviews	Document review
	3.2.2 Comprehensiveness of collection	Out of what is available, how much does the initiative have online?	Initiative Team Members Users	Interview with questionnaire
	3.2.3 User-friendliness of interface	Do find it easy to navigate the site?	Users	Interview/ written questionnaire
	3.2.4 Most used collection on the website	What are the types of documents that are being used most?	Initiative web stats	Document review
	3.2.5 Language of documents	What are the country's official languages? In what languages are the documents published?	Initiative documentation / initiative web site	Document review

## 4. IMPLEMENTATION – OUTCOMES

*Warning regarding outcomes:* Although the outcomes listed below follow the same matrix as the start, process and output indicators, they serve a different purpose. Many of these outcomes may only be visible within the very long term. The goal of this portion of the matrix is to help researchers organise their findings according to categories of change listed under “indicators” and to draft their case studies according to those categories, as opposed to providing a list of expected indicators to be found. Indeed, it is expected that very few of these outcomes will apply to newer or even more established FAL initiatives.

Component	Indicator	Relevance of indicator	Source of verification	Method and Tools
4.1 Outcomes directly linked to use	4.1.1 Number of unique visitors and hits	Evaluating the reach of the FAL initiative.	Initiative web stats	Document review
	4.1.2 Top 10 local and top 10 foreign users	Who is accessing the site? Are there any identifiable institutional users?	Initiative web stats	Document review
	4.1.3 Top referrer websites	Where are users coming from if not accessing the FAL site directly? What site is a user and potential partner, supporter of FAL?	Initiative web stats	Document review
	4.1.4 Changes in capacity to conduct legal research	Are users able to conduct research more effectively, in a more timely manner, more successfully? (That is, do they find what they need?) Are there changes in who conducts the research? (assistant or the lawyer himself or herself, for example)	Users	Interview with questionnaire
	4.1.5 Changes in use of current material	Are more up-to-date documents now cited more frequently? Do users feel they have access to more current material?	Legal documentation Users	Documentation review Interview w questionnaire
	4.1.6 Changes in expenditures for legal information products	Are costs for research reduced? Has is freed money for other initiatives?	Users	Interview w questionnaire
	4.1.7 Other outcomes for users	Do users feel that FAL has changed anything else about the way they do their jobs?	Users	Interview w questionnaire

## 4. IMPLEMENTATION – OUTCOMES

*Warning regarding outcomes:* Although the outcomes listed below follow the same matrix as the start, process and output indicators, they serve a different purpose. Many of these outcomes may only be visible within the very long term. The goal of this portion of the matrix is to help researchers organise their findings according to categories of change listed under “indicators” and to draft their case studies according to those categories, as opposed to providing a list of expected indicators to be found. Indeed, it is expected that very few of these outcomes will apply to newer or even more established FAL initiatives.

Component	Indicator	Relevance of indicator	Source of verification	Method and Tools
4.2 Societal outcomes derived from use of FAL: Legal Education	4.2.1 Changes in quality of course material	Do professors provide their students with more up-to-date material? More comprehensive? National?	Course material Academics	Document review Interview with questionnaire
	4.2.2 Changes in access to legal information	Does the university rely on FAL of legal information? Does it subscribe to private databases?	Students, academics	Interview with questionnaire
	4.2.3 Changes in cost of production of course material	Are courses referring to online material?	Course material	Course material review
	4.2.4 Changes in academic research	How has FAL impacted academic legal research? Does it promote comparative research?	Academics	Interview with questionnaire
4.3 Societal outcomes derived from use of FAL: Policy and law making	4.3.1 Changes in policy and law making	Do law drafters and law reform commissions feel that there have been changes in the way policy and laws are drafted?	Users (Law drafters, Law reform commissions)	Interview with questionnaire
4.4 Societal outcomes derived from use of FAL: Rule of Law	4.4.1 Changes in transparency of the legal system and Rule of Law	Do users and people with knowledge of FAL feel that there have been changes in transparency of the legal system and Rule of Law?	Users (Lawyers, judges, academics, students, law librarians, policy makers, NGOs, etc.)	Interview with questionnaire
4.5 Societal outcome: Efficient judiciary	4.5.1 Changes in the efficiency of judiciary	Do users or people with knowledge of FAL feel that there have been any changes in the efficiency of the judiciary?	Rep. of the judiciary Users	Interview with questionnaire

## 4. IMPLEMENTATION – OUTCOMES

*Warning regarding outcomes:* Although the outcomes listed below follow the same matrix as the start, process and output indicators, they serve a different purpose. Many of these outcomes may only be visible within the very long term. The goal of this portion of the matrix is to help researchers organise their findings according to categories of change listed under “indicators” and to draft their case studies according to those categories, as opposed to providing a list of expected indicators to be found. Indeed, it is expected that very few of these outcomes will apply to newer or even more established FAL initiatives.

Component	Indicator	Relevance of indicator	Source of verification	Method and Tools
4.6 Societal outcome: Foreign and local investment	4.6.1 Changes in confidence of investment	Do users or people with knowledge of FAL feel that there have been any changes in foreign and local investment?	Users (Business lawyers, investors)	Interview with questionnaire

How to use this questionnaire:

- 1- Read thoroughly and get to know all the questions before going out in the field;
- 2- Start by ONLY asking the question in bold, in the dark box;**
- 3- Take down all the information the respondent is providing;
- 4- Ask the sub questions only if respondents do not touch on those subjects on their own;
- 5- If it applies, probe the respondent for further information that was provided while responding to the question in bold which may not be accounted for in the sub questions;
- 6- Feel free to adapt the question according to the context you are working in so long as it satisfies the question goal;
- 7- The objective of the interview is to gather information not only on the existence of certain phenomena but also on HOW and WHY those came about and what was the Initiative's involvement in bringing those about.

Setting up the interview:

- 1- Contact participant and inform in advance of time required for the meeting;
- 2- Provide participant with letter of information provided in Appendix 7 (as needed);
- 3- Respect agreed upon time;
- 4- Plan for time to organise and complete notes following the interview;
- 5- It is highly recommended that the report be prepared the same day as the interview as to ensure findings are fresh in the researcher's mind.

# FAL INITIATIVE MANAGER QUESTIONNAIRE

## **1. Can you tell me about the creation of – FAL initiative name here –, why and how it was created?**

Goal: To find out about the creation process of the FAL initiative and to later see if any of the factors contributed to the initiative's success or failure

---

1.1 Who was at the forefront of the creation of FAL?

1.1.1 How many people/organisations were involved in the creation of the FAL initiative?  
[100]

1.2 Why did this person or group of people or institutions choose to start up the FAL initiative?

1.2.1 Was there a legal obligation to offer FAL?

1.2.2 Were there any other formal obligations?

1.2.3 Was there an identified gap in legal information services?

1.2.4 Was the initiative started based on an external funder's specific request?

1.3 What was the initial goal of the initiative?

1.3.1 Who were the targeted audience? How were they identified/ selected as the target audience?

- 1.4 How many people formed the team at the start?
  - 1.4.1 What were these people's expertise and competence?
  - 1.4.2 Were there gaps in the required competencies?
- 1.5 What was the origin of the initial funding? (do not ask if answer was found through environmental scan)
- 1.6 What kind of technology and resources (such as space, servers and bandwidth), did the team have access to?
- 1.7 If the team originally did not have all the necessary skills and resources to carry out the initiative, how was this addressed? e.g. Access to external skills and resources.

## **2. How would you describe the legal policy framework in which –FAL initiative name here – was launched? What is the legal policy environment like today?**

Goal: To find out about the legal variables that could have positively or negatively influenced the FAL initiative

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- 2.1 Were there particular legal policy circumstances favourable or unfavourable at the time of the creation of the initiative?
- 2.2 Has the legal/policy environment changed following the establishment of FAL?
  - 2.2.1 If there have been any changes, what were the catalysts of change?
  - 2.2.2 If the FAL initiative was involved in the change, how did it achieve change?
- 2.3 Judging from your experiences in dealing with government representatives, does it appear that they deem the provision of legal information to be a government responsibility?
- 2.4 Are there any laws which facilitate or have adverse effects on the FAL initiative's capacity to fulfill its mission and goals?
  - 2.4.1 Are there any copyright restrictions?
    - 2.4.1.1 If there are copyright restrictions, are there also policies to provide FAL with permission or licenses for publication?
  - 2.4.2 Are there any "access to information laws" granting access to legal information?
- 2.5 Are there any privacy regulations with respect to personal information contained in legal decisions?
  - 2.5.1 If so, how has the initiative dealt with such requirements?
  - 2.5.2 Are there any long-term plans if the current solution is untenable?
- 2.6 Are there any other arrangements, policies or laws which facilitate or hinder the distribution of legal information

## **3. How would you describe the political involvement with regards to – FAL initiative name here – ?**

Goal: To find out about political variables that could have positively or negatively influenced the FAL initiative

---

- 3.1 Does the political attitude towards the initiative create a risk? (for ex. If a FAL is subsidized by government, do/can political changes in the country put that funding at risk?)

- 3.2 Are there any key figures (particular individuals working in courts or parliaments) on which your initiative may be dependant for provision of information?
- 3.3 Are there any other ways besides formal agreements in which political involvement has manifested itself?

#### **4. I'd like to talk about the ways in which –FAL initiative name here – operates.**

Goal: To find out about organisational variables which could positively or negatively influenced the FAL initiative.

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##### **4.1 Are there formal mission, vision and goals established?**

- 4.2 Were the mission, vision and goals developed as a response to an identified need for free access to law?
- 4.3 Does the mission identify a primary and/or secondary audience?
  - 4.3.1 How was this groups of users identified as a target audience? Has the targeted audience changed since the start of the FAL initiative?

##### **4.4 How are – FAL initiative name here – activities and projects decided on?**

- 4.5 What is the organisation's decision making process?
  - 4.5.1 How and when is strategy developed and amended?
- 4.6 How would you describe your personal decision making process? How do you choose which activities to undertake?
- 4.7 What is the place of informal decision making practices occasionally employed by you or the organisation?

##### **4.8 How is – FAL initiative name here – funded today?**

- 4.9 What other sources of funding do you feel could potentially be mobilized to support – FAL initiative name here –?

##### **4.10 Do you feel this is a sustainable model for – FAL project name here – Do you feel this model could be replicated by other FAL initiatives in different contexts?**

- 4.11 What are the key points of this model?
- 4.12 What adjustments do you think could be made in foreseeable different contexts?

##### **4.11 What funding model would you consider ideal for your FAL initiative?**

## 5. Could you talk to me about – FAL initiative name here –’s major activities: what they are, who are the users and how they are used?

Goal: To understand the organisation's activities and intended users and use; and how these intentions impact the way the activities take shape. User interviews will later verify if the initiative is actually aware of the way in which users use FAL.

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- 5.1 How do these activities fulfill the mission and goals of the organisation? Could you provide examples of activities which fulfilled particular goals?
- 5.2 Do activities cater to different categories of users?
- 5.3 How would you describe the ICT literacy of your various categories of users?
- 5.4 How has ICT literacy impacted the projects undertaken? Do certain categories of users appear to be more active in using the FAL resources than others due to comfort with using Internet based sources?
- 5.5 Are there any ways in which the FAL initiative works to improve ICT literacy among its audiences? Or improve the capacity of its target audiences to use FAL tools?
- 5.6 Does your organisation undertake any parallel activities which are not FAL related?
  - 5.6.1 If so, how do these projects contribute to the overall mission of the organisation?
- 5.7 Which FAL projects serve as a primary resource of legal information?

## 6. Could you describe the ways in which – insert FAL initiative here – evaluates its activities and projects?

Goal: To see how (if) the organisation has its own mechanisms for evaluating success, and who is involved in this evaluation.

---

- 6.1 Do you have internal evaluation processes? If so, what are –insert FAL initiative name here – internal evaluation methods?
  - 6.1.1 How do you assess the effectiveness of:
    - 6.1.1.1 Management decisions;
    - 6.1.1.2 Financial decisions;
    - 6.1.1.3 Operational activities; and
    - 6.1.1.4 Legal information service?
- 6.2 Are there ways in which the FAL initiative is accountable to its users? Please describe.
  - 6.2.1 Are there communication channels between FAL initiative and users?
  - 6.2.2 Are there mechanisms to gather user feedback? If so, how is this feedback used? And how is incorporation of feedback into the development of projects balanced with insuring that the initiative’s mission/goals continue to be fulfilled?
- 6.3 Is there an external body or a board to which the FAL initiative is accountable?
  - 6.3.1 How does the board participate in the evaluation of the FAL initiative’s work?
- 6.4 Are there any ways in which the FAL initiative is evaluated as a measure of accountability towards funders?
- 6.5 Are there any external evaluations that have been conducted? Please describe. What were the primary recommendations?

## **7. How would you describe the relationship between – FAL initiative name here – and legal information sources as far as data acquisition is concerned?**

Goal: To understand how the organisation obtains and handles the information that is required for it to complete its initiative goals, and to see how it may address challenges linked to this process

---

- 7.1 Are there agreements, specific processes and/or policies governing the relationship between the FAL initiative and data sources (formal or informal) with regards to content acquisition, use of information and technical standards
  - 7.1.1 If so, describe the processes and parties involved in establishing these agreements.
  - 7.1.2 What do you consider to have been the key aspects to such negotiations?
- 7.2 Have these agreements been in place since the beginning of the FAL initiative or has the FAL initiative had an impact on these processes? If so, could you describe how so?
- 7.3 How would you describe the ICT savviness and computer use of your content providers? How has this competency level affected your internal practices and workflows?
  - 7.3.1 Do you have any IT projects that deal with addressing the needs arising from inadequate ICT use and literacy at the content source?
  - 7.3.2 Have you had the opportunity to actively involve your organisation with improving the current situation at the content sources?
- 7.4 Is information sent to the FAL initiative routinely? If not, how come? And how has this issue been addressed?
- 7.5 How would you describe the communication between the FAL initiative and data sources? Do data sources promptly advise of corrections, additions, etc.?

## **8. Could you talk about your organisation's access to resources – in particular, technological, financial and human resources?**

Goal: To find out the resources with which the FAL must operate to later see how resources impact success

---

- 8.1 How would you rate the adequacy of your organisation's access to technology?
  - 8.1.1 Does the access enable proper dissemination of material? Does the organisation own computer infrastructure and servers? Are the servers located within the country?
  - 8.1.2 How would you describe the Internet connection? Is it reliable? Expensive? Inexpensive?
  - 8.1.3 Do you do in-house development of technology or do you have access to technology from a partner or otherwise?
  - 8.1.4 What ICT strategy have you developed to deal with the particular ICT environment in which your initiative operates? How did the technological context (for example, sporadic internet connection) impact the organisation's choice of technology?
- 8.2 How would you describe your organisation's access to expertise?
  - 8.2.1 Does the organisation experience any difficulties recruiting expert staff? Why/why not?
  - 8.2.2 Does the organisation experience any difficulties retaining staff? Why/Why not?
  - 8.2.3 Does the organisation have access to external expertise? (For ex. Other FAL initiatives)
- 8.3 Has the access to resources changed since the initiative's inception?

**8.4 If resources were unlimited, what additional projects do you think you would undertake and why?**

**9. What have been the biggest challenges for your organisation?**

Goal: To find out if there have been failures, and to understand how the organisation addresses challenges to avoid failure.

---

- 9.1 What was the source of the problem?
- 9.2 How/were these challenges addressed?
- 9.3 Were there cases where these problems proved to be irresolvable?

**10. What do you consider to be – FAL initiative name –’s biggest success?**

Goal: To gather success stories from the IM point of view. This could provide leads for individuals to interview for further MSC stories

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**11. What are your hopes for – FAL initiative name –’s future?**

Goal: To compare the IM's vision with the official initiative vision, to understand IM's commitment to FAL and capacity to look forward.

---

**12. Why do you think – FAL initiative name – should be supported?**

**13. Lastly, we’d like to ask if it would be possible for you to refer names of individuals from – insert name of primary and secondary target audience – and stakeholders which would be willing to participate in our research. We would like to speak with them about their interest in FAL and the impacts it’s had on them.**

**14. Is there anything else you would like to share?**

**Thank you very much for your time and kind collaboration**

# FAL INITIATIVE TEAM MEMBERS

## QUESTIONNAIRE

The researcher must use his or her knowledge of the FAL initiative at hand to interview the appropriate FAL initiative team members. If one person can answer all the questions, the researcher can choose to interview only that person. Please be aware that some questions may be repeated from the IM questionnaire - this is intentional. The researcher may also choose to ask questions 1-10, for example, of one staff and 11-14 of another. This can be done so long as all the questions are answered by knowledgeable staff.

The questionnaire for ITM is quite a bit more directive than the IM questionnaire. With the IM, the idea is to get as much information as possible - to ensure the questions provide for a large scope of possible answers. With the ITM, the purpose of the questions are more limited in scope - specific information is required in order to compare initiative documentation with interview responses. The questions still remain open, however, and if a respondent wishes to share additional information, he or she should be encouraged to do so.

Again, only ask the questions in bold at first. Allow the respondent to answer. If he or she does not touch on the sub questions the research should then probe for the required information.

### **1. Before – FAL initiative name here – existed, how was legal information distributed and accessed in – studied country name here - ?**

Goal: To gain knowledge on potential impact of FAL on legal information distribution

---

- 1.1 How were case law and legislation accessed?
- 1.2 Were there informal information exchanges between users that you are aware of?
- 1.3 How would you rate the quality of the law libraries in the area?
  - 1.3.1 How would you rate the access to electronic sources via the law libraries in your area?
- 1.4 Are there commercial online legal information providers?
- 1.5 What are the alternatives to the FAL initiative today?

### **2. Could you describe the team when – FAL initiative name here – first began operating?**

Goal: To gain knowledge on FAL's original access to expertise and why the selection was made

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- 2.1 How many people were involved in the creation of the FAL initiative?
- 2.2 What were their professional backgrounds

### **3. What type of funds did – insert FAL initiative here – have to work with when it first began operating? What about today?**

Goal : To gain knowledge on potentially sustainable funding models

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- 3.1 What was the original annual budget? How has it changed today?
- 3.2 Who were the original funders? How has that changed today?

### **4. Could you talk about how – FAL initiative name here – generally recruits its staff? How were you recruited?**

Goal : To gain knowledge procedures for recruiting staff – to compare particular examples with official procedures.

---

- 4.1 Is there a particular place which is focused on for recruitment (a university faculty for example)?

#### **4.2 How are you evaluated?**

#### **4.3 Do you know how a staff member would be let go and what would be reasons for terminating an employee?**

### **5. Could you talk to me about the technology used at – FAL initiative name here – with regards to software and technical and content standards?**

Goal: Identify use of sustainable technology

---

#### 5.1 Could you talk to me about:

- 5.1.1 The use of open-source or non proprietary technologies, in-house development, etc.
- 5.1.2 The format of documents (html, doc., pdf, xml)
- 5.1.3 The development of the legal information system – how this is decided, by whom and what are the future development activities
- 5.1.4 The standards and software for sharing information with sources and other initiatives.

### **6. Could you walk me through the internal work flow for content handling?**

Goal: To gain knowledge on potentially sustainable work flow models

---

- 6.1 What are the different steps before a document is made available online?
- 6.2 What are the reasons behind organizing the workflow in such a way?
- 6.3 Do you feel this is an efficient process? Why/why not?
- 6.4 Would you change anything about this process?

### **7. How are – FAL initiative name here –'s activities and projects decided on?**

Goal: To gain knowledge on decision making processes within the organisation

---

- 7.1 How are initiatives developed and selected?
- 7.2 Are there informal decision making practices? (For example, through discussions with contacts or friends of the FAL initiative)

## **8. How closely do you feel the activities and projects contribute to satisfying – FAL initiative name here –’s mission?**

Goal: Is FAL doing what it said it would do?

---

## **9. How are activities and projects evaluated?**

Goal: To gain knowledge on the organisation’s capacity to stay the course or to readapt if unsuccessful

---

- 9.1 How does the organisation make sure a project is on track to complete its goals?
- 9.2 Who is the organisation accountable to (formally and informally)?
- 9.3 Is there a way for users to provide feedback? If yes, how is this feedback taken into account?

## **10. How does – FAL initiative name here –’s ensure communication with its external partners? (Governments, donors, courts, lawyers, for example)**

Goal: To gain knowledge on organisation’s capacity to capture the need and to collaborate with potential stakeholders

---

- 10.1 Could you define in what sense they are partners?
- 10.2 Are there formal communication procedures in place? (annual reports, visits, etc.)
- 10.3 Are there informal communication methods in place? (personal relationships between FAL initiative team members and a lawyer association for example)

## **11. In the first question I asked you talk to me about alternatives to – FAL initiative name here –. Could you talk about how these alternatives compare to – FAL initiative name here – and how – FAL initiative name here – maintains its competitiveness considering these alternatives are available to users?**

Goal: To gain knowledge on organisation’s capacity to stay competitive and to capture the need

---

- 11.1 How do they compare in terms of cost?
- 11.2 How do they compare in terms of scope of content?
- 11.3 How do they compare in terms of market share (are they well known? Commonly used?)
- 11.4 Does the initiative aim to be cutting edge or does it rely primarily on the fact that it offers a free service?
- 11.5 How does the initiative keep in contact with local needs?

11.6 Do you know if expectations towards your service have risen in the past? Have users requested new services?

**12. How would you rate the comprehensiveness of – FAL initiative name here – ‘s databases?**

**13. Why do you think – FAL initiative name here – should be supported?**

Goal: To gain knowledge on potential variables positively impacting sustainability

---

**14. What have been the biggest challenges for your organisation?**

Goal: To find out if there have been failures, and to understand how the organisation addresses challenges to avoid failure.

---

**15. What do you consider to be – FAL initiative name here – biggest success?**

Goal: To gain knowledge on variables having impacts on sustainability

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**16. What changes do you feel – FAL initiative name here – is stimulating in society in general?**

Goal: To gain knowledge on potential outcomes

---

**17. Is there anything else you would like to share?**

**Thank you very much for your precious time and kind collaboration!**

# STAKEHOLDER QUESTIONNAIRE

These questions are more directive than the IM and ITM questions. The aim here is in a few minutes to obtain information on the stakeholders' relationship with the FAL initiative and to evaluate the commitment (financial and other) of the stakeholder to the FAL initiative, as well as the potential for long term relationship between FAL and stakeholder.

1. **What was - name of stakeholder - 's initial interest in the FAL initiative?**
2. **Why is - name of stakeholder - interested in - name of FAL initiative - today?**
3. **What type of support does - name of stakeholder - provide to - name of FAL initiative - ?** *Note for researchers: support might be direct or indirect. Types of support include driving innovation through promotion of the FAL resources, requesting change or providing feedback to FAL, finding new users, providing funds, influencing policies which regulate FAL, etc.*
4. **Does - name of stakeholder - participate in any forums for discussion, planning and collaboration with - name of FAL initiative - ? If so, has - name of stakeholder - made any specific recommendations to inform FAL initiative strategy?**
5. **(If stakeholder relationship with FAL initiative requires accountability) How satisfied is - name of stakeholder - with - name of FAL initiative's - level of accountability?**
6. **(If stakeholder is a funder) How does – name of stakeholder –see the respective roles of the funders and the organisation which operated the FAL initiative?**
7. **Is the -name of stakeholder - being kept up to date with -FAL initiative's- activities? In what way?**
8. **How satisfied is - name of stakeholder - with - name of FAL initiative- overall?**
9. **How does - *name of stakeholder* - envision its relationship with - *name of FAL initiative* - in the long term?**
10. **What do you consider to be - insert FAL initiative name here - 's biggest success?**
11. **What changes do you feel - *insert FAL initiative name here*- is having on society?**
12. **Do you have anything else you would like to share? Thank you very much for your time!**

# PRIMARY AND SECONDARY USER QUESTIONNAIRE

Once again, the researcher should use his or her knowledge gained from the environmental scan and other interviews to establish which questions should be asked to which categories of users.

The researcher will notice that whereas the matrix provides multiple components for evaluation (for example, changes in policy and law making, changes in the efficiency of judiciary, etc.) the questionnaire does not ask these specific questions. The aim for the questionnaire is to gather *stories of change* in order to propose anecdotal evidence of outcomes linked to FAL. *The researcher should use to matrix to identify groups of users which should be interviewed.*

## Basic information

(should be obtained via the written survey, document review/online research when possible as to shorten duration of interview)

- 1- What role does the institution to which the user belongs to have in society?
- 2- What is the specific role of the user in that institution?
- 3- Is the user male or female?
- 4- What age group does the user belong to: 17-25 | 26 - 34 | 35 - 45 | 46 - 60 | Over 60

## 1. Could you describe your day-to-day use of information and communication technologies, such as computers and cell phone?

Goal: To get an idea of the subject's potential use of FAL initiatives

---

## 2. How would you rate the quality and cost of internet access at your place of work? Are there any other locations where you access the internet? How would you rate the quality and cost of the internet access at those locations?

Goal: To get an idea of the subject's and regional potential use of FAL initiatives, to see how internet access impacts success/failure of FAL

---

## 3. Could you describe all the reasons for which you carry –out legal research and how often you conduct legal research?

Goal: To see if the FAL initiative satisfies the user's needs

---

#### **4. What types of legal information, including both paper and electronic sources, do you need to access more often and why?**

Goal: To get an idea of the subject's potential (or actual) use of FAL if the FAL initiative satisfies the user's needs

---

#### **5. What are the information sources you rely on for your legal research?**

Goal: To get an idea of the subject's potential (actual) use of FAL and other sources

---

- 5.1 What form of information do you prefer – online, electronic (ex. CD Rom), or hard copy?
- 5.2 Do you consult informal sources of information? (for example, coworkers specialists in a particular field) If so, could you describe?

#### **6. What do you think has been the most significant change in your capacity to conduct legal research in the past – number of years since FAL initiative creation here – ?**

Goal: To get the subject to talk about stories of change with regards to research capacity, to see if FAL has impacted research capacity, to understand how FAL impacts its users

---

- 6.1 ...with regards to time spent on research
- 6.2 ...with regards to access to documents
- 6.3 ...with regards to who completes the research (help from assistants, for example)
- 6.4 ...with regards to use of current material
- 6.5 ...with regards to cost of conducting legal research
- 6.6 ...has this freed up money for other projects?

#### **7. How and when did you find out about –FAL initiative name here– ?**

Goal: To gain knowledge on how people find out about FAL

---

- 7.1 Are you familiar with the Free Access to Law movement as a whole?

#### **8. What are the ways in which you use the resources you access through – FAL initiative name here– ?**

Goal: To gain knowledge on how people use FAL.

---

- 8.1 To find documents you are familiar with, such as the text of a statute, or the research the law to find what is applicable to the case at hand)

## **9. How would you rate the quality of the service available through –FAL initiative name here– ?**

Goal: To gain knowledge on user needs, and user preferences

---

- 9.1 How would you rate the comprehensiveness of the database?
- 9.2 How would you rate the timeliness of the database? Are they up-to-date? How important is timely documents for your work?
- 9.3 Do you feel the databases provide sufficient historical scope?
- 9.4 How does the FAL initiative compare to commercial or other free alternatives?

## **10. How would you rate the user-friendliness of the –FAL initiative name here– website?**

Goal: To gain knowledge on user needs, and user preferences

---

- 10.1 How easy it is to locate documents?
- 10.2 Is there a particular database you rely on more than the others?

## **11. If you could make one recommendation for the improvement of –FAL initiative name here– 's services, what would it be?**

Goal: To gain knowledge on user needs, and user preferences

---

- 11.1 Have you ever participated in the evaluation of the FAL initiative?
- 11.2 Have you ever been asked to provide feedback?/ Have you used the available channels to provide feedback? (if there are available channels)

## **12. What do you think has been the most significant change brought about by –FAL initiative name here– with regards to your work?**

Goal: To get the subject to tell stories of change which might not be his/her own story, to get the subject to talk about any story of change they feel relates to FAL

---

**Note to researcher:** try to focus the response on stories of change beyond those affecting the legal profession

## **13. Why do you think –FAL initiative name here– should be supported?**

Goal: To gain knowledge on outcomes

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**14. We are interested in interviewing –name of profession of user here– who do not use –FAL initiative name here– as to gather their feedback on way in which FAL could be improved and become more beneficial to its targeted audiences. Could you refer me to a couple of your co-workers who may have similar legal research needs as yourself but are not active users of –FAL initiative name here– ?**

**15. Is there anything else you would like to share?**

**Thank you very much for your precious time and kind collaboration!**

# NON-USERS QUESTIONNAIRE

This questionnaire is developed for individuals working in the same field as primary and secondary users but do not use FAL resources. The purpose of the questionnaire is to find out why that is.

## Basic information

*(should be obtained via the written survey, document review/online research when possible as to shorten duration of interview)*

- 1- What role does the institution to which the user belongs to have in society?
- 2- What is the specific role of the user in that institution?
- 3- Is the user male or female?
- 4- What age group does the user belong to: 17-25 | 26 - 34 | 35 - 45 | 46 - 60 | Over 60

## 1. Could you describe your day-to-day use of information and communication technologies, such as computers and cell phone?

Goal: To get an idea of the subject's potential use of FAL initiatives

---

## 2. How would you rate the quality and cost of internet access at your place of work? Are there any other locations where you access the internet? How would you rate the quality and cost of the internet access at those locations?

Goal: To get an idea of the subject's and regional potential use of FAL initiatives, to see how internet access impacts success/failure of FAL

---

## 3. Could you describe all the reasons for which you carry –out legal research and how often you conduct legal research?

Goal: To see if the FAL initiative satisfies the user's needs

---

## 4. What types of legal information, from paper or electronic sources, do you need to access more often and why?

Goal: To get an idea of the subject's potential (or actual) use of FAL if the FAL initiative satisfies the user's needs

---

## 5. What are the information sources you rely on for your legal research?

Goal: To get an idea of the subject's potential (actual) use of FAL and other sources

---

- 5.1 What form of information do you prefer – online, electronic (ex. CD Rom), or hard copy?
- 5.2 Do you consult informal sources of information? (for example, coworkers specialists in a particular field) If so, could you describe?

## 6. What do you think has been the most significant change in your capacity to conduct legal research in the past – number of years since FAL initiative creation here – ?

Goal: To get the subject to talk about stories of change with regards to research capacity, to see if FAL has impacted research capacity, to understand how FAL impacts its users

---

- 6.1 ...with regards to time spent on research
- 6.2 ...with regards to access to documents
- 6.3 ...with regards to who completes the research (help from assistants, for example)
- 6.4 ...with regards to use of current material
- 6.5 ...with regards to cost of conducting legal research
- 6.6 ...has this freed up money for other projects?

## 7. Are you familiar with –FAL initiative name here – and its services?

Goal: To differentiate individuals who actively choose not to use FAL from those who are unaware

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- 7.1 How did you find out about the FAL initiative?
- 7.2 **Note to researcher:** If subject responds no, describe what FAL does and ask if it would be a service the subject would consider using

## 8. What are the primary reasons why you do not make use of FAL for your research?

Goal: To gain knowledge on user resistance

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## 9. In what ways could –FAL initiative name here– become more relevant to your research needs?

Goal: this questions aims to find out why the subject doesn't use FAL even though he or she seems to be aware of its services.

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**10. Are there recommendations you could make to help improve –FAL initiative name here– ?**

Goal: gather recommendations from nonusers which could be used to augment FAL initiative's sustainability

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**11. Is there anything else you would like to share?**

**Thank you very much for your precious time and kind collaboration!**

## APPENDIX 4: WRITTEN QUESTIONNAIRE

### *I. Personal information*

1. Please select your gender

Male | Female

2. Please select your age group

17-25 | 26 - 34 | 35 - 45 | 46 - 60 | Over 60

3. What is your occupation? (please circle)

- Lawyer (attorney, advocate, corporate lawyer or lawyer in government)
- Judge (Superior court judge, magistrate)
- Law librarian (University/Law Firm/ Court / Government)
- Academic (Lecturer, Senior Lecturer, Associate Professor, Professor)
- Student (Undergraduate law, Postgraduate law, other - explain)
- Policy maker (enter institution)
- Media
- NGO activist
- Other (please state) : \_\_\_\_\_

4. From the options provided below, please list in order the places where you access the internet (1 represents the location where you most often access the internet, 4 is where you least often access the internet)

- At home 1-
- At work 2-
- At public locations such as a café or library 3-
- Other. Please specify: 4-

5. How would you qualify your average monthly expenditure on Internet access? (please circle only one answer)

- expensive
- cheap
- free

6. What is the nominal bandwidth of your most often used Internet connection? (please circle only one answer)

- 28.8k
- 56k
- 256k
- High Speed Broadband
- I don't know

### *II. Usage information*

1. How often do you require conduct legal research using both commercial and free electronic legal databases? (please circle only one answer)

- daily
- at least once a week
- several times a month
- a few times a year

2. In terms of currency and comprehensiveness of the material you use in your work, do you normally search for (please circle only one answer):

- the latest judgments and legislation
- the older applicable judgments and legislation
- both current and old applicable judgments and legislation
- Other (please specify): \_\_\_\_\_

3. How often do you use foreign legal research materials? (please circle only one answer)

- at least once a week
- at least once a month
- rarely or never

4. Do you have access to commercial electronic legal databases?

- No
- Yes
- If yes, please selection
  - LexisNexis
  - Jutastat
  - Westlaw
  - Other: \_\_\_\_\_

5. Roughly what percentage of your library/research budget costs do you spend on such commercial products? (please circle only one answer)

- less than 15%
- less than 25%
- about 50%
- more than 50%
- Not applicable
- I don't know

6. How long have you been using the **-Name of FAL initiative-** website? (please circle only one answer)

- Less than 6 months
- Between 6 months and 1 year
- Over 1 year

7. On average, how often do you conduct legal research on the **-Name of FAL initiative-** website? (please circle only one answer)

- daily
- at least once a week
- several times a month
- a few times a year

8. What information do you seek to obtain from **-Name of FAL initiative-** website? (please circle all applicable answers)

- current judgments
- current legislation
- current judgments and legislation
- older judgments and/or legislation
- secondary legal materials (e.g. law reform commission publications, law journals, etc.)
- Other (please specify): \_\_\_\_\_

9. How did you obtain this type of legal information before the launch of the **-FAL initiative name-**? (please circle all applicable answers)

- commercial publisher

- court/tribunal website
- loose-leaf publication
- other (please specify)

10. Are you aware of linkages to foreign free legal information via the **-FAL initiative name-** website?

- Yes
- No
  - If yes, do you make use of these linkages?
    - Yes
    - No

11. Do you incorporate material you found on the **-FAL initiative name-** website in your work? Please provide a brief explanation.

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### **III. Satisfaction information**

1. What is your overall rating of your experience in the use of the **-FAL initiative name-** website? (please circle only one answer)

- excellent
- good
- satisfactory
- poor

2. Are there any particular products, services or aspects of the **-FAL initiative name -** website that you find indispensable for conducting your work? Please describe.

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3. Are there any particular products, services or aspects of the **-FAL initiative name -** website that you find needing improvement? Please describe.

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4. Have you ever sent feedback or requested specific legal information to the **-FAL initiative name -** website? (please circle all applicable answers)

- Yes, I provided positive feedback
- Yes, I provided negative feedback which was acted on
- Yes, I requested specific legal information which was provided to me
- Yes, I requested specific legal information which was not provided to me
- No, I've never provided feedback or made specific requests

*Thank you for your time and we look forward to meeting with you in person!*

## APPENDIX 5: SAMPLE INTERVIEW SCHEDULE AND CRITERIA FOR SUBJECT SELECTION

Interviews should take approximately 5 work days (please confirm with regional coordinators for exact number of days). There are 6 categories of interview subjects:

- 1) Initiative Manager
- 2) FAL initiative team members
- 3) Stakeholders
- 4) Primary users
- 5) Secondary users
- 6) Nonusers

Below is a proposed interview schedule along with a summary of criteria for subject identification and selection

DAY 1: INITIATIVE MANAGER AND FAL INITIATIVE TEAM MEMBERS	
<b>Who</b>	FAL Initiative Manager or most knowledgeable upper management staff available for interview and expert staff
<b>Selection criteria</b>	<p>Initiative Manager (IM) is identified and selected according to the individual's position within the organisational hierarchy and knowledge about the FAL initiative. The individual selected should be the most knowledgeable management staff with regards to the FAL initiatives history, processes, outputs and outcomes.</p> <p>FAL initiative team members (ITM) are to be identified and selected according to their expertise and capacity to respond to the interview questions.</p>
<b>How many</b>	Minimum 1 staff (If you can only interview one person, it should be the Initiative Manager and an explanation why this is the case should be provided in the case study) in smaller organisations, and no more than 5

DAY 2: PRIMARY USERS AND NON USERS	
<b>Who</b>	<p>Primary users: Users who are at the centre of the FAL initiative's mission If mission does not identify a primary user, primary users are the most frequent users of the FAL website according to web statistics. If web statistics are not available, primary users are identified by the IM</p> <p>Nonusers: Users from the same profession as primary users but do not use the FAL initiative services. Nonusers are referred to the researcher by the primary users</p>
<b>Selection criteria</b>	<p>Primary users:</p> <ul style="list-style-type: none"> <li>- Must use FAL regularly for their profession</li> <li>- The group of selected subjects must be gender representative</li> <li>- The group of selected subjects must include subjects from both urban and rural settings</li> <li>- The group of selected subjects must include subjects from various sized organisations (small/large firms/universities, etc.)</li> <li>- The researcher should attempt to select subjects from various age groups</li> </ul> <p>Nonusers:</p> <ul style="list-style-type: none"> <li>- At the centre of the FAL initiative's mission</li> <li>- As referred by primary user</li> <li>- Shares a maximum of similarities with primary users as far as research needs</li> <li>- Does not use FAL</li> </ul>
<b>How many</b>	3-5 (but a majority of users: for example, 3 users and 2 nonusers or 2 users and 1 nonuser)

DAY 3: SECONDARY USERS AND NONUSERS	
<b>Who</b>	Secondary users: Users who are identified as secondary users by the initiative documentation, by web statistics if documentation does not identify a precise group of

	<p>secondary users, or by Initiative Manager if documentation and initiative statistics do not identify a precise group of secondary users</p> <p>Nonusers: Users from the same profession as secondary users but do not use the FAL initiative services. They are referred to the researcher by the secondary users.</p>
<b>Selection criteria</b>	<p>Secondary users:</p> <ul style="list-style-type: none"> <li>- Must use FAL regularly for their profession</li> <li>- The group of selected subjects must be gender representative</li> <li>- The group of selected subjects must include subjects from both urban and rural settings</li> <li>- The group of selected subjects must include subjects from various sized organisations (small/large firms/universities, etc.)</li> <li>- The researcher should attempt to select subjects from various age groups</li> </ul> <p>Nonusers:</p> <ul style="list-style-type: none"> <li>- Same profession as secondary user</li> <li>- As referred by secondary user</li> <li>- Shares a maximum of similarities with secondary users as far as research needs</li> <li>- Does not use FAL</li> </ul>
<b>How many</b>	3-5 (but a majority of users: for example, 3 users and 2 nonusers or 2 users and 1 nonuser)

#### DAY 4: LAWYERS/JUDGES/ACADEMICS/LAW LIBRARIANS

<b>Who</b>	Because legal research is at the core of FAL rational, it will be important to ensure that interviews are conducted with those who must conduct legal research for their profession. These interviews are to be conducted with the above groups who have not yet been interviewed.
<b>Selection criteria</b>	<ul style="list-style-type: none"> <li>- If 2 out of 3 of these groups (lawyers/judges/academics) have been interviewed previously, all interview subjects are selected from remaining group</li> <li>- If 1 out of 3 of these groups has been interviewed, 2 interviews should be held with one group and 3 with the other. This can be determined simply by the availability and accessibility of interview subjects</li> <li>- The group of selected subjects must be gender representative</li> </ul>
<b>How many</b>	3-5

#### DAY 5: STAKEHOLDERS

<b>Who</b>	<p>Stakeholders have an interest in the success of the Initiative in delivering intended results and maintaining the viability of the Initiative's products and services. Stakeholders influence programs, products, and services</p> <p>Users interviewed previously may also have been stakeholders but for the purpose of this study, distinctive stakeholders must be identified</p>
<b>Selection criteria</b>	<p>Stakeholder</p> <ul style="list-style-type: none"> <li>- Stakeholders are referred to research by IM</li> <li>- And/or based on initiative document review, environmental scan and other document review.</li> <li>- A minimum of 2 categories of stakeholders must be interviewed (categories being based on the kind of involvement the stakeholder has with the FAL initiative)</li> </ul>
<b>How many</b>	3-5

## APPENDIX 6: RESEARCHER'S TASK LIST

- ✓ Environmental scan data collection
- ✓ Environmental scan synopsis of trends, risk and opportunities for free access to law (Hand in to SafLII, LexUM and regional coordinator)
- ✓ First collection of project web statistics
- ✓ Project and other document review
- ✓ Adapt questionnaire according to environmental scan and project document review findings as to satisfy this study's objectives and goals
- ✓ Interview with PM and OR
- ✓ Distribute written questionnaire to primary and secondary users and collect responses
- ✓ Interviews with Users and Stakeholders
- ✓ Other document review (to support or rebut interview findings)
- ✓ Summary of Most Significant Change stories and review with PM and OR
- ✓ Second collection of project web statistics
- ✓ Drafting of case study (Hand in to SafLII, LexUM and regional coordinator along with raw field notes)

### “FREE ACCESS TO LAW – IS IT HERE TO STAY? RESEARCH PROJECT”

#### INTRODUCTION OF RESEARCH PROJECT

One of the first recorded Free Access to Law (FAL) initiatives is Cornell's Legal Information Institute (LII), launched in 1992. This LII published, and still publishes today, legislation, court decisions and other legal documents, online available to anyone with Internet access. The LII model of FAL initiatives quickly inspired similar initiatives in Canada (CanLII) and Australia (AustLII). In 2003, the Montreal Declaration on Free Access to Law was signed by eight LIIs and other FAL initiatives. Today, over 30 initiatives subscribe to the principles of the Montreal Declaration and are formal members of FAL. The Montreal Declaration outlines the vision and goals of the FAL Movement (FALM) stating, amongst other principles, that "Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximizing access to this information promotes justice and the rule of law." (Montreal, 2003) Although FAL initiatives have generally been successful in the development of their organisations and achieving their objectives, some have faced arduous realities and not all have been able to overcome the challenges met along the way. At the same time, while providing free access to law is unquestionably of paramount importance on theoretical grounds, there is still little understanding of how it actually operates to positively affect society. This study looks at the relationship between the sustainability and the success of FAL initiatives.

#### RESEARCH TEAM

This study is possible thanks to grants from the International Development Research Centre and the Open Society Institute. The team is under the direction of the free access to law laboratory, LexUM of the University of Montreal (Canada) and the Southern African Legal Information Institute (SAFLII) in collaboration with the Centre for Internet and Society (India).

#### OBJECTIVES OF RESEARCH

The overall goal of the project is to respond to a need to study what free access to law initiatives do and how they do it best so as to understand the positive effects they have on society, their target audiences and stakeholders, and explore the factors determining their sustainability.

#### PARTICIPATION

This study seeks to collect privileged knowledge on free access to law from FAL initiative team members and targeted audiences. The subject's participation consists of an interview with a researcher from the "Free Access to Law- Is it Here to Stay" research team. Questions aim to collect information which responds to the aforementioned research objectives. Participants must be of age of majority. Participants have the right to withdraw from this study at any moment.

#### CONFIDENTIALITY AND CONSENT

By responding to the researcher's interview questions, in part or in whole, interviewees thereby provide their consent to participate in this study. No personal information obtained in the course of the interviews will be published in any research outputs. The participant's identity and private information will be known only to the research team. All information likely to reveal participant's identity will be destroyed after the completion of the "Free Access to Law- Is it Here to Stay" study.

#### FURTHER INFORMATION

For further information on this study, participants may contact Isabelle Moncion, research coordinator at LexUM: [moncioni@lexum.com](mailto:moncioni@lexum.com) , or Mariya Bedeva-Bright, scientific coordinator of this study with SAFLII: [mariya@saflii.org](mailto:mariya@saflii.org)