

THE INTERNET AND THE LAW ONLINE

Headings (Links)

INTRODUCTION

WEB SITES

RESEARCH

E-MAIL

USENET

OTHER FEATURES

RECOMMENDATIONS

SUMMARY

CONCLUSION

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THE INTERNET AND THE LAW ON LINE

INTRODUCTION

The Internet was first established in the 1960's as a communication system for military purposes. It developed over the years and became commercially available in many parts of the world in the 1990's. This technological advancement was introduced in Guyana in 1997. The Internet and the World Wide Web (www) can be accessed from a computer by a web browser which is the medium used for searching the Internet. The web browser contains the basic software that is used to find, retrieve, view and send information on the Internet. There are two principal web browsers for surfing the Internet – Microsoft Internet Explorer and Netscape Communicator. In Guyana, there are presently three commercial Internet Service Providers (ISPs) described as Guyana Net, Inter Net Works and Solutions 2000. They provide dial up access to the Internet by the use of a telephone line. Arrangements can also be made for dedicated access to the Internet.

So what is the Internet? The Internet is a worldwide communications infrastructure consisting of a network of computers that allows the user to send and receive information almost instantaneously. The World Wide Web is the graphical, multimedia portion of the Internet. The Internet is used for social, educational and business interaction, as well as entertainment. It has become a global network connecting tens of millions of people in over 238 jurisdictions and providing inexpensive sources of information and communication. Almost any information or subject can be found by exploring and navigating the Internet. Information can be located by using one of the many search engines such as Alta Vista, Infoseek, Lycos, Excite, Snap and Yahoo, which is also a directory. For instance, worldwide information can be located on legal matters, sports, computer technology, education, religion, cars and health issues.

WEB SITES

A Web page is a location on the World Wide Web and a group of related Web pages is called a Web site. The opening or first page of a Web site is called the home page. Each Web page has an Internet address described as the Uniform Resource Locator (URL). A Web page can be opened by typing the URL in the address bar of the Web browser, pressing the enter key and the Web page will come up. The Internet can be explored by pointing the mouse and clicking the links which are underlined text or special pictures which, when clicked, will open another Web page.

A Web site may contain a wide variety of creative content, including textual material, graphics, pictures, audio clips and multimedia files. The World Wide Web is home to millions of Web sites created and designed by lawyers, law firms, individuals, educational institutions, government entities, private organisations and commercial providers.

There are many legal search engines such as LawCrawler, which allows you to search a wide range of sources that contain a reservoir of legal information. It is quite easy to access, free of cost in many cases, Web sites that provide legal materials such as Constitutions (including the 1980 Guyana Constitution with amendments up to 1996), journals, laws, other legislative materials, a wide database of court judgments from all over the world, United Nations and other International Treaties.

The United Kingdom Parliament World Wide Web service hosts full-text House of Lords judgments from 1996 to present. These judgments are available on the Internet two hours after delivered from the Bench. There are also many Web sites which provide free access to the Canada's Supreme Court Reports from 1989 as well as judgments from all the courts in the United States of America, Australia (more than 6300 judgments), New Zealand, South Africa, the latest opinions from Scotland's highest Court of Session, the International Court of Justice from 1996, the European Court of Justice and the European Court of Human Rights from 1996. Another Web site provides the most recent title and subject indexes of cases from

the Weekly Law Reports, the Law Reports and Appeal Cases. Even some legal texts are available online. There are many other Web sites which offer other Law Reports and cases for a fee.

On the lighter side, lawyers can log on to the Lawyer Joke Emporium for lawyer jokes or lawyer bashing. Indeed, there are many Web sites with legal humour and cartoons.

There are also many Web sites with newspapers from Guyana, the Caribbean and the rest of the world. Earthtuner is a Web site which hosts TV and radio stations. There are also Web sites with news from well-known sources such as CANA, BBC, CNN, CBS, ABC and REUTERS. In fact, many news sites on the web such as MSNBC brings the latest Internet news, weather and sports. There is also access to international web sites from several countries such as South Africa, Australia and the United Kingdom, to mention a few.

There is a Caribbean Web site as well as individual Web sites for most Caribbean territories including Barbados, Trinidad and Jamaica. These Web sites focus on tourism, travel, hotels and general information on the territory. However, legal data is almost non-existent.

There is also a well-organised and informative Web site on Guyana created by a Guyanese living in Canada. This Web site includes local and Caribbean recipes, Guyanese proverbs, weather, news and other information on Guyana. There are many other useful links. There has been more than 300,000 hits on this Web site.

Investors have not been forgotten and they can obtain updated reports on the stockmarket, whilst businessmen and financial institutions can keep abreast of the volatile international currency changes by browsing the currency converter Web site.

RESEARCH

The Internet provides a valuable and useful tool for research. Because of the absence in Guyana of well-equipped and accessible up to date libraries, online legal research can complement what exists and in other cases provide a good substitute. There are many reference materials including the collection of many libraries and encyclopedias to be found on the Internet. A highly advanced, future of the art and search gizmo is the Lectric Law Library Web site complete with Reference Room, legal dictionary, legal topic areas, legal links and generally a multitude of useful legal resources.

Looking for a quotation or a proverb? Well, it's on the Internet! Legal references include West's Legal Directory and dictionaries such as Web's Legal Dictionary and Oran's Legal Dictionary. Articles on many legal topics can be found on the Internet and may be downloaded and printed at any time. These articles are particularly useful to students preparing research assignments as they are to the legal profession in general.

The Internet Legal Resource Guide was established to serve as an extensive resource of information on law and the legal profession. It contains a categorised index of more than 4000 legal Web sites and more than 30 million Web pages. There is also Hieros Gamos which is one of the most comprehensive legal Web sites with more than 12,000 original pages and more than 10,000 links. LawGuru is an excellent Web site for legal research with its Legal Research Meta page and extensive links to Web sites dealing with a variety of legal topics. There is also the world famous Internet Law Library. FindLaw is a good Legal Web Guide with its index to many legal resources, while CataLaw catalogs the many legal links according to subject areas and countries.

Many of the above legal resources sites are primarily US in focus. However, the Information for Lawyers (Infolaw) site is considered to be the gateway to UK Legal Internet. Similarly, Butterworths provides a comprehensive collection of links to legal Internet services with preference towards UK government departments, UK law firms

and other law related sites. There is also legal news, a law directory and selected topics from the current issue of the New Law Journal. Other legal materials including the Halsbury's Laws of England are available for a subscription fee. The venables site is also an excellent portal to legal resources in the UK and Ireland.

The Law Professors' Network (Jurist) is dedicated to advancing academic, professional and public legal education. It provides a forum where information can be easily found and where knowledge can be shared with a global community of colleagues, lawyers, law students and interested individuals. Besides the United Kingdom, there are links to Canadian and Australian legal resources.

Further, the Australasian Legal Information Institute also provides free Internet access to all Australian primary legal materials. For Canadian Internet Legal Resources, the University of Ottawa and the Surfing Lawyer have excellent Web sites.

E-MAIL

The benefits of this electronic technology is not limited to obtaining information but extends to the wonders of the electronic mail, popularly referred to as E-mail. Once a person has access to the Internet, an E-Mail address can be obtained quite easily. This E-Mail address allows the person to communicate globally with anyone who has access to the Internet. Whilst postal and courier mail will continue to provide a valuable service to those persons with no computer facilities and internet access as well as for original and other documents that were not generated on a computer, E-mail is definitely the future way to go. A message can be composed quite easily and sent (with documents or attachments) to a recipient in any part of the world. That message can be sent simultaneously to another recipient at a different location. There is absolutely no cost and this feature has a great advantage over postal, courier as well as fax mail. In addition, unlike a fax message which can be read by anyone or a postal mail which can be easily opened, E-mail can only be retrieved by entering a password and this feature ensures confidentiality. Further, e-messages

can be reviewed when it is most convenient to the recipient. This feature is advantageous over the telephone, which may ring at inconvenient times and thus could be annoying. Besides, a public E-mail account can be accessed from any computer connected to the Internet. Outgoing and incoming e-messages can also be saved and conveniently stored in folders. With E-mail, communication with clients, relatives, friends, business associates and other legal professional bodies locally or across the globe is fast and free. And if for some reason a message cannot reach its destination, the mailer will inform the sender accordingly.

E-mail is also used as a medium through which the recipient can keep informed and up to date by subscribing to certain services and mailing lists. Additionally, creative E-Greetings cards for all occasions are also available on the Internet and may be sent to anyone with an E-mail address.

There is also Voice E-Mail, which is one of the most revolutionary developments. The program uses the power of the human speech to create audio E-Mail messages by simply talking. So, rather than reading and typing, an individual can talk, sing or laugh and Voice E-Mail will deliver the messages. Pictures and photographs can also be included in Voice E-Mail messages. This means that the users of a Voice E-Mail can now see the persons that they communicate with online.

USENET

Other services which the Internet provides include Usenet News which is a global electronic bulletin board system in which millions of computer users exchange information on a wide range of topics, including law, sports, politics and current affairs. The Usenet messages are stored on central computers and users must log onto these computers to read the messages posted to the groups. Usenet itself is a set of machines that exchange messages or articles, from Usenet discussion forums called newsgroups. There are many legal newsgroups from USA, Australia, Canada, New Zealand and the United Kingdom.

Internet users can also 'chat' with clients, colleagues, other professionals, friends and relatives from around the globe. There is also Caribbean and Guyana chat where Internet users can 'meet' Guyanese and other Caribbean Internet users. As a matter of fact, web users from as far as Europe join these chat rooms.

OTHER FEATURES

As the web lifestyle gains momentum, it will not be long before telephone, electricity, insurance and other essential bills will be paid online. In some countries, online travel arrangements can be made at any time, while in the USA taxpayers were recently able to file their taxes online. There is also Internet banking which is likely to gain popularity over the use of ATM bankcards.

Shopping online is probably the most popular feature on the Internet. There are many Web sites that allow the consumer to browse through their products and services and to order and pay for them online. For instance, legal and other books may be purchased on the Internet from popular bookstores such as Barnes and Noble, Amazon online bookstore and Law Books Online. Computers and legal software may also be purchased from the Internet.

The web is an excellent medium for advertising products and services. Many lawyers and law firms around the world have listings with their specialised areas of law. The legal profession can also log on to the Law Book Network to buy and sell legal materials via the World Wide Web. This trading facility is provided free of cost to the user. Internet users also have the opportunity to bid for many items displayed at online auction sales.

Music lovers can tune in to hear their favorite music on the Internet or simply watch videos. The playing of games is very popular amongst children and adults. Why not try an online game of chess? Or the gambler may prefer to visit and try his luck at the Casino!

RECOMMENDATIONS

Lawyers as well as legal and judicial institutions already have telephone lines. In any event, it ought not to be too difficult to acquire or reacquire telephone lines. And it is relatively cheap to acquire internet access. This is in itself a compelling reason for acquiring computers which have been in existence for more than a decade. Computers are also a convenient and efficient medium for the typing of legal correspondence and documents.

Lawyers and members of the judiciary ought to acquire the necessary electronic skill. In this regard, the Attorney General's Chambers ought to provide the opportunity for State lawyers to acquire computer knowledge and internet access, as was done by the Office of the Director of Public Prosecutions. The Guyana Bar Association ought to ensure that their membership is sensitised to this information technology. It might also be useful for law students at the University of Guyana to be introduced to the cyber world and its research capabilities.

The Guyana Bar Association (GBA) has gone online and has created a Web site. This effort is commendable. Congratulations are in order for the GBA for taking this progressive step in their effort to forge forward and keep up with the modern technology of travelling in the world of cyberspace. It is hoped that their Web site will provide adequate and updated legal information including court judgments, Acts of Parliament and other legislative materials. It would be useful to start by putting on the Internet all the written court judgments from the Magistrates Courts, the High Court and the Court of Appeal during the last 2-5 years. Almost immediately, a listing of the judgments delivered in 1999 and going back to previous years should be put on the Internet.

Other legal institutions should take a lead from the GBA and create useful Web sites with the essential legal features. It should be noted that many offices of the Attorney General around the world have Web sites providing, *inter alia*, information on their offices. The Web site should also establish legal links which would benefit the work of the legal institution as well as that of the legal profession in general.

Consideration should also be given to subscribing to services that offer complete access to Weekly Law Reports, All England Reports, West Indian Reports and other appropriate Law Reports and judgments **to date**, together with title and subject indexes. Access to selected services will result in the enhancement of the legal profession as lawyers and judges will be able to keep up to date with the latest developments of the law internationally.

SUMMARY

Lawyers, law firms and legal institutions only need to acquire a computer with a modem, a printer, a telephone line, internet access and the necessary electronic skill to find the law and they will be equipped to journey into the legal world of cyberspace. This is described as the virtual office. It would also be useful for legal institutions to create adequate and informative Web sites.

The Internet can be used to get the latest news worldwide, to access court judgments, statutes and other legal materials, to do research, to obtain updates on the law, to read law journals and to visit law libraries' catalogues. The Internet may also be used as a medium to advertise, shop and trade online. Further, with E-Mail communication with local and international legal personnel, clients and others is free and fast. In fact, there can be tremendous savings on long distance telephone calls. And more important, all the information provided may be downloaded and printed at any time and from any location.

At present, the Internet supplements the legal data already available on Compact Discs (CDs). In the future it may not be absolutely essential for lawyers to acquire printed law reports which are published at a prohibitive price. The paper world will eventually be replaced by the cyberspace world.

The benefits of the Internet have been recognised. It has been estimated by *Internet Lawyer*, a web based publication, that in the USA 71% of the legal

profession are online, 67% use the Internet for E-mail, 72% conduct legal research and 33% have Web sites.

CONCLUSION

As we approach the new millennium, those in charge of important legal institutions must recognise that we are already in the electronic or digital era and they ought to take the progressive step forward and acquire computers, internet access and also build useful Web sites with appropriate links. It is particularly important to members of the legal profession and the judiciary to be able to access local judgments since the Guyana Law Reports have not been published since 1975. Also, the Laws of Guyana have not been revised since 1977.¹

Members of the legal profession need to keep up to date with Internet related matters and the developing Internet Law. Eventually, Guyana and the rest of the Caribbean will have to implement laws to effectively address Internet related issues and cybercrimes that are likely to emerge in the future. Some of these issues include the setting up of Internet businesses, publication of defamatory data, copyright and the selling of prohibited or restricted items.

The opportunity to be an integral part of the legal cyber or digital world should not be missed. Besides being a necessity, surfing the net is fun and is so easy that it can be self-taught in a short period of time. Indeed, this information superhighway is truly amazing and can be intellectually rewarding!

Having outlined some of the benefits of computers and the Internet, one must not rush into believing that everything is perfect. For computers are sensitive gadgets and are vulnerable to crashes, viruses and of course user error, all of which may cause valuable data to be lost. Internet users have to beware of bogus Web sites, Internet terrorists, hackers and crackers who use special programmes to root out

¹ A Law Revision of the commercial laws was undertaken in 1994. A complete Revision of the Laws of Guyana (up to December 1997) commenced in 1996. To date, this Law Revision Project has not been completed.

users' passwords as they log onto a computer system. This allows credit card details to be stolen as well as other vital information. In addition, due to the empire of information available, exploring and navigating the Internet can be a time consuming exercise. Ultimately, Internet users have the burden of connecting only to the best quality Web sites.

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