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## openlaws.eu — Stakeholder Framework

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openlaws.eu is an EU project co-funded by the European Commission (DG Justice) with the aim to add a social layer on top of institutional legal databases that are available as open data. This social lawyer will foster cooperation between stakeholders in the legal area — not only on a national level, but also on a European level. The paper outlines the relations between the different stakeholder groups, that include legal experts as well as citizens and businesses. This framework will serve as a basis for the upcoming openlaws web platform, which will be released in March 2015 in its beta version.

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## 1 Introduction

[Rz 1] openlaws is an ambitious EU project<sup>1</sup> that is built on open data, open innovation and open source software. openlaws will help you find legal information more easily, organize it the way you want and share it with others. The Internet platform is adding a «social layer» to the existing «institutional layer» of legal information systems. Together with the different stakeholders the project team will create a network between legislation, case law, legal literature and legal experts — both on a national and a European level, leading to better access to legal information. The openlaws core team will also create a «BOLD Vision 2020» about what Big Open Legal Data (BOLD) can do in the future and propose a roadmap to the European Commission (DG Justice). The initial concept was presented to the general public at the IRIS 2013 conference.<sup>2</sup>

[Rz 2] This short summary outlines the background of the different actors and draws a broader picture of the «Big Open Legal Data» environment. It is listing a few — certainly not all — arguments, how people can benefit from openlaws.eu, how they can use it for their own purposes, and how they can contribute to it.

[Rz 3] The following matrix is a model approach to categorize the stakeholders by their legal expertise and by their individual/institutional size. The framework should provide a general classification; in specific cases this general classification might not apply to one or the other individual or institution and it makes no claim to be complete.

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<sup>1</sup> openlaws.eu is cofunded by the European Union (DG Justice) und action grant JUST/2013/JCIV/AG grant no. 4562. The author thanks his project colleagues for their contribution. The full team is presented on the project website: [www.openlaws.eu](http://www.openlaws.eu).

<sup>2</sup> WASS, CLEMENS/DINI, PAOLO/HEISTRACHER, THOMAS/LAMPOLTSHAMMER, THOMAS/MARCON, GIULIO/SAGEDER, CHRISTIAN/TSIAVOS, PRODROMOS/WINKELS, RADBOUD, OpenLaws.eu, in Schweighofer, Erich/Kummer, Franz/Hötendorfer, Walter (eds.), Abstraction and Application, Proceedings of the 16th International Legal Informatics Symposium IRIS 2013, Salzburg, Austria (2013).

<b>legal expertise (lower to higher)</b>	judges lawyers notaries general counsels legal scholars	judiciary legislative authorities large law firms	vision: BIG OPEN LEGAL DATA
	small enterprises law students semi-professionals	medium enterprises gov. administrations legal publishers	large enterprises
	citizen (individual)	citizens (groups/associations/ etc.)	society (as a whole) EU member states
	<b>individual/institutional size (smaller to larger)</b>		

**Figure 1: openlaws.eu stakeholder framework**

[Rz 4] In order to compare different stakeholder groups, a «SLEPT analysis» was applied and visualized in several radar charts (spider charts) for each stakeholder group. This analysis is an instrument to cover macro-economic factors in strategic management. It includes social, legal, economic, political and technological factors. This framework, which is originally intended for businesses, may be borrowed, adapted and applied to the stakeholder groups of openlaws.eu — recognizing the fact that a stakeholder group is not a business and — again — that they may not apply to each and every individual but that they should rather show the big picture.

[Rz 5] The different factors explained in short, as used for the purpose of the openlaws stakeholder analysis:

- Social factors include reputation of the stakeholder group, career opportunities, social security, the work environment, collaboration with peers and also demographic factors;
- Legal factors include mainly the legal expertise of this stakeholder group (please note the difference to a traditional SLEPT analysis, which refers to the legal framework that affects a specific business, such as consumer law, employment law, antitrust law, etc.);
- Economic factors include the financial setting for the stakeholder groups, including their income or revenue, their cost structure, etc.;
- Political factors cover the degree to which the government interferes in the stakeholder group and includes public policies with respect to the free movement of persons and goods as well as possible restrictions to (legal) data and the protection/openness of legal information;
- Technological factors include research and development possibilities, the degree of automation, the adoption rate of new technology etc.

## 2 Legal Professionals

[Rz 6] There are several different groups of legal professionals and practitioners. These professionals have typically one thing in common: a very high level of legal expertise. This expert knowledge is gained through a special legal education in combination with practical experience. This group includes i.a. judges, lawyers, notaries, general counsels (in-house counsels), legal scholars, students and experts in (governmental) administrations.

[Rz 7] Legal professionals are typically gatekeepers to the law. Due to the complexity of law, a non-professional will often have to contact a professional in order to answer legal questions appropriately. Based on the complexity of law, even legal professional have to specialize on one area, even if there are generalists with a broader background (who might have to consult another legal professional for very specific questions). They are running a «consulting business» in which effort is measured in time. Automated services that can be reproduced are still the exception. Their «USP (unique selling proposition)» is their legal expert knowledge.

[Rz 8] Sharing legal expert knowledge with others is not equally easy or different for the different sub-groups of legal professionals. Lawyers for example may share information as kind of a «teaser» or «demonstration of their knowledge», but not give away everything for free. After all, they make a living based on their consulting activities (which is only fair and reasonable). Other groups like in-house counsels, civil servants, legal scholars or student (where charging a client for legal information is not the main focus) may be more willing to share information with peers. For example, in-house counsels who receive a monthly salary are rather motivated to keep costs down. Sharing information with others in networks may make sense for them, since charging for legal information is not the main business of the company in which they are working. However, the strongest impacts and results of the «sharing economy» can be expected to be seen at law faculties. Today's students are digital natives, they use IT services as a commodity, they collaborate, they share. It is likely that they will carry this mind-set also to their work-environment.

[Rz 9] Attention may also be drawn to a special group of people who work a lot with legal information but who are usually not regarded as legal professionals. In large corporations and governmental organisations there are employees (e.g. in human resources, finance, procurement, etc.) who have a lot of legal knowledge in their domain. Today, even post-gradual master studies open their doors for such «semi-professionals».<sup>3</sup> This sub-group may also be less reluctant to share legal knowledge compared to traditional legal consultants.

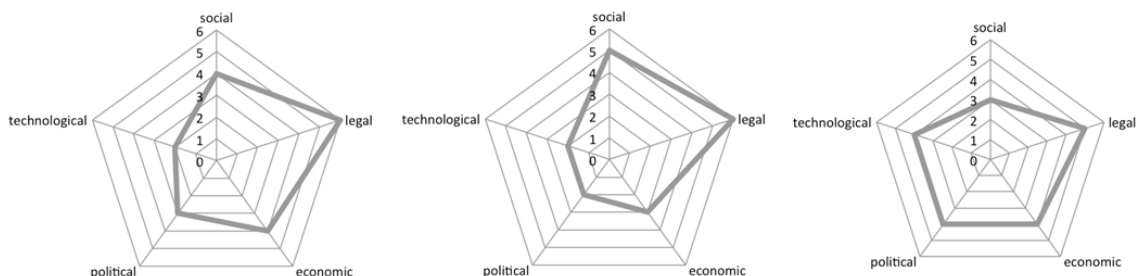


Figure 2: Radar charts (left to right) for lawyers, judges and general counsels (in-house counsels)

<sup>3</sup> See for example the «Master of Legal Studies (MLS)» program at the Executive Academy of the Vienna University of Economics and Business, <https://www.executiveacademy.at/en/master-of-laws/master-of-legal-studies/>, last accessed 8 January 2015.

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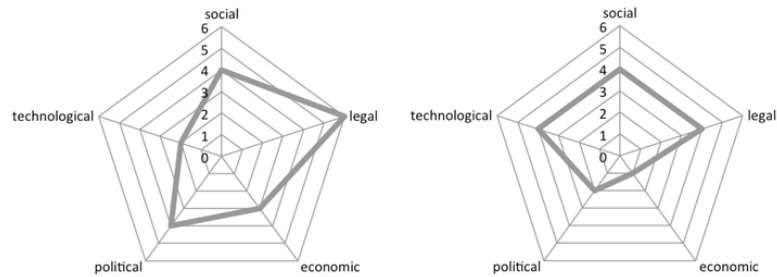


Figure 3: Radar charts (left to right) for legal scholars and law students

### 3 Citizens

[Rz 10] There are over 500 million citizens living in 28 Member States of the EU, speaking 24 official languages. At any time of our lives, we have rights and obligations according to national and European laws. In many cases the law is so normal for us that we do not even think about it anymore, for example when we respect property of another person or when we drive a car and have to comply with traffic regulations. Sometimes we are more aware of the law and its consequences, for example when we sign a contract to acquire property or when we receive a ticket because we were driving too fast. We are surrounded by many legislative acts and a huge amount of case law. Not knowing the law is no excuse for breaching the law. Unfortunately, knowing and understanding the law has become more complicated, even for legal professionals. So the challenge is to make access to law easier for European citizens, as also demanded by several free access to law movements.<sup>4</sup>

[Rz 11] The initial three EU member states that will be addressed by the openlaws project are Austria, the United Kingdom and the Netherlands. These countries have been selected because of the legal databases which are already available as open data in these legislations.

EU Member State	Population	Language	Official legal databases
Austria	8,375,164	German	<a href="http://www.ris.bka.gv.at">www.ris.bka.gv.at</a>
United Kingdom	63,022,532	English	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
Netherlands	16,655,799	Dutch	<a href="http://www.overheid.nl">www.overheid.nl</a>
EU total	504,961,522	24 languages	<a href="http://www.eur-lex.eu">www.eur-lex.eu</a>

Table 1: population within the EU and the three initial openlaws member states<sup>5</sup>

<sup>4</sup> GREENLEAF, GRAHAM/MOWBRAY, ANDREW/CHUNG, PHILIP, The Meaning of «Free Access to Legal Information»: A Twenty Year Evolution (2012). Law via Internet Conference, 2012. Available at SSRN: <http://ssrn.com/abstract=2158868> or <http://dx.doi.org/10.2139/ssrn.2158868>, last accessed 8 January 2015.

[Rz 12] Official legal databases that are operated by governments provide basic information and are free of charge. Legislation and case law are exempt from copyright protection in many countries, because in a working democracy, citizens are supposed to know the law and this requires that it can be accessed.<sup>6</sup>

[Rz 13] However, governmental legal databases do not provide value-added legal information — this task is up to commercial publishers and private initiatives and the government is not supposed to interfere here. With an improvement of technology, the borderline between basic and value-added features is moving. Basic features ten years ago may be a standard features today. Furthermore, governments do not offer legal literature, which is often needed for appropriate interpretation.

[Rz 14] While the openlaws.eu platform will not offer premium legal literature like publishers, it will be built on top of governmental databases (open data) and offer new and innovative features for citizens (tagging, bookmarks, linking, commenting, recommender systems<sup>7</sup>, etc.). It will also allow for creating links to the contents of participating publishers.

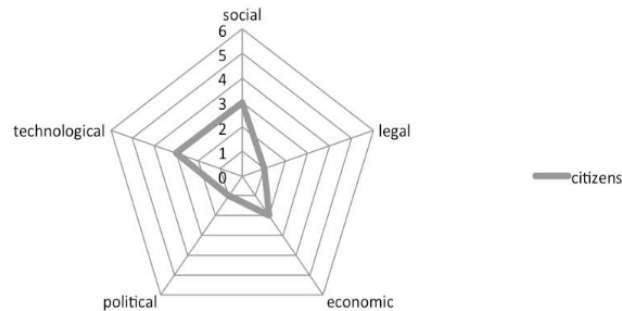


Figure 4: Radar chart for citizens

## 4 Businesses

[Rz 15] Businesses in general are «heavy users» of legal information. Companies are the drivers of our economy. From the formation of a company until its liquidation, each and every company is subject to the law of one or several EU Member States and to European legislation and case law.

[Rz 16] With an increasing amount of legal information it is hard for companies to stay well-informed. This is in particular true for micro enterprises and small enterprises who have no legal department within the organisation and who have to afford external legal professionals. Micro

<sup>5</sup> Eurostat, Population on 1 January by age and sex, last update: 13 August 2014, [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=demo\\_pjan&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=demo_pjan&lang=en), last accessed 8 January 2015.

<sup>6</sup> Please note that the legal database as such can be copyright protected, in particular under Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases and the respective national implementations.

<sup>7</sup> WINKELS, RADBOUD/BOER, ALEXANDER/VREDEBREGT, BART/SOMEREN, ALEXANDER, Towards a Legal Recommender System, Conference: 27th International Conference on Legal knowledge and information systems (JURIX 2014), at Krakow, Poland, Volume: Volume: 271. *Frontiers in artificial intelligence and applications* (2014); OPIJNEN, MARC VAN, A model for automated rating of case law, *Proceedings of the Fourteenth International Conference on Artificial Intelligence and Law (ICAIL 2013)*, pp. 140—149 (2013).

enterprises and small enterprises are the large majority of companies within the EU.

Company category	Employees	Turnover	or	Balance sheet total	Total number of companies in the EU
Large	above				43,454
Medium	< 250	≤ € 50 m		≤ € 43 m	222,628
Small	< 50	≤ € 10 m		≤ € 10 m	1,349,730
Micro	< 10	≤ € 2 m		≤ € 2 m	18,783,480

Table 2: number of companies within the EU<sup>8</sup>

[Rz 17] One major problem for companies is to receive the relevant legal information for their operation in different jurisdictions. Legal professionals help to solve this issue. One aim of openlaws is to create a network between legal professionals and businesses. While certain information may be freely revealed within the network (like a short summary of a case), other consulting services may be charged (just as we know it today). However, openlaws.eu will ensure a good match-making, so that a legal professional with the right qualification can be found. For this purpose, openlaws.eu is entering into cooperations with other European projects, like for example the new Find-A-Lawyer and Find-A-Notary services.<sup>9</sup>

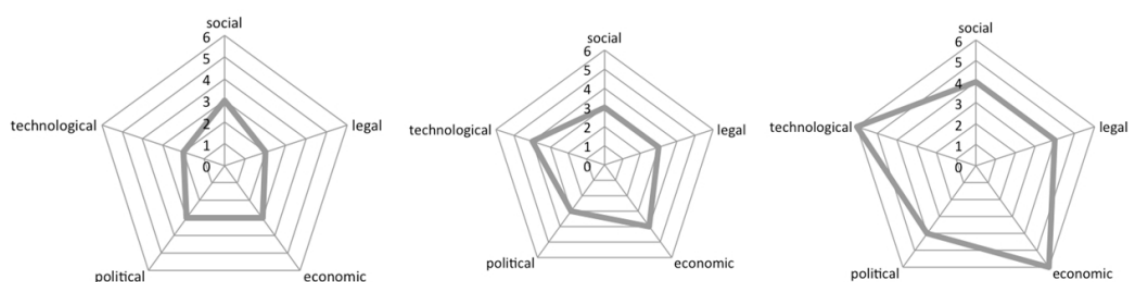


Figure 5: Radar charts (left to right) for small, medium and large enterprises

## 5 Governments

[Rz 18] The rule of law is the legal principle that law should govern a nation. It implies that every citizen is subject to the law, including law makers themselves. Under a broad definition of the term «government», there are legislative authorities to enact and amend laws, the judiciary to interpret and apply the law, and administrations to execute the law.

[Rz 19] National legislation and case law are more and more influenced by European law. For

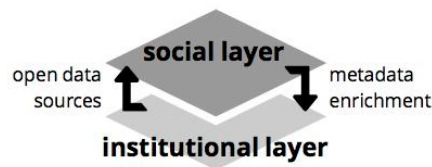
<sup>8</sup> European Commission, Annual Report on European SMEs 2012/2013, [http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/performance-review/index\\_en.htm](http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/performance-review/index_en.htm), last accessed 8 January 2015.

<sup>9</sup> These services are made available via the European e-Justice Portal, <https://e-justice.europa.eu>, last accessed 8 January 2015.

example, legislative authorities have to implement EU directives and courts and tribunals have to apply European laws (which precedes law of the Member States).

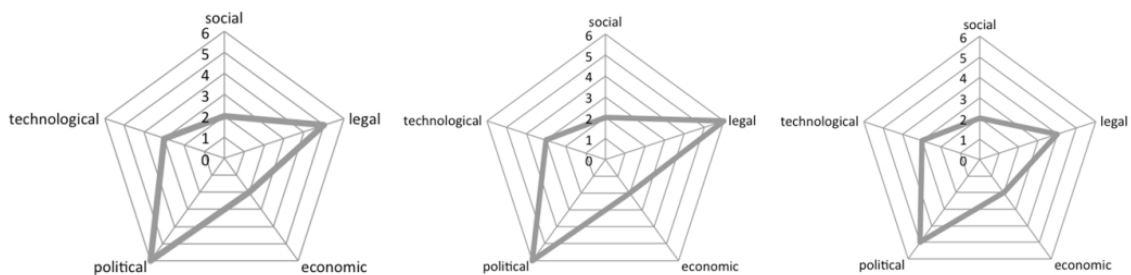
[Rz 20] Laws have to be officially published to enter into force and effect. Today, governments use electronic publishing in addition to traditional publishing on paper. In a further step, government can make legislation and case law available as «open data» so that it can be used by the community.<sup>10</sup> The public sector information (PSI) directive<sup>11</sup> encourages the Member States to make as much information available for re-use as possible. New standards in the EU for references to legislation and case law foster the creation of a European-wide network.<sup>12</sup>

[Rz 21] Once legal information is available as open data, new value-added services can be created, such as apps, visualization or projects like openlaws that will make access to law easier for citizens — at no additional cost for governments. As mentioned above, the openlaws platform will integrate open data sources from governments and build on top of this «institutional layer». This means that other stakeholders like legal professionals, citizens and businesses can interact in an open innovation environment.



**Figure 6: Social and institutional layer**

[Rz 22] The integration of legal information on a national as well as on a European level will also enable the creation of a network between the EU and Member States. The aim is to display different implementation measures in different Member States, which will foster comparative law.



**Figure 7: Radar charts (left to right) for legislative authorities, judiciary and administrations**

<sup>10</sup> WASS, CLEMENS, Open Data as an Opportunity for Legal Information Services, in Schweighofer, Erich/Kummer, Franz/Hötzendorfer, Walter (eds.), Transparency, Proceedings of the 17th International Legal Informatics Symposium IRIS 2014, Salzburg, Austria (2014).

<sup>11</sup> Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information.

<sup>12</sup> LAMPOLTSHAMMER, THOMAS/WASS, CLEMENS, Neue Standards für Gesetze und Entscheidungen: ECLI und ELI, jusIT 04/14, pp. 155—157 (2014).



## 6 Publishers

[Rz 23] In the legal area, publishing is the process of production and dissemination of value-added legal information like literature and commentaries, but includes also the publication of «primary sources» like legislation and case law in a user-friendly way.

[Rz 24] Legal professionals work mainly with text; graphics are rather the exception (e.g. traffic signs). Traditionally, publishers have been selling books, printed journals and legal text collections. But even if legal professionals still like hard copies, there is a clear transition phase towards electronic publication and distribution of legal information via the Internet. Having legal information in an electronic format has many advantages. Finding and sharing has become a lot easier. However, this is also a threat to traditional commercial publishers. They need to find new ways to distribute their premium content.

[Rz 25] The openlaws.eu platform is no alternative to the products and solution of the large legal publishers. Legal professionals will still need value-added premium legal content that is made available through publishers. Openlaws.eu will ensure that the premium content of publishers can be found, for example in openlaws.eu search results (provided the publisher has chosen to participate in the network). For example, if a lawyer is looking for «privacy», openlaws.eu may not only return results from public open data sources, but also links to content offered by legal publishers.

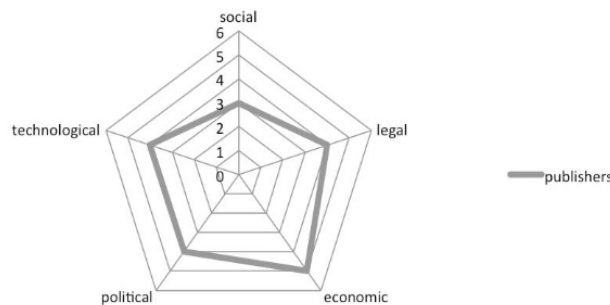


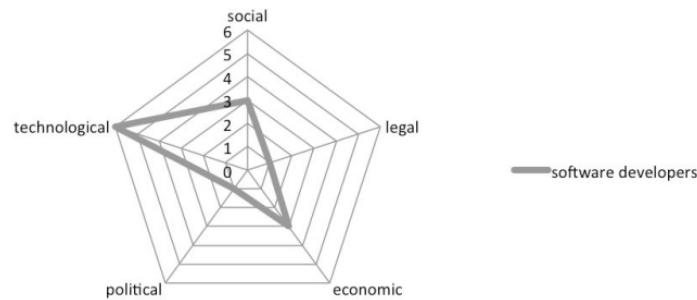
Figure 8: Radar chart for publishers

## 7 Software Developers

[Rz 26] Software developers and the open source community are a special stakeholder group for openlaws.eu. They are quite different to the other groups mentioned before.

[Rz 27] Software developers are persons who «make» software so that it can be used by others. They may be designing, programming or testing the software. Since openlaws is an open source project, software developers play an important role for the project.

[Rz 28] openlaws.eu is a project that is based upon open data, open innovation and open source software. Software developers are invited to join the initiative and support the project with their design, programming or testing skills. The open interfaces of openlaws will enable developers to create their own solutions based on the openlaws framework. End of March 2015 the Salzburg University of Applied Sciences will organize an open code camp where software developers can write (software) code around (legal) code.



**Figure 9: Radar chart for software developers**

## 8 Conclusions and Outlook

[Rz 29] Receiving better access to law and making law available is a common interest of citizens, businesses, legal professionals, governments and publisher, even if the motivation and the point of view may vary quite essentially. Users typically want to receive more-for-less, legal professionals and publishers want to sell their products and services and governments have to inform the public while trying to reduce costs at the same time. In this setting openlaws.eu aims at creating an innovative online platform that covers and combines the interests of these stakeholder groups. The challenge will be to resolve conflicting interests and to come up with new solutions and business models that foster a sustainable «sharing economy» in the legal area.

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