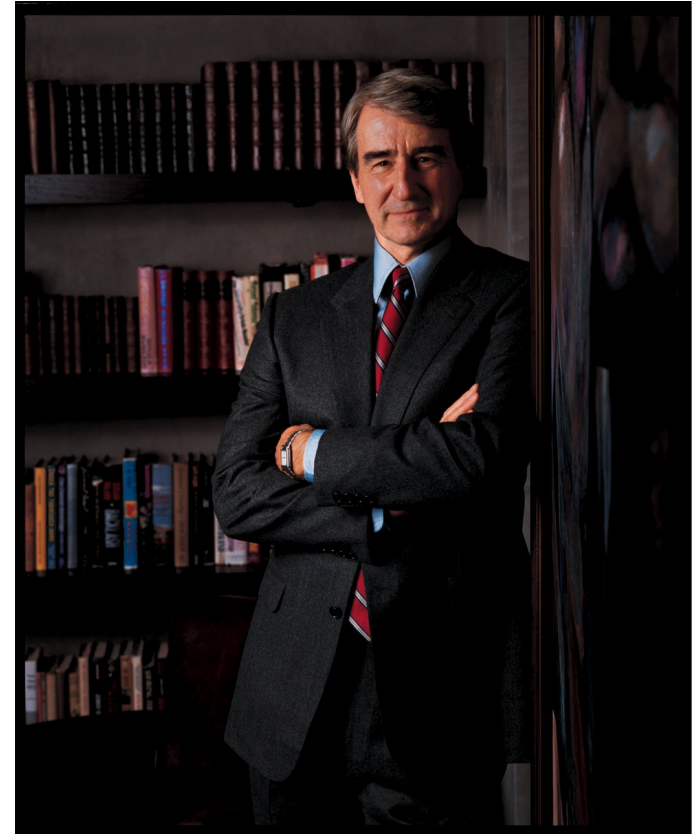




# ARE LEGAL TEXTS GREY LITERATURE?

Understanding and Preserving Grey  
Literature

# Law Books



# The popular conception

- Authority
- Tradition
- Power!

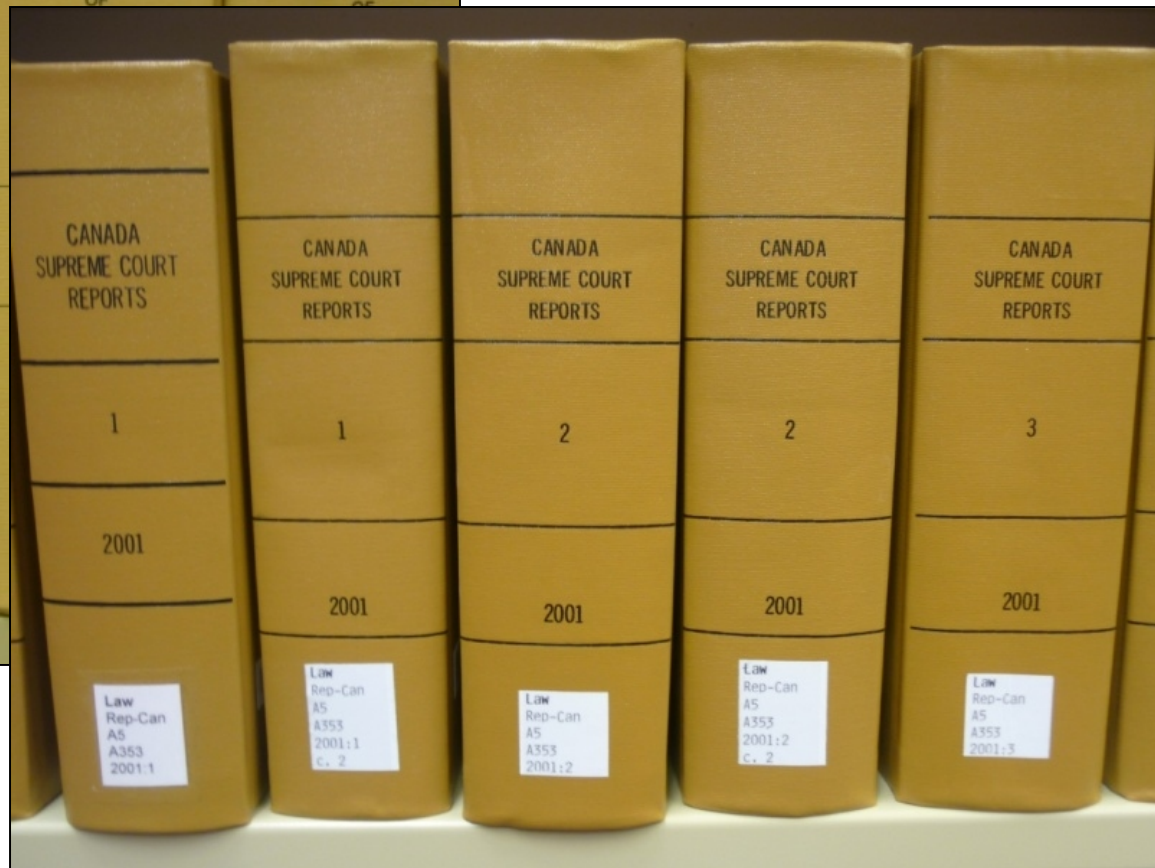


# ...and...

---

- Official
- Public

# Law Books: NOT Grey Literature





## Acts of the Parliament of Canada

Passed in the year  
1993

During the forty-first  
and forty-second years  
of the Reign of Her Majesty  
QUEEN ELIZABETH II

These Acts were passed during  
that portion of the Third  
Session of the Thirty-fourth  
Parliament that included  
the 1993 calendar year

His Excellency the Right Honourable  
RAMON HNATYSHYN  
Governor General

## Lois du Parlement du Canada

adoptées en  
1993

pendant les quarante et unième  
et quarante deuxième années  
du règne  
de LA REINE

au cours de  
trois  
trente et

Son Exce  
RAM  
Go

QUEEN'S PRINTER FOR CANADA © IMPRIMEUR DE LA REINE POUR LE CANADA  
OTTAWA, 1993



2001 Volume 2

**Canada Supreme Court Reports**  
**Recueil des arrêts de la Cour suprême du Canada**

Published pursuant to the Supreme Court Act by / Publié conformément à la Loi sur la Cour suprême par

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The Registrar, Supreme Court of Canada / Registrare de la Cour suprême du Canada

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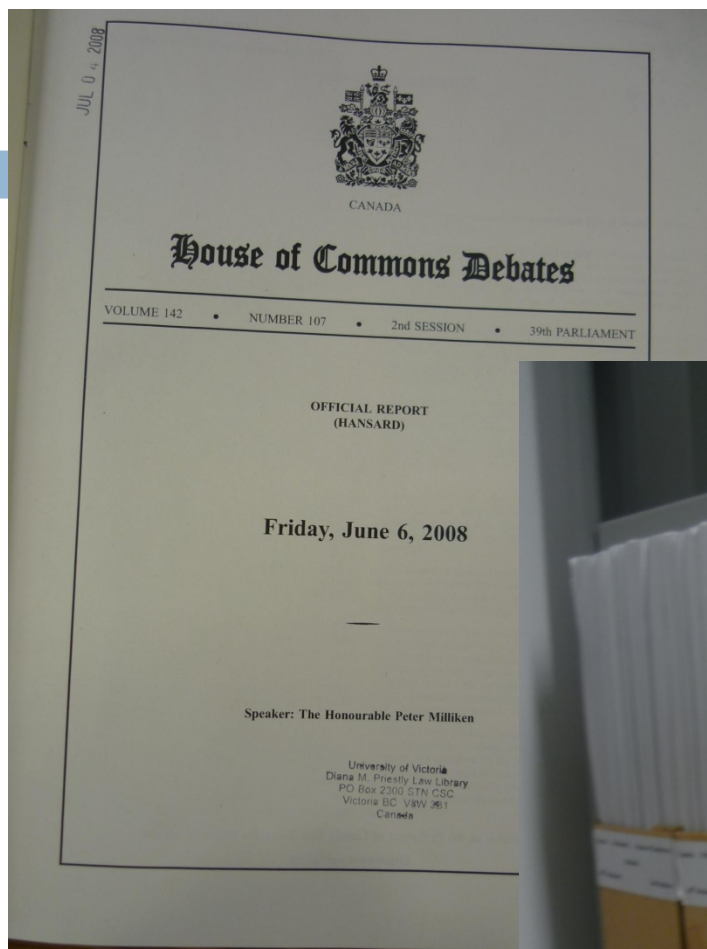
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OTTAWA, 2001

# The Peculiar Case of the Hansards





# Factums, Claims, Injunctions...

## □ Official... fugitive... routine...

<p>IN THE SUPREME COURT OF CANADA (On Appeal from the Court of Appeal for British Columbia)</p> <p>BETWEEN</p> <p>ROBIN SUSAN ELDRIDGE, JOHN HENRY WARREN and LINDA JANE WARREN</p> <p>- and -</p> <p>ATTORNEY GENERAL OF BRITISH COLUMBIA and MEDICAL SERVICE COMMISSION</p> <p>- and -</p> <p>ATTORNEY GENERAL OF CANADA</p> <p>- and -</p> <p>ATTORNEY GENERAL OF MANITOBA</p> <p>- and -</p> <p>ATTORNEY GENERAL OF NEWFOUNDLAND</p> <p>- and -</p> <p>ATTORNEY GENERAL OF ONTARIO</p> <p>- and -</p> <p>DISABLED WOMEN'S NETWORK CANADA and WOMEN'S LEGAL EDUCATION AND ACTION FUND</p> <p>- and -</p> <p>CANADIAN ASSOCIATION OF THE DEAF, CANADIAN HEARING SOCIETY and THE COUNCIL OF CANADIANS WITH DISABILITIES</p> <p>- and -</p> <p>CHARTER COMMITTEE ON POVERTY ISSUES</p> <p>FACTUM OF THE INTERVENORS, DISABLED WOMEN'S NETWORK CANADA and WOMEN'S LEGAL EDUCATION AND ACTION FUND</p>	<p>SAMPLE STATEMENT OF CLAIM FOR CLAIM OVER \$5,000</p> <p>OFFICE OF RESIDENTIAL TENANCIES PROVINCE OF SASKATCHEWAN APPLICATION NUMBER 8571</p> <p>BETWEEN:</p> <p>Smith Rentals Ltd. APPLICANT(S), Landlord(s)</p> <p>AND</p> <p>Joe Blow and Mary Blow RESPONDENT(S), Tenant(s)</p> <p><u>CLAIM</u></p> <ol style="list-style-type: none"><li>1. The Landlord, Smith Rentals Ltd., at all relevant times owned a home, at 2461 Calgary Street in Regina, Saskatchewan.</li><li>2. The Landlord entered into a tenancy agreement with the Tenants commencing June 1, 2003, at a monthly rent of \$775.</li><li>3. The Tenants gave a verbal notice on or about December 14, 2006 that they were ending the lease and left on or about December 29, 2006.</li><li>4. The Tenants had previously been in arrears for rent for September, October, November and December 2006 in the amount of \$3,100 that remains unpaid.</li><li>5. The house could not be re-rented until February 2007 because of the work to bring to a rentable state and lost rent of \$775 is claimed.</li><li>6. The Tenants left the premises in a deplorable state without complete cleaning or repair of any damages. The necessary cleaning consists of the following: washed/cleaned all walls, floors, windows, bathroom and kitchen fixtures, stove refrigerator and shampooed all carpets, removal of 3 truck loads of garbage and cleaning of yard. The work took two people 12 hours each for \$288.</li></ol>	<p>IN THE HIGH COURT OF JUSTICE Claim No [ ]</p> <p>QUEEN'S BENCH DIVISION</p> <p>BEFORE THE HONOURABLE MR JUSTICE EADY IN PRIVATE</p> <p>10<sup>th</sup> December 2009</p> <p>BETWEEN:</p> <p>ELDRICK TONT (TIGER) WOODS Applicant/Intended Claimant</p> <p>- and -</p> <p>X &amp; Y (PERSON OR PERSONS UNKNOWN WHO HAVE TAKEN OR OBTAINED OR OFFERED FOR PUBLICATION WITHIN THE JURISDICTION OF THIS COURT PHOTOGRAPHS OF THE INTENDED CLAIMANT IN CIRCUMSTANCES DESCRIBED IN THE CONFIDENTIAL SCHEDULE TO THIS ORDER)</p> <p>Respondent/Intended Defendants</p> <p><u>ORDER</u></p> <p><u>PENAL NOTICE</u></p> <p>IF YOU THE RESPONDENT DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED</p> <p>ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED</p> <p>NOTICE TO ANYONE NOTIFIED OF THIS ORDER</p> <p>You should read the terms of the Order and the Guidance Notes very carefully. You are advised to consult a Solicitor as soon as possible. This Order prohibits you from doing the acts set out in Paragraphs 4, 5 and 12 of the Order and obliges you to do the acts set out in Paragraph 6 and 7 of the Order. You have the right to ask the Court to vary or discharge the Order. If you disobey this Order you may be found guilty of Contempt of Court and you may be sent to prison or fined or your assets may be seized.</p> <p>358895_1 1</p>
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# Typical (lack of) features

- Not produced by commercial publishing
- No table of contents, index, or other finding aids
  - exceptions with legislative materials.
- No Cataloguing In Publication or other bibliographic controls
- No, or very limited, publisher information
- **So... Legal texts ARE Grey Literature**

# Evidence (in a Court of Law)

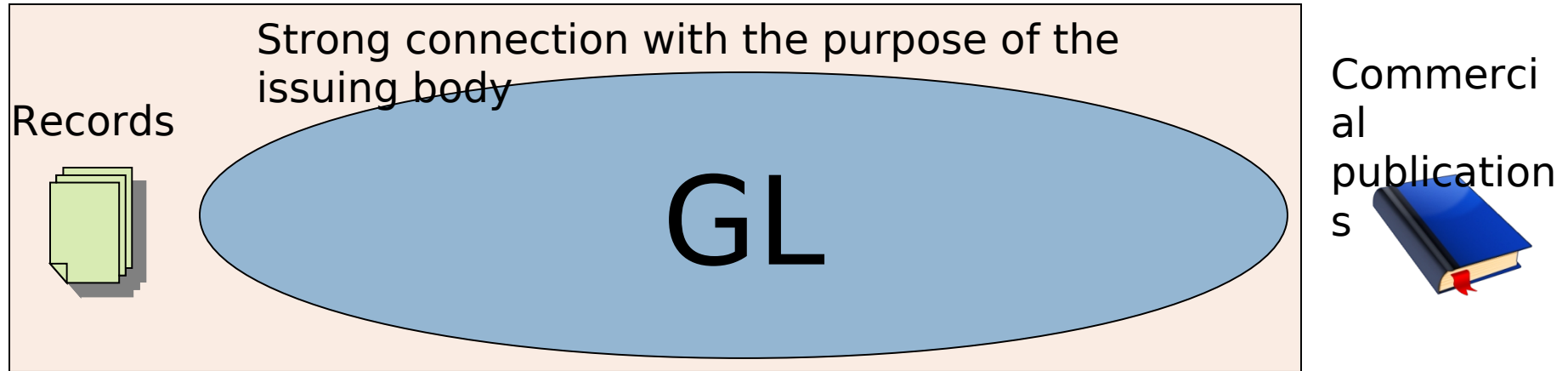
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- Almost any kind of document can be presented to a court.
- Court assigns an evidentiary value.
- Official publications are received without evaluation for the most part.

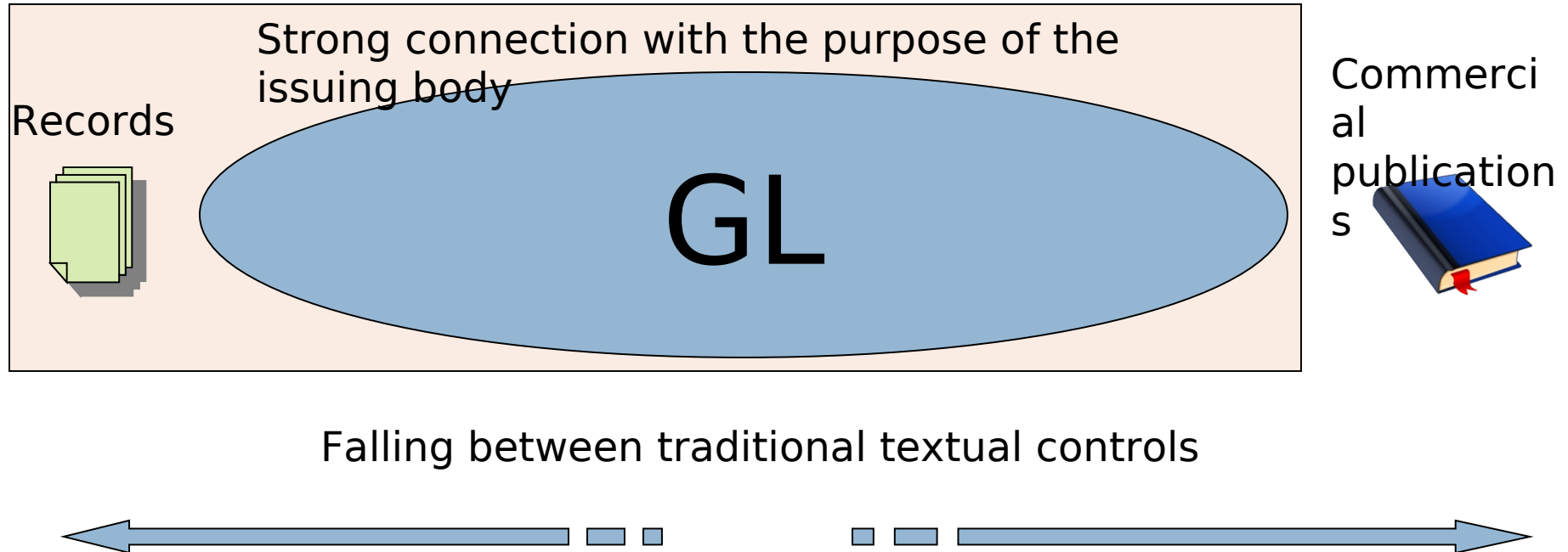
# Summary

- No: Legal texts look and are official, and are accepted in court (they have status)
- Yes: In most other respects, they are G.L.
  - Not commercially published
  - Opaque textual controls
  - Lack of bibliographic and content tools
  - Are artifacts of the print age
  - Bureaucratic in character: “records produced in the normal course of business”

# GL: Between Records and Books



# GL: Between Records and Books



# Archival Concepts of Interest

- Originality
  - the document is the first completed (or ‘perfect’) version.
- Genuineness
  - the document is what it purports to be (as opposed to a forgery).
- Authenticity
  - the document has not been altered, either deliberately or accidentally.

# InterPARES and others

InterPARES Project

InterPARES 1


InterPARES 2

InterPARES 3

## InterPARES Project


International Research on Permanent Authentic Records in Electronic Systems

*project overview*



Welcome message from Project Director, Dr Luciana Duranti

**The International Research on Permanent Authentic Records in Electronic Systems (InterPARES)** aims at developing the knowledge essential to the long-term preservation of authentic records created and/or maintained in digital form and providing the basis for standards, policies, strategies and plans of action capable of ensuring the longevity of such material and the ability of its users to trust its authenticity. InterPARES has developed in three phases:



*IP2 book now available*

**InterPARES 1** was initiated in 1999 and concluded in 2001. It focused on the development of theory and methods ensuring the preservation of the authenticity of records created and/or maintained in databases and document management systems in the course of administrative activities, and took the perspective of the preserver.

**InterPARES 2** was initiated in 2002 and concluded in 2007. In addition to dealing with issues of authenticity, it delved into the issues of reliability and accuracy during the entire lifecycle of records, from creation to permanent preservation. It focused on records produced in complex digital environments in the course of artistic, scientific and governmental activities.

**InterPARES 3** was initiated in 2007 and will continue through 2012. This third phase of the Project builds upon the findings of InterPARES 1 and 2, as well as of other digital preservation projects worldwide. It will put theory into practice, working with small and medium-sized archives and archival / records units within organizations, and develop teaching modules for in-house training programs, continuing education and academic curricula.

# Relevance

## WikiLeaks

We open governments

Thursday 10 December, 2009

We rely on you to alert your community and press to the revelations here. Go to it!

### Catalyzed Reportage (more: news, blogs, twitter)

- Big Pharma caught spying on the WHO
- Tell Collect Verträge, 2002
- Egads! Confidential 9/11 Pager Messages Disclosed
- Wikileaks publishes 500,000 pager messages sent on 9/11
- The Iraq inquiry sideshow
- CRU emails reveal a worrying pattern of bad behaviour
- Unanständiges Geschäftsmodell
- Zentralstelle für Bestandsdaten aller TK-Anbieter in Planung
- Nilekani unique card project bill is Rs 3,000 crore
- Bankdaten: EU verweigert vorerst Freigabe an USA
- Bericht: Deutschland will Abkommen zur Weitergabe von Bankdaten nicht zustimmen
- Ratiopharm: Geld und Geschenke für Ärzte
- EU to hand over financial transactions data to US government
- Wikipediametric mailinglist/Digwuren
- EU will Internet und Mobiltelefone anzapfen
- Interner Denic-Bericht: Technische Probleme störten Domain-Vergabe
- Mind Your Tweets: The CIA Social Networking Surveillance System

### Latest Leaks and Censored Media

- GoogleLunaX Prize Final Master Team Agreement, 2009
- Young-earth creationist Kent Hovind's doctoral dissertation
- Fair Political Practices Commission complaint against CA GOP Chairman Ron Nehring and others, 6 May 2009
- Big Pharma inside the WHO: confidential analysis of unreleased WHO Expert Working Group draft reports, 8 Dec 2009
- Draft Copenhagen climate change agreement, 8 Dec 2009
- DentiCal confidential case committee into irregularities, 14 Feb 2009
- Legal threat to WikiLeaks from UK NATS over BA-038 flight crash recordings, 8 Dec 2009
- Guantanamo censored articles and Supreme Court filing for Al-Ghizzawi case, 2009
- Senior earnings from the Slovak Department of Transport, Ports and Communications, 2009
- BDO Bericht ueber Vergabepfuefung beim Institut fuer Qualitaet und Wirtschaftlichkeit im Gesundheitswesen, 8 Feb 2008
- Maharishi University of Management and David Lynch Foundation legal threat against The Examiner, Oct 2009

To  
- United  
Kingdom  
Canada  
Australia  
China - In  
Russia -  
Tanzania  
- India  
South Af  
- Greece  
Belarus  
Japan -  
Kaza  
Belgium  
- Malay  
Lanka - S  
- Peru - S  
Timor Le  
- Austria  
Uzbeki  
Costa Ric

*DRAFT 271109*

**Decision 1/CP.15**

*(Decision 1/CMP.5 in separate document)*

*Adoption of*

*The Copenhagen Agreement*

*Under the United Nations Framework Convention on Climate Change*

**The Conference of the Parties,**

*Pursuant to the Bali Road Map adopted by the Conference of the Parties at its thirteenth session,*

*Acknowledging and building on the work by the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol,*

*Sharing a commitment to take immediate and enhanced national action under the Convention in pursuit of its ultimate objective, and in accordance with its principles and commitments including the principle of common but differentiated responsibilities and respective capabilities,*

*Seeking at the same time to move ahead promptly to take action related to address climate change,*

*Believing it imperative that the Parties continue to work together constructively to strengthen the world's ability to combat climate change,*

*Affirming the need to continue negotiations pursuant to decisions taken at COP13 and COP15, with a view to agreeing on a comprehensive legal framework under the Convention no later than COPXX*

*Decides to adopt this political agreement (hereinafter "the Copenhagen Agreement"), which will become effective immediately.*

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## Agency Directory

### Ongoing

bsc.ca.gov  
fjc.gov  
house.gov  
law.gov  
oregon.gov  
uscourts.gov  
uspto.gov

### Archived

change.gov  
copyright.gov  
gao.gov  
gpo.gov  
itu.int  
justice.gov  
ntis.gov

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**Federal Register** is now in XML. [ [w00t!](#) ]

## Code is Law

A Nation of Laws

### Bulk Access to Codes

Public safety codes and  
administratives codes.  
[ [bulk.resource](#) | [archive](#) ]

### Oh, Oregon!



[ [The Oregon Situation](#) ]

### By the People











[ [The Gov 2.0 Summit](#) ]

### FedFlix



[public.resource.org](http://public.resource.org)[bulk.resource.org](http://bulk.resource.org)[pacer.resource.org](http://pacer.resource.org)

<u>Name</u>	<u>Last modified</u>	<u>Size</u>	<u>Description</u>
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	<a href="http://bsc.ca.gov/">bsc.ca.gov/</a>	14-Jul-2009 11:14	-
	<a href="http://cbd/">cbd/</a>	30-Oct-2007 18:00	- Commerce Business Daily
	<a href="http://codes.gov/">codes.gov/</a>	30-Oct-2009 13:47	- Public Safety Codes
	<a href="http://common/">common/</a>	30-Oct-2007 17:19	- Common Utilities
	<a href="http://copyright/">copyright/</a>	21-Jun-2008 16:37	- U.S. Copyright Database
	<a href="http://courts.gov/">courts.gov/</a>	26-Jul-2009 12:57	- The Judiciary
	<a href="http://edgar/">edgar/</a>	30-Oct-2007 17:19	- SEC EDGAR Database
	<a href="http://gao.gov/">gao.gov/</a>	27-Jun-2008 12:53	- General Accountability Office
	<a href="http://gpo.gov/">gpo.gov/</a>	16-Oct-2009 14:56	- Government Printing Office
	<a href="http://irs.gov/">irs.gov/</a>	20-Nov-2009 13:12	- Internal Revenue Service
	<a href="http://ntis.gov/">ntis.gov/</a>	05-Dec-2009 14:11	- National Technical Information Service
	<a href="http://patent/">patent/</a>	23-Nov-2009 15:51	- Patent Full Text Database
	<a href="http://robots.txt">robots.txt</a>	24-Nov-2009 09:15	14K Robotic Guidance
	<a href="http://si.edu/">si.edu/</a>	30-Oct-2007 20:53	- Smithsonian Institution
	<a href="http://trademark/">trademark/</a>	22-Jul-2008 09:31	- Trademark Database

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- HTTP at <http://bulk.resource.org>

« up

1 U.S. 1

1 Dall. 1

1 L.Ed. 11

Anonymous.

**Supreme Court of Pennsylvania**

*September Term, 1754.*

1 U.S. 1

1 Dall. 1

1 L.Ed. 11

Anonymous.

Supreme Court of Pennsylvania

September Term, 1754.

Adjudged by the Court, that the Statute of Frauds and Perjuries<sup>\*</sup> does not extend to this Province, though made before Mr. Penn's Charter: The Governor of New-York having exercised A Jurisdiction here, before the making that Statute, by Virtue of the Word Territories, in the Grant to the Duke of York, of New-York and New-Jersey.

---

<sup>\*</sup> 29.Car.2.c.3. This statute was supplied, however by an act of General Assembly passed the 12 Geo. 3. 1 State Laws 462. and sec 2 P. Will. 75.



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