

# Internet Newsletter for Lawyers

By Delia Venables

January/February 2005

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## Global Legal Research: WorldLII and the Future by Graham Greenleaf

Legal research increasingly has global dimensions such as international trade and the WTO, the internationalisation of environmental and human rights issues and the complexities of ever increasing regional agreements and organisations. There is also the borrowing of successful models between different legal systems, calls for a more international common law, and for bridges between the world's differing legal systems.

Commercial legal publishers have responded to these developments. The largest online legal publishers, LexisNexis and WestLaw, are increasingly global in the range of national legal materials that they offer. Underlying this very useful development (for those who can afford access) is increasingly globalised ownership of national legal publishers.

Those who value free access to legal information are also responding. Over the last 5 years an international 'free access to law movement' has emerged, based around independent, often University-based, Legal Information Institutes (LIIs). At their annual meeting in 2003 they agreed on a [Declaration of Free Access to Law](#), including the core statement that 'Public legal information from all countries and international institutions is part of the common heritage of humanity'. The phrase 'Public legal information' describes legal information produced under some duty to produce it: primary legal materials (legislation, case-law, treaties etc) and some secondary materials (law reform reports, travaux préparatoires, investigative commission reports, and perhaps some publicly funded academic legal research).



The logo bar used by the cooperating LIIs (example from WorldLII)

The LIIs include the Legal Information Institute ([LII \(Cornell\)](#) - 1992) for US federal law, the Australasian Legal Information Institute ([AustLII](#) - 1995), the British & Irish Legal Information Institute ([BAILII](#) - 2000), the Canadian Legal Information Institute ([CanLII](#) - 2000), the Pacific Islands Legal Information Institute ([PacLII](#) - 2001) covering fourteen island countries of the Pacific, the Hong Kong Legal Information Institute ([HKLII](#) - 2002), Irish Legal Information Initiative ([IRLII](#) - 2001), the Southern African Legal Information Institute ([SAFLII](#) - 2003) for South Africa (and potentially other regional countries), the New Zealand Legal Information Institute ([NZLII](#) - 2004) and [JurBurkina](#) (for Burkina Faso - 2004). [Droit Francophone](#) (2003) may include any francophone countries, but initially concentrates on West and Central Africa.

### The World Legal Information Institute (WorldLII) and Global Free Access Networks

Although there is free access to significant amounts of public legal information in the most economically developed countries, this is not the case in most developing countries (see [survey of the 56 Commonwealth countries](#)). A goal of the free access to law movement is to help create free Internet access to law in developing countries, preventing its publication becoming the monopoly of any organisation (including governments).

A second goal of the free access to law movement is for the local LIIs to establish networks which facilitate global legal research, and provide an alternative to the global reach of the multinational commercial legal publishers. All of the abovementioned Legal Information Institutes are now cooperating to provide [WorldLII](#), one hub of the emerging decentralised global free access network (Droit Francophone is another hub).

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## Management of WorldLII

WorldLII is operated on a day-to-day basis by AustLII, which is a joint facility of the Faculties of Law at the University of Technology, Sydney (UTS) and the University of New South Wales (UNSW). AustLII and WorldLII share the same premises, hardware and staff (currently 10). However, WorldLII only functions because of the policy collaboration and technical cooperation of the other LIIs. Funding is primarily from Australian sources at present, particularly the Australian Research Council, and in earlier years from the Asian Development Bank.

The technical infrastructure is based on a V880 Sun Fire sever with 64 gigabytes of memory, 8 UltraSPARC III CPUs, and one terabyte raw storage capacity. This is supplemented by a Sun Enterprise 4500 dual processor server plus 210 gigabytes of RAID array storage. Eight blade servers provide load balancing and related purposes.

What, then is WorldLII? It serves five distinct purposes to advance the goals of the global free access to law movement: as an International LII; as an incubator of new LIIs; as an integrator of LII content; as an Interface in English to LII content; and as a platform for global research beyond the LIIs. Each needs a brief explanation.

### An Integrator of LII content

The front page states WorldLII's most notable feature: it allows '440 databases from 55 countries' to be searched simultaneously, and the number is increasing by 25% per annum as the LII network expands. The search results drawn from all LIIs are combined and presented in relevance ranked order by AustLII's ranking algorithm.

However, the most valuable search feature of WorldLII will often be that it allows narrower searches over particular types of materials, but across a wide range of jurisdictions. For example, from the [Advanced Search page](#), searches can be limited to legislation, case law, law journals, law reform reports or other specified types of databases, to databases from a geographical division (eg All Asian databases), or to any specific selection of databases the user wishes to make. For example, a search over 'All Legislation Databases' for '[copyright near circumvent](#)' finds

copyright legislation implementing anti-circumvention provisions from ten countries. For most of the legislation (UK, Ireland, Australia, USA, Hong Kong) the search produces the precise section or sections of the Act or Code prohibiting circumvention of technical protection measures.

In some cases, WorldLII case law databases do not have much historical depth. However, in terms of national breadth of coverage, WorldLII has case-law databases from 37 countries and legislation from 41 countries, which compares quite favourably with Westlaw and LexisNexis. It is already a significant global free access alternative source of recent primary materials.

Searching provides one form of integration of LII content, browsing provides another. Cases and articles often cite cases or legislation from other countries, which may be found on another LII and ideally should link to it. How can this be automated? The hypertext mark-up scripts used by LIIs already often provide links to legislation on other LIIs, and to cases cited by their 'Court designated' citations. The LIIs are now developing and sharing comparative citation tables so as to enable case links to cases on their own and other LIIs no matter how the cases are cited.

### An International LII

WorldLII is a Legal Information Institute in its own right, with a growing collection of databases. The best example is the [International Courts and Tribunals Project](#) on WorldLII, which provides over 20,000 decisions of twenty international Courts and Tribunals (ICTs) searchable from the one location. In most cases the decisions are available back to the inception of the Court. This is the first time that decisions of multiple ICTs have been able to be searched jointly. Wherever possible, databases of regional ICTs are located on the most appropriate 'local' LII (eg databases in French on Droit Francophone, EU databases on BAILII).

### An Incubator of LIIs

The second major source of databases 'hosted on WorldLII' are those which are not intended to reside permanently on WorldLII, but rather are being developed there as the first step toward 'incubating' a new Legal Information Institute.

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Adverts....

## e-Signature Law Journal

A new Journal that discusses the legal and practical issues relating to electronic signatures which will be of interest to lawyers, academics, cryptographers, technicians and vendors. There will be two issues a year and the cost is £120 a year. \*\*\* For purchases made before March 31st, the first two issues will only cost £60! \*\*\*

Everybody uses electronic signatures every day of the week, simply by typing their name into an e-mail. Now is the time to begin to understand the legal issues relating to proving intent in the electronic world. This new Journal will help you keep up-to-date with legislation and trends. The editor is Stephen Mason, Barrister, of St Paul's Chambers, Leeds. He is an expert on authentication, electronic signatures, e-business, e-mail, e-risks and commercial law. See also his article [here](#). Contact [information@pariocommunications.co.uk](mailto:information@pariocommunications.co.uk) for more details and a form to purchase the journal.

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## Legal IT 2005 - Free Legal IT Exhibition and Keynote Sessions

Legal IT 2005 takes place on 9th and 10th February 2005, 9 30 to 5 p.m., at the Business Design Centre, London.

The event is designed for lawyers in practice, in house or in the public sector and most of the key suppliers of legal software are exhibiting. There is also an extensive series of free keynote sessions concentrating on Case and Practice Management, and particularly on how to manage and update the process. There are talks from Charles Christian, Julian Baker, several of the key legal software suppliers, and a number of firms describing their experiences in implementing and managing such systems. You will resolve many legal IT issues by visiting Europe's legal exhibition, whatever your particular need. You can register on the Legal IT 2005 site at [www.legalitshow.com](http://www.legalitshow.com).

AustLII assisted the development of BAILII, PacLII and HKLII, and ran the initial implementations of those systems on its servers in Sydney for a year or two while our local partners (in the UK, Vanuatu or Hong Kong) obtained the necessary administrative, financial and technical infrastructure to set up local servers and take over day-to-day system operations (with the AustLII server still sometimes serving a backup function). This technology transfer has resulted in systems now independent of AustLII, though still using our software. This 'migration' process is now occurring with SAFLII and NZLII.

WorldLII now provides a more flexible and incremental way to assist developing countries, a structure in which we can host databases from any country as part of the network. WorldLII at present includes substantial databases from countries such as [Indonesia](#), [Cambodia](#) and [Timor-Leste](#), which may in due course become part of separate LIIs.

LexUM at the University of Montreal is also developing an equivalent platform for the francophonie with Droit Francophone. This work has already 'incubated' an independent LII, JuriBurkina.

### An Interface in English to LII Content

WorldLII is primarily an English language interface to all LII content, and we expect it will stay that way. Interfaces in other languages to the whole collection of content shared by the network of LIIs will better emerge elsewhere, and are already doing so (eg for French via Droit Francophone; HKLII has a Chinese language search engine). A Spanish language hub for LII content is the major omission. WorldLII is not the apex of all the LIIs, it is rather one possible apex – the one with a primarily English language interface.

However, it is often not yet possible to place some non-English databases needed for WorldLII projects on a more appropriate regional or linguistic hub, so WorldLII will inevitably host some databases in a variety of languages, at least temporarily.

### A Platform for Global Research Beyond the LIIs

WorldLII is intended to be a platform for users to take their research beyond the databases provided by the LIIs, tools that assist *comprehensive* global legal research. The three tools that WorldLII has developed to go beyond LII content are: the WorldLII Catalog; WorldLII Websearch and 'Law on Google'. The [WorldLII Catalog](#) (access from bottom left front page) may be the largest law-specific catalog on the Internet, with links to over 18,000 websites categorised under more than 6,000 categories. It lists law-related websites for every country in the world ([Countries](#)). The [Subject Index](#) has over 100 subject categories, and there are other notable sections such as Law Journals and Law Reform. The Catalog is primarily in English and is maintained by two full-time indexers on WorldLII's staff, with assistance from Contributing Editors around the world.

The Catalog is also used to target WorldLII's own web-

spider (to those sites that can be spidered), creating a search facility for sites listed in the Catalog ('WorldLII websearch'), making it one of the very few web spider-based law-specific search engines. The first three entries in the WorldLII search results show the most relevant catalog entries, with an option to view more. Search results give an option to repeat the search over the sites in the Catalog.

WorldLII provides a 'Law on Google' option as a 'repeat this search' option with search results, and as a search option on each page of the Catalog. Before it sends the user's search to Google, it is translated from SINO search syntax into the syntax required by Google searches and it attempts to limit the Google search results to law-related materials, by adding law-related search terms.

### Global Free Access Research in Ten Years

It is about ten years since the LII (Cornell) and then AustLII started to provide free large-scale Internet access to law. It is only five years since AustLII's SINO search engine became the main technical device to increase the global spread of free access to law through new LIIs, and only about three years since these LIIs formed the free access to law movement and endorsed WorldLII as one means of coordinating their efforts. During that time the number of high quality legal databases that have now become accessible on a globally organized basis through WorldLII and Droit Francophone has grown consistently and the LIIs have developed increased technical sophistication, decentralization, cooperation, and financial sustainability.

These are good indicators for the next ten years. The free access to law movement is part of the more general movement to develop and protect 'commons' or 'free culture', most famously exemplified in the free and open source software movements.

It is a realistic goal of the free access to law movement to provide an alternative coordinated global means of publication of public legal information, and one which presents its content in ways which are as technically sophisticated as the global commercial legal publishers. To do so it will need to form alliances with many existing organizations that share its goals and include them in its networks, and to assist the establishment of LIIs in more countries. Success will never be a foregone conclusion, but will remain a continuing struggle in all countries to free the law and keep it free.

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*This article draws on a much longer article to be published in the new Journal of Electronic Resources in Law Libraries.*

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## E-Conveyancing: the Story So Far By Alastair Rhodes

For the doubters in the conveyancing fraternity who were relying on e-conveyancing never getting off the ground, it looks like retraining or retirement will be the only options.

This summer David Lammy, Under-Secretary of State at the Department of Constitutional Affairs, firmly endorsed the concept and approved the Land Registry's proposals for the further development of e-conveyancing (see [report here](#)), whilst Ed Nally, Law Society President, signed a memorandum of understanding with the Land Registry at the Society's annual conference in October, stating that e-conveyancing could "...create real opportunities for solicitors to play a key role in the development of a world leading service for homebuyers" (see [report here](#)).

### Where are we now?

The Land Registry has undertaken a huge amount of work, much of it behind the scenes, including:

- The conversion of the paper based register to a fully digitised one which has enabled the dematerialisation of the Register to take practical effect. Electronic register views have been available for a number of years now, but since earlier this year it has been possible to download and print-off 'watermarked' Official Copy Entries and Filed Documents.
- The successful pilot, with Abbey and Nationwide, of an Electronic Discharge (ED) scheme, a fully automated mortgage discharge system which is intended to replace the END's scheme; (Land Registry intends to require lenders joining the scheme to commit to triggering the automatic removal of the charge entry within five working days of being satisfied that they have received sufficient funds to repay their loan, something which, if it works, will have conveyancers cheering in the aisles).
- Planning for further development of e-lodgement with Land Registry having the largest transactional database in the world.
- Access to the digital register via:
  - i) [Land Registry Direct](#), the property professionals access system which has been significantly enhanced with access via the Internet rather than via a very flakey dial up service;
  - ii) [The National Land Information Service](#) - see below; and
  - iii) [Land Registry Online](#) - the system for public use with credit card payments. This was, to use the Land Registry's own words, launched 'in a blaze of secrecy' in order to avoid a Public Records Office style fiasco with its website crashing because of user demand within hours of its launch; without publicity there were over 55,000 downloads by members of the public in September 2004 alone.

The total fee income from these three online access systems now exceeds that from the Land Registry's hugely popular telephone services.

### The National Land Information Service - NLIS

Planned as the first major step in the e-conveyancing system, NLIS warrants its own progress report. The brainchild of the RICS, the NLIS system, which allows quick and simple electronic access to a host of property information databases, including Land Registry and Local Authorities, in the words of the Land Registry, "... is not making the progress that we would like it to make".

For a slightly increased cost (which can be a factor) the NLIS channel providers promote the system on speed of return of results and increased administration efficiencies. The technological side of the system has been working well for three years now, but Local Authorities have (because of cost) been slow to bring their own systems up to the required level of sophistication to enable them to be interrogated automatically via the NLIS system. The original target of 2005 for complete modernisation now seems unlikely to be met although I understand that there should, during 2005, be a significant increase in the number of authorities that meet the required level.

Further information about the system requirements, suggested benefits and progress of the Local Authorities can be obtained from any of the three licensed channel providers, [Searchflow](#), [TransAction Online](#) and [TM Search](#).

One unforeseen development in the property search arena is the proliferation of personal search agencies. I believe that this is as a result of conveyancers wishing to simplify the administrative side of the property search process but (either, because the NLIS system is not yet working at its full potential, or because of an inherent reluctance to use the technology) not using NLIS and it is fair to say that some of the agency search companies do make the process very simple using a pad of forms and a fax machine.

To see the real potential for NLIS one needs to broaden one's perspective; some of the major benefits in efficiency and productivity will only come when the NLIS system is integrated with the conveyancer's case management system. A number of firms have done this so that their workflow system automatically fires up the NLIS system and transfers relevant data at the appropriate moment; but only a handful have implemented 'two way' integration so that information from the electronic search result is copied into the conveyancer's system, e.g. a list of planning charges could be automatically copied from the result of a Local Search into the Report on Title to the client. There is also talk of, in the future, linking electronically produced Home Information Packs to NLIS so that the packs would be automatically updated if the information in the data provider's database changed.

This linkage is being effected by the use of an XML standard known as [PISCES](#) (Property Information Systems Common Information Exchange Standard) and is developing quickly. Those investing in software in connection with property work would do well to ensure that their suppliers are aware of the standard and, at the least, express an intention that their software will comply.

### The Way Forward

The Land Registry's major e-consultation exercise in 2003 (see [here](#)) revealed a qualified support for the key concepts of e-conveyancing; it was not surprising to learn that those respondents who were already using electronic case management systems were more enthusiastic than those who were not.

There remain however some significant issues which require solutions before e-conveyancing can become a reality and the good news is that Land Registry do not intend to rush things. Steve Kelway, Land Registry's Electronic Services Programme Manager, says that "... it will take as long as it takes...". Amongst the issues to be resolved are E-signatures, Electronic Funds Transfer, the content of the Chain Matrix and who has access to it. I describe each of these below.

## E-signatures

The government's hope that e-signatures would gain a momentum of their own has not been fulfilled, with the 'e-envoy' saying in 1999 that they were 'just around the corner' and now, when there has been little or no take up, that this is due to a 'failure of the market'.

The Land Registration Act 2002 envisages conveyancers signing and executing documents on behalf of their clients. Whether clients or practitioners make the signatures, a secure, reliable and cost effective system is still required and this is something which, to date, we do not have. The Law Society of Scotland, with great foresight, set itself up as an e-signature Certification Authority, but the scheme failed due to lack of demand and the cost.

Late in 2004, Land Registry announced a trial scheme with technological partner Entrust. A document authentication project is due to commence in early 2005, the aim being to provide an e-signature prototype that can be piloted during the deeds phase of the e-lodgement pilot, also due in 2005.

A pilot for the e-lodgement of applications with forms (i.e. non-dispositional) is due to commence in February 2005; this will be via Land Registry Direct and I understand that it is intended to extend this to NLIS during 2005.

Once this pilot has been successfully completed and e-signatures have been tried, tested and a satisfactory system decided upon, it is then planned to introduce electronic mortgages.

Further consultation, piloting and implementation of various aspects of e-conveyancing will now proceed on a piecemeal basis; the idea of a big bang introduction with a comprehensive pilot in 2005/6 of an 'all singing all dancing' system is, because of the complex issues involved, no longer appropriate and this has been recognised by Land Registry.

## Electronic Funds Transfer

One of the pre-requisites of a full e-conveyancing system is a funds transfer service which will enable all payments associated with each property transaction to be agreed in advance and then processed with immediate effect at the time when all funding is confirmed as available and all parties have confirmed their willingness to proceed.

I understand from Land Registry that consultation on EFT will commence at the same time as the e-lodgement pilot and the e-signatures project, in early 2005, probably using an 'Agent Bank'. However, if only one bank is used there are potential monopolistic issues which are currently being considered by Land Registry.

## Other issues

Further consultation on the Chain Matrix and who will access it will follow and I understand that Inland Revenue have promised to try to include provisions in the 2005 Finance Bill to allow the making of online SDLT returns and to include proposals for how an electronic payment system for SDLT might work.

It looks as though all these elements of e-conveyancing may come together in 2007 so that a full pilot could then be undertaken although this is also when Home Information Packs are scheduled to be introduced and it is to be hoped that a clash will be avoided. The profession had enough of that with the introduction of SDLT within a month of the implementation of the new Land Registration Act!

## The Future

What does this all mean for players in the property market?

The members of the Council of Mortgage Lenders and the so-called Direct Conveyancing firms are very keen to see the introduction of e-conveyancing as soon as possible for obvious reasons. They have already invested substantially in technology and e-conveyancing will assist them in maximising that investment.

Does this mean that traditional 'high street' conveyancing practices are doomed? I hope and believe not. Land Registry has been careful to ensure fair representation on focus groups and pilot schemes and to ensure that opinions are sought from all areas of the profession, from the mega 'factory' firms to the sole practitioner.

For the smaller firm, re-mortgage work is definitely under threat with an already significant proportion of that work being done by direct conveyancing firms with which the lender has an arrangement. However I believe that there is still room for firms offering a traditional personal service.

There will be clients who will look for, and are prepared to pay for, such a service, perhaps not in the re-mortgage sphere but certainly in the buying and selling of their homes. This is, after all, one of the major transactions, if not the major transaction, in someone's life.

There will be those who will want to speak to the same person each time when discussing progress, who will not want simply to log into a screen or receive a text message to be updated and who will like to feel that the person to whom they are speaking has some grasp of what is going on and is not simply reading from a screen. These are of course generalisations but they are representative of the reaction of some clients who currently use the services of some of the 'factory' conveyancers.

There are firms which are using the technology to change the nature of their market place without sacrificing the way that they do the work. Steve Kelway of the Land Registry tells of recently visiting a firm which, having had a very local conveyancing client base, began to advertise their services on the Internet with an on-line quotation service and rapidly found that they were acting for clients from the M4 corridor (many miles away) who were primarily working within the IT industry and who were already used to using technology to make purchases, order services and generally run their lives and were happy to have their conveyancing done in a similar fashion.

Those solicitors who have served a 'traditional' market will, I believe, for the time being, be able to continue to do so, although this kind of market will begin to shrink. They will in due course have to use technology to provide this service, but that should only improve the speed and quality of the service and there is no reason why they should not continue to speak to and even meet with the client as they have always done. There is of course an overhead attached to doing work in this way but there is, as with everything, a price/quality balance, and the key must be to achieve this.

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## Employment Law Resources by Shantha David

With new pieces of legislation being introduced on 1 April and 1 October of each year, employment lawyers have had a job on their hands keeping up-to-date with all the new laws. For example, new legislation was introduced on 1 October on Grievance and Disciplinary procedures (Employment Act 2002 (Dispute Resolution) Regulations 2004) and new rules in relation to the Employment Tribunal (Employment Tribunal (Constitution and Rules of Procedures) Regulations 2004). These new laws in particular have had most legal commentators reaching for very cold flannels to place on their foreheads!

### Free Services

There are a number of very useful free websites that are invaluable employment law sources.

The DTI (Department of Trade and Industry) website at [www.dti.gov.uk/er/index.htm](http://www.dti.gov.uk/er/index.htm) provides a wide variety of information, from individual employment rights to commentary on employment law legislation. There is a section called 'hot topics', which includes a survey on Employment Tribunal applications and an explanation of the new Information and Consultation Directive.

#### HOT TOPICS

- Public consultation: **Draft Code of Practice: Access And Unfair Practices During Recognition And Derecognition Ballots** under Part 1 of the Employment Relations Act 2004. Responses by 24 February 2005. (02/12/04)
- **Long Hours Working Partnership Project**: a strategic partnership project on long hours working has been set up and will be administered by the Equal Opportunities Commission with input from social partners such as the TUC and the CBI (03/11/04)
- **Information and Consultation Directive**: the DTI, in conjunction with the CBI and TUC, is organising a series of events to help explain the new legislation and raise awareness of it (02/11/04)
- In response to a Better Regulation Task Force recommendation we have run nine pilot projects on shared human resource for smaller firms. **Click here** for findings (271Kb) (21/10/04)
- **Government response** (215Kb) to the **consultation** to amend the Employment Appeal Tribunal Rules of Procedure (30/09/04)
- The Employment Relations Act 2004 introduces a power for the Secretary of State for Trade and Industry to establish a fund to give financial support to trade unions to modernise their operations. To find out more about the Union Modernisation Fund **click here**. (17/09/04)
- **Click here** for information on the Survey of Employment Tribunal Applications (SETA) Small Grants Fund 2004 (26/08/04)

Another very useful resource is the ACAS website, ([www.acas.org.uk/employment\\_info.html](http://www.acas.org.uk/employment_info.html)). For example, there is a section marked A-Z of work, which provides a 'comprehensive list of employment issues that may affect your daily working'. The sections marked Employment Forms, Rights At Work and Employment Questions provide helpful and practical guidance.

Trade Union websites offer guidance and links to a wide range of employment law sources, such as UNISON's website, ([www.unison.org.uk](http://www.unison.org.uk)). The resources section provides useful advice on employment rights and law and also provides links to other websites. Other useful websites include the Trades Union Congress website ([www.tuc.org.uk](http://www.tuc.org.uk)) and the Transport and General Worker's Union website ([www.tgwu.org.uk](http://www.tgwu.org.uk)).

Daniel Barnett, a barrister working out 1 Temple Gardens, runs an excellent free subscription email service that provides details of new cases and legislation ([www.danielbarnett.co.uk](http://www.danielbarnett.co.uk)).

The law firm Russell Jones and Walker ([www.rjw.co.uk](http://www.rjw.co.uk)) runs a free subscription email services called unionlawexpress which provides updates on cases and legislation and the Thompsons solicitors website provides practical guidance - [www.thompsons.law.co.uk](http://www.thompsons.law.co.uk).

The new website from the Employment Tribunal at [www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk) provides details on how to make claims to the Employment Tribunal and also has a very substantial section on the on-going part-time worker pension claims.

Three sites in particular provide judgments of employment law cases:

- \* The Employment Appeal Tribunal website ([www.employmentappeals.gov.uk](http://www.employmentappeals.gov.uk)),
- \* the Certification Office ([www.certoffice.org](http://www.certoffice.org)), and
- \* the Court Service (selected judgments since 1996) ([www.courtservice.gov.uk/judgments/judg\\_home.htm](http://www.courtservice.gov.uk/judgments/judg_home.htm)).

Her Majesty's Stationary Office lists all legislation that has come into force in Great Britain and Northern Ireland since 1988 ([www.hmso.gov.uk](http://www.hmso.gov.uk)). However, it is often easier to type in the name of a piece of legislation in a google search ([www.google.co.uk](http://www.google.co.uk)) rather than having to navigate the hmso website.

### Subscription Services

The bible for all employment lawyers is Harvey on Industrial Relations and Employment Law. This six-volume series may be found on-line by subscribing to the employment law services with [www.lexisnexis.co.uk](http://www.lexisnexis.co.uk).

Also available here is the up-to-date case law and legislation employment service. Tolley's Employment Handbook is another Lexis Nexis publication which is an invaluable source of information on employment law; this is due to go on-line soon.

Members of the Employment Lawyers Association ([www.elaweb.org.uk](http://www.elaweb.org.uk)) have access to useful emails with information ranging from the latest uprating of compensation limits to the latest judgments.

Emplaw, another subscription based service ([www.emplaw.co.uk](http://www.emplaw.co.uk)) provides advice and case law for both employers and employees. It also incorporates some free services, such as 'free employment law information' service and their 'finding employment lawyers' service.

The online or paper 'IDS brief' (Incomes Data Services Ltd - [www.idsbrief.co.uk](http://www.idsbrief.co.uk)) provides excellent analyses on new employment law cases and features on useful employment law matters. The website contains a case and legislation database and also provides a free email service with employment law updates.

Sweet and Maxwell's Lawtel employment law service ([www.lawtel.com](http://www.lawtel.com)) includes case law since 1980 and key employment legislation. The subscription includes an email updater on all employment matters.

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## Firewalls - Why You Need Them by Roger Jackson

As little as five years ago it was the extremely rare for law firms to be sending & receiving e-mail and browsing the Internet. Today it is extremely rare for firms not to be doing this. Once your computer is connected to the Internet, all those other computers around the world are connected to your computer. There is a real possibility that someone (with enough knowledge) can get "into" your computer and onto your local area network (LAN).

It is possible to have security on the network to restrict access to prescribed areas and resources. This security can be applied to the workstations and/or users within the firm and consequently would apply to any "visitor" connected via the Internet. In reality, most LAN's are "open"; that is, they employ little or no meaningful internal security. Even in firms where some degree of security is employed, "permissions" (the ability of a user/workstation to access the areas/resources to which they are entitled) create an environment for a hacker to "piggyback" those permissions and gain wider access to the network.

It is a truism that the only secure computer is one that is switched off! Once a computer is switched on, it is exposed to risk. As soon as it is connected to the Internet that risk becomes very real and the longer the computer is connected to the Internet, the greater the risk.

So, how does a firm protect itself from unwanted intrusion onto their computers and network? A key component of security is the "Firewall". Think of the link between your computer/LAN and the Internet as a bridge. How do you stop unwanted intruders crossing the bridge? Build a wall of fire at your end and make sure it stays alight all the time. In computing terms, the firewall sits between the computer or device that has primary access to the Internet and the Internet itself. Its purpose is to prevent unauthorised outside computers getting across the bridge and to control the outgoing access to the Internet by allowing or disallowing program requests for access. For example, the program Internet Explorer would be given "permission" for "outgoing" access to the Internet, but a "malware" program (Trojan, worm or spyware) would be denied.

Any firm accessing the Internet must have a Firewall. The decision of what "level" of Firewall to employ requires:

- i) identification of the functionality that is required from the Internet connection,
- ii) a degree of risk assessment and
- iii) a skills analysis of the staff who are available to "maintain" the Firewall.

Each of the main types of firewall are described below: personal firewalls require little or no expertise; hardware firewalls need some expertise to install and maintain and the professional firewall needs a high level of IT knowledge.

### Personal Firewalls

This is the most basic level of firewall and no special hardware is needed. The firewall is a piece of software (like Word or Outlook) that is loaded onto the computer. The software can be obtained from the Internet and is often free of charge. For the most part, personal firewalls do not require a great deal of computing knowledge. The user will be asked whether to allow or disallow particular programs' access to the Internet. Some legitimate programs have really obscure names but if in doubt, say "No" and prevent that program's access to the Internet.

Type "Personal+Firewalls" into any search engine and the response will be massive, including products such as [Zone Labs](#) and [Sygate](#) (both free & highly rated by PC World Magazine), [Tiny](#) and [McAfee](#), and also lots of advice and product comparisons. Windows XP does have its own personal firewall built in but, as part of Windows, it can sometimes be overlooked and not even activated. Also, hackers will always go for the easy option first and "cracking" the XP firewall will provide most victims!

Personal firewalls will normally need to be updated (to protect against new techniques for breaching their security) by downloading updates from the Internet. In the same way as anti-virus products, most of these programs will check themselves to see if there are any updates needed.

### Hardware Firewalls

A greater degree of protection is provided by a hardware firewall. These are physical bits of kit, usually in the shape of a small rectangular box. With a personal firewall, where the firewall is on the computer itself, an "outsider" has already "got across" the bridge and reached our side before the firewall can start to work. A hardware firewall doesn't let the intruder cross the bridge. However, unlike a personal firewall, a hardware firewall will require some technical expertise to set up properly and to keep up to date.

Products include Watchguard ([www.watchguard.com](http://www.watchguard.com)), NetScreen, recently taken over by Juniper Networks, ([www.juniper.net](http://www.juniper.net)), and Sonicwall ([www.sonicwall.com](http://www.sonicwall.com)).

### Professional Firewalls

These products provide the physical security of the hardware firewall with the flexibility of complete software control but they do need an accomplished IT Manager or a close relationship with a third party IT Company to manage them properly. Professional firewalls that would suit medium to large organisations include products like Watchguard ([www.watchguard.com](http://www.watchguard.com)), Gsec1 ([www.gsec1.com](http://www.gsec1.com)) and CISCO ([www.cisco.com](http://www.cisco.com)).

The next consideration is the functionality that is required from an Internet connection.

### Telephone & ISDN Dial-up Connections

Telephone/ISDN dial-ups tend to be used in firms where access to the Internet is restricted to a stand-alone computer and/or when the Internet access is limited to sending and receiving low volumes of e-mail and small-scale access to legal sites on the web.

Some people think that telephone or ISDN dial-ups are safe but they are not. True, the exposure is limited to the length of time that the computer is on-line to the Internet but, as a general rule, firms with dial-up connections do not have firewalls in place and thus are exposed to intrusions. However, in most cases, adequate protection can probably be provided by a Personal Firewall, as described above.

### Broadband

Broadband means being connected to the internet 24/7. More and more information is being sent, received, uploaded and downloaded via email and the Internet. No more 4 line emails, now full word, excel, .pdf and picture documents are being sent as email attachments. It is no longer sufficient to dial in three times a day to see if you have email, or to wait for a connection before browsing the Internet, or to wait 5 or 10 minutes whilst a 2mb document downloads. Everything has to be available immediately.

The same argument applies for having access to the Internet from any workstation on a LAN. Fee-Earners want the information on their desk-top and they want it NOW. So LANs are as inevitable as broadband.

Once you have 24/7 access, there is a strong argument for a hardware firewall, particularly if the connection to the Internet is via a LAN. However, it must be said that personal firewalls are often deployed and have generally proved to provide adequate security to date. You need to assess the increased risk of full-time exposure to the Internet against the cost implications of the more secure hardware firewall.

#### Remote Office Access/Remote User Access & VPNs

The introduction of broadband offers so much more than simple Internet access. With the "office" connected to the Internet network 24/7, this provides an ideal way for legitimate people outside the office to connect into the office LAN. Such users would include staff who want to work from home, "mobile" users with laptops, a supplier needing to support the system, or branch offices wishing to connect to the main office. This "Wide Area Network" (WAN) technology would have cost many, many thousands of pounds only a few years ago but with the introduction of broadband it can now be achieved for just hundreds.

The problem is that our firewall is specifically designed to stop people coming in from the outside. As soon as we create a "hole" in the firewall to allow our "friends" to gain access, that hole is potentially accessible to our "foes".

The firewall overcomes this, in the first instance, by trying to hide the hole so that only people who "know" it is there will actually see it. All firewalls can do this and it may stop low-level intruders but it will not stop those who are actively seeking holes in the firewall. It is at this level that personal firewalls generally become inadequate and hardware firewalls become essential.

If a hole is created in the firewall for legitimate purposes, then it must be protected. This is achieved by creating a two-way bridge to the Internet, one side for outgoing connections and one for incoming connections. The incoming side is "retractable", like a drawbridge. A person can only get in from the outside if they a) know that there is a hole for them to enter through, b) know how to lower the drawbridge, c) know the right path along the drawbridge to miss the "gaps" that would send them plummeting to the depths below and finally d) know the right language to speak when they get to the other side and are able to communicate through the firewall.

An authorised user knows these four things and seeks a connection by sending a "connection line" along the right path, speaking the right language, to the drawbridge. The firewall recognises the authorised user and lowers the drawbridge, thus creating a connection to that particular user. If the analogy continues, the connection that has been made between the user and the firewall is a "network" connection. It isn't using a real, physical cable and thus is a "virtual" connection. The connection is made available to just the authorised user and is thus "private" between the firewall and that user. Hence the Virtual, Private, Network (VPN) connection has been established.

Hackers are unlikely to "piggyback" the VPN connection because the language that is used between the firewall and the user is encrypted. It is not impossible however, and thus the professional firewall allows a greater range of options for increasing further the level of encryption and security that the firewall can employ.

The biggest weakness in the security of the VPN connection is at the remote end of the connection. If the remote user/office does not have a firewall themselves then a hacker can get into the remote computer and use the VPN link that it has been created to gain access to the main office system. The remote user must have a firewall as well.

The main office must be protected with a hardware firewall. Remote users connecting from a stand-alone computer i.e. those working from home, will generally find a personal firewall sufficient. If a remote user is connecting in via a LAN connection to the Internet i.e. someone from a remote office, then the remote office, with its own LAN and broadband Internet connection, should also be protected by a hardware firewall.

For the majority of firms, a hardware firewall at the main office, hardware firewalls at remote offices that have their own LANs and personal firewalls for remote users connecting from stand-alone computers/laptops will be sufficient. Professional firewalls are only really necessary when the configuration itself becomes extremely complex with many remote offices, each with large numbers of users and a significant number of remote and mobile users.

Two further considerations should be mentioned - wireless network connectivity and anti-virus software. Neither of these should be confused with Firewalls.

As mentioned earlier, a firewall is designed to protect the private network (the LAN) from the public network (the Internet). Viruses can still penetrate the computer and/or LAN accessing the Internet using a legitimate connection made through the firewall (a virus contained in an e-mail attachment is a good example) and for this reason, good anti-virus software is still a must for network servers and the computers on the LAN.

It has also been mentioned earlier that most LANs have "open" internal security, i.e. a rather relaxed attitude to the "permissions" of the users and computers on the LAN. When computers (typically laptops) are connected to the LAN using wireless technology the physical cable of the network is replaced by wireless signals and a wireless "router" is attached to the LAN. This router will receive signals from any wireless device that is trying to connect to it (and thus to the LAN) on the same "channel". This means that someone sitting outside the building, but within range of the router, can connect to your network. As many LANs are open, the "intruder" has gained access to the LAN.

Whilst it is understandable that LANs are generally open, any wireless router must employ security to prevent unseen intruders gaining access to the LAN by encrypting the signal that the wireless router accepts. Whilst there are similarities with firewalls encrypting the VPN connections, wireless connections do not come into the LAN via the Internet and therefore are not protected by the firewall.

To conclude, a LAN needs to be protected by security:

- \* "Internal" security that is determined by the operating systems of the servers and the computers on the LAN.
- \* "Wireless" security to ensure that only allowed wireless devices can connect to the LAN.
- \* "Anti-Virus" security to deal with viruses that can enter the LAN from a number of different sources.
- \* "Firewall" security to protect the (private) LAN from the public Internet.

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## Religion and Law on the Internet by Neil Addison

I set up my website (see [www.religionlaw.co.uk](http://www.religionlaw.co.uk)) because Religious identity and the rights of religious minorities within a Secular culture are becoming increasingly important legal issues in Britain today with the Government proposing to outlaw Incitement to Religious Hatred and Religious Discrimination. Lawyers, whether personally religious or not, can easily find themselves with cases where at least a basic knowledge of Religious practices and beliefs is necessary.

The two best starting points for research are the Lawyers Christian Fellowship at [www.lawcf.org](http://www.lawcf.org) and the Association of Muslim Lawyers at [www.aml.org.uk](http://www.aml.org.uk). These sites provide an interesting contrast. LCF is for Christians who happen to be Lawyers whilst AML is for Lawyers who happen to be Muslims. Both provide information on current legal issues.

Two disappointing websites are the Association of Christian Law Firms at [www.acf.org.uk](http://www.acf.org.uk) and Muslim Law Firms at [www.topstrategies.co.uk/mlf/index.html](http://www.topstrategies.co.uk/mlf/index.html). Neither seem to have any view as to why they are on the Internet in the first place. ACLF is particularly disappointing and does not even provide links to the web sites of its member Firms. Committed Christians can suffer Discrimination as much as anyone but ACLF is not using its web site to market its member firms to these potential clients.

Many lawyers whether Muslim or not will have Muslim clients who will want to ensure that their property is inherited according to Islamic Sharia law. To do this they do need a properly drafted Will. AML (as above) organise regular seminars on drafting Islamic Wills and Non Muslim Solicitors can attend them. Muslim clients are also increasingly looking for ways of financing their businesses on Islamic principles. The Islamic Bank of Britain at [www.islamic-bank.com](http://www.islamic-bank.com) has some useful information and the Canadian site [www.muslim-canada.org](http://www.muslim-canada.org) is very useful for anyone seriously examining Islamic law. In addition, [www.muslim-canada.org/muspersonallaw12.html](http://www.muslim-canada.org/muspersonallaw12.html) provides useful information on Islamic Inheritance law. Lawyers may also find themselves advising on matters of Islamic Family Law and the corresponding site at [www.law.emory.edu/IFL](http://www.law.emory.edu/IFL) provides useful information on this.

For cases involving Religious Discrimination in the workplace lawyers may need to know what exactly the requirements of Islam are and why. Specific questions on all aspects of Islamic law are answered (from a very conservative viewpoint) at the "Ask the Imam" site at [www.islam.tc/ask-imam/index.php](http://www.islam.tc/ask-imam/index.php). I have a fondness for this site because of a question it answered some months ago from a woman who remains with her violent husband for the sake of their children. Her worry was that she would be required to live with him in paradise for eternity. The Imam praised her for her sacrifice for her children and reassured her. Violent husbands do not go to heaven!

Information and contact details on most British Islamic Organisations can be found on the Affiliates page of The Muslim Council of Britain [www.mcb.org.uk](http://www.mcb.org.uk) and the Links page of The Muslim Association of Britain [www.mabonline.info](http://www.mabonline.info). Useful information on the little known Muslim Ahmadiyya sect who frequently find themselves being attacked both by non Muslims and by orthodox Muslims who regard them as heretics is at [www.alislam.org](http://www.alislam.org).

Considering the number of Roman Catholic lawyers in Britain it is surprising that there is no Thomas More Society here but see the US site [www.stthomasmore.net](http://www.stthomasmore.net).

The Ecclesiastical Law Society [www.ecclawsoc.org.uk](http://www.ecclawsoc.org.uk) has an interesting selection of national and international cases. Cases in canon law are not likely to involve lawyers who do not specialise in the area but for those who are interested [www.canonlaw.anglican.org](http://www.canonlaw.anglican.org) and [www.clsqbi.org](http://www.clsqbi.org) (RC) have lots of information. The Catholic Site may be useful for Family Lawyers who are representing Catholic Clients who have been divorced. If the client can establish that the marriage should be annulled by the Church then the client can remarry in Church.

Many family lawyers will represent Jewish clients in Divorces. To allow the client to remarry (and for future children to be accepted as legitimate Jews) the client has to obtain a "Get" or Jewish Divorce. The site Getting Your Get at [www.gettingyourget.co.uk](http://www.gettingyourget.co.uk) is the best starting point for this and there is also useful information provided by the Jewish Law Association at [www.mucjs.org/JLAS](http://www.mucjs.org/JLAS).

For historical and theological reasons, most other religions do not seem to throw up the same legal issues as "the big three" but when they do, [www.bbc.co.uk/religion](http://www.bbc.co.uk/religion) and [www.divinedigest.com](http://www.divinedigest.com) are good starting points for research. Other useful sites include [www.thebuddhistsociety.org](http://www.thebuddhistsociety.org), [www.sikhspirit.com](http://www.sikhspirit.com) and [www.hindunet.com](http://www.hindunet.com).

The two most learned web sites on the subject of Religious Laws internationally (other than mine of course) are The Religion and Law Research Consortium at [www.religlaw.org](http://www.religlaw.org) and [www.megalaw.com/top/religion.php](http://www.megalaw.com/top/religion.php).

Finally a joke which seems appropriate for this article.

Jesus and Satan were having an ongoing argument about who was better on the computer. They had been going at it for days, and God was so fed up with all the bickering that he said "I have had enough. I am going to give you a test that will run for two hours, and from the results, I will judge who understands computers best."

So Satan and Jesus sat down at the keyboards and typed away. They faxed, e-mailed, and downloaded. They created spreadsheets and wrote reports. Jesus worked with heavenly efficiency but Satan was faster than hell.

Ten minutes before their time was up, lightning suddenly flashed across the sky, thunder rolled, rain poured, and, of course, the power went off. Satan stared at his blank screen and screamed every curse word known. Jesus just sighed.

Finally the electricity came back on, and each of them restarted their computers. Satan started searching frantically, screaming: "It's gone! It's all GONE!! I lost everything when the power went off!" Meanwhile, Jesus quietly started printing out all of his files from the past two hours of work.

Satan observed this and became irate. "Wait!" he screamed. "That's not fair! He cheated! How come he has all his work and I don't have any?"

God just shrugged and said, "Jesus saves".

*Neil Addison is a Barrister in New Bailey Chambers [www.newbailey.com](http://www.newbailey.com) in Liverpool and Preston. He runs Religion Law UK at [www.religionlaw.co.uk](http://www.religionlaw.co.uk) which provides practical information and relevant web links on the subject of Religion and the Law today. He also runs a site called Harassment Law at [www.harassment-law.co.uk](http://www.harassment-law.co.uk). Email [neiladdison@abanet.org](mailto:neiladdison@abanet.org).*

*This article originated from a presentation I gave at Online 2004. Most of the resources covered will already be familiar, but I hope that the context of seeking specialist resources as affordable alternatives to the expensive major players might offer a new view..*

## Horses for Courses & Value for Money by Oriole Newgass

Does your law firm, chambers or faculty have an unlimited information budget? Can you get whatever you want rubber-stamped by Accounts? No? Well, join the club – most of us today have to find new ways to live within our shrinking means. Budgets in many law libraries are being cut or frozen, so researching the best-value resources really makes sense.

Keeping ahead of the game means

- becoming familiar with all the free resources
- accessing them frequently; though they change & improve continually, you won't be notified of improvements: these providers don't have marketing budgets
- visiting LawLinks, [library.kent.ac.uk/library/lawlinks](http://library.kent.ac.uk/library/lawlinks), from Sarah Carter and the Delia Venables website [www.venables.co.uk](http://www.venables.co.uk) regularly for news of what's new.

The major free resources to track:

- **BAILII** – [www.bailii.org](http://www.bailii.org) - **British & Irish Legal Information Institute** - the groundbreaking "free to all" case law & legislation resource started five years ago. BAILII has now grown up to be an invaluable resource, with masses of English, Scottish and Irish case law and legislation, some unobtainable elsewhere. BAILII repays frequent revisiting: improvements are made all the time and new data added. If BAILII is new to you, don't go in once, fail to find what you're after, and give up on it. Next time you visit you could be amazed at how useful it has become.
- **EISIL** – [www.eisil.org](http://www.eisil.org) - **Electronic Information Service for International Law** - a new international law resource, sponsored by the American Society for International Law & funded by the Andrew W. Mellon Foundation. EISIL comes highly recommended by Sarah Carter of the University of Kent's Templeman Library (see LawLinks, above). EISIL covers a wide spectrum of international legal issues and cross-border legislation, including air, space, water, communications, transport, conventions and treaties.
- **THE COURT SERVICE** - [www.courtservice.gov.uk](http://www.courtservice.gov.uk) - competes well with the commercial services and has judgments given in courts barely covered by them. In addition it offers Practice Directions, Court Costs information and a great range of Tribunals reports, including EAT, Finance & Tax, Immigration, Lands, Pensions, Residential Property, Social Security & Child Support and Transport. Also excellent for Supreme Court Daily Lists.
- **European Courts** - [curia.eu.int](http://curia.eu.int) - full text case law from the European Court of Justice and Court of First Instance.
- **WebJCLI** - [webjcli.ncl.ac.uk](http://webjcli.ncl.ac.uk) – Web Journal of Current Legal Issues from the University of Newcastle. An almost unique resource, a free, full-text journal online, it tends to get forgotten, but is well worth book-marking for research and general interest.

Subscription services in the affordable range for general law and case law include these:

**Infolaw** - [www.infolaw.co.uk](http://www.infolaw.co.uk) from Nick Holmes. It's been around for a while but there have been huge improvements recently, and it now has much more coverage, new features and good searchability. Its search tool, Lawfinder, works with Google to produce an excellent rapid retrieval to over 95,000 UK legal documents and other resources available on the web. New too is Lawlinker - similar to Context's JustCite, but it comes as part of your subscription. Infolaw offers a respectably long trial subscription to enable you to make up your mind. Genuinely good value for money, and well recommended.

**Justis from Context** – [www.justis.com](http://www.justis.com) - massive collection of law reports and legal information with a unique plus. Though reasonably expensive, Justis is the only major system allowing one-concurrent-user-based subscribing. So the subscription is based not on partner-numbers, but only on the number of concurrent users you think need to be online simultaneously. Much fairer - because partners are seldom the end-users, and it's unlikely that everyone will want to use Justis at the same time.

Two for current case law: **Casetrack** [www.casetrack.com](http://www.casetrack.com) from Smith Bernal, a superior next-day court reporting service (particularly good for monitoring the first appearance of urgently needed judgments); and **Lawindexpro** at [www.lawindexpro.co.uk](http://www.lawindexpro.co.uk) - good for current cases and forthcoming case-lists.

Finding subject-specific resources makes good financial sense when your practice is concentrated into a few areas. For property law specialists **Estates Gazette Interactive** at [www.egi.co.uk](http://www.egi.co.uk) gives access to all Estates Gazette publications – journal articles, law reports and case summaries. Price-wise this is an absolute bargain which could also save on buying EGLR hard copies. Information staff tend to prefer it, but end-user lawyers will always go for **PLC Property** [property.practicallaw.com](http://property.practicallaw.com) if given the choice. So also for company law: computer-literate lawyers will opt for **PLC Company Law** - [www.practicallaw.com](http://www.practicallaw.com) - every time. (PLC always try to sell direct to lawyers, bypassing the library/information department, but this can work to your advantage if it doesn't come out of the library budget!)

For family lawyers **Jordans Family Law** is essential. Also from Jordans: Law Reports Online, and the Civil Court Service (an alternative to Westlaw's White Book). All are accessed via [www.jordanpublishing.co.uk](http://www.jordanpublishing.co.uk). News is just in too regarding TSO's **Consolidated Civil Procedure Rules Online**. This is expected in February 2005 and will be the first consolidated CPR service online. Keep watch at [www.tso.co.uk](http://www.tso.co.uk) for more news.

And always: keep up to date for free. There are some excellent free e-mail newsletters and alerts described in the web version of this article.

Finally – the golden rules again:

- research all possibilities first – get trial subscriptions (almost always possible)
- don't pay for what you won't use
- make the most of every free resource
- competition is good for you: deals can always be made!

*After 22 years information work, including nine in London law firms, Oriole Newgass left the capital in 2004 to set up Legal-IM, [www.legal-im.co.uk](http://www.legal-im.co.uk), an independent company offering information management, consultancy and training, based in the South West.  
Email [oriole@legal-im.co.uk](mailto:oriole@legal-im.co.uk).*

## The Return of Browser Wars by Nick Holmes

The application that enables web pages to be viewed and used to process and send information is the web browser. Not only does the browser colour our perception of the web, but as more and more applications are written for use with browsers, it has begun to take over the desktop. For better or for worse, for several years Microsoft Internet Explorer has dominated the browser market with around a 96 per cent share at its peak. But finally that is set to change.

Initially the web was a text or graphic experience: both could not be displayed on the same page. Then, in April 1993, Marc Andreessen of the National Center for Supercomputing Applications (NCSA) released a browser called [Mosaic](#) that sparked a tremendous rise in the popularity of the web among novice users. He went on to found Mosaic Communications Corporation (later Netscape Communications, now part of AOL) and the exponential growth of the internet is primarily attributed to the emergence of Mosaic and its offspring Netscape Navigator which was released at the end of 1994. From 1994 to 1998 Netscape Navigator remained the market leading browser with approximately 90 per cent market share at its peak.

The licensing terms for NCSA Mosaic were generous for a proprietary software program. For all versions, non-commercial use was generally free (with certain limitations). In addition, the X Window System/Unix version publicly provided source code. However, despite persistent rumours to the contrary, Mosaic was never released as open source software during its brief reign as a major browser; there were always constraints on permissible uses without payment.

Back in Seattle, Microsoft saw Netscape's success as a clear threat to the monopoly status of its Windows operating system and began a robust campaign to take control of the browser market. Controlling a large share of the browser market, it reasoned, would lead to control over internet standards, and that in turn would provide the opportunity to sell software and services. Microsoft licensed the Mosaic source code and turned it into [Internet Explorer](#) (IE).

The resulting battle between the two companies became known as the Browser Wars. Versions 1 and 2 of IE were markedly inferior to the then current versions of Netscape Navigator; IE 3 (1996) began to catch up; IE 4 (1997) was the first version that appeared to have Netscape beaten; and IE 5 (1998), with many bug fixes and stability improvements, saw Navigator's market share dip below IE for the first time. By the end of the decade Netscape had unquestionably lost its former dominance on the Windows platform. Microsoft had emerged victorious in the browser wars and Netscape was acquired in 1999 by AOL.

In March 1998, realising that the browser market was lost and hoping that a non-Microsoft web browser might gain some attention in the open source community, Netscape put its browser under an open source licence, dubbing the project Mozilla.

On the Windows platform, Netscape was for long irrelevant. A small number of users continued to use Netscape, unwilling or unable to switch from the outdated and crash-prone earlier versions, since the newer browsers generally require more powerful machines for decent performance. On other platforms such as Linux which do not have IE bundled, Netscape remained the dominant browser for much longer.

Only in the last year or two has the rise of alternatives to IE given it strong competition. [Mozilla Firefox](#) (originally known as Phoenix and briefly as Mozilla Firebird) is a free cross-platform web browser developed by the Mozilla Foundation and hundreds of volunteers. Before its release on 9 November 2004 with version 1, Firefox had already garnered a great deal of acclaim in the media. With over 5 million downloads in the first 12 days of its release and 7.5 million by the end of November 2004, Firefox 1.0 is one of the most-used, free, open source applications among home users. Firefox is currently grabbing 1 per cent market share from IE each month (with the relative shares standing at 91.5 to 4.2 per cent at the end of November 2004) and is targeted to gain around 10 per cent of the market by the end of 2005, creating a state of competition that many have heralded as the return of the browser wars.

Among Firefox's popular features are an integrated pop-up blocker, tabbed browsing, and an extension mechanism for adding functionality. Although these features have already been available for some time in other browsers such as the Mozilla Suite and Opera, Firefox is the first of these browsers to have achieved large-scale adoption. It has attracted attention, in particular, as an alternative to IE since Explorer has come under fire for its alleged insecurity — detractors cite its disregard for web standards, use of the often-dangerous ActiveX component, and vulnerability to spyware and malware installation, and its lack of many features that Firefox's proponents consider essential. Microsoft, for its part, has responded that it doesn't feel issues with either security or features are a major concern!

But Mozilla Firefox is not the only new kid on the block. In August 2004 AOL breathed new life into Netscape with the release of [Netscape 7.2](#), based on Mozilla 1.7, and on 30 November 2004 released a preview version of a new browser based on Firefox but also supporting IE. Since IE has been so dominant, many websites have been designed specifically to work with IE and may not work correctly in browsers using other engines, including the Gecko engine in Firefox. While current Firefox users can switch to IE if they have a problem with a website, AOL has found a different solution: if a site doesn't work in the standard Firefox-based configuration in Netscape, it takes two clicks to display the page using the IE engine that is part of Windows.

Finally, rumours have been circulating that Google plans to develop a web browser, largely on the basis that it has registered the domain [gbrowser.com](#). Google denies this but does not comment further.

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