

Declaration of Scott Burris in Support of Public.Resource.Org

I, Scott Burris, declare as follows:

1. I am a Professor of Law and the Director of the Center for Public Health Law Research (hereafter “CPHLR”) at the Temple University Beasley School of Law in Philadelphia, PA. I have been a Professor of Law since 1991 and have been the Director of the CPHLR since its founding in 2009. I have personal knowledge of all facts stated herein and know them to be true and correct. I could testify to them if called as a witness. The views contained in this declaration are my own and do not necessarily represent the viewpoints of Temple University School of Law, the Center for Public Health Law Research, the Temple University College of Public Health or any of those organizations’ associates.
2. In my capacity as Director of the CPHLR, I organized and oversaw numerous projects designed to transform the text of law into numeric data such that the law is machine readable. I wanted our data to be transparent and reproducible so it would be scientifically credible and usable by others in the future.
3. The attorneys at CPHLR typically begin their research using the Westlaw platform. They use this platform to identify laws in a specific practice area. For instance, recently, in cooperation with the Legal Services Corporation and at the direction of Congress, we have completed a study on state and municipal eviction laws.[1]
4. Once we have compiled a complete list of relevant laws, we place the citations into a “master sheet.” The master sheet is a list of all code sections included in our research for each state or municipality. We also use the history sections available on Westlaw to identify earlier versions of the law and include those in the master sheet as well. This way we can identify every relevant law and every form these laws have taken over a given period.
5. Once the citations are compiled, we next must get the text of the law into our coding platform. Monocle, our coding platform, is designed to display the law on one side of the screen alongside the questions which make up our variables on the other side of the screen. Our researchers associate the text of the law with a relevant variable such

that the law becomes machine readable. We also use topical tagging to generate additional metadata.

6. When datasets are complete, MonQcle publishes the data and the underlying legal text to a public platform where users can download the data, query the data and view the underlying legal text free of charge. Platforms where we publish include two that we created and maintain, LawAtlas (www.lawatlas.org) and the Prescription Drug Abuse Policy System (www.pdaps.org). MonQcle is made available free of charge for use by other researchers and organizations, who can publish data and legal text to our platforms or direct it to their own platforms via an API. Other platforms using and displaying MonQcle data and legal information include www.cityhealth.org.

7. The ability to put large amounts of legal text into MonQcle's law library – including text we do not immediately intend to code into machine-readable data – is becoming more important to us as we develop methods and software tools for machine-assisted research and coding. We aim to train artificial intelligence engines (AIE) on laws and coding schemes within MonQcle, so that the AIE can go onto the world wide web to locate new instances of these laws and propose coding.

8. To do this work we need a source for the law that is not burdened by a license. We cannot use Westlaw for this purpose because the terms of our license with Westlaw prohibit us from permanently storing any legal information from West in a new database. Further, it is my belief that West would assert its rights under the license agreement to prevent us from doing this. We typically use government websites at this stage. We have even at times hired people to retype the text from a book so it cannot be claimed that we took the data from a licensed database, which is both financially costly and extremely time-consuming.

9. We prefer using the official version of any law included in our dataset. We would like to have access to the entire universe of official legal text, but currently, both Lexis and West enjoy nearly exclusive access to these materials in many states. When we find the laws we are looking for on Lexis or Westlaw, we then need to go through the exercise of seeking out this material in another form so that we are not threatened with a lawsuit.

10. Our research would be more efficient if we had bulk access to all state law, municipal law, and regulations. Unfortunately, without this access, it is extremely difficult to perform our work. It is also my belief that the barriers that Lexis and West have erected in accessing this material has prevented other legal research providers from being able to develop a competing product. Because these other potential competitors cannot accumulate access to enough baseline material, they cannot develop databases with a similar breadth of material without substantial cost. The result is that Lexis and West maintain their ability to dictate who has access to this important material.

11. In addition to the eviction law database, we have assembled databases on over 200 different topics at Temple. Our data has been used to research the effectiveness of anti-bullying laws, the relationship between minimum wage laws and lower HIV rates, higher birth rates and better maternal health, and the impact syringe access laws have on public health. CityHealth.org used our data to promote nine healthy policies in the 40 largest cities in the country.

12. While advocacy groups are common users, government officials have also used our data and worked with our organization. The eviction law database was commissioned by Congress. We also get questions about the law from Congressional and state legislative staffers and researchers.

13. Access to bulk legal material is only going to become more important as more organizations and researchers look to turn law into machine readable data. To grow the kind of work CPHLR is doing, we need bulk access to legal material to be efficient and cost effective. The only way to achieve this kind of efficiency is to reduce the cost both in dollars and in time. The machines become more effective as they have a larger playground of data.

14. Lack of access to government edicts is only going to become a more significant issue as time goes on. Our vision is to reduce redundancy in legal research through machine learning. Having to navigate and backtrack to find the database or publication that can be lawfully used in this type of work substantially increases costs and time investment.

I declare that the foregoing is true and correct.

Executed on August 6, 2021 in Amsterdam, The Netherlands.

A handwritten signature in black ink, appearing to read "Scott Burris", written in a cursive style.

/s/

SCOTT BURRIS

[1] <https://www.lsc.gov/initiatives/effect-state-local-laws-evictions/lsc-eviction-laws-database>