

Declaration of Tim Stanley in Support of Public.Resource.Org

I, Tim Stanley, declare as follows:

1. I am the founder and CEO of Justia, a legal information website that provides free access to legal materials, including many types of edicts of government. I cofounded Justia in 2003 and have held the position of CEO ever since. Before founding Justia, I cofounded FindLaw in 1995, which Thomson-West acquired in 2001. I worked for two years at Thomson-West (now Thomson-Reuters) from 2001-2003. I have personal knowledge of the facts stated in this declaration and know them to be true and correct. I could competently testify to them if called as a witness. The views contained herein are my own and do not necessarily represent the official views of Justia or its affiliates.
2. One of the primary goals of Justia is to provide free access to primary legal materials. These materials include but are not limited to case law, federal and state codes, and regulations. Justia also provides secondary legal materials, such as dockets and briefs, patents, trademarks, and government reports. Unlike companies like West and Lexis, we impose no restrictions on using these materials, and we do not condition access to these materials on an agreement to onerous and restrictive licensing terms.
3. Typically, we provide to our users both unannotated state codes and our own attorney-written annotations to case law. If the official annotated state codes were available, we would add them to our database immediately and, in fact, have included the official annotated state code when states provide them. However, few states make them publicly and freely available. It is my belief that some states' contracts with West and Lexis prevent them from making the official annotated state codes available to the public.
4. Some states assert copyright over their official annotated state codes. While I do not believe that these copyright claims are valid, if a state claims copyright to its annotations, we will not include them on Justia. State copyright assertions dissuade us from making available some legal information because the threat of a legal suit has a chilling effect.

5. The lack of access to the official annotated state code is particularly problematic when the plain text of a state code may not take into account court decisions and thus does not accurately reflect the actual enforceable law. For instance, Section 30-1-19 of the Code of Alabama, as found on the Alabama State Legislature [website](http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/Coatoc.htm) (alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/Coatoc.htm), indicates that “marriage is inherently a unique relationship between a man and a woman” and “Alabama shall not recognize as valid any marriage of parties of the same sex.” But after Obergefell v. Hodges, this is not an accurate representation of the law. For this reason, having the non-annotated official codes does a disservice to our users by inaccurately reporting the law.

6. I do not believe making available the official state codes would have a substantial negative impact on West’s or Lexis’s businesses of selling access to primary government materials. Rather, I believe that Lexis and West do not want these materials made widely available because it reduces competition from software tools and platform providers that rely on comprehensive primary government data as inputs by increasing their costs of acquiring or licensing this data. I have seen many companies with great technology that cannot compete with West or Lexis because of their data costs. Some of these tool and platform providers, which cannot compete because of their data costs, not their technology, are later acquired by West or Lexis. For example, Lex Machina and Ravel Law were both acquired by Lexis. By limiting access to this material, West and Lexis are erecting a deliberate barrier to entry into the legal information, software tool, and platform businesses.

7. This barrier negatively impacts not only organizations like Justia but also individual citizens and researchers who do not have access to their platforms Westlaw or Lexis. This is particularly true of state codes and regulations, which are used by everyday citizens who are not legal professionals.


8. There are also barriers to access official case law. Many federal and state courts do not publish and make available official opinions but instead only issue slip opinions. Often West or Lexis is the original publisher of official federal and state court opinions, and the only way to

access those official opinions is through a West or Lexis publication or service. This makes it especially difficult to get an electronic version of the official opinion. Again, this serves as another barrier to our ability to compete and allows West and Lexis to further entrench their market positions.

9. To try to circumvent these barriers, Justia will pull data from government sites, when possible, and other sites that have open data. However, Justia cannot always fully verify the publicly available data and can certainly not publish a fully comprehensive set of primary or official secondary legal materials.

I declare that the foregoing is true and correct.

Executed on 8/25/2021 in Mountai View, CA.

/s/   
DocuSigned by:  
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TIM STANLEY