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**To:** Jordan Stott <jordan.stott@gmail.com>, "Schumacher, Randi (randi.schumacher@vandals.uidaho.edu)" <randi.schumacher@vandals.uidaho.edu>  
**Cc:** "Ball, Katherine (ktball@uidaho.edu)" <ktball@uidaho.edu>, "Adams, Mark (marka@uidaho.edu)" <marka@uidaho.edu>  
**Subject:** Idaho Code Project  
**Date:** November 20, 2014 at 9:14:16 AM PST

Jordan and Randi,

I spoke today with Carl Malamud, the very energetic open-access advocate who runs [Public.Resource.org](http://Public.Resource.org). He and the organization are committed to increasing the accessibility of government documents of all kinds. Please look at the website to understand the organization's mission. I am going to compile for you shortly a set of background reading to get you up to speed on the issue and on Carl's past efforts (not successful) to move Idaho on this issue. Now that Representative Rubel is involved, I'm hoping that we are on a more productive path.

I'd like us to meet weekly on the project for an hour, starting the first week of Spring classes. Will you please look at your schedules and think about a good time for a meeting? The meeting would ideally be face-to-face, but if logistics are hard, we can do it by Skype or Google Hangouts. I've been doing that with the Law Review symposium editors, and it has really worked fine, as long as everyone has an Internet connection with adequate bandwidth. Tuesday or Thursday late afternoon or early evening would be best for me, I think. I know you'll both be placed full-time in practice settings, so we're probably looking at a meeting somewhere between 4 and 6. Wednesday is also probably workable. Let me know what you think will work.

We are looking at two deliverables: (1) a report/memorandum of law on the copyrightability of state codes and (2) draft legislation to commit the Idaho Code to the public domain. The report should have a brief executive summary so that it can be quickly read and digested by policymakers. My thought is that the report should be no more than 25 or 30 pages with a 3-5 page executive summary. The draft bill should be very short and sweet, included as an appendix to the report. There are lots of models in other states to look at, so don't be overwhelmed by the thought. This is a very manageable project, but it requires commitment and flawless execution. You/we will be the face of the College in the Idaho Legislature.

Representative Rubel, whose letter is attached, has asked for a preliminary briefing with draft legislation by **mid-February**, so the project will be front-loaded in terms of the time commitment. We'll need to hit the ground running as soon as the semester starts to be able to meet her deadlines. There is no real original research to be done on this. This is mostly about packaging/leveraging existing resources and making a cogent argument for and about

what's best for Idaho.

Can I tell Rep. Rubel we can do it? If so, I'll write a reply to her letter and get it in the mail by the end of week. This could be fun!

AB

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House of Representatives  
State of Idaho

November 13, 2014

VIA E-MAIL AND U.S. MAIL

Professor Annemarie Brady  
College of Law  
University of Idaho  
875 Perimeter Drive, Bldg 2721  
Moscow, ID 83844-2721

Re: Copyright assertions over libhugocdc

Dear Professor Brady:

The writing in you about the state of copyright assertions over Idaho state law which we discussed. As you know, there has been some controversy over whether it is proper to prohibit redistribution or reproduction of the Idaho Code or the statutes on the Idaho Code. I was hoping you and your students might help us gather some information on this issue.

The question we have is whether such assertions are ignored in other states. We would also like to know what happens when states do assert control over their own fair state law. Are there benefits to tax an assertion, such as integrity? Is copying the proper use for creating such issues? Conversely, what happens when restrictions on reuse are removed from state codes? Does that result in the official version for V.A. here examples at the federal or state levels that we could be learning at?

As we discussed, this inquiry might have interesting assignment for students in our upcoming Intellectual Property class starting in January, and we would be delighted if they could spend some time exploring it. As our graduate sessions are fairly short, it would be most useful if they could prepare an initial briefing for us by mid-February. If they have any questions regarding this, that would also be useful to us at that time.

Because the pace of legislative business is unpredictable, I don't know how well the briefing will be received, but if we could find a way to be happy to discuss that with our staff, that would be a good idea to schedule a hearing for the success to verify.

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