Book Reviews

Computer Contracts Principles and Precedents

Authors: Dr Gordon Hughes and Anna Sharpe

Publisher: The Law Book Company Ltd, 50 Waterloo Road, North Ryde NSW 2113

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List of contents: Software Development Agreements - Payment, Reforms to the Systems Integration Panel (SIP), Bevis Committee Report, Reasonable Care and Skill Required in Supply of Services, Implied Terms of Merchantability and Suitability, Joint Ownership, GATT TRIPS Agreement - Consequences, Confidential Information Protection, Termination and Affirmation, Section 52 Trade Practices Act, Unfair Criticism of Competitor and Anton Piller Orders.

Release 7 - December 1994

List of contents: Outsourcing Transition Agreements

Building Intelligent Legal Information Systems

Author: John Zeleznikow & Dan Hunter

Kluwer Law & Taxation Publishers, Deventer-Boston, 1994, 351pp.
ISBN 90 6544 833 0

Reviewed by:
Andrew Terrett, Centre Coordinator CTI Law Technology Centre, University of Warwick

Once again Kluwer Publishers add to an already impressive list of publications in the Computer/Law Series, this time drawing upon the considerable talents of two legal academics from the Melbourne Law School who appear to be blazing a trial in the field of Law and AI. [As you may have guessed, one of them

is an editor of this esteemed Journal] In the introduction to this book, the Australian duo state that 'we intend this book to be used by legal practitioners, to understand the range of new tools available to them and how these tools are used'. One might question the reasoning behind their aim - do practicing lawyers have the time or inclination to build intelligent legal information systems? However, this point aside, they undoubtedly succeed in their aim.

After a brief introduction which includes a quick summary of what has been achieved worldwide in the area, Chapter 2 looks at the various types of lawyers, the types of work that they perform, and then looks at the types of tools that are currently available. Chapter 3 makes comprehensive coverage of perhaps the most important of all legal information systems, the full-text retrieval system. They cover the various methods of searching in some detail and also look at other types of databases such as the relational and object-oriented varieties.

Chapter 4 on jurisprudence begins with the inevitable reference to Susskind's quotation namely 'it is beyond argument that all expert systems must conform to some jurisprudential theory because all expert systems in law necessarily make assumptions about the nature of law and legal reasoning'. (One of many things we can thank Richard Susskind for is providing legal academics with a concise rationale for many a research project into Law and AI). This jurisprudential aspect of law and AI is one of the most interesting and complex. One criticism that could be aimed at the authors is that this Chapter lacks a little depth. One might argue that the positivist versus legal realist debate deserves more than 13 out of nearly 300 pages. However, the issues are returned to briefly in Chapter 5 and given that this is a book

primarily for the practitioner, they may be forgiven for avoiding a lengthy regurgitation of an inconclusive and an already adequately explored debate. Chapter 5 then addresses the rationale for building systems and highlights some of the difficulties in building practical systems such as problems of open texture, the problems with rules, etc.

The second part of the book addresses how we represent legal knowledge, starting with the early work of Newell and Simon, representation through logic, and follows this theme through in Chapter 7 by looking at semantic networks, conceptual graphs and Petri nets. Chapter 8 covers all the major developments in expert systems and legal knowledge representation, looking at the work of the major theorists such as J. C. Smith and Kevin Ashley. The third part of the book looks at the direction of current research and points out certain avenues of opportunity for the future. One of their conclusions is that future intelligent legal information systems will need to combine case-based, rule-based and 'intelligent' information retrieval. This is no small task and they seem to be strangely unwilling or perhaps unable to describe quite how this will occur.

One cannot fault their methodology and clarity of writing. Depending upon one's own views, one might wish to take issue with the authors for their belief that underpins the entire book, namely that 'legal expert systems are both useful and theoretically sound' but one cannot reprimand them for the way in which they present their arguments. Since the late 1980's the research momentum for expert systems in law has, to a large extent, stalled and these two do not present a new methodology for 'kickstarting the engine'. Again, however, in their defence, one might argue that new research has

no place in an introductory book for legal practitioners. Academia has moved into new areas in law and information technology, areas such as the applications of heypertext, the Internet, computer-assisted learning and at the higher 'knowledge-based' level, into neural networks. Thus there are two outstanding questions. The first is-have expert systems in law had their day? The jury would appear to be still out on this matter. The second is - do legal practitioners have time or the inclination to build machines of this nature? The argument is, given the substantial

methodological problems outlined in this text, probably not.

The book is well laid out, comprehensive and methodical in its coverage. As with Mital and Johnson (1992) it has an extensive bibliography and also interestingly a very valuable glossary of technical terms. It is also an extremely readable book and would make an excellent introductory text to the area of Law and AI for those practitioners who are unfamiliar with the 'higher-level applications'. Equally legal academics looking for a comprehensive text upon which to base the teaching of

Law and AI would be wise to make this text high on the student reading list. By the same token, however, lawyers familiar with the Mitual and Johnson work may be a little disappointed. Thus, to conclude on a more positive note, if this introductory text is typical of their work, academics keen to return to the expert systems 'hey days' of the late 1980's, may be impatient to see what further new research these two clearly gifted academics produce in years to come, particularly with reference to combining existing methodologies.

Consideration is given to whether software developers may be liable for authorising infringement of copyright in multimedia works by incorporating a print function in these works.

Computer mapping & native title

Author: Nicholas Calabria

The author explains the relevance of computer based mapping to native title and land claims and legal practice in general.

Nintendo Wins the Circuit Layout Game: Nintendo Co Ltd v Centronics Systems Pty Ltd

Author: Eugene Clark

An examination of the decision of the High Court in *Nintendo v Centronics*. The author concludes that the liberal interpretation of the Circuit Layouts Act 1989 (Cth) adopted by the High Court suggests that there may scope for a *sui generis* scheme to govern the protection of intellectual property rights in computer technology.

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