

# MEMO

TO: Tom Lee, Director of Sunlight Labs

FROM: Douglas Meredith

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RE: Opening up the legal code

The United States represents itself as a democracy where “no [one] is above the law and no [one] is below it”. Yet how can that be true when the actual content and meaning of the law remains a closed book for most citizens? Legal writing is infamous for being dense, archaic, and inscrutable. It takes a lawyer to compose statutes and then it takes another to decipher it. Yet it doesn’t have to be that way.

## **The Costs of Closed Code**

*Civic* – a society that cannot read the code it is bound by is in a dangerous place. We must accept our interpreters are trustworthy and competent when telling us what is being said, because how can we contradict them? Based on the track record of our translators, lawyers and politicians, is that really a fair assumption to make?

*Financial* – the cost of retaining legal counsel is exorbitant. According to a study<sup>1</sup>, the hourly rates charged by firms involved in an automobile accident suit range from \$150-\$375. Even considering many lawsuits and bankruptcy cases are paid for out of the end settlement, that’s a lot of money that is effectively coming from the litigant. While most companies will offer free one-hour consultations before taking a case, the sticker shock alone can be enough to keep people away.

On the flipside, the pro bono system is perpetually stretched to its limit. The Legal Aid Society of New York, the largest such organization in the area, was by its own count<sup>2</sup> able to take on 300,000 criminal cases and 44,000 civil cases in 2012. Yet those 44,000 civil cases represent only 11% of the requests received in that same time period. The odds of getting more than a few minutes of time on the phone are not good.

*Personal* – We live in a system where it’s often impossible to understand the law and often expensive or impractical to hire someone who can. What’s the result? Misuse of the law to unfairly intimidate others. Avoidance by many of a system that could provide fair redress of wrongs. Mistrust of those who claim to enforce it, from police to lawyers themselves.

But the technological advancements of the last two decades can change this. We can break this code open for every citizen.

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<sup>1</sup> Hannaford-Agor, P & Waters, N. “Estimating the Cost of Civil Litigation,” *Caseload Highlights*, 20, no. 1 (2013), [http://www.courtstatistics.org/~media/microsites/files/csp/data%20pdf/csph\\_online2.ashx](http://www.courtstatistics.org/~media/microsites/files/csp/data%20pdf/csph_online2.ashx)

<sup>2</sup> Legal Aid Society of New York. (2013). *The Legal Aid Society – 2012 Fact Sheet*. [http://www.legal-aid.org/media/153742/las\\_fact\\_sheet\\_2012.pdf](http://www.legal-aid.org/media/153742/las_fact_sheet_2012.pdf)

## Codebreaking

This can be done in two ways: *breaking down* common challenges and *translating* laws into readable text.

*Breaking down challenges* – there are legal situations that many people encounter. Bankruptcy, foreclosures, evictions... all of these are common troubles. While passive FAQs can help, they can only go so far. Instead, let's harness existing software to walk users step-by-step through the basics of what they'll need to know and, based on that info, give them a rough analysis of next steps.

*Translating laws* – by first using a crowdsourcing platform to post the text of laws and then allowing participants to add annotations and comments that effectively describe what it means line-by-line. This can help take the mystery of "legalese" out of the bill, as well as offering a chance for users to engage as a community in educating each other. Second, provide visual diagrams breaking down the relationships between portions of very complex laws.

The goal is not to remove lawyers from the equation altogether. Rather, the goals are to:

- Give citizens a better understanding of the legal environment
- Increase confidence in litigants who might otherwise have simply gotten overwhelmed and dropped out
- Empower people to pre-screen and prepare themselves before deciding to retain counsel.

All of the software referenced here is not theoretical. Useable examples are already deployed across multiple fields of interest. They simply need to be retooled.

### Breaking down the Enigma – Next Steps & Needs

*Phase 1* – secure licenses as needed, retool software, pilot project by selecting one discrete legal "topic area" and generate content via "hackathon" social events. Fix and tweak tools based on feedback and launch. Analyze results and issues post-launch. Brainstorm solutions.

*Phase 2* – enhance existing features based on feedback. Develop new features, especially ways to deepen the capacity to crowdsource *all* content generation.

What is needed for all this is relatively straightforward:

*Seed money* – enough funding to purchase any licenses needed, secure a host and IT support, as well as one to two staff who can oversee and guide the process.

*Expertise* – volunteers from both the programming and legal world will be crucial to the success of this project.

*Networks* – trusted organizations and people who can act as "boosters" spreading the word about Codebreakers.