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Abstracts from the Law and Computers Interest Group

The Legal Implications of Geo-identification

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Abstract

Location matters also in relation to Internet activities. For example, location may determine whether a person falls within the jurisdiction of a particular state, it may determine which law is applicable to a person's conduct, and it may determine whether or not a judgment can be successfully enforced. Indeed, it could be said that, as far as conflict of laws is concerned, location almost always matters. Until recently, however, it was often said to be impossible to link those active on the Internet to a geographical location ("geo-identification"). This is all changing. A recent survey revealed that a large number of companies, particularly in the US, seek to identify the geographical location of those who visit their websites. Further, the courts' perception of the possibility (in some cases) or impossibility (in other cases) of geo-identification has been determinative in several court cases. Furthermore, the use of so-called geo-location technologies and other means of geo-identification will change the Internet in a highly dramatic manner, as the nearly global Internet of today may be replaced by a Internet taking account of geographical borders. Yet the questions that this gives rise to have gained surprisingly little attention in literature so far.

The Role of Computers in Judicial Reasoning and Analysis

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Abstract

The aim of this paper is to highlight a number of ways in which computers can be used to further enhance judicial reasoning and analysis. One technique is hyperlinking. It is being used by judges to link words in their judgment to precedent cases, statutory provisions and facts, which can include images, both still and moving. There is scope to make more effective use of this technique. A second technique is flowcharts. Given the increasing complexity of factual situations in legal proceedings and statutes, flowcharts are being used more and more to represent the facts or to interpret statutory provisions. There is a well established legal paradigm employed by students, practitioners and judges in learning and practicing law. It can be represented in flowchart format and each box in the chart, embodying facts or law can be hyperlinked. By representing the judgment in flowchart format the judicial reasoning and analysis underlying the case is more apparent.

Scientific analysis of evidence has been attempted over the past 200 years using algorithms and flowcharts. This technique has not met with widespread success. It is possible that the method will come into its own in the computer age.

A judgement comprises a number of elements including, facts, issues, legal precedents, statutory provisions and holdings, decisions or opinions. Each of these elements are variable, in the sense that they vary from case-to-case. One role for the law is to collect together similar variables from a line of cases in order to establish principles of wider application to future cases. The statistical analysis of interdependence can assist in this regard; its goal is to give meaning to a set of variables. The statistical analysis techniques include, factor analysis, multidimensional scaling and cluster analysis. The techniques are dependant on computer programs for their implementation and they are capable of handling non-metric variables, of the type found in legal proceedings.

Online Defamation: Removing the Veil of Anonymity

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Abstract

This Paper examines the means by which the sender of an anonymous defamatory email may be identified for the purposes of preparing for defamation litigation. It shows how the little-used preliminary discovery process may be combined with technological innovations to achieve a legal objective that may have been thought impossible and uses a fictitious example to step-through this process.

This paper reflects on how the law does not always need to be changed to reflect modern technology, how the concept of technological neutrality may already be seen to exist in some parts of the law, and that whilst technology may change, the underlying legal processes can sometimes remain the same.