The Preservation of Internet Materials Cited in Judicial Opinions

Photo Credit: © Justin Maconochie Photography
**Link Rot** = When a URL becomes invalid.

**Reference Rot** = When a URL is valid, but the webpage has been altered.
Why Does Link Rot Matter?

Citations are the foundation of legal opinions. Rotten citations weaken opinions just as a bad foundation weakens a building.
Why Does Link Rot Matter?

• The ability of future readers to view and learn more about the material cited in an opinion is central to the precedent.

• An opinion with a citation that cannot be examined in full might result in an incorrect understanding of the opinion.
Ways of Addressing Link Rot:

• An Internal Hard-Copy Archive

• An Internal Electronic Archive

• An External Electronic Archive
An Internal Hard-Copy Archive

- Retention of control.
- Ability to include information that might not be subject to archiving by an external provider (e.g., material obtained from behind a paywall).
- Limited access.
- Published opinion contains a URL that might lead nowhere or to incorrect information.
The ssnat.com Example:

presumably understands the nature of video games and that supports respondents—tells us that video games are


15 Lara, “Rancho” Video Game Gets Viral Avid Outrage, CNN
The ssnat.com Example

Aren't you glad you didn't cite to this webpage in the Supreme Court Reporter at Brown v. Entertainment Merchants Association, 131 S.Ct. 2729, 2749 n.14 (2011). If you had, like Justice Alito did, the original content would long since have disappeared and someone else might have come along and purchased the domain in order to make a comment about the transience of linked information in the internet age.

And if you quoted this in the NY Times, will you do a correction for the now changed text?
The ssnat.com Example

404 Error - File Not Found

Aren't you glad you didn't cite to this webpage in the Supreme Court Reporter at Brown v. Entertainment Merchants Association, 131 S.Ct. 2729, 2749 n.14 (2011). If you had, like Justice Alito did, the original content would long since have disappeared and someone else might have come along and purchased the domain in order to make a comment about the transience of linked information in the internet age.

And if you quoted this in the NY Times, will you do a correction for the now changed text?
An Internal Electronic Archive

• Easily accessible.
• Retention of control.
• Requires court resources (staff time, server space, etc.).
The Ninth Circuit’s Electronic Archive
2008 to 2015

Websites Cited in Ninth Circuit Opinions

"Citations are the cornerstone upon which judicial opinions and law review articles stand... The ability to check citations and verify that citations to the original sources are accurate is integral to ensuring accurate characterizations of sources and determining where a researcher found information. However, accurate citations do not always mean that a future researcher will be able to find the exact same information as the original researcher. Citations to disappearing websites cause problems for legal researchers."

Raquel Liebner & Jane Liebner, Something Missing in the State of Legal Citation: The Life Span of a United States Supreme Court Citation Containing an Internet Link (1996-2010), 15 YALE J. & TECH. 273, 275 (2013), available at http://yaleunivpubs.library.yale.edu/workingpapers/WorkingPaper-11-08.pdf.

The following table lists Ninth Circuit opinions issued from 2008 to the present that cite to Internet addresses (URLs). Because some URLs cited in court opinions may change over time or disappear altogether, this project attempts to capture, as closely as possible, what the court was referencing at the time the opinion was released. Using the URL cited in the opinion, the Ninth Circuit Library saves a copy of the cited material as a PDF file and adds a watermark to denote the document's archived status. The Library does not attempt to determine if any changes have been made to the website between the date the court last visited the site and the date the Library archived it.

In the default table view, opinions are arranged by year (current year first) and then alphabetically by case name. The table is searchable by year, case name, date of opinion, docket number, and citation. To retrieve the archived copy of the cited material, click on the link under the "Document Description" column. To view the current website, copy and paste the URL into your browser. Note: not all addresses listed may be active.

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Click here to submit corrections.
<table>
<thead>
<tr>
<th>Case Name</th>
<th>Date Of Opinion</th>
<th>Docket Number</th>
<th>Reporter Citation</th>
<th>Document Description</th>
<th>URL In Opinion</th>
</tr>
</thead>
</table>
Profile of Jail Inmates, 2002

By Doris J. James
BJS Statistician

At midyear 2002, 665,475 persons were held in local jails: over half had been convicted; a quarter were detained awaiting arraignment or trial; and a sixth were held on a prior sentence but also awaiting arraignment or trial on a new charge. These findings are based on information from personal interviews with a national sample of nearly 7,000 jail inmates, conducted January through April 2002. The survey provides a profile of offenders held in local jails and a comparison to those held in 1996 when the last survey was conducted.

Based on the 2002 Survey of Inmates in Local Jails (SILJ), the number of inmates held for drug law violations totaled 156,000, up from 141,100 in 1996. The increase in drug offenders accounted for 37% of the growth in the nation’s jail population. Overall, at midyear 2002 the distribution of jail inmates by type of offense remained nearly unchanged: a fourth of inmates in each of four major categories — violent, property, drug, or public-order.

Two-thirds of jail inmates in 2002 said they were regular drug users; over half of the convicted inmates reported using drugs in the month before their current offense. An estimated 66% of jail inmates reported using alcohol at least once a week for a month; 33% were under the influence of alcohol at the
The Ninth Circuit’s Electronic Archive

The United States Court of Appeals for the Ninth Circuit is taking further steps to ensure that information derived from the Internet and cited in official court opinions remains available even if the original online resource ceases to exist or is altered.

Virtually all Internet users have experienced the frustration of a bad web link. This often results from "link rot," which occurs over time as information is removed or moved to other online locations. Failure to obtain online information referenced in a court opinion, however, goes beyond inconvenience and can prove critical to judges and lawyers in considering other cases.

Since 2008, court librarians in the Ninth Circuit have been tracking citations to online resources and preserving original documents and/or web pages as Adobe PDF files. Although stored on the court website, http://www.ca9.uscourts.gov/library/webcases/, the availability of these files is not readily apparent to legal researchers.

The process will change January 4, 2016, when PDF files of online resources cited in opinions are automatically added to the official case dockets. The files will be immediately available to anyone accessing the docket through the court's case management/electronic case filing system, or CM/ECF, and the federal judiciary's PACER system.

Since January 2008, circuit librarians have identified 643 Ninth Circuit opinions having citations to online resources. The yearly totals range from a high of 102 opinions in 2011 to 69 opinions in 2014 with an average of 80 opinions per year. The number of web links cited in an opinion ranges from one to as many as 30.

Besides documents and web pages, court librarians also track citations to audio and video files hosted on Internet websites. However, the court does not currently retain multimedia files due to storage constraints and other factors.

The Judicial Conference of the United States, the judiciary's national governing body, has advised all federal courts to preserve online resources cited in decisions. The Ninth Circuit is the third federal appellate court to add online resources to its case dockets. The courts of appeals for the Eleventh Circuit and District of Columbia Circuit also do so.
Internet Sources Cited in SCC Judgments

Terms of Use

The Office of the Registrar of the SCC, recognizing that web pages or websites that the Court cites in its judgments may subsequently vary in content or be discontinued, has located and archived the content of most online sources that had been cited by the Court between 1998 and 2016 in order to preserve access to them. These sources were captured with a content as close as possible to the original content. Links to the archived sources can be found here: Internet Sources Cited in SCC Judgments (1998 – 2016).

Since 2017 onward, online sources cited in the “Authors Cited” section in SCC judgments have been captured and archived. When a judgment cites such a source, an “archived version” link is provided.

All links to the archived web pages are provided for convenience only, and are subject to the following:

- In some cases the archived content of a web page or site may differ from the content that was available at the time judgment was rendered.
- The Office of the Registrar of the SCC does not control or warrant the accuracy or completeness of the information provided in the referenced materials.
- The referenced materials do not necessarily reflect the opinions or policies of the Court, nor do the links provided constitute an endorsement of those materials, their sources, or the views they express. Similarly, reference to a web page or site within a judgment does not signify the author’s agreement with the judgment.
- The content of the archived web pages may be the subject of copyright. These pages are provided to enable legal researchers and private individuals studying SCC judgments to view the internet sources cited in the judgments. They are provided solely for use in compliance with the Copyright Act, R.S.C. 1985, c. C-42. Uses which do not fall within fair dealing and the other statutory exceptions to copyright infringement may require the permission of the copyright owner of the content.
- Copyright owners and authors with concerns about an archived web page may contact the Office of the Registrar of the SCC.
### Internet Sources Cited in Opinions

**Term Year: 2016**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Case Name / Cited Material</th>
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<tbody>
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<td>16-5247</td>
<td><strong>Sireci v. Florida</strong></td>
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<td>- <a href="http://factfinder.census.gov/faces/tables/services/jsf/pages/productview.xhtml?pid=PEP_2015_PEPAGESEX&amp;prodType=table">http://factfinder.census.gov/faces/tables/services/jsf/pages/productview.xhtml?pid=PEP_2015_PEPAGESEX&amp;prodType=table</a>;</td>
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<td>- <a href="http://www.deathpenaltyinfo.org/documents/FactSheet.pdf">http://www.deathpenaltyinfo.org/documents/FactSheet.pdf</a>;</td>
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<td>- <a href="http://www.deathpenaltyinfo.org/execution-list-2016">http://www.deathpenaltyinfo.org/execution-list-2016</a></td>
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<td>15-606</td>
<td><strong>Pena-Rodriguez v. Colorado</strong></td>
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<td>- <a href="http://defendermanuals.sog.unc.edu/race/8-addressing-race-trial">http://defendermanuals.sog.unc.edu/race/8-addressing-race-trial</a></td>
</tr>
</tbody>
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An External Electronic Archive

- Easily accessible.
- Loss of control.
- Inability to archive some materials.
Websites change. Perma Links don’t.

Perma.cc helps scholars, journals, courts, and others create permanent records of the web sources they cite.

Perma.cc is simple, free to use, and is built and supported by libraries.
U.S. Marshals Service

Fugitive Investigations - 15 Most Wanted

June 13, 2017 - 15 Most Wanted Capture - A man who was on the U.S. Marshals’ 15 Most Wanted list for a double homicide committed in 2011 in Dorchester, Mass., was captured in Haiti and has been brought back to the U.S. to face charges. Jean Weeves Janvier was placed on the 15 Most Wanted list in February 2016. Read More

The following individuals are considered armed and dangerous. Do not attempt to apprehend any of these fugitives yourself. Report any information to the USMS Communications Center at 1 (800) 336-0102 or the nearest USMS District Office.

Do You have a Tip? E-Mail: usms.desired@usdoj.gov

- Wanted Poster
- News Release
- Photos

- Wanted Poster
- News Release
- Photos

- Wanted Poster
- News Release
- Photos

- Wanted Poster
- News Release
- Photos

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- News Release
- Photos
Why the Michigan Supreme Court Elected to Partner With Perma

- Ease of use.
- Cost (It’s free!).
- Accessibility.
- Ability to create a Perma URL during the drafting stage, meaning that a permanent URL can be included in the opinion released to the public.
Michigan’s Experience With Perma

- Easy to use.
- Perma staff quick to answer questions and resolve issues.
- Relieved staff time used for internal archiving.
- Other state courts have followed suit. Perma is now used in Colorado, Maryland, and Massachusetts.
Citation Format

The 20th edition of The Bluebook encourages archiving of Internet sources and appending the archived URL in brackets after the full citation.


Additional Questions?

Feel free to contact me at loomisk@courts.mi.gov