

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:

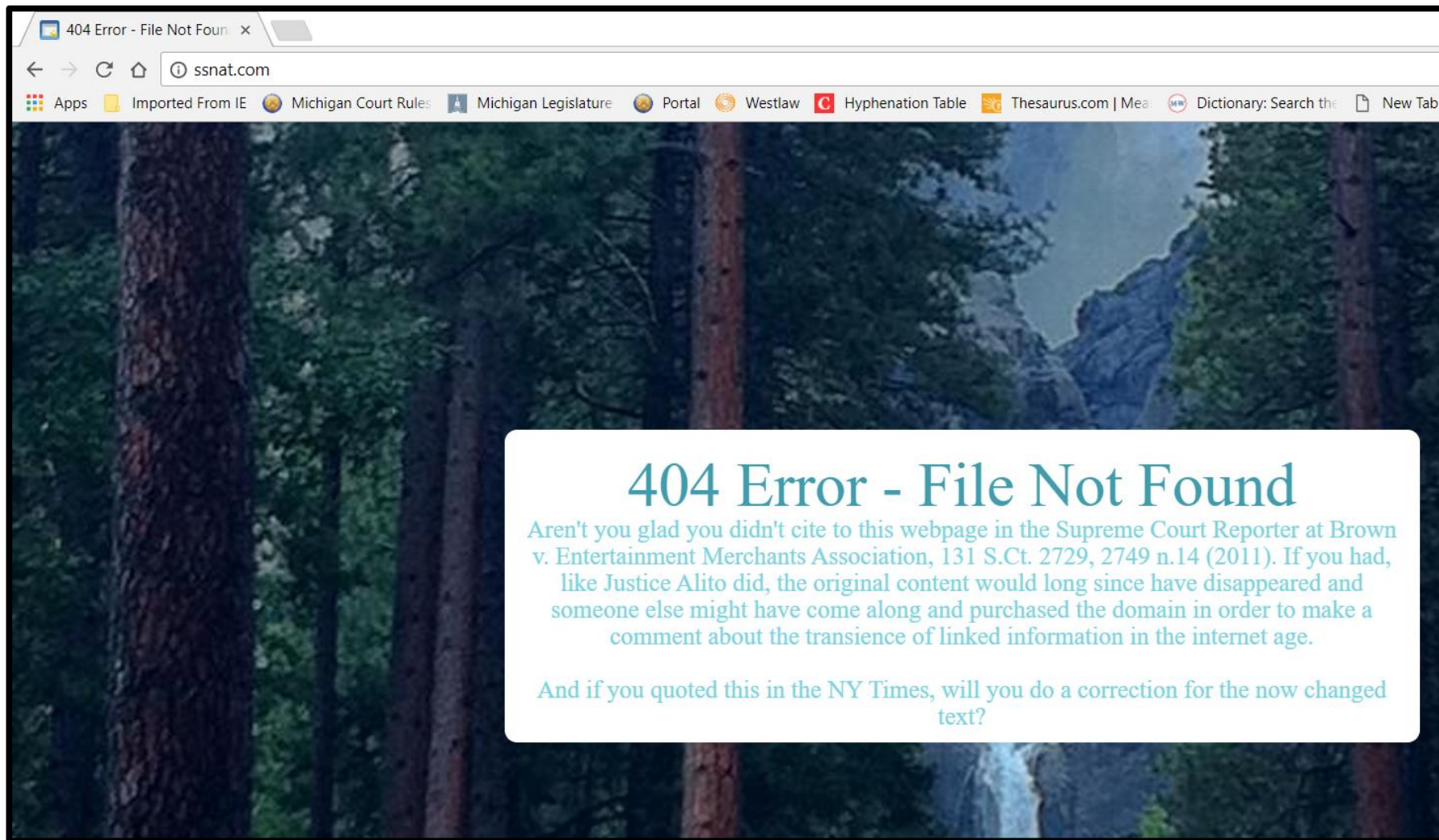
Brown v Entertainment Merchants Ass'n, 564 US 786, 819 n 14 (2011) (Alito, J., concurring).

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

ginia Tech Killings, Time (Apr. 20, 2011), <http://newsfeed.time.com/2011/04/20/school-shooter-video-game-reenacts-columbine-virginia-tech-killings>. After a Web site that made School Shooter available for download removed it in response to mounting criticism, the developer stated that it may make the game available on its own Web site. Inside the Sick Site of a School Shooter Mod (Mar. 26, 2011), <http://ssnat.com>.

¹⁵ Leah “Rane Ray” Video Game Goes Viral Amid Outrage, CNN,

The ssnat.com Example



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

<http://www.ca9.uscourts.gov/library/webcites/>




UNITED STATES COURTS for the NINTH CIRCUIT

Chief Judge Alex Kozinski
Cathy A. Catterson, Circuit & Court of Appeals Executive

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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."

Raizel Liebler & June Liebert, *Something Rotten 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.L. & TECH. 273, 275 (2013), available at http://villt.org/sites/default/files/Somehing_Rotten_in_Legal_Citation.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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The Ninth Circuit's Electronic Archive

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Pages: << <<1, 2, 3, 4, ...>> >>|

Page size: 50

Case Name	Date Of Opinion	Docket Number	Reporter Citation	Document Description	URL In Opinion
Blixseth v. Yellowstone Mountain Club	2/18/2014	12-35986	742 F 3d 1215	Club	http://goo.gl/tfWQ5n (relocates to : http://www.yellowstoneclub.com/index.php/ski/mountain)
Chaudhry v. City of Los Angeles	5/19/2014	11-55820 11-55906 11-55907	751 F 3d 1096	Profile	http://www.bjs.gov/content/pub/pdf/pji02.pdf
Cohen v. City of Culver City	6/6/2014	13-55079	2014 WL 2535329	Technical Assistance Manual Common Problems	http://www.ada.gov/taman2.html http://www.ada.gov/comprob.pdf (unable to watermark)
Eclectic Properties East, LLC v. The Marcus & Millichap Company	5/7/2014	12-16526	751 F 3d 990	Cycles Recession	http://www.nber.org/cycles http://www.bls.gov/spotlight/2012/recession/pdf/recession_bls_spotlight.pdf
Greater Los Angeles Agency on Deafness, Inc. v. CNN	2/5/2014	12-15807	742 F 3d 414	CNN	www.cnn.com
Gutierrez v. Commissioner of Social Security	1/23/2014	12-15472	740 F 3d 519	Metro OMB	http://www.census.gov/population/metro http://www.whitehouse.gov/sites/default/files/omb/bulletins/2013/b-13-01.pdf

The Ninth Circuit's Electronic Archive

http://cdn.ca9.uscourts.gov/datastore/library/2014/06/13/Chaudhry_Profile.pdf

U.S. Department of Justice
Office of Justice Programs

Revised, 10/12/04 th



Bureau of Justice Statistics Special Report

July 2004, NCJ 201932

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 114,100 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

Highlights

- Jail inmates were older on average in 2002 than 1996: 38% were age 35 or older, up from 32% in 1996.

- More than 6 in 10 persons in local jails in 2002 were racial or ethnic minorities, unchanged from 1996. An estimated 40% were black; 19%, Hispanic, 1% American Indian; 1% Asian; and 3% of more than one race/ethnicity.

- Half of all jail inmates in 2002 were held for a violent or drug offense, nearly unchanged from 1996.

Offense	2002	1996
Violent	25.4%	26.3%
Property	24.4	26.9
Drug	24.7	22.0
Public-order	24.9	24.4

- 46% of jail inmates were on probation or parole at the time of arrest, a slight increase from 45% in 1996.

Justice status	2002	1996
None	46.8%	46.4%
Any status	53.2	53.6
On probation	33.6	31.7
On parole	12.6	13.1
On bail/bond	6.9	12.7

- 39% of jail inmates in 2002 had served 3 or more prior sentences to incarceration or probation, down from 44% in 1996.

Prior sentence to incarceration or probation	2002	1996
0	26.9%	27.3%
1	17.5	17.4
2	16.8	11.3
3-5	21.9	20.2
6-10	11.0	15.1
11 or more	5.0	9.7

- In 2002, 41% percent of jail inmates had a current or prior violent offense; 46% were nonviolent recidivists; 13% had a current or prior drug offense only.

- The average sentence length of jail inmates increased from 23 months in 1996 to 34 months in 2002; time expected to be served in jail dropped from 10 to 9 months.

- Among convicted inmates, alcohol use at the time of the offense dropped from 41% (1996) to 33% (2002), while drug use dropped from 35% to 29%.

Substance abuse and treatment	2002	1996
All jail inmates		
Regular alcohol use	66.0%	66.3%
Regular drug use	68.7	64.2
Convicted inmates		
Alcohol use at offense	33.4	40.8
Drug use in month before offense	54.6	54.6
Drug use at offense	28.8	34.9
Regular users treated — Ever under correctional supervision	43.4	34.3
Since admission to jail	15.1	12.3

- 56% of jail inmates said they grew up in a single-parent household or with a guardian. About 1 in 9 had lived in a foster home or institution.

- 31% of jail inmates grew up with a parent or guardian who abused alcohol or drugs; 46% had a family member who had been incarcerated.

The Ninth Circuit's Electronic Archive



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January 1, 2016 / Announcements

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/webcites/>, 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 docket. 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.

###

Supreme Court of Canada

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.
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- 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.
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Supreme Court of the United States

https://www.supremecourt.gov/opinions/cited_urls/16

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Case Citation Finder

Internet Sources Cited in Opinions*

2016

2015

2014

2013

2012

2011

2010

2009

2008

2007

2006

2005

Term Year: 2016

Case Number	Case Name / Cited Material
16-5247	Sireci v. Florida <ul style="list-style-type: none">http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2015_PEPAGESEX&prodType=table;http://www.deathpenaltyinfo.org/documents/FactSheet.pdf;http://www.deathpenaltyinfo.org/execution-list-2016
15-606	Pena-Rodriguez v. Colorado <ul style="list-style-type: none">http://defendermanuals.sog.unc.edu/race/8-addressing-race-trial

An External Electronic Archive



- Easily accessible.
- Loss of control.
- Inability to archive some materials.

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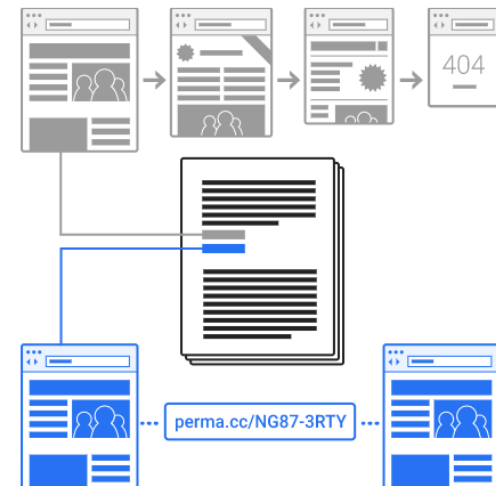
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Fugitive Investigations - 15 Most Wanted

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 Weevens 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.wanted@usdoj.gov



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- News Release



Burroughs

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- News Release



- Wanted Poster



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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.

- United States Marshals, *Fugitive Investigations—15 Most Wanted* <http://www.usmarshals.gov/investigations/most_wanted> (accessed August 31, 2017) [<http://perma.cc/J4B3-WDDQ>].
- National Gang Intelligence Center, *2011 National Gang Threat Assessment: Emerging Trends*, p 15 (observing that “gang members are responsible for an average of 48 percent of violent crime in most jurisdictions”), available at <<http://www.fbi.gov/statsservices/publications/2011-national-gang-threat-assessment/2011-national-gangthreatassessment-emerging-trends>> (accessed July 3, 2014) [<http://perma.cc/P8WZ-Y88E>].
- Grissinger, *Multiple Brand Names for the Same Generic Drug Can Cause Confusion*, 38 Pharm & Therapeutics 305 (2013), available at <<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3737992/pdf/ptj3806305.pdf>> (accessed June 2, 2014) [<http://perma.cc/V5MG-DHLF>].

Additional Questions?



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