

CURRENT AWARENESS SERVICES (CAS) AVAILABLE VIA THE WORLD WIDE WEB (WWW) IN RESPECT OF LEGAL INFORMATION

T ROSSOUW

Oliver R Tambo Law Library,
University of Pretoria, Pretoria, South Africa
tina.rossouw@up.ac.za

I FOURIE

Department of Information Science,
University of Pretoria, Pretoria, South Africa
ina.fourie@up.ac.za

ABSTRACT

In a globalised world where current awareness services (CAS) are increasingly being made available on the World Wide Web (WWW), a myriad of electronic services exists to keep users up to date with the latest developments in the legal field. The objective of this article is to gain an understanding of the potential value of such services for users of legal information. To accomplish this, attention will be given to the nature, advantages and disadvantages of CAS, as well as to the information background and needs of legal users as currently reported in the subject literature. Since the users of legal information constitute a unique group of users with a very specific vocabulary and subject field, their information needs are different from those of other groups and will be addressed specifically. Examples of the kind of services available to this specific group, which services range from newsletters and e-mail alerts to listservs, blogs and directories, will be given. Taking all of the above into consideration, the value of CAS for users of legal information will be highlighted, with suggestions being made as to further research that be conducted concerning this user group's needs for CAS.

1. INTRODUCTION

The World Wide Web (WWW or Web) is, in relation to other sources of information, a very young resource. However, it is one of the biggest

depositories of information, as well as the most widely available to us today. Although the concept of current awareness services (CAS) is nothing new in the library and information science world, the Web has brought with it a new awareness of the importance of having access to the latest developments in the world regarding job-related and personal matters (Fourie 1999:379). Without a knowledge of the latest developments, a person loses the competitive edge associated with lifelong learning, new electronic communication and business transactions, and better job performance. This can be prevented by the use of appropriate CAS and by filtering the overload of information available on the WWW so as to bring only the most relevant sources to a person's attention. Although it is not without shortcomings, CAS can be particularly useful in a globalised world where the updated rules of different legal and international systems become more important to even the most remote legal practitioners (also known as lawyers, judges, advocates, barristers, solicitors, attorneys).

In the fast-moving world of users of legal information, the best CAS services must be found and used in the most effective way. Although CAS is nothing new to the legal world, it has not been exploited to its full potential. Questions such as the following should therefore be asked:

- What is CAS in essence and how can it be defined in the context of the needs of the legal profession?
- What are the advantages and value of CAS, as well as its disadvantages, with specific reference to the legal profession?
- What CAS relating to legal information is available on the WWW?
- What information is important to the legal profession (although the need for legal information is also important in everyday life and within other professions, we will focus on the needs of the legal profession)?
- How can we enhance our understanding of the need for CAS and its use by the legal profession?

These questions will be addressed in this article.

2. BACKGROUND

CAS can be very useful to information searchers in the legal field, because the slightest change to legislation, or a new, precedent-setting case, can alter the legal world and practice. Not knowing of such changes or new developments can be fatal for legal practitioners. Although remaining completely current with all the changes on the Web is an impossible task (Notess 1999:75), CAS can be employed to address this challenge and has been used with much success in the legal field. Otike (1999:20) states: "Information is an important

resource for the legal profession and without it the profession cannot function". It seems as if legal practitioners rely strongly on their personal collections of information (Otiike 1999).

Whittle (2001:362) writes as follows on legal material obtained via the Internet, in the process providing a good summary of the present situation:

The Internet now delivers a wide variety of legal materials. Many government sites (from developed as well as developing countries) provide access to significant collections of substantive primary materials. Increasingly the full text of current and proposed legislation as well as constitutions, treaties and case law can be found on websites for many jurisdictions around the world. University sites, law schools, law firms and legal publishers are providing commentary, presenting sample chapters of new works, publishing electronic journals, and producing content-rich sites that contain and collate secondary sources. Law and legal materials are ever changing. The web provides a means of handling that change, allowing daily or hourly updates that would previously be unimaginable. The Internet has added tertiary law sources, materials provided by discussion groups or previously unpublished manuscripts. The web enables publishing of materials that would previously be uneconomic propositions. The medium was made for law. Although the full importance of such electronic resources is yet to be measured or tested, they clearly offer academics and lawyers access to materials with a depth and immediacy that expand the possibilities of both scholarship and professional practice.

Although CAS is widely available on the Web, it is difficult to find a comprehensive book (or other document) on these services, because of the fleeting nature of the Internet. Articles on the subject are frequently published in e-zines and journals for law librarians (such as *The Law Librarian*), usually highlighting a useful or new service. No study with the goal of evaluating these services in general for legal professionals, and the value thereof in practical situations, could however be traced. We searched Library and Information Science Abstracts, Emerald, ScienceDirect and Westlaw.

While conducting a literature review, we found that some research had been conducted regarding CAS and the field of legal information, and regarding the needs of legal professionals (e.g. as reported by Haruna & Mabawonku 2001; Kuhlthau & Tama 2001; Leckie, Pettigrew & Sylvain 1996; Otiike 1999; Wilkinson 2001). A number of short, non-academic articles concerning specific CAS on the WWW relating to legal information were also found on the Web (e.g. Gilliland 2000). Although these give some indication of the information needs of legal professionals and of the availability of CAS, more research is required on the information behaviour of legal professionals in an environment in which there is an increasing focus on the use of the WWW. (This will be addressed at the end of the present article.) For the moment, we

shall focus only on an exploration of the spectrum of CAS available and on the value thereof. Apart from the literature review, searches on the WWW for relevant CAS were conducted to identify available services and what they offer. These services are categorised and described to highlight their usefulness. Although the present article will identify some of the most important Web CAS relating to legal information, the article does not attempt to be exhaustive. There are literally thousands of services available on the Web.

In the present article, we hope to heighten awareness of the potential of CAS in legal environments and of their value, as well as increase the use of different Web initiatives in order to stay abreast of developments and research regarding the information behaviour of legal professionals.

3. DEFINITION OF CAS

Van Brakel (1997:127) describes CAS as keeping end-users updated on new information and developments in their fields of interest. According to Hamilton (1995:3), a CAS might be defined as a service which provides the recipient with information on the latest developments within the subject areas in which he or she has a specific interest or need to know. She also identifies four elements of a good CAS as being the following: knowing what topics to cover, knowing who wants what, knowing the sources where the latest information can be obtained, and supplying that information regularly and reliably (Hamilton 1995:3–5). Another definition is provided by Kemp (1979:12), who identifies current awareness as knowledge of recent developments and CAS as systems for reviewing newly available documents, selecting items relevant to the needs of an individual or group, and recording them so that notifications may be sent to those individuals or groups to whose needs they are related. These services thus involve the review of documents, the selection of relevant items and notification of the users thereof (Kemp 1979:13).

After evaluating existing definitions, Fourie (1999:382) defines CAS (with appreciation of its role on the WWW) as

. . . a selection of one or more systems that provide notification of the existence of new entities added to the system's database or of which the system took note (for example documents, web sites, events such as conferences, discussion groups, editions of newsletters). CAS automatically notify users or allow users to check periodically for updates. The entities can be specified according to user's subject interests or according to the type of entity (for example books or newsletters).

In short, what this means is that the right user is provided with the right information, at the right time, in the right format, from the right sources, or, as Martin and Metcalfe (2001:267) put it, “relevant information, in a convenient form, on time, and to the appropriate people”.

The term “CAS” as used in this article refers to any kind of Internet service whereby users are made aware of new developments in the legal field. As used here, it does not include intranets or sources on the invisible web, because it is sometimes very difficult to gain access to such sources, with access requiring subscription fees and passwords.

A variety of CAS can be found on the WWW, including the following: tables of contents services, book-alerting services, search-engine alerts, E-zines or electronic newsletters, filtered news, push services, agents (monitoring a user’s activities on the Web), newspapers and commercial SDI services (which save searches to run them continually against incoming documents in a database) (Fourie 1999:381). Customisable portals can also be categorized as CAS. E-mail-alerting services seem to be the most popular form of CAS in the WWW environment (Martin & Metcalfe 2001:269; Notess 1999:75). The more recent weblogs, as discussed by Clyde (2004), and RSS feeds (Really Simple Syndication), as discussed by Davison-Turley (2005), can also be added.

The availability of CAS varies from free to very expensive, while some sites provide for automatic notification as opposed to a service requiring the user to visit the particular site regularly (Fourie 2003:187). Some CAS only provide bibliographical references, while others provide access to full-text documents or websites. Some advantages and disadvantages of CAS in general will be discussed in the following section.

4. THE ADVANTAGES AND DISADVANTAGES OF CAS

Awareness of information is one of the aspects mentioned by Wilkinson (2001:273) in her model reflecting the information behaviour of lawyers. An important advantage of using CAS via the Web is that this enables a person to receive customized information that is easy to digest. It also provides immediate access to the end-user work station and the information is highly available. Fourie (1999:382) adds that it is easy to keep track of new developments, of new information resources, of new trends in a specific field, of new research projects, of daily events, of activities in competing markets and of new documents in databases. CAS can help keep track of forthcoming events and supports research and publications (Fourie 2001:280), thus benefiting the individual researcher and the research community and leading

to research of a high quality (Kemp 1979:15). WWW CAS is also speedy and can appear very frequently; in addition; it is very convenient (Fourie 2003:185). It can be expected that these benefits will also apply to the legal profession. However, empirical studies will be necessary to gain more specific insights. Although those in the legal profession often rely on conferences to keep up to date, they are not always in a position to attend these (Haruna & Mabawonku 2001). The CAS discussed in this article may therefore offer a solution. More advantages of the use of CAS are also indicated in the discussion in the next section.

The disadvantages associated with CAS are notably less than the advantages. CAS can, however, be very time-consuming to set up, especially if the Internet is very slow. In addition, users can still be overloaded with information, with the result that they will need to organize the information if they are to benefit fully from it. Customization also does not allow for browsing and the serendipitous discovery of information (Martin & Metcalfe 2001:270). Another disadvantage is that some services (usually those of high quality) are very expensive. In addition, no CAS can cover all the information on a subject and the user might therefore need to subscribe to different services, leading to overlapping and information overload (Fourie 2001:281). Kulthau and Tama (2001:26) also point out that a possible disadvantage of personalised services (including CAS) is that, although useful for routine tasks, they could be less effective in supporting complex tasks involving creativity and the construction of new meaning. (This is one of the aspects requiring further research.)

5. USERS OF LEGAL INFORMATION

“Lawyers, law students and law faculty [members] are producers, users and managers of information. Information in this context refers to legal source materials, including primary and secondary legislation, case law and commentary” (Nobis 1999:41). Users of legal information can include lawyers, law students and law faculty members (as mentioned above), as well as judges, advocates, clerks, government officials and the average citizen seeking legal advice.

South African law as it is today is rather complicated. It is made up of elements of the Roman, Dutch, English and indigenous legal systems (Kleyn & Viljoen 2002:19; Feiertag 1999:11–15). In addition, the South African legal system is not centrally codified, but is to be found in different sources, the most important primary sources being the old authorities (Roman-Dutch manuscripts), statutes, case law and the common law (unwritten rules) (Kleyn & Viljoen 2002:337–338). These primary sources should be supplemented by

commentaries and secondary sources such as legal textbooks, legal journals, reference sources (encyclopedias and dictionaries), newspapers and Law Commission reports, some of which may be found on the Internet (Kleyn & Viljoen 2002:340–341; Feiertag 1999:23). Indeed, electronic media are replacing print as the primary medium for publishing legal information (Nobis 1999:41), because the possibilities of keeping the information up to date are endless, and because information that, previously, would have been impossible to locate is now accessible from servers all over the world (Scott 1999).

Feiertag (2002:27) points out that one of the most important factors in legal research is currency and timeliness. A legal practitioner should be aware of the most recent developments in the law, including amendments to statutes and landmark cases decided recently. New statutes, amended sections of statutes and recent, precedent-setting cases might affect the outcome of court cases considerably. It is clear that, in making users of legal information aware of changes, CAS might not only be valuable, but is actually crucial as far as they are concerned – something that is confirmed by Crysler (2001:69), who says of users of legal information that “they don’t want to miss anything”. Scott (1999) adds that “the real access issue is obtaining good, up-to-date information”.

Whisner (2000:230) summarises the dilemma of the user of legal information in the following words:

Keeping up is hard to do. We have many valuable sources streaming past us while we are performing many duties, often under pressing deadlines. We have to choose what sources to review, when, and how deeply. Because we do want to keep up, it is often painful to ignore entire issues or breeze past worthwhile articles; but we have to do it to keep our in-boxes (paper and e-mail) manageable.

The problem outlined here, information overload and the challenge of keeping up with new information can, if planned appropriately, be addressed successfully by using CAS available on the Web relating to legal information. The identification of CAS is, however, only a first step, which should be followed by research into information behaviour and, especially, information use in the legal environment.

6. AVAILABILITY OF CAS RELATING TO LEGAL INFORMATION

Gilliland (2000) begins his article as follows:

The increasingly global nature of legal education, scholarship and practice

suggests that all legal information professionals should add a good working knowledge of foreign and international law resources to their portfolios. For those of us without easy access to extensive print collections of foreign and international law, the good news is that the Web offers an astounding variety, including research guides, primary sources, and official documents and reports.

Fortunately, as in many other subject fields, there is a multitude of CAS available to help the legal profession keep up to date with all these information sources on the Web, especially in the area of international law where new legislation, treaties, decisions, reports and all types of documents see the light every day (Watson 2000). Some examples will be now be discussed.

6.1 LISTSERVS

Listservs are frequently used by law librarians (Gilliland 2000). A compilation of legal listservs can be found in the *Guide to Electronic Sources for International Law: Lists, Newsgroups and Networks* compiled by the American Society of International Law. Examples are the international listservs INT-LAW (on international legal resources), FORINTLAW (on foreign and international law), EUR-LEX (on European law), HRIGHTS (on human rights discussions), HUMANRIGHTS-L (on international human rights), INT-TAX (on international tax law and practice), INTAFRICAN LAW (on African law), INTADMIRALTYLAW (on international admiralty and maritime law), JURIST (an international law professors' net), and TRIBUNAL-UPDATE (on war crimes tribunals). Librarians from all over the world post questions on international law on these lists. Notices regarding new books and journals are also frequently posted, helping users of legal information to focus their professional reading (Whisner 2000:228).

South Africa has its own legal listserv called OSALL, which is managed by the Organisation of South African Law Librarians. Frequently, requests for scarce legal material are posted on this listserv, as well as useful information on new websites and on legal publishers and publications.

6.2 THE "NEW" SECTIONS OF LEGAL METASITES

A number of legal metasites and directories use a "What's new" or "News" section to display their newest additions of links. Legal portals are very popular and often have "News" sections (Watson 2000), like *Findlaw's and Hieros Gamos' International Law News*. Also worth mentioning is *AllLaw.com*, with links to full-text top stories, and *MegaLaw* with the present day's and other news links. *Jurist* is very much a legal news site, featuring a main story and other bulletins. It shows the exact time that these

were posted, has links to the full story and research links, contains new documents and law school news, has a legal news-focus section dealing with “hot” issues, and provides live webcasts as well as video clips on news-making events.

6.3 LAW-SCOUTING SITES

Several law-scouting sites keep users up to date with developments by monitoring listservs and by involving legal experts in writing guides on Web resources (Watson 2000). A good example is *LLRX.com*. Every month, a new issue sees the light, with guides on how to search for specific countries’ legal resources and for articles on anything that might be of interest to law librarians and information seekers. It has an archive that can be searched and resource centres for specific topics. The American Society of International Law also has a column called *What’s Online in International Law*, compiled by legal experts (Watson 1999:19). In addition, since 1997, the Society has been responsible for the *Guide to Electronic Resources for International Law*. This guide is continuously updated and expanded and the respective authors can be contacted.

6.4 INTERGOVERNMENTAL ORGANISATIONS

Important intergovernmental organisations (such as the United Nations) and courts provide CAS to make the legal community aware of the latest cases, reports and documents. The United Nations has a *News Centre* where RSS feeds can be set up according to region or subject. The Legal Information Institute at Cornell Law School offers a CAS called *Eye on the Courts*, with access to current opinions and a searchable database of US Supreme Court and federal court cases (Olm 2001:153). *What is New at the ICJ* can be found on the International Court of Justice’s website, which features the latest press releases and pending cases. This site offers the possibility of subscribing to e-mail notifications of the latest press releases. *WTO News* is a very comprehensive site dealing with news from the World Trade Organization, with links to relevant documents and to news on meetings. It also allows a user to register for receiving WTO news and has a function enabling users to search past archives and press releases.

In South Africa, *Juta’s Daily Law Reports* provide subscribers with access to court cases a day after they have been decided and long before publication in the different law report series. The South African Constitutional Court also offers an RSS feed service in respect of the latest court judgments as well as in respect of cases on the court roll (<http://www.vivid.co.za/concourtrss/rss-front-end/index.htm>).

6.5 LEGAL PUBLISHERS

Some legal publishers send out notices, on request, of new publications by subject. Oxford University Press is just one example of such a publisher. *Law Journals by Oxford University Press* is a free, table of contents-alerting service that enables anybody to see what has been published in any of Oxford University's law journals. Hart Publishing operates two mailing lists (a postal-based one and an e-mail based one). The e-mail list, *Hart Publishing Mailing List*, provides subscribers with the latest copies of catalogues, with promotional information and with information on special offers, all according to areas of interest.

In South Africa, LexisNexis Butterworths operates *LexisNexis Butterworths E-Mail Marketing*. This service allows subscribers to choose subjects they are interested in and which of four newsletters they wish to receive. LexisNexis Butterworths claims that subscribers will receive new product information four to six weeks ahead of the general market, will have the option to order these products before their competitors, will have access to cheaper and more efficient ordering methods via the Internet, will have less paperwork on their desks, will be able to review marketing material quickly and easily, and will find out what is happening in electronic and tertiary publishing relating to the fields of law and tax.

6.6 EVENTS

News of upcoming conferences around the world can be found on a site such as the *ASIL* website's *Calendar*. This provides programmes and application forms relating to such conferences, as well as contact details for prospective participants. Lyonette Louis-Jacques is responsible for keeping the International Association of Law Libraries *International Calendar* up to date. The calendar lists events of interest to law librarians for the next 10 years. In addition, it has an archive of past events that gives the name of the event, the date thereof and a short summary of its cope or subject, and, where applicable, the relevant website address.

6.7 E-MAIL UPDATES

The delivery of CAS by e-mail is a very popular method of delivery in the legal field. The United Nations High Commissioner for Human Rights, for example, provides an e-mail-alerting service that informs human rights practitioners about the latest country reports and conventions and about documents. The American Society of International Law has identified certain focus areas for its electronic information strategy, including increasing awareness and understanding of international law by providing CAS such as

International Law in Brief, a weekly electronic newsletter delivering abstracts of international documents (Watson 1999:20).

6.8 BLOGS

Blogs (weblogs) sometimes offer another way of staying up to date in a specific area. A blog is maintained by a blog owner, who can write about anything and can share his/her knowledge in his/her field of expertise. A legal weblog has its emphasis on the law, or issues and concerns related to the law, and is often maintained by an individual who studies, practises or otherwise works in the legal field. A good example of a legal blog is Sabrina S Pacifici's *beSpecific*, with links to useful new web sites and with comments by an expert in legal research. A list of legal blogs, *Legal Weblogs*, has been established by the University of Waikato Library. *Blawg* is a site with links to a lot of blogs on it. In essence, it is a collection of legal weblogs arranged according to topic and with the option of searching for material. An example of a very well-known legal weblog is *Ernie the Attorney*. This contains personal musings and impressions, as well as a list of interesting books, of other blogs and of music the author likes. Its emphasis, however, does not seem to be on the legal field – for example, he advertises his friend's CD launch on his blog! *Inter alia* is described by its author, Tom Mighell, as “an internet legal research weblog, among other things”. It is updated frequently with short postings on interesting websites and other blogs. Comments on each posting can be seen and it also features an archive. *HealthLawProfBlog* is maintained by two highly qualified law professors, S Elizabeth Malloy and Thomas W Mayo. They concentrate on health law issues and report on new books, on newspaper articles and on interesting links.

6.9 CURRENT AWARENESS DIRECTORIES

Current awareness directories, such as *Free Legal Current Awareness Sources* and *Legal Alerts and Current Awareness Services*, provide annotated lists of services available to the user (Gilliland 2000). *Legal500.com* can also be classified as a current awareness directory. Its focus is on commercial law developments. It contains information on new legislation, on new developments and on cases in specialist practice areas and is written by the leading lawyers in each jurisdiction (covering over 70 countries). Further features include allowing one to search according to country and to register for monthly updates via e-mail. It also contains a list of recommended law firms and lawyers worldwide, as well as news from law firms (i.e. the latest news direct from law firms).

LawZone is a unique collection of news, features and articles on the latest legal developments. It prides itself on being a gateway to legal information

(cases and legislation) on the Internet. It makes use of JustCite, a legal reference tool that indexes content from both free and subscription-protected web services. *LawZone Newswires* provides subscribers with a weekly, generalist newswire, or with a selection from a range of specialist newswires, thus allowing them to receive updates on the latest relevant news, features and articles relating to areas of practice.

6.10 PERSONALED SERVICES

Portals and gateways such as *SOSIG's Law Gateway* allow users to open a personalized account, to customize their portal and to receive CAS in the form of e-mail alerts (Whittle 2001:367). The user sees only what he/she wants to see, which can include the "What's new" section. In addition, he/she receives personalized services.

6.11 NEWSLETTERS

FindLaw's Newsletter Subscription Center specialises in free subscriptions in respect of general topics, or summarised daily and weekly opinions. Subscribers can sign in for one or all of the 60 newsletters with a US focus. *Infolaw* is a current awareness site with free update services relating to civil procedure and family procedure in the UK. Its Lawfinder Webfeeds deliver dynamically updated and the latest Lawfinder data directly to your desktop.

Also to be found are newsletters by individual legal practitioners on specific subjects, such as *Simmons & Simmons Elexica*. *Elexica* offers newsletters, bulletins and general round-ups of the latest news and events filed by practice area. It also features a search facility. Subscribers can also sign up for *Elexica Insider*, a current awareness e-mail service providing expert legal commentary and analysis on current topics of interest.

Another newsletter is *Out-law.com*. This specialises in IT and e-commerce legal advice and support via free legal news by e-mail. It prides itself on the fact that the main legal developments are tracked every day. News can be viewed by month, or can be tracked through the archives.

Since there is such a wide variety of professional journals available in the legal field, we shall not deal with tables of contents or tables of content services. It should however be noted that use of these resources has been substantially simplified by RSS feeds.

7. CONCLUSION

From the preceding section it is clear that there is no shortage of legal CAS on the Internet. The services are delivered in different formats and any user of

legal information should be able to find a CAS that meets his/her information needs. Such services provide the latest information on new Web sites, on listservs, on new publications, on unpublished cases, on upcoming conferences and on all kinds of legal documents from around the world. No law librarian, lecturer or practitioner can be certain that his/her work is up to date if he/she does not subscribe to and monitor these helpful sources of information regularly and incorporate the relevant information in his/her work or research.

In spite of the seeming advantages of CAS in the legal field and the abundance of available CAS, there are many aspects requiring further research in order to ensure truly effective use of CAS in a legal environment. Such aspects include

- task analysis in respect of legal professionals (e.g. analysis similar to the work done by Kuhlthau & Tama 2000 and Otike 1999, as well as the work reported by Vakkari);
- the role of mediators such as library and information professionals (This is also addressed by Kuhlthau & Tama (2000) and Otike (1999) and might be especially important when considering the use of CAS for more complex tasks requiring the construction of new knowledge (in contrast to more routine tasks such as noting a new legal regulation)).

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APPENDIX A: CAS MENTIONED IN THE ARTICLE

All sites last visited on 26 October 2006

- AllLaw.com*. Available: <http://www.alllaw.com/>
- beSpacific*. (Pacifi, S. I.) Available: <http://www.bespacific.com/>
- Blawg*. Available: <http://www.blawg.org/>
- Calender*. (ASIL). Available: <http://www.asil.org/events/index.html>
- RSS Feeds from the UN News Service*. (United Nations) Available: <http://www.un.org/apps/news/rss/>
- Elexica*. (Simmons & Simmons). Available: <http://www.elexica.com/>
- E-mail Notification of Treaty Body Recommendations*. (United Nations High Commissioner for Human Rights). Available: <http://www.unhchr.ch/tbmailin.nsf/email?Openform>
- Ernie the Attorney*. Available: <http://www.ernietheattorney.net/>
- Eye on the Courts*. (Legal Information Institute). Available: <http://www.law.cornell.edu/focus/liieye.htm>
- Free Legal Current Awareness Sources*. (Venables, D). Available: <http://www.venables.co.uk/aware.htm>
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