

## From the Bench: President's Letter



Caren Luckie  
 Librarian  
 Jackson Walker L.L.P.

Normally, I'd start with Greetings from warm, sunny Houston. And, I can, today. A few days ago, it would have been Greetings from cold, wet Houston. Amazing how temperatures can change 30 degrees overnight, or even during the same day in a period of hours. I've heard rumors that the first bluebonnets have been sighted, so I think spring may actually be on the horizon.

Change is inevitable. That's what my husband told me the other night. It seems like these last few months have been nothing but change. In Texas, the biggest change has been the new e-filing system - and it wasn't a good change. On the other hand, my library is working more closely with some of our other departments, all of us trying to help the attorneys do their jobs. It's a change that has resulted in more work for the library (always a good thing) and more respect for the librarians and what we do. That's a good change.

With the 2014 Annual Meeting fast approaching, it's almost time for changes in SWALL. My term as President is just about over, and I've enjoyed just about every minute of it. I couldn't have made it through the year without the help of the current board and committees, and help from past board members. The guidance and advice has been invaluable! We have a great slate of officers coming in for 2014-2015, with Kathleen Bransford, from Denton County Law Library, as President. And, we didn't let Jen Laws get off the board just because her term as Treasurer is expiring; Jen has agreed to stand for election as Vice President/President-Elect. (Thank you, Jen!)

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I'm looking forward to the Annual Meeting later this month. Kathleen and her Program Committee have scheduled some great, educational programs. We'll also have an AALL representative to give us an update during the Business Meeting on Friday morning. Hopefully, 2014 won't bring as many changes, and we'll find out what the New Normal is all about.

Looking forward to seeing you in Austin!

## Headnotes: Report of the SWALL Grants Committee

W. David Gay, Chair, Grants Committee  
Reference Librarian  
Ross-Blakley Law Library  
Arizona State University



### News for Travel Grants

Thanks to Christopher Dykes, Reference Librarian at the University of Houston O'Quinn Law Library, and Kasia Solon Cristobal, Student Services Librarian at the University of Texas Jamail Center for Legal Research for their continued service on the Grants Committee.

The grants committee awarded two \$300 grants for the SWALL meeting in Austin. Congratulations to:

Cassie DuBay, Research & Faculty Services Librarian at SMU in Dallas, &

Deborah K. Meleski, Self-employed Law Librarian in Austin.

SWALL will be awarding two \$500 grants to attend AALL July 12-15 in San Antonio. The deadline for applications will be May 15, 2014. [For details, check out the SWALL Grants webpage.](#)

Congratulations to Jessica Haseltine, a reference assistant at Texas Tech University Law School, who has been awarded the first Lung Student Scholarship. Thanks again to Mon Yin Lung for the establishment of the Lung Student Scholarship.

## Outside Counsel

AALL2go Pick of the Month -

[Games We Don't Want to Play: Negotiating Electronic Resources Contracts](#)

Faced with dwindling budgets and an ever-expanding universe of electronic resources, librarians need to make every dollar count. Negotiating licensing agreements has become a regular feature in acquisitions and collection development job descriptions. Barbara Holt and Tracy Thompson discuss the possibilities and limitations of contract negotiations and offer tips to improve your negotiation skills.

Find this and many other continuing education programs and webinars for AALL members at [AALL2go!](#)



The [2014 SWALL Annual Meeting](#) is happening March 20-22, 2014!

The SWALL logo consists of a red sunburst symbol to the left of the text "SWALL" in a bold, red, sans-serif font. Below "SWALL" is the text "Southwestern Association of Law Libraries" in a smaller, red, sans-serif font. Below the logo is a map of the southwestern United States, including Arizona, California, Nevada, Idaho, Utah, Colorado, Kansas, Oklahoma, Missouri, Arkansas, Louisiana, Texas, and New Mexico. The map is color-coded by state. Overlaid on the map is the text "Mapping the New Normal" in a blue, outlined font. Below the map, the text "56th Annual Meeting" is written in a bold, red, sans-serif font, followed by "Austin, TX" and "March 20-22" in the same font style. A small number "1" is located in the bottom right corner of the map area.

**56th Annual Meeting**  
**Austin, TX**  
**March 20-22**

## Briefing the Case: Introductions to International Law: A Bibliography

Dan Donahue  
International and Foreign Law Librarian  
O'Quinn Law Library  
University of Houston Law Center

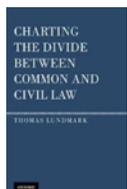
### Introductions to International Law: A Bibliography

For a library interested in building an international law collection, or in supplementing an existing collection with introductory material to introduce library patrons to the subject matter of the collection, the following bibliography may be useful either as a list of suggestions or as a vehicle to begin a discussion on collection development:



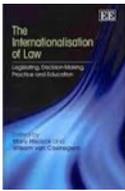
Murphy, Sean. *Principles of International Law. Second Edition.* New York: West Publishing, 2012.

*Principles of International Law* is a general survey of international law. The author's focus is on identifying general legal principles applicable to all or most areas of international law; he also introduces a number of specific topics addressed by international law, but these sections are shorter and much less thorough than his overview of the international legal system itself. This hornbook is aimed at law students; it is not likely to be of use to legal practitioners, but it is extremely well suited to introducing international law to persons without significant previous exposure to the topic.



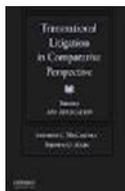
Lundmark, Thomas. *Charting the Divide between Common and Civil Law.* New York: Oxford University Press, 2012.

*Charting the Divide between Common and Civil Law* is a book that addresses one of the first and most common pitfalls in the study and practice of international law: the incorrect assumptions practitioners make when dealing with the 'other' legal system. The author provides an introduction to the discipline of comparative law as well; this book recognizes the complexities of comparative law, and examines multiple civil law and common law traditions to separate the civil law/common law comparison from questions of different legal philosophies, different traditions of reasoning, different judiciary roles, the effects of different languages on written laws, and other issues that would otherwise confuse what it an extremely clear and accessible study of the differences between common law and civil law.



Hiscock, Mary, and van Caenegem, William, eds. *The Internationalisation of Law: Legislating, Decision-Making, Practice and Education*. Northampton: Edward Elgar, 2010.

*The Internationalization of Law* confronts a potential question that potential students of international law might have: why should a domestic legal practitioner care about international law? This book examines how foreign laws and foreign legal scholarship influence domestic legal systems; the essays included examine legal practice, the legislative process, legal education, legal research and other aspects of the domestic legal system to identify the influence for foreign law. The editors also include discussion of the history of domestic laws adapting to foreign exposure and pressure, as well as their own projections and that of other international legal scholars of how this process may continue and even accelerate in the future.



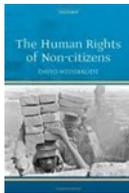
McCaffrey, Stephen, and Main, Thomas. *Transnational Litigation in Comparative Perspective: Theory and Application*. New York: Oxford University Press, 2010.

*Transnational Litigation in Comparative Perspective: Theory and Application* is a study of the procedures by which international laws are enforced and by which domestic laws are enforced internationally. The authors dedicate several chapters to the theory and statutes that make transnational litigation possible, but are primarily concerned with civil and criminal procedure as applied internationally: topics such as choice of law, gathering evidence in foreign countries, international service of process, enforcement of foreign judgments and more. This book could be a useful resource for a litigation practitioner, but is more than adequate to introduce the topic to law students and readers with similar interests.



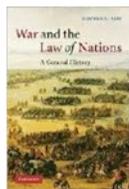
Kälin, Walter, and Künzli, Jörg. *The Law of International Human Rights Protection*. New York: Oxford University Press, 2009.

*The Law of International Human Rights Protection* is both an introduction to and a thorough study of international human rights law. The authors cover the theory of human rights law as well as the history of the treaties and international organizations responsible for implementing and enforcing that law. The authors also examine specific guarantees under human rights law, reviewing an extensive list of human rights guarantees that inform the reader of the nature of human rights as much does as the theoretical portion of the book. Providing a balance of prose and legal reference, this book has the potential to be equally valuable to legal practitioners and to laypersons.



Weissbrodt, David. *The Human Rights of Non-Citizens*. New York: Oxford University Press, 2008.

*The Human Rights of Non-Citizens* takes the international law of human rights and examines it as it applies to international persons: immigrants, refugees, asylum seekers, victims of international human trafficking, stateless persons and others. The author identifies the categories of non-citizens recognized by international law and reviews the special protections each category enjoys under human rights law. This book provides introductory background as well as extensive citations and suggestions for further reading, making it a potentially useful first step in a research project on this subject.



Neff, Stephen. *War and the Law of Nations*. New York: Cambridge University Press, 2005.

*War and the Law of Nations* is a study of the law of war, and of the use of force in international law. The author provides a historical review of legal theories of war, ranging from ancient times to the Enlightenment era, to modern times both before and after the world wars, and finally to the current era of terrorism and asymmetrical warfare. While it discusses and cites a large number of legal cases, this book is less of a practitioner's guide than a scholarly study of history and legal theory; this book could be equally valuable to law students, professional scholars and legal practitioners working with the law of war at a policy level.



Kethineni, Sesa, ed. *Comparative and International Policing, Justice and Transnational Crime*. Durham: Carolina Academic Press, 2010.

*Comparative and International Policing, Justice and Transnational Crime* is a study of the various regimes of international law enforcement. This book is a selection of essays examining the policing and adjudication of criminal acts, detailing the different approaches taken when the criminal party is a sovereign state, an organization or an individual; the essays also include comparative law examinations of different domestic systems of justice. Finally, this book provides an introduction to the most prominent and unique international crimes, including war crimes, terrorism, drug trafficking, money laundering and others. Overall, this book is tailored to academics and legislative practitioners rather than trial lawyers, but it is accessible enough to be an introduction to the subject for non-specialists as well.



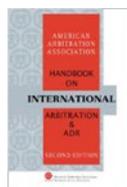
Forrest, Craig. *International Law and the Protection of Cultural Heritage*. New York: Routledge, 2010.

*International Law and the Protection of Cultural Heritage* is a clear and concise introduction to a topic in international law that a number of prospective legal practitioners are unaware even exists as a specialty. The author makes an effort to remedy this by explaining the basic principles of cultural heritage law, identifying the relevant international conventions, and by reviewing the most common circumstances when cultural heritage becomes a legal issue. This book can be of value both as a guide to the eponymous subject matter and as a means for the reader to gain an appreciation for the potential breadth of international law.



Lowenfeld, Andreas. *International Economic Law. Second Edition*. New York: Oxford University Press, 2008.

*International Economic Law* is an introduction to the law of international trade, investment and monetary policy. The author strikes a balance between covering established treaties such as GATT/WTO and customary international law, supplementing each discussion with an analysis of how the international system interacts with domestic legal regimes. This book also highlights major topics such as tariffs, dumping, monopoly, subsidies, exchange rates and banking regulations. The focus of this book is primarily historical with theoretical discussions, making it more suitable to academics than legal practitioners, but it could also be of interest to non-legal specialists in areas covered by the book's topical discussions.



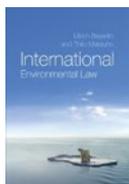
Carbonneau, Thomas, and Jaeggi, Jeanette, eds. *American Arbitration Association Handbook on International Arbitration and ADR*. Huntington: American Arbitration Association, 2006.

*American Arbitration Association Handbook on International Arbitration and ADR* is a review of the international system of arbitration and alternative dispute resolution. This handbook book is a collection of essays explaining the system and aspects of international arbitration; additionally, it addresses several major foreign arbitration regimes. While this book does discuss some theoretical aspects of comparative and international law, it is overwhelmingly focused on content of interest to ADR practitioners and the business interests that might hire them. The style of this book is suitable to introduce international arbitration to laypersons as well as to legal professionals.



Avi-Yonah, Reuven. *International Tax as International Law: An Analysis of the International Tax Regime*. New York: Cambridge University Press, 2007.

*International Tax as International Law: An Analysis of the International Tax Regime* presents the theory that the various domestic tax systems comprise a single, coherent international tax regime. In arguing this idea, the author reviews foreign tax rules and international tax treaties to identify singular concepts and approaches that have grown in popularity, making the case that the convergent development of various domestic tax laws reflect an internationally accepted theory of tax law. While this book may not be directly relevant to experienced legal practitioners, being an almost purely theoretical work apparently prepared for an audience of academic subject specialists, the thematic organization of the book could make it quite useful to newcomers wanting to learn the basic legal principles relevant to an international tax practice.



Beyerlin, Ulrich, and Marauhn, Thilo. *International Environmental Law*. Portland: Hart Publishing, 2013.

*International Environmental Law* is an introduction to international environmental law and to the treaties and organizations that create and enforce it. The authors briefly cover environmental history and general legal theory, then devotes its attention to major subject-specific initiatives in environmental law and to the policy and enforcement mechanisms that effect them. This book is arranged to be particularly useful to legal practitioners, whether litigators or policy specialists, but it also serves as an introduction either to environmental law generally or to any of a number of specific environmental topics.



Rothwell, Donald, and Stephens, Tim. *The International Law of the Sea*. Portland: Hart Publishing, 2010.

*The International Law of the Sea* is a study of the international laws that manage the use of marine resources and govern activities taking place on or in the ocean. The authors review the United Nations Convention on the Law of the Sea and the subsequent treaties that complement it, but spend most of their time defining and explaining legal terms of art related to zones of the ocean and to the degrees of water access enjoyed by specific nations. Finally, the book addresses topical issues that frequently appear in matters of dispute or public interest. This book contains references that could be of significant use to a legal practitioner, but is designed primarily to explain the law of the sea to law students and academics unfamiliar with the topic.



Diederiks-Verschoor, Isabella, and Kopal, Vladimir. *An Introduction to Space Law. Third Edition*. New York: Wolters Kluwer, 2008.

*An Introduction to Space Law* is exactly what its title suggests. This book begins by defining 'space,' identifies the international organizations with the ability to influence the use of space, and provides an extensive history of the treaties and conventions that form the majority of space law. The authors address topics such as the positioning and permissible uses of satellites, commercial activity in space, prohibitions against military activity in space, environmental issues in space and more. This book balances treaties and case law with expert commentary on developments in space law and critical reviews of those commentaries; it is equally suitable for legal professionals, historians and persons with no previous exposure to space law.

## Briefing the Case: Technology as a Core Competency for Tomorrow's Lawyers: A Conversation with Ken Hirsch

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Interlibrary Loan & Government Documents Librarian  
Fred Parks Law Library  
South Texas College of Law

Technology as a Core Competency for Tomorrow's Lawyers: A Conversation with Ken Hirsch

According to the *ABA Model Rules of Professional Conduct*, all licensed attorneys must know the benefits and risks of using technology in the practice of law. However, the ABA accreditation standards for legal education currently lack any mandate for instruction in this area. If future revisions of these standards fail to incorporate digital literacy as a requirement for graduation, many new attorneys may begin their careers with a deficit.

Fortunately, the eLawyering Task Force, formed in 2000 by the ABA Law Practice Division, offsets this lapse by actively promoting digital literacy as a core competency. Last spring, the task force recognized thirteen of the best legal tech programs in the country, and now several other law schools are initiating programs of their own. Ideally, as this trend gains momentum, the ABA will amend its criteria to better provide for the needs of students. The groundswell of support for increased access to innovative learning opportunities may ultimately compel such a revision.

One of the first legal technology programs in the country was developed at Duke University by Librarian and Professor Ken Hirsch. More than ten years before any similar efforts were launched, Professor Hirsch recognized the value of IT proficiency in the practice of law. As a major contributor to the advancement of legal education in the digital age, Professor Hirsch was honored in 2004 with

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the CS-SIS Distinguished Service Award that now bears his name.

Professor Hirsh currently serves on the AALL Executive Board, and in this official capacity, he recently visited HALL. While he was here, Professor Hirsh kindly agreed to take part in a roundtable discussion and share his insights about legal technology as a force for change. The goal of our discussion was to consider how AALL might support the legal community in defining competency standards for law practice technology and in assessing the value/practicality of pursuing such a goal. Professor Hirsh emphasized that any realistic attempt at codifying the core competencies of a 21st century lawyer would focus on two things -- the functional aspects of using technology and the ethical implications of doing so, especially within the unique context of legal practice.

Professor Hirsh's recommendations resonate very clearly. Compiling an inventory of every program ever used in the business of law would be impossible, and it would serve no purpose for anyone. Proprietary software, enterprise systems, and internal case management programs, which are commonly used in larger firms, are more easily learned in house, where specialized training is readily available. However, all practicing attorneys should be comfortable using software that is standard issue in today's offices and routinely-used in the conduct of business. Mastery of basic accounting, document sharing, and presentation software, at a minimum, should be part of every attorney's skill set, and defining proficiency standards for these products should be quite achievable. Best practices for the responsible use of legal technology must also be defined. The consequences for lawyers who misuse technology and social media in the practice of law could be very serious. Professor Hirsh's emphasis on functional skills and ethical conduct in the age of digital lawyering is well placed. When considered in the context of Professor Hirsh's recommendations, the task of drafting proficiency standards for law practice technology seems not only manageable but mandatory.

### **Functional Competencies**

Competency standards for the functional aspects of legal technology address both knowledge and skills. In general, knowledge is defined as an understanding of the utility and applications of technology in the practice of law. The definition of skill is more granular, focusing in greater detail on the specific how-tos of legal technology, and establishing a minimum level of functional proficiency in the most widely-used programs. Digital natives, who are very comfortable with technology, may be adept at web browsing, word processing, and online social networking, but that is often the extent of their experience. Even fewer have been exposed to programs used in law office management. Baseline standards for proficiency would give today's law school graduates -- as well as their more experienced peers -- a good set of guidelines for rounding out their education, and better preparing themselves for practice.

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## **Ethical Implications**

Two major obligations of the digital lawyer are protection of client confidentiality and accuracy in representing one's areas of expertise online. Tools such as cloud computing, mobile communication, and online marketing can improve efficiency, productivity, outreach, and information access, but lawyers must recognize the potential hazards they present. Data corruption, document tampering, spoliation of evidence, and "hacktivity" are all possible. Digital lawyers must take precautionary measures to minimize these risks.

## **Expert level proficiency**

In some instances, differing levels of proficiency may apply, especially over time, as legal services are unbundled and distinct sub-disciplines within the practice of law emerge. An expert level of competency might include knowledge, if not ability, in one or more of the following areas: legal metrics, predictive coding, artificial intelligence, and/or computer programming. These skills require a high level of technological expertise, but, with systems and standardization playing a more dominant role in the practice of law, proficiency in some aspect of "process improvement" could be very beneficial. Project management, workflow analysis, legal logistics, and knowledge engineering will increasingly define the legal landscape, and those who possess advanced technological training will have many more opportunities in these areas than those who do not.

## **Libraries as centers for digital skills training**

Anything that helps our customers build knowledge and satisfy their information needs is worth pursuing. Empowering others to find answers, solve problems, make decisions, create new ideas, or improve some aspect of their lives, using all available resources and tools, is central to the mission of libraries -- and it's a goal that the legal profession shares. Both lawyers and librarians are sophisticated information managers. We organize, integrate, and deliver content to meet the needs of those we serve. Our ability to adapt is the key to success in our respective fields, and few things demonstrate our adaptability more than our embrace of emerging technologies.

Innovation often begins in the library, where access to information stimulates creative thinking. The library is also a gathering place where social interaction and the exchange of ideas encourage new approaches to research and learning. Fundamentally, however, the best argument for developing a law practice technology and digital skills institute within the library is perhaps the most overlooked: the library serves every constituent of its parent organization in some way. Indeed, it is the information hub of an institution!

(A version of this article appeared in the [January/February 2014 issue](#) of the HALL Newsletter.)

## SWALL Officers and Committee Chairs

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