A stylized world map in dark blue/black silhouette against a light blue background with a grid pattern. The map is centered and spans the width of the cover.

VOLUME 32 • NUMBER 3 • WINTER 2004

INTERNATIONAL JOURNAL OF LEGAL INFORMATION

The Official Publication
of The International Association
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VOLUME 32 • NUMBER 3 • WINTER 2004



THE OFFICIAL JOURNAL OF THE
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EDITORIAL COMMENT

My last *Editorial Comment!* With this issue I am stepping down as Editor and turning the reins over to **Mark Engsborg** of *Yale University Law School Library*. Where do I begin? What is more important: to introduce my successor, to describe the content and contributors of issue 32:3, or to thank and acknowledge all those who during my years as Editor have made a difference to me personally as well as to the Association? Here it goes.

Issue 32:3 signals also in other ways transition and renewal: a new Board took office in Helsinki, Finland, in August 2004, and the members are introduced by **Jules Winterton** in his first *Report* as President. Jules himself, Librarian and Associate Director of the *Institute of Advanced Legal Studies* in London, hardly needs an introduction to most members, especially not to his most ardent fans, colleagues from developing countries who thanks to his strong efforts and personal commitment have been able to attend IALL Annual Meetings and Courses as scholarship recipients, selected by the Committee Jules has chaired since its inception. Australian Board Member **Petal Kinder** has coordinated the tributes in memory of her countryman **Ted Glasson**, formerly an active Board Member of the Association. Petal is also responsible for the announcement in the occasional column *Open Forum*. It describes the “Native Title InfoBase,” a recently launched initiative by her institution, the *Federal Court of Australia* in Melbourne.

Hollin K. Dickerson presents in his article, “Judging the Judges: The State of Judicial Reform in Eastern Europe on the Eve of Accession,” a comparative analysis of the current state of judicial independence with focus on Estonia, Hungary, Latvia and Slovakia, all now member states of the European Union. The author is soon to receive his J.D. from the *University of Texas at Austin School of Law*, an institution renowned for producing top-notch lawyers and to which I am personally indebted. It is here, at the Tarlton Law Library, that I became a law librarian and life member of the fellowship of the Tarltonites, the informal network centered around the “Mother Library” and its Director, IALL member **Roy M. Mersky**, and staff in Austin, Texas.

It is a special pleasure to feature three contributions from my own institution, the *Law Library of Congress* in Washington, D.C. **Ruth Levush** and **Peter Roudik** are both Senior Legal Specialists in the Legal Research Directorate, covering, as their main jurisdictions, Israel and Russia, respectively. Ruth focuses on a narrow politico-legal aspect of international terrorism, “Compensation for Victims of Terrorist Actions: Israel as a Case Study,” while Peter’s paper delves into 19th century legal history, “Vladimir Spasovich and the Development of the Legal Profession in Russia.” Last, but not least, is an article by Dr. **Rubens Medina**, who was appointed the *Law Librarian of Congress* in 1994. A former academician, he taught international and comparative law courses at the Law School of the *University of Wisconsin at Madison*, at other academic institutions in the United States and Latin America, and he is a frequent guest lecturer in law schools, federal agencies and international organizations in the Washington, D.C. area. Dr. Medina has spent over 33 years at the *Library of Congress*, 24 of which as Chief of the Hispanic Law Division, and has dedicated part of the last 13 years to the formulation and execution of the *Global Legal Information Network (GLIN)*. In his article “Worldwide Digital Legal Research: Forging New Media for the Electronic Age,” he reports on the next and imminent GLIN release which will offer a range of new functions as well as a new look.

Volume 32 closes with the 2004 Proceedings from the *IFLA (International Federation of Library Associations and Institutions)* conference in Buenos Aires, Argentina, in August 2004. **Holger Knudsen**, Immediate Past President, represented the Association and served as liaison and coordinator of the two lectures included in the *Law Librarians’ Discussion Group*, presented jointly by the IALL and the *American Association of Law Libraries (AALL)*. Holger’s brief introduction is followed by **Débora Gozzo’s**, “The New Brazilian Civil Code” and its background and development. Professor Gozzo’s specialty is family law which she teaches at *São Judas Tadeu* and *Centro de Extensão Universitaria* in São Paulo, Brazil. The final contribution is an overview and description of MERCOSUR, the world’s fourth largest trading area, by Professor **Teodora Zamudio** of the *University of Buenos Aires*, Argentina. Professor Zamudio’s specializes in bio-diversity, intellectual property and trade and is serving as the Editor-in-Chief of *Cuadernos de Bioética*.

Looking back, I am indebted to so many persons for having had the extraordinary privilege of serving as a Member and Officer of the IALL Board and as Editor of this *Journal*. In so doing, I have enjoyed the friendship and close cooperation of a truly outstanding group of bright, generous, open-minded and humorous colleagues. I have had the opportunity to visit continents I

probably otherwise never would have seen. The one opening the IALL door for me was undoubtedly the late **Ivan Sipkov** who in the 80s made me *IJLI* Book Review Editor. I am grateful and still stunned that **Larry Wenger** had the courage of giving me a chance at something nobody else at the time seemed to want, the editorship. Due to geographic proximity between Charlottesville, Virginia, and Washington, D.C., I had the good fortune to work closely with him in my capacity as Treasurer and later Secretary of the Association. He truly was the right man at the right time in the IALL history. Thanks to Larry's unassuming, conciliatory, yet firm ways, he was able to change the course and open the Association up to the expanding, transparent and flourishing organization it now is. Larry's right hand at the University of Virginia, **Deborah Bright**, came on board as the Administrative and Editorial Assistant for the *Journal* at the same time as I did. I will miss Debbie's attitude, always positive, helpful, flexible, creative and perfectionist and our telephone and email exchanges, experimentations, laughter, and frustration as the camera-ready copy of the issues were being prepared for print. Thanks go to my colleagues, column editors **Katherine Topulos** and **Lyonette Louis-Jacques**, whose competence have added credibility to *IJLI* as a publication, and who, as the consummate pros they are, knew exactly what they wanted to accomplish, never needed prodding, and were always on time! Thanks to **Richard Danner's** many roles, as IALL Director of Communications, as author, and, most importantly, as friend, I have in the past had several reasons to publicly praise him as my "secret weapon": he has made sure that we have protected our authors' rights as well as our own by developing a Publications Agreement; nourished our relations with Thomson West and William S. Hein & Co.; he has done what most of us thought impossible, compiled a homogenous, informative and easy to use 30-year Index to the *Journal*; and, he has served as a supporter, sounding board, and solo referee whenever I needed one. Now Dick has struck gold again: through a fair, meticulous and transparent process, he found our terrific new Editor: Mark Engsborg who became *ex officio* Member of the Board already in August. Mark comes not only with a J.D. and a library degree, he also has a Ph.D. in English Literature, has served three years as Administrative Law Attorney in the U.S. Army Judge Advocate General's Corps in Germany and has published widely. He has great support from his home institution, *Yale Law Library*, one of the world's pre-eminent institutions of legal education, where he serves as the Foreign and International Law Librarian. The IALL and the *Journal* are in very good hands! Welcome, Mark, and enjoy the adventure of seeing the world with the IALL!

Marie-Louise H. Bernal

PRESIDENT'S REPORT

Our 23rd *Course on International Law Librarianship* was held in Helsinki, Finland, and Tallinn, Estonia, in September. Writing this about two months later, I recall an outstanding meeting which gave us unprecedented access both to speakers and locations at the heart of the legal systems of the host countries. It was a unique and valuable educational experience and a wonderful opportunity for renewing old friendships and making new ones among a diverse group of international colleagues, 109 from 26 countries.

Among the participants at this year's *Annual Course* were the recipients of Association Scholarships: **Uma Narayan** of the Judges' Library of the High Court in Mumbai and **Cristian José Oliveira Santos** of the Superior Tribunal de Justiça in Brasilia. **Jill Watson**, Project Manager for the *Electronic Information System for International Law (EISIL)* of the American Society of International Law, attended and spoke at *Annual Course* and also collected, on behalf of herself and her colleague **Marci Hoffman** of the University of California, Berkeley, the 2004 *IALL* Website Award. The papers from the *Annual Course* will, as usual, appear in the upcoming Proceedings issue of the *Journal* and enable all members of the *Association* to share some of the expertise made available to those attending the *Course*.

The organization of our *Courses* requires a major commitment of time, energy, and skill. The *Association* is fortunate beyond all measure to have such dedication among its members. Our gratitude and admiration, expressed by many formally and informally at the Conference itself, go to the local organizing committee for their professionalism and enthusiasm: **Sari Pajula** of the Library of the Finnish Parliament, **Giina Kaskla** of the National Library of Estonia, **Gunilla Häkli** of the University Library of Helsinki, **Harriet Nybäck-Alanen** of Åbo Akademi University, and **Lisbeth Rasmussen** of the University of Copenhagen who was the member of the Board acting as Liaison.

The *Course* was also a time for change as the new Board took up its duties at the end of the meeting, following elections earlier in the year under the new Constitution. The Annual Dinner gave an opportunity for a formal handover and gave me an opportunity to express the thanks of the *Association* to **Holger Knudsen** who was stepping down as President, and to those members

stepping down from the Board: **Marie-Louise Bernal** (USA) Second Vice President, **Joan Brathwaite** (Barbados), **Lisbeth Rasmussen** (Denmark), and **Larry Wenger** (USA) Immediate Past President. Holger and his Board presided over a period of tremendous development of the Association, improving its financial position and extending the transparency and accountability of its governance through amendments to the Constitution as well as through many other achievements enumerated in the previous issue of this *Journal*. Holger is a fine colleague and a personal friend, and I am very glad that he will continue to serve on the Board as Immediate Past President so that we can take full advantage of his advice.

New members of the Board came forward to take the place of those stepping down: **Amanda Barratt** (South Africa), **Giina Kaskla** (Estonia), **Petal Kinder** (Australia), and **Bettina Picone-Maxion** (Italy). They and their colleagues who remain on the Board appear in full color on the *Association* website. The first meeting of new Board was held on Friday following the end of the Course. The new Board will continue the good work of its predecessor, expand the scholarship program, and play a more active part in policy issues vital to the practice of law librarianship around the globe in collaboration with national and regional law library associations. It will also work to provide better administrative tools for officers of the Association to manage its affairs.

I have just realized, with some pride on behalf of the *Association*, that among the members of the Board, there are at least three former Presidents, or the equivalent, of national associations. (I shall tell you in the next issue!) In addition, we have recently learned that **James Butler** has been elected Vice-President of the Australian Law Librarians' Group and he will become President of the ALLG in September 2005.

There are also changes taking place with our *Journal* which plays such a crucial part of the life of the *Association* and serves the international law library community so well. The *Journal* has an enviable record both in terms of timeliness, quality and diversity of its contents thanks to Editor **Marie-Louise Bernal**, who has been skillful, imaginative, dedicated, and tenacious in acquiring articles and crafting each issue. She is also very, very patient with slow, late and uncommunicative writers (yes I admit it). She and her colleague **Katherine Topulos**, who has been equally assiduous in her role of Book Review Editor, are stepping down after this issue. I am sure we would all like to express our appreciation and congratulations on a job well done. From the next issue on, **Mark Engsborg** of Yale Law School Library will take up the challenging role of Editor and **Thomas Mills** of Cornell University Law Library will become

Book Review Editor. We all wish them well and look forward to their first issue. The speakers at Helsinki and Tallinn will already know Mark, because they have experienced the polite but firm approach of an Editor hunting for material.

Planning is now in full swing for 24th Course at the European University Institute in the hills just outside Florence, Italy, next year from 4-8 September 2005. I am sure it will be another memorable and valuable educational event and I look forward to seeing you there.

Jules Winterton

IN MEMORIAM

Edwin (“Ted”) John Glasson
1934-2004
Law Librarian, Monash University
1967-1993

On hearing of the news that Edwin (“Ted”) John Glasson had died on the 18 June, Associate Professor Rob Watt of the University of Technology in Sydney said “he certainly was a great influence on me in the 1970s and I remember him as a man with extraordinary kindness and patience.” Others spoke of their fondness for him, the fact they found him to be such a special man, a man of intellect and integrity. All expressed a sense of loss to the law library community of a “real pioneer.”

I first knew of Ted and had heard of his pioneering spirit when I was working in what was then known as the Monash University Main Library in Melbourne. At that time, Australian law school libraries were subsumed by their main university libraries. Ted, however, fought long and hard for the autonomy of the Monash Law Library within the University and won. It was no mean feat as branch libraries in those days were regarded as something akin to colonies of the Main Library and Ted’s aura took on a distinctly revolutionary glow. The world of law librarianship has lost a fine mind and those of us who knew him, a kind and caring friend. Vale Ted.

The following tributes to Ted are given by Jacqui Elliott, Court Librarian, High Court of Australia; Dick Finlay, former Law Librarian, Adelaide University; and James Butler, Librarian, Supreme Court of Victoria. They speak for all of us who had the good fortune and privilege to know him.

Petal Kinder
Federal Court of Australia
Melbourne, Australia

* * *

Friday, 18 June 2004, was a very sad day for the law library profession. Ted is such a loss. No one since Ted Glasson's time at Monash University Law Library has done as much to encourage Australian law librarians to write and produce works benefitting law library research in Australia. Ted was a shining light to law librarians, particularly in the seventies when he was at his peak. He was a quiet man who led by example. He was modest and gentlemanly, a scholar who worked away quietly and produced some of the most enduring works that assist law librarians today. His *Union List of Law Reports Held in Australian Libraries* produced in 1979, is always by my desk to answer queries on holdings of obscure law reports. I would panic if I lost it. It is an indispensable aid. Ted worked on this *Union List* day and night. It consumed him at the time, but it is a lasting tribute to his scholarly approach to law librarianship. In addition to the *Union List*, Ted worked on the second edition of *Legal Research Materials and Methods* (Law Book Co, 1979), one of the first books on legal research in Australia, and was a joint author of the third edition published in 1988 over which he labored long and hard. Further, Ted was responsible for setting up and supervising the *National Survey of Law Libraries in Australia* (1984), providing library accommodation and considerable assistance to Beth Wilson who carried out the *Survey*.

As a senior law librarian in the profession, Ted was active on committees and was appointed a member of the *IALL* Board in 1974. He was one of the hosts of the *IALL* meeting in Sydney in 1981 when he chaired one of the sessions. Ted was never one for the limelight and in later years preferred to work quietly away at Monash rather than go to conferences but he always encouraged his staff to attend and broaden their horizons.

When I was at Adelaide University Law Library from 1974 to 1982, Dick Finlay and I would consult Ted first for wise counsel. His common sense and quiet humor were reassuring. Ted's was always the voice of moderation in a period when Australian law libraries were starting to suffer from budget cuts, inquiries, and calls for standards. When he left Monash to ease into retirement and indulge in his favorite past-time, yachting, we missed him. I still miss him, but he has left an indelible mark on law librarianship in Australia. As the profession becomes engulfed in technology and some opine that the future is all online, let us honor the memory of one whose ground-breaking research in print materials still enables many of us to do our jobs better: a fitting tribute to this man, Ted Glasson, who graced the profession in Australia with such dignity and care.

Jacqueline Elliott
High Court of Australia
Canberra, Australia

Ted was the Law Librarian at Monash University for most of the 30-odd years that I had the equivalent office at Adelaide. For all the time that he was there he was always the person that I turned to first whenever I had a problem, and it was important to know what was done by a good librarian in a good library. Ted always seemed to me the model of what a law librarian should be, sensible, moderate, quietly humorous, always reliable.

Ted was never a publicity-seeker. Unfortunately, he was not a frequent attender at conferences. To meet Ted at one of his rare appearances at these gatherings was a pleasure. I will always remember the way that when he did break his rule and duty forced him to come to a conference, like the *International Association of Law Libraries (IALL)* in Sydney in 1981, where as a member of the organizing body he had to chair a meeting, he seemed to demonstrate that he was from a hardy country, Victoria, and, when other males were wearing sports coats or pullovers, Ted was there in his shirt-sleeves.

Everything that Ted did was done as well as it could be done, and better than anyone else would have done it. He set standards for us all, and even if we couldn't reach them at least we knew what should, and perhaps could, be done. He was the best and most inspiring, law librarian in Australia.

Dick Finlay
Law Librarian Emeritus
Adelaide University
Australia

* * *

When I began working in law libraries in 1980, Ted Glasson's name was legendary, and deserved to be so. In his quiet, persistent way, Ted had managed to separate the Law Library at Monash University from the main Library, a feat which many other University law libraries wished to emulate but never succeeded in achieving. He had also produced the Union list of law reports held in Australian libraries, a ground breaking piece of research, undertaken well before computer processing, and still as useful today, possibly more so, as it was when first published in 1979. Despite the advances in technology and the cooperative venture of Kinetica, it is still the basis for much law library research, and is referred to in my library on an almost daily basis, with annotations being made to the text to update it when necessary. As Jacqui has said, I would be lost without it.

Ted built up the law library at Monash University from virtually nothing to be one of the very best in Australia, even developing his own classification scheme which is, I think, still used today. It was, I suspect, partly Ted's breadth of collection in the law library and his organizational skills, which led to the

Monash University law degree fast becoming so well respected. The Chiefs of all four jurisdictions in Victoria are Monash graduates from Ted's time.

Ted was a senior, respected and well-loved figure in law librarianship who always had time for junior colleagues, as I remember well. He retired early almost 11 years ago, so it is that probably many of the current profession do not remember him. It is definitely their loss. For his passing removes from our midst one who blazed a trail in our profession and made life easier for all of us.

James Butler
Supreme Court of Victoria
Melbourne, Australia

OPEN FORUM*

On behalf of the Federal Court of Australia, this is to announce the Internet launch of our

Native Title InfoBase [NTIB]

<http://www.fedcourt.gov.au/catalogues/search.html>

The NTIB covers all aspects of Australian native title and includes also selected material from other jurisdictions including Africa, Asia, Canada, New Zealand, the United States and other countries with indigenous populations involved in disputes over access to their traditional lands.

Native title in Australia is a right or interest over land or waters that may be owned, according to traditional laws and customs, by Aboriginal peoples and Torres Strait Islanders. The addition of Native Title jurisdiction to the Federal Court of Australia in January 1994 brought about changes within the Court's procedures. The Amendments to the *Native Title Act 1993* in 1998 heralded a major shift in the jurisdiction. It also acted as a catalyst for change in the area of management of information gathered by the Federal Court Library for the purpose of assisting with research.

BACKGROUND

In 1994, the Melbourne Library set up a local database, known as Nat Bib, using DB textworks. The content of the database consisted mainly of press clippings, however, as native title became more prominent in the Court's jurisdiction, materials such as reports, monographs and journal articles were also added.

* Readers are encouraged to use the Open Forum for news, comments, or inquiries of general interest to the IALL membership. The announcements may be sent to the IJLI Editorial Office, or via email to *mark.engersberg@yale.edu*.

The first native title case to be heard by the Federal Court in 1996, the *Miriwung and Gajerrong Peoples*¹ claim, known as the *Ward case*, highlighted the need for changes in the management of material and documentation relating to native title matters. The Perth Registry Library undertook the task of collating indexing and storing for future reference the large and varied amount of case materials.

In 1998 it was decided to place the material from the *Ward* case into the Melbourne Library database, *NatBib*, rename it the *Native Title Database*, and release the combined product nationally on the Federal Court of Australia Network. By 1999 it contained approx 1900 entries comprising judgments, press clippings, journal articles, conference papers, determinations, speeches, books and pamphlets. Updating was on a weekly basis and searches were carried out using keywords in the author, title, citation, year of publication and subject fields.

The indexing and the assigning of subject headings to turn of the century materials, and discussion about language, kinship and totems proved difficult in the early stages. Existing headings and thesauri did not adequately provide for the language of indigenous culture. Subject headings for the NTIB are currently taken from a number of sources such as the Australian Attorney-General's thesaurus AGLIBS, the Enterprise Thesaurus and Library of Congress Subject headings.

In the year 2000 the library of the Federal Court of Australia moved to an integrated library management system, Sirsi Unicorn. The *Native Title Database* migrated across to the Sirsi system and in 2004 was renamed the *Native Title InfoBase* (NTIB).

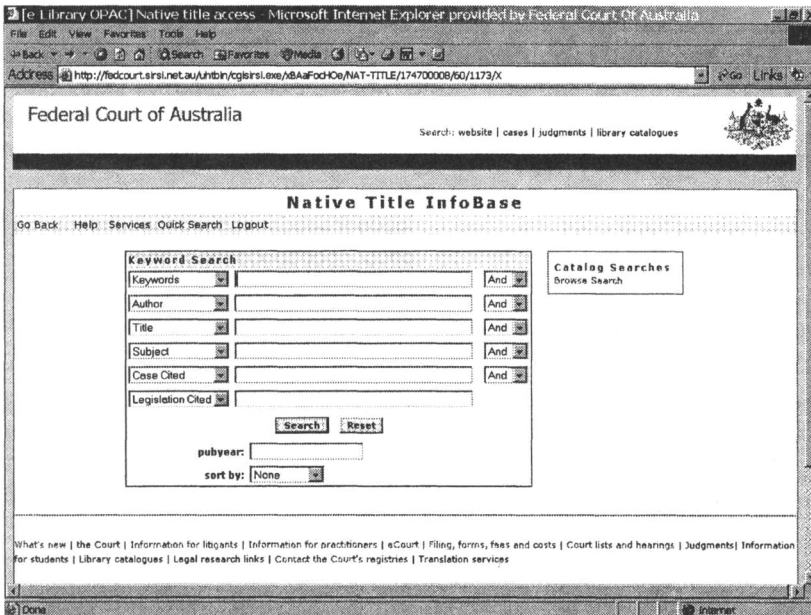
SCOPE AND CONTENT OF THE NTIB

The NTIB currently has approximately 5000 records and includes selected material dating back to 1839. Since July 2002 all records added to the InfoBase are available in full text – approx 60 % of the total records. Material not available freely on the Internet is scanned and placed into the InfoBase. For reasons of copyright the full text of articles will be suppressed, however, users will be able to request a copy of the full text through Interlibrary Loan from the Native Title Librarian, Narelle Graefe* at the Melbourne Library.

¹ *Ward v Western Australia* [1998] FCA 1478.

The NTIB covers legal and non-legal aspects of native title including linguistics, anthropology, history, politics, sociology and archaeology. Source documents include journal articles, book chapters, books, conference papers, issues papers, newsletters, reports and press clippings.

Since the beginning of 2003, cases and legislation cited are also linked to the relevant free full text site on the Internet.



COMPARISON WITH OTHER FREE ONLINE DATABASES

Two Australian library catalogues useful for researching native title may be found on the Internet. The first one is the library catalogue of the *Australian National Native Title Tribunal* [<http://www.nntt.gov.au/firstopac> 22web/].

The second library catalogue is produced by AIATSIS, *the Australian Institute of Aboriginal and Torres Strait Islander Studies* [<http://mura.aiatsis.gov.au/>].

A third catalogue, which deals with the rights of indigenous populations, is the United States' *National Indian Law Library catalogue* [<http://www.narf.org/nill/catalog.html>].

All three follow the structure of traditional library catalogues and contain the following:

- Material dating back to the 1800s
- Record fields such as title, author, subject headings, publication details, notes
- Links to documents freely available on the Internet

The **NTIB** also has the above components, however, its major distinguishing features are:

- Links to the full text of the record
- Links to the free, full text on the Internet of legislation and cases cited
- Summary/abstract field
- Contents/Notes field listing subheadings, chapters, etc.

The **NTIB** will not only be of research interest to practitioners, litigants and scholars in general, it will also be of practical use in that users will be able to request, via interlibrary loan, the full text of many of its records.

The *Native Title Librarian* also produces a monthly bulletin. The *Native Title Bulletin* indexes new publications, articles, conference papers, reports, legislation etc. that have been added to the InfoBase in the preceding month. This Bulletin will be accessible via the **NTIB** site.

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