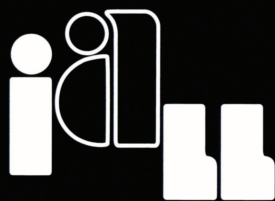
A stylized world map in black and white, overlaid on a light orange background with a grid pattern. The map shows the continents and is centered on the Atlantic Ocean.

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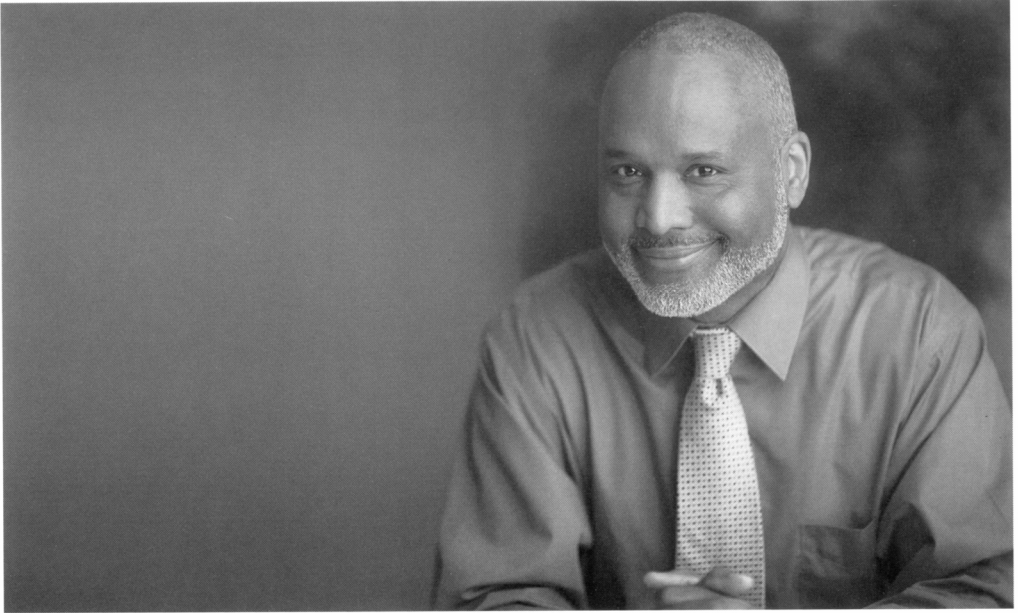
# INTERNATIONAL JOURNAL OF LEGAL INFORMATION

**The Official Publication  
of The International Association  
of Law Libraries**



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The *International Journal of Legal Information*, the official publication of the *International Association of Law Libraries*, is issued three times a year: Spring, Summer, Winter. It seeks to advance the exchange of legal information throughout the world. Under the direction of its international editorial board and advisors, the *IJLI* serves the global community of law librarians, legal scholars, and practitioners through the publication of original articles, conference papers, bibliographies, book reviews, documents concerning law and law-related information. The views expressed in such contributions are the responsibility of the individual authors and do not imply the endorsement of the *International Association of Law Libraries*.

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**Manuscripts** and any material intended for inclusion in the *IJLI* should be addressed to the Editor, Mark Engsberg, who may be reached via email at [mark.engsberg@emory.edu](mailto:mark.engsberg@emory.edu).

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**Book reviews** and **books for view** should be sent directly to:

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## MEMBERSHIP AND SUBSCRIPTION INFORMATION

**Current information** about the *IALL*, its members and activities can be found at <http://www.iall.org>.

*IALL* membership includes subscription to the *IJLI*. Checks should be made out to the *International Association of Law Libraries* and sent to the *Association's* P.O. Box at the address above.

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## EDITORIAL COMMENT

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This is the proceedings issue from the International Association of Law Libraries' 27th Annual Course on International Law Librarianship. The meeting was held in beautiful San Juan, Puerto Rico in the sunny Caribbean. This was the first IALL Annual Course to be held in the Caribbean, and, as usual, the meeting was a complete success. The venue was lush and tropical, the hospitality warm and friendly, and the intellectual content was truly first rate.

The theme of the conference was Puerto Rico and the Caribbean: Legal Information in Multiple Legal Systems. The articles in this volume of the International Journal of Legal Information (IJLI) provide a fine representative cross-section of the substantive programming from the conference.

Following the report from the IALL president, **Jules Winterton**, the issue presents a report from one of the scholarship recipients to the Puerto Rico conference, **Kerem Kahvecioglu**, a young Law Librarian from Istanbul Bilgi University in Turkey. His report reflects on his experience at the Puerto Rico conference, where he also gave a presentation about the 2009 conference that was just held in Istanbul, Turkey. Mr. Kahvecioglu's report is followed by an edited version of the Annual Course's Final Program.

The first article in this issue of the IJLI is by noted human rights lawyer and activist, **Lord Anthony Gifford**. His paper analyzes death penalty jurisprudence in Caribbean contexts. Lord Anthony's presentation places consideration of the death penalty on a binary of punishment for crime and capacity for redemption and rehabilitation.

The next paper is by **Ian Randle**, Chairman of Ian Randle Publishers Limited, Jamaica. Mr. Randle's paper describes book publishing in the Caribbean. He focuses on publication of legal texts, naturally, but he also relates the relatively recent history of the publishing industry in the Caribbean, the hurdles a local publisher faces in getting established, and the possible directions it may go in the future.

**Alan Moss** and **Darlene Hull** present two more aspects of the book trade in the Caribbean with their papers' focus on acquisition of gazettes, legislation, and other primary legal materials in the English-speaking Caribbean. Mr. Moss explains this from the perspective of a bookseller, and

Ms. Hull's paper describes the perspective from that of a book vendor. Their papers offer often humorous anecdotes of some of the challenges faced by those wishing to obtain primary legal materials, and how those engaged in the process sometimes have to work outside the usual means employed in the United States, Canada, the UK, Australia, and other more developed markets.

The longest and perhaps the most scholarly paper in this issue of the IJLI was written by Madame Justice **Desiree Bernad**, Judge of the Caribbean Court of Justice. Her paper outlines the history of the court, its foundational documents, jurisdiction, and other aspects of this important body. She also weaves into her fascinating account several major appellate decisions handed down by the Court.

Professor **Jose Julian Alvarez Gonzalez**, contributes the final paper for this issue. His presentation proved to be one of the most riveting on the program. It was part of a conversation on Puerto Rico's position within the US government. Professor Gonzalez outlines the major benefits as well as the burdens of Puerto Rico's status somewhere between statehood and independence. His paper makes for interesting and educational reading.

Of course, no issue of the IJLI would be complete without Book Reviews edited by **Thomas Mills**, and the International Calendar edited by **Aslihan Bulut**. They are here, among much more good reading. I hope you enjoy this proceedings edition of the IJLI. And I hope it convinces you to consider attending the next IALL Annual Course on International Law Librarianship.

*Mark Engsberg, Editor  
International Journal of Legal Information  
Hugh F. Macmillan Law Library  
Emory University School of Law*

## PRESIDENT'S REPORT

---

This is my fifth report to the membership as President of the International Association of Law Libraries, covering the period December 2008 to October 2009, just before our conference in Istanbul.

The Board which took office at the end of the Annual General Meeting on 3 December 2007 was constituted as follows:

### Officers

- **President:** *Jules Winterton* of the Institute of Advanced Legal Studies, England;
- **Secretary:** *Jennefer Aston* of the Bar Council of Ireland;
- **Treasurer:** *Ann Morrison* of Dalhousie Law School, Canada;
- **First Vice President:** *Dick Danner* of Duke Law School, USA;
- **Second Vice-President:** *Halvor Kongshavn* of Bergen University, Norway;

### Board members

- *Amanda Barratt* of the University of Cape Town, South Africa;
- *Ruth Bird* of the Bodleian Law Library, England;
- *Barbara Garavaglia* of the University of Michigan Law School, USA;
- *Ligita Gjortlere* of Riga Graduate School of Law, Latvia;
- *Petal Kinder* of the High Court of Australia;
- *Xinh Luu* of the University of Virginia Law School, USA;
- *Uma Narayan* of the Bombay High Court, Mumbai, India;
- *Anita Soboleva* of JURIX (Jurists for Constitutional Rights and Freedoms), Russia;
- *Mark Engsberg* (*ex officio*) of Emory University School of Law, Atlanta, Georgia, USA.

The Board of Directors met on 28<sup>th</sup> November 2008 before the annual conference in San Juan, Puerto Rico and on 5<sup>th</sup> December 2008, immediately after the annual conference. Individual officers and members of the Board took the opportunity to meet on a number of occasions, in particular at the annual meeting of the American Association of Law Libraries in July 2009 and at the IFLA Congress in August 2009, and kept in contact throughout the year to discuss issues concerning the Association.

At its meeting on 5<sup>th</sup> December the new Board received the formal resignations of two Board members, Amanda Barratt and Halvor Kongshavn. Both were leaving law librarianship, Amanda Barratt to take up a teaching post at the University of Cape Town and Halvor Kongshavn to take up a post as Director of the Humanities Library at the University of Oslo. The Association wishes them both every success in their new posts. The two vacant posts were filled by vote of the Board for the remainder of the term until September 2010, as required by the Constitution. Pedro Padilla-Rosa of the University of Puerto Rico and Jeroen Vervliet of the Peace Palace Library were appointed.

Taking forward the work of the Board at its strategy workshop in April 2008, the home page of the website was revised to incorporate a new expression of the aims and activities of the Association. Progress was made to implement the decision to adopt a policy of open access publishing for its journal in addition to the existing means of publication and back issues of the *International Journal of Legal Information* are being prepared for inclusion of the Association's website. Other ways of increasing the utility and content of the Association website were explored.

The Association has taken over responsibility for the International Calendar of Events and for the List of Law Library Associations and other Organizations which have been revised and incorporated directly into the IALL website. A new version of the List of Law Library Associations and a new List of Legal Publishers have been commissioned for loading in 2009-10. A List of Members' Publications has been created, offering the opportunity for all members to demonstrate their contribution to the profession through published and unpublished work. I encourage all members to send bibliographies of their professional writing to Petal Kinder, Chair of the Communications Committee, so that both you and your country are represented in this growing bibliography.

A new Registered Agent, providing the Registered Address necessary for the Association's continuing incorporation in the District of Columbia, has been appointed. Malo Bernal, long-term officer and friend of the Association, had continued the role after her retirement. Donna Scheeder of the Law Library of Congress has kindly agreed to act in this capacity and to continue to operate the mailbox in Washington DC for the Association.

A review of the duties of Treasurer and the Secretary has continued with the long-term aim of further automation of the membership records of the Association. Mail and membership dues now go directly to the Treasurer,

reducing the delay in correspondence with the Association. Arrangements have been made with the Association's bankers for remote access to banking, facilitating the work of the Treasurer, particularly from outside the United States.

The Association's 27th Annual Course on International Law Librarianship, "Puerto Rico and the Caribbean: Legal Information in Multiple Legal Systems," was held at the Caribe Hilton in San Juan in December 2008. The conference maintained the high academic quality of IALL programs and gave participants the exciting opportunity to explore the subjects of mixed legal systems and their accommodation of different legal traditions; the challenges for small jurisdictions including legal publishing and legal education; and regional and international legal orders in the Caribbean context. Speakers included highly regarded scholars and members of the legal community from Puerto Rico and other jurisdictions of the Caribbean, including a leading lawyer from Jamaica, the National Librarian of Haiti, the General Counsel of CARICOM, a Judge of the Caribbean Court of Justice, and a legal adviser to the government of Cuba. The program for our course also gave us some opportunity to experience the warm and welcoming tropical island of Puerto Rico with its wonderful climate, its fascinating history, and its music and dance.

Among the participants at the 27<sup>th</sup> Annual Course, we were glad to welcome the two recipients of Association Scholarships: Françoise Beaulieu Thybulle from the National Library of Haiti, Port-au-Prince, and Kerem Kahvecioglu from Istanbul Bilgi University. A third scholarship was awarded, but unfortunately at a late stage the recipient was unable to attend.

The organisation of the conference was first class in all respects and the conference was unusual in managing to hold all the events within a very attractive hotel. The Local Organizing Committee worked extremely hard to raise the sponsorship necessary to offer the luxurious surroundings and impressive and enjoyable social program to registrants. The impeccable organization was handled by a large team of local volunteers co-chaired by Maria M. Otero and Pedro A. Padilla and including Betsaida Vélez, Noelia Padua, Ivette Torres-Álvarez, Margarita González-Pérez, Mirta Colón-Rodríguez, and Manuela O. Martínez. The conference was conducted with great attention to detail and great personal charm by all those involved. The Association would like to repeat its thanks to them and to the institutions which welcomed us and the speakers who gave us their time and expertise.

The Annual General Meeting of the Association was held on Wednesday 3<sup>rd</sup> December 2008 and included reports on the work of the Association, its Officers and Committees. The accounts of the Association for 2007 were approved and the independent auditor reappointed. Kerem Kahvecioglu, on behalf of the Local Organising Committee for the 2009 Annual Course told members about the upcoming conference and about Istanbul itself.

During the year all the chapters of the proposed IALL HANDBOOK OF INTERNATIONAL LEGAL INFORMATION MANAGEMENT, a book to be published by Ashgate Publishers on current issues in legal information from a global perspective, have been commissioned and drafts of chapters have begun to be received. The manuscript is due to be delivered in Spring 2010 for publication later in the year. The published volume will be available at a discount to members of the Association.

Last year the Association established a new scholarship in addition to the three professional development bursaries which assist law librarians to attend the Annual Course. The new grant provides financial assistance of up to US\$3,000 each year for a law librarian to undertake an internship or placement or extended visit to a law library outside their own country. In 2008, Ms. Le Thi Hanh, librarian at the Hanoi Law University Library, Vietnam, became the first to be awarded the IALL internship grant, but I regret to report that it did not prove possible during 2008-09 for her institution to release her to take up the grant. The grant is again open for applications.

It is part of the role of the Association to collaborate with national and regional law library associations and, where possible, to assist in the formation of new associations. I represented the Association and gave a paper and an opening speech at the first China-US Conference on Legal Information and Law Libraries in Beijing which was sponsored by both IALL and the American Association of Law Libraries. IALL's support for this new venture, the first such conference in China, was much appreciated and widely acknowledged. The China-US conference was the first of a series of biennial conferences, alternately in China and the US, and may assist in setting up a formal body of law librarians in China. IALL has pledged to continue to support this venture. I also represented the Association at the annual meeting of the American Association of Law Libraries in July 2009 at the kind invitation of its President where I spoke briefly at the business meeting and hosted a joint reception with the Foreign Comparative and International Special Interest Section sponsored by Thomson Reuter and organized by Mark Engsborg on behalf of the Association.

The Association continued to support the new Section of Law Libraries of the International Federation of Library Associations which was formed following representations by IALL and the American Association of Law Libraries. The Chair of the Section continues to be our former President, Holger Knudsen. The Section arranged a successful academic program at the IFLA World Congress in Milan in August 2009 where I attended the meeting of the Standing Committee of the Section. The Association continues to offer support to the new Section as it contributes to the programs within the World Congress and contributes to the policy-making and lobbying activities of IFLA on behalf of associations such as our own. The World Congress of IFLA next takes place in Goteborg, Sweden in August 2010. In 2011 the World Congress will be in San Juan, Puerto Rico, and the 2012 World Congress will be in Helsinki.

As I write, our 28th Annual Course on International Law Librarianship, "Turkey in a Global Context: Law and Legal Information," at the Istanbul Bilgi University from 11th to 15th October 2009, is imminent. The conference has a dedicated and experienced group of librarians from Istanbul Bilgi University including Serdar Katipoglu, Sami Cukadar, Kerem Kahvecioglu, Zeynep Hakguder, and Havva Alkis, with Board Liaison Holger Knudsen. They have the strong support of the Faculty of Law of the University. I am sure that the conference will be another great success, giving us all a wonderful opportunity to stand at the point where two continents meet, different legal traditions meet, where the history of empires is all around, and the future of Europe and Asia is in the balance. I am looking forward to meeting many of you at our 28<sup>th</sup> Annual Course.

Looking forward to future conferences, I am delighted to announce that, following a visit by the Board Liaison Ruth Bird, arrangements are progressing for the Association's 29<sup>th</sup> Annual Course in International Law Librarianship at the Peace Palace in the Hague (The world capital of international law) from 5<sup>th</sup> to 9<sup>th</sup> September 2010 under the working title "Gateways to International Law." The conference is under the care of Jeroen Vervliet, Director of the Peace Palace Library, and René Winter of the Erasmus University in Rotterdam. Looking even further forward, I am pleased to say that Harvinder Singh, IALL member and former scholarship holder, is at an advanced stage in investigating the possibility of holding the 2011 conference in Kuala Lumpur at the University of Malaya.

I finish by reminding members that 2009-10 is an election year for the Association and that a new Board will take office at the 2010 conference in

The Hague. A Nominations Committee will be appointed and publicized soon after the 2009 conference and will be seeking candidates for the Board, including the officers' posts. Do feel free to contact the Nominations Committee in due course. After the Committee has reported and its nominations are known, prior to any election, there will still be ample opportunity for further nominations. I encourage you to consider possible candidates.

*Jules Winterton*



## 2008 IALL Annual Course: Scholarship Recipient Report\*

KEREM KAHVECIOGLU\*\*

### Acknowledgements

First of all, as a recipient of IALL professional development bursary I would like to express my deep appreciation to the IALL president, Jules Winterton, IALL Immediate Past President, Holger Knudsen, Chair of IALL Scholarships Committee, Halvor Kongshavn, IALL Board Members and IALL members for giving me this outstanding opportunity and support to attend the IALL's 27th Annual Course on International Law Librarianship. Special thanks also go out to the members of Local Organizing Committee for their warm and friendly welcome. Moreover, I want to thank our Library Director, Serdar Katipoglu, and our Assistant Library Director, Sami Cukadar, for giving me this unique opportunity to attend the conference.

### Conference Overview

The conference was held between November 30<sup>th</sup> and December 3<sup>rd</sup> in 2008 at Hotel Caribe Hilton – San Juan, Puerto Rico and the theme was “*Puerto Rico & The Caribbean: Legal Information In Multiple Legal Systems*”.

Nearly 125 delegates attended the conference from many corners of the world, including India, Ireland, Korea, Norway, the USA, UK, and Barbados. Most of the speakers were from Puerto Rico and the other countries in Caribbean and they are not only law librarians, but also from academia and legal profession.

---

\* *IALL 27th Annual Course on International Law Librarianship*, November 20 - December 3, 2008 at San Juan, Puerto Rico.

\*\* Reference and Law Librarian, Istanbul Bilgi University Library, Istanbul, Turkey.

There were three main themes in the conference:

- Mixed Legal Systems;
- Regional and international legal orders in the Caribbean;
- The challenges for small jurisdictions.

The academic program of the conference started with the keynote speaker, Dr. Emilio Pantojas Garcia's paper titled "*From Plantation to Resort: The Caribbean in the Age of Globalization.*" The paper was on the economic history of the Caribbean and the transformation process of the Caribbean economy in the global world. I think he was the most outstanding speaker and caught my interest the most by providing general insights to the Caribbean with his in-depth knowledge.

There was an interesting paper by Luis Muñiz Argüelles on "*The Puerto Rico Legal Systems: A Century of Evolution in Mixed Civil and Common Law Jurisdictions.*" He provided an overview of the Puerto Rican legal system, briefly explaining the legal families and the essential elements of the two traditional Western families: the Civil Law and the Common Law. He then examined the roots of the Puerto Rican legal system from historic, economic and cultural perspectives, providing an analysis of the present revival of the civil law tradition and its place within the nascent attempt to create a new "mixed jurisdiction" group. The session continued with the paper "*Exploring Mixed Jurisdictions*" by Daniel Boyer.

There were also a number of other papers which were of interest. One of them is on "*Modernization of the Cuban Legal System: Socialist Law in the 21st Century*" by Debra Evenson. It was a really interesting presentation in terms of its outline of Cuba's legal system and Cuba's situation as a socialist country vis-à-vis the USA. Another paper was Carlos Gorrín Peralta's presentation about "The Sources of the Law in the Mixed Legal System of Puerto Rico: A Model for a Globalized 21st Century." The theory about the sources of the law in Puerto Rico as a possible model for legal research in the globalized mixed jurisdiction of the 21st Century was examined. In addition to these, other excellent papers were presented on subjects that included: Legal Publishing in the Caribbean, The Challenge of Caribbean Legal Research Legal Information on the Internet and Political and Constitutional Status of Puerto Rico.

As an overview, the standard of the presentations and the speakers was very high, and the structure of the program well balanced. I was able to digest a great deal of new information without feeling overwhelmed.

## **Experiences and Gains**

I was so pleased with the IALL experience because it was not only the first time I have attended an IALL Conference, but also it was the first time I attended an international conference outside of Turkey. Likewise, due to the fact that Turkey will organize and host IALL's 2009 conference, I performed a presentation about Turkey, Istanbul and Istanbul Bilgi University in order to invite delegates to the conference in Istanbul. It was a great pleasure to give a presentation at an IALL conference.

I was also enthusiastic about experiencing the organization of the IALL Conference as much as I could. I talked with IALL board members, members of the Puerto Rican local organizing committee regarding their process for making conference arrangements, and I talked about their experiences from the past conferences.

Of course, one of the best parts of the conference was exploring the city of San Juan, the capital of Puerto Rico. Puerto Rico is a beautiful Caribbean island with excellent facilities and warm hospitality. To be in Puerto Rico was such a great experience for me – a wonderful tropical island offering a diversity of areas from beaches to mountains to tropical rainforest.

As a younger law librarian in the field, the conference was a very rewarding experience for me, allowing me to gain insight into the law librarianship profession and to meet law librarians and publishers from all over the world, and share experiences about the field. This made my time well spent. I learned more about common law and civil law, and also more about some of the differences between these legal systems. I saw that these legal systems help to shape specializations within law librarianship.

## **Social Events**

Beside the academic program, there were very well organized social programs that gave participants a glimpse of Puerto Rican culture and history. For example, we had a visit to the Puerto Rico Supreme Court Library, the Puerto Rico Legislative Library, McConnell Valdés LLC Library, and the University of Puerto Rico Law Library. Also, I had a marvelous time at social activities such as the welcome reception and buffet on Centro de Estudios Avanzados de Puerto Rico y el Caribe, a research centre housed in a magnificent historic building with an attractive courtyard in the Old City. I also enjoyed a visit to the Bacardí Rum Distillery for a tour, tasting and a reception and buffet on the premises. There was also the IALL Annual

Reception and Dinner with live music and dancing at the Caribe Hilton Hotel in a room with a large terrace overlooking the sea. The other extraordinary event was a salsa dance class. I would like to take this opportunity to express my appreciation to all the members of the Local Organizing Committee for helping to make my experience in San Juan so excellent, for their fantastic help and their great hospitality.

### **Conclusion**

I was very fortunate to be a recipient of IALL bursary for this conference and I am grateful for the opportunity to learn about the legal system of the country, to encounter other cultures and for outstanding opportunities to network with colleagues. I believe that meeting fellow information professionals, library directors, publishers, and other speakers at the conference from a wide variety of backgrounds and places of work exposed me to the various opportunities which exist in this field. Interacting with these many different people will undoubtedly assist me in gaining a better idea of my career path in this profession and will support me and help me contribute to the development of Turkish Law Librarianship. Also, I will share the experience which I gain in this program throughout meetings, panels and other professional activities in my country.



# International Association of Law Libraries

27th Annual Course on International Law Librarianship

**PUERTO RICO & THE CARIBBEAN:  
LEGAL INFORMATION IN MULTIPLE LEGAL SYSTEMS**

## ***Final Program***

***November 30 – December 3, 2008  
Hotel Caribe Hilton – San Juan, Puerto Rico***

***All conferences will take place at the Flamingo Room in the mezzanine level  
at the Caribe Hilton Hotel***

***Exhibitions will take place at the Flamingo Pre-Foyer area***

***Buses will always depart from the conference hotel for  
evening events and library visits***

### ***Sunday, November 30***

**12:00 p.m. – 5:00 p.m.**

#### **Registration**

*Caribe Hilton Hotel*

*Location – First Floor Lobby*

**6:30 p.m. – 9:30 p.m.**

#### **A Potpourri of Puerto Rican Culture**

**Centro de Estudios Avanzados de Puerto Rico y el Caribe**

***Sponsored by University of Puerto Rico Law School, Compañía de Turismo and  
V. Suárez & Co.***

Opening reception and buffet at the Centro de Estudios Avanzados de Puerto Rico y el Caribe, a research centre housed in a magnificent historic building

with an attractive courtyard in Old San Juan.

Buses will start pickup at 6:00 p.m. from the Caribe Hilton Hotel

***Monday, December 1***

8:30 a.m. – 10:30 a.m.

**Registration**

*Caribe Hilton Hotel*

*Location – Flamingo Pre-Foyer*

9:00 a.m. – 9:15 a.m.

**Formal Opening**

Welcome by the President

*Location – Flamingo Room*

***First Session***

9:15 a.m. – 10:15 a.m.

*Location – Flamingo Room*

**From Plantation to *Resort*: The Caribbean in the Age of Globalization**

|             |   |
|-------------|---|
| Key Speaker | <b>Emilio Pantojas García, Ph.D.</b> , Political Sociologist and Senior Researcher at the Centro de Investigaciones Sociales of the University of Puerto Rico, Acting Director of the Graduate School of Business Administration, Adjunct Professor in the Graduate Program in Sociology.   |
| Description | The new global economic order has fostered a process of restructuring in the Caribbean shifting the axis of production from agricultural and agroindustrial exports, to manufacturing export platforms (maquiladoras), to tourism and entertainment. The comparative advantages of the Caribbean are low labor cost and natural resources (sun, sand and sea). Since the 18 <sup>th</sup> century the region has evolved from plantation economies producing “after dinner crops” (sugar, tobacco, spices, coffee and bananas) to international service centers specializing in the “leisure and entertainment” industries. This restructuring process redefines but does not alter structurally the core-periphery |

relation between the Caribbean and the developed world. The Caribbean continues to be both a “price taker” in global economics and a “policy taker” in international relations. In turn, the process of “globalization” has a great impact on Caribbean cultures and societies. The “new” mode of insertion in the global chain of production produces a domestic industry characterized by residual or marginal activities concentrated in the “sin industries”: sex trade, drugs smuggling, contraband, human trafficking, money laundering and gambling. The transition from plantation economies to leisure centers redefines but maintains the region as part of the “global periphery”.

10:15 a.m. – 10:45 a.m.

**Refreshment Break**

*Location – Flamingo Foyer*

***Second Session***

10:45 a.m. – 11:45 p.m.

*Location – Flamingo Room*

**The Death Penalty – Developments in Caribbean Jurisprudence**

|             |   |
|-------------|---|
| Speaker     | <b>Lord Anthony Gifford QC</b> , Senior Partner at Gifford Thompson & Bright, Attorneys-at-Law, Jamaica, Head of Chambers, Temple, London   |
| Description | The presentation analyzes death penalty developments in the Caribbean jurisprudence. The discussion of a series of court decisions leads to the opinion that it is not right for the State to “end the life of a human being.” It questions death penalty as punishment for crime versus “the capacity of individuals for redemption and rehabilitation”. |

12:00 p.m. – 1:00 p.m.

**Lunch**

*Location – Las Olas Room*

### ***Third Session***

1:00 p.m. – 1:45 p.m.

*Location – Flamingo Room*

#### **The Puerto Rico Legal Systems: A Century of Evolution in Mixed Civil and Common Law Jurisdictions**

**Speaker**            **Luis Muñiz Argüelles**, Professor at the University of Puerto Rico School of Law

**Description**        The presentation commences with a brief analysis of legal families and the essential elements of the two traditional Western families, that of the Civil Law and of the Common Law, precedent and statutes being only two of those elements. It then examines the roots of the Puerto Rican Legal System from historical, economic and cultural perspectives, in an effort to identify the impact of Spanish and American Law in the Island. The presentation closes with an analysis of the present revival of the Civil Law tradition and its place within the nascent attempt to create a new “Mixed Jurisdiction” group.

1:45 p.m. – 2:30 p.m.

*Location – Flamingo Room*

#### **Exploring Mixed Jurisdictions**

**Speaker**            **Daniel Boyer**, Wainwright Librarian, Nahum Gelber Law Library of McGill University in Montreal, Canada

**Description**        Members of the third legal family, mixed jurisdictions, are laboratories of Comparative Law whose unique legal literature has a place in the Libraries serving the other two western legal families. The presentation will describe various distinctive features of Mixed Jurisdictions and chart their historical evolution. The legal system of Quebec, one of the world's oldest mixed jurisdiction, will be outlined as an exemplar of a classic Mixed Jurisdiction with a focus on



the historical evolution of its Civil Code.

2:30 p.m. – 3:00 p.m.

**Refreshment Break**

*Location – Flamingo Foyer*

***Fourth Session***

3:00 p.m. – 3:30 p.m.

*Location – Flamingo Room*

**Role of the International Association of Law Schools in Promoting Learning  
About Other Cultures and Legal Systems**

- Speaker**            **Carl C. Monk**, Distinguished Professor of Law at Washburn University, founding President of the International Association of Law Schools.
- Description**        In 2005 law schools from throughout the world, recognizing the critical need for a better understanding of other legal systems and cultures, came together to form the International Association of Law Schools (IALS). IALS now has over 100 law school members from all parts of the world, and has sponsored three programs. Two of those programs related to curriculum and pedagogy matters, while one was specifically for professors of International Business Transactions. Next year IALS will sponsor a program relating to the comparative role of law schools and their deans, and a program for professors of Constitutional Law.

Because of law librarians' knowledge of databases and other resources, they often know more than the typical faculty member about not only how to conduct research about different cultures and legal systems, but often have more knowledge of those cultures and legal systems than the typical law faculty member.

As an example of what IALS does in its programs the speaker will briefly discuss comparative aspects of

constitutional law in Caribbean countries.

**3:30 p.m. – 4:00 p.m.**

*Location – Flamingo Room*

**A Profession at the Crossroads: Legal Education in a Caribbean Mixed  
Jurisdiction - Opportunities and Challenges**

**Speaker**            **Ana Matanzo Vicéns**, Professor at the University of Puerto Rico School of Law

**Description**        More than a century ago, the United States established a mixed jurisdiction system in Puerto Rico, where two great methodologies converge: the Civilian and Common Law traditions. Since then, the demanding task of developing and fostering an autochthonous and coherent legal system has posed a great challenge to Puerto Rico's jurists and scholars alike. Nevertheless, that challenge came hand in hand with the enriching opportunity of wielding tools from two of the major legal traditions of the world, a privileged position in the context of an ever-increasingly integrated and interdependent world.

**4:30 p.m. – 6:30 p.m.**

**Salsa and Merengue Dance Classes**

*Sponsored by Fiddler González & Rodríguez, P.S.C.*

The classes will take place at the San Gerónimo Terrace in the Caribe Hilton Hotel

Hotel

*Meet at the first floor lobby*

***Tuesday, December 2***

**8:30 a.m. – 10:30 a.m.**

**Registration**

*Caribe Hilton Hotel*

*Location – Flamingo Pre-Foyer*

### ***Fifth Session***

9:00 a.m. – 10:00 a.m.

*Location – Flamingo Room*

#### **Modernization of the Cuban Legal System: Socialist Law in the 21st Century**

- Speaker**            **Debra Evenson**, Visiting Professor, Rutgers University School of Law, Camden, New Jersey
- Description**        In 1959, Cuba inherited a legal system still based in part on Spanish Codes of the 19<sup>th</sup> century, with an antiquated and dysfunctional judicial system. In the first decades after the revolution, the government overhauled the courts and adopted new substantive law to support the developing socialist economy. However, the events that ensued in 1990 forced to adjust to a radically new international context once the former Soviet Union was dissolved. In recent years, important changes have taken place in the legal system with respect to both substantive and procedural law that reflects Cuba's reinsertion into the global economy. The presentation will point out the most salient developments related to the modernization of the courts as well as public and private law.

10:00 a.m. – 10:30 a.m.

#### **Refreshment Break**

*Location – Flamingo Foyer*

### ***Sixth Session***

10:30 a.m. – 11:45 a.m.

*Location – Flamingo Room*

#### **Book Publishing and Book Trade in the Caribbean**

- Title**                    **Swimming Against the Tide: The Challenges of Legal Publishing in the Caribbean**
- Speaker**            **Ian Randle**, Chairman Ian Randle Publishers Limited, Jamaica

- Description** Book Publishing in the English-speaking Caribbean is a relatively recent phenomenon not exceeding 50 years. Legal Publishing is even more recent there being less than 20 years of effective sustained publishing in this area. In spite of this short existence the book publishing industry has shown impressive growth, mainly in the areas of textbook publishing, scholarly books and trade and general books.
- The growth of publishing has and continues to be restricted by a number of inhibiting factors that are common to all genres of publishing including legal publishing. However, the special requirements of legal publishing has its own challenges including limited market channels; reliance on governments and courts for access to and purchase of materials and the continued allegiance of professionals including librarians to the perceived superiority of UK published materials.
- As perhaps the only recognized legal publisher in the English-speaking Caribbean region, the Ian Randle Publishers/ Caribbean Law Publishing Company's foray into this bastion of British dominance has an interesting origin and a mixed record of performance in its 18 years of existence. Today it faces the major challenge of adapting to the new technologies both in terms of the format in which it produces and markets its materials and how it gives access to law librarians and other professionals.
- Title** **The Acquisition of Primary Legal Materials: The English-Speaking Caribbean**
- Speaker** **Alan Moss**, Alan Moss Ltd, Barbados
- Description** A review from a bookseller's perspective of the differing methods and levels of service encountered in the English-speaking Caribbean islands for the publication and distribution of official gazettes, current legislation and revised editions.

- Title**                    **Collecting in the Trade Winds: Experiences of a Caribbean Book Vendor**
- Speaker**                **Darlene Hull**, Libros de Barlovento, Puerto Rico
- Description**            Collecting library materials in the Dominican Republic and Puerto Rico involves many challenges and requires specific knowledge of the book trade and publishing trends as well as much time and energy. This paper will detail these challenges and explain through experiences and anecdotes how one company, Libros de Barlovento, accomplishes the work of acquiring materials, particularly legal materials, in these two islands for library clients in the United States, Canada, and Europe.

### ***Seventh Session***

11:45 a.m. – 12:30 p.m.

*Location – Flamingo Room*

#### **The Sources of the Law in the Mixed Legal System of Puerto Rico: A Model for a Globalized 21<sup>st</sup> Century**

- Speaker**                **Carlos Gorrín Peralta**, Professor at the Inter American University Law School, Puerto Rico
- Description**            As a result of Puerto Rico's colonial experience, first with Spain during four centuries, and later with the U.S. during the last 110 years, the civil law tradition and the common law tradition have competed in the formation of what is clearly a mixed legal system. That historical phenomenon has clearly influenced the legal method and the sources of the law that must be considered in the process of doing legal research in Puerto Rico. The irreversible process of globalization is forcing increasing contacts between legal systems of differing traditions. Perhaps the experience of mixed jurisdictions, their legal methods and their processes of legal research should be re-examined. The speaker will present the theory about the sources of the law in Puerto

Rico, as a possible model for legal research in the globalized mixed jurisdiction of the 21st Century

12:30 p.m. – 1:00 p.m.

*Location – Flamingo Room*

**Everything You Wanted to Know About Puerto Rico Legal Research, but Were Afraid to Ask... Guidance on How to Navigate these Uncharted Waters**

**Speaker**            **José R. Torres**, Reference Librarian, National Defense University Library, Washington, DC

**Description**        The speaker will address common pitfalls faced when conducting Puerto Rico legal research by assaying some of the basic legal resources available. Also, some hints about how to find legal information for this unique jurisdiction, including some not-so-apparent resources, as well as other background materials, will be presented.

1:00 p.m. – 2:00 p.m.

**Lunch**

*Location – Las Olas Room*

2:00 p.m. – 4:30 p.m.

**Library Visits**

Buses depart from the Caribe Hilton Hotel in two separate groups. There will be limited spaces available in each group. Remember to confirm your choice at the registration desk.

Group 1

*The Puerto Rico Legislative Library  
The Puerto Rico Supreme Court Library*

Group 2

*McConnell Valdés LLC Library  
The University of Puerto Rico Law Library*

7:30 p.m. – 10:00 p.m.

**Tropical Evening at Bacardí**

*Sponsored by Bacardí Corporation, LexisNexis and University of Puerto Rico Law School*

Visitors to the Puerto Rican home of The BACARDI rum will enjoy an interactive tour through history, observe the production process and experience the party spirit of BACARDI brand. A reception and buffet on the premises will follow.

Buses will depart at 7:00 p.m. from the Caribe Hilton Hotel to the Bacardí Rum Distillery

***Wednesday, December 3***

***Eighth Session***

9:00 a.m. – 9:45 a.m.

*Location – Flamingo Room*

**Law in the Integration Process of CARICOM: Observations from the CARICOM Secretariat**

|             |   |
|-------------|---|
| Speaker     | <b>Ms. Cheryl Thomson-Barrow</b> , General Counsel to the CARICOM Secretariat, Jamaica  |
| Description | The Caribbean Community (CARICOM) formed by the Treaty of Chaguaramas in 1973 and revised in 2001, is maturing. As an association of essentially sovereign states, CARICOM recognizes the imperatives of the need to harmonize and develop its laws to further the objectives of the integration movement, while simultaneously operating through the norms of public international law. The journey through which this objective is being met is discussed to exhibit the development of a growing body of community law within the region and the institutions which are primarily charged with this development. |

9:45 a.m. – 10:30 a.m.

*Location – Flamingo Room*

### **The Caribbean Court of Justice: A New Judicial Experience**

**Speaker**                **Madame Justice Desiree Bernard**, Judge of the Caribbean Court of Justice

**Description**        The Caribbean Court of Justice which was inaugurated in April 2005 comprises two jurisdictions, an original and appellate. The object of establishing the Court in its original jurisdiction was to interpret the provisions of the Revised Treaty of Chaguaramas and adjudicate disputes which may arise among the member states of the Caribbean Community and/or their nationals, and the states in relation to development of a Single Market and Economy. The appellate jurisdiction of the Court was intended to provide a court of last resort replacing the Judicial Committee of the Privy Council in England which was and in most instances still is, the final appellate court of many Caribbean states being former colonies of Great Britain.

Details of the historical background of the judicial systems of the Caribbean states will be discussed as well as the Agreement establishing the Caribbean Court of Justice, the Revised Treaty of Chaguaramas, and their relationship with each other. In-depth discussion on both jurisdictions of the Court will form a major part of the presentation, and information on the composition of the Court and appointment procedure of the judges. Mention will also be made of some of the judgments handed down by the Court since its inauguration, particularly in its appellate jurisdiction.



10:30 a.m. – 11:00 a.m.

**Refreshment Break**

*Location – Flamingo Foyer*

11:00 a.m. – 12:00 p.m.

**Annual General Meeting**

*Location – Flamingo Room*

12:00 p.m. – 1:00 p.m.

**Vendors Session**

*Location – Flamingo Room*

1:00 p.m. – 2:00 p.m.

**Lunch**

*Location – Las Olas Room*

***Ninth Session***

2:00 p.m. – 3:15 p.m.

*Location – Flamingo Room*

**The Challenge of Caribbean Legal Research**

|             |   |
|-------------|---|
| Title       | <b>Legal Information on the Internet - The Anglo-Caribbean Experience</b>   |
| Speaker     | <b>Yemisi Dina</b> , Associate Librarian/Head of Public Services at the Osgoode Hall Law School Library, York University, Canada  |
| Description | The Internet has made it possible to access up-to-date legislation, case law and government reports of the English speaking Caribbean countries. Just like the natural resources available in these countries, there lies an abundance of legal information to be explored. This presentation outlines resources from courts, government departments, law firms and academic institutions in these territories. |

- Title**                    **Legal Information in Haiti: The Difficulties of Accessing Legal Scattered Resources and its Impact on the Whole Legal System**
- Speaker**                **Francoise Beaulieu Thybulle**, General Director of The National Library System Of Haiti since 1981
- Description**            How the recent steps taken by librarians and legislators has made it possible to access Haitian Legal databases through the internet and new Technologies.  
Legal documents from as far as the pre and post colonial period, have been recuperated through the different patrimonial private, public and government libraries and recently made available to the Haitian... A success story.
- Title**                    **A Chest Full of Jewels: Discovering Dominican Legal Resources**
- Speaker**                **Marisol Florén**, Foreign and International Law Librarian at Florida International University (FIU) College of Law Library
- Description**            This presentation will identify and provide an overview of the resources available for legal research in the Dominican Republic. It will map and review the content of these resources in government, academic, and law firm websites in the Dominican Republic, and provide strategies on where to start and how to plan your legal research.

3:15 p.m. – 3:45 p.m.

**Refreshment Break**

*Location – Flamingo Foyer*

***Tenth Session***

3:45 p.m. – 5:00 p.m.

*Location – Flamingo Room*

**Political and Constitutional Status of Puerto Rico: A Continuing Challenge**

Title **Puerto Rico's Legal and Political Relationship with the United States: A Brief Historical Review**

Speaker **Efrén Rivera Ramos**, Professor, University of Puerto Rico Law School

Description This presentation will provide a brief historical review of the development of the legal and political relationship between the United States and Puerto Rico. Emphasis will be placed on the main legal events that have contributed to shape the relationship, such as the Treaty of Paris of 1898, the Foraker Act of 1900, the Jones Act of 1917, the so-called Insular Cases (1901-1922), and Public Law 600 of 1952, authorizing Puerto Rico to adopt its own constitution. It will become apparent from this synopsis that, although some advances have been made throughout this past century regarding the degree of relative autonomy enjoyed by the Commonwealth of Puerto Rico, the relationship still retains its fundamental subordinate character from a constitutional, legal and political point of view.

Title **Puerto Rico's position within the United States System of Government**

Speaker **José Julián Álvarez González**, Professor, University of Puerto Rico Law School

Description This talk will deal with the position Puerto Rico occupies within the system of government of the United States. In a nutshell, Puerto Rico's relationship to the United States is quite similar to that of one of the fifty states, with a very important exception: the inhabitants of Puerto Rico do not vote in federal elections. They do not vote for President and Vice President of the United States nor do they have representation in the House of Representatives or the Senate, except for a non voting delegate to the House. However, federal legislation, executive regulations and presidential executive orders apply generally to Puerto Rico, unless the rulemaker provides otherwise. The federal court system also functions in Puerto Rico, where a federal

district court operates. Decisions of the Supreme Court of Puerto Rico are reviewable by the Supreme Court of the United States in the same cases where that court exercises jurisdiction over the highest courts of the fifty states. A democratic deficit, therefore, is evident in this relationship.

7:00 p.m. – 11:30 p.m.

**Closing Banquet and Dance**

*Sponsored by William S. Hein & Co*

*Location – Las Olas Room*

The Annual reception and dinner with live music and dancing will be at the Salón Las Olas in the Caribe Hilton Hotel

***Thursday, December 4 (Optional)***

8:00 a.m. – 7:30 p.m.

**Excursion to Ponce, Puerto Rico**

*Sponsored by Pontifical Catholic University of Puerto Rico, Pontifical Catholic University of Puerto Rico Law School, Municipio de Ponce, Castillo Serrallés, Destilería Serrallés, Microjuris and BiblioServices*

This optional day will include travel to Ponce ‘Pearl of the South’ and ‘City of Lions’, the second largest city in Puerto Rico on the southern coast of the island; a visit to the Pontifical Catholic University of Puerto Rico; a program on canon law; lunch; a city tour of Ponce and a reception at the Museum Castillo Serrallés

Buses will depart from the Caribe Hilton Hotel at 8:00 a.m.