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SCALL Newsletter

President's Column

by Patrick Meyer
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SCALL Institute

The 35th Annual SCALL Institute was successfully held in San Diego Mar. 15th -17th, at the Wyndham San Diego at Emerald Plaza. Vice President/President-Elect Jim Senter and his volunteers did a wonderful job flawlessly running the Institute, titled "Global Legal Landscapes: Navigating the Worlds of Foreign & International Law." In addition, the lively Gaslamp Quarter proved to be a welcome dining and shopping destination.

The AALL VIP in attendance was Lyonette Louis-Jacques, Foreign and International Law Librarian at the University of Chicago Law School. Lyo performed double-duty by also being a main speaker. Lyo spoke about the sundry FIL experts that we may contact for help when we're in a bind. Lyo also ended the Institute by providing the luncheon audience with an AALL update. Other speakers included USC Professor Jason Yackee, who educated the audience on international investment law, Martha Boersch (Partner, Corporate Criminal Investigations, Jones Day) who spoke on transnational crime, Marci Hoffman (International and Foreign Law Librarian at UC Berkeley School of Law) who spoke on treaty research, SCALL Secretary Mark Gediman (Librarian, Best, Best & Krieger) and Paul Morton (Market Research, Southern California Edison), who spoke on locating companies and people overseas, and SCALL members Cindy Chick (Manager of Information Resources-Knowledge Systems, Latham & Watkins) and Michael Saint-Onge (Senior Librarian Relations Consultant, LexisNexis), who gave the popular 45 sites in 45 minutes presentation.

It was reported that the three pre-Institute workshops were also popular: The LexisNexis workshop (sponsored by the Librarian Relations Group) titled *Get a Life: A No-Nonsense Approach to Creating a More Fulfilling Personal and Professional Life*; the Thomson/West two-part workshop titled *Art in the Global Landscape: New Developments in International Law and Creating an Attorney-Librarian Strategy for Monitoring Foreign and International Law Developments*; and the SCALL-sponsored Technical Services workshop titled *View From the Trenches: Acquiring, Cataloging & Maintaining Foreign & International Law Collections*.

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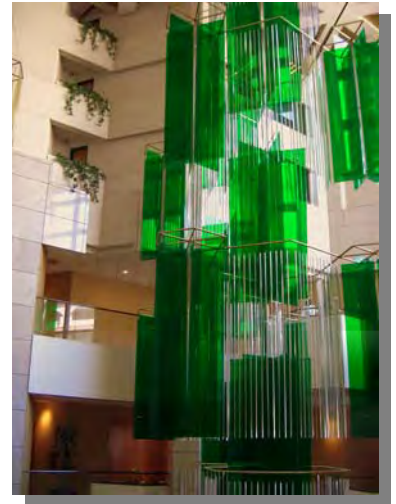
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Editor's Notes

by

Victoria Williamson

A wise man once said, "Get involved, stay involved." The success of this year's SCALL Institute was made possible because of its members who have become involved and have stayed involved. Those who missed it might ask, "So how was the Institute this year? On a scale of 1 to 5 (5 being the highest), it was definitely a 5.

To begin with, it was held at the Wyndham Hotel at Emerald Plaza, right in the heart of beautiful downtown San Diego. Despite the construction going on, the place is g-l-a-m... o-r...o-u-s (Yes, it's glamorous!), the people are utterly pleasant and the service great! It was a perfect setting for an educational retreat at a perfect time of year.

The program's theme was "Global Legal Landscapes: Navigating the World's of Foreign & International Law." The Institute organizers brought together an impressive team of foreign and international law professors, practitioners and research experts. It was a well thought-out program that ran smoothly as planned, like well-oiled machinery. Everything about the Institute was positive, from registration and program presentations to vendor exhibits and the tour of the San Diego County Public Law Library.

The 2007 SCALL Institute, in my opinion, continues the tradition of excellent program offerings that our members have come to expect each year.

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SCALL Newsletter Submission Deadlines

We welcome the submission of any articles of interest to the law library community. Contact Victoria Williamson, **SCALL Newsletter** Editor, at williamv@ulv.edu.

All submissions should be received by the following dates:

April 9, 2007	May / June 2007 issue
August 13, 2007	Sept. / Oct. 2007 issue
October 8, 2007	Nov. / Dec. 2007 issue
December 10, 2007	Jan. / Feb. 2008 issue



President's Column (cont.)

(continued from page 1)

A very well run tour of the San Diego County Public Law Library, led by SCALL member Joan Allen-Hart, capped off the Institute.

The Board extends its sincere appreciation to the scores of volunteers, sponsors, exhibitors, speakers and attendees who helped make the Institute the special event of the year.

Slate of SCALL Board Candidates

The slate of candidates for the SCALL Board includes Jessica Wimer (Vice President/President-Elect), John Wilson (Treasurer) and Stephanie Frame (Executive Board Member). Please see their bios elsewhere in this *Newsletter* issue and watch your mail for the ballots.

Intellectual Property Workshops

Priscilla Stultz (O'Melveny & Myers) and Jane McMahon (Thelen Reid Brown Raysman & Steiner LLP) are coordinating what is planned to be a series of intellectual property workshops likely to be held in downtown L.A. Interest for this undertaking formed after the administration of my copyright compliance electronic survey. There are currently four workshops in the planning stages, involving patents, trademarks and copyright. They are tentatively scheduled from May to October.

SCALL Legislative Advocacy

GRC Chair Maryruth Storer, her committee members and the SCALL Board have been busy lately either drafting, editing, or voting to sign onto letters that have been sent to various Senate and/or House leaders. This includes the submission of a letter to Sen. Barbara Boxer expressing our opposition to the proposed closure of the EPA libraries; the submission of a letter to the Honorable Henry Waxman (D. Los Angeles), Chair, House Oversight & Government Reform Committee, in support of The Presidential Records Act Amendments of 2007 (HR 1193), which would restore access to Presidential records; and signing onto a letter sent to the Honorable Nancy Pelosi, Speaker, US House of Representatives, Chairman Dianne Feinstein and Senator Robert Bennett, Senate Committee on Rules and Administration, US Senate, and Chairman Juanita Millender-McDonald and Representative Vernon Ehlers, Committee on House Administration, US House of Representatives, to support direct access to Congressional Research Service Reports.

Orange County, Anyone?

I'm working with Mark Gediman (Best Best & Krieger; SCALL Secretary) to form a possible workshop (and maybe a series of workshops) to be held for members in Orange County. The first possibility is this Spring and would likely be on competitive intelligence. So stay tuned for announcements!

SoCal Salary Survey?

Plans are underway to craft and administer an electronic salary survey of Southern California law librarians. Watch the listserv and the website for more details!



You're Invited! Orange County Public Law Library to Hold "Open House"

by Maryruth Storer, Director
Orange County Public Law Library, Santa Ana
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The Orange County Public Law Library invites everyone to its *Open House to Celebrate Our Expansion and Renovation* on Friday, April 27, 2007, from 1:30 p.m. to 3:30 p.m.

The project began in 2000 with a programming study, and finally in 2007, it is nearly complete. Our existing building was 28,084 square feet, and we added 19,370 square feet. We expanded our computer lab for patrons, and the new shelving arrangement made it possible to organize the collection more cohesively.

We welcome visitors anytime during our open hours (Monday to Saturday, check our website www.ocpll.org for specific hours), but we hope to see many SCALL members at our Open House on April 27.

The Orange County Law Library is located at 515 N. Flower Street, #32 Civic Center Plaza, Santa Ana, between Civic Center Drive and First Street, south of the Orange County Courthouse. Click on the link below for a map and directions:

www.ocpll.org

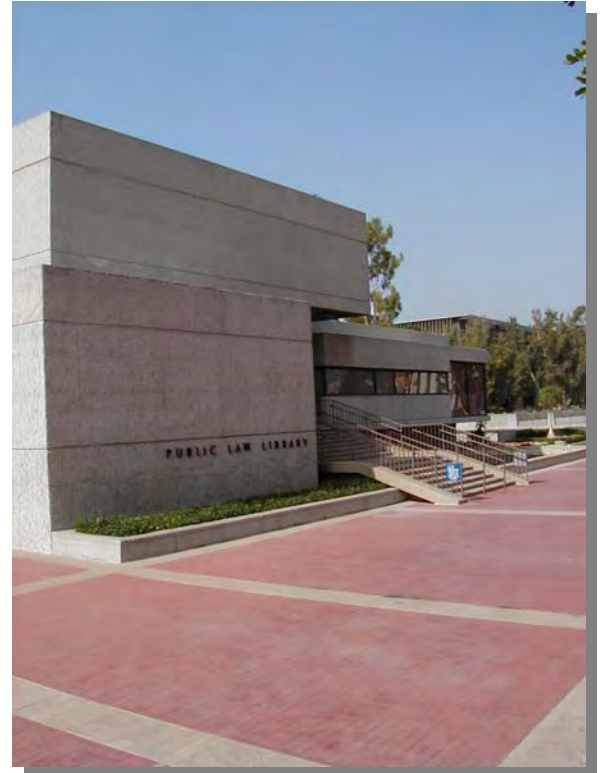
Editor's Notes (cont.)

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A first this year was the Institute Blog (<http://scall2007.blogspot.com>), which kept attendees and non-attendees informed of the events as they unfolded. Congratulations to Jim Senter and to each member of the Institute Committee.

I do think that this year's Institute sets the bar higher for the Institute next year and the years following. I have no doubt that SCALL's success will continue because we have members who are truly committed to furthering the goals of our organization.

We have the kind of community involvement that Lyonette Louis-Jacques, AALL Executive Board Member, alluded to in her speech at the luncheon. It was inspiring to see many SCALL Past Presidents in attendance. It demonstrated our leaders' desire to stay involved, actively participate, support, nurture and groom newer members into the future leaders of our profession. SCALL is indeed a great law library community in which to belong.



*The Orange County Public Law Library.
(Photo used with permission.)*

In this issue, we have coverage reports of selected programs and photos taken during the Institute. Bringing back our bio-profile series, thanks to Larry Zamora, we are featuring new member Justin McFadden, Research Librarian for the L.A. office of O'Melveny & Myers.

Also, we are adding our new "*Fave & Famous Recipes*" section. Do you have a favorite recipe or a special dish you're famous for? You know it's your famous recipe because your family and friends always ask you to cook it for them on special occasions. If you have a favorite or famous recipe you want to share with our readers, send it to Carmen Valero at cvalero@luce.com. After all, nourishment of the body is just as important as nourishment of the mind.



The LA Law Library

by Brian Keefe, Assistant Librarian
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Sometimes when you recognize how much change has occurred in a place, you are surprised. You stop to recalculate your perceptions, adjusting them as needed.

In 1997, I experienced this when I visited Philadelphia for the first time in 20 years. I had gone to college there. When I returned for my 25th reunion, two decades had passed since I had seen the city. While much of Philly was probably the same, it was obviously different downtown. What I remembered as humdrum and rundown now seemed vibrant and clean. There were restaurants and hotels. The skyline was impressive, not the same small one that I remembered.

Last week I went to the LA Law Library to interview its director, Marcia Koslov, about the changes at the library. As she told me about them and then showed me some of them, I had a similar moment of recognition. I had heard about these, but I didn't know how extensive they were.

Marcia Koslov said she thinks all her previous law library experience coalesced into her job as director at County. She had the unique experience of beginning her career as a library director when she started as the head librarian at the Missouri Supreme Court Library. She spent 26 years as the Wisconsin State Law Librarian. She has had several other management jobs, including deputy director at the Tarleton Law Library of the University of Texas.

From these experiences, she brought to her new job an appreciation of the importance of technology in libraries. She brought, too, a genuine desire to make the LA Law Library's vast resources available to as many users as possible. The library is, Marcia said, the premiere public law library in the nation.

Increased funding for the library has helped Marcia to make changes in the library. In years past, the LA Law Library struggled as income from filing fees fell. However, this money has increased dramatically in the last two years. In 2005, the library's share from each filing fee was \$18, but in 2007 it is \$24.



First and foremost, Marcia Koslov wanted to change the community's perception of the library. After attending conferences focusing on marketing and branding, she hired the company Siegel + Gale to create a new logo for the library. With it, LA Law Library wanted to change "the perception of libraries from buildings full of books to environments for continuous learning, community engagement, and sharing knowledge."

Similarly, the library decided on a new name—a brand name—and a new website address. Both of these are announced here for the first time. The library's "brand" name will be "LA Law Library." Its website address is **www.lalawlibrary.org**.

But more than the library's image is changing. There are tangible changes as well. Organizationally, it is different. The traditional two departments of public services and technical services have been converted into a five-division structure: Reference and Research Services, Access Services, Collection Management Services, Technology Services and Business Services. This change is intended to improve the delivery of services to the library's patrons. Sounding like the executive of a company, Marcia told me that "Service" is each division's middle name.

Another change has been the partnering of some library branches with other entities. At the Pasadena courthouse branch, practice materials were shifted to the Pasadena Public Library. For primary source materials and for other secondary materials, Westlaw, HeinOnline and CEB OnLaw have been made available at Pasadena Public. Marcia has collaborated with the LA Superior Court to establish a self-help center in the LA Law Library's Long Beach branch. It is now being run as both a law library and a self-help center. A similar arrangement is being developed at the Van Nuys branch library.

The circulation rules have become more user-friendly. The loan period for books is five days, and books may be renewed twice. Items placed on hold may remain there for

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LA Law Library (cont.)

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three days before being returned to the shelves.

The library's registration fees have been reduced. An individual borrower pays a \$50 fee annually. A deposit of \$125 is required. For a corporate or firm account, the annual borrower's fee is \$200 for the first five named members with a deposit of \$400 required. For each additional borrower on a firm account, there is a \$50 fee.

The library's document delivery service will fax up to 25 pages for a flat fee of \$12. Each additional page is \$.25. The document delivery service will photocopy requests for \$.25 a page. Copies can be faxed from the library using the new photocopy machines for \$1 a page.

For patrons' convenience, credit cards may now be used to pay registration fees and fines as well as to buy copy cards. Likewise for convenience, users may bring cell phones into the reading room and drinks if they are in containers with spill-proof lids.

These changes in services and rules have been matched by ones in physical plant and equipment.

The room that previously housed the foreign law collection is now a training room with modern furniture and technology that seats 30. It will be used for MCLE courses for lawyers and for training library staff, other librarians and members of the public. A conference room at the back of the reading room has been modernized and can be used as another training room seating 12-15 persons.

The reading room has been made wireless, and patrons may connect directly to the Internet. When using any of the subscription databases, however, patrons must use one of 14 computers in the library. Through them, the library provides access to Westlaw and Lexis, and to HeinOnline and CEB OnLaw. Library staff members conduct training in using these programs, both at the main library and in the Pasadena and Long Beach branch locations. Training on-site will also be offered at other venues such as the Lancaster Public Library.

To run the LA Law Library's software, new servers are housed in what Marcia Koslov calls "The Starship Enterprise" room. In the basement, as I peered through a window into that room and watched the blue lights on it blinking, I could imagine it to be a spaceship's control room.

The document delivery room is next to the alcove holding the old card catalog. Faxing and copying is done from there. The alcove itself has been made into a complete

copy center. The library has all new photocopy machines with multiple capacities. They can be used to photocopy, fax, scan or print. Photocopies still cost \$.15 each.

The future holds more changes for the LA Law Library—inside and out. Marcia said that there is a landscaping plan for the library's exterior under consideration. The library's website will be modernized, too.

When I began this article, I recalled another transformation I had seen—that of downtown Philadelphia. When I was there, it was gratifying to see the city's center revitalized.

Likewise, it is good to see the changes at the LA Law Library. It is a great library. Marcia Koslov and her staff are committed to maintaining its greatness. In doing so, they are adding new ideas and new things to the library. It is an ongoing process, something everyone in SCALL can appreciate and support.



Get a Life! A No-Nonsense Approach to Creating a More Fulfilling Personal and Professional Life

Presented by Michael Saint-Onge, Julie Webster-Matthews, and Dianne Chambers
LexisNexis Librarian Relations Group

Reviewed by Hugh J. Treacy and Margot McLaren
Whittier Law School Library
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Have you read any good books lately? Well, our friends at LexisNexis--Michael Saint-Onge, Julie Webster-Matthews, and Dianne Chambers--strongly recommend to all of us Larry Winget's book, *Shut Up, Stop Whining & Get a Life: A Kick Butt Approach to a Better Life*.

In fact, the trio was so impressed with Winget's motivational message of successful living and working they presented it as a SCALL pre-Institute program to a roomful of enthusiastic law librarians who trained, planed, and auto-mobiled down to San Diego a day early just for this event. Outstanding it was!

For those of us who were unfamiliar with this book and its philosophy, Michael provided us with an overview of its three major points. What you think about, talk about, and do something about is what comes about.

First: Shut Up! Stop talking. Listen to others and your inner voice. As Jimi Hendrix once said, "Knowledge speaks, but wisdom listens." Speaking of wisdom, listen to your spouse. (No, really!) Listen to your children. (Double your daily time with them to 14 minutes!) Listen to your customers. (They keep you employed!) Listen to experts. (They speak with wisdom and truth.) Listen to yourself. (Pay attention to your gut feeling.) Listen to God. ("The Smart Voice.") They all have something important to tell you. Don't listen to those who denigrate you. (They have nothing important to tell you.)

Second: Stop Whining! Keep the "bad news" to yourself. However, no one expects you never to complain. After all, if you are always cheerful and never complain, you will have reached the same level of development as your dog! To get a life, you must change your way of thinking. Lim-

ited thoughts produce limited results. Change your choice of words. Emphasize positive words when thinking about yourself. Self-directed negativity adversely affects our psychological and physical health.

Third: Get a Life! So, things are not going well for you? Perhaps you're holding yourself back. It's not likely that you are stupid or lazy or just don't care. Just do something about it.



From left: Dianne Chambers, Julie Webster-Matthews, Michael Saint-Onge.

(Photo by Hugh Treacy)

What *should* you do? Julie Webster-Matthews led the presentation from this point. Above all, don't procrastinate! Procrastination impedes progress toward our goals. Don't *try* to act. "Just do it," as the shoe slogan commands. You might remember Yoda's famous line in *Star Wars*: "There is no *try*--there is only *do* or *not do*." Julie also recommended a book written by Brian Tracy entitled *Eat That Frog*, which provides helpful tips to avoid procrastination. One tip is to perform first the tasks you dislike the most. Another suggestion: exercise three times weekly. The most important muscle in your body is your heart. Keep it happy and strong with exercise. Regular exercise strengthens our cardiovascular system, our brain, trims our weight, and prevents onset of diseases like diabetes. Exercise your inner being, too, with spirituality or religious activities to maintain a happy, healthy life.

Julie emphasized that we are our own decision-makers; we are the catalyst for what happens to us. She urged the audience to live life by design, not by default. What happens when things don't go as planned? As if on cue, within a minute or two of her presentation, a loud siren interrupted Julie's train of thought: "Whoop! Whoop!" A computer-generated voice could be heard all over the hotel, "Ladies

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Get a Life! (cont.)

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and gentlemen. Stay calm. Management is checking the source of the alarm. Whoop! Whoop!" Julie handled the interruption very well, using it as an opportunity to urge the audience to roll with life's punches, to move forward despite adversity. Don't let life's alarms throw you into a tailspin.

Dianne Chambers continued the presentation directed at our professional lives. Since a majority of us spend a significant portion of our lives in the workplace, how we feel about our jobs can affect our work performance and our interactions with our colleagues. Sometimes we encounter negativity, lack of support and direction, unreasonably high expectations, conflict with coworkers, and incidents of poor communication. However, there are choices we can make to transform the jobs we have from ones we dread or merely tolerate to jobs we come to enjoy by choosing to be happy and to think positively. We might transform ourselves and our jobs by bringing new tasks into the workplace, take on new or different responsibilities, ask for feedback frequently, maintain our commitments, avoid

office gossip, practice professional courage by facing conflict rather than avoiding it, deal with obstacles to our betterment, and establish friends and allies in the workplace.

Michael summarized the major points of the presentations and urged the audience to find balance in our personal and professional lives. How do we best accomplish this potentially monstrous task? Start by maintaining a log of your activities at home and work. See where you are putting your time. Manage your time more wisely by establishing boundaries; leave time to give to your community through volunteer activities not work-related; reward yourself; learn to say "No!" Let go of your need for perfection, protect your day off and vacation and then use that time to rest and rejuvenate. Get enough sleep; slow down; simplify your life by doing less and avoiding stress. Stress is a mindset-it really doesn't exist independent of the power we give it. Give it nothing. Minimize it by thinking healthy thoughts and performing healthy activities.

Ahhhhhhh.....Now go forth and enjoy the rest of your life!



Photo by Tanya Cao

Enjoying life! Curt Jones from Whittier Law School Library displays his Tequila Lime Shrimp on the menu at Casa De Pico Restaurant, La Mesa, CA during SCALL's 35th Institute, March 15-17, 2007.



Art in the Global Landscape: New Developments in International Law

A 2007 SCALL Pre-Institute Program Presented by Jessica L. Darraby and Daniel W. Martin

Reviewed by Curtis Jones, Reader's Services Librarian
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At the 2007 Pre-Institute program sponsored by Thomson West, SCALL members were treated to a glimpse into the world of international art law. Jessica L. Darraby, Esq., author of *Art, Artifact & Architecture Law* (West, 2006 ed.), and Daniel Martin, Director of the William M. Rains Law Library, Loyola Law School of Los Angeles, shared the podium for this excellent presentation.

Jessica acquainted the audience with some of the challenges she faces to keep her treatise up-to-date as she practices in the field where so many different laws intersect and where change is a constant feature. Art law illustrates a body of work where all artists and publishers are not only part of the global marketplace but also potential defendants or plaintiffs in future litigation involving commercial properties or conflicting proprietary rights.



Jessica L. Darraby

It is little wonder that Jessica considers herself a generalized specialist in her field. She illustrated the value of personal contacts and the importance of establishing networks in order to track developments and stay current in this area of practice. She made reference to a case regarding art stolen by the Nazis during World War II that later reappeared in an Austrian government facility. Previously, this federal case was a mere footnote in Jessica's book; however, when the case reached the U.S. Supreme Court, the attorney who represented one of the parties updated Jessica on the outcome and the case description in the book increased to an entire page in the next edition.

Jessica also told an amusing story in which she was looking for an answer to an art law question; she looked through a number of resources, then when all else failed, looked in her own book and was surprised to find the answer there. This anecdote illustrates the adage familiar to librarians that knowing that a specific resource exists is often more important than the ability to recall the exact contents of the treatise that bears on the answer to the question. Knowing where to look is often more effective than knowing the answer to a specific question.

Jessica then invited Dan Martin to speak about the devel-

opment of his bibliography, *Art Law: A Selected Bibliography*, that may be found in Appendix 27A of Jessica's treatise.

Dan explained that he regularly consulted a variety of resources in order to update his bibliography. First, he consults WorldCat under the Library of Congress classification KF 4288, for art law. He also utilizes online resources, such as HeinOnline, ProQuest, JSTOR and Ebsco for scholarly law journals.

I was pleased to learn that one of Dan's most recommended resources is the Getty Museum and Library, its librarians and databases available there. Getting your Getty card is a vital passport to the world of reference materials there.

Dan closed by making the point that the most important sources of information available are the people resources, the "art law network" that is key to understanding this dynamic area of the law.

Both Dan Martin and Jessica Darraby are themselves vital components of this growing network of human resources.

About the presenters:

Jessica Darraby has a law practice in Santa Monica and New York City. She is a member of the California State Bar and the federal bar. She graduated Phi Beta Kappa with a B.A. *summa cum laude* from UCLA, an M.A. from Cal Berkeley, and a J.D. from Boalt Hall. Ms. Darraby is an art law contributor to the *Los Angeles Daily Journal*, and she wrote the cover story for *California Lawyer* (May 2006) on antiquities trade and the Getty. She is an adjunct Professor of Law at Pepperdine University, Malibu.

Daniel W. Martin is Director of the William Rains Law Library and Professor of Law at Loyola Law School, Los Angeles. Previously, he had been Director of the Law Library at Pepperdine University, Malibu for 16 years. He holds a B.A. from Cedarville College, an M.L.S. from Indiana University, and a J.D. from the University of Texas. He is admitted to the State Bar of Texas.



International Investment Law: Protection by BITs

From a 2007 SCALL Institute presentation by Jason Yackee, Law Fellow & Professor
University of Southern California, Gould School of Law

Reviewed by Patricia Pelz Hart, Lawyer/Librarian
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The 35th Annual SCALL Institute was held at the Wyndham San Diego at Emerald Plaza on March 16-17, 2007. The overall theme was **Global Legal Landscapes: Navigating the Worlds of Foreign & International Law**. One of the speakers was **Jason Yackee**, Professor, USC School of Law, who gave the program on **International Investment Law**.

Companies and investors from one country decide to invest in another country. The foreign government is encouraging. Facilities are built, local manpower is trained and a good return on investment brings smiles to the investors. Then the foreign host government changes its mind, nationalizes the property and throws out the investors. Nationalization happened in many host countries in the 1960s and 1970s.

What could investors do? The host country's *domestic* law permitted nationalization. *International* law was concerned primarily with relations between governments, not governments and private investors. There was little legal recourse for the international investors.

A decade or more went by. The foreign countries' economies spiraled ever deeper into poverty. The foreign governments now sought investors from abroad. Any takers? Yes, but once bitten, twice shy. Before returning, international investors demanded and got a new legal framework.

Bilateral investment treaties (BITs) are written agreements that protect the substantive and procedural rights of foreign investors in a given country. Although BITs are usually written between governments, they cover private investment coming from one country and going to the other country.

The provisions of a BIT typically grant compulsory jurisdiction, adequate compensation, and arbitration. Default awards are possible. **Decisions are enforceable worldwide.**

Before BITs foreign investors faced major risks. The **obsolescence bargain** is that once involved in a host country, assets are hard to move. If the political or regulatory environment turns hostile, it may be difficult to withdraw without loss. Host governments could unilaterally change their domestic law. If they did so, foreign investors struck out.



Jason Yackee
(Photo used with permission)

Nor was there much help from international law. Investors may have wanted action from their home nation. It is difficult, however, for one country to unilaterally change the rules of international law. Another strikeout.

The very nature of traditional international law did not favor foreign investment. Vague and heavily contested rules gave little certainty to investors. Certainty is a prized element of most commercial transactions. Since they were not governments, individuals had little chance to enforce contracts in court. The choice was to go to host domestic courts (perhaps prejudiced) or use diplomatic protections of the home government (which was not likely to pursue the matter).

Friendship, Commerce, and Navigation (FCN) treaties gave some protection, but not very much.

Everything began to change in the early 1980s. Countries now actively pursued **foreign direct investment (FDI)**. Government became willing to sign BITs and submit to their provisions. These official treaties, between governments, grant rights to investors who were never party to the treaties themselves.

Today there are over 2,000 BITs. Most developing countries now have at least one strong BIT with a developed country. Sometimes both countries are developing. Indeed, labels like "developed" and "developing" become ever less relevant as BITs join signatory countries in a market economy to the benefit of all.

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International Investment Law (cont.)

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A continuing problem is that no *international* arbitral panel yet exists. Arbitration awards have come to different conclusions on similar facts. There is no way at present to correct errors in arbitral awards.

For further information: The United Nations Conference on Trade and Development's website, UNCTAD.org, has a page called Investment Instruments Online. Search all bilateral investment treaties signed by one country, or search for a specific BIT between two countries. Text in various languages may be available.

A sample BIT: The first page of a BIT between Cambodia and Cuba, found on the UNCTAD database after the Institute, reads:

Agreement between the Government of the Kingdom of Cambodia and the Government of the Republic of Cuba Concerning the Promotion and Protection of Investments

The Government of the Kingdom of Cambodia and the Government of the Republic of Cuba and (hereinafter referred to as "Contracting Parties");

Bearing in mind the friendly and cooperative relations existing between the two countries and their peoples;

Intending to create favorable conditions for investments by nationals of one Contracting Party on the basis of sovereign equality and mutual benefit, and

Recognizing that the Agreement on the Promotion and Protection of such Investments will be conducive to the stimulation of investment activities in both countries;

Have agreed as follows:

ARTICLE I

DEFINITIONS

For the purpose of this Agreement:

1. The term "**investment**" shall mean any kind of asset invested by investors of one Contracting Party in the territory of the other Contracting Party, in conformity with the laws and regulations of the latter, including but not exclusively:
 - a. moveable and immovable property as well as other rights, such as mortgages, privileges and guarantees and any other similar rights;
 - b. rights derived from shares, bonds, or any other form of interest in companies or joint ventures in the territory of the other Contracting Party;
 - c. claims to money or to any performance having a financial value;

.....



Transnational Crime: Obtaining Evidence

A 2007 SCALL Institute Program Presented by Martha Boersch
Partner, Corporate Criminal Investigations, Jones Day

Reported by Bill Ketchum, Reference Librarian
San Bernardino County Law Library
bketchum@sblawlibrary.org

"How do you build or defend a case when most of the evidence is located outside the United States?" asked Martha Boersch as she began her wide-ranging talk on transnational crime from the lawyer's point of view. She explained some of the difficulties in obtaining evidence in other jurisdictions.

Substantive U.S. law can apply to foreign conduct, she pointed out, but the sovereignty of foreign countries restricts the reach of U.S. law enforcement. Prosecutors and defense counsel alike run the risk of arrest if they cross a border to interview witnesses. Attempting to take a deposition in another country may subject a U.S. lawyer to jail. Federal prosecutors cannot take any action outside the U.S. without first clearing it with the Department of Justice.

Domestic laws and mechanisms such as U.S. subpoena power under 28 U.S.C. 1782 (on assistance to foreign and international tribunals and to litigants before such tribunals — Westlaw), extend to a U.S. citizen wherever located.

Often the only way to get the deposition of a witness in a foreign country is to serve a subpoena on a U.S. subsidiary of the foreign company in which the witness has an interest.

"Scores" of bilateral mutual legal assistance treaties (MLATs) exist between governments, Ms. Boersch said, but private counsel have to use "letters rogatory," a process that can take years, tolling the statutes of limitation and speedy trial laws.

Competing law enforcement and investigating authorities can also cause problems. Countries have different ways of interviewing witnesses and of memorializing the interview. What oath will the witness take, if any at all, is an issue. The principle of hearsay does not exist everywhere. Translations seem to take forever, and the "rhythm of cross-examination" is impossible to maintain through an interpreter.

Authentication of documents, foreign bank secrecy laws, and the lack of Fourth and Fifth Amendment and other U.S. Constitutional privileges outside the U.S. create other issues.

Extradition is always treaty-based. The "rule of specialty" says the receiving country may only prosecute for crimes specified in the request. Courts are divided on defendants' standing to assert this. The controversial "extraordinary rendition," lure, and abduction are other methods used to get defendants who are located in other countries. Criminals take advantage of "archaic" notions of sovereignty to escape prosecution, Ms. Boersch said. She added that she thought there ought to be an international organization whose job it is to facilitate evidence gathering.

For more information, see the State Department Circular, "Obtaining Evidence Abroad" at:

www.travel.state.gov/law/info/judicial/judicial_688.html.



Martha Boersch, Partner
Corporate Criminal Investigations, Jones Day

(Photo by Hugh Treacy)



Getting to Know You: Justin McFadden

by Larry Zamora, Librarian
Troy & Gould
LZamora@troygould.com



Justin McFadden doesn't see himself as a risk-taker, but if leaving the friendly confines of Salt Lake City and coming to Los Angeles isn't the mark of a daredevil, maybe he should re-think that evaluation. Justin, a graduate of the University of Utah (Class of 2000), received his MLIS from the University of Washington in 2005 and has recently become a member of SCALL.

A passion for government and politics from an early age led Justin to a B. S. in political science and the assumption of law school in his future. His path was disrupted one day when, as an undergrad working at Ray Quinney & Nebeker (RQN, a prominent Salt Lake firm), Justin attended a presentation by a law library vendor. He describes it as a "light bulb" moment. He "just knew" that he wanted to make law librarianship his career, and began researching his options upon graduation. As it turned out, his preferred school, the University of Washington, had recently begun a distance-learning program. Justin applied, and got accepted into the library school's first cohort of distance-learning students. He has high praise for the program, which not only allowed him to keep his full-time job at the firm, but also gave him the opportunity to demonstrate a level of self-discipline he didn't realize he had. During his time as a library student, Justin enhanced the experience by volunteering to serve as the local liaison between his distance-learning peers and the local chapter of the Special Libraries Association.

Justin's interest in things civic permeates his life, from active involvement in elections to "politically motivated" vacations. Prior to his move to California in July 2006, Justin served "in the trenches" as a door-to-door field rep in two campaigns for Congressman Jim Matheson, a Democrat in the predominantly Republican Utah. The congressional district had been gerrymandered to the advantage of the Republican candidate in 2002, so the campaign that year was especially challenging. Justin worked long hours getting Matheson's message out to an often less-than-receptive populace, but it paid off with a narrow victory. Two years later, Justin was at it again, and had an easier time of it due to the congressman's favorable record of performance.

Justin's wife, Tarra, currently in the process of choosing a Master of Public Administration program in the L.A. area, shares his passion for politics. So, when vacation time rolls around, their first destination choice is, where else? Washington, D.C. After several visits, they have seen Con-

gress in session many times, toured the White House, and covered the "usual" sights on numerous occasions. The perennial highlight of each trip, however, is a visit to the Library of Congress. From Justin's perspective, the LC combines his professional and personal passions and has little competition in terms of the most meaningful tourist sites in the nation's capital. Not all free time is spent in Washington, though. The McFaddens visited the Clinton Library and Museum last year, and look forward to seeing the Reagan and Nixon libraries in the near future. Their goal is to visit each and every U.S. presidential library.

When not vacationing, Justin commutes daily from his home in Norwalk to the L.A. office of O'Melveny & Myers. His time on the (in)famous L.A. freeways has allowed him to experience firsthand one of the most notorious aspects of living in our area. Justin takes it all in stride, and accepts it as just another example of how things happen on a much larger scale here than in Salt Lake City. Like others, he recognizes local transportation as a huge logistical problem, but also feels that solutions are possible with the right leadership. Speaking of which, would a self-described political junkie like him ever run for public office? "Possibly, but only at a very local level."

As a research librarian at O'Melveny, Justin loves the variety of research questions that come his way and also the friendly atmosphere created by his library colleagues, the attorneys, and staff. He finds it a unique and satisfying experience to see high-caliber, serious work being performed in the firm's "laid back" environment. That quality stands in stark contrast to his experience at RQN, a highly regarded Utah firm, but not particularly known for its relaxed atmosphere. In terms of the number of attorneys, O'Melveny's Los Angeles office alone has almost triple the number of Justin's former firm. These sharp distinctions and the wide range of attorney inquiries made for a steep learning curve, but Justin hit the ground running, and has been equal to the challenge. He truly relishes the work and the working conditions at OMM.

It's that same discipline, commitment, and willingness to try something new that set Justin on his path to Los Angeles in the first place. Starting as a messenger at RQN in 1999, he worked his way into an assistant librarian position, and held it throughout library school. He met Tarra at the firm, and they were married in 2004.

(continued on next page)



Justin McFadden (cont.)

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With his MLIS finally in hand, but with limited advancement opportunities, Justin hit upon the idea of turning his passion for studying government into actually working for the government. An opening at the Utah State Archives became available, and Justin applied his newly acquired organizing skills to his position as records analyst. In that capacity, he consulted with and advised various state agencies on record-keeping requirements.

After a year in which his inner “law librarian” voice never really quieted, and remembering the words of encouragement of a trusted library mentor at the University of Utah, Justin decided to re-focus his energies on a law librarianship career. He opened himself up to opportunities beyond his hometown, and got positive responses from various locations in other parts of the country, including San Francisco and his beloved Washington, D.C.

Perhaps somewhat influential in the decision to move to Los Angeles was the fact that Justin has close relatives in the Norwalk area. The Mormon religion is renowned for its support of family, and Justin’s is no different. They stayed in close touch during his missionary time in Oregon, and have done all they can to make his and Tarra’s transition to L.A. life a smooth one. They’ve evidently done their job well, as Justin and Tarra feel “at home” enough to have annual passes to Disneyland, and plan on having them for many years to come.

While not a risk-taker when it comes to life and limb, Justin’s career path has revealed to him the rewards that come with an open mind, self-confidence, and attention to duty. Like most of us in this profession, Justin considers librarianship (in its various forms) an essential element in a future certain to be dominated by information. For that reason, he would encourage high school students to think about it as a rewarding career. The opportunities to learn and to “know how to know” are plentiful, especially when networking with his generous colleagues in SCALL.

Welcome to L.A., Justin and Tarra!



2007 SCALL Election: Meet the Candidates!

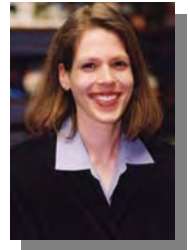
by SCALL Nominations Committee
Diana Jaque, Chairperson
djaque@law.usc.edu

The Nominations Committee of the Southern California Association of Law Libraries (SCALL) is pleased to present the following nominees for election to the SCALL Board.

Candidate for Vice-President / President-Elect

Jessica Wimer

Senior Law Librarian
Head of Research Services
USC Gould School of Law, Los Angeles



Candidate Statement: *It is an honor to be nominated for the position of SCALL Vice-President / President-Elect. I welcome the opportunity to continue to give back to an organization that supports its members by facilitating professional contacts and expertise, and personal friendships. It has been a great pleasure to serve as SCALL Treasurer for two terms. In this position I have done my best to ensure that all SCALL funds are properly accounted for, thus allowing SCALL to support its members to the fullest extent possible. Reflecting on all that I have gained from being a SCALL member, my goal as Vice-President / President-Elect is to encourage members to continue to remain active within the Association. Even more, I would like to focus on encouraging new law librarians to become involved in SCALL to ensure we continue playing a vital role in the field of law librarianship.*

Candidate for Treasurer

John Wilson

Foreign and International Law Librarian
Hugh & Hazel Darling Law Library
University of California, Los Angeles

Candidate Statement: *I am honored to have been nominated for the office of SCALL Treasurer. My belief is that serving as the Treasurer will give me an opportunity to take on a larger role in the Association. I also recognize the duties and responsibilities of the office. I look forward to working with our members and the Board.*

Candidate for Board Member

Stefanie Frame

Reference Librarian
Foley & Lardner LLP
Los Angeles



Candidate Statement: *Serving as a SCALL Board Member would be a great privilege. Our organization provides community and camaraderie to its membership, a generous and collegial spirit which I am proud to belong. As I have benefited from attending SCALL events and participating in SCALL activities, I would like to serve the Association and give others the same opportunity.*

(continued on next page)



Meet the Candidates (cont.)

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Candidate for Vice-President / President-Elect

Jessica Wimer

Jessica is currently Senior Law Librarian—Head of Research Services and Assistant Adjunct Professor of Law at the Gould School of Law at the University of Southern California, a position she has held since April 2003. From August 2001 until April 2003, she was Law Librarian-Research Services there. Jessica holds a Bachelor of Arts and Humanities degree (1996), a Doctor of Jurisprudence degree (2000), and a Master's degree in Library and Information Science (2001), all from Indiana University, Bloomington. Jessica has been an active member of both the American Association of Law Libraries (AALL) and the Southern California Association of Law Libraries (SCALL) since 2001. She is currently a member of the Committee on Legal Research (2006-present) and the Scholarships Committee (2002-2004; 2006-present) for Academic Law Libraries Special Interest Section (ALL-SIS). Jessica's term as Treasurer and Executive Board Member of SCALL began in 2003. She continues to serve as a committee member for the SCALL Institute (2002-present), Co-Chair of the Public Relations Committee (2002-2003), and continues to serve as a Library Student Mentor (2006-present). Jessica is the author of a number of articles, bibliographies, and book reviews that have appeared in the *Southern California Law Review* and *Law Library Journal*. She also contributed to a bibliography appearing in *September 11 in History: A Watershed Moment*, edited by Mary Dudziak, Duke University Press, 2003. She also completed two bibliographies for the 30th SCALL Institute (*Employment Law: Not Just 9-5*) in Solvang, California, 2002: *Employment Law and You*, and *Disability Discrimination in the Workplace*.

Candidate for Treasurer

John Wilson

Since January 2006, John Wilson has been Foreign and International Law Librarian at the Hugh and Hazel Darling Law Library of UCLA. He holds a Bachelor of Arts degree in International Affairs (Political Science) from the University of Maine at Orono (1981). He was a candidate for a Master of Arts degree in Latin American Studies (1981-1984) at UCLA, and he holds a Master's degree in Library and Information Science from UCLA (2000). From September 2000 until December 2005, John was a Reference Librarian at UCLA, and he was a Reference Assistant there from August 1998 to August 2000. John has been a member of the Library School Liaison Committee of SCALL since 2001, and he was a member of the SCALL Institute Committee from 2004-2005 and 2006-2007.

Candidate for Board Member

Stefanie Frame

Stefanie Frame has been Reference Librarian at Foley & Lardner LLP in Los Angeles since August 1998. In the year prior, she served as Library Assistant there. Stefanie also serves as an adjunct faculty member in the paralegal program at West Los Angeles College, a position she has held since February 2003. Stefanie holds a B.A. from San Diego State University (1994), a J.D. from the University of San Diego School of Law (1997), and an M.L.I.S. from San Jose State University (2001). She has been a speaker at four events offered by the Institute for Paralegal Education / National Business Institute Programs, which were held in November 1999, March 2000, February 2002 and February 2007. Twice Stefanie has been the Local Arrangements Chair for SCALL Institutes (32nd and 35th), and she was a member of the Speakers Committee for the 33rd SCALL Institute.



Job Opportunities

Compiled by:

Don Buffaloe
Senior Research Services Librarian
Pepperdine University
School of Law, Malibu
Donald.Buffaloe@pepperdine.edu

Jodi Kruger
Research Services Librarian
Pepperdine University
School of Law, Malibu
Jodi.Kruger@pepperdine.edu

Click on any entry to see the complete job announcement. Last updated: April 10, 2007



Records Manager, Library Associates, Los Angeles, April 10, 2007

Assistant Director, Public Services; Library Associates; San Diego, April 4, 2007

Manager of Outreach Services, Library Associates, Los Angeles; April 3, 2007

Circulation Assistant, Chapman University Law School Library, Orange, April 3, 2007

Reference & Archival Librarian, Stanford Law School, Palo Alto, March 23, 2007

Outreach Librarian, Library Associates, Norwalk, March 23, 2007

Cataloger, Pepperdine University School of Law Library, Malibu, March 20, 2007

Public Services Supervisor, Pepperdine University School of Law Library, Malibu, March 20, 2007

Librarian Relations Manager, Thomson West, Los Angeles, March 14, 2007

Law Reference Librarian, Western State University, Fullerton, March 14, 2007

Catalog Technician, Chapman University Law School Library, Orange, February 22, 2007

Assistant Director for Public Services, McGeorge School of Law, Sacramento, February 14, 2007

Law Librarian & CIO, UCLA School of Law, Los Angeles, February 8, 2007

Records Department Supervisor; Stradling, Yocca, Carlson & Rauth; Newport Beach, January 11, 2007

Research Librarian; Morgan, Lewis & Bockius LLP; Palo Alto, October 30, 2006

Manager of Library Services; Morgan, Lewis & Bockius LLP; San Francisco / Palo Alto, October 30, 2006

Librarian; California Department of Justice, Office of the Attorney General; Los Angeles, July 19, 2006



Minutes of the SCALL Executive Board Meeting October 18, 2006

Malo Restaurant, Los Angeles



A regular meeting of the SCALL Executive Board was held on Tuesday, October 18, 2006, at the Malo Restaurant, in Los Angeles. Board members present were: Patrick Meyer, President; Jessica Wimer, Treasurer; Mark Gedinman, Secretary; Pauline Aranas, Past President; Paul Moorman, Board Member; and Robert Wright, Board Member.

A quorum being present, the meeting was called to order at 4:15 p.m.

I. Approval of the June 27th Executive Board Meeting Minutes

Pauline moved to dispense with the reading of the minutes of the June 27th Executive Board Meeting, and Robert seconded. The motion was approved. Pauline moved to approve the minutes as presented. Paul seconded and the motion carried.

II. Treasurer's Report

Jessica distributed the Treasurer's report, showing total assets to date of \$44,874.35. Jessica informed the Board that the liability insurance check was sent to AALL on October 6th. The check for \$350 was based on 350 members at a cost of \$1.00 per member. The check cleared on October 17, 2006. Jessica also reported that the necessary paperwork was sent to, and received by the accountant for tax preparation purposes. Paul moved to accept the report, Robert seconded, and the motion carried.

III. Secretary's Report

Mark reported that the mail-forwarding problem was resolved and that the SCALL mail is coming in as needed. Mark reported that he purchased new storage items to store the Secretary's material. The Board discussed getting the updated Stationary on the SCALL web page. Pauline moved to accept the report, Paul seconded, and the motion carried.

V. President's Report

ICYIP Raffle

Patrick reported that ICYIP would be raffling off an IPOD Shuffle.

Diversity Summit

Jill Fukunaga, of the Library Liaison committee, attended the Diversity Recruitment Summit for Library Professionals held at UCLA, on behalf of SCALL, on September 18, 2006. She will also attend the LISSTEN Professional Association Day, held on Sunday, October 29, 2006. SCALL made a \$10 donation to have a table, and made a second \$10 donation to allow Jill to speak at the event.

Volunteers

SCALL currently has 40 volunteers. Pauline discussed the fact that not all committees have a strong need for volunteers, while others are in need of them (and have trouble getting them). For example, ICYIP, Programs, and the Government Relations committee can usually use volunteers. The fact that volunteer committee work is a good way to get new members involved was discussed.

AALL Pacific Chapter Reception Rotation

The rotation to host the Pacific Chapter's Reception at the Annual Conference has been established:

NOCALL
LLOPS
SANDALL
SCALL
WESTPAC

The Rotation resumes with NOCALL in 2012.

Pauline moved to approve the committee reports as submitted. Paul seconded and the motion carried.

VI. Vice-President/President Elect's Report

Jim reported that plans for the 35th Annual SCALL Institute are progressing. In early August, eight potential sites were visited. The final decision was made and the Institute will be held at the Wyndham San Diego at Emerald Plaza. The hotel contract was signed in September. The broad theme of foreign and international law has been selected, and the Institute Committee is being put together. The chairs are: Paul Moorman - Speakers; June Kim and

(continued on next page)



Minutes (cont.)

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John Wilson - Bibliography; Laura Cadra - Exhibits; Wendy Nobunaga - PR; Catherine Meller - Registration; Stefanie Frame - Local Arrangements, and Jennifer Berman - Sponsors. The institute blog should be up and running by November. The main focus of the committee is securing speakers and choosing a focus within the broad topic.

Robert moved to approve the report. Paul seconded and the motion carried.

Committee Reports

The Board received and read all committee reports by email, and those reports are filed with the minutes of the meeting.

Programs committee reported that 45 members sent in an RSVP for the current meeting. It was also requested by the committee that any concerns regarding the time, location, etc. of the Holiday Party be directed towards Brian Raphael as soon as possible.

Public Access to Legal Information reports that they are currently trying to get the last few chapters of *Locating the Law* done. Most are indeed finished, but not quite ready to go to print yet. It is hoped that they will be finished by the end of the calendar year.

Patrick moved to approve the committee reports as submitted. Mark seconded and the motion carried.

New Business

Changes to the SCALL web page: Two changes the Board discussed centered on the procedures new members follow to join the Listserv, and the possibility of providing an electronic copy of the volunteer form online. The Board discussed various possibilities and Pauline will work with Ramon Barajas and report back to the Board at a later date with more information.

SCALL Newsletter: The Newsletter committee would like to know if they should provide printed copies of the SCALL Newsletter to those who request it. If they did so, the one who requested the copy would be charged for the cost of printing and mailing the newsletter. The Board decided to take this matter under consideration for future decision-making and has requested more information from the committee (such as the number of requests for print copies are made, etc.).

Budget: The Board received a copy of the budget, and it is filed with the minutes of the meeting. The President will notify all the committee chairs of their budget and the proper way to request designated funds.

Pro Bono Project: Jennifer Berman and Laura Cadra are working to establish contact with certain individuals who might be able to provide guidance on this project. Once this is done, the next step is to determine whether it is reasonable to expect that we can get this off the ground.

Mark moved to approve the new business. Paul seconded and the motion carried.

Paul moved that the meeting be adjourned. Mark seconded and the motion passed unanimously. The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Jessica Wimer, Treasurer, acting for Mark Gediman, Secretary

Addendum:

At the dinner meeting of the regular membership, Rhonda Lawrence moved that Kate Pecarovich be awarded Life Membership in SCALL. The motion was seconded, and passed unanimously.

2007 SCALL Scholarship Awards Announced

Submitted by Jill Fukunaga, SCALL Library School Liaison Committee Chair

The SCALL Library School Liaison Committee extends its hearty congratulations to the following library school students, each of whom has received a monetary award through the 2007 SCALL Scholarship program: **Jennifer Auld**, SJSU/Fullerton; **Barbara Birenbaum**, UCLA; **Gina Catalano**, SJSU/Fullerton; **Ginger Leigh Inman**, SJSU/Fullerton; **Alice Ko**, UCLA; and **Suzanna Shatarevyan**, SJSU/Fullerton. The SCALL Scholarship is intended to provide financial assistance to current library school graduate students in southern California who demonstrate a commitment to pursue a career in law librarianship. Congratulations and best wishes to all of the awardees.



Fave & Famous Recipes: Carmen's Garlic Soup

by Carmen Valero, Librarian
Luce, Forward, Hamilton & Scripps LLP, San Diego
cvalero@luce.com



Carmen says: "This soup has been curing colds for two thousand years!"

4 cups chicken, beef or vegetable broth
4 tbsp olive oil
2 garlic cloves, minced
(If you love garlic, use more!)

2 slices day old bread
2 eggs
paprika to taste
pepper to taste

Bring broth to a boil. Meanwhile, in a skillet, heat oil and sauté garlic until garlic is golden; turn heat off immediately. Tear bread slices into chunks and throw into skillet; stir around so bread absorbs oil and garlic. Add bread mixture to boiling broth. Add pepper and paprika. (If you use canned broth, you don't need to add salt.) Lower heat and simmer soup for 15 minutes. Before serving, beat eggs and incorporate into soup. (*Don't let the broth boil again!*) Stir well. Serve piping hot. Serves 4.







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