

**SCALL Institute 2020
Legal Ethics in Legal Research
Further Readings**

The following sources do not constitute anything approaching a comprehensive bibliography on the various subjects of the SCALL Institute 2020 but rather is a list of selected articles, books, book chapters, websites, etc. for further reading and study.

Unless otherwise noted, this reading list was compiled by David L. McFadden, Senior Reference Librarian, Southwestern Law School.

Ethics in Context

Robert Ambrogi, *The Decade in Legal Tech: The 10 Most Significant Developments*, LLRX (Jan. 17, 2020), <https://www.llrx.com/2020/01/the-decade-in-legal-tech-the-10-most-significant-developments/>. See especially, 5. Upheaval in Legal Ethics.

Commission on Ethics 20/20, ABA, https://www.americanbar.org/groups/professional_responsibility/committees_commissions/standingcommitteeonprofessionalism2/resources/ethics2020homepage/ (last visited Feb. 29, 2020).

Scott L. Cummings et al., *The American Legal Profession in the New Millennium: Out of Many, One? in 1 Lawyers in 21st-Century Societies: National Reports* (Richard L. Abel et al. eds., 2020).

Program on Legal Ethics and the Profession, UCLA Law <https://law.ucla.edu/centers/interdisciplinary-studies/program-on-legal-ethics-and-the-profession/> (last visited Feb. 29, 2020) (includes links to events, podcasts, etc.).

Symposium, *Ethics 2000 and Beyond: Reform or Professional Responsibility as Usual*, 203 U. Ill. L. Rev. 1155 (2003).

30th Anniversary Commemorative Issue, 30 Geo. J. Legal Ethics 337 (2017) (including Deborah L. Rhode & Scott L. Cummings, Access to Justice: Looking Back, Thinking Ahead, 30 Geo. J. Legal Ethics 485 (2017)).

John M. Tyson, *A Short History of the American Bar Association's Canons of Professional Ethics, Code of Professional Responsibility: 1908-2008*, 1 Charlotte L. Rev. 9 (2008).

Charles W. Wolfram, *Toward a History of the Legalization of American Legal Ethics-I. Origins*, 8 U Chi L Sch. Roundtable 469 (2001).

Understanding the Ethics System

7A *Cal. Jur. 3d Attorneys at Law* §§ 408-71. Dealing with Disciplinary and Other Proceedings.

Mark L. Tuft, et al., *California Practice Guide: Professional Responsibility* (2019). See especially, Chapter 11, Discipline.

B.E. Witkin, *California Procedure, Attorneys* §§ 552-650 (5th ed. 2008 & Supp. 2019). Dealing with Disciplinary Proceedings.

Ethics of Investigation

Michael Begovich, *Voir Dire in a Digital World: A Model for Ethical Internet Investigation of the Venire*, 36 T. Jefferson L. Rev. 227 (2014).

Steven C. Bennett, *Ethical Limitations on Informal Discovery of Social Media Information*, 36 Am. J. Trial Advoc. 473 (2013).

Steven C. Bennett, *Ethics of “Pretexting” in a Cyber World*, 41 McGeorge L. Rev. 271 (2010).

Jesse Bowman & Kara Young, *Social Media Research Tools and Ethics*, CALI, <https://www.cali.org/lesson/16388> (lesson examines the ethical issues associated with, and tools available for, researching parties, witnesses, and jurors on social media sites) (last visited Mar. 9, 2020).

Jessica L. Boylan, “*Jury Duty*”: *The Ethical Obligations of Attorneys Researching Jurors Using Social Media Technology*, 29 Geo. J. Legal Ethics 867 (2016).

John G. Browning, *Digging for the Digital Dirt: Discovery and Use of Evidence from Social Media Sites*, 14 SMU Sci. & Tech. L. Rev 465 (2011).

Stephanie M. Iharra, *Welcome to the Age of Voir-Googole: Harmonizing Attorney Ethical Obligations, the Internet, and Voir Dire Process in Texas*, 17 Tex. Tech. Admin L.J. 129 (2015).

David B. Isbell & Lucantonio N. Salvi, *Ethical Responsibility of Lawyers for Deception by Undercover Investigators and Discrimination Testers: An Analysis of the Provisions Prohibiting Misrepresentation Under the Model Rules of Professional Conduct*, 8 Geo. J. Legal Ethics 791 (1995).

Wallace Koehler, *Professional Values and Ethics as Defined by “The LIS Discipline”*, J. Libr. Educ. for Libr. & Info. Sci. 99 (2003).

Michael E. Lackey & Joseph P. Minta, *The Ethics of Disguised Identity in Social Media*, 24 Alb. L.J. Sci & Tech. 447 (2014).

Agnieszka McPeak, *Social Media Snooping and Its Ethical Bounds*, 46 Ariz. St. L.J. 845 (2014).

Keith W. Rizzardi, *Sunburned: How Misuse of the Public Records Laws Creates an Overburdened, More Expensive, and Less Transparent Government*, 44 Stetson L. Rev. 425 (2015).

Eric P. Robinson, *Virtual Voir Dire: The Law and Ethics of Investigating Jurors Online*, 36 Am. J. Trial Advoc. 597 (2013).

Ken Strutin, *Social Media and the Vanishing Points of Ethical and Constitutional Boundaries*, 31 Pace L. Rev. 228 (2011).

Shane Witnov, *Investigating Facebook: The Ethics of Using Social Networking Websites in Legal Investigations*, 28 Santa Clara Computer & High Tech. L.J. 31 (2011).

Michael Zimmer, *Librarians' Attitudes Regarding Information and Internet Privacy*, 84 Libr. Q. 123 (2014).

Ethics of Service

Compiled by Laurel Moran, Assistant Director, Legal Information Management, San Diego Law Library.

AALL Ethical Principles, AALL (Aug. 30, 2019), <https://www.aallnet.org/about-us/what-we-do/policies/public-policies/aall-ethical-principles/>.

Joan Airoidi & Daniel Larner, *Privacy and Library Records, a Case Study in Whatcom County*, 5 J. of Educ. Controversy, no. 2, art. 2 (2010), <http://cedar.wvu.edu/jec/vol5/iss2/2>.

Theresa Chmara, *Privacy and Confidentiality Issues* (2009).

Erin Berman, *Big Brother is Watching You: The Ethical Role of Libraries and Big Data*, Choose Privacy Every Day (May 2, 2018), <https://chooseprivacyeveryday.org/the-ethical-role-of-libraries-and-big-data/>.

Code of Ethics of the American Library Association (1995), <http://www.ala.org/united/sites/ala.org.united/files/content/trustees/orgtools/policies/ALA-code-of-ethics.pdf>

Justin Elliot, *Remember When the Patriot Act Debate Was All About Library Records?*, Pro Publica (June 17, 2013, 2:08 PM), (<https://www.propublica.org/article/remember-when-the-patriot-act-debate-was-about-library-records>)

Ethical Problems of Law Librarianship, 67 Law Libr. J. 528 (1974) (panel discussion).

Ethics and Law Librarianship: A Panel Discussion, 83 Law Libr. J. 1 (1991).

Everyday Ethics for Libraries: An Overview by Pat, Kan. St. Libr.,
<https://kslib.info/1069/Everyday-Ethics-for-Libraries-An-Overvie> (last visited Mar. 3, 2020).

Grand Jury, County of Santa Cruz, *Patron Privacy at Santa Cruz Public Libraries: Trust and Transparency in the Age of Data Analytics* (2019), http://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2019_final/SantaCruzPublicLibrariesReport.pdf

Paul D. Healey, *Chicken Little at the Reference Desk: The Myth of Law Librarian Liability*. 87 Law Libr. J. 515 (1995).

Bruce M. Kennedy, *Confidentiality of Library Records: A Survey of Problems, Policies, and Laws*, 81 Law Libr. J. 733 (1989).

Sara Klein, *Ethics and Law Librarianship: Current Issues and Progressive Horizons*, 42 Can. L. Libr. Rev. 9 (2017).

Law Enforcement Inquiries, ALA <http://www.ala.org/advocacy/privacy/lawenforcement> (updated Apr. 2017).

Legislative Counsel's Digest, California Consumer Privacy Act of 2018, A.B. 375, 2017-2018 Reg. Sess. (Cal. 2018) (adding Cal. Civ. Code §§ 1798.100-1798.198 (West Supp. 2020).

Gerome Leone, *Malpractice Liability of a Law Librarian*, 73 Law Libr. J. 44 (1980).

Eric Lichtblau, *F.B.I., Using Patriot Act, Demands Library's Records*, N.Y. Times (Aug. 26, 2005), <https://www.nytimes.com/2005/08/26/politics/fbi-using-patriot-act-demands-librarys-records.html>

Alison Macrina, *Protecting Patron Privacy*, Libr. J. (Mar. 30, 2017),
<https://www.libraryjournal.com/?detailStory=protecting-patron-privacy>

Kathryn Martin, *The USA Patriot Act's Application to Library Patron Records*, 29 J. Legis. 283 (2003).

Paul Jerome McLaughlin, Jr., *Wanting to Do More but Bound to Do Less: A Law Librarian's Dilemma*, 56 Reference Libr. 119 (2015).

Mary Minow & Tomas A., *The Library's Legal Answer Book* (2003).

Professional Ethics, ALA, <http://www.ala.org/tools/ethics> (last visited Mar. 3, 2020).

Michael Rieger, *Congress Abuses Temporary Funding Bills to Quietly Reauthorize the Awful Patriot Act*, Wash. Examiner (Nov. 22, 2019 12:39 PM),

<https://www.washingtonexaminer.com/opinion/congress-abuses-temporary-funding-bills-to-quietly-reauthorize-the-awful-patriot-act>

Michael E. Rice, *Reference Service versus Unauthorized Legal Practice-Implications for the Canadian Reference Librarian*, 10 *Legal Reference Services Q.* 41 (1990).

Brandi Scardilli, *Avoiding Unauthorized Practice of Law*, 31 *Information Today* 1 (Oct. 2014).

Special Committee on Access to Justice, American Association of Law Libraries, *Law Libraries and Access to Justice* (2014), <https://www.aallnet.org/wp-content/uploads/2018/01/AccessToJusticeSpecialCommittee2014LawLibrariesAndAccessToJustice.pdf>

Suggested Guidelines: How to Respond to Law Enforcement Requests for Library Records and User Information, ALA, <http://www.ala.org/advocacy/privacy/lawenforcement/guidelines> (last updated April 2017).

Ethics of Teaching

Carol M. Bast & Susan W. Harrell, *Ethical Obligations: Performing Adequate Legal Research and Legal Writing*, 29 *Nova L. Rev.* 49 (2004).

Donna Chin et al., *One Response to the Decline of Civility in the Legal Profession: Teaching Professionalism in Legal Research and Writing*, 51 *Rutgers L. Rev.* 889 (1999).

Alyson M. Drake, *The Need for Experiential Legal Research Education*, 108 *Law Libr. J.* 511 (2016).

Anna P. Hemingway, *Keeping it Real: Using Facebook Posts to Teach Professional Responsibility and Professionalism*, 43 *N.M. L. Rev.* 43 (2013).

International Forum on Teaching Legal Ethics and Professionalism, <http://www.teachinglegalethics.org/> (a user-driven online community and resource library for ethics teachers, scholars, and practitioners worldwide)

Symposium, *Recommitting to Teaching Legal Ethics: Shaping Our Teaching in a Changing World*, 26 *J. Legal Prof.* 101 (2001).

Symposium, *Teaching Professional Responsibility and Legal Ethics*, 51 *St. Louis U. L.J.* 935 (2007)

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Ethics of Contracts

Compiled by Martin Korn, Director of Research and Knowledge Services, Sheppard Mullin.

Posie Aagaard, P., & Natasha Z. Arguello, *Practical Approaches to Compliance for Entrepreneurial Uses of Licensed Databases in Libraries*, 43 Reference Servs. Rev. 419 (2015).

Rebecca Cruz, *Conducting Business in the Library*, Public Libraries Online (Mar. 28, 2013), <http://publiclibrariesonline.org/2013/03/conducting-business-in-the-library/>

Gregory M. Duhl, *The Ethics of Contract Drafting*, 14 Lewis & Clark L. Rev. 989 (2010).

Ingrid Mattson & Linda-Jean Schneider, *Negotiating and Complying with Electronic Database License Agreements*, AALL Spectrum, Feb. 2013 at 9.

Special Committee on Access to Justice, American Association of Law Libraries, *Law Libraries and Access to Justice* (2014), <https://www.aallnet.org/wp-content/uploads/2018/01/AccessToJusticeSpecialCommittee2014LawLibrariesAndAccessToJustice.pdf>