

Taking a Step Outside:

A Review of the 2008 Legal Writing Institute Conference

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At the George Mason Law School, the Legal Research Writing and Analysis course covers four semesters. Over the past year, my role in teaching legal research at Mason has expanded and I continue to seek opportunities to learn more about teaching techniques and pedagogy. To this end, I joined the Legal Writing Institute (LWI)—a group of professors who teach legal writing, analysis, and research—and I regularly review the LWI listserv and publications. This past July, the LWI hosted its 13th Biennial Conference at the Indiana University School of Law—Indianapolis. Intrigued by the opportunity to attend a conference devoted to teaching legal writing and research, I headed to the Hoosier State instead of Portland, Oregon, where, at the same time, the American Association of Law Libraries (AALL) Annual Meeting was taking place.

As with AALL, the LWI conference offered multiple sessions simultaneously, making it impossible to attend all of the interesting and informative programs available. As with AALL, some LWI programs were better than others, and some did not match their descriptions. That being said, most of the programs proved enlightening and entertaining. For me, the most compelling programs covered ways to leverage technology to maximize learning. At Mason, the law librarians have a limited number of hours in which to teach legal research. Hence, teaching tools discussed at the LWI conference, such as podcasts, blogs, and online tutorials, offered me potentially fruitful methods to

supplement my instruction without taking up valuable class time.

On-Line Instruction

Several instructors at the conference explained how they make use of podcasting to increase their students' access to materials and to help them learn new skills. Accessible and portable, podcasts may be reviewed anywhere at any time. Kathleen Elliott Vinson, Director of the Legal Practice Skills Program and Professor of Legal Writing at Suffolk University Law School, demonstrated her method of a "read along" for cases. She records herself reading an opinion referenced in class. Adding commentary as she reads, Professor Vinson shares her thought process with the student listener. Thus, the student listener learns how an attorney reads and integrates a case with other information. This helps the student to develop an ability to interact with texts—reading actively and not passively.

Other professors record in-class assignment instructions. These can be quite detailed and given well in advance of the assignment due date. The student listener can then review the instructions as often as necessary as he or she works away on the assignment. The use of podcasting here offers an additional benefit: it reduces the number of routine questions, saving time for both the professor and the students.

Several professors also post sample research memos (both good and bad) on the course
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FROM THE EDITOR

A Look Back, a Look Forward

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Creetings from the flight deck of *Law Library Lights*! It is time for us to exit our summer holding pattern and descend into the busyness of the fall months. As we do so, however, we would like to look back on some of moments this past summer that did not necessarily involve flip flops or pina coladas.

Indeed, many in our society were taking the time to learn about technologies and processes that will hopefully enrich their day-to-day lives as law librarians, as well as improve the experiences of their core patrons. Some of us were even starting in new positions, and are

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Deadline for Submissions

If you would like to write for *Lights*, please contact **Matthew Braun** at mbraun@law.gwu.edu. For information regarding submission deadlines and issue themes, visit the LLS-DC Web site at www.llsdc.org.

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now navigating through the challenging yet exciting world that change often brings.

This theme of this issue of *Lights* is about reflecting on what we have learned over the past few months, and considering how to apply the best lessons to what we do everyday as information professionals. Christine Ciambella tells us about cutting-edge classroom tools in her recap of the Legal Writing Institute's Biennial Conference in Indianapolis, while Michele Masias discusses the myriad of virtual gadgets highlighted at the Special Libraries Association's 2008 Annual Conference in Seattle.

Kasia Solon, our new book review columnist, ties her first article in quite nicely with her new position as a rare books specialist, while Leslie Lee tells us a bit about what it is like to

take on a different library position for a limited time, and how the lessons of such an experience can have a profound and lasting effect.

It is with much anticipation and enthusiasm that I begin my year as *Lights* editor. We have a very talented group of columnists, and with my excellent assistant editor Sara Sampson (of the Georgetown Law Library), I am confident that 2008-09 will be a fine year for our publication. I encourage you to consider writing an article for *Lights* at some point during the coming year...you will be amazed at how much your fellow LLSDC colleagues value your thoughts and experiences. Finally, I ask you to send me your questions and concerns, as well as anything else about *Lights* that may be on your mind, to mbraun@law.gwu.edu. Happy reading! **!!!**

Taking a Step Outside *cont. from page 1*

website and record comments about them. Students benefit from immediate feedback as they read and listen along. Some professors prefer an informal, conversational tone, allowing them to express ideas in different ways accessible to more students. Ideally, this technique offers students a better view of what quality writing looks like, offering them a concrete model to emulate.

Taking this last idea a step further, some professors record comments for individual student papers. Not a substitute for in-person conferences, recorded comments provide a supplement to personal instruction. As a student listener rewrites a draft, he or she can review the professor's comments and adapt his or her work product accordingly. Stepping back from tailored instruction, some professors record mini-lectures as supplements to the primary in-class presentations. These mini-lectures, often used to reiterate more complex points raised in class, may be posted during weeks when a particular class does not meet, bridging a temporal gap while reinforcing key points. Podcasts are also an accessible vehicle for weekly writing and/or study tips.

All of these podcasting options speak to the concept of point-of-need learning. Students learn material best when they have an immediate need to use it. On the technical side, podcasting software comes in many forms. Some

professors prefer Classcaster from The Center for Computer-Assisted Legal Instruction (CALI), which is a blogging website that provides authors with tools for posting traditional blog articles but also tools for podcasting. Many schools have a relationship with Apple via iTunes U, a web-based product that allows instructors to post and students to watch/listen. With iTunes U, anyone can access material from any school, so some professors prefer to post only for their own students. There are many software programs available for recording lectures, however several LWI professors mentioned Audacity as a favorite. Once the instructor records and edits his or her lecture, instructions, or writing tips, he or she may upload the file to a class website or any other location equipped to host media files.

Distance Learning

David Thomson teaches legal research via distance learning in the University of Denver Sturm College of Law's Lawyering Process Program. Because the American Bar Association has not embraced distance learning as a method for teaching law students, he has not taught his law students using this method.

At the LWI conference, Professor Thomson emphasized that today's students by and large prefer collaboration. Many of them are fans of co-creating information on websites such as Facebook and Wikipedia. *Technology informs*
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At the LWI conference, Professor David Thomson emphasized that today's students by and large prefer collaboration. Many of them are fans of co-creating information on websites such as Facebook and Wikipedia.

Time to Say Goodbye to Summer

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Frances Brilliantine

Summer, summer, summertime. Time to sit back and unwind...—Will Smith

Ah, if only that were true! I'm sure all of you had just as busy a summer as LLSDC did. Where did the time go? I love the theme of this issue because it gives me a chance to tell everyone what LLSDC did this past summer.

In June, the Legal Research Institute (LRI) was held at The George Washington University Law School and was a great success. This popular two-day program covered Case Law, Statutes, Legislative History, Administrative Law, International Law, and Secondary Sources. Thanks to Iris Lee for organizing the LRI and to the instructors—everyone did an excellent job.

Also in June, final updates were made to the membership database and instructions added to the LLSDC website in preparation for online renewal. With nearly 600 members, renewal is quite a project! We now have rolling memberships, so as of this writing, nearly half of our members have renewed. While renewal went smoothly for most members, we still have some glitches that we are working to resolve. I want to thank the Membership and Web Committees, especially Laurie Green and Mary Elizabeth Woodruff, for working so hard on the renewal process.

In July, Cameron Gowan (LLSDC Vice President / President-Elect) and I attended chapter leadership training at the AALL Annual Meeting in Portland, Oregon. It was wonderful to meet representatives of the other chapters and to compare notes. It was also nice to hear so many compliments about LLSDC! LLSDC was well-represented at AALL, with quite a few members presenting programs.

In August, the board continued preparations for the upcoming year. Committee assignments were finalized and training was held for Special Interest Sections, committees, Focus Groups, and new board members. Work continued on the website—updating content, adding help files, and moving content from the old website to the current website. The Special Interest Sections, Focus Groups, and Education Committee began planning programs, identifying projects, updating their individual websites, and adding articles to the LLSDC website. *Law Library Lights* Editor Matt Braun finalized the themes, columns, and publication schedule for the 2008-09 issues of our society newsletter.

As you can see, we are fortunate to have so many talented and dedicated members who give their time to support LLSDC—some in very visible ways and others behind the scenes. I want to say a special thank you to all of our volunteers who work so hard to make LLSDC a success.

LLSDC has made great strides in the past few years in our quest to be a paperless society that is volunteer-supported (no need for outside management) and fiscally responsible. We have only begun to tap the potential of the LLSDC website and hope to introduce new features throughout the year. Upcoming projects include an online business directory that will include library contact information and ILL policies, and an updated, online Union List of Legislative Histories. Please visit www.llsdc.org and explore all our website has to offer: a calendar of events, job listings, a membership directory, publications, SIS web pages, LLSDC news, and more.

In closing, I would like to remind all of our members that this is your society. I want to hear from you! Please let me know your thoughts and suggestions. My contact information is on the LLSDC web page, and you may always e-mail me at president@llsdc.org. **LLL**

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all aspects of their lives, from socializing to studying. Instructors can be more effective by meeting students where they are—online. A distance learning environment demands more than simply posting syllabi and assignments online. Technology should be leveraged in order to match tasks to goals. For example, you may cover complex material in live lectures, but you should also employ software such as Camtasia to deploy PowerPoint presentations with voice-overs explaining basic concepts. As with podcasts, student listeners can review presentations when it is convenient for them and return to the presentations as necessary.

Professor Thomson also spoke of online tutorials provided by LexisNexis, Westlaw, the Interactive Citation Workstation (ICW) and CALI. CALI allows instructors to create and customize lessons for their particular student groups (with attribution to the original author). Students appreciate the interactivity and immediate feedback of these online tutorials. Convenience is likewise a key selling-point. While we cannot teach our law students using an online course, we can use the methods outlined above to supplement classroom instruction.

Meanwhile, Back in the Classroom...

Of course, the LWI conference did not focus entirely on technology. Other programs discussed how students learn, and mentioned effective techniques for meeting student needs. The plenary session on using humor in the classroom was the hit of the conference. Sheila Simon (Southern Illinois University School of Law), Mary Beth Beazley (The Ohio State University Moritz College of Law), and Hollee Temple (West Virginia University College of Law) illustrated the various ways in which they use humor to put students at ease and to foster learning. From rock star alter egos, to music and videos, these three professors demonstrated their willingness to do just about anything to keep their students engaged in class.

On a more serious note, one LWI program covered the many factors that interfere with learning, including the failure of students to prepare for class, differences in learning styles, competition, and fear—all of which may manifest themselves in students being reluctant to participate in class. The presenters shared ways to mitigate such factors. Techniques included

incorporating a variety of teaching methods that work with different learning styles, facilitating discussion by asking open questions, dignifying incorrect answers (making it safe to be wrong), leading students to discover the correct answer, providing positive reinforcement, and controlling distractions. How then might an instructor approach students who, for a myriad of reasons, are unwilling to participate in class? Asking a question and then receiving a bunch of blank stares from a room of sixty people can certainly be uncomfortable.

Thankfully, Allison Ortlieb and Susan Thrower (both of the DePaul University College of Law) shared some techniques for handling this on the fly, and, perhaps more significantly, preventing its recurrence. Their suggestions included breaking a question into smaller parts and leading the students through the answer and allowing them to work through issues in smaller groups. This second technique may effectively mitigate the discomfort commonly associated with speaking out in a large group. Perhaps more importantly, having students work together allows them to teach one another. To encourage students to be prepared for class, Professors Ortlieb and Thrower ask the students to e-mail questions about assignments in advance of the class meeting, and then the professors use the questions to organize their instruction.

One professor emphasized the need to offer students multiple opportunities to cover the same material. I have learned that many students do not understand legal research the first time around. I try to repeat myself more now in class and make sure that I tie the material together with what my students have already studied.

And Now for Some Travelogue...

As I noted, the conference was held at the Indiana University School of Law—Indianapolis, which has a lovely new building that could barely accommodate the hundreds of attendees. The campus is adjacent to the downtown area, within easy walking distance of several hotels, restaurants, and shops. Never having been to this part of the country before, I did not know what to expect—but was pleasantly surprised at the charm of downtown Indy.

The opening reception took place at the Indianapolis Artsgarden, which offers a spectacular view of the city. This glass-enclosed structure is located above an intersection in the

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middle of downtown, and is a calm oasis in the middle of a busy shopping and lodging district. Later in the week, we gathered at the Eiteljorg Museum of American Indians and Western Art for dinner. Located in the White River State Park near the Indianapolis Canal Walk, the museum contains one of the best Native American and Western art collections in the world. We had time to enjoy the exhibits and gardens before sitting down to a delicious buffet.

Come One, Come All...

I also was not sure how I would be received as one of a few law librarians amid hundreds of

legal writing professors. I need not have worried. The LWI is an inclusive group of friendly people. The program included several functions that matched first-time attendees with their more experienced colleagues. These included dinners that introduced newcomers to established professors. Indeed, it was very easy to meet people and to network.

It is uncomfortable being the new kid. But trying something new is also invigorating. I missed seeing all of my librarian pals at the AALL Annual Meeting, but I am glad that I went to Indianapolis. This experience taught me the value of stepping outside of your normal role, out of your normal routine, and learning from colleagues outside your own niche of legal education. **LLL**

Inspiration, Innovation, and Zooming to New Adventures!

A Review of the SLA 2008 Annual Conference

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This past summer I experienced true inspiration! How and where did I find such a thing? Well, before I get there, let me suggest that you type the phrase “define: inspiration” as a Google search. You will see that these are some of the results: “arousal of the mind to special unusual activity or creativity;” “a product of your creative thinking and work;” “a sudden intuition as part of solving a problem;” etc. Indeed, for this law librarian, inspiration plays a profound role both at work and at home. Inspiration is the fuel of my commitment to this profession. And it was at the Special Libraries Association (SLA) 2008 Annual Conference in Seattle, Washington where my commitment was refueled for the coming year.

Dr. Vinton Cerf, Vice President and Chief Internet Evangelist for Google, Inc., was the opening general session speaker at the conference. Cerf’s role at Google is to identify new enabling technologies to support the development of advanced Internet-based products and services. Cerf was interviewed by Charlie Rose, the host of the well-known nightly talk show on PBS.

Specifically, Cerf spoke about the past, present, and future of the Internet and cyberspace. One of the most interesting developments that he mentioned is the Interplanetary Internet, which, according to Wikipedia, is “is a set of floating nodes in space which can communicate with each other.” So rather than being what has become a typical satellite or point-to-point form of communication, the Interplanetary Internet broadens the regional point-to-point communication mode to include terrestrial or planet regions for developing networks. Cerf also noted that by 2010, 50 percent of the world will be online as a result of the continued innovation taking place in the mobile device arena, thus expanding the Internet and lowering the barriers to its access.

In December, 1994, *People* magazine named Cerf as one of the year’s “25 Most Intriguing People.” Evidently, I am not the only one that finds Vint Cerf’s creative thinking and innovative entrepreneurial endeavors inspiring!

Another speaker at the conference and someone that I have been inspired by over the

For this law librarian, inspiration plays a profound role both at work and at home. Inspiration is the fuel of my commitment to this profession.

years is Stephen Abram, the 2008 SLA President. In Abram's President's Session, "Reality 2.0," he urged the conference attendees to "remove the borders inside of libraries." Abram also discussed how the "dominant space" of communication is embodied in something called cloud computing, or human interaction "in the cloud" (which encompasses tools such as Facebook, My Space, and Second Life—and not one-way tools like Google).

Abram also spoke about Generation 3, the latest generation of network bandwidth, which allows for greater mobile environment options and services such as high speed data transfer and multimedia applications; as well as Generation 4, which encompasses anywhere, anytime wireless networks. Abram noted that the architecture of the massive Generation 4 platform indicates that its network sharing capabilities are far superior to any other like invention, including the web itself. Tying these leading edge developments together, Abram said, provides a mosaic of opportunities and possibilities for the library profession.

Abram also emphasized that there are also many challenges that lie ahead in this country. He noted, for instance, that 25 percent of China is already using e-books, and that the United States is far behind nations such as India in the number of engineering students graduating from colleges and universities each year. Factors such as these, according to Abram, are leaving the educational foundation of the United States five to seven years behind the rest of the world's information powers. Abram also noted that the state of the U.S. economy, as well as energy and national debt situations, pose serious issues of concerns for those in the information industries. Ultimately, Abram suggested that librarians shift their focuses from the traditional role of "transactional librarian" to that of "transformational librarian." Hmm—being a transformational librarian—this sounds much more exciting and inspirational to me than being a transactional librarian!

Another inspiring figure, Seth Godin, was the closing general session speaker at the

conference. Godin has been deemed by *Business Week* magazine to be the "Ultimate Entrepreneur for the Information Age." His address actually inspired me to read one of his books, *Survival Is Not Enough: Zooming, Evolution, and the Future of Your Company* (Free Press, 2002), which provides insight on how companies can deal with, and even thrive in, the chaos of the business world. I wondered what zooming, evolution, and the future of companies have to do with the survival of libraries and librarianship. After reading the book, I clearly get the picture—survival is not enough. I also discovered that knowledge sharing, penguins, and adventure, believe it or not, have everything to do with the survival of libraries and librarianship.

Godin uses an excellent example of knowledge sharing in his book by telling the story of Paul Orafela, a gentleman who started "a little copy" shop that eventually morphed into Kinkos. As Godin explains, Orafela accomplished this zooming feat with several strategies. The first was realizing that the people who worked for him could do a better job than he could running a business, so he set up a co-ownership structured franchise which provided more flexibility than a typical franchise. Then, Orafela would go from store to store and make note of what people were doing well. In essence, Orafela was capitalizing on one of

Godin's firmly held beliefs: "ideas that spread win." Orafela was able to capture the collective best practices of those doing the work and shared that knowledge across his company to leverage innovations.

In terms of zooming, one of the most important perspectives about change that Godin describes is one that we hear incessant chatter about: technological evolution. Godin points out that many organizations are still using an old and familiar model of forging change. He postulates that most organizations use this outdated model to create a sense of urgency—to paint a rosy picture of the future, then adapt work flows to accommodate the change needed, and, finally, cajole workers into

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Penguins evolve, says Godin, but they do not plan to evolve, do not have meetings about evolving, and undoubtedly do not debate evolving.... This made me wonder: as librarians, do we embrace creativity and explore ideas? Or do we spend most of our time in copious meetings debating what the most effective route to the future might be?

Inspiration *continued from page 7*

accepting change. Using zooming as an alternative, according to Godin, requires that organizations toss this model out, step outside of the current comfort zone, and stretch limits so that they may create new models and processes that embrace technology. Indeed, zooming involves being adventuresome!

And, what does Godin think about evolution? His mantra at the conference was that evolution is generated by ideas—and in his book he asserts that “our work now belongs to our ideas.” Continuing with the theme “ideas that spread win,” Godin describes his idea cycle as this: the more ideas we that we have, the more creative we can be, and the more creative we are, the higher the stakes for establishing ourselves as cutting-edge, which ultimately leads to growth.

This growth, Godin says, can lead to a type of evolution that becomes melded into our being, into our daily lives, and into our memes. Memes and mDNA, terms more commonly known to biologists, are a few of the words that Godin uses throughout his book, but he uses the terms in regards to organizational facets, of course, and not biology. Memes, he says, are ideas or concepts that set in motion a transference process that results in new constructs such as mDNA, which is the sum of all the memes and assets in an organization.

And here is where the penguins come in. Penguins evolve, says Godin, but they do not plan to evolve, do not have meetings about evolving, and undoubtedly do not debate evolving. Rather, “it is built into their daily lives.” They simply evolve—it is in their memes. This made me wonder: as librarians, do we embrace creativity and explore ideas? Or, do we spend most of our time in copious meetings debating what the most effective route to the future might be?

In addition to these three inspirational speakers, the SLA 2008 Annual Conference had a number of engaging sessions. And these are a few of the things that I learned in Seattle:

- Second Life is not coming—Second Life is already here. In fact, SLA has an active Second Life experiment currently operating on its website: <http://www.sla.org/content/community/committe/workgrps/secondlife.cfm>. This, and the prediction by the information

technology company Gartner, Inc. that 80 percent of Internet users will be engaging in non-gaming virtual worlds by the end of 2011,¹ has led me to create a avatar identity for myself.

- SLA developed an “Innovation Laboratory” for its members (see <http://www.sla.org/innovate>). It is a place to explore and discover uses for the latest emerging technologies. The Lab offers a wide variety of Web 2.0 software learning tools that can help one become more business savvy and technologically adept.

- “23 Things” is an interesting task-based learning tool developed to introduce SLA members to Web 2.0 technologies in (go figure) 23 sessions (for more information, search the web for “23 Things” and “SLA”—the URL for the 23 Things wiki is a bit long to list here). I started 23 Things and the lesson about blogging inspired me to start my own blog, One Librarian’s Chatsphere: <http://www.onelibrarianschatsphere.com>.

So for me, this past summer, finding inspiration evolved as I learned that the Interplanetary Internet will be rolled-out sometime next year; that by 2010, fifty percent of the world will be online because Generation 3 is here and Generation 4 is unveiling; and that there are plenty of opportunities for librarians to transform and zoom into the unknown, pioneering future. And most importantly, I know that there is an abundance of knowledge sharing and learning resources available to keep librarians retooled as we evolve, auspiciously, with a sprinkling of adventure! **LLL**

¹ See Press Release, Gartner Says 80 Percent of Active Internet Users Will Have A “Second Life” in the Virtual World by the End of 2011 (Apr. 24, 2007), <http://www.gartner.com/it/page.jsp?id=503861> (last visited Oct. 8, 2008).

On Being Scott (Sort Of)

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During the fall semester of 2007, Scott Pagel, library director at The George Washington University Law School, did the unthinkable. For the first time in his thirty-plus years as a librarian, he elected to take a sabbatical. For those of you who don't know Scott, this is no small departure. Scott genuinely and thoroughly invests himself in the life of the library. He is known to roll up his sleeves and does not shy away from lending a hand. In short, he is as dedicated to the library as they come. So when I was asked to step in as acting director, I was both honored and a bit apprehensive.

Even though I have been at GW Law for thirteen years, with nine of those years in library administration, I can't say that I marched boldly and with complete confidence toward this opportunity. (Rather, I tiptoed. I shuffled. I sidled like a penguin.) After all, Scott is a well-established, well-respected member of the Law School community, and has run the Jacob Burns Law Library for a good stretch. Everyone is accustomed to the excellent service the library delivers under his leadership. You get the picture. In the end, I accepted, knowing that on the one hand, I had to survive a mere five months at the helm, and on the other hand, well, I had to survive five months at the helm.

With the fall of 2007 well behind me now, I've been thinking about what I was doing this time last year and reflecting on lessons learned. Aside from learning that Scott's job is not as easy as he makes it look, stepping into his shoes gave me cause to take a fresh look at how I conduct business and how that conduct might be perceived by others. If I were asked to compile a short list of general advice or reminders relating to workplace conduct that was helpful to me during my time as acting director, it would include the following:

- Watch your tone. Whether you are having a bad day, a bad week, or bad hair—whatever the cause—it is unprofessional, not to mention unkind, to inflict your mood on colleagues. If you've been snappish, apologize.

- Not every concern or issue, no matter how important or urgent it is to the person raising it, warrants the same amount of your time, brain power, or emotional investment. That said, be respectful and not dismissive. Stay calm and don't allow another person's anxiety dictate how you respond.
- Know that feedback can be taken personally, even by someone with whom you've had a great working relationship. Be diplomatic, constructive, and clear when delivering sensitive or potentially contentious news.
- No matter how busy you are (or how busy you may think you are), take time to connect with colleagues; a few minutes of idle chatter can break the monotony of the workday and can go a long way to fostering healthy work relations.
- Unless your fingers are broken (all of them) or you are trapped under heavy furniture, don't leave people hanging; return phone calls and respond to e-mails in a timely manner.
- Work on your "people skills." Regardless of the activity, whether you are pitching an idea, making a proposal, delivering a message, negotiating a deal, or otherwise going about your daily business, good interpersonal skills are important in artfully navigating workplace waters. While your knowledge and expertise are important, being able to connect with others with whom you interact—a peer, vendor, patron, or supervisor—adds polish to your repertoire.
- Keep in mind that no one is immune from making mistakes. If you end up being right and a colleague wrong, be gracious about it. Have as many imaginary, finger-pointing "I told you so" conversations as you like, but resist the urge to be openly smug.

Bottom line, the above-mentioned thoughts on workplace conduct point toward the
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Scott genuinely and thoroughly invests himself in the life of a library. He is known to roll up his sleeves and does not shy away from lending a hand. In short, he is as dedicated to the library as they come. So when I was asked to step in as acting director, I was both honored and a bit apprehensive.

I was exposed only to a sliver of Scott's demanding universe and not the full expanse; in part, because I am fortunate to be surrounded by a team of talented, capable, and knowledgeable colleagues; and in part, because my year in library administration prepared me for the challenge without my realizing it until I was staring it squarely in the face.

On Being Scott *continued from page 9*

importance of self-awareness and the ability to make adjustments in behavior that may be unproductive or that may otherwise negatively impact your work relationships. Knowing how to carry yourself responsibly and knowing how to treat others respectfully in your everyday work life are valuable skills worth developing and refining.

Tips and lists aside, there are some things in life for which you cannot prepare. During the first week of my acting directorship, a longtime staff member passed away unexpectedly. If you had a deck of cards comprising library characters, he would be the curmudgeon, full of wry and snarky commentary about the world around him. On the surface, he seemed to fit role well, but deep down, he was just a softie—more bark than bite. In truth, he was always kind to me, even during the early years of my career at GW when I was extra peppy and bursting with wide-eyed enthusiasm, a striking contrast to his been-there-done-that, world weariness.

I respected his opinion and experience and he put up with my optimism; it seemed like a fair exchange, all things considered. At one point, I became his direct supervisor, and throughout a tumultuous period during which I struggled with high turnover in our department, he was dependable and, dare I say, downright good-natured in helping bear the burdens associated with chronic staffing shortages. We muddled through some challenging times together, my work buddy and I. Without a doubt, grappling with his death stands out as the most difficult part of my acting directorship; it was a delicate matter to work with grieving family members, friends, and colleagues, particularly given my limited experience in handling such situations.

In the library, many of us leaned on one another during the days and weeks following his death. Despite the sad circumstances, our remembrances were notably filled with funny stories; it helped to laugh and to imagine that he was giving us the cosmic stink-eye for all the fuss. Sharing our grief, I think, was an important step in helping us move forward. Moreover, for me, although I didn't fully realize it at the time, having a slate of new responsibilities was actually more helpful than stressful. Navigating through my new role helped me maintain a balanced perspective; it gave me reason to stay focused on

taking care of all the business before me and not to fixate or dwell excessively on any one matter.

Fast forward to about a year later and I am happy to report that I live to tell: Being Scott (sort of) was a positive experience, overall. Was it a walk in the park? Uh-uh. A piece of cake? That depends, are we talking dreamy red velvet or last year's fruitcake? Did my head explode? Only once or twice, figuratively speaking. But seriously, I must admit that my work life during the fall of 2007 was not too unlike past semesters: perfectly serene at times, impossibly topsy-turvy at others, and just about everything in between. In the end, it was manageable for many reasons—in part, because I was exposed only to a sliver of Scott's demanding universe and not the full expanse; in part, because I am fortunate to be surrounded by a team of talented, capable, and knowledgeable colleagues; and in part, because my years in library administration prepared me for the challenge without my realizing it until I was staring it squarely in the face.

In closing, I wish to express my gratitude to Scott for having confidence in my capabilities and providing me with an opportunity to stretch my wings a bit; to my trusty library colleagues for doing what they do so well and making my acting directorship a little less daunting; and to my work buddy for his many memorable years of service to the library and to whom I haven't adequately said goodbye to, until now. **LLL**

Kasia Solon, Rare Books Librarian, The George Washington University Law School, Jacob Burns Law Library, ksolon@law.gwu.edu

Processus Contra Templarios, Archivio Segreto Vaticano [Vatican Secret Archives]; 2007, ISBN: 9788885042520, 251 pages and accompanying materials.

Hello everybody and welcome to my first book review. Karen Silber did a great job over the past four years with this column, but was unable to continue writing it after getting a new position at BNA. For my part, I work in the law library at GW and, now that summer is over, have been here nearly three years. One of the things I did over the summer was to take on this column, but that is not the only development. As the theme of this *Lights* issue “What I Did Last Summer” dictates, let me also announce that I morphed from being a reference librarian to a rare books librarian.

Your Nominations Welcome

I mention this change because it has inspired me to try something a bit different with the quarterly reviews I will be writing this year: feature a new acquisition to a local law library’s special collections, whether rare books or archival material. Law libraries of course get new acquisitions all the time, yet new is a relative term. New means not only newly published material, but material that is new to the library acquiring it. Focusing this column on local law libraries will allow us to learn not only about an individual item but also about our colleagues who work with these materials and the collections they have built. I hope you enjoy the change of pace and I welcome suggestions on rare or archival items in the vicinity to highlight.

Truth is Stranger Than Fiction

To kick things off, I am going to start with my home library and feature a new acquisition at GW. I know I just said new does not necessarily mean newly published, but this title manages to be old and new at the same time. How is that? It is a newly issued reproduction. But this is not your typical Penguin Classic; it is the *Processus Contra Templarios or the Trial Against the Templars*, from the Secret Archives at the Vatican.

This is a limited edition, with the Vatican allowing a mere 800 copies. Pope Benedict XVI reportedly received the first set of the work; GW has copy number 389 of the 799 that remained for sale.

As for what it contains, if the *Processus* was mass produced, the promotional material would read something along these lines—“If you read and enjoyed the Da Vinci Code, you are sure to love this.” Indeed, with their secretive past that lends itself to conspiracy plots, the Knights Templar often populate fiction such as the Da Vinci Code. Still, a straightforward history of the order provides more than enough drama on its own. One of the surprising revelations about the Templars is the suddenness of their demise, from one of Europe’s most powerful institutions to defunct in practically the blink of an eye. With the release of the decidedly non-fiction *Processus*, their final moments get illuminated better than ever. The *Processus* reproduces original documents surrounding the trial of the Templars for heresy seven hundred years ago in 1308, a trial that ultimately did lead to their dissolution in 1312. Specifically, the documents include the minutes of the trial and the so-called Chinon Parchment issued afterward by Pope Clement V. Also included are commentaries by scholars laying out the historical background of the trial.

The Knights Templar were an order of crusading warrior monks founded in 1118. Formally named the Poor Fellow-Soldiers of Christ and the Temple of Solomon, they became known as Templars for their role in protecting the temple in Jerusalem and pilgrims on the way to the Holy Land. With the donations given to carry out their work, the Templars became so rich they eventually turned to banking. One of their biggest debtors ended up being Philip IV

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Book Review *continued from page 11*

of France and, not coincidentally, it was Philip who initiated actions against the order for heresy. Conveniently enough, Clement was French and, having removed the papacy from Rome to Poitiers in France, was completely under Philip's sway. It was against this backdrop that the trial against the Templars opened in 1308.

Given Philip's influence over the papacy, it is not surprising that Clement ultimately dissolved the order. The surprise to modern scholars comes from the recently rediscovered Chinon Parchment, which reveals that the pope in fact did initially absolve the Templars of heresy and sought simply to reform the order. This tentative resolution was reversed however, as the pressure from Philip must have been too



great. Clement finally dissolved the order, not only freeing Philip from his debts, but enriching his royal coffers with the confiscated assets of the order. This sequence of events played a key role in the beginnings of Gallicanism, a French movement advocating limited papal authority, and laid the groundwork for the legal separation of church and state.

When a Reproduction Is Better Than the Original

With its lavish accoutrements, the *Processus* is a veritable toy for bibliophiles. The whole thing comes housed in a cloth bag, inside of which there is a decorated leather case. The reproductions of original documents are meticulous, down to the use of parchment and

replicas of wax seals used by the 14th century inquisitors. For the scholarly commentary, there is 100 percent cotton handmade paper with specially designed watermarks by Cartiera Amatruda. From Amalfi, Italy, Cartiera Amatruda is one of the oldest crafts paper shops in the country and, fittingly enough, is run by descendants of a papermaking dynasty dating back to at least 1400.

Given these costly materials and attention to detail, it is easy to forget that the *Processus* is a reproduction. Ordinarily when it comes to collecting, people insist on the original. Thus, for instance, with books there is a tendency to favor first editions—a tendency that *ABC for Book Collectors* humorously lists under its definition for “chronological obsession.”¹ So why a library would intentionally buy a reproduction or reprint, or indeed might prefer it, is a legitimate question to raise.

To address this topic, I asked Jennie Meade, Director of Special Collections at my library, and she offered up a variety of reasons. A library may offer patrons the option of reprints to preserve the actual rare books in its collection from wear and tear. Because 19th century materials were made with paper that contains destructive acid, using reprints for that era can be especially important to stem the tide of disintegration. Depending on the circumstances, reprints may be the only choice where the original is in practical terms unavailable. Reprints also provide some measure of accessibility to a text for those unable to afford the original. Technically a reprint is not the same as a reproduction; a reproduction goes beyond merely restating the text to simulate the appearance of the original publication as well. By going this extra step, a reproduction allows researchers to glean further information about how the document was made, which can be significant in understanding its historical context. GW's acquisition of the *Processus* reproduction is a case in point. The original is indeed unavailable; the papacy is not going to sell the original any time soon. And having a reproduction on hand not only enables patrons to read the content, but also to feel the parchment, observe the handwriting, and draw their own conclusions about the document as a whole.

¹ JOHN CARTER & NICOLAS BARKER, *ABC FOR BOOK COLLECTORS* 63 (8th ed. 2004).

With the Internet, reproductions may now also be made virtually. The Vatican Secret Archives are not necessarily so secret anymore; one may view a scan of the Parchment of Chinon on their website: <http://asv.vatican.va/en/visit/doc/zoom03.html>.

Truth Will Out?

With Help From A Cataloger

In acquiring the *Processus*, GW's law library has added an item that complements its collection in multiple ways. To begin with, GW has a considerable collection of historic French legal materials. Because France's history is inextricably linked to the Catholic Church, this naturally led the library to accumulate rare books in canon law. The *Processus* manages to bestride both such collecting categories. Like many academic law libraries, GW also has a large number of books on individual trials. This focus on trials extends to GW's special collections as well. In particular, GW has records from a 1649 trial against the Knights of Malta; the *Processus* can now serve as a point of comparison. Because there are so few copies of the *Processus*,

cataloging it so as to get the word out that GW owned it became a top priority. With cataloging completed, researchers can see GW's holdings not only through our local catalog, but also through WorldCat.

Notwithstanding Shakespeare's assurance that "the truth will out," a good cataloger can be the indispensable actor in saving a document from oblivion. The trial against the Templars happened in 1308. But a funny thing happened on the way to the archives. Sometime in 1628, a person created a catalog entry for the Parchment of Chinon that was so cryptic no one knew what the document was and it was completely forgotten. Only recently did a researcher in the Vatican Secret Archives suspect something was amiss and go seek it out. The end result of this bibliographic sleuthing is this magnificent reproduction, just in time for the 700th anniversary of the trial. When it comes to GW's copy, history will not repeat itself given the very descriptive catalog records from my colleague Gordon Van Piel. You can see all the details at: <http://128.164.132.10/record=b1332186>. **LLL**

MEMBERSHIP NEWS

Shannon O'Connell, Reference/Interlibrary Loan Librarian, Williams & Connolly LLP,
soconnell@wc.com

Congratulations

Dawn Bohls joined the library at McKee Nelson LLP as the Reference/Legislative Librarian. Her contact information is: 202.327.2031 and dbohls@mckeenelson.com.

Cameron Gowan, library manager at Groom Law Group, attended the AALL Leadership Academy which was held in Oak Brook, Illinois on October 3–4.

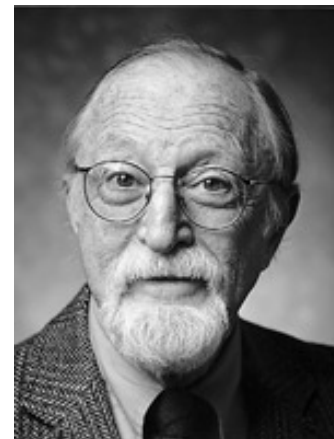
Terry Seale, Reference Librarian at Dorsey Whitney LLP, moderated a panel at AALL on Fair Use in the Private Law Firm. The panel was sponsored by the PLL-SIS of AALL and the Copyright Committee. **LLL**

The Morris L. Cohen Student Essay Competition

The Legal History and Rare Books Section of the American Association of Law Libraries, in cooperation with Gale Cengage Learning, announces the first annual Morris L. Cohen Student Essay Competition.

The essay competition is named in honor of Morris L. Cohen, Professor Emeritus of Law at Yale Law School. Professor Cohen's scholarly work is in the fields of legal research, rare books, and historical bibliography.

The purpose of the contest is to encourage scholarship in the areas of legal history, rare law books, and legal archives, and to expose students to the American Association of Law Libraries and law librarianship.



Eligibility

Currently enrolled students attending accredited graduate programs in library science, law, history, or related subjects are eligible to enter the competition. Students may be enrolled either full- or part-time. Membership in the American Association of Law Libraries is not required.

Requirements

Papers may be on any topic related to legal history, rare law books, or legal archives. No paper, or portion of a paper, that has been published or accepted for publication before April 15, 2009 will be eligible for consideration. Papers and all supporting documentation must be submitted by **April 15, 2009**. The winner will be announced by May 15.

Prize

The winner will receive a \$500.00 prize from Gale Cengage Learning. In addition, the winner will receive up to \$1000 to be applied towards expenses associated with attendance at the Annual Meeting of the American Association of Law Libraries. The 2009 Annual Meeting will be held July 25-28 in Washington, D.C. Attendance at the Annual Meeting is encouraged, but not required.

Detailed procedures and an application form are available at the website of the Legal History and Rare Books Section of the American Association of Law Libraries: <http://www.aallnet.org/sis/lhrb/>

Questions may be directed to Katherine Hedin, University of Minnesota Law Library: k-hedi@umn.edu OR Jennie Meade, Jacob Burns Law Library, George Washington University: jmeade@law.gwu.edu



American Association of Law Libraries
Legal History and Rare Books
Special Interest Section



No Local Rules in Maryland...Sort Of

John Cannan, Legal Reference Librarian, Library of Congress, joca@loc.gov

NOTE: This article was written while the author was Assistant Law Librarian at the Montgomery County Circuit Court Library.

Any law library is going to have those questions that pop up repeatedly. The Montgomery County Circuit Court Library in Rockville, Maryland, where I work, is no exception. There are the directional variety, “Where is the restroom?” and “Where is the copy machine?” and, of course, “How do I work the copy machine?” And there are the more substantive variety, “Do you have the rules on guardianship?” and “How do I find Maryland legislative history?” and “What is the rate of interest on a court judgment?”

When you work at a job long enough, sometimes you can answer one of these questions even before it completely leaves the lips of a frantic patron. For instance, whenever I encounter a reference question which is prefaced by the words, “I practice out-of-state and I was wondering...,” I am pretty sure I know what is coming—the patron wants to know if our court has any local rules of procedure. Usually the questioner is an attorney from one of our sister jurisdictions—the District of Columbia or Virginia (or from Maryland, but practices law primarily in federal court).

The answer to this question is no—neither Montgomery County, nor any other Maryland county for that matter, has significant local rulemaking power. But there is a caveat to this broad declaration. If an attorney finds himself or herself practicing in Maryland in general and Montgomery County in particular, he or she may want to consult the jurisdiction’s Differentiated Case Management Plan (DCM), which can dictate the process of how a case moves through court.

Now, you may wonder what happened to Maryland’s local rules. Back in the day, Maryland’s courts had the authority to create their own local rules as long as these were not inconsistent with the general ones promulgated by the Court of Appeals. The problem with this local rulemaking was that different courts

acquired their own idiosyncratic procedures, which made the practice of law across county boundaries exceedingly troublesome. In fact, one set of commentators has noted that the local rules often “created traps for the unwary.”¹ Montgomery County, for example, used to have rather exact requirements about the form of pleadings submitted to the court, e.g., the size of paper, where papers were to be fastened, and the colors of folders used to identify different types of cases. Counties also had varying requirements for the affidavits that were to accompany summary judgment motions.

This breadth of local rule making authority was reined in around thirty years ago when the state judiciary began to push for uniform rules. As far back as 1969, the Court of Appeals had banned all rules that applied on a county-wide basis, temporarily retaining those that applied circuit-wide (this might be a good time to note that Maryland’s circuit courts are divided into eight judicial circuits—the Sixth comprises both Montgomery and Frederick Counties).

Restriction of local rulemaking power was an important theme in the reorganization of the Maryland Rules throughout the 1970s, and by 1980 the Court of Appeals had taken nearly all local rulemaking power away. This prohibition, now embodied in *Maryland Rule 1-102*, reads:

Unless inconsistent with these rules, circuit and local rules regulating (1) court libraries, (2) memorial proceedings, (3) auditors, (4) compensation of trustees in judicial sales, and (5) appointment of bail bond commissioners and licensing and regulation of bail bondsmen, are not repealed. No circuit and local rules, other than ones regulating the matters and subjects listed in this Rule, shall be adopted.

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¹ PAUL V. NIEMEYER & LINDA M. SCHUETT, MARYLAND RULES COMMENTARY 5 (3d ed. 2003).

Maryland's local rules, or lack thereof, may seem like minutia (maybe even irrelevant minutia), but, as anyone in the legal field knows, such little things can prove crucial in a legal case.

No Rules in Maryland...Sort Of

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Of these nominal powers retained by our court, the only one we are only ever asked about is the rate of compensation of trustees in judicial sales—which is four percent of the purchase price in our Sixth Judicial Circuit.

Maryland's position on local rules is quite different from that of federal courts, but supposedly similar to that of Virginia. Federal courts are empowered to create their own local rules as long as they are not inconsistent with the Federal Rules of Criminal Procedure and the Federal Rules of Civil Procedure. Virginia does permit local rules (*Va. Rule 1:15*) but most local rulemaking authority has been taken away by the legislature under *Va. Code Ann. § 8.01-4*, which limits it to those rules that promote the “proper order and decorum and the efficient and safe use of courthouse facilities and clerks’ offices” (apparently, this limitation has not hindered some Virginia courts’ enthusiasm for local rules—rumor has it that Fairfax County has some substantial ones, but that is WAY outside of my knowledge and jurisdiction).

However, Maryland's local rule prohibition does not mean all local pitfalls in practicing before its county courts have been completely eradicated. Indeed, perhaps the most notable local stamp on court procedure is the Differentiated Case Management (DCM) Plan. There are usually DCM plans for civil, family, and criminal actions.

The primary goal of a DCM plan is the efficient application of judicial resources, which is achieved by assigning cases to different tracks based on complexity instead of treating all cases as if they are the same. Simple cases that have little procedure involved and may have few or no events and deadlines between scheduling and trial (for example, cases without pre-trial discovery...such as district court appeals and jury trials on landlord tenant actions) go on an expedited track. More complex trials with many more pre-trial events and deadlines (for example, deadlines for identification of experts, completion of discovery, filing of motions, filing of the pretrial statement, and settlement using alternative dispute resolution) which are expected to last one or more days go on different tracks requiring more time between scheduling and trial.

Each track has its own case schedule with deadlines for pretrial events. Mercifully, the courts issue a scheduling order with all the necessary deadlines that must be adhered to by the parties involved. The parties may move to postpone deadlines, but such requests must be made in writing and require permission of the court.

Not every Maryland county has a DCM plan yet, and there are some minor differences between the plans of those that do. For example, Montgomery County has motion page limits, which are quite generous—15 pages for a memorandum of law and 10 pages for replies (without leave of the court) for the less complex cases; 25 pages for a memorandum of law and 15 pages for replies in the more complex cases (this begs the question: Who would risk annoying a judge with a 25-page memorandum to go with a motion?). Despite these differences, the goal is to make individual various county DCM plans as uniform as possible.

Most counties have their DCM plans available online. The DCM plans for the Montgomery County Circuit Court may be found at <http://www.montgomerycountymd.gov>.

Maryland's local rules, or lack thereof, may seem like minutia (maybe even irrelevant minutia), but, as anyone in the legal field knows, such little things can prove crucial in a legal case. So if anyone asks you whether there are local rules in Maryland, you should answer: “No local rules...but you may want to check out the circuit court's DCM plan.”

Epilogue: While most local rules in Maryland may be defunct, they surprisingly still have importance—at least to some people. As I was putting the finishing touches on this article, I received a call from a student writing a thesis on the regulation of bail bonds who wanted to know if we had copies of our local rules. After a chuckle, I said, “Well, let me tell you about local rules in Maryland...” LLL

Roger Skalbeck, Associate Law Librarian for Electronic Resources & Services, Georgetown University Law Library, rvs5@law.georgetown.edu

Using Delicious for Microblogging: A Concept for Content Syndication

Instead of reporting on “what I did last summer,” this Tech Talk column is more of a concept piece on “what I would have done last summer, if I had had the time.” What I wanted to do was to create a system of distributed information sharing using the bookmark sharing site Delicious (aka del.icio.us) as a type of microblogging service to provide content syndication across dozens of pages on our library’s website.

Huh? English please! If this description sounds like jibberish, I’ll briefly explain the three technologies involved. If you know about microblogging and Delicious, and you’ve used RSS, skip down three paragraphs to a description this concept. I think it’s a useful idea and not hype or hyperbole.

Three Important Technologies

- **delicious.com:** This is an online bookmark sharing site owned by Yahoo!, which for years was accessed under the easily mistyped URL: <http://del.icio.us>. On this site, you post personal bookmarks to which you assign tags (like subject classifications). You can also add a description of up to 1,000 words for anything you bookmark. Every account and tag can have a unique RSS feed associated with it.
- **Microblogging:** This is a form of blogging focused on short posts, often reflecting personal updates and single-topic, abbreviated thoughts. One of the most well-known microblogging services is called Twitter (twitter.com), which people use online, via text messaging on the iPhone and many other places. Another form of microblogging is seen in status updates on Facebook. Wikipedia’s Microblogging entry provides plenty of additional information: <http://en.wikipedia.org/wiki/Microblogging>.

- **RSS for Content Syndication:** RSS is an information protocol commonly meaning really simple syndication. RSS provides a way for you to subscribe to content from sources like blogs and newspapers that you access in a reader application, such as Google Reader or Bloglines, or in a customized personal site like MyYahoo or iGoogle. Podcast feeds you get in iTunes are simply RSS with a media enclosure (audio or video). With a minor amount of technical knowledge, you can use information distributed via RSS to display dynamic headlines on almost any website.

Delicious as a Microblogging Platform

The basic idea is that an entire library might use a single shared Delicious account, in order to syndicate links with short comments across several website pages. Every tag and every account on Delicious can have an RSS feed associated with it. The primary technical requirement to turn a Delicious account into a content distribution system is to find a tool to transform the RSS feed into HTML that displays online. I have done this using the scripting language PHP, and it can work in other programming languages such as ASP and ColdFusion.

Once an account is set up and your site is configured to display the dynamic RSS content, you’re ready to start microblogging. When anybody adds a link to the account, it can appear on the library’s homepage, together with your comments in the description. These links would show up irrespective of how they are tagged, all sorted with the newest on top. This approach uses one shared Delicious account, as shown in the picture labeled Model A.

Model A: Single Shared Delicious Account

If people in the library already have personal
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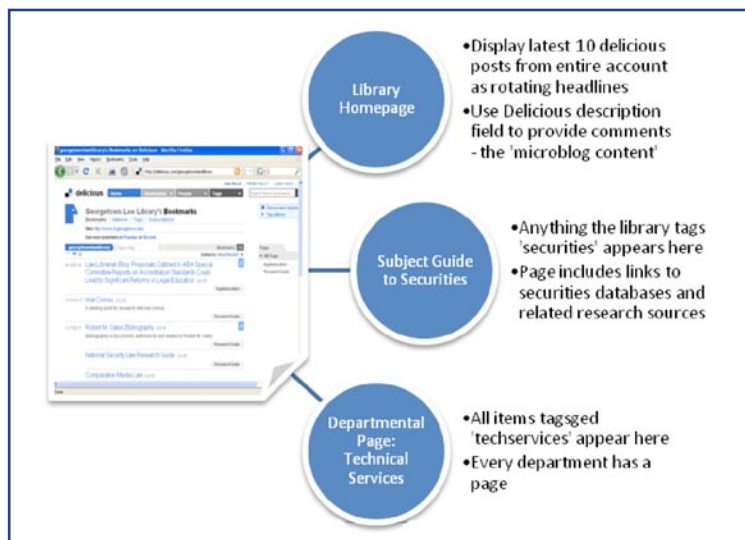
Tech Talk *continued from page 17*

Delicious accounts, it's easy to forward links to others, whether you add people to your network on Delicious, or simply tag an item for: LibraryName, using your library's shared account. This is shown in picture labeled Model B. To get the forwarded links to appear online, somebody accesses the shared library account, accepting forwarded links. Once accepted, links are syndicated to web pages as in Model A.

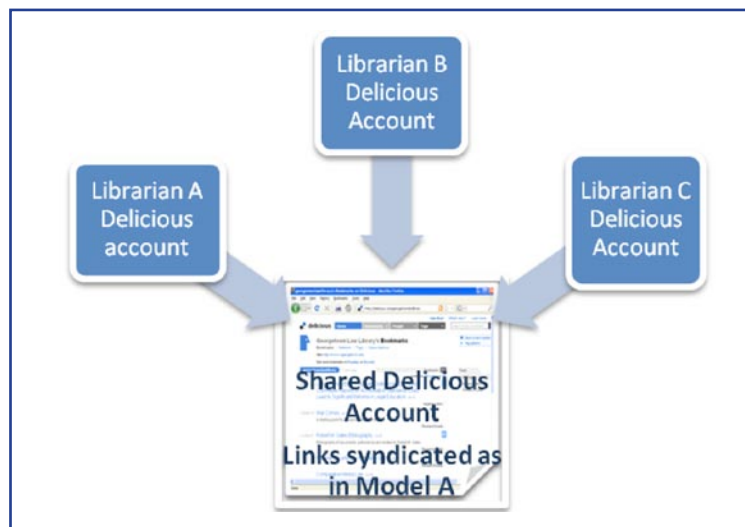
Model B: Multiple Delicious Accounts

On pages other than the homepage on your website, somebody designates a common tag to use to syndicate news to those pages to get constantly-updating links. For instance, you might have a page for every library department, so you can post updates about catalog changes,

Model A



Model B



reference hours, Westlaw training, or new services. Alternately, you might have a page for a specific user group, such as attorneys or paralegals.

If you have subject-specific pages, you can use subject tags to post new links to those pages. For instance, you might have a page of links to securities or tax resources. When you see a relevant news article, site or document, just bookmark it, tag it as 'tax' or 'securities,' and it appears on the subject page with no extra effort. Your attorneys could then see a link to a new SEC report you bookmarked the next time they go to the page on your site linking to LivEdgar or 10-K Wizard.

The attraction of Delicious is that it is really simple to use, and the newest version makes sorting bookmarks and posting content very streamlined. You can post to the site directly in your browser, or you can use a software extension to your browser that lets you post links without leaving the page you're adding.

If this concept takes off and we actually try to do it, we will consider setting up a system to manage account bookmarks using forms developed for our intranet. Delicious provides an application programming interface ("API"), which can be used to customize web-based forms to manage content online. There are at least two tools written for the ColdFusion language that should make this possible.

That's the end of the technical description of this concept. Now I turn to some reasons it may or may not work to use Delicious as a microblogging tool.

Five Reasons It's a Good Idea

1. It lowers the bar for posting links on your site. All you need is one URL and one tag to create a new "microblog entry." Comments and link description are optional.
2. This lets you syndicate content across your website, letting you spend time bookmarking sites, not updating web pages.
3. Bookmarking websites and assigning classification headings are tasks well suited for librarians.
4. You don't have to set up blogging software, and there are no hosting fees. The only "cost" involves the time of somebody with technical skills to convert RSS feeds to display on a web page.
5. Links on your Delicious account can be used to discover similar documents, by finding

others who link to similar items. Also, if you link to your own websites, this is a great self-promotion opportunity.

Five Reasons It's a Not So Good Idea

1. Delicious is not a blog, so why would somebody try to use it like a microblog?
2. There are no comments, no way to add contextual links, and no "dialogue" in the process.
3. Law firm libraries and other institutions may resist (if not prohibit) open sharing of links and information distribution.
4. It's new, and it takes time. Any new activity, no matter how useful, is something people have to learn, and it is frequently difficult to influence people's behavior to introduce new tasks.

5. Sharing a single Delicious account with multiple people could be confusing, and it might not work. This could be a problem if you use the newest Delicious plugin with Firefox 3, which lets you integrate your Delicious bookmarks directly in the browser.

What Do You Think?

Admittedly this idea may seem a bit abstract. Maybe somebody is already doing it and I just don't know about it. If the concept intrigues you at all, please contact me with positive or negative feedback. Also, I'd love to know of a library already doing this, so I can see how it works in practice, not just theory. **LLL**

Covenants

Lola McComb, Research Librarian, Akin Gump Strauss Hauer & Feld LLP, lmccomb@akingump.com

In the aftermath of the subprime crisis, with credit markets tightened, there is an increased interest in the protections covenants offer investors. Given the complex financial issues law firm clients are facing, you may be asked to research covenants as these clients seek advice.

What are they and why are they important? Formally, a covenant is a trust indenture or other formal debt agreement stipulating that certain acts will be performed or refrained from by borrowers. Covenants exist for the same reasons corporations and law firms have departmental budgets—to make people behave in a financially responsible manner.

A covenant is also designed to reduce bondholder risk, and a covenant may provide for higher coupon payments after an issuer's credit rating is lowered. Think of this as being similar to the penalty fee your credit card company may impose on you if you are late in making a payment. In this column, I am referring to covenants that one may find in bank loans and corporate bonds.

The restrictions (or lack thereof) detailed in loan agreements are critical in evaluating risk. As companies risk violating loan covenants, they may be forced into bankruptcy, as was the case with Buffets Holdings Inc., which filed for Chapter 11 on January 22, 2008 after bankers were unwilling to amend the company's

loan terms. Krispy Kreme Doughnuts, on the other hand, avoided bankruptcy when its lenders agreed to ease some secured credit financial covenants and the company obtained amendments to secured credit facilities that were due to become more stringent during 2009.

Default may not even be possible when a covenant is broken, due to the usage of an agreement known as a covenant lite (or "cov-lite" in Wall Street speak). Companies receiving cov-lite loans are able to avoid being required to renegotiate their loan terms should they miss financial targets. A credit agreement for a cov-lite typically has no limit on the amount of debt a company may have relative to its earnings. With cov-lites, lenders have fewer control mechanisms over their borrower's finances, such as requiring how much free cash flow must be maintained by the borrower. Not surprisingly, the market for covenant lite loans has essentially dried up in the current financial environment.

What are some of the restrictions typically placed on borrowers to keep them from engaging in activities detrimental to their creditors? Some examples of covenant provisions are:

- **Step Up/Down Provision Trigger**—permits an increase in the coupon of a security if the issuer experiences a rating change or fails to register a security *continued on page 20*

Covenants

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- **Change of Control Clause**—permits holders to sell back the debt if another company takes control
- **Restricted Payments**—limits the transfer of funds by an issuer to its affiliates and subsidiaries
- **Limitation on Indebtedness**—restricts the borrower from taking on more debt than its cash flow can cover
- **Limitation on Sale-And-Leaseback**—prevents an issuer from selling assets or removing them from the balance sheet for account-

ing purposes and then leasing them back to a new owner

- **Missed Filings or Litigation**—allows investors to declare an issuer in default for missed or late filings with regulators or if the issuer is involved in major litigation

Where exactly does one find these covenant provisions? Often they are located in filings with the U.S. Securities and Exchange Commission (SEC). In the example of Krispy Kreme Doughnuts, the amended facility is found in the 8K filing of April 9, 2008, in Exhibit 10.1. Such provisions may also be found in a bond prospectus or in a prospectus supplement. **LLL**

AALL Annual Meeting

Many congratulations to LLSDC members who participated in and/or were honored at the 101st American Association of Law Libraries (AALL) Annual Meeting, held July 12-15, 2008, in Portland, Oregon:

Program Moderators/Speakers

Janice Snyder Anderson, Georgetown University Law Library

Rhea Ballard-Thrower, Howard University Law Library

Heather Bourk, Georgetown University Law Library

Frances Brillantine, Catholic University of America Columbus School of Law, Kathryn J. DuFour Law Library

Jill Duffy, Supreme Court of the United States Library

Kumar Percy Jayasuriya, Georgetown University Law Library

Billie Jo Kaufman, American University, Washington College of Law, Pence Law Library

Robert Oaks, Latham & Watkins LLP

Karen Silber, Bureau of National Affairs

Roger Skalbeck, Georgetown University Law Library

Steve Young, Catholic University of America Columbus School of Law, Judge Kathryn J. DuFour Law Library

Honors

Robert L. Oakley, Georgetown University Law Library, honored with the 2008 Marian Gould Gallagher Distinguished Service Award; the 2008 Frederick Charles Hicks Award for Outstanding Contributions to Academic Law Librarianship; and the inaugural Robert L. Oakley Member Advocacy Award (each awarded posthumously).

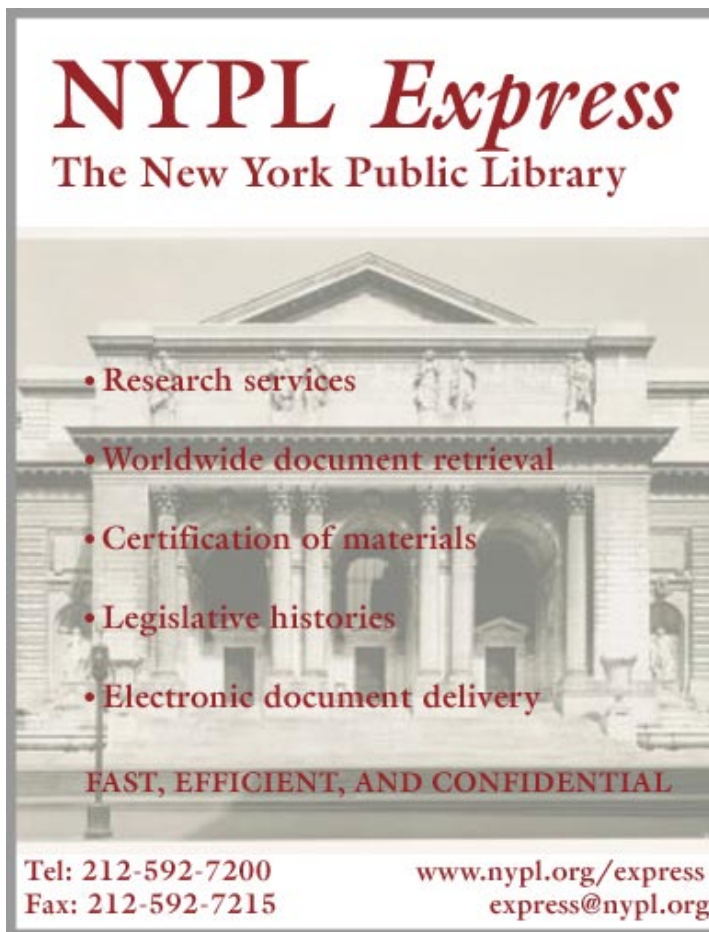
Jill Duffy, Supreme Court of the United States Library, honored with a 2008 AALL Research Grant.

Library of Congress, honored with the 2008 AALL/West Excellence in Marketing Award for Best Brochure, *Law Library of Congress Institutional Brochure*.

Jacob Burns Law Library, The George Washington University, honored with the 2008 AALL/West Excellence in Marketing Award for Best Newsletter, *A Legal Micellanea: A Newsletter for the Friends of the Jacob Burns Law Library*.

Maryland State Law Library, honored with the 2008 Law Library Publications Award, Print Division, for *Maryland State Law Library Annual Report FY 2007*.

Georgetown University Law Library, honored with the 2008 Law Library Publications Award, Nonprint Division, for *Georgetown Law Library Legal Research Tutorial*. **LLL**



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