INTERNATIONAL LEGAL RESEARCH
INFORMER

Global legal policies and norms cannot exist without strong foundations built on exhaustive research.

Message from the Chairs

Joint ILIRG/Law Library of Congress Pre-Conference Event

The International Legal Research Interest Group is busy preparing for the 106th Annual ASIL Meeting. This year ILRIG and the Law Library of Congress will co-host a pre-conference event on the topic of legal interpretation and translation. The program will consist of two one-hour panel discussions. The first panel will include speakers from the Federal Research Division of the Library of Congress, the U.S. Department of State Office of Language Services, and the National Association of Judiciary Interpreters and Translators. Each speaker will provide an introduction to the professional standards governing legal interpretation and translation in order to provide practitioners and scholars with criteria by which to evaluate the foreign language materials upon which they rely. The second panel will include foreign law specialists from the Law Library of Congress who will examine major sources of legal translation for languages of their jurisdictions (Arabic, Japanese, Russian, Spanish), discuss differences between official and authoritative translation of foreign laws, explain where to find English translations of legal texts issued in remote jurisdictions, review methods and criteria for assessing quality of translations, and share legal translation techniques. Funding for this program is generously provided by the Friends of the Law library of Congress and the American Society of International Law.

Research Liaison Program

Another major component of the Annual Meeting is ILRIG's Research Liaison Program (RLP). This spring marks the program's second year of providing both pre-conference and onsite services. Pre-conference services are targeted to Annual Meeting speakers, moderators, and staff for whom RLP volunteers provide guidance on the availability of information resources, perform literature searches, and conduct citation and authority checks for topics that fall within the parameters of the Annual Meeting. Onsite services are provided at ILRIG's Research Kiosk and are available to all Annual Meeting attendees. ILRIG is pleased to announce

that this year's Kiosk sponsor is Martinus Nijhoff/Brill, who will provide the necessary equipment, including computers, internet service, and a printer. In addition, both Brill and the Hein Company will be offering complimentary access to their legal research materials for RLP volunteers. ILRIG is grateful for their support. Thanks are also due to the many ILRIG members who have volunteered to serve as researchers for the pre-conference portion of the program. A call for on-site research volunteers will be sent to the ILRIG membership in the beginning of March. On-site researchers are encouraged, but not required, to attend an orientation meeting on Wednesday, March 28, 3:00pm-4:30pm in the Potomac Room at the Fairmont.

Luncheon

An additional point of interest for ILRIG members at the Annual Meeting will be a complimentary luncheon sponsored by the Hein Company on Friday, March 30, 2012, 12:30pm-2:00pm, in the Decatur Room of the Fairmont. Here, Marci Hoffman will provide an introduction to HeinOnline's Index to Foreign Legal Periodicals. To attend, please RSVP to marketing@wshein.com or call 800-828-7571 by March 1, 2012.

300 Members Strong

Finally, we're pleased to announce that as of mid-February, ILRIG has grown to 300 members. We're proud to serve a large and diverse group of individuals from around the world!

Amy A. Emerson
D. Marin Dell
Co-Chairs, ILRIG

NEWS & EVENTS

ILRIG Business Meeting, Friday March 30th at 11 am Lindens Room, Fairmont Hotel

Registration Now Open for the Joint ILRIG/Law Library of Congress Pre-Conference Event: Conveying Meaning

Conclusions and Recommendations of the Joint Conference of the European Commission and the Hague Conference on Access to Foreign Law in Civil and Commercial Matters (Brussels, 15-17 Feb. 2012): http://www.hcch.net/upload/hidden/2012/foreignlaw_concl_e.pdf

INTEREST GROUP OFFICERS

CO-CHAIRS:
    Amy Emerson
    D. Marin Dell

SECRETARY:
    Janelle Beitz

TREASURER:
    Megan A. O'Brien

NEWSLETTER EDITORS:
    Karina Condra
    Don Ford
    Megan A. O'Brien

Complex Collaborations

by John Louth[1]

The International Legal Research Interest Group's mission statement stresses that "global legal policies and norms cannot exist without strong foundations built on exhaustive research." Clearly the advent of the internet has opened up opportunities to carry out research that is far more exhaustive than was previously the case and also to do so in collaboration with a wide network of scholars. At one level blogs and free online journals offer a glimpse of this potential, but what of larger-scale, more ambitious ventures? We can probably all envisage boundary-spanning global endeavours that will revolutionize our areas of research, but before we can realize this potential, questions of technology selection, on-going (better yet, **continuous**) project management, and funding models need to be considered. This article describes the development of one such project, [International Law in Domestic Courts](#) (ILDC), in an attempt to offer insights into how to approach these challenges.

"We can probably all envisage boundary-spanning global endeavors that will revolutionize our areas of research."

Background

In January 2001 the law editors at Oxford University Press (OUP) received a proposal from Professor André Nollkaemper of the Amsterdam Centre for International Law for an electronic journal which would be called *Interactions between International and Domestic Law*. Our journals editor took external soundings on the idea and encountered a lot of scepticism – essentially the niche seemed too new and the publishing model was one not yet attempted by publishers, at least not by OUP and not on our law list. The proposal was shelved.

Two years later, I began investigating possibilities for an online research service. The idea I had was to set up an online digest of state practice in international law. Our market research revealed a real need, but this was complicated by the near total disagreement about what materials actually counted as state practice. Decisions of domestic courts appeared to have the necessary element of *opinio juris*, so we hit on the idea of reporting on domestic cases involving international law. I proposed to André Nollkaemper that we could provide the empirical basis for a renewed focus on the interaction between international and domestic law and convinced him to convert his journal proposal into one for a case reporting service with André and his newly-arrived colleague, Erika de Wet, as editors.

Technology Selection and Management

At that time, online publishing projects at OUP were run by a team attached to our reference publishing department that had established our first online books projects – the *OED Online* and *Oxford Reference Online*. Each new project led to a request for proposals from different suppliers, and as a result there were several different platforms and suppliers to be managed. There were no law specialists on the technology team, whilst I was the sole project member with an understanding of international lawyers' needs, but I had no familiarity with the processes and terminology related to producing a technical project of this kind.

After a number of difficulties (detailed in the next section), ILDC was launched in September 2006. Since that time there have been significant structural and technical changes in our online publishing. Online development work is managed by a trans-Atlantic team of project managers assisted by another team of data engineers; each editorial unit (e.g. Law, Medicine, etc.) has a subject-specialist online development manager to link up the technology specialists with those who understand the content and how users interact with it. After an abortive attempt to move to a single platform in 2008, OUP's academic

---

1 Editor-in-Chief, Academic Law Books, Journals, and Online, Oxford University Press.

Complex Collaborations, *continued*

publishing sites are now on their way to all being hosted on a single platform.

The structural change has been entirely beneficial. The development manager role in particular has made a huge improvement to the efficiency of translating needs into technical solutions. The goal of a unified platform, on the other hand, has resulted in trade-offs. The biggest is between the custom designing of subject- or project-specific platforms versus a more generic platform. Whilst the former are preferable in many ways, both in terms of cost and distinctive law functionality, from our experiences it seems that the stability of a deeper relationship with one technology partner is more prudent in the long term.[2]

Regardless of OUP's internal structures or the financial health of our developers, sites need updating and upgrading every few years. When we launched our current sites in 2008, for instance, social media features were not yet standard. Sharing a platform across several areas of the business means that these sorts of issues that affect everyone can be centralized and planned for, leaving subject specialists to think about content and users.

The most critical time in the preparation of a major online product is the requirements gathering stage. This is when developers attempt to capture everything they want a site to do, how it moves from one web page to another, and the form the data must take to drive the functionality. It is very difficult the first time because designers and developers take for granted too many details that require absolute, if tedious, clarity. And, it always costs more to make changes once the parties have signed off on the requirements and the accompanying functional specifications. For smaller concerns it is advisable to start with a relatively small, inexpensive service, learn from any mistakes, and move to something bigger. Remember, upgrades are needed soon

enough anyway, so heavy spending on the first project reaps few savings in the future.

Project Management

We knew when we set up ILDC that the workflow would be essentially as follows: reporters in various countries alert the editors to important decisions, the editors decide on whether these merit a case report, the reporters write their reports, these are checked by a managing editor, peer reviewed by members of the editorial board, then sent to OUP for editing and conversion to XML, and finally published online. The details, however, were missing for several of these stages: what were the criteria for including a decision and how would we communicate these to users; how would we train reporters from outside common law countries to write headnotes; what sort of template and guidelines should we produce; how many non-English language judgments could we afford to translate (and then how would we check the translations)? These were hardly insuperable problems, but they did take us by surprise. Having better project management skills would probably have helped us to think through these specifics beforehand and avoid the problems caused by hasty fixes. For instance, our first attempts at developing a template for reporters to use didn't convey data in a way that supported our desired functionality and as a result the first reporters to produce material were asked to re-format and re-submit their material several times, which put a huge strain on relations right from the start.

Post-launch, our biggest challenge was just to keep things going. After months of testing and correcting, we launched in September 2006 and hardly had time to draw breath before we started working on the first of our weekly uploads. The team at OUP dealing with this was likewise still responsible for assessing, contracting, and taking delivery of books, which involves in-depth and long-term management of projects that have a lifespan

"Post-launch, our biggest challenge was just to keep things going."

---

2   Our experiences include a developer going out of business two years after the launch of our revamped sites in 2008.

Complex Collaborations, *continued*

of up to five years. With ILDC cases coming in at the rate of several per week, it was very difficult for editorial staff to change out of their usual cycles to check the headnotes, look through judgment files, commission and check translations, and deal with any queries. The answer lay in having people permanently assigned to work with online projects, and that was only possible two years post-launch, when the operation scaled up for the development and launch of the *Oxford Reports on International Law* (which includes ILDC as a module), the *Max Planck Encyclopedia of Public International Law*, and *Investment Claims*. These developments justified the creation of these specialist assignments. That specialized team of law online editorial staff now numbers four people who maintain all guidelines and standardization generally, update lists of planned case reports, liaise with managing editors of various services, sort out training and contracts for new reporters, arrange copy editing and data capture, deal with all content-related queries, mark up content for the Oxford Law Citator, and manage all expenditures for reporters and translations.

In addition to OUP staff, the editors, the editorial board, and a managing editor, we have arguably the most important component of the service: our reporters. One of our editors, Erika de Wet, has always taken responsibility for recruitment of reporters. Since the middle of 2005, when we signed the first contracts with reporters, we have contracted with 404, of whom 271 are now actively involved with the projects and all of whom are paid a set fee per accepted headnote. Eighty-five different jurisdictions are currently represented in our published case reports, up from twenty-five when we first launched. Some turnover is inevitable but we have been surprised at how low it has been considering how much work is involved.

The essential learning points here have been the importance of all staff having project management skills, the setting up of spe-

cialized roles both within OUP and within the external editor team, and most all, the preparation for a long term commitment that continues alongside all of our other activities.

Funding Model

To pay for the project there were two ways to go: seek funding and make ILDC available for free (almost always a precondition for any funding offer), or charge for access. There were various factors pushing us down the latter route, not least the inexperience at applying for funding, but the most significant reason was the realization that such a project would need continued investment in technology, staff, and content generation and processing.

Having decided to charge for access, we faced a circular set of questions: how much we could charge depended on our exact offering,[3] which depended on what we could afford to build, which depended on how much we could charge. We settled on "first principles" for our offering: it would have to have sufficient added value to justify a charge when case law was increasingly available via the Legal Information Institutes (LIIs), and would need to be of greater value to the specialist international law researcher than existing paid-for services (primarily Westlaw and the *International Law Reports*). To achieve this we decided we needed to offer far more variety and quantity of case reports, more editorial enhancements in our headnotes (which would include a scholarly commentary on each decision), and more translations than any competitor, free or otherwise. That helped us to define the pre-launch costs and to at least estimate the on-going overheads which we would incur (needless to say, in hindsight we vastly underestimated the latter). Armed with a reasonably fleshed out concept, we undertook pricing research which yielded a range of optimal charges for different sizes and different types of institu-

---

3   Also known as our "value proposition."

Complex Collaborations, *continued*

tions.

The editorial teams spearheaded the search for funding. The original proposal from Amsterdam came with sufficient funding from the Dutch Government to pay for a managing editor for the first three years. After the launch, the editors managed to secure EU funding via a "COST" action, which lasted several years. The EU stipulated that this was not to be used to pay for anything that OUP could be expected to pay for, but only to foster a research network. One output of this funding was an annual colloquium on the interplay between international and domestic law which was attended by many of the reporter teams. Another team based in Pretoria received MacArthur Foundation funding to develop their network in Africa, one condition of which was that we make ILDC available for free to any non-profit organization in Africa that requested it. We did so, and there are currently over 100 institutions in Africa taking advantage of this.

Conclusion

In addition to the colloquia, ILDC has yielded several book projects and appears to have tapped into a thriving area of international legal research. It is now old enough to be seen as an established reference for international law scholars and it pays for itself, even though the margin it makes would not be attractive to a commercial publisher. In terms of its impact on the field and its longevity, it should be seen as a success.

The original plan of course was for a journal, and it is clear that nowadays it is much easier to self-publish a journal online than it was 10 years ago, with the bigger challenge nowadays being to increase discovery and usage. For a larger-scale and more ambitious project such as ILDC, the inter-related issues of technology, project management, and funding can still present a significant barrier. Partnering with a publisher alleviates many

funding and technology questions, but still leaves a lot of project management to sort out (although OUP now pays for the managing editor in Amsterdam, she and the editors manage the reporters and peer review processes). The downside is that charging for access reduces visibility and initial impact. For anyone contemplating a partnership with a publisher, it is important to see how the project can fit in with the publisher's existing online offerings so as to avoid the costs of building new functionality. The free access route increases possible visibility, but leaves the technology and project management issues **coupled with** the uncertainty over how long the funding will last (a current example: see the appeals for money on every Wikipedia page). A recent development which may help is the automation of on-screen advertising, which might be able to generate sufficient revenue to at least cover technology costs. Whichever option is followed, core project management skills and an understanding of the long-term commitments involved are essential.

"Law librarian instructors find GlobaLex particularly useful."

Happy Birthday GlobaLex!

By Don Ford[1]

February 2012 marks the seventh anniversary of the launch of the GlobaLex[2] website, published by the Hauser Global Law School Program of the New York University School of Law. In these seven years since the February 2005 launch, GlobaLex has become a mainstay of foreign, comparative, and international law (FCIL) research. GlobaLex's clientele mirrors the rich diversity of FCIL researchers: academics, law librarians, and government and law firm practitioners are perennial users.

GlobaLex is the brainchild of New York University FCIL Librarian Mirela Roznovschi. A native of Romania with an MLIS degree from New York's Pratt Institute, Roznovschi has served as an FCIL Librarian at NYU Law since 1996.[3] While subsequently teaching legal research in Armenia as a guest instructor, Roznovschi saw the need for a free electronic resource that would publish research guides to FCIL law.[4] In 2003 she broached the idea with Professor Joseph Weiler, then director of NYU Law's Hauser Global Law School Program.[5] In February 2005, Roznovschi's web idea became a reality, dubbed "GlobaLex" by Professor Weiler.[6]

GlobaLex started with 10 research guides,[7] and has now expanded to a total of 195 research guides, subclassified as follows:[8]

Foreign Law Guides—144

Comparative Law Guides—15

International Law Guides—32

FCIL Librarian Collection Development Resources—4

All GlobaLex resources are regularly updated, and users can arrange to be regularly updated when new research guides or updates to current research guides are posted. The guides are written by law librarians, practitioners, and professors, all of whom provide contact information. Legal reference librarians, in particular, have contacted research guide authors for help with particularly vexing FCIL issues.

GlobaLex has made an impact in academia, where it is regularly used in FCIL advanced legal research classes. Law librarian instructors find GlobaLex particularly useful because many of the research guides double as introductions to the legal systems of various countries or of various areas in comparative and international law. In addition, GlobaLex is linked to from many US law and academic law library library webpages.

A recently conducted survey shows that GlobaLex has been cited at least 75 times in legal publications.[9] The majority of these citations are in law reviews and scholarly journals. GlobaLex's highly specialized research guides in areas such as *travaux préparatoires*[10] and countries like Liberia,[11] have been cited. The number of research guides and the citation to them in scholarly journals and bar association publications can only be expected to grow during the triennium leading up to GlobaLex's 10th anniversary in 2015.

Moreover, GlobaLex is making its mark on US government websites as well. The Law Library of Congress's individual country webpages often link to GlobaLex legal research guides when they're available for the jurisdiction in question.[12] In addition, the US Department of Justice (DOJ) also links to GlobaLex from the DOJ library's webpage giving resources for individual foreign countries.[13] Of 197 countries listed, 168, or 85%, link to the relevant GlobaLex foreign law research guide.[14]

Happy Birthday GlobaLex!

---

1 Foreign, Comparative, and International Law Librarian, University of Iowa College of Law Library.

2 GLOBALEX, http://nyulawglobal.org/Globalex/ (last visited Feb. 18, 2012).

3 Mimi Vollstedt, *Guides for the World*, AALL SPECTRUM, June 2007, at 16, 17.

4 *Id.*

5 *Id.* at 18.

6 *Id.*

7 *Id.*

8 GLOBALEX, http://nyulawglobal.org/Globalex/ (last visited Feb. 18, 2012).

9 LEXIS, Law Reviews & Journals, http://www.lexis.com (last visited Feb. 16, 2012).

10 *See* Sital Kalantry, *The Intent-to-Benefit: Individually Enforceable Rights Under International Treaties*, 44 STAN. J. INT'L L. 63, 81 (2008) (citing Jonathan Pratter, *À la Recherche des Travaux Preparatoires: An Approach to Researching the Drafting of International Agreements*, GLOBALEX, Dec. 2005, http://www.nyulawglobal.org/globalex/Travaux_Preparatoires.htm).

11 *See* Rushmi Ramakrishna, Comment, *Universal Rights, Non-Universal Process: Confronting Culturally Grounded Human Rights Abuses*, 30 U. PA. J. INT'L L. 1383, 1424 (2009) (citing Hanatu Kabbah, *A Guide to the Liberian Legal System and Legal Research*, GLOBALEX, Sept. 2008, http://www.nyulawglobal.org/globalex/LIBERIA.htm).

12 *See* Law Library of Congress, Guide to Law Online, Nations, http://www.loc.gov/law/help/guide/nations.php (last visited Feb. 16, 2012). Of 226 countries or territories/possessions listed, 158, or 70%, linked to GlobaLex foreign law research guides.

13 United States Department of Justice, Justice Management Division, Library Staff, International and Foreign Legal Research Center, http://www.justice.gov/jmd/ls/internationalcountries.htm (last visited Feb. 16, 2012).

14 *Id.*

ASIL Pre-Conference Event: Conveying Meaning
Registration is Now Open!

If you're planning to attend the 106th Annual ASIL Meeting in Washington D.C. this March, you may also be interested in attending an ASIL Pre-Conference Event being co-hosted by the International Legal Research Interest Group and the Law Library of Congress on the topic of legal interpretation and translation. Funding for this program is generously provided by the Friends of the Law library of Congress and the American Society of International Law.

The International Legal Research Interest Group (ILRIG) of the American Society of International Law (ASIL) and the Law Library of Congress present an ASIL 106thAnnual Meeting Pre-Conference Event:

Conveying Meaning

Panel 1: Best Practices in Legal Interpretation and Translation

Practitioners and scholars in the international legal community are dependent upon accurate interpretations and translations of the many languages of law. Gaining a complete understanding of the standards governing the legal interpretation and translation profession provides practitioners and scholars with criteria by which to evaluate the foreign language materials upon which they rely. This program will draw upon the expertise of the Federal Research Division of the Library of Congress, the U.S. Department of State Office of Language Services, and the National Association of Judiciary Interpreters and Translators to provide an overview of best practices to be observed in interpretation and translation services. Speakers will begin with an overview of the services they provide, and then will discuss their respective roles in sustaining the integrity of the profession by focusing on the principles, techniques and methodologies used to ensure that the complete and accurate meaning of the law is conveyed in every instance. By sharing illustrative examples and effective tools, the panel will provide the audience with practical knowledge and relevant skills.

Panel 2: Legal Language and Legal Publishing: Where to Find Authoritative Translations for Legal Research

Comparative legal research is based primarily on original legal sources usually published in the vernacular language of the country where the law in question has been adopted. Regardless of increasing globalization, national legislation is rarely translated into English and other foreign languages if it does not relate to country's participation in an international organization where English is accepted as a communications language. Even when published translations are available, it is important to verify their quality, authenticity, and compatibility with the source, and take into account the acceptance of legal concepts in foreign legal cultures. Based on their practical experience, the discussants will examine major sources of legal translation for languages of their jurisdictions (Arabic, Japanese, Russian, Spanish), discuss differences between official and authoritative translation of foreign laws, explain where to find English translations of legal texts issued in remote jurisdictions, review methods and criteria for assessing quality of translations, and share legal translation techniques. The speakers will share with the audience their knowledge of major centers of legal translation and evaluate existing techniques for using different translations in teaching law and legal writing.

Event Location and Registration Fees

The event will occur at the Library of Congress Thomas Jefferson Building, Room LJ 119, 10 First Street SE, on the morning of March 28, 2012, from 9:00am-Noon, with an optional boxed lunch and Rare Book viewing from Noon-1:00pm. CLE accreditation for the event is being arranged.

Registration Fees:*

Program without lunch: ASIL Members	$25
Program without lunch: Non ASIL Members	$40
Program with lunch: ASIL Members	$45
Program with lunch: Non ASIL Members	$60

Register for this event at http://asil.org/activities_calendar.cfm?action=detail&rec=234

*Library of Congress affiliates receive ASIL rates

International Legal Research Group

The International Legal Research Interest Group (ILRIG) is dedicated primarily to its members' professional development in the areas of foreign, comparative, and international law (FCIL). ILRIG provides a forum for discussion among legal information professionals, legal scholars, and attorneys. ILRIG enhances its members' opportunities to share their knowledge about available FCIL resources, research methods, research techniques, and best practices. ILRIG organizes presentations, publishes a newsletter, and maintains a website that reflects the most recent developments in the legal research profession.

ILRIG members are particularly mindful of the interdisciplinary and multicultural aspects of contemporary foreign, comparative, and international law. Global legal policies and norms cannot exist without strong foundations built on exhaustive research. ILRIG is committed to being a forum for discussing ASIL's unique analytical needs.

ILRIG membership is open to all ASIL members. ILRIG should be of particular interest to:

- Law librarians
- Legal scholars
- Attorneys with FCIL practice issues
- Academic librarians
- Scholars working in political science, international relations, economics, and history
- Research professionals from government agencies, policy institutes, inter-governmental orgnizations, and non-governmental organizations

ILRIG OFFICERS

Co-Chairs

D. Marin Dell
Electronic Services Librarian
Hofstra University Law Library

Amy A. Emerson
Research Attorney & Lecturer in Law
Cornell Law School

Secretary

Janelle Beitz
Reference Librarian
William Mitchell College of Law

Treasurer & Newsletter Editor

Megan A. O'Brien
Adjunct Assistant Professor of Law &
Foreign, Comparative &
International Law Librarian
Marquette Law Library

Newsletter Editors

Karina Condra
Legal Information &
International Law Librarian
Boston University School of Law

Don Ford
Foreign, Comparative, and
International Law Librarian
University of Iowa College of Law

The Informer

The *Informer* is the bi-annual newsletter of the International Legal Research Interest Group (ILRIG). Any views expressed in this newsletter are those of the authors in their private capacities and do not purport to represent the official view of the ASIL or ILRIG.

Submissions are welcomed and will be published at the discretion of the editors. Essays or articles should relate to foreign, comparative, and international law (FCIL) resources, research methods, research techniques, and best practices.

To contribute to future issues of the *Informer*, contact:

- Janelle Beitz at janelle.beitz@wmitchell.edu
- Karina Condra at kcondra@bu.edu
- Don Ford at donald-ford@uiowa.edu
- Megan A. O'Brien at megan.obrien@marquette.edu