

Finally, there was an explanation of the origin of the strangely termed “Ponsonby Rule” which has been in place since 1924. The Foreign Secretary and not Parliament signs treaties and before the First World War suspicion had arisen about secret treaties being signed. To stem this suspicion, in 1924 Mr Arthur Ponsonby, then Under Secretary for Foreign Affairs, made a statement in the House of Commons that the government would lay all treaties before Parliament for viewing for 21 days. Parliament can ask for a debate on a treaty or an extension of viewing time. This practice has continued ever since and although it is not law, it is parliamentary practice that the Ponsonby Rule is applied. Further information on the Ponsonby Rule is available from the Treaty Section website.

Conclusion

The seminar closed with a presentation on the EISIL (Electronic Information System for International Law)

database (www.eisil.org) by Amy Osborne from the University of Kentucky College of Law Library, giving us an overview of a useful research tool for international law. Amy’s paper is published separately in this issue. The seminar was informative and entertaining, providing delegates with a wealth of information about the nature of international law and how treaty procedures and processes work in practice.

Acknowledgement

Pre-conference seminar handout containing:

Extract of Chapter I of *Handbook of international law* by Professor Anthony Aust, to be published in October 2005 by Cambridge University Press.

Paul Barnett and Nevil Hagon, *Practical issues in researching treaties* prepared for the seminar on 9 June 2005.

References

Aust, A. *Modern Treaty Law and Practice*, 2000. Cambridge University Press.
Foreign and Commonwealth Office Treaty website – www.fco.gov.uk/treaty
Treaty Enquiry Service: E-Mail: treaty.fco@gtnet.gov.uk

Biography

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Access to Legal Literature: the Italian DOGI Database

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Introduction – legal literature

Legal information has specific features due to its nature, its different purposes and the intrinsic need for integration of

its components, represented by legislation, cases and doctrine. Access to legal literature in particular is a primary requirement; it responds to the demand for understanding and interpretation of statutes and cases, an objective that law scholars and professionals greatly contribute to.

The difficulty of delimiting the scope of legal literature's sources makes its access problematic. Retrieving legal doctrine necessitates long and cumbersome research across multiple sources, as there is no one single information provider that legal researchers can effectively gain access to.

Electronic legal literature resources



Ginevra Peruginelli

As regards networked legal literature, the requirements of coverage, currency and indexing quality are still of paramount importance; to these, straightforward access to the full text has to be added. The integration between access to bibliographic information and availability of searched documents is in high demand by users and is made possible through a link between secondary information records and electronic legal documents which are directly visible and usable at the same workstation.

Today, tools for quick, easy and enhanced communication are available, but there are some major issues of a strategic, organisational and technical nature to be considered in implementing information access services. Legal professionals are very concerned about the rapid evolution of statutes and cases which require adequate services to access them.

An additional problem is the variety of search interfaces for accessing legal databases, catalogues, web sites and other reference information sources. Differences in search and browse options and terminology used in retrieval systems may often disorient users. Quite often, even when a standard interface is used across information systems, the different functionalities offered by these systems are an obstacle to precise and consistent retrieval of legal information. Beyond the diversity of interfaces, a more difficult problem is the difference between various law classification systems, due to the system-bound nature of legal classification and terminology that reflects the different legal orders of various countries.

Legal literature retrieval: a sketch comparison between Italy and other countries

Retrieval of legal literature in Italy is mainly provided by libraries, private and public information centres and publishers. Online database production by Italian publishers is only now starting to appear as legal professionals are generally considered a traditional user category and

for this reason publishing is mainly paper-based or at least on CDROM.

Despite the very active role of special libraries, mainly academic, in the provision of catalogues, indexes, databases describing the material held or made accessible by such information providers, Italian stakeholders are in general still rather prudent in venturing into the online arena so that the full text of legal literature is somewhat a novelty, while quite a number of countries are able to offer a wealth of products and services based on full text accessibility. Quite often these countries are characterised by a strong commitment of law schools in documenting their activity and intellectual outputs, and by the strength of professional associations in monitoring and certifying law periodicals' content.

Furthermore commercial publishers of legal databases, aggregators and intermediaries play an important role by offering online access to documents. Most databases are charge-based and high costs are being paid by the user community which, on the other hand, can rely on high quality legal information retrieval services. In particular the high level of products offered in the Anglo-Saxon world is in line with the democratic principle of these countries, which have a long tradition in setting up services to meet citizens' information needs.

A major Italian source of legal literature: the DoGi database

The DoGi database (<http://nir.ittig.cnr.it/dogiswish/Index.htm>), produced and distributed by the Institute of Theory and Techniques of Legal Information, which forms part of the National Research Council (ITTIG-CNR) is, in the Italian legal landscape, one of the most precious sources for legal literature research. It is a database created in 1970, offering abstracts of articles published in the most important legal periodicals (more than 250). Its main goal is to provide law scholars and professionals with exhaustive and updated information as found in Italian law reviews.

Two types of information units are accessible through the DoGi database:

1) A comprehensive record including: a) bibliographic references of each article; b) abstract prepared by professional indexers describing the topics treated and author's arguments; c) one or more classification codes identifying the subject assigned using an analytical, hierarchical scheme; d) references to the significant statutes and cases' sources as cited in the article.

2) TOC: bibliographic details of each article

This table shows the main features of the database:

Body	At the moment about 250 periodicals are indexed. The list of indexed periodicals is updated over time in relation to variations in publishing and to law evolution itself, aiming at maximum coverage. Period covered: 1970 to date
Analytics of	Periodical articles, summaries of cases, commentaries to statutes, conference papers, book reviews
Number of records	About 250,000
Annual increase	14,000
Updating	Bi-monthly for abstracts; fortnightly for TOCs
Services	From selected records, by clicking on classification codes and author, a search is automatically launched for those strings on the whole database The full-text of Italian and European legislation is retrieved through links to respectively the free-access NIR-Norme in Rete Portal and to CELEX database Retrieval of sentences from the Constitutional Court, through a link to the Constitutional Court's information system From selected records, by clicking on the title of the periodical, the following information is provided: a) Bibliographic record of the periodical: b) Holdings of Italian libraries through the National Union Catalogue ACNP; c) Status and holdings of analytics since 1990.

Search modalities

Searching by fields

The DoGi search interface is made up of four search forms (templates). Each of these permits the use of different channels to retrieve records. All requests made

in fields and subfields are automatically combined through the AND Boolean operator. Searching is allowed by selecting: a) the comprehensive record; b) bibliographic elements; c) type of document (summary of cases, commentaries to statutes, etc); d) words in abstracts or summaries; e) legal sources (citations of statutes and cases); f) classification codes.

Whole record	Word/s: <input type="text"/>
Bibliographic references	Author or Editor
	Surname: <input type="text"/>
	Name: <input type="text"/>
	Title
	Word/s: <input type="text"/>
Periodical	Word/s in the title: <input type="text"/>
	Exact title: <input type="text"/>
	Publication date: from <input type="text"/> to <input type="text"/> Issue: <input type="text"/>
	<input type="text"/>
Document type	<input type="text"/>
Summary/Abstract	Word/s: <input type="text"/>
Legal sources	Scope: <input type="text"/> Section (Statutes or Cases): <input type="text"/>
	Source name: <input type="text"/> <input type="button" value="List of sources"/>
	Year: <input type="text"/> Month: <input type="text"/> Day: <input type="text"/>
	Number: <input type="text"/> Article: <input type="text"/>
	Region: <input type="text"/> Town: <input type="text"/>
	Country: <input type="text"/>
	Free text: <input type="text"/>
	<input type="text"/>
Classification	Area of law: <input type="text"/>
	Word/s: <input type="text"/>
<input type="button" value="SEARCH"/> <input type="button" value="CLEAR"/>	

Figure 1. DoGi template.

CHANNEL	CONTENT
Scope (<i>Dropdown menu</i>)	Source category: national, international, European, foreign and historical law
Type of legal source (<i>Dropdown menu</i>)	Legislation, cases
Reference Code	Type of provision (decree, statute, act, bill, sentence, convention, protocol)
Year, Month, Day, Region, Town, Article number	Identifying elements of provisions
Keyword	Other information contained in the legal source (example: title of the provision)

The template permitting a search by source is widely used and appreciated. It allows users to make a request using specific parameters within the legal source field.

Browse

The following lists are available at the moment. Lists of authors and legal sources will be accessible in the next few months

- List of indexed periodicals. By browsing the titles of periodicals it is possible to display the bibliographic records and the area of law covered by the review, to look at the articles indexed in the DoGi database as well as information on the holdings in Italian libraries.
- Classification. By browsing classification information and clicking on codes a search is launched on the whole database and all related documents are retrieved.

Example of a DoGi record

D'Elia, Giuseppe

La definizione dell'oggetto della delegazione legislativa nel processo democratico di formazione della legge.
(Nota a C. Cost. 16 aprile 2003, n. 125) in Giurisprudenza costituzionale, 2003, fasc. 3, pagg. 1763-1765
 (Bibliografia: a pie' di pagina o nel corpo del testo)

COST.4.0.4. RAPPORTI STATO-REGIONI; Funzione di indirizzo e di coordinamento
COST.2.1.5. DECRETI LEGISLATIVI; Legge di delegazione

Con la sentenza in epigrafe, la Corte respinge un'articolata questione di legittimità costituzionale sollevata in riferimento al d.lg. n. 469 del 1997 (conferimento alle Regioni e agli enti locali di funzioni e compiti in materia di mercato di lavoro) e alla legge di delegazione n. 59 del 1997, relativamente agli artt. 70, 76 e 77 comma I Cost. Secondo il giudice a quo ci sarebbe un eccesso dell'oggetto della delega, nonché una troppo ampia e generica delega nella legge di delegazione. La Corte stabilisce che, ai fini della determinatezza dell'oggetto, non è necessario elencare in positivo gli oggetti della delega. In relazione alla legge di delegazione, l'A. sottolinea che, per vagliarne la legittimità costituzionale, occorre vedere se il conferimento della delega al Governo non nasconda una tecnica per estromettere minoranze e Parlamento in genere dalle scelte politiche.

art.				70				Cost.
art.				76				Cost.
art.		77		comma		I		Cost.
art.	I	I.	15	marzo		1997,	n.	59
d.lg.		23	dicembre		1997,		n.	469

C. Cost. 16 aprile 2003, n. 125 [massima/e, testo]

The DoGi database classification

The language used to index DoGi documents is a controlled language, based on the areas of law as structured in the Italian law faculty scheme. Such classification is a valid tool not only for retrieving legal literature items in the DoGi database, but also for understanding the structure of Italian law. This

system is in use in academic and professional contexts and many special libraries base their indexing on it. There are 24 areas of law considered, each designated by a code.

The classification scheme is hierarchically structured (up to three levels) and is composed of alphanumeric codes expressing specific concepts. Codes are associated with descriptors (6600 at the moment). An authority list of descriptors is maintained and updated on the basis of indexers' suggestions as well as of statistical analysis of

searches made by users. The classification scheme has been conceived as a dynamic instrument which is periodically reviewed and new codes are established reflecting additional topics dealt with in the literature.

Access conditions

DoGi has been freely accessible from its origin, in the 1970s, to date. The ITTIG had always thought that this database should be available without charge as it supports a wide category of legal users irrespective of their affiliation and use made of the information. However, this is not possible anymore due to the lack of support by Governmental Bodies.

The ITTIG, on the basis of its long standing role as witness to Italian legal literature's evolution and reputation in the scientific community, has sought the support of new institutional partners to carry on a service whose production costs are very high and an agreement has been reached between the ITTIG and the Citicord (Centro Interateneo per le Tecnologie dell'Informazione e della Comunicazione nella Ricerca e nella Didattica), University of Rome La Sapienza, within the wider context of the Legal Open Community project. From November 2004 the DoGi database is distributed on charge on the Infoleges web site (www.infoleges.it), as a version integrated with (and allowing cross references to) the Infoleges files containing Italian and European Union's statutes and cases. The DoGi database is still accessible on the ITTIG web site, but only five documents can be retrieved and fully displayed (abstract, classification, sources) per day, while no limitation is placed on TOCs, which are freely accessible.

The database loses an important feature, free accessibility, which has been a major quality since its origin, but is enriched in that it is integrated with other databases made available through the Infoleges service. Therefore DoGi continues to exist and progress, maintaining its features and functions.

Users of DoGi

In general, users of legal literature share the characteristics, attitudes and needs of other users in seeking information, but they also have some peculiarities due to the sophisticated nature of legal information.

In particular, DoGi users belong to different categories, professional and non-professional, with different skills in using bibliographic and indexing tools. They have different interests according to their profession and specialisation. In particular Italian faculty members make quite extensive use of legal doctrine materials for their teaching and research activities, followed by students preparing their theses, and by lawyers. The latter, together with judges, administrators and ordinary citizens usually start from statutes and case-law reports as their primary sources, and search for specific legal literature

items, showing a special interest in reference mechanisms allowing access to legislation and jurisprudence.

Results of a recent survey on use made of the DoGi database by legal users has helped in understanding their behaviour in seeking information and their purpose for searching. The aim of the questionnaire was to identify user profiles in order to plan services meeting their requirements. The questionnaire (also available in English) has been returned by about 500 users whose suggestions and indications have proved very interesting. According to the findings these main profiles have been identified: 1) Scholars, 2) Law professionals, 3) Citizens.

New specific requirements have emerged, such as the need for analytics of articles of pre-1970 periodicals and for contributions included in miscellaneous monographs, the possibility for each user to have his own personal online desk to collect domain specific information and private records. Furthermore the demand for the full-text of articles indexed in the database is a priority. This implies that the ITTIG must concentrate on new forms of collaboration with commercial publishers and on improving contacts and exchange of initiatives among various indexing initiatives in the field.

Perspectives for the DoGi database

In a multilingual and multicultural environment functionality such as shared knowledge of legal information, and quick and effective information access and exchange among different legal systems is of paramount importance. The consolidation of the European Union and its enlargement have made internalisation of many social aspects a reality, and nowadays the need for legal information communication between countries is greater than ever before. With the rapid increase of globalisation, discovery of foreign law material through adequate multilingual tools becomes essential for success in modern law practice and research. Furthermore the principle of multilingualism in the domain of law not only ensures democratic transparency and equality of citizens' rights, but also guarantees legal certainty. An adequate integration of legal concepts pertaining to different legal orders is a major requirement, but it is a very difficult objective to achieve, complicated by the diversity of languages and the various ways to express legal concepts.

In this respect the DoGi database is ready to open up its services to a wider international user community and aims to venture in the provision of multilingual access to information. For this purpose a project has been initiated to literally translate the DoGi classification by using English as the language allowing international users to understand Italian law structures.

Strategic measures are also under consideration concerning cooperative ventures between European

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institutions which are active in the field of classification and documentation of law in order to jointly define and verify linguistic and conceptual correspondence between legal concepts of the various systems.

This project is part of a wider initiative within the ITTIG aimed at fostering and facilitating communication in the legal academic world, in the legal professional sector, in the business sector and in public administration services to citizens. In this context the feasibility of diverse approaches to legal and linguistic harmonisation, while preserving the legal identity of different legal orders, will be verified. In fact, unlike technical and scientific disciplines, serious difficulties arise in translating legal material due to the system-bound nature of legal

terminology as each legal order is situated within a complex social and political framework which responds to the history, uses and habits of a particular country. A research study is underway covering topics such as the relationship between language and law, identification of legal language peculiarities, significance of legal translation in comparative law, identification of methodologies and tools for shared knowledge and exchange of legal information. The translation of the DoGi classification falls within such wider projects and intends to respond to the need to provide effective international access to Italian legal literature while experimenting with methodologies for enhanced exchange of legal information.

Biography

Ginevra Peruginelli is a researcher at the Institute of Legal Information Theory and Techniques of the Italian National Research Council (IITIG-CNR) as well as a lawyer. She is part of the team in charge of the maintenance and enhancement of the main bibliographic Italian legal literature Database (Dogi-Dottrina Giuridica). She specialises in legal language and multilingualism which is the research topic of her PhD at the Institute of Advanced Legal Studies (University of London).

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Sarbanes-Oxley Act Resources: Print and Electronic, Free and Fee

The Sarbanes-Oxley Act of 2002 has established a new reason for legal publishers to bring out books and loose-leaf services on a new topic. In his second contribution Dave Rogers from Sidley Austin's Chicago office describes materials of interest to law librarians and lawyers.

Introduction

The Sarbanes-Oxley Act of 2002 (Public Law 107–204) is one of the pieces of seminal legislation that will have an impact on the practice of American business as well as on the practice of law. American legislative initiatives with sweeping implications also have a collateral effect on the modern, more internationalised practice of law. Foreign Securities and Exchange Commission filers (particularly filers of 20F and related documents) have expressed great unease as they seek to navigate the



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changes in the law. Domestic filers were only moderately less uneasy.

As is the case when major federal legislation passes, the Sarbanes-Oxley Act has generated a variety of published resources. In the current era, publishing has changed. Electronic versions of publications are put up on major information aggregators like Westlaw and LexisNexis. Determining what item in what format to acquire will require significant thought: Will a Gen X or Gen Y user be interested in reading a hard copy of the legislative history or will they rely on the electronic versions? Will the clients that have questions relating