

Book and Product Reviews

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WORLEY, Loyita, ed. *BIALL Handbook of Legal Information Management*. Aldershot: Ashgate, 2006. ISBN 0-7546-4182-1: £70.00. xxiii, 316 p.

This eagerly awaited practical handbook consists of twelve chapters with a glossary, a references and bibliography section and an index. To produce this new BIALl handbook the editor has gathered together a distinguished team of legal information professionals.

The longest chapter in the book, Chapter 1, after a brief introduction to law libraries and their role describes and comments on the different types of law library and their users. This information is augmented by that provided in the case studies set out in Chapter 11. The first chapter also has sections on the growth of law librarianship, including the establishment of professional associations, networking and the future of law librarians and law libraries. Given my background, you would expect me to disagree with the comment that “Neither the UK nor Ireland has a major government law library...”. As is clarified in Chapter 11, the Department for Constitutional Affairs (DCA) is responsible for a centralised library service, which provides legal information to the judiciary (though at the moment excluding the Law Lords), courts and tribunals throughout England and Wales, as well as to the Department’s Headquarters, and to Associated Offices such as the Law Commission. For that purpose it controls, by far, the largest budget of any legal library provider in the UK and employs around 35 staff, including 13 professional librarians. Within the DCA’s library service, the Supreme Court Library, on its own, could be classified as a major law library.

Chapter 2, under Primary Sources, provides a useful explanation of primary and secondary legislation and the historical background to their organisation and publication. It also provides valuable information on secondary sources of legal information, electronic versus hard copy and tips on purchasing materials and their classification and arrangement.

The third chapter, on legal research, is likely to be the most frequently consulted section, especially by those less familiar with the handling of legal enquiries. The techniques and tips outlined by Peter Clinch will also be extremely useful to those of us whose research skills have become somewhat rusty and who need to be reminded of the available sources. I found that the pointers in relation to library management systems mentioned in Chapter 4 gave pretty comprehensive

coverage of the issues which need to be addressed when selecting a system or comparing the merits of a number of systems. I would have found it useful to know which systems had actually been selected by colleagues in a variety of law libraries. The two management chapters, financial resources in Chapter 5 and human resources in Chapter 6, both rightly tackle these as the information/library manager’s responsibility rather than that of a corporate finance or personnel department. Both chapters comprehensively set out the processes and considerations which are vital to success in these important areas. Chapter 7 covers the copyright and data protection issues that are important to librarians. I really am being picky when I say that this chapter could have mentioned freedom of information and made more of the functions of, and the help that can be obtained from, the Office of the Information Commissioner.

Chapters 8 and 9 deal with knowledge management and the rôle of taxonomies. Whilst I agree with the line taken in Chapter 8 in explaining the nature and role of KM, I did find it too slanted towards the law firm situation. Not all members of BIALl would agree for instance with the comment that profit is the bottom line. The law firm bias though does not detract unduly from the usefulness of the tips. Much work has been done on KM within academic institutions and elsewhere and I would have liked to have seen that reflected in this handbook. I have to say again though that I agree strongly with the way that KM and taxonomy have been explained and demystified.

Chapter 10 is set, understandably I guess, in an academic setting. E-learning and e-training opportunities do exist in other organisations, for instance in the use of computer based training for teaching users about a new system or about a new topic, but the general issues covered by this chapter provide valuable information for anyone interested in the effective dissemination of information.

Mentioned before, Chapter 11, Case Studies, outlines the roles of legal information managers in six different types of libraries. The final chapter deals with ethics in law librarianship. Maybe a surprising topic for some in such a handbook, but it is to the editor’s (and BIALl’s) credit that this topic has been included. Hopefully this will help to increase awareness of this, so far, underexposed topic for legal information professionals.

This handbook should be on the shelves of all law libraries. It has certainly and effectively maintained the practical approach and focused on concerns of current relevance to law librarians and legal information specialists mentioned by BIALl’s President in the Foreword.

Book and Product Reviews

There is a good balance between general background information and the chapters that include more specific tips and techniques. It should be compulsory reading for all new entrants to law librarianship and for those responsible for legal collections in more general libraries.

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DURRANT, F., *Negotiating Licences for Digital Resources*.
London: Facet, 2006. ISBN 1-85604-586-2 (pbk):
£39.95. 160 p.

Many information professionals will have heard Fiona's seminars on this topic and will therefore be aware that this book is likely to be a "must have" for anyone who is involved in any way with the procurement of digital resources. While not a substitute for the seminars that she provides, the book is an excellent backup and allows her to explore the whole subject in more depth, particularly useful when dealing with the fine detail of contract terms.

Fiona writes with confidence and authority explaining clearly the most important points to bear in mind. The book sets out in detail the particular issues that need to be considered when negotiating for digital resources, but it also covers much solid ground in the area of negotiation skills, reminding experienced negotiators and informing those new to this area of the art of successful negotiation.

The main areas the book covers are:-

- Understanding your organisation's needs
- What type of agreement to choose
- Usability and value
- Preparation for negotiation
- Communication skills
- The contract
- Disseminating negotiation outcomes
- Staff development
- The negotiation timeline

As both the cost and complexity of digital offerings increases, the sensible advice on analysing the business case for any prospective system is very appropriate. In the past we have been lulled into taking duplicated resources because of discounted trial periods and subsidised introductory offers. Now that the market has matured, we are all going to have to be much more selective and make sure that resources purchased really do fit in with the business strategy.

The analysis of the types of agreements available and how to manage usability testing are also helpful,

particularly for anyone relatively new to procurement. Being aware that there are ranges of agreements and having some guidance on what some of the alternatives are is also useful as a benchmark for more experienced professionals.

Readers will get a great deal from reading her advice on contract terms and conditions. It is far too easy to be so elated after negotiating a good deal that you are tempted to sign a standard agreement without thoroughly investigating the details. Fiona advises on issues such as archive availability, should the agreement terminate. This is a huge issue for information professionals and it is nice to see it considered here. Very few publishers have seriously concerned themselves with this thorny problem and hopefully as negotiators start to raise this regularly we will begin to see some industry standard solutions from publishers. Fiona also talks about break clauses, fundamental breach issues and contract periods, including renewal periods. I do hope that our publisher colleagues read this guide, as it will hopefully help us all to develop a more sensible approach to issues that in the past tend to have been dealt with on an ad hoc basis.

Her chapters on negotiation skills and communication are excellent and explain the principles of good negotiation clearly and concisely. This section of the book is relevant to anyone undertaking negotiations of any kind. Negotiation is a skill that can only be developed through practice and observation, but Fiona is very helpful in giving useful phrases, tips for the novice, advice on body language and all the other tools of the negotiator's trade.

Once a negotiation is concluded and agreement reached it is all too easy to forget the internal "sell" that needs to happen to make sure that your agreement is endorsed by the business and the product is used. There is plenty of practical advice on how to follow through on the process to make sure that the product is adopted and the negotiator's efforts are valued.

Fiona is excellent at giving a balanced perspective on negotiations and for this reason I feel the book is very useful in these troubled times. There is no doubt that pressure on all sides has increased and the competitive nature of the current market has meant that more sophisticated negotiation skills are required. We have also seen more evidence of US business models from publishers, with increasingly aggressive marketing and negotiations. This will require information professionals to become much more assertive in their negotiation techniques. Considering all these factors, this is a very timely publication.

Given that conditions certainly seem to be getting more adversarial, it is too easy to forget that there are two sides to every negotiation. Publishers are under huge pressures to make target prices for their digital products because of the levels of investment required to get a new service off the ground. On the other hand information

professionals are facing large price increases and a lot of internal pressure to manage their budgets.

This book is a useful tool to equip you with the skills you need to enter into the negotiation with confidence. It is also full of suggestions for what to do when things start to go wrong. I was particularly impressed with her clarity of style and also the way she offered these practical tips to help her readers get the most out of the whole process. She is also quite clear on the fact that sometimes the only answer is to walk away from a negotiation, something that for many of us has been extremely difficult in the past. There is also an extensive reading list that will give anyone interested in developing her skills plenty of pointers for where to go next.

Fiona emphasises what many of us have come to realise over the years, that successful negotiations come from building good relationships and a healthy dialogue; negotiation is about flexibility and recognising the requirements and motivations of all parties, and above all of not becoming entrenched and embittered.

As both an introductory text for the negotiation novice and for professionals working in small teams, (who do not have the support of colleagues), the book will be invaluable. It provides a tool that will build confidence, benchmark skills and build knowledge quickly and efficiently. For more experienced negotiators, it will act as a reality check, particularly if you have been negotiating with the same supplier for a long time. It will also help to re-evaluate your skills, remind you of parts of the process that have become embedded knowledge and instinctive and allow you to re-examine the foundations on which your experience was gained in the first place.

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WHITE, Andrew and KAMAL, Eric Djiva. *E-Metrics for Library and Information Professionals: How to use Data for Managing and Evaluating Electronic Resource Collections*. London: Facet Publishing, 2006. ISBN 1-85604-555-2 (pbk): £39.95. 249 p.

This book starts with an overview of the issues associated with the transition from the print to the electronic environment. In the later chapters some technical knowledge is assumed, but the specialised techniques are clearly explained and the main thrust of the book is easy to follow. The text is generally readable, despite some distracting typographical errors particularly in the early pages.

The Preface summarises the book, which is in three parts –

Part I - What are E-Metrics?

Part II - Why do Libraries Need E-Metrics?

Part III - How do Libraries Build Local E-Metrics?

Each part has an overview and a summary of conclusions. There is a comprehensive bibliography and a brief index which nevertheless covers the key technical terms.

The first part (Chapters 1–3), “designed to get even the novice information professional up to speed on e-metrics basics and its use in libraries”, is primarily an overview describing the emergence and development of e-metrics and why they are important for libraries. Chapter 1 covers the use of e-metrics in business, while the following two chapters examine emerging standards for library e-metrics, such as Project COUNTER. The key message of this section is that vendor-supplied usage reports alone are not detailed enough, and have to be supplemented by local processing. Chapter 3 introduces three library operational scenarios, Basic, Intermediate and Advanced Library, so categorised by the extent of their computer infrastructure and their level of available IT support and expertise. These are used subsequently throughout the book to illustrate how libraries of varying resource level and IT capability can implement local e-metrics solutions.

Part II (Chapters 4–6) covers the reasons for libraries to collect usage data about their information resources. To illustrate these points, the authors use E-metrics to provide answers to a series of hypothetical public relations and collection management questions applied to each of the three library scenarios. To the experienced practitioner these issues and their solutions will seem obvious. For example, the first such case concerns falling “gate counts” for actual visits to the library; the solution demonstrates how each of the three types of library could use e-metrics to show that increasing use of electronic resources compensates for the decrease in personal visits. While the scenarios are not explicitly linked to an academic setting, the issues addressed are those commonly encountered in academic libraries. Nonetheless the application of e-metrics in these examples is relevant to libraries of any type if they subscribe to commercially provided electronic journals and databases.

Part III (Chapters 7–9) deals with the technical and work flow aspects of local e-metrics projects. This is the “how to” part of the book and again uses the three library scenarios to illustrate local e-metrics projects of varying complexity. The key message in this section is that an understanding of how and by whom electronic library collections are used depends on a synthesis of the vendor-supplied data with reports obtained at local level. It is also emphasised that the basic technical infrastructure needed for local level e-metrics projects is no more than the network which already provides access to the resources. The use of specific techniques such as “click through/redirection scripts” with web page transaction log analysis is described. Three Appendices provide actual examples of these, and there are references to web sites

Book and Product Reviews

giving further information. There is useful practical guidance here for the experienced practitioner and the novice alike.

The work concludes (Chapter 10) with a discussion of the future impact on e-metrics of some current developments such as open access publishing and federated searching.

In summary, this book will be of benefit to anyone engaged in electronic collection management. Its distinctive contribution is in the “how to” section, where there are practical methods and pointers to further guidance that are relevant to any library wishing to undertake an e-metrics project.

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MEGARRY, R., *A New Miscellany-At-Law: Yet Another Diversion for Lawyers and Others*. Oxford: Hart, 2005. ISBN 1841135542 (hbk): £22.50. 450 p.

After having been engrossed in this book for a week or more, it came as no surprise to me to learn that this amusing tome had been Wildy's of Lincoln's Inn's the booksellers “Book of the Month”. It is written by one of the foremost judges of recent history, Sir Robert Megarry. Megarry was previously known to me only by being forced to read his dry discourses on land law and equity as a bar student. His erudite writings and his high appointments within the Royal Courts of Justice were testament to the versatility of his mind. Yet, there was no indication in his judgments that this judge could ever have had a sense of humour - until I read this book.

A New Miscellany-at-Law is a collection of anecdotes, texts and comments on interesting or humorous occurrences in English law. It deserves a place on all law students' desks – if only as a source of interesting anecdotes for dinner and other parties.

The publisher's summary of some of the more interesting comical moments in the law does not do justice to this excellent book. In this review I propose illustrating the book's merits by discussing some of its contents. However, the publisher's press release goes a little way to showing the breadth of coverage and can give a flavour of the depth of the book:

“Should horses in Charleston be required to wear diapers? Does the ‘hotchpot’ rule apply when dividing a testator's 17 residuary elephants? Which verse in the Old Testament was the life-saving ‘neck verse’? May sexual intercourse be conducted on a ‘without prejudice’ basis? These questions and many others like them are raised but not always fully answered in *New Miscellany-at-Law*”

This is a book for non-lawyers as well as those involved within the legal process. It tells us about the time when the English High Court had to decide on, inter alia, the personality of the devil. In this case, Mr Justice Henry Hawkins relates how a churchwarden complained about his vicar to the High Court. The vicar had refused to administer Holy Communion to the churchwarden because the churchwarden did not believe that the devil was a person. As is the almost inevitable procedure in such cases, it went all the way to the House of Lords. The Lords decided that the vicar was wrong and ordered him to administer communion. After estimating the huge cost of the legal proceedings in the case, Lord Westbury commented:

“...that the poor churchwarden who did not at one time believe in the personality of the devil ...(believed in him).....when he received his attorney's bill.”

Another case mentioned in this book is that of *Ashford v Thornton* (1818) in which a man accused of murder by the weak brother of the victim, was challenged to trial by combat so that the accused could prove his innocence. The brother of the victim did not turn up for the fight and the accused was able to validly show that he had already been tried for his crime because he offered trial by combat and no one bothered to fight him. Megarry uncovers many similar cases of trial by combat earlier than 1818 and provides an interesting description of this procedure. Sadly, “trial by combat” was abolished in English law when the outcome of the *Ashford v Thornton* (1818) case became known. This was literally done overnight, Megarry explains, with all stages of the Act of Parliament being accomplished in one evening in the Commons and Lords.

Perhaps I should finish with another illustration of the amusing, yet dry, legal humour in the book;

“At one stage of proceedings in the United States Tax Court, the taxpayer was moved to say: “As God is my judge, I do not owe this tax,.” Whereat Murdock C.J. replied: “He's not. I am. You do.” There are many other attributions of this exchange. Faulks J. ascribed it to Judge Cluer, who added “With costs”.

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STEVENS, J., *Not for the Faint-Hearted: My Life Fighting Crime*. London: Orion Books, 2005. ISBN 0-297-84842-9 (hbk): £18.99. 338p.

This is the autobiography of John Stevens, now Lord Stevens of Kirkwhelpington, the former Commissioner of the Metropolitan Police.

The book is a very easy read as one would expect from an autobiography and although it is written in a more journalistic style than other memoirs, it does provide some interesting perspectives for students of law or police studies. Stevens rose to become the most senior police officer in the UK at a time when the country was again having to adjust to terrorism, this time of a different nature. Stevens explains how he was on an aeroplane heading to the United States of America on September 11th 2001 and this chapter is an interesting reflection on how the senior police officer in the UK had to deal with the changes that these events brought.

The book does not go into much of his early life and really starts with his joining the police. This is perhaps the more useful approach. What will be interesting to those involved with the law or police studies is that Stevens does not pull any punches about the changes that have occurred during his 40 years in the police and this does demonstrate the progression of law.

Stevens, as a police officer, has strong views on how the criminal justice system should work and many lawyers will balk at some of the suggestions he makes. Whilst he does try to achieve a balanced view there is no escaping that this is (correctly) his personal opinion on issues that arise and it provides an illuminating example of the tensions that can exist between the Executive (police) and Judiciary. A particularly telling chapter is Chapter 26 which discusses the time when he and the former Metropolitan Police Commissioner, Lord Condon, were prosecuted for breach of health and safety regulations arising from the deaths of two police officers. The experience was obviously very bitter for him but, although legitimate questions arise as to who has ultimate responsibility for such issues, there is little recognition of the fact that the law held that *prima facie* he was responsible, and that during his career lots of people who felt themselves to be innocent have been the subject of criminal proceedings and in the public eye.

On balance the book is worth reading. It provides the reader with an illuminating experience of how the police work at both an operational and strategic level. It also assists the reader in understanding what the relationship between the police and the government is and how the law can sometimes appear to constrain investigations into serious matters. I would not recommend the work as a definitive scholarly piece of work but that is not its purpose: it is a personal viewpoint on selected events during a 40-year period and this is valuable in its own right.

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MURPHY, C., *Competitive Intelligence: Gathering, Analysing and Putting it to Work*. Aldershot: Gower Publishing, 2005. ISBN 0-566-08537-2 (hbk): £55. xxvi, 275 p.

Competitive intelligence (CI) is, like knowledge management (KM), one of those much misunderstood disciplines for which there is no shortage of people who profess to know how it should be “done” properly. As a result the number of books on CI, each with its own approach, has grown in recent years, leaving the information professional and others with the difficulty of establishing authority from among the bewildering variety of “best approaches”.

None of the books alluded to in the previous paragraph come close to this new volume by UK-based CI expert Christopher Murphy. This book is particularly relevant for the information community, including law librarians, as it tackles the imprecision of the discipline of CI by providing a broad brush approach to almost every facet of CI.

Like others, Murphy presents definitions of activities which comprise CI, steering the reader away from competitor information, competitor intelligence and market intelligence to actionable strategic competitive intelligence. The author also presents the usual (and quite expected) overview of sources and resources for competitor information, although here the seasoned information professional is unlikely to find anything novel.

As in most CI textbooks, this author presents a variation on the intelligence cycle theme (that is, planning, data gathering, analysis, conclusions, gap filling and communication). And it is pleasing to note that here the author takes us a little deeper than others by presenting detail on each aspect of the intelligence cycle. However, where Murphy really stands out is his focus, though not overwhelming or distracting, on **analysis** in the third part of the book entitled “turning raw data into finished intelligence”.

Analysis (and what is done with analysed intelligence) is what distinguishes CI from competitive information, and here Murphy presents a succinct yet emphatic case for undertaking thorough analysis. Information professionals are likely to find this useful, if not somewhat challenging, as aspects of analysing corporate accounts are detailed, but this reviewer recommends to any nascent CI professional that it be read and re-read.

This textbook could also be used by information professionals who may not be interested in CI itself but as a guide to business information working. Apart from the useful chapters on interpreting corporate accounts, the author also includes a chapter on determining data (and information) quality, a skill sometimes sadly forgotten by the information professional. He also includes, throughout the book, good guidance on understanding market sectors, comparing companies, and presenting actionable intelligence (or information if you like) to managers.

Murphy's chapters on legal and ethical aspects of CI, and on creative information gathering techniques, are certainly valid in this book and well balanced alongside other chapters detailing the intelligence cycle. However, these topics typically contain some of the more

Book and Product Reviews

interesting issues with which other authors are happy to entertain readers. It is a pity that this author did not present as many case studies as others, though presumably the publisher sought economy of space in an otherwise extensive commentary on CI.

And here is this reviewer's highest praise for Murphy's book, which is that it must be one of the most well-rounded texts on CI presented in a pleasing style which is relevant for both the expert practitioner and beginner in CI alike. Certainly there are issues which one might have liked to see in this book, such as more case studies and more discussion of the characteristics of an effective CI practitioner. Nevertheless, as it is this is an excellent primer and reference to CI.

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CLINCH, P. (With contributions from Marianne Barber, Cathie Jackson and Nicola Wakefield), *Teaching Legal Research*. 2nd edition. UK Centre for Legal Education, 2006. ISBN 1-902730-10-0: £8.00.

This book is essentially aimed at supporting those teaching legal research skills on vocational law courses though I think it will be an excellent starting point for anyone planning to develop a legal research skills course at any level. It also offers some specific guidance for those teaching on non-vocational law courses and on professional development courses.

This is the second edition of this book, the first having been published in 1998. The changes include new material on e-learning as well as a brand new chapter on learning theories the omission of which from the first edition Peter Clinch describes as grievous. Although a clear summary of three major theories of learning, I didn't find it added much to my understanding of how to set about designing and developing a legal research skills course, though the book does pick up on some of the issues from time to time.

What this book does contain is a wealth of advice based on Clinch's unparalleled experience in designing and developing legal research skills courses and as a

monitor of the Bar Vocational Course for the Bar Council.

Some years ago, as a rookie Bar Vocational Course tutor tasked with the design and development of a legal research skills course, I benefited enormously from his advice which, although necessarily not divorced from his role as a critical monitor for the Bar Council, was always generous, constructive and practical.

Clinch's approach permeates this book with excellent material on planning teaching sessions, with particularly impressive coverage of the use of workbooks; the use of teaching aids, with some comprehensive checklists; assessment and the use of research trails.

Throughout the advice is supported by numerous examples and extracts from tried and tested course materials which Clinch or his contributors have actually used in the classroom. This gives the book a real authority. I was confident when reading that the author was not discoursing from a theoretical position, but from knowledge acquired from his experiences at the coal-face in the classroom and library.

The chapter on e-learning and teaching legal research provides much sensible advice and practical tips. I would have liked more detailed explanations of how some of the examples of legal based e-learning actually worked in practice, perhaps supported by some screen shots, as some of the descriptions of the examples are too brief to be really helpful.

The last chapter is a guide to further reading including sources on lesson delivery and presentation skills. The book deliberately omits any detailed coverage of these which is probably a sensible decision given the range of material now available to tutors. Usefully the guide to further reading provides a brief summary of each book or source.

The book has no index; however, given the comprehensive contents summary which makes navigation straightforward, I didn't find this a hindrance when cross-referencing to material I had read earlier.

For many this will be a book to use selectively; not all will want or need guidance, for example, on obtaining feedback on a course for the purposes of evaluation. However, as a resource for developing a legal research skills course, this book is invaluable.

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