Julienne E. Grant

INTRODUCTION

Both my mother and her father were born in eastern Oklahoma—my mother in Tecumseh and my grandfather in the tiny town of Lamar. My grandfather moved his own family to Illinois in 1936, however, and I have only one childhood memory of Oklahoma: visiting my great grandparents there in the scorching heat some fifty years ago. Thus, when my mother and I landed in Oklahoma City in early April, it was almost like arriving in a foreign country. I knew, though, that we were in Oklahoma when the image of an operating pumpjack sped by through the windows of our aircraft.

My mother’s and my journey to Oklahoma had multiple purposes, but we primarily wanted to explore our family roots. In researching the latter myself, I had discovered that some of my pioneer ancestors had settled in what was part of the Muscogee (Creek) Nation in the early twentieth century—before Oklahoma became a state in 1907. I had read quite a lot about the area before the trip, so we made it a point to spend a day in Okmulgee, where the Muscogee (Creek) Nation is based. My grandparents had also lived in Okmulgee for several years when they were first married, while my grandfather was working for the Kingwood Oil Company as a geologist.

The history of the Muscogee (Creek) is too lengthy to chronicle here, but like the Cherokee, they were uprooted from the southeastern part of the United States and herded to Indian Territory (now eastern Oklahoma) in the 1830s. Although the “Trail of Tears” is most often associated with the Cherokee, the Muscogee (Creek) experienced their own version, which was equally as heinous.

THE COUNCIL HOUSE & THE EARLY MUSCOGEE (CREEK) SUPREME COURT

Up until the 1898 Curtis Act (30 Stat. 495), the Muscogee (Creek) Nation had lived somewhat autonomously in Indian Territory—having established their own government, courts, and police force (the Light Horse Company). Indeed, in 1867, the Nation drafted a constitution calling for an executive in the form of a Principle Chief and Second Chief; tribal courts; and a bicameral legislature (the House of Kings and House of Warriors, collectively the “National Council”). That same year, the Nation constructed a log cabin in central Okmulgee as a meeting house for the National Council. The wooden structure burned down in 1878, but the tribe replaced it with an impressive brick building, the Muscogee (Creek) Nation Council House.

19th century Government Land Office (GLO) marker, indicating the boundary between Cherokee and Muscogee (Creek) land, near Checotah, Oklahoma (photo: Carolyn Hutchinson)
From the Chair

Catherine Deane

I can’t believe it’s already time for me to pass along the gavel, but I couldn’t be happier to be giving it to our new Vice-Chair/Chair Elect, Susan Gualtier. I have had such an enjoyable and interesting year. It’s true, I learned a lot about how AALL and the FCIL-SIS work, but I also learned about our members. It’s mind boggling to me, how much work our members put into the FCIL-SIS behind the scenes. I can’t thank you all enough, but I am going to give it a try anyway.

THANK YOUS

Executive Committee and Past Chairs
A big thank you goes to the members of the Executive Committee. Vice Chair Loren Turner, has been an invaluable co-pilot. This year, Loren and Dennis Sears, Co-Chair of the Educational Committee, shepherded the FCIL-Programs and workshops through the AALL proposal process. This required consistent effort encouraging members to propose programs; organizing conference calls about the programs; providing support to the members who proposed programs and promoting the programs to the membership.

Thank you to our Secretary/Treasurer, Sabrina Sondhi, for all of her work this past year, especially for running the elections for Secretary/Treasurer and Vice Chair/Chair Elect, and for all of her behind the scenes wrangling.

Loren, Sabrina and Immediate Past Chair, Alex Zhang, have been with me every step of the way this past year. They have weighed in on every decision and responded to the barrages of emails that I sent their way, any good decisions we made were because of their clever suggestions, any erroneous decisions are mine alone. Since I am a bit excessive, I often roped in past Chairs Alison Shea and Lucie Olejnikova. Their institutional knowledge, quick responses and general enthusiasm, were invaluable. I appreciate their guidance and support. In particular, they helped me to avoid many potential gauche missteps, and for this I am extremely grateful.

Interest Groups and Committees
Outgoing Chairs
Many thanks to our outgoing Chairs:
• Yasmin Morais, Latin American Law Interest Group
• Susan Gualtier, CARLIG & Publicity Committee
• Sherry Xin Chen, Electronic Research Interest Group
• Beau Steenken, Teaching Foreign & International Legal Research Interest Group
• Erin Gow, European Law Interest Group

New Chairs
This past year, I reached out to the membership, first with a survey and then through messages on the listserv and individual emails, asking for volunteers to Chair IGs and Committees where the current Chair was ready to roll off.

A big thank you to everyone who filled out the survey, I’m humbled by your willingness to serve. After much deliberation, we have selected new Chairs.

Thank you to incoming Chairs:
• Kevin Rothenberg (CARLIG)
• Caitlin Hunter (Continuing Education Committee)
  • Caitlin has hit the ground running and has several projects in the works. (Discussed below)
• Jessica Pierucci (Publicity Committee)
• Alison Shea (European Law Interest Group)
• Erin Gow (Electronic Research Interest Group)
• Paul Moorman and Amelia Landenberger (Teaching Foreign & International Legal Research Interest Group)
  • Watch out for requests from Paul on the listserv. They will be updating the Syllabi and Course Materials Database. If you teach FCIL Research, please consider sharing you’re your “innovative and effective syllabi, assignments, games, projects, quizzes, and exams.”

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which still stands in the middle of Okmulgee’s historic central square.

Perhaps unsurprisingly, the Muscogee (Creek) have not always owned their Council House. The U.S. Department of the Interior appropriated the building in 1906 when the federal government stripped away what was left of the Five Tribes’ autonomy by means of the Five Tribes Act (34 Stat. 137). The city of Okmulgee subsequently purchased the Council House from the U.S. government in 1917 for $100,000, and the Muscogee (Creek) purchased it from the city in 2010 for $3.2 million. The restoration of the building was also a multimillion-dollar project, and the Muscogee (Creek) Nation reopened the House last November. The result is an architectural gem that functions as a meeting house, as well as a museum that showcases Muscogee (Creek) history and culture. The building is listed on the National Register of Historic Places and is a designated National Historic Landmark.

Among the Council House’s early functions was serving as an occasional courthouse for the Muscogee (Creek) Nation’s Supreme Court. The Court’s first five members, who were appointed in 1868, ruled on the constitutionality of existing laws and proposed legislation, as well as civil cases where amounts in controversy were over $100. There were also courthouses in the Nation’s six districts where both civil and criminal cases were heard. White settlers and intruders could not be tried or punished under Muscogee (Creek) law. Cases involving both tribal citizens and noncitizens were subject to federal authority and were heard at the federal court in Fort Smith, Arkansas until a federal district court was established at Muskogee in 1889. A placard in the Council House describes the evolving complexity of jurisdiction in Indian Territory, prior to Oklahoma’s statehood:

“Federal courts with their unlimited jurisdiction frequently undermined Creek law, and therefore the Muscogee Nation’s sovereignty. Creeks were sometimes put on trial in federal court, even in cases involving only Creek citizens. Such cases were under the jurisdiction of the Creek courts in Indian Territory and should have been tried there. Some cases already decided in Creek court were retried in federal court.”

MODERN MUSCOGEE (CREEK) COURTS

Congress abolished tribal courts via the Curtis Act, but the Indian Reorganization Act of 1934 (48 Stat. 984) empowered tribes to revitalize their judicial systems. The Muscogee (Creek)’s district court and Supreme Court are now housed in the Nation’s administrative headquarters (the “Mound Building”), about a ten-minute drive north of central Okmulgee. Article VII of the 1979 Muscogee (Creek) constitution denotes the basic functions and composition of the Nation’s Supreme Court. There are seven justices—currently two women and five men—serving for six years. A judicial code of conduct is incorporated in Title 26 (chapter 4) of the Muscogee (Creek) Nation Code.

The jurisdictional aspect of tribal courts is indeed complex, as it now involves interplay between a trio of interests—federal, state, and tribal. In a general sense, however, tribal jurisdictional determination turns on several factors, including the political identity of the involved parties (tribal member or nonmember), the location of the conflict or incident in question (inside or outside of “Indian country”), and the subject matter. “Indian country” is defined in 18 U.S.C. § 1151, and it encompasses a patchwork of reservations,

1 “Five Tribes” (and sometimes “Five Civilized Tribes”) is the collective designation for the Muscogee (Creek), Cherokee, Seminole, Choctaw, and Chickasaw. See "Five Tribes," The Encyclopedia of Oklahoma History and Culture (last visited May 8, 2019).
3 This quotation and most of the information in the preceding paragraph were gleaned from placards posted in the Muscogee (Creek) Council House (visited April 4, 2019).
“dependent Indian communities,” and tribal and individually owned allotments (including those located outside reservations). In some instances, tribal courts have exclusive jurisdiction as designated by statute, such as the 1978 Indian Child Welfare Act (92 Stat. 3069), which places proceedings involving the adoption and custody of Native American children (outside of divorce) in the tribal courts.  

Carpenter v. Murphy: Does the Muscogee (Creek) Reservation Still Exist?

A jurisdictional dispute centered around a Muscogee (Creek) offender is currently being played out at the U.S. Supreme Court (SCOTUS) in Carpenter v. Murphy. In that case, Patrick Dwayne Murphy was tried, convicted, and sentenced to death in an Oklahoma state court in 2000 for the 1999 murder of a fellow tribesman (George Jacobs) near Henryetta, Oklahoma. After Murphy exhausted his state remedies, he filed a federal habeas petition in 2004 in the Eastern District Court of Oklahoma, which was denied. Upon appeal, however, the Tenth Circuit held that the state of Oklahoma did not have jurisdiction over Murphy because Congress had never effectively dissolved the Muscogee (Creek) reservation per the three-part test set forth in the 1984 SCOTUS decision Solem v. Bartlett (465 U.S. 463).

At issue for SCOTUS now is whether the crime occurred within the boundaries of the original Muscogee (Creek) reservation as delineated in 1866. Murphy argues that Congress never dissolved the reservation so the crime occurred in “Indian country,” and thus the case initially should have been tried in federal court per 18 U.S.C. § 1153(a). The state of Oklahoma, however, argues that the Muscogee (Creek) Nation never had a reservation as described in 18 U.S.C. § 1151(a), and even if it did, that reservation was effectively disestablished by Congress; thus, Murphy’s crime did not occur in “Indian country,” and state jurisdiction was proper.

Oral arguments were heard in SCOTUS on November 27, 2018, and a decision is still pending as of this writing. In an unusual move, the Justices (minus Justice Gorsuch who recused himself) asked for supplemental briefs in December. Murphy is being watched closely by various interests in Oklahoma as its outcome could have major implications for property interests, taxation, and criminal defendants in the state, not to mention that the entire city of Tulsa could end up within the boundaries of a Muscogee (Creek) reservation. Unsurprisingly, a number of amicus briefs were filed in this case, including those of the Muscogee (Creek) Nation itself supporting Murphy and the Oklahoma Independent Petroleum Association supporting the state. A decision is expected in June, so stay tuned.

Conclusion

Prior to my day in Okmulgee, I embarrassingly knew very little about law in the Native American context, which I guess I can partially blame on attending law school in Chicago. It was truly enlightening to learn about the Muscogee (Creek)’s legal heritage and to see the tribe’s judicial branch up close. Both allowed me to gain an understanding of how the tribe’s past and present are so inextricably linked vis à vis the Carpenter v. Murphy case. Many thanks to the docents at the Council House who so graciously shared their knowledge. And at the “Mound Building,” staff members were equally as kind, opening up the courtroom and showing us the Supreme Court’s office so we could see the exquisite jabots that the justices wear in court. Be on the lookout for a journal-length article exploring more about the legal history of the Muscogee (Creek) Nation and how my own ancestors played a small part in it. As an FCIL librarian, I am adding Native American law to my repertoire.

5 State courts, however, do not always defer to the ICWA. See Elizabeth MacLachlan, Tensions Underlying the Indian Child Welfare Act: Tribal Jurisdiction over Traditional State Court Family Matters, 2018 BYU L. REV. 455, 457.
7 Murphy v. Royal, 875 F.3d 896 (10th Cir. 2017).
8 Brief for Respondent at 1–2, Carpenter v. Murphy, No. 17-1107 (Sept. 19, 2018).
9 Brief for Petitioner at 4, 38–39, Carpenter v. Murphy, No. 17-1107 (July 23, 2018).
10 For more on the Muscogee (Creek)’s position, see the transcript of Principal Chief James Floyd’s interview with Steve Inskeep on NPR’s “Morning Edition” (November 28, 2018).
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Continuing Chairs
To learn more about all of the great work our Committees and IGs are currently doing, please join us for the FCIL-SIS Business Meeting and Luncheon – Sunday July 14th 12:45 – 2:15 PM. Location: WCC Room 102 A.

Our continuing Chairs are:
- Yemisi Dina, African Law Interest Group, Chair (2018-20)
- Anne Mostad-Jensen, Asian Law Interest Group, Chair (2018-20)
- Kevin Rothenberg, Customary and Religious Law Interest Group, Chair (2018-20)
- Dennis Sears, Education Committee Co-Chair
- Mark Engsberg, FCIL Schaffer Grant for Foreign Law Librarians – Selection Committee, Chair (2018-20)
- Sherry Leysen, FCIL Schaffer Grant for Foreign Law Librarians – Fundraising Committee, Chair (2018-20)
- Marci Hoffman, Foreign Selectors Interest Group, Chair (2018-20)
- Joan Policastri and Jolande Goldberg, Indigenous Peoples Law Interest Group, Co-Chairs (2019-20)
- Hunter Whaley, International Visits Committee, Chair (2018-20)
- Gabriela Femenia, Nominating Committee, Chair (2019-21)
- Melissa Abernathy, Newsletter, Editor (2019-21)
- Alyson Drake, Publicity Committee, Co-Chair (2018-20)
- Marylin Raisch, Roman Law Interest Group, Chair (2018-20)
- Paul Moorman, Strategic Planning Committee, Chair (2018-2021)
- Lucie Olejnikova, Website Committee, Chair (2018-20)

FCIL-SIS Executive Committee
Please join me in congratulating Susan Gualtier, Biddle Law Library, University of Pennsylvania Law School on being elected as the incoming ViceChair/Chair-Elect and Jennifer Allison, Harvard Law School Library, who will be the Secretary/Treasurer. I’m sure they would love to hear from you about your ideas for the FCIL-SIS.

Chair Needed
If you are eager to take on a leadership role in the FCIL-SIS, this is your engraved invitation. This year, we have only one Chair position still available for 2019-2021, the Latin American Law Interest Group, currently chaired by Yasmin Morais. Please contact Yasmin to find out more about the duties of this position.

If you have a background in Latin American legal materials, please apply to be the next Chair of the Latin American IG. Just send your cv/resume and a couple of paragraphs on what your goals are for the IG to any member of the Executive Committee, Catherine Deane, Loren Turner, Sabrina Sondhi, Alex Zhang. We look forward to hearing from you.

Active Members Needed
The IGs and Committees are always looking for more active members. Currently the groups that are especially looking for active members (particularly those who might be interested in Chairing the groups at a later date) are the Asian Law Interest Group, Chaired by Anne Mostad-Jensen, and the Indigenous Peoples Law Interest Group, Chaired by Joan Policastri and Jolande Goldberg.

AALL 2019

FCIL-SIS Related Programming
If you have signed up to get messages from the FCIL-SIS on MyCommunities then you have probably already heard me proudlyouting our FCIL programs and meetings at the 2019 AALL Annual Meeting in Washington, DC. Nevertheless, I will once again remind you about our fabulous scheduled offerings.

2019 Pre-Conference Workshops
FCIL Bootcamp: Basic Training is on Saturday, July 13th, 8:45 AM - 12:00 PM. Location: Georgetown University Law Center.

The speakers are:
- Charles Bjork, International and Foreign Law Reference Librarian, Georgetown Law Center
- Mabel Shaw, Head of the International and Foreign Law Department, Georgetown Law Center
- Heather Casey, International and Foreign Law Reference Librarian, Georgetown Law Center

If you are new to FCIL research, or if you only do FCIL research occasionally and you want a refresher, you should sign up for this workshop and bring your laptop. You will:
- learn to identify the best databases and current awareness tools for researching public international law, foreign law, and EU law.
- learn to utilize and familiarize yourself with these databases and current awareness tools through hands-on, active learning modules.
- receive supplemental teaching and training materials for use and practice beyond the workshop.

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Submissions For Next Issue

FCIL Newsletter is looking for submissions for our next issue.

ARTICLES
Conference reports, library visits, exhibit descriptions, resource reviews, member news, etc. Open call for authors.

SUBMISSION DEADLINE
October 1, 2019

QUESTIONS?
Contact Melissa Abernathy.

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There is a separate registration fee: $60.00 for AALL members, $90.00 for non-members, which includes the program and a continental breakfast. Advance registration by June 14th is required but don’t delay because attendance is limited!

FCIL Bootcamp: Advanced Training is also on Saturday, July 13th but it is in the afternoon, 1:30 - 5:00 PM, so if you want to, you can do both and have a full day of training. The location is the same as the morning session, Georgetown University Law Center.

The speakers are:
- Heidi Kuehl, Director of the Law Library and Associate Professor of Law, NIU College of Law
- Professor Jennifer Hillman, Georgetown Law Center
- Professor Lilian Faulhaber, Georgetown Law Center

Both sessions are coordinated by Mabel Shaw and Charles Bjork.

If you want to learn more about substantive international economic law or if you want to refine your international economic law research skills, this is the workshop for you. You’ll want to bring your laptop or tablet.

After taking this workshop, you will be able to:
- identify key challenges to the multilateral trading system administered by the WTO and assess whether bilateral trade agreements and regional trade blocs can provide a viable alternative.
- explain why the rise of the digital economy has disrupted the international tax system, and briefly summarize the different approaches taken by the U.S. and the EU to combat profit-shifting and tax base erosion.
- explain the interplay between international norms and national legislation in combating official corruption, and identify which jurisdictions and which approaches have been the most successful at doing so.

There is a separate registration fee of $60.00 for AALL members, $90.00 for non-members, which includes the program and afternoon refreshments. Advance registration by June 14th is required, but attendance is limited, so sign up today to secure your spot.

FCIL Sessions

GDPR: What Your Library Needs to Know, by our former FCIL-SIS Chair, Alison Shea, in collaboration with members of the PLLIP-SIS, 11:30 AM – 12:30 PM Sunday, July 14th. Location: WCC Room 147 AB.

Hear from a law firm partner on the legal requirements of data protection, and learn how to ensure compliance with these requirements.

The Age of AI: Emerging Regulatory Landscape Around the World, by FCIL-SIS member, Jenny Gesley and other librarians from the Law Library of Congress, 11:00 AM – 12:00 PM Monday, July 15th. Location: WCC Room 146 A.

This is an FCIL-SIS sponsored program. Learn about the substantive law of AI around the world, understand the ethical and policy challenges, and learn about the research methodology of the LoC.

Locating Latin American Legal Sources, by the Vice Chair of the Latino Caucus, Marcelo Rodriguez, in collaboration with FCIL-SIS members, Marisol Florén-Romero and Sarah Jaramillo, 3:00 – 4:00 PM Monday, July 15th. Location: WCC Room 145 AB.

Come to this session to learn how to access and use the materials in the library collections of the World Bank, the Law Library of Congress and Georgetown University.

Session Containing Some FCIL Content

Let’s Get Experiential! Creating Strategic Partnerships to Develop Experiential Simulation Courses, by our FCIL-SIS Publicity Committee Co-Chair, Alyson Drake. 11:00 AM – 12:00 PM Monday, July 15th. Location: WCC Room 150AB.

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Non-FCIL Session by an FCIL Librarian

How Law Librarians Negotiate Salary, moderated and coordinated by our former FCIL-SIS Chair, Alison Shea 2:30 – 3:30 PM Sunday, July 14th. Location: WCC Room 150AB.

FCIL Meetings

Please prioritize attending the FCIL-SIS Business meeting and luncheon and the FCIL-SIS meetings that are relevant to your work and your interests.


It’s always a treat to hear the presentations of our Schaffer Grant winners. This year’s winner is Mariya Badeva-Bright and her presentation is entitled, "Controlled Crowdsourcing of African Law - Searching for New Solutions to Old Problems".

After the Schaffer Grant Presentation, please walk over with your fellow FCIL-SIS members to the International Attendees Joint Reception (AALL/FCIL/IALL), 6:30-7:30 PM Monday, July 15th. Location: Marriott Georgetown.

Other FCIL Meetings in Chronological Order

Sunday, July 14th

Jurisdictions Interest Group Joint Meeting - Sunday July 14th 7:30 – 8:45 AM. Led by Yemisi Dina, Chair of the African Law Interest Group.

Attend this meeting to learn about the recent and ongoing projects of the Roman Law and Customary and Religious Law Interest Groups and the African, Asian, European, Latin American, Indigenous Peoples Law Interest Groups. There will also be a presentation by Yuksel Serindag, Metadata Librarian, Rare and Special Collections, Lillian Goldman Law Library, Yale Law School, about the Global Online Access to Legal Information (GOALI). GOALI is an initiative to provide free or low-cost Web access to legal information and training in developing countries.

FCIL-SIS Business Meeting and Luncheon – Sunday July 14th 12:45 – 2:15 PM. Location: WCC Room 102 A. Attendees will receive a boxed lunch of dubious deliciousness.

During this meeting you will learn about the projects and activities of the FCIL-SIS and all of the IGs and Committees for the 2018-2019 year and you will witness the presentation of the awards. The newest FCIL Librarian in attendance at the meeting will receive a small gift. If you have missed this meeting in past years because it was too early in the morning, now is your chance to come to this lunchtime meeting.

Foreign Law Selectors Meeting - Sunday July 14th 5:15 - 6:15 PM. Location: WCC Room 143 A. Led by Marci Hoffman, Chair, Foreign Law Selectors Interest Group. Come to this meeting to connect with other foreign law selectors, learn about new stuff, and get updates on important resources. During this meeting you will learn about what’s happening in some major foreign law collections around the country (Harvard, Yale, LoC). You will also hear about important projects such as The Northeast Foreign Law Library Cooperative Group (NEFLLCG), The Law Library Microform Consortium (LLMC), Foreign Law Guide & Index to Foreign Legal Periodicals (IFLP), Standing Committees Joint Meeting - Sunday July 14th 6:15 - 6:45 PM. Location: Marriott Silver Linden. Led by Catherine Deane, Chair, FCIL-SIS. At this open meeting, the members of the Executive Committee, International Visits Committee & Publicity Committee will discuss plans for the FCIL-SIS for 2019-2020. Please attend this meeting if you have ideas to share, or if you want to help out in some way and you haven’t yet figured out what that way might be.

Monday July 15th

Electronic Research Interest Group Meeting – Monday July 15th 7:00 – 8:00 AM. Location: Marriott Howard. Led by Sherry Xin Chen, Chair, Electronic Research Interest Group.

Attend this meeting to welcome the new ERIG Chair and get involved with the work of the IG such as:

1. The Resource Review project: Over the past year, ERIG members have published four new reviews about the UN iLibrary, the Constitution Project, Encyclopedia of Private International Law and Eur-lex in the FCIL Newsletter. Attendees will decide whether or not to continue and expand this project.

2. Revamping the FCIL Jumpstart page and updating the FCIL Specialist Contact List. How to start? Best approach?

FCIL-SIS Teaching Foreign and International Legal Research Interest Group Meeting – Monday July 15th 1:30 - 2:45 PM. Location: Marriott Magnolia. Led by Beau Steenken, Chair, Teaching Foreign & International Legal

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Research Interest Group. Attend this meeting to discuss assessment in FCIL instruction.

FCIL-SIS Education Committee Meeting – Tuesday July 16th 7:15 AM - 8:15 AM. Location: WCC Room 143 A. Led by the Education Committee Co-Chairs, Dennis Sears and Incoming Vice Chair, Susan Gualtier. At this open meeting, we will discuss educational ideas for 2019-2020 and programming ideas for the AALL 2020 Annual Meeting, New Orleans, LA.

Thank you to all of our Committee and IG Chairs. You will hear reports on their activities when you come to the FCIL-SIS Business Meeting and Luncheon – Sunday July 14th 12:45 – 2:15 PM. Location: WCC Room 102 A.

FCIL-SIS Continuing Education Committee
The FCIL-SIS Continuing Education Committee is sponsoring a webinar on “Working with Non-English Materials for the English Speaker” on June 6, 11 am - 12 pm US/Central Time. This will feature Erin Gow (Online Services Librarian, University of Louisville Law Library), Yemisi Dina (Acting Chief Law Librarian, Osgoode Hall Law School, York University), and Alex Zhang (Assistant Dean for Legal Information Services and Professor of Practice, Washington and Lee School of Law).

A second webinar on working with foreign LLMs is also being planned. The committee has partnered with LLAGNY to sponsor an in-person talk in NYC on UN legal research by Susan Goard (Law Librarian and Training Coordinator, United Nations) at Fordham Law School on June 27th, 2019 from 6:30 to 7:30 pm. Details and registration information for these events coming soon. If you have any ideas for additional FCIL-SIS continuing education events, please reach out to FCIL-SIS Continuing Education Committee Chair Caitlin Hunter.

FINAL THANKS
Thanks again everyone for a great year. As always please feel free to reach out to the EC if you have any ideas for the FCIL-SIS. See you in Washington, DC.

Continuing Education Committee-June Events

Caitlin Hunter

The FCIL-SIS Continuing Education Committee is excited to announce our first two events!

On June 6, 11 am-12 pm US/Central, please join us for a webinar on Working with Non-English Materials for the English Speaker. As the world becomes increasingly interconnected, most of us will inevitably need to research laws from non-English speaking countries, whether we are helping a firm close an international business deal or a professor perform comparative research. In this webinar, a panel of experienced foreign, comparative, and international law librarians who have worked in Europe, Africa, Asia, Canada, and the Caribbean will provide practical guidance on finding English translations of non-English laws, gathering enough understanding about a non-English document to identify whether it is relevant to your research, and finding help if you’re truly stuck. Participants will come away with a bibliography of reliable translation materials and the ability to select the dictionaries, translation services, and finding aids suited to a specific task, whether the goal is to catalog a document, provide document retrieval, or answer a complex research question. The webinar will feature Erin Gow (Online Services Librarian, University of Louisville Law Library), Yemisi Dina (Acting Chief Law Librarian, Osgoode Hall Law School, York University), and Alex Zhang (Assistant Dean for Legal Information Services and Professor of Practice, Washington and Lee School of Law). Register now at https://www.aallnet.org/forms/meeting/MeetingFormPublic/view?id=14E74000002E94000.

If you’re in the New York area on June 27th, we also welcome you to join us from 6:30-7:30 pm at Fordham Law School Room 2-01A for a free lecture on What’s New with UN Resources. Come join FCIL-SIS and LLAGNY to learn about new developments at the UN Library from Susan Goard, Law Librarian and Training Coordinator at the UN’s Dag Hammarskjold Library. Attendees will learn how to locate the different types of documents produced by the main UN organs using the UN Digital Library and other tools, websites, and publications. Attendees will get updates

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Edward T. Hart

The Secret Barrister provides an introduction to the criminal justice system of England, and a tour de force exposing the grimy underbelly of a system that is losing whatever humanity it may reflect of the thousands of individuals who toil to keep it moving. The anonymous author of the book is described by the Financial Times as an individual between 30 and 40. “Comprehensive school, law degree — not Oxbridge — followed by Bar school and nearly a decade as ‘a jobbing criminal hack’.” The author remains unnamed, arguing that maintaining his secret identity protects him and allows him to provide unrestrained criticism of the system that provides his daily living. His firsthand accounts are of his experiences both prosecuting and defending alleged criminals in the English justice system. Just one of the differences, he notes, from the American system: where American have career prosecutors, the English barrister system, as Rumpole of Bailey described, is one where barristers are like taxis obligated to take on whatever cases are in their queue.

The author also writes a blog under the same pen name, The Secret Barrister, which for nearly four years has been his platform for sharing his experiences with his current cases, and providing insights on current cases making headlines in the popular press. He often pops the bubble of news coverage colored by news companies catering to the political extremes.

The Secret Barrister argues that the English criminal justice system is too much the subject of political whims or necessity that has eroded the system’s foundations for years if not decades. The English nation lacks a true understanding of their criminal justice system, and what they may think they know is often colored by their viewing of American television. One example is the appointment of magistrates, judges who hear cases of misdemeanor crimes. Magistrates are not required to have any legal qualification. They are often appointed based on their charity work and record of community service. Besides passing an interview, the required training for the position is only eighteen hours. So it is not much of a stretch to say magistrates barely have more knowledge of the system than the defendants that appear before them.

England, much like the United States, has not devoted the necessary resources to maintain their justice system. One figure mentioned: in England and Wales 258 courts have been closed since 2010, often increasing the burden on all parties to travel to their nearest judicial center, whether they are the victim, defendant, witness, or barrister. Considering the austerity measures of recent governments, the Guardian newspaper in their review of the book noted that the justice system has suffered the deepest cuts of any department. Once, English citizens could count on being reimbursed upon acquittal for their costs to defend themselves in a criminal charge. Now reimbursements are means-tested.

While not a real case, the Secret Barrister spins a believable tale of a young doctor falsely accused of assault during a brawl in a pub, having been mistaken for the true attacker because they both wore distinctive red shirts. The defendant could spend years clearing his name, more likely than not suspended from work during this time, and hundreds of thousands of pounds to hire competent solicitors and barristers to represent him. Since he once earned a decent living, he would most likely not be reimbursed for these costs when cleared of the charges. He would now be burdened by this huge debt and a tarnished career that might not ever fully recover.

Secret Barrister is a powerful read filled with lessons that provides dire warning for the English, but it also provides lessons for other nations who allow their principles of democracy and justice to be undermined.

For the American reader, the book provides a guide to the modern English justice system and criminal procedure. The book is as in-depth as a procedural textbook, but maintains the human connection which, while sometimes discomforting, makes it a compelling read.

**Book Review: The Secret Barrister: Stories of the Law and How It’s Broken**

Edward T. Hart provides an introduction to the criminal justice system of England, and a tour de force exposing the grimy underbelly of a system that is losing whatever humanity it may reflect of the thousands of individuals who toil to keep it moving. The anonymous author of the book is described by the Financial Times as an individual between 30 and 40. “Comprehensive school, law degree — not Oxbridge — followed by Bar school and nearly a decade as ‘a jobbing criminal hack’.” The author remains unnamed, arguing that maintaining his secret identity protects him and allows him to provide unrestrained criticism of the system that provides his daily living. His firsthand accounts are of his experiences both prosecuting and defending alleged criminals in the English justice system. Just one of the differences, he notes, from the American system: where American have career prosecutors, the English barrister system, as Rumpole of Bailey described, is one where barristers are like taxis obligated to take on whatever cases are in their queue.

The author also writes a blog under the same pen name, The Secret Barrister, which for nearly four years has been his platform for sharing his experiences with his current cases, and providing insights on current cases making headlines in the popular press. He often pops the bubble of news coverage colored by news companies catering to the political extremes.

The Secret Barrister argues that the English criminal justice system is too much the subject of political whims or necessity that has eroded the system’s foundations for years if not decades. The English nation lacks a true understanding of their criminal justice system, and what they may think they know is often colored by their viewing of American television. One example is the appointment of magistrates, judges who hear cases of misdemeanor crimes. Magistrates are not required to have any legal qualification. They are often appointed based on their charity work and record of community service. Besides passing an interview, the required training for the position is only eighteen hours. So it is not much of a stretch to say magistrates barely have more knowledge of the system than the defendants that appear before them.

England, much like the United States, has not devoted the necessary resources to maintain their justice system. One figure mentioned: in England and Wales 258 courts have been closed since 2010, often increasing the burden on all parties to travel to their nearest judicial center, whether they are the victim, defendant, witness, or barrister. Considering the austerity measures of recent governments, the Guardian newspaper in their review of the book noted that the justice system has suffered the deepest cuts of any department. Once, English citizens could count on being reimbursed upon acquittal for their costs to defend themselves in a criminal charge. Now reimbursements are means-tested.

While not a real case, the Secret Barrister spins a believable tale of a young doctor falsely accused of assault during a brawl in a pub, having been mistaken for the true attacker because they both wore distinctive red shirts. The defendant could spend years clearing his name, more likely than not suspended from work during this time, and hundreds of thousands of pounds to hire competent solicitors and barristers to represent him. Since he once earned a decent living, he would most likely not be reimbursed for these costs when cleared of the charges. He would now be burdened by this huge debt and a tarnished career that might not ever fully recover.

Secret Barrister is a powerful read filled with lessons that provides dire warning for the English, but it also provides lessons for other nations who allow their principles of democracy and justice to be undermined.

For the American reader, the book provides a guide to the modern English justice system and criminal procedure. The book is as in-depth as a procedural textbook, but maintains the human connection which, while sometimes discomforting, makes it a compelling read.

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Our FCIL-SIS Members Rock in a Scholarly World!

Jootaek Lee

Heidi Kuehl’s new article, “The ‘Fight Song’ of International Anti-Bribery Norms and Enforcement: The OECD Convention Implementation’s Recent Triumphs and Tragedies” was recently published in University of Pennsylvania Journal of International Law. This article identifies the drastic differences in implementation and enforcement of the OECD Anti-Bribery Convention norms. Since its adoption and entry into force in 1999, the international community and parties to the Convention still struggle with combatting foreign bribery. The United States is a leader in implementation through the Foreign Corrupt Practices Act, but other nations do not have similar domestic statutes and rigor in enforcement or adequate administrative structures for mutual legal assistance or penalties. This Article provides an introduction to the United States and International efforts to curb acts of bribery, provides an overview of the norms and mechanisms for enforcement under the OECD Anti-Bribery Convention, and then analyzes the actual progress of selected G20 nations by examining the most recent Phase 3 peer-review reports and any follow-up recommendations. This data indicates that there are countries with high enforcement, moderate enforcement, and little or no enforcement. To better discourage foreign bribery in the future, countries should provide more uniform and longer domestic statute of limitations, clear implementing legislation like the FCPA in the United States, national procedures for investigating bribery and coordinating administrative bodies, whistleblower protection, and more severe national penalties and confiscation of bribery funds. This will capture the spirit of the Convention and pave the way for more uniformity in deterring foreign bribery.

Jootaek Lee’s other article, International Criminal Law: Unresolved Issues from the Past in the Korean Peninsula was also published in SSRN after being accepted by the Journal of Transnational Law & Policy. The difficulty of defining what international crime is leads to the difficulty of research on international criminal law issues surrounding Korea. Fortunately, Korea is currently linked to many international and regional criminal legal systems, which helps to analyze the issues in multi-tier levels — multilateral, bilateral and domestic. This article analyzes legal issues surrounding various events where Korea was exposed to international crime and how the results of the crime had been handled. Second, the current Korean status and contribution to international criminal law are investigated. Finally, the article concludes with recommendations on how to approach unresolved international criminal issues surrounding the Korean peninsula.

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on new research guides and tools from the UN Library, including the transition from UNBISnet to the UN Digital Library. Register now here.

The Committee welcomes both volunteers and ideas for future events! If you have any ideas for future FCIL-SIS Continuing Education events or if you’d like to volunteer to join the committee or teach a continuing education event, please reach out to the FCIL-SIS Continuing Education Committee chair, Caitlin Hunter, at hunter@law.ucla.edu or complete a short survey at https://forms.gle/2VqR5Zm8T6VWxJCq6.
FCIL-SIS Member Recent Publications Roundup

Our SIS is fortunate to include in its ranks exceptionally talented and enthusiastic writers. With this feature, we are happy to spread the word of their recent publications.

SPECTRUM


JOURNAL ARTICLES

Law Library Journal


Legal Reference Services Quarterly


International Journal of Legal Information


University of Pennsylvania Journal of International Law


Book Reviews

International Journal of Legal Information


Law Library Journal


BLOG POSTS

RIPS Law Librarian Blog

- Brandon Wright Adler, A Day at the Louisiana Library Association Annual Conference.
- Brandon Wright Adler, Perceptions of Librarians and Library Value Inhibit Impact.

SLAW Blog

- Lyonette Louis-Jacques, Ask an International Law Librarian
- Lyonette Louis-Jacques, TORY the Robot and Other Highlights From the IALL Conference in Luxembourg

Diplomawtic Dialogues

- Charles Bjork, The Luxembourg Space Resources Act and International Law
- Anne Burnett and Marisol Floren, Report for IFLA 2018, Kuala Lumpur, Malaysia
- Meredith Capps, ASII, 2019 Recap: The Law (and Politics) of Displacement
- Meredith Capps, GDPR and Data Privacy at the ABA TECHSHOW
- Meredith Capps, Teaching FCIL Research Series: A New FCIL Librarian’s Very First FCIL Research Course
- Meredith Capps, IALL 2018 Recap: Privacy in European Cross-Border Settings
- Amy Flick, From the Reference Desk: Public Participation in Constitution Drafting
- Amy Flick, From the Reference Desk: Is There An Annotated European Union Code?
- Amy Flick, From the Reference Desk: FIRRMA and CFIUS
- Erin Gow, Working with FCIL Collections in British Law Libraries
- Julienne E. Grant, Law Librarians Convene in Luxembourg: IALL Plus One
- Susan Gaultier, Book Review: Charting the Legal Systems of the Western Pacific Islands, by Victoria J. Szymczak
- Caitlin Hunter, ASIL 2019 Recap: Regional Human Rights Bodies as Instruments of International Law: Contradiction and Fragmentation
- Caitlin Hunter, ASIL 2019 Recap: Fragmentation in International Data Protection Law
- Caitlin Hunter, IALL 2018 Recap: What is the European Union, a Union of Citizens and States, a New Constitutional Topos?
- David Ison, IALL 2018 Recap: Introduction to the Legal System of Luxembourg and Its History
- Lora Johns, FCIL-Related Resolutions
- Lora Johns, Why Do Some Nations Still Refuse to Recognize Rape as a War Crime?
- Evelyn Ma, Overview of the China International Commercial Courts
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- Lucie Olejnikova, GlobaLex March 2019 Issue Is Live
- Lucie Olejnikova, GlobaLex February 2019 Issue is Live
- Lucie Olejnikova, Globalex January 2019 Issue is Live
- Lucie Olejnikova, November/December GlobaLex Issue Now Live
- Lucie Olejnikova, October GlobaLex Issue Now Live
- Michelle Penn & Janet Kearney, Teaching FCIL as a Non-FCIL Librarian: Go-To Resources
- Michelle Penn & Janet Kearney, Go-To Resources for the Non-FCIL Librarian
- Jessica Pierucci, Book Review: Reexamining Customary Law
- Jessica Pierucci, Book Review – Humanizing the Laws of War: The Red Cross and the Development of International Humanitarian Law
- Joan Policastri, IALL 2018 Recap: Special Features of Luxembourg Law, such as its Sources
- Joan Policastri, IALL 2018 Recap: Traditional Cultural Expressions and International Intellectual Property Law
- Alison Shea, Locating UK and EU Guidance on Brexit
- Marylin Raisch, ASIL 2019 Recap: Late Breaking Panel: BREXIT and International Law
- Sarah Reis, New FCIL Librarian Series: Spring Cleaning: Weeding the International Reference Print Collection
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Government Law Libraries SIS Newsletter
- Malinda Muller, Book Review

Technical Services SIS Newsletter – Technical Service Law Librarian
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