

Spring May, 2013

# Training in FCIL Librarianship for Tomorrow's World

Neel Kant Agrawal

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*Foreign, comparative, and international law (FCIL) librarianship has grown in importance along with the increased emphasis on global legal research. As the field moves forward, it is important to develop core competencies in FCIL librarianship. These core competencies will provide a common knowledge base among librarians throughout the world. New developments in technology, culture, and legal research necessitate a fresh look at the skills required to be successful in FCIL librarianship. This will then permit a wide range of information professionals to acquire an expertise in FCIL librarianship, through a certification process based on the attainment of these core competencies.*

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\* © Neel Kant Agrawal, 2013. This is a revised version of the winning entry in the student division of the 2012 AALL/LexisNexis Call for Papers competition.

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## Introduction: The New FCIL Librarianship

¶1 The prominence of foreign, comparative, and international law (FCIL) in today's global legal landscape is uncontroverted. As legal education and practice become more and more globalized, librarians are required to make sense of this vast and intricate body of law. Over the past sixty years, there has been a growing community of information specialists around the globe and in various roles, helping others to better access, understand, and use the laws of the world.

¶2 FCIL librarianship can be broadly defined as encompassing the roles of librarians in a variety of settings who are "committed to the service of providing research assistance and resources to those who are interested in foreign, international, comparative, and transnational laws."<sup>1</sup> FCIL librarians generally provide services in the areas of reference, teaching, collection development, and cataloging,<sup>2</sup> but library staff at all levels and in every position interact with FCIL information.

¶3 Although this article focuses on those who engage, to varying degrees, with FCIL librarianship in academic settings, there are multiple types of FCIL librarians, working in law firms and multinational corporations,<sup>3</sup> legal nonprofits and foundations,<sup>4</sup> international organizations and institutes,<sup>5</sup> public and county law libraries,<sup>6</sup> and government bodies such as the Law Library of Congress.<sup>7</sup> Many types of librarians form the core of this perpetually expanding field.

¶4 The increasingly global focus of legal education carries significant implications for students, faculty, staff, and the curriculum.<sup>8</sup> For example, law students can

1. Dan Wade, *Wisdom from Mount Nebo (Hiei): Advice to a Young Person Aspiring to Become a Foreign and International Law Librarian*, 25 LEGAL REFERENCE SERVICES Q., nos. 2/3, 2006, at 51, 54.

2. Mary Rumsey, *Foreign, Comparative, and International Law Librarianship*, in LAW LIBRARIANSHIP IN THE TWENTY-FIRST CENTURY 129, 131–37 (Roy Balleste et al. eds., 2007); Amy Burchfield, *Experience the World as an FCIL Librarian*, LIS CAREER (June 2006), [http://www.liscareer.com/burchfield\\_fcil.htm](http://www.liscareer.com/burchfield_fcil.htm).

3. See generally Tanya du Plessis, *Global Legal Practice and Information Management*, in THE IALL INTERNATIONAL HANDBOOK OF LEGAL INFORMATION MANAGEMENT 77 (Richard A. Danner & Jules Winterton eds., 2011) [hereinafter IALL HANDBOOK].

4. For example, during an internship, I worked closely with the librarian at Open Society Justice Initiative, a branch of Open Society Foundations focusing on international human rights. Unfortunately, there is a dearth of research on this area of law librarianship.

5. E.g., *Library Staff*, MAX PLANCK INST. FOR COMP. PUBLIC LAW & INT'L LAW, <http://www.mpil.de/ww/en/pub/library/about/staff.cfm> (last updated Nov. 7, 2012); *Reference Team*, UN DAG HAMMARSKJÖLD LIBRARY, <http://www.un.org/depts/dhl/contact.html> (last visited Jan. 24, 2013).

6. For example, my current position is Foreign, Comparative, and International Law Librarian at the Los Angeles County Law Library.

7. Foreign law specialists at the Law Library of Congress prepare reports for the legislative, executive, and judiciary branches; provide reference assistance to the public; and have selection responsibilities for the collection like other law librarians. Unlike most FCIL librarians, they also conduct analysis of the law. Examples include reports on Israeli reproductive rights and the Mexican right to bear arms. Foreign law specialists are trained as attorneys in their own countries, which contributes to their specialized knowledge of those legal systems. Telephone Interview with David S. Mao, Law Librarian of Congress (Oct. 25, 2011). See also Andrew Weber, *An Interview with Sayuri Umeda, Foreign Law Specialist*, in CUSTODIA LEGIS (Feb. 23, 2011), <http://blogs.loc.gov/law/2011/02/an-interview-with-sayuri-umeda-foreign-law-specialist>.

8. See David S. Clark, *Transnational Legal Practice: The Need for Global Law Schools*, 46 AM. J. COMP. L. SUPP. 261 (1998).

typically study abroad in all corners of the world, enroll in an array of FCIL courses, work in international clinics, participate in international moot court programs, and staff FCIL journals.<sup>9</sup> Law schools are simultaneously creating these global opportunities to prepare students for a more internationalized world and responding to the pedagogical necessities posed by a worldwide legal discourse. The globalization of legal education and practice impacts law librarians,<sup>10</sup> as libraries are increasingly concerned with providing access to FCIL resources.<sup>11</sup>

¶5 The ways that librarians bring together disparate subject matter and geographically diverse legal resources are a testament to their vision, perseverance, and collaboration.<sup>12</sup> Efforts to help make FCIL materials more accessible to users have largely been piecemeal. A mosaic of partnerships among law librarians and other information professionals enhances access to materials in this expansive and multi-dimensional FCIL research environment. Collaborative initiatives such as digitizing, preserving, and improving access to bodies of foreign law,<sup>13</sup> creating databases of legal information,<sup>14</sup> discussing and sharing materials on discussion lists,<sup>15</sup> forming

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9. Another example of the current emphasis on international law studies is the proliferation of international law reviews. "In 1976 U.S. law schools sponsored only fifteen law reviews with a foreign, comparative, or international law focus; the number increased to sixty-four law reviews in 1996 and seventy-three in 2001—a greater than 450 percent increase during [a] twenty-five-year period . . . ." Carole Silver, *Adventures in Comparative Legal Studies: Studying Singapore*, 51 J. LEGAL EDUC. 75, 78 (2001) (footnotes omitted).

10. See generally Michael Crommelin & Carole Hinchcliff, *Global Legal Education and Its Implications for Legal Information Management*, in IALL HANDBOOK, *supra* note 3, at 65.

11. Locating foreign law presents problems for many researchers: "The day comes when one must search for bankruptcy laws in Greece or banking laws of the Cayman Islands or initiate an interlibrary loan request for the Bolivian civil code. [A]t this point, one begins to appreciate the difficulty of foreign legal research and, at the same time, there dawns an apprehension of the enormous, diverse and casually controlled range of foreign legal materials." Thomas H. Reynolds & Arturo A. Flores, *Introduction*, FOREIGN LAW GUIDE, <http://www.foreignlawguide.com/ip/flg/Introduction.htm> (last visited Jan. 30, 2013) (subscription required for access).

12. See Daniel L. Wade, *The Education, Training and Experience of Foreign and International Law Librarians Now Working in United States Law Libraries*, at 12 n.16, reprinted in TRAINING THE FUTURE GENERATION OF INTERNATIONAL AND FOREIGN LAW LIBRARIANS (Judith Wright ed., 1992) [hereinafter TRAINING THE FUTURE GENERATION], for a discussion on the increase in the number of libraries with FCIL materials.

13. For examples of such initiatives, see FOREIGN LAW GUIDE, *supra* note 11; *Human Rights Library*, UNIV. OF MINN., <http://www1.umn.edu/humanrts> (last visited Jan. 31, 2013); *WORLDLII*, <http://www.worldlii.org/countries.html> (last visited Jan. 31, 2013). See also Claire M. Germain, *Digitizing the World's Laws*, in IALL HANDBOOK, *supra* note 3, at 181 (evaluating the current state of online access to foreign law and discussing digital law issues such as authentication and preservation for long-term access); Andrew Grossman, *Towards Cooperation in Access to Foreign Primary Law*, 30 INT'L J. LEGAL INFO. 1 (2002).

14. See, e.g., EISIL: ELECTRONIC INFORMATION SYSTEM FOR INTERNATIONAL LAW, <http://www.eisil.org> (last visited Jan. 31, 2013) [hereinafter EISIL]; *Project Diana*, YALE LAW SCHOOL LILLIAN GOLDMAN LAW LIBRARY, [http://avalon.law.yale.edu/subject\\_menus/diana.asp](http://avalon.law.yale.edu/subject_menus/diana.asp) (last visited Jan. 31, 2013) (collecting human rights cases); vLEX, <http://vlex.com> (last visited Jan. 31, 2013) (subscription required for full access). See also generally Germain, *supra* note 13.

15. Some examples of FCIL-related discussion groups are the INT-LAW Electronic Discussion Group, FCIL-SIS Electronic Discussion Forum, IALL Member Listserv, CARALL-Talk, and LAW-L.

library consortia,<sup>16</sup> surveying FCIL collections,<sup>17</sup> authoring research guides,<sup>18</sup> and establishing professional organizations<sup>19</sup> have resulted in more equitable access to FCIL information.

¶6 The motivation for this article was to determine how to develop training programs that can help current and future law librarians become better equipped for the growing challenges of FCIL research. For some academic librarians, FCIL is central to their jobs, while many others will encounter the field more tangentially. In either instance, it is essential that all law librarians be able to address the changing needs of FCIL information users. Some of the queries posed in the research agenda of the International Association of Law Libraries (IALL) provide an excellent starting point for understanding the training needs for FCIL librarianship:

What opportunities are available worldwide for the education and training of law librarians? A status report on the nature and availability of formal and informal courses and other training for law librarianship on an international basis is required. Are there specialised courses or law librarianship options within established library school programmes? Is there a specialist certification process? What qualifications are required for the practice of law librarianship?<sup>20</sup>

A country-by-country study of educational programs for law librarians is beyond the purview of this article. Rather, this discussion aims both to get a bird's-eye view and to make a detailed examination of the current state of the field, and it offers recommendations for training programs that will better prepare professionals for the FCIL research of tomorrow's world.

¶7 The article begins by examining the emergence of professional organizations that have shaped FCIL librarianship and continue to promote its forward progress. The meetings, scholarship, and training institutes conducted over the past thirty years form the backbone of the education of those law librarians particularly interested in FCIL. Training in the field is sponsored and organized by various professional organizations.

¶8 The next section of the article is devoted to survey results that illuminate the perceptions of FCIL librarianship held by law librarians.<sup>21</sup> The survey elicited

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16. For example, there is a Northeast Foreign Law Librarians Cooperative Group (NEFLLCG), with librarians from Columbia, Cornell, Fordham, Georgetown, Harvard, NYU, Penn, and Yale. See also FLARE: FOREIGN LAW RESEARCH, <http://ials.sas.ac.uk/flare/flare.htm> (last updated Feb. 12, 2013) (collaborative foreign law project among major British law libraries).

17. See, e.g., DIRECTORY OF FOREIGN LAW COLLECTIONS IN SELECTED LAW LIBRARIES (Ellen G. Schaffer & Thomas R. Bruce eds., 1991); Igor I. Kavass, *Foreign and International Law Collections in Selected Law Libraries of the United States: Survey, 1972-1973*, 1 INT'L J. LEGAL INFO. 117 (1973).

18. See, e.g., *GlobaLex*, HAUSER GLOBAL LAW SCHOOL PROGRAM, <http://www.nyulawglobal.org/Globalex> (last updated Feb. 6, 2013) (containing research guides on FCIL research, as well as guides to help librarians develop FCIL collections).

19. See, e.g., CHINESE & AM. FORUM ON LEGAL INFO. & LAW LIBRARIES, <http://caflinet.org> (last visited Jan. 28, 2013); INT'L ASS'N OF LAW LIBRARIES, <http://www.iall.org> (last updated Jan. 10, 2013).

20. Barbara H. Garavaglia & Bd. of the Int'l Ass'n of Law Libraries, *A Research Agenda for International Law Librarianship*, in IALL HANDBOOK, *supra* note 3, at 343, 351 [hereinafter Garavaglia & IALL Bd.].

21. Respondents were library directors, heads of reference, and FCIL librarians, among others. The survey questions and summary results are presented *infra* in appendix A. Detailed survey results are on file with the author.

qualitative feedback concerning the challenges faced by contemporary librarians working with FCIL information.<sup>22</sup> The thirty-two substantive questions touched upon many facets of the field. The survey received responses from more than 130 librarians, nearly all of whom work in the United States.<sup>23</sup>

¶9 Following an examination of the survey results, the article discusses core competencies, both geographic and subject based. The survey results reveal a lack of standardization in training for FCIL librarianship. Due to the ubiquity of FCIL services in libraries, it is most essential to develop broad, universal competencies in FCIL librarianship, concerning (1) foreign and comparative legal research, (2) international legal research, (3) reference, (4) teaching and instruction, (5) technical services, (6) collection development, (7) information management and trends, and (8) job skills. Core competencies would provide an FCIL knowledge base among librarians and foster consistency in library services.

¶10 To aid in the development of core competencies, the article then explores the possibility of certification in FCIL librarianship. Professional organizations can work together to create training programs for certifying librarians who attain core competencies relating to the field. Voluntary certification should be inclusive and flexible enough to enable many types of librarians to attain core competencies through a variety of training programs and practical experiences around the world.

¶11 The discussion concludes by identifying future possibilities for training in FCIL librarianship. With the vast improvements in incorporating technology into education, future training can be hosted by experts in the field, conducted online, and completed at the convenience of the participants. Online training programs should be collaborative endeavors between various professional organizations. Web-based instruction would obviate most of the budgetary and logistical challenges librarians face in accessing FCIL training and would place librarians in a better position to meet the challenges presented by FCIL research. And of course, the future of the field depends on its community of members.

### History of Organizations and Training Related to FCIL

¶12 Although FCIL librarianship stems from long-standing and deep-rooted traditions,<sup>24</sup> the modern epoch commenced shortly after World War II.<sup>25</sup> The first generation of FCIL librarians in the United States came from abroad. These included many displaced lawyers from Europe who, “unable to practice law when

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22. The survey qualified for exempt status by the University of Washington Human Subjects Division. Letter from Katy Sharrock, Human Subjects Review Coord., Univ. of Wash. Human Subjects Div., to author (Jan. 23, 2012) (on file with author).

23. There were also respondents from South Africa, Nigeria, the Netherlands, the United Kingdom, and Kazakhstan.

24. See generally Teresa M. Miguel, *Exchanging Books in Western Europe: A Brief History of International Interlibrary Loan*, 35 INT’L J. LEGAL INFO. 499 (2007).

25. From the early twentieth century until World War II, the collecting of FCIL materials was largely the domain of the Law Library of Congress and a few large academic, county, bar, and law firm libraries. Penny A. Hazelton, *The Education and Training of Law Librarians*, in IALL HANDBOOK, *supra* note 3, at 43, 51.

they emigrated to the United States, sought employment as law librarians.”<sup>26</sup> With a shared sense of “seriousness and discipline,”<sup>27</sup> a key group of distinguished librarians from this early generation were instrumental in developing the field: “They built large collections of foreign law materials, created classification systems to organise these collections, produced important scholarship in FCIL, and participated with energy and imagination in the AALL [American Association of Law Libraries].”<sup>28</sup> Together, many of these FCIL librarians eventually established professional organizations in which they served with great pride and distinction.

### Organizations of Importance

¶13 A handful of organizations from around the world contribute enormously to developing training programs in FCIL librarianship. These organizations occupy critical roles in advancing the discourse centered on the profession of FCIL librarianship, in building a robust global community of librarians dedicated to the field, and in equipping librarians with critical FCIL knowledge and skills.<sup>29</sup>

#### AALL FCIL-SIS

¶14 In the United States, the AALL Foreign, Comparative and International Law Special Interest Section (FCIL-SIS) is actively involved in promoting the professionalization of FCIL librarianship. The FCIL-SIS became a special interest section of AALL in 1985, but its history goes back much further. In the early 1940s, AALL established a Committee on Cooperation with Latin American Law Libraries in order to supply those countries with legal materials from the United States. In 1950, to reflect its broadened focus, the committee changed its name to the Committee on Foreign Law. And in 1977, it became the Committee on Foreign, Comparative, and International Law.<sup>30</sup>

¶15 The primary objective of the FCIL-SIS is to “provide a forum for the exchange of ideas and information on foreign, comparative, and international law; and to represent its members’ interests and concerns within the AALL.”<sup>31</sup> Historically, its membership has been quite large,<sup>32</sup> perhaps due to the organization’s rapidly expanding schedule of educational opportunities consisting of programs, institutes, workshops, and round tables. Over the years, the FCIL-SIS has

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26. *Id.* at 52.

27. *Id.*

28. *Id.*

29. See Hazelton, *BIALLs and IALLs and ISIs, Oh My! Considering an International Conference*, FCIL NEWSL., May 2012, at 3, <http://www.aallnet.org/sis/fcilsis/vol26/May2012.pdf> (discussing the role the conferences of these organizations play in supporting FCIL librarianship).

30. See Hazelton, *supra* note 25, at 52; see also *SIS History*, FOREIGN, COMPARATIVE & INT’L LAW SPECIAL INTEREST SECTION, <http://www.aallnet.org/sis/fcilsis/history.html> (last visited Jan. 25, 2013), for a historical time line on the FCIL-SIS, oral histories of members, a list of its leadership and grant recipients, and the history of its name.

31. FCIL-SIS Bylaws, art. II, § 1 (as amended July 2005), <http://www.aallnet.org/sis/fcilsis/Bylaws.html>.

32. Membership in FCIL-SIS is currently about the same as in 1991, when there were 426 members. There were 361 members in July 1995; 299 members in July 2000; 356 members in July 2005; 425 members in July 2010; and most recently, 429 members in March 2012 (statistics on file with AALL Headquarters).



developed into a community where members share expertise among themselves and with other law librarians.

### *International Association of Law Libraries*

¶16 Another organization of immense significance to the members of the field working throughout the world is the International Association of Law Libraries (IALL). This association, founded in 1959, has more than 600 members hailing from more than fifty countries.<sup>33</sup> IALL is a “worldwide, cooperative non-profit organisation concerned with access to legal information, particularly on a multinational and global scale.”<sup>34</sup> It encompasses law librarians, law libraries, and other persons and institutions “active in the acquisition, delivery and use of legal information from sources beyond their own jurisdiction.”<sup>35</sup> IALL’s objective is to “connect law librarians and law libraries around the world to each other and to broaden the understanding of legal systems and legal materials in other countries.”<sup>36</sup>

### *American Society of International Law*

¶17 The American Society of International Law (ASIL) focuses on FCIL training through continuing legal education programs: “ASIL advances international law education for legal professionals as well as for the broader policy-making audiences and the public through a variety of programs.”<sup>37</sup> The International Legal Research Interest Group (ILRIG) is a new group within ASIL designed specifically for FCIL researchers, including law librarians.<sup>38</sup>

ILRIG provides a forum for discussion among legal information professionals, legal scholars, and attorneys. ILRIG enhances its members’ opportunities to share their knowledge about available FCIL resources, research methods, research techniques, and best practices. ILRIG organizes presentations, publishes a newsletter, and maintains a website that reflects the most recent developments in the legal research profession.<sup>39</sup>

ILRIG, led by a group of officers who are law librarians, publishes a biannual newsletter, *International Legal Research Informer*.<sup>40</sup>

### *International Federation of Library Associations and Institutions*

¶18 The International Federation of Library Associations and Institutions (IFLA) was founded in Scotland in 1927 and is headquartered in the Netherlands.<sup>41</sup> The Law Libraries Section of IFLA, “an international policy forum for all law

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33. *The International Association of Law Libraries*, in IALL HANDBOOK, *supra* note 3, at 359, 359.

34. *Id.*

35. *Id.*

36. Hazelton, *supra* note 25, at 53.

37. *Programs Overview*, AM. SOC’Y OF INT’L LAW, <http://www.asil.org/overview.cfm> (last visited Jan. 30, 2013).

38. Amy Emerson, *New ASIL Interest Group*, FCIL NEWSL., Feb. 2011, at 7, <http://www.aallnet.org/sections/fcil/newsletters/vol25/Feb2011.pdf>.

39. *International Legal Research*, AM. SOC’Y OF INT’L LAW, <http://www.asil.org/interest-groups-view.cfm?groupid=62> (last visited Jan. 25, 2013).

40. *Id.*

41. *About IFLA*, IFLA, <http://www.ifla.org/en/about> (last visited Jan. 30, 2013).



librarians,” has a multifaceted mission: “promot[ing] understanding and cooperation among law libraries,” “encourag[ing] the development of new law libraries,” “foster[ing] the profession of law librarianship and legal research competencies,” “develop[ing] professional standards and practices,” and “provid[ing] leadership in the field of legal information policy.”<sup>42</sup>

### *Other FCIL-Related Associations*

¶19 There are several other national and regional professional associations that focus on their respective geographic areas: the Australian Law Librarians’ Association (ALLA),<sup>43</sup> British and Irish Association of Law Librarians (BIALL),<sup>44</sup> Canadian Association of Law Libraries/Association Canadienne des Bibliothèques de Droit (CALL/ACBD),<sup>45</sup> Caribbean Association of Law Libraries (CARALL),<sup>46</sup> Chinese and American Forum on Legal Information and Law Libraries (CAFL),<sup>47</sup> European Information Association (unfortunately defunct as of the end of 2012),<sup>48</sup> New Zealand Law Librarians’ Association (NZLLA),<sup>49</sup> and Organisation of South African Law Libraries (OSALL).<sup>50</sup> These associations train and educate law librarians on subjects pertinent to their respective countries and regions.

### *History of Training in FCIL Librarianship*

¶20 One of the primary goals contained in the FCIL-SIS Strategic Plan for 2012–2014 is to improve the education of FCIL specialists,<sup>51</sup> but concern about the issue goes back many years. By the late 1980s and early 1990s, many of the early FCIL librarians in the United States were beginning to retire. It was noted at the time that “the most severe personnel need of the legal information community is for foreign law specialists to replace the postwar emigre lawyer-librarians reaching retirement.”<sup>52</sup>

The shortage of trained and knowledgeable foreign and international law librarians has been a concern for some years. As more and more of the present generation of these specialized law librarians nears retirement, this shortage is becoming more acute. The American Association of Law Librarians has acknowledged responsibility for training the next generation of foreign and international law librarians. The challenge is how to develop and implement a comprehensive training program.<sup>53</sup>

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42. *About the Law Libraries Section*, IFLA, <http://www.ifla.org/en/about-the-law-libraries-section> (last updated Oct. 5, 2012).

43. ALLA: AUSTRALIAN LAW LIBRARIANS’ ASS’N, <http://www.alla.asn.au> (last updated Sept. 18, 2012).

44. BIAL: BRITISH & IRISH ASS’N OF LAW LIBRARIANS, <http://www.biall.org.uk> (last visited Jan. 30, 2013).

45. CALL/ACBD: CANADIAN ASS’N OF LAW LIBRARIES/ASS’N CANADIENNE DES BIBLIOTHÈQUES DE DROIT, <http://www.callacbd.ca/en/content/home> (last visited Jan. 30, 2013).

46. CARALL: CARIBBEAN ASS’N OF LAW LIBRARIES, <http://carallonline.org> (last visited Jan. 30, 2013).

47. CHINESE & AM. FORUM ON LEGAL INFO. & LAW LIBRARIES, *supra* note 19.

48. EUROPEAN INFO. ASS’N, <http://www.eia.org.uk> (last visited Jan. 30, 2013).

49. NEW ZEALAND LAW LIBRARIANS’ ASS’N, <http://www.nzlla.org.nz> (last visited Jan. 30, 2013).

50. OSALL: ORG. OF S. AFRICAN LAW LIBRARIES, <http://www.osall.org.za> (last visited Jan. 30, 2013).

51. *FCIL-SIS Strategic Plan for 2012–2014*, FOREIGN, COMPARATIVE & INT’L LAW SPECIAL INTEREST SECTION, <http://www.aallnet.org/sis/fcilsis/strategic.html> (last visited Jan. 26, 2013) (Goal 1).

52. *Setting the Legal Information Agenda for the Year 2000: Preliminary Report of the National Legal Resources Committee*, 81 LAW LIBR. J. 349, 366 (1989).

53. Betty Taylor, *Foreign and International Law Librarians—Training the Next Generation*:

There was a palpable concern about the profession's ability to fill these positions with librarians who possessed the training to effectively serve their global-minded constituents.<sup>54</sup> Another factor contributing to the focus on training for FCIL librarianship was the intensifying internationalization of legal discourse and practice.

### AALL FCIL-SIS

¶21 Within the United States, the impetus to train new professionals came from professional organizations, such as the AALL FCIL-SIS: "The [FCIL] SIS has taken an especially active role in educating the present generation of Foreign and International Law Librarians through institutes, workshops, and programs at the AALL Annual Meeting."<sup>55</sup> The FCIL-SIS also sponsors a clearinghouse for international placements, which provides information to AALL members about research, education, travel, and employment on an international level.

¶22 Of particular note is the planning session that took place in New Orleans on July 19, 1991, organized by a subcommittee of the AALL National Legal Resources Committee, consisting of Judith Wright, Shelley Dowling, and Claire Germain. This session, attended by sixty-two participants,<sup>56</sup> culminated in a plan premised upon a set of issue papers, collectively titled *Training the Future Generation of International and Foreign Law Librarians*.<sup>57</sup> The draft plan assessed the state of training and education of FCIL law librarians, and, while now twenty years old, it is still useful for providing guidance to members of the field.

¶23 Upon approval by the AALL Executive Board of the National Legal Resources Committee's plan, a sequence of five intensive institutes was launched, each conducted over a period of a few days, and organized by various FCIL-SIS members. The institutes took place in the mid-1990s and covered a large portion of foreign and international law. A series of influential books resulted from those institutes, but "[a]s the last institute took place in 1996 . . . they do not address the key role of web research, and are outdated in some other respects."<sup>58</sup>

¶24 Nearly a decade later, Dan Wade, longtime FCIL librarian at Yale Law Library, led efforts to develop eight one-day FCIL workshops. This initiative culminated in

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*Responses to a Survey Conducted by the AALL National Legal Resources Committee*, at 1, reprinted in TRAINING THE FUTURE GENERATION, *supra* note 12.

54. In 1988, the AALL FCIL-SIS passed a resolution on "taking necessary steps to formalize specific recommendations to the AALL to deal with the problem of the decreasing number of qualified candidates to fill vacancies [for] foreign and international law librarians." *SIS History*, *supra* note 30.

55. Wade, *supra* note 12, at 5 n.4.

56. For a list of participants, see *List of Attendees at the AALL Workshop in Training the Future Generation of International & Foreign Law Librarians*, reprinted in TRAINING THE FUTURE GENERATION, *supra* note 12.

57. TRAINING THE FUTURE GENERATION, *supra* note 12.

58. Mary Rumsey, *Foreign and International Law Librarianship*, 25 LEGAL REFERENCE SERVICES Q., nos. 2/3, 2006, at 73, 83. The books in the series, published by Oceana, are INTRODUCTION TO FOREIGN LEGAL SYSTEMS (Richard A. Danner & Marie-Louise H. Bernal eds., 1994); INTRODUCTION TO TRANSNATIONAL LEGAL TRANSACTIONS (Marylin J. Raisch & Roberta I. Shaffer eds., 1995); INTRODUCTION TO INTERNATIONAL ORGANIZATIONS (Lyonette Louis-Jacques & Jeanne S. Korman eds., 1996); INTRODUCTION TO INTERNATIONAL BUSINESS LAW: LEGAL TRANSACTIONS IN A GLOBAL ECONOMY (Gitelle Seer & Maria I. Smolka-Day eds., 1996); CONTEMPORARY PRACTICE OF PUBLIC INTERNATIONAL LAW (Ellen G. Schaffer & Randall J. Snyder eds., 1997).

two workshops, on international trade and the European Union, held before the AALL annual meetings in 2004 and 2005, respectively. Unfortunately, AALL did not approve the third workshop Wade proposed, and no other institutes have been held.<sup>59</sup>

### IALL

¶25 For more than forty years, IALL has sponsored annual courses “to help law librarians worldwide deal with the intricacies of foreign and international legal systems and to understand the ever-changing effects of political and social events on current legal developments.”<sup>60</sup> Its Annual Course and Conference is IALL’s main meeting and educational event of the year. The annual course is usually a four-day meeting which takes place in a different country each year and “reflects the local legal environment and culture while addressing international issues of importance to all legal information experts. The annual course is also a catalyst for change and improvement in the recognition of the role of law librarians and legal information itself.”<sup>61</sup>

¶26 Like the other professional organizations in the field, IALL is highly invested in the professional growth of its members:

Numerous opportunities exist, from regional programs held in addition to our annual Courses, to exchanging information between libraries, and in funding scholarships and related programs which will allow a wider diversity in membership, not only geographically, but in terms of type of specialization within law librarianship and in differences in age.<sup>62</sup>

¶27 IALL also supports education and professional opportunities for newer legal professionals from developing countries, for example, by offering scholarships to the annual courses. These initiatives facilitate the globalization of law librarianship. IALL “fosters networking and mentoring among legal information professionals on a worldwide basis by creating and maintaining ongoing relationships between IALL and other international, national and regional law library and legal information organizations.”<sup>63</sup>

### *ASIL and the Law Library of Congress*

¶28 ASIL provides programing for policy makers and the public.<sup>64</sup> Although these programs are not specifically focused on law librarianship, they would be invaluable to any FCIL law librarian. Topics include judicial education and train-

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59. Rumsey, *supra* note 58, at 83. Conducting future training sessions electronically would improve convenience and affordability.

60. *IALL Brochure*, IALL, [http://www.iall.org/IALL\\_Brochure.pdf](http://www.iall.org/IALL_Brochure.pdf) (last visited Feb. 1, 2013).

61. *The International Association of Law Libraries*, *supra* note 33, at 361.

62. Larry B. Wenger, *IALL at 40*, 27 INT’L J. LEGAL INFO. 1, 2 (1999).

63. *Mission Statement*, IALL, <http://www.iall.org/aboutMission.html> (last updated Mar. 25, 2011). For more information on IALL, see Kurt Schwerin, *The International Association of Law Libraries: Its Beginnings*, 12 INT’L J. LEGAL INFO. 1 (1984); Larry Wenger, *Adolf Sprudz and the International Association of Law Libraries*, 95 LAW LIBR. J. 326, 2003 LAW LIBR. J. 21; Jules Winterton, *The International Association of Law Libraries (IALL): Law Libraries in an Era of Globalisation*, NOVAYA JUSTITSIYA, no. 2, 2009, at 114, available at <http://iall.org/resources/IALL%20Law%20Libraries%20in%20an%20era%20of%20Globalisation.pdf>.

64. *Programs Overview*, *supra* note 37.

ing, continuing international legal education institutes, career development, international law studies, and public education.<sup>65</sup> Another organization of importance to training in FCIL librarianship is the Law Library of Congress.<sup>66</sup> It “has offered inexpensive, valuable, one-day workshops the day before the American Society of International Law meeting opens in Washington D.C. Topics have ranged from Latin-American legal systems to the new UN treaty on persons with disabilities.”<sup>67</sup>

### *Joint Study Institutes*

¶29 Finally, and most promisingly, there are Joint Study Institutes (JSIs) sponsored by multiple library associations around the world. The seventh JSI was held at Melbourne Law School in February 2013. JSIs are hosted by AALL, ALLA, BIAL, CALL/ACBD, and NZLLA: “JSI programs provide unique opportunities to network and learn about the law, legal research and topical issues of the host jurisdiction that are of interest to law librarians and the legal profession.”<sup>68</sup> JSIs are a step in the right direction toward standardizing training in the field through collaborative initiatives.

### **A Survey on FCIL Librarianship**

¶30 Because FCIL is rapidly evolving, I conducted a survey in order to discover more about methods employed by academic law librarians in adapting to developments in the field. Building upon prior scholarship and ideas raised at conferences and meetings, the survey focused on how improvements in training can help current and future academic law librarians become better equipped for the challenges of FCIL librarianship. The survey was designed to gather responses from librarians regarding their own training and perceptions of the field.

¶31 Although there have been previous surveys covering other subjects relating to FCIL librarianship,<sup>69</sup> this survey was designed to be both more extensive and more inclusive. Preliminary research was conducted by speaking with current and former FCIL librarians and by examining the literature in the field.<sup>70</sup> Based on the information I gleaned, I anticipated that the survey responses would likely reveal a lack of standardization in the training of FCIL librarianship. The survey results

65. *Id.*

66. See generally M. Kathleen Price & Marie-Louise H. Bernal, *The Role of the Library of Congress in Training the Next Generation of Foreign, Comparative and International Law Librarians*, reprinted in TRAINING THE FUTURE GENERATION, *supra* note 12.

67. Rumsey, *supra* note 58, at 83.

68. *7th Joint Study Institute in Melbourne Australia: Feb 13–16 2013*, NZLLA (Dec. 7, 2011), <http://www.nzlla.org.nz/news-and-events/latest-news/7th-joint-study-institute-in-melbourne-australia-feb-13-16-2013>. For information regarding past JSIs, see *History of the Joint Study Institutes*, CALL/ACBD, <http://www.callacbd.ca/conferences/jsi/history/index.htm> (last updated May 17, 2010).

69. See, e.g., Kavass, *supra* note 17; Lorraine Kulpa, *A Study of the Needs of Law Firm and Corporate Libraries for Librarians with Foreign and International Law Expertise*, reprinted in TRAINING THE FUTURE GENERATION, *supra* note 12; David McFadden, *Survey of FCIL Membership: Results*, FCIL NEWSL., Feb. 1992, at 14, available at <http://www.aallnet.org/sis/fcilsis/Vol6/feb92newsletter.pdf>. See also Rumsey, *supra* note 2, at 145 n.15 (summarizing results of an informal survey on FCIL positions in academic law libraries).

70. For a selection of useful readings, see *infra* appendix B, Essential Reading List on FCIL Librarianship.

confirmed this hypothesis and warrant an ongoing dialogue regarding standardization through core competencies, attainable through a certification process jointly administered by multiple professional organizations.

¶32 The survey, created using Catalyst Web Tools, received 132 responses, mostly from law librarians in the United States.<sup>71</sup> Each participant was presented with a series of questions, which were a mixture of multiple choice, short answer, and open ended questions. Before it was sent to respondents, the survey underwent a rigorous and lengthy review process by multiple law librarians working in the United States as well as by an expert on research methods, who all graciously provided suggestions based on their own experiences and familiarity with the subject.<sup>72</sup>

¶33 The survey covered various aspects of law librarianship and training, including general characteristics of law librarians (questions 1–4), FCIL in their jobs (questions 5–11), FCIL in their education (questions 12–17), their foreign language skills (questions 18–21), their continuing FCIL training and involvement (questions 22–28), and their suggestions for core competencies and their overall perceptions of the field (questions 29–32).

¶34 The survey was disseminated through a variety of electronic forums in order to elicit responses from professionals with varying degrees of familiarity, knowledge, and expertise in FCIL librarianship. A link to the survey was sent to the AALL FCIL-SIS Discussion Forum,<sup>73</sup> INT-LAW,<sup>74</sup> the academic law library directors' listserv,<sup>75</sup> the AALL Academic Law Libraries SIS Community eGroup,<sup>76</sup> and the AALL Social Responsibilities SIS discussion group.<sup>77</sup> In casting a wide net, I hoped the survey results would represent a cross-section of librarians working, to varying extents, in the realm of FCIL librarianship.

¶35 The survey results make it apparent that librarians of all types engage with FCIL information. Many types of information professionals responded to the sur-

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71. See *infra* appendix A, Survey on FCIL Librarianship (all responses are on file with the author).

72. The survey was reviewed by Penny Hazelton, Associate Dean for Library & Computing Services, Professor of Law, University of Washington School of Law; Mary Rumsey, Professor of Legal Research Instruction and FCIL Librarian, University of Minnesota Law School; Mary Whisner, Reference Librarian, University of Washington School of Law; Marci Hoffman, Lecturer in Residence, Associate Director of Law Library, University of California, Berkeley School of Law; Jonathan Pratter, Lecturer, Foreign & International Law Librarian, University of Texas at Austin School of Law; Kristina Alayan, Foreign & International Law Reference Librarian and Lecturing Fellow, Duke University School of Law; Melissa Fung, Foreign and International Law Reference Librarian, University of San Diego School of Law; and Matthew Saxton, Associate Dean for Academics, University of Washington, Information School.

73. Posting of Mary Rumsey to AALL FCIL-SIS Discussion Forum (Jan. 24, 2012) (on file with author).

74. Posting of Mary Rumsey to Int-Law@ciesin.columbia.edu (Jan. 24, 2012) (on file with author).

75. Posting of Penny Hazelton to lawlibdir@lists.washlaw.edu (Jan. 24, 2012) (on file with author).

76. Posting of Mary Whisner to AALL Academic Law Libraries SIS Community eGroup (Mar. 7, 2012) (on file with author).

77. Posting of Mary Whisner to AALL Social Responsibilities SIS discussion group (Mar. 7, 2012) (on file with author).

vey: general reference librarians, department heads, library directors, and of course, FCIL librarians. For FCIL specialists, typical position titles are Reference Librarian for Foreign and International Law, FCIL Librarian, Foreign and International Law Librarian, and International Law Librarian.

¶36 The results reflect the opinions of respondents covering a broad range of experience levels. There is a fairly even distribution of respondents, ranging from those just beginning their careers all the way up to librarians with two or more decades of experience. Over a third of the respondents (38%) have been employed as law librarians for more than twenty years. About half of the respondents have practiced law in the United States or abroad. Additionally, FCIL duties are contained in the job descriptions of more than half (56%) of the respondents, to varying degrees. Nearly every respondent spends at least part of his or her time on FCIL librarianship, but only a small number (16%) of the respondents dedicate an overwhelming majority of their time to FCIL librarianship.

¶37 Most of the respondents perform the following nonteaching FCIL duties: providing reference service (77%), participating in collection development (86%), and providing research assistance to faculty and staff (78%). To a slightly lesser extent, the respondents create research guides, bibliographies, or other research materials (58%) and provide research assistance to journal staff or moot court programs (63%).

¶38 Seventy percent of respondents teach FCIL subjects, either as an instructor for an entire course or as an occasional guest lecturer. Of those respondents who teach FCIL subjects, it is most common for them to give presentations in courses on FCIL research, analysis, and writing (82%), followed by giving FCIL presentations to members of a law journal or moot court team (57%), or teaching a course on FCIL research, analysis, and writing (52%). Common methods among the respondents for developing a curriculum for a course on FCIL research include adapting a syllabus utilized by another instructor, consulting the many syllabi posted on the AALL FCIL-SIS web site, and speaking with colleagues.

¶39 Most respondents' undergraduate education was not particularly focused on international subjects. However, the majority (68%) completed foreign language coursework in their undergraduate education. Nearly every respondent (95%) possesses a graduate degree in library or information science, and a quarter of them have attended programs focused on law librarianship. Interestingly, a vast majority of respondents possess a law degree (88%), almost exclusively a J.D. Of those with a law degree, half did not focus on FCIL during their legal education.<sup>78</sup>

¶40 The primary language of nearly every respondent is English. The most common secondary languages are French, Spanish, and German. In their secondary languages, respondents are most often intermediate readers (46%), basic writers (60%), and basic speakers (57%). The most common method for acquiring foreign language skills was through university coursework.

¶41 Respondents employ a range of methods to continue to learn about FCIL: training seminars or programs; blogs, listservs, and web sites; journal articles, textbooks, and other scholarly publications; speaking with colleagues; and conducting

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78. Only a few respondents obtained an FCIL certification as part of their legal education.



FCIL research. Perhaps most surprisingly, half of the respondents are aware of useful FCIL training and participate in the training at their employer's expense. Additionally, most respondents are members of the FCIL-SIS (70%), and a sizable number are members of IALL (33%) or ASIL (32%). The vast majority of respondents attend the AALL Annual Meeting and Conference. Unfortunately, they infrequently attend the other major conferences in the field.

### Core Competencies in FCIL Librarianship

¶42 FCIL core competencies will foster consistency in library services and cultivate a shared knowledge base across the profession. For example, AALL's competencies "seek[] to define the profession of law librarianship and its value to the legal field."<sup>79</sup> According to AALL, there are multiple benefits to establishing competencies:

Individual librarians may use the AALL Competencies for coordinating their continuing education as they identify areas for professional growth. Employers may use the Competencies to make hiring, evaluation and promotion decisions, and to make recommendations for professional development. The American Association of Law Libraries uses the Competencies as a framework within which to structure professional development programs. This framework provides guidance to ensure that the programs offered will assist librarians in attaining and maintaining the skills or knowledge necessary for their current and future work.<sup>80</sup>

The results of the survey reinforce the need for members of the field to develop a set of core competencies in FCIL librarianship. Almost half of the survey respondents (46%) favored the development of universal core competencies that would apply to professionals in various institutions and job roles. Some expressed a preference for regional (17%), national (14%), or geographic-area research (20%) competencies.

¶43 Librarians have developed FCIL skills in their own ways: "The diversity of the educational/experiential [sic] paths that have led to foreign and international law librarianship cannot be overstated; each of us has a unique biography."<sup>81</sup> While each individual's narrative is critical to promoting a diversity of perspectives in the field, it is also essential that there be a canon of FCIL knowledge that is understood across library institutions, applicable to every position, and which transcends borders, cultures, and languages.

¶44 FCIL librarianship touches upon every department of the library, including technical services, circulation, and reference services. Generally speaking, technical services staff process FCIL materials, circulation staff disseminate these FCIL materials to patrons, and reference staff help patrons find and use FCIL materials. Even on a reference team with a devoted FCIL librarian, each member should possess a standard of knowledge and a level of facility in FCIL librarianship. A basic level of

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79. *Competencies of Law Librarianship*, AM. ASS'N OF LAW LIBRARIES (rev. Apr. 2010), <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/competencies.html>.

80. *Id.*

81. Wade, *supra* note 12, at 7.



understanding of FCIL by each staff member will facilitate library services at all levels.

¶45 The development of core competencies and a method for attaining them is a timely pursuit, one that resonates with the recently adopted AALL FCIL-SIS Strategic Plan for 2012–2014. Its first goal is to “[a]ctively promote education in Foreign, Comparative and International Law and Law Librarianship for specialists and non-specialists.”<sup>82</sup> To that end, the plan strategizes about ways to identify core competencies for FCIL librarianship, including “[s]ubmit[ting] to the AALL Annual Meeting Program Committee and to local chapters proposals for programs, institutes and workshops designed to help both new FCIL librarians and non-specialist librarians master these competencies.”<sup>83</sup>

¶46 The breadth of FCIL librarianship is a function of its wide array of subjects, types of professional positions, geographic scope, and of course, the growing relevance of FCIL in today’s world. Because there are so many areas of FCIL work in law libraries, it is important to consider carefully the criteria for developing core competencies and whether they should relate to librarians working within a geographic area, specializing in a geographic region, or focusing on a particular subject.

¶47 Because there is a fundamental body of FCIL subject matter that is essential for librarians, at all levels and in any role, it would be most effective to develop universal competencies applicable to an array of librarians dealing with FCIL information. These competencies, to some degree, might be modeled after the core competencies that have already been developed by professional organizations such as AALL.<sup>84</sup>

### Geographic Competencies

¶48 The geographic element of FCIL librarianship can be divided into two categories that are not mutually exclusive. One is defined by the country or region in which librarians work, and the other relates to the practical need for librarians to specialize in the law of a specific geographic area. The professional organizations related to FCIL librarianship reflect these two aspects of geography-related work. For example, FCIL-SIS is a group of librarians, mostly working in the United States, who focus on FCIL issues for U.S. law librarians; IALL comprises law librarians from around the world who focus on FCIL issues in all countries and regions. National organizations outside the United States have members and subgroups interested in FCIL research, although, again like AALL, their main focus is the law of the country where most of their members reside.

¶49 A key task here is to determine whether core competencies should be attained through specific training developed by these geographic associations. According to IALL, research questions paramount to this issue include “What other national or regional law library associations have developed similar competencies and performance measures for law librarians? Are they comparable? Is there a need

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82. *FCIL-SIS Strategic Plan for 2012–2014*, *supra* note 51, ¶ 3.

83. *Id.*

84. *See Competencies of Law Librarianship*, *supra* note 79.

to develop competencies and performance measures for international law librarianship on a global scale?”<sup>85</sup>

¶50 As a preliminary matter, we must acknowledge that the complexity and unique attributes of each foreign legal system require the development of core competencies in particular geographic areas. The legal systems of all countries are intricately shaped by their individual historical and cultural experiences. Even when dealing with countries of the same region, such as those in the European Union (EU), it would be difficult to master one legal system based on competencies attained in another:

The legal systems of the EU Member States vary a great deal more than the legal systems of the states in the U.S.A. There exists not only a fundamental difference between the common law in England and Ireland and the continental civil law but also divergences between the civil law systems. The Member States have been independent countries for centuries and, therefore, their legal cultures—originally based on Roman law—pursue different paths. This is true, of course, in regard to the “legal families” e.g., the Germanic and the Romance families. But even between the legal systems of the German speaking countries, there are decisive differences.<sup>86</sup>

The considerable variation among legal systems, even within legal “families,” presents a significant challenge to law librarians.

¶51 Although it may seem sufficient to develop competencies applicable to the laws of each individual country, the ubiquity of many aspects of FCIL in law libraries renders it far more necessary, and urgent, to develop broad-based competencies attainable by any librarian, working anywhere and in virtually any position. The survey results underscore this, with far more support for universal competencies than for either regional or national ones.

¶52 Competencies therefore should not be limited to the scope of the individual national or regional associations. These organizations do not currently have their own competencies, and so may be most effective by combining their efforts toward developing universal competencies, while further cultivating their respective communities of librarians interested in FCIL.

¶53 Competencies should reflect a universal understanding of FCIL and be flexible enough to meet the needs of librarians in every country. Individuals could attain the competencies by participating in training programs, as well as through publishing, giving presentations, and acquiring hands-on experience in the library.<sup>87</sup> Developing standards in the field will further promote cohesion and solidarity throughout this interconnected, yet fragmentary, community of librarians working with FCIL information.

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85. Garavaglia & IALL Bd., *supra* note 20, at 350–51.

86. Helmut Koziol, *Comparative Law—A Must in the European Union: Demonstrated by Tort Law as an Example*, 1 J. TORT L. 5, at \*1 (2007).

87. Rumsey, *supra* note 2, at 139 (“Training in FCIL librarianship can be difficult to obtain. The best way to learn is by working with an experienced FCIL librarian . . . . More commonly, law librarians learn FCIL librarianship by combining on-the-job experience and attending educational programs.”).

### Universal Subject Matter Competencies

¶54 In the survey, respondents were asked to identify the universal core competencies that *should* exist in the field. The majority of respondents offered a list of core competencies that define FCIL librarianship around the globe. Many of these subject matter competencies have been addressed in training programs offered by IALL and the FCIL-SIS, relating to the following areas of FCIL librarianship: (1) foreign<sup>88</sup> and comparative legal research,<sup>89</sup> (2) international legal research,<sup>90</sup> (3) FCIL reference,<sup>91</sup> (4) FCIL technical services,<sup>92</sup> (5) FCIL collection development,<sup>93</sup> (6) FCIL information management and trends,<sup>94</sup> and (7) FCIL job skills.<sup>95</sup>

¶55 Universal competencies would, in effect, standardize the field and create a shared discourse among librarians around FCIL librarianship. Core competencies would greatly increase the scope of information-related services offered to FCIL patrons and also create organizational benefits for managers, middle managers, and FCIL librarians. Staff members in every law library department could rely on an

88. Respondents often cited the need for knowledge of the various legal systems throughout the world, including civil law systems, religious law, and customary law. “[N]o matter how similar another country’s laws might be, each state has a cultural and social milieu that shapes and defines its laws.” Aaron B. Aft, *Respect My Authority: Analyzing Claims of Diminished U.S. Supreme Court Influence Abroad*, 18 IND. J. GLOBAL LEGAL STUD. 421, 430 (2011).

89. Respondents identified the understanding of comparative law as a universal subject matter competency.

90. Respondents identified as essential the knowledge of the structure, function, and operation of international organizations (such as the UN and the EU); international relations; the hierarchy of authority in international law; private and public international law; the international legal structure; *ius cogens*; jurisdiction of international tribunals; and the U.S. role in international law.

91. Some respondents identified the need for competencies in FCIL reference, research, and collection development. Many of the training programs on various topics focus on research, strategy, and sources but, surprisingly, not on FCIL reference skills.

92. Librarians should be knowledgeable of the practical considerations regarding the acquisition and handling of FCIL materials: purchasing materials, classifying, indexing, cataloging, and preservation. See Pamela Bluh, *The Acquisition and Handling of Foreign Legal Serials: The Practical Aspects*, 79 LAW LIBR. J. 115 (1987). This is an area of FCIL librarianship where there has been a shortage of training opportunities.

93. Respondents emphasized the importance of FCIL collection development and selection of FCIL materials. This entails an understanding of bibliographic tools such as the UN Official Documentation System, OFFICIAL DOCUMENT SYSTEM OF THE UNITED NATIONS, <http://documents.un.org> (last visited Feb. 1, 2013); the UN Treaty Collection, UNITED NATIONS TREATY COLLECTION, <http://treaties.un.org> (last visited Feb. 1, 2013); EISIL, *supra* note 14; *GlobaLex*, *supra* note 18; FOREIGN LAW GUIDE, *supra* note 11; Harvard’s *Catalog of International Law and Relations*, CATALOG OF INTERNATIONAL LAW AND RELATIONS (Margaret Moody ed., 1965–67); as well as the jurisprudence of various tribunals, see *War Crimes Research Office*, AMERICAN UNIV. WASHINGTON COLL. OF LAW, <http://www.wcl.american.edu/warcrimes> (last visited Feb. 1, 2013).

94. Understanding the many aspects of FCIL information is critical. IALL courses commonly focus on the intersection of substantive FCIL issues and legal information trends with regard to materials, sources, legal information, and information services.

95. There is a large repertoire of skills that are useful in FCIL librarianship. Respondents identified the following core competencies relating to skills, some of which also relate to other subject matter competencies: foreign language skills, learning a new topic or a new legal research technique in a short amount of time, teaching complex FCIL subjects, awareness of available legal information and how to find it, familiarity with relevant online services, and familiarity with prominent publishers in the field.

authoritative statement on core competencies. Furthermore, librarians would be able to select, design, and implement programs that hone the skills necessary to attain these core competencies. Establishing core competencies in FCIL librarianship would strengthen the overall quality of FCIL services. The emphasis on collaboration in FCIL librarianship necessitates an increased standardization in services, which in turn would be advanced through the development of competencies.

### Certification in FCIL Librarianship

¶56 The need for core competencies is a function of the lack of standardization of training in FCIL librarianship. The survey results underscore three notions: (1) FCIL is the domain of librarians in every role; (2) there is not a typical path to acquiring training; and (3) librarians interested in FCIL span a wide range of knowledge and skills in the field. Presumably then, the range of FCIL services provided by librarians and libraries lacks uniformity across the field. This lack of standardization can be remedied by certifying individuals who attain core competencies. AALL instituted a certification program between 1965 and 1983:

Law librarians have always been profoundly concerned about the definition of the law librarian in educational terms. An effort to formulate some professionwide educational standards began as early as 1935, but it was not until 1965 that AALL created a voluntary certification program. These standards permitted nearly any combination of education and experience to qualify a person as a Certified Law Librarian.<sup>96</sup>

Likewise, a voluntary certification program in FCIL librarianship, available to a wide spectrum of information professionals, should be flexible enough to be obtained through various training programs and experiences around the world.

¶57 A crucial step toward acknowledging expertise in FCIL librarianship is creating a program through which librarians can obtain certification as well as recertification.<sup>97</sup> One way to accomplish this would be to have a series of online training modules. For example, the Duke and Berkeley law libraries collaborated to produce an online tutorial for FCIL training containing the following sections: Introduction: Definition of Terms; Introduction to International Law; Treaties & Agreements; Customary International Law; International Organizations; Final Review; and Essential Sources.<sup>98</sup>

¶58 Additionally, the Center for Computer-Assisted Legal Instruction (CALI) has a library of twenty-four FCIL research tutorials on topics such as foreign legal research, international environmental law, researching foreign constitutions, tribunals and truth commissions, and human rights research.<sup>99</sup> Online training, because

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96. Penny A. Hazelton, *Law Libraries as Special Libraries: An Educational Model*, 42 LIBR. TRENDS 319, 324 (1993) (citations omitted).

97. See generally Linda Falken, *Issue Paper on Acknowledging Expertise in Foreign Law Librarianship*, reprinted in TRAINING THE FUTURE GENERATION, *supra* note 12.

98. INTERNATIONAL LEGAL RESEARCH TUTORIAL, <http://www.law.duke.edu/ilrt/> (last visited Jan. 30, 2013).

99. *Lessons: International Law*, CALI, <http://www.cali.org/category/cali-topics/2l-3l-upper-level-lesson-topics/international-law> (last visited Jan. 30, 2013).

of its convenience and affordability, is critical to the viability of certification in FCIL librarianship.

### Conclusion: Future Possibilities in FCIL Librarianship Training

¶59 In 1962, Morris Cohen proposed five courses in law librarianship leading to a master's degree: law library administration, law and its literature, selection and acquisition of legal materials, cataloging of legal materials, and foreign law sources and international documents.<sup>100</sup> From early on, there was a respect for FCIL librarianship as central to the work of all librarians.

¶60 Unfortunately, FCIL librarianship has yet to be incorporated into the curriculum of law librarianship programs across the country. Prominent programs in law librarianship, such as the University of Washington,<sup>101</sup> University of Arizona,<sup>102</sup> University of Denver,<sup>103</sup> and Catholic University of America,<sup>104</sup> do not require their students to complete any FCIL coursework. However, with a sense of focus during library school, it is possible to acquire a good deal of FCIL experience by working on FCIL research and reference questions, writing blogs on FCIL topics, conducting presentations on FCIL materials, publishing in newsletters, and attending FCIL-related events at the law school.

¶61 This article attempts to advance the discourse around training in FCIL librarianship by addressing questions such as "What opportunities are available worldwide for the education and training of law librarians? . . . [What is] the nature and availability of formal and informal courses and other training for law librarianship on an international basis[?]"<sup>105</sup> Further deliberation and coordination are needed in order to develop core competencies, training programs, and certification. Creativity is integral to spearheading future training programs that are accessible to librarians around the world. Current technology affords many options for dissemination, so that librarians could easily obtain certification credits by watching an online video presentation by a law professor on international intellectual property law or by participating in a webinar by a law librarian on FCIL research strategies. Technological solutions like this also make it more feasible for FCIL organizations to develop joint programs for obtaining an M.L.S. and an LL.M. in foreign or international law. An additional consideration is that, due to the continually expanding reach of FCIL education and practice, diversity training will be crucial to equipping FCIL librarians with the skills to serve people from many backgrounds.

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100. Morris L. Cohen, *A Suggested Master's Program in Law Librarianship for Columbia University*, 55 LAW LIBR. J. 225, 227–28 (1962).

101. See *Law Librarianship*, UNIV. OF WASH. INFO. SCH., <http://ischool.uw.edu/mlis/program/law> (last visited Jan. 30, 2013).

102. See *Law Library Fellows Program*, UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF LAW, <http://www.law.arizona.edu/Library/Fellows/fellows.cfm> (last updated Sept. 24, 2012).

103. See *Library and Information Science*, UNIV. OF DENVER, <http://www.du.edu/education/programs/lis/> (last visited Jan. 30, 2013).

104. See *Course of Study: Law Librarianship*, CATHOLIC UNIV. OF AM., <http://slis.cua.edu/MSinLS/coursesStudy/law.cfm> (last updated Nov. 15, 2012).

105. Garavaglia & IALL Bd., *supra* note 20, at 351.

¶62 Survey respondents identified future challenges in all facets of the field. These include electronic access, digitization, resources and budgets, foreign language skills, educating the next generation of FCIL librarians, continuing education, research support, collection development, cataloging, recruitment of new FCIL librarians, and specialization. To meet these impending challenges, we must leverage our resources in order to develop an inclusive training model that will further assist librarians in building a better world through the facilitation of access to global legal information.

¶63 Ultimately, improving training in FCIL librarianship is contingent upon the collaboration between various professional organizations and stakeholders. This requires vision and leadership and, of course, cooperation between groups. We can learn from the example of the Joint Study Institutes conducted by multiple professional organizations spanning three continents. In building from these collaborative endeavors, training in the field can be enhanced through inclusive and widely accessible programming.

¶64 Expanding competencies to a global level presents a significant challenge. A flaw of the survey employed in this study is its inherent bias toward U.S. law librarians and their concerns. Extending the reach of competencies and training toward a universal model will require even greater cooperative work between the members of various organizations around the world. The growth of this model will take time, not to mention everyone's effort. But the gains are palpable and worthwhile. We are not far from achieving these goals. With sustained dialogue and dedication, we can better train librarians of all types, across the globe, to be better equipped to work in the area of foreign, comparative, and international law.

## Appendix A

### Survey on FCIL Librarianship

1. What country do you reside in?
2. How many years have you been employed as a law librarian?

Answer	Frequency (n=132)	Percentage
Less than 3	11	8.33
3-5	21	15.91
6-10	21	15.91
11-15	14	10.61
16-20	15	11.36
More than 20	50	37.88

3. What is your official job title?
4. Have you ever practiced law?

Answer	Frequency (n=132)	Percentage
Yes	67	50.76
No	65	49.24

5. Are any aspects of FCIL librarianship specifically contained as duties within your job description?

Answer	Frequency (n=132)	Percentage
Yes	74	56.06
No	58	43.94

6. Based on your job description, what percentage of time is dedicated to FCIL librarianship?

Answer	Frequency (n=74)	Percentage
0%	1	1.35
1%-20%	21	28.38
21%-40%	10	13.51
41%-60%	11	14.86
61%-80%	12	16.22
81%-100%	12	16.22
No answer	7	9.46

7. What percentage of time in your job do you spend on FCIL librarianship?

Answer	Frequency (n=132)	Percentage
0%	1	0.76
1%-20%	69	52.27
21%-40%	19	14.39
41%-60%	18	13.64
61%-80%	12	9.09
81%-100%	13	9.85



8. In your FCIL role, which of the following nonteaching duties do you perform? (Select all that apply.)

Answer	Frequency (n=132)	Percentage
Provide FCIL reference services	102	77.27
Create FCIL research guides, bibliographies, or other research materials	77	58.33
Participate in FCIL collection development or selection of FCIL materials	114	86.36
Provide FCIL research assistance to faculty or staff	103	78.03
Provide FCIL research assistance to journal staff or moot court programs	83	62.88
None of the above	1	0.76
Other	21	15.91

9. Do you teach any FCIL subjects, either as an instructor/professor for an entire course or as an occasional guest lecturer in a course?

Answer	Frequency (n=132)	Percentage
Yes	93	70.45
No	39	29.55

10. Please select all applicable option(s) regarding your FCIL teaching experience.

Answer	Frequency (n=93)	Percentage
I periodically give presentations in courses on FCIL research, analysis, and writing.	76	81.72
I periodically give FCIL presentations to members of a law journal or moot court.	53	56.99
I periodically give FCIL training seminars to professional organizations.	15	16.13
I teach or have taught a course on FCIL research, analysis, and writing.	48	51.61
Other	10	10.75

11. If you teach or have taught an entire course on FCIL research, how have you developed your curriculum?

12. In your undergraduate education, please select the option(s) that relate to FCIL.

Answer	Frequency (n=132)	Percentage
My curriculum was focused in foreign or international studies.	18	13.64
I studied abroad or interned outside of the United States.	42	31.82
I completed foreign language coursework.	90	68.18
I completed coursework in international law or international relations.	29	21.97
Other	36	27.27

13. Do you possess a graduate degree in library or information science?

Answer	Frequency (n=132)	Percentage
Yes	126	95.45
No	6	4.55

14. Please select the option(s) that best represent your focus in law librarianship during your graduate studies in library or information science.

Answer	Frequency (n=126)	Percentage
I did not focus on law librarianship.	43	34.13
I worked in a law library as an employee or intern.	78	61.90
I completed coursework in law librarianship.	61	48.41
I attended a graduate program focused on law librarianship.	31	24.60

15. Do you possess a degree in law or legal studies?

Answer	Frequency (n=132)	Percentage
Yes	116	87.88
No	16	12.12

16. What degree(s) do you possess in law or legal studies?

Answer	Frequency (n=116)	Percentage
JD	113	97.41
LLB	1	0.86
LLM	7	6.03
SJD	0	0.00
Other	3	2.59

17. Please select any of the options below regarding the relationship between your legal education and FCIL.

Answer	Frequency (n=116)	Percentage
I completed FCIL coursework.	50	43.10
I obtained a certificate or concentration in FCIL.	3	2.59
I participated in international moot court.	6	5.17
I studied or interned abroad.	24	20.69
I worked on an FCIL journal.	7	6.03
None of the above	59	50.86

18. What is/are your primary language(s)?

19. What is your strongest secondary language? Please select N/A if you do not possess any skills in a secondary language.

Answer	Frequency (n=132)	Percentage
French	49	37.12
Spanish	29	21.97
German	18	13.64
Arabic	1	0.76
Chinese (Mandarin)	2	1.52
Russian	2	1.52
Other	10	7.58
N/A	21	15.91

20. Please evaluate your level of competence in your strongest secondary language.

Reading

Answer	Frequency (n=111)	Percentage
Basic	35	31.53
Intermediate	51	45.95
Advanced	28	25.23

Writing

Answer	Frequency (n=111)	Percentage
Basic	67	60.36
Intermediate	31	27.93
Advanced	13	11.71

Speaking

Answer	Frequency (n=111)	Percentage
Basic	63	56.76
Intermediate	32	28.83
Advanced	16	14.41

**Comprehension**

<b>Answer</b>	<b>Frequency (n=111)</b>	<b>Percentage</b>
Basic	43	38.74
Intermediate	41	36.94
Advanced	27	24.32

21. Which way(s) have you acquired any of your foreign language skills?

<b>Answer</b>	<b>Frequency (n=111)</b>	<b>Percentage</b>
University coursework	96	86.49
Private instruction	23	20.72
Immersion program(s)	20	18.02
Rosetta Stone or other software	13	11.71
Internet	8	7.21
Films or music	25	22.52
Family or friends	25	22.52
None of the above	1	0.90
Other	47	42.34

22. How do you continue to learn about FCIL?

<b>Answer</b>	<b>Frequency (n=132)</b>	<b>Percentage</b>
Training seminars or programs	91	68.94
Blogs, listservs, or web sites	110	83.33
Journal articles, textbooks, or other scholarly publications	104	78.79
Speaking with colleagues	86	65.15
Presentations at your place of work	35	26.52
Conducting FCIL research	103	78.03
None of the above	1	0.76
Other	12	9.09

23. Which option(s) describe your perceptions of FCIL training programs such as seminars, institutes, courses, etc.?

<b>Answer</b>	<b>Frequency (n=132)</b>	<b>Percentage</b>
I am aware of useful training but do not have the time for it.	30	22.73
I am aware of useful training but do not have the money for it.	18	13.64
There is no useful training available.	7	5.30
I am unaware of useful training.	22	16.67
I am aware of useful training and participate in the training at my own expense.	17	12.88
I am aware of useful training and participate in the training at my employer's expense.	65	49.24

24. Which FCIL professional organization(s) are you a member of?

Answer	Frequency (n=132)	Percentage
AALL FCIL-SIS	93	70.45
IALL	43	32.58
IFLA	4	3.03
ASIL	42	31.82
Int'l Law Ass'n	2	1.52
None of the above	34	25.76
Other	5	3.79

25. Which annual conference(s) do you most frequently attend?

Answer	Frequency (n=132)	Percentage
AALL	117	88.64
IALL	20	15.15
IFLA	2	1.52
ASIL	21	15.91
None of the above	10	7.58
Other	11	8.33

26. How can the field improve training in FCIL librarianship?

Answer	Frequency (n=132)	Percentage
Offer more training programs at the AALL Annual Meeting	78	59.09
Offer a 2–3 day FCIL librarianship institute	85	64.39
Increase funding in order to attend FCIL training programs	41	31.06
Offer training sessions through podcasts, streaming, or YouTube	88	66.67
Offer mentorship programs	45	34.09
Offer more training programs at the IALL Annual Conference	19	14.39
Other	9	6.82

27. What job skill(s) or area(s) of subject matter expertise do you feel like you need to improve upon in relation to FCIL librarianship?

Answer	Frequency (n=132)	Percentage
FCIL analysis skills	41	31.06
Foreign language competence	69	52.27
FCIL research skills	51	38.64
Teaching FCIL research or writing	52	39.39
FCIL collection development	46	34.85
Knowledge of foreign law	49	37.12
Knowledge of foreign legal systems	67	50.76
Knowledge of international law	44	33.33
Knowledge of the international legal system	45	34.09
Knowledge of global current events	26	19.70
Other	6	4.55

28. Have you published any scholarly works on FCIL subject matters or FCIL librarianship?

Answer	Frequency (n=132)	Percentage
Yes	38	28.79
No	94	71.21

29. If the FCIL librarianship field is to develop a list of core competencies, should the competencies be universal? Or should the competencies differ based on factors such as geography or subject matter? Please select the best option(s).

Answer	Frequency (n=132)	Percentage
Universal FCIL librarianship core competencies	61	46.21
Regional FCIL librarianship core competencies for those working in a certain region	22	16.67
National FCIL librarianship core competencies for those working in a certain country	19	14.39
Core competencies for those whose work focuses on a certain geographic area	27	20.45
Core competencies for those working in foreign law	64	48.48
Core competencies for those working in comparative law	57	43.18
Core competencies for those working in international law	66	50.00

30. Please list what you believe are universal FCIL librarianship core competencies, if any.

31. Do you believe FCIL librarianship is important? Why?

32. What are the future challenges in the field?

## Appendix B

### Essential Reading List on FCIL Librarianship

#### Overview of FCIL Librarianship

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