



# Law Library E-Newsletter The Book Docket

A Monthly Publication of Nova Southeastern University  
Shepard Broad Law Center  
Law Library & Technology Center

Deborah McGovern, Editor  
Emerging Technologies and Reference Librarian

January 2009

## Article of the Month

- A Most Dynamic Legal Research Database: HeinOnLine

Rob Hudson

## Book of the Month

## URL/Website of the Month

## Tech Tip of the Month

## Faculty & Staff Publications

## A Most Dynamic Legal Research Database: HeinOnLine

Rob Hudson  
Head of Information Services

HeinOnLine was always a good place to find law reviews. Now it rivals Lexis and Westlaw in several areas. As recently as [November](#) HeinOnLine added thousands of pages of new legal content to its database. Unlike those found in most other legal databases, HeinOnLine's documents are digital copies that look like the original print versions.

HeinOnLine's content is fast approaching full coverage of federal materials such as [Administrative Documents & Decisions](#), U.S. Attorney General Opinions, [U.S. Congressional Documents](#) (aka Congressional Record), legislative history, Presidential Documents, a Supreme Court Library, and [many more](#).

The content is expanding from the core of legal periodicals to include a full run of the CFR and Federal Register from the 1930s to the present. HeinOnLine now offers access to the [U.S. Code](#) from its inception in the 1920s to its most current edition, [Subject Compilations of State Laws](#), and some [Uniform Laws](#). Additional databases of note are the [Foreign Relations of the United States](#) (FRUS) and [U.S. Statutes at Large & State Session Laws](#).

The HeinOnLine ALI Library contains a comprehensive run of the [Restatements](#). There is also a searchable database of [Moot Court](#) materials from the National Moot Court Competition.

HeinOnLine provides an array of [international law journals](#) and a diverse collection of foreign law resources: [English Reports, Full Reprint \(1220-1865\)](#), [Israel Law Reports](#), comprehensive Yearbook collections, [World Trials](#), a [United Nations Law Collection](#), Legal Classics, and the venerable Treaties and Agreements Library. HeinOnLine promises to provide even more resources in the future.

To keep on track of it all, HeinOnLine keeps information flowing through its [blog](#), [wiki](#), and [YouTube Channel](#), not to mention Twitter and Facebook. Indeed, a legal database to watch closely.

---

## Book of the Month: **REMIX: MAKING ART AND COMMERCE THRIVE IN THE HYBRID ECONOMY**

By Lawrence Lessig

KF 3020 .L47 2008 General Collection on the 2<sup>nd</sup> Floor

**Review by Stephanie Hess**

In his latest literary feat, esteemed author and Stanford Law Professor Lawrence Lessig argues with admirable aplomb for the easing of copyright restrictions. Faced with technologies that allow virtually any savvy user to remix digital media, Lessig proposes updating copyright law to reflect the realities of a vibrant Internet culture.

Divided into three parts, the book's scope encompasses an examination of digital cultures as well as the impact current copyright law has upon the Internet. The first segment of *Remix* provides a succinct yet thorough legislative history of copyright law, essential background for readers unfamiliar with the intricacies of the subject. Also of interest to Internet Law scholars is the book's extensive bibliography and endnotes.

A consummate teacher, Lessig has a distinct knack for translating complex material into layman's terms. His overview starts with the more esoteric aspects of copyright, initially applicable to the physical copying of intellectual property (e.g., statues, books). The Copyright Act of 1909 expanded intellectual property (IP) restrictions to include phonograph records, setting a precedent for the treatment of video-recordings. Lessig wraps up with the current challenges of digital access and use on the Internet, a vast information repository that continues to evolve despite regulatory restrictions.

Lessig's description of what he dubs the "copyright wars" is engaging and immediate. Easy duplication and real time distribution of electronic files sparked a copyright situation that had been technologically impossible prior to the 1990s. Lessig passionately recounts the heady era of rampant file-sharing that birthed the concept of "media piracy." He clearly empathizes with the astonished reaction of a generation of downloaders who fervently believe that free, immediate access to digital content is a right protected by the First Amendment. Commercial content providers, most notably recording industry giant RIAA, objected to such content delivery practices and began suing file sharing service providers and, later, the users of all such services. Lessig states his objection to this approach, declaring it impractical in terms of cost and ineffective in controlling the use of copyrighted material.

The outcomes of cases like Napster, MPS.com, and Grokster demonstrate the draconian punishments that commercial content providers actively seek under federal law to protect and control their IP. More importantly, they highlight the woefully

outdated modes of copyright restrictions imposed on those who would use copyrighted materials to create new works. Lessig reminds the reader that artistic and scientific advancement must draw upon existing work as set forth under Article 8 of the Constitution, and that businesses often push to extend their IP rights. Essays, briefs, and news articles are all text-based derivative works that are expected to quote respected authorities. Lessig's example of legal brief writing demonstrates the inconsistency in the treatment of the written word versus that of multimedia formats. Indeed, Lessig's analogy of legal brief writing clearly conveys the subtle differences between intellectual property theft and utilizing IP to innovate. An attorney writing a legal brief is required to quote precedents in order to make a solid argument.

The advent of Web 2.0 tools radically altered the rigid "Read Only" (RO) culture, that traditionally text-based world of knowledge long nurtured by professionals. Web 2.0 introduced a previously unknown level of online interactivity, resulting in the development of a new dimension to online culture. Featuring "remixes" or "mash ups" (i.e., original or derivative works that borrow from or are inspired by copyrighted material, chiefly music and video footage), the "Read/ Write" (RW) culture has mushroomed beyond the control of existing copyright law. Powered by the collective talents of amateurs and professionals, RW culture has always existed side by side with RO culture but recent technological developments have spawned a digital versatility that further blurs the lines of access and fair use. The glut of creativity fueled by popular Web 2.0 technologies calls into question the legality of 'remixed' products pursuant to traditional copyright laws.

The second segment of *Remix* addresses the vagaries of economics and analyzes the values and norms that comprise sharing and commercial economies. Lessig states that commercial economies build value with monetary gain as the goal as opposed to sharing economies, which are based on less tangible awards such as satisfaction in contributing to a site. Lessig provides key instances of companies that successfully employ "hybrid" models in their business models, demonstrating that a slew of businesses have supported the Lego-ization of software by using open source software ("free-ware") developed with the input of community members who willingly volunteer their knowledge in the service of improving a product. In exchange, for-profit companies agree to invest the capital and resources needed to develop applications that are viewed as a common good by the users who have invested their IP in developing said product.

To further illustrate this point, Lessig breaks down the respective natures of commercial spaces (e.g., Amazon, Google) and compares them to that of community spaces (e.g., Dogster, Craigslist), collaboration spaces (e.g., Slashdot, Wikia), and communities (e.g., Second Life) which are primarily values and norms-driven. Lessig discusses the benefits and drawbacks of each economy at great length. It is a thought-provoking analysis of how online cultures operate and what perpetuates success in spaces that have morphed into a mix of both types of economies.

The final portion of the book examines the best possible (i.e., workable) approach to achieving a sustainable economic balance between free, community-based resources and profit-driven, commercial enterprises in the online environment. In calling for the drastic revision of extant copyright laws, Lessig's purpose is to not eradicate copyright entirely but to improve innovation by better accommodating the hybrid "Read/Write" world of the Internet.

As derivative digital works often exceed the letter of the law due to the nature

of the medium, Lessig declares that existing laws are no longer a viable infrastructure for supporting true innovation. Lessig argues that only by adapting copyright laws can society take full advantage of Web 2.0 technologies and harvest the potential of the Internet. He also suggests eliminating the current system of granting “automatic” copyright in favor of an “opt-in” system, requiring creators of original and derived works to actively register their works. Lessig’s solution to the copyright quandary recommends a judicious blending of both sharing and commercial economies in order to drive innovation. Indeed, if commercial and non-commercial entities are to thrive online, then traditional copyright laws must change to reflect the realities of the Twenty-first Century.

Lawrence Lessig is a newly named professor of law at Harvard Law School and the founder of Stanford’s Center for Internet and Society.

---

## URL/Website of the Month:

<http://w.cali.org/lec>

CALI has long been a mainstay of the legal education profession. Now, with the addition of the Legal Education Commons (“LEC”), their site is even more useful, offering free access to syllabi, podcasts and presentations. The Creative Commons LEC also offers legal educators free access to over 700,000 federal court decisions and 300 illustrations from the CALI tutorials. Browse to the site to see what you can use, or to upload materials for sharing with others.

Thanks to Professor Grohman for sharing this update with us.

---

## Tech Tip of the Month:

Hand Cramps? Try Keyboard Shortcuts

Here are just a few tips that keep you from having to lift your hands from the keyboard.

**To Select:** Position your cursor at the beginning of the text you want to select (you can do this with the arrow keys) and press and hold down the Shift key. Use the arrow keys to move the cursor to the point where you wish to stop selecting.

**To Bold, *Italicize* or Underline:** Select (see above) the text you want to emphasize, and press Ctrl + b (for bold), Ctrl + I (for italicize) or Ctrl + u (for underline). Or go crazy, do all three at once!

And finally, for finding the hidden words, press Ctrl + f to bring up the Find and Replace dialog box and, *without lifting your hands from the keyboard*, type in your search term and press Enter.

---

## Faculty & Staff Publications:

**Kathy Cerminara:** *A Paper about a Piece of Paper: Regulatory Action as the Most Effective Way to Promote Use of Physician Orders for Life-Sustaining Treatment*, 29 J. LEGAL MED 479 (2008) (co-author).

**Phyllis Coleman:** FLORIDA FAMILY LAW: TEXT AND COMMENTARY (2009).

**Bob Jarvis:** *Gambling Debts at Sea*, J. MAR. L. & COM. 505 (2008).

**Joel Mintz:** Book chapter titled *Few Changes and Little Progress: U.S. Hazardous Waste Management and Sustainable Development*, in John C. Dernbach, ed., AGENDA FOR A SUSTAINABLE AMERICA ( Environmental Law Institute 2009).

*Presidential Leadership and the Challenge of Global Climate Change*, 39 ENVTL. L. REP. 10045 (January 2009).

*Taking Congress's Words Seriously: Towards a Sound Construction of NEPA's Long Overlooked Interpretation Mandate*, 38 ENVTL. L. 1031 (2008).

**John Sanchez:** *The Vesting, Modification, and Financing of Public Retiree Health Benefits in Light of New Accounting Rules*, 41 J. MARSHALL L. REV. 1147 (2008).

**Wisotsky, Steve:** *How to Interpret Statutes – or Not: The Phantom of Plain Meaning*, FLA. B.J., Jan. 2009, at 43.

## Forthcoming Works:

**Jane Cross:** *Families Redefined: Kinship Groups that Deserve Benefits*, MISS. L.J. (co-author).

**Charlene Smith:** *Families Redefined: Kinship Groups that Deserve*

*Benefits*, MISS. L.J. (co-author).

### **Presentations, Appearances, Honors, Reviews, Interviews and Citations:**

**Catherine Arcabascio:** She was interviewed by the *Miami Herald* for April 27 in an article titled *Turning Around Injustice* about her role in co-founding the Florida Innocence Project.

**Roshawn Banks:** She gave the keynote address for 2008 graduates of City College in Miami.

She was elected to the Broward County Bar Association Board of Directors for 2008-2009 as a Western area representative.

**Heather Baxter:** With Elena Langan, she *presented Justice Teaching and the Bill of Rights* at NSU's Lifelong Learning Institute on May 13.

**Brion Blackwelder:** He accepted a Community Advocacy Award for 2008 from the Legal Aid Service of Broward county on behalf of those involved with the Children and Families Law Clinic.

**Kathy Cerminara:** She has been asked to serve on the legal panel of the Editorial Board of the CAMBRIDGE DICTIONARY OF BIOETHICS.

She participated in a panel discussion on Teaching Health Law at the American Society of Law, Medicine, and Ethics' annual Health Law Professors Conference at Drexel University in Philadelphia, where she also presented a poster titled *Optometrist in Court: Summative Evaluation of an Innovative Educational Program*.

**Anthony Chase:** He spoke to the Craig S. Barnard chapter of the American Inns of Court in September about lawyers as portrayed in the movies.

**David Cleveland:** He presented at the Rocky Mountain Legal Writing Conference in March on *Teaching About the Changing Value of Unpublished Opinions*.

He presented *Ending the Era of Unprecedented Precedents* at the SEALS Annual Meeting's New Scholars Workshop on Civil Procedure.

**Phyllis Coleman:** A paragraph from her article, *Scuba Diving Injuries: Causes, Remedies, and Defenses*, 29 J. MAR. L. & COM. 519, 559 (1998), was quoted in the federal district court opinion, *Ostrowiecki v. Aggressor Fleet, Ltd.*, 2008 WL 3874609 (E. D. La. 2008).

**Jane Cross:** She presented her work-in-progress *The Mandatory Death Penalty in the Nova Caribbean Court of Justice: A New Phase in Commonwealth Caribbean Jurisprudence?* at the 2008 Southeast/Southwest People of Color Legal Scholarship Conference.

**Olympia Duhart:** Her editorial in the *Miami Herald* concerning the plight of wrongly convicted former prisoner Alain Crotzer was published in April.

**Colleen Grady:** She was featured in the *Miami Herald* in April in an article about her career, academic successes, and family life.

**Gwen Handelman:** She was re-appointed co-chair of the Ethics Subcommittee, American Bar Association Section of Labor and Employment Law Employee Benefits Committee.

She will serve as a panelist for the “Ethics” presentation at the ABA Section of Labor and Employment Law Employee Benefits Committee Mid-Winter Meeting February 18-21 in Charleston, S.C.

She is scheduled to be a co-presenter on “ERISA Ethical Issues and Concerns” and “Federal Regulation of Health Plans” for the ABA’s “ERISA Basics” program June 10-11 in Chicago.

**Joseph D. Harbaugh:** He presented his 25<sup>th</sup> annual Practicing Law Institute (“PLI”) *Negotiation Workshop for Lawyers*.

He presented two-day negotiation workshops at Briggs and Morgan, Minneapolis; Shearman & Sterling, New York; and Wilmer Cutler Pickering Hale and Dorr in Washington, D.C.

He began his 19<sup>th</sup> year as the representative of the Association of American Law Schools in the American Bar Association House of Delegates.

**Kimberly Hausbeck:** Her article, *The Little Engine That Could – The Success of the Stewardship Contracting Authority*, has been selected by the U. S. Forest Service to be distributed to members of Congress and the GAO.

**Bob Jarvis:** He was quoted in the *South Florida Sun-Sentinel* for November 26 in a story about Miami-Dade Circuit Judge Cindy Lederman's decision striking down Florida's prohibition on gay adoption.

He was quoted on *MSNBC.com* on December 4 in a story about the Canada Supreme Court's decision prohibiting the country's airlines from discriminating against plus-sized travelers.

He was quoted in the *National Law Journal* for December 5 in a story about the recent mass firings of state attorneys and public defenders in Jacksonville.

He was quoted in the *South Florida Sun-Sentinel* for December 7 in a story about the propriety of Governor Charlie Crist's recent trip to Europe, which was paid for by private companies.

He was quoted in the *New York Times* for December 12 in a story about William S. Stevens, the author of the famous article *The Common Law Origins of the Infield Fly Rule*.

He was quoted in the *South Florida Sun-Sentinel* for December 17 in a story about the current vacancies on the Deerfield Beach City Commission.

**Judith Karp:** She discussed, with Eloisa Rodriguez-Dod, *How to Become a Law Professor* at a luncheon for students during the Hispanic National Bar Association Moot Court Competition held in New York City.

**Elena Langan:** With Heather Baxter, she presented *Justice Teaching and the Bill of Rights* at NSU's Lifelong Learning Institute on May 13.

**James Levy:** He was featured in an article about law professors adopting a no-laptop policy in the March 2008 issue of the *National Jurist*.

He received an award from the Legal Writing Institute for his work as editor in chief of the *Journal of the Legal Writing Institute*.

**Jani Maurer:** She presented the first lecture in the Residents' Lecture Series, *Who Can Legally Make Decisions for Patients?* on October 3 and 10 at NSU's Health Professions Division.

**Joel Mintz:** At the semi-annual meeting of member scholars of the Center for Progressive Reform held in San Diego in early January, he participated in scholars' discussions regarding the appropriate roles of federal preemption and cost benefit analysis in environmental health and safety regulations.

He peer-reviewed and rated a set of law review articles published in the past year for the LAND USE AND ENVIRONMENTAL LAW REVIEW, a professionally edited annual compendium of the ten best U. S. law review pieces concerning environmental and land use law.

He served as an outside reviewer of the scholarship of a faculty tenure candidate at the University of Mississippi law school.

**Anthony Niedwiecki:** He was elected to serve on the Board of Directors for the Association of Legal Writing Directors.

**Gary A. Poliakoff:** He participated in a roundtable discussing *UCIOA (Uniform Common Interest Ownership Act) – The Alternative to Florida Statutes Chapter 718 – Is it Time?* at the University of Maryland School of Law's 33<sup>rd</sup> Institute on Condominium and Cluster Development in October.

**Gail Richmond:** She was reappointed for 2008-2009 as Vice Chair of the American Bar Association's Tax Section Committee on Publications.

She spoke at the ABA Section of Legal Education and Admissions to the Bar Law School Associate Deans' Conference, covering *Strategic Change as Impacted by the ABA Standards and Regional Accreditors*. She also facilitated a roundtable discussion on part-time programs.

**Eloisa Rodriguez-Dod:** She discussed, with Judith Karp, *How to Become a Law Professor* at a luncheon for students during the Hispanic



National Bar Association Moot Court competition held in New York City.

**Bruce Rogow:** He was quoted in the Fort Myers *News-Press* for December 11 in a story about a fatal shooting by a 12-year-old Cape Coral boy.

**Jendayi Saada:** She presented her work-in-progress, *Minorities and the Bar Examination*, at the 2008 Southeast/Southwest People of Color Legal Scholarship Conference.

**Lisa Smith-Butler:** She presented a program with Meg Kribble at the American Association of Law Libraries annual conference on *Marketing Your Library: Exploring New Technologies to Create Evolving Newsletters That Energize your Patrons*.

**Steve Wisotsky:** For the fourth year in a row, he has been elected to Florida Super Lawyers in Appellate Practice.