



MOOT POINTS

NOTES FROM THE SARITA KENEDY EAST LAW LIBRARY

January 2010 • Issue 9

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Director's Message

Spring is a busy time in the library as the library staff takes on new initiatives while keeping the routine services going. One new undertaking is a display on **Law and Popular Culture**, which is set up to show a selective collection of the books held by the library. This exhibit is next to the elevator on the second floor. You can read more about this on page 4. Another program under planning is the **Research Camp**, to be offered on Thursday, March 25. This program is designed to prepare students for summer jobs as far as their re-search skills go. Stay tuned for more details later. We also plan to conduct another **Student Survey** of library services, which should take place sometime in February or March. Last, but not the least, one of our librarians, **Mike Martinez**, has assumed the new role of Head of Student Services in the library and will coordinate all student-based library programs. You can find out more about Mike on this page, in a featured interview with the newsletter editor.



As always, we are here to serve you. Please let me know how the library can improve its program or services. Bob Hu (Email: rhu@stmarytx.edu).

Meeting Mike Martinez Jr., Head of Student Services

What do you enjoy most about your job here at the library?

The number one thing I enjoy is interacting with students and helping them with their academic and professional goals. I enjoy collegiality. You also need good people to work with and that is something that I feel really lucky to have.

You teach legal research and writing. What is the best thing your students can get out of your class?

The best thing would probably be my students' understanding of the process and learning the fundamentals of research. They learn how not to be 100% reliant on Westlaw or Lexis. Fundamental skills of writing, application of law to fact, all of these things enable my class to do well as students and be successful as professionals. My class is foundational and hopefully prepares my students to be ready for anything.



What makes you *you*?

I always hope to bring levity to the situation.

Tell me about your influences.

My influences include my mentors, Monica Szkasits (University of Arkansas) who was able to guide me through the profession of law librarianship. I also consider professor John Teeter to be a big influence. Past experience has also influenced me greatly, just going through the rigors of law school in general and understanding what the students are going through has helped me understand my profession as both a librarian and a professor.

What do you like to do in your spare time?

Watch movies and read about movies, music and different artists. I like to see what's out there from indie to popular music.

How long did it take you to build your impressive collection of Homies™?

It's been growing since 2003. I'll take any free Homies™ people want to give me.

Professor Martinez is the head of student services and reference librarian at Sarita Kenedy East. He may be reached at 431-8070 or by email at mmartinez17@stmarytx.edu.

Library Hours and Schedule of Events

Monday-Thursday
8am—12am

Friday
7am—10pm

Saturday
9am—10pm

Sunday
10am—12am

February 15:
President's Day
(No Classes)
8am-6pm



February 23 - 25:
Bar Exams

March 13-14:
Closed

March 15-20:
Spring Break
8am-5pm

Our calendar is available online at stmarytx.edu/law/library, click "Monthly Calendar"





Recent Faculty Publications

by Liana Morales, Library Assistant

Here is a selective list of several of St. Mary's School of Law faculty members' publications. Congratulations to each of these professors and all the best for their continued scholarly achievement! As a correction from our last issue, Professor Addicott has published a few more works recently as mentioned below.



- **Jeff Addicott's** 5th edition volume of *Terrorism Law: Materials, Cases, Comments* has been published, and the 6th edition is currently underway. **Law Reserve KZ6795 .T47 A33 2009**

He has written a chapter called *The War on Terror: War or Metaphor?*, appearing in *The Ashgate Research Companion to Political Leadership* edited by Joseph Masciulli, Mikhail A. Molchanov & W. Andy Knight.



Professor Addicott also has a forthcoming work entitled *Cyberterrorism and the Law*, to be released in *Legal Issues in the Struggle Against Terror*, edited by John Norton Moore & Robert Turner.



- **Michael Ariens** published his article "Playing Chicken": An Instant History of the Battle Over Exceptions to Client Confidences, in *The Journal of the Legal Profession (University of Alabama School of Law)* 33 (Spring 2009): 239-300. **Available on HeinOnline**

- **Robert Hu** has published *Protecting Intellectual Property in China: A Selective Bibliography*. *Law Library Journal* 101 (Fall 2009): 485- 515. **Available on HeinOnline**



- A collaboration by **Bill Piatt** and **Roberto Rosas** called "New Legal Rights in the Legal System of the United States of America" and its Spanish version, "Nuevos Derechos En El Sistema Legal De Los Estados Unidos De America," appear in Vol. XXII, No. 19 of *Juris Tantum*, published just recently by the Facultad de Derecho de la Universidad Anahuac in Mexico (2008) at p. 423 et seq.



- The 2009 edition of **Gerald S. Reamey's** *A Peace Officer's Guide to Texas Law* has been published online by the Texas Police Association. It is distributed to more than 15,000 peace officers, law enforcement administrators, libraries, and criminal justice professionals throughout the state and beyond to members of the association. His publication can be found at this link: http://www.texaspoliceassociation.com/files/membersPeaceOfficerGuide_2009Part1.pdf.



- **Will E. Rice** wrote an article called *The Court of Appeals for the Fifth Circuit: A Review of 2007-2008 Insurance Decisions* for volume 41 of the *Texas Tech Law Review*, issue 3 (Spring 2009): 1013-1095.

Professor Rice's article entitled *Destroyed Community Property, Damaged Persons, and Insurers' Duty to Indemnify Innocent Spouses and Other Co-Insured Fiduciaries: An Attempt to Harmonize Conflicting Federal and State Courts' Declaratory Judgments* appears in volume 2 of the *Estate Planning & Community Property Law Journal* (Texas Tech University School of Law) (Fall 2009): 63-173.



(Pictures listed alphabetically)

Our Library By the Numbers

Here is a list featuring the number of transactions handled by the Law Library staff from November to December 2009:

Acquisitions and Cataloging: 1,909 Volumes, 181 Titles

Circulation of Items/Times:806

Faculty Requests: 12 Requests, which took 38 hours to research.

Interlibrary Loans: 127



Law students Alyssa Gelormini and Robert Park do some preliminary research at the circulation desk.

Popular Reading Review

By **Tim Wilson, Electronic Services Librarian**

Burning the Ships: Intellectual Property and the Transformation of Microsoft

Written by Marshall Phelps and David Kline
KF3133 .C65 P47 2009

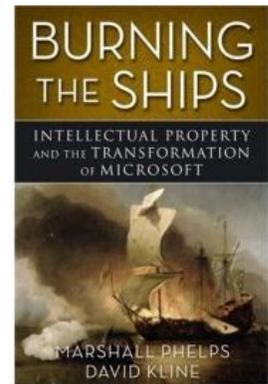
Burning the Ships attempts to give readers both an interesting perspective on the role of Intellectual Property patenting in the Google age as well as an inside look into the inner-workings of Microsoft. Marshall Phelps, Microsoft's corporate vice president for IP property and strategy, with the help of journalist David Kline, tells the story of how he and a group of other forward thinkers in the company were able to completely transform Microsoft's image in the technology world from that of a bully to a cooperator. In fact, he feels that the changes that he helped bring about were so dramatic that he compares them to Hernando Cortez's burning of the ships that brought him and his crew to the new world. By changing Microsoft's IP strategy Phelps signaled that there was no going back. What was changed was apparently Microsoft's aggressive position on the control of its intellectual property. Microsoft either would litigate non-licensed use of its software or (what was perceived to be worse) preemptively force equipment manufacturers with whom it partnered to sign what became known as non-assertion of patent clauses (NAP). Signing the NAP meant that if companies wanted to carry Microsoft's soft-

ware on their machines (like windows, for example) then they would not be able to sue Microsoft for infringing on IP rights that those companies might otherwise have.

Phelps believes that companies dependent on technology, companies like Microsoft, can no longer go-it alone. Instead of holding onto their trade secrets and keeping them well... secret, those companies would be better served by sharing and cooperating with others. In this way everyone could benefit from the same pool of resources and wouldn't be so busy trying to keep up their fences, so to speak.

The book is scant on details about the standards and practices of IP patenting and licensing (which may have been on purpose considering the abstruse nature of the subject matter). And it is somewhat uneven in that the vast majority of the book is devoted to recounting negotiations between Microsoft and other companies with only a small part at the end focusing on the Phelps's general philosophy on IP patenting and licensing. However, the book still gives the non-initiated reader (like me) a solid perspective on the current IP landscape while at the same time showing us at least a little bit of the inner working of the company that everyone loves to hate, so it seems.

I give it 3 out of five stars. Or how about 5 out of 7?



A must-read for aspiring business leaders.



Legal Film Showcase

By **Mario Leyva, Evening Supervisor**

The Accused

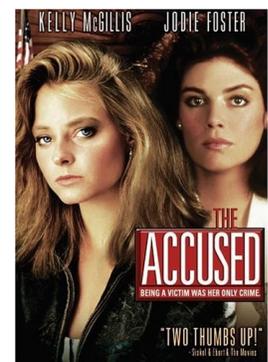
Directed by Jonathan Kaplan
PN1995.9 .R27 A33 2002

The Accused is a movie that takes a hard and compelling look at the crime of rape and its treatment within the criminal justice system. Jodie Foster (Sarah Tobias) gives a convincing and provocative performance in a role that won her an Oscar. Despite a checkered past and a live-in-the-moment lifestyle, Sarah must seek to prove that she was gang-raped and that the onlookers facilitated this very crime against her. Kelly McGillis plays the district attorney (Kathryn Murphy) arguing the case on Sarah's behalf. After convicting the attackers on a lesser charge through a plea bargain, she

struggles with the task of proving a new legal precedent in prosecuting the onlookers who did nothing and contributed to the facilitation of a crime.

The film raises the subjects of social responsibility and moral conscience as to what is the duty of citizens when they are witnessing a crime? It examines the process that the legal system often places on victims, witnesses, and defendants. Often, it demonstrates a failure in the criminal justice system—treating a victim as though they were the criminal. It displays vividly the emotional trauma, social stigma, and ongoing struggles of many women who have been subject to abuse of this nature.

Overall, I give this film a 7.5 out of 10.



Jodie Foster won a Best Actress Oscar for her role as Sarah Tobias.

Connecting people to information: Access, Educate, Empower

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Completed in 1984, the Sarita Kenedy East Law Library offers two stories of research materials and services to the students, faculty and community surrounding St. Mary's University.

Law students of the university have access to quiet study areas, 136 private carrels, 17 conference rooms, and two classrooms.

Our library is the winner of the American Institute of Architects Honor Award and the Texas Society of Architects Honor Award and is well-equipped with multimedia collections, labs, wireless Internet, and helpful, knowledgeable staff.

Come visit us or see us online.

<http://www.stmarytx.edu/law/library>

This newsletter is edited by Liana Morales

Contributors: Bob Hu, Mario Leyva, Mike Martinez, and Tim Wilson



New Year's Resolution: Read More

This year, resolve to get more out of your library. Our staff and librarians are ready to assist you with all of your questions and research needs. We've made quite a few new additions and our collection is always growing. This year will bring some good changes to the library as well.



Law in Pop Culture and Film

By Liana Morales
Library Assistant

The influence and ubiquity of the law has always had a clear presence in our society. It is not surprising that some of the most significant films of our time have to do with lawyers, systems of justice and the courtroom. Seeing that it is award season, the law library would like to put a focus on law and its impact on America's popular culture, including our favorite television shows, movies, and books. Professor Mike Martinez and I have prepared a concise display which is currently underway on the 2nd floor, near the elevators.

Pick up a handout to see a bibliography on this particular subject. And be sure to also check out what we have in our film selections. You just might find the perfect law-related film for you.