



At 3 o' clock I arrived in sunny Cardiff, and being quite loaded down with my baggage, decided I had had enough travelling, so I stepped into the nearest cab and gave him the address I where I was to stay. My brother had found me a place to stay with a Welsh family not far from Cardiff central, and I thought this would give me a broader experience of Wales than would staying in a hotel, and I was right. Rose, the lady I was staying with, was actually English but had been living in Wales for many years, and her opinion on Wales and its people was interesting and colourful.

At 7pm I met Valerie Stevenson, the chair of BIALL, and the other overseas delegates at the bar of the Angel Hotel. We all went to a Spanish restaurant where we had sirloin steak and wine for dinner. I was sitting next to Janine, the librarian from Canada librarian, and it was most interesting to hear how CANLII gets its funds through each lawyer having to pay \$14 a year towards it.

### Friday 13 June

As the conference only started at 2pm, I had some time in the morning to look around Cardiff and buy some souvenirs. As the Welsh Dragon was very prominent everywhere, I bought myself a little one to remind me of Cardiff, which Rose named "Dai", which is the Welsh name for David. The only Welsh I learnt was "dim ysmegu", which means "No smoking", as I had stared at ample such signs by the end of the conference.

I finally made my way to the Cardiff City Hall, and must say that it took my breath away. The building is very majestic, with fountains and a lush green lawn sprawled out in the front, and the city clock chiming every 15 minutes.

The first thing that struck me was the amount of BIALL members that attended and the friendliness of all

of them. Everyone made everyone else feel welcome, and they all, especially the BIALL committee, went out of their way to make the overseas delegates feel especially included as well as important.

I didn't go with Welsh Assembly Library excursion, but instead I attended the pre-conference seminar on Budgets by Jules Winterton, who discussed financial planning and management in libraries.

This was followed by a panel session in which different librarians shared their knowledge. Eleanor Brookes explained the Court Service in the Lord Chancellor's Division, Alison Johnson spoke on reskilling and Angela Donaldson discussed the interesting challenge of providing a library and information service to distance learning students.

We then went to our hotels for a break and met together again for the drinks reception and formal opening. Buses then transported us to the Coal Exchange, where we dined on a fabulous menu consisting of roast beef, Yorkshire pudding, and Welsh leeks. Two magicians, who came to each table and showed off their magical skills, entertained us. After the fresh fruit & cream and coffee, we listened to a stand-up comedian who had us all laughing in no time.

Three of us decided not to wait for the buses (we were saving our party energy for Saturday night) but caught a cab back home. We got a very pro-Welsh cab driver, who kept making comments on the English "being too common, you know, as they breed like rabbits and therefore seriously outnumber the Welsh, Irish and Scottish" and how it would be a good idea "to put them in a hole and cull them". He then asked where we were from. After such an anti-English monologue, and being in a cab late at night on Friday the 13th (a new experience for me at any rate), I quickly affirmed that I was South African (I fortunately had my flag with me to prove it, as well as my accent.) The one librarian with me, Anna, was (lucky for her) from Australia. Lastly the cab driver turned to Zosia, who is English but has Polish parents, a nationality she quickly preferred over being English. With that all sorted out and the cabbie looking less hostile (not to mention all of us being very relieved), we were delivered safely at our destinations.

### Saturday 14 June

Today the programme started bright and early at 9:15 am. It was a heavy day of lectures, but they were fortunately very interesting as we learnt about law-making and devolution in Wales, Northern Ireland, Canada and the US. We learnt about the legislative process of the Welsh National Assembly, how Welsh and English have now achieved equal status, and how all legislation must now be published in both English and Welsh. Winston Roddick QC, the Counsel General for the National Assembly for Wales, who was presenting the keynote address, went to Canada to see how bilingualism in law-making is achieved successfully, before applying it in Wales. Devolution in both Wales and Northern Ireland began at about the same time, in Wales by means of the Government of Wales Act 1998 and in Northern Ireland by the Northern Ireland Act of 1998. We were also given an overview of the history of Ireland by Prof John Morison, before John Eaton and James Heller introduced us to federalism in the US and Canada.

After lunch we split into groups to attend various panel sessions. I chose "Professional Development for the One Person/Small Team library", and for the second panel session I attended "Tales from across the Frontier" where the overseas delegates had a chance to meet each other and hear how librarians are making a difference in their respective countries.

After this we each went to our hotels to get dressed up for the main event on Saturday night. As we exited the City Hall, we found that someone had poured soap powder into the fountains in front of the City Hall and created a huge bubble bath. There was a "Speedway" bike race going on in Cardiff, and the local population was extremely excited, most of them had painted their faces in white and red, the colours of England. I went over to have a closer look at the bubble bath fountains, and found three teenagers, who looked rather delinquent to me, knee-deep in the water. One of the girls spoke to me. Here is the interesting little conversation that followed:

**Delinquent:** Come on in, the water's lovely.

**Me:** No thanks, I don't have a spare change of clothes.

**Delinquent:** Neither do we, and we're going to catch the train later.

**Me:** (Getting the uncomfortable feeling that they wanted to push me in) Well, I think I have a little further to go than you do to get to dry clothes.

**Delinquent:** (Pointing at my name tag) Where do you work then?

**Me:** At a law firm.

**Delinquent:** (Slowly) Ah, that means you're smart. I'm not.

**Me:** (Resisting the temptation to say something motivational, and acting on a hunch instead). Who did this to the fountain?

**Delinquent:** We don't know.

**Me:** I see. And how many bottles did you have to use to make all these beautiful bubbles?

**Delinquent:** Twelve.

I managed to leave without getting soaked, and I don't know what it cost the city council to clean up the fountains on Monday morning, but a lot of people had a lot of fun over the next few days.

The BIALL Annual Dinner was sponsored by Sweet & Maxwell and the theme was "Moulin Rouge". Everyone came dressed in black and red. We were greeted (or rather, scared) at the door by stilt walkers, who were dressed as black-and-white beetles or monsters of some sort and were walking on all fours. They were very good at sneaking up on people and got quite a few screams out of some librarians.

An ice-sculpture in the form of the Eiffel tower decorated the entrance, and the hall was simply breathtaking. All the tables were dressed in red velvet, and adorned with peacock feathers. It was like being in a fairy tale. The menu began with chestnut soup (a first for me), followed by roast lamb in mint sauce and ended with strawberry mousse garnished with chocolate. After the coffee and truffles, we

were entertained by CanCan dancers, before the dance floor was opened to all. There was also a caricaturist, who entertained us by drawing caricatures of everyone who thought their self-image could take the blow.

We enjoyed ourselves so much we almost forgot to go back to our hotels, but reluctantly the music stopped at 1am. It was the best dinner event I've ever attended.

### Sunday 15 June

Amazingly most of the delegates actually turned up to attend the 9:30 session on copyright, proving that librarians can party hard and work hard. (We're good at multi-tasking too).

The second session was on plagiarism, followed by the BIALL AGM, which introduced newly elected BIALL committee. We then listened attentively as Victoria Jannetta (the new Chair) invited us all to the 35<sup>th</sup> BIALL conference in Edinburgh next year, and the venue looks outstanding.

After lunch, we split into groups again to attend different excursions. I went to visit the Cardiff Castle, and it was well worth it. Most of the rooms were decorated in a certain theme – the time room was awesome, each wall represented a season and the stained glass windows framed pictures of the Norse gods after whom the days of the week were named.

At 7:30pm we met again at the Angel Hotel for drinks and dinner. I enjoyed the discussions we all had around the table, and I'm sure we all learnt much from each other as we all basically face the same problems.

### Monday 16 June

Monday's sessions delivered the biggest punch. The first session was on "The UK Centre for Legal Education: enhancing learning in legal education", and the second was on "Teaching Lawyers to use databases effectively", which was very relevant to my field and taught me much about the selection of online databases, licensing, desktop design and training tips.

The last two presentations of the conference were excellent and really prove what impact law librarians can make on the world. Dr Peter Clinch, Information Specialist at the law library of the University of Cardiff, discussed

his "Cardiff Index to Legal Abbreviations", a searchable database of abbreviations for English language legal publications he has developed and made freely accessible to the rest of the world. It includes abbreviations from the U.K., U.S.A., Commonwealth and even South Africa.

This Index can be found at:

<http://www.legalabbrevs.cardiff.ac.uk>

"Educating the M-TV Generation – LIST" by Prue Presser and Nicki McLaurin Smith, was a presentation on the impressive online tutorial developed by two law librarians to train and educate law students at the Melbourne Law School to do legal research. It was an enormous project, which even includes animation, and is sure to lead the way for similar projects at other universities worldwide.

All in all, the 34<sup>th</sup> BIALL conference was a mind-blowing experience, and I'm sure I have developed my professional insights in a way that is only possible by attending an overseas conference. I'm really grateful to my sponsor, Academic Marketing Services, my firm Brink Cohen Le Roux & Roodt and of course BIALL for making it possible for me to attend. All I can say is: Carry on the outstanding work, BIALL!!

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## THE DYNAMICS OF A SOUTH AFRICAN LEGAL LIBRARY

*By Mark Stiebel*

Mark Stiebel describes the way in which law libraries operate in South Africa and their interplay with legal practice. Mark Stiebel is an English solicitor employed as an assistant at Thomas Cooper Stibbard who practiced as a South African attorney before moving to London.

The South African law library holds a similar function to that of its English counterpart. It provides a primary source to describe the law and how it has changed and grown over time. South African attorneys fulfil a similar role to solicitors and South African advocates can be equated with barristers. While attorneys have recently gained rights of

audience in the High Court, most attorneys continue to brief advocates in complex matters due to their specialised knowledge and skills.

While most law firms in South Africa are significantly smaller than London firms, almost all of them would have a law library in some form or other. Should a small firm not be able to locate a work which they need then they could go to the local Law Society's library. In Cape Town one is able to go to the South African library, which has a large amount of legal materials.

Advocates are all located in one or two sets of chambers in each major city centre. They are not divided into groups of chambers with clerks. As a result, almost every advocate has his or her set of law reports. Many of the junior advocates will only have electronic versions of the law reports in order to save space and money. Each Bar Society, which regulates the advocates in a particular province, has its own library. This can be equated to an Inn's library and is heavily relied upon by junior advocates who have not yet been able to afford to purchase the many books needed to establish a complete law library. Many of the senior advocates each have large personal libraries and, in the case of the most senior advocates, they will often also have foreign law reports such as the All England Law Reports and Halsbury's Laws in their library. Advocates who specialise in select fields would also have several journals relating to that field and textbooks from various jurisdictions dealing with the same subject matter. Because many areas of South African law are now open to change following the introduction of the new Constitution, the courts are prepared to hear argument as to how other countries have dealt with similar legal problems. The constitution had the effect of making most older text books redundant as it changed the entire

aspect of South African law in that every legal question was to be examined through the lenses of the bill of rights enshrined in the new constitution. This has resulted in a massive amount of new legal literature to replace the outdated works. To the delight of the dominant legal publishers, almost every textbook had to develop a new edition following the adoption of the final constitution in 1996. (To see a copy of the constitution, see: [www.polity.org.za/govdocs/constitution/saconst.html](http://www.polity.org.za/govdocs/constitution/saconst.html).)

This has also resulted in a broad range of legal materials being relied upon. (One also sees many foreign judgments used in cases in England and many textbooks also give foreign examples or Commonwealth examples: see, for example, Wade & Forsyth, *Administrative law* or Wilford, Coghlin & Kimball, *Time Charters*).

South African Universities tend to have the largest law libraries and it is not unusual to see both advocates and solicitors use these resources on occasion. (The university grants temporary access to practising attorneys and advocates.) The university library tends to be the most comprehensive with extensive legal materials from several jurisdictions.

An important development has been the introduction, in 1993, of electronic legal materials. South Africa seems to have a significantly high number of electronic products available and is probably on par with England in the range of materials offered via an online or disk subscription. A negative feature of this new development is the doubling of costs as legal publishers do not equate the electronic version with the paper one - thereby forcing the law firm, advocate or university to have to buy several subscriptions for the material. This results in electronic legal materials such as law reports being widely used by law firms and advocates and universities while other more specialised materials such as specific books or specialist sets of law reports tend to be available only at universities or in very large firms or established advocate's chambers.

The structure of the South African law library will appear immediately familiar to the English law librarian as both systems have similar products, which demonstrates how the South African legal system has been moulded and developed by English influences. One of

the legacies of colonial rule was that, while the content of South African law was left unchanged by the British through the preservation of the older Roman Dutch law, the court systems and structures were changed to bring the procedure in line with England and all British colonies. Precedent therefore became significant and, while legal principles were allowed to develop on an abstract basis, the legal practitioner was forced to know all previous cases and legislation. Early legal reporting was in the form of newspaper reporting (by the Cape Times, in a format rather similar to *The Times* law reports).

#### Law Reports

South Africa has one main set of law reports which are known as the South African Law Reports (SALJ). These reports are published monthly by Juta & Co, the largest legal publisher in South Africa. They include cases from the High Court and the Supreme Court of Appeal as well as the Constitutional Court. Minor courts such as the land court, water court and tax court are also included should they produce significant decisions. A decision is usually reported within a year of being handed down. The monthly volumes are then expected to be bound into quarterly volumes. This set began in 1947. Before that each High Court in each of the provinces of the country had their own set of law reports as did the Highest Court, the Appellate Division (1910-1947).

In 1995, Butterworths, the second biggest South African legal publisher, revived the All South African Law Reports, which had been amalgamated into the SALR. These are published weekly and are inserted into binders (of which there are four for the year.), Butterworths also publish the South Africa Constitutional Law Reports and the South African Labour Law Reports (from 1994). There are also patent law reports which detail the developments in intellectual property (Burrell's Patent Law Reports 1953 to present) and the South African Water Law Reports (since 1921) and the Tax Courts. Almost every South African law library will have the SALJ. Only specialist law firms and universities and some senior advocates will have the other

## law reports.

Of the English sets of law reports, the All England Reports seems to be the most popular and are found in several advocates' chambers in Cape Town as well as in the University of Cape Town (UCT) law library. The Official Law reports are found in the UCT law library but the weekly reports appear to be rather elusive. Firms which specialise in shipping law all tend to have the Lloyds Law Reports which cover all areas of shipping.

## Legislation

Many areas of South African law are heavily legislated, thereby generating heavy reliance on a good set of current legislation. In South Africa all legislation is initially published in the Government Gazette. This is a formal 'newspaper' printed by the government on a weekly basis and then as often as needed. All green and white papers are printed here as are all changes to legislation, and regulation. Most law firm libraries will have the Government Gazette although they will usually only retain the past five years' worth. Butterworths publish a full set of statutes in looseleaf, A4 size. These volumes need to be annually updated and contain approximately 24 volumes; they are the standard issue which is seen in the courts, law libraries and advocates' chambers. In the past few years Juta have published a full set of current statutes which can be disposed of and replaced annually. These are published in five volumes on very thin paper and are favoured by certain advocates who think they are easier to carry around than the thick bulky A4 Butterworths set.

Hansard is available in South Africa and records all debates in the legislature. These volumes are mainly found in University libraries and rarely in law firms or advocates' chambers.

## Overviews

Both the South African and English legal practitioner need a set of books which give a grand overview of their subject. In South Africa, the Law of South Africa (LAWSA) (edited by Joubert) is a 32-volume work which has 150 titles which each set out an important area of the law. In addition to the title volumes, there is a consolidated index, a cumulative supplement and a cumulative table of cases. There are monthly supplements called Current Law which gives the work immediate relevance. There are also annual supplements which consolidate the statements of law found in Current Law. Lawsa is also available in electronic form. Laswa is the South African version of Halsbury's Laws published by Butterworths. This is also updated monthly with current law and has an annual volume which brings the work up to date.

Another broad legal reference work is the Annual Survey. This is published by Juta and contains a summary of the annual changes in the law, divided by broad subject. It also sets out every reported case in each field and contains a summary of the important cases with some commentary as to how the law has changed. There is also a list of all legislation changes with commentary and a list of all academic articles written on each area. A similar product in England would be the Annual Review by the All England Law Reports which fulfils a similar function but tends to focus only on case law.

The South African Law journal is widely read and is found in most law firms. It contains relevant current legal articles and is often heavily relied upon where the law might be unclear and there are few or no textbooks to give an academic opinion. It has been published by Juta for over 100 years. The South African journal of Human Rights is still significant. This journal began in the mid-1980s and tried to record as much of the human rights abuses found in the country as it could. It now focuses on constitutional and human rights issues. There are several other important legal journals, such as the South African Mercantile law journal and Acta Juridica. Most law firms would have the SALJ and then a few commercial law journals. (For a complete list of South African law journals see: <http://wwwserver.law.wits.ac.za/lawlibrary/sajnl.htm>)

## Textbooks

The number of South African legal textbooks has dramatically increased in the past decade. Almost every legal subject has at least one textbook dealing with the matter. There are a group of core works which will be found in every firm. Most firms will have at least three textbooks dealing with all major topics such as contract, delict (tort), commercial and litigation. For litigation, there is heavy reliance on Jones & Buckle - *Civil Practice in the Magistrate's Court in South Africa* (for use in the lower courts) and Erasmus et al - *Superior Court Practice*. These works contain the rules of court together with an interpretation of the law and relevant cases. Most textbooks have new editions published within ten years. Juta & Co and Butterworths dominate the market and are able to charge high prices for legal materials. The current trend is for most works to be published in looseleaf format.

## Forms and Precedents

A very useful series, found in most law firms and advocates' chambers is the Butterworths Forms and Precedent set. The forms set out the standard wording found in various documents and includes notes as to how these should be drafted and the constraints and pitfalls in each area of law. This series is now being published in looseleaf and includes disks which have MS Word versions of all of the precedents. These can be manipulated and prove to be an invaluable aid in legal drafting. The commentary also provides a useful summary of the area of law. It should be noted that the disks are included in the purchase price and one does not have to pay twice for the same product.

## Internet

Finally it should be noted that the Internet has allowed immediate and instant access to electronic books, law reports and legislation. Unfortunately this often has a very high cost as the field is dominated by a few niche companies. The Internet is one of the most important research tools in South African law libraries. While a vast array of cases are available free of charge via the Internet, Butterworths and

Juta offer most of their law reports on a subscription basis via the Web (see links below). A large number of law firms and universities have Web pages with legal information and comment which is often relied upon by other practitioners. A relevant article may be published on a firm's Web site for example, which has been published in a legal journal. One is also able to access and purchase legal material via the Web.

#### Conclusion

On a personal note, I find the South African legal system is easier to research because it is smaller and younger. In England, if one needs to research a point of law, one almost has to select which material should not be examined. In South Africa, one could expect to find a few journal articles on the subject with one or two textbooks and a dozen or more cases on the point. When researching cases with constitutional implications the search becomes much more difficult as one is expected to look to other jurisdictions to identify what steps they took to resolve the question. In England one tends to look only at English law and not to examine broader sources. The speed of Internet searches and electronic searches of electronic materials such as law reports has meant that the research time in both jurisdictions has probably decreased while the volume of material located has increased, leaving the legal practitioner with yet more reading to do.

Almost every advocate and law firm outsource many aspects of their library to other companies who update their looseleaf editions, update their case noter-upper and advise of any new purchases which should be considered. They also facilitate the binding of law reports and journals and generally keep the library in good working order.

Some interesting Web Links:

South African Law Publishers:  
<http://www.juta.co.za/jutalaw.index.html>  
<http://www.butterworths.co.za>  
<http://www.lawpublisher.co.za>

South African Universities:  
<http://www.law.wits.ac.za/> - includes many cases and journals and very good links.

South African Government (including all legislation):  
<http://www.gov.za/>

South African Legislation:  
<http://www.polity.org.za/govdocs/legislation/>

For General information, see the National Library of South Africa:  
<http://aleph.salib.ac.za>

For a good South African Search Engine:  
<http://entertainment.ananzi.co.za>

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#### **IT AND THE WORKPLACE** *November 20 2002 at 09:58AM* *The Star*

One in five UK office workers wouldn't know what to do at work if they didn't have access to IT, reveals a report released today by Fujitsu Services, whose local subsidiary is ICL, one of Europe's leading providers of managed services for IT infrastructure.

The report, Working IT, also reveals that 38% would refuse to work as hard if their IT systems crashed and 15% would leave the office early.

Working IT reveals how essential IT has become to modern business, with a quarter believing it is the most useful thing in the office, ahead of managers and training programmes.

Even technophobes admit its importance, with one in five saying that though they would love to work without IT, they know they can't. The key is IT's efficiency, with 86% praising it for this.

The report does reveal the downsides of the office IT culture, however, A third of workers admit to using IT as an excuse for poor performance, and 28% sometimes use e-mail rather than conduct face-to-face meetings because they dislike the person they are contacting. Half of office workers also argue it can lack the human touch.

"The Fujitsu report is both timely and informative," says Dr Mark Brosnan, lecturer in Psychology at the University of Bath. "Office workers feel that IT makes work easier to such an extent that they could not work without it.

However, many of those less familiar with IT list the system crashing and losing their work as one of the major factors preventing them using IT."

ICL (SA) managing director Elvin de Kock, says "Companies that fail to provide reliable and robust systems for their employees risk alienating them."

Less than a quarter of today's office workers believe IT is either unreliable or too complex. Three quarters dislike its occasional slowness and 48% express concern that it is too easy to misinterpret the tone of e-mails.

"The potential for misinterpreting tone in e-mails is a cause for concern," Brosnan comments, "particularly when e-mail is the only mode of communication we have with some clients and customers. In the absence of any other information, a short e-mail may be interpreted as curt and rude."

De Kock adds that the Working IT report also identifies the six most common IT types in the modern office: the shark, the squirrel, the magpie, the ostrich, the elephant and the dinosaur.

Most people believe they are an IT shark, dealing with e-mails and reports efficiently and quickly: 39% claim to be this type. Second most common (21 % of workers) is the IT squirrel ' who hoard all reports and e-mails they receive.

A further 18% admit to being IT magpies, who pick off the most

interesting e-mails and reports but ignore the rest.

IT ostriches account for 9% of the workforce, dealing only with the easiest reports and e-mails and avoiding anything harder. 6% confess to being IT dinosaurs, hating technology and needing help to use it.

A final 5% believe they are IT elephants, able to remember everything first time and not relying on IT much.

ICL can be contacted on 011 - 233-5576

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