

**ALERT**  
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**Contents**

<b>Sales Skills for Information Professionals: Best Practices and Other Musings</b>	<b>1</b>
<b>New Sources</b>	<b>7</b>
<b>Publishers</b>	<b>12</b>
<b>Index</b>	<b>12</b>

**Sales Skills for Information Professionals:  
Best Practices and Other Musings***by Linda Will*

In an article in the September/October 2005 *Law Librarians in the New Millennium* (a publication of West Librarian Relations), Nina Platt writes: "It's not too early to start developing the leadership and marketing skills our changing world expects." She continues, "Although we will continue to advance scholarship ... we will also need to develop new skills."

In the past three decades, we have witnessed not only the explosion of information, but also its commercialization. We have watched as law firms became like businesses, with their managers making objective and strategic decisions. We have seen marketing departments take on bold new roles that include incorporating sales tactics in their initiatives. In this law firm climate, we must ask if our next step as information professionals is to commercialize ourselves. We can walk the walk and talk the talk, but do we think the thoughts that make this possible? If law firm partners and administrators are embracing sales, shouldn't information professionals do so as well? And, if so, should we not start coaching our information teams as sales people are coached?

In this article, I will take you on a tour of my thoughts on this subject as I try to determine if using sales strategies and the coaching necessary to be successful with these techniques are right for the Dorsey law firm.

**First Things First**

Sales people are creative in order to obtain a financial end. Information people are creative in order to obtain knowledge. Sales skills aimed at improving sales force performance can be directly applied to a research team. "The job of sales managers is to help each of their people achieve more than they would have achieved if just left alone," writes Jim Pancero in *You Can Always Sell More*. To me, this means leadership, so that is the first concept to consider.

How do you become a sales (research) leader? Just because you were a great researcher at one point in your career does not guarantee continued success.

*continued on page 4*

## New Sources

Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. In addition, he weaves in the influence of other federal statutes, such as the Architectural Barriers Act, the Individuals with Disabilities Education Act, the Air Carrier Access Act, and the Developmental Disabilities Assistance and Bill of Rights Act.

Chapter 3 is devoted to the legislative history of the ADA. Chapter 4 alone is probably worth the price

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***This book is full of interesting  
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of the book; it is a state-by-state tour of disability discrimination laws, replete with sections on prohibited discrimination, definitions, reasonable accommodations, and defenses. In other chapters, Susser covers ADA-protected disabilities, access and accommodation issues, hiring, and the issues associated with related workplace statutes. He devotes the entire chapter 10 to addressing remedies, litigation strategies, and alternative dispute resolution.

This book is full of interesting "factoids" for law geeks. For example, if an employer misperceives an employee as being an alcoholic or drug addict and makes an adverse employment decision involving the employee based on that erroneous belief, the employer could be liable for discrimination under the ADA. However, if the employer mistakenly believes the employee to be a *casual* drinker or drug user and makes the same kind of decision, ADA protection does not apply.

The book is strong on practical information for labor law attorneys. Susser is a shareholder with a national employment and labor law firm, and his insight and experience make compelling reading. He explores issues that would be obvious only to someone who has "been there and done that." His writing style is clean, straightforward, and thorough. Exhibiting a refreshing avoidance of jargon, he explains every abbreviation and acronym.

There are several interesting features that should endear this book to researchers. It contains a summary table of contents, a detailed table of contents, an individual table of contents for each chapter, a table of cases, and a robust index. All primary sources are footnoted and frequently annotated. The included CD-ROM contains statutory, regulatory, policy, and guidance documents.

This is an excellent labor law resource for law firms, academic law libraries, human resources

departments, and corporate legal counsel offices. Because it contains so much practical information on ADA litigation, it would be a useful acquisition for academic and public libraries although users without a legal reference point would need assistance in interpreting the citations in the footnotes.

— Rebekah Maxwell,  
Associate Director for Library Operations,  
University of South Carolina,  
Coleman Karesh Law Library, Columbia

## INTERNATIONAL & FOREIGN LAW

**International Investment, Political Risk, and Dispute Resolution: A Practitioner's Guide.** Noah Rubins & N. Stephan Kinsella. 2005. Oceana Publications, Inc. Hardcover. 769p. ISBN: 0-379-21522-5. \$150.

[Note: This is an updated and expanded version of *Protecting Foreign Investment Under International Law: Legal Aspects of Political Risk*, Paul Comeaux & N. Stephan Kinsella (Dobbs Ferry, New York: Oceana Publications, 1997), ISBN: 0-379-21371-0448.]

Today's business lawyers need to have an awareness of political risk along with a firm foundation in international law in order to advise clients engaged in direct investments within developing nations. There

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is an uncertain balance among the needs of sovereign governments, the interests of investors, and international law constraints and anyone participating in such ventures must take this into consideration. *International Investment, Political Risk, and Dispute Resolution* is an important resource for anyone who is trying to understand that uncertain balance.

Divided into three parts, the authors of this guide provide methods by which attorneys may proactively minimize the exposure and effects of political risk at every step of the investment life cycle. They cover the issues from pre-investment management to the conciliation of investment disputes.

In part 1, the authors broadly divide political risk into seven different categories (expropriation, nationalization, and confiscation; regulatory interference; currency risk; civil disturbance; breach of state contracts; corruption; and trade restrictions) and discusses strategies for the "Assessment and Pre-investment Management of Political Risk." Part 2 is intended to establish "The International Framework

of Investment Protection and Political Risk,” and here the authors trace the history and development of the customary international law of expropriation and investment protection. In part 3, they concentrate on “Dispute Resolution and Political Risk” and outline the arbitration procedure including how to establish arbitral jurisdiction.

The appendixes are substantial and include sample agreements, treaties, country risk reports, and a list of online resources. A Table of Authorities contains a valuable supplemental reading list of books and articles on the topic. Both the table of contents and the index are well thought-out and provide helpful access points to the information to be found in this book.

In the introduction, the authors claim that the book was written for a wide audience and that it will appeal to lawyers and non-lawyers alike. I cannot imagine any non-lawyer finding this book useful, especially since it does not contain a glossary. In addition, it is formatted as if it were a really, really long law review article with substantial footnotes on every page. Practicing attorneys, however, should find this guide accessible and easy to use. Law students will also find this guide useful as a supplement to any international business course.

The differences between the previous version and this one are substantial enough to warrant purchasing this new work. Though most of the same topics are covered, the new version covers them in much more depth. As an introduction to the topic, this book is an excellent reference work and should be included in any library that claims to have a “good” international business collection.

– Holly A. Lakatos, Director of Public Services,  
Illinois Institute of Technology,  
Chicago-Kent College of Law Library

## **PRACTICE & PROCEDURE**

**Electronic Discovery.** Brent Kidwell, Matthew Neumeier & Brian Hansen. 2005. Law Journal Press. Looseleaf. 500p. ISBN: 978-58852-132-3. \$189.

Up front, I want to say that I found out this work was written by attorneys from a former employer after receiving a review copy of the book. I tell you this in the interest of full disclosure. I just have to get over the fact that my former summer associates are now writing books.

Some titles cry out to be published in a softcover format. Some titles by the nature of their content require a looseleaf binder with significant room for expansion. This title falls into the latter category. The area of electronic document discovery is a rapidly changing one.

Not that many years ago, large case management and discovery would result in reams of paper being

consumed to copy material from files. Now, CDs and potentially web sites can be used to the same effect. Fifteen or 20 years ago, the documents from a large case could and did fill floors in an office building or in an off-site storage facility. With the increased use of electronic communication over the past decades, the medium of communication has changed. The quick comment in the hallway might now be in the form of an e-mail sent from colleague to colleague or from supervisor to worker.

Communications that once were inaccessible or no longer existed are now on a backup tape, stuck in a secure room against the possibility of a catastrophic event. In the world of litigation if something exists, it can become the next smoking gun.

In this work, the authors begin by discussing the federal discovery rules and electronic evidence. They cover planning and executing electronic discovery,

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preserving electronic documents before and after litigation ensues, drafting discovery requests, electronic mail, and messaging, and deposing the records custodian. In addition, they also discuss the Federal Rules of Evidence *vis a vis* electronic documents, and the use of experts for electronic discovery.

Their coverage of federal discovery rules and electronic evidence is a solid discussion of the differences between paper production and electronic production. The metadata involved in the creation of documents can be as valuable as the words on the page. Given the incredible number of heritage systems that may be involved in some situations, finding the right hardware and software configuration that can read the data may be problematic. The courts have not helped in the process of sorting through the mechanical side of the process with rulings that have not been perfect. An extensive analysis of the *Zubulake* decision helps to establish the costs issue for parties.

Next, they turn their attention to planning and executing electronic discovery. Here, they cover both offensive and defensive discovery aspects. As a part of a total trial process, pre-planning an electronic discovery request can save a considerable amount of time and effort for all parties concerned. Involving the litigation support staff and IT staff at a firm can help to prevent reinventing the wheel – or worse, creating a square wheel.

In the chapter on preserving electronic documents before and after litigation ensues, the authors examine what is involved in developing retention policies and ensuring these are in place. Ideally, they