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Puerto Rico & the Caribbean: Legal Information in Multiple Legal Systems, Final Program

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International Association of Law Libraries

27th Annual Course on International Law Librarianship

***PUERTO RICO & THE CARIBBEAN:
LEGAL INFORMATION IN MULTIPLE LEGAL SYSTEMS***

Final Program

***November 30 – December 3, 2008
Hotel Caribe Hilton – San Juan, Puerto Rico***

***All conferences will take place at the Flamingo Room in the mezzanine level
at the Caribe Hilton Hotel***

Exhibitions will take place at the Flamingo Pre-Foyer area

***Buses will always depart from the conference hotel for
evening events and library visits***

Sunday, November 30

12:00 p.m. – 5:00 p.m.

Registration

Caribe Hilton Hotel

Location – First Floor Lobby

6:30 p.m. – 9:30 p.m.

A Potpourri of Puerto Rican Culture

Centro de Estudios Avanzados de Puerto Rico y el Caribe

*Sponsored by University of Puerto Rico Law School, Compañía de Turismo and
V.Suárez & Co.*

Opening reception and buffet at the Centro de Estudios Avanzados de Puerto Rico y el Caribe, a research centre housed in a magnificent historic building

with an attractive courtyard in Old San Juan.

Buses will start pickup at 6:00 p.m. from the Caribe Hilton Hotel

Monday, December 1

8:30 a.m. – 10:30 a.m.

Registration

Caribe Hilton Hotel

Location – Flamingo Pre-Foyer

9:00 a.m. – 9:15 a.m.

Formal Opening

Welcome by the President

Location – Flamingo Room

First Session

9:15 a.m. – 10:15 a.m.

Location – Flamingo Room

From Plantation to Resort: The Caribbean in the Age of Globalization

Key Speaker	Emilio Pantojas García, Ph.D. , Political Sociologist and Senior Researcher at the Centro de Investigaciones Sociales of the University of Puerto Rico, Acting Director of the Graduate School of Business Administration, Adjunct Professor in the Graduate Program in Sociology.
Description	The new global economic order has fostered a process of restructuring in the Caribbean shifting the axis of production from agricultural and agroindustrial exports, to manufacturing export platforms (maquiladoras), to tourism and entertainment. The comparative advantages of the Caribbean are low labor cost and natural resources (sun, sand and sea). Since the 18 th century the region has evolved from plantation economies producing “after dinner crops” (sugar, tobacco, spices, coffee and bananas) to international service centers specializing in the “leisure and entertainment” industries. This restructuring process redefines but does not alter structurally the core-periphery

relation between the Caribbean and the developed world. The Caribbean continues to be both a “price taker” in global economics and a “policy taker” in international relations. In turn, the process of “globalization” has a great impact on Caribbean cultures and societies. The “new” mode of insertion in the global chain of production produces a domestic industry characterized by residual or marginal activities concentrated in the “sin industries”: sex trade, drugs smuggling, contraband, human trafficking, money laundering and gambling. The transition from plantation economies to leisure centers redefines but maintains the region as part of the “global periphery”.

10:15 a.m. – 10:45 a.m.

Refreshment Break

Location – Flamingo Foyer

Second Session

10:45 a.m. – 11:45 p.m.

Location – Flamingo Room

The Death Penalty – Developments in Caribbean Jurisprudence

Speaker	Lord Anthony Gifford QC , Senior Partner at Gifford Thompson & Bright, Attorneys-at-Law, Jamaica, Head of Chambers, Temple, London
Description	The presentation analyzes death penalty developments in the Caribbean jurisprudence. The discussion of a series of court decisions leads to the opinion that it is not right for the State to “end the life of a human being.” It questions death penalty as punishment for crime versus “the capacity of individuals for redemption and rehabilitation”.

12:00 p.m. – 1:00 p.m.

Lunch

Location – Las Olas Room

Third Session

1:00 p.m. – 1:45 p.m.

Location – Flamingo Room

The Puerto Rico Legal Systems: A Century of Evolution in Mixed Civil and Common Law Jurisdictions

Speaker **Luis Muñiz Argüelles**, Professor at the University of Puerto Rico School of Law

Description The presentation commences with a brief analysis of legal families and the essential elements of the two traditional Western families, that of the Civil Law and of the Common Law, precedent and statutes being only two of those elements. It then examines the roots of the Puerto Rican Legal System from historical, economic and cultural perspectives, in an effort to identify the impact of Spanish and American Law in the Island. The presentation closes with an analysis of the present revival of the Civil Law tradition and its place within the nascent attempt to create a new “Mixed Jurisdiction” group.

1:45 p.m. – 2:30 p.m.

Location – Flamingo Room

Exploring Mixed Jurisdictions

Speaker **Daniel Boyer**, Wainwright Librarian, Nahum Gelber Law Library of McGill University in Montreal, Canada

Description Members of the third legal family, mixed jurisdictions, are laboratories of Comparative Law whose unique legal literature has a place in the Libraries serving the other two western legal families. The presentation will describe various distinctive features of Mixed Jurisdictions and chart their historical evolution. The legal system of Quebec, one of the world's oldest mixed jurisdiction, will be outlined as an exemplar of a classic Mixed Jurisdiction with a focus on

the historical evolution of its Civil Code.

2:30 p.m. – 3:00 p.m.

Refreshment Break

Location – Flamingo Foyer

Fourth Session

3:00 p.m. – 3:30 p.m.

Location – Flamingo Room

**Role of the International Association of Law Schools in Promoting Learning
About Other Cultures and Legal Systems**

Speaker	Carl C. Monk , Distinguished Professor of Law at Washburn University, founding President of the International Association of Law Schools.
Description	<p>In 2005 law schools from throughout the world, recognizing the critical need for a better understanding of other legal systems and cultures, came together to form the International Association of Law Schools (IALS). IALS now has over 100 law school members from all parts of the world, and has sponsored three programs. Two of those programs related to curriculum and pedagogy matters, while one was specifically for professors of International Business Transactions. Next year IALS will sponsor a program relating to the comparative role of law schools and their deans, and a program for professors of Constitutional Law.</p> <p>Because of law librarians' knowledge of databases and other resources, they often know more than the typical faculty member about not only how to conduct research about different cultures and legal systems, but often have more knowledge of those cultures and legal systems than the typical law faculty member.</p> <p>As an example of what IALS does in its programs the speaker will briefly discuss comparative aspects of</p>

constitutional law in Caribbean countries.

3:30 p.m. – 4:00 p.m.

Location – Flamingo Room

**A Profession at the Crossroads: Legal Education in a Caribbean Mixed
Jurisdiction - Opportunities and Challenges**

Speaker **Ana Matanzo Vicéns**, Professor at the University of Puerto Rico School of Law

Description More than a century ago, the United States established a mixed jurisdiction system in Puerto Rico, where two great methodologies converge: the Civilian and Common Law traditions. Since then, the demanding task of developing and fostering an autochthonous and coherent legal system has posed a great challenge to Puerto Rico's jurists and scholars alike. Nevertheless, that challenge came hand in hand with the enriching opportunity of wielding tools from two of the major legal traditions of the world, a privileged position in the context of an ever-increasingly integrated and interdependent world.

4:30 p.m. – 6:30 p.m.

Salsa and Merengue Dance Classes

Sponsored by Fiddler González & Rodríguez, P.S.C.

The classes will take place at the San Gerónimo Terrace in the Caribe Hilton Hotel

Meet at the first floor lobby

Tuesday, December 2

8:30 a.m. – 10:30 a.m.

Registration

Caribe Hilton Hotel

Location – Flamingo Pre-Foyer

Fifth Session

9:00 a.m. – 10:00 a.m.

*Location – Flamingo Room***Modernization of the Cuban Legal System: Socialist Law in the 21st Century**

Speaker	Debra Evenson , Visiting Professor, Rutgers University School of Law, Camden, New Jersey
Description	In 1959, Cuba inherited a legal system still based in part on Spanish Codes of the 19 th century, with an antiquated and dysfunctional judicial system. In the first decades after the revolution, the government overhauled the courts and adopted new substantive law to support the developing socialist economy. However, the events that ensued in 1990 forced to adjust to a radically new international context once the former Soviet Union was dissolved. In recent years, important changes have taken place in the legal system with respect to both substantive and procedural law that reflects Cuba's reinsertion into the global economy. The presentation will point out the most salient developments related to the modernization of the courts as well as public and private law.

10:00 a.m. – 10:30 a.m.

Refreshment Break*Location – Flamingo Foyer****Sixth Session***

10:30 a.m. – 11:45 a.m.

*Location – Flamingo Room***Book Publishing and Book Trade in the Caribbean**

Title	Swimming Against the Tide: The Challenges of Legal Publishing in the Caribbean
Speaker	Ian Randle , Chairman Ian Randle Publishers Limited, Jamaica

- Description** Book Publishing in the English-speaking Caribbean is a relatively recent phenomenon not exceeding 50 years. Legal Publishing is even more recent there being less than 20 years of effective sustained publishing in this area. In spite of this short existence the book publishing industry has shown impressive growth, mainly in the areas of textbook publishing, scholarly books and trade and general books.
- The growth of publishing has and continues to be restricted by a number of inhibiting factors that are common to all genres of publishing including legal publishing. However, the special requirements of legal publishing has its own challenges including limited market channels; reliance on governments and courts for access to and purchase of materials and the continued allegiance of professionals including librarians to the perceived superiority of UK published materials.
- As perhaps the only recognized legal publisher in the English-speaking Caribbean region, the Ian Randle Publishers/ Caribbean Law Publishing Company's foray into this bastion of British dominance has an interesting origin and a mixed record of performance in its 18 years of existence. Today it faces the major challenge of adapting to the new technologies both in terms of the format in which it produces and markets its materials and how it gives access to law librarians and other professionals.
- Title** **The Acquisition of Primary Legal Materials: The English-Speaking Caribbean**
- Speaker** **Alan Moss**, Alan Moss Ltd, Barbados
- Description** A review from a bookseller's perspective of the differing methods and levels of service encountered in the English-speaking Caribbean islands for the publication and distribution of official gazettes, current legislation and revised editions.

- Title** **Collecting in the Trade Winds: Experiences of a Caribbean Book Vendor**
- Speaker** **Darlene Hull**, Libros de Barlovento, Puerto Rico
- Description** Collecting library materials in the Dominican Republic and Puerto Rico involves many challenges and requires specific knowledge of the book trade and publishing trends as well as much time and energy. This paper will detail these challenges and explain through experiences and anecdotes how one company, Libros de Barlovento, accomplishes the work of acquiring materials, particularly legal materials, in these two islands for library clients in the United States, Canada, and Europe.

Seventh Session

11:45 a.m. – 12:30 p.m.

Location – Flamingo Room

The Sources of the Law in the Mixed Legal System of Puerto Rico: A Model for a Globalized 21st Century

- Speaker** **Carlos Gorrín Peralta**, Professor at the Inter American University Law School, Puerto Rico
- Description** As a result of Puerto Rico's colonial experience, first with Spain during four centuries, and later with the U.S. during the last 110 years, the civil law tradition and the common law tradition have competed in the formation of what is clearly a mixed legal system. That historical phenomenon has clearly influenced the legal method and the sources of the law that must be considered in the process of doing legal research in Puerto Rico. The irreversible process of globalization is forcing increasing contacts between legal systems of differing traditions. Perhaps the experience of mixed jurisdictions, their legal methods and their processes of legal research should be re-examined. The speaker will present the theory about the sources of the law in Puerto

Rico, as a possible model for legal research in the globalized mixed jurisdiction of the 21st Century

12:30 p.m. – 1:00 p.m.

Location – Flamingo Room

Everything You Wanted to Know About Puerto Rico Legal Research, but Were Afraid to Ask... Guidance on How to Navigate these Uncharted Waters

Speaker **José R. Torres**, Reference Librarian, National Defense University Library, Washington, DC

Description The speaker will address common pitfalls faced when conducting Puerto Rico legal research by assaying some of the basic legal resources available. Also, some hints about how to find legal information for this unique jurisdiction, including some not-so-apparent resources, as well as other background materials, will be presented.

1:00 p.m. – 2:00 p.m.

Lunch

Location – Las Olas Room

2:00 p.m. – 4:30 p.m.

Library Visits

Buses depart from the Caribe Hilton Hotel in two separate groups. There will be limited spaces available in each group. Remember to confirm your choice at the registration desk.

Group 1

*The Puerto Rico Legislative Library
The Puerto Rico Supreme Court Library*

Group 2

*McConnell Valdés LLC Library
The University of Puerto Rico Law Library*

7:30 p.m. – 10:00 p.m.

Tropical Evening at Bacardí

*Sponsored by Bacardí Corporation, LexisNexis and University of Puerto Rico
Law School*

Visitors to the Puerto Rican home of The BACARDI rum will enjoy an interactive tour through history, observe the production process and experience the party spirit of BACARDI brand. A reception and buffet on the premises will follow.

Buses will depart at 7:00 p.m. from the Caribe Hilton Hotel to the Bacardí Rum Distillery

Wednesday, December 3

Eighth Session

9:00 a.m. – 9:45 a.m.

Location – Flamingo Room

**Law in the Integration Process of CARICOM: Observations from the
CARICOM Secretariat**

Speaker	Ms. Cheryl Thomson-Barrow , General Counsel to the CARICOM Secretariat, Jamaica
Description	The Caribbean Community (CARICOM) formed by the Treaty of Chaguaramas in 1973 and revised in 2001, is maturing. As an association of essentially sovereign states, CARICOM recognizes the imperatives of the need to harmonize and develop its laws to further the objectives of the integration movement, while simultaneously operating through the norms of public international law. The journey through which this objective is being met is discussed to exhibit the development of a growing body of community law within the region and the institutions which are

primarily charged with this development.

9:45 a.m. – 10:30 a.m.

Location – Flamingo Room

The Caribbean Court of Justice: A New Judicial Experience

Speaker **Madame Justice Desiree Bernard**, Judge of the Caribbean Court of Justice

Description The Caribbean Court of Justice which was inaugurated in April 2005 comprises two jurisdictions, an original and appellate. The object of establishing the Court in its original jurisdiction was to interpret the provisions of the Revised Treaty of Chaguaramas and adjudicate disputes which may arise among the member states of the Caribbean Community and/or their nationals, and the states in relation to development of a Single Market and Economy. The appellate jurisdiction of the Court was intended to provide a court of last resort replacing the Judicial Committee of the Privy Council in England which was and in most instances still is, the final appellate court of many Caribbean states being former colonies of Great Britain.

Details of the historical background of the judicial systems of the Caribbean states will be discussed as well as the Agreement establishing the Caribbean Court of Justice, the Revised Treaty of Chaguaramas, and their relationship with each other. In-depth discussion on both jurisdictions of the Court will form a major part of the presentation, and information on the composition of the Court and appointment procedure of the judges. Mention will also be made of some of the judgments handed down by the Court since its inauguration, particularly in its appellate jurisdiction.

10:30 a.m. – 11:00 a.m.

Refreshment Break

Location – Flamingo Foyer

11:00 a.m. – 12:00 p.m.

Annual General Meeting

Location – Flamingo Room

12:00 p.m. – 1:00 p.m.

Vendors Session

Location – Flamingo Room

1:00 p.m. – 2:00 p.m.

Lunch

Location – Las Olas Room

Ninth Session

2:00 p.m. – 3:15 p.m.

Location – Flamingo Room

The Challenge of Caribbean Legal Research

Title	Legal Information on the Internet - The Anglo-Caribbean Experience
Speaker	Yemisi Dina , Associate Librarian/Head of Public Services at the Osgoode Hall Law School Library, York University, Canada
Description	The Internet has made it possible to access up-to-date legislation, case law and government reports of the English speaking Caribbean countries. Just like the natural resources available in these countries, there lies an abundance of legal information to be explored. This presentation outlines resources from courts, government departments, law firms and academic institutions in these territories.

- Title** **Legal Information in Haiti: The Difficulties of Accessing Legal Scattered Resources and its Impact on the Whole Legal System**
- Speaker** **Francoise Beaulieu Thybulle**, General Director of The National Library System Of Haiti since 1981
- Description** How the recent steps taken by librarians and legislators has made it possible to access Haitian Legal databases through the internet and new Technologies.
Legal documents from as far as the pre and post colonial period, have been recuperated through the different patrimonial private, public and government libraries and recently made available to the Haïtian... A success story.
- Title** **A Chest Full of Jewels: Discovering Dominican Legal Resources**
- Speaker** **Marisol Florén**, Foreign and International Law Librarian at Florida International University (FIU) College of Law Library
- Description** This presentation will identify and provide an overview of the resources available for legal research in the Dominican Republic. It will map and review the content of these resources in government, academic, and law firm websites in the Dominican Republic, and provide strategies on where to start and how to plan your legal research.

3:15 p.m. – 3:45 p.m.

Refreshment Break

Location – Flamingo Foyer

Tenth Session

3:45 p.m. – 5:00 p.m.

Location – Flamingo Room

Political and Constitutional Status of Puerto Rico: A Continuing Challenge

Title **Puerto Rico's Legal and Political Relationship with the United States: A Brief Historical Review**

Speaker **Efrén Rivera Ramos**, Professor, University of Puerto Rico Law School

Description This presentation will provide a brief historical review of the development of the legal and political relationship between the United States and Puerto Rico. Emphasis will be placed on the main legal events that have contributed to shape the relationship, such as the Treaty of Paris of 1898, the Foraker Act of 1900, the Jones Act of 1917, the so-called Insular Cases (1901-1922), and Public Law 600 of 1952, authorizing Puerto Rico to adopt its own constitution. It will become apparent from this synopsis that, although some advances have been made throughout this past century regarding the degree of relative autonomy enjoyed by the Commonwealth of Puerto Rico, the relationship still retains its fundamental subordinate character from a constitutional, legal and political point of view.

Title **Puerto Rico's position within the United States System of Government**

Speaker **José Julián Álvarez González**, Professor, University of Puerto Rico Law School

Description This talk will deal with the position Puerto Rico occupies within the system of government of the United States. In a nutshell, Puerto Rico's relationship to the United States is quite similar to that of one of the fifty states, with a very important exception: the inhabitants of Puerto Rico do not vote in federal elections. They do not vote for President and Vice President of the United States nor do they have representation in the House of Representatives or the Senate, except for a non voting delegate to the House. However, federal legislation, executive regulations and presidential executive orders apply generally to Puerto Rico, unless the rulemaker provides otherwise. The federal court system also functions in Puerto Rico, where a federal

district court operates. Decisions of the Supreme Court of Puerto Rico are reviewable by the Supreme Court of the United States in the same cases where that court exercises jurisdiction over the highest courts of the fifty states. A democratic deficit, therefore, is evident in this relationship.

7:00 p.m. – 11:30 p.m.

Closing Banquet and Dance

Sponsored by William S. Hein & Co

Location – Las Olas Room

The Annual reception and dinner with live music and dancing will be at the Sal6n Las Olas in the Caribe Hilton Hotel

Thursday, December 4 (Optional)

8:00 a.m. – 7:30 p.m.

Excursion to Ponce, Puerto Rico

Sponsored by Pontifical Catholic University of Puerto Rico, Pontifical Catholic University of Puerto Rico Law School, Municipio de Ponce, Castillo Serrall6s, Destiler6a Serrall6s, Microjuris and BiblioServices

This optional day will include travel to Ponce ‘Pearl of the South’ and ‘City of Lions’, the second largest city in Puerto Rico on the southern coast of the island; a visit to the Pontifical Catholic University of Puerto Rico; a program on canon law; lunch; a city tour of Ponce and a reception at the Museum Castillo Serrall6s

Buses will depart from the Caribe Hilton Hotel at 8:00 a.m.